

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

RICHARD R. DAILEY,

Plaintiff,

vs.

Case No. 04-4114-RDR

J.B. CALL & CO., INC.,

Defendant,

and

BLICKMAN, INC.,

Defendant/  
Third-Party Plaintiff

vs.

GARY F. HIRSCH,

Third-Party Defendant.

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**ORDER**

This matter comes before the court upon conclusion of the Final Pretrial Conference in this matter (Doc. 118). Upon consulting with the parties, the court hereby orders the following prior to entry of the Pretrial Order.

**IT IS THEREFORE ORDERED:**

- (1) On or before **February 13, 2006**, Plaintiff shall e-mail chambers and opposing counsel the parties' agreed Section 4d(6) stipulations of business records of J.B. Call and Blickman provided at the deposition of Rob

Freedman by subpoena of J.B. Call;

- (2) On or before **February 13, 2006**, Plaintiff Dailey, Defendant J.B. Call, and Defendant Blickman shall file memoranda briefs with the court, addressing the issue of whether Plaintiff should be required to amend his pleadings to name Defendant Blickman as a potential manufacturer;
- (3) On or before **February 13, 2006**, Defendant J.B. Call & Co. shall e-mail chambers and opposing counsel, stating whether it is precluded from including a defense of a “warranty obligation” in Section 7d(3) of the Pretrial Order.

**IT IS SO ORDERED.**

Dated this 7th day of February, 2006, at Topeka, Kansas.

s/ K. Gary Sebelius  
K. Gary Sebelius  
U.S. Magistrate Judge