

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

In re
Genetically Modified Rice Litigation

Master Case No. 4:06MD1811CDP
MDL Docket No. 1811

This document relates to:

THE NUTRO COMPANY, A CALIFORNIA
CORPORATION, FORMERLY NUTRO
PRODUCTS, INC., A DELAWARE
CORPORATION

PLAINTIFF

V.

CIVIL ACTION NO. 1:11-cv-00175-CDP

BAYER AG, BAYER CROPSCIENCE AG,
BAYER BIOSCIENCE NV, BAYER
CROPSCIENCE LP, BAYER CROPSCIENCE
HOLDING INC., BAYER CROPSCIENCE
LLC, BAYER CROPSCIENCE INC.,
BAYER CORPORATION, AND
DOES 1-30, INCLUSIVE

DEFENDANTS

JOINT STIPULATION TO WITHDRAW MOTION
TO QUASH SERVICE OF PROCESS
ON BEHALF OF BAYER AG, BAYER CROPSCIENCE AG
AND BAYER BIOSCIENCE NV

The parties hereby stipulate to the following:

1. On October 12, 2011, Bayer Corporation filed a Motion To Quash Service Of Process On Behalf of Bayer AG, Bayer CropScience AG and Bayer BioScience NV, asserting that purported service on these entities through papers delivered to Bayer Corporation could not establish valid service on Bayer AG, Bayer CropScience AG and Bayer BioScience NV in this case.

2. Plaintiff stipulates that purported service on Bayer AG, Bayer CropScience AG and Bayer BioScience NV was ineffective to obtain service under the Federal Rules of Civil Procedure or under the Missouri Rules of Civil Procedure in this action.

3. The domestic Bayer defendants will not object to a motion by Plaintiff to have until February 14, 2012, to effect service on Bayer AG, Bayer CropScience AG and Bayer BioScience NV through the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil and Commercial Matters (“Hague Convention”).

4. The parties stipulate and agree that service has not been obtained on Bayer AG, Bayer CropScience AG or Bayer BioScience NV, and that the motion to quash service is now moot and no longer needs to be decided by this Court. Bayer Corporation will not seek costs or fees on its motion to quash service.

Respectfully submitted, this the 19th day of October, 2011.

/s/ Robert P. Berry
Robert P. Berry
Berry & Maxson LLC
16150 Main Circle Dr., Suite 120
St. Louis, Missouri 63017

ATTORNEY FOR PLAINTIFF

/s/ Lindy D. Brown

Lindy D. Brown

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ATTORNEY FOR DEFENDANT BAYER
CORPORATION

CERTIFICATE OF SERVICE

This is to certify that I have this 19th day of October, 2011, electronically filed a copy of the foregoing with the Clerk of Court to be served by operation of the Court's electronic filing system upon the parties of record.

s/ Lindy D. Brown

Lindy D. Brown