

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOAN O'MEARA, guardian for )  
CYNTHIA SUSAN O'MEARA, a )  
protected person, et. al., )

8:09CV0157

Plaintiffs, )

v. )

MEMORANDUM AND ORDER

DAVE HEINEMAN, Governor, State )  
of Nebraska, et. al, )

Defendants. )

The defendants have filed a motion to dismiss. In response, the plaintiffs filed a motion for leave to file an amended complaint, (filing no. [17](#)), stating the proposed amended complaint will clarify and correct the plaintiffs' original complaint, and will render the defendants' pending motion to dismiss moot. The defendants do not oppose the plaintiffs' motion to amend. Accordingly,

IT IS ORDERED:

- 1) The plaintiffs' motion to amend, (filing no. [17](#)), is granted.
- 2) The plaintiffs' amended complaint, a copy of which is attached to their motion, shall be filed on or before July 27, 2009.
- 3) The defendants' motion to dismiss, (filing no. [15](#)), is denied as moot.

DATED this 20<sup>th</sup> day of July, 2009.

BY THE COURT:

*Richard G. Kopf*

United States District Judge