

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DAVID BUCKLEY, on behalf of himself, )  
collectively on behalf of themselves and all )  
others similarly situated, REX WELDON, )  
collectively on behalf of themselves and all )  
others similarly situated, JILL )  
SCHUNEMAN, on behalf of herself and )  
collectively on behalf of themselves and all )  
others similarly situated, and LYLE )  
BREHM, collectively on behalf of )  
themselves and all others similarly situated, )

Plaintiffs, )

v. )

REBECCA ENGLE, BRIAN SCHUSTER, )  
ENGLE & SCHUSTER FINANCIAL, Inc., )  
AMERICAN CAPITAL Corp., ROYAL PALM )  
CAPITAL GROUP, Inc., GERALD )  
PARKER, JOHN BOYCE, GERALDINE )  
MAGALNICK, and LIANA DOBARGANES )  
HARRINGTON, )

Defendants. )

8:07CV254

ORDER

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This matter is before the court on the motion of defendant Liana Dobarganes Harrington to set aside the order substituting her for her deceased husband as defendant, Filing No. [453](#). In her pro se motion, Harrington appears to object to her substitution as defendant in her personal capacity. At a Fairness Hearing on January 20, 2011, lead plaintiffs' counsel represented to the court that lead plaintiffs intended to substitute Ms. Harrington only as a representative of her deceased husband's estate, and not personally. With that understanding, the court finds that substitution in a representative capacity is appropriate. Accordingly, the order of substitution will not be set aside, but the caption of

the case will be modified to reflect that Ms. Harrington is sued in her representative capacity, and is not personally liable.

IT IS HEREBY ORDERED:

1. Defendant Liana Dobarganes Harrington's motion to set aside the order substituting her as defendant (Filing No. [453](#)) is denied.

2. The Clerk of Court is directed to amend the caption of this case to reflect that defendant Liana Dobarganes Harrington is not sued in her personal capacity by adding "in her capacity as sole heir or putative personal representative of the estate of Patrick Harrington, deceased" following her name.

DATED this 21<sup>st</sup> day of January, 2011.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief District Judge