

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RONALD D. MADDEN,

Plaintiff,

vs.

ANTON ANTONOV, AV
TRANSPORTATION, INC., THE
ANDERSONS, INC., BNSF RAILWAY
COMPANY,

Defendants.

4:12CV3090

MEMORANDUM AND ORDER

After conferring with the parties,

IT IS ORDERED that the final progression order is amended as follows:

- 1) The jury trial of this case is set to commence before John M. Gerrard, United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on **March 9, 2015**, or as soon thereafter as the case may be called, for a duration of eight (8) trial days. 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. Jury selection will be held at the commencement of trial.
- 2) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on **February 24, 2015** at **11:00 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 February 23, 2015. An email will be sent to counsel of record with the instructions and codes for participating in the pretrial conference by WebEx.
- 3) The deadline for completing written discovery on any issues disclosed by the documents the railroad must produce following the court's in camera review is October 1, 2014, and any motions to compel responses to that discovery shall be filed by October 15, 2014. No written discovery shall be served, and no related motions to compel shall be filed, on issues other than those disclosed in the documents the railroad is now ordered to produce.

- 4) As to medical experts and vocational rehabilitation experts, the defendants' deadline for identifying expert witnesses expected to testify at the trial and deadline for complete expert disclosures, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), is October 1, 2014.
- 5) The discovery deposition deadline is December 5, 2014. The trial deposition deadline is February 24, 2015.
- 6) The deadline for filing motions to dismiss and motions for summary judgment is November 14, 2014.
- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is November 14, 2014.
- 8) 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.

September 2, 2014.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge