

the Federal Rules of Evidence. Objections not so disclosed, other than objections under Federal Rules of Evidence 402 and 403, shall be deemed waived unless excused by the court for good cause shown. The court, if possible, will rule on the objections prior to trial.

[NECivR](#) 16.2(a)(2)(F) (emphasis in original).

This requirement was eliminated from the Nebraska Civil Rules on October 26, 2007. See [NECivR](#) 16.2 (Oct. 26, 2007). However, the court may, at its discretion, require the parties to provide the designations. The defendants argue the designations are helpful to identify issues, prepare to counter-designate discovery, and streamline the trial process. The court finds designation of deposition testimony and other discovery is appropriate and will benefit the proceedings in this case. Further, the defendants' delay in filing the instant motion does not prejudice the plaintiff who has ample time to comply with this order prior to trial. Upon consideration,

IT IS ORDERED:

1. The defendants' Request to Require Neb Civ R 16.2(a)(2)(F) Discovery Designations ([Filing No. 49](#)) is granted.
2. On or before **May 8, 2009**, each party shall provide to all other parties with the following information regarding the evidence that it may present at trial other than solely for impeachment purposes: 1) The portions of each deposition, designated by page and line, that it intends to offer and 2) each discovery response of another party it intends to offer. Such designations and any objections thereto shall also be included in the final pretrial conference order. Objections not so disclosed, other than objections under Federal Rules of Evidence 402 and 403, shall be deemed waived unless excused by the court for good cause shown.

DATED this 3rd day of March, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge