

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

IN RE GENETICALLY MODIFIED ) 4:06MD1811 CDP  
RICE LITIGATION ) ALL CASES

**ORDER SETTING TRIAL OF CERTAIN MISSISSIPPI CASES**

As no parties have objected to changing the date for the additional trial pool case currently scheduled for January 10, 2011,

**IT IS HEREBY ORDERED** that the trial of the additional Mississippi cases is rescheduled to begin on **Tuesday, January 18, 2011 at 8:30 a.m. in Courtroom 14-South.**

**IT IS FURTHER ORDERED** that the final pre-trial conference for this trial will be combined with the monthly telephone status conference, but that conference is rescheduled by this order. The status conference and the final pre-trial conference are rescheduled for **Thursday, January 13, 2011 at 10:00 a.m. in Courtroom 14-South.** At least one trial counsel for each side must be present in person, while other counsel may participate by telephone. The Court will arrange the call and provide a call-in number; the status conference will be held at the beginning of the hearing, with final pretrial issues to be discussed after status issues.

**IT IS FURTHER ORDERED** that no later than **December 29, 2010**

the attorneys shall:

**1. Stipulation:**

Meet and jointly prepare and file with the Clerk a JOINT Stipulation of all uncontested facts, which may be read into evidence subject to any objections of any party set forth in said stipulation (including a brief summary of the case which may be used on Voir Dire).

**2. Witnesses:**

(a) Deliver to opposing counsel, and to the Clerk, a list of all proposed witnesses, identifying those witnesses who will be called to testify and those who may be called.

(b) Except for good cause shown, no party will be permitted to call any witnesses not listed in compliance with this Order.

**3. Exhibits:**

(a) Mark for identification all exhibits to be offered in evidence at the trial (Plaintiffs to use Arabic numerals and defendants to use letters, e.g., Pltf-1, Deft.-A, or Pltf Jones-1, Deft Smith-A, if there is more than one plaintiff or defendant), and deliver to opposing counsel and to the Clerk a list of such exhibits, identifying those that will be introduced into evidence and those that may be introduced. The list shall clearly indicate for each business record whether the proponent seeks to authenticate the business record by affidavit or declaration pursuant to Fed.R.Evid. 902(11) or 902(12).

(b) Submit said exhibits or true copies thereof, and copies of all affidavits or declarations pursuant to Fed. R. Evid. 902(11) or 902(12), to opposing counsel for examination. Prior to trial, the parties shall stipulate

which exhibits may be introduced without objection or preliminary identification, and shall file written objections to all other exhibits.

(c) Except for good cause shown, no party will be permitted to offer any exhibits not identified or not submitted by said party for examination by opposing counsel in compliance with this Order. Any objections not made in writing no later than **January 7, 2011** may be considered waived.

**4. Depositions, Interrogatory Answers, and Request for Admissions:**

(a) Deliver to opposing counsel and to the Clerk a list of all interrogatory answers or parts thereof and depositions or parts thereof (identified by page and line numbers), and answers to requests for admissions proposed to be offered in evidence. No later than **January 7, 2011**, opposing counsel shall state in writing any objections to such testimony and shall identify any additional portions of such depositions not listed by the offering party which opposing counsel proposes to offer.

(b) Except for good cause shown, no party will be permitted to offer any interrogatory answer, or deposition or part thereof, or answer to a request for admissions not listed in compliance with this Order. Any objections not made as above required may be considered waived.

**5. Instructions:**

Submit to the Court and to opposing counsel their written request for instructions and forms of verdicts reserving the right to submit requests for additional or modified instructions no later than **January 7, 2011** in light of opposing party's requests for instructions. (Each request must be supported by at least one pertinent citation.)

**6. Trial Brief:**

Submit to the Court and opposing counsel a trial brief stating the legal and factual issues and authorities relied on and discussing any anticipated substantive

or procedural problems.

**7. Motions In Limine:**

File all motions in limine to exclude evidence no later than **January 7, 2011**.

  
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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 14th day of October, 2010.