

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

J. CHRISTOPHER THOMAS,)
Individually and as Trustee of U/A/W J.)
Christopher, Settlor,)
)
Plaintiff,)

4:09CV3143

v.)

MEMORANDUM AND ORDER

VISTA A&S 2006-1 LLC, a Nebraska)
limited liability company, et. al.,)
)
Defendants.)

L. RICHARD PLUNKETT, et. al.,)
)
Plaintiffs,)

4:10CV3184

v.)

VISTA RESOURCES, INC., et. al.,)
)
Defendants.)

IT IS ORDERED:

1) John M. Capito, Jr.'s unopposed motion to amend his counterclaim against Third-Party Plaintiffs, Vista A&S 2006-1 LLC, Vista Oil & Gas, Inc., David M. Nicklas and Clark R. Nicklas, as counterclaim defendants, and to join Vista Resources, Inc. as an additional counterclaim defendant, (4:09-cv-03143, filing no. 113; 4:10-cv-03184, filing no. 66), is granted.

2) On or before December 28, 2010, John M. Capito, Jr. shall file his Amended Counterclaim and Complaint, a copy of which is attached to his motion, and shall serve it on the Third Party Plaintiffs and Vista Resources, Inc.

3) The Clerk shall file this order in both the above-captioned cases.

December 22, 2010.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge