

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

IN RE GENETICALLY MODIFIED RICE )	4:06 MD 1811 CDP
LITIGATION )	
)	ALL CASES
)	
)	

**JOINT REPORT OF LEAD COUNSEL ON  
ISSUES TO BE RAISED AT APRIL 16, 2009 STATUS CONFERENCE**

COME NOW Lead Counsel for Plaintiffs and Defendants and report that the following issues will be raised at the April 16, 2009 status conference:

1. Issues related to paragraph 8(f) of the Court's March 20, 2008 Revised Protective Order. (John Baker)
2. Standard for and discovery related to Protective Order to be sought in connection with Noticed Deposition of Riceland's Don McCaskill. (John Baker)
3. Westmill's motion to intervene in Riviana's affirmative case against Bayer. (Charles Schlumberger)
4. Plaintiffs' Motion to Compel Continuation of Donna Mitten Deposition and For Appointment of Special Master. (Doc. 1179). (Don Downing)
5. Extension of May 15, 2009 deadline to finalize 30(b)(6) depositions of domestic Bayer entities. (Don Downing)
6. Motion and Supporting Memorandum for Protective Order and Other Relief. (Doc. 1180). (Don Downing)
7. Plaintiffs' Motion to advise Court of their Procedural Violation of the Revised Protective Order and Motion to Remove "Confidential" and "Highly

Confidential” Designations from Certain Documents and Testimony. (Doc. 1178).

(Martin Phipps)

8. Selection of cases from the Eastern District of Arkansas for inclusion in the first group of cases to be remanded under CMO-16. (Don Downing and Eric Olson)

Respectfully submitted,

/s/ Don M. Downing

Don M. Downing, #41786  
Gray, Ritter & Graham, P.C.  
701 Market Street, Suite 800  
St. Louis, Missouri 63101

And

/s/ Adam J. Levitt (w/consent)

Adam J. Levitt  
Wolf Haldenstein Adler Freeman & Herz LLC  
55 West Monroe Street, Suite 1111  
Chicago, Illinois 60603

*Lead Counsel for Plaintiffs*

/s/ Terry Lueckenhoff (w/consent)

Terry Lueckenhoff, #43843  
Fox Galvin, LLC  
One S. Memorial Drive, 12<sup>th</sup> Floor  
St. Louis, Missouri 63102

*Lead Counsel for Defendants*

### **CERTIFICATE OF SERVICE**

I hereby certify that on April 9, 2009, 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/ Don M. Downing