Kumm et al v. Phoenix Life Insurance et al Doc. 54

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, et al.,	)	**8:08CV368**
Plaintiffs,	)	**ORDER**
v.	)	
PHOENIX LIFE INSURANCE COMPANY and PHL VARIABLE INSURANCE COMPANY,	)	
Defendants.	)	

This matter comes before the Court on the parties' Stipulated Motion for Extension of Expert Disclosure Deadlines (Filing No. 53). The parties seek to extend certain expert disclosure deadlines until after a ruling on the defendants' motion to dismiss (Filing No. 43). The parties contend the ruling on the motion to dismiss may impact the extent of discovery and the need for expert witnesses. The parties propose non-specific deadlines tied to the date of an eventual order on the motion to dismiss. However, the court will suspend the deadlines related to expert witnesses until after a telephone planning conference subsequent to a ruling on the motion to dismiss. Upon consideration,

IT IS ORDERED:

1. The parties' Stipulated Motion for Extension of Expert Disclosure Deadlines (Filing No. 53) is granted to the extent the expert witness disclosure deadlines are suspended pending further order of the court.

2. The parties shall have **five (5) business days** from the date an order is filed on the defendants' motion to dismiss (Filing No. 43), in which to schedule a planning conference with the court. Counsel for the plaintiffs shall contact the court within such time period to schedule the planning conference. The conference is for the purpose of reviewing the preparation of the case and re-scheduling of the case to trial, if necessary.

Dated this 1st day of May, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge

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