

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

UNION PACIFIC RAILROAD COMPANY,

Plaintiff,

vs.

COLONY NATIONAL INSURANCE
COMPANY, DeANGELO BROTHERS INC.
and AMERICAN HOME ASSURANCE
COMPANY, d/b/a AIG, INC.,

Defendants.

CASE NO. 8:13-cv-00084

**THIRD AMENDED CASE
PROGRESSION ORDER**

This case is before the court on the parties' Joint and Uncontested Motion to Amend Case Progression Order (#144). Upon consideration, the motion will be granted.

IT IS ORDERED: The parties Motion (#144) is granted, and deadlines are amended as follows:

1. Expert Witnesses.

- a. No later than **June 1, 2017**, Defendants shall designate expert and serve opposing parties with the statement required by Fed. R. Civ. P. 26(a)(2).
- b. If necessary to refute the disclosed opinions of an expert witness of an opponent, Plaintiff may disclose additional expert witnesses no later than **July 1, 2017**, provided that Plaintiff provides all of the information described in Fed. R. Civ. P. 26(a)(2) at that time.

2. Fact and Expert Discovery

- a. No later than **August 1, 2017**, all fact discovery shall be completed, including all depositions.
- b. No later than **September 1, 2017**, all expert discovery shall be completed, including all depositions.

3. **Dispositive Motions:**

- a. **Motions for Summary Judgment.** Motions for summary judgment shall be filed no later than **October 15, 2017**.
4. **Pretrial Disclosures.** Pursuant to Fed. R. Civ. P. 26(a)(3), each party shall serve opposing counsel and file a redacted version as applicable with the following information regarding the evidence it may present at trial, other than solely for impeachment purposes, as soon as practicable, but no later than the dates specified below:
- a. **Non-expert Witnesses** – No later than **December 1, 2017**, the name address and telephone number of each witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises.
 - b. **Deposition Testimony and Discovery** – No later than **December 15, 2017**, the designation of discovery testimony and discovery responses intended to be utilized at trial.
 - c. **Trial Exhibits** – No later than **December 15, 2017**, a list of all exhibits expected to be offered at trial, including a numbered listing and accessibility for examination of such exhibits, designating on the list those exhibits that may be offered only if the need arises.
 - d. **Waiver of Objections.** Any and all objections to the use of the witnesses, deposition testimony, discovery responses, or exhibits disclosed pursuant to the above subparagraphs, including any objection pursuant to Fed. R. Civ. P. 32(a) that a deponent is available to testify at the trial, shall be made a part of the pretrial order. Failure to list objections (except those under Fed. R. Evid. 402 and 403) is a waiver of such objections, unless excused by the court for good cause shown.
5. **Motions in Limine.** Motions to exclude expert testimony on *Daubert* and related grounds will be filed no later than **January 15, 2018**. All other motions in limine shall be filed no later than **January 1, 2018**.
6. **Final Pretrial Conference** with the assigned magistrate judge is set for **Friday, February 23, 2018, at 9:00 A.M.** The final pretrial conference shall be attended by lead counsel for represented parties.
7. **A jury trial** is set for the week of **March 20, 2018**, before Chief Judge Laurie Smith Camp.

Dated this 1st day of March, 2017.

BY THE COURT:

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