Gomez et al v Tyson Foods Doc. 123

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOSE A. GOMEZ, et al.,	)	
	)	
Plaintiffs,	)	**8:08CV21**
	)	
vs.	)	
	)	
TYSON FOODS, INC.,	)	**ORDER**
	)	
Defendant.	)	

This matter comes before the court on the interested parties' Motion to Quash Subpoena of Francisco Tostado in his Capacity as a Union Representative for UFCW Local 222 (Filing No. 114). The interested parties filed a brief (Filing No. 114-1) and index of evidence (Filing No. 114-11) in support of the motion. The plaintiffs filed a brief (Filing No. 118) in support of the motion. The defendant filed a brief (Filing No. 121) and index of evidence (Filing No. 122) in opposition of the motion.

The court held a conference by telephone in chambers on August 7, 2012, to discuss the motion. Allison D. Balus and Thomas E. Johnson, counsel for the defendant, and Jay M. Smith, counsel for the interested parties, were present in chambers. Daniel Arciniegas, Michael Hamilton, Brian P. McCafferty, and Candis A. McGowan, counsel for the plaintiffs, and Evangeline C. Paschal, counsel for the defendant, participated by telephone.

For the reasons stated in the conference with counsel, the Motion to Quash Subpoena of Francisco Tostado in his Capacity as a Union Representative for UFCW Local 222 (Filing No. 114) is denied. The deposition may take place as scheduled with the caveat that the deposition will be limited to three (3) hours.

IT IS SO ORDERED.

DATED this 7th day of August, 2012.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge

Dockets.Justia.com