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20 **UNITED STATES BANKRUPTCY COURT**

21 **FOR THE DISTRICT OF NEVADA**

22 In re:
23 JERRY'S NUGGET, INC.,

BK-S-12-19387
Chapter 11

24 Affects this Debtor

BK-S-12-19388
Chapter 11

25 In re:
26 SPARTAN GAMING LLC,

JOINTLY ADMINISTERED UNDER
CASE NO.: 12-19387-MKN

27 Affects this Debtor

28 **U.S. BANK'S OBJECTION TO FIRST AMENDED DEBTORS' WITNESS AND EXHIBIT LIST FOR THE CONFIRMATION HEARING ON DEBTORS' SECOND AMENDED JOINT PLAN OF REORGANIZATION**

U.S. Bank National Association ("U.S. Bank"), a secured creditor in this case, by and through its counsel, hereby files this objection (the "Objection") to the *First Amended Debtors' Witness and Exhibit List for the Confirmation Hearing on Debtors' Second Amended Joint Plan of Reorganization* [ECF No. 431] (the "Debtors' Witness and Exhibit List") filed by Jerry's Nugget, Inc. ("JNI") and Spartan Gaming, LLC ("SG" and together with JNI, the "Debtors").

U.S. Bank reserves the right to supplement, modify or withdraw any of the objections

1 made. In addition, U.S. Bank reserves the right to object to the admissibility of any exhibits on any
 2 other grounds at the plan confirmation hearing, to interpose objections to exhibits that may be
 3 identified as exhibits by Debtors' counsel during the course of the hearing, and to object to any
 4 exhibit not identified by witnesses at the hearing. Finally, U.S. Bank reserves the right to interpose
 5 a specific objection at the hearing to any exhibit where a copy of the exhibit was not provided
 6 prior to the filing of these objections.

7 The exhibits from the Debtors' Witness and Exhibit List identified below are objectionable
 8 for the reasons stated in the "Basis for Objection" and accordingly should not be allowed as
 9 exhibits or should be modified as suggested below.

Exhibit No.	Debtors' Description	Basis for Objection
9	August 12, 2013 Rebuttal Report to the Interest Rate Report of Ronald F. Greenspan prepared by Jeffrey Perea (Conway MacKenzie)	U.S. Bank incorporates by reference its <i>Motion to Strike Rebuttal Report of Conway MacKenzie</i> [ECF No. 427] and objects to Exhibit No. 9 on the Debtors' Witness and Exhibit List because (1) it seeks to establish for the first time an affirmative position of the Debtors; (2) the Debtors are not justified in omitting such affirmative position in their initial expert report; and (3) U.S. Bank will be harmed if the rebuttal report is allowed as an exhibit.
20	Nevada Department of Employment, Training and Rehabilitation	U.S. Bank objects to Exhibit No. 20 because the Debtors' Witness and Exhibit List contains insufficient information to allow for a specific objection to this exhibit.
21	Nevada State Gaming Control Gaming Commission (pg. 172)	U.S. Bank objects to Exhibit No. 21 because the Debtors' Witness and Exhibit List contains insufficient information to allow for a specific objection to this exhibit.
24	Commitment Letters	U.S. Bank objects to Exhibit No. 24 because the Debtors' Witness and Exhibit List contains insufficient information to allow for a specific objection to this exhibit.
38	December 7, 2012 deposition transcript of Jeremy M. Stamis as PMK of Jerry's Nugget, Inc. and all exhibits thereto (portions of which may be deemed <i>Confidential</i> and filed under seal).	U.S. Bank objects to the Debtors' characterization of any portion of Exhibit No. 38 as "confidential." The transcript contains no such reference.

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1 2 3 4	39 December 7, 2012 deposition transcript of Jeremy M. Stamis as PMK of Spartan Gaming, LLC and all exhibits thereto (portions of which may be deemed <i>Confidential</i> and filed under seal).	U.S. Bank objects to the Debtors' characterization of any portion of Exhibit No. 39 as "confidential." The transcript contains no such reference.
5 6 7 8 9 10	40 January 10, 2013 deposition transcript of Peter DeMangus and all exhibits thereto (portions of which may be deemed Confidential and filed under seal).	U.S. Bank objects to Exhibit No. 40 because (1) Peter DeMangus is not listed as a witness by any party and will not be available for cross-examination on the contents of his earlier deposition and (2) U.S. Bank has never received a copy of the January 10, 2013 deposition transcript of Peter DeMangus and accordingly U.S. Bank objects to Exhibit No. 40 because the Debtors' Witness and Exhibit List contains insufficient information to allow for additional specific objections to this exhibit.
11 12 13	52 All discovery responses by U.S. Bank to any and all parties' discovery requests.	U.S. Bank objects to Exhibit No. 52 to the extent it includes confidential information or to the extent that it violates the <i>Stipulated Protective Order</i> [ECF. No. 186] entered by this Court.

DATED this 20th day of August, 2013.

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