

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KIRSTIE WADE, both individually and on
behalf of her minor children, ABRIANA
CHAVEZ, JAYDEN CHAVEZ and OSCAR
CHAVEZ, JR.,

Plaintiff,

v.

POTTAWATTAMIE COUNTY, a Political
Subdivision of the STATE OF IOWA,

Defendant.

8:22CV298

ORDER

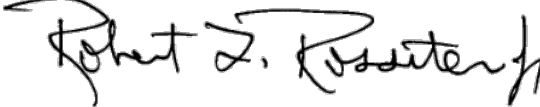
This matter is before the Court on remand from the United States Court of Appeals for the Eighth Circuit. *See Wade v. Pottawattamie County*, 100 F.4th 991, 994 (8th Cir. 2024). The Eighth Circuit ruled that this Court erred in granting defendant Pottawattamie County's Federal Rule of Civil Procedure 12(b)(2) motion to dismiss for lack of personal jurisdiction. *See Wade*, 100 F.4th at 994. The mandate issued on May 28, 2024 (Filing No. 26).

In light of the Eighth Circuit's decision, this Court will now consider Pottawattamie County's alternative motion to dismiss for failure to state a claim (Filing No. 6). *See Fed. R. Civ. P. 12(b)(6)*. Though the issues were fully briefed at the time of the Court's prior decision, the Court will provide the parties the opportunity to file simultaneous supplemental briefs to address the pending Rule 12(b)(6) motion. Any such supplemental briefing shall be filed with the Court on or before June 17, 2024.

IT IS SO ORDERED.

Dated this 4th day of June 2024.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge