

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BROOM, CLARKSON, LANPHIER &  
YAMAMOTO, a Partnership;

Plaintiff,

vs.

EDWARD KOUNTZE, individually and as  
Personal Representative of the Estate of  
Denman Kountze, Jr. in Collier County,  
Florida;

Defendant.

**8:14CV206**

**ORDER**

This matter is before the Court on the parties' Joint Motion to Amend Progression Order. ([Filing No. 159](#).) The parties have requested that the progression deadlines be modified to allow time for the parties to mediate this dispute. The parties have also requested that the Motion to Amend Counterclaim ([Filing No. 158](#)) be held in abeyance pending mediation. The Joint Motion to Amend Progression Order will be granted.

**IT IS ORDERED:**

1. The Joint Motion to Amend Progression Order ([Filing No. 159](#)) is granted.
2. The Motion to Amend Counterclaim ([Filing No. 158](#)) is hereby held in abeyance pending the parties' mediation. In the event mediation is unsuccessful, Plaintiff shall file a response to the Motion to Amend Counterclaim within seven days of completion of the mediation.
3. The Fourth Amended Progression Order (Filing No. 143) is amended as follows:
  - a. Motions in limine, other than those challenging the admissibility of expert testimony at trial, shall be filed on or before May 12, 2017.

- b. Trial Exhibits shall be submitted by May 12, 2017.
  
- c. The Final Pretrial Conference with the undersigned magistrate judge is set for **May 25, 2017, at 10:00 a.m.**, in chambers, Roman L. Hruska United States Courthouse, 111 South 18<sup>th</sup> Plaza, Omaha, Nebraska. The conference shall be attended by lead counsel for represented parties. By the time of the conference, full preparation for trial shall have been made so that trial may begin immediately thereafter. The conference will include a discussion of settlement and counsel shall be prepared to discuss the subject. Counsel shall be prepared to make additional offers or proposals for settlement on behalf of their clients at the conference, and counsel shall be prepared to make or opine on recommendations for further negotiations and conferences.
  
- d. Trial is set to commence, at the Court's call, during the week of **June 12, 2017**, in Omaha, Nebraska, before the Honorable Robert F. Rossiter, Jr. and a jury. Unless otherwise ordered, jury selection shall be at the commencement of trial.

Dated this 6th day of February, 2017.

BY THE COURT:

s/ Susan M. Bazis  
United States Magistrate Judge