

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

DEWAYNE JOHNSON,

Plaintiff,

vs.

Case No. CGC-16-550128

MONSANTO COMPANY, et al.,

Defendants.

-----/

Proceedings held on Tuesday, July 10, 2018,  
Volume 6, before the Honorable Suzanne R. Bolanos,  
at 9:24 a.m.

REPORTED BY:

LESLIE ROCKWOOD ROSAS, RPR, CSR 3462

Job No. 2958708

Pages 1534 - 1597

1 APPEARANCES:

2

3 FOR THE PLAINTIFF:

4 R. BRENT WISNER, ESQ.

5 PEDRAM ESFANDIARY, ESQ.

6 BAUM, HEDLUND, ARISTEI, GOLDMAN PC

7 12100 Wilshire Boulevard, Suite 950

8 Los Angeles, California 90025

9 310-207-3233

10

11 DAVID DICKENS, ESQ.

12 THE MILLER FIRM, LLC

13 108 Railroad Avenue

14 Orange, Virginia 22960

15 540-672-4224

16

17 FOR THE DEFENDANT:

18 SANDRA A. EDWARDS, ESQ.

19 FARELLA BRAUN + MARTEL LLP

20 235 Montgomery Street

21 San Francisco, California 94104

22 415-954-4400

23

24

25

1 (Appearances Continued):

2

3 FOR THE DEFENDANT:

4 GEORGE C. LOMBARDI, ESQ.

5 JAMES M. HILMERT, ESQ.

6 WINSTON & STRAWN LLP

7 35 West Wacker Drive

8 Chicago, Illinois 60601

9 312-558-5969

10

11 KIRBY T. GRIFFIS, ESQ.

12 HOLLINGSWORTH LLP

13 1350 I Street, N.W.

14 Washington, D.C. 20005

15 202-898-5800

16

17

18

19

20

21

22

23

24

25

INDEX OF PROCEEDINGS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

WITNESS	VIDEO
MARK MARTENS	1559
WILLIAM HEYDENS	1588

Tuesday, July 10, 2018

9:24 a.m.

Volume 6

San Francisco, California

Department 504

Judge Suzanne Ramos Bolanos

PROCEEDINGS

(Library proceedings.)

09:24:36

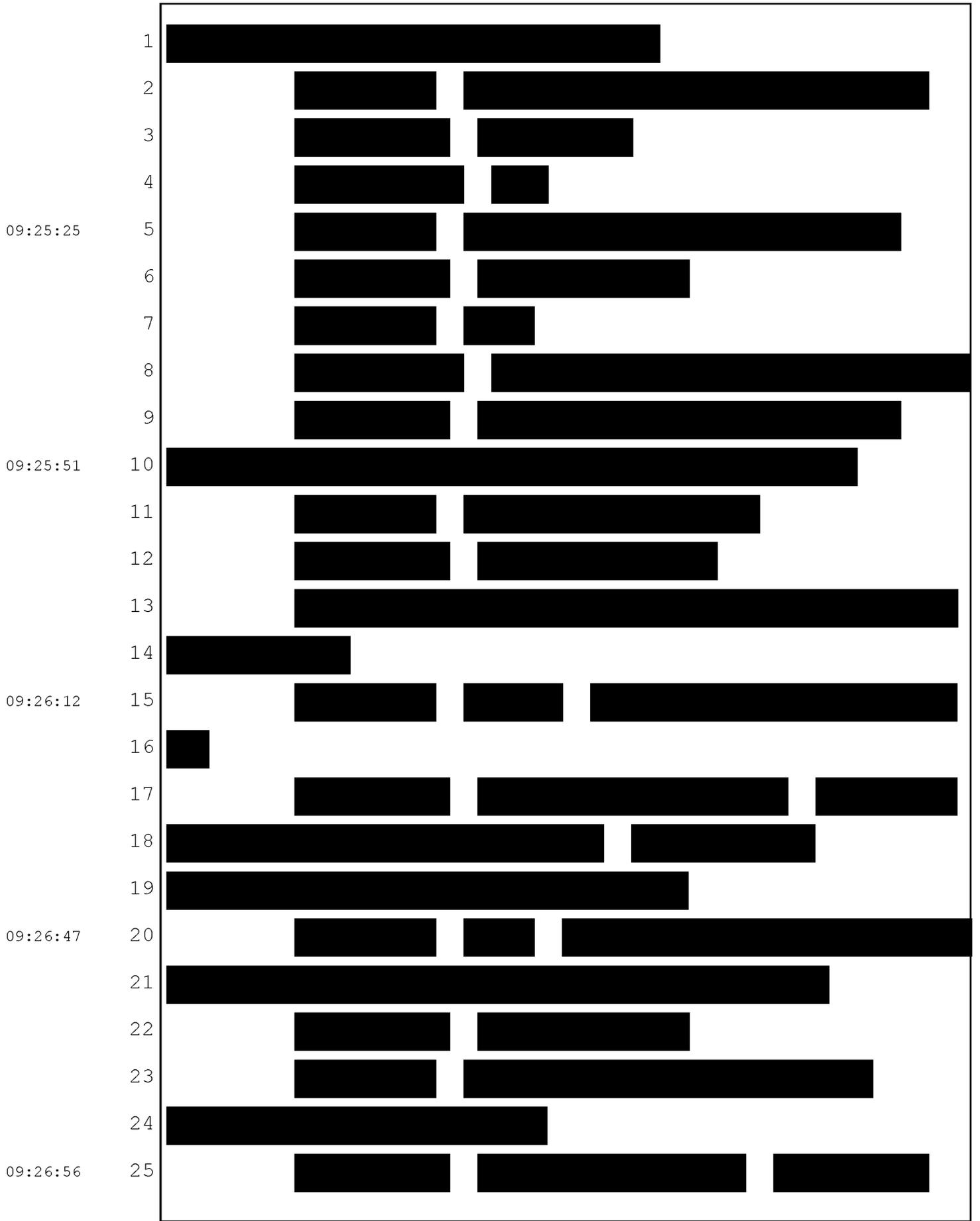
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

[REDACTED]

09:24:56

09:25:05

09:25:15



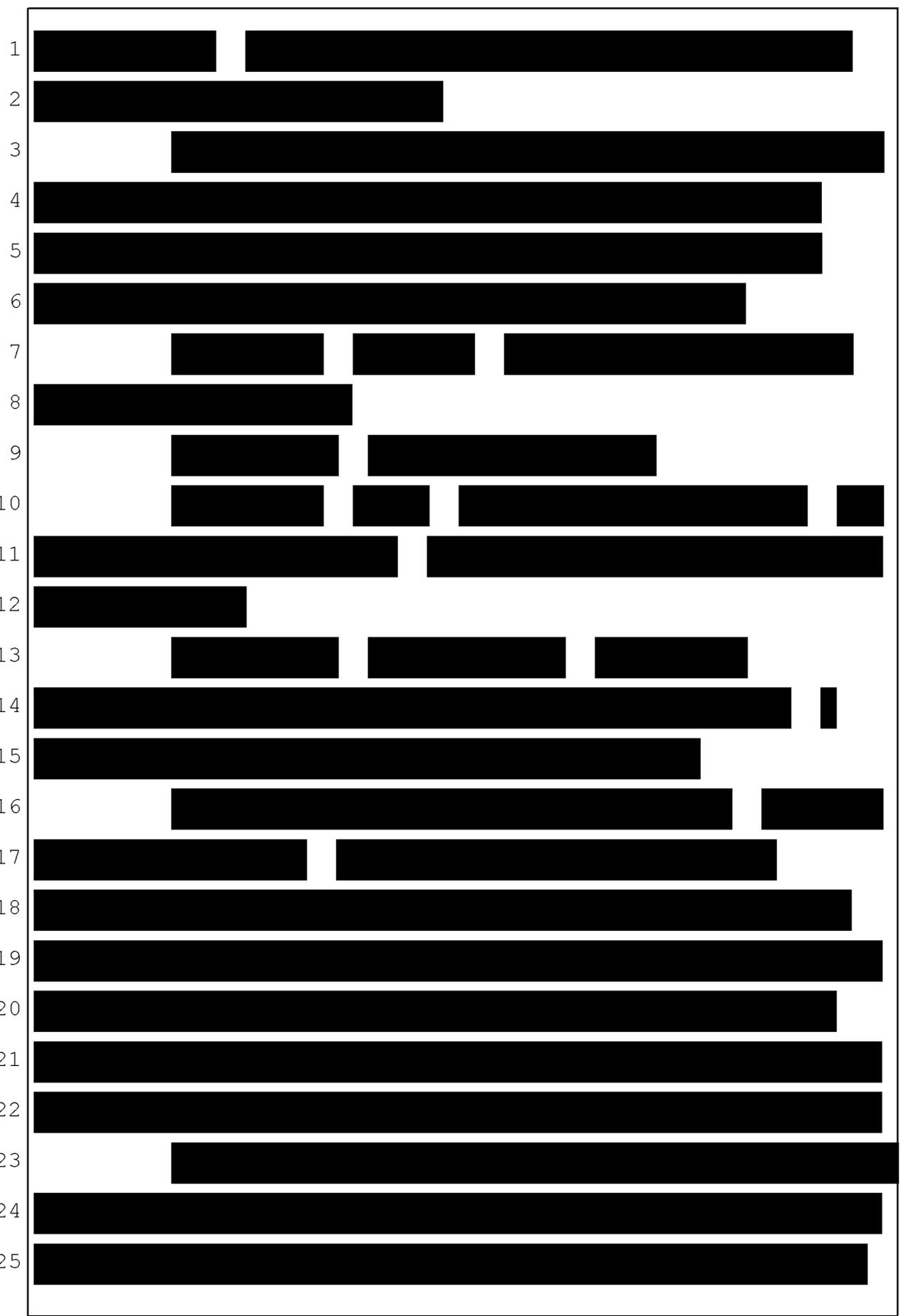
09:27:10

09:27:29

09:27:38

09:27:52

09:28:07



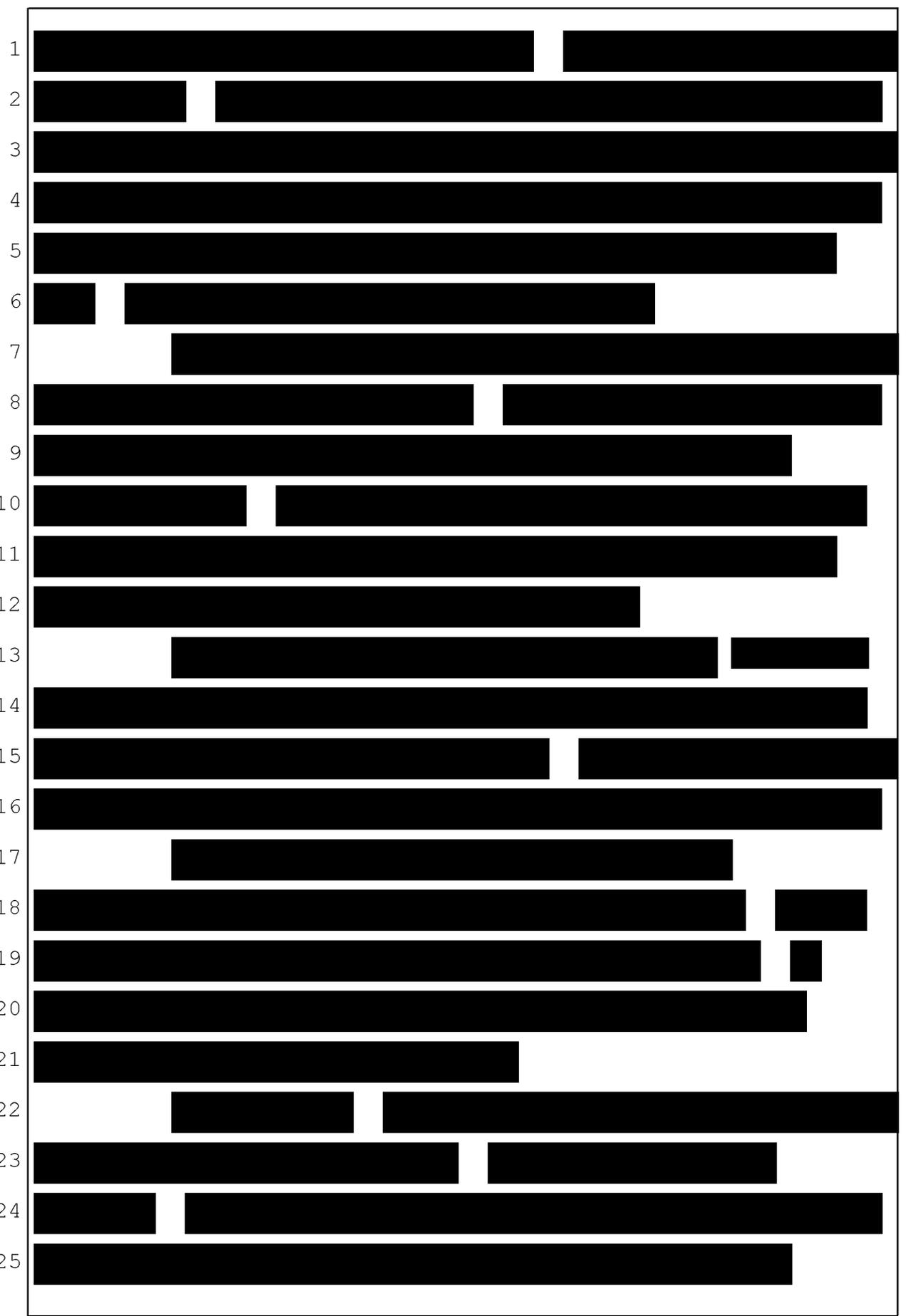
09:28:27

09:28:41

09:28:58

09:29:14

09:29:27



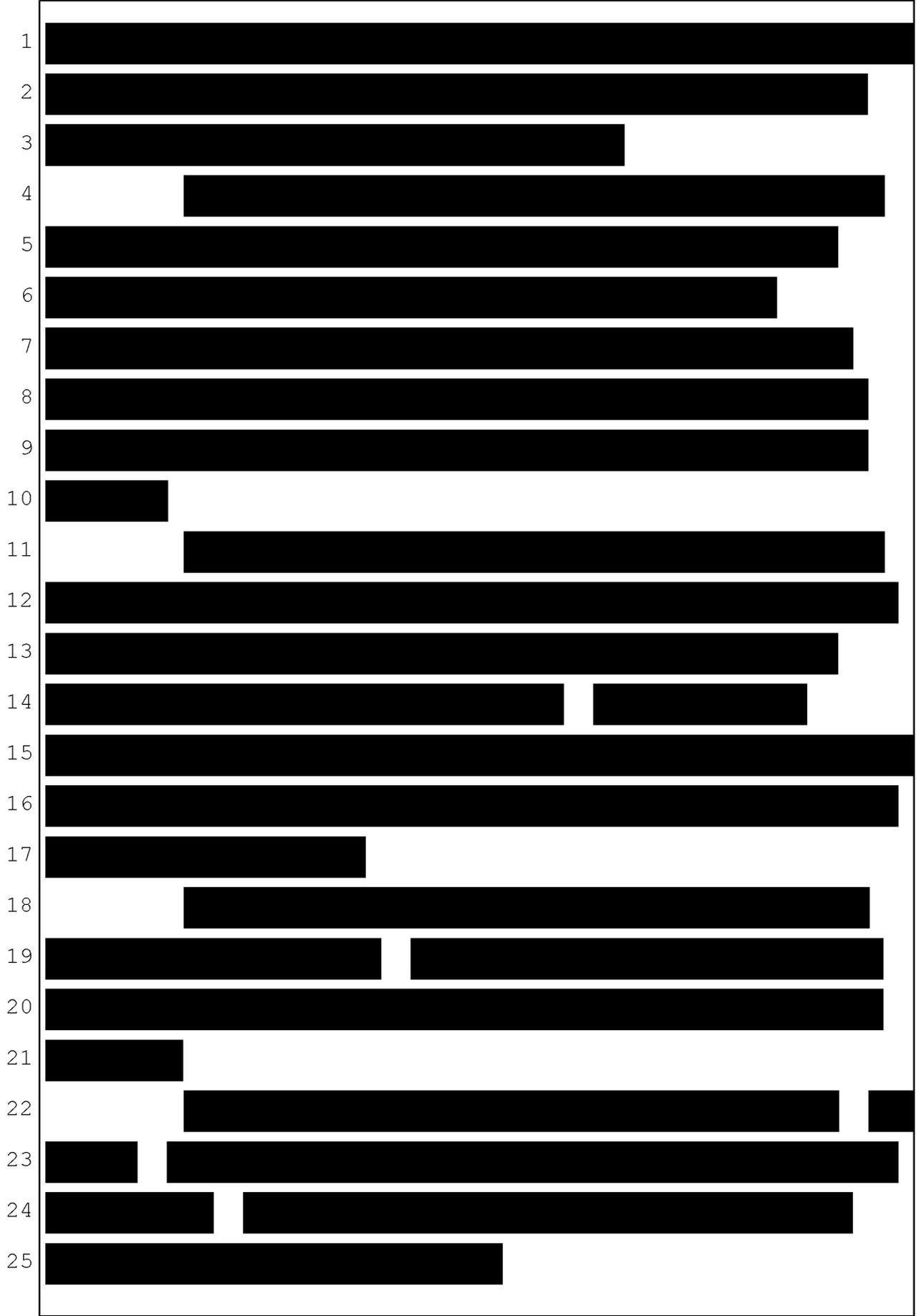
09:29:43

09:29:59

09:30:14

09:30:29

09:30:43



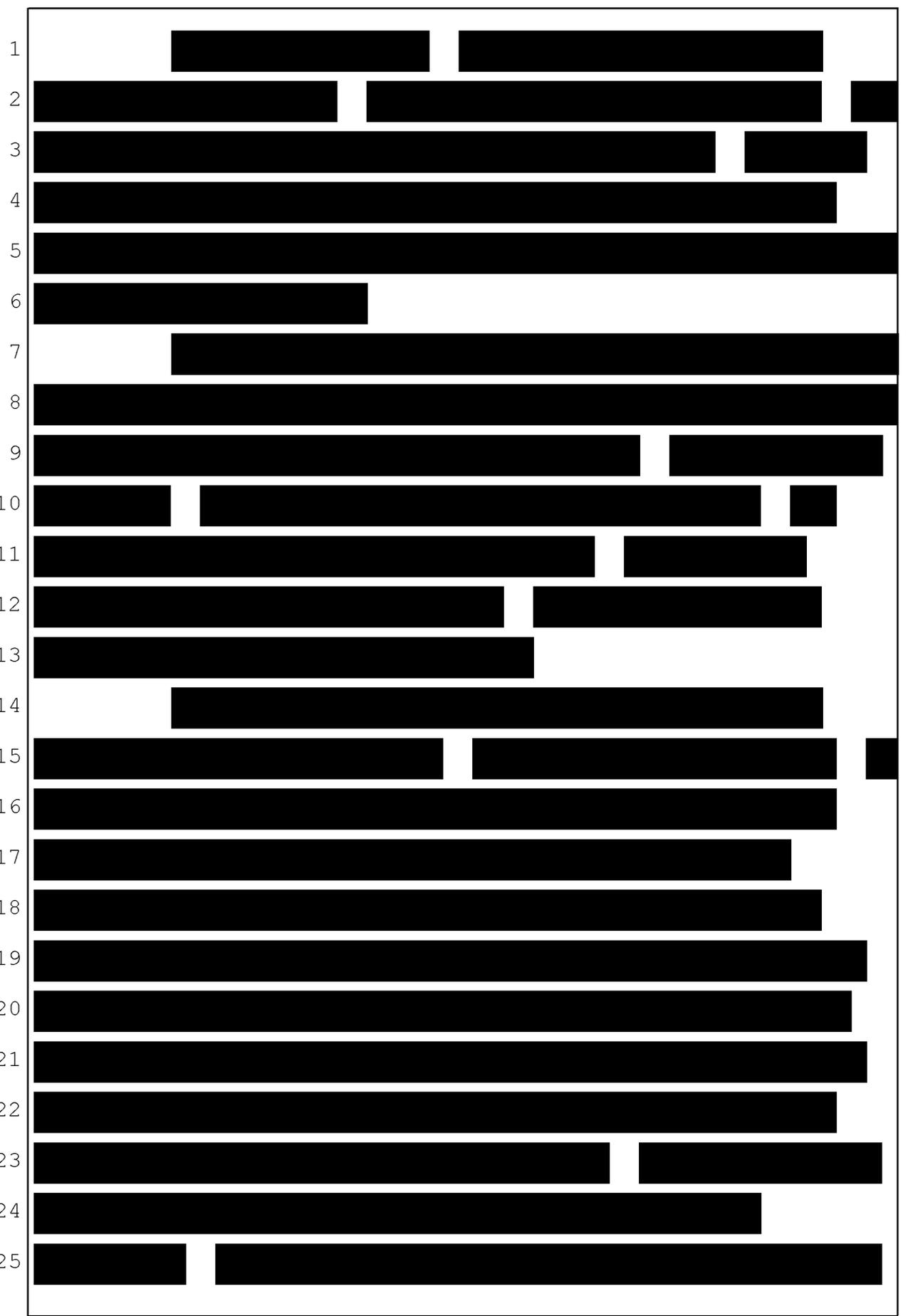
09:30:58

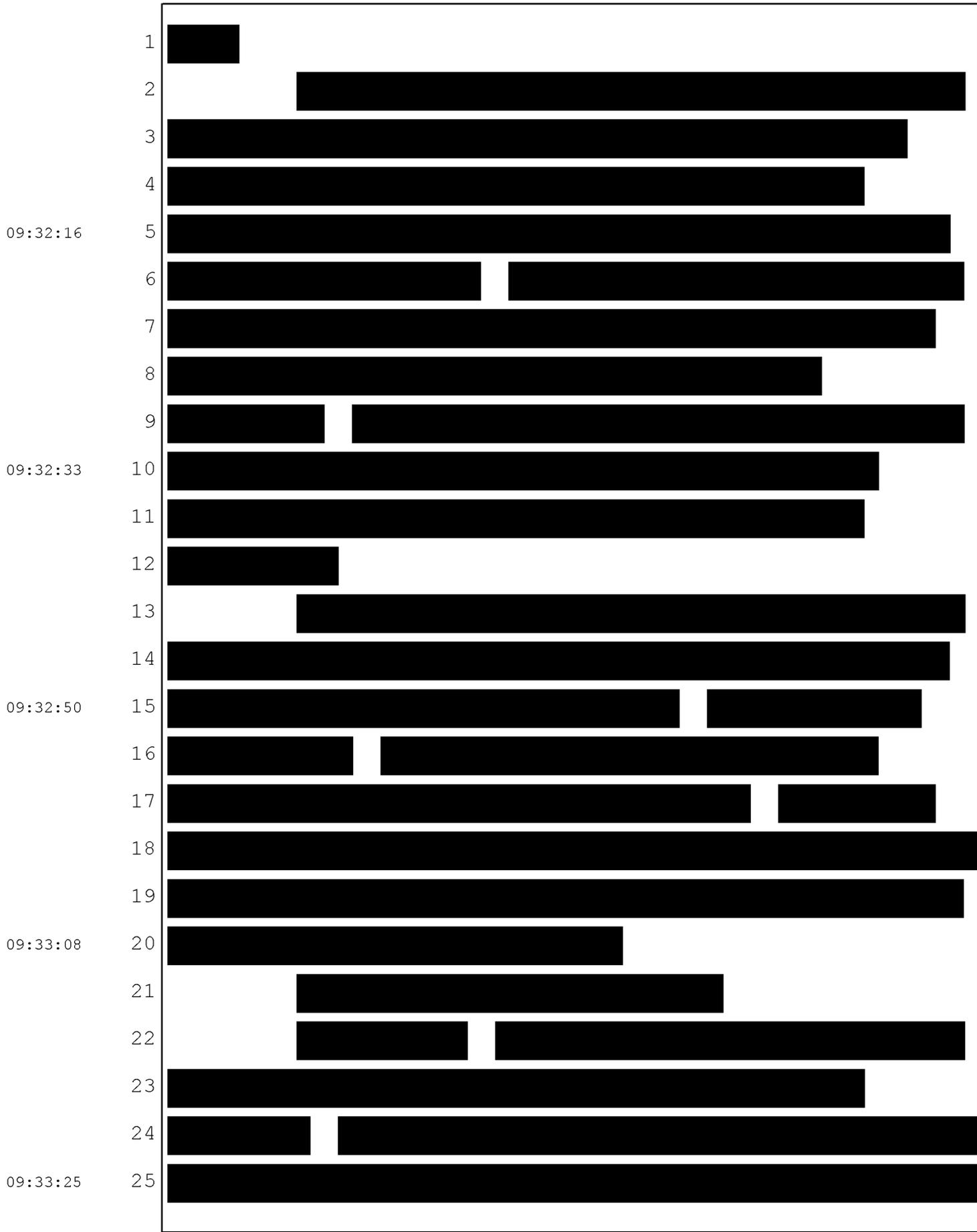
09:31:13

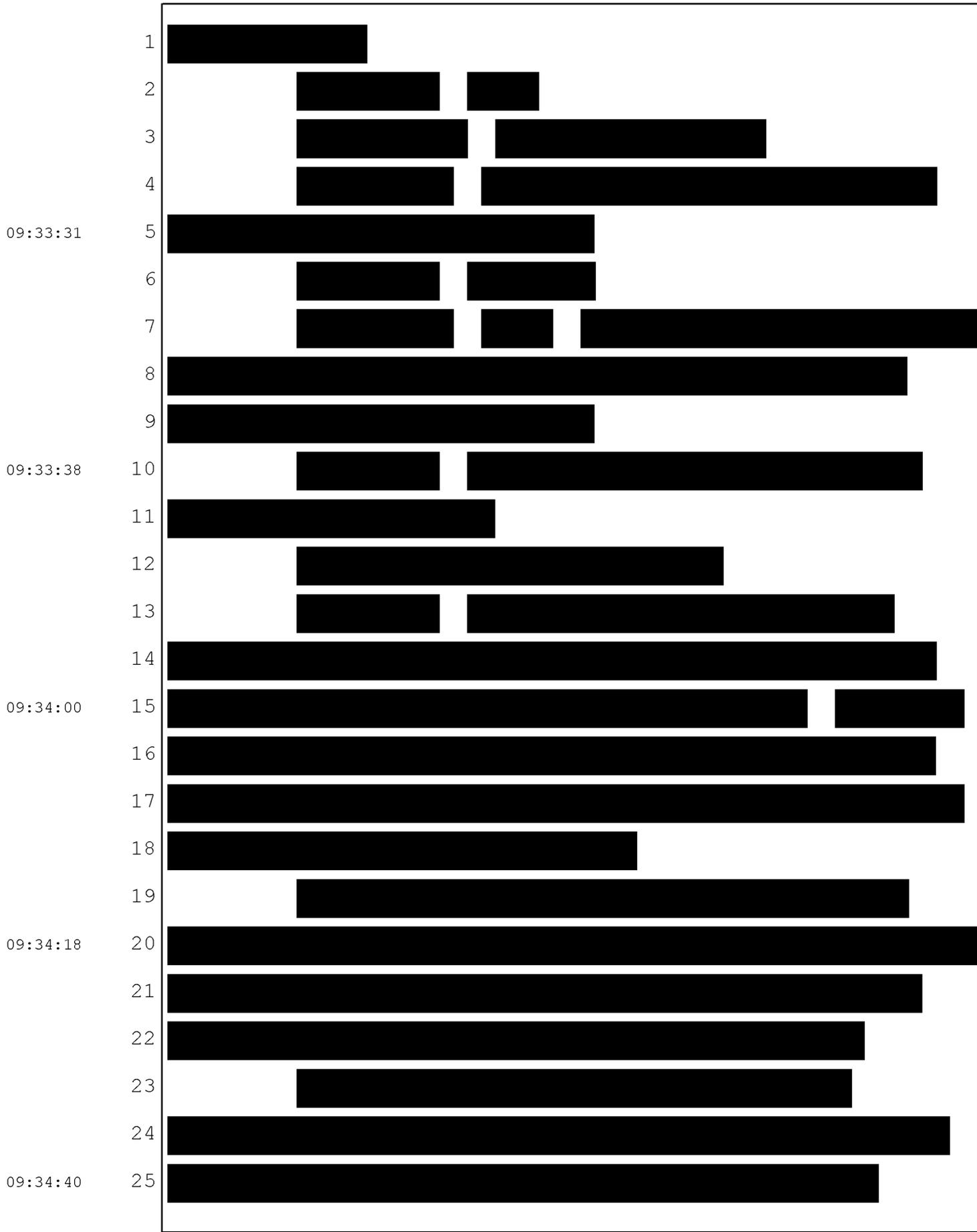
09:31:27

09:31:41

09:32:00





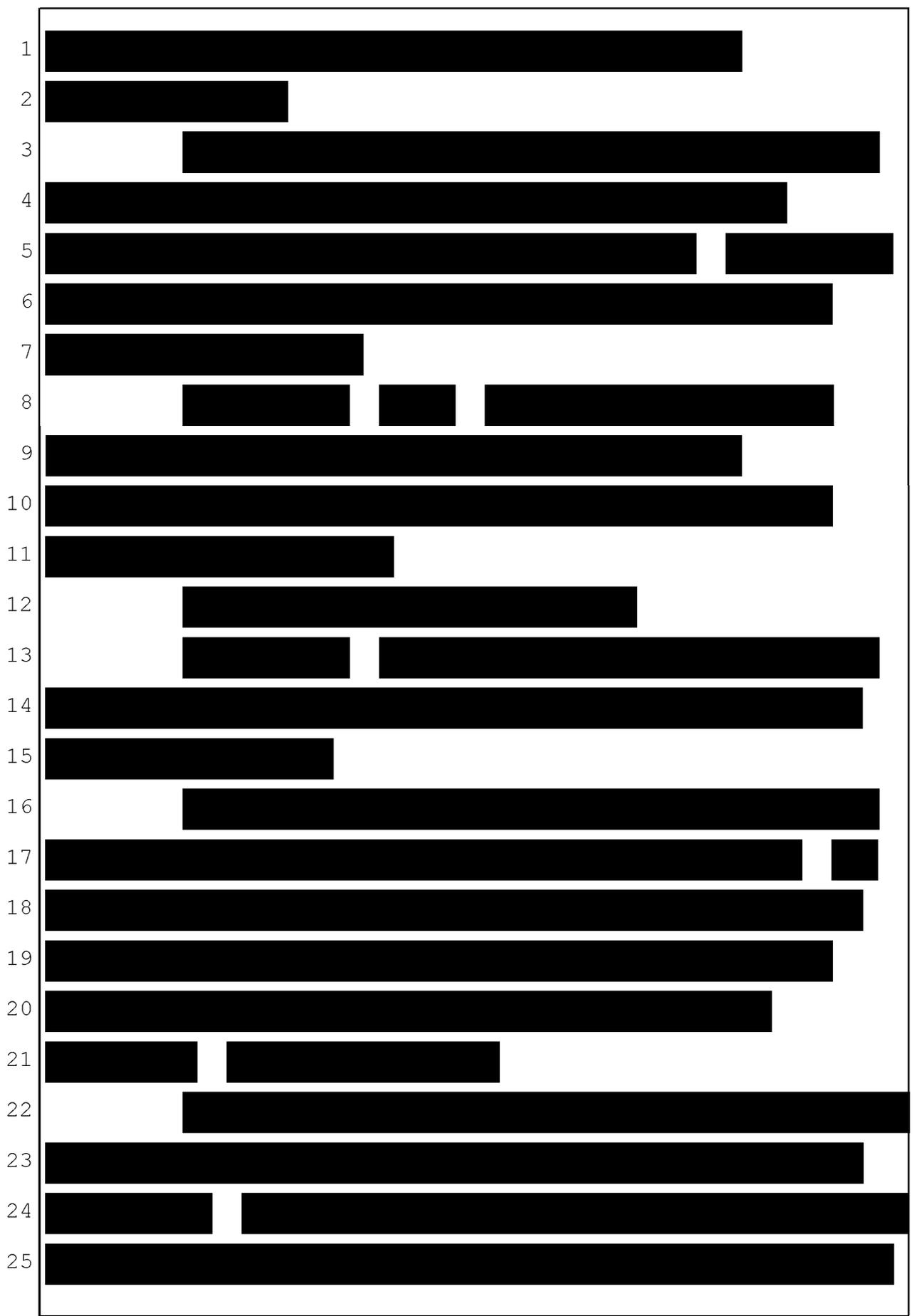


09:34:56

09:35:11

09:35:33

09:35:46



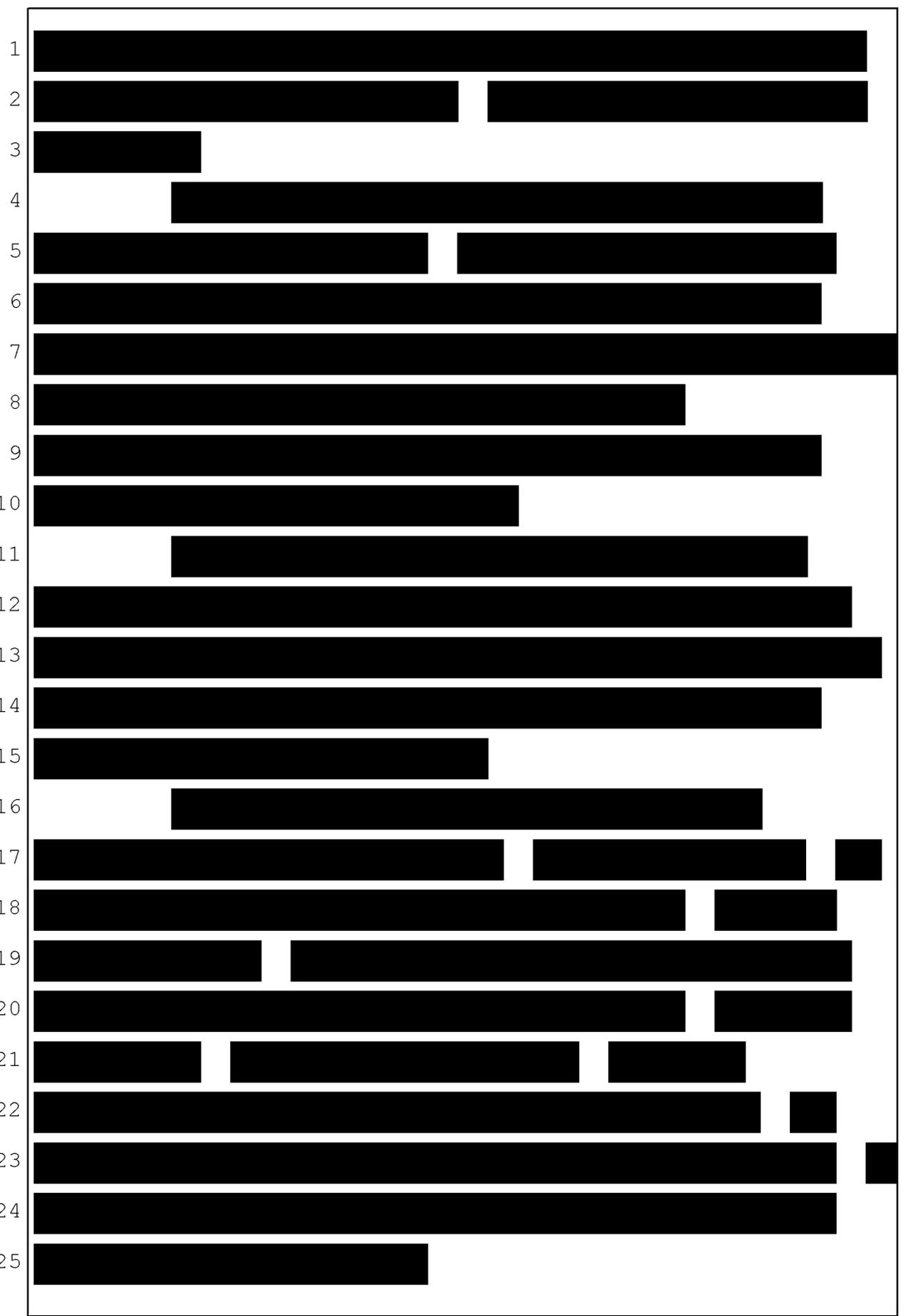
09:36:03

09:36:20

09:36:36

09:36:51

09:37:08



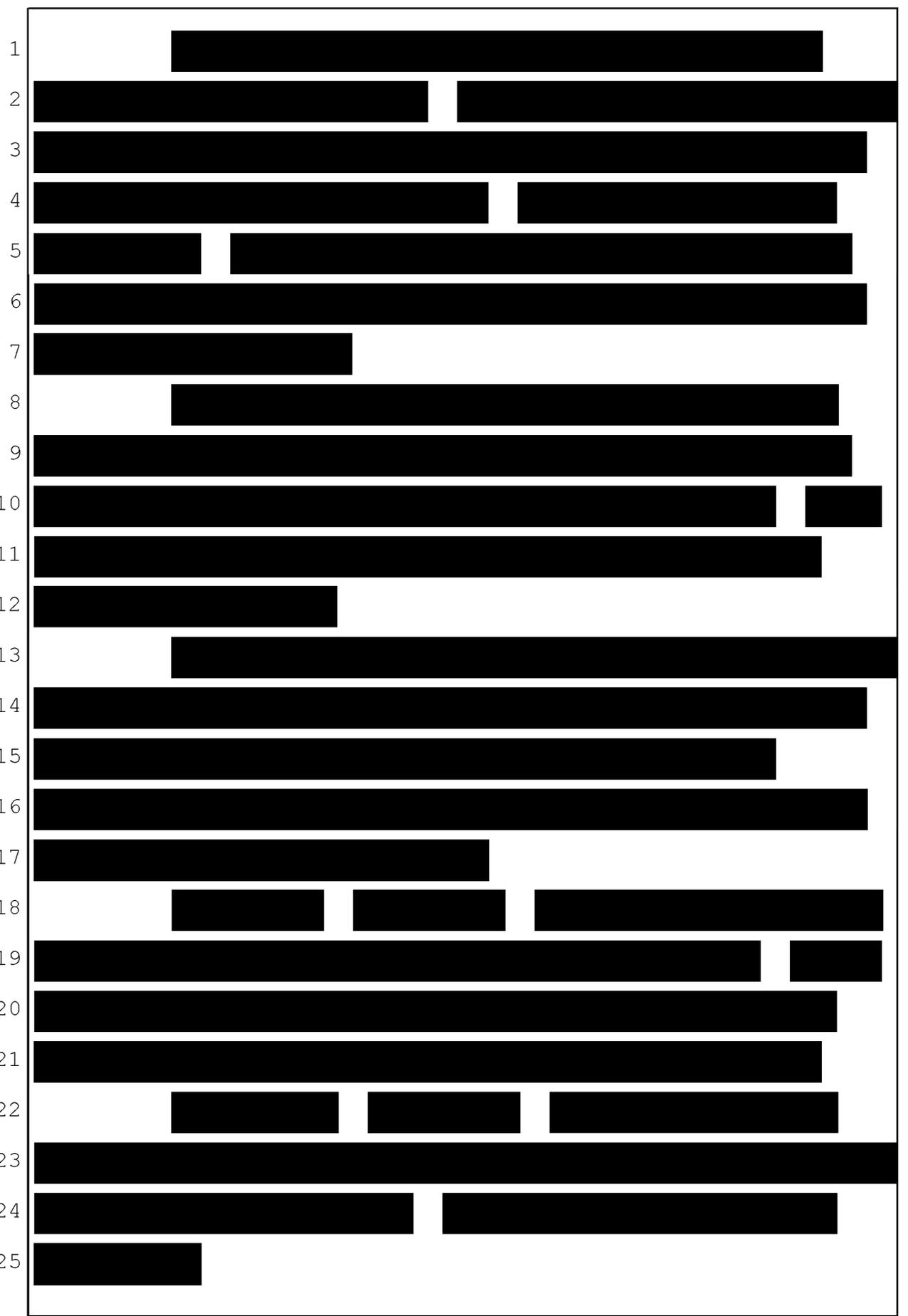
09:37:22

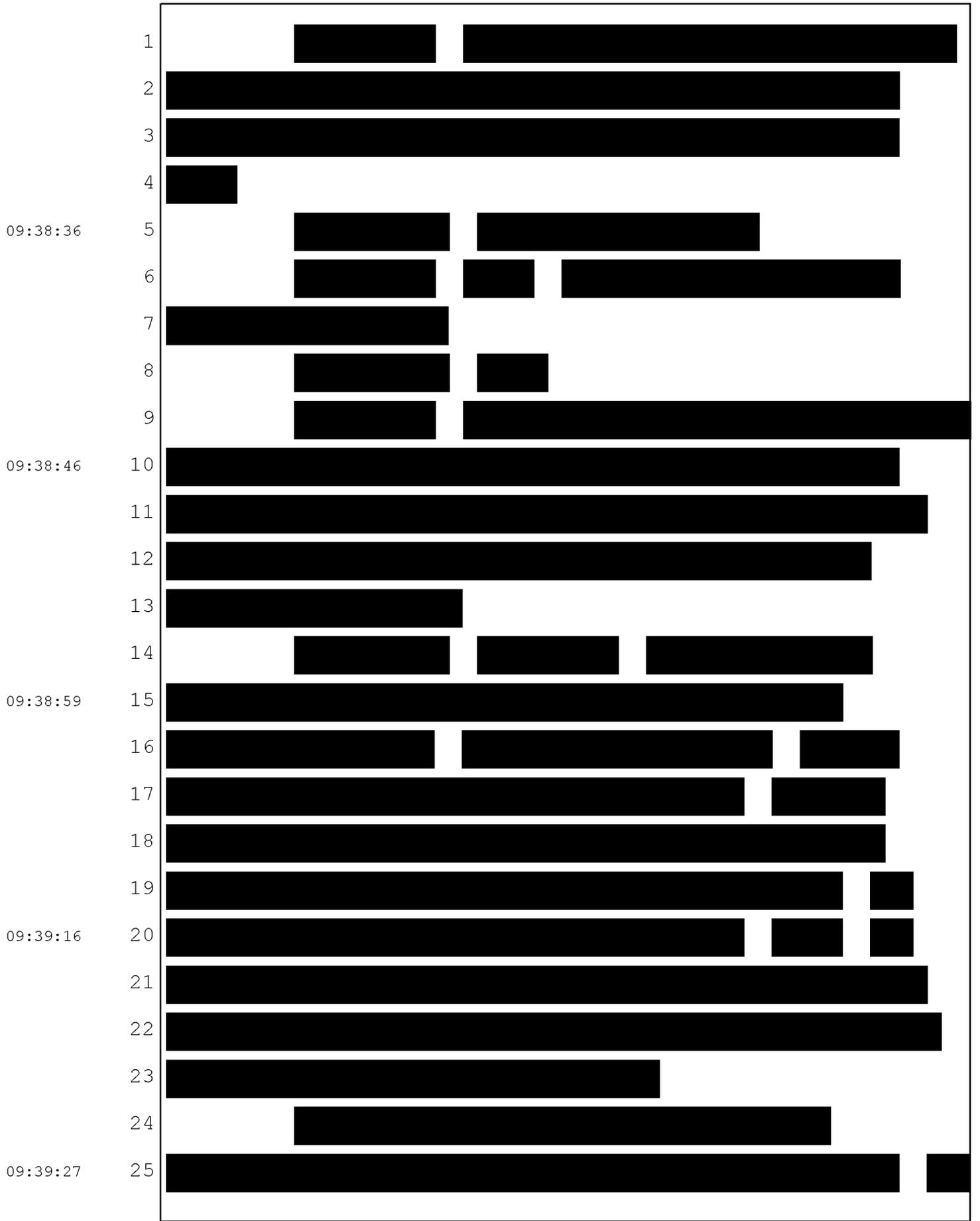
09:37:37

09:37:50

09:38:09

09:38:26





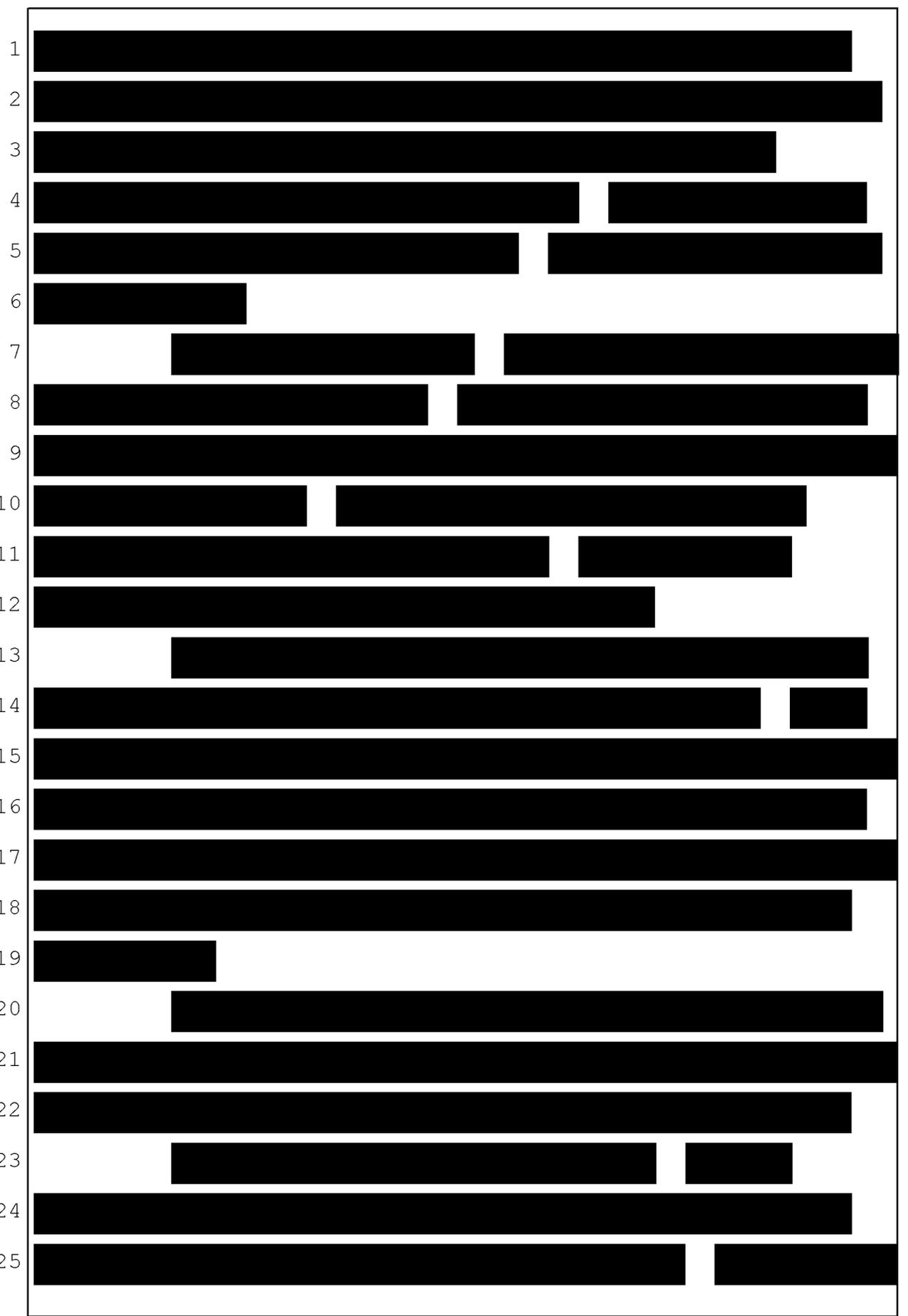
09:39:43

09:39:57

09:40:13

09:40:26

09:40:41



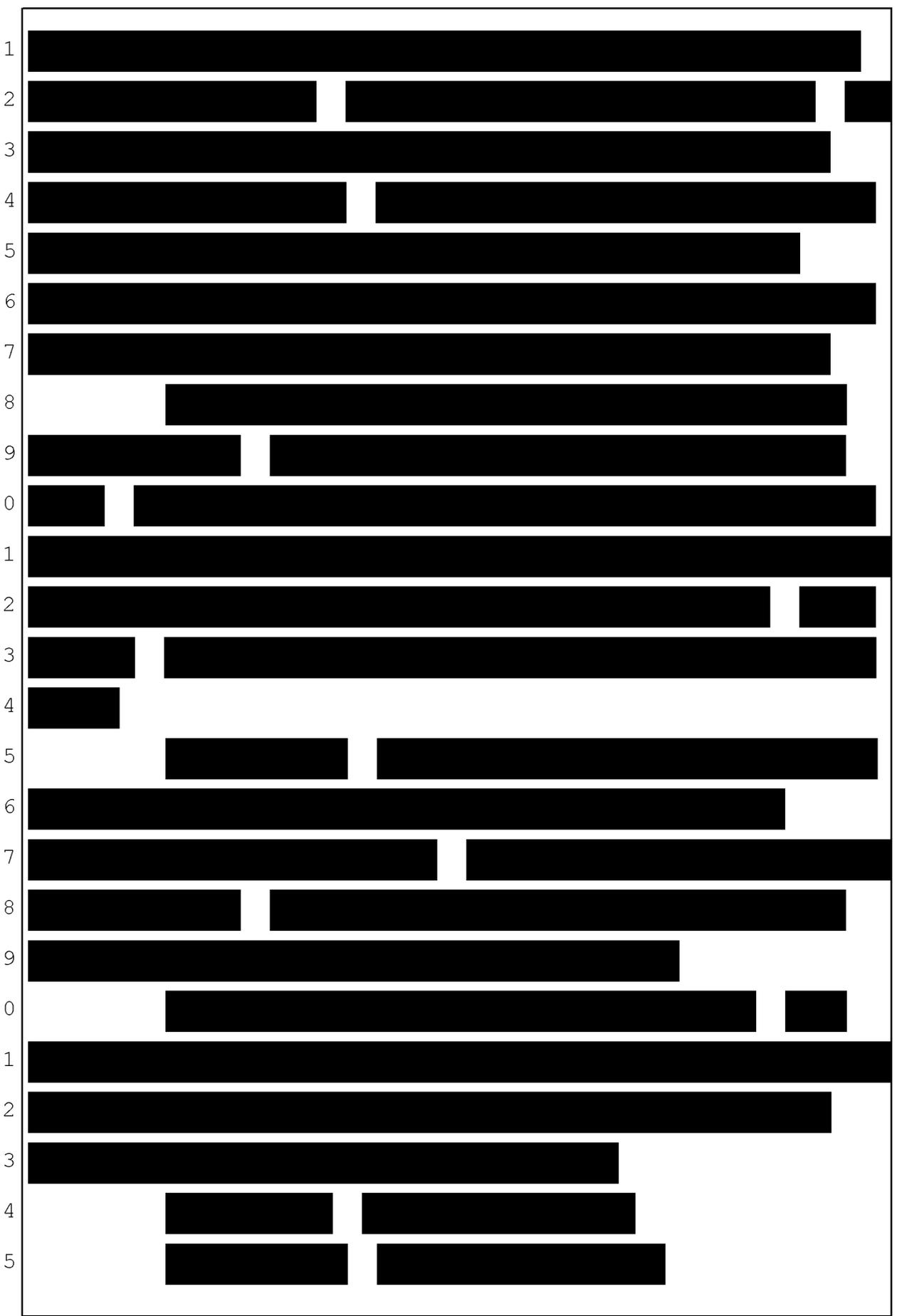
09:40:56

09:41:06

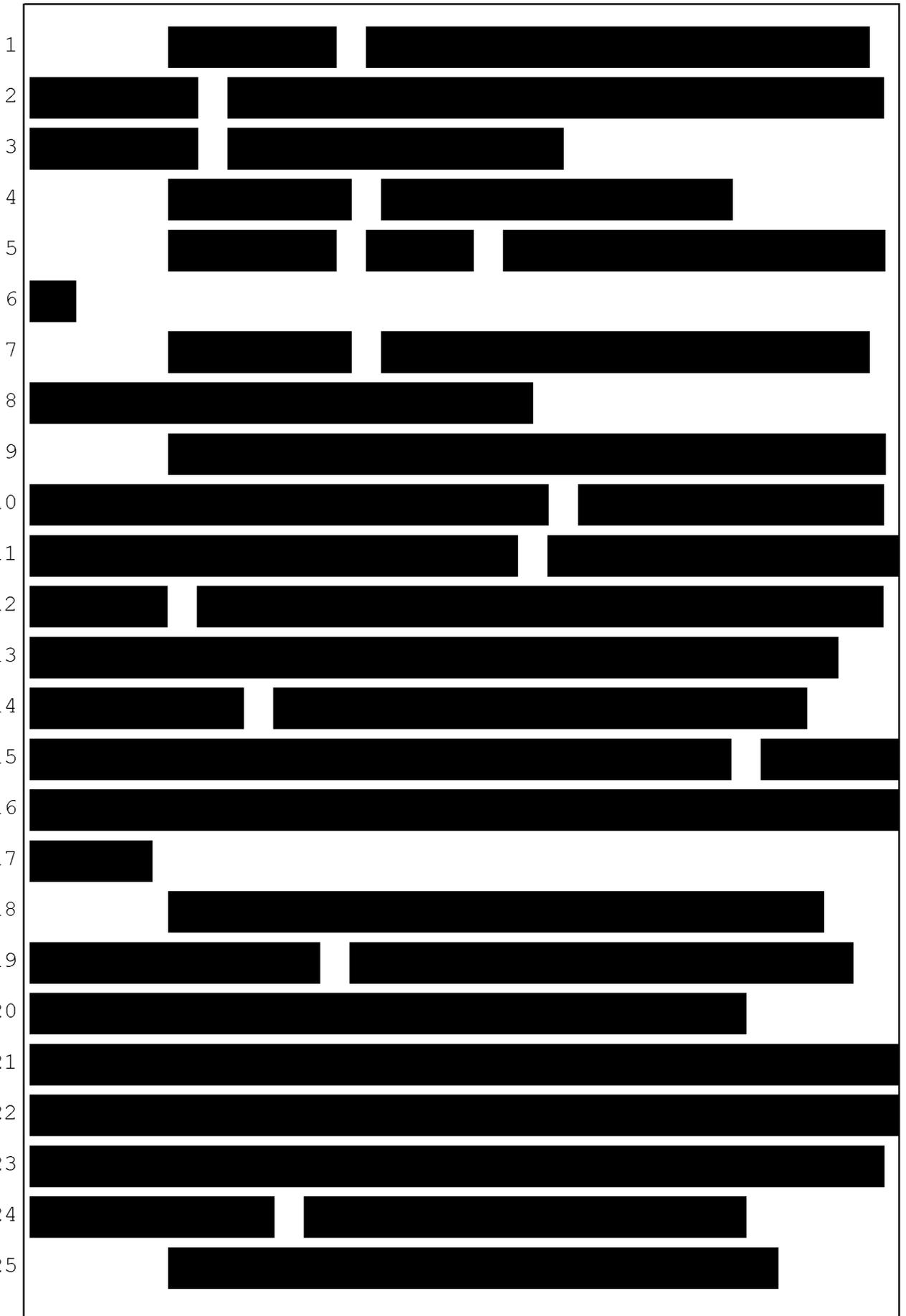
09:41:22

09:41:32

09:41:45



09:41:55



09:42:21

09:42:37

09:42:52

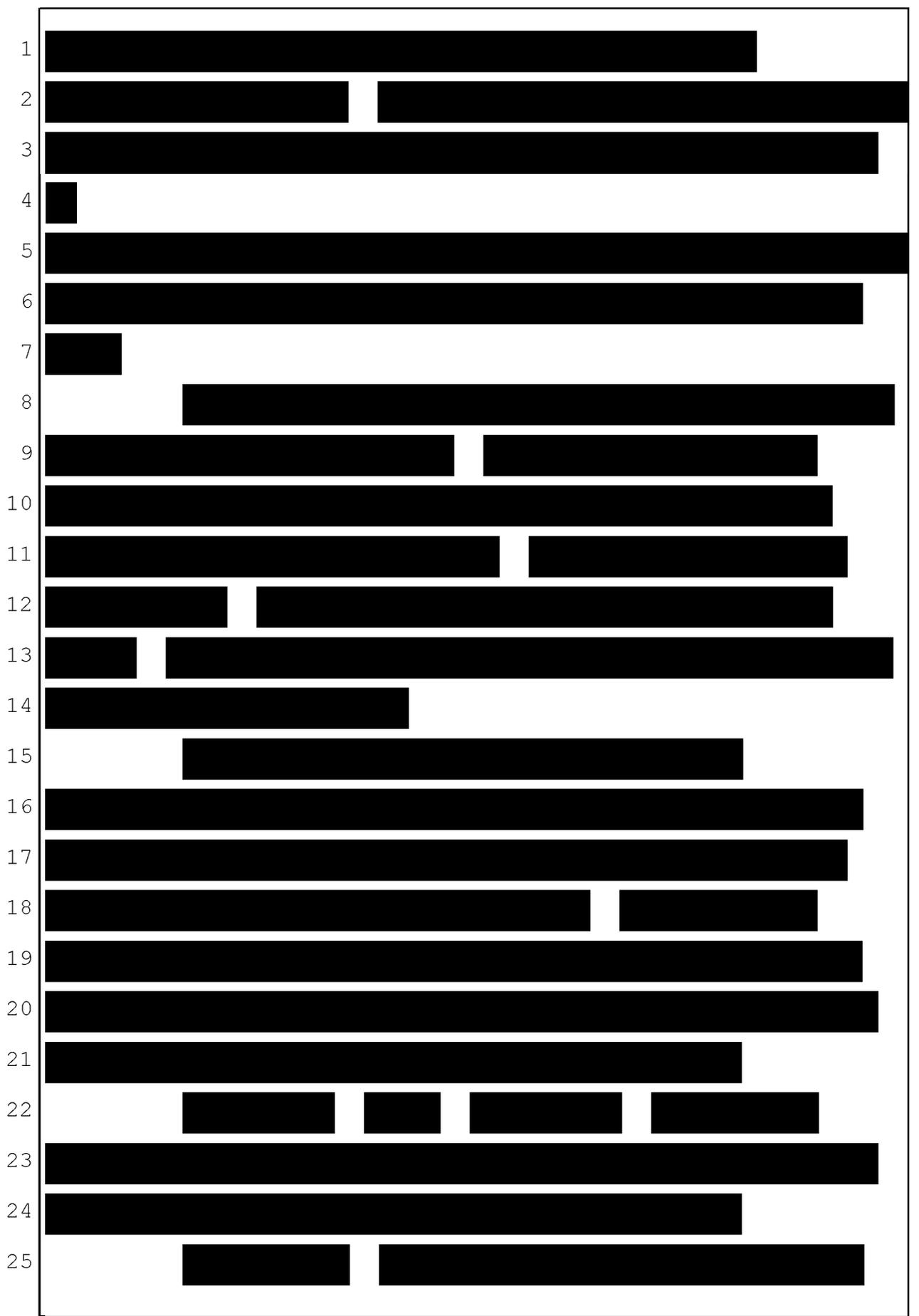
09:43:09

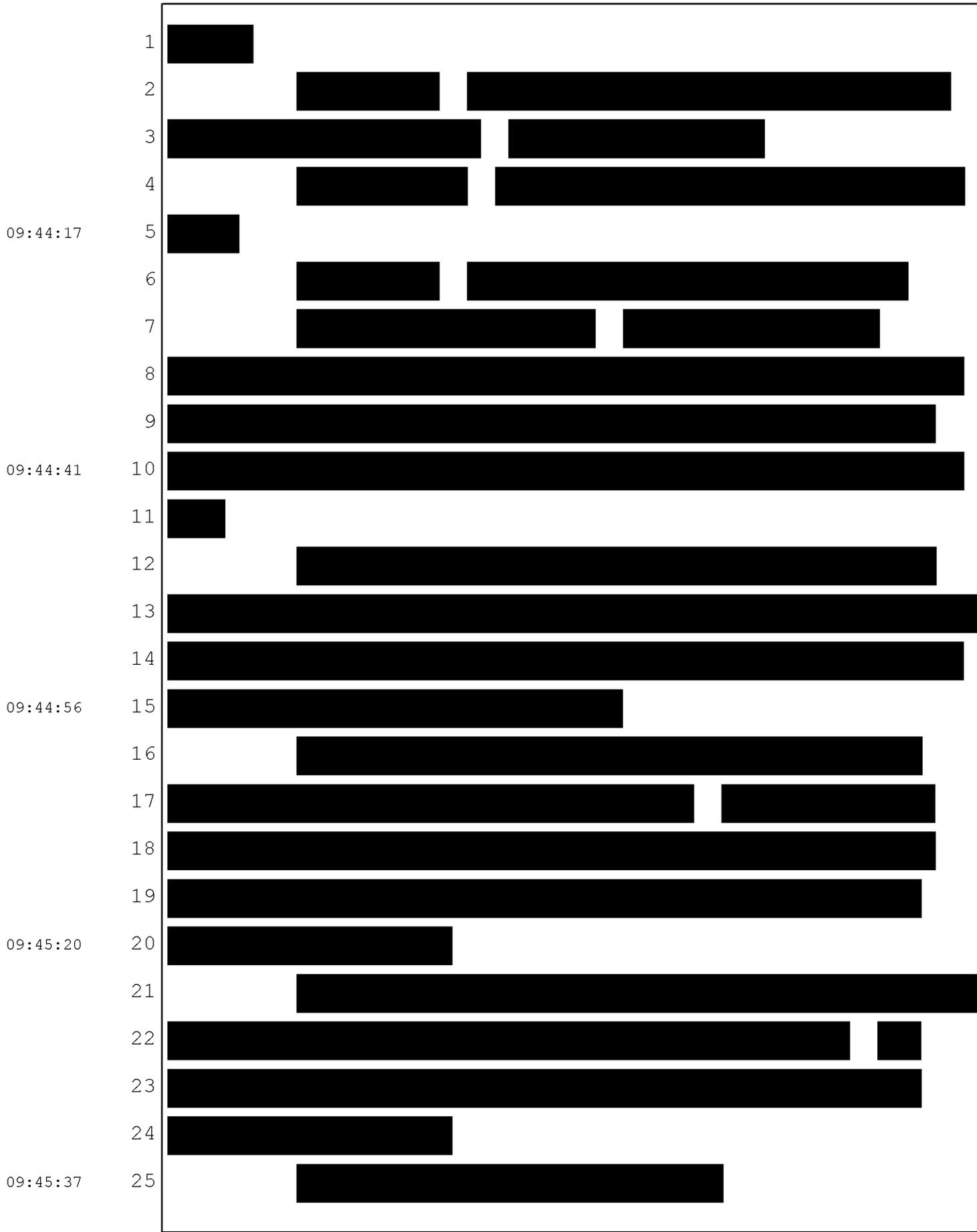
09:43:23

09:43:34

09:43:51

09:44:09





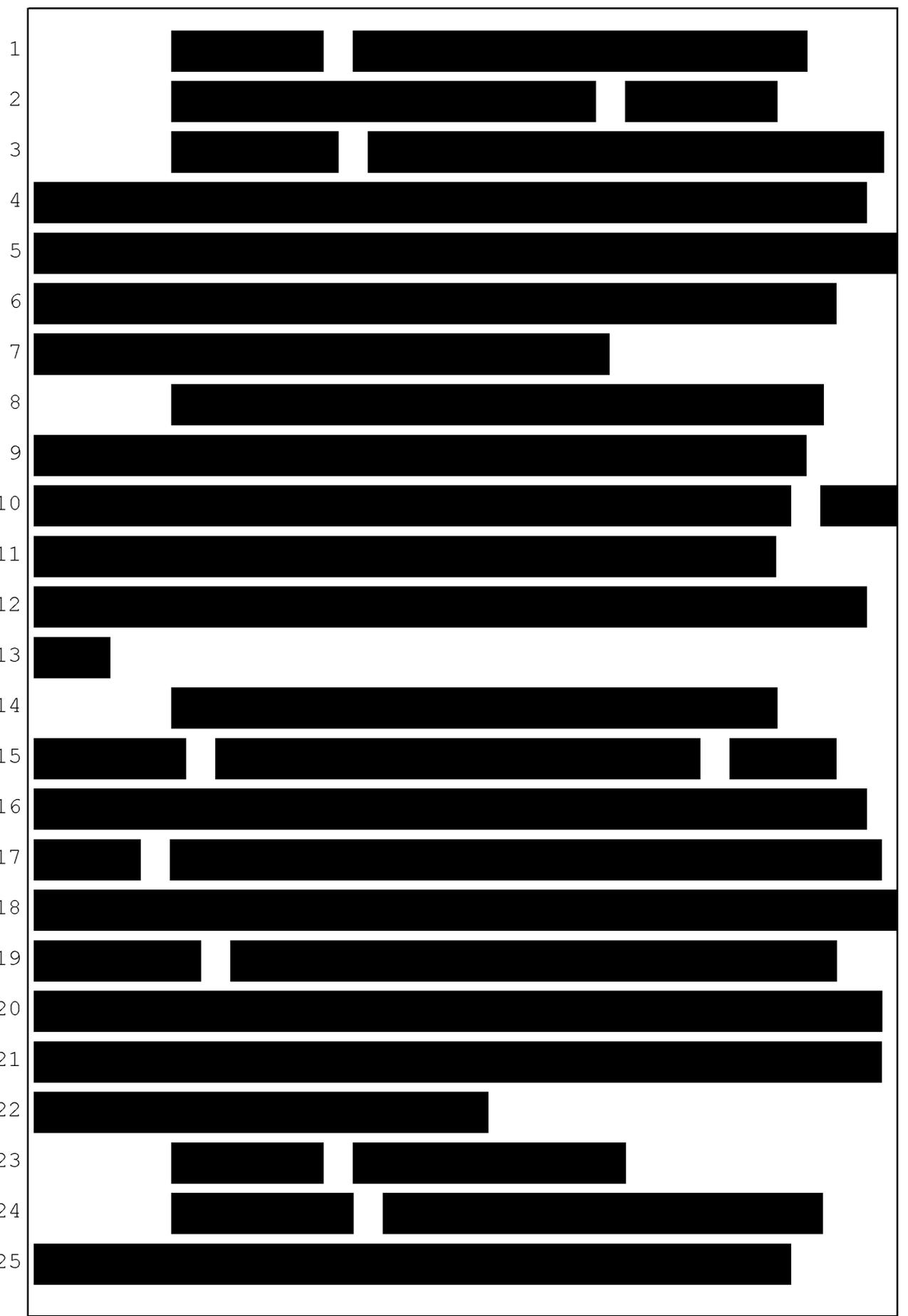
09:45:50

09:46:08

09:46:20

09:46:36

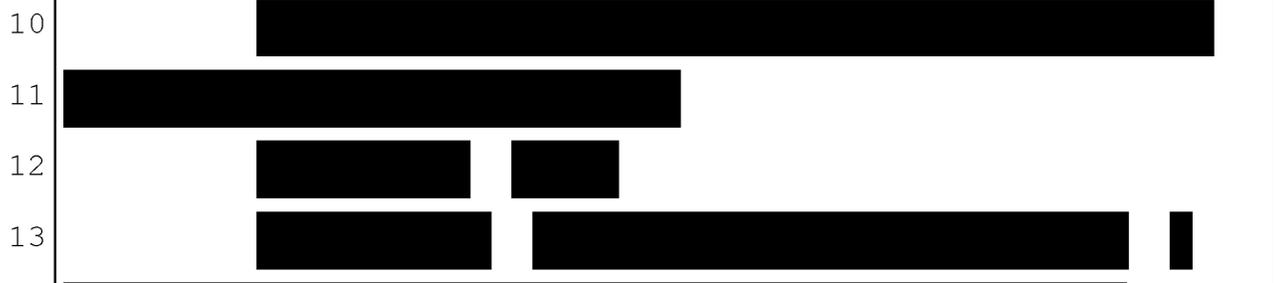
09:46:47



09:47:03



09:47:22



09:47:32



09:47:51



09:48:07



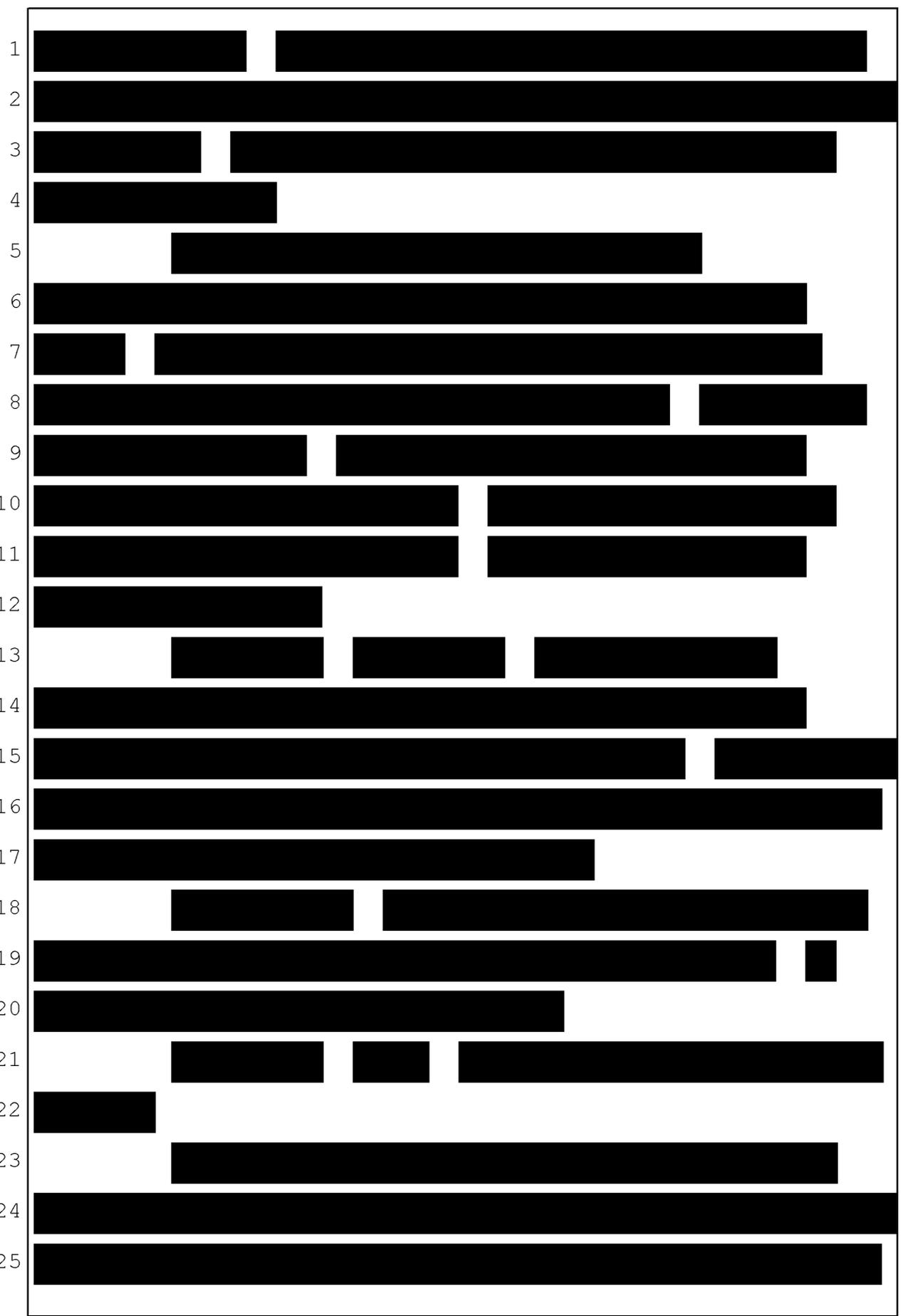
09:48:19

09:48:35

09:48:47

09:49:00

09:49:09



09:49:23

1

2

3

4

5

6

7

8

9

09:52:22

10

11

12

13

14

09:52:48

15

16

17

18

19

09:53:03

20

21

22

23

24

09:53:22

25

(End library proceedings.)

THE COURT: Good morning, Ladies and Gentlemen.

Welcome back. We have all of our jurors present.

We have received questions from many of you, and

I've reviewed all of your questions with the lawyers.

The lawyers themselves cannot answer the questions

directly, because anything that the lawyers say is not

evidence, as I've explained to you before. But we expect

that during the course of the trial the many witnesses

who will be testifying will be answering most of the

questions that you've presented to us.

So the questions that you've presented to us

that are relevant to your resolution of this case will be

answered during the course of the trial. And if -- as

witnesses testify, if you have additional questions,

please feel free to continue to submit them. Okay?

All right. Then, Counsel, are we ready to

1 begin?

2 MR. DICKENS: We are. Yes, your Honor.

3 THE COURT: Okay. Very good. Then you may call  
4 your first witness or play your first video.

09:53:32

5 MR. DICKENS: Thank you, your Honor.

6 Plaintiff will call by video Mark Martens,  
7 former director of toxicology for Monsanto. The video  
8 testimony will be 2 hours, 26 minutes, and introduce 12  
9 exhibits into evidence.

09:53:46

10 THE COURT: Very well. You may proceed.

11

12 VIDEO-TAPED TESTIMONY OF MR. MARTENS

13 (Video played.)

14 MR. GRIFFIS: Excuse me.

10:13:36

15 (Library proceedings.)

16

17

18

19

10:51:33

20

21

22

23

24

10:52:05

25

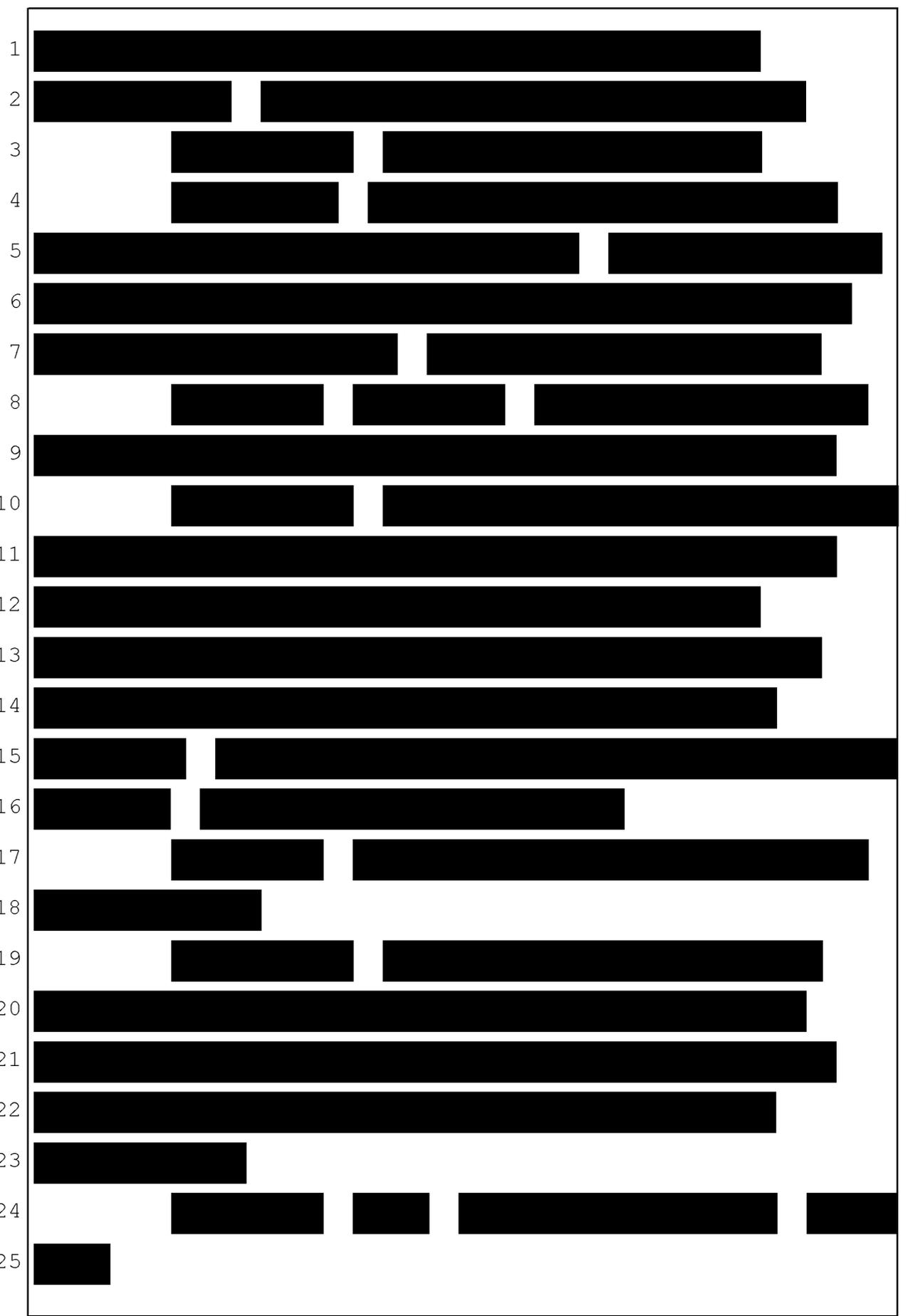
10:52:19

10:52:34

10:52:47

10:53:01

10:53:13



10:53:23

1

2

3

4

5

6

7

8

9

10:54:11

10

11

12

13

14

10:54:41

15

16

17

18

19

11:16:59

20

21

22

23

24

11:28:37

25

(End library proceedings.)

MR. WISNER: It's referring to that -- referring to that section.

THE COURT: So which section is he referring to?

MR. WISNER: He literally just reads the section "Miscellaneous Endpoint," and then starts talking.

MR. GRIFFIS: He was saying that the conclusion that they were just asking about was part of the heading "Miscellaneous Endpoint."

MR. LOMBARDI: All right.

THE COURT: Thank you.

(Video played.)

THE COURT: Mr. Wisner, why don't we take a break?

Okay, Ladies and Gentlemen, we'll take a short recess right now and resume again at 11:30 on the wall clock. Please remember: Do not discuss the case and be back in your seats by 11:30. Thank you.

(Recess.)

THE COURT: It looks like we are still missing a

1 few jurors. So once everyone's back in their seats, then  
2 we can resume.

3 You may resume.

4 MR. WISNER: Okay. Great.

11:30:04 5 (Video played.)

6 THE COURT: Mr. Wisner, perhaps this is a good  
7 place to break.

8 MR. WISNER: Yes, your Honor.

9 THE COURT: All right. Ladies and Gentlemen,  
12:03:34 10 we're going to break now for the lunch recess. Please  
11 remember: Do not discuss the case, please do not do any  
12 research, please do not read any media coverage about the  
13 case. And we'll resume again at 1:30. Thank you.

14 MR. WISNER: Could we meet at 1:15 or shortly  
12:03:52 15 before we meet back there?

16 THE COURT: Yes. Actually, why don't we meet  
17 right now?

18 So, Counsel, I'll see you in the library for a  
19 minute.

12:04:02 20 (Library proceedings.)

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

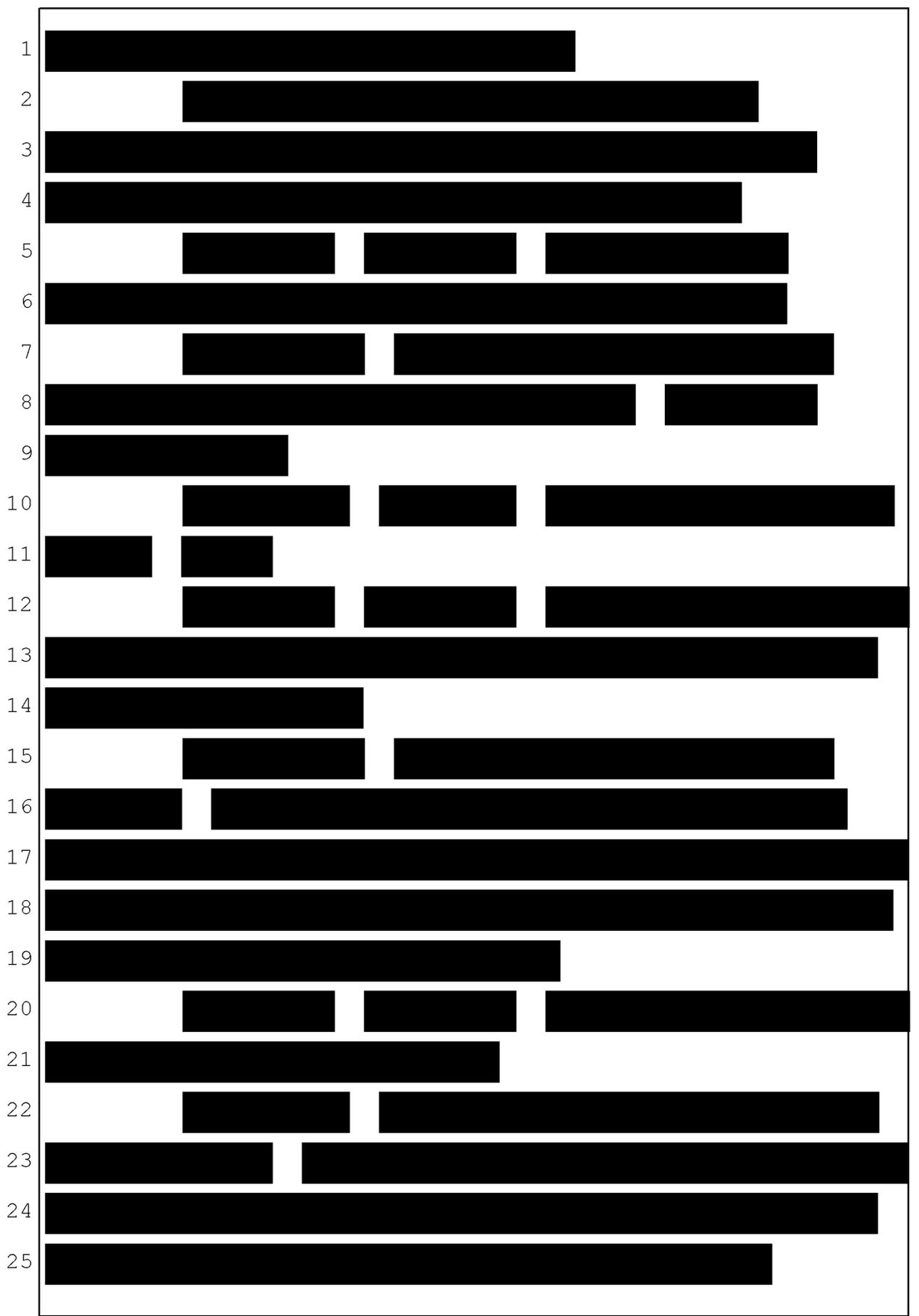
12:05:56 25 [REDACTED]

12:06:09

12:06:20

12:06:29

12:06:56





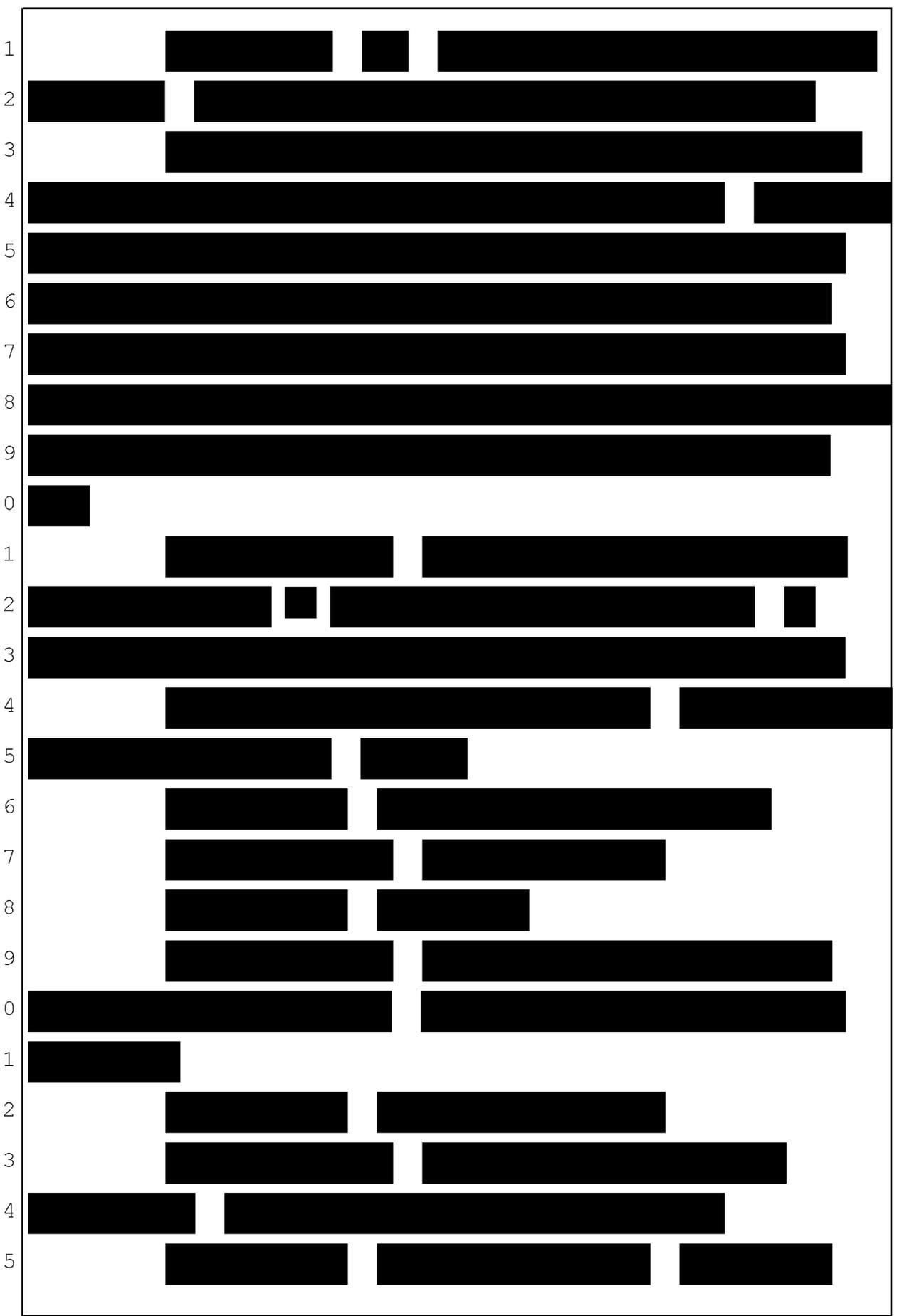
12:08:08

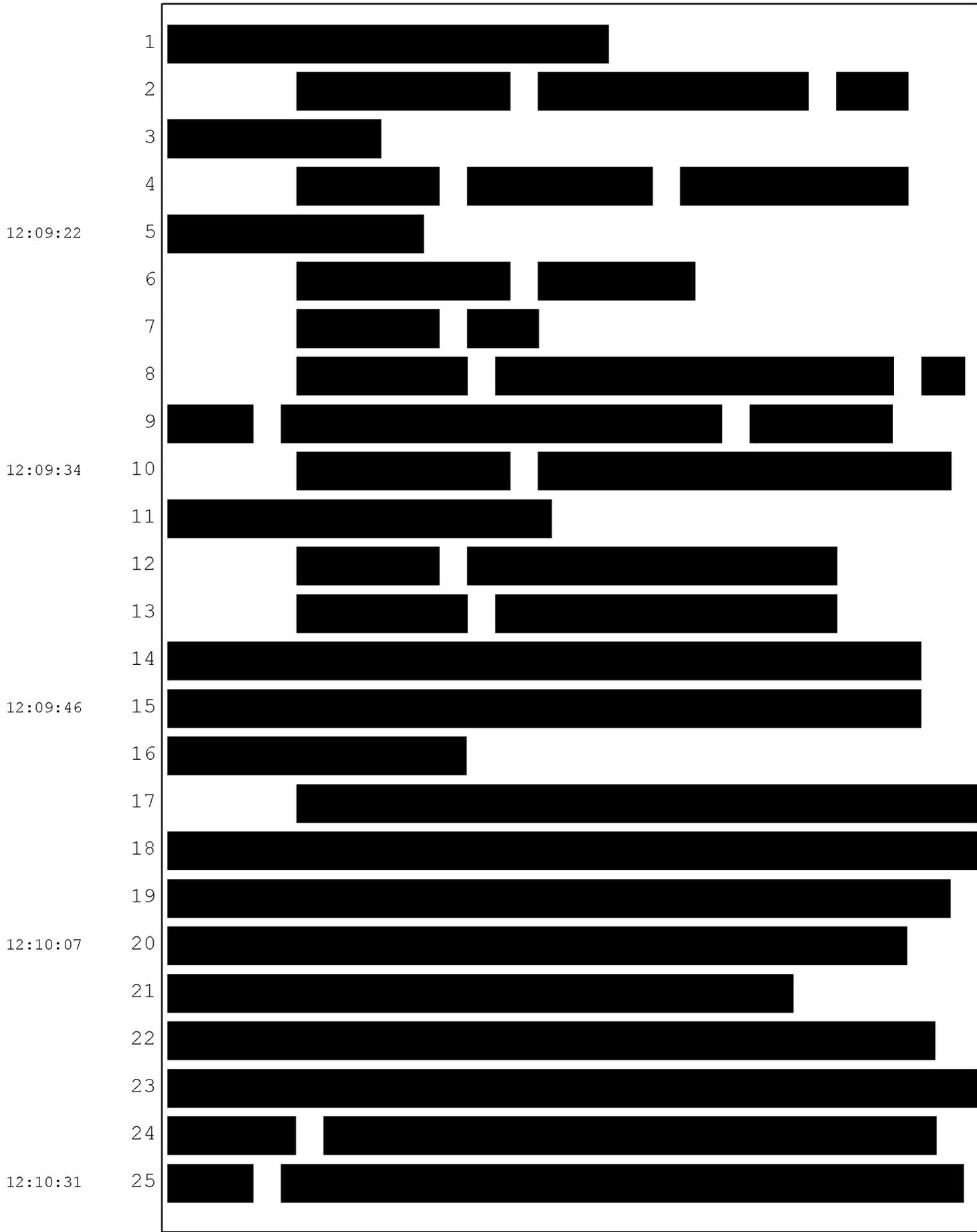
12:08:27

12:08:43

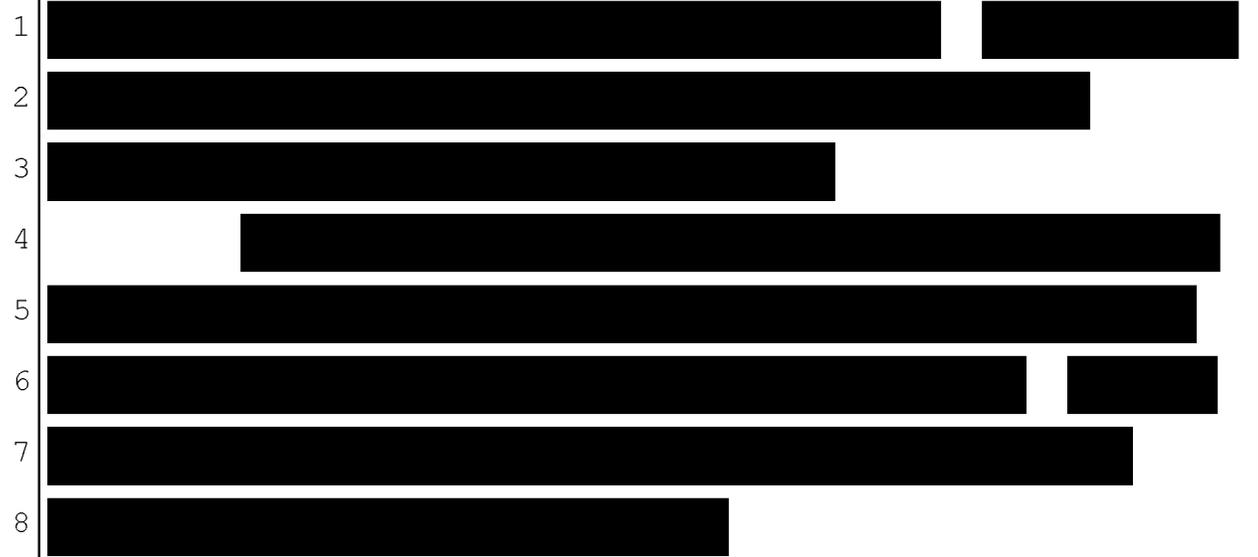
12:08:55

12:09:07





12:10:44



12:11:04



12:11:20



12:11:36



12:11:53



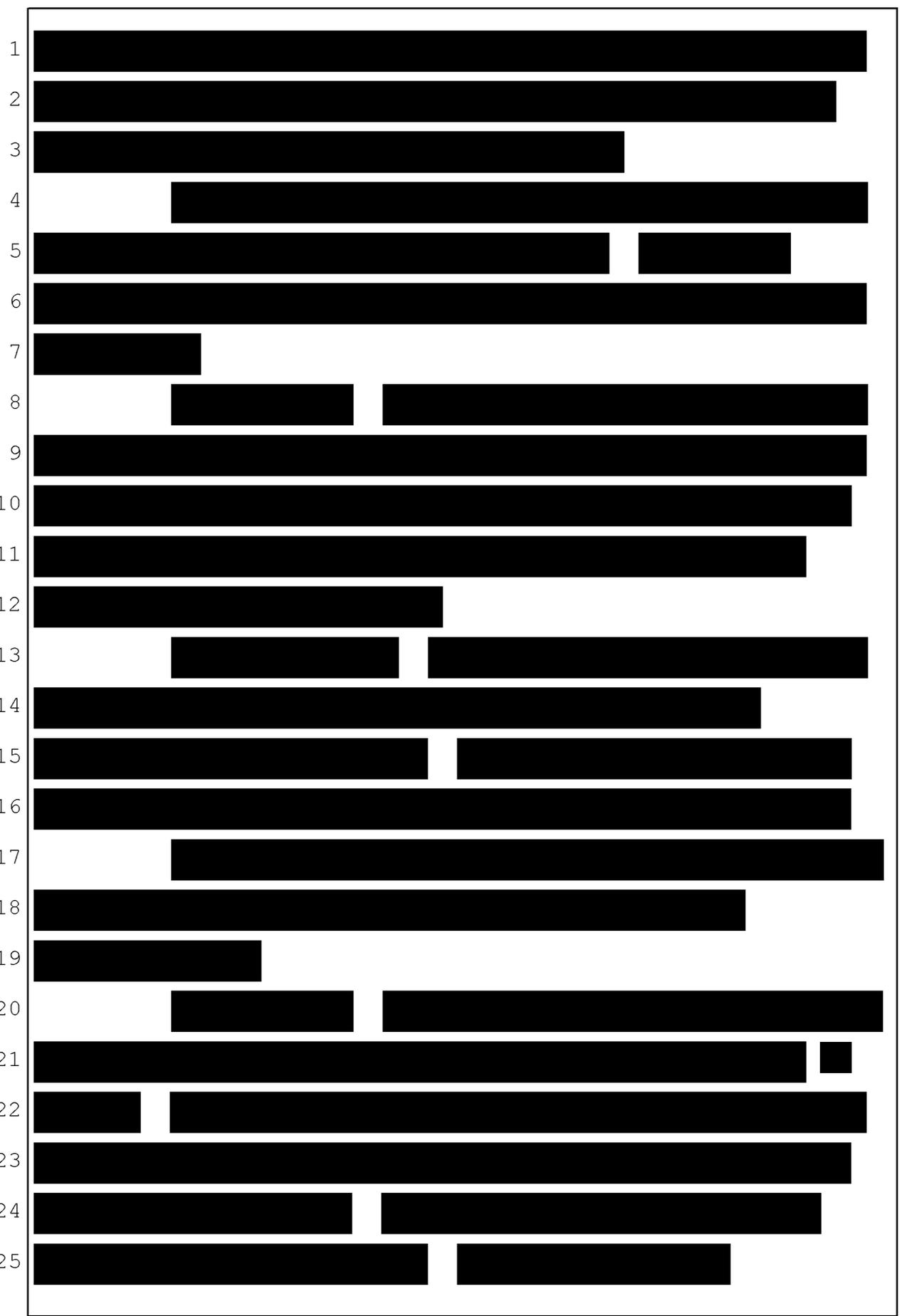
12:12:13

12:12:27

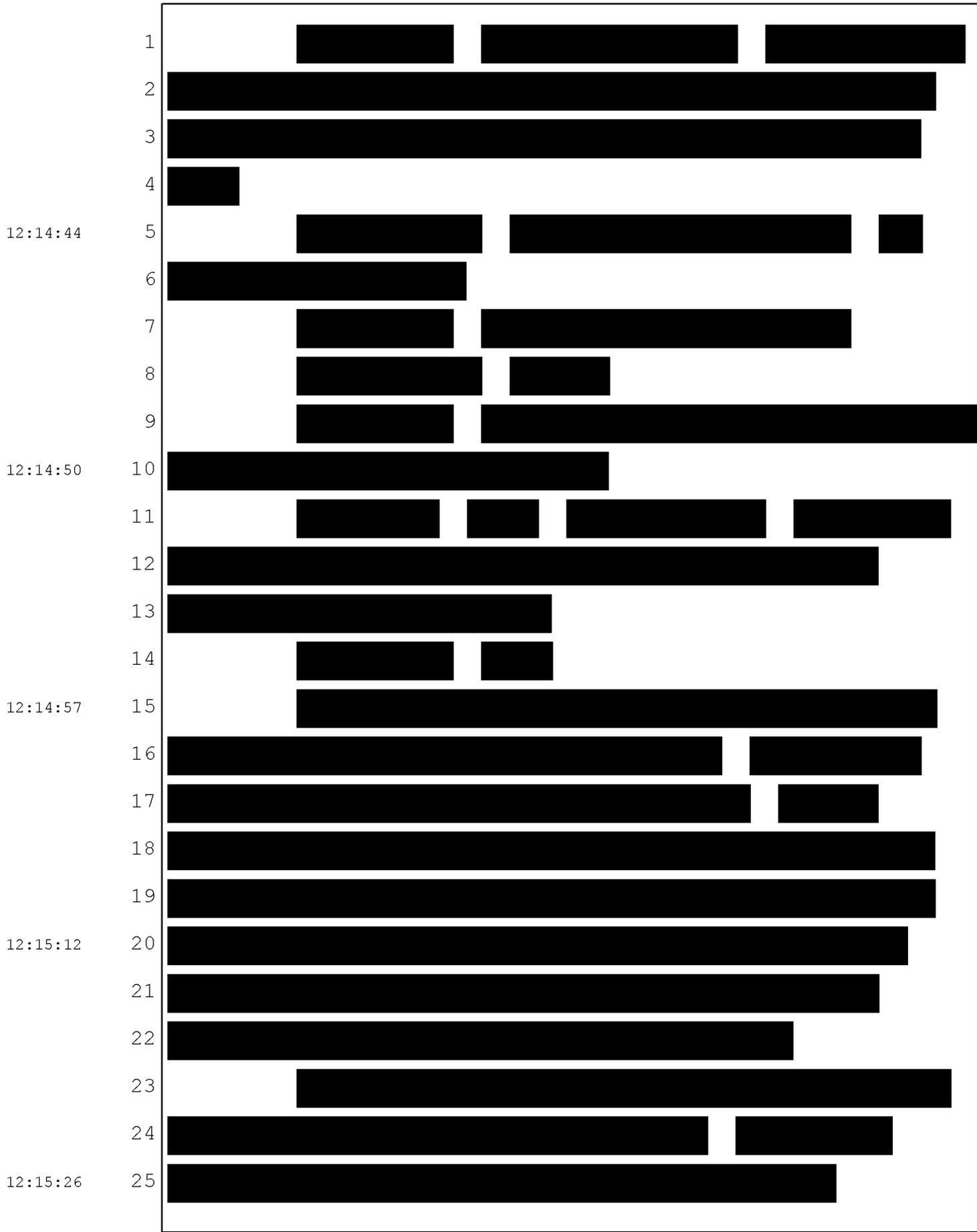
12:12:49

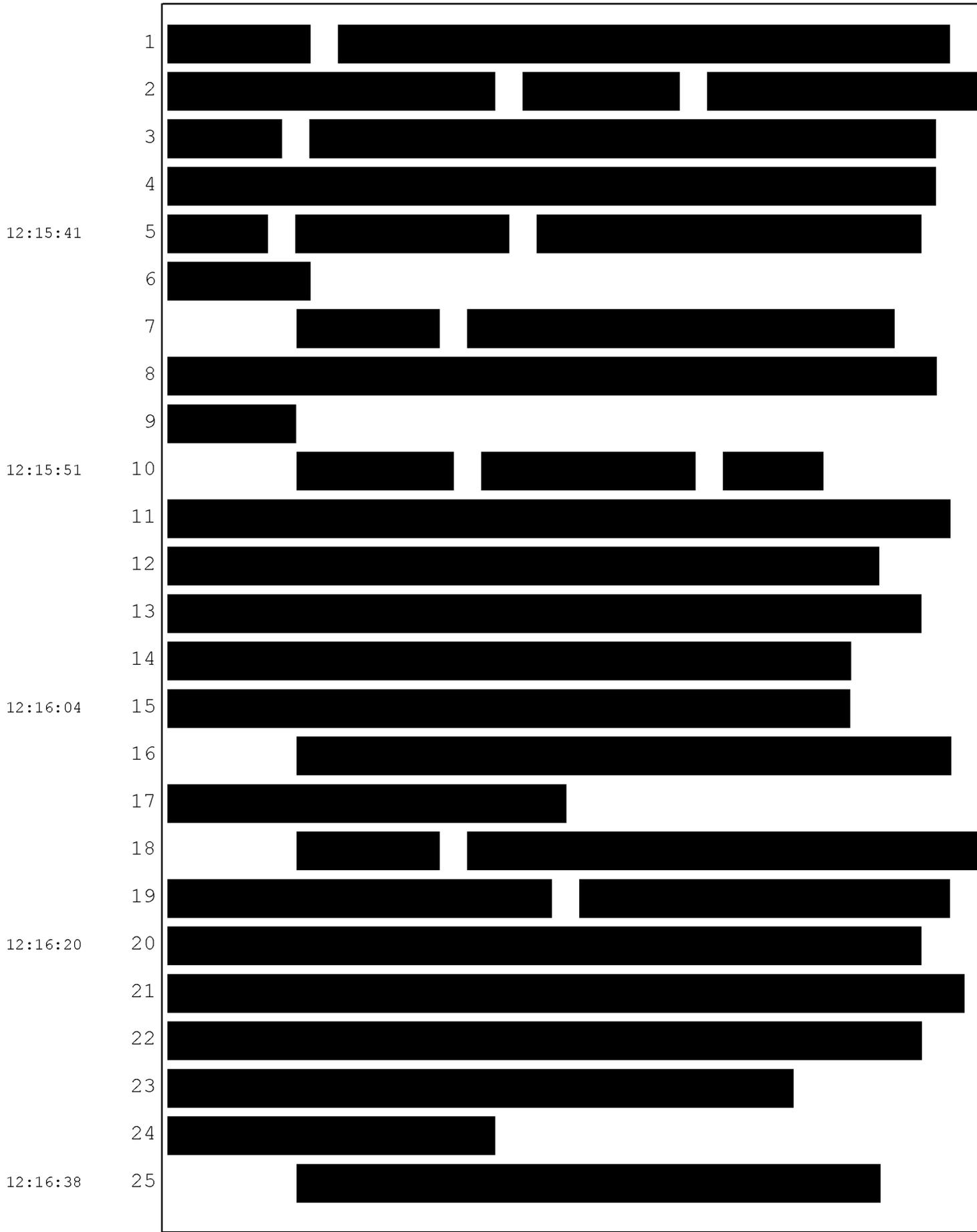
12:13:03

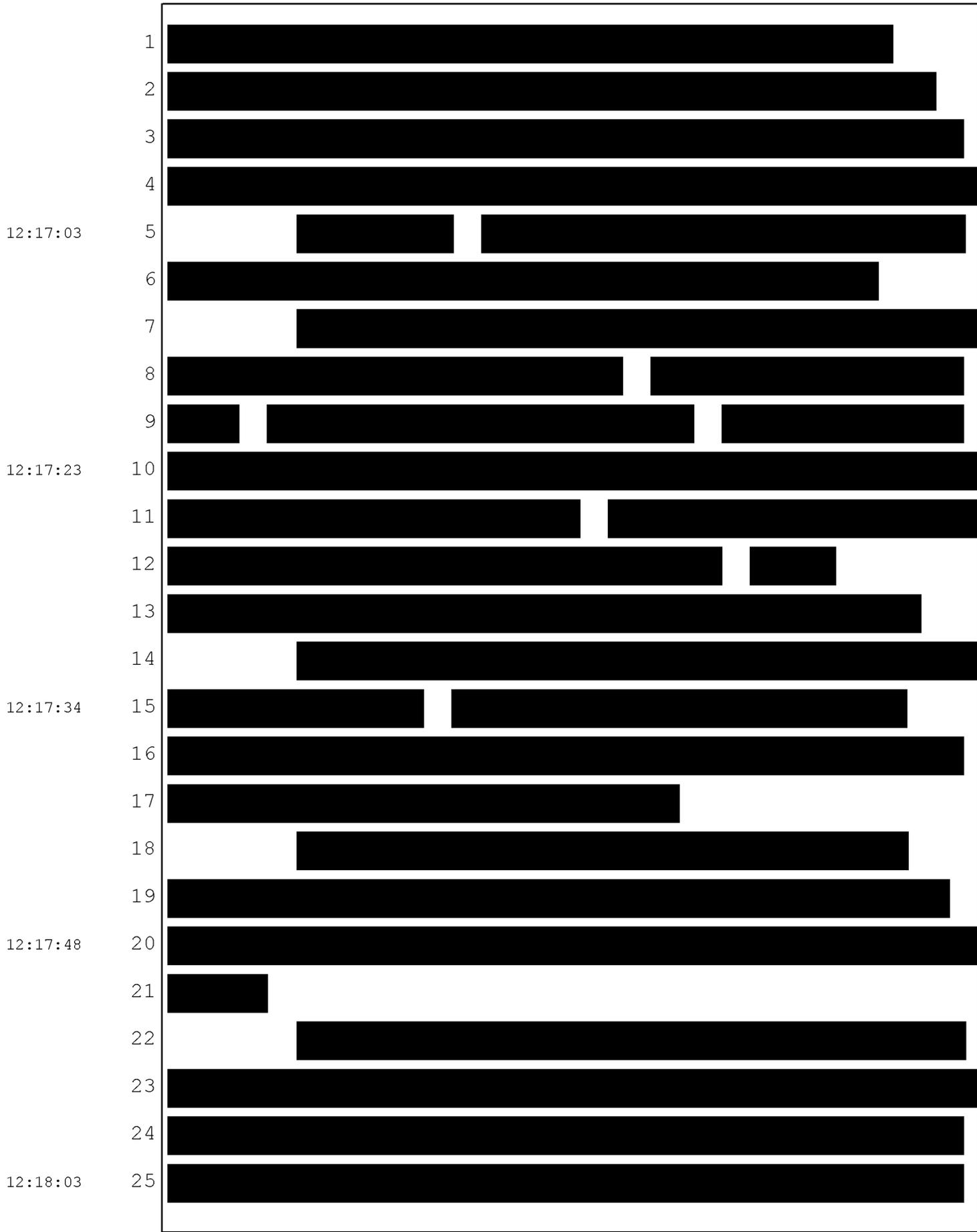
12:13:17











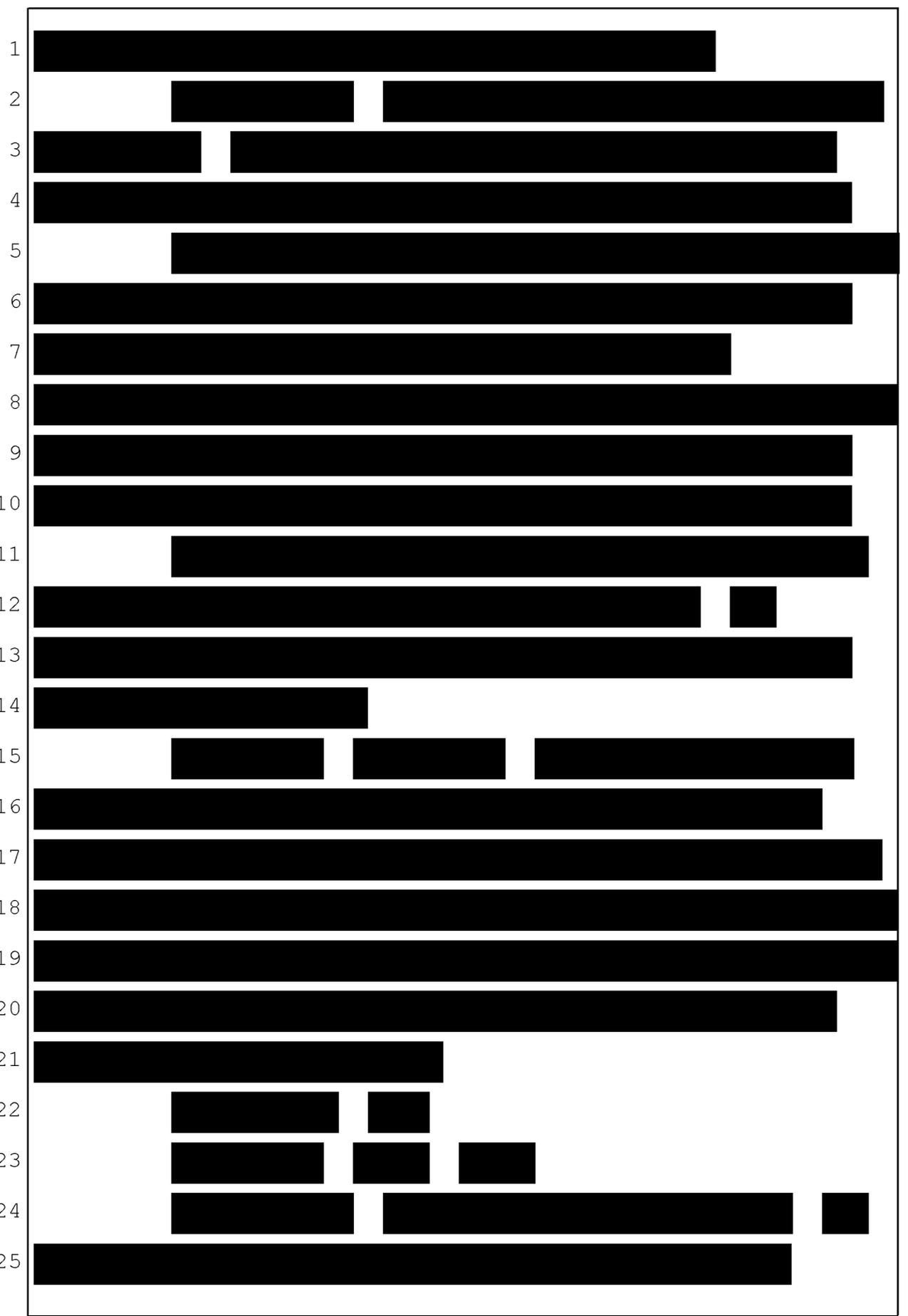
12:18:17

12:18:34

12:18:49

12:19:06

12:19:16



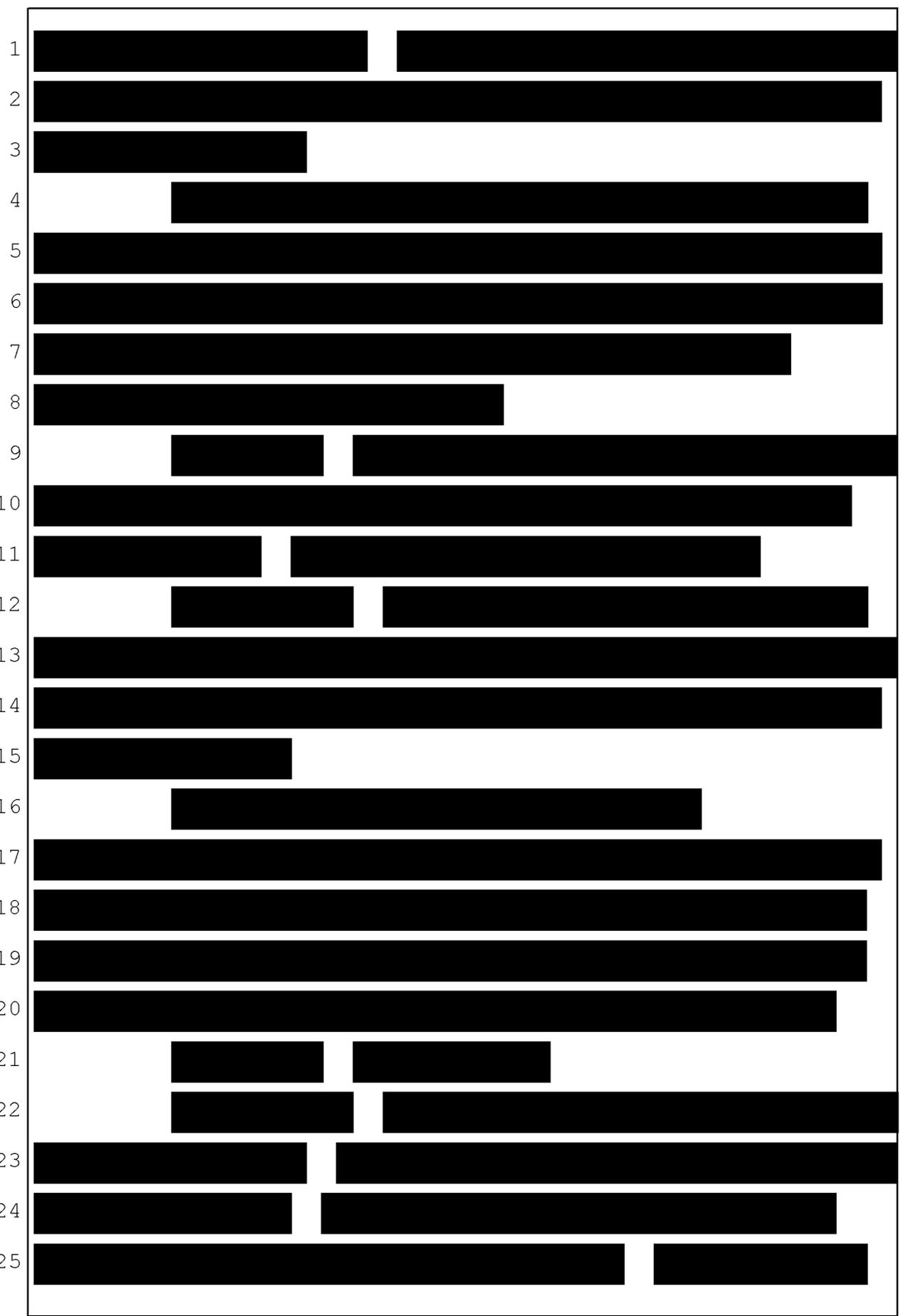
12:19:32

12:19:45

12:20:02

12:20:14

12:20:25





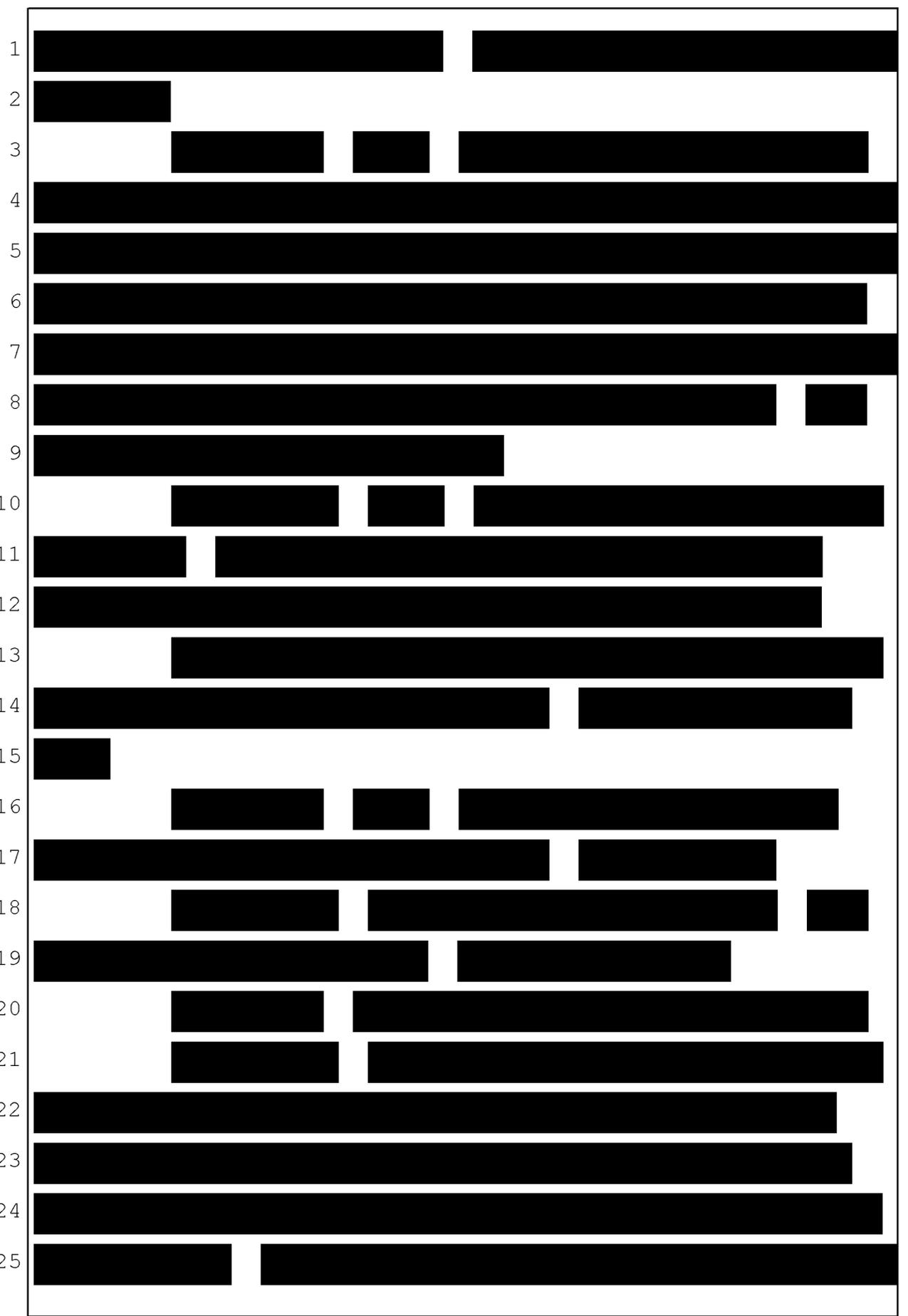
12:21:50

12:22:03

12:22:19

12:22:27

12:22:43

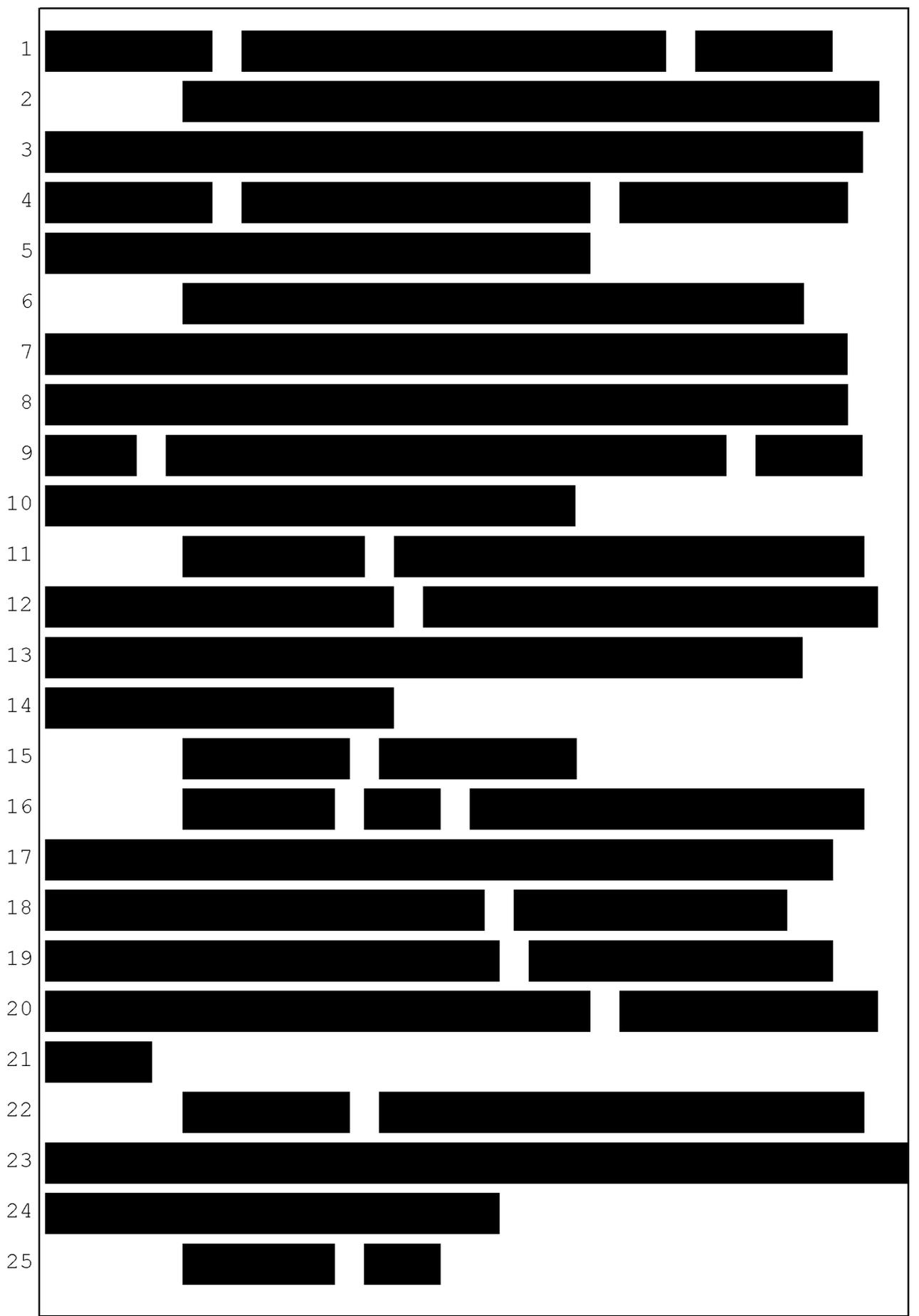


12:22:58

12:23:11

12:23:25

12:23:35



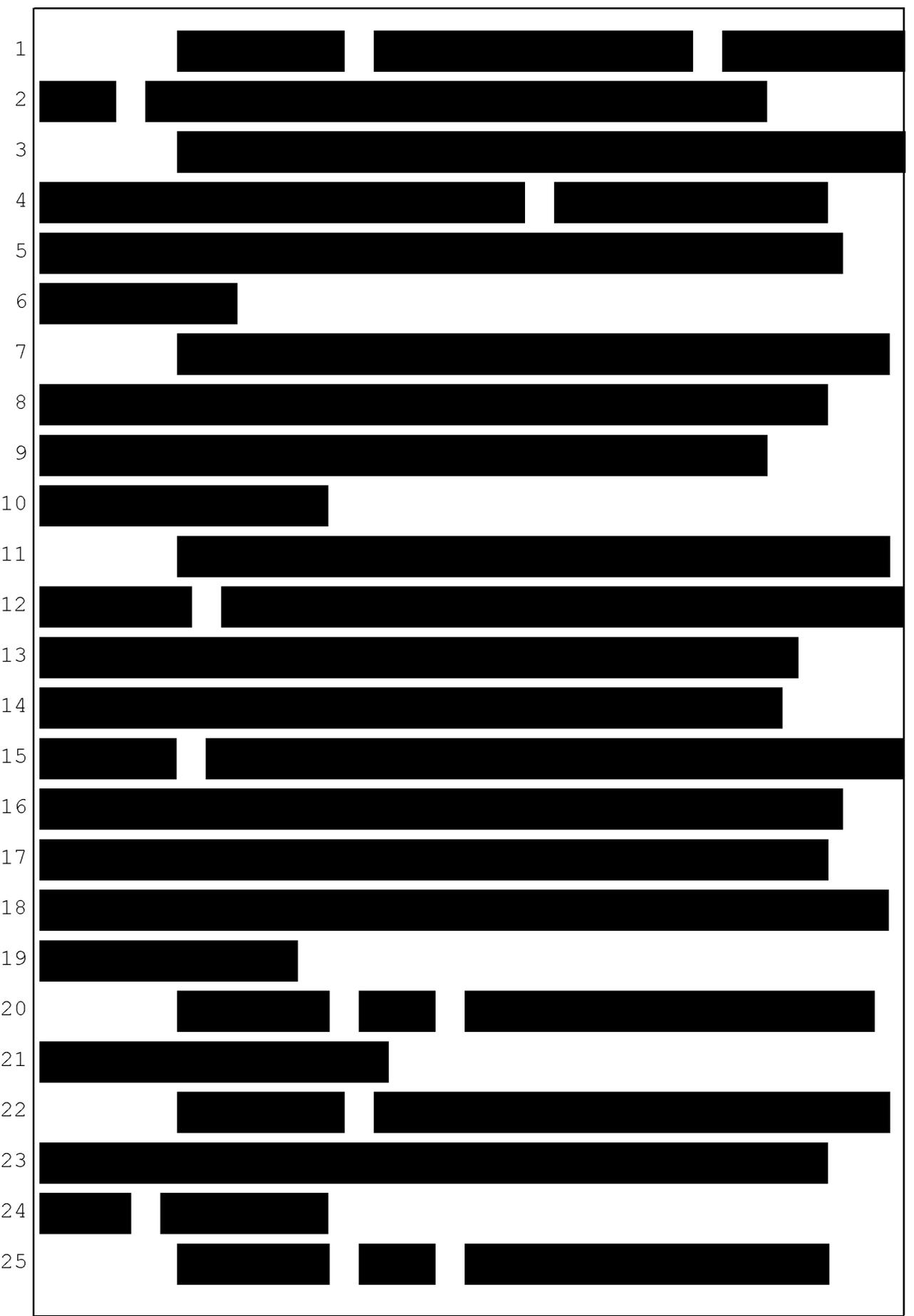
12:23:57

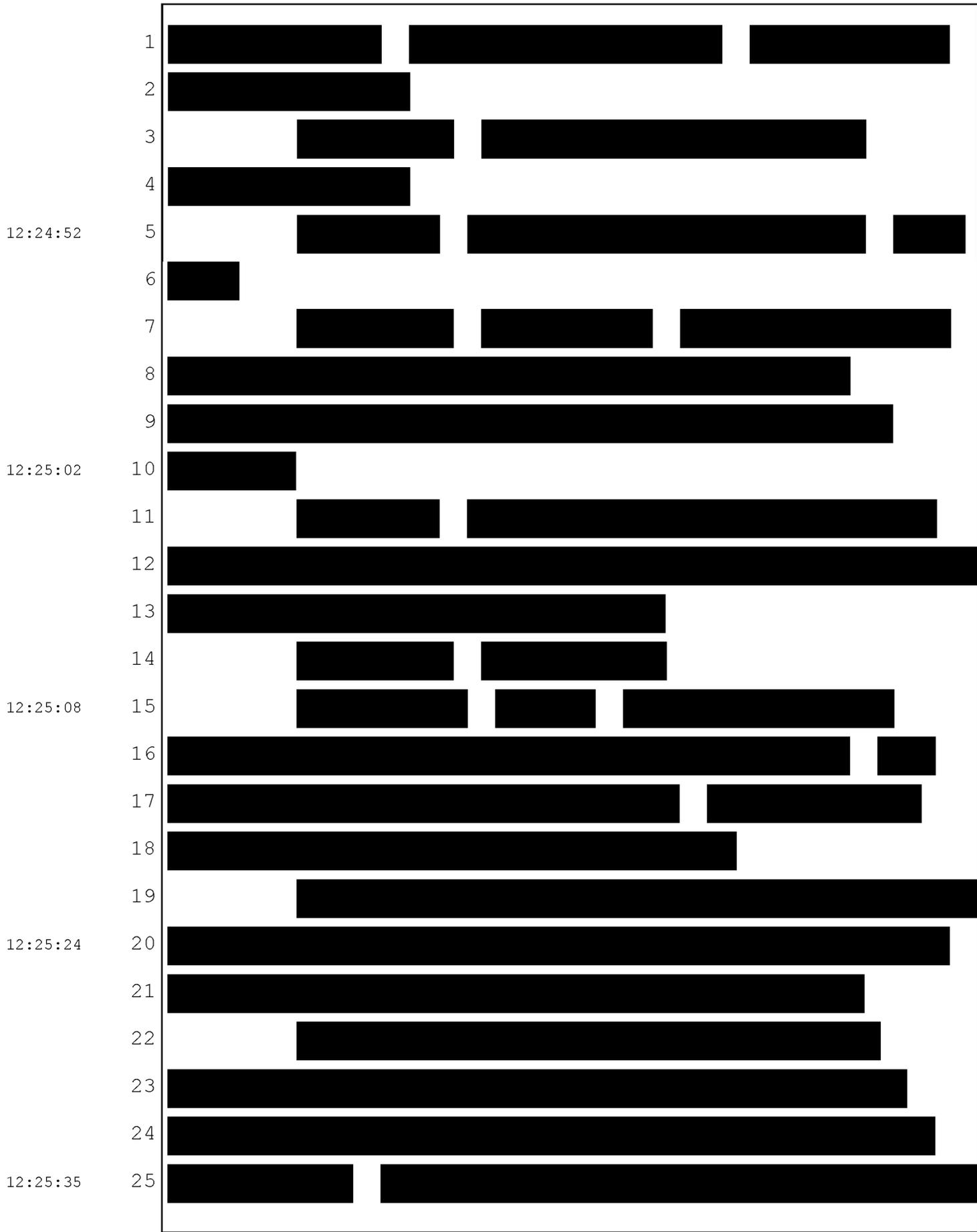
12:24:09

12:24:23

12:24:38

12:24:46





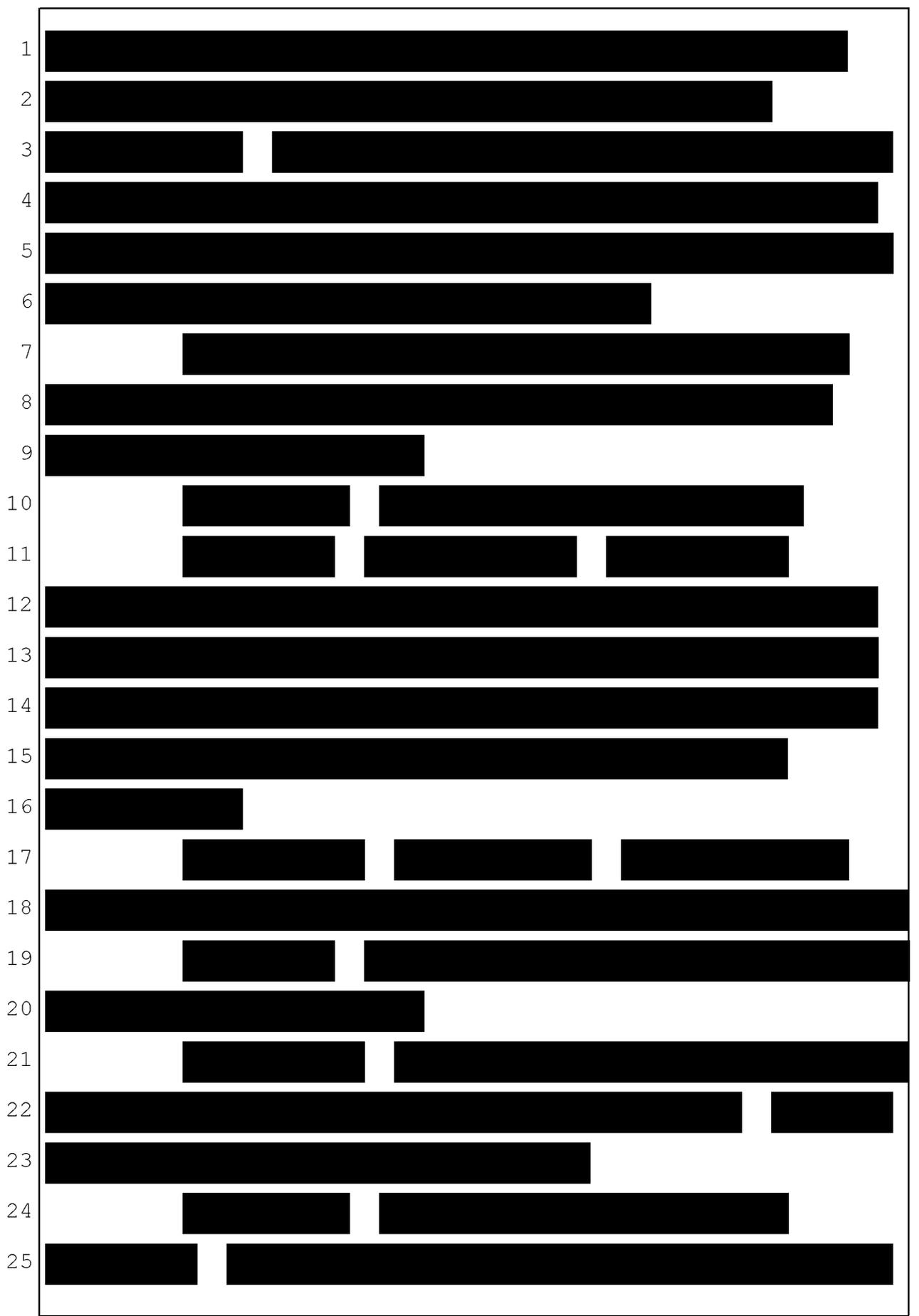
12:25:48

12:26:01

12:26:17

12:26:28

12:26:40



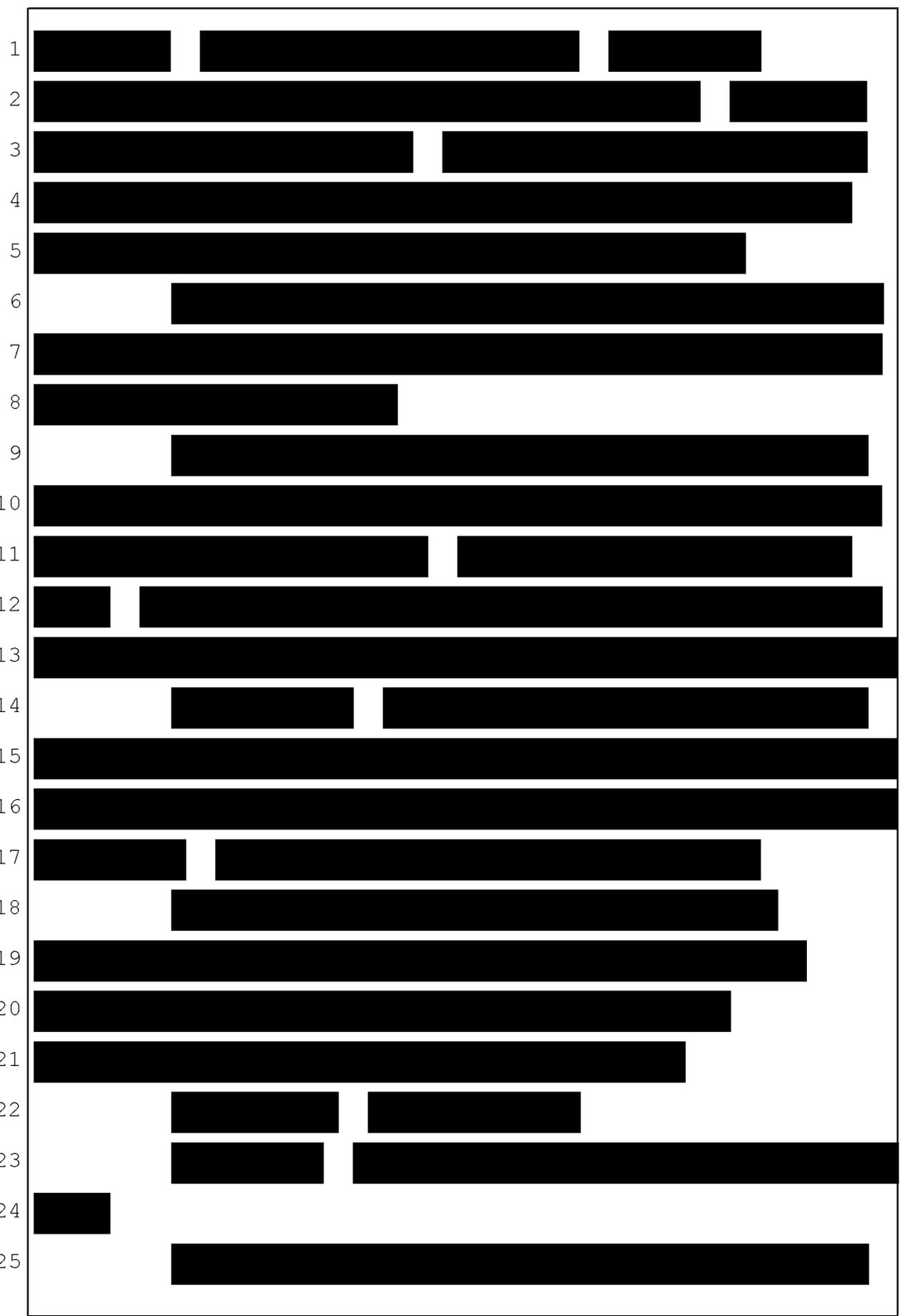
12:26:54

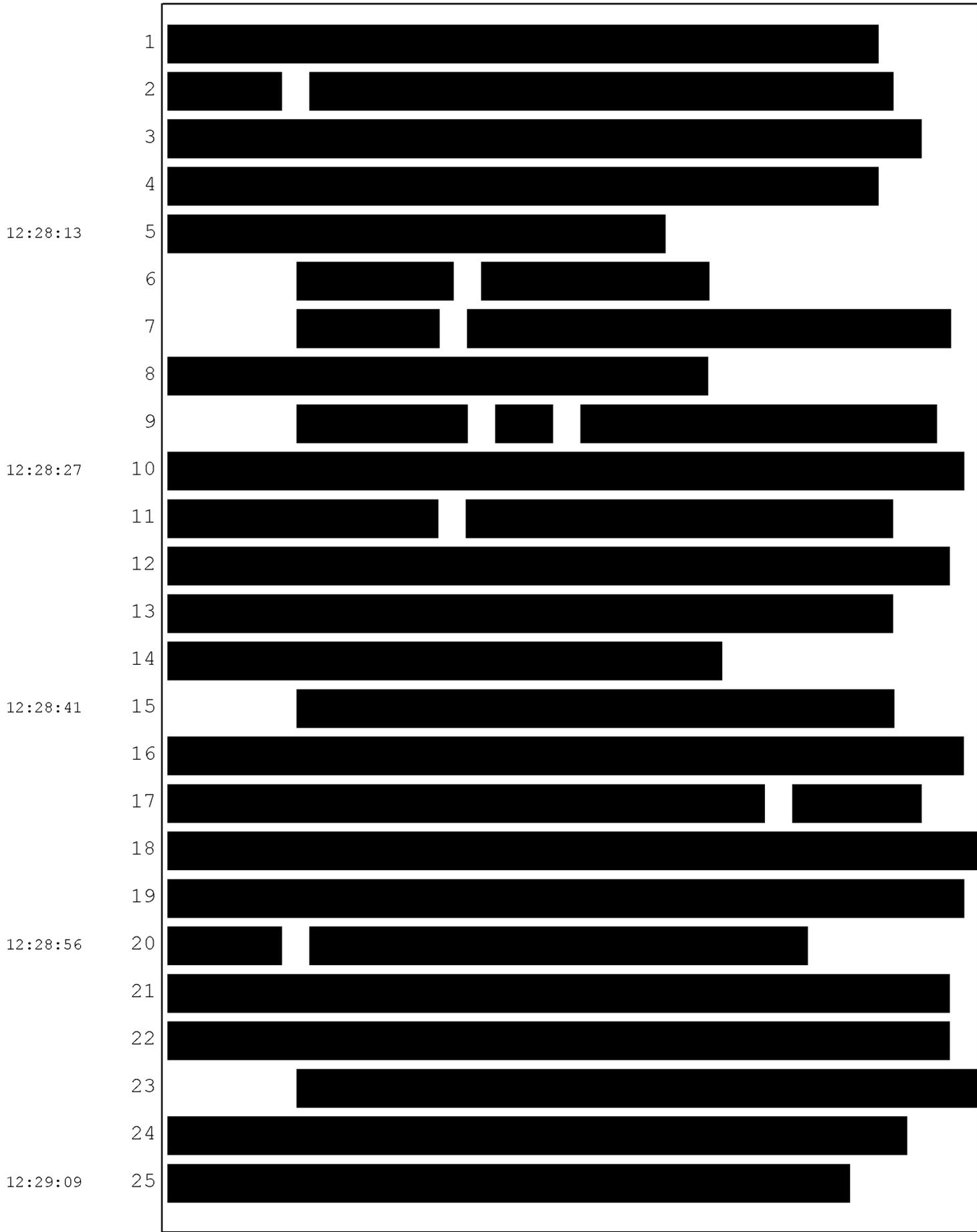
12:27:09

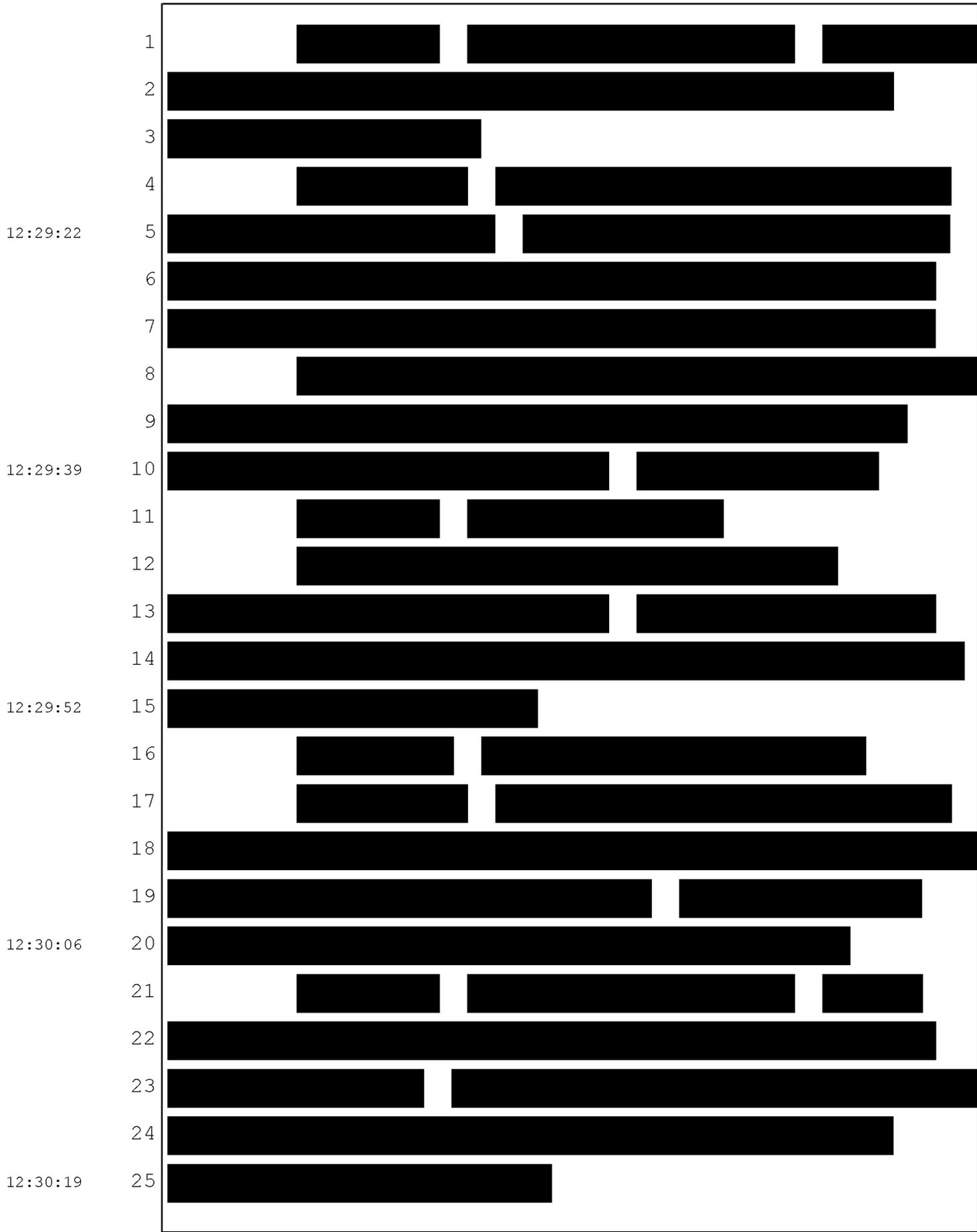
12:27:23

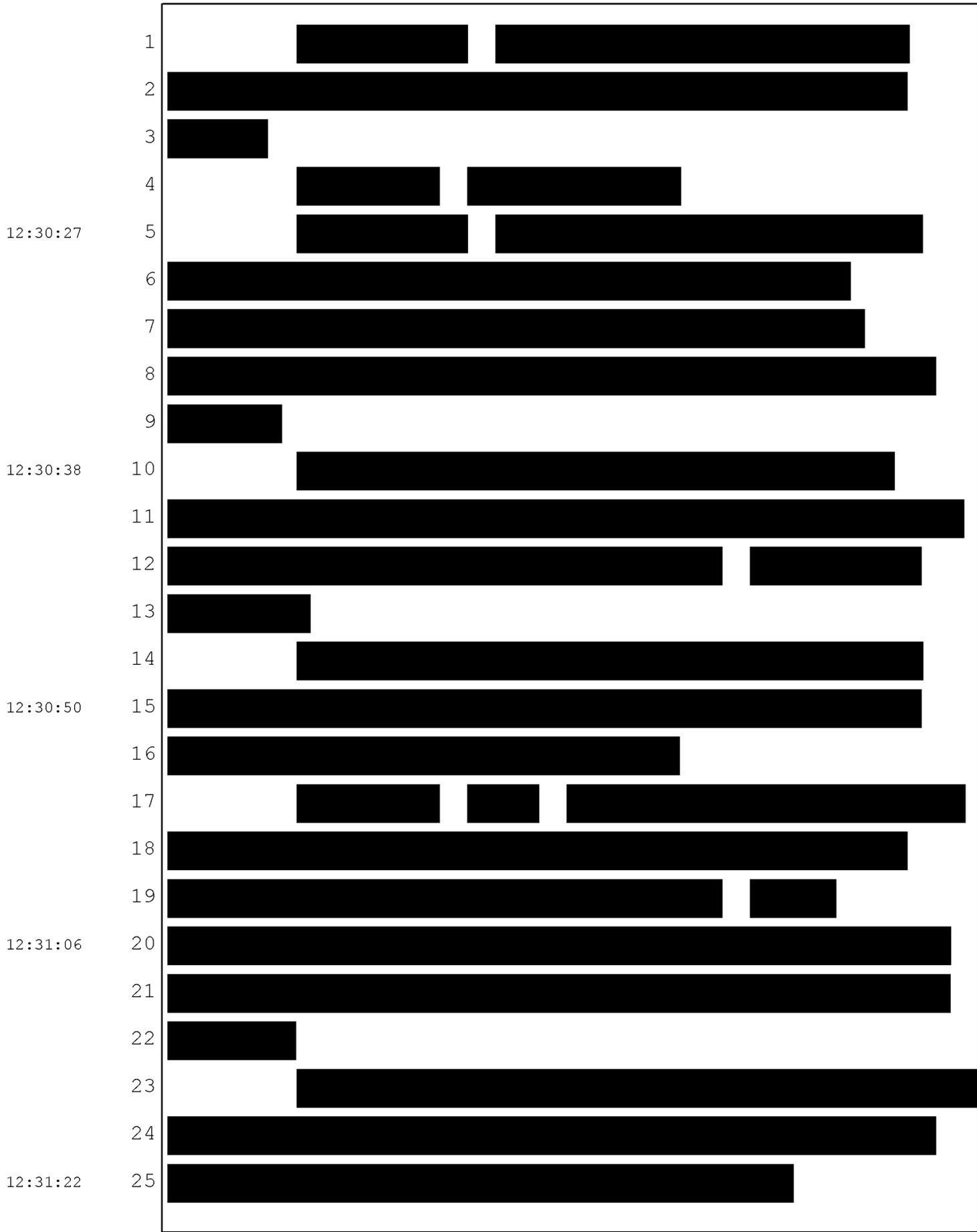
12:27:34

12:27:44









12:31:44

1 [REDACTED] [REDACTED]  
 2 [REDACTED] [REDACTED]  
 3 [REDACTED]  
 4 [REDACTED] [REDACTED]  
 5 [REDACTED]  
 6 [REDACTED] [REDACTED]  
 7 [REDACTED] [REDACTED]  
 8 [REDACTED] [REDACTED] [REDACTED]  
 9 [REDACTED]

12:32:01

10 (End library proceedings.)  
 11 (Recess.)  
 12 (Library proceedings.)

13:26:41

13 [REDACTED] [REDACTED] [REDACTED]  
 14 [REDACTED]  
 15 [REDACTED] [REDACTED]  
 16 [REDACTED] [REDACTED]  
 17 [REDACTED] [REDACTED]  
 18 [REDACTED] [REDACTED]  
 19 [REDACTED]

13:26:50

20 [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
 21 [REDACTED]  
 22 [REDACTED]  
 23 [REDACTED] [REDACTED]  
 24 [REDACTED] [REDACTED]

13:27:05

25 [REDACTED] [REDACTED]

13:27:12

1

2

3

4

5

6

7

8

9

13:27:30

10

11

12

13

14

13:27:34

15

16

17

18

19

13:29:49

20

21

22

23

24

13:31:55

25

(End library proceedings.)

THE COURT: All right. Welcome back, Ladies and Gentlemen.

Mr. Wisner, you may resume the video.

MR. WISNER: Thank you, your Honor.

Sorry, your Honor. We had to change out one

1 exhibit. We have redactions on it. It's just taking  
2 them a little longer.

3 THE COURT: That's fine.

4 And, Ladies and Gentlemen, we are resuming with  
13:32:43 5 the video of Dr. Martens.

6 (Video played.)

7 MR. WISNER: Your Honor, that concludes that  
8 deposition.

9 THE COURT: All right. Very well. Then are you  
14:15:58 10 ready to play your next --

11 MR. WISNER: Your Honor, before doing that, we'd  
12 like to read an admission into the record that's been  
13 agreed to by the parties.

14 THE COURT: Very well. Proceed.

14:16:11 15 MR. WISNER: This is request for mission number  
16 26. "Request: Admit that Monsanto never submitted the  
17 reports written by Dr. James Parry in 1999 on behalf of  
18 Monsanto regarding the genotoxicity of glyphosate and  
19 glyphosate-containing products to the US EPA."

14:16:30 20 "Response: To the extent that this request  
21 references MONGLY01312093-104 and MONGLY01314233-83,  
22 Monsanto admits that after reasonable inquiry into the  
23 information that is known or generally obtainable, it has  
24 not identified any documentary evidence that the  
14:17:07 25 referenced reports were submitted to the US EPA. To the

1 extent that this request references other documents,  
2 Monsanto cannot respond."

3 At this time, your Honor, we're going to play a  
4 second deposition video. This is Dr. William Heydens, a  
14:17:26 5 product safety specialist for Monsanto.

6 THE COURT: All right. Very well. You may  
7 proceed.

8  
9 VIDEO-TAPED TESTIMONY OF MR. HEYDENS

14:18:45 10 (Video played.)

11 MR. GRIFFIS: Your Honor, one of the jurors is  
12 seeking your attention.

13 THE COURT: Yes.

14 JUROR CLELAND: Can we have a restroom stop?  
14:53:21 15 I'm so sorry.

16 THE COURT: That's fine. It's time for the  
17 afternoon recess.

18 Ladies and Gentlemen, we'll take a 15-minute  
19 recess and resume again at 3:10 on the wall clock. All  
14:53:32 20 right. Thank you.

21 (Recess.)

22 THE COURT: Welcome back, Ladies and Gentlemen.  
23 All right. Mr. Wisner, you may resume.

24 MR. WISNER: Thank you, your Honor.

15:14:43 25 (Video played.)

1 MR. WISNER: Your Honor, that concludes the  
2 first half of it. I think we have a second day to show.  
3 This might be a good time to end for the day.

4 THE COURT: I think that's a good idea.

16:22:01

5 All right. Ladies and Gentlemen, we're going to  
6 adjourn for today. Let me take a moment to review the  
7 schedule with you.

16:22:15

8 As I said at the outset, we are not meeting  
9 tomorrow. Tomorrow's Wednesday. We're going to resume  
10 again on Thursday at 9:30, but we will be back in my  
11 courtroom, which is Department 504. This building, but  
12 one floor down, immediately below where we are. And  
13 we'll be in that department for the remainder of the  
14 trial, at least until the closing arguments. So

16:22:35

15 beginning on Thursday, please report to Department 504 at  
16 9:30. And we'll meet all day Thursday and Friday of this  
17 week.

16:22:50

18 Next week the schedule is a little bit different  
19 because we're going to be meeting Monday, Tuesday,  
20 Wednesday but not Thursday, and then again on Friday.  
21 And after that we'll be back to the normal dark on  
22 Wednesdays.

16:23:06

23 So let me remind you, please, during this break  
24 do not discuss the case with each other or with anyone  
25 else. Please do not do any research. And I know it's

1 hard to resist the temptation to read the media coverage,  
2 but please do your very best not to review any of the  
3 media coverage as well. Remember you have to make your  
4 decision based on the evidence you've heard here in  
16:23:22 5 court. So thank you. Enjoy your day off. We'll see you  
6 Thursday morning, 9:30.

7 And, Counsel, can you please remain.

8 (Jury leaves courtroom.)

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

16:26:42 15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

16:27:12 20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

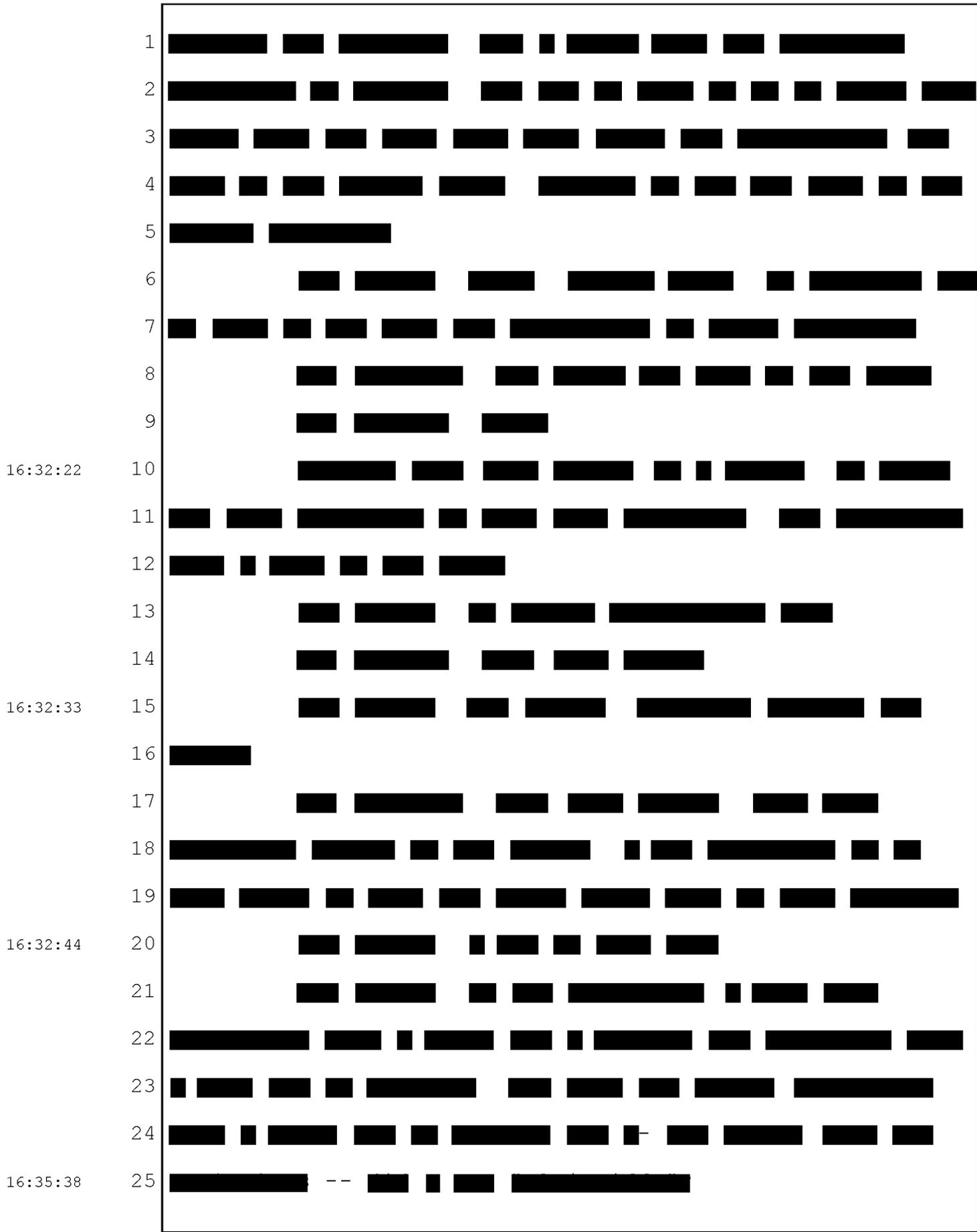
16:27:28 25 [REDACTED]

16:27:43 [REDACTED]







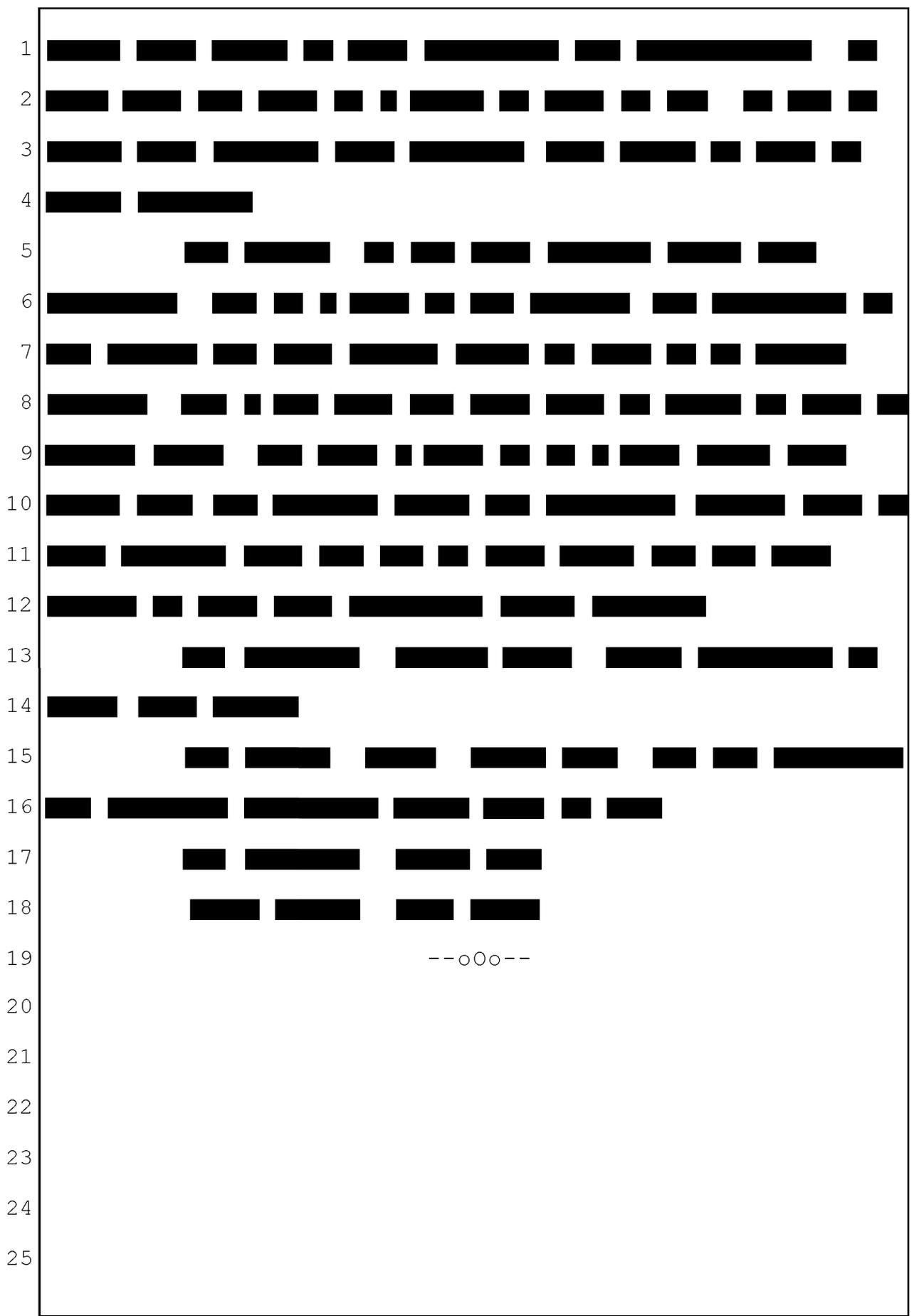




16:37:05

16:37:26

16:37:42



1 REPORTER'S CERTIFICATE

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I certify that the proceedings in the within-titled cause were taken at the time and place herein named; that the proceedings were reported by me, a duly Certified Shorthand Reporter of the State of California authorized to administer oaths and affirmations, and said proceedings were thereafter transcribed into typewriting.

I further certify that I am not of counsel or Attorney for either or any of the parties to said Proceedings, not in any way interested in the outcome of the cause named in said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand:  
July 10th, 2018.

<%signature%>  
Leslie Rockwood Rosas  
Certified Shorthand Reporter  
State of California  
Certificate No. 3462