

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-1838

State of Minnesota, by Burlington
Northern Railroad Company, a
Delaware corporation; Burlington
Northern Railroad Company, a
Delaware corporation,

Appellees,

v.

Big Stone-Grant Industrial
Development and Transportation,
L.L.C., a South Dakota limited
liability corporation,

Appellant.

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Appeal from the United
States District Court for
the District of Minnesota.

[UNPUBLISHED]

Submitted: November 20, 1997
Filed: December 5, 1997

Before BOWMAN and MURPHY, Circuit Judges, and CONMY,¹ District Judge.

PER CURIAM.

¹The Honorable Patrick A. Conmy, United States District Judge for the District of North Dakota, sitting by designation.

The District Court² entered summary judgment for Burlington Northern Railroad Company in its action seeking a declaration that the plans of Big Stone-Grant Industrial Development and Transportation, L.L.C. to construct a rail line connecting its industrial park with Burlington Northern's track near Ortonville, Minnesota would tortiously interfere with contracts between Burlington Northern and Twin Cities Western Railroad Company. Big Stone appeals.

Having reviewed the case, we conclude that the District Court's interpretation of the contractual provisions at issue was correct, that the court properly applied the governing Minnesota law with respect to tortious interference, and that the court thus did not err in finding that Burlington Northern should have judgment as a matter of law. Because no error of law appears and an opinion by this Court would add nothing of precedential value to the well-reasoned memorandum opinion and order of the District Court, we forego further discussion.

The judgment is affirmed. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

²The Honorable Michael James Davis, United States District Judge for the District of Minnesota.