

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

**CROSS-APPEAL BRIEFING SCHEDULE ORDER**

Appeal No. 10-2703 Jim Penn and Joe Penn, et al v. Bayer CropScience LP, et al  
10-2708 Jim Penn and Joe Penn, et al v. Bayer CropScience LP, et al  
10-2823 Jim Penn and Joe Penn, et al v. Bayer CropScience LP, et al

Date: August 18, 2010

**APPEAL REQUIREMENTS**

1. Complete and file immediately:
  - A. Appeal Information Form. See 8<sup>th</sup> Cir. R. 3B.
  - B. Corporate Disclosure Statement. See 8<sup>th</sup> Cir. R. 26.1A.
  - C. Entry of Appearance Form.  
Appeal Information Forms and Appearance Forms are available at:  
[www.ca8.uscourts.gov/newcoa/forms.htm](http://www.ca8.uscourts.gov/newcoa/forms.htm)
2. Prepare the Record on Appeal:
  - A. Within 10 days, confer with opposing counsel and determine the method of Appendix preparation. See FRAP 30 and 8<sup>th</sup> Cir. R. 30A.
  - B. Within 14 days, order any transcripts required for the appeal and arrange for payment. If no transcript is required, file a certificate of waiver. See FRAP 10(b). Appellee should order any additional transcripts within 14 days of appellant's order.
  - C. Review the "Record on Appeal" at: [www.ca8.uscourts.gov/newcoa/appealInfo.htm](http://www.ca8.uscourts.gov/newcoa/appealInfo.htm) .
3. Review "Briefing Checklist" and "Pointers on Preparing Briefs" at:  
[www.ca8.uscourts.gov/newcoa/appealInfo.htm](http://www.ca8.uscourts.gov/newcoa/appealInfo.htm) .

**GENERAL INFORMATION**

The following filing dates are established for the cross-appeals. The dates will only be extended upon the filing of a timely motion establishing good cause. An order granting extension of time automatically extends the filing date for the responding or replying party's brief. Dates are advanced if a party files its brief before the due date. Please refer to FRAP 25, FRAP 26 and FRAP 31 for provisions governing filing and service, as well as computing and extending time.

The Federal Rules of Appellate Procedure and the Eighth Circuit's Local Rules may be found at [www.ca8.uscourts.gov/newcoa/publs/publs.htm](http://www.ca8.uscourts.gov/newcoa/publs/publs.htm)

The Practitioner's Handbook and the Court's Internal Operating Procedures may also be found at the same address.

**The following briefing schedule has been established for these cross-appeals.  
This schedule supersedes all other schedules.**

**Please refer to Federal Rule of Appellate Procedure 28.1  
for the procedures governing cross-appeals.**

Method of Appendix Preparation  
Notification - Appellant. . . . . **14 days from date of this schedule**

Designation of Record & Statement of  
Issues - Appellant. . . . . **14 days from date of this schedule**

Designation of Record  
Appellee/Cross-Appellant . . . . . **10 days from service of Appellant's designation**

Transcript (if necessary) . . . . . **09/27/2010**

Joint Appendix or Appellant's  
Separate Appendix . . . . . **10/07/2010**  
**( Bayer AG, et al., 10-2703 )**

Joint Appendix or Appellant's  
Separate Appendix . . . . . **10/07/2010**  
**( StarLink Logistics, Inc., 10-2708 )**

Brief of Appellant with Addendum. . . . . **10/07/2010**  
**( Bayer AG, et al. 10-2703 )**

Brief of Appellant with Addendum. . . . . **10/07/2010**  
**( StarLink Logistics, Inc., 10-2708 )**

Brief of Appellee/Cross-Appellant (**10-2823**)  
(with Separate Appendix, if applicable). . . . . **30 days from service of Appellant's Brief**

Reply Brief of  
Appellant/Cross-Appellee . . . **30 days from service of Appellee/Cross-Appellant's Brief**

Reply Brief of  
Cross-Appellant . . **14 days from service of the Appellant/Cross-Appellee's Reply Brief**

**ALL BRIEFS AND APPENDICES SHOULD BE  
FILED WITH THE ST. LOUIS OFFICE**