

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

CHARLES EVANS, III,

Plaintiff,

vs.

NEBRASKA BEEF, LTD.,

Defendant.

8:12CV161

ORDER

This matter is before the court on the defendant's Motion to Compel and for Additional Time to Complete Discovery (Filing No. 58). The defendant states the plaintiff failed to appear for his October 7, 2013, deposition and did not cooperate with the defendant to reschedule the deposition. Additionally, the defendant states the plaintiff failed to timely respond to Interrogatories and Requests for Production served by the defendant on September 9, 2013. The defendant seeks a court order compelling the plaintiff to appear for a deposition and respond to the written discovery. Finally, the defendant requests an extension of the October 17, 2013, discovery deadline to resolve the current outstanding discovery issues. Accordingly,

IT IS ORDERED:

1. The defendant's Motion to Compel and for Additional Time to Complete Discovery (Filing No. 58) is held in abeyance pending the plaintiff's response.
2. The plaintiff shall have until the **close of business on November 4, 2013**, to respond to the defendant's motion by filing a brief.
3. The parties' discovery deadline will be re-scheduled upon resolution of the defendant's motion to compel.

Dated this 16th day of October, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge