Hawkins v. Feilmeier - (DO NOT FILE DOCUMENTS IN CASE PER FILING #136) Doc. 113

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HUGH HAWKINS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**8:07CV368**
	)	
KEITH FEILMEIER and GABRIEL TECHNOLOGIES CORP.,	)	**ORDER**
	)	
	)	
Defendants.	)	

The court previously ordered Gabriel Technologies Corp. to show cause why the plaintiff should not be awarded reasonable costs and attorney's fees incurred in bringing his motion to compel (Doc. 101), in accordance with Fed. R. Civ. P. 37.

Upon the court's review of the defendant's timely response (Doc. 112), the court finds that the circumstances of this incident would make an award of expenses unjust and declines to award costs or fees to either party. *See* Fed. R. Civ. P. 37(a)(5)(A)(iii).

IT IS SO ORDERED.

DATED July 1, 2009.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge

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