

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STEPHAN HARRIS,)	
)	
Plaintiff,)	4:08CV3106
)	
v.)	
)	
KAPLAN HIGHER EDUCATION,)	MEMORANDUM AND ORDER
Corporation,)	
)	
Defendant.)	
)	

On December 31, 2008, the defendant filed a motion to extend the January 2, 2009 deadline for filing summary judgment motions. The plaintiff does not object to the request. Filing No. [16](#). The defendant states the parties must complete some agreed-upon discovery before filing summary judgement motions, and extending the summary judgement deadline to January 23, 2009 will not alter the trial date set for March 23, 2009.¹

Had the parties filed their summary judgment motions by January 2, 2009, the motions would have been fully submitted for court review by February 5, 2009. If the requested continuance is granted, and the parties are afforded the response schedule set forth in this court's local rules, the court will be afforded less than thirty days to consider the merits of the parties' motions before the onset of trial, and the parties will likely have a very limited opportunity to consider the court's rulings for trial preparation or settlement of this case.

Accordingly, in the interests of justice, (see NeGenR 1.1(c)),

¹The parties are reminded that the non-jury trial of this civil case will not be held on March 23, 2009 if the court is conducting a criminal trial on that date.

IT IS ORDERED:

The defendant's motion to continue, filing no. [16](#), is granted as follows:

1. Any summary judgment motions shall be filed on or before January 23, 2009.
2. Any response to the summary judgment motions shall be filed on or before February 9, 2009.
3. No reply brief shall be filed absent leave of the court for good cause shown.

DATED this 5th day of January, 2009.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge