

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

**BUILDERS WAREHOUSE, INC., a Nebraska  
corporation;**

**Plaintiff/Counter-Defendant,**

**vs.**

**PFC SERVICES, INC., a Georgia corporation;  
and PAUL BUMBLAUSKAS, an individual;**

**Defendants/Counter-Claimants.**

**7:24CV5001**

**AMENDED  
CASE PROGRESSION ORDER**

This matter comes before the Court on the parties' Joint Stipulation to Continue Progression Deadlines ([Filing No. 45](#)). After review of the parties' stipulation, the Court finds good cause to grant the requested extensions. Accordingly,

**IT IS ORDERED** that the Joint Stipulation to Continue Progression Deadlines ([Filing No. 43](#)) is granted, and the case progression order is amended as follows:

- 1) The deadline for the defendants to respond to written discovery is extended to **March 18, 2025**. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by **May 2, 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 on or before the motion to compel deadline to set a conference to discuss the parties' dispute, and after being granted leave to do so by the Court.

- 2) Experts:
  - a. 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 **April 25, 2025**. The deadline to identify rebuttal expert witnesses is **June 6, 2025**.
  - b. The deadlines for completing 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\(a\)\(2\)\(C\)](#)), is **May 30, 2025**. The deadline to serve rebuttal expert reports is **July 11, 2025**.
  - c. The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **August 22, 2025**.

- 3) The status conference set for April 2, 2025, is cancelled. A status conference to discuss case progression and the parties' interest in settlement will be held with the undersigned magistrate judge on **June 18, 2025, at 11:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 4) The planning conference set for June 23, 2025, is cancelled. The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **August 13, 2025, at 11:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 5) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **August 15, 2025**. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is twenty (20).
- 6) The deadline for filing motions to dismiss and motions for summary judgment is **September 12, 2025**.
- 7) 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.
- 8) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. 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 March, 2025.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge