

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

LUIS EDUARDO SAN JUAN,)	CASE NO. 8:10CV133
)	
Plaintiff,)	
)	ORDER
v.)	
)	
FIRST NATIONAL BANK OF OMAHA,)	
)	
Defendant.)	

This matter is before the Court on the Defendant’s Motion to Strike and Exclude Testimony of Patrick J. Barrett (Filing No. 76). The Motion is supported by a Brief (Filing No. 77) and Index of Evidence (Filing No. 78). Barrett is Defendant’s counsel of record in this case.

In the Plaintiff’s responsive Brief (Filing No. 80), he states: “Upon further reflection, however, Plaintiff agrees that Mr. Barrett is not an essential witness for his case in chief, and will agree not to call him as a witness at trial.” (*Id.* at 2). Accordingly, the Motion to Strike and Exclude Testimony of Patrick J. Barrett will be granted.

IT IS ORDERED:

1. Defendant’s Motion to Strike and Exclude Testimony of Patrick J. Barrett (Filing No. 76) is granted;
2. The name of Patrick J. Barrett is stricken from the Plaintiff’s witness list.

DATED this 25th day of April, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge