

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

THE WASHINGTON UNIVERSITY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:03CV1065SNL
)	
WILLIAM J. CATALONA, ET. AL.,)	
)	
Defendants.)	

ORDER

In accordance with the memorandum opinion filed herein this date,

IT IS HEREBY ORDERED that plaintiff Washington University's motion for summary judgment (#24), filed January 7, 2004 be and is **GRANTED**. Judgment is hereby entered in favor of Washington University and against defendant William J. Catalona and the Intervener-Defendants Richard N. Ward, Thomas A. McGurk, Jr., Luis Garcia, Antonio Castro, Phillip Wilard, Ivan Parron, James D. Ellis, and Mike Missios on the merits of plaintiff Washington University's declaratory judgment complaint.

IT IS FURTHER ORDERED that defendant Catalona's motion requesting court order that plaintiff not utilize, disseminate, transfer, dissipate, de-identify and/or destroy serum and genetic material at issue (#39), filed June 8, 2004 be and is **DENIED**.

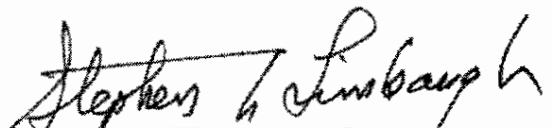
IT IS FURTHER ORDERED that defendant Catalona's counterclaim be and is **DENIED**.

IT IS FURTHER ORDERED that this Court declares plaintiff Washington University the true and rightful owner and possessor of all biological materials, including but not limited to blood, tissue, and DNA samples, currently and in the future, stored and maintained in the GU

Biorepository; and that neither Dr. William Catalona nor any research participant in connection with any past, present, or future protocol conducted under the auspices of Washington University has any ownership or proprietary interest in the said biological materials housed in the GU Biorepository. Washington University is free to use said biological materials for appropriate research projects and to transfer such materials to qualified researchers at other institutions pursuant to Material Transfer Agreements recognizing Washington University's ownership of the said materials. Any person or entity interfering with Washington University's ownership and/or possessory rights pertaining to said materials, or with Washington University's relationship with the NCI researchers or any other qualified researchers seeking access to the GU Biorepository materials, may be held in contempt of this order.

IT IS FINALLY ORDERED that nothing in this order and/or memorandum opinion, filed herein this date, shall be construed to prohibit Dr. William Catalona, from seeking access to the said biological materials stored in the GU Biorepository through the ordinary and regular administrative channels normally available to any medical researcher requesting approval of a research protocol and/or use of said materials in an approved research protocol outside of Washington University.

Dated this 31st day of March, 2006.



SENIOR UNITED STATES DISTRICT JUDGE