

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

IN RE GENETICALLY MODIFIED ) 4:06 MD1811 CDP  
RICE LITIGATION, )  
)  
This document relates to: )  
)  
TEXANA RICE MILL, LTD., et al., )  
v. BAYER CROPSCIENCE, L.P., et al. )  
Case No. 4:07-cv-00416-CDP )

**NOTICE OF TURNOVER ORDER**

Eagle Lake Rice Dryer, Inc. (“Eagle Lake”), a nonparty in this action, hereby gives notice that Eagle Lake has been given a Turnover Order against Plaintiff Texana Rice, Inc. (“Texana”), a Co-Plaintiff in this action.

1. On December 5, 2011, Eagle Lake’s Motion to Intervene was granted. (*See* Dkt. Entry # 4306/94). Although Eagle Lake previously notified the Court of its Turnover Order in its Motion to Intervene (*see* Dkt. Entry # 4306-2/94-2, Ex. B), it files this Notice out of an abundance of caution so that its interest in this case is protected.

2. On April 14, 2011, Eagle Lake was awarded a judgment in *Eagle Lake Rice Dryer, Inc. v. Texana Rice, Inc.*; Cause No. 41,964-S; In the 329th Judicial District Court of Wharton County, Texas, against Texana for \$105,415.20, attorneys’ fees in the amount of \$16,730.00, taxable costs of court and interest on the total amount at the rate of five percent per annum from the date of judgment until the judgment is paid (the “Judgment”). The Judgment is final, fully enforceable, and due to Eagle Lake.

3. On June 24, 2011, the Honorable Judge Randy Clapp entered a Turnover Order pursuant to Section 31.002 of the Texas Civil Practice and Remedies Code. A true and correct copy of the Turnover Order is attached as Exhibit “A.” Through the Turnover Order, Judge

Clapp ordered Texana to turn over all proceeds realized from this lawsuit and up to an amount sufficient to satisfy the Judgment and other Court-ordered fees and costs, whether through settlement or through a judgment obtained against and satisfied by Bayer AG, Bayer CropScience AG, or other defendants (collectively "Bayer"), and to pay such amounts into the registry of the 329th Judicial District Court of Wharton County, Texas. Eagle Lake asks that this Court take notice of the Turnover Order and take all actions the Court deems proper and necessary to aid in the enforcement of Judge Clapp's Turnover Order.

Respectfully submitted,

**DOYLE, RESTREPO, HARVIN & ROBBINS, L.L.P.**

By: /s/ Kathleen Cynthia Pickett  
Kathleen Cynthia Pickett  
State Bar No. 15980500  
Texas State Bar No. 15980500  
Federal ID No. 5745  
Peter B. Wells  
Texas Bar No. 24051505  
Federal ID No. 608099

600 Travis, Suite 4700  
Houston, Texas 77002  
(713) 228-5100 Telephone  
(713) 228-6138 Facsimile

**ATTORNEYS FOR EAGLE LAKE RICE DRYER, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that on December 8, 2011, true and accurate copies of the foregoing document have been delivered to all counsel of record via the Court's electronic delivery system. Copies have also been delivered via facsimile to the following:

Vic Cannon, Vice President  
Texana Rice, Inc.  
8018 Shangrila  
Houston, Texas 77095  
Fax: (281) 855-2912

Mr. Jerome A. Brown  
P.O. Box 1667  
Victoria, Texas 77902-1667  
Fax: (361) 579-9324

/s/ Kathleen Cynthia Pickett  
Kathleen Cynthia Pickett  
Peter B. Wells

FILED  
at 9:12 o'clock A.M.

JUN 24 2011

Cause No. 41,964-S

NERISSA HOUSE  
DISTRICT CLERK, WHARTON CO., TEXAS  
By: [Signature] Deputy

|                             |   |                                     |
|-----------------------------|---|-------------------------------------|
| EAGLE LAKE RICE DRYER, INC. | § | IN THE DISTRICT COURT               |
|                             | § |                                     |
| Plaintiff,                  | § |                                     |
|                             | § |                                     |
| vs.                         | § | 329 <sup>TH</sup> JUDICIAL DISTRICT |
|                             | § |                                     |
| TEXANA RICE, INC.           | § |                                     |
| Defendant.                  | § | OF WHARTON COUNTY, TEXAS            |

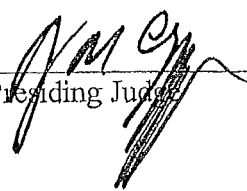
TURNOVER ORDER

On this day, the Court heard Plaintiff's Motion for Turnover Order. The Plaintiff appeared by Counsel. The Defendant appeared by counsel/failed to appear although duly notified of the time and nature of this hearing. The Court, having considered the Motion and the evidence, is of the opinion that the relief requested should be granted and orders made to assist Plaintiff in obtaining satisfaction of the judgment rendered by this Court on April 14, 2011 ("Judgment").

IT IS THEREFORE ORDERED that TEXANA RICE, INC. turn over the proceeds realized from the suit styled *Texana Rice Mill, Ltd. and Texana Rice, Inc. vs. Bayer CropScience LP, et al.*, Case #3:06-cv-00725, In the United States District Court, Southern District of Texas (Galveston Division) *transferred to, In Re Genetically Modified Rice Litigation*; Case #4:06 MDL 1811 CDP; In the United States District Court, Eastern District of Missouri; (*Texana Rice Mill, Ltd. et al. vs. Bayer CropScience LP et al.*; Case # 4:07 CV 416 CDP), whether through settlement or through judgment obtained against and satisfied by Bayer AG, Bayer CropScience AG or any other Defendant in such suit, and up to an amount sufficient to satisfy the Judgment and other court-ordered fees and costs, and pay such amounts into the registry of this Court. After such payment is made the Court will apply

such proceeds to satisfy the Judgment rendered by this Court on April 14, 2011.

SIGNED this 24 day of June, 2011.

  
\_\_\_\_\_  
Presiding Judge

I, Nerissa House, District Clerk of Wharton County, Texas, do hereby certify that the foregoing is a true, correct and full copy of the instrument herein set out as appears of record in the District Court of Wharton County, Texas.  
This 21 day of June, 2011



NERISSA HOUSE, DISTRICT CLERK

By Nerissa House