

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEBRASKA  
OMAHA DIVISION**

INTERNATIONAL ASSOCIATION OF  
SHEET METAL, AIR, RAIL AND  
TRANSPORTATION WORKERS,  
TRANSPORTATION DIVISION

Petitioner,

v.

UNION PACIFIC RAILROAD COMPANY,

Defendant.

CASE NO. 8:25-CV-00740

**JOINT MOTION TO AMEND SCHEDULING ORDER**

Plaintiff International Association of Sheet Metal, Air, Rail and Transportation Workers, Transportation Division (“SMART-TD”) and Defendant Union Pacific Railroad Company (“Union Pacific”) jointly move pursuant to Fed. R. Civ. P. 16(b)(4) for a two-week extension of time to file motions for summary judgment and responses to them. In support of this motion, the parties state as follows:

1. Plaintiff SMART-TD, the labor union that represents Defendant’s train service employees, has petitioned this Court under Section 9 Third of the Railway Labor Act, 45 U.S.C. § 159 Third, to review and set aside an interest arbitration award establishing certain terms and conditions of employment.

2. In their 26(f) report (Doc. 17), the Parties proposed resolving this matter on cross-motions for summary judgment. The Court adopted this proposal, and set a briefing schedule under which motions for summary judgment are due on July 14, 2026; responses to such motions

are due on August 28, 2026; and any motion for leave to reply to a party's response brief are due within 10 days of when the response brief was filed. (Doc. 18.)

3. Counsel for both parties have briefs due in several other cases at or around the same time as opening briefs are due in this case. In addition, in between when the Scheduling Order was entered and today, counsel for Union Pacific had a jury trial in the Southern District of West Virginia that involved substantial pre-trial briefing. That case had not been set for trial as of when the parties proposed the briefing schedule adopted by the Court. Counsel for Union Pacific also had two summary judgment briefs due in June, and a motion to dismiss filed last week.

4. For these reasons, the parties request a two-week extension of the deadline to file motions for summary judgment and responses to them. This extension, if granted, would make summary judgment motions due on July 28, 2026 and responses to them due on September 11, 2026. Motions for leave to file a reply would still be due within 10 days of when the response brief was filed.

Date: July 6, 2026

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 6, 2026, a true and accurate copy of the foregoing was filed using the CM/ECF system which will send notification of such filing to the Court and Plaintiff's counsel.

/s/ Thomas R. Chiavetta