

27th JUDICIAL DISTRICT COURT

PARISH OF ST. LANDRY

STATE OF LOUISIANA

PATRICK E. PHILLIPS, JR., ET AL

NUMBER 00-C-2220

VERSUS

G & H SEED COMPANY, ET AL

DIVISION "D"

**DEFENDANT BAYER CROPSCIENCE LP AND MICHAEL REDLICH'S
MOTION FOR SUSPENSIVE APPEAL**

Defendants, Bayer CropScience, LP and Michael Redlich ("Defendants") move for a suspensive appeal based on the following:

1.

On August 23, 2007, the trial court entered judgment in favor of Plaintiffs and against Bayer CropScience, LP in the principal amount of \$1,645,000.00, and against Bayer CropScience LP and Michael Redlich in the principal amount of \$17,500.00. The phraseology of the judgment, but not its substance, was amended by the trial court on October 30, 2007.

2.

Defendants timely filed a Motion for JNOV and/or New Trial on September 5, 2007.

3.

Judgment denying Defendants' Motion for JNOV and/or New Trial was signed by the trial court on October 30, 2007, and Notice of Judgment mailed on November 8, 2007.

4.

Defendants desire to take a suspensive appeal from the August 23, 2007 Judgment for Damages, as amended by the Judgment of October 30, 2007, pursuant to Article 2083 of the Louisiana Code of Civil Procedure.

5.

Defendants' Motion and Order for Suspensive Appeal is timely pursuant to Article 2123 of the Louisiana Code of Civil Procedure.

6.

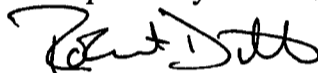
Pursuant to Louisiana Code of Civil Procedure Article 2124, Defendants request that this court fix the amount of security necessary to perfect the suspensive appeal.

7.

Defendants represent that the proper amount of security is \$2,512,256.87, which is comprised of the principal judgment amount of \$1,662,500.00 plus judicial interest in the amount of \$849,756.87 calculated from the date of filing of this lawsuit (May 24, 2000) through the estimated date of posting of the security (December 10, 2007).

WHEREFORE, Bayer CropScience LP and Michael Redlich pray that this court grant a suspensive appeal from the Judgment for Damages rendered on August 23, 2007, as amended by the Judgment of October 30, 2007, and further that the court fix the amount of security necessary to perfect the suspensive appeal in the amount of \$2,512,256.87.

Respectfully submitted:



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Baton Rouge, LA 70821

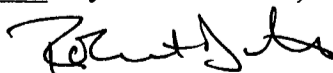
Telephone: (225) 387-0999

Attorneys for Bayer CropScience LP and Michael Redlich

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been mailed, postage prepaid and/or transmitted electronically to all counsel of record.

Baton Rouge, Louisiana this 3rd day of Dec, 2007.



Robert E. Dille

St. Landry Parish Clerk of Court's Office

A TRUE COPY
DATE December 3 2007
Rachael J. Jones
By Clerk
Filed December 3 2007
Rachael J. Jones
By Clerk

27th JUDICIAL DISTRICT COURT

PARISH OF ST. LANDRY

STATE OF LOUISIANA

PATRICK E. PHILLIPS, JR., ET AL

NUMBER 00-C-2220

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ORDER OF SUSPENSIVE APPEAL

Considering Bayer CropScience LP and Michael Redlich's Motion for Suspensive Appeal;

IT IS HEREBY ORDERED that a suspensive appeal be granted to Defendants, Bayer CropScience LP and Michael Redlich, from the Judgment for Damages rendered on August 23, 2007, as amended by the Judgment of October 30, 2007, upon the furnishing of legally acceptable security in the amount of \$2,512,256.87, and that the appeal of this case be returnable to the Court of Appeal, Third Circuit, within the delays provided by law.

Opelousas, Louisiana, this 2nd day of December, 2007.



JUDGE, 27TH JUDICIAL DISTRICT COURT

PLEASE SERVE:

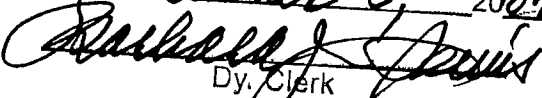
Plaintiffs/Intervenors, through their attorneys of record:

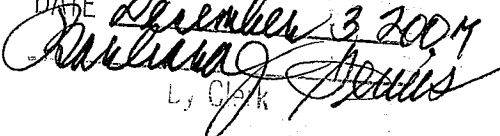
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St. Landry Parish Clerk of Court's Office
Filed December 3, 2007

Dy. Clerk

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DATE December 3, 2007

Dy. Clerk