

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RENEE A WULF,

Plaintiff,

vs.

DIXON CONSTRUCTION CO., INC.,
JOSEPH LEEKLEY, SUMMIT TRUCK
EQUIPMENT, LLC, TRAIL KING
INDUSTRIES, Inc.; and HENDRICKSON
USA, LLC;

Defendants.

8:14CV34

ORDER

DIXON CONSTRUCTION CO., INC.
and JOSEPH LEEKLEY,

Third-Party Plaintiffs,

vs.

TRAIL KING INDUSTRIES, INC.,
HENDRICKSON USA, LLC, and
SUMMIT TRUCK EQUIPMENT, LLC,

Third-Party Defendants.

TRAIL KING INDUSTRIES, INC.,

Cross-claim Plaintiff,

vs.

DIXON CONSTRUCTION CO., INC.
and JOSEPH LEEKLEY,

Cross-Claim Defendants.

The plaintiff is undergoing further medical treatment. And Summit Truck Equipment, LLC has recently entered this case. As such, the plaintiff and defendant/third-party defendant Summit have orally moved to continue the progression schedule. (Filing No. 80). The motion is unopposed. Accordingly,

IT IS ORDERED that the parties' oral motion, (Filing No. 80), is granted, and the final progression order is amended as follows:

- 1) The jury trial of this case is set to commence before Richard G. Kopf, Senior United States District Judge, in the Special Proceedings Courtroom, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at 9:00 a.m. on **February 22, 2016**, or as soon thereafter as the case may be called, for a duration of five (5) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 2) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on **February 9, 2016 at 11:00 a.m.**, and will be conducted by WebEx conferencing. To facilitate this conferencing method, the parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to zwart@ned.uscourts.gov, in either Word Perfect or Word format, by 5:00 p.m. on February 8, 2016. An email will be sent to counsel of record with the instructions and codes for participating in the pretrial conference by WebEx.
- 3) A telephonic conference with the undersigned magistrate judge will be held on **December 8, 2015 at 9:00 a.m.** to discuss the status of case progression and potential settlement. Counsel for plaintiff shall place the call.
- 4) The deadline for moving to amend pleadings or add parties is March 16, 2015.
- 5) The deadline for completing written discovery under Rules 33 through 36 of the Federal Rules of Civil Procedure is November 16, 2015. Motions to compel Rule 33 through 36 discovery must be filed by November 30, 2015.
- 6) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	July 2, 2015
For the defendant(s)/third-party plaintiff(s):	August 3, 2015
For the third-party defendant(s):	September 2, 2015
Plaintiff(s)/third-party plaintiffs(s) rebuttal:	October 2, 2014

- 7) The deadlines for complete expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	July 16, 2015
For the defendant(s)/third-party plaintiff(s):	August 17, 2015
For the third-party defendant(s):	September 16, 2015
Plaintiff(s)/third-party plaintiffs(s) rebuttal:	October 16, 2014

- 8) The deposition deadline is December 15, 2015.
- 9) The deadline for filing motions to dismiss and motions for summary judgment is January 4, 2016. The parties are advised, however, that the trial and pretrial conference may be continued on the court's own motion if dispositive motions are filed after November 1, 2015.¹
- 10) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is January 4, 2016.
- 11) In all other respects, the court's prior progression order remains in effect as to all parties.²

January 14, 2015.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge

¹ To facilitate the court's review, the parties are strongly encouraged to include hyperlinks to the evidence, CM/ECF record, and all legal authorities cited within their briefs filed in support of, or in opposition to, any motions filed. See NECivR [7.1](#). For instructions, see "Hyperlinking Information" at <http://www.ned.uscourts.gov/attorney/electronic-case-filing>.

² When the Rule 26(f) Report, (Filing No. 30), was filed, Summit was not a party and did not participate in creating the report. It has, however, reviewed the report and agrees to be bound its terms. A new Rule 26(f) Report is not required, and Summit need not draft a supplement to the previously filed report.