

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|----------------------------------|---|----------------------|
| RICHARD J. HERNANDEZ, |) | |
| |) | |
| Plaintiff, |) | 4:10CV3224 |
| |) | |
| v. |) | |
| |) | |
| UNION PACIFIC RAILROAD |) | MEMORANDUM AND ORDER |
| COMPANY, a Delaware corporation, |) | |
| |) | |
| Defendant. |) | |

The defendant, Union Pacific Railroad Company, has filed a motion to transfer this case to the North Platte docket for trial. (Filing No. [9](#)). The plaintiff does not object to trial in North Platte. (Filing No. [13](#)). Pursuant to [NECivR 40.1\(b\)\(1\)](#), “a judge considers the convenience of the litigants, witnesses, and attorneys when deciding the place of trial.”

Upon review of the defendant’s evidence, the court finds this case should be transferred to the North Platte trial docket.

For the purpose of aiding the parties’ preparation of their Rule 26(f) Report, the court further advises that Judge Kopf, the judge currently assigned to this case, will try cases in North Platte in February of 2012. In addition, a jury trial may be held in North Platte during the months of February, May, August, and October in 2011 and 2012, and upon the consent of the parties, the undersigned magistrate judge may preside over the parties’ trial during any of those trial months.

IT IS ORDERED that the defendant’s motion to transfer this case to the North Platte trial docket, (filing no. [9](#)), is granted. The trial of this case will be held in North Platte.

DATED this 31st day of January, 2011.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge