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7 *Attorneys for Defendants,*
 LYLE SLAGHT, and DEBOER TRANSPORTATION, INC.

9 UNITED STATES DISTRICT COURT
 10 DISTRICT OF NEVADA

12 RICHARD VILLEGAS, individually, JESSIE
 13 VILLEGAS, individually, and as husband and wife,

14 Plaintiffs,

15 v.

16 LYLE SLAGHT, individually, DEBOER
 TRANSPORTATION, INC., a Wisconsin
 17 Corporation, DOES I - X, and ROE
 CORPORATIONS I - X, inclusive,

18 Defendants.
 19

CASE NO. 2:10-CV-01051-PMP-LRL

**REQUEST FOR CLARIFICATION OF
 FEBRUARY 5, 2013 ORDER REQUIRING
 PERSONAL APPEARANCE DEFENDANTS
 DEBOER TRANSPORTATION AND LYLE
 SLAGHT AT MANDATORY
 SETTLEMENT CONFERENCE AND
 PROPOSED ORDER**

20 COMES NOW, Defendants, LYLE SLAGHT²³⁴⁹⁷ and DEBOER TRANSPORTATION, INC., by
 21 and through their counsel of record, THARPE & HOWELL, LLP, and hereby moves this Honorable
 22 Court for clarification of its February 5, 2013, Order Scheduling Settlement Conference requiring
 23 personal appearances by Defendants DeBoer Transportation, Inc. and Lyle Slaght at the February 20,
 24 2013, Settlement Conference. This Motion is based on the pleadings and papers on file herein, the
 25 supporting Affidavit of Brad. R. Kohler, Esq., as well as any additional argument the Court may wish to
 26 entertain at a hearing of this matter.
 27
 28

1 Pursuant to the Court's Order Scheduling Settlement Conference of February 5, 2013, Defendants
2 DeBoer Transportation, Inc. (Travis Ploman) and Lyle Slaght are required to personally appear at the
3 February 20, 2013 Settlement Conference in this matter. However, at the February 5, 2013, Status
4 Hearing where Defendants' Request for Exception (Dkt. No. 67) was heard, the Court stated that these
5 Defendants could appear by telephone, and only Trial Counsel and the insurance adjuster, Don Huston
6 of Sentry Insurance is required to attend personally. *Affidavit of Brad R. Kohler, Esq.*, attached hereto as
7 Exhibit "A". For this reason, Defendants request the Court clarify its Order of February 5, 2013, that
8 Defendants Lyle Slaght and DeBoer Transportation can attend the February 20, 2013 Mandatory
9 Settlement Conference by telephone.
10

11 DATED this 8th day of February, 2013.

12 **THARPE & HOWELL**

13
14 By: Brad Kohler #
15 Brad R. Kohler, II, Esq.
16 Nevada Bar No. 7408
17 Jeremiah Pendleton, Esq.
18 Nevada Bar No. 9148
19 6897 W. Charleston Blvd.
20 Las Vegas, Nevada 89117

21 *Attorneys for Defendants*
22 LYLE SLAGHT, and DEBOER
23 TRANSPORTATION, INC.
24
25
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1 **~~PROPOSED~~ ORDER**


2 IT IS SO ORDERED, that the **REQUEST FOR CLARIFICATION OF FEBRUARY 5, 2013**
3 **ORDER REQUIRING PERSONAL APPEARANCE DEFENDANTS DEBOER**
4 **TRANSPORTATION AND LYLE SLAGHT AT MANDATORY SETTLEMENT**
5 **CONFERENCE AND PROPOSED ORDER** is here by granted and Defendants' Lye Slaght and
6 DeBoer Transportation (Travis Ploman) can attend the February 20, 2013 Mandatory Settlement
7 Conference by telephone..

8 DATED this 11th day of February, 2013.

9
10 
11 _____
12 UNITED STATES MAGISTRATE JUDGE

13
14 Respectfully Submitted by:

15 **THARPE & HOWELL**

16
17 By: 
18 Brad R. Kohler, II, Esq.
19 Nevada Bar No. 7408
20 Jeremiah Pendleton, Esq.
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24 *Attorneys for Defendants*
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CERTIFICATE OF SERVICE

I hereby certify that on the th 6 day of February, 2013, service of the foregoing **REQUEST FOR CLARIFICATION OF FEBRUARY 5, 2013 ORDER REQUIRING PERSONAL APPEARANCE DEFENDANTS DEBOER TRANSPORTATION AND LYLE SLAGHT AT MANDATORY SETTLEMENT CONFERENCE AND PROPOSED ORDER** was made via CM/ECF system to the people listed below:

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An Employee of THARPE & HOWELL, LLP

EXHIBIT “A”

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12 *Attorneys for Defendants,*
13 LYLE SLAGHT, and DEBOER TRANSPORTATION, INC.

14 UNITED STATES DISTRICT COURT
15 DISTRICT OF NEVADA

16 * * *

17 RICHARD VILLEGAS, individually, JESSIE
18 VILLEGAS, individually, and as husband and wife,

19 Plaintiffs,

20 v.

21 LYLE SLAGHT, individually, DEBOER
22 TRANSPORTATION, INC., a Wisconsin
23 Corporation, DOES I - X, and ROE
24 CORPORATIONS I - X, inclusive,

25 Defendants.

26 CASE NO. 2:10-CV-01051-PMP-LRL

27 **AFFIDAVIT OF BRAD KOHLER IN
28 SUPPORT OF MOTION FOR
CLARIFICATION OF FEBRUARY 5, 2013
ORDER REQUIRING PERSONAL
APPEARANCE DEFENDANTS DEBOER
TRANSPORTATION AND LYLE SLAGHT
AT MANDATORY SETTLEMENT
CONFERENCE**

29 23497

30 STATE OF NEVADA)
31) ss.
32 COUNTY OF CLARK)

33 BRAD KOHLER, being first duly sworn, deposes, and under penalty of perjury, says as follows:

34 1. I am an attorney admitted to practice before all the courts of the State of Nevada and I am an
35 associate with the law firm of Tharpe & Howell, LLP, counsel for Defendants DeBoer Transportation
36 and Lyle Slaght.

1 2. On February 5, 2013 I appeared before the Honorable Magistrate Judge Cam Ferebach at the
2 Status Check regarding the Settlement Conference.

3 3. At said hearing, and after argument on Defendants Requests for Exception (Dkt. No. 67)
4 Magistrate Judge Cam Ferenback ordered that DeBoer Transportation, Inc. and Lyle Slaght could appear
5 telephonically for the Settlement Conference re-scheduled for February 20, 2013 at 10:00 A.M.
6

7 4. However, later in the day on February 5, 2013, Honorable Magistrate Ferenbach filed an Order
8 Rescheduling a Settlement Conference (Dkt. No. 74) that appeared to inadvertently omit the rulings
9 made at the status conference regarding Mr. Slaght's and DeBoer Transportation's attendance at the
10 Mandatory Settlement Conference by phone, therefore necessitating the instant Motion for Clarification.
11

12 FURTHER YOUR AFFIANT SAYETH NAUGHT

13
14 Brad Kohler II
15 BRAD R. KOHLER II

16
17 Subscribed and Sworn to before me
18 this 8th day of February, 2013.

19 Egda Ramirez
20 NOTARY PUBLIC in and for
21 said County and State.

