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3 **UNITED STATES DISTRICT COURT**  
4 **DISTRICT OF NEVADA**

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8 HOME GAMBLING NETWORK, INC., *et al.*,

2:05-cv-00610-DAE -VCF

9 Plaintiffs,

**ORDER**

10 vs.

11 CHRIS PICHE, *et al.*,

12 Defendants.

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14 Before the court is United States District Judge David Alan Ezra’s Order (1) Vacating the  
15 Magistrate’s Report and Recommendation and (2) Remanding the Matter to the Magistrate for New  
16 Evidentiary Hearing. (#276). The court held a pre-evidentiary hearing on June 20, 2012.

17 **Relevant Background**

18 On May 14, 2012, Judge David Ezra issued an order vacating Magistrate Judge Leavitt’s R&R  
19 (#262) and remanding the matter to the undersigned Magistrate Judge to conduct an evidentiary hearing.  
20 (#276). On June 7, 2012, the undersigned Magistrate Judge issued a minute order scheduling an  
21 evidentiary hearing for July 25, 2012. (#277). The minute order also scheduled a pre-evidentiary  
22 hearing for the purpose of establishing procedures for the evidentiary hearing. *Id.* The court conducted  
23 the pre-evidentiary hearing on June 20, 2012, and the court ordered as follows:

24 IT IS ORDERED that, on or before July 18, 2012, the parties shall file a Joint Pre-Hearing  
25 Statement, including (1) the issues to be decided during the evidentiary hearing, (2) a list of stipulated  
facts, (3) a list of witnesses whose declaration and/or testimony the parties will be relying on, and (4) a  
list of exhibits that the parties intend on to use in their briefs.

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2 IT IS FURTHER ORDERED that the plaintiffs shall file an Opening Brief on or before July 25,  
3 2012. Defendants' Response is due on or before August 20, 2012, and plaintiffs' Reply is due on or  
4 before August 31, 2012.

5 IT IS FURTHER ORDERED that the parties' Joint Pre-Hearing Statement and Briefs must  
6 comply with Judge Ezra's order limiting the categories of evidence to be presented at the hearing as  
7 follows:

- 8 (1) the evidence that was before Magistrate Judge Leavitt when he ruled on the motion  
9 for terminating sanctions;  
10 (2) the additional evidence submitted in support of and in opposition to defendants'  
11 objections to the magistrate's R&R; and  
12 (3) the evidence proffered at the March 23, 2012, hearing on defendants' objections.

13 IT IS FURTHER ORDERED that the Evidentiary Hearing scheduled for July 25, 2012, is  
14 VACATED and rescheduled for September 26, 2012, at 9:30 a.m. in Courtroom 3A.

15 DATED this 20th day of June, 2012.



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17 CAM FERENBACH  
18 UNITED STATES MAGISTRATE JUDGE  
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