

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Chuck Streblow, et al. v. Club 180, et al.

Streblow · No. 8:25CV241 · Decided December 3, 2025

SUMMARY

The United States District Court for the District of Nebraska denied Plaintiffs’ unopposed motion to compel mediation. The court found that not all defendants had been served, the parties had not meaningfully conferred, and mediation was premature, while cautioning counsel about accurate representations and potential sanctions under Federal Rule of Civil Procedure 11.

CASE DETAILS

COURT	United States District Court for the District of Nebraska
WRITING FOR THE COURT	Ryan C. Carson
JURISDICTION	United States District Court for the District of Nebraska
DECIDED	December 3, 2025
DOCKET	8:25CV241
DISPOSITION	denied
PROCEDURAL POSTURE	Plaintiffs moved for an order compelling mediation. The motion was unopposed as captioned, but the court found that the parties had not engaged in a meaningful good-faith conferral process and that not all defendants had been served.
STANDARD OF REVIEW	The court applied the requirements of the District of Nebraska's mediation plan and evaluated whether mediation was presently a practical possibility, as well as whether plaintiffs had complied with applicable service and conferral requirements.
PRECEDENTIAL VALUE	Unknown
PARTIES	Chuck Streblow, et al. v. Club 180, et al.

TOPICS

- mediation
- service of process
- sanctions
- civil procedure

PRACTICE AREAS

- Civil procedure
- Alternative dispute resolution
- Professional responsibility

QUESTIONS PRESENTED

1. Whether the court should compel mediation before all named defendants had been served.
2. Whether plaintiffs' motion satisfied the requirement of a meaningful good-faith conferral and accurately represented its opposition status.
3. Whether mediation was a practical possibility under the District of Nebraska's approved mediation plan at that stage of the case.

HOLDINGS

1. The court denied the motion to compel mediation because three defendants had not yet been served and the request was premature.
2. Plaintiffs' unilateral email, deadline, and treatment of defendants' silence as consent did not constitute a meaningful good-faith conferral, particularly where three defendants had not been served and one defendant apparently objected.
3. The court did not impose sanctions on this motion but expressly cautioned the parties and counsel that future violations of filing and candor obligations could result in sanctions.

KEY QUOTATIONS

“service is not ‘made’ until the third publication, and prior to the third publication, a defendant is ‘not served’”

“which simply does not constitute a good faith meaningful effort to confer.”

“invoking the court’s power to order mediation now seems premature.”

FACTUAL BACKGROUND

Plaintiffs sought to compel mediation, representing that all defendants had been served and that the motion was unopposed. The motion itself indicated that three defendants were still being served by publication, and plaintiffs had not filed the required confirmation of service. Plaintiffs' counsel invited defendants to mediate by email, stated that silence would be treated as approval, and apparently received an objection from one defendant; the court found that this did not constitute a meaningful good-faith conferral.

PROCEDURAL HISTORY

The court had previously authorized service by publication on three defendants and required plaintiffs to file notice confirming that all defendants had been served. Plaintiffs then moved to compel mediation before completion of service and before the court could determine that mediation was a practical possibility under the District of Nebraska's mediation plan. The district court denied the motion without prejudice to renewal at an appropriate time.

DISPOSITION

denied

CASES CITED

- State Farm Mut. Auto. Ins. Co. v. Allstate Ins. Co., 268 Neb. 439, 684 N.W.2d 14 (2004)

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