

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

GEORGE W. VENTEICHER III,)	
)	
Plaintiff,)	8:09CV272
)	
V.)	
)	
SMYRNA AIR CENTER, Inc.,)	ORDER
)	
Defendant.)	
)	

Plaintiff has filed a motion in limine ([filing 53](#)) requesting that the Court preclude Defendant from offering any evidence or testimony from Defendant's expert, Charles Parmley. Plaintiff asserts that such relief is appropriate because Defendant did not provide Mr. Parmley's expert report by the May 31, 2012, expert witness disclosure deadline. Plaintiff argues that because he did not receive Mr. Parmley's report, he was unable to meet the rebuttal witness disclosure deadline, which was June 15, 2012.

Defendant admits that Mr. Parmley's report was untimely. However, Defendant contends that Mr. Parmley's testimony should not be barred because Mr. Parmley was disclosed as an expert and that Mr. Parmley was unable to complete his report by the deadline because he needed additional materials from Plaintiff.

Under the circumstances here, the court will not preclude Mr. Parmley's testimony. However, given the late disclosures, the Court concludes that certain deadlines and dates, including the trial date, must be modified.

Accordingly,

IT IS ORDERED:

1. Motions for summary judgment shall be filed not later than **December 21, 2012**. See *NECivR 56.1 and 7.0.1*.

2. Plaintiff shall disclose his rebuttal expert witnesses by or before **September 14, 2012.**
3. All depositions, whether or not they are intended to be used at trial, shall be completed by **December 3, 2012.**
4. Motions in limine, including *Daubert* motions, shall be filed no later than **December 21, 2012.**
5. Non-expert witnesses and trial exhibits shall be disclosed by **January 18, 2013..**
6. The Final Pretrial Conference with the undersigned will be held on **February 14, 2013 at 9:00 A.M.,** in chambers, 111 South 18th Plaza, Suite 2210, Roman L. Hruska United States Courthouse, Omaha, Nebraska.
7. The trial of this matter will commence on **March 5, 2013,** in Omaha, Nebraska, before the Honorable F.A. Gossett, United States Magistrate Judge.
8. All other provisions of the Fifth Amended Order Setting Final Schedule for Progression of Case ([filing 51](#)) remain in force and the parties shall govern themselves accordingly.

DATED: August 14, 2012.

BY THE COURT:

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