

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE GENETICALLY MODIFIED) 4:06MD 1811 CDP
RICE LITIGATION)
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)
)
This pleading pertains to:)
)
TILDA LTD.)
)
vs.) No. 4:07-CV-0457 CDP
)
RICELAND FOODS, INC.;)
PRODUCERS RICE MILL, INC.;)
BAYER CROPSCIENCE, INC.; and)
BAYER CROPSCIENCE LP)
)
)
VEETEE RICE LIMITED)
)
vs.) No. 4:07-CV-01211 CDP
)
)
RICELAND FOODS, INC.;)
PRODUCERS RICE MILL, INC.;)
RIVIANA FOODS, INC.; and)
BAYER CROPSCIENCE LP)
)
)
BEAUMONT RICE MILLS, INC.)
)
vs.) No. 4:07-CV-00524 CDP
)
)
BAYER CROPSCIENCE LP;)
BAYER CROPSCIENCE HOLDING)
CORPORATION; BAYER)
CORPORATION; STARLINK)
LOGISTICS, INC.; TEXAS RICE)
IMPROVEMENT ASSOCIATION;)
RAYMOND FRANZ; JACKO)
GARRETT; JOHN GRIFFIN; and)
RICE BELT WAREHOUSE, INC.)
)

THE SIMPSON COMPANY)	
)	
vs.)	No. 4:07-CV-00875 CDP
)	
BAYER CROPSCIENCE LP;)	
BAYER CROPSCIENCE HOLDING,)	
INC.; BAYER CORPORATION;)	
BAYER CROPSCIENCE USA, LP;)	
AVENTIS CROPSCIENCE USA)	
HODLING, INC. a/k/a STARLINK)	
LOGISTICS, INC.; TEXAS RICE)	
IMPROVEMENT ASSOCIATION;)	
JACKO GARRETT; and)	
STARLINK LOGISTICS, INC.)	

TEXANA RICE MILL, LTD)	
)	
vs.)	No. 4:07-CV-00416 CDP
)	
TEXANA RICE, INC.; BAYER)	
CROPSCIENCE LP; BAYER)	
CROPSCIENCE HODLING, INC.;)	
BAYER CORPORATION; BAYER)	
CROPSCIENCE USA, LP; AVENTIS)	
CROPSCIENCE USA HOLDING,)	
INC. a/k/a STARLINK LOGISTICS,)	
INC.; TEXAS RICE IMPROVEMENT)	
ASSOCIATION; JACKO GARRETT;)	
DAVID MURRELL; WINCO)	
AGRIPRODUCTS, INC.; and)	
STARLINK LOGISTICS, INC.)	

**AGREED AMENDMENT TO STIPULATION AND AGREED ORDER REGARDING
 PROTOCOL FOR PRODUCTION OF DOCUMENTS AND INFORMATION BOTH IN
 HARD COPY AND IN ELECTRONIC FORMAT**

Pursuant to the Court’s directive, as set forth in Case Management Order No. 3 (D.I. 292), counsel for the parties to the non-producer plaintiff cases listed in the style of this pleading (the “Non-Producer Parties”), have conferred with Lead Counsel for plaintiffs and defendants concerning

a proposed amendment to the Stipulation and Agreed Order Regarding Protocol for Production of Documents and Information Both in Hard Copy and in Electronic Format entered by this Court on June 5, 2007 (“Discovery Protocol”) (D.I. 291).

The proposed amendment contained herein will apply only to the Non-Producer Parties. To the extent not modified by this proposed amendment, the terms and provisions of the Discovery Protocol shall remain in effect as to the Non-Producer Parties.

The Non-Producer Parties have agreed to the following amendments to the Discovery Protocol:

1. The Non-Producer Parties shall not, as part of their initial disclosure obligations or in initial responses to requests for production or other written discovery, be required automatically to produce any documents in the manner set forth in Section C of the Discovery Protocol. Rather, the Non-Producer Parties may produce responsive, non-privileged discovery documents in optical character recognition (OCR) scanned TIFF files in such a manner as to allow such files to be text-searchable and, in either case, otherwise in accordance with Section E of the Discovery Protocol.

2. If, after receiving initial responses to discovery, a Non-Producer Party, in its sole discretion, concludes, on a good faith basis, that it needs to acquire copies of the actual Electronic Documents in electronic or native format – or needs the Metadata, as defined by the Discovery Protocol, associated with those documents – that party may request, in writing, that the producing party proffer those Electronic Documents in the format mandated by the Discovery Protocol. The written request shall set forth the Bates Number range(s) of the documents sought. Upon receipt of a written request to provide documents pursuant to the Discovery Protocol from the requesting party, the producing party shall have a reasonable time, but in no event less than thirty

(30) calendar days, to produce the documents in the format mandated by the Discovery Protocol, or to contest or otherwise challenge the request.

3. Nothing herein shall be construed to prohibit a Non-Producer Party from producing documents, at any time or to any party, in the manner set forth in Discovery Protocol if the producing party so chooses. Rather, the Non-Producer Parties agree that the production contemplated in Paragraphs 1 and 2 above shall be an acceptable alternative to production under the Discovery Protocol.