

EXHIBIT 6

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

IN RE: LLRICE 601
Contamination Litigation

nO. 4:06-MD-1811 CDP

PRESENT: The Honorable Catherine D. Perry, Presiding
(These appearances include only the attorneys who spoke during
the hearing.)

ATTORNEYS FOR PLAINTIFF: Don M. Downing, Adam J. Levitt,
William B. Chaney, Perry Lee Wilson, Thomas Buckley

ATTORNEYS FOR DEFENDANT: Terry R. Lueckenhoff, Mark E.
Ferguson, Eric R. Olson, Barry Deacon, Michael D. Robbins

Status Conference
May 31, 2007

TERI HANOLD HOPWOOD
Registered Merit Reporter
Thomas F. Eagleton Courthouse
111 South Tenth Street
St. Louis, Missouri 63102

1 orders. I can't represent to the Court that I have talked to
2 every lawyer that represents a plaintiff in this case and told
3 them you have to follow the preservation order, but they have
4 seen it.

5 THE COURT: You better do that ASAP. That's part of
6 why you're lead counsel, and then we'll figure out, you know,
7 what's here and what's not, but preservation of samples is
8 important in this case. I realize that market issues are very
9 important, but that doesn't mean other things aren't, and I
10 think it's often very tempting in these cases -- well, it's
11 tempting in every case where you have individuals suing
12 companies which happens in about, what, 50 percent of the cases
13 in Federal Court, it's very tempting for people to think that
14 they are worried about the company's electronic and other
15 preservation orders, when the individuals have duties and have
16 stuff as well, and they don't always -- the people representing
17 the individuals don't always remember that oh, yeah, this is a
18 two-way street, and I want everybody to realize this is a
19 two-way street, so that's very important.

20 MR. LEVITT: We negotiated with that knowledge, Your
21 Honor.

22 THE COURT: I think I understand the routine versus
23 non-routine and the party disagreement. Let's talk about
24 Metadata.

25 MR. LUECKENHOFF: One other thing on this, we're not

1 THE COURT: Okay. Other things you all need to
2 bring up?

3 MR. FERGUSON: Your Honor, there is one other issue,
4 it's really a matter of just, I think, cleaning up the
5 consolidated class action complaint to make some things clear
6 about who precisely are the actual named plaintiffs and who
7 precisely are the actual named defendants. It's partly because
8 there is no caption. This is fine. It may be that's the
9 appropriate form.

10 THE COURT: That struck me, too. There is no
11 caption.

12 MR. FERGUSON: It's hard to tell. For example,
13 there are listed Bayer entities under the heading, the
14 defendant parties, and then reference later on to other Bayer
15 entities that aren't in that list, but then are included as
16 these defendants, or something like that, and then separately
17 there are others that are mentioned but aren't even referred to
18 as defendants, and we've been talking about back and forth, and
19 this is not a matter of dispute, but it is something that I
20 think might best be addressed by a first amended consolidated
21 class action complaint where all this could be clarified and
22 the form could be put in some sort of state that we can all
23 understand completely exactly what's intended.

24 MR. DOWNING: As to the caption, our understanding
25 was that was the way the Court had ordered it be filed.

1 THE COURT: I did. I did. No, that's what I
2 ordered, but I was surprised when I saw it. Oh, is that what I
3 ordered?

4 MR. DOWNING: As to the identity of the Bayer
5 defendants, we'll be happy to do whatever Your Honor says. The
6 Exhibit E to the joint statement --

7 THE COURT: Here is what I want you to do. I've got
8 some things I want the plaintiff to do, and I want you to file.
9 I want the plaintiff to file a -- I don't know what you call it
10 -- a specification of parties to the consolidated class action
11 complaint, and I want you to list the plaintiffs and list the
12 defendants. Okay? It's one document, and it lists -- even if
13 it's redundant, these are the plaintiffs, and these are the
14 defendants.

15 MR. DOWNING: We can handle that, Your Honor.

16 THE COURT: Then, second thing, I want you to file a
17 list of what you consider to be the non-producer cases, and I
18 want that list to cite by caption, by title of the case, and
19 Eastern District of Missouri individual case number what those
20 are, and there is a third thing.

21 MR. LEVITT: More clarification, Your Honor. In
22 terms of that, in terms of what each case is, would you want a
23 short summary after each one, or simply what the caption is.

24 THE COURT: Just the caption. I just want a list.
25 I want to you say these are the cases that the plaintiff is

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1 calling non-producer cases.

2 MR. DOWNING: The ones which are solely non-producer
3 or that have non-producers and producers?

4 THE COURT: You tell me.

5 MR. DOWNING: I'll specify.

6 THE COURT: I don't know. I don't want to have to
7 go read 176 cases to figure that out, and the problem I have is
8 I've read a fair number of these 176 cases, but I have a lot of
9 trouble keeping track on whatever little piece of paper I wrote
10 it down on what they said, you know, and so I need you to have
11 that filed as a list.

12 Then the third thing is I need you to e-mail to the
13 Court's e-mail CMECF proposed orders e-mail box, not to me
14 personally, not to my staff personally, but to the CMECF
15 proposed orders e-mail box in the clerk's office, and this is
16 the proposed orders e-mail box that applies to all cases and
17 all proposed orders, and I can't tell you its address, but Ms.
18 Hisaw can tell you its address, I want you to e-mail to that a
19 copy of the joint statement of lead counsel, and the
20 stipulation, Exhibits B and C of what you filed, and I don't
21 want these copies in PDF form, I want them in Word or whatever
22 other word processing format you have them in. That way I can
23 choose what I want to choose and use them as a basis for my own
24 order. So e-mail those to the proposed orders e-mail box,
25 including the joint statement, even though I know it wasn't a