

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|  |   |                  |
|--|---|------------------|
| <b>MARIA GUZMAN MORALES and</b>            | ) |                  |
| <b>MAURICIO GUAJARDO on behalf of</b>      | ) |                  |
| <b>themselves and all others similarly</b> | ) |                  |
| <b>situated,</b>                           | ) |                  |
|  | ) | <b>8:08CV504</b> |
| <b>Plaintiffs,</b>                         | ) |                  |
|  | ) |                  |
| <b>vs.</b>                                 | ) |                  |
|  | ) | <b>ORDER</b>     |
| <b>FARMLAND FOODS, INC.,</b>               | ) |                  |
|  | ) |                  |
| <b>Defendant.</b>                          | ) |                  |

This matter is before the Court on the parties' Joint Motion for Extension of Time Regarding Briefing Schedule for All Dispositive Motions and for Certain Discovery (Filing No. 150). The Court has examined the Motion and, being fully advised, finds that the requested Order should be entered.

The parties' Joint Motion for Extension of Time Regarding Briefing Schedule for All Dispositive Motions and for Certain Discovery is granted. The Court's Scheduling Order is hereby amended as follows:

- a. On or before **August 2, 2010**, Plaintiffs will file their response in opposition to Defendant's Motion for Partial Summary Judgment – "Swiping In," "Being Checked," Walking, Waiting, Straight Knives, "Draw Knives," Hooks, And Other Light Tools (Filing No. 133);
- b. On or before **August 2, 2010**, Plaintiffs will file their response in opposition to Defendant's Motion for Partial Summary Judgment – Non-Unique Items (Filing No. 141);
- c. On or before **August 2, 2010**, Plaintiffs will file their own dispositive motions, if any;
- d. On or before **August 11, 2010**, Plaintiffs will file their response in opposition to Defendant's Motion for Partial Summary Judgment Regarding Class Plaintiffs Who Do Not Fit Within The Class Definition (Filing No. 139);
- e. On or before **August 31, 2010**, Plaintiffs will file their response in opposition to Defendant's Motion for Partial Summary Judgment Dismissing With Prejudice All Claims

Barred By The Statute Of Limitations (Filing No. 137);

f. On or before **September 28, 2010**, Defendant will file its response(s) in opposition to any dispositive motions filed by Plaintiffs;

g. On or before **September 28, 2010**, Defendant will file its reply briefs in support of its Motion for Partial Summary Judgment – "Swiping In," "Being Checked," Walking, Waiting, Straight Knives, "Draw Knives," Hooks, And Other Light Tools (Filing No. 133), its Motion for Partial Summary Judgment – Non-Unique Items (Filing No. 141), and its Motion for Partial Summary Judgment Regarding Class Plaintiffs Who Do Not Fit Within The Class Definition (Filing No. 139);

h. On or before **October 14, 2010**, Defendant will file its reply brief in support of its Motion for Partial Summary Judgment Dismissing With Prejudice All Claims Barred By The Statute Of Limitations (Filing No. 137);

i. On or before **October 28, 2010**, Plaintiff will file reply brief(s) in support of any dispositive motions they filed on **August 2, 2010**;

j. The fact discovery deadline is extended to until **October 31, 2010**;

k. Within **30 days** after the Court has issued orders on Defendant's Motion for Partial Summary Judgment – "Changing Clothes," "Washing," Walking and Waiting (Filing No. 105), Defendant's Motion for Partial Summary Judgment – "Swiping In," "Being Checked," Walking, Waiting, Straight Knives, "Draw Knives," Hooks, And Other Light Tools (Filing No. 133), and Defendant's Motion for Partial Summary Judgment – Non-Unique Items (Filing No. 141), Plaintiffs' expert disclosures are due;

l. Within **30 days** after the Plaintiffs' have served their expert disclosures, Defendant can depose Plaintiffs' expert at a mutually agreed upon time and place;

m. Within **45 days** after the Court has issued orders on Defendant's Motion for Partial Summary Judgment – "Changing Clothes," "Washing," Walking and Waiting (Filing No. 105), Defendant's Motion for Partial Summary Judgment – "Swiping In," "Being Checked," Walking, Waiting, Straight Knives, "Draw Knives," Hooks, And Other Light Tools (Filing No. 133), and Defendant's Motion for Partial Summary Judgment – Non-Unique Items (Filing No. 141), Plaintiffs will file their brief in opposition to Defendant's Motion for Summary Judgment – Claims Based On Time In Excess Of "Reasonable Time" And De Minimis Activities (Filing No. 143);

n. Within **45 days** after Plaintiffs serve their expert disclosures, Defendant's expert disclosures are due;

o. Within **30 days** after the Defendant has served its expert disclosures, Plaintiffs can depose Defendant's expert at a mutually agreed upon time and place;

p. Within **15 days** after Defendant has served its expert disclosures, Defendant will file its reply brief in support of its Motion for Summary Judgment – De Minimis Claims Based On Time In Excess Of "Reasonable Time" And Activities (Filing No. 143);

q. Within **21 days** after Defendant serves its expert disclosures, Plaintiffs' rebuttal expert disclosures are due;

r. Within **21 days** after the Plaintiffs' have served their rebuttal expert disclosures, Defendant can depose Plaintiffs' rebuttal expert at a mutually agreed upon time and place (but only if the rebuttal expert has not already been deposed);

s. Within **30 days** after Plaintiffs' rebuttal expert disclosures are due, both parties' motions in limine, including those challenging the admissibility of expert testimony, are due.

t. The Court shall set a trial ready date after it has ruled on all dispositive motions.

**IT IS SO ORDERED.**

Dated this 13th day of July, 2010.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge