

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LIBERTY MUTUAL INSURANCE GROUP,)
)
) Plaintiff,)
)
 vs.)
)
) PANELIZED STRUCTURES, INC., et al.,)
)
) Defendants.)
 _____)

Case No. 2:10-cv-01951-MMD-PAL

ORDER

(Mot Exclude Evidence - Dkt. #163)

The court conducted a hearing on Panelized Structures, Inc.’s (“PSI”) Motion to Exclude Evidence for Nondisclosure [FRCP 37(c)] (Dkt. #163) on November 27, 2012. Elizabeth Foley and Justin Hepworth appeared on behalf of Liberty Mutual Insurance Group and LM Insurance Corporation. Eugene Waite appeared on behalf of PSI. The court has considered the Motion, Liberty Mutual’s Opposition (Dkt. #167), PSI’s Reply (Dkt. #168), PSI’s Errata (Dkt. #170), and the arguments of counsel at the hearing.

Having reviewed and considered the moving and responsive papers and the arguments of counsel,

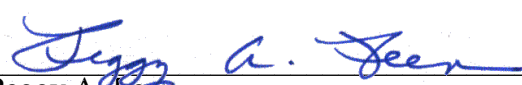
IT IS ORDERED that:

1. PSI’s Motion to Exclude Evidence for Nondisclosure is **GRANTED** to the limited extent that Liberty Mutual shall be precluded from claiming that Liberty Mutual Insurance Group, the named Plaintiff in this first filed case, issued the worker’s compensation policy at issue in this consolidated action.
2. Liberty Mutual shall be compelled to produce to counsel for PSI copies of the checks evidencing payments for which subrogation is sought in this case no later than December 11, 2012.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. The motion is denied in all other respects.

Dated this 28th day of November, 2012.



Peggy A. Leen
United States Magistrate Judge