

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GRAND ELECTRIC, LLC,)
)
Plaintiff,)
)
v.)
)
INTERNATIONAL BROTHERHOOD OF)
ELECTRICAL WORKERS LOCAL 265,)
et. al.,)
)
Defendants.)

4:09CV3160

MEMORANDUM AND ORDER

IT IS ORDERED:

- 1) The parties’ joint stipulation, (filing no. 133), is granted, and
 - a. The plaintiff’s amended complaint, drafted in accordance with the parties’ stipulation to add a claim of restitution against the Defendant Funds and Defendant Trustees, shall be filed on or before December 10, 2010. The answers of the Defendant Funds and Defendant Trustees shall be filed on or before 14 days following the filing of plaintiff’s amended complaint.
 - b. Plaintiff’s amended answer to the counterclaim of the Vacation Fund, JATC, NEBF and the Trustees of the Vacation Fund, JATC and NEBF (filing no. 61), drafted in accordance with the parties’ stipulation to add the affirmative defense of offset based on the payment of overpaid contributions as a result of a mistake of law and/or fact, shall be filed on or before December 10, 2010.
 - c. Plaintiff’s amended answer to the amended counterclaim of the Dakotas Funds and Dakota's Trustees (filing no. 77), drafted in accordance with the parties’ stipulation to add the affirmative defense of offset based on the payment of overpaid contributions as a result of a mistake of law and/or fact, shall be filed on or before December 10, 2010.
- 2) The plaintiff’s motion for leave to amend the complaint, (filing no. 120), is denied as moot.

November 24, 2010.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge