

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

SHANE TRACEY,	)	Case No.: 2:09-cv-01257-GMN-PAL
	)	
Plaintiff,	)	<b>ORDER</b>
vs.	)	
	)	
AMERICAN FAMILY MUTUAL	)	
INSURANCE COMPANY; DOES I	)	
through XX; AND ROE	)	
CORPORATIONS I through XX,	)	
inclusive,	)	
	)	
Defendant.	)	
	)	

On May 4, 2010 the Court conducted a hearing on Defendant’s Motion for an Order to Show Cause and to Strike Dr. Kabins and his Records from this Case. (ECF No. 44) Magistrate Judge Peggy Leen denied Defendant’s Motion for an Order to Show Cause and to Strike Dr. Kabins and his Records from this Case. (ECF No. 51) Further, Magistrate Judge Leen ordered Dr. Kabins to appear at a duly-noticed deposition to provide testimony concerning his treatment, care, surgery, records and opinions concerning his treatment and care of the Plaintiff in this case.

Before this court is interested party Dr. Kabins’ Motion for District Judge to Reconsider. (ECF No. 52) Defendant filed a timely Response. (ECF No. 53) Dr. Kabins’ request contends that defense counsel wishes to explore collateral issues during deposition that are not proper. Dr. Kabins argues that the Order that is currently in place sets forth no limitations as to how far Defendant’s counsel can explore the collateral issues, and that such issues are far outside the scope of discovery. Specifically, Dr. Kabins requests that the information sought about the collateral matters of altering medical records and/or testifying falsely under oath should not be sought until Defendant’s counsel makes a proffer to this Court regarding the relevance of such information to this particular plaintiff, in this particular trial.

