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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

COLONY INSURANCE COMPANY,

Plaintiff,

v.

HAROLD KUEHN, *et al.*,

Defendants.

Case No. 2:10-CV-01943-KJD-GWF

ORDER

Presently before the Court is the Report and Recommendation (#64) of Magistrate Judge George Foley, Jr. recommending that the Third Motion to Compel and for Sanctions Against Thomas Gibson and Gibson & Kuehn, LLP be granted, in part and denied, in part. No objection to the Report and Recommendation has been filed.

The Court has conducted a *de novo* review of the record in this case in accordance with 28 U.S.C. § 636(b)(1) and LR IB 3-2. The Court finds that Judge Foley’s Report and Recommendation (#64) should be adopted and affirmed.

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IT IS THEREFORE ORDERED that the Report and Recommendation (#64) of Magistrate Judge George Foley, Jr., is **ADOPTED** and **AFFIRMED**;

IT IS FURTHER ORDERED that Defendants' affirmative defense regarding Mr. Kuehn's alleged mental state be **STRICKEN** from Defendants' answer.

DATED this 25th day of May 2012.



Kent J. Dawson
United States District Judge