

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
RENO, NEVADA

KEVIN FERNANDEZ,	)	CASE NO. 3:06-CV-0628-LRH-RAM
	)	
Plaintiff(s),	)	MINUTES OF THE COURT
	)	
vs.	)	DATED: OCTOBER 6, 2010
	)	
STATE OF NEVADA, et al.	)	
	)	
Defendant(s).	)	

PRESENT: HONORABLE ROBERT A. McQUAID, JR., U.S. MAGISTRATE JUDGE

Deputy Clerk: JENNIFER COTTER Reporter: FTR: 9:02:00 a.m. - 11:43:32 a.m.

Counsel for Plaintiff(s): KEVIN FERNANDEZ, In Pro Per (via video)

Counsel for Defendant(s): ALICIA LERUD

**PROCEEDINGS: SETTLEMENT CONFERENCE / MOTION HEARING**

9:02 a.m. Court convenes.

The parties recite the facts and merits of their respective positions. After some discussion and negotiations, the parties are unable to resolve the case at this time. The Court continues to address outstanding motions and the parties present argument as to the same.

**Motion to Seal Portions of Report and Recommendation (Docket #430), Motion to Clarify/Correct Order (Docket #431), and Motion to Seal Portions of the Answer to Motion for Contempt of Court (Docket #459)**

The Court advises the parties that, upon further review of its order issued at the hearing held on February 18, 2010 (Docket #421), it has determined that the ruling to seal portions of the court records was in error. Therefore, that order is WITHDRAWN, and the Motions to Seal and Motion to Clarify/Correct Order are DENIED.

**Motion for Sanctions (Docket #443) and Motion to Compel (Docket #444)**

The Court notes that Jared Fernandez, the subpoenaed party, has represented that he has none of the requested documentation. Therefore, IT IS ORDERED that the Motion for Sanctions and Motion to Compel are DENIED.

**Motion to Amend Proposed Joint Pretrial Order (Docket #477)**

IT IS ORDERED that the Motion to Amend Proposed Joint Pretrial Order is GRANTED. Plaintiff may list the proposed exhibits and add Dr. Bannister as a witness.

Page Two  
Minutes  
3:06-cv-0628-LRH-RAM (Fernandez v. State of NV, et al.)  
October 6, 2010

**Motion for Leave to File Supplementary Points and Authorities in Support of Plaintiff's Motion to Amend Proposed Joint Pretrial Order (Docket #497)**

With respect to Request 1 contained in the subject motion, IT IS ORDERED that page 2, line 18 of the Proposed Pretrial Order (#471) shall be amended to read, "Further, Plaintiff is seeking injunctive and declaratory relief...."

As to Requests 2 and 3, IT IS ORDERED that the subject motion is DENIED without prejudice.

Regarding Requests 4 and 5, the subject motion is GRANTED.

**Motion to Serve Subpoenas (Docket #487)**

Upon questioning by the Court, Plaintiff represents that he is able to pay witness fees and mileage related to the requested subpoenas. Therefore, IT IS ORDERED that the Motion to Serve Subpoenas is GRANTED. The Clerks's Office shall issue five (5) subpoenas for Jared (Tilley) Fernandez, Robert Chambliss, Dorothy Nash Holmes, Dr. Carol Milner, and Don Helling and send the same to Plaintiff. Plaintiff shall complete the forms with the addresses and date and time he expects each party to appear. He shall also attach a check for witness fees and mileage expenses, as applicable to each party, to the subpoenas. Plaintiff shall then submit the subpoenas to the Court and the Court will issue an order requiring the US Marshal's Office to serve them. The Court asks that Plaintiff have this accomplished by mid-December.

**Motion for Leave to File Supplementary Points and Authorities in Support of Motion for Preliminary Injunction (Docket #496)**

IT IS ORDERED that the Motion for Leave to File is GRANTED.

**Motion for Preliminary Injunction (#442)**

The parties present argument as to their respective positions regarding the subject motion. The Court advises the parties that a report and recommendation will be prepared and submitted for the approval of Judge Hicks.

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Ms. Lerud asks the Court to entertain an oral motion to extend time to respond to the Motion to Amend/Clarify Order and/or Motion to Reconsider (Docket #498). IT IS ORDERED that Defendants shall have until **November 1, 2010** to file said response.

11:43 a.m. Court adjourns.

LANCE S. WILSON, CLERK

By: /s/ \_\_\_\_\_  
Deputy Clerk