

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:

Texana Rice Mill, Ltd., et al. v. Bayer CropScience LP, et al.
Case No. 4:07-CV-00416-CDP

**JOINT STIPULATION CONCERNING VARIOUS MOTIONS FOR SUMMARY
JUDGMENT AND TO EXCLUDE OR LIMIT EXPERT WITNESS TESTIMONY**

The Parties in the above-styled individual action, in an attempt to preserve judicial resources, file the following joint stipulation concerning various motions for summary judgment and to exclude or limit expert witness testimony. As the Court is aware, numerous motions for summary judgment and to exclude or limit expert witness testimony have been filed in related actions in this multidistrict litigation proceeding. Many of those motions raise legal and factual issues common to the issues raised in this action. The Parties have agreed to jointly stipulate that they are adopting and incorporating fully certain motions, responses, and replies on these common issues, and agreeing that the Court's prior rulings on those issues in its memoranda and order relating to the Texas Bellwether and Riviana trials apply to this action, with each party preserving their appellate rights to the Court's rulings.

Attached to this paper as Exhibit "A" is a spreadsheet identifying the motions subject to this joint stipulation, the respective docket entry numbers under Case No. 4:06-MD-1811 relating to those motions, responses, and replies, and the Court's applicable rulings.

The Parties reserve their respective rights, under Case Management Order No. 30, to file any motions on issues previously briefed before the Court and on which the Parties could not reach a joint stipulation, as well as the right to file motions on issues that have not been previously raised by other parties.

DATED: June 14, 2011.

LOOPER REED & McGRAW, P.C.

By: /s/ Andrew K. York

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CERTIFICATE OF SERVICE

I certify that on June 14, 2011, I electronically filed an Entry of Appearance with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the parties of record.

/s/ Andrew K. York

ANDREW K. YORK

<u>EXHIBIT A TO JOINT STIPULATION</u>				
<u>Title of Motion</u>	<u>Docket Entry Numbers for Motion and Supporting Memoranda</u>	<u>Docket Entry Numbers for Memoranda in Opposition and Supporting Documents</u>	<u>Docket Entry Numbers for Reply Briefs and Supporting Documents</u>	<u>Court's Governing Ruling</u>
1. Plaintiffs' Motion for Partial Summary Judgment on Affirmative Defenses 11 and 13	3216, 3217	3302	3359	3495
2. Plaintiffs' Motion for Partial Summary Judgment on Successor, General Partner, and Agency Status	3230, 3231, 3232	3305	3365	3495
3. Plaintiffs' Motion to Exclude Expert Designation, Reports and Testimony of Ronnie Helms	3213, 3214	3300	3356	3495
4. Plaintiffs' Motion to Exclude Expert Designation, Reports and Testimony of Alan McHughen	3215	3301	3361	3495
5. Bayer Defendants' Motion for Summary Judgment as to Plaintiffs' Negligence Per Se claim	3219, 3226	3317	3352	3495
6. Bayer Defendants' Motion for Summary Judgment as to Plaintiffs' Public Nuisance claim	3219, 3223	3319	3353	3495
7. Bayer Defendants' Motion for Summary Judgment as to Plaintiffs' claim for punitive damages	3219, 3224	3315	3351	3495
8. Bayer Defendants' Motion for Summary Judgment as to Plaintiffs' Constructive Fraud claim	2142, 2146	2387	2549	2656
9. Bayer Defendants' Motion for Summary Judgment re Express Federal Preemption	1053, 2142, 2147	1142, 2385	1165, 2550	1208, 2656
10. Bayer Defendants' Motion to Exclude Expert Testimony of Rene Van Acker and Jeffrey Stein	3229	3313	N/A	3495