

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JESSE PEETZ,

Plaintiff,

vs.

GENENTECH, INC., a California corporation;  
BIOGEN IDEC, INC., a Massachusetts  
corporation; and DOES 1-25, residents of  
California;

Defendants.

**8:10CV297**

**MEMORANDUM AND ORDER**

The parties agreed to mediate this case. Since then, they have disagreed on who would serve as the mediator, what terms will govern the mediation, and when the court will confer with the parties to learn the mediation outcome and, if necessary, set a trial date.

The mediation, originally set for April 14, was apparently delayed, and the telephonic conference with the court is now set before the scheduled mediation. The defendant has moved to continue the conference, (Filing No. 135), and the plaintiff objects to any continuance, stating the parties must discuss “a discovery and trial progression calendar to resume promptly after May 29 in the event that mediation fails.” (Filing No. 136).

The conference call was set to notify the court of the mediation outcome and, if necessary, to schedule the pretrial conference and trial. If the parties wish to currently anticipate a mediation failure and plan accordingly, they certainly may. But the court need not be involved prior to the scheduled mediation.

If the parties engage in post-mediation case progression planning, they must keep in mind that the trial of this case will be completed on or before August 29, 2014.

**IT IS ORDERED:**

- 1) The defendants’ motion to reschedule, (Filing No. 135), is granted. Within ten (10) days after the mediation, the parties shall contact the undersigned magistrate judge’s chambers to re-schedule the conference call.
- 2) The plaintiff’s objection, (Filing No. 136), is denied as moot.

April 7, 2014.

**BY THE COURT:**

*s/ Cheryl R. Zwart*

United States Magistrate Judge