

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MISSIONARY BENEDICTINE SISTERS,  
INC.,

Plaintiff,

vs.

HOFFMAN, LLC,

Defendant  
Third-Party Plaintiff,

vs.

FREDERICKSEN ENGINEERING, INC.,  
VOLKMAN PLUMBING & HEATING,  
INC., ENGINEERED CONTROLS, INC.,  
a Nebraska corporation, and LONNIE  
ROBINSON d/b/a R&R Mechanical  
Insulation,

Third-Party  
Defendants.

**4:11CV3180**

**MEMORANDUM AND ORDER**

This case has been pending for over a year, with progression stayed while the parties engaged in settlement discussions. Although the plaintiff and the defendant are still considering settlement, the recently added third-party defendant, Lonnie Robinson D/B/A R&R Mechanical Insulation, is not currently willing to participate in those settlement efforts. Accordingly, the parties' efforts at settling this case in the entirety have stalled. Third Party Defendant Lonnie Robinson has now filed an answer to the third party complaint.

Accordingly,

IT IS ORDERED:

- 1) The conference call to discuss the outcome of the parties' settlement negotiations, previously set for December 20, 2012, is cancelled.
- 2) Mandatory disclosures shall be served by January 17, 2013.

- 3) Counsel for the parties shall confer and, on or before **January 17, 2013**, they shall jointly file a Form 35 (Rule 26 (f)) Report, a copy of which can be found at <http://www.ned.uscourts.gov/forms> in [Word](#) and [WordPerfect](#) format.
- 4) If one or more of the parties believes a planning conference is needed to complete the Rule 26(f) Report, or if the parties cannot agree on one or more of the deadlines identified or case progression issues raised in the Rule 26(f) Report, on or before, **January 10, 2013**, a party shall contact my chambers at (402) 437-1670, or by email addressed to [zwart@ned.uscourts.gov](mailto:zwart@ned.uscourts.gov), to arrange a conference call.
- 5) The parties are encouraged to continue their efforts toward settlement and shall contact my chambers to set a conference call if this case, or any part of it, is settled prior to January 17, 2012.

December 20, 2012.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge