

12-4-2015

# Kunz v. Nield, Inc. Supplemental Clerk's Record Dckt. 43724

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IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BEAR LAKE

BRET D. KUNZ,

Plaintiff/Appellant,

vs.

NIELD, INC., dba INSURANCE DESIGNERS,  
an Idaho Corporation,

Defendant/Respondent.

**CASE NO. CV-2013-000232**

**Supreme Court No.**

**CLERK’S RECORD ON APPEAL  
Supplemental documents requested and ordered**

Appeal from the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Bear Lake.

HONORABLE MITCHELL W. BROWN  
Sixth District Judge

STEVEN A. WUTHRICH  
Attorney at Law  
1011 Washington, Suite 101  
Montpelier, ID 83254  
Attorney for Bret D. Kunz,  
Plaintiff/Appellant,

JOSEPH T. PRESTON  
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Defendant/Respondent

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DISTRICT COURT  
SIXTH JUDICIAL DISTRICT  
BEAR LAKE COUNTY, IDAHO

2016 MAR 30 PM 4:09

CINDY GARNER, CLERK

DEPUTY \_\_\_\_\_ CASE NO.

*Attorneys for Nield, Inc., dba Insurance Designers*

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR BEAR LAKE COUNTY

BRET D. KUNZ and  
MARTI KUNZ,

Plaintiffs,

v.

NIELD, INC., dba INSURANCE  
DESIGNERS, an Idaho Corporation

Defendant.

Case No.: CV-2013-232

**ORDER FOR ADDITION TO  
CLERK'S RECORD AND  
TRANSCRIPT**

The Court having reviewed the parties' OBJECTION AND STIPULATION FOR ADDITION TO CLERK'S RECORD AND TRANSCRIPT and being fully advised in the premises, and good cause appearing;

IT IS HEREBY ORDERED that:

1. Defendant shall be granted leave to file DEFENDANT'S OBJECTION TO PLAINTIFFS' OFFER OF PROOF but such filing shall not be antedated.

2. The following items shall be added to the CLERK'S RECORD:

A. Defendant's Objection to Plaintiffs' Offer OF Proof.

B. Reporter's transcript from January 21, 2016, hearing on Defendant's Motion to Alter or Amend the Judgment.

DATED this 30<sup>th</sup> day of March, 2016.



HON. MITCHELL W. BROWN  
District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on the 30<sup>th</sup> day of March, 2016, I served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Steven A. Wuthrich  
Attorney at Law  
1011 Washington St., Suite 101  
Montpelier, ID 83254

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Deputy Clerk

DISTRICT COURT  
SIXTH JUDICIAL DISTRICT  
BEAR LAKE COUNTY, IDAHO

2016 MAR 30 PM 4:10

CINDY BARNER, CLERK

DEPUTY \_\_\_\_\_ CASE NO \_\_\_\_\_

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*Attorneys for Nield, Inc., dba Insurance Designers*

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR BEAR LAKE COUNTY

BRET D. KUNZ and  
MARTI KUNZ,

Plaintiffs,

v.

NIELD, INC., dba INSURANCE  
DESIGNERS, an Idaho Corporation

Defendant.

Case No.: CV-2013-232

**DEFENDANT'S OBJECTION TO  
PLAINTIFFS' OFFER OF  
PROOF**

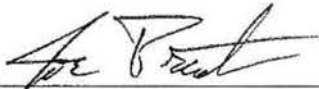
COMES NOW, Defendant, Nield, Inc., an Idaho corporation, dba Insurance Designers, by and through its counsel of record, and hereby enters its objection to Plaintiffs' Offer of Proof. Defendant's objection is predicated on Idaho Rules of Evidence Rule 103.

Defendant objects to Plaintiffs' Offer of Proof on the grounds that the Plaintiffs did not seek to introduce the evidence contained in the Offer of Proof at any hearing or trial, nor did the Court ever make any ruling, excluding the evidence contained in the Offer of Proof.

Further, Defendant objects to the specific contents of the information contained in the Plaintiffs' Offer of Proof inasmuch as Gary H. Teuscher has not been qualified as an expert

witness, most of the documents contained in Mr. Teuscher's affidavit are hearsay, and Defendant was not given an opportunity to cross-exam Mr. Teuscher.

DATED this 4th day of December, 2015.

  
\_\_\_\_\_  
Joseph T. Preston

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 4th day of December, 2015, I served a true and correct copy of the foregoing document upon each of the following individuals in the manner indicated.

Steven A. Wuthrich  
Attorney at Law  
1011 Washington St., Suite 101  
Montpelier, ID 83254

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Honorable Mitchell W. Brown  
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\_\_\_\_\_  
For ECHO HAWK & OLSEN, PLLC

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