

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

**DAVID D. INGWERSEN,**

**Plaintiff,**

**v.**

**PLANET GROUP, INC. and WEST  
PARTNERS, LLC,**

**Defendant.**

**8:09CV249**

**ORDER**

**PLANET GROUP, INC.,**

**Plaintiff,**

**v.**

**DAVID INGWERSEN,**

**Defendant.**

**8:09CV263**

**ORDER**

**PLANET GROUP, INC.,**

**Plaintiff,**

**v.**

**DAVID INGWERSEN,**

**Defendant.**

**8:10CV453**

**ORDER**

These consolidated cases are before the magistrate judge on the parties' motions to compel discovery. Planet Group also requests an award of sanctions and an expedited ruling. It appears highly likely that these motions will be resolved based on the considerations discussed in the court's order of January 25, 2011 (overruling Planet Group's objections to Ingwersen's notice of intent to serve a Rule 45 records subpoena on Planet Group's accountants). Furthermore, based on the content and tenor of these motions and exhibits thereto, the court is not persuaded that either parties' attorneys have conferred in good faith, as required by Fed. R. Civ. P. 37(a) and NECivR 7.0.1(i), in an attempt to resolve their discovery disputes.

**IT IS ORDERED:**

1. Counsel are ordered to confer, as required by Fed. R. Civ. P. 37(a) and NECivR 7.0.1(i), in an actual good-faith effort to resolve these discovery disputes. If counsel are successful in resolving their differences, and the motions can be withdrawn or denied as moot, counsel shall file written notices to that effect no later than **Friday, February 4, 2010**.

2. If counsel find they are unable to resolve their current discovery disputes, they shall file sworn affidavits with the court explaining why it is impossible for them to resolve the disputes without seeking court action. Said affidavits shall be filed no later than the close of business on **Friday, February 4, 2010**, together with fully-briefed responses to the motions to compel, specifically identifying and addressing each discovery request and objection at issue. No reply briefs will be allowed.

**DATED January 28, 2011.**

**BY THE COURT:**

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