

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

<p><b>RSG, INC., a South Dakota Corporation;</b> )  <b>R GROUP, INC., an Iowa Corporation; and</b> )  <b>RANDALL S. GOLDEN, an Individual,</b> )  ) )  <p style="text-align: center;"><b>Plaintiffs,</b> )</p> <p style="text-align: center;"><b>vs.</b> )</p> <p><b>SIDUMP'R TRAILER COMPANY, INC.,</b> )  <b>a Delaware Corporation,</b> )  ) )  <p style="text-align: center;"><b>Defendant.</b> )</p> </p></p>	<p><b>8:06CV507</b></p>	<p><b>FIFTH AMENDED ORDER SETTING FINAL SCHEDULE FOR PROGRESSION OF CASE</b></p>
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**IT IS ORDERED** that the parties' Stipulation (Doc. [156](#)) is granted, and the Third and Fourth Amended Orders Setting Final Schedule for Progression of Case (Docs. [97](#) & [125](#)) are amended, as follows:

1. Motions for Summary Judgment. Motions for Summary Judgment shall be filed on or before **September 15, 2009**.
2. Deposition Deadline and Discovery Motion Deadline. The deadline to complete depositions and file discovery motions is extended from December 15, 2008 to **September 15, 2009**.
3. Disclosure of Expert Witnesses. The deadline to disclose expert witnesses to refute the disclosed opinions of an expert witness of an opponent, a Plaintiff, Counter-claimant, or Cross-claimant is extended to **August 17, 2009**.
4. Pretrial Disclosures/Witnesses. The deadline for witnesses to be disclosed to each party is extended to **September 30, 2009**.
5. Pretrial Disclosures/Trial Exhibits. The deadline for serving trial exhibit lists is extended to **October 5, 2009**.
6. Paragraph 5 - Motions in Limine. Motions *in limine* challenging the admissibility of expert testimony at trial under Fed. R. Evid. 702 shall be filed by **September 31, 2009**. All other motions *in limine* shall be filed no later than **October 16, 2009**.

7. The **Final Pretrial Conference** with Magistrate Judge Gossett is set for **October 22, 2009 at 11:00 a.m.** in chambers, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska. The final pretrial conference shall be attended by lead counsel for represented parties. Prior to the pretrial conference, counsel shall complete all items directed in [NECivR](#) 16.2. By the time of the pretrial conference, full preparation for trial shall have been made so that trial may begin immediately thereafter. The pretrial conference will include a discussion of settlement, and counsel shall be prepared through investigation, discovery and communication with clients and insurers, if any, to discuss fully the subject of settlement, including realistic expectations about liability, obstacles to agreement, offers made, and offers which can be made at the conference. Counsel shall be prepared to make additional offers or proposals for settlement in behalf of their clients at the pretrial conference, and counsel shall be prepared to make or opine on recommendations for further negotiations and conferences.

8. Trial is estimated to run approximately eight (8) days and is set to commence, at the Court's call, during the week of **November 16, 2009**, in Omaha, Nebraska, before the Honorable Joseph F. Bataillon and a jury. Unless otherwise ordered, jury selection shall be at the commencement of trial.

**DATED June 9, 2009.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**