

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BOARD OF REGENTS OF THE)
UNIVERSITY OF NEBRASKA,)

4:04CV3356

Plaintiff,)

vs.)

**MEMORANDUM
AND ORDER**

BASF CORPORATION,)

Defendant,)

and)

MONSANTO COMPANY,)

Intervening Plaintiff,)

and)

SYNGENTA CROP PROTECTION,)
INC.,)

Intervening Defendant.)

After consulting with counsel by telephone, and without finding that any party or lawyer has acted improperly,

IT IS ORDERED that:

1. Syngenta’s motion for a continuance and for permission to contact witnesses (filing [488](#)) is granted as provided herein and it is otherwise denied.

2. A continuance is granted. Trial of this matter shall commence on Monday, November 17, 2008, at 8:30 AM.
3. Counsel for Syngenta may contact Dr. Mani Subramanian, without first consulting counsel for BASF, to determine if Dr. Mani Subramanian will agree to appear in person to testify at trial.
4. Counsel for Syngenta may contact Dr. Paul Bernasconi, who is employed by BASF, to determine if Dr. Paul Bernasconi will agree to appear in person to testify at trial. Since this witness is employed by BASF, counsel for Syngenta shall coordinate this contact and work through counsel for BASF.
5. If Dr. Subramanian or Dr. Bernasconi or both of them refuse to appear in person to testify at trial, then:
 - A. On or before 9:00 AM on Friday, November 14, 2008, counsel for Syngenta may submit newly edited versions of the earlier depositions of these witnesses.
 - B. On or before 9:00 AM on Sunday, November 16, 2008, counsel for the University and counsel for Monsanto may submit counter designations.

November 10, 2008.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge