

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAY F. CASTEEL, an individual;

Plaintiff,

vs.

CITY OF CRETE,

Defendant.

4:16CV3166

PROGRESSION ORDER

IT IS ORDERED that the initial progression order (Filing No. 26) is amended and supplemented 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 **March 25, 2019**, 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. 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 **March 12, 2019** at **1:00 p.m.**, and will be conducted by internet/telephonic conferencing. Counsel shall use the conferencing instructions assigned to this case to participate in the conference. 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 March 8, 2019.
- 3) A telephonic conference to discuss the status of case progression and the parties' interest in settlement will be held with the undersigned magistrate judge on **December 4, 2018** at **11:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 4) The deadline for completing written discovery under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure is October 1, 2018. Motions to compel discovery under Rules 33, 34, and 36 must be filed by October 15, 2018.
Note: Motions to compel shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.
 - a. The maximum number of interrogatories, including sub-parts, that may be served by any party on any other party is 60.

- b. The parties shall give at least 10 days' notice of their intention to serve records/documents or subpoenas on third parties prior to issuance. See NECivR 45.1
- 5) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:
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|-----------------------|------------------|
| For the plaintiff(s): | August 31, 2018. |
| For the defendant(s): | October 1, 2018. |
- 6) The deadlines for complete expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:
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|-----------------------|-------------------|
| For the plaintiff(s): | October 1, 2018. |
| For the defendant(s): | November 1, 2018. |
- 7) The deposition deadline is October 31, 2018.
- a. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is 10.
- 8) The deadline for filing motions to dismiss and motions for summary judgment is December 31, 2018.
- 9) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is December 31, 2018.
- 10) Motions in limine shall be filed seven 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.
- 11) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) Report that are not inconsistent with this order.

Dated this 14th day of August, 2018.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge