

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

**MILLARD GUTTER COMPANY, a  
Corporation; GILLICK ENTERPRISES,  
INC., and GROSS POINT HOLDINGS,  
LLC,**

**Plaintiffs,**

vs.

**NATIONWIDE INSURANCE, doing  
business as; and DEPOSITORS  
INSURANCE COMPANY,**

**Defendants.**

**8:18CV23**

**AMENDED  
FINAL PROGRESSION ORDER**

This matter is before the Court after review of the parties' Stipulation on Proposed Progression Order Deadlines ([Filing No. 32](#)) and Amended Rule 26(f) Report ([Filing No. 33](#)). For good cause shown,

**IT IS ORDERED** that the Stipulation on Proposed Progression Order Deadlines ([Filing No. 32](#)) is generally approved and the final progression order is amended as follows:

- 1) The Pretrial Conference is set before the undersigned magistrate judge on **November 30, 2020, at 10:00 a.m.**, and will be conducted in chambers. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to nelson@ned.uscourts.gov, in Word format, by **3:00 p.m.** on **November 23, 2020**.
- 2) A telephonic conference to discuss the status of case progression and the parties' interest in settlement will be held with the undersigned magistrate judge on **July 31, 2020, at 11:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 3) A telephonic conference to discuss trial dates and settlement status will be held with the undersigned magistrate judge on **October 30, 2020, at 10:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 4) The deadline for moving to amend pleadings or add parties is **January 15, 2020**.

- 5) The deadline for completing written discovery under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure is **September 1, 2020**. Motions to compel discovery under Rules 33, 34, and 36 must be filed by **September 15, 2020**. **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.
- 6) The deadlines 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\(a\)\(2\)\(C\)](#)), are:
- |                     |                         |
|---------------------|-------------------------|
| For the plaintiffs: | <b>January 15, 2020</b> |
| For the defendants: | <b>April 17, 2020</b>   |
- 7) The deadlines to complete expert disclosures<sup>1</sup> 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 plaintiffs:   | <b>April 1, 2020</b> |
| For the defendants:   | <b>July 1, 2020</b>  |
| Plaintiffs' rebuttal: | <b>July 31, 2020</b> |
- 8) The deposition deadline is **September 1, 2020**.
- 9) The deadline for filing motions to dismiss and motions for summary judgment is **September 1, 2020**.
- 10) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **September 1, 2020**.
- 11) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 12) 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.
- 13) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent

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<sup>1</sup> 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.

development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 7<sup>th</sup> day of October, 2019.

BY THE COURT:

s./ Michael D. Nelson  
United States Magistrate Judge