

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

WILLIAM J. MOYLE,	)	
	)	
Plaintiff,	)	8:12CV434
	)	
v.	)	
	)	
CONCRETE INDUSTRIES, INC.,	)	ORDER
ROGER T. CLARKE, and NEBCO,	)	
INC.,	)	
	)	
Defendants.	)	
	)	
v.	)	
	)	
MECHANICAL SYSTEMS, INC., and	)	
ACUITY INSURANCE COMPANY, its	)	
workers' compensation insurer,	)	
	)	
Intervenors/Defendants.	)	
	)	

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This matter is before the Court on the motion of plaintiff to exclude the testimony of defendants' expert witnesses (Filing No. [63](#)). The Court's Final Progression Order clearly states: "Any motion challenging the qualifications of an expert or the admissibility of testimony of an expert witness . . . shall be filed not later than August 15, 2013, in the absence of which any objection based upon said rule shall be deemed waived." Plaintiff's motion of September 11, 2013, was out of time. Though the parties agreed to extend the deadline for disclosure of the defendants' expert witnesses until August 10, 2013, they did not seek an extension of the deadline for motions objecting to the experts or expert testimony. Therefore,

the deadline for *Daubert* motions in the Final Progression Order is the controlling date, and the Court will hold the parties to the schedule and consequences set forth in that order.

Accordingly,

IT IS ORDERED that plaintiff's motion to exclude the defendants' experts is denied.

DATED this 24th day of September, 2013.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court