

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRADLEY B. BAUMANN,
individually, co-special administrators
of these Estates, NANCY R.
BAUMANN, individually, co-special
administrators of these Estates, and
DONNA J. COSTLEY, individually,
co-special administrators of these
Estates,

Plaintiffs,

V.

JOSEF SLEZAK, VLADIMIR
ZHUKOV, SWIFT-TRUCK LINES,
LTD., LONG HAUL TRUCKING,
INC., JOHN DOES 1 - 10, AKI
TRUCKING, INC., and MTR
EXPRESS, INC.,

Defendants.

8:12CV383

ORDER

This matter is before the Court upon the motion of Defendants Vladimir Zhukov, Swift-Truck Lines, Ltd., and MTR Express, Inc. (collectively "Defendants") for an enlargement of time to serve expert disclosures. (Filing 79.) Defendants' motion will be granted.

DISCUSSION

Presently, Defendants' deadline for serving expert reports is September 23, 2013. (Filing 77.) Defendants seek to extend this deadline, however, because their expert is unable to inspect the tractor/trailer operated by Defendant Vladimir Zhukov until a criminal trial involving the accident at issue in this civil litigation has been completed. The criminal trial is expected to end on or about September 27, 2013. Defendants request that their expert disclosure deadline be extended until thirty days following the date that the tractor/trailer

operated by Defendant Zhukov is released for inspection by the County Attorney of Cheyenne County, Nebraska.

Plaintiffs agree that Defendants' deadline for serving expert disclosures as they relate to the tractor/trailer driven by Defendant Zhukov should be extended. However, Plaintiffs request that Defendants' deadline to serve expert reports as to any matters not related to or dependent upon the inspection of the Zhukov tractor/trailer not be enlarged. Plaintiffs further request that the Court set a firm date for the completion of the expert reports related to the Zhukov tractor/trailer, as well as for any rebuttal reports.

The Court finds that Defendants have shown good cause for extending the current deadline for expert disclosures. The Court declines Plaintiffs' request to set separate expert disclosure deadlines for Defendants based on whether the disclosures involve the Zhukov tractor/trailer. This litigation is generally in its initial stages. A final progression order has not been entered, and a firm trial date has not been established. However, based on the anticipated completion date of the criminal trial, the Court will set October 28, 2013 as the deadline for Defendants to serve their expert disclosures. Plaintiffs' rebuttal expert reports shall be served by November 11, 2013. The Court recognizes that these deadlines may need to again be modified in the event the criminal trial does not end by the expected date or other unanticipated delays related to the release of the Zhukov tractor/trailer. However, such a circumstance can be addressed through a formal motion at the appropriate time.

The Court further notes that other deadlines previously set in this case, for instance, those for *Daubert* motions and discovery, will likely need to be modified based on this ruling. ([Filing 77](#).) A follow-up Fed. R. Civ. P. 16 conference is scheduled for September 9, 2013. At that time, other necessary extensions of scheduling deadlines can be addressed.

**IT IS ORDERED** that Defendants' Motion for Enlargement of Time to Serve Expert Disclosures ([filing 79](#)) is granted. Defendants' expert disclosures shall be served by or before October 28, 2013. Plaintiffs' rebuttal disclosures are due by November 11, 2013.

**DATED August 20, 2013.**

**BY THE COURT:**

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