

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

IN RE GENETICALLY MODIFIED RICE  
LITIGATION

4:06 MD 1811 CDP

TRIALS COMMENCING  
MAY AND JULY, 2011

THE ARKANSAS PLAINTIFFS' REPLY IN SUPPORT OF  
MOTION TO EXCLUDE EXPERT DESIGNATION, REPORT  
AND TESTIMONY OF RONNIE HELMS

Plaintiffs, Rudy Hufford and Cheryl Hufford (partners of Hufford Farms); Ronald Catt (as husband and wife with Judy Catt); Gary Richey, Jeramy Richey, Tina Richey and Vicky Richey, members of Richey Farms, joint venture successor to R&R Farms Joint Venture; Mark Williams and Pamela G. Williams (individually and as partners of Williams Farms G.P.); Guy Brinkley; Aylene Williams individually and as trustee for the J.L. Williams Family Trust; Frank Binkley, Lynn Gene, Inc., Eifling Investment Co., Sam Don, Inc., Rebecca Lynne, Inc., Clayton Lee, Inc., Don L. Eifling, Inc., and D. Lynn Eifling, Inc. (partners of Don Eifling & Son), Jeffrey Keeter, Robert J. Venable and Robbin V. Tuller (partners of RJR Farms, Keeter Farms, Inc. and P&K, Inc.), Dennis Brown, Sherry Brown and Coty Brown (partners of Legacy Farms Partnership) (collectively the "Arkansas Plaintiffs"), move to strike the expert designations of Ronnie Helms, to strike his expert reports and to exclude his testimony. The Bayer Defendants ("Bayer") rely exclusively on prior responses to *Daubert* motions directed to Dr. Helms in the first two bellwether trials and the Mississippi producer trial scheduled for January 18, 2011 (D.I. 1501, D.I. 1928 and D.I. 3630). The

arguments raised by Bayer in its prior responses have been addressed at length in the Reply in Support of Plaintiffs' Motion to Exclude the Designation, Report and Testimony of Ronnie Helms (D.I. 1570); the Mississippi Plaintiffs' Reply in Further Support of Their Motion to Exclude the Expert Designation, Report and Testimony of Ronnie Helms (D.I. 2010); and the Louisiana Plaintiffs' Reply in Support of Motion to Exclude Expert Designation, report and Testimony of Ronnie Helms (D.I. 2877) (collectively the "Prior Replies"), all of which the Arkansas Plaintiffs hereby incorporate by reference.

Bayer concedes that Helms does not have the proper foundation to testify as to plaintiff specific farming issues. Helms has not been designated to provide specific opinions as to the Arkansas Plaintiffs and no such discussion appears in his reports or deposition transcript.

For the reasons set forth in Arkansas Plaintiffs' Motion to Exclude Expert Designation, Report and Testimony of Ronnie Helms and the Prior Replies, the Arkansas Plaintiff's motion should be granted in its entirety. Alternatively, Helms should not be allowed to testify as to any damage issue, any specific Arkansas Plaintiff's economic damages, specific farming practices or any general farming practice not directly addressed in his prior reports or deposition.

Dated: March 4, 2011

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**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that I have this 4th day of March, 2011, electronically filed a copy of the foregoing with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the parties of record.

/s/ Don M. Downing \_\_\_\_\_