

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GAREY E. SEGER and TWILA SEGER,
Husband and Wife,

Plaintiffs,

v.

ERNEST-SPENCER METALS, INC.,
TANK CONNECTION, LLC,
ROUNDTABLE ENGINEERING
SOLUTIONS, LLC, KIRK WELDING
SUPPLY, INC., and BURNS &
MCDONNELL ENGINEERING
COMPANY, INC.,

Defendants.

8:08CV75

ORDER

This matter is before the court on defendant Roundtable Engineering Solutions, L.L.C.'s ("RTE") motion to withdraw (Filing No. [122](#)). In its motion to withdraw, RTE requests that the court dismiss its previously filed motion to dismiss a party (Filing No. [70](#)). In support of this motion, RTE represents to the court that RTE and the plaintiffs have reached an agreement wherein RTE agrees to waive its jurisdictional and venue defenses and file an answer to the plaintiff's amended complaint (Filing No. [49](#)).

The court has reviewed the pending motions and the record and finds there is no reason this motion should not be granted. Accordingly,

IT IS ORDERED:

1. Defendant RTE's motion to withdraw (Filing No. [122](#)) is granted in full.
2. Defendant RTE's motion to dismiss a party (Filing No. [70](#)) is denied as moot.
3. Defendant RTE is ordered to file an answer to the plaintiffs' amended complaint (Filing No. [49](#)) on or before April 16, 2009.

DATED this 25th day of March, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
Chief District Judge