

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DEVELOPERS SURETY AND)
INDEMNITY COMPANY, An Iowa)
Corporation,)

Plaintiff,)

v.)

HAES CONTRACTING, INC., A)
Nebraska Corporation, SCOTT)
HAES, an individual, and MARCIE)
HAES, an individual,)

Defendants.)

4:14CV3135

**MEMORANDUM
AND ORDER**

Plaintiff has filed a motion for summary judgment (Filing [36](#)) in which it “is only seeking a determination of liability.” (Filing [37](#), Pls.’ Br. Supp. Mot. Summ. J. at CM/ECF p. 10 n.1.) Defendants have filed a brief in response to Plaintiff’s motion for summary judgment “consent[ing] to a judgment as to liability” and requesting that the court “grant[] the Plaintiff’s Motion for Summary Judgment, but only as to the issue of liability.” (Filing [45](#).)

Accordingly,

IT IS ORDERED:

1. Plaintiff’s motion for summary judgment (Filing [36](#)) is granted as to liability;
2. Final judgment shall be entered after resolution of the issue of damages.

DATED this 8th day of July, 2015.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge

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