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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DENNIS MONTGOMERY and the
MONTGOMERY FAMILY TRUST,

Plaintiffs,

v.

ETREPPID TECHNOLOGIES, LLC;
WARREN TREPP; and the UNITED
STATES DEPARTMENT OF DEFENSE,

Defendants.

AND ALL RELATED MATTERS.

3:06-CV-00056-PMP-VPC
BASE FILE

3:06-CV-00145-PMP-VPC

ORDER

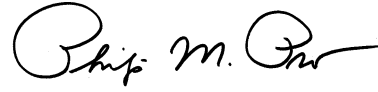
At the March 15, 2007 status conference, the Court discussed with the Department of Defense, the removing party, the status of the state court record in this case prior to removal, as not all state court filings were in this Court’s record. (Mins. of Proceedings [Doc. #123].) On April 17, 2007, the Department of Defense filed a status report indicating it had contacted the state court clerk of court and requested certified copies of the pre-removal state court record. (Dep’t of Defense’s Status Report Concerning State Court Materials [Doc. #158].) The Department of Defense requests this Court enter an order “authorizing and directing the release of the records and proceedings of the State court” However, the Department of Defense has not indicated it moved for relief in the state court before seeking this Court’s intervention. The Court will not enter an order for the release of the state court record and instead refers the Department of Defense to the

1 state court to seek relief initially in that forum.

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3 DATED: May 22, 2007.

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PHILIP M. PRO
United States District Court Judge

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