

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MOHUMMED SADDEN,)
)
 Plaintiff,)
)
 v.)
)
 FIRST NATIONAL AGENCY, INC.,)
)
 Defendant.)
 _____)

4:09CV3059

MEMORANDUM AND ORDER

Pursuant to the pretrial conference discussions held this date,

IT IS ORDERED:

- 1) The trial, originally set to commence on March 22, 2010 is continued until May 17, 2010 at 9:00 a.m. before the Honorable Richard G. Kopf.
- 2) The defendant shall have until March 13, 2010 to file its motion to dismiss for lack of subject matter jurisdiction. The plaintiff’s responsive brief shall be due fourteen (14) days thereafter. No reply will be permitted absent leave from the court for good cause shown.
- 3) The defendant shall have until March 24, 2010 to file a motion to strike plaintiff’s jury demand.
- 4) The parties shall have until March 24, 2010 to file a their list of exhibits with objections. The parties are reminded that objections which are not listed are deemed waived.
- 5) Based on the representations of the parties during the pretrial conference, Paragraphs “G” and “H” of the Order on Final Pretrial Conference (Filing No. [28](#)) are modified as follows:
 - a. The parties agree the case may be tried to a jury consisting of either seven (7) or eight (8) members.

- b. If the jury cannot reach a unanimous decision after five hours of deliberation, the parties agree the case can be decided on a 6 - 1 verdict if it was tried to a seven (7) member jury, and the case can be decided on a 7-1 verdict if the case was tried to an eight (8) member jury.

DATED this 3rd day of March, 2010.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge