

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

IN RE GENETICALLY MODIFIED  
RICE LITIGATION

4:06 MD 1811 CDP

This Document Relates to:  
*Riceland Foods, Inc. v. Bayer AG, et al.*,  
4:09 CV 433 CDP

**RICELAND FOODS, INC. REQUEST FOR AN EXTENSION OF TIME  
TO RESPOND TO PLAINTIFFS' LEADERSHIP GROUP'S MOTION TO ENFORCE  
THIS COURT'S COMMON BENEFIT ORDER**

Riceland Foods, Inc. requests the Court allow Riceland until February 14, 2011 to file a response brief to Plaintiffs' Leadership Group's Motion to Enforce This Court's Common Benefit Order (Document No. 3904, 3905). In support of this request, Riceland states as follows:

1. Plaintiffs' motion was filed on January 18, 2011.
2. Riceland's opposition brief is due January 28, 2011 under the seven days allowed by Local Rule 7-4.01 and the three days allowed by Federal Rules 5 and 6.
3. Additional time is needed to respond to Plaintiffs' motion because Riceland is presently preparing for trial in *Meins v. Bayer AG*, cv-2008-108, pending in the Circuit Court of Arkansas County, Arkansas, which is set to begin trial on February 14, 2011.
4. Furthermore, the parties are engaged in a quick paced briefing schedule in *Meins*. The dispositive motion cut-off was January 21, 2011. Briefs in opposition are due on January 31, 2011. There are various deadlines for motions to exclude the week of January 24 as well.
5. In addition, the parties are still engaged in expert and fact discovery in the *Meins* case.

6. Accordingly, Riceland requests until February 14, 2011 to file its response brief to Plaintiffs' motion.

7. Plaintiffs will not be prejudice by the requested extension. The claims between Bayer and Riceland have not been settled and the parties are still preparing for trial of the claims on the merits. Further, there are procedures in place (including those described in cases cited by Plaintiffs) to allow Plaintiffs to intervene in the *Meins* case anytime before a verdict is reached to avoid the prejudice claimed by Plaintiffs in the instant motion.

8. Riceland has met and conferred with Plaintiff's counsel, Adam Levitt, who consented to an extension until February 2, 2011, however, for the reasons stated above, Riceland needs additional time beyond that consented to by Plaintiff's counsel and requests this Court allow it until February 14, 2011 to respond to Plaintiff's motion.

WHEREFORE, Riceland respectfully requests this Court allow it until February 14, 2011 to respond to Plaintiffs' motion.

Respectfully Submitted,

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Attorneys for Riceland Foods, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served electronically by means of the Court's CM/ECF electronic filing system and via electronic mail on this the 25<sup>th</sup> day of January, 2011, upon all counsel of record.

/s/ Christopher M. Hohn