

FEDERAL PRACTICE COMMITTEE MEETING MINUTES

June 13, 2025
Omaha, Nebraska

Attendees included Chief District Judge Robert Rossiter, Jr., District Judge Brian Buescher, District Judge Susan Bazis, Senior District Judge Joseph Bataillon, Magistrate Judge Michael Nelson (by telephone), Bankruptcy Judge Brian Kruse, Magistrate Judge Jacqueline DeLuca, Clerk of Bankruptcy Court Eva Roeber, Chief Deputy Clerk of District Court Gabriela Acosta, Deputy Chief Probation and Pretrial Services Officer Kimi Camacho, First Assistant Federal Public Defender Jeffrey Thomas, Assistant United States Attorney Christopher Ferretti, Committee Chairperson Mark Fahleson, Marcia Washkuhn, Elizabeth Culhane, Brian McKernan, Jennifer Huxoll, Gretchen McGill, and Isaiah Frohling. Also in attendance were Supervisor of Administrative Services Pat Williamson and Financial Supervisor Jeremy Reece.

The following committee members were unable to attend: Senior District Judge John Gerrard, Magistrate Judge Ryan Carson, Clerk of District Court Denise Lucks, Chief Probation and Pretrial Services Officer Doug Steensma, Acting Federal Public Defender Richard McWilliams, Interim United States Attorney Lesley Woods, Torry Garland, George Martin, Joshua Weir, Andrew Schlosser, Joshua Fershée, and Eric Berger.

1. Introductions and Opening Comments

Judge Buescher welcomed the Federal Practice Committee (FPC) members and called the meeting to order.

2. Roll Call and Attendance of Federal Practice Committee Members

Roll call was taken.

3. Federal Court Reports

a. State of the Court

Chief Judge Rossiter provided the following updates:

- The 2025 Eighth Circuit Judicial Conference will be held on July 30-August 1 in Kansas City. As in prior years, the Federal Practice Committee will set aside money from the Federal Practice Fund to cover travel and attendance costs for FPC members. For non-members, the Federal Practice Fund will offer a \$250 per-person rebate to the first 10 attorneys who register.
- Lesley Woods has been named the new Interim United States Attorney. Judge Rossiter welcomed Assistant U.S. Attorney Christopher Ferretti, who has been named Chief of the Civil Division.
- Judge Rossiter has received inquiries about a possible memorial service for Judge Kopf, who passed away on January 17, 2025. The court would like to arrange a

service and Judge Rossiter has spoken with Judge Kopf's family. However, nothing has been scheduled at this time.

- The Magistrate Judges' Forum was held on May 16 and it was a great success. Judge Rossiter thanked everyone who participated in the event.
- Hruska Courthouse was the site of the regional trial competition for law schools hosted by Creighton University School of Law on February 20-22. The event went very well and the law school appreciated the use of our space.

b. Magistrate Judge Reports

Judge DeLuca echoed Judge Rossiter's comments regarding the Magistrate Judges' Forum. The event went smoothly and was well attended. Plans are underway for next year's Forum, which is tentatively set for May 15, 2026, at Quarry Oaks. Pat Williamson stated that approximately \$3,500-4,000 should be an adequate amount to budget for the event. Approval for funding from the FPC will be sought at a later date when the details are more certain.

c. District Judge Comments

Judge Bataillon reported that the budget situation for the federal government is very critical. The judiciary is effectively under a hiring freeze, although it is not a formal hiring freeze. We are doing the best we can to weather the storm.

d. Bankruptcy Court Report and Comments

Judge Kruse reported that Kyle Crockett was recently hired as the bankruptcy court's new chief deputy clerk. Kyle previously worked for the Administrative Office of U.S. Courts in Washington, D.C.

Judge Kruse also reported that the Omaha bankruptcy court staff is relocating to the space formerly occupied by the pretrial services staff in the Hruska Building.

e. Acting Federal Public Defender Report

First Assistant Federal Public Defender Jeff Thomas reported that in addition to dealing with budget challenges, the Federal Public Defender's Office is currently in a construction zone. The lease for the current office space is ending soon and a new lease award from the General Services Administration is expected within the next few months.

f. United States Attorney Report

Assistant United States Attorney Chris Ferretti reported that Interim U.S. Attorney Lesley Woods is making various organizational changes in the U.S. Attorney's Office. These include the following:

- Lesley is prioritizing the addition of more staff in the U.S. Attorney's Office. Staffing levels are down 30% from what they should be.
- As noted by Judge Rossiter, Chris has been named the new Chief of the Civil Division.
- The Drug Enforcement Unit and the General Crimes Unit are now under a single Criminal Division. There is no longer a separate Drug Unit.
- Don Kleine is still Chief of the Criminal Division.
- Matt Lierman is Deputy Chief of the Criminal Division.
- A new Special Assistant U.S. Attorney will be added to assist with Indian Country cases.

Chris also noted that under Lesley's leadership, case numbers are expected to increase.

4. Business Meeting

a. Approval of Minutes

The committee members approved the [minutes](#) from the January 24, 2025, meeting.

b. Review of Federal Practice Fund Reports

Pat Williamson reviewed the Federal Practice Committee's financial reports as of April 30, 2025. The beginning balance of the fund on January 1, 2025, was \$274,761. Pro hac vice fee deposits to date are \$7,200, interest earned to date is \$1,260, and expenditures total \$8,443, leaving a balance of \$274,777.

Pat also reported that the project to upgrade the attorney wi-fi systems in the Omaha and Lincoln courthouses is continuing. Under current projections, the Federal Practice Fund (Fund) will spend approximately \$117,000 this year on the upgrade. The General Services Administration is in the process of bidding out the cabling and installation work. Pat stated the Fund is projected to have a balance of approximately \$150,000 at the end of the year.

As additional background, Pat stated that after the FPC agreed in January 2024 to fund an upgrade to the attorney wi-fi networks, court staff determined that an upgrade to the court's wi-fi network should be done as well. The court is paying for the court's wi-fi upgrade, and the Fund is paying only for the attorney wi-fi portion.

c. Civil Practice Report

Chairperson Mark Fahleson asked for any comments, concerns, or questions from the FPC members.

Jennifer Huxoll stated that staff from her office attended the Magistrate Judges' Forum. Jennifer received very positive feedback on it. She added that this event is especially beneficial for younger attorneys.

As for upcoming events, Mark noted that all of the judges have agreed to participate in discussion panels at the 2025 annual meeting of the Nebraska State Bar Association in October.

Marcia Washkuhn next provided a summary of proposed changes to the local rules. Marcia is the chair of the FPC subcommittee that was formed last year to review local rules on civil discovery and recommend possible changes. The subcommittee has finished its work and has submitted its proposals. Marcia thanked Judge Nelson, Judge DeLuca, Liz Culhane, Sheila Benson, Diana Vogt, and Kathleen Neary for their work on the project. The proposed amendments will proceed through the normal process for considering and adopting amended rules. The proposals include the following:

- Add a new rule to identify and reference the magistrate judges' Civil Case Management Practices. A hyperlink will be included. The consensus of the subcommittee was that the Case Management Practices are sometimes difficult to find. In many instances, practitioners from outside the state are not aware of them.
- Add a reference to the Case Management Practices in Rule 72.1, *Magistrate Judge Duties*.
- Add a hyperlink to access the Case Management Practices on the court's local rules web page.
- Amend Rule 29.1, *Discovery Stipulations*, which relates to extensions of discovery deadlines for Rules 33, 34, and 36. The current rule requires a court order for extensions by agreement of the parties that impact the court's progression orders. That would not change, but the proposed amendment would eliminate the requirement for filing a formal stipulation. An agreement in writing between the parties would be sufficient.
- Amend Rule 33.1, *Interrogatories*, to add standard definitions. The proposed definitions are derived from rules in other districts, including New York. The current prohibition on separate definitions will remain. The parties may agree to change a definition and the court can change a definition. Otherwise, no other definitions will be allowed. The amended rule will also clarify what is considered a subpart. The existing rule includes an example that is inconsistent with the case law. The amended rule will revise the example to accurately reflect case law.
- Amend Rule 36.1, *Requests for Admission*, to make clear that if there is a dispute about the number of requests for admission, the parties should follow the discovery dispute procedures set forth in the magistrate judges' Case Management Practices. If the propounding party proposes what the receiving party believes to be an excessive number of requests, the propounding party has the burden of explaining why the requests are required and necessary, rather than the receiving party having the burden of demonstrating why the number is excessive.

Judge Nelson thanked the members of the subcommittee for their work on the proposed amendments. He added that the magistrate judges' Case Management

Practices are currently referenced in scheduling and case progression orders. In addition, the magistrate judges are reviewing the Rule 26(f) Report for possible revisions and will ensure that the Case Management Practices are referenced in the Report. Judge Nelson also noted that in his cases, the vast majority of Rule 26(f) Reports do not request an interim status conference before the case progression order is entered. However, he often schedules one regardless. Judge Nelson commented that if there are potential issues or things that could be discussed before the case progression order is entered, counsel should not hesitate to request an interim status conference.

Separately, Judge Bataillon requested input from the FPC members on whether Nebraska should require local counsel. The committee members briefly discussed the question, but no specific action was proposed.

Returning to the topic of FPC funding for those who wish to attend the 2025 Eighth Circuit Judicial Conference, Judge Rossiter raised the question of whether a vote of the committee was needed. Pat Williamson stated that approval of such funding is within the purview of the Chief Judge. The members of the FPC voiced no objection to Judge Rossiter approving the funding.