

CLOSED,NEBRASKA-DEFENDANT,NEBRASKADOCKET,PROTECTIVEORDER,TRIAL-LINCOLN,USAPLAINIFF

**U.S. District Court**  
**District of Nebraska (4 Lincoln)**  
**CIVIL DOCKET FOR CASE #: 4:11-cv-03209-JMG-CRZ**

United States v University of Nebraska at Kearney  
Assigned to: Judge John M. Gerrard  
Referred to: Magistrate Judge Cheryl R. Zwart  
Cause: 42:3601 Fair Housing Act

Date Filed: 11/23/2011  
Date Terminated: 09/04/2015  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**United States of America**

represented by **Alan A. Martinson**  
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**TERMINATED: 12/08/2014**

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V.

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**Defendant**

**Board of Regents of the University of  
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represented by **Alison A. Basye**  
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**Scott P. Moore**  
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**Defendant**

**David L. Brandt**

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**Defendant**

**Cheryl Bressington**

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**Defendant**

**Christy Horn**

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**Defendant**

**Gail Zeller**

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Date Filed	#	Docket Text
11/23/2011	<u>1</u>	COMPLAINT with jury demand against All Defendants, by Attorney Mary J. Hahn on behalf of United States(Hahn, Mary) (Entered: 11/23/2011)
11/23/2011	<u>2</u>	TEXT NOTICE OF JUDGES ASSIGNED: Judge Richard G. Kopf and Magistrate Judge Thomas D. Thalken assigned. (MKR) (Entered: 11/23/2011)
11/23/2011	<u>3</u>	REASSIGNMENT ORDER – case reassigned to Magistrate Judge Cheryl R. Zwart for judicial supervision and pretrial matters and remains assigned to District Judge Richard G. Kopf for all dispositive matters. Ordered by Chief Judge Joseph F. Bataillon. (ADB) (Entered: 11/23/2011)
12/13/2011	<u>4</u>	WAIVER OF SERVICE Returned Executed upon defendant University of Nebraska at Kearney. Waiver sent on 11/29/2011. (Hahn, Mary) (Entered: 12/13/2011)
12/13/2011	<u>5</u>	WAIVER OF SERVICE Returned Executed upon defendant Board of Regents of the University of Nebraska. Waiver sent on 11/29/2011. (Hahn, Mary) (Entered: 12/13/2011)
12/13/2011	<u>6</u>	WAIVER OF SERVICE Returned Executed upon defendant David L. Brandt. Waiver sent on 11/29/2011. (Hahn, Mary) (Entered: 12/13/2011)
12/13/2011	<u>7</u>	WAIVER OF SERVICE Returned Executed upon defendant Cheryl Bressington. Waiver sent on 11/29/2011. (Hahn, Mary) (Entered: 12/13/2011)
12/13/2011	<u>8</u>	WAIVER OF SERVICE Returned Executed upon defendant Christy Horn. Waiver sent on 11/29/2011. (Hahn, Mary) (Entered: 12/13/2011)
12/13/2011	<u>9</u>	WAIVER OF SERVICE Returned Executed upon defendant Gail Zeller. Waiver sent on 11/29/2011. (Hahn, Mary) (Entered: 12/13/2011)
01/27/2012	<u>10</u>	ANSWER to Complaint <u>1</u> by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller(Moore, Scott) (Entered: 01/27/2012)
01/30/2012	<u>11</u>	ATTORNEY LETTER by Clerk that Attorney Alison A. Basye has not paid the biennial assessment. If the requested action is not taken within fifteen (15) days of the date of this letter, this matter will be referred to the assigned magistrate judge for the entry of a show cause order. (TCL ) (Entered: 01/30/2012)
02/01/2012	<u>12</u>	SCHEDULING PACKET. Rule 26 Meeting Report Deadline set for 3/1/2012.Ordered by Magistrate Judge Cheryl R. Zwart. (CRZ) (Entered: 02/01/2012)
02/06/2012	<u>13</u>	TEXT ORDER regarding District Judge John M. Gerrard's Docket (General Order 2012–01). In civil cases assigned to Judge Gerrard from Judges Bataillon and Smith Camp, Magistrate Judge Cheryl R. Zwart will be the assigned magistrate judge. Cases assigned from Judge Kopf to Judge Gerrard will continue to be assigned to Magistrate Judge Cheryl R. Zwart. Ordered by Chief Judge Laurie Smith Camp. (AOA) (Entered: 02/06/2012)

		02/06/2012)
03/01/2012	<u>14</u>	REPORT of Rule 26(f) Planning Meeting <i>between Defendants and Plaintiff</i> by Attorney Mary J. Hahn on behalf of Plaintiff United States of America.(Hahn, Mary) (Entered: 03/01/2012)
03/01/2012	<u>15</u>	Joint STIPULATION regarding Report of Rule 26(f) Planning Meeting <u>14</u> <i>ESI and Other Discovery Provisions</i> by Attorney Mary J. Hahn on behalf of Plaintiff United States of America. (Attachments: # <u>1</u> Attachment)(Hahn, Mary) (Entered: 03/01/2012)
03/02/2012	<u>16</u>	ORDER granting <u>15</u> Stipulation regarding Electronic Discovery. Ordered by Magistrate Judge Cheryl R. Zwart. (CRZ) (Entered: 03/02/2012)
03/07/2012	<u>17</u>	FINAL PROGRESSION ORDER – <b>Jury Trial</b> set for 1/22/2013 at 09:00 AM in Courtroom 1, Robert V. Denney Federal Building, 100 Centennial Mall North, Lincoln, NE before Judge John M. Gerrard. <b>Pretrial Conference</b> set for 1/8/2013 at 11:00 AM by Webex Conferencing before Magistrate Judge Cheryl R. Zwart. An email will be sent to counsel of record with the instructions and codes for participating in the pretrial conference by Webex. <b>Telephone Conference</b> set for 8/30/2012 at 10:00 AM by telephone before Magistrate Judge Cheryl R. Zwart. Plaintiff's counsel shall initiate the telephone call. Ordered by Magistrate Judge Cheryl R. Zwart. (DMS) (Entered: 03/07/2012)
03/09/2012	<u>18</u>	NOTIFICATION of Request for Video Recording by Clerk.(CCB) (Entered: 03/09/2012)
05/11/2012	<u>19</u>	NOTICE of Intent to Serve Subpoenas <i>Duces Tecum</i> by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller (Attachments: # <u>1</u> Proposed Subpoenas)(Moore, Scott) (Entered: 05/11/2012)
05/14/2012	<u>20</u>	Unopposed MOTION for Protective Order by Attorney Mary J. Hahn on behalf of Plaintiff United States of America. (Attachments: # <u>1</u> Text of Proposed Order Proposed Protective Order)(Hahn, Mary) (Entered: 05/14/2012)
05/14/2012	<u>21</u>	ORDER granting <u>20</u> Motion for Protective Order. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 05/14/2012)
05/15/2012	<u>22</u>	TEXT NOTICE REGARDING PROPOSED ORDER <u>20</u> by Deputy Clerk. Pursuant to NECivR 7.0.2, a moving party shall submit a proposed order to the judge. Electronically submitted proposed orders may not be combined with the motion into one document. The proposed order should be e-mailed in a word-processing format to the assigned judge. This notice is for your information for future filings.(TCL ) (Entered: 05/15/2012)
05/16/2012	<u>23</u>	Unopposed MOTION Release of Discoverable Materials Otherwise Protected by FERPA and Other Federal or State Law by Attorney Mary J. Hahn on behalf of Plaintiff United States of America.(Hahn, Mary) (Entered: 05/16/2012)
05/16/2012	<u>24</u>	Joint STIPULATION to Amend Expert Disclosure Deadlines by Attorney Mary J. Hahn on behalf of Plaintiff United States of America.(Hahn, Mary) (Entered: 05/16/2012)
05/17/2012	<u>25</u>	TEXT ORDER granting <u>24</u> Stipulation to extend the expert disclosure deadlines. 1) Plaintiff shall disclose all expert witnesses and shall provide the reports required by Rule 26(a)(2) by no later than July 6, 2012; (2) Defendants shall disclose all expert witnesses and shall provide the reports required by Rule 26(a)(2) by no later than August 3, 2012; and (3) Plaintiff shall disclose all rebuttal expert witnesses and shall provide the reports required by Rule 26(a)(2) by no later than August 17, 2011. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 05/17/2012)
05/17/2012	<u>26</u>	ORDER granting <u>23</u> Motion Authorizing Release of FERPA Records. Ordered by Magistrate Judge Cheryl R. Zwart. (DMS) (Entered: 05/17/2012)



05/21/2012	<u>27</u>	Certificate of Service of Written Objections to Defendants' Notice of Third-Party Subpoenas by Attorney Mary J. Hahn on behalf of Plaintiff United States of America.(Hahn, Mary) (Entered: 05/21/2012)
06/27/2012	<u>28</u>	Joint MOTION to Amend Order Setting Schedule for Progression of a Civil Case,, <u>17</u> by Attorney Mary J. Hahn on behalf of Plaintiff United States of America.(Hahn, Mary) (Entered: 06/27/2012)
06/27/2012	<u>29</u>	ORDER GRANTING JOINT MOTION TO AMEND THE PROGRESSION ORDER – The trial of this case is set to commence before the Honorable John M. Gerrard, in Courtroom 1, United States Courthouse, Lincoln, Nebraska at 9:00 a.m. on June 17, 2013, or as soon thereafter as the case may be called, for a duration of four (4) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at commencement of trial. The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on June 6, 2013 at 9:00 a.m., and will be conducted by WebEx conferencing. To facilitate this conferencing method, the parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to zwart@ned.uscourts.gov, in either Word Perfect or Word format, by 5:00 p.m. on June 5, 2013. An email will be sent to counsel of record with the instructions and codes for participating in the pretrial conference by WebEx. A telephonic conference with the undersigned magistrate judge remains set to be held on August 30, 2012 10:00 a.m. to discuss the status of case progression and potential settlement. Counsel for plaintiff shall place the call. Ordered by Magistrate Judge Cheryl R. Zwart. (TCL ) (Entered: 06/27/2012)
08/13/2012	<u>30</u>	Certificate of Service of Written Objections to Defendants' Notice of Third-Party Subpoenas by Attorney Mary J. Hahn on behalf of Plaintiff United States of America.(Hahn, Mary) (Entered: 08/13/2012)
08/24/2012	<u>31</u>	Certificate of Service by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 08/24/2012)
08/30/2012	<u>32</u>	MEMORANDUM AND ORDER setting scheduling regarding summary judgment motions and briefing on the issue of whether the Fair Housing Act is applicable to university housing for college students. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 08/30/2012)
09/25/2012	<u>33</u>	Unopposed MOTION to Extend Deadlines to File Motions for Summary Judgment by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 09/25/2012)
09/26/2012	<u>34</u>	TEXT ORDER granting <u>33</u> Motion to Extend. The deadline (see, Filing No. <u>32</u> ) for filing summary judgment motions and briefing on the issue of whether the Fair Housing Act is applicable to university housing for college students is extended to November 6, 2012. Any response or reply to these summary judgment motions shall be filed in accordance with the deadlines set under the Local Rules of this court. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 09/26/2012)
10/15/2012	<u>35</u>	Joint STIPULATION to Extend Expert Deadlines by Attorney Mary J. Hahn on behalf of Plaintiff United States of America.(Hahn, Mary) (Entered: 10/15/2012)
10/15/2012	<u>36</u>	ORDER granting <u>35</u> Stipulation regarding extending the expert disclosure deadlines. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 10/15/2012)
11/06/2012	<u>37</u>	MOTION for Summary Judgment by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 11/06/2012)
11/06/2012	<u>38</u>	RESTRICTED DOCUMENT <i>Index of Evidence and Supporting Declarations and Exhibits</i> regarding MOTION for Summary Judgment <u>37</u> ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). – by Attorney Scott P. Moore on behalf of Defendants Board of

		Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller. (Attachments: # <u>1</u> Exhibit A – Foundational Declaration of Scott P. Moore, # <u>2</u> Exhibit A1 – Declaration of Charles Anthony Earls, # <u>3</u> Exhibit A2 – Student Accommodation Documents)(Moore, Scott) (Entered: 11/06/2012)
11/06/2012	<u>39</u>	BRIEF in support of MOTION for Summary Judgment <u>37</u> by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 11/06/2012)
11/06/2012	<u>40</u>	MOTION for Partial Summary Judgment <i>on Whether the Fair Housing Act Covers Universities</i> by Attorney Mary J. Hahn on behalf of Plaintiff United States of America.(Hahn, Mary) (Entered: 11/06/2012)
11/06/2012	<u>41</u>	BRIEF in support of MOTION for Partial Summary Judgment <i>on Whether the Fair Housing Act Covers Universities</i> <u>40</u> by Attorney Mary J. Hahn on behalf of Plaintiff United States of America.(Hahn, Mary) (Entered: 11/06/2012)
11/06/2012	<u>42</u>	INDEX in support of MOTION for Partial Summary Judgment <i>on Whether the Fair Housing Act Covers Universities</i> <u>40</u> by Attorney Mary J. Hahn on behalf of Plaintiff United States of America.(Hahn, Mary) (Entered: 11/06/2012)
11/06/2012	<u>43</u>	AFFIDAVIT <i>of A. Hung</i> regarding Index <u>42</u> by Attorney Mary J. Hahn on behalf of Plaintiff United States of America.(Hahn, Mary) (Entered: 11/06/2012)
11/06/2012	<u>44</u>	AFFIDAVIT <i>of A. Hung with Exhibits</i> regarding Index <u>42</u> by Attorney Mary J. Hahn on behalf of Plaintiff United States of America. (Attachments: # <u>1</u> Exhibit Nos. 8–9, # <u>2</u> Exhibit Nos. 11–12, # <u>3</u> Exhibit Nos. 14–15, # <u>4</u> Exhibit Nos. 17, # <u>5</u> Exhibit Nos. 23–25)(Hahn, Mary) (Entered: 11/06/2012)
11/06/2012	<u>45</u>	AFFIDAVIT <i>of A. Hung &amp; Ex. 4</i> regarding Index <u>42</u> by Attorney Mary J. Hahn on behalf of Plaintiff United States of America. (Attachments: # <u>1</u> Exhibit No. 4)(Hahn, Mary) (Entered: 11/06/2012)
11/06/2012	<u>46</u>	RESTRICTED DOCUMENT <i>A. Hung Decl. Exhibits 18–22</i> regarding MOTION for Partial Summary Judgment <i>on Whether the Fair Housing Act Covers Universities</i> <u>40</u> ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E–GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). – by Attorney Mary J. Hahn on behalf of Plaintiff United States of America. (Attachments: # <u>1</u> Exhibit Nos. 18–22)(Hahn, Mary) (Entered: 11/06/2012)
11/06/2012	<u>47</u>	RESTRICTED DOCUMENT <i>Declaration of D. Kraft</i> regarding MOTION for Partial Summary Judgment <i>on Whether the Fair Housing Act Covers Universities</i> <u>40</u> ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E–GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). – by Attorney Mary J. Hahn on behalf of Plaintiff United States of America.(Hahn, Mary) (Entered: 11/06/2012)
11/06/2012	<u>48</u>	AFFIDAVIT <i>of A. Hung &amp; Ex. No. 6</i> regarding Index <u>42</u> by Attorney Mary J. Hahn on behalf of Plaintiff United States of America. (Attachments: # <u>1</u> Exhibit No. 6)(Hahn, Mary) (Entered: 11/06/2012)
11/06/2012	<u>49</u>	AFFIDAVIT <i>of A. Hung and Exs 3, 5, 7, 10, 13, 16</i> regarding Index <u>42</u> by Attorney Mary J. Hahn on behalf of Plaintiff United States of America. (Attachments: # <u>1</u> Exhibit Nos. 3, 5, 7, 10, 13, 16)(Hahn, Mary) (Entered: 11/06/2012)
11/30/2012	<u>50</u>	MOTION for Hearing regarding MOTION for Summary Judgment <u>37</u> , MOTION for Partial Summary Judgment <i>on Whether the Fair Housing Act Covers Universities</i> <u>40</u> ( <i>Motion for Oral Argument</i> ) by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 11/30/2012)




11/30/2012	<u>51</u>	BRIEF in opposition to MOTION for Partial Summary Judgment <i>on Whether the Fair Housing Act Covers Universities</i> <u>40</u> by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 11/30/2012)
11/30/2012	<u>52</u>	RESTRICTED DOCUMENT <i>Index of Evidence in Opposition to</i> regarding MOTION for Partial Summary Judgment <i>on Whether the Fair Housing Act Covers Universities</i> <u>40</u> ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). – by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller. (Attachments: # <u>1</u> Exhibit A – Declaration of Scott P. Moore, # <u>2</u> Exhibit A1)(Moore, Scott) (Entered: 11/30/2012)
11/30/2012	<u>53</u>	BRIEF in opposition to MOTION for Summary Judgment <u>37</u> <i>on Whether the FHA Covers Universities and Colleges</i> by Attorney Mary J. Hahn on behalf of Plaintiff United States of America.(Hahn, Mary) (Entered: 11/30/2012)
11/30/2012	<u>54</u>	INDEX in opposition to MOTION for Summary Judgment <u>37</u> <i>on Whether the FHA Covers Universities and Colleges</i> by Attorney Mary J. Hahn on behalf of Plaintiff United States of America. (Attachments: # <u>1</u> Affidavit of M. Howard with Exs. A–B)(Hahn, Mary) (Entered: 11/30/2012)
12/04/2012	<u>55</u>	NOTICE of Appearance by Attorney Anthony D. Todero on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller (Todero, Anthony) (Entered: 12/04/2012)
12/07/2012	<u>56</u>	Joint MOTION to Amend Order on Motion to Amend,,,,, <u>29</u> by Attorney Mary J. Hahn on behalf of Plaintiff United States of America.(Hahn, Mary) (Entered: 12/07/2012)
12/07/2012	<u>57</u>	ORDER granting <u>56</u> Motion to Amend Progression Order. Trial will commence before the Honorable John M. Gerrard, in Courtroom 1, United States Courthouse, Lincoln, Nebraska at 9:00 a.m. on October 15, 2013. Pretrial Conference is scheduled before Judge Zwart on September 30, 2013 by WebEx. An email will be sent to counsel of record with the instructions and codes for participating in the pretrial conference by WebEx. The telephonic status conference is set for January 15, 2013 at 1:30 p.m. before Judge Zwart. Plaintiff's counsel shall initiate the call. Ordered by Magistrate Judge Cheryl R. Zwart. (DMS) (Entered: 12/07/2012)
12/12/2012	<u>58</u>	STRICKEN – MOTION for Protective Order by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) Modified on 12/13/2012 to strike pursuant text order 61 (GJG). (Entered: 12/12/2012)
12/12/2012	<u>59</u>	BRIEF in support of MOTION for Protective Order <u>58</u> by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 12/12/2012)
12/12/2012	<u>60</u>	INDEX in support of MOTION for Protective Order <u>58</u> by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller. (Attachments: # <u>1</u> Exhibit A – A9)(Moore, Scott) (Entered: 12/12/2012)
12/13/2012	61	TEXT STRIKE ORDER that Pursuant to NEGenR 1.3(a)(4), the Motion for Protective Order <u>58</u> is stricken for the following reason(s): the document is a duplicate of document number <u>59</u> . The party is directed to re-file the document. Ordered by Deputy Clerk. (GJG) (Entered: 12/13/2012)

12/13/2012	<u>62</u>	MOTION for Protective Order by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 12/13/2012)
12/27/2012	<u>63</u>	BRIEF in opposition to MOTION for Protective Order <u>62</u> by Attorney Mary J. Hahn on behalf of Plaintiff United States of America.(Hahn, Mary) (Entered: 12/27/2012)
12/27/2012	<u>64</u>	INDEX in opposition to MOTION for Protective Order <u>62</u> and Exs. 1-6 by Attorney Mary J. Hahn on behalf of Plaintiff United States of America. (Attachments: # <u>1</u> Affidavit of Mary J. Hahn, # <u>2</u> Exhibit Nos. 1-6)(Hahn, Mary) (Entered: 12/27/2012)
01/07/2013	<u>65</u>	REPLY BRIEF in support of MOTION for Protective Order <u>62</u> Pursuant to FED.R.CIV.P.26(c) by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 01/07/2013)
01/07/2013	<u>66</u>	INDEX in support of MOTION for Protective Order <u>62</u> , Reply Brief, <u>65</u> Pursuant to FED.R.CIV.P.26(c) by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller. (Attachments: # <u>1</u> Exhibit A – Foundational Declaration, # <u>2</u> Exhibit A1 – Declaration of Scott P. Moore)(Moore, Scott) (Entered: 01/07/2013)
01/18/2013	<u>67</u>	MEMORANDUM AND ORDER regarding: MOTION for Protective Order <u>62</u> . On or before February 4, 2013, the parties shall file their respective briefs on the issues identified in this memorandum and order. Any responsive briefs shall be filed on or before February 19, 2013. The motion for protective order will be deemed fully submitted on February 20, 2013. Ordered by Magistrate Judge Cheryl R. Zwart. (MKR) (Entered: 01/18/2013)
02/04/2013	<u>68</u>	NOTICE of Appearance by Attorney Colleen M. Melody on behalf of Plaintiff United States of America (Melody, Colleen) (Entered: 02/04/2013)
02/04/2013	<u>69</u>	BRIEF in support of MOTION for Protective Order <u>62</u> , Memorandum and Order, <u>67</u> by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 02/04/2013)
02/04/2013	<u>70</u>	BRIEF in opposition to MOTION for Protective Order <u>62</u> and Memorandum and Order <u>67</u> by Attorney Colleen M. Melody on behalf of Plaintiff United States of America.(Melody, Colleen) (Entered: 02/04/2013)
02/19/2013	<u>71</u>	BRIEF in support of Motion for Protective Order and In Response to Court's Memorandum and Order (filing No. 67) by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 02/19/2013)
02/19/2013	<u>72</u>	BRIEF in opposition to MOTION for Protective Order <u>62</u> and in Response to Memorandum and Order <u>67</u> by Attorney Colleen M. Melody on behalf of Plaintiff United States of America.(Melody, Colleen) (Entered: 02/19/2013)
04/03/2013	<u>73</u>	Joint MOTION to Amend Progression Order by Attorney Mary J. Hahn on behalf of Plaintiff United States of America.(Hahn, Mary) (Entered: 04/03/2013)
04/04/2013	<u>74</u>	ORDER granting <u>73</u> Motion to Amend the Progression Order. Trial will commence before the Honorable John M. Gerrard, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at <b>9:00 a.m. on February 10, 2014.</b> The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on <b>January 28, 2014 at 11:00 a.m.</b> , and will be conducted by WebEx conferencing. An email will be sent to counsel of record with the instructions and codes for participating in the pretrial conference by WebEx. Ordered by Magistrate Judge Cheryl R. Zwart. (DMS) (Entered: 04/04/2013)

04/05/2013	<u>75</u>	ORDER – The defendants' Motion for Oral Argument on Motion for Summary Judgment (filing <u>50</u> ) is granted. A hearing is set before the undersigned judge in Courtroom 1, Robert V. Denney Federal Building, 100 Centennial Mall North, Lincoln, Nebraska, commencing at 10 a.m. on Wednesday, April 17, 2013, on the defendants' Motion for Summary Judgment (filing <u>37</u> ) and the plaintiff's cross-motion for partial summary judgment (filing <u>40</u> ). Each side shall have 15 minutes to argue, divided among counsel for each side as they choose. The plaintiff's counsel shall argue first, and may reserve time for a brief rebuttal. The parties are required to complete Form E, "Party Response to Request for Video Recording," and e-mail it to camerapilot@ned.uscourts.gov as soon as practicable. Ordered by Judge John M. Gerrard. (AOA) (Entered: 04/05/2013)
04/05/2013	<u>76</u>	NOTIFICATION of Request for Video Recording by Clerk.(CCB) (Entered: 04/05/2013)
04/15/2013	<u>77</u>	PARTY RESPONSE to Request for Video Recording (All Parties Consent)(CCB) (Entered: 04/15/2013)
04/17/2013	<u>78</u>	TEXT MINUTE ENTRY Hearing held on cross motions for summary judgment <u>37</u> <u>40</u> before Judge John M. Gerrard in Lincoln on 4/17/13. Oral argument made by parties. Court takes judicial notice of index of evidence filed by plaintiff and defendants. Case submitted. Order forthcoming. Appearances for Plaintiff: Mary Hahn and Laurie Kelly; for Defendants: Scott Moore and Alison Basye; Courtroom Deputy: Colleen Beran; Court Reporter: Digital Recording. Time Start: 10:00 a.m.; Time Stop: 10:32 a.m.; Time in Court: 32 Minutes. (CCB) (Entered: 04/17/2013)
04/17/2013	<u>79</u>	🔊 AUDIO FILE. Court Date & Time [ 04/17/2013 9:49:08 AM ]. File Size [ 8746 KB ]. Run Time [ 00:36:26 ]. (Motion Hearing). (auto-docket). (Entered: 04/17/2013)
04/19/2013	<u>80</u>	MEMORANDUM AND ORDER – IT IS ORDERED: The Plaintiff United States of America's Cross-Motion For Partial Summary Judgment on the Issue of the Fair Housing Act's Application to Universities and Colleges (filing <u>40</u> ) is granted. UNK's Motion for Summary Judgment (filing <u>37</u> ) is denied. It is established, for purposes of this case, that UNK's student housing facilities are "dwellings" within the meaning of the Fair Housing Act. Ordered by Judge John M. Gerrard. (TCL ) (Entered: 04/19/2013)
05/15/2013	<u>81</u>	MEMORANDUM AND ORDER granting in part and denying in part <u>62</u> Defendant's Motion for Protective Order. 1) Third-party NACUA shall comply with the subpoena served on it by the plaintiff, but only to the extent the subpoena seeks documents, publications, or website materials that were circulated, distributed, or otherwise made readily available to the Defendants specifically, or to the NACUA membership as a whole, from January 1, 2007 until November 23, 2011. 2) To the extent the subpoena requests any other documents or publications, the motion for protective order is granted. Ordered by Magistrate Judge Cheryl R. Zwart. (JAB) (Entered: 05/15/2013)
06/12/2013	<u>82</u>	REQUEST FOR TRANSCRIPT for proceedings held on 4/17/2013 before District Judge John M. Gerrard on <i>Cross Motions for Summary Judgment</i> by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 06/12/2013)
06/12/2013	<u>83</u>	LETTER BY CLERK that a CD was sent to Latimer Reporting for transcription regarding Order on Motion for Summary Judgment, Order on Motion for Partial Summary Judgment, Motion Hearing,,,,, 78 . Transcript ordered by Scott Moore. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). (SCR, ) (Entered: 06/12/2013)
06/19/2013	<u>84</u>	TRANSCRIPT (UNREDACTED) of cross-motions for summary judgment proceedings before District Judge John M. Gerrard held on 4-17-13. Total Number of Billable Pages: 26. Total Number of Pages: 26. The transcript can only be viewed at the courts public terminal or purchased through Transcriber Vicki Jarchow at (402) 476-1153 before the expiration of the Release of Transcript Restriction deadline. The parties have 5 business days to file with the court a Notice of Intent to Request

		Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. <a href="#">Click here to view the Transcript Redaction Procedure</a> . – Redaction Request due 7/10/2013. Redacted Transcript Deadline set for 7/22/2013. Release of Transcript Restriction set for 9/17/2013. (Jarchow, Vicki) Modified on 9/18/2013 to remove restriction text (TCL ). (Entered: 06/19/2013)
07/12/2013	<u>85</u>	Unopposed MOTION to Amend Order on Motion to Amend., <u>74</u> <i>the Progression Order</i> by Attorney Mary J. Hahn on behalf of Plaintiff United States of America.(Hahn, Mary) (Entered: 07/12/2013)
07/17/2013	<u>86</u>	MEMORANDUM AND ORDER granting <u>85</u> Motion to Amend. The jury trial of this case is set to commence before John M. Gerrard, United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on May 13, 2014. The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on April 29, 2014 at 10:00 a.m., and will be conducted by WebEx conferencing. A telephonic conference with the undersigned magistrate judge will be held on January 14, 2014 at 10:00 a.m. to discuss the status of case progression and potential settlement. Counsel for plaintiff shall place the call. The parties are hereby notified that no further continuances will be granted absent a substantial threshold showing of good cause. Ordered by Magistrate Judge Cheryl R. Zwart. (TCL ) (Entered: 07/17/2013)
07/17/2013	<u>87</u>	STRICKEN – ORDER granting <u>85</u> Motion to Amend Progression Order. The jury trial is set for <b>May 13, 2014 before U.S. Distruct Judge John M. Gerrard in Courtroom 1</b> , United States Courthouse, Lincoln, NE at 9:00 a.m. The pretrial conference is scheduled for <b>April 29, 2014 at 10:00 a.m.</b> before Magistrate Judge Zwart and will be conducted by WebEx conferencing. An email will be sent to counsel of record with the instructions and codes for participating in the pretrial conference by WebEx. A telephonic conference with Magistrate Judge Zwart will be held on <b>January 14, 2014 at 10:00 a.m.</b> to discuss the status of case progression and potential settlement. Counsel for plaintiff shall place the call. Ordered by Magistrate Judge Cheryl R. Zwart. (DMS) Modified on 7/17/2013 to add "stricken" text pursuant to Order 88 . (JAB) (Entered: 07/17/2013)
07/17/2013	88	TEXT STRIKE ORDER that Pursuant to NEGenR 1.3(a)(4), the Order on Motion to Amend <u>87</u> is stricken for the following reason: the document is a duplicate of document number <u>86</u> . Ordered by Deputy Clerk. (JAB) (Entered: 07/17/2013)
08/13/2013	89	TEXT ORDER SETTING HEARING: At Counsels' request, a Planning Conference is set for <b>8/19/2013 at 01:30 PM by telephone</b> before Magistrate Judge Cheryl R. Zwart. Counsel for Plaintiff shall place the call. Ordered by Magistrate Judge Cheryl R. Zwart. (DMS) (Entered: 08/13/2013)
08/16/2013	<u>90</u>	STATUS REPORT <i>on Discovery and Electronically Stored Information</i> by Attorney Mary J. Hahn on behalf of Plaintiff United States of America.(Hahn, Mary) (Entered: 08/16/2013)
08/20/2013	<u>91</u>	MEMORANDUM AND ORDER – IT IS ORDERED: 1) Discovery is stayed pending the outcome of a settlement conference before the undersigned magistrate judge. 2) A telephonic conference to discuss the scheduling of the settlement conference will be held on September 3, 2013 at 10:30 a.m. (CDT). Counsel for the plaintiff shall place the call. Ordered by Magistrate Judge Cheryl R. Zwart. (TCL ) (Entered: 08/20/2013)
09/03/2013	<u>92</u>	ORDER SETTING Settlement Conference for <b>9/10/2013 at 9:30</b> AM Courtroom 1 (Special Proceedings), Roman L. Hruska Federal Courthouse, 111 South 18th Plz, Omaha, NE before Magistrate Judge Cheryl R. Zwart. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 09/03/2013)
09/11/2013	93	TEXT ORDER: The parties are still exploring options for settlement. Accordingly, 1) The progression deadlines in this case are stayed pending further order of the court. 2) On or before September 25, 2013, the parties shall contact my chambers to set a conference call to discuss the status of their settlement discussions, and either the scheduling of an additional settlement conference or, in the alternative, their proposed deadlines for further progression of this case to trial. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 09/11/2013)



11/18/2013	<u>94</u>	TEXT ORDER SETTING HEARING: At the Court's request, the Telephone Conference is set for <b>11/25/2013 at 02:00 PM (CST)</b> before Magistrate Judge Cheryl R. Zwart. The Court will email all parties with the call-in conference information. Ordered by Magistrate Judge Cheryl R. Zwart. (DMS) (Entered: 11/18/2013)
11/25/2013	<u>95</u>	TEXT ORDER SETTING HEARING: A Status Conference will be held before Magistrate Judge Cheryl R. Zwart on <b>December 17, 2013 at 09:00 AM (C.S.T.)</b> by telephone to discuss the status of their settlement discussions, and either the scheduling of an additional settlement conference or, in the alternative, their proposed deadlines for further progression of this case to trial. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 11/25/2013)
12/17/2013	<u>96</u>	MEMORANDUM AND ORDER – IT IS ORDERED: A telephonic conference with the undersigned magistrate judge will be held on the record on January 10, 2014 at 8:30 a.m. to discuss: 1) Whether all reasonable attempts at settlement have been exhausted and a progression schedule to trial should be entered; and 2) If the parties believe further efforts at settlement are warranted: a. What representatives of the United States, by name and department, must be present at a settlement conference to fully address the parties' ongoing issues; b. Whether those representatives commit to being present at a settlement conference before the undersigned magistrate judge if the conference is conducted in Washington, D.C. Ordered by Magistrate Judge Cheryl R. Zwart. (TCL ) (Entered: 12/17/2013)
01/10/2014	<u>97</u>	TEXT NOTICE of Hearing regarding Memorandum and Order <u>96</u> . In Court Hearing set for 1/10/2014 08:30 AM by telephone before Magistrate Judge Cheryl R. Zwart. (JAB) (Entered: 01/10/2014)
01/10/2014	<u>98</u>	MEMORANDUM AND ORDER – IT IS ORDERED that the final progression order is as follows: Depositions due 10/1/2014. Jury Trial set for 2/9/2015 at 09:00 AM in Courtroom 1, Robert V. Denney Federal Building, 100 Centennial Mall North, Lincoln, NE before Judge John M. Gerrard. Pretrial Conference set for 1/27/2015 at 10:00 AM by WebEx before Magistrate Judge Cheryl R. Zwart. An email will be sent to counsel of record with the instructions and codes for participating in the pretrial conference by WebEx. Ordered by Magistrate Judge Cheryl R. Zwart. (TCL, ) (Entered: 01/10/2014)
01/10/2014	<u>99</u>	TEXT MINUTE ENTRY for proceedings held before Magistrate Judge Cheryl R. Zwart in Lincoln on 1/10/2014. Telephonic Status Conference held. (Audio started 5 minutes late.) Case progression discussed. Order entered. Courtroom Deputy: Jeri A. Bierbower. Reporter: Digital Recorder. Appearance for Plaintiff: Mary Hahn, Colleen Melody and Laurie Kelly; For Defendants: Scott Moore and Alison Basye, retained. Time Start: 8:33 AM; Time Stop: 9:21 AM; Time in Court: 48 Minutes. (JAB) (Entered: 01/10/2014)
01/10/2014	<u>100</u>	 AUDIO FILE. Court Date & Time [ 01/10/2014 8:37:58 AM ]. File Size [ 10281 KB ]. Run Time [ 00:42:50 ]. (Status hearing). (auto-docket). (Entered: 01/10/2014)
03/31/2014	<u>101</u>	Joint MOTION to Extend <i>Deadlines</i> by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 03/31/2014)
03/31/2014	<u>102</u>	MEMORANDUM AND ORDER – IT IS ORDERED: The parties' joint motion to continue, (Filing No. <u>101</u> ), is granted, and the progression order is modified as stated. Ordered by Magistrate Judge Cheryl R. Zwart. (TCL ) Modified on 4/1/2014 to correct typo(TCL ). (Entered: 04/01/2014)
05/19/2014	<u>103</u>	MOTION to Compel <i>Electronically Stored Information and to Amend the Progression Order</i> by Attorney Colleen M. Melody on behalf of Plaintiff United States of America.(Melody, Colleen) (Entered: 05/19/2014)
05/19/2014	<u>104</u>	BRIEF in support of MOTION to Compel <i>Electronically Stored Information and to Amend the Progression Order</i> <u>103</u> by Attorney Colleen M. Melody on behalf of Plaintiff United States of America.(Melody, Colleen) (Entered: 05/19/2014)
05/19/2014	<u>105</u>	INDEX in support of MOTION to Compel <i>Electronically Stored Information and to Amend the Progression Order</i> <u>103</u> by Attorney Colleen M. Melody on behalf of

		Plaintiff United States of America. (Attachments: # <u>1</u> Exhibit Declaration of Mary J. Hahn, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17)(Melody, Colleen) (Entered: 05/19/2014)
05/19/2014	<u>106</u>	RESTRICTED DOCUMENT <i>Portions of Exhibit 11</i> regarding MOTION to Compel <i>Electronically Stored Information and to Amend the Progression Order <u>103</u></i> ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). – by Attorney Colleen M. Melody on behalf of Plaintiff United States of America.(Melody, Colleen) (Entered: 05/19/2014)
05/27/2014	<u>107</u>	MOTION to Withdraw as Attorney by Attorney Mary J. Hahn on behalf of Plaintiff United States of America.(Hahn, Mary) (Entered: 05/27/2014)
05/27/2014	<u>108</u>	ORDER granting <u>107</u> Motion to Withdraw Mary J. Hahn as Attorney for plaintiff. Ordered by Magistrate Judge Cheryl R. Zwart. (ADB) (Entered: 05/28/2014)
06/04/2014	<u>109</u>	NOTICE of Appearance by Attorney Norrinda B. Hayat on behalf of Plaintiff United States of America (Hayat, Norrinda) (Entered: 06/04/2014)
06/05/2014	<u>110</u>	Unopposed MOTION to Extend <i>Deadline to File Brief in Opposition to</i> MOTION to Compel <i>Electronically Stored Information and to Amend the Progression Order <u>103</u></i> by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 06/05/2014)
06/05/2014	111	TEXT ORDER granting <u>110</u> Motion to Extend. Defendants' brief in opposition to Plaintiff's Motion to Compel <u>103</u> shall be filed on or before June 9, 2014. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 06/05/2014)
06/06/2014	<u>112</u>	Certificate of Service by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 06/06/2014)
06/09/2014	<u>113</u>	BRIEF in opposition to MOTION to Compel <i>Electronically Stored Information and to Amend the Progression Order <u>103</u></i> by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10, # <u>12</u> Exhibit 11,



		# <u>13</u> Exhibit 12, # <u>14</u> Exhibit 13, # <u>15</u> Exhibit 14, # <u>16</u> Exhibit 15)(Moore, Scott) (Entered: 06/09/2014)
06/09/2014	<u>114</u>	RESPONSE regarding Order on Motion to Extend, <u>102</u> by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 06/09/2014)
06/19/2014	<u>115</u>	MOTION to Strike <i>Portions of Filing</i> by Attorney Colleen M. Melody on behalf of Plaintiff United States of America.(Melody, Colleen) (Entered: 06/19/2014)
06/19/2014	<u>116</u>	BRIEF in support of MOTION to Strike <i>Portions of Filing</i> <u>115</u> by Attorney Colleen M. Melody on behalf of Plaintiff United States of America. (Attachments: # <u>1</u> Affidavit C. Melody)(Melody, Colleen) (Entered: 06/19/2014)
06/19/2014	<u>117</u>	REPLY BRIEF in support of MOTION to Compel <i>Electronically Stored Information and to Amend the Progression Order</i> <u>103</u> by Attorney Colleen M. Melody on behalf of Plaintiff United States of America. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Melody, Colleen) (Entered: 06/19/2014)
06/19/2014	<u>118</u>	ORDER on Plaintiff's motion to strike and setting briefing schedule. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 06/19/2014)
06/19/2014	<u>119</u>	BRIEF (redacted version of <u>113</u> ) in opposition to Plaintiff's Motion to Compel <u>103</u> . (Zwart, Cheryl) (Entered: 06/19/2014)
07/01/2014	<u>120</u>	BRIEF in opposition to MOTION to Strike <i>Portions of Filing</i> <u>115</u> by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Moore, Scott) (Entered: 07/01/2014)
07/10/2014	<u>121</u>	REPLY BRIEF in support of MOTION to Strike <i>Portions of Filing</i> <u>115</u> by Attorney Colleen M. Melody on behalf of Plaintiff United States of America.(Melody, Colleen) (Entered: 07/10/2014)
08/25/2014	<u>122</u>	ORDER denying <u>103</u> Motion to Compel; denying as moot <u>115</u> Motion to Strike Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 08/25/2014)
08/26/2014	<u>123</u>	Joint MOTION Extend Protective Order to NACUA regarding Order on Motion for Protective Order <u>21</u> by Attorney Colleen M. Melody on behalf of Plaintiff United States of America.(Melody, Colleen) (Entered: 08/26/2014)
08/27/2014	<u>124</u>	ORDER granting <u>123</u> Motion Extend Protective Order to NACUA. The court's previously entered protective order, (Filing No. 21), is extended to materials produced by NACUA in response to the United States' third-party subpoena. Ordered by Magistrate Judge Cheryl R. Zwart. (Copies emailed and mailed as directed) (ADB) (Entered: 08/27/2014)
08/27/2014	<u>125</u>	Joint MOTION to Extend <i>Progression Order Deadlines</i> by Attorney Colleen M. Melody on behalf of Plaintiff United States of America.(Melody, Colleen) (Entered: 08/27/2014)
08/28/2014	<u>126</u>	MEMORANDUM AND ORDER granting <u>125</u> Motion to Extend. Jury Trial set for 5/26/2015 at 09:00 AM in Courtroom 1, Robert V. Denney Federal Building, 100 Centennial Mall North, Lincoln, NE before Judge John M. Gerrard. Pretrial Conference set for 5/12/2015 at 11:00 AM by WebEx before Magistrate Judge Cheryl R. Zwart. The deposition deadline is February 18, 2015. Ordered by Magistrate Judge Cheryl R. Zwart. (ADB) (Entered: 08/28/2014)
11/07/2014	<u>127</u>	NOTICE to Take Deposition of Denise Kraft by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller (Moore, Scott) (Entered: 11/07/2014)

11/07/2014	<u>128</u>	NOTICE to Take Deposition of Brittany Hamilton by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller (Moore, Scott) (Entered: 11/07/2014)
11/07/2014	<u>129</u>	NOTICE to Take Deposition of Brittany Hamilton ( <i>Amended</i> ) by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller (Moore, Scott) (Entered: 11/07/2014)
11/10/2014	<u>130</u>	NOTICE of Appearance by Attorney Onjil T. McEachin on behalf of Plaintiff United States of America (McEachin, Onjil) (Entered: 11/10/2014)
11/14/2014	<u>131</u>	NOTICE of Serving Defendants' Privilege Log upon Plaintiff by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller (Moore, Scott) (Entered: 11/14/2014)
11/17/2014	<u>132</u>	NOTICE of Appearance by Attorney Elise S. Shore on behalf of Plaintiff United States of America (Shore, Elise) (Entered: 11/17/2014)
11/18/2014	<u>133</u>	NOTICE to Take Deposition of Brittany Hamilton ( <i>Amended</i> ) by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller (Moore, Scott) (Entered: 11/18/2014)
11/19/2014	<u>134</u>	NOTICE of Intent to Serve Subpoena Duces Tecum by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller (Moore, Scott) (Entered: 11/19/2014)
12/01/2014	<u>135</u>	MOTION for Partial Summary Judgment <i>as to Liability</i> by Attorney Colleen M. Melody on behalf of Plaintiff United States of America.(Melody, Colleen) (Entered: 12/01/2014)
12/01/2014	<u>136</u>	BRIEF in support of MOTION for Partial Summary Judgment <i>as to Liability</i> <u>135</u> by Attorney Colleen M. Melody on behalf of Plaintiff United States of America.(Melody, Colleen) (Entered: 12/01/2014)
12/01/2014	<u>137</u>	INDEX in support of MOTION for Partial Summary Judgment <i>as to Liability</i> <u>135</u> by Attorney Colleen M. Melody on behalf of Plaintiff United States of America. (Attachments: # <u>1</u> Declaration of Colleen M. Melody, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8)(Melody, Colleen) (Entered: 12/01/2014)
12/02/2014	<u>138</u>	NOTICE to Take Deposition of Cheryl Bressington by Attorney Elise S. Shore on behalf of Plaintiff United States of America (Shore, Elise) (Entered: 12/02/2014)
12/05/2014	<u>139</u>	NOTICE to Take Deposition of Cheryl Bressington <i>Amended Notice</i> by Attorney Elise S. Shore on behalf of Plaintiff United States of America (Shore, Elise) (Entered: 12/05/2014)
12/08/2014	<u>140</u>	MOTION to Withdraw as Attorney by Attorney Colleen M. Melody on behalf of Plaintiff United States of America.(Melody, Colleen) (Entered: 12/08/2014)
12/08/2014	<u>141</u>	ORDER – The motion to permit Colleen M. Melody to withdraw as counsel on behalf of the United States, (filing no. <u>140</u> ), is granted. Ordered by Magistrate Judge Cheryl R. Zwart. (JAB) (Entered: 12/08/2014)
12/11/2014	<u>142</u>	NOTICE to Take Deposition of Gail Zeller by Attorney Elise S. Shore on behalf of Plaintiff United States of America (Shore, Elise) (Entered: 12/11/2014)

12/11/2014	<u>143</u>	Certificate of Service for United States' First Supplemental Rule 26(a) Initial Disclosures by Attorney Elise S. Shore on behalf of Plaintiff United States of America.(Shore, Elise) (Entered: 12/11/2014)
12/11/2014	<u>144</u>	Certificate of Service for United States' Second Set of Requests for Production of Documents by Attorney Elise S. Shore on behalf of Plaintiff United States of America.(Shore, Elise) (Entered: 12/11/2014)
12/15/2014	<u>145</u>	Unopposed MOTION to Extend Deadline to File Brief in Opposition to Motion for Partial Summary Judgment and Plaintiff to File Reply Brief by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 12/15/2014)
12/15/2014	<u>146</u>	NOTICE to Take Deposition of Jill Phelps by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller (Moore, Scott) (Entered: 12/15/2014)
12/15/2014	<u>147</u>	NOTICE to Take Deposition of Ziah Zawaideh by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller (Moore, Scott) (Entered: 12/15/2014)
12/15/2014	<u>148</u>	NOTICE to Take Deposition of Matthew Felber by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller (Moore, Scott) (Entered: 12/15/2014)
12/15/2014	<u>149</u>	TEXT ORDER granting <u>145</u> Unopposed Motion for Extension of Deadline to File Brief in Opposition to Motion for Partial Summary Judgment and Plaintiff to File Reply Brief. The defendants' motion is granted. The defendants may respond to the plaintiff's motion for partial summary judgment <u>135</u> on or before January 12, 2015. The plaintiffs may reply in support of their motion on or before February 6, 2015. Ordered by Judge John M. Gerrard. (DCD) (Entered: 12/15/2014)
12/17/2014	<u>150</u>	NOTICE United States' Designation of Expert Witness by Attorney Elise S. Shore on behalf of Plaintiff United States of America (Shore, Elise) (Entered: 12/17/2014)
01/09/2015	<u>151</u>	JOINT MOTION to Amend the Progression Order (ECF no. 126) by Attorney Elise S. Shore on behalf of Plaintiff United States of America.(Shore, Elise) Modified on 1/9/2015 to change event (Zwart, Cheryl). (Entered: 01/09/2015)
01/09/2015	<u>152</u>	ORDER granting <u>151</u> Motion to Continue Jury Trial set for 7/13/2015 at 09:00 AM in Courtroom 1, Robert V. Denney Federal Building, 100 Centennial Mall North, Lincoln, NE before Judge John M. Gerrard. Pretrial Conference set for 6/30/2015 at 01:00 PM by WebEx before Magistrate Judge Cheryl R. Zwart. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 01/09/2015)
01/12/2015	<u>153</u>	BRIEF in opposition to MOTION for Partial Summary Judgment <i>as to Liability</i> <u>135</u> by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit A1, # <u>3</u> Exhibit A2, # <u>4</u> Exhibit A3, # <u>5</u> Exhibit A4, # <u>6</u> Exhibit B, # <u>7</u> Exhibit B1, # <u>8</u> Exhibit B2, # <u>9</u> Exhibit B3, # <u>10</u> Exhibit B4, # <u>11</u> Exhibit C, # <u>12</u> Exhibit C1, # <u>13</u> Exhibit C2, # <u>14</u> Exhibit D,

		# <u>15</u> Exhibit D1, # <u>16</u> Exhibit E)(Moore, Scott) ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). Modified on 1/29/2015 to restrict (MLF, ). (Entered: 01/12/2015)
01/16/2015	<u>154</u>	Certificate of Service by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 01/16/2015)
01/16/2015	<u>155</u>	NOTICE to Take Deposition of Fed. R. Civ. P. 30(b)(6) Designee by Attorney Elise S. Shore on behalf of Plaintiff United States of America (Shore, Elise) (Entered: 01/16/2015)
01/21/2015	<u>156</u>	Certificate of Service by Attorney Allison D. Balus on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Balus, Allison) (Entered: 01/21/2015)
01/21/2015	<u>157</u>	OBJECTION to Notice to Take Deposition <u>155</u> and Designations by Attorney Allison D. Balus on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Balus, Allison) (Entered: 01/21/2015)
01/29/2015	<u>158</u>	JOINT MOTION to Amend Progression Order (ECF 126) as to Motions to Compel by Attorney Elise S. Shore on behalf of Plaintiff United States of America.(Shore, Elise) (Entered: 01/29/2015)
01/29/2015	159	TEXT ORDER granting <u>158</u> Motion to Amend. The deadline for filing motions to compel Rule 33 through 36 discovery is extended to February 28, 2015. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 01/29/2015)
02/02/2015	<u>160</u>	UNOPPOSED MOTION for Leave to Replace and File Supplement Exhibits in Opposition to Plaintiffs Motion for Partial Summary Judgment by Attorney Allison D. Balus on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller. (Attachments: # <u>1</u> Exhibit F, # <u>2</u> Exhibit F1, # <u>3</u> Exhibit F2)(Balus, Allison) (Entered: 02/02/2015)
02/02/2015	161	TEXT ORDER granting <u>160</u> Motion for Leave. The defendants' Unopposed Motion for Leave to Replace and File Supplement Exhibits in Opposition to Plaintiff's Motion for Partial Summary Judgment is granted. Ordered by Judge John M. Gerrard. (DCD) (Entered: 02/02/2015)
02/02/2015	<u>162</u>	Certificate of Service for United States' Expert Rebuttal Report by Attorney Elise S. Shore on behalf of Plaintiff United States of America.(Shore, Elise) (Entered: 02/02/2015)
02/06/2015	<u>163</u>	REPLY BRIEF in support of the United States' Motion for Partial Summary Judgment as to Liability by Attorney Elise S. Shore on behalf of Plaintiff United States of America.(Shore, Elise) (Entered: 02/06/2015)
02/06/2015	<u>164</u>	INDEX in support of Plaintiff United States' Reply on United States' Motion for Partial Summary Judgment as to Liability by Attorney Elise S. Shore on behalf of Plaintiff United States of America. (Attachments: # <u>1</u> Exhibit Declaration of Colleen Melody, # <u>2</u> Exhibit Declaration of Christopher Hayes, # <u>3</u> Exhibit Declaration of Willie Chinguangco, # <u>4</u> Exhibit Declaration of Elise Shore and Ex. A, # <u>5</u> Exhibit Exs. B-D)(Shore, Elise) (Entered: 02/06/2015)
02/09/2015	<u>165</u>	Certificate of Service by Attorney Allison D. Balus on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Balus, Allison) (Entered: 02/09/2015)



		02/09/2015)
02/10/2015	<u>166</u>	NOTICE to Take Deposition of Lee McQueen by Attorney Elise S. Shore on behalf of Plaintiff United States of America (Shore, Elise) (Entered: 02/10/2015)
02/10/2015	<u>167</u>	NOTICE to Take Deposition of David Luker by Attorney Elise S. Shore on behalf of Plaintiff United States of America (Shore, Elise) (Entered: 02/10/2015)
02/11/2015	<u>168</u>	NOTICE to Take Deposition of LeAnn Obrecht by Attorney Elise S. Shore on behalf of Plaintiff United States of America (Shore, Elise) (Entered: 02/11/2015)
02/11/2015	<u>169</u>	NOTICE to Take Deposition of Linda Shaw by Attorney Elise S. Shore on behalf of Plaintiff United States of America (Shore, Elise) (Entered: 02/11/2015)
02/11/2015	<u>170</u>	NOTICE to Take Deposition of David Brandt by Attorney Elise S. Shore on behalf of Plaintiff United States of America (Shore, Elise) (Entered: 02/11/2015)
02/11/2015	<u>171</u>	NOTICE to Take Deposition of Tony Earls by Attorney Elise S. Shore on behalf of Plaintiff United States of America (Shore, Elise) (Entered: 02/11/2015)
02/12/2015	<u>172</u>	NOTICE to Take Deposition of David Brandt <i>Amended Notice</i> by Attorney Elise S. Shore on behalf of Plaintiff United States of America (Shore, Elise) (Entered: 02/12/2015)
02/13/2015	<u>173</u>	MOTION for Leave to <i>File Sur-Reply Brief</i> by Attorney Allison D. Balus on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit G, # <u>3</u> Exhibit H, # <u>4</u> Exhibit I)(Balus, Allison) (Entered: 02/13/2015)
02/13/2015	174	TEXT ORDER granting <u>173</u> Motion For Leave to File Sur-Reply Brief in Opposition to Plaintiff's Motion for Partial Summary Judgment as to Liability and Alternative Request for Oral Argument. The defendants' motion is granted. No further briefing will be necessary. Ordered by Judge John M. Gerrard. (DCD) (Entered: 02/13/2015)
02/17/2015	<u>175</u>	<i>Certificate of Service for Plaintiff United States' Responses to Defendants' Second Set of Interrogatories</i> by Attorney Elise S. Shore on behalf of Plaintiff United States of America.(Shore, Elise) (Entered: 02/17/2015)
02/19/2015	<u>176</u>	NOTICE of Appearance & <i>Notice of Substitution of Counsel</i> by Attorney Alan A. Martinson on behalf of Plaintiff United States of America (Martinson, Alan) (Entered: 02/19/2015)
02/20/2015	<u>177</u>	NOTICE of <i>Deposition of Rosalind Sheldon</i> by Attorney Alan A. Martinson on behalf of Plaintiff United States of America (Martinson, Alan) (Entered: 02/20/2015)
02/20/2015	<u>178</u>	NOTICE to Take Deposition of Linda Shaw by Attorney Elise S. Shore on behalf of Plaintiff United States of America (Shore, Elise) (Entered: 02/20/2015)
02/24/2015	<u>179</u>	NOTICE to Take Deposition of Tony Earls <i>Amended Notice</i> by Attorney Elise S. Shore on behalf of Plaintiff United States of America (Shore, Elise) (Entered: 02/24/2015)
02/24/2015	<u>180</u>	NOTICE to Take Deposition of Christy Horn by Attorney Elise S. Shore on behalf of Plaintiff United States of America (Shore, Elise) (Entered: 02/24/2015)
02/25/2015	<u>181</u>	NOTICE to Take Deposition of Rosalind Sheldon <i>Amended Notice</i> by Attorney Alan A. Martinson on behalf of Plaintiff United States of America (Martinson, Alan) (Entered: 02/25/2015)
02/25/2015	<u>182</u>	NOTICE to Take Deposition of University of Nebraska under Federal Rule of Civil Procedure 30(b)(6) <i>Supplemental Notice</i> by Attorney Elise S. Shore on behalf of Plaintiff United States of America (Shore, Elise) (Entered: 02/25/2015)
03/03/2015	<u>183</u>	OBJECTION ( <i>Supplemental</i> ) and Designations in Response to Plaintiff's Rule 30(b)(6) <i>Notice and Supplemental Notice of Deposition</i> by Attorney Scott P. Moore on

		behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 03/03/2015)
03/06/2015	<u>184</u>	UNOPPOSED MOTION to Restrict pursuant to the E-Government Act by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 03/06/2015)
03/06/2015	<u>185</u>	RESTRICTED MOTION <i>Defendants' Motion for Partial Summary Judgment</i> ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). – by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 03/06/2015)
03/06/2015	<u>186</u>	RESTRICTED BRIEF in support of RESTRICTED MOTION <i>Defendants' Motion for Partial Summary Judgment</i> ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). – <u>185</u> by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller. (Attachments: # <u>1</u> Exhibit 1 iso Brief iso Defendants' Motion for Partial Summary Judgment, # <u>2</u> Exhibit 2 iso Brief iso Defendants' Motion for Partial Summary Judgment, # <u>3</u> Exhibit 3 iso Brief iso Defendants' Motion for Partial Summary Judgment, # <u>4</u> Exhibit 4 iso Brief iso Defendants' Motion for Partial Summary Judgment, # <u>5</u> Exhibit 5 iso Brief iso Defendants' Motion for Partial Summary Judgment)(Moore, Scott) Modified on 3/6/2015 per attorney's request, document is restricted and text modified accordingly (NMW). (Entered: 03/06/2015)
03/06/2015	<u>187</u>	TEXT ORDER granting <u>184</u> Motion to Restrict pursuant to the E-Government Act. Ordered by Judge John M. Gerrard. (DCD) (Entered: 03/06/2015)
03/09/2015	<u>188</u>	Certificate of Service for United States' Amended Responses to Defendants' Second Set of Interrogatories by Attorney Elise S. Shore on behalf of Plaintiff United States of America.(Shore, Elise) (Entered: 03/09/2015)
03/17/2015	<u>189</u>	NOTICE to Take Deposition of Betty Bottiger by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller (Moore, Scott) (Entered: 03/17/2015)
03/17/2015	<u>190</u>	NOTICE to Take Deposition of Kellie Paris Asaka by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller (Moore, Scott) (Entered: 03/17/2015)
03/18/2015	<u>191</u>	UNOPPOSED MOTION for Extension of Time to File a Responsive Pleading to <i>Defendants' Motion for Partial Summary Judgment</i> by Attorney Elise S. Shore on behalf of Plaintiff United States of America.(Shore, Elise) (Entered: 03/18/2015)
03/18/2015	<u>192</u>	TEXT ORDER granting <u>191</u> Unopposed Motion to Extend Time to Respond to Defendants' Motion for Partial Summary Judgment. The plaintiff's motion is granted. The plaintiff may respond to <u>185</u> Defendants' Motion for Partial Summary Judgment on or before April 10, 2015. The defendants may reply in support of their motion on or before April 20, 2015. Ordered by Judge John M. Gerrard. (DCD) (Entered: 03/18/2015)
03/18/2015	<u>193</u>	JOINT MOTION to Amend <i>Progression Order (ECF 152)</i> by Attorney Elise S. Shore on behalf of Plaintiff United States of America.(Shore, Elise) (Entered: 03/18/2015)
03/18/2015	<u>194</u>	ORDER granting in part and denying in part <u>193</u> Motion to Amend. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 03/18/2015)
03/20/2015	<u>195</u>	NOTICE to Take Deposition of Kellie Paris Asaka ( <i>Amended</i> ) by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David



		L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller (Moore, Scott) (Entered: 03/20/2015)
03/23/2015	<u>196</u>	NOTICE to Take Deposition of James A. Serpell by Attorney Alan A. Martinson on behalf of Plaintiff United States of America (Martinson, Alan) (Entered: 03/23/2015)
03/23/2015	<u>197</u>	NOTICE to Take Deposition of Mark J. Diercks, M.D. by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller (Moore, Scott) (Entered: 03/23/2015)
03/23/2015	<u>198</u>	NOTICE to Take Deposition of James A. Serpell <i>Amended</i> by Attorney Alan A. Martinson on behalf of Plaintiff United States of America (Martinson, Alan) (Entered: 03/23/2015)
03/23/2015	<u>199</u>	NOTICE to Take Deposition of Mark J. Diercks, M.D. ( <i>Amended</i> ) by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller (Moore, Scott) (Entered: 03/23/2015)
03/24/2015	<u>200</u>	NOTICE to Take Deposition of Designated Agent(s) of Plaintiff by Attorney Scott P. Moore on behalf of Defendant University of Nebraska at Kearney (Moore, Scott) (Entered: 03/24/2015)
03/24/2015	<u>201</u>	MOTION to Compel <i>Deposition of Defendants' Designated 30(b)(6) Witness Cheryl Bressington</i> by Attorney Elise S. Shore on behalf of Plaintiff United States of America.(Shore, Elise) (Entered: 03/24/2015)
03/24/2015	<u>202</u>	BRIEF in support of MOTION to Compel <i>Deposition of Defendants' Designated 30(b)(6) Witness Cheryl Bressington 201</i> by Attorney Elise S. Shore on behalf of Plaintiff United States of America.(Shore, Elise) (Entered: 03/24/2015)
03/24/2015	<u>203</u>	INDEX in support of MOTION to Compel <i>Deposition of Defendants' Designated 30(b)(6) Witness Cheryl Bressington 201</i> by Attorney Elise S. Shore on behalf of Plaintiff United States of America. (Attachments: # <u>1</u> Exhibit 1 Declaration of Elise Sandra Shore, # <u>2</u> Exhibit 1A Oct 29, 2014 (with attachment), # <u>3</u> Exhibit 1B Dec 10, 2014 email (with attachment), # <u>4</u> Exhibit 1C Dec 19 2014 email (with attachment), # <u>5</u> Exhibit 1D Dec 31, 2014 letter)(Shore, Elise) (Entered: 03/24/2015)
03/24/2015	<u>204</u>	INDEX in support of MOTION to Compel <i>Deposition of Defendants' Designated 30(b)(6) Witness Cheryl Bressington 201</i> by Attorney Elise S. Shore on behalf of Plaintiff United States of America. (Attachments: # <u>1</u> Exhibit 1E Excerpts from Jan 6, 2015 Dep of Cheryl Bressington, # <u>2</u> Exhibit 1F Excerpts from Jan 22, 2015 Deposition of Mary Chinnock Petroski, # <u>3</u> Exhibit 1G Feb 11, 2015 letter, # <u>4</u> Exhibit 1H Feb. 23, 2015 email, # <u>5</u> Exhibit 1I March 3, 2015 letter, # <u>6</u> Exhibit 1J March 9 & March 11 emails)(Shore, Elise) (Entered: 03/24/2015)
03/27/2015	<u>205</u>	JOINT MOTION to Extend <i>Deadlines</i> by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 03/27/2015)
03/30/2015	<u>206</u>	NOTICE to Take Deposition of James A. Serpell <i>Second Amended</i> by Attorney Alan A. Martinson on behalf of Plaintiff United States of America (Martinson, Alan) (Entered: 03/30/2015)
03/31/2015	<u>207</u>	ORDER granting <u>205</u> Motion to Extend. Jury Trial set for <b>9/8/2015 at 09:00 AM</b> in Courtroom 1, Robert V. Denney Federal Building, 100 Centennial Mall North, Lincoln, NE before Judge John M. Gerrard. Pretrial Conference set for <b>8/25/2015 at 11:00 AM</b> by WebEx before Magistrate Judge Cheryl R. Zwart. <b>No further extensions will be granted absent a substantial showing of good cause.</b> Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 03/31/2015)

04/08/2015	<u>208</u>	UNOPPOSED MOTION to Restrict pursuant to the E-Government Act by Attorney Alan A. Martinson on behalf of Plaintiff United States of America.(Martinson, Alan) (Entered: 04/08/2015)
04/10/2015	<u>209</u>	RESTRICTED DOCUMENT <i>Plaintiff United States' Opposition to Defendants' Motion for Partial Summary Judgment</i> regarding RESTRICTED MOTION <i>Defendants' Motion for Partial Summary Judgment</i> ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). – <u>185</u> ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). – by Attorney Elise S. Shore on behalf of Plaintiff United States of America.(Shore, Elise) (Entered: 04/10/2015)
04/10/2015	210	TEXT ORDER granting <u>208</u> Motion to Restrict pursuant to the E-Government Act. Ordered by Judge John M. Gerrard. (DCD) (Entered: 04/10/2015)
04/10/2015	<u>211</u>	RESTRICTED DOCUMENT <i>Plaintiff United States' Index of Evidence in Support of its Opposition to Defendants' Motion for Partial Summary Judgment</i> ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). – by Attorney Elise S. Shore on behalf of Plaintiff United States of America. (Attachments: # <u>1</u> Exhibit 1, Declaration of Elise Sandra Shore, # <u>2</u> Exhibit 1A Dep. of Brittany Hamilton, # <u>3</u> Exhibit 1B Excerpts from Dep of Jill Phelps)(Shore, Elise) (Entered: 04/10/2015)
04/10/2015	<u>212</u>	RESTRICTED DOCUMENT <i>Plaintiff United States' Index of Evidence in Support of its Opposition to Defendants' Motion for Partial Summary Judgment with attached exhibits 1C, 1D &amp; 1E</i> ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). – by Attorney Elise S. Shore on behalf of Plaintiff United States of America. (Attachments: # <u>1</u> Exhibit 1C, Excerpts from Dep of Linda Shaw, # <u>2</u> Exhibit 1D, Dep of Denise Kraft, # <u>3</u> Errata 1E, Exhibit from Dep of Kellie Asaka)(Shore, Elise) (Entered: 04/10/2015)
04/10/2015	<u>213</u>	RESTRICTED DOCUMENT <i>Plaintiff United States' Index and Exs. 1F –1J</i> ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). – by Attorney Elise S. Shore on behalf of Plaintiff United States of America. (Attachments: # <u>1</u> Exhibit 1F Excerpts from Psychiatric Report, # <u>2</u> Exhibit 1G Excerpts from Dep of Matthew Felber, # <u>3</u> Exhibit 1H Excerpts fro Dep of Rosalind Sheldon, # <u>4</u> Exhibit 1I, Excerpts from Dep of Christy Horn, # <u>5</u> Exhibit 1J, Excerpts from Dep of David Brandt)(Shore, Elise) (Entered: 04/10/2015)
04/13/2015	<u>214</u>	RESPONSE regarding MOTION to Compel <i>Deposition of Defendants' Designated 30(b)(6) Witness Cheryl Bressington</i> <u>201</u> (Joint) by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 04/13/2015)
04/14/2015	215	TEXT ORDER. The parties have resolved their dispute over the 30(b)(6) Witness Cheryl Bressington. See filing <u>214</u> . As such, the government's motion to compel, <u>201</u> , is denied as moot. The court sincerely appreciates the parties' professionalism and efforts to resolve this discovery issue without court intervention. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 04/14/2015)
04/17/2015	<u>217</u>	UNOPPOSED MOTION to Extend <i>Deadline to File Reply Brief</i> by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail

		Zeller.(Moore, Scott) (Entered: 04/17/2015)
04/17/2015	<u>218</u>	TEXT ORDER granting <u>217</u> Unopposed Motion for Extension of Deadline to File Reply Brief. The defendants' motion is granted. The defendants may reply in support of Defendants' Motion for Partial Summary Judgment <u>185</u> on or before April 30, 2015. Ordered by Judge John M. Gerrard. (DCD) (Entered: 04/17/2015)
04/17/2015	<u>219</u>	NOTICE to Take Deposition of Alisha Hanshaw by Attorney Alan A. Martinson on behalf of Plaintiff United States of America (Martinson, Alan) (Entered: 04/17/2015)
04/17/2015	<u>220</u>	NOTICE to Take Deposition of University of Nebraska under Federal Rule of Civil Procedure 30(b)(6) <i>Amended Supplemental Notice</i> by Attorney Elise S. Shore on behalf of Plaintiff United States of America (Shore, Elise) (Entered: 04/17/2015)
04/21/2015	<u>221</u>	OBJECTION to Notice to Take Deposition <u>200</u> <i>Plaintiff United States' Objections and Designations to Defendants' Notice of 30(b)(6) Deposition of Plaintiff United States</i> by Attorney Elise S. Shore on behalf of Plaintiff United States of America.(Shore, Elise) (Entered: 04/21/2015)
04/29/2015	<u>222</u>	UNOPPOSED MOTION for Leave <i>to Seek Alternative Method of Service</i> by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 04/29/2015)
04/29/2015	<u>223</u>	BRIEF in support of UNOPPOSED MOTION for Leave <i>to Seek Alternative Method of Service</i> <u>222</u> by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller. (Attachments: # <u>1</u> Exhibit 1 iso Brief iso Defendants' Unopposed Motion Seeking Alternative Method of Service)(Moore, Scott) (Entered: 04/29/2015)
04/29/2015	<u>224</u>	TEXT ORDER granting <u>222</u> Motion for Leave. The defendants are hereby authorized to serve their Rule 45 deposition subpoena of Tammy Hamilton-Iverson by leaving it in Hamilton-Iverson's personal residence mailbox or delivering it to another individual of suitable age and discretion who resides in Hamilton-Iverson's household. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 04/29/2015)
04/30/2015	<u>225</u>	UNOPPOSED MOTION to Extend <i>Deadline to File Reply Brief</i> by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 04/30/2015)
04/30/2015	<u>226</u>	TEXT ORDER granting <u>225</u> Unopposed Motion for Extension of Deadline to File Reply Brief. The defendants' motion is granted. The defendants may file a reply in support of their motion for partial summary judgment <u>185</u> on or before May 8, 2015. Ordered by Judge John M. Gerrard. (DCD) (Entered: 04/30/2015)
05/01/2015	<u>227</u>	NOTICE to Take Deposition of Alisha Hanshaw <i>Amended</i> by Attorney Alan A. Martinson on behalf of Plaintiff United States of America (Martinson, Alan) (Entered: 05/01/2015)
05/04/2015	<u>228</u>	NOTICE to Take Deposition of Fed. R. Civ. P. 30(b)(6) Designee Cheryl Bressington <i>Second Amended Notice</i> by Attorney Elise S. Shore on behalf of Plaintiff United States of America (Shore, Elise) (Entered: 05/04/2015)
05/04/2015	<u>229</u>	NOTICE to Take Deposition of Betty Bottiger ( <i>Amended</i> ) by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller (Moore, Scott) (Entered: 05/04/2015)
05/06/2015	<u>231</u>	UNOPPOSED MOTION to Restrict pursuant to the E-Government Act <i>Reply Brief in Support of Motion for Partial Summary Judgment (Filing No. 230)</i> by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 05/06/2015)

05/06/2015	<u>232</u>	NOTICE to Take Deposition of Betty Bottiger ( <i>Amended</i> ) by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller (Moore, Scott) (Entered: 05/06/2015)
05/06/2015	<u>233</u>	NOTICE to Take Deposition of LeAnn Obrecht ( <i>Amended</i> ) by Attorney Onjil T. McEachin on behalf of Plaintiff United States of America (McEachin, Onjil) (Entered: 05/06/2015)
05/06/2015	234	TEXT ORDER granting <u>231</u> Motion to Restrict pursuant to the E-Government Act. Ordered by Judge John M. Gerrard. (DCD) (Entered: 05/06/2015)
05/08/2015	<u>235</u>	NOTICE of <i>Filing Supplemental Exhibit to Index of Evidence In Support of US Opposition to Defendants' Motion for Partial Summary Judgment</i> by Attorney Elise S. Shore on behalf of Plaintiff United States of America (Attachments: # <u>1</u> Exhibit Supplemental Exhibit 1E- Excerpts of March 25, 2015 Dep of Kellie Paris Asaka)(Shore, Elise) (Entered: 05/08/2015)
05/29/2015	<u>236</u>	MOTION to Exclude <i>Expert Testimony and Report of James Serpell</i> by Attorney Elise S. Shore on behalf of Plaintiff United States of America.(Shore, Elise) (Entered: 05/29/2015)
05/29/2015	<u>237</u>	INDEX in support of <i>Plaintiff United States' Motion in Limine to Exclude the Testimony and Report of James Serpell</i> by Attorney Elise S. Shore on behalf of Plaintiff United States of America. (Attachments: # <u>1</u> Exhibit 1 Declaration of Alan A. Martinson, # <u>2</u> Exhibit 1A, Expert Report of James Serpell, # <u>3</u> Exhibit 1B, April 1, 2015 Dep. of James Serpell, # <u>4</u> Exhibit 1C, Exh. 324 from the April 1, 2015 Dep. of James Serpell)(Shore, Elise) (Entered: 05/29/2015)
05/29/2015	<u>238</u>	BRIEF in support of <i>Plaintiff United States' Motion in Limine to Exclude the Testimony and Report of James Serpell</i> by Attorney Elise S. Shore on behalf of Plaintiff United States of America.(Shore, Elise) (Entered: 05/29/2015)
05/29/2015	<u>239</u>	RESTRICTED DOCUMENT MOTION for Summary Judgment by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a) (Moore, Scott) Modified on 5/31/2015 to restrict per 244 (DCD). (Entered: 05/29/2015)
05/29/2015	<u>240</u>	RESTRICTED DOCUMENT BRIEF in support of MOTION for Summary Judgment <u>239</u> by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a) (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit A1, # <u>3</u> Exhibit A2, # <u>4</u> Exhibit A3, # <u>5</u> Exhibit A4, # <u>6</u> Exhibit A5, # <u>7</u> Exhibit A6, # <u>8</u> Exhibit A7, # <u>9</u> Exhibit A8, # <u>10</u> Exhibit A9, # <u>11</u> Exhibit A10, # <u>12</u> Exhibit A11, # <u>13</u> Exhibit A12, # <u>14</u> Exhibit A13, # <u>15</u> Exhibit A14, # <u>16</u> Exhibit A15, # <u>17</u> Exhibit A16,



		<p># <u>18</u> Exhibit A17,  # <u>19</u> Exhibit A18,  # <u>20</u> Exhibit A19,  # <u>21</u> Exhibit A20,  # <u>22</u> Exhibit A21,  # <u>23</u> Exhibit A22,  # <u>24</u> Exhibit A23,  # <u>25</u> Exhibit A24,  # <u>26</u> Exhibit A25,  # <u>27</u> Exhibit B,  # <u>28</u> Exhibit B1,  # <u>29</u> Exhibit B2,  # <u>30</u> Exhibit B3,  # <u>31</u> Exhibit B4,  # <u>32</u> Exhibit B5,  # <u>33</u> Exhibit C)(Moore, Scott) Modified on 5/31/2015 to restrict per 244 (DCD). (Entered: 05/29/2015)</p>
05/29/2015	<u>241</u>	<p>RESTRICTED DOCUMENT MOTION to Exclude <i>Testimony of Mark J. Diercks, M.D.</i> by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a) (Moore, Scott) Modified on 5/31/2015 to restrict per 244 (DCD). (Entered: 05/29/2015)</p>
05/29/2015	<u>242</u>	<p>RESTRICTED DOCUMENT BRIEF in support of MOTION to Exclude <i>Testimony of Mark J. Diercks, M.D.</i> <u>241</u> by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit A1, # <u>3</u> Exhibit A2)ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a) (Moore, Scott) Modified on 5/31/2015 to restrict per 244 (DCD). (Entered: 05/29/2015)</p>
05/29/2015	<u>243</u>	<p>UNOPPOSED MOTION to Restrict pursuant to the E-Government Act by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 05/29/2015)</p>
05/31/2015	244	<p>TEXT ORDER granting <u>243</u> Motion to Restrict pursuant to the E-Government Act. Ordered by Judge John M. Gerrard. (DCD) (Entered: 05/31/2015)</p>
06/03/2015	<u>245</u>	<p>MOTION to Extend <i>Time for United States to Respond to Defendants' Motion for Summary Judgment</i> by Attorney Elise S. Shore on behalf of Plaintiff United States of America.(Shore, Elise) (Entered: 06/03/2015)</p>
06/03/2015	<u>246</u>	<p>BRIEF in support of <i>Plaintiff United States' Motion for Extension of Time to respond to Defendants' Motion for Summary Judgment</i> by Attorney Elise S. Shore on behalf of Plaintiff United States of America.(Shore, Elise) (Entered: 06/03/2015)</p>
06/03/2015	<u>247</u>	<p>INDEX in support of <i>Plaintiff United States' Motion for Extension of Time to Respond to Defendants' Motion for Summary Judgment</i> by Attorney Elise S. Shore on behalf of Plaintiff United States of America. (Attachments: # <u>1</u> Affidavit 1, Declaration of Elise Sandra Shore, # <u>2</u> Exhibit 1A 6/02/2015 email from S. Moore to E. Shore, # <u>3</u> Exhibit 1B 6/03/2015 Email from S. Moore to E. Shore)(Shore, Elise) (Entered: 06/03/2015)</p>
06/04/2015	248	<p>TEXT ORDER granting in part <u>245</u> United States' Motion for Extension of Time to Respond to Defendants' Motion for Summary Judgment. The plaintiff's motion is granted in part. The plaintiff may respond to defendants' motion for summary judgment <u>239</u> on or before July 6, 2015. The defendants may reply in support of their motion on or before July 16, 2015. There will be <i>no further extensions</i> barring a</p>

		<i>substantial</i> showing of good cause. The Court will decide the parties' pending motions on a timely basis and the trial date of September 8, 2015 remains firm. Ordered by Judge John M. Gerrard. (DCD) (Entered: 06/04/2015)
06/11/2015	<u>249</u>	TEXT ORDER SETTING TRIAL: Upon notice from the parties that 4 days may not be sufficient, a <b>6-day</b> jury trial is set for 9/8/2015 at 09:00 AM in Courtroom 1, Robert V. Denney Federal Building, 100 Centennial Mall North, Lincoln, NE before Judge John M. Gerrard. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 06/11/2015)
06/19/2015	<u>250</u>	JOINT MOTION to Extend <i>Briefing Deadlines Regarding</i> MOTION to Exclude <i>Expert Testimony and Report of James Serpell</i> <u>236</u> , MOTION to Exclude <i>Testimony of Mark J. Diercks, M.D.</i> <u>241</u> by Attorney Allison D. Balus on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Balus, Allison) (Entered: 06/19/2015)
06/20/2015	<u>251</u>	TEXT ORDER granting <u>250</u> Joint Motion to Extend the Parties' Deadlines Regarding Daubert Motions. The parties' joint motion is granted. The parties' respective responses to one another's <i>Daubert</i> motions (filing nos. <u>236</u> and <u>241</u> ), which had been due on June 15, 2015, may be filed on or before June 26, 2015. The parties may reply in support of their respective motions on or before July 10, 2015. Ordered by Judge John M. Gerrard. (DCD) (Entered: 06/20/2015)
06/26/2015	<u>253</u>	UNOPPOSED MOTION to Restrict pursuant to the E-Government Act by Attorney Alan A. Martinson on behalf of Plaintiff United States of America.(Martinson, Alan) (Entered: 06/26/2015)
06/26/2015	<u>254</u>	RESTRICTED DOCUMENT <i>Brief in Opposition</i> regarding MOTION to Exclude <i>Testimony of Mark J. Diercks, M.D.</i> <u>241</u> ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). – by Attorney Alan A. Martinson on behalf of Plaintiff United States of America.(Martinson, Alan) (Entered: 06/26/2015)
06/26/2015	<u>255</u>	TEXT ORDER granting <u>253</u> Motion to Restrict pursuant to the E-Government Act. Ordered by Judge John M. Gerrard. (DCD) (Entered: 06/26/2015)
06/26/2015	<u>256</u>	UNOPPOSED MOTION to Restrict pursuant to the E-Government Act by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 06/26/2015)
06/26/2015	<u>257</u>	ORDER granting <u>256</u> Motion to Restrict pursuant to the E-Government Act. The Clerk of the Court is directed to edit the document restrictions for filing <u>252</u> to restrict access to case participants. Ordered by Judge John M. Gerrard. (ADB) (Entered: 06/26/2015)
07/06/2015	<u>258</u>	UNOPPOSED MOTION to Restrict pursuant to the E-Government Act by Attorney Alan A. Martinson on behalf of Plaintiff United States of America.(Martinson, Alan) (Entered: 07/06/2015)
07/06/2015	<u>259</u>	STRICKEN – RESPONSE <i>United States' Memorandum in Opposition to Defendants' Motion for Summary Judgment</i> by Attorney Elise S. Shore on behalf of Plaintiff United States of America.(Shore, Elise) ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). Modified on 7/7/2015 to provisionally restrict pending Judge approval. (JAB) Modified on 7/8/2015 to strike per <u>266</u> (DCD) (Entered: 07/06/2015)
07/06/2015	<u>260</u>	INDEX in support of <i>United States' Memorandum in Opposition to Defendants' Motion for Summary Judgment</i> by Attorney Elise S. Shore on behalf of Plaintiff United States of America. (Attachments: # <u>1</u> Exhibit Ex. 1, Dec of Elise Sandra Shore, # <u>2</u> Exhibit 1A Brittany Hamilton Dep. with Attached Exs., # <u>3</u> Exhibit 1B Excerpts from David Brandt Dep., # <u>4</u> Exhibit 1C Excerpts from David Luker Dep.,



		# <u>5</u> Exhibit 1D Excerpts from Tammy Iversen Dep.)(Shore, Elise) ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). Modified on 7/7/2015 to provisionally restrict pending Judge approval. (JAB) (Entered: 07/06/2015)
07/06/2015	<u>261</u>	RESTRICTED DOCUMENT <i>Index and Exhibits in Support of United States' Memorandum in Opposition to Defendants' Motion for Summary Judgment</i> ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). – by Attorney Elise S. Shore on behalf of Plaintiff United States of America. (Attachments: # <u>1</u> Exhibit 1E Excerpts from Jill Phelps Dep. with attached Exs., # <u>2</u> Exhibit 1F Excerpts from Charles Anthony Earls Dep. with attached Ex. Dep., # <u>3</u> Exhibit 1G Excerpts from Gail Zeller Dep., # <u>4</u> Exhibit 1H Excerpts from Linda Shaw Dep. with attached Exs., # <u>5</u> Exhibit 1I Denise Kraft Dep. with attached Exs.)(Shore, Elise) (Entered: 07/06/2015)
07/06/2015	<u>262</u>	RESTRICTED DOCUMENT <i>Index and Exhibits in Support of United States' Memorandum in Opposition to Defendants' Motion for Summary Judgment</i> ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). – by Attorney Elise S. Shore on behalf of Plaintiff United States of America. (Attachments: # <u>1</u> Exhibit 1J Exhibits from Rosalind Sheldon Dep., # <u>2</u> Exhibit 1K Denise Kraft Dec., # <u>3</u> Exhibit 1L Excerpts from James Serpell Dep. and attached Exs., # <u>4</u> Exhibit 1M Excerpts from Matthew Felber Dep., # <u>5</u> Exhibit 1N Excerpts from Kellie Paris Asaka Dep., # <u>6</u> Exhibit 1O Ex. 315 from Mark Diercks Dep., # <u>7</u> Exhibit 1P. Excerpts from U.S. Disc. Resp., # <u>8</u> Exhibit 1Q Excerpts from Christy Horn Dep. with attached Exs., # <u>9</u> Exhibit 1R Exs from Cheryl Bressington Dep., # <u>10</u> Exhibit Exs from Mary Petroski Dep., # <u>11</u> Exhibit 2 Debora Crews Dec., # <u>12</u> Exhibit 2A UNK website page, # <u>13</u> Exhibit 2B UNK website page)(Shore, Elise) (Entered: 07/06/2015)
07/07/2015	263	TEXT ORDER granting <u>258</u> Motion to Restrict pursuant to the E-Government Act. Ordered by Judge John M. Gerrard. (DCD) (Entered: 07/07/2015)
07/07/2015	<u>264</u>	RESTRICTED DOCUMENT <i>Notice of Filing Amended Ex. to Index of Evidence in Support of the United States' Memorandum in Opposition to Defendants' Motion for Summary Judgment</i> ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). – by Attorney Elise S. Shore on behalf of Plaintiff United States of America. (Attachments: # <u>1</u> Exhibit Amended Ex 1I Denise Kraft Dep. with attached Exs.)(Shore, Elise) (Entered: 07/07/2015)
07/08/2015	<u>265</u>	UNOPPOSED MOTION for Leave to Strike and Leave to Refile by Attorney Elise S. Shore on behalf of Plaintiff United States of America.(Shore, Elise) (Entered: 07/08/2015)
07/08/2015	266	TEXT ORDER granting <u>265</u> Plaintiff United States' Unopposed Motion to Strike and Motion for Leave to Refile. The plaintiff's brief <u>259</u> shall be stricken, and the plaintiff shall file its amended brief as soon as is practicable. Ordered by Judge John M. Gerrard. (DCD) (Entered: 07/08/2015)
07/08/2015	<u>267</u>	RESTRICTED DOCUMENT <i>United States' Amended Memorandum in Opposition to Defendants' Motion for Summary Judgment</i> ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). – by Attorney Elise S. Shore on behalf of Plaintiff United States of

		America.(Shore, Elise) (Entered: 07/08/2015)
07/10/2015	<u>268</u>	UNOPPOSED MOTION to Restrict pursuant to the E-Government Act by Attorney Alan A. Martinson on behalf of Plaintiff United States of America.(Martinson, Alan) (Entered: 07/10/2015)
07/10/2015	<u>269</u>	UNOPPOSED MOTION to Restrict pursuant to the E-Government Act by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 07/10/2015)
07/10/2015	<u>270</u>	REPLY BRIEF in support of MOTION to Exclude <i>Expert Testimony and Report of James Serpell</i> <u>236</u> by Attorney Alan A. Martinson on behalf of Plaintiff United States of America.(Martinson, Alan) (Entered: 07/10/2015)
07/10/2015	<u>271</u>	UNOPPOSED MOTION to Extend <i>Deadline to File Reply Brief in Support of Defendants' Motion for Summary Judgment</i> by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 07/10/2015)
07/10/2015	<u>272</u>	INDEX in support of Reply Brief <u>270</u> by Attorney Alan A. Martinson on behalf of Plaintiff United States of America. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 1A, # <u>3</u> Exhibit 1B, RESTRICTED, # <u>4</u> Exhibit 1C, RESTRICTED, # <u>5</u> Exhibit 1D, # <u>6</u> Exhibit 2)(Martinson, Alan) Modified on 7/10/2015 to restrict Exhibits 1B and 1C per counsel Alan Martinson (CCB). Modified on 7/10/2015 to restrict 3 and 4 (CCB). (Entered: 07/10/2015)
07/10/2015	273	TEXT ORDER granting <u>268</u> Motion to Restrict pursuant to the E-Government Act. Ordered by Judge John M. Gerrard. (DCD) (Entered: 07/10/2015)
07/10/2015	<u>274</u>	RESTRICTED DOCUMENT <i>Reply Brief</i> regarding MOTION to Exclude <i>Testimony of Mark J. Diercks, M.D.</i> <u>241</u> ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). – by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit A1)(Moore, Scott) (Entered: 07/10/2015)
07/10/2015	275	TEXT ORDER granting <u>271</u> Unopposed Motion for Extension of Deadline to File Reply Brief in Support of Defendants' Motion for Summary Judgment. The defendants may file their reply brief in support of their motion for summary judgment <u>239</u> on or before July 21, 2015. Ordered by Judge John M. Gerrard. (DCD) (Entered: 07/10/2015)
07/10/2015	276	TEXT ORDER granting <u>269</u> Motion to Restrict pursuant to the E-Government Act. Ordered by Judge John M. Gerrard. (DCD) (Entered: 07/10/2015)
07/14/2015	<u>277</u>	NOTICE of Appearance by Attorney John C. Wiltse on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller (Wiltse, John) (Entered: 07/14/2015)
07/21/2015	<u>278</u>	MOTION to Restrict pursuant to the E-Government Act by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller.(Moore, Scott) (Entered: 07/21/2015)
07/21/2015	<u>279</u>	RESTRICTED DOCUMENT <i>Reply Brief in Support of Defendants' Motion for Summary Judgment</i> ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). –

		by Attorney Scott P. Moore on behalf of Defendants Board of Regents of the University of Nebraska, David L. Brandt, Cheryl Bressington, Christy Horn, University of Nebraska at Kearney, Gail Zeller. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit A1, # <u>3</u> Exhibit A2, # <u>4</u> Exhibit A3, # <u>5</u> Exhibit A4, # <u>6</u> Exhibit A5)(Moore, Scott) (Entered: 07/21/2015)
07/21/2015	<u>280</u>	TEXT ORDER granting <u>278</u> Motion to Restrict pursuant to the E-Government Act. Ordered by Judge John M. Gerrard. (DCD) (Entered: 07/21/2015)
08/25/2015	<u>282</u>	MEMORANDUM AND ORDER – IT IS ORDERED: The plaintiff's motion for partial summary judgment as to liability (filing 135) is denied. The defendants' motion for partial summary judgment (filing 185 ) is denied. The defendants' motion for summary judgment (filing 239 ) is granted in part, and in part denied, as set forth above. The plaintiff's claims as to David L. Brandt, Cheryl Bressington, Christy Horn, and Gail Zeller, in their individual capacities, are dismissed on the basis of qualified immunity. Ordered by Judge John M. Gerrard. (TCL) (Entered: 08/25/2015)
08/25/2015	<u>283</u>	TEXT MINUTE ENTRY for proceedings held before Magistrate Judge Cheryl R. Zwart in Lincoln on 8/25/2015. Pretrial Conference held on the record by WebEx. Order forthcoming. Appearance for Plaintiff: Elise Shore, Onjil McEachin, and Alan Martinson by phone, Laurie Kelly in person; For Defendants: Scott Moore, Allison Balus, John Wiltse, and Alison Basye, in person. Courtroom Deputy: Jeri A. Bierbower. Reporter: Digital Recorder. Time Start: 11:00 AM; Time Stop: 12:13 PM; Time in Court: 1 Hour 13 Minutes. (JAB) (Entered: 08/25/2015)
08/25/2015	<u>284</u>	🔊 AUDIO FILE. Court Date & Time [ 08/25/2015 11:13:15 AM ]. File Size [ 14286 KB ]. Run Time [ 00:59:31 ]. (Pretrial Conference). (auto-docket). (Entered: 08/25/2015)
08/25/2015	<u>285</u>	PRETRIAL ORDER – estimated length of trial is 6 days; Jury Trial set for <b>9/8/2015 at 09:00 AM</b> in Courtroom 1, Robert V. Denney Federal Building, 100 Centennial Mall North, Lincoln, NE before Judge John M. Gerrard. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 08/25/2015)
08/31/2015	<u>286</u>	ORDER that the The Court has been advised that the parties in this case have settled their claims. Accordingly, IT IS ORDERED: This case is removed from the Court's trial calendar. The parties' pending evidentiary motions (filings 236 and 241) are denied as moot. On or before September 14, 2015, the parties shall file a joint stipulation for dismissal, or other dispositive stipulation, together with submitting to the undersigned judge a draft order which will fully dispose of the case. Absent compliance with this order, this case be dismissed without further notice. The Clerk of the Court shall set a dismissal papers deadline of September 14, 2015. Ordered by Judge John M. Gerrard. (ADB) (Entered: 09/01/2015)
09/03/2015	<u>287</u>	JOINT MOTION To Approve and Enter Consent Order by Attorney Elise S. Shore on behalf of Plaintiff United States of America.(Shore, Elise) (Entered: 09/03/2015)
09/03/2015	<u>288</u>	INDEX in support of <i>Joint Motion to Approve and Enter Consent Decree</i> by Attorney Elise S. Shore on behalf of Plaintiff United States of America. (Attachments: # <u>1</u> Exhibit A Proposed Consent Order)(Shore, Elise) (Entered: 09/03/2015)
09/03/2015	<u>289</u>	JOINT STIPULATION FOR DISMISSAL <i>Voluntary Dismissal</i> by Attorney Elise S. Shore on behalf of Plaintiff United States of America.(Shore, Elise) (Entered: 09/03/2015)
09/04/2015	<u>290</u>	CONSENT ORDER granting <u>287</u> Motion To Approve and Enter Consent Order. (Attachments: # <u>1</u> Exhibit A1, # <u>2</u> Exhibit A2, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D) Ordered by Judge John M. Gerrard. (ADB) (Entered: 09/04/2015)

09/04/2015	<u>291</u>	JUDGMENT: Upon the parties' <u>289</u> Stipulation for Dismissal and pursuant to the accompanying Consent Order, this case is dismissed with prejudice, with each party to be responsible for its own costs and attorney fees. Ordered by Judge John M. Gerrard. (ADB) (Entered: 09/04/2015)
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