

whether by live testimony or by affidavits. I suggest that the lawyers also consult Ariel Waldman's Allocating the Burden of Proof in Rule 60(b)(4) Motions to Vacate a Default Judgment for Lack of Jurisdiction, 68 U.Chi. L. Rev. 521 (2001).

SO ORDERED.

DATED THIS 28TH DAY OF JANUARY, 2010

/s/D. Brock Hornby
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE