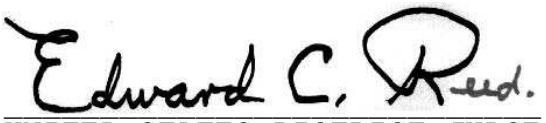
UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

SPENCER PIERCE, Plaintiff, vs. HOWARD SKOLNICK, et al., Defendants.	3:10-cv-00239-ECR-VPC **Order**

On November 30, 2011, the Magistrate Judge filed a Report and Recommendation (#77) recommending that Defendants' Motion for Summary Judgment (#58) be denied. The Magistrate Judge found that Defendants had failed to submit admissible evidence in support of their motion because they failed to authenticate the attached exhibits. The Magistrate Judge further found that Defendants have similarly failed to authenticate their evidence in numerous cases. No objections were filed. We agree with the Magistrate Judge that a Court is unable to grant a motion for summary judgment when the moving party has failed to submit admissible evidence. The Report and Recommendation (#77) is well-taken, and is therefore **APPROVED AND ADOPTED**. Defendant's Motion for Summary Judgment (#58) is **DENIED**.

IT IS FURTHER ORDERED that Defendant's Motion for Leave to File Second Dispositive Motion (#79) is referred to the Magistrate Judge for disposition.

DATED: January 6, 2012.



UNITED STATES DISTRICT JUDGE