

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. 22

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

1. 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. The trial is scheduled to begin **October 12, 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 **July 30, 2010**. Opposition briefs shall be filed no later than **August 20, 2010** and any reply brief shall be filed no later than **September 3, 2010**.

c. Initial pre-trial submissions must be filed no later than **September 21, 2010**, the second part of the submissions must be filed no later than **October 1, 2010** and a final pretrial conference will be held on **Thursday, October 7, 2010 at 10:00 a.m.** 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.

2. Second Bellwether Trial (Arkansas & Mississippi Plaintiffs)

The plaintiffs are granted additional time, up to **April 2, 2010**, to file their responsive briefs in opposition to defendants' post-trial motions from the second bellwether trial. Defendants must file any reply by **April 16, 2010**.

3. Veetee's Motion Regarding Rice Testing [#2597]

The parties to this motion indicated that they have agreed that there are sufficient quantities of "package" rice for the tests requested by all of them, and they will work out test protocols for this rice.

The parties continue to dispute what tests should be done on the "barge" samples of rice. No later than **March 19, 2010**, the affected parties shall file simultaneous supplemental briefs stating the quantity of rice contained in each barge sample, the quantity that would be consumed for each side's preferred tests, how much will be left over after each test, and their proposal for carrying out the testing. All quantities shall be stated in grams.

4. First and Second Groups of Cases to be Remanded

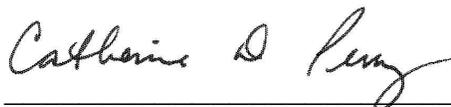
As directed, plaintiffs have filed a list of cases that were selected to be included in the first and second group of remand cases. The list does not contain any Arkansas cases for the first group of cases to be remanded. I need to know whether this is a mistake or whether we previously modified CMO # 16, which required the parties to include cases from the Eastern District of Arkansas in both the first and second remand groups. The parties shall file an amended document or a statement explaining this no later than **March 19, 2010**. I will enter a Case Management Order regarding the filing of dispositive and *Daubert* motions in those cases after I receive and review the amended list.

5. Remaining Cases to be Tried in this District

The parties shall include in their status report for the next status conference a statement of how they intend to proceed with the other cases to be tried in this district. They should include a proposed schedule if they believe doing so is feasible at this time.

6. **List of Pending Cases**

Defendants shall file a list of pending related state cases (and any federal cases that have not been transferred to this court) no later than **March 19, 2010**. The list shall include the names of plaintiffs, the case name, the case number, the forum, and, if any state case is set for trial, the name and contact information of the presiding judge.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 15th day of March, 2010.