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DISTRICT OF NEVADA
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NATIONAL RAILROAD PASSENGER) 3:11-cv-00461-HDM-VPC
CORPORATION,)
)
Plaintiff,) ORDER
)
vs.)
)
JOHN DAVIS TRUCKING COMPANY,)
INC.,)
)
Defendant.)
)
-----)
JOHN DAVIS TRUCKING COMPANY,)
INC.,)
)
Counterclaimant,)
)
vs.)
)
NATIONAL RAILROAD PASSENGER)
CORPORATION, UNION PACIFIC)
RAILROAD COMPANY, and DOES 1-5,)
)
Counterdefendants.)
)
-----)
UNION PACIFIC RAILROAD COMPANY,)
)
Counterclaimant,)
)
vs.)
)
JOHN DAVIS TRUCKING COMPANY,)
INC.,)
)
Counterdefendant.)
)
-----)

1 Pursuant to the scheduling order (#234), discovery closed on
2 April 23, 2014. However, at the April 15, 2014, status conference
3 before the United States Magistrate Judge, the parties asserted
4 that a number of discovery and scheduling disputes remain.
5 Accordingly, the court addresses the outstanding disputes and
6 extends the discovery deadline as to certain discrete issues only.

7 As to the first issue raised in the parties' April 24, 2014,
8 joint status report, the court concludes that Amtrak and Union
9 Pacific were not and shall not be required to file any rebuttal
10 expert reports.

11 As to the second issue, the court concludes that John Davis
12 Trucking ("JDT") should be permitted to reopen fact discovery on
13 the limited issue of whether the signal cabin was or was not
14 equipped with a modem at the time of the accident. If the
15 testimony reflects that it was equipped with a modem, leave is
16 granted to JDT to apply to the court for such additional limited
17 discovery as may be relevant. If it was not equipped with a modem,
18 JDT may also inquire as to why it was not so equipped. JDT is
19 limited to the designation of two witnesses to respond to this
20 inquiry, and any such depositions shall be taken no later than May
21 13, 2014, at a time mutually convenient to the parties. This time
22 period will not be extended, and the depositions will be limited in
23 scope to what has been hereinabove set forth.

24 As to the third issue raised in the April 24, 2014, report,
25 counsel shall waive subpoenas for all retained experts and shall
26 produce the discoverable portions of each expert's file to opposing
27 counsel two days before each deposition.

28 Amtrak and Union Pacific shall designate their 30(b)(6)

1 witnesses on or before Monday, May 5, 2014. Depositions of all
2 30(b)(6) witnesses shall be completed on or before May 28, 2014.

3 The ink testing authorized by the court on April 15, 2014,
4 shall be completed no later than Friday, May 9, 2014. JDT shall
5 provide its expert report on this issue no later than Monday, May
6 19, 2014, Union Pacific shall provide any rebuttal expert report on
7 this issue no later than Thursday, May 29, 2014, and any expert
8 depositions in connection with this issue shall be completed no
9 later than June 13, 2014. This order supersedes the schedule
10 established during the parties' April 15, 2014, status conference.
11 (See Doc. #410).

12 The parties shall complete all other expert depositions no
13 later than Wednesday, May 28, 2014.

14 All expert depositions shall be subject to a time limitation
15 of not more than five (5) hours. The parties shall agree in
16 advance on a division of the time. Any objection to the time
17 limitation shall be filed with the court no later than Friday, May
18 2, 2014.

19 Finally, the briefing schedule for dispositive motions
20 established in the court's scheduling order of May 29, 2013 (#234)
21 remains in effect. However, to the extent the parties intend to
22 file motions in limine, such motions shall be filed no later than
23 Tuesday, July 1, 2014. Responses shall be filed no later than
24 Tuesday, July 15, 2014. No replies to motions in limine will be
25 allowed.

26 In view of the firm trial setting on August 4, 2014, and the
27 fact that discovery has been ongoing since at least October 2011,
28 the court advises the parties that the deadlines set forth in this

1 order are firm. The only exception shall be the deposition of Dror
2 Kopernik. His deposition, if he can be deposed, shall be taken no
3 later than June 23, 2014. If Mr. Kopernik is unable to be deposed,
4 JDT shall designate a substitute expert no later than May 20, 2014,
5 and his or her deposition shall be taken no later than June 23,
6 2014. The expert report shall be disclosed on or before June 18,
7 2014.

8 IT IS SO ORDERED.

9 DATED: This 28th day of April, 2014.

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UNITED STATES DISTRICT JUDGE

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UNITED STATES MAGISTRATE JUDGE

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