

40.1 Trial Calendar.

(a) Setting Trial.

The court may issue occasional orders or communicate by e-mail to all affected attorneys of record regarding trial settings. Attorneys must keep informed of the progress of the court's business and be ready when their cases are reached. The district court annually determines trial sessions in North Platte by general order.

(b) Request for Place of Trial; Form.

The plaintiff at the time of filing a complaint in a civil action, or the removing party at the time of filing a petition for removal, must request trial in Omaha, Lincoln, or North Platte. For cases filed electronically, the place of trial selected on the CM/ECF filing system during case opening will serve as the plaintiff's (or removing party's) designated place of trial. Each defendant or third-party defendant at the time of filing that defendant's first pleading in a civil action, or the plaintiff in a removed action, within 14 days after service of the notice of removal, may file a written request for trial at Omaha, Lincoln, or North Platte. A request for a place different from that requested by the plaintiff, third-party plaintiff, or removing party must be filed as a motion. Any other party then has 14 days to respond.

(1) Conflicting Requests.

Conflicting requests may be resolved without oral argument. Except for cases governed by the special rules for the Nebraska docket and the death penalty, see NEGenR 1.4(a)(5)-(6), a judge considers the convenience of the parties, lawyers, witnesses, other related matters, and the interests of justice.

(2) Amended Request.

A party may amend an initial or opposing request for place of trial at any time based on a change in material circumstances.

(c) Calendaring Cases.

The clerk calendars a case according to the initial request. If the parties make no initial request, the clerk calendars a case in the city where the case is filed.

(d) Trial Judge's Designation of Place of Trial.

When circumstances and the interests of justice warrant, the judge to whom

the case is assigned may at any time prior to trial designate a place of trial different from that requested by the plaintiff, third-party plaintiff, or removing party. The trial judge shall state the reasons for designating a different place of trial in an order or on the record. In such event, the parties shall have the opportunity to respond either in writing or on the record. Such responses must be filed within 14 days of the trial judge's designation of a different place of trial unless the trial judge specifies a shorter time within which responses must be filed or entered on the record.