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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

HUGO APARICIO,

*Petitioner,*

vs.

E.K. MCDANIEL, *et al.,*

*Respondents.*

3:07-cv-00427-LRH-VPC

ORDER

Following upon petitioner’s motion (#91) for reconsideration,

IT IS ORDERED that petitioner’s motion (#91) for reconsideration is GRANTED and that this matter shall be placed on calendar at 1:00 pm on Thursday, August 11, 2011, (courtroom to be determined), at the Lloyd D. George United States Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada, for an evidentiary hearing as to all factual issues pertaining to the tolling issues raised in connection with the respondents’ motion (#82) to dismiss.

IT FURTHER IS ORDERED that counsel shall complete the following pre-hearing procedures:

1. ***Exchange of Preliminary Witness and Exhibit Lists and Stipulations.***

No later than **thirty (30) days** prior to the hearing, counsel shall confer together either in person or by telephone and shall exchange preliminary exhibit and witness lists, exchange (either in person or via mail or fax) any exhibits not already possessed by opposing counsel, and discuss stipulations as to authenticity and any evidentiary objections.

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2. ***Final Witness and Exhibit Lists and Evidentiary Objections.*** No later than **twenty (20) days** prior to the hearing, counsel shall jointly file a consolidated final list of the witnesses and exhibits to be offered jointly and/or by each party and which shall further identify any evidentiary objections that may be anticipated in advance of the hearing. No party will be allowed to introduce over objection any witness or exhibit not listed in the final witness and exhibit list, except that a party may file a supplement no later than **fifteen (15) days** prior to the hearing listing evidence in response to any witness or exhibit identified for the first time in the final list. No evidentiary objection that may be anticipated in advance of the hearing will be preserved unless raised in the final list.
3. ***Prisoner Transport Order.*** No later than **fifteen (15) days** prior to the hearing, petitioner’s counsel shall submit an order to transport prisoner to secure petitioner’s presence at the hearing; and any party wishing to call any other prisoner to testify similarly shall submit an order to transport prisoner by that date. No continuance will be granted for failure to secure the attendance of the petitioner or any other prisoner unless an order to transport prisoner was timely sought.
4. ***Pre-hearing Memoranda.*** No later than **seven (7) business days** prior to the hearing, counsel for petitioner and for respondents each shall file a pre-hearing memorandum setting forth the evidence that they expect to present at the hearing together with brief legal argument placing the evidence in context.
5. ***Exhibit Binders.*** On the morning of the hearing, counsel for petitioner and for respondents each shall provide to the Courtroom Deputy four binders or sets of exhibit binders, with one such binder or set of binders containing counsel’s exhibits for introduction at the hearing, and the other three binders or sets being for the bench, the witness stand, and the

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staff attorney. Each counsel additionally shall provide one additional binder or set of binders to opposing counsel. If joint exhibits are submitted, counsel shall make arrangements between themselves similarly to provide to the Courtroom Deputy four binders or sets of exhibit binders containing the joint exhibits.

The Court anticipates that the hearing will take no more than a half day to complete. If, in the course of their preparation, either counsel comes to the conclusion that more than two hours will be necessary to present their respective side of the case, counsel shall promptly advise the Courtroom Deputy and opposing counsel.

DATED this 11th day of March, 2011.



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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE