

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DILLON AUTO SALES, INC.,)	
)	Civil Action No. 14-cv-00104
Plaintiff,)	
)	
v.)	SECOND ORDER ON FINAL
)	PRETRIAL CONFERENCE
TERRY L. TROUTNER,)	
)	
Defendant.)	

A final pretrial conference was held on the 16th day of January, 2018. Appearing for the parties as counsel were:

Mark A. Fahleson and Sheila A. Bentzen of Rembolt Ludtke LLP for the Plaintiff Dillon Auto Sales, Inc. (“Dillon Auto”).

Ray Aranza and Jonathan M. Brown of Valentine O’Toole, LLP for the Defendant Terry Troutner (“Troutner”).

This Court’s previous Order on Final Pretrial Conference (Doc. 160) is hereby adopted in its entirety with the following additions and/or modifications:

(A) Exhibits. The parties Joint Exhibit List is updated and attached as Attachment “A”.

(D) Witnesses.

To his previous witness list, Defendant adds a witness from Plaintiff’s accounting firm solely to lay foundation for some of the records listed.¹

(I) Briefs. The parties will rely on their previously filed trial briefs.

(K) Trial Date. Trial is set for **February 5, 2018**.

(L) Motions in Limine. The parties’ previous motions in limine Nos. 1-15 and the Court’s rulings on the same are hereby adopted. (Doc. 176 and Doc. 188). The parties shall file any additional motions in limine on or before **January 26, 2018**.

¹ At the time of the Pretrial Conference, this witness was added over the objection of Plaintiff’s counsel.

DILLON AUTO SALES, INC., Plaintiff

By: REMBOLT LUDTKE LLP
3 Landmark Centre
1128 Lincoln Mall, Suite 300
Lincoln, NE 68508
(402) 475-5100
mfahleson@remboltlawfirm.com
sbentzen@remboltlawfirm.com
jpence@remboltlawfirm.com

By: /s/ Mark A. Fahleson
Mark A. Fahleson (#19807)
Sheila A. Bentzen (#25020)
Jaydon McDonald Pence (#26070)

TERRY TROUTNER, Defendant

By: VALENTINE O'TOOLE, LLP
11240 Davenport Street
P.O. Box 540125
Omaha, NE 68514
raranza@womglaw.com
jbrown@womglaw.com

By: s/s Raymond R. Aranza
Raymond R. Aranza (#18523)
Jonathan M. Brown (#25021)

DATED:

BY THE COURT:


United States Magistrate Judge

	10	NEOC charge Deposition Ex. 10 Bates: DIL000244- DIL000245						
	12	Charge of Discrimination – Lorenzo Nunn Deposition Ex. 12 Bates:DIL000218- DIL000219, DIL000220- DIL000211		R,H, F				
	13	Charge of Discrimination – Keith Pickard Deposition Ex. 13 Bates:DIL000228- DIL000229, DIL000230		R,H, F				
	14	Dillon Auto response to Troutner Complaint Deposition Ex. 14		R,H				
	15	Troutner 2013 W-2 Deposition Ex. 15)		R,H				
	16	Dillon Auto Accountants’ compilation 2013 and 2012 Deposition Ex. 16		R				
	20	Recording of conversation with B. Troutner and M. Dillon Deposition Ex. 20						
	22	Income statement by month through Nov. 2013 Deposition Ex. 22		R				
23		7/29/2014 Statement from Michael Forstrom Deposition Ex. 23 Bates:DIL011711						
24		Photo of Terry Troutner Deposition Ex. 24						
25		Bemidji Sports Centre Records Deposition Ex. 25 Bates:BSC_00001- BSC_00042						
26		Sales Deal Summary Deposition Ex. 26 Bates:DIL000477- DIL000478						
	27	Employment Agreement and Covenant Not to Compete Ex. 27						

	28	Email string Deposition Ex. 28		R,H, F				
	29	Email String Sheryl Pont to Justin Wacker Ex. 29		R,H, F, O ¹				
	30	Dialogue on issues Deposition Ex. 30		R,H, F				
	31	Dillon Auto Sales Taxable Income 12/31/13 Deposition Ex. 31		R,H, F				
	32	Dillon Auto Sales, Inc. Form 1120S 2013 Deposition Ex. 32		R				
	33	Dillon Auto Sales, Inc. Form 1120S 2012 Deposition Ex. 33		R				
	34	Cover letter email with Detail for Meals and Entertainment attached Deposition Ex. 34		R,H, F				
	35	Dillon Auto Sales Trial Balance ending 12-31-13 Deposition Ex. 35		R,H, F				
36		Summary of Voluminous Records Pursuant to FRE 1006 ²						
37		List of Terry's Expenses Bates:DIL000006			F, H			
38		Payment Records Bates:DIL000007			F			
39		Terry's Rental Property Proposal Bates:DIL000008			F			
40		Payment Records Bates:DIL000009			F			
41		Certified Copy of No Reasonable Cause Determination for Keith Pickard and Certified Copy of No Reasonable Cause Determination for Lorenzo Nunn			R			

¹ Other – A copy of this exhibit was never given by Troutner's counsel to Dillon Auto's counsel.

² Exhibit 36 is a summary of Ex. Nos. 4, 5, 7, 37, 38, 39, 40, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, and one or more of such exhibits may be used to explain Exhibit 36 to the jury. Dillon Auto anticipates offering the exhibits that were used to compile Exhibit 36 in mass

43		Certified Copy of Deed for Real Estate – 130 Bonham Avenue, Council Bluffs, IA 51503			R			
44		Certified Copy of Deed for Real Estate – 14835 61 st Ave NW, Cass Lake, MN 56633			R			
45		Certified Copy of Deed for Real Estate – 114 N 29 th St., Council Bluffs, IA			R			
46		Receipts Bates:DIL000030- DIL000034						
47		Customer Balance Summary Bates:DIL000597- DIL000598			R			
48		American Express Statements Bates:DIL012618-012621						
49		Credit Card Statements Bates:DIL012627-012631						
50		Credit Card Statements Bates:DIL012640-012645						
51		Credit Card Statements Bates:DIL012653-012657						
52		Credit Card Statements Bates:DIL012666-012670						
53		Credit Card Statements Bates:DIL012678-012683						
54		Credit Card Statements Bates:DIL012692-012696						
55		Credit Card Statements Bates:DIL012704-012708						
56		Credit Card Statements Bates:DIL012714-012718						
57		Credit Card Statements Bates:DIL012725-012728						
58		Credit Card Statements Bates:DIL012736-012740						
59		Credit Card Statements Bates:DIL012747-012753						
60		Credit Card Statements Bates:DIL012766-012771						
61		Credit Card Statements Bates:DIL012781-012784						
62		Credit Card Statements Bates:DIL012794-012798						

63		Credit Card Statements Bates:DIL0126808-012812						
64		Credit Card Statements Bates:DIL012823-012827						
65		Credit Card Statements Bates:DIL012845-012849						
66		Credit Card Statements Bates:DIL012861-012865						
67		Credit Card Statements Bates:DIL012875-012879						
68		Credit Card Statements Bates:DIL012892-012896						
69		Credit Card Statements Bates:DIL012907-012910						
70		Credit Card Statements Bates:DIL012917-012921						
71		Credit Card Statements Bates:DIL012933-012936						
72		Credit Card Statements Bates:DIL012947-012951						
73		Credit Card Statements Bates:DIL012961-012964						
74		Credit Card Statements Bates:DIL012974-012978						
75		Credit Card Statements Bates:DIL012990-012994						
76		Credit Card Statements Bates:DIL013005-013009						
77		Credit Card Statements Bates:DIL013021-013024						
78		Credit Card Statements Bates:DIL013035-013038						
79		Credit Card Statements Bates:DIL013049-013053						
80		Credit Card Statements Bates:DIL013063-013067						
81		Credit Card Statements Bates:DIL013076-013079						
82		Credit Card Statements Bates:DIL013093-013099						
83		Credit Card Statements Bates:DIL013115-0313123						
84		Credit Card Statements Bates:DIL03132-013154						
85		Credit Card Statements Bates:DIL03148-013160						

86		Credit Card Statements Bates:DIL03165-013177						
87		Credit Card Statements Bates:DIL013183-013196						
88		Credit Card Statements Bates:DIL013201-013214						
89		Credit Card Statements Bates:DIL013219-013229						
90		Credit Card Statements Bates:DIL013238-013247						
91		Credit Card Statements Bates:DIL013254-013263						
92		Credit Card Statements Bates:DIL013264-013268						
93		Credit Card Statements Bates:DIL013279-013281						
94		Credit Card Statements Bates:DIL013294						
95		Receipts Bates:DIL000011- DIL000012						
96		Terry Troutner Interest Notes Payable Bates:DIL014138- DIL014139			R, H			
97		Receipts Bates:DIL014140						
98		Invoice Bates:DIL014141						
99		Dillon Auto Check to Pottawattamie County Bates:DIL014142- DIL014143			R			
100		Receipts Bates:DIL014144						
101		Receipts Bates:DIL014145						
102		Receipt Bates:DIL014146						
103		Dillon Auto Sales Notes Payable Bates: DIL014138-014139			R, H			
104		Receipts Bates: DIL014140						
105		Mooch Trucking Invoice Bates: DIL014141						

106		Dillon Auto Check to Pottawattamie County Bates: DIL014142-014143			R			
107		Receipts Bates: DIL014144-014146						
108		QuickBook Printout Bates: DIL014147			R, H, A, F, O			
109		Sam's Club Receipt Bates: DIL014148						
110		Credit Card Statement Bates: DIL014149-014163						
111		QuickBooks Printout Bates: DIL014164			R, H, A, F, O			
112		Bank Statements *8114 Bates: DIL014165-014166			R, H, A, F, O			
113		QuickBooks Printout Bates: DIL014167			R, H, A, F, O			
114		QuickBooks Printout Bates: DIL014168			R, H, A, F, O			
115		Council Bluffs Ticket Notice DIL014169-014170			R, H			
116		Notice of Levy on Wages Bates: DIL014171-014180			R, H			
	117	Annual trial balance 12/31/2013	Will not be offered		R,H, F			
	118	Transaction detail by account Meals and Entertainment 2013	Will not be offered		R			
	119	Chris Dillon W-2 2011	Will not be offered		R			
	120	Dillon Auto Sales – Additional Sales	Will not be offered		R,H, F			
	121	Dillon Auto Sales – Trial Balance – 12/31/2011	Will not be offered		R,H, F			
	122	Dillon Auto Sales – Adjusting Entries – 12/31/2011	Will not be offered		R,H, F			

	123	List of C. Dillon credit card charges 2011	Will not be offered	R,H,F				
	124	Dillon Auto Sales Owner draw 2012	Will not be offered	R,H,F				
	125	Dillon Auto Sales – Owner draw – 2013 and 2014		R,H,F				
	126	Dillon Auto Sales – Taxable Income – 12/31/2009	Will not be offered	R,H,F				
	127	Dillon Auto Sales – Taxable Income – 12/31/2010	Will not be offered	R,H,F				
	128	Dillon Auto Sales – Profit & Loss – 2010	Will not be offered	R,H,F				
	129	Dillon Auto Sales – Taxable Income – 12/31/2013		R,H,F				
	130	Dillon Auto Sales – Annual Trial Balance – 12/31/14	Will not be offered	R,H,F				
	131	Dillon Auto Sales – Annual Trial Balance – 12/31/11	Will not be offered	R,H,F				
	132	Email string –T. Wilson and S Pont 9/25/12		R				
	133	Email string – T. Wilson and S. Pont 1/9/12		R				
	134	Dillon Auto Sales A/R Aging Summary 12/31/2010	Will not be offered	R,H,F				
	135	Dillon Auto Sales Trail Balance – Adjusting journal entry reports 2014 review	Will not be offered	R,H,F				
	136	First Extended Service Report – 12/31/14 with comments from BKD	Will not be offered	R,H,F				
	137	Dillon Auto Sales – Trial Balance – 2014 Review – Adjusting Journal Entries report	Will not be offered	R,H,F				

	138	Comments from BKD and S. Pont – re: inventory write-downs for 2013		R,H, F				
	139	Note payable journal – Jodi Dillon	Will not be offered	R,H, F				
	140	Notes payable journal – Kathy Dillon	Will not be offered	R,H, F				
	141	Notes payable journal – Mike Dillon	Will not be offered	R,H, F				
	142	Notes payable journal – Brian Dillon	Will not be offered	R,H, F				
	143	Dillon Auto Sales, Accountant’s Review Report, 12/31/14		R				
	144	Dillon Auto Sales Form 1120S 2014		R				
	145	Dillon Auto Sales Accountant’s Compilation Report 2011 and 2010		R				
	146	Dillon Auto Sales Form 1120S 2013		R				
	147	Dillon Auto Sales Accountant’s Review and Financial Statements 2014		R				
	148	Dillon Auto Sales Accountant’s Compilation Report and Financial Statements 2010 and 2009		R				
	149	Dillon Auto Sales – General Ledger – Meals and Entertainment – 12/31/12		R,H, F				
	150	Dillon Auto Sales – Profit and Loss - 2009		R,H, F				
	151	Sheryl Pont emails DIL014140, DIL 014180, DIL 014180		R				
	152	Dillon Auto Sales – Income Statement by month – Dec. 31, 2013		R				

153	Pont email string, December 21, 2012, DIL 014185 through DIL 014186							
154	Notice from NEOC and charge of discrimination Pickard DIL014149-DIL014155			R,H, F				
155	Pont/M. Dillon email exchange, December 21, 2012 DIL014187 – DIL014190			R				
156	Pont/M. Dillon email exchange, December 30, 2013 DIL014207							
157	Pont email to M. Dillon January 13, 2014 DIL014212			R				
158	C. Dillon credit card charges – DIL013506 – DIL013516			R,H, F				
159	Dillon Auto Sales Register 3200 – Owner Draw 01/01/09 to 12/31/2014, Bates Stamp Nos. 12604 to 12606	Will not be offered		R,H, F				
160	Dillon Auto Sales Register 2810 – NP Chris Dillon Revocable Trust 01/01/2009 to 12/31/2014, Bates Stamp Nos. 12609 to 12617	Will not be offered		R,H, F				
161	American Express Corporate Card Statement of Account 03/30/10, Bates Stamp Nos. 12618 to 12639			R for pages not related to Troutner expenses				
162	American Express Corporate Card Statement of Account 05/29/10, Bates Stamp Nos. 12640 to 12652			R for pages not related to Troutner expense				
163	American Express Corporate Card Statement of Account 06/28/10, Bates Stamp Nos. 12653 to 12665			R for pages not related to Troutner expense				

164	American Express Corporate Card Statement of Account 07/28/10, Bates Stamp Nos. 12666 to 12677		R for pages not related to Troutner expense				
165	American Express Corporate Card Statement of Account 09/12/10, Bates Stamp Nos. 12678 to 12691		R for pages not related to Troutner expense				
166	American Express Corporate Card Statement of Account 09/28/10, Bates Stamp Nos. 12692 to 12703		R for pages not related to Troutner expense				
167	American Express Corporate Card Statement of Account 10/28/10, Bates Stamp Nos. 12704 to 12713		R for pages not related to Troutner expense				
168	American Express Corporate Card Statement of Account 11/28/10, Bates Stamp Nos. 12714 to 12724		R for pages not related to Troutner expense				
169	American Express Corporate Card Statement of Account 12/28/10, Bates Stamp Nos. 12725 to 12735		R for pages not related to Troutner expense				
170	American Express Corporate Card Statement of Account 01/28/11, Bates Stamp Nos. 12736		R for pages not related to Troutner expense				
171	American Express Corporate Card Statement of Account 02/28/11, Bates Stamp Nos. 12747 to 12765		R for pages not related to Troutner expense				
172	American Express Corporate Card Statement of Account 03/30/11, Bates Stamp Nos. 12766 to 12780		R for pages not related to Troutner expense				
173	American Express Corporate Card Statement of Account 04/29/11, Bates Stamp Nos. 12781 to 12793		R for pages not related to Troutner expense				

174	American Express Corporate Card Statement of Account 05/29/11, Bates Stamp Nos. 12794 to 12807	R for pages not related to Troutner expense					
175	American Express Corporate Card Statement of Account 06/28/11, Bates Stamp Nos. 12808 to 12822	R for pages not related to Troutner expense					
176	American Express Corporate Card Statement of Account 07/28/11, Bates Stamp Nos. 12823 to 12844	R for pages not related to Troutner expense					
177	American Express Corporate Card Statement of Account 08/28/11, Bates Stamp Nos. 12845 to 12860	R for pages not related to Troutner expense					
178	American Express Corporate Card Statement of Account 09/28/11, Bates Stamp Nos. 12861 to 12874	R for pages not related to Troutner expense					
179	American Express Corporate Card Statement of Account 10/28/11, Bates Stamp Nos. 12875 to 12891	R for pages not related to Troutner expense					
180	American Express Corporate Card Statement of Account 11/28/11, Bates Stamp Nos. 12892 to 12906	R for pages not related to Troutner expense					
181	American Express Corporate Card Statement of Account 12/28/11, Bates Stamp Nos. 12907 to 12916	R for pages not related to Troutner expense					
182	American Express Corporate Card Statement of Account 01/28/12, Bates Stamp Nos. 12917 to 12932	R for pages not related to Troutner expense					
183	American Express Corporate Card Statement of Account 02/28/12, Bates Stamp Nos. 12933 to 12946	R for pages not related to Troutner expense					

184	American Express Corporate Card Statement of Account 04/28/12, Bates Stamp Nos. 12947 to 12960	R for pages not related to Troutner expense					
185	American Express Corporate Card Statement of Account 05/28/12, Bates Stamp Nos. 12961 to 12973	R for pages not related to Troutner expense					
186	American Express Corporate Card Statement of Account 06/28/12, Bates Stamp Nos. 12974 to 12989	R for pages not related to Troutner expense					
187	American Express Corporate Card Statement of Account 07/28/12, Bates Stamp Nos. 12990 to 13004	R for pages not related to Troutner expense					
188	American Express Corporate Card Statement of Account 08/28/12, Bates Stamp Nos. 13005 to 13020	R for pages not related to Troutner expenses					
189	American Express Corporate Card Statement of Account 09/28/12, Bates Stamp Nos. 13021 to 13034	R for pages not related to Troutner expenses					
190	American Express Corporate Card Statement of Account 10/28/12, Bates Stamp Nos. 13035 to 13048	R for pages not related to Troutner expense					
191	American Express Corporate Card Statement of Account 11/28/12, Bates Stamp Nos. 13049 to 13062	R for pages not related to Troutner expense					
192	American Express Corporate Card Statement of Account 12/28/12, Bates Stamp Nos. 13063 to 13075	R for pages not related to Troutner expense					
193	American Express Corporate Card Statement of Account 01/28/13, Bates Stamp Nos. 13076 to 13092	R for pages not related to Troutner expense					

194	American Express Corporate Card Statement of Account 02/28/13, Bates Stamp Nos. 13093 to 13114		R for pages not related to Troutner expense				
195	American Express Corporate Card Statement of Account 03/30/13, Bates Stamp Nos. 13115 to 13131		R for pages not related to Troutner expense				
196	American Express Corporate Card Statement of Account 04/29/13, Bates Stamp Nos. 13132 to 13147		R for pages not related to Troutner expense				
197	American Express Corporate Card Statement of Account 05/29/13, Bates Stamp Nos. 13148 to 13164		R for pages not related to Troutner expense				
198	American Express Corporate Card Statement of Account 06/28/13, Bates Stamp Nos. 13165 to 13182		R for pages not related to Troutner expenses				
199	American Express Corporate Card Statement of Account 07/28/13, Bates Stamp Nos. 13183 to 13200		R for pages not related to Troutner expense				
200	American Express Corporate Card Statement of Account 08/28/13, Bates Stamp Nos. 13201 to 13218		R for pages not related to Troutner expense				
201	American Express Corporate Card Statement of Account 08/28/13, Bates Stamp Nos. 13219 to 13237		R for pages not related to Troutner expense				
202	American Express Corporate Card Statement of Account 10/28/13, Bates Stamp Nos. 13238 to 13253		R for pages not related to Troutner expense				
203	American Express Corporate Card Statement of Account 11/28/13, Bates Stamp Nos. 13254 to 13263	Will not be offered	R for pages not related to Troutner expense				

204	American Express Corporate Card Statement of Account 12/28/13, Bates Stamp Nos. 13264 to 13278	Will not be offered	R for pages not related to Troutner expense				
205	American Express Corporate Card Statement of Account 01/28/14, Bates Stamp Nos. 13279 to 13294	Will not be offered	R for pages not related to Troutner expense				
206	Chris Dillon's United Mileage Plus 01/08/09 to 02/07/09, Bates Stamp Nos. 13410 to 13433	Will not be offered	R				
207	Chris Dillon's United Mileage Plus 12/08/09 to 02/01/10, Bates Stamp Nos. 13434 to 13463	Will not be offered	R				
208	Chris Dillon's United Mileage Plus 02/04/11, Bates Stamp Nos. 13464 to 13488	Will not be offered	R				
209	Chris Dillon's United Mileage Plus 01/04/12, Bates Stamp Nos. 13489 to 13506	Will not be offered	R				
210	Chris Dillon's Mileage Plus 07/04/12, Bates Stamp Nos. 13508 to 13510	Will not be offered	R				
211	Chris Dillon's Mileage Plus 08/04/12, Bates Stamp Nos. 13511 to 13513	Will not be offered	R				
212	Chris Dillon's Mileage Plus 09/04/12, Bates Stamp Nos. 13514 to 13516	Will not be offered	R				
213	Chris Dillon's Mileage Plus 10/04/12, Bates Stamp Nos. 13517 to 13518	Will not be offered	R				
214	Chris Dillon's Mileage Plus 11/04/12, Bates Stamp Nos. 13519 to 13520	Will not be offered	R				
215	Chris Dillon's Mileage Plus 12/04/12, Bates Stamp Nos. 13521 to 13523	Will not be offered	R				

	216	Chris Dillon's Mileage Plus 01/04/13, Bates Stamp Nos. 13524 to 13525		R				
	217	Chris Dillon's Mileage Plus 02/04/13, Bates Stamp Nos. 13526 to 13528		R				
	218	Chris Dillon's Mileage Plus 03/04/13, Bates Stamp Nos. 13529 to 13530		R				
	219	Chris Dillon's Mileage Plus 04/04/13, Bates Stamp Nos. 13531 to 13532		R				
	220	Chris Dillon's Mileage Plus 05/04/13, Bates Stamp Nos. 13533 to 13535		R				
	221	Chris Dillon's Mileage Plus 06/04/13, Bates Stamp Nos. 13536 to 13537		R				
	222	Chris Dillon's Mileage Plus 07/04/13, Bates Stamp Nos. 13538 to 13939		R				
	223	Chris Dillon's Mileage Plus 08/04/13, Bates Stamp Nos. 13540 to 13542		R				
	224	Chris Dillon's Mileage Plus 09/04/13, Bates Stamp Nos. 13543 to 13545		R				
	225	Chris Dillon's Mileage United Statement 08/08/13 to 09/07/13, Bates Stamp Nos. 13546 to 13548		R				
	226	Chris Dillon's Chase Statement 09/08/13 to 10/07/13, Bates Stamp Nos. 13549 to 13551		R				
	227	Chris Dillon's Chase Statement 10/08/13 to 11/07/13, Bates Stamp Nos. 13552 to 13553		R				

	228	Chris Dillon's Chase Statement 11/08/13 to 12/07/13, Bates Stamp Nos. 13554 to 13555		R				
	229	Chris Dillon's Chase Statement 12/08/13 to 01/07/14, Bates Stamp Nos. 13556 to 13557		R				
	230	Chris Dillon's Chase Statement 01/08/14 to 02/07/14, Bates Stamp Nos. 13558 to 13559		R				
	231	Southwest Statement 12/22/08 to 01/21/09, Bates Stamp Nos. 13585 to 13587	Will not be offered	R				
	232	Southwest Statement 03/18/09, Bates Stamp Nos. 13588 to 13590	Will not be offered	R				
	233	Southwest Statement 04/15/09, Bates Stamp Nos. 13591 to 13593	Will not be offered	R				
	234	Southwest Statement 05/11/09, Bates Stamp Nos. 13594 to 13596	Will not be offered	R				
	235	Southwest Statement 06/10/09, Bates Stamp Nos. 13597 to 13599	Will not be offered	R				
	236	Southwest Statement 07/01/09, Bates Stamp Nos 13600 to 13602	Will not be offered	R				
	237	Southwest Statement 08/10/09, Bates Stamp Nos. 13603 to 13606	Will not be offered	R				
	238	Southwest Statement 09/10/09, Bates Stamp Nos. 13607 to 13609	Will not be offered	R				
	239	Southwest Statement 10/11/09, Bates Stamp Nos. 13610 to 13613	Will not be offered	R				

240	Southwest Statement 11/10/09, Bates Stamp Nos. 13614 to 13616	Will not be offered	R				
241	Southwest Statement 12/11/09, Bates Stamp Nos. 13617 to 13619	Will not be offered	R				
242	Southwest Statement 01/10/10, Bates Stamp Nos. 13620 to 13622	Will not be offered	R				
243	Southwest Statement 02/10/10, Bates Stamp Nos. 13623 to 13625	Will not be offered	R				
244	Southwest Statement 03/13/10, Bates Stamp Nos. 13626 to 13629	Will not be offered	R				
245	Southwest Statement 04/13/10, Bates Stamp Nos. 13630 to 13632	Will not be offered	R				
246	Southwest Statement 05/13/10, Bates Stamp Nos. 13633 to 13634	Will not be offered	R				
247	Southwest Statement 06/13/10, Bates Stamp Nos. 13635 to 13637	Will not be offered	R				
248	Southwest Statement 07/13/10, Bates Stamp Nos. 13638 to 13640	Will not be offered	R				
249	Southwest Statement 08/13/10, Bates Stamp Nos. 13641 to 13646	Will not be offered	R				
250	Southwest Statement 09/13/10, Bates Stamp Nos. 13645 to 13647	Will not be offered	R				
251	Southwest Statement 10/13/10, Bates Stamp Nos. 13648 to 13650	Will not be offered	R				
252	Southwest Statement 11/13/10, Bates Stamp Nos. 13651 to 13652	Will not be offered	R				

253	Southwest Statement 12/13/10, Bates Stamp Nos. 13653 to 13654	Will not be offered	R				
254	Southwest Statement 01/13/11, Bates Stamp Nos. 13655 to 13657	Will not be offered	R				
255	Southwest Statement 02/13/11, Bates Stamp Nos. 13658 to 13660	Will not be offered	R				
256	Southwest Statement 03/13/11, Bates Stamp Nos. 13661 to 13664	Will not be offered	R				
257	Southwest Statement 04/13/11, Bates Stamp Nos. 13665 to 13667	Will not be offered	R				
258	Southwest Statement 05/13/11, Bates Stamp Nos. 13668 to 13670	Will not be offered	R				
259	Southwest Statement 06/13/11, Bates Stamp Nos. 13671 to 13674	Will not be offered	R				
260	Southwest Statement 07/13/11, Bates Stamp Nos. 13675 to 13677	Will not be offered	R				
261	Southwest Statement 08/13/11, Bates Stamp Nos. 13678 to 13681	Will not be offered	R				
262	Southwest Statement 09/13/11, Bates Stamp Nos. 13682 to 13686	Will not be offered	R				
263	Southwest Statement 10/13/11, Bates Stamp Nos. 13687 to 13690	Will not be offered	R				
264	Southwest Statement 11/13/11, Bates Stamp Nos. 13692 to 13694	Will not be offered	R				
265	Southwest Statement 12/13/11, Bates Stamp Nos. 13695 to 13697	Will not be offered	R				

266	Southwest Statement 01/18/12, Bates Stamp Nos. 13698 to 13700	Will not be offered	R				
267	Southwest Statement 02/18/12, Bates Stamp Nos. 13701 to 13703	Will not be offered	R				
268	Southwest Statement 03/18/12, Bates Stamp Nos. 13704 to 13706	Will not be offered	R				
269	Southwest Statement 04/18/12, Bates Stamp Nos. 13707 to 13709	Will not be offered	R				
270	Southwest Statement 05/18/12, Bates Stamp Nos. 13710 to 13713	Will not be offered	R				
271	Southwest Statement 06/18/12, Bates Stamp Nos. 13714 to 13716	Will not be offered	R				
272	Southwest Statement 07/18/12, Bates Stamp Nos. 13717 to 13719	Will not be offered	R				
273	Southwest Statement 08/18/12, Bates Stamp Nos. 13720 to 13723	Will not be offered	R				
274	Southwest Statement 09/18/12, Bates Stamp Nos. 13724 to 13727	Will not be offered	R				
275	Southwest Statement 10/18/12, Bates Stamp Nos. 13728 to 13730	Will not be offered	R				
276	Southwest Statement 11/18/12, Bates Stamp Nos. 13731 to 13734	Will not be offered	R				
277	Southwest Statement 12/18/12, Bates Stamp Nos. 13735 to 13737	Will not be offered	R				
278	Southwest Statement 01/18/13, Bates Stamp Nos. 13738 to 13740		R				

279	Southwest Statement 02/18/13, Bates Stamp Nos. 13741 to 13743		R				
280	Southwest Statement 03/18/13, Bates Stamp Nos. 13744 to 13747		R				
281	Southwest Statement 04/18/13, Bates Stamp Nos. 13748 to 13751		R				
282	Southwest Statement 05/18/13, Bates Stamp Nos. 13752 to 13754		R				
283	Southwest Statement 06/18/13, Bates Stamp Nos. 13755 to 13757		R				
284	Southwest Statement 07/18/13, Bates Stamp Nos. 13758 to 13760		R				
285	Southwest Statement 08/18/13, Bates Stamp Nos. 13761 to 13766		R				
286	Southwest Statement 08/22/13 09/21/13, Bates Stamp Nos. 13767 to 13769		R				
287	Southwest Statement 09/22/13 to 10/21/13, Bates Stamp Nos. 13770 to 13772		R				
288	Southwest Statement 10/22/13 to 11/21/13, Bates Stamp Nos. 13773 to 13775		R				
289	Southwest Statement 11/22/13 to 12/21/13, Bates Stamp Nos. 13776 to 13777		R				
290	Southwest Statement 12/22/13 to 01/21/14, Bates Stamp Nos. 13778 to 13780		R				

291	Dillon Auto Independent Accountant's Review Report and Financial Statements 12/31/14, Bates Stamp Nos. 13843 to 13854		R				
292	Terry Troutner Pay Stub 11/30/13, Bates Stamp No. 14052		R				
293	End of Year Spreadsheet, Bates Stamp No. 14062		R				
294	Email re: Terry's Personal Charges, Bates Stamp No. 14206						
295	Terry Troutner's Federal Tax Return 2013		R, O ³				
296	Terry Troutner's Federal Tax Return 2014		R, O ⁴				
297	Terry Troutner's Federal Tax Return 2015		R, O ⁵				
298	Chris Dillon W-2 – 2013		R				
299	Dillon Auto Sales Inc. Transaction Detail by Account (BKD) January through December 2013		R,H, F				
300	Dillon Auto Sales, Inc. Profit and Loss by Class, (BKD) January through December 2013		R,H, F				
301	Email from Sheryl Pont to Tim Wilson and John Hundtoft dated March 12, 2013 re: Terry Troutner's employment agreement		R,H, F				

³ Other – Despite being requested in discovery, this Exhibit was never produced. After repeated requests, this was not produced until March 3, 2017 at 2:18 p.m.

⁴ Other – Despite being requested in discovery, this Exhibit was never produced. After repeated requests, this was not produced until March 8, 2017 at 4:40 p.m.

⁵ Other – Despite being requested in discovery, this Exhibit was never produced. After repeated requests, this was not produced until March 8, 2017 at 4:40 p.m.

	302	Points Forward to 2013 (BKD) and related correspondence		R, H, F				
	303	Dillon Auto's response to NEOC Complaint of Keith Pickard DIL000249-DIL000259		R				
	304	Dillon Auto's response to NEOC Complaint of Lorenzo Nunn		R, H, F				
	305	Terry Troutner's 1099's for 2016		R, O ⁶				
	306	June 2014 Income Statement by Store Dillon Auto		R, H, F, O ⁷				
	307	March 11, 2013 Email Stream DIL014180 – DIL014181		R				
308		Pottawattamie County Tax Collection Receipt DIL014181		R, H, F, O ⁸				
309		Certified Copy of Pottawattamie County Tax Collection Receipt		R, H, F, O				
310		Dillon's Auto Sales cashed checks DIL014182-014193		R, H, F, O				
311		Pottawattamie County web page of tax payments by Terry Troutner DIL014194-DIL014205		R, H, F, O				
312		Certified copy of Pottawattamie County tax payments by Terry Troutner		R, H, F, O				

OBJECTIONS

R: Relevancy

⁶ Other – Despite being requested in discovery, this Exhibit was never produced. After repeated requests, this was not produced until March 8, 2017 at 4:40 p.m.

⁷ Other – Document is not complete.

⁸ Other – Documents were not produced until June 29, 2017. Also applies to Troutner's objections to exhibits 309 – 312.

H: Hearsay
A: Authenticity
F: Foundation
O: Other (specify)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January ____, 2018, he caused the above and foregoing to be filed with the Clerk of the Court using the CM/ECF System which sent notification of such filing to the following:

Raymond R. Aranza
Jon Brown
Valentine O'Toole McQuillan Gordon
11240 Davenport Street
Omaha, NE 68154
raranza@womglaw.com
jbrown@womglaw.com

/s/ Mark A. Fahleson