

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,)

v.)

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,)

Defendants.)

4:07CV3254

MEMORANDUM
AND ORDER

The Nebraska Supreme Court recently decided [In re Anaya 276 Neb. 825, --- N.W.2d ---, 2008 WL 5101453 \(Neb., December 05, 2008\)](#) (*Anaya II*). That decision is relevant to the remaining claims for injunctive and declaratory relief in this case. Those claims are asserted against Mr. Kleine and Ms. Goaley, Douglas County, Nebraska attorneys.

For example, a good argument can be made that no equitable relief is necessary or proper given the decision in *Anaya II*. I will give the parties an opportunity to submit additional briefs regarding their motions for summary judgment. Accordingly,

IT IS ORDERED that:

1. The parties are given until December 29, 2008 to submit initial briefs regarding the relevance of *Anaya II* to the question of injunctive and declaratory relief in this case.
2. The parties are given until January 12, 2009 to submit reply briefs.

3. This matter will be deemed submitted on January 13, 2009, and my chambers shall call this matter to my attention at that time.

December 8, 2008.

BY THE COURT:

S/Richard G. Kopf
United States District Judge