

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE GENETICALLY MODIFIED) 4:06 MD 1811 CDP
RICE LITIGATION,)

This document relates to:

Beaumont Rice Mills, Inc. v. Bayer CropScience LP, et al.
Case No. 4:07-CV-0524-CDP

**PLAINTIFF BEAUMONT RICE MILLS' RESPONSE TO BAYER DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56, Plaintiff Beaumont Rice Mills hereby moves for denial of (“Bayer Defendants”) summary judgment on the claims brought by plaintiff Beaumont Rice Mills, Inc. (“Beaumont”).

The Bayer Defendants’ summary judgment should be denied on the following grounds:

1. That Beaumont’s claims are not barred by the economic loss doctrine;
2. That Beaumont’s claims do not fail as a matter of law for lack of proximate cause;
3. That Beaumont’s claims are not preempted by the Plant Protection Act, 7 U.S.C. §7756(1); and
4. That there is a genuine issue of material fact sufficient to allow submission of a claim for punitive damages.¹

The facts and arguments supporting this motion are set forth in a brief, filed herewith, addressing the remaining issues set forth above.

¹The Parties have agreed to abide by the Court’s previous rulings. See Joint Stipulation Concerning Various Motions for Summary Judgment and to Exclude or Limit Expert Witness Testimony.

DATED: July 19, 2011.

Respectfully Submitted,

MOORE LANDREY, L.L.P.

/s/ ETHAN L. SHAW

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify that on July 19, 2011, I electronically filed the Plaintiff Beaumont Rice Mills Response to Bayer Defendants' Motion for Summary Judgment with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the parties of record.

/s/ ETHAN L. SHAW

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