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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

FREDERICK MARC COOLEY,

Plaintiff,

v.

J.MARSHAL, et al.,

Defendants.

Case No. 2:09-cv-00559-MMD-GWF

ORDER

The parties failed to reach agreement on a joint proposed pretrial order. Instead, Defendants submitted their joint proposed pretrial order and Plaintiff submitted his proposed pretrial order. The Court has reviewed the parties' separate submissions as well as their statements identifying the disputes among them. (Dkt. nos. 151, 152 & 156.) The Court adopts the parties' proposals as follows¹.

I. Nature of the Action

Defendants' description of the nature of this action is set forth in Defendants' PO.

Plaintiff's description of the nature of this action is set forth in Plaintiff's PO.

II. Statement of Jurisdiction

The parties agree to the Court's jurisdiction as set forth in their respective proposed pretrial order.

¹ Defendants' proposed joint pretrial order (dkt. no. 151-1) is referenced as "Defendants' PO." Plaintiff's proposed pretrial order (dkt. no. 156, Ex. C) is referenced as "Plaintiff's PO."

1 **III. Facts Admitted by the Parties**

2 The facts set forth in Defendants' PO under Section III at paragraph numbers 1, 2
3 and 7 are deemed admitted by the parties and require no proof at trial. The Court notes
4 that Plaintiff agrees to these facts as set forth in his proposed order.

5 **IV. Fact Not Admitted but Not Contested**

6 The facts set forth in Defendants' PO under Section IV at paragraph numbers 1,
7 2, 3 and 4 are not admitted but will not be contested at trial by evidence to the contrary.
8 The Court notes that Plaintiff agrees to these facts as set forth in his proposed order.

9 **V. Issues of Fact to be Tried and Determined**

10 Defendants' description of the issues of fact to be tried and determined upon trial
11 is set forth in Defendants' PO.

12 Plaintiff's description of the issues of fact to be tried and determined upon trial is
13 set forth in Plaintiff's PO.

14 **VI. Issues of Law to be Tried and Determined**

15 Defendants' description of the issues of law to be tried and determined upon trial
16 is set forth in Defendants' PO.

17 Plaintiff's description of the issues of law to be tried and determined upon trial is
18 set forth in Plaintiff's PO.

19 **VII. Exhibits**

20 The Court adopts Defendants' description of the category of exhibits under
21 subsection (a) in Defendants' PO relating to exhibits that are stipulated into evidence and
22 may be marked by the clerk. In addition, the Court adopts Plaintiff's description of an
23 additional exhibit as set forth in paragraph no. 6 at page 23 of Plaintiff's PO (dkt. no.
24 156, Ex. C) (Defendant S. Meads' Answers to Plaintiff's Second Set of Interrogatories).

25 The parties represent that there are no exhibits where they have reached any
26 stipulations.

27 The Court adopts Plaintiff's description under subsection (c) as to the parties'
28 objections to the exhibits to be offered. (Dkt. no. 156, Ex. C at 28.)

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VIII. Witnesses

The parties are in agreement as to the list of witnesses. The Court adopts their list of witnesses as set forth in Defendants' PO and Plaintiff's PO.

IT IS SO ORDERED.

Dated this 10th day of January, 2014.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE