

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ELAINE A. HRUBY, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 ALBERTSON’S, INC., a Delaware )  
 corporation, )  
 )  
 Defendant/Third-Party Plaintiff, )  
 )  
 v. )  
 )  
 BRADLEY OPERATING LIMITED )  
 PARTNERSHIP and HERITAGE )  
 PROPERTY INVESTMENT TRUST, )  
 INC., )  
 )  
 Third-Party Defendants. )

4:09CV3204

MEMORANDUM AND ORDER

The Third-Party Defendants, Bradley Operating Limited Partnership and Heritage Property Investment Trust, Inc. moved to continue the progression schedule. Filing No. 37. Although their motion states the plaintiff opposes the proposed continuance, no response was filed, and the deadline for filing a response has passed. The motion to continue is therefore deemed unopposed. Based on the showing set forth in the third-party defendants’ motion, the requested continuance will be granted. Accordingly,

IT IS ORDERED:

- 1) The motion to continue, (filing no. 37), is granted.

- 2) The final progression order is amended as follows:
- a. A non-jury trial is set to commence on January 24, 2011 before the Honorable Warren K. Urbom. 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 January 6, 2011 at 1:00 p.m. One-half hour is allocated to this conference. Counsel shall email a draft pretrial conference order to [zwart@ned.uscourts.gov](mailto:zwart@ned.uscourts.gov), in either MS Word or WordPerfect format, by 5:00 p.m. on January 5, 2011, and the draft order shall conform to the requirements of the local rules.
  - c. The Third-Party Defendants shall serve mandatory disclosures under Rule 26(a)(1) on or before May 15, 2010.
  - d. Any motions to amend the pleadings shall be filed on or before June 18, 2010.
  - e. The deadlines for disclosure of experts and, unless otherwise agreed, the deadlines for serving expert reports are:

For the plaintiff:	June 16, 2010
For the defendant & third-party defendants:	July 30, 2010
Any rebuttal experts:	August 13, 2010
  - f. The discovery and deposition deadline is August 27, 2010. Motions to compel discovery must be filed at least 15 days prior to the discovery and deposition deadline.
  - g. The deadline for filing motions to dismiss, motions for summary judgment or motions to exclude expert testimony on *Daubert* and related grounds is September 17, 2010.

May 5, 2010.

BY THE COURT:

*s/ Cheryl R. Zwart*  
United States Magistrate Judge