

**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:

Kennedy Rice Dryers, LLC
v. Bayer CropScience, LP

Case No. 4:07-cv-01773-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 Kennedy Rice Dryers, LLC (“Kennedy”).

The Bayer Defendants move for summary judgment on the following grounds:

1. That Kennedy’s claims are barred for lack of legal cause;
2. That Kennedy’s claims for punitive damages fail as a matter of law.

If either the motion based on legal cause or the motion based on express federal preemption is granted, that will end Kennedy’s case against the Bayer Defendants in its entirety. The remaining grounds will limit claims and 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 entered in favor of the Bayer Defendants on Kennedy’s seed-loss, cleaning cost, and separation-cost claims for failure to establish legal cause.

Third, summary judgment entered in favor of the Bayer Defendants on all claims for diminished volumes of rice processed past the 2006 crop year for failure to establish legal cause.

Fourth, summary judgment in favor of the Bayer Defendants on Kennedy's claims for punitive damages.

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

John M. Hughes

William F. Goodman, III
Joseph J. Stroble
Elizabeth M. Gates
WATKINS & EAGER
The Emporium Bldg.
400 E. Capitol Street, Suite 300
Post Office Box 650
Jackson, Mississippi 39205-0650

Mark E. Ferguson
**BARTLIT BECK HERMAN PALENCHAR &
SCOTT LLP**
Courthouse Place
54 West Hubbard Street, Suite 300
Chicago, Illinois 60654

Terry Lueckenhoff, #27810MO
FOX GALVIN LLC
One S. Memorial Drive, 12th Floor
St. Louis, Missouri 63102

Glen E. Summers
Lester C. Houtz
Eric R. Olson
John M. Hughes
Jameson R. Jones
**BARTLIT BECK HERMAN PALENCHAR &
SCOTT LLP**
1899 Wynkoop Street, 8th Floor
Denver, Colorado 80202

ATTORNEYS FOR THE BAYER DEFENDANTS

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