

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DOBSON BROTHERS)
CONSTRUCTION COMPANY,)
a Nebraska corporation,)

4:08CV3103

Plaintiff,)

vs.)

**MEMORANDUM
AND ORDER**

RATLIFF, INC., an Oklahoma)
corporation, and AMERICAN)
CONTRACTORS INDEMNITY)
COMPANY, a California)
corporation,)

Defendants.)

Plaintiff has filed a motion (filing [70](#)) to enlarge time to object to the Magistrate Judge’s Report and Recommendation (filing [66](#)), which recommends compelling arbitration as to defendant Ratliff, Inc. Plaintiff asks for an enlargement of time to file objections because such objections would be unnecessary if the court ultimately decides to grant Plaintiff’s recently filed motion to compel arbitration as to the other defendant, American Contractors Indemnity Company (“ACIC”) (filing [67](#)). Plaintiff claims that this lawsuit involves “nearly identical issues of fact and law” as to both defendants. (Filing [70](#) ¶ 6.)

Because the court’s adoption or rejection of the pending Report and Recommendation will likely affect the court’s later consideration of Plaintiff’s newly filed motion to compel arbitration as to defendant ACIC, I shall deny Plaintiff’s motion and matters shall progress in their normal course.

IT IS ORDERED:

1. Plaintiff's motion (filing [70](#)) to enlarge time to object to the Magistrate Judge's Report and Recommendation (filing [66](#)) and for expedited ruling is denied, and matters shall progress in their normal course;

2. Plaintiff's objections to the Magistrate Judge's Report and Recommendation (filing [66](#)), if any, shall be filed on or before November 26, 2008.

November 19, 2008.

BY THE COURT:
s/ Richard G. Kopf
United States District Judge