

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LISA ZITTERKOPF, BRANDON )  
ZITTERKOPF, Individually and on )  
behalf of his minor son, Izhah )  
Zitterkopf, and HENRY )  
ZITTERKOPF, )

Plaintiffs, )

v. )

LANNY HANKS, in his official and )  
individual capacities, BRYAN )  
MOREHOUSE, in his official and )  
individual capacities, JAY )  
WOODARD, in his official and )  
individual capacities, ALEX IRONS, )  
in his official and individual )  
capacities, MARK BLISS, in his )  
official and individual capacities, and )  
JUSTIN VICKERS, in his official )  
and individual capacities, )

Defendants. )

7:08CV3190

MEMORANDUM AND ORDER

In Magistrate Judge Piester’s absence, and with the agreement of Judge Piester and Judge Strom, the undersigned has begun handling all magistrate judge matters previously handled by Judge Piester in this case.

A planning conference is scheduled to be held before Magistrate Judge Piester on July 24, 2009. The court’s initial progression order, entered on February 5, 2009, set a mandatory disclosure deadline and scheduled the planning conference for May 19, 2009. Filing No. [21](#). The planning conference was continued to permit the plaintiffs to file an amended complaint adding Justin Vickers as a defendant. The

amended complaint has now been filed, (filing no. [29](#)), and the defendants have filed their answers. Filing Nos. [30](#) & [32](#). The court's order continuing the planning conference further stated the deadline for filing summary judgments based on qualified immunity would be discussed and extended during the July 24, 2009 planning conference.

Defendant Vickers is represented by the same counsel as defendants Bryan Morehouse, Jay Woodard, and Alex Irons, all of whom were named defendants from the outset of this litigation. It does not appear the claims and defenses portion of the parties' Rule 26(f) planning report must be supplemented due to the addition of a new defendant. However, with the exception of serving mandatory disclosures, (see filing nos. [22](#), [23](#), & [24](#)), the remaining proposed deadlines identified in the planning report have expired or are now unreasonable. Accordingly,

IT IS ORDERED:

- 1) The planning conference scheduled before Magistrate Judge Piester on July 24, 2009 is cancelled.
- 2) On or before July 24, 2009, the parties shall jointly file a motion setting forth their proposed deadlines for continued progression of this case to trial. The motion shall include a proposed deadline for filing summary judgment motions based on qualified immunity, for completion of discovery, and for disclosing experts and their reports, and shall include a statement of when this case will be ready for trial.

DATED this 2<sup>nd</sup> day of July, 2009.

BY THE COURT:

*s/Richard G. Kopf*

United States District Judge