

CLERK OF THE COURT

1 **DCRR**
2 **M NELSON SEGEL, CHARTERED**
3 **M NELSON SEGEL, ESQUIRE**
4 Nevada Bar No. 0530
5 624 South 9th Street
6 Las Vegas, Nevada 89101
7 Telephone: (702) 385-5266
8 Attorneys for Defendants Larry Hahn
9 and Hahn's World of Surplus, Inc.

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

10
11 TED R. BURKE; MICHAEL R and LAURETTA
12 L. KEHOE; JOHN BERTOLDO; PAUL
13 BERNARD; EDDY KRAVETZ; JACKIE
14 and FRED KRAVETZ; STEVE FRANKS;
15 PAULA MARIA BARNARD; LEON GOLDEN;
16 C.A. MURFF; GERDA FERN BILLBE; BOB and
17 ROBYN TRESKA; MICHAEL RANDOLPH, and
18 FREDERICK WILLIS,

19 Plaintiffs,

20 vs.

21 LARRY L. HAHN, individually, and as President
22 of and Treasurer of Kokoweef, Inc., and former
23 President and Treasurer of Explorations Incorporated
24 of Nevada; HAHN'S WORLD OF SURPLUS, INC.,
25 a Nevada corporation; PATRICK C. CLARY, an
26 individual; DOES 1 through 100, inclusive;

27 Defendants,

28 and

29 KOKOWEEF, INC., a Nevada corporation;
30 EXPLORATIONS INCORPORATED OF NEVADA,
31 a dissolved Nevada corporation;

32 Nominal Defendants.

CASE NO. 08-A558629

DEPT. XI

Objection to be placed
on the Judge's calendar
for September 14, 2010
@ 9:00 a.m.

DATE: 8/14/09
TIME: 9:30 a.m.

33 **DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS**

34 Hearing Date: 8/14/2009

1 Hearing Time: 9:30 a.m.

2 Attorney for Plaintiffs: **JENNIFER TAYLOR, ESQUIRE of Robertson & Vick, LLP**

3 Attorneys for Defendants, Larry L. Hahn, individually and Hahn's World of Surplus, Inc., a Nevada
4 corporation: **M NELSON SEGEL, ESQUIRE of M Nelson Segel, Chartered**

5 Attorneys for Defendants, Kokoweef, Inc. and Patrick C. Clary: **PATRICK C. CLARY, ESQUIRE**
6 **of Patrick C. Clary, Chartered**

7 I.

8 FINDINGS

9 Motion to Quash Subpoenas filed by Defendants Larry Hahn ("HAHN") and Hahn's World
10 of Surplus, Inc.'s ("SURPLUS")(HAHN and SURPLUS sometimes collectively referred to herein
11 as ("HAHN DEFENDANTS") and Nominal Defendant Kokoweef, Inc. and Defendant Patrick C.
12 Clary's Joinder in Defendants Larry Hahn and Hahn's World of Surplus, Inc. ("Joinder") were heard
13 by the Discovery Commissioner on the 14th day of August, 2009. Plaintiffs have failed to comply
14 with NRCP 16.1 in the litigation process, issued subpoenas directed toward HAHN and SURPLUS'
15 bank and credit card accounts and failed to provide any of the Defendants with notice of the issuance
16 of the subpoenas. Finally, Plaintiffs have not provided enough factual support to modify the
17 subpoenas to allow for the production of records for Larry Hahn and Hahn World of Surplus, Inc.

18 II.

19 RECOMMENDATIONS

20 IT IS THEREFORE RECOMMENDED that the HAHN DEFENDANTS' Motion to Quash
21 Subpoenas, and the Joinder filed by Patrick C. Clary and Kokoweef, Inc. be granted;

22 IT IS FURTHER RECOMMENDED that the subpoenas for the records relating to the
23 HAHN DEFENDANTS be quashed;

24 IT IS FURTHER RECOMMENDED that Plaintiffs not review, copy, inspect or otherwise
25 view the records obtained relating to the HAHN DEFENDANTS;

26 IT IS FURTHER RECOMMENDED that all documents obtained by Plaintiffs through the
27 improperly issued subpoenas be delivered to the HAHN DEFENDANTS immediately;

28 IT IS FURTHER RECOMMENDED that Plaintiffs counsel not disclose any of the

1 improperly subpoenaed documents or the contents of the improperly subpoenaed documents to their
2 clients; and

3 IT IS FURTHER RECOMMENDED that Plaintiffs have not provided enough factual support
4 to modify the subpoenas to allow for the production of records for Larry Hahn and Hahn World of
5 Surplus, Inc.

6 The Discovery Commissioner, having met with counsel for Plaintiffs and the Defendants,
7 having discussed the issues noted above and having reviewed any materials proposed in support
8 thereof, hereby submits the above recommendations.

9 DATED this 16 day of August, 2010. *Please note that this Report and Recommendations was submitted approximately one year*

10
11 *SD*
12 DISCOVERY COMMISSIONER *after the hearing SD*

13 Submitted by:

14 M NELSON SEGEL, CHARTERED

15
16 By *[Signature]*
17 M NELSON SEGEL, ESQUIRE
18 Nevada Bar No. 0530
19 624 South 9th Street
20 Las Vegas, Nevada 89101
21 Attorneys for Defendants Larry Hahn
22 and Hahn's World of Surplus, Inc.

23 Approved as to form and content by:

24 ROBERTSON & VICK, LLP

25 By *[Signature]*
26 JENNIFER TAYLOR, ESQUIRE
27 Nevada Bar No. 5798
28 401 North Buffalo Drive, Ste 202
Las Vegas, Nevada 89145
Attorneys for Plaintiffs

Approved as to form and content by:

PATRICK C. CLARY, CHARTERED

By *[Signature]*
PATRICK C. CLARY, ESQUIRE
Nevada Bar No. 0053
7201 West Lake Mead Blvd., Ste 410
Las Vegas, Nevada 89128
Attorneys for Defendants Kokoweef, Inc.
and Patrick C. Clary

NOTICE

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Pursuant to NRCp 16.1(d)(2), you are hereby notified you have five (5) days from the date you receive this document within which to file written objections.


[Pursuant to E.D.C.R. 2.34(f) an objections must be filed and served no more than five (5) days after receipt of the Discovery Commissioner's Report. The Commissioner's Report is deemed received when signed and dated by a party, his attorney or his attorney's employee, or three (3) days after mailing to a party or his attorney, or three (3) days after the clerk of the court deposits a copy of the Report in a folder of a party's lawyer in the Clerk's office. See E.D.C.R. 2.34(f)]

A copy of the foregoing Discovery Commissioner's Report was:

_____ Mailed to Plaintiff/Defendants at the following address on the _____ day of _____, 2010.

Placed in the folder of Plaintiffs'/Defendants' counsel in the Clerk's office on the 17 day of Aug, 2010.

STEVEN D. GRIERSON

By: 
Deputy Clerk

ORDER

The Court, having reviewed the above report and recommendations prepared by the Discovery Commissioner, and,

The parties having waived the right to object thereto,

^{mm}
 No timely objection having been received in the office of the Discovery Commissioner pursuant to E.D.C. R. 2.34(f),

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The Court
Having received the objections thereto and the written arguments in support of said objections, and good cause appearing,

AND

~~IT IS HEREBY ORDERED~~ the Discovery Commissioner's Report and Recommendations are affirmed and adopted.

~~IT IS HEREBY ORDERED~~ the Discovery Commissioner's Report and Recommendations are affirmed and adopted as modified in the following manner. (attached hereto)

~~IT IS HEREBY ORDERED~~ that a hearing on the objections to the Commissioner's Report is set for 14 Sept, 2010, at 9:00 a. m.

DATED this _____ day of _____, 2010.


DISTRICT COURT JUDGE

