

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

GERALD J. KLEIN, on behalf of himself and  
all similarly situated;

Plaintiff,

vs.

TD AMERITRADE HOLDING  
CORPORATION, TD AMERITRADE, INC.,  
and FREDRIC TOMCZYK,

Defendants.

**8:14CV396**

**ORDER**

This matter is scheduled for an evidentiary hearing on March 27, 2018, at 1:00 p.m. before United States Magistrate Judge Susan M. Bazis, in Courtroom #2271 on the 2<sup>nd</sup> Floor of the Roman L. Hruska United States Courthouse. The following provisions govern exhibits to be used during the evidentiary hearing:

**1. Exhibits:**

A. **Exhibit List:** By March 20, 2018, each party shall email an exhibit list as provided for in NECivR 16.2(a)(1) to my chambers at [bazis@ned.uscourts.gov](mailto:bazis@ned.uscourts.gov) in Microsoft Word or WordPerfect format. **All objections to any exhibits are to be noted with particularity on the exhibit list provided to the court.**

B. **Court's Copies of Exhibits:** Each proponent of exhibits must prepare two copies of each original exhibit to be offered. One copy of the original exhibits must be placed in binder(s) as described below. If the exhibits are available electronically, one copy may be submitted in electronic form, on a portable thumb drive or other generally accessible storage device. Each exhibit file within the portable drive should be labeled by exhibit number.

If electronic copies of exhibits are unavailable, each set of copies must be placed in three-ring binders. The binders must be numbered as provided for in NECivR 39.3(d) and organized by dividers and numbered tabs for quick retrieval of copies of exhibits. The binders with copies of exhibits must be delivered to chambers by March 20, 2018. **The copies of exhibits delivered to chambers are not the original exhibits to be used at the evidentiary hearing.**

C. **Original Exhibits:** The parties should deliver original exhibits to the court in as provided for in NECivR 39.3. Exhibits shall be properly listed and identified on the exhibit form supplied by the Clerk of Court's Office, also available at the court website: <http://www.ned.uscourts.gov/forms>.

D. **Marking of Exhibits:** The parties should number exhibits as required by NECivR 39.3(d). Plaintiff's exhibits will begin with number "1." Defendant's exhibits will begin

with the three-digit number rounded to the next hundred after plaintiff's last exhibit. Additionally, all exhibits must be pre-marked with stickers that indicate whether the plaintiff, or the defendant is offering the exhibit. The Court requests that the parties number their exhibits consecutively.

IT IS SO ORDERED.

DATED this 12<sup>th</sup> day of March, 2018.

BY THE COURT:

s/ Susan M. Bazis  
United States Magistrate Judge