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CR. [Signature]  
CLERK OF COURT

FILE WITH  
MASTER CALENDAR

DISTRICT COURT  
CLARK COUNTY, NEVADA

1 **OST - 0020**  
Neil J. Beller, Esq.  
2 Nevada Bar No. 002360  
NEIL J. BELLER, LTD  
3 7408 W. Sahara Ave.  
Las Vegas, Nevada 89117  
4 (702) 368-7767  
(702) 368-7720 Facsimile  
5 Attorney for Plaintiffs

CLERK OF THE COURT

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7  
8  
9 TED R. BURKE; MICHAEL R and LAURETTA )  
L. KEHOE; JOHN BERTOLDO; PAUL )  
BARNARD; EDDY KRAVETZ; JACKIE and )  
FRED KRAVETZ; STEVEN FRANKS; PAULA )  
10 MARIA BARNARD; PETER T. and LISA A )  
FREEMAN; LEON GOLDEN; C.A. MURFF; )  
11 GERDA FERN BILLBE; BOB and ROBYN )  
TRESKA; MICHAEL RANDOLPH, and )  
12 FREDERICK WILLIS, )

Case No. A558629  
Dept. XIII

13  
14 Plaintiffs,

**MOTION TO STRIKE  
RENEWED MOTION TO  
REQUIRE SECURITY FROM  
PLAINTIFFS; ORDER  
SHORTENING TIME**

15 vs.

16 LARRY L. HAHN, individually, and as President )  
and Treasurer of Kokoweef, Inc., and former )  
17 President and Treasurer of Explorations )  
Incorporated of Nevada; HAHN'S WORLD OF )  
18 SURPLUS, INC., a Nevada corporation; DOES )  
I - X, inclusive; DOE OFFICERS, DIRECTORS )  
19 and PARTICIPANTS I - XX, )

20 Defendants,.

21 and

22 KOKOWEEF, INC., a Nevada corporation; )  
EXPLORATIONS INCORPORATED OF )  
23 NEVADA, a dissolved Nevada corporation; )

Date of Hearing: \_\_\_\_\_

24 Nominal Defendants. )  
25 \_\_\_\_\_ )

Time of Hearing: \_\_\_\_\_

26 COMES NOW the Plaintiffs, by and through their attorney of record, NEIL J. BELLER,  
27 ESQ., of the law firm of NEIL J. BELLER, LTD, and moves this Court for an Order Shortening Time  
28 for the hearing of Plaintiffs' Motion to Strike Renewed Motion to Require Security From Plaintiffs,

LAW OFFICES  
NEIL J. BELLER, LTD. RECEIVED  
A PROFESSIONAL CORPORATION  
7408 WEST SAHARA AVENUE  
LAS VEGAS, NEVADA 89117 JUN 18 2008  
AREA CODE 702-368-7767

DEPARTMENT XIII  
NOTICE OF HEARING  
DATE 6/21/08 TIME 10:30 AM  
APPROVED BY [Signature]

13

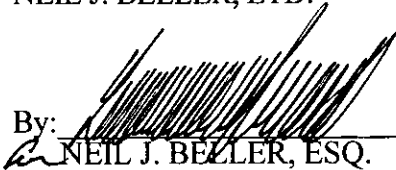
CMG

1 and for an order granting Plaintiff's Motion to Strike.

2 This Motion is made and based on the pleadings and papers on file herein, the Points and  
3 Authorities and any argument of counsel at the time of the hearing of this motion.

4 DATED this 16 day of June, 2008.

5 NEIL J. BELLER, LTD.

6  
7  
8 By:   
9 NEIL J. BELLER, ESQ.  
10 Nevada Bar No. 2360  
11 7408 W. Sahara Avenue  
12 Las Vegas, Nevada 89117  
13 (702)368-7767  
14 Attorney for Plaintiffs

15 **ORDER SHORTENING TIME**

16 It appearing to the satisfaction of the Court, and good cause appearing therefor, IT IS  
17 HEREBY ORDERED that the foregoing MOTION TO STRIKE RENEWED MOTION TO  
18 REQUIRE SECURITY FROM PLAINTIFFS shall be heard on the 27<sup>th</sup> day of  
19 June, 2008, at the hour of 10:00 A.M. in Department XIII.

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DISTRICT JUDGE  


**DECLARATION OF NEIL J. BELLER, ESQ.**  
**IN SUPPORT OF ORDER SHORTENING TIME**

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2  
3 1. I am an attorney duly licensed to practice law in the State of Nevada and counsel for  
4 Plaintiffs and I have personal knowledge of the matters in this action except for those matters stated  
5 upon information and belief, and as to those matter, I believe them to be true.

6 2. There is insufficient time to hear this motion in the ordinary course due to the  
7 following: 1) Plaintiffs contend Kokoweeff's renewed motion to require security from Plaintiffs is  
8 not a meritorious motion, is procedurally defective, and Plaintiffs' motion to strike needs to be heard  
9 as soon as possible to eliminate the statutory stay imposed by the Defendant's renewed motion; 2)  
10 I will be going on a scheduled vacation and leaving town on June 29, 2008 and not returning until  
11 July 14, 2008, and will not be available to attend any motion hearing set in the ordinary course.

12 3. This Motion needs to be heard on an order shortening time to eliminate the stay of  
13 the prosecution of this action as a result of Defendants' motion for security, which stay will permit  
14 Defendants to further their ongoing breach of fiduciary duties owed to Plaintiffs.

15 4. This Motion is not brought for the purpose of delay but to provide justice to the  
16 Plaintiffs.

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21 NEIL J. BELLER, ESQ.

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No. 0550 P. 2

P. 002

Rx Date/Time JUN-16-2008(MON) 14:00

Jun. 16. 2008 2:14PM

1 **POINTS AND AUTHORITIES**

2 **I. PROCEDURAL BACKGROUND**

3 Based on Defendant Kokoweef's first motion to require security from Plaintiffs, this Court  
4 ruled in its Decision and Order of May 28, 2008, that Kokoweef did not demonstrate by its motion  
5 by "... there is no reasonable possibility that the prosecution of the cause of action alleged in the  
6 complaint against the moving party will benefit the corporation..."

7 Kokoweef was granted an extension of time to file another motion.

8 **II. ARGUMENT**

9 Kokoweef's Renewed Motion to Require Security From Plaintiffs does not contain any  
10 additional evidence to support its ground that "there is no reasonable possibility that the prosecution  
11 of the cause of action alleged in the Plaintiffs' Complaint herein against the corporation will benefit  
12 the corporation or its security holders." Page 2, lines 6-12 of Defendant's motion.

13 Defendant states its motion is based on the Points and Authorities, the previously filed  
14 affidavits AND "the evidence to be adduced at the evidentiary hearing..." The renewed motion fails  
15 to comply with NRC 6 (d) which provides that when a motion is supported by affidavit, the  
16 affidavit shall be served with the motion. Evidence submitted in support of a motion must be  
17 presented in the motion or memorandum. State ex rel. Office of Att'y Gen., Bureau of Consumer  
18 Prot. v. NOS Comm. Inc., 120 Nev 65, 84 P.3d 1052 (2004) [Where the court concluded the motion  
19 was procedurally defective.]

20 Defendants renewed motion is defective because no new evidence was submitted in support  
21 of the motion. Defendant cannot support its motion based on "evidence that will be adduced at the  
22 evidentiary hearing." EDCR 2.20 (a) provides the absence of a memorandum of points and  
23 authorities may be construed as an admission that the motion is not meritorious.

24 A motion should state the issues; state the law with respect to the issues; and explain how  
25 the law, when applied to the facts presented, justifies the relief sought. Granted the renewed motion  
26 states the issue (to require security from Plaintiffs) and states the law (NRS 41.520 3). However,  
27 that memorandum presents no new facts that would justify any security required from Plaintiffs.

28 Because this Court did not grant Kokoweef's original motion to require security from

1 Plaintiffs, and because Kooweef's renewed motion fails to contain any additional information to  
2 support the grounds upon which the motion is based, this renewed motion is not meritorious.

3 NRCP 7 (b) provides in pertinent part that a motion shall state with particularity the grounds  
4 thereof and that the motion shall be signed in accordance with Rule 11.

5 NRCP 11 (b) provides in pertinent part that an attorney by signing a written motion  
6 represents to the court that the motion is not being presented for any improper purpose (subsection  
7 1), and that the factual contentions have evidentiary support (subsection 3).

8 Plaintiffs strongly contend that Kokoweef's renewed motion for security was filed for the  
9 sole purpose of staying this action to prevent Plaintiffs from moving forward to file their motion for  
10 injunctive relief. This attempt to obstruct any further litigation activity by Plaintiffs is obvious by  
11 the statement made in the renewed motion. "As will be shown by evidence that will be adduced at  
12 the evidentiary hearing on the foregoing Motion . . . the corporation will show that there is no  
13 reasonable possibility that the prosecution of the above-captioned case will benefit the corporation  
14 or its security holders..."

15 Pursuant to NRCP 11 (b) (3), Defendant fails to provide any evidentiary support of its factual  
16 contentions.

17 Because Defendant Kokoweef has failed to comply with the above noted procedural rules  
18 and has failed to present evidence to support its factual contentions in its renewed motion to require  
19 security from Plaintiffs, its renewed motion is defective and non meritorious, and should be stricken.

20 **III. CONCLUSION**

21 Based on the foregoing, Plaintiffs respectfully request their MOTION TO STRIKE

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1 RENEWED MOTION TO REQUIRE SECURITY FROM PLAINTIFFS be granted.

2 DATED this 16 day of June 2008.

3 NEIL J. BELLER, LTD.

4  
5 By: 

6 NEIL J. BELLER, ESQ.  
7 Nevada Bar No. 2360  
8 7408 W. Sahara Avenue  
9 Las Vegas, Nevada 89117  
10 (702)368-7767  
11 Attorney for Plaintiffs

12 **CERTIFICATE OF SERVICE**

13 I HEREBY CERTIFY that on the 16 day of June, 2008, service of the foregoing  
14 Plaintiffs' MOTION TO STRIKE RENEWED MOTION TO REQUIRE SECURITY FROM  
15 PLAINTIFFS; ORDER SHORTENING TIME was made this date by serving via facsimile a  
16 true copy of the same addressed as follows:

17 M. Nelson Segel, Chartered  
18 M. Nelson Segel, Esq., NBN 000530  
19 624 South 9<sup>th</sup> Street  
20 Las Vegas, NV 89101  
21 Attorneys for Defendant Larry Hahn and Hahn's World of Surplus, Inc.  
22 Telephone: 702-385-5266  
23 Fax No. : 702 -

24 CLARY CANNON, LLP  
25 Patrick C. Clary, Esq., NBN 000053  
26 Curtis W. Cannon, Esq., NBN 010535  
27 7201 West Lake Mead Boulevard, Suite 503  
28 Las Vegas, NV 89129  
Attorneys Defendant Kokoweef, Inc.  
Telephone: 702-382-0813  
Fax No.: 702 -

  
An employee of Neil J. Beller, Ltd.