

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

**MONSANTO COMPANY and
MONSANTO TECHNOLOGY LLC,**

Plaintiffs,

Civil No. 07-cv-261-DRH-PMF

vs.

**NORBERT BENING and
DAVID BENING,**

Defendants.

ORDER REVIVING JUDGMENT

HERNDON, District Judge:

Pending before the Court is plaintiffs' motion (petition) to revive consent judgment in a civil case (Doc. 72). On January 15, 2009, this Court entered judgment in favor of Monsanto Company and against Defendant David Bening for the sum of two hundred thousand dollars (\$200,000) (Doc. 71). The \$200,000 judgment was entered with consent of the parties. The parties separately agreed that the judgment would be satisfied under the terms of a settlement agreement.

As of this date, plaintiffs report that Defendant Bening has made some payments pursuant to the terms of the settlement agreement; however, the payment terms of the settlement agreement will extend beyond the initial seven year period. As a result, plaintiffs seek renewal of the consent judgment.

Plaintiffs filed the petition to revive judgment in this Court on October 9, 2015 (Doc. 72). The petition was mailed to Defendant David Bening via certified

mail, restricted delivery as required under Illinois procedure on revival of judgment (Doc. 72-2). Defendants were given notice that they had 30 days to respond should they wish to contest the petition. The return receipt card was signed by Kay Bening on October 24, 2015 and returned to the Court (Doc. 79). Additionally, plaintiffs filed two additional return receipt cards indicating that Defendant Bening received copies of the motion (Docs 80 & 81). One return receipt was signed by Defendant David Bening and the other was signed by Kay Bening.

As of November 12, 2015, more than 30 days after the motion (petition) to revive consent judgment was filed, no response from Defendant Bening has been filed. Accordingly, the pending motion (Doc. 72) is **GRANTED** and the judgment entered on January 15, 2009, in favor of Monsanto Company and Monsanto Technology, L.L.C. and against David Bening (Doc. 71) is hereby **REVIVED** in the original judgment amount of \$200,000.00. Any credits to judgment shall be reflected by Monsanto in any supplemental proceedings or execution.

IT IS SO ORDERED.

Signed this 12th day of November, 2015.

 Digitally signed by
Judge David R. Herndon
Date: 2015.11.12
10:10:06 -06'00'

United States District Judge