

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

IN RE GENETICALLY MODIFIED )  
RICE LITIGATION )

4:06 MD 1811 CDP

This pleading pertains to:

CACHE RIVER VALLEY SEED, LLC;  
CULLUM SEEDS, LLC; EAST ARKANSAS  
SEEDS, INC.; FARM SERVICE, INCORPORATED d/b/a  
NORTHEAST ARKANSAS SEEDS; LAWHON  
FARM SERVICES, INC.; RICELAND SEED  
COMPANY d/b/a STRATTON SEED COMPANY;  
COX & LUTER, INC. d/b/a CARTER-COX  
SEEDS, INC.; LAWRENCE COUNTY SEED CO., INC.;  
TANNER SEED COMPANY, LLC; G & H SEED  
COMPANY, INC. and TERRAL SEED, INC.

Plaintiffs

vs.

Case No. 4:07 CV1293 CDP

BAYER CROPSCIENCE, LP; BAYER  
CORPORATION; BAYER AG; BAYER  
CROPSCIENCE AG; BAYER BIOSCIENCE NV;  
BAYER CROPSCIENCE HOLDING, INC.;  
BAYER CROPSCIENCE, LLC; and BAYER  
CROPSCIENCE, INC.

Defendants

**JOINT MOTION TO ESTABLISH DEADLINES**

Come the Plaintiffs and Defendants, listed above, by and through their respective counsel and for their Joint Motion to Establish Deadlines, state:

1. That the Court by previous order vacated the deadlines set in CMO No. 20 and as amended and CMO No. 24 as to the above parties.
2. That the parties hereby request that the Court amend CMO No. 20 and CMO No.

24 and establish the deadlines as to the parties' case as follows:

a. Plaintiffs shall disclose expert witnesses related to the issues of individual damages and provide the reports required by Federal Rule of Civil Procedure 26(a)(2) no later than May 17, 2011 and shall make these expert witnesses available for depositions and have depositions completed no later than June 17, 2011.

b. Defendants shall disclose expert witnesses related to issues of individual damages and provide the reports required by Federal Rule of Civil Procedure 26(a)(2) no later than July 18, 2011 and shall make these experts witnesses available for depositions and have depositions completed no later than August 18, 2011.

c. The parties shall complete fact discovery no later than September 16, 2011.

d. Any motions to dismiss, motions for summary judgment, motions for judgment on the pleadings or *Daubert* motions or other motions to exclude or limit expert testimony must be filed no later than October 14, 2011. Opposition briefs shall be filed no later than thirty (30) days thereafter or November 15, 2011 and any reply brief shall be filed no later than fourteen (14) days thereafter or November 30, 2011.

WHEREFORE, the parties, as set forth above, jointly request that the above referenced deadlines be established.

Respectfully submitted,

LYONS & CONE, P.L.C.  
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By: /s/ David D. Tyler

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By: /s/ Lester Houtz (with permission)

Lester Houtz  
Attorneys for Defendants

Certificate of Service

I, the undersigned attorney, do hereby certify that I have this 25<sup>th</sup> day of February, 2011, electronically filed a copy of the foregoing with the Clerk of the Court using the CM/ECF system, which shall serve the parties of record with a copy of the foregoing by operation of the Court's electronic filing system.

/s/ David D. Tyler

David D. Tyler