

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

<b>FACTORY MUTUAL INSURANCE</b>	)	
<b>COMPANY, d/b/a Mutual Boiler Re,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>8:09CV159</b>
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>NEBRASKA BEEF, INC., and</b>	)	
<b>SOUTH OMAHA INVESTORS PACK, LLC.)</b>	)	
	)	
<b>Defendants.</b>	)	

This matter is before the court following a telephone conference with counsel on March 10, 2011. Upon the completion of discovery on April 15, 2011, this matter is ready for a jury trial on damages. Accordingly,

**IT IS ORDERED:**

1. **Trial** of this matter regarding damages will commence before a jury and Chief Judge Joseph F. Bataillon on **June 13, 2011**, in Omaha, Nebraska. Unless otherwise ordered, jury selection shall be at the commencement of trial.

2. **The Final Pretrial Conference** with the undersigned magistrate judge is set for **May 13, 2011, at 11:00 a.m.** in chambers, Suite 2271, 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. Counsel shall complete prior to the pretrial conference, all items as directed in NECivR 16.2.<sup>1</sup> 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

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<sup>1</sup> All personal information should be redacted from the public version of the order and/or attachments filed with the clerk. See NECivR 5.0.3.

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.

3. Any **motions *in limine*** shall be filed on or before **May 10, 2011**.

4. **Pretrial Disclosures.**<sup>2</sup> Pursuant to Fed. R. Civ. P. 26(a)(3), each party shall serve opposing counsel and file a redacted version as applicable with the following information regarding the evidence it may present at trial other than solely for impeachment purposes as soon as practicable **but not later than the date specified:**

a. **Deposition Testimony and Discovery** - The designation of discovery testimony and discovery responses intended to be utilized at trial is not required for this case. Motions to require such designations may be filed not later than fifteen days prior to the deposition deadline.

b. **Trial Exhibits - On or before May 3, 2011:** A list of all exhibits it expects to offer by providing a numbered listing and permitting examination of such exhibits, designating on the list those exhibits it may offer only if the need arises.

c. **Waiver of Objections:** Any and all objections to the use of the witnesses, deposition testimony, discovery responses, or exhibits disclosed pursuant to the above subparagraphs, including any objection pursuant to Fed. R. Civ. P. 32(a) that a deponent is available to testify at the trial, shall be made a part of the pretrial order. Failure to list objections (except those under Fed. R. Evid. 402 and 403) is a waiver of such objections, unless excused by the court for good cause shown.

DATED this 10th day of March, 2011.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge

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<sup>2</sup> In accordance with the E-Government Act, counsel shall, on witness lists, exhibits, and other disclosures and/or documents filed with the court, redact social security numbers, home addresses, phone numbers, and other personally identifying information of witnesses, but shall serve an unredacted version on opposing parties. **See** NECivR 5.0.3.