

U.S. District Court
Northern District of Iowa (Eastern Waterloo)
CIVIL DOCKET FOR CASE #: 6:19-cv-02012-CJW-KEM
Internal Use Only

Floyd County Mutual Insurance Association v. CNH Industrial America LLC

Assigned to: Judge CJ Williams

Referred to: Magistrate Judge Judge Kelly K.E. Mahoney

Related Cases: 2:18-cv-01029-KEM

5:18-cv-04059-KEM

1:18-cv-00070-KEM

3:19-cv-03013-CJW-KEM

Cause: 28:1332 Diversity-Product Liability

Date Filed: 02/28/2019

Date Terminated: 12/11/2020

Jury Demand: None

Nature of Suit: 385 Prop. Damage Prod.

Liability

Jurisdiction: Diversity

Plaintiff

Floyd County Mutual Insurance Association

as subrogee

on behalf of

Clark R McGregor

on behalf of

Ronald R McGregor Revocable Trust

on behalf of

McGregor Farms, Inc

represented by **David J Taylor**

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Date Filed	#	Page	Docket Text
02/28/2019	<u>1</u>		COMPLAINT With Jury Demand against CNH Industrial America LLC (Filing fee \$ 400 receipt number 0862-2884957.), filed by Floyd County Mutual Insurance Association. Scheduling Report due by 5/29/2019 (Attachments: # <u>1</u> Civil Cover Sheet) (Taylor, David) (Entered: 02/28/2019)
02/28/2019			Chief Magistrate Judge Kelly Mahoney added. Clerk checked for conflicts as to parties and attorneys – none found. (des) (Entered: 02/28/2019)
02/28/2019	<u>2</u>		NOTICE of Assignment to U.S. Magistrate Judge. Check Status Deadline due by 3/30/2019. (des) (Entered: 02/28/2019)
02/28/2019	<u>3</u>		Summons Issued as to CNH Industrial America LLC. *****PLEASE MAKE COPIES OF SUMMONS FOR EACH DEFENDANT AND FILE IN

		REMAINING INFORMATION**** (Attachments: # <u>1</u> Civil Actions new case packet) (des) (Entered: 02/28/2019)
02/28/2019		Set Deadline: Plaintiff LR 7.1 Disclosure Statement due by 3/21/2019 (des) (Entered: 02/28/2019)
03/14/2019	<u>4</u>	PURSUANT to Local Rule 7.1 Disclosure Statement by Floyd County Mutual Insurance Association (Taylor, David) (Entered: 03/14/2019)
03/14/2019	<u>5</u>	SUMMONS Returned Executed by Floyd County Mutual Insurance Association. CNH Industrial America LLC served on 3/8/2019, answer due 3/29/2019. (Taylor, David) (Entered: 03/14/2019)
03/15/2019		Set Deadlines: Defendant LR 7.1 Disclosure Statement due by 4/7/2019. (jjh) (Entered: 03/15/2019)
04/12/2019	<u>6</u>	MOTION to Dismiss for Failure to State a Claim by Defendant CNH Industrial America LLC (Attachments: # <u>1</u> Brief in Support of Motion to Dismiss, # <u>2</u> Appendix) Check Status on MJ Consent due by 4/29/2019. (Lederer, Gregory) Modified text on 4/14/2019 (des) (Entered: 04/12/2019)
04/17/2019	<u>7</u>	MOTION for Leave to Appear Pro Hac Vice for Attorney Haley A. Johnston by Defendant CNH Industrial America LLC (Attachments: # <u>1</u> Certificate of Good Standing) (Lederer, Gregory) (Entered: 04/17/2019)
04/18/2019	8	TEXT ORDER – This matter is before the court on the <u>7</u> Motion for Leave to Appear Pro Hac Vice for Attorney Haley A Johnston on behalf of Defendant CNH Industrial America LLC. Upon a review of the Motion and the Certificate of Good Standing, the court finds the Motion should be granted. Signed by Clerk on 4/18/2019. (des) (Entered: 04/18/2019)
04/26/2019	<u>9</u>	RESISTANCE to Motion re <u>6</u> MOTION to Dismiss for Failure to State a Claim filed by Floyd County Mutual Insurance Association. (Attachments: # <u>1</u> Affidavit of David J. Taylor, # <u>2</u> Exhibit A – Damage Documents) (Taylor, David) (Entered: 04/26/2019)
04/29/2019	<u>10</u>	MOTION for Leave to Appear Pro Hac Vice for Attorney Maureen A. Bickley by Defendant CNH Industrial America LLC (Attachments: # <u>1</u> Certificate of Good Standing, # <u>2</u> Certificate of Good Standing) (Lederer, Gregory) (Entered: 04/29/2019)
04/30/2019	11	TEXT ORDER – This matter comes before the Court on the <u>10</u> Motion for Leave to Appear Pro Hac Vice for Attorney Maureen A. Bickley on behalf of Defendant CNH Industrial America LLC. Upon a review of the Motion and Certificate of Good Standing, the Court finds the Motion should be granted. Signed by Clerk on 4/30/2019. (mmc) (Entered: 04/30/2019)
04/30/2019		Judge CJ Williams added (no conflicts identified). Chief Magistrate Judge Kelly Mahoney no longer assigned as presider to case. (pac) (Entered: 04/30/2019)
05/03/2019	<u>12</u>	MOTION for Leave to File Overlength Brief (<i>With Consent</i>) by Defendant CNH Industrial America LLC (Attachments: # <u>1</u> Reply Brief in Support of its Motion to Dismiss) (Lederer, Gregory) (Entered: 05/03/2019)
05/03/2019	<u>13</u>	

		ORDER granting <u>12</u> Motion for Leave to File Overlength Brief. The Clerk of Court is directed to file the overlength reply brief attached at Doc. 12-1. Signed by Judge CJ Williams on 05/03/2019. (jjh) (Entered: 05/03/2019)
05/03/2019	<u>14</u>	REPLY BRIEF in Support of <u>6</u> MOTION to Dismiss for Failure to State a Claim filed by CNH Industrial America LLC. (jjh) (Entered: 05/03/2019)
05/06/2019	<u>15</u>	PURSUANT to Local Rule 7.1 Disclosure Statement by CNH Industrial America LLC (Lederer, Gregory) (Entered: 05/06/2019)
07/01/2019	<u>16</u>	ORDER: Defendant's MOTION to Dismiss for Failure to State a Claim <u>6</u> is granted and Count 2 is dismissed with prejudice. Plaintiff's Motion for Leave to Amend the Complaint [9-1] is granted. The Court grants plaintiff leave to amend within fourteen (14) days of this Order. If plaintiff does not file an amended complaint within that time, the Court will dismiss counts I, III, and IV without prejudice. Signed by Judge CJ Williams on 7/19/19. (ksy) (Entered: 07/01/2019)
07/12/2019	<u>17</u>	AMENDED Complaint With Jury Demand against CNH Industrial America LLC, filed by Floyd County Mutual Insurance Association. (Taylor, David) (Entered: 07/12/2019)
07/12/2019	<u>18</u>	MOTION To Certify Order and For Stay of the Proceedings by Plaintiff Floyd County Mutual Insurance Association (Taylor, David) Modified on 7/15/2019 to correct name of document. (src) (Entered: 07/12/2019)
07/15/2019	<u>19</u>	ORDER Setting Hearing: Scheduling Conference set for 7/19/2019 at 11:00 AM (Telephonic Hearing – please see text of Order for dial-in participation instructions) before Chief United States Magistrate Judge Kelly K.E. Mahoney. Signed by Chief United States Magistrate Judge Kelly K.E. Mahoney on 07/15/2019. (Attachments: # <u>1</u> proposed scheduling order and discovery plan) (Gollhofer, Jami) (Entered: 07/15/2019)
07/22/2019	<u>20</u>	MINUTE Entry for proceedings held before Chief Magistrate Judge Kelly K.E. Mahoney: Scheduling Conference held on 7/19/2019. Scheduling Order and Discovery Plan to follow. (Official Court Record: FTR Gold) (kms) Modified text on 7/24/2019 (kms). (Entered: 07/22/2019)
07/22/2019	<u>21</u>	SCHEDULING Order and Discovery Plan: Initial Disclosures due date of 8/8/2019 but not filed with the court. Add Parties Deadline due by 10/7/2019. Amended Pleadings due by 10/7/2019. Plaintiffs Expert Witness due by 3/2/2020. Defendants Expert Witnesses due by 5/4/2020. Plaintiffs Rebuttal Experts due by 5/22/2020. Discovery due by 6/30/2020. Motions due by 7/14/2020. Trial Ready Deadline 12/14/2020. Signed by Chief Magistrate Judge Kelly K.E. Mahoney on 7/22/2019. (kms) (Entered: 07/22/2019)
07/24/2019	<u>22</u>	TRIAL Management Order: Witness and exhibit lists exchanged by parties (but not filed) at least 21 days before FPTC. Exhibits marked. Jury Instructions 3 days before FPTC. Motions in limine 21 days before FPTC. Jury Trial set for 1/4/2021 09:00 AM in Ctrm 3 (4th Floor) Cedar Rapids before Judge CJ Williams. Final Pretrial Conference set for 12/21/2020 09:00 AM Telephonic Hearing before Judge CJ Williams. Proposed Pretrial Order due by 12/18/2020. Signed by Judge CJ Williams on 7/24/2019. (kms) (Entered: 07/24/2019)
07/26/2019	<u>23</u>	

		ANSWER With Jury Demand to <u>17</u> Amended Complaint by CNH Industrial America LLC.(Johnston, Haley) (Entered: 07/26/2019)
08/23/2019	<u>24</u>	MEMORANDUM OPINION AND ORDER denying <u>18</u> Motion to Certify Order and for Stay of Proceedings. Signed by Judge CJ Williams on 8/23/2019. (pac) (Entered: 08/23/2019)
09/03/2019	<u>25</u>	MOTION for Protective Order by Defendant CNH Industrial America LLC (Attachments: # <u>1</u> Text of Proposed Order Ex. 1– Stipulated Protective Order) (Johnston, Haley) (Entered: 09/03/2019)
09/05/2019	<u>26</u>	PROTECTIVE Order re <u>25</u> MOTION for Protective Order . Signed by Chief Magistrate Judge Kelly K.E. Mahoney on 9/5/2019. (jjh) (Entered: 09/05/2019)
05/01/2020	<u>27</u>	UNRESISTED Motion for Extension of Deadlines and Continue Trial by Defendant CNH Industrial America LLC (Lederer, Gregory) (Entered: 05/01/2020)
05/04/2020	<u>28</u>	** TEXT ORDER ONLY ** Setting Hearing on Motion, <u>27</u> UNRESISTED Motion for Extension of Deadlines and Continue Trial: Motion Hearing set for 5/6/2020 at 10:00 AM (Telephonic Hearing, dial-in hearing instructions emailed to the parties) before Chief Magistrate Judge Kelly K.E. Mahoney. Signed by United States Chief Magistrate Judge Kelly K.E. Mahoney on 05/04/2020. (Gollhofer, Jami) (Entered: 05/04/2020)
05/07/2020	<u>29</u>	MINUTE Entry for proceedings held before Chief Magistrate Judge Kelly K.E. Mahoney: Telephonic Scheduling Conference held on 5/6/2020 re <u>27</u> UNRESISTED Motion for Extension of Deadlines and Continue Trial filed by CNH Industrial America LLC. Order to follow. (Official Court Record: FTR Gold) (jag) (Entered: 05/07/2020)
05/07/2020	<u>30</u>	ORDER granting <u>27</u> UNRESISTED Motion for Extension of Deadlines and to Continue Trial filed by CNH Industrial America LLC. Defendant's Expert Witnesses due by 7/2/2020. Plaintiff's Rebuttal Experts due by 7/22/2020. Discovery due by 8/31/2020. Dispositive Motions due by 9/14/2020. The final pretrial conference (December 21, 2020) and jury trial (January 4, 2021) are continued and will be rescheduled by separate order. The parties will be prepared for trial on or after February 11, 2021. Signed by Chief Magistrate Judge Kelly K.E. Mahoney on 5/7/2020. (skm) (Entered: 05/07/2020)
05/08/2020	<u>31</u>	ORDER Rescheduling Trial and Final Pretrial Conference: Final Pretrial Conference set for 2/8/2021 09:00 AM in Telephonic Hearing before Judge CJ Williams. Jury Trial set for 2/22/2021 09:00 AM in Ctrm 3 (4th Floor) Cedar Rapids before Judge CJ Williams. Signed by Judge CJ Williams on 5/8/2020. [see ORDER for dialing instructions] (kms) (Entered: 05/08/2020)
09/14/2020	<u>32</u>	MOTION to Strike by Defendant CNH Industrial America LLC Responses due by 9/28/2020 (Attachments: # <u>1</u> Memorandum in Support of Motion to Strike Expert Opinions of Larry Wyatt, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9) (Lederer, Gregory) (Entered: 09/14/2020)
09/14/2020	<u>33</u>	MOTION to Strike by Defendant CNH Industrial America LLC Responses due by 9/28/2020 (Attachments: # <u>1</u> Memorandum in Support of Motion to Strike

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