

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

IN RE GENETICALLY MODIFIED RICE
LITIGATION

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4:06 MD 1811 CDP

ALL CASES

and

IN THE CIRCUIT COURT OF ARKANSAS COUNTY, ARKANSAS
STUTTGART DISTRICT
(CIVIL DIVISION)

SCOTT MEINS, INDIVIDUALLY, DEAN MEINS
INDIVIDUALLY, S&D FARM PARTNERSHIP,
RAYMOND MEINS, INC., CHARLES SHUMATE,
SCOTT E. SHUMATE, ROBERT H. POND,
INDIVIDUALLY, JUDY POND, INDIVIDUALLY,
J. KEVIN POND, INDIVIDUALLY, ANN POND,
INDIVIDUALLY, MILLION MALLARD FARMS
PARTNERSHIP, PONDS FARM, INC.,
JOHNNY SIMPSON, INDIVIDUALLY, ELIZABETH
SIMPSON, INDIVIDUALLY, JOHNNY & ELIZABETH
SIMPSON PARTNERSHIP, DAVID SIMPSON,
INDIVIDUALLY, TERRY SIMPSON, INDIVIDUALLY,
DAVID AND TERRY SIMPSON PARTNERSHIP,
HENRINE JOYNER, HUBERT JOYNER,
JANE WRIGHT HUBERT, JOSEPHINE SEEN,
JAMES WESLEY STATEN, INDIVIDUALLY AND AS
EXECUTOR OF THE ESTATE OF JAMES L. STATEN,
RANDY STATEN, JAMIE L. MARTIN, BETTY MORRIS,
INDIVIDUALLY, BETTY L. MORRIS LIVING TRUST,
MARK SIMPSON, INDIVIDUALLY, ELAINE SIMPSON,
INDIVIDUALLY, MARK AND ELAINE SIMPSON
FARMS, JEFF SIMPSON, INDIVIDUALLY, MARCIE
SIMPSON, INDIVIDUALLY, J&M SIMPSON FARMS,
STATEN FAMILY FARMS and K&L FARMS

PLAINTIFFS

VS.

CASE NO. CV-2008-108

BAYER AG, ET AL.

DEFENDANTS

NOTICE OF DEPOSITION

Please take notice that defendant Bayer CropScience LP will take the deposition of the authorized representative of defendant Riceland Foods, Inc. (“Riceland”), beginning at 8:30 a.m. on December 7, 2010, at the offices of Wright, Lindsey & Jennings LLP, 200 West Capitol Avenue, Suite 2300, Little Rock, Arkansas 72201. The deposition will be recorded by stenographic means and by videotape before a duly authorized court reporter authorized by law to administer oaths and will continue from day to day until completed.

The deponent named by this notice is Riceland. Under the provisions of Federal and Arkansas Rule of Civil Procedure 30(b)(6), Riceland is required to identify and produce for deposition one or more officers, representatives, managing agents, or other agents and employees who shall testify on behalf of Riceland and who are most knowledgeable as to the matters that are the subject of Riceland’s cross-claim in this action and the documents described in the attached Exhibit A.

Pursuant to Rule 30(b) of the Federal and Arkansas Rules of Civil Procedure, Riceland is required to bring with it all documents described in the attached Exhibit A.

You are invited to attend and cross examine.

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 deposition by contacting Renee Grimmatt at renee.grimmatt@bartlit-beck.com or (303) 592-3168, with the names of the party affiliations of those who plan on attending the deposition.

Dated this the 22nd day of September, 2010.

Respectfully submitted,

/s/John M. Hughes

John M. Hughes

William F. Goodman, III
Doug Gunn
Joseph J. Stroble
Elizabeth M. Gates
WATKINS & EAGER PLLC
The Emporium Bldg.
400 E. Capitol Street, Suite 300
Post Office Box 650
Jackson, Mississippi 39205-0650

Terry Lueckenhoff
FOX GALVIN, LLC
One South Memorial Drive, 12th Floor
St. Louis, Missouri 63102

Eric R. Olson
Glen E. Summers
Lester C. Houtz
John M. Hughes
BARTLIT BECK HERMAN PALENCHAR &
SCOTT LLP
1899 Wynkoop Street, 8th Floor
Denver, Colorado 80202

Mark E. Ferguson
BARTLIT BECK HERMAN PALENCHAR &
SCOTT LLP
Courthouse Place
54 West Hubbard Street, Suite 300
Chicago, Illinois 60610

Gordon S. Rather, Jr. (68054)
Edwin L. Lowther, Jr. (81107)
Scott A. Irby (99192)
WRIGHT, LINDSEY & JENNINGS LLP
200 West Capitol Avenue, Suite 2300
Little Rock, Arkansas 72201-3699

ATTORNEYS FOR BAYER CROPSCIENCE LP

CERTIFICATE OF SERVICE

This is to certify that I have this 22nd day of September, 2010, 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/John M. Hughes

John M. Hughes

EXHIBIT A

Pursuant to Rule 30(b) of the Arkansas Rules of Civil Procedure, Riceland is requested to bring with it the following documents. This listing of documents requested includes all matters on which examination is requested. Riceland is instructed to produce copies of all documents listed below and to produce an authorized representative (or authorized representatives) who is most knowledgeable as to those documents and the matters listed below.

1. All analysis, surveys, studies, or commentary on potential or actual markets for all types of rice performed by or for Riceland from January 1, 2001 to the present and the identity and location of any such documents.
2. Any sales estimates, projections, or forecasts for any rice product or type made by or for Riceland from January 1, 2001 to the present and the identity and location of any such documents.
3. All efforts by Riceland from January 1, 2001 to the present to market or sell any type of rice to any foreign or domestic market and the identity and location of any documents related to such efforts.
4. An accounting of Riceland's sales of long grain rice and related products from January 1, 2001 to the present, including the breakdown of the volume and price of those sales by country and product type and the identity and location of any documents relating to such sales.
5. The actual margins obtained by Riceland from its rice milling operations from January 1, 2001 to the present at each of the mills operated by Riceland.
6. The process by which Riceland determines the price at which it is willing to sell its milled rice and related products from January 1, 2001 to the present.
7. Riceland's financial condition from January 1, 2001 to the present, including annual profits and losses, annual income statements, and any calculation of profit margins and/or milling margins and any documents relating to Riceland's financial condition.
8. The milling, shipping, selling, and administrative costs incurred by Riceland at its parboil and regular mill facilities and the identity and location of any documents relating to such costs.
9. The historical relationship between rough rice prices and the price of milled rice products sold by Riceland and the identity and location of any documents relating to such relationship.

10. The milling capacity and utilization of Riceland's parboil and regular mill facilities from January 1, 2001 to the present.
11. Riceland's storage capacity for rough and milled rice from January 1, 2001 to the present, and how the determination is made whether to store rough rice or to mill it.
12. The historical monthly volume of each type of rice in storage at Riceland from January 1, 2001 to the present.
13. Riceland's purchase of rough rice from January 1, 2001 to the present, including the process by which Riceland determines the price it will pay for rough rice, the amount of rough price purchased by variety and year, the type of pricing used (including cash prices, forward contracts, marketing pools, or other types), and the prices paid by pricing type and year.
14. All communication between Riceland and any representative or employee of any Bayer Defendant.
15. All communications to or from rice industry participants regarding LLRICE or genetically modified rice.
16. Riceland's communications from January 1, 2001 to the present with the USA Rice Federation, NERMA, or any other trade group or association, relating to the import or export of U.S. rice.
17. All statements or communications by Riceland to its members or any member of the press regarding genetically modified rice, including Riceland's costs, expenses, or information regarding threatened or pending legal proceedings, and the identity and location of such documents.
18. Riceland's understanding of available testing for genetically modified content of rice available from January 1, 2001 to the present.
19. All additional testing procedures implemented by Riceland to test for the potential presence of GM rice in the rice handled or processed by Riceland.
20. All guarantees, promises, or statements made by Riceland regarding whether its rice contained genetically modified rice and all steps taken to test, validate, support, or verify any such statements.
21. All customer notifications or complaints regarding the presence of genetically modified rice in rice sold or provided by Riceland, all internal communications regarding such notifications or complaints, the basis for deciding whether or not to investigate such notifications or complaints, the identity of those who were told of such customer notifications or complaints, all communications with the USDA, the Arkansas State Plant Board, Bayer, any member of the rice industry, or any governmental agency, and the identity and location of all documents relating to such customer notifications or complaints.

22. The process utilized by Riceland to determine what types and varieties of rice to place on any list of approved or recommended varieties distributed to farmers.
23. Riceland's work with any developer of genetically modified rice, where Riceland grew, processed, stored, tested, or evaluated any genetically modified rice of any kind, including the identity of the individuals and their company affiliation who initially contacted Riceland regarding the proposed research, development and testing of genetically modified rice, all internal and external communications regarding this work, all steps taken by Riceland to keep the genetically modified rice contained, and all compensation paid to or by Riceland for this work. This topic includes, but is not limited to, Riceland's participation in the 2000 Experimental Use Permit activities with regard to LLRICE.
24. Riceland's growing, testing, processing, milling, storing or in any way handling of genetically modified crops of any type from January 1, 2001 to the present, including but not limited to:
 - a. The identity of varieties or types of genetically modified crops that Riceland grew, tested, processed, milled, stored, or handled
 - b. The identity of any individual or entity Riceland contracted with or worked with to grow, test, process, mill, store or in any way handle genetically modified crops
25. Detailed information to identify the varieties/types of genetically modified crops that any individual or entity with which Riceland had a contract to grow, test, process, mill, store or in any way handle LLRICE from January 1, 2001 to the present.
26. Riceland's member list, including the list itself, how it is maintained and updated, and the identity of any Riceland member who has filed suit against any Bayer defendant related to genetically modified rice.
27. The identity of Riceland's employees who live or work in Arkansas County, Arkansas.
28. The identity and location of documents used to prepare the responses to Riceland's Interrogatory Responses in *Sims, et al. v. Bayer CropScience LP, et al.*, No. CV-2009-118-3 in the Circuit Court of Desha County, Arkansas and all individuals consulted in those responses.
29. All damages, including costs and lost business opportunities, incurred by Riceland as a result of the presence of genetically modified rice in the U.S. rice crop and the identity and location of any documents relating to such costs and damages. This topic includes, but is not limited to,
 - a. Detailed information regarding all credits, discounts, refunds, or any other benefits issued by Riceland to any actual or potential customer or supplier of any kind.
 - b. Detailed information regarding all rice or rice products repurchased by Riceland and all costs relating to such rice.

- c. Detailed information related to and documentation in support of Riceland's claim for damages based on increased costs and expenses associated with testing and monitoring rice.
 - d. Detailed information related to and documentation in support of Riceland's claim for damages based on costs and expenses associated with storing, recalling, returning, repackaging, reprocessing, or destroying rice destined for customers or others who, post August 18, 2006, refused to take rice not accompanied by a certificate of analysis stating that the rice was 100% non-transgenic.
 - e. Detailed information related to and documentation in support of Riceland's claim for damages based on lost revenues on sales of long-grain rice and rice products, and/or cost of cover associated with acquiring rice from alternative sources.
 - f. Detailed information related to and documentation in support of Riceland's claim for damages based on increased cost of production and loss of efficiency in Riceland's processes.
 - g. Detailed information related to and documentation in support of Riceland's claim for damages to Riceland's good will, business reputation, and brand names.
 - h. Detailed information related to and documentation in support of Riceland's claim for damages based on costs associated with remediation of Riceland's facilities.
 - i. Detailed information related to and documentation in support of Riceland's claim for damages based on costs, expenses, and legal fees associated with communicating with customers and responding to and defending claims by those customers.
 - j. Detailed information related to and documentation in support of Riceland's claim for damages based on costs, expenses, and legal fees related to responding to and defending claims by rice producers.
 - k. Detailed information related to and documentation in support of Riceland's claim for damages based on Riceland's costs, expenses, and attorney's fees associated with Riceland's First Amended Cross-Claim.
- l. The specific identity of sales that Riceland claims it lost.
30. All steps taken by Riceland to mitigate any claimed damages.
31. The manner in which any recovery in this lawsuit will be distributed to members of Riceland's senior team and Riceland's membership.