

Oct. 9, 2009, Mem. & Order at 48-50, D.E. 1604 (“October Order”).

The Arkansas Plaintiffs also repeat the argument made in earlier motions on the expert opinions of Dr. Helms and Dr. Kalaitzandonakes that Dr. Shuffield has no knowledge or opinion specific to the particular plaintiffs involved (here, the Arkansas Plaintiffs). That argument is inaccurate and premature because Ms. Shuffield will be providing a damage report specific to the Arkansas plaintiffs at issue here. Any issues over the adequacy of her opinions as to specific plaintiffs can be addressed then.

There is no reason why the Court’s ruling on the Arkansas Plaintiffs’ motion should be any different from its prior rulings. The Bayer Defendants² hereby incorporate by reference their Brief in Opposition to Plaintiffs’ Motion to Exclude Expert Designation, Report and Testimony of Cheryl Shuffield and Robert Winter, D.E. 1504, and their Response to the Mississippi Plaintiffs’ Motion to Exclude Designation, Report and Testimony of Cheryl Shuffield, D.E. 1927.

² For purposes of this motion, the Bayer Defendants are Bayer CropScience LP, Bayer CropScience Holding, Inc., Bayer CropScience LLC, Bayer CropScience Inc., Bayer Corporation, Bayer BioScience NV, Bayer CropScience AG, and Bayer AG. Bayer CropScience AG, Bayer BioScience NV, and Bayer AG join these motions reserving all jurisdictional objections. The use of this shorthand reference does not concede that any particular defendant was engaged in any particular activity.

Dated: February 18, 2011.

Respectfully submitted,

/s/Lester C. Houtz

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CERTIFICATE OF SERVICE

This is to certify that I have this 18th day of February, 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/Lester C. Houtz

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