

3) precluding Dr. Van Acker, Dr. Halsey and Mr. Stein from acting as an advocate for the presentation of opinions and commentary based solely on select Bayer Defendant documents and deposition testimony; and

4) precluding Dr. Van Acker, Dr. Halsey and Mr. Stein from offering opinions on who or what “caused” the Starlink incident or what the Bayer Defendants “failed to learn” from it.

The facts and arguments supporting the Bayer Defendants’ motion to exclude and limit the testimony of Dr. Carter are set forth in the Brief in Support of Their Motion to Limit Dr. Colin Carter’s Testimony Under Rule 702, filed herewith. The remaining facts and arguments supporting this motion are set forth in the Bayer Defendants’ Brief in Support of Their Motion to Exclude Testimony under Rule 702, D.E. 1437. All exhibits referenced in that brief are attached to the Affidavit of John Hughes, covering all briefs including summary judgment briefs, D.E. 1439.

Dated: January 20, 2011.

Respectfully submitted,

/s/John M. Hughes

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CERTIFICATE OF SERVICE

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

/s/John M. Hughes

John M. Hughes