

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RONALD D. MADDEN,

Plaintiff,

vs.

BNSF RAILWAY COMPANY, et. al;

Defendants.

**4:12CV3090**

**ORDER**

The Memorandum and Order entered in this case on February 17, 2015, (Filing No.263) overruled BNSF's motion for summary judgment. The railroad's motion for protective order, (Filing No. 217), and the plaintiff's motion to compel, (Filing No. 221), are pending. The undersigned magistrate judge postponed ruling on the pending discovery motions because Judge Gerrard's decision would serve to "define the parameters of relevant discovery and inform the undersigned magistrate judge's consideration on the pending discovery motions." The decision will likewise assist the parties in re-evaluating the pending discovery motions and perhaps the prospect of settlement.

Accordingly,

IT IS ORDERED:

1) The parties shall immediately meet and confer and submit to the court a joint memorandum addressing the pending discovery motions. Specifically, the parties shall determine which issues remain contested following the ruling on the railroad's motion for summary judgment. The parties' joint report shall identify the remaining discovery disputes and the parties' respective positions on those issues. The joint report shall not exceed 12 pages and shall be filed on or before February 23, 2015.

2) This case remains scheduled to be tried on March 9, 2015, with a pretrial conference scheduled for February 24, 2015. Any remaining discovery issues will be addressed at the pretrial conference.

February 18, 2015.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge