

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LINCOLN BENEFIT LIFE,
Plaintiff,

vs.

JAMES W. WILSON,
Defendant.

4:13CV3210

ORDER

As to Defendant's motion to compel, (Filing No. 65),

1) After hearing the parties' arguments, the defendant's motion to compel the 30(b)(6) deposition on topics 4 through 9 is granted in part and denied in part as stated by the court on the record. To be clear, the merits of the above-captioned lawsuit is at issue. But under the pleadings, the reason the plaintiff chose to file and pursue litigation against James Wilson is not relevant. Moreover, as to topics 4 through 9, for the efficient, expeditious, and just progression of this lawsuit, counsel are encouraged to consider other means, such as the deposition of Plaintiff's anticipated expert, to elicit the requested information.

2) After reviewing, *in camera*, the disputed documents identified on Plaintiff's privilege log, (Filing No. 82), on or before February 26, 2015, the plaintiff shall produce to the defendant Documents 4 and 5. Documents 1, 3, and 31 were prepared in anticipation of litigation, are work product, and may be withheld from production by the plaintiff. Plaintiff's counsel has represented that "there is no document associated with the second item referenced on the privilege log." (Filing No. 82).

February 19, 2015.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge