

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
and STATE OF NEBRASKA,)

Plaintiffs,)

v.)

PECKHAM, INC., MARK)
PECKHAM, CITY OF WEST)
POINT, NEBRASKA, The,)
WIMMER'S MEAT PRODUCTS,)
Inc., and WEST POINT DAIRY)
PRODUCTS, LLC,)

Defendants.)

8:08CV293

MEMORANDUM AND ORDER

The settlement conference previously scheduled to be held before Magistrate Judge Piester on August 17, 2009 was cancelled by court order. Filing No. [78](#). The State of Nebraska filed a motion to reset the settlement conference, (filing no. [79](#)), stating the proposed consent decree filed by the United States and awaiting public comment does not resolve this case as to all parties and claims, and explaining a settlement conference will assist the parties in resolving the entire case before unnecessary litigation costs are incurred. The parties have each advised the court that the State's motion is unopposed, and they remain willing to participate in a settlement conference on August 17 or 18, 2009.

Magistrate Judge Piester is not available to conduct the requested settlement conference. Magistrate Judge Thalken is available to conduct the settlement conference on August 18, 2009. All parties have agreed to participate in a settlement

conference held before Magistrate Judge Thalken in Omaha on August 18, 2009. Accordingly,

IT IS ORDERED:

- 1) The State of Nebraska's Motion for Settlement Conference, (filing no. [79](#)), is granted.
- 2) The court specifically refers the settlement conference in this case to Magistrate Judge Thomas D. Thalken.
- 3) The parties' settlement conference will be held before Magistrate Judge Thalken at the Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Courtroom #7, Omaha, Nebraska on August 18, 2009 beginning at 9:00 a.m.
- 4) The Clerk shall forward a copy of this memorandum and order to Judge Thalken.

DATED this 10th day of July, 2009.

BY THE COURT:

s/Richard G. Kopf
United States District Judge