

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

CHESTER H. TRIDLE, JR., JAMES)
M. JACKSON, BOBBY W. CONNER,)
and NORMAN DAVIS,)
)
Plaintiffs,)
)
v.)
)
UNION PACIFIC RAILROAD)
COMPANY,)
)
Defendant.)
_____)

8:08CV470

ORDER

This matter is before the Court on plaintiffs' motion to amend the final progression order and for additional time to file responses to the motions for summary judgment (See Filing No. [137](#)), the brief of the plaintiffs in support of said motion (Filing No. [138](#)), index of evidence in support of said motion (Filing No. [139](#)), and the brief of the defendant in opposition to said motion (Filing No. [150](#)). The motion to amend the final progression order is only a part of Filing No. [137](#), and this order will reference only that aspect of Filing No. [137](#). The Court has previously granted the motion to continue the trial date and the pretrial conference date, and thus the only remaining request by plaintiffs was the request for time to file responses to pending summary judgment motions. This aspect of plaintiff's motion will be granted, and they shall file their responses to the pending summary judgment motions on or before October 30, 2009.

After review of the parties' briefs, the Court finds that the motion to amend the final progression order should be denied.

The defendant has filed a motion for consideration of this Court's prior order denying defendant's motion for severance (Filing No. [108](#)). The Court has reviewed the motion, the index of evidence in support of the motion (Filing NO. [109](#)), the brief in opposition to said motion (Filing No. [113](#)), defendant's supplemental submission in support of severance (Filing No. [147](#)), together with its prior order (Filing No. [106](#)), and finds that the motion to reconsider should be denied. Accordingly,

IT IS ORDERED:

1) The motion for additional time to file briefs in response to the summary judgment motions is granted; plaintiffs shall have until October 30, 2009, to file such responses.

2) Plaintiffs' motion to amend the progression order is denied.

3) Defendant's motion to reconsider its order denying the motion to sever the claims of the plaintiffs is denied. The portion of the motion to continue trial date has previously been granted.

DATED this 19th day of October, 2009.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court