

W. Mark Lanier (*pro hac vice*)

WML@lanierlawfirm.com

Eugene R. Egdorf (*pro hac vice*)

Gene.Egdorf@lanierlawfirm.com

6810 F.M. 1960 West

Houston, TX 77069

Telephone: +1.713.659.5200

Facsimile: +1.713.659.2204

Lee A. Cirsch (State Bar No. 227668)

Lee.Cirsch@lanierlawfirm.com

The Lanier Law Firm, P.C.

10866 Wilshire Blvd., Suite 400

Los Angeles, CA 90024

Telephone: +310.277.5100

Facsimile: +310.277.5103

Attorneys for Plaintiffs WESTERN SUGAR COOPERATIVE, MICHIGAN SUGAR Co.,
C & H SUGAR Co., INC., UNITED STATES SUGAR CORPORATION, AMERICAN
SUGAR REFINING, INC., THE AMALGAMATED SUGAR COMPANY LLC, IMPERIAL
SUGAR COMPANY, MINN-DAK FARMERS COOPERATIVE, THE AMERICAN SUGAR
CANE LEAGUE U.S.A., INC., and Plaintiff and Counterclaim Defendant THE
SUGAR ASSOCIATION, INC.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WESTERN SUGAR
COOPERATIVE, a Colorado
cooperative, *et al.*

Plaintiffs,

vs.

ARCHER-DANIELS-MIDLAND
COMPANY, a Delaware
Corporation, *et al.*

Defendants.

Case No. CV11-3473 CBM (MANx)

**PLAINTIFFS' AND COUNTERCLAIM
DEFENDANT'S REVISED PROPOSED
WITNESS LIST**

Date: November 3, 2015

Place: Courtroom 2

The Honorable Consuelo B. Marshall

Plaintiff and Counterclaim Defendant The Sugar Association Inc. (“Sugar Association”), and Plaintiffs Western Sugar Cooperative, Michigan Sugar Co., C & H Sugar Co., Inc., United States Sugar Corporation, American Sugar Refining, Inc., The Amalgamated Sugar Company LLC, Imperial Sugar Company, Minn-Dak Farmers Cooperative, and The American Sugar Cane League U.S.A., Inc. (collectively, “Plaintiffs”), pursuant to Local Rule 16-2.4 and the directions provided by the Court at the October 13, 2015 pretrial conference, hereby submit their revised proposed list of witnesses expected to be called live at trial:

| NAME | AFFILIATION | FACT/EXPERT |
|-----------------------------|--|-------------------|
| 1. David Berg* ¹ | President and CEO, American Crystal Sugar Company | Fact |
| 2. Dr. Mark P. Berkman | | Expert (Rebuttal) |
| 3. John Bode | President, Corn Refiners Association, Inc. | Fact |
| 4. Christopher Cuddy | President of the Sweetener & Starch Division, Archer-Daniels-Midland Co. | Fact |
| 5. Courtney Gaine | VP of Scientific Affairs, The Sugar Association , Inc. | Fact |
| 6. Dr. Jane Groft | | Expert |
| 7. Dr. David L. Katz | | Expert |
| 8. Dr. P. Lynn Kennedy | | Expert |
| 9. Dr. David A. Kessler | | Expert |
| 10. Dr. Itamar Simonson | | Expert |
| 11. Any other witness who | | Fact |

¹ Pursuant to L.R. 16-5, Plaintiffs have designated with an asterisk (*) those individuals that may be called if the need arises.

| | | | |
|----|-----------------------------|--|------|
| 1 | provided deposition | | |
| 2 | testimony in this case* | | |
| 3 | 12. Any corporate | | Fact |
| 4 | representative of the Sugar | | |
| 5 | Association* | | |
| 6 | 13. Any corporate | | Fact |
| 7 | representative of the Corn | | |
| 8 | Refiners Association, Inc. | | |
| 9 | appearing at trial* | | |
| 10 | 14. Any corporate | | Fact |
| 11 | representative of Tate & | | |
| 12 | Lyle Ingredients Americas, | | |
| 13 | Inc. appearing at trial* | | |
| 14 | 15. Any corporate | | Fact |
| 15 | representative of Archer- | | |
| 16 | Daniels-Midland Co. | | |
| 17 | appearing at trial* | | |
| 18 | 16. Any corporate | | Fact |
| 19 | representative of Ingredion | | |
| 20 | Corp. appearing at trial* | | |
| 21 | 17. Any corporate | | Fact |
| 22 | representative of Cargill, | | |
| 23 | Inc. appearing at trial* | | |

THE LANIER LAW FIRM, P.C.
6810 FM 1960 West
Houston, TX 77069

Plaintiffs reserve the right to introduce designated deposition testimony from the following witnesses if Defendants do not call them live at trial or they are otherwise unavailable or unable to attend live at trial:

| | | |
|-----------------------|---|--------|
| 1. Richard Berman | President, Berman & Company | Fact |
| 2. Audrae Erickson | Former President, Corn Refiners Association, Inc. | Fact |
| 3. Donald Hoffman | Executive Vice President / Global Business Director, DDB | Fact |
| 4. Richard N. Kyle | Vice President of Strategic Business Planning, Ingredion Corp. | Fact |
| 5. Tony Navarro | Former Director Global Sweeteners for the Cross Enterprise Procurement Group, The Coca-Cola Company | Fact |
| 6. Dr. James M. Rippe | Founder and Director, Rippe Lifestyle Institute | Expert |
| 7. David Weintraub | Director of External Communications, Archer-Daniels-Midland Co. | Fact |
| 8. Dr. John S. White | Chairman of the Scientific Advisory Panel, Corn Refiners Association, Inc. | Expert |

Plaintiffs reserve the right to call any other witnesses whose testimony may be necessary for rebuttal and/or impeachment.

1 Dated: October 28, 2015.

Respectfully Submitted,

2
3 THE LANIER LAW FIRM, P.C.

4 By: /s/ W. Mark Lanier

5 W. Mark Lanier (*pro hac vice*)

6 WML@lanierlawfirm.com

7 Eugene R. Egdorf (*pro hac vice*)

8 Gene.Egdorf@lanierlawfirm.com

9 6810 F.M. 1960West

10 Houston, TX 77069

11 Telephone: +1.713.659.5200

12 Facsimile: +1.713.659.2204

13 Lee A. Cirsch (State Bar No. 227668)

14 Lee.Cirsch@lanierlawfirm.com

15 The Lanier Law Firm, P.C.

16 10866 Wilshire Blvd., Suite 400

17 Los Angeles, CA 90024

18 Telephone: +310.277.5100

19 Facsimile: +310.277.5103

20 **ATTORNEYS FOR PLAINTIFFS WESTERN**
21 **SUGAR COOPERATIVE, MICHIGAN SUGAR**
22 **Co., C & H SUGAR Co., INC., UNITED**
23 **STATES SUGAR CORPORATION, AMERICAN**
24 **SUGAR REFINING, INC., THE**
25 **AMALGAMATED SUGAR COMPANY LLC,**
26 **IMPERIAL SUGAR CANE LEAGUE U.S.A.,**
27 **INC., and PLAINTIFF AND COUNTER-**
28 **DEFENDANT THE SUGAR ASSOCIATION,**
INC.

CERTIFICATE OF SERVICE

(United States District Court)

I, W. Mark Lanier, declare:

I am Attorney for Plaintiffs *pro hac vice*, over the age of eighteen years, and not a party to the above-captioned lawsuit. My business address is 6801 FM 1960 West, Houston, Texas 77069. On October 28, 2015, the following document:

**PLAINTIFFS' AND COUNTERCLAIM DEFENDANT'S REVISED
PROPOSED WITNESS LIST**

was served on:

Erin R. Ranahan
eranahan@winston.com
Gail Jeanne Standish
gstandish@winston.com
WINSTON & STRAWN LLP
333 S. Grand Ave.
Los Angeles, CA 90071-1543
Telephone: +1.213.615.1700
Facsimile: +1.213.615.1750

Dan K. Webb (admitted *pro hac vice*)
dwebb@winston.com
Stephen D'Amore (admitted *pro hac vice*)
sdamore@winston.com
Bryna J. Dahlin (admitted *pro hac vice*)
bdahlin@winston.com
WINSTON & STRAWN LLP
35 W. Wacker Drive
Chicago, IL 60601
Telephone: +1.312.558.5600
Facsimile: +1.312.558.5700

Attorneys for Defendants CORN
REFINERS ASSOCIATION, INC. and
DEFENDANTS and
COUNTERCLAIMANTS ARCHER-
DANIELS-MIDLAND COMPANY,
CARGILL, INC., INGREDION INC., and
TATE & LYLE INGREDIENTS
AMERICAS, INC.

Service was accomplished as follows:

1 **By Electronic Means.** On the above date, I filed the above-mentioned document
2 by electronic means with the U.S. District Court for the Central District of
3 California, over the internet, through its Case Management/Electronic Case Filing
4 (CM/ECJ) system. As such, the Court electronically mailed said document to the
5 parties noted above, whose electronic mail address is set forth above.

6 I declare under penalty of perjury under the laws of the State of Texas that the
7 above is true and correct.

8 Executed on October 28, 2015, at Houston, Texas.

9
10 /s/ W. Mark Lanier

11 W. Mark Lanier
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28