

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

IN RE GENETICALLY MODIFIED	§	4:06 MD 1811 CDP
RICE LITIGATION	§	ALL CASES
	§	
	§	Judge Catherine D. Perry

This filing relates to the following cases:

Texana Rice Mill, Ltd., et al.
v. Bayer CropScience LP, et al. 4:07CV416 CDP

Beaumont Rice Mills, Inc. et al.
v. Bayer CropScience LP, et al. 4:07CV524 CDP

Kennedy Rice Dryers, LLC
v. Bayer CropScience LP, et al. 4:07CV1773 CDP

Farmers Rice Milling Co..
v. Bayer CropScience LP, et al. 4:07CV1780 CDP

Planters Rice Mill, LLC
v. Bayer CropScience LP, et al. 4:07CV1795 CDP

Gulf Pacific Rice Co., Inc.
v. Bayer CropScience LP, et al. 4:07CV1545 CDP

**DEFENDANT STARLINK LOGISTICS INC.’S RESPONSE
TO ALL PENDING MOTIONS FOR SUMMARY JUDGMENT**

Defendant StarLink Logistics Inc. (“SLLI”), formerly known as Aventis CropScience USA Holding Inc., responds to all pending motions for summary judgment as follows:

The parties have stipulated that certain prior rulings of this Court shall apply. (See Rec. Doc. 4184, 4185, 4187, 4197 and 4207.) Included in those stipulations is the adoption of this Court’s prior rulings on Plaintiffs’ Motion for Partial Summary on Successor, General Partner and Agency Status. Specifically, this Court has ruled that “Starlink, as the successor by name change to Aventis CropScience USA Holding Inc. (“ACS USA Holding”), is subject to liability as general partner of ACS USA LP related to LibertyLink rice at issue in this litigation during

the period from December 1999 to December 2001.” *See e.g.* Rec. Doc. 3495. Accordingly, any liability of SLLI is limited to its role as the general partner of Aventis CropScience USA, LP prior to the Bayer acquisition.

Because Plaintiffs seek to hold SLLI liable in its capacity as the former general partner of Aventis CropScience USA, LP (now known as defendant Bayer CropScience LP), to the extent that the Court denies Plaintiffs’ motions for summary judgment as to the Bayer defendants, the motions should also be denied as to SLLI.

Likewise, to the extent that the Court grants the motions for summary judgment made by the Bayer defendants and dismisses, in whole or in part, any claims asserted by Plaintiffs, such claims should also be dismissed as to SLLI.

Respectfully submitted,

s/Pamela R. Mascari

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CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2011, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon all counsel of record who have properly registered for electronic notification.

/s/ Pamela R. Mascari