

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

SHAWN DERR, JEFF DERR,

Plaintiffs,

vs.

TMC TRANSPORTATION, BOBBY  
GROVE, ANNETH HOLDINGS, Inc.;

Defendants.

**4:13CV3078**

**MEMORANDUM AND ORDER**

The unopposed motion to continue, (Filing No. 26), is granted and the progression schedule is extended as follows:

- 1) The jury trial of this case is set to commence before Richard G. Kopf, Senior United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on September 2, 2014, or as soon thereafter as the case may be called, for a duration of three (3) 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 **August 5, 2014** at **9:00 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 August 4, 2014. An email will be sent to counsel of record with the instructions and codes for participating in the pretrial conference by WebEx.
- 3) The telephonic conference previously scheduled for March 11, 2014 is cancelled.
- 4) The deadline for completing written discovery under Rules 33 through 36 of the Federal Rules of Civil Procedure is March 3, 2014. Motions to compel Rule 33 through 36 discovery must be filed by March 17, 2014.
- 5) The deadlines for serving 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 defendants:	April 28, 2014
For the plaintiffs:	June 9, 2014.
For the defendants:	June 23, 2014.

- 6) The deposition deadline is July 21, 2014.
- 7) The deadline for filing motions to dismiss and motions for summary judgment is August 1, 2014. The parties are advised, however, that the trial and pretrial conference may be continued on the court's own motion if dispositive motions are filed after May 5, 2014.
- 8) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is August 1, 2014.
- 9) 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.

November 27, 2013.

BY THE COURT:

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