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ELECTRONICALLY
FILED
*Superior Court of California,
County of San Francisco*
10/26/2018
Clerk of the Court
BY: ERNALYN BURA
Deputy Clerk

18 SUPERIOR COURT OF THE STATE OF CALIFORNIA
19 COUNTY OF SAN FRANCISCO

20 Dewayne Johnson) Case No. CGC-16-550128
21)
22 Plaintiff,)
23 vs.) **PLAINTIFF'S NOTICE OF**
24) **ACCEPTANCE OF**
25 Monsanto Company) **REMITTITUR**
26)
27 Defendant) Hon. Judge Suzanne R. Bolanos
28)

29 **TO THE COURT, DEFENDANT AND ITS COUNSEL OF RECORD:**

30 **NOTICE IS HEREBY GIVEN** that pursuant to the Court's Order dated October 22, 2018
31 conditionally denying Monsanto's Motion for New Trial and CCP § 662.5, the Plaintiff will accept the
32 reduction of punitive damages to the amount of \$39,253,209.35. The total verdict would therefore be
33 in the amount of \$78,506,418.70. The Plaintiff accepts the remittitur with the intent to avoid the further

1 burden of a new trial or appeal. If the Defendant appeals the Court's October 22, 2018 order on any
2 grounds and thereby deprives Plaintiff of "the benefits he has sought by his consent to the remittitur,"
3 then the Plaintiff does not waive his right to appeal the reduction of punitive damages. *Miller v. Nat'l*
4 *Am. Life Ins. Co.* (Ct. App. 1976) 54 Cal. App. 3d 331, 345.

5
6 Dated: October 26, 2018

Respectfully Submitted,

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8 **THE MILLER FIRM, LLC**

9 /s/ Curtis G. Hoke

10 Michael J. Miller (appearance *pro hac vice*)

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