

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CRYSTAL DIETRICH, Wife; and OAK  
DIETRICH, Husband;

Plaintiffs,

vs.

WALMART, INC., a Delaware Corporation;  
and SWIRE PACIFIC HOLDINGS, INC., a  
Delaware Corporation;

Defendants.

**4:24CV3030**

**FINAL PROGRESSION ORDER  
(AMENDED)**

The Court grants the parties' Joint Motion for Amended Progression Order. [Filing No. 26.](#)

Accordingly,

IT IS ORDERED that the final progression order is amended as follows:

- 1) The trial and pretrial conference will not be set at this time. The status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings currently set for March 4, 2025 is continued and will be held with the undersigned magistrate judge on **July 8, 2025** at **11:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadlines for moving to amend pleadings or add parties are:

For the defendant(s):

January 24, 2025.

- 3) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is July 25, 2025. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by August 8, 2025.

**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.

- 4) The deadline 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)), is February 28, 2025.
- 5) The deadlines for complete expert disclosures<sup>1</sup> 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 the plaintiff(s): February 28, 2025.

For the defendant(s): June 30, 2025.

- 6) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is June 30, 2025.
- 7) The deadline for filing motions to dismiss and motions for summary judgment is September 12, 2025.
- 8) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is September 12, 2025.
- 9) **Motions in limine shall be filed twenty-eight days before trial.** 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) All other deadlines and provisions in the Court's prior final progression order, [Filing No. 17](#), not amended herein remain unchanged.

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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 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.

Dated this 27th day of January, 2025.

BY THE COURT:

*s/ Jacqueline M. DeLuca*

United States Magistrate Judge