

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE GENETICALLY MODIFIED) Case No. 4:06MD1811 CDP
RICE LITIGATION) ALL CASES

CASE MANAGEMENT ORDER No. 19

For the reasons discussed on the record at the September 24, 2009 telephone conference,

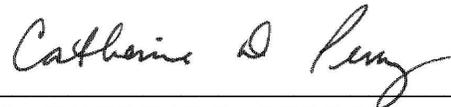
IT IS HEREBY ORDERED that:

- 1. First Bellwether Trial - Schedule:** Counsel have indicated that the first bellwether trial, which is scheduled to begin on **November 2, 2009**, may last more than three weeks, and would thus run into the week of Thanksgiving. If this occurs, we will not hold trial on **November 25th, 26th, and 27th**. Trial will resume on **November 30, 2009**.
- 2. First Bellwether Trial - Trial Briefs:** For the first bellwether trial, the requirement that parties file trial briefs is vacated. This order does not apply to any other cases or trials.
- 3. First Bellwether Trial - Jury Selection Statement:** The parties must file a joint jury selection statement no later than **October 2, 2009**. If the parties are able to reach an agreement, the statement may address jury size, a jury questionnaire, the jury pool size, and the number of peremptory challenges requested. If the parties cannot reach an agreement, they must file a joint statement indicating that they cannot agree and setting out each side's position.
- 4. Non-Producer Cases Pre-Trial Scheduling:** The deadlines in CMO #16 Part IV.2 [#1129] governing non-producer cases other than *Riviana*, are modified to reflect the following:

a. Expert Discovery: Plaintiffs' expert disclosures under Fed. R. Civ. P. 26(a) on the subject of damages shall be made no later than **October 12, 2009**. Plaintiffs expert disclosure on the subject of liability shall be made no later than **November 16, 2009**. Depositions of plaintiffs' expert witnesses shall be completed no later than **October 26, 2009**. Defendants' expert disclosures under Fed. R. Civ. P. 26(a) shall be made no later than **February 15, 2010**, and the depositions of these witnesses shall be completed no later than **March 26, 2010**. Plaintiffs' rebuttal expert disclosures shall be made no later than **April 23, 2010**, and the depositions of these witnesses shall be completed no later than **May 17, 2010**.

b. Fact Discovery: The parties shall complete fact discovery no later than **April 21, 2010**.

c. Motions: 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 **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**.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 28th day of September, 2009.