

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

<b>IN RE GENETICALLY MODIFIED RICE LITIGATION</b>	)	<b>4:06 MD 1811 CDP</b>
	)	
	)	<b>ALL CASES</b>
	)	
	)	

**This document relates to:**

*Phoenix Advisors Limited*  
*v. Bayer CropScience, L.P., et al.*

Case No. 4:08-cv-1794-CDP

**NOTICE OF VIDEOTAPED 30(b)(6) DEPOSITION  
OF PHOENIX ADVISORS LIMITED**

PLEASE TAKE NOTICE that pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Defendant Bayer CropScience LP will take the depositions of Phoenix Advisors Limited (“Phoenix Advisors”) at the time and location identified below. The depositions will be recorded by a certified shorthand court reporter and by videotape.

Date and Time	30(b)(6) Deponent	Location
June 21, 2010 9:00am EDT	Stefan Seuss E. Harold Gassenheimer	Berger Singerman 200 S. Biscayne Blvd., Suite 1000 Miami, FL
June 22, 2010 9:00am EDT	Alexander Prifti	Shook Hardy Miami Center, Suite 2400 201 South Biscayne Blvd. Miami, FL

Pursuant to Federal Rule of Civil Procedure 30(b)(6) you are requested to designate one or more officers, directors or managing agents, or other persons who consent to testify on the deponent’s behalf, and to testify to the matters known to or reasonably available to the deponent for the topics covered by **Schedule A** to this Notice.

Pursuant to the Deposition Protocol set forth in the Agreed Order Setting Deposition

Protocol entered December 3, 2007, please provide notice of intent to attend a deposition by contacting Renée Grimmett at [renee.grimmett@bartlit-beck.com](mailto:renee.grimmett@bartlit-beck.com) or (303) 592-3168, with the names and party affiliations of those who plan on attending the deposition at least seven (7) days before the deposition.

Dated this 9th day of June, 2010.

Respectfully submitted,

/s/ John M. Hughes

John M. Hughes

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***ATTORNEYS FOR BAYER CROPSCIENCE LP***

**CERTIFICATE OF SERVICE**

This is to certify that I have this 9th day of June, 2010, electronically filed a copy of the foregoing with the Clerk of Court to be served by operation of the Court's electronic filing system upon the parties of record.

/s/ John M. Hughes

**SCHEDULE A**

The matters on which examination is requested are:

1. Phoenix Advisor's claim that it was damaged by the presence of Liberty Link rice in commercial rice, including the basis, details, and documents reflecting any claimed damages.
2. The formation of the June 2006 Joint Venture and the relationship between Phoenix Advisors and the other members/partners of the Joint Venture.
3. All analysis, surveys, studies, or commentary on potential markets for long grain rice performed by or for Phoenix Advisors.
4. All efforts by Phoenix Advisors or any member of the Joint Venture to obtain financing for the Joint Venture and/or the purchase of long grain rice.
5. All efforts by Phoenix Advisors and/or any member of the Joint Venture to study the Haitian rice market and the business plan adopted by Phoenix Advisors to sell milled rice to Haiti.
6. The experience of Phoenix Advisors and/or any member of the Joint Venture in selling and/or marketing rice to Haiti or any other Caribbean country from 2003 – 2009.
7. All contracts, agreements, and communications between Phoenix Advisors, the Joint Venture, or any other member of the Joint Venture and Haitian rice buyers.
8. All efforts by Phoenix Advisors and/or any member of the Joint Venture to market or sell rice to any foreign or domestic market.
9. All agreements and/or contracts between Phoenix Advisors, the Joint Venture, and/or any other member of the Joint Venture and Texana Rice Mill. This subject

includes the negotiation of any agreement and/or contract, the terms of any agreement and/or contract, the parties' performance under any agreement and/or contract, and the termination and/or breach of any agreement and/or contract.

10. Phoenix Advisors financial condition from 2003 to the present, including annual profits and losses, annual income statements, and any calculation of margin.
11. All steps taken by Phoenix Advisors to mitigate any claimed damages.
12. All communication between Phoenix Advisors and any representative or employee of any Bayer Defendant.
13. The specific identity of sales that Phoenix Advisors claims it lost due to the LLRICE announcements.
14. Any knowledge or information related to any disruption, additional expense, or lost sales by any other buyer of rice in Haiti or seller of rice to Haiti related to the LLRICE announcements.
15. All guarantees, promises, or statements made by Phoenix Advisors regarding whether its rice contained genetically modified rice and all steps taken to validate, support, or verify any such statements.
16. Phoenix Advisors' understanding of available testing for genetically modified content of rice available from 2003 through the end of 2006.
17. All communications to or from rice industry participants regarding LLRICE or genetically modified rice.