

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WYLE E. COYOTE,

Plaintiff,

vs.

ACME, INC., SAMUEL SPADE,

Defendants.

7:09CV5555**MOTION FOR SUMMARY JUDGMENT**

This matter is before the Court on the Motion for Summary Judgment. (Filing No. 4) This case involves a vehicle accident. Plaintiff filed a motion to extend the deadlines (Filing No. 12) for disclosure of expert witnesses, because she had been unable to take the deposition of Defendant Samuel Spade. Until that deposition was taken, plaintiff argued she would be unable to designate an expert, if one was needed. Defendants opposed this motion, (Filing No. 45-1), on the basis that plaintiff had not shown good cause for such modification of the progression order. The magistrate judge entered a text order, stating he had reviewed the motion and briefs and found the extension should be granted. (Filing No. 98) The magistrate judge thereafter entered a new progression order. (Filing No. 103)

Defendants have filed an objection to the magistrate judge's order. Defendants argue they have been prejudiced by this decision, as now plaintiff gets a "free look" at their expert disclosure and can respond accordingly. (Filing No. 108 at p. 2) Defendant also argues that plaintiff did not show good cause under Fed. R. Civ. P. 16(b)(4).

The Court has reviewed the filings and finds the decision of the magistrate judge is not contrary to law or clearly erroneous. See 28 U.S.C. § 636 (b); Fed. R. Civ. P. 72(a); *Edelstein v. Optimus Corp.*, No. 8:10CV61, 2012 WL 2192292, at *2 (D. Neb. June 14, 2012). Nor does the court find any abuse of discretion. *Sherman v. Winco Fireworks, Inc.*, 532 F.3d 709, 714 (8th Cir. 2008). This is plaintiff's first request for an extension, and plaintiff only missed the deadline by a month. The reason given, an inability to take the defendant's deposition in time appears to be a valid one.

This is page 2 of the Motion.

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Filing no. 1

Filing 1

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ECF No. 1

ECF 1

ECF 6 at 2

ECF 6, 2

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Dated this 30th day of December, 2013.