

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JACK E. MACGREGOR, )
Plaintiff, )
v. )
MICHELE HILLMAN, et al., )
Defendants. )
4:07CV3263
MEMORANDUM AND ORDER

This matter is before the court on its own motion. On April 13, 2009, Defendants filed a Suggestion of Death, stating that Plaintiff "died on Thursday, February 28, 2009." (Filing No. 55.) In accordance with the court's previous Memorandum and Order, Plaintiff's survivors shall have 90 days, or until July 13, 2009, in which to submit an appropriate motion for substitution. If no motion is filed, this matter will be dismissed. Kaubisch v. Weber, 408 F.3d 540, 542 (8th Cir. 2005).

IT IS THEREFORE ORDERED that:

- 1. Plaintiff's survivors shall have 90 days, or until July 13, 2009, in which to submit an appropriate motion for substitution. If no motion is filed, this matter will be dismissed.
2. The Final Pretrial Conference scheduled for May 20, 2009 is cancelled. The Clerk of the court shall send a copy of this Memorandum and Order to Magistrate Judge Piester.

April 28, 2009.

BY THE COURT:

s/Richard G. Kopf
United States District Judge