

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

ROBERT WAGNER,

Plaintiff,

vs.

CITY OF OMAHA, et al.,

Defendants.

8:12CV392

ORDER

This matter is before the court on the defendants' Motion to Quash and Notice of Service of Objections to Subpoenas Served on Dr. Joel Cotton and Bruce Siddle (Filing No. 151). In March, the plaintiff served subpoenas for documents and depositions on two of the defendants' expert witnesses. **See** Filing No. 153 - Exs. 4-5. Thereafter, the plaintiff filed separate motions in limine related to Dr. Cotton and Mr. Siddle, arguing these witnesses should not be allowed to testify at trial and their opinions barred under Federal Rules of Evidence 402, 403, 702, and *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993). **See** Filing Nos. 143 and 154. Although the parties have concluded briefing on the defendants' motion to quash, they agree the issues raised in the motion may become moot upon resolution of the plaintiff's motions in limine. **See** Filing No. 157 - Brief p. 11-12; Filing No. 160 - Reply p. 7-8. Additionally, the plaintiff agreed to reschedule the depositions to mutually agreed dates and times. **See** Filing No. 157 - Brief p. 11. Accordingly, the court will quash the March 2014 subpoenas to allow the parties an opportunity to reschedule the depositions, as necessary after determination of the plaintiff's motions in limine. The court will not offer an advisory opinion regarding the other issues raised in the motion to quash, however the parties' briefs suggest they may be able to resolve many of the issues themselves. In the event consensus is unattainable, the parties may file the appropriate motions with more thorough briefing on the remaining discrete issues.

IT IS ORDERED:

The defendants' Motion to Quash and Notice of Service of Objections to Subpoenas Served on Dr. Joel Cotton and Bruce Siddle (Filing No. 151) is granted to the extent the March 2014 subpoenas are considered quashed, without prejudice.

Dated this 14th day of April, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge