

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

IN RE GENETICALLY MODIFIED ) 4:06MD1811 CDP  
RICE LITIGATION )

**This Order Relates to:**

*Deshotels Farm Management  
v. Bayer CropScience LP, et al.  
(Fourth Bellwether Trial)*

**ORDER AMENDING BILL OF COSTS [#3334]**

At the status conference held on October 7, 2010, plaintiffs moved to amend the bill of costs entered in the Louisiana Bellwether trial. Plaintiffs seek to add a provision clarifying that they are entitled to recover the costs that are common to all plaintiffs in this MDL if those costs have not yet been recovered in previous bellwether trials. Defendants object to amending the bill but agree that plaintiffs are entitled to the common costs. I conclude that there is no prejudice to defendants from allowing the amendment.

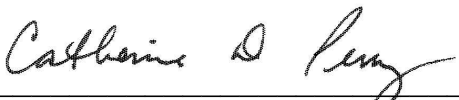
Plaintiffs submitted their motion to amend the bill of costs more than thirty days after the Clerk taxed costs in this case. Ordinarily, Rule 54(d), Fed. R. Civ. P. would bar a motion to review a bill of costs filed more than seven days after the Clerk taxed costs. *See* Fed. R. Civ. P. 54(d). However, this limitation is not jurisdictional and courts regularly amend bills of costs for good cause after the time for review specified in the Rules has expired. *McGuigan v. CAE Link Corp.*,

155 F.R.D. 31, 34 (N.D.N.Y. 1994); *U.S., ex rel. Meyer v. Horizon Health Corp.*,  
C 00-1303 SBA, 2007 WL 518607, at \*3 (N.D. Cal. Feb. 13, 2007).

Accordingly,

**IT IS HEREBY ORDERED** that the plaintiffs' request that the bill of costs  
for the fourth bellwether trial be amended is GRANTED.

**IT IS FURTHER ORDERED** that the common costs listed in section F of  
the parties' agreed bill of costs [#3278-2] amounting to **\$251,293.97**, are added to  
the Costs already taxed in the Bill of Costs [#3334] for the fourth bellwether trial,  
provided, however, that this amount shall be deemed satisfied by defendants'  
payment of this amount in any judgment in which these common costs are  
included; these costs are deemed included in the amended judgment dated  
September 1, 2010 [#3329].

  
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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 29th day of October, 2010.