

1. Helms proposes to testify about general rice production practices. He relates none of his proposed testimony to any farmer – or any issue – in this case. Any such attempt to do so lacks foundation and reliability. His testimony does not assist the jury as required by Rule 702 and would constitute a needless waste of valuable time at trial.

2. Helms opines on the general benefits of Clearfield technology and Liberty Link Rice. He is unqualified to do so and demonstrates no foundation for his opinions. Nor are these supposed benefits at issue in this case.

3. Helms opines that flat prices offered by “some buyers” are not priced with reference to the Chicago Board of Trade. He is unqualified in this area as well and again, lacks foundation for his opinions.

4. Helms makes a number of generalized statements regarding the price paid by buyers of rice in various time periods. None of these subjects require expert interpretation.

5. Helms reserves the right to “testify regarding [his] observation of events as a rice farmer and rice seed dealer after August 18, 2006, and how those observations support [his] conclusions in this report.” He should not, however, be permitted to testify outside the confines of his report.

6. Helms proposes to testify in criticism of plaintiffs’ economic experts, Dr. Carter and Mr. Frye, regarding their calculation of plaintiffs’ damages, including production estimates for future market loss calculations. Helms is unqualified to render any opinion on this subject and, even if he was, has offered no opinion regarding damage calculations completed for any specific Arkansas Plaintiff, as required under the Federal Rules of Civil Procedure. His opinions lack sufficient foundation to survive the reliability demands of *Daubert*. Many of his statements on damages, even if reliable, would not assist the trier of fact and also fail *Daubert’s* relevancy

requirement. This Court has consistently held in its prior Orders that Helms cannot testify as to lost profits because he is not an economist.

7. Helms proposes to testify about the conduct of field trials governed by 7 C.F.R. Part 340 and the sufficiency of certain confinement practices of two of Bayer's cooperators – Louisiana State University (“LSU”) and the University of Puerto Rico (“UPR”). Helms expressly admits he has no expertise regarding the regulatory requirements governing this case. He also lacks sufficient experience to opine upon adequate confinement practices for regulated, GM crops. He lacks knowledge, education or experience to qualify him as an expert on a standard of care – or Bayer's compliance therewith. His opinions otherwise lack foundation, are not reliable and are irrelevant.

8. In regard to the four specific topics on which he proposes to testify (level of supervision, dedicated equipment, third-party auditing, and monitoring), Helms similarly is unqualified as an expert, and similarly lacks a sufficient knowledge based upon which to form an opinion that in any way is the product of special knowledge, training, or experience. His opinions also lack foundation, are irrelevant, and unhelpful to the trier of fact.

9. Helms makes a number of observations to dispute the presence of LL601 in the Francis and Wells varieties grown by Tim Croughan. All of these observations constitute no more than inadmissible comment on the evidence.

WHEREFORE, the Arkansas Plaintiffs pray that the Court exclude the designation, testimony and all reports of Ronnie Helms in their entirety.

Dated: January 20, 2010

Respectfully submitted,

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Plaintiffs' Executive Committee

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have this 20th day of January, 2011, electronically filed a copy of the foregoing with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the parties of record.

/s/ Don M. Downing