Kumm et al v. Phoenix Life Insurance et al Doc. 130

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JANICE KUMM and DEANN KUMM, Individually and as Co-Personal Representatives of the Estate of Gaylord Kumm; BEN KUMM; GLEN R. KUMM; and STARR KUMM n/k/a STARR WALLACE	)	
Plaintiffs,	)	**8:8CV368**
vs.	)	**ORDER**
PHOENIX LIFE INSURANCE COMPANY, and PHL VARIABLE INSURANCE COMPANY,	)	
Defendants.	)	

Upon notice of settlement given to the magistrate judge during a telephone status conference conducted on April 23, 2010,

IT IS ORDERED that:

1. **On or before May 7, 2010**, the parties shall electronically file a joint stipulation for dismissal (or other dispositive stipulation) and shall submit to Chief Judge Joseph F. Bataillon, at *bataillon@ned.uscourts.gov,* a draft order which will fully dispose of the case. If the case is being dismissed, the stipulation shall comply with Fed. R. Civ. P. 41(a) and shall state whether the dismissal is with or without prejudice.

2. The final pre-trial conference scheduled for May 13, 2010 is cancelled.

3. The trial scheduled for the week of June 14, 2010 is cancelled.

4. All currently pending motions are hereby denied as moot.

5. Absent compliance with this order, this case (including all counterclaims and the like) may be dismissed without further notice in accordance with NECivR 68.1.

DATED this 23rd day of April, 2010.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge

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