

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

FRANK J. NIELANDER,)	
)	
Plaintiff,)	
v.)	
)	Case No. 06-2013-JAR
BOARD OF COUNTY COMMISSIONERS OF))	
THE COUNTY OF REPUBLIC, KANSAS,)	
MARK NORDELL, JOSHUA PEREZ,)	
BETH REED, and FRANK SPURNEY in his)	
individual capacity and in his official capacity)	
as the REPUBLIC COUNTY ATTORNEY,)	
)	
Defendants.)	

**AMENDED MEMORANDUM AND ORDER
DIRECTING ENTRY OF JUDGMENT**

This matter comes before the Court on Defendant's Motion for Rule 60(a) Relief (Doc. 103) and the Tenth Circuit Court of Appeals' Order of December 2, 2008 (Doc. 104) granting this Court leave to rule on the Defendants' motion. The Court finds that good cause exists and hereby orders that its Memorandum and Order (Doc. 93) be amended and clarified by eliminating the final two sentences on page 8 of that Order and replacing them with the following:

IT IS THEREFORE ORDERED that the Defendants' Motion for Summary Judgment (Doc. 59) is **GRANTED** as to all federal claims. **IT IS FURTHER ORDERED** that Defendants' Motion for Summary Judgment is **GRANTED** as to all state claims against Defendants Beth Reed and Joshua Perez.

Defendant Spurney's Motion to Dismiss all state and federal claims against him has previously been granted.

IT IS FURTHER ORDERED that Plaintiff's only remaining claims, state law malicious prosecution and conspiracy against Nordell and Republic County, are dismissed without prejudice.

THE COURT FURTHER DIRECTS the Clerk of Court to enter an Amended Entry of Judgment (Doc. 94) to enter judgment in accordance with the foregoing.

IT IS SO ORDERED.

Dated: December 17, 2008

S/ Julie A. Robinson
JULIE A. ROBINSON
UNITED STATES DISTRICT JUDGE

Respectfully submitted by:

FOULSTON SIEFKIN LLP

By: /s/ Tara S. Eberline

Tara S. Eberline, #22576
Wendell F. Cowan, #08227
9 Corporate Woods, Suite 450
9200 Indian Creek Parkway
Overland Park, Kansas 66210-2017
Telephone: (913) 498-2100
Fax: (913) 498-2101
Email: teberline@foulston.com
Email: bcowan@foulston.com

ATTORNEYS FOR DEFENDANTS

Approved by:

Fisher, Patterson, Saylor & Smith, L.L.P.

By: /s/ David R. Cooper, #16690

Teresa L. Watson, #16654

3550 S.W. 5th St.

P.O. Box 949

Topeka, Kansas 66601-0949

Telephone: 785-232-7761

Email: dcooper@fisherpatterson.com

Twatson@fisherpatterson.com

ATTORNEYS FOR PLAINTIFF

Respectfully submitted by:

FOULSTON SIEFKIN LLP

By: /s/ Tara S. Eberline

Tara S. Eberline, #22576

Wendell F. Cowan, #08227

9 Corporate Woods, Suite 450

9200 Indian Creek Parkway

Overland Park, Kansas 66210-2017

Telephone: (913) 498-2100

Fax: (913) 498-2101

Email: teberline@foulston.com

Email: bcowan@foulston.com

ATTORNEYS FOR DEFENDANTS

Approved by:

Fisher, Patterson, Sayler & Smith, L.L.P.

By: /s/ David R. Cooper, #16690

Teresa L. Watson, #16654

3550 S.W. 5th St.

P.O. Box 949

Topeka, Kansas 66601-0949

Telephone: 785-232-7761

Email: dcooper@fisherpatterson.com

Twatson@fisherpatterson.com

ATTORNEYS FOR PLAINTIFF