

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. 26

For the reasons stated in the parties' filings and on the record at the monthly status conference held on October 7, 2010,

IT IS HEREBY ORDERED that the parties' joint motions to modify certain deadlines [## 3565, 3577] are GRANTED and the following shall apply:

A. All Remand Groups (Amendment and Clarification to CMO 23)

1. If there are different states represented within a remand group, the limitations on motions and briefs (for issues of liability and general damages) set out in CMO 23 will apply to each state represented within the remand group, so that, for example, if the group contains both Texas and Louisiana cases, separate motions and briefing, having the same limits set out in CMO 23, may be filed for the cases in Texas and for the cases in Louisiana. Plaintiffs shall agree on one counsel to file the briefs for each state.

2. If any plaintiffs in the remand group believe that a dispositive or *Daubert* motion or brief in response filed under the above provision fails to adequately state their position, that plaintiff may, within seven calendar days, file a motion for leave to file a supplemental brief, attaching the proposed supplemental brief.

3. Discovery deadlines for individual damages expert witnesses shall be set by the transferor court after remand. *Daubert* motions related to issues of individual damages shall be handled in the transferor districts.

B. First Remand Group

1. Any motions to exclude or limit expert testimony under *Daubert* or for any other reason must be filed no later than **January 5, 2011**. Briefs in opposition must be filed by **February 3, 2011**, and any reply brief shall be filed no later than **February 17, 2011**.

2. The deadlines for filing any dispositive motions or motions for summary judgment shall remain governed by the First Amendment to CMO 23, as modified above.

C. Second Remand Group

1. All case specific fact discovery shall be completed no later than **December 17, 2010**.

2. Plaintiffs shall disclose expert witnesses related to issues of liability and general damages and provide the reports required by Rule 26(a)(2), Fed.R.Civ.P., no later than **January 10, 2011**, and shall make these expert witnesses available for depositions, and have depositions completed, no later than **January 24, 2011**.

3. Defendants shall disclose expert witnesses related to issues of liability and general damages and provide the reports required by Rule 26(a)(2), Fed.R.Civ.P., no later than **February 8, 2011**, and shall make these expert witnesses available for depositions, and have depositions completed, no later than **February 22, 2011**.

4. All discovery shall be completed no later than **February 22, 2011**.

5. 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 **March 7, 2011**. Briefs in opposition must be filed by **April 7, 2011**, and any reply brief shall be filed no later than **April 21, 2011**.

D. Third Remand Group

1. Amendments of pleadings shall be due no later than **January 10, 2011**.

2. Case specific written discovery and notices of deposition may be served on or after **February 4, 2011**. All case specific fact discovery shall be completed by **August 8, 2011**.

3. Plaintiffs shall disclose expert witnesses related to issues of liability and general damages and provide reports required by Rule 26(a)(2), Fed.R.Civ.P., no later than **August 29, 2011**, and shall make these expert witnesses available for depositions, and have depositions completed, no later than **September 12, 2011**.

4. Defendants shall disclose expert witnesses related to issues of liability and general damages and provide the reports required by Rule 26(a)(2), Fed.R.Civ.P., no later than **September 26, 2011**, and shall make these expert witnesses available for depositions, and have depositions completed, no later than **October 10, 2011**.

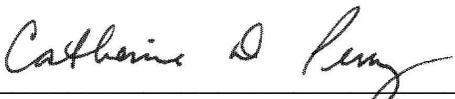
5. All discovery shall be completed no later than **October 10, 2011**.

6. 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 **October 24, 2011**. Briefs in opposition must be filed by **November 21, 2011**, and any reply brief shall be filed no later than **December 5, 2011**.

E. Non-Producer Deadlines

1. At the hearing on October 7, I ordered that the deadlines for the non-producer cases listed in CMO 24.B be VACATED. As I expect to rule on the Bateman motions shortly, the parties shall propose a schedule for completing the discovery and briefing in those cases no later than **November 11, 2010** and I will consider the proposed schedule at the November 18, 2010 status conference.

2. The deadlines listed in CMO 24.A governing *Riceland V. Bayer AG*, 4:09CV433 CDP remain in effect.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 29th day of October, 2010.