

		Executive Board Las Vegas. (More, Paul) (Entered: 10/28/2015)
10/29/2015	<u>12</u>	CERTIFICATE of Interested Parties filed by Bartenders Union Local 165, Culinary Workers Union Local 226, Local Joint Executive Board Las Vegas. There are no known interested parties other than those participating in the case . (More, Paul) (Entered: 10/29/2015)
11/03/2015	<u>13</u>	ORDER ON STIPULATION Granting <u>11</u> STIPULATION FOR EXTENSION OF TIME (First Request) re <u>1</u> Complaint. Defendants' Answer due 11/30/2015. Signed by Magistrate Judge George Foley, Jr on 11/03/2015. (Copies have been distributed pursuant to the NEF - NEV) (Entered: 11/03/2015)
11/30/2015	<u>14</u>	VERIFIED PETITION for Permission to Practice Pro Hac Vice by Bart A. Lazar and DESIGNATION of Local Counsel Jonathan W. Fountain (Filing fee \$ 250 receipt number 0978-3906566) filed by Plaintiffs Trump Ruffin Commercial LLC, Trump Ruffin Tower I LLC . (Fountain, Jonathan) (Entered: 11/30/2015)
11/30/2015	<u>15</u>	MOTION to Dismiss by Defendants Bartenders Union Local 165, Culinary Workers Union Local 226, Local Joint Executive Board Las Vegas. Responses due by 12/17/2015. (Attachments: # <u>1</u> Memorandum In Support)(Martin, Kristin) (Entered: 11/30/2015)
12/01/2015	<u>16</u>	ORDER Granting <u>14</u> Verified Petition for Permission to Practice Pro Hac Vice for Attorney Bart A. Lazar and approving Attorney Jonathan W. Fountain as Designation of Local Counsel for Plaintiffs. Signed by Chief Judge Gloria M. Navarro on 12/2/2015. Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> (Copies have been distributed pursuant to the NEF - SLD) (Entered: 12/02/2015)
12/17/2015	<u>17</u>	RESPONSE to <u>15</u> Motion to Dismiss, filed by Plaintiffs Trump Ruffin Commercial LLC, Trump Ruffin Tower I LLC. Replies due by 12/27/2015. (Attachments: # <u>1</u> Exhibit A) (Fountain, Jonathan) (Entered: 12/17/2015)
12/22/2015	<u>18</u>	REPLY to Response to <u>15</u> Motion to Dismiss filed by Defendants Bartenders Union Local 165, Culinary Workers Union Local 226, Local Joint Executive Board Las Vegas. (Martin, Kristin) (Entered: 12/22/2015)
01/05/2016	<u>19</u>	NOTICE of Change of Firm Name and Email Address by Trump Ruffin Commercial LLC, Trump Ruffin Tower I LLC. (Fountain, Jonathan) (Entered: 01/05/2016)
08/08/2016	<u>20</u>	ORDER Granting Defendants' <u>15</u> Motion to Dismiss. Plaintiffs have 21 days from the date of this Order to file an amended complaint. Failure to file an amended complaint by this date shall result in the dismissal of Plaintiffs' claims with prejudice. Signed by Chief Judge Gloria M. Navarro on 8/8/2016. (Copies have been distributed pursuant to the NEF - SLD) (Entered: 08/08/2016)

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## People: Jerome F. Buch, *Partner*

### Practices & Sectors

#### Construction

Surety & Professional Liability/Bond Actions

Construction Claims/REAs

Dispute Resolution & Alternative Dispute Resolution

Project Administration & Dispute Avoidance

Commercial Litigation

Contract Disputes

Real Estate Litigation

Alternative Dispute Resolution

Government Contracts

Bid Protests & Claims Litigation

Real Estate

Retail

### Geographies

United States



### Jerome F. Buch

*Partner*

Chicago

Direct: (312) 460-5927

Fax: (312) 460-7927

email vCard

### Biography

Mr. Buch is a partner in the Construction Practice Group. Mr. Buch has substantial experience in all manner of construction and real estate disputes at the federal, state, and appellate court levels including commercial mortgage and mechanics lien foreclosure litigation; breach of warranty and defective work claims, delay and acceleration claims, title disputes, payment and performance bond liability, insurance coverage issues, and public sector construction contracts and claims.

Representative cases he has handled include Block 37, Chicago, Illinois Mortgage Foreclosure; Soldier Field and U.S. Cellular Field, Chicago, Illinois; Venetian Casino & Hotel, Las Vegas, Nevada; Two Prudential Plaza Building, Chicago, Illinois; the Blue Chip Casino in Michigan City, Indiana; the Eastern Illinois University Power Plant Conversion Project, Charleston, Illinois; and other large commercial and residential developments.

Mr. Buch also has substantial experience in other commercial contract disputes, fraud and fraudulent transfer claims, class action litigation, trade secrets, and breach of fiduciary duty claims.

### Education

J.D., DePaul University College of Law (1982)

B.S., Loyola University, Chicago (1979)

### Admissions

Illinois

### Courts

U.S. District Court for the Central, Northern and Southern Districts of Illinois

### Honors

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Seyfarth Shaw Attorneys Named in The Best Lawyers in America® 2015

### Practice Accolades

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7/14/2016

Jerome F. Buch - Construction Attorney - Seyfarth Shaw LLP

U.S. District Court for the District of New Jersey



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**EXHIBIT V**

# SEYFARTH SHAW

People: Heath A. Havey, *Counsel*

## Practices & Sectors

Labor & Employment

International Employment Law

California Labor Code Litigation

Complex Discrimination Litigation

Employment Litigation

Wage & Hour Litigation

Wage & Hour Class and Collective Actions

Wage & Hour Audit, Assessment, and Counseling

## Geographies

United States



## Heath A. Havey

*Counsel*

Sacramento

[email](#) [vCard](#)

## Biography

Mr. Havey is counsel in the Sacramento office of Seyfarth Shaw LLP, and is a member of the Labor & Employment Department. He focuses on innovative and efficient ways to resolve and defend employers in wage-hour class action lawsuits. He also regularly represents employers in all aspects of labor and employment litigation, including discrimination, harassment, wrongful termination, retaliation, litigation avoidance, and representative actions such as the Private Attorneys General Act ("PAGA"). He has successfully represented clients in state and federal court, administrative procedures, and in multidistrict litigation.

Mr. Havey has special expertise in advising multinational companies in labor and employment matters related to Japan and United States operations, including compliance, transactional matters, mass employment mergers and acquisitions, cross-border litigation, transnational contracts, and globalization. He is frequently asked to write and lecture regarding the international and domestic aspects of cross-cultural labor and employment matters between Japanese and United States companies. Mr. Havey is fluent in Japanese and has a comprehensive understanding of Japanese employment practices and laws.

While residing in Japan, Mr. Havey attained the distinguished qualification of becoming licensed to practice as a Registered Foreign Lawyer in Japan (Gaikokuho Jimu Bengoshi) and was a member of the Japan Bar Association (Nichibenren). He practiced in Tokyo for a number of years.



## Law360 Practice Group of the Year

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## Practice Accolades

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Law360 Names Seyfarth "Practice Group of the Year" in Employment Law for Fifth Straight Year

Seyfarth's Jeffrey Berman Honored with the California Hospital Association's Certificate of Distinction

Mr. Havey was an adjunct law professor at the Tokyo campus of Temple Law School, where he taught international labor and employment law, civil procedure, and international contract law. He currently serves as editor of the Japan Employment Law section of the Wolters Kluwer treatise Employment Law Asia.

Mr. Havey previously worked in the Tokyo and San Diego offices of Baker & McKenzie as an international labor and employment lawyer, as a domestic labor and employment litigator in Las Vegas, and eight years as a domestic class action litigator at the Sacramento offices of Jackson Lewis P.C.

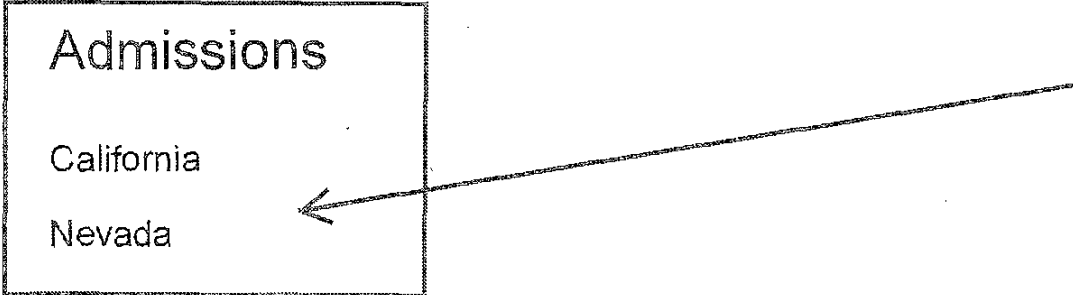
## Education

J.D., J. Reuben Clark School of Law (1998)  
Temple Law School, Tokyo Campus Japan

B.A., Brigham Young University (1995)

### Admissions

California  
Nevada



## Courts

U.S. District Court for the Eastern District of California  
U.S. District Court for the Northern District of California  
U.S. District Court for the Southern District of California  
U.S. District Court for the Central District of California  
U.S. District Court of Nevada  
U.S. Court of Appeals for the Ninth Circuit

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## People: Mark P. Grajski, *Partner*

### Practices & Sectors

#### Labor & Employment

Complex Discrimination Litigation

Workplace Counseling & Solutions

Employment Litigation

California Labor Code Litigation

Wage & Hour Litigation

California Wage & Hour Litigation

### Geographies

United States



### Mark P. Grajski

*Partner*

Sacramento

Direct: (916) 498-7006

Fax: (916) 558-4839

email vCard

## Biography

Mark Grajski is a partner in the Sacramento office of Seyfarth Shaw LLP. He is a member of the firm's Employment Litigation & Counseling and Wage & Hour Litigation practice groups. He is also a member of the firm's National Trial Team. He has extensive experience representing clients in the agriculture, retail, insurance, transportation, distribution and technology industries in class and collective action lawsuits, as well as other types of high exposure claims.

During one year alone, Mr. Grajski secured three complete defense verdicts in separate jury trials, including a four-plaintiff lawsuit for racial discrimination and wrongful termination. He has tried cases involving claims of age, disability, race and sex discrimination, failure to accommodate disability, sexual and racial harassment, retaliation, independent contractor misclassification, exempt status misclassification and breach of contract. He also has wage & hour class action trial experience.

Mr. Grajski has a proven record of success in resolving cases short of trial as well, including through motions to dismiss, summary judgment, mediation and informal settlement discussions. He has secured a number of walk-away and nuisance value settlements, including the dismissal of a putative statewide class action for a single payment of \$1,000 to the class representative in a case brought on behalf of approximately 500 call center employees.

Mr. Grajski regularly advises employers in all areas of employment law, including wage & hour issues, farm labor contracting, reasonable accommodation, leaves of absence, terminations, reductions in force and internal investigations.

## Education

J.D., University of California, Davis, King Hall School of Law (1995)

### Seyfarth Blog Contributor

California Peculiarities Employment Law Blog

Workplace Class Action Blog



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Seyfarth named one of Law360's top Employment "Practice Groups of the Year."



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### Honors

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### Practice

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Senior Research Editor, *UC Davis Law Review*

B.A., Columbia University (1985)

Admissions

California

Courts

- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. District Court for the Eastern, Northern, Central and Southern Districts of California
- U.S. District Court for the District of Oregon
- U.S. District Court for the District of Nevada

Accolades

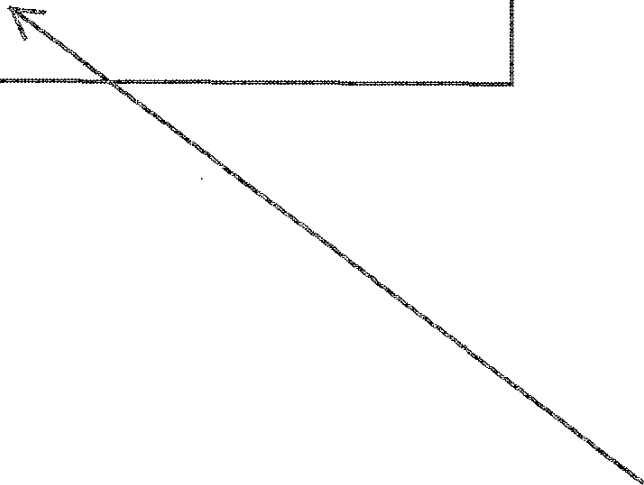
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## People: Aaron R. Lubeley, *Partner*

### Practices & Sectors

#### Labor & Employment

Complex Discrimination Litigation

Workplace Counseling & Solutions

Employment Litigation

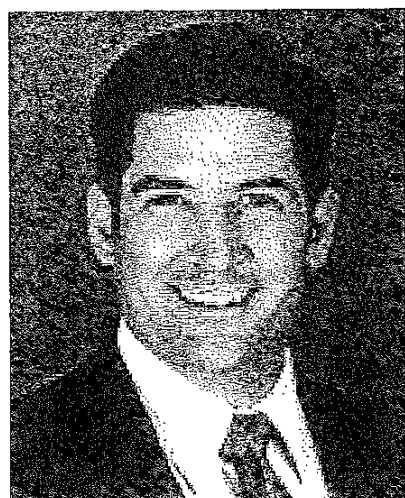
Wage & Hour Litigation

California Labor Code Litigation

California Wage & Hour Litigation

### Geographies

United States



### Aaron R. Lubeley

*Partner*

Los Angeles - Downtown

Direct: (213) 270-9636

Fax: (310) 201-5219

email vCard

### Biography

Mr. Lubeley is Co-Managing Partner of Seyfarth Shaw LLP's Los Angeles (Downtown) office and a partner in the Labor and Employment Department. His practice focuses on defending employers in complex collective and class action litigations. Mr. Lubeley is a member of the firm's Wage & Hour Litigation Practice Group, and the hiring partner for the Downtown Los Angeles office.

Mr. Lubeley has litigated numerous class and collective actions for alleged wage and hour violations under both state and federal law for clients in the financial printing, retail, hospitality, restaurant, oil & gas, telecommunications, government services and airline industries. These cases include claims alleging misclassification of employees as exempt or as independent contractors; "off-the-clock" and regular rate violations; denied reimbursements; improper wage deduction, miscalculation of commissions and bonuses; failure to pay prevailing wages; and meal/rest break violations. Mr. Lubeley also advises clients on conducting pre-litigation wage and hour audits.

### Education

J.D., Loyola Law School at Los Angeles (1998)

B.A., California State University (1994)

### Admissions

California

### Courts

U.S. District Court for the Central, Eastern, Northern, Southern and Districts

### Seyfarth Blog Contributor

California Peculiarities Employment Law Blog

Workplace Class Action Blog



### Law360 Practice Group of the Year

Seyfarth named one of Law360's top Employment "Practice Groups of the Year."

### Honors

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### Practice Accolades

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### News

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12/24/2015  
Aaron Lubeley quoted in

7/14/2016

Aaron R. Lubeley - Labor & Employment Attorney - Seyfarth Shaw LLP

of California

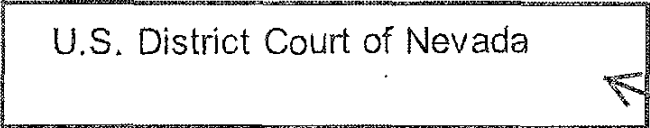
Law360

U.S. District Court of Colorado

Publications

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U.S. District Court of Nevada







## People: Jon D. Meer, *Partner*

### Practices & Sectors

Labor & Employment

Wage & Hour Litigation

Complex Discrimination Litigation

California Wage & Hour Litigation



### Jon D. Meer

*Partner*

Los Angeles - Century City

Direct: (310) 201-1586

email vCard

### Seyfarth Blog Contributor

Wage & Hour Litigation Blog

California Peculiarities Employment Law Blog

ADA Title III News & Insights Blog

Workplace Class Action Blog

### Specialty Teams

ADA Title III Team

### Biography

### Geographies

United States

Mr. Meer is a partner in the Los Angeles office of Seyfarth Shaw LLP. He is a member of the Labor & Employment Department and has extensive experience representing global clients in class action and collective action lawsuits, as well as several other types of high exposure claims.

Mr. Meer has successful experience in litigation and client counseling of employers in all areas of wage & hour class action and collective action litigation, mass layoffs and related litigation, employment discrimination class actions, and high exposure claims for wrongful discharge, discharge in violation of public policy, sexual and other harassment, disability, reasonable accommodation and access issues, labor arbitration, unfair business practice litigation under California Business & Professions Code Section 17200, employee benefits litigation, and protection of employer trade secrets and non-competition issues.

Mr. Meer also has assisted numerous clients in large employment-related transactions such as wage & hour compliance audits, corporate restructuring, plant or facility closures, reductions in force, mergers, acquisitions and divestitures, internal investigations, state and federal audits and investigations, trade secret protection and privacy issues, electronic discovery issues, and document retention for litigation.

### Professional Accolades and Peer Recognition

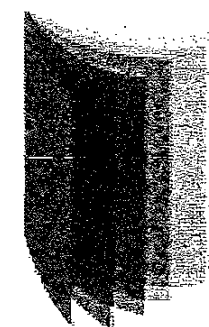
Mr. Meer has been named to the list of *Top 75 Lawyers in California* by the *Daily Journal* legal newspaper, which selects the Top 75 California labor and employment attorneys, based on professional accomplishments and case victories.

Mr. Meer also has been selected to be included in *The Best Lawyers In America*. This publication is based on a peer review process where leading lawyers confidentially evaluate their professional peers in 135 practice areas, covering all 50 states and the District of Columbia. The lawyers



### Law360 Practice Group of the Year

Seyfarth named one of Law360's top Employment "Practice Groups of the Year."



### 2016 Workplace Class Action Litigation Report

Order the Seyfarth Shaw 2016 Workplace Class Action Report.

### Honors

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selected are the top 1%, based on the evaluations received.

Mr. Meer also has been selected to be included in *Los Angeles' Best Lawyers*, which is published by *The Best Lawyers In America*. This publication selects approximately 100 lawyers in the field of labor and employment law, in the Los Angeles area.

Mr. Meer is listed in the National Bar Registry of Preeminent Lawyers and has an "AV" Rating from Martindale-Hubbell/Thomson-Reuters, which is their highest peer review survey rating for legal abilities and ethical standards. Mr. Meer also received a 5.0 out of 5 peer top ranking for legal abilities by *lawyers.com*.

Mr. Meer has also been included in *Southern California's Top Rated Lawyers*, based on a peer review survey that selected approximately 100 employment lawyers. The selection process was conducted by American Law Media Publishing and the listing appeared in *The American Lawyer* and *The Los Angeles Times*.

Mr. Meer also has been elected to be included in the *Southern California Super Lawyers* in the area of Labor & Employment Law in a peer ranking survey in *Los Angeles Magazine* and has been included in the *Nationwide Corporate Counsel Edition of Super Lawyers* based on national rankings from in-house corporate counsel at *Fortune 500 companies*.

Mr. Meer has also been selected to be included in the "Top Lawyers" listing selected by the *Beverly Hills Courier*. Mr. Meer has also been listed in the National Register for *Marquis Who's Who In American Business*. Mr. Meer has also been profiled in *Bloomberg Businessweek*.

Mr. Meer is frequently quoted as an expert in labor and employment issues and has appeared in *The Wall Street Journal*, *The New York Times*, *The Los Angeles Times*, *The International Herald Tribune*, *The National Law Journal*, *msnbc.com*, *Law360.com*, *workforce.com*, *law.com*, *complianceweek.com*, *allbusiness.com*, *Inc.Magazine*, *The Los Angeles Business Journal*, *The Los Angeles Daily Journal*, *The San Francisco Recorder and Legal Elite*.

### Trial And Case Victories

Mr. Meer is one of the most successful trial lawyers in Southern California and one of the most successful class action trial lawyers nationwide. He is also one of the original members of the firm's National Trial Team.

Mr. Meer is one of only a handful of employment lawyers in with successful class action trial experience, including the successful defense of wage & hour claims in a class action that went to trial before a Los Angeles jury.

Mr. Meer has handled class action cases with potential exposure of up to \$200 million and has won complete defense verdicts for employers in several wage and hour trials and also obtained complete defense verdicts for employers in over a dozen other jury trials.

Prior to trial, Mr. Meer has a consistent record of defeating class certification in wage & hour cases as well as complex discrimination and civil rights cases. Mr. Meer has defeated class certification or conditional certification in dozens of cases and has obtained summary judgment for

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Named in The Best  
Lawyers in America© 2016

Seyfarth Shaw Attorneys  
Named in The Best  
Lawyers in America© 2015

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employers in over 60 cases in state and federal courts. He has also won appellate cases before the California Court of Appeal and the United States Court of Appeal for the Ninth Circuit. Mr. Meer currently has a case pending before the California Supreme Court, in which the plaintiffs are challenging the denial of class certification.

Mr. Meer also has been particularly successful in recovering significant amounts of money on behalf of employers and companies, after defeating claims brought by former employees. He has recovered attorneys' fees for employers in over a dozen cases after winning dismissal of their lawsuits, with awards of attorneys' fees ranging from \$5,000 to \$1 million.

Mr. Meer has defeated a case brought by a chief executive officer of a pharmaceutical company, resulting in an order for the plaintiff to pay \$1 million in attorneys' fees to the defendant as well as a criminal conviction for the plaintiff. He also defeated a case brought by a Senior Vice President of a large publicly traded company, resulting in an attorneys' fees award to the defendant in excess of six figures. He has also defeated a case brought by an in-house counsel, resulting in an attorneys' fee award to the defendant in excess of six figures, along with litigation costs. He also defeated a case brought by a serial litigant who had previously filed over 100 discrimination cases, resulting in an attorneys' fee award for the defendant in excess of six figures, which was then executed as a judgment lien on the plaintiff's other pending lawsuits.

#### **Successful Class Action Victories, Settlements And Dismissals**

Mr. Meer has defeated class certification in over 20 cases alleging wage-related claims such as failure to pay overtime, failure to pay for "off the clock" work, failure to provide meal or rest periods, failure to reimburse for business expenses, failure to account for tip-related pay, failure to provide accurate wage statements and failure to pay accrued wages. He was defeated class certification in state-wide and nation-wide cases involving claims with potential class sizes of 100 to 27,000 employees.

Mr. Meer has also negotiated favorable class action or collective action settlements in over 30 cases involving wage & hour, unfair competition and discrimination claims.

Recently, he negotiated a class action settlement with a payment representing less than 3% of the potential exposure in a case involving 25,000 current and former convenience store employees of a global corporation with potential damages and penalties exceeding \$125 million.

He also recently negotiated a settlement for less than 5% of the potential exposure in a class action case brought against one of the nation's largest commercial construction companies, which settled on the second day of trial. Before trial, the plaintiff class demanded a settlement in excess of \$15 million.

Mr. Meer also has settled a state-wide class action case involving 600 current and former employees for a single payment of \$5,000 to the class representative.

Mr. Meer also settled a state-wide class action for a single payment of \$1,000 to the class representative, in a case brought on behalf of approximately 500 call center employees.

Mr. Meer also settled a class action case for an \$8,000 payment divided among two class representatives in a lawsuit brought on behalf of over 300 commercial truck drivers.

Mr. Meer obtained a walk-away dismissal of all class action and individual claims in a case alleging failure to pay overtime based on an inaccurate calculation of the "regular rate" of pay, for a potential class of over 3,000 employees.

Mr. Meer also obtained a dismissal of a nationwide class action for failure to pay overtime based on alleged "off the clock" work for a class of over 15,000 retail store employees and obtained dismissal of a California subclass of 6,000 retail store employees alleging meal and rest period violations.

Mr. Meer obtained a walk-away settlement in a class action alleging various ERISA violations for failure to pay benefits, benefit cutbacks and breach of fiduciary duty. The claims alleged in this case, if successful, could have destroyed the solvency of tax-qualified status of the pension plan that was sued.

Mr. Meer also has obtained walk-away settlements in three other class action cases, each of which involved over 300 employees. He has also negotiated favorable settlements in four class action cases brought by large labor unions.

Mr. Meer also obtained a walk-away dismissal of all class action claims in a case filed on behalf of approximately 500 management consultants and analysts, who claimed they were improperly classified as exempt from overtime, meal period and rest period obligations.

Mr. Meer also obtained a walk-away dismissal of all class action claims in a case filed on behalf of approximately 450 insurance adjusters who claimed they were improperly classified as exempt from overtime, meal period and rest period obligations.

Mr. Meer obtained dismissal of a class action brought on behalf of 4,000 current and former employees of a national defense contractor and the case settled for a single payment of \$2,999 to the class representative.

#### **Training, Audits and Litigation Avoidance**

Mr. Meer can arrange on-site training for in-house counsel, executive officers, human resources representatives, management or any level of employees through the "Seyfarth At Work" training series. This training focuses on current issues in employment law presented in programs such as "Managing Within The Law," "Human Resources Nuts And Bolts," "Responding To Internal Complaints" and state-required non-harassment training.

Mr. Meer also conducts full-scale or topical audits of human resources policies or practices to help avoid litigation. These audits include review of all written policies, review of all required employer postings, notices, recordkeeping requirements, review of exempt and non-exempt job classifications and statistical sampling of payroll records to identify potential issues regarding overtime, meal periods and rest periods.

Mr. Meer also frequently help clients develop and implement litigation avoidance procedures, including standardized review processes, documentation protocols, decision-making flow-charts, statistical auditing and electronic document management.

## Education

J.D., Boston University School of Law (1989)  
Law Journal Executive Editor for Publication  
Honorable Paul J. Liacos Scholar in the Law

B.S., Cornell University (1986)  
School of Industrial and Labor Relations, with honors  
Phi Kappa Phi National Honor Society  
Phi Eta Sigma National Honor Society

## Admissions

California

### Courts

U.S. District Court for the Central, Eastern, Northern, and Southern Districts of California

U.S. District Court of Nevada

U.S. District Court of New Mexico

U.S. District Court for the Western District of Missouri

U.S. District Court for the Eastern District of Michigan

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Appeals for the Tenth Circuit

U.S. Bankruptcy Court, Central District of California

Delaware State Court of Claims

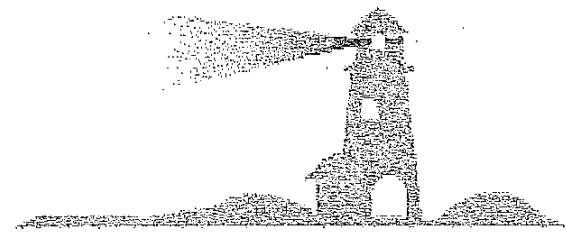
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**EXHIBIT X**



## **You Can't Do That In The Champagne Room! The Supreme Court of Nevada Decides Workplace Rules And Restrictions Render Exotic Dancers Employees Owed Minimum Wages**

By Seyfarth Shaw LLP on November 25th, 2014

Posted in Workplace Policies and Processes

By Giselle Donado and Sara Eber

Continuing the trend of courts closely scrutinizing the classification of workers in discrete industries, the Supreme Court of Nevada recently reversed summary judgment in favor of a gentlemen's club and found that the Club's performers were employees entitled to be compensated at a minimum wage.

In *Terry et al. v. Sapphire Gentlemen's Club*, the Court considered a class action claim brought by six performers at the Sapphire Gentlemen's Club (the "Club") claiming they were entitled to a minimum wages under Nevada law. The Club did not pay wages to its performers — who were classified as independent contractors; rather, they were compensated entirely through tips and dancing fees. The performers signed independent contractor agreements and, according to the Club, set their own schedules, fees for private performances, controlled the "artistic" aspects of their performance, and could work at other venues.

At the outset, the Court echoed the decision of numerous courts throughout the country, reasoning that the performers' "entertainment agreement" could not trump the realities of the working relationship. After determining that Nevada should follow the federal Fair Labor Standards Act's "economic realities" test to analyze its state minimum wage law claims, the Court set out to determine whether the Club's 6,600 performers were properly deemed employees. Specifically, the Court examined the Club's degree of control over the performers, the performers' opportunity for profit, any special skills required, and whether the performers' services rendered were an integral part of the Club's business.

Regarding control, although the Club did not set the performers' schedules and the decision whether to perform ultimately lay with the performers, the Court reasoned that the option to perform was really a false choice, citing two key reasons. First, when the performers did work, the Club required them to work for a minimum of six hours. Second, while working, if the performers refused to dance on stage, they would have to pay the Club a fee. Thus, the Court determined that the "choice" to work was "a coercive choice." The Court also emphasized that the performers technically had artistic discretion in their work, but the Club controlled what music they danced to and had rules governing movement styles. And, the Court emphatically noted that, after touting itself as the "World's Largest Strip Club," the performers were undeniably integral to the Club's business, counseling in favor of according them employee status.

The Court rejected the Club's hallmark independent contractor arguments. The Club contended that the performers' freedom to work at other venues favored their status as independent contractors. The Court, however, analogized the performers to waiters, ushers and bartenders, all of whom may work at other clubs and are generally still considered employees. The Court also was unpersuaded by the fact that performers had an independent contractor agreement and were "customarily" considered contractors in the adult entertainment industry.

Although its ruling analyzed the specific business practices of the Club, the Court's ruling reflects a continuing trend finding positions traditionally considered to be independent contractors have been misclassified. And, while your workers may not be tipped for their dancing skills, these cases emphasize important tips to bear in mind when classifying positions.

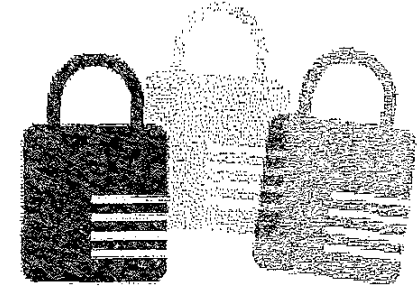
To be sure, having an independent contractor agreement is a best practice — but, like the Court noted, it cannot override the realities of the contractor's experience. To stave off these high exposure lawsuits, control is key. Contractors should be given bona fide control over their schedules—not only *when* they are scheduled, but *how*—and should have true control over how they do their job. In this climate, relying on the industry-standard classification of a position and an independent contractor agreement will not be dispositive of whether workers are properly classified as contractors.

Tags: Minimum Wage, Nevada, Supreme Court, Terry et al. v. Sapphire Gentlemen's Club

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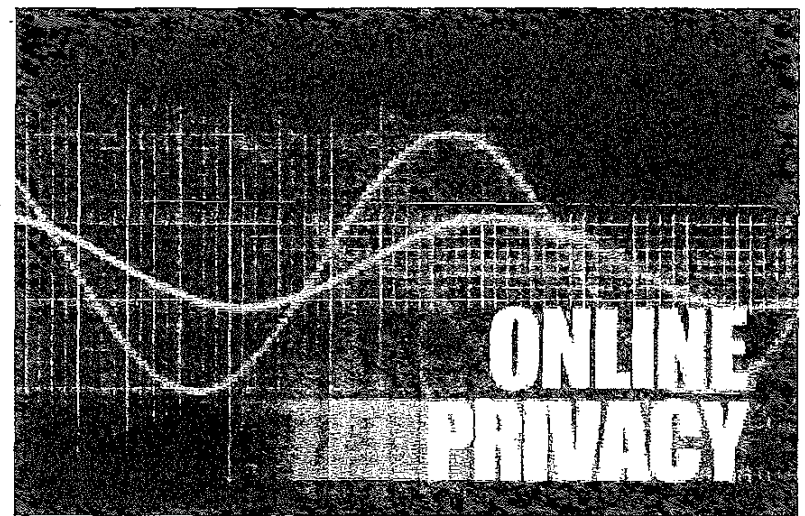


## Nevada District Court Finds No Reasonable Expectation of Privacy in Private Twitter Posts

By Erik B. von Zeipel on September 10th, 2013

In dismissing a claim for violation of Fourth Amendment rights, the United States District Court for the District of Nevada in *Rosario v. Clark County School District*, No. 2:13-CV-362, 2013 U.S. Dist. LEXIS 93963 (Nev. Jul. 3, 2013) recently became the latest court to hold there is no reasonable expectation of privacy in Twitter tweets.

This case arises out of plaintiff Juliano Rosario's tweets about his high school's basketball team. Juliano tried out for the team in his senior year, but was initially cut. After his father protested the cut, Juliano was eventually given a spot on the team. Immediately following the final game of the season, Juliano made numerous sexually and racially offensive tweets about several school officials, including coaches and the athletic director. The school disciplined Juliano for "cyberbullying" after learning of the offensive tweets. Juliano and his father then filed a 10-count complaint against the school district and six of its employees alleging, among other things, that the defendants (the school district and several officials) violated Juliano's Fourth Amendment rights by searching his Twitter account.



In ruling on the defendants' motion to dismiss the Fourth Amendment claim, the Court recited Supreme Court precedent providing that a person has a constitutionally protected reasonable expectation of privacy when that person has both a subjective expectation of privacy and that expectation is one that society recognizes as reasonable. The plaintiffs argued that Juliano had such a reasonable expectation of privacy in his tweets. The Court disagreed and explained that Twitter has two privacy settings: (1) "private," where tweets can arguably only be read by a tweeter's "followers"; and (2) "public," where tweets can be read by anyone. The Court reasoned that tweeters using the "public" setting intend that anyone who wants to read the tweet may do so, and there can therefore be no reasonable expectation of privacy. The Court opined that tweeters using the "private" setting have a "more colorable argument about the reasonable expectation of privacy in his or her tweets," but nevertheless held that such users are still "disseminating [] postings and information to the public, [and] they are not protected by the Fourth Amendment." *United States v. Meregildo*, 883 F. Supp. 2d 523, 525 (S.D.N.Y. 2012) (relating to Facebook posts).

For purposes of ruling on the defendants' motion to dismiss, the Court assumed as true the plaintiffs' allegations that Juliano's Twitter account was "private," and not "public." The Court nevertheless concluded that Juliano had no reasonable expectation of privacy in his tweets, and that there was no Fourth Amendment violation when the school accessed his tweets through a follower's account after that follower gave the tweets to school officials. The Court concluded that it is well-established that a person who shares information with a third party takes the risk that that third party will share it with the government, and that the same logic applies in the social media context.

This decision may also help support the notion that social media followers may not constitute protectable trade secrets. (See also our previous blogs regarding trade secret protection for followers on Twitter, MySpace, and LinkedIn).

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### **Nevada Becomes The Tenth State To Prohibit The Use Of Consumer Credit Reports Or Other Credit Information For Employment Purposes**

05/28/2013

Practices &  
Sectors

Attorney: Pamela Q. Devata

Labor &  
Employment

Last month we reported to you how Colorado became the ninth state to prohibit employers from using credit information for employment purposes. Nevada has just become the tenth state.

Senator Parks introduced Nevada's Senate Bill 127 on February 18, 2013, which was intended to, among other things, "[p]rohibit[] employers from conditioning employment on a consumer credit report or other credit information." Nevada Governor Brian Sandoval signed the bill into law on May 25, 2013 and it goes into effect on October 1, 2013.

#### **Prohibitions Under The New Law:**

Chapter 613 of the Nevada Revised Statutes covers "Employment Practices," including various unlawful employment practices. Senate Bill 127, as enacted, amends Chapter 613 to add a new unlawful employment practice—employers conditioning employment on a consumer credit report or other credit information.

The new law adopts a very broad definition of employer to include private employers and "any person acting directly or indirectly in the interest of an employer in relation to an employee or prospective employee." With limited exceptions, this wide array of Nevada "employers" is now prohibited in their attempts to:

- Directly or indirectly, require, request, suggest or cause any employee or prospective employee to submit a consumer credit report or other credit information as a condition of employment;
- Use, accept, refer to or inquire concerning a consumer credit report or other credit information;
- Discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against any employee or prospective employee: (a) who refuses, declines or fails to submit a consumer credit report or other credit information; or (b) on the basis of the results of a consumer credit report or other credit information; or
- Discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against any employee or prospective employee who has pursuant to the new law: (a) filed any complaint or instituted or caused to be instituted any legal proceeding; (b) testified or may testify in any legal proceeding instituted; or (c)

exercised his or her rights, or has exercised on behalf of another person the rights afforded to him or her.

### **Exceptions Under The New Law:**

When Senate Bill 127 was first introduced, it did not provide for any exceptions from its prohibitions. This meant, for example, that employees who handle large sums of money—such as bank and casino employees—could not be subjected to pre-employment credit checks under the state law. Both advocates and opponents of the bill debated this issue at a February 22, 2013 Senate Commerce, Labor and Energy Committee hearing. The opponents prevailed and the bill now provides for exceptions from the preceding prohibitions. Under these exceptions, an employer may request or consider a consumer credit report or other credit information for the purpose of evaluating an employee or prospective employee for employment, promotion, reassignment or retention as an employee if:

- The employer is required or authorized, pursuant to state or federal law, to use a consumer credit report or other credit information for that purpose;
- The employer reasonably believes that the employee or prospective employee has engaged in specific activity which may constitute a violation of state or federal law; or
- The information contained in the consumer credit report or other credit information is "job related" or reasonably related to the position for which the employee or prospective employee is being evaluated for employment, promotion, reassignment or retention as an employee.

The "job relatedness" requirement from this final exception is met if the duties of the position involve: (a) responsibility for financial assets or employment with a financial institution; (b) access to confidential information; (c) managerial or supervisory responsibility; (d) direct exercise of law enforcement authority; (e) responsibility for or access to another person's financial information; and of course (because this is Nevada) (f) employment with a licensed gaming establishment.

### **Remedies Under The New Law:**

Senate Bill 217, as enacted, allows for both a private and public right of recovery under a three-year statute of limitations.

**Private Right.** When an employer violates the new law, the civil remedies available to affected persons include: (a) employment if they were prospective employees or reinstatement or promotion if they already were employees; (b) payment of lost wages and benefits; and (c) the award of reasonable costs and attorneys' fees. The new law also presumably permits recovery through class actions because it allows an "action to recover" to be brought "[o]n behalf of other employees or prospective employees similarly situated."

**Public Right.** The new law also authorizes the Labor Commissioner to impose an administrative penalty against an employer (not to exceed \$9,000 for each violation) and to bring a civil action against the employer. The administrative penalty is separate and apart from any civil action brought under the new law.

### **Recommendations For Employers:**

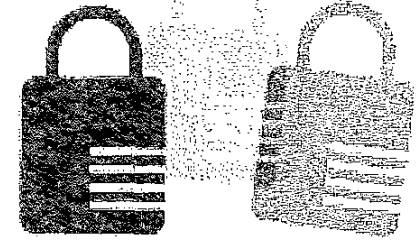
Nevada joins California, Colorado, Connecticut, Hawaii, Illinois, Maryland, Oregon, Vermont and Washington in enacting legislation to restrict an employer's ability to use credit information for

employment purposes. Several other states and the Equal Employment Opportunity Commission (EEOC) are also focused on this area and additional laws and guidance are expected this year. Given the Nevada law's high penalties for non-compliance (civil actions, \$9,000 per incident administrative penalty, and possible class actions) and the national focus on the use of credit information for employment purposes—employers in Nevada that use credit reports or credit information for employment purposes are well advised to evaluate and reassess their practices and procedures in anticipation of the new law's October 1, 2013 effective date.



# Trading Secrets

A Law Blog on Trade Secrets, Non-Competes, and Computer Fraud



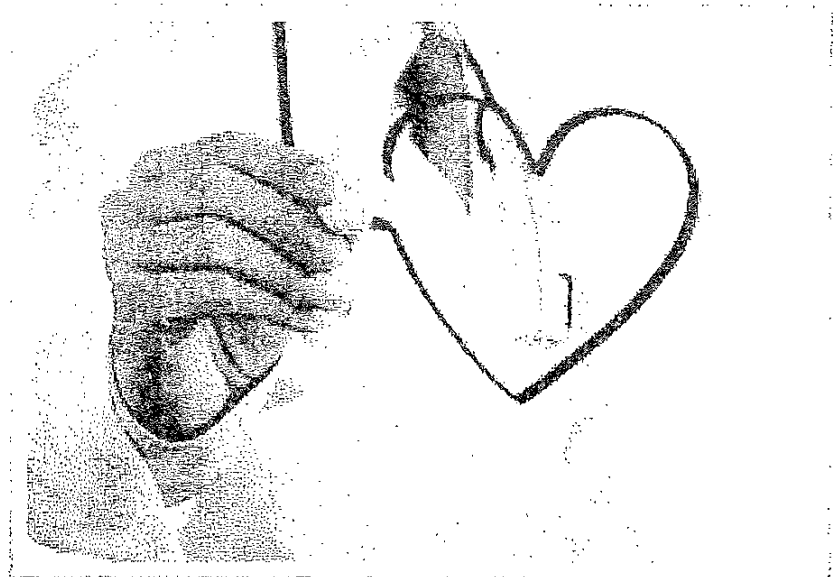
## Nevada Attorney General and FTC Scrutinize Nevada Healthcare Company's Alleged Anti-Competitive Behavior Concerning Use of Non-Compete Agreements

By Jessica Mendelson on August 15th, 2012

On August 6, the Nevada Attorney General announced the filing of a lawsuit and settlement against Renown Health ("Renown"), a Reno, Nevada based company, alleging violations of state and federal antitrust law.

At the same time, the Federal Trade Commission filed a complaint, also alleging anti-competitive behavior.

Renown had recently acquired two of largest cardiology practices in Reno, Nevada starting with Sierra Nevada Cardiology Associates ("SNCA") in 2010, followed by Reno Heart Physicians ("RHP") in March 2011. Prior to the acquisitions, SNCA and RHP allegedly held virtually all of the cardiologists in the Reno area.



The Nevada Attorney General's lawsuit alleged that Renown Health had violated federal antitrust laws by consolidating the two practice groups resulting in significantly reduced competition. Prior to the filing, Renown employed roughly 97% of the cardiologists in the metropolitan area. At the time of the filing, the number had dropped to roughly 88% of all cardiologists in the area, which according to the FTC, still "effectively eliminated competition." According to the Attorney General, this reduced competition had the potential to lead to higher prices for cardiology services in the area. In addition, this could deter doctors from going to competitors and reduce their bargaining power in negotiating employment contracts. Furthermore, the non-compete terms of the cardiologists' employment agreement allegedly block entry to the market because they allegedly limit doctors' employment choices.

Under the terms of the Attorney General's settlement, Renown will suspend the non-compete provisions in the employment agreements with the cardiologists formerly employed by SNCA and RHP. This suspension will allow

cardiologists to terminate employment without breaching terms or being subject to other retaliation as long as certain conditions are met. Under the settlement, Renown must release a certain number of cardiologists, freeing them from the non-compete agreements and allowing them to practice elsewhere. Up to ten employees will be permitted to leave by submitting a notice of intent to terminate employment to an Attorney General monitor and then state that they intend to remain in the Reno metropolitan area for at least a year. Each doctor must provide sixty days notice prior to terminating his or her employment. If fewer than six employees leave during a year, the settlement provisions will continue until six employees leave.

The FTC proposed a similar settlement with Renown, agreeing to suspend its non-compete provisions with the cardiologists for at least 30 days while the FTC considers public comments on the proposed order. FTC officials have said previously that they are increasing their scrutiny of physician-acquisition deals by hospitals, due to recent increases in merger-and-acquisition activity, so similar actions are likely to occur in the future. According to representatives from the FTC, "When you have high levels of market share concentration, it really begs whether the market is competitive or not."

In light of the Department of Justice's recent activity in the high-tech sector concerning no-hire agreements and the FTC's activities here, companies should be cognizant of the effect of their market share/the use of non-compete agreements in particular markets and the possibility of government regulatory activity regardless of whether the jurisdiction, such as Nevada, permits non-compete agreements.

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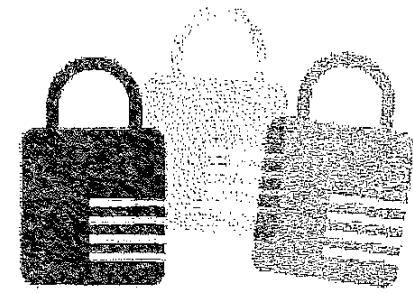
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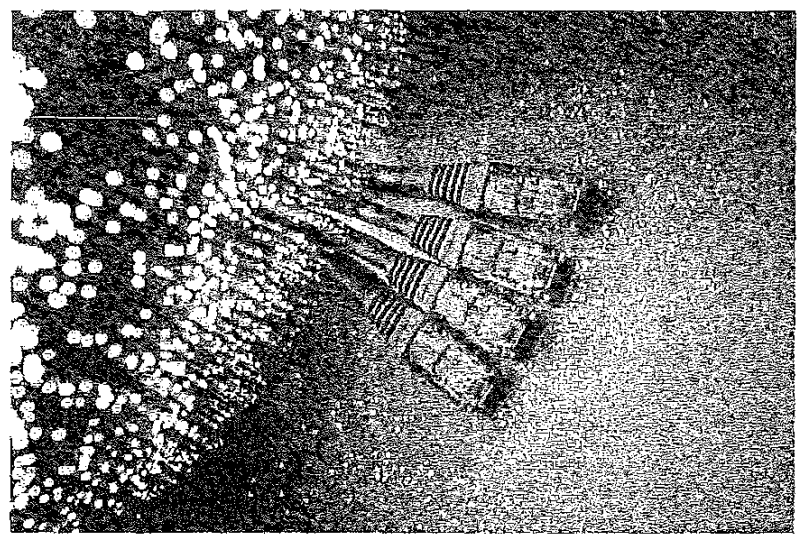
## Nevada Federal Court Rules That Plaintiff Must Identify Trade Secrets With Specificity Before Serving Discovery

By Jessica Mendelson on July 25th, 2012

A Nevada federal court recently held that a plaintiff must identify trade secrets with specificity prior to seeking discovery from the defendant regarding that claim, adding Nevada to the growing number of jurisdictions with that requirement.

In this case, *Switch Communications Group v. Ballard*, case no. 2:11-cv-00285-KJD-GWF, the plaintiff owned and operated computer data centers in Las Vegas. Mr. Ballard, the defendant, had been employed by Switch as the company's Chief Financial Officer for two years, before his employment was terminated in 2006. According to the complaint, as a

result of his employment, Ballard had acquired substantial knowledge of confidential information, including the location of plaintiff's carrier fiber and structure of carrier fiber agreements, location of key client installations, the terms of Switch's agreements with customers, and other such information. Switch alleged Ballard was preparing to build a competing business and utilize these trade secrets, and sued him for misappropriation of intellectual property, breach of contract, unfair commercial advantage, unjust enrichment, copyright infringement, and tortious interference with contractual relations.



As the case progressed, the defendant served interrogatories on the plaintiff, seeking to require the plaintiff to provide more specific information concerning its trade secret claims. The plaintiff was asked what trade secrets and other intellectual property the defendant had allegedly misappropriated. The plaintiff's initial answer to the interrogatory simply stated categories of trade secrets, but not the trade secrets themselves. The court found this was insufficient. The plaintiff then proceeded to serve discovery on Ballard, who argued that he should not be required to respond, since the plaintiff had not yet described the trade secrets with sufficient particularity.

The court held that Ballard was not required to respond, and that a party alleging a claim for misappropriation of trade secrets must disclose the trade secrets with reasonable particularity before being allowed to compel discovery. In making this ruling, the court relied on *DeRubies v. Witten Technologies*, 244 F.R.D. 676, 680-81 (N.D.Ga. 2007), which stated four policies supporting a reasonable particularity standard in alleging the existence of a trade secret. First, if discovery of a defendant's trade secrets were automatically allowed, it would result in



fishing expeditions. Second, if the plaintiff fails to identify the trade secret at issue with some degree of specificity, there is no way of knowing what information is relevant in responding to discovery requests. Third, a lack of particularity makes it difficult to mount a defense, since a defendant may not be aware of what the trade secret actually is, and finally, requiring a plaintiff to state what the trade secret is prior to misappropriation ensures that the plaintiff will not mold its cause of action around the received discovery.

The court also held that the defendant was required to supplement discovery responses once the trade secret was defined with reasonable particularity. Under Federal Rule of Civil Procedure 26, there is a duty to supplement discovery responses, and the court found that Ballard would have an obligation to comply once Switch properly defines the alleged misappropriated trade secrets. The court denied the plaintiff's motion to compel, holding Ballard need not respond to Switch's discovery requests until the trade secrets were defined with reasonable particularity.

Potential plaintiffs and defendants in trade secret misappropriation cases ought to keep this ruling in mind. A plaintiff who files a trade secret misappropriation complaint must be very specific in identifying the trade secret, and must be prepared to defend the specificity, at least in Nevada. Similarly, a defendant needs to be prepared challenge the plaintiff's trade secret identification if appropriate before providing substantive responses to discovery.

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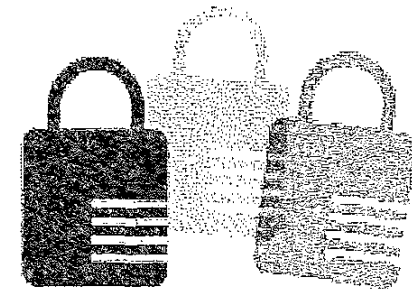
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# Trading Secrets

A Law Blog on Trade Secrets, Non-Competes, and Computer Fraud



## What Happens in Vegas May Stay in Vegas, But Misappropriation of Trade Secrets and Unauthorized Disclosure of Confidential Information Will Still Land You in Hot Water According To Recent Supreme Court of Nevada Decision

By James D. McNairy on March 10th, 2012

In *Finkel v. Cashman Professional, Inc., et al.*, Case Nos. 54520, 55377, 2012 WL 669897 (Nev. March 1, 2012), the Supreme Court of Nevada addressed the validity of non-solicitation, non-competition, and non-disclosure covenants and the proper duration of a preliminary injunction prohibiting disclosure or use of trade secrets. The Nevada Supreme Court received the case after it consolidated two appeals from Marc Finkel: one challenging the original preliminary injunction entered against him and the second challenging the lower court's denial of Finkel's motion to dissolve the injunction after Finkel terminated a consulting contract containing the restrictive covenants.



Finkel is a former executive with Cashman Professional, Inc. ("Cashman"). While employed by Cashman, Finkel was responsible for expanding and streamlining Cashman's Las Vegas-based wedding photography business. Among other things, Cashman designed business software, negotiated sales contracts with customers, developed new strategies, created training programs, and implemented new management techniques. Cashman went to "great lengths" to keep these aspects of its business confidential.

When Finkel left Cashman in 2008, Cashman and Finkel entered into a consulting agreement ("Agreement") providing that Finkel would abide by restrictive covenants prohibiting Finkel from, among other things, engaging in a business competitive with Cashman, soliciting Cashman's employees, and disclosing Cashman's confidential information.

In 2009, Finkel purchased a printing company which was the only printing company in Las Vegas that could provide overnight printing of wedding photo books ("PrintCo"). Prior to and after Finkel's purchase of PrintCo, Cashman relied on PrintCo when overnight printing services were required. Finkel enlisted several Cashman

employees to help establish PrintCo, solicited several Cashman customers to move their business to PrintCo, and in the process disclosed Cashman's confidential information and misappropriated its trade secrets.

Cashman then obtained a preliminary injunction ("PI") against Finkel enforcing the Agreement's restrictive covenants and concluding that Finkel had misappropriated trade secrets in violation of Nevada's Uniform Trade Secrets Act. Finkel appealed the PI order and then exercised his right to terminate the Agreement. Finkel then moved to dissolve the PI upon termination of the Agreement. The lower court denied Finkel's motion to dissolve and Finkel appealed.

#### The District Court Did Not Err in Granting the Preliminary Injunction

The Nevada Supreme Court found that substantial evidence supported the district court's conclusions that Finkel likely competed with Cashman, solicited Cashman's employees, disclosed Cashman's confidential information, and misappropriated Cashman's trade secrets. The court rejected Finkel's argument that the information used by him were not Cashman trade secrets. Specifically, in rejecting Finkel's argument, the court noted Finkel's admission that costs, discounts, future plans, business processes, technical matters, and product designs are confidential trade secrets to hold that the Cashman information used by Finkel likely constituted trade secrets and that Cashman had taken reasonable measures to maintain the confidentiality of its information.

#### After Finkel Terminated the Agreement, the District Court Should Have Dissolved the Aspect of the PI Applying to the Restrictive Covenants

The Nevada Supreme Court held that the district court erred by refusing to dissolve the aspect of the injunction enforcing the restrictive covenants. The court reasoned that, because the Agreement was no longer in effect, the restrictive covenants were no longer enforceable. Although this was an issue of "first impression" in Nevada, the court cited the Ninth Circuit decision of *Economics Laboratory, Inc. v. Donnolo*, 612 F.2d 405, 408 (9th Cir. 1979) in support. Ultimately, the court reasoned that it was an abuse of discretion to restrict Finkel's business activities based restrictive covenants within a terminated agreement.

Finally, the Supreme Court held that, under Nevada's adoption of the Uniform Trade Secrets Act, the district court had not made findings as to (1) whether the information alleged by Cashman to be trade secret remained trade secret at the time of Finkel's appeal; and (2) the proper duration of the injunction. The court remanded this issue to the district court for reconsideration.

#### Takeaways:

In Nevada, confidential information that does not rise to the level of a trade secret may nonetheless be protected from disclosure by contract. Breach of such contracts may serve an independent basis to obtain injunctive relief.

Employers should carefully consider how to best structure termination clauses in non-disclosure agreements in order to help ensure that the duration of restrictive covenants within such agreements cannot be prematurely and unilaterally terminated.

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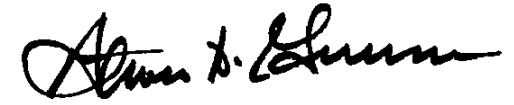
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Attorneys for Defendant  
Seyfarth Shaw LLP

DISTRICT COURT

CLARK COUNTY, NEVADA

MICHAEL A. TRICARICHI,

Plaintiffs,

v.

PRICEWATERHOUSECOOPERS,  
LLP, COOPERATIVE RABOBANK  
U.A., UTRECHT-AMERICA  
FINANCE CO., SEYFARTH  
SHAW, LLP and GRAHAM R.  
TAYLOR,

Defendants.

) Case No. A-16-735910-B

) Dept: XV

) **REPLY IN SUPPORT OF**  
) **MOTION TO DISMISS FOR**  
) **LACK OF JURISDICTION ON**  
) **BEHALF OF DEFENDANT**  
) **SEYFARTH SHAW LLP**

) **DATE: November 16, 2016**

) **TIME: 9:00 a.m.**

**MORRIS LAW GROUP**

900 BANK OF AMERICA PLAZA · 300 SOUTH FOURTH STREET · LAS VEGAS, NEVADA 89101  
702/474-9400 · FAX 702/474-9422

1     **I.     INTRODUCTION**

2             Neither Plaintiff's affidavit nor the affidavit of his counsel  
3 establish any contacts of Seyfarth with this State sufficient to establish  
4 personal jurisdiction over Seyfarth. Plaintiff invokes an obsolete standard  
5 for general jurisdiction, but Seyfarth's sporadic connections to Nevada,  
6 which are wholly unrelated to Plaintiff's claims, do not establish general  
7 jurisdiction. Plaintiff concedes that Seyfarth had no contact with Plaintiff or  
8 with the State of Nevada in connection with his claims. Plaintiff argues  
9 instead that the Court should impute to Seyfarth the unilateral contacts of  
10 the other defendants under a "conspiracy theory" of specific jurisdiction.  
11 Even if such a theory remains viable after *Walden v. Fiore*, 134 S. Ct. 1115  
12 (2014), a highly doubtful proposition at best, an opinion letter by Seyfarth to  
13 a client in Ireland regarding a transaction wholly separate from Plaintiff's is  
14 no basis to impute contacts to Seyfarth with respect to Michael Tricarichi.  
15 The Court lacks personal jurisdiction over Seyfarth and must dismiss the  
16 Complaint against it.

17     **II.    ARGUMENT**

18             **A.    Seyfarth Is Not "At Home" In Nevada, and Is Therefore Not**  
19             **Subject To General Jurisdiction.**

20             The U.S. Supreme Court in *Daimler AG v. Bauman*, 134 S. Ct. 746  
21 (2014), explicitly rejected the "doing business" test for general personal  
22 jurisdiction that Plaintiff argues. For a defendant to be subject to general  
23 jurisdiction of this Court, its contacts must be so "continuous and  
24 systematic" as to render the defendant "essentially at home" in Nevada. *Id.*  
25 at 751, 760. A business entity is "at home" where it is incorporated or has its  
26 principal place of business, *see id.* at 760, neither of which applies to  
27 Seyfarth. *Accord, Viega Gmbh v. Eighth Jud. Dist. Ct.*, 130 Nev. Adv. Op. 40,  
28 328 P.3d 1152, 1158 (2014) ("Typically, a corporation is 'at home' only where  
it is incorporated or has its principal place of business"). *Plaintiff does not*

1 *address or even cite to these controlling watershed cases*, or to any of the  
2 other post-*Daimler* authority Seyfarth presented in its motion. (Mot. to  
3 Dismiss for Lack of Jurisdiction on Behalf of Seyfarth Shaw "Seyfarth MTD"  
4 at pp. 9–10.) Plaintiff instead relies entirely on law rendered obsolete by  
5 *Daimler* to support his mistaken claim of general jurisdiction. Opp. at pp.  
6 21–22. The pre-*Daimler* authority plaintiff relies on is irrelevant and  
7 distinguishable. For example, in *K/S Shadow Mountain Partners v. Parsons*  
8 *Behle & Latimer*, 2007 WL 987289 (Cal. Ct. App. 2007), which is not even  
9 citable under California Rule 8.1115, the court did not reach the question of  
10 general jurisdiction; it found the issue was moot because the law firm was  
11 subject to specific jurisdiction in California. *Id.* at \*5.<sup>1</sup>

12           Seyfarth, an Illinois limited liability partnership with its  
13 principal place of business in Chicago, is not "at home" in Nevada. Plaintiff  
14 does not contest that Seyfarth is not registered with the Nevada Secretary of  
15 State, maintains no offices and owns no property in Nevada, does not  
16 employ any staff or attorneys in Nevada, does not pay taxes in Nevada, and  
17 has only one attorney licensed in Nevada who works out of a California  
18 office. (Seyfarth MTD, Ex. C, at ¶¶ 4–9.) To support general jurisdiction, he  
19 relies instead on Seyfarth's alleged representation of clients in matters  
20 having some connection to Nevada, the appearance of Seyfarth attorneys in  
21 8 cases in the United States District Court for the District of Nevada,  
22 publications on issues of Nevada law, attendance at Nevada conferences,  
23 and the fact that three Seyfarth attorneys who are licensed by the State of  
24 California and are admitted in multiple federal courts also happen to be  
25 admitted to practice in the Nevada federal district court. Opp. at pp. 14–15;  
26 Opp. at Ex. W.

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27  
28           <sup>1</sup> Even this limited holding is of doubtful validity after *Walden*, 134 S.  
Ct. at 1122.

1           Such sporadic contacts would have been insufficient for general  
2 jurisdiction even before *Daimler*, when courts still required far more than the  
3 occasional representation of Nevada clients or *pro hac vice* admissions in  
4 Nevada courts to establish the substantial and continuous contacts necessary  
5 for general jurisdiction. *See Pelican Trading Inc. v. Proskauer Rose LLP*, 2010  
6 WL 3905750 (D. Nev. Sept. 28, 2010) (granting Proskauer's motion to dismiss  
7 for lack of general personal jurisdiction where Proskauer mailed an opinion  
8 letter on anticipated tax consequences of a transaction to a Nevada address;  
9 marketed itself as an international law firm doing business worldwide;  
10 represented clients in Nevada; and published article discussing Nevada  
11 law); *Klayman v. Barmak*, 634 F. Supp. 2d 56 (D.D.C. 2009) (finding no general  
12 personal jurisdiction in Florida over a law firm based on allegations that the  
13 firm represented Florida-resident clients, had clients with pending matters  
14 in Florida, and had been admitted *pro hac vice* to Florida courts); *Worthington*  
15 *v. Small*, 46 F. Supp. 2d 1126 (D. Kan. 1999) (finding no general jurisdiction  
16 over a Missouri attorney licensed to practice law in Kansas who represented  
17 clients in seven cases in Kansas federal District Court and appeared as  
18 defendant in eight cases in Kansas state court); *see also Cromeans v. Morgan*  
19 *Keegan & Co., Inc.*, No. 2:12-CV-04259-NKL, 2014 WL 1375038, at \*12–13  
20 (W.D. Mo. Apr. 8, 2014).

21           A finding of general jurisdiction in this case would mean that  
22 Seyfarth is subject to jurisdiction in Nevada merely from being named as a  
23 defendant in any lawsuit, without regard to whether the suit bears any  
24 connection whatsoever to Nevada. General personal jurisdiction on such  
25 flimsy basis is precisely why the U.S. Supreme Court mandates that a  
26 defendant truly be "at home" in a state before it can be subjected to such  
27 broad jurisdiction.  
28



1 No amount of jurisdictional discovery will alter the conclusion  
2 that Seyfarth is not "at home" in Nevada and is not subject to general  
3 jurisdiction. *See Boschetto v. Hansing*, 539 F.3d 1011, 1020 (9th Cir. 2008)  
4 (affirming denial of request for jurisdictional discovery where facts were not  
5 controverted and request was based on little more than a hunch that it might  
6 yield jurisdictionally relevant facts); *Pfister v. Selling Source, LLC*, 931 F.  
7 Supp. 2d 1109, 1118 (D. Nev. 2013) ("Where a plaintiff's claim of personal  
8 jurisdiction appears to be both attenuated and based on bare allegations in  
9 the face of specific denials made by the defendants, the Court need not  
10 permit even limited discovery."). There is no factual dispute here. The  
11 Court can and should find on this record that Seyfarth is not "at home" in  
12 Nevada and is not subject to general jurisdiction here.

13 **B. The Court Does Not Have Specific Jurisdiction Over Seyfarth.**

14 Plaintiff concedes that there is no specific jurisdiction over  
15 Seyfarth in Nevada based on Seyfarth's own non-existent conduct in  
16 Nevada. Instead, he relies entirely on a "conspiracy theory" of specific  
17 jurisdiction. *Cf. Opp.* at pp. 15–19. Automatic attribution of contacts with  
18 the forum state based solely on conspiracy allegations is unconstitutional  
19 because the jurisdictional contacts must arise "out of contacts that the  
20 defendant *himself* creates with the forum state." *Walden*, 134 S. Ct. at 1122  
21 (quoting *Burger King Corp.*, 105 S. Ct. 2174; *accord, Dogra v. Liles*, 129 Nev.  
22 Adv. Op. 100, 314 P.2d 952, 954 (2013) (specific jurisdiction is proper only  
23 where "the cause of action arises from the defendant's contacts with the  
24 forum"). But even if a conspiracy theory of jurisdiction survives the U.S.  
25 Supreme Court's decision in *Walden*, Plaintiff does not and cannot allege  
26 Seyfarth's participation in a conspiracy here. Unlike *PDL Biopharma, Inc. v.*  
27 *Genentech, Inc.* (*Opp.* at p. 20), Plaintiff has not made a prima facie showing  
28 of jurisdiction which would entitle him to jurisdictional discovery.

1 Plaintiff's conclusory allegations and his mere "hunch" that discovery might  
2 yield evidence to support his conspiracy theory are insufficient to permit  
3 jurisdictional discovery in this case. *Boschetto*, 539 F.3d at 1020.

4 **1. Plaintiff does not and cannot allege that Seyfarth**  
5 **directed its conduct toward Nevada.**

6 Plaintiff does nothing to rebut the Affidavit of Lori Roeser  
7 (Seyfarth MTD, Ex. C), which established that Seyfarth did not represent  
8 Plaintiff or travel to Nevada for any reason having to do with Plaintiff.  
9 Plaintiff's affidavit only highlights Seyfarth's complete lack of involvement  
10 in the acts Plaintiff mistakenly considers to be jurisdictionally significant—  
11 the mailing of letters of intent to Nevada by Nob Hill, a Stock Purchase  
12 Agreement with Nob Hill, and Rabobank account opening documents sent  
13 to Plaintiff at an undisclosed location. Plaintiff's affidavit fails to identify a  
14 single act by Seyfarth directed to him, much less to Nevada. The affidavit of  
15 Plaintiff's counsel, Thomas Brooks, attempts to identify Seyfarth's "other  
16 contacts" with Nevada (Opp. at pp. 13–15), but, *NONE* of them are  
17 jurisdictional contacts and *NONE* arise out of or have anything to do with  
18 this case and specific jurisdiction. In point of fact, Plaintiff does not dispute  
19 that his claim of specific jurisdiction is not based on any direct contact *by*  
20 *Seyfarth* with him in Nevada, which is fatal to his theory of jurisdiction. *See*  
21 *Baker v. Eighth Jud. Dist. Ct.*, 116 Nev. 527, 533, 999 P.2d 1020, 1024 (2000);  
22 *Walden*, 134 S. Ct. at 1122.

23 **2. A "conspiracy" theory" of specific jurisdiction that is not**  
24 **based on Seyfarth's purposeful conduct in or directed to**  
25 **Nevada is unconstitutional.**

26 Notwithstanding Plaintiff's arguments to the contrary, the  
27 Nevada Supreme Court has not expressly embraced personal jurisdiction  
28 based solely on the actions of a co-conspirator. Plaintiff's reliance on *Davis*  
*v. Eighth Jud. Dist. Ct.*, 97 Nev. 332, 629 P.2d 1209 (1981), to establish a

1 "conspiracy theory" of personal jurisdiction is wholly misplaced. In *Davis*,  
2 the court found that allegations of an out-of-state conspiracy to steal Nevada  
3 assets of Howard Hughes would allow the exercise of personal jurisdiction  
4 over the co-conspirators because it was "constitutionally permissible to  
5 require the respondent-defendants to appear and defend their activities in  
6 Nevada where the alleged injuries occurred." *Id.* at 338–39, 629 P.2d at 1213–  
7 14 (quoted in Opp. at p. 16). *Davis* did not discuss whether there were any  
8 other contacts between the defendants and the forum.

9 The *Davis* opinion contains only passing reference to the  
10 plaintiff's allegations of conspiracy, and its holding was not based on  
11 imputation of contacts between co-conspirators. *Id.* at 334, 338, 629 P.2d  
12 1211, 1213. Rather, the *Davis* court based its holding on the reasoning that  
13 other courts had employed, which permitted jurisdiction to be based on a  
14 defendant's conduct outside the forum that caused injury in the forum. *See*  
15 *Davis*, 97 Nev. at 338, 629 P.2d at 1213 (citing California authority). No  
16 Nevada case has relied on *Davis* to exercise jurisdiction based on a  
17 conspiracy theory.<sup>2</sup>

18 To the extent Plaintiff promotes *Davis* as endorsing a conspiracy  
19 theory of jurisdiction, the United States Supreme Court case law in the  
20 intervening thirty-five years has unequivocally rejected jurisdiction based  
21 on a defendant's mere knowledge of harm to be caused in a forum state,  
22 without other actions directed at that forum state. *See Walden*, 134 S. Ct. at  
23 1122 (citing *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 475 (1985)  
24 (jurisdiction must be based on contacts that "defendant himself" created  
25

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26 <sup>2</sup> Plaintiff does not address the authority in Nevada predating *Walden*,  
27 *infra*, that rejects a "conspiracy theory" of jurisdiction and his reliance on  
28 *Davis*. *See, e.g., In re W. States Wholesale Nat. Gas Litig.*, 605 F. Supp. 2d 1118,  
1140 (D. Nev. 2009); *Menalco, FZE v. Buchan*, 602 F. Supp. 2d 1186, 1194 n.1  
(D. Nev. 2009).

1 with the forum state)). The Nevada long-arm statute permits jurisdiction  
2 only to the extent of the U.S. Constitution's due process clause. *See Fulbright*  
3 *& Jaworski v. Eighth Jud. Dist. Ct.*, 131 Nev. Adv. Op. 5, 342 P.3d 997, 1001  
4 (2015). Plaintiff's suggestion that *Davis* controls over contrary United States  
5 Supreme Court authority defining the limits of federal due process is  
6 patently incorrect. Opp. at p. 19.

7 *Walden* disallows reliance on *Davis* for jurisdiction under the  
8 facts here. Compare the specific passage plaintiff cites from *Davis* (Opp. at  
9 p. 16) that is expressly overruled in *Walden*. Plaintiff quotes *Davis* for this  
10 proposition:

11 A state has power to exercise judicial jurisdiction over an  
12 individual who causes effects in the state by an omission or  
13 act done elsewhere with respect to causes of action arising  
14 from these effects.... **We conclude that it is reasonable**  
15 **and constitutionally permissible to require the**  
**respondent-defendants to appear and defend their**  
**activities in Nevada where the alleged injuries occurred.**

16 Opp. at p. 16 (emphasis added). *Walden*, however, holds that

17 mere injury to a forum resident is not a sufficient  
18 connection to the forum. Regardless of where a plaintiff  
19 lives or works, an injury is jurisdictionally relevant only  
20 insofar as it shows that the defendant has formed a contact  
21 with the forum State. *The proper question is not where the*  
*plaintiff experienced a particular injury or effect but*  
*whether the defendant's conduct connects him to the forum*  
*in a meaningful way.*

22 *Walden*, 134 S. Ct. at 1125 (emphasis added). The Supreme Court's holding  
23 in *Walden* that the "exercise of jurisdiction over an out-of-state intentional  
24 tortfeasor must be based on *intentional conduct by the defendant* that  
25 creates the necessary contacts with the forum," *id.* (emphasis added), is  
26 inconsistent with attributing a co-conspirator's contacts to a defendant  
27 which has no other jurisdictionally significant contacts with the forum state.  
28

1           The post-*Walden* authority Plaintiff cites (Opp. at p. 19) does not  
2 support applying a "conspiracy theory" of jurisdiction here. For example,  
3 *Best Chairs Inc. v. Factory Direct Wholesale, LLC*, 121 F. Supp. 3d 828 (S.D. Ind.  
4 2015), does not address the constitutionality of the conspiracy theory after  
5 *Walden*. That inapplicable case involved jurisdiction over a group of shell  
6 companies run by the same individual defendant that actually had the  
7 forum contacts. *Id.* at 839–40. Moreover, *First Cmty. Bank, N.A. v. First*  
8 *Tennessee Bank, N.A.*, 489 S.W.2d 369 (Tenn. 2015), applied *Walden* to find  
9 that the out-of-state defendants had *not* purposefully directed their conduct  
10 toward Tennessee and for that reason the plaintiff had not established  
11 specific personal jurisdiction over the defendants. *Id.* at 393–94. The court  
12 went on to discuss a "conspiracy theory" of jurisdiction as a third type of  
13 jurisdiction under Tennessee law, without analyzing the constitutionality of  
14 the doctrine after *Walden*, *id.* at 394–396, but the court also concluded that  
15 the mere existence of a business relationship between the defendants was  
16 insufficient to establish such a conspiracy. *Id.* at 400.

17           The third post-*Walden* case on which Plaintiff relies criticizes the  
18 "conspiracy theory" of jurisdiction, and actually supports the conclusion that  
19 there is no jurisdiction over Seyfarth here. *See Khan v. Gramercy Advisors,*  
20 *LLC*, 2016 IL App (4th) 150435, 2016 Ill. App. LEXIS 425 (Ill. App. Ct. 2016).  
21 The plaintiff in *Khan*, like Plaintiff here, alleged that he had been induced to  
22 invest in a tax shelter, and sued five non-resident defendants, including  
23 three corporate affiliates of Gramercy Advisors. *Id.* at ¶ 3. The *Khan* court  
24 discussed *Walden* at length, and concluded that it could not merely  
25 aggregate the defendants' contacts, but had to conduct a defendant-specific  
26 inquiry. *Id.* at ¶ 110 (citing *Calder v. Jones*, 465 U.S. 783, 790 (1984)). Where  
27 the corporate affiliates had no contact with the forum state other than their  
28 involvement in a transaction that had effects in Illinois, the court found that

1 there were no constitutionally sufficient minimum contacts. *Id.* at ¶¶ 113–  
2 19. The same conclusion should be reached by this Court.

3         The *Khan* court went on to distinguish the contacts of Gramercy  
4 and an individual defendant, finding that those two defendants had an  
5 existing relationship with the plaintiff and had reached out to him in Illinois.  
6 *Id.* at ¶¶ 121–22. Their contacts with Illinois included entering into a fee-  
7 splitting agreement with BDO Seidman, an Illinois entity, to solicit BDO's  
8 Illinois clients, including plaintiff; participating in an alleged meeting in  
9 Illinois; making repeated telephone calls by those defendants to the plaintiff  
10 in Illinois to solicit his investment; sending transaction documents to the  
11 plaintiff in Illinois; and entering into contracts directly with the Illinois  
12 plaintiff, none of which Seyfarth did in this case. *Id.* at ¶¶ 10–32, 59, 67–71.  
13 The court distinguished *Walden* for these defendants, and explicitly found  
14 that Gramercy and the individual defendant had "reached out to Illinois."  
15 *Id.* at ¶ 121. Even so, in considering whether BDO's Illinois contacts could  
16 be attributed to Gramercy and the individual defendant, the court expressed  
17 concern over whether a "conspiracy theory" of jurisdiction is constitutional.  
18 *Id.* at ¶¶ 157–58; *see also id.* at ¶ 140 (criticizing a "joint venture" theory of  
19 personal jurisdiction for mechanically attributing contacts).

20         In the long list of alleged contacts here, the only connection  
21 between Seyfarth and this litigation is that Seyfarth provided an opinion  
22 letter to Millennium in Ireland. *Opp.* at p. 17. To the extent the Plaintiff  
23 claims that former Seyfarth partner John Rogers "invented the DAD scheme"  
24 in early 2003 (*id.*; *see also Opp.* at p. 5), a bogus and jurisdictionally irrelevant  
25 point, Plaintiff has not pointed to any purposeful direction of that activity to  
26 Nevada, any relationship of that activity by Rogers to the Millennium letter,  
27  
28

1 or any indication that it was directly targeted to Plaintiff with whom  
2 Seyfarth had no contact.<sup>3</sup>

3 Unlike *Khan*, Plaintiff here neither alleges nor presents any  
4 evidence that Seyfarth directed any of the other Defendants or Fortrend to  
5 engage in any Nevada conduct relating to Plaintiff's investment in the DAD  
6 transaction. Instead, Plaintiff alleges only that Seyfarth "knew that Fortrend  
7 was engaged in fraud" and "provid[ed] the Seyfarth opinion letter 'blessing'  
8 the DAD scheme" (Compl. at ¶ 101), which at best is passive activity that the  
9 Nevada Supreme Court confirmed cannot satisfy the jurisdictional  
10 requirement of "affirmatively direct[ing] conduct" in the forum state. *Viega*,  
11 130 Nev. Adv. Op. 40, 328 P.2d at 1157 ("Specific personal jurisdiction arises  
12 when the defendant purposefully enters the forum's market or establishes  
13 contacts in the forum and affirmatively directs conduct there, and the claims  
14 arise from that purposeful contact or conduct"). That Plaintiff's counsel  
15 considers Seyfarth's opinion to be "integral" to Plaintiff's transaction (*e.g.*,  
16 Opp. at pp. 1, 18) is irrelevant to whether *Seyfarth* intended the opinion to  
17 have an effect on Plaintiff in Nevada. Moreover, there are no allegations  
18 that, when entering into the subject transactions, Plaintiff was even aware of  
19 Seyfarth's tax opinion, which was given to an altogether separate entity  
20 without regard to Plaintiff. Seyfarth's alleged three-steps-removed and  
21  
22  
23

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24  
25 <sup>3</sup> The DAD tax strategy was hardly a Seyfarth invention; it was a tax  
26 strategy employed by others before the passage of the American Jobs  
27 Creation Act in 2004 closed a well-known loophole. *See, e.g.*, Internal  
28 Revenue Bulletin 2008–34. Indeed, *Khan*, on which Plaintiff relies, involved  
a 2002 DAD transaction—predating Rogers' alleged "invention"—and did  
not involve Seyfarth. *Khan*, 2016 IL App (4th) 150435, ¶ 1.

1 passive role with respect to Plaintiff's later transaction does not compare to  
2 the direct in-forum solicitation by the defendants in *Khan*.<sup>4</sup>

3 **3. Even if a "conspiracy theory" of jurisdiction were viable,**  
4 **Plaintiff does not and cannot allege that Seyfarth**  
5 **purposefully joined a conspiracy directed at Nevada.**

6 A claim for civil conspiracy in Nevada requires a plaintiff to  
7 plead (1) a conspiracy agreement, *i.e.*, "'a combination of two or more  
8 persons who, by some concerted action, intend to accomplish an unlawful  
9 objective for the purpose of harming another"; (2) an overt act of fraud in  
10 furtherance of the conspiracy; and (3) resulting damages to the plaintiff.  
11 *Jordan v. State ex rel. Dep't of Motor Vehicles & Pub. Safety*, 121 Nev. 44, 74–75,  
12 110 P.3d 30, 51 (2005), abrogated on other grounds by *Buzz Stew, LLC v. City*  
13 *of N. Las Vegas*, 124 Nev. 224 (2008). Plaintiff does not allege an agreement  
14 between the defendants intended to harm him. *See Compl. passim*.

15 Seyfarth's alleged role in providing a tax opinion for a  
16 transaction separate from Plaintiff's transaction to an entity other than  
17 Plaintiff cannot constitute a conspiracy to injure him. Plaintiff alleges  
18 Fortrend and PWC knew or "should have known" that the transaction was  
19 illegitimate for tax purposes and that Rabobank, Utrecht, Seyfarth, and  
20 Taylor knew the same but failed to disclose it. *See Compl. at* ¶¶ 6, 68, 101.<sup>5</sup>

---

21 <sup>4</sup> Plaintiff gratuitously includes allegations about an Illinois federal  
22 injunction against Rogers seven years after Plaintiff's investment, and about  
23 Graham Taylor's conviction for tax fraud. While Plaintiff obviously seeks to  
24 smear Taylor and Seyfarth with such conduct, Taylor's guilty plea was  
25 based on conduct by Taylor while he was at a law firm two firms and  
26 several years before he joined Seyfarth. These allegations factually have  
nothing to do with Plaintiff's investment, and appear to have been included  
only for the purpose of unfairly prejudicing Seyfarth.

27 <sup>5</sup> Plaintiff's assertion that "Mr. Taylor was served with the Complaint  
28 in this case on May 26, 2016" (Opp. at p. 3, n.1) is not supported by any filing  
of record. The Affidavit of Service on file indicates service on "John Taylor,"  
and does not set forth facts establishing that he was a proper person to



1 But there is no allegation or evidence that Seyfarth was even aware of  
2 Plaintiff's transaction, much less that Seyfarth intended to induce Plaintiff to  
3 rely on the Millennium opinion letter, which "explicitly states that no one  
4 but Millennium can rely upon it." Seyfarth MTD, Ex. A, *Tricarichi*, T.C.  
5 Memo. 2015–201, at \*14 n.9.

6 The allegation that Seyfarth's opinion letter to Millennium  
7 "facilitated the Midco transaction that defrauded Plaintiff" in 2003 (Compl.  
8 ¶ 62) falls far short of showing that Seyfarth specifically agreed to target  
9 Plaintiff. *See Allen v. Columbia Fin. Mgmt., Ltd.*, 297 S.C. 481 (S.C. 1988)  
10 (holding South Carolina did not have "conspiracy theory" personal  
11 jurisdiction over attorney who prepared tax opinions and agreed they could  
12 be used for marketing). "[T]he cases are unanimous that a bare allegation of  
13 a conspiracy between the [non-resident] defendant and a person within the  
14 personal jurisdiction of the court"—which is all Plaintiff alleged here  
15 (Compl. at ¶ 105)—"is not enough" to establish specific jurisdiction over the  
16 non-resident defendant. *See Chirila v. Conforte*, 47 Fed. App'x 838, 843 (9th  
17 Cir. 2002).

### 18 III. CONCLUSION

19 Where Plaintiff is the "only link between the defendant and the  
20 forum," the Court cannot exercise jurisdiction over Seyfarth. *Walden*, 134 S.  
21 Ct. at 1122. This conclusion is even stronger when no link or contact  
22 between Seyfarth and Plaintiff has even been alleged. Seyfarth did not  
23 purposefully direct any conduct toward Nevada in connection with  
24 Plaintiff's claims, so no specific jurisdiction exists. Seyfarth, an Illinois  
25 partnership with no office, property or employees in Nevada, is also not "at  
26 home" here and is not subject to general jurisdiction in this Court. The

27  
28 receive service or that the address where he was served was Defendant  
Graham Taylor's usual abode.

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Court should dismiss all claims against Seyfarth for lack of personal jurisdiction over this defendant.

MORRIS LAW GROUP

By: /s/ STEVE MORRIS

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**CERTIFICATE OF SERVICE**

Pursuant to Fed. R. Civ. P. 5(b) and Section IV of District of Nevada Electronic Filing Procedures, I certify that I am an employee of MORRIS LAW GROUP, and that the following documents were served via electronic service: **REPLY IN SUPPORT OF MOTION TO DISMISS FOR LACK OF JURISDICTION ON BEHALF OF DEFENDANT SEYFARTH SHAW LLP**

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DATED this 28th day of September, 2016.

By: /s/ PATRICIA FERRUGIA

		<p>advised to manually file the form with the Clerk's Office. (A copy of form AO 85 has been mailed to parties not receiving electronic service.)</p> <p>NOTICE OF GENERAL ORDER 2013-1 AND OPPORTUNITY FOR EXPEDITED TRIAL SETTING: The parties in this action are provided with a link to General Order 2013-1 and the USDC Short Trial Rules on the Court's website - <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a>. If the parties agree that this action can be ready for trial within 180 days and that a trial of this matter would take three (3) days or less, the parties should consider participation in the USDC Short Trial Program. If the parties wish to be considered for entry into the Court's Short Trial Program, they should execute and electronically file with USDC Short Trial Form 4(a)(1) or Form 4(a)(2).</p> <p>(no image attached) (SLD) (Entered: 05/20/2015)</p>
05/20/2015	<u>4</u>	Summons Issued as to International House of Pancakes LLC re <u>1</u> Complaint. (SLD) (Main Document 4 replaced on 5/20/2015) (SLD). (Entered: 05/20/2015)
05/20/2015	<u>5</u>	Summons Issued as to IHOP re <u>1</u> Complaint. (SLD) (Main Document 5 replaced on 5/20/2015) (SLD). (Entered: 05/20/2015)
05/20/2015	<u>6</u>	Summons Issued as to Dan Ashoori Group re <u>1</u> Complaint. (SLD) (Entered: 05/20/2015)
05/21/2015	<u>7</u>	CERTIFICATE of Interested Parties filed by Bethany Anne Pennington. There are no known interested parties other than those participating in the case . (McGaha, William) (Entered: 05/21/2015)
05/28/2015	<u>8</u>	<p><b>ERROR:</b> Wrong event selected, by attorney . <b>CORRECTION:</b> Attorney advised to refile documents using the correct event</p> <p><del>SUBPOENA Returned Executed as to International House of Pancakes. (McGaha, William)</del> <b>Modified on 5/28/2015 (RFJ).</b> (Entered: 05/28/2015)</p>
05/28/2015	<u>9</u>	<p><b>NOTICE:</b> of Attorney Action Required to <u>8</u> Subpoena Returned Executed:</p> <p><b>ERROR:</b> Wrong event selected by attorney <u>William W. McGaha</u>.</p> <p><b>CORRECTION:</b> Attorney is advised to refile <b>pleading</b> using the correct event <u>Summons Returned Executed</u> found under Service of Process category. (no image attached)(RFJ) (Entered: 05/28/2015)</p>
05/28/2015	<u>10</u>	SUMMONS Returned Executed by Bethany Anne Pennington. International House of Pancakes LLC served on 5/26/2015, answer due 6/16/2015. (McGaha, William) (Entered: 05/28/2015)
06/08/2015	<u>11</u>	SUMMONS Returned Executed by Bethany Anne Pennington. Dan Ashoori Group served on 5/27/2015, answer due 6/17/2015. (McGaha, William) (Entered: 06/08/2015)
06/15/2015	<u>12</u>	STIPULATION FOR EXTENSION OF TIME (First Request) re <u>1</u> Complaint, ; by Plaintiff Bethany Anne Pennington. (McGaha, William) (Entered: 06/15/2015)
06/15/2015	<u>16</u>	<p>NOTICE TO COUNSEL PURSUANT TO LOCAL RULE IA 10-2. Counsel Justin Ma to comply with completion and electronic filing of the Designation of Local Counsel and Verified Petition. For your convenience, click on the following link to obtain the form from the Court's website - <a href="http://www.nvd.uscourts.gov/Forms.aspx">www.nvd.uscourts.gov/Forms.aspx</a>.</p> <p><b>Upon approval of the Verified Petition</b>, counsel is required to register for the Court's Case Management and Electronic Case Filing (CM/ECF) system and the electronic service</p>

		of pleadings. Please visit the Court's website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> to register Attorney(s).
		Verified Petition due by 7/30/2015. <b>(no image attached)</b> (RFJ) (Entered: 06/17/2015)
06/16/2015	<u>13</u>	ORDER ON STIPULATION Granting <u>12</u> STIPULATION for Extension of Time (First Request) re <u>1</u> Complaint. Defendant International House of Pancakes LLC answer due 6/30/2015. Signed by Magistrate Judge Carl W. Hoffman on 6/16/2015. (Copies have been distributed pursuant to the NEF - SLD) (Entered: 06/16/2015)
06/16/2015	<u>14</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Carl W. Hoffman, on 6/16/2015. Pursuant to the parties' stipulation (doc. # <u>12</u> ) filed on the record, the Court hereby directs: (1) the parties to file stipulations, motions, and other pleadings in compliance with LR IA 10-2; and (2) Justin Ma, Esq. to seek admission to practice before this Court in compliance with Civ. LR 10-2. Failure to comply with this Court's order will result in sanctions. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - FJA) (Entered: 06/16/2015)
06/16/2015	<u>15</u>	ORDER Scheduling Early Neutral Evaluation Session. Early Neutral Evaluation set for 8/5/2015 10:00 AM in LV Chambers before Magistrate Judge Cam Ferenbach. The written evaluation statements must be delivered directly to chambers in a sealed envelope-MARKED CONFIDENTIAL AND DO NOT FILE, not later than 12:00 p.m., 7/29/2015. Signed by Magistrate Judge Cam Ferenbach on 6/15/2015. (Copies have been distributed pursuant to the NEF - copy mailed to Attorney Justin Ma - SLD) (SLD). (Entered: 06/16/2015)
06/18/2015	<u>17</u>	STIPULATION FOR EXTENSION OF TIME (First Request) re <u>1</u> Complaint, ; by Plaintiff Bethany Anne Pennington. (McGaha, William) (Entered: 06/18/2015)
06/22/2015	<u>18</u>	ORDER ON STIPULATION Granting <u>17</u> STIPULATION for Extension of Time (First Request) re <u>1</u> Complaint. Dan Ashoori Group's answer due 7/2/2015. Signed by Magistrate Judge Carl W. Hoffman on 6/22/2015. (Copies have been distributed pursuant to the NEF - SLD) (Entered: 06/22/2015)
06/26/2015	<u>19</u>	Mail Returned as Undeliverable re <u>15</u> Order Scheduling Early Neutral Evaluation Session addressed to Justin Ma, Esq. Envelope marked: Return to Sender - Insufficient Address - Unable to Forward. No new address available. Clerk did not resend. (SLD) (Entered: 06/29/2015)
06/26/2015	<u>20</u>	Mail Returned as Undeliverable re 16 Notice for Desig of Local Counsel & VP addressed to Justin Ma. Envelope marked: Return to Sender - Insufficient Address - Unable to Forward. No new address available. Clerk did not resend. (SLD) (Entered: 06/29/2015)
06/29/2015		Clerk NOTE: Documents #14, #15, and #16 re-mailed to Justin Ma, Esq. at 450 N. Brand Blvd. Fl 7 Glendale, CA 91203 <b>(no image attached)</b> (AF) (Entered: 06/29/2015)
06/30/2015	<u>21</u>	SECOND STIPULATION FOR EXTENSION OF TIME re <u>1</u> Complaint; filed by Defendant International House of Pancakes LLC. (Prior, Paul) (Entered: 06/30/2015)
07/01/2015	<u>22</u>	Mail Returned as Undeliverable re <u>18</u> Order addressed to Justin Ma, Esq. Envelope marked: Return to Sender - Insufficient Address - Unable to Forward. New address. Clerk remailed document. (SLD) (Entered: 07/01/2015)
07/01/2015	<u>23</u>	ORDER ON STIPULATION Granting <u>21</u> SECOND STIPULATION FOR EXTENSION

		OF TIME re <u>1</u> Complaint. International House of Pancakes LLC's answer due 7/14/2015. Signed by Magistrate Judge Carl W. Hoffman on 7/1/2015. (Copies have been distributed pursuant to the NEF - SLD) (Entered: 07/01/2015)
07/02/2015	<u>24</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Carl W. Hoffman, on 7/2/2015. Pursuant to this Court's inability to contact Justin Ma, lead attorney for Defendant International House of Pancakes LLC, by mail (see docs. # <u>19</u> <u>20</u> <u>22</u> ), IT IS HEREBY ORDERED that Justin Ma shall file a notice providing a viable mailing address for the record, <b>no later than July 16, 2015</b> , and failure to do so will result in sanctions. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - FJA) (Entered: 07/02/2015)
07/14/2015	<u>25</u>	MOTION to Dismiss by Defendant International House of Pancakes LLC. Responses due by 7/31/2015. (Prior, Paul) (Entered: 07/14/2015)
07/14/2015	<u>26</u>	MEMORANDUM filed by Defendant International House of Pancakes LLC re <u>25</u> Motion to Dismiss. (Prior, Paul) (Entered: 07/14/2015)
07/14/2015	<u>27</u>	NOTICE re 24 Minute Order, filed by International House of Pancakes LLC . (Prior, Paul) (Entered: 07/14/2015)
07/14/2015	<u>28</u>	DECLARATION of William Taylor re <u>25</u> Motion to Dismiss, <u>26</u> Memorandum ; by Defendant International House of Pancakes LLC. (Prior, Paul) (Entered: 07/14/2015)
07/16/2015	<u>29</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Carl W. Hoffman, on 7/16/2015. Pursuant to the notice (doc. # <u>27</u> ) filed on the record, the Court underscores that it is <b>counsel's obligation</b> to update the record so it reflects accurate information regarding counsel for the parties. Accordingly, IT IS HEREBY ORDERED that Justin Ma shall file a notice of withdrawal as lead attorney of record for Defendant <b>no later than July 22, 2015</b> . <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - FJA) (Entered: 07/16/2015)
07/17/2015	<u>30</u>	MOTION for Exception to Attendance Requirement re: Early Neutral Evaluation; filed by Defendant International House of Pancakes LLC. Responses due by 8/3/2015. (Prior, Paul) (Entered: 07/17/2015)
07/17/2015	<u>31</u>	NOTICE of Change of Attorney; filed by Defendant International House of Pancakes LLC. (Prior, Paul) (Entered: 07/17/2015)
07/21/2015	<u>32</u>	ORDER re Defendant's <u>30</u> Motion for Exception from Early Neutral Evaluation Attendance Requirement. IT IS HEREBY ORDERED that an in-chambers telephone conference is set for 7/24/2015 11:00 AM before Magistrate Judge Cam Ferenbach. Parties are instructed to call (702) 868-4911, access code: 123456, 5 minutes prior to the hearing time. Signed by Magistrate Judge Cam Ferenbach on 7/21/15. (Copies have been distributed pursuant to the NEF - PS) (Entered: 07/21/2015)
07/23/2015	<u>33</u>	AMENDED COMPLAINT with Jury Demand against International House of Pancakes LLC, Farshad Ashoori, Rainbow 1601, Inc, filed by Bethany Anne Pennington. Adds and removes parties. Proof of service due by 11/20/2015. (McGaha, William) (Entered: 07/23/2015)
07/24/2015	<u>34</u>	MINUTES OF PROCEEDINGS - Hearing re ENE held on 7/24/2015 before Magistrate Judge Cam Ferenbach. Pla Counsel: <i>Joshua Santeramo, Esq.</i> ; Def Counsel: <i>Justin Shiroff, Esq.</i> ; Time of Hearing: <i>11:00 a.m. - 11:08 a.m.</i> ; granting in part and denying in part <u>30</u> Motion for Relief from Early Neutral Evaluation.; ( Submission of Stipulation due by 7/31/2015.) In chambers. The court held a hearing on July 24, 2015 and heard representations from the parties. The motion for exception from ENE (#30) is granted in part and denied in part. The ENE scheduled for 10:00 a.m., August 5, 2015 is VACATED.



		The ENE will be rescheduled at a later date. An IHOP representative with settlement authority must be available by telephone at the rescheduled ENE. The parties must confer and file proposed dates of availability for the rescheduled ENE by July 31, 2015. (Copies have been distributed pursuant to the NEF - MT) (Entered: 07/24/2015)
07/29/2015	<u>35</u>	STIPULATION FOR EXTENSION OF TIME (First Request) re <u>25</u> Motion to Dismiss ; by Plaintiff Bethany Anne Pennington. (McGaha, William) (Entered: 07/29/2015)
07/29/2015	<u>36</u>	RESPONSE to <u>34</u> Order on Motion for Relief from Early Neutral Evaluation, filed by Defendant International House of Pancakes LLC. (Prior, Paul) (Entered: 07/29/2015)
07/30/2015	<u>37</u>	ORDER the the Early Neutral Evaluation is rescheduled for 11/10/2015 10:00 AM in LV Chambers before Magistrate Judge Cam Ferenbach. The confidential settlement statement is due by 12:00 p.m., 11/3/2015. Signed by Magistrate Judge Cam Ferenbach on 7/30/2015. (Copies have been distributed pursuant to the NEF - SLD) (Entered: 07/30/2015)
08/05/2015	<u>38</u>	MOTION to Dismiss by Defendant International House of Pancakes LLC. Responses due by 8/22/2015. (Shiroff, Justin) (Entered: 08/05/2015)
08/05/2015	<u>39</u>	DECLARATION of William Taylor re <u>38</u> Motion to Dismiss ; by Defendant International House of Pancakes LLC. (Shiroff, Justin) (Entered: 08/05/2015)
08/11/2015	<u>40</u>	ORDER ON STIPULATION Granting <u>35</u> STIPULATION FOR EXTENSION OF TIME (First Request) to Respond re <u>25</u> Motion to Dismiss. Responses due by 8/7/2015. Signed by Judge Robert C. Jones on 8/11/15. (Copies have been distributed pursuant to the NEF - MMM) (Entered: 08/11/2015)
08/20/2015	<u>41</u>	RESPONSE to <u>38</u> Motion to Dismiss, filed by Plaintiff Bethany Anne Pennington. Replies due by 8/30/2015. (McGaha, William) (Entered: 08/20/2015)
08/27/2015	<u>42</u>	MEMORANDUM re <u>38</u> Motion to Dismiss; filed by Defendant International House of Pancakes LLC. (Prior, Paul) (Entered: 08/27/2015)
08/27/2015	<u>43</u>	PROPOSED Discovery Plan/Scheduling Order filed by Plaintiff Bethany Anne Pennington . (McGaha, William) <b>Corrected image <u>44</u> attached on 8/27/2015 (DKJ).</b> (Entered: 08/27/2015)
08/27/2015	<u>44</u>	NOTICE of Corrected Image/Document re <u>43</u> Proposed Discovery Plan/Scheduling Order by Plaintiff Bethany Anne Pennington. (Service of corrected image is attached). (McGaha, William) (Entered: 08/27/2015)
09/03/2015	<u>45</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Robert C. Jones, on 9/3/2015. ORDERED that Oral Argument Re: (ECF # <u>25</u> , # <u>38</u> ) Defendant International House of Pancakes, LLC's Motion to Dismiss is set for 10:00 A.M., Friday, October 16, 2015, in LAS VEGAS COURTROOM TBD, before Judge Robert J. Jones. (Copies have been distributed pursuant to the NEF - MMM) (Entered: 09/03/2015)
09/11/2015	<u>46</u>	VERIFIED PETITION for Permission to Practice Pro Hac Vice by Kevin Mair Badkoubahi and DESIGNATION of Local Counsel Doreen Spears Hartwell (Filing fee \$ 250 receipt number 0978-3811643) filed by Defendants Farshad Ashoori, Rainbow 1601, Inc . (Spears-Hartwell, Doreen) (Entered: 09/11/2015)
09/18/2015	<u>47</u>	ORDER Granting <u>46</u> Verified Petition for Permission to Practice Pro Hac Vice for Attorney Kevin Mair Badkoubahi and approving Attorney Doreen Spears Hartwell as Designation of Local Counsel for Defendants Farshad Ashoori and Rainbow 1601, Inc. Signed by Judge Robert C. Jones on 9/18/2015. Any Attorney not yet registered with the Court's CM/ECF System shall submit a

		Registration Form on the Court's website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> (Copies have been distributed pursuant to the NEF - SLD) (Entered: 09/18/2015)
09/23/2015	<u>48</u>	Joint MOTION for Protective Order by Defendant International House of Pancakes LLC. (Prior, Paul) (Entered: 09/23/2015)
09/24/2015	<u>49</u>	ORDER Granting <u>48</u> Joint Motion for Protective Order. Signed by Magistrate Judge Carl W. Hoffman on 9/24/2015. (Copies have been distributed pursuant to the NEF - SLD) (Entered: 09/24/2015)
09/25/2015	<u>50</u>	MOTION to Dismiss <i>First Amended Complaint</i> by Defendant Farshad Ashoori. Responses due by 10/12/2015. Certificate of Interested Parties due by 10/5/2015. Discovery Plan/Scheduling Order due by 11/9/2015. (Spears-Hartwell, Doreen) (Entered: 09/25/2015)
09/25/2015	<u>51</u>	ANSWER to <u>33</u> Amended Complaint filed by Rainbow 1601, Inc.(Spears-Hartwell, Doreen) (Entered: 09/25/2015)
09/28/2015	<u>52</u>	VERIFIED PETITION for Permission to Practice Pro Hac Vice by James C. Goodfellow, Jr. and DESIGNATION of Local Counsel Paul Swenson Prior (Filing fee \$ 250 receipt number 0978-3832187) filed by Defendant International House of Pancakes LLC . (Prior, Paul) (Entered: 09/28/2015)
09/28/2015	<u>53</u>	VERIFIED PETITION for Permission to Practice Pro Hac Vice by Noah Finkel and DESIGNATION of Local Counsel Paul Swenson Prior (Filing fee \$ 250 receipt number 0978-3832219) filed by Defendant International House of Pancakes LLC . (Prior, Paul) (Entered: 09/28/2015)
09/28/2015	<u>54</u>	SCHEDULING ORDER Denying <u>43</u> Proposed Discovery Plan/Scheduling Order. Discovery due by 3/10/2016. Motions due by 4/11/2016. Proposed Joint Pretrial Order due by 5/11/2016. Signed by Magistrate Judge Carl W. Hoffman on 9/28/2015. (Copies have been distributed pursuant to the NEF - SLD) (Entered: 09/28/2015)
10/05/2015	<u>55</u>	CERTIFICATE of Interested Parties filed by Farshad Ashoori, Rainbow 1601, Inc that identifies all parties that have an interest in the outcome of this case. . (Spears-Hartwell, Doreen) (Entered: 10/05/2015)
10/08/2015	<u>56</u>	NOTICE OF HEARING LOCATION: Oral Argument re: <u>25</u> and <u>38</u> Motions to Dismiss set for Friday, 10/16/2015 in <b>Las Vegas Courtroom 4B</b> before Judge Robert C. Jones. (LE) (Entered: 10/08/2015)
10/08/2015	<u>57</u>	ORDER Granting <u>52</u> Verified Petition for Permission to Practice Pro Hac Vice for Attorney James C. Goodfellow, Jr and approving Attorney Paul Swenson Prio as Designation of Local Counsel for International House of Pancakes LLC. Signed by Judge Robert C. Jones on 10/8/2015. Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> (Copies have been distributed pursuant to the NEF - SLD) (Entered: 10/08/2015)
10/08/2015	<u>58</u>	ORDER Granting <u>53</u> Verified Petition for Permission to Practice Pro Hac Vice for Attorney Noah Finkel and approving Attorney Paul Swenson Prior as Designation of Local Counsel for International House of Pancakes LLC. Signed by Judge Robert C. Jones on 10/8/2015. Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> (Copies have been distributed pursuant to the NEF - SLD) (Entered: 10/08/2015)
10/08/2015	<u>59</u>	Joint MOTION to Seal by Defendant International House of Pancakes LLC. (Prior, Paul) (Entered: 10/08/2015)



10/12/2015	<u>60</u>	RESPONSE to <u>50</u> Motion to Dismiss, filed by Plaintiff Bethany Anne Pennington. Replies due by 10/22/2015. (McGaha, William) (Entered: 10/12/2015)
10/13/2015	<u>61</u>	ORDER granting <u>59</u> Joint Motion to Seal. Signed by Magistrate Judge Carl W. Hoffman on 10/13/2015. (Copies have been distributed pursuant to the NEF - KR) (Entered: 10/13/2015)
10/14/2015	<u>63</u>	Supplemental RESPONSE to <u>38</u> Motion to Dismiss, filed by Plaintiff Bethany Anne Pennington. Replies due by 10/24/2015. (McGaha, William) (Entered: 10/14/2015)
10/16/2015	<u>64</u>	MINUTES OF PROCEEDINGS - Motion Hearing RE: <u>25</u> and <u>38</u> MOTIONS to Dismiss , held on 10/16/2015 before Judge Robert C. Jones. Crtrm Administrator: <i>Lesa Ettinger</i> ; Pla Counsel: <i>Joshua Santeramo</i> ; Def Counsel: <i>Noah Finkel</i> ; Court Reporter/FTR #: <i>Margaret Griener</i> ; Time of Hearing: <i>10:36 a.m. - 10:39 a.m.</i> ; Courtroom: <i>4B</i> ; Arguments of counsel are heard. The Court takes this matter under submission. Written ruling of the Court will issue. (no image attached) (Copies have been distributed pursuant to the NEF - LE) (Entered: 10/21/2015)
10/22/2015	<u>65</u>	REPLY to Response to <u>50</u> Motion to Dismiss filed by Defendant Farshad Ashoori. (Spears-Hartwell, Doreen) (Entered: 10/22/2015)
11/02/2015	<u>66</u>	AMENDED COMPLAINT <i>Second</i> with Jury Demand against All Defendants, filed by Bethany Anne Pennington. No changes to parties. Proof of service due by 3/1/2016. (McGaha, William) (Entered: 11/02/2015)
11/06/2015	<u>67</u>	MOTION for leave to appear at the ENE by telephone by Defendant International House of Pancakes LLC. Responses due by 11/23/2015. (Goodfellow, James) (Entered: 11/06/2015)
11/06/2015	<u>68</u>	ORDER Granting Defendant International House of Pancakes, LLC's <u>67</u> Motion for James C. Goodfellow to appear at the ENE by telephone. Signed by Magistrate Judge Cam Ferenbach on 11/6/2015. (Copies have been distributed pursuant to the NEF - SLD) (Entered: 11/06/2015)
11/09/2015	<u>69</u>	PROPOSED Discovery Plan/Scheduling Order filed by Plaintiff Bethany Anne Pennington <i>Amended</i> . (McGaha, William) (Entered: 11/09/2015)
11/10/2015	<u>70</u>	MINUTES OF PROCEEDINGS - Early Neutral Evaluation Conference held on 11/10/2015 before Magistrate Judge Cam Ferenbach. Pla Counsel: <i>William McGaha, Esq.</i> ; <i>Joshua Santeramo, Esq.</i> ; Plaintiff <i>Bethany Anne Pennington</i> ; Def Counsel: <i>Doreen Spears-Hartwell, Esq.</i> ; Def. <i>Farshad Ashoor, Paul Swenson Prior, Esq.</i> ; Time of Hearing: <i>10:00 a.m. - 1:10 p.m.</i> ; In chambers. The court met and conferred with the parties and counsel and a confidential settlement agreement was reached. IT IS HEREBY ORDERED that the proposed stipulation and order for dismissal must be filed on or before January 11, 2016. Settlement documents are due by 1/11/2016.(no image attached) (Copies have been distributed pursuant to the NEF - MT) (Entered: 11/10/2015)
11/13/2015	<u>71</u>	VACATED ORDER that the Motions to Dismiss (ECF Nos. <u>25</u> , <u>38</u> ) are GRANTED, with leave to amend in part. Signed by Judge Robert C. Jones on 11/13/15. (Copies have been distributed pursuant to the NEF - MMM) vacated on 12/7/2015 per <u>73</u> Order. (SLD) (Entered: 11/13/2015)
12/04/2015	<u>72</u>	VACATED ORDER Granting Defendant Farshad Ashoori's <u>50</u> Motion to Dismiss with leave to amend in part. Plaintiff is given leave to amend her complaint within fourteen days. The Court defers the issue of exhaustion of remedies to the summary judgment stage. Signed by Judge Robert C. Jones on 12/4/2015. (Copies have been distributed

		pursuant to the NEF - SLD) <b>vacated on 12/7/2015 per <u>73</u> Order. (SLD)</b> (Entered: 12/04/2015)
12/07/2015	<u>73</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Robert C. Jones on 12/7/2015. RE: <u>71</u> and <u>72</u> Orders. The Orders are VACATED and RESCINDED. The parties settlement documents are due by 1/11/2016. (Copies have been distributed pursuant to the NEF - SLD) (Entered: 12/07/2015)
12/22/2015	<u>74</u>	MOTION to Enforce Settlement by Plaintiff Bethany Anne Pennington. Responses due by 1/8/2016. (McGaha, William) (Entered: 12/22/2015)
01/04/2016	<u>75</u>	ORDER that a hearing on Plaintiff's <u>74</u> Motion to Enforce Settlement Agreement is scheduled for 1/20/2016 03:00 PM in LV Courtroom 3D before Magistrate Judge Cam Ferenbach. Signed by Magistrate Judge Cam Ferenbach on 1/4/2016. (Copies have been distributed pursuant to the NEF - SLD) (Entered: 01/04/2016)
01/07/2016	<u>76</u>	STIPULATION of Dismissal with Prejudice; filed by Defendant Rainbow 1606, Inc.. (Spears-Hartwell, Doreen) (Entered: 01/07/2016)
01/07/2016	<u>77</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Cam Ferenbach, on 1/7/2016. RE: <u>75</u> Order,, Set/Reset Motion and R&R Deadlines/Hearings, <b>(no image attached)</b> The parties have a filed a proposed stipulation and order for dismissal. Accordingly, IT IS HEREBY ORDERED that the hearing scheduled for 3:00 p.m., January 20, 2016 is VACATED.(Copies have been distributed pursuant to the NEF - MT) (Entered: 01/07/2016)
01/08/2016	<u>78</u>	ORDER ON STIPULATION Granting <u>76</u> STIPULATION of Dismissal with Prejudice. Signed by Judge Robert C. Jones on 1/8/2016. (Copies have been distributed pursuant to the NEF - SLD) (Entered: 01/08/2016)

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PACER Login:	sp0087:2638037:0	Client Code:	Tricarichi
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HUTCHISON & STEFFEN

A PROFESSIONAL LLC

**EXHIBIT P**

CLOSED

**United States District Court  
District of Nevada (Las Vegas)  
CIVIL DOCKET FOR CASE #: 2:10-cv-01809-MMD-VCF**

Impact Marketing International, LLC v. Big O Tires, LLC  
Assigned to: Judge Miranda M. Du  
Referred to: Magistrate Judge Cam Ferenbach  
Case in other court: Eighth Judicial District Court, A-10-625798-  
C  
Cause: 28:1332 Diversity-Breach of Contract

Date Filed: 10/18/2010  
Date Terminated: 07/09/2012  
Jury Demand: Defendant  
Nature of Suit: 190 Contract: Other  
Jurisdiction: Diversity

**Plaintiff****Impact Marketing International, LLC**

represented by **Chad A Hester**  
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V.

**Defendant****Big O Tires, LLC**

represented by **Michael C. Mills**  
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*ATTORNEY TO BE NOTICED*

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*ATTORNEY TO BE NOTICED*

Counter Claimant**Big O Tires, LLC**

represented by **Michael C. Mills**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*



**Raymond A Gallenberg**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Robert B. Milligan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

Counter Defendant**Impact Marketing International, LLC**

represented by **Chad A Hester**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Troy A Wallin**  
(See above for address)

*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael C. Mills**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
10/18/2010	<u>1</u>	PETITION FOR REMOVAL from Eighth District Court, Case Number A-10-625798-C, (Filing fee \$ 350 receipt number 0978-1768843), filed by Big O Tires, LLC. Certificate of Interested Parties due by 10/28/2010. (Attachments: # <u>1</u> Declaration of Brian Maciak in Support of Defendant Big O Tires, LLC's Notice of Removal, # <u>2</u> Civil Cover Sheet) (Mills, Michael) (Entered: 10/18/2010)
10/19/2010		Case assigned to Chief Judge Roger L. Hunt and Magistrate Judge Lawrence R. Leavitt. (SD) (Entered: 10/19/2010)
10/19/2010	<u>2</u>	MINUTE ORDER IN CHAMBERS of the Honorable Chief Judge Roger L. Hunt, on 10/19/2010. Statement regarding removed action is due by 11/6/2010. Joint Status Report regarding removed action is due by 11/21/2010. (Copies have been distributed pursuant to the NEF - SD) (Entered: 10/19/2010)
10/19/2010	<u>3</u>	NOTICE PURSUANT TO LOCAL RULE IB 2-2: In accordance with 28 USC § 636(c) and FRCP 73, the parties in this action are provided with a link to the "AO 85 Notice of Availability, Consent, and Order of Reference - Exercise of Jurisdiction by a U.S. Magistrate Judge" form on the Court's website - <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> . <b>Consent forms should NOT be electronically filed.</b> Upon consent of all parties, counsel are advised to manually file the form with the Clerk's Office. (no image attached) (SD) (Entered: 10/19/2010)
10/21/2010	<u>4</u>	CERTIFICATE of Interested Parties filed by Big O Tires, LLC. There are no known interested parties other than those participating in the case. (Mills, Michael) (Entered: 10/21/2010)
10/22/2010	<u>5</u>	STIPULATION and <i>[Proposed]</i> Order Extending Time to Respond to Complaint by Defendant Big O Tires, LLC. (Mills, Michael) (Entered: 10/22/2010)
10/25/2010	<u>6</u>	CERTIFICATE of Interested Parties filed by Impact Marketing International, LLC. There are no known interested parties other than those participating in the case. (Wallin, Troy) (Entered: 10/25/2010)
10/26/2010	<u>7</u>	ORDER ON STIPULATION Granting <u>5</u> Stipulation Extending Time to Respond to Complaint. Big O Tires, LLC answer due 11/24/2010. Signed by Chief Judge Roger L. Hunt on 10/26/10. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 10/26/2010)
11/03/2010	<u>8</u>	STATEMENT RE: REMOVAL filed by Defendant Big O Tires, LLC. (Mills, Michael) (Entered: 11/03/2010)
11/03/2010	<u>9</u>	CERTIFICATE OF SERVICE for MINUTES OF THE COURT Minute Order Concerning Removal (issued on October 19, 2010) by Defendant Big O Tires, LLC re <u>2</u> Minute Order re Removal. (Mills, Michael) (Entered: 11/03/2010)
11/18/2010	<u>10</u>	Joint STATUS REPORT by Plaintiff Impact Marketing International, LLC. (Wallin, Troy) (Entered: 11/18/2010)

11/23/2010	<u>11</u>	ANSWER to Complaint with Jury Demand filed by Big O Tires, LLC. Certificate of Interested Parties due by 12/3/2010. Discovery Plan/Scheduling Order due by 1/7/2011. (Mills, Michael) (Entered: 11/23/2010)
02/16/2011	<u>12</u>	NOTICE by Plaintiff Impact Marketing International, LLC <i>Notice of Service of Plaintiff's Initial Rule 26 Disclosure Statement</i> (Wallin, Troy) (Entered: 02/16/2011)
02/16/2011	<u>13</u>	VERIFIED PETITION for Permission to Practice Pro Hac Vice by Robert B. Milligan and DESIGNATION of Local Counsel Michael C. Mills (Filing fee \$ 175 receipt number 0978-1889295) <i>To This Case Only</i> by Defendant Big O Tires, LLC. Motion ripe 2/16/2011. (Mills, Michael) (Entered: 02/16/2011)
02/17/2011	<u>14</u>	ORDER Granting <u>13</u> Verified Petition for Permission to Practice Pro Hac Vice for Attorney Robert B. Milligan and approving Attorney Michael Mills as Designation of Local Counsel for Big O Tires, LLC. Signed by Chief Judge Roger L. Hunt on 2/17/11. Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> (Copies have been distributed pursuant to the NEF - EDS) (Entered: 02/17/2011)
02/22/2011	<u>15</u>	PROPOSED Discovery Plan/Scheduling Order filed by Plaintiff Impact Marketing International, LLC <i>Stipulated Discovery Plan and Scheduling Order</i> . (Wallin, Troy) (Entered: 02/22/2011)
02/28/2011	<u>16</u>	SCHEDULING ORDER Granting <u>15</u> Proposed Discovery Plan/Scheduling Order. Discovery due by 8/1/2011. Motions due by 8/31/2011. Proposed Joint Pretrial Order due by 8/31/2011. Signed by Magistrate Judge Lawrence R. Leavitt on 2/25/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 02/28/2011)
05/02/2011	<u>17</u>	First MOTION for Leave to File <i>Counterclaims Against Plaintiff Impact Marketing International, LLC</i> by Defendant Big O Tires, LLC. Motion ripe 5/2/2011. (Attachments: # <u>1</u> Declaration in Support of Motion, # <u>2</u> Exhibit A to Declaration - Proposed Counterclaim, # <u>3</u> Exhibit A to Proposed Counterclaim, # <u>4</u> Exhibit B to Proposed Counterclaim, # <u>5</u> Exhibit C to Proposed Counterclaim, # <u>6</u> Exhibit D to Proposed Counterclaim)(Mills, Michael) (Entered: 05/02/2011)
05/03/2011	<u>18</u>	MOTION to Amend/Correct Complaint <i>Plaintiff's Notice of Motion and Motion for Leave to Amend Complaint</i> by Plaintiff Impact Marketing International, LLC. Responses due by 5/20/2011. (Attachments: # <u>1</u> Exhibit)(Wallin, Troy) (Entered: 05/03/2011)
05/17/2011	<u>19</u>	RESPONSE to <u>17</u> First MOTION for Leave to File <i>Counterclaims Against Plaintiff Impact Marketing International, LLC</i> , filed by Plaintiff Impact Marketing International, LLC. Replies due by 5/27/2011. (Wallin, Troy) (Entered: 05/17/2011)
05/19/2011	<u>20</u>	NON-OPPOSITION to <u>18</u> MOTION to Amend/Correct Complaint <i>Plaintiff's Notice of Motion and Motion for Leave to Amend Complaint</i> ; filed by Defendant Big O Tires, LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Mills, Michael) (Entered: 05/19/2011)
05/27/2011	<u>21</u>	REPLY to Response to <u>17</u> First MOTION for Leave to File <i>Counterclaims Against Plaintiff Impact Marketing International, LLC</i> ; filed by Defendant Big O Tires, LLC. (Mills, Michael) (Entered: 05/27/2011)
06/01/2011	<u>22</u>	STIPULATION FOR EXTENSION OF TIME (First Request) <i>Stipulation and Order Extending Deadlines in the February 28, 2011 Discovery Plan and Scheduling Order</i> by Plaintiff Impact Marketing International, LLC. (Wallin, Troy) (Entered: 06/01/2011)
06/02/2011	<u>23</u>	STATUS REPORT RE: REMOVAL filed by Defendant Big O Tires, LLC. (Attachments: # <u>1</u> Exhibit A - Stipulation and Proposed Order Extending Deadlines)(Mills, Michael) (Entered: 06/02/2011)



06/07/2011	<u>24</u>	SCHEDULING ORDER Granting <u>22</u> Stipulation Extending Discovery Deadlines. Discovery due by 10/31/2011. Motions due by 11/30/2011. Proposed Joint Pretrial Order due by 11/30/2011. Signed by Magistrate Judge Lawrence R. Leavitt on 6/7/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 06/07/2011)
07/01/2011	<u>25</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Roger L. Hunt on 7/1/2011. By Deputy Clerk: Kandy Capozzi. Having reviewed the docket in this matter and Defendant's Interim Status Report <u>23</u> ; IT IS HEREBY ORDERED this case shall be referred to the U.S. Magistrate Judge upon close of discovery, which is currently 10/31/2011, for the scheduling of a Settlement Conference. Calendar Call set for 1/18/2012 08:45 AM in LV Courtroom 6C before Judge Roger L. Hunt, Jury Trial set for 1/23/2012 08:30 AM in LV Courtroom 6C before Judge Roger L. Hunt. <b><u>These dates shall be included in the Joint Pretrial Order. Any requests for continuances of discovery or dispositive motions shall also include a concurrent request for a continuation of the trial date and supply available dates. (no image attached)</u></b> (Copies have been distributed pursuant to the NEF - KMC) (Entered: 07/01/2011) /
07/08/2011	<u>26</u>	STIPULATION <i>for Protective Order</i> by Defendant Big O Tires, LLC. (Mills, Michael) (Entered: 07/08/2011)
07/15/2011	<u>27</u>	STIPULATION <i>Stipulation to Continue Trial Date and Proposed Order</i> by Plaintiff Impact Marketing International, LLC. (Wallin, Troy) (Entered: 07/15/2011)
07/15/2011	<u>28</u>	ORDERED that the proposed protective order is disapproved without prejudice to submit an amended order consistent with this court's electronic filing requirements and the requiremntns of <i>Kamakana v. City and County of Honolulu</i> . Signed by Magistrate Judge Lawrence R. Leavitt on 7/15/11. (Copies have been distributed pursuant to the NEF - MMM) (Entered: 07/15/2011)
07/18/2011	<u>29</u>	ORDER ON STIPULATION Granting <u>27</u> Stipulation To Continue Trial. Calendar Call reset for 3/7/2011 08:45 AM in LV Courtroom 6C before Judge Roger L. Hunt. Jury Trial reset for 3/12/2012 08:30 AM in LV Courtroom 6C before Judge Roger L. Hunt. Signed by Judge Roger L. Hunt on 7/18/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 07/18/2011)
07/29/2011	<u>30</u>	STIPULATION <i>for Protective Order</i> by Defendant Big O Tires, LLC. (Mills, Michael) (Entered: 07/29/2011)
08/05/2011	<u>31</u>	Joint MOTION for Hearing <i>Joint Motion to Request Telephonic Status Conference</i> by Plaintiff Impact Marketing International, LLC. Motion ripe 8/5/2011. (Wallin, Troy) (Entered: 08/05/2011)
08/12/2011	<u>32</u>	ORDER ON STIPULATION Granting <u>30</u> Stipulated Protective Order. Signed by Magistrate Judge Lawrence R. Leavitt on 8/12/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 08/12/2011)
08/22/2011	<u>33</u>	VERIFIED PETITION for Permission to Practice Pro Hac Vice by Chad A. Hester and DESIGNATION of Local Counsel Troy A. Wallin (Filing fee \$ 175 receipt number 0978-2091485) filed by Plaintiff Impact Marketing International, LLC <i>Verified Petition for Permission to Practice in this case only by Attorney not admitted to the Bar of this Court.</i> Motion ripe 8/22/2011. (Wallin, Troy) (Entered: 08/22/2011)
08/24/2011	<u>34</u>	ORDER Granting <u>33</u> Verified Petition for Permission to Practice Pro Hac Vice for Attorney Chad A. Hester and approving Attorney Troy A. Wallin as Designation of Local Counsel for Impact Marketing International, LLC. Signed by Judge Roger L. Hunt on 8/24/11. Any Attorney not yet registered with the Court's CM/ECF System shall submit a



		Registration Form on the Court's website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> (Copies have been distributed pursuant to the NEF - EDS) (Entered: 08/25/2011)
09/01/2011	<u>35</u>	STATUS REPORT RE: REMOVAL filed by Defendant Big O Tires, LLC. (Mills, Michael) (Entered: 09/01/2011)
09/07/2011	<u>36</u>	VERIFIED PETITION for Permission to Practice Pro Hac Vice by Raymond A. Gallenberg and DESIGNATION of Local Counsel Michael C. Mills (Filing fee \$ 175 receipt number 0978-2107486) <i>In This Case Only</i> by Defendant Big O Tires, LLC. Motion ripe 9/7/2011. (Mills, Michael) (Entered: 09/07/2011)
09/08/2011	<u>37</u>	ORDER Granting <u>36</u> Verified Petition for Permission to Practice Pro Hac Vice for Attorney Raymond A. Gallenberg and approving Attorney Michael C. Mills as Designation of Local Counsel for Big O Tires, LLC. Signed by Judge Roger L. Hunt on 9/8/11. Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> (Copies have been distributed pursuant to the NEF - EDS) (Entered: 09/08/2011)
09/27/2011	<u>38</u>	STIPULATION <i>Stipulation to Amend Complaint</i> by Plaintiff Impact Marketing International, LLC. (Wallin, Troy) (Entered: 09/27/2011)
09/27/2011	<u>39</u>	AMENDED COMPLAINT <i>First Amended Complaint</i> against Big O Tires, LLC, filed by Impact Marketing International, LLC. No changes to parties. Proof of service due by 1/25/2012. (Wallin, Troy) (Entered: 09/27/2011)
09/28/2011	<u>40</u>	ORDER GRANTING <u>38</u> Stipulation allowing plaintiff to file an amended complaint and defendant to file counterclaims with answer to amended complaint. Signed by Judge Roger L. Hunt on 9/28/11. (Copies have been distributed pursuant to the NEF - ECS) (Entered: 09/28/2011)
10/03/2011	<u>41</u>	First ANSWER to <u>39</u> Amended Complaint with Jury Demand ( Certificate of Interested Parties due by 10/13/2011., Discovery Plan/Scheduling Order due by 11/17/2011.), First COUNTERCLAIM against Impact Marketing International, LLC filed by Big O Tires, LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Mills, Michael) (Entered: 10/03/2011)
10/13/2011	<u>42</u>	ORDER Denying as moot <u>17</u> Motion for Leave to File Counterclaims; <u>18</u> Motion to Amend/Correct Complaint; and <u>31</u> Motion for Status Conference. Signed by Judge Roger L. Hunt on 10/13/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 10/13/2011)
10/18/2011	<u>43</u>	<i>Plaintiff Impact Marketing International, LLC's Answer to Counterclaim</i> ANSWER to <u>41</u> Answer to Amended Complaint,, Counterclaim, filed by Impact Marketing International, LLC.(Wallin, Troy) (Entered: 10/18/2011)
10/19/2011	<u>44</u>	MINUTE ORDER IN CHAMBERS of the Honorable Chief Judge Robert C. Jones, on 10/19/2011. IT IS ORDERED that this case is reassigned to Magistrate Judge Cam Ferenbach for all further proceedings. Magistrate Judge Lawrence R. Leavitt no longer assigned to case. All further documents must bear the correct case number 2:10-cv-01809-RLH-VCF. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - AF) (Entered: 10/19/2011)
10/21/2011	<u>45</u>	ORDER Scheduling Settlement Conference: Settlement Conference set for 1/5/2012 at 09:30 AM in Chambers before Magistrate Judge Cam Ferenbach. Settlement conference statements to be delivered directly to chambers by 4:00 PM on 12/29/11. Signed by Magistrate Judge Cam Ferenbach on 10/21/11. (Copies have been distributed pursuant to the NEF - ECS) (Entered: 10/21/2011)

11/30/2011	<u>46</u>	First MOTION for Summary Judgment <i>Plaintiff's Motion for Summary Judgment</i> by Plaintiff Impact Marketing International, LLC. Responses due by 12/24/2011. (Wallin, Troy) (Entered: 11/30/2011)
11/30/2011	<u>47</u>	STATEMENT of Facts in Support of Motion for Summary Judgment re <u>46</u> First MOTION for Summary Judgment <i>Plaintiff's Motion for Summary Judgment ; Plaintiff's Statement of Facts in Support of Motion for Summary Judgment</i> by Plaintiff Impact Marketing International, LLC. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit)(Wallin, Troy) (Entered: 11/30/2011)
11/30/2011	<u>48</u>	First MOTION for Summary Judgment by Counter Claimant Big O Tires, LLC, Defendant Big O Tires, LLC, Plaintiff Impact Marketing International, LLC, Counter Defendant Impact Marketing International, LLC. Responses due by 12/24/2011. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14)(Mills, Michael) (Entered: 11/30/2011)
11/30/2011	<u>49</u>	DECLARATION of Raymond A. Gallenberg in Support of Motion For Summary Judgment re <u>48</u> First MOTION for Summary Judgment ; by Counter Claimant Big O Tires, LLC, Defendant Big O Tires, LLC, Plaintiff Impact Marketing International, LLC, Counter Defendant Impact Marketing International, LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15)(Mills, Michael) (Entered: 11/30/2011)
11/30/2011	<u>50</u>	STATEMENT of of Facts in Support of Motion for Summary Judgment re <u>48</u> First MOTION for Summary Judgment ; by Counter Claimant Big O Tires, LLC, Defendant Big O Tires, LLC, Plaintiff Impact Marketing International, LLC, Counter Defendant Impact Marketing International, LLC. (Mills, Michael) (Entered: 11/30/2011)
11/30/2011	<u>51</u>	DECLARATION of Kevin Kirkendall in Support of Motion for Summary Judgment re <u>48</u> First MOTION for Summary Judgment ; by Counter Claimant Big O Tires, LLC, Defendant Big O Tires, LLC, Plaintiff Impact Marketing International, LLC, Counter Defendant Impact Marketing International, LLC. (Mills, Michael) (Entered: 11/30/2011)
12/01/2011	<u>52</u>	ERRATA to <u>49</u> Declaration of Raymond A. Gallenberg in Support of <u>48</u> Motion for Summary Judgment filed by Counter Claimant Big O Tires, LLC, Defendant Big O Tires, LLC, Plaintiff Impact Marketing International, LLC, Counter Defendant Impact Marketing International, LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 4, # <u>3</u> Exhibit 7, # <u>4</u> Exhibit 8, # <u>5</u> Exhibit 9, # <u>6</u> Exhibit 10, # <u>7</u> Exhibit 12, # <u>8</u> Exhibit 14)(Mills, Michael) <u>Docket entry relationship modified on 12/5/2011</u> (SRK). (Entered: 12/01/2011)
12/20/2011	<u>53</u>	RESPONSE to <u>46</u> First MOTION for Summary Judgment <i>Plaintiff's Motion for Summary Judgment</i> , filed by Counter Claimant Big O Tires, LLC, Defendant Big O Tires, LLC. Replies due by 1/6/2012. (Attachments: # <u>1</u> Exhibit Statement of Facts In Opposition, # <u>2</u> Declaration Gallenberg, # <u>3</u> Declaration Tidwell, # <u>4</u> Declaration Lynch, # <u>5</u> Declaration Meyers)(Mills, Michael) (Entered: 12/20/2011)
12/27/2011	<u>54</u>	RESPONSE to <u>48</u> First MOTION for Summary Judgment, filed by Plaintiff Impact Marketing International, LLC. <i>Plaintiff's Opposition to Defendant's Motion for Summary Judgment</i> Replies due by 1/13/2012. (Wallin, Troy) (Entered: 12/27/2011)
12/27/2011	<u>55</u>	STATEMENT of Facts in Support of Opposition to Defendant's Motion for Summary Judgment re <u>54</u> Response to Motion ; <i>Plaintiff's Statement of Facts in Support of Opposition to Defendant's Motion for Summary Judgment</i> by Plaintiff Impact Marketing International, LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10,

		# <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17)(Wallin, Troy) (Entered: 12/27/2011)
01/05/2012	<u>56</u>	MINUTES OF PROCEEDINGS - Settlement Conference held on 1/5/2012 before Magistrate Judge Cam Ferenbach. Pla Counsel: <i>Troy A. Wallin, Esq.</i> ; Client Representative <i>Jason Hearne</i> ; Def Counsel: <i>Robert Milligan, Esq.</i> ; Client Representative <i>Brian Maciak - General Counsel for TBC Retail Group</i> ; Time of Hearing: 9:30 a.m.; ADR suite; The Court met and conferred with counsel and parties; however, a settlement agreement was not reached. IT IS HEREBY ORDERED that the case returns to the normal litigation track.(no image attached) (Copies have been distributed pursuant to the NEF - MT) (Entered: 01/05/2012)
01/06/2012	<u>57</u>	MOTION to Strike <u>53</u> Response to Motion, <i>Plaintiff's Motion to Strike Evidence Offered by Defendant in Opposition to Motion for Summary Judgment</i> by Plaintiff Impact Marketing International, LLC. Responses due by 1/23/2012. (Attachments: # <u>1</u> Exhibit 1,2,3)(Wallin, Troy) (Entered: 01/06/2012)
01/06/2012	<u>58</u>	REPLY to Response to <u>46</u> First MOTION for Summary Judgment <i>Plaintiff's Motion for Summary Judgment</i> ; filed by Plaintiff Impact Marketing International, LLC. <i>Plaintiff's Reply in Support of its Motion for Summary Judgment</i> (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D)(Wallin, Troy) (Entered: 01/06/2012)
01/13/2012	<u>59</u>	REPLY to Response to <u>48</u> First MOTION for Summary Judgment ; filed by Counter Claimant Big O Tires, LLC, Defendant Big O Tires, LLC. (Mills, Michael) (Entered: 01/13/2012)
01/13/2012	<u>60</u>	DECLARATION re <u>48</u> First MOTION for Summary Judgment ; filed by Counter Claimant Big O Tires, LLC, Defendant Big O Tires, LLC, Plaintiff Impact Marketing International, LLC. (Mills, Michael) (Entered: 01/13/2012)
01/13/2012	<u>61</u>	MOTION to Strike <u>46</u> First MOTION for Summary Judgment <i>Plaintiff's Motion for Summary Judgment</i> , <u>48</u> First MOTION for Summary Judgment by Counter Claimant Big O Tires, LLC, Defendant Big O Tires, LLC. Responses due by 1/30/2012. (Mills, Michael) (Entered: 01/13/2012)
01/13/2012	<u>62</u>	DECLARATION re <u>61</u> MOTION to Strike <u>46</u> First MOTION for Summary Judgment <i>Plaintiff's Motion for Summary Judgment</i> , <u>48</u> First MOTION for Summary Judgment MOTION to Strike <u>46</u> First MOTION for Summary Judgment <i>Plaintiff's Motion for Summary Judgment</i> , <u>48</u> First MOTION for Summary Judgment ; filed by Counter Claimant Big O Tires, LLC, Defendant Big O Tires, LLC. (Mills, Michael) (Entered: 01/13/2012)
01/13/2012	<u>63</u>	DECLARATION re <u>46</u> First MOTION for Summary Judgment <i>Plaintiff's Motion for Summary Judgment</i> ; filed by Counter Claimant Big O Tires, LLC, Defendant Big O Tires, LLC. (Mills, Michael) (Entered: 01/13/2012)
01/17/2012		The Court hereby orders expedited briefing on the two pending motions to strike as follows: Set/Reset Deadlines as to <u>57</u> MOTION to Strike <u>53</u> Response to Motion, <i>Plaintiff's Motion to Strike Evidence Offered by Defendant in Opposition to Motion for Summary Judgment</i> MOTION to Strike <u>53</u> Response to Motion, <i>Plaintiff's Motion to Strike Evidence Offered by Defendant in Opposition to Motion for Summary Judgment</i> , <u>61</u> MOTION to Strike <u>46</u> First MOTION for Summary Judgment <i>Plaintiff's Motion for Summary Judgment</i> , <u>48</u> First MOTION for Summary Judgment MOTION to Strike <u>46</u> First MOTION for Summary Judgment <i>Plaintiff's Motion for Summary Judgment</i> , <u>48</u> First MOTION for Summary Judgment : Responses due by 1/20/2012. Replies due by 1/25/2012. (RCH) (Entered: 01/17/2012)

01/20/2012	<u>64</u>	NOTICE by Plaintiff Impact Marketing International, LLC re <u>55</u> Statement,,. <i>Notice of Errata re Plaintiff's SOF in Support of its Opposition to DF's MSJ</i> (Wallin, Troy) (Entered: 01/20/2012)
01/20/2012	<u>65</u>	DECLARATION of Chad A. Hester re <u>46</u> First MOTION for Summary Judgment <i>Plaintiff's Motion for Summary Judgment</i> ; filed by Plaintiff Impact Marketing International, LLC. <i>Declaration of Chad A. Hester in Support of Plaintiff's MSJ</i> (Wallin, Troy) (Entered: 01/20/2012)
01/20/2012	<u>66</u>	DECLARATION of Chad A. Hester re <u>48</u> First MOTION for Summary Judgment ; filed by Plaintiff Impact Marketing International, LLC. <i>Declaration of Chad A. Hester in Support of Plaintiff's Opposition to DF's MSJ</i> (Wallin, Troy) (Entered: 01/20/2012)
01/20/2012	<u>67</u>	DECLARATION of Chad A. Hester re <u>46</u> First MOTION for Summary Judgment <i>Plaintiff's Motion for Summary Judgment</i> ; filed by Plaintiff Impact Marketing International, LLC. <i>Declaration of Chad A. Hester in Support of PT's Reply in Support of its MSJ</i> (Wallin, Troy) (Entered: 01/20/2012)
01/20/2012	<u>68</u>	RESPONSE to <u>61</u> MOTION to Strike <u>46</u> First MOTION for Summary Judgment <i>Plaintiff's Motion for Summary Judgment</i> , <u>48</u> First MOTION for Summary Judgment MOTION to Strike <u>46</u> First MOTION for Summary Judgment <i>Plaintiff's Motion for Summary Judgment</i> , <u>48</u> First MOTION for Summary Judgment, filed by Plaintiff Impact Marketing International, LLC. <i>Plaintiff's Response to Defendant's Motion to Strike Evidence offered by Defendant in Opposition to MSJ</i> Replies due by 1/30/2012. (Attachments: # <u>1</u> Exhibit A)(Wallin, Troy) (Entered: 01/20/2012)
01/20/2012	<u>69</u>	RESPONSE to <u>57</u> MOTION to Strike <u>53</u> Response to Motion, <i>Plaintiff's Motion to Strike Evidence Offered by Defendant in Opposition to Motion for Summary Judgment</i> MOTION to Strike <u>53</u> Response to Motion, <i>Plaintiff's Motion to Strike Evidence Offered by Defendant in Opposition to Motion for Summary Judgment</i> , filed by Defendant Big O Tires, LLC. Replies due by 1/30/2012. (Mills, Michael) (Entered: 01/20/2012)
01/20/2012	<u>70</u>	DECLARATION re <u>57</u> MOTION to Strike <u>53</u> Response to Motion, <i>Plaintiff's Motion to Strike Evidence Offered by Defendant in Opposition to Motion for Summary Judgment</i> MOTION to Strike <u>53</u> Response to Motion, <i>Plaintiff's Motion to Strike Evidence Offered by Defendant in Opposition to Motion for Summary Judgment</i> ; filed by Defendant Big O Tires, LLC. (Mills, Michael) (Entered: 01/20/2012)
01/25/2012	<u>71</u>	REPLY to Response to <u>57</u> MOTION to Strike <u>53</u> Response to Motion, <i>Plaintiff's Motion to Strike Evidence Offered by Defendant in Opposition to Motion for Summary Judgment</i> MOTION to Strike <u>53</u> Response to Motion, <i>Plaintiff's Motion to Strike Evidence Offered by Defendant in Opposition to Motion for Summary Judgment</i> ; filed by Plaintiff Impact Marketing International, LLC. <i>Plaintiff's Reply in Support of It's Motion to Strike Evidence Offered by Defendant in Opposition to Motion for Summary Judgment</i> (Attachments: # <u>1</u> Declaration)(Wallin, Troy) (Entered: 01/25/2012)
01/25/2012	<u>72</u>	DECLARATION re <u>61</u> MOTION to Strike <u>46</u> First MOTION for Summary Judgment <i>Plaintiff's Motion for Summary Judgment</i> , <u>48</u> First MOTION for Summary Judgment MOTION to Strike <u>46</u> First MOTION for Summary Judgment <i>Plaintiff's Motion for Summary Judgment</i> , <u>48</u> First MOTION for Summary Judgment ; filed by Defendant Big O Tires, LLC. (Mills, Michael) (Entered: 01/25/2012)
01/25/2012	<u>73</u>	REPLY to Response to <u>61</u> MOTION to Strike <u>46</u> First MOTION for Summary Judgment <i>Plaintiff's Motion for Summary Judgment</i> , <u>48</u> First MOTION for Summary Judgment MOTION to Strike <u>46</u> First MOTION for Summary Judgment <i>Plaintiff's Motion for Summary Judgment</i> , <u>48</u> First MOTION for Summary Judgment ; filed by Defendant Big O Tires, LLC. (Mills, Michael) (Entered: 01/25/2012)



02/02/2012	<u>74</u>	ORDER Denying <u>57</u> Motion to Strike. Granting in part and Denying in part <u>61</u> Motion to Strike. Granting in part and Denying in part <u>46</u> Motion for Summary Judgment. Granting in part and Denying in part <u>48</u> Motion for Summary Judgment. Signed by Judge Roger L. Hunt on 2/2/2012. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 02/02/2012)
02/02/2012	<u>75</u>	(1st Notice) PURSUANT TO SPECIAL ORDER 109: that <b>Chad A. Hester</b> is in violation of Special Order 109. <b>Participation in the electronic filing system became mandatory for all attorneys effective January 1, 2006.</b> You are required to register for the Court's Case Management and Electronic Case Filing (CM/ECF) program and the electronic service of pleadings. Please visit the Court's website to register for CM/ECF. (MJZ) (Entered: 02/02/2012)
02/10/2012	<u>76</u>	MOTION in Limine <i>To Deem Plaintiff's Admissions Conclusively Established and to Preclude Improper, Prejudicial, and Irrelevant Evidence and Argument</i> by Counter Claimant Big O Tires, LLC, Defendant Big O Tires, LLC. Responses due by 2/27/2012. (Mills, Michael) (Entered: 02/10/2012)
02/10/2012	<u>77</u>	DECLARATION re <u>76</u> MOTION in Limine <i>To Deem Plaintiff's Admissions Conclusively Established and to Preclude Improper, Prejudicial, and Irrelevant Evidence and Argument</i> ; filed by Counter Claimant Big O Tires, LLC, Defendant Big O Tires, LLC. (Mills, Michael) (Entered: 02/10/2012)
02/13/2012	<u>78</u>	Joint UNOPPOSED MOTION Telephonic Status Conference <i>Motion to Request Telephonic Status Conference</i> by Plaintiff Impact Marketing International, LLC. Motion ripe 2/13/2012. (Wallin, Troy) (Entered: 02/13/2012)
02/15/2012	<u>79</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Roger L. Hunt on 2/15/2012. By Deputy Clerk: 12/15/2012. IT IS HEREBY ORDERED Unopposed Motion for Telephonic Status Conference <u>78</u> GRANTED. IT IS FURTHER ORDERED a telephonic Status Conference set for 2/22/2012 11:00 AM. Counsel are instructed to call telephone number: (702) 868-4908, Access Code: 123456, 5 minutes prior to the hearing time (11:00 a.m.) on Wednesday, February 22, 2012. The Court will join the call and convene the proceedings. <u>The call must be made on a land line. The use of a cell phone or speaker phone during the proceedings is prohibited.</u> (Copies have been distributed pursuant to the NEF - KMC) (Entered: 02/15/2012)
02/22/2012	<u>80</u>	MINUTES OF PROCEEDINGS - <i>Telephonic</i> Hearing re: Unopposed Motion for Telephonic Status Conference <u>78</u> held on 2/22/2012 before Judge Roger L. Hunt. Crtrm Administrator: <i>Kandy Capozzi</i> ; Pla Counsel: <i>Troy Wallin; Chad Hester</i> ; Def Counsel: <i>Michael C. Mills; Robert Milligan; Raymond Gallenberg</i> ; Court Reporter/FTR #: <i>Heather Newman</i> ; Time of Hearing: <i>11:00 AM</i> ; Courtroom: <i>6C</i> ; The Court explains the stacked calendar procedures and why a date certain cannot be given. Further, due to the Court's unusually heavy trial schedule for lengthy criminal cases, combined with the Court's own availability, there are no possible trial dates available in the near future. Therefore, the Court suggests the parties consider their option to proceed before a Magistrate Judge, who <i>would be</i> able to schedule a definite trial date. A discussion is held. All parties will not consent to proceed before a Magistrate Judge. Accordingly, IT IS HEREBY ORDERED the trial date on the 3/12/2012 trial stack and the calendar call on 3/7/2012 are VACATED. The Courtroom Administrator will reschedule the trial on a trial stack which has few or no civil cases currently scheduled. However, the Court explains that criminal cases will always be given priority as the Speedy Trial Act cannot be violated. Counsel estimate the trial will take from five to seven days. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - KMC) (Entered: 02/23/2012)
02/23/2012	<u>81</u>	NOTICE of NEW TRIAL SETTING: Calendar Call is set for 7/25/2012 08:45 AM in LV Courtroom 6C before Judge Roger L. Hunt. Jury Trial is rescheduled on the 8/6/2012 trial

		stack, 09:00 AM in LV Courtroom 6C before Judge Roger L. Hunt. <b>(no image attached)</b> (KMC) (Entered: 02/23/2012)
02/29/2012	<u>82</u>	RESPONSE to <u>76</u> MOTION in Limine <i>To Deem Plaintiff's Admissions Conclusively Established and to Preclude Improper, Prejudicial, and Irrelevant Evidence and Argument</i> , filed by Plaintiff Impact Marketing International, LLC. <i>Plaintiff's Opposition to Defendant's MIL</i> (Attachments: # <u>1</u> Declaration Declaration of Chad A. Hester in Support of Plaintiff's Opposition to Defendant's MIL)(Wallin, Troy) (Entered: 02/29/2012)
04/16/2012	83	MINUTE ORDER IN CHAMBERS of the Honorable Judge Roger L. Hunt, on 4/16/2012. By Deputy Clerk: Kandy Capozzi. Pursuant to Local Rule LR 26-1(e)(5) and Discovery Plan and Scheduling Order <u>24</u> , a proposed joint Pretrial Order is due thirty (30) days after decision(s) on dispositive motions are entered by the Court. To date, a proposed joint Pretrial Order has not been received. Accordingly, IT IS HEREBY ORDERED the parties to this action shall file a Proposed Joint Pretrial Order in full compliance of LR 16-3 no later than 5/18/2012. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - KMC) (Entered: 04/16/2012)
05/08/2012	84	MINUTE ORDER IN CHAMBERS of the Honorable Chief Judge Robert C. Jones, on 5/8/2012. By Deputy Clerk: Aaron Blazeovich. IT IS ORDERED that this case is reassigned to Judge Miranda M. Du for all further proceedings. Judge Roger L. Hunt no longer assigned to case. All further documents must bear the correct case number 2:10-cv-01809-MMD -VCF. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - ASB) (Entered: 05/08/2012)
05/18/2012	<u>85</u>	PROPOSED Pretrial Order by Plaintiff Impact Marketing International, LLC. (Wallin, Troy) (Entered: 05/18/2012)
05/21/2012	<u>86</u>	PRETRIAL ORDER: Jury Trial set for 7/24/2012 09:00 AM in LV Courtroom 4B before Judge Miranda M. Du. Calendar Call set for 7/11/2012 09:00 AM in LV Courtroom 4B before Judge Miranda M. Du. Trial Briefs, Proposed Jury Instructions, and Proposed Voir Dire due by 7/17/2012. Signed by Judge Miranda M. Du on 5/21/2012. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 05/21/2012)
05/23/2012	87	MINUTE ORDER IN CHAMBERS of the Honorable Judge Miranda M. Du, on 5/23/2012. By Deputy Clerk: Peggie Vannozzi. IT IS ORDERED: all dates set in the Joint Pretrial Order are vacated and reset as follows: Proposed Jury Instructions, Proposed Voir Dire, exhibit lists and Trial Briefs are due by 9/4/2012. Calendar Call set is set for 8/29/2012 at 09:00 AM in LV Courtroom 4A before Judge Miranda M. Du., Jury Trial is set for 9/11/2012 09:00 AM in LV Courtroom 4A before Judge Miranda M. Du. This is a stacked calendar. Criminal cases may take precedence on the stacked calendar. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - PAV) (Entered: 05/23/2012)
06/11/2012	<u>88</u>	ORDER that Defendants motions in limine are GRANTED in part and DENIED in part as follows: The Court finds that Exhibit A to Jason Hearn's declaration is inadmissible hearsay. The motions are denied in all other respects. Signed by Judge Miranda M. Du on 6/11/12. (Copies have been distributed pursuant to the NEF - ECS) (Entered: 06/11/2012)
06/26/2012	<u>89</u>	NOTICE of <i>Impending Settlement</i> by Counter Claimant Big O Tires, LLC, Defendant Big O Tires, LLC, Plaintiff Impact Marketing International, LLC, Counter Defendant Impact Marketing International, LLC. (Mills, Michael) (Entered: 06/26/2012)
07/06/2012	<u>90</u>	STIPULATION of Dismissal by Counter Claimant Big O Tires, LLC, Defendant Big O Tires, LLC, Plaintiff Impact Marketing International, LLC, Counter Defendant Impact Marketing International, LLC. (Mills, Michael) (Entered: 07/06/2012)
07/09/2012	<u>91</u>	ORDER GRANTING <u>90</u> Stipulation of Dismissal with prejudice. Each party to bear their

own fees and costs. Case terminated. Signed by Judge Miranda M. Du on 7/7/12. (Copies have been distributed pursuant to the NEF - ECS) (Entered: 07/09/2012)

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HUTCHISON & STEFFEN

A PROFESSIONAL LLC

**EXHIBIT Q**



**United States District Court  
District of Nevada (Las Vegas)  
CIVIL DOCKET FOR CASE #: 2:13-cv-01299-RFB-VCF**

UbiComm, LLC v. Frederick's of Hollywood Stores, Inc.  
Assigned to: Judge Richard F. Boulware, II  
Referred to: Magistrate Judge Cam Ferenbach  
Cause: 15:1126 Patent Infringement

Date Filed: 07/22/2013  
Date Terminated: 03/11/2015  
Jury Demand: Plaintiff  
Nature of Suit: 830 Patent  
Jurisdiction: Federal Question

**Plaintiff**

**UbiComm, LLC**

represented by **Darlene Ghavimi**  
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V.

**Defendant**

**Frederick's of Hollywood Stores, Inc.**

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Date Filed	#	Docket Text
07/22/2013	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$400 receipt number 0978-2896536), filed by UbiComm, LLC. Certificate of Interested Parties due by 8/1/2013. Proof of service due by 11/19/2013. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Civil Cover Sheet Civil Cover

		Sheet, # <u>3</u> Summons Frederick's of Hollywood Stores, Inc., # <u>4</u> Corporate Disclosure Statement) (Salls, Jonathan) (Entered: 07/22/2013)
07/23/2013		Case assigned to Chief Judge Robert C. Jones and Magistrate Judge Cam Ferenbach. <b>Nature of Suit: 830 Patent Case (MAJ)</b> (Entered: 07/23/2013)
07/23/2013	<u>2</u>	NOTICE PURSUANT TO LOCAL RULE IB 2-2: In accordance with 28 USC § 636(c) and FRCP 73, the parties in this action are provided with a link to the "AO 85 Notice of Availability, Consent, and Order of Reference - Exercise of Jurisdiction by a U.S. Magistrate Judge" form on the Court's website - <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> . <b>Consent forms should NOT be electronically filed.</b> Upon consent of all parties, counsel are advised to manually file the form with the Clerk's Office. A copy of form AO 85 has been mailed to parties not receiving electronic service. <b>(no image attached)</b> (MAJ) (Entered: 07/23/2013)
07/23/2013	<u>3</u>	Summons Issued as to Frederick's of Hollywood Stores, Inc. re <u>1</u> Complaint. (MAJ) (Entered: 07/23/2013)
07/23/2013	<u>4</u>	AO 120 - REPORT on the filing or determination of an action regarding a patent or trademark. E-mailed to the US Patent and Trademark Office. (MAJ) (Entered: 07/23/2013)
07/23/2013	<u>5</u>	<b>NOTICE: Attorney Action Required to <u>1</u> Complaint. ERROR:</b> The "Corporate Disclosure Statement" must be filed as a separate document. <b>ACTION REQUIRED:</b> Attorney <u>Jonathan M.A. Salls</u> advised to refile the Corporate Disclosure Statement using the event "Certificate of Interested Parties" located under the "Other Documents" category. <b>(no image attached)</b> (ASB (Entered: 07/23/2013)
08/01/2013	<u>6</u>	CERTIFICATE of Interested Parties filed by UbiComm, LLC that identifies all parties that have an interest in the outcome of this case. Other Affiliate Xerox Corporation, Other Affiliate PJC Logistics, LLC, Other Affiliate Palo Alto Research Center for UbiComm, LLC added. . (Salls, Jonathan) (Entered: 08/01/2013)
08/19/2013	<u>7</u>	ERRATA to <u>1</u> Complaint, ; filed by Plaintiff UbiComm, LLC. (Attachments: # <u>1</u> Exhibit 1)(Salls, Jonathan) (Entered: 08/19/2013)
08/28/2013	<u>8</u>	MINUTE ORDER IN CHAMBERS of the Honorable Chief Judge Robert C. Jones on 8/28/2013. IT IS ORDERED that this case is reassigned to Judge Jennifer A. Dorsey for all further proceedings. Chief Judge Robert C. Jones no longer assigned to case. All further documents must bear the correct case number <b>2:13-cv-01299-JAD-VCF. (no image attached)</b> (Copies have been distributed pursuant to the NEF - SLD) (Entered: 08/28/2013)
09/18/2013	<u>9</u>	SUMMONS Returned Executed by UbiComm, LLC re <u>3</u> Summons Issued. Frederick's of Hollywood Stores, Inc. served on 7/30/2013, answer due 8/20/2013. (Salls, Jonathan) (Entered: 09/18/2013)
09/25/2013	<u>10</u>	NOTICE of Appearance by attorney Michael J. McCue on behalf of Defendant Frederick's of Hollywood Stores, Inc.. (McCue, Michael) (Entered: 09/25/2013)
09/27/2013	<u>11</u>	STIPULATION FOR EXTENSION OF TIME (First Request) <i>to Answer or Otherwise Respond to the Complaint</i> by Defendant Frederick's of Hollywood Stores, Inc.. (Fountain, Jonathan) (Entered: 09/27/2013)
09/27/2013	<u>12</u>	MOTION to Dismiss by Defendant Frederick's of Hollywood Stores, Inc.. Responses due by 10/14/2013. Certificate of Interested Parties due by 10/7/2013. Discovery Plan/Scheduling Order due by 11/11/2013. (Attachments: # <u>1</u> Exhibit A)(Fountain, Jonathan) (Entered: 09/27/2013)
09/27/2013	<u>13</u>	VERIFIED PETITION for Permission to Practice Pro Hac Vice by Steven R. Daniels and

		DESIGNATION of Local Counsel Jonathan M. A. Salls (Filing fee \$ 200 receipt number 0978-2977337) filed by Plaintiff UbiComm, LLC . Motion ripe 9/27/2013. (Attachments: # <u>1</u> Certificate of Good Standing)(Salls, Jonathan) (Entered: 09/27/2013)
09/27/2013	<u>14</u>	ORDER Granting <u>13</u> Verified Petition for Permission to Practice Pro Hac Vice for Attorney Steven R. Daniels for UbiComm, LLC and approving Designation of Local Counsel for Attorney Jonathan M.A. Salls. Signed by Judge Jennifer A. Dorsey on 9/27/2013. Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> (Copies have been distributed pursuant to the NEF - SLR) (Entered: 09/30/2013)
09/30/2013	<u>15</u>	ORDER ON STIPULATION Granting <u>11</u> Stipulation for an Extension of Time to Answer or Otherwise Respond to the Complaint. Answer due by 9/27/2013. Signed by Magistrate Judge Cam Ferenbach on 9/30/2013. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 09/30/2013)
10/02/2013	<u>16</u>	VERIFIED PETITION for Permission to Practice Pro Hac Vice by Darlene Ghavimi and DESIGNATION of Local Counsel Jonathan M. A. Salls (Filing fee \$ 200 receipt number 0978-2982776) filed by Plaintiff UbiComm, LLC . Motion ripe 10/2/2013. (Salls, Jonathan) <u>Corrected Image 18</u> filed on 10/3/13. (ASB) (Entered: 10/02/2013)
10/03/2013	<u>17</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Jennifer A. Dorsey, on 10/3/2013. By Judicial Assistant: Cathy Stuchell. NOTICE: Attorney Action Required to <u>16</u> VERIFIED PETITION. CORRECTION: Local counsel advised to fill in all blanks and refile using "Notice of Corrected Image/Document" event and link to <u>16</u> Verified Petition. Counsel has until October 17, 2013 to remedy the deficiencies. Counsel is admonished that failure to comply may result in the denial of its petition. (no image attached) (Copies have been distributed pursuant to the NEF - CS) (Entered: 10/03/2013)
10/03/2013	<u>18</u>	NOTICE of Corrected Image/Document re <u>16</u> VERIFIED PETITION for Permission to Practice Pro Hac Vice by Darlene Ghavimi and DESIGNATION of Local Counsel Jonathan M. A. Salls (Filing fee \$ 200 receipt number 0978-2982776) filed by Plaintiff UbiComm, LLC by Plaintiff UbiComm, LLC. (Service of corrected image is attached). (Salls, Jonathan) (Entered: 10/03/2013)
10/04/2013	<u>19</u>	ORDER Granting <u>16</u> Verified Petition for Permission to Practice Pro Hac Vice for Attorney Darlene Ghavimi for UbiComm, LLC and approving Designation of Local Counsel for Attorney Jonathan M.A. Salls. Signed by Judge Jennifer A. Dorsey on 10/4/2013. Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> (Copies have been distributed pursuant to the NEF - SLR) (Entered: 10/04/2013)
10/14/2013	<u>20</u>	RESPONSE to <u>12</u> MOTION to Dismiss , filed by Plaintiff UbiComm, LLC. Replies due by 10/24/2013. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Ghavimi, Darlene) (Entered: 10/14/2013)
10/31/2013	<u>21</u>	NOTICE OF RELATED CASES 2:13-cv-01294-JAD-CWH; 2:13-cv-01298-GMN-PAL; 2:13-cv-01299-JAD-VCF by Plaintiff UbiComm, LLC. (Ghavimi, Darlene) (Entered: 10/31/2013)
11/11/2013	<u>22</u>	PROPOSED Discovery Plan/Scheduling Order filed by Plaintiff UbiComm, LLC . (Ghavimi, Darlene) (Entered: 11/11/2013)
11/13/2013	<u>23</u>	SCHEDULING ORDER Granting <u>22</u> Proposed Discovery Plan and Scheduling Order. Signed by Magistrate Judge Cam Ferenbach on 11/13/2013. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 11/13/2013)

11/14/2013	<u>24</u>	ORDER Scheduling a Pre-Claim Construction Settlement Conference: Settlement Conference set for 3/3/2014 10:00 AM in LV Chambers before Magistrate Judge Cam Ferenbach. Signed by Magistrate Judge Cam Ferenbach on 11/13/2013. (Copies have been distributed pursuant to the NEF - AC) (Entered: 11/14/2013)
12/04/2013	<u>25</u>	VERIFIED PETITION for Permission to Practice Pro Hac Vice by Daniel J. Schwartz and DESIGNATION of Local Counsel Jonathan W. Fountain (Filing fee \$ 200 receipt number 0978-3055150) filed by Defendant Frederick's of Hollywood Stores, Inc. . Motion ripe 12/4/2013. (Fountain, Jonathan) (Entered: 12/04/2013)
12/04/2013	<u>26</u>	VERIFIED PETITION for Permission to Practice Pro Hac Vice by Michael H. Baniak and DESIGNATION of Local Counsel Jonathan W. Fountain (Filing fee \$ 200 receipt number 0978-3055162) filed by Defendant Frederick's of Hollywood Stores, Inc. . Motion ripe 12/4/2013. (Fountain, Jonathan) (Entered: 12/04/2013)
12/05/2013	<u>27</u>	ORDER Granting <u>25</u> Verified Petition for Permission to Practice Pro Hac Vice for Attorney Daniel J. Schwartz for Frederick's of Hollywood Stores, Inc. and approving Designation of Local Counsel for Attorney Jonathan W Fountain. Signed by Judge Jennifer A. Dorsey on 12/5/2013. Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> (Copies have been distributed pursuant to the NEF - SLR) (Entered: 12/05/2013)
12/05/2013	<u>28</u>	ORDER Granting <u>26</u> Verified Petition for Permission to Practice Pro Hac Vice for Attorney Michael H. Baniak for Frederick's of Hollywood Stores, Inc. and approving Designation of Local Counsel for Attorney Jonathan W Fountain. Signed by Judge Jennifer A. Dorsey on yes. Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> (Copies have been distributed pursuant to the NEF - SLR) (Entered: 12/05/2013)
12/09/2013	<u>29</u>	STIPULATION <i>and Order for Stay of Proceedings</i> by Defendant Frederick's of Hollywood Stores, Inc., Plaintiff UbiComm, LLC. (Ghavimi, Darlene) (Entered: 12/09/2013)
12/09/2013	<u>30</u>	ORDER ON STIPULATION Granting <u>29</u> Stipulation for Stay of Proceedings. Denying without prejudice <u>12</u> MOTION to Dismiss. Signed by Judge Jennifer A. Dorsey on 12/9/2013. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 12/10/2013)
02/11/2014	<u>31</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Cam Ferenbach on 2/11/2014. The Pre-Claim Construction Settlement Conference scheduled for March 3, 2014 is VACATED. (Copies have been distributed pursuant to the NEF - SLD) (Entered: 02/11/2014)
02/12/2014	32	(1st Notice) NOTICE: of Non-Compliance with Special Order 109: that <b><u>Michael H. Baniak</u></b> is in violation of Special Order 109.  Participation in the electronic filing system became mandatory for all attorneys effective January 1, 2006.  <i>You are required to register for the Courts Case Management and Electronic Case Filing (CM/ECF) program and the electronic service of pleadings.</i>  Please visit the Courts website at <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> , then select ATTORNEY REGISTRATION located in the middle of the web page to register.

		(no image attached) (RFJ) (Entered: 02/12/2014)
02/12/2014	33	<p>(1st Notice) NOTICE: of Non-Compliance with Special Order 109: that <b><u>Daniel Joel Schwartz</u></b> is in violation of Special Order 109.</p> <p>Participation in the electronic filing system became mandatory for all attorneys effective January 1, 2006.</p> <p><i>You are required to register for the Courts Case Management and Electronic Case Filing (CM/ECF) program and the electronic service of pleadings.</i></p> <p>Please visit the Courts website at <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a>, then select ATTORNEY REGISTRATION located in the middle of the web page to register.</p> <p>(no image attached) (RFJ) (Entered: 02/12/2014)</p>
08/05/2014	34	MINUTE ORDER IN CHAMBERS of the Honorable Chief Judge Gloria M. Navarro, on 8/5/2014. By Deputy Clerk: Eileen Wood. IT IS ORDERED that this case is reassigned to Judge Richard F. Boulware, II for all further proceedings. Judge Jennifer A. Dorsey no longer assigned to case. All further documents must bear the correct case number <b>2:13-cv-1299 RFB-VCF. (no image attached)</b> (Copies have been distributed pursuant to the NEF - EW) (Entered: 08/05/2014)
10/06/2014	<u>35</u>	STIPULATION of Dismissal <i>with Prejudice</i> by Plaintiff UbiComm, LLC. (Daniels, Steven) (Entered: 10/06/2014)
03/11/2015	<u>36</u>	ORDER ON STIPULATION Granting <u>35</u> STIPULATION of Dismissal with Prejudice. Signed by Judge Richard F. Boulware, II on 3/11/2015. (Copies have been distributed pursuant to the NEF - SLD) (Entered: 03/11/2015)
03/11/2015	<u>37</u>	AO 120 - REPORT on the filing or determination of an action regarding a patent or trademark. E-mailed to the US Patent and Trademark Office. (Attachments: # <u>1</u> Order) (SLD) (Entered: 03/11/2015)

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HUTCHISON & STEFFEN  
A PROFESSIONAL LLC

**EXHIBIT R**

CLOSED

**United States District Court  
District of Nevada (Reno)  
CIVIL DOCKET FOR CASE #: 3:14-cv-00266-LRH-WGC**

Christiano v. Eagle Materials et al  
Assigned to: Judge Larry R. Hicks  
Referred to: Magistrate Judge William G. Cobb  
Case in other court: Second Judicial District Court, County of  
Washoe, cv13-02677  
Cause: 28:1441 Petition for Removal- Product Liability

Date Filed: 05/22/2014  
Date Terminated: 04/01/2015  
Jury Demand: Defendant  
Nature of Suit: 245 Tort Product Liability  
Jurisdiction: Diversity

**Plaintiff****William Christiano**

represented by **Sean P. Rose**  
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Email: tom@durneybrennan.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Eagle Materials**  
**TERMINATED: 06/25/2014**

represented by **John K Gallagher**  
Guild, Russell, Gallagher & Fuller, Ltd.  
100 W. Liberty St., #800  
P.O. Box 2838  
Reno, NV 89501-  
775-786-2366  
Fax: 775-322-9105  
Email: jgallagher@grgflaw.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Lawrence E. Butler**  
Seyfarth Shaw LLP  
560 Mission Street



Suite 3100  
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415-544-1059  
Fax: 415-397-8549  
Email: lbutler@seyfarth.com (*Inactive*)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Motion Industries, Inc.**

represented by **Carol P. Michel**  
Weinberg, Wheeler, Hudgins, Gunn & Dial,  
LLC  
6385 South Rainbow Boulevard  
Suite 400  
Las Vegas, NV 89118  
702-938-3838  
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*ATTORNEY TO BE NOTICED*

**Timothy Andrew Mott**  
Weinberg Wheeler Hudgins Gunn & Dial  
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702-938-3838  
Fax: 702-938-3864  
Email: tmott@wwhgd.com  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**Genuine Parts Company**  
*TERMINATED: 09/16/2014*

represented by **Carol P. Michel**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Timothy Andrew Mott**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Martin Sprocket & Gear, Inc.**

represented by **Joseph E Balkenbush**  
Thorndal, Armstrong, Delk, Balkenbush &  
Eisinger  
6590 S. McCarran Blvd., Ste. B  
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**Stephen C. Balkenbush**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Clay & Bailey Mfg., Co.**

represented by **Adam J. Breeden**  
 Breeden & Associates, PLLC  
 1404 S. Jones Blvd.  
 Las Vegas, NV 89146  
 (702) 508-9250  
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 Fax: 702-893-3789  
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 Email: carrie.dunham@lewisbrisbois.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
05/22/2014	<u>1</u>	PETITION FOR REMOVAL from Second Judicial District Court, County of Washoe, Case Number CV13-02677, (Filing fee \$ 400 receipt number 0978-3251110), filed by Motion Industries, Inc., Genuine Parts Company. Certificate of Interested Parties due by 6/1/2014. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit) (Michel, Carol) (Entered: 05/22/2014)
05/22/2014	<u>2</u>	ANSWER to Complaint with Jury Demand filed by Genuine Parts Company. Certificate of Interested Parties due by 6/1/2014. Discovery Plan/Scheduling Order due by 7/6/2014. (Michel, Carol) (Entered: 05/22/2014)

05/22/2014	<u>3</u>	ANSWER to Complaint with Jury Demand filed by Motion Industries, Inc..(Michel, Carol) (Entered: 05/22/2014)
05/22/2014	<u>4</u>	NOTICE: Attorney Action Required to <u>1</u> Petition for Removal,. Attorney Carol P. Michel advised to comply with LR 3-1 and file a properly completed civil cover sheet. <b>(no image attached)</b> (WJ) (Entered: 05/22/2014)
05/22/2014	<u>5</u>	NOTICE TO COUNSEL PURSUANT TO LOCAL RULE IA 10-2. Counsel Lawrence E. Butler to comply with completion and electronic filing of the Designation of Local Counsel and Verified Petition. For your convenience, click on the following link to obtain the form from the Court's website - <a href="http://www.nvd.uscourts.gov/Forms.aspx">www.nvd.uscourts.gov/Forms.aspx</a> . Counsel is also required to register for the Court's Case Management and Electronic Case Filing (CM/ECF) system and the electronic service of pleadings. Please visit the Court's website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> to register Attorney(s) upon approval of the Verified Petition. Verified Petition due by 7/6/2014. <b>(no image attached)</b> (WJ) (Entered: 05/22/2014)
05/23/2014	<u>6</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Larry R. Hicks, on 5/23/2014. Statement regarding removed action is due by 6/10/2014. Joint Status Report regarding removed action is due by 6/25/2014. (Copies have been distributed pursuant to the NEF - KR) (Entered: 05/23/2014)
05/23/2014	<u>7</u>	ANSWER to Complaint re <u>1</u> Petition for Removal, filed by Clay & Bailey Mfg., Co.. (Breedon, Adam) (Entered: 05/23/2014)
05/23/2014	<u>8</u>	CIVIL COVER SHEET re 4 Notice: Attorney Action Required, <u>1</u> Petition for Removal,, filed by Motion Industries, Inc., Genuine Parts Company. Related document: 4 Notice: Attorney Action Required, <u>1</u> Petition for Removal, filed by Motion Industries, Inc., Genuine Parts Company. (Michel, Carol) (Entered: 05/23/2014)
05/23/2014	<u>9</u>	CERTIFICATE of Interested Parties filed by Clay & Bailey Mfg., Co.. There are no known interested parties other than those participating in the case . (Breedon, Adam) (Entered: 05/23/2014)
05/23/2014	<u>10</u>	DEMAND for Trial by Jury by Defendant Clay & Bailey Mfg., Co. . (Breedon, Adam) (Entered: 05/23/2014)
05/29/2014	<u>11</u>	CERTIFICATE of Interested Parties filed by William Christiano that identifies all parties that have an interest in the outcome of this case. . (Rose, Sean) (Entered: 05/29/2014)
05/29/2014	<u>12</u>	MOTION to Dismiss <i>Defendant Eagle Materials, Inc.'s Motion to Dismiss</i> by Defendant Eagle Materials. Responses due by 6/15/2014. Certificate of Interested Parties due by 6/8/2014. Discovery Plan/Scheduling Order due by 7/13/2014. (Attachments: # <u>1</u> Exhibit A)(Gallagher, John) (Entered: 05/29/2014)
06/02/2014	<u>13</u>	CERTIFICATE of Interested Parties filed by Genuine Parts Company, Motion Industries, Inc.. There are no known interested parties other than those participating in the case . (Michel, Carol) (Entered: 06/02/2014)
06/03/2014	<u>14</u>	NOTICE of Minutes of the Court by Genuine Parts Company, Motion Industries, Inc.. (Michel, Carol) (Entered: 06/03/2014)
06/06/2014	<u>15</u>	STATEMENT RE: REMOVAL <i>Defendants' Joint Statement Regarding Removed Action</i> filed by Defendants Genuine Parts Company, Motion Industries, Inc.. (Mott, Timothy) (Entered: 06/06/2014)
06/06/2014	<u>16</u>	CERTIFICATE of Interested Parties filed by Eagle Materials. There are no known interested parties other than those participating in the case . (Gallagher, John) (Entered: 06/06/2014)

06/24/2014	<u>17</u>	STIPULATION of Dismissal <i>Without Prejudice as to Defendant Eagle Materials Only</i> by Plaintiff William Christiano. (Rose, Sean) (Entered: 06/24/2014)
06/25/2014	<u>18</u>	Joint STATUS REPORT by Plaintiff William Christiano. (Rose, Sean) (Entered: 06/25/2014)
06/25/2014	<u>19</u>	ORDER ON <u>17</u> STIPULATION Dismissing Without Prejudice Defendant Eagle Materials only. Signed by Judge Larry R. Hicks on 6/25/2014. (Copies have been distributed pursuant to the NEF - DRM) (Entered: 06/25/2014)
07/07/2014	<u>20</u>	ANSWER to Complaint with Jury Demand re <u>1</u> Petition for Removal, filed by Martin Sprocket & Gear, Inc..(Balkenbush, Stephen) (Entered: 07/07/2014)
07/07/2014	<u>21</u>	CERTIFICATE of Interested Parties filed by Martin Sprocket & Gear, Inc.. There are no known interested parties other than those participating in the case . (Balkenbush, Stephen) (Entered: 07/07/2014)
09/03/2014	<u>22</u>	PROPOSED Discovery Plan/Scheduling Order filed by Plaintiff William Christiano <i>Special Scheduling Review Requested</i> . (Rose, Sean) (Entered: 09/03/2014)
09/05/2014	<u>23</u>	SCHEDULING ORDER re <u>22</u> Proposed Order : Discovery due by 4/3/2015. Motions due by 5/4/2015. Proposed Joint Pretrial Order due by 6/3/2015. Signed by Magistrate Judge William G. Cobb on 9/5/2014. (Copies have been distributed pursuant to the NEF - DRM) (Entered: 09/05/2014)
09/05/2014	24	(1st Notice) PURSUANT TO SPECIAL ORDER 109: that <b>Joseph E. Balkenbush</b> is in violation of Special Order 109. <b>Participation in the electronic filing system became mandatory for all attorneys effective January 1, 2006.</b> You are required to register for the Court's Case Management and Electronic Case Filing (CM/ECF) program and the electronic service of pleadings. Please visit the Court's website to register for CM/ECF. <b>(no image attached)</b> (LG) (Entered: 09/05/2014)
09/08/2014	25	NOTICE PURSUANT TO LOCAL RULE IB 2-2: In accordance with 28 USC § 636(c) and FRCP 73, the parties in this action are provided with a link to the "AO 85 Notice of Availability, Consent, and Order of Reference - Exercise of Jurisdiction by a U.S. Magistrate Judge" form on the Court's website - <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> . <b>AO 85 Consent forms should NOT be electronically filed.</b> Upon consent of all parties, counsel are advised to manually file the form with the Clerk's Office. (A copy of form AO 85 has been mailed to parties not receiving electronic service.)  NOTICE OF GENERAL ORDER 2013-1 AND OPPORTUNITY FOR EXPEDITED TRIAL SETTING: The parties in this action are provided with a link to General Order 2013-1 and the USDC Short Trial Rules on the Court's website - <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> . If the parties agree that this action can be ready for trial within 180 days and that a trial of this matter would take three (3) days or less, the parties should consider participation in the USDC Short Trial Program. If the parties wish to be considered for entry into the Court's Short Trial Program, they should execute and electronically file with USDC Short Trial Form 4(a)(1) or Form 4(a)(2).  <b>(no image attached)</b> (DRM) (Entered: 09/08/2014)
09/15/2014	<u>26</u>	STIPULATION of Dismissal <i>of Genuine Parts Company Without Prejudice</i> by Defendant Genuine Parts Company. (Mott, Timothy) (Entered: 09/15/2014)
09/16/2014	<u>27</u>	ORDER ON STIPULATION re <u>26</u> STIPULATION of Dismissal <i>of Genuine Parts Company Without Prejudice</i> . Signed by Judge Larry R. Hicks on 9/16/14. (Copies have been distributed pursuant to the NEF - JC) (Entered: 09/17/2014)

01/08/2015	<u>28</u>	MOTION to Establish Good Faith Settlement between only one defendant, Clay and Bailey <del>NOTICE Defendant Clay and Bailey Manufacturing Company's Motion to Establish Good Faith Settlement</del> by Clay & Bailey Mfg., Co.. Responses due by 1/25/2015. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Breedon, Adam) <i>Modified on 1/9/2015 Event correction. NEF Regenerated.</i> (BLG). (Entered: 01/08/2015)
01/28/2015	<u>29</u>	MOTION for Good Faith Settlement by Defendant Martin Sprocket & Gear, Inc.. Responses due by 2/14/2015. (Balkenbush, Stephen) Modified on 2/3/2015 event correction. (BLG). (Entered: 01/28/2015)
02/02/2015	<u>30</u>	NOTICE of Non-Opposition to Defendant Clay and Bailey Manufacturing Company's <u>28</u> Motion to Establish Good Faith Settlement and Proposed Order Granting Motion by Clay & Bailey Mfg., Co.. (Breedon, Adam) Modified on 2/3/2015 link added. (BLG). (Entered: 02/02/2015)
02/02/2015	<u>31</u>	Submission of PROPOSED ORDER on <u>30</u> Notice (Other) ; filed by Defendant Clay & Bailey Mfg., Co.. Order Granting Clay and Bailey Manufacturing Company's Motion to Establish Good Faith Settlement (Breedon, Adam) (Entered: 02/02/2015)
02/02/2015	<u>32</u>	STATUS REPORT by Plaintiff William Christiano. (Brennan, Thomas) (Entered: 02/02/2015)
03/30/2015	<u>33</u>	STIPULATION of Dismissal <i>with Prejudice</i> by Plaintiff William Christiano. (Rose, Sean) (Entered: 03/30/2015)
04/01/2015	<u>34</u>	ORDER DISMISSING CASE WITH PREJUDICE on <u>33</u> Stipulation. Signed by Judge Larry R. Hicks on 3/31/2015. (Copies have been distributed pursuant to the NEF - DRM) (Entered: 04/01/2015)

PACER Service Center			
Transaction Receipt			
08/16/2016 13:50:25			
PACER Login:	sp0087:2638037:0	Client Code:	Tricarichi
Description:	Docket Report	Search Criteria:	3:14-cv-00266-LRH-WGC
Billable Pages:	5	Cost:	0.50

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EXHIBIT PAGE ONLY

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HUTCHISON & STEFFEN

A PROFESSIONAL LLC

**EXHIBIT S**

CLOSED,APPEAL

**United States District Court  
District of Nevada (Las Vegas)  
CIVIL DOCKET FOR CASE #: 2:12-cv-01425-RFB-PAL**

Meritage Homes of Nevada, Inc. v. FNBN-Rescon I, LLC et al  
Assigned to: Judge Richard F. Boulware, II  
Referred to: Magistrate Judge Peggy A. Leen  
Case: 2:09-cv-01950-PMP-RJJ  
Case in other court: 9th Circuit Court of Appeals, 15-15394  
Cause: 28:1332 Diversity-Breach of Contract

Date Filed: 08/10/2012  
Date Terminated: 02/04/2015  
Jury Demand: None  
Nature of Suit: 190 Contract: Other  
Jurisdiction: Diversity

**Plaintiff**

**Meritage Homes of Nevada, Inc.**  
*formerly known as*  
MTH-Homes Nevada, Inc.

represented by **Brenoch R. Wirthlin**  
Fennemore Craig Jones Vargas  
300 South Fourth Street  
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Las Vegas, NV 89101  
(702) 692-8000  
Fax: (702) 692-8099  
Email: bwirthli@fclaw.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Christopher H. Byrd**  
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(702) 692-8000  
Fax: (702) 692-8099  
Email: cbyrd@fclaw.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

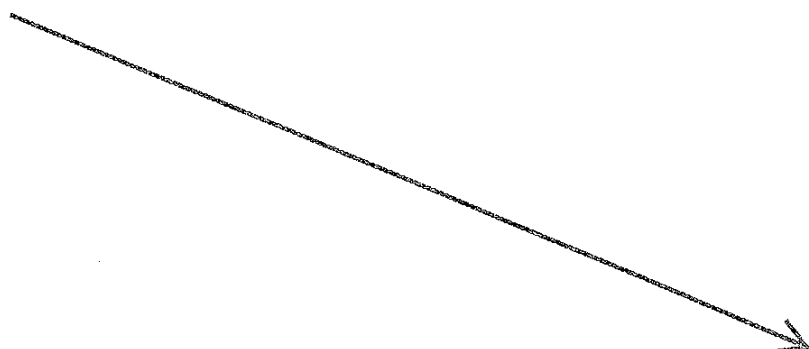
**Defendant**

**FNBN-Rescon I, LLC**

represented by **Jeffrey R Sylvester**  
Sylvester & Polednak, Ltd.  
1731 Village Center Circle  
Las Vegas, NV 89134  
Email: jeff@sylvesterpolednak.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

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 Email: lbutler@seyfarth.com  
**LEAD ATTORNEY**  
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**LEAD ATTORNEY**  
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**ATTORNEY TO BE NOTICED**

**Defendant****Stearns Bank N.A.**

represented by **Jeffrey R Sylvester**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**



**Lawrence E. Butler**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Robin M. Cleary**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Matthew T Kneeland**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
08/10/2012	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 350 receipt number 0978-2479504), filed by Meritage Homes of Nevada, Inc. f/k/a MTH-Homes Nevada, Inc.. Certificate of Interested Parties due by 8/20/2012. Proof of service due by 12/8/2012. (Byrd, Christopher) (Entered: 08/10/2012)



08/10/2012	<u>2</u>	EXHIBIT(s) to <u>1</u> Complaint, ; filed by Plaintiff Meritage Homes of Nevada, Inc. f/k/a MTH-Homes Nevada, Inc.. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4, # <u>5</u> Exhibit Exhibit 5, # <u>6</u> Exhibit Exhibit 6, # <u>7</u> Exhibit Exhibit 7, # <u>8</u> Exhibit Exhibit 8, # <u>9</u> Exhibit Exhibit 9, # <u>10</u> Exhibit Exhibit 10, # <u>11</u> Exhibit Exhibit 11, # <u>12</u> Exhibit Exhibit 12, # <u>13</u> Exhibit Exhibit 13, # <u>14</u> Exhibit Exhibit 14, # <u>15</u> Summons Summons, # <u>16</u> Summons Summons)(Byrd, Christopher) (Entered: 08/10/2012)
08/10/2012		Case assigned to Chief Judge Robert C. Jones and Magistrate Judge Peggy A. Leen. (AC) (Entered: 08/10/2012)
08/10/2012	<u>3</u>	NOTICE PURSUANT TO LOCAL RULE IB 2-2: In accordance with 28 USC § 636(c) and FRCP 73, the parties in this action are provided with a link to the "AO 85 Notice of Availability, Consent, and Order of Reference - Exercise of Jurisdiction by a U.S. Magistrate Judge" form on the Court's website - <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> . <b>Consent forms should NOT be electronically filed.</b> Upon consent of all parties, counsel are advised to manually file the form with the Clerk's Office. <b>(no image attached)</b> (AC) (Entered: 08/10/2012)
08/13/2012	<u>4</u>	NOTICE: Attorney Action Required to <u>2</u> Exhibit: ERROR: Summons not issued due to wrong summons form used;  CORRECTION: Attorney Christopher H. Byrd advised to download and complete, pursuant to FRCP 4, " <u>AO 440 (Rev. 6/12) Summons in a Civil Action</u> " form from the Court's Website at <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> and refile using the event "Proposed Summons to be issued"  <b>(no image attached)</b> (RFJ) (Entered: 08/13/2012)
08/15/2012	<u>5</u>	PROPOSED SUMMONS to be issued, filed by Plaintiff Meritage Homes of Nevada, Inc.. (Wirthlin, Brenoch) (Entered: 08/15/2012)
08/15/2012	<u>6</u>	PROPOSED SUMMONS to be issued, filed by Plaintiff Meritage Homes of Nevada, Inc.. (Wirthlin, Brenoch) (Entered: 08/15/2012)
08/16/2012	<u>7</u>	Summons Issued as to FNBN-Rescon I, LLC, Stearns Bank N.A. re <u>1</u> Complaint,. (Attachments: # <u>1</u> Summons)(SLR) (Entered: 08/16/2012)
08/20/2012	<u>8</u>	CERTIFICATE of Interested Parties filed by Meritage Homes of Nevada, Inc.. There are no known interested parties other than those participating in the case. (Wirthlin, Brenoch) (Entered: 08/20/2012)
09/05/2012	<u>9</u>	WAIVER OF SERVICE Returned Executed by Meritage Homes of Nevada, Inc. re <u>7</u> Summons Issued. FNBN-Rescon I, LLC waiver sent on 8/29/2012, answer due 10/28/2012; Stearns Bank N.A. waiver sent on 8/29/2012, answer due 10/28/2012. (Wirthlin, Brenoch) (Entered: 09/05/2012)
09/05/2012	<u>10</u>	CERTIFICATE OF SERVICE for <u>9</u> Waiver of Service Executed by Plaintiff Meritage Homes of Nevada, Inc.. (Wirthlin, Brenoch) (Entered: 09/05/2012)
09/12/2012	<u>11</u>	VERIFIED PETITION for Permission to Practice Pro Hac Vice by Lawrence E. Butler, Esq. and DESIGNATION of Local Counsel Jeffrey R. Sylvester, Esq. (Filing fee \$ 200 receipt number 0978-2518637) filed by Defendants FNBN-Rescon I, LLC, Stearns Bank N.A.. Motion ripe 9/12/2012. (Sylvester, Jeffrey) (Entered: 09/12/2012)
09/12/2012	<u>12</u>	VERIFIED PETITION for Permission to Practice Pro Hac Vice by Robin M. Cleary, Esq. and DESIGNATION of Local Counsel Jeffrey R. Sylvester, Esq. (Filing fee \$ 200 receipt

		number 0978-2518693) filed by Defendants FNBN-Rescon I, LLC, Stearns Bank N.A.. Motion ripe 9/12/2012. (Sylvester, Jeffrey) (Entered: 09/12/2012)
09/21/2012	<u>13</u>	ORDER Granting <u>11</u> Verified Petition for Permission to Practice Pro Hac Vice as to Lawrence E. Butler and approving Attorney Jeffrey R. Sylvester as Designation of Local Counsel as to FNBN-Rescon I, LLC and Stearns Bank NA. Signed by Chief Judge Robert C. Jones on 9/21/12. Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> (Copies have been distributed pursuant to the NEF - EDS) (Entered: 09/24/2012)
09/21/2012	<u>14</u>	ORDER Granting <u>12</u> Verified Petition for Permission to Practice Pro Hac Vice for Attorney Robin M. Cleary and approving Attorney Jeffrey R. Sylvester as Designation of Local Counsel as to FNBN-Rescon I, LLC and Stearns Bank NA. Signed by Chief Judge Robert C. Jones on 9/21/12. Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> (Copies have been distributed pursuant to the NEF - EDS) (Entered: 09/24/2012)
10/18/2012	<u>15</u>	NOTICE OF RELATED CASES 09-01950; 12-15663 by Defendants FNBN-Rescon I, LLC, Stearns Bank N.A.. (Sylvester, Jeffrey) (Entered: 10/18/2012)
10/18/2012	<u>16</u>	CERTIFICATE of Interested Parties filed by FNBN-Rescon I, LLC, Stearns Bank N.A.. There are no known interested parties other than those participating in the case. (Sylvester, Jeffrey) (Entered: 10/18/2012)
10/18/2012	<u>17</u>	CERTIFICATE OF SERVICE for <u>15</u> Notice of Related Cases by Defendants FNBN-Rescon I, LLC, Stearns Bank N.A.. (Sylvester, Jeffrey) (Entered: 10/18/2012)
10/25/2012	<u>18</u>	MOTION to Dismiss Plaintiff's Complaint by Defendants FNBN-Rescon I, LLC, Stearns Bank N.A.. Responses due by 11/11/2012. (Sylvester, Jeffrey) Modified on 5/13/2014 to reopen motion (EW). (Entered: 10/25/2012)
10/25/2012	<u>19</u>	REQUEST for Judicial Notice re <u>18</u> MOTION to Dismiss Plaintiff's Complaint ; by Defendants FNBN-Rescon I, LLC, Stearns Bank N.A.. (Sylvester, Jeffrey) (Entered: 10/25/2012)
11/13/2012	<u>20</u>	RESPONSE to <u>18</u> MOTION to Dismiss Plaintiff's Complaint, filed by Plaintiff Meritage Homes of Nevada, Inc.. Replies due by 11/23/2012. (Attachments: # <u>1</u> Exhibit A) (Wirthlin, Brenoch) (Entered: 11/13/2012)
11/21/2012	<u>21</u>	REPLY to Response to <u>18</u> MOTION to Dismiss Plaintiff's Complaint filed by Defendants FNBN-Rescon I, LLC, Stearns Bank N.A.. (Cleary, Robin) (Entered: 11/21/2012)
12/21/2012	<u>22</u>	MOTION for Summary Judgment by Plaintiff Meritage Homes of Nevada, Inc.. Responses due by 1/14/2013. (Attachments: # <u>1</u> Affidavit Affidavit of Jennifer Lee, # <u>2</u> Exhibit Exhibit 4, # <u>3</u> Exhibit Exhibit 4 Part 1, # <u>4</u> Exhibit Exhibit 4 Part 2, # <u>5</u> Exhibit Exhibit 4 Part 3, # <u>6</u> Exhibit Exhibit 4 Part 4, # <u>7</u> Exhibit Exhibit 4 Part 5, # <u>8</u> Exhibit Exhibit 4 Part 6, # <u>9</u> Exhibit Exhibit 4 Part 7, # <u>10</u> Exhibit Exhibit 4 Part 8)(Wirthlin, Brenoch) Modified on 5/13/2014 to reopen motion (EW). (Entered: 12/21/2012)
12/21/2012	<u>23</u>	AFFIDAVIT re: <u>22</u> MOTION for Summary Judgment; filed by Plaintiff Meritage Homes of Nevada, Inc.. (Attachments: # <u>1</u> Exhibit Exhibit 5, # <u>2</u> Exhibit Exhibit 6, # <u>3</u> Exhibit Exhibit 7, # <u>4</u> Exhibit Exhibit 8, # <u>5</u> Exhibit Exhibit 9)(Wirthlin, Brenoch) <u>wrong event selected by attorney, event modified on 12/21/2012 (RFJ)</u> . (Entered: 12/21/2012)
12/21/2012		Notice of Docket Correction to <u>23</u> MOTION for Summary Judgment: ERROR: Wrong event selected by attorney Brenoch R. Wirthlin.

		<p><i>Counsel advised in the future please file documents in accordance with Special Order 109 filing procedures, to properly set or terminate schedule deadlines and to prevent delay in the timely filing of documents.</i></p> <p>CORRECTION: Court modified event as <u>23 AFFIDAVIT</u>.</p> <p><b>(no image attached)</b>(RFJ) (Entered: 12/21/2012)</p>
12/21/2012	<u>24</u>	<p>ERRATA to <u>23</u> AFFIDAVIT ; filed by Plaintiff Meritage Homes of Nevada, Inc.. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 4 Part 1, # <u>7</u> Exhibit 4 Part 2, # <u>8</u> Exhibit 4 Part 3, # <u>9</u> Exhibit 4 Part 4, # <u>10</u> Exhibit 4 Part 5, # <u>11</u> Exhibit 4 Part 6, # <u>12</u> Exhibit 4 Part 7, # <u>13</u> Exhibit 4 Part 8, # <u>14</u> Exhibit 5, # <u>15</u> Exhibit 6, # <u>16</u> Exhibit 7, # <u>17</u> Exhibit 8, # <u>18</u> Exhibit 9)(Wirthlin, Brenoch) (Entered: 12/21/2012)</p>
12/31/2012	<u>25</u>	<p>STIPULATION FOR EXTENSION OF TIME (First Request) re <u>22</u> MOTION for Summary Judgment ; by Defendants FNBN-Rescon I, LLC, Stearns Bank N.A.. (Sylvester, Jeffrey) (Entered: 12/31/2012)</p>
01/14/2013	<u>26</u>	<p>RESPONSE to <u>22</u> MOTION for Summary Judgment, filed by Defendants FNBN-Rescon I, LLC, Stearns Bank N.A.. Replies due by 1/31/2013. (Kneeland, Matthew) (Entered: 01/14/2013)</p>
01/14/2013	<u>27</u>	<p>OBJECTION to Affidavit of Jennifer Lee re: <u>22</u> MOTION for Summary Judgment; filed by Defendants FNBN-Rescon I, LLC, Stearns Bank N.A.. (Kneeland, Matthew) (Entered: 01/14/2013)</p>
01/14/2013	<u>28</u>	<p>REQUEST for Judicial Notice re <u>26</u> Response to Motion ; by Defendants FNBN-Rescon I, LLC, Stearns Bank N.A.. (Kneeland, Matthew) (Entered: 01/14/2013)</p>
01/28/2013	<u>29</u>	<p>REPLY to Response to <u>22</u> MOTION for Summary Judgment filed by Plaintiff Meritage Homes of Nevada, Inc.. (Byrd, Christopher) (Entered: 01/28/2013)</p>
01/28/2013	<u>30</u>	<p>REPLY to <u>27</u> Objection to Document filed by Plaintiff Meritage Homes of Nevada, Inc.. (Byrd, Christopher) (Entered: 01/28/2013)</p>
09/06/2013	<u>31</u>	<p>MINUTE ORDER IN CHAMBERS of the Honorable Chief Judge Robert C. Jones, on 9/6/2013. IT IS ORDERED that this case is reassigned to Judge Philip M. Pro for all further proceedings. All further documents must bear the correct case number <b>2:12-cv-01425-PMP-PAL. (no image attached)</b> (Copies have been distributed pursuant to the NEF - RFJ) (Entered: 09/06/2013)</p>
09/17/2013	<u>32</u>	<p>ORDER Denying without prejudice <u>18</u> Motion to Dismiss and <u>22</u> Motion for Summary Judgment. This action is hereby STAYED pending resolution of the appeal in Meritage Homes of Nevada, Inc. v. Federal Deposit Insurance Corporation, 2:09-CV-01950-PMP-RJJ. Signed by Judge Philip M. Pro on 9/17/2013. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 09/17/2013)</p>
04/17/2014	<u>33</u>	<p>NOTICE re: <u>32</u> ORDER: filed by Meritage Homes of Nevada, Inc.. (Attachments: # <u>1</u> Exhibit 1)(Byrd, Christopher) (Entered: 04/17/2014)</p>
04/17/2014	<u>34</u>	<p>NOTICE of Docket Correction and Attorney Action Required: to <u>33</u> Notice (Other):</p> <p><b>ERROR:</b> Documents should have been filed as separate entries by attorney <u>Christopher H. Byrd.</u>, a separate document must be filed for each type of document or purpose .</p> <p>Counsel advised in the future please file documents in accordance with Special Order 109 filing procedures; <i>to prevent delay in the timely filing of documents.</i></p>

		<p><b>CORRECTION: Counsel is advised to file the <u>Additional Request</u> contained in <u>33 NOTICE</u> using Motion for Miscellaneous Relief event found under the <i>Motions</i> category and <u>title the event as Motion for Status Conference</u>.</b></p> <p><b>(no image attached)</b>(RFJ) (Entered: 04/17/2014)</p>
04/17/2014	<u>35</u>	MOTION for Status Conference filed by Plaintiff Meritage Homes of Nevada, Inc.. Responses due by 5/4/2014. (Attachments: # <u>1</u> Exhibit 1)(Byrd, Christopher) (Entered: 04/17/2014)
04/17/2014	<u>36</u>	ORDER Granting <u>35</u> Plaintiff Meritage Homes of Nevada, Inc.'s Notice of Decision and Request for Status Conference. Status Conference set for 5/13/2014 02:00 PM in LV Courtroom 7C before Judge Philip M. Pro. Signed by Judge Philip M. Pro on 4/17/2014. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 04/18/2014)
04/29/2014	<u>37</u>	MOTION to Renew and Reinstate Pending Motions by Plaintiff Meritage Homes of Nevada, Inc.. Responses due by 5/16/2014. (Byrd, Christopher) (Entered: 04/29/2014)
05/12/2014	<u>38</u>	RESPONSE to <u>37</u> MOTION to Renew and Reinstate Pending Motions , filed by Defendants FNBN-Rescon I, LLC, Stearns Bank N.A.. Replies due by 5/22/2014. (Cleary, Robin) (Entered: 05/12/2014)
05/13/2014	<u>39</u>	MINUTES OF PROCEEDINGS - Status Conference held on 5/13/2014 before Judge Philip M. Pro. Crtrm Administrator: <i>Eileen Wood</i> ; Pla Counsel: <i>Brenoch Wirthlin</i> ; Def Counsel: <i>Jeffrey Sylvester and Lawrence Butler</i> ; Court Recorder: <i>Henry Enriquez</i> ; Time of Hearing: <i>1:57-2:02 PM</i> ; Courtroom: <i>7C</i> . The Court GRANTS Plaintiff's request for a status conference. The Court hears representations of counsel regarding resurrection and briefing of Plaintiff's <u>22</u> MOTION for Summary Judgment and Defendants' Motion to Dismiss <u>18</u> . Counsel concur that Defendants' Motion to Dismiss is fully briefed. Plaintiff and Defendants shall file any supplemental briefing to Plaintiff's Motion for Summary Judgment <u>22</u> by 6/3/2014. The Court will determine whether another hearing will be necessary after the briefing is received. (Copies have been distributed pursuant to the NEF - EW) (Entered: 05/13/2014)
06/03/2014	<u>40</u>	Supplemental BRIEF re <u>22</u> MOTION for Summary Judgment; filed by Plaintiff Meritage Homes of Nevada, Inc.. (Attachments: # <u>1</u> Exhibit 1)(Byrd, Christopher) (Entered: 06/03/2014)
06/03/2014	<u>41</u>	Supplemental BRIEF re <u>22</u> MOTION for Summary Judgment ; filed by Defendants FNBN-Rescon I, LLC, Stearns Bank N.A.. (Cleary, Robin) (Entered: 06/03/2014)
06/30/2014	<u>42</u>	MINUTE ORDER IN CHAMBERS of the Honorable Chief Judge Gloria M. Navarro, on 6/30/2014. By Deputy Clerk: Amber Freeman. IT IS ORDERED that this case is reassigned to Judge Richard F. Boulware, II for all further proceedings. Judge Philip M. Pro no longer assigned to case. All further documents must bear the correct case number <b>2:12-cv-01425-RFB-PAL</b> . <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - AF) (Entered: 06/30/2014)
09/23/2014	<u>43</u>	ORDER that the STAY on this action is LIFTED. Signed by Judge Richard F. Boulware, II on 9/23/2014. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 09/23/2014)
10/08/2014	<u>44</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Richard F. Boulware, II, on 10/8/2014.  <b>IT IS HEREBY ORDERED</b> that a hearing and oral argument regarding <u>18</u> MOTION to Dismiss and <u>22</u> MOTION for Summary Judgment is set for <b>10/20/2014 at 1:00 PM in LV</b>



		<p><b>Courtroom 7C</b> before Judge Richard F. Boulware, II.</p> <p><b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - BEL) (Entered: 10/08/2014)</p>
10/20/2014	<u>45</u>	<p>MINUTES OF PROCEEDINGS - Motion Hearing held on 10/20/2014 before Judge Richard F. Boulware, II. Crtrm Administrator: <i>Blanca Lenzi</i>; Pla Counsel: <i>Christopher Byrd, Esq.</i>; Def Counsel: <i>Jeffrey Sylvester, Esq. and Lawrence Butler, Esq.</i>; Court Reporter/FTR #: <i>Patty Ganci</i>; Time of Hearing: <i>1:17 - 2:19 PM</i>; Courtroom: <i>7C</i>.</p> <p>The Court makes preliminary statements and hears representation of counsel and plaintiff as to the Plaintiff's Motion <u>22</u> for Summary Judgment and Defendants' Motion <u>18</u> to Dismiss Plaintiff's Complaint. <b>IT IS HEREBY ORDERED</b> that the parties shall file briefs due by 10/27/2014 addressing the issues raised by the Court at the hearing. The brief is not to exceed 15 pages in length.</p> <p><b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - BEL) (Entered: 10/22/2014)</p>
10/27/2014	<u>46</u>	Supplemental BRIEF re <u>22</u> <b>MOTION for Summary Judgment</b> ; filed by Plaintiff Meritage Homes of Nevada, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3) (Byrd, Christopher) (Entered: 10/27/2014)
10/27/2014	<u>47</u>	SECOND Supplemental BRIEF re <u>18</u> <b>MOTION to Dismiss and 22 MOTION for Summary Judgment</b> ; filed by Defendants FNBN-Rescon I, LLC, Stearns Bank N.A.. (Butler, Lawrence) (Entered: 10/27/2014)
10/30/2014	<u>48</u>	OBJECTION to <u>47</u> SECOND Supplemental BRIEF re <u>18</u> MOTION to Dismiss and <u>22</u> MOTION for Summary Judgment; filed by Plaintiff Meritage Homes of Nevada, Inc.. (Byrd, Christopher) (Entered: 10/30/2014)
02/04/2015	<u>49</u>	ORDER DISMISSING CASE Granting <u>18</u> MOTION to Dismiss Complaint. IT IS FURTHER ORDERED that <u>22</u> Motion for Summary Judgment is DENIED as moot. The Clerk of Court is instructed to close this case. Signed by Judge Richard F. Boulware, II on 2/4/15. (Copies have been distributed pursuant to the NEF - TR) (Entered: 02/05/2015)
03/03/2015	<u>50</u>	NOTICE OF APPEAL as to <u>49</u> Order Dismissing Case, by Plaintiff Meritage Homes of Nevada, Inc.. Filing fee \$ 505, receipt number 0978-3578573. E-mail notice (NEF) sent to the US Court of Appeals, Ninth Circuit. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2)(Byrd, Christopher) (Entered: 03/03/2015)
03/04/2015	<u>51</u>	TRANSCRIPT of Proceedings, 45 Motion Hearing, held on 10/20/2014, before Judge Richard F. Boulware, II. Court Reporter: Patricia L. Ganci (702)385-0670. Transcript may be viewed at the court public terminal or purchased through the Court Reporter using the court's "Transcript Order" form available on our website <a href=http://www.nvd.uscourts.gov target=_blank>www.nvd.uscourts.gov</a> before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter or PACER Redaction Request due 3/25/2015. Redacted Transcript Deadline set for 4/4/2015. Release of Transcript Restriction set for 6/2/2015. (PG) (Entered: 03/04/2015)
03/04/2015	<u>52</u>	ORDER for Time Schedule as to <u>50</u> Notice of Appeal. USCA Case Number 15-15394. (SLD) (Entered: 03/04/2015)
03/27/2015	<u>53</u>	TRANSCRIPT DESIGNATION by Plaintiff Meritage Homes of Nevada, Inc. re <u>50</u> Notice of Appeal, 45 Motion Hearing,,,. (Wirthlin, Brenoch) (Entered: 03/27/2015)

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HUTCHISON & STEFFEN

A PROFESSIONAL LLC

**EXHIBIT T**

**United States District Court  
District of Nevada (Las Vegas)  
CIVIL DOCKET FOR CASE #: 2:15-cv-01984-GMN-GWF**

Trump Ruffin Commercial LLC et al v. Local Joint Executive  
Board Las Vegas et al  
Assigned to: Chief Judge Gloria M. Navarro  
Referred to: Magistrate Judge George Foley, Jr  
Cause: 15:1125 Trademark Infringement (Lanham Act)

Date Filed: 10/14/2015  
Jury Demand: Plaintiff  
Nature of Suit: 840 Trademark  
Jurisdiction: Federal Question

**Plaintiff**

**Trump Ruffin Commercial LLC**

represented by **Bart A Lazar**  
Seyfarth Shaw, LLP  
130 S. Dearborn  
Chicago, IL 60603  
312-460-5000  
Email: blazar@seyfarth.com  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Jonathan W Fountain**  
Lewis Roca Rothgerber Christie LLP  
3993 Howard Hughes Pkwy.  
Suite 600  
Las Vegas, NV 89169  
702-949-8340  
Fax: 702-949-8374  
Email: jfountain@lrrc.com  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Trump Ruffin Tower I LLC**

represented by **Bart A Lazar**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Jonathan W Fountain**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Local Joint Executive Board Las Vegas**

represented by **Kristin L Martin**  
McCracken, Stemeran & Holsberry  
1630 S. Commerce Street  
Suite A-1



Las Vegas, NV 89102  
 702-386-5107  
 Fax: 702-386-9848  
 Email: klm@dcbsf.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Paul More**  
 McCracken, Stemerman & Holsberry  
 1630 S. Commerce St., Suite A-1  
 Las Vegas, NV 89102  
 (415) 597-7200  
 Fax: (415) 597-7201  
 Email: pmore@dcbsf.com  
**ATTORNEY TO BE NOTICED**

**Defendant****Culinary Workers Union Local 226**

represented by **Kristin L Martin**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Paul More**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant****Bartenders Union Local 165**

represented by **Kristin L Martin**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Paul More**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
10/14/2015	<u>1</u>	COMPLAINT with Jury Demand against All Defendants (Filing fee \$400 receipt number 0978-3853935), filed by Trump Ruffin Commercial LLC, Trump Ruffin Tower I LLC. Certificate of Interested Parties due by 10/24/2015. Proof of service due by 2/11/2016. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Civil Cover Sheet, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons) (Fountain, Jonathan) (Entered: 10/14/2015)
10/14/2015		Case assigned to Chief Judge Gloria M. Navarro and Magistrate Judge George Foley, Jr. (PS) (Entered: 10/14/2015)
10/14/2015	<u>2</u>	NOTICE PURSUANT TO LOCAL RULE IB 2-2: In accordance with 28 USC § 636(c) and FRCP 73, the parties in this action are provided with a link to the "AO 85 Notice of Availability, Consent, and Order of Reference - Exercise of Jurisdiction by a U.S. Magistrate Judge" form on the Court's website - <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> . <b>AO 85 Consent forms should NOT be electronically filed.</b> Upon consent of all parties, counsel are advised to manually file the form with the Clerk's Office. (A copy of form AO 85 has been mailed to parties not receiving electronic service.)

		<p>NOTICE OF GENERAL ORDER 2013-1 AND OPPORTUNITY FOR EXPEDITED TRIAL SETTING: The parties in this action are provided with a link to General Order 2013-1 and the USDC Short Trial Rules on the Court's website - <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a>. If the parties agree that this action can be ready for trial within 180 days and that a trial of this matter would take three (3) days or less, the parties should consider participation in the USDC Short Trial Program. If the parties wish to be considered for entry into the Court's Short Trial Program, they should execute and electronically file with USDC Short Trial Form 4(a)(1) or Form 4(a)(2).</p> <p><b>(no image attached)</b> (PS) (Entered: 10/14/2015)</p>
10/14/2015	<u>3</u>	AO 120 - REPORT on the filing or determination of an action regarding a patent or trademark. E-mailed to the US Patent and Trademark Office. (Attachments: # <u>1</u> Complaint) (PS) (Entered: 10/14/2015)
10/14/2015	<u>4</u>	Summons Issued as to Bartenders Union Local 165, Culinary Workers Union Local 226, and Local Joint Executive Board Las Vegas re <u>1</u> Complaint. (PS) (Entered: 10/14/2015)
10/15/2015	<u>5</u>	<p>MINUTE ORDER IN CHAMBERS of the Honorable Chief Judge Gloria M. Navarro, on 10/15/2015. By Deputy Clerk: Aaron Blazeovich.</p> <p>This case has been assigned to the Honorable Chief Judge Gloria M. Navarro. Chief Judge Navarro's Chambers Practices, which are posted on the U.S. District Court, District of Nevada public website, may also be accessed directly via this hyperlink: <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a></p> <p><b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - ASB) (Entered: 10/15/2015)</p>
10/15/2015	<u>6</u>	<p>NOTICE TO COUNSEL PURSUANT TO LOCAL RULE IA 10-2. Counsel Bart A. Lazar to comply with completion and electronic filing of the Designation of Local Counsel and Verified Petition. For your convenience, click on the following link to obtain the form from the Court's website - <a href="http://www.nvd.uscourts.gov/Forms.aspx">www.nvd.uscourts.gov/Forms.aspx</a>.</p> <p>Upon approval of the Verified Petition, counsel is required to register for the Court's Case Management and Electronic Case Filing (CM/ECF) system and the electronic service of pleadings. Please visit the Court's website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> to register Attorney(s). Verified Petition due by 11/29/2015. <b>(no image attached)</b> (EDS) (Entered: 10/15/2015)</p>
10/22/2015	<u>7</u>	CERTIFICATE of Interested Parties filed by Trump Ruffin Commercial LLC, Trump Ruffin Tower I LLC that identifies all parties that have an interest in the outcome of this case. Corporate Parent Trump Ruffin LLC for Trump Ruffin Tower I LLC added. . (Fountain, Jonathan) (Entered: 10/22/2015)
10/26/2015	<u>8</u>	SUMMONS Returned Executed by Trump Ruffin Commercial LLC, Trump Ruffin Tower I LLC re <u>1</u> Complaint, <u>4</u> Summons Issued. Local Joint Executive Board Las Vegas served on 10/21/2015, answer due 11/11/2015. (Fountain, Jonathan) (Entered: 10/26/2015)
10/26/2015	<u>9</u>	SUMMONS Returned Executed by Trump Ruffin Commercial LLC, Trump Ruffin Tower I LLC re <u>1</u> Complaint, <u>4</u> Summons Issued. Culinary Workers Union Local 226 served on 10/21/2015, answer due 11/11/2015. (Fountain, Jonathan) (Entered: 10/26/2015)
10/26/2015	<u>10</u>	SUMMONS Returned Executed by Trump Ruffin Commercial LLC, Trump Ruffin Tower I LLC re <u>1</u> Complaint, <u>4</u> Summons Issued. Bartenders Union Local 165 served on 10/23/2015, answer due 11/13/2015. (Fountain, Jonathan) (Entered: 10/26/2015)
10/28/2015	<u>11</u>	STIPULATION FOR EXTENSION OF TIME (First Request) re <u>1</u> Complaint, ; by Defendants Bartenders Union Local 165, Culinary Workers Union Local 226, Local Joint

		George Foley, Jr on 8/25/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 08/25/2011)
08/28/2011	<u>351</u>	<b>ERROR: Duplicative to document 352 . <del>REPLY to Response to 345 MOTION for District Judge to Reconsider Order re 342 Order on Motion to Strike Plaintiffs' Complaint</del></b> ; filed by Defendant Obteen N. Nassiri, D.C.. (Agwara, Liborius) Modified on 8/31/2011 (SRK). (Entered: 08/28/2011)
08/29/2011	<u>352</u>	REPLY to Response to <u>345</u> MOTION for District Judge to Reconsider Order re <u>342</u> Order on Motion to Strike <i>Plaintiffs' Complaint</i> ; filed by Defendant Obteen N. Nassiri, D.C.. (Attachments: # <u>1</u> Exhibit)(Agwara, Liborius) (Entered: 08/29/2011)
09/15/2011	<u>353</u>	MOTION for Summary Judgment by Defendant Advanced Accident Chiropractic Care. Responses due by 10/9/2011. (Attachments: # <u>1</u> Exhibit complaint, # <u>2</u> Exhibit order, # <u>3</u> Exhibit pltf's disclosure, # <u>4</u> Exhibit pltf's disclosure, # <u>5</u> Exhibit pltf's disclosure, # <u>6</u> Exhibit pltf's disclosure, # <u>7</u> Exhibit pltf's disclosure, # <u>8</u> Exhibit kidwell deposition, # <u>9</u> Exhibit pltf's interrog answers, # <u>10</u> Exhibit lamping deposition)(Agwara, Liborius) (Entered: 09/15/2011)
09/29/2011	<u>354</u>	Emergency MOTION to Quash <i>or Modify Subpoena</i> by Interested Party Adam S. Kunter. Motion ripe 9/29/2011. (Prall, Todd) (Entered: 09/29/2011)
09/30/2011	<u>355</u>	ORDER Denying <u>354</u> Adam S. Kutner's Emergency Motion to Quash or Modify Subpoena. Signed by Magistrate Judge George Foley, Jr on 9/30/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 09/30/2011)
10/03/2011	<u>356</u>	MOTION for District Judge to Reconsider <u>355</u> Order; filed by Interested Party Adam S. Kunter. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Prall, Todd) <u>Event type corrected on 10/3/2011. (MJZ)</u> (Entered: 10/03/2011)
10/03/2011		NOTICE of Docket Correction to <u>356</u> Objection. ERROR: Wrong event selected by attorney <u>Todd W. Prall</u> . CORRECTION: Entry corrected by Court to <u>356</u> Motion for District Judge to Reconsider Order. (no image attached)(MJZ) (Entered: 10/03/2011)
10/05/2011	<u>357</u>	RESPONSE to <u>356</u> MOTION for District Judge to Reconsider Order, filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. <i>RESPONSE TO ADAM S. KUTNER'S MOTION FOR DISTRICT JUDGE TO RECONSIDER, MOTION FOR ORDER SETTING A DATE-CERTAIN FOR THE DEPOSITION OF ADAM S. KUTNER, AND MOTION FOR SANCTIONS AGAINST ADAM S. KUTNER</i> . Replies due by 10/15/2011. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I)(Cannon, Eron) (Entered: 10/05/2011)
10/05/2011	<u>358</u>	MOTION for Order Setting Date-Certain for the Deposition of Adam S. Kutner; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Responses due by 10/22/2011. (MJZ) (Entered: 10/07/2011)
10/05/2011	<u>359</u>	MOTION for Sanctions re Discovery; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Responses due by 10/22/2011. (MJZ) (Entered: 10/07/2011)
10/07/2011		NOTICE of Docket Correction to <u>357</u> Response to Motion. ERROR: Document should've been filed as <i>three</i> separate entries by attorney <u>Eron Z. Cannon</u> in accordance with Special Order 109. CORRECTION: Entry refiled be Court as <u>358</u> Motion for Miscellaneous Relief and <u>359</u> Motion for Sanctions re Discovery.(no image attached) (MJZ) (Entered: 10/07/2011)
10/11/2011	<u>360</u>	RESPONSE to <u>353</u> MOTION for Summary Judgment, filed by Plaintiffs Allstate

		Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Replies due by 10/28/2011. (Attachments: # <u>1</u> Exhibit)(Kelley, Bruce) (Entered: 10/11/2011)
10/14/2011	<u>361</u>	ORDER Denying <u>356</u> Adam Kutner's Motion for District Judge to Reconsider Order. Signed by Judge James C. Mahan on 10/14/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 10/14/2011)
10/14/2011	<u>362</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge George Foley, Jr, on 10/14/2011. By Deputy Clerk: Heidi Ojeda. RE: <u>358</u> MOTION for Order Setting Date-Certain for the Deposition of Adam S. Kutner, <u>359</u> MOTION for Sanctions re Discovery. Motion Hearing set for <b>Friday, October 28, 2011, at 09:30 AM</b> in LV Courtroom 3A before Magistrate Judge George Foley Jr. Any objections to Plaintiffs' Motion for Order Setting Date (#358) and Motion for Sanctions (#359) are due no later than <b>Friday, October 21, 2011</b> . Replies are due no later than <b>Wednesday, October 26, 2011</b> . (no image attached) (Copies have been distributed pursuant to the NEF - Ojeda, Heidi) (Entered: 10/14/2011)
10/17/2011	<u>363</u>	ORDER Denying <u>326</u> Defendants' Motion for District Judge to Reconsider Order. Signed by Judge James C. Mahan on 10/17/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 10/17/2011)
10/17/2011	<u>364</u>	ORDER Denying <u>345</u> Defendants' Motion for District Judge to Reconsider Order. Signed by Judge James C. Mahan on 10/17/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 10/17/2011)
10/21/2011	<u>365</u>	RESPONSE to <u>358</u> MOTION for Order Setting Date-Certain for the Deposition of Adam S. Kutner, filed by Interested Party Adam S. Kunter. Replies due by 11/7/2011. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Prall, Todd) (Entered: 10/21/2011)
10/21/2011	<u>366</u>	RESPONSE to <u>359</u> MOTION for Sanctions re Discovery, filed by Interested Party Adam S. Kunter. Replies due by 11/7/2011. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit) (Prall, Todd) (Entered: 10/21/2011)
10/25/2011	<u>367</u>	REPLY to Response to <u>358</u> MOTION for Order Setting Date-Certain for the Deposition of Adam S. Kutner ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Defendants Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Claimant Allstate Property & Casualty Insurance Company. <i>PLAINTIFFS' REPLY TO ADAM KUTNER'S RESPONSE TO PLAINTIFFS' MOTION FOR ORDER SETTING A DATE-CERTAIN FOR THE DEPOSITION OF ADAM S. KUTNER</i> (Graves, Michael) (Entered: 10/25/2011)
10/25/2011	<u>368</u>	REPLY to Response to <u>359</u> MOTION for Sanctions re Discovery ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Defendants Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Claimant Allstate Property & Casualty Insurance Company. <i>REPLY TO ADAM KUTNER'S RESPONSE TO PLAINTIFFS' MOTION FOR SANCTIONS AGAINST ADAM S. KUTER</i> (Graves, Michael) (Entered: 10/25/2011)
10/25/2011	<u>369</u>	Emergency MOTION to Continue Magistrate Judge Hearing <i>on Motion for Sanctions</i> by Interested Party Adam S. Kunter. Motion ripe 10/25/2011. (Attachments: # <u>1</u> Exhibit) (Prall, Todd) (Entered: 10/25/2011)
10/25/2011	<u>370</u>	ERRATA to <u>369</u> Emergency MOTION to Continue Magistrate Judge Hearing <i>on Motion for Sanctions</i> ; filed by Interested Party Adam S. Kunter. (Prall, Todd) (Entered: 10/25/2011)



10/26/2011	<u>371</u>	RESPONSE to <u>369</u> Emergency MOTION to Continue Magistrate Judge Hearing <i>on Motion for Sanctions</i> , filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Defendants Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Claimant Allstate Property & Casualty Insurance Company. <i>PLAINTIFFS' RESPONSE TO ADAM KUTNER'S EMERGENCY MOTION TO CONTINUE HEARING ON MOTION FOR SANCTIONS</i> Replies due by 11/5/2011. (Graves, Michael) (Entered: 10/26/2011)
10/26/2011	<u>372</u>	ORDER Denying <u>369</u> Motion to Continue Magistrate Judge Hearing. Signed by Magistrate Judge George Foley, Jr on 10/26/2011. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 10/27/2011)
10/27/2011	<u>373</u>	STIPULATION FOR EXTENSION OF TIME (Second Request) <i>to File Dispositive Motions</i> by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. (Doyle, Thomas) (Entered: 10/27/2011)
10/28/2011	<u>374</u>	ORDER ON STIPULATION Granting <u>373</u> Stipulation to Extend Time to File Dispositive Motions. Motions due by 12/30/2011. IT IS FURTHER ORDERED that the deposition of Obteen Nassiri must be completed no later than 11/30/11. Signed by Magistrate Judge George Foley, Jr on 10/28/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 10/28/2011)
10/28/2011	<u>375</u>	ORDER that Defendants shall serve and file a memorandum, supported by the affidavit of counsel, establishing the amount of attorney's fees and costs incurred. Plaintiff shall have 14 days from service of memorandum to file a responsive memorandum. Defendants shall have 7 days from service of response to file a reply. Signed by Magistrate Judge George Foley, Jr on 10/28/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 10/28/2011)
10/28/2011	<u>376</u>	REPLY to Response to <u>353</u> MOTION for Summary Judgment ; filed by Defendant Advanced Accident Chiropractic Care. (Agwara, Liborius) (Entered: 10/28/2011)
10/28/2011	<u>377</u>	MINUTES OF PROCEEDINGS - Hearing re motion for order setting date for deposition <u>358</u> and motion for sanctions <u>359</u> held on 10/28/2011 before Magistrate Judge George Foley, Jr. Crtrm Administrator: <i>J. Ries</i> ; Pla Counsel: <i>Eron Z. Cannon</i> ; Court Reporter/FTR #: <i>9:34 - 10:09</i> ; Time of Hearing: <i>9:30 a.m.</i> ; Courtroom: <i>3A</i> ; Also present are attorneys Todd Prall and Naomi Arin and appearing telephonically is Jonathan Hicks. The court canvasses and hears representations from the parties regarding the motion for order setting date for deposition <u>358</u> . ORDERED that Mr. Adam S. Kutner shall appear for his deposition on 12/2/11 at 10:00 a.m.. The court hears arguments regarding the motion for sanctions <u>359</u> . The court finds that Mr. Kutner did not have an adequate excuse for failing to appear for his deposition on 10/4/11 and the court sanctions Mr. Kutner under Rule 45(e). Mr. Cannon shall have until 11/14/11 to submit an application for attorney fees and costs. Mr. Kutner will have until 11/21/11 to file a response and Mr. Cannon will have until 11/28/11 to file a reply. The application for attorney fees and costs shall not include travel expenses. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - JAR) (Entered: 10/31/2011)
11/07/2011	<u>378</u>	MOTION to Exclude Defendants' Rebuttal Expert Witness Designation of Matthew Anderson, D.C. by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Responses due by 11/24/2011. (Attachments: # <u>1</u> Affidavit OF BRUCE W. KELLEY, # <u>2</u> Exhibit A TO BWK AFFIDAVIT, # <u>3</u> Exhibit B TO BWK AFFIDAVIT, # <u>4</u> Exhibit C TO BWK AFFIDAVIT)(Kelley, Bruce) (Entered: 11/07/2011)
11/08/2011	<u>379</u>	NOTICE of Hearing on <u>353</u> MOTION for Summary Judgment : Motion Hearing set for

		11/17/2011 10:00 AM in LV Courtroom 6A before Judge James C. Mahan. (no image attached)(SRB) (Entered: 11/08/2011)
11/10/2011	<u>380</u>	MOTION for Attorney Fees; by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Graves, Michael) <u>Event type corrected on 11/14/2011. (MJZ)</u> (Entered: 11/10/2011)
11/10/2011	<u>381</u>	MEMORANDUM re <u>380</u> MOTION for Attorney Fees; filed by Defendant Advanced Accident Chiropractic Care. (Attachments: # <u>1</u> Declaration In Support of Memorandum of Fees and Costs)(Agwara, Liborius) <u>Docket entry relationship added on 11/14/2011. (MJZ)</u> (Entered: 11/10/2011)
11/17/2011	<u>382</u>	MINUTES OF PROCEEDINGS - Motion Hearing held on 11/17/2011 before Judge James C. Mahan. Crtrm Administrator: <i>David Oakes</i> ; Pla Counsel: <i>Bruce Kelley</i> ; Def Counsel: <i>Liborius Agwara, Thomas Doyle - Telephone, Naomi Arin</i> ; Court Reporter/FTR #: <i>Joy Garner</i> ; Time of Hearing: <i>10:00 a.m.</i> ; Courtroom: <i>6A</i> ; Representations of counsel are heard. <b>COURT ORDERED:</b> denying <u>353</u> Motion for Summary Judgment.; ( Submission of Proposed Order obo plaintiff is due by <b>11/28/2011.</b> ) (Copies have been distributed pursuant to the NEF - DXO) (Entered: 11/17/2011)
11/21/2011	<u>383</u>	RESPONSE to <u>381</u> Memorandum, ; <i>Plaintiffs' Opposition to Defendants' Memorandum of Fees and Costs Pursuant to Court Orders of July 21 and October 28, 2011</i> filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Kelley, Bruce) (Entered: 11/21/2011)
11/22/2011	<u>384</u>	STIPULATION FOR EXTENSION OF TIME (First Request) re <u>380</u> MOTION for Attorney Fees ; by Interested Party Adam S. Kunter. (Prall, Todd) (Entered: 11/22/2011)
11/22/2011	<u>385</u>	RESPONSE to <u>380</u> MOTION for Attorney Fees, filed by Interested Party Adam S. Kunter. Replies due by 12/2/2011. (Prall, Todd) (Entered: 11/22/2011)
11/22/2011	<u>386</u>	ORDER ON STIPULATION Granting <u>384</u> Stipulation to Extend Time to Respond to <u>380</u> MOTION for Attorney Fees. Response due 11/22/11. Signed by Magistrate Judge George Foley, Jr on 11/22/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 11/22/2011)
11/22/2011	<u>387</u>	RESPONSE to <u>378</u> MOTION to Exclude Defendants' Rebuttal Expert Witness Designation of Matthew Anderson, D.C., filed by Defendant Advanced Accident Chiropractic Care. Replies due by 12/2/2011. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit)(Agwara, Liborius) (Entered: 11/22/2011)
11/23/2011	<u>388</u>	REPLY to Response to <u>380</u> MOTION for Attorney Fees ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. <i>Reply to Response to Plaintiffs' Application for Attorneys' Fees and Costs as Against Non-Party Adam S. Kutner, Pursuant to the Court's Order 377 that Granted Plaintiffs' Motion for Sanctions</i> (Graves, Michael) (Entered: 11/23/2011)
11/28/2011	<u>389</u>	Submission of PROPOSED ORDER on <u>353</u> MOTION for Summary Judgment ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. <i>PROPOSED ORDER DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT</i> (Graves, Michael) (Entered: 11/28/2011)
11/28/2011	<u>390</u>	REPLY to Response to <u>380</u> Motion for Attorney Fees; filed by Defendant Obteen N. Nassiri, D.C. (Agwara, Liborius) <u>Docket entry relationship added on 11/29/2011. (MJZ)</u> (Entered: 11/28/2011)
11/28/2011	<u>391</u>	Submission of PROPOSED ORDER on <u>353</u> MOTION for Summary Judgment ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property &

		Casualty Insurance Company. <i>ERRATA TO ORDER DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT</i> (Graves, Michael) (Entered: 11/28/2011)
11/28/2011	<u>392</u>	Submission of PROPOSED ORDER on <u>391</u> Proposed Order Submission, <u>353</u> MOTION for Summary Judgment ; filed by Defendant Advanced Accident Chiropractic Care. (Agwara, Liborius) (Entered: 11/28/2011)
12/01/2011	<u>393</u>	REPLY to Response to <u>378</u> MOTION to Exclude Defendants' Rebuttal Expert Witness Designation of Matthew Anderson, D.C. ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. <i>PLAINTIFFS' REPLY TO NASSIRI DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION TO EXCLUDE DEFENDANTS' REBUTTAL EXPERT WITNESS DESIGNATION OF MATTHEW ANDERSON, D.C.</i> (Graves, Michael) (Entered: 12/01/2011)
12/02/2011	<u>394</u>	ORDER that Allstate is to pay the Nassiri Defendants the sum total of \$7,176.80. Allstate is further ordered to make the payment to Defendants by January 3, 2012. Signed by Magistrate Judge George Foley, Jr on 12/2/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 12/02/2011)
12/02/2011	<u>395</u>	ORDER Granting <u>378</u> Plaintiffs' Motion to Exclude Defendants' Rebuttal Expert Witness Designation of Matthew Anderson, D.C. Signed by Magistrate Judge George Foley, Jr on 12/2/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 12/02/2011)
12/05/2011	<u>396</u>	ORDER Denying <u>353</u> MOTION for Summary Judgment filed by Nassiri Defendants. Signed by Judge James C. Mahan on 12/5/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 12/05/2011)
12/06/2011	<u>397</u>	ORDER Granting <u>380</u> Plaintiffs' Motion for Attorney Fees. Non-party Adam S. Kutner is to pay Plaintiffs the sum total of \$5,350.75 by 1/6/12. Signed by Magistrate Judge George Foley, Jr on 12/6/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 12/06/2011)
12/06/2011	<u>398</u>	JUDGMENT on Attorney Fees in favor of Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, and Allstate Property & Casualty Insurance Company and against Adam S. Kunter in the amount of \$5,350.75. Signed by Clerk of Court, Lance S. Wilson on 12/6/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 12/06/2011)
12/09/2011	<u>399</u>	MOTION to Amend/Correct Caption to Conform to the Evidence; by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Kelley, Bruce) <u>Event type corrected on 12/12/2011</u> (SRK). (Entered: 12/09/2011)
12/12/2011		<b>NOTICE of Docket Correction</b> to <u>399</u> Statement : ERROR: Wrong event selected by <b>Attorney Bruce Kelley</b> ; <b>CORRECTION</b> : Court modified event as <u>399 MOTION to Amend/Correct Caption to Conform to the Evidence</u> . (no image attached)(SRK) (Entered: 12/12/2011)
12/23/2011	<u>400</u>	RESPONSE to <u>399</u> MOTION to Amend/Correct, filed by Defendant Obteen N. Nassiri, D.C.. Replies due by 1/2/2012. (Attachments: # <u>1</u> Exhibit Exhibit 1 to Opposition to Motion)(Agwara, Liborius) (Entered: 12/23/2011)
12/29/2011	<u>401</u>	REPLY to Response to <u>399</u> MOTION to Amend/Correct ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Attachments: # <u>1</u> Declaration of Bruce Kelley, # <u>2</u> Exhibit A to Declaration of Bruce Kelley)(Kelley, Bruce) (Entered: 12/29/2011)



12/30/2011	<u>402</u>	MOTION for Leave to File Excess Pages by Defendant Albert Noorda, M.D.. Motion ripe 12/30/2011. (Attachments: # <u>1</u> Certificate of Service)(Doyle, Thomas) (Entered: 12/30/2011)
12/30/2011	<u>403</u>	<del>STRICKEN per <u>419</u> Order. (SLR) MOTION for Summary Judgment by Defendant Albert Noorda, M.D.. Responses due by 1/23/2012. (Attachments: # <u>1</u> Supplement Separate Statement, # <u>2</u> Declaration, # <u>3</u> Appendix 1 - Part 1 of 4, # <u>4</u> Appendix 1 - Part 2 of 4, # <u>5</u> Appendix 1 - Part 3 of 4, # <u>6</u> Appendix 1 - Part 4 of 4, # <u>7</u> Appendix 2 - Part 1 of 2, # <u>8</u> Appendix 2 - Part 2 of 2, # <u>9</u> Appendix 3 - Part 1 of 2, # <u>10</u> Appendix 3 - Part 2 of 2, # <u>11</u> Appendix 4 - Part 1 of 1, # <u>12</u> Certificate of Service)(Doyle, Thomas) (Entered: 12/30/2011)</del>
12/30/2011	<u>404</u>	MOTION to Strike <i>Plaintiffs Damages</i> by Defendant Obteen N. Nassiri, D.C.. Responses due by 1/16/2012. (Attachments: # <u>1</u> Exhibit EXHIBIT A TO MOTION TO STRIKE, # <u>2</u> Exhibit EXHIBIT B TO MOTION TO STRIKE, # <u>3</u> Exhibit EXHIBIT C TO MOTION TO STRIKE, # <u>4</u> Exhibit EXHIBIT D TO MOTION TO STRIKE, # <u>5</u> Exhibit EXHIBIT E TO MOTION TO STRIKE, # <u>6</u> Exhibit EXHIBIT F TO MOTION TO STRIKE, # <u>7</u> Exhibit EXHIBIT G TO MOTION TO STRIKE)(Agwara, Liborius) (Entered: 12/30/2011)
12/31/2011	<u>405</u>	MOTION for Summary Judgment <i>Part 1</i> by Defendant Advanced Accident Chiropractic Care. Responses due by 1/24/2012. (Agwara, Liborius) (Entered: 12/31/2011)
12/31/2011	<u>406</u>	MEMORANDUM (Part 2) re <u>405</u> MOTION for Summary Judgment; filed by Defendant Advanced Accident Chiropractic Care. (Agwara, Liborius) <u>Event type corrected on 1/3/2012. (MJZ)</u> (Entered: 12/31/2011)
12/31/2011	<u>407</u>	MEMORANDUM (Part 3) re <u>405</u> MOTION for Summary Judgment; filed by Defendant Advanced Accident Chiropractic Care. (Agwara, Liborius) <u>Event type corrected on 1/3/2012. (MJZ)</u> (Entered: 12/31/2011)
01/04/2012	<u>408</u>	ADDENDUM to <u>405</u> MOTION for Summary Judgment; by Defendants Advanced Accident Chiropractic Care, Digital Imaging Services, Jennifer Nassiri, Obteen N. Nassiri, D.C. (Attachments: # <u>1</u> Affidavit)(SLR) (Entered: 01/05/2012)
01/05/2012	<u>409</u>	RESPONSE to <u>402</u> MOTION for Leave to File Excess Pages, filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. <i>PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO EXCEED PAGE LIMIT IN SUPPORT OF DEFENDANT' MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION TO STRIKE DEFENDANTS' OVER-LENGTH MOTION</i> Replies due by 1/15/2012. (Cannon, Eron) (Entered: 01/05/2012)
01/05/2012	<u>417</u>	Counter MOTION to Strike Over-Length Motion by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company.(MJZ) (Entered: 01/19/2012)
01/06/2012	<u>410</u>	SATISFACTION OF JUDGMENT entered In favor of Allstate Insurance Company Against Adam S. Kunter, In favor of Allstate Property & Casualty Insurance Company Against Adam S. Kunter, In favor of Allstate Indemnity Company Against Adam S. Kunter by Interested Party Adam S. Kunter. (Hutchison, Mark) (Entered: 01/06/2012)
01/10/2012	<u>411</u>	JOINDER to <u>404</u> MOTION to Strike <i>Plaintiffs Damages</i> ; filed by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. (Doyle, Thomas) (Entered: 01/10/2012)
01/11/2012	<u>412</u>	JOINDER to <u>403</u> MOTION for Summary Judgment ; filed by Defendant Obteen N. Nassiri, D.C.. (Agwara, Liborius) (Entered: 01/11/2012)
01/13/2012	<u>413</u>	STIPULATION FOR EXTENSION OF TIME (First Request) re <u>405</u> MOTION for Summary Judgment <i>Part 1</i> , <u>407</u> MOTION for Summary Judgment <i>pt 3</i> , <u>406</u> MOTION

		for Summary Judgment <i>part 2</i> , <u>408</u> Addendum ; by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Cannon, Eron) (Entered: 01/13/2012)
01/17/2012	<u>414</u>	RESPONSE to <u>404</u> MOTION to Strike <i>Plaintiffs Damages</i> , filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Replies due by 1/27/2012. (Attachments: # <u>1</u> Declaration of Bruce Kelley, # <u>2</u> Exhibit A to Declaration of Bruce Kelley)(Kelley, Bruce) (Entered: 01/17/2012)
01/17/2012	<u>415</u>	REPLY to Response to <u>402</u> MOTION for Leave to File Excess Pages ; filed by Defendant Albert Noorda, M.D.. <i>and Maryland Medical Center, LLC</i> (Attachments: # <u>1</u> Declaration)(Doyle, Thomas) (Entered: 01/17/2012)
01/17/2012	<u>416</u>	ORDER ON STIPULATION Granting <u>413</u> Stipulation to Extend Time for Plaintiffs to Respond to <u>405</u> MOTION for Summary Judgment. Responses due by 2/7/2012. Signed by Judge James C. Mahan on 1/17/2012. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 01/17/2012)
01/17/2012	<u>418</u>	RESPONSE to <u>417</u> Counter MOTION to Strike, filed by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D. Replies due by 1/27/2012. (MJZ) (Entered: 01/19/2012)
01/19/2012		NOTICE of Docket Correction to <u>409</u> Response to Motion. ERROR: Document should've been filed as <i>two</i> separate entries by attorney <u>Eron Z. Cannon</u> in accordance with Special Order 109. CORRECTION: Entry refiled by Court as <u>417</u> Counter Motion to Strike. ( <b>no image attached</b> )(MJZ) (Entered: 01/19/2012)
01/19/2012	<u>419</u>	ORDER Denying <u>402</u> Motion for Leave to File Excess Pages. Granting <u>409</u> Counter Motion to Strike Motion for Summary Judgment. Motions due by 2/2/2012. Signed by Judge James C. Mahan on 1/19/2012. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 01/19/2012)
01/20/2012	<u>420</u>	EX PARTE MOTION for Order Shortening Time for Hearing; filed by Defendant Albert Noorda, M.D. (Doyle, Thomas) <u>Event type corrected on 1/23/2012.</u> (MJZ) (Entered: 01/20/2012)
01/20/2012	<u>421</u>	MEMORANDUM of Points and Authorities in Support of Ex Parte Application for Order Shortening Time for Hearing on Motion for Reconsideration re January 19, 2012 <i>Oder</i> filed by Defendant Albert Noorda, M.D. RE <u>420</u> Ex Parte Document. (Doyle, Thomas) (Entered: 01/20/2012)
01/20/2012	<u>422</u>	DECLARATION of Dominique A. Pollara in Support of Ex Parte Application for Order Shortening Time re <u>420</u> Ex Parte Document ; by Defendant Albert Noorda, M.D.. (Doyle, Thomas) (Entered: 01/20/2012)
01/20/2012	<u>423</u>	Submission of PROPOSED ORDER on <u>420</u> Ex Parte Document ; filed by Defendant Albert Noorda, M.D.. (Doyle, Thomas) (Entered: 01/20/2012)
01/20/2012	<u>424</u>	MOTION for District Judge to Reconsider Order <i>DENYING DEFENDANTS' MOTION TO EXCEED PAGE LIMIT</i> by Defendant Albert Noorda, M.D.. Responses due by 2/6/2012. (Doyle, Thomas) (Entered: 01/20/2012)
01/20/2012	<u>425</u>	DECLARATION of DOMINIQUE A. POLLARA IN SUPPORT OF MOTION FOR RECONSIDERATION re <u>424</u> MOTION for District Judge to Reconsider Order <i>DENYING DEFENDANTS' MOTION TO EXCEED PAGE LIMIT</i> ; filed by Defendant Albert Noorda, M.D.. <i>and MARYLAND MEDICAL CENTER, LLC</i> (Doyle, Thomas) (Entered: 01/20/2012)

01/20/2012	<u>426</u>	Submission of PROPOSED ORDER filed by Defendant Albert Noorda, M.D.. <i>and Maryland Medical Center, LLC</i> (Doyle, Thomas) (Entered: 01/20/2012)
01/20/2012	<u>427</u>	CERTIFICATE OF SERVICE for Ex Parte Application for Order Shortning Time re Hearing on Motion for Reconsideration by Defendant Albert Noorda, M.D. re <u>420</u> Ex Parte Document. (Doyle, Thomas) (Entered: 01/20/2012)
01/24/2012	<u>428</u>	JOINDER to <u>405</u> MOTION for Summary Judgment <i>Part 1</i> ; filed by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. (Doyle, Thomas) (Entered: 01/24/2012)
01/25/2012	<u>429</u>	RESPONSE to <u>424</u> MOTION for District Judge to Reconsider Order <i>DENYING DEFENDANTS' MOTION TO EXCEED PAGE LIMIT</i> , filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Replies due by 2/4/2012. (Kelley, Bruce) (Entered: 01/25/2012)
01/25/2012	<u>430</u>	REPLY BRIEF TO PLAINTIFF'S RESPONSE TO DEFENDANTS' EX PARTE ORDER SHORTNING TIME RE MOTION FOR RECONSIDERATION re <u>423</u> Proposed Order Submission, <u>422</u> Declaration, <u>421</u> Memorandum, <u>420</u> EX PARTE MOTION for Order Shortening Time for Hearing by Defendant Albert Noorda, M.D.. (Doyle, Thomas) (Entered: 01/25/2012)
01/25/2012	<u>431</u>	REPLY to Response to <u>424</u> MOTION for District Judge to Reconsider Order <i>DENYING DEFENDANTS' MOTION TO EXCEED PAGE LIMIT</i> ; filed by Defendant Albert Noorda, M.D.. (Doyle, Thomas) (Entered: 01/25/2012)
01/27/2012	<u>432</u>	ORDER Denying as moot <u>420</u> Ex Parte Motion for order shortening time. Denying <u>424</u> Motion to reconsider Order. Signed by Judge James C. Mahan on 1/27/2012. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 01/27/2012)
01/27/2012	<u>433</u>	REPLY to Response to <u>404</u> MOTION to Strike <i>Plaintiffs Damages</i> ; filed by Defendant Albert Noorda, M.D.. <i>and Maryland Medical Center, LLC</i> (Doyle, Thomas) (Entered: 01/27/2012)
01/27/2012	<u>434</u>	REPLY to Response to <u>404</u> MOTION to Strike <i>Plaintiffs Damages</i> ; filed by Defendant Obteen N. Nassiri, D.C.. (Agwara, Liborius) (Entered: 01/27/2012)
02/01/2012	<u>435</u>	MOTION for Summary Judgment by Defendant <i>Maryland Medical Center, LLC</i> and by Defendant Albert Noorda, M.D.. Responses due by 2/25/2012. (Attachments: # <u>1</u> Supplement Separate Statement of Undisputed Facts, # <u>2</u> Declaration Declaration of Thomas J. Doyle, # <u>3</u> Certificate of Service, # <u>4</u> Appendix No. 1 - volume 1 of 3, # <u>5</u> Appendix No 1 - volume 2 of 3, # <u>6</u> Appendix No. 1 - volume 3 of 3, # <u>7</u> Appendix No. 2 - volume 1 of 3, # <u>8</u> Appendix No. 2 - volume 2 of 3, # <u>9</u> Appendix No. 2 - volume 3 of 3, # <u>10</u> Appendix No. 3 - volume 1 of 4, # <u>11</u> Appendix No. 3 - volume 2 of 4, # <u>12</u> Appendix No. 3 - volume 3 of 4, # <u>13</u> Appendix No. 3 - volume 4 of 4, # <u>14</u> Appendix No. 4 - volume 1 of 2, # <u>15</u> Appendix No. 4 - volume 2 of 2)(Doyle, Thomas) (Entered: 02/01/2012)
02/06/2012	<u>436</u>	ORDER Granting Satisfaction of Judgment against Defendant Adam S. Kutner. Signed by Judge James C. Mahan on 2/6/12. (Copies have been distributed pursuant to the NEF - ASB) (Entered: 02/07/2012)
02/07/2012	<u>437</u>	RESPONSE to <u>405</u> MOTION for Summary Judgment <i>Part 1</i> , filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Replies due by 2/24/2012. (Attachments: # <u>1</u> Separate Statement of Material Facts, # <u>2</u> Objection to Evidence, # <u>3</u> Declaration of Bruce Kelley, # <u>4</u> Exhibit A, # <u>5</u> Exhibit B, # <u>6</u> Exhibit C, # <u>7</u> Exhibit D, # <u>8</u> Exhibit E, # <u>9</u> Exhibit F, # <u>10</u> Exhibit G, # <u>11</u> Exhibit H, # <u>12</u> Exhibit I, # <u>13</u> Exhibit J, # <u>14</u> Exhibit K, # <u>15</u> Exhibit L, # <u>16</u>

		Exhibit M, # <u>17</u> Exhibit N, # <u>18</u> Exhibit O, # <u>19</u> Exhibit P, # <u>20</u> Exhibit Q, # <u>21</u> Exhibit R, # <u>22</u> Exhibit S, # <u>23</u> Exhibit T, # <u>24</u> Exhibit U, # <u>25</u> Exhibit V, # <u>26</u> Exhibit W, # <u>27</u> Exhibit X, # <u>28</u> Exhibit Y, # <u>29</u> Exhibit Z, # <u>30</u> Exhibit AA, # <u>31</u> Exhibit BB, # <u>32</u> Exhibit CC, # <u>33</u> Exhibit DD, # <u>34</u> Exhibit EE, # <u>35</u> Exhibit FF)(Kelley, Bruce) (Entered: 02/07/2012)
02/09/2012	<u>438</u>	JOINDER to <u>435</u> MOTION for Summary Judgment by <i>Defendant Maryland Medical Center, LLC and</i> ; filed by Defendant Obteen N. Nassiri, D.C.. (Agwara, Liborius) (Entered: 02/09/2012)
02/27/2012	<u>439</u>	REPLY to Response to <u>405</u> MOTION for Summary Judgment <i>Part 1</i> ; filed by Defendant Obteen N. Nassiri, D.C.. (Agwara, Liborius) (Entered: 02/27/2012)
02/27/2012	<u>440</u>	EXHIBIT(s) to <u>439</u> Reply to Response to Motion ; filed by Defendant Obteen N. Nassiri, D.C.. (Attachments: # <u>1</u> Exhibit 6A, # <u>2</u> Exhibit 7A)(Agwara, Liborius) (Entered: 02/27/2012)
02/27/2012	<u>441</u>	EXHIBIT(s) to <u>439</u> Reply to Response to Motion ; filed by Defendant Obteen N. Nassiri, D.C.. (Attachments: # <u>1</u> Exhibit 11, # <u>2</u> Exhibit 12, # <u>3</u> Exhibit 13)(Agwara, Liborius) (Entered: 02/27/2012)
02/27/2012	<u>442</u>	RESPONSE to <u>435</u> MOTION for Summary Judgment by <i>Defendant Maryland Medical Center, LLC and</i> , filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Replies due by 3/15/2012. (Attachments: # <u>1</u> Response to Separate Statement, # <u>2</u> Declaration Bruce W. Kelley, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Exhibit I, # <u>12</u> Exhibit J, # <u>13</u> Exhibit K, # <u>14</u> Exhibit L, # <u>15</u> Exhibit M, # <u>16</u> Exhibit N, # <u>17</u> Exhibit O, # <u>18</u> Exhibit P, # <u>19</u> Exhibit Q, # <u>20</u> Exhibit R, # <u>21</u> Exhibit S, # <u>22</u> Exhibit T, # <u>23</u> Exhibit U, # <u>24</u> Exhibit V, # <u>25</u> Exhibit W, # <u>26</u> Exhibit X, # <u>27</u> Exhibit Y, # <u>28</u> Exhibit Z, # <u>29</u> Exhibit AA, # <u>30</u> Exhibit BB, # <u>31</u> Exhibit CC, # <u>32</u> Exhibit DD, # <u>33</u> Exhibit EE, # <u>34</u> Exhibit FF, # <u>35</u> Exhibit GG, # <u>36</u> Exhibit HH, # <u>37</u> Exhibit II, # <u>38</u> Exhibit JJ, # <u>39</u> Exhibit KK, # <u>40</u> Exhibit LL, # <u>41</u> Exhibit MM, # <u>42</u> Exhibit NN, # <u>43</u> Exhibit OO, # <u>44</u> Exhibit PP)(Kelley, Bruce) (Entered: 02/27/2012)
03/06/2012	<u>443</u>	ERRATA to <u>441</u> Exhibit ; filed by Defendant Obteen N. Nassiri, D.C.. (Agwara, Liborius) (Entered: 03/06/2012)
03/15/2012	<u>444</u>	REPLY to Response to <u>435</u> MOTION for Summary Judgment by <i>Defendant Maryland Medical Center, LLC and</i> ; filed by Defendant Albert Noorda, M.D.. (Attachments: # <u>1</u> Supplement, # <u>2</u> Declaration, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit)(Doyle, Thomas) (Entered: 03/15/2012)
03/23/2012	<u>445</u>	ORDER that the Nassiri Defendants Motion for an Order Striking Plaintiffs Measure of Damages Pursuant to F.R.C.P. Rule 37(b) <u>404</u> and the Noorda Defendants Joinder in the Motion for an Order Striking Plaintiffs Measure of Damages <u>411</u> are denied. Signed by Magistrate Judge George Foley, Jr on 3/23/12. (Copies have been distributed pursuant to the NEF - ECS) (Entered: 03/23/2012)
03/29/2012	<u>446</u>	ORDER Denying <u>405</u> and <u>435</u> Motions for Summary Judgment. Signed by Judge James C. Mahan on 3/29/2012. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 03/29/2012)
04/02/2012	<u>447</u>	MOTION for District Judge to Reconsider Order re <u>445</u> Order on Motion to Strike, by Defendant Obteen N. Nassiri, D.C.. Responses due by 4/19/2012. (Agwara, Liborius) (Entered: 04/02/2012)
04/05/2012	<u>448</u>	JOINDER to <u>447</u> MOTION for District Judge to Reconsider Order re <u>445</u> Order on



		Motion to Strike, ; filed by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. (Doyle, Thomas) (Entered: 04/05/2012)
04/05/2012	<u>449</u>	RESPONSE to <u>447</u> MOTION for District Judge to Reconsider Order re <u>445</u> Order on Motion to Strike,, filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Replies due by 4/15/2012. (Attachments: # <u>1</u> Declaration of Bruce William Kelley, # <u>2</u> Exhibit A)(Kelley, Bruce) (Entered: 04/05/2012)
04/06/2012	<u>450</u>	MOTION for District Judge to Reconsider <u>446</u> Order; by Defendant Albert Noorda, M.D. Responses due by 4/23/2012. (Attachments: # <u>1</u> Declaration in Support of Motion for Reconsideration, # <u>2</u> Appendix 1 (1 of 4), # <u>3</u> Appendix 1 (2 of 4), # <u>4</u> Appendix 1 (3 of 4), # <u>5</u> Appendix 1 (4 of 4))(Doyle, Thomas) <u>Event type corrected on 4/9/2012. (MJZ)</u> (Entered: 04/06/2012)
04/06/2012	<u>451</u>	<del>STRICKEN Pursuant to Order <u>462</u> ; MOTION for Summary Judgment, by Defendant Albert Noorda, M.D. (Attachments: # <u>1</u> Supplement Corrected Separate Statement of Undisputed Facts, # <u>2</u> Declaration of TJD in Support of Corrected MSJ, # <u>3</u> Appendix Corrected 1 (1 of 3), # <u>4</u> Appendix Corrected 1 (2 of 3), # <u>5</u> Appendix Corrected 1 (3 of 3), # <u>6</u> Appendix Corrected 2 (1 of 5), # <u>7</u> Appendix Corrected 2 (2 of 5), # <u>8</u> Appendix Corrected 2 (3 of 5), # <u>9</u> Appendix Corrected 2 (4 of 5), # <u>10</u> Appendix Corrected 2 (5 of 5), # <u>11</u> Appendix Corrected 3 (1 of 5), # <u>12</u> Appendix Corrected 3 (2 of 5), # <u>13</u> Appendix Corrected 3 (3 of 5), # <u>14</u> Appendix Corrected 3 (4 of 5), # <u>15</u> Appendix Corrected 3 (5 of 5), # <u>16</u> Appendix Corrected 4 (1 of 4), # <u>17</u> Appendix Corrected 4 (2 of 4), # <u>18</u> Appendix Corrected 4 (3 of 4), # <u>19</u> Appendix Corrected 4 (4 of 4))(Doyle, Thomas) <u>Event type corrected on 4/9/2012. (MJZ)</u> (Entered: 04/06/2012)</del>
04/06/2012	<u>452</u>	JOINDER to <u>451</u> MOTION to Amend/Correct <u>450</u> MOTION Motion for Reconsideration Re United States District Judge James C. Mahan's Order re <u>446</u> Order on Motion for Summary Judgment, MOTION Motion for Reconsideration Re United States District Judge James C. Mahan MOTION to Amend/Correct <u>450</u> MOTION Motion for Reconsideration Re United States District Judge James C. Mahan's Order re <u>446</u> Order on Motion for Summary Judgment, MOTION Motion for Reconsideration Re United States District Judge James C. Mahan MOTION to Amend/Correct <u>450</u> MOTION Motion for Reconsideration Re United States District Judge James C. Mahan's Order re <u>446</u> Order on Motion for Summary Judgment, MOTION Motion for Reconsideration Re United States District Judge James C. Mahan MOTION to Amend/Correct <u>450</u> MOTION Motion for Reconsideration Re United States District Judge James C. Mahan's Order re <u>446</u> Order on Motion for Summary Judgment, MOTION Motion for Reconsideration Re United States District Judge James C. Mahan, <u>450</u> MOTION Motion for Reconsideration Re United States District Judge James C. Mahan's Order re <u>446</u> Order on Motion for Summary Judgment, MOTION Motion for Reconsideration Re United States District Judge James C. Mahan's Order re <u>446</u> Order on Motion for Summary Judgment, ; filed by Defendant Obteen N. Nassiri, D.C.. (Agwara, Liborius) (Entered: 04/06/2012)
04/09/2012	<u>453</u>	MOTION for District Judge to Reconsider Order re <u>446</u> Order on Motion for Summary Judgment, by Defendant Obteen N. Nassiri, D.C.. Responses due by 4/26/2012. (Attachments: # <u>1</u> Exhibit Exhibit 1 to Motion)(Agwara, Liborius) (Entered: 04/09/2012)
04/16/2012	<u>454</u>	REPLY to Response to <u>447</u> MOTION for District Judge to Reconsider Order re <u>445</u> Order on Motion to Strike, ; filed by Defendant Obteen N. Nassiri, D.C.. (Agwara, Liborius) (Entered: 04/16/2012)
04/23/2012	<u>455</u>	RESPONSE to <u>453</u> MOTION for District Judge to Reconsider Order re <u>446</u> Order on

		Motion for Summary Judgment,, filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Replies due by 5/10/2012. (Kelley, Bruce) (Entered: 04/23/2012)
04/23/2012	<u>456</u>	RESPONSE to <u>451</u> MOTION for Summary Judgment, <u>450</u> MOTION for District Judge to Reconsider Order, filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Replies due by 5/10/2012. (Kelley, Bruce) (Entered: 04/23/2012)
05/07/2012	<u>457</u>	REPLY to Response to <u>450</u> MOTION for District Judge to Reconsider Order ; filed by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. (Doyle, Thomas) (Entered: 05/07/2012)
05/10/2012	<u>458</u>	REPLY to Response to <u>453</u> MOTION for District Judge to Reconsider Order re <u>446</u> Order on Motion for Summary Judgment, ; filed by Defendant Obteen N. Nassiri, D.C.. (Agwara, Liborius) (Entered: 05/10/2012)
05/24/2012	<u>459</u>	NOTICE of Association of Counsel by Eron Z Cannon on behalf of Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. <i>Associating in Bruce W. Kelley of Atkin Winner &amp; Sherrod</i> (Cannon, Eron) (Entered: 05/24/2012)
06/04/2012	<u>460</u>	ORDER Denying <u>399</u> Motion to correct caption to conform to the evidence. Signed by Judge James C. Mahan on 6/4/2012. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 06/04/2012)
06/19/2012	<u>461</u>	TRANSCRIPT of Proceedings, 382 Motion Hearing held on 11/17/2011, before Judge James C. Mahan. Court Reporter/Transcriber: Joy Garner, 702-384-3188. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber using the court's "Transcript Order" form available on our website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 7/10/2012. Redacted Transcript Deadline set for 7/20/2012. Release of Transcript Restriction set for 9/17/2012. (ABB) (Entered: 06/19/2012)
07/13/2012	<u>462</u>	ORDER that Nassiri defendants motion to reconsider the magistrate judges order denying their motion to strike plaintiffs damages calculations <u>447</u> is DENIED. Nassiri defendants and Noorda defendants motions to reconsider this courts order denying their motions for summary judgment <u>450</u> <u>453</u> are DENIED. Noorda defendants corrected motion for summary judgment <u>451</u> is stricken. The parties file a joint pretrial order within thirty (30) days of entry of this order. Signed by Judge James C. Mahan on 7/13/12. (Copies have been distributed pursuant to the NEF - ECS) (Entered: 07/13/2012)
07/23/2012	<u>463</u>	MOTION for Certificate of Appealability by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. Motion ripe 7/23/2012. (Attachments: # <u>1</u> Supplement Memorandum of Points & Authorities)(Doyle, Thomas) (Entered: 07/23/2012)
08/02/2012	<u>464</u>	RESPONSE to <u>463</u> MOTION for Certificate of Appealability, filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Replies due by 8/12/2012. (Cannon, Eron) (Entered: 08/02/2012)
08/13/2012	<u>465</u>	MOTION for Certificate of Appealability by Defendant Obteen N. Nassiri, D.C.. Motion ripe 8/13/2012. (Attachments: # <u>1</u> Exhibit A)(Agwara, Liborius) (Entered: 08/13/2012)
08/13/2012	<u>468</u>	MOTION to Stay Pending Appeal; filed by Defendant Obteen N. Nassiri, D.C.. Motion ripe 8/13/2012. (SRK) (Entered: 08/14/2012)
08/14/2012	<u>467</u>	Submission of PROPOSED ORDER Re <u>353</u> MOTION for Summary Judgment, <u>465</u> MOTION for Certificate of Appealability, and <u>468</u> MOTION to Stay; filed by Defendant

		Obteen N. Nassiri, D.C.. (Agwara, Liborius) <u>Docket entry relationship modified on 8/14/2012</u> (SRK). (Entered: 08/14/2012)
08/14/2012		<b>NOTICE of Docket Correction to <u>465</u> MOTION for Certificate of Appealability : ERROR:</b> Document should have been filed as separate entries by attorney, <b><u>Liborius I. Agwara</u></b> . <b>CORRECTION:</b> Court docketed the <i>MOTION to Stay</i> contained within document <u>465</u> as <u>468</u> MOTION to Stay. (no image attached)(SRK) (Entered: 08/14/2012)
08/16/2012	<u>470</u>	ORDER Denying <u>463</u> Motion for Certificate of Appealability. E-mail notice (NEF) sent to the US Court of Appeals, Ninth Circuit. Signed by Judge James C. Mahan on 8/16/2012. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 08/16/2012)
08/23/2012	<u>471</u>	RESPONSE to <u>465</u> MOTION for Certificate of Appealability, filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Replies due by 9/2/2012. (Cannon, Eron) (Entered: 08/23/2012)
08/29/2012	<u>472</u>	REPLY to Response to <u>465</u> MOTION for Certificate of Appealability ; filed by Defendant Obteen N. Nassiri, D.C.. (Agwara, Liborius) (Entered: 08/29/2012)
09/06/2012	<u>473</u>	ORDER Denying <u>465</u> Motion for certification of order for interlocutory appeal pursuant to 28 U.S.C. § 1292(b) and FRAP Rule 5(a)(3) and request for stay pending appeal. Denying <u>468</u> the proposed amended order on motion for summary judgment, proposed order for certification for interlocutory appeal, and proposed order staying district court proceedings. E-mail notice (NEF) sent to the US Court of Appeals, Ninth Circuit. Signed by Judge James C. Mahan on 9/6/2012. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 09/06/2012)
10/15/2012	<u>475</u>	MOTION to Continue Trial by Defendants Advanced Accident Chiropractic Care, Digital Imaging Services, Jennifer Nassiri, Obteen N. Nassiri, D.C.. Responses due by 11/1/2012. (Agwara, Liborius) (Entered: 10/15/2012)
10/16/2012	<u>476</u>	NOTICE of Hearing on <u>475</u> MOTION to Continue Trial : Motion Hearing set for 11/7/2012 10:00 AM in LV Courtroom 6A before Judge James C. Mahan. (no image attached)(SRB) (Entered: 10/16/2012)
10/16/2012	<u>477</u>	ORDER that a hearing is set for 11/7/2012 10:00 AM in LV Courtroom 6A before Judge James C. Mahan re <u>475</u> MOTION to Continue Trial. Responses due by 10/24/2012. Replies due by 11/2/2012. Signed by Judge James C. Mahan on 10/16/2012. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 10/16/2012)
10/23/2012	<u>478</u>	NON-OPPOSITION to <u>475</u> MOTION to Continue Trial ; filed by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. (Doyle, Thomas) (Entered: 10/23/2012)
10/24/2012		Set/Reset Hearings: Motion Hearing set for 11/07/2012 10:00 AM is hereby VACATED and rescheduled for 11/26/2012 11:00 AM in LV Courtroom 6A before Judge James C. Mahan. (SRB) (Entered: 10/24/2012)
10/24/2012	<u>479</u>	RESPONSE to <u>475</u> MOTION to Continue Trial, filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Replies due by 11/3/2012. (Attachments: # <u>1</u> Declaration of Eron Z. Cannon) (Cannon, Eron) (Entered: 10/24/2012)
11/03/2012	<u>480</u>	REPLY to Response to <u>475</u> MOTION to Continue Trial filed by Defendant Obteen N. Nassiri, D.C.. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit) (Agwara, Liborius) (Entered: 11/03/2012)
11/05/2012	<u>481</u>	SUPPLEMENT to <u>480</u> Reply to Response to <u>475</u> MOTION to Continue Trial filed by



		Defendant Obteen N. Nassiri, D.C. (Attachments: # <u>1</u> Exhibit)(Agwara, Liborius) (Entered: 11/05/2012)
11/06/2012		<b>NOTICE of Docket Correction to 481</b> Reply to Response to Motion. <b>ERROR:</b> Wrong event selected by attorney. <b>CORRECTION:</b> Court modified event as <b>481 SUPPLEMENT to Reply to Motion. (no image attached)</b> (ASB) (Entered: 11/06/2012)
11/26/2012	482	MINUTES OF PROCEEDINGS - Motion Hearing held on 11/26/2012 before Judge James C. Mahan. Crtrm Administrator: <i>David Oakes</i> ; Pla Counsel: <i>Bruce Kelley</i> ; Def Counsel: <i>Liborius Agwara, Thomas Doyle, George Maglares</i> ; Court Reporter/FTR #: <i>Joy Garner</i> ; Time of Hearing: <i>11:00 a.m.</i> ; Courtroom: <i>6A</i> ; <b>COURT ORDERED:</b> granting <u>475</u> Motion.; Court informed counsel that it will grant the motion, for a new trial date set for May or June 2013. Court directed counsel to file a stipulation with 3 new proposed trial dates in May or June 2013 and submit it to the court for signature. ( Submission of Proposed Order due by <b>12/5/2012.</b> ) (Copies have been distributed pursuant to the NEF - DXO) (Entered: 11/26/2012)
12/03/2012	<u>483</u>	Submission of PROPOSED ORDER re: New Trial Dates filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Kelley, Bruce) (Entered: 12/03/2012)
12/05/2012	<u>484</u>	ORDER that Calendar Call is set for 5/29/2013 at 01:30 PM in LV Courtroom 6A before Judge James C. Mahan. Jury Trial set for 6/3/2013 09:00 AM in LV Courtroom 6A before Judge James C. Mahan. Signed by Judge James C. Mahan on 12/5/2012. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 12/05/2012)
01/25/2013	<u>485</u>	NOTICE of USCA, Ninth Circuit, in re: Obteen N. Nassiri, D.C.; et al. Petitioners have not demonstrated that this case warrants the intervention of this court by means of the extraordinary remedy of mandamus. The petition is DENIED. No further filings will be entertained in this closed case. (AC) (Entered: 01/28/2013)
03/25/2013	486	<p>MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge George Foley, Jr, on 3/25/2013. By Judicial Assistant: Julia Wright. A Telephonic Status Conference regarding possible settlement conference is set for <b><u>Monday, April 1, 2013, at 9:00 AM</u></b> in LV Courtroom 3A before Magistrate Judge George Foley Jr. If more than five lines are needed, please contact Elvia Garcia, courtroom deputy at (702) 464-5430.</p> <p>The parties are instructed to call telephone number: (702) 868-4910, access code 123456, five (5) minutes prior to the hearing time. Please remain on the line until such time as the Court joins the call and convenes the proceedings. The use of a cell phone or speaker phone during the call is prohibited. The call must be made using a land line.(Copies have been distributed pursuant to the NEF - JBW) (Entered: 03/25/2013)</p>
04/01/2013	487	<p>MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge George Foley, Jr, on 4/1/2013. By Deputy Clerk: E. Garcia. A Telephonic Status Conference regarding possible settlement conference is set for Monday, April 1, 2013 at 2:30 PM in LV Courtroom 3A before Magistrate Judge George Foley Jr..</p> <p>Counsel was instructed to call this Court's Courtroom Administrator, Elvia Garcia, if more than five phone lines were needed for todays 2:30 p.m telephonic conference. Since it is possible that there will be more than five callers for today's telephonic conference hearing, an extended conference line has been obtained to allow for 11 calls. <b><u>Therefore, the parties are now instructed to call 702-464-5626.</u></b> No access code is required. Please contact Elvia Garcia at 702-464-5430.</p> <p><b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - EMG) (Entered: 04/01/2013)</p>

04/01/2013	<u>488</u>	MINUTES OF PROCEEDINGS - Telephonic Status Conference held on 4/1/2013 before Magistrate Judge George Foley, Jr. Crtrm Administrator: <i>E. Garcia</i> ; Pla Counsel: <i>Eron Cannon</i> ; Def Counsel: <i>Eric Aanestad and George Maglares</i> ; Court Reporter/FTR #: <i>2:35p.m. - 2:41p.m.</i> ; Courtroom: <i>3A</i> ; All parties appeared telephonically. The Court makes preliminary remarks and hears representations of counsel as to a possible settlement conference. The settlement conference will be scheduled for <b>Thursday, May 16, 2013</b> , the Court will issue a written order. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - EMG) (Entered: 04/01/2013)
04/04/2013	<u>489</u>	ORDER Scheduling Settlement Conference: Settlement Conference set for 5/16/2013 09:00 AM in LV Courtroom 3A before Magistrate Judge George Foley Jr.. Signed by Magistrate Judge George Foley, Jr on 4/3/2013. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 04/04/2013)
05/02/2013	<u>490</u>	MOTION Request for Judicial Notice to be Taken of the Chiropractic Physicians' Board of Nevada's Findings of Fact, and Conclusions of Law Relating to Defendant, Obteen Nassiri, D.C. by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Responses due by 5/19/2013. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Cannon, Eron) (Entered: 05/02/2013)
05/02/2013	<u>491</u>	MOTION in Limine Nos. 1 Through 15 by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Responses due by 5/19/2013. (Cannon, Eron) (Entered: 05/02/2013)
05/02/2013	<u>492</u>	MOTION For Adverse Inference by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Responses due by 5/19/2013. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Cannon, Eron) (Entered: 05/02/2013)
05/03/2013	<u>493</u>	MOTION Requesting the Ability to Read Non-Party, Ms. Diane Ruhl's Deposition into Evidence Under FRCP 32(a)(4)(B), FRCP 32(a)(4) (E) and FRCP 29(b) by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Responses due by 5/20/2013. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit)(Cannon, Eron) (Entered: 05/03/2013)
05/03/2013	<u>494</u>	First MOTION in Limine by Defendant Albert Noorda, M.D.. Responses due by 5/20/2013. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit)(Doyle, Thomas) (Entered: 05/03/2013)
05/03/2013	<u>495</u>	Second MOTION in Limine by Defendant Albert Noorda, M.D.. Responses due by 5/20/2013. (Doyle, Thomas) (Entered: 05/03/2013)
05/03/2013	<u>496</u>	Third MOTION in Limine by Defendant Albert Noorda, M.D.. Responses due by 5/20/2013. (Attachments: # <u>1</u> Declaration Exhibits A to E)(Doyle, Thomas) (Entered: 05/03/2013)
05/03/2013	<u>497</u>	Fourth MOTION in Limine by Defendant Albert Noorda, M.D.. Responses due by 5/20/2013. (Attachments: # <u>1</u> Declaration Exhibits A and B)(Doyle, Thomas) (Entered: 05/03/2013)
05/03/2013	<u>498</u>	Fifth MOTION in Limine by Defendant Albert Noorda, M.D.. Responses due by 5/20/2013. (Attachments: # <u>1</u> Declaration Exhibits A and B)(Doyle, Thomas) (Entered: 05/03/2013)
05/03/2013	<u>499</u>	Sixth MOTION in Limine by Defendant Albert Noorda, M.D.. Responses due by 5/20/2013. (Attachments: # <u>1</u> Declaration Exhibits A and B)(Doyle, Thomas) (Entered: 05/03/2013)

		05/03/2013)
05/03/2013	<u>500</u>	Seventh MOTION in Limine by Defendant Albert Noorda, M.D.. Responses due by 5/20/2013. (Doyle, Thomas) (Entered: 05/03/2013)
05/06/2013	<u>501</u>	JOINDER to <u>494</u> MOTION in Limine filed by Defendant Obteen N. Nassiri, D.C. (Agwara, Liborius) <u>Linked to motion and removed caps. (ASB)</u> (Entered: 05/06/2013)
05/06/2013	<u>502</u>	JOINDER to <u>495</u> MOTION in Limine filed by Defendant Obteen N. Nassiri, D.C. (Agwara, Liborius) <u>Linked to motion and removed caps. (ASB)</u> (Entered: 05/06/2013)
05/06/2013	<u>503</u>	JOINDER to <u>496</u> MOTION in Limine filed by Defendant Obteen N. Nassiri, D.C. (Agwara, Liborius) <u>Linked to motion and removed caps. (ASB)</u> (Entered: 05/06/2013)
05/06/2013	<u>504</u>	JOINDER to <u>497</u> MOTION in Limine filed by Defendant Obteen N. Nassiri, D.C. (Agwara, Liborius) <u>Linked to motion and removed caps. (ASB)</u> (Entered: 05/06/2013)
05/06/2013	<u>505</u>	JOINDER to <u>498</u> MOTION in Limine filed by Defendant Obteen N. Nassiri, D.C. (Agwara, Liborius) <u>Linked to motion and removed caps. (ASB)</u> (Entered: 05/06/2013)
05/06/2013	<u>506</u>	JOINDER to <u>499</u> MOTION in Limine filed by Defendant Obteen N. Nassiri, D.C. (Agwara, Liborius) <u>Linked to motion and removed caps. (ASB)</u> (Entered: 05/06/2013)
05/06/2013	<u>507</u>	JOINDER to <u>500</u> MOTION in Limine filed by Defendant Obteen N. Nassiri, D.C. (Agwara, Liborius) <u>Linked to motion and removed caps. (ASB)</u> (Entered: 05/06/2013)
05/06/2013	<u>508</u>	First MOTION in Limine by Defendant Obteen N. Nassiri, D.C.. Responses due by 5/23/2013. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4)(Agwara, Liborius) (Entered: 05/06/2013)
05/06/2013	<u>509</u>	Second MOTION in Limine by Defendant Obteen N. Nassiri, D.C.. Responses due by 5/23/2013. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E)(Agwara, Liborius) (Entered: 05/06/2013)
05/06/2013	<u>510</u>	Third MOTION in Limine by Defendant Obteen N. Nassiri, D.C.. Responses due by 5/23/2013. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit A)(Agwara, Liborius) (Entered: 05/06/2013)
05/13/2013	<u>511</u>	TRANSCRIPT of Proceedings, 244 Order on Motion for Protective Order held on 9/23/2010, before Magistrate Judge George Foley, Jr. Court Reporter/Transcriber: Exceptional Reporting Services, Inc., 361-949-2988. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber using the court's "Transcript Order" form available on our website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 6/3/2013. Redacted Transcript Deadline set for 6/13/2013. Release of Transcript Restriction set for 8/11/2013. (HE) (Entered: 05/13/2013)
05/14/2013	<u>512</u>	ORDER REGARDING TRIAL. Jury Trial set for 6/3/2013 09:00 AM in LV Courtroom 6A before Judge James C. Mahan. Calendar Call set for 5/29/2013 01:30 PM in LV Courtroom 6A before Judge James C. Mahan. Exhibit List due by 5/29/2013. Proposed Findings of Fact and Conclusions of Law due by 5/29/2013. Proposed Voir Dire due by 5/29/2013. Proposed Jury Instructions due by 5/29/2013. Trial Briefs due by 5/29/2013. Signed by Judge James C. Mahan on 5/14/2013. (Copies have been distributed pursuant to the NEF - DXO) (Entered: 05/14/2013)
05/14/2013	<u>513</u>	SUBPOENA Returned Executed (Agwara, Liborius) (Entered: 05/14/2013)
05/14/2013	<u>514</u>	SUBPOENA Returned Executed (Agwara, Liborius) (Entered: 05/14/2013)

05/15/2013	<u>515</u>	RESPONSE to <u>491</u> MOTION in Limine Nos. 1 Through 15, filed by Defendant Albert Noorda, M.D.. (Doyle, Thomas) (Entered: 05/15/2013)
05/15/2013	<u>516</u>	RESPONSE to <u>493</u> MOTION Requesting the Ability to Read Non-Party, Ms. Diane Ruhl's Deposition into Evidence, filed by Defendant Albert Noorda, M.D.. Replies due by 5/25/2013. (Attachments: # <u>1</u> Declaration)(Doyle, Thomas) (Entered: 05/15/2013)
05/15/2013	<u>517</u>	RESPONSE to <u>490</u> MOTION Request for Judicial Notice to be Taken of the Chiropractic Physicians' Board of Nevada's Findings of Fact, and Conclusions of Law Relating to Defendant, Obteen Nassiri, D.C., filed by Defendant Albert Noorda, M.D.. Replies due by 5/25/2013. (Doyle, Thomas) (Entered: 05/15/2013)
05/17/2013	<u>518</u>	MINUTES OF PROCEEDINGS - Settlement Conference held on 5/17/2013 before Magistrate Judge George Foley, Jr. Judicial Assistant: <i>Julia Wright</i> ; Pla Counsel: <i>Bruce Kelley</i> ; Def Counsel: <i>Tom Doyle; George Maglares and Liborius Agwara</i> ; Time of Hearing: <i>9:00 a.m.</i> The Court heard presentations from counsel and from each of the parties present. A PARTIAL SETTLEMENT WAS REACHED. See attached Minutes. A Telephonic Status Conference is set for <b>Monday, June 17, 2013, at 4:00 PM</b> in LV Chambers before Magistrate Judge George Foley Jr. Plaintiffs' counsel shall initiate the conference call. (Copies have been distributed pursuant to the NEF - JBW) (Entered: 05/17/2013)
05/17/2013	<u>519</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge James C. Mahan, on 5/17/2013. Per <u>518</u> Settlement Conference, remaining defendants are ORDERED to file a supplement advising the court of the status of the following joinders: RE: <u>501</u> Joinder, <u>502</u> Joinder, <u>503</u> Joinder, <u>504</u> Joinder, <u>505</u> Joinder, <u>506</u> Joinder, and <u>507</u> Joinder. The supplement shall specifically address: (1) whether the motion joined is still operative given the settlement between plaintiffs and defendants Noorda and Maryland Medical Center, LLC; (2) whether the motion joined is duplicative of a motion already filed on behalf of remaining defendants; and (3) any other facts that court need be appraised of to decide the joined motions in light of this partial settlement. Supplement is due 5/21/2013. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - BMJ) (Entered: 05/17/2013)
05/17/2013	<u>520</u>	RESPONSE to <u>492</u> MOTION For Adverse Inference, filed by Defendant Obteen N. Nassiri, D.C.. Replies due by 5/27/2013. (Agwara, Liborius) (Entered: 05/17/2013)
05/19/2013	<u>521</u>	RESPONSE to <u>491</u> MOTION in Limine Nos. 1 Through 15, filed by Defendant Obteen N. Nassiri, D.C.. (Agwara, Liborius) (Entered: 05/19/2013)
05/19/2013	<u>522</u>	RESPONSE to <u>490</u> MOTION Request for Judicial Notice to be Taken of the Chiropractic Physicians' Board of Nevada's Findings of Fact, and Conclusions of Law Relating to Defendant, Obteen Nassiri, D.C., filed by Defendant Obteen N. Nassiri, D.C.. Replies due by 5/29/2013. (Agwara, Liborius) (Entered: 05/19/2013)
05/19/2013	<u>523</u>	RESPONSE to <u>493</u> MOTION Requesting the Ability to Read Non-Party, Ms. Diane Ruhl's Deposition into Evidence, filed by Defendant Obteen N. Nassiri, D.C.. Replies due by 5/29/2013. (Agwara, Liborius) (Entered: 05/19/2013)
05/20/2013	<u>524</u>	RESPONSE to <u>494</u> First MOTION in Limine , filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Cannon, Eron) (Entered: 05/20/2013)
05/20/2013	<u>525</u>	RESPONSE to <u>495</u> Second MOTION in Limine , filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Cannon, Eron) (Entered: 05/20/2013)
05/20/2013	<u>526</u>	RESPONSE to <u>496</u> Third MOTION in Limine , filed by Plaintiffs Allstate Indemnity



		Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Cannon, Eron) (Entered: 05/20/2013)
05/20/2013	<u>527</u>	RESPONSE to <u>497</u> Fourth MOTION in Limine , filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Cannon, Eron) (Entered: 05/20/2013)
05/20/2013	<u>528</u>	RESPONSE to <u>498</u> Fifth MOTION in Limine , filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Cannon, Eron) (Entered: 05/20/2013)
05/20/2013	<u>529</u>	RESPONSE to <u>499</u> Sixth MOTION in Limine , filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Cannon, Eron) (Entered: 05/20/2013)
05/20/2013	<u>530</u>	RESPONSE to <u>500</u> Seventh MOTION in Limine , filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Cannon, Eron) (Entered: 05/20/2013)
05/20/2013	<u>531</u>	DECLARATION of Eron Z. Cannon in Support of Responses to Defts MIL 1-7 re <u>526</u> Response to Motions In Limine, <u>528</u> Response to Motions In Limine, <u>529</u> Response to Motions In Limine, <u>530</u> Response to Motions In Limine, <u>524</u> Response to Motions In Limine, <u>525</u> Response to Motions In Limine, <u>527</u> Response to Motions In Limine ; by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Attachments: # <u>1</u> Exhibit A through L, # <u>2</u> Exhibit M through R)(Cannon, Eron) (Entered: 05/20/2013)
05/21/2013	<u>532</u>	SUBPOENA Returned Executed as to Robert Vernon Moore (Cannon, Eron) (Entered: 05/21/2013)
05/21/2013	<u>533</u>	SUBPOENA Returned Executed as to Amparo Vergara (Cannon, Eron) (Entered: 05/21/2013)
05/21/2013	<u>534</u>	SUBPOENA Returned Executed as to Adam S. Kutner (Cannon, Eron) (Entered: 05/21/2013)
05/21/2013	<u>535</u>	SUBPOENA Returned Executed as to Jessica Pastrana (Cannon, Eron) (Entered: 05/21/2013)
05/21/2013	<u>536</u>	SUBPOENA Returned Executed as to Dawit Asfaw (Cannon, Eron) (Entered: 05/21/2013)
05/21/2013	<u>537</u>	SUBPOENA Returned Executed as to Albert Noorda (Cannon, Eron) (Entered: 05/21/2013)
05/21/2013	<u>538</u>	SUBPOENA Returned Executed as to Joyce Noorda (Cannon, Eron) (Entered: 05/21/2013)
05/21/2013	<u>539</u>	SUBPOENA Returned Executed as to Obteen Nassiri (Cannon, Eron) (Entered: 05/21/2013)
05/21/2013	<u>540</u>	SUBPOENA Returned Executed as to Jennifer Nassiri (Cannon, Eron) (Entered: 05/21/2013)
05/21/2013	<u>541</u>	SUPPLEMENT to Joinders <u>501</u> , <u>502</u> , <u>503</u> , <u>504</u> , <u>505</u> , <u>506</u> and <u>507</u> ; filed by Defendant Obteen N. Nassiri, D.C.. (Agwara, Liborius) (Entered: 05/21/2013)
05/22/2013	<u>542</u>	RESPONSE to <u>509</u> Second MOTION in Limine , filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Replies due by 6/1/2013. (Cannon, Eron) (Entered: 05/22/2013)

05/22/2013	<u>543</u>	RESPONSE to <u>510</u> Third MOTION in Limine , filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Replies due by 6/1/2013. (Cannon, Eron) (Entered: 05/22/2013)
05/23/2013	<u>544</u>	RESPONSE to <u>508</u> First MOTION in Limine , filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Replies due by 6/2/2013. (Cannon, Eron) (Entered: 05/23/2013)
05/23/2013	<u>545</u>	REPLY to Response to <u>493</u> MOTION Requesting the Ability to Read Non-Party, Ms. Diane Ruhl's Deposition into Evidence filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Cannon, Eron) (Entered: 05/23/2013)
05/23/2013	<u>546</u>	REPLY to Response to <u>493</u> MOTION Requesting the Ability to Read Non-Party, Ms. Diane Ruhl's Deposition into Evidence filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E) (Cannon, Eron) (Entered: 05/23/2013)
05/24/2013	<u>547</u>	REPLY to Response to <u>490</u> MOTION Request for Judicial Notice to be Taken of the Chiropractic Physicians' Board of Nevada's Findings of Fact, and Conclusions of Law Relating to Defendant, Obteen Nassiri, D.C. filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Cannon, Eron) (Entered: 05/24/2013)
05/24/2013	<u>548</u>	Emergency MOTION to Modify Scope of Testimony to be Allowed at Trial Under the Subpoena to the Scope of the Deposition and to Allow Adam S. Kutner's Counsel to Appear and Object to Questioning by Parties by Interested Party Adam S. Kutner. Motion ripe 5/24/2013. (Prall, Todd) (Entered: 05/24/2013)
05/27/2013	<u>549</u>	REPLY to Response to <u>498</u> Fifth MOTION in Limine filed by Defendant Obteen N. Nassiri, D.C.. (Agwara, Liborius) (Entered: 05/27/2013)
05/27/2013	<u>550</u>	REPLY to Response to <u>494</u> First MOTION in Limine filed by Defendant Obteen N. Nassiri, D.C.. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B)(Agwara, Liborius) (Entered: 05/27/2013)
05/27/2013	<u>551</u>	REPLY to Response to <u>495</u> Second MOTION in Limine filed by Defendant Obteen N. Nassiri, D.C.. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit A)(Agwara, Liborius) (Entered: 05/27/2013)
05/27/2013	<u>552</u>	REPLY to Response to <u>496</u> Third MOTION in Limine filed by Defendant Obteen N. Nassiri, D.C.. (Agwara, Liborius) (Entered: 05/27/2013)
05/27/2013	<u>553</u>	REPLY to Response to <u>499</u> Sixth MOTION in Limine filed by Defendant Obteen N. Nassiri, D.C.. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit A)(Agwara, Liborius) (Entered: 05/27/2013)
05/27/2013	<u>554</u>	REPLY to Response to <u>500</u> Seventh MOTION in Limine filed by Defendant Obteen N. Nassiri, D.C.. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit A)(Agwara, Liborius) (Entered: 05/27/2013)
05/28/2013	<u>555</u>	REPLY to Response to <u>491</u> MOTION in Limine Nos. 1 Through 15 filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Cannon, Eron) (Entered: 05/28/2013)
05/28/2013	<u>556</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge George Foley, Jr., on 5/28/2013. By Deputy Clerk: Dan Hill. RE: <u>548</u> Emergency MOTION to Modify

		<p>Scope of Testimony to be Allowed at Trial Under the Subpoena to the Scope of the Deposition and to Allow Adam S. Kutner's Counsel to Appear and Object to Questioning by Parties. The Parties shall have until <b>12:00 PM on Friday, May 31, 2013</b> to file any responses to Mr. Kutner's <u>548</u> Motion.</p> <p>Telephonic Motion Hearing on <u>548</u> Motion set for <b>Monday, June 3, 2013 at 8:30 AM</b> before Magistrate Judge George Foley, Jr. The parties are instructed to call telephone number: (702) 868-4910, access code 123456, five (5) minutes prior to the hearing time. Please remain on the line until such time as the Court joins the call and convenes the proceedings. The use of a cell phone or speaker phone during the call is prohibited. The call must be made using a land line. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - DJH) (Entered: 05/28/2013)</p>
05/28/2013	<u>557</u>	REPLY to Response to <u>492</u> MOTION For Adverse Inference filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Cannon, Eron) (Entered: 05/28/2013)
05/29/2013	<u>558</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge George Foley, Jr, on 5/29/2013. By Deputy Clerk: Dan Hill. RE: <u>548</u> Emergency MOTION to Modify Scope of Testimony to be Allowed at Trial Under the Subpoena to the Scope of the Deposition and to Allow Adam S. Kutner's Counsel to Appear and Object to Questioning by Parties. The 8:30 AM, June 3, 2013 telephonic hearing on Kutner's <u>548</u> Motion is hereby <b>vacated</b> . The Court will rule on the <u>548</u> Motion based on the pleading papers. The Parties shall have until <b>12:00 PM, Friday, May 31, 2013</b> to file any responses to the <u>548</u> Motion. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - DJH) (Entered: 05/29/2013)
05/29/2013	<u>559</u>	MOTION to Withdraw as <i>Attorney of Record and for Removal From Electronic Service</i> by Kevin J. Lesinski and Patty H. Lee and Seyfarth Shaw LLP by Counter Defendant Allstate Indemnity Company. Motion ripe 5/29/2013. (Lee, Patty) (Entered: 05/29/2013)
05/29/2013	<u>560</u>	Submission of PROPOSED ORDER on <u>559</u> MOTION to Withdraw as <i>Attorney of Record and for Removal From Electronic Service</i> by Kevin J. Lesinski and Patty H. Lee and Seyfarth Shaw LLP ; filed by Counter Defendant Allstate Indemnity Company. (Lee, Patty) (Entered: 05/29/2013)
05/29/2013	<u>561</u>	CERTIFICATE OF SERVICE for <u>560</u> Proposed Order Submission, <u>559</u> MOTION to Withdraw as <i>Attorney of Record and for Removal From Electronic Service</i> by Kevin J. Lesinski and Patty H. Lee and Seyfarth Shaw LLP by Counter Defendant Allstate Indemnity Company. (Lee, Patty) (Entered: 05/29/2013)
05/29/2013	<u>562</u>	TRIAL BRIEF by Defendants Advanced Accident Chiropractic Care, Digital Imaging Services, Jennifer Nassiri, Obteen N. Nassiri, D.C..(MMM) (Entered: 05/29/2013)
05/29/2013	<u>563</u>	WITNESS LIST by Defendants Advanced Accident Chiropractic Care, Digital Imaging Services, Jennifer Nassiri, Obteen N. Nassiri, D.C..(MMM) (Entered: 05/29/2013)
05/29/2013	<u>564</u>	PROPOSED Statement of Case by Defendants Advanced Accident Chiropractic Care, Digital Imaging Services, Jennifer Nassiri, Obteen N. Nassiri, D.C..(MMM) (Entered: 05/29/2013)
05/29/2013	<u>565</u>	PROPOSED Voir Dire by Defendants Advanced Accident Chiropractic Care, Digital Imaging Services, Jennifer Nassiri, Obteen N. Nassiri, D.C..(MMM) (Entered: 05/29/2013)
05/29/2013	<u>566</u>	PROPOSED Jury Instructions by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company.(MMM) (Entered: 05/29/2013)



05/29/2013	<u>567</u>	TRIAL BRIEF by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company.(MMM) (Entered: 05/29/2013)
05/29/2013	<u>568</u>	PROPOSED Voir Dire by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company.(MMM) (Entered: 05/29/2013)
05/29/2013	<u>569</u>	WITNESS LIST by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company.(MMM) (Entered: 05/29/2013)
05/29/2013	<u>570</u>	PROPOSED Short Statement to Jury by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company.(MMM) (Entered: 05/29/2013)
05/29/2013	<u>571</u>	EXHIBIT LIST by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company.(MMM) (Entered: 05/29/2013)
05/29/2013	<u>573</u>	ORDER Denying <u>494</u> , <u>495</u> , <u>496</u> , <u>498</u> , <u>499</u> , <u>500</u> , <u>508</u> , <u>509</u> , and <u>510</u> Motions in Limine. Granting in part and Denying in part <u>497</u> Motion in Limine. Signed by Judge James C. Mahan on 5/30/2013. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 05/30/2013)
05/30/2013	<u>572</u>	EXHIBIT LIST by Defendant.(SLR) (Entered: 05/30/2013)
05/30/2013	<u>574</u>	ORDER Granting <u>490</u> Motion requesting the court to take judicial notice. Granting in part and Denying in part <u>491</u> Motion in Limine. Denying <u>492</u> Motion for adverse inference. Granting <u>493</u> Motion requesting the ability to read non-party, Ms. Diane Ruhls deposition into evidence. Signed by Judge James C. Mahan on 5/30/2013. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 05/30/2013)
05/30/2013	<u>575</u>	<b>ERROR:</b> Document improperly formatted. CORRECTION: Attorney advised to properly format document and refile. <del>Emergency MOTION to Quash Subpoena by Interested Party Kirk Lamping. Motion ripe 5/30/2013. (Keating, John) Modified on 5/30/2013 (RFJ).</del> (Entered: 05/30/2013)
05/30/2013	<u>576</u>	AMENDED PROPOSED Jury Instructions by Plaintiff Allstate Indemnity Company. (SLR) (Entered: 05/30/2013)
05/30/2013	<u>577</u>	PROPOSED Verdict Form by Plaintiff Allstate Indemnity Company.(SLR) (Entered: 05/30/2013)
05/30/2013	<u>578</u>	JOINT PROPOSED Jury Instructions by Plaintiff Allstate Insurance Company.(SLR) (Entered: 05/30/2013)
05/30/2013	<u>579</u>	<b>NOTICE: Attorney Action Required to <u>575</u> Emergency MOTION to Quash: ERROR:</b> Improper formatting of pleading pursuant to LR 10-2. Attorneys have been advised to format documents in accordance with the Local Rules.  <b>CORRECTION: Attorney John T. Keating</b> advised to properly refile pleading with <u>CORRECT case number</u> pursuant to LR 10-2 (d).  <b>(no image attached)</b> (RFJ) (Entered: 05/30/2013)
05/30/2013	<u>580</u>	STIPULATION of Dismissal by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Kelley, Bruce) (Entered: 05/30/2013)
05/30/2013	<u>581</u>	SUBPOENA Returned Executed as to Yesenia Ojeda (Cannon, Eron) (Entered: 05/30/2013)

05/30/2013	<u>582</u>	SUBPOENA Returned Executed as to Obteen Nassiri/PMK of Digital Imaging Services (Cannon, Eron) (Entered: 05/30/2013)
05/30/2013	<u>583</u>	SUBPOENA Returned Executed as to Obteen Nassiri/PMK of Advanced Accident Chiropractic (Cannon, Eron) (Entered: 05/30/2013)
05/31/2013	<u>584</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge George Foley, Jr, on 5/31/2013. By Judicial Assistant: Julia Wright. RE: <u>580</u> Stipulation of Dismissal  With the filing of the Stipulation of Dismissal, the telephonic status hearing scheduled for June 17, 2013 at 4:00 p.m. is vacated.(no image attached) (Copies have been distributed pursuant to the NEF - JBW) (Entered: 05/31/2013)
05/31/2013	<u>585</u>	RESPONSE to <u>548</u> Emergency MOTION to Modify Scope of Testimony to be Allowed at Trial Under the Subpoena to the Scope of the Deposition and to Allow Adam S. Kutner's Counsel to Appear and Object to Questioning by Parties, filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Replies due by 6/10/2013. (Attachments: # <u>1</u> Exhibit A)(Cannon, Eron) <u>Removed duplicate wording. (ASB)</u> (Entered: 05/31/2013)
05/31/2013	<u>586</u>	ORDER ON STIPULATION Granting <u>580</u> Stipulation of Dismissal with prejudice as to Maryland Medical Center, LLC and Albert Noorda, M.D.. Signed by Judge James C. Mahan on 5/31/2013. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 05/31/2013)
05/31/2013	<u>587</u>	ORDER Granting <u>559</u> Motion to Withdraw Attorney Patty H. Lee and Kevin J Lesinski from the case. Signed by Judge James C. Mahan on 5/31/2013. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 05/31/2013)
05/31/2013	<u>588</u>	ORDER that <u>548</u> Emergency Motion to Modify Scope of Trial Testimony is Granted in part and Denied in part. Signed by Magistrate Judge George Foley, Jr on 5/31/13. (Copies have been distributed pursuant to the NEF - MMM) (Entered: 05/31/2013)
06/02/2013	<u>589</u>	PROPOSED Jury Instructions by Defendant Obteen N. Nassiri, D.C. .(Agwara, Liborius) (Entered: 06/02/2013)
06/03/2013	<u>590</u>	MINUTES OF PROCEEDINGS - Jury Trial Day 1 held on 6/3/2013 before Judge James C. Mahan. Crtrm Administrator: <i>David Oakes</i> ; Pla Counsel: <i>Bruce Kelley, Eron Cannon</i> ; Def Counsel: <i>Liborius Agwara, George Maglares</i> ; Court Reporter/FTR #: <i>Joy Garner, Araceli Bareng</i> ; Time of Hearing: <i>9:00 a.m.</i> ; Courtroom: <i>6A</i> ; Deadline to return exhibits set for 12/31/2013. Jury Trial Day 2 continued to <b>6/4/2013 09:00 AM</b> in LV Courtroom 6A before Judge James C. Mahan. (Copies have been distributed pursuant to the NEF - DXO) (Entered: 06/03/2013)
06/03/2013	<u>591</u>	ORDER that Plaintiffs shall comply with the requirements of LR 10-5(b), the Ninth Circuits decision in <i>Kamakana</i> , 447 F.3d 1172, with respect to any documents plaintiffs wish to file under seal. Signed by Judge James C. Mahan on 06/03/2013. (Copies have been distributed pursuant to the NEF - AC) (Entered: 06/03/2013)
06/04/2013	<u>593</u>	MINUTES OF PROCEEDINGS - Jury Trial Day 2 held on 6/4/2013 before Judge James C. Mahan. Crtrm Administrator: <i>David Oakes</i> ; Pla Counsel: <i>Bruce Kelley, Eron Cannon</i> ; Def Counsel: <i>Liborius Agwara, George Maglares</i> ; Court Reporter/FTR #: <i>Kathy Eismann</i> ; Time of Hearing: <i>9:00 a.m.</i> ; Courtroom: <i>6A</i> ; Deadline to return exhibits set for 2/28/2014. Jury Trial continued to 6/5/2013 09:00 AM in LV Courtroom 6A before Judge James C. Mahan. (Copies have been distributed pursuant to the NEF - DXO) (Entered: 06/04/2013)
06/05/2013	<u>594</u>	MINUTES OF PROCEEDINGS - Jury Trial Day 3 held on 6/5/2013 before Judge James

		C. Mahan. Crtrm Administrator: <i>David Oakes</i> ; Pla Counsel: <i>Bruce Kelley, Eron Cannon</i> ; Def Counsel: <i>Liborius Agwara, George Maglares</i> ; Court Reporter/FTR #: <i>Kathy Eismann</i> ; Time of Hearing: <i>9:00 a.m.</i> ; Courtroom: <i>6A</i> ; Deadline to return exhibits set for 2/28/2014. Jury Trial Day 4 is continued 6/6/2013 09:00 AM in LV Courtroom 6A before Judge James C. Mahan. (Copies have been distributed pursuant to the NEF - DXO) (Entered: 06/05/2013)
06/06/2013	<u>595</u>	MOTION to Quash <i>Subpoena</i> re <u>514</u> Subpoena Returned Executed by Interested Party Kirk Lamping. Motion ripe 6/6/2013. (Keating, John) (Entered: 06/06/2013)
06/06/2013	<u>596</u>	MINUTES OF PROCEEDINGS - Jury Trial Day 4 held on 6/6/2013 before Judge James C. Mahan. Crtrm Administrator: <i>David Oakes</i> ; Pla Counsel: <i>Bruce Kelley, Eron Cannon</i> ; Def Counsel: <i>Liborius Agwara, George Maglares</i> ; Court Reporter/FTR #: <i>Kathy Eismann</i> ; Time of Hearing: <i>9:00 a.m.</i> ; Courtroom: <i>6A</i> ; Deadline to return exhibits set for 2/28/2014. Jury Trial continued to 6/7/2013 09:00 AM in LV Courtroom 6A before Judge James C. Mahan. (Copies have been distributed pursuant to the NEF - DXO) (Entered: 06/06/2013)
06/06/2013	<u>597</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge George Foley, Jr, on 6/6/2013. By Deputy Clerk: Dan Hill. RE: <u>595</u> MOTION to Quash <i>Subpoena</i> re <u>514</u> Subpoena Returned Executed. The Parties shall have until <b>12:00 PM, Tuesday, June 11, 2013</b> to file any responses to Non-party Kirk Lamping's <u>595</u> Motion to Quash. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - DJH) (Entered: 06/06/2013)
06/07/2013	<u>598</u>	TRANSCRIPT of Proceedings, <u>590</u> Jury Trial, Opening Statement on behalf of the Defense during Jury Trial held on 6/3/2013, before Judge James C. Mahan. Court Reporter/Transcriber: Exceptional Reporting Services, Inc., 361-949-2988. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber using the court's "Transcript Order" form available on our website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 6/28/2013. Redacted Transcript Deadline set for 7/8/2013. Release of Transcript Restriction set for 9/5/2013. (HE) (Entered: 06/07/2013)
06/07/2013	<u>599</u>	MINUTES OF PROCEEDINGS - Jury Trial Day 5 held on 6/7/2013 before Judge James C. Mahan. Crtrm Administrator: <i>David Oakes</i> ; Pla Counsel: <i>Bruce Kelley, Eron Cannon</i> ; Def Counsel: <i>Liborius Agwara, George Maglares</i> ; Court Reporter/FTR #: <i>Kathy Eismann</i> ; Time of Hearing: <i>9:00 a.m.</i> ; Courtroom: <i>6A</i> ; Deadline to return exhibits set for 2/28/2014. Jury Trial Day 6 continued to 6/10/2013 09:00 AM in LV Courtroom 6A before Judge James C. Mahan. (Copies have been distributed pursuant to the NEF - DXO) (Entered: 06/07/2013)
06/07/2013	<u>600</u>	NOTICE of Appearance by attorney Karen H. Ross on behalf of Defendant Obteen N. Nassiri, D.C.. (Ross, Karen) (Entered: 06/07/2013)
06/10/2013	<u>601</u>	PARTIAL TRANSCRIPT of Proceedings, <u>590</u> Jury Trial DAY 1 (Plaintiff's Opening Statement), held on 06/03/2013, before Judge James C. Mahan. Court Reporter/Transcriber: Joy Garner, 702-384-3188. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber using the court's "Transcript Order" form available on our website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 7/1/2013. Redacted Transcript Deadline set for 7/11/2013. Release of Transcript Restriction set for 9/8/2013. (JPQ) (Entered: 06/10/2013)
06/10/2013	<u>602</u>	MINUTES OF PROCEEDINGS - Jury Trial Day 6 held on 6/10/2013 before Judge

		James C. Mahan. Crtrm Administrator: <i>David Oakes</i> ; Pla Counsel: <i>Bruce Kelley, Eron Cannon</i> ; Def Counsel: <i>Liborius Agwara, George Maglares, Karen Ross</i> ; Court Reporter/FTR #: <i>Kathy Eismann</i> ; Time of Hearing: <i>9:00 a.m.</i> ; Courtroom: <i>6A</i> ; Deadline to return exhibits set for 2/28/2014. Jury Trial continued to 6/11/2013 10:00 AM in LV Courtroom 6A before Judge James C. Mahan. (Copies have been distributed pursuant to the NEF - DXO) (Entered: 06/10/2013)
06/11/2013	<u>603</u>	MINUTES OF PROCEEDINGS - Jury Trial Day 7 held on 6/11/2013 before Judge James C. Mahan. Crtrm Administrator: <i>David Oakes</i> ; Pla Counsel: <i>Bruce Kelley, Eron Cannon</i> ; Def Counsel: <i>Liborius Agwara, George Maglares, Karen Ross</i> ; Court Reporter/FTR #: <i>Kathy Eismann</i> ; Time of Hearing: <i>10:00 a.m.</i> ; Courtroom: <i>6A</i> ; Deadline to return exhibits set for 2/28/2014. Jury Trial continued to 6/12/2013 09:00 AM in LV Courtroom 6A before Judge James C. Mahan. (Copies have been distributed pursuant to the NEF - DXO) Modified on 6/11/2013 (DXO). (Entered: 06/11/2013)
06/11/2013	<u>604</u>	ORDER Granting <u>595</u> Motion to Quash Subpoena. Signed by Magistrate Judge George Foley, Jr on 6/11/2013. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 06/12/2013)
06/12/2013	<u>605</u>	MINUTES OF PROCEEDINGS - Jury Trial Day 8 held on 6/12/2013 before Judge James C. Mahan. Crtrm Administrator: <i>David Oakes</i> ; Pla Counsel: <i>Bruce Kelley, Eron Cannon</i> ; Def Counsel: <i>Liborius Agwara, George Maglares, Karen Ross</i> ; Court Reporter/FTR #: <i>Kathy Eismann</i> ; Time of Hearing: <i>9:00 a.m.</i> ; Courtroom: <i>6A</i> ; Deadline to return exhibits set for 2/28/2014. Jury Trial continued to 6/13/2013 09:00 AM in LV Courtroom 6A before Judge James C. Mahan. (Copies have been distributed pursuant to the NEF - DXO) (Entered: 06/12/2013)
06/13/2013	<u>606</u>	MINUTES OF PROCEEDINGS - Jury Trial Day 9 held on 6/13/2013 before Judge James C. Mahan. Crtrm Administrator: <i>David Oakes</i> ; Pla Counsel: <i>Bruce Kelley, Eron Cannon</i> ; Def Counsel: <i>Liborius Agwara, George Maglares, Karen Ross</i> ; Court Reporter/FTR #: <i>Kathy Eismann</i> ; Time of Hearing: <i>9:00 a.m.</i> ; Courtroom: <i>6A</i> ; Deadline to return exhibits set for 2/28/2014. Jury Trial continued to 6/14/2013 09:00 AM in LV Courtroom 6A before Judge James C. Mahan. (Copies have been distributed pursuant to the NEF - DXO) (Entered: 06/13/2013)
06/13/2013	<u>614</u>	Court's JURY INSTRUCTIONS.(EW) (Entered: 06/20/2013)
06/14/2013	<u>607</u>	MINUTES OF PROCEEDINGS - Jury Trial Day 10 held on 6/14/2013 before Judge James C. Mahan. Crtrm Administrator: <i>David Oakes</i> ; Pla Counsel: <i>Bruce Kelley, Eron Cannon</i> ; Def Counsel: <i>Liborius Agwara, George Maglares, Karen Ross</i> ; Court Reporter/FTR #: <i>Kathy Eismann, Felicia Zabin</i> ; Time of Hearing: <i>10:00 a.m.</i> ; Courtroom: <i>6A</i> ; Deadline to return exhibits set for 2/28/2014. (Copies have been distributed pursuant to the NEF - DXO) (Entered: 06/14/2013)
06/14/2013	<u>609</u>	EXHIBIT LIST by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company.(MMM) (Entered: 06/19/2013)
06/14/2013	<u>612</u>	JURY VERDICT.(MMM) (Entered: 06/19/2013)
06/14/2013	<u>613</u>	JURY VERDICT - Special Verdict Form.(MMM) (Entered: 06/19/2013)
06/20/2013	<u>615</u>	MOTION Requesting Treble Damages Pursuant to 18 U.S.C. Section 1964(C) and N.R.S. Section 207.470 by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company.(Cannon, Eron) (Entered: 06/20/2013)
06/25/2013	616	MINUTE ORDER IN CHAMBERS of the Honorable Judge James C. Mahan, on 6/25/2013. On June 20, 2013, plaintiffs filed <u>615</u> Post Trial Brief requesting treble



		damages. Defendants have up to, and including, July 5, 2013, to file a response. Plaintiffs have up to, and including, July 12, 2013, to file a reply. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - BMJ) (Entered: 06/25/2013)
06/25/2013	<u>617</u>	ORDER re: Jury Meals. This Court having ordered the jury impaneled in this action to be kept together during period(s) of deliberation, IT IS ORDERED that all meals for said jury shall be paid by the Clerk of Court. Signed by Judge James C. Mahan on 6/25/2013. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 06/25/2013)
07/05/2013	<u>619</u>	RESPONSE to <u>615</u> MOTION Requesting Treble Damages by Defendant Obteen N. Nassiri, D.C. (Attachments: # <u>1</u> Exhibit)(Arntz, E.) (Entered: 07/05/2013)
07/08/2013		<b>NOTICE of Docket Correction</b> to <u>615</u> Post Trial Brief and <u>619</u> Answering Brief. <b>ERROR:</b> Documents were filed using wrong events, as the motion (# <u>615</u> ) was filed using the wrong event by attorney <u>Eron Cannon</u> . <b>CORRECTION:</b> <u>615</u> Post Trial Brief converted to <u>615</u> MOTION Requesting Treble Damages and <u>619</u> Answering Brief converted to <u>619</u> RESPONSE to Motion. <b>(no image attached)</b> (ASB) (Entered: 07/08/2013)
07/09/2013	<u>620</u>	REPLY to Response to <u>615</u> MOTION Requesting Treble Damages filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Cannon, Eron) (Entered: 07/09/2013)
07/10/2013	<u>621</u>	TRANSCRIPT of Proceedings, <u>606</u> Jury Trial, Day 9, held on June 13, 2013, before Judge James C. Mahan. Court Reporter Kathy Eismann, 702-431-1919. Transcript may be viewed at the court public terminal or purchased through the Court Reporter using the court's "Transcript Order" form available on our website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 7/31/2013. Redacted Transcript Deadline set for 8/10/2013. Release of Transcript Restriction set for 10/8/2013. eismann.csr@gmail.com (KE) (Entered: 07/10/2013)
07/15/2013	<u>622</u>	ORDER Granting <u>615</u> Motion requesting treble damages. Plaintiffs are entitled to treble damages pursuant to 18 U.S.C. § 1964 and NRS § 207.470(1). Plaintiffs are awarded \$3,596,246.46, which is treble \$1,198,748.82 of compensatory damages. Signed by Judge James C. Mahan on 7/15/2013. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 07/15/2013)
07/16/2013	<u>623</u>	TRANSCRIPT of Proceedings, <u>593</u> Jury Trial, Day 2, held on June 4, 2013, before Judge James C. Mahan. Court Reporter: Kathy Eismann, 702-431-1919. Transcript may be viewed at the court public terminal or purchased through the Court Reporter using the court's "Transcript Order" form available on our website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 8/6/2013. Redacted Transcript Deadline set for 8/16/2013. Release of Transcript Restriction set for 10/14/2013. (KE) (Entered: 07/16/2013)
07/16/2013	<u>624</u>	TRANSCRIPT of Proceedings, <u>594</u> Jury Trial, Day 3, held on June 5, 2013, before Judge James C. Mahan. Court Reporter: Kathy Eismann, 702-431-1919. Transcript may be viewed at the court public terminal or purchased through the Court Reporter using the court's "Transcript Order" form available on our website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 8/6/2013. Redacted Transcript Deadline set for 8/16/2013. Release of Transcript Restriction set for 10/14/2013. (KE) (Entered: 07/16/2013)
07/16/2013	<u>625</u>	TRANSCRIPT of Proceedings, <u>596</u> Jury Trial, Day 4, held on June 6, 2013, before Judge

		James C. Mahan. Court Reporter: Kathy Eismann, 702-431-1919. Transcript may be viewed at the court public terminal or purchased through the Court Reporter using the court's "Transcript Order" form available on our website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 8/6/2013. Redacted Transcript Deadline set for 8/16/2013. Release of Transcript Restriction set for 10/14/2013. (KE) (Entered: 07/16/2013)
07/16/2013	<u>626</u>	TRANSCRIPT of Proceedings, <u>599</u> Jury Trial, Day 5, held on June 7, 2013, before Judge James C. Mahan. Court Reporter: Kathy Eismann, 702-431-1919. Transcript may be viewed at the court public terminal or purchased through the Court Reporter using the court's "Transcript Order" form available on our website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 8/6/2013. Redacted Transcript Deadline set for 8/16/2013. Release of Transcript Restriction set for 10/14/2013. (KE) (Entered: 07/16/2013)
07/16/2013	<u>627</u>	TRANSCRIPT of Proceedings, <u>602</u> Jury Trial, Day 6, held on June 10, 2013, before Judge James C. Mahan. Court Reporter: Kathy Eismann, 702-431-1919. Transcript may be viewed at the court public terminal or purchased through the Court Reporter using the court's "Transcript Order" form available on our website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 8/6/2013. Redacted Transcript Deadline set for 8/16/2013. Release of Transcript Restriction set for 10/14/2013. (KE) (Entered: 07/16/2013)
07/16/2013	<u>628</u>	TRANSCRIPT of Proceedings, <u>603</u> Jury Trial, Day 7, held on June 11, 2013, before Judge James C. Mahan. Court Reporter: Kathy Eismann, 702-431-1919. Transcript may be viewed at the court public terminal or purchased through the Court Reporter using the court's "Transcript Order" form available on our website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 8/6/2013. Redacted Transcript Deadline set for 8/16/2013. Release of Transcript Restriction set for 10/14/2013. (KE) (Entered: 07/16/2013)
07/16/2013	<u>629</u>	TRANSCRIPT of Proceedings, <u>605</u> Jury Trial, Day 8, held on June 12, 2013, before Judge James C. Mahan. Court Reporter: Kathy Eismann, 702-431-1919. Transcript may be viewed at the court public terminal or purchased through the Court Reporter using the court's "Transcript Order" form available on our website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 8/6/2013. Redacted Transcript Deadline set for 8/16/2013. Release of Transcript Restriction set for 10/14/2013. (KE) (Entered: 07/16/2013)
07/16/2013	<u>630</u>	TRANSCRIPT of Proceedings, <u>607</u> Jury Trial, Day 10, Jury Question, held on June 14, 2013, before Judge James C. Mahan. Court Reporter: Kathy Eismann, 702-431-1919. Transcript may be viewed at the court public terminal or purchased through the Court Reporter using the court's "Transcript Order" form available on our website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 8/6/2013. Redacted Transcript Deadline set for 8/16/2013. Release of Transcript Restriction set for 10/14/2013. (KE) (Entered: 07/16/2013)
07/19/2013	<u>631</u>	MOTION for Entry of Judgment Against Defendants by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Counter Defendants Allstate Indemnity Company, Allstate Insurance Company. Responses due by 8/5/2013. (Attachments: # <u>1</u>

		Exhibit A)(Cannon, Eron) <u>Removed caps and duplicate wording. (ASB)</u> (Entered: 07/19/2013)
07/24/2013	<u>632</u>	NOTICE of Association of Counsel by E. Breen Arntz on behalf of Defendant Obteen N. Nassiri, D.C.. (Arntz, E.) (Entered: 07/24/2013)
07/25/2013	<u>633</u>	PARTIAL TRANSCRIPT of Proceedings, <u>590</u> Jury Trial DAY ONE (Afternoon Session) held on 6/3/2013, before Judge James C. Mahan. Court Reporter/Transcriber: Exceptional Reporting Services, Inc., 361-949-2988. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber using the court's "Transcript Order" form available on our website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 8/15/2013. Redacted Transcript Deadline set for 8/25/2013. Release of Transcript Restriction set for 10/23/2013. (HE) (Entered: 07/25/2013)
07/26/2013	<u>634</u>	TRANSCRIPT of Proceedings, <u>607</u> Jury Trial, Day 10 (PM Session), held on 6/14/2013, before Judge James C. Mahan. Court Reporter: Felicia Zabin, 702-676-1087. Transcript may be viewed at the court's public terminal or purchased through the Court Reporter using the court's AO 435 Transcript Order form available on our website before the deadline for Release of Transcript Restriction. After that date, the transcript may be obtained either through the Court Reporter or PACER. To quickly locate the AO 435 Transcript Order form, copy this link to your Internet browser: <a href="http://www.nvd.uscourts.gov/Files/ao435%20transcript%20order.pdf">www.nvd.uscourts.gov/Files/ao435%20transcript%20order.pdf</a> . Redaction Request due 8/16/2013. Redacted Transcript Deadline set for 8/26/2013. Release of Transcript Restriction set for 10/24/2013. (FRZ) (Entered: 07/26/2013)
08/05/2013	<u>635</u>	RESPONSE to <u>631</u> MOTION for Entry of Judgment Against Defendants, filed by Defendant Obteen N. Nassiri, D.C.. Replies due by 8/15/2013. (Arntz, E.) <u>Corrected image 635 filed on 8/6/13. (ASB)</u> (Entered: 08/05/2013)
08/06/2013		<b>NOTICE: ATTORNEY ACTION REQUIRED</b> to <u>635</u> Response to Motion. <b>ERROR:</b> Certificate of Service attached to response is not signed. <b>ACTION REQUIRED:</b> Attorney <u>E. Breen Arntz</u> advised to file a <u>NOTICE of Corrected Image/Document OR separate CERTIFICATE of Service</u> to include a signed copy of the certificate. <b>(no image attached)</b> (ASB) (Entered: 08/06/2013)
08/06/2013	<u>636</u>	NOTICE of Corrected Image/Document re <u>635</u> Response to Motion by Defendant Obteen N. Nassiri, D.C.. (Service of corrected image is attached). (Arntz, E.) (Entered: 08/06/2013)
08/13/2013	<u>637</u>	REPLY to Response to <u>631</u> MOTION for Entry of Judgment Against Defendants filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Cannon, Eron) (Entered: 08/13/2013)
09/10/2013	<u>638</u>	ORDER Granting <u>631</u> Motion for Judgment. Judgment is entered in favor of plaintiffs and against defenants Obteen Nassiri Advanced Accident Chiropractic Care, ONN Management dba Digita' Imaging Services, Digital X-Ray Services, and Jennifer Nassiri. Signed by Judge James C. Mahan on 9/10/2013. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 09/10/2013)
09/24/2013	<u>639</u>	MOTION to Stay <i>Proceeding to Enforce a Judgment Pending Disposition of a Motion for New Trial Pursuant to FRCP Rule 62(b)</i> by Defendant Obteen N. Nassiri, D.C.. Motion ripe 9/24/2013. (Arntz, E.) (Entered: 09/24/2013)
09/24/2013	<u>640</u>	BILL OF COSTS by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Tax or object to Bill of Costs by 10/12/2013. (Attachments: # <u>1</u> Exhibit Summary of Costs, # <u>2</u> Exhibit Fees of



		the Clerk, # <u>3</u> Exhibit Fees for Summons and Subpoena, # <u>4</u> Exhibit Fees for Printed or Electronically Recorded Transcripts Necessarily Obtained for Use in the Case, # <u>5</u> Exhibit Fees for Witnesses, # <u>6</u> Exhibit Fees for Exemplification and the Costs of Making Copies of Any Materials Where the Copies are Necessarily Obtained for Use in the Case, # <u>7</u> Exhibit Compensation of Interpreters and Costs of Special Interpretation Services Under 28 U.S.C. 1923, # <u>8</u> Exhibit Certificate of Service)(Cannon, Eron) (Entered: 09/24/2013)
09/24/2013	<u>641</u>	MOTION for Attorney Fees by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Responses due by 10/11/2013. (Cannon, Eron) (Entered: 09/24/2013)
09/24/2013	<u>642</u>	AFFIDAVIT re <u>641</u> MOTION for Attorney Fees ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. <i>Affidavit of Eron Cannon</i> (Cannon, Eron) (Entered: 09/24/2013)
09/24/2013	<u>643</u>	EXHIBIT re <u>641</u> MOTION for Attorney Fees ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Cannon, Eron) (Entered: 09/24/2013)
09/24/2013	<u>644</u>	EXHIBIT re <u>641</u> MOTION for Attorney Fees ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Cannon, Eron) (Entered: 09/24/2013)
09/24/2013	<u>645</u>	EXHIBIT re <u>641</u> MOTION for Attorney Fees ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Cannon, Eron) (Entered: 09/24/2013)
09/24/2013	<u>646</u>	EXHIBIT re <u>641</u> MOTION for Attorney Fees ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Cannon, Eron) (Entered: 09/24/2013)
09/24/2013	<u>647</u>	EXHIBIT re <u>641</u> MOTION for Attorney Fees ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Cannon, Eron) (Entered: 09/24/2013)
09/24/2013	<u>648</u>	EXHIBIT re <u>641</u> MOTION for Attorney Fees ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Cannon, Eron) (Entered: 09/24/2013)
09/24/2013	<u>649</u>	EXHIBIT re <u>641</u> MOTION for Attorney Fees ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Cannon, Eron) (Entered: 09/24/2013)
09/24/2013	<u>650</u>	EXHIBIT re <u>641</u> MOTION for Attorney Fees ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Cannon, Eron) (Entered: 09/24/2013)
09/24/2013	<u>651</u>	AFFIDAVIT re <u>641</u> MOTION for Attorney Fees ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Cannon, Eron) (Entered: 09/24/2013)
09/25/2013		NOTICE of Docket Correction to <u>643</u> , <u>644</u> , <u>645</u> , <u>646</u> , <u>647</u> , <u>648</u> , <u>649</u> , and <u>650</u> Affidavits. <b>ERROR:</b> Wrong event selected by attorney <u>Eron Z. Cannon</u> . <b>CORRECTION:</b> Clerk's office modified events as <u>643</u> , <u>644</u> , <u>645</u> , <u>646</u> , <u>647</u> , <u>648</u> , <u>649</u> , and <u>650</u> EXHIBIT. (no image attached)(ASB) (Entered: 09/25/2013)
10/01/2013	<u>652</u>	RESPONSE to <u>639</u> MOTION to Stay <i>Proceeding to Enforce a Judgment Pending Disposition of a Motion for New Trial Pursuant to FRCP Rule 62(b)</i> , filed by Plaintiffs

		Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Replies due by 10/11/2013. (Cannon, Eron) (Entered: 10/01/2013)
10/08/2013	<u>653</u>	NOTICE OF APPEAL as to <u>638</u> Order on Motion for Judgment, by Defendant Obteen N. Nassiri, D.C.. Filing fee \$ 455, receipt number 0978-2988223. E-mail notice (NEF) sent to the US Court of Appeals, Ninth Circuit. (Wall, Michael) (Entered: 10/08/2013)
10/08/2013	<u>654</u>	SUPPLEMENT to <u>653</u> Notice of Appeal ; <i>Representation Statement</i> by Defendant Obteen N. Nassiri, D.C.. (Wall, Michael) (Entered: 10/08/2013)
10/08/2013	<u>655</u>	Designation of Transcripts and Transcript Order forms and instructions for <u>653</u> Notice of Appeal. The forms may also be obtained on the Court's website at <a href="http://www.nvd.uscourts.gov/Forms.aspx">www.nvd.uscourts.gov/Forms.aspx</a> . (ASB) (Entered: 10/08/2013)
10/08/2013	<u>656</u>	AMENDED NOTICE OF APPEAL by Defendant Obteen N. Nassiri, D.C. . E-mail notice (NEF) sent to the US Court of Appeals, Ninth Circuit. (Wall, Michael) (Entered: 10/08/2013)
10/08/2013	<u>657</u>	MOTION for New Trial by Defendant Obteen N. Nassiri, D.C.. Responses due by 10/25/2013. (Arntz, E.) (Entered: 10/08/2013)
10/09/2013	<u>658</u>	ORDER for Time Schedule as to <u>656</u> Amended Notice of Appeal and <u>653</u> Notice of Appeal filed by Obteen N. Nassiri, D.C. <b>USCA Case Number 13-17030</b> . (SLD) (Entered: 10/10/2013)
10/11/2013	<u>659</u>	ORDER of USCA, Ninth Circuit as to <u>656</u> Amended Notice of Appeal and <u>653</u> Notice of Appeal filed by Obteen N. Nassiri, D.C. Appellate proceedings other than mediation shall be held in abeyance pending the district court's resolution of the pending motion. Within 5 days after the district court's ruling on the pending motion, appellant shall notify this court in writing of the ruling and shall advise whether appellant intends to prosecute this appeal. (SLD) (Entered: 10/16/2013)
10/24/2013	<u>660</u>	NOTICE of <i>Withdrawal of Counsel</i> by Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Kelley, Bruce) (Entered: 10/24/2013)
10/25/2013	<u>661</u>	REPLY to Response to <u>641</u> MOTION for Attorney Fees filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Cannon, Eron) (Entered: 10/25/2013)
10/25/2013	<u>662</u>	RESPONSE to <u>657</u> MOTION for New Trial , filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Replies due by 11/4/2013. (Cannon, Eron) (Entered: 10/25/2013)
10/29/2013	<u>663</u>	MOTION to Withdraw as Attorney by Bruce William Kelley by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Motion ripe 10/29/2013. (Kelley, Bruce) (Entered: 10/29/2013)
11/04/2013	<u>664</u>	REPLY to Response to <u>657</u> MOTION for New Trial by Defendant Obteen N. Nassiri, D.C. re <u>662</u> Response to Motion. (Arntz, E.) <u>Linked to motion.</u> (ASB) (Entered: 11/04/2013)
11/21/2013	<u>665</u>	ORDER Granting <u>663</u> Motion to Withdraw Attorney Bruce W. Kelley. Signed by Magistrate Judge George Foley, Jr on 11/21/2013. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 11/21/2013)
02/04/2014	<u>666</u>	COSTS TAXED in amount of \$ 48,392.49 against X-Ray Services, LLC. (SLR) (Entered: 02/04/2014)
03/14/2014	<u>667</u>	ORDER Denying Defendants' <u>657</u> Motion for New Trial. Plaintiffs' <u>641</u> Motion for

		Attorney Fees is Granted. Plaintiffs shall submit a proposed order within 14 days itemizing the fees and expenses, and specifying the amount of interest to be awarded. Defendants' <u>639</u> Motion to Stay is Denied as moot. Signed by Judge James C. Mahan on 3/14/2014. (Copies have been distributed pursuant to the NEF - SLD) (Entered: 03/17/2014)
03/28/2014	<u>668</u>	Submission of PROPOSED ORDER on <u>667</u> Order on Motion to Stay,, Order on Motion for Attorney Fees,, Order on Motion for New Trial,,, Set/Reset Deadlines, ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Defendants Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Claimant Allstate Property & Casualty Insurance Company <i>Order Awarding Plaintiffs Attorney Fees and Costs</i> . (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Cannon, Eron) (Entered: 03/28/2014)
04/03/2014	<u>669</u>	Submission of PROPOSED ORDER filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company <i>Order Awarding Plaintiffs Attorney Fees and Costs</i> . (Cannon, Eron) (Entered: 04/03/2014)
04/11/2014	<u>670</u>	ORDER Granting <u>641</u> Plaintiff's Motion for Attorney Fees. Signed by Judge James C. Mahan on 04/11/2014. (Copies have been distributed pursuant to the NEF - AC) (Entered: 04/11/2014)
04/11/2014	<u>671</u>	JUDGMENT on Attorney Fees is awarded in favor of Plaintiffs Allstate Insurance Company, Allstate Indemnity Company and Allstate Property & Casualty Insurance Company and against Defendants Obteen Nassiri, Advanced Accident Chiropractic Care and ONN Management d/b/a Digital Imaging Services and Digital X-Ray Services, LLC in the amount of \$1,195,008.50 plus pre-judgment interest in the amount of \$151,084.20. IT IS FURTHER ORDERED that Plaintiffs recover costs, jointly and severally, from all Defendants in the amount of \$208,562.78, plus prejudgment interest in the amount of \$28,040.05. Signed by Clerk of Court, Lance S. Wilson on 04/11/2014. (Copies have been distributed pursuant to the NEF - AC) (Entered: 04/11/2014)
05/15/2014	<u>672</u>	ORDER of USCA, Ninth Circuit, as to <u>656</u> Amended Notice of Appeal filed by Obteen N. Nassiri, D.C. and <u>653</u> Notice of Appeal filed by Obteen N. Nassiri, D.C.. <b>USCA Case Number 13-17030</b> . Appellees' Motion to Dismiss appeal is DENIED. Within 10 days after the date of this order, appellant shall designate any reporter's transcripts or serve on appellee a statement indicating that appellant does not intend to order any transcripts. (EDS) (Entered: 05/16/2014)
05/29/2014	<u>673</u>	TRANSCRIPT DESIGNATION by Defendant Obteen N. Nassiri, D.C. re <u>656</u> Amended Notice of Appeal, <u>653</u> Notice of Appeal, <u>628</u> Transcript,, <u>624</u> Transcript,, <u>623</u> Transcript,, <u>630</u> Transcript,, <u>634</u> Transcript,, <u>626</u> Transcript,, <u>633</u> Transcript,, <u>629</u> Transcript,, <u>598</u> Transcript,, <u>601</u> Transcript,, <u>625</u> Transcript,, <u>627</u> Transcript,, <u>621</u> Transcript,, <u>618</u> Transcript,, (Wall, Michael) (Entered: 05/29/2014)
11/07/2014	<u>674</u>	MOTION for Writ of Execution by Counter Defendant Allstate Indemnity Company. Motion ripe 11/7/2014. (Cannon, Eron) <b>Corrected image <u>676</u> attached on 11/11/2014 (RFJ)</b> . (Entered: 11/07/2014)
11/10/2014	<u>675</u>	NOTICE: of Attorney Action Required to <u>674</u> MOTION for Writ of Execution :  <b>ERROR: Wrong form used by attorney <u>Eron Z Cannon</u>.</b>  CORRECTION: Counsel is advised to :

		<p>1. Download and complete Courts <u>Affidavit and Request for Issuance of Writ of Execution and Writ of Execution</u> forms available on the Court's Website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a>.</p> <p>2. File the correct Writ of Executions Forms using the event <u>Notice of Corrected Image/Document</u> found under the NOTICES category and properly link NOTICE to <u>674</u> MOTION for Writ of Execution. <b>(no image attached)</b>(RFJ) (Entered: 11/10/2014)</p>
11/11/2014	<u>676</u>	NOTICE of Corrected Image/Document re <u>674</u> MOTION for Writ of Execution by Counter Defendant Allstate Insurance Company. (Service of corrected image is attached). (Cannon, Eron) (Entered: 11/11/2014)
11/12/2014	<u>677</u>	WRIT OF EXECUTION in favor of All State Insurance Company; Allstate Property and against Obteen N. Nassiri in the amount of \$6,783,515.32. (TR) (Entered: 11/12/2014)
12/08/2014	<u>678</u>	VERIFIED PETITION for Permission to Practice Pro Hac Vice by David L. Emerzian and DESIGNATION of Local Counsel Eron Z. Cannon (Filing fee \$ 200 receipt number 0978-3482864) filed by Plaintiff Allstate Indemnity Company . Motion ripe 12/8/2014. (Cannon, Eron) <u>Corrected Image 680</u> filed on 12/9/14. (ASB) (Entered: 12/08/2014)
12/09/2014	<u>679</u>	<p>MINUTE ORDER IN CHAMBERS of the Honorable Judge James C. Mahan, on 12/9/2014. By Deputy Clerk: David Oakes. RE: <u>678</u> VERIFIED PETITION for Permission to Practice Pro Hac Vice by David L. Emerzian and DESIGNATION of Local Counsel Eron Z. Cannon (Filing fee \$ 200 receipt number 0978-3482864) filed by Plaintiff Allstate Indemnity Company</p> <p><b>IT IS THE ORDER OF THE COURT that David L. Emerzian plaintiff's counsel is directed to attach a Certificate of good standing from California to petitioner's Verified Petition (#678) within (14) days of the entry of this order and re-file using the "Notice of Corrected Image/Document" event in CM/ECF. Petitioner's failure to take such corrective measures will result in the denial of Mr. Emerzian's Verified Petition.</b></p> <p><b>(no image attached) (Copies have been distributed pursuant to the NEF - DXO) (Entered: 12/09/2014)</b></p>
12/09/2014	<u>680</u>	NOTICE of Corrected Image/Document re <u>678</u> VERIFIED PETITION for Permission to Practice Pro Hac Vice by David L. Emerzian and DESIGNATION of Local Counsel Eron Z. Cannon (Filing fee \$ 200 receipt number 0978-3482864) filed by Plaintiff Allstate Indemnity Company by Plaintiff Allstate Indemnity Company. (Service of corrected image is attached). (Cannon, Eron) (Entered: 12/09/2014)
12/09/2014	<u>681</u>	MOTION for Judgment Debtor Exam of <i>Third Party Faa Foi Tuitama</i> by Plaintiff Allstate Indemnity Company. Motion ripe 12/9/2014. (Attachments: # <u>1</u> Declaration Dec. of Eron Cannon, # <u>2</u> Proposed Order)(Cannon, Eron) (Entered: 12/09/2014)
12/10/2014	<u>682</u>	ORDER Denying without prejudice Plaintiffs' <u>681</u> Motion for Third Party Examination of Faa Foi Tuitama, Person Having Knowledge of Judgment Debtor. Signed by Magistrate Judge George Foley, Jr on 12/10/2014. (Copies have been distributed pursuant to the NEF - SLD) (Entered: 12/10/2014)
12/23/2014	<u>683</u>	Amended MOTION for Judgment Debtor Exam of <i>Third Party</i> by Plaintiff Allstate Insurance Company. Motion ripe 12/23/2014. (Attachments: # <u>1</u> Declaration, # <u>2</u> Proposed Order)(Cannon, Eron) (Entered: 12/23/2014)
12/23/2014	<u>684</u>	ORDER Granting <u>678</u> Verified Petition for Permission to Practice Pro Hac Vice for Attorney David L. Emerzian and approving Attorney Eron Z. Cannon as Designation of Local Counsel for Plaintiffs. Signed by Judge James C. Mahan on 12/23/2014.



		Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> (Copies have been distributed pursuant to the NEF - SLD) (Entered: 12/24/2014)
12/24/2014	<u>685</u>	ORDER Granting <u>683</u> Amended Motion for Third Party Examination of Faa Foi Tuitama on 2/27/2015 with regard to the Judgment entered against Obteen N. Nassiri. Signed by Magistrate Judge George Foley, Jr on 12/24/2014. (Copies have been distributed pursuant to the NEF - SLD) (Entered: 12/24/2014)
01/28/2015	<u>686</u>	CERTIFICATE OF SERVICE for <u>685</u> Order on Motion for Judgment Debtor Exam, by Plaintiff Allstate Indemnity Company. (Cannon, Eron) (Entered: 01/28/2015)
05/01/2015	<u>687</u>	MOTION for Judgment Debtor Exam filed by Plaintiff Allstate Insurance Company. (Attachments: # <u>1</u> Declaration, # <u>2</u> Proposed Order)(Cannon, Eron) (Entered: 05/01/2015)
05/01/2015	<u>688</u>	Third Party MOTION for Judgment Debtor Exam; filed by Plaintiff Allstate Indemnity Company. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Declaration)(Cannon, Eron) (Entered: 05/01/2015)
05/01/2015	<u>689</u>	SECOND Third Party MOTION for Judgment Debtor Exam; filed by Plaintiff Allstate Indemnity Company. (Attachments: # <u>1</u> Declaration, # <u>2</u> Proposed Order)(Cannon, Eron) (Entered: 05/01/2015)
05/08/2015	<u>690</u>	ORDER Granting Plaintiffs' <u>687</u> Motion for Third Party Examination of James Anderson. Signed by Magistrate Judge George Foley, Jr on 5/8/2015. (Copies have been distributed pursuant to the NEF - SLD) (Entered: 05/08/2015)
05/08/2015	<u>691</u>	ORDER Granting Plaintiffs' <u>688</u> Motion for Third Party Examination of Andrew L. Daley. Signed by Magistrate Judge George Foley, Jr on 5/8/2015. (Copies have been distributed pursuant to the NEF - SLD) (Entered: 05/08/2015)
05/08/2015	<u>692</u>	ORDER Granting Plaintiffs' <u>689</u> Motion for Third Party Examination of Christyn Anderson. Signed by Magistrate Judge George Foley, Jr on 5/8/2015. (Copies have been distributed pursuant to the NEF - SLD) (Entered: 05/08/2015)
12/17/2015	<u>693</u>	MEMORANDUM of USCA, Ninth Circuit, as to <u>656</u> Amended Notice of Appeal filed by Obteen N. Nassiri, D.C., <u>653</u> Notice of Appeal filed by Obteen N. Nassiri, D.C. AFFIRMED. (TR) (Entered: 12/24/2015)
01/11/2016	<u>694</u>	MANDATE of USCA, Ninth Circuit, AFFIRMING judgment of the District Court as to <u>653</u> Notice of Appeal, <u>656</u> Amended Notice of Appeal, and <u>693</u> USCA Memorandum/Opinion. (TR) (Entered: 01/15/2016)
01/15/2016	<u>696</u>	ORDER on Mandate as to <u>693</u> USCA Memorandum and <u>694</u> USCA Mandate Affirming the judgment of the District Court re <u>653</u> Notice of Appeal and <u>656</u> Amended Notice of Appeal. Signed by Judge James C. Mahan on 1/15/2016. (SLD) (Entered: 01/19/2016)

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HUTCHISON & STEFFEN

A PROFESSIONAL LLC

**EXHIBIT O**



CLOSED

**United States District Court  
District of Nevada (Las Vegas)  
CIVIL DOCKET FOR CASE #: 2:15-cv-00949-RCJ-CWH**

Pennington v. International House of Pancakes, LLC et al  
Assigned to: Judge Robert C. Jones  
Referred to: Magistrate Judge Carl W. Hoffman  
Magistrate Judge Cam Ferenbach (Settlement)  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 05/20/2015  
Date Terminated: 01/08/2016  
Jury Demand: Both  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: Diversity

**Plaintiff****Bethany Anne Pennington**

represented by **Joshua Santeramo**  
Schuetze & McGaha, P.C.  
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*ATTORNEY TO BE NOTICED*

**William W. McGaha**  
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*ATTORNEY TO BE NOTICED*

V.

**Defendant****International House of Pancakes LLC**

represented by **James C. Goodfellow, Jr**  
Seyfarth Shaw LLP  
131 South Dearborn St., Ste. 2400  
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**Noah Finkel**  
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*PRO HAC VICE*  
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**Justin Ma**  
450 N. Brand Blvd. Fl 7  
Glendale, CA 91203  
*TERMINATED: 07/17/2015*

**Justin A Shiroff**  
Snell & Wilmer LLP  
3883 Howard Hughes Pkwy., Ste. 1000  
Las Vegas, NV 89169  
702-784-5200  
Fax: 702-784-5252  
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*ATTORNEY TO BE NOTICED*

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*ATTORNEY TO BE NOTICED*

**Defendant**

**IHOP**

**Defendant**

**Farshad Ashoori**

represented by **Kevin M. Badkoubehi**  
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**Defendant**

**Dan Ashoori Group**  
**TERMINATED: 07/23/2015**

**Defendant**

**Rainbow 1606, Inc.**

represented by **Kevin M. Badkoubchi**  
(See above for address)  
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**PRO HAC VICE**  
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**Laura J Thalacker**  
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**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
05/20/2015	<u>1</u>	COMPLAINT against All Plaintiffs (Filing fee \$400 receipt number 0978-3671760), filed by BETHANY ANNE PENNINGTON. Certificate of Interested Parties due by 5/30/2015. Proof of service due by 9/17/2015. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons International House of Pancakes, # <u>3</u> Summons Dan Ashoori Group, # <u>4</u> Summons IHOP) (McGaha, William) (Entered: 05/20/2015)
05/20/2015		Case assigned to Judge Robert C. Jones and Magistrate Judge Carl W. Hoffman. (SLD) (Entered: 05/20/2015)
05/20/2015	2	NOTICE: Pursuant to Local Rule 16-6 this case has been assigned to the Early Neutral Evaluation Program. Magistrate Judge Cam Ferenbach will be the evaluating judge in this case. <b>(no image attached)</b> (SLD) (Entered: 05/20/2015)
05/20/2015	3	NOTICE PURSUANT TO LOCAL RULE IB 2-2: In accordance with 28 USC § 636(c) and FRCP 73, the parties in this action are provided with a link to the "AO 85 Notice of Availability, Consent, and Order of Reference - Exercise of Jurisdiction by a U.S. Magistrate Judge" form on the Court's website - <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> . <b>AO 85 Consent forms should NOT be electronically filed.</b> Upon consent of all parties, counsel are

03/20/2009	<u>88</u>	REPLY to Response to <u>71</u> Third Party MOTION to Dismiss <i>Third Party Defendants' Motion to Dismiss the Amended Third-Party Complaint</i> ; filed by ThirdParty Defendant McCormick, Barstow, Sheppard, Wayte & Carruth LLP. <i>Request for Judicial Notice in Support of Third-Party Defendant's Opposition to Third-Party Plaintiffs' Motion for Sanctions</i> (Kelley, Bruce) (Entered: 03/20/2009)
03/20/2009	<u>89</u>	AFFIDAVIT of Affidavit of Bruce William Kelley in Support of Third-Party Defendant's Opposition to Third-Party Plaintiffs' Motion for Sanctions re <u>86</u> Reply to Response to Motion, ; <i>Affidavit of Bruce William Kelley in Support of Third-Party Defendant's Opposition to Third-Party Plaintiffs' Motion for Sanctions</i> by ThirdParty Defendant McCormick, Barstow, Sheppard, Wayte & Carruth LLP. (Attachments: # <u>1</u> Affidavit Affidavit of Bruce William Kelley in Support of Third-Party Defendant's Opposition to Third-Party Plaintiffs' Motion for Sanctions, # <u>2</u> Affidavit Affidavit of Bruce William Kelley in Support of Third-Party Defendant's Opposition to Third-Party Plaintiffs' Motion for Sanctions)(Kelley, Bruce) (Entered: 03/20/2009)
03/20/2009	<u>90</u>	AFFIDAVIT of Eron Z. Cannon in Support of Third-Party Defendant's Opposition to Third-Party Plaintiffs' Motion for Sanctions re <u>86</u> Reply to Response to Motion, ; <i>Affidavit of Eron Z. Cannon in Support of Third-Party Defendant's Opposition to Third-Party Plaintiffs' Motion for Sanctions</i> by ThirdParty Defendant McCormick, Barstow, Sheppard, Wayte & Carruth LLP. (Attachments: # <u>1</u> Affidavit Exhibit A, # <u>2</u> Affidavit Exhibit B, # <u>3</u> Affidavit Exhibit C, # <u>4</u> Affidavit Exhibit D, # <u>5</u> Affidavit Exhibit E) (Kelley, Bruce) (Entered: 03/20/2009)
03/23/2009	<u>91</u>	ORDER ON STIPULATION Granting <u>83</u> Stipulation, to extend time to respond to <u>78</u> MOTION to Dismiss <i>Obteen N. Nassiri, D.C. and Advanced Accident Chiropractic Care's Amended Counterclaim</i> . Response/Opposition due by 4/24/2009. Signed by Judge James C. Mahan. (Copies have been distributed pursuant to the NEF - AXM) (Entered: 03/23/2009)
03/23/2009	<u>92</u>	ORDER GRANTING <u>79</u> Stipulation to Continue Pretrial Deadlines. Discovery due by 7/15/2010. Motions due by 8/16/2010. Proposed Joint Pretrial Order due by 9/15/2010. Signed by Magistrate Judge George W Foley, Jr on 3/23/09. (Copies have been distributed pursuant to the NEF - ECS) (Entered: 03/24/2009)
03/24/2009	<u>93</u>	(1st Notice) PURSUANT TO SPECIAL ORDER 109: that <b>Kevin J. Lesinski</b> is in violation of Special Order 109. <b>Participation in the electronic filing system became mandatory for all attorneys effective January 1, 2006.</b> You are required to register for the Courts Case Management and Electronic Case Filing (CM/ECF) program and the electronic service of pleadings. Please visit the Courts website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> , then select CM/ECF Info, to register the Attorney(s). <b>(no image attached)</b> (RFJ) (Entered: 03/24/2009)
03/25/2009	<u>94</u>	NOTICE of Hearing on <u>71</u> Third Party MOTION to Dismiss <i>Third Party Defendants' Motion to Dismiss the Amended Third-Party Complaint</i> : Motion Hearing set for 4/14/2009 11:00 AM in LV Courtroom 6A before Judge James C. Mahan. <b>(no image attached)</b> (SRB) (Entered: 03/25/2009)
03/26/2009	<u>95</u>	REPLY to <u>86</u> Reply to Response to Motion ; filed by Third Party Plaintiffs Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C.. (Cohen, Douglas) (Entered: 03/26/2009)
04/24/2009	<u>96</u>	STIPULATION AND ORDER TO ADJOURN PENDING DEADLINES AND SET STATUS CHECK by Defendants Advanced Accident Chiropractic Care, Digital Imaging Services, Maryland Medical Center, LLC, Obteen N. Nassiri, D.C., Jennifer Nassiri, Albert Noorda, M.D., Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company, Third Party Plaintiffs

		Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C., ThirdParty Defendant McCormick, Barstow, Sheppard, Wayte & Carruth LLP, Counter Claimants Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C., Counter Defendants Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. (DiRaimondo, Anthony) (Entered: 04/24/2009)
04/28/2009	<u>97</u>	ORDER ON STIPULATION Granting <u>96</u> Stipulation to Adjourn Pending Deadlines and Set Status Check. (Status Conference set for 6/29/2009 10:00 AM in LV Courtroom 6A before Judge James C. Mahan.) Signed by Judge James C. Mahan on 4/28/09. (Copies have been distributed pursuant to the NEF - ASB) (Entered: 04/28/2009)
06/25/2009	<u>98</u>	SUGGESTION of Bankruptcy by Defendants Advanced Accident Chiropractic Care, Digital Imaging Services, Obteen N. Nassiri, D.C., Jennifer Nassiri, Third Party Plaintiffs Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C., Counter Claimants Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C. (Attachments: # <u>1</u> Exhibit A)(DiRaimondo, Anthony) <b>Event type corrected on 6/26/09. (MJZ)</b> (Entered: 06/25/2009)
06/29/2009	<u>99</u>	MINUTES OF PROCEEDINGS - Status Conference held on 6/29/2009 before Judge James C. Mahan. Crtrm Administrator: <i>David Oakes</i> ; Pla Counsel: <i>Eron Cannon</i> ; Def Counsel: <i>Anthony DiRaimondo, Aimee Lambert</i> ; Court Reporter/FTR #: <i>Joy Garner</i> ; Time of Hearing: <i>10:00 a.m.</i> ; Courtroom: <i>6A</i> ; The Court inquired if Mr. Nassiri had filed bankruptcy.Mr. DiRaimondo stated he has and that there is a July 6th status conference set. The Court inquired if a motion to lift the stay had been filed. Mr. Cannon informed the court a motion to lift the stay will be filed shortly. The Court informed counsel that there are two outstanding motions which is a Motion to dismiss and motion for sanctions that are not stayed. The Court further informed court that it will deny both motions without prejudice. Both parties agreed to the court denying without prejudice both motions. Further representations of counsel were made.COURT ORDERED: denying without prejudice <u>71</u> Motion to Dismiss.; denying without prejudice <u>75</u> Motion for Sanctions. ( Submission of Proposed Order obo defendants is due by 7/7/2009.) (Copies have been distributed pursuant to the NEF - DXO) (Entered: 06/29/2009)
07/08/2009	<u>100</u>	Submission of PROPOSED ORDER filed by Defendants Advanced Accident Chiropractic Care, Digital Imaging Services, Obteen N. Nassiri, D.C., Jennifer Nassiri, Third Party Plaintiffs Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C., Counter Claimants Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C. <i>Order Regarding Pending Motions.</i> (DiRaimondo, Anthony) (Entered: 07/08/2009)
07/15/2009	<u>101</u>	ORDER Denying <u>71</u> Motion to Dismiss, Denying <u>75</u> Motion for Sanctions, and Denying <u>78</u> Motion to Dismiss. Deadlines regarding the filing of responsive pleadings are adjourned indefinitely pending adjudication of the Motion to Lift Stay in US Bankruptcy Court. Signed by Judge James C. Mahan on 7/15/09. (Copies have been distributed pursuant to the NEF - ASB) (Entered: 07/15/2009)
07/30/2009	<u>102</u>	NOTICE by Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company, ThirdParty Defendant McCormick, Barstow, Sheppard, Wayte & Carruth LLP <i>Notice of Order Granting Allstate's Motion for Relief from the Automatic Stay and Order to Set Status Check</i> (Cannon, Eron) (Entered: 07/30/2009)
07/31/2009	<u>103</u>	ORDER Setting State Check Hearing re: <u>102</u> Notice. (Status Conference set for 8/11/2009 09:30 AM in LV Courtroom 3A before Magistrate Judge George Foley Jr.) Signed by Magistrate Judge George Foley, Jr on 7/31/09. (Copies have been distributed pursuant to the NEF - ASB) (Entered: 07/31/2009)
08/11/2009	<u>104</u>	MINUTES OF PROCEEDINGS - Status Conference held on 8/11/2009 before



		Magistrate Judge George Foley, Jr. Crtrm Administrator: <i>Alana Kamaka</i> ; Pla Counsel: <i>Bruce W. Kelley</i> ; Def Counsel: <i>Aimee Lambert for Thomas J. Doyle and Douglas M. Cohen</i> ; Court Reporter/FTR #: 9:37:27-9:46:43; Time of Hearing: 9:30 a.m.; Courtroom: 3A; Court informs counsel that Mr. Kelly's notice of order granting Allstate Insurance Company's motion to lift automatic stay as well as the request for status hearing was received. The Court proceeds to confer with and hear representations of counsel. Counsel is advised to proceed forward with discovery now that the bankruptcy stay has been lifted, but recommends counsel first clarify same with Bankruptcy Judge Markell to be sure that the stay was indeed lifted. Mr. Kelly volunteered to file the request for clarification with Judge Markell within the next two weeks. The Court further advises counsel that the current discovery cut-off date is 7/15/10 and that the Court will leave it up to counsel to submit any further request for extension of discovery in the future. Counsel asks the Court's guidance on how to resubmit pending motions. The Court recommends filing a joint motion to renote and set for hearing. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - AKK) (Entered: 08/11/2009)
08/25/2009	<u>105</u>	STIPULATION <i>and Order Regarding Re-Filing of Motions and Setting Briefing Schedule</i> by Defendants Advanced Accident Chiropractic Care, Digital Imaging Services, Obteen N. Nassiri, D.C., Jennifer Nassiri, Third Party Plaintiffs Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C., Counter Claimants Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C.. (DiRaimondo, Anthony) (Entered: 08/25/2009)
08/27/2009	<u>106</u>	LETTER from Letter from Attorney Patty H. Lee to Magistrate Judge Foley re Allstate not filing a Request for Clarification. (ECS) (Entered: 08/28/2009)
08/31/2009	<u>107</u>	LETTER from Thomas Doyle regarding motion with Bankruptcy Court. (AXM) (Entered: 08/31/2009)
09/02/2009	<u>108</u>	<b>ERROR: Wrong event selected. (MJZ) NOTICE by Plaintiffs Allstate Insurance Company, Allstate Property &amp; Casualty Insurance Company, Allstate Indemnity Company, ThirdParty Defendant McCormick, Barstow, Sheppard, Wayte &amp; Carruth LLP, Counter Defendants Allstate Insurance Company, Allstate Property &amp; Casualty Insurance Company, Allstate Indemnity Company re <u>105</u> Stipulation, <i>First Revised Stipulation and Order Regarding Re-Filing of Motions and Setting Briefing Schedule</i> (Kelley, Bruce) (Entered: 09/02/2009)</b>
09/02/2009	<u>109</u>	Third Party MOTION to Dismiss <i>Third Party Defendants' Motion to Dismiss the Amended Third-Party Complaint</i> by ThirdParty Defendant McCormick, Barstow, Sheppard, Wayte & Carruth LLP. Responses due by 9/20/2009. (Kelley, Bruce) (Entered: 09/02/2009)
09/02/2009	<u>110</u>	AFFIDAVIT of Bruce William Kelley in Support of THird-Party Defendants' Motion to Dismiss The Amended Third-Party Complaint re <u>71</u> Third Party MOTION to Dismiss <i>Third Party Defendants' Motion to Dismiss the Amended Third-Party Complaint</i> ; filed by ThirdParty Defendant McCormick, Barstow, Sheppard, Wayte & Carruth LLP. (Attachments: # <u>1</u> 2/13/09 Letter, # <u>2</u> 2/13/09 letter, # <u>3</u> 2/16/09 Letter, # <u>4</u> Third-Party Compalint)(Kelley, Bruce) (Entered: 09/02/2009)
09/02/2009	<u>111</u>	First Revised STIPULATION Regarding Re-Filing of Motions and Setting Briefing Schedule; by Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company, ThirdParty Defendant McCormick, Barstow, Sheppard, Wayte & Carruth LLP. (MJZ) (Entered: 09/02/2009)
09/02/2009		NOTICE of Docket Correction to <u>108</u> Notice (Other) : <b>ERROR: Wrong event selected by attorney <u>Bruce Kelley</u>; CORRECTION: Refiled by Court as <u>111</u> Stipulation. (no image attached)</b> (MJZ) (Entered: 09/02/2009)



09/04/2009	<u>112</u>	RESPONSE to <u>109</u> Third Party MOTION to Dismiss <i>Third Party Defendants' Motion to Dismiss the Amended Third-Party Complaint</i> , filed by Third Party Plaintiffs Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C.. and <i>Countermotion for Sanctions</i> Replies due by 9/18/2009. (Cohen, Douglas) (Entered: 09/04/2009)
09/04/2009	<u>113</u>	MOTION to Dismiss <i>Obteen N. Nassiri, D.C. and Advanced Accident Chiropractic Care, Inc.'s Amended Counterclaim</i> by Counter Defendants Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. Responses due by 9/22/2009. (Attachments: # <u>1</u> Memorandum of Points and Authorities, # <u>2</u> Request for Judicial Notice, # <u>3</u> Proposed Order)(Lee, Patty) (Entered: 09/04/2009)
09/04/2009	<u>114</u>	REPLY to Response to <u>109</u> Third Party MOTION to Dismiss <i>Third Party Defendants' Motion to Dismiss the Amended Third-Party Complaint</i> ; filed by ThirdParty Defendant McCormick, Barstow, Sheppard, Wayte & Carruth LLP. <i>Third-Party Defendant's Reply to Third-Party Plaintiffs' Opposition to Third-Party Defendants' Motion to Dismiss The Amended Third-Party Complaint</i> (Kelley, Bruce) (Entered: 09/04/2009)
09/04/2009	<u>115</u>	AFFIDAVIT re <u>109</u> Third Party MOTION to Dismiss <i>Third Party Defendants' Motion to Dismiss the Amended Third-Party Complaint</i> ; filed by ThirdParty Defendant McCormick, Barstow, Sheppard, Wayte & Carruth LLP. <i>Request for Judicial Notice in Support of Third-Party Defendant's Reply to Third-Party Plaintiffs' Opposition to THird-Party Defendants' Motion to Dismiss the Amended Third-Party Complaint</i> (Kelley, Bruce) (Entered: 09/04/2009)
09/04/2009	<u>116</u>	RESPONSE to <u>109</u> Third Party MOTION to Dismiss <i>Third Party Defendants' Motion to Dismiss the Amended Third-Party Complaint</i> , filed by ThirdParty Defendant McCormick, Barstow, Sheppard, Wayte & Carruth LLP. <i>Third-Party Defendant's Opposition to Third-Party Plaintiffs' Motion for Sanctions</i> Replies due by 9/18/2009. (Kelley, Bruce) (Entered: 09/04/2009)
09/04/2009	<u>117</u>	MEMORANDUM filed by ThirdParty Defendant McCormick, Barstow, Sheppard, Wayte & Carruth LLP re <u>109</u> Third Party MOTION to Dismiss <i>Third Party Defendants' Motion to Dismiss the Amended Third-Party Complaint</i> . <i>Request for Judicial Notice in Support of Third-Party Defendant's Opposition to Third-Party Plaintiffs' Motion for Sanctions</i> (Kelley, Bruce) (Entered: 09/04/2009)
09/04/2009	<u>118</u>	AFFIDAVIT re <u>109</u> Third Party MOTION to Dismiss <i>Third Party Defendants' Motion to Dismiss the Amended Third-Party Complaint</i> ; filed by ThirdParty Defendant McCormick, Barstow, Sheppard, Wayte & Carruth LLP. <i>Affidavit of Bruce William Kelley in Support of Third-Party Defendant's Opposition to Third-Party Plaintiffs' Motion for Sanctions</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Kelley, Bruce) (Entered: 09/04/2009)
09/04/2009	<u>119</u>	AFFIDAVIT of Eron Z. Cannon in Support of Third-Party Defendant's Opposition to Third-Party Plaintiffs' Motion for Sanctions re <u>109</u> Third Party MOTION to Dismiss <i>Third Party Defendants' Motion to Dismiss the Amended Third-Party Complaint</i> ; filed by ThirdParty Defendant McCormick, Barstow, Sheppard, Wayte & Carruth LLP. <i>AFFIDAVIT of Eron Z. Cannon in Support of Third-Party Defendant's Opposition to Third-Party Plaintiffs' Motion for Sanctions</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Kelley, Bruce) (Entered: 09/04/2009)
09/04/2009	<u>120</u>	LETTER from Thomas Doyle of Schuering Zimmerman Scully Tweedy & Doyle, LLP re Motion for Comfort Order filed in Bankruptcy Court. (ASB) (Entered: 09/08/2009)
09/08/2009	<u>121</u>	RESPONSE to <u>113</u> MOTION to Dismiss <i>Obteen N. Nassiri, D.C. and Advanced Accident Chiropractic Care, Inc.'s Amended Counterclaim</i> , filed by Counter Claimants

		Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C.. <i>and Countermotion for Sanctions</i> Replies due by 9/22/2009. (Cohen, Douglas) (Entered: 09/08/2009)
09/08/2009	<u>122</u>	ORDER ON STIPULATION Granting <u>111</u> Stipulation Regarding Re-Filing of Motions and Setting Briefing Schedule. Signed by Judge James C. Mahan on 9/8/09. (Copies have been distributed pursuant to the NEF - ASB) (Entered: 09/08/2009)
09/08/2009	<u>123</u>	AFFIDAVIT of Certificate of Service re <u>113</u> MOTION to Dismiss <i>Obteen N. Nassiri, D.C. and Advanced Accident Chiropractic Care, Inc.'s Amended Counterclaim</i> ; filed by Counter Defendants Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. (Lee, Patty) (Entered: 09/08/2009)
09/08/2009	<u>124</u>	Counter MOTION for Sanctions by Defendants Advanced Accident Chiropractic Care, Digital Imaging Services, Obteen N. Nassiri, D.C., Jennifer Nassiri. Responses due by 9/26/2009. (MJZ) (Entered: 09/09/2009)
09/09/2009		NOTICE of Docket Correction to <u>121</u> Response to Motion : ERROR: Wrong event selected by Attorney <u>Douglas Cohen</u> ; CORRECTION: Refiled by Court as <u>124</u> Counter MOTION for Sanctions. <b>(no image attached)</b> (MJZ) (Entered: 09/09/2009)
09/10/2009	<u>125</u>	MOTION to Disqualify <i>McCormick, Barstow, Sheppard, Wayte &amp; Carruth LLP</i> by Defendants Advanced Accident Chiropractic Care, Digital Imaging Services, Obteen N. Nassiri, D.C., Jennifer Nassiri, ThirdParty Plaintiff Obteen N. Nassiri, D.C., Counter Claimants Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C.. Motion ripe 9/10/2009. (Cohen, Douglas) (Entered: 09/10/2009)
09/11/2009	<u>126</u>	MOTION to Dismiss by Defendants Advanced Accident Chiropractic Care, Digital Imaging Services, Obteen N. Nassiri, D.C., Jennifer Nassiri. Responses due by 9/29/2009. (Cohen, Douglas) (Entered: 09/11/2009)
09/11/2009	<u>127</u>	REPLY to Response to <u>109</u> Third Party MOTION to Dismiss <i>Third Party Defendants' Motion to Dismiss the Amended Third-Party Complaint</i> ; filed by Third Party Plaintiffs Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C.. <i>(Reply to Opposition to Third-Party Plaintiffs' Motion for Sanctions)</i> (Cohen, Douglas) (Entered: 09/11/2009)
09/18/2009	<u>128</u>	NOTICE of Hearing on <u>125</u> Defendant's MOTION to Disqualify <i>McCormick, Barstow, Sheppard, Wayte &amp; Carruth LLP</i> : Motion Hearing set for <b>Thursday, October 22, 2009, at 9:30 AM</b> in LV Courtroom 3A before Magistrate Judge George Foley Jr.(JBH) (Entered: 09/18/2009)
09/18/2009	<u>129</u>	NOTICE by ThirdParty Defendant McCormick, Barstow, Sheppard, Wayte & Carruth LLP re <u>125</u> MOTION to Disqualify <i>McCormick, Barstow, Sheppard, Wayte &amp; Carruth LLP</i> . <i>Notice of Intent to File Opposition to Defendants' Motion to Disqualify McCormick, Barstow, Sheppard, Wayte &amp; Carruth, LLP</i> (Kelley, Bruce) (Entered: 09/18/2009)
09/18/2009	<u>130</u>	(1st Notice) PURSUANT TO SPECIAL ORDER 109: that <b>Jonathan Carlson</b> is in violation of Special Order 109. <b>Participation in the electronic filing system became mandatory for all attorneys effective January 1, 2006.</b> You are required to register for the Courts Case Management and Electronic Case Filing (CM/ECF) program and the electronic service of pleadings. Please visit the Courts website <b>www.nvd.uscourts.gov</b> , then select CM/ECF Info, to register the Attorney(s). <b>(no image attached)</b> (RFJ) (Entered: 09/18/2009)
09/21/2009	<u>131</u>	Emergency MOTION for Protective Order <i>to Preclude Allstate's Immediate Scheduling of 150 to 200 Depositions</i> by Defendants Advanced Accident Chiropractic Care, Digital Imaging Services, Obteen N. Nassiri, D.C., Jennifer Nassiri, Third Party Plaintiffs Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C., Counter Claimants

		Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C.. Motion ripe 9/21/2009. (Cohen, Douglas) (Entered: 09/21/2009)
09/22/2009	<u>132</u>	RESPONSE to <u>125</u> MOTION to Disqualify <i>McCormick, Barstow, Sheppard, Wayte &amp; Carruth LLP</i> , filed by Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company, Counter Defendants Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. <i>Opposition to Motion to Disqualify McCormick, Barstow, Sheppard, Wayte &amp; Carruth LLP</i> Replies due by 10/6/2009. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Kelley, Bruce) (Entered: 09/22/2009)
09/24/2009	<u>133</u>	NOTICE of Hearing on <u>131</u> Defendants' Emergency MOTION for Protective Order to <i>Preclude Allstate's Immediate Scheduling of 150 to 200 Depositions</i> : Motion Hearing set for <b>Thursday, October 1, 2009, at 11:00 AM</b> in LV Courtroom 3A before Magistrate Judge George Foley Jr.  An opposition to the motion is due on or before September 30, 2009.(JBH) (Entered: 09/24/2009)
09/25/2009	<u>134</u>	RESPONSE to <u>126</u> MOTION to Dismiss, filed by Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. <i>Opposition to Motion to Dismiss/Motion for Judgment on Pleadings: For Failure to Join Indispensable Parties</i> Replies due by 10/9/2009. (Kelley, Bruce) (Entered: 09/25/2009)
09/25/2009	<u>135</u>	Joint MOTION to Dismiss <i>Joinder to Defendants' Obteen Nassiri, D.C., Jennifer Nassiri, Advanced Accident Chiropractic Care and Digital Imaging Services aka Digital Imaging Services, LLC's Motion to Dismiss/Motion for Judgment on Pleadings: Failure to Join Indispensable Parties</i> by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. Responses due by 10/13/2009. (Doyle, Thomas) (Entered: 09/25/2009)
09/25/2009	<u>136</u>	RESPONSE to <u>124</u> MOTION for Sanctions, filed by Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. Replies due by 10/9/2009. (Attachments: # <u>1</u> Objections to the Evidence Submitted by Counterclaimants, # <u>2</u> Request for Judicial Notice (RJN), # <u>3</u> Exh. A to RJN, # <u>4</u> Exh B to RJN, # <u>5</u> Exh. C Part 1 to RJN, # <u>6</u> Exh. C Part 2 to RJN, # <u>7</u> Exh. C Part 3 to RJN, # <u>8</u> Exh. D to RJN, # <u>9</u> Exh. E to RJN, # <u>10</u> Exh. F to RJN, # <u>11</u> Exh. G to RJN, # <u>12</u> Exh. H Part 1 to RJN, # <u>13</u> Exh. H Part 2 to RJN, # <u>14</u> Exh. H Part 3 to RJN, # <u>15</u> Certificate of Service)(Lee, Patty) (Entered: 09/25/2009)
09/25/2009	<u>137</u>	CERTIFICATE of Interested Parties filed by Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company.. There are no known interested parties other than those participating in the case. (Lee, Patty) (Entered: 09/25/2009)
09/25/2009	<u>138</u>	RESPONSE to <u>131</u> Emergency MOTION for Protective Order to <i>Preclude Allstate's Immediate Scheduling of 150 to 200 Depositions</i> , filed by Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. <i>Opposition to Emergency Motion for Protective Order to Preclude Allstate's Immediate Scheduling of 15 to 200 Depositions</i> Replies due by 10/9/2009. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8)(Kelley, Bruce) (Entered: 09/25/2009)
09/29/2009	<u>139</u>	REPLY to Response to <u>131</u> Emergency MOTION for Protective Order to <i>Preclude Allstate's Immediate Scheduling of 150 to 200 Depositions</i> ; filed by Defendants Advanced Accident Chiropractic Care, Digital Imaging Services, Obteen N. Nassiri, D.C., Jennifer Nassiri, Third Party Plaintiffs Advanced Accident Chiropractic Care,

		Obteen N. Nassiri, D.C., Counter Claimants Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C.. (Cohen, Douglas) (Entered: 09/29/2009)
09/29/2009	<u>140</u>	ORDER Staying the Scheduling of Depositions Pending the Court's Decision on <u>131</u> Emergency MOTION for Protective Order <i>to Preclude Allstate's Immediate Scheduling of 150 to 200 Depositions</i> . Signed by Magistrate Judge George Foley, Jr on 9/28/09. (Copies have been distributed pursuant to the NEF - ASB) (Entered: 09/29/2009)
10/01/2009	141	MINUTES OF PROCEEDINGS - Hearing on Defendants' Emergency Motion for Protective Order (131) held on 10/1/2009 before Magistrate Judge George Foley, Jr. Crtrm Administrator: <i>Donna Smith</i> ; Pla Counsel: <i>Anne Padgett</i> ; Def Counsel: <i>Aimee Lambert, Tony DiRaimondo</i> ; Court Reporter/FTR #: <i>11:02:44-11:26:11</i> ; Time of Hearing: <i>11:00 a.m.</i> ; Courtroom: <i>3A</i> ; The Court makes preliminary remarks and hears the representations of counsel. For the reasons stated on the record, Defendants' Emergency <u>131</u> Motion for Protective Order is <b>granted</b> as follows: Allstate shall not be permitted to exceed the limit of 10 depositions; at this time, the Court does not preclude Allstate from proceeding with up to 10 depositions, however, the Court encourages Allstate to consider whether it should proceed with the permitted 10 depositions before it presents the Court with a further motion to exceed the 10 deposition limit. The Court advises Allstate if it defers taking the 10 depositions, it will not negatively impact Allstate in terms of discovery cutoff. (Copies have been distributed pursuant to the NEF - DES) (Entered: 10/01/2009)
10/02/2009	<u>142</u>	REPLY to Response to <u>125</u> MOTION to Disqualify <i>McCormick, Barstow, Sheppard, Wayte &amp; Carruth LLP</i> ; filed by Defendants Advanced Accident Chiropractic Care, Digital Imaging Services, Obteen N. Nassiri, D.C., Jennifer Nassiri, Third Party Plaintiffs Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C., Counter Claimants Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C.. (Cohen, Douglas) (Entered: 10/02/2009)
10/08/2009	<u>143</u>	REPLY to Response to <u>113</u> MOTION to Dismiss <i>Obteen N. Nassiri, D.C. and Advanced Accident Chiropractic Care, Inc.'s Amended Counterclaim</i> ; filed by Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. (Lee, Patty) (Entered: 10/08/2009)
10/08/2009	<u>144</u>	REPLY to Response to <u>126</u> MOTION to Dismiss ; filed by Defendants Advanced Accident Chiropractic Care, Digital Imaging Services, Obteen N. Nassiri, D.C., Jennifer Nassiri. (Cohen, Douglas) (Entered: 10/08/2009)
10/08/2009	<u>145</u>	REPLY to Response to <u>124</u> MOTION for Sanctions ; filed by Defendants Advanced Accident Chiropractic Care, Digital Imaging Services, Obteen N. Nassiri, D.C., Jennifer Nassiri, Third Party Plaintiffs Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C., Counter Claimants Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C.. (Cohen, Douglas) (Entered: 10/08/2009)
10/22/2009	146	MINUTES OF PROCEEDINGS - Hearing on Defendant's Motion to Disqualify McCormick Barstow (125) held on 10/22/2009 before Magistrate Judge George Foley, Jr. Crtrm Administrator: <i>Donna Smith</i> ; Pla Counsel: <i>Bruce Kelley</i> ; Def Counsel: <i>Douglas Cohen, Aimee Lambert</i> ; Court Reporter/FTR #: <i>9:39:25-10:15:57</i> ; Time of Hearing: <i>9:30 a.m.</i> ; Courtroom: <i>3A</i> ; The Court hears the representations of counsel. Defendant's <u>125</u> Motion to Disqualify McCormick Barstow is <b>denied without prejudice</b> . In denying the Motion to Disqualify (125), the Court bases its decision, in part, on Allstate's counsel's representation on the record that (1) Allstate does not and will not seek any damages in regard to any claims in which the McCormick law firm represented insureds of Plaintiff Allstate and (2) that Allstate will not introduce evidence or make reference to any underlying claims in which the McCormick law firm represented Allstate's insureds for purposes of proving Allstate's



		claims against the Defendants in this action. It would appear that based on these representations, the Defendants' Third Party Complaint against the McCormick law firm will likely be dismissed. In the event that the Third Party Complaint survives the pending Motion to Dismiss, however, Defendants may refile their motion to disqualify. This order is also <b>without prejudice</b> to the filing of a future motion for disqualification on grounds that do not exist today, but which may hereafter arise. Other issues raised by Defendants, such as the identity of the underlying claimant, can and should be resolved through discovery. (Copies have been distributed pursuant to the NEF - DES) (Entered: 10/22/2009)
10/23/2009	<u>147</u>	LETTER from Thomas J. Doyle to Magistrate Judge George W. Foley re: Motion for a Comfort Order filed with the Bankruptcy Court. (ASB) (Entered: 10/26/2009)
10/27/2009	<u>148</u>	MOTION for More Definite Statement <i>MOTION FOR A STANDING ORDER REQUIRING PLAINTIFFS TO FILE A RICO CASE STATEMENT</i> by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. Responses due by 11/14/2009. (Doyle, Thomas) (Entered: 10/27/2009)
11/04/2009	<u>149</u>	JOINDER to <u>148</u> MOTION for More Definite Statement, filed by Defendants Advanced Accident Chiropractic Care, Digital Imaging Services, Obteen N. Nassiri, D.C., Jennifer Nassiri, Third Party Plaintiffs Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C., Counter Claimants Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C. (Cohen, Douglas) <b>Event type corrected on 11/5/09. (MJZ)</b> (Entered: 11/04/2009)
11/13/2009	<u>150</u>	RESPONSE to <u>148</u> MOTION for More Definite Statement <i>MOTION FOR A STANDING ORDER REQUIRING PLAINTIFFS TO FILE A RICO CASE STATEMENT</i> , filed by Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company, Counter Defendants Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. Replies due by 11/27/2009. (Padgett, Anne) (Entered: 11/13/2009)
11/13/2009	<u>151</u>	RESPONSE to <u>148</u> MOTION for More Definite Statement <i>MOTION FOR A STANDING ORDER REQUIRING PLAINTIFFS TO FILE A RICO CASE STATEMENT</i> , filed by Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company, Counter Defendants Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. <i>Joinder to Plaintiffs' Opposition to Joinder to Motion Requiring Plaintiffs to File a Rico Case Statement</i> Replies due by 11/27/2009. (Padgett, Anne) (Entered: 11/13/2009)
11/16/2009	<u>152</u>	REPLY to Response to <u>148</u> MOTION for More Definite Statement <i>MOTION FOR A STANDING ORDER REQUIRING PLAINTIFFS TO FILE A RICO CASE STATEMENT</i> ; filed by Defendants Advanced Accident Chiropractic Care, Digital Imaging Services, Obteen N. Nassiri, D.C., Jennifer Nassiri, Third Party Plaintiffs Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C., Counter Claimants Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C.. <i>[Reply in Support of Joinder to Motion for a Standing Order]</i> (Cohen, Douglas) (Entered: 11/16/2009)
11/18/2009	<u>153</u>	NOTICE of Hearing on <u>126</u> MOTION to Dismiss, <u>113</u> MOTION to Dismiss <i>Obteen N. Nassiri, D.C. and Advanced Accident Chiropractic Care, Inc.'s Amended Counterclaim</i> , <u>135</u> Joint MOTION to Dismiss <i>Joinder to Defendants' Obteen Nassiri, D.C., Jennifer Nassiri, Advanced Accident Chiropractic Care and Digital Imaging Services aka Digital Imaging Services, LLC's Motion to Dismiss/Motion for Judgment on Pleadings</i> : : Motion Hearing set for 12/16/2009 10:00 AM in LV Courtroom 6A before Judge James C. Mahan. <b>(no image attached)</b> (SRB) (Entered: 11/18/2009)
11/24/2009	<u>154</u>	STIPULATION Re: <i>Withdrawal of Reference and Consolidation of Adversary Proceeding Pending in the United States Bankruptcy Court, District of Nevada</i> [Case No.

		<i>09-01188-BAM]</i> With This Action by Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Certificate of Service)(Lee, Patty) (Entered: 11/24/2009)
11/24/2009	<u>155</u>	Submission of PROPOSED ORDER on <u>154</u> Stipulation, ; filed by Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. (Lee, Patty) (Entered: 11/24/2009)
11/30/2009	<u>156</u>	REPLY to Response to <u>148</u> MOTION for More Definite Statement <i>MOTION FOR A STANDING ORDER REQUIRING PLAINTIFFS TO FILE A RICO CASE STATEMENT</i> ; filed by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. (Doyle, Thomas) (Entered: 11/30/2009)
12/04/2009	<u>157</u>	ORDER ON STIPULATION Granting <u>154</u> Stipulation re: Withdrawal of Reference and Consolidation of Adversary Proceeding Pending in the US Bankruptcy Court. Signed by Judge James C. Mahan on 12/4/09. (Copies have been distributed pursuant to the NEF - ASB) (Entered: 12/07/2009)
12/08/2009	<u>158</u>	NOTICE of Hearing: Motions #113, #126 and #135 previously set for 12/16/2009 at 10:00 a.m., is vacated and reset for 12/28/2009 10:00 AM in LV Courtroom 6A before Judge James C. Mahan. <b>(no image attached)</b> (DXO) (Entered: 12/08/2009)
12/08/2009	<u>159</u>	STIPULATION TO DISMISS COUNTS 2, 3 AND 8 OF THE COMPLAINT by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. (Doyle, Thomas) (Entered: 12/08/2009)
12/09/2009	<u>160</u>	NOTICE of Hearing on <u>126</u> MOTION to Dismiss, <u>113</u> MOTION to Dismiss <i>Obteen N. Nassiri, D.C. and Advanced Accident Chiropractic Care, Inc.'s Amended Counterclaim</i> , <u>135</u> Joint MOTION to Dismiss <i>Joinder to Defendants' Obteen Nassiri, D.C., Jennifer Nassiri, Advanced Accident Chiropractic Care and Digital Imaging Services aka Digital Imaging Services, LLC's Motion to Dismiss/Motion for Judgment on Pleadings</i> : : <i>Motions Hearing previously set for 12/28/2009 at 10:00 a.m., is vacated and reset for 1/7/2010 01:30 PM in LV Courtroom 6A before Judge James C. Mahan. (no image attached)</i> (DXO) (Entered: 12/09/2009)
12/11/2009	<u>161</u>	NOTICE of Hearing on <u>124</u> MOTION for Sanctions : Motion Hearing set for 1/7/2010 01:30 PM in LV Courtroom 6A before Judge James C. Mahan. <b>(no image attached)</b> (SRB) (Entered: 12/11/2009)
12/11/2009	<u>162</u>	ORDER ON STIPULATION Granting <u>159</u> Stipulation to Dismiss with Prejudice Counts 2, 3, and 8 of the complaint against Albert Noorda, M.D. and Maryland Medical Center, LLC. Signed by Judge James C. Mahan on 12/11/09. (Copies have been distributed pursuant to the NEF - ASB) (Entered: 12/11/2009)
12/21/2009	<u>163</u>	NOTICE by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D. of <i>Counsel's Firm Name Change</i> (Doyle, Thomas) (Entered: 12/21/2009)
01/07/2010	<u>167</u>	MINUTES OF PROCEEDINGS - Motion Hearing held on 1/7/2010 before Judge James C. Mahan. Crtrm Administrator: <i>David Oakes</i> ; Pla Counsel: <i>Bruce W. Kelley, Patty H. Lee</i> ; Def Counsel: <i>Aime Lambert, Douglas M. Cohen</i> ; Court Reporter/FTR #: <i>Joy Garner</i> ; Time of Hearing: <i>1:30 p.m.</i> ; Courtroom: <i>6A</i> ; granting in part and denying in part <u>126</u> Motion to Dismiss.; denying <u>135</u> Motion to Dismiss.; ( Submission of Proposed Order due by 1/14/2010.) (Copies have been distributed pursuant to the NEF - DXO) (Entered: 01/19/2010)
01/12/2010	<u>164</u>	Submission of PROPOSED ORDER on <u>124</u> MOTION for Sanctions, <u>113</u> MOTION to Dismiss <i>Obteen N. Nassiri, D.C. and Advanced Accident Chiropractic Care, Inc.'s Amended Counterclaim</i> ; filed by Plaintiffs Allstate Indemnity Company, Allstate



		Insurance Company, Allstate Property & Casualty Insurance Company. (Attachments: # <u>1</u> Certificate of Service)(Lee, Patty) (Entered: 01/12/2010)
01/13/2010	<u>165</u>	Submission of PROPOSED ORDER on <u>126</u> MOTION to Dismiss ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Defendants Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. <i>Order Denying Defendants' Motion to Dismiss/Motion for Judgment on Pleadings: Failure to Join Indispensable Parties (Pursuant to Fed R. Civ P. 12(b)(7), 12(c), 12(h)(2), and 19</i> (Kelley, Bruce) (Entered: 01/13/2010)
01/15/2010	<u>166</u>	ORDER Granting in part and denying in part <u>113</u> Motion to Dismiss.The Motion to Dismiss Counterclaimants claims for violation of 42 U.S.C. § 1981, Retaliation, Anti-Strategic Lawsuit Against Public Participation, and Civil Conspiracy is GRANTED. The foregoing claims are dismissed without prejudice. The Motion to Dismiss Counterclaimants claims for Intentional Interference with Contractual Relations, Intentional Interference with Prospective Economic Advantage, and Abuse of Process is DENIED. ORDER Denying <u>124</u> Motion for Sanctions. Signed by Judge James C. Mahan on 1/15/2010. (Copies have been distributed pursuant to the NEF - SD) (Entered: 01/15/2010)
01/19/2010	<u>168</u>	ORDER Denying <u>126</u> Motion to Dismiss/Motion for Judgment on Pleadings. Signed by Judge James C. Mahan. (Copies have been distributed pursuant to the NEF - SD) (Entered: 01/19/2010)
01/21/2010	<u>169</u>	<i>Counterdefendants Allstate Insurance Company, Allstate Property &amp; Casualty Company and Allstate Indemnity Company's ANSWER to <u>67</u> Answer to Complaint,, Answer to Counterclaim,,, Answer to Third Party Complaint,,,,,, Advanced Accident Chiropractic Care's, Amended COUNTERCLAIM against Advanced Accident Chiropractic Care filed by Allstate Property &amp; Casualty Insurance Company.</i> (Lee, Patty) (Entered: 01/21/2010)
01/28/2010	<u>170</u>	Submission of PROPOSED ORDER on <u>152</u> Reply to Response to Motion,, <u>150</u> Response to Motion, <u>156</u> Reply to Response to Motion, <u>149</u> Response to Motion, <u>151</u> Response to Motion,, <u>148</u> MOTION for More Definite Statement <i>MOTION FOR A STANDING ORDER REQUIRING PLAINTIFFS TO FILE A RICO CASE STATEMENT</i> ; filed by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. <i>REQUEST FOR SUBMISSION</i> (Doyle, Thomas) (Entered: 01/28/2010)
02/02/2010	<u>171</u>	STIPULATION <i>Substitution of Attorney</i> by Counter Defendant Advanced Accident Chiropractic Care, Third Party Plaintiffs Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C., Counter Claimants Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C., Defendants Advanced Accident Chiropractic Care, Digital Imaging Services, Jennifer Nassiri, Obteen N. Nassiri, D.C.. (Cohen, Douglas) (Entered: 02/02/2010)
02/05/2010	<u>172</u>	ORDER Granting <u>171</u> Stipulation Substitution of Attorney Liborius I. Agwara as attorney of record for Advanced Accident Chiropractic Care, Digital Imaging Services, Jennifer Nassiri, and Obteen N. Nassiri, D.C. in place and stead of Attorney Douglas M. Cohen of Jones and Vargas. Signed by Magistrate Judge George Foley, Jr on 2/4/2010. (Copies have been distributed pursuant to the NEF - SD) (Entered: 02/05/2010)
02/08/2010	<u>173</u>	ORDER GRANTING <u>171</u> Stipulation to Substitute Attorney. Attorney Liborius Agwara added. Attorney Tamara Beatty Peterson; David A. Carroll and Anthony J. DiRaimondo terminated. Signed by Judge James C. Mahan on 2/8/10. (Copies have been distributed pursuant to the NEF - ECS) (Entered: 02/08/2010)

02/08/2010	<u>174</u>	ORDER denying <u>148</u> Motion for More Definite Statement. Signed by Judge James C. Mahan on 2/8/2010. (Copies have been distributed pursuant to the NEF - SD) (Entered: 02/08/2010)
02/11/2010	<u>175</u>	MOTION Request to Take More than Ten Depositions by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Defendants Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Claimant Allstate Property & Casualty Insurance Company, ThirdParty Defendant McCormick, Barstow, Sheppard, Wayte & Carruth LLP. Responses due by 2/28/2010. (Padgett, Anne) (Entered: 02/11/2010)
02/16/2010	176	NOTICE of Hearing on <u>175</u> Plaintiffs' MOTION Request to Take More than Ten Depositions : Motion Hearing set for <b><u>Tuesday, March 16, 2010, at 10:30 AM</u></b> in LV Courtroom 3A before Magistrate Judge George Foley Jr.(JBW) (Entered: 02/16/2010)
03/01/2010	<u>177</u>	RESPONSE to <u>175</u> MOTION Request to Take More than Ten Depositions, filed by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. Replies due by 3/11/2010. (Doyle, Thomas) (Entered: 03/01/2010)
03/02/2010	<u>178</u>	RESPONSE to <u>175</u> MOTION Request to Take More than Ten Depositions, filed by Defendants Jennifer Nassiri, Obteen N. Nassiri, D.C., ThirdParty Plaintiff Obteen N. Nassiri, D.C., Counter Claimant Obteen N. Nassiri, D.C.. <i>JOINDER IN CO-DEFENDANTS' OPPOSITION TO MOTION</i> Replies due by 3/12/2010. (Agwara, Liborius) (Entered: 03/02/2010)
03/11/2010	<u>179</u>	REPLY to Response to <u>175</u> MOTION Request to Take More than Ten Depositions ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Defendants Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Claimant Allstate Property & Casualty Insurance Company. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Padgett, Anne) (Entered: 03/11/2010)
03/16/2010	180	MINUTES OF PROCEEDINGS - Motion Hearing held on 3/16/2010 before Magistrate Judge George Foley, Jr. Crtrm Administrator: <i>Melissa Jaime</i> ; Pla Counsel: <i>Bruce Kelley</i> ; Def Counsel: <i>Brett Schoel</i> ; <i>Liborius Agwara</i> ; Court Reporter/FTR #: <i>10:35-10:44</i> ; Time of Hearing: <i>10:30 am</i> ; Courtroom: <i>3A</i> ; The Court makes preliminary remarks and hears representations of counsel. IT IS HEREBY ORDERED that Plaintiff's <u>175</u> Motion to Take More than 10 Depositions is GRANTED. The parties shall meet and confer regarding the proposed discovery plan and scheduling order deadlines. (Copies have been distributed pursuant to the NEF - MAJ) Modified on 3/30/2010 (MAJ). (Entered: 03/17/2010)
03/30/2010	181	NOTICE of Hearing: A Telephonic Discovery Hearing is set for <b><u>Wednesday, March 31, 2010, at 3:00 PM</u></b> in LV Courtroom 3A before Magistrate Judge George Foley Jr. Courtroom Deputy Donna Smith will contact the parties prior to the hearing.(JBW) (Entered: 03/30/2010)
03/31/2010	182	MINUTES OF PROCEEDINGS - Telephonic Discovery Status Hearing held on 3/31/2010 before Magistrate Judge George Foley, Jr. Crtrm Administrator: <i>Donna Smith</i> ; Pla Counsel: <i>Telephonic: Bruce Kelley, Kevin Lesinski</i> ; Def Counsel: <i>Telephonic: Aimee Lambert, Liborius Agwara</i> ; Court Reporter/FTR #: <i>3:06:12-3:22:57</i> ; Time of Hearing: <i>3 p.m.</i> ; Courtroom: <i>3A</i> ; The Court and counsel confer regarding the proposed discovery plan and scheduling order to be filed. Mr. Kelley represents that he, Ms. Lambert, and Mr. Lesinski have reached agreement regarding a proposed discovery plan and that he will draft a proposed plan and scheduling order and submit it to Mr. Agwara for approval. Mr. Kelley reads the

		<p>agreed proposed plan dates into the record.</p> <p>The Court approves a 90 day extension and directs the parties to file a Proposed Discovery Plan and Scheduling Order setting the <b>Discovery Cutoff Date for October 15, 2010.</b></p> <p><b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - DES)</p> <p>(Entered: 03/31/2010)</p>
04/08/2010	<u>183</u>	<p>ORDER granting <u>109</u> Motion to Dismiss the third-party complaint against third-party defendant McCormick Barstow. Signed by Judge James C. Mahan on 4/8/2010. (Copies have been distributed pursuant to the NEF - SD) (Entered: 04/08/2010)</p>
04/12/2010	184	<p>MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge George Foley, Jr, on 4/12/2010. By Judicial Assistant: Julia Wright. RE: 182 Discovery Hearing,</p> <p>Pursuant to the minutes of proceedings #182, the parties are to file a proposed discovery plan and scheduling order. To date, a proposed discovery plan has not been filed. Accordingly,</p> <p>IT IS HEREBY ORDERED that the parties are to file a proposed discovery plan and scheduling order setting the discovery cutoff date for October 15, 2010 on or before <b>April 16, 2010.</b> (Copies have been distributed pursuant to the NEF - JBW) (Entered: 04/12/2010)</p>
04/15/2010	<u>185</u>	<p>PROPOSED Discovery Plan/Scheduling Order filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property &amp; Casualty Insurance Company, Counter Defendants Allstate Indemnity Company, Allstate Insurance Company, Allstate Property &amp; Casualty Insurance Company, Counter Claimant Allstate Property &amp; Casualty Insurance Company <i>Third Amended Stipulated Discovery Plan and Scheduling Order Pursuant to LR26-1(e) (Special Scheduling Review Requested).</i> (Padgett, Anne) (Entered: 04/15/2010)</p>
04/16/2010	<u>186</u>	<p>ORDER Granting <u>185</u> Third Amended Stipulated Scheduling Order( Discovery due by 10/15/2010., Motions due by 11/15/2010., Proposed Joint Pretrial Order due by 12/15/2010.) Signed by Magistrate Judge George Foley, Jr on 4/16/2010. (Copies have been distributed pursuant to the NEF - SD) (Entered: 04/16/2010)</p>
04/30/2010	<u>187</u>	<p>MOTION to Compel <i>Further Discovery Responses from Defendant Maryland Medical Center, LLC, ON ORDER SHORTENING TIME</i> by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property &amp; Casualty Insurance Company. Responses due by 5/17/2010. (Attachments: # <u>1</u> Exhibit A - Affidavit, # <u>2</u> Exhibit B - Affidavit, # <u>3</u> Exhibit C - Requests, # <u>4</u> Exhibit D - Responses, # <u>5</u> Exhibit E - Correspondence)(Mann, Jessica) (Entered: 04/30/2010)</p>
05/05/2010	188	<p>NOTICE of Hearing on <u>187</u> Plaintiff's MOTION to Compel <i>Further Discovery Responses from Defendant Maryland Medical Center, LLC, ON ORDER SHORTENING TIME</i> : Motion Hearing set for <b>Monday, May 17, 2010, at 1:30 PM</b> in LV Courtroom 3A before Magistrate Judge George Foley Jr. A responsive pleading is due no later than <b>May 12, 2010.</b>(JBW) (Entered: 05/05/2010)</p>
05/07/2010	<u>189</u>	<p>STIPULATION of Dismissal by Counter Claimant Advanced Accident Chiropractic Care. (Agwara, Liborius) (Entered: 05/07/2010)</p>
05/11/2010	<u>190</u>	<p>RESPONSE to <u>187</u> MOTION to Compel <i>Further Discovery Responses from Defendant Maryland Medical Center, LLC, ON ORDER SHORTENING TIME</i>, filed by Defendant Maryland Medical Center, LLC. Replies due by 5/21/2010. (Attachments: # <u>1</u> Declaration Declaration of Thomas J. Doyle, # <u>2</u> Exhibit Exhibit 1 to Thomas J. Doyle Declaration, # <u>3</u> Exhibit Exhibit 2 to Thomas J. Doyle Declaration, # <u>4</u> Exhibit Exhibit 3</p>

		to Thomas J. Doyle Declaration, # <u>5</u> Declaration Declaration of Aimee L. Lambert, # <u>6</u> Exhibit Exhibit 1 to Aimee L. Lambert Declaration, # <u>7</u> Exhibit Exhibit 2 to Aimee L. Lambert Declaration)(Doyle, Thomas) (Entered: 05/11/2010)
05/13/2010	<u>191</u>	MOTION to Compel <i>The Deposition of Defendant Maryland Medical Center, LLC, on Order Shortening Time</i> by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Responses due by 5/30/2010. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Affidavit)(Kelley, Bruce) (Entered: 05/13/2010)
05/13/2010	<u>192</u>	ORDER Granting <u>189</u> Stipulation for Dismissal of Counterclaim without Prejudice. Signed by Judge James C. Mahan on 5/13/10. (Copies have been distributed pursuant to the NEF - ASB) (Entered: 05/13/2010)
05/17/2010	193	MINUTES OF PROCEEDINGS - Hearing on Plaintiff's Motion to Compel Further Discovery Requests from Defendant Maryland Medical Center <u>187</u> held on 5/17/2010 before Magistrate Judge George Foley, Jr. Crtrm Administrator: <i>Donna Smith</i> ; Pla Counsel: <i>Bruce Kelly</i> ; Def Counsel: <i>Amy Lambert</i> ; Court Reporter/FTR #: 1:40:14-1:49:29; Time of Hearing: 1:30 p.m.; Courtroom: 3A; The Court hears counsels' representations. The Court schedules further hearing on Plaintiff's <u>187</u> MOTION to Compel <i>Further Discovery Responses from Defendant Maryland Medical Center, LLC</i> , and schedules hearing on Plaintiff's <u>191</u> MOTION to Compel <i>The Deposition of Defendant Maryland Medical Center, LLC</i> , for <b><u>Tuesday, May 25, 2010, at 02:30 PM</u></b> in LV Courtroom 3A before Magistrate Judge George Foley, Jr. The Court will issue a Minute Order <b>ordering</b> Liborius Agwara, Esq., counsel for Defendant Dr. Nassiri, to be present at the May 25, 2010 hearing. Additionally, the Court requests that Ms. Lambert notify Mr. Agwara of the May 25, 2010 hearing date and the matters discussed at today's hearing. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - DES) (Entered: 05/17/2010)
05/17/2010	194	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge George Foley, Jr. on 5/17/2010. By Judicial Assistant: Julia Wright. RE: 193 Minutes of Proceedings of Motion Hearing  <b>IT IS ORDERED</b> that Liborius Agwara, Esq., counsel for Defendant Dr. Nassiri, be present at the hearing on Plaintiff's Motion to Compel Further Discovery Requests from Defendant Maryland Medical Center (#187) set for <b><u>Tuesday, May 25, 2010 at 2:30 p.m. in Courtroom 3A.</u></b> <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - JBW) (Entered: 05/17/2010)
05/25/2010	195	MINUTES OF PROCEEDINGS - Hearing on Motion to Compel Further Discovery Requests from Maryland Medical Center <u>187</u> and Motion to Compel the Deposition of Defendant Maryland Medical Center <u>191</u> held on 5/25/2010 before Magistrate Judge George Foley, Jr. Crtrm Administrator: <i>Donna Smith</i> ; Pla Counsel: <i>Bruce Kelley</i> ; Def Counsel: <i>Amy Lambert, Liborius Agwara</i> ; Court Reporter/FTR #: 2:42:04-3:00:22; Time of Hearing: 2:30 p.m.; Courtroom: 3A; The Court makes preliminary remarks and hears the representations of counsel. The Court <b>directs</b> Mr. Agwara to be present at the 4:00 p.m. meeting regarding Maryland Medical obtaining documents from Dr. Nassiri. If the meeting does not take place today, <b>it is ordered</b> that the meeting shall be conducted and concluded by 5:00 p.m. Friday, May 28, 2010. As stated on the record, Mr. Kelley shall file a Motion regarding the medical records to be produced to Allstate. (Copies have been distributed pursuant to the NEF - DES) (Entered: 05/26/2010)



07/13/2010	<u>196</u>	MOTION to Compel <i>Plaintiffs' Motion for Production of The Underlying Claimants' HIPAA Protected Records Pursuant to a Qualified Protective Order Under 45 C.F.R. §164-512</i> by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Defendants Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Claimant Allstate Property & Casualty Insurance Company, ThirdParty Defendant McCormick, Barstow, Sheppard, Wayte & Carruth LLP. Responses due by 7/30/2010. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Kelley, Bruce) (Entered: 07/13/2010)
07/19/2010	<u>197</u>	MOTION to Compel <i>Plaintiffs' Motion to Compel Discovery Responses from Defendants Obteen Nassiri, D.D., Jennifer Nassiri, Aadvanced Accident Chiropractic, Inc. and Digital Imaging Services, LLC</i> by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Defendants Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Claimant Allstate Property & Casualty Insurance Company. Responses due by 8/5/2010. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit A, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit D, # <u>8</u> Exhibit D, # <u>9</u> Exhibit E, # <u>10</u> Exhibit F, # <u>11</u> Exhibit G, # <u>12</u> Exhibit H, # <u>13</u> Exhibit I, # <u>14</u> Exhibit J, # <u>15</u> Exhibit K)(Kelley, Bruce) (Entered: 07/19/2010)
07/20/2010	198	NOTICE of Hearing on <u>196</u> <i>Plaintiffs' Motion for Production of The Underlying Claimants' HIPAA Protected Records Pursuant to a Qualified Protective Order Under 45 C.F.R. §164-512</i> : Motion Hearing set for <b>Thursday, August 12, 2010, at 9:00 AM</b> in LV Courtroom 3A before Magistrate Judge George Foley Jr.(JBW) (Entered: 07/20/2010)
07/27/2010	199	NOTICE of Hearing on <u>197</u> <i>Plaintiffs' Motion to Compel Discovery Responses from Defendants Obteen Nassiri, D.D., Jennifer Nassiri, Aadvanced Accident Chiropractic, Inc. and Digital Imaging Services, LLC</i> : Motion Hearing set for <b>Thursday, August 12, 2010, at 9:00 AM</b> in LV Courtroom 3A before Magistrate Judge George Foley Jr. Opposition is due on or before August 5, 2010; Reply is due on or before August 10, 2010.(JBW) (Entered: 07/27/2010)
07/29/2010	<u>200</u>	RESPONSE to <u>196</u> MOTION to Compel <i>Plaintiffs' Motion for Production of The Underlying Claimants' HIPAA Protected Records Pursuant to a Qualified Protective Order Under 45 C.F.R. §164-512</i> , filed by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. <i>Oppostion</i> Replies due by 8/8/2010. (Doyle, Thomas) (Entered: 07/29/2010)
07/29/2010	<u>201</u>	MOTION to Compel <i>Discovery Responses from Plaintiffs</i> by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. Responses due by 8/15/2010. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit Exhibits 1- 4 to Declaration, # <u>3</u> Exhibit Exhibits 5-6 to Declaration, # <u>4</u> Exhibit Exhibits 7-8 to Declaration, # <u>5</u> Errata Exhibits 9-11 to Declaration)(Doyle, Thomas) (Entered: 07/29/2010)
08/02/2010	202	NOTICE of Hearing on <u>201</u> Defendants' MOTION to Compel <i>Discovery Responses from Plaintiffs</i> : Motion Hearing set for <b>Thursday, September 2, 2010, at 2:00 PM</b> in LV Courtroom 3A before Magistrate Judge George Foley Jr.(JBW) (Entered: 08/02/2010)
08/04/2010	<u>203</u>	MOTION to Compel <i>Obteen Nehemiah Nassiri To Respond To Questions Regarding His Financial Condition At His Deposition</i> by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Defendants Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Claimant Allstate Property & Casualty Insurance Company. Responses due by 8/21/2010. (Attachments: # <u>1</u> Exhibit "A", # <u>2</u> Exhibit "B", # <u>3</u> Exhibit "C", # <u>4</u> Exhibit "D")(Kelley, Bruce) (Entered: 08/04/2010)

08/05/2010	<u>204</u>	RESPONSE to <u>196</u> MOTION to Compel <i>Plaintiffs' Motion for Production of The Underlying Claimants' HIPAA Protected Records Pursuant to a Qualified Protective Order Under 45 C.F.R. §164-512</i> , filed by Defendant Obteen N. Nassiri, D.C.. Replies due by 8/15/2010. (Agwara, Liborius) (Entered: 08/05/2010)
08/05/2010	<u>205</u>	RESPONSE to <u>197</u> MOTION to Compel <i>Plaintiffs' Motion to Compel Discovery Responses from Defendants Obteen Nassiri, D.D., Jennifer Nassiri, Aadvanced Accident Chiropractic, Inc. and Digital Imaging Services, LLC</i> , filed by Defendant Obteen N. Nassiri, D.C.. Replies due by 8/15/2010. (Agwara, Liborius) (Entered: 08/05/2010)
08/09/2010	<u>206</u>	REPLY to Response to <u>196</u> MOTION to Compel <i>Plaintiffs' Motion for Production of The Underlying Claimants' HIPAA Protected Records Pursuant to a Qualified Protective Order Under 45 C.F.R. §164-512</i> ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Kelley, Bruce) (Entered: 08/09/2010)
08/09/2010	207	NOTICE of Hearing on <u>203</u> Plaintiffs' MOTION to Compel <i>Obteen Nehemiah Nassiri To Respond To Questions Regarding His Financial Condition At His Deposition</i> : Motion Hearing set for <b>Thursday, September 2, 2010, at 2:00 PM</b> in LV Courtroom 3A before Magistrate Judge George Foley Jr.(JBW) (Entered: 08/09/2010)
08/10/2010	<u>208</u>	REPLY to Response to <u>197</u> MOTION to Compel <i>Plaintiffs' Motion to Compel Discovery Responses from Defendants Obteen Nassiri, D.D., Jennifer Nassiri, Aadvanced Accident Chiropractic, Inc. and Digital Imaging Services, LLC</i> ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Defendants Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Claimant Allstate Property & Casualty Insurance Company. <b>PLAINTIFFS' REPLYL TO DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION TO COMPEL DISCOVERY RESPONSES FROM DEFENDANTS</b> (Kelley, Bruce) (Entered: 08/10/2010)
08/11/2010	<u>209</u>	ERRATA to <u>197</u> MOTION to Compel <i>Plaintiffs' Motion to Compel Discovery Responses from Defendants Obteen Nassiri, D.D., Jennifer Nassiri, Aadvanced Accident Chiropractic, Inc. and Digital Imaging Services, LLC</i> ; filed by Plaintiff Allstate Insurance Company. (Kelley, Bruce) (Entered: 08/11/2010)
08/12/2010	216	<p>MINUTES OF PROCEEDINGS - Motion Hearing held on 8/12/2010 before Magistrate Judge George Foley, Jr. Crtrm Administrator: <i>Melissa Jaime</i>; Pla Counsel: <i>Bruce Kelley, Liborius Agwara, Michael Graves</i>; Def Counsel: <i>Thomas Doyle</i>; Court Reporter/FTR #: <i>9:09 a.m. - 9:44 a.m.</i>; Time of Hearing: <i>9:00 a.m.</i>; Courtroom: <i>3A</i>;</p> <p>The Court gives its preliminary remarks with respect to <u>196</u> MOTION to Compel Plaintiffs' Motion for Production of The Underlying Claimants' HIPAA Protected Records Pursuant to a Qualified Protective Order Under 45 C.F.R. §164-512 and <u>197</u> Plaintiffs' Motion to Compel Discovery Responses from Defendants Obteen Nassiri, D.D., Jennifer Nassiri, Advanced Accident Chiropractic, Inc. and Digital Imaging Services, LLC and hears arguments of counsel.</p> <p><b>IT IS HEREBY ORDERED</b>, Plaintiffs' <u>196</u> Motion to Compel is <b>GRANTED</b>. Plaintiffs counsel shall amend the Qualified Protective Order to include the following: (1) Defendants shall produce all medical records for each listed claimant/patient relating to the injuries that were the subject of the patient's claim up to the date the claim was resolved. (2) Paragraphs 7 and 8 shall be amended to provide that the Court shall retain jurisdiction to enforce the protective order after the termination of this action and that the Court may award attorneys fees and costs in any proceeding to enforce the protective order pursuant to Rule 37 of the Federal Rules of Civil Procedure.</p>



		<b>IT IS FURTHER ORDERED</b> , Plaintiffs' <u>197</u> Motion to Compel is withdrawn subject to the parties' counsel engaging in a further discovery dispute resolution conference. Plaintiffs' may file a renewed motion to compel if the parties cannot resolve the matter. The parties shall also confer regarding further extension of discovery. (Copies have been distributed pursuant to the NEF - MAJ) (Entered: 08/24/2010)
08/13/2010	<u>210</u>	RESPONSE to <u>201</u> MOTION to Compel <i>Discovery Responses from Plaintiffs</i> , filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Replies due by 8/23/2010. (Kelley, Bruce) (Entered: 08/13/2010)
08/15/2010	<u>211</u>	MOTION to Strike <i>Plaintiffs Claim for Damages, Enter Default and Strike Plaintiffs' Complaint</i> by Defendants Jennifer Nassiri, Obteen N. Nassiri, D.C.. Responses due by 9/1/2010. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Agwara, Liborius) (Entered: 08/15/2010)
08/18/2010	<u>212</u>	JOINDER to <u>211</u> MOTION to Strike; by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D. (Doyle, Thomas) <b>Event type corrected on 9/19/2010. (MJZ)</b> (Entered: 08/18/2010)
08/19/2010		NOTICE of Docket Correction to <u>212</u> MOTION to Strike. ERROR: Wrong event selected by Attorney <u>Thomas J. Doyle</u> ; CORRECTION: Entry corrected by Court to <u>212</u> JOINDER. <b>(no image attached)</b> (MJZ) (Entered: 08/19/2010)
08/21/2010	<u>213</u>	RESPONSE to <u>203</u> MOTION to Compel <i>Obteen Nehemiah Nassiri To Respond To Questions Regarding His Financial Condition At His Deposition</i> , filed by Defendant Obteen N. Nassiri, D.C.. Replies due by 8/31/2010. (Agwara, Liborius) (Entered: 08/21/2010)
08/23/2010	<u>214</u>	Interim STATUS REPORT <i>PLAINTIFFS' AND DEFENDANT NOORDA'S AND MARYLAND MEDICAL CENTER, LLC'S INTERIM STATUS REPORT PURSUANT TO LOCAL RULE 26-3</i> by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Defendants Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Claimant Allstate Property & Casualty Insurance Company. (Kelley, Bruce) (Entered: 08/23/2010)
08/23/2010	<u>215</u>	REPLY to Response to <u>201</u> MOTION to Compel <i>Discovery Responses from Plaintiffs</i> ; filed by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. (Doyle, Thomas) (Entered: 08/23/2010)
08/25/2010	<u>217</u>	REPLY to Response to <u>203</u> MOTION to Compel <i>Obteen Nehemiah Nassiri To Respond To Questions Regarding His Financial Condition At His Deposition</i> ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Defendants Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Claimant Allstate Property & Casualty Insurance Company. (Attachments: # <u>1</u> Exhibit)(Kelley, Bruce) (Entered: 08/25/2010)
08/26/2010	<u>218</u>	Submission of PROPOSED ORDER on <u>196</u> MOTION to Compel <i>Plaintiffs' Motion for Production of The Underlying Claimants' HIPAA Protected Records Pursuant to a Qualified Protective Order Under 45 C.F.R. §164-512</i> , <u>216</u> Order on Motion to Compel,,,,,,,,,,,,, Motion Hearing,,,,,,,,, ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Defendants Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Claimant Allstate Property & Casualty Insurance Company <b>ORDER GRANTING PLAINTIFFS' MOTION FOR PRODUCTION</b>

		<i>OF THE UNDERLYING CLAIMANTS' HIPAA PROTECTED RECORDS PURSUANT TO A QUALIFIED PROTECTIVE ORDER UNDER 45 C.F.R. 164.512.</i> (Attachments: # <u>1</u> Exhibit)(Kelley, Bruce) (Entered: 08/26/2010)
08/26/2010	<u>219</u>	Submission of PROPOSED ORDER on <u>218</u> Proposed Order Submission,,, ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Defendants Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Claimant Allstate Property & Casualty Insurance Company <i>QUALIFIED PROTECTIVE ORDER.</i> (Kelley, Bruce) (Entered: 08/26/2010)
08/26/2010	<u>220</u>	ORDER Granting <u>196</u> MOTION to Compel Plaintiffs' Motion for Production of The Underlying Claimants' HIPAA Protected Records Pursuant to a Qualified Protective Order Under 45 C.F.R. §164-512, Signed by Magistrate Judge George Foley, Jr on 8/26/2010. (Copies have been distributed pursuant to the NEF - SD) (Entered: 08/26/2010)
08/26/2010	<u>221</u>	QUALIFIED PROTECTIVE ORDER. Signed by Magistrate Judge George Foley, Jr on 8/26/2010. (Copies have been distributed pursuant to the NEF - SD) (Entered: 08/26/2010)
08/30/2010	<u>222</u>	Emergency MOTION for Protective Order to <i>Preclude Plaintiffs' Deposition of Diane Ruhl, PA-C</i> by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. Motion ripe 8/30/2010. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit)(Doyle, Thomas) (Entered: 08/30/2010)
08/30/2010	<u>223</u>	NOTICE by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Defendants Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Claimant Allstate Property & Casualty Insurance Company re <u>220</u> Order,. <i>NOTICE OF ENTRY OF ORDER GRANTING PLAINTIFFS' MOTION FOR PRODUCTION OF THE UNDERLYING CLAIMANTS' HIPAA PROTECTED RECORDS PURSUANT TO A QUALIFIED PROTECTIVE ORDER UNDER 45 CFR 164.512</i> (Kelley, Bruce) (Entered: 08/30/2010)
08/31/2010	<u>224</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge George Foley, Jr, on 8/31/2010. By Judicial Assistant: Julia Wright. RE: <u>222</u> Emergency MOTION for Protective Order to <i>Preclude Plaintiffs' Deposition of Diane Ruhl, PA-C</i> Motion Hearing set for <b>Thursday, September 23, 2010, at 9:00 AM</b> in LV Courtroom 3A before Magistrate Judge George Foley Jr. An opposition is due not later than September 10, 2010 and a reply is due not later than September 16, 2010. (Copies have been distributed pursuant to the NEF - JBW) (Entered: 08/31/2010)
09/01/2010	<u>225</u>	<b>ERROR: Wrong event selected by counsel. Refiled as <u>228</u> RESPONSE to Motion.</b> (MJZ) <del>Counter MOTION for Sanctions and Opposition to Defendants' Motion to Strike Plaintiffs' Claim for Damages</del> by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Responses due by 9/18/2010. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Affidavit Bruce William Kelley's Affidavit, # <u>7</u> Exhibit A, # <u>8</u> Exhibit B, # <u>9</u> Exhibit C, # <u>10</u> Exhibit D, # <u>11</u> Exhibit E, # <u>12</u> Exhibit F, # <u>13</u> Exhibit G, # <u>14</u> Exhibit H, # <u>15</u> Exhibit I)(Kelley, Bruce) (Entered: 09/01/2010)
09/01/2010	<u>226</u>	REQUEST for Judicial Notice re <u>225</u> Counter MOTION for Sanctions <i>and Opposition to Defendants' Motion to Strike Plaintiffs' Claim for Damages</i> ; by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Kelley, Bruce) (Entered: 09/01/2010)

09/01/2010	<u>227</u>	REQUEST for Judicial Notice re <u>225</u> Counter MOTION for Sanctions <i>and Opposition to Defendants' Motion to Strike Plaintiffs' Claim for Damages</i> , <u>226</u> Request for Judicial Notice, ; by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Kelley, Bruce) (Entered: 09/01/2010)
09/01/2010	<u>228</u>	RESPONSE to <u>211</u> MOTION to Strike <i>Plaintiffs Claim for Damages, Enter Default and Strike Plaintiffs' Complaint</i> , filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Replies due by 9/11/2010. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Affidavit Affidavit of Bruce William Kelly in Support of Opposition, # <u>7</u> Exhibit A, # <u>8</u> Exhibit B, # <u>9</u> Exhibit C, # <u>10</u> Exhibit D, # <u>11</u> Exhibit E, # <u>12</u> Exhibit F, # <u>13</u> Exhibit G, # <u>14</u> Exhibit H, # <u>15</u> Exhibit I)(Kelley, Bruce) (Entered: 09/01/2010)
09/01/2010	<u>229</u>	REQUEST for Judicial Notice re <u>228</u> Response to Motion,, ; by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Kelley, Bruce) (Entered: 09/01/2010)
09/01/2010	<u>230</u>	REQUEST for Judicial Notice re <u>228</u> Response to Motion,, <u>229</u> Request for Judicial Notice ; by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Kelley, Bruce) (Entered: 09/01/2010)
09/02/2010	<u>231</u>	MINUTES OF PROCEEDINGS - Hearing on Defendant's <u>201</u> Motion to Compel Discovery Responses and Plaintiff's <u>203</u> Motion to Compel Obteen Nassiri to Respond to Questions regarding his Financial Condition at His Deposition held on 9/2/2010 before Magistrate Judge George Foley, Jr. Crtrm Administrator: <i>Donna Smith</i> ; Pla Counsel: <i>Bruce Kelley</i> ; Def Counsel: <i>Thomas Doyle, Liborius Agwara</i> ; Court Reporter/FTR #: 2:04-2:55; Time of Hearing: 2 p.m.; Courtroom: 3A; Mr. Doyle and Mr. Kelley represent some of the issues re: Defendant's <u>201</u> Motion to Compel have been resolved. Based on the representations of counsel, the Court <b>directs</b> Allstate to respond as stated on the record regarding Dr. Noorda's Interrogatories 7, 14, 15, 16, 18, 19 and Maryland Medical Center's Interrogatories 6, 7, 13, 14, 15. The Court <b>grants</b> Plaintiff's <u>203</u> Motion to Compel Obteen Nassiri to Respond to Questions regarding His Financial Condition at His Deposition under the terms and condtions stated on the record. By September 9, 2010, Plaintiff shall draft and circulate to Defendants a Proposed Protective Order. Within five days thereafter, Defendants shall respond/submit alternative language to Plaintiff and Plaintiff shall thereafter lodge the Proposed Protective Order with the Court. If the parties are unable to reach agreement regarding the Proposed Protective Order, Plaintiff and Defendants shall each submit a Proposed Protective Order. (Copies have been distributed pursuant to the NEF - DES) (Entered: 09/02/2010)
09/10/2010	<u>232</u>	RESPONSE to <u>222</u> Emergency MOTION for Protective Order <i>to Preclude Plaintiffs' Deposition of Diane Ruhl, PA-C</i> , filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Defendants Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Claimant Allstate Property & Casualty Insurance Company. <i>PLAINTIFF'S OPPOSITION TO DEFENDANTS' EMERGENCY MOTION FOR PROTECTIVE ORDER TO PRECLUDE PLAINTIFFS' DEPOSITION OF DIANE RUHL, PA-C</i> Replies due by 9/20/2010. (Kelley, Bruce) (Entered: 09/10/2010)
09/10/2010	<u>233</u>	DECLARATION of ERON Z. CANNON re <u>222</u> Emergency MOTION for Protective Order <i>to Preclude Plaintiffs' Deposition of Diane Ruhl, PA-C</i> ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Defendants Allstate Indemnity Company, Allstate

		Insurance Company, Allstate Property & Casualty Insurance Company, Counter Claimant Allstate Property & Casualty Insurance Company. (Kelley, Bruce) (Entered: 09/10/2010)
09/10/2010	<u>234</u>	DECLARATION re <u>222</u> Emergency MOTION for Protective Order <i>to Preclude Plaintiffs' Deposition of Diane Ruhl, PA-C</i> ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Defendants Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Claimant Allstate Property & Casualty Insurance Company. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Kelley, Bruce) (Entered: 09/10/2010)
09/10/2010	<u>235</u>	REQUEST for Judicial Notice re <u>222</u> Emergency MOTION for Protective Order , filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Defendants Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Claimant Allstate Property & Casualty Insurance Company. (Kelley, Bruce) <b>Event type corrected on 9/13/2010. (MJZ)</b> (Entered: 09/10/2010)
09/13/2010		NOTICE of Docket Correction to <u>235</u> RESPONSE to Motion. ERROR: Wrong event selected by attorney <u>Bruce W. Kelley</u> ; CORRECTION: Entry corrected by Court to <u>235</u> REQUEST for Judicial Notice. <b>(no image attached)</b> (MJZ) (Entered: 09/13/2010)
09/13/2010	<u>236</u>	REPLY to Response to <u>225</u> Counter MOTION for Sanctions <i>and Opposition to Defendants' Motion to Strike Plaintiffs' Claim for Damages</i> ; filed by Defendant Obteen N. Nassiri, D.C.. (Agwara, Liborius) (Entered: 09/13/2010)
09/14/2010	<u>237</u>	Submission of PROPOSED ORDER filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company <i>Protective Order Regarding Defendants' Financial Information</i> . (Kelley, Bruce) (Entered: 09/14/2010)
09/15/2010	<u>238</u>	PROTECTIVE ORDER REGARDING DEFENDANTS FINANCIAL INFORMATION. Signed by Magistrate Judge George Foley, Jr on 9/15/2010. (Copies have been distributed pursuant to the NEF - SD) (Entered: 09/15/2010)
09/15/2010	<u>239</u>	PROTECTIVE ORDER GOVERNING CONFIDENTIALITY OF DOCUMENTS. Signed by Magistrate Judge George Foley, Jr on 9/15/2010. (Copies have been distributed pursuant to the NEF - SD) (Entered: 09/15/2010)
09/16/2010	<u>240</u>	REPLY to Response to <u>222</u> Emergency MOTION for Protective Order <i>to Preclude Plaintiffs' Deposition of Diane Ruhl, PA-C</i> ; filed by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. (Doyle, Thomas) (Entered: 09/16/2010)
09/17/2010	<u>241</u>	STIPULATION <i>FOURTH AMENDED STIPULATED DISCOVERY PLAN AND SCHEDULING ORDER PURSUANT TO LR 26-1(e) (SPECIAL SCHEDULING REVIEW REQUESTED)</i> by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. (Doyle, Thomas) (Entered: 09/17/2010)
09/21/2010	<u>242</u>	NOTICE by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D. of <i>Change of Firm Name</i> (Mandelbaum, Kim) (Entered: 09/21/2010)
09/21/2010	<u>243</u>	ORDER ON STIPULATION Granting <u>241</u> Stipulation to Extend ( Discovery due by 4/15/2011., Motions due by 5/15/2011., Proposed Joint Pretrial Order due by 6/15/2011.) Signed by Magistrate Judge George Foley, Jr on 9/21/2010. (Copies have been distributed pursuant to the NEF - SD) (Entered: 09/21/2010)
09/23/2010	<u>244</u>	MINUTES OF PROCEEDINGS - Hearing on Defendant's Motion for Protective Order to Preclude the Deposition of Diane Ruhl <u>222</u> held on 9/23/2010 before Magistrate Judge George Foley, Jr. Crtrm Administrator: <i>Donna Smith</i> ; Pla Counsel: <i>Michael Graves</i> ; Def



		Counsel: <i>Aimee Lambert</i> ; Court Reporter/FTR #: 9:06-9:21; Time of Hearing: 9:00 a.m.; Courtroom: 3A; The Court has reviewed the Motion and Briefs. Representations of counsel heard. The Court makes its ruling on the record. For the reasons stated on the record, Defendant's <u>222</u> Motion for Protective Order is <b>granted</b> . (Copies have been distributed pursuant to the NEF - DES) (Entered: 09/23/2010)
10/27/2010	<u>245</u>	MOTION to Compel <i>Plaintiffs' 1) Motion to Compel Discovery Responses from Defendants Obteen Nassiri, D.C., Jennifer Nassiri, Aadvanced Accident Chiropractic, Inc. and Digital Imaging Services, LLC; 2) Motion for Fees and Costs; and 3) The court and Judicial Economy Would be Well Served by Appointing a Special Master.</i> by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Defendants Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Claimant Allstate Property & Casualty Insurance Company. Responses due by 11/13/2010. (Attachments: # <u>1</u> Exhibit Exhibit A, part 1, # <u>2</u> Exhibit Exhibit A, part 2, # <u>3</u> Exhibit Exhibit B, # <u>4</u> Exhibit Exhibit C, # <u>5</u> Exhibit Exhibit D, part 1, # <u>6</u> Exhibit Exhibit D, part 2, # <u>7</u> Exhibit Exhibit D, part 3, # <u>8</u> Exhibit Exhibit E, # <u>9</u> Exhibit Exhibit F, # <u>10</u> Exhibit Exhibit G, # <u>11</u> Exhibit Exhibit H, # <u>12</u> Exhibit Exhibit I, # <u>13</u> Exhibit Exhibit J, # <u>14</u> Exhibit Exhibit K, # <u>15</u> Exhibit Exhibit L, # <u>16</u> Exhibit Exhibit M, # <u>17</u> Exhibit Exhibit N, # <u>18</u> Exhibit Exhibit O, # <u>19</u> Exhibit Exhibit P, # <u>20</u> Exhibit Exhibit Q) (Kelley, Bruce) (Entered: 10/27/2010)
10/27/2010	<u>246</u>	MOTION for Attorney Fees by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Responses due by 11/13/2010. (MJZ) (Entered: 11/02/2010)
10/27/2010	<u>247</u>	MOTION to Appoint Special Master by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Responses due by 11/13/2010. (MJZ) (Entered: 11/02/2010)
11/02/2010	<u>248</u>	NOTICE of Hearing on Motion Hearing set for <b><u>Tuesday, November 30, 2010, at 9:30 AM</u></b> in LV Courtroom 3A before Magistrate Judge George Foley Jr.(JBW) (Entered: 11/02/2010)
11/02/2010		NOTICE of Docket Correction re: <u>245</u> MOTION to Compel. ERROR: Document should've been filed as <i>three</i> separate entries by attorney <u>Bruce W. Kelley</u> ; CORRECTION: Document refiled by Court as <u>246</u> MOTION for Attorney Fees and <u>247</u> MOTION to Appoint Special Master. (no image attached)(MJZ) (Entered: 11/02/2010)
11/05/2010	<u>249</u>	NOTICE of Hearing on <u>211</u> Defendants' MOTION to Strike <i>Plaintiffs' Claim for Damages, Enter Default and Strike Plaintiffs' Complaint</i> : Motion Hearing set for <b><u>Tuesday, November 30, 2010, at 9:30 AM</u></b> in LV Courtroom 3A before Magistrate Judge George Foley Jr.(JBW) (Entered: 11/05/2010)
11/15/2010	<u>250</u>	First MOTION to Extend Time regarding discovery/nondispositive matter by Defendant Obteen N. Nassiri, D.C.. Motion ripe 11/15/2010. (Agwara, Liborius) (Entered: 11/15/2010)
11/16/2010	<u>251</u>	ORDER that Defendants First Ex Parte Request for Extension of Time to Respond to Plaintiffs Motion to Compel Discovery, For Costs and Sanctions and for Appointment of Special Master <u>250</u> is granted. Defendants will have until 11/26/10 to file a response to Plaintiffs <u>245</u> Motion to Compel. Signed by Magistrate Judge George Foley, Jr on 11/16/10. (Copies have been distributed pursuant to the NEF - ECS) (Entered: 11/16/2010)
11/27/2010	<u>252</u>	RESPONSE to <u>245</u> Motion to Compel, filed by Defendant Obteen N. Nassiri, D.C.

		Replies due by 12/7/2010. (Agwara, Liborius) <b>Docket entry relationship added on 11/29/2010. (MJZ)</b> (Entered: 11/27/2010)
11/29/2010	<u>253</u>	REPLY to Response to <u>245</u> Motion to Compel, <u>246</u> Motion for Attorney Fees, <u>247</u> Motion to Appoint Special Master; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Defendants Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Claimant Allstate Property & Casualty Insurance Company. (Attachments: # <u>1</u> Exhibit A)(Kelley, Bruce) <b>Docket entry relationship added on 11/30/2010. (MJZ)</b> (Entered: 11/29/2010)
11/29/2010	<u>254</u>	Second MOTION to Disqualify <i>McCORMICK, BARSTOW, SHEPPARD, WAYTE &amp; CARRUTH, LLP</i> by Defendant Obteen N. Nassiri, D.C.. Motion ripe 11/29/2010. (Agwara, Liborius) (Entered: 11/29/2010)
11/30/2010	<u>255</u>	MINUTES OF PROCEEDINGS - Hearing on Defendant's Motion to Strike Plaintiff's Claims for Damages, Enter Default and Strike Plaintiff's Complaint <u>211</u> ; Plaintiff's Motions to Compel Discovery <u>245</u> , for Fees and Costs <u>246</u> and to Appoint Special Master <u>247</u> held on 11/30/2010 before Magistrate Judge George Foley, Jr. Crtrm Administrator: <i>Donna Smith</i> ; Pla Counsel: <i>Bruce Kelley</i> ; Def Counsel: <i>Liborius Agwara, Brett Schoel</i> ; Court Reporter/FTR #: <i>9:33-11:01</i> ; Courtroom: <i>3A</i> ; The Court makes preliminary remarks and hears the representations of counsel. Plaintiff's Motion to Appoint Special Master <u>247</u> is <b>denied</b> . The Court will issue a written decision on Defendant's <u>211</u> Motion to Strike and Plaintiff's <u>245</u> <u>246</u> Motion to Compel. (Copies have been distributed pursuant to the NEF - DES) (Entered: 11/30/2010)
12/03/2010	<u>256</u>	RESPONSE to <u>254</u> Second MOTION to Disqualify <i>McCORMICK, BARSTOW, SHEPPARD, WAYTE &amp; CARRUTH, LLP</i> , filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Replies due by 12/13/2010. (Graves, Michael) (Entered: 12/03/2010)
12/09/2010	<u>257</u>	STIPULATION TO ALLOW DR. NOORDA AND MARYLAND MEDICAL CENTER TO TAKE MORE THAN 10 DEPOSITIONS by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. (Doyle, Thomas) (Entered: 12/09/2010)
12/10/2010	<u>258</u>	ORDER ON STIPULATION Granting <u>257</u> Stipulation to Allow Defendants Albert Noorda, M.D. and Maryland Medical Center, LLC, to Take More than 10 Depsoitions. Signed by Magistrate Judge George Foley, Jr on 12/10/10. (Copies have been distributed pursuant to the NEF - ASB) (Entered: 12/10/2010)
12/16/2010	<u>259</u>	ORDER Denying without prejudice <u>211</u> Motion to Strike Plaintiffs Claim for Damages and <b>DENYING without prejudice</b> <u>212</u> Joinder to <u>211</u> Motion to Strike. Signed by Magistrate Judge George Foley, Jr on 12/16/2010. (Copies have been distributed pursuant to the NEF - DXS) (Entered: 12/16/2010)
12/17/2010	<u>260</u>	SUPPLEMENT <i>First Supplemental FRCP 26(a)(1) Disclosure</i> by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. (Doyle, Thomas) (Entered: 12/17/2010)
01/11/2011	<u>261</u>	MOTION to Take Deposition from Person Most Knowledgeable of <i>Allstate in Two, Seven Hour Day Sessions</i> by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. Motion ripe 1/11/2011. (Attachments: # <u>1</u> Declaration)(Doyle, Thomas) (Entered: 01/11/2011)
01/13/2011	<u>262</u>	MINUTE ORDER IN CHAMBERS Depof the Honorable Magistrate Judge George Foley, Jr, on 1/13/2011. By Judicial Assistant: Julia Wright. RE: <u>261</u> Defendants' MOTION to Take Deposition from Person Most Knowledgeable of <i>Allstate in Two, Seven Hour Day Sessions</i> : Motion Hearing set for <b>Monday, February 7, 2011, at 9:30 AM</b> in



		LV Courtroom 3A before Magistrate Judge George Foley Jr. (Copies have been distributed pursuant to the NEF - JBW) (Entered: 01/13/2011)
01/19/2011	<u>263</u>	ORDER Denying <u>254</u> Defendants' Motion to Disqualify McCormick, Barstow, Sheppard, Wayte & Carruth, LLP. Signed by Magistrate Judge George Foley, Jr on 1/19/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 01/19/2011)
01/20/2011	<u>264</u>	RESPONSE to <u>261</u> MOTION to Take Deposition from Person Most Knowledgeable of <i>Allstate in Two, Seven Hour Day Sessions</i> , filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Defendants Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Claimant Allstate Property & Casualty Insurance Company. <i>Plaintiffs' Opposition to Motion for an Order Authorizing Defendants Albert Noorda, M.D., and Maryland Medical Center, LLC, to Take the Deposition of the PMK of Allstate Insurance Company, Allstate Property &amp; Casualty Insurance Company and Allstate Indemnity Company In Two, Seven Hour Day Sessions</i> Replies due by 1/30/2011. (Cannon, Eron)(Entered: 01/20/2011)
01/21/2011	<u>265</u>	ORDER Granting in part and Denying in part <u>245</u> Plaintiff Motion to Compel Discovery Responses. Defendants shall supplement their discovery responses within 10 days from the filing of this order. IT IS FURTHER ORDERED that <u>246</u> Plaintiffs' Motion for Fees and Costs is DENIED. Signed by Magistrate Judge George Foley, Jr on 1/21/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 01/21/2011)
01/24/2011	<u>266</u>	MOTION to Compel <i>the Deposition of Adam Kutner</i> by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Defendants Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Counter Claimant Allstate Property & Casualty Insurance Company. Responses due by 2/10/2011. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Affidavit Affidavit of Eron Z. Cannon in Support of Plaintiff's Motion to Compel the Deposition of Adam Kutner, # <u>7</u> Affidavit Affidavit of Bruce William Kelley in Support of Plaintiffs' Motion to Compel the Deposition of Adam Kutner)(Cannon, Eron) (Entered: 01/24/2011)
01/25/2011	<u>267</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge George Foley, Jr, on 1/25/2011. By Judicial Assistant: Julia Wright. RE: <u>266</u> Plaintiffs' MOTION to Compel <i>the Deposition of Adam Kutner</i> : Motion Hearing set for <b><u>Tuesday, March 1, 2011, at 10:30 AM</u></b> in LV Courtroom 3A before Magistrate Judge George Foley Jr. (Copies have been distributed pursuant to the NEF - JBW) (Entered: 01/25/2011)
01/28/2011	<u>268</u>	REPLY to Response to <u>261</u> MOTION to Take Deposition from Person Most Knowledgeable of <i>Allstate in Two, Seven Hour Day Sessions</i> ; filed by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. (Doyle, Thomas) (Entered: 01/28/2011)
02/01/2011	<u>269</u>	Submission of PROPOSED ORDER filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company <i>STIPULATION AND PROTECTIVE ORDER REGARDING PLAINTIFFS' TRAINING MANUALS, PROCEDURE MANUALS, AND OTHER INTERNAL-USE-ONLY DOCUMENTS</i> . (Graves, Michael) (Entered: 02/01/2011)
02/02/2011	<u>270</u>	PROTECTIVE ORDER. Signed by Magistrate Judge George Foley, Jr on 2/2/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 02/02/2011)
02/02/2011	<u>271</u>	ORDER ON STIPULATION Granting <u>269</u> Stipulated Protective Order. Signed by Magistrate Judge George Foley, Jr on 2/2/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 02/02/2011)

02/07/2011	<u>272</u>	MINUTES OF PROCEEDINGS - Motion Hearing held on 2/7/2011 before Magistrate Judge George Foley, Jr. Crtrm Administrator: <i>Kris Schulke</i> ; Pla Counsel: <i>Bruce W. Kelley</i> ; Def Counsel: <i>Aimee L. Lambert</i> ; Court Reporter/FTR #: 9:40:09 - 9:48:00; Time of Hearing: 9:30am; Courtroom: 3A; Liborius I. Agwara, Esq., having filed a joinder in this motion is not present. Representation by counsel is heard. For the reasons stated, IT IS ORDERED that Defendants' Motion to Take Deposition of Person Most Knowledgeable of Allstate in Two, Seven Hour day Sessions (#261), is Granted as specified in open court. The Court directs Ms. Lambert to apprise Mr. Agwara of what counsel agreed upon in the hearing. (Copies have been distributed pursuant to the NEF - DES) (Entered: 02/07/2011)
02/10/2011	<u>273</u>	RESPONSE to <u>266</u> MOTION to Compel <i>the Deposition of Adam Kutner</i> , filed by Interested Party Adam S. Kunter. <i>Adam S. Kunter's Opposition to Plaintiff's Motion to Compel the Deposition of Adam Kutner and Counter-Motion to Quash Subpoena of Adam Kunter</i> Replies due by 2/20/2011. (Prall, Todd) (Entered: 02/10/2011)
02/10/2011	<u>274</u>	Counter MOTION to Quash Subpoena, by Interested Party Adam S. Kunter. Motion ripe 2/10/2011. (MJZ) (Entered: 02/11/2011)
02/11/2011		NOTICE of Docket Correction to <u>273</u> RESPONSE to Motion. ERROR: Document should've been filed as <i>two</i> separate entries by attorney <u>Todd W. Prall</u> in accordance with Special Order 109. CORRECTION: Entry refiled by Court as <u>274</u> Counter MOTION to Quash Subpoena. (no image attached)(MJZ) (Entered: 02/11/2011)
02/14/2011	<u>275</u>	Second STATUS REPORT <i>INTERIM - ALLSTATE AND THE NOORDA DEFENDANTS</i> by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Graves, Michael) (Entered: 02/14/2011)
02/17/2011	<u>276</u>	Supplemental STATUS REPORT by Defendants Jennifer Nassiri, Obteen N. Nassiri, D.C.. (Agwara, Liborius) (Entered: 02/17/2011)
02/18/2011	<u>277</u>	REPLY to Response to <u>266</u> MOTION to Compel <i>the Deposition of Adam Kutner</i> ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Cannon, Eron) (Entered: 02/18/2011)
02/18/2011	<u>278</u>	RESPONSE to <u>274</u> MOTION to Quash, filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Replies due by 2/28/2011. (Cannon, Eron) (Entered: 02/18/2011)
02/28/2011	<u>279</u>	REPLY to Response to <u>274</u> MOTION to Quash ; filed by Interested Party Adam S. Kunter. <i>Adam S. Kutner's Reply to Response to Counter-Motion to Quash Subpoena of Adam S. Kutner</i> (Prall, Todd) (Entered: 02/28/2011)
03/01/2011	<u>280</u>	MINUTES OF PROCEEDINGS - Hearing on Plaintiff's Motion to Compel the Deposition of Adam Kutner <u>266</u> and Counter Motion to Quash Subpoena <u>274</u> held on 3/1/2011 before Magistrate Judge George Foley, Jr. Crtrm Administrator: <i>Donna Smith</i> ; Pla Counsel: <i>Jared Green</i> ; Def Counsel: <i>Mark Hutchison, Todd Prall</i> ; Court Reporter/FTR #: 10:34-10:59; Courtroom: 3A; The Court makes preliminary remarks and hears the representations of counsel. Plaintiff's <u>266</u> Motion to Compel is <b>granted</b> as specified on the record. (Copies have been distributed pursuant to the NEF - DES) (Entered: 03/02/2011)
03/01/2011	<u>281</u>	ORDER Granting <u>266</u> Plaintiff's Motion to Compel <i>the Deposition of Adam Kutner</i> . IT IS FURTHER ORDERED that <u>274</u> MOTION to Quash filed by Adam S. Kunter is denied. Signed by Magistrate Judge George Foley, Jr on 3/1/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 03/02/2011)
03/04/2011	<u>282</u>	TRANSCRIPT of Proceedings, 280 Motion Hearing, held on Tuesday, March 1, 2011,

		before Magistrate Judge George Foley, Jr. Court Reporter/Transcriber: Exceptional Reporting Services, Inc., 361-949-2988. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber using the court's "Transcript Order" form available on our website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 3/25/2011. Redacted Transcript Deadline set for 4/4/2011. Release of Transcript Restriction set for 6/2/2011. (JPQ) (Entered: 03/04/2011)
03/09/2011	<u>283</u>	MOTION for District Judge to Reconsider <u>281</u> Order filed by Interested Party Adam S. Kunter. (Attachments: # <u>1</u> Exhibit Exhibits A - C)(Hutchison, Mark) <b>Event type corrected on 3/10/2011.</b> (MJZ) (Entered: 03/09/2011)
03/10/2011		NOTICE of Docket Correction to <u>283</u> OBJECTION to Document. Wrong event selected by attorney <u>Mark Hutchison</u> . CORRECTION: Entry corrected by Court to <u>283</u> MOTION for District Judge to Reconsider <u>281</u> Order. (no image attached)(MJZ) (Entered: 03/10/2011)
03/15/2011	<u>284</u>	Emergency MOTION to Take Deposition from Six Additional Deponents by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. Motion ripe 3/15/2011. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit)(Doyle, Thomas) (Entered: 03/15/2011)
03/16/2011	<u>285</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge George Foley, Jr, on 3/16/2011. By Judicial Assistant: Julia Wright. RE: <u>284</u> Defendants' Emergency MOTION to Take Deposition from Six Additional Deponents : Motion Hearing set for <b>Thursday, March 31, 2011, at 9:30 AM</b> in LV Courtroom 3A before Magistrate Judge George Foley Jr. An opposition is due no later than <u>March 25, 2011</u> . A reply is due no later than <u>March 29, 2011</u> . (Copies have been distributed pursuant to the NEF - JBW) (Entered: 03/16/2011)
03/18/2011	<u>286</u>	RESPONSE to <u>284</u> Emergency MOTION to Take Deposition from Six Additional Deponents, filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Replies due by 3/28/2011. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit)(Kelley, Bruce) (Entered: 03/18/2011)
03/21/2011	<u>287</u>	RESPONSE to <u>283</u> MOTION for District Judge to Reconsider <u>281</u> Order ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Attachments: # <u>1</u> Declaration Declaration of Bruce Kelley in Support of Plaintiff's Opposition to Adam Kutner's Objection to Judge Foley's Order Compelling Adam Kutner to Testify, # <u>2</u> Exhibit Exhibits to Bruce Kelley Declaration) (Kelley, Bruce) (Entered: 03/21/2011)
03/24/2011	<u>288</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge George Foley, Jr, on 3/24/2011. By Judicial Assistant: Julia Wright. A Telephonic Discovery Hearing is set for <b>Friday, March 25, 2011, at 3:00 PM</b> in LV Courtroom 3A before Magistrate Judge George Foley Jr. Please dial (702) 868-4910, password 123456, 5 minutes prior to the hearing time. Please remain on the line until such time as the Court joins the call and convenes the proceedings. The use of a cell phone or speaker phone during the call is prohibited. The call must be made using a land line.(Copies have been distributed pursuant to the NEF - JBW) (Entered: 03/24/2011)
03/25/2011	<u>289</u>	MINUTES OF PROCEEDINGS - Telephonic Discovery Status Hearing held on 3/25/2011 before Magistrate Judge George Foley, Jr. Crtrm Administrator: <i>Donna Smith</i> ; Pla Counsel: <i>Telephonic: Bruce Kelley</i> ; Def Counsel: <i>Telephonic: Liborius Agwara, Brett Schoel, Aimee Lamber, Naomi Arin</i> ; Court Reporter/FTR #: <i>3:01-4:26</i> ; Courtroom: <i>3A</i> ; Representations of counsel heard. The Court and counsel confer regarding discovery. Under the terms and conditions stated on the the record, the Court directs the parties to

		<p>meet, confer and develop a tentative schedule of the depositions and submit that schedule to the Court. The schedule should include flexibility regarding the depositions. If there are any disputes regarding the schedule, the parties may file emergency motions or a joint status report.</p> <p><b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - DES) (Entered: 03/25/2011)</p>
03/28/2011	<u>290</u>	REPLY to Response to <u>283</u> MOTION for District Judge to Reconsider <u>281</u> Order ; filed by Interested Party Adam S. Kunter. (Prall, Todd) (Entered: 03/28/2011)
03/29/2011	<u>291</u>	REPLY to Response to <u>284</u> Emergency MOTION to Take Deposition from Six Additional Deponents ; filed by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. (Attachments: # <u>1</u> Declaration)(Doyle, Thomas) (Entered: 03/29/2011)
03/31/2011	<u>292</u>	<p>MINUTES OF PROCEEDINGS - Hearing on Emergency Motion for Leave to Notice Six Depositions held on 3/31/2011 before Magistrate Judge George Foley, Jr. Crtrm Administrator: <i>Donna Smith</i>; Pla Counsel: <i>Bruce Kelley</i>; Def Counsel: <i>Brett Schoel, Liborius Agwara, Naomi Arin</i>; Court Reporter/FTR #: 9:34-10:38; Courtroom: 3A; Representations of counsel heard. For the reasons stated, the <u>284</u> Emergency Motion to Take Depositions is <b>granted</b>. The depositions should be completed by the end of April. Additional time may be granted if due diligence is shown. The Court and counsel confer regarding other discovery matters.</p> <p>(Copies have been distributed pursuant to the NEF - DES) Modified on 4/1/2011 (DES). (Entered: 04/01/2011)</p>
04/15/2011	<u>293</u>	Emergency MOTION for Leave to Take Deposition of Aaron Patterson as a Percipient Witness by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. Responses due by 5/2/2011. (Attachments: # <u>1</u> Declaration, # <u>2</u> Declaration, # <u>3</u> Exhibit)(Doyle, Thomas) (Entered: 04/15/2011)
04/18/2011	<u>294</u>	<p>MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge George Foley, Jr, on 4/18/2011. By Judicial Assistant: Julia Wright. RE: <u>293</u> Defendants' Emergency MOTION for Leave to Take Deposition of Aaron Patterson as a Percipient Witness : Motion Hearing set for <b>Wednesday, April 27, 2011, at 2:30 PM</b> in LV Courtroom 3A before Magistrate Judge George Foley Jr.</p> <p>Out-of-state counsel may appear telephonically. Please dial (702) 868-4910, password 123456, 5 minutes prior to the hearing time. Please remain on the line until such time as the Court joins the call and convenes the proceedings. The use of a cell phone or speaker phone during the call is prohibited. The call must be made using a land line. (Copies have been distributed pursuant to the NEF - JBW) (Entered: 04/18/2011)</p>
04/20/2011	<u>295</u>	TRANSCRIPT of Proceedings, 255 Motion Hearing, held on Tuesday, November 30, 2010, before Magistrate Judge George Foley, Jr. Court Reporter/Transcriber: Exceptional Reporting Services, Inc., 361-949-2988. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber using the court's "Transcript Order" form available on our website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 5/11/2011. Redacted Transcript Deadline set for 5/21/2011. Release of Transcript Restriction set for 7/19/2011. (JPQ) (Entered: 04/20/2011)
04/20/2011	<u>296</u>	TRANSCRIPT of Proceedings, 289 Discovery Hearing, held on Friday, March 25, 2011, before Magistrate Judge George Foley, Jr. Court Reporter/Transcriber: Exceptional Reporting Services, Inc., 361-949-2988. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber using the court's "Transcript Order" form available on our website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> before the



		deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 5/11/2011. Redacted Transcript Deadline set for 5/21/2011. Release of Transcript Restriction set for 7/19/2011. (JPQ) (Entered: 04/20/2011)
04/20/2011	<u>297</u>	TRANSCRIPT of Proceedings, 292 Order on Motion to Take Deposition, held on Thursday, March 31, 2011, before Magistrate Judge George Foley, Jr. Court Reporter/Transcriber: Exceptional Reporting Services, Inc., 361-949-2988. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber using the court's "Transcript Order" form available on our website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 5/11/2011. Redacted Transcript Deadline set for 5/21/2011. Release of Transcript Restriction set for 7/19/2011. (JPQ) (Entered: 04/20/2011)
04/22/2011	<u>298</u>	STIPULATION FOR EXTENSION OF TIME (Third Request) <i>TO EXTEND DISCOVERY CUT-OFF</i> by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Kelley, Bruce) (Entered: 04/22/2011)
04/25/2011	<u>299</u>	ORDER ON STIPULATION Granting <u>298</u> Stipulation to Extend Discovery Cut-Off. Discovery due by 5/6/2011. Dispositive Motions extended no later than 30 days from the date this Court shall provide for the completion of any and all depositions in this case. Signed by Magistrate Judge George Foley, Jr on 4/25/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 04/25/2011)
04/25/2011	<u>300</u>	RESPONSE to <u>293</u> Emergency MOTION for Leave to Take Deposition of Aaron Patterson as a Percipient Witness ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Attachments: # <u>1</u> Declaration Declaration of Bruce Kelly in Support of Response, # <u>2</u> Exhibit Exhibit A to Kelley Declaration, # <u>3</u> Exhibit Exhibit B to Kelley Declaration, # <u>4</u> Exhibit Exhibit C to Kelley Declaration, # <u>5</u> Exhibit Exhibit D to Kelley Declaration, # <u>6</u> Exhibit Exhibit E to Kelley Declaration, # <u>7</u> Exhibit Exhibit F to Kelley Declaration, # <u>8</u> Exhibit Exhibit G to Kelley Declaration, # <u>9</u> Exhibit Exhibit H to Kelley Declaration) (Cannon, Eron) <u>Event type corrected on 4/26/2011.</u> (MJZ) (Entered: 04/25/2011)
04/26/2011		NOTICE of Docket Correction to <u>300</u> Reply to Response to Motion. ERROR: Wrong event selected by attorney <u>Eron Z. Cannon</u> . CORRECTION: Entry corrected by Court to <u>300</u> Response to Motion. (no image attached)(MJZ) (Entered: 04/26/2011)
04/26/2011	<u>301</u>	Emergency MOTION To Exclude Defendants' Expert Witness Designation Of Matthew Anderson, D.C.; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Responses due by 5/13/2011. (Attachments: # <u>1</u> Exhibit A)(Cannon, Eron) . (Entered: 04/26/2011)
04/26/2011	<u>302</u>	Emergency MOTION to Enforce the Current Discovery Deadline of 05/06/11; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Responses due by 5/13/2011. (Attachments: # <u>1</u> Declaration of Bruce W. Kelley, # <u>2</u> Exhibit to Declaration of Bruce W. Kelley)(Cannon, Eron). (Entered: 04/26/2011)
04/27/2011	<u>303</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge George Foley, Jr. By Law Clerk: Robert O'Brien. RE: <u>301</u> Emergency MOTION TO EXCLUDE DEFENDANTS' EXPERT WITNESS DESIGNATION OF MATTHEW ANDERSON, D.C. : Motion Hearing set for <b>5/17/2011 at 10:30 a.m.</b> in LV Courtroom 3A before Magistrate Judge George Foley, Jr. Parties wishing to oppose the Emergency Motion to Exclude (#301) must file their response on or before <b>May 9, 2011</b> . Any party wishing to

		reply to a filed opposition must file their reply on or before <b>May 13, 2011</b> . (entered 4/27/11). (Copies have been distributed pursuant to the NEF - REO) (Entered: 04/27/2011)
04/27/2011	304	<p>MINUTES OF PROCEEDINGS - Hearing on Noorda Defendants' Emergency Motion for Leave to Take Deposition of Aaron Patterson as a Percipient Witness <u>293</u> held on 4/27/2011 before Magistrate Judge George Foley, Jr. Crtrm Administrator: <i>Donna Smith</i>; Pla Counsel: <i>Bruce Kelley</i>; Def Counsel: <i>Brett Schoel, Naomi Arin</i>; Court Reporter/FTR #: 2:33-3:42; Courtroom: 3A;</p> <p>The Court makes preliminary remarks and hears the representations of counsel. Subject to the Noorda Defendants' representation that they will not move to strike Mr. Patterson as an expert, the Court <b>grants</b> the Noorda Defendants leave to take the deposition of Mr. Patterson as an expert witness pertaining to the damages computation. The deposition is limited to 3 hours and must occur on or before May 31, 2011. For the reasons stated, the Court finds Plaintiffs' Emergency Motion to Enforce the Current Discovery Deadline of May 6, 2011 <u>302</u> is premature. (Copies have been distributed pursuant to the NEF - DES) (Entered: 04/27/2011)</p>
04/28/2011	<u>305</u>	RESPONSE to <u>301</u> Emergency MOTION To Exclude Defendants' Expert Witness Designation Of Matthew Anderson, D.C., filed by Defendant Obteen N. Nassiri, D.C.. Replies due by 5/8/2011. (Agwara, Liborius) (Entered: 04/28/2011)
05/02/2011	<u>306</u>	ORDER Denying without prejudice <u>302</u> Plaintiffs' Emergency Motion to Enforce the Current Discovery Deadline of May 6, 2011. Signed by Magistrate Judge George Foley, Jr on 5/2/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 05/02/2011)
05/05/2011	<u>307</u>	REPLY to Response to <u>301</u> Emergency MOTION To Exclude Defendants' Expert Witness Designation Of Matthew Anderson, D.C. ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. <i>PLAINTIFFS' REPLY TO DEFENDANTS' RESPONSE-IN-OPPOSITION TO PLAINTIFFS' MOTION TO EXCLUDE DEFENDANTS' EXPERT WITNESS DESIGNATION OF MATTHEW ANDERSON, D.C.</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Graves, Michael) (Entered: 05/05/2011)
05/13/2011	<u>308</u>	Emergency MOTION for Sanctions re Discovery <i>Evidence Sanctions or in the Alternative to Compel the Deposition of Defendant Obteen N. Nassiri, D.c., as an Individual</i> by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Responses due by 5/30/2011. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit)(Kelley, Bruce) . (Entered: 05/13/2011)
05/16/2011	309	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge George Foley, Jr, on 5/16/2011. By Judicial Assistant: Julia Wright. RE: <u>308</u> Plaintiffs' Emergency MOTION for Sanctions re Discovery <i>EVIDENCE SANCTIONS OR IN THE ALTERNATIVE TO COMPEL THE DEPOSITION OF DEFENDANT OBTEEN N. NASSIRI, D.C., AS AN INDIVIDUAL</i> : Motion Hearing set for <b>Monday, May 23, 2011, at 2:00 PM</b> in LV Courtroom 3A before Magistrate Judge George Foley Jr. (Copies have been distributed pursuant to the NEF - JBW) (Entered: 05/16/2011)
05/16/2011	310	<p>MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge George Foley, Jr, on 5/16/2011. By Judicial Assistant: Julia Wright. RE: <u>308</u> Emergency MOTION for Sanctions re Discovery <i>EVIDENCE SANCTIONS OR IN THE ALTERNATIVE TO COMPEL THE DEPOSITION OF DEFENDANT OBTEEN N. NASSIRI, D.C., AS AN INDIVIDUAL</i></p> <p>A response is due no later than <b>Thursday, May 19, 2011</b>. (Copies have been distributed pursuant to the NEF - JBW) (Entered: 05/16/2011)</p>



05/17/2011	<u>311</u>	MINUTES OF PROCEEDINGS - Hearing on Plaintiff's <u>301</u> Emergency Motion to Exclude Defendant's Expert Witness Designation of Matthew Anderson, D.C. held on 5/17/2011 before Magistrate Judge George Foley, Jr. Crtrm Administrator: <i>Donna Smith</i> ; Pla Counsel: <i>Bruce Kelley</i> ; Def Counsel: <i>Naomi Arin</i> , <i>Telephonically: Brett Schoel</i> ; Court Reporter/FTR #: <i>10:58-11:20</i> ; Time of Hearing: <i>10:58</i> ; Courtroom: <i>3A</i> ; The Court makes preliminary remarks and hears the representations of counsel. For the reasons stated, Plaintiff's <u>301</u> Motion is <b>granted</b> . (Copies have been distributed pursuant to the NEF - DES) (Entered: 05/17/2011)
05/17/2011	<u>312</u>	Emergency MOTION to Strike <i>Plaintiffs' Complaint for Damages, Enter Default and preclude Admission of Damage Testimony at Trial Pursuant to FRCP 37(a)(3)(A), FRCP 37(c)(1) and FRCP 37(1)(C)</i> by Defendant Obteen N. Nassiri, D.C.. Responses due by 6/3/2011. (Attachments: # <u>1</u> Exhibit Exhibit 1 to Motion, # <u>2</u> Exhibit Exhibit 2 to Motion, # <u>3</u> Exhibit Exhibit 3 to Motion, # <u>4</u> Exhibit Exhibit 4 to Motion, # <u>5</u> Exhibit Exhibit 5 to Motion, # <u>6</u> Exhibit Exhibit 6 to Motion, # <u>7</u> Exhibit Exhibit 7 to Motion, # <u>8</u> Exhibit Exhibit 8 to Motion, # <u>9</u> Exhibit Exhibit 9 to Motion)(Agwara, Liborius) (Entered: 05/17/2011)
05/19/2011	<u>313</u>	RESPONSE to <u>308</u> Emergency MOTION for Sanctions re Discovery <i>Evidence Sanctions or in the Alternative to Compel the Deposition of Defendant Obteen N. Nassiri, D.c., as an Individual</i> , filed by Defendant Obteen N. Nassiri, D.C.. Replies due by 5/29/2011. (Attachments: # <u>1</u> Exhibit Exhibit 1 to OPPO, # <u>2</u> Exhibit Exhibit 2 to OPPO, # <u>3</u> Exhibit Exhibit 3 to OPPO, # <u>4</u> Exhibit Exhibit 4 to OPPO)(Agwara, Liborius) . (Entered: 05/19/2011)
05/20/2011	<u>314</u>	REPLY to Response to <u>308</u> Emergency MOTION for Sanctions re Discovery <i>Evidence Sanctions or in the Alternative to Compel the Deposition of Defendant Obteen N. Nassiri, D.c., as an Individual</i> ; filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Kelley, Bruce) (Entered: 05/20/2011)
05/23/2011	315	MINUTES OF PROCEEDINGS - Hearing on Plaintiff's Emergency Motion for Evidence Sanctions, or in the alternative, Motion to Compel Deposition of Obteen N. Nassiri, D.C. <u>308</u> held on 5/23/2011 before Magistrate Judge George Foley, Jr. Crtrm Administrator: <i>Donna Smith</i> ; Pla Counsel: <i>Bruce Kelley</i> ; Def Counsel: <i>Liborius Agwara, Naomi Arin</i> , <i>telephonically: Brett Schoel</i> ; Time of Hearing: <i>2 p.m.</i> ; Court Reporter/FTR #: <i>2:00-2:19</i> ; Courtroom: <i>3A</i> ; Plaintiff's Motion is <b>denied</b> as to the imposition of sanctions. Plaintiff's Motion is <b>granted</b> as to the taking the deposition of Dr. Nassiri. Plaintiff may ask Dr. Nassiri relevant questions including relevant questions relating to patient medical records, relevant questions related to financial information, and without limitation to other relevant questions during the balance of the time available for taking of the deposition. Counsel shall reach an agreement on the date and time for commencing Dr. Nassiri's deposition prior to June 15, 2011, and file a stipulation with the Court by the close of business, <b>5 p.m., May 24, 2011</b> . If the parties fail to file a stipulation the Court will enter an order setting the date and time of the deposition. The Court and counsel confer regarding discovery issues. The Court <b>grants</b> Mr. Schoel's request to extend time from May 27, 2011, regarding taking the deposition of Kirk Lamping.  (Copies have been distributed pursuant to the NEF - DES) (Entered: 05/23/2011)
05/24/2011	<u>316</u>	STIPULATION AND ORDER TO COMPLETE THE DEPOSITION OF OBTEEN NASSIRI AS AN INDIVIDUAL by Plaintiffs Allstate Indemnity Company, Allstate

		Insurance Company, Allstate Property & Casualty Insurance Company. (Kelley, Bruce) (Entered: 05/24/2011)
05/24/2011	<u>317</u>	TRANSCRIPT of Proceedings, 304 Motion Hearing, held on Wednesday, April 27, 2011, before Magistrate Judge George Foley, Jr. Court Reporter/Transcriber: Exceptional Reporting Services, Inc., 361-949-2988. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber using the court's "Transcript Order" form available on our website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 6/14/2011. Redacted Transcript Deadline set for 6/24/2011. Release of Transcript Restriction set for 8/22/2011. (JPQ) (Entered: 05/24/2011)
05/25/2011	<u>318</u>	ORDER ON STIPULATION Granting <u>316</u> Stipulation to Complete the Deposition of Obteen N. Nassiri, D.C. as an individual. Signed by Magistrate Judge George Foley, Jr on 5/25/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 05/25/2011)
05/27/2011	<u>319</u>	TRANSCRIPT of Proceedings, 311 Motion Hearing, held on Tuesday, May 17, 2011, before Magistrate Judge George Foley, Jr. Court Reporter/Transcriber: Exceptional Reporting Services, Inc., 361-949-2988. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber using the court's "Transcript Order" form available on our website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 6/17/2011. Redacted Transcript Deadline set for 6/27/2011. Release of Transcript Restriction set for 8/25/2011. (JPQ) (Entered: 05/27/2011)
05/27/2011	<u>320</u>	TRANSCRIPT of Proceedings, 315 Motion Hearing,, held on Monday, May 23, 2011, before Magistrate Judge George Foley, Jr. Court Reporter/Transcriber: Exceptional Reporting Services, Inc., 361-949-2988. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber using the court's "Transcript Order" form available on our website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 6/17/2011. Redacted Transcript Deadline set for 6/27/2011. Release of Transcript Restriction set for 8/25/2011. (JPQ) (Entered: 05/27/2011)
05/31/2011	<u>321</u>	NOTICE of <u>322</u> MOTION to Strike; filed by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D. (Doyle, Thomas) <u>Event type corrected on 6/7/2011.</u> (MJZ) (Entered: 05/31/2011)
05/31/2011	<u>322</u>	MOTION to Strike <u>321</u> MOTION to Strike <i>AARON PATTERSON AS AN EXPERT WITNESS AND TO PRECLUDE HIS OPINIONS ON DAMAGES AT TRIAL MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO STRIKE AARON PATTERSON AS AN EXPERT WITNESS AND TO PRECLUDE HIS OPINIONS ON DAMAGES AT TRIAL</i> by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. Responses due by 6/17/2011. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit) (Doyle, Thomas) (Entered: 05/31/2011)
05/31/2011	<u>323</u>	MOTION for District Judge to Reconsider Order; filed by Defendant Obteen N. Nassiri, D.C.. (Attachments: # <u>1</u> Exhibit EXHIBIT 1 TO OBJECTION, # <u>2</u> Exhibit EXHIBIT 2 TO OBJECTION)(Agwara, Liborius) <u>Event type corrected on 6/1/2011.</u> (MJZ) (Entered: 05/31/2011)
06/01/2011		NOTICE of Docket Correction to <u>323</u> Objection to Document. ERROR: Wrong event selected by attorney <u>Liborius I. Agwara</u> . CORRECTION: Entry corrected by Court to

		<u>323</u> Motion for District Judge to Reconsider Order. <b>(no image attached)</b> (MJZ) (Entered: 06/01/2011)
06/03/2011	<u>324</u>	RESPONSE to <u>312</u> Emergency MOTION to Strike <i>Plaintiffs' Complaint for Damages, Enter Default and preclude Admission of Damage Testimony at Trial Pursuant to FRCP 37(a)(3)(A), FRCP 37(c)(1) and FRCP 37(1)(C)</i> Emergency MOTION to Strike <i>Plaintiffs' Complaint for Damages, Enter Default and preclude Admission of Damage Testimony at Trial Pursuant to FRCP 37(a)(3)(A), FRCP 37(c)(1) and FRCP 37(1)(C)</i> Emergency MOTION to Strike <i>Plaintiffs' Complaint for Damages, Enter Default and preclude Admission of Damage Testimony at Trial Pursuant to FRCP 37(a)(3)(A), FRCP 37(c)(1) and FRCP 37(1)(C)</i> , filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Replies due by 6/13/2011. (Attachments: # <u>1</u> Declaration Eron Cannon, # <u>2</u> Declaration Bruce Kelley, # <u>3</u> Exhibit A to Bruce Kelley Declaration, # <u>4</u> Exhibit B to Bruce Kelley Declaration, # <u>5</u> Exhibit C to Bruce Kelley Declaration, # <u>6</u> Exhibit D to Bruce Kelley Declaration, # <u>7</u> Exhibit E to Bruce Kelley Declaration)(Kelley, Bruce) (Entered: 06/03/2011)
06/06/2011	<u>325</u>	JOINDER to <u>321</u> MOTION to Strike <i>AARON PATTERSON AS AN EXPERT WITNESS AND TO PRECLUDE HIS OPINIONS ON DAMAGES AT TRIAL</i> ; filed by Defendant Obteen N. Nassiri, D.C.. (Agwara, Liborius) (Entered: 06/06/2011)
06/06/2011	<u>326</u>	MOTION for District Judge to Reconsider 315 Order by Defendant Obteen N. Nassiri, D.C.. Motion ripe 6/6/2011. (Attachments: # <u>1</u> Exhibit EXHIBIT 1 TO MOTION, # <u>2</u> Exhibit EXHIBIT 2 TO MOTION, # <u>3</u> Exhibit EXHIBIT 3 TO MOTION, # <u>4</u> Exhibit EXHIBIT 4 TO MOTION, # <u>5</u> Exhibit EXHIBIT 5 TO MOTION)(Agwara, Liborius) Event type corrected on 6/7/2011. (MJZ) (Entered: 06/06/2011)
06/07/2011		NOTICE of Docket Correction to <u>326</u> Request for Review of Magistrate Judge Decision. ERROR: Wrong event selected by attorney <u>Liborius I. Agwara</u> . CORRECTION: Entry corrected by Court to <u>326</u> Motion for District Judge to Reconsider Order. <b>(no image attached)</b> (MJZ) (Entered: 06/07/2011)
06/07/2011	327	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge George Foley, Jr, on 6/7/2011. By Judicial Assistant: Julia Wright. RE: <u>322</u> MOTION to Strike <i>AARON PATTERSON AS AN EXPERT WITNESS AND TO PRECLUDE HIS OPINIONS ON DAMAGES AT TRIAL</i> : Motion Hearing set for <b><u>Tuesday, July 5, 2011, at 9:30 AM</u></b> in LV Courtroom 3A before Magistrate Judge George Foley Jr. (Copies have been distributed pursuant to the NEF - JBW) (Entered: 06/07/2011)
06/07/2011		NOTICE of Docket Correction to <u>321</u> Motion to Strike. ERROR: Wrong event selected by attorney <u>Thomas Doyle</u> . CORRECTION: Entry corrected by Court to <u>321</u> Notice (Other). <b>(no image attached)</b> (MJZ) (Entered: 06/07/2011)
06/08/2011	328	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge George Foley, Jr, on 6/8/2011. By Judicial Assistant: Julia Wright. At the request of counsel, a Telephonic Discovery Hearing is set for today <b><u>Wednesday, June 8, 2011, at 3:15 PM</u></b> in LV Courtroom 3A before Magistrate Judge George Foley Jr.  Please dial (702) 868-4910, password 123456, 5 minutes prior to the hearing time. Please remain on the line until such time as the Court joins the call and convenes the proceedings. The use of a cell phone or speaker phone during the call is prohibited. The call must be made using a land line. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - JBW) (Entered: 06/08/2011)
06/08/2011	329	MINUTES OF PROCEEDINGS - Telephonic Discovery Hearing held on 6/8/2011 before Magistrate Judge George Foley, Jr. Crtrm Administrator: <i>Donna Smith</i> ; Pla Counsel: <i>Telephonic: Bruce Kelley</i> ; Def Counsel: <i>Telephonic: Brett Schoel, Naomi Arin</i> ;

		<p>Court Reporter/FTR #: 3:15-3:28; Time of Hearing: 3:15 P.M.; Courtroom: 3A; Pursuant to the pending <u>326</u> Motion for District Judge to Reconsider Order 315, the deposition of Dr. Nassiri set June 10, 2011, is <b>vacated</b>. If Judge Mahan allows the deposition to proceed then the deposition shall be renoticed. The due date to file dispositive motions is extended until 30 days after the last deposition is taken or 30 days after objections to depositions have been resolved, whichever last occurs. If dispositive motions are filed, the Joint Pretrial Order is due 30 days after the resolution of the dispositive motions. If dispositive motions are not filed then the Joint Pretrial Order is due 30 days after the deadline for dispositive motion filing. The Court will set further Status Conference, if necessary.</p> <p><b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - DES) (Entered: 06/08/2011)</p>
06/13/2011	<u>330</u>	<p>REPLY to Response to <u>312</u> Emergency MOTION to Strike <i>Plaintiffs' Complaint for Damages, Enter Default and preclude Admission of Damage Testimony at Trial Pursuant to FRCP 37(a)(3)(A), FRCP 37(c)(1) and FRCP 37(1)(C)</i> Emergency MOTION to Strike <i>Plaintiffs' Complaint for Damages, Enter Default and preclude Admission of Damage Testimony at Trial Pursuant to FRCP 37(a)(3)(A), FRCP 37(c)(1) and FRCP 37(1)(C)</i> Emergency MOTION to Strike <i>Plaintiffs' Complaint for Damages, Enter Default and preclude Admission of Damage Testimony at Trial Pursuant to FRCP 37(a)(3)(A), FRCP 37(c)(1) and FRCP 37(1)(C)</i>; filed by Defendant Obteen N. Nassiri, D.C.. <i>et al.</i> (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4)(Agwara, Liborius) (Entered: 06/13/2011)</p>
06/16/2011	<u>331</u>	<p>RESPONSE to <u>323</u> MOTION for District Judge to Reconsider Order; <i>Response in Opposition</i> filed by Plaintiff Allstate Insurance Company. (Attachments: # <u>1</u> Declaration of Bruce William Kelley in Support of Plaintiff's Response to the Nassiri Defendants' Objection to Magistrate's Ruling Granting Plaintiffs' Motion to Exclude Nassiri Defendants' Expert Witness Designation of Matthew Anderson, D.C., # <u>2</u> Exhibit A to Declaration, # <u>3</u> Exhibit B to Declaration, # <u>4</u> Exhibit C to Declaration, # <u>5</u> Exhibit D to Declaration)(Kelley, Bruce) (Entered: 06/16/2011)</p>
06/16/2011	<u>332</u>	<p>RESPONSE to <u>326</u> MOTION for District Judge to Reconsider 315 Order MOTION for District Judge to Reconsider 315 Order, filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property &amp; Casualty Insurance Company. Replies due by 6/26/2011. (Attachments: # <u>1</u> Declaration of Bruce William Kelley, Esq., In Support of Plaintiffs' Response to the Nassiri Defendants' Motion for District Judge to Reconsider Order and Objection to Magistrate's Ruling Granting in Part Plaintiffs' Emergency Motion to Compel the Deposition of Obteen Nassiri, # <u>2</u> Exhibit A-F to Declaration)(Kelley, Bruce) (Entered: 06/16/2011)</p>
06/16/2011	<u>333</u>	<p>RESPONSE to <u>322</u> MOTION to Strike <u>321</u> MOTION to Strike <i>AARON PATTERSON AS AN EXPERT WITNESS AND TO PRECLUDE HIS OPINIONS ON DAMAGES AT TRIAL MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO STRIKE AARON PATTERSON AS AN EXPERT WITNESS AND TO PRE MOTION to Strike <u>321</u> MOTION to Strike AARON PATTERSON AS AN EXPERT WITNESS AND TO PRECLUDE HIS OPINIONS ON DAMAGES AT TRIAL MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO STRIKE AARON PATTERSON AS AN EXPERT WITNESS AND TO PRE MOTION to Strike <u>321</u> MOTION to Strike AARON PATTERSON AS AN EXPERT WITNESS AND TO PRECLUDE HIS OPINIONS ON DAMAGES AT TRIAL MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO STRIKE AARON PATTERSON AS AN EXPERT WITNESS AND TO PRE</i>, filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property &amp; Casualty Insurance Company. Replies due by 6/26/2011. (Attachments: # <u>1</u> Declaration of Bruce William Kelley in Support of Plaintiffs' Response</p>



		<i>to the Noorda Defendants' Motion to Strike Aaron Patterson as an Expert Witness and to Preclude his Opinions on Damages at Trial, # <u>2</u> Exhibit A-C to Declaration, # <u>3</u> Exhibit D-F to Declaration)(Kelley, Bruce) (Entered: 06/16/2011)</i>
06/23/2011	<u>334</u>	ORDER Denying <u>283</u> Non-party Adam S. Kutner's Objection to Magistrate's Ruling. IT IS THEREFORE ORDERED that <u>281</u> Magistrate Judge Foley's Order is AFFIRMED. Signed by Judge James C. Mahan on 6/23/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 06/23/2011)
06/27/2011	<u>335</u>	REPLY to Response to <u>322</u> MOTION to Strike <u>321</u> MOTION to Strike AARON PATTERSON AS AN EXPERT WITNESS AND TO PRECLUDE HIS OPINIONS ON DAMAGES AT TRIAL MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO STRIKE AARON PATTERSON AS AN EXPERT WITNESS AND TO PRE MOTION to Strike <u>321</u> MOTION to Strike AARON PATTERSON AS AN EXPERT WITNESS AND TO PRECLUDE HIS OPINIONS ON DAMAGES AT TRIAL MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO STRIKE AARON PATTERSON AS AN EXPERT WITNESS AND TO PRE MOTION to Strike <u>321</u> MOTION to Strike AARON PATTERSON AS AN EXPERT WITNESS AND TO PRECLUDE HIS OPINIONS ON DAMAGES AT TRIAL MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO STRIKE AARON PATTERSON AS AN EXPERT WITNESS AND TO PRE ; filed by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Exhibit Exhibit E, # <u>6</u> Exhibit Exhibit F) (Doyle, Thomas) (Entered: 06/27/2011)
06/27/2011	<u>336</u>	REPLY to Response to <u>323</u> MOTION for District Judge to Reconsider Order ; filed by Defendant Obteen N. Nassiri, D.C.. (Attachments: # <u>1</u> Exhibit Exhibit 1 to REPLY) (Agwara, Liborius) (Entered: 06/27/2011)
06/28/2011	<u>337</u>	REPLY to Response to <u>326</u> MOTION for District Judge to Reconsider 315 Order MOTION for District Judge to Reconsider 315 Order ; filed by Defendant Obteen N. Nassiri, D.C.. (Attachments: # <u>1</u> Exhibit EXHIBIT 1 TO REPLY)(Agwara, Liborius) (Entered: 06/28/2011)
06/30/2011	<u>338</u>	STIPULATION re <u>322</u> MOTION to Strike <u>321</u> MOTION to Strike AARON PATTERSON AS AN EXPERT WITNESS AND TO PRECLUDE HIS OPINIONS ON DAMAGES AT TRIAL MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO STRIKE AARON PATTERSON AS AN EXPERT WITNESS AND TO PRE MOTION to Strike <u>321</u> MOTION to Strike AARON PATTERSON AS AN EXPERT WITNESS AND TO PRECLUDE HIS OPINIONS ON DAMAGES AT TRIAL MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO STRIKE AARON PATTERSON AS AN EXPERT WITNESS AND TO PRE MOTION to Strike <u>321</u> MOTION to Strike AARON PATTERSON AS AN EXPERT WITNESS AND TO PRECLUDE HIS OPINIONS ON DAMAGES AT TRIAL MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO STRIKE AARON PATTERSON AS AN EXPERT WITNESS AND TO PRE ; by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. (Doyle, Thomas) (Entered: 06/30/2011)
06/30/2011	<u>339</u>	ORDER ON STIPULATION Granting <u>338</u> Stipulation to Continue Hearing Time re <u>322</u> Motion to Strike. Motion Hearing reset for 7/5/2011 02:00 PM in LV Courtroom 3A before Magistrate Judge George Foley Jr. Signed by Magistrate Judge George Foley, Jr on 6/30/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 06/30/2011)
07/05/2011	340	MINUTES OF PROCEEDINGS - Motion Hearing held on 7/5/2011 before Magistrate Judge George Foley, Jr. Crtrm Administrator: <i>Kris Schulke</i> ; Pla Counsel: <i>Bruce Kelley, Esq.</i> ; Def Counsel: <i>Brett Schoel, Esq.</i> , <i>Naomi Arin, Esq.</i> ; Court Reporter/FTR #: 2:03:00



		- 3:07:12; Time of Hearing: 2:00pm; Courtroom: 3A; Arguments by counsel heard regarding Moton #322. The matter is taken under advisement and a written decision will issue. Representation by Ms. Arin regarding the status of defense motion #312. The Court will review the motion and confirm with the District Judge as to whether or not it is a matter for the Magistrate Judge and if so the matter will be set for hearing accordingly. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - AKK) (Entered: 07/05/2011)
07/21/2011	<u>341</u>	ORDER Denying <u>322</u> Motion to Strike Aaron Patterson As An Expert Witness and Preclude His Opinions on Damages At Trial and <u>325</u> the Nassiri Defendants' Joinder. FURTHER ORDERED that the Noorda and Nassiri Defendants may take the deposition of Plaintiffs' expert witness Aaron Patterson on or before 8/12/11. FURTHER ORDERED that the Noorda and Nassiri Defendants may disclose rebuttal expert witnesses to Mr. Patterson's expert testimony on or before 9/12/11. See Order for details. Signed by Magistrate Judge George Foley, Jr on 7/20/11. (Copies have been distributed pursuant to the NEF - MMM) (Entered: 07/21/2011)
07/21/2011	<u>342</u>	ORDER Granting in Part and Denying in Part <u>312</u> Motion to Strike Complaint. Signed by Magistrate Judge George Foley, Jr on 7/20/11. (Copies have been distributed pursuant to the NEF - ASB) (Entered: 07/21/2011)
07/22/2011	<u>343</u>	ORDER that all remaining discovery shall be completed by 10/12/2011. Motions due by 11/11/2011. Proposed Joint Pretrial Order due by 12/12/2011. Signed by Magistrate Judge George Foley, Jr on 7/22/11. (Copies have been distributed pursuant to the NEF - ECS) (Entered: 07/22/2011)
08/03/2011	<u>344</u>	MEMORANDUM of Costs Pursuant to Court Order filed by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. (Attachments: # <u>1</u> Exhibit Declaration) (Doyle, Thomas) (Entered: 08/03/2011)
08/04/2011	<u>345</u>	MOTION for District Judge to Reconsider Order re <u>342</u> Order on Motion to Strike Plaintiffs' Complaint by Defendant Obteen N. Nassiri, D.C.. Responses due by 8/21/2011. (Attachments: # <u>1</u> Exhibit)(Agwara, Liborius) (Entered: 08/04/2011)
08/05/2011	<u>346</u>	ORDER Denying <u>323</u> Defendants' Objection to Magistrate Ruling. IT IS FURTHER ORDERED that 311 Magistrate Foley's Order is AFFIRMED. Signed by Judge James C. Mahan on 8/5/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 08/05/2011)
08/17/2011	<u>347</u>	RESPONSE to <u>344</u> Memorandum ; of Costs filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. (Kelley, Bruce) (Entered: 08/17/2011)
08/18/2011	<u>348</u>	RESPONSE to <u>345</u> MOTION for District Judge to Reconsider Order re <u>342</u> Order on Motion to Strike Plaintiffs' Complaint, filed by Plaintiffs Allstate Indemnity Company, Allstate Insurance Company, Allstate Property & Casualty Insurance Company. Replies due by 8/28/2011. (Attachments: # <u>1</u> Declaration of Eron Cannon, # <u>2</u> Declaration of Bruce Kelley, # <u>3</u> Exhibit A to Bruce Kelley Declaration, # <u>4</u> Exhibit B to Bruce Kelley Declaration)(Kelley, Bruce) (Entered: 08/18/2011)
08/24/2011	<u>349</u>	REPLY to <u>344</u> Memorandum ; filed by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Exhibit Exhibit E, # <u>6</u> Exhibit Exhibit F, # <u>7</u> Declaration Declaration of Brett Schoe)(Doyle, Thomas) (Entered: 08/24/2011)
08/25/2011	<u>350</u>	ORDER Denying <u>344</u> Verified Memorandum of Costs Pursuant to Court Order filed by Albert Noorda, M.D. and Maryland Medical Center, LLC. Signed by Magistrate Judge

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

MICHAEL A. TRICARICHI,

Appellant,

v.

COÖPERATIEVE RABOBANK U.A.,  
UTRECHT-AMERICA FINANCE CO.  
and SEYFARTH SHAW LLP,

Respondents.

Electronically Filed  
Sep 19 2017 01:41 p.m.  
Elizabeth A. Brown  
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Case No. 73175

District Court Case No.  
A-16-735910-B

**APPEAL**

From the Eighth Judicial District Court, Department XV  
Clark County, Nevada  
Hon. Joe Hardy, District Court Judge

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**JOINT APPENDIX**  
**Volume V**

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## CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Hutchison & Steffen, LLC and that on this 19<sup>th</sup> day of September, 2017, I caused the document entitled JOINT APPENDIX VOLUME V to be served on the following by Electronic Service to:

Dan Waite  
Ryan Lower  
Steve Morris

Service by regular U.S. Mail as follows:

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*Attorneys for Respondents Coöperatieve Rabobank U.A.  
and Utrecht-America Finance Co.*

  
An employee of HUTCHISON & STEFFEN, LLC



a. In 2005, for instance, Rogers and his wife earned more than two million dollars in combined income. Rogers used his DAT scheme to offset that income and pay zero taxes. As the mastermind behind DAT, Rogers knew or had reason to know that one cannot deduct massive foreign losses if one doesn't actually incur any economic losses. He also knew or had reason to know that the losses he was claiming were simply too good to be true.

b. Rogers and his wife fared even better in 2006, earning more than two and half million dollars in combined income. Rogers, however, once again used his DAT shelter to illegally offset all of that income and pay zero taxes.

**(5) Rogers' false statements were material:**

202. If a particular statement has a substantial impact on the decision-making process or produces a substantial tax benefit to a taxpayer, the matter is properly regarded as "material" within the meaning of I.R.C. § 6700.

203. The DAD and DAT schemes unquestionably produce substantial tax benefits for its customers. Rogers' statements in transactional documents, promotional materials and in purported legal opinions collectively addressed all aspects of the DAD or DAT arrangements, including the schemes' substantial tax benefits.

204. In addition, Rogers' transactional documents, promotional materials and purported legal opinions had a substantial impact on his customers' decision-making process. Indeed, a customer could not participate in the DAD and DAT schemes without reading, signing and returning to Rogers the DAD and DAT transactional documents that he created.

205. Accordingly, Rogers' statements were material.

**B. § 6700(a)(2)(B)**

206. I.R.C. § 6700(a)(2)(B) imposes a civil penalty on any person or entity who: (1) organizes or participates in the organization or sale of (2) any plan or arrangement; and who, in connection with that plan or arrangement (3) makes or furnishes, or causes another to make or furnish (4) a statement as to the value of property or services, (5) when the value stated exceeds 200% of (or twice) the amount determined to be correct, and (6) the value of the property or services is directly related to the amount of a deduction or credit.

207. The DAD and DAT schemes are plans or arrangements within the meaning of I.R.C. § 6700(a) and Rogers participates in their organization and/or sale by, for instance, creating and managing the entities required for implementation of both schemes. *See* paragraphs 173-183.

208. Rogers violated I.R.C. § 6700(a)(2)(B) by making statements that were gross valuation overstatements as to the value of property – *i.e.*, the foreign distressed debt used in his DAD and DAT shelters. Rogers claimed that the distressed debt had a value for tax purposes of far more than 200% of its true value. Indeed, he claimed the distressed debt had a value for tax purposes equal to 100% of its face amount, when the actual value was no more than what he paid for it, which was 1% to 2% of the face amount. This represents an overstatement of value by Rogers of 10,000% to 5,000%.

209. The value of the distressed debt used in Rogers' DAD and DAT schemes was directly related to the amount of tax deductions claimed by his customers.

210. Therefore, Rogers made valuation overstatements about the value for tax purposes of the distressed debt used in his DAD and DAT schemes that far exceeded 200% of its actual

value, and that distressed debt was directly related to the amount of a tax deduction. Rogers thus engaged in conduct subject to penalty under I.R.C. § 6700(a)(2)(B).

**C. § 6701**

211. Section 6701 imposes a penalty: (1) on a person who aids, assists, procures, or advises with respect to the preparation or presentation of any portion of a tax return, claim, or other document (“portion”); (2) when that person knows or has reason to know that such portion will be used in connection with a material matter arising under federal tax law; and (3) that person knows that such portion (if used) would result in an understatement of the liability for the tax of another person.

212. Rogers’ conduct is subject to penalty under I.R.C. § 6701. Rogers prepares and files tax returns on behalf of the Master LLCs involved in the scheme, including Sugarloaf. Rogers prepares and files Schedules K-1 for the LLCs used in the DAD transactions. And Rogers prepares and files trust returns for the trusts used in his DAT scheme.

213. Rogers also prepares “other” documents used in the DAD and DAT shelters, including transactional documents, promotional materials and purported legal opinions.

214. As the mastermind of the DAD and DAT schemes, Rogers knows or has reason to know that that the documents he drafts and prepares will be used as to material matters arising under federal tax law. Rogers knows, for instance, that the DAD and DAT transactions seek to transfer foreign built-in losses to his U.S. customers, and that his tax returns, Forms K-1, trust documents, and transactional documents will be used in connection with his customers’ attempts to deduct those losses for tax purposes.

215. Rogers also knows that the purported losses incurred by his DAD and DAT customers will cause an understatement of their federal tax liabilities, for the same reasons he knows or has reason to know his statements about the DAD and DAT tax schemes were false or fraudulent. *See paragraphs 189-201.*

216. Accordingly, Rogers' conduct in connection to the DAT transaction also is subject to penalty under I.R.C. § 6701.

**D. Necessity of Injunction**

217. The government has identified 60 of Rogers' DAD transactions to date. Rogers created, promoted, and managed all of these transactions. Customers of Rogers' DAD transactions improperly deducted foreign losses of \$68,057,086 for tax year 2003 and \$101,537,500 for tax year 2004. Combined, Rogers' DAD transactions have generated purported federal losses of over \$169 million.

218. The government has identified 147 DAT transactions to date. Rogers created, promoted, and managed all of these transactions. Customers of Rogers' DAT transactions improperly deducted foreign losses of \$65,285,850 for tax year 2005, \$104,946,274 for tax year 2006, and \$38,256,161 for tax year 2007. Combined, Rogers' DAT transactions have generated purported federal losses of over \$208 million.

219. All told, Rogers' DAD and DAT schemes have enabled U.S. taxpayers to improperly claim over \$370 million of foreign losses to offset unrelated U.S. income, despite the fact that those taxpayers incur no actual economic losses in connection with the various schemes.

220. Not even specific Congressional action worked to get Rogers out of the distressed debt tax shelter business, and today, upon information and belief, Rogers is still promoting a

variation of his distressed debt scheme. If not enjoined, Rogers is likely to continue creating, devising and promoting abusive tax schemes, such as his DAD, DAT, and I.R.C. § 743(f) distressed debt shelters. In addition, if Rogers and his companies Sugarloaf and Jetstream are not enjoined the United States will suffer irreparable harm from the underpayment of tax liability, the exhaustion of resources to enforce the internal revenue laws, and the substantial losses caused by Rogers' and his companies' actions will continue to increase.

221. An injunction against Rogers is necessary and appropriate to prevent the recurrence of his conduct, and the conduct of his companies, Sugarloaf and Jetstream, subjecting them to penalty under I.R.C. §§ 6700(a)(2)(A), 6700(a)(2)(B), 6701, and for engaging in any other conduct subject to penalty under the Internal Revenue Code.

**Count II: Injunction Under I.R.C. § 7402 for Unlawful Interference with the Enforcement of the Internal Revenue Laws**

222. The United States incorporates by reference the allegations contained in paragraphs 1 through 221.

223. I.R.C. §7402(a) authorizes a court to issue orders of injunction as may be necessary or appropriate for the enforcement of the internal revenue laws, even if the United States has other remedies available for enforcing those laws.

224. Rogers' activities and the activities of Sugarloaf and Jetstream described above substantially interfere with the enforcement of the internal revenue laws by promoting abusive tax schemes that result in customers not paying their true federal income tax liabilities.

225. An injunction prohibiting Rogers, Sugarloaf, and Jetstream from organizing, promoting, or selling (or helping others to organize, promote, or sell) abusive tax schemes, including the schemes described in this complaint, is needed to stop the illegal avoidance of tax

liability and to prohibit them from otherwise interfering with the proper administration and enforcement of the internal revenue laws.

226. Unless enjoined by this Court, Rogers and his companies are likely to continue to engage in illegal conduct.

227. If Rogers and his companies are not enjoined, the United States will suffer irreparable harm from the underpayment of tax liability, the exhaustion of resources to enforce the internal revenue laws, and the losses caused by Rogers' actions will continue to increase.

228. While the United States will suffer substantial, irreparable injury if Rogers, Sugarloaf and Jetstream are not enjoined, Rogers and his companies will not be greatly harmed by being compelled to obey the law.

229. The public interest would be advanced by enjoining Rogers, Sugarloaf and Jetstream because an injunction will stop their illegal conduct and the harm that conduct is causing the United States Treasury and the public.

230. An injunction under I.R.C. § 7402 is necessary and appropriate, and the United States is entitled to injunction relief under I.R.C. § 7402. The injunction, as detailed below, should bar Rogers, Sugarloaf and Jetstream, and anyone acting in concert with them, from organizing, promoting, or selling (or helping others to organize, promote, or sell) the abusive tax schemes described in this complaint, any similar schemes, and any other tax shelter, plan, or arrangement, that incites or assists customers to attempt to violate the internal revenue laws or evade the assessment or collection of their federal tax liabilities or claim improper tax refunds, and from otherwise engaging in conduct that substantially interferes with the proper administration of the internal revenue laws.



**Count III: Injunction Under I.R.C. § 7407 for Engaging in Conduct Subject to Penalty Under I.R.C. §§ 6694 and 6695.**

231. The United States incorporates by reference the allegations contained in paragraphs 1 through 230.

232. I.R.C. § 7407 authorizes a district court to enjoin a person who is a tax return preparer from engaging in certain prohibited conduct or from further acting as a tax return preparer. The prohibited conduct justifying an injunction includes, among other things, the following:

- a. engaging in conduct subject to penalty under I.R.C. § 6694, which penalizes a return preparer who prepares a return or claim for refund that contains an unreasonable position and the return preparer knew (or reasonably should have known) of the position; and
- b. engaging in conduct subject to penalty under I.R.C. § 6695(c), which penalizes a tax return preparer for failing to furnish an identifying number for a return that he prepared.

233. In order for a court to issue such an injunction, the court must find: (1) that the tax return preparer engaged in the prohibited conduct; and (2) that injunctive relief is appropriate to prevent the recurrence of such conduct.

234. If the court finds that a preparer has continually or repeatedly engaged in such conduct, and the court further finds that a narrower injunction (*i.e.*, prohibiting only that specific enumerated conduct) would not be sufficient to prevent that person's interference with the proper administration of the internal revenue laws, the court may enjoin the person from further acting as a federal income tax preparer.

235. Rogers has repeatedly and continually prepared or submitted returns or portions of returns that contain unreasonable positions and substantially understate the liability for tax on the return, and Rogers knew (or reasonably should have known) of the position. This conduct is subject to penalty under I.R.C. § 6694.

236. For example, Rogers has repeatedly and continually prepared returns for his DAD customers' LLC entities that claim an I.R.C. § 166 bad debt deduction for approximately 97% of the full face value of the distressed debt. Rogers' preparation of these returns unreasonably understated each customer's tax liability, and Rogers knew (or reasonably should have known) that the position was unreasonable. This conduct is subject to penalty under I.R.C. § 6694. Likewise, Rogers has repeatedly and continually prepared returns for his DAT customers' trust entities that claim an I.R.C. § 166 bad debt deduction for approximately 97% of the full face value of the distressed receivables. Rogers' preparation of these returns unreasonably understated each customer's tax liability, and Rogers knew (or reasonable should have known) that the position was unreasonable. *See paragraphs* 189-201. This conduct is subject to penalty under I.R.C. § 6694.

237. Rogers also has repeatedly and continually failed to furnish an individual identifying number on returns he prepared for others in violation of I.R.C. § 6695(c).

238. For example, in 2003, 2004 and 2005, Rogers received compensation and/or fees for preparing numerous DAD customer-LLC returns through his law firm, Seyfarth Shaw LLP. Rogers repeatedly and continually failed to furnish an individual identifying number on these returns and, instead, falsely claimed that they were "self-prepared." Likewise, in 2005, 2006 and 2007, Rogers received compensation and/or fees for preparing numerous customer "trust"

returns. In violation of I.R.C. § 6695(c), Rogers repeatedly and continually failed to furnish an individual identifying number on these returns and, instead, falsely claimed that they were “self-prepared.”

239. Rogers also engaged in other fraudulent and/or deceptive conduct in connection with the DAD and DAT schemes which substantially interfered with the proper administration of the Internal Revenue laws in violation of I.R.C. § 7407(b)(1)(D). *See e.g., paragraphs 189-201.*

240. Rogers’ repeated violations of 26 U.S.C. §§ 6694 and 6695 fall within 26 U.S.C. § 7407(b)(1)(A) and (D), and thus are subject to an injunction under 26 U.S.C. § 7407.

241. If Rogers is not enjoined, he is likely to continue to file false or fraudulent federal tax returns on behalf of others. Rogers’ repeated conduct subject to injunction under 26 U.S.C. § 7407, including improperly claiming bad debt deductions and failing to use identifying numbers on returns he prepared for others, as well as engaging in other fraudulent and/or deceptive conduct, demonstrates that a narrow injunction prohibiting only specific conduct would be insufficient to prevent his interference with the proper administration of the internal revenue laws. Thus, Rogers also should be permanently barred from acting as a return preparer for others.

**Count IV: Injunction Under I.R.C. § 7408 for Violations of I.R.C. §§ 6707 and 6111**

242. The United States incorporates by reference the allegations contained in paragraphs 1 through 241.

243. I.R.C. § 7408(a) authorizes a district court to enjoin persons who have engaged in conduct subject to penalty under I.R.C. § 6707 from engaging in further such conduct if injunctive relief is appropriate to prevent recurrence of the conduct.

244. I.R.C. § 6707 imposes a penalty: (i) upon any person who is a material advisor required to file a certain type of return (Form 8918) under I.R.C. § 6111; (ii) with respect to any reportable transaction; and (iii) if that person fails to file such return, or furnishes false or incomplete information with respect to the transaction.

245. Under I.R.C. § 6111(b), a material advisor is any person: (1) who provides any material aid, assistance or advice with respect to organizing, managing, promoting, selling implementing, insuring or carrying out any reportable transaction; and (2) who derives gross income, directly or indirectly, in excess of \$50,000 for such aid, assistance or advice when substantially all the tax benefits from the transaction are provided to natural persons. For reportable transactions that are listed transactions, Treas. Reg. § 301.6111-3(b)(3)(i)(B) provides that the minimum fee threshold is reduced from \$50,000 to \$10,000. Rogers is a material advisor. He is the mastermind of the DAT scheme and is the person who drafts (and signs many of) the transactional documents required to implement the DAT scheme to provide tax benefits to customers. Additionally, Rogers receives substantial compensation and/or fees, well in excess of \$50,000 (let alone \$10,000), for implementing and managing the DAT tax shelter for his customers.

246. A transaction is a listed transaction if it is substantially similar to one of the types of transactions that the IRS has determined to be a tax avoidance transaction and has identified by notice, regulation, or other form of published guidance as a listed transaction. *See* I.R.C. § 6707A(c)(2); Treas. Reg. § 1.6011-4(b)(2). The regulations define the term “substantially similar” as “any transaction that is expected to obtain the same or similar types of tax benefits

and that is either factually similar or based on the same or similar tax strategy.” Treas. Reg. § 1.6011-4(c)(4).

247. DAT is a listed transaction. The Internal Revenue Service determined the DAT shelter is a tax avoidance transaction and specifically designated the DAT, and substantially similar transactions, as listed transactions for purposes of I.R.C. § 6111 in Notice 2008-34, 2008-12 I.R.B. 645. Notice 2008-34, effective February 27, 2008, described the DAT transaction as one in which:

a tax indifferent party, directly or indirectly, contributes one or more distressed assets (for example, a creditor’s interest in debt) with a high basis and low fair market value to a trust or series of trusts and sub-trusts, and a U.S. taxpayer acquires an interest in the trust (and/or series of trusts and/or sub-trusts) for the purpose of shifting a built-in loss from the tax indifferent party to the U.S. taxpayer that has not incurred the economic loss.

248. Rogers knows that his DAT scheme is effectively the same as, or at a minimum, is substantially similar to, the DAT transaction listed in Notice 2008-34. Rogers conceived of, created and promoted the DAT scheme. Rogers’ DAT scheme is expected to obtain the same or similar types of tax benefits as those described in Notice 2008-34, and is both factually similar and based on the same or similar tax strategy. Indeed, at this time, Rogers’ DAT shelter is the only known version of the DAT transaction being promoted by anyone.

249. Under I.R.C. § 6111(a), each material advisor with respect to any reportable or listed transaction is required to file Form 8918, “Material Advisor Disclosure Statement,” no later than the date prescribed by the Secretary. The Form 8918 must set forth: (1) information identifying and describing the transaction, (2) information describing any potential tax benefits expected to result from the transaction, and (3) such other information as the Secretary may

prescribe. Following submission of Form 8918, material advisors are furnished with a reportable transaction number. Material advisors are then required to furnish that number to customers pursuant to Treas. Reg. § 301.6111-3(d)(2), so customers are on notice that: (1) they have participated in a reportable transaction that is required to be disclosed pursuant to I.R.C. § 6011; and (2) must include the reportable transaction number with their next filed return. If customers fail to include the number with their returns, they are potentially subject to substantial penalties under I.R.C. § 6707A.

250. Rogers became a material advisor on February 27, 2008 – the day the Notice 2008-34 became effective – with respect to any DAT transactions which were entered into after October 22, 2004. *See* Treas. Reg. § 301.6111-3(b)(4)(iii). Rogers was required to file Form 8918 by April 30, 2008, the last day of the month after the quarter in which he became a material advisor. Treas. Reg. § 301.6111-3(d) and (e). As of the date of the filing of this Complaint, Rogers has not filed any Form 8918 in connection with any of the DAT transactions he set up for his customers and has refused to disclose that he was a material advisor for the DAT scheme with the IRS.

251. In addition, because Rogers has refused to file material advisor disclosures for his DAT scheme, Rogers has not obtained a reportable transaction number, and consequently has not furnished a reportable transaction number to his customers pursuant to Treas. Reg. § 301.6111-3.

252. Indeed, Rogers falsely told certain customers that the DAT scheme was not a listed transaction. Rogers also falsely told customers that they did not have to disclose the DAT tax shelter to the IRS.



253. Rogers has demonstrated his intention to continue to engage in such conduct and in other conduct subject to penalty under the Internal Revenue Code. He has repeatedly promoted plans and arrangements and assisted others to establish plans or arrangements that are abusive tax schemes and/or listed transactions and require reporting under I.R.C. § 6111 and/or § 6011.

254. An injunction against Rogers is necessary and appropriate to prevent the recurrence of conduct subjecting him to penalty under I.R.C. § 6707, for engaging in other conduct subject to penalty under the Internal Revenue Code, and to protect the public. If not enjoined, Rogers will continue to organize and sell abusive tax schemes, including schemes similar to the DAT tax shelter.

#### **Relief Sought**

WHEREFORE, plaintiff, the United States of America, respectfully prays the following:

A. That this Court find Rogers engaged in conduct subject to penalty under I.R.C. § 6700(a)(2)(A) and that injunctive relief under I.R.C. § 7408 is appropriate to prevent recurrence of that conduct;

B. That this Court find Rogers engaged in conduct subject to penalty under I.R.C. § 6700(a)(2)(B) and that injunctive relief under I.R.C. § 7408 is appropriate to prevent recurrence of that conduct;

C. That this Court find Rogers engaged in conduct subject to penalty under I.R.C. § 6701 and that injunctive relief under I.R.C. § 7408 is appropriate to prevent recurrence of that conduct;

D. That this Court find Rogers engaged in conduct subject to penalty under I.R.C. § 6694, and that injunctive relief under I.R.C. § 7407 is appropriate to prevent recurrence of that conduct;

E. That this Court find Rogers engaged in conduct subject to penalty under I.R.C. § 6695(c), and that injunctive relief under I.R.C. § 7407 is appropriate to prevent recurrence of that conduct;

F. That this Court find Rogers engaged in conduct substantially interfering with the administration and enforcement of the internal revenue laws and that injunctive relief is appropriate to prevent recurrence of that conduct under 26 U.S.C. § 7402(a);

G. That this Court find Rogers engaged in conduct subject to penalty under I.R.C. § 6701 and that injunctive relief under I.R.C. § 7408 is appropriate to prevent recurrence of that conduct;

H. That this Court find Rogers engaged in conduct subject to penalty under I.R.C. § 6707 and that injunctive relief under I.R.C. § 7408 is appropriate to prevent recurrence of that conduct;

I. That this Court, pursuant to 26 U.S.C. §§ 7402 and 7408, enter a permanent injunction prohibiting Rogers (individually and through any other name or entity), Sugarloaf and Jetstream, and their representatives, agents, servants, employees, attorneys, and those persons in active concert or participation with them, from directly or indirectly:

- a) Organizing, promoting, or selling (directly or indirectly) the DAT tax schemes described in this complaint, the DAD tax schemes described in this complaint, the I.R.C. § 743(f) distressed debt scheme described in this complaint, any substantially similar plans or arrangements, or any other business or tax services that:

- use, involve or relate to distressed debt, distressed receivables or other distressed assets;
  - attempt to shift losses from a foreign tax indifferent party to or for the benefit of a U.S. taxpayer; and/or
  - attempt to shift purported losses among entities claiming to be, trusts, corporations or entities taxed as partnerships for the benefit of U.S. taxpayers who did not incur the losses;
- b) Organizing, promoting, or selling (or helping others to organize, promote, or sell) any other tax shelter, plan, or arrangement, that violates the internal revenue laws or improperly incites customers to evade the assessment or collection of their federal tax liabilities or claim improper tax refunds;
- c) Engaging in conduct subject to penalty under I.R.C. § 6700(a)(2)(A), including making, in connection with the organization or sale of any plan or arrangement, any statement about the securing of any tax benefit that Rogers knows or has reason to know is false or fraudulent as to any material matter;
- d) Engaging in conduct subject to penalty under I.R.C. § 6700(a)(2)(B), including making statements as to the value of property or services when the value stated exceeds 200% of the amount determined to be correct and is directly related to the amount of a deduction or credit;
- e) Engaging in conduct subject to penalty under I.R.C. § 6701, including aiding, assisting, procuring, or advising with respect to the preparation or presentation of any portion of a tax return, claim, or other document, that Rogers knows or has reason to know will be used as to a material matter arising under federal tax law, and will result in the material understatement of the liability for the tax of another person;
- f) Engaging in conduct subject to penalty under I.R.C. § 6694, which penalizes a return preparer who prepares a return or claim for refund that contains an unreasonable position and the return preparer knew (or reasonably should have known) of the position;
- g) Engaging in conduct subject to penalty under I.R.C. § 6695(c), which penalizes a tax return preparer for failing to furnish an identifying number for a return that he prepared;

- h) Engaging in conduct subject to penalty under I.R.C. § 6707, which penalizes a material advisor for: (1) failing to file a Form 8918, Material Advisor Disclosure Statement; (2) failing to obtain a Reportable Transaction Number; and (3) failing to furnish the Reportable Transaction Number to his copromoters and tax shelter customers;
- i) Engaging in conduct designed or intended to obstruct or delay an IRS investigation or audit;
- j) Organizing, promoting, or selling business or tax services that facilitate or promote noncompliance with federal tax laws; and
- k) Engaging in conduct subject to penalty under any provision of the Internal Revenue Code.

J. That the Court, pursuant to I.R.C. § 7402, enter an injunction requiring Rogers to produce to counsel for the United States a list identifying (by name, address, e-mail address, phone number, and Social Security or other tax identification number) all of the customers who, for any of the tax years 2003 to the present, have used the services of Rogers or his business as it is known under any of its names, including *but not limited to* Rogers & Associates, John Rogers, Attorney at Law, Sugarloaf, Jetstream, Warwick, and Portfolio Properties;

K. That the Court, pursuant to I.R.C. § 7402, enter an injunction requiring Rogers at his own expense to contact by mail all of his customers related to any of his tax planning services and inform those individuals of the Court's findings concerning the falsity of his prior representations and attach a copy of the permanent injunction, and to file with the Court, within 20 days of the date on which the permanent injunction is entered, a certification signed under penalty of perjury that he has done so;

L. That the Court allow the United States full post-judgment discovery to monitor compliance with the injunction;

M. That the Court retain jurisdiction over this action for purpose of implementing and enforcing the final judgment and any additional orders necessary and appropriate to the public interest; and

N. That the Court grant the United States such other and further relief as the Court deems appropriate.

Dated this 2nd day of November, 2010.

Respectfully submitted,

Patrick J. Fitzgerald  
United States Attorney

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EXHIBIT PAGE ONLY

**EXHIBIT I**

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**HUTCHISON & STEFFEN**

A PROFESSIONAL LLC



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IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS

THE UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	Civil No. 1:10-cv-07068
	)	
v.	)	Judge Samuel Der-Yeghiayan
	)	
JOHN E. ROGERS, SUGARLOAF FUND LLC,	)	Magistrate Judge Geraldine
and JETSTREAM BUSINESS LIMITED	)	Soat Brown
	)	
Defendants.	)	

**STIPULATED FINAL JUDGMENT OF PERMANENT INJUNCTION AND ORDER  
AGAINST JOHN E. ROGERS**

Plaintiff, United States of America, and Defendant John E. Rogers, ("the Parties") respectfully move the Court for entry of this Stipulated Final Judgment of Permanent Injunction and Order, and agree and stipulate as follows:

1. The United States of America has filed a Complaint for Permanent Injunction and Other Relief under 26 U.S.C. §§ 7402, 7407 and 7408 of the Internal Revenue Code ("I.R.C.") against John E. Rogers ("Defendant") and others. Defendant admits that the Court has personal jurisdiction over him pursuant to 28 U.S.C. §§ 1340 and 1345, and subject matter jurisdiction pursuant to 26 U.S.C. §§ 7402(a), 7407(a) and 7408(a).

2. Defendant, without admitting the allegations contained in the complaint, and in order to settle this matter without further litigation, voluntarily agrees and consents to this Stipulated Final Judgment of Permanent Injunction and Order.

3. Accordingly, the Parties have agreed to settle this case in accordance with the terms of this Stipulated Final Judgment of Permanent Injunction and Order.

4. The Parties:
  - a. Waive the entry of findings of fact and conclusions of law;
  - b. Agree that this Stipulated Final Judgment of Permanent Injunction and Order does not establish any fact beyond the existence of the Injunction and its terms and does not constitute an admission of any kind by either party;
  - c. Understand and agree that this Stipulated Final Judgment of Permanent Injunction and Order will be entered under Fed. R. Civ. P. 65 and will result in the entry, without further notice, of a Final Judgment in this matter;
  - d. Waive the right to appeal from the Stipulated Final Judgment of Permanent Injunction and Order;
  - e. Understand and agree that the Parties will bear their own costs, including any attorneys' fees or other expenses of this litigation;
  - f. Understand and agree that the Court will retain jurisdiction over this matter for the purpose of implementing and enforcing the Stipulated Final Judgment of Permanent Injunction and Order;
  - g. Further understand and agree that if Defendant violates the Injunction, he may be subject to civil and criminal sanctions for contempt;
  - h. Understand and agree that the United States may conduct full post-judgment discovery to monitor compliance with the Injunction. Such discovery shall be limited to matters covered in this Injunction.

**IT IS HEREBY STIPULATED AND AGREED**, pursuant to I.R.C. §§ 7402, 7407 and 7408, that Defendant John E. Rogers and his representatives, agents, servants, employees, attorneys, family members and/or any person or entity acting in active concert or participation with him, are **PERMANENTLY ENJOINED** from directly or indirectly, by use of any means or instrumentalities:

A. Organizing, promoting, advising, implementing, carrying out, managing, or selling (directly or indirectly) the DAT transaction described in the complaint, the DAD transaction described in the complaint, the I.R.C. § 743(f) distressed debt transaction described in the complaint, or any substantially similar plan or arrangement. The DAT, DAD and I.R.C. § 743(f) distressed debt schemes:

- i. Use or involve distressed debt, distressed receivables or other distressed assets;
- ii. Attempt to shift losses from a foreign or tax indifferent party to or for the benefit of a U.S. taxpayer; and/or
- iii. Attempt to shift purported losses among entities claiming to be trusts, corporations, or entities taxed as partnerships for the benefit of U.S. taxpayers who did not incur the losses;

B. Organizing, promoting, advising, implementing, carrying out, managing or selling (or helping others to organize, promote, advocate implement, carry out, manage or sell) any other tax shelter, plan, or arrangement, or a listed or reportable transaction, that violates the internal revenue laws or improperly incites or assists any person or entity to evade or avoid the assessment or collection of their federal tax liabilities or claim improper tax refunds;

C. Engaging in conduct subject to penalty under I.R.C. § 6700(a)(2)(A), including making, in connection with the organization of, participation in, or sale of any plan or

arrangement, any statement about the securing of any tax benefit that Defendant knows or has reason to know is false or fraudulent as to any material matter;

D. Engaging in conduct subject to penalty under I.R.C. § 6700(a)(2)(B), including making statements as to the value of property or services when the value stated exceeds 200% of the amount determined to be correct and is directly related to the amount of a tax deduction or credit;

E. Engaging in conduct subject to penalty under I.R.C. § 6701, including aiding, assisting, procuring, or advising with respect to the preparation or presentation of any portion of a tax return, claim, or other document, that Defendant knows or has reason to know will be used as to a material matter arising under federal tax law, and will result in the understatement of the liability for the tax of another person;

F. Engaging in conduct subject to penalty under I.R.C. § 6694, which penalizes a return preparer who prepares a return or claim for refund that contains an unreasonable position and the return preparer knew (or reasonably should have known) of the position;

G. Engaging in conduct subject to penalty under I.R.C. § 6695(c), which penalizes a tax return preparer for failing to furnish an identifying number for a return that he prepared;

H. Engaging in conduct subject to penalty under I.R.C. § 6707, which penalizes a material advisor for: (1) failing to timely file any return or statement, currently a Form 8918, Material Advisor Disclosure Statement; (2) failing to obtain a Reportable Transaction Number; and (3) failing to furnish the Reportable Transaction Number to any person or entity as required by statute or regulation;

I. Engaging in conduct designed or intended to obstruct or delay an IRS investigation or audit, although Rogers may assert on his own personal behalf all statutory and constitutional rights to which he is entitled;

J. Organizing, promoting, providing, advising or selling business or tax services that facilitate or promote noncompliance with federal tax laws; and

K. Willfully engaging in conduct subject to penalty under any provision of the Internal Revenue Code;

**IT IS FURTHER STIPULATED AND AGREED** that, within 21 days of entry by the Court, Rogers will produce to counsel for the United States a list identifying (by name, address, e-mail address, phone number, and Social Security or other tax identification number) all of the persons and/or entities who, for any of the tax years 2003 to the present, engaged in the DAT, DAD, or I.R.C. § 743(f) distressed debt transactions described in the Complaint, and certify under penalties of perjury that such production is complete and accurate to the best of his knowledge and belief;

**IT IS FURTHER STIPULATED AND AGREED** that, within 21 days of entry by the Court, Rogers will send, by first class mail and at his own expense, a copy of the Stipulated Final Judgment of Permanent Injunction and Order to all of the persons and/or entities who, for any of the tax years 2003 to the present, engaged in the DAT, DAD, or I.R.C. § 743(f) distressed debt transactions described in the Complaint. Rogers will file with the Court, within 30 days of the date on which the Stipulated Final Judgment of Permanent Injunction and Order is entered, a certification signed under penalty of perjury that he has sent, by first class mail, a copy of the Stipulated Final Judgment of Permanent Injunction and

Order to all required persons and/or entities; such mailings shall be to the last known address of the intended recipient;

**IT IS FURTHER STIPULATED AND AGREED** that the United States, including any of its agencies, will not introduce this judgment to establish Rogers' liability for civil or criminal penalty, except in an action to enforce the Injunction or for contempt; however, the United States is not precluded from introducing the Injunction into evidence, in any administrative, civil or criminal proceeding, to the extent permitted by the Federal Rules of Evidence, including, but not limited to, impeaching Rogers' testimony in the event he misrepresents the terms of the Injunction or indicates that he never agreed to the Injunction;

**IT IS FURTHER STIPULATED AND AGREED** that Rogers understands and agrees that nothing in this Stipulated Final Judgment of Permanent Injunction and Order shall be construed to preclude any other proceedings against or involving Rogers, whether administrative, civil or criminal, whether pending or subsequently commenced. The Parties further understand and agree that entry of this Stipulated Final Judgment of Permanent Injunction and Order neither precludes the IRS from asserting liability (e.g. the assessment of taxes, interest, or penalties) against Rogers for asserted violations of the Internal Revenue Code, nor precludes Rogers from contesting any such liability;

**IT IS FURTHER STIPULATED AND AGREED** that the United States will be allowed full post-judgment discovery to monitor compliance with the Injunction, limited to matters covered in this Injunction; and

**IT IS FURTHER STIPULATED AND AGREED** that the Court will retain jurisdiction over this action for purpose of implementing and enforcing the final judgment and



any additional orders necessary and appropriate to the public interest.

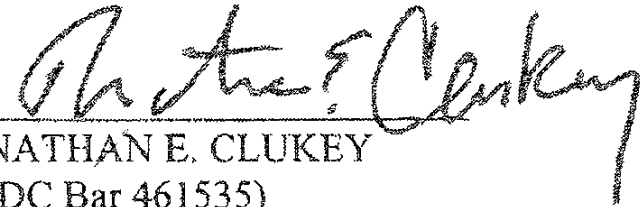
Agreed and submitted by:

Patrick J. Fitzgerald  
United States Attorney



GREGORY S. SEADOR  
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Dated: 9-13-11



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Dated: 9-13-11

*Attorneys for Plaintiff  
The United States of America*

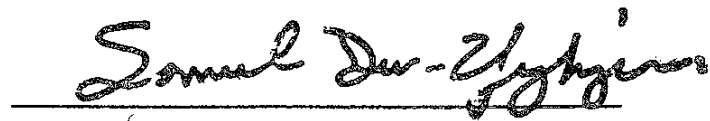


JOHN E. ROGERS  
Rogers & Associates  
55 W. Monroe St., Suite 2400  
Chicago, Ill 60603  
Telephone: (312) 376-1910  
[jer@jerogers.com](mailto:jer@jerogers.com)

Dated: 9-9-11

*Attorney John E. Rogers (Pro-Se)*

IT IS SO ORDERED this 30<sup>th</sup> day of September, 2011.



Judge Samuel Der-Yeghiayan  
UNITED STATES DISTRICT COURT JUDGE

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**EXHIBIT J**

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**HUTCHISON & STEFFEN**

A PROFESSIONAL LLC



## Firm News

### Firm News

Diversity News

Recruiting News

## Seyfarth Leads Range of Top Deals for Real Estate Industry in 2013

03/24/2014

### Publications / Blog Posts

#### Blogs

#### Accolades

CHICAGO (March 24, 2014) – Led by the largest single-property retail transaction and the largest industrial property transaction, Seyfarth Shaw LLP handled five of the commercial real estate industry's largest deals of 2013, according to the latest rankings of top deals from *Real Estate Alert*.

### Practices & Sectors

#### Real Estate

This marks the second consecutive year of chart-topping industrial property transactions for Seyfarth, which handled five of the 10 largest industrial transactions of 2012. This is also the second straight year Seyfarth acted as counsel in one of the 10 largest multi-family property deals.

With a combined value of more than \$2 billion, Seyfarth's involvement in the blockbuster transactions of 2013 included:

- **Large Single-Property Retail Transactions**
  - No. 1 – TIAA-CREF in the purchase of Grand Canal/Palazzo in Las Vegas for \$725 million
  - No. 18 – Equity One in the purchase of Westwood Complex in Bethesda, Md. For \$140 million
- **Large Industrial-Property Transactions**
  - No. 1 – DEXUS Property in the sale of West Coast Portfolio to Heitman and Pension Korea for \$542 million
  - No. 8 – LBA Realty in the sale of LBA Realty Portfolio to AEW Capital for \$249 million

In total, Seyfarth's Real Estate Department handled more than \$25 billion in real estate transactions in 2013, including a variety of the industry's largest, highest-profile and most complex transactions. With more than 130 real estate lawyers across the country, the Department has been recognized as the fourth largest commercial real estate team in the United States.

### About Seyfarth Shaw LLP

Seyfarth Shaw has more than 800 attorneys and provides a broad range of legal services in the areas of labor and employment, employee benefits, litigation, corporate and real estate. With offices in Atlanta, Boston, Chicago, Houston, London, Los Angeles, Melbourne, New York, Sacramento, San Francisco, Shanghai, Sydney and Washington, D.C., Seyfarth's clients include over 300 of the Fortune 500 companies and reflect virtually every industry and segment of the economy. A recognized leader in delivering value and innovation for legal services, Seyfarth's acclaimed *SeyfarthLean®* client service model has earned numerous accolades from a variety of highly respected third parties, including industry associations, consulting firms and media. For more information, please visit [www.seyfarth.com](http://www.seyfarth.com).

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## EXHIBIT K

HUTCHISON & STEFFEN  
A PROFESSIONAL LLC

## Firm News

## Firm News

Diversity News

Recruiting News

**A sample of real estate deals closed on behalf of clients since 2013.**

01/01/2014

## Publications / Blog Posts

## Blogs

## Accolades

- Represented a leading insurance company in more than \$12 billion in real estate loan transactions since 2013.

Practices &  
Sectors

- Represented a large, national landlord on two lease transactions involving more than 500,000 square feet of office space in Seattle.

## Real Estate

- Represented a real estate investment and management company as borrower in a \$224 million loan secured by 12 commercial properties in California, Washington, Arizona, Texas and Utah.
- Represented a *Fortune* 100 financial services company in its \$1 billion real estate joint venture in four shopping malls.
- Represented an Australian real estate group in the sale of its 68-property national portfolio for \$760 million and the sale of its West Coast portfolio for \$561 million.

- Represented a *Fortune* 100 financial services company in its 50% interest acquisition of a \$1.5 billion, 375,000-square-foot retail center in Las Vegas, as well as negotiation of property management and leasing agreements.

- Represented one of the nation's leading financial services holding companies as lender in a syndicated \$48 million construction loan for the development of a 26-story student housing tower in Atlanta.
- Represented a real estate investment fund as borrower in a \$185 million refinancing of a 26-story landmark building in San Francisco.
- Represented a leading national financial institution as co-lender in a \$73 million syndicated loan to a real estate investment company in connection with its mixed-use development in Washington, D.C.
- Represented a real estate investment and management company in a joint venture transaction involving the \$196 million sale of a 50% interest in 22 commercial properties in California, Colorado and Texas.
- Represented a real estate investment company as lender in a \$38 million loan to a joint venture on seven industrial/commercial properties located across six states.
- Represented a retirement system in a \$220 million real estate joint venture transaction to develop a 30-story mixed-use tower.
- Represented one of the 10-largest public pension funds in the nation in its \$425 million loan to a partnership of institutional owners secured by a premier commercial real estate asset in California.
- Represented a *Fortune* 500 company in connection with a \$500 million real estate expansion of the

7/7/2016

A sample of real estate deals closed on behalf of clients since 2013.

company's campus in Florida. This involved the completion of a comprehensive agreement for the consolidation of multiple ground leased parcels of land at an airport.



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**HUTCHISON & STEFFEN**  
A PROFESSIONAL LLC



## Speaking Engagement

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### Specialty Teams

EB-5 Immigrant  
Investment

## Angelo Paparelli to Present at AILA Annual Conference on Immigration Law

Complexities and Issues in Dealing with EB-5 Regional Centers

6/25/2016

Las Vegas, NV  
The Cosmopolitan

**Attorney: Angelo A. Paparelli**

Angelo Paparelli, partner of Seyfarth's Business Immigration Practice Group and co-chair of its EB-5 Immigrant Investment Specialty Team, is serving as a panelist for "Complexities and Issues in Dealing with EB-5 Regional Centers" at the AILA Annual Conference on Immigration Law in Las Vegas.

Learn the right way to file an EB-5 case involving investment in a regional center, and learn how to manage client expectations based on current processing times and trends. Find out the attorney's ethical responsibilities for these transactions.

- Do's and Don'ts of Dealing with Regional Centers
- I-829 Processing Issues
- "Wannabe" Regional Centers
- Ethical Issues in Representing EB-5 Investors and Regional Centers
- Current Trends



Accolades

Firm News

Publications / Blog Posts

Blogs

Accolades

Seyfarth's Emma Mata Receives the 2016 "Top Lawyers Under 40" Award from the Hispanic National Bar Association

3/18/2016

Practices & Sectors

Attorney: Emma C. Mata  
Office: Houston

Commercial Litigation

Health Law

Healthcare Litigation

Emma Mata, partner in the Commercial Litigation and Health Care practice groups of Seyfarth Shaw in Houston, received the 2016 "Top Lawyers Under 40" award from the Hispanic National Bar Association (HNBA).

Specialty Teams

Whistleblower Team

White Collar, Internal Investigations, and False Claims Team

The HNBA's "Top Lawyers Under 40" award celebrates and highlights the accomplishments and contributions of HNBA members who have distinguished themselves in the legal profession. The award honors lawyers who have demonstrated professional excellence, integrity, leadership, commitment to the Hispanic community, and dedication to improving the legal profession. HNBA members from all segments of the profession (including private practice, government, public interest, academia, and corporate legal departments) were eligible for the Award. The HNBA presented the award on Thursday, March 17, 2016, at the HNBA Corporate Counsel Conference in Las Vegas, Nevada. You can read more here.

"We are exceedingly proud to honor twenty of our best Latino and Latina lawyers and community leaders," said Robert T. Maldonado, HNBA National President.

Workplace Whistleblower

The HNBA is a nonprofit, nonpartisan, national membership organization that represents the interests of Hispanic legal professionals in the United States and its territories. It is also committed to advocacy on issues of importance to the more than 54 million people of Hispanic heritage living in the U.S. You can read more here



## Speaking Engagement

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### Specialty Teams

EB-5 Immigrant  
Investment

## Angelo Paparelli to Speak at the 2015 AILA EB-5 Investors Summit: Representing EB-5 Investors & Regional Centers in A Time of Change

Protecting Your EB-5 Practice: Ethical Issues & Minimizing Risk

8/28/2015

Las Vegas, NV

**Attorney: Angelo A. Paparelli**

Angelo Paparelli, partner of Seyfarth's Business Immigration Practice Group and co-chair of its EB-5 Immigrant Investment Specialty Team, is speaking at the 2015 AILA EB-5 Investors Summit: *Representing EB-5 Investors & Regional Centers in A Time of Change* on August 28 in Las Vegas, Nevada.

Angelo will present on a panel titled: "Protecting Your EB-5 Practice: Ethical Issues & Minimizing Risk," which will walk through a sample engagement letter and address key ethical concerns encountered in EB-5 practice.

- Identifying Legal Services and Potential Limited Scope Representation
- Competence—Knowing When to Co-Counsel and When to Use Experts
- Representing Multiple Clients and Informed Consent
- Common Hazards and Gauging Potential Conflicts of Interest
- Lawful Source of Funds and Truth in Filing
- Knowing Your Client and Coordinating with Agent Intermediaries
- Getting Paid Consistently with the Professional Code
- Practice Pointers for the Engagement Letter
- What to Do When a Conflict Arises

7/14/2016

Kathleen McConnell to present, "E-Discovery Hot Topics: Cloud Connectivity, TAR Challenges, SaaS" at CEIC

**SEYFARTH  
SHAW**

## **Speaking Engagement**

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### **Practices & Sectors**

eDiscovery and  
Information  
Governance

### **Kathleen McConnell to present, "E-Discovery Hot Topics: Cloud Connectivity, TAR Challenges, SaaS" at CEIC**

The world's largest conference for intensive security, legal and digital investigations skills-building  
5/20/2015

Las Vegas, NV

**Attorney: Kathleen McConnell**

As the proliferation of electronically stored data continues at a never-ending pace, so too does the need to store, manage and produce that data for document requests in litigation and regulatory inquiries. This session looks at the current and future trends in e-discovery technology and tackles the issue of when to consider retiring current processes and technology.



## Speaking Engagement

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### **Scott Carlson and Jay Carle to present, "Information Governance: Can They Really Go Hand-in-Glove" at CEIC**

The world's largest conference for intensive security, legal and digital investigations skills-building  
5/20/2015

Las Vegas, NV

**Attorneys:** Scott A. Carlson, Jay C. Carle

Scott Carlson and Jay Carle will be presenting, "Information Governance: Can They Really Go Hand-in-Glove" on May 20th, 2015.

Information governance may be the 800-pound gorilla in the room when it comes to e-discovery, but executives are quickly realizing that their organizations can significantly reduce e-discovery costs when they proactively manage electronic information at an enterprise level. This starts with information governance. This session will connect the dots between information governance and e-discovery and highlight how they can be addressed together to maximize efficiencies and reduce costs.





## Speaking Engagement

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### **Rick Lutkus to present, "eDiscovery from Three Different Perspectives: Corporate, Discovery Services, and a Law Firm" at CEIC**

The world's largest conference for intensive security, legal and digital investigations skills-building  
5/20/2015

Las Vegas, NV

**Attorney: Richard D. Lutkus**

Rick Lutkus will be presenting, "eDiscovery from Three Different Perspectives: Corporate, Discovery Services, and a Law Firm" on May 19th, 2015.

This lively panel discussion by three noted and experienced professionals will cover war stories as well as best (and worst) practices in implementing defensible, repeatable e-discovery discipline. Topics will include the changing dynamics between law firms, e-discovery service providers, and corporate legal departments and how that's affected the importance of workflow and playbooking, mechanizing e-discovery departments, depth of forensic analysis, and how to manage cases in difference environments.



## Speaking Engagement

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### Practices & Sectors

eDiscovery and  
Information  
Governance

### **M. James Daley to present at CEIC, the world's largest conference for intensive security, legal and digital investigations skills-building**

"International eDiscovery: Data Protection, Privacy, and Cross-Border Issues" and "Implications of Using EnCase in Foreign Jurisdictions"

5/20/2015

Las Vegas, NV

**Attorney: M. James Daley**

M. James Daley will be presenting two panels at the Computer and Enterprise Investigations Conference (CEIC) on May 19th, 2015 and May 20th, 2015.

"International eDiscovery: Data Protection, Privacy, and Cross-Border Issues," comprised of a panel of noted international e-discovery and e-disclosure experts, will discuss the current state of cross-border data transfer laws, revisions to the EU Data Protection Directive and best practices for navigating these complicated waters.

"Implications of Using EnCase in Foreign Jurisdictions" will highlight the perceived issues of using EnCase products outside of the U.S. and provide a best-practices approach to resolving those issues. This session will focus on specific issues with collecting and processing data outside of the United States and provide best practices when using EnCase for these tasks.



## **Speaking Engagement**

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### **Scott Carlson to present, "Designing a Defensible ESI Plan" at CEIC**

The world's largest conference for intensive security, legal and digital investigations skills-building  
5/18/2015

Las Vegas, NV

**Attorney: Scott A. Carlson**

A 2012 survey showed that 56% of respondents do not have policies, a solution, or a test of their E-Discovery strategies. Nationally recognized E-Discovery attorney Scott Carlson and court-recognized EnCE testifying expert and consultant Jim Vaughn will share their expertise regarding how to design an overall defensible and standardized plan for your ESI matters. Topics will include how to approach the task of learning about ESI through the IT department, the use of questionnaires for employees, other methodologies, and how to translate geek speak to attorneys. Additional expertise will be covered for identification and collection decisions on mobile devices, non-corporate devices, external media, legacy systems, and archived data. This session is designed for inside counsel, corporate investigators and outside consultants responsible for the identification, preservation, and collection of data.



## Speaking Engagement

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### Practices & Sectors

Corporate

Capital Markets

## Michael Dunn a Panelist at the 2014 REISA Annual Conference

9/14/2014

Las Vegas, NV  
Caesars Palace

**Attorney:** Michael T. Dunn

Michael Dunn, co-vice chair of Seyfarth's Capital Markets practice, to serve on a due diligence panel at the 2014 REISA Annual Conference held on September 14-16 at Caesars Palace in Las Vegas, NV. The panel will discuss Rule 506 bad actor compliance.

For more information, [click here](#).



## Speaking Engagement

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### Practices & Sectors

Health Law

## Daniel Sternthal Speaking on Fair Housing Rules at AHLA Long-Term Care Conference

"Fair Housing Compliance in the Senior Living Context"

### Specialty Teams

3/20/2014

Senior Living and Long-Term Care Team

Las Vegas, NV  
Cosmopolitan Hotel  
3708 S. Las Vegas Blvd.  
Las Vegas, NV 89109

Health Law Partner Daniel Sternthal is presenting at the American Health Lawyers Association (AHLA) Long-Term Care and the Law Conference on "Fair Housing Compliance in the Senior Living Context." Daniel's presentation will cover the following:

- Basic fair housing rules in the context of daily operational challenges faced by assisted living, independent living and CCRC providers
- Recent FHA cases, enforcement trends, statutes, regulations, and guidance impacting senior housing providers
- Practical tips to help avoid FHA/FDA challenges, and implementing policies and procedures that reduce risk and still meet operational goals
- Reasonable accommodation policies addressing FHA issues

More more information and to register, click [here](#).



## Speaking Engagement

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### Practices & Sectors

## Nicole Bogard Presenting on Health Care Reform at AHLA Long-Term Care Conference

Employee Benefits  
& Executive  
Compensation

"ACA and the Employer Mandate"

Health & Welfare  
Benefit Plans

2/20/2014

Health Law

Las Vegas, NV  
Cosmopolitan Hotel  
3708 S. Las Vegas Blvd.  
Las Vegas, NV 89109

### Specialty Teams

Health Care  
Reform Team

**Attorney:** Nicole D. Bogard

Senior Living and  
Long-Term Care  
Team

Employee Benefits Partner Nicole Bogard is presenting at the American Health Lawyers Association (AHLA) Long-Term Care and the Law Conference on "ACA and the Employer Mandate." Employers everywhere are moving to comply with "play or pay" mandate rules, and waiting for guidance on the many new reporting obligations they'll have for 2015. Recent regulatory guidance addresses a number of issues tightly linked to an array of practical considerations related to the employer mandate and employers' future benefits strategy. These issues may prove complex from both an employer compliance and federal agency implementation standpoint.

### Key learning objectives:

- Identify your "full-time employees" under health reform; the cost of covering them under current and alternative plan designs; the penalties you face if you don't; and a rational risk/reward analysis regarding those penalties
- Shrink the number of employees who become newly eligible on January 1, 2015, including the use of specific "measurement periods" to gauge full-time status (and when those periods should start and stop), and workforce management or realignment
- Coverage options to minimize costs exposure; how to exploit the flexibility around "affordable" and "minimum value" coverage; and the advantages of offering slender "minimum essential coverage" to some workforce elements

For more information and to register, [click here](#).





## Speaking Engagement

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### Practices & Sectors

Project  
Development &  
Finance

Public-Private  
Partnerships

## Dan McRae and Rob Winner to present at the 2013 Design-Build Conference & Expo

11/5/2013

Cost: DBIA Member Early Bird: \$500-\$875 (full conference) Non-Member Early Bird: \$600-\$1075 (full conference) Student Early Bird: \$150-\$325 (full conference)

Las Vegas, NV  
The Mirage  
3400 S Las Vegas Blvd  
Las Vegas, NV 89109

Dan McRae and Rob Winner will give an intermediate presentation on Public / Private Partnerships for Design-Builders - Project Structures and Financing on Tuesday, November 5th. The DBIA Conference & Expo is the largest gathering of the year for the design-build market and the only event centered exclusively on design-build taking place on November 4-6, 2013. The Design-Build Conference & Expo includes attendees and exhibitors from across all design and construction sectors.

To register, [click here](#).

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## EXHIBIT M

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HUTCHISON & STEFFEN

A PROFESSIONAL LLC

**United States District Court  
District of Nevada (Las Vegas)  
CIVIL DOCKET FOR CASE #: 2:16-cv-00910-JAD-GWF**

Count's Kustoms, LLC et al v. Frontiera et al  
Assigned to: Judge Jennifer A. Dorsey  
Referred to: Magistrate Judge George Foley, Jr  
Demand: \$75,000  
Case in other court: District Court, Clark County, A16-733821-B  
Cause: 28:1441 Petition For Removal--Other Contract

Date Filed: 04/21/2016  
Jury Demand: None  
Nature of Suit: 190 Contract: Other  
Jurisdiction: Diversity

**Plaintiff**

**Count's Kustoms, LLC**

represented by **Steven J Mack**  
Black & LoBello  
10777 West Twain Ave., Ste. 300  
Las Vegas, NV 89135  
702-869-8801  
Fax: 702-869-2669  
Email:  
SMACK@BLACKLOBELLOLAW.COM  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Joseph Frontiera**

represented by **Theresa Lillian Mains**  
Theresa Mains Law  
2251 N. Rampart Blvd., Ste. 102  
Las Vegas, NV 89128  
954-520-1775  
Email: theresa@theresamainspa.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Randstad Professionals US, LP**  
*doing business as*  
Randstad Professionals

represented by **Amy A. Abeloff**  
Seyfarth Shaw LLP  
2029 Century Park East  
Ste. 3500  
Los Angeles, CA 90067  
310-277-7200  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Eric R. McDonough**  
Seyfarth Shaw LLP  
2029 Century Park East  
Los Angeles, CA 90067  
310-277-7200

Email: emcdonough@seyfarth.com  
**LEAD ATTORNEY**  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Michael C. Mills**  
 Bauman Loewe Witt & Maxwell, PLLC  
 3650 N. Rancho Dr. Ste. 114  
 Las Vegas, NV 89130  
 702-240-6060  
 Fax: 702-240-4267  
 Email: mmills@blwmlawfirm.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Counter Claimant**

**Randstad Professionals US, LP**

represented by **Amy A. Abeloff**  
 (See above for address)  
**LEAD ATTORNEY**  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Eric R. McDonough**  
 (See above for address)  
**LEAD ATTORNEY**  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Michael C. Mills**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Counter Defendant**

**Count's Kustoms, LLC**

represented by **Steven J Mack**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Cross Claimant**

**Randstad Professionals US, LP**

represented by **Amy A. Abeloff**  
 (See above for address)  
**LEAD ATTORNEY**  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Eric R. McDonough**  
 (See above for address)  
**LEAD ATTORNEY**  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Michael C. Mills**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Cross Defendant**

**Joseph Frontiera**

represented by **Theresa Lillian Mains**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
04/22/2016	<u>1</u>	<b>ERROR:</b> Wrong event by attorney. <b>CORRECTION:</b> Attorney Michael Mills advised to Refile using the Notice of Removal event. Document <u>1</u> terminated by court.  <del>STATEMENT RE: REMOVAL filed by Defendant Randstad Professionals. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Mills, Michael) (Entered: 04/22/2016)</del>
04/22/2016	<u>2</u>	CIVIL COVER SHEET re <u>1</u> Statement in Removal Case, filed by Randstad Professionals. Related document: <u>1</u> Statement in Removal Case filed by Randstad Professionals. (Mills, Michael) (Entered: 04/22/2016)
04/22/2016	3	NOTICE: Attorney Action Required to <u>1</u> Statement in Removal Case. <b>ERROR:</b> Wrong event by attorney. <b>CORRECTION:</b> Attorney Michael Mills advised to Refile using the "Petition for Removal" event found under the "Complaints, Other Initiating Documents" category. <b>(no image attached)</b> (DKJ) (Entered: 04/22/2016)
04/22/2016	<u>4</u>	PETITION FOR REMOVAL from District Court, Clark County, Case Number A-16-733821-B, (Filing fee \$ 400 receipt number 0978-4089587), filed by Randstad Professionals. Certificate of Interested Parties due by 5/2/2016. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, <b>COUNTERCLAIM</b> # <u>3</u> Civil Cover Sheet) (Mills, Michael) <u>Modified on 5/4/2016 to reflect counterclaim is located in exhibit B (DKJ).</u> (Entered: 04/22/2016)
04/22/2016		Case assigned to Judge Jennifer A. Dorsey and Magistrate Judge George Foley, Jr. (NEV) (Entered: 04/22/2016)
04/22/2016	5	NOTICE PURSUANT TO LOCAL RULE IB 2-2: In accordance with 28 USC § 636(c) and FRCP 73, the parties in this action are provided with a link to the "AO 85 Notice of Availability, Consent, and Order of Reference - Exercise of Jurisdiction by a U.S. Magistrate Judge" form on the Court's website - <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> . <b>AO 85 Consent forms should NOT be electronically filed.</b> Upon consent of all parties, counsel are advised to manually file the form with the Clerk's Office. (A copy of form AO 85 has been mailed to parties not receiving electronic service.)  NOTICE OF GENERAL ORDER 2013-1 AND OPPORTUNITY FOR EXPEDITED TRIAL SETTING: The parties in this action are provided with a link to General Order 2013-1 and the USDC Short Trial Rules on the Court's website - <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> . If the parties agree that this action can be ready for trial within 180 days and that a trial of this matter would take three (3) days or less, the parties should consider participation in the USDC Short Trial Program. If the parties wish to be considered for entry into the Court's Short Trial Program, they should execute and electronically file with USDC Short

		Trial Form 4(a)(1) or Form 4(a)(2). <b>(no image attached)</b> (NEV) (Entered: 04/22/2016)
04/22/2016	<u>6</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Jennifer A. Dorsey, on 4/22/2016. Statement regarding removed action is due by 5/10/2016. Joint Status Report regarding removed action is due by 5/25/2016. (Copies have been distributed pursuant to the NEF - NEV) (Entered: 04/22/2016)
04/22/2016	7	NOTICE TO COUNSEL PURSUANT TO LOCAL RULE IA 10-2. Counsel Eric R. McDonough, Amy A. Abeloff to comply with completion and electronic filing of the Designation of Local Counsel and Verified Petition. For your convenience, click on the following link to obtain the form from the Court's website - <a href="http://www.nvd.uscourts.gov/Forms.aspx">www.nvd.uscourts.gov/Forms.aspx</a> .  Upon approval of the Verified Petition, counsel is required to register for the Court's Case Management and Electronic Case Filing (CM/ECF) system and the electronic service of pleadings. Please visit the Court's website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> to register Attorney(s). Verified Petition due by 6/6/2016. <b>(no image attached)</b> (NEV) (Entered: 04/22/2016)
04/27/2016	<u>8</u>	NOTICE of Appearance by attorney Theresa Lillian Mains on behalf of Cross Defendant Joseph Frontiera, Defendant Joseph Frontiera. (Mains, Theresa) (Entered: 04/27/2016)
04/28/2016	<u>9</u>	<b>ERROR:</b> Wrong event selected by attorney Michael Mills. <b>CORRECTION:</b> Attorney Michael C. Mills advised to refile using the correct event. Document terminated by court.  <del>NOTICE Amended Notice of Removal by Randstad Professionals US, LP re <u>4</u> Petition for Removal, (Mills, Michael)</del> (Entered: 04/28/2016)
04/28/2016	10	NOTICE: Attorney Action Required to <u>9</u> Notice (Other). <b>ERROR:</b> Wrong event selected by attorney Michael Mills. <b>CORRECTION:</b> Attorney Michael C. Mills advised to refile using the correct event located under the "Initial Pleadings And Service" category, then choose "Complaints, Other Initiating Documents", then choose, "Amended Petition for Removal". <b>(no image attached)</b> (DKJ) (Entered: 04/28/2016)
04/28/2016	<u>11</u>	AMENDED PETITION FOR REMOVAL from Clark County District Court, Case Number A-16-733821-C, <b>With Counterclaim</b> filed by Randstad Professionals US, LP. No changes to parties. (Mills, Michael) <u>Modified on 5/4/2016 to reflect counterclaim is in amended petition for removal (DKJ)</u> . (Entered: 04/28/2016)
05/02/2016	<u>12</u>	CERTIFICATE of Interested Parties filed by Randstad Professionals US, LP. There are no known interested parties other than those participating in the case . (Mills, Michael) (Entered: 05/02/2016)
05/02/2016	<u>13</u>	CERTIFICATE of Interested Parties filed by Count's Kustoms, LLC. There are no known interested parties other than those participating in the case . (Mack, Steven) (Entered: 05/02/2016)
05/02/2016	<u>14</u>	NOTICE <i>Seven (7) Day Notice of Intent to Take Default against Defendant Joseph Frontiera</i> by Count's Kustoms, LLC. (Mack, Steven) (Entered: 05/02/2016)
05/03/2016	<u>15</u>	MOTION to Strike Counterclaim, or in the alternative, Motion to Dismiss re <u>4</u> Petition for Removal, Exhibit B, <u>11</u> Amended Petition for Removal re Counterclaim by Counter Defendant Count's Kustoms, LLC, Plaintiff Count's Kustoms, LLC. Responses due by 5/20/2016. (Mack, Steven) <u>Modified on 5/4/2016 to add docket entry relationship (DKJ)</u> . (Entered: 05/03/2016)
05/04/2016	<u>16</u>	FIRST STIPULATION FOR EXTENSION OF TIME re Complaint contained in <u>4</u> Petition for Removal; filed by Defendant Joseph Frontiera. (Mains, Theresa) (Entered: 05/04/2016)
05/05/2016	<u>17</u>	ORDER ON STIPULATION Granting <u>16</u> FIRST STIPULATION FOR EXTENSION OF



		TIME re Complaint contained in <u>4</u> Petition for Removal. Joseph Frontiera answer due 5/9/2016. Signed by Magistrate Judge George Foley, Jr on 5/5/2016. (Copies have been distributed pursuant to the NEF - SLD) (Entered: 05/05/2016)
05/10/2016	<u>18</u>	MOTION to Dismiss by Defendant Joseph Frontiera. Responses due by 5/27/2016. (Mains, Theresa) (Entered: 05/10/2016)
05/10/2016	<u>19</u>	STATEMENT RE: REMOVAL filed by Cross Claimant Randstad Professionals US, LP, Defendant Randstad Professionals US, LP, Counter Claimant Randstad Professionals US, LP. (Mills, Michael) (Entered: 05/10/2016)
05/10/2016	<u>20</u>	VERIFIED PETITION for Permission to Practice Pro Hac Vice by Amy Ann Abeloff and DESIGNATION of Local Counsel Michael C. Mills (Filing fee \$ 250 receipt number 0978-4113485) by Cross Claimant Randstad Professionals US, LP, Defendant Randstad Professionals US, LP, Counter Claimant Randstad Professionals US, LP. (Mills, Michael) <b>Corrected image <u>23</u> attached on 5/11/2016 (DKJ).</b> (Entered: 05/10/2016)
05/10/2016	<u>21</u>	NOTICE of Hearing on <u>15</u> Plaintiff/Counterdefendant's Motion to Strike Counterclaim, or in the alternative, Motion to Dismiss; <u>18</u> Defendant/Cross Defendant Frontiera's Motion to Dismiss Complaint Pursuant to Fed. R. Civ. P. 9(b) and 12(b)(6): IT IS ORDERED a Motion Hearing is set for 7/11/2016 at 01:30 PM in LV Courtroom 6D before Judge Jennifer A. Dorsey. <b>(no image attached)</b> (DMS) (Entered: 05/10/2016)
05/10/2016	<u>22</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Jennifer A. Dorsey, on 5/10/2016. By Judicial Assistant: Cathy Stuchell. RE: <u>20</u> Verified Petition for Permission to Practice Pro Hac Vice does not comply with LR 1A10-2(a). Case caption is missing from Petition; party's signature is missing from Petition; and Certificate of Good Standing is missing from Petition. Local counsel is advised to correct and refile Petition with the Court under event "Notice of Corrected Image" and link to <u>20</u> . Counsel has until May 24, 2016 to remedy the deficiencies. Failure to comply will result in denial of the Petition <u>20</u> . <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - CS) (Entered: 05/10/2016)
05/11/2016	<u>23</u>	NOTICE of Corrected Image/Document re <u>20</u> Verified Petition for Permission to Practice Pro Hac Vice, by Cross Claimant Randstad Professionals US, LP, Defendant Randstad Professionals US, LP, Counter Claimant Randstad Professionals US, LP. (Service of corrected image is attached). (Mills, Michael) (Entered: 05/11/2016)
05/12/2016	<u>24</u>	ORDER Granting <u>20</u> Verified Petition for Permission to Practice Pro Hac Vice of Amy Ann Abeloff and approving Designation of Local Counsel Michael Mills. Signed by Judge Jennifer A. Dorsey on 5/12/16. Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> (Copies have been distributed pursuant to the NEF - TR) (Entered: 05/12/2016)
05/13/2016	<u>25</u>	MOTION to Strike <u>18</u> Motion to Dismiss <i>as Untimely</i> by Counter Defendant Count's Kustoms, LLC, Plaintiff Count's Kustoms, LLC. Responses due by 5/30/2016. (Mack, Steven) (Entered: 05/13/2016)
05/17/2016	<u>26</u>	RESPONSE to <u>18</u> Motion to Dismiss, filed by Counter Defendant Count's Kustoms, LLC, Plaintiff Count's Kustoms, LLC. Replies due by 5/27/2016. (Mack, Steven) (Entered: 05/17/2016)
05/19/2016	<u>27</u>	RESPONSE to <u>15</u> Motion to Strike,, filed by Cross Claimant Randstad Professionals US, LP, Defendant Randstad Professionals US, LP, Counter Claimant Randstad Professionals US, LP. Replies due by 5/29/2016. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Mills, Michael) (Entered: 05/19/2016)

05/25/2016	<u>28</u>	Joint STATUS REPORT by Counter Defendant Count's Kustoms, LLC, Plaintiff Count's Kustoms, LLC. (Mack, Steven) (Entered: 05/25/2016)
05/25/2016	<u>29</u>	REPLY to Response to <u>15</u> Motion to Strike, filed by Counter Defendant Count's Kustoms, LLC, Plaintiff Count's Kustoms, LLC. (Mack, Steven) (Entered: 05/25/2016)
05/25/2016	<u>30</u>	ANSWER to Complaint re <u>11</u> Amended Petition for Removal, Randstad Cross Claim against Frontiera filed by Joseph Frontiera. Discovery Plan/Scheduling Order due by 7/9/2016.(Mains, Theresa)  NOTICE of Certificate of Interested Parties requirement: Under Local Rule 7.1-1, a party must <u>immediately</u> file its disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court. (Entered: 05/25/2016)
05/25/2016	<u>31</u>	CERTIFICATE of Interested Parties filed by Joseph Frontiera. There are no known interested parties other than those participating in the case . (Mains, Theresa) (Entered: 05/25/2016)
05/27/2016	<u>32</u>	REPLY to Response to <u>18</u> Motion to Dismiss filed by Cross Defendant Joseph Frontiera, Defendant Joseph Frontiera. (Mains, Theresa) (Entered: 05/27/2016)
05/30/2016	<u>33</u>	RESPONSE to <u>25</u> Motion to Strike, filed by Cross Defendant Joseph Frontiera, Defendant Joseph Frontiera. Replies due by 6/9/2016. (Attachments: # <u>1</u> Declaration Theresa Mains and Exhibits)(Mains, Theresa) (Entered: 05/30/2016)
06/06/2016	<u>34</u>	REPLY to Response to <u>25</u> Motion to Strike filed by Counter Defendant Count's Kustoms, LLC, Plaintiff Count's Kustoms, LLC. (Mack, Steven) (Entered: 06/06/2016)
06/06/2016	<u>35</u>	VERIFIED PETITION for Permission to Practice Pro Hac Vice by Eric R. McDonough and DESIGNATION of Local Counsel Michael C. Mills (Filing fee \$ 250 receipt number 0978-4148484) by Cross Claimant Randstad Professionals US, LP, Defendant Randstad Professionals US, LP, Counter Claimant Randstad Professionals US, LP. (Mills, Michael) (Entered: 06/06/2016)
06/13/2016	<u>36</u>	ORDER Granting <u>35</u> Verified Petition for Permission to Practice Pro Hac Vice Attorney Eric R. McDonough and approving Designation of Local Counsel Michael C. Mills. Signed by Judge Jennifer A. Dorsey on 06/13/2016. Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> (Copies have been distributed pursuant to the NEF - NEV) (Entered: 06/14/2016)
06/18/2016	<u>37</u>	MOTION for Leave to File filed by Cross Defendant Joseph Frontiera, Defendant Joseph Frontiera re <u>16</u> Stipulation, <u>18</u> Motion to Dismiss. (Attachments: # <u>1</u> Declaration In Support of Motion for Leave)(Mains, Theresa) <b>Modified event on 6/20/2016 (DKJ).</b> (Entered: 06/18/2016)
06/20/2016		NOTICE of Docket Correction to <u>37</u> Memorandum: <b>ERROR:</b> Wrong event selected by attorney Teresa Mains. <b>CORRECTION:</b> Court modified event from Memorandum to Motion for Leave to File.  <b><u>Attorney advised in the future to file documents pursuant to LR IC 2-2(c).</u></b> (no image attached)(DKJ) (Entered: 06/20/2016)
06/21/2016	<u>38</u>	ORDER Denying Plaintiff's <u>25</u> Motion to Strike Motion to Dismiss As Untimely. Defendant Frontiera's <u>37</u> Motion for Leave for this Court to Accept Late Filing of Motion to Dismiss is Granted. Frontiera's <u>18</u> Motion to Dismiss will be considered as a timely motion. Signed by Judge Jennifer A. Dorsey on 6/20/2016. (Copies have been distributed pursuant to the NEF - DL) (Entered: 06/21/2016)

06/22/2016	<u>39</u>	PROPOSED Discovery Plan/Scheduling Order filed by Cross Claimant Randstad Professionals US, LP, Defendant Randstad Professionals US, LP, Counter Claimant Randstad Professionals US, LP . (Mills, Michael) (Entered: 06/22/2016)
06/23/2016	<u>40</u>	SCHEDULING ORDER Granting <u>39</u> Proposed Discovery Plan/Scheduling Order. Discovery due by 11/21/2016. Motions due by 12/21/2016. Proposed Joint Pretrial Order due by 1/20/2017. Signed by Magistrate Judge George Foley, Jr. on 06/23/2016. (Copies have been distributed pursuant to the NEF - NEV) (Entered: 06/23/2016)
06/23/2016	<u>41</u>	<p>NOTICE PURSUANT TO LOCAL RULE IB 2-2: In accordance with 28 USC § 636(c) and FRCP 73, the parties in this action are provided with a link to the "AO 85 Notice of Availability, Consent, and Order of Reference - Exercise of Jurisdiction by a U.S. Magistrate Judge" form on the Court's website - <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a>. <b>AO 85 Consent forms should NOT be electronically filed.</b> Upon consent of all parties, counsel are advised to manually file the form with the Clerk's Office. (A copy of form AO 85 has been mailed to parties not receiving electronic service.)</p> <p>NOTICE OF GENERAL ORDER 2013-1 AND OPPORTUNITY FOR EXPEDITED TRIAL SETTING: The parties in this action are provided with a link to General Order 2013-1 and the USDC Short Trial Rules on the Court's website - <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a>. If the parties agree that this action can be ready for trial within 180 days and that a trial of this matter would take three (3) days or less, the parties should consider participation in the USDC Short Trial Program. If the parties wish to be considered for entry into the Court's Short Trial Program, they should execute and electronically file with USDC Short Trial Form 4(a)(1) or Form 4(a)(2). <b>(no image attached)</b> (NEV) (Entered: 06/23/2016)</p>

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## EXHIBIT N

HUTCHISON & STEFFEN

A PROFESSIONAL LLC

**United States District Court  
District of Nevada (Las Vegas)  
CIVIL DOCKET FOR CASE #: 2:08-cv-00369-JCM-GWF**

Allstate Insurance Company et al vs. Nassiri, et al.,  
Assigned to: Judge James C. Mahan  
Referred to: Magistrate Judge George Foley, Jr  
Case in other court: 9th Circuit Court of Appeals, 13-17030  
Cause: 18:1961 Racketeering (RICO) Act

Date Filed: 03/20/2008  
Date Terminated: 09/10/2013  
Jury Demand: Both  
Nature of Suit: 470 Racketeer/Corrupt  
Organization  
Jurisdiction: Diversity

**Plaintiff**

**Allstate Insurance Company**

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**Plaintiff**



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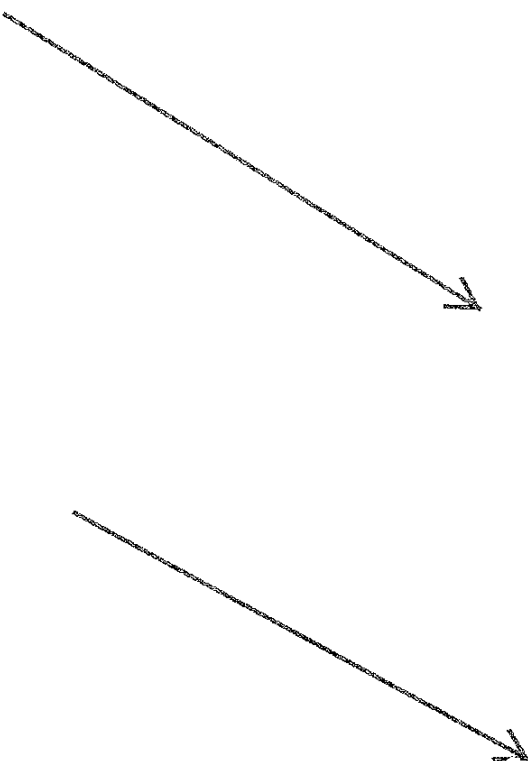
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**Plaintiff**

**Allstate Indemnity Company**

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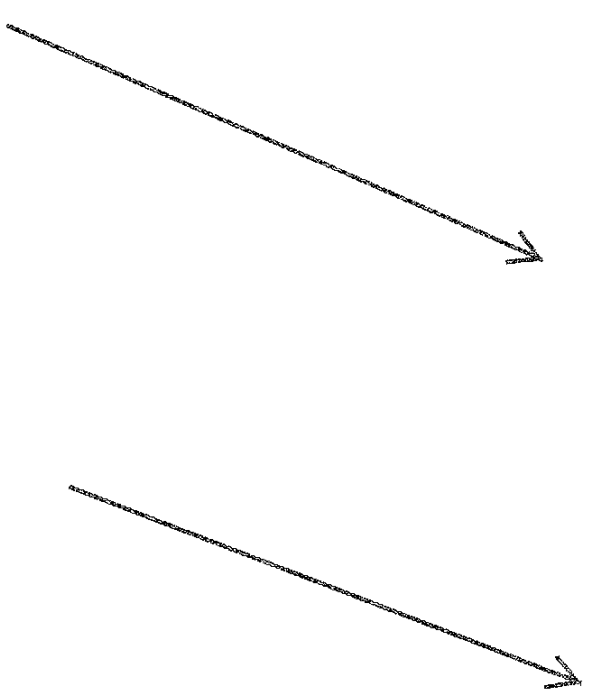
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V.

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**Defendant**

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**Douglas M. Cohen**  
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**TERMINATED: 02/05/2010**

**Tamara Beatty Peterson**  
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**TERMINATED: 02/08/2010**

**Defendant**

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**TERMINATED: 05/31/2013**

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**Defendant**

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**ATTORNEY TO BE NOTICED**

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**Douglas M. Cohen**  
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**Defendant**

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**Tamara Beatty Peterson**  
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*TERMINATED: 02/08/2010*

**Defendant**

**J&O Holdings, LLC**  
*TERMINATED: 11/18/2008*

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**Defendant**

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**ThirdParty Plaintiff**

**Advanced Accident Chiropractic Care**  
*TERMINATED: 04/08/2010*

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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Anthony J. DiRaimondo**  
(See above for address)  
*TERMINATED: 02/08/2010*

**David A. Carroll**  
(See above for address)  
*TERMINATED: 02/08/2010*

**Douglas M. Cohen**  
(See above for address)  
*TERMINATED: 02/05/2010*

**Tamara Beatty Peterson**  
(See above for address)  
*TERMINATED: 02/08/2010*

**ThirdParty Plaintiff**

**Obteen N. Nassiri, D.C.**  
*TERMINATED: 04/08/2010*

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(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Anthony J. DiRaimondo**  
(See above for address)  
*TERMINATED: 02/08/2010*

**David A. Carroll**  
(See above for address)  
*TERMINATED: 02/08/2010*

**Douglas M. Cohen**  
(See above for address)  
*TERMINATED: 02/05/2010*

**Tamara Beatty Peterson**  
(See above for address)  
*TERMINATED: 02/08/2010*

V.

**ThirdParty Defendant**

**McCormick, Barstow, Sheppard, Wayte  
& Carruth LLP**  
*TERMINATED: 04/08/2010*

represented by **Eron Z Cannon**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Anne E Padgett**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Bruce W. Kelley**  
(See above for address)  
*TERMINATED: 11/21/2013*  
*ATTORNEY TO BE NOTICED*

**Jonathan W Carlson**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**Advanced Accident Chiropractic Care**  
*TERMINATED: 05/13/2010*

represented by **Liborius I. Agwara**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Anthony J. DiRaimondo**  
(See above for address)  
*TERMINATED: 02/08/2010*

**David A. Carroll**  
(See above for address)  
*TERMINATED: 02/08/2010*

**Douglas M. Cohen**  
(See above for address)  
*TERMINATED: 02/05/2010*

**Tamara Beatty Peterson**  
(See above for address)  
*TERMINATED: 02/08/2010*

**Counter Claimant**

**Obteen N. Nassiri, D.C.**  
*TERMINATED: 05/13/2010*

represented by **Liborius I. Agwara**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Anthony J. DiRaimondo**  
(See above for address)  
*TERMINATED: 02/08/2010*

**David A. Carroll**  
(See above for address)  
*TERMINATED: 02/08/2010*

**Douglas M. Cohen**  
(See above for address)  
*TERMINATED: 02/05/2010*

**Tamara Beatty Peterson**  
(See above for address)  
*TERMINATED: 02/08/2010*

V.

**Counter Defendant**

**Allstate Insurance Company**  
*TERMINATED: 05/13/2010*

represented by **Eron Z Cannon**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Anne E Padgett**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Bruce W. Kelley**  
(See above for address)  
*TERMINATED: 11/21/2013*

**Kevin J Lesinski**  
(See above for address)  
*TERMINATED: 05/31/2013*

**Michael T Graves**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Patty H. Lee**  
(See above for address)  
*TERMINATED: 05/31/2013*

**Counter Defendant**

**Allstate Property & Casualty Insurance Company**  
*TERMINATED: 05/13/2010*

represented by **Eron Z Cannon**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Anne E Padgett**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Bruce W. Kelley**  
(See above for address)  
*TERMINATED: 11/21/2013*

**Kevin J Lesinski**  
(See above for address)

*TERMINATED: 05/31/2013*

**Michael T Graves**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Patty H. Lee**  
(See above for address)  
*TERMINATED: 05/31/2013*

**Counter Defendant**

**Allstate Indemnity Company**  
*TERMINATED: 05/13/2010*

represented by **Eron Z Cannon**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Anne E Padgett**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Bruce W. Kelley**  
(See above for address)  
*TERMINATED: 11/21/2013*

**Kevin J Lesinski**  
(See above for address)  
*TERMINATED: 05/31/2013*

**Michael T Graves**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Patty H. Lee**  
(See above for address)  
*TERMINATED: 05/31/2013*

**Counter Claimant**

**Allstate Property & Casualty Insurance Company**

represented by **Eron Z Cannon**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Anne E Padgett**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Bruce W. Kelley**  
(See above for address)  
*TERMINATED: 11/21/2013*

**Kevin J Lesinski**  
(See above for address)  
*TERMINATED: 05/31/2013*

**Michael T Graves**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

**Patty H. Lee**  
 (See above for address)  
*TERMINATED: 05/31/2013*

V.

**Counter Defendant**

**Advanced Accident Chiropractic Care**

represented by **Liborius I. Agwara**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Anthony J. DiRaimondo**  
 (See above for address)  
*TERMINATED: 02/08/2010*

**David A. Carroll**  
 (See above for address)  
*TERMINATED: 02/08/2010*

**Douglas M. Cohen**  
 (See above for address)  
*TERMINATED: 02/05/2010*

**Tamara Beatty Peterson**  
 (See above for address)  
*TERMINATED: 02/08/2010*

Date Filed	#	Docket Text
03/20/2008	<u>1</u>	COMPLAINT <i>FOR DAMAGES AND DEMAND FOR JURY TRIAL</i> against Obteen N. Nassiri, D.C., Jennifer Nassiri, Albert Noorda, M.D., Advanced Accident Chiropractic Care, Digital Imaging Services, J&O Holdings, LLC, Maryland Medical Center, LLC (Filing fee \$ 350 receipt number 09780000000000831724), filed by Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. Certificate of Interested Parties due by 3/30/2008. Proof of service due by 7/18/2008. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons)(Cannon, Eron) (Entered: 03/20/2008)
03/20/2008	<u>2</u>	PROPOSED SUMMONS to be issued, filed by Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. (Cannon, Eron) (Entered: 03/20/2008)
03/20/2008		Case assigned to Judge Philip M. Pro and Magistrate Judge George W Foley, Jr. (MAJ) (Entered: 03/20/2008)
03/20/2008	<u>3</u>	Summons Issued as to Obteen N. Nassiri, D.C. (MAJ) (Entered: 03/20/2008)
03/20/2008	<u>4</u>	Summons Issued as to Jennifer Nassiri. (MAJ) (Entered: 03/20/2008)
03/20/2008	<u>5</u>	Summons Issued as to Albert Noorda, M.D. (MAJ) (Entered: 03/20/2008)

03/20/2008	<u>6</u>	Summons Issued as to Advanced Accident Chiropractic Care. (MAJ) (Entered: 03/20/2008)
03/20/2008	<u>7</u>	Summons Issued as to Digital Imaging Services. (MAJ) (Entered: 03/20/2008)
03/20/2008	<u>8</u>	Summons Issued as to J&O Holdings, LLC. (MAJ) (Entered: 03/20/2008)
03/20/2008	<u>9</u>	Summons Issued as to Maryland Medical Center, LLC. (MAJ) (Entered: 03/20/2008)
03/20/2008	<u>10</u>	NOTICE PURSUANT TO LOCAL RULE IB 2-2: In accordance with 28 USC § 636(c) and FRCP 73, the parties in this action are provided with a link to the "AO 85 Notice of Availability, Consent, and Order of Reference - Exercise of Jurisdiction by a U.S. Magistrate Judge" form on the Court's website - <a href="#">link</a> . <b>Consent forms should NOT be electronically filed.</b> Upon consent of all parties, counsel are advised to manually file the form with the Clerk's Office. <b>(no image attached)</b> (MAJ) (Entered: 03/20/2008)
03/20/2008	<u>11</u>	CERTIFICATE of Interested Parties filed by Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company.. There are no known interested parties other than those participating in the case. (Cannon, Eron) (Entered: 03/20/2008)
03/28/2008	<u>12</u>	SUMMONS Returned Executed by Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. Albert Noorda, M.D. served on 3/20/2008, answer due 4/9/2008. (Attachments: # <u>1</u> Affidavit Affidavit of Service/Proof of Service)(Cannon, Eron) (Entered: 03/28/2008)
03/28/2008	<u>13</u>	SUMMONS Returned Executed by Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. Obteen N. Nassiri, D.C. served on 3/24/2008, answer due 4/13/2008. (Attachments: # <u>1</u> Affidavit Affidavit of Service/Proof of Service)(Cannon, Eron) (Entered: 03/28/2008)
03/28/2008	<u>14</u>	SUMMONS Returned Executed by Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. Advanced Accident Chiropractic Care served on 3/24/2008, answer due 4/13/2008. (Attachments: # <u>1</u> Affidavit Affidavit of Service/Proof of Service)(Cannon, Eron) (Entered: 03/28/2008)
03/28/2008	<u>15</u>	SUMMONS Returned Executed by Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. Digital Imaging Services served on 3/24/2008, answer due 4/13/2008. (Attachments: # <u>1</u> Affidavit Affidavit of Service/Proof of Service)(Cannon, Eron) (Entered: 03/28/2008)
03/28/2008	<u>16</u>	SUMMONS Returned Executed by Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. J&O Holdings, LLC served on 3/24/2008, answer due 4/13/2008. (Attachments: # <u>1</u> Affidavit Affidavit of Service/Proof of Service)(Cannon, Eron) (Entered: 03/28/2008)
03/28/2008	<u>17</u>	SUMMONS Returned Executed by Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. Maryland Medical Center, LLC served on 3/24/2008, answer due 4/13/2008. (Attachments: # <u>1</u> Affidavit Affidavit of Service/Proof of Service)(Cannon, Eron) (Entered: 03/28/2008)
03/28/2008	<u>18</u>	SUMMONS Returned Executed by Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. Jennifer Nassiri served on 3/24/2008, answer due 4/13/2008. (Attachments: # <u>1</u> Affidavit Affidavit of Service/Proof of Service)(Cannon, Eron) (Entered: 03/28/2008)
04/09/2008	<u>19</u>	MOTION to Dismiss <i>OR IN THE ALTERNATIVE, MOTION FOR A MORE DEFINITE STATEMENT</i> by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D..



		Responses due by 4/27/2008. (Doyle, Thomas) (Entered: 04/09/2008)
04/09/2008	<u>20</u>	<b>ERROR:</b> Wrong event selected, image does not match event selected. Attorney advised to refile document using correct event. (RFJ) <del>MOTION to Dismiss by Defendant Albert Noorda, M.D.. Responses due by 4/27/2008. (Doyle, Thomas)</del> Modified on 4/10/2008. (Entered: 04/09/2008)
04/10/2008		NOTICE of Docket Correction to <u>20</u> MOTION to Dismiss: <b>ERROR:</b> Wrong event selected, image does not match event selected. <b>CORRECTION:</b> Attorney Thomas J. Doyle advised to refile document using the event, Notice - Other found under the Notices category as a separate event. <b>(no image attached)</b> (RFJ) (Entered: 04/10/2008)
04/10/2008	<u>21</u>	NOTICE by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D. of <i>Motion to Dismiss or In The Alternative Motion for a More Definite Statement</i> (Doyle, Thomas) (Entered: 04/10/2008)
04/10/2008	<u>22</u>	NOTICE TO COUNSEL PURSUANT TO LOCAL RULE IA 10-2. Counsel Brett Schoel to comply with completion and electronic filing of the Designation of Local Counsel and Verified Petition. For your convenience, click on the following link to obtain the form from the Court's website - <a href="#">link</a> . Verified Petition due by 5/24/2008. <b>(no image attached)</b> (MJZ) (Entered: 04/10/2008)
04/10/2008	<u>23</u>	First MOTION to Extend Time regarding discovery/non dispositive matter <i>For Enlargement of Time to File Responsive Pleading - Request for Expedited Consideration Pursuant to Local Rule 6-1</i> by Defendants Advanced Accident Chiropractic Care, Digital Imaging Services, J&O Holdings, LLC, Obteen N. Nassiri, D.C., Jennifer Nassiri. Motion ripe 4/10/2008. (Attachments: # <u>1</u> Exhibit A)(Carroll, David) (Entered: 04/10/2008)
04/11/2008	<u>24</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge George W Foley, Jr, on 4/11/2008. By Judicial Assistant: Julia Hill. RE: <u>23</u> First MOTION to Extend Time regarding discovery/non dispositive matter <i>For Enlargement of Time to File Responsive Pleading - Request for Expedited Consideration Pursuant to Local Rule 6-1</i>  Plaintiff shall have until Wednesday, April 16, 2008, in which to respond to this motion. If no response is filed, the Court will grant this motion. (Copies have been distributed pursuant to the NEF - JBH) (Entered: 04/11/2008)
04/17/2008	<u>25</u>	ORDER Granting <u>23</u> Motion to Extend Time to File a Responsive Pleading to the <u>1</u> Complaint. Advanced Accident Chiropractic Care answer due 5/30/2008; Digital Imaging Services answer due 5/30/2008; J&O Holdings, LLC answer due 5/30/2008; Obteen N. Nassiri, D.C. answer due 5/30/2008; Jennifer Nassiri answer due 5/30/2008. Signed by Magistrate Judge George W Foley, Jr on 04/17/08. (Copies have been distributed pursuant to the NEF - SRK) (Entered: 04/17/2008)
04/18/2008	<u>26</u>	(1st Notice) PURSUANT TO SPECIAL ORDER 109: that <b><u>Kim I. Mandelbaum and Brett Schoel</u></b> is in violation of Special Order 109. <b>Participation in the electronic filing system became mandatory for all attorneys effective January 1, 2006.</b> You are required to register for the Courts Case Management and Electronic Case Filing (CM/ECF) program and the electronic service of pleadings. Please visit the Courts website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> , then select CM/ECF Info, to register the Attorney(s). <b>(no image attached)</b> (RFJ) (Entered: 04/18/2008)
04/28/2008	<u>27</u>	RESPONSE to <u>19</u> MOTION to Dismiss <i>OR IN THE ALTERNATIVE, MOTION FOR A MORE DEFINITE STATEMENT</i> , filed by Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. Replies due by 5/12/2008. (Cannon, Eron) (Entered: 04/28/2008)

05/12/2008	<u>28</u>	REPLY to Response to <u>19</u> MOTION to Dismiss <i>OR IN THE ALTERNATIVE, MOTION FOR A MORE DEFINITE STATEMENT</i> ; filed by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. (Doyle, Thomas) (Entered: 05/12/2008)
05/22/2008	<u>29</u>	ORDER denying <u>19</u> Motion to Dismiss. Signed by Judge Philip M. Pro on 5/22/08. (Copies have been distributed pursuant to the NEF - ASB) (Entered: 05/22/2008)
05/28/2008	<u>30</u>	MOTION for More Definite Statement <i>and to Seal Case</i> by Defendant Obteen N. Nassiri, D.C.. Responses due by 6/15/2008. (Cohen, Douglas) (Entered: 05/28/2008)
05/28/2008	<u>31</u>	MOTION to Dismiss <i>for Failure to State a Claim</i> by Defendants Digital Imaging Services, J&O Holdings, LLC. Responses due by 6/15/2008. (Cohen, Douglas) (Entered: 05/28/2008)
05/28/2008	<u>32</u>	MOTION to Dismiss - <i>Rule 12(b)(6)</i> by Defendant Jennifer Nassiri. Responses due by 6/15/2008. (Cohen, Douglas) (Entered: 05/28/2008)
05/28/2008	<u>33</u>	MOTION to Dismiss by Defendants Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C.. Responses due by 6/15/2008. (Cohen, Douglas) (Entered: 05/28/2008)
05/28/2008	<u>34</u>	MOTION to Stay <i>Discovery Required by Local Rule 26-1</i> by Defendants Advanced Accident Chiropractic Care, Digital Imaging Services, J&O Holdings, LLC, Obteen N. Nassiri, D.C., Jennifer Nassiri. Motion ripe 5/28/2008. (Cohen, Douglas) (Entered: 05/28/2008)
06/16/2008	<u>35</u>	RESPONSE to <u>30</u> MOTION for More Definite Statement <i>and to Seal Case</i> , filed by Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. Replies due by 6/30/2008. (Cannon, Eron) (Entered: 06/16/2008)
06/16/2008	<u>36</u>	RESPONSE to <u>32</u> MOTION to Dismiss - <i>Rule 12(b)(6)</i> , filed by Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. Replies due by 6/30/2008. (Cannon, Eron) (Entered: 06/16/2008)
06/16/2008	<u>37</u>	RESPONSE to <u>34</u> MOTION to Stay <i>Discovery Required by Local Rule 26-1</i> , filed by Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. Replies due by 6/30/2008. (Cannon, Eron) (Entered: 06/16/2008)
06/16/2008	<u>38</u>	RESPONSE to <u>31</u> MOTION to Dismiss <i>for Failure to State a Claim</i> , filed by Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. Replies due by 6/30/2009. (Cannon, Eron) (Entered: 06/16/2008)
06/16/2008	<u>39</u>	RESPONSE to <u>33</u> MOTION to Dismiss, filed by Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. Replies due by 6/30/2008. (Cannon, Eron) (Entered: 06/16/2008)
06/18/2008	<u>40</u>	NON-OPPOSITION to <u>34</u> MOTION to Stay <i>Discovery Required by Local Rule 26-1</i> ; filed by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D.. (Doyle, Thomas) (Entered: 06/18/2008)
06/24/2008	<u>41</u>	ANSWER to Complaint with Jury Demand filed by Maryland Medical Center, LLC, Albert Noorda, M.D.. Certificate of Interested Parties due by 7/4/2008. Discovery Plan/Scheduling Order due by 8/8/2008.(Doyle, Thomas) (Entered: 06/24/2008)
06/27/2008	<u>42</u>	REPLY to Response to <u>30</u> MOTION for More Definite Statement <i>and to Seal Case</i> ; filed by Defendants Digital Imaging Services, J&O Holdings, LLC. <i>Obteen Nassiri, Jennifer Nassiri, and Advanced Accident Chiropractic Care</i> (Cohen, Douglas) (Entered: 06/27/2008)

06/27/2008	<u>43</u>	REPLY to Response to <u>31</u> MOTION to Dismiss <i>for Failure to State a Claim</i> ; filed by Defendants Digital Imaging Services, J&O Holdings, LLC. (Cohen, Douglas) (Entered: 06/27/2008)
06/27/2008	<u>44</u>	REPLY to Response to <u>32</u> MOTION to Dismiss - <i>Rule 12(b)(6)</i> ; filed by Defendant Jennifer Nassiri. (Cohen, Douglas) (Entered: 06/27/2008)
06/27/2008	<u>45</u>	REPLY to Response to <u>33</u> MOTION to Dismiss ; filed by Defendants Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C.. (Cohen, Douglas) (Entered: 06/27/2008)
06/27/2008	<u>46</u>	REPLY to Response to <u>33</u> MOTION to Dismiss ; filed by Defendants Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C.. (Cohen, Douglas) (Entered: 06/27/2008)
07/08/2008	<u>47</u>	CERTIFICATE of Interested Parties filed by Maryland Medical Center, LLC, Albert Noorda, M.D... There are no known interested parties other than those participating in the case. (Doyle, Thomas) (Entered: 07/08/2008)
07/09/2008	<u>48</u>	CERTIFICATE of Interested Parties filed by Advanced Accident Chiropractic Care, Digital Imaging Services, J&O Holdings, LLC, Obteen N. Nassiri, D.C., Jennifer Nassiri.. There are no known interested parties other than those participating in the case. (Cohen, Douglas) (Entered: 07/09/2008)
07/24/2008	49	MINUTE ORDER IN CHAMBERS of the Honorable Judge Philip M. Pro, on 7/24/2008. By Deputy Clerk: Donna Andrews. RE: <u>33</u> MOTION to Dismiss, <u>30</u> MOTION for More Definite Statement <i>and to Seal Case</i> , <u>34</u> MOTION to Stay <i>Discovery Required by Local Rule 26-1</i> , <u>31</u> MOTION to Dismiss <i>for Failure to State a Claim</i> , <u>32</u> MOTION to Dismiss - <i>Rule 12(b)(6)</i> . IT IS ORDERED a Motion Hearing is set for 7/30/2008 at 10:30 AM in LV Courtroom 7C before Judge Philip M. Pro.(no image attached) (Copies have been distributed pursuant to the NEF - DMA) (Entered: 07/24/2008)
07/24/2008	50	AMENDED MINUTE ORDER IN CHAMBERS of the Honorable Judge Philip M. Pro, on 7/24/2008. By Deputy Clerk: Donna Andrews. RE: <u>33</u> MOTION to Dismiss, <u>30</u> MOTION for More Definite Statement <i>and to Seal Case</i> , <u>34</u> MOTION to Stay <i>Discovery Required by Local Rule 26-1</i> , <u>31</u> MOTION to Dismiss <i>for Failure to State a Claim</i> , <u>32</u> MOTION to Dismiss - <i>Rule 12(b)(6)</i> . IT IS ORDERED a Motion Hearing is set for 9/30/2008 at 10:30 AM in LV Courtroom 7C before Judge Philip M. Pro. (The previous Minute Order setting the hearing for 7/30/2008 at 10:30 AM was entered in error.)(no image attached) (Copies have been distributed pursuant to the NEF - DMA) (Entered: 07/24/2008)
08/07/2008	<u>51</u>	PROPOSED Discovery Plan/Scheduling Order filed by Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. (Cannon, Eron) (Entered: 08/07/2008)
08/11/2008	52	MINUTE ORDER IN CHAMBERS of the Honorable Judge Philip M. Pro, on 8/11/2008. By Deputy Clerk: Donna Andrews. RE: <u>33</u> MOTION to Dismiss, <u>30</u> MOTION for More Definite Statement <i>and to Seal Case</i> , <u>34</u> MOTION to Stay <i>Discovery Required by Local Rule 26-1</i> , <u>31</u> MOTION to Dismiss <i>for Failure to State a Claim</i> , <u>32</u> MOTION to Dismiss - <i>Rule 12(b)(6)</i> . IT IS ORDERED the Motion Hearing set for 9/30/2008 at 10:30 AM is CONTINUED on the request of counsel to 10/20/2008 at 09:00 AM in LV Courtroom 7C before Judge Philip M. Pro.(no image attached) (Copies have been distributed pursuant to the NEF - DMA) (Entered: 08/11/2008)
10/14/2008	53	MINUTE ORDER IN CHAMBERS of the Honorable Judge Philip M. Pro, on 10/14/2008. By Deputy Clerk: Donna Andrews. RE: <u>33</u> MOTION to Dismiss, <u>30</u> MOTION for More Definite Statement <i>and to Seal Case</i> , <u>34</u> MOTION to Stay <i>Discovery</i>

		<i>Required by Local Rule 26-1, <u>31</u> MOTION to Dismiss for Failure to State a Claim, <u>32</u> MOTION to Dismiss - Rule 12(b)(6). IT IS ORDERED the motion hearing set for 10/20/2008 at 9:00 AM is CONTINUED to 11/17/2008 at 02:30 PM in LV Courtroom 7C before Judge Philip M. Pro. The Court has a conflict in scheduling.(no image attached)</i> (Copies have been distributed pursuant to the NEF - DMA) (Entered: 10/14/2008)
11/17/2008	<u>55</u>	MINUTES OF PROCEEDINGS - Motion Hearing held on 11/17/2008 before Judge Philip M. Pro. Crtrm Administrator: <i>Donna Andrews</i> ; Pla Counsel: <i>Bruce W. Kelley</i> ; Def Counsel: <i>Douglas M. Cohen, Gordon Warren, Brett Schoel</i> ; Court Reporter/FTR #: <i>Erin Smith</i> ; Time of Hearing: <i>2:30 p.m.</i> ; Courtroom: <i>7C</i> ; RE: Defendants' Motion for More Definite Statement and to Seal Case <u>30</u> , Defendants' Digital Imaging Services and J&O Holdings, LLC Motion to Dismiss for Failure to State a Claim <u>31</u> , Defendant Jennifer Nassiri's Rule 12(b)(6) Motion to Dismiss <u>32</u> , Defendants' Obteen N. Nassiri, D.C. and Accident Chiropractic Care's Motion to Dismiss <u>33</u> , Defendants' Motion to Stay Discovery Required by Local Rule 26-1 <u>34</u> . The Court having heard the arguments of counsel, IT IS ORDERED Defendants' Motion to Stay Discovery <u>34</u> is GRANTED pending a resolution of the Motions to Dismiss. Defendants' Motion for More Definite Statement and to Seal Case <u>30</u> is DENIED. Plaintiffs are instructed to file under seal a roster of the patients' identities. The Court finds the Motions to Dismiss [ <u>31</u> , <u>32</u> , <u>33</u> ] stand submitted. On the request of Mr. Cohen, the Court will refer the matter to the Magistrate Judge for a Pretrial Conference upon ruling on the Motions to Dismiss. (Copies have been distributed pursuant to the NEF - DMA) (Entered: 11/18/2008)
11/18/2008	<u>54</u>	ORDER GRANTING <u>31</u> <u>32</u> <u>33</u> Motions to Dismiss to the extent that Counts two, three, and eight are DISMISSED as to all Defendants and that all claims are DISMISSED as to Defendant J&O. Defendants shall file their Answers within 20 days of this Order. This case is referred to the Honorable George W. Foley, Jr., United States Magistrate Judge for a Settlement Conference and Pretrial Conference. Signed by Judge Philip M. Pro on 11/18/08. (Copies have been distributed pursuant to the NEF - ES) (Entered: 11/18/2008)
11/19/2008	<u>56</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge George W Foley, Jr, on 11/19/2008. By Judicial Assistant: Julia Hill. Status Conference set for <b><u>Monday, December 1, 2008, at 9:30 AM</u></b> in LV Courtroom 3A before Magistrate Judge George W Foley Jr. (Copies have been distributed pursuant to the NEF - JBH) (Entered: 11/19/2008)
11/20/2008	<u>57</u>	LETTER from Gordon Warren to Judge Philip M. Pro re: legal Research on Wire Fraud. (ASB) (Entered: 11/20/2008)
12/01/2008	<u>58</u>	MINUTES OF PROCEEDINGS - Hearing re status conference regarding the scheduling of a settlement conference and a pretrial conference held on 12/1/2008 before Magistrate Judge George W Foley, Jr. Crtrm Administrator: <i>J. Ries</i> ; Pla Counsel: <i>Eron Z. Cannon</i> ; Def Counsel: <i>Brett Schoel, Douglas M. Cohen and Malcolm LaVergne</i> ; Court Reporter/FTR #: <i>10:03 - 10:30</i> ; Time of Hearing: <i>10:00 a.m.</i> ; Courtroom: <i>3A</i> ; The Court makes inquiry of counsel regarding the previous settlement conference conducted in this case by Mr. Hale. The Court hears representations of counsel. The parties are directed to contact Mr. Hale as soon as possible in scheduling a future settlement conference date. Once the parties have contacted Mr. Hale, the parties are to advise this Court by 12/8/08 with the new settlement conference date and submit a proposed discovery plan and scheduling order. If the parties are seeking an extension to file an answer, responsive pleading or counterclaim, the parties are to submit a proposed stipulation to this Court. (no image attached) (Copies have been distributed pursuant to the NEF - JAR) (Entered: 12/02/2008)
12/08/2008	<u>59</u>	STIPULATION & Order to Extend Time for Remaining Defendants to Answer Plaintiffs'



		<i>Complaint</i> by Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. (Cannon, Eron) (Entered: 12/08/2008)
12/08/2008	<u>60</u>	PROPOSED Discovery Plan/Scheduling Order filed by Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company <i>First Amended</i> . (Cannon, Eron) (Entered: 12/08/2008)
12/08/2008	<u>62</u>	LETTER from Douglas M. Cohen advising that Floyd Hale has agreed to continue mediation on 1/13/09 re 58 Hearing. (ES) (Entered: 12/09/2008)
12/09/2008	<u>61</u>	ORDER Granting <u>59</u> STIPULATION & Order to Extend Time for Remaining Defendants to Answer Plaintiffs' Complaint. Advanced Accident Chiropractic Care, Digital Imaging Services, Obteen N. Nassiri, D.C., Jennifer Nassiri answers due 1/27/2009. Signed by Judge Philip M. Pro on 12/9/2008. (Copies have been distributed pursuant to the NEF - DXS) (Entered: 12/09/2008)
12/10/2008	<u>63</u>	STIPULATED DISCOVERY PLAN and SCHEDULING ORDER. Discovery due by 7/15/2010. Motions due by 8/16/2010. Proposed Joint Pretrial Order due by 9/15/2010. Signed by Magistrate Judge George W Foley, Jr on 12/10/08. (Copies have been distributed pursuant to the NEF - ES) (Entered: 12/10/2008)
01/30/2009	<u>64</u>	ANSWER to <u>1</u> Complaint,, ( Certificate of Interested Parties due by 2/9/2009., Discovery Plan/Scheduling Order due by 3/16/2009.), THIRD PARTY COMPLAINT against McCormick, Barstow, Sheppard, Wayte & Carruth LLP, COUNTERCLAIM against Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company filed by Advanced Accident Chiropractic Care, Digital Imaging Services, Obteen N. Nassiri, D.C., Jennifer Nassiri. (Attachments: # <u>1</u> Exhibit 1)(Cohen, Douglas) (Entered: 01/30/2009)
01/30/2009	<u>65</u>	PROPOSED SUMMONS to be issued to <i>McCormick, Barstow, Sheppard, Wayte &amp; Carruth LLP</i> , filed by Third Party Plaintiffs Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C.. (Cohen, Douglas) (Entered: 01/30/2009)
01/30/2009	<u>66</u>	Summons Issued as to McCormick, Barstow, Sheppard, Wayte & Carruth LLP re <u>64</u> Third Party Complaint. (ES) (Entered: 01/30/2009)
02/04/2009	<u>67</u>	AMENDED ANSWER to <u>1</u> Complaint,, <u>64</u> Answer to Complaint,, Third Party Complaint,, Counterclaim, ( <i>Amended Counterclaim</i> ), ANSWER to <u>1</u> Complaint,, <u>64</u> Answer to Complaint,, Third Party Complaint,, Counterclaim,, ANSWER to <u>1</u> Complaint,, <u>64</u> Answer to Complaint,, Third Party Complaint,, Counterclaim,, THIRD PARTY COMPLAINT against McCormick, Barstow, Sheppard, Wayte & Carruth LLP, COUNTERCLAIM against Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company filed by Advanced Accident Chiropractic Care, Digital Imaging Services, Obteen N. Nassiri, D.C., Jennifer Nassiri. (Attachments: # <u>1</u> Exhibit 1)(Cohen, Douglas) (Entered: 02/04/2009)
02/09/2009	<u>68</u>	CERTIFICATE of Interested Parties filed by Advanced Accident Chiropractic Care, Digital Imaging Services, Obteen N. Nassiri, D.C., Jennifer Nassiri.. There are no known interested parties other than those participating in the case. (Cohen, Douglas) (Entered: 02/09/2009)
02/10/2009	<u>69</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Philip M. Pro, on 2/10/2009. By Deputy Clerk: V. Hayes. With good cause appearing, the Honorable Judge Philip M. Pro recuses himself in this action. IT IS ORDERED that this action is referred to the Clerk for random reassignment of this case for all further proceedings. ( <b>no image attached</b> ) (Copies have been distributed pursuant to the NEF - VHM) (Entered: 02/10/2009)

02/13/2009	<u>70</u>	MINUTE ORDER IN CHAMBERS of the Honorable Chief Judge Roger L. Hunt, on 2/13/2009. By Deputy Clerk: V. Hayes. IT IS ORDERED that this case is reassigned to Judge James C. Mahan for all further proceedings. <b>All further documents must bear the correct case number 2:08-cv-00369-JCM-GWF. (no image attached)</b> (Copies have been distributed pursuant to the NEF - VHM) (Entered: 02/13/2009)
02/19/2009	<u>71</u>	Third Party MOTION to Dismiss <i>Third Party Defendants' Motion to Dismiss the Amended Third-Party Complaint</i> by Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company, ThirdParty Defendant McCormick, Barstow, Sheppard, Wayte & Carruth LLP, Counter Defendants Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. Responses due by 3/9/2009. (Kelley, Bruce) (Entered: 02/19/2009)
02/19/2009	<u>72</u>	AFFIDAVIT of Bruce William Kelley In Support of Third-Party Defendants' Motion to Dismiss The Amended Third-Party Complaint re <u>71</u> Third Party MOTION to Dismiss <i>Third Party Defendants' Motion to Dismiss the Amended Third-Party Complaint</i> ; by Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company, ThirdParty Defendant McCormick, Barstow, Sheppard, Wayte & Carruth LLP, Counter Defendants Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit c, # <u>4</u> Exhibit D)(Kelley, Bruce) (Entered: 02/19/2009)
02/20/2009	<u>73</u>	AFFIDAVIT of Service regarding Third-Party Complaint re <u>66</u> Summons Issued, <u>67</u> Answer to Complaint,,, Answer to Counterclaim,,, Answer to Third Party Complaint,,,,,, ; by Third Party Plaintiffs Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C.. (Cohen, Douglas) (Entered: 02/20/2009)
03/05/2009	<u>74</u>	NOTICE by Defendants Advanced Accident Chiropractic Care, Digital Imaging Services, Obteen N. Nassiri, D.C., Jennifer Nassiri <i>Initial Disclosures Pursuant to F.R.C.P. 26(a)(1)</i> (Cohen, Douglas) (Entered: 03/05/2009)
03/09/2009	<u>75</u>	<b>RESPONSE</b> to <u>71</u> Motion to Dismiss <b>and</b> <b>MOTION</b> for Sanctions; filed by Third Party Plaintiffs Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C.. <i>Motion to Dismiss Amended Third-Party Complaint</i> Replies due by 3/23/2009. (Cohen, Douglas) <b>Docket entry relationship added on 3/10/09. (MJZ)</b> (Entered: 03/09/2009)
03/16/2009	<u>76</u>	VERIFIED PETITION for Permission to Practice Pro Hac Vice by Kevin J. Lesinski and DESIGNATION of Local Counsel Bruce W. Kelley (Filing fee \$ 175 receipt number 09780000000001169292) filed by Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company, Counter Defendants Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. Motion ripe 3/16/2009. (Kelley, Bruce) (Entered: 03/16/2009)
03/16/2009	<u>77</u>	VERIFIED PETITION for Permission to Practice Pro Hac Vice by Patty H. Lee and DESIGNATION of Local Counsel Bruce W. Kelley (Filing fee \$ 175 receipt number 09780000000001169298) filed by Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company, Counter Defendants Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. Motion ripe 3/16/2009. (Kelley, Bruce) (Entered: 03/16/2009)
03/16/2009	<u>78</u>	MOTION to Dismiss <i>Obteen N. Nassiri, D.C. and Advanced Accident Chiropractic Care's Amended Counterclaim</i> by Counter Defendants Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company. Responses due by 4/3/2009. (Attachments: # <u>1</u> Memorandum of Points and Authorities, #



		<u>2</u> Request for Judicial Notice, # <u>3</u> Exhibit A to Request for Judicial Notice, # <u>4</u> Exhibits B-D to Request for Judicial Notice, # <u>5</u> Proposed Order)(Kelley, Bruce) (Entered: 03/16/2009)
03/16/2009	<u>79</u>	PROPOSED Discovery Plan/Scheduling Order filed by Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company, ThirdParty Defendant McCormick, Barstow, Sheppard, Wayte & Carruth LLP <i>Second Stipulated Discovery Plan/Scheduling Order</i> . (Cannon, Eron) (Entered: 03/16/2009)
03/18/2009	<u>80</u>	ORDER granting <u>77</u> Verified Petition for Permission to Practice Pro Hac Vice for Attorney Pat H. Lee for and approving Designation of Local Counsel for Bruce W. Kelley as to Allstate Insurance Company, Allstate Property & Casualty Insurance Company, and Allstate Indemnity Company. Signed by Judge James C. Mahan on 3/18/09. Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> (Copies have been distributed pursuant to the NEF - ASB) (Entered: 03/18/2009)
03/18/2009	<u>81</u>	ORDER granting <u>76</u> Verified Petition for Permission to Practice Pro Hac Vice for Attorney Kevin J. Lesinski for and approving Designation of Local Counsel for Bruce W. Kelley as to Allstate Insurance Company, Allstate Property & Casualty Insurance Company, and Allstate Indemnity Company. Signed by Judge James C. Mahan on 3/18/09. Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> (Copies have been distributed pursuant to the NEF - ASB) (Entered: 03/18/2009)
03/19/2009	<u>83</u>	STIPULATION re <u>78</u> MOTION to Dismiss <i>Obteen N. Nassiri, D.C. and Advanced Accident Chiropractic Care's Amended Counterclaim</i> ; <i>Stipulation and Order to Extend Deadline to Respond to Plaintiff/Counter-Defendants' Motion to Dismiss Amended Counterclaims</i> by Defendants Advanced Accident Chiropractic Care, Digital Imaging Services, Obteen N. Nassiri, D.C., Jennifer Nassiri, Third Party Plaintiffs Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C., Counter Claimants Advanced Accident Chiropractic Care, Obteen N. Nassiri, D.C.. (DiRaimondo, Anthony) (Entered: 03/19/2009)
03/20/2009	<u>84</u>	NOTICE by Defendants Maryland Medical Center, LLC, Albert Noorda, M.D. <i>Initial Disclosures</i> (Doyle, Thomas) (Entered: 03/20/2009)
03/20/2009	<u>85</u>	REPLY to Response to <u>71</u> Third Party MOTION to Dismiss <i>Third Party Defendants' Motion to Dismiss the Amended Third-Party Complaint</i> ; filed by ThirdParty Defendant McCormick, Barstow, Sheppard, Wayte & Carruth LLP. <i>Third-Party Defendant's Reply to Third-Party Plaintiffs' Opposition to Third-Party Defendants' Motion to Dismiss The Amended Third-Party Complaint</i> (Kelley, Bruce) (Entered: 03/20/2009)
03/20/2009	<u>86</u>	RESPONSE to Motion for Sanctions ; filed by ThirdParty Defendant McCormick, Barstow, Sheppard, Wayte & Carruth LLP. <i>Third-Party Defendant's Opposition to Third-Party Plaintiffs' Motion for Sanctions</i> (Kelley, Bruce) (Entered: 03/20/2009)
03/20/2009	<u>87</u>	REPLY to Response to <u>71</u> Third Party MOTION to Dismiss <i>Third Party Defendants' Motion to Dismiss the Amended Third-Party Complaint</i> ; filed by ThirdParty Defendant McCormick, Barstow, Sheppard, Wayte & Carruth LLP. <i>Request For Judicial Notice In Support of Third-Party Defendant's Reply to Third-Party Plaintiffs' Opposition to Third-Party Defendants' Motion to Dismiss the Amended Third-Party Complaint</i> (Kelley, Bruce) (Entered: 03/20/2009)