

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re
Genetically Modified Rice Litigation

Master Case No. 4:06MD01811 CDP
MDL Docket No. 1811

This document relates to:

RICKMERS REISMUEHLE GMBH

PLAINTIFF

V.

CASE NO: 4:08-cv-00499CDP

RICELAND FOODS, INC.

DEFENDANT/
THIRD PARTY PLAINTIFF

V.

BAYER CROPSCIENCE LP;
BAYER AG;
BAYER CROPSCIENCE AG;
BAYER BIOSCIENCE NV;
BAYER CROPSCIENCE HOLDING, INC.;
BAYER CROPSCIENCE, INC.;
BAYER CROPSCIENCE, LLC; and,
BAYER CORPORATION

THIRD PARTY DEFENDANTS

NOTICE OF VIDEOTAPED DEPOSITION OF RICKMERS REISMUEHLE GMBH

PLEASE TAKE NOTICE that pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, the deposition of Rickmers Reismuehle GmbH will be conducted by Defendant Riceland Foods, Inc. and Producers Rice Mill, Inc. at 9:00 AM local time on March 29, 2010 at the U.S. Consulate General Frankfurt, Gießener Str. 30, 60435 Frankfurt am Main, in the Federal Republic of Germany, by stenographic and video means before a Notary Public, or other person authorized to take oaths, and shall continue from day to day until completed.

Pursuant to the Deposition Protocol set forth in the Agreed Order Setting Deposition Protocol, entered December 3, 2007, please provide notice of intent to attend the above

deposition by contacting David B. Jinkins at djinkins@thompsoncoburn.com or (314) 552-6304 with the name and party affiliation of those who plan on attending the deposition at least seven (7) days prior to the deposition. For those participants attending the deposition via telephonic means, the U.S. Call-in Number is 888-839-7340, the International Call-in Number is 719-234-7432, and the Participant Passcode is 314-552-6159.

Respectfully submitted,

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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 on February 23, 2010, on all counsel of record.

/s/ David B. Jinkins

I. DEFINITIONS

1. “Rickmers” refers to Rickmers Reismuehle GMBH and all subsidiaries, affiliate entities and current or former officers, directors, agents or employees of Rickmers Reismuehle GMBH in any location whatsoever.

2. “Rickmers USA” refers to Rickmers Rice USA, Inc. and all subsidiaries, affiliate entities and current or former officers, directors, agents or employees of Rickmers Rice USA, Inc. in any location whatsoever.

3. “Riceland” refers to Riceland Foods, Inc. and all officers, agents or employees of Riceland Foods, Inc.

4. “Producers Rice Mill” refers to Producers Rice Mill, Inc. and all subsidiaries, affiliate entities and current or former officers, directors, agents or employees of Producers Rice Mill, Inc. in any location whatsoever.

II. SUBJECT MATTER OF TESTIMONY

A. BACKGROUND OF RICKMERS

1. Products sold, customers, markets involved with 2000-present
2. Plant, operations, milling capacity
3. Financial performance of company overall and specific products 2000-present
4. Participation in industry trade groups, including but not limited to FERM, NERMA, etc.
5. Knowledge of genetically modified rice being grown in the U.S.
6. Knowledge of genetically modified rice in the E.U.
7. All documents related to genetically modified rice in the possession, custody or control of Rickmers.

8. Attendance of meetings with FERM, NERMA, Bayer or any other entity regarding genetically modified rice.

9. All facts alleged in Rickmers' Complaint.

10. All facts alleged in Rickmers' First Amended Complaint.

B. SOURCES OF US RICE.

1. The identities of all entities from which Rickmers acquired US rice from January 1, 2000 to the present.

2. Documents evidencing Rickmers' acquisitions of US rice from January 1, 2000 to the present.

3. Type, quality, price, and transportation costs of all US rice from January 1, 2000 to the present.

4. Type, quality, price, and transportation costs of rice from all sources from January 1, 2000 to the present.

C. SAMPLING AND TESTING PRACTICES.

1. Rickmers' practices for sampling and testing of US Rice upon arrival at all EU Ports of Entry from January 1, 2000 to the present, including the following:

- (a) The method of sampling;
- (b) The method of testing;
- (c) The identities of Rickmer employees who perform such sampling and testing;
- (d) The identities of any third parties who performed such sampling and testing;
- (e) Rickmers' retention of samples taken upon arrival of US rice at EU Ports of Entry;
- (f) The identities of all suppliers whose rice tested positive for GM as a result of such testing;
- (g) All documents evidencing such sampling and testing;
- (h) All costs associated with such sampling and testing.

2. Rickmers' practices for sampling and testing of US rice at any time during the transport of US rice from the EU Ports of Entry to Rickmer's Storage Facilities from January 1, 2000 to the present, including the following:

- (a) The method of sampling;
- (b) The method of testing;
- (c) The identities of Rickmers employees who perform such sampling;
- (d) The identities of any third parties who performed such sampling and testing;
- (e) Rickmers' retention of samples taken during transport of US rice from EU Ports of Entry to Rickmers Storage Facilities;
- (f) The identities of all suppliers whose rice tested positive for GM as a result of such testing;

3. Rickmers' sampling and testing of US rice immediately upon its arrival at Rickmers' Storage Facilities from January 1, 2000 to the present, including the following:

- (a) The method of sampling;
- (b) The method of testing;
- (c) The identities of Rickmers employees who perform such sampling and testing;
- (d) The identities of any third parties who performed such sampling and testing;
- (e) Rickmers' retention of samples taken during transport of US rice from EU Ports of Entry to Rickmer Storage Facilities;
- (f) The identities of all suppliers whose rice tested positive for GM as a result of such testing;

4. Rickmers' sampling and testing of US rice at any time after its deposit into Rickmers' Storage Facilities from January 1, 2000 to the present, but before processing and packaging, including the following:

- (a) The method of sampling;
- (b) The method of testing;
- (c) The identities of Rickmers employees who perform such sampling and testing;
- (d) The identities of any third parties who performed such sampling and testing;
- (e) Rickmers' retention of samples taken during storage at Rickmer Storage Facilities;

- (f) The identities of all suppliers whose rice tested positive for GM as a result of such testing;

5. Rickmers sampling and testing of US rice from January 1, 2000 to the present during Rickmer's processing and packaging, including the following:

- (a) The method of sampling;
- (b) The method of testing;
- (c) The identities of Rickmers employees who perform such sampling and testing;
- (d) The identities of any third parties who performed such sampling and testing;
- (e) Rickmers' retention of samples taken during processing and packaging;
- (f) The identities of all suppliers whose rice tested positive for GM as a result of such testing;

6. Information regarding Rickmers' sampling and testing of US rice contained in its final products at any time after those products were introduced into the stream of commerce, including the following:

- (a) The method of sampling;
- (b) The method of testing;
- (c) The identities of Rickmers employees who perform such sampling and testing;
- (d) The identities of any third parties who performed such sampling and testing;
- (e) Rickmers' retention of samples taken from such final products;
- (f) The identities of all suppliers whose rice tested positive for GM as a result of such testing;

7. Information regarding Rickmer's HACCP study relating to US rice.

8. The facts underlying the document produced at Rickmers 7870.

9. The facts underlying the document produced at Rickmers 3961-3966.

10. The facts underlying the document produced a Rickmers 626-631.

11. Rickmers communications with its customers relating to testing of US rice.

12. Rickmers communications with Gelit SpA relating to testing of US rice.

13. All tests of rice acquired by Rickmers showing a positive result for GM content.

D. TRANSPORTATION PRACTICES.

1. Rickmers' practices in transporting US rice from all EU Ports of Entry to all Rickmers Storage Facilities from January 1, 2000 to the present, including the following:

- (a) The identities of all Rickmers employees who performed such transport;
- (b) The identities of all third parties who performed such transport;
- (c) The means and method of such transport (e.g., by barge, rail, truck, or other method);
- (d) Whether US rice was transferred from LASH barges to other containers at any time at the beginning of, or during transport from, EU Ports of Entry to Rickmers Storage Facilities;
- (e) Identification of the type(s) of containers, and ownership of other containers to which US rice was transferred at the beginning of, or during transport from, EU Ports of Entry to Rickmers Storage Facilities;
- (f) The means and methods by which US rice was transferred from LASH barges to other containers at any time at the beginning of, or during transport from, EU Ports of Entry to Rickmers Storage Facilities, including the type(s) of equipment used for such transfers;
- (g) The costs of Rickmers' practices in transporting US rice from all EU Ports of Entry to all Rickmers Storage Facilities;
- (h) All differences, including cost differences, associated with transporting rice from locations other than the US and the US from all EU Ports of Entry to all Rickmers Storage Facilities;
- (i) Any studies, summaries, or reports on the rice supply chain, including transportation, storage, packaging, or sales.

E. STORAGE PRACTICES.

1. Rickmers' practices for the storage of US rice at all Rickmers Storage Facilities from January 1, 2000 to the present, including the following:

- (a) The locations of all Rickmers Storage Facilities;
- (b) The owner(s) of all silos, storage facilities, plants, and any other locations to which Rickmers transported US rice from ports of delivery;

- (c) Whether such silos, storage facilities, plants and any other locations to which Rickmers transported US rice from ports of delivery were used solely for the storage of US rice belonging to Rickmers.
- (d) The means and methods by which Rickmers transferred US rice from shipping containers to Rickmers Storage Facilities;
- (e) The type(s) of equipment used to transfer US rice from shipping containers to Rickmers Storage Facilities;
- (f) The identities of all Rickmers employees who performed such transfer;
- (g) The identities of all third parties who performed such transfer;
- (h) The comingling in Rickmers Storage Facilities of US rice supplied to Rickmers by different suppliers;
- (i) The supplier, amount and order number, of each shipment of US rice and the Rickmers Storage Facility into which each shipment was deposited from January 1, 2000 to the present;
- (j) Costs associated with storage of US rice.
- (k) Differences, including cost differences, associated with storage of rice from locations other than the US and the US;
- (l) Identify preservation of rice.

F. PROCESSING AND PACKAGING PRACTICES.

1. Rickmers' practices for processing and packaging of US rice from January 1, 2000 to the present, including the following:

- (a) The means and methods by which US rice was transported from Rickmers Storage Facilities to Rickmers Processing Facilities;
- (b) Rickmers' processing and packaging methods;
- (c) Rickmers' product-tracking procedures or methods.
- (d) Alternatives considered by Rickmers for processing, packaging, and tracking of US rice from January 1, 2000 to the present.

G. DISCOVERY OF GM RICE.

1. Rickmers' discovery of GM contained in US rice at Rickmers Storage Facilities and in Rickmers Products, including the following:

- (a) The date(s) of discovery(ies);
- (b) The plant locations at which the presence of GM was discovered;
- (c) The products in which the presence of GM was discovered;
- (d) The testing process used to verify the presence of GM;
- (e) The identity of the individual(s) and entity(ies) performing the testing;
- (f) Identification and authentication of testing documentation.

2. Information regarding Rickmers' contention that the GM was traceable to rice supplied by Riceland.

3. Information regarding Rickmers' contention that the GM was traceable to rice supplied by Producers Rice Mill.

- 4. Traceability methodologies and procedures.
- 5. Evidence, if any, that Riceland sold GM rice.
- 6. Evidence, if any, that Producers Rice Mill sold GM rice.

H. RECALLS AND LONG GRAIN RICE PURCHASES.

1. The deliberations and decisions made by Rickmers in choosing to recall finished, distributed product.

2. The deliberations and decisions made by Rickmers in choosing to stop purchasing US rice after August 2006.

- 3. Communications with third parties relating to actual or potential recalls.
- 4. Estimates of costs associated with actual or potential recalls.
- 5. Actual costs incurred associated with actual or potential recalls.
- 6. All policies and procedures implemented by Rickmers with respect to recalling product, including documents evidencing those policies and procedures.

7. The procedure Rickmers utilized to preserve the identity of rice allegedly recalled, including batch traceability and Rickmers' data processing system.

I. DAMAGES.

1. Rickmers' alleged damages from January 1, 2000 to the present for GMO Testing to US rice supplied by Riceland or Producers Rice Mill.
2. Rickmers' alleged damages from January 1, 2000 to the present for barge unloading charges to US rice supplied by Riceland or Producers Rice Mill.
3. Rickmers' alleged damages from January 1, 2000 to the present for travel expenses for meetings with Rickmer customers and linking those damages to US rice supplied by Riceland or Producers Rice Mill.
4. Rickmers' alleged damages from January 1, 2000 to the present for packaging write-offs and linking those damages to US rice supplied by Riceland or Producers Rice Mill.
5. Rickmers' alleged damages from January 1, 2000 to the present for packaging re-design and linking those damages to US rice supplied by Riceland or Producers Rice Mill.
6. Rickmers' alleged damages from January 1, 2000 to the present for sourcing Thai rice and linking those damages to US rice supplied by Riceland or Producers Rice Mill.
7. Rickmers' alleged damages for employee time from January 1, 2000 to the present and linking those damages to US rice supplied by Riceland or Producers Rice Mill.
8. Rickmers' alleged damages for Third Party Storage Costs from January 1, 2000 to the present and linking those damages to US rice supplied by Riceland or Producers Rice Mill.
9. Rickmers' alleged damages for lost sales from January 1, 2000 to the present and linking those damages US rice supplied by Riceland or Producers Rice Mill.

J. COMMUNICATIONS

1. Communications, whether written or verbal, with any employee or agent of Bayer CropScience LP or other Bayer entity related to Liberty Link rice from January 1, 1998 to the present.
2. Communications, whether written or verbal, with any representative of the United States government related to Liberty Link rice from January 1, 1998 to the present.
3. Communications, whether written or verbal, with any representative of the European Union, or any member state related to Liberty Link rice from January 1, 1998 to the present.

4. Communications, whether written or verbal, with any nongovernmental organization, or NGO, related to Liberty Link rice from January 1, 1998 to the present.
5. Communications, wither written or verbal, with any customer or end user related to Liberty Link rice from January 1, 1998 to the present.
6. Communications, whether written or verbal, with Riceland regarding Contract No. 9569 dated July 7, 2005.
7. Communications, whether written or verbal, with Riceland regarding Contract No. 9641 dated January 18, 2006.
8. Communications, whether written or verbal, with Riceland regarding LASH barge WA1 0158.
9. Communications, whether written or verbal, with Riceland regarding LASH barge CG 5008.
10. Communications, whether written or verbal, with Riceland regarding LASH barge DSL 553332.
11. Communications, whether written or verbal, with Producers Rice Mill regarding Contract E-143 dated 2/9/05.
12. Communications, whether written or verbal, with Producers Rice Mill regarding Contract E-57 dated 11/9/05.
13. Communications, whether written or verbal, with Producers Rice Mill regarding Contract E-85 dated 12/2/05.
14. Communications, whether written or verbal, with Producers Rice Mill regarding Contract E-120 dated 1/31/06 and amended 3/7/06.
15. Communications, whether written or verbal, with Producers Rice Mill regarding Contract E-122 dated 1/31/06 and amended 3/7/06.
16. Communications, whether written or verbal, with Producers Rice Mill regarding Contract E-123 dated 1/31/06 and amended 4/25/06.
17. Communications, whether written or verbal, with Producers Rice Mill regarding Contract E-125 dated 1/31/06 and amended 4/25/06.

18. Communications, whether written or verbal, with Producers Rice Mill regarding Contract E-124 dated 1/31/06 and amended 4/25/06.

19. Communications, whether written or verbal, with Producers Rice Mill regarding LASH barge CGD 12.

20. Communications, whether written or verbal, with Producers Rice Mill regarding LASH barge CGE 14.

21. Communications, whether written or verbal, with Producers Rice Mill regarding LASH barge CG 5141.

22. Communications, whether written or verbal, with Producers Rice Mill regarding LASH barge FRLN 1076-3.

23. Communications, whether written or verbal, with Producers Rice Mill regarding LASH barge CGK 79.

24. Communications, whether written or verbal, with Producers Rice Mill regarding LASH barge FRLN 1070.

25. Communications, whether written or verbal, with Producers Rice Mill regarding LASH barge FRLN 1170-7.

26. Communications, whether written or verbal, with Producers Rice Mill regarding LASH barge LB 852.

27. Communications, whether written or verbal, with Producers Rice Mill regarding LASH barge WA 3677.

28. Communications, whether written or verbal, with Producers Rice Mill regarding LASH barge CGC 48.

29. Communications, whether written or verbal, with Producers Rice Mill regarding LASH barge CGK 39.

30. Communications, whether written or verbal, with Producers Rice Mill regarding LASH barge CGK 70.

31. Communications, whether written or verbal, with Impetus GmbH & Co. Bioscience KB related to Liberty Link rice from January 1, 2000 to the present.

32. Communications, whether written or verbal, with SGS German GmbH related to Liberty Link rice from January 1, 2000 to the present.

K. CONTRACTS FOR LONG GRAIN RICE

1. Rickmers' payment and non-payment for US rice purchased from Riceland in 2006.
2. Rickmers' payment and non-payment for US rice purchased from Producers Rice Mill in 2006.
3. Terms of sale or contract with Riceland.
4. Terms of sale or contract with Producers Rice Mill.
5. Documentation of each sale of US rice from Riceland.
6. Documentation of each sale of US rice from Producers Rice Mill.
7. Rickmers USA and contracts between Rickmers USA and Riceland.
8. Rickmers USA and contracts between Rickmers USA and Producers Rice Mill.
9. Agreements between Rickmers USA and Rickmers.
10. TRQ applications, certificates, and other TRQ-related documents regarding purchase and sale of US rice.

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