

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Vince Chhabria, Judge

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

San Francisco, California
Wednesday, March 27, 2019

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

For Plaintiff:

ANDRUS WAGSTAFF PC
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Lakewood, Colorado 80226
BY: AIMEE H. WAGSTAFF, ATTORNEY AT LAW
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MOORE LAW GROUP
1473 South 4th Street
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BY: JENNIFER MOORE, ATTORNEY AT LAW

(APPEARANCES CONTINUED ON FOLLOWING PAGE)

REPORTED BY: Marla F. Knox, RPR, CRR
Jo Ann Bryce, CSR No. 3321, RMR, CRR, FCRR
Official Reporters

1 **APPEARANCES:** (CONTINUED)

2 For Defendant:

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

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

I N D E X

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VERDICT

1 Wednesday - March 27, 2019

2:52 p.m.

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

3 ---000---

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

5 **THE COURT:** Okay. I have been told the jury has
6 reached a verdict. You can go ahead and bring them in.

7 (Proceedings were heard in the presence of the jury:)

8 **THE COURT:** Okay. Welcome back.

9 It looks like, [REDACTED], you have continued to be
10 the presiding juror; is that right?

11 [REDACTED]: Yes.

12 **THE COURT:** I understand you have reached a verdict;
13 is that correct?

14 [REDACTED]: We have.

15 **THE COURT:** Why don't you hand that to Kristen.

16 (Pause in proceedings)

17 VERDICT

18 **THE COURT:** Thank you. Okay. I'm going to read the
19 verdict.

20 Question 1: Did Mr. Hardeman prove by a preponderance of
21 the evidence his claim that Roundup's design was defective?

22 Answer: Yes.

23 Question 2: Did Mr. Hardeman prove by a preponderance of
24 the evidence his claim that Roundup lacks sufficient warnings
25 of the risk of NHL?

VERDICT

1 Answer: Yes.

2 Question 3: Did Mr. Hardeman prove by a preponderance of
3 the evidence his claim that Monsanto was negligent by not using
4 reasonable care to warn about Roundup's NHL risk?

5 Answer: Yes.

6 Question 4: What are Mr. Hardeman's compensatory damages?

7 Past economic loss, \$200,967.10.

8 Past non-economic loss, \$3,066,677.

9 Future economic loss, \$2 million. Did I read that right?

10 [REDACTED]: (No audible response).

11 **THE COURT:** Okay. Question 5: Did Mr. Hardeman prove
12 by clear and convincing evidence that he is entitled to
13 punitive damages?

14 Answer: Yes.

15 Question 6: If you answered "yes" to the previous
16 question, what amount do you award Mr. Hardeman in punitive
17 damages?

18 Answer: \$75 million.

19 Would anybody like the jury polled?

20 **MR. STEKLOFF:** Yes, Your Honor.

21 **THE COURT:** Okay. As we did last time, I will ask
22 each one of you if that accurately reflects your unanimous
23 verdict that you reached.

24 Juror Number 1, [REDACTED], does that accurately
25 reflect the verdict that you reached?

VERDICT

1 ██████████: Yes, it does. I would like that
2 second number read off again because I wasn't sure if that was
3 read off correctly.

4 **THE COURT:** Certainly. The past non-economic loss of
5 3 million --

6 ██████████: Yes.

7 **THE COURT:** \$3,066,667.

8 ██████████: \$3 million --

9 **THE COURT:** \$3,066,667. That's correct?

10 ██████████: That's correct. Thank you.

11 **THE COURT:** The remainder of it was correct?

12 ██████████: Yes.

13 **THE COURT:** Okay. Juror Number 2, ██████████, is
14 that an accurate description of the jury's unanimous verdict?

15 ██████████: Yes.

16 **THE COURT:** Juror Number 3, ██████████, is that an
17 accurate description of your verdict?

18 ██████████: Yes.

19 **THE COURT:** Thank you.

20 And Juror Number 4, ██████████, is that an accurate
21 reflection of your verdict?

22 ██████████: Yes, it is.

23 **THE COURT:** And, ██████████ Juror Number 5, is that
24 an accurate description of your verdict?

25 ██████████: Yes.

PROCEEDINGS

1 **THE COURT:** Okay. And Juror Number 6, [REDACTED], is
2 that an accurate description of your verdict?

3 [REDACTED]: Yes.

4 **THE COURT:** Thank you very much. I will hand the
5 verdict form down to Kristen.

6 And, ladies and gentlemen of the jury, you have now
7 completed your service. Thank you very much for all the
8 incredibly hard work you put into this over these past five
9 weeks. It is obvious that you have been very attentive. You
10 have taken your job very seriously, and on behalf of all the
11 parties and everybody who is here watching this trial and on
12 behalf of the community and the public, I thank you very much
13 for that.

14 Now, you have been hearing an instruction from me over and
15 over and over again throughout the trial which is you are not
16 allowed to do any research. You are not allowed to talk to
17 anybody about the trial. You are not allowed to expose
18 yourself to any media reports. Those restrictions on you are
19 now lifted.

20 You are free to talk to anybody about the case if you
21 wish. You are also perfectly free not to talk to anybody about
22 the case if you wish.

23 And if anybody is really sort of after you to talk to you
24 about the case, and you really prefer not to talk about the
25 case; and you are having problems keeping someone off your

PROCEEDINGS

1 back, you contact us right away and I can assure you that we
2 will intervene.

3 But with that, I would love the opportunity to invite you
4 back to my chambers. First you will go back to the jury room.
5 Kristen will spend a little time with you getting your badges
6 and everything. After that, I would love to invite you back to
7 my chambers and answer any questions you have about the
8 process. We always have some questions for you about how we
9 can make the process better for jurors. We would very much
10 appreciate that.

11 With that, you are free to head back to the jury room.
12 Thank you.

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

14 **THE COURT:** Okay. Thank you. I assume that there
15 will be some post-trial motions coming and all of that. I will
16 also want to have a conference call with all of you -- kind of
17 a case management conference -- about next steps. I sort of
18 alluded to it earlier when I was speaking with the Plaintiff's
19 lawyer for the next trial.

20 Kristen will reach out to you in the next week or so --
21 she will reach out to you to schedule a conference in the next
22 week or so. But until then, enjoy and I will talk to you soon.
23 Thank you.

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

25 (Proceedings adjourned at 2:59 p.m.)

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CERTIFICATE OF REPORTERS

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

DATE: Wednesday, March 27, 2019



Jo Ann Bryce, CSR No. 3321, RMR, CRR, FCRR
U.S. Court Reporter



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