

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

GERALD J. KLEIN, on behalf of himself and  
all similarly situated;

Plaintiff,

vs.

TD AMERITRADE HOLDING  
CORPORATION, TD AMERITRADE, INC.,  
and FREDRIC TOMCZYK,

Defendants.

**8:14CV396**

**AMENDED PROGRESSION ORDER**

This matter is before the Court on the parties' Joint Motion to Amend Progression Order. ([Filing No. 178.](#)) On April 7, 2017, the Court ordered the parties to confer and submit a proposed progression order to resolve the class certification dispute. The parties conferred on April 13, 2017, and agreed upon the schedule set forth below, which the Court hereby adopts.

Accordingly,

**IT IS ORDERED** that the provisions of the Court's earlier, initial progression order remain in effect, and in addition to those provisions, the following shall apply:

**1. Depositions.** The parties shall complete fact depositions by **June 30, 2017** and shall complete expert depositions by **November 15, 2017**.

**2. Expert Discovery.** Plaintiff shall serve expert reports, along with any backup data, by **July 14, 2017**. Defendants shall serve expert reports, along with any backup data, by **September 15, 2017**. Plaintiff shall serve rebuttal expert reports by **October 17, 2017**.

**3. Class Certification and Motions in Limine.**

- a. Plaintiff's motions for class certification and motions in limine challenging Defendants' expert witness testimony shall be filed by **November 20, 2017**.
- b. Defendants' responses to Plaintiff's motion for class certification, any motions in limine challenging Plaintiff's expert witness testimony, and any responses to Plaintiff's motions in limine challenging Defendants' expert witness testimony shall be filed by **January 19, 2018**.
- c. Plaintiff's reply in support of class certification, any responses to Defendants' motions in limine challenging Plaintiff's expert witness testimony, and replies in support of Plaintiff's motions in limine challenging Defendants' expert testimony shall be filed by **February 19, 2018**.

d. Defendants' replies in support of Defendants' motions in limine challenging Plaintiff's expert testimony shall be filed by **March 5, 2018**.

4. An **Evidentiary Hearing** with the assigned magistrate judge is set for **March 27, 2018, at 10:00 a.m.** in chambers, 111 South 18th Plaza, Suite 2271, Roman L. Hruska United States Courthouse, Omaha, Nebraska, to consider all questions coming within the class action issues under Fed. R. Civ. P. 23(a) and (b). At the hearing, the parties may present extracts of depositions, interrogatories, and documentary evidence relevant to any factual dispute, as well as live testimony from expert witnesses. Following the hearing, the assigned magistrate judge will submit a Findings and Recommendation to Senior United States District Court Judge Joseph F. Bataillon regarding class certification. The evidentiary hearing shall be attended by lead counsel for represented parties

Dated this 20<sup>th</sup> day of April, 2017.

BY THE COURT:

s/ Susan M. Bazis  
United States Magistrate Judge