

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BILL M., by and through his father and)
natural guardian, William M.; JOHN DOE, by)
and through his mother and natural guardian,)
Jane Doe; HEATHER V., by and through her)
mother and guardian, Marcia V.; JANE S.;)
KEVIN V., by and through his legal guardian)
Kathy V.; JENNIFER T., by and through her)
legal guardians, Sharon and Greg T.; LESLIE)
H.; CATHERINE M.; STEPHANIE B.;)
CONRAD J., by and through his legal)
guardian, C.W. J.; CHRISTOPHER H., by)
and through his legal guardian, Sue H.;)
MICHAEL R., by and through his legal)
guardian, Susan R.; and on behalf of)
themselves and all other persons similarly)
situated,)

Case No. 4:03CV3189

Plaintiffs,)

**MEMORANDUM
AND ORDER**

vs.)

NEBRASKA DEPARTMENT OF HEALTH)
AND HUMAN SERVICES FINANCE AND)
SUPPORT, NEBRASKA DEPARTMENT)
OF HEALTH AND HUMAN SERVICES,)
RICHARD NELSON, in his official capacity)
as the Director of Nebraska Department of)
Health & Human Services Finance and)
Support; and NANCY MONTANEZ, in her)
official capacity as the Director of Nebraska)
Department of Health & Human Services,)

Defendants.)

Pursuant to my earlier memorandum and order (filing 172) and the statements and representations of the parties and their counsel (filings 174 and 175) in response thereto,

IT IS ORDERED that:

1. The joint motion for settlement approval (filing 171) is granted.

2. The settlement agreement (attachment 1 to filing 171) is approved *subject to* the terms of the Court's earlier memorandum and order (filing 172).

3. The plaintiffs shall file their joint motion to dismiss with prejudice within three working days. As soon as that motion is filed, the Court will enter a judgment pursuant to Federal Rule of Civil Procedure 54(b) dismissing the entirety of this case, except for the issue of attorney fees, with prejudice.

4. At the request of the parties, the Court retains jurisdiction to rule on the anticipated motion of the plaintiffs for attorneys' fees. Plaintiffs shall have 21 days from the entry of this order to file such a motion, supporting affidavits and supporting brief. The defendants shall have 21 days thereafter to respond. Plaintiffs shall have 7 days thereafter to file a reply.

5. To the extent that the plaintiffs' response (filing 175) contains any equivocation or request for additional relief, such equivocation is rejected and any request for additional relief is denied.

6. Failure to comply in a timely manner with this memorandum and order may result in the imposition of sanctions including dismissal of the entirety of this case with prejudice.

April 21, 2008.

BY THE COURT:

s/Richard G. Kopf
United States District Judge