

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE GENETICALLY MODIFIED) 4:06MD1811 CDP
RICE LITIGATION) ALL CASES

SUPPLEMENTAL SCHEDULING ORDER

This Order sets additional status and final pretrial conferences, discusses the schedule for trial in the upcoming Fifth Bellwether Trial (Texas plaintiffs), and raises an issue to be discussed October 7, 2010 status conference.

IT IS HEREBY ORDERED that:

A. Schedule for Fifth Bellwether Trial

Jury selection in the Fifth Bellwether Trial involving Texas plaintiffs will begin on Tuesday, October 12, 2010 at 9:00 a.m. All counsel must be in the courtroom ready to proceed, and the Court will go on the record, at 8:30 that day. We will do jury selection only on October 12. Opening statements will begin October 13. We will not have trial on Monday, October 25; Tuesday, October 26; and Wednesday October 27. If the trial has not ended by then we will not have trial on Thursday, November 11, and Friday, November 12.

B. Additional Telephone and Pretrial Conferences

Additional monthly telephone conferences with lead counsel are set as follows. Except for the conferences that are combined with final pretrial

conferences in the courtroom, plaintiffs' lead counsel will place the call and make arrangements for having all counsel who wish to participate on the line. For the conferences that are combined with final pretrial conferences in the courtroom, although at least one trial counsel for each side must be present in person, other counsel may participate by telephone; the Court will arrange the call and provide a call-in number; the status conference will be held at the beginning of the hearing, with final pretrial issues to be discussed after status issues. All calls will be on the record. One week in advance of each status conference, lead counsel shall file a joint status report setting out the current status of the work and any topics they wish to address during the conferences. The dates and times for the conferences are:

- Thursday, October 7, 2010 at 10:00 a.m. in Courtroom 14-South (immediately before the final pretrial conference for the Fifth Bellwether trial set to begin on October 12, 2010; non-trial counsel may participate by telephone).
- Thursday, November 18, 2010 at 12:30 p.m. (telephone)
- Thursday, December 9, 2010 at 12:30 p.m. (telephone)
- Thursday, January 6, 2011 at 10:00 a.m. in Courtroom 14-South (immediately before the final pretrial conference for the Mississippi trial set to begin on January 10, 2011; non-trial counsel may participate by telephone).

- Thursday, February 10, 2011 at 12:30 p.m. (telephone)
- Thursday, March 10, 2011 at 12:30 p.m. (telephone)
- Thursday, April 14, 2011 at 12:30 p.m. (telephone)
- Thursday, May 12, 2011 at 10:00 a.m. in Courtroom 14-South (immediately before the final pretrial conference for the Arkansas trial set to begin on May 16, 2011; non-trial counsel to participate by telephone).
- Thursday, June 16, 2011 at 12:30 p.m. (telephone)
- Thursday, July 7, 2011 at 10:00 a.m. in Courtroom to be designated (immediately before the final pretrial conference for the Arkansas trial set to begin on July 11, 2011; non-trial counsel to participate by telephone).

C. Pleadings in Remand Cases

Before the October 7, 2010 scheduling conference, the parties should confer regarding a procedure for closing the pleadings in the remand cases. The parties should attempt to reach an agreement on deadlines for filing answers (preferably to be done in phases so all filings are not due on the same day), as well as whether any amendments to the pleadings should be considered by this Court or by the transferor court.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 10th day of September, 2010.