

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

MARLIN LUSTGRAAF,)
)
 Plaintiff,) CASE NO. 8:08-CV-00335-LSC-FG3
)
 vs.)
)
 SUNSET FINANCIAL SERVICES,)
 INC., AND BRYAN S. BEHRENS,)
)
 Defendants.)
)
 _____)

JEAN (J.P.) POOLE & DEE POOLE,)
 TRUSTEES OF THE POOLE FAMILY) CASE NO. 8:08-CV-00399-LSC-FG3
 TRUST,)
)
 Plaintiffs,)
)
 vs.)
)
 SUNSET FINANCIAL SERVICES,)
 INC., AND BRYAN S. BEHRENS,)
)
 Defendants.)
)
 _____)

MILO VACANTI,)
) CASE NO. 8:08-CV-00436-LSC-FG3
 Plaintiff,)
)
 vs.)
)
 SUNSET FINANCIAL SERVICES,)
 INC., AND BRYAN S. BEHRENS,)
)
 Defendants.)
)
 _____)

court if necessary. (Filing 166, Case No. 8:08-CV-00335; Filing 165, Case No. 8:08-CV-00399; Filing 156, Case No. 8:08-CV-00436; Filing 118, Case No. 8:09-CV-00013; and Filing 83, Case No. 8:09-CV-00044.) The court, being fully advised in the premises, finds that Plaintiffs' Motion for Leave to Depose Federal Prisoner should be granted.

IT IS ORDERED that Plaintiffs and Defendant Sunset Financial Services Inc. are granted leave of this court to depose Bryan S. Behrens. The Warden of the Federal Correctional Institution in Terra Haute shall produce Bryan S. Behrens for deposition by Plaintiffs and by Defendant Sunset Financial Services Inc. at the Federal Correctional Institution in Terra Haute at a date and time to be determined after consultation with the appropriate personnel of the Federal Bureau of Prisons and consultation among counsel for the parties.

IT IS FURTHER ORDERED that the deposition(s) shall not be limited to the seven hour or one day periods referenced in Federal Rule of Civil Procedure 30(d)(1).

IT IS FURTHER ORDERED that Plaintiffs' and Sunset Financial Services Inc.'s deposition(s) of Bryan S. Behrens shall be taken for use at trial and for all purposes permitted under the Federal Rules of Civil Procedure, shall be recorded by stenographic means, and may be videotaped.

DATED May 20, 2011.

BY THE COURT

S/ F.A. Gossett, III
United States Magistrate Judge