

United States District Court

District of Nebraska

THOMAS D. THALKEN
United States Magistrate Judge

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November 14, 2011

RE: *Armando Pliego Gonzalez, et al. v. City of Omaha, Nebraska, et al.,*
8:11CV335

Dear Counsel:

This case was randomly assigned to Chief District Judge Joseph F. Bataillon for disposition, and to the undersigned magistrate judge for full pretrial supervision.

Electronic Filing

All documents (including pleadings, briefs, and indices) filed or submitted to the District Court for the District of Nebraska must be filed electronically. To obtain registration forms, review the CM/ECF administrative procedures, and to learn more about electronic filing, please visit the court's web site at <http://www.ned.uscourts.gov/cmecf/index.html>. You may also direct questions to our CM/ECF Help Desk: in Omaha at 1-866-220-4381, Option 0; or in Lincoln at 1-866-220-4379, Option 2.

Planning Report Deadline

Rule 26(f) of the Federal Rules of Civil Procedure requires the parties to meet and confer and provide to the court a report of their conference. Please use the revised "[Form 35 \(Rule 26\(f\)\) Report](#)" posted on the court's website, www.ned.uscourts.gov/forms/, which provides an agenda for the parties' initial conference. Counsel for the plaintiff(s) should initiate the scheduling of this conference. If the parties are agreeable, the conference can occur by telephone.

The court expects the parties to file a detailed report, no later than **December 6, 2011**, which includes the following subjects: (1) a statement of the elements of each claim and defense raised; (2) statement of how each party's disclosure will relate to the claim/defense raised by that party; (3) whether summary judgment motions may be appropriate, and, if so, what discovery must first take place; and (4) whether the parties consent to disposition of the case by a magistrate judge.

Initial Progression Order and Status Conference

Relying upon the report provided by counsel, the magistrate judge will enter an initial progression order which will set deadlines for initial disclosures and authorize the commencement of discovery. Approximately 90 days into the case, the magistrate judge will hold a status conference, in which counsel will be required to participate, in person or by telephone. The initial progression order will contain a setting of this status conference.

At the status conference, the court will ensure that the initial disclosure requirements have been met. The parties will be expected to have named all known lay witnesses and identified expert witnesses, even though disclosure of full reports may not yet have occurred. The court will rule on any outstanding discovery disputes. The parties will be expected to discuss and schedule the disclosure of expert witness reports and filing of summary judgment motions. The court will explore the possibilities for mediation. The parties will be expected to have discussed settlement with their clients and obtained authority in advance of the status conference. A final progression order will be established. Finally, the case will be scheduled for trial for a week certain before the assigned district judge or magistrate judge. Based upon the trial schedule, a final pretrial conference date will be set, as well as a date for the formal close of all discovery.

Consent Trials

With rare exceptions, assured special trial settings in this district are only provided when consenting to trial by magistrate judges. District judges' trial schedules are subject to "bumping" for criminal cases requiring trials under the Speedy Trial Act. Magistrate judges routinely provide assured, specially-set jury and non-jury trials.

Part VII of the revised "[Form 35 \(Rule 26\(f\) Report](#)" addresses the issue of consent. If all parties consent, the case may be reassigned to a magistrate judge for full disposition pursuant to [28 U.S.C. § 636\(c\)\(1\)](#), and counsel will be contacted by the magistrate judge's staff regarding scheduling and establishing a special setting for trial. If all parties do not consent, the case will remain assigned to the district judge, and the magistrate judge will handle all nondispositive pretrial matters.

Thank you for your prompt attention to these matters.

Sincerely,

s/ Thomas D. Thalken
United States Magistrate Judge