

IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA

**TED OLSON JR., ROBIN OLSON, and
DAN A. OLSON,**

Plaintiffs,

vs.

THEODORE V. OLSON, SR.,
Defendant.

Case No. CI99-78

**ORDER ON MOTION
FOR CONTINUANCE**

DATE OF HEARING: November 4, 1999.

DATE OF DECISION: December 2, 1999.

APPEARANCES:

For plaintiff:

Terry R. Wittler with plaintiff Ted Olson, Jr.

For defendant:

David E. Copple with defendant.

SUBJECT OF ORDER: defendant's motion for continuance of hearing on summary judgment motion.

FINDINGS: The court finds and concludes that:

1. The court granted the motion for continuance pending ruling on the defendant's motion to compel in Case No. CI99-72 (as plaintiff in that case), and took under advisement any further relief to be granted on the motion for continuance after determination of the motion to compel.

2. The court has disposed of the motion to compel and fully considered the extent to which production of documents has been ordered therein.

3. The court concludes that the production of documents in Case No. CI99-72 does not affect the limited issues for consideration of summary judgment in Case No. CI99-78, and that the matter of production of documents in the other case should not delay timely hearing in this case on the pending summary judgment motion. The motion should be assigned for hearing on December 23, 1999, at 1:15 p.m.

4. It is clear that the matter will not be ready for pretrial conference as previously scheduled on December 21, 1999. On the court's own motion, the pretrial conference should be continued until further order and will be rescheduled by the court upon disposition of the motion for summary judgment.

ORDER:

IT IS THEREFORE ORDERED AND ADJUDGED that:

1. The hearing on the plaintiffs' motion for summary judgment is continued to December 23, 1999, at 1:15 p.m.
2. The defendant's motion for continuance is granted to that extent and is otherwise denied.
3. On the court's own motion, the pretrial conference in this case is continued until further order. The court will reschedule the same upon disposition of the pending motion for summary judgment.

Entered: December 2, 1999.

If checked, the Court Clerk shall:

- : Mail a copy of this order to all counsel of record and to any pro se parties.
Done on _____, 19____ by _____.
- 9 Enter judgment on the judgment record.
Done on _____, 19____ by _____.
- 9 Mail postcard/notice required by § 25-1301.01 within 3 days.
Done on _____, 19____ by _____.
- : Note the decision on the trial docket as: [date of order] Signed "Order on Motion for Continuance" entered regarding defendant's motion for continuance of summary judgment hearing, and regarding continuance of pretrial conference on the court's own motion.
Done on _____, 19____ by _____.

Mailed to:

BY THE COURT:

William B. Cassel
District Judge