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12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14	DENNIS MONTGOMERY, et al.,	)	
		)	
15	Plaintiffs,	)	3:06-CV-0056-PMP-VPC
		)	<b>BASE FILE</b>
16	vs.	)	
		)	3:06-CV-0145-PMP-VPC
17	ETREPPID TECHNOLOGIES, LLC, et al.,	)	(Consolidated action)
		)	
18	Defendants.	)	
		)	DEPARTMENT OF DEFENSE'S
19		)	STATUS REPORT REGARDING
	AND RELATED MATTERS.	)	<u>STATE COURT MATERIALS</u>
20		)	

21 Comes now defendant Department of Defense (DoD), through its undersigned counsel, and  
22 submits the following status report concerning the procurement of materials filed in the State Court  
23 (Washoe County, Nevada).

24 1. One of these consolidated actions (3:06-cv-0145) began as a State court proceeding which  
25 was removed to this Court by Department of Defense (DoD) pursuant to 28 U.S.C., § 1442.

26 2. At a hearing conducted on March 15, 2007, this Court enquired of DoD counsel

1 concerning the status of the records and filings of the State court proceedings which had preceded  
2 the removal of the action.

3 3. Section 1447(b), title 18, U.S.C., provides that the district court “may require the  
4 removing party to file with its clerk copies of all records and proceedings in such State court or may  
5 cause the same to be brought before it by writ of certiorari issued to such State court.”

6 4. Following this court’s enquiry at the March 15, 2007, hearing, DoD counsel contacted  
7 the clerk of the State court and requested certified copies of all filings and records regarding the pre-  
8 removal State court proceedings. DoD counsel was informed that all such materials were sealed by  
9 order of the State court and would not be released to DoD counsel without an appropriate of this  
10 Court or an appropriate order of the State court.

11 5. It is respectfully suggested that this Court issue its order authorizing and directing the  
12 release of the records and proceedings of the State court to DoD counsel and that all such materials  
13 thereafter be reviewed by each party in accordance with the protocol which was followed for review  
14 of materials associated with the related case (3:06-cv-0263). See Minutes of proceedings (#243).  
15 Upon issuance of such an order, DoD counsel will promptly initiate such a protocol.

16 Respectfully submitted,

17 PETER KEISLER  
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19 /s/ Greg Addington  
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PROOF OF SERVICE

I hereby certify that service of the foregoing DEPARTMENT OF DEFENSE'S STATUS REPORT REGARDING STATE COURT MATERIALS was made through the Court's electronic notification system or, as appropriate, by sending same through first class mail from Reno, Nevada, to the addressees below on April 17, 2007.

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