

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MIKE GROENE, individually and as Chair of)
the Stop Overspending Nebraska Ballot)
Committee; ROBERT COLE ROGERS, and)
AMIE SPRADLEY,)

4:06CV3153

Plaintiffs,)

v.)

COLEEN SENG, in her official capacity as)
Mayor of the City of Lincoln, Nebraska;)
THOMAS K. CASADY, in his official capacity)
as Chief of Police for the City of Lincoln,)
Nebraska; MIKE FAHEY, in his official)
capacity as Mayor of the City of Omaha,)
Nebraska; THOMAS H. WARREN, in his)
official capacity as Chief of Police for the City)
of Omaha, Nebraska; JULY M. HANEY, in her)
official capacity as Treasurer, Douglas County,)
Nebraska; RIVKAH SASS, in her official)
capacity as Library Director for the City of)
Omaha, Nebraska; STACEY ALDRICH, in her)
official capacity as Assistant Library Director)
for the City of Omaha, Nebraska; JAY)
VAVRICEK, in his official capacity as Mayor)
of the City of Grand Island, Nebraska; STEVE)
LAMKEN, in his official capacity as Chief of)
Police for the City of Grand Island, Nebraska;)
and STEVE FOSSELMAN, as Library Director)
for the City of Grand Island, Nebraska,)

**MEMORANDUM
AND ORDER**

Defendants.)

After a telephone conference with counsel for the parties, and counsel for the
petitioning amicus curiae,

IT IS ORDERED that:

1. A hearing on the plaintiffs' motion for a temporary restraining order (filing 4) will be held on Thursday, June 29, 2006 between 1:30 PM and 5:00 PM in Courtroom Number 1 in Lincoln, Nebraska. Evidence will be limited to, and presented by, affidavits unless good cause is shown why evidence cannot reasonably be presented by affidavit. All affidavits and briefs should be filed with the court no later than 8:00 AM on Thursday, June 29, 2006. The court will try to issue a ruling from the bench immediately following the hearing.

2. The motion of the League of Nebraska Municipalities (League) for leave to appear as an amicus curiae (filing 7) is granted, but only to the extent that the League may submit briefs and oral argument. The League will not be considered a party and will not be allowed to present evidence or examine witnesses. The motion is also granted with the reservation that the court may impose such restrictions on the League's subsequent participation in this case as the court may deem proper in its sole discretion. The motion is otherwise denied.

June 28, 2006.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge