

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,

Defendants.

**8:13CV84**

**FOURTH AMENDED CASE  
PROGRESSION ORDER**

This case is before the Court on the parties' Joint and Uncontested Motion to Amend Case Progression Order ([Filing No. 153](#)). For good cause shown, the Court finds the motion should be granted. Accordingly,

**IT IS ORDERED:** The parties' Joint and Uncontested Motion to Amend Case Progression Order ([Filing No. 153](#)) is granted, and case progression deadlines are amended as follows:

1. **Fact and Expert Discovery.**
  - a. No later than **September 30, 2017**, all fact discovery shall be completed including depositions.
  - b. No later than **September 30, 2017**, all expert discovery shall be completed, including all depositions.
2. **Dispositive Motions.**
  - a. Motions for Summary Judgment. Motions for Summary Judgment shall be filed no later than **November 15, 2017**.
3. **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.
4. **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 **February 16, 2018**.
  5. The Final Pretrial Conference and Trial dates remain unchanged.

Dated this 31st day of July, 2017.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge