

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CONSTEEL ERECTORS, Inc., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 KRAUS-ANDERSON )  
 CONSTRUCTION, Company, )  
 JASON RUSNAK, MENARDS, Inc., )  
 and TRAVELERS CASUALTY )  
 AND SURETY COMPANY OF )  
 AMERICA, )  
 )  
 Defendants. )

4:08CV3038

MEMORANDUM AND ORDER

The parties have filed a joint motion for a 60-day continuance of their expert witness disclosure deadlines. (Filing No. [104](#)). They have not requested a continuance of the remaining deadlines set forth in the court’s progression order. The court notes that if the requested 60-day continuance is granted, rebuttal experts need not be disclosed until after the scheduled pretrial conference. Accordingly,

IT IS ORDERED:

- 1) The parties’ joint motion for a continuance of the expert witness disclosure deadlines, (filing no. [104](#)), is granted, in part, as follows:
  - a. Each plaintiff, counter-claimant and cross-claimant shall disclose any expert witnesses on or before August 1, 2009;
  - b. Each defendant, counter-defendant, and cross-defendant shall disclose any expert witnesses on or before September 1, 2009;
  - c. If necessary to refute the disclosed opinions of an expert witness of an opponent, a plaintiff, counter-claimant, or

cross-claimant may disclose additional expert witnesses not later than September 15, 2009.

- 2) All other deadlines and dates set forth in the court's Amended Order Setting Final Schedule for Progression of a Civil Case, (filing no. [97](#)), remain in effect.

DATED this 25<sup>th</sup> day of June, 2009.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge