

UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA
111 S. 18th Plaza, Suite 2210
Omaha, NE 68102-1322

F.A. Gossett
United States Magistrate Judge

Phone (402) 661-7340
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May 11, 2010

RE: Schoemaker v. Sullivan
8:09-cv-00441-LSC-FG3

Dear Counsel and Persons Appearing Without Counsel:

This case has been assigned to the undersigned magistrate judge and District Judge Laurie Smith Camp. The undersigned magistrate judge will handle all preliminary pretrial matters, except dispositive motions, i.e., motions to dismiss and motions for summary judgment.

Since January 6, 2003, all documents (including pleadings, briefs, and indices) filed or submitted to the District Court for the District of Nebraska must either be filed electronically or submitted to the Clerk's Office on a 3.5 inch disk in .pdf format. To obtain registration forms, review the CM/ECF administrative procedures, and to learn more about electronic filing, please visit our web site at <http://www.ned.uscourts.gov/cmecf/index.html>. You may also direct questions to our CM/ECF Help Desk: in Omaha at 1-866-220-4381, Option 0; or in Lincoln at 1-866-220-4379, Option 2.

Meet and Confer Obligations

The Federal Rules of Civil Procedure require the parties to meet and confer and provide to the court a report of their conference. Plaintiff should initiate the scheduling of this conference. If the parties are agreeable, the conference can occur by telephone.

The court expects the parties to file a detailed report which includes, among other matters, the following subjects: (1) a statement of the elements of each claim and defense raised; (2) statement of how each party's disclosure will relate to the claim/defense raised by that party; (3) whether summary judgment motions may be appropriate, and, if so, what discovery must first take place; (4) whether the parties consent to disposition by a magistrate judge.

Initial Progression Order and Status Conference

Relying upon the report provided by counsel, the magistrate judge will enter an **initial** progression order which will set deadlines for initial disclosures and authorize the commencement of discovery. Approximately ninety days into the case, a status conference will be held. Counsel will be required to participate, in person or by telephone. The initial progression order will contain a setting of this status conference.

At the status conference, the court will ensure that the initial disclosure requirements have been met. The parties will be expected to have named all known lay witnesses and identified expert witnesses, even though disclosure of full reports may not yet have occurred. The court will rule on any outstanding discovery disputes. The parties will be expected to discuss and schedule the disclosure of expert witness reports and summary judgment motions. The court will explore the possibilities for mediation. The parties will be expected to have discussed settlement with their clients and obtained authority in advance of the status conference. A final progression order will be established. Finally, the case will be scheduled for trial for a week certain before the assigned district judge or magistrate judge. Based upon the trial schedule, a final pretrial conference date will be set, as well as a date for the formal close of all discovery.

Consent Trials

With rare exceptions, assured special trial settings in this district are only provided when consenting to trial by magistrate judges. District judges' trial schedules are subject to "bumping" for criminal cases requiring trials under the Speedy Trial Act. Magistrate judges routinely provide assured, specially-set jury and non-jury trials.

A consent form is enclosed for your review. A consent to trial by a magistrate judge cannot be initiated by motion. Rather, all parties must sign the consent form and submit it to the chambers of the assigned district court judge. Upon the filing of the consent form, counsel will be contacted by the chambers of the magistrate judge regarding scheduling and establishing a special setting for trial. It is the court's experience that cases are most expeditiously handled when the issue of consent is considered early on in the scheduling of the case in order to provide the parties with a greater option of trial scheduling dates.

Deadline for Report to the Court

Please review the enclosed form. It provides an agenda for the parties' initial conference. **I expect the parties to file the completed form on or before June 10, 2010.**

Thank you for your prompt attention to this matter.

Sincerely,

s/ F.A. Gossett
United States Magistrate Judge