

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

CARSON P., by his next friend, Crystal Foreman;)
PAULETTE V., by her next friend, Sherri Wheeler;)
DANIELLE D., by her next friend, Jodell Bruns;)
CHERYL H., by her next friend, Susan Nowak; and)
JACOB P., by his next friend, Sara Jensen, on their)
own and on behalf of all others similarly situated,)

Case No. 4:05CV3241(RGK)(DLP)

Plaintiffs,)

ORDER

v.)

DAVE HEINEMAN, as Governor of the State of)
Nebraska; NANCY MONTANEZ, as Director of)
Services, Nebraska Department of Health and)
Human Services; JOANN SCHAEFER, as the)
Director of Regulation and Licensure, Nebraska)
Department of Health and Human Services;)
RICHARD NELSON, as the Director of Finance)
and Support, Nebraska Department of Health and)
Human Services; DENNIS LOOSE, as the Chief)
Deputy Director, Nebraska Department of Health)
and Human Services; and TODD RECKLING, as)
the Administrator of the Department of Health and)
Human Services' Office of Protection and Safety,)

Defendants.)
_____)

Plaintiffs have moved the Court for leave to file an Amended Class Action Complaint (Filing # 60) pursuant to Rule 15(a) of the Federal Rules of Civil Procedure and Nebraska Civil Rule 15.1. Plaintiffs seek to add two additional minor Named Plaintiffs to the five Named Plaintiffs identified in the original Class Action Complaint filed in this action on September 19, 2005 (Filing #1). To accommodate the amendment, Plaintiffs have also asked the Court to order certain discovery pertaining to the two additional Named Plaintiffs and to extend Defendants' time to oppose Plaintiffs' Class Certification Motion (Filing #11). Defendants do not oppose the motion. Good

cause having been shown, it is hereby ORDERED that:

1. Plaintiffs' Motion for Leave to Amend Class Action Complaint is hereby GRANTED;
2. Plaintiffs are directed to file their Amended Class Action Complaint with the Clerk of the Court;
3. To the extent not already accomplished, Plaintiffs are directed to furnish Defendants with the true names of the two additional Named Plaintiffs identified in the Amended Class Action Complaint within (1) day of the entry of this Order;
4. Defendants are directed to produce to Plaintiffs the complete case files of the two additional Named Plaintiffs on or before February 14, 2006;
5. The parties are directed to supplement their Fed. R. Civ. P. 26 (a) (1) disclosures so as to add information related to the two children on or before February 21, 2006;
6. Plaintiffs are directed to supplement their Answers and Responses to Defendants' Interrogatories and Requests for Production of Documents providing information and documentation relevant to the additional Named Plaintiffs on or before February 21, 2006;
7. The depositions of the two Fed. R. Civ. P. 17 (c) "next friends" that Plaintiffs have selected to serve as the adult representatives of the two additional children shall be taken by Defendants (if desired) on or before March 1, 2006; and
8. Defendants' time to respond to Plaintiffs' Motion for Class Certification (Filings #11, 13) shall be extended from February 1, 2006 to March 10, 2006.
9. Defendants shall be required to file their motion to dismiss the Amended Class Action Complaint (as contemplated by Defendants in the parties' Rules 26 (a) (1) Report (Filing #42)) on or before March 10, 2006.

Dated this 10th day of February, 2006.

BY THE COURT

s/ *David L. Piester*

David L. Piester

United States Magistrate Judge