

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SHANE TAYLOR,

Plaintiff,

vs.

BARSONY HOLSTERS & BELTS, LLC,
an Oregon Limited Liability Company;

Defendant.

8:18CV210

ORDER

This case is before the court on the motion to extend certain progression deadlines filed by Plaintiff Shane Taylor (“Plaintiff”), (Filing No. 82). Defendant Barsony Holsters & Belts, LLC (“Defendant”) opposes Plaintiff’s requested relief.

After consideration, Plaintiff’s motion is granted in part and denied in part.

DISCUSSION

On June 7, 2021, Plaintiff filed a motion requesting extension of the expert deposition deadline, the rebuttal expert report deadline, and the deadline(s) to file motions for summary judgment and to exclude expert testimony. (Filing No. 82). Plaintiff did not file a contemporaneous brief or evidence in support of his requested relief. See NECivR 7.1(a)(1). And in the body of his motion, Plaintiff does not provide any citation to legal authority or the federal or local rules (other than a passing reference to Fed. R. Civ. P. 16) as a basis for his motion.

On June 9, 2021, Defendant filed a brief in opposition to Plaintiff’s request, arguing that Plaintiff had not shown good cause for the relief requested as required

by Fed. R. Civ. P. 16(b)(4). See Fed. R. Civ. P. 16(b)(4) (“A schedule may be modified only for good cause and with the judge's consent.”). See also, Sherman v. Winco Fireworks, Inc., 532 F.3d 709, 716-17 (8th Cir. 2008); Marmo v. Tyson Fresh Meats, Inc., 457 F.3d 748, 759 (8th Cir. 2006). Plaintiff did not file a reply brief and the time for doing so has expired.

Plaintiff has not shown good cause to modify the scheduling order.

Accordingly,

IT IS ORDERED that the motion to amend the case progression schedule, (Filing No. 82), is denied.

Dated this 21st day of June, 2021.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge