

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

PAUL GILLPATRICK, and NICCOLE  
WETHERELL,

Plaintiffs,

vs.

SCOTT FRAKES, Director, in their  
official capacities; DENISE DAVIDSON,  
Warden, in their official capacities; and  
ROBERT MADSEN, Warden, in their  
official capacities;

Defendants.

**4:18CV3011**

**PROGRESSION ORDER  
(AMENDED)**

During the teleconference held today, counsel stated they believe this case can be resolved on cross-motions for summary judgment with stipulated facts. Accordingly,

IT IS ORDERED:

- 1) The trial and pretrial conference settings are vacated.
- 2) The deadline for serving written discovery under Rules 33 through 36 of the Federal Rules of Civil Procedure is August 1, 2018, with responses, answers, and objections due on or before September 10, 2018. Motions to compel Rule 33 through 36 discovery must be filed by September 24, 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.
- 3) 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:

For Defendant: September 17, 2018.

Plaintiffs' rebuttal: October 17, 2018.

- 4) The deposition deadline is November 30, 2018.
- 5) Cross-motions for summary judgment based on stipulated facts shall be filed on or before January 14, 2019, with any response due on or before February 15, 2019. No reply shall be filed absent leave of the court for good cause shown.
- 6) The clerk shall set an internal case management deadline of January 18, 2019: Confirm that cross-motions were timely filed.

August 7, 2018.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge