

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

In re

Genetically Modified Rice Litigation

Master Case No. 4:06MD1811CDP

RICKMERS REISMUEHLE GMBH

PLAINTIFF

v.

No. 4:08-CV-00499-CDP¹

RICELAND FOODS, INC.

DEFENDANT

RICELAND FOODS, INC.

THIRD-PARTY PLAINTIFF

v.

BAYER CROPSCIENCE LP; BAYER
CROPSCIENCE HOLDING INC.; BAYER
CORPORATION; BAYER CROPSCIENCE AG;
BAYER AG AND BAYER BIOSCIENCE nv

THIRD-PARTY DEFENDANTS

ORDER OF DISMISSAL

Before the Court is the parties' joint motion to dismiss this action. Having considered their motion, it is hereby ORDERED:

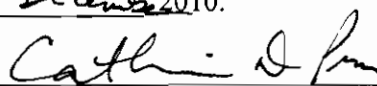
- a. The claims of Rickmers Reismuehle GmbH ("Rickmers") asserted in this action against Riceland Foods, Inc. ("Riceland"), are dismissed with prejudice.
- b. The third party claims asserted by Riceland against the Bayer third-party defendants in this action, and only in this action, are dismissed as moot, in light of the dismissal of Rickmers' claims against Riceland.
- c. The dismissals are the product of extra-judicial resolution and do not constitute adjudications on the merits, and the order has no precedential, *res judicata* or collateral estoppel effect in any other actions, federal or state, except insofar as

¹ Transferred from the United States District Court for the Eastern District of Arkansas, No. 4:07-cv-0733JMM.

any attempted re-litigation by Rickmers of the claims contained in Rickmers' amended complaint.

- d. The parties and this Court acknowledge that there are other actions pending in federal and state courts that generally involve the alleged contamination of United States rice with genetically modified rice. However, those actions turn on different transactions and occurrences than those that are the subject of this action, involve potentially different causes of action and governing law than those that are the subject of this action, and/or include parties that are not party to this action. Accordingly, the order of dismissal in this action is intended solely to effect the final disposition of this action and does not constitute either a first dismissal or a subsequent dismissal for purposes of Fed. R. Civ. P. 41(a)(1)(B) or any similar state rule or statute.
- e. Each party shall bear its own costs and attorneys' fees.

ENTERED this 7th day of December 2010.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE