

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

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**IN RE GENETICALLY MODIFIED  
RICE LITIGATION**

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**4:06 MD 1811 CDP**

**ALL CASES**

**JOINT REPORT OF LEAD COUNSEL  
FOR NOVEMBER 18, 2010 STATUS CONFERENCE**

Don M. Downing and Adam J. Levitt, Lead Counsel for Plaintiffs, and Terry Lueckenhoff, Lead Counsel for Defendants, hereby report to the court that they believe the following matters will be taken up at the November 18, 2010 Status Conference:

1. Proposed Revisions to Non-Producers' Schedule as Required by CMO 26.

(Chaney and Hughes). A proposed revised schedule for these Non-Producer cases is attached as Exhibit A.

2. Adjustments to the pretrial filing schedule for the January, 2011 trial. (Hughes)
3. Bayer's motions regarding Dr. Babcock and Dr. Carter's supplemental reports. (Hughes and Downing)
4. Timetable for remand of European Non-Producer Cases for Trial. (Baker)
5. Rickmer's Responses to Riceland's Discovery requests. (Hohn)
6. Texas bellwether case settlement. (Levitt and Chaney)
7. Assessment issues. (Levitt)

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 11, 2010, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

/s/ John M. Hughes

Exhibit "A" to Joint Report of Lead Counsel  
For November 18, 2010 Status Conference

Proposed Joint Revised Schedule in Certain Non-Producer Cases

The parties in the cases listed in Paragraph 1 (the "Bateman Non-Producer Cases"), in accordance with the Court's instructions in Section E of its October 29, 2010, Case Management Order No. 26 (D.I. 3609), jointly propose the following, revised schedule for the completion of discovery and briefing in the Bateman Non-Producer Cases.

1. The Bateman Non-Producer Cases consist of the following 7 cases:
  - a. *Texana Rice Mill, Ltd., et al. v. Bayer CropScience LP, et al.*, 4:07CV416 CDP
  - b. *Beaumont Rice Mills, Inc., et al. v. Bayer CropScience LP, et al.*, 4:07CV524 CDP
  - c. *Kennedy Rice Dryers, LLC v. Bayer CropScience LP, et al.*, 4:07CV1773 CDP
  - d. *Farmers Rice Milling Co., Inc. v. Bayer CropScience LP*, 4:07CV1780CDP
  - e. *Planters Rice Mill, LLC v. Bayer CropScience LP, et al.*, 4:07CV1795 CDP
  - f. *Gulf Pacific Rice Co., Inc., et al. v. Bayer CropScience LP, et al.* 4:08CV1545 CDP
  - g. *Phoenix Advisors, Ltd. v. Bayer CropScience LP, et al.*, 4:08CV1794 CDP
2. All discovery shall be completed no later than Friday, March 11, 2011.
3. Plaintiffs' damages expert, Dr. Merrill Bateman, shall be deposed on or before Friday, January 7, 2011 at a time and place to be mutually agreed among the parties to the Bateman Non-Producer Cases.
4. Defendants shall disclose any expert reports responsive to Dr. Bateman's opinions on or before Friday, February 4, 2011.
5. Defendants' experts shall be made available for deposition by Plaintiffs regarding any of their reports, including those previously provided and any disclosed under paragraph 4, at a time and place to be mutually agreed by the parties, collectively, but no later than Friday, February 25, 2011.
6. Plaintiffs shall disclose rebuttal expert reports (other than the reports of Dr. Bateman made the subject of this Court's Memorandum and Order dated November 1, 2010 (D.I. 3611)) and make rebuttal experts available for depositions, and have depositions completed, no later than Friday, March 11, 2011.
7. Any motions for summary judgment or motions to exclude or limit expert testimony under Daubert or for any other reason must be filed no later than Friday, March 25, 2011. Briefs in opposition must be filed by April 22, 2011, and any reply brief shall be filed no later than Friday, May 6, 2011.