

**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

**FOURTH AMENDED
ORDER SETTING TRIAL**

8:15CV287

**FOURTH AMENDED
ORDER SETTING TRIAL**

8:17CV145

**FOURTH AMENDED
ORDER SETTING TRIAL**

8:20CV227

**FOURTH AMENDED
ORDER SETTING TRIAL**

This matter is before the Court on the Defendants' Motion to Amend Expert Deadlines in Third Amended Order Setting Hearing or Trial (Filing No. 413 in the lead case). After review of the motion and for good cause shown, the Court will modify the affirmative expert deadline to October 11, 2024.

IT IS ORDERED that Defendants' Motion to Amend Expert Deadlines in Third Amended Order Setting Hearing or Trial (Filing No. 413 in the lead case) is granted, and the Third Amended Order Setting Trial is amended as follows:

- 1) The deadline for completing non-expert written discovery under Rules 33, 34, 36, and 45 of the Federal Rules of Civil Procedure remains **March 29, 2024**. Motions to compel non-expert written discovery under Rules 33, 34, 36, and 45 must be filed by **April 12, 2024**.

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.

- 2) A status conference to discuss case progression and the parties' interest in settlement remains scheduled to be held with the undersigned magistrate judge on **April 12, 2024, at 11:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 3) The deadline for filing dispositive motions as to liability issues remains **April 30, 2024.**
 - a. Briefs in opposition to any such motions shall be filed by **May 31, 2024.**
 - b. Reply briefs shall be filed by **June 21, 2024.**
- 4) 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:

Affirmative experts:	October 11, 2024
Rebuttal experts:	December 13, 2024
Reply experts:	January 17, 2025
- 5) The deadline for completing expert written discovery remains **January 31, 2025.**
- 6) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, remains **February 21, 2025.**
- 7) The deadline for filing dispositive motions or motions to exclude testimony on *Daubert* and related grounds as to damages remains **March 21, 2025.**
- 8) The Pretrial Conference remains scheduled before the undersigned magistrate judge for **July 7, 2025, 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 **June 30, 2025.**
- 9) The jury trial of this case remains scheduled 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 **August 11, 2025**, 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.

- 10) 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 16th day of January, 2024.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge