

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

WELLS FARGO BANK, NATIONAL )  
ASSOCIATION, JERALD LUNDGREN, )  
STEVEN A BLOCHER, and TREV E )  
PETERSON, )

4:10CV3120

Plaintiffs, )

MEMORANDUM AND ORDER

v. )

CLARK E. BETTENHAUSEN, )

Defendant. )

The following defense motions are currently pending:

Filing No. [36](#): Motion for Reconsideration of Defendant’s Motion to Object to Plaintiff’s Motion to Liquidate Collateral.

Filing No. [39](#): Motion to Compel Trev Peterson to answer and produce requested documents.

Filing No. [40](#): Motion to Compel Steve Blocher to answer and produce requested documents.

Filing No. [41](#): Motion to Compel Jerald Lundgren to answer and produce requested documents.

As to defendant’s motions to compel, (filing nos. [39](#), [40](#), and [41](#)), there is no showing the defendant served his discovery requests on Peterson, Lundgren, or Blocher before seeking an order to compel responses to those requests. Moreover, the defendant has failed to comply with this court’s local rules for filing discovery motions. See [NECivR 7.0.1](#) (a) and (i). Defendant’s motions to compel will be denied.

Defendant’s Motion for Reconsideration of Defendant’s Motion to Object to Plaintiff’s Motion to Liquidate Collateral, (filing no. [36](#)) was filed on November 29, 2010, but not served until December 7, 2010. See filing no. [38](#). Interpreting this *pro se* motion liberally, defendant’s motion

for reconsideration, accompanied by his supporting evidence, appears to be filed under Rule 56 of the Federal Rules of Civil Procedure. As such, the plaintiff/counterdefendants will be given until January 12, 2011 to file a response to the defendant's Motion to Object to Plaintiff's Motion to Liquidate Collateral, (filing no. [36](#)).

Accordingly,

IT IS ORDERED:

- 1) Defendant's motions to compel, (filing nos. [39](#), [40](#), and [41](#)), are denied.
- 2) The plaintiff/counterdefendants are given until January 12, 2011 to respond to defendant's Motion to Object to Plaintiff's Motion to Liquidate Collateral, (filing no. [36](#)), which is interpreted by this court as a motion for summary judgment.

DATED this 20th day of December, 2010.

BY THE COURT:

*s/ Cheryl R. Zwart*  
United States Magistrate Judge