

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

BOBBY DAVIS, BRENDA DAVIS,)	
and GEOFFREY DAVIS,)	
)	
Plaintiffs,)	8:11CV69
)	
v.)	
)	
BAMFORD, INC. and NANCY MARET)	ORDER
PACKER, Personal)	
Representative of the ESTATE)	
OF MICHAEL PACKER,)	
)	
Defendants.)	
_____)	

This matter is before the Court on defendants' motion for leave to respond to plaintiffs' reply brief and to reconsider the Court's order granting a motion for protective order pursuant to Federal Rule of Civil Procedure 26(c) (Filing No. [52](#)). Defendants had sought to compel plaintiffs' attendance at depositions in Omaha, Nebraska, scheduled for November 28-29, 2011. Plaintiffs, who live in Dallas, Texas, filed a motion for protective order requesting that the depositions take place in Dallas, rather than in Omaha (Filing No. [42](#)). Defendants filed a brief in opposition to the motion for protective order (Filing No. [45](#)). Plaintiffs then filed a reply brief in support of their motion, to which they attached three affidavits outlining the difficulties they would have if required to attend depositions in Nebraska (Filing No. [46](#)). The Court granted the motion for protective order, ruling quickly so that the parties could be on

notice where the depositions, scheduled for November 28 and 29, 2011, would take place.

The Court understands that the depositions did not take place as scheduled. In light of defendants' objection that they did not have an opportunity to respond to plaintiffs' affidavits attached to plaintiffs' reply brief, the Court will grant defendants' motion to file a surreply brief in response to plaintiffs' reply brief and accompanying affidavits. The Court will stay its protective order pending defendants' surreply. Accordingly,

IT IS ORDERED:

1) The order granting plaintiffs' motion for protective order (Filing No. [48](#)) is stayed; and

2) Defendants shall file a surreply brief with the Court responding to plaintiffs' reply brief and affidavits by December 6, 2011.

DATED this 29th day of November, 2011.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court