

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

EVANSTON INSURANCE )  
 COMPANY, an Illinois Corporation, )  
 and DORE & ASSOCIATES )  
 CONTRACTING, INC., an Indiana )  
 Corporation, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 LEXINGTON INSURANCE )  
 COMPANY, a Delaware Corporation, )  
 )  
 Defendant.

4:09CV3011

MEMORANDUM AND ORDER

A telephonic hearing was held today on the defendant’s motion to quash, (filing no. 44), and its motion to extend the progression schedule, (filing no. 45). Based on the parties’ representations during the conference call:

IT IS ORDERED:

- 1) The plaintiff’s rule 30(b)(6) notice of deposition served on February 10, 2010 (see filing no. 43), is deemed withdrawn, and defendant’s motion to quash, (filing no. 44), is denied as moot.
- 2) On or before February 26, 2010, the defendant shall serve copies of all documents described in defendant’s mandatory disclosures unless the documents were previously provided to the plaintiff.
- 3) On or before March 12, 2010, the parties shall:
  - a. Confer to thoroughly discuss the proposed joint stipulation of facts prepared by plaintiff’s counsel; and
  - b. File a joint statement explaining the current status of preparing a joint stipulation of facts and, if necessary, outlining the parties’ agreement or their respective positions concerning the remaining discovery to be

completed, and a proposed schedule for finalizing the discovery and submitting this case to final resolution, either on cross motions for full or partial summary judgment, or by trial.

- 4) The statement filed in accordance with paragraph 3 of this order will be used to determine any amended dates in the final progression schedule. Defendant's motion for a ninety-day continuance, (filing no. 45), is denied.

DATED this 18<sup>th</sup> day of February, 2010.

BY THE COURT:

*s/ Cheryl R. Zwart*

United States Magistrate Judge