

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

EJM FARMS, INC.,

Plaintiff,

vs.

LOREN JESSEN, MICHAEL WEGENER
IMPLEMENT, INC., TITAN
MACHINERY, INC., and COLETTE
JESSEN,

Defendants.

8:16CV255

ORDER

After conferring with counsel, for the reasons stated on the record,

IT IS ORDERED:

- 1) Plaintiff's motion for protective order, (Filing No. 54), is granted in part and denied in part as follows:
 - a. The tractor at issue will be promptly transported to Titan's facility in CenterPoint, Iowa for an inspection. All transportation and inspection costs and expenses shall be paid solely by the Defendants. Plaintiff may have its own mechanic present during Defendants' inspection of the tractor at Plaintiff's expense.
 - b. The inspection of the tractor at issue shall begin with a diagnostic evaluation. If the cause of the issues with the tractor cannot be fully discerned using diagnostics, the parties will then discuss whether dismantling is needed to determine of the source of the problems. If the parties cannot agree on whether to dismantle the tractor, or the extent of any dismantling, they shall immediately contact the court for a decision on the issue.
 - c. In the event the tractor is dismantled to any degree to perform the Defendants' inspection—whether with the parties' agreement or by court order—after the tractor is re-built for return to Plaintiff, Defendants shall perform diagnostics again to insure and confirm that the tractor is being returned in substantially the same condition as its condition upon arrival at Titan's facility.

- 2) The case progression schedule is modified as follows:
- a. The deadline for completing written discovery under Rules 33 through 36 of the Federal Rules of Civil Procedure is extended to April 17, 2017. Motions to compel Rule 33 through 36 discovery must be filed by May 1, 2017. **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.
 - b. Defendants' deadline for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), is extended to March 24, 2017.
 - c. Defendants' deadline for complete 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\(a\)\(2\)\(C\)](#)), is extended to April 17, 2017.

March 3, 2017.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge