

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

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|-------------------------|---|-----------|
| ROBERT McCURRY, et al., |) | |
| |) | |
| Plaintiffs, |) | 8:08CV448 |
| |) | |
| vs. |) | ORDER |
| |) | |
| JERALD SWANSON, et al., |) | |
| |) | |
| Defendants. |) | |

This matter is before the court on the parties' Joint Motion to Extend Deadlines and Reset Trial ([Filing No. 57](#)). The parties agree that due to some recent discovery, the parties now believe the best course of action for resolution of this case is cross-motions for summary judgment. Resolution of such legal issues will assist the parties in settlement. Moreover, resolution of certain factual issues is delayed due to unlocated witnesses and unavailable documents. The parties contend continuing the pretrial and trial dates until after resolution of this discovery and summary judgment motions will significantly narrow any remaining issues for trial. Upon consideration,

IT IS ORDERED:

1. The parties' Joint Motion to Extend Deadlines and Reset Trial ([Filing No. 57](#)) is granted as set forth herein.
2. The deadlines contained in the September 10, 2010, amended progression order ([Filing No. 44](#)), including the February 11, 2011, pretrial conference and March 21, 2011, trial are canceled.
3. The parties shall have until **February 25, 2011**, to file cross-motions for summary judgment, and may continue to conduct discovery, as needed, to be able to fully respond to the issues raised in the motions.
4. In the event the parties' motions fail to address issues which would resolve the case in its entirety, the parties shall participate in a telephone conference with the undersigned magistrate judge on **March 4, 2011, at 10:00 a.m.**, for the purpose of scheduling the matter for trial. The plaintiffs' counsel shall initiate the telephone

conference. The court will cancel the telephone conference by text order after preliminary review of the parties' motions, if appropriate.

DATED this 21st day of January, 2011.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge