

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ANDREW A. HERZOG, )  
)  
Plaintiff, )  
)  
v. )  
)  
DOCTOR STEPHEN O'NIEL, )  
)  
Defendant. )

8:10CV313

**MEMORANDUM  
AND ORDER**

This matter is before the court on Defendant's Motion to Stay. (Filing No. [93](#).) In the Motion, Defendant asks the court to stay all proceedings in this case, including the requirement to draft a proposed Order on Final Pretrial Conference, because he has moved for Summary Judgment based on qualified immunity. (*Id.*) Plaintiff has filed an Objection to Defendant's Motion to Stay along with a Brief in support of his Objection. (Filing Nos. [94](#) and [95](#).)

Upon review of the pleadings, the court will grant Defendant's Motion to Stay. No further pleadings shall be filed without the court's leave. In addition, the Final Pretrial Conference that has been scheduled for February 9, 2012, is canceled and Defendant is temporarily relieved from preparing a draft of a proposed Order on Final Pretrial Conference. A separate progression order resetting the dates for the Final Pretrial Conference, and all associated deadlines, may be entered after the court resolves the pending Motion for Summary Judgment.

IT IS THEREFORE ORDERED:

1. Defendant's Motion to Stay (filing no. [93](#)) is granted. No further pleadings shall be filed without the court's leave.

2. Plaintiff's Objection to Defendant's Motion to Stay (filing no. [94](#)) is denied.

3. The Clerk of the Court shall cancel the Final Pretrial Conference in this matter that is currently scheduled for February 9, 2012. A separate progression order resetting the dates for the Final Pretrial Conference, and all associated deadlines, may be entered after the court resolves the pending Motion for Summary Judgment.

DATED this 14<sup>th</sup> day of December, 2011.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge

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