

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOAN O'MEARA, et al.,

Plaintiffs,

v.

DAVE HEINEMAN, et al.

Defendants.

8:09CV157

ORDER

CLAUDIE SIRES, Personal Representative
of the Estate of Claudia Wright,

Plaintiff,

v.

DAVE HEINEMAN, et al.,

Defendants.

4:10CV3020

GARRY WHEELER, Personal
Representative of the Estate of Sara
Schnell,

Plaintiff,

v.

DAVE HEINEMAN, et al.

Defendants.

4:10CV3021

Ann Hyde, Kathleen Seiler and Judith Botts, Plaintiffs in Case No. 8:09CV157, have filed a motion requesting that the court enter an order dismissing these Plaintiffs' claims against Defendant Clare E. Mahon without prejudice. ([Filing 41](#) in Case No. 8:09CV157, [Filing 11](#) in Case No. 8:10CV3020 and [Filing 11](#) in Case No. 8:10CV3021.) The court has reviewed the motion and notes that Defendants have consented to the entry of an order sustaining the motion.

Accordingly,

IT IS ORDERED:

1. The motion to dismiss ([filing 41](#) in Case No. 8:09CV157, [filing 11](#) in Case No. 8:10CV3020 and [filing 11](#) in Case No. 8:10CV3021) is granted;
2. The claims against Defendant Clare E. Mahon brought by Plaintiffs O'Meara, Gerdes, Thurmond, Hyde, Seiler and Botts are hereby dismissed without prejudice or limitations to these Plaintiffs' claims against the remaining Defendants and are dismissed without prejudice to re-filing against Mahon;
3. Plaintiffs O'Meara, Gerdes, Thurmond, Hyde, Seiler and Botts' claims against the other Defendants remain pending;
4. The Clerk of the United States District Court for the District of Nebraska shall adjust the court's computerized record-keeping system to reflect the dismissal of Clare E. Mahon.

Dated: March 30, 2010.

BY THE COURT:

Richard G. Koff

United States District Judge