

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

MONICA CORTEZ and ROCIO)	
REYES,)	
)	
Plaintiffs,)	8:11CV228
)	
v.)	
)	
PHARMA CHEMI, INC., a)	ORDER
Nebraska corporation,)	
)	
Defendant.)	
_____)	

This matter is before the Court on defendant's motion to compel discovery (Filing No. [18](#), with index of evidence, Filing No. [19](#)). In response to the motion to compel discovery, plaintiffs filed a motion for enlargement of time to respond to discovery (Filing No. [21](#)) and a motion to sever claims (Filing No. [22](#)). Plaintiffs' counsel states, "During the course of the litigation, the undersigned Counsel has been unable to maintain contact with Plaintiff Monica Cortez and, recently, has had no contact whatsoever with said Plaintiff despite repeated and consistent efforts by Counsel" (Filing No. [22](#), at 1).

In addition, "There are outstanding discovery requests served upon both Plaintiffs by Defendant and Plaintiff Rocio Reyes has provided her responses to Counsel; . . . The undersigned believes that he would be remiss to place responses by Reyes in the record of Cortez's case without an opportunity to review those with Cortez as Cortez's counsel" (*Id.*).

Consequently, plaintiffs' counsel "prays this Court sever the Plaintiffs' actions and grant such other and further relief as the Court deems just and equitable" (*Id.* at 2). Defendant has not responded to plaintiffs' motion to sever.

The Court finds the motion to sever should be granted. Accordingly,

IT IS ORDERED:

1) Plaintiffs' motion to sever claims (Filing No. [22](#)) and motion for enlargement of time to respond to discovery (Filing No. [21](#)) are granted. Now that the claims are severed, each of the plaintiffs will promptly proceed with discovery.

2) Plaintiff Rocio Reyes shall respond to defendant's outstanding discovery requests on or before June 18, 2012.

3) Plaintiff's counsel shall advise the Court and opposing counsel on or before July 13, 2012, whether Monica Cortez will remain as a plaintiff in this action.

4) Defendant's motion to compel (Filing No. [18](#)) is denied without prejudice.

DATED this 12th day of June, 2012.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court