

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

CAROL A. JENSEN, Individually and)	
as Personal Representative of the)	
ESTATE OF JOAN BODNAR,)	8:08CV414
Deceased,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
PFIZER INC., A Corporation,)	
)	
Defendant.)	

This matter comes before the court on the defendant’s Motion to Compel Plaintiff to Comply with the Court’s April 20, 2009 Discovery Order ([Filing No. 36](#)). The defendant seeks an order compelling the plaintiff to provide a fact sheet containing background information and signed authorizations that would allow the defendant to collect medical and employment records for the decedent. The plaintiff filed a brief ([Filing No. 39](#)), with evidence attached, and a supplemental brief ([Filing No. 41](#)) in opposition to the motion to compel. Both parties acknowledge, they had not agreed on the precise form for the fact sheet prior to stipulating to a Plan of Discovery, although the Plan of Discovery contained a May 31, 2009, deadline for the plaintiff to produce the completed Fact Sheet and authorizations. The court’s April 20, 2009, order adopted the parties’ Plan of Discovery that required the parties to “continue to meet and confer regarding the content of the Fact Sheet” prior to the May 31, 2009, production deadline. After having been given an opportunity to resolve any disputes regarding the content of the fact sheet, the parties failed to negotiate an agreement. Further, the plaintiff fails to describe any objection to the content of the fact sheet form. Accordingly, the plaintiff shall show cause why she should not be compelled to produce the completed Fact Sheet form as proposed by the defendant. Upon consideration,

IT IS ORDERED:

1. The defendant's Motion to Compel Plaintiff to Comply with the Court's April 20, 2009 Discovery Order ([Filing No. 36](#)) is held in abeyance pending the plaintiff's response to this order.

2. The plaintiff shall have to **on or before July 22, 2009**, to show cause why the plaintiff should not be compelled to produce a response using the Fact Sheet form provided by the defendant. The plaintiff's showing shall include specific references to disputed portions of the Fact Sheet form. Failure to comply with this order may be considered an abandonment of the plaintiff's opposition to the defendant's motion.

3. The defendant shall have to **on or before July 27, 2009**, to file a reply.

DATED this 15th day of July, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge