

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

IN RE GENETICALLY MODIFIED  
RICE LITIGATION

4:06 MD 1811 CDP  
ALL CASES

**PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

Pursuant to Rule 23 of the Federal Rules of Civil Procedure, the named plaintiffs in the Master Consolidated Class Action Complaint filed on May 17, 2007 (Doc. 264) ("Plaintiffs") respectfully move this Court for an Order allowing this action to proceed as a class action and appointing, pursuant to Fed. R. Civ. P. 23(g), Plaintiffs' current Court-appointed leadership group as Class Counsel, in the manner and in accordance with the structure set forth on the signature block below.

Plaintiffs seek certification of five separate statewide classes composed of long-grain rice producers from Arkansas, Louisiana, Mississippi, Missouri, and Texas, respectively, who sustained damages as a result of Defendants' contamination of the U.S. long-grain rice supply with their LLRICE 601 and LLRICE 604 genetically-modified seed traits (the "LLRICE Contamination") (collectively, the "Statewide Classes"). Plaintiffs further propose two subclasses for each of the Statewide Classes<sup>1</sup>:

1. The **Market Loss Subclass**, separately consisting of the long-grain rice producers in each state who have sustained market losses as a result of the LLRICE Contamination; and

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<sup>1</sup> Excluded from the Statewide Classes and subclasses are the Court and its officers, employees and relatives; Defendants and their subsidiaries, officers, directors and employees; Defendants' contractors and agents with respect to LLRICE; governmental entities; and any U.S. long-grain rice producers who farmed LLRICE under contract with Defendants or their contractors or agents.

2. The **“Other Losses” Subclass**, separately consisting of the long-grain rice producers in each state who have sustained losses other than, or in addition to, market losses as a result of the LLRICE Contamination.

As more fully set forth in the accompanying Memorandum of Law, each of the proposed Statewide Classes and subclasses readily satisfies all of the requirements of Fed. R. Civ. P. 23(a) and 23(b)(3). They are sufficiently numerous; common questions of fact and law exist and predominate; Plaintiffs’ claims are typical of the claims of the classes and subclasses they seek to represent; Plaintiffs are adequate class representatives; and a class action is a superior method of managing and resolving this dispute. In the alternative, and as further explained in the accompanying Memorandum of Law, Plaintiffs seek class certification, pursuant to Fed. R. Civ. P. 23(c)(4)(A), with respect to particular issues set forth in detail therein.

In further support of their motion, Plaintiffs respectfully proffer the Declaration of Professor Colin A. Carter, dated December 14, 2007; the Declaration of Professor Bruce A. Babcock, dated December 14, 2007; and the Declaration of Adam J. Levitt, dated December 14, 2007.

**WHEREFORE**, Plaintiffs respectfully request that the Court certify this action as a class action under Rule 23 of the Federal Rules of Civil Procedure, on behalf of each of the above defined Statewide Classes and subclasses, designate Plaintiffs as the Class Representatives for their respective classes and subclasses, appoint class counsel, and grant any further relief as the Court deems just and proper.

**Dated:** December 17, 2007

Respectfully submitted,

**GRAY, RITTER & GRAHAM, P.C.**

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*Plaintiffs' Executive Committee*

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that I have this 17th day of December 2007, 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  
Don M. Downing