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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SERGEY MKHITARYAN and SUREN
MKHITARYAN,

Plaintiffs,

v.

U.S. BANCORP, et al.,

Defendants.

2:11-CV-1055 JCM (CWH)

ORDER

Presently before the court is defendants Speedy Recovery, Inc., and Dennis McGee's motion for clarification of this court's order on the report and recommendation regarding plaintiffs' third motion to strike. (Doc. #188). On June 11, 2013, Magistrate Judge Hoffman issued a report and recommendation that defendant Dennis McGee's answer be stricken as a sanction for McGee's repeated failure to comply with court orders. (Doc. # 177). On August 8, 2013, this court adopted the magistrate judge's report and recommendation in its entirety. (Doc. # 186). Defendants now seek clarification of that order (doc. # 186) as it relates to the separate issues of damages and liability. Specifically, defendants seek clarification regarding the ability of defendant McGee to defend himself against damages only, and the ability of Speedy to defend itself against both liability and damages.

The court holds that defendant McGee may defend himself against damages only. *See In re USA Commer. Mortg. Co.*, 2010 U.S. Dist. LEXIS 127433 (D. Nev. Nov. 12, 2010) (holding

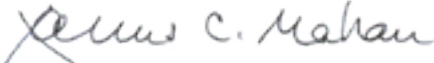
1 defendants may defend themselves at trial with respect to compensatory damages and conduct
2 relevant to punitive damages despite default judgment as to liability). The court also clarifies that
3 the sanctions entered against McGee do not affect the ability of defendant Speedy to defend itself
4 against both liability and damages.

5 Accordingly,

6 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants' motion for
7 clarification (doc. # 188) be, and the same hereby is, GRANTED consistent with the foregoing.

8 DATED August 30, 2013.

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UNITED STATES DISTRICT JUDGE