

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

In re GENETICALLY MODIFIED) MDL – 4:06-md-1811 (CDP)
RICE LITIGATION)

This Documents Relates to:

KENNETH BELL,)
)
KENNETH BELL and ZACHARY BELL d/b/a)
BELL PLANTING COMPANY,)
)
NEZ, INC.,)
)
CAROLYN BELL, CHARLES BELL, EDWIN)
GROVES, ERIN BELL, NATHAN BELL, A.L.)
BLAIR, BELL AGCO LLC, SHAWAN FARMS)
LLC, NAKE, LLC, AND ZANA LLC d/b/a)
BOTTOM FARMS,)
)
JH HUNTER FARMS, LLC,)
)
Plaintiffs,)
)
vs)
)
)
BAYER CROPSCIENCE LP, BAYER AG,)
BAYER CROPSCIENCE AG, BAYER)
BIOSCIENCE NV, BAYER CROPSCIENCE)
HOLDING, INC., BAYER CROPSCIENCE,)
INC., AND STARLINK LOGISTICS, INC.,)
)
Defendants.)

NOTICE OF APPEAL

Notice is given that Defendants, BAYER AG, BAYER CROPSCIENCE AG,
BAYER BIOSCIENCE NV, BAYER CROPSCIENCE LP, BAYER CROPSCIENCE

HOLDING, INC., AND BAYER CROPSCIENCE, INC., hereby appeal to the United States Court of Appeals for the Eighth Circuit from the final judgment of the district court, entered in this action on December 10, 2009 (“The Judgment”) and from any and all adverse rulings incorporated in, antecedent to, or ancillary to the Judgment; and from any and all adverse interlocutory orders, judgments, decrees, decisions, rulings, and opinions that merged into and became part of the Judgment, that shaped the Judgment, that are related to the Judgment, and upon which the Judgment is based, and from the Court’s order of July 20, 2010 regarding post-trial motions (Docket #3180).

Dated: July 28, 2010

Respectfully submitted,

Bayer CropScience LP, Bayer AG,
Bayer CropScience AG, Bayer BioScience NV,
Bayer CropScience Holding, Inc., and
Bayer CropScience, Inc.,
By Counsel

By: /s/ Mark E. Ferguson
Mark E. Ferguson

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

Terry Lueckenhoff, #43843
FOX GALVIN LLC
One S. Memorial Drive, 12th Floor
St. Louis, Missouri 63102

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

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

**U.S. COURT OF APPEALS - EIGHTH CIRCUIT
APPELLANT'S FORM A**

Appeal Docket No. _____

Appeal Information Form

To be filed with the Notice of Appeal

STYLE OF CASE:

COUNSEL: NAME, ADDRESS, AND TELEPHONE NUMBER

KENNETH BELL,

KENNETH BELL and ZACHARY BELL d/b/a
BELL PLANTING COMPANY,

NEZ, INC.,

CAROLYN BELL, CHARLES BELL, EDWIN
GROVES, ERIN BELL, NATHAN BELL, A.L.
BLAIR, BELL AGCO LLC, SHAWAN FARMS LLC,
NAKE, LLC, AND ZANA LLC d/b/a BOTTOM
FARMS,

JH HUNTER FARMS, LLC,

Appellee,

Don M. Downing
Thomas K. Neill
Erica L. Airsman
GRAY RITTER & GRAHAM, P.C.
701 Market Street, Suite 800
St. Louis, Missouri 63101
(314) 241-5620

Grant L. Davis
DAVIS, BETHUNE & JONES, LLC
1100 Main Street, Suite 2930
Kansas City, Missouri 64105
(816) 421-1600

Adam J. Levitt
Stacey T. Kelly
WOLF HALDENSTEIN ADLER FREEMAN & HERZ LLC
55 W. Monroe Street, Suite 1111
Chicago, Illinois 60603
(312) 984-0000

Richard J. Arsenault
John Randall Whaley
NEBLETT BEARD & ARSENAULT, LLP
2220 Bonaventure Court
P.O. Box 1190
Alexandria, Louisiana 71301
(800) 256-1050

Scott E. Poynter
EMERSON POYNTER LLP
500 President Clinton Avenue, Suite 305
Little Rock, Arkansas 72201
(501) 907-2555

Stephen A. Weiss
Diogenes P. Kekatos
James A. O'Brien
SEEGER WEISS, LLP
One William Street
New York, New York 10004
(212) 584-0700

Joe R. Whatley, Jr.
Deborah Clark Weintraub
Adam P. Plant
WHATLEY DRAKE & KALLAS
2001 Park Place North, Suite 1000
Birmingham, Alabama 35203
(205) 328-9576

vs.

William B. Chaney
 James L. Reed, Jr.
 William J. French
 Michael C. Kelsheimer
 Andrew K. York
 LOOPER REED & MCGRAW
 1601 Elm Street, Suite 4100
 Dallas, Texas 75201
 (214) 237 6403

BAYER CROPSCIENCE LP, BAYER AG, BAYER CROPSCIENCE AG, BAYER BIOSCIENCE NV, BAYER CROPSCIENCE HOLDING, INC., and BAYER CROPSCIENCE, INC.,

Appellant

COUNSEL: NAME, ADDRESS, AND TELEPHONE NUMBER

Terry Lueckenhoff, #43843
 FOX GALVIN LLC
 One S. Memorial Drive, 12th Floor
 St. Louis, Missouri 63102
 (314) 588-7000

Mark E. Ferguson
 Stephen J. Cowen
 BARTLIT BECK HERMAN
 PALENCHAR & SCOTT LLP
 Courthouse Place
 54 West Hubbard Street, Suite 300
 Chicago, Illinois 60654
 (312) 494-4400

Glen E. Summers
 Lester Houtz
 Eric R. Olson
 John M. Hughes
 BARTLIT BECK HERMAN
 PALENCHAR & SCOTT LLP
 1899 Wynkoop Street, 8th Floor
 Denver, Colorado 80202
 (303) 592-3100

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
 (601) 965-1900

LIST ISSUES ON APPEAL (For administrative purposes). You may indicate that this also serves as your statement of issues under FRAP 10(b)(3). _____ Yes. X _____ No.

This case presents a number of substantial issues, including some of first impression in this Circuit. While Appellants are still in the process of determining which of many potential issues will be appealed, we currently anticipate that at least the following issues will be raised on appeal:

- Whether plaintiffs' common law tort and damages claims are expressly or impliedly preempted by the Plant Protection Act, 7 U.S.C. § 7701 *et seq.* and other statutes and regulations.

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This Documents Relates to:

Kenneth Bell, et al.
v. Bayer CropScience LP, et al.

CERTIFICATE OF SERVICE

I, Carolyn Frantz, counsel for Appellant, do hereby certify that a true and exact copies of the foregoing “Notice of Appeal” and “Appeal Information Form” were served upon:

Don M. Downing
Thomas K. Neill
Erica L. Airsman
GRAY RITTER & GRAHAM, P.C.
701 Market Street, Suite 800
St. Louis, Missouri 63101
(314) 241-5620

Grant L. Davis
DAVIS, BETHUNE & JONES, LLC
1100 Main Street, Suite 2930
Kansas City, Missouri 64105
(816) 421-1600

Adam J. Levitt
Stacey T. Kelly
WOLF HALDENSTEIN ADLER FREEMAN &
HERZ LLC
55 W. Monroe Street, Suite 1111
Chicago, Illinois 60603
(312) 984-0000

Richard J. Arsenault
John Randall Whaley
NEBLETT BEARD & ARSENAULT, LLP
2220 Bonaventure Court
P.O. Box 1190
Alexandria, Louisiana 71301
(800) 256-1050

Scott E. Poynter
EMERSON POYNTER LLP
500 President Clinton Avenue, Suite 305
Little Rock, Arkansas 72201
(501) 907-2555

Stephen A. Weiss
Diogenes P. Kekatos
James A. O'Brien
SEEGER WEISS, LLP
One William Street
New York, New York 10004
(212) 584-0700

Joe R. Whatley, Jr.
Deborah Clark Weintraub
Adam P. Plant
WHATLEY DRAKE & KALLAS
2001 Park Place North, Suite 1000
Birmingham, Alabama 35203
(205) 328-9576

William B. Chaney
James L. Reed, Jr.
William J. French
Michael C. Kelsheimer
Andrew K. York
LOOPER REED & McGRAW
1601 Elm Street, Suite 4100
Dallas, Texas 75201
(214) 237 6403

via electronic filing and U.S. Mail this 28th day of July, 2010.

/s/ Carolyn Frantz
Carolyn Frantz