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Attorneys for Defendants

S&R PRODUCTION COMPANY and ROY HORN

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

OLIVER PREISS, *et al.*,

Plaintiffs,

v.

S&R PRODUCTION COMPANY, *et al.*,

Defendants.

Case No. 2:10-cv-01795-RLH-(RJJ)

Hon. Peggy A. Leen
Early Neutral Evaluation Magistrate Judge

**EMERGENCY REQUEST TO EXCUSE
 ROY HORN'S PERSONAL
 APPEARANCE AT EARLY NEUTRAL
 EVALUATION**

Date: February 4, 2011

Time: 9:30 a.m.

1 TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT
2 OF NEVADA, AND TO PLAINTIFFS AND THEIR ATTORNEYS:

3 PLEASE TAKE NOTICE that defendants S&R Production Company and Roy Horn
4 hereby request that this Court excuse defendant Roy Horn's personal appearance at the upcoming
5 Early Neutral Evaluation ("ENE") session pursuant to LR 16-6 and this Court's October 21, 2010
6 Order.

7
8 Dated: January 24, 2011

9 Respectfully submitted,

10 /s/: John T. Moran, Jr. Esq.
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16 -and-

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22 *Attorneys for the Defendant*
23 *S&R PRODUCTION COMPANY and ROY HORN*
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Defendants respectfully request that this Court excuse defendant Roy Horn’s personal
3 appearance at the upcoming Early Neutral Evaluation (“ENE”) session pursuant to LR 16-6 and
4 this Court’s October 21, 2010 Order. Mr. Horn was severely mauled in a tiger attack during his
5 Las Vegas show in 2003. Putnam Decl. ¶ 2. The 380-pound Bengal tiger bit into Mr. Horn’s
6 neck and head, crushed his windpipe, damaged an artery carrying oxygen to his brain, and left
7 him partially paralyzed. *Id.* Subsequent to that accident, Mr. Horn suffered a series of
8 debilitating strokes. *Id.* at ¶ 3. Due to these afflictions, Mr. Horn is in constant pain and has
9 enormous difficulty speaking, walking, and performing other basic human functions. *Id.* He
10 requires daily treatment and therapy for these health problems. *Id.* Accordingly, defendants
11 respectfully request that this Court excuse Mr. Horn from participation in the Early Neutral
12 Evaluation session.

13 Granting defendants’ request would not reduce the effectiveness of the ENE session.
14 Randal O’Connor will attend the ENE session as defendant S&R Production Company’s
15 representative. Mr. O’Connor will also have the authority to settle this matter on Mr. Horn’s
16 behalf. Furthermore, in the event that this Court would need an answer from Mr. Horn
17 specifically, Mr. O’Connor could reach him via telephone during the conference.
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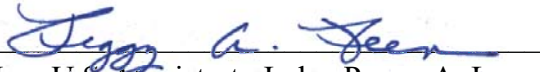
Dated: January 24, 2011

Respectfully submitted,

/s/: John T. Moran, Jr. Esq.
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Attorneys for the Defendant
*S&R PRODUCTION COMPANY and ROY
HORN*

IT IS SO ORDERED.

Dated: January 27, 2011


Hon. U.S. Magistrate Judge Peggy A. Leen
U.S. District Court, District Of Nevada

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12 S&R PRODUCTION COMPANY and ROY HORN

13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15
16 OLIVER PREISS, *et al.*,

17 Plaintiffs,

18 v.

19 S&R PRODUCTION COMPANY, *et al.*,

20 Defendants.

Case No. 2:10-cv-01795-RLH-(RJJ)

Hon. Peggy A. Leen
Early Neutral Evaluation Magistrate Judge

**DECLARATION OF MARVIN S.
PUTNAM IN SUPPORT OF
DEFENDANTS' EMERGENCY
REQUEST TO EXCUSE ROY HORN'S
APPEARANCE AT EARLY NEUTRAL
EVALUATION SESSION**

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DECLARATION OF MARVIN S. PUTNAM

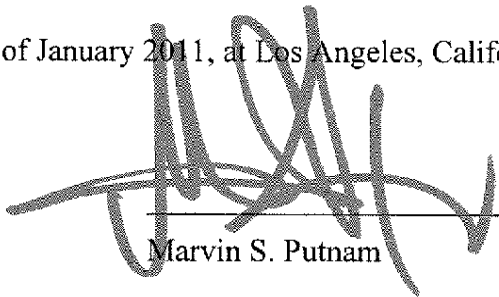
I, Marvin S. Putnam, declare and state as follows:

1. I am an attorney licensed to practice in the state of California and am admitted to practice in Nevada for this matter pursuant to LR 10-2. I am a partner with the international law firm of O'Melveny & Myers LLP, attorneys of record for defendants S&R Production Company and Roy Horn in the above-entitled action. I have personal knowledge of the facts recited herein, and if called to testify thereto, I could and would do so competently.

2. In 2003, Roy Horn was severely mauled by a tiger while performing in the "Siegfried & Roy" show at the Mirage in Las Vegas. The 380-pound Bengal tiger bit into Mr. Horn's neck and head, crushed his windpipe, damaged an artery carrying oxygen to his brain, and left him partially paralyzed.

3. Subsequent to the 2003 accident, Mr. Horn suffered a series of debilitating strokes. As a result of his accident and the strokes, Mr. Horn is in constant pain and has enormous difficulty performing basic human functions such as speaking and walking. He receives daily treatment and therapy for his various health problems.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 20th day of January 2011, at Los Angeles, California.



Marvin S. Putnam