

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL METTEER,)
Plaintiff,) 8:10CV113
v.) AMENDED ORDER
SWIFT BEEF COMPANY,) SETTING FINAL SCHEDULE
Defendant.) FOR PROGRESSION OF CASE

This matter is before the court on the parties' Joint Motion for Continuance ([Filing No. 37](#)). The parties seek a sixty-day extension of the trial date and other deadlines to allow the parties to continue settlement discussions and complete limited discovery, and allow the court to resolve pending motions. For good cause shown, the motion is granted as follows.

IT IS ORDERED:

1. The parties' Joint Motion for Continuance ([Filing No. 37](#)) is granted.
2. **Pretrial Disclosures.**¹ 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. **Trial Exhibits - On or before June 8, 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.
 - b. **Waiver of Objections:** Any and all objections to the use of the witnesses, deposition testimony, discovery responses, or exhibits disclosed

¹ 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.

Fed. R. Civ. P. 26(a)(3), 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.

3. **Motions in Limine.** Any motions *in limine* shall be filed on or before **June 15, 2011.**

4. **The Final Pretrial Conference** with the undersigned magistrate judge is set for **June 22, 2011, at 10:00 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 16.2.² 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.

5. **Trial** is set to commence, at the court's call, during the week of **July 18, 2011**, 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 this 19th day of January, 2011.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge

² 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.