

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROD MARSHALL, TRUSTEE; KIM QUICK,)
 TRUSTEE; DAVID HAYES, TRUSTEE;)
 RON FUCINARO, TRUSTEE; ROBERT)
 HAYWORTH, TRUSTEE; TIMOTHY)
 McCORMICK, TRUSTEE OF CONTRACTORS)
 LABORERS, TEAMSTERS AND)
 ENGINEERS HEALTH & WELFARE)
 PLAN; and)
 ROD MARSHALL, TRUSTEE; KIM QUICK,)
 TRUSTEE; DAVID HAYES, TRUSTEE;)
 RON FUCINARO, TRUSTEE; ROBERT)
 HAYWORTH, TRUSTEE; TIMOTHY)
 McCORMICK, TRUSTEE OF CONTRACTORS)
 LABORERS, TEAMSTERS AND)
 ENGINEERS PENSION PLAN; and)
 LABORERS' INTERNATIONAL UNION OF)
 NORTH AMERICA, LOCAL 1140,)
 Plaintiffs)
 vs.)
 THERESA BAGGETT d/b/a)
 BAGGETT MASONRY, INC.,)
 Defendant.)

CASE NO. 8:08-CV-168

ORDER

THIS matter comes before the Court on a Motion for Leave to File Responsive Brief to the Defendant’s Reply Brief (Filing No. 39) filed by the Plaintiffs, the Trustees of the Contractors, Laborers, Teamsters and Engineers Health and Welfare Plan, and the Trustees of the Contractors, Laborers, Teamsters and Engineers Pension Plan, and the Laborers’ International Union of North America, Local No. 1140 (“Plans”) (**Filing No. 42**). After reviewing the matter, the Court finds that the Motion should be granted.

The Plans are hereby granted leave to file a Responsive Brief within five (5) days from the date of this Order to file their brief.

DATED this 8th day of September 2009.

BY THE COURT:

s/ Joseph F. Bataillon

 Chief District Judge