

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PETER KIEWIT SONS', INC.,)
)
Plaintiff,)
)
v.)
)
WALL STREET EQUITY GROUP, INC.,)
WALL STREET GROUP OF)
COMPANIES, INC., SHEPHERD)
FRIEDMAN, and STEVEN S. WEST,)
)
Defendants.)

8:10CV365

MEMORANDUM AND ORDER

The final progression order scheduled a telephonic status conference as follows:

A telephonic conference with the court will be held on June 15, 2011 at 10:00 a.m. to discuss the status of case progression, any motions to compel filed by any party, and potential settlement. Counsel for plaintiff shall place the call.

Filing No. 38, ¶ 6.

The plaintiff has moved to continue deadlines within the scheduling order, (filing no. 51), and the court has now reviewed the evidence supporting and responding to that motion. Based on the information now before the court:

- 1) the depositions of defendants Steven West and Shepherd Friedman have not been scheduled;
- 2) the plaintiff contends the defendants' responses to written discovery are insufficient;
- 3) the defendants have, by email, asked to take the deposition of plaintiff's "corporate representative with the most knowledge of the facts and circumstances at issue;" (filing no. [51-1](#), at CM/ECF p. 6), apparently requesting a Rule 30(b)(6) deposition without serving the threshold and requisite Rule 30(b)(6) deposition notice; and

- 4) the discovery deadlines in the court's progression order have not, and cannot, be met.

Accordingly,

IT IS ORDERED:

- 1) The telephonic conference remains scheduled to be held on June 15, 2011 at 10:00 a.m. The parties shall be prepared to discuss the topics in paragraph (2) of this order during the conference call, and shall set aside at least thirty minutes for the call.
- 2) Prior to the conference call:
 - a. the defendants shall provide to plaintiff's counsel at least ten dates and times between now and mid-July during which Steven West and Shepherd Friedman can be deposed;
 - b. the defendants shall serve an appropriate 30(b)(6) notice if they intend to depose plaintiff's corporate representative;
 - c. the parties shall discuss and attempt in good faith to resolve any disputes over the sufficiency of responses to written discovery;
 - d. the parties shall discuss proposed dates for an amended progression order; and
 - e. the parties shall consider and discuss settlement options with their clients and each other.

DATED this 8th day of June, 2011.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge