

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

<p><b>KAREN DENISE CLARK,</b></p> <p style="text-align: center;"><b>Plaintiff,</b></p> <p style="text-align: center;">v.</p> <p><b>UNION PACIFIC RAILROAD,</b></p> <p style="text-align: center;"><b>Defendant.</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>CASE NO. 4:08CV3248</b></p> <p><b>MEMORANDUM</b></p> <p><b>AND ORDER</b></p>
---	--	--

This matter is before the court on Plaintiff's Motion to Extend Progression Order Deadlines (Filing No. [45](#)) and Motion to Supplement Responses (Filing No. [46](#)).

In her Motion to Extend, Plaintiff seeks additional time to depose one individual, Jesse Fonseca. (Filing No. [45](#).) This deposition had been scheduled prior to the close of discovery, but was cancelled due to Mr. Fonseca's unavailability. (*Id.*) Plaintiff seeks 30 days to complete this deposition, and additional time to submit a dispositive motion after the deposition is completed. Defendant has not objected to this extension of time. (See Docket Sheet.) The Motion to Extend is granted and the Progression Order is modified as set forth below. However, the extension of time is granted only for the purpose of completing Mr. Fonseca's deposition. No other additional discovery is permitted and **no further extensions of the Progression Order deadlines will be granted.**

The court notes that Defendant has already filed its Motion for Summary Judgment. (Filing No. [49](#).) On its own Motion, the court will permit Defendant an opportunity to supplement its Motion in accordance with the revised dispositive motion deadline set forth below. Plaintiff shall submit her response to Defendant's Motion for Summary Judgment, regardless of whether it is supplemented, no later than **February 24, 2010.**

Plaintiff also seeks leave of the court to file a supplement relating to her previously-submitted discovery responses. (Filing No. [46](#).) As the court has previously informed Plaintiff, discovery responses are not required to be filed with the court. Further, Plaintiff does not need leave from the court to supplement her responses. In the event that Plaintiff wishes to supplement her discovery responses, she should do so in accordance with [Federal Rule of Civil Procedure 26](#).

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Extend Progression Order Deadlines (Filing No. [45](#)) is granted.
2. Plaintiff shall have until **January 4, 2010**, to complete the deposition of Jesse Fonseca. No other additional discovery is permitted and **no further extensions of the Progression Order deadlines will be granted**.
3. The parties shall have until **February 3, 2010**, to submit dispositive motions. The parties must comply with the provisions of [NECivR 7.1\(a-h\)](#) and [NECivR 56.1](#) when filing summary judgment motions. Defendant may supplement its pending Motion for Summary Judgment no later than **February 3, 2010**. Plaintiff shall submit her response to Defendant's Motion for Summary Judgment, regardless of whether it is supplemented, no later than **February 24, 2010**.
4. Pretrial Conference
  - a. Defense counsel will have the primary responsibility for drafting the Order on Final Pretrial Conference, pursuant to the format and requirements set out in [NECivR 16.2\(a\)\(2\)](#). The plaintiff will be responsible for cooperating in the preparation and signing of the final version of the Order. The Order should be submitted to the plaintiff and to any other parties by **April 19, 2010**. The plaintiff shall provide additions and/or proposed deletions to Defense counsel by **May 3, 2010**. Defense counsel shall submit the Proposed Order on Final Pretrial Conference to the court by no later than **May 17, 2010**. If a party proposes an addition or deletion which is not agreed to by all the other parties, that fact should be noted in the text of the document. The Proposed Order on Final Pretrial Conference must be signed by all pro se parties and by counsel for all represented parties.

- b. The Final Pretrial Conference will be held before the Supervising Pro Se Judge, District Judge Richard G. Kopf, in Room 589 of the Robert V. Denney Federal Building, 100 Centennial Mall South, Lincoln, Nebraska, on **June 2, 2010, at 1:00 p.m.** Prior to the pretrial conference, all items as directed in [NECivR 16.2](#) and full preparation shall have been completed so that trial may begin at any time following the Pretrial Conference.
5. The trial date will be set by the undersigned District Judge at the time of the Final Pretrial Conference.
6. The Clerk of the court is directed to set a pro se case management deadline in this case using the following text: Pretrial conference before Supervising Pro Se Judge Kopf to be held on June 2, 2010 at 1:00 p.m.
7. Plaintiff's Motion to Supplement Responses (Filing No. [46](#)) is denied as moot.

DATED this 3<sup>rd</sup> day of December, 2009.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge

---

\*This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.