

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNION PACIFIC RAILROAD COMPANY,	)	
	)	
Plaintiff,	)	8:08CV336
	)	
v.	)	<b>ORDER</b>
	)	
UNITED STATES DEPARTMENT OF	)	
HOMELAND SECURITY, et al.,	)	
	)	
Defendants.	)	
	)	
_____	)	
UNITED STATES OF AMERICA,	)	8:10CV430
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
UNION PACIFIC RAILROAD COMPANY,	)	
	)	
Defendant.	)	
	)	
_____	)	
UNITED STATES OF AMERICA,	)	8:10CV444
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
UNION PACIFIC RAILROAD COMPANY,	)	
	)	
Defendant.	)	
_____	)	

This matter is before the court on the motion of the United States Department of Homeland Security, and Secretary Janet Napolitano (hereinafter, "the Government") to alter or amend the Memorandum and Order and Permanent Injunction dated December

19, 2011 (Filing Nos. 180 & 181), under Fed. R. Civ. P. 59(e), Filing No. 182. Union Pacific Railroad Company concurs with the Government's request to modify both the Memorandum and Order (Filing No. 180) and the Permanent Injunction (Filing No. 181) to reflect that only the monetary penalties are at issue. See Filing No. 190, Response at 3. Further, the parties agree to certain modifications to the court's citations to the record. See Filing No. 190, Response at 4-6, Appendix A; Filing No. 191, Reply at 2. The Government further requests that access to the court's orders be restricted in accordance with the Protective Order. See Filing No. 116. Accordingly,

IT IS HEREBY ORDERED:

1. Defendants' motion to alter or amend (Filing No. 182) is granted.
2. The Memorandum and Order (Filing No. 180) and the Permanent Injunction (Filing No. 181) are hereby vacated and withdrawn.
3. An Amended Memorandum and Order and Amended Permanent Injunction will issue this date.
4. The Clerk of Court is directed to file those orders with restricted access pursuant to the protective order (Filing No. 116).

DATED this 14<sup>th</sup> day of March, 2012.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Court Judge