

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PROFESSIONAL FIREFIGHTERS)	
ASSOCIATION OF OMAHA, LOCAL)	
385, et al.,)	8:10CV198
)	
Plaintiffs,)	
)	
RICK BERGHOLZ, et al.,)	ORDER
)	
Intervenor Plaintiffs,)	
)	
v.)	
)	
CITY OF OMAHA, et al.,)	
)	
Defendants.)	
)	

This matter is before the court on the defendant City of Omaha’s motion in limine, Filing No. [99](#), to prohibit the intervenors and their counsel from participating in the trial in this case. The City of Omaha contends that the interests of the intervenors are fully represented by class representation. The intervenors disagree, arguing that they have distinct and separate legal and factual issues from the class. This court has previously held that the intervenors are allowed to participate at trial. Filing No. [56](#); Filing No. [66](#). at 5. Accordingly, the court is going to deny the motion in limine. However, the court will not permit the intervenors to duplicate any testimony, exhibits or evidence. The intervenors are only permitted to participate to the extent they have substantially different legal or factual issues that are not represented by the class.

THEREFORE IT IS ORDERED that the City of Omaha's motion in limine, Filing No. [99](#), is denied as set forth herein.

DATED this 25th day of August, 2010.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge

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