

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MISTY L. PROCHASKA,

Plaintiff,

vs.

KAPLAN HIGHER EDUCATION  
CORPORATION,

Defendant.

**4:12CV3104**

**MEMORANDUM AND ORDER**

IT IS ORDERED:

A. The plaintiff's motion to compel, (Filing No. 28), is granted as follows:

- 1) On or before March 7, 2013, the defendant shall produce the requested email documents in its possession for the time period beginning on January 1, 2008 through April 1, 2011.
- 2) The attorneys fees and costs Plaintiff incurred in filing her motion to compel are neither requested nor awarded.

B. The parties' oral motion to extend the progression schedule, (Filing No. 38), is granted, and the final progression schedule 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 **October 29, 2013**, or as soon thereafter as the case may be called, for a duration of four (4) 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.
- 2) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on **October 8, 2013 at 1:00 p.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 October 7, 2013. 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 under Rules 33 through 36 of the Federal Rules of Civil Procedure is July 1, 2013. Motions to compel Rule 33 through 36 discovery must be filed by June 17, 2013.
- 4) 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(s):	May 1, 2013
For the defendant(s):	June 3, 2013
- 5) The deposition deadline is July 1, 2013.
- 6) The deadline for filing motions to dismiss and motions for summary judgment is July 1, 2013.
- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is July 1, 2013.
- 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.

February 5, 2013.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge