



all participating persons. As used in this rule, "counsel" includes pro se parties.

(*emphasis added*). According to the plaintiff's motion, supporting brief and docket activity, there is no evidence to show efforts have been made to resolve this issue between the parties, as required by Neb.R.Civ. P. 7.0.1(i), following the filing of the defendant's Objection. Counsel should consult with the opposing party in an attempt to resolve the outstanding subpoena duces tecum issue, and the motion may be re-filed after such efforts have been made and documented as required by rule. Upon consideration,

**IT IS ORDERED:**

1. Plaintiff's Motion for Hearing regarding defendant's objection to the subpoena duces tecum ([Filing No. 96](#) in Case No. 8:09CV333; [Filing No. 54](#) in Case No. 8:09CV170) is denied without prejudice.

**ADMONITION**

Pursuant to [NECivR 72.2](#) any appeal of this Order shall be filed with the Clerk of the Court within fourteen (14) days after being served with a copy of this Order. Failure to timely appeal may constitute a waiver of any objection to the Order. The brief in support of any appeal shall be filed at the time of filing such appeal. Failure to file a brief in support of any appeal may be deemed an abandonment of the appeal.

DATED this 3rd day of March, 2010.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge

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