

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TIFFANY SMITH,

Plaintiff,

vs.

CITY OF OMAHA, et al.,

Defendants.

8:12CV330

ORDER

TIFFANY SMITH, as parent and natural
guardian of DEANTE SMITH,

Plaintiff,

vs.

CITY OF OMAHA, et al.,

Defendants.

8:12CV331

ORDER

This matter is before the court on the motion for partial summary judgment, [Filing No. 84](#) in 8:12CV330 and Filing No. 86 in 8:12CV331, filed by defendants City of Omaha, Omaha Police Department, Alex Hayes, and Benjamin Edwards, Aaren Andersen, and Jerald Swanson, in their official capacities. Defendants provided evidence in support of their motion. [Filing No. 85](#) in 8:12CV330 and Filing No. 87 in 8:12CV331. In response to this motion, plaintiff requests additional time to take a crucial deposition to support its claim that the defendants through their agents maintain a policy, custom, or practice that permits questionable arrest and deprivation of equal protection laws. [Filing No. 97](#) in 8:12CV330 and Filing No. 100 in 8:12CV331. The deposition deadline was August 29, 2014. [Filing No. 74](#) in 8:12CV330 and Filing No. 76 in 8:12CV331. When reviewing the evidence and argument provided by the

defendants, the purported testimony that the plaintiff may establish through the deposition of Officer Reginald P. Gunter, Officer Jerald Swanson, Officer Aaren Anderson, Officer Alex Hayes, Officer Benjamin Edwards, and the City's expert, and the relative short period since the deposition deadline, this court finds that additional time must be granted.

Further and with respect to this order, the parties should follow the direction of the magistrate judge for dates pertaining to pretrial conferencing and the trial date.

THEREFORE, IT IS ORDERED that the court hereby grants plaintiff's request ([Filing No. 97](#) in 8:12CV330 and Filing No. 100 in 8:12CV331) to take the depositions of Reginald P. Gunter, Officer Jerald Swanson, Officer Aaren Anderson, Officer Alex Hayes, Officer Benjamin Edwards, and the City's expert within twenty-one (21) days of the date of this order. Further, the magistrate judge shall re-progress this case as he sees fit.

DATED: September 29, 2014

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge