Parsons & Whittemore Enterprises Corporation v. Cello Energy, LLC et al Doc. 596

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

PARSONS & WHITTEMORE ENTERPRISES CORPORATION,	)	
Plaintiff,	)	
vs.	)	**CIVIL ACTION NO. 07-00743-CG-B**
CELLO ENERGY, LLC, et al.,	)	
Defendants,	)	

JUDGMENT

In accordance with the court's findings in its order on February 7, 2009 (Doc. 375), its findings with regards to BioFuels Operating Company, LLC, Khosla Ventures, LLC, Red Sky, LP, and Khosla Ventures II, LP's (collectively, the "BioFuels Defendants") motion for summary judgment entered in its order issued on May 7, 2009 (Doc. 415), its findings with regards to the BioFuels Defendants' motion for judgment pursuant to Rule 52 of the Federal Rule of Civil Procedure entered in its oral order dated June 24, 2009 (June 24, 2009 Trial Tr., p. 2), and the jury's findings with regards to the BioFuels Defendants entered in its verdict dated June 29, 2009 (Doc. 560-8), and having considered the Khosla Ventures Defendants' Request for Entry of Judgment (Doc. 563), P&W's Response (Doc. 564) and Khosla Defendants' Reply (Doc. 572),

It is hereby **ORDERED, ADJUDGED** and **DECREED** as follows:

i) **JUDGMENT** is hereby entered in favor of BioFuels Operating Company, LLC, Khosla Ventures, LLC, Red Sky, LP and Khosla Ventures II, LP (the "Khosla Ventures Defendants") as to Counts One, Two, Four, and Seven of

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Parsons & Whittemore Enterprises Corporation's ("P&W") Amended Complaint

ii) This judgment does not affect the jury's verdict that Cello Energy, LLC and Boykin Trust, LLC breached the non-disclosure agreement. BioFuels is not precluded from receiving information concerning the Technology or discussing the Technology with Cello.

iii) Any allegations that the Manufacturing and Financing Contract violates or interferes with either the Option Agreement or the Letter Agreement between P&W and Cello Energy, LLC are moot, as these agreements have been determined by this court to be void.

DONE and ORDERED this 22nd day of September, 2010.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE