

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

MICHAEL-RYAN KRUGER, Special)
Administrator of the Estate)
of Andrea Kruger,)
)
Plaintiff,)

4:14CV3139

v.)

STATE OF NEBRASKA; DEPARTMENT)
OF CORRECTIONAL SERVICES;)
ROBERT HOUSTON, Retired)
Director, Department of)
Correctional Services, in his)
official and individual)
capacities; CAMERON WHITE,)
Behavioral Health)
Administrator, Department of)
Corrections, in his official)
and individual capacities;)
CORRECT CARE SOLUTIONS; DR.)
NATALIE BAKER, in her official)
and individual capacities;)
and DR. RANDY KOHL, in his)
official and individual)
capacities,)
)
Defendants.)

ORDER

This matter is before the Court on three motions to dismiss filed by various defendants (Filing No. [16](#), Filing No. [20](#), Filing No. [22](#)) pursuant to Federal Rules of Civil Procedure 12(b)(3) and 12(b)(6). The plaintiff has filed a fourth motion (Filing No. [32](#)) for a hearing on the other three motions. During the briefing schedule of these motions, the Legislature held hearings on the facts underlying this case. Consequently, the

plaintiff moves (Filing No. [38](#)) to amend his complaint and remove various defendants. After review of the motions, briefs, indices of evidence, relevant case law, and the state of the docket, the Court will grant the plaintiff leave to amend his complaint.

There are numerous defendants in this matter and each defendant faces separate legal theories. The Court will grant the motion to amend the complaint pursuant to Federal Rule of Civil Procedure 15(a)(2) so that the plaintiff can consolidate the case with the newly discovered facts, so that dismissed defendants may be removed from briefing, and so that the remaining defendants may offer their motions without addressing the dismissed parties. The Court does not address whether the amendment is futile to save the plaintiff's case.

IT IS ORDERED:

1) Plaintiff's motion (Filing No. [38](#)) to amend his complaint is granted. Plaintiff shall file his amended complaint on or before December 15, 2014.

2) Defendants' motions to dismiss (Filing No. [16](#), Filing No. [20](#), Filing No. [22](#)) are denied as moot.

3) Plaintiff's motion for hearing (Filing No. [32](#)) is denied as moot.

DATED this 1st day of December, 2014.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court