

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

EQUAL EMPLOYMENT OPPORTUNITY)
 COMMISSION,)
)
 Plaintiff,)
)
 ABDI MOHAMED, *et al.*,)
)
 Plaintiff/Intervenors,)
)
)
 FARHAN ABDI, *et al.*,)
)
 Plaintiff/Intervenors,)
)
)
 vs.)
)
 JBS USA, LLC, f/k/a JBS SWIFT & CO.,)
 a/k/a SWIFT BEEF COMPANY,)
)
 Defendant.)

CASE NO. 8:10CV318

ORDER

Upon review of the Joint Proposal for Groupings of Claimants and Case Progression for Phase II (filing 659), the Court adopts the Parties’ Proposal for Groupings of Claimants and Case Progression.

IT IS ORDERED:

1. Claimants shall be divided into three groupings:
 - A. Individuals whose employment ended prior to September 18, 2008, “Group A.”
 - B. Individuals whose employment ended as part of the “mass termination” on September 18 and/or 19, 2008, “Group B.”
 - C. Individuals whose employment ended after September 19, 2008, or who remained employed by JBS, “Group C.”

2. Discovery and trial for Group B shall proceed first. Discovery and trial for Group A and Group C will commence after trial of Group B.
3. On April 15, 2015, the Plaintiffs collectively selected 2 claimants from Group B and Defendant selected 2 claimants from Group B, for a total of 4 Group B claimants.
4. On or before May 15, 2015, the Parties shall serve any and all written discovery concerning or related to all claims and damages alleged by or on behalf of the 4 selected Group B claimants, and defenses asserted by JBS in response.
5. On or before August 14, 2015, the Parties shall complete depositions of the 4 selected Group B claimants, as well as depositions of fact and expert witnesses. Each side may depose a maximum of 12 fact witnesses. Defendant JBS may depose the 4 claimants and up to 8 other fact witnesses. Plaintiffs may depose up to 12 fact witnesses. In addition, each side may depose any expert witness designated by any party.
6. Each side may designate no more than 4 expert witnesses, including substantive and rebuttal experts. Plaintiffs shall disclose the identity of their substantive expert witnesses by May 15, 2015 and shall serve expert reports by June 15, 2015. Defendant shall disclose the identity of its substantive expert witnesses by June 15, 2015 and shall serve expert reports by July 15, 2015. All rebuttal expert reports shall be served by August 1, 2015.
7. On or before September 15, 2015, any dispositive motions shall be filed relating to the 4 selected Group B claimants. Responses and replies to dispositive motions shall be filed within deadlines set by the Local Rules or otherwise ordered by the Court.
8. Following the Court's ruling on all dispositive motions, any and all remaining claims asserted by or on behalf of 2 of the 4 selected Group B claimants shall be tried to a single jury. Within 14 days after the Court's ruling on all dispositive motions, Plaintiffs shall

select 1 claimant of the 4 Group B claimants for trial. Within 7 days of the Plaintiffs' selection, Defendant shall select 1 claimant from the 4 Group B claimants for trial.

9. The Final Pretrial Conference with the undersigned is set for February 19, 2016, at 10:00 A.M., in chambers, 111 S. 18th Plaza, Suite 2210, Roman L. Hruska United States Courthouse, Omaha, Nebraska. The Final Pretrial Conference shall be attended by lead counsel for represented parties. Counsel shall complete prior to the Conference, all items as directed in NECivR 16.2. By the time of the Conference, full preparation for trial shall have been made so that trial may begin immediately thereafter. The 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 an agreement, offers made, and offers which can be made at the Conference. Counsel shall be prepared to make additional offers or proposals for settlement on behalf of their clients, and counsel shall be prepared to make or opine on recommendations for further negotiations and conferences.
10. This case is scheduled for an eight-day trial, commencing the week of March 15, 2016, before Chief District Court Judge Laurie Smith Camp.
11. The stipulations of the parties in filing 592 and the Orders of the Court, filing 593 and filing 636, which are not in conflict with, or superseded by, the provisions of this Order, shall remain in effect and govern the progression of Phase II.

DATED May 1, 2015.

BY THE COURT

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