

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARY and JOSUE ANAYA,)
individually and as next friends of)
JOEL EZEKIEL ANAYA,)
)
Plaintiffs,)

4:07CV3254

v.)

CHRISTINE PETERSON, in her)
individual and official capacity as)
Director of the Department of Health)
and Human Services, JULIE)
MILLER, in her individual and)
official capacity as Coordinator of the)
Nebraska Department of Health and)
Human Services Newborn Screening)
Program, KRYSTAL BAUMERT, in)
her individual and official capacity as)
Follow-Up Coordinator, Newborn)
Screening Program, DON KLEINE,)
in his individual and official capacity)
as Douglas County Attorney, and)
NICOLE GOALEY, in her individual)
and official capacity as an Assistant)
Douglas County Attorney,)
)

ORDER

Defendants.

IT IS ORDERED:

1. [Filing 55](#), the parties' joint stipulation to dismiss the plaintiffs' action, with prejudice, as against three of the defendants, Christine Peterson, Krystal Baumer, and Julie Miller, is granted. There being no just

reason for delay, a final judgment shall be entered pursuant to Federal Rule of Civil Procedure 54(b) by separate document.

2. [Filing 47](#), the motion for summary judgment filed by the defendants Christine Peterson, Krystal Baumer, and Julie Miller is denied without prejudice, as moot.
3. [Filing 60](#), the remaining defendants' motion to strike the plaintiffs' cross-motion for summary judgment ([filing 56](#)), index of evidence ([filing 57](#)), and brief ([filing 58](#)), and to stay proceedings, is denied.
4. The defendants shall have until November 4, 2008, to respond to the plaintiffs' cross-motion for summary judgment.

DATED this 15th day of October, 2008.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge