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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BRET LANTZ, et al.,)	3:05-CV-0207-VPC
)	
Plaintiffs,)	
)	ORDER
vs.)	
)	
KENNETH KREIDER, et al.,)	
)	
Defendants.)	

Before the court is defendants’ motion for clarification (#146), to which plaintiffs responded (#152). The court granted defendants’ request for expedited briefing and did not permit a reply (#158).

On December 9, 2009, this court decided defendants’ five motions in limine, which included motion in limine #5 (#97) to exclude statements defendants’ former counsel made during oral argument to the Ninth Circuit Court of Appeals. The court denied the motion (#112). Thereafter, defendants filed a motion styled as a motion to withdraw judicial admissions (#125) and in it, defendants identified the following judicial admissions they wished to withdraw: (1) that defendant Kreider contacted the credit reporting bureaus; (2) that he instructed them to cease providing plaintiffs with credit reports; and (3) that he advised these credit bureaus that continuing to provide plaintiffs with credit reports might constitute a violation of Nevada law (#125, page 3, lines 18-22). The court construed defendants’ motion as a motion for reconsideration of motion in limine #5 and denied it (#140). Defendants have now filed a third motion concerning this issue; this time, they request clarification about the court’s ruling on judicial admissions.

The court has once again carefully reviewed the transcript of the oral argument before the Ninth Circuit Court of Appeals. *See* Exhibit A to #152 (“transcript”). The court finds that the following facts constitute judicial admissions and provides citation to the Ninth Circuit transcript for sake of clarity:

1. Defendant Krieder contacted the credit reporting bureaus and told them that the plaintiffs were conducting their business in violation of Nevada law. Transcript at page 16, line 6-20; 24:3-25.

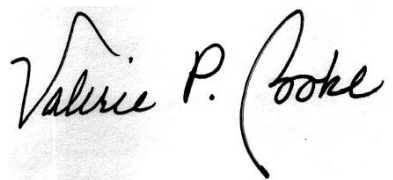
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As to the balance of defendants' motion, the court declines to tell defendants' counsel what questions they may ask defendant Kreider, since the court's clarification should make that task self-evident.

Based upon the foregoing, defendants' motion for clarification (#146) is **GRANTED IN PART** and **DENIED IN PART** as more fully forth herein.

IT IS SO ORDERED.

DATED: March 12, 2010.



UNITED STATES MAGISTRATE JUDGE