

**IN THE DISTRICT COURT OF SHERMAN COUNTY, NEBRASKA**

**ROBIN A. BOCHART and DENISE M. BOCHART, husband and wife,**  
Plaintiffs,

vs.

**DONALD D. GLINSMANN and RACHEL A. GLINSMANN, husband and wife, et al.,**  
Defendants.

Case No. 5681

**ORDER ON MOTION**

**DATE OF HEARING:** April 11, 2000.  
**DATE OF RENDITION:** May 2, 2000.  
**DATE OF ENTRY:** Date of filing by court clerk.  
**PLACE OF HEARING:** Judge's Chambers at Ainsworth, Nebraska.

**APPEARANCES:**

For the plaintiff(s): Rodney M. Wetovick.  
For the defendant(s):  
Glinsmanns: John Mingus.  
United States: Sally Johnson, Assistant United States Attorney.  
County: Mark L. Eurek, Sherman County Attorney.  
Ravenna Bank: Larry E. Butler.  
Mingus: defendant pro se.

**SUBJECT OF HEARING:** Defendants Mingus and Glinsmann's:

1. Motion to strike or alternative motion to make more definite and certain, and,
2. [Amended] motion to strike or alternative motion to make more definite and certain.

**FINDINGS:** The court finds:

1. At the progression conference, arguments were heard on the motion, and the motion taken under advisement pending submission of briefs. Briefs have been submitted by the moving defendants and by the plaintiffs.
2. The plaintiffs' brief states the plaintiffs' intention to file an amended petition. It is not the function of a court to render an advisory opinion.
3. The plaintiffs should be granted leave to file an amended petition. The defendants' motion

should be denied as moot. Times for filing of pleadings should be set.

**ORDER:** IT IS THEREFORE ORDERED that:

1. The plaintiffs are granted 14 days from the date of entry of this order to file an amended petition.
2. The defendants Glinsmann and Mingus are allowed 10 days from the date of filing of the amended petition to plead or demur to the amended petition, or 20 days to answer.
3. All other defendants are allowed the same periods of time to plead or demur to, or to answer, the amended petition, or upon failure to plead or answer shall be deemed to have elected to have the previously filed answer of such party stand as the answer the amended petition.
4. The motion of defendants Glinsmann and Mingus, as amended by the “supplemental” motion, is denied as moot.

Signed in chambers at Ainsworth, Nebraska, on May 2, 2000.  
DEEMED ENTERED upon the date of filing by the court clerk.

If checked, the Court Clerk shall:

- Mail a copy of this order to all counsel of record and to any pro se parties.  
Done on \_\_\_\_\_, 20\_\_ by \_\_\_\_.
- Note the decision on the trial docket as: [date of filing] Signed “Order on Motion” entered granting plaintiffs 14 days to amend petition, granting defendants 10 days to plead or demur or 20 days to answer, and denying defendants’ motion to strike or make definite as moot.  
Done on \_\_\_\_\_, 20\_\_ by \_\_\_\_.

Mailed to:

**BY THE COURT:**

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William B. Cassel  
District Judge