

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**PROGRESSIVE BUYERS & SELLERS,  
LLC, etc., et al.,** )  
)  
)  
**Plaintiffs,** )  
)  
**vs.** )  
)  
**COLDWELL BANKER TOWN AND  
COUNTRY REALTY OF KEARNEY,  
LLC, etc., et al.,** )  
)  
**Defendants.** )

**CASE NO. 4:09CV3232**

**ORDER**

This matter is before the Court on Plaintiffs' Motion to Dismiss (Filing No. 75) as to Defendant Nebraska Real Estate Commission. Under Federal Rule of Civil Procedure 41(a)(2) the Court finds the motion should be granted and the claims against Defendant Nebraska Real Estate Commission should be dismissed with prejudice. Further, each party will bear its own costs and attorney fees.

Accordingly,

IT IS ORDERED:

1. Plaintiffs' Motion to Dismiss (Filing No. 75) is granted;
2. Plaintiffs' claims against Defendant Nebraska Real Estate Commission are dismissed with prejudice;
3. Defendant Nebraska Real Estate Commission's Motion to Dismiss (Filing No. 54) is denied as moot;
4. Each party will bear its own costs and attorney fees; and
5. The Clerk is directed to terminate the Defendant Nebraska Real Estate Commission as a party in this case.

DATED this 19<sup>th</sup> day of February, 2010.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge