

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KD and JD, Parent, Natural Guardian
and Next Friend of LD;

Plaintiffs,

vs.

DOUGLAS COUNTY SCHOOL
DISTRICT NO. 001, et. al;

Defendants.

8:17CV285

**PROGRESSION ORDER
(AMENDED)**

As requested in the parties' motion, (Filing No. 50), which is hereby granted,

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

- 1) The jury trial of this case is set to commence before Laurie Smith Camp, Chief United States District Judge, in Courtroom 2, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at **9:00 a.m.** on **June 18, 2019**, or as soon thereafter as the case may be called, for a duration of ten (10) 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 **June 4, 2019** at **10:00 a.m.**, and will be conducted by internet/telephonic conferencing. Counsel shall use the conferencing instructions assigned to this case to participate in the conference. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to zwart@ned.uscourts.gov, in either Word Perfect or Word format, by 5:00 p.m. on June 3, 2019.
- 3) The deadline for completing written discovery under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure is January 28, 2019. Motions to compel discovery under Rules 33, 34, and 36 must be filed by February 11, 2019
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 to set a conference for discussing the parties' dispute.

- 4) The deadlines for complete expert disclosures¹ 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:

For the defendant(s): November 1, 2018.

Plaintiff(s)' rebuttal: November 15, 2018

- 5) The deposition deadline is January 28, 2019.
- 6) The deadline for filing motions to dismiss and motions for summary judgment is March 27, 2019. The parties are advised, however, that the trial and pretrial conference may be continued on the court's own motion if dispositive motions are filed after March 1, 2019.
- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is March 27, 2019.
- 8) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

August 10, 2018

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.