

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MICHAEL KONING, Dr. and )  
Husband, and SUSAN KONING, )  
Wife, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
LOWELL BAISDEN, C.P.A., )  
 )  
Defendant. )  
\_\_\_\_\_ )

4:08CV3087

MEMORANDUM AND ORDER

Plaintiffs and counter defendants Michael Koning and Susan Koning have moved to strike the interrogatories served by the defendant and counter plaintiff Lowell Baisden. Filing No. [38](#). The movants claim the interrogatories must be stricken because they were served prior to the time allowed by NeCivR 16.1(c)(2), before entry of a progression order in this case, and in violation of Federal Rule of Civil Procedure 26(d)(1).

Defendant and counter plaintiff Baisden has not responded to this motion, and the deadline for responding has passed. The motion is therefore deemed submitted and unopposed.

IT THEREFORE HEREBY IS ORDERED: The motion to strike interrogatories filed by plaintiffs and counter defendants Michael Koning and Susan Koning, filing no. [38](#), is granted.

DATED this 29<sup>th</sup> day of December, 2008.

BY THE COURT:

s/ *David L. Piester*  
David L. Piester  
United States Magistrate Judge