

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RAMON MENDOZA,

Plaintiff,

vs.

JUSTIN OSTERBERG, individually;  
JOHN DOES #1-5, individually;  
SARPY COUNTY, NEBRASKA;  
SHERIFF JEFF DAVIS, and  
JOHN DOES #6-10,

Defendants.

8:13CV65

ORDER FOR INITIAL  
PROGRESSION OF CASE

This matter is before the court on the defendant Justin Osterberg's Motion to Extend (Filing No. 93). Additionally, counsel have conducted their conference required by Fed. R. Civ. P. 26(f) and have filed their report of such conference which has now been reviewed by the court.

**IT IS ORDERED:** Justin Osterberg's Motion to Extend (Filing No. 93) is denied as moot.

**IT IS FURTHER ORDERED:**

1. **Authorization and Sequence of Discovery.** The parties may now commence discovery required to prepare the case for **mediation** or other settlement negotiations. Any further discovery shall be limited to:

- a. the availability of qualified immunity to the individual defendants within the confines of the qualified immunity rule, unless the parties agree otherwise in particular instances; and
- b. the availability of sovereign immunity under the Nebraska Political Subdivisions Tort Claims Act (with deposition adjournment if necessary as to any issues arising outside the scope of the above).

2. **Mandatory Disclosures** described in Fed. R. Civ. P. 26(a)(1) shall be served by **September 12, 2014**.

3. The **filing of disclosures** under Fed. R. Civ. P. 26(a)(1), and (2), as well as the filing of discovery documents, depositions, and disclosures required by this order shall be governed by NECivR 26.1. The disclosures required by Fed. R. Civ. P. 26(a)(3) shall be filed when served. **Note: Disclosures that are filed should be redacted so no personal information (e.g., home addresses, phone numbers, Social Security numbers, etc.) is made part of the public record.**

4. **Withholding Documents from Disclosure or Discovery.** If any document is withheld from production or disclosure on the grounds of privilege or work product, the producing party shall disclose the following information about each such document withheld: a description of the document withheld with as much specificity as is practicable without disclosing its contents, including (a) the general nature of the document; (b) the identity and position of its author; (c) the date it was written; (d) the identity and position of its addressee; (e) the identities and positions of all persons who were given or have received copies of it and the dates copies were received by them; (f) the document's present location and the identity and position of its custodian; and (g) the specific reason or reasons why it has been withheld from production or disclosure.

5. **Limits on Discovery.** Each party is limited to serving **fifty (50)** interrogatories on any other party. The plaintiffs as a group, and the defendants as a group, are each limited to taking **ten (10)** depositions in this case, without leave of court.

6. **Motions for Summary Judgment.** Defendants' motions to dismiss and/or for summary judgment shall be filed by **February 20, 2015**. Plaintiff's opposition to dispositive motions shall be filed by **March 13, 2015**. Defendants' replies on dispositive motions shall be filed by **March 27, 2015**.

7. **Adding Parties; Amending Pleadings.** Any motion to amend pleadings and/or add parties shall be filed **not later than November 14, 2014**, by the plaintiff, and **not later than December 12, 2014**, by the defendants.

8. **Planning Conference.** A telephone conference with the undersigned magistrate judge will be held **ten business days** following the ruling on any motion to dismiss or for summary judgment as set forth in paragraph six of this order. **Plaintiff's counsel shall schedule and initiate the conference call.**

9. **Motions to alter dates.** All requests for changes of deadlines established by this order shall be directed to the magistrate judge by appropriate motion.

10. The stipulations of the parties regarding discovery and progression matters set forth in their planning report to the court, not in conflict with the provisions of this order, are approved and adopted.

Dated this 4th day of September, 2014.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge