

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BNSF RAILWAY COMPANY,	)	
	)	
Plaintiff,	)	4:11CV3076
	)	
v.	)	
	)	AMENDED PROGRESSION ORDER
L.B. FOSTER COMPANY,	)	
	)	
Defendant.	)	

The parties' joint motion to continue, (filing no. 32), is granted, and the amended progression order is as follows:

- a. The trial of this case is set to commence before the Honorable Warren K. Urbom on **February 25, 2013 at 9:00 a.m.**, or as soon thereafter as the case may be called, for a duration of five (5) trial days, in Courtroom 4, United States Courthouse, Lincoln, Nebraska. Jury selection will be held at commencement of trial.
- b. A conference with counsel for the parties will be held before Judge Urbom in his chambers beginning on **February 25, 2013 at 8:30 a.m.**
- c. The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on **February 12, 2013 at 10:00 a.m.**, and will be conducted by WebEx conferencing. To facilitate this conferencing method, the parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to [zwart@ned.uscourts.gov](mailto:zwart@ned.uscourts.gov), in either Word Perfect or Word format, by 5:00 p.m. on February 11, 2013. An email will be sent to counsel of record with the instructions and codes for participating in the pretrial conference by WebEx.
- d. The telephonic conference before the undersigned magistrate judge remains set for **July 5, 2012 at 11:00 a.m.** Counsel for plaintiff shall place the call.
- e. The deadline for moving to amend pleadings or add parties is April 30, 2012.
- f. The deadline for completing discovery under Rules 33 through 36 of the Federal Rules of Civil Procedure is December 17, 2012. Motions to compel Rule 33 through 36 discovery must be filed by December 3, 2012.

- g. The deadlines for identifying expert witnesses expected to testify at the trial are:

For the plaintiff: July 2, 2012  
For the defendants: August 15, 2012

- h. The deadlines for **complete expert disclosures**, (both retained experts, [\(Fed. R. Civ. P. 26\(a\)\(2\)\(B\)\)](#), and non-retained experts, [\(Fed. R. Civ. P. 26\(a\)\(2\)\(C\)\)](#), are:

For the plaintiff: October 1, 2012.  
For the defendants: November 15, 2012.

- i. The deposition deadline is January 31, 2013.

- j. The deadline for filing motions to dismiss, motions for summary judgment or motions to exclude expert testimony on *Daubert* and related grounds is January 13, 2013. **However, the parties are hereby notified that the trial of this case may be continued, on the court's own motion, if dispositive motions are filed on or after November 9, 2012.**

- k. 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.

- l. 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 15<sup>th</sup> day of February, 2012.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge