

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

\$84,000.00 IN UNITED STATES
CURRENCY,

Defendant.

8:13CV323**ORDER**

The evidentiary hearing on the Claimant's motion to suppress, (Filing No. 20), was held on September 11, 2014. At the close of the hearing, the parties discussed whether testimony from the driver, Bao Yang, was relevant and necessary. The court questioned whether Bao Yang had any reasonable expectation of privacy sufficient to refuse consent to the vehicle search or to revoke her consent. Irrespective of the answer to that question, an interpreter was needed but unavailable for securing Bao Yang's testimony at the hearing itself. The court agreed to keep the evidentiary record open pending further briefing and the parties' decision on whether Bao Yang's testimony would be submitted to the court by deposition.

The Claimant filed a post-hearing brief. (Filing No. 29). The brief states "[t]he parties intend to depose Bao Yang to determine if she agrees that she consented to a search of the vehicle." (Filing No. 29, at CM/ECF p. 2-3). This sentence suggests the parties may intend to submit additional evidence on the pending motion to suppress, but the parties may have decided otherwise. Bao Yang's deposition has not yet been filed.

Accordingly,

IT IS ORDERED:

1) On or before November 18, 2014, the parties shall jointly notify the court as to whether additional evidence will be submitted on the Claimant's motion to suppress, (Filing No. 20), and, if so, when that evidence will be available.

2) Absent timely notice as required under paragraph 1, the court will deem the motion fully submitted as of November 19, 2014.

November 4, 2014.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge