

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

IN RE GENETICALLY MODIFIED RICE
LITIGATION

4:06 MD 1811 CDP

ADDITIONAL MISSOURI
CASES

**JOINT MOTION AND SUPPORTING MEMORANDUM TO EXTEND CERTAIN
DATES REGARDING ADDITIONAL CASES FOR TRIAL IN THE
EASTERN DISTRICT OF MISSOURI**

The Parties have jointly agreed, subject to the Court's approval, to further extend the time for Plaintiffs to select additional cases for trial in the Eastern District of Missouri and for the Parties to submit a joint proposed trial schedule for such additional cases. As grounds for this request, the Parties state as follows:

1. On April 20, 2010 the Court issued CMO-23 setting forth dates regarding scheduling of trials in the Eastern District of Missouri after completion of the Bellwether trials. Included within CMO-23 are dates for the selection of additional cases for trial after completion of the remaining cases in the Initial Trial Pool. CMO-23 currently states that additional producer trials will begin on March 19, 2012.

2. The Parties have requested amendments of the deadlines for identifying additional plaintiffs and submitting trial schedules. On January 27, 2011 the Court issued a third amendment to Case Management Order 23 contemplating that Plaintiffs would select an

additional 30 cases for trial before this Court by February 25, 2011 and that the Parties would propose a trial schedule for the selected cases by March 23, 2011. D.E. 3946.

3. During the monthly status conference on held on February 10, 2011, Non-Productors Liason Counsel and counsel for the Bayer Defendants presented an agreed proposed schedule of trials for a number of non-producer cases in the Eastern District of Missouri starting in March, 2012. Joint proposals requesting non-producer trial settings throughout 2012, including trial settings in March, May, July and September have been filed. See e.g. D.E. 40 in Case No. 4:07-cv-01795-CDP.

4. In light of the proposed schedule for non-producer trials, additional rice producer trials will likely not be set for trial until November, 2012.

5. The Parties have conferred and agree that an additional ninety days to identify additional plaintiffs for trial before this Court and a corresponding ninety day extension to submit a trial schedule is appropriate due to the fact that the first of these trials likely will not be scheduled until November, 2012.

Wherefore, the Parities jointly request that the Court extend both the date for identifying additional plaintiffs for trial before this Court to May 25, 2011 and the date for submitting a trial schedule regarding such cases to June 21, 2011.

Dated: February 25, 2011

Respectfully submitted,

GRAY, RITTER & GRAHAM, P.C.

By: /s/ Don M. Downing
Don M. Downing, Bar # 41786
Gretchen Garrison, Bar # 3189
Jason D. Sapp, Bar #5218238
701 Market Street, Suite 800
St. Louis, Missouri 63101-1826

Tel: (314) 241-5620
Fax: (314) 241-4140
ddowning@grgpc.com
ggarrison@grgpc.com
jsapp@grgpc.com

***Plaintiffs' Designated Co-Lead Counsel and
Liaison Counsel***

By: /s/ Adam J. Levitt

Adam J. Levitt
Stacey T. Kelly
**WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLC**
55 West Monroe Street, Suite 1111
Chicago, Illinois 60603
Tel: (312) 984-0000
Fax: (312) 984-0001
levitt@whafh.com
skelly@whafh.com

Plaintiffs' Designated Co-Lead Counsel

Richard J. Arsenault
John Randall Whaley
Jennifer M. Hoekstra
NEBLETT BEARD & ARSENAULT, LLP
2220 Bonaventure Court, P.O. Box 1190
Alexandria, Louisiana 71309
Tel: (800) 256-1050
Fax: (318) 561-2591

Scott E. Poynter
EMERSON POYNTER LLP
500 President Clinton Avenue, Suite 305
Little Rock, Arkansas 72201
Tel: (501) 907-2555
Fax: (501) 907-2556

Stephen A. Weiss
Diogenes P. Kekatos
James A. O'Brien III
SEEGER WEISS LLP
One William Street
New York, New York 10004

Tel: (212) 584-0700
Fax: (212) 584-0799

Joe R. Whatley Jr.
Deborah Clark Weintraub
Adam P. Plant
WHATLEY DRAKE & KALLAS LLP
2001 Park Place North, Suite 1000
Birmingham, Alabama 35203
Tel: (205) 328-9576
Fax: (205) 328-9669

William B. Chaney
James L. Reed
William J. French
Michael Kelsheimer
Drew York
LOOPER REED & MCGRAW
1601 Elm Street, Suite 4600
Dallas, Texas 75201
Tel: (214) 237-6403
Fax: (214) 953-1332

Ralph E. Chapman
Sara B. Russo
CHAPMAN, LEWIS & SWAN
501 First Street
P. O. Box 428
Clarksdale, Mississippi 38614
Tel: (662) 627-4105
Fax: (662) 627-4171

Plaintiffs' Executive Committee

**BARTLIT BECK HERMAN PALENCHAR &
SCOTT LLP**

By: /s/ Eric R. Olson (with permission)
1899 Wynkoop Street, 8th Floor
Denver, Colorado 80202
Tel: (303) 592-3100
Fax: (303) 592-3140

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have this 25th day of February, 2011, 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