

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TERRENCE N. GILLILAND,
DENISE M. GILLILAND, and
LUIS S. GALLEGOS,

Plaintiffs,

vs.

HARLEY-DAVIDSON MOTOR
COMPANY GROUP, LLC,

Defendant.

8:12CV384

ORDER

This matter is before the court on the defendant's Motion to Require Parties to Designate Discovery Testimony and Discovery Responses to be Used at Trial (Filing No. 57) and the plaintiffs' Objection (Filing No. 59). The defendant seeks an order requiring the parties to designate any discovery testimony or discovery responses they intend to use at trial on or before March 7, 2014, which is the deadline by which the parties are required to disclose any exhibits they intend to use at trial. **See** Filing No. 57; **see also** Filing No. 18 - Final Progression Order p. 3. The plaintiffs do not oppose the designation requirement. The plaintiffs oppose the timing.

On June 14, 2013, the court entered the final progression order scheduling the final pretrial conference for March 21, 2014, and the trial for April 21, 2014. **See** Filing No. 18. As part of that order the court scheduled March 7, 2014, for the parties' deadline to serve each other with a list of all exhibits they expected to offer at trial. **Id.** at 3. No party has sought an extension of these deadlines. However, on January 3, 2014, the plaintiffs filed a motion to extend discovery-related deadlines as well as the deadlines for responding to motions in limine and the defendant's motion for summary judgment. **See** Filing No. 49. The plaintiffs sought an extension of those deadlines to allow additional discovery and supplemental expert opinions after receipt of Service Bulletin M-1215, produced by the defendant on December 16, 2013. **Id.** The plaintiffs did not suggest a specific duration for the extensions of time, but the plaintiffs did suggest any extensions would not affect the previously scheduled trial date. **Id.** at 12. On January 29, 2014, the court granted the plaintiffs leave for a short extension of time

to respond to the defendant's motions, but otherwise denied the motion. **See** Filing No. 58.

At this time, the trial and pretrial conference deadlines remain unchanged. The parties must designate trial exhibits in sufficient time to allow the other parties to review and object or supplement their own exhibits prior to the pretrial conference. The plaintiffs do not oppose a discovery designation deadline. The discovery designation deadline is inextricably tied to the trial exhibit deadline. Accordingly, in an attempt to prepare for the pretrial conference, the parties shall have until March 7, 2014, to designate discovery testimony and discovery responses to be used at trial.

IT IS ORDERED:

1. The defendant's Motion to Require Parties to Designate Discovery Testimony and Discovery Responses to be Used at Trial (Filing No. 57) is granted.
2. The plaintiffs' Objection (Filing No. 59) is overruled.
3. The parties shall have to **on or before March 7, 2014**, to designate discovery testimony and discovery responses to be used at trial.

Dated this 5th day of February, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge