

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.	)	
	)	

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This matter is before the court following a hearing regarding settlement and class notification conducted on August 30, 2010. Filing No. 118. Prior to hearing, the intervenors assert they are entitled to a default judgment against the defendants for failure to answer the complaint of the intervenors. Because the intervenors did not separately file their complaint, the defendants argued they need not respond to it. To clarify the record, the court deemed the intervenors' complaint (Filing No. [44](#)) filed instanter effective August 30, 2010 as it pertains to the intervenors, and gave the defendants 21 days therefrom to respond.

Further, counsel for the intervenors sent the court an email addressing his concerns with the class notice that has been ordered by this court. Filing No. [120](#). Intervenors have now objected to a number of the provisions set forth in the proposed class notice. Filing No. [121](#). Accordingly, the court will order the parties to meet and confer and notify the court by Friday, September 3, 2010, as to whether the parties can agree on a new class

notice. If the parties cannot do so, the court will schedule a phone conference to consult with the parties. However, the court is very hopeful that the parties can resolve the issue of notice without court intervention.

THEREFORE, IT IS ORDERED that:

1. The intervenors' complaint, attached to Filing No. [44](#), is deemed filed on August 30, 2010;

2. The defendants shall have 21 days therefrom to file a responsive pleading to the intervenors' complaint; and

3. The parties are ordered to confer and attempt to resolve the issues surrounding the notice to class members as objected to in Filing No. [121](#). The parties shall notify the court on or before September 3, 2010, as to the resolution of the class notice.

DATED this 1<sup>st</sup> day of September, 2010.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge

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