

IN THE DISTRICT COURT OF JEFFERSON COUNTY, NEBRASKA

DOYLE MANNSCHRECK, et al) Case No. Ci10-8
)
Plaintiffs,) JOURNAL ENTRY
vs.)
)
TIMOTHY CLARE, et al,)
)
Defendants.)

FILED

AUG 19 2010

DATE OF HEARING: August 19, 2010

Josanna M. Wagant
CLERK DISTRICT COURT
JEFFERSON COUNTY, NE

APPEARANCES:

Mr. Kris Koback and Mr. Garrett Roe for the Plaintiffs
Mr. Alejandro Aixala and Ms. Shirley Mora-James for Amicus Curiae
Mr. George E. Martin, III and Ms. Aimee Bataillon for NSCS and Community College Defendants
Mr. David Buntain and Mr. John Wiltse for University Defendants
Mr. James Thibodeau and Mr. Robert Cannella for Metropolitan Community College
Mr. Dale Comer, Assistant Attorney General for Defendants Nebraska State Treasurer and Nebraska State Auditor.

SUBJECT: Motion to file brief of Amicus Curiae; motion to dismiss of Defendants Nebraska State Treasurer and Nebraska State Auditor; motion to dismiss of Defendant Metropolitan Community College; Motion for Judgment on the Pleadings of Nebraska State Community College System (NSCS).

PROCEEDINGS:

1. Arguments are made and the Court grants the motion to file a brief of amicus curiae. Mr. Alejandro Aixala states that the amicus curiae will not brief the motions being heard today but will present briefs with respect to plaintiff's motion for summary judgment in the event of dismissal is not granted and subsequent proceedings. Said motion is granted. (See separate order.)
2. Plaintiff has no objection to the motion to dismiss of the Nebraska State Treasurer and the Nebraska State Auditor, and said defendants are dismissed. (See separate order.)
3. Evidence is received and arguments are made with respect to the motions to dismiss and the motion for judgment on the pleadings. The University defendants join in the motion for judgment on the pleadings. A briefing schedule is set as follows:

- A. Plaintiffs have submitted a brief in opposition to the motions, and Defendants NSCS and the Community Colleges and Metropolitan Community College have submitted answering briefs.
 - B. Plaintiff is given until September 13, 2010, to submit a supplemental brief.
 - C. Defendants are given until October 4, 2010, to submit reply briefs.
 - D. Following the time for briefing, the pending motions will be under advisement.
4. In the event the motions to dismiss are overruled, the order staying discovery will be automatically lifted without further order, and the time limit for discovery will restart upon the entry of the order with the full discovery time allowed by law.
 5. The parties stipulate that additional summons are not necessary, that all defendants have been properly served and the Court has jurisdiction over all parties as shown in the caption of the case.

IT IS SO ORDERED:

BY THE COURT:



Paul W. Korslund
District Judge



pc: Kris Kobach and Garret Roe
Alejandro Aixala
Shirley Mora-James
George E. Martin, III
David Buntain
John Wiltse
James Thibodeau
Dale Comer
Robert Cannella