

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA

MAUREEN TOFFOLONI, )  
 as Administratrix and Personal )  
 Representative of the )  
 ESTATE OF NANCY E. BENOIT, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 LFP PUBLISHING GROUP, LLC, )  
 d/b/a Hustler Magazine, )  
 MARK SAMANSKY, an Individual, )  
 and other distributors and sellers of, )  
 Hustler Magazine, as )  
 Defendants X, Y, and Z, )  
 )  
 Defendants. )

CIVIL ACTION  
FILE NO. 1:08-CV-0421-TWT

**MOTION TO AMEND PRETRIAL ORDER**

Plaintiff, Maureen Toffoloni, as Administratrix and Personal Representative of the Estate of Nancy E. Benoit, hereby moves to amend the Pretrial Order to remove two witnesses from her “will call” list.

Plaintiff listed Mr. Paul Toffoloni and Ms. Sandra Toffoloni as “will call” witnesses in the Pretrial Order. Plaintiff has determined that it will not be necessary

to call these witnesses to testify at trial. Plaintiff reserves the right to call these witnesses in the event their testimony is needed for rebuttal purposes.

A proposed Order is submitted herewith for the Court's convenience.

WHEREFORE, Plaintiff respectfully prays that this Court enter an Order amending the Pretrial Order to reflect the removal of Paul Toffoloni and Sandra Toffoloni from Plaintiff's "will call" witness list attached as Attachment F-1 to the Pretrial Order.

Respectfully submitted May 31, 2011.

/s/ Richard P. Decker

RICHARD P. DECKER  
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For HALLMAN & WINGATE, LLC  
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**CERTIFICATE OF SERVICE**

This is to certify that on May 31, 2011, I have electronically filed the foregoing Motion to Amend Pretrial Order and proposed Order with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorney(s) of record:

James Clifton Rawls, Esq.  
S. Derek Bauer, Esq.  
Barry J. Armstrong, Esq.

Darrell Jay Solomon, Esq.  
Jeffrey F. Reina, Esq.  
Paul J. Cambria, Esq.

and by placing a copy of same in the United States Mail in a properly addressed envelope with adequate postage thereon to:

William M. Feigenbaum, Esq.  
Lipsitz, Green, Scime, Cambria, LLP  
42 Delaware Avenue, Suite 120  
Buffalo, NY 14202

*/s/ Richard P. Decker*  
RICHARD P. DECKER  
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For HALLMAN & WINGATE, LLC  
Attorneys for Plaintiff

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**ORDER**

Before the Court is Plaintiff's Motion to Amend the Pretrial Order. Upon consideration of Plaintiff's Motion, the Court grants the Motion and Orders that the Pretrial Order is hereby amended to reflect the removal of Paul Toffoloni and Sandra Toffoloni from Plaintiff's "will call" witness list. Plaintiff may call these witnesses for rebuttal testimony, should the need arise.

So ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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Thomas W. Thrash, Jr., Judge  
United States District Court  
Norther District of Georgia