

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

GERARD A. SABATKA,

Plaintiff,

vs.

NRG ENERGY, INC., a foreign  
corporation;

Defendant.

**8:15CV310**

**AMENDED PROGRESSION ORDER**

The Parties conferred filed a joint motion for amendment of the final progression order. ([Filing No. 16](#)).

IT IS ORDERED that the amended progression order is as follows:

- 1) The jury trial of this case is set to commence before John M. Gerrard, 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 April 3, 2017, or as soon thereafter as the case may be called, for a duration of four (4) 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 March 21, 2017 at **11:00 a.m.**, and will be conducted by WebEx conferencing. Instructions and codes for participating in the pretrial conference by WebEx may be found at Filing No. 12. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to [zwart@ned.uscourts.gov](mailto:zwart@ned.uscourts.gov), in either Word Perfect or Word format, by 5:00 p.m. on March 17, 2017.
- 3) A telephonic conference with the undersigned magistrate judge will be held on October 4, 2016 at **10:00 a.m.** to discuss the status of case progression and potential settlement. Counsel for plaintiff shall place the call.
- 4) The deadline for completing written discovery under Rules 33 through 36

of the Federal Rules of Civil Procedure is September 2, 2016. Motions to compel Rule 33 through 36 discovery must be filed by September 16, 2016  
**Note:** Motions to compel shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 5) The deadline for Plaintiff to disclose non-retained treating physicians and reports is: July 1, 2016.
- 6) The deadline for Defendant to disclose expert and reports (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), is: August 1, 2016.
- 7) The deposition deadline is October 3, 2016.
- 8) The deadline for filing motions to dismiss and motions for summary judgment is December 16, 2016.
- 9) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is November 17, 2016.
- 10) Motions in limine shall be filed five business days prior to trial. It is not the normal practice to hold hearings on motions in limine or to rule on them in advance. Counsel should plan accordingly.
- 11) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.

May 23, 2016.

BY THE COURT:

*s/ Cheryl R. Zwart*  
United States Magistrate Judge