

Law Offices of  
**PATRICK C. CLARY, CHARTERED**  
 7201 West Lake Mead Boulevard, Suite 410  
 Las Vegas, Nevada 89128  
 Tel: 702.382.0813 - Fax: 702.382-7277

1 **JOIN**  
 2 PATRICK C. CLARY, CHARTERED  
 3 Patrick C. Clary  
 Nevada Bar No. 00053  
 4 City Center West, Suite 503  
 7201 West Lake Mead Boulevard  
 Las Vegas, Nevada 89128  
 Telephone: 702.382.0813  
 5 FAX: 702.382-7277

6 Attorneys for so-called Nominal  
 Defendant Kokoweef, Inc. and  
 7 Defendant Patrick C. Clary

FILE # 5081-01  
 INDEX: YES NO  
 CALENDAR:  
 DATE 1:    
 DATE 2: \_\_\_\_\_  
 BY: \_\_\_\_\_  
 OTHER: ly  
 ATTORNEY: STP  
 ROUTE TO: \_\_\_\_\_

8 **DISTRICT COURT**  
 9 **CLARK COUNTY, NEVADA**

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11 TED R. BURKE; MICHAEL R. and )  
 LAURETTA L. KEHOE; JOHN BERTOLDO; )  
 12 PAUL BARNARD; EDDY KRAVETZ; JACKIE )  
 & FRED KRAVETZ; STEVE FRANKS; )  
 13 PAULA MARIA BARNARD; PETE T. and )  
 LISA A. FREEMAN; LEON GOLDEN; )  
 14 C.A. MURFF; GERDA FERN BILLBE; )  
 BOB and ROBYN TRESKA; MICHAEL )  
 15 RANDOLPH; and FREDERICK WILLIS, )  
 16 Plaintiffs, )  
 17 vs. )  
 18 LARRY H. HAHN, individually, and )  
 as President and Treasurer of )  
 19 Kokoweef, Inc., and former )  
 President and Treasurer of )  
 20 Explorations Incorporated of )  
 Nevada; HAHN'S WORLD OF SURPLUS, )  
 21 INC., a Nevada corporation; )  
 PATRICK C. CLARY, an individual; )  
 22 DOES 1 through 100, inclusive; )  
 23 Defendants, )  
 24 and )  
 25 KOKOWEEF, INC., a Nevada )  
 26 corporation; EXPLORATIONS )  
 INCORPORATED OF NEVADA, a )  
 27 dissolved corporation, )  
 28 Nominal Defendants. )

CASE NO. A558629  
 DEPT NO. XIII  
 JOINDER OF DEFENDANT  
 PATRICK C. CLARY AND SO-  
 CALLED NOMINAL DEFENDANT  
 KOKOWEEF, INC. IN OPPOSI-  
 TIONS OF DEFENDANTS LARRY  
 HAHN AND HANH'S WORLD OF  
 SURPLUS' INC. AND AFFI-  
 DAVIT OF PATRICK C. CLARY  
 IN SUPPORT THEREOF

DATE OF HEARING: 1/12/08  
 TIME OF HEARING: 9:00 a.m.

1 Defendant Patrick C. Clary and so-called nominal Defendant  
2 Kokoweef, Inc. hereby join in the Opposition to Application for  
3 Temporary Restraining Order, and Application for Temporary Appointment  
4 of Receiver; [sic] Motion for Preliminary Injunction and Motion for  
5 Appointment of Receiver and the Opposition to Plaintiffs' Notice of  
6 Nonopposition to Application for Temporary Restraining Order and  
7 Application for Temporary Appointment of Receiver; [sic] Motion for  
8 Preliminary Injunction and Motion for Appointment of Receiver, both  
9 of which were served and filed contemporaneously herewith, and hereby  
10 submit the Affidavit of Patrick C. Clary attached hereto and  
11 incorporated herein by this reference in support thereof.

12 DATED: December 24, 2008.

13 Respectfully submitted,

14 PATRICK C. CLARY, CHARTERED

15  
16 By   
Patrick C. Clary

17 Attorneys for so-called Nominal  
18 Defendant Kokoweef, Inc. and  
19 Defendant Patrick C. Clary  
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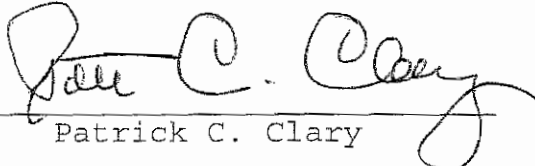
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CERTIFICATE OF SERVICE BY MAILING

The above and foregoing Joinder of Defendant Patrick C. Clary and So-called Nominal Defendant Kokoweef, Inc. in Oppositions of Defendants Larry Hahn and Hahn's World of Surplus, Inc. and Affidavit of Patrick C. Clary in Support Thereof were served on the Plaintiffs by mailing a copy thereof, first-class postage prepaid, to their attorneys, Robertson & Vick, LLP, 401 North Buffalo Drive, Suite 202, Las Vegas, Nevada 89145, and were served on Defendants Larry Hahn and Hahn's World of Surplus, Inc. by mailing a copy thereof, first-class postage prepaid, to their attorney, M Nelson Segel, Esq., M Nelson Segel, Chartered, 624 South 9<sup>th</sup> Street, Las Vegas, Nevada 89101, on December 24, 2008.

PATRICK C. CLARY, CHARTERED

By   
Patrick C. Clary

Attorneys for so-called Nominal Defendant Kokoweef, Inc. and Defendant Patrick C. Clary

Law Offices of  
**PATRICK C. CLARY, CHARTERED**  
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Las Vegas, Nevada 89128  
Tel: 702.382.0813 - Fax: 702.382-7277

AFFIDAVIT OF PATRICK C. CLARY

STATE OF NEVADA )  
                  ): ss.  
COUNTY OF CLARK )

I, PATRICK C. CLARY, having been first duly sworn, upon my oath, depose and state as follows:

1. I am the sole officer, director and stockholder of Patrick C. Clary, Chartered, a Nevada professional corporation, which is counsel for so-called Nominal Defendant Kokoweef, Inc., a Nevada corporation ("Kokoweef"), and Defendant Patrick C. Clary ("Mr. Clary"). I make this Affidavit in opposition to (1) the Plaintiffs' "Application for Temporary Restraining Order and Application for Temporary Appointment of Receiver; Motion for Preliminary Injunction and Motion for Appointment of Receiver" filed on November 17, 2008 ("the First Application") and (2) the Plaintiffs' "Ex Parte Application an Order Shortening Time on Plaintiffs' Application for Temporary Restraining Order, and Application for Temporary Restraining Order and application for Temporary Appointment of Receiver; Motion for Preliminary Injunction, and Motion for Appointment of Receiver filed on November 21, 2008 ("the Second Application").

2. Neither the First Application nor the Second Application were served on me by the Plaintiffs' counsel until November 24, 2008. A copy of the "Receipt of Copy" which I signed on November 24, 2008, is attached hereto as Exhibit A. Although the First

Application and the Second Application were identified as separate documents (see Exhibit A hereto), an examination of the Second Application shows that the entirety of the First Application is attached to the Second Application as Exhibit A following the fifth page of the Second Application! Although both the First Application and the Second Application, in their lengthy titles quoted above, purport to encompass a Motion for Preliminary Injunction and a Motion for Appointment of Receiver, an examination of their texts contains no such Motions in addition to the temporary Applications.

3. The Second Application also contains an Order Shortening Time setting the hearing on "Plaintiffs' Application for Temporary Restraining Order, and Application for Temporary Appointment of Receiver, Motion for Preliminary Injunction and Motion for Appointment of Receiver" for December 8, 2008 at 9:00 a.m.

4. On November 24, 2008, I also signed a Stipulation prepared by Plaintiffs' counsel which continued the hearing on my Motion for Sanctions (which had been filed on October 27, 2008) from December 1, 2008 to December 8, 2008, so that my Reply in support thereof was due on December 1, 2008 and, according to the Stipulation, the Defendants' Reply(ies) in support of the Motion to Dismiss was (were) due on December 3, 3008.

5. Since the day after I was served with the First Application and the Second Application (as well as other documents set forth in Exhibit A hereto), I left for Reno, Nevada, on November 25, 2008 to

spend the Thanksgiving holidays with my family there and did not return to my office until Monday, December 1, 2008, facing the deadlines for the aforesaid Replies on December 1 and 3 and, therefore, hardly any time for preparation of anything in opposition to the First Application and the Second Application. Nevertheless, most of the content of this Affidavit was prepared on December 5, 2008, but in light of the subsequent approval of the continuance of the hearing referred to above to Monday, January 12, 2008, I did not consider it necessary to meet the technical deadline, which Plaintiffs' counsel claim was December 10, 2008.

6. Kokoweef should be permitted to oppose the injunctive relief and the appointment of a receiver sought by the Plaintiffs for the same reasons set forth in Kokoweef's recent Memorandum in support of the Motion to Dismiss and in opposition to the Plaintiff's Motion to Strike Kokoweef's Joinder in the Motion to Dismiss, and that reason is that granting the injunctive relief and appointing a receiver will not only not benefit Kokoweef and its stockholders but also will do severe damage to Kokoweef and its stockholders.

7. The Memorandum of Points and Authorities in support of the First Application contains more of the same repetitive statements consisting of allegations totally unsupported by any facts, to-wit:

This shareholder derivative action arises out of the defendants' scheme to fraudulently induce shareholders to purchase shares of corporate stock in a gold mine investment scheme managed by defendant HAHN, in order for HAHN to

finance his personal lifestyle under the guise of conducting a legitimate gold mine operation. This scheme included the sale of unregistered and non-exempt securities in violation of NRS 90.460. Plaintiffs allege that over the past 25 years, defendant HAHN solicited the sale of securities in both KOKOWEEF, and its predecessor company EIN, to defraud approximately 1,200 investors, including Plaintiffs, through the sale of unregistered securities to finance the construction of a private compound used solely for the personal use of defendants at the mine location.

There is no truth to any of the material allegations in the above-quoted statements, and no credible evidence has been produced by the Plaintiffs or their counsel to demonstrate otherwise.

8. The Plaintiffs and their new counsel go on to allege the following specific allegations, to which I respond below based on my knowledge, information and belief acquired while I have acting as counsel for Kokoweef since its inception:

"(1) Defendants' refusal to conduct the affairs of KOKOWEEF in accordance with the Bylaws and Nevada law concerning governance of a corporation":

There has been no such refusal, because on my watch the opposite is true, upon which I have insisted.

"(2) Defendants' violation of state and federal securities laws by issuing corporate stock without registration, exemption, and without proper records":

This is equally untrue. All stock that has been issued under my watch has been in strict compliance with exemptions from registration with accompanying proper and appropriate documentation.

"(3) Defendants' refusal to conduct a formal audit by a CPA or maintain accounting records in accordance with generally accepted accounting practices":

There was and is no legal or other requirement for a certified audit, and the Plaintiffs have never requested that an audit be conducted by Kokoweef. Instead, an audit was supposed to have been conducted by the certain of the Plaintiffs and other stockholders represented by their predecessor counsel, but it was never done. (Rather, the data obtained by Kokoweef by those persons and their then counsel as a result of the the audit request was wrongfully used to bring this lawsuit in its original form.) Both the testimony and documentary evidence submitted and accepted at the evidentiary hearing before the Court demonstrated that all of the funds received and disbursed have been fully accounted for and that the financial books and records are in order.

"(4) Defendants' failure to notify shareholders of their potential tax liability for the issuance of corporate stock by Defendants in exchange for alleged services rendered by certain shareholders, without payment of any legitimate consideration":

There was no obligation to notify the shareholders of tax liability especially since the authorization and issuance of such shares were rescinded by Kokoweef's Board of Directors. Moreover, the Court should be made aware that it was Plaintiff Ted R. Burke who insisted upon the issuance of the stock in question that was



later rescinded by Kokoweef's Board of Directors.

"(5) Defendants' failure to give proper notice of shareholder and board of director [sic] meeting":

This is absolutely false. Proper notice was given under my supervision as counsel in accordance with both Kokoweef's Bylaws and Nevada corporate law, with which was, have been and still am quite familiar.

"(6) Defendant HAHN's *ultra vires* actions in unilaterally removing Board members, and appointing replacement Board members, at his sole discretion, depending upon whether they support his misconduct or not":

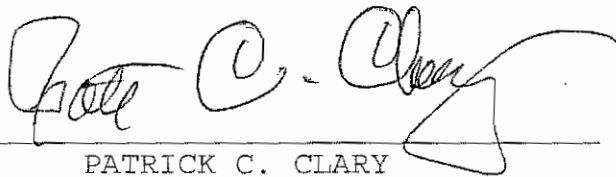
This is also false, because Defendant Larry Hahn never did any such thing. Again, directors were removed (by the requisite number of the stockholders) and replaced (by the Board of Directors) in accordance with the applicable provisions of Chapter 78 of Nevada Revised Statutes under my supervision as counsel.

"(8) Defendant HAHN's forgery of Plaintiff BURKE's signature on a set of Bylaws for the corporation":

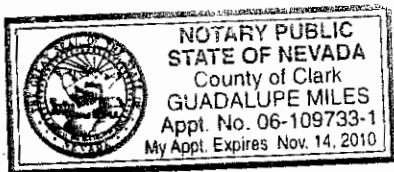
This is a baseless allegation, and there is no proof that this ever occurred or, if a forgery did occur, that Defendant Larry Hahn had anything to do with it.

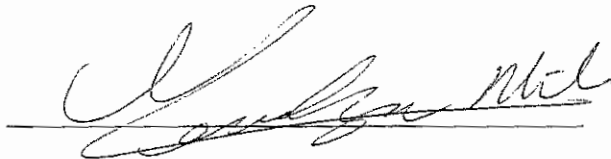
9. Accordingly, there is no factual or legal justification for the Court to enter a temporary restraining order or preliminary injunction or to appoint a receiver.

10. On December 22, 2008 I received in the mail from the Plaintiffs' current lawyers a so-called "Plaintiffs' Notice of Non-Opposition to Application for Temporary Restraining Order and Application for Temporary Appointment of Receiver; Motion for Preliminary Injunction, and Motion for Appointment of Receiver" [sic], with an accompanying proposed Order," an (albeit erroneous) procedure that I have never seen in 31 years of practicing law before this Court! The request is utterly ridiculous for a number of reasons including the fact that it was the Plaintiffs' attorneys who prepared and submitted a stipulation continuing the hearing that they had set on an Order Shortening Time, thus demonstrating that it was obviously not the intention of any of the Defendant ("nominal or not") to consent to the Court's granting an injunction or appointing a Receiver and that a hearing would be needed. Accordingly, for all the foregoing reasons, the request should be denied.

  
PATRICK C. CLARY

SUBSCRIBED AND SWORN TO before me on December 24, 2008.





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RECEIPT OF COPY

The undersigned acknowledges receipt of copy of the following documents:

1. APPLICATION FOR TEMPORARY RESTRAINING ORDER, AND APPLICATION FOR TEMPORARY APPOINTMENT OF RECEIVER; MOTION FOR PRELIMINARY INJUNCTION, AND MOTION FOR APPOINTMENT OF RECEIVER;
2. EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME ON PLAINTIFFS' APPLICATION FOR TEMPORARY RESTRAINING ORDER, AND APPLICATION FOR TEMPORARY APPOINTMENT OF RECEIVER; MOTION FOR PRELIMINARY INJUNCTION, AND MOTION FOR APPOINTMENT OF RECEIVER;
3. PLAINTIFFS' OPPOSITION TO DEFENDANTS LARRY HAHN AND HAHN'S WORLD OF SURPLUS, INC.'S MOTION TO DISMISS AMENDED VERIFIED COMPLAINT; and
4. STIPULATION & ORDER REGARDING HEARING DATES
5. LETTER DATED NOVEMBER 24, 2008

Dated: November 27, 2008

PATRICK C. CLARY, CHARTERED  
~~CLARY GIBSON LOWRY LLP~~

By Patrick C. Clary  
Patrick C. Clary  
7201 W. Lake Mead Boulevard  
Suite 410  
Las Vegas, Nevada 89129