

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CINDY AVILA, et al.,) CASE NO. 4:04-CV-3384
vs.)
Plaintiffs,)
CNH AMERICA, LLC, et al.,)
Defendants.)
vs.) **MEMORANDUM AND ORDER**
Defendants.)

A planning conference was held with counsel on August 14, 2012. The Court reviewed with counsel their agreed-upon “Status Report and Joint Proposed Case Progression Plan” (Doc. 509), and the Court decided to adopt the progression framework and schedule proposed by counsel. Accordingly,

IT IS ORDERED:

- 1) The Court adopts in full the parties’ jointly-filed “Status Report and Joint Proposed Case Progression Plan” (Doc. 509), including sections II and III, which set out a Phase 2 Case Progression Plan and Specific Framework for Proposed Phase 2 Discovery Plan.
- 2) As set forth in Paragraph III.A.1. of the parties’ “Status Report and Joint Proposed Case Progression Plan,” by December 14, 2012, Plaintiffs shall serve Defendants with a new disclosure for each Plaintiff that (a) specifically identifies all personal injuries and medical conditions that allegedly are a result of exposure to constituents emanating from the New Holland Property, and (b) specifically identifies all claimed exposure locations. These disclosures may be signed by Plaintiffs’ counsel and shall be based on current information and/or records obtained from Plaintiffs or Plaintiffs’ medical providers. Plaintiffs are not required to serve additional *Lone Pine* declarations by Plaintiffs’ experts. These disclosures signed by Plaintiffs’ counsel shall constitute the complete list of claimed personal injuries and medical conditions and claimed exposure locations at issue in this lawsuit.
- 3) Because the calendar dates for the remaining deadlines in the parties’ joint proposed case progression plan may depend on when the Court decides a motion for partial summary judgment filed by the Defendants, (*see* Filing No. 431), the Court will enter a subsequent order with specific calendar dates for the remaining deadlines set forth in Section III of the parties’ jointly-filed “Status Report and Joint Proposed Case Progression Plan.”

August 17, 2012.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge