

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FIRST DAKOTA NATIONAL BANK,

Plaintiff,

vs.

ECO ENERGY, LLC, a Tennessee limited
liability company;

Defendant.

8:13CV270**ORDER**

The parties' cross-motions for summary judgment did not fully resolve this case. The court conferred with counsel today regarding setting the case for trial. The plaintiff argues the case is ready for trial—the discovery deadline has passed, and no additional discovery should be permitted. The defendant argues that in light of Judge Gerrard's ruling, additional discovery is required before this case can be tried.

As set by this court's progression order, the discovery deadline was July 1, 2014. (Filing No. 17). As such, Defendant's opposed request to conduct further discovery must meet the standard set forth in [Sherman v. Winco Fireworks, Inc., 532 F.3d 709 \(8th Cir. 2008\)](#).

Accordingly,

IT IS ORDERED the defendant's anticipated motion to conduct discovery out of time shall be filed on or before February 6, 2015. After the court resolves that issue, an additional conference call will be set to determine the progression schedule for final resolution of this lawsuit.

January 27, 2015.

BY THE COURT:
s/ Cheryl R. Zwart
United States Magistrate Judge