

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.)

Pursuant to the Joint Motion and Stipulation of Dismissal (filing [497](#)) filed by plaintiff the Board of Regents of the University of Nebraska (the “University”), intervening plaintiff Monsanto Company (“Monsanto”), and intervening defendant Syngenta Crop Protection, Inc. (“Syngenta”),

IT IS ORDERED:

1. All claims asserted by Syngenta in this action are dismissed with prejudice;

2. Counts I-IV of Monsanto's Second Amended Complaint in Intervention in this action are dismissed without prejudice, provided however that Monsanto covenants not to reassert said claims in any future action against Syngenta or its affiliates;

3. Any remaining claims asserted by the University are dismissed without prejudice, provided however that the University covenants not to reassert said claims in any future action against Syngenta or its affiliates; and

4. All parties to the Stipulation (filing [497](#)) shall bear their own attorneys' fees and costs in this action.

November 17, 2008.

BY THE COURT:
s/ Richard G. Kopf
United States District Judge