

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CARGILL, INCORPORATED,)	
)	
Plaintiff,)	8:11CV81
)	
V.)	
)	
KURT KROEGER, KATHY)	ORDER
KROEGER, and H & M FARMS,)	
INC.,)	
)	
Defendants.)	
_____)	

Judge Zwart notified me that counsel were unable to agree upon certain basic trial questions; that is, counsel could not agree on the order of proof and the allocation of trial time. After hearing the views of counsel on September 5, 2012,

IT IS ORDERED that:

1. Plaintiff will go first. Defendants shall follow. There will be no rebuttal for either side.
2. Including cross-examination by the defendants, the plaintiff shall have a total of 3.5 days to present its case including the plaintiff’s breach of contract claim and the plaintiff’s defense to the defendants’ counterclaims.
3. Including cross-examination by the plaintiff, defendants shall have a total of 3.5 days to present their case including their defense to the plaintiff’s claims and the presentation of their counterclaims.

4. One-half day is allocated to jury selection and opening statements. One-half day is allocated to closing arguments.
5. The case will be submitted to the jury in 8 trial days. Save for the first day, the normal hours of work shall be 9:00 to Noon and 1:30 to 4:30 with two 15 minute breaks. On the first day, jury selection will commence in the morning after the panel has been oriented and I have conferred in chambers with counsel.
6. This order is entered because the parties were unable to agree on the foregoing matters. Understanding that the case must be submitted to the jury in 8 days, the undersigned will be pleased to follow a different order of proof and allocation of time should counsel reach agreement.

DATED this 6th day of September, 2012.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge