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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 Monday, July 23, 2018,  
Volume 14, Afternoon Session, before the Honorable  
Suzanne R. Bolanos, at 1:28 p.m.

REPORTED BY:

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Pages 3197 - 3356

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1 Monday, July 23, 2018

2 1:28 p.m.

3 Volume 14

4 Afternoon Session

5 San Francisco, California

6 Department 504

7 Judge Suzanne Ramos Bolanos

8

9

PROCEEDINGS

10 13:27:56

10

11 THE COURT: Welcome back, Ladies and Gentlemen,  
12 Mr. Johnson.

13 Mr. Johnson remains under oath.

14 And, Mr. Dickens, you may proceed.

15 13:28:05

15

MR. DICKENS: Thank you, your Honor.

16

17 DIRECT EXAMINATION (Continued)

18 BY MR. DICKENS:

19 Q. Welcome back, Mr. Johnson.

20 13:28:10

20

A. Thank you.

21 Q. Before the break we were just talking about you  
22 generally. And it's my understanding that you're  
23 actually an author. You've written some books; is that  
24 right?

25 13:28:20

25

A. Yeah. I'm a published author. I've been

1 published twice. I have two books that's been published,  
2 and I'm working on the third book.

3 Q. And what are your books about?

4 A. My first book was called "My Opinion," and it  
13:28:33 5 was just that. It was my opinion on several different  
6 topics that I wanted to speak on, from life to death.

7 You know, just anything I wanted to talk about. It's  
8 called "My Opinion." And the second one was a fiction  
9 book, where I, kind of, just went on my little  
13:28:50 10 storytelling thing, and I had a -- that went out there,  
11 too. It's been published.

12 Q. And what's the name of that one?

13 A. That one is called -- I can't even remember the  
14 name, because I haven't even looked at it in a long time.  
13:29:05 15 But it really didn't do what I wanted it to do, so --  
16 yeah.

17 Q. Okay. And you said you're working on another  
18 one?

19 A. Another one called "Face Value."

13:29:13 20 Q. And what is "Face Value"? I mean, what are you  
21 writing about?

22 A. "Face Value" is about people and how they're  
23 judged by their faces and how they are perceived or how  
24 somebody might look at you and judge your race or  
13:29:27 25 whatever by looking at your face. You know, or you might

1 there.

2 A. Fifty-eight, okay.

3 Q. Okay. Can you -- what is this document here?

13:44:17

4 A. It looks like one of those evaluations that I  
5 would have as a supervisor.

6 Q. Okay. And on the next page, 59, there's a  
7 signature of an employee, dated October 19th, 2012. Is  
8 that your signature, Mr. Johnson?

9 A. Where on --

13:44:29

10 Q. On page 59.

11 A. Fifty-nine? Yeah, that's mine. By the date  
12 down there at the bottom?

13 MR. DICKENS: At this time, your Honor, we move  
14 to -- or I'll just publish Exhibit 69.

13:44:44

15 THE COURT: Any objection?

16 MS. EDWARDS: No, your Honor.

17 THE COURT: All right. Very well. Proceed.

13:45:04

18 Q. BY MR. DICKENS: All right, Mr. Johnson. So at  
19 the top, and back on page 58, Benicia Unified School  
20 District, once again, that's your employer; correct?

21 A. Yes.

22 Q. And the position at this time was the grounds  
23 integrated pest control manager.

24 Do you see that?

13:45:11

25 A. Yeah.

1 Q. And there's an evaluation date. What are those  
2 dates?

3 A. From 6/11/2012 to 10/19/2012.

13:45:25

4 Q. Okay. And is it your understanding that you  
5 began working as an integrated pest manager in June of  
6 2012?

7 A. Yes.

8 Q. So this would have been your first actual  
9 evaluation as integrated pest control manager?

13:45:34

10 A. I believe so.

11 Q. And I'll turn your attention to the first  
12 section under "Quality of Work."

13 Do you see that?

14 A. Yes.

13:45:44

15 Q. And the first sentence says, "Lee is learning  
16 from the ground up about grounds and pest management."

17 Do you see that?

18 A. Yes.

13:45:55

19 Q. Now, is that what you were describing before, is  
20 you didn't really have any experience in this. You were,  
21 kind of, learning as you went; right?

22 A. Exactly.

23 Q. And was there anyone there to teach you these  
24 things?

13:46:05

25 A. Roy was -- had extensive knowledge on a lot of



1 things. And other -- other employees there that have  
2 been there for half their lives, they were very good  
3 resources. You can go to those guys, and they can tell  
4 you some stuff, you know.

13:46:21 5 Q. In your role as integrated pest manager, were  
6 you responsible for supervising other employees?

7 A. I had two other guys that I was responsible for.

8 Q. Okay. And what would you have to do in your  
9 supervisory role with them?

13:46:33 10 A. So when we go out and we spray pesticides, you  
11 have to record how much you spray and where you spray it  
12 at. And that was my job, was that I would take their  
13 reports after I gave them their areas to spray, whatever.  
14 I would get their reports back, and then I had to input  
13:46:54 15 those into a computer system and send it out to the  
16 Sonoma County Ag Department.

17 And other things I was supposed to do was make  
18 sure they had their PPE on, make sure that they were safe  
19 and okay and had everything they need. Yeah.

13:47:09 20 Other than that, as a supervisor, my immediate  
21 supervisor definitely told me not to try to supervise  
22 these guys.

23 Q. And why is that?

24 A. Because they were my seniors, and they had been  
13:47:20 25 there 20, 30 years. So it's, like, "Don't try to

1 supervise them. Just come to me if you want them to do  
2 something. Then I'll tell them to do it. But don't you  
3 tell them."

13:47:32 4 Q. Okay. So your supervisor didn't have to  
5 supervise them?

6 A. Yeah. He protected my neck.

7 Q. Sounds like that's a good job.

8 If we could look at the work habits and  
9 attitudes, which is Number 3 in that section.

13:47:40 10 Do you see that?

11 A. Yes.

12 Q. And it says, "Lee has one of the best work  
13 attitudes at BUSD." Is that something that you wrote, or  
14 is that something that Mr. Owens wrote?

13:47:52 15 A. No, I didn't write that.

16 Q. Okay. Had you been told previously that you had  
17 one of the best attitudes at the school district?

18 A. Yes. More than once. Vacaville and Vallejo.

19 Q. And who at Benicia had told you that?

13:48:06 20 A. Roy had told me that. And other people, too.  
21 Teachers, supervisors from other departments. Yeah.

22 Q. While we have you on this same Exhibit 69, if  
23 you can turn to page 299. And let me know when you get  
24 there, Mr. Johnson.

13:48:37 25 A. I'm here.

1 Q. You beat me.

2 Okay. Can you identify what this document is,  
3 Mr. Johnson?

4 A. That is my job description.

13:48:53

5 Q. And is that something you received when you got  
6 your job in June of 2012?

7 A. Yeah, I remember getting this.

8 Q. Okay. What do you -- what do you remember about  
9 that?

13:49:00

10 A. I remember that it's extensively long. It's a  
11 lot of stuff to do. And I remember looking at this,  
12 thinking -- and I looked at Roy, and he was, like, "Don't  
13 worry about it. You'll get it."

14 Q. Okay.

13:49:13

15 A. Yeah, it's one of those things where they say,  
16 "This is your job and et cetera. And whatever else we  
17 tell you to do."

18 MR. DICKENS: Okay. At this time, your Honor,  
19 I'll move to publish again Exhibit 69.

13:49:25

20 THE COURT: Very well.

21 Q. BY MR. DICKENS: And as you were saying, this is  
22 your job description; is that correct?

23 A. It is.

24 Q. I want to go to your examples of your duties.

13:49:37

25 And there's -- as you said -- I mean, there's a whole

1 host of duties here. It goes onto the second page.

2 A. Exactly, yeah.

3 Q. And that's what concerned you initially when you  
4 were first hired; is that right?

13:49:51 5 A. Of course, yeah.

6 Q. So the first thing I want to direct your  
7 attention to is the second bullet point.

8 A. Yes.

9 Q. And it says, "Mix and apply pesticides,  
10 herbicides, fungicides, et cetera, as necessary, in  
11 accordance with applicable rules and regulations."

12 Was that one of your job duties as integrated  
13 pest manager?

14 A. Yes, it was.

13:50:19 15 Q. And can you tell us what type of pesticides,  
16 herbicides, fungicides you used in your role as  
17 integrated pest manager at Benicia?

18 A. I used to use a solution called Orange Guard for  
19 my insects and ants and things like that. I would use  
13:50:38 20 Orange Guard.

21 Q. And what is Orange Guard?

22 A. Orange Guard is a citrus-based spray. So it had  
23 no chemicals in there. It has nothing that's harmful to  
24 anything except small insects. They can't take it,  
13:50:52 25 because it's just too strong and pungent. And because

1 they're getting wet, they have no way out. And it  
2 doesn't leave a -- chemicals in the class, and it doesn't  
3 leave a bad smell in the class, where they could continue  
4 their day.

13:51:02

5 Q. It says, "Mix pesticides, herbicides and  
6 fungicides." Did you ever have to mix any other -- you  
7 know, you didn't have to mix Orange Guard; right?

8 A. No, that came mixed. You could buy that from  
9 the hardware store.

13:51:14

10 But I had to mix Roundup and Ranger Pro. We  
11 started out with Roundup when I first went there. We  
12 didn't mix that. We just grabbed a bottle from the  
13 store, and we used it. But it didn't last enough. So we  
14 ended up getting a 50-gallon drum of Ranger Pro. And it  
15 was a little stronger, too. From what I was told, that  
16 Ranger Pro had a little bit more kick to it.

13:51:29

17 Q. So if we can take a step back. When you first  
18 started as integrated pest manager, you were using just  
19 an over-the-counter Roundup?

13:51:44

20 A. Yes.

21 Q. And at some point you switched over to using  
22 Ranger Pro?

23 A. Right.

13:51:51

24 Q. Was there any difference between Roundup and  
25 Ranger Pro, other than the strength?

1           A. Yeah. Ranger Pro doesn't come mixed, unless you  
2 buy it in that little gallon or whatever they have a  
3 small bottle of. And Ranger -- I mean, the other stuff,  
4 Roundup, that comes mixed. I've never seen somebody  
13:52:05 5 mixing Roundup or heard anybody having to mix their  
6 Roundup. I think that comes mixed. I'm not sure, but I  
7 think it comes pre-ready.

8           Q. Okay. So Roundup, you could just go out and  
9 spray, but Ranger Pro you actually had to mix that before  
13:52:19 10 spraying?

11          A. Yes, you do.

12          Q. Do you have an understanding that other than the  
13 fact you had to mix it, it was essentially the same  
14 product?

13:52:25 15          A. I didn't really look at it as the same product.  
16 When they introduced me to Ranger Pro, I felt like we  
17 were using the product that came from the same company  
18 but a stronger version, to get rid of what we needed to  
19 get rid of.

13:52:40 20          Q. Okay. When you say "the same company," do you  
21 have an understanding that Monsanto manufactures both of  
22 those?

23          A. Now I do, yes.

24          Q. Okay. And do you also -- do you know now that  
13:52:48 25 both of those include the active ingredient of

1 glyphosate?

2 A. Yes, I do know that now.

3 Q. Along with other ingredients as well?

4 A. Yes.

13:52:55

5 Q. How long did you actually use the Roundup? I  
6 think you said you used it a little bit before switching  
7 over to the Ranger Pro.

8 A. Yeah, I remember we only used that Roundup,  
9 like, a few times, because it was not enough. Because  
10 they wanted me to spray with this -- with this tank. So  
11 you go pouring Roundup into that tank, trying to -- it  
12 just wouldn't work.

13:53:08

13 So that was -- I think that was for smaller  
14 areas. And they wanted me to do hillsides and -- and  
15 whole perimeters of schools, theirs outsides or whatever,  
16 parking lots, whatever. So we needed more. And it  
17 wasn't -- you couldn't get more Ranger -- I mean, more  
18 Roundup unless you just bought a bunch of bottles.

13:53:22

19 Q. Okay. It says you mixed and applied those in  
20 accordance with applicable rules and regulations. How  
21 did you know what those rules and regulations were?

13:53:40

22 A. Well, that's what the whole thing is, when you  
23 get your QAC.

24 Q. And just so we know, what's a QAC?

13:53:52

25 A. A QAC is a qualified applicator certificate.

1 And that's what you -- you know, when you get to the laws  
2 and regulations, you learn the laws and regulations to  
3 get that license -- to get your certification.

4 Q. And did you get that certification?

13:54:07

5 A. I did.

6 Q. But had you been spraying Roundup or Ranger Pro  
7 before obtaining, kind of, certification or license?

8 A. Yes.

13:54:20

9 Q. Did you need a license or certification in order  
10 to spray Roundup or Ranger Pro?

11 A. Well, the way that works is that, no, you don't  
12 need a license to spray Ranger Pro or Roundup. But if --  
13 if you did, my supervisor at that time, Roy Owens, he had  
14 a license. So just like if I have a license, people can  
15 spray under me. They are under my license. Just like I  
16 was under his license in the beginning, is the way he  
17 looked at it.

13:54:37

18 Q. All right. Did you spray any other chemicals --  
19 did you spray them while at Benicia -- other than the  
20 Roundup or Ranger Pro?

13:54:50

21 A. No.

22 Q. Prior to getting your job as integrated pest  
23 manager, did you ever spray chemicals at home or in any  
24 other capacity?

13:54:59

25 A. No. I used to even have my own landscaping



1 business called Earth Movers. And I never used any -- I  
2 didn't even look or think about Ranger Pro or Roundup.  
3 We used different methods, of course, in people's homes.  
4 We don't bring chemicals to people's homes.

13:55:17

5 Q. So the only chemicals that you ever sprayed in  
6 your job at Benicia or otherwise was Roundup and Ranger  
7 Pro?

8 A. Pretty much.

13:55:28

9 Q. You mentioned the different schools. Would you  
10 be spraying those at schools?

11 A. Oh, yes.

12 Q. How many schools, roughly, were you responsible  
13 for spraying the Roundup and Ranger Pro?

13:55:38

14 A. All the schools. That's five or six sites.  
15 Including the fields, baseball fields and football  
16 fields, so -- yeah, which is the part of the school site  
17 itself, because some of them were apart. One or two are.

13:55:57

18 Q. Is the Ranger Pro -- I think you mentioned -- is  
19 that something you can just go to, like, a regular store,  
20 Home Depot, and buy?

21 A. You cannot buy Ranger Pro at Home Depot. You  
22 have to buy Ranger Pro from a certified dealer that sells  
23 landscaping materials and tools.

13:56:08

24 Q. Okay. Where would -- do you know where the  
25 school would purchase their Roundup -- or their Ranger

1 Pro from?

2 A. It was my responsibility to purchase it. I  
3 purchased it from a store in Concord called Horizon.  
4 Horizon Irrigation & Landscaping.

13:56:21 5 Q. Were you involved in the process of deciding to  
6 use Ranger Pro or to use that kind of an herbicide to  
7 spray for the school?

8 A. What I had decided is that those bottles were  
9 too small. So then that's when my supervisor suggested,  
13:56:38 10 "Well, maybe we should get a 50-gallon drum of Ranger  
11 Pro. It's stronger anyway." So I'm, like, "Yeah. We  
12 might as well." Because other than that, we're going to  
13 keep going and buying bottles. Maybe twice a week, you  
14 know, so -- no, we don't want to do that. So it saved  
13:56:50 15 time.

16 Q. So you'd buy huge 50-gallon barrels of Ranger  
17 Pro? Is that --

18 A. Yes.

19 Q. And what did you do? Would you use it right  
13:56:59 20 from the 50-drum barrels to mix it with?

21 A. No. So when we get those bottles of -- we  
22 started out with the bottles of Ranger Pro. And they  
23 were just a small -- they're bigger than a gallon of  
24 milk. There must be a couple of gallons in there. Maybe  
13:57:15 25 five. And it's, you know, a small, little bottle. And

1 you keep that.

2           So we would empty those out once we're done, and  
3 we would keep them. And then we would pump out of the  
4 50-gallon drum straight into the bottle, and then we'd  
13:57:26 5 take that with us to our different sites.

6           Q. At this time, I'm going to show you,  
7 Mr. Johnson -- it's Plaintiff's Exhibit 1041.

8           Mr. Johnson, is this an example of that actual  
9 drum?

13:57:37 10          A. Yep.

11          Q. Okay. And this is the drum of the Ranger Pro  
12 that --

13          A. No, that's not the drum. That's the bottle.

14          Q. Okay. So that's the -- you'd get the big -- I  
13:57:46 15 probable wouldn't be lifting a 50 --

16          A. You'd roll that out with a dolly.

17          Q. Exactly. No one ever thought I was strong  
18 enough for that.

19                 But you'd take the 50-drum barrel and mix it in  
13:57:59 20 here?

21          A. No, we wouldn't mix it in there. We'd put  
22 straight Ranger Pro in there.

23          Q. Okay. So this would be straight Ranger Pro?

24          A. And then we would mix it with water. And then  
13:58:06 25 you'd get your juice. What we call it, the juice.

1 Q. Okay. And so everyone who you worked with who  
2 would spray this would have their own bottle?

3 A. Definitely.

4 Q. Okay. And you had one?

13:58:14

5 A. Yes.

6 Q. From the time you began working in 2012 to 2016?

7 A. No. After we figured out that we had to, you  
8 know, do our maneuvers to make sure we weren't using so  
9 many bottles. So after that, then we kept the bottles,  
10 and we kept it moving from there.

11 MR. DICKENS: At this time, your Honor, I'm  
12 moving to admit Plaintiff's Exhibit 1041.

13 THE COURT: Any objection?

14 MS. EDWARDS: No, your Honor.

13:58:35

15 THE COURT: Very well. It may be admitted.

16 (Exhibit 1041 admitted into evidence.)

17 Q. BY MR. DICKENS: We talked about you spraying  
18 other chemicals or pesticides. Were you ever exposed to  
19 any other chemicals or pesticides as integrated pest  
20 manager? You know, herbicides or pesticides, in your  
21 position at that job.

13:58:52

22 A. Yeah. I had two exposures to Ranger Pro at  
23 Benicia Unified School District.

24 Q. How about other than Ranger Pro? Any other  
25 exposures other than that?

13:59:06

1           A. Only other things that I had a little splash  
2 of -- or a -- Henry's roofing patch got on my pants, and  
3 it just -- I had to throw the pants out because it's like  
4 tar, so I couldn't get it out of my pants.

13:59:18

5           Q. I'm sorry.

6                     With the Roundup and the Ranger Pro, did you  
7 receive any type of training specific to the spraying of  
8 Roundup or Ranger Pro?

13:59:32

9           A. There was a lady named Leanne Schroeder that  
10 used to come from Horizon. And she would come, you know,  
11 every year. And she would sit us down at the table at  
12 the maintenance yard, and she had her little papers, and  
13 she went over some facts and some -- and some safety  
14 training and some options that you might have and things  
15 like that. And what you should do and where you  
16 shouldn't spray stuff and how to protect drains. And she  
17 just gave us a little general safety training.

13:59:47

18                     And at the end, you signed a paper, and she  
19 certified you as able to spray Ranger Pro.

14:00:01

20           Q. Do you remember anything about that training or  
21 what you were told with respect to the safety of Roundup  
22 or Ranger Pro?

23           A. The funny thing about it that I will never  
24 forget is she said that it's safe enough to drink. You  
25 know, she told us that in training. Said, "Oh, don't

14:00:13

1 worry. It's safe enough to drink. But don't drink it,  
2 you know. And, you know, be careful. It's not something  
3 to play with. But you don't have to worry too much about  
4 it."

14:00:23

5 Q. Was there any discussion at those training  
6 sessions with respect to whether or not Roundup or Ranger  
7 Pro could cause cancer or any health effect to you, as a  
8 human?

9 A. Not at all.

14:00:35

10 Q. So Roundup -- well, let's talk Ranger Pro. You  
11 used more Ranger Pro. Just so we don't get confused.

12 The Ranger Pro that you used, did that come with  
13 any type of warnings?

14:00:48

14 A. It came with a label, you know. And they come  
15 also with a safety precaution sheet, which you have to  
16 check out and have handy to show when you need to.

17 Q. And that -- you said it comes with a label. Did  
18 you actually review that labeling prior to spraying the  
19 pesticide?

14:01:01

20 A. The requirement of the laws and regulations is  
21 that you must keep that instruction manual in -- it's  
22 like a little -- I don't know how -- it's about the size  
23 of this phone (indicating), and it flips. So imagine  
24 this being a flip -- a paper that you can open up, and  
14:01:17 25 you have your instructions and your -- and your manual.

1 It's a portable manual, really, of everything that's  
2 going on with Ranger Pro.

3 Q. And how often would you review that?

4 A. Every time I sprayed.

14:01:31 5 Q. You reviewed the label every time?

6 A. Every time.

7 Q. And why would you review it every time?

8 A. Because it's important that you get the same mix  
9 every time that you're looking for, because 1 percentage

14:01:42 10 more could kill a tree or it could kill something that  
11 you want, so you want to use the exact percentage.

12 And I've had that training way back in the day.

13 I was a prep cook trainer for Applebee's, and I would  
14 train managers that were going the open up new stores.

14:01:57 15 So this is actually a good example, because the  
16 Applebee's manual -- I mean recipe book is like this, and  
17 bigger, right? So if you're making pico de gallo or  
18 you're making guacamole or -- you've done it a thousand  
19 times, right, you have to have that recipe out. And that

14:02:15 20 was a part of the rules of Applebee's, and it was  
21 something that I learned, because the managers were  
22 watching me in training, and my manager that ran the  
23 restaurant was watching, so it's just one of those  
24 things.

14:02:25 25 And you forget, so I just kept that with me all

1 the time, because it was something that I'd already been  
2 trained to do, and it was a part of the laws and  
3 regulations that you need to have that. It's like a  
4 pocket pamphlet. It's made to keep, you know, handy.

14:02:38

5 Q. If you can, Mr. Johnson, turn to Exhibit 848 in  
6 your binder.

7 A. Is that still in the 69?

8 Q. No. It's actually Exhibit 848 --

9 A. Oh, way in the back.

14:02:51

10 Q. -- all the way in the back.

11 A. 848?

12 Q. 848. That's right.

13 A. Okay.

14:03:01

14 Q. Is this the labeling that you actually reviewed  
15 while you were spraying at the Benicia School District  
16 for Ranger Pro?

17 A. This is.

18 MR. DICKENS: At this time, your Honor, we'll  
19 move to admit and publish Plaintiff's Exhibit 848.

14:03:15

20 THE COURT: Any objection?

21 MS. EDWARDS: No objection, your Honor.

22 THE COURT: Very well. You may proceed.

23 (Exhibit 848 admitted into evidence.)

14:03:24

24 Q. BY MR. DICKENS: Now, Mr. Johnson, you mentioned  
25 that you had a document that was, kind of, folded up, and



1 you said it was about the size of the phone. Is this  
2 what you're looking at in just a different format?

14:03:38 3 A. Yeah. As I just flipped through, it's exactly  
4 this same document, and, like, on that bottle, it will  
5 have the same thing, but it will have a little sticky  
6 pamphlet. Just like I said, it's about the size of this  
7 phone, and it sticks on. That's not even the same one.  
8 It comes with a little one just like this, and it's stuck  
9 on there. And you take that off, and you put it in your  
14:03:52 10 truck or you put it in your shirt pocket, and you can  
11 refer to it at any time.

12 Q. Okay. So this, as you can see, comes right off;  
13 correct?

14 A. Uh-huh.

14:04:00 15 Q. And so this -- there was a smaller one on the  
16 version --

17 A. On the front -- yes. Stuck right on top of that  
18 Ranger Pro.

19 Q. And that's what you kept with you?

14:04:06 20 A. Yes.

21 Q. And that's what you reviewed every time?

22 A. Oh, yes.

23 Q. If we can look at the actual label.

24 Mr. Johnson, there is a section here that says,  
14:04:18 25 "Caution."

1 Do you see that?

2 A. Yes.

3 Q. And it says it causes eye irritation.

4 Do you see that?

14:04:26

5 A. I do.

6 Q. And then it has some numbers there; correct?

7 A. Yes.

8 Q. At any point in reviewing the label, did you see  
9 anything other than, you know, general caution

14:04:40

10 information? Did you see anything else about the side  
11 effects it could cause to you as a sprayer?

12 A. No, not at all.

13 Q. Did you ever see anything in the labeling that  
14 you reviewed every time about whether or not Ranger Pro  
15 was associated with cancer?

14:04:54

16 A. No.

17 Q. Did you ever see anything that it was associated  
18 with non-Hodgkin's lymphoma?

19 A. No, I didn't.

14:05:04

20 Q. Had you seen something, that Ranger Pro could  
21 cause non-Hodgkin's lymphoma or cancer, would you have  
22 sprayed this product?

23 A. I would never have sprayed that product on  
24 school grounds or around any people if I knew it would  
25 cause them harm.

14:05:19

1 Q. And why is that?

2 A. It's just unethical. It's not what you would  
3 do. It's wrong. I have children that go to school, and  
4 I've been in schools, and people just don't deserve that.  
14:05:31 5 They deserve better.

6 Q. Mr. Johnson, didn't you keep spraying after you  
7 had been diagnosed with cancer?

8 A. Yes.

9 Q. At that point, when you continued the spraying  
14:05:43 10 even after cancer, were you aware that this Ranger Pro  
11 could cause cancer?

12 A. I wasn't aware, but I started to, kind of, have  
13 a feeling.

14 Q. Well, did you ever tell your employer? Did you  
14:05:56 15 ever ask them to stop spraying?

16 A. Yeah, I went to Mr. Owens, and I spoke to him  
17 about it, and it was weird. He told me, you know, "It  
18 takes, like, two years for you to get cancer from that  
19 stuff." I'm, like, "What?" I said, "You can get cancer  
14:06:11 20 from it?" He said, "Yeah, you didn't know?" I said,  
21 "No, I didn't know that." You know, so that was my first  
22 time finding out when he told me, "It takes years for  
23 that stuff to give you cancer." I'm like, "Oh, come on,  
24 man. It gives you cancer eventually?" So I wasn't happy  
14:06:24 25 about that at all.

1 Q. And once again, Mr. Owens was your supervisor;  
2 right?

3 A. He was.

4 Q. Did you -- and Dr. Ofodile testified she  
14:06:35 5 actually wrote a letter on your behalf; right?

6 A. She did.

7 Q. Did the school eventually allow you to not  
8 continue spraying?

9 A. After I refused to totally stop spraying. They  
14:06:46 10 didn't do anything until I told them I refused to spray.

11 Q. So once you received more information, you  
12 actually refused to -- stopped spraying this stuff?

13 A. Definitely.

14 Q. If we can keep looking in this particular  
14:07:00 15 document. Did you take any other precautions when you  
16 were spraying the Ranger Pro?

17 A. Yeah. There's something called PPE, which is  
18 your personal protection equipment. And I wore a full  
19 body Tyvek suit. I wore chemical-resistant rubber  
14:07:17 20 gloves, chemical-resistant rubber boots, eye goggles and  
21 a paper mask.

22 Q. And if you go look at the actual labeling on  
23 your screen there, there is a section with respect to  
24 personal protective equipment; correct?

14:07:34 25 A. Yes.

1 Q. And you reviewed that prior to spraying?

2 A. Of course.

3 Q. This states that: "Applicators and other  
4 handlers must wear a long-sleeved shirt and long pants,  
14:07:44 5 shoes, plus socks."

6 Do you see that, Mr. Johnson?

7 A. I do.

8 Q. It doesn't mention anything about Tyvek or  
9 goggles or anything else, does it?

14:07:56 10 A. No.

11 Q. So why did you decide to wear all of that?

12 A. Because I knew I was applying a chemical, and if  
13 it could kill weeds, I'm pretty sure it could kill me, is  
14 the way I looked at it, so I didn't play with that stuff  
14:08:13 15 at all. I took it seriously, and that's why I wore  
16 anything I could to protect myself.

17 Q. Okay. So you were just worried that without any  
18 knowledge about anything you were doing, you know, I just  
19 want to be safe?

14:08:24 20 A. Exactly.

21 Q. Okay. And safety is something you took into  
22 consideration?

23 A. Safety is number one.

24 Q. And did you have an understanding that even  
14:08:31 25 though you decided to be safe, you didn't actually know

1 that this product could cause cancer, though; right?

2 A. No.

3 Q. And you didn't actually think it could, you  
4 know, kill you, did you?

14:08:41

5 A. I didn't know at all. I mean, the "cide" -- the  
6 word "cide" means kill. You learn that an -- as a  
7 pesticide applicator, that that's what that means, so  
8 anything that says "cide," "pesticide" means to kill, so  
9 I took it seriously like that. I don't know what it will

14:09:00

10 do, so it's a mystery, so you don't want to find out  
11 later.

12 Q. Okay. And the actual product that you were  
13 spraying and you were trying to kill the weeds in the  
14 ground; right?

14:09:10

15 A. Exactly.

16 Q. And so that's what you're talking about with  
17 respect to, you know, trying to kill, you knew it would  
18 kill the weeds, that was the whole purpose?

19 A. Exactly.

14:09:19

20 Q. Now, if you can turn your attention to the third  
21 page of this document, and specifically, there is a  
22 section for application equipment and technique.

23 Do you see that?

24 A. Number 7?

14:09:48

25 Q. That's right.

1 A. Yes.

2 Q. And it says, "Avoid drift. Extreme care must be  
3 used when applying this product to prevent injury to  
4 desirable vegetation."

14:09:58 5 Do you see that?

6 A. Yes.

7 Q. And so the spray drift management, that's  
8 talking about injury not to you as a human, but to actual  
9 plants or other trees; right?

14:10:10 10 A. Right.

11 Q. Okay. Do you know what they mean by "drift"?

12 A. Drift is something that happens that -- when  
13 you're spraying with your wand, right, and it comes out  
14 the top of the nozzle and the juice comes out, drift  
14:10:25 15 is -- say if I want to hit that square here, the dark  
16 one, and it drifts and it hits the chair or it hits one  
17 of these ladies in the front row because a little bit of  
18 wind hits the stream coming this way, and it hits it this  
19 way, you get a drift. It's just -- it from air. It's  
14:10:42 20 from wind. And if -- you know, how big the droplets are  
21 will decipher how far the drip will go.

22 Q. And so in reading this label with respect to  
23 spray drift, it's talking about damage or destruction to  
24 crops, plants, other types of areas; right?

14:11:02 25 A. Yes.

1 Q. But it doesn't say anything about damage or  
2 destruction to you as the actual applicator; right?

3 A. No.

4 Q. You mentioned the Tyvek and the protection that  
14:11:17 5 you wore. Can you just describe, for the jury who may  
6 not be familiar with Tyvek, what is Tyvek?

7 A. Tyvek is, sort of, like, compared to, like, a --  
8 how a mechanic wears a coverall, the whole coverall suit.  
9 Tyvek is just like that, except it's made from some  
14:11:35 10 different type of material that almost looks like -- I  
11 don't know. I don't know what they call it, but it's  
12 supposed to keep things off of your -- off of your body  
13 and off your person.

14 Q. Okay. Did you actually wear a mask at the time  
14:11:46 15 you were spraying?

16 A. Yeah. Basically a mask.

17 Q. Okay. When you were spraying, you know, talking  
18 about the spray drift, you talked about if you're aiming  
19 for somewhere, drift would come and could get other  
14:11:59 20 areas, other plants?

21 A. Yes.

22 Q. Would you ever get any spray drift on you?

23 A. I felt drift on my face a lot, yeah. On my  
24 cheeks, ears and neck I felt it a lot of times.

14:12:12 25 Q. When you say "a lot," was it at least every time



1 you did it?

2 A. I would say at least 80 percent of the time. It  
3 just depends on where you are in Benicia. You might get  
4 that little gust of wind. You might have a great day  
14:12:23 5 like it is outside today, and you might hit a corner  
6 because -- it's right on the water. I don't know if  
7 you've ever been to Benicia, but it sits right on the  
8 water, and it's different weather in that whole town, and  
9 it's strange. So it was kind of hard to master the whole  
14:12:37 10 drift thing.

11 Q. Did you choose days or do anything else to  
12 prevent drift onto you?

13 A. Oh, yeah. It's the applicator's responsibility  
14 to actually monitor the weather. We even had a  
14:12:48 15 monitoring system that we can monitor the weeks ahead,  
16 because it was -- our irrigation system was hooked to it  
17 also, but, yeah, we had to make sure -- like, we'd watch  
18 the weather, watch the news, watch the weather machines  
19 and just pick out that perfect day where it's humid, sun  
14:13:02 20 high and no wind and no water coming anytime soon. That  
21 was the perfect time to spray.

22 Q. And you actually did that; right?

23 A. Yes.

24 Q. And even though you tried to choose the perfect  
14:13:13 25 weather, you would still get the drift on you at least

1 80 percent of the time?

2 A. It's kind of unavoidable. You can't know how  
3 the weather's going to go, and it changes all the time.

4 Q. How much -- how many days per year were you  
14:13:26 5 actually spraying at Benicia?

6 A. It could vary. You know, we would spray -- for  
7 a few months in the summer, we would go hard, just, you  
8 know, because it was summertime and it was the time to do  
9 it. And then during the winter sometime, like, once  
14:13:39 10 things were cleaned up, we got a little bit of clear  
11 weather, like, sometime in California you can get that  
12 wintertime where it's just nice, and then you get more  
13 weeds. We'd have to go out and spray in the winter  
14 sometimes. So we did it, like, an as-needed type of  
14:13:58 15 thing, you know what I mean, to keep the weeds under  
16 control.

17 Q. So it sounds like you would spray mainly, you  
18 know, from the spring through the summer; is that fair?

19 A. Yes.

14:14:07 20 Q. But then there would also be certain times  
21 during the fall and winter you'd have to spray as well?

22 A. Yes.

23 Q. And did you get drift even if was the spring,  
24 summer, fall or winter?

14:14:18 25 A. Of course it's less in the spring. It's not

1 really easy to find those days in the winter that you can  
2 get it on, but some days, like I said, you get those days  
3 in in California where it's really hot in the winter  
4 sometimes. It's just weird weather. And then we get the  
5 pop-ups again. Stuff started popping up like popcorn  
6 everywhere, and you've got to go out and shoot it down.

14:14:33

7 Q. Okay. And when you say that, you're talking  
8 about the weeds?

9 A. I'm talking about the weeds.

14:14:40

10 Q. Okay. And you'd have to go out and spray them  
11 even in the winter because they pop up?

12 A. Right.

13 Q. If you can turn, Mr. Johnson, to Exhibit 6 in  
14 your binder, which I believe is the first tab.

14:15:06

15 And this is a photograph. Is this a picture  
16 that you took, Mr. Johnson?

17 A. Yep.

18 Q. And is this at your place of employment?

19 A. That is. That's at the high school, actually,  
20 in the back of the high school.

14:15:14

21 MR. DICKENS: At this time, your Honor, we'll  
22 move to admit and publish Plaintiff's Exhibit Number 6.

23 THE COURT: Any objection?

24 MS. EDWARDS: No objection, your Honor.

14:15:25

25 THE COURT: All right. Very well. You may

1 proceed.

2 (Exhibit 6 admitted into evidence.)

3 Q. BY MR. DICKENS: Can you identify, Mr. Johnson,  
4 what you're wearing in this picture?

14:15:31 5 A. I'm wearing a full body Tyvek suit, a baseball  
6 cap and I'm wearing a 3M mask there on my face.

7 Q. Okay. And so that -- is that the mask you  
8 always used while working for Benicia?

9 A. That's the mask I always used until I got  
14:15:50 10 diagnosed with cancer and was continuing to spray Ranger  
11 Pro, and then I moved on to a canister max. A canister  
12 max sort of looks like the mask that you see people  
13 wearing, you know, when it's serious, with the chamber  
14 here and the cap here, where these -- both of these  
14:16:08 15 things to clean the air, these filters that cap on, and  
16 then you had it over your face, and then it connects over  
17 the top.

18 Q. So it's kind of like a respirator, then?

19 A. It was a full-face respirator.

14:16:21 20 Q. So this mask in the picture, this is what you  
21 used up until the point when you were diagnosed?

22 A. Right.

23 Q. What is this mask made of? What type of  
24 material?

14:16:29 25 A. It's made out of some -- I want to say paper.

1 It's made out of some really thick, like, a furry --  
2 like, it's just, you know, some furry-type thick fabric.

3 Q. What would you wear that we can't see? What  
4 would you wear underneath the Tyvek?

14:16:44

5 A. We had our regular uniform. Like, we had an  
6 allotment to buy shirts every year. You can buy hoodies  
7 or long-sleeved or short-sleeved, whatever you wanted to  
8 do, so I'm probably wearing either a hoodie or a  
9 long-sleeve. I didn't wearing too many short-sleeves. I

14:17:02

10 don't like short sleeves a lot, especially at work.

11 Q. Okay. And we've heard some testimony with  
12 respect to a hoodie. Did you always wear a hoodie up  
13 over your head while you were spraying?

14:17:12

14 A. Not always. Less time, because once you get  
15 going, you can't take that hoodie on your head, because  
16 you're moving. The juice is moving, you're moving, and  
17 you've got to go. This is not a thing that you can just  
18 be playing around with, because it's -- the motor's  
19 running, you know, so -- yeah. It would be really warm,  
20 because that time of year, we're trying to spray when it  
21 was nice in the morning, so I could start out at 5:30,  
22 4 o'clock in the morning with my hoodie on, but by 7:30,  
23 8:00, it's off.

14:17:26

24 Q. Okay. And you said "the juice." What are you  
25 referring to?

14:17:38

1           A. Yeah, I have to not say that, because -- I'm  
2 just so programmed of saying the juice, but once you mix  
3 glyphosate together with the water or any surfactants you  
4 might want to put in there, as the applicator, we call it  
14:17:52 5 the juice. And I always called it the juice, and then my  
6 crew called it the juice, because it's just -- it's the  
7 juice now.

8           Q. So everyone at the school who was responsible  
9 for spraying would call it the juice?

14:18:03 10          A. Yes.

11          Q. Were you the only one who would be spraying for  
12 Benicia School District?

13          A. No. I was the only one that used a power  
14 spraying on a truck, mounted, but I had those other guys  
14:18:13 15 that were spraying with backpacks.

16          Q. Okay. And, you know, we'll go through, kind of,  
17 the different ways of spraying in just a second. But,  
18 you know, with respect to your Tyvek suit, did that keep  
19 the Ranger Pro out at all times?

14:18:25 20          A. I don't know. I hope so.

21          Q. Was there ever a time that the Ranger Pro was  
22 able to get through the suit into your clothes  
23 underneath?

24          A. Yeah. One time I was spraying with a backpack,  
14:18:36 25 and the backpack was leaking. I had no idea it was

1 leaking, and I was spraying. I sprayed and kept going  
2 doing my thing, and I'm spraying and spraying, and I just  
3 felt wet. I felt wet in my lower back and the top of my  
4 bottom. I felt really, like, not normal wet. You know,  
14:18:52 5 I don't usually sweat like that, so I stopped what I was  
6 doing, went back to the yard, and I asked the secretary,  
7 I said, "Is my back wet?" She said, "Oh, yeah, your  
8 whole back is wet from the middle down to the top of your  
9 trunks." "What?" And I already knew the thing was  
14:19:09 10 leaking, so I told her I had to leave right away, because  
11 I was already -- you know, I had already had -- been  
12 diagnosed with cancer at the point, when I had the  
13 backpack exposure. Because I had exposure before the  
14 backpack, so, yeah, when you say they go through the  
14:19:23 15 Tyvek suit, that was the backpack exposure, yes.

16 Q. Okay. So the Roundup actually got through the  
17 Tyvek?

18 A. I think so, yes.

19 Q. And -- now, are you sure it wasn't just sweat?

14:19:33 20 A. I'm pretty sure it wasn't sweat. Even she  
21 asked, "Are you sure you're not sweating?" "No, I don't  
22 sweat like that." I don't -- it wasn't even that hot.  
23 You know what I mean? I mean, it's nice, so, yeah, I  
24 knew it wasn't sweat.

14:19:45 25 Q. And does -- does Roundup or the Ranger Pro that

1 you were using, does it have -- you know, even if it's  
2 slight, dose it have a smell to it?

3 A. It does have a slight smell to it, especially  
4 when it's -- before it's mixed. After it's mixed, it has  
14:19:59 5 less of an odor, but when you get over that 50-gallon  
6 drum, you know you're over something.

7 Q. On your hands and your feet, would you wear any  
8 protection there?

9 A. Yeah. Chemical proof rubber gloves that came up  
14:20:11 10 to about here (indicating) and chemical proof rubber  
11 boots.

12 Q. So you went above and beyond the protection that  
13 was necessary based on the label that you reviewed --

14 A. Right.

14:20:21 15 Q. -- to make sure that you'd be safe?

16 A. Right.

17 Q. If you can turn, Mr. Johnson, to Exhibit 126 in  
18 your binder.

19 Can you identify what's in that picture,  
14:20:50 20 Mr. Johnson?

21 A. This is a solo backpack sprayer that holds  
22 about, I think, three or four gallons of solution.

23 Q. And is this the sprayer that you would use at  
24 Benicia School District?

14:21:02 25 A. I only used this, I think, once or twice, and --



1 Q. And -- oh, I'm sorry. And when you used this,  
2 was this the kind that you used?

3 A. Yes, exactly.

4 MR. DICKENS: At this time, your Honor, we move  
14:21:13 5 to admit and publish Plaintiff's Exhibit 126.

6 THE COURT: Any objection?

7 MS. EDWARDS: No, your Honor.

8 THE COURT: Very well.

9 (Exhibit 126 admitted into evidence.)

14:21:23 10 Q. BY MR. DICKENS: Okay. So this is the exact  
11 sprayer that when you did use the backpack, this is what  
12 you would use?

13 A. Yes.

14 Q. And can you describe -- would you actually mix  
14:21:33 15 it here in this tank that we see?

16 A. Yes. You can mix it in -- you mix it in here.  
17 You pour the Ranger Pro in first, and then you put your  
18 water in.

19 Q. And did you always use the same amount of Ranger  
14:21:51 20 Pro or Roundup when you were spraying?

21 A. No. That's the importance of having that pocket  
22 pamphlet with you, because there's different weeds in  
23 different areas. You can't just take one solution and  
24 spray it around town, because if you're spraying  
14:22:05 25 sometimes -- what we used to call cheeseweed, that was

1 one of our main weeds out there, it was cheeseweed, and  
2 it was very strong and very robust, and it was hard to  
3 deal with.

4           But if you had a field of dandelions or a  
14:22:15 5 hillside that's got nothing but dandelions, you don't  
6 want to use that same solution that you would use on the  
7 cheeseweed, which is -- the real name is called mallow, I  
8 believe. You don't want to use mallow solution on the  
9 dandelion solution, because the dandelion might take just  
14:22:29 10 a -- very small. The other one's robust. It's going to  
11 take a different solution.

12           Q. Okay. So depending on what you were actually  
13 trying to get rid of, it would have a different amount of  
14 Roundup or Ranger Pro?

14:22:40 15           A. Right.

16           Q. And so would you be the one who had to do those  
17 measurements?

18           A. Oh, yes.

19           Q. And would you be wearing the protection when you  
14:22:50 20 tried to mix it?

21           A. My program when I got out of the car -- I got  
22 out of the car in the morning, I would unlock the gates  
23 to the yard, go into the yard, and the first thing I  
24 would do is go get a Tyvek suit out of the yard -- out of  
14:23:00 25 the -- where we keep our supplies at. Put on the Tyvek

1 suit, sit down and put on my boots, put on my gloves, and  
2 then put on my mask and goggles.

3           Because at this point, I have to go get my  
4 herbicide from the 50-gallon tank. So I have to be  
14:23:17 5 already dressed for that, because even when you're  
6 loading it -- actually, it's a known thing that when  
7 you're mixing and loading is when most accidents happen.  
8 So they teach you to be prepared and be in PPE before you  
9 approach even the mixing stage. So that was my thing. I  
14:23:32 10 would get out, do my little calisthenics and then go in  
11 and get mixed up, and -- you know, put my clothes on and  
12 get mixed up and then go to my different sites.

13           Q. And so how many times roughly would you actually  
14 use this backpack sprayer?

14:23:47 15           A. Like I said, I only used that backpack, I  
16 believe, once or twice, because my main power sprayer,  
17 big truck sprayer was broken, and it was broken for a  
18 long time. So we almost missed a whole season of  
19 spraying, which is not good, because then that means  
14:24:00 20 weeding and a bunch of other work that we don't even have  
21 the manpower for, so they thought that it would be better  
22 to get a backpack.

23           Q. And so this backpack, you could actually wear on  
24 your back; right?

14:24:09 25           A. You have to wear it on your back. It's pretty

1 heavy when you put the liquid in there. You wouldn't be  
2 able to just lug it around. It wouldn't be smart.

14:24:22 3 Q. Okay. And when -- you said there was a time  
4 when it leaked. Where on the actual tank would it be  
5 leaking from -- or did it leak from?

6 A. This thing had a leak at the bottom down here  
7 (indicating). I don't know how it even came out of  
8 there, but this thing -- I think somebody left it loose  
9 or maybe from picking it up and putting it down it got  
14:24:33 10 loose. I don't know. But it was coming right out of the  
11 main at the bottom area where you see that black ring.

12 Q. Okay. If you can see my hand pointing, roughly  
13 right around here where the tube connects (indicating)?

14 A. Right. And then that stuff came down, and ended  
14:24:44 15 up on the -- like, you can't see the back of this thing,  
16 but it came right down around there, and just all of that  
17 was wet under there where the -- where the pumping bar  
18 is, this whole little valley down there was just full,  
19 and I could see it physically dripping when I took it off  
14:25:00 20 and looked at the backpack, so yeah --

21 Q. Okay. And so at that time, you were wearing a  
22 full Tyvek suit; right?

23 A. Oh, yeah.

24 Q. And so the only way that the Roundup or Ranger  
14:25:11 25 Pro would get onto your clothes and your skin underneath

1 was to go through that Tyvek suit?

2 A. Yes. And through two shirts, a T-shirt and a  
3 top shirt.

14:25:23

4 Q. And you mentioned that you also used a -- you  
5 know, the bigger -- the truck sprayer; is that right?

6 A. That's the one I used mainly, yes.

7 Q. Could you turn to Exhibit 16 in your binder?

8 Are you there, Mr. Johnson?

9 A. Yes.

14:25:44

10 Q. And can you identify what Exhibit 16 is?

11 A. This is the truck-mounted sprayer.

12 MR. DICKENS: At this time, we would move to  
13 admit and publish Plaintiff's Exhibit number 16.

14 THE COURT: Any objection?

14:26:00

15 MS. EDWARDS: No objection.

16 THE COURT: All right. You may proceed.

17 (Exhibit 16 admitted into evidence.)

18 Q. BY MR. DICKENS: So, Mr. Johnson, this is part  
19 of the truck sprayer that you used?

14:26:09

20 A. Yes. No. It's the whole truck sprayer. It's  
21 not part of it. That's the whole thing right there.

22 Q. And so this is outside of the truck. How would  
23 you get it into the truck?

14:26:24

24 A. So we had to be forklift certified to work in  
25 that department. So I would just go in the garage, get

1 the forklift, and hope that it worked that day, and pull  
2 it out, and then go and get this one, wherever I had it  
3 sitting, lift it up and place it in the back of my truck,  
4 and then put tow ties and keep it in the truck.

14:26:39

5 Q. Okay. And, Mr. Johnson, there's a large tank  
6 here.

7 Do you see that?

8 A. I do.

9 Q. And so what would be in that large tank?

14:26:45

10 A. That would be my juice. That would be my  
11 solution of Ranger Pro and water and sometimes  
12 surfactant.

13 Q. And so would you mix it directly into the big  
14 tank?

14:26:56

15 A. Yes. I would put my measured amounts of Ranger  
16 Pro into the tank first, and then my antifoam, because  
17 Ranger Pro foams up a lot when you put the water pressure  
18 in there, and then you take a water hose and you fill it  
19 up to your 50 gallons.

14:27:14

20 Q. Okay. And so this tank held 50 gallons?

21 A. Yes.

22 Q. And would you, at any given time, spray that  
23 full 50 gallons?

14:27:25

24 A. I would use that in an hour. Sometimes I'd have  
25 to go remix and then get some more before, you know -- I

1 would get two or three tanks sometimes in the morning,  
2 like 150 gallons sometime, yeah.

3 Q. How many hours per day were you spraying out of  
4 this --

14:27:39

5 A. During the school year, we would spray no more  
6 than three hours, two to three hours. Three hours was  
7 the max. We would be pushing it, because people were  
8 coming soon, so we -- we started very early. We'd  
9 show up when it was dark, you know what I mean, and use  
10 the lights from our truck and whatever else, and by  
11 6 o'clock, the sun starts to come up, so we would get out  
12 there right when the sun -- and that was the plan, why we  
13 came in early, is to be mixed, ready and at your site by  
14 6:00 when the sun rises, so -- yeah.

14:27:55

14:28:06

15 Q. And you mentioned, you know, you'd spray three  
16 hours. Were there ever days that you'd spray longer than  
17 three hours?

14:28:18

18 A. On the weekend, when there's nobody around and  
19 there wasn't children around or if there wasn't a school  
20 event, we would try to hit sites, and we would get some  
21 good overtime. Four or five hours sometimes in the  
22 summer.

23 Q. Okay. Four or five hours of overtime?

24 A. Yeah.

14:28:24

25 Q. So there -- would there be days that you'd spray

1 up to seven, eight hours a day?

2 A. No, that's impossible.

3 Q. Okay. So at most you'd talk -- you know, maybe  
4 five, six hours, but on average, between three and six;  
14:28:35 5 is that fair?

6 A. Exactly, yeah.

7 Q. And so, you know, we talked about how many times  
8 you sprayed per year. That's -- was that about 20 to --

9 A. Twenty, thirty times a year, yeah. Or more,  
14:28:45 10 depending on if something pops up.

11 Q. And during those times, you -- you know, in  
12 three hours, you'd spray about 150 gallons worth?

13 A. Yeah.

14 Q. There's a tube here, if you see that, a yellow  
14:28:56 15 tube?

16 A. Uh-huh.

17 Q. What is that?

18 A. That's just a feeding tube that's going to take  
19 air from that engine and shoot it into this thing. The  
14:29:05 20 green tube at the bottom is the one that's going to suck  
21 the juice out of the tank and give it to the hose reel.

22 Q. Okay. And so this is actually motorized;  
23 correct?

24 A. Yeah, it's motorized, with a basic Honda  
14:29:23 25 lawnmower engine, very good engine, but yeah.



1 Q. Okay. And you'd crank that up and then -- this  
2 is -- is that a hose over there?

3 A. Inside those two circles, there's 250 feet of  
4 green hose and a wand. It's sort of, you know, like, a  
14:29:39 5 wand, like a -- with a pistol grip and it sticks out.

6 Q. Okay. And so would that be approximately  
7 four feet, three feet long?

8 A. I would say the wand is about three feet, and  
9 then with the handle, it would be four feet, but the wand  
14:29:54 10 itself -- you know what I mean. Not even four feet. I  
11 guess the handle would be five, six inches, so maybe  
12 three and a half.

13 Q. So anyone who's ever power washed a house, is it  
14 kind of similar to that?

14:30:05 15 A. It's totally similar to that.

16 Q. And so the hose would connect directly into, you  
17 know, your nozzle, or, you know, as you referred to it,  
18 the gun --

19 A. The -- what comes out of the big hose reel, it  
14:30:17 20 comes down into the nozzle. It's got a little pull-down  
21 clamp. You pull it down. You clamp it into the nozzle,  
22 and it, you know, has a little -- a way where it won't  
23 come out of that wand. It locks. You either have to  
24 pull that down and pull it off or pull it down and pull  
14:30:31 25 it up to lock it.

1 Q. Okay. Were you -- on your actual gun with the  
2 handle, were you able to control the pressure on how hard  
3 it was coming out?

4 A. The only thing you can do is you can change  
14:30:43 5 nozzles. Like if you feel like you're getting too much,  
6 you can change to a blue or pink or red or different  
7 color nozzles, and those nozzles had sizes, of course,  
8 and it gave you less spray at the time, but there was no  
9 dial to say, you know, "Give me moderate spray today," or  
14:31:00 10 "Give me high spray today." There's no dial for that.  
11 Just -- you have to dial that in through nozzles and your  
12 trigger control.

13 Q. Okay. So the trigger control, I mean, you  
14 couldn't really necessarily control the amount of  
14:31:11 15 pressure in which the Roundup was coming?

16 A. Not really. It's, like, either a squeeze or a  
17 not squeeze. So you squeeze it as much as you can and  
18 try to go light or whatever, but it doesn't really stop.  
19 It stops when you left off, and it goes when you squeeze.

14:31:25 20 Q. At any point when you were spraying over  
21 150 gallons of Ranger Pro, did you ever get Ranger Pro on  
22 your skin?

23 A. Yeah. I had pretty bad exposure with that tank  
24 right there spraying at Mary Farmar.

14:31:38 25 Q. Okay. And what was Mary Farmar again?

1 A. Mary Farmar's an elementary. It's in between a  
2 high school, and then -- the high school's right on this  
3 side, and Mary Farmar's up here (indicating). And it's  
4 just baseball fields and soccer fields in between the two  
14:31:55 5 schools.

6 Q. Okay. Do you recall at all when that actual  
7 incident occurred?

8 A. No. It's been a long time. It's really hard  
9 for me with dates and stuff and remembering things, but I  
14:32:04 10 don't remember the exact date, no.

11 Q. Was it at least before you were diagnosed with  
12 cancer?

13 A. When this happened?

14 Q. Correct.

14:32:12 15 A. Yes.

16 Q. And I want you to walk us, kind of, through that  
17 incident. You went to the school. Where were you  
18 located? Did you park the truck, and how did you go  
19 about spraying?

14:32:22 20 A. So I'd already done the bottom of the hillside,  
21 so my truck was -- at that point, it was inside and at  
22 the bottom of the hillside. So when I went into Mary  
23 Farmar, I went up this hill, which has a really big hill  
24 that leads up to the school, and I parked my -- turned my  
14:32:37 25 truck around and parked it where it was facing downhill,

1 and then I took my hose reel out and extended it as far  
2 as I could and started to spray back to the truck,  
3 because, of course, you spray away from where you are.  
4 You don't spray into it and then walk out. You spray  
14:32:54 5 backwards. Like, you -- if I was going to spray that  
6 side of the wall or this side of the court, I would start  
7 over there and end up over here, like you're painting.  
8 You know what I mean? So -- yeah. I remember that I  
9 turned my truck around, parked it and started spraying --  
14:33:10 10 and started spraying the top of the hillside down.

11 Q. And what do you remember next?

12 A. I remember getting my hose caught in a gap in  
13 between the sidewalk and the asphalt, and my hose got  
14 detached from the reel.

14:33:24 15 Q. Okay. And when you say "the reel," what are you  
16 talking about here?

17 A. That's the two silver wheels you see there.  
18 That thing rolls like this. You know, it reels in, and  
19 it reels out. I have to take it by hand and take the 250  
14:33:36 20 out and -- I mean, in, but I could pull it out.

21 Q. And when it became detached, what happened? I  
22 mean, was the engine still running?

23 A. Yeah, the engine -- I'd just started it up and  
24 went over there and started dealing with stuff. So the  
14:33:49 25 engine was running, and the juice was coming right out of

1 the side of the side -- the side -- inside the hose reel,  
2 there's a little place where you hook that hose in inside  
3 there. It's kind of hard to explain if you've never seen  
4 that, but there's a place where the juice comes right  
14:34:10 5 into this, and it connections into there, and that became  
6 detached.

7 Q. And once again, when we say "juice," we're not  
8 talking --

9 A. Orange juice.

10 Q. Yeah, you're talking --

11 A. I'm talking Ranger Pro. My bad. I should  
12 really be saying Ranger Pro.

13 Q. No. That's fine.

14 And so what happened? What was the Ranger Pro  
14:34:25 15 doing when that became detached? Was it spraying?

16 A. Yeah, because there's no control on the engine  
17 or safety switch to turn it off, so I -- it just was  
18 shooting up. The grill was just shooting fluid  
19 everywhere. It was just an open wound almost. So I had

14:34:42 20 to get in here and -- I don't know if you can see that on  
21 there. It's a little -- right by that red filter right  
22 there, there's a switch. I had to go in the back of that  
23 switch by that gas tank and turn it off. It's a red off  
24 and on over there. It's kind of blurry by the corner.

14:34:56 25 Q. And so during that time when you had to go in to

1 shut it off, Ranger Pro was shooting out into the air;  
2 right?

3 A. Definitely, yes.

4 Q. Did it get on you at all?

14:35:05

5 A. Yes. That's when it got inside of my Tyvek. It  
6 went down my back -- as I reached in, it went down in  
7 there, got in the Tyvek, got on my clothes, got on  
8 everything down inside there, down to my waist again.

9 Q. And after it got on you, what did you do then?

14:35:22

10 A. That was the first time. So the first time that  
11 happened to me, I immediately had to shut down the  
12 situation and not let this herbicide get into the drains.  
13 So once I got the tank stopped, I took some dirt and I  
14 stopped the flow of the Ranger Pro that was going

14:35:39

15 downhill probably into a drain. So I stopped it with  
16 dirt and stopped that whole spiel. And then I got my  
17 hose reel back rolled in and headed back to the yard to  
18 take off the stuff. I took off the Tyvek right there and  
19 then when I got back to the shop, I took off my shirt, my  
20 work shirt and my T-shirt and tried to clean up as best  
21 as possible.

14:35:59

22 Q. Okay. And how long was it from the time you got  
23 drenched with the Ranger Pro until you got back to the  
24 shop?

14:36:10

25 A. I would say about 20, 25 minutes to clean that

1 situation up.

2 Q. And you said when you got back, you took off at  
3 least the top part of your clothing?

4 A. Right.

14:36:19 5 Q. And you said that you tried to clean off as best  
6 possible.

7 Did you take a shower?

8 A. No. Sort of like a sink bath. We had a little  
9 sink in our maintenance yard and we did everything there.  
14:36:30 10 We always would come in after we sprayed because you knew  
11 you would get it on your face every day. So the routine  
12 was take your stuff off at the maintenance yard across  
13 the hall, get rid of your dirty Tyvek, and then go in and  
14 wash your face immediately. Because you know we're not  
14:36:43 15 going home. We're going now to weed or rake and do  
16 painting or whatever a maintenance guy does. You clean  
17 up your face or whatever. So that day I had to clean  
18 more than my face. I cleaned my face, my neck, my back,  
19 my shoulder. And I just tried to do what I could.

14:36:57 20 Q. So you didn't have an option to take a shower at  
21 that point?

22 A. No.

23 Q. And was that in the beginning of the day?

24 A. Yeah, early in the day.

14:37:04 25 Q. So you went and just tried to rinse off in a

1 sink as best you could; right?

2 A. Yes.

3 Q. And we're talking this big Mary Farmar incident,  
4 as you called it, but you mentioned you'd get spray on  
14:37:17 5 your face almost every day?

6 A. Right.

7 Q. And would you do the same in the sink, kind of a  
8 sink bath?

9 A. Yeah.

14:37:22 10 Q. And so you didn't have the option to take a  
11 shower every time you got this on you, did you?

12 A. No.

13 Q. How long was it from the time of your exposure  
14 until you were able to take a shower?

14:37:32 15 A. At the end of the day. So that was another,  
16 what -- if we only sprayed for a few hours, I probably  
17 stopped early that day and that was six hours.

18 Q. So you tried to get off everything you could,  
19 but it took a full six hours; correct?

14:37:48 20 A. Right.

21 Q. Now, when you went back to the yard, as you  
22 called it, after this Mary Farmar incident, did you drive  
23 in the truck?

24 A. Yes.

14:38:00 25 Q. Did you have -- were you wearing any of your



1 drenched clothing at that time?

2 A. No. I had an extra shirt in the car, so I put  
3 on an extra shirt.

14:38:13

4 Q. But at least with respect to the pants you had,  
5 that was the same?

6 A. That was the same, yeah.

7 Q. And you drove back and so you drove in that  
8 truck, and what did you do with the Tyvek?

14:38:24

9 A. Oh, I threw that away at the site at Mary  
10 Farmar.

11 Q. Is that what you do every time?

12 A. No. Usually you would throw it away at the  
13 yard, but I couldn't take that anywhere else. I had to  
14 get rid of it right there.

14:38:40

15 Q. With respect to the boots that you used or your  
16 gloves, would you keep those and continue to use those  
17 every day?

18 A. Yes. Not every day, but whenever we sprayed.  
19 Those were just for chemicals. And I had another pair of  
20 rubber boots for my irrigation stuff, because I was also  
21 in charge of irrigation throughout the district. So I  
22 had my irrigation boots and I had my chemical-resistant  
23 boots.

14:38:53

24 Q. With respect to the clothing you had underneath,  
25 was there a place at your work where you could wash that

14:39:09

1 every day?

2 A. No.

14:39:18

3 Q. So you'd essentially have that, you'd bring that  
4 home with you in your car, and then you'd wash it when  
5 you got home?

14:39:33

6 A. Yeah, that's one thing that they have on the  
7 label is you need to wash your things separately. Do not  
8 do laundry after spraying. So I wouldn't go home after  
9 spraying it and take them and put them in with the  
10 general laundry. You had to wash them separate.

11 Q. And you did that?

12 A. Of course.

13 Q. After that big exposure, were you concerned at  
14 all about your health or your safety?

14:39:47

15 A. Definitely.

16 Q. And with respect to your health, and there's  
17 been a lot of talk with respect to it, at that point in  
18 time at the Mary Farmar incident, had you ever had any  
19 skin issues or rashes or eczema or anything like that?

14:40:09

20 A. Not to brag, but I really had perfect skin. I  
21 mean, like 100 percent beautiful skin.

22 Q. You mentioned the backpack incident. What did  
23 you do after the backpack incident? Was it any different  
24 than Mary Farmar?

14:40:26

25 A. After the secretary said, "Yeah, your whole back

1 is wet," I caught the bus and I got out of there  
2 immediately. Called Kaiser. Told them that I'd been  
3 exposed a second time and that I need to make an  
4 appointment. And so they sent me through the whole thing  
14:40:42 5 with Workers' Comp and all that, because when you have an  
6 injury at work, that's the way they deal with it.

7 Q. Sure. With respect to that, was there a reason  
8 that was any different than the Mary Farmar's incident?

9 A. Yeah, because I had been exposed already and I  
14:40:58 10 already was diagnosed with cancer. So once I got the  
11 juice from the backpack on me, I just panicked. You know  
12 what I mean? I'm like, I'm already scarred, I'm already  
13 uncontrollably having this stuff all over my body. I  
14 don't know what's going on. And I did it get again. So,  
14:41:11 15 yeah, I need to get to the doctor immediately.

16 So I got out of there and I called the people  
17 and they told me to come down. So I went home and took a  
18 shower first and then I went to Kaiser.

19 Q. Did you at that point in time of the backpack  
14:41:24 20 incident, did you have any type of open sores or old  
21 wounds from your cancer?

22 A. No. I only had little rashes here and there.  
23 And I had the lesions and things that were popping up.  
24 But it wasn't like it got to.

14:41:36 25 Q. When you say lesions, though, those were

1 actually lesions over your skin at that point; right?

2 A. Right.

14:41:49

3 Q. And so were any of those irritated? We saw some  
4 pictures with Dr. Ofodile from October 2015. Is that  
5 essentially what your skin looked like?

14:42:04

6 A. Some of those are plaques. Like they look very  
7 painful and some of them are. Because what happens with  
8 cancer and with these plaques, it looks like it wants to  
9 peel or you might have heard researchers say with  
10 lymphoma it looks like a scar, and then it's not a scar.  
11 It keeps scarring over and scarring over. If you peel it  
12 off or you touch it or it rubs off, it's not a scar.  
13 It's not skin under there. It's something I don't even  
14 want to tell this Court, but it's bad. You know what I  
15 mean? You've seen the pictures. So, yeah, it's tough.

14:42:22

16 Q. You mentioned your perfect skin before you were  
17 diagnosed.

18 A. Yeah.

14:42:32

19 Q. Did you ever use, as an example, like lotions or  
20 hand sanitizers, anything of that prior to your diagnosis  
21 of cancer?

22 A. What do you mean prior?

14:42:45

23 Q. Just on your skin. I mean, did you use -- did  
24 you have to use any lotions or were you using hand  
25 sanitizers?

1 A. No, just the basic stuff, you know. I use soap  
2 just like everybody else to shower. And I use oils.  
3 Yeah, that's it.

14:42:54 4 Q. You mentioned your skin. Did you have any other  
5 chronic health problems prior to your diagnosis of  
6 cancer?

7 A. No health problems at all.

8 Q. Is there any family risk of cancer that -- in  
9 your family?

14:43:02 10 A. No.

11 Q. Now, I understand part of your job you had some  
12 other minor injuries. We have talked about bee stings  
13 and broken fingers. Is that something that happened from  
14 time to time?

14:43:19 15 A. Yeah. That was -- with respect to the insects,  
16 that was a wasp nest that I stepped in. So I was  
17 attacked by wasps. So it's a little different than bees.  
18 Those guys are really mean.

19 Q. Yeah. I kind of downplayed that, didn't I?

14:43:33 20 There's been a lot of talk about when you first  
21 had skin issues. Do you know when that was, what year at  
22 all?

23 A. Not really. I mean, it kind of just came and I  
24 didn't really worry about it. Like I said, I think it  
14:43:46 25 was just things you get from work, you know, man scars.

1 You know what I mean? So I didn't really worry about it.

2 Q. Where was it that you first noticed any type of  
3 problem? Was there a part on your body?

4 A. Inside here on my -- I don't know if you want to  
14:43:59 5 call it thigh or -- right here inside my leg right here.

6 Q. And that's your right thigh area?

7 A. Right thigh, right where the knee bends, right  
8 above where the knee bends.

9 Q. And that was the first area. At some point in  
14:44:14 10 time, did you develop -- you talked about your lesions.  
11 Did you develop those as well?

12 A. Yeah. Things really got crazy and out of whack.  
13 I started seeing all kinds of things on my skin and  
14 scrapes on my face. It just looked weird.

14:44:28 15 Q. When that happened, did you go to the doctor?

16 A. I did. I went to the clinic in Vallejo.

17 Q. Where is that?

18 A. That's on Georgia Street in Vallejo, California.

19 Q. Do you have any idea of when you went to the  
14:44:44 20 clinic in Vallejo?

21 A. It's been so long, it's hard. I can't really do  
22 times and dates from that far.

23 Q. That's fine. What did they do at the clinic?

24 A. There was a very nice physician there and she  
14:44:54 25 examined me. She did the best she could. She even

1 pulled out a book because she was so confused at what was  
2 going on. She didn't know. So she looked in this book  
3 and she said, "I don't really know what this is, but it  
4 looked like it could be, you know, some of these things,  
5 lesions or plaques."

14:45:11

6 But she didn't know what it was, so she didn't  
7 want to diagnose me. She referred me to a place called  
8 Solano Dermatology.

9 Q. Did those lesions that were on your body, did  
10 those look different from what was on your knee?

14:45:23

11 A. Yes.

12 Q. The area that was -- you mentioned that you  
13 first noticed on your knee, we heard some testimony from  
14 Dr. Ofodile, was that what was ended up being diagnosed  
15 as the squamous cell carcinoma?

14:45:37

16 A. Yes.

17 Q. After you went to -- you mentioned Solano  
18 Dermatology; is that right?

19 A. Yes.

14:45:49

20 Q. What did they do for you at Solano Dermatology?

21 A. Solano Dermatology actually did me a favor  
22 because I didn't have the means to take care of their  
23 bill, it was pretty high. So they did me a favor and  
24 they did a biopsy, which sounds crazy that it's a favor  
25 that you get a biopsy, but I'm glad that they did that.

14:46:05

1 And they sent it out to Stanford, and Stanford -- I think  
2 it was confusing things, but they got back where they  
3 really didn't know what was going on, but they knew  
4 something serious was going on with my biopsy.

14:46:22

5 Q. Okay. And were you diagnosed with cancer at  
6 Solano Dermatology or somewhere else?

7 A. Yeah. Dermatology wouldn't diagnose me. I  
8 didn't get diagnosed until 2014 when I really knew what  
9 was going on. I went to some other doctors and

14:46:42

10 hospitals, but when I really knew, it was after that.

11 Q. What doctor ended up diagnosing you?

12 A. Well, it was Stanford and Ofodile were the ones  
13 that really got together and got the whole thing, like no  
14 more questions, this is what it is. Let's go fight this  
15 right there. So the other ones are like maybe could be,  
16 maybe not. But those two, Stanford and Ofodile, said  
17 this is what it is, let's treat it.

14:46:56

18 Q. And you mentioned they said this is what it is.  
19 Do you have an understanding of what type of cancer you  
20 have?

14:47:08

21 A. I do.

22 Q. And what were you diagnosed with?

23 A. Non-Hodgkin's lymphoma.

24 Q. And when you were diagnosed, when you got the  
25 news, were you by yourself? Was there anyone with you?

14:47:17



1 A. When we got the news at UCSF, when they had  
2 their different ideas about what was going on, Araceli  
3 was there with me, yeah.

4 Q. And I understand over the course of your  
14:47:36 5 treatment, you and your doctors took some photographs of  
6 kind of your skin condition; is that right?

7 A. Yeah. They take pictures all the time and they  
8 were taking -- I don't know what the department is  
9 called, but it's an actual guy that comes through the  
14:47:51 10 hospital and that's all he does, he takes pictures of you  
11 for progress. I don't know if that's in all the  
12 department, but I know in the cancer department they have  
13 a guy that comes and takes picture of your whole body and  
14 turn and twist, put your arm up and down and so forth.

14:48:06 15 THE COURT: Mr. Dickens, before we get into the  
16 photographs, would this be a good time to take the  
17 afternoon recess?

18 MR. DICKENS: This would be.

19 THE ARBITRATOR: Okay. Ladies and gentlemen,  
14:48:14 20 we're going to take the afternoon recess. We'll be in  
21 recess until 3:05. Please remember not to discuss the  
22 case. All right? Thank you.

23 (Recess.)

24 THE COURT: Welcome back, Ladies and Gentlemen,  
15:06:49 25 Mr. Johnson.

1 THE WITNESS: Thank you.

2 THE ARBITRATOR: Mr. Johnson remains under oath.

3 And, Mr. Dickens, you may continue.

4 MR. DICKENS: Thank you, your Honor.

15:06:56

5 Q. Mr. Johnson, did there come a time that you  
6 called Monsanto with respect to your skin issues that you  
7 were having?

8 A. Yes. My skin persisted to get worse, I did call  
9 the hotline.

15:07:13

10 Q. And when you say the hotline, where did you get  
11 that information?

12 A. From the bottle. There's a number on there  
13 directly to Monsanto.

14 Q. And did you speak with someone at Monsanto?

15:07:21

15 A. I did. I spoke with a very nice lady.

16 Q. And how long did you speak to her for?

17 A. I don't know exactly how long, but it was long  
18 enough for her to take my statement. It seemed like she  
19 was writing or typing. And she did that and said that

15:07:36

20 somebody would get back to me.

21 Q. Did anybody ever get back to you?

22 A. No.

23 Q. Nobody ever called you back?

24 A. Not to my knowledge, no. Not at all. I don't

15:07:44

25 have any recordings or voicemails or anything that says

1 that, no.

2 Q. So despite the fact that someone told you they'd  
3 call back, they simply didn't?

4 A. No, they didn't call back.

15:07:53

5 Q. If you could turn to Plaintiff's Exhibit 332 in  
6 your binder.

7 At this time, your Honor, we move to publish  
8 Plaintiff's Exhibit 332.

9 THE COURT: Any objection?

15:08:05

10 MS. EDWARDS: No, your Honor.

11 Q. BY MR. DICKENS: And, Mr. Johnson, this document  
12 is already in evidence. Do you see it is from a Patricia  
13 Biehl? Does that refresh your recollection as to whether  
14 she was the one you spoke to?

15:08:25

15 A. Yes, that is.

16 Q. So that is the person you spoke to. And what is  
17 the date on this actual email?

18 A. November 11, 2014, at 2:12 p.m.

19 Q. Okay. And it says she spoke with Dewayne  
20 Johnson. And that's you; correct?

15:08:36

21 A. Yes.

22 Q. And it says, "He told me he works for school  
23 district in California and about nine months ago had a  
24 hose break."

15:08:50

25 Do you see that?

1 A. Yes.

2 Q. And it goes on, "It was a large tank sprayer."

3 Was that the tank sprayer that you were  
4 describing to the jury?

15:08:58 5 A. Yes, it was.

6 Q. And so nine months ago from November of 2014,  
7 that's somewhere in early 2014?

8 A. Right.

9 Q. And it said that resulted in you becoming soaked  
10 to the skin, face, neck, and head with Ranger Pro.

11 Once again, are you referring to the truck  
12 sprayer?

13 A. Yeah. When the hose broke away from the hose  
14 reel, yes, I had the truck that day.

15:09:26 15 Q. And is this consistent with what you told  
16 Patricia Biehl over the phone?

17 A. It is.

18 Q. And it said you were wearing a white exposure  
19 suit. Was that the Tyvek suit that you were referring  
15:09:38 20 to?

21 A. That is Tyvek, yes.

22 Q. And you mentioned that the -- was it the Ranger  
23 Pro that went inside of that? Is that what you were  
24 referring to?

15:09:46 25 A. Definitely.

1 Q. And it says a few months after that incident you  
2 noticed a rash on your knee, then on your face, and later  
3 on the side of your head.

4 Is that consistent with how you remember the  
15:09:58 5 progression of your rash?

6 A. I wouldn't say that it was a rash on my knee,  
7 but it was a mark there on my knee. And the rash sort of  
8 came after like right around that. It just sort of  
9 seemed like they -- it was so crazy, so fast, it seemed  
15:10:14 10 like it almost run concurrent, but the little mark was  
11 first.

12 Q. So you had a little mark on your knee first and  
13 then you noticed the rash at some point after over your  
14 body?

15:10:24 15 A. Exactly.

16 Q. And what made you call Monsanto?

17 A. I just started doing my own research and looked  
18 online and saw things, and then I saw that they had a  
19 number to call. And I knew within those last few years  
15:10:37 20 that I had no reason to think other than to think that  
21 maybe when I got this stuff on me, that maybe this could  
22 be an option to why I'm sick right now.

23 Q. Okay. And the last line there says, "He's just  
24 trying to find out if it could all be related to such a  
15:10:57 25 large exposure to Ranger Pro, since he stated his skin

1 was always perfect until this happened. He is looking  
2 for answers."

3 Is that right, Mr. Johnson? Is that why you  
4 called Monsanto?

15:11:06 5 A. Yes.

6 Q. And you described your skin was perfect before  
7 you had been exposed to Ranger Pro?

8 A. Yeah.

9 Q. And in your conversation with Ms. Biehl, did she  
10 ever tell you that Ranger Pro could cause cancer?  
15:11:16

11 A. No. Ms. Biehl -- I mean, I don't know what her  
12 position is or whatever, but it seemed like she was in a  
13 position to take information, not give information,  
14 should I say.

15:11:32 15 Q. So she never told you that Ranger Pro or Roundup  
16 was associated with non-Hodgkin's lymphoma?

17 A. No. I asked her that specifically, but, you  
18 know, after a while I figured out that, okay, she's not  
19 supposed to be answering those questions. Because she  
15:11:47 20 wouldn't answer the questions. She just said somebody  
21 would get back to me.

22 Q. Once again, she wasn't the one to answer that  
23 question, but she said someone would get back to you, but  
24 no one ever did, did they?

15:12:00 25 A. No.

1 Q. And if Monsanto had told you at that time that  
2 Ranger Pro could have caused cancer, would you have kept  
3 spraying their product?

4 A. Absolutely not.

15:12:08

5 Q. Even if Monsanto had said, "Mr. Johnson, we're  
6 not entirely sure, but your cancer might be related to  
7 your Ranger Pro exposure," would you have continued to  
8 spray the product?

9 A. If they said it might be?

15:12:19

10 Q. Even if they said "We're not entirely, but it  
11 might be," would you keep spraying?

12 A. No.

13 Q. But nobody ever told you, did they?

14 A. No.

15:12:29

15 Q. Was that the only call you ever made to  
16 Monsanto?

17 A. No, I believe I called again.

18 Q. Do you know who you called that next time?

19 A. I don't.

15:12:36

20 Q. Do you know where you got the number from?

21 A. I think I got that one from online or from Ms.  
22 Biehl. I know she said something about a poison control.  
23 I'm not sure. I was doing so much research and numbers  
24 at that point, I'm not sure where the number or the  
15:12:54 25 person came from or the source.

1 Q. If I can have you turn, Mr. Johnson, to  
2 Exhibit 334.

3 Permission to publish Plaintiff's Exhibit 334,  
4 your Honor?

15:13:13 5 THE COURT: Very well.

6 Q. BY MR. DICKENS: Now, Mr. Johnson, this is a  
7 document with a date of March 27, 2015.

8 Do you see that?

9 A. I do.

15:13:31 10 Q. And it says, "Caller states he's been using  
11 Ranger Pro as part of his job for two to three years.  
12 He's recently been diagnosed with cutaneous T-cell  
13 lymphoma."

14 Now, that's the type of cancer you have; right,  
15 Mr. Johnson?  
15:13:49

16 A. Yeah. I didn't see that part, but I can read it  
17 from here.

18 Q. Okay. Perfect.

19 A. Yes.

15:13:56 20 Q. It says, "He has concerns about continuing to  
21 use Roundup as part of his job and questions if Roundup  
22 could be the source of his cancer."

23 In March of 2015, you were still wondering if  
24 Roundup possibly could be causing or contributing to your  
15:14:11 25 cancer; correct?



1 A. Correct.

2 Q. And because of that, you called Monsanto the  
3 first time?

4 A. Yes.

15:14:16 5 Q. And then you called back a second time; is that  
6 right?

7 A. That's right.

8 Q. And it says, "As the call progressed, caller  
9 said that doctors aren't sure as to how to treat his  
10 condition and that they're not even sure it's cancer."

15:14:34

11 At this point in March of 2015, the doctors were  
12 having difficulty figuring out what's going on; is that  
13 right?

14 A. Exactly, yeah. It was very confusing.

15:14:45 15 Q. And so why did you call Monsanto again?

16 A. Because I had been exposed to Ranger Pro, and I  
17 thought that that might have been the cause.

18 Q. And at any point during this phone call did  
19 anybody tell you maybe Ranger Pro and Roundup was  
20 associated?

15:15:02

21 A. Not at all, no.

22 Q. Did anyone ever tell you that the International  
23 Agency for Research on Cancer had concluded that Monsanto  
24 -- Roundup and glyphosate was a probable human  
25 carcinogen?

15:15:16

1 A. No.

2 Q. It says, "The caller's level of fear is rising  
3 over his continued use of Ranger Pro."

4 In March 2015, was your level of fear rising,  
15:15:29 5 Mr. Johnson?

6 A. It was.

7 Q. Why was it rising?

8 A. Because I had this uncontrollable situation on  
9 my skin, which used to be like as perfect as this table.  
15:15:38 10 So, you know, it was very -- it was a very scary,  
11 confusing time, and I didn't know what was happening.

12 Q. You didn't know what was causing all of these  
13 skin issues; right?

14 A. Yeah, I never had any issues like that or  
15:15:51 15 anything, you know, remotely or anything like that.

16 Q. And it says, "MRPC discussed the product  
17 toxicity."

18 Did they discuss the product toxicity with you,  
19 Mr. Johnson, in March of 2015?

15:16:05 20 A. I'm not sure -- I don't -- I'm not sure at all.  
21 I don't think so.

22 Q. The next sentence says, "The symptoms are not an  
23 expected response from this product."

24 Is that what they told you?

15:16:18 25 A. They didn't tell me anything except somebody

1 would call us back.

2 Q. Did anybody ever call you back, Mr. Johnson?

3 A. No one called me back.

4 Q. Were you still spraying at this time?

15:16:30

5 A. I was.

6 Q. Mr. Johnson, if they had told you Roundup was a  
7 probable human carcinogen or could cause non-Hodgkin's  
8 lymphoma, would you have continued to spray Ranger Pro?

15:16:46

9 A. I would not have sprayed Ranger Pro on school  
10 grounds and anywhere else if I knew it was causing  
11 illness to people.

12 Q. Mr. Johnson, at this point, your skin condition  
13 was getting worse; right?

14 A. It was.

15:16:57

15 Q. I'm going to show you what's been marked as  
16 Plaintiff's Exhibit 18. You can turn in your binder.

17 THE COURT: Are you moving 18, Counsel?

18 MR. DICKENS: I will, yes, your Honor. I'm just  
19 going to have him identify it first.

15:17:17

20 Q. Is this a picture you took, Mr. Johnson?

21 A. It is a picture I took.

22 MR. DICKENS: At this time, your Honor, I'll  
23 move to admit and publish Plaintiff's Exhibit 18.

24 THE COURT: Any objection?

15:17:28

25 MS. EDWARDS: No, your Honor.

1 THE COURT: 18 may be admitted and published.

2 Q. BY MR. DICKENS: Mr. Johnson, what's this a  
3 picture of?

4 A. That's a picture of my right hand.

15:17:37 5 Q. And you took this picture?

6 A. I did.

7 Q. Why did you take this picture?

8 A. Because my hand was in such bad shape and I like  
9 to take pictures because it kind of chronologically shows  
10 the progress and the de-progressing of this illness. So  
11 I take a lot of pictures whenever I can, especially when  
12 I have wounds like that, so I can show it to the doctor  
13 and the people that have been treating me, and stuff like  
14 that.

15:18:03 15 Q. And that last document we looked at indicated  
16 that you had nodules growing on your -- all over your  
17 body; is that right?

18 A. True.

19 Q. And is -- what we see on your hand in  
15:18:14 20 Exhibit 18, is that what you're referring to?

21 A. I am.

22 Q. And some of these look like they're open; is  
23 that true?

24 A. Yeah. That's what we call a lesion. It's open.  
15:18:26 25 And the plaques are flat and the nodules are raised.

1 Q. Did you have those open lesions while you  
2 continued to spray Ranger Pro?

3 A. Not those. But I did have really -- lesions on  
4 my skin, but not like these. These are after I had  
15:18:41 5 chemotherapy just recently.

6 Q. And these open lesions, are they painful?

7 A. Yes, they can be. It's like open flesh. So if  
8 they rub up against something or get -- one of my worst  
9 enemies while I had this disease, when I was at the worst  
15:18:57 10 stages, is cotton or jeans. I couldn't wear jeans. I  
11 couldn't wear T-shirts. I used to wear things inside out  
12 because the smooth side is on the outside, and I didn't  
13 want anything to touch.

14 I even told my family, I said, if I could, I  
15:19:11 15 would just wear a bed sheet out in the street, because  
16 it's the loosest thing. You just didn't want anything to  
17 touch you.

18 So I've learned to deal with pain since the last  
19 few years. There's been some painful stuff.

15:19:26 20 Q. So this pain has lasted over a couple years?

21 A. Yeah. I've been going through a lot of pain and  
22 treatments for the last, what is it, four, five years?  
23 Three years, I mean, since the treatment. Pain from the  
24 cancer started and the treatments. There's been some  
15:19:42 25 pain. There's been some up and downs. You get the good

1 times, but there's been some really tough times when I  
2 was in bad shape.

3 Q. And did you have these kind of sores over your  
4 entire body?

15:19:53 5 A. I've had worse. I've had worse sores than that.

6 Q. And where were those worse sores?

7 A. On my legs, on both of my legs down towards the  
8 shin, and up to the knee. I've had a really bad one on  
9 my stomach beneath my belly button. I've had a really  
10 bad one on my back. I've had it, of course, bad on my  
11 hands. And I've had it bad everywhere.

15:20:13

12 Q. I'm going to show you -- I'm going to move to  
13 admit Plaintiff's Exhibit 45D.

14 THE COURT: 45D as in David?

15:20:31

15 MR. DICKENS: That's correct.

16 THE ARBITRATOR: All right. Any objection?

17 MS. EDWARDS: No, your Honor.

18 THE COURT: All right. 45D may be admitted.

15:20:40

19 Q. BY MR. DICKENS: Mr. Johnson, you just mentioned  
20 some sores on your leg. This is a picture taken from one  
21 of your medical providers in June 2017.

22 Can you describe what we're looking at here,  
23 Mr. Johnson?

15:20:53

24 A. You're looking at the redness of my skin and  
25 then you're looking at, again, plaques, nodules, open

1 lesions, and scaly skin -- all the things that go along  
2 with non-Hodgkin's lymphoma.

3 Q. And that was June 2017. How long did kind of  
4 that -- you know, did your skin look like that?

15:21:14 5 A. Oh, I had that for months, months, and months.

6 Q. And would it be worse after receiving treatment  
7 such as chemotherapy?

8 A. Yeah. When they started some treatments, if  
9 they gave me the wrong treatment, it made it worse. They  
10 finally got it right on the last treatment where they  
11 kind of cleared it up. Of course, I'll be taking chemo  
12 again in less than a month. But it is what it is.

13 Q. So when you mentioned, you know, you got those  
14 really bad nodules, the ones we looked at on your hands,  
15 that was after chemotherapy; right?

16 A. Yes.

17 Q. And so you've just recently been told that you  
18 have to go back and do more chemotherapy?

19 A. I will be.

15:21:57 20 Q. How do you feel about that?

21 A. I'm getting to the point where I'm really tired  
22 of going through the whole thing of chemo and all of  
23 that, because it really takes everything out of you. You  
24 know what I mean? So I'm not feeling good about it at  
15:22:12 25 all.

1           When I went back and the doctor told me I had to  
2 go, it was really tough, because I think I feel good. I  
3 obviously look different. It's just one of those things  
4 where you know you have to go and do it or it's going to  
15:22:25 5 get worse.

6           Q. Dr. Ofodile testified that there was time that  
7 you might have felt defeated; is that true? Did you ever  
8 feel defeated?

9           A. Probably more than once.

15:22:40 10          Q. Can you tell us why?

11          A. Because it's so tough. You know, when you can't  
12 work, you can't provide for your family. I took a really  
13 big hard dip in finance and I can't really do what I want  
14 to do with my kids. I have permanent neuropathy in my  
15:22:58 15 feet and hands that won't go away. That's going to be  
16 with me. So the change in my skin, the change in my  
17 appearance, the pain that I have to go through, all of  
18 that stuff is very tough and hard to deal with. I just  
19 kind of keep that attitude that I have to beat this  
15:23:16 20 thing. So that's where people probably don't see what

21 I'm going through, because I carry it like I won't lose.

22          Q. Was it difficult for you not being able to do  
23 those things with your children?

24          A. Extremely difficult. Like last football season,  
15:23:33 25 I couldn't do chains, I couldn't be out in the sun. I'm



1 not supposed to be just dwelling in the sun. You know  
2 what I mean? It's not healthy for me. So certain things  
3 I can't do. I can't do certain things or go to the beach  
4 or go to the pool at the hotel. Not that anybody would  
15:23:50 5 tell me to get out, but it's just I wouldn't want the guy  
6 to jump into the pool with me that has this on his skin,  
7 because I don't have time to explain to you what's going  
8 on, that you won't be exposed and it's not -- whatever  
9 they call contagious. But it's just one of those things  
15:24:04 10 where you hopefully don't become the boy in the bubble,  
11 if you've ever seen that movie.

12 Q. So when you did go out in public, did you feel  
13 embarrassed?

14 A. Oh, yeah. You can see people, you know, looking  
15:24:16 15 and staring. I've even told people -- I've seen people  
16 gawking and I say "skin cancer." You know what I mean?  
17 Just end their confusion and their mystery, and just tell  
18 them what it is. Because they haven't seen anything like  
19 that before most of the times, you know, not this bad.

15:24:31 20 Q. Were there times when you just couldn't get out  
21 of bed?

22 A. There was. There was times when after chemo and  
23 before chemo I was really in a lot of pain and I just  
24 couldn't function. And then they had me taking  
15:24:44 25 medications also. Like my wife was explaining, I was out

1 of my mind, you know what I mean, because the medication  
2 was so tough and the chemo was so tough. I remember  
3 those nights, I remember doing those weird things that  
4 she's talking about.

15:24:58

5 Q. Did you miss anything, did you miss out on  
6 things because of the way you were feeling?

15:25:10

7 A. I missed out on things. I missed out on my  
8 uncle's funeral. You know what, I don't know everything  
9 that happened. I was just trying to go to the funeral  
10 and I put on clothes and everything, and I remember her  
11 saying, "That doesn't fit you. You can't go. You can't  
12 walk. You can't even put your shoes on." I remember I  
13 had to go to Kaiser with slippers on because I couldn't  
14 put shoes on those feet. But when I was trying to go to  
15 that funeral and she told me all that, it just kind of  
16 dawned on me, it sunk in, like you're really sick. You  
17 know what I mean. And I just broke down.

15:25:28

18 Q. What do you mean you broke down?

19 A. Crying.

15:25:42

20 Q. Did you cry a lot over this thing?

15:26:02

21 A. With the chemo and like before the last chemo  
22 and the last treatment they gave me right before that, it  
23 was really painful. I cried a lot, especially when the  
24 kids weren't around or at night or if I tried to lay  
25 down. Because when you lay down, it hurts more. You put

1 pressure on these wounds. So it was tough. I couldn't  
2 sleep. I was up a lot. I still have a light sleep  
3 pattern. So it's a very tough situation to be covering  
4 this type of crying.

15:26:17

5 Q. Why would you reserve your crying for when your  
6 kids weren't around?

7 A. I'm trying to show my kids an example of how to  
8 deal with things, and crying is not going to help you.

15:26:32

9 Sometimes uncontrollable. But I'm raising two little  
10 boys, so I'm teaching them to deal with pain and learn  
11 how to deal with it and to deal with a situation if it  
12 comes to you. And sitting around sorrowful and crying is  
13 not going to help you.

15:26:49

14 Q. Have you talked to your sons about your cancer  
15 and your prognosis?

16 A. Yeah. They hate cancer. They hate it like it's  
17 the 20-foot purple monster with fangs. Yeah, they hate  
18 it.

19 Q. They hate it because of what it's doing to you?

15:27:01

20 A. Of course. Yeah.

21 Q. Is there anything else you missed out on? You  
22 mentioned your uncle's funeral. Were you close to your  
23 uncle?

24 A. Really close.

15:27:14

25 Q. What else did you miss out on?

1           A. I've missed out on a lot of things, you know,  
2 parties, get-togethers, taking her out. We can't really  
3 go out, you know what I mean, anymore and dance and do  
4 the things I used to do. I miss going to the beach and  
15:27:34 5 being able to get in and out of the water. I don't trust  
6 beach water now. I don't want to get that in my system  
7 or get that on my lesions. I'm not getting in the ocean.  
8 I'm not getting in things like that. So I'm missing out  
9 on a lot. Just being out in the sun and chilling. I  
15:27:51 10 have to have on a hat or long sleeves or something.

11           Q. Even in this case you were set to be deposed and  
12 you couldn't make it to that.

13                     Do you remember that?

14           A. Yeah. That was right before chemo, I was in  
15:28:02 15 really bad shape. I had nodules and plaques on my feet.  
16 Yeah, it was pretty bad. I was in bed. I couldn't get  
17 out. I couldn't pick up the kids. I had to have my  
18 sister pick up the kids a few times. Because that's my  
19 deal. She takes them and I pick them up. But I was out  
15:28:20 20 of the loop for a couple of months.

21           Q. You mentioned you feeling embarrassed. Do you  
22 ever get the sense your sons are embarrassed when you go  
23 out?

24           A. Yeah. He's had to deal with that, because  
15:28:33 25 people have asked him like -- because we're pretty active

1 around the schools and the sport teams and all that. And  
2 so his friends have asked him, "What's wrong with your  
3 dad?" I remember even the football coach coming up and  
4 telling me, "I've heard about your cancer." Blah, blah,  
15:28:45 5 blah, this and that. Because I think they have to  
6 explain to people, like what's wrong with your dad? Did  
7 he get burned? They look at them and they know that  
8 something is going on with their dad. So, yeah, I think  
9 that caused them a bit.

15:28:55 10 Like I said, the smaller one, he doesn't talk  
11 about it much, but the bigger one, yeah. Besides my  
12 potions that the little one made me, he doesn't really  
13 trip too much. He's trying to come up with a cure.

14 Q. Giving you those potions?

15:29:08 15 A. Yeah.

16 Q. The next picture here, Mr. Johnson, I just want  
17 to ask you. It looks like there's something above your  
18 eyelid. Is that blood?

19 A. That's a lesion. That's an open wound right on  
15:29:19 20 my eyelid. Yeah, the softer the skin, the worse it is.  
21 And it's really soft skin above the eye. I have one of  
22 these right now. You just can't really tell. But, yeah,  
23 they open and close whenever they want to. It's weird.

24 Q. So even today sometimes you have these pop up  
15:29:37 25 over different parts of your body?

1 A. Yes. I have them right now.

2 Q. Have the treatments been effective at all?

3 A. So the last chemo I had, like I said, I had a  
4 really good response and it went well up until I guess a  
15:29:56 5 few months and she sent me back to get a scan and they  
6 didn't like what they saw on the scan. So she had me  
7 come in and she's -- to the point after she tries this  
8 time if it doesn't work, then she's going to suggest to  
9 Stanford that I have a bone marrow treatment because  
15:30:11 10 that's the only way they can get to a cure. Because I've  
11 had radiation twice, chemo twice, about to have the third  
12 time. I had a UV. I had methotrexate. I had  
13 everything. And it all came back. It will go away a  
14 little bit. I had the radiation.

15:30:30 15 One of my employees, I guess he doesn't really  
16 know American humor. He's El Salvadorian. So he said --  
17 one day he said, "Lee, you are black as Eddie Murphy."  
18 You know what I mean? Because Eddy's darker than I am,  
19 of course, and I'm lighter. So when I got the radiation,  
15:30:43 20 I was that dark where the guy said, "Man, you look like  
21 Eddy Murphy."

22 Q. So it even changed your skin color?

23 A. Totally changed my color. And disfigured me.  
24 All crazy stuff. It's weird. And then it smooths out.  
15:30:57 25 Like you can see some smooth parts of my skin and then

1 you can see the craziness. It does its own thing. It's  
2 out of control.

3 MR. DICKENS: So this was June of 2017. If I  
4 can move to admit and publish Plaintiff's Exhibit 45E.

15:31:20 5 THE COURT: Any objection?

6 MR. GRIFFIS: No objection, your Honor.

7 THE COURT: Very well. You may proceed.

8 Q. BY MR. DICKENS: Mr. Johnson, this is some  
9 months after November of 2017. And is this your arm  
10 here?

11 A. That is my arm.

12 Q. There looks like there's some -- can you  
13 describe kind of what's on this arm compared to the  
14 nodules or those open wounds that you previously  
15 described?

16 A. Right. These are more plaques. Because you can  
17 tell. There's nodules here too, but the plaques because  
18 it's raised up a little bit and you can see that it's all  
19 red and all puffy. Those are plaques. And then the  
20 lesions are the open wounds; right? Like up here at the  
21 top of the arm, right here you can see two dots that look  
22 like something on top of there? Those are modules. So  
23 it's the same thing going on. This is CTL.

24 Q. And is that a tattoo on your forearm there?

15:32:17 25 A. It is.

1 Q. What does that say?

2 A. That says, "Blessings for the righteous."

3 Q. And why would you get that particular tattoo?

4 A. Because I thought if I'm a righteous person,  
15:32:30 5 I'll be blessed. If I do right by people and I do right  
6 by the world, then I'll be blessed. So blessings for the  
7 righteous.

8 Q. In the next picture, Mr. Johnson, this appears  
9 to be, you know, your arm and then part of your side  
15:32:43 10 there. It looks like there's some parts that are crusted  
11 over and some parts that are open. Is that something  
12 that you would deal with?

13 A. Right. Like what they say with CTL, you think  
14 you have a scar and it's crusting over. You know, I will  
15:32:58 15 pick a scar, you pick it off and think that you're going  
16 to have maybe a light colored skin or whatever might heal  
17 later. But, no, that doesn't happen with this. You peel  
18 that off and you're going to have something worse under  
19 there. As you see up there at the top, the little yellow  
15:33:16 20 ones that look almost look like a little hole or a crater  
21 and you see that yellow in there? Because what they do  
22 is they get infected. And that's why she was talking  
23 about having to give me so much Keflex and all these  
24 different antibiotics because that's what happens. They  
15:33:28 25 open and they get infected.



1 Q. And so that was actually an infection? That's  
2 your understanding?

3 A. I would think so, yes.

4 Q. And then there were more picture taken of you  
15:33:39 5 even a couple months later; is that right?

6 A. Yes.

7 MR. DICKENS: Move to admit and publish  
8 Plaintiff's Exhibit 45F, your Honor.

9 THE COURT: Any objection?

10 15:33:50 MS. EDWARDS: No objection, your Honor.

11 THE COURT: Very well. You may proceed.

12 Q. BY MR. DICKENS: Mr. Johnson, this is from  
13 January of 2018. You mentioned you've lot some weight  
14 over the course of your treatment. How much weight did  
15:34:09 15 you lose?

16 A. I have a lost over a hundred pounds at one point  
17 while taking chemo.

18 Q. And was it right around this time that you lost  
19 all that weight?

15:34:19 20 A. Yeah, when I was taking the chemo I lost a lot  
21 of weight.

22 Q. And how has -- your cancer diagnosis, has it  
23 affected our relationship with your wife?

24 A. Yes.

15:34:32 25 Q. Can you tell us how?

1           A. There's been times where, you know, intimacy is  
2 out when you're looking like that. You can't even  
3 suggest that somebody would be intimate with you when  
4 you're looking like that.

15:34:46

5           Even though she knows my prognosis and whatever  
6 else, it's -- it's incredible that she would stay with me  
7 through this and slept in the bed next to me and been  
8 through this, kind of, with me.

15:35:02

9           So, yeah, it affected a lot. And I think  
10 probably more so me than her, because I'm mentally  
11 thinking, you know, how do you deal with this, and you're  
12 on the other side of me?

15:35:14

13           You know, so, yeah, it caused a lot of things.  
14 And then it was a lot of irritability with me. And, you  
15 know when I was really in pain and couldn't get out,  
16 couldn't do things, so I'm a little bit snappy here and  
17 there and not happy or -- I mean, they go out a lot.  
18 Every weekend or whenever she's got time. I couldn't go  
19 do things. It was like -- I don't think she'd liked  
20 that. You know, that she had to show up alone at all  
21 these different parties and explain, you know, "My  
22 husband is sick," you know. So, yeah, that was affecting  
23 us.

15:35:31

15:35:40

24           Q. Do you have an understanding as to what your  
25 outlook is, your prognosis?

1           A. You know, I think that because I have the  
2 attitude of beating cancer, that I was, sort of, in  
3 denial until this case. I mean, when you start seeing  
4 yourself on TV or see yourself in the paper, "Man's  
15:35:58 5 dying." "Dying man." And I heard the doctor say it, and  
6 I know that, you know, Dr. Truong is the one that gave,  
7 you know, the prognosis, to get -- you know.

8           But I was in denial. I think that I was just  
9 on, "I'm not dying from cancer. I've got to figure it  
15:36:13 10 out. I've got to keep myself healthy. I've got to  
11 exercise. I have to drink right, eat right and try to be  
12 as healthy as I can to beat this thing."

13           Now, I'm -- it's pretty scary, because me going  
14 back -- I'm going back to chemotherapy. So I know, in  
15:36:28 15 reality, I am not better. And I'm not getting any  
16 better, that I keep going back and forth with this up and  
17 down of halfway getting clear skin and then back to the  
18 thing again full-fledged. So it's a -- it's a roller  
19 coaster, and it just -- just never stops.

15:36:47 20           Q. Are you going to keep fighting?

21           A. I'll keep fighting until the last breath. You  
22 know, until my time's written in the sky, I'll be  
23 fighting.

24           MR. DICKENS: No further questions.

15:36:55 25           Thank you, your Honor.

1 THE COURT: Thank you.

2 Ms. Edwards.

3 MS. EDWARDS: Thank you, your Honor.

4 (Interruption in proceedings.)

15:38:50

5 MS. EDWARDS: Permission to approach, your  
6 Honor?

7 CROSS-EXAMINATION

8 BY MS. EDWARDS:

15:39:14

9 Q. All right. Good afternoon, Mr. Johnson. My  
10 name's Sandra Edwards with Monsanto. And I think we  
11 met -- we met briefly before.

12 A. Yes, we did.

13 Q. And thanks for being here today.

14 A. You're welcome.

15:39:21

15 Q. Let me go back in time just a little bit to when  
16 you were promoted to being the integrated pest manager.  
17 I understand that along with that responsibility you had  
18 to pass some tests; right?

19 A. I did.

15:39:34

20 Q. And one of the tests was to get your qualified  
21 applicator's certificate; is that right?

22 A. Yes.

23 Q. And in order to do that, you had to -- you had  
24 to take some courses and study materials; is that right?

15:39:46

25 A. There is no course to take. What they offer is

1 a one-day training. And then a few weeks later, you go  
2 see if you can pass the test.

3 Q. Okay. And there were written materials that you  
4 got; is that right?

15:39:58 5 A. Yeah. That's the best way. The written  
6 materials are how you really learn.

7 Q. Okay. And the written materials included  
8 information about, as you said, pesticide laws and  
9 regulations; is that right?

15:40:07 10 A. Not only pesticide. It's the laws and  
11 regulations for the State of California, which you can do  
12 under your QAC and what you shouldn't do. So it's not  
13 just the pesticides. This has to do with the rodents and  
14 everything and where and how you treat those things.

15:40:25 15 Q. Okay. So in the part of the materials that you  
16 were studying about pesticides, part of that was how  
17 to -- how to handle pesticides safely, where you can  
18 spray them; is that right?

19 A. Repeat that question again, please.

15:40:39 20 Q. So the part of the materials that you were  
21 studying about pesticides was how to handle them safely;  
22 is that right?

23 A. It's all about laws and regulations. It wasn't  
24 just pesticides.

15:40:50 25 Q. Okay. And the portions that were about

1 pesticides, though, talked about when you can spray them  
2 and where you can spray them; is that right?

3 A. Not "when you" or "where you." You learned  
4 about all of the different things that they have under  
15:41:05 5 their guidelines. But they don't go into detail about  
6 different things. It's just you have to read and learn.

7 Again, those questions are not, like, by the  
8 book. You know what? I mean, it's not like you're  
9 reading your history book and you get the history test.  
15:41:20 10 It's more, like, information, and then they offer these  
11 questions, and they're close to or kind of to. And then  
12 the laws and regulations are the ones that are right on.

13 Q. Okay. So the materials don't spoon-feed the  
14 answers to you; right?

15:41:32 15 A. No. It's very tough.

16 Q. And do part of the materials include how to read  
17 a label for an herbicide or a pesticide or different  
18 products?

19 A. It does, yeah.

15:41:42 20 Q. And my understanding is that's actually a  
21 really -- it's a really hard test; is that right?

22 A. It's extremely hard. Most of the people that  
23 are teaching in those classes have never taken the test,  
24 because that would be illegal. So they can't take the  
15:41:56 25 test. They can only teach what they think is on the

1 test.

2 Q. All right. And it took a couple tries to pass  
3 the test; correct?

15:42:05

4 A. And a lot of driving. Because you don't get it  
5 in one place. They serve it in Sacramento, or they might  
6 serve the test in San Luis Obispo. Like, next week it  
7 might be in Santa Maria. And that's what I had to do. I  
8 had to drive around to those places for the opportunity  
9 to take the test.

10 Q. All right. And you were studying really hard;  
11 right?

12 A. Really hard. 3x5 cards and reading and just  
13 getting my family to test me and everything. And just  
14 took it real seriously to try to get my license.

15:42:27

15 Q. All right. And correct me if I'm wrong, but  
16 from the time you first started studying until the time  
17 you got your QAC was roughly 12 months, 16 months,  
18 something like that?

19 A. I'm not sure.

15:42:39

20 Q. It took a little while; right?

21 A. It did.

22 Q. Okay. But then once you got your QAC, you were  
23 then certified to hold the title of integrated pest  
24 manager?

15:42:45

25 A. Exactly.

1 Q. All right. And there were a couple of other  
2 certifications that came along with that; right?

3 A. But before the license, I was already a  
4 certified integrated pest manager. It wasn't the license  
15:42:56 5 that made me -- you know, what happened is that the  
6 school district hired me as integrated pest manager and  
7 gave me the opportunity to get my license. But it was a  
8 requirement for my job.

9 Q. All right. And you were working as an  
15:43:06 10 integrated pest manager. I didn't mean to suggest you  
11 needed one to have the other. You were working as the  
12 IPM and studying for the test at the same time.

13 A. Exactly.

14 Q. Okay. And I think you also had an -- is it a  
15:43:17 15 QCE? Qualified certified applicator certificate as well?

16 A. Well, the QAC I had. And then I had three other  
17 categories under there. I don't remember exactly what  
18 the categories are, but they -- it's over 50 categories,  
19 and I have three of those. Plus my QAC.

15:43:33 20 Q. Okay. All right. And we talked a little bit on  
21 direct about the Ranger Pro label, which is the product  
22 you used the majority of the time when you were at  
23 Benicia Unified School District; right?

24 A. That's true.

15:43:46 25 Q. And you talked about how they had a -- sort of,



1 a fold-out label and you carried it with you everywhere;  
2 right?

3 A. Right.

15:43:54

4 Q. All right. And we're talking about everywhere  
5 during the spray season, which was really during June,  
6 July and August; is that right?

7 A. Right.

15:44:03

8 Q. Okay. And you testified there were other days  
9 during the year where you would spray, but the majority  
10 of it really was during the summer months; is that right?

11 A. We'll get in, like I say, little pop-ups here  
12 and there, so you can go and treat them.

13 Q. And the practice was that you'd go out early in  
14 the morning, like, 6:00 a.m. mostly?

15 A. Right.

16 Q. Okay.

17 A. Or before. You know, just as soon as you can  
18 get out there. As long as you can see light, you can  
19 see, we got --

15:44:20

20 Q. Okay. I understand you had days where you would  
21 spray longer, but on average, you would spray about  
22 two-and-a-half to three hours a day; right?

23 A. Right. Before school started.

24 Q. And it was before school started; right?

15:44:31

25 A. Right.

1 Q. Okay. And part of the training you had and part  
2 of the information on the label, was to make sure you  
3 were spraying when other people weren't around; right?

4 A. Exactly.

15:44:39

5 Q. And that includes children at schools; right?

6 A. People, period. In general, any human. Not  
7 spraying around humans or animals.

8 Q. Okay. And I think you said during the spray  
9 seasons you typically sprayed about 20 to 30 days a year;  
10 is that right?

11 A. Sometimes.

12 Q. Roughly?

13 A. Roughly.

15:44:56

14 Q. Okay. You mentioned on direct that there was  
15 one season where the truck-mounted sprayer that we saw a  
16 picture of, that it wasn't working; is that right?

17 A. Correct.

18 Q. And I think you said you nearly lost a whole  
19 season. What did that mean, sir?

15:45:07

20 A. Well, we lost a whole season of spraying,  
21 almost.

22 Q. Okay.

15:45:17

23 A. So we -- that's what I mean when I say we almost  
24 lost a whole season. The weeds, you know, they have a  
25 cycle. So if you miss it, it will be even harder next

1 time. There will be more weeds.

2 So the thing is to stay ahead of the weeds. And  
3 that's why people, you know, use a pre-emergent  
4 eventually.

15:45:28 5 Q. Okay. So when the truck-mounted sprayer broke,  
6 that was the sprayer that you used most of the time;  
7 correct?

8 A. Correct.

9 Q. All right. So whatever period of time that  
15:45:35 10 wasn't working, is it fair to say you weren't spraying?

11 A. At first we weren't spraying. But then we went  
12 and got the backpacks to start spraying. Because we had  
13 to. It's a part of our job requirement, when we signed  
14 up, and we're paid a little more to do that. So we have  
15:45:49 15 to spray. It's part of it.

16 Q. Okay. And was the -- the period where the  
17 truck-mounted sprayer broke, was that prior to your  
18 cancer diagnosis?

19 A. No. It was after.

15:45:58 20 Q. It was after? Okay.

21 So up until your cancer diagnosis, you were  
22 using the truck-mounted sprayer primarily?

23 A. Yes, ma'am. Yes.

24 Q. And then the -- then the backpack sprayer?

15:46:09 25 A. I only used the backpack, during my whole

1 employment history with Benicia, only two times.

2 Q. Okay.

3 A. While the big sprayer was down. In the shop.

4 Q. Okay. And you were talking about using the --  
15:46:21 5 the label that you read every day when you were spraying  
6 to determine what ratio of water to Ranger Pro you  
7 needed, depending on the weed that you were going to  
8 spray; right?

9 A. Exactly.

10 Q. Okay. And that's what you were talking about  
11 your Applebee's recipe, you had to get the -- the recipe  
12 right?

13 A. Yep.

14 Q. Okay. And correct me if I'm wrong, but I think  
15:46:38 15 you said the most common weed you were spraying was  
16 called cheeseweed or mallow?

17 A. Exactly.

18 Q. And in order to determine how much Ranger Pro to  
19 water you needed, then you would look at the label for  
15:46:50 20 that ratio; right?

21 A. Exactly.

22 Q. And if we could take a look at the Ranger Pro  
23 label again. Mr. Johnson, in the binder it's at  
24 Exhibit 2947. That is identical to Plaintiff's  
15:47:03 25 Exhibit 848, which has already been admitted into

1 evidence.

2 MS. EDWARDS: Permission to publish, your Honor?

3 THE COURT: Yes.

4 THE WITNESS: 2947?

15:47:11 5 Q. BY MS. EDWARDS: Yes, sir. 2947.

6 And this is the Ranger Pro label we've already  
7 looked at; right?

8 A. Right.

9 Q. Okay. If we could turn to Section 9.1. I think  
15:47:26 10 that might be on page 8, Mr. Johnson.

11 A. Yep, 9.1, "Annual Weeds."

12 Q. Okay. And under the "Annual Weeds" --

13 MS. EDWARDS: Actually, Armando, can you go over  
14 to the right? There's a weed species over there on the  
15:47:50 15 right-hand.

16 Q. It says, "Weed species," Mr. Johnson. And it  
17 says, "Cheeseweed," right over -- right over here; right?

18 A. Yeah, malva parviflora.

19 Q. Okay. So is a cheeseweed considered an annual  
15:48:05 20 weed?

21 A. Yes.

22 Q. All right. And you're saying it's kind of a  
23 tough weed; right?

24 A. It's one of the toughest weeds in Benicia.

15:48:12 25 Q. And going back to Section 9.1, under the weed

1 controlled area, if you would, under "Annual Weeds."

2 MS. EDWARDS: Thank you.

3 Q. Correct me if I'm wrong, but it says, in the  
4 second paragraph, "For annual weeds over 6 inches tall or  
15:48:28 5 for smaller weeds growing under stress conditions, use a  
6 1 to 2 percent solution"; is that right?

7 A. Is that, like, on the fourth line of that  
8 paragraph? The second paragraph?

9 Q. Yes, sir.

10 15:48:39 A. Yeah, I see that.

11 Q. All right. And so correct me if I'm wrong, but  
12 does that mean when you were spraying for cheeseweed, you  
13 would take a mixture of 1 to 2 percent Ranger Pro and put  
14 that in the tank, and then the other 98 to 99 percent  
15 15:48:56 would be water?

16 A. So this is the reason why you have instructions  
17 in front of you.

18 Q. Yes.

19 A. And I would never tell you that I did this or  
15:49:05 20 that percentage, because that's not how it's done. I  
21 would look at the book and measure from the book and do  
22 it that way.

23 Q. Okay.

24 A. So I don't have it memorized. I couldn't tell  
15:49:14 25 you what I did that day or whatever, because I never

1 memorized. But I did it from the book.

2 Q. Okay. Is this the book, though, that you looked  
3 at to determine what formula to use?

4 A. This is the information, but this is not the  
15:49:26 5 book. It was in the pamphlet. So I don't know if it's  
6 smaller in the pamphlet, if it's all the information, if  
7 it's -- I don't know. But if -- the pamphlet could fit  
8 in your pocket. This obviously won't.

9 Q. Okay. Okay. Is this pamphlet different than  
15:49:35 10 the label on the container?

11 A. I'm not sure. I don't know if the pamphlet I  
12 was looking at had that information. It's sort of like  
13 this. Is it identical? I don't know.

14 Q. Okay. Okay. But the general idea was there was  
15:49:44 15 a -- a percentage of Ranger Pro that you used; correct?  
16 And would it be fair for me to say it ranged from 1 to  
17 3 percent? Or do you remember?

18 A. I don't know what "fair to you" is. I wouldn't  
19 call it fair, because that's not fair to me, because I  
15:50:00 20 don't memorize recipes --

21 Q. Okay.

22 A. -- or ingredients to mix herbicides.

23 Q. I didn't mean to suggest I'm trying to be  
24 unfair.

25 A. No, I'm just answering. That's okay.

1 Q. I'm sorry. But the -- the tank was basically a  
2 large percentage of water and some percentage of Ranger  
3 Pro; right?

4 A. Now, that's very fair.

15:50:16 5 Q. Okay. And then I think you said on direct that  
6 you also added a surfactant; is that right?

7 A. No.

8 Q. Okay. I thought I heard you say that. You  
9 didn't add surfactant?

15:50:23 10 A. Maybe I was saying surfactant. If I did, it  
11 might have been a mistake. But I really meant an  
12 antifoam. The surfactant is already in the solution.  
13 But antifoam is what I was actually adding. It's the  
14 only thing I ever added.

15 Q. Okay.

16 A. Because I don't know if you know the product,  
17 but the pressure of the water makes it foam up really  
18 bad. So you either take slow-pressure water, or you  
19 speed it up so you can go to work and deal with the foam.

15:50:45 20 Q. And what type of -- what type of antifoam did  
21 you add to the mix?

22 A. I don't remember the brand. All I know is I got  
23 it from the same people that I used to get the Ranger Pro  
24 from. And Leanne Schroeder was the one who suggested  
15:50:58 25 that it would be okay. Because I had a problem with the



1 foam. And that's what she told my supervisor, that we  
2 should use an antifoam, and it would be okay to mix it in  
3 there.

15:51:11 4 Q. All right. And I understand this was a little  
5 while ago. How much of the antifoam would you be adding  
6 to the 50-gallon tank?

7 A. I don't remember, ma'am. That -- that was a  
8 long time ago.

15:51:19 9 Q. Okay. So the -- in the 50-gallon tank, though,  
10 the vast majority was water, and then some Ranger Pro?

11 A. Exactly.

12 Q. And I believe you testified that even when you  
13 were diluting the Ranger Pro with water, you were always  
14 wearing your PPE; right?

15:51:27 15 A. Yeah. One of the training, they said, you know,  
16 when you're mixing is a very dangerous time for some  
17 reason.

18 Q. Okay. And you were very careful about  
19 approaching pesticides generally; right?

15:51:36 20 A. Yes.

21 Q. Okay. It sounds like you were always wearing  
22 the personal protection equipment that you were  
23 testifying --

24 A. Exactly.

15:51:41 25 Q. -- about earlier?

1           Whether that was you -- you were mixing it or  
2 you were loading it in the truck; is that right?

3           A. Yes.

4           Q. And in particular, when you were spraying?

15:51:49

5           A. Yes.

6           Q. All right. And so you did more than follow the  
7 label about wearing personal protection equipment; right?

8           A. Yep.

9           Q. Okay. So you were very careful; correct?

15:51:58

10          A. Trying to be.

11          Q. And part of that was to try to avoid coming into  
12 contact with the -- with the diluted pesticide; right?

13          A. Right.

14          Q. And Mr. Dickens talked to you about the concept  
15 of -- of drift. And part of your -- your training,  
16 either through getting your QAC license or maybe even  
17 with Leanne Schroeder, was how to try to control drift;  
18 right?

19          A. Right.

15:52:31

20          Q. And I think you said that to control drift,  
21 there were a couple things you could do. You could  
22 adjust the nozzle on the wand; right?

23          A. Yeah.

24          Q. Okay.

15:52:40

25          A. That was the main thing. That's how they teach

1 you to control drift, is with a nozzle.

2 Q. Okay. And I believe you -- you said that you  
3 were also trying to pick, kind of, the ideal day to  
4 spray. So it's a day where it's not very windy; right?

15:52:55

5 A. Yeah. That's the responsibility of the  
6 applicator, to pick the weather and times where it's  
7 permissible.

8 Q. And it's not supposed to be misty; is that  
9 right?

15:53:05

10 A. It's not supposed to be misty, wet. No, that's  
11 not good.

12 Q. And that's, again, all to try to at least reduce  
13 the amount of drift you're getting when you were  
14 spraying; right?

15:53:13

15 A. The mistiness would probably be to not get it  
16 where you don't want it to go. Mist is not going to  
17 cause drift, I don't think. Wind causes drift.

18 Q. All right. So drift is different from mist?

19 A. I would say.

15:53:27

20 Q. Okay. All right. But you were doing the best  
21 you could to try to reduce the amount of drift you were  
22 coming in contact with; right?

23 A. Yes, ma'am.

24 Q. And that was part of why you were wearing the

15:53:38

25 amount of personal protection equipment you were wearing;

1 right?

2 A. That was all of why.

3 Q. And that included the paper mask; right?

4 A. Yes.

15:53:47

5 Q. All right. And sometimes you wore a hoodie  
6 pulled over, tight around your face?

7 A. Not much. I mean, I would try to wear a hoodie  
8 because sometimes it was chilly in the morning. You know  
9 what I mean? But once you start doing that and you're

15:53:57

10 moving, you're sweating, you're hot, so you don't really  
11 want to be hot. So you take that off and dress  
12 accordingly for what you have to do.

13 Q. Okay. And goggles on as well; right?

14 A. Goggles.

15:54:06

15 Q. And so the areas of your face that were getting  
16 exposed to drifts, depending on whether you were wearing  
17 your hoodie or not, varied a little bit, but it was  
18 primarily around your face; correct?

19 A. Yeah. I usually had on a baseball cap no matter  
20 what. So my forehead and other things were covered. But  
21 this (indicating) was never always covered. You know,  
22 and you have the mask, the string around here, whatever,  
23 and my neck was just -- you couldn't cover all that  
24 stuff. It's too hot.

15:54:30

25 Q. Okay. And on days when it was too windy, you,

1 in fact, would stop spraying and go back and tell  
2 Mr. Owens; right?

3 A. Well, when it's too windy, you wouldn't even  
4 start, because you'd know it's windy from the yard. So,  
15:54:42 5 you know, you don't even go out there.

6 Q. And that's why, in part, you guys were  
7 monitoring the weather?

8 A. Exactly.

9 Q. All right. And I think you said that every day  
15:54:49 10 that you sprayed, you and the other groundskeepers would  
11 actually go back to the maintenance yard, and then you  
12 would wash your face; right?

13 A. Yes.

14 Q. Okay. So I'm just making sure I heard that  
15:55:00 15 correctly.

16 A. Yes, we would.

17 Q. All right. There was a sink somewhere in the  
18 maintenance yard?

19 A. There is.

15:55:04 20 Q. All right. And you would wash your face. Was  
21 it with soap and water? Just water?

22 A. Yeah. Soap and water, towels there.

23 Q. Okay. And I -- I think you said you did that  
24 for a while, maybe 10, 15 minutes?

15:55:13 25 A. Well, the face, we just did that every time.

1 Probably about 10 minutes, and get prepared to go finish  
2 off.

3 Q. Okay. And then you would -- you would change  
4 out of your personal protection equipment; right?

15:55:20

5 A. Before you even went in the office, yeah, you'd  
6 call that out at the -- you know, we had a little ramp on  
7 the other side of the yard where we kept our equipment in  
8 garbage cans and all that stuff. So you'd take care of  
9 that stuff before you'd go into the office.

15:55:34

10 Q. Before you went and washed your face off?

11 A. Yes.

12 Q. Okay. All right. And your coworkers did that  
13 as well; right?

15:55:42

14 A. Yeah, I can't say, because I'm not with them all  
15 the time, so --

15:55:57

16 Q. Switching gears a little bit, Mr. Dickens asked  
17 you about when you first started to experience a rash.  
18 And I understand that dates sometimes are a little fuzzy  
19 right now. But do you recall having told your doctors  
20 that you first developed a skin rash to your chest, trunk  
21 and face in the fall of 2013?

22 A. I don't remember the exact day or year that I  
23 told them that. But I'm sure if there's some record, we  
24 could probably refer back to that.

15:56:13

25 Q. All right. Do you recall -- you've been deposed

1 a couple times in this lawsuit; right?

2 A. Oh, I'll never forget that. That was -- what?

3 Four days? Three days?

15:56:24

4 Q. Something like that. And understanding that was  
5 a while ago, would it refresh your recollection if you  
6 took a look at your deposition testimony about that  
7 issue, about when you start to first experience a rash?

8 A. Sure. I think it would.

9 Q. I'll have you take a look, if you don't mind.

15:56:38

10 I think there's a binder right up there, sir.  
11 It should say, "Deposition."

12 A. A deposition binder.

13 Q. And if you would look under the tab that says,  
14 "December 7th, 2017." These are a little hard to read.

15:57:07

15 And I'm asking you to take a look at page 361.

16 A. Okay. Which way?

17 Q. Page 361, starting -- they have lines running  
18 down the left-hand side. Starting at line 4, sir. You  
19 can just read it to yourself.

15:57:42

20 A. I see that.

21 Q. All right. And does that refresh your  
22 recollection about when you first started experiencing a  
23 rash to your -- your chest, trunk and face?

15:57:52

24 A. Yeah. It reports that I thought that I might  
25 have -- you know, so like I said, I'm still not concrete

1 on exactly when. It's been a while. And like I said,  
2 it's just hard to remember all that way back.

15:58:08

3 Q. Okay. And Mr. Dickens asked you a fair amount  
4 about the lesion that appeared on your thigh or your  
5 knee.

6 A. Right.

7 Q. And I think you were having a hard time, kind  
8 of, placing that in time as well? Is that --

9 A. Yes.

15:58:15

10 Q. Is that fair to say?

11 Okay. And do you recall that you first started  
12 actually paying attention to the mark on your knee  
13 sometime before that car accident you had driving from  
14 Santa Maria to Vallejo?

15:58:28

15 A. That would be wrong. It was -- it was after the  
16 car crash.

17 Q. It was after the car crash?

18 A. Yes, ma'am.

19 Q. All right.

15:59:13

20 MS. EDWARDS: And, your Honor, if I may, this is  
21 the October 28th, 2015, deposition.

22 THE COURT: Yes.

23 MS. EDWARDS: Starting at page 94, line 16,  
24 through page 95, line 15.

15:59:39

25 THE COURT: You may proceed.



1 Q. BY MS. EDWARDS: And, sir, do you recall one of  
2 your depositions was back in October of 2015?

3 A. Is that the one in the back, 10/28/15?

4 Q. Yes, it is.

15:59:55

5 And understanding this was a while ago, the  
6 question presented to you, then, was: "And when you say  
7 you didn't notice anything until later, you're referring  
8 to the mark on your knee; correct?"

9 A. What page is this on?

16:00:06

10 Q. Page 94, at line 16.

11 And so the question was: "And when you say you  
12 didn't notice anything until later, you're referring to  
13 the mark on your knee; correct?"

14 "Answer: Yes. The mark on the knee just got  
15 worse and worse. It just -- it started as almost nothing  
16 and then got worse.

16:00:40

17 "How long did you have that mark on your knee  
18 before you went to treatment?"

19 "Answer: For treatment for what?"

16:00:50

20 "Question: Well, until they discovered that you  
21 had the lymphoma.

22 "Answer: When I really started paying attention  
23 to it, it would have to be right before I went to Santa  
24 Maria. About a few weeks before I went to Santa Maria.

16:01:03

25 But I didn't really trip on it. I didn't really worry

1 about it at all."

2 Do you recall that testimony, sir?

3 A. Yeah. Like I said, I'm kind of confused. That  
4 probably was the dates, that day. Because like I said, I  
16:01:18 5 have problems with that whole situation. I had a  
6 rollover crash. And after that, things started to get  
7 crazy ever since then.

8 Q. Right. And understanding this was a while ago,  
9 that rollover crash was in September 2013; right?

16:01:31 10 A. I believe so.

11 Q. And that was the mark that the doctor today was  
12 talking about that ultimately was excised, and it turned  
13 out to be the squamous cell carcinoma; right?

14 A. Right.

16:01:46 15 Q. Now, Mr. Dickens asked you about two phone calls  
16 you made to Monsanto. And he put up an email between  
17 some folks at Monsanto. And one of those was dated  
18 November 2014. Do you remember that?

19 A. Not exactly.

16:02:02 20 Q. The first call you made to Monsanto was shortly  
21 after you had been diagnosed; right?

22 A. Right.

23 Q. And you said you called, and you spoke to a nice  
24 lady.

16:02:10 25 A. Patricia Biehl.

1 Q. All right. And you were on the phone for a  
2 period of time. Maybe 35, 45 minutes.

3 A. I don't know. I don't know that she took a  
4 detailed report of everything that I said. And she --  
16:02:20 5 like I said, I don't know what she was writing or typing,  
6 but it seemed like she was taking it down.

7 Q. And she asked you what kind of symptoms you were  
8 having?

9 A. She asked me a lot of questions. I don't  
16:02:31 10 remember each one, but she asked plenty of questions.

11 Q. All right. And you told her about the symptoms  
12 you were experiencing at that point in time; right?

13 A. Yes.

14 Q. Okay. And she told you, "We don't really have  
16:02:41 15 those symptoms along with this product"; right?

16 A. I don't recall her saying that. All I recall  
17 her saying was that somebody would call me back.

18 Q. And I think you said she seemed like she knew  
19 her product really well; right?

16:02:55 20 A. All I know is that she didn't want to answer  
21 questions. She had her certain statements that she would  
22 say, and then someone would call you back. But she  
23 didn't go broad or open. She -- I don't want to say  
24 that -- it just sounded like she was doing what she  
16:03:11 25 needed to do, her job.

1 Q. Okay. And then you made a second call a bit  
2 later to a different number. That was the Missouri  
3 Poison Control; right?

4 A. Right.

16:03:22 5 Q. All right. And you spoke to a different woman  
6 at that point in time?

7 A. I believe so.

8 Q. And this is after you had been exposed to  
9 Roundup twice; right?

16:03:30 10 A. Yes.

11 Q. Okay. And in that call, you were also told the  
12 symptoms you were experiencing were not expected?

13 A. I don't remember that. All I know is that, you  
14 know, they didn't really have much information for me.

16:03:40 15 And they couldn't tell me if, you know, what I had was  
16 from whatever they had.

17 Q. And we've heard a little bit, Mr. Johnson, about  
18 some of the doctors you saw. I just want to mention a  
19 couple names to you and see if you remember them.

16:03:59 20 Your current oncologist is Dr. Truong at Kaiser;  
21 right?

22 A. That's right.

23 Q. And she hasn't told you what caused your mycosis  
24 fungoides; right?

16:04:07 25 A. I've asked her, and, yeah, she hasn't told me.

1 Q. And then you saw a dermatologist at UCSF. Do  
2 you remember Dr. Pincus?

3 A. Yes.

4 Q. All right. And she didn't tell you whether  
16:04:19 5 there was a cause to your mycosis fungoides either;  
6 right?

7 A. They say the same thing. They all say the same  
8 thing.

9 Q. All right. And by "they" does that also include  
16:04:29 10 Dr. Kim, the doctor down at Stanford?

11 A. Yes. Yes.

12 Q. All right. And so she hasn't told you what  
13 caused your mycosis fungoides either?

14 A. No. They all say that the -- they don't have  
16:04:36 15 any scientific evidence that proves that that's what  
16 caused it. So that's what they told me. They don't know  
17 what causes lymphoma. They just try to treat me as  
18 doctors, is what they try to do. They didn't really go  
19 into the cause or where I got it from.

16:04:50 20 Q. Okay. All right. Thank you very much for your  
21 time, Mr. Johnson. I appreciate it.

22 THE WITNESS: Thank you.

23 THE COURT: Thank you.

24 Anything further, Mr. Dickens?

16:05:01 25 MR. DICKENS: Nothing further, your Honor.

1 THE COURT: All right.  
2 Thank you, Mr. Johnson. You may be excused.  
3 THE WITNESS: Thank you.  
4 THE COURT: Counsel, can you approach, please?  
5 MR. WISNER: Your Honor, do you need me?  
6 THE COURT: It's up to you.  
7 (Sidebar.)  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 (End sidebar.)  
23 THE COURT: All right. So Mr. Dickens, you may  
24 proceed.  
25 MR. DICKENS: Just a moment, your Honor.

16:05:19

16:05:30

16:05:41

16:05:58

16:06:25

1 MR. WISNER: Your Honor, we're still looking  
2 for the stipulation. So I think for now we'll just  
3 call the continuation of the video deposition for  
4 Daniel Goldstein.

16:06:58

5 THE COURT: All right. Very well.

6 All right. So Ladies and Gentlemen, with the  
7 time that we have left today, we're going to continue the  
8 deposition video testimony that was earlier interrupted  
9 of Dr. Goldstein. So we're now going to resume that  
10 video deposition.

16:07:16

11 Counsel, when you're ready, you may resume.

12 MR. WISNER: Your Honor, may I go back there and  
13 just check on Lee -- on Mr. Johnson? Thanks.

14 MR. DICKENS: Just another second, your Honor.

16:09:38

15 I apologize for the delay.

16 (Daniel Goldstein video played.)

17 MR. GRIFFIS: Your Honor, there's an issue with  
18 the exhibits that we were provided, I believe.

16:25:56

19 THE COURT: All right. Perhaps this would be a  
20 good place to pause, and we can resume tomorrow.

21 All right. So Ladies and Gentlemen, we're going  
22 to adjourn for today. We'll resume again tomorrow  
23 morning at 9:30.

16:26:14

24 Please remember: Do not discuss the case or do  
25 any research on the case. Please do not read any media

1 coverage. Remember, you have to make your decision on  
2 this case based on the evidence presented in court only.

3 So thank you very much. Have a good evening,  
4 and we'll see you tomorrow morning.

16:26:39

5 Counsel, can you please remain?

6 (Jury leaves courtroom.)

7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]

16:27:42

10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
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15 [REDACTED]  
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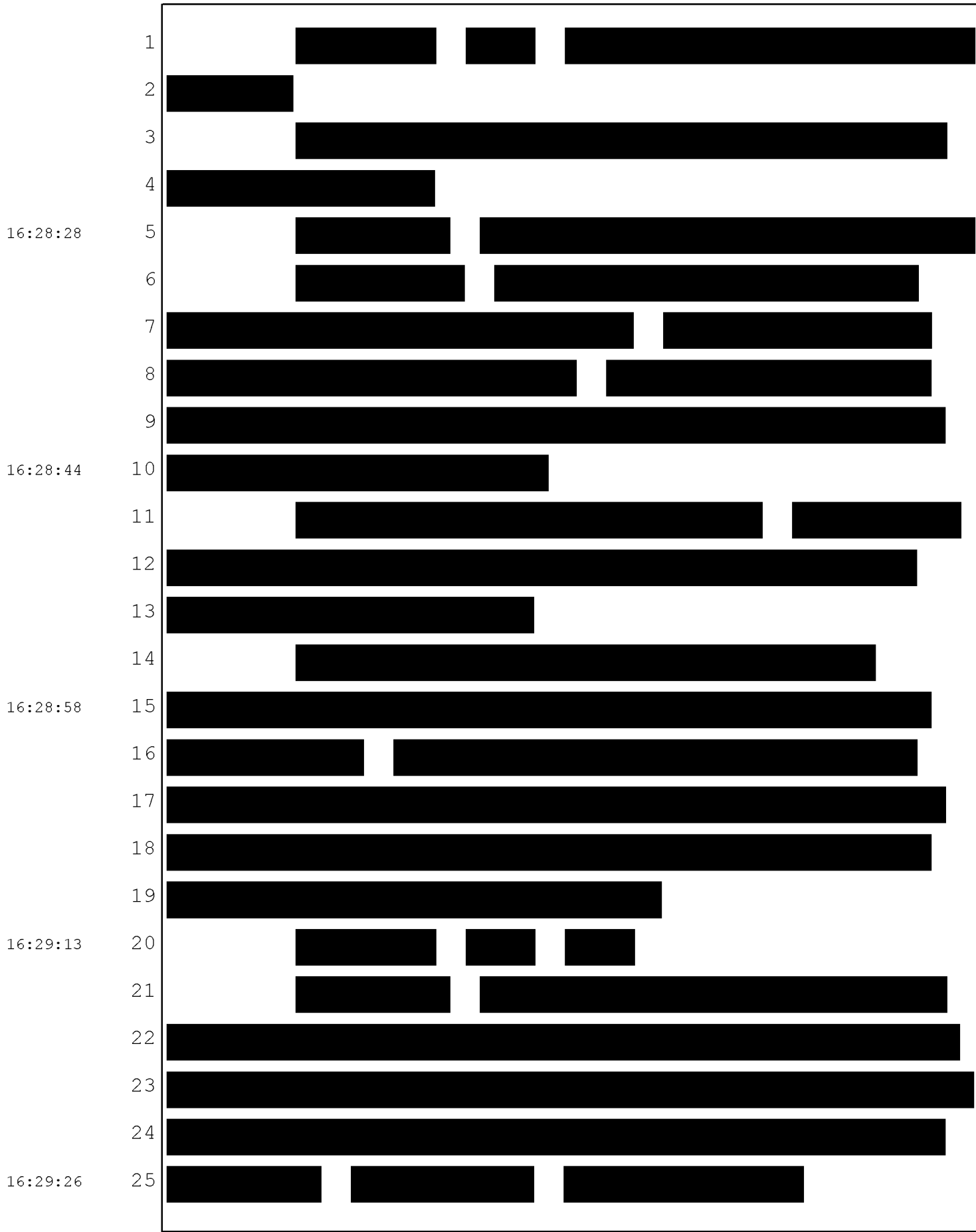
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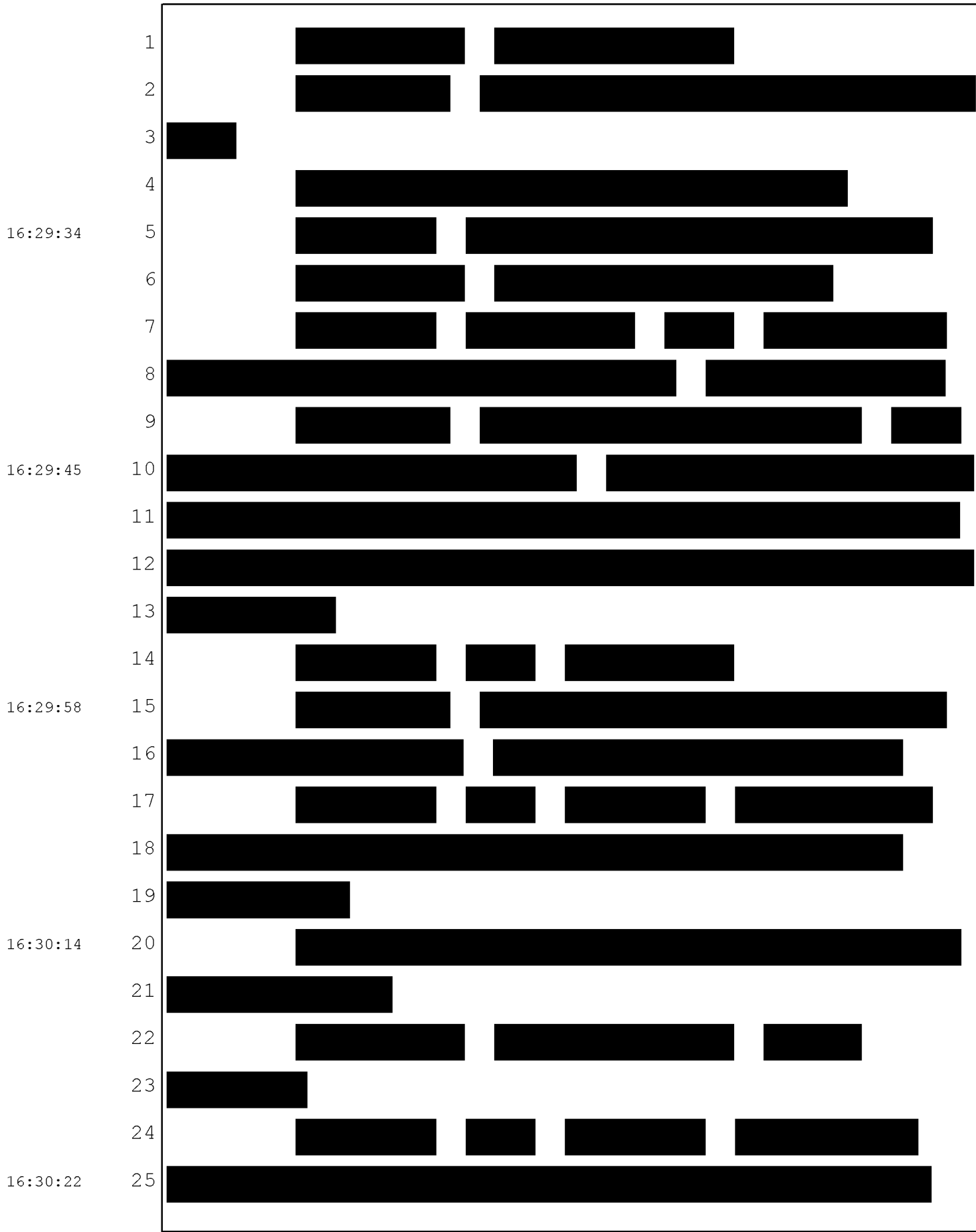
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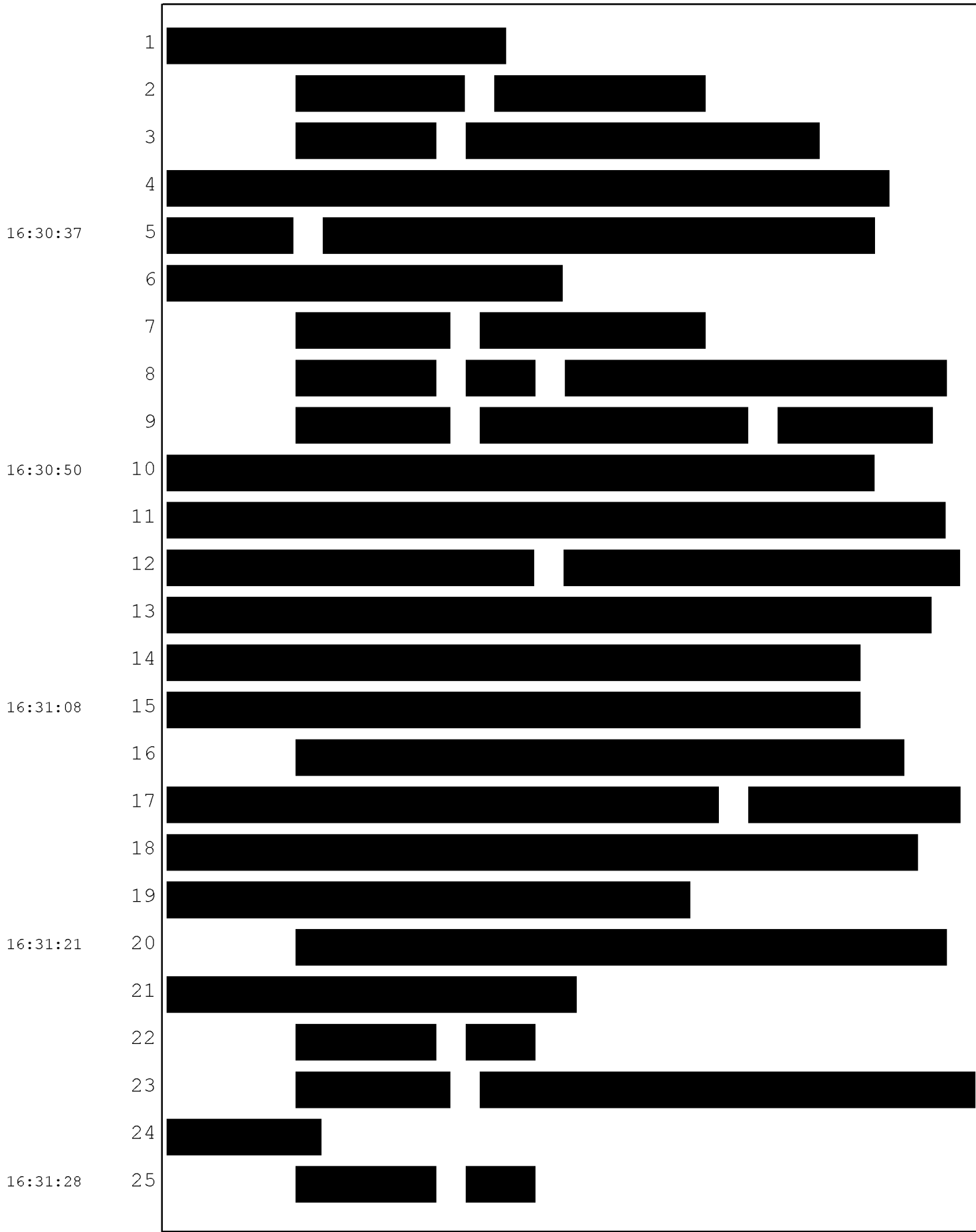
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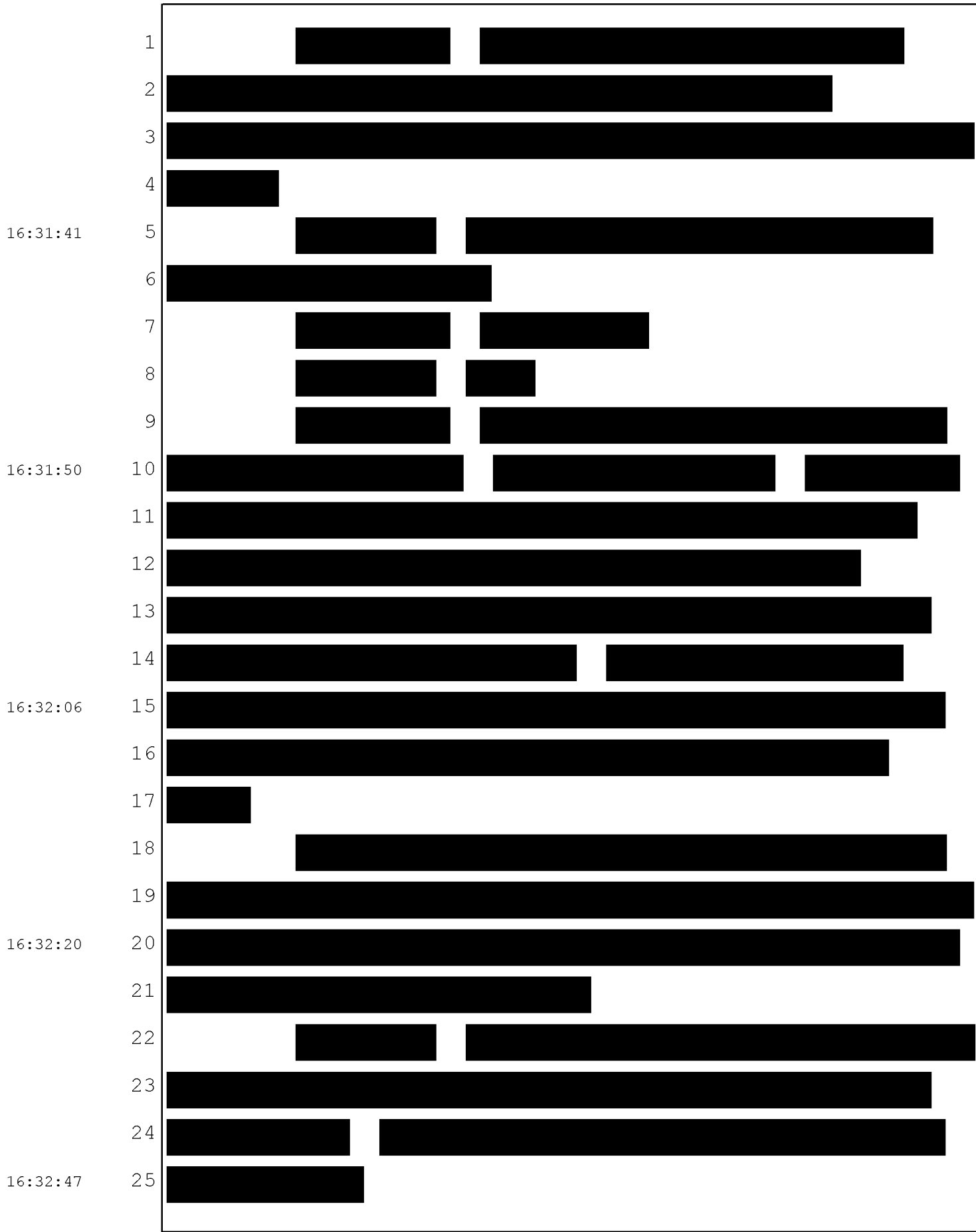
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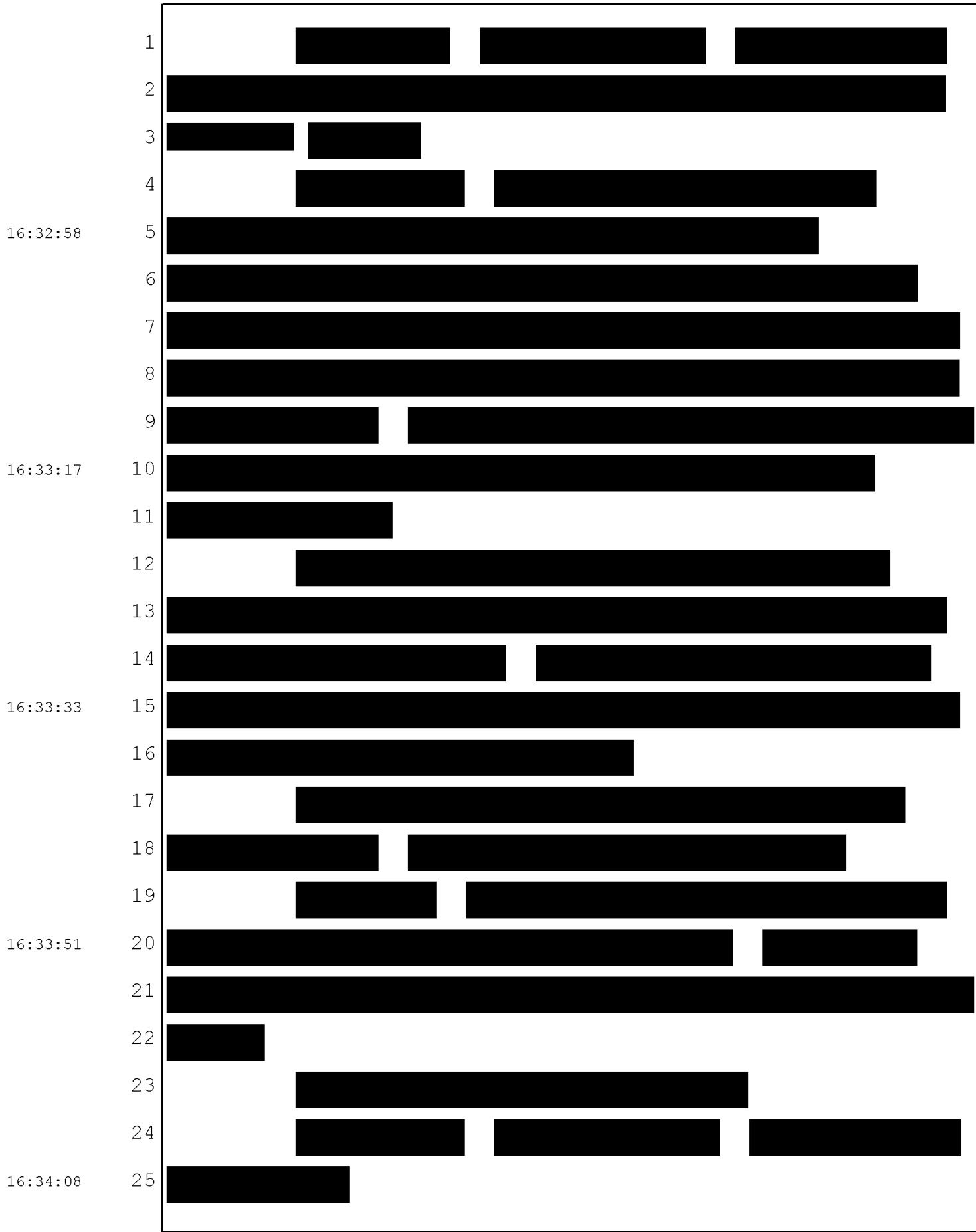












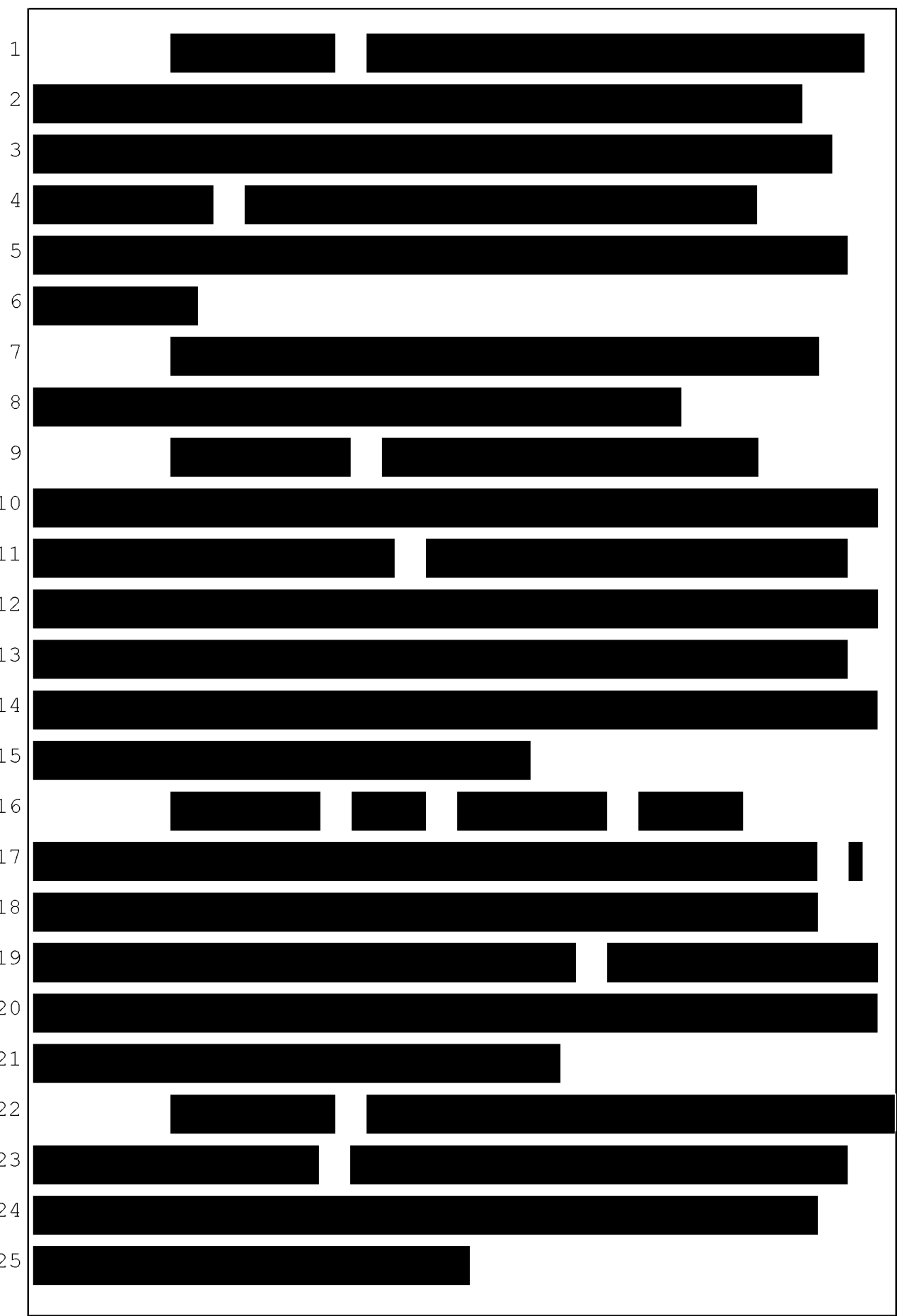
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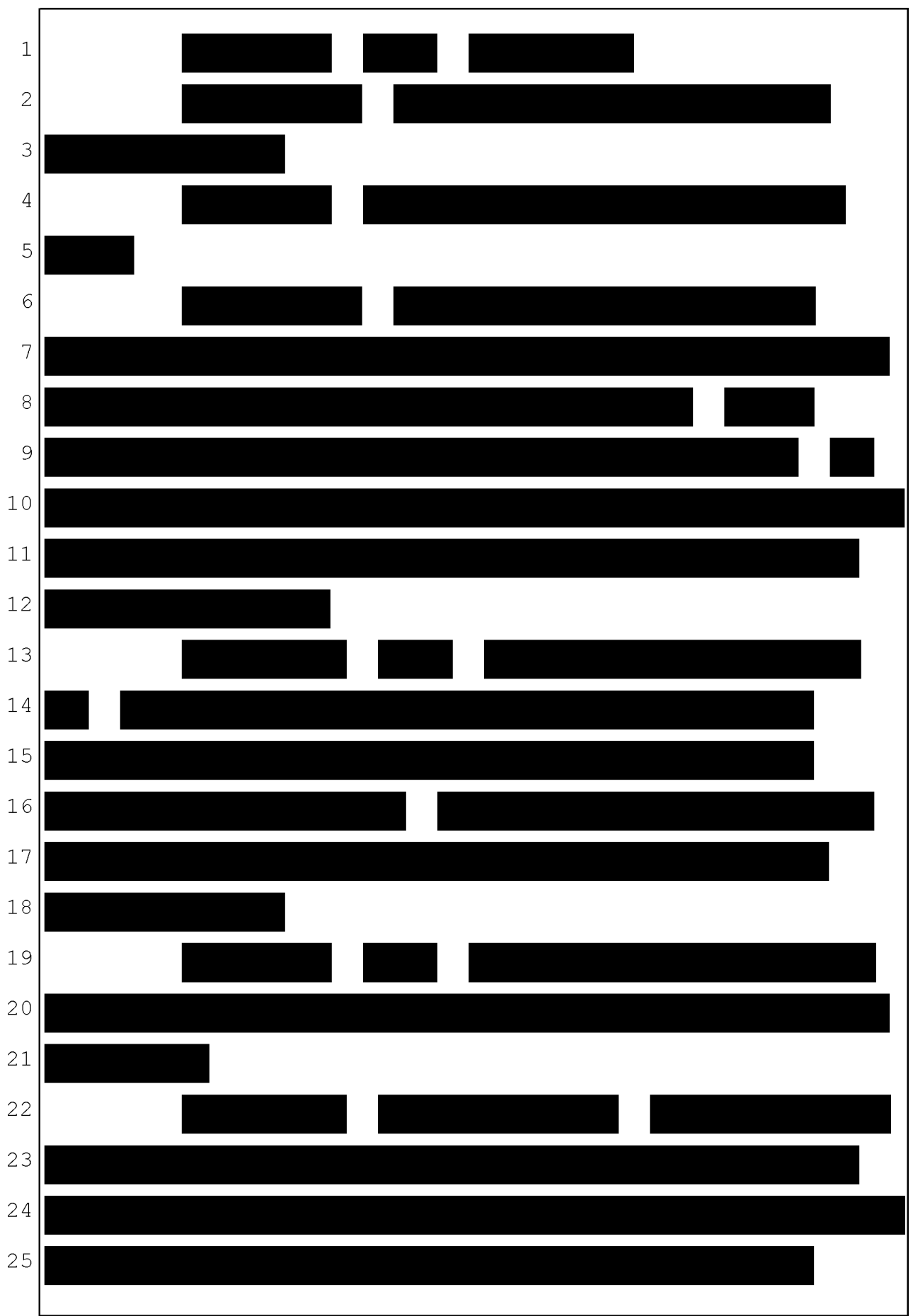
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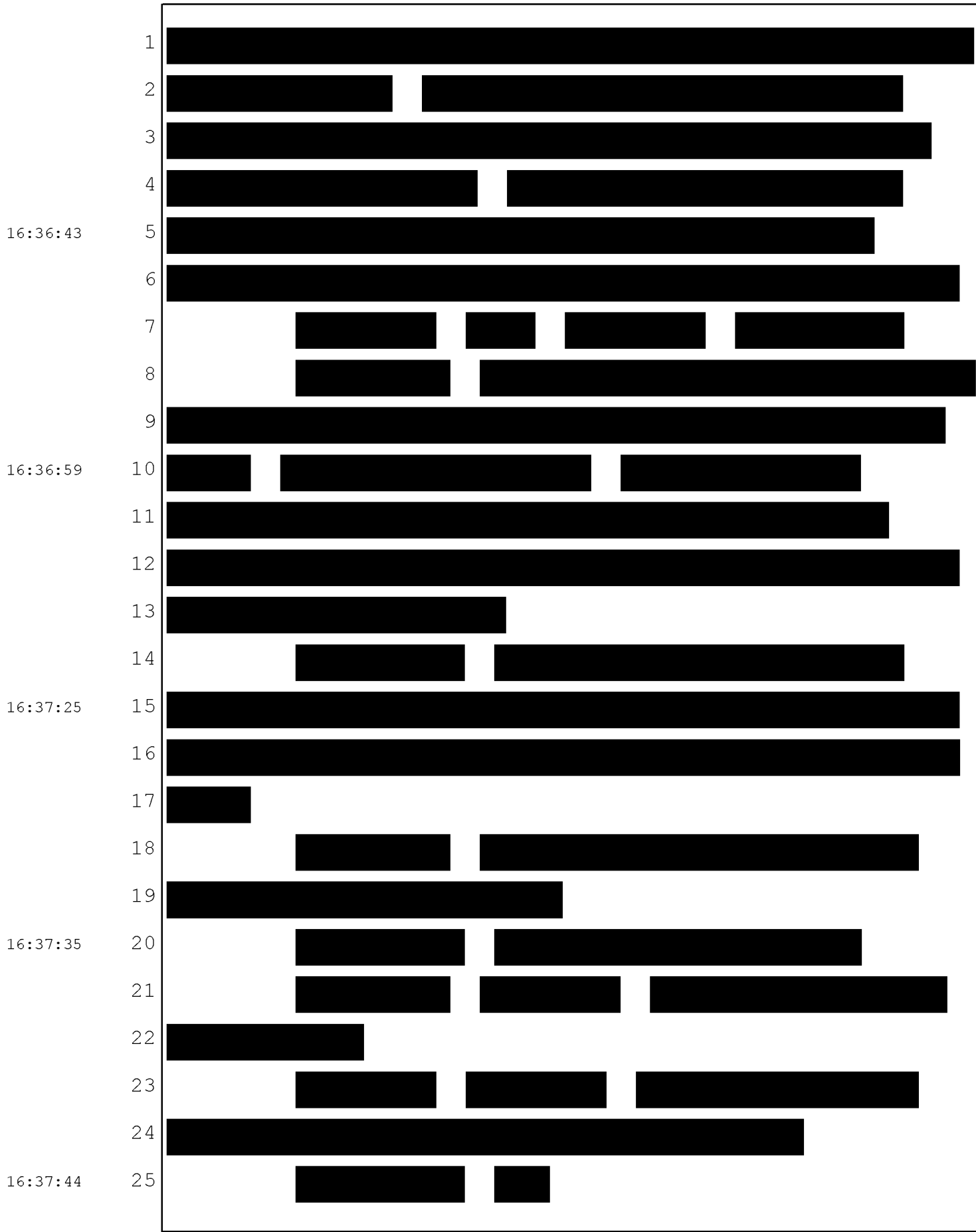
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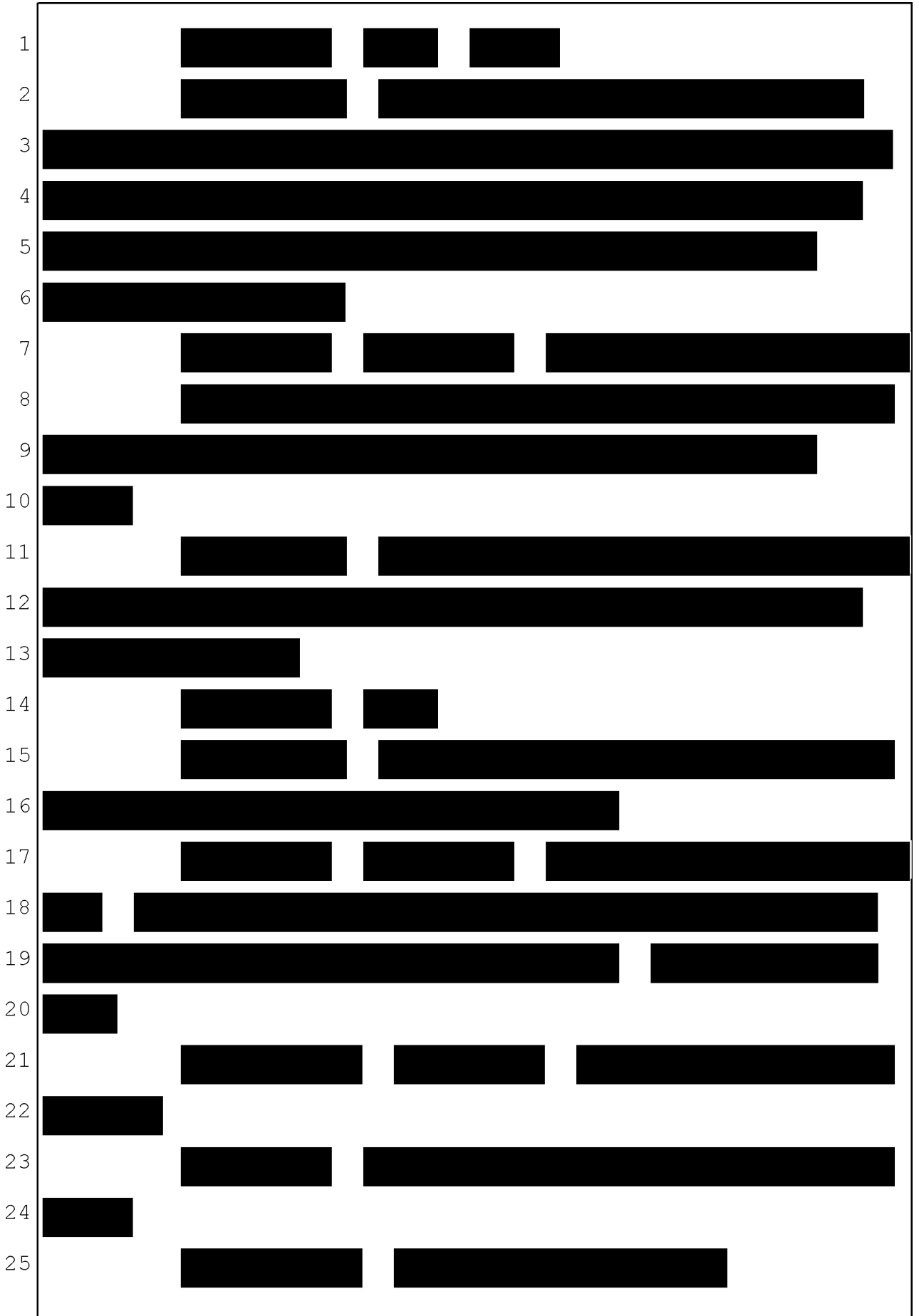
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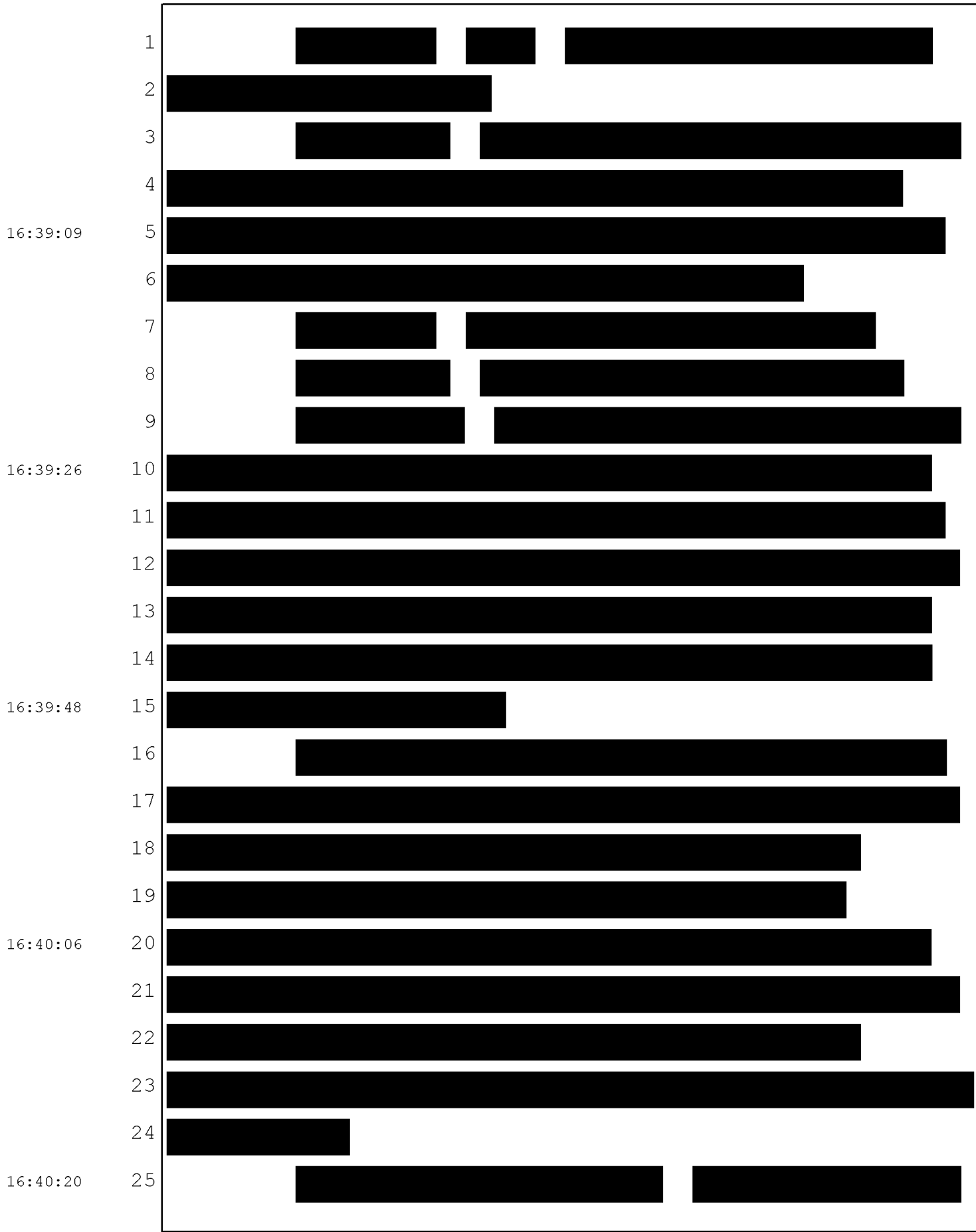


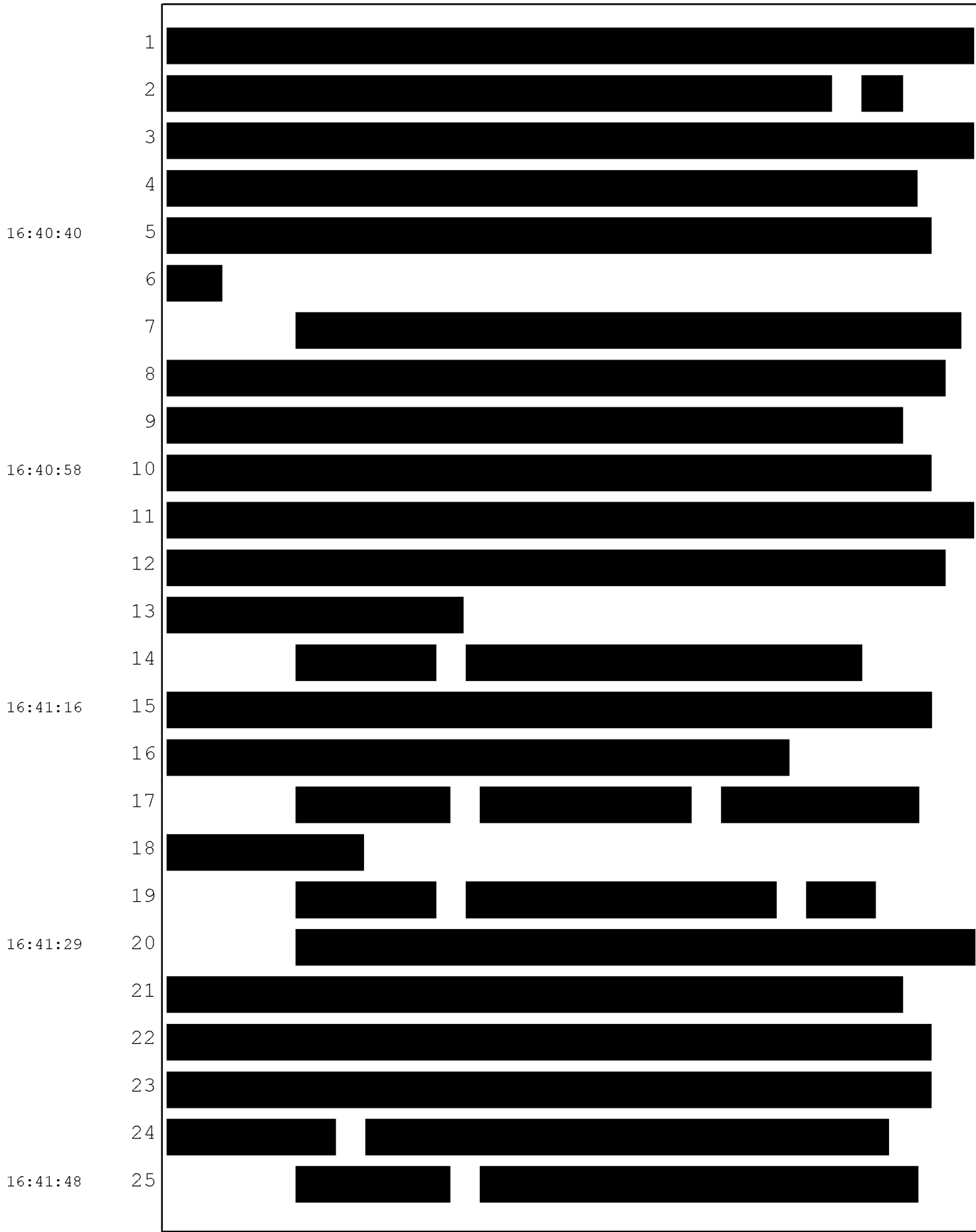
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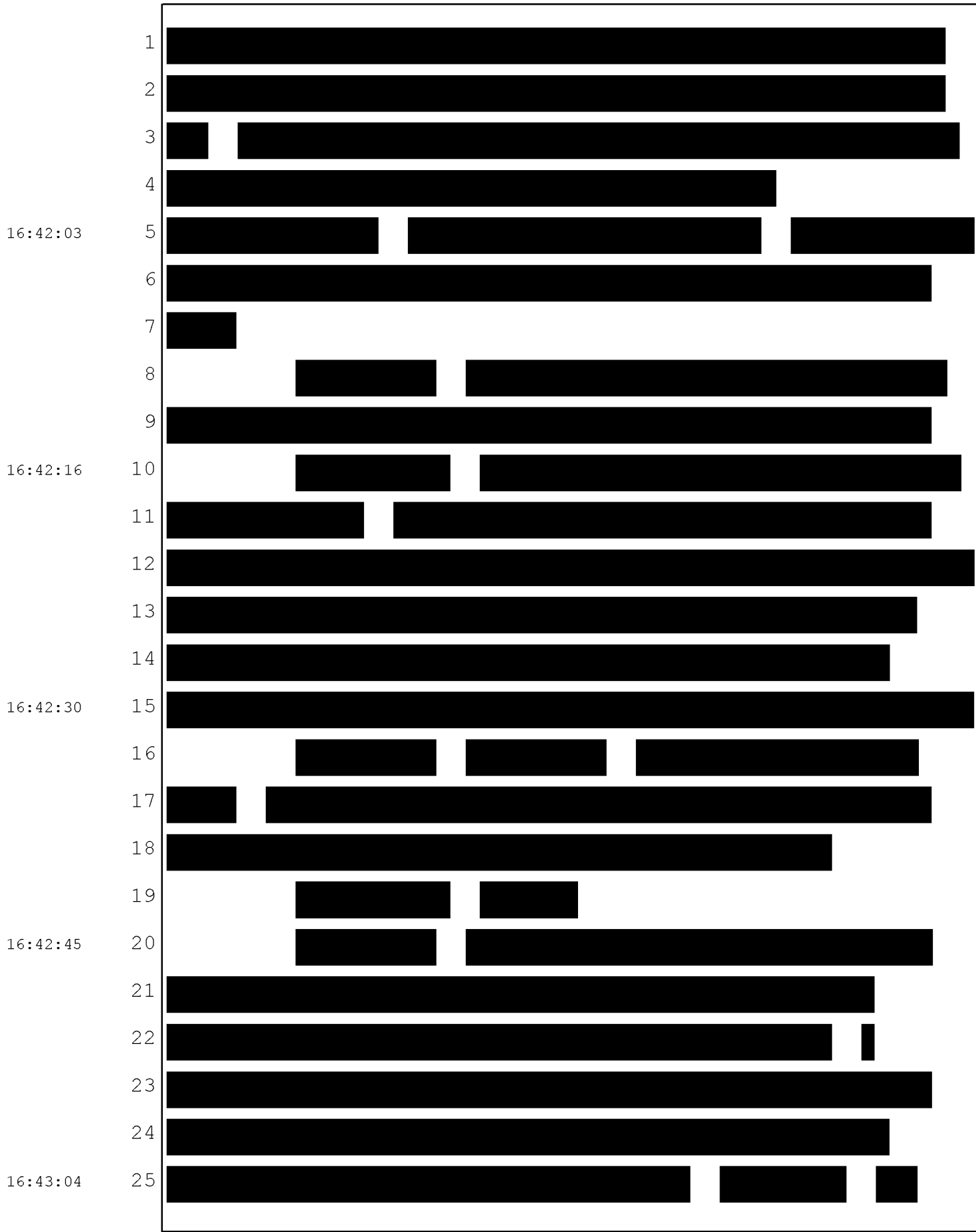


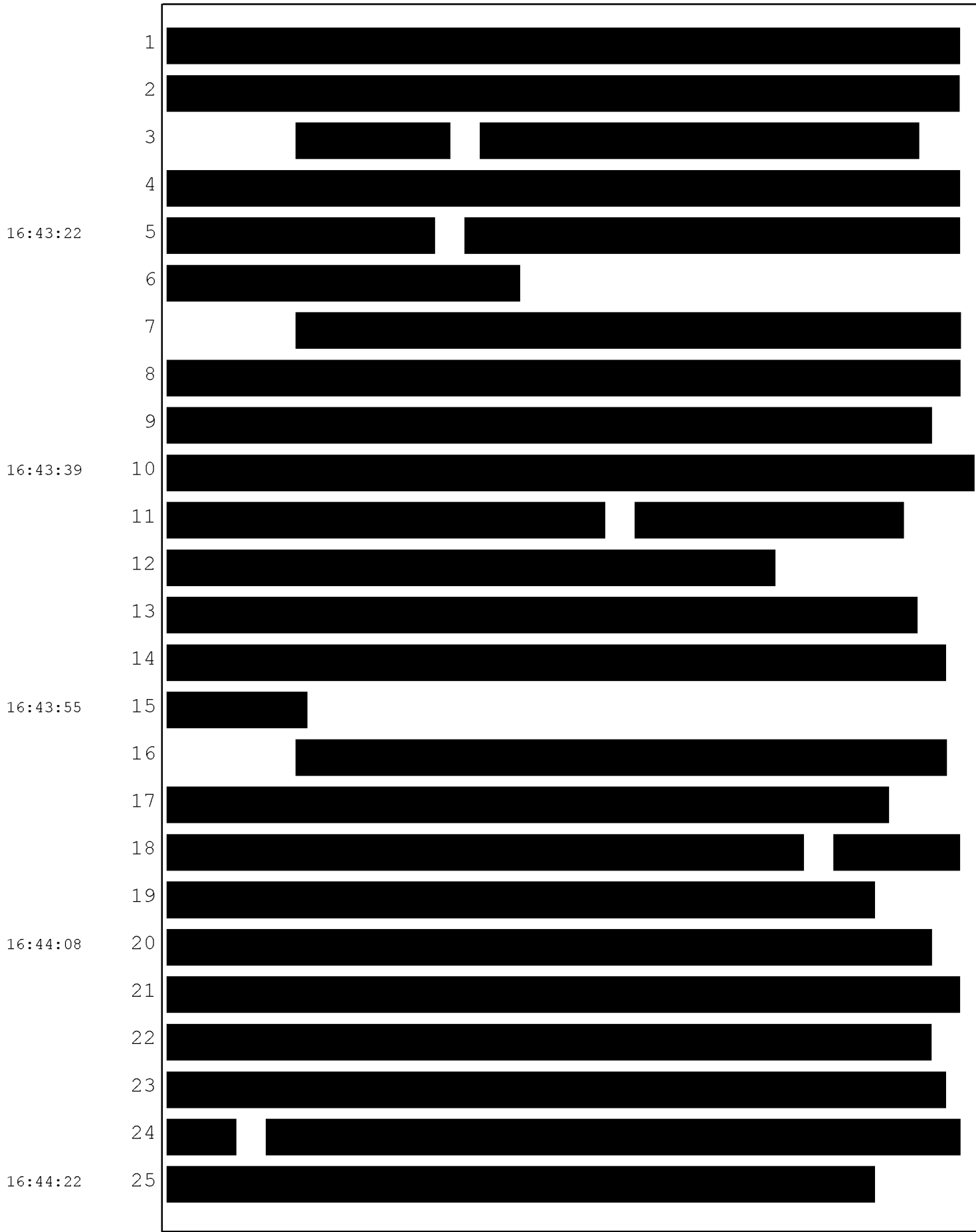
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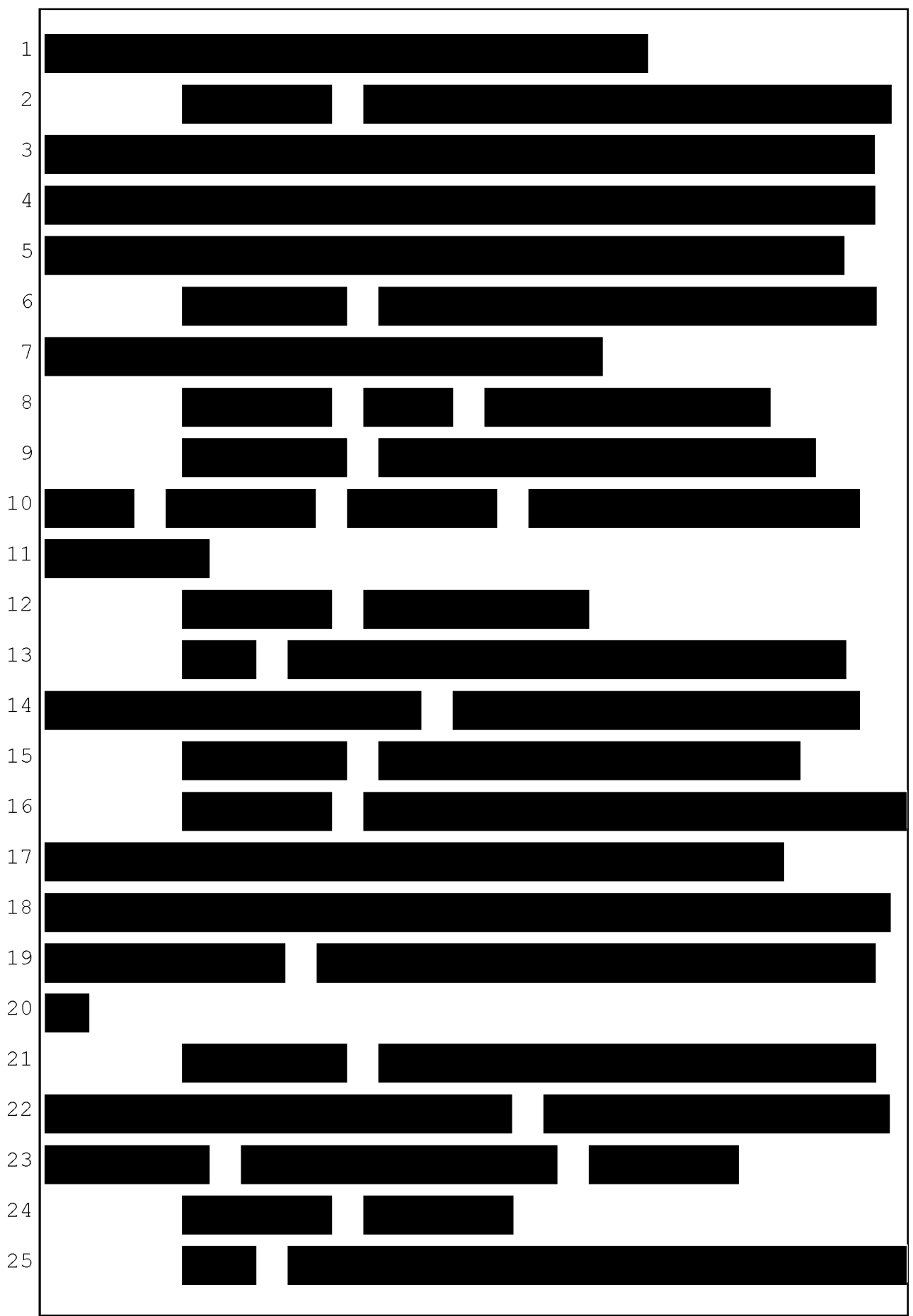


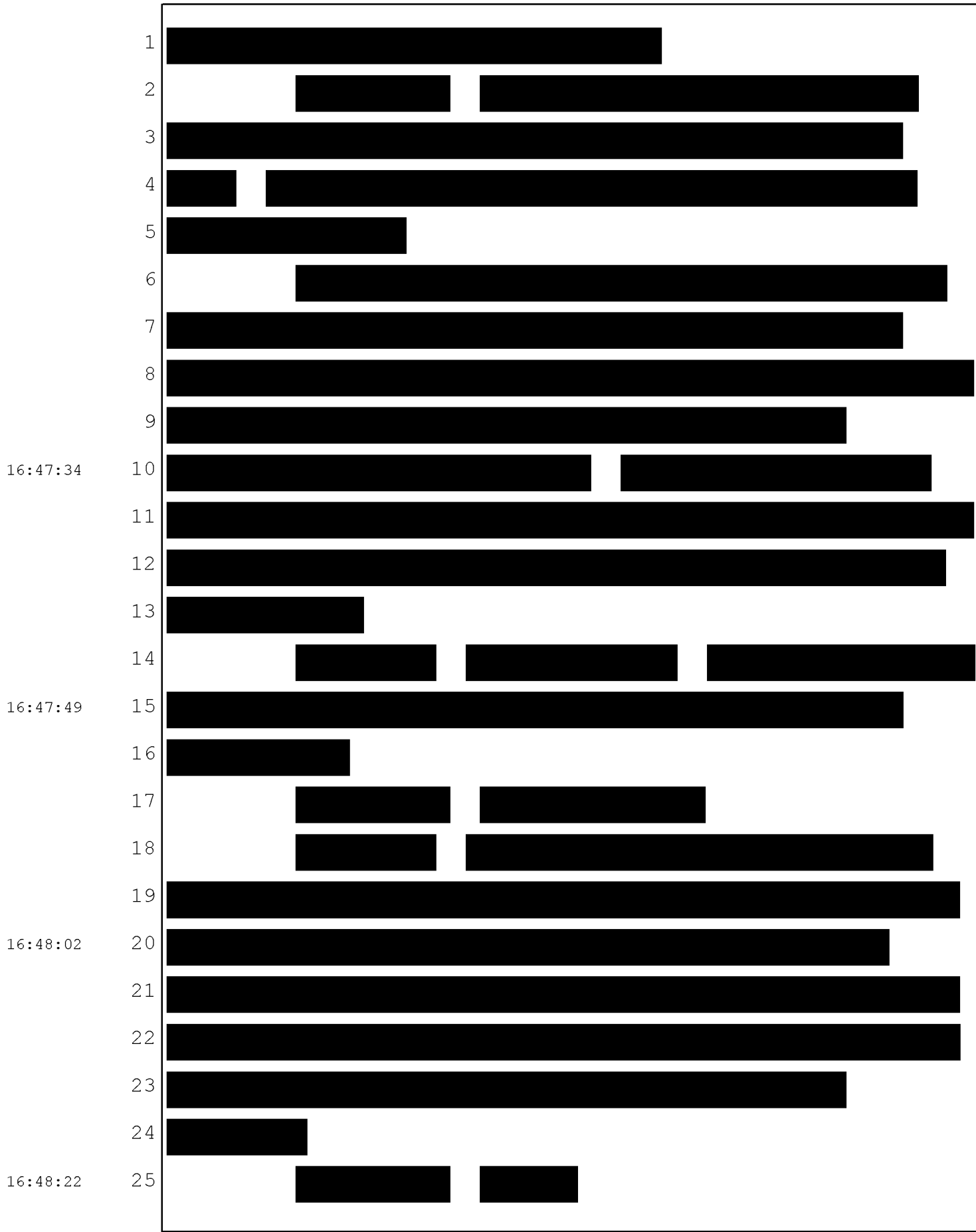
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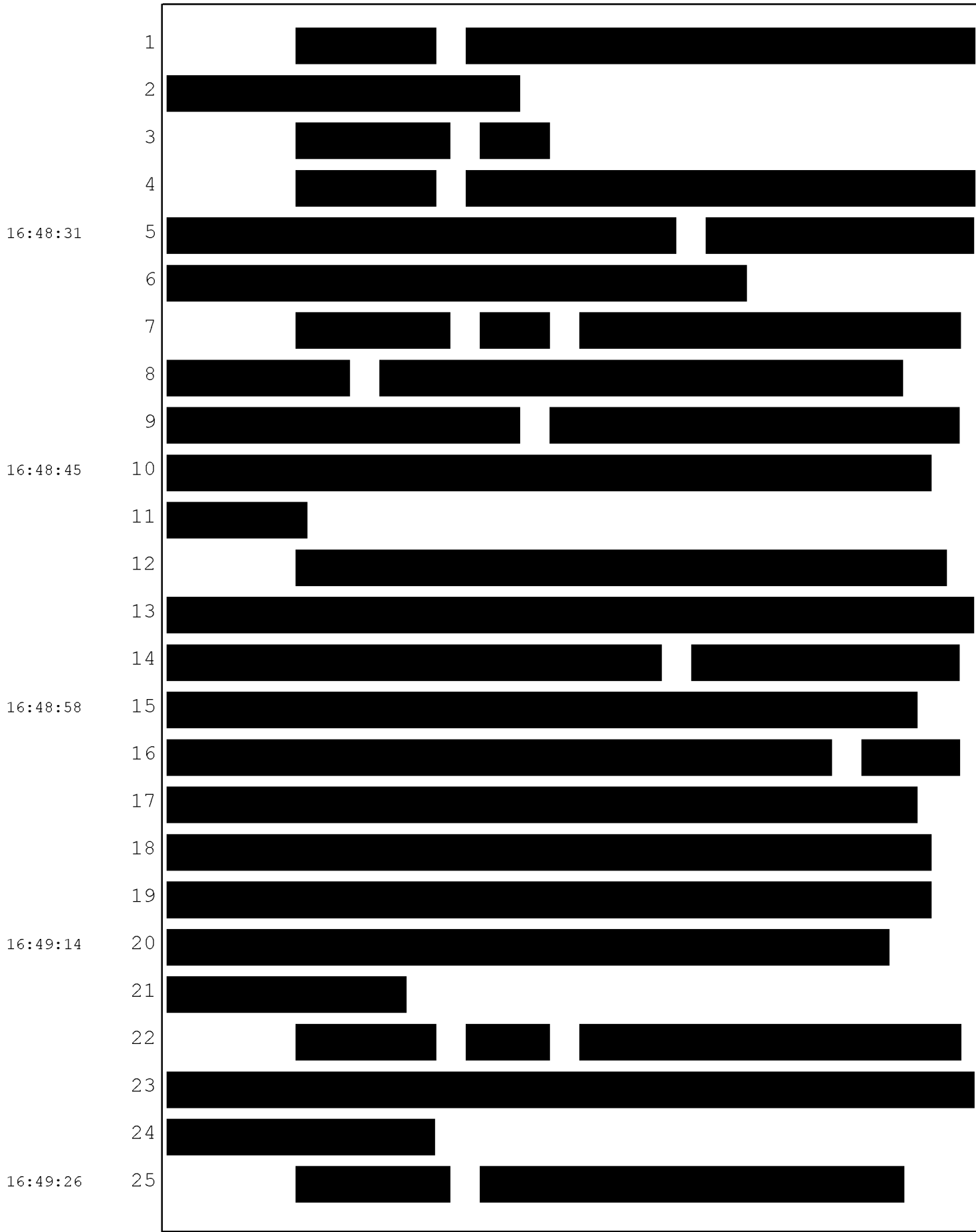
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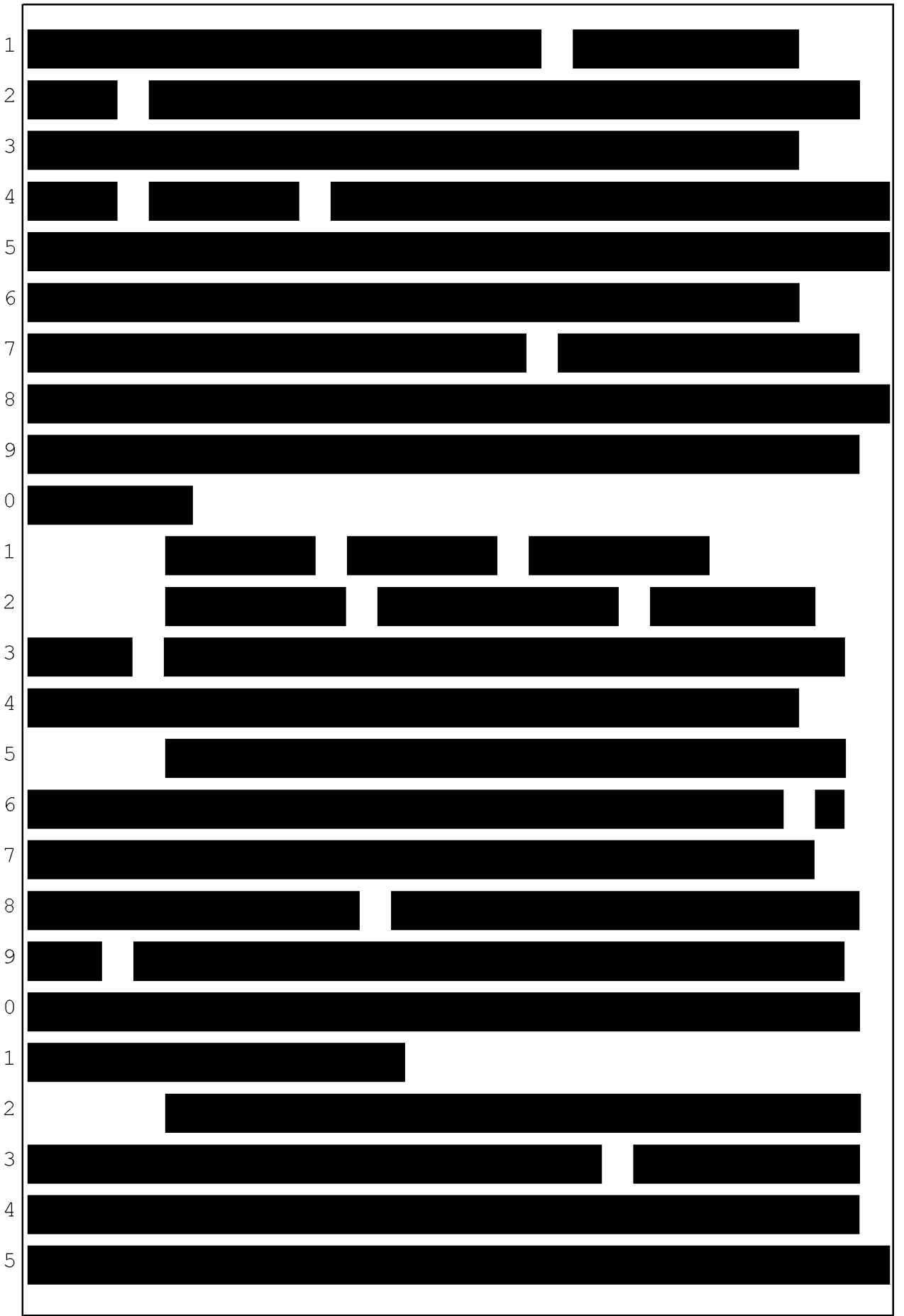
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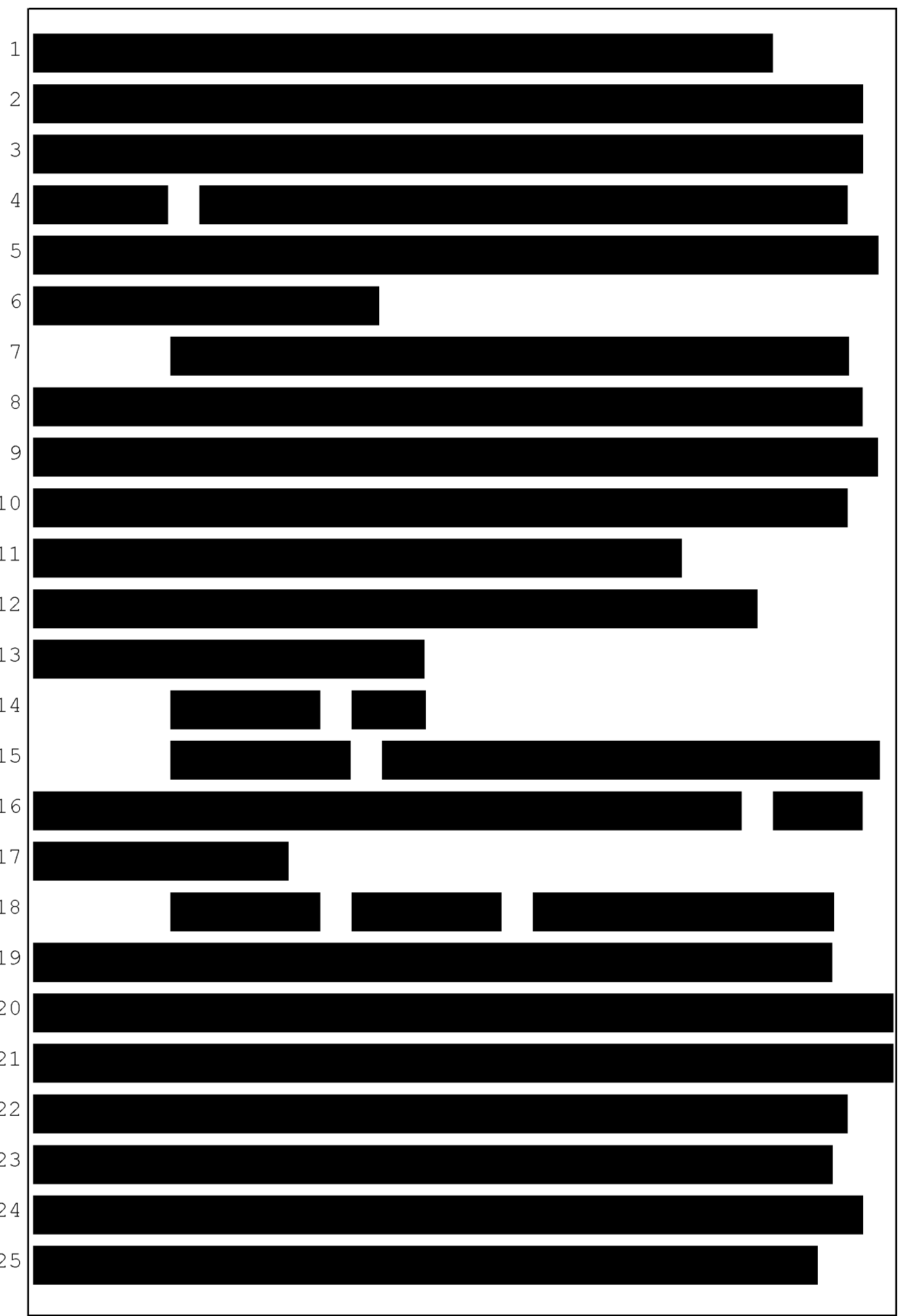
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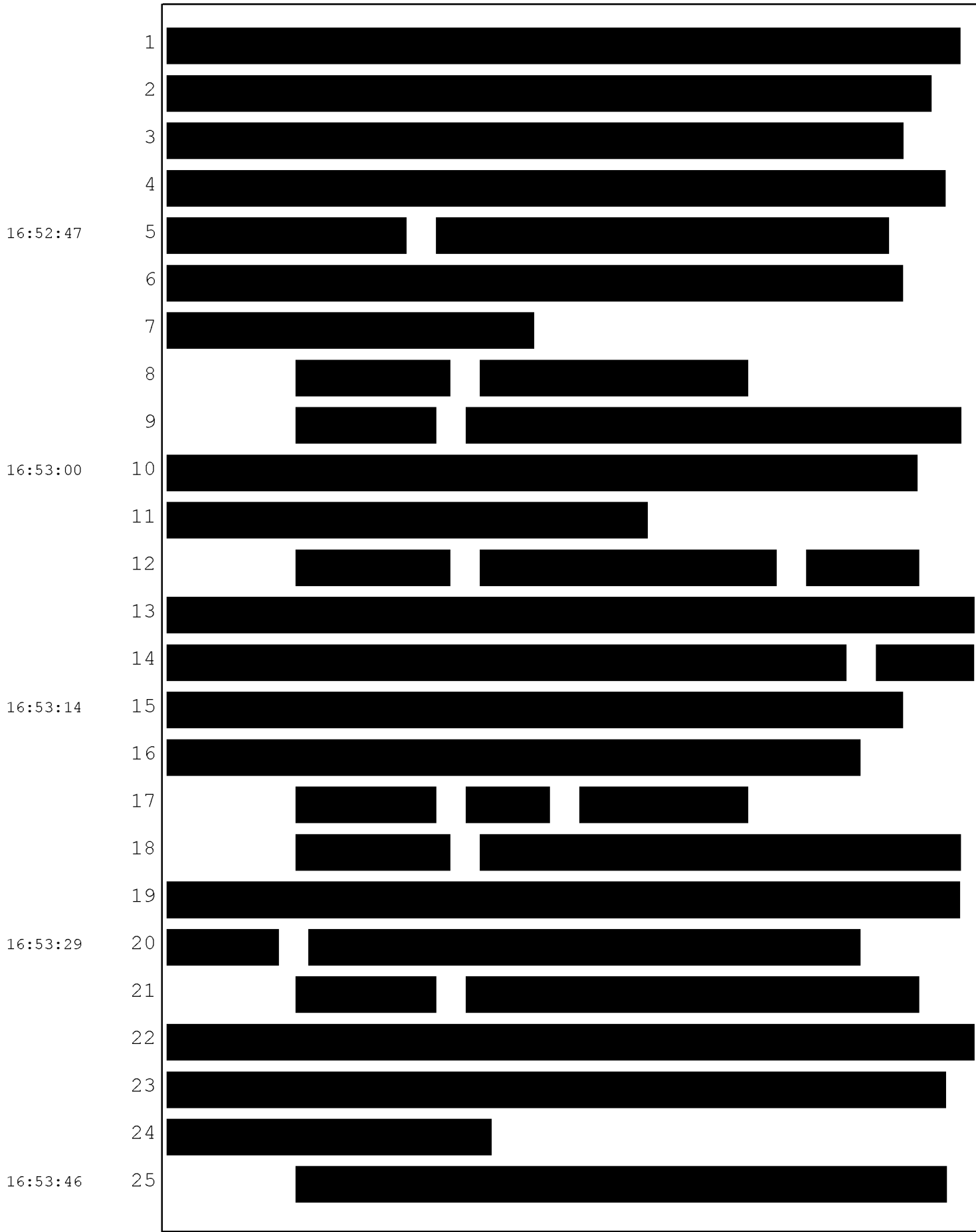
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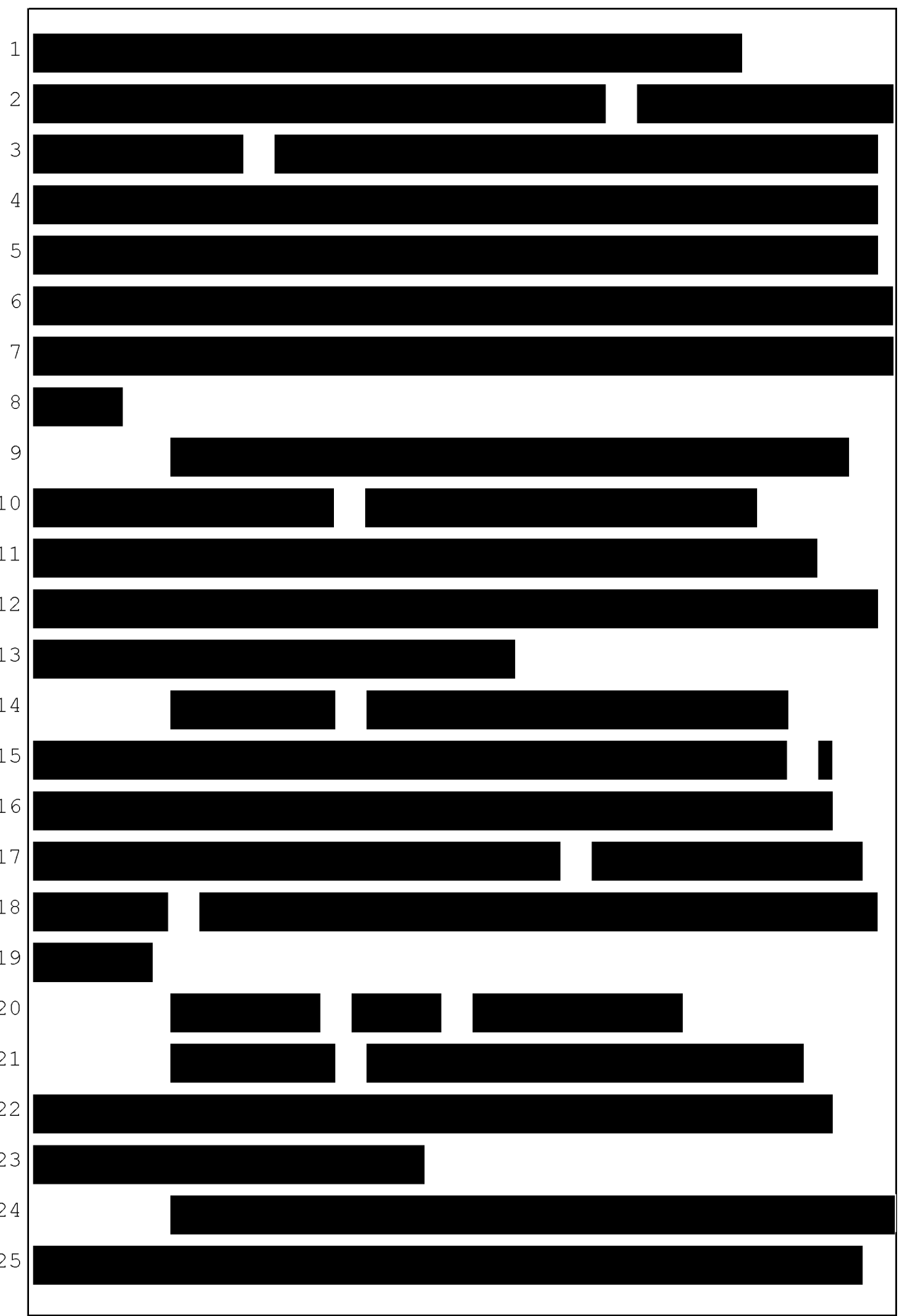


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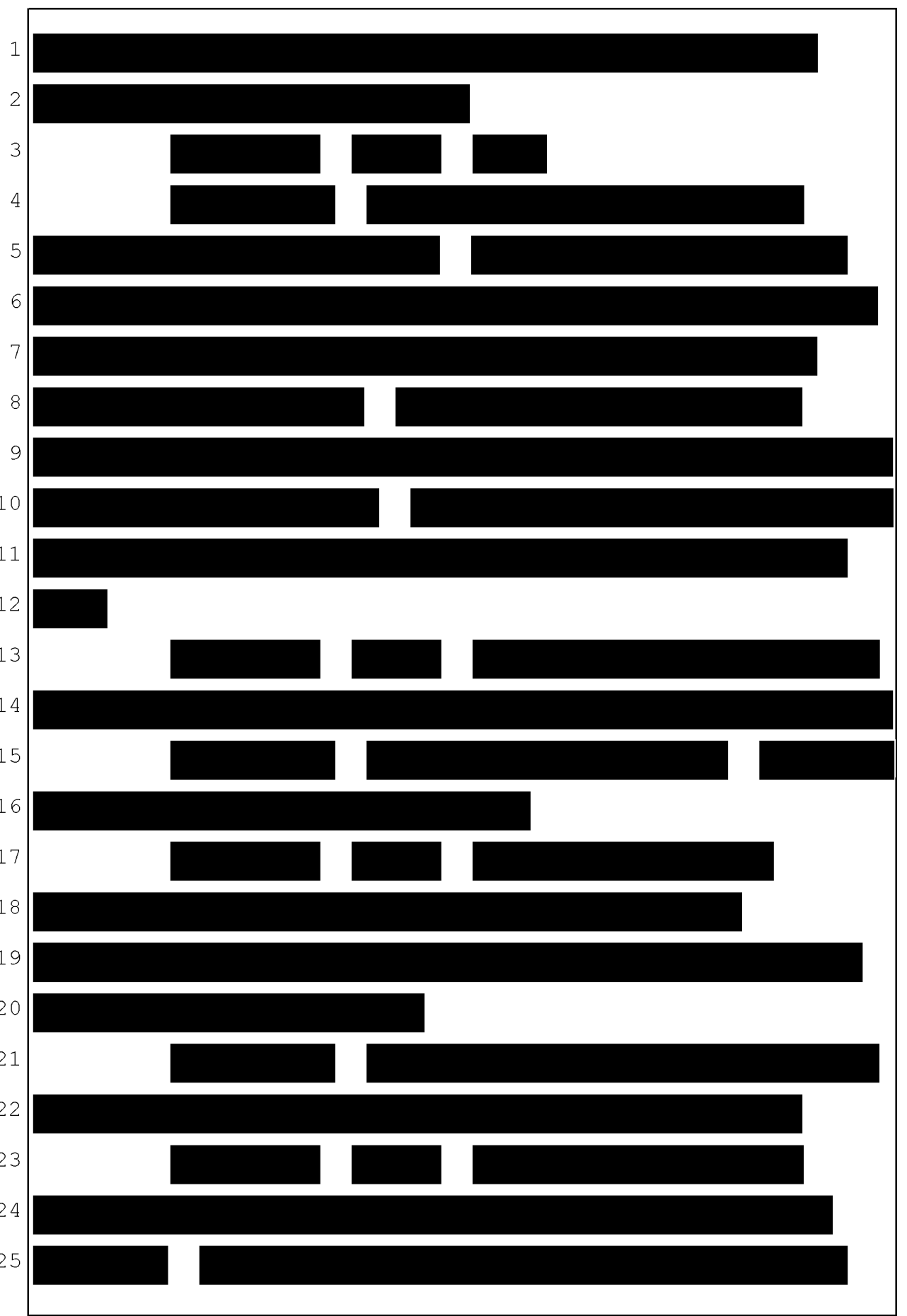
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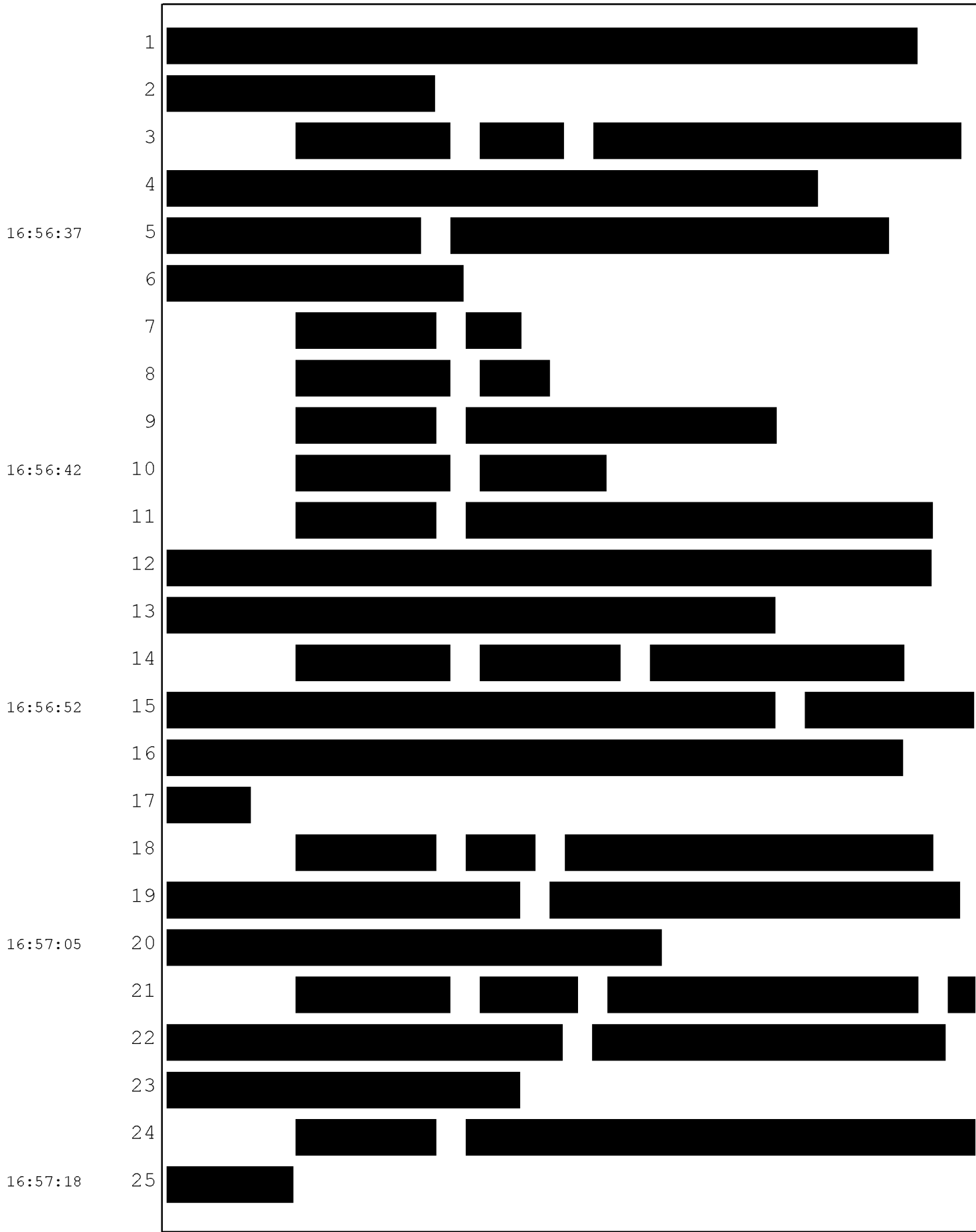
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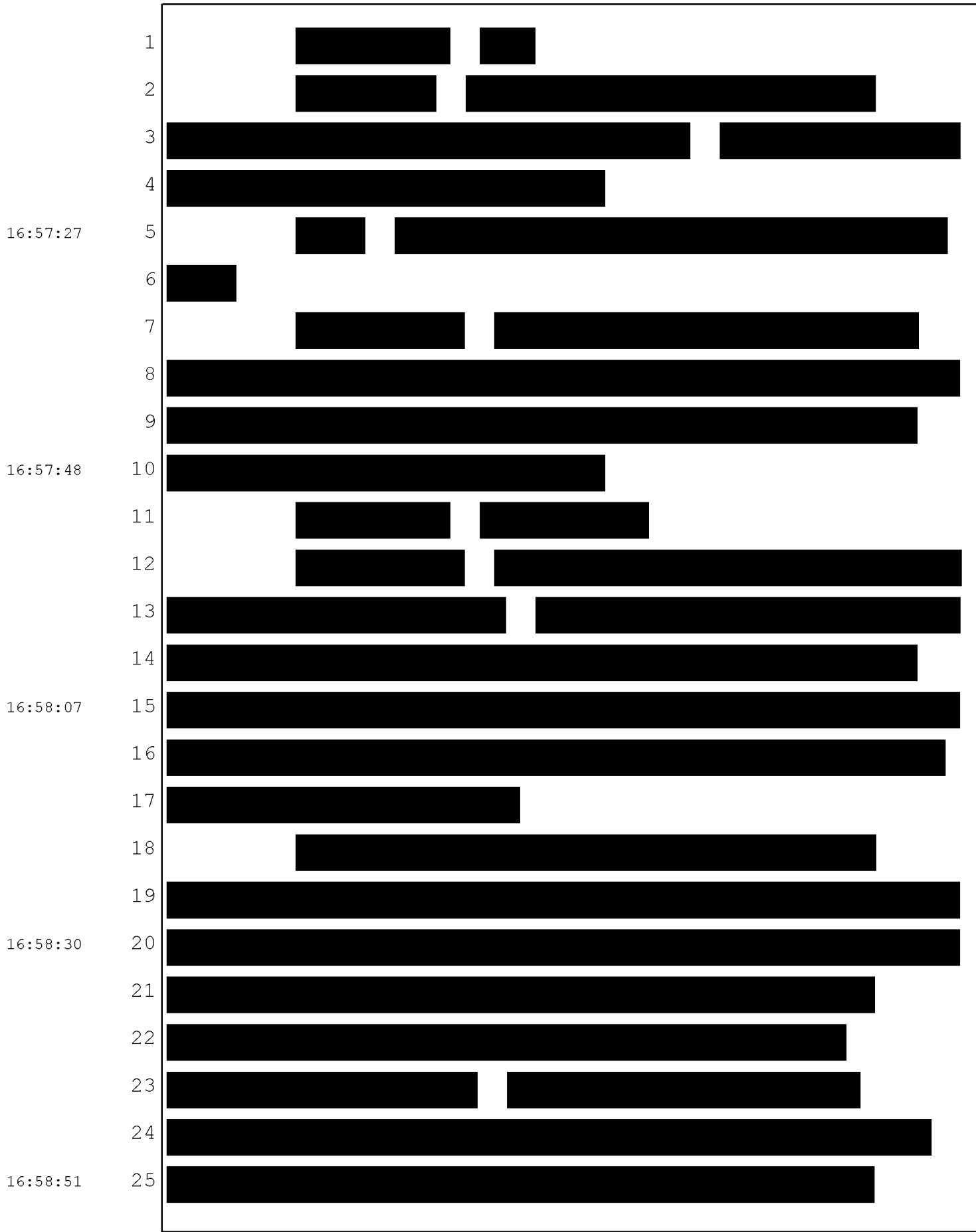
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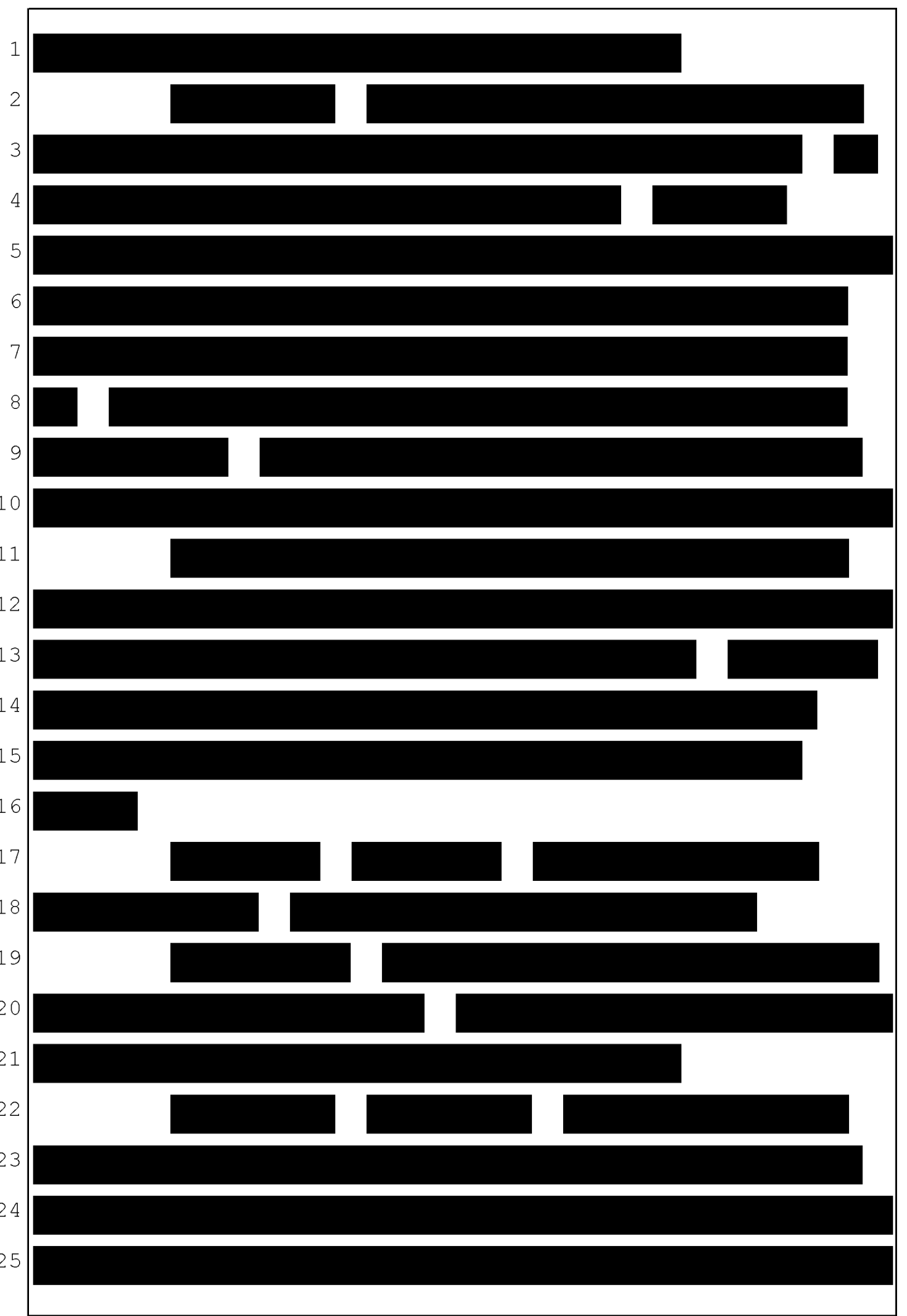
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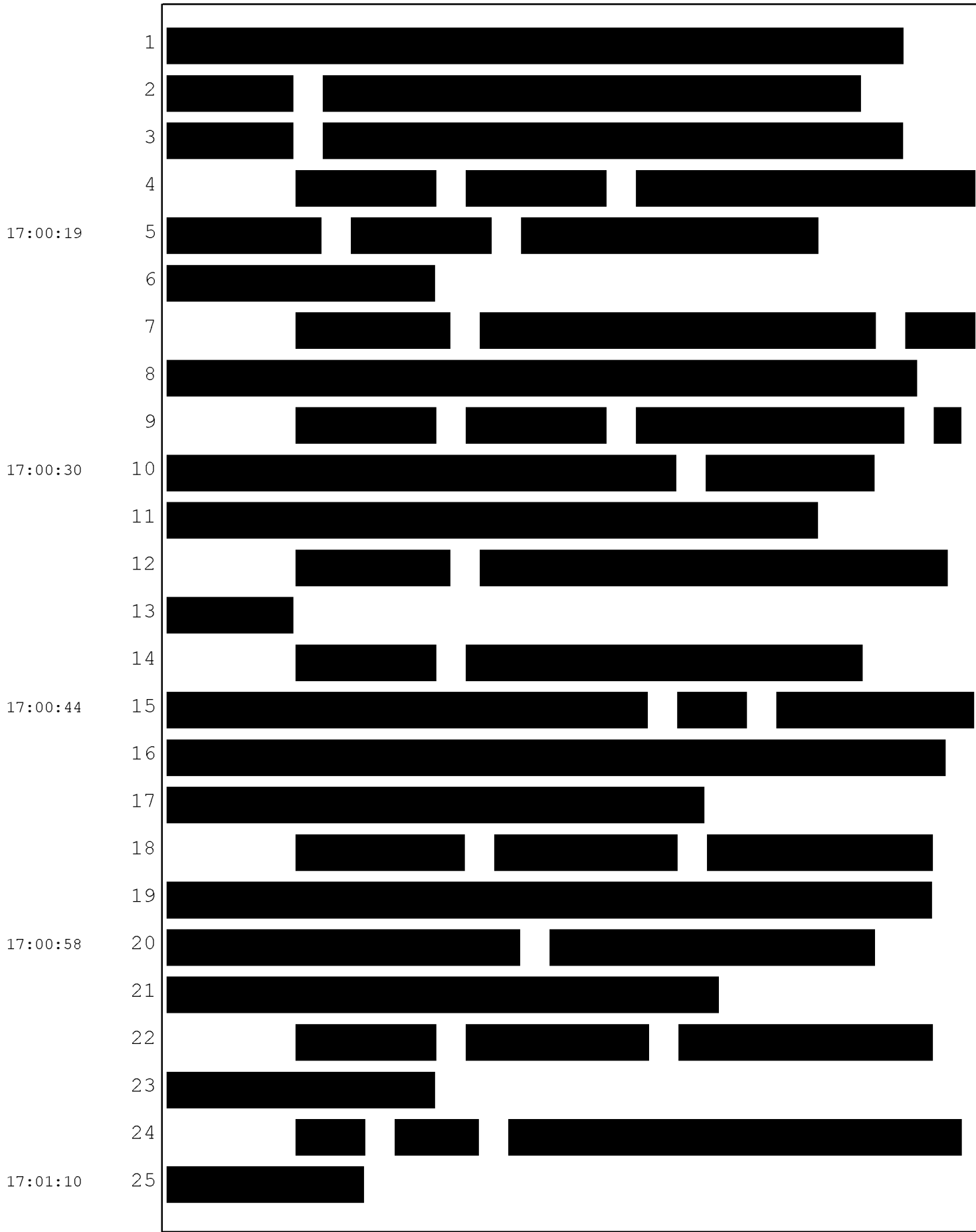
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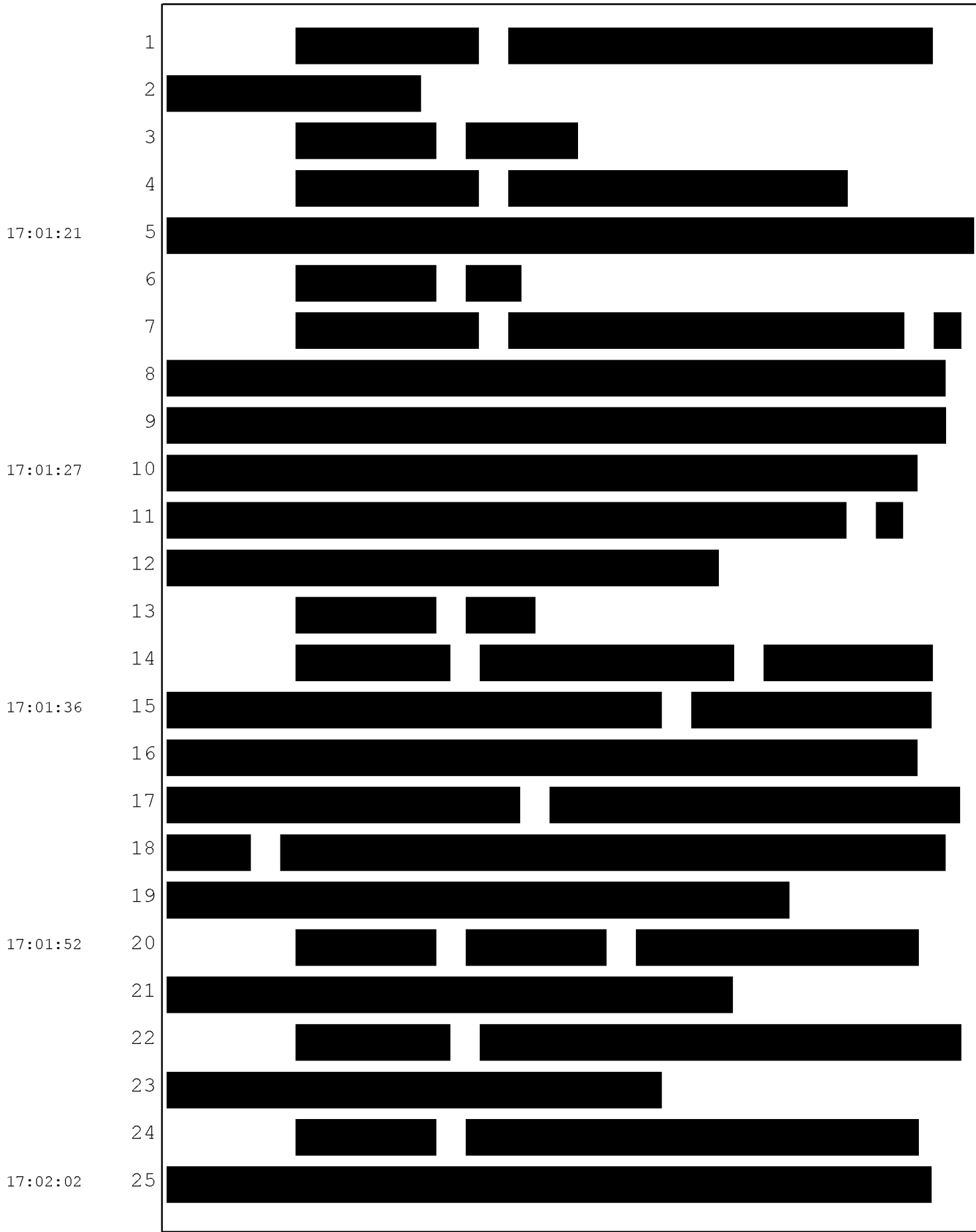
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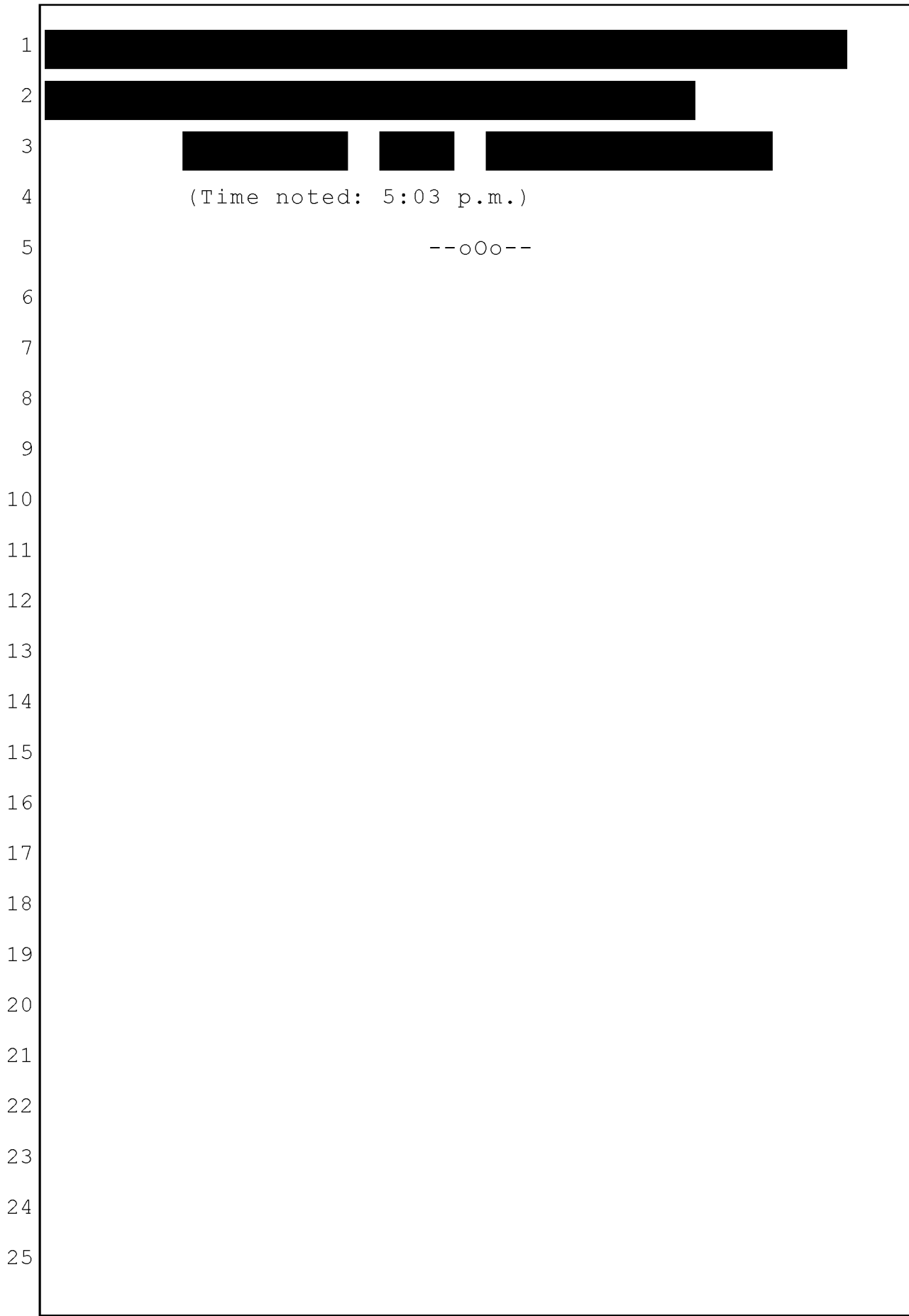
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1 REPORTER'S CERTIFICATE

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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 23rd, 2018.

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