

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

ACI WORLDWIDE CORP.,)
)
 Plaintiff,)
)
 v.)
)
 MASTERCARD TECHNOLOGIES,)
 LLC and MASTERCARD)
 INTERNATIONAL)
 INCORPORATED,)
)
 Defendants.)

8:14CV31

ORDER

This matter is before the court on ACI Worldwide Corp.’s (“ACI”) Motion to Deem BHMI’s Motion to Quash Document Subpoena Fully Briefed and Ripe for Decision ([Filing No. 361](#)). ACI requests the court issue a consolidated ruling on ACI’s Motion to Compel BHMI’s Compliance with Document Subpoena ([Filing No. 346](#)) and BHMI’s Motion to Quash Subpoena or For a Protective Order and Request for Oral Argument ([Filing No. 355](#)). ACI’s motion to compel and BHMI’s motion to quash both concern ACI’s document subpoena directed to BHMI.

ACI filed its motion to compel on April 27, 2016. ([Filing No. 346](#)). BHMI filed its motion to quash on May 16, 2016. ([Filing No. 355](#)). BHMI filed one brief ([Filing No. 356](#)) and index of evidence ([Filing No. 357](#)) both in support of its motion to quash and in opposition to ACI’s motion to compel. ACI filed its reply brief and evidence in support of its motion to compel on May 26, 2016. (Filing Nos. 362, 363, and 365). ACI’s brief in opposition to BHMI’s motion to quash is not due until June 3, 2016. ACI asserts that, in lieu of filing a brief in opposition to BHMI’s motion to quash, ACI incorporated briefing and evidence previously filed together with its reply brief. ACI requests the court consider its reply brief and evidence filed on May 26, 2016, as its response to BHMI’s motion to quash. ([Filing No. 361 at p. 3](#), ¶¶ 12-13). ACI represents its reply brief and accompanying index of evidence contains no “new” information that BHMI needs to be provided time in which to file a reply. (*Id.* at ¶ 13). ACI therefore requests the court

deem BHMI's motion to quash fully briefed and submitted to the court, without providing BHMI time to file a reply. The court declines to eliminate BHMI's right to file a reply brief in support of its motion to quash. However, in the interest of judicial economy, the court will consider ACI's reply brief and evidence as its response to BHMI's motion to quash. BHMI may file a reply brief in support of its motion to quash on or before June 3, 2016. Finally, as the motion to compel ([Filing No. 346](#)) and motion to quash ([Filing No. 355](#)) relate to the same document subpoena, the court will consider them together and issue a consolidated ruling.

IT IS ORDERED: ACI's Motion to Deem BHMI's Motion to Quash Document Subpoena Fully Briefed and Ripe for Decision ([Filing No. 361](#)) is granted, in part, and denied, in part as follows:

1. The court will issue a consolidated ruling on ACI's Motion to Compel ([Filing No. 346](#)) and BHMI's Motion to Quash ([Filing No. 355](#)).
2. BHMI may file a reply brief in support of its motion to quash on or before June 3, 2016.

DATED: May 27, 2016.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**