

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

**PETER KIEWIT SONS' INC. and
KIEWIT CORPORATION,**

Plaintiffs,

v.

ATSER, LP,

Defendant.

CASE NO. 8:08CV541

ORDER

This matter is before the Court on its own motion, the Court having been advised of the discussion between counsel for the parties occurring in the presence of Magistrate Judge Thomas D. Thalken on March 5, 2009, regarding interim payment requests by ATSER for the transfer of Licensed Software and accumulated historical data to Kiewit's server, and the parties' willingness to have Judge Thalken determine the reasonableness of the requests and rule on Kiewit's objections.

IT IS ORDERED that Paragraph 11 of the Court's Order of January 12, 2009 (Filing No. 31), is modified and Judge Thalken is authorized to receive evidence, hear argument, and issue Orders¹ determining the reasonableness of ATSER's interim payment requests for the transfer of the Licensed Software and historical data to Kiewit's server, as well as the merits of Kiewit's objections filed in response to those payment requests.

DATED this 6th day of March, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

¹Any opposition to the Magistrate Judge's Orders will be in the form of an appeal filed in compliance with NECivR 72.2