

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CARROLL T. WHITE, as Personal)
Representative of the Estate of Joseph)
White, deceased, and KATHLEEN A.)
GONZALEZ,)

Plaintiffs,)

v.)

RICHARD T. SMITH, in his official)
capacity, BURDETTE SEARCEY, Dep., in)
his official and individual capacities,)
GERALD LAMKIN, Dep., in his official)
and individual capacities, JERRY O.)
DEWITT, Sheriff, in his official and)
individual capacities, WAYNE R. PRICE,)
PhD., in his official and individual)
capacities, and COUNTY OF GAGE,)
NEBRASKA, a Nebraska political)
subdivision,)

Defendants.)

4:09CV3145

MEMORANDUM AND ORDER ON
DEFENDANTS' MOTION TO STAY CASE
PENDING OUTCOME OF
INTERLOCUTORY APPEAL AND
DEFENDANTS' UNOPPOSED MOTION
TO PERPETUATE TESTIMONY UNDER
FED. R. CIV. P. 27

IT IS ORDERED that the Defendants' Motion to Stay Case Pending Outcome of Interlocutory Appeal, filing 150, is granted, except insofar as the Defendants' Unopposed Motion to Perpetuate Testimony Under Fed. R. Civ. P. 27, filing 151, is granted.

Pursuant to Rule 27(b), the defendant DeWitt may be deposed at a time and place agreed upon by the parties during the pendency of the appeal before the Eighth Circuit Court of Appeals; otherwise, progression of the case is stayed until the Eighth Circuit Court of Appeals has entered a final ruling on the qualified immunity issues.

Dated September 12, 2011.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge