

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**HANNAH SABATA, et al.,**

**Plaintiffs,**

**vs.**

**NEBRASKA DEPARTMENT OF  
CORRECTIONAL SERVICES, et al.,**

**Defendants.**

**4:17CV3107**

**AMENDED PROGRESSION ORDER**

This matter comes before the court on the parties' Joint Motion to Amend Case Progression Order ([Filing No. 287](#)). After review of the motion, the Court finds good cause to extend the case progression deadlines. Accordingly,

**IT IS ORDERED** that the parties' Joint Motion to Amend Case Progression Order ([Filing No. 287](#)) is granted, and the following deadlines shall apply:

- 1) The deadline for Defendants' to file a brief in opposition to Plaintiffs' Motion for Class Certification ([Filing No. 247](#)) is extended to **May 10, 2019**. Plaintiffs' deadline to file a brief in reply is extended to **June 28, 2019**.
- 2) The non-jury trial of this case is set to commence before Robert F. Rossiter, Jr., United States District Judge, in Courtroom 3, United States Courthouse, Lincoln, Nebraska, at **9:00 a.m. on March 9, 2020**, or as soon thereafter as the case may be called, for a duration of fifteen (15) trial days. This case is subject to the prior trial of other civil cases that may be scheduled for trial before this one.
- 3) The Pretrial Conference is scheduled before the undersigned magistrate judge on **February 28, 2020, at 10:00 a.m.**, and will be conducted in chambers. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to [nelson@ned.uscourts.gov](mailto:nelson@ned.uscourts.gov), in Word format, by **3:00 p.m. on February 21, 2020**.
- 4) The deadline for completing written discovery under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure is **September 3, 2019**. Motions to compel discovery under Rules 33, 34, and 36 must be filed by **September 17, 2019**. **Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.
- 5) The deadline to complete expert disclosures<sup>1</sup> for all experts expected to testify at

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<sup>1</sup> While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what

trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), is **September 3, 2019**. Supplemental expert reports responding to initial expert reports shall be served by **October 3, 2019**.

- 6) The deposition deadline is **November 1, 2019**.
- 7) The deadline for filing motions to dismiss and motions for summary judgment is **July 16, 2019**.
- 8) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **December 2, 2019**.
- 9) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 10) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 11) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 11<sup>th</sup> day of April, 2019.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge

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is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.