

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

**EZEQUIEL OLIVARES ABARCA, et al,
individually and on behalf of all those similarly
situated,**

and

**WILLIAM SMITH, on behalf of himself and all
others similarly situated, and on behalf of the
general public,**

and

**BRIAN VESTER and JOEL MORALES,
individually and on behalf of all others
similarly situated,**

and

**DANIEL BRYANT, individually and on behalf
of all others similarly situated,**

Plaintiffs,

vs.

WERNER ENTERPRISES, INC., et al.,

Defendants.

8:14CV319

**SECOND AMENDED
ORDER SETTING TRIAL**

8:15CV287

**SECOND AMENDED
ORDER SETTING TRIAL**

8:17CV145

**SECOND AMENDED
ORDER SETTING TRIAL**

8:20CV227

**SECOND AMENDED
ORDER SETTING TRIAL**

This matter is before the Court on the Joint Stipulation to Extend Deadlines (Filing No. 373 in the Lead Case et al.). After review of the parties' motion, the Court finds good cause to grant the requested extensions. Accordingly,

IT IS ORDERED that Joint Stipulation to Extend Deadlines (Filing No. 373 in the Lead Case et al.) is granted, and the Amended Order Setting Trial is amended as follows:

- 1) The deadline to respond to pending discovery requests from the *Abarca* Plaintiffs is **July 6, 2023**.
- 2) The deadline for completing written discovery under Rules 33, 34, 36, and 45 of the Federal Rules of Civil Procedure is **July 21, 2023**. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by **August 4, 2023**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge on or before the motion to compel deadline to set a conference to discuss the parties' dispute, and after being granted leave to do so by the Court.

- 3) The deadlines for identifying expert witnesses and completing 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 plaintiffs: | August 18, 2023 |
| For the defendant: | October 6, 2023 |
| Plaintiffs' rebuttal: | October 27, 2023 |
- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **November 17, 2023**.
- 5) The deadline for filing motions to dismiss and motions for summary judgment is **December 1, 2023**.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **December 18, 2023**.
- 7) The Pretrial Conference remains scheduled before the undersigned magistrate judge on **May 1, 2024**, at **11:00 a.m. CST**, and will be conducted by internet/telephonic conferencing. Video conferencing instructions will be entered under separate order. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to nelson@ned.uscourts.gov, in Word format, by **3:00 p.m.** on **April 22, 2024**.
- 8) The jury trial of this case remains set to commence before Joseph F. Bataillon, Senior United States District Judge, in Courtroom 3, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at **9:00 a.m.** on **May 28, 2024**, or as soon thereafter as the case may be called, for a duration of nine (9) 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.
- 9) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.

Dated this 8th day of June, 2023.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge