

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ELIZABETH HIGGINS, et al.,	)	
	)	8:08CV15
Plaintiffs,	)	
	)	
vs.	)	ORDER
	)	
JOACHIM DANKIW, et al.,	)	
	)	
Defendants.	)	

This matter is before the court on the plaintiffs’ Motion to Compel to Defendant City of Omaha ([Filing No. 158](#)). The plaintiffs’ motion is deficient for failing to comply with the United States District Court for the District of Nebraska Civil Rules. First, the plaintiffs failed to file a brief in support of their motion. See [NECivR 7.0.1\(a\)](#). Second, as noted by the defendants in their opposing brief ([Filing No. 160](#)), the plaintiffs failed to indicate compliance with NECivR 7.0.1, which provides:

To curtail undue delay in the administration of justice, this court only considers a discovery motion in which the moving party, in the written motion, shows that after personal consultation with opposing parties and sincere attempts to resolve differences, the parties cannot reach an accord. This showing must also state the date, time, and place of the communications and the names of all participating persons. “Personal consultation” means person-to-person conversation, either in person or on the telephone. An exchange of letters, faxes, voice mail messages, or emails is also personal consultation for purposes of this rule upon a showing that person-to-person conversation was attempted by the moving party and thwarted by the nonmoving party.

See [NECivR 7.0.1\(i\)](#). Since the plaintiffs failed to make such a showing, the motion will be denied without prejudice. Upon consideration,

**IT IS ORDERED:**

The plaintiff’s Motion to Compel to Defendant City of Omaha ([Filing No. 158](#)) is denied, without prejudice.

DATED this 3rd day of August, 2011.

BY THE COURT:  
s/ Thomas D. Thalken  
United States Magistrate Judge