

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**INTERNATIONAL BROTHERHOOD OF)
ELECTRICAL WORKERS LOCAL)
UNION NO. 22/N.E.C.A. HEALTH AND)
WELFARE TRUST FUND, et al.,)**

Plaintiffs,)

vs.)

GENESIS ELECTRICAL SERVICES, INC.,)

Defendant.)

8:08CV43

ORDER

This matter is before the court on the defendant’s Motion for Protective Order ([Filing No. 65](#)) and Motion for Expedited Hearing and/or Ruling on Motion for Protective Order ([Filing No. 68](#)). The defendant seeks protection for Bryant Moran from a deposition scheduled for March 11, 2009, due to the defendant’s counsel’s pending motion to withdraw. The plaintiffs oppose the motion based on the defendant’s failure to confer and continued difficulty in scheduling Mr. Moran’s deposition. **See [Filing No. 69](#)**. The court held a telephone conference with counsel for the parties on March 9, 2009. Upon consideration,

IT IS ORDERED:

1. The defendant’s Motion for Expedited Hearing and/or Ruling on Motion for Protective Order ([Filing No. 68](#)) is granted.
2. The defendant’s Motion for Protective Order ([Filing No. 65](#)) is granted.
3. The deposition of Bryant Moran currently scheduled for March 11, 2009, is continued pending resolution of counsel’s motion to withdraw ([Filing No. 62](#)). The deposition shall be re-scheduled as soon thereafter as practicable.
4. The plaintiffs are awarded their reasonable costs of responding to the defendant’s Motion for Protective Order ([Filing No. 65](#)). The plaintiffs shall have until **April 2, 2009**, to file an application for such costs in accordance with [NECivR](#) 54.4. After the

defendant has an opportunity to respond, the definitive award will be made part of the final judgment in this matter.

5. Moving counsel shall immediately serve a copy of this order on the defendant and file a certificate of service therefore.

DATED this 9th day of March, 2009.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge