

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PROFESSIONAL FIREFIGHTERS)
ASSOCIATION OF OMAHA, LOCAL)
385, et al.,)
))
Plaintiffs,)
))
v.)
))
CITY OF OMAHA, et al.,)
))
Defendants.)
_____)

8:10CV198

MEMORANDUM AND ORDER

Pursuant to the Stipulation of the parties (Filing No. 48), regarding the Motion to Intervene (Filing No. 44) filed by Michael Weinberg, and in an effort to resolve any issues surrounding his intention to seek intervention on behalf of Rick Bergholz, Mark Allen Lloyd, Stephen Bosilivac, Stephen B. Tyler and Dale A. Gruber, the court finds as follows:

IT IS ORDERED:

1. That the Motion to Intervene (Filing No. 44) is granted. Maynard H. Weinberg is allowed to intervene and participate as representative of the interested individuals Rick Bergholz, Mark Allen Lloyd, Stephen Bosilivac, Stephen B. Tyler and Dale A. Gruber, and to participate in discovery to the extent of the representation of these individuals.

2. That Maynard H. Weinberg is not acting as class representative of any other plaintiff group.

3. That Maynard H. Weinberg has no objection to plaintiffs' current counsels representing (a) plaintiff unions along with the active members entitled to rights under the current collective bargaining agreements and the Commission of Industrial Relations rulings

subject to this court's ruling upon defendants' Motion to Dismiss, or, (b) the retirees who are allowed into the class action as a class and do not elect out of the class with the exception of the five (5) individual retirees listed above.

DATED this 28th day of June, 2010.

BY THE COURT:

s/ Joseph F. Bataillon
Chief District Judge