

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHN DOE and JANE DOE 1 through 20,)
JOHN DOE and JANE DOE A through K,)
DOE 12 on behalf of DOES H and K, minors,)
and DOE G on behalf of DOE 1, minor,)

8:09CV456

Plaintiffs,)

**MEMORANDUM
AND ORDER**

V.)

STATE OF NEBRASKA, et al.,)
Defendants.)

JOHN DOE,)
Plaintiff,)

4:09CV3258

V.)

ATTORNEY GENERAL JON BRUNING,)
et al.,)
Defendants.)

**MEMORANDUM
AND ORDER**

JOHN DOE,)
Plaintiff,)

4:09CV3266

V.)

NEBRASKA STATE PATROL, et al.,)
Defendants.)

**MEMORANDUM
AND ORDER**

I do *not* consider the following to be “unauthorized ex parte communication” within the meaning of Canon 3A(4) of the *Code of Conduct for United States Judges* (effective July 1, 2009). However, out of an abundance of caution, and pursuant to Canon 3A(4) of the Code, I advise the parties that:

1. Judge David Arterburn of the Sarpy County District Court, who has a case filed by Mr. Dornan that is similar to these cases, called me on Monday, January 4, 2010, in the late afternoon. As I was in trial, he left a message for me return the call, and I did so at about 5:00 p.m. The judge advised me that he granted a stay of proceedings in his case and he had dissolved the temporary restraining order. He said he would fax a copy of his decision to me and he did. I thanked the judge for his call.
2. Judge Steve Burns of the Lancaster County District Court, who has a case filed by Mr. Beckman that is similar to these cases, called me on Tuesday, January 5, 2010, at about 8:00 a.m. He advised me that his case appeared to be somewhat different as a matter of fact in that the offenders in his case were apparently not obligated to register at the time the new law became effective. As a consequence, he was considering whether to grant a hearing on Mr. Beckman's request for preliminary relief. I briefly reviewed the complaints in these cases with Judge Burns and I thanked the judge for his call.
3. No substantive legal discussions were held between the aforementioned judges and me. I would characterize the calls from these judges as courtesy calls.

IT IS ORDERED that the Clerk shall provide counsel in all three of these cases with a copy of this memorandum and order.

DATED January 5, 2010.

BY THE COURT:

Richard G. Kopf
United States District Judge