

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

**IN RE GENETICALLY MODIFIED RICE
LITIGATION**

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This filing relates to the following case:

Farmers Rice Milling Co.
v. Bayer CropScience, LP

Case No. 4:07-cv-01780-CDP

THE BAYER DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56, the Bayer Defendants hereby move for summary judgment on the claims brought by plaintiff Farmers Rice Milling Company (“Farmers Milling”). The Bayer Defendants move for summary judgment on the following grounds:

1. That Farmers Milling’s claims are barred for lack of legal cause;
2. That Farmers Milling’s trespass claims fail as a matter of law.

If the motion based on legal cause is granted in full, that will end Farmers Milling’s case against the Bayer Defendants in its entirety. A more limited ruling would limit the types of damages, but will not dispose of the entire case.

Specifically, the Bayer Defendants seek the following relief:

First, summary judgment entered in favor of all the Bayer Defendants on all claims on the ground that such claims are barred in their entirety for lack of legal cause.

Second, summary judgment on Farmers’ margin squeeze and diminished production claims for lack of legal cause.

Third, summary judgment entered in favor of the Bayer Defendants on all claims for Farmers' lost sales and lost margins on rice past the 2006 crop year for failure to establish legal cause.

Fourth, summary judgment in favor of the Bayer Defendants on Farmers Milling's claims of trespass.

The facts and arguments supporting this motion are set forth in a brief, filed herewith, addressing each of the issues set forth above. In addition, one statement of undisputed facts and the Affidavit of John M. Hughes containing all referenced exhibits is filed herewith.

Dated: June 14, 2011

Respectfully submitted,

/s/ John M. Hughes

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CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

/s/ John M. Hughes

John M. Hughes