

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WESLEY PATTERSON,)
)
 Plaintiff,)
)
 v.)
)
 MUTUAL OF OMAHA INSURANCE)
 COMPANY, et. al.,)
)
 Defendants.)

8:10CV26

MEMORANDUM AND ORDER

A status conference was held today to discuss the parties’ plan for progression of this case to resolution. The plaintiff’s complaint seeks a judicial determination on an insurance coverage dispute. As explained by the parties, a threshold issue is whether the defendants received proper and timely notice of the plaintiff’s claim. The parties believe discovery should initially be focused¹ on the notice of claim issue in preparation for promptly filing a dispositive motion on that issue. The court agrees.

Accordingly,

IT IS ORDERED:

- 1) The discovery and deposition deadline on the notice of claim issue is January 14, 2011. Motions to compel discovery must be filed at least 15 days prior to this discovery and deposition deadline.
- 2) On or before January 28, 2011, the parties shall file their motions to dismiss or for summary judgment on the issue of whether the defendants were afforded proper and timely notice of the plaintiff’s claim.

¹As to the notice of claim issue, the parties intend to depose some witnesses who may have information on other matters as well. This order does not limit discovery to the notice of claim issue; particularly if deposition questioning beyond that issue may eliminate the need to re-depose the witness following the court’s initial summary judgment ruling.

- 3) If this case is not fully resolved by the court's summary judgment ruling on the notice of claim issue, within 15 days following the summary judgment ruling, the parties shall contact the chambers of the undersigned magistrate judge to schedule a telephonic planning conference to discuss further case progression.

September 22, 2010.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge