

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

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| JOE ZEITCHICK, |) | 3:06-CV-0138-ECR-VPC (Base File) |
| |) | 3:06-CV-0642-ECR-VPC (Member File) |
| Plaintiffs, |) | |
| |) | MINUTES OF THE COURT |
| vs. |) | |
| |) | DATE: June 11, 2010 |
| CAROL LUCEY and HELAINE JESSE |) | |
| |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

PRESENT: EDWARD C. REED, JR. U. S. DISTRICT JUDGE

Deputy Clerk: COLLEEN LARSEN Reporter: NONE APPEARING

Counsel for Plaintiff(s) NONE APPEARING

Counsel for Defendant(s) NONE APPEARING

MINUTE ORDER IN CHAMBERS

Plaintiff objects to the KH report as inadmissible hearsay. Defendants contend they seek to introduce the report, not for the truth of the matter asserted, but to explain how they reacted to Mr. Thompson's 2002 complaint about the air conditioner noise. Defendants anticipate Plaintiff will introduce evidence pertaining to Mr. Thompson's complaint. The relevance of Mr. Thompson's 2002 complaint or Defendants response thereto is not apparent to the court, and neither party address the issue of relevance in the paper. It is possible that this issue may bear on damages. Nevertheless, at this point, Plaintiff's hearsay objection is overruled.

IT IS, THEREFORE, HEREBY ORDERED Plaintiff's motion in limine re KH report (#163) is **DENIED** on the following basis. To the extent that Defendants introduce the KH report for relevant non-hearsay purposes, Plaintiff's hearsay objections are overruled.

LANCE S. WILSON, CLERK

By /s/
Deputy Clerk