## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

HISCOX DEDICATED CORPORATE MEMBER LTD. AND CERTAIN OTHER UNDERWRITERS AT LLOYD'S, LONDON, WHO SUBSCRIBED LLOYD'S POLICY NO. HD 0001594,

Plaintiffs,

vs.

DAVID ALLEN CONDON, INDIVIDUALLY, AND DOING BUSINESS AS DC COLLECTIBLES,

Defendant.

DAVID ALLEN CONDON, INDIVIDUALLY, AND DOING BUSINESS AS DC COLLECTIBLES,

Counter-claimant,

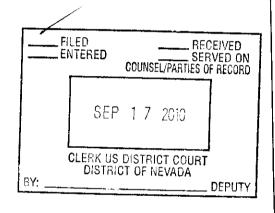
vs.

HISCOX DEDICATED CORPORATE MEMBER LTD. AND CERTAIN OTHER UNDERWRITERS AT LLOYD'S, LONDON, WHO SUBSCRIBED LLOYD'S POLICY NO. HD 0001594,

Counter-defendant.

2:09-CV-1166-ECR-RJJ

ORDER



The following additional orders are entered with respect to the Pretrial Order filed in this case.

IT IS HEREBY ORDERED that not less than sixty (60) days prior to the date set for trial, Defendant and Plaintiffs shall each file a supplement to their respective objections to the other parties'

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proposed exhibits and deposition testimony (see e.g. paragraph (c) on page 17, paragraph (e) on page 22, and paragraph w on page 20 of the Pretrial Order), which shall spell out in reasonable detail the basis for each of the objections. It is not sufficient to object merely as "irrelevant," "hearsay," "privileged," etc. The objection with respect to each such exhibit should state in summary but reasonable detail the basis for making such objection.

The parties respectively will thereafter have fourteen (14) days to respond to each such objection in similar detail.

The matter of admission of exhibits for trial is referred to the Magistrate Judge for purposes of ruling on the admission of the subject exhibits listed in the Pretrial Order to the extent this can reasonably and feasibly be done pretrial.

The proposed witness lists, as set forth in the Pretrial Order, are referred to the Magistrate Judge for consideration and decision as to whether any of such witnesses should not be permitted to testify because their testimony would be duplicative or unreasonably cumulative. The Magistrate Judge is authorized to require offers of proof as to the testimony to be offered by each such witness.

At least sixty (60) days prior to the date set for the trial, Plaintiffs shall file a statement specifying witnesses by specific name or names who are in the Pretrial Order referred to in terms such as "Person(s) most knowledgeable" (see line 9, page 23 of the Pretrial Order) and "[mother in law]: Lucygne Norma \_\_\_\_\_\_\_" (see line 22, page 25 of the Pretrial Order).

The Magistrate Judge is authorized to modify the Pretrial
Order upon consideration of these or other appropriate matters, and
to make all rulings thereon which reasonably can be made.

The Magistrate Judge will substantially assist the Court in the processing of this case by undertaking the foregoing proceedings. By going through the items of evidence and considering the respective witnesses' testimony, frequently the parties and/or the Court will reasonably, readily, recognize evidence which is inadmissible, or should be withdrawn, or which, upon proper available foundation, will be obviously admissible, or on the other hand, where ruling should be withheld until trial. The Magistrate Judge will have the benefit of the Pretrial Order and the arguments of counsel to assist in making these rulings.

Obviously, the conduct of the trial will be greatly expedited by the Magistrate Judge undertaking this assignment.

The rulings of the Magistrate Judge will be subject to appeal to this Judge, if timely appeal is filed. The Magistrate Judge has extensive experience in resolving such matters, both as an attorney in practice, and sitting on the bench as a trial judge, and is well qualified to undertake such rulings.

We realize this order places a considerable burden on the Magistrate Judge. We trust, however, that the Magistrate Judge will not be inclined to ignore this order, but if the Magistrate Judge would prefer not to undertake this reference, or feels uncomfortable in doing so, or feels such an order is inappropriate in the circumstances, we should be so advised so that we can undertake to arrange other procedures to accomplish the goals we seek to achieve in entering this order.

At least twenty-one (21) days before the date set for the trial, the Magistrate Judge shall hold a status/settlement conference with respect to this case and the trial.

Dated: This 16 day of September, 2010.

Edward C. Kry