

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKAKENNETH ROSENER, and DIANE  
ROSENER,

Plaintiffs,

vs.

MENARD, INC.,

Defendant.

**8:21CV341****FINAL PROGRESSION ORDER  
(AMENDED)**

After conferring with the parties,

IT IS ORDERED that the Plaintiffs' Motion to Extend Case Progression Deadlines is granted. (Filing No. 30). The progression schedule is amended as follows:

- 1) The trial and pretrial conference will not be set at this time. A status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **August 9, 2022** at **10:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is July 5, 2022. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by July 29, 2022.

**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.

- 3) The deposition deadline, including but not limited to depositions for oral

testimony only under Rule 45, is August 5, 2022.

- 4) The deadline for filing motions to dismiss and motions for summary judgment is September 5, 2022.
- 5) 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.
- 6) 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.
- 7) Deadlines not explicitly amended by this order are unchanged. 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.

Dated this 6th day of May, 2022.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge