

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

|  |   |                  |
|--|---|------------------|
| <b>U.S. BANK NATIONAL<br/>ASSOCIATION,</b>   | ) |                  |
|  | ) | <b>8:15CV299</b> |
| <b>Plaintiff,</b>  | ) |                  |
|  | ) | <b>ORDER</b>     |
| <b>v.</b>  | ) |                  |
|  | ) |                  |
| <b>NORFOLK COUNTRY INN, L.L.C.,<br/>ROBERT L. PAGAN, and MICHAEL<br/>WIESELER,</b> | ) |                  |
|  | ) |                  |
| <b>Defendants.</b>   | ) |                  |

This matter comes before the court on Plaintiff’s Motion to Quash Subpoenas. ([Filing No. 65](#)). The court will deny the motion.

On February 12, 2016, Defendants filed notices of intent to serve subpoenas to produce documents on three nonparties. The subpoenas requested production on March 1, 2016, of certain documents. ([Filing No. 61](#); [Filing No. 62](#); [Filing No. 63](#)). On February 17, 2016, Plaintiff emailed counsel for Defendants stating such discovery would be prejudicial because discovery deadlines would expire. ([Filing No. 65-1](#)). Plaintiff filed the instant motion to quash on February 22, 2016. ([Filing No. 65](#)).

Plaintiff seeks to quash the subpoenas as untimely and as causing unfair prejudice because the subpoenas requested production of documents on March 1, 2016, leaving Plaintiff no time to review the produced documents and conduct further discovery or to file dispositive motions in response, in accordance with the court’s deadlines. The court’s progression order dated January 25, 2016, had set the summary judgment deadline for March 15, 2016, the deposition deadline for February 29, 2016, and the written discovery deadline for January 22, 2016. ([Filing No. 59](#)). However, the court has since extended the complained of discovery deadlines. On February 29, 2016, the court granted Defendants’ motion to extend discovery and dispositive motion deadlines ([Filing No. 67](#)), extending the summary judgment deadline to May 16, 2016, the deposition deadline to April 29, 2016, and the written discovery deadline to April 29,

2016. (Filing No. 69). As Plaintiff's only reason for seeking to quash the subpoenas was due to their untimeliness prior to the court's extension of the above deadlines, the court finds no reason to quash the subpoenas. Accordingly,

**IT IS ORDERED:** Plaintiff's Motion to Quash Subpoenas ([Filing No. 65](#)) is denied.

**DATED: March 29, 2016**

**BY THE COURT:**

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