

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

J. CHRISTOPHER THOMAS,)
Individually and as Trustee of,)
)
Plaintiff,)

V.)

VISTA A&S 2006-1 LLC, a Nebraska)
limited liability company, VISTA OIL &)
GAS, INC., a Colorado corporation, and)
the initial member of Vista A&S 2006-1)
LLC, DAVID M. NICKLAS,)
)
Defendants.)

4:09CV3143

PROGRESSION ORDER
(Spread Text)

L. RICHARD PLUNKETT,)
PLUNKETT FAMILY L.P., CLARK S.)
PLUNKETT IRREVOCABLE TRUST,)
, CLARK S. PLUNKETT, P. SHAWN)
PLUNKETT, ROBERT J. MCCAMY,)
MCCAMY CAPITAL LLC, ROBERT)
J. MCCAMY, JR. TRUST, CLARE)
SHAW MCCAMY TRUST, MARIAN)
MCCAMY HOUK TRUST, ANDREW)
M. HEAD, and MARY STUART)
MCCAMY TRUST,)

4:10CV3184

Plaintiffs,)

V.)

VISTA RESOURCES, INC., VISTA)
A&S 2006-1 LLC, VISTA OIL & GAS,)
INC., DAVID M. NICKLAS, and)
CLARK R. NICKLAS,)

Defendants.)

The parties' joint motions for entry of a progression schedule, (4:09CV3143, filing no. 100 and 4:10CV3184, filing no. 45), are granted, and a progression order is entered as follows:

A. Pleadings and motions to amend and add parties:

1. On or before Monday, November 22, 2010,
 - a. All named defendants, counter-defendants, cross-defendants, and third parties shall be properly served pursuant to the Federal Rules of Civil Procedure and Local Rules of this court; and
 - b. All answers or responses to the complaints served shall be filed or, in the absence of a timely response, a motion for entry of default filed.
2. Motions to amend or to add parties are due by January 14, 2011.

B. Discovery

1. Fact Discovery: The parties will complete written discovery by February 15, 2011 and depositions will not occur until after written discovery is complete. The fact discovery period ends on May 13, 2011. Any motions to compel must be filed no later than that date.
2. Expert Discovery: The parties shall identify their respective expert witness(es), if any by May 27, 2011. The depositions of such expert witness(es) must be completed by June 17, 2011. The parties shall to identify their respective rebuttal expert witness(es), if any, by July 1, 2011. The deposition of such rebuttal expert witness(es) must be completed by July 15, 2011.

C. Jury, Dispositive, and *Daubert* Motions

1. *Daubert* Motions: All motions to exclude expert testimony on *Daubert* or related grounds shall be filed by August 12, 2011. Responses shall be filed in accordance with the deadlines imposed under this court's local rules.

2. Any motion to strike a party's jury demand as to all or a portion of the claims raised shall be filed by August 12, 2011. Responses shall be filed in accordance with the deadlines imposed under this court's local rules.
3. Dispositive Motions: Dispositive motions shall be filed by September 14, 2011. Responses shall be filed in accordance with the deadlines imposed under this court's local rules.

D. Pretrial/Trial Issues

1. The Court encourages the parties, where appropriate, to reach agreement on motions in limine and other pre-trial matters and memorialize such agreements by stipulation.
2. A telephonic status conference will be held on August 4, 2011 at 10:00. Counsel for the Vista defendants will initiate the call.
3. Trial of this case is set to commence on January 9, 2012. The Court has reserved four weeks for trial. This case is subject to the prior trial of criminal cases, but is set as the first civil case.

DATED this 22nd day of October, 2010.

BY THE COURT:

S/ Cheryl R. Zwart
United States Magistrate Judge