Higgins et al v. Dankiw et al Doc. 56

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ELIZABETH HIGGINS, et al.,	)	
	)	
Plaintiffs,	)	**8:08CV15**
	)	
vs.	)	**ORDER**
	)	
JOACHIM DANKIW, et al.,	)	
	)	
Defendants.	)	

This matter is before the court regarding the defendants' Motion to Bifurcate and to Stay Discovery (Filing No. 54). The defendants' motion seeks to stay discovery related to negligence claims falling under the Nebraska Political Subdivisions Tort Claims Act, then to try those claims subsequent to any trial on the plaintiffs' other claims.

Previously, on June 24, 2008, the court entered an order (Filing No. 34) related to a previous motion to stay and motion for bifurcation of claims. On July 9, 2008, the plaintiffs filed the Statement of Appeal of Magistrate Judge's Order (Filing No. 37) for the June 24, 2008 order. The appeal has been fully briefed. The plaintiffs request that this court refrain from ruling on the merits of the defendants' motion until after a determination of the plaintiffs' appeal. Upon consideration,

IT IS ORDERED:

1. The defendants' Motion to Bifurcate and to Stay Discovery (Filing No. 54) is held in abeyance pending the court's resolution of the plaintiffs' appeal (Filing No. 37).

2. The plaintiff shall have ten (10) business days following the court's resolution of the plaintiffs' appeal (Filing No. 37) to file a response to the defendants' Motion to Bifurcate and to Stay Discovery (Filing No. 54).

DATED this 16th day of October, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge

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