

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

DAMIAN BUTLER, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 19-2377-JAR
	)	
DAIMLER TRUCKS NORTH AMERICA, LLC,	)	
	)	
Defendant.	)	

**SECOND AMENDED SCHEDULING ORDER**

The parties have filed a joint motion (ECF No. 104) to amend the scheduling order.<sup>1</sup>  
For good cause shown, the motion is granted and the scheduling order is amended as follows:

a) All fact discovery shall be commenced or served in time to be completed by **November 12, 2021**.

b) Disclosures required by Fed. R. Civ. P. 26(a)(2), including reports from retained experts, are due from plaintiff by **December 17, 2021**, and from defendant by **February 18, 2022**. Disclosures and reports by any rebuttal experts are due by **April 8, 2022**.

c) The parties shall complete all Fed. R. Civ. P. 35 physical or mental examinations by **November 12, 2021**.

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<sup>1</sup> ECF Nos. 32 & 76.

d) All expert discovery shall be commenced or served in time to be completed by **April 29, 2022**.

e) The final pretrial conference is rescheduled from February 17, 2022, to **May 17, 2022, at 10:00 a.m.**, in the U.S. Courthouse, Room 223, 500 State Avenue, Kansas City, Kansas. Unless otherwise notified, the undersigned magistrate judge will conduct the conference. No later than **May 6, 2022**, defendant shall submit the parties' proposed pretrial order as an attachment to an e-mail directed to *ksd\_ohara\_chambers@ksd.uscourts.gov*. It shall be in the form available on the court's website (*www.ksd.uscourts.gov*).

f) The deadline for filing dispositive motions is **May 27, 2022**.

g) All motions to exclude testimony of expert witnesses pursuant to Fed. R. Evid. 702-705, *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), *Kumho Tire Co. v. Carmichael*, 526 U.S. 137 (1999), or similar case law, must be filed by **May 27, 2022**.

h) After consulting with the judge presiding over the trial, the trial will be reset for a trial calendar that will begin on **March 14, 2023 at 9:00 am.**<sup>2</sup>

All other provisions of the original and amended scheduling order shall remain in effect. The schedule adopted in this second amended scheduling order shall not be modified except by leave of court upon a showing of good cause.

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<sup>2</sup> The court cannot accommodate the parties' request that the trial date remain unchanged, as the court needs sufficient time before trial to decide ripe dispositive motions and motions to exclude expert testimony.

IT IS SO ORDERED.

Dated July 2, 2021, at Kansas City, Kansas.

s/ James P. O'Hara  
James P. O'Hara  
U.S. Magistrate Judge