

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

ROSEMARY COOK,

Plaintiff,

vs.

WAL-MART STORES, INC.,

Defendant.

8:18CV237

ORDER

This matter is before the Court on the Motion to Withdraw as Counsel for Plaintiff ([Filing No. 17](#)) filed by Frank Younes of the firm High & Younes, LLC., and Monte Neilan. After discussion held with counsel during the telephone conference on March 28, 2019, the Court finds the motion should be granted. Accordingly,

IT IS ORDERED:

1. The Motion to Withdraw as Counsel for Plaintiff ([Filing No. 17](#)) filed by Frank Younes and Monte Neilan is granted.
2. Plaintiff's counsel shall immediately serve a copy of this Order on Plaintiff and thereafter file proof of service showing compliance with this Order, listing the name and address of the person to whom notice was sent. Frank Younes and Monte Neilan will not be relieved of applicable duties to the Court, Plaintiff, and opposing counsel until proof of service is filed.
3. Upon filing of proof of service pursuant to Paragraph 2 of this Order, Plaintiff will be deemed to be proceeding *pro se*, that is, without the assistance of counsel, unless substitute counsel enters a written appearance on her behalf. If substitute counsel does not enter a written appearance, Plaintiff shall provide the Clerk of Court her current address and telephone number **within five days of being served with this Order**.
4. Plaintiff may retain substitute counsel at any time. However, until such time as substitute counsel enters a written appearance, Plaintiff must comply with all case progression deadlines, orders of this Court, the Federal Rules of Civil Procedure, and the Local Rules of Practice. Failure to comply with these requirements may result in the imposition of sanctions, including payment of costs, attorneys' fees, and/or dismissal of the case.
5. Upon submission of proof of service as described in Paragraph 2 of this Order, Frank Younes and Monte Neilan's appearance as counsel of record for Plaintiff will be terminated, and the Clerk of Court shall terminate electronic notice to them in this case.

IT IS FURTHERED ORDERED that certain deadlines set forth in the Final Progression Order ([Filing No. 14](#)) are extended as follows:

1. All depositions, whether or not they are intended to be used at trial, shall be completed by **May 1, 2019**.
2. The deadline for completing written discovery under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure is **May 1, 2019**.
3. The deadline for filing motions to dismiss and motions for summary judgment is **May 31, 2019**.
4. Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Parties should plan accordingly.
5. The Final Pretrial Conference with the undersigned magistrate judge remains scheduled for **September 30, 2019, at 11:00 a.m.**, and will be conducted in chambers. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to nelson@ned.uscourts.gov, in Word format, by **3:00 p.m. on September 23, 2019**.
6. The four (4) jury day trial remains set to commence, at the Court's call, during the week of **October 15, 2019, in Omaha, Nebraska**, before the Honorable Robert F. Rossiter, Jr., United States District Judge.
7. All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 28th day of March, 2019.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge