

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

AFFILIATED FOODS MIDWEST  
COOPERATIVE, INC., a Nebraska  
corporation; and ASSOCIATED  
WHOLESALE GROCERS, INC.,

Plaintiffs,

vs.

SUPERVALU INC., a Delaware corporation;  
  
Defendant.

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BOROWIAK IGA FOODLINER, INC.,

Plaintiff,

vs.

AFFILIATED FOODS MIDWEST  
COOPERATIVE, INC., and ASSOCIATED  
WHOLESALE GROCERS, INC.,

Defendants,  
Counterclaimants, and  
Third-Party Defendants,

vs.

TREVOR BOROWIAK,

Third-Party Defendant.

**8:16CV465  
MEMBER CASE**

**ORDER**

**8:16CV466  
LEAD CASE**

**ORDER**

This matter is before the Court following the telephonic discovery conference held on **December 11, 2017, at 10:30 a.m.**, in the Lead Case, Case No. 8:16cv466. Bartholomew L. McLeay and Suzanne M. Shehan appeared on behalf of Plaintiff, Borowiak IGA Foodliner, Inc. (“Borowiak”). John K. Power and Adam J. Hoskins appeared on behalf of Defendants, Affiliated Foods Midwest Cooperative, and Associated Wholesale Grocers, Inc. (“AFM/AWG”). The Court discussed the production issues raised by Borowiak in its Motion to Compel and related filings (Filing Nos. [86](#), [87](#) and [88](#)), and addressed by AFM/AWG in its Response and

related filing (Filing Nos. [89](#) and [90](#)), as well as other housekeeping matters. In accordance with the Court's discussion and the parties' representations during the conference,

**IT IS ORDERED:**

1. Borowiak's Motion to Compel ([Filing No. 86](#)), is granted, in part, in accordance with the parties' agreements and the Court's direction as discussed during the telephonic conference. The parties' supplemental production of documents shall take place on or before December 22, 2017.

2. Per the parties' stipulation, the deadline for each defendant, counter-defendant, and cross-defendant to identify expert witnesses and serve expert reports is extended to **December 18, 2017**. If necessary to refute the disclosed opinions of an expert witness of an opponent, a plaintiff, counter-claimant, or cross-claimant may disclose additional expert witnesses not later than **January 19, 2018**,

Dated this 11<sup>th</sup> day of December, 2017.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge