

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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

CASE MANAGEMENT ORDER No. 21

For the reasons stated on the record during the status conference on
February 11, 2010,

1. Non-Producer Cases:

a. In the European Non-Producer case *Tilda Ltd. v. Riceland Foods, Inc. et al.*, Case No. 4:07CV457 CDP,

(i) Fact discovery must be completed no later than **June 18, 2010**;

(ii) Dispositive motions must be filed no later than **June 28, 2010**. Opposition briefs shall be filed no later than **July 28, 2010** and any reply brief shall be filed no later than **August 9, 2010**.

(iii) *Daubert* motions or other motions to exclude or limit expert testimony must be filed no later than **June 1, 2010**. Opposition briefs shall be filed no later than **July 8, 2010** and any reply brief shall be filed no later than **August 5, 2010**.

b. Trial in the Non-Producer bellwether case, *Riviana Foods, Inc. v. Bayer CropScience AG, et al.*, Case No. 4:08CV375 CDP, will begin on **April 19, 2010** as previously scheduled. The pretrial conference will be held on **April 15, 2010 at 10:00 a.m.** as previously ordered, except that the regular monthly status conference will be held before the final pretrial conference. Pretrial submission

deadlines will remain as previously set in the “Order Regarding Pretrial Submissions for Bellwether Trials” entered on May 22, 2009 [docket # 1325] except for motions in limine, which will now be due with the first part of the pretrial submissions, on **April 1, 2010**.

The *Riviana* trial will be held from 8:45 a.m. to 5 p.m., Monday through Friday each week, except for the following:

There will be no trial on **Thursday and Friday, April 22 and April 23**.

Trial will stop at **1 p.m. on Friday, April 30**.

Trial will stop at **3:30 p.m. on Wednesday, May 5**.

c. For all other Non-Producer cases the deadlines remain as previously set in Case Management Order 20 [docket # 2057].

2. **Fourth Bellwether Trial (Louisiana Producer Plaintiffs)**

a. The plaintiffs in the fourth bellwether trial are Danny Deshotels and related entities and Thibodeaux Brothers Farms and related entities. The trial is scheduled to begin **June 21, 2010**.

b. Any motions to dismiss, for summary judgment, motions for judgment on the pleadings, or *Daubert* motions or other motions to exclude or limit expert testimony must be filed no later than **March 26, 2010**. Opposition briefs shall be filed no later than **April 23, 2010** and any reply brief shall be filed no later than **May 7, 2010**.

c. Initial pre-trial submissions must be filed no later than **June 2, 2010**, the second part of the submissions must be filed no later than **June 11, 2010** and a final pretrial conference will be held on **Wednesday, June 16, 2010 at 10:00 a.m.** immediately following the monthly status conference on that date. Pretrial submissions will follow the form set out in docket # 1325, except that motions in limine must be filed with the first part of the submissions.

3. **Fifth Bellwether Trial (Texas Producer Plaintiffs)**

a. The plaintiffs in the fifth bellwether trial are Lee Haferneck and related entities and James and Carol Gentz and related entities.

b. At the March scheduling conference the parties will propose a schedule for the trial of that case (most likely to begin in October of 2010) and the necessary related deadlines.

4. **Extension of Time for Post-Trial Briefs:** The defendants are granted additional time, up to **February 25, 2010**, to file their reply briefs in support of their post-trial motions from the first bellwether trial.

5. **Potential Designation of New Expert Witness:** The Bayer defendants must file their motion related to a change in their economic expert witness by **February 19, 2010**. Plaintiffs' briefs in opposition are due by **February 26, 2010** and any reply brief must be filed by **March 2, 2010**. All briefs on this issue are limited to ten pages.

6. **Monthly Status Conferences:** The following status conferences will be held:

Thursday, March 11, 2010 at 12:30 p.m. (by telephone)

Thursday, April 15, 2010, at 10:00 a.m. in Courtroom 14 South (telephone participation for non-trial counsel; final pretrial conference in *Riviana* will follow)

Thursday, May 27, 2010 at 12:30 p.m. (by telephone)

Wednesday, June 16, 2010 at 10:00 a.m. in Courtroom 14 South (telephone participation for non-trial counsel; final pretrial conference in Fourth Bellwether Trial will follow)

Thursday, July 29, 2010 at 12:30 p.m. (by telephone)

Thursday, August 26, 2010 at 12:30 p.m. (by telephone)

7. **First Producer Cases to be Remanded:** At the March status conference, we will discuss streamlining the procedure and adjusting the schedule (if needed) for *Daubert* and dispositive motions in the first group of cases to be remanded. The parties are expected to include a proposal for doing so in their pre-status conference filing.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 18th day of February, 2010.