

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

KAREN SHIVVERS and DANIEL)	
SHIVVERS, individuals,)	
)	
Plaintiffs,)	8:12CV138
)	
v.)	
)	
VANDE KAMP TRUCKING, INC., an)	
Iowa corporation, and CECIL L.))	
SCHLAMPP, an individual,)	
)	
Defendants.)	
)	
<hr/> TAJ D. SHIVVERS,)	
)	
Plaintiff,)	7:12CV5003
)	
v.)	
)	
VANDE KAMP TRUCKING, INC., an)	ORDER
Iowa corporation, and CECIL L.))	
SCHLAMPP, an individual,)	
)	
Defendants.)	
<hr/>)	

This matter is before the Court on defendants' motion to compel discovery and mediation and for payment of attorney's fees (Filing No. 22 in 8:12CV138; Filing No. 26 in 7:12CV5003). After a planning conference, the Court issued an order on September 12, 2012, to facilitate the request of the parties for alternative resolution of their dispute. The order provided for initial discovery including written discovery and depositions necessary for purposes of mediation. The deadline for completion of initial discovery was set for February 4, 2013. The order also required a status report on the progress of mediation on or

before February 22, 2013. Plaintiffs have failed to respond to requests in the time allowed by Rule 34 or in compliance with several extensions agreed to by the defendant. At the time this motion was filed, plaintiffs had also failed to make themselves available for depositions. Finally, as of the filing of the motion, plaintiffs had failed to agree to a mediator and begin scheduling of mediation. With the February deadline fast approaching, the Court finds that the defendant's motion should be granted. Accordingly,

IT IS ORDERED:

1) Plaintiffs shall respond to all Interrogatories and Requests for Production served upon them by defendants by no later than January 22, 2013.

2) Plaintiffs shall make themselves available for a deposition in the state of Nebraska on a date convenient to both parties, but all depositions must be completed on or before February 4, 2013.

3) Plaintiffs shall schedule a mediation with a mutually-agreed-upon mediator so that mediation can commence no later than February 12, 2013.

4) The Court will consider attorney's fees upon further briefing and evidence provided by the parties.

DATED this 7th day of January, 2013.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court