

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RYAN KNUTSON,

Plaintiff,

vs.

FIDELITY NATIONAL MANAGEMENT  
SERVICES, LLC, doing business in  
Nebraska as;

Defendant.

**4:12CV3167**

**MEMORANDUM AND ORDER**

The defendant has moved to transfer this case to the Omaha trial docket. (Filing No. [34](#)). Based on the defendant's evidence, the plaintiff is from Omaha, the defendant's business is located in Omaha, and the witnesses are from Omaha. Plaintiff's counsel is from Lincoln, but the plaintiff requested an Omaha trial location. Plaintiff has not responded to the defendant's motion to transfer to Omaha. The motion to change the trial location to Omaha will be granted.

The plaintiff has moved to stay this case for six months because he is currently under psychological treatment and is incapable of assisting Plaintiff's counsel in the prosecution of his case. (Filing No. [37](#)). The defendant objects to staying the case, primarily because it believes the requested stay is overbroad. Specifically, defense counsel argues that based on the evidence, a three-month stay may be sufficient, and any discovery or case progression that can occur without the plaintiff's personal involvement should not be stayed at all. Defense counsel's argument is persuasive.

Accordingly,

IT IS ORDERED:

1) The defendant's motion to change trial location, (Filing No. [34](#)), is granted. This case is transferred to the Omaha trial docket. Unless otherwise instructed or

required by the Clerk or court policy, the judicial assignment for this case need not change.

2) The plaintiff's motion to stay, (Filing No. [37](#)), is granted in part and denied in part as follows:

- a. As to any matters which require involvement by the plaintiff himself, and as to any depositions, this case is stayed for three months.
- b. All other matters, including such things as asserting objections to the defendant's discovery served on the plaintiff, responding to the plaintiff's written discovery, or pursuing third-party written discovery, are not stayed.
- c. Any objections to defendant's written discovery shall be served on or before April 16, 2013. The failure to timely raise objections will be considered a waiver of those objections.

April 3, 2013.

BY THE COURT:

*s/ Cheryl R. Zwart*  
United States Magistrate Judge