

DISTRICT COURT
CLARK COUNTY, NEVADA

TED R. BURKE; MICHAEL R. and)
LAURETTA L. KEHOE; JOHN BERTOLDO;)
PAUL BARNARD; EDDY KRAVETZ; JACKIE)
and FRED KRAVETZ; STEVE FRANKS;)
PAULA MARIA BARNARD; LEON GOLDEN;)
C.A. MURFF; GERDA FERN BILLBE; BOB) CASE NO.: A558629
and ROBYN TRESKA; MICHAEL) DEPT NO.: XIII
RANDOLPH; and FREDERICK WILLIS,)

Plaintiffs,)

vs.)

LARRY H. HAHN, individually, and)
as President and Treasurer of)
Kokoweef, Inc., and former)
President and Treasurer of)
Explorations Incorporated of)
Nevada; HAHN'S WORLD OF SURPLUS,)
INC., a Nevada corporation;)
.)
.)

CUSTODIAN OF RECORDS FOR KOKOWEEF, INC.
DEPOSITION OF LAURIE WRIGHT

LAS VEGAS, NEVADA

MONDAY, OCTOBER 5, 2009

REPORTED BY: JEAN DAHLBERG, RPR, CCR NO. 759, CSR 11715
LS&T JOB NO.: 1-112538

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 2 PATRICK C. CLARY, an individual;)
 DOES 1 through 100, inclusive,)
 3)
 Defendants,)
 4)
 and)
 5)
 KOKOWEEF, INC., a Nevada)
 6 corporation; EXPLORATIONS)
 INCORPORATED OF NEVADA, a)
 7 dissolved corporation,)
)
 8 Nominal Defendants.)
 _____)

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CUSTODIAN OF RECORDS FOR KOKOWEEF, INC.,
 DEPOSITION OF LAURIE WRIGHT, held at Robertson &
 Vick, LLP, located at 401 North Buffalo Drive,
 Suite 202, Las Vegas, Nevada, on Monday, October 5,
 2009, at 9:14 a.m., before Jean M. Dahlberg, Certified
 Court Reporter, in and for the State of Nevada.

1 APPEARANCES:

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Also Present: Larry Hahn
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I N D E X

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WITNESS: LAURIE WRIGHT	
EXAMINATION	PAGE
BY: Ms. Taylor	5

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
1	Notice of Deposition Pursuant to NRCP 30(b)(6) of the Custodian and Keeper of Records of Kokoweef, Inc.	5
2	Amended Notice of Deposition Pursuant to NRCP 30(b)(6) of the Custodian and Keeper of Records of Kokoweef, Inc.	5
3	Letter from Patrick C. Clary to Jennifer L. Taylor, dated September 23, 2009	5
4	Letter from Patrick C. Clary to Jennifer L. Taylor, dated October 2, 2009	5

1 LAS VEGAS, NEVADA; MONDAY, OCTOBER 5, 2009

2 9:14 A.M.

3 -oOo-

4 Whereupon --

5 (In an off-the-record discussion held prior to
6 the commencement of the proceedings, counsel agreed to
7 waive the court reporter's requirements under Rule
8 30(b)(4) of the Nevada Rules of Civil Procedure.)

9 (Prior to the commencement of the deposition
10 proceedings, Exhibits 1 through 4 were marked for
11 identification.)

12 LAURIE WRIGHT,

13 having been first duly sworn to testify to the truth,
14 the whole truth, and nothing but the truth, was examined
15 and testified as follows:

16 EXAMINATION

17 BY MS. TAYLOR:

18 Q. Good morning, Ms. Wright. Now is the time and
19 place set for the deposition of the custodian of records
20 of Kokoweef, who you have apparently been designated as.

21 Can you please state and spell your name for the
22 record.

23 A. Laurie Wright, L-a-u-r-i-e W-r-i-g-h-t.

24 Q. And can you please give me your address.

25 A. 9520 Corbett, C o-r-b-e-t-t, Street, Las Vegas,

1 Nevada 89149.

2 Q. We met off the record. I'm Jennifer Taylor.
3 I'm counsel for plaintiff. And you told me that you had
4 never had your deposition taken before, so I'm going to
5 go through some ground rules with you.

6 As you see, it's a fairly informal process. We
7 have a court reporter here who is taking down everything
8 I say and everything you say; so for that reason, is
9 sort of my first instruction, which is in order to keep
10 a clear record, we want to make sure that --

11 MR. CLARY: Excuse me, does she need to sign?

12 (Discussion held off the record.)

13 BY MS. TAYLOR:

14 Q. So to ensure we have a clear record, please let
15 me finish my questions before you start talking; and I
16 will try to grant you the same respect when you're
17 giving answers, and I'll try not to talk over you when
18 you're finishing up an answer. Is that clear?

19 A. Yes.

20 Q. Okay. That's another --

21 MR. CLARY: Let me just interject, if I may;
22 that this deposition is being taken pursuant to a notice
23 which is one of a series of notices of the same
24 deposition that was received by me on August 14th, 2008.
25 I had previously objected to a previous version of this

1 deposition being held, and I do reserve the right --
2 reserve the basis of those objections, as I don't
3 believe that the notice was in compliance with the
4 applicable rules of civil procedure here in Nevada.

5 However, I, in discussions with counsel for the
6 plaintiffs, and in correspondence that we've exchanged,
7 I did consent to the taking of this deposition and
8 indicated that even though I didn't think the procedure
9 was proper that, nonetheless, I felt that the plaintiffs
10 were entitled to the information that they sought if
11 they had properly requested it.

12 And we've done our best to try to comply, not
13 only by supplying the person who was actually in the
14 notice designated as the corporate designee on the
15 custody and keeping of the records of Kokoweef. That
16 person is the deponent, who has already been introduced.

17 We've also made an effort to supply the various
18 documents that had been requested primarily through --
19 although much of that has been supplied previously even
20 before the request -- the request for discovery that is
21 now on record here -- or actually, it's not on record --
22 it's served on counsel. It's been filed. But we've
23 also supplemented that with various disks of
24 information.

25 And in reviewing this matter for today, I -- I

1 requested that -- I believe there was a request from the
2 so-called Request for Production of Documents, the
3 QuickBooks records. And so I requested that last week,
4 and I wanted to hand you -- let the record show that
5 I've handed Ms. Taylor another disk -- an envelope with
6 another disk containing the backup for the QuickBook
7 records of Kokoweef.

8 MS. TAYLOR: Okay.

9 MR. CLARY: I don't think there's anything in
10 there that hasn't been supplied to you on other disks;
11 but since that was specifically requested, you have it
12 now.

13 MS. TAYLOR: All right. And so now that you're
14 just now handing me this disk and you've interrupted my
15 introductory instructions to the witness, we will be
16 taking a break so that I can see what's on here and
17 print it down.

18 MR. CLARY: Well, let the record show that I
19 represented to Ms. Taylor, before she leaves the room --

20 MS. TAYLOR: I'm taking a break right now, Pat,
21 so you can put the rest of that on the record. Let me
22 get this printed down so that we can continue and not
23 have lots of interruptions today. Okay? And I will be
24 right back, and you can continue your objections.

25 (Recess taken.)

1 BY MS. TAYLOR:

2 Q. Let me just state on the record that that disk
3 is a DVR disk that is not compatible with any of our
4 computers at the moment, so we're going to have to get
5 that printed down somehow to see what's on it, because I
6 need to ask the witnesses about those disks. And it
7 appears also that it's dated October 2nd, so it seems to
8 me that could have been produced with the other 851
9 pages that were provided on October 2nd.

10 But that being said, go ahead and finish what
11 you were saying before I walked out to see if we could
12 actually get the documents off that disk.

13 MR. CLARY: Well, I didn't receive it on
14 October 2nd; I received it this morning. I asked her to
15 rush to get the other part.

16 MS. TAYLOR: Okay.

17 MR. CLARY: As I stated -- and you may not have
18 listened to it -- I don't believe there's anything on
19 that disk that's not in the documents that have been
20 produced. But since you specifically requested the
21 QuickBook records, in an abundance of caution, I decided
22 to go ahead and duplicate that as well, and you have it.

23 MS. TAYLOR: Okay. Thank you very much.

24 So was there anything else you'd like to place
25 on the record, so I can continue my instructions to this

1 witness.

2 MR. CLARY: I'm sure there will be at some
3 point.

4 MS. TAYLOR: But for now, may I get through my
5 instructions without any further interruptions? Do you
6 think that's possible?

7 MR. CLARY: Well, it depends on what you say.

8 BY MS. TAYLOR:

9 Q. Okay. As I was saying: Since this is a record
10 that's being created by the court reporter, it's very
11 important that in addition to not talking over one
12 another, you give me verbal responses such as you did --
13 yes and no, as opposed to head shakes or "uh-huhs" or
14 "huh-uhs," because the court reporter will take down
15 what she hears; but then as we go down the road, we may
16 not be able to interpret whether you meant a yes or a
17 no. Does that make sense?

18 A. Yes.

19 Q. This is also a record of what your testimony is
20 today. So if you don't understand a question of mine,
21 please let me know and I'll either restate it or I'll
22 rephrase it. And that's significant because if you
23 answered -- the easiest example is in the context of a
24 car accident. If you were a witness in a car accident
25 and you told me today the light was red and then down

1 the road you tried to change your testimony to say the
2 light was green, then either I, other counsel, or the
3 finder of fact could comment or weigh in on your
4 credibility and the fact that you significantly changed
5 your answer from your deposition to later testimony.

6 Does that make sense?

7 A. Yes.

8 Q. Okay. If you need a break or need more water or
9 anything like that, just let me know and we'll take a
10 break. My only admonition to that is if I have a
11 question pending, I need you to answer the question
12 before we can take a break. Okay?

13 A. Okay.

14 Q. What is your -- strike that.

15 Who are you employed by?

16 A. Buford Satellite Systems.

17 Q. And what is Buford Satellite Systems?

18 A. It is a cable company.

19 Q. And what is your title at Buford Satellite
20 Systems?

21 A. Education programs director.

22 Q. And how long have you been there?

23 A. Nine years.

24 Q. And what did you do before you were at Buford
25 Satellite Systems? Who were you employed by?

1 A. I owned my own company, JRW Concepts.

2 Q. Okay. And what was JRW Concepts?

3 A. A training company.

4 Q. And what kind of training did you provide?

5 A. Life skills.

6 Q. So, like, life coaching?

7 A. Well, it's slightly different, but --

8 Q. Okay. How long did you own JRW Concepts?

9 A. Roughly four years.

10 Q. Okay. What is your highest level of education?

11 A. Master's.

12 Q. In what?

13 A. Administration.

14 Q. Okay. And where did you receive that degree

15 from?

16 A. Nova Southeastern.

17 Q. What is your -- what is your undergraduate

18 degree in?

19 A. Education.

20 Q. And where is that from?

21 A. Las Vegas.

22 Q. UNLV?

23 A. UNLV.

24 Q. And do you know why you were designated as the

25 corporate representative for the -- the corporate

1 representative responsible for being the custodian of
2 records?

3 A. I'm assuming because I am the person who makes
4 the electronic copies of all documents that are given to
5 me, as well as knowing where they're kept.

6 Q. What is your -- since you're not employed by
7 Kokoweef, what is -- oh, you know what? I actually have
8 to do one background question. I'm sorry.

9 Have you ever been convicted of a felony?

10 A. No.

11 Q. Have you ever been a convicted of a misdemeanor
12 that may involve moral turpitude such as embezzlement or
13 perjury?

14 A. No.

15 Q. What is your relationship to Kokoweef, since
16 they're not your employer?

17 A. I'm a stockholder and volunteer.

18 Q. And how many shares do you own of Kokoweef?

19 A. I want to say 10,000.

20 Q. And how much did you pay for those shares of
21 Kokoweef?

22 A. They were given to me.

23 Q. And why were they given to you?

24 A. Um -- being a good daughter.

25 Q. Oh, okay. So are you -- I'm sorry, so you are

1 Mr. Hahn's daughter?

2 A. Yes.

3 Q. Okay. So Hahn would be your maiden name?

4 A. Yes.

5 Q. Okay. Do you know what the valuation of those
6 stocks are?

7 A. Zero, to my knowledge.

8 Q. Were those stocks given to you in exchange for
9 any work that you did for Kokoweef?

10 A. No.

11 Q. Now, you said you thought you were designated as
12 custodian of records because you make copies of
13 electronic documents and you know where those are. Does
14 that sound about right?

15 A. Yes.

16 Q. Why don't you tell me, to start with, what you
17 did to prepare for your deposition today?

18 A. Spoke with the attorneys about what to expect.

19 Q. Okay. And when you say "the attorneys," who are
20 you talking about?

21 A. Mr. Pat Clary and Nelson Segel.

22 Q. And what did you talk to them about?

23 A. What to expect at a deposition.

24 Q. And what did they tell you?

25 A. Don't talk over you. Answer succinctly and

1 honestly. Don't be too nervous, which I am.

2 Q. Yeah. Depositions can be a little
3 nerve-racking, so --

4 Did they tell you anything else?

5 A. No, not really. We went over what -- I asked
6 them what they thought I might expect, and they said for
7 you to ask a bunch of questions and for me to answer
8 honestly.

9 Q. In preparation for this deposition, did they
10 have you gather any of the documents that Mr. Clary has
11 provided to me either Friday or today?

12 A. No. The -- no. Well, wait a minute. I need to
13 understand that question. Could you repeat it?

14 Q. Yeah. Let me just go back for a second.

15 What I want to do first is: I'm going to
16 provide you with what's been premarked -- but the
17 witness name is not on here because we didn't know who
18 it was -- premarked as Exhibit 1.

19 A. Uh-huh.

20 Q. And that is the notice of deposition pursuant to
21 30(b)(6) of the custodian and keeper of records for
22 Kokoweef, Inc.

23 And Exhibit Number 2, which is the Amended
24 Notice of Deposition Pursuant to 30(b)(6) of the
25 Custodian and Keeper of Records of Kokoweef.

1 I only made one extra copy. Do you guys want
2 one?

3 MR. SEGEL: I've got the amended one here.

4 (Discussion held off the record.)

5 MR. CLARY: Are these in the right order?

6 MS. TAYLOR: The original notice is 1; the
7 amended notice is 2.

8 BY MS. TAYLOR:

9 Q. Have you ever seen either of those documents
10 before today, Ms. Wright?

11 A. One of them. I don't know which one.

12 Q. Okay. Do you know approximately when you may
13 have seen the document you're referring to?

14 A. No. I don't know the exact date or the
15 approximate date.

16 Q. Okay. When was the first time, to your
17 recollection, that you were informed you would be acting
18 as the custodian of records for these depositions?

19 A. About a week before we met with Mr. Clary and
20 Mr. Nelson (sic). We discussed what is a custodian of
21 records and --

22 Q. When did you meet with Mr. Clary and Mr. Segel?

23 A. On Thursday of last week.

24 Q. On Thursday of last week?

25 A. Uh-huh.

1 Q. And before that time, you had never met with
2 them regarding the custodian of records deposition?

3 A. No.

4 Q. Who provided you with that document about a week
5 prior to your meeting with them?

6 A. It was e-mailed to Larry Hahn, and I downloaded
7 for him because he doesn't know how to download from the
8 e-mail.

9 Q. Okay. So you were not then instructed to
10 actually review the document. You just were downloading
11 it to provide to your father?

12 A. Exactly.

13 Q. So it wasn't until October 1st that you were
14 even informed that you were going to be the custodian of
15 records, and at no time did they ask you to review any
16 of this document in preparation for your appearance here
17 as a custodian of records?

18 A. Prior to Thursday, you mean?

19 Q. Okay, let's go before -- we'll do it that way.

20 MR. CLARY: No. You know, I'm going to object.
21 You haven't put a point of time on these documents --

22 MS. TAYLOR: And if you'd let me, Pat, that's
23 what I was about to do, because Ms. Wright indicated
24 that the question was confusing, so I was about to
25 clarify. So --

1 MR. CLARY: Well, I'm confused too.

2 MS. TAYLOR: Well, you're not the deponent.

3 BY MS. TAYLOR:

4 Q. So let's talk about before 10/1, which is when
5 you met with them, and after 10/1.

6 So if I understand your testimony, prior to
7 October 1st, which was Thursday, the only thing you did
8 was -- either Exhibit 1 or Exhibit 2 -- you're not sure
9 which one you saw -- was download it, print it, and hand
10 it to your father; is that right?

11 A. Yes.

12 Q. Okay. On October 1st or after October 1st, what
13 did you do -- what were you instructed to do, if
14 anything, with either Exhibit 1 or Exhibit 2, whichever
15 one it was you saw?

16 A. Just read through it.

17 Q. Okay.

18 A. Read through it, basically.

19 Q. Okay. And were you instructed to review any
20 documents to see if they complied with the requests that
21 were put forth in either Exhibit 1 or Exhibit 2?

22 A. No.

23 Q. Were you asked at any point prior to October 1st
24 to gather any documents for counsel to provide as part
25 of this litigation?

1 A. Yes.

2 Q. Okay. Do you remember the first time you were
3 asked to gather any documents at the request of counsel
4 as part of this litigation?

5 A. Actually, I don't recall it being ever that
6 they've ever asked me directly.

7 Q. Okay.

8 A. And "gather" is an improper word for that.

9 Q. Okay.

10 A. I did not gather the documents; they were
11 gathered. I was asked to put them onto a disk, to make
12 electronic copies.

13 Q. Okay. Who -- let me ask you this -- strike
14 that.

15 Who did the gathering at that -- generally. If
16 gather --

17 MR. SEGEL: At which point in time?

18 BY MS. TAYLOR:

19 Q. If gathering is not the right verb for what you
20 did, who would have gathered documents for Kokoweef?

21 A. Well, it would be Larry Hahn, as well as Reta
22 Van de Walker, I'm assuming. I don't know all of the --
23 all of who might gather.

24 Q. All right. So the first time you were asked to
25 take a stack of documents that had been gathered by

1 somebody -- and did you scan them?

2 A. Scanned them.

3 Q. -- and burn them to a disk, when was that?

4 A. I don't know the date, to tell you the truth.

5 Q. Was it a month ago?

6 A. Oh, no, much longer. It was prior to you being
7 the attorney. The first attorney, I don't know his
8 name.

9 Q. Okay. So possibly it was in preparation for the
10 evidentiary hearing that took place a couple years ago?

11 A. Yes.

12 Q. Okay. Between that point and now, were there
13 other instances in which you were asked to take
14 documents that had been gathered, scan them, and put
15 them on disks?

16 A. Yes.

17 Q. How many other times?

18 A. I don't know.

19 Q. More than five?

20 A. No.

21 Q. More than three?

22 A. Most likely two is a rough estimate.

23 Q. And of those two times, do you have a
24 recollection of when those instances were?

25 A. No.

1 Q. Okay. When was the most recent instance?

2 A. I don't know the date, to tell you the truth.

3 Q. Okay. I've got two stacks of documents in front
4 of you. One of them is a shorter stack that I'm going
5 to represent was on a disk that came to me Friday at
6 about 3:07 p.m. It was the first time we had received a
7 copy of that disk. Can you take a quick look through
8 this stack, and what we're going to do is at the end of
9 the day is mark this disk as part of the record.

10 MS. TAYLOR: Actually, strike that, Jean. You
11 know what I'm going to have to do? I'm going to have to
12 mark this entire stack. And that will be the next
13 exhibit in order, if you want to slap something on there
14 for a label real quick, as 5.

15 (Discussion held off the record.)

16 (Exhibit 5 was marked for identification and
17 then later withdrawn. Counsel will refer to Bates
18 stamps within the "small" stack of documents instead,
19 which was later referred to as the "October" stack.)

20 MR. SEGEL: Well, I'm going to have an
21 objection. If you're going to make these documents part
22 of that exhibit for this deposition, then we're entitled
23 to copies.

24 MS. TAYLOR: These are your copies.

25 MR. SEGEL: Well, I understand that, but I don't

1 know that.

2 MS. TAYLOR: And I'm going to copy -- this is
3 the same. This disk is what this copy is. And these
4 are your copies. Okay, I am not going to incur the cost
5 of copying 2300 pages again for you guys when these are
6 your copies.

7 MR. SEGEL: Well, if you --

8 MS. TAYLOR: So what I would like to do, Nelson,
9 is to the extent that she goes through these and there's
10 anything that is responsive to the questions that I ask,
11 then what we'll do is we will pull them out and run
12 copies real quick. Because I don't think that she's
13 going to have a whole lot to say when I ask her what's
14 responsive to what.

15 And you've got Bates stamps on there, and you
16 haven't disclosed them as part of your litigation
17 documents so, you know, I'm sort of between a rock and a
18 hard place. My solution is to copy your disk. And it's
19 got your Bates numbers on them. And they're not even
20 really, Nelson, your Bates numbers; they're Mr. Clary's
21 Bates numbers, because it's Kokoweef.

22 So, you know, I'm trying -- that's my best
23 solution. And if you want to have all these copied,
24 then we're going to have a problem, because I think that
25 that's, you know, really excessive, overburdensome, and

1 extremely costly, when these are your documents. And
2 the Bates numbers on them will prove that. Not your
3 documents, Mr. Clary's documents.

4 MR. SEGEL: Are you done? I don't want to
5 interrupt you.

6 MS. TAYLOR: Yeah, done.

7 MR. SEGEL: All right. My recommend -- first of
8 all, if you're going to put something in the record,
9 we've got a right to copies. But I don't disagree with
10 you it's burdensome. I really don't want to kill that
11 many trees myself. My recommendation is: Let's go
12 through the deposition -- as you mentioned, they're all
13 Bates stamped -- when we get to the end of the
14 deposition, determine what documents need to be part of
15 this record, rather than -- I'm sure the court reporter
16 doesn't want to trail all these back to her office
17 anyways.

18 MS. TAYLOR: I'm sure.

19 MR. SEGEL: So why don't we just continue the
20 deposition, accomplish what you want to accomplish, and
21 at the end we will mark the exhibits at that time.

22 MS. TAYLOR: And that's fine. So that --

23 MR. SEGEL: You're going to identify -- you'll
24 be identifying them by Bates stamps anyways; right?

25 MS. TAYLOR: Right. Or --

1 MR. SEGEL: And you can talk about what disks --
2 we've already identified the disk as -- Ms. Wright put
3 nice labels on each disk, so you can identify the disks
4 by the labels, and then you can identify the documents
5 by the Bates stamps. That way the court reporter will
6 have an accurate record of what we're talking about, so
7 we can go back on our own disks and then we'll determine
8 what portion of these need to be part of this record.

9 MS. TAYLOR: And I've got no problem with that.

10 MR. SEGEL: Okay. Thank you.

11 MS. TAYLOR: Now, as far as this stack goes,
12 since I've pulled the label for Exhibit 6, do you want
13 me to put this on that, or do you want me to just deal
14 with the disk and we'll do it the same way?

15 MR. CLARY: Well, they haven't been Bates
16 stamped, have they?

17 MR. SEGEL: I think that Number 1 -- again, I'm
18 not sure how you get to 1. I'm at 2 and you're at 6,
19 but that's another issue. I would suggest --

20 MS. TAYLOR: Oh, I premarked --

21 MR. SEGEL: Let me finish.

22 MS. TAYLOR: All right.

23 MR. SEGEL: Let me suggest -- and, again, I
24 think we had a consensus here -- let's not mark anything
25 of these documents until we get through the documents to

1 determine what needs to be part of this record. And
2 then you may be -- and then if it's not voluminous, you
3 can make copies for Mr. Clary and I, we'll mark them and
4 then we'll have them.

5 MS. TAYLOR: Okay.

6 MR. SEGEL: That way we're not killing trees we
7 don't need to kill. And because they're all Bates
8 stamped in two separate stacks based upon two different
9 disks that were provided to you, we'll easily be able to
10 identify what is in the record. Okay?

11 MS. TAYLOR: That's fine. I just did not want
12 to have a whole human cry over having her to start going
13 through this without it being marked, since the disk is
14 out getting copied, so --

15 MR. SEGEL: We provided you the information on
16 disk because we didn't want to kill all those trees.

17 MS. TAYLOR: Right.

18 MR. SEGEL: We're willing to work with you on an
19 electronic basis; and because they were all Bates
20 stamped, we shouldn't have any problem identifying them
21 in the record. The purpose of making exhibit numbers
22 for the record is so that we can go back and know what
23 we were talking about. And I believe we can all agree
24 that there's also Bates stamps in those references and
25 in those disks, which shouldn't be a issue of what's

1 being referred to on the record.

2 Mr. Clary, do you agree?

3 MR. CLARY: Uh-huh.

4 MR. SEGEL: Thank you. That was a yes?

5 MR. CLARY: Yes. Thank you.

6 MS. TAYLOR: So I'm going to hand back to the
7 court reporter --

8 MR. SEGEL: She can do whatever she'd like. She
9 can save them or throw them away and make another one
10 later. I'm sure she's able to do that.

11 BY MS. TAYLOR:

12 Q. Okay. So let's go back to where I was going.

13 There's a stack of documents sitting in front
14 you that starts with the Bates stamp KIAP09, 1 of 15.
15 This is 851 documents. They were on the disk that was
16 provided to me on Friday at 3:07. I would like you to
17 just first take a look at this and tell me whether or
18 not you were responsible for having these documents
19 handed to you and then scanning them and putting them on
20 a disk.

21 A. Yes.

22 Q. Okay. Those documents were just provided to
23 me -- again, as I said on Friday. Do you know when they
24 were given to you to scan and put on a disk?

25 A. No, not offhand.

1 Q. A month ago?

2 A. Well, it was less than that.

3 Q. Okay. Had they been provided to you and scanned
4 as of your meeting on October 1st with Mr. Clary and
5 Mr. Segel?

6 A. Yes.

7 Q. Did you provide either of them with the disk of
8 the scanned documents at that meeting?

9 A. Yes. Copies of -- you mean, copies of what I've
10 given you, or were sent to you? Is that what you mean?

11 Q. For this most recent stack.

12 MR. CLARY: The recent -- show her the disk.

13 MS. TAYLOR: As I explained to Mr. Segel, the
14 disk is out for copying right now. This was the disk
15 that --

16 MR. CLARY: No, it's not.

17 MR. SEGEL: Let me -- you ask the questions.
18 I'm not sure if she properly understood the question.

19 BY MS. TAYLOR:

20 Q. There's -- what we've got here, Ms. Wright --

21 MR. CLARY: I'm completely confused now.

22 BY MS. TAYLOR:

23 Q. -- is two sets of documents. Okay? This set of
24 documents that's on your right that has on top of it a
25 disk that I have premarked -- but entered into the

1 record yet as Exhibit 5 -- that says 7 -- Kokoweef,
2 Inc., Taylor copy, 7-2009, Disk Number 7 -- these
3 documents were provided to me on or about August 6th.

4 Okay?

5 A. Uh-huh.

6 Q. The documents that are on your left were
7 provided to me on Friday, October 2nd, at about
8 3:07 p.m., in a disk that was dropped off on our
9 counter, and these are the printed records of what was
10 on that disk.

11 A. Okay.

12 Q. The disk is out for copying so that we have in
13 our office copies of it. Okay?

14 MR. SEGEL: Ms. Taylor, I was given this disk
15 this morning. I think if you want to use this, you can
16 ask her if that's the same disk that she gave to you on
17 Friday.

18 MS. TAYLOR: I bet it is.

19 MR. SEGEL: Do you think that will help clarify
20 the record?

21 MS. TAYLOR: Thank you, Mr. Segel.

22 BY MS. TAYLOR:

23 Q. So, this looks to me like the same --

24 A. It's the same thing.

25 Q. -- labeling.

1 A. Yes.

2 Q. Okay. That what's in this stack?

3 A. Yes, uh-huh.

4 Q. Okay. On October 1st, when you met Mr. Clary
5 and Mr. Segel, had you already -- did you provide them
6 with that disk?

7 A. Prior to meeting?

8 Q. No. On October --

9 A. On Thursday?

10 Q. -- 1st. Yeah, Thursday.

11 A. No.

12 Q. Did you give that disk on Thursday?

13 A. I gave it to them -- was it -- I don't remember.
14 I think it was Friday. Friday at 1:00.

15 Q. Okay.

16 A. Yeah.

17 Q. Do you remember when you were given this stack
18 of documents to scan?

19 A. Not offhand.

20 Q. Okay. All right. The stack on your right --

21 A. Uh-huh.

22 Q. -- I'm going to get turned around, because it's
23 your right and my left.

24 Can you do the same exercise: Take a look at
25 these documents and tell me if these were documents that

1 you were provided by someone else to scan and put on a
2 disk?

3 A. It looks like all of them, yes.

4 Q. So you recognize these documents as ones that
5 you were provided and were scanned --

6 A. Yes.

7 Q. -- by you?

8 Okay. For purposes of ease, can I refer to
9 these documents as -- so I don't have to go "on your
10 right, on your left" -- can I call these the -- because
11 of what it says on the disk, I'm assuming is the August
12 production and the October production?

13 Does anyone have a major objection to that, so I
14 can just ask her to look at the different stacks?

15 MR. SEGEL: We will stipulate that for purposes
16 of referring to the documents, the tall stack is the
17 August stack and the short stack is the October stack
18 without any significance to --

19 MS. TAYLOR: That's fine. I just want it for
20 simple reference purposes.

21 MR. SEGEL: For purposes of reference, I have no
22 problem with that. Just make sure Mr. Clary has no
23 problem with it.

24 MR. CLARY: I have no problem.

25 ///

1 BY MS. TAYLOR:

2 Q. All right. Do you know who gathered the October
3 stack and provided it to you?

4 A. I do not know who gathered all of it. Part of
5 it was from Reta -- Van de Walker?

6 MR. SEGEL: Van de Walker.

7 THE WITNESS: And part of it was from Larry
8 Hahn. But I do not -- cannot say precisely whether
9 that's all.

10 BY MS. TAYLOR:

11 Q. Okay. So let me understand. So there may be
12 documents in here that were gathered from a third
13 person, but you're not aware of who that person might
14 be?

15 A. I wouldn't know. I'm not privy to that
16 information.

17 Q. Who handed you this stack of documents, the
18 October stack?

19 A. Reta handed me a part of it, and Larry Hahn
20 handed me a part.

21 Q. Okay. Same question for the August stack: Who
22 was responsible -- who handed you these documents when
23 they were given to you to copy?

24 A. Same answer, except that Christina Hahn handed
25 me some of the receipts.

1 Q. When Larry and/or Reta gave you the documents
2 that are in the October stack, did they indicate to you
3 what they had done and where they had looked to find
4 those documents?

5 A. I knew where they had looked.

6 Q. Okay. And where did they look?

7 A. The Kokoweef office.

8 Q. And where is the Kokoweef office?

9 A. 2908 East Lake Mead Boulevard.

10 Q. And do you know where at the Kokoweef office
11 they had looked for those documents? And -- all right,
12 let's go back. Let's talk about the Kokoweef office on
13 Lake Mead.

14 Is it in an office that is shared with any other
15 company?

16 A. No.

17 Q. So it's completely separate?

18 A. Yes.

19 Q. Is it its own building?

20 A. No.

21 Q. Is it in a building with another company?

22 A. Yes.

23 Q. What company is that?

24 A. Hahn's World of Surplus.

25 Q. Okay. Are there separate entries for both

1 Hahn's World of Surplus and Kokoweef?

2 A. Yes.

3 Q. What is the address for Hahn's World of Surplus?

4 A. 2908.

5 Q. Are there suite numbers designating which door
6 would go to which company?

7 A. No.

8 Q. Are there doors from Hahn's World of Surplus to
9 Kokoweef within the building itself?

10 A. Yes.

11 Q. How many doors?

12 A. Well, there's two.

13 Q. So if I'm inside Hahn's World of Surplus --

14 A. Well, I don't know if it would be considered two
15 or one. I'm confused.

16 Q. Okay. So let me ask my question and see if it
17 helps.

18 If I'm inside Hahn's World of Surplus --

19 A. Uh-huh.

20 Q. -- how would I -- I'm in the actual store -- how
21 would I gain access to the Kokoweef office?

22 A. You would traverse the store, go to the back.
23 There is a door from the store area that leads you into
24 a stockroom stock area, and you would traverse through
25 that, which leads you through a door to the Kokoweef

1 office.

2 Q. Okay. And that's why you were sort of saying
3 there were two doors?

4 A. And I don't know if that constitutes one or two.

5 Q. That was a very good description.

6 And if you were on the outside of Hahn's World
7 of Surplus, where are the doors --

8 A. The primary door for Hahn's World of Surplus is
9 located facing south. The door to get to Kokoweef is
10 located west.

11 Q. Okay. Is there a sign on the door that goes to
12 Kokoweef indicating that it's Kokoweef?

13 A. No. I don't believe so.

14 Q. All right. In the Kokoweef office, can you just
15 sort of generally describe it for me? How big it is,
16 what type of equipment is there, that kind of thing.

17 A. There's an outer office area and a little
18 kitchenette area. The outer office area has a large
19 conference table and TV/DVR player, other mining
20 equipment stuff. I don't know what that is. The --
21 there's an inner office that has all of the paperwork in
22 it, stored, and it's about a 10-by-10, 12-by-12,
23 something to that effect.

24 Q. Okay. So basically, then, two rooms in the
25 Kokoweef office total?

1 A. Yes.

2 Q. Are there any computers in the Kokoweef office?

3 A. In the smaller room, yes.

4 Q. Okay. Do you just want to call that the inner

5 office for the purposes of --

6 A. Yes.

7 Q. And how many computers in the inner office?

8 A. There is two.

9 Q. Okay.

10 A. Two.

11 Q. How about -- and there's no computers in the

12 outer office?

13 (Cellular phone rings.)

14 MR. CLARY: I'm in a deposition. I'll call you

15 back.

16 THE WITNESS: I don't believe so, no.

17 BY MS. TAYLOR:

18 Q. Are there -- is there any Kokoweef paperwork in

19 the outer office?

20 A. I don't believe so.

21 Q. How much time have you spent in the Kokoweef

22 office at 2908 East Lake Mead?

23 A. Wow --

24 MR. SEGEL: Objection. During what period of

25 time?

1 MS. TAYLOR: I don't know. The past year.

2 THE WITNESS: Past year? Goodness gracious.
3 How many hours? Probably three hours a day at least,
4 two to three days a week.

5 BY MS. TAYLOR:

6 Q. All right. And during that time that you've
7 just given me for the past year, what kind of tasks are
8 you doing in the Kokoweef office -- in the Kokoweef
9 offices?

10 A. Scan documents so that there's electronic
11 copies; put these so-called Bates stamps on them; help
12 organize files; answer phones.

13 Q. Do you do any accounting work?

14 A. No.

15 Q. Do you gather documents to provide to people who
16 do the accounting work?

17 A. No.

18 Q. Who does that?

19 A. I don't know.

20 Q. Anything else? Have you been responsible for
21 creating spreadsheets, creating databases, anything like
22 that?

23 A. I have created an Excel file with stockholders
24 on it.

25 Q. And where is that kept?

1 A. That is kept on a disk in the office.

2 Q. When did you first create that disk -- or when
3 did you first create that Excel spreadsheet?

4 A. It's been ongoing.

5 Q. Okay.

6 A. It's as investors come onboard, so it's an
7 ongoing spreadsheet.

8 Q. So from the day Kokoweef was formed? Is that
9 when you would have started creating it?

10 A. No. Probably roughly a year and a half ago.

11 Q. Is there a hard file on one of the computers in
12 the inner office that would mirror that disk?

13 A. No. We keep it on a disk. I don't leave things
14 on computers.

15 Q. And why not?

16 A. I don't trust Internet hackers, things of that
17 sort. So we only keep it on a disk.

18 Q. Do you have running copies of that disk? You
19 know, update it one month? I mean, are you --

20 A. Updated as necessary.

21 Q. Updated as necessary. When was the last time
22 you updated it?

23 A. I'm not very good with dates. I don't know
24 things like that very well.

25 Q. That's okay. You can give me an approximate.

1 A. It's been a couple of months.

2 Q. Okay.

3 MR. SEGEL: Can you give me a few minutes? Can

4 we take a break?

5 (Discussion held off the record.)

6 BY MS. TAYLOR:

7 Q. All right. What other tasks have you done in

8 those Kokoweef offices?

9 A. That's it.

10 Q. Okay.

11 A. Clean.

12 Q. Okay.

13 A. Sorry.

14 Q. Who else has assisted you in organizing files?

15 A. Wanda Bryan.

16 Q. And who is she?

17 A. An investor.

18 Q. All right. Anyone else?

19 A. Barbara Dapper.

20 Q. Can you spell that last name for the record?

21 A. D-a-p-p-e-r.

22 Q. And who is she?

23 A. An investor.

24 Q. All right. Anyone else?

25 A. No, I don't think so. Not that I recall.

1 Q. Is there anyone else who has helped you scan
2 documents so that you can maintain your electronic
3 copies?

4 A. No.

5 Q. Is there anyone who's regularly -- strike that.
6 Does Kokoweef, to your knowledge, have any
7 employees?

8 A. No, not -- not to my knowledge.

9 Q. Is there anyone who spends, in your knowledge,
10 more time in the Kokoweef offices than you do?

11 A. That I don't know. Over what span of time?

12 Q. Do the same thing. In the past year, who's --

13 A. In the past year, Wanda and Barbara probably
14 have spent slightly more time.

15 Q. All right. So in the outer office there's no
16 paperwork. In the inner office you've got your two
17 computers, and what other paperwork and how is it
18 organized?

19 A. All the stockholder files.

20 Q. And --

21 A. They're in a filing cabinet.

22 Q. Okay. How many drawers?

23 A. Four.

24 Q. And what kind of documents are contained in
25 those stockholder files?

1 A. The receipt of how much somebody -- I don't
2 recall what it's called. It's just like a receipt of
3 what they've invested.

4 Q. For a monetary amount?

5 A. Yeah, I guess that is what it would be. Their
6 names and addresses, of course. Their -- if they're
7 deceased, death records. Information on their
8 certificate of trust, if they have a trust, and then
9 just their stock's held. Basic information.

10 Q. Okay.

11 A. Letters they might have sent.

12 Q. In those -- in the file cabinets, is it broken
13 down -- like, do you have a folder for each shareholder?

14 A. Yes.

15 Q. And how are those records maintained and
16 updated?

17 A. Most of that is done by Barbara and Wanda.
18 They -- how do you maintain them? If something comes
19 in, you put the information in.

20 Q. What do Barbara and/or Wanda do, to your
21 knowledge, to make sure that the information is retained
22 in those files and not destroyed or otherwise altered?

23 A. I don't know much about it.

24 Q. Okay. And other than what your testimony just
25 was, that when information comes in you put it in the

1 drawers, do you know anything else Barbara and/or Wanda
2 might do to update and make sure the files have the most
3 current information?

4 A. They help me with the Excel file that was
5 created --

6 Q. Okay.

7 A. -- to keep and help maintain that.

8 Q. Anything else?

9 A. They try to locate investors.

10 Q. And what do they do to try to locate investors?

11 A. Make a lot of phone calls. Do some Internet
12 searches. I don't know the extent to what else they may
13 do. I'm not involved in that aspect of it.

14 Q. Do you know what they're looking for when they
15 do Internet searches?

16 A. Relatives, people that might help them to lead
17 them to the investors.

18 Q. So is this for current investors that they're
19 trying to locate, or for new investors?

20 A. Current investors.

21 Q. Your testimony said that they helped to try to
22 locate investors.

23 A. People move.

24 Q. Okay. All right. So it's trying to maintain
25 records of current investors?

1 A. Yes.

2 Q. Okay. I just wanted to clarify that.

3 A. I'm sorry if I was confused.

4 Q. No, that's okay.

5 Do Wanda or Barbara do anything to locate

6 potential new investors?

7 A. No.

8 Q. When they do those searches to locate current

9 investors, do they maintain on those computers where

10 they may be doing Internet searches, records of what

11 they've done to try to locate those current investors?

12 A. I don't know.

13 Q. Do you know if they print out any information

14 from those searches that then go into the files --

15 A. I don't know.

16 Q. -- you described?

17 Within that inner office, how many file cabinets

18 are there?

19 A. Two.

20 Q. Okay. And how many drawers does each of them

21 have?

22 A. Four.

23 Q. So you've just described to me one of the filing

24 cabinets contains four drawers of stockholder

25 information.

1 A. Yes.

2 Q. So that's within one.

3 A. Yes.

4 Q. What is in the second file cabinet?

5 A. A lot of mining stuff. Things that if they need
6 to order a certain part, they would know where to go to
7 get those things. I don't know the depth of that one.
8 I haven't spent a lot of time in that filing cabinet.

9 Q. How many drawers, to your knowledge, does the
10 mining stuff take up?

11 A. I don't know.

12 Q. Okay. Is there any other records that you know
13 are kept in that second filing cabinet?

14 A. I haven't spent very much time looking through
15 that cabinet, so no.

16 Q. Who does look through that cabinet? Who spends
17 time with that cabinet?

18 A. I don't know.

19 Q. What else is in the inner office?

20 A. Binders that have this information on it.

21 Q. And when you say "this," you were flipping
22 through the October stack?

23 A. Both stacks, information.

24 Q. Okay.

25 A. Boxes with receipts and other mining stuff.

1 Q. Okay. How many binders are in that office?

2 A. I don't know.

3 Q. More than ten?

4 A. I don't know, to tell you the truth. I really

5 don't know exactly how many. I would say probably 10 to

6 15 --

7 Q. Okay.

8 A. -- if I estimate.

9 Q. If that's your best estimate, that's --

10 MR. SEGEL: And we prefer you not to guess. If

11 you can make an informed estimate, that's fine, but

12 don't guess.

13 THE WITNESS: Then let's leave it as I don't

14 know, because I can't be sure.

15 BY MS. TAYLOR:

16 Q. Is it more than five?

17 A. Yes.

18 Q. Is it less than 20?

19 A. I don't know.

20 Q. Is it less than 50?

21 A. I don't know. It's more than five, I can

22 guarantee that much.

23 Q. And when you say "this stuff," and you're

24 pointing to the October and August stack, can you give

25 me a list of some of the documents that are in those

1 binders?

2 A. I don't -- I scan them, I maintain them, you
3 know, and make sure that they're in the office; but I
4 don't spend time with them knowing what is in them
5 substantively. I do know that a lot of it is the
6 accounting, because it was given to me from Reta.

7 Q. Okay. Do you know how many -- okay, let's go
8 back for a second.

9 When you say the accounting that was given to
10 you by Reta, what kind of documents has Reta given you
11 that would fall within that description of accounting?

12 A. She gives me the three ring -- what she'll
13 create first is a binder, and it has got things such as
14 accounts payable, balance sheets, her QuickBooks
15 thingies, copy of ledgers, things of that sort.

16 Q. Okay.

17 A. But I'm not an accountant, so I don't know a lot
18 about that.

19 Q. No, that's a good description of stuff.

20 MR. SEGEL: It's been about ten minutes since I
21 asked for a break.

22 MS. TAYLOR: Oh, I'm very sorry. Yes, go on
23 break. I apologize, Nelson.

24 (Recess taken.)

25 MS. TAYLOR: Back on.

1 BY MS. TAYLOR:

2 Q. How many binders of Reta's are located in the
3 Kokoweef office?

4 A. At least five.

5 Q. Does Reta have, to your knowledge, another
6 office that she works out of?

7 A. I don't know.

8 Q. So you don't know whether there are any Kokoweef
9 records that Reta may be keeping somewhere else?

10 A. I don't know.

11 Q. Any other binders -- categories of binders that
12 you can describe for me that are at the Kokoweef office?

13 A. One has the receipts and checks in them.
14 Actually, a couple of them have receipts and checks in
15 them.

16 Q. Okay.

17 A. I -- the ones -- the subpoenaed documents have
18 been made into binders.

19 Q. Okay.

20 A. And there are binders with journals or magazines
21 that would be for mining, and that's all I know.

22 Q. Okay. The binders with the receipts and checks,
23 do you know how many of those are located in the
24 Kokoweef office?

25 A. I don't know the exact number.

1 Q. Is it more than five?

2 A. Yes.

3 Q. Is it more than ten?

4 A. I don't know.

5 Q. Is it --

6 A. When I made them up, they stood this high. Does
7 that matter? I don't know.

8 MR. SEGEL: Let the record reflect that she had
9 her hands both outstretched as far as she could.

10 THE WITNESS: Yeah. I mean, it's a lot of
11 binders of stuff, so I don't know.

12 BY MS. TAYLOR:

13 Q. So it's probably more than 10, at least; maybe
14 more than 20?

15 A. It's the documents that you subpoenaed.

16 Q. Oh, I'm not on that. I'm on receipts and
17 checks. Is that a separate --

18 A. Oh.

19 Q. I was trying to come up with categories,
20 Ms. Wright?

21 A. I'm sorry. I'm sorry. Then I misunderstood.
22 I'm talking about the subpoenaed documents.

23 Q. Okay. Let's go back to receipts and checks.
24 How many binders of receipts and checks are there?

25 A. I don't know.

1 Q. Okay. More than five?

2 A. I don't know.

3 Q. Okay.

4 A. I don't know. It's -- those Reta handles.

5 Q. Okay.

6 A. So Reta does that, not me.

7 Q. Do you scan the documents that Reta handles

8 related to receipts and checks for any of your disks?

9 A. Yes.

10 Q. Do you know how many disks these documents have

11 been reduced to?

12 A. Two.

13 Q. The October stack and the August stack?

14 A. Yes.

15 Q. Do you know when these stacks were provided to

16 you, in part, by Reta, if they constituted all the

17 documents that Reta has related to Kokoweef?

18 A. I don't know.

19 Q. Okay. Who would know that?

20 A. Reta.

21 Q. Okay. Do you know what Reta does to maintain or

22 update the binders with the receipts and checks?

23 A. How she does her work, I don't know.

24 Q. Okay. Do you know what Reta does to ensure that

25 documents related to receipts and checks are not

1 destroyed or otherwise altered?

2 A. I know nothing about that.

3 Q. Okay. Now we can talk about subpoenaed
4 documents. Oh, strike that. Let me ask one more
5 question.

6 When those documents come in from Reta and you
7 scan them, do the hard copies then stay at the Kokoweef
8 office or do they go back with Reta?

9 A. Stay at the Kokoweef office.

10 Q. When you scan them, what program do you use?

11 A. PDF -- Adobe PDF.

12 Q. Okay. Is there -- with the two computers that
13 are in the Kokoweef office, is one of them used for
14 certain tasks? one of them used for another task?

15 A. One is used more often for writing letters to
16 help locate investors.

17 Q. Okay.

18 A. And the other one is used usually only when we
19 update the Excel file.

20 Q. And when you scan, do you just have an attached
21 scanner to the printer -- I mean, to the computer?

22 A. Not to the Kokoweef computer.

23 Q. Okay.

24 A. I have to bring either the scanner down, or I
25 have to take the documents up to my house, because we do

1 not have -- Kokoweef does not have a scanner.

2 Q. Okay. So then any records that you get, leave
3 the Kokoweef office, go to your home and are scanned
4 there, or you bring the scanner to the Kokoweef office,
5 hook it up, and scan there?

6 A. Yes.

7 Q. What percentage of the time do they go home,
8 what percentage of the time do they stay at Kokoweef?

9 A. Half and half.

10 Q. When you scan them, are they saved to any drives
11 or files on either your computer or the Kokoweef
12 computer?

13 A. Saved to disk.

14 Q. So they're scanned and they're sent immediately
15 to a disk?

16 A. Uh-huh.

17 Q. Is that a yes?

18 A. That's a yes. I'm sorry.

19 Q. That's okay.

20 Is there someone that does computer maintenance
21 or other computer -- like technology work or I.T. work
22 for Kokoweef?

23 A. Me.

24 Q. All right. The subpoenaed documents which you
25 said was another category of the binders, when did you

1 start creating those binders?

2 A. Well, immediately after receiving the copy of
3 the disks I started to print the copies out so that
4 we -- Kokoweef had a printed copy.

5 Q. Okay. Do you know what time frame that was?

6 A. More dates. No.

7 Q. Was it around the time of the evidentiary
8 hearing, if you recall?

9 A. I don't recall. It's whenever we receive -- the
10 evidentiary hearing was prior to you coming onboard --

11 Q. Yes.

12 A. -- so it had to have been after that. Because
13 you subpoenaed the documents correctly -- am I correct,
14 they were subpoenaed by you?

15 Q. Well, this last batch -- are you talking about
16 just -- did you only start preparing these binders in
17 response to Exhibits 1 and 2?

18 A. No.

19 Q. Okay. Was there another pleading that you were
20 provided that caused you to start printing out documents
21 to be in those binders that you've described as a
22 category of subpoenaed documents?

23 A. No.

24 Q. Okay. Are either of the August stack or the
25 October stack the first set of documents that you put

1 into those subpoenaed binders -- subpoenaed document
2 binders?

3 A. Okay. Now we're getting confused here.

4 Q. Because I want to make sure I --

5 A. Subpoenaed documents were documents you
6 subpoenaed, disks that came to you and to Kokoweef.
7 Because you subpoenaed them.

8 MR. SEGEL: She's referring to your subpoenas
9 that were quashed. Not your document request, but your
10 subpoena.

11 MS. TAYLOR: Oh, thank you. Okay.

12 BY MR. TAYLOR:

13 Q. So the subpoenaed documents are a set of
14 documents from disks that I got that were provided to
15 you?

16 A. Yes.

17 Q. Okay. Got it. Okay.

18 A. And because I do computers, I printed them.

19 Q. They said, "Here, Laurie, take these disks,
20 print them out," and you hole-punched them and stuck
21 them in binders?

22 A. Yes.

23 Q. Got it. Okay.

24 And is there anything other than those disks in
25 that category of binders?

1 A. No.

2 Q. Okay. And then the last description of binders
3 that you gave me were mining journals and magazines. Do
4 you know how many binders might --

5 A. I haven't any idea.

6 Q. Do you know who updates those binders?

7 A. Wanda and Barbara are helping to actually
8 categorize them. But beyond that, no.

9 Q. And then you said that within the Kokoweef
10 offices, and specifically the inner office, there's also
11 boxes with receipts; is that correct?

12 A. Yes.

13 Q. How many boxes? I'm sorry, I'm going to ask you
14 the same question for everything.

15 A. And it's going to be the same answer, because I
16 don't know.

17 Q. That's fine.

18 Is it more than five?

19 A. I don't know. I couldn't even tell you when it
20 came down to the boxes.

21 Q. Okay. What types of boxes are they?

22 A. There's -- file boxes.

23 Q. So -- I don't have one in here -- are they like
24 the banker's boxes?

25 A. Yeah.

1 Q. That are the ones you might buy broken down --

2 A. Broken down. You put them together, and they've
3 got a little front thing -- which they aren't labeled --
4 but yeah.

5 Q. Okay. If they're not labeled, how do you know
6 what's in them?

7 A. Because I've had to copy some of the receipts
8 from one of them.

9 Q. How many -- and you didn't copy --

10 A. I know there's at least two. One has got
11 receipts that are not viewable anymore.

12 Q. And why is that?

13 A. Any more, every -- everywhere you go get a
14 receipt, they used the cheapest paper made possible, and
15 they fade.

16 Q. So the box -- so one box is completely filled
17 with receipts that are not legible.

18 MR. SEGEL: Objection. That mischaracterizes
19 her testimony.

20 BY MS. TAYLOR:

21 Q. When you described the boxes to me, you said
22 that one you had scanned receipts out of one of the
23 boxes, and the other box contained receipts that were
24 not viewable; correct?

25 A. Yes.

1 Q. Okay. Would you deem viewable and legible -- I
2 mean, if I say "legible" -- because "viewable" to me
3 sounds like possibly you're not giving them to me on
4 purpose. And you're saying, "I didn't scan anything out
5 of that box because you can't read it anyway"; is that
6 right?

7 A. Literally, you can't see ink on the paper.

8 Q. So is there an entire box with just pieces of
9 papers with no legible ink?

10 A. Basically, yeah.

11 Q. Are there any other boxes of receipts besides
12 the two you just described?

13 A. Not to my knowledge.

14 Q. Okay. Do you know if any of the receipts from
15 the box with unlegible (sic) receipts were scanned and
16 preserved prior to them fading?

17 A. The only scanning that's ever been done has been
18 done by me.

19 Q. Okay. So is that a no? So do you -- I mean, if
20 you've scanned, do you know if you've managed to ever
21 scan any of the receipts in the box of illegible
22 receipts prior to them fading and becoming illegible?

23 A. No. No. I scanned what was legible from the
24 receipts.

25 Q. Okay. And do you have a time frame in which you

1 started scanning receipts?

2 A. My God. I scanned a ton, so I couldn't even
3 begin to tell you. There's been a lot of scanning on my
4 part.

5 Q. Where are the disks of all those documents kept?

6 A. In Koko- -- in a safe.

7 Q. Okay. And where is that safe?

8 A. The safe is, I believe, located in the front
9 office of Hahn's Surplus.

10 Q. And what else is kept in there?

11 A. I don't know.

12 Q. Who has access to that safe?

13 A. Larry Hahn.

14 Q. Anybody else?

15 A. I don't know.

16 Q. Do you know what's done to ensure that those
17 disks are not destroyed or otherwise altered?

18 A. No.

19 Q. So when you complete a disk --

20 A. Uh-huh.

21 Q. -- what do you do with it? Of any documents,
22 just give me your protocol.

23 A. I copy the disk. A copy goes to -- the original
24 goes to Kokoweef, a copy goes to the attorney.

25 Q. Okay. So for every single thing you've copied,

1 both Mr. Segel and Mr. Hahn have copies?

2 A. Yes.

3 Q. Why do you give them to Mr. Segel? Do you give
4 them the Kokoweef documents?

5 A. I don't know. It just seems to me the thing to
6 do, to tell you the truth.

7 Q. Did somebody give you instruction to give
8 Kokoweef documents to Mr. Segel?

9 A. No. I just knew that these were the two
10 attorneys dealing with this lawsuit, the scanning
11 started because of this lawsuit, and that's what I did
12 with these, and without instruction.

13 Q. Okay. And how many -- all right. So you
14 haven't been scanning -- you weren't scanning documents
15 prior to the inception of this lawsuit? Is that my
16 understanding of your testimony?

17 A. True.

18 Q. That's very helpful, because then that does fix
19 the time of when you started dealing with records.

20 Do you know -- and I know you're going to say
21 no -- but since you started scanning, how many disks you
22 have provided to either Mr. Clary or Mr. Segel?

23 A. No. Because I can't give you the exact number.

24 Q. In excess of 20?

25 A. Oh, no.

- 1 Q. Okay. No?
- 2 A. No.
- 3 Q. Okay. So on the receipts, for example, you
4 scanned up to a certain point and you were done with the
5 receipts; right?
- 6 A. Uh-huh.
- 7 Q. And then you got new receipts in; is that
8 correct?
- 9 A. Uh-huh.
- 10 Q. Yes?
- 11 A. Yes.
- 12 Q. Just --
- 13 So then are there a whole series of disks fixed
14 at different points in time?
- 15 A. I haven't gotten to scanning more receipts.
- 16 Q. Okay.
- 17 A. I scan when I have time or when requested.
- 18 Q. Okay. All right. Anything else that is in the
19 Kokoweef inner office? You described binders, file
20 cabinets, and two computers.
- 21 A. Telephone.
- 22 Q. Okay.
- 23 A. Typical office supplies.
- 24 Q. Okay.
- 25 A. Shelves and a table and a desk.

- 1 Q. Okay.
- 2 A. And a printer.
- 3 Q. All right. Do you know if either Wanda or
4 Barbara use their computers at home to do any of the
5 work that they're doing for Kokoweef?
- 6 A. No.
- 7 Q. No, they don't, or, no, you don't know?
- 8 A. I don't know.
- 9 Q. Does anybody -- you, Mr. Hahn, Barbara, Wanda,
10 Reta -- any of you communicate regarding Kokoweef on
11 palm-type devices, such as BlackBerries, cell phones,
12 anything like that?
- 13 A. No.
- 14 Q. So you don't send texts to your dad related to
15 anything you're doing for Kokoweef?
- 16 A. Faxes.
- 17 Q. Faxes, okay. Where do faxes get sent from?
- 18 A. My office.
- 19 Q. At your -- at Buford Satellite Systems?
- 20 A. Uh-huh, yes.
- 21 Q. Okay.
- 22 A. Excuse me.
- 23 Q. And then where are they faxed to?
- 24 A. Hahn's Surplus, fax number 649-6233.
- 25 Q. Does Kokoweef have a fax line?

1 A. No.

2 Q. So for what you do for Kokoweef, you use your
3 home computer, you use your work computer, you use the
4 computer at the Kokoweef office?

5 A. At the Kokoweef office or home.

6 Q. Oh, but you fax from Buford?

7 A. Well, communications, such as "I will be there
8 to do whatever." Or if something like this comes in, I
9 may fax and send immediately. But mostly, no. That's
10 all communication you asked for.

11 Q. No, that's fine. And I'm just trying to get the
12 full brush of everything that goes on from a business
13 records standpoint, so --

14 A. Uh-huh.

15 Q. All right. And what about Wanda or Barbara? Do
16 you know if they fax from different locations or use
17 their cell phones or anything like that?

18 A. I don't know.

19 Q. Okay. Does Mr. Hahn, to your knowledge, have a
20 cell phone that is a dedicated Kokoweef cell phone?

21 A. I don't know.

22 Q. Okay. How many different cell phone numbers do
23 you have for your father?

24 A. One.

25 Q. Okay. Is it a personal cell phone or is that a

1 cell phone for his business Hahn's World of Surplus?

2 A. I don't know.

3 Q. The two computers that are in the inner office
4 are they networked or are they standalones?

5 A. Standalones.

6 Q. Okay. Do you create any other type of backup
7 other than the disks? Do you have, like, a dedicated --
8 like an outside hard drive, external hard drive?

9 A. No.

10 Q. Any type of tape backup?

11 A. No.

12 Q. Does anyone even know what tape backup is
13 anymore?

14 A. Yes.

15 Q. Has anything from the Kokoweef computers ever
16 been put onto a storage device, other than the CDs you
17 describe? Floppy disks --

18 A. Yes. A flash drive to go back and forth between
19 computers when need be.

20 Q. And where is that flash drive maintained?

21 A. Wanda maintains the flash drive. I couldn't
22 tell you exactly where.

23 Q. Okay. Do you know what Wanda does in terms of
24 maintaining the flash drive and to preserve any data
25 that may be upon it?

1 A. No.

2 Q. When you say to go back and forth between
3 computers, which computers are you referring to?

4 A. Kokoweef.

5 Q. So that flash drive would just go from computer
6 "A" in the inner office to computer "B" in the inner
7 office?

8 A. Yes.

9 Q. Have you ever taken that flash drive home to
10 your computers?

11 A. No, I haven't.

12 Q. Okay. Anyone else you know who has ever had
13 access to that flash drive?

14 A. Wanda, Barbara, myself.

15 Q. Are there any other places that Kokoweef records
16 are maintained?

17 A. Not to my knowledge.

18 Q. What about out at the mine? What's out at the
19 mine?

20 A. I don't know about -- what's out at the mine,
21 recordswise.

22 Q. Who would know that?

23 A. I'm assuming Larry Hahn.

24 Q. Have you ever -- have you been to the mine?

25 A. Yes.

1 Q. On how many occasions?

2 A. Since it's been open, couple dozen, maybe.

3 Q. Couple dozen?

4 And are there -- how many buildings are out at

5 the mine, currently?

6 A. I don't know. I don't know.

7 Q. Can you describe to me some of the buildings

8 that you do know are out at the mine?

9 A. Yes. There is a large meeting hall, a portable

10 building. There are a couple of shanties down below. I

11 do not know specific information regarding those. There

12 is a -- a place that they store tools.

13 Q. Okay.

14 A. A little building with tools and such in them.

15 That's basically it.

16 Q. Is there a house?

17 A. There is -- I don't know if you could call it

18 such; but, yeah, there's one that -- the one house that

19 Larry Butler stays in. I don't know -- I believe every

20 building out there is portable, so I don't know if it's

21 considered a house?

22 Q. It's a building where somebody resides; correct?

23 A. Yes.

24 Q. Is there any other building in which people

25 could --

1 A. Yes.

2 Q. -- reside and sleep over, that kind of thing?

3 A. Yes.

4 Q. How many?

5 A. I don't know. There's a few of them out there.

6 Q. Okay.

7 A. Mostly trailers, to my knowledge.

8 Q. Okay. Any other buildings that you can describe

9 in general?

10 A. A few trailers. That's all I know about. There

11 is a building off property, but I don't know anything

12 more than that.

13 Q. Where is the building off property? Where is

14 that?

15 A. It's right next to camp.

16 Q. And what type of building is that?

17 A. A rundown building. A little teeny house that

18 has nothing in it, nobody in it, nothing.

19 Q. So an abandoned sort of building?

20 A. Exactly, you know.

21 Q. Okay. Of these buildings that you've described

22 for me -- the large meeting hall, the different

23 shanties, the tool storage, the couple of different

24 portable houses where people could reside in, and the

25 abandoned house, the abandoned building off the

1 premises --

2 A. Uh-huh.

3 Q. -- have you been in any or all of those?

4 MR. SEGEL: Ms. Taylor, are we going to go much
5 on her report? She's the custodian and keeper of
6 records of Kokoweef, so she's here as a designee. Now
7 you're asking her to testify regarding Kokoweef's
8 properties.

9 MS. TAYLOR: Do you want to know why I'm doing
10 that?

11 MR. SEGEL: I do.

12 MS. TAYLOR: Because I want to find out what may
13 be where. And so I'm going to ask her, since you've
14 produced her as the custodian of records, but yet has
15 very little knowledge, to see if she's been in any of
16 these Kokoweef buildings that may or may not have
17 records. So that's where I'm going, and when I'm done
18 with that, then, you know, we'll keep going into the
19 records. But I need to get an understanding of what may
20 be where.

21 MR. SEGEL: Well, hopefully, just a few more
22 minutes.

23 MS. TAYLOR: It's my deposition, Nelson.

24 MR. SEGEL: I understand that, but I could
25 object to this line of questioning because it's beyond

1 the scope of the notice. The notice is custodian of
2 records.

3 MS. TAYLOR: Right.

4 MR. SEGEL: You can ask about custodian of
5 records issues?

6 MS. TAYLOR: And --

7 MR. SEGEL: You don't have the right to question
8 her about -- I've got to slow down -- you don't have the
9 right to question her about Kokoweef in general. I'm
10 being very cooperative. We're listening. But, you
11 know, I do have other things to do today. I didn't
12 expect to be here all day.

13 MS. TAYLOR: Well, you know, that's fine. I
14 didn't have a limit on my deposition. I think it
15 probably says we'll continue from day to day until done.
16 And oral examination will continue from day to day until
17 completed.

18 So I'm not trying to be difficult, but I am
19 trying to get an understanding of what may be where, and
20 that is well within the rules and it's well within the
21 notice. So, you know, just let me get through it, and
22 it will go a lot quicker.

23 MR. CLARY: Well, she did -- she did state in
24 response to an earlier question about ten minutes ago
25 that she doesn't know if there's any records.

1 MS. TAYLOR: Then I'm going to object that you
2 didn't produce to me a custodian of records. She
3 doesn't have any knowledge, she doesn't have any
4 custodial real responsibilities. She's basically a
5 clerk.

6 So I'm going to go through and see -- just like
7 we did with the binders and the boxes -- what she knows
8 of and what she doesn't know of.

9 MR. SEGEL: The notice requires the corporate
10 designee on the custody and keeping of the records of
11 the Kokoweef. She has them here, she's able to testify
12 to that. She's testified to the custody and keeping,
13 and that's what she's continuing to do.

14 Let's try and move on.

15 MS. TAYLOR: I am trying to move on.

16 BY MS. TAYLOR:

17 Q. So have you been in any or all of those
18 buildings that you've described to me?

19 A. Yes.

20 Q. Okay. Are there certain buildings you have
21 never been in as the categories you have described to
22 me?

23 A. Yes.

24 Q. And which ones are those?

25 A. The one -- I don't know how to describe them.

1 Q. Okay. Then how about this: Why don't you
2 describe for me which ones you have been in.

3 A. The main meeting hall.

4 Q. Okay.

5 A. The trailer down below that -- the one house
6 that Larry stays in. The place where there's the tools
7 kept. And I've peeked into that disgusting little
8 abandoned place.

9 Q. And I'm going to guess that in the disgusting,
10 abandoned place, there are no records or binders.

11 A. There's nothing in there, except for things --
12 I'm not sure.

13 Q. In the trailer down below, what is that? Can
14 you describe that?

15 A. It is a trailer that my father uses when he goes
16 up for the weekend to stay in.

17 Q. Are there any computers?

18 A. No.

19 Q. Binders?

20 A. No.

21 Q. Boxes of records?

22 A. No.

23 Q. Notebooks?

24 A. No.

25 Q. Journals?

- 1 A. No.
- 2 Q. Ledgers of any type?
- 3 A. No.
- 4 Q. Computer disks?
- 5 A. No.
- 6 Q. CDs?
- 7 A. No.
- 8 Q. Okay. And then how about in the tools storage?
- 9 A. No.
- 10 Q. Are there any documents in there?
- 11 A. No.
- 12 Q. How about in the large meeting hall?
- 13 A. In the large meeting hall there are pictures and
14 maps. And to my knowledge, that is all the documents
15 that are up there.
- 16 Q. Okay. Have you ever seen any binders there?
- 17 A. No.
- 18 Q. Any boxes?
- 19 A. No.
- 20 Q. Computers?
- 21 A. No.
- 22 Q. Any computer-storage devices --
- 23 A. No.
- 24 Q. -- such as disks, et cetera?
- 25 A. No.

1 Q. How about in Larry's Butler's house?

2 A. Nothing like that. No computers, no storage,

3 no --

4 Q. No boxes of records?

5 A. Never seen anything like that anywhere in there.

6 Q. I understand Larry Butler gets reimbursed for

7 certain expenses; is that correct?

8 A. I do not know that.

9 Q. All right. Is there anywhere else that you're

10 aware of that Kokoweef might keep records?

11 A. No.

12 Q. How about the address listed in the Articles,

13 which is 8144 Bay Harbor Drive, Las Vegas, Nevada 89129.

14 A. Bay Harbor --

15 THE WITNESS: Is that your house?

16 BY MS. TAYLOR:

17 Q. It is. That is Mr. Clary's residence. Are

18 there any records there?

19 A. I don't know. I don't know about that.

20 Q. Have you ever been to Mr. Clary's house?

21 A. No.

22 Q. All right. I'm going to have you take a look at

23 Exhibit 2.

24 A. Okay.

25 MR. SEGEL: That's the amended notice.

1 MS. TAYLOR: The actual original notice is 2.

2 THE WITNESS: No. It says 2, amended.

3 BY MS. TAYLOR:

4 Q. Oh, thank you. I had it wrong on my notes.

5 A. Do you want me to look at 1?

6 Q. Yes.

7 All right. So going back to your earlier
8 testimony, tell me again when the first time you saw
9 this document was -- either this one or Exhibit 2 -- for
10 purposes of performing your duties as the corporate
11 designee for the custodian of records -- for being the
12 custodian of records.

13 A. It was e-mailed to my father.

14 Q. Uh-huh.

15 A. I open his e-mail and download the things for
16 him, download the attachments.

17 Q. Oh, when e-mails come in for your father, where
18 do they go?

19 A. To larryhawn@wildblue.net.

20 Q. Now, is wildblue.net, is it a -- like, for
21 example, my e-mail, which is suffixed rvcdlaw.com, I
22 can't just access that anywhere. You know, it's like a
23 dedicated e-mail and a dedicated server.

24 A. Uh-huh.

25 Q. Is wildblue.net something that can be accessed

- 1 from anywhere, like a Yahoo or a Hotmail?
- 2 A. If I have the password and such, yes.
- 3 Q. So where do you -- do you typically check your
4 father's e-mails once a day? once a week?
- 5 A. Once a day from my house, usually.
- 6 Q. Okay. And say an e-mail comes in -- say this
7 e-mail came in from wildblue.net. Once you've
8 downloaded this document, what would you do with the
9 e-mail?
- 10 A. I would print it and give it to my father.
- 11 Q. Okay. And then do you know what your father
12 does with those records?
- 13 A. He keeps them on his desk in a special file, to
14 my knowledge.
- 15 Q. And where is his desk?
- 16 A. His desk is in the front office for Hahn's
17 Surplus. And then it gets transferred into a file in
18 Kokoweef files.
- 19 Q. Well, you said two different things. You said,
20 one, that you kept it on a file in his desk -- he kept
21 it on a file in his desk?
- 22 A. He sits there and reads it and so forth on his
23 desk. He doesn't -- and then he takes it, to my
24 knowledge, to the Kokoweef office.
- 25 Q. And then do you know, once he takes them to the

1 Kokoweef office, what he does with them?

2 A. They go in a filing cabinet that has a lot of
3 stuff in it that I don't know a lot about.

4 Q. So file cabinet number two?

5 A. Exactly.

6 Q. Okay. And then within the program wildblue.net,
7 what do you do with those incoming e-mails after you've
8 printed them for your father?

9 A. Actually, they just sit there.

10 Q. So arguably, if I went into wildblue.net, every
11 e-mail that he had ever received or that you had sent or
12 he had sent -- you'd either had sent on his behalf or he
13 had sent -- still be in there; is that correct?

14 A. Yes.

15 Q. Does anyone else -- Wanda or Barbara or you --
16 have e-mail accounts that you use to send or receive
17 information related to Kokoweef?

18 A. There is a Kokoweef e-mail account. Wanda and
19 Barbara check that e-mail.

20 Q. Do Wanda and Barbara each have their own, like,
21 e-mail -- wanda@kokoweef.net, barbara@kokoweef.net?

22 A. No, just one Kokoweef account. I believe it's a
23 Hotmail account.

24 Q. Do you know what the actual e-mail address is?

25 A. Not from memory, no.

1 Q. Okay. But you believe it's a Hotmail account?

2 A. Yes.

3 Q. Do you know what Barbara and/or Wanda do with
4 incoming e-mails to that Kokoweef account?

5 A. Print them and then file them.

6 Q. Okay. And again, is it your belief that's file
7 cabinet number two?

8 A. Depending on what it is. When it comes in, if
9 it's from an investor, it gets filed in their file.

10 Q. And do you know if Wanda or Barbara, what they
11 do -- after they've printed it, what they do with the
12 actual e-mail?

13 A. No.

14 MS. TAYLOR: Okay. Obviously, to the extent
15 that there is an account with e-mails coming in, you
16 guys are under order to make sure that none of those get
17 deleted, so --

18 MR. CLARY: This is neither the time nor the
19 place to be preaching to us about that.

20 MS. TAYLOR: I'm just telling you.

21 MR. CLARY: Well, I'm not listening.

22 BY MS. TAYLOR:

23 Q. Are there any other e-mail accounts that you're
24 aware of?

25 A. No.

1 Q. And so if you were going to ever send an e-mail
2 related to Kokoweef business, where would it come from?
3 Would you just do it on behalf of your father through
4 wildblue.net?

5 A. Exactly.

6 Q. Would you ever do anything on behalf of Kokoweef
7 through the Kokoweef account?

8 A. No.

9 Q. All right. Take a look at Number 1, again.

10 MS. TAYLOR: Do you know what? Do you want to
11 prop that open, Pat? Because it gets miserably,
12 miserably hot in here.

13 BY MS. TAYLOR:

14 Q. So after you got that e-mail from your father --
15 let me go back.

16 So that e-mail in which this was first
17 transmitted and you printed it out for your father, that
18 should still be in the wildblue.net files; is that
19 correct?

20 A. I believe so, yes.

21 Q. Do you know if it was on or about August 14th,
22 or if it was in the month of August?

23 A. I don't know.

24 Q. I know. I've got to ask.

25 At what point, then, did you receive this

1 document as custodian of records to do anything else
2 with, other than give to your father?

3 A. I've never received it to do anything else with
4 it, other than give to my father.

5 Q. Okay. So you were never, as the corporate
6 designee, custodian of records, never asked to go
7 through these requests that were in here and ensure that
8 documents produced complied with these requests?

9 A. No.

10 Q. Okay. Do you know if Reta Van de Walker was?

11 A. I know that she had been -- I don't know if this
12 was the exact documents, but she had gone through
13 documents to verify that certain things were given to me
14 to --

15 Q. Scan?

16 A. -- scan.

17 Q. Do you know what time period you're talking
18 about?

19 A. No.

20 Q. Okay. How about Wanda or Barbara? Were they
21 ever given a copy of this document?

22 A. I don't know.

23 Q. And then how about your father? Do you know if
24 he was ever instructed to take this document and make
25 sure that documents were produced that complied with it?

1 A. I don't know what he was instructed to do.

2 Q. Okay. All right. What I want you to do is read
3 through these requests.

4 A. Uh-huh.

5 Q. On Pages 2 through 5, and it's Requests 2
6 through 6 -- Requests 1 through 26 --

7 MR. SEGEL: Let me make sure the record is clear
8 and make sure she's looking at Document Number 2, since
9 that's what we're operating on; correct?

10 MS. TAYLOR: I'm going to have her look at both
11 of them and tell me.

12 MR. CLARY: Are there differences?

13 MS. TAYLOR: No. But I'm just going to do it
14 both.

15 MR. CLARY: Then you're going to waste your time
16 doing that.

17 MS. TAYLOR: You know what? It's my depo.

18 MR. SEGEL: If you're going to be doing both,
19 then give me a copy of Exhibit 1, because I don't have
20 that.

21 MS. TAYLOR: Off the record, please.

22 (Discussion held off the record.)

23 MS. TAYLOR: Let's go back on.

24 BY MS. TAYLOR:

25 Q. So on Exhibit 1, Requests 1 through 26 --

1 A. Yes.

2 Q. -- are you able to tell me whether any of these
3 documents are responsive to any of those requests?

4 A. Yes.

5 Q. Okay. Why don't you start with Number 1, and
6 we'll go through these documents. And you can tell me,
7 based on these Bates numbers in the August and October
8 stack, which is responsive to which request.

9 A. Oh, no, I can't do that.

10 Q. Okay.

11 A. I'm sorry, I don't -- I don't spend time looking
12 at these and knowing -- you're asking me to go through
13 each one of these and pick out where the Federal tax
14 returns are. I don't have that knowledge, okay.

15 Q. Okay. Actually, speaking of the tax returns,
16 where are they kept, in general, in Kokoweef offices?

17 A. Yeah, in -- with the three-ring binders from
18 Reta.

19 Q. When you said you were able to tell me what
20 documents were responsive to those requests, what did
21 you mean, since you didn't mean what I was asking?

22 A. I can generally say we complied with 1.
23 Number 2, you have those documents. Number 3, you have
24 those documents.

25 Q. Okay. Let me stop you for just one second.

1 What are you basing that on?

2 A. Just a rough -- like, you know, a rough peruse
3 of these.

4 MR. SEGEL: No. She asked you on 2, 3, and 4,
5 where you're saying she has them, what are your bases
6 for saying she has them?

7 MS. TAYLOR: She's saying 1, 2, and 3. I think
8 she stopped --

9 MR. SEGEL: Oh, no. One -- you said 1 you said
10 were produced, 2 and 3 you responded to. I'm just --

11 THE WITNESS: 2 and 3 you have.

12 BY MS. TAYLOR:

13 Q. And what --

14 A. Based on --

15 Q. Wait. Wait. Wait. Stop. What are you basing
16 your answer on my -- strike that.

17 Request Number 1, what are you basing your
18 assertion that I have all the documents that were asked
19 for in Request Number 1?

20 A. I have scanned the income tax returns and put
21 them on a disk.

22 MR. SEGEL: And just for the record, I'm going
23 to make an objection. Because your first question was:
24 Have you produced documents in response to Request
25 Number 1? And the second time you said it: Have you

1 produced all of the documents? And I looked, and so she
2 answered yes as to, Have these, the documents to Request
3 Number 1, been produced? And her response was yes.

4 Whether they are all, she didn't answer. Okay.

5 MS. TAYLOR: Okay. And why don't you keep your
6 objections to form and privilege, because that's what's
7 permitted under the rules, and speaking objections are
8 not.

9 BY MS. TAYLOR:

10 Q. So do you believe there's a difference between
11 whether or not you have produced documents responsive to
12 Request Number 1 and whether or not you have produced
13 documents that are -- all the documents that are
14 responsive to Request Number 1?

15 A. I don't know.

16 Q. Okay. Do you know whether or not there are
17 documents for -- there are Federal and State income tax
18 returns, including all schedules, forms, attachments,
19 and other supporting documents for years 2004 through
20 2008, in either the October or August stack?

21 MR. CLARY: I'm going to object to the question
22 because it assumes -- the request talks about 2004 and
23 2005, and Kokoweef was not in existence in 2004 and
24 2005. And so it assumes -- your question, because
25 you've erroneously designated Kokoweef tax returns 2004,

1 2005, assumes facts that are not facts, and assume
2 documents that don't exist.

3 MS. TAYLOR: And I'm going to ask, Mr. Clary,
4 that you refrain from asserting speaking objections and
5 you keep your objections within the parameters of
6 Rule 30.

7 BY MS. TAYLOR:

8 Q. So what years do you believe that Kokoweef, as
9 somebody who has been designated as the person who at
10 least scans records, do you believe tax returns exist
11 for Kokoweef?

12 A. Well, I'm going to have to go with I don't know.

13 Q. Okay.

14 A. I scan the documents. I know where they're
15 kept.

16 Q. Okay.

17 A. That is -- I do not spend time with the
18 substantive, you know, for the documents.

19 Q. So you don't know really -- do you know -- I'm
20 sorry, strike that.

21 Do you know which years of tax returns have been
22 produced at all in either the August or the October
23 stack?

24 A. To the best of my knowledge, I don't remember.

25 Q. Why don't you go ahead and go through the stacks

1 and find the tax returns for me. I know, if you need to
2 flip them upside down or anything, you can flip them
3 right here.

4 A. Oh, the bottom of the stack, of course.

5 Okay. You have 2008 for Kokoweef in that stack,
6 from what I saw with a quick glance.

7 Q. Okay.

8 A. I don't know what's in here. I don't know. I
9 don't know what's in here or where it's at.

10 Q. Okay.

11 A. Okay.

12 Q. Do you see any other tax returns besides that
13 2008 one you found?

14 A. I don't see any others in here.

15 Q. Okay.

16 A. But --

17 Q. Have you scanned tax returns for years other
18 than 2008?

19 A. I thought I had, but I don't know. To tell you
20 the truth, I would have to look at the disk.

21 Q. This disk?

22 A. Uh-huh.

23 Q. Okay. Because here's what I want to make sure
24 we do today, is that -- let me go ahead and show you
25 another document that's been marked -- premarked as

1 Exhibit 3, and I'll let you get your stacks back
2 together. I only have one, so you guys are going to
3 have to share, or I'll give it to you in a second. This
4 is a letter from your counsel to me.

5 A. Uh-huh.

6 Q. And if you'll look in the second paragraph --

7 MR. SEGEL: Objection. Just for the record,
8 it's not her counsel; it's Kokoweef's counsel.

9 MS. TAYLOR: Kokoweef's counsel. Her as the
10 designee of Kokoweef.

11 MR. SEGEL: Thank you.

12 MR. CLARY: Now, this is Exhibit 4, is it?

13 MR. SEGEL: Three.

14 MS. TAYLOR: No, it's actually -- yeah, it's 3.

15 Sorry.

16 BY MS. TAYLOR:

17 Q. If you'll see in that second paragraph,
18 Mr. Clary writes: "In fact, representatives of my
19 client, Kokoweef, Inc., Nelson Segel and I discussed all
20 the categories of documents you set forth in your
21 request in a meeting at my office shortly after it was
22 received. And with one exception, all of those
23 documents were included in the computer disks that were
24 delivered to you quite some time ago."

25 And then I am also going to give you an exhibit

1 that I have marked as 4, which is -- that's your copy --
2 which is another exhibit from your correspondence from
3 your counsel that accompanied the --

4 A. QuickBooks.

5 Q. -- the disk -- not the QuickBooks, because the
6 QuickBooks I just got this morning -- that accompanied
7 the disk I got on Friday. And it says, "I reviewed with
8 our clients last night the document production part of
9 the latest version of your notice of depo. We did come
10 across some requested documents to which I think you are
11 entitled that were not included in the disks previously
12 provided to you."

13 So that's different than the September 23rd
14 letter saying that I did have everything; correct?

15 MR. SEGEL: Objection. Argumentative.

16 MR. CLARY: It speaks for itself. She doesn't
17 need to --

18 BY MS. TAYLOR:

19 Q. So as you read these two documents, clearly on
20 September 23rd I was being told I had everything, and
21 October 2nd more documents appeared; correct?

22 A. Yes.

23 Q. Okay. Are there more documents that exist that
24 have not been produced to me other than those QuickBook
25 documents, and where are they?

1 A. There may be more. I do not know.

2 Q. And where would they be and who would I need to
3 talk to to make sure I've got all those documents?

4 A. You would have to give me a thorough list of
5 what it is you're missing from everything provided, and
6 I will research it.

7 Q. Okay. And how long will that take you?

8 MR. CLARY: It depends on how long the list is.

9 BY MS. TAYLOR:

10 Q. How long would that take you?

11 A. It would depend on the amount of time -- the
12 list, you know, how long it is, who else I have to talk
13 to. Because I don't necessarily know what's in all
14 these documents. I don't necessarily know what I'm
15 looking at on many of them.

16 Q. Okay.

17 A. So I might need to refer to Reta; say, "Reta,
18 can you help me so that I can find them?" She would
19 come to the office and we would search for them.

20 (Reporter's computer malfunction. Pause in
21 proceedings.)

22 MR. SEGEL: The suggestion is this is not the
23 custodian of records. We need to produce based upon --
24 and I shouldn't say "we," because I don't represent
25 Kokoweef --

1 MS. TAYLOR: No. And you shouldn't say "we,"
2 because you don't represent Kokoweef. And this is one
3 of the problems, Nelson, that I am having with this,
4 because you are acting as if you're Kokoweef's counsel,
5 and you're not, so --

6 MR. CLARY: Now, wait a minute. Now, wait a
7 minute. I'm not objecting to it, and I am Kokoweef's
8 counsel. Nelson and I worked together on this discovery
9 stuff because it has been our full intention to give you
10 everything that you've asked for. We are not trying to
11 hide anything from you, and we've worked together on it
12 to try to get it done.

13 MS. TAYLOR: So then what I want to do is I'm
14 going to go through my requests for production that
15 accompanied a 30(b)(6) notice, and we are going to find
16 out what is missing. Because what I don't want to have
17 happen is have Ms. Wright leave and then have to go into
18 a lengthy process by which we're trying to guess what is
19 or isn't there. I want definitively, once and for all,
20 what is the universe of documents that exists from
21 Kokoweef. And the problem is, you tell me in your
22 September 23rd letter that we attached as Exhibit 3 that
23 I have everything.

24 MR. CLARY: And I believe that to be the case.

25 MS. TAYLOR: And then on October 2nd I get

1 something else that you say is everything. And then
2 this morning I get something else. And so when is it
3 going to end? At some point you have to have somebody
4 who has exhausted the review of all Kokoweef documents
5 to find out what is and isn't in existence to produce to
6 me.

7 And Ms. Wright, even though she scanned all of
8 this, I contend that she was merely acting in a clerical
9 manner and is not the custodian of records, because she
10 doesn't know what exists in many of the files, many of
11 the boxes, many of the binders. She doesn't know who
12 gathered, where they gathered from, where are they kept,
13 where are they maintained, how are they protected. It's
14 not her fault. She's doing an admirable job for
15 somebody who knows really nothing about what had
16 happened.

17 So what I'm saying to you is: She's not the
18 person most knowledgeable or the corporate designee or
19 the custodian of records. She's none of those things.
20 She can't tell me what is and isn't in here.

21 The Request Number 1 with the tax records is the
22 perfect example, because that's an easy one to look and
23 say, "I've got 2008, and that's it." You contend that
24 2004 and 2005 don't exist. Your Articles for Kokoweef
25 incorporated it in 2004. So, you know, if there are no

1 tax returns for '04 and '05, that's fine, but there
2 should be tax returns for '06 and '07 based upon solely
3 your objection on the record. So where are those, and
4 why should those take 30 days? You've had 45 days now
5 to deal with these requests.

6 MR. CLARY: I don't think that will take very
7 long at all. I just want to say, I did not know those
8 tax returns were out of these records. I was led to
9 believe that they were, that they had been produced, and
10 they haven't been. Now, you knew that. You looked
11 through the records. You knew they were there. Why
12 didn't you call me and say, "I don't have these tax
13 records"?

14 MS. TAYLOR: Because I got this disk at 3 --

15 MR. CLARY: No. No. You got this a long time
16 ago. That covers that period. This only covers -- it
17 says right on here what period it covers. Can you read?
18 Jesus. It says -- it says, "KI," meaning Kokoweef,
19 Incorporated. They're tax returns, '09 paperwork.
20 That's the period -- this covers this entire period.

21 MS. TAYLOR: But then --

22 MR. CLARY: And you got that a long, long time
23 ago. You knew back then there were no tax returns of
24 these. Just tell us.

25 MS. TAYLOR: And that, Mr. Clary, is why I

1 subsequently served the Request for Production in the
2 30(b)(6) notice. These disks -- these documents that
3 came in August were pursuant to the agreement that we
4 had related to Mr. Segel's motion to quash and motion
5 for protective order. So these were produced as part of
6 that agreement, and that was supposed to be everything.

7 So I said, "Okay, fine. We'll make this easy.
8 I'll do a request. And if that's really everything,
9 then that will be everything and I'll find out. We'll
10 go through this process of a custodian of records to
11 determine what made this in the universe of documents."

12 So I get this stack, October stack, Friday night
13 at like -- it came in at 3:09 based on our -- or 3:07,
14 based on my paralegal telling me that. But I didn't get
15 to look at any of this until this weekend. So I don't
16 know from moment to moment what's going on with you
17 guys.

18 Then you give me another disk. And again, you
19 represented to me that I have everything. So I have a
20 right to go through with your custodian of records and
21 establish that, yes, '06 and '07 records don't exist
22 because we didn't produce them, or, no, my counsel and
23 our production is incorrect, and I will produce those in
24 X number of days. Because it has now been 45 days, at
25 least, since you've had this.

1 MR. CLARY: You said the tax returns are the
2 perfect example.

3 MS. TAYLOR: They are the perfect example.

4 MR. CLARY: I can give you the perfect example:
5 You know that you didn't have any tax returns until we
6 gave you this on Friday. And you wait to come here to
7 have her to look through all this stuff, when you've
8 already looked through it and knew there were no tax
9 returns in there. Who's playing gamesmanship? Not me.

10 MS. TAYLOR: I have a right, Mr. Clary, to ask
11 your corporate designee where those records might be and
12 why they weren't produced.

13 MR. CLARY: You already have it. She doesn't
14 know.

15 MS. TAYLOR: That's right. She doesn't know
16 pretty much anything about a lot of the recordkeeping
17 process, because she's acting solely in a clerical
18 capacity. Wanda and Barbara and/or Reta and/or Larry
19 are your appropriate custodians of records.

20 MR. CLARY: Well, she's the one that had her
21 hands on the documents most recently.

22 MS. TAYLOR: But that -- but she scanned them.

23 MR. CLARY: And we figured that she was the one
24 that knew the newest information on the documents.

25 MS. TAYLOR: But by her own admission --

1 MR. CLARY: Even those people don't necessarily
2 know the substance of the documents. They're -- they're
3 not experts. Those are volunteers, Barbara and Wanda.
4 They don't know a tax return from a Request for
5 Production of Documents.

6 MS. TAYLOR: Then you apparently have multiple
7 custodians of records that have to come in and respond
8 to this.

9 MR. CLARY: Then why don't you bring the whole
10 bunch of them in?

11 MS. TAYLOR: I --

12 MR. CLARY: We gave you the one we thought was
13 best, who at least actually prepared the records that
14 you were given. I thought that's somebody you'd want to
15 talk about the disk that you got. She put them
16 together. She put the documents on there. You can ask
17 her, "Where did you get them from?" Blah, blah, blah.

18 MS. TAYLOR: I did ask her. And all her
19 response was, "Reta and/or my dad," and "I don't know."
20 That is not --

21 MR. CLARY: She said some other people gave them
22 to her. But you can ask her. She was the one who last
23 touched these documents.

24 MS. TAYLOR: But, Mr. Clary --

25 MR. CLARY: If we hadn't brought her in, you

1 would be complaining, "Well, you didn't bring the person
2 that actually made the disk and put the documents on
3 them."

4 MS. TAYLOR: No. If somebody had said to me,
5 yes --

6 MR. CLARY: If we brought five people --

7 MS. TAYLOR: Mr. Clary, stop.

8 MR. CLARY: If we would have brought five people
9 in here, you would have claimed, "How can I take
10 depositions for five people?"

11 MS. TAYLOR: I would not have claimed that.
12 Now, Mr. Clary, if you had brought somebody in here who
13 had said, "This is where I went and found these
14 documents in response to Request Number 3, this is where
15 I went and found these documents in response to Request
16 Number 10. I didn't scan them, I didn't put them on the
17 disk." I would have said, "Who did it?" "Laurie
18 Wright." "Fine." "Do you know if she scanned it
19 exactly as you gave it to her?" "I think so, because I
20 handed her a stack and she went to the scanner." I
21 would have been fine with that.

22 MR. CLARY: Yeah, well, that's -- you know
23 that's not going to be the answer.

24 MS. TAYLOR: But this is absolutely --

25 MR. CLARY: This is clearly --

1 MS. TAYLOR: Hey, Mr. Clary, stop. You did your
2 big giant statement on the record. I'm going to say
3 again: She does not know anything. She is not a
4 custodian of records. She is merely a clerk. And that
5 is fine.

6 MR. CLARY: Do you want to stop the deposition
7 then?

8 MS. TAYLOR: No. I want to go through, and I
9 want to have her tell me if she can find documents
10 responsive to these requests in here, so that we can
11 then figure out how long it's going to take you to
12 produce things to me so that I can do what I need to do.

13 MR. CLARY: And you don't think it would have
14 been a little bit easier for both of us if you had gone
15 through there -- if you had advised us in advance after
16 you reviewed the records, using at least the best
17 example, that there were no tax returns there?

18 MS. TAYLOR: And how could I advise you of
19 anything when you provided me with this disk on late
20 Friday evening? How?

21 MR. CLARY: Because --

22 MS. TAYLOR: This is unacceptable. You leave me
23 something --

24 MR. CLARY: This is the prior period. I'm
25 trying to explain that.

1 MR. SEGEL: Stop. Stop for a minute. I would
2 like to put something on the record, okay? I'll try to
3 do this as calm as possible.

4 MS. TAYLOR: And you are doing this as counsel
5 for who?

6 MR. SEGEL: I'm doing this as counsel for
7 Mr. Hahn and Hahn's World of Surplus, who are defendants
8 in this case who have every right to participate.

9 MS. TAYLOR: And they do. And did they have
10 responsibility for the production of these disks and the
11 compilation of this information?

12 MR. SEGEL: Mr. Hahn in his capacity as the
13 president of Kokoweef has some responsibility.

14 MS. TAYLOR: Then I would expect that any
15 objections and any issues would come from Kokoweef's
16 counsel.

17 MR. CLARY: How do you know when --

18 MR. SEGEL: I think they've already stressed
19 their concerns of the prior counsel in writing.

20 MR. CLARY: I told you already that we've worked
21 together on this stuff. I'm trying to make it easier on
22 you.

23 MR. SEGEL: The notice of deposition -- the
24 first document states, "Notice of Deposition Pursuant to
25 NRCP 30(b)(6) of the Custodian and Keeper of Records of

1 Kokoweef, Inc." The second document is "Amended Notice
2 of Deposition Pursuant to NRCP 30(b)(6) of the Custodian
3 and Keeper of Records of Kokoweef, Inc." Number one,
4 that's what we believe has been provided. Number two,
5 there is nothing in this caption or anywhere in this
6 document that makes a request for production pursuant to
7 NRCP 33. We do not believe that the request for
8 production of documents is appropriate, that we had any
9 obligation to produce those documents. Notwithstanding
10 that fact, we did everything we could do.

11 In fact, Ms. Taylor is correct. That huge
12 stack, the August stack, was not only the things that
13 we -- that I had agreed to provide to her, which had
14 been the evidentiary hearing documents and documents
15 previously produced prior to litigation, but I do
16 believe that Kokoweef attempted to produce documents in
17 response to the request notwithstanding the fact that we
18 thought they were inappropriate. The new disk -- so
19 basically, we do not believe that it is the
20 responsibility of Kokoweef to produce any documents
21 today, and we produced a bunch.

22 And also -- Kokoweef is also prepared to
23 supplement, to the extent that it may or may not be
24 necessary, any further documents. It was Kokoweef's
25 belief that the 2006 and 2007 tax returns had been

1 returned. If the disk that you say was delivered on
2 Friday, the October disk, was based upon a review of
3 what we've produced and what hadn't been produced. And
4 we brought in an item that we felt had been created or
5 become scanned post production of the original disk, and
6 that's why we went out of our way from Thursday when we
7 had our meeting to Friday afternoon to get those scanned
8 and delivered to you and have them available. I think
9 we went out of our way in an attempt to comply with what
10 you might want, notwithstanding the fact that we don't
11 believe we needed to do so.

12 We were at a stage now where you disagree. We
13 believe the person produced is the person who will
14 testify regarding custody and keeping of the records.
15 It doesn't ask for the content of the records, it
16 doesn't ask for detailed information about the records,
17 but the care, the -- based upon the language, the
18 custody and the keeping of the records; the corporate
19 designee on the custody and the keeping of records.
20 There's nothing in here about a person testifying as to
21 the custody and keeping of the records.

22 We understand, based upon what's happened
23 already, that there's a desire to have, apparently,
24 other people testify, and we will provide those people,
25 if it's what you so desire, in an effort to review what

1 was set forth here. We're not going to go through our
2 disk to make sure our disks don't have anything printed
3 on here, and find out whether it is responsive. Because
4 to the extent that you're entitled to information here,
5 we want to produce it. You're entitled to it. We're
6 not spending time, wasting time, we're not producing
7 documents notwithstanding the fact that you didn't
8 properly request them. Just as we did -- we waived the
9 objection to the subpoenas that were a big legal issue.
10 We let you get the subpoenaed documentation to Kokoweef
11 because you're entitled to it. But we're not wasting
12 money fighting on things that we don't think are in
13 here.

14 MS. TAYLOR: So that means then --

15 THE WITNESS: May I -- may I stop for one
16 second? Can I speak to the attorneys over here
17 privately for a moment? Is that possible?

18 MS. TAYLOR: If you want to speak with
19 Mr. Segel, then that is not privileged, and I will be
20 within my rights to ask about anything you two discuss.
21 So if you want to take that chance, go ahead.

22 THE WITNESS: Okay. Then what about with
23 Mr. Clary?

24 MS. TAYLOR: You can speak with Mr. Clary, but
25 not with Mr. Segel, unless you want me to ask you on the

1 record -- and I will -- and you will be required to tell
2 me what you discussed.

3 THE WITNESS: Okay. All right. Then I'll just
4 speak with Mr. Clary.

5 MS. TAYLOR: And I'm being fair in even telling
6 you that, because I could have just let you go out and
7 talk and then asked you what you talked about, so --

8 MR. SEGEL: Just so the record's clear, I'm not
9 so sure that's certain, because I do represent Mr. Hahn
10 in his capacity as president. But I'm going to let them
11 talk and --

12 MS. TAYLOR: Take that risk, Nelson.

13 MR. CLARY: Well, you can attempt to take that
14 one to court, I'll tell you. Because we've had a
15 million meetings that I've represented to Kokoweef that
16 are privileged, and you're never going to get that
17 information. Over my dead body.

18 MS. TAYLOR: Go off the record.

19 (Recess taken.)

20 MS. TAYLOR: Let's just go back on. I mean, I
21 have to go through these requests and ask her what she's
22 done to try to comply with them. What -- you know, and
23 if you want to play the game that they're not
24 technically requests, I'll ask her in a way that -- I'll
25 just ask her where they're all kept and who's

1 responsible for them. And I can do that, too.

2 MR. SEGEL: We have said to you that we thought
3 we've produced the information responsive,
4 notwithstanding the fact that we don't think that it's
5 properly --

6 (Discussion held off the record.)

7 MS. TAYLOR: Okay. Off the record we had a very
8 lengthy conversation about -- about the notices to
9 Kokoweef for their custodian of records.

10 MR. SEGEL: Wait a minute. All I want on the
11 record was the fact that you want to ask her the
12 question -- go through each of these questions. And my
13 comment was that that's fine, but we're going to --
14 you'll probably be asking all the questions, and I'll
15 say the fact that we don't believe it was a proper
16 request but we think we've produced them. And go ahead
17 and go through each of the questions and ask her.

18 MS. TAYLOR: Okay.

19 MR. SEGEL: Okay. Thank you.

20 BY MS. TAYLOR:

21 Q. I have a question to start with for you,
22 Ms. Wright. On the disk that was the August stack disk,
23 it says, "Disk Number 7." Do you know what that means?
24 Are there six other disks that I'm missing?

25 A. No. I don't know what that is. I did not write

1 that on there. I don't know.

2 Q. Whose handwriting is that?

3 A. God, I don't know.

4 Q. Was there somebody assisting you in getting the
5 August documents scanned and burned onto a disk?

6 A. No.

7 Q. When you burned the disk, how many copies did
8 you make of the disk for the August stack?

9 A. One for Kokoweef, one for Mr. Clary, and one for
10 Mr. Nelson, and one for you.

11 Q. Did you put this label on it?

12 A. No.

13 Q. But none of the handwriting on this is yours?

14 A. No.

15 MS. TAYLOR: So, Mr. Clary, then, I would ask
16 you to find out for me whether or not there are six
17 other disks that preceded this, or what this Number 7
18 refers to on this disk.

19 MR. CLARY: I don't have that Number 7 on my
20 disk either. I don't have any idea what it is. Maybe
21 the people that copied it did it.

22 BY MS. TAYLOR:

23 Q. All right. We've been talking about the records
24 and where they're kept. Do you have any knowledge of
25 which accounts Kokoweef might hold at any financial

1 institutions, including checking accounts, savings
2 accounts, money-market accounts, time-deposit accounts,
3 retirement accounts, pension-plan accounts,
4 profit-sharing accounts, stock-purchase-plan accounts,
5 annuity accounts, stock accounts, bond accounts,
6 ready-asset accounts, mutual-fund accounts, loan
7 accounts, credit accounts, mortgage accounts, or any
8 other accounts?

9 A. No.

10 Q. Who would have that information?

11 A. Reta Van de Walker.

12 Q. Do you know in either the August stack or the
13 October stack what, if anything, Reta did to comply with
14 the production of documents related to those accounts?

15 A. I believe most of the documents came from Reta.

16 Q. Okay. But you don't know where she looked, what
17 documents she pulled for you to scan, anything like
18 that?

19 A. The documents that I scanned were from her
20 binders that she had previously made from all the time
21 she's been working at Kokoweef.

22 Q. Okay. Did she tell you, "Go scan Binders 2, 3,
23 and 4," or did she hand you the binders --

24 A. She handed me the binders.

25 Q. Okay. Same thing with Request Number 3, for --

1 or sorry, we won't call it Request Number 3, but what I
2 want to know about is --

3 MR. CLARY: You can call it Request Number 3. I
4 don't have any objection.

5 BY MS. TAYLOR:

6 Q. -- all canceled checks from the years 2004 to
7 2009, the voucher portions of checks, any other document
8 or writing evidencing withdrawals or transfers of funds
9 from each account -- for any of the accounts I described
10 for you in the last set of questions. Do you know who
11 has the information about where those documents are? Is
12 that you or is that Reta?

13 A. I do not know. I know that I have an electronic
14 copy, because these were subpoenaed documents.

15 Q. Okay. Other than the subpoenaed --

16 A. Kokoweef has the electronic copy, excuse me.

17 Q. Okay. Sorry.

18 Other than the subpoenaed documents, as far as
19 canceled checks, vouchers, portions of checks, any other
20 document or writing evidencing withdrawals or transfers
21 of funds for any and all of Kokoweef's accounts as
22 described in my previous question, does Kokoweef have
23 any of those, other than what was subpoenaed and
24 provided to you by us?

25 A. Not to my knowledge.

1 Q. Okay. Who would know whether or not any of
2 those documents exist, other than those that were
3 subpoenaed and provided to you?

4 A. Reta Van de Walker.

5 Q. Did Reta give you any documents or hand you any
6 binders that were related to canceled checks? Any other
7 documents related to withdrawals, transfers, et cetera,
8 when she --

9 A. There are some documents --

10 Q. -- was giving you documents?

11 A. -- provided in the binders.

12 Excuse me for overshooting.

13 Q. Oh, let me just go back real quickly.

14 So we've confirmed that there are not -- that
15 the only tax return that was provided in these requests
16 was 2008. And I understand from your counsel, you will
17 be providing me --

18 Is that correct, Mr. Clary? -- with copies of
19 all the missing tax returns for Kokoweef. You contend
20 that you don't have '04 and '05, because you say the
21 company wasn't in existence, but the Articles say it
22 was. But you will be providing me '06 and '07. And
23 when will you do that?

24 MR. CLARY: The next day or so.

25 MR. SEGEL: Friday.

1 MR. CLARY: Friday.

2 MS. TAYLOR: Friday?

3 MR. CLARY: Next Friday.

4 MR. SEGEL: And just to make the record clear --

5 MR. CLARY: And I'm going to be out of town.

6 MR. SEGEL: I'll make sure it gets done. You'll

7 have them either Friday or before; 2006, 2007. If there

8 was a return for '04 or '05, you'll have that as well;

9 but we don't think it exists. And I want it clear that

10 we thought we had produced them. I understand. But

11 you'll have '06 and '07, because we know those were

12 done -- either by Friday -- is that the 9th? Friday,

13 the 9th?

14 MS. TAYLOR: Yeah.

15 MR. SEGEL: Prior to Friday the 9th, you'll have

16 '06 and '07.

17 MS. TAYLOR: Okay.

18 MR. SEGEL: If there was one for '04 and '05,

19 which we're fairly certain was not the case, then you'll

20 have those.

21 MS. TAYLOR: Okay. And that would include all

22 schedules, form, attachments, and other supporting

23 documents?

24 MR. SEGEL: Whatever we have. Whatever Kokoweef

25 has.

1 MR. CLARY: I agree with that.

2 MS. TAYLOR: All right.

3 MR. CLARY: You'll be provided with hard copies.

4 Is that okay?

5 MS. TAYLOR: Yeah, that is fine.

6 BY MS. TAYLOR:

7 Q. All right. Deposit slips and any other
8 documents regarding source of funds deposited to any of
9 Kokoweef's accounts. Do you know whether or not any of
10 those documents were produced in either the August stack
11 or the October stack?

12 A. To my knowledge, they were all produced.

13 Q. And do you know what was done to ensure that
14 those deposit slips comprised all months and all years
15 from 2004 to 2009?

16 A. No.

17 Q. And who would know that?

18 A. Reta Van de Walker.

19 Q. Okay. When Reta handed you the binders, did she
20 say, "This binder has checks. This binder has deposits.
21 This binder has accounts"? Did she do anything like
22 that?

23 A. No. Each binder is labeled per year.

24 Q. Okay.

25 A. And it has in year -- that's how my thing -- my

1 Bates stamp came about in there. It is separated out by
2 accounts payable, accounts receivable, and so forth and
3 so on for accounting terms.

4 Q. So you have a binder for '04, a binder for
5 '05 --

6 A. Yes.

7 Q. -- a binder for '06, and each of those binders
8 contains those separate categories in it?

9 A. Yes.

10 Q. And is Reta the one in charge of making sure
11 that those are all kept up to date?

12 A. Yes.

13 Q. And making sure that no documents are destroyed
14 or otherwise altered?

15 A. Yes.

16 Q. Okay. Where are Kokoweef's ledgers,
17 reconciliation reports, registers, or other types of
18 lists used for tracking the balance of each account that
19 we talked about before? Where are those kept?

20 A. I do not know -- are you talking about the
21 binders from the QuickBooks that Reta has, or the actual
22 written -- Reta would know. I don't know.

23 Q. So you don't have any idea whether or not --
24 does she have separate -- let me go back.

25 Have you looked at her binders, other than just

1 to copy them?

2 A. Mostly just scanned them. I haven't spent time
3 with them, other than to glance through and notice that
4 accounts payable were in it and, you know, basics for
5 accounting.

6 Q. All right. So you don't know whether she has
7 ledgers, reconciliation reports, registers, or other
8 types of lists used for tracking the balance on those
9 accounts?

10 A. The reconciliation reports are in here.

11 Q. For all months and all years from '04 to '09?

12 A. To the best of my knowledge. I haven't looked,
13 other than to see the reconciliation reports were part
14 of the books.

15 MS. TAYLOR: Okay. To the extent that I
16 discover that any of those reconciliation reports for
17 the months and all years from '04 to '09 are missing,
18 Mr. Clary, how long will it take you to produce those
19 records to me?

20 MR. CLARY: Well, again, I don't know that '04
21 or '05 period, '06, exist, whatever -- my understanding
22 is that whatever was created -- because there was a
23 period of time after Kokoweef was formed before the
24 assets are subject to liability were actually signed
25 under the agreement plan and reorganization. So I don't

1 know.

2 My understanding is -- our instructions were to
3 Reta and others that worked on this that they be
4 complete from inception, whenever that was. And if
5 there's -- if we find there's something missing, we'll
6 look for it. But I don't know.

7 I think in this particular instance, it's not
8 like the tax returns. There was a screw-up there. But
9 I don't think we've deliberately, or even accidentally,
10 omitted anything. But if you find something from what's
11 been produced that it doesn't seem to be complete, we
12 certainly will search for it. How long that will take,
13 I don't know if they even exist. That's the problem.
14 That's why it would be helpful if you had gone through
15 these documents and spotted the things that you think
16 were missing, so we could have been working on that
17 rather than doing something else.

18 MR. SEGEL: Just to kind of -- if you take the
19 disk we gave you, and take the QuickBooks -- again,
20 Mr. Sperling (phonetic) has the QuickBooks --

21 MS. TAYLOR: Yeah.

22 MR. SEGEL: -- he can investigate the disk.
23 Because that means that all -- all their financial
24 information that's put on the system is not there. So
25 that's why I like getting those disks, so I can look at

1 them myself and evaluate them. Not in this case, but in
2 some other cases. And I think that's why the request
3 was in that nature of a QuickBooks format, so that we
4 could maybe work with them.

5 MS. TAYLOR: All right. So let me --

6 MR. CLARY: And let me just add to what he said.
7 The reason that I was actually issued a QuickBooks was
8 strictly because -- it's not just because you requested
9 it specifically, but because that would give you a basis
10 of comparison, which is just what's been produced and
11 the actual QuickBooks themselves. And somebody that
12 understands accounting principles and procedures would
13 be able to take those two disks and look at them --
14 three or four disks and the QuickBook disks -- and make
15 some comparison to see if they're complete.

16 MS. TAYLOR: All right. So then what I'm going
17 to do is I will go through and see if we have ledgers,
18 reconciliation reports, registers, or other types of
19 lists for tracking the balance of each account for all
20 months and all years from '04 to '09. And then if there
21 are things missing, I will ask that you produce those to
22 me within ten days of my notifying you that they're
23 missing.

24 MR. CLARY: That's fine.

25 I do think everything should be -- isn't

1 everything on the QuickBooks?

2 THE WITNESS: To the best of my knowledge.

3 MR. SEGEL: And again, that's where all the
4 data's at, so she's getting those reports from there.
5 And I'm not sure how --

6 MS. TAYLOR: If you're --

7 MR. SEGEL: -- current the '09 is.

8 MS. TAYLOR: Okay. So what you're telling me,
9 then, Counsel, as you understand it, is that anything
10 that's of a ledger, a reconciliation report, a register,
11 or other type of list used for tracking the balance of
12 the accounts are going to be on that QuickBooks disk
13 that you gave me this morning.

14 MR. CLARY: I think that's actually it.

15 MS. TAYLOR: Okay.

16 MR. CLARY: I don't think there are any formal
17 old-fashioned-type of books that you can bring in, a big
18 book and call it the register, whatever it's called. I
19 think that's the computerized version of it, and you've
20 got it.

21 BY MS. TAYLOR:

22 Q. Ms. Wright, have you ever seen any type of
23 accounting journals in the Kokoweef office? You know,
24 those old-style books where you've got the columns
25 and --

1 A. No, I haven't.

2 Q. Have you ever seen Ms. Van de Walker with any of
3 those types of documents?

4 A. No.

5 Q. Have you ever had any communications with any
6 banking institutions regarding any of the accounts that
7 we've talked about now -- checking accounts, savings
8 accounts, anything like this?

9 A. No.

10 Q. Do you have any e-mails between yourself -- or
11 are you aware of any e-mails between your father,
12 Barbara and Wanda, and Reta Van de Walker?

13 A. No.

14 Q. Do you have any e-mails between yourself and
15 Mr. Segel related to any of the Kokoweef accounts?

16 A. No.

17 Q. Do you know if your father has any e-mails
18 between himself and Nelson Segel regarding Kokoweef
19 accounts?

20 A. No.

21 Q. Okay.

22 A. I don't believe so.

23 Q. Okay.

24 A. Other than -- that's not the discussion on the
25 disks, is it?

1 Q. Well, it could be. So there were e-mails that
2 were sent and received --

3 A. I don't believe so, but I don't recall.

4 Q. Where do bills from vendors or creditors of
5 Kokoweef go? Like, how do those get processed?

6 A. I don't know that.

7 Q. Do you know if bills and other accounts payable
8 information from creditors comes to the Kokoweef office?
9 Do you get mail there?

10 A. Yes.

11 Q. Who's responsible for opening up the mail?

12 A. I believe it's Larry Hahn, but I can't say that
13 he exclusively does it.

14 Q. Okay. Do you know if there's a protocol when a
15 bill comes in, what happens to it?

16 A. I do not know.

17 Q. In those binders of Reta's that you described to
18 me, are there -- you said there was accounts payable
19 section in each one of them?

20 A. Yes.

21 Q. So do you know whether or not in scanning these
22 documents you saw any billings or other AP records from
23 creditors?

24 A. Invoices?

25 Q. Sure.

1 A. Invoices.

2 Q. Invoices are in here?

3 A. Yes.

4 Q. And again, the invoices that are in here are

5 only invoices that were given to Reta, and you don't

6 know what she did to compile those invoices or ensure

7 that it was complete; correct?

8 A. No, I don't know.

9 Q. You do not know what she did to compile the

10 invoices?

11 A. Huh-uh.

12 Q. Do you know if Kokoweef has any mortgages,

13 promissory notes, or other types of indebtedness, other

14 than just regular monthly invoices?

15 A. No, I do not know that.

16 Q. Who would know that?

17 A. Larry Hahn.

18 Q. Where -- would there be records of those types

19 of promissory notes or mortgages kept in the Kokoweef

20 office?

21 A. To my knowledge, they would be --

22 Q. Have you ever --

23 A. -- if they exist.

24 Q. Okay. Have you ever seen any of those types of

25 records?

1 A. No.

2 Q. Is there a mortgage on the store in which
3 Kokoweef -- well, strike that. Never mind.

4 How does Kokoweef hold the land that's out at
5 the mine, to your knowledge?

6 A. The claims, you mean?

7 Q. Well, not the claims. But do they have a lease
8 on the land?

9 A. I'm not comfortable describing it, because I'm
10 not sure I completely understand.

11 Q. Do you know whether or not there are documents
12 that reflect that legal relationship between Kokoweef
13 and its ability to place buildings and other equipment
14 on that land?

15 A. I don't know.

16 Q. Okay. About the claims -- well, strike that.
17 Let me just go on.

18 Do you know if Kokoweef has taken out any loans
19 from '04 to '09?

20 A. I don't know of any loans.

21 Q. Who would know that?

22 A. Larry Hahn.

23 Q. Okay. In terms of insurance policies, do you
24 know what, if any, insurance policies Kokoweef holds?

25 A. I don't know of any specifics regarding the

1 insurance.

2 Q. Where do you think any records related to
3 insurance would be kept?

4 A. At the office, in that second file cabinet.

5 Q. That you never --

6 A. That I haven't taken the time to organize or go
7 through it yet.

8 Q. Okay. So there's a whole second file cabinet of
9 documents that could include documents that are
10 responsive to some of the requests that I've been
11 making, and you don't know whether or not they're in
12 that file cabinet; correct?

13 A. I don't know.

14 Q. And have Wanda or Barbara been responsible for
15 organizing that file cabinet?

16 A. No one, I believe, has started to even organize
17 that cabinet as of yet.

18 Q. Okay. Do you know if Kokoweef has acquired any
19 real estate between '04 and '09?

20 A. Not to my knowledge.

21 Q. And to the extent that there are any documents
22 relating to that, it would be in that second file
23 cabinet?

24 A. If they've acquired any, I would assume such.

25 Q. To your knowledge, are there any documents

1 reflecting registration, title of ownership, tax
2 assessments, or other documents evidencing a purchase,
3 sale, use, or ownership of all vehicles, snowmobiles,
4 trailers, motorcycles, boats, watercraft, trucks,
5 campers, off-highway vehicles, or any other type of
6 assets in 2004 to the present?

7 A. There is some assets listed in here.

8 Q. Okay.

9 A. And it was compiled by Reta Van de Walker.

10 Q. Can you find that one?

11 A. Yep.

12 Q. Was that at the very, very bottom?

13 A. Yes.

14 And I do need to use the rest room again. I
15 hate to say it, but nerves make me --

16 Q. That's okay. Let me ask you a couple questions
17 on this document.

18 So you don't know where Reta compiled this list
19 from?

20 A. No.

21 Q. And then what does your "FA" stand for as your
22 Bates number here?

23 A. Let me look at that again.

24 Q. Fixed assets?

25 A. Fixed assets, yes.

1 Q. Did you come up with the Bates stamping
2 designation?

3 A. Yes. That's why they're chaotic. When it was
4 described to me, I didn't quite know what to do.

5 Q. Yes, please go run and hit the bathroom, and
6 we'll be back on the record.

7 A. Thank you.

8 (Recess taken.)

9 BY MS. TAYLOR:

10 Q. Let me ask you another couple questions on this
11 document.

12 Do you know whether or not the date of by -- and
13 by "this document," I mean the one that you've
14 designated as FA1 of 3 through 3 that was on the October
15 disk. Do you see up at the top there's a date that says
16 12/31/08?

17 A. Yes.

18 Q. Do you know anything about whether that document
19 has been updated since then? if that was the date in
20 which it was created? Anything like that?

21 A. I do not know. Reta Van de Walker would know.

22 Q. Okay. Does Kokoweef, to your knowledge,
23 maintain any documents or writings evidencing,
24 explaining, or detailing any inquiries, offers made, or
25 offers received for purchase or sale of any stock, real

1 estate, personal property, or business interests that
2 were from 2004 to present?

3 A. So you're talking about here -- let me clarify.
4 When someone buys some stock, basically?

5 Q. When --

6 A. Real estate, I have no knowledge of. But just
7 to clarify, if someone buys some stock, that's what
8 these ledger sheets are about.

9 Q. And that is KIPR091 of 5 -- 1 through 5 of 5 --

10 A. Yes.

11 Q. -- which is part of the October stack?

12 A. Yes. And there's that in this stack, but
13 relevant to each year as well.

14 Q. So in the August stack, I should be able to find
15 a Kokoweef Property Proof Journal for the years '04
16 through '08, since this appears to be '09?

17 A. I can't guarantee what years, per se, because I
18 don't know, '5 or '6. I don't know when Kokoweef was
19 brought into play here so -- but, yeah, that's the
20 stockholders.

21 MS. TAYLOR: Okay. And to the extent that I do
22 not find those requisite years, Counsel, will you
23 provide them to me within ten days of me telling you
24 which years are missing?

25 MR. CLARY: If they exist, yes.

1 MS. TAYLOR: And if they don't exist, then I
2 will get your certification that you have done a due
3 diligence and they don't exist; correct?

4 MR. CLARY: Well, I --

5 MS. TAYLOR: I mean, I need something --

6 MR. CLARY: No, I'm not going to give you that.
7 I'll tell you what I've done. I'm not going to give you
8 any certification. You're not the bankruptcy --

9 THE WITNESS: I'm not, dang it. Well, I need
10 something showing that there's at least been some kind
11 of search. Because what I don't want to have happen is:
12 On any of these requests, Pat, I say, "Give me X, Y, and
13 Z." You give me X, because you sort of obliquely refer
14 to Y and Z not existing, and then eight months down the
15 road, all of a sudden Y appears. So that was
16 my concern.

17 MR. CLARY: I'll tell you what we've done to try
18 to find it if we didn't find it.

19 MS. TAYLOR: That's fine.

20 BY MS. TAYLOR:

21 Q. Who creates these proof journals?

22 A. Larry Hahn knows who creates them. I -- I
23 believe he does, but I don't know for sure.

24 Q. All right. And where are they kept in the
25 Kokoweef office?

1 A. In the safe.

2 Q. In the safe, okay.

3 A. I believe.

4 Q. So we talked about in that safe that is actually
5 in Hahn's World of Surplus --

6 A. Yes.

7 Q. -- his building space. There are the disks,
8 there are these proof journals. What other documents
9 that are Kokoweef records that exist in that safe?

10 A. Those are all that I know of, but I don't -- I
11 don't know of anything else, no.

12 Q. Have you had access to that safe?

13 A. No.

14 Q. So the only person who has had access to that
15 safe is Larry Hahn?

16 A. I do not know that to be true.

17 Q. Do you know of any procedures or protocol that
18 are in place at Kokoweef to prevent -- that would
19 prevent the destruction or other alteration of any other
20 documents that might be retained in the safe?

21 A. No.

22 Q. Okay. Do you know of any other documents or
23 writings evidencing, explaining, or detailing any offers
24 received for purpose of real estate, personal property,
25 or business interests from 2004 forward?

1 A. No, I have no knowledge.

2 Q. And where would such things be kept, to your
3 knowledge?

4 A. Those should be in the Kokoweef office.

5 Q. In the office, okay.

6 And why would things related to the purchase of
7 real estate, personal property, or business interests be
8 in the office and not be in the safe that you described
9 where the stockholder proof journals would be?

10 A. Well, I may be making an assumption here.

11 Q. Okay.

12 A. However, I thought all of those were in that one
13 file cabinet, but I'm not sure.

14 Q. Okay. And then all stockholder lists or ledgers
15 which outline the name, address, phone number, and
16 number of shares held for each stockholder from any time
17 are in the file cabinet Number 1, as we discussed at
18 length earlier?

19 A. All stockholders lists -- all files for the
20 stockholders is in one, yes.

21 Q. Are there separate lists that would just detail
22 out who Kokoweef's stockholders are?

23 A. Yes.

24 Q. And where are those kept?

25 A. That's an Excel file that I put on a disk.

1 Q. And where is that disk kept?

2 A. In the locked safe.

3 Q. Did you make any copies of that for anyone else?

4 When you --

5 A. No.

6 Q. -- created that disk, did you create a copy for

7 Mr. Clary?

8 A. No.

9 Q. Did you create a copy for Mr. Segel?

10 A. No, I don't believe so.

11 Q. And why didn't you copy those for the two

12 attorneys, but you copied all the other disks for the

13 attorneys?

14 A. Because I have a question as to whether that is

15 personal information. And I posed that to the

16 attorneys, and I've never been asked to copy it.

17 Q. Would you --

18 A. So I don't believe I -- although -- no, I'm

19 sorry. I did make one copy that has their name and

20 address on it, yes. I'm sorry. That was --

21 Q. Okay. So there's a copy that's in the safe --

22 A. Uh-huh.

23 Q. -- and then there's another copy floating around

24 that's exactly the same copy of what's in the safe, or

25 does it only got certain amounts of data on it?

1 A. It's only got a small amount of data on it.

2 Q. Okay. And where is that copy?

3 A. It is with Mr. Nelson Segel.

4 Q. When did you give that to Mr. Segel? I'm sorry.

5 A. I'm not good with dates. I don't have a clue,

6 to tell you the truth. This has all become a blur. You

7 know, I don't know dates, to tell you the truth.

8 Q. Has it been more than a year?

9 A. I don't know.

10 Q. Okay. Was it before, say, the evidentiary

11 hearing?

12 A. No, it wouldn't have been before.

13 Q. Okay. Was it -- did you come to a hearing in

14 court?

15 A. I've never been to a hearing in court.

16 Q. Okay. I was going to use that as a fixed time,

17 possibly.

18 All right. Has it been within the last year

19 that you gave it to him, or less time?

20 A. I don't know.

21 Q. Did how you pose your question to Mr. Segel and

22 Mr. Clary about whether or not you should be copying

23 those Excel files of shareholder information? Was it a

24 phone call? Was it an e-mail?

25 MR. SEGEL: Objection. Assumes evidence --

1 facts not in evidence.

2 MS. TAYLOR: I'm just telling you -- repeating
3 her answer to an earlier question.

4 THE WITNESS: I don't really remember, to tell
5 you the truth.

6 BY MS. TAYLOR:

7 Q. And you never got a response from either of
8 them?

9 A. Yeah, I did.

10 Q. Oh, okay. What was the response?

11 A. My question had -- was specific to files you had
12 already subpoenaed, and that there were addresses and
13 names on checks of stockholders. And Mr. Nelson said
14 you had the right to the documents you subpoenaed, that
15 they -- and that we left it at that.

16 Q. Okay. So when you created that second disk of
17 names and addresses that you gave to Mr. Segel, where
18 did you pull that information from?

19 A. The files.

20 Q. In the file cabinet?

21 A. In the stockholder files in the file cabinet,
22 yes.

23 Q. So basically you just reduced hard paper data
24 onto another spreadsheet?

25 A. Yes.

1 Q. Now, was that the entire larger Excel file that
2 is on the disk in the safe, or was that also for what
3 you gave to Mr. Segel?

4 A. No, just what we gave to Mr. Segel.

5 Q. Okay. And did Mr. Segel ask you to create that?

6 A. No. It was asked, I think, around the time the
7 Securities Division wanted names and addresses.

8 Q. Okay.

9 A. But I couldn't tell you the date or time of
10 that.

11 Q. Did you also provide a copy to the Securities
12 Division?

13 A. That's -- yes, that went to the Securities
14 Division.

15 Q. Okay. So that went from you to Mr. Segel to the
16 Securities Division?

17 A. To -- to both attorneys, yes.

18 Q. Okay. How many meetings have you had where
19 Mr. Segel was present wherein which you were discussing
20 Kokoweef business?

21 A. One meeting where he was present, and one where
22 he was on the phone.

23 Q. And what was the subject of those meetings?

24 A. One was this.

25 Q. Okay.

1 A. The other was the lawsuit; general things about
2 the lawsuit.

3 Q. And what did you talk about on the one about the
4 general things about the lawsuit?

5 A. I don't -- I don't remember. I didn't take
6 notes. I don't recall. Probably document production.

7 Q. Okay. Any --

8 A. But I don't know for sure.

9 Q. Anything else?

10 A. Um --

11 Q. Is that the one where he was in person or on the
12 phone?

13 A. On the phone.

14 Q. Okay. How long was the meeting?

15 A. Not very long. You know, other than we talked
16 about restaurants. I don't remember if he was on the
17 phone for the restaurants. Some general conversation.

18 Q. Who else was present at that meeting?

19 A. Reta Van de Walker, Larry Hahn, and Pat Clary.

20 Q. Okay. And do you know roughly when that was?
21 I'm sorry.

22 A. No. I do not know dates of anything.

23 Q. Was it more than six months ago?

24 A. You're asking -- to me, like I said, this is a
25 blur.

1 Q. I've got to ask you, so --

2 A. Okay. It's going to be the same blur answer.

3 Q. So you don't know if it was more than six months

4 ago?

5 A. I do not know. I just --

6 Q. All right. Was it more than a month ago?

7 A. I do not know.

8 Q. Okay. Where have you -- where at the Kokoweef

9 office would there be business agreements, corporate

10 documents, organizational documents, Articles of

11 Incorporation, Bylaws, minutes, joint-venture

12 agreements, operating agreements, partnership

13 agreements, limited-liability company agreements,

14 documents amending any of those documents, or anything

15 else along those lines?

16 A. To my knowledge that information is kept at the

17 corporate attorneys.

18 Q. So all those documents would be at 8144 Bay

19 Harbor Drive, Las Vegas, 89129?

20 A. I don't know the address for that --

21 Q. Okay.

22 A. -- of where they would be kept. And that's to

23 my understanding. I don't know that.

24 Q. So nobody provided you with any documents along

25 those lines to be included in either the --

1 A. No.

2 Q. -- August stack or the October stack?

3 A. No.

4 MS. TAYLOR: So, Mr. Clary, ten days, if we
5 don't have any of that stuff?

6 MR. CLARY: You have most of it.

7 MS. TAYLOR: Okay.

8 MR. CLARY: I don't know what you have and what
9 you don't have.

10 MS. TAYLOR: Well, this is what I have. This is
11 what I have.

12 MR. CLARY: It's not in those documents. You
13 have -- if you're telling me you don't have any copies
14 of corporate documents, business documents, your
15 client -- that Ted Burke doesn't have any of these
16 things, I don't believe it. Articles of Incorporation,
17 Bylaws, minutes; some of those he drew up himself.

18 MS. TAYLOR: My client is no longer on your
19 Board. I am asking Kokoweef for these records. If
20 you're telling me you're not going to produce them so I
21 have a complete set, that's fine. I'm asking you to
22 produce me a complete set of these records within the
23 next ten days.

24 MR. CLARY: All right. We'll do it.

25 MS. TAYLOR: All right. From the disk that I

1 was handed today, I understand that --

2 MR. CLARY: A lot of this stuff was produced to
3 your predecessor counsel, and I'm sorry to question
4 whether you ever got anything that you gave to him
5 considering the state of affairs with respect to
6 documents which you say you don't have.

7 MS. TAYLOR: Well, you know, again, some of the
8 stuff was produced during nonlitigated times. I'm now
9 asking for those documents, and I look forward to
10 getting them within ten days.

11 BY MS. TAYLOR:

12 Q. Okay. So this morning I got a disk that had
13 QuickBooks data on it. Do you know if there's any other
14 of these accounting programs that are used to keep
15 records for Kokoweef -- Microsoft Money, Peachtree,
16 MAS90, Quicken --

17 A. No.

18 MR. SEGEL: No, she doesn't know, or, no, they
19 don't exist?

20 BY MS. TAYLOR:

21 Q. Yeah, which is it, Ms. Wright?

22 A. No, I don't know.

23 Q. Who would know that?

24 A. Reta Van de Walker.

25 Q. Okay. There are any type of administrative

1 programs that are, you know, not the standard Microsoft
2 Word -- you know, that kind of document, that kind of
3 document -- on the Kokoweef computers?

4 A. No, not to my knowledge.

5 Q. Okay.

6 A. Just Office and -- just Office.

7 Q. Okay. To your knowledge, does Reta do any of
8 her accounting work on either of the Kokoweef computers?

9 A. I do not know.

10 Q. Does she have -- to your knowledge, does
11 Kokoweef keep a flash drive of the one you described
12 that might be passed between Kokoweef and Reta?

13 A. I do not know.

14 Q. Where would budgets or projections for Kokoweef
15 from the years 2004 to the present be kept?

16 A. To the best of my knowledge, we don't have any;
17 but I would not know beyond that.

18 Q. Okay. And so in scanning these documents, did
19 you find anything that looked like a budget or other
20 projection for Kokoweef?

21 A. I don't know. I didn't --

22 MS. TAYLOR: Okay. Again, Mr. Clary, I would
23 request that you go back to your records and see if
24 there are budgets or other type of financial projections
25 for Kokoweef from 2004 forward, and give them to me

1 within the next ten days?

2 MR. CLARY: They don't exist.

3 MS. TAYLOR: Okay. So that is your statement on
4 the record that they don't exist?

5 MR. CLARY: Yeah.

6 MS. TAYLOR: And are you certifying that they
7 don't exist?

8 MR. CLARY: I'm not certifying anything. I
9 wouldn't even know where to look for them, and neither
10 does anybody else. Nothing like that was even prepared
11 according to what I've been told. And I'm not the
12 person to ask that. If you want to take everybody
13 that -- everybody that I can think of that might know
14 about that and take their deposition under oath, that's
15 how you're going to find that out. From me, I've made
16 reasonable inquiry regarding this and Number 18 and 19,
17 I believe, also, and I believe there are none that
18 exist.

19 MR. SEGEL: Well, 19 -- we've produced 19.

20 THE WITNESS: Yeah, 19, we've already produced.

21 MR. SEGEL: Yeah, we've already produced that.

22 MS. TAYLOR: Okay. You guys can't talk because
23 we're still on the record.

24 MR. CLARY: Okay. Other than that, we -- other
25 than that, we don't know of anything else that exists as

1 to 19, but there's nothing -- we've already talked about
2 Number 18 earlier in another question about formal books
3 and records and QuickBooks you were talking about, and
4 they don't exist.

5 BY MS. TAYLOR:

6 Q. To the extent any document, like a financial
7 budget or a financial projection existed, would it be
8 kept in that same second file cabinet that we talked
9 about?

10 A. I do not know.

11 Q. And then I think I did ask you this earlier.
12 But cash receipt registers or ledgers and cash
13 disbursement registers and ledgers for Kokoweef for '04
14 to '09, have you ever seen any documents like that in
15 the Kokoweef office or any other Kokoweef's places of
16 business?

17 A. Other than what was given to me on the
18 three-ring binders, that's all I know of.

19 Q. Have you ever been to Mr. Clary's office over on
20 Lake Mead?

21 A. Yes.

22 Q. And what, if any, Kokoweef documents are kept
23 there?

24 A. I don't know.

25 Q. Have you had meetings there where documents were

1 passed around?

2 A. We had the meeting there where I've delivered
3 this information.

4 Q. Okay. Have you ever seen any sort of corporate
5 books, like a black binder -- like a black sort of
6 magazine holder that might say Kokoweef on it, or
7 anything like that?

8 A. I've never seen anything like that at
9 Mr. Clary's office.

10 Q. We talked a little bit about this document
11 that's been designated by you as FA1 through 3 of 3.
12 Are there any other documents, writings, or schedules
13 that show all assets, property, and equipment used or
14 owned by Kokoweef other than this sheet?

15 A. Not to my knowledge.

16 Q. And looking at that sheet, does that include the
17 description of the item, the date acquired, the original
18 purchase price, the acquisition type, the acquisition
19 amount?

20 A. Don't go so fast. I'm trying to read this at
21 the same time.

22 Q. Okay. Well, you know what? I'll make it easy
23 on you. Take a look at that spreadsheet, and take a
24 look at the list A through I that's on Exhibit 1.

25 A. Placed in service, original purchase price.

1 Cost -- um -- you know, the language is slightly
2 different from what you requested versus what she's
3 got -- Reta Van de Walker -- has across the top.

4 Q. Uh-huh.

5 A. I'm assuming it's there, but I can't say that
6 that language is -- means that it's all intact.

7 Q. Okay. So any of the data compiled on that
8 spreadsheet was all gathered by Reta to create that?

9 A. I was not involved in that, so I don't know.

10 Q. But you do know, and you can testify, that Reta
11 did create FA1 through 3 of 3?

12 A. Yes.

13 Q. Are there any backup documents that you're aware
14 of that would show any of -- you know, anything related
15 to, say, Number 8, the dump truck? Are there any other
16 documents in the Kokoweef offices?

17 A. I know that there are some. I have glanced at
18 some that are in existence in which you have here.

19 Q. Okay.

20 MR. SEGEL: "That" being the August stack?

21 THE WITNESS: Yes, the August stack.

22 Some receipts or invoices or something. But it
23 was a glance.

24 BY MS. TAYLOR:

25 Q. Okay.

1 A. I don't -- can't say to all of that, no.

2 Q. And in terms of what's in the August stack, you
3 don't know where it came from in terms of where in the
4 Kokoweef office, because you were just given the
5 documents to scan and Bates stamp; correct?

6 A. Um -- correct.

7 Q. Okay. So anything related to any of the assets
8 that are listed on FA1 of 3 through 3, you don't know
9 whether they're -- whether or where documents exist
10 related to --

11 A. No.

12 Q. -- say, again, Number 8, the dump truck?

13 A. No.

14 MS. TAYLOR: So, Mr. Clary, to the extent that
15 there is backup data related to any of the assets on FA1
16 of 3 through 3 that has not been provided, I would
17 request that we get that in ten days as well.

18 MR. SEGEL: Well, you asked for any lists, docs,
19 writings, or schedules showing all assets, property,
20 equipment that was used. That's what you've been
21 provided. You did not make a request for any and all
22 backup of any other documentation. I think that's a
23 little more burdensome.

24 THE WITNESS: That would take a lot longer for
25 me to scan than ten days.

1 MS. TAYLOR: Well, I did ask for certain things
2 on this that don't necessarily -- that are not
3 necessarily reflected in this spreadsheet.

4 MR. SEGEL: Well, the problem is that you asked
5 for lists that exist. We have no duty or obligation to
6 create a document that makes you happy. If we have that
7 type of document in existence, we have an obligation to
8 provide it to you. We've done so. I think we've
9 responded clearly to that request.

10 MS. TAYLOR: And when you say "we," are you
11 again talking about yourself as counsel for Kokoweef?

12 MR. SEGEL: I'm speaking as counsel for the
13 president of Kokoweef, who is the one who is responsible
14 for making sure that Kokoweef performs.

15 MS. TAYLOR: Okay.

16 MR. SEGEL: Okay.

17 MR. CLARY: I think it's noteworthy that the
18 notice of deposition, the series of them, are addressed
19 to all interested parties and their attorneys of record.
20 It's not just addressed to Kokoweef.

21 BY MS. TAYLOR:

22 Q. Request Number 20, we talk about property tax
23 assessments or other appraisals for any of the items
24 listed in your FA1 of 3 through 3. Where are those
25 documents? Where would those be located in the Kokoweef

1 offices?

2 A. I do not know.

3 Q. Okay. Do you know if there are any property tax
4 assessments or other appraisals for any of these items
5 in either the August or the October stack?

6 A. I have to look really quick.

7 And I haven't a clue what this is, to tell you
8 the truth. But here's something.

9 Q. Where did this come from, Ms. Wright, because it
10 doesn't have one of your clever Bates stamps on it?

11 A. Yeah, I didn't get a Bates stamp to it, because
12 I just barely got it in time to get it to you.

13 MR. SEGEL: Why don't we call it PT1, Property
14 Tax 1?

15 MS. TAYLOR: Or so-called Property Tax 1, since
16 we don't know what it really is?

17 MR. SEGEL: Well --

18 MS. TAYLOR: Let's see.

19 MR. SEGEL: I just wanted to identify the
20 document by some Bates stamp number. Whatever you'd
21 like to do.

22 MR. CLARY: What's the next order in the exhibit
23 list?

24 MS. TAYLOR: I'd kind of want to know where it
25 came from, too. I want to be able to make sure that it

1 was on one of these disks.

2 MR. CLARY: That's fairly current. What's the
3 date on that?

4 MS. TAYLOR: '08.

5 MR. CLARY: Well, it's a fairly current exhibit.

6 THE WITNESS: Well, it came out of the stack
7 that came from your disk; correct?

8 BY MS. TAYLOR:

9 Q. If this proof of journal has a Bates number on
10 it that you've designated --

11 A. No. But I'm saying this stack came out of your
12 disk, what's on your disk. I just inadvertently forgot
13 to Bates stamp it.

14 MR. SEGEL: And again, we're talking about the
15 October stack?

16 THE WITNESS: Yes.

17 BY MS. TAYLOR:

18 Q. All right. Other than this un-Bates stamped
19 record from the public agency of San Bernardino,
20 specifically, Dick Larsen, Treasurer and Tax Collector,
21 from 2008 for parcel or I.D. Number 057328102P000, are
22 there any other property tax assessments or other
23 appraisals for any of the items in FA1 of 3 through 3?

24 A. Not that I'm aware of.

25 MR. SEGEL: Just for the record, the request was

1 for any recent property tax assessments or other
2 appraisals for any of the above items if such exist, and
3 we brought you the most recent because we thought that
4 was what was responsive to the request.

5 BY MS. TAYLOR:

6 Q. So as far as other appraisals for any of these
7 items listed, where would those exist?

8 A. I don't know.

9 Q. And where would less recent property tax
10 assessments exist?

11 A. I don't know.

12 Q. Okay.

13 MR. CLARY: What are we calling this thing?

14 THE WITNESS: This is FA1 of 3, but --

15 MR. CLARY: I know. I know that. Are we
16 calling this anything?

17 MS. TAYLOR: We'll just call it PT1.

18 MR. SEGEL: She identified it.

19 MS. TAYLOR: And I read it into the record of
20 what it was.

21 THE WITNESS: Can I put that onto the document
22 now?

23 MS. TAYLOR: Sure.

24 THE WITNESS: PT1?

25 MS. TAYLOR: Yes.

1 THE WITNESS: And I'll put it on electronically
2 and --

3 MS. TAYLOR: Sure. And just have it scanned and
4 e-mailed to me, and I'll substitute it in to the October
5 stack.

6 THE WITNESS: Okay. I shall do that.

7 BY MS. TAYLOR:

8 Q. Does Kokoweef -- are there any documents in the
9 August stack or the October stack that reflect any
10 Covenants not to Compete, supplier agreements, equipment
11 leases, rental contracts, loan agreement, labor
12 contracts for Kokoweef?

13 A. I do not know. I don't recall actually viewing
14 those. They could be there; they could not.

15 Q. Okay.

16 MR. CLARY: We don't believe any such things
17 exist.

18 MS. TAYLOR: Okay. To the extent that such
19 things exist, Mr. Clary, can you provide them to me in
20 ten days?

21 MR. CLARY: Well, they don't exist. We have
22 looked for them. Nobody recalls there ever being
23 anything like that within recent history, and they say
24 they don't exist.

25 MS. TAYLOR: Okay. Then can you please describe

1 for me what efforts were taken and who you spoke to to
2 confirm your belief that those items don't exist.

3 MR. CLARY: Well, I spoke to representatives of
4 my client.

5 MS. TAYLOR: Including who?

6 MR. CLARY: Well, I'm not going to tell you who
7 I spoke to. I spoke to the people that would be
8 responsible for this. I primarily relied upon Larry,
9 and he would know if there were any things like this,
10 and he tells me there are not.

11 BY MS. TAYLOR:

12 Q. Ms. Wright, is there anyone else besides your
13 father who would know whether or not Covenants not to
14 Compete, supplier agreements, equipment leases, rental
15 contracts, loan agreements, labor contracts, and such
16 things exist for Kokoweef?

17 A. I do not know that. I would have assumed that
18 Mr. Burke should have known that.

19 Q. Okay. Of course, as I noted, Mr. Burke has been
20 off the Board for a while?

21 A. Yes.

22 Q. So there are things that could have been entered
23 into after that, you would agree with me --

24 A. I agree.

25 Q. -- that he would not know about; correct?

1 MR. CLARY: What if there aren't?

2 MS. TAYLOR: Move to strike.

3 BY MS. TAYLOR:

4 Q. All right. Are there records that actually
5 reflect the claims held -- patented, unpatented or
6 otherwise -- and/or any of the renewals for patented,
7 unpatented claims from 2009 forward?

8 A. Yes.

9 Q. And where are those in the August or the October
10 stacks?

11 A. No. Those were e-mailed separately to you.

12 Q. Okay. I'm going to tell you I have not received
13 documents. I received an e-mail representation from
14 counsel that they had been renewed that was, you know,
15 subsequent to another conversation that I had on the
16 phone. So I do not have those documents.

17 MR. SEGEL: It's my recollection that it's part
18 of that e-mail. I attached a copy of it, anyway.

19 MS. TAYLOR: Okay.

20 MR. SEGEL: And then we had a conversation where
21 you said we missed one or two.

22 MS. TAYLOR: Which we fixed, which we talked
23 about.

24 MR. SEGEL: We fixed, right. But it's my
25 recollection that I e-mailed you a copy of the document.

1 I'll check to see if we didn't. If we didn't, we'll do
2 it again.

3 MS. TAYLOR: That's all I need. To the extent
4 that it was not attached, if I can have it in 10 days.

5 MR. SEGEL: Whether it was or wasn't, we'll do
6 it again so we don't have any issues.

7 BY MS. TAYLOR:

8 Q. And then, again, shareholder ledgers, stock
9 certificates, and any other information related to the
10 number of shares sold, identity of shareholders, the
11 amounts paid for shares, and the current value of the
12 shares. We talked about file cabinet number one. Would
13 that include those documents?

14 A. Some of them, yes.

15 Q. Okay. Which ones would it include?

16 A. Copies of stock certificates; you know
17 information with their name, shares sold, identity of
18 shareholders.

19 Q. Okay. What about shareholder ledgers, amount
20 paid for the shares, and the current value of the
21 shares? Are there any records that reflect those?

22 A. I don't know, other than these. That's all I
23 know of.

24 Q. Okay.

25 A. This information which is -- I don't know that

1 there was any value -- current value to these.

2 Q. Okay. On the Excel spreadsheet that you copied
3 to a disk that's in the safe, is information related to
4 amount paid for the share, current value of the shares,
5 and other shareholder ledgers, are those on those Excel
6 spreadsheets?

7 A. Amount paid for the shares, but not the current
8 value of shares.

9 Q. Do you know if there's any document that
10 reflects the current value of the shares?

11 A. Not to my knowledge. I do not know.

12 Q. Okay. And who would know that?

13 A. I would assume Larry Hahn.

14 Q. Okay. Does Reta Van de Walker do anything
15 related to the shares?

16 A. I don't know.

17 Q. Okay. Are there any -- are there any type of
18 corporate documents, like documents that might have been
19 drafts of agreement plans and reorganization,
20 correspondence that were related to the plan of
21 reorganization, anything like that at the Kokoweef
22 offices?

23 A. Not that I have seen.

24 Q. Okay.

25 A. But I do not know.

1 Q. All right. Does your father keep any other
2 documents in his office in Hahn's Surplus that are
3 related to Kokoweef?

4 A. I don't know. I haven't spent any time looking
5 through his office up there.

6 Q. Okay. All right. And then it's your prior
7 testimony that any and all receipts, invoices, purchase
8 orders, or other documents that might correspond with
9 the checks written and deposits made in the accounts
10 we've talked about, you believe are in the August and
11 October stacks --

12 MR. CLARY: Except for --

13 BY MS. TAYLOR:

14 Q. -- except for the illegible receipts?

15 A. I cannot guarantee that I didn't miss one or
16 two.

17 Q. Okay.

18 A. But to the best of my ability, I have included
19 receipts that are legible or as close to legible as
20 possible.

21 Q. Okay. At any point before October 1st, were you
22 told that you were going to be acting as a custodian of
23 records for these -- pursuant to this deposition notice?

24 A. No.

25 Q. Have you ever been on the Board for Kokoweef?

1 A. No.

2 Q. And just for the record -- never mind. Strike
3 that.

4 (Discussion held off the record.)

5 BY MS. TAYLOR:

6 Q. On the computers at Kokoweef, the Word files
7 that are done -- for example, letters to investors or
8 that kind of thing -- are those saved on those
9 computers?

10 A. Not all of them. And the reason being is
11 because we recently had one of the computers go down.
12 Everything that was on it got destroyed. I had to
13 completely reinstall Windows. So, yeah, there's an
14 awful lot that's not on them because of that.

15 Q. Okay. And what happened to that computer? How
16 did it go down?

17 A. It just went down. I don't know the details,
18 other than --

19 Q. Did you have it --

20 A. I was with Barbara and Wanda at the time, and
21 the --

22 (Cellular phone rings.)

23 THE WITNESS: Sorry about my phone.

24 The -- when we turned it on, it just would not
25 boot. I tried many different attempts to try to make it

1 boot, tried to bring it back up. Asked from Wanda and
2 Barbara if there were any things that was relevant or
3 extremely important on the computer, because I was going
4 to wipe it clean and put the Windows back on it, and
5 they assured me there wasn't. I was a little concerned
6 maybe there was a virus that caused it to crash. I
7 reinstalled Windows, and we go forward.

8 BY MS. TAYLOR:

9 Q. Did you have to replace the hard drive?

10 A. No.

11 Q. What did you do to, quote, unquote, wipe it
12 clean?

13 A. Just reinstalled Windows.

14 Q. So when you turned it on, you just couldn't even
15 get the startup screen?

16 A. Couldn't get anything. Went into DOS, couldn't
17 get anything.

18 Q. Did you do a virus check on it?

19 A. When it wouldn't come up? No.

20 Q. Okay. So are those computers connected to the
21 Internet?

22 A. Yes.

23 Q. Okay.

24 A. Well, they can be.

25 Q. Okay.

- 1 A. Yes.
- 2 Q. Do they have virus protection, Malware
3 protection, that kind of thing on them?
- 4 A. The one computer did not at the time.
- 5 Q. The one that crashed?
- 6 A. The one that crashed, yes. The other computer
7 does. I did purchase software for it since then.
- 8 Q. And then does the one that you basically
9 reloaded the Windows onto, does that one now have, like,
10 an antivirus?
- 11 A. I don't think I've taken the time to even get
12 over there to do anything with it. I don't think
13 anybody's even turned it on since then.
- 14 Q. How long ago was it that it crashed?
- 15 A. Probably a month and a half, or a month.
- 16 Q. Is there a calendaring system for Kokoweef? Do
17 you guys calendar events or meetings or anything like
18 that?
- 19 A. The only meeting that I'm familiar with,
20 basically, is the once-a-year picnic meeting. I am not
21 privy to all of the Board meetings, so I don't know
22 about those.
- 23 Q. Who would know about Board meetings and any
24 other calendaring that might go on for those?
- 25 A. Laurie Hahn.

1 Q. Do you know if they have any type of program for
2 calendaring, such as like a Microsoft Outlook or
3 anything like that?

4 A. I can tell you no. The only computer person is
5 me.

6 Q. Okay. Are there hand calendars that you're
7 aware of that might reflect things in Board meetings?

8 A. I'm not aware of them.

9 MS. TAYLOR: Mr. Clary, to the extent that any
10 of those types of documents exist, if you could produce
11 those; that would be part of those corporate documents
12 that we talked about earlier.

13 MR. CLARY: I don't think their calendars are
14 part of the corporate documents that you described.

15 MS. TAYLOR: Well, if calendaring is part of the
16 minutes. That's fine, whatever.

17 MR. CLARY: We produced what you asked for. I'm
18 not going to produce anything else.

19 MS. TAYLOR: All right.

20 BY MS. TAYLOR:

21 Q. Does Kokoweef have its own phone line?

22 A. It does now, yes.

23 Q. Who answers that?

24 A. It goes to a machine, and Wanda or Barbara
25 typically answer that.

1 Q. Are there phone logs that go along with Wanda or
2 Barbara answering the phones or listening to messages?

3 A. No. I don't think anybody's kept any logs.

4 Q. Okay. How long ago did Kokoweef's line get
5 installed?

6 A. It got allocated to Kokoweef about -- oh, maybe
7 a year ago.

8 Q. And before that?

9 A. Before that it happened to be a line that was
10 used upstairs. My sister had used it more for her
11 personal issues, I guess. I don't know. But she
12 changed her phone number. I don't know the details of
13 it. I don't know anything about it, per se.

14 Q. So when you say "upstairs," you mean in the
15 Hahn's World of Surplus offices?

16 A. Yes.

17 Q. So other than the disks that you've started
18 creating, there's no other backup to the Kokoweef's
19 computers; correct?

20 A. No. Not as of yet.

21 Q. Any accounting software would be within what
22 Reta selected; correct? I mean, like, you don't know if
23 there's a separate Kokoweef accounting software separate
24 from what Reta does?

25 A. I do not.

1 MS. TAYLOR: Okay. Well, I just want to be able
2 to put back on the record that while I truly appreciate
3 Ms. Wright's attendance and efforts here today, she is
4 not custodian of records. She's merely, basically, a
5 secretary who did scanning and has no other knowledge of
6 how records are kept, where they're kept, who maintains
7 them, or even how the documents that she was provided
8 with were gathered. And so I reserve my right to depose
9 additional people as necessary related to the issue of
10 the keeping and maintaining of Kokoweef records.

11 MR. CLARY: Well, I don't agree with your
12 statement that she's not the -- we think she is the
13 proper person. And she's certainly the proper person --
14 you found out a lot of information from her, or we were
15 sitting here for nothing. You also know who the other
16 people are and what they do, as far as she knows. So
17 you're free to do that anyway. You don't need to
18 reserve anything. If you want to take the deposition of
19 other people she's mentioned, you're free to do that.

20 Now, I only have -- I have Exhibits 1, 2, 3, and
21 4. Are those the only exhibits that were marked?

22 MS. TAYLOR: Oh. We have to decide -- since we
23 only referred to a handful of documents -- do we want to
24 have this disk as Exhibit 5 or --

25 MR. SEGEL: I think that to the extent that you

1 identified documents into the record, they're
2 identified. They're Bates stamped and they've been
3 identified. They came off of those two disks, we all
4 have them, and there won't be any confusion at such time
5 as we may want to use those documents. And I don't
6 think we really need to burden the reporter or ourselves
7 with the disks or the stack of documents.

8 MS. TAYLOR: And I am perfectly happy to go with
9 that plan, to just have them identified by Ms. Wright's
10 Bates stamping.

11 MR. SEGEL: Mr. Clary?

12 MR. CLARY: That's fine.

13 MS. TAYLOR: So I'm removing this Exhibit
14 Number 5 sticker from the Kokoweef, Inc., Taylor copy of
15 the 2009 disk that was used to pull the August stack of
16 documents. Okay?

17 MR. SEGEL: So 1 through 4?

18 MS. TAYLOR: We have 1 through 4.

19 MR. SEGEL: Very good. Anything else?

20 MS. TAYLOR: I don't think so.

21 MR. SEGEL: Are you complete?

22 MS. TAYLOR: I am complete.

23 MR. SEGEL: May we go off the record?

24 MS. TAYLOR: We may go off the record.

25 (The deposition concluded at 1:08 p.m.)

CERTIFICATE OF DEPONENT

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* * * * *

I, LAURIE WRIGHT, deponent herein, do hereby certify and declare that the within and foregoing transcription to be my deposition in said action; that I have read, corrected and do hereby affix my signature to said deposition, under penalty of perjury.

LAURIE WRIGHT, Deponent Date

1 CERTIFICATE OF REPORTER

2 STATE OF NEVADA)

)SS:

3 COUNTY OF CLARK)

4 I, Jean M. Dahlberg, a duly commissioned and licensed
5 Court Reporter, Clark County, State of Nevada, do hereby
6 certify: That I reported the taking of the deposition
7 of the witness, Laurie Wright, Custodian of Records for
8 Kokoweef, Inc., commencing on Monday, October 5, 2009,
9 at 9:14 a.m.

10 That prior to being examined, the witness was, by me,
11 duly sworn to testify to the truth. That I thereafter
12 transcribed my said shorthand notes into typewriting and
13 that the typewritten transcript of said deposition is a
14 complete, true and accurate transcription of said
15 shorthand notes.

16 I further certify that I am not a relative or
17 employee of an attorney or counsel of any of the
18 parties, nor a relative or employee of an attorney or
19 counsel involved in said action, nor a person
20 financially interested in the action.

21 IN WITNESS HEREOF, I have hereunto set my hand, in my
22 office, in the County of Clark, State of Nevada, this
23 13th day of October, 2009.

24 _____
JEAN M. DAHLBERG, RPR, CCR NO. 759, CSR 11715

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