

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

KELLE LAMBERT, et al.,)
)
Plaintiffs,)
)
vs.)
)
UNITED STATES OF AMERICA, et al.,)
)
Defendants.)

8:08CV398

ORDER

This is a wrongful death action brought pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2401(b) (FTCA). Under the FTCA, the district court has jurisdiction over claims against the United States for money damages "for personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment." Actions of this nature must be tried by the court without a jury. *See* 28 U.S.C. § 2402.

For this reason,

IT IS ORDERED that defendant's Motion to Strike Jury Demand [47] is granted, and this case will be tried to the court without a jury.

DATED January 16, 2009.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**