

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SHARON KAUFMAN,)	
)	
Plaintiff,)	4:09CV3087
)	
V.)	
)	
CVS PHARMACY, Inc., and DAVACO,)	AMENDED
Inc.,)	PROGRESSION
)	ORDER
Defendants.)	

A telephonic hearing was held today on the Motion to Continue filed by defendant Garfield Beach CVS, LLC and/or CVS Pharmacy, Inc. Filing No. 63. As explained during the hearing, based on the allegations of plaintiff's initial complaint, Davaco defended this case on behalf of itself, and on behalf of defendant CVS pursuant to the terms of its indemnification contract with CVS. The plaintiff filed an amended complaint on May 6, 2010, and the new allegations raised a potential conflict of interest among the defendants. Accordingly, CVS is now represented by separate counsel and requests a six-month continuance of the progression schedule to prepare a defense for CVS. The plaintiff objects to continuing the progression schedule. The court finds CVS' motion to continue should be granted, but not to the extent it requests.

Accordingly,

IT IS ORDERED:

- 1) The motion to continue, (filing no. 63), is granted.
- 2) The Final Progression Order (filing no. 23) is amended as follows:
 - a. A jury trial is set to commence before Judge Richard G. Kopf on December 20, 2010. No more than four days are allocated to the trial of this case and counsel shall plan accordingly. This case is subject to

the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one.

- b. The pretrial conference will be held before the undersigned magistrate judge on December 2, 2010 at 11:00 a.m. One-half hour is allocated to this conference. Counsel shall email a draft pretrial conference order to zwart@ned.uscourts.gov, in either MS Word or WordPerfect format, by 5:00 p.m. on December 1, 2010, and the draft order shall conform to the requirements of the local rules.
- c. The defendants' responses to plaintiff's amended complaint shall be filed on or before June 4, 2010.
- d. The deadlines for disclosure of experts and, unless otherwise agreed, the deadlines for the provision of expert reports is:

By the plaintiff:	June 17, 2010
By the defendants:	July 19, 2010
Plaintiff's rebuttal expert(s):	August 3, 2010
- e. The discovery and deposition deadline is August 18, 2010. Motions to compel discovery must be filed at least 15 days prior to the discovery and deposition deadline.
- f. The deadline for filing motions to dismiss, motions for summary judgment or motions to exclude expert testimony on *Daubert* and related grounds is September 1, 2010.
- g. Motions in limine shall be filed five business days prior to trial. It is not the normal practice to hold hearings on motions in limine or to rule on them in advance. Counsel should plan accordingly.
- h. The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.

DATED this 25th day of May, 2010.

BY THE COURT:
s/ Cheryl R. Zwart
United States Magistrate Judge