

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LESLIE RAE YOUNG,)	
)	
Plaintiff,)	4:10CV3147
)	
v.)	
)	
DAVE HEINEMAN, Governor of the)	ORDER
State of Nebraska, in his official)	
capacity, JON BRUNING, Attorney)	
General of Nebraska, in his official)	
capacity, JOHN A. GALE, Secretary of)	
State & Chairperson of the Nebraska)	
Real Estate Commission, in their official)	
capacities, and GREG LEMON, Director)	
of the Nebraska Real Estate)	
Commission, in their official capacities,)	
)	
Defendants.)	
_____)	

This matter is before the court on the defendants’ motion for leave to file a second supplemental evidence index, Filing No. 46. The supplemental evidence at issue is an administrative decision from an Alaskan agency. See Filing No. 46, Ex. 1. The plaintiff opposes the motion, contending that the administrative decision is not a final decision and is not relevant. See Filing No. 47. The plaintiff further argues that if the defendant’s supplemental evidence is allowed, she should be permitted to submit countervailing evidence, to wit: the appeal of the administrative decision, was well as the statutes to which the decision relates. See Filing No. 48, Index of Evid.

The court finds the defendants' motion should be granted. In the interest of completeness, the plaintiff's submissions will be allowed as well. The evidence will be considered by the court only to the extent that it is relevant. Accordingly,

IT IS ORDERED:

1. The defendants' motion for leave to file a second supplemental evidence index (Filing No. 46) is granted and the supplemental evidence is deemed submitted instanter.
2. The plaintiff's request in her responsive pleading to submit the additional evidence in her Index of Evidence (Filing No. 48) is granted and the additional evidence is deemed submitted instanter.

DATED this 9th day of September, 2010.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge