

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RONALD J. HERRMAN,)	
)	
Plaintiff,)	4:11CV3196
)	
v.)	
)	AMENDED
BNSF RAILWAY COMPANY, A Delaware Corporation,)	PROGRESSION ORDER
)	
)	
Defendant.)	

Pursuant to the Joint Motion to Amend Progression Order (filing 14), the progression order filed on January 4, 2012 is amended as follows:

- a. A jury trial is set to commence before Judge Richard G. Kopf on **January 14, 2013**. 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 is scheduled to be held before the undersigned magistrate judge on **January 3, 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, in either Word Perfect or Word format, by 5:00 p.m. on January 2, 2013. An email will be sent to counsel of record with the instructions and codes for participating in the pretrial conference by WebEx.

- c. A telephonic conference with the undersigned magistrate judge will be held on **October 16, 2012 at 10:00 a.m.** to discuss the status of case progression and potential settlement. Counsel for plaintiff shall place the call.

- d. The deadline for completing discovery under Rules 33 through 36 of the Federal Rules of Civil Procedure is July 16, 2012. Motions to compel Rule 33 through 36 discovery must be filed by July 1, 2012.

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

For the plaintiff:	August 1, 2012
For the defendants:	September 3, 2012

- f. 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:	September 14, 2012.
For the defendants:	October 15, 2012.

- g. The deposition deadline is December 3, 2012.
- h. The deadline for filing motions to exclude expert testimony on *Daubert* and related grounds is November 15, 2012.
- i. The deadline for filing motions to dismiss and motions for summary judgment is October 1, 2012.

DATED this 17th day of April, 2012.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge