

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CINDY AVILA, et al.,)	CASE NO. 4:04-CV-3384
)	
Plaintiffs,)	
)	
vs.)	JUDGMENT
)	
CNH AMERICA, LLC, et al.,)	
)	
Defendants.)	

Pursuant to the parties’ joint stipulation for judgments of dismissal with prejudice (filing No. 554), and with the Court finding that there is no just reason for delay,

IT IS ORDERED that final judgment is entered pursuant to Federal Rules of Civil Procedure 41(a) and 54(b) dismissing with prejudice all claims asserted against all Defendants by the following Plaintiffs in the above-captioned case, with the parties bearing their own costs and attorneys’ fees:

1. Charmaine Arp, Individually and as Personal Representative of the Estate of Daniel Arp, Deceased
2. Marlene Beason, Individually and as Next Friend of C.R.B., a minor¹
3. Rocke Beason
4. David R. Bergholz, as Personal Representative of the Estate of Raymond L. Bergholz, Deceased
5. Rose Bergholz
6. Lorinda Krance, Individually and as Next Friend of C.T.B., K.J.B., and K.K.B., minors²

¹ C.R.B. is Cody R. Beason, who was a minor when the Fifth Amended Complaint was filed, but who is now age 22 or older.

7. Thomas Brown
8. Carol Marie Castleberry, Individually and as Next Friend of C.J.C. and K.M.C., minors³
9. Suzanne Dowd, as Personal Representative of the Estate of Mary Jo Dowd, Deceased
10. Jeanette Edghill
11. Warren Edghill
12. Frank Elliott⁴
13. Virginia Elliott
14. Robert Eversoll⁵
15. Denny Fitzgerald
16. Denny Fitzgerald, as Trustee of the Denny R. Fitzgerald and Annetta M. Fitzgerald Revocable Trust Dated June 1, 2000
17. Julia Foote
18. Joanie Guerrero, Individually and as Next Friend of B.C.G., B.C.G., and J.M.G., minors⁶
19. Robert Guerrero
20. Carol Heying, Individually and as Personal Representative of the Estate of Eugene Heying, Deceased
21. Donald Jenkins
22. Donald Jenkins, as Next Friend of D.A.J., minor⁷

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² K.J.B. is Karley J. Brown, who was a minor when the Fifth Amended Complaint was filed, but who is now age 20 or older. C.T.B. and K.K.B. are still minors.

³ C.J.C. is Cody J. Castleberry, who was a minor when the Fifth Amended Complaint was filed, but who is now age 19 or older. K.M.C. is Kelsey M. Castleberry, who was a minor when the Fifth Amended Complaint was filed, but who is now age 22 or older.

⁴ Frank Elliott is now deceased. Virginia Elliott is a legal representative authorized to act on his behalf.

⁵ Robert Eversoll is now deceased. Judith A. Eversoll is a legal representative authorized to act on his behalf.

⁶ J.M.G. is Jordan M. Guerrero, who was a minor when the Fifth Amended Complaint was filed, but who is now age 19 or older. B.C.G. and B.C.G. are still minors.

23. Donnette Jenkins
24. Michelle Kohlhof, Individually and as Next Friend of K.M.K., a minor⁸
25. Sandra Lawrey
26. William Lawrey
27. Robert E. Lee
28. Byron M. Levinson
29. Anthony Martinez
30. Kris Mleczko
31. Jody Roepke, Individually and as Next Friend of Z.M.N., a minor⁹
32. Keely Nelson
33. Michael Nelson
34. Patricia Ann Pirnie
35. Jason P. Ressler
36. Kerry Ressler-Martinez
37. Ted Rookstool
38. Patrick Ryan
39. Barbara Schorle
40. Bruce Schorle
41. Cheri Schwieger
42. Donald A. Schwieger

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⁷ D.A.J. is Darren A. Jenkins, who was a minor when the Fifth Amended Complaint was filed, but who is now age 21 or older.

⁸ K.M.K. is Kali M. Kohlhof, who was a minor when the Fifth Amended Complaint was filed, but who is now age 19 or older.

⁹ Z.M.N. is Zayne M. Nelson, who was a minor when the Fifth Amended Complaint was filed, but who is now age 18 and will turn age 19 in December 2014.

43. Cecil Sonnenfelt
44. Letha Sonnenfelt
45. Gordon Svoboda
46. Jerrold Tjaden
47. Linda Tjaden
48. Sherri Tolle
49. William Tolle
50. Jack Wiese
51. Jack Wiese, as Personal Representative of the Estate of Beatrice Wiese, Deceased
52. Richard E. Willis
53. Aaron Wobig, Individually and as Next Friend of C.W., a minor¹⁰

IT IS ALSO ORDERED that final judgment is entered pursuant to Federal Rules of Civil Procedure 41(a) and 54(b) dismissing with prejudice all claims asserted against all Defendants by all Plaintiffs in the above-captioned case, with the parties bearing their own costs and attorneys' fees.

November 18, 2014

BY THE COURT:

Richard G. Kopf
Senior United States District Judge

¹⁰ C.W. is Chelsey Wobig, who was a minor when the Fifth Amended Complaint was filed, but who is now age 22 or older.