

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

DAVID D. INGWERSEN,

Plaintiff,

v.

**PLANET GROUP, INC. and WEST
PARTNERS, LLC,**

Defendant.

8:09CV249

SCHEDULING ORDER

PLANET GROUP, INC.,

Plaintiff,

v.

DAVID INGWERSEN,

Defendant.

8:09CV263

SCHEDULING ORDER

PLANET GROUP, INC.,

Plaintiff,

v.

DAVID INGWERSEN,

Defendant.

8:10CV453

SCHEDULING ORDER

Upon consideration of the proposed discovery and trial schedules submitted by motion on December 22, 2010, the court finds that discovery should not be reopened as to Cases Nos. 8:09cv249 and 8:09cv263. The parties may conduct discovery on the limited issues newly raised in Case No. 8:10cv453. The schedule proposed by Planet Group, Inc. and West Partners, LLC, will be substantially adopted.

IT IS ORDERED:

1. Discovery remains closed as to Cases Nos. 8:09cv249 and 8:09cv263.

2. Planet Group's November 5, 2010 motion for leave to file an amended complaint is denied as moot.

3. Cases No. 8:10cv453 is consolidated for trial with Cases Nos. 8:09cv249 and 8:09cv263.

An order of consolidation will be entered separately.

4. As to Case No. 8:10cv453,

a. David Ingwersen shall file an answer or other response to Planet Group's complaint no later than **December 31, 2010**. Planet Group may file a reply no later than **January 3, 2011**.

b. **Mandatory Disclosures** described in [Fed. R. Civ. P. 26\(a\)\(1\)](#) shall be served by **January 7, 2011**.

c. Planet Group and Ingwersen shall issue written discovery, including any interrogatories, requests for production of documents, and requests for admissions, relating solely to the claims and defenses asserted in Case No. 8:10cv453, no later than **January 12, 2011**.

d. Ingwersen and Planet Group shall respond to all written discovery by **January 24, 2011**.

e. **Expert Witness Disclosures.** On or before **December 31, 2010**, Planet Group shall serve the statements required by Fed. R. Civ. P. 26(a)(2) regarding each expert witness it expects to call to testify at trial pursuant to the provisions of Rule 702, 703 or 705, Fed. Rules of Evidence. On or before **January 31, 2011**, Ingwersen shall serve

the statements required by Fed. R. Civ. P. 26(a)(2) regarding each expert witness it expects to call to testify at trial pursuant to the provisions of Rule 702, 703 or 705, Fed. Rules of Evidence.

f. **Expert Witness Depositions; Waiver.** Planet Group shall make any disclosed experts available for depositions during the month of January 2011. Ingwersen shall make any disclosed experts available for deposition during the month of February 2011. A party's failure to request and/or conduct expert witness depositions in compliance with this schedule may result in a finding that the party has waived the right to depose said expert witnesses.

g. **Motions for Summary Judgment**, or any other dispositive motions, shall be filed no later than **February 4, 2011**.

h. Motions in limine, including Daubert challenges of a designated expert, shall be filed by **February 21, 2011**.

5. The **Final Pretrial Conference** with the undersigned magistrate judge is set for **Thursday, March 24, 2011, at 10:30 a.m.** in chambers, 111 South 18th Plaza, Suite 2210, Roman L. Hruska United States Courthouse, Omaha, Nebraska. **Before 3:00 p.m. on Tuesday, March 22, 2011**, counsel shall provide the undersigned with the draft of the proposed final pretrial order relating to the issues raised in Case No. 8:10cv453¹. The document may be delivered to chambers in person or by mail, faxed to chambers (402-661-7338), or sent by e-mail to gossett@ned.uscourts.gov in .pdf format.

¹The parties have already submitted a draft final pretrial order for Cases Nos. 8:09cv249 and 8:09cv263.

6. A consolidated jury trial is set to commence, at the court's call, during the week of **April 12, 2011**, in Omaha, Nebraska, before the Honorable Laurie Smith Camp, United States District Judge. Unless otherwise ordered, jury selection shall be at the commencement of trial.

7. All requests for changes of the deadlines and settings established in this order shall be made by filing a written motion showing counsel's due diligence in complying with this order.

DATED December 23, 2010.

BY THE COURT:

**s/ F.A. Gossett, III
United States Magistrate Judge**