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DISTRICT COURT

FILED

CLARK COUNTY, NEVADA, 2009 APR 22 A 11:51

TED R. BURKE, et al.,)
)
Plaintiff(s),)
)
vs.)
)
LARRY H. HAHN, et al.,)
)
Defendant(s).)

E. J. [Signature]
CLERK OF DISTRICT COURT

CASE NO. A558629-B
DEPT. NO. XIII

FILE # 509101
INDEX: YES NO
CALENDAR:
DATE 1:
DATE 2: _____
BY: _____
OTHER: _____
ATTORNEY: _____
ROUTE TO: _____

BUSINESS COURT ORDER

This BUSINESS COURT ORDER ("Order") is entered to reduce the costs of litigation, to assist the parties in resolving their disputes if possible, and, if not, to reduce the costs and difficulties of discovery and trial. This Order may be amended or modified by the Court upon good cause shown, and is made subject to any Orders that have heretofore been entered herein.

IT IS HEREBY ORDERED:

I. MANDATORY RULE 16 CONFERENCE

A. A mandatory Rule 16 conference with the Court and counsel/parties in proper person will be held on May 11, 2009 at 3:45 p.m. unless before then the record shows that this case is in the Court-Annexed Arbitration Program.

B. The purpose of this conference is to expedite settlement or other appropriate disposition of the case. Counsel/parties in proper person must be prepared to discuss the following:

- (1) status of 16.1 settlement discussions and a review of possible court assistance;

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(2) alternative dispute resolution appropriate to this case;

(3) simplification of issues;

(4) a summary of discovery conducted to date and the nature and timing of all remaining discovery;

(5) an estimate of the volume of documents and/or electronic information likely to be the subject of discovery in the case from parties and nonparties and whether there are technological means, including, but not limited to, production of electronic images rather than paper documents and any associated protocol, that may render document discovery more manageable at an acceptable cost;

(6) identification of any and all document retention/destruction policies including electronic data;

(7) whether the appointment of a special master or receiver is necessary and/or may aid in the prompt disposition of this action;

(8) any special case management procedures appropriate to this case;

(9) trial setting; and

(10) other matters as may aid in the prompt disposition of this action.

C. Trial or lead counsel for all parties are required to attend the conference unless excused by the Court.

D. Parties desiring a settlement conference shall so notify the court at the setting.

E. **The Plaintiff is responsible for serving a copy of this Order upon counsel for all parties who have not formally appeared in this case as of the date of the filing of this order.**

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II. PRETRIAL MOTIONS

A. Any requests for injunctive relief must be made with notice to the opposing party unless extraordinary circumstances exist. All parties shall advise the Court in writing if there is an agreement to consolidate the trial on the merits with the preliminary injunction hearing pursuant to NRCPC 65(a)(2).

B. With the exception of motions in limine (see below), any motions which should be addressed prior to trial – including, without limitation, motions for summary judgment – shall be served, filed and scheduled for hearing as set forth in the applicable Scheduling Order (where Discovery Commissioner supervises discovery) or Trial Order (where Court supervises discovery), as the case may be. Except upon a showing of unforeseen extraordinary circumstances, the Court will not shorten time for the hearing of any such motions.

C. Motions in limine shall be served, filed and scheduled as set forth in the Trial Order. Except upon a showing of unforeseen extraordinary circumstances, the Court will not shorten time for the hearing of any such motions.

III. DISCOVERY

A. If either party desires that discovery disputes in this matter be handled by the District Court Judge rather than the Discovery Commissioner, a request must be filed or stipulation must be submitted.

B. A continuance of trial does not extend the deadline for completing discovery. A request for an extension of the discovery deadline, if needed, must be presented in compliance with EDCR 2.35.

C. A party objecting to a written discovery request must, in the original objection,

1 specifically detail the reasons that support the objection, and include affidavits or other
2 evidence for any factual assertions upon which an objection is based.
3

4 D. Documents produced in compliance with NRCP 16.1 or in a response to a
5 written discovery request, must be consecutively Bates stamped or numbered and accompanied
6 by an index with a reasonably specific description of the documents.
7

8 E. Any party, whether in compliance with NRCP 16.1 or in a response to a written
9 discovery request not producing all documents in its possession, custody or control, shall:

10 (1) identify any documents withheld with sufficient particularity to support a
11 Motion to Compel; and

12 (2) state the basis for refusing to produce the documents(s).

13 F. If photographs are produced in compliance with NRCP 16.1 or in a response to a
14 written discovery request, the parties are instructed to include one (1) set of color prints (Color
15 laser copies of sufficient clarity are acceptable), accompanied by a front page index, location
16 depicted in the photograph (with reasonable specificity) and the date the photograph was taken.
17

18 If color laser copies are deposited, any party wishing to view the original photographs shall
19 make a request to do so with the other party.
20

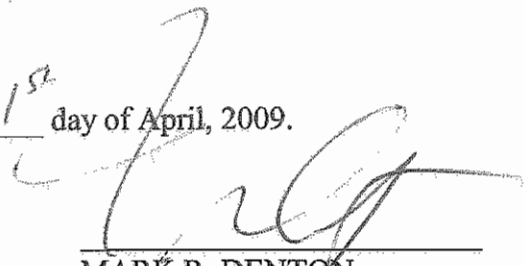
21 When a case is settled, counsel for the plaintiff and each unrepresented plaintiff of record
22 shall notify the District Court Judge within twenty-four (24) hours of the settlement and shall
23 advise the Court of the identity of the party or parties who will prepare and present the judgment,
24 dismissal, or stipulation of dismissal, which shall be presented within twenty (20) days of the
25 notification of settlement.

26 Failure to comply with any provision of this Order may result in the imposition of
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sanctions.

DATED this 21st day of April, 2009.



MARK R. DENTON
DISTRICT JUDGE

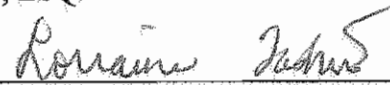
CERTIFICATE

I hereby certify that on the date filed, I placed a copy of the foregoing in the attorney's folder in the Clerk's Office or mailed a copy to:

ROBERTSON & VICK
Attn: Alexander Robertson, IV, Esq.

M. NELSON SEGEL, ESQ.

PATRICK C. CLARY, ESQ.


LORRAINE TASHIRO
Judicial Executive Assistant
Dept. No. XIII