

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

PLAN PROS, INC.,

Plaintiff,

vs.

**WILLIAM J. TORCZON; INFINITY HOMES,
INC.; COBBLESTONE HOMES, INC.;
BRIAN W. TORCZON; DARLENE M.
TORCZON; CHRIS WILDRICK; EDWARD
BLAINE; NP DODGE REAL ESTATE
SALES, INC.; BETTY MAY SULLIVAN,
Trustee; ANNA M. EGEA; and FRANCIS
ROY and ALICE ROY, Trustees,**

Defendants.

8:08CV136

**MEMORANDUM AND
ORDER**

This matter is before the magistrate judge on the motion (Filing 63) of Plan Pros, Inc. ("PPI") to compel discovery from defendants William J. Torczon, Brian W. Torczon, Darlene M. Torczon, Infinity Homes, Inc. and Cobblestone Homes, Inc. (together, "Torczons"). The motion has been fully briefed, and the court has reviewed Filings 63, 64, 65, 66, 67, 68, 69, 70 and 73. Although PPI's brief includes quotations from its discovery requests and the defendants' responses, the court cannot determine whether these references actually constitute a "verbatim recitation of each interrogatory, request, answer, response, or objection that is a subject of the motion," as required by NECivR 7.0.1(i)(2). Wishing to avoid further delay in ruling on this motion, the court searched for, but could not find, a complete verbatim copy of the requests and responses elsewhere in the record.

The court cannot rule on PPI's motion without this information. In lieu of denying the motion for failure to provide the necessary supporting documentation, PPI will be given until August 20, 2009 to file a supplemental evidence index containing a verbatim recitation of each interrogatory, request, answer, response or objection that is a subject of its motion to compel.

Meanwhile, all parties are strongly encouraged to reassess their positions in light of the discovery orders filed by Judge Strom on March 5, 2009 and July 8, 2009 in *Plan Pros, Inc. v. Zych, et al.*, Case No. 8:08CV125 (Filings [80](#) & [94](#)). The orders are also available on Westlaw at [2009 WL 562348](#) (March 5 order) and [2009 WL 2020787](#) (July 8 order).

DATED August 12, 2009.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**