

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

FILE #	5081101
INDEX: YES	NO
CALENDAR:	
DATE 1:	
DATE 2:	
BY:	
OTHER:	
ATTORNEY:	JJ
ROUTE TO:	

6 **DISTRICT COURT OF NEVADA**  
7  
8 **COUNTY OF CLARK**

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10 TED R. BURKE; MICHAEL R and LAURETTA CASE NO. A558629  
11 L. KEHOE; JOHN BERTOLDO; PAUL DEPT. XI  
12 BERNARD; EDDY KRAVETZ; JACKIE  
13 and FRED KRAVETZ; STEVE FRANKS;  
14 PAULA MARIA BARNARD; LEON GOLDEN;  
15 C.A. MURFF; GERDA FERN BILLBE; BOB and  
16 ROBYN TRESKA; MICHAEL RANDOLPH, and  
17 FREDERICK WILLIS,

18 Plaintiffs,

19 vs.

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

26 Defendants,

27 and

DATE: 10/23/09  
TIME: In Chambers

28 KOKOWEEF, INC., a Nevada corporation;  
EXPLORATIONS INCORPORATED OF NEVADA,  
a dissolved Nevada corporation;

Nominal Defendants.

29 **REPLY TO PLAINTIFFS' OPPOSITION TO**  
30 **DEFENDANTS LARRY HAHN AND HAHN'S WORLD OF SURPLUS, INC.'S**  
31 **MOTION TO TRANSFER CASE TO DEPARTMENT 13**

32 Defendants Larry Hahn ("HAHN") and Hahn's World of Surplus, Inc. ("SURPLUS")(HAHN

1 and SURPLUS sometimes collectively referred to herein as "HAHN DEFENDANTS") hereby  
2 submit their Reply ("REPLY") to Plaintiffs' Opposition to Defendants Larry Hahn and Hahn's  
3 World of Surplus, Inc.'s Motion to Transfer Case to Department 13 ("OPPOSITION").

4 The Plaintiffs have spent eight (8) pages to argue that the HAHN DEFENDANTS are forum  
5 shopping. In reality, the original Motion was filed for the purpose set forth, judicial economy.  
6 Nothing more.

7 Plaintiffs suggest that HAHN DEFENDANTS want the case returned to Judge Denton due  
8 to the favorable rulings received. This is not a basis for the Motion. HAHN DEFENDANTS are  
9 confident that they would have received the same favorable rulings from Judge Gonzalez based upon  
10 facts presented to the Court.

11 The substance of the Motion was set forth on page 6, commencing on line 12:

12 While the HAHN DEFENDANTS are confident that Judge Gonzalez has sufficient  
13 experience and can deal with the issues set forth in this matter, they believe that  
14 requiring her to spend the time to comb through the enormous amount of pleadings  
15 that have been filed would be burdensome and a waste of judicial resources. What  
16 Judge Gonzalez cannot gain from the review of the pleadings and other filings in this  
17 case, is the veracity of the witnesses who have testified or the atmosphere in which  
18 this case revolves.

19 While Plaintiffs argue that the Motion was "full of red herrings, misrepresentations and hyperbole  
20 . . ." (See OPPOSITION page 2, line 23), the factual representations set forth in the Motion were  
21 supported by the declaration of M Nelson Segel, Esquire and the orders issued by Judge Denton that  
22 were attached to the Motion. The arguments of Plaintiffs are just that; arguments. There is no  
23 evidentiary support for their arguments!

24 The Motion is very simple and is in the total discretion of Judge Gonzalez. If she believes  
25 that it is appropriate to reassign the case to Judge Denton, she will grant the Motion. If she believes  
26 that the case should remain with her, she will deny the Motion. The HAHN DEFENDANTS will  
27 gladly proceed before either Judge. They brought the Motion on the basis that it appeared to be in  
28 everyone's best interest, the parties and the Court, to have Judge Denton complete the matter.

Based upon the pleadings, Judge Gonzalez should make a determine whether this case  
...  
...

1 remains with her or is transferred back to Judge Denton to allow him to complete this case that he  
2 has spent a lot of time handling.

3 DATED this 18<sup>th</sup> day of October, 2009.

4 M NELSON SEGEL, CHARTERED

5  
6 By 

7 M NELSON SEGEL, ESQUIRE

8 Nevada Bar No. 0530

9 624 South 9<sup>th</sup> Street

10 Las Vegas, Nevada 89101

11 Attorneys for Defendants Larry Hahn and  
12 Hahn's World of Surplus, Inc.  
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1 **DECLARATION OF M NELSON SEGEL**

2 STATE OF NEVADA )  
3 COUNTY OF CLARK ) ss:

4 I, M NELSON SEGEL, state, under the penalty of perjury as follows:

5 1. I am an attorney at law duly licensed to practice in this Court; make this declaration  
6 in support of the Reply to Plaintiffs' Opposition to Defendants Larry Hahn and Hahn's World of  
7 Surplus, Inc.'s Motion to Transfer Case to Department 13 ("Opposition"); this declaration is made  
8 from my own knowledge; and I am competent to testify to the matters set forth herein.

9 2. In an effort to discredit the Larry Hahn and Hahn's World of Surplus, Inc. rather than  
10 address the issues set forth in the original Motion to Transfer Case to Department 13 ("Motion"),  
11 Plaintiffs' Opposition questions certain representations set forth therein. One of the issues is raised  
12 on page 7, beginning on line 18, regarding the need for clarification of Judge Denton's January 29,  
13 2009, Decision ("DECISION").

14 3. A reference to the need to seek clarification was mentioned in the Motion due to one  
15 or more real issues. The Motion to Dismiss that was addressed in the DECISION raised an issue  
16 regarding the standing of the Plaintiffs to bring the action. Originally, it was written as a derivative  
17 action and sought recovery for Kokoweef, Inc. The so-called First Amended Derivative Complaint  
18 does not seek any benefit for Kokoweef, Inc., only damages for the Plaintiffs.

19 4. The Court did not address this issue in the DECISION. At footnote 2, on page 3 of  
20 the DECISION, the Court stated:

21 The Eighth and Tenth Causes of Action are the only ones that appear to be derivative.  
22 In this regard, all of the other causes of action seek monetary recovery by the  
23 Plaintiffs themselves for their own benefit, and, although the alternative remedy of  
rescission is sought in the Third, Fourth, Fifth, and Sixth Causes of Action, the  
subject corporations are named as "Nominal Defendants."

24 The Court agreed with Plaintiffs that they have adequately pleaded futility of demand  
25 on the directors to sue on behalf of the corporations.

26 5. There is nothing in this footnote, or the DECISION, that addresses whether a Plaintiff  
27 can sue in his own right and be a representative of the "class" of shareholders which is what takes  
28 place in a derivative action. On its face, this appears to me to be something the Court failed to

1 address and requires clarification before the matter can proceed.

2 6. While I do not believe the issue raised above is dispositive of the Motion, the bona  
3 fides of my clients' Motion was questioned and I felt that it was necessary to advise this Court of the  
4 validity of the concerns.

5 7. I have filed the original Motion based upon the concept of judicial economy and not  
6 for any improper purpose.

7 8. If this matter remains in Department 11, I will proceed with the litigation with no  
8 concerns regarding the Court's ability to address the issues.

9 9. It is my intent to prepare the Motion for Partial Summary Judgment and have it  
10 available for filing upon the entry of the order regarding transfer.

11 The foregoing is true and correct to the best of my knowledge.

12 DATED this 16<sup>th</sup> day of October, 2009.

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M NELSON SEGEL

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1 CERTIFICATE OF SERVICE

2 The undersigned hereby certifies that on the 16<sup>th</sup> day of October, 2009, he served the  
3 foregoing REPLY TO PLAINTIFFS' OPPOSITION TO DEFENDANTS LARRY HAHN AND  
4 HAHN'S WORLD OF SURPLUS, INC.'S MOTION TO TRANSFER CASE TO DEPARTMENT  
5 13 by causing true and correct copies to be placed in the United States Mail, postage fully prepaid  
6 thereon and addressed as follows:

7 Jennifer Taylor, Esquire  
8 ROBERTSON & VICK, LLP.  
9 401 North Buffalo Drive, Suite 202  
Las Vegas, Nevada 89145  
Facsimile Number (702) 247-6227

Patrick Clary, Esquire  
7201 West Lake Mead Drive, Suite 410  
Las Vegas, Nevada 89128  
Facsimile Number (702) 382-7277

11  
12  
13 By 

An employee of M NELSON SEGEL, CHARTERED