

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

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This filing pertains to:)
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Texana Rice Mill, Ltd., et al. v. Bayer CropScience LP, et al.,
Case No. 4:07-cv-00416-CDP

Beaumont Rice Mills, Inc. v. Bayer CropScience LP, et al.,
Case No. 4:07-cv-00524-CDP

Kennedy Rice Dryers, LLC v. Bayer CropScience LP, et al.,
Case No. 4:07-cv-01773-CDP

Farmers Rice Milling Co., Inc. v. Bayer CropScience LP, et al.,
Case No. 4:07-cv-01780-CDP

Planters Rice Mill, LLC v. Bayer CropScience LP, et al.,
Case No. 4:07-cv-01795-CDP

Gulf Pacific Rice Co., Inc., et al. v. Bayer CropScience LP, et al.,
Case No. 4:08-cv-01545-CDP

Phoenix Advisors, Ltd. v. Bayer CropScience LP, et al.,
Case No. 4:08-cv-01794-CDP

**JOINT REPORT TO ESTABLISH TRIAL SETTINGS
AND MOTION TO EXTEND DEADLINES**

Plaintiffs in the above referenced cases and the Bayer Defendants file this their Joint Report to Establish Trial Settings and Motion to Extend Deadlines and would show the Court as follows:

1. On February 10, 2011, the undersigned Non-Producers Liaison Counsel and counsel for the Bayer Defendants jointly presented in the monthly status conference of these Multi-District Litigation proceedings a proposed trial schedule of the above referenced cases and made a request for the extension of certain pretrial deadlines in those cases. This Joint Report to Establish Trial Settings and Motion to Extend Deadlines is filed in accordance with the Court's instructions in that status conference.

2. Counsel propose the following order and schedule for the trials of the above referenced cases in this District (the *Farmers Rice Milling Co., Inc.* case (No. 4:07-cv-01780-CDP) has previously been set for trial on November 7, 2011):

- a. Gulf Pacific Rice Co., Inc., et al. v. Bayer CropScience LP, et al., Case No. 4:08-cv-01545-CDP, to be tried during the month of March 2012.
- b. Beaumont Rice Mills, Inc., et al. v. Bayer CropScience LP, et al., Case No. 4:07-cv-00524-CDP, to be tried during the month of May 2012.
- c. Kennedy Rice Dryers, LLC v. Bayer CropScience LP, et al., Case No. 4:07-cv-01773-CDP and Planters Rice Mill, LLC v. Bayer CropScience LP, et al., Case No. 4:07-cv-01795-CDP, to be jointly tried during the month of July 2012.
- d. Texana Rice Mill, Ltd., et al. v. Bayer CropScience LP, et al., Case No. 4:07-cv-00416-CDP, to be tried during the month of September 2012.
- e. Phoenix Advisors, Ltd. v. Bayer CropScience LP, et al., Case No. 4:08-cv-01794-CDP, to be tried during the month of March 2013.

3. The March 2012 proposed setting for the *Gulf Pacific* case replaces an existing trial setting for a producer case. With the consent of Plaintiff's co-lead counsel in these MDL proceedings, the producer's trial for March 2012 is proposed to be moved for a producer trial during the month of January 2013.

4. Subject to Paragraph 5 below, the parties also jointly request that the Court revise the pretrial schedules in each of the above referenced cases as follows:

- a. Deadline to conduct depositions of Defendants' experts: extend from February 25, 2011 to April 25, 2011.
- b. Service of rebuttal expert reports and discovery deadline: move from March 11, 2011 to May 10, 2011.
- c. Deadline for filing dispositive motions and expert challenges (*Daubert*): extend from March 25, 2011 to May 24, 2011.
- d. Responses to *Daubert* and dispositive motions: extend from April 22, 2011 to June 21, 2011.
- e. Replies in support of motions: extend from May 6, 2011 to July 6, 2011.

5. As the parties advised the Court in the February 10 status conference, the parties will likely make a joint request within the next few weeks to further extend the pretrial deadlines in the *Phoenix Advisors* case (No. 4:08-cv-1784-CDP).

WHEREFORE, PREMISES CONSIDERED, the parties to each of the above referenced cases jointly request that the above referenced pretrial schedules be extended and that the proposed trial dates be adopted.

Respectfully submitted,

/s/ William B. Chaney

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*Non-Producer Plaintiff Liaison Counsel,
Counsel for Plaintiffs in Case Nos. 416,
1545 and 1794 and with permission in his
role as liaison counsel on behalf of the
Plaintiffs in Case Nos. 524, 1773, 1780 and
1795*

/s/ Lester C. Houtz (with permission)
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CERTIFICATE OF SERVICE

I, William B. Chaney, hereby state that on February 17, 2011, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which shall send notification of such filing to the all attorneys of record.

/s/ William B. Chaney
William B. Chaney