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Husch Blackwell Secures Victory for Ryan Foundation before Nebraska Supreme Court

CLIENT SCORES A COMPLETE VICTORY IN ONE OF THE LARGEST SHAREHOLDER VALUATION DISPUTES IN NEBRASKA HISTORY

Husch Blackwell prevailed for The Ryan Foundation when the Nebraska Supreme Court affirmed a trial court’s 2019 decision in a closely-watched stock valuation dispute. The decision assigned a value of \$893 million to Streck, Inc.—over \$300 million more than the Board of Directors’ competing valuation—and affirmed the additional award of over \$250 million in interest. Founded by Dr. Wayne L. Ryan, Streck is a worldwide leader in developing and manufacturing quality control and diagnostic products for use in the research and clinical settings.

The lawsuit was occasioned by Streck’s Board of Directors’ decision to purchase Dr. Ryan’s shares in January 2015. After the death of Dr. Ryan’s wife in 2013, Dr. Ryan lost voting control of the company to his daughter, who assumed the CEO and Chairman of the Board roles based on her own recommendation to the Board. After a failed sales process that intentionally excluded Dr. Ryan, Dr. Ryan and his Trust filed suit alleging acts of oppression under Nebraska law and breach of fiduciary duty.

In affirming the earlier trial court decision, the Nebraska Supreme Court brought to a close more than six years of litigation. On the central issue of valuation, the Court held that “[u]pon de novo review, giving weight to the trial court’s judgment as to credibility, we find that the record supports the district court’s findings regarding valuation.” Similarly, the Court found that all other

aspects of Streck's appeal were without merit, providing The Ryan Foundation a complete victory.

"This case was always about Dr. Ryan's building Streck and recognizing that value," said Husch Blackwell partner Marnie Jensen. "He deserved to be fairly compensated for his shares. The litigation was an unfortunate necessity in making sure that Dr. and Mrs. Ryan's desire to help those in need is fully honored, and this Opinion helps fulfill their vision."

Upon Dr. Ryan's death in November 2017, his Trust provided that 100 percent of its ownership in Streck was to be conveyed to the Ryan Foundation, which is Dr. Ryan and his late wife's legacy. The resources resulting from this legacy are meant for the benefit of the State of Nebraska and other charitable causes. Dr. Ryan's innovations in laboratory science have benefitted millions of people around the world by making laboratory testing more accurate and cost effective, allowing healthcare providers to more accurately diagnose disease.