

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**MONSANTO COMPANY and
MONSANTO TECHNOLOGY, LLC,**

Plaintiffs,

v.

**NORBERT BENING and
DAVID BENING,**

Defendants.

Case No. 07-cv-261-DRH

ORDER

HERNDON, Chief Judge:

Before the Court is Plaintiffs' Motion for Extension of Time Relating to Dismissal and Motion to Enforce Settlement (Doc. 64), filed on October 31, 2008. On August 25, 2008, Magistrate Judge Frazier held a Settlement Conference in this case, in which terms of settlement were agreed upon by the Parties (Doc. 62). On September 2, 2008, this Court entered a 60-day Order (Doc. 63), directing the Clerk of the Court to enter judgment dismissing the case with prejudice and without costs 60 days from the date of the Order unless either of the Parties petitioned the Court beforehand to delay entry of judgment. This is exactly what Plaintiffs request in their instant Motion.

Plaintiffs seek an additional 30 days for the Parties to execute the necessary settlement documents. In the event that settlement cannot be

consummated within that time frame, Plaintiffs request that the Court enter an Order enforcing the terms of the settlement agreement, as agreed upon by the parties during the Settlement Conference. Accordingly, Plaintiffs' Motion for Extension of Time on the 60-day Order (Doc. 64) is **GRANTED**. The Parties shall have until **December 4, 2008** to execute the necessary settlement documents. Should the Parties fail to consummate settlement by December 4, 2008, Plaintiffs shall file Motion (beforehand) for either a further extension of time or to enforce settlement. If the Court does not hear otherwise from the Parties on or before December 4, 2008, it shall again direct the Clerk of the Court to enter judgment dismissing this case with prejudice and without costs.

IT IS SO ORDERED.

Signed this 3rd day of November, 2008.

/s/ David R. Herndon

**Chief Judge
United States District Court**