

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

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**IN RE GENETICALLY MODIFIED  
RICE LITIGATION**

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) **4:06 MD 1811 CDP**  
)  
) **ALL CASES**  
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**JOINT REPORT OF LEAD COUNSEL  
FOR OCTOBER 7, 2010 PRE-TRIAL CONFERENCE**

Don M. Downing and Adam J. Levitt, Lead Counsel for Plaintiffs, and Terry Lueckenhoff, Lead Counsel for Defendants, hereby report to the court that they believe the following matters will be taken up at the October 7, 2010, Pretrial Conference:

1. Discussion of videotaping trial testimony for some live witnesses for future use.  
(Arsenault)
2. Scheduling order for third remand group. (Byrd/York)
3. Sufficiency of Rickmers' responses to Riceland's discovery. (Jinkins)
4. Court's September 2, 2010 Order (D.I. 3333) did not address the common costs as outlined in Agreed Bill of Costs (D.I. 3278) filed on August 19, 2010 and referenced in the Court's Bill of Costs (D.I. 3334) filed on September 2, 2010.  
(Garrison)
5. Procedures for electronic filing for remand cases. (Arsenault)
6. Extension of certain expert-related deadlines for the first group of remand cases.  
(Hoekstra/Hughes)

7. Procedures to handle closing out the remand cases. (Downing/Lueckenhoff)
8. Procedures concerning settlements and assessments. (Downing)

Respectfully submitted,

/s/ Don M. Downing  
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And

/s/ Adam J. Levitt (w/consent)  
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*Lead Counsel for Plaintiffs*

/s/ Terry Lueckenhoff (w/consent)  
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*Lead Counsel for Defendants*

### **CERTIFICATE OF SERVICE**

I hereby certify that on September 30, 2010, 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