

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 STATE OF NEBRASKA, DAVE)
 HEINEMAN, Governor of the State of)
 Nebraska, in his official capacity only,)
 CHRISTINE PETERSON, Chief)
 Executive Officer, Nebraska Department)
 of Health and Human Services, in her)
 official capacity only, JOHN WYVILL,)
 Director, Division of Developmental)
 Disabilities, Nebraska Department of)
 Health and Human Services, in his)
 official capacity only, and RON)
 STEGEMANN, Chief Executive)
 Officer, Beatrice State Developmental)
 Center, in his official capacity only,)
)
 Defendants.)

8:08CV271

MEMORANDUM
AND ORDER

After consultation by telephone with Richard Farano, counsel for the United States, and Jodi Fenner, counsel for the defendants, and with their agreement,

IT IS ORDERED that:

1. No evidentiary hearing or other hearing is required or is necessary prior to the approval of the settlement agreement by the undersigned.
2. In accordance with Federal Rules of Civil Procedure 58 and 79, the settlement agreement, with the approval of the undersigned at page 38, shall constitute a final judgment the entry of which shall be deemed for all purposes to have occurred when the same is recorded on the Court's CM/ECF system.

Notwithstanding this provision, the undersigned retains continuing jurisdiction over this case and the parties to construe and enforce the settlement agreement.

3. For statistical purposes only, the Clerk shall close this case upon the approval of the settlement agreement by the undersigned which approval shall be manifested by his signature at page 38.
4. The Independent Expert and any other payee entitled to funds held by the Clerk must, as a prerequisite to payment, provide the Clerk with (a) a tax identification number or social security number; (b) a mailing address; (c) a telephone number; and (d) any other information reasonably requested.
5. The Clerk is ordered to place the funds deposited pursuant to the settlement agreement in an interest bearing account at a bank of the Clerk's choosing. It is understood that despite the provisions of the settlement agreement, the Clerk does not maintain a "Court Registry Investment System."
6. The Clerk is authorized to deduct from any monies deposited with the Clerk a fee of 10% of the interest earned each time funds are disbursed. At any time, the Clerk is also authorized to deduct from any monies deposited with the Clerk any fees and charges of the bank. The Clerk is directed to make these payments first and before all other payments.
7. The Clerk's office shall maintain a spreadsheet with current accounting information which shall be available to the undersigned and counsel of record upon request.

July 2, 2008.

BY THE COURT:

s/Richard G. Kopf
United States District Judge

General Information

Court	United States District Court for the District of Nebraska; United States District Court for the District of Nebraska
Nature of Suit	Civil Rights - Disabilities - Other[446]
Docket Number	8:08-cv-00271
Status	Closed