

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

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**IN RE GENETICALLY MODIFIED RICE  
LITIGATION**

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This filing relates to the following case:

Beaumont Rice Mills, Inc.  
v. Bayer CropScience LP

Case No. 4:07-cv-0524-CDP

**THE BAYER DEFENDANTS’ REPLY TO THE PLAINTIFFS’ STATEMENT OF  
UNDISPUTED FACTS**

Bayer CropScience LP, Bayer CropScience Holding Inc., and Bayer Corporation (the “Bayer Defendants”), submit this reply to Beaumont Rice Mills’ Statement of Undisputed Facts in Support of Its Response to Bayer Defendants’ Consolidated Motion for Summary Judgment.

1. Admitted. The Bayer Defendants explicitly chose not to commercialize any of its LLRICE varieties until it had gained approvals in export markets. Ex. A, Schreiber Dep. 110:4-17, Feb. 26, 2009.
2. Admitted. The Bayer Defendants explicitly chose not to commercialize any of its LLRICE varieties until it had gained approvals in export markets. *Id.*
3. The Bayer Defendants have insufficient information to confirm or deny the availability to Beaumont of contractual remedies. Beaumont might have been able to contractually allocate the risk of loss in its contracts for rice.

Dated: August 2, 2011

Respectfully submitted,

/s/ John M. Hughes

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 2, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

/s/ John M. Hughes

John M. Hughes