

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Vince Chhabria, Judge

EDWARD HARDEMAN,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	NO. C 16-00525 VC
	)	
MONSANTO COMPANY,	)	
	)	
Defendant.	)	
_____	)	

San Francisco, California  
Friday, March 15, 2019

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

For Plaintiff:

ANDRUS WAGSTAFF PC  
7171 W. Alaska Drive  
Lakewood, Colorado 80226  
**BY: AIMEE H. WAGSTAFF, ATTORNEY AT LAW**  
**DAVID J. WOOL, ATTORNEY AT LAW**

MOORE LAW GROUP  
1473 South 4th Street  
Louisville, Kentucky 40208  
**BY: JENNIFER MOORE, ATTORNEY AT LAW**

(APPEARANCES CONTINUED ON FOLLOWING PAGE)

REPORTED BY: Marla F. Knox, RPR, CRR  
Official Reporter

1 **APPEARANCES:** (CONTINUED)

2 For Defendant:

3 WILKINSON WALSH ESKOVITZ LLP  
4 2001 M Street, NW - 10th Floor  
5 Washington, D.C. 20036

6 **BY: BRIAN L. STEKLOFF, ATTORNEY AT LAW**  
7 **RAKESH N. KILARU, ATTORNEY AT LAW**  
8 **TAMARRA MATTHEWS JOHNSON, ATTORNEY AT LAW**  
9 **JULIE RUBENSTEIN, ATTORNEY AT LAW**  
10 **CALI COPE-KASTEN, ATTORNEY AT LAW**

## PROCEEDINGS

1 Friday - March 15, 2019

3:21 p.m.

2 P R O C E E D I N G S

3 ---000---

4 (Proceedings were heard out of presence of the jury:)

5 **THE COURT:** Okay. Hi, everybody.

6 First of all, it took the Plaintiffs 20 minutes to get  
7 here from the time we called you. That is not acceptable. So  
8 I'm ordering you to remain in the building from now on as long  
9 as the jury deliberates.

10 Okay. So we have this note and the jury told Ada that  
11 they would like the playback to happen on Monday morning. So  
12 the only question is whether -- I mean, I was sort of pondering  
13 whether to do -- to ask the jury if they want a particular  
14 portion of Mr. Hardeman's testimony, but I think given that it  
15 is relatively short and given that they haven't specified, we  
16 might as well just play them the whole thing. Is that okay?

17 **MS. MOORE:** That's fine, Your Honor.

18 **MR. STEKLOFF:** That's fine, Your Honor.

19 **THE COURT:** Okay. So we will plan on doing that first  
20 thing tomorrow morning.

21 **MS. MATTHEWS JOHNSON:** You mean Monday?

22 **THE COURT:** Excuse me, first thing Monday morning.

23 I believe the jury indicated that they were planning on  
24 ending at around 3:30 today; is that right, Ada?

25 **THE CLERK:** Yes, Your Honor.

## PROCEEDINGS

1           **THE COURT:** So -- so stick around until you have  
2 gotten confirmation that the jury is, in fact, leaving; but  
3 after they leave, you can take off and be back at -- as the  
4 jury said, when they plan to be back on Monday? I think it is  
5 8:30.

6           **THE CLERK:** They said they will let me know.

7           **THE COURT:** Okay. So we will let you know that. Be  
8 here whenever the jury is going to be here, and we will do the  
9 playback shortly after that.

10          **MS. MOORE:** Thank you, Your Honor.

11          **MR. STEKLOFF:** How does the playback occur?

12          **THE COURT:** Well, I think the plan is that either  
13 Marla or Jo Ann will read it back. Marla is nodding her head,  
14 so whoever draws the short straw will be reading it back on  
15 Monday morning, okay.

16          **MS. MOORE:** Your Honor, will that take place in the  
17 courtroom?

18          **THE COURT:** Yes.

19          **MS. MOORE:** Will we be present for that then?

20          **THE COURT:** Yes, that's the idea. We will bring them  
21 out here and Marla or Jo Ann will do it out here. Thank you.

22          **MS. MOORE:** Your Honor, before you leave, I wanted --  
23 for depositions, I wanted to make sure. There were a lot of  
24 e-mails back and forth. As we said yesterday, Martens was  
25 ready to go.

## PROCEEDINGS

1           **THE COURT:** Yes. So I will make that my first  
2 priority, but I haven't looked at it yet.

3           **MS. MOORE:** I'm --

4           **THE COURT:** Been using the last day or so to catch up  
5 on other work.

6           **MS. MOORE:** I understand, Your Honor.

7           **THE COURT:** I have got Martens number one on the list.  
8 And then I understand you have submitted revised Blair and  
9 Farmer -- I mean.

10          **MS. MOORE:** Reeves.

11          **THE COURT:** I always mixup Blair and Reeves. Reeves  
12 and Farmer.

13          **MS. MOORE:** That's correct. And also Koch,  
14 Your Honor.

15          **THE COURT:** And revised Koch.

16          **MS. MOORE:** I looked back over Saltmiras in light of  
17 your ruling. There is nothing to re-designate. That one is  
18 only seven minutes. And we expect to have --

19          **THE COURT:** Who?

20          **MS. MOORE:** David Saltmiras. He is the toxicologist  
21 at Monsanto. It is about ghostwriting.

22           And then Bill Heydens is also a Monsanto employee. We  
23 should be emailing that to you. Our plan is to get that to the  
24 defense today. That is quite a bit to --

25          **THE COURT:** And then what I would like from you on the

## PROCEEDINGS

1 design defect issue --

2 **MS. MOORE:** Yes.

3 **THE COURT:** -- is if you have any other evidence or  
4 testimony or whatever that you would present in support of this  
5 theory that you have articulated most recently in your brief,  
6 please submit it.

7 **MS. MOORE:** And that's our plan, Your Honor.

8 **THE COURT:** Over the weekend.

9 **MS. MOORE:** We have someone working on that, and we  
10 will get that to you over the weekend.

11 **THE COURT:** Okay. Thank you.

12 **MS. MOORE:** Thank you, Your Honor.

13 **THE CLERK:** We are in recess.

14 (Proceedings adjourned at 3:25 p.m.)

15 ---oOo---

16 **CERTIFICATE OF REPORTERS**

17 I certify that the foregoing is a correct transcript  
18 from the record of proceedings in the above-entitled matter.

19

20 DATE: Friday, March 15, 2019

21

22

23

  
\_\_\_\_\_

24

Marla F. Knox, RPR, CRR  
U.S. Court Reporter

25