

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**CINDY L. LIBENGOOD, Special  
Administrator of the Estate of RALPH  
L. LIBENGOOD, Deceased,** )  
 )  
 )  
 )  
 ) **Plaintiff,** )  
 )  
 )  
 ) **v.** )  
 )  
 ) **FORTIS HEALTH INSURANCE  
COMPANY, and JOHN ALDEN LIFE  
INSURANCE COMPANY,** )  
 )  
 )  
 ) **Defendants.** )

**8:07CV444**

**MEDIATION REFERENCE ORDER  
(PRIVATE MEDIATOR)**

This matter is before the court on the defendants' motion (request) for stay pending mediation (Filing No. 49). Upon consideration,

**IT IS ORDERED:**

The defendants' motion (request) for stay pending mediation (Filing No. 49) is granted as set forth below.

In accordance with the Mediation Plan for the United States District Court - District of Nebraska (Plan), as amended January 30, 2004, regarding court-annexed mediation:

**IT IS FURTHER ORDERED:**

1. Except as may be otherwise agreed by the parties and counsel, this case is stayed for a period of 60 days from the date of this order, to permit the parties to utilize the private mediation services of:

Robert W. Shively, Esq,  
Attorney at Law  
4400 South 86th Street  
Lincoln, Nebraska 68526  
Telephone: 402-488-5044

2. During the period of the stay, unless otherwise agreed, compliance with deadlines established by the progression order, responses to discovery, and other proceedings shall not be required. In the event the parties agree to proceed without a stay, a statement to that effect shall forthwith be submitted to the undersigned by plaintiff's counsel.

3. **On or before August 10, 2009**, plaintiff's counsel shall **file** a report on the status of the mediation and whether the case has been settled. Failure to so notify the court of the completion of the mediation, with or without settlement, may result in the dismissal of this case without further notice pursuant to F.R.Civ.P. 41(b). Information about the substance of the parties' settlement agreement, if any, shall not be provided without their consent.

4. The Clerk shall bring this file to the attention of the undersigned after sixty (60) days or when notified that the mediation has been completed, whichever first occurs.

5. The Clerk is directed to provide a copy of this order to all counsel of record and unrepresented parties, and to the mediator identified above, enclosing with the latter the appropriate documents related to the administration of the Mediation Plan.

DATED this 17th day of June, 2009.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge