

AUG 10 2018

CLERK OF THE COURT


Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO**

DEWAYNE JOHNSON,

Plaintiff,

v.

MONSANTO COMPANY,

Defendant.

Case No. CGC-16-550128

VERDICT FORM

Honorable Suzanne R. Bolanos

Department: 504

VERDICT FORM

We, the Jury, answer the questions submitted to us as follows:

CLAIM OF DESIGN DEFECT

1. Are the Roundup Pro® or Ranger Pro® products ones about which an ordinary consumer can form reasonable minimum safety expectations?

Yes

No

If your answer to question 1 is yes, then answer question 2. If you answered no, proceed to question 4.

2. Did Roundup Pro® or Ranger Pro® fail to perform as safely as an ordinary consumer would have expected when used or misused in an intended or reasonably foreseeable way?

Yes

No

If your answer to question 2 is yes, then answer question 3. If you answered no, proceed to question 4.

3. Was the Roundup Pro® or Ranger Pro® design a substantial factor in causing harm to Mr. Johnson?

Yes

No

Answer question 4.

CLAIM OF STRICT LIABILITY—FAILURE TO WARN

4. Did Roundup Pro® or Ranger Pro® have potential risks that were known or knowable in light of the scientific knowledge that was generally accepted in the scientific community at the time of their manufacture, distribution or sale?

Yes

No

If your answer to question 4 is yes, then answer question 5. If you answered no, proceed to question 9.

5. Did the potential risks of Roundup Pro® or Ranger Pro® present a substantial danger to persons using or misusing Roundup Pro® or Ranger Pro® in an intended or reasonably foreseeable way?

Yes

No

If your answer to question 5 is yes, then answer question 6. If you answered no, proceed to question 9.

6. Would ordinary consumers have recognized the potential risks?

Yes

No

If your answer to question 6 is no, then answer question 7. If you answered yes, proceed to question 9.

7. Did Monsanto fail to adequately warn of the potential risks?

Yes

No

If your answer to question 7 is yes, then answer question 8. If you answered no, proceed to question 9.

8. Was the lack of sufficient warnings a substantial factor in causing harm to Mr. Johnson?

Yes

No

Go to question 9.

CLAIM OF NEGLIGENT FAILURE TO WARN

9. Did Monsanto know or should it reasonably have known that Roundup Pro® or Ranger Pro® were dangerous or were likely to be dangerous when used or misused in a reasonably foreseeable manner?

Yes

No

If your answer to question 9 is yes, then answer question 10. If you answered no, proceed to question 14.

10. Did Monsanto know or should it reasonably have known that users would not realize the danger?

Yes

No

If your answer to question 10 is yes, then answer question 11. If you answered no, proceed to question 14.

11. Did Monsanto fail to adequately warn of the danger or instruct on the safe use of Roundup Pro® or Ranger Pro®?

Yes

No

If your answer to question 11 is yes, then answer question 12. If you answered no, proceed to question 14.

12. Would a reasonable manufacturer, distributor, or seller under the same or similar circumstances have warned of the danger or instructed on the safe use of Roundup Pro® or Ranger Pro®?

Yes

No

If your answer to question 12 is yes, then answer question 13. If you answered no, proceed to question 14.

13. Was Monsanto's failure to warn a substantial factor in causing harm to Mr. Johnson?

Yes

No

Proceed to question 14.

CLAIM OF DAMAGES

If you answered yes to question 3, 8, or 13, then answer the questions below about damages. If you did not answer or answered no to question 3, 8, and 13, stop here, answer no further questions, and have the presiding juror sign and date this form.

14. What are Mr. Johnson's damages?

Past economic loss: \$ 819,882.32

Future economic loss: \$ 1,433,327.00

Past noneconomic loss: \$ 4,000,000.00

Future noneconomic loss: \$ 33,000,000.00

PUNITIVE DAMAGES

15. Did you find by clear and convincing evidence that Monsanto acted with malice or oppression in the conduct upon which you base your finding of liability in favor of Mr. Johnson?

Yes

No

If your answer to question 15 is yes, then answer question 16. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

16. Was the conduct constituting malice or oppression committed, ratified, or authorized by one or more officers, directors, or managing agents of Monsanto acting on behalf of Monsanto?

Yes

No

If your answer(s) to question 16 is yes, then proceed to question 17. If you answered no as to question 16, stop here, answer no further questions, and have the presiding juror sign and date this form.

17. What amount of punitive damages, if any, do you award to Mr. Johnson?

\$ 250,000,000.00

Signed: _____


Presiding Juror

Dated: _____

August 10, 2018

After this verdict form is signed and dated, please notify the bailiff that you are ready to present the verdict in the courtroom.