



EGBERTSON v. HALVERSON

2005 | Cited 0 times | D. Minnesota | October 24, 2005

ORDER

The above-entitled matter comes before the Court upon the Report and Recommendation dated August 31, 2005 and the Amended Report and Recommendation dated October 13, 2005 of United States Magistrate Judge Susan Richard Nelson. The parties have either not filed timely objections or have indicated that they do not object to the August 31, 2005 Report and Recommendation. Magistrate Judge Nelson's Amended Report and Recommendation extends her August 31, 2005 recommendations to motions pending in a related case removed to federal court on September 2, 2005. Magistrate Judge Nelson's Amended Report and Recommendation indicates that the applicable parties waive their right to object to the additional recommendations found in the October 13, 2005 Amended Report and Recommendation.

Based on the Report and Recommendation and Amended Report and Recommendation of Magistrate Judge Nelson, and all of the files, records and proceedings herein, IT IS HEREBY ORDERED that: 1. In *Egbertson v. Halverson, et al.*, Civ. No. 05-466: a. Defendants' Motion for Substitution (Doc. No. 2) is DENIED without prejudice; b. Defendants' Motion to Dismiss (Doc. No. 7) is DENIED without prejudice. c. Plaintiff's Motion for Review of U.S. Attorney's Certification, for Discovery, and/or for an Evidentiary Hearing, and for Remand (Doc. No. 20) is GRANTED in part and DENIED in part without prejudice as set forth herein; 2. In *Egbertson v. United States*, Civ. No. 04-5066, Defendants' Motion to Dismiss (Doc. No. 8) is DENIED without prejudice; 3. In *Wehking et. al. v. Halverson*, Civ. No. 05-863: a. Defendants' Motion for Substitution (Doc. No. 2) is DENIED without prejudice; b. Defendants' Motion to Dismiss (Doc. No. 6) is DENIED without prejudice; and c. Plaintiff's Motion for Review of U.S. Attorney's Certification, for Discovery, and/or for an Evidentiary Hearing, and for Remand (Doc. No. 10) is GRANTED in part and DENIED in part without prejudice as set forth herein; 4. In *Amundson et al. v. Halverson, et al.*, Civ. No. 05-2052: a. Defendants' Motion for Substitution (Doc. No. 4) is DENIED without prejudice; b. Defendants' Motion to Dismiss (Doc. No. 7) is DENIED without prejudice; and c. Plaintiffs' Motion for Review of U.S. Attorney's Certification, Discovery and Evidentiary Hearings, and Remand (Doc. No. 10) is GRANTED in part and DENIED in part without prejudice as set forth herein; 5. In *Amundson et. al. v. United States*, Civ. No. 05-004, Defendants' Motion to Dismiss (Doc. No. 8) is DENIED without prejudice; 6. In *Wehking et. al v. United States*, Civ. No. 05-070, Defendants' Motion to Dismiss (Doc. No. 5) is DENIED without prejudice; and 7. The Clerk of Court is instructed to docket this Order in each of the above-captioned cases. 8. The parties are ordered to, without delay, commence discovery, using any means authorized by the Federal Rules of Civil Procedure, limited to the scope of employment and "incident to service" issues discussed herein and in the parties' briefs.

