Weitz v. Alberici Constructors Doc. 35

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Defendants.)))
V. ALBERICI CONSTRUCTORS, INC., a Missouri corporation; and TRAVELERS CASUALTY & SURETY COMPANY OF AMERICA,)) ORDER)))
Plaintiff,	8:08CV199
In well company, and limited liability company,))

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The Court held a conference in this matter on Friday,
February 13, 2009, to clarify the contents of the Court's January
16, 2009, Memorandum and Order (Filing No. 30). As communicated
to the parties during the conference, the Court did not make any
factual findings in its January 16, 2009, Memorandum and Order.
Instead, the Court only determined in the Memorandum and Order
that Counts I, III, and IV of the plaintiff's amended complaint
were sufficient to survive defendants' Rule 12(b)(6) motion to
dismiss.

DATED this 17th day of February, 2009.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge United States District Court