

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

ProBLAC, an organization, et. al

Plaintiffs,

vs.

CITY OF OMAHA, a Municipal
Corporation; and TODD SCHMADERER
and MARK MATUZA, in their Individual
and Official Capacities;

Defendants.

CASE NO 8:20-CV-400

**ORDER APPROVING AND
ADOPTING SETTLEMENT
AGREEMENT**

This case comes before the Court on the Unopposed Motion of Plaintiffs to Approve and Adopt Settlement Agreement (Filing 46). Plaintiffs appear through counsel Adam J. Sipple, ACLU of Nebraska and Daniel Friedman, Friedman Law Offices. Defendants are represented by Michelle Peters and Ryan Wiesen, Omaha City Attorney's Office. The Court is advised Defendants do not oppose the motion and, after reviewing the pleadings and the Settlement Agreement, the Court finds the Agreement is fair, reasonable and adequate.

Accordingly, in accordance with the Agreement, the Court finds and Orders as follows:

1. The Settlement Agreement (Filing 46-1), incorporated herein by reference, is hereby approved and accepted by the Court. The agreement may be enforced in accordance with federal law by either party. The Court shall retain jurisdiction for the purpose of enforcing the agreement upon motion of either party;

2. The claims of Plaintiffs ProBLAC, Matthews, Corbin, Augustine and Renfrow for declaratory and injunctive relief (Count I) are hereby dismissed without prejudice in accordance with this agreement;

3. The claims of Plaintiffs Matthews, Corbin, Buer, Wilson, Whatcott and Huckins for excessive force and/or unlawful arrest (Counts II and III) are hereby dismissed with prejudice;

4. The claims of all Plaintiffs for First Amendment Retaliation (Count IV) are dismissed with prejudice;

5. The agreement will remain in effect for two years from today's date or for such time as necessary to resolve any issues raised by appropriate pleading and pending at the end of the two-year period.

SO ORDERED this 8th day of January, 2021.

s/ Joseph F. Bataillon
Senior United States District Judge