

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

NEBRASKA DEPARTMENT OF )  
HEALTH AND HUMAN SERVICES; )  
DR. GARY J. ANTHON, in his )  
official capacity as the Director of )  
Public Health and Chief Medical )  
Officer of the Nebraska Department )  
of Health and Human Services; )  
DOUGLAS J. PETERSON, Attorney )  
General of the State of Nebraska, )

Plaintiffs, )

and )

AIMEE MELTON, BRINKER )  
HARDING, and DON ROWE, in their )  
capacities as individual elected )  
Members of the Omaha City Council, )

Plaintiff-Intervenors, )

Vs. )

DR. LINDSAY HUSE, in her official )  
capacity as Health Director of the )  
Douglas County Board of Health and )  
in her official capacity as the )  
purported "Health Director" of the )  
City of Omaha; CITY OF OMAHA ; )  
JEAN STOTHERT, in her official )  
capacity as Mayor of the City of )  
Omaha; DOUGLAS COUNTY; )  
OMAHA POLICE DEPARTMENT; )  
TODD SCHMADERER, in his official )  
capacity as the Chief of Police of the )  
Omaha Police Department. )

Defendants. )

CASE NO. CI 22-299

**TRIAL ORDER  
(CIVIL BENCH)**

A proposed scheduling order was submitted and by such counsel informs the Court that they will be prepared for trial not later than June 16, 2022. Trial scheduled as follows:

**IT IS THEREFORE ORDERED** that trial in this matter is set to begin on **Thursday, June 16, 2022 @ 9:00 a.m.** Trial is expected to last one (1) day.

**IT IS FURTHER ORDERED** that all dispositive and pretrial motions will be heard on **Thursday, May 12, 2022 @ 9:30 a.m.**

**IT IS FURTHER ORDERED AS FOLLOWS:**

1. **Prior to the pretrial conference** all witnesses who will actually be called and all actual trial exhibits shall be identified in writing by each party. If copies of trial exhibits have not already been exchanged, then such copies shall be exchanged not later than fourteen days before the pretrial conference. **Failure to comply with this requirement may result in the exclusion of evidence or the striking of the certificate of readiness for trial.**
2. All exhibits being offered must also be scanned and emailed to the Court Reporter and Bailiff as a PDF document. Each exhibit should be scanned separately as a PDF document with each exhibit being paginated separately and submitted to this Court's reporter and bailiff for marking seven (7) days prior to trial. **DO NOT NUMBER EACH EXHIBIT** since the numbering must conform to the Supreme Court Rules. An index must accompany the proposed exhibits and the index shall identify the exhibits in the manner in which they will be offered at trial. Counsel should be prepared to bring their own laptops or electronic devices to offer any evidence via electronic format and shall make arrangements with the Court Reporter for testing of counsel's equipment for compatibility with the Court equipment.
3. **Not later than fourteen (14) working days before the pretrial conference**, all pretrial motions, including but not limited to motions in limine, must be filed with the Clerk of the District Court. This paragraph also applies to objections made during depositions. Copies of the depositions along with a designation order for rulings shall be furnished to the Court. **The Court must be notified that such motions are pending.**
4. **Not later than seven (7) working days before trial**, counsel must notify the Court's bailiff of any special needs, such as access arrangements for a handicapped witness or litigant, or any other special needs which might work to

delay trial proceedings. **Be advised that no witness testimony will be allowed by Skype or Face time.**

5. **Not later than seven (7) working days before the Pretrial conference,** any and all briefs and proposed jury instructions must be emailed to the bailiff. Jury instructions must be emailed in word format.

6. Any document provided to the Court, such as an index to exhibits, proposed instructions, and pretrial briefs, must also be served on all opposing counsel or parties who are pro se.

8. Counsel are instructed to be in the courtroom at least fifteen minutes before the scheduled start of trial and be available for conference with the Court about voir dire, the number of alternates to be seated, the number of peremptory challenges to be exercised, the giving of NJI2d and other introductory remarks, etc. Counsel and their clients are admonished to have no contact with the jury panel.

9. Counsel must notify the Court immediately in the event the case is settled before trial. If the case is settled, counsel are not released from their trial date until a dismissal has been submitted to the Court.

10. It is expected that compliance will be had with this order. Failure of compliance with any provision may result in sanctions or the exclusion of evidence. The Court reserves the right to impose such other requirements as might be necessary to expeditiously resolve the case.

11. This order shall remain in effect until rescinded or modified. If the trial of the case is continued or if trial is not held for any reason, this order shall remain in full force and effect and shall apply to any subsequent scheduling of trial.

DATED this 8 day of February, 2022.

BY THE COURT:



Shelly R. Stratman  
District Court Judge

Cc: James A. Campbell, Assistant Attorney General  
Jennifer A. Huxoll, Assistant Attorney General  
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