

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**CHARLES EVANS, III,**

**Plaintiff,**

**vs.**

**NEBRASKA BEEF, LTD.,**

**Defendant.**

**8:12CV161**

**ORDER**

This matter is before the court on the defendant's Motion for Relief From Progression Order and Demand for Jury Trial ([Filing No. 35](#)). The defendant seeks an order indicating the parties have not waived their rights to a jury trial. As of the date of the initial progression order, August 8, 2013, no party had demanded a jury trial. For that reason, the matter was set for a trial without a jury. **See** [Filing No. 32](#). The August 8, 2013, progression order made no determination expanding or limiting the parties' rights to jury trial. Thereafter, on September 3, 2013, the defendant filed an answer stating a demand for trial by jury. **See** [Filing No. 43](#). Based on this answer and demand, the court will enter an amended progression order. Accordingly,

**IT IS ORDERED:**

The defendant's Motion for Relief From Progression Order and Demand for Jury Trial ([Filing No. 35](#)) is granted as set forth herein.

Dated this 4th day of September, 2013.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge