

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

<b>TOBIAS COSGROVE,</b>	)	<b>CASE NO. 8:09CV214</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>ORDER</b>
	)	
<b>GREAT WEST CASUALTY COMPANY,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the Court on the Defendant’s Motion to Dismiss (Filing No. 2) and the Plaintiff’s Motion for Leave to File an Amended Complaint (Filing No. 13). In response to the Plaintiff’s Motion for Leave to File an Amended Complaint (Filing No. 13), the Defendant states that it has no objections. (See Filing No. 14). The Court, therefore, finds that the Plaintiff’s Motion should be granted, and the Plaintiff should be allowed to file his Amended Complaint. The Court will deny the Defendant’s Motion to Dismiss (Filing No. 2) as moot, without prejudice, and subject to re-assertion. The Court now orders the Defendant to respond to the Plaintiff’s Amended Complaint.

**IT IS ORDERED:**

1. The Plaintiff’s Motion for Leave to File an Amended Complaint (Filing No. 13) is granted;
2. The Plaintiff immediately will file, in a separate docket entry, the Amended Complaint that now appears at Filing No. 13-1;
3. The Defendant’s Motion to Dismiss (Filing No. 2) is denied as moot, without prejudice, and subject to re-assertion; and
4. The Defendant is ordered to respond to the Plaintiff’s Amended Complaint within the time allowed in Fed. R. Civ. Pro. 15(a).

DATED this 10<sup>th</sup> day of August, 2009.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge