

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LEE DOBISH, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 RAIN AND HAIL, LLC, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

8:11CV41

MEMORANDUM AND ORDER

Before the court are the plaintiff’s objections, Filing No. 50, to the Order, Filing No. 49, of Magistrate Judge Thomas D. Thalken. Pursuant to [NECivR 72.2](#) and 28 U.S.C. § 636, the court has conducted a de novo review of the record and the court affirms the Order of Magistrate Judge Thalken and overrules the objections of the plaintiff in their entirety.

This case is initially before the court from an appeal of an arbitration decision regarding the defendant’s denial of plaintiff’s insurance claim. Filing No. 1. The issue currently before the court involves plaintiff’s Motion to Compel Deposition by Written Questions.<sup>1</sup> Filing No. 42. The magistrate judge determined that of the four requested questions, the first one was valid, the second one as rewritten was valid, and the third and fourth questions were without merit and not relevant. Plaintiff objected to these findings. Filing Nos. 50 and 51. Plaintiff argues he is only seeking factual information related to loss amounts as it relates to the knowledge of the arbitrator.

---

<sup>1</sup>The magistrate judge had previously granted leave, in part, to depose the arbitrator in this case with a limited number of interrogatories. The magistrate judge limited the quantity and content of the interrogatories and required that plaintiff confer with defense counsel prior to submitting the interrogatories. Filing No. 39.

The court has carefully reviewed the objections of the plaintiff and finds them to be without merit. The magistrate judge thoroughly discussed the rationale for the questions he allowed and disallowed. The court finds the analysis of the magistrate judge is correct in all respects and overrules the objections of the plaintiff.

THEREFORE, IT IS HEREBY ORDERED:

1. The Order, Filing No. 49, is affirmed in its entirety.
2. The objections of the plaintiff, Filing No. 50, are overruled.

DATED this 23<sup>rd</sup> day of January, 2012.

BY THE COURT:

s/ Joseph F. Bataillon  
\_\_\_\_\_  
United States District Judge

---

\*This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.