

On June 1, 2017, the Nebraska Supreme Court approved the following rule amendments to Rule 4-10 of the local district court rules of the Fourth Judicial District regarding case progression standards:

District 4

Rules of the District Court of the Fourth Judicial District

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Rule 4-10. Case Progression

A. Case Progression Standards. Progress of all cases shall comply with the Case Progression Standards established by ~~the Nebraska Supreme Court~~ Neb. Ct. R. § 6-101. To facilitate compliance, a Proposed Scheduling Order (PSO) shall be submitted to the District Court Administrator in all non-criminal cases within four (4) months after the filing of the case. The PSO shall be submitted by agreement of the parties. However, if the parties cannot agree, any party to the pending action may submit a PSO and set the matter for hearing before the Court assigned to the case. In all civil cases, If a PSO is not submitted within four (4) months, the District Court Administrator shall give notice by mail or email to each party that, within thirty (30) days from the date of the notice, a Proposed Scheduling Order must be submitted to the Court Administrator's Office. If a Proposed Scheduling Order has not been filed with the prescribed time, the case shall be dismissed by the presiding judge. the matter will be dismissed unless a PSO is submitted to the District Court Administrator.

B. Case Progression Filing Procedures. The District Court Administrator shall provide the ~~Proposed Scheduling Order~~ PSO forms in the Court Administrator's Office and at the District Court's website, www.dc4dc.com. In each domestic relations case, the parties shall be responsible to report to the Conciliation and Mediation Services Office for compliance with Rule 4-3, if applicable, or the case is subject to dismissal.

C. Case Progression Dismissals. When a case has been dismissed ~~for lack of prosecution~~ pursuant to this rule, ~~the parties~~ any party may request that the case be reinstated, but only upon (1) ~~the showing of good cause why the case should be reinstated; filing a motion to reinstate the case and~~ (2) the contemporaneous submission of a ~~Proposed Scheduling Order; signed~~ PSO to the Court assigned to the case. and (3) the filing of a Signed Scheduling Order. ~~The judge to whom the case is assigned~~ Court assigned to the case may, in ~~the judge's~~ its discretion, reinstate the case.

D. Judicial Review of Proposed Scheduling Order. After the submission of the ~~Proposed Scheduling Order~~ PSO to the District Court Administrator and review of the ~~Proposed Scheduling Order~~ PSO by the ~~judge to whom the case is assigned~~ Court assigned to the case, the ~~judge~~ Court may approve the ~~Proposed Scheduling Order~~ PSO as agreed upon by the parties, or, upon notice to the parties, may schedule the case for a pretrial/scheduling conference. The PSO may subsequently be amended with approval of the Court. Nothing contained in this Rule shall preclude the ~~judge to whom the case is assigned~~ Court assigned to the case from setting a scheduling conference at any time and entering a scheduling order thereafter.

E. Special Settings. Upon request of either party, the ~~judge to whom the case is assigned~~ Court assigned to the case shall determine whether the case shall be specially set for trial.

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