

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE GENETICALLY MODIFIED) 4:06MD1811 CDP
RICE LITIGATION) ALL CASES

CASE MANAGEMENT ORDER No. 29

For the reasons stated on the record at the monthly status conference held on January 13, 2011,

IT IS HEREBY ORDERED that the following schedules shall apply:

1. Additional Arkansas Trial Set for May 16, 2011

a. The parties shall file their initial pretrial submissions, including a joint statement of the case, proposed witness lists, exhibit lists, proposed jury instructions, deposition designations, and motions in limine no later than **April 18, 2011**. Final pretrial submissions, including responses to motions in limine, objections to exhibits, counter-designations to the depositions, and objections to jury instructions shall be filed no later than **May 2, 2011**.

b. The final pre-trial conference will be held on **May 12, 2011** at 10 a.m. in Courtroom 14-South immediately following the monthly status conference.

c. There will be no trial on **Monday, May 23, 2011**.

2. Additional Arkansas Trial Set for July 11, 2011

a. The parties shall file their initial pretrial submissions, including a joint statement of the case, proposed witness lists, exhibit lists, proposed jury instructions, deposition designations, and motions in limine no later than **June 17, 2011**. Final pretrial submissions, including responses to motions in

limine, objections to exhibits, counter-designations to the depositions, and objections to jury instructions shall be filed no later than **June 27, 2011**.

b. The final pre-trial conference will be held on **July 7, 2011** at 10 a.m. in Courtroom 14-South immediately following the monthly status conference.

3. Additional Trial Set for November 7, 2011

a. The trial currently scheduled for November 7, 2011 will no longer hear the claims of Missouri additional trial pool plaintiffs. Instead, this trial will hear the claims in *Farmers Rice Milling Co., Inc. v. Bayer CropScience LP*, 4:07CV1780 CDP.

b. The parties shall file their initial pretrial submissions, including a joint statement of the case, proposed witness lists, exhibit lists, proposed jury instructions, deposition designations, and motions in limine no later than **October 11, 2011**. Final pretrial submissions, including responses to motions in limine, objections to exhibits, counter-designations to the depositions, and objections to jury instructions shall be filed no later than **October 21, 2011**.

c. The final pre-trial conference will be held on **November 3, 2011** at 10 a.m. in Courtroom 14-South immediately following the monthly status conference.

4. Claims Remaining in *Tilda v. Riceland Foods*

For the remaining claims in *Tilda Ltd. v. Riceland Foods, Inc., et al.*, 4:07CV457 CDP, specifically the affirmative claims asserted by Producers Rice Mill, Inc. against the Bayer defendants for money damages, any motions for summary judgment or motions to exclude or limit expert testimony under *Daubert* or for any other reason must be filed no later than **April 4, 2011**. Briefs in opposition must be filed by **May 4, 2011**, and any reply brief shall be filed no later than **May 20, 2011**.

5. Additional Telephone and Pretrial Conferences

Additional monthly telephone conferences with lead counsel are set as follows. Except for the conferences that are combined with final pretrial conferences in the courtroom, plaintiffs' lead counsel will place the call and make arrangements for having all counsel who wish to participate on the line. For the conferences that are combined with final pretrial conferences in the courtroom, although at least one trial counsel for each side must be present in person, other counsel may participate by telephone; the Court will arrange the call and provide a call-in number; the status conference will be held at the beginning of the hearing, with final pretrial issues to be discussed after status issues. All calls will be on the record. One week in advance of each status conference, lead counsel shall file a joint status report setting out the current status of the work and any topics they wish to address during the conferences. The dates and times for the conferences are:

- Thursday, August 11, 2010 at 12:30 p.m. (telephone)
- Thursday, September 8, 2010 at 12:30 p.m. (telephone)
- Thursday, October 6, 2010 at 12:30 p.m. (telephone)
- Thursday, November 3, 2011 at 10:00 a.m. in Courtroom 14-South (immediately before the final pretrial conference for the Non-Producer trial set to begin on November 7, 2011; non-trial counsel may participate by telephone).

6. Issues for the February Status Conference

Prior to the status conference scheduled for February 10, 2011, the parties should meet and confer regarding:

- a. A discovery and briefing schedule for the non-producer case *Cache River Valley Seed, LLC, et al. v. Bayer CropScience LP, et al.*, 4:07CV1293 CDP.

- b. An update on the parties' progress toward completing the materials necessary for remand, such as a designation of the record on remand.
- c. Proposed dates for a video deposition of Dr. Van Acker.
- d. Proposed trial and remand schedules for the remaining non-producer cases, including proposed trial dates for the cases in which the parties have filed *Lexecon* waivers.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 14th day of January, 2011.