

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

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ERVIN & SMITH ADVERTISING AND  
PUBLIC RELATIONS, INC.,

Plaintiff,

Case No. 8:08-cv-459

v.

WILLIAM ERVIN, THOMAS ERVIN,  
LYNNETTE ROXBURGH, DAVID  
ZEMUNSKI, and BTM, INC., d/b/a ERVIN  
GROUP,

Defendants.

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**ORDER**

This matter is before the Court on the motion of Ervin & Smith Advertising & Public Relations, Inc. for leave to file an amended complaint (Doc. 39). Pursuant to Fed. R. Civ. P. 15(a), and upon the representation that the defendants do not object,

**IT IS ORDERED** that the motion (Doc. 39) is granted. Plaintiff shall file and serve the amended pleading no later than **March 5, 2009**. Opposing parties shall respond within the time allowed by Fed. R. Civ. P. 15.

**DATED February 25, 2009.**

**BY THE COURT:**

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