

Law Offices of
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 7201 West Lake Mead Boulevard, Suite 410
 Las Vegas, Nevada 89128
 Tel: 702.382.0813 - Fax: 702.382-7277

1 JOIN
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 11 Attorneys for so-called Nominal
 12 Defendant Kokoweef, Inc. and
 13 Defendant Patrick C. Clary

FILE #	5081.01
INDEX:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
CALENDAR:	Mot. to Transfer
DATE 1:	10-23-09
DATE 2:	
BY:	
OTHER:	
ATTORNEY:	JT-E
ROUTE TO:	

8 DISTRICT COURT
 9 CLARK COUNTY, NEVADA

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11	TED R. BURKE; MICHAEL R. and)	CASE NO. A558629
12	LAURETTA L. KEHOE; JOHN BERTOLDO;)	DEPT NO. XI
13	PAUL BARNARD; EDDY KRAVETZ; JACKIE)	
14	& FRED KRAVETZ; STEVE FRANKS;)	
15	PAULA MARIA BARNARD; PETE T. and)	JOINDER OF DEFENDANT
16	LISA A. FREEMAN; LEON GOLDEN;)	PATRICK C. CLARY AND SO-
17	C.A. MURFF; GERDA FERN BILLBE;)	CALLED NOMINAL DEFENDANT
18	BOB and ROBYN TRESKA; MICHAEL)	KOKOWEEF, INC. IN DEFEND-
19	RANDOLPH; and FREDERICK WILLIS,)	ANTS LARRY HAHN AND HAHN'S
20	Plaintiffs,)	WORLD OF SURPLUS, INC.'S
21	vs.)	MOTION TO TRANSFER CASE
22)	TO DEPARTMENT 13
23)	
24	LARRY H. HAHN, individually, and)	
25	as President and Treasurer of)	
26	Kokoweef, Inc., and former)	
27	President and Treasurer of)	
28	Explorations Incorporated of)	
	Nevada; HAHN'S WORLD OF SURPLUS,)	
	INC., a Nevada corporation;)	
	PATRICK C. CLARY, an individual;)	
	DOES 1 through 100, inclusive;)	
)	
	Defendants,)	
)	
	and)	
)	
	KOKOWEEF, INC., a Nevada)	DATE: 10/2309
	corporation; EXPLORATIONS)	TIME: In Chambers
	INCORPORATED OF NEVADA, a)	
	dissolved corporation,)	
)	
	Nominal Defendants.)	

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1 Defendant Patrick C. Clary and so-called Nominal Defendant
2 Kokoweef, Inc. hereby join in Defendants Larry Hahn and Hahn's World
3 of Surplus Inc.'s Motion to Transfer Case to Department 13 filed
4 herein on September 24, 2009.

5 Attached hereto as Exhibit A is the Affidavit of Patrick C. Clary
6 ("the Clary Affidavit"), which is incorporated herein by this
7 reference in support of this Joinder.

8 DATED: October 16, 2009.

9 PATRICK C. CLARY, CHARTERED

10
11 BY 
Patrick C. Clary

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

15 MEMORANDUM OF POINTS AND AUTHORITIES

16 The Defendants Larry Hahn and Hahn's World of Surplus Inc.'s
17 Motion to Transfer Case to Department 13 ("the Subject Motion") is
18 meritorious on the grounds set forth therein and should be granted.
19 However, the charges of the Plaintiffs and their counsel in the
20 Plaintiffs' Opposition to Defendants Larry Hahn and Hahn's World of
21 Surplus Inc.'s Motion to Transfer Case to Department 13 of
22 manipulation and deception in the Subject Motion are false. (See
23 paragraphs 1-4 of the Clary Affidavit.)

24 As set forth in paragraph 6 of the Clary Affidavit, "[t]he
25 unveiled charge that Defendants were trying to hide the peremptory
26 challenge filed by me and the innuendo that the challenge was made for
27 some ulterior purpose are equally false. First of all the peremptory
28 challenge of Her Honor District Judge Kathleen Delaney is clearly a

1 matter of public record and cannot be hidden. Secondly, Rule 48.1(1)
2 of the Nevada Supreme Court Rules provides that a peremptory challenge
3 is 'a matter of right' and 'shall neither specify the grounds, nor be
4 accompanied by an affidavit. . . .' For the Plaintiffs' counsel to
5 speculate on the grounds for Chartered and its clients to have done
6 so violates both the letter and the spirit of the Rule."

7 As further stated in paragraph 7 of the Clary Affidavit, "[t]he
8 real truth is that the Subject Motion and Chartered's clients' Joinder
9 therein were brought for the legitimate reason of judicial economy and
10 the many hours of experience that His Honor District Judge Mark Denton
11 has in this case. Furthermore, it is undeniable that certain of Judge
12 Denton's prior rulings will be revisited, and it only makes sense that
13 Judge Denton be the judge who does so."

14 The following are two examples of Judge Denton's rulings in this
15 case which show that he will revisiting matters involving those
16 rulings:

17 The First is the Judge's Decision on Nominal Defendant Kokoweef,
18 Inc.'s Renewed Motion to Require Security from Plaintiffs filed herein
19 on August 22, 2008, which states on page 2 the following:

20 However, the Court is not persuaded that the security
21 required should be of the magnitude sought at this point by
22 Defendant. Instead the Court will order security in the sum of
23 \$75,000.00 In this regard, the Court takes some comfort in the
24 language of subsection 4(b) of the statute [NRS 42.520] which
25 provides that the Court can revisit its determination one way or
26 the other as the case progresses.

27 The second is Judge Denton's Decision and Order filed herein on
28 January 29, 2009, which states on page 5 as follows:

The Court is not in a position to determine whether
sanctions are to be imposed until the underlying pleading
purporting to assert causes of action against Defendant Clary is
viable for purposes of further proceedings. In this regard,
although certain causes of action have been dismissed against
Defendant clary, the Court considers a sanction motion to be

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premature. However, in making this ruling, the Court in no way intimates a view that there is a basis for Plaintiffs' contentions or that sanctions will not be appropriate.

Accordingly, the Subject Motion clearly does not amount to "forum shopping" as wrongly alleged by the Plaintiffs' counsel. The only evidence of "forum shopping" in this case are the statements contained in the Plaintiff's Opposition to the Subject Motion which themselves amount to "forum shopping."

Consequently, for the reasons set forth hereinabove and in the Subject Motion, it should be granted by the Court.

Respectfully submitted,

PATRICK C. CLARY, CHARTERED

By 
Patrick C. Clary

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

CERTIFICATE OF SERVICE BY MAILING

1
2 The above and foregoing Joinder of Defendant Patrick C. Clary and
3 So-called Nominal Defendant Kokoweef, Inc. in Defendants Larry Hahn
4 and Hahn's World of Surplus, Inc.,s Motion to Transfer Case to
5 Department 13, together with Affidavit of Patrick C. Clary attached
6 thereto as Exhibit A in support thereof, was served on the Plaintiffs
7 by mailing a copy thereof, first-class postage prepaid, to their
8 attorneys, Jennifer L. Taylor, Esq. Robertson & Vick, LLP, 401 North
9 Buffalo Drive, Suite 202, Las Vegas, Nevada 89145, and on Defendants
10 Larry Hahn and Hahn's World of Surplus, Inc. by mailing a copy
11 thereof, first-class postage prepaid, to their attorney M Nelson
12 Segel, Esq., M. Nelson Segel, Chartered, 614 South 9th Street, Las
13 Vegas, Nevada 89101, on October 16, 2009.

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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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 ("Chartered"), which is counsel for so-called Nominal Defendant Kokoweef, Inc., a Nevada corporation ("Kokoweef"), and for me personally since I have been named in my individual capacity as a Defendant in the so-called Verified Derivative First Amended Complaint filed herein on September 22, 2008.

2. Chartered is and has been for many years acting as corporate and securities counsel for Kokoweef.

3. I make this Affidavit upon my personal knowledge in support of the Defendant Larry Hahn and Hahn's World of Surplus, Inc.'s Motion to Transfer Case to Department 13 filed herein on September 23, 2009 ("the Subject Motion"), also in support of the Joinder of Defendant Patrick C. Clary and So-called Nominal Defendant Kokoweef Inc. in Defendant Larry Hahn and Hahn's World of Surplus, Inc.'s Motion to Transfer Case to Department 13), and in response to Plaintiffs' Opposition to Defendant Larry Hahn and Han's World of Surplus, Inc.'s Motion to Transfer Case to Department 13 ("the Subject Opposition").

Exhibit A

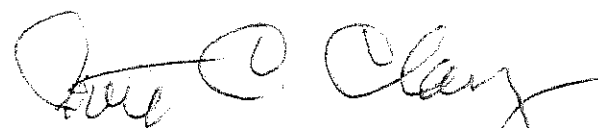
4. If called as a witness, I am competent to testify to the matters set forth herein.

5. It is noteworthy that the so-called "STATEMENT OF FACTS" contained in the Subject Opposition is not, unlike this Affidavit, under oath. The truth is that the charges against the Defendants (and, accordingly, also their attorneys) of manipulation and deception are false.

6. The unveiled charge that Defendants were trying to hide the peremptory challenge filed by me and the innuendo that the challenge was made for some ulterior purpose are equally false. First of all the peremptory challenge of Her Honor District Judge Kathleen Delaney is clearly a matter of public record and cannot be hidden. Secondly, Rule 48.1(1) of the Nevada Supreme Court Rules provides that a peremptory challenge is "a matter of right" and "shall neither specify the grounds, nor be accompanied by an affidavit. . . ." For the Plaintiffs' counsel to speculate on the grounds for Chartered and its clients to have done so violates both the letter and the spirit of the Rule.

7. The real truth is that the Subject Motion and Chartered's clients' Joinder therein were brought for the legitimate reason of judicial economy and the many hours of experience that His Honor District Judge Mark Denton has in this case. Furthermore, it is undeniable that certain of Judge Denton's prior rulings will be

revisited, and it only makes sense that Judge Denton be the judge who does so.



PATRICK C. CLARY

SUBSCRIBED AND SWORN TO before me on October 16, 2009.

