

**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:

Texana Rice Mill, Ltd.
v. Bayer CropScience LP

Case No. 4:07-cv-0416-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 plaintiffs Texana Rice Mill Ltd. and Texana Rice, Inc. (collectively “Texana”).

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

1. That Texana’s claims are barred by the economic loss doctrine;
2. That Texana’s claims fail as a matter of law for lack of proximate cause;

If the economic loss rule or the motion based on proximate cause is granted on all of Texana’s claims, that will end Texana’s case against the Bayer Defendants in its entirety.

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 by the economic loss doctrine.

Second, summary judgment entered in favor of the Bayer Defendants on all of Texana’s claims for failure to establish proximate cause.

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.¹

¹ The Bayer Defendants and Texana are jointly filing a separate stipulation asking the Court to deem certain prior motions and briefs filed in other MDL cases filed and ruled on in this case. The parties have agreed, with the hope of the Court's blessing, that the Court's rulings will remain the same on those issues, with each side preserving any appellate rights on those issues.

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