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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 and ROBYN TRESKA;
MICHAEL 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;
PATRICK C. CLARY, an individual; DOES 1
through 100, inclusive;

Defendants,

and

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

Nominal Defendants.

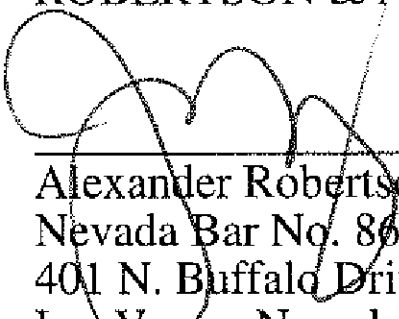
) CASE NO. A558629
) DEPT: XIII
)
) **[ELECTRONIC FILING CASE]**
)
) **OPPOSITION TO SO-CALLED**
) **DEFENDANT KOKOWEEF, INC.'S**
) **MOTION FOR APPROVAL OF LATE-**
) **PRODUCED EVIDENCE AND EX**
) **PARTE MOTION FOR ORDER**
) **SHORTENING TIME AND COUNTER-**
) **MOTION FOR ORDER TO CAUSE AND**
) **FOR SANCTIONS**

) DATE OF HEARING:
) TIME OF HEARING:

1 Plaintiffs Ted R. Burke; Michael R. and Laurretta L. Kehoe; John Bertoldo; Paul Barnard;
2 Eddy Kravetz; Jackie and Fred Kravetz; Steven Franks; Paula Maria Barnard; Leon Golden; C.A.
3 Murff; Gerda Fern Billbe; Bob and Robyn Treska; Michael Randolph and Frederick Willis
4 (hereinafter collectively referred to as "Plaintiffs"), by and through their undersigned counsel of
5 record, Robertson & Associates LLP, and state the following as and for their Opposition to
6 So-Called Nominal Defendant Kokoweef, Inc.'s Motion for Approval of Late-Produced Newly
7 Discovered Evidence and Ex Parte Motion for Order Shortening Time for Hearing and
8 Counter-Motion for Order to Show Cause Why Defendants should not be held in contempt of the
9 Court's Order of February 3, 2011 and for sanctions pursuant to NRCP Rules 11 and 37.
10 This Opposition and Counter-Motion is made and based upon the points and authorities
11 submitted herewith, NRCP Rules 11, 16.1 and 37, oral argument of counsel, and the pleadings
12 and papers on file herein.

13
14 Dated April 22nd, 2010

ROBERTSON & ASSOCIATES, LLP

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16 
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23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 **I.**

25 **INTRODUCTION**

26 Defendant's Motion represents nothing more than its repetitive, abusive and recalcitrant
27 approach to discovery in this litigation. The Court is well versed in the facts of this case and
28 Defendants' ongoing failure to comply with the Rules of Civil Procedure and the orders and
directives of this Court in regard to discovery. This shareholder derivative suit seeks, among
other damages, damages owed to Kokoweef, and to its predecessor, Explorations Incorporated of

1 Nevada ("EIN"), as a result of, among other acts, malfeasance, self-dealing, securities fraud,
2 conversion of corporate assets and negligent misrepresentations by the Defendants. This latest
3 Motion of Defendants is simply another effort to prevent discovery, manufacture evidence and
4 delay the case, all to the detriment of Plaintiffs.

5 As set out in the Affidavit of Laurretta Kehoe¹, this Motion is the latest tactic in a three-
6 year struggle by Plaintiffs to obtain business documents from Defendants Kokoweef and EIN.
7 Yet, Defendants have used all their energy to disregard the judicial process and cause
8 interminable delays. Additionally, the documents produced indicate that Defendants have now
9 altered and/or manufactured evidence. This continued bad faith in the discovery process should
10 not be countenanced.

11 II.

12 STATEMENT OF FACTS

13 A. History of Document Production:

14
15
16 The history of discovery in this case is characterized by three-years of long and drawn-out
17 failures by Defendants to adhere to the rules of Civil Procedure or the rules of professional
18 conduct. These repetitive, abusive and bad faith discovery tactics have been set out in a separate
19 time line in the Affidavit of Laurie Kehoe.

20 This entire litigation stems from Plaintiffs' simple request, more than three years ago, to
21 review the pertinent corporate documents of Defendants. These requests started prior to the
22 filing of Plaintiffs' Verified Derivative Complaint by their former counsel, Neil Beller, in March
23 of 2008. From the Evidentiary Hearing of July 30, 2008 on, Defendants have produced what
24 they allege are "complete" records, swearing each time that they have produced all the records
25 that would demonstrate the appropriateness of Defendant's expenditures. Yet, Defendants
26 generally refuse to properly produce records in accordance with the Nevada Rules of Civil
27

28 ¹ A copy of Ms. Kehoe's Affidavit is attached hereto. A separate "Exhibit Package" which includes all the
documents referenced by Ms. Kehoe has been filed separately because of its voluminous nature.

1 Procedure, all the while berating the Plaintiffs for questioning them and their document
2 productions. Further, despite Defendants' vigorous claims of complete compliance, each time
3 Plaintiffs produce an affidavit or report from their forensic accounting expert, Talon Stringham,
4 "new" documents are mysteriously found which will disprove Mr. Stringham's analysis. These
5 documents have typically been produced immediately prior to a court hearing date.

6 Each of Defendants' so-called productions of their "newly discovered" documents were
7 analyzed by Mr. Stringham, who found that he was reviewing the same documents over and over
8 again. (See January 19, 2011 Report of Talon Stringham, Exhibit 17 to Affidavit of L. Kehoe).
9 When confronted with the deficiencies in their production, Defendants revert to the argument
10 that all the work done is by "volunteers". At the Evidentiary Hearing of July 30, 2008,
11 Defendants relied on the testimony of their "professional" bookkeeper, Reta Van Da Walker who
12 testified that the books and records were clean and completed. When they were informed that
13 their documentation was insufficient, Defendants then claimed that the production was being
14 done by "volunteers" who could not necessarily be relied upon, even though many of these
15 volunteers have been paid either in cash or reimbursement of receipts.

16 **B. History of Procedural Deficiencies in Document Production:**

17 More significantly, Defendants' repeatedly "produce" documents without complying with
18 the Rules of Civil Procedure and this Court's Orders and directives. For example, counsel for
19 Defendants, absent directives from this Court, refuse to properly produce or affix their signatures
20 to document productions, pursuant to Rule 11. The Court has repeatedly addressed this with
21 Defendants.

22 Following are excerpts from some of those discussions.

23 **February 24, 2011 Hearing Transcript**

24 *The Court:* The rules require you to supplement with any
25 information that falls within those discovery requests that
26 becomes available. Even if it's something that is created
after the date but would have been produced - required to
be produced that relates back, you've got to supplement.
(30:16-21).

28

1 *The Court:* Everyone is required to supplement, not just you. She's
required to supplement, too.

2 *Mr. Segel:* We've closed discovery, so that creates the issue. I just
want to make that clear.

3 *The Court:* No. Supplementation has nothing to do with the
discovery closure.

4 (31:3-8)

5
6 *December 9, 2010 Hearing Transcript*

7 *The Court:* The custodian of records is who has your records, how
were they stored, where are they, are these them, are the ones that
8 went to the copy service the right records, are there any more
records, so I can go tell the Judge I don't have all the records and I
9 need to do something. Right: That's what you intend to ask a
custodian of records?

10 (25:17-22)

11
12
13 *The Court:* If you want to. But your problem is you've got to
supplement, and it sounds like there may be problems getting the
supplement to me of everything you need.

14 (29:7-9)

15
16 *May 27, 2010 Hearing Transcript*

17
18 *Ms. Taylor:* So it is - it is, it has been, it is crucial that we get them
produced under 16.1, what they're going to rely on. And this is -

19 *The Court:* Well, not just what they're going to rely on, whatever's
20 required under Rule 16.1.

21 (11-12:22-25)

22
23 *The Court:* Hold on a second. I'm looking currently at the joint
case conference report. I am unable in the Court's file to see any
24 supplements under Rule 16.1 that were filed, if any were filed. I
am concerned regarding the description that is provided in the joint
25 case conference report and the fact that we don't have Bates
26 numbers.

27 Given the document problems that we're having in this case, it's
going to create certain significant issues if what I have in front of
28 me says, yes, I produced all the books and records of Kokoweef,
Inc., which is Number 4 on page 6 of the joint case conference

1 report, and there is a dispute as to exactly what it is that was
2 produced because they were not produced in a fashion where I
3 either have them as part of a supplement disclosure where they're
all attached and detailed, or whether they're Bates numbered and I
can identify them.

4
5 So what I currently have is, at least in my mind, a communication
6 problem and an identification problem. And I think that it is
possible to work through this problem but not in the fashion that
we're currently handling it.

7
8 *Mr. Segel:* Your Honor, if I can read between the lines, hopefully
I'm reading the line, I think we did revise a lot of documents which
9 were previously sent and Bates stamped them, but I would - don't
10 think I have a problem if the Court is saying that it wants us to
make sure that all the documents are Bates stamped and do a
supplement that identifies the Bates-stamped numbers as part of
the 16.1. Is that -

11
12 *The Court:* Or otherwise specifically describes the documents, as
13 opposed to saying "books and records," then specifically describes
what the documents are.

14 (14:9-25; 15:1-13)

15
16 *The Court:* Okay. Here's where I think one of your
17 communication issues between the two sides exists. It exists in the
manner in which the response is being provided. And I think we
18 will better served, instead of saying, see the documents identified
in the directory, since in most cases you have already identified the
19 items on the directory by number of Bates number, to specifically
identify the range of documents that is included there instead of
20 referring just to the directory. Do you understand what I'm
suggesting?

21 *Mr. Clary:* Yes.

22 (27:16-26)

23 *The Court:* And I'm suggesting that all sides comply with that. So,
24 instead of saying, hi, it's in the index I produced, saying, hi, it's in
the index I produced and it's page numbers A1 through 77. Do you
understand that?

25 (28:1-4)

26
27 ////

28

March 30, 2010 Hearing Transcript

Mr. Segel: . . . If the - if what they're asking, Your Honor, is that we give a formal response and Mr. Clary sign the formal response -

The Court: Well, somebody has to sign it.

(20:5-10)

The Court: . . . All right. I need a written response to the request for production which was properly served within 15 days. It needs to be signed by one of the counsel. It doesn't have to be certified, it just needs to be signed with the written responses delineating the documents that are produced in conjunction with that.

(21:20-25; 22:1)

However, all these directives by the Court were once again ignored by Defendants. On or about March 21, 2011, Plaintiffs received a disk labeled "EIN/KI Supp w/original Hahn v. Burke - Not Batesstamped". It was not accompanied by a Supplemental Disclosure pursuant to NRCP 16.1. It was not accompanied by a supplement to Plaintiffs' Request for Production of Documents. Instead, it contained documents with Plaintiffs' previous bates-numbering, documents previously produced by Defendants, and documents that were not, primarily, for 2007, the year Defendants represented had been inadvertently "lost".

Before Plaintiffs could finish analyzing this disk of previously produced documents, however, on March 29, 2011, a second disk was delivered containing **in excess of 6000 so-called newly discovered documents**. It was delivered without a Supplemental Disclosure pursuant to NRCP 16.1. It was delivered without a supplement to Plaintiffs' Request for Production of Documents. The documents had an entirely new set of bates-numbers, wiping out any prior references from Plaintiffs' or Defendants' previously produced documents. This means Plaintiffs' expert cannot even cross-reference prior productions and is having to start his analysis anew. Amazingly, this took only 11 days from the prior production of repeat documents, thus calling into question the nearly two months it took Defendants' to produce the original disk received March 21, 2011.

1 In Defendants' Motion to Reopen Discovery, Extend Certain Deadlines, and Continue the
2 Trial and Motion for Ex Parte Order shortening Time for Hearing Thereon heard by this Court on
3 February 24, 2011. Mr. Segel stated three times at the hearing of February 24, 2011 that they
4 found documents for the year 2007 that somehow did not get scanned in their production of
5 documents to Plaintiffs prior to the hearing of February 24, 2011. Counsel for Defendants then
6 placed the blame on Defendant Hahn's daughter, Laurie Wright, a so-called "volunteer" who has
7 been paid thousands of dollars in stock awards, cash, computer equipment, gas and office
8 supplies. Despite the fact that they "found" these documents four weeks prior to the hearing, i.e.
9 on or about February 3, 2011, Defendants claimed they still needed three weeks to "organize"
10 them.

11
12 **C. The So-Called "Newly Discovered" Documents further attest to Defendants'**
13 **Bad Faith in the Discovery Process.**

14 Whether the documents were produced in a timely manner as ordered by this Court, the
15 issue is really moot because neither disc has been produced in accordance with the Nevada Rules
16 of Civil Procedure. Plaintiffs', as required by NRCP 11, informed counsel for Defendants that
17 these documents had not been produced in accordance with the Nevada Rules of Civil Procedure
18 or this Court's Directive. However; no response, other than the filing of the instant Motion was
19 provided. All of the alleged work of so-called volunteers and extremely confusing explanation of
20 Mr. Hahn are irrelevant and meaningless. Any evidence that can be adduced from these discs
21 cannot be used, as previously noted by this Court, in any capacity without the documents
22 complying with Nevada's discovery rules. This is especially true in this case as Defendants have
23 repeatedly produced unauthenticated documents, in violation of the Nevada Rules of Civil
24 Procedure, then complained that Plaintiffs' do not have the correct documents that will disprove
25 all their claims. Plaintiffs just simply cannot rely on the discs produced in March, 2011 and
26 pursuant to NRCP Rule 11, the unsigned production should be stricken.

27 Even if these documents were properly produced, once again, Defendants have produced
28 the same documents produced several times before. Of the checks produced for the umpteenth

1 time, most still did not have corresponding receipts and of those receipts produced, several are
2 duplicates of receipts previously produced, illegible, addressed to HWS, or had new handwritten
3 "invoices" attached that had not previously been produced. Further, some of the receipts appear
4 to have been altered from the March 18, and earlier versions, including those produced on the
5 disc of March 18, 2011, which varied from those produced on the disc of March 29, 2011. (See
6 Check 4791 to Laurie Wright and attached "invoice" attached hereto as Exhibit "1", receipts
7 produced three times and each time the supporting receipts are different).

8 A perfect example of the continued futility of Defendants' so-called production of
9 documents over the past 3 years is the receipt attached to Check 5229 attached hereto as Exhibit
10 "2". That receipt succinctly notes that it is for "buying crap". That is what Defendants have
11 again produced. Defendants have had months to properly produce their so-called "lost box" of
12 so-called "newly discovered" evidence, and have failed to do so.

13 This ping-pong discovery game has been played by Defendants now for three years and
14 has cost Plaintiffs hundreds of thousands of dollars in attorneys' fees, expert fees and copying
15 costs. Yet despite this, Defendants have yet to produce any real additional and/or legitimate
16 documentation that would account for the approximately \$1,000,000.00 Mr. Stringham opines as
17 damage to Kokoweef shareholders.

18 19 **III.**

20 **LEGAL ARGUMENT**

21 22 **A. Defendants' Motion Should be Denied and Further Sanctions are Warranted**

23 24 **1. Defendants' Motion is Improper as it Fails to Comport with EDCR 2.34 and 2.35**

25 Defendants have filed a discovery motion without properly following protocol for doing
26 so. EDCR 2.34 requires a "good faith effort to confer". Counsel for Defendant has not
27 demonstrated that this requirement has been satisfied. Instead, what is clear is that Defendants
28 had no intention of conducting a 2.34 conference prior to filing this Motion. As noted in the

1 email attached hereto as Exhibit "3", counsel for Plaintiff had requested additional time to review
2 the late and improperly produced documents up through Monday, April 7, 2011. However, the
3 Motion had already been prepared, signed and submitted to the Court by that time.

4 Further, the declaration of Kokoweef's counsel provides no evidence of any attempts to
5 conduct a 2.34 conference.

6
7 **2. Defendants' So-Called "Late-Produced Evidence" Should Not be Permitted**
8 **based upon their continued violations of the Nevada Rules of Civil Procedure.**

9 Defendants' "late produced evidence" fails to comport with the Rules of Civil Procedure,
10 and as such, should be excluded. The Nevada Rules of Civil Procedure clearly require that
11 documents and other discovery cannot simply be "dumped" on an opposing party, as Defendants
12 have done time and again in this litigation. NRCP 16.1 requires that "all disclosures under Rules
13 16.1(a)(1) through (3) must be made in writing, signed, and served. Additionally, NRCP 26(e)
14 requires the supplementation of disclosures and discovery responses and, pursuant to NRCP
15 26(g), those supplements and responses "shall be signed by at least one attorney of record in the
16 attorney's individual name." Finally, NRCP 34 requires a written response to the Requests for
17 Production, and not simply the dumping of documents on the requesting party.

18 All these Nevada Rules of Civil Procedure fall under the umbrella of NRCP 11, which
19 provides as follows:

20 (a) Signature. Every pleading, written motion, and other paper
21 shall be signed by at least one attorney of record in the attorney's
22 individual name, or, if the party is not represented by an attorney,
23 shall be signed by the party. . . . An unsigned paper shall be
24 stricken unless omission of the signature is corrected promptly
25 after being called to the attention of the attorney or party.

26 (b) Representations to court. By presenting to the court (whether
27 by signing, filing, submitting, or later advocating) a pleading,
28 written motion, or other paper, an attorney or unrepresented party
is certifying that to the best of the person's knowledge, information,
and belief, formed after an inquiry reasonable under the
circumstances, --

(1) it is not being presented for any improper
purpose, such as to harass or to cause unnecessary
delay or needless increase in the cost of litigation;

1 As noted above, the late documents were not accompanied by any pleading or "other paper",
2 rendering them capable of being stricken. Additionally, this deficiency was pointed out to
3 Defendant. See email attached hereto as Exhibit "___" and has been repeatedly raised with
4 Defendants by this Court. See Statement of Facts, supra.

5 NRCP Rule 37 (2), governs discovery abuse, and the remedies for "repetitive, abusive
6 and recalcitrant" discovery. See Bahena v. Goodyear Tire & Rubber Co., 235 P.3d 592 (Nev.
7 2010). NRCP 37 (2) provides in pertinent part:

8
9 Sanctions--Party. If a party or an officer, director, or managing
10 agent of a party or a person designated under Rule 30(b)(6) or
11 31(a) to testify on behalf of a party fails to obey an order to provide
12 or permit discovery, including an order made under subdivision (a)
13 of this rule or Rule 35, or if a party fails to obey an order entered
14 under Rules 16, 16.1, and 16.2, the court in which the action is
15 pending may make such orders in regard to the failure as are just,
16 and among others the following:

17 (A) An order that the matters regarding which the order was
18 made or any other designated facts shall be taken to be established
19 for the purposes of the action in accordance with the claim of the
20 party obtaining the order;

21 (B) An order refusing to allow the disobedient party to support
22 or oppose designated claims or defenses, or prohibiting that party
23 from introducing designated matters in evidence;

24 (C) An order striking out pleadings or parts thereof, or staying
25 further proceedings until the order is obeyed, or dismissing the
26 action or proceeding or any part thereof, or rendering a judgment
27 by default against the disobedient party;

28 In lieu of any of the foregoing orders or in addition thereto, the court shall
require the party failing to obey the order or the attorney advising that party or
both to pay the reasonable expenses, including attorney's fees, caused by the
failure, unless the court finds that the failure was substantially justified or that
other circumstances make an award of expenses unjust.

**3. Defendants' "repetitive, abusive, and recalcitrant" discovery abuses warrant
further sanctions pursuant to Nevada case law.**

Plaintiffs have been attempting to secure these documents for more than three years. This
Court has repeatedly, over more than a year, ordered Defendants to produce documents, and to
produce them in accordance with the Nevada Rules of Civil Procedure. However, this latest

1 improper, untimely, and suspicious document dump demonstrates Defendant's continued
2 disregard of the "judicial process", which under Nevada law is presumed to cause prejudice to
3 Plaintiffs. See Foster v. Dingwall, et al., 126 Nev. Adv. Rep. 6, 15, 227 P.3d 1042, 1049 (Nev.
4 2010) (citing Hamlett v. Reynolds, 114 Nev. 863, 865, 963 P.2d 457 (Nev. 1998)). As such,
5 pursuant to Foster, further sanctions are warranted and should be imposed upon Defendants.

6 The facts in this case are similar to Young v. Johnny Ribeiro Bldg., 106 Nev. 88 (1990).
7 In Young, Plaintiff made written entries in a diary in a pen different that the original documents
8 produced. The district court gave Plaintiff an opportunity to clarify the evidence and address
9 whether these documents had been altered. When Plaintiff failed to authenticate the writings as
10 contemporaneous to the actual creation of the diary, the district court dismissed Young's claims
11 because the fabricated evidence was directly related to the claims at issue. The instant case is
12 factually analogous. Defendants have had three years and multiple directions from this Court to
13 produce appropriate and complete evidence, and have failed to do so.

14 a. Factors to analyze for sanctions:

15 One of the significant components of Young was that it established factors a court must
16 consider when taking drastic steps in sanctioning discovery abuse, such as dismissing a
17 complaint, or an Answer. These factors include an analysis of the degree of willfulness of the
18 offending party, the extent to which the non-offending party would be prejudiced by a lesser
19 sanction, the severity of the sanction of dismissal relative to the severity of the discovery abuse,
20 whether any evidence has been irreparably lost, the feasibility and fairness of alternative, less
21 severe sanctions, such as an order deeming facts relating to improperly withheld or destroyed
22 evidence to be admitted by the offending party, the policy favoring adjudication on the merits,
23 whether sanctions unfairly operate to penalize a party for the misconduct of his or her attorney,
24 and the need to deter both the parties and future litigants from similar abuses. Young, 106 Nev.
25 at 93. In this case, the abuse of discovery has been so expansive, so flagrant and over such a long
26 period of time that sanctions, up to the striking of Defendants' Answers, would not be unjust.

27 For flagrant, and continuing discovery abuses, as in this case, the Nevada Supreme Court
28 has even gone beyond the sanctions issued in Young. Bahena v. Goodyear Tire & Rubber Co.,

1 245 P.3d 1182, 1184 (Nev. 2010) (where petition for rehearing was denied from the original
2 case, Bahena v. Goodyear Tire & Rubber Co., 235 P.3d 592 (Nev 2010)). The Defendants in
3 Bahena engaged in evasive and delaying tactics very similar to Defendants here, including the
4 issue of the authenticity of over 74,000 documents.

5 The Court found that Goodyear engaged in an approach of stalling, obstructing and
6 objecting, a very similar situation to these Defendants. Therefore, the court considered
7 Goodyear's posture in this case to be totally untenable and unjustified. Bahena, 235 P.3d at
8 598-599. The Court concluded that the sanctions "were necessary to demonstrate to future
9 litigants that they are not free to act with wayward disregard of a court's orders," and that the
10 conduct of the appellants evidenced "their willful and recalcitrant disregard of the judicial
11 process." Bahena, 235 P.3d 599.

12 Plaintiffs highlight for the Court of the affidavits of Paul and Paula Barnard where
13 affiants heard Kokoweef's counsel, Mr. Clary, state that Defendants' strategy was to delay this
14 case to cause Plaintiffs to run out of money to pay for their legal expenses. See Affidavits of Paul
15 and Paula Barnard attached hereto as Exhibit "4".

16 The Bahena Court also relied on Foster v. Dingwall, 227 P.3d 1042 (Nev. 2010), where
17 entries of default were upheld because the litigants were unresponsive, and engaged in repeated
18 and continued abusive litigation practices resulting in "interminable delays". The Nevada
19 Supreme Court stated: "In light of appellants' repeated and continued abuses, the policy of
20 adjudicating cases on the merits would not have been furthered in this case, and the ultimate
21 sanctions were necessary to demonstrate to future litigants that they are not free to act with
22 wayward disregard of a court's orders." Foster, 227 P.3d at 1049.

23 The degree of willfulness of Defendants, the offending parties, in the instant case is well
24 established. Defendants knew at the time they claimed to have found these documents that there
25 were no new documents, and this has been the case for each incident of repeat production.
26 Defendants claimed the discovery of the "lost box" of "newly discovered documents" when
27 Plaintiffs would not agree to give them the extended continuance of six months that they
28 requested. Defendants concocted this new scheme of the "lost box" in an effort to convince the

1 Court to give them the delay they sought. Now, due to these false assertions by Defendants, trial
2 in this case has been set back six months, and forcing Plaintiffs to incur additional attorney's and
3 expert fees in analyzing, again, the same unauthenticated documents. Plaintiffs believe that
4 Defendants' claim of a "lost box" was made for the intention of delaying this litigation, causing
5 Plaintiffs' to incur additional costs and to harass Plaintiffs. Regardless, the delay, and
6 Defendants' willful and recalcitrant disregard of the judicial process, has prejudiced Plaintiffs,
7 warranting sanctions. Foster, 227 P.3d at 1049.

8 Plaintiffs also believe that Defendants have caused this delay for an improper and
9 possibly illegal purpose, i.e., to allow Defendant Hahn to dispose of corporate assets in an effort
10 to deprive Plaintiffs of a viable company to run at the conclusion of this litigation. Plaintiffs'
11 counsel has asked Defendants' counsel about this ongoing disposal of corporate assets, including
12 mining claims. See email attached hereto as Exhibit "5". However, no response has ever been
13 provided. This Court has the inherent power to dismiss an action when a party has willfully
14 deceived the court and engaged in conduct utterly inconsistent with the orderly administration of
15 justice. Wyle v. R.J. Reynolds Industries, Inc., 709 F.2d 585, 589 (9th Cir. Cal. 1983). This
16 abuse is painfully obvious here.

17 The Foster Court in striking the defendant's answer allowed for the non-offending party
18 to present a prima face case to present evidence to show that the amount of damages sought is
19 attributable to the tortious conduct and designed to either compensate the non-offending party or
20 punish the offending party. Foster, 227 P.3d at 1047. Plaintiffs believe that the reports of their
21 experts, Defendants' lack of documentation, the altered evidence and documents showing
22 examples of flagrant unjust enrichment will prove the validity of allegations against Defendant
23 Hahn and damages to the Kokoweef and EIN Shareholders.

24 It is clear that there are no more documents to be produced that would account for the
25 missing funds and that Defendants cannot produce any further evidence to rebut the findings of
26 Mr. Stringham. If Defendants had them, they would have been produced in one of the many
27 Defendants' facades to appear to try to comply with discovery requests and orders. Even if
28 Defendants produce a rebuttal report by their expert, they cannot now produce any more receipts

1 to substantiate the deficiencies outlined by Mr. Stringham. Accordingly, this Court could and
2 should find that the allegation that Mr. Hahn has misappropriated approximately \$1,000,000.00
3 in shareholder funds for which he cannot account should be deemed admitted.

4 Allowing Defendants to continue to find "lost boxes" would prejudice Plaintiffs in this
5 litigation and would be useless in Defendants' defense of the claims of unjust enrichment,
6 constructive fraud, corporate waste and breach of fiduciary duty. Making a finding that the facts
7 alleged by Plaintiffs be deemed admitted would expedite trial in the cause and would provide
8 sufficient deterrent to Defendants to continue to find "lost boxes." This would also not conclude
9 the case as the remaining issues of negligent misrepresentation and securities violations are still
10 pending.

11 On February 24, 2011, this Court ordered sanctions against Defendants in an amount not
12 to exceed \$2,500.00. Plaintiffs assert that the continued actions of Defendants justify, at the very
13 least that award, if not more. The delays and tactics employed by Defendants have only been
14 employed to cause Plaintiffs harm. Plaintiffs therefore request that in addition to the \$2,500
15 previously awarded, and in light of the obvious fact that Defendants cannot produce sufficient
16 documentation to justify the amount of money absconded by Defendant Hahn, and in
17 consideration of Young, Behana and Foster, that this Court award further sanctions, including a
18 finding that the allegations made by Plaintiffs in their First Amended Verified Complaint against
19 Defendant Hahn be deemed admitted, and if the Court so finds, up to and including the striking
20 of Defendants' answers in this litigation.

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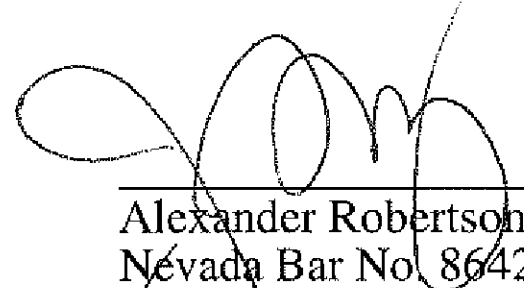
IV.

CONCLUSION

Based upon the foregoing, Plaintiffs respectfully request that this Court deny Defendants' Motion, strike the improperly and late-filed documents and exercise its broad discretion to entertain further sanctions against Defendants, including up to the striking of their Answers.

Dated April 22, 2011

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Attorneys for Plaintiffs

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 and ROBYN TRESKA; MICHAEL
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; PATRICK C. CLARY,
an individual; DOES 1 through 100,
inclusive;**

Defendants,

and

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

Nominal Defendants.

CASE NO. A558629

DEPT: XIII

[ELECTRONIC FILING CASE]

**AFFIDAVIT OF LAURETTA L.
KEHOE**

STATE OF NEVADA)
)SS
COUNTY OF CLARK)

I, LAURETTA L. KEHOE, being first duly sworn upon oath, depose and state as follows:

1. I am a Plaintiff in the above-entitled action and have been involved with this matter since 2006.
2. That I am an experienced Paralegal with over 20 years in the industry, the last six with MGM Resorts International.
3. That I and my husband, Michael Kehoe, have been reviewing all of the pleadings and discovery produced in this case as we have an active interest in keeping abreast of the progress of this case.
4. That we maintained copies of all of the pleadings and discovery in this matter and have sufficient knowledge and information to comment on same.
5. That although the amount of documents in support of this affidavit are voluminous, I have prepared a package of same for the Court's convenience should the Court wish to review the actual Pleadings and Transcripts referred to herein, which package will be delivered to the Court under separate cover (hereinafter referred to as "Exhibit Package").
6. That all of the Plaintiffs made our First Request for Documents in early 2008 when we requested that an audit be conducted of the company books. When the Documents were provided, both me and my husband, Plaintiff Michael Kehoe reviewed them. Michael's affidavit of our findings is included in the Exhibit Package as Exhibit "1." In addition, we discussed the review of these documents with our Forensic Accountant Talon Stringham who also reviewed these initially produced documents. Michael's Affidavit is included in the Verified Derivative Complaint filed on March 7, 2008.
7. That on or about 5/15/08 I read and reviewed the First Affidavit of Talon Stringham presented in Supplement to Motion to Strike Motion to Require Security from Plaintiffs or, In the Alternative, Opposition to Motion to

Require Security from Plaintiffs: which stated "There are expenditures that lack supporting documents of both companies." Pg. 3, line 12. The Affidavit is included in the Exhibit Package as Exhibit 2 without supporting schedules.

8. That on or about 5/16/08 I read and reviewed the Affidavit of Reta Van Da Walker which stated: "Based upon my review of the books and records of EIN and KOKOWEEF, it is my opinion that, although they have been run as small businesses, their records are exceptionally clean and complete." Pg. 2, lines 26-28. The Affidavit of Ms. Van Da Walker is included in the Exhibit Package as Exhibit 3.
9. That on or about 07/21/08, I reviewed the second set of documents provided by Defendants. I observed that these were not signed by any party or attorney nor were they Bates-Stamped. (That I later read and reviewed the January 19, 2011 Report of Mr. Stringham in which he commented about this second set of documents, stating: "After the issuance of this affidavit, I received (and subsequently analyzed) additional mining receipts, many of which were duplicates of the items previously produced. These documents were received from the Defendants. Once again I discovered the supporting transaction data was incomplete and the fraud indicators remained." *January 19, 2011 Report of Talon Stringham, Pg. 3 is referred to later in this affidavit and included in Exhibit Package as Exhibit 17.*)
10. That on or about 7/23/08, I reviewed the Second Affidavit of Talon Stringham which stated: "Although more documents have been provided since my May 15, 2008 affidavit I do not yet have all of the necessary documents to for a comprehensive forensic or investigative accounting of the books and records of both Explorations Incorporated of Nevada ("EIN") and Kokoweef, Inc. ("Kokoweef"). Pg. 2, lines 18-21. This Affidavit is included in the Exhibit Package as Exhibit 4 without attached schedules.
11. That on 7/31/08, I attended the Evidentiary Hearing in this cause and witnessed Defendants producing Exhibit 1 to our attorney at that time and witnessed testimony being given by several parties. That I subsequently

reviewed the transcript of the hearing where I found the following quotes.

Partial Transcript of Evidentiary Hearing on July 30, 2008 filed 1/13/09 and 8/12/08 are included in the Evidence Package as Exhibit 5 A & B.

“And then it looks like I got a whole bunch more receipts today.” pg. 22, lines 16-17.

Mr. Clary: “Were there any additions, deletions, changes, assembly of documents that comprise this exhibit as late as our meeting last night? Ms. Van Da Walker: “As of last night they were putting the books together, yes.” Partial Transcript of Evidentiary Hearing of July 30, 2008 filed 8/12/08 pg. 16, lines 8-14.

“Ms. Van Da Walker: This is not receipts in this (referring to Defendants’ Exhibit 1). These are transactions for disbursements. And the checks are there, the check stubs were given, and what receipts at the time we could find. But there’s lots more receipts found now and some of them, since they were so old, cash register receipts fade in heat and time, and a lot of them are unreadable.” Mr. Clary: “Okay. But would you say that the vast majority of the receipts and have been located and are included in Exhibit 1? A. Yes.” Pg. 20-21 lines 21-28, 1-4.

Mr. Stringham “Well, there’s certainly a large number of transactions between the related entities, and the documentation that I have seen is lacking ” Pg. 32, lines 18-24.

“Mr. Segel: Q. So you don’t have a recollection of when you got those red binders? Mr. Stringham: Well, the binders I have aren’t red so that’s part of the problem probably.” Pg. 73, lines 22-24.

12. That on or about 8/7/08, I read and reviewed Defendant Kokoweef, Inc.’s Brief in Support of Its Renewed Motion to Require Security from Plaintiffs where Defendants stated: “RETA testified that based upon her review of the checks and back up documentation, all checks written by Kokoweef and EIN were for proper business purposes, that receipts existed for most of the transactions and that she did not find any money missing from Kokoweef or EIN’s accounts.” Pp 2-3. Lines 28, 1-4. The Brief is included in the Exhibit Package as Exhibit 6.
13. That on or about 9/1/08, my husband Michael Kehoe and I reviewed the Third Set of Documents given to Plaintiffs. These were not signed by any party or attorney and were not Bates-Stamped. Michael’s Affidavit was attached to Plaintiff’s Opposition to Defendant Larry Hahn’s and Hahn’s World of

Surplus, Inc.'s Motion to Quash Subpoenas filed on 5/22/09 and is included in the Exhibit Package as Exhibit 7.

14. That sometime after 10/05/09 I read and reviewed the transcript of the Deposition of Custodian of Records Laurie Wright where I read that a Fourth set of documents was given to Plaintiffs' counsel at deposition. I further read and reviewed the following quotes from the Transcript, included in the Exhibit Package as Exhibit 8.

"Mr. Clary: We've also made an effort to supply the various documents that have been requested primarily though -- although much of that has been supplied previously even before the request . . . But we've also supplemented that with various disks of information." Pg. 7 lines 17-24
". . . let the record show that I've handed Ms. Taylor another disk -- an envelope with another disc containing the backup for the QuickBook records of Kokoweef." Pg. 8, lines 1-7.

"Mr. Clary: And we've done our best to try to comply, not only by supplying the person who was actually in the notice designated as the corporate designee on the custody and keeping of the records of Kokoweef. That person is the deponent, who has already been introduced. We've also made an effort to supply the various documents that had been requested primarily through -- although much of that has been supplied previously even before the request -- the request for discovery that is now on record here -- or actually, it's not on record -- it's served on counsel. It's been filed. But we've also supplemented that with various disks of information." Pg. 7 lines 13-24

"MS. TAYLOR: Okay. Well, I just want to be able to put back on the record that while I truly appreciate Ms. Wright's attendance and efforts here today, she is not custodian of records. She's merely, basically, a secretary who did scanning and has no other knowledge of how records are kept, where they're kept, who maintains them, or even how the documents that she was provided with were gathered. And so I reserve my right to depose additional people as necessary related to the issue of the keeping and maintaining of Kokoweef records." Pg. 151 lines 1-10.

15. That on or about 1/8/09, I read and reviewed the Third Affidavit of Talon Stringham attached to Reply to Defendants' Opposition and Joinder to Opposition to Application for Temporary Restraining Order, and Application for Temporary Appointment of Receiver; Motion for Preliminary Injunction, and Motion for Appointment of Receiver; Reply to Defendants' Opposition to

Notice of Non-Opposition where he stated the following quotes. The Affidavit is included in the Exhibit Package as Exhibit 9.

“That during the hearing, Defendants, for the first time, produced a book of receipts. Defendants referred to this binder of receipts as Exhibit 1, and alleged that Exhibit 1 provided all the remaining documentation to address any items I could not identify and/or locate, as described in my original accounting. . . That I did not have a chance to review the so-called Exhibit 1 prior to the ruling by this Court . . . That I have since had an opportunity to review the so-called Exhibit 1 . . . In reviewing the documents contained in Defendants’ Exhibit 1, I determined that Defendants have still not produced a complete copy of EIN and/or Kokoweef’s accounting records.” Pg. 3, Paragraphs 7-9.

“Exhibit A demonstrates that documents are still being withheld for the majority of the transactions listed in the ledgers of EIN and Kokoweef.” Pg. 4, lines 4-5 (Exhibit A showing that checks produced 57% did not have supporting receipts. Of Quickbook transactions listed 83% did not have supporting documentation.)

16. Mr. Stringham later stated in his January 19, 2011 Report “In May 2009, I also prepared a declaration in which I identified EIN/Kokoweef transactions which appeared personal or for which I was unable to ascertain any legitimate business reason related to EIN/Kokoweef. I was again provided with supplemental documentation from the Defendants. These documents were received from the Defendants. Again, most of the documents were duplicative of documents previously produced.” Mr. Stringham’s May 20, 2009 Affidavit is included as Exhibit 10. *1/19/11 Report of Talon Stringham, pg. 4, included in Exhibit Package as Exhibit 17.*
17. That on or about 2/9/10, I read and reviewed the Defendant Kokoweef, Inc.’s Opposition to Plaintiffs’ Motion to Compel Responses to Requests for Production and to Extend Discovery Deadlines (Second Request) filed 2/9/10 which stated: “The foregoing technical objections to the contrary notwithstanding, the Plaintiffs received all of the documents requested by them and to which they were entitled.” Pg. 3 lines 22-26, included in Exhibit Package as Exhibit 11.

18. That on or about 2/24/10, I read and reviewed the Opposition to Plaintiffs' Motion to Compel Responses to Requests for Production and to Extend Discovery Deadlines (Second Request) filed 2/24/10 which stated: "It is my understanding that some, if not all, of the requested documents have been produced." Page 6 of Affidavit of M. Nelson Segal, lines 26-28, Opposition included in Exhibit package as Exhibit 12.
19. That I read and reviewed the transcript of the hearing on 3/30/10 - Hearing on all Pending Motions, in which I read the following quotes. The Transcript is included in the Exhibit Package as Exhibit 13.

"Mr. Nelson "we've given them probably two stacks this high, 12 inches or so, of documentation." Transcript of Hearing on March 30, 2010." Pg. 7, lines 19-21.

"The Court: So have all the corporate documents and minutes been produced? Mr. Segel: Yes I believe they have, your Honor. The Court: Okay. And all of the accounting data that's included in Request Number 16 been produced? Mr. Segel: . . . I believe the answer would be yes . . ." Pg. 14, lines 1-7.

20. That on or about 4/14/10, I read and reviewed the Defendant's Response to Request for Production, which I believe was the Fifth set of documents received, included as Exhibit 14.
21. That I read and reviewed the transcript from the Hearing on May 27, 2010 where I read the following quotes. The Transcript is included in the Exhibit Package as Exhibit 15.

"(Ms. Taylor) What has been accomplished was that on April 14th we did receive a response to requests for productions. It contained – and I think that must be in my opposition, an index, at least my opposition attached to the letter that I wrote to Mr. Clary with my concerns about its appropriateness." Transcript of Hearing on May 27, 2010, pg. 3, lines 13-18, included in the Exhibit Package as Exhibit 15.

"Ms. Taylor: I received a letter back from Mr. Clary saying that he was done, he'd given us everything and going back to the mantra of - - and this is a problem - - you've gotten stuff, you should have it. . . And then yesterday . . . we received a supplement on the 29th . . . of minutes and an extra shareholder record that was not at Kokoweef. . ." Page 4, lines 10-14.

"Mr. Clary: But I believe that . . . we have provided everything that's been requested . . . I will represent to the Court in good faith, and I'll be happy to take an oath on this, that we're not holding anything back. There's nothing to be held back." Pg. 6, lines 3-9.

Mr. Segel" But (unintelligible) we do believe we've provided to the defendants - - to the plaintiffs, I'm sorry, each and every document that was properly requested we believe we have produced, including the prelitigation documents that we - we say previously produced, but we produced them again." Pg. 12, lines 1-6 "Mr. Segel: . . . I'm not sure what further discovery they would need." Pg. 40, lines 9-13.

Ms Taylor: As we discussed yesterday when we received her supplement to his status report late in the afternoon yesterday." Transcript of Hearing on June 1, 2010. Pg. 3 lines 23-25 . . ."

And we received a disc that came with - an Exhibit B document and a disk that came with that original April 14th disclosure. We were also permitted to do onsite copying of the shareholder files, as you directed on March 30th. That came to a total of about - it's actually about 13,000 pages." Pg. 4, lines 1-6.

"And that, until yesterday, was all that had been accomplished. Because when I wrote my letter on April 29th objecting to the production, as was done on April 14th, I received a letter back from Mr. Clary saying that he was done, he'd given us everything and going back to the mantra of - and this is a problem - you've gotten stuff, you should have had it. And then yesterday we - oh. We received a supplement on the 29th, late in the afternoon of the 29th of minutes and an extra shareholder record that was not at Kokoweef, but that was at actually Mr. Clary's office. And then yesterday we received those documents again in disk form along with this status report." Lines 10-22.

"And, Your Honor, to compound the concern about the completeness of the responses, yesterday at 10:40 a.m. while I was trying to respond to his ex parte motion on an OST, I received his status report that included an updated index." Pg. 5 Lines 5-9.

"Mr. Clary: Well, except for some documents that I've agreed to provide . . . I believe we've produced everything that's been requested." Pg. 5 lines 21-25.

"But I believe that - the answer to your question directly is that I believe that we have provided everything that's been requested. And we're not, I will represent to the Court in good faith, and I'll be happy to take an oath on this, that we're not holding anything back. There's nothing to be held back. There's we have - we believe we've produced everything." Pg 6, lines 1-10.

"Mr. Segel: I believe we have produced each and every thing we were supposed to produce." Pg. 7, lines 19-21. "I have some concerns, as I was

saying, that I think that where they said that they didn't get everything that was in that checklist that we gave them, I'm concerned maybe they didn't look at all the disks we've given them. I don't know what happened, why there's a disconnect there." Pg. 8, lines 13-17.

"Mr. Segel: I believe we've given them everything we're supposed to do. Something that was mentioned I think in the pleadings that neither one of them mentioned, there's an issue of the fact that we provided about four books prior to the litigation of documentation that Mr. Beller had that Mr. Stringham testified at the evidentiary that they had." Pg. 9, lines 19-24.

22. That on or about 5/31/10, I reviewed a Seventh disc produced with Defendants' status report with updated index.
23. That on or about 12/8/10, I reviewed the Status report produced by Defendants with additional documentation.
24. That sometime after 12/9/10, I read and reviewed the transcript of the Hearing on All Pending Motions on 12/9/10 where I read the following: "Mr. Clary: The thing I do object to is that the reason that I filed - -- that I renoticed the motion, although Your Honor had ruled that I could renote my motion for summary judgment at that time - - - but I waited till discovery was closed - - - and one thing I will object to today is reopening of discovery." Transcript of Hearing on December 9, 2010. Pg. 5 lines 3-12, included in the Exhibit Package as Exhibit 16.
25. That on or about 1/19/11, I read and reviewed the Report of Talon Stringham included as Exhibit 17. "Even though I have continued to receive bits of supporting documentation, to date I have been unable to verify that the payments made by EIN/Kokoweef were for the benefit of EIN/Kokoweef and not HWS or Mr. Hahn personally." Pg. 4.
26. That sometime after 2/24/11, I read and reviewed the transcript of the Hearing on All Pending Motions on 2/24/11 where I read the following quotes.

"Mr. Segel: "We learned the evening before our last hearing a couple of weeks ago that apparently a whole set of documents that we -- had theoretically been scanned in fact never made it to the discs." Transcript of Hearing on February 24, 2011, pg 5 lines 1-4, included as Exhibit 18.

... "But the bottom line is this. We found it appears to be at least most of the 2007 of receipts of Kokoweef that would support what Kokoweef did or didn't do and it's very likely [unintelligible] this morning, it's very possible we found other documents, as well." Pg 5. Lines 8-13.

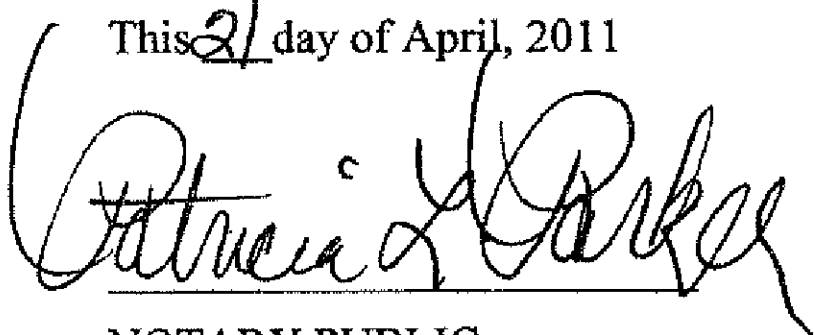
"I was told this morning that they would probably take – actually last night I was told – approximately two weeks to get these documents organized, scanned and delivered." Pg. 5 Lines 18-21 ... "I just learned last night the amount of time it was going to take for us to get it organized." Pg. 5, Lines 23-25.

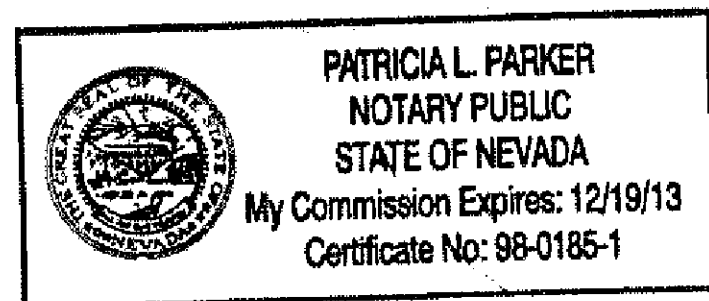
27. That on or about 3/17/11, I reviewed the Ninth Disc delivered to Plaintiffs with checks and receipts for EIN from 2004 to 2006. Most of the documents were duplicates of items already produced and the disc was not signed by any party or attorney.
28. That on or about 3/28/11, I reviewed the Tenth Disc delivered to Plaintiffs with checks and receipts from EIN and Kokoweef from 2004 to 2009. Most of the documents were duplicates of items already produced and the disc was not signed by any party or attorney. In addition, documents produced on 3/17/11 disc were altered. See Exhibit 19 – Check #4791 and supporting receipts to Laurie Wright.
29. Further affiant sayeth naught.


LAURETTA L. KEHOE

Subscribed and sworn to before me

This 21 day of April, 2011


NOTARY PUBLIC



AFFIDAVIT OF LAURETTA L. KEHOE EXHIBIT PACKAGE

1. Affidavit of Michael R. Kehoe attached to Verified Derivative Complaint filed on 3/7/08.
2. First Affidavit of Talon Stringham attached to Supplement to Motion to Strike Motion to Require Security from Plaintiffs or, In the Alternative, Opposition to Motion to Require Security from Plaintiffs filed on 5/15/08.
3. Affidavit of Reta Van Da Walker filed 5/16/08.
4. Second Affidavit of Talon Stringham filed 7/23/08
5. A. Partial Transcript of Evidentiary Hearing on July 30, 2008 filed 8/12/08
6. B. Partial Transcript of Evidentiary Hearing on July 30, 2008 filed 1/13/09
7. Defendant Kokoweef, Inc.'s Brief in Support of Its Renewed Motion to Require Security from Plaintiffs filed 8/7/08
8. Plaintiff's Opposition to Defendant Larry Hahn's and Hahn's World of Surplus, Inc.'s Motion to Quash Subpoenas filed 5/22/09
9. Transcript of Deposition of Custodian of Records Laurie Wright 10/5/09
10. Third Affidavit of Talon Stringham attached to Reply to Defendants' Opposition and Joinder to Opposition to Application for Temporary Restraining Order, and Application for Temporary Appointment of Receiver; Motion for Preliminary Injunction, and Motion for Appointment of Receiver; Reply to Defendants' Opposition to Notice of Non-Opposition filed 1/8/09
11. Affidavit of Talon Stringham filed 5/20/09
12. Defendant Kokoweef, Inc.'s Opposition to Plaintiffs' Motion to Compel Responses to Requests for Production and to Extend Discovery Deadlines (Second Request) filed 2/9/10
13. Opposition to Plaintiffs' Motion to Compel Responses to Requests for Production and to Extend Discovery Deadlines (Second Request) filed 2/24/10
14. Transcript of Hearing on March 30, 2010
15. Defendant's Response to Request for Production produced 4/4/10.
16. Transcript of Hearing on May 27, 2010
17. Transcript of Hearing on December 9, 2010.
18. Transcript of Hearing on February 24, 2011
19. Check #4791 and supporting receipts to Laurie Wright

EXHIBIT 1

**KOKOWEEF INC. Tony & Laurie Wright's Information
COPIES OF CHECKS & RECEIPTS FOR LAWSUIT**

[illegible]

OCT 23, 2009 DISC

[illegible]



EXPLORATION, INC. OF NEVADA
2225 E. LAKE MEAD BLVD. 702-842-1803
NORTH LAS VEGAS, NV 89030

4791

DATE 18-Mar-11

PAY
TO THE
ORDER OF

LAURIE WELCH

Two Hundred Dollars & 00/100

DOLLARS



440001.000

Shannon Berry

FOR

⑈0000004791⑈ ⑆121201694⑆ 153700554121⑈

⑈00000020000⑈

RECEIVED
CASH
ON 10/10/10
10/10/10

BRANCH
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HONOLULU
CREDIT UNION
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20050124 005833953861 200.00
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Shannon
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20090417015387 153700554121

Shannon Berry
BC-MN-H21P

PL001693

MAR 18 2011 DISC

Invoice

FIN

1-10-05

LABOR - Computer work on Newsletter

\$ 200.00

LAVEL WRIGHT

James W. Wright

**KOKOWEEF INC. Tony & Laurie Wright's Information
COPIES OF CHECKS & RECEIPTS FOR LAWSUIT**

RECEIPTS

TOTAL: \$587.14
Laurie covered the
costs of \$37.14

COSTCO WHOLESALE

WILLIAM H. HARRIS

[illegible]

THE UNIVERSITY OF CHICAGO

1990年12月	1991年1月	1991年2月	1991年3月	1991年4月	1991年5月	1991年6月	1991年7月	1991年8月	1991年9月	1991年10月	1991年11月	1991年12月	1992年1月	1992年2月	1992年3月	1992年4月	1992年5月	1992年6月	1992年7月	1992年8月	1992年9月	1992年10月	1992年11月	1992年12月	1993年1月	1993年2月	1993年3月	1993年4月	1993年5月	1993年6月	1993年7月	1993年8月	1993年9月	1993年10月	1993年11月	1993年12月	1994年1月	1994年2月	1994年3月	1994年4月	1994年5月	1994年6月	1994年7月	1994年8月	1994年9月	1994年10月	1994年11月	1994年12月	1995年1月	1995年2月	1995年3月	1995年4月	1995年5月	1995年6月	1995年7月	1995年8月	1995年9月	1995年10月	1995年11月	1995年12月	1996年1月	1996年2月	1996年3月	1996年4月	1996年5月	1996年6月	1996年7月	1996年8月	1996年9月	1996年10月	1996年11月	1996年12月	1997年1月	1997年2月	1997年3月	1997年4月	1997年5月	1997年6月	1997年7月	1997年8月	1997年9月	1997年10月	1997年11月	1997年12月	1998年1月	1998年2月	1998年3月	1998年4月	1998年5月	1998年6月	1998年7月	1998年8月	1998年9月	1998年10月	1998年11月	1998年12月	1999年1月	1999年2月	1999年3月	1999年4月	1999年5月	1999年6月	1999年7月	1999年8月	1999年9月	1999年10月	1999年11月	1999年12月	2000年1月	2000年2月	2000年3月	2000年4月	2000年5月	2000年6月	2000年7月	2000年8月	2000年9月	2000年10月	2000年11月	2000年12月	2001年1月	2001年2月	2001年3月	2001年4月	2001年5月	2001年6月	2001年7月	2001年8月	2001年9月	2001年10月	2001年11月	2001年12月	2002年1月	2002年2月	2002年3月	2002年4月	2002年5月	2002年6月	2002年7月	2002年8月	2002年9月	2002年10月	2002年11月	2002年12月	2003年1月	2003年2月	2003年3月	2003年4月	2003年5月	2003年6月	2003年7月	2003年8月	2003年9月	2003年10月	2003年11月	2003年12月	2004年1月	2004年2月	2004年3月	2004年4月	2004年5月	2004年6月	2004年7月	2004年8月	2004年9月	2004年10月	2004年11月	2004年12月	2005年1月	2005年2月	2005年3月	2005年4月	2005年5月	2005年6月	2005年7月	2005年8月	2005年9月	2005年10月	2005年11月	2005年12月	2006年1月	2006年2月	2006年3月	2006年4月	2006年5月	2006年6月	2006年7月	2006年8月	2006年9月	2006年10月	2006年11月	2006年12月	2007年1月	2007年2月	2007年3月	2007年4月	2007年5月	2007年6月	2007年7月	2007年8月	2007年9月	2007年10月	2007年11月	2007年12月	2008年1月	2008年2月	2008年3月	2008年4月	2008年5月	2008年6月	2008年7月	2008年8月	2008年9月	2008年10月	2008年11月	2008年12月	2009年1月	2009年2月	2009年3月	2009年4月	2009年5月	2009年6月	2009年7月	2009年8月	2009年9月	2009年10月	2009年11月	2009年12月	2010年1月	2010年2月	2010年3月	2010年4月	2010年5月	2010年6月	2010年7月	2010年8月	2010年9月	2010年10月	2010年11月	2010年12月	2011年1月	2011年2月	2011年3月	2011年4月	2011年5月	2011年6月	2011年7月	2011年8月	2011年9月	2011年10月	2011年11月	2011年12月	2012年1月	2012年2月	2012年3月	2012年4月	2012年5月	2012年6月	2012年7月	2012年8月	2012年9月	2012年10月	2012年11月	2012年12月	2013年1月	2013年2月	2013年3月	2013年4月	2013年5月	2013年6月	2013年7月	2013年8月	2013年9月	2013年10月	2013年11月	2013年12月	2014年1月	2014年2月	2014年3月	2014年4月	2014年5月	2014年6月	2014年7月	2014年8月	2014年9月	2014年10月	2014年11月	2014年12月	2015年1月	2015年2月	2015年3月	2015年4月	2015年5月	2015年6月	2015年7月	2015年8月	2015年9月	2015年10月	2015年11月	2015年12月	2016年1月	2016年2月	2016年3月	2016年4月	2016年5月	2016年6月	2016年7月	2016年
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$$S_{\text{eff}} = \int d^4x \left[-\frac{1}{4} F_{\mu\nu}^2 + \bar{\psi} (\not{D} - m) \psi + \frac{1}{2} (\partial_\mu \phi)^2 - V(\phi) \right]$$

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SECRET

ANSWER: 1172.5

DATE: 11 SEP 1969 0700

• **Stressors** are the environmental factors that cause stress. Stressors can be physical, chemical, biological, or psychological. Examples of stressors include noise, pollution, crowding, and social isolation.

[illegible]

Abstract

[illegible]

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1990-1991, 1991-1992, 1992-1993, 1993-1994, 1994-1995, 1995-1996, 1996-1997, 1997-1998, 1998-1999, 1999-2000, 2000-2001, 2001-2002, 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021, 2021-2022, 2022-2023, 2023-2024, 2024-2025, 2025-2026, 2026-2027, 2027-2028, 2028-2029, 2029-2030, 2030-2031, 2031-2032, 2032-2033, 2033-2034, 2034-2035, 2035-2036, 2036-2037, 2037-2038, 2038-2039, 2039-2040, 2040-2041, 2041-2042, 2042-2043, 2043-2044, 2044-2045, 2045-2046, 2046-2047, 2047-2048, 2048-2049, 2049-2050, 2050-2051, 2051-2052, 2052-2053, 2053-2054, 2054-2055, 2055-2056, 2056-2057, 2057-2058, 2058-2059, 2059-2060, 2060-2061, 2061-2062, 2062-2063, 2063-2064, 2064-2065, 2065-2066, 2066-2067, 2067-2068, 2068-2069, 2069-2070, 2070-2071, 2071-2072, 2072-2073, 2073-2074, 2074-2075, 2075-2076, 2076-2077, 2077-2078, 2078-2079, 2079-2080, 2080-2081, 2081-2082, 2082-2083, 2083-2084, 2084-2085, 2085-2086, 2086-2087, 2087-2088, 2088-2089, 2089-2090, 2090-2091, 2091-2092, 2092-2093, 2093-2094, 2094-2095, 2095-2096, 2096-2097, 2097-2098, 2098-2099, 2099-2100, 2100-2101, 2101-2102, 2102-2103, 2103-2104, 2104-2105, 2105-2106, 2106-2107, 2107-2108, 2108-2109, 2109-2110, 2110-2111, 2111-2112, 2112-2113, 2113-2114, 2114-2115, 2115-2116, 2116-2117, 2117-2118, 2118-2119, 2119-2120, 2120-2121, 2121-2122, 2122-2123, 2123-2124, 2124-2125, 2125-2126, 2126-2127, 2127-2128, 2128-2129, 2129-2130, 2130-2131, 2131-2132, 2132-2133, 2133-2134, 2134-2135, 2135-2136, 2136-2137, 2137-2138, 2138-2139, 2139-2140, 2140-2141, 2141-2142, 2142-2143, 2143-2144, 2144-2145, 2145-2146, 2146-2147, 2147-2148, 2148-2149, 2149-2150, 2150-2151, 2151-2152, 2152-2153, 2153-2154, 2154-2155, 2155-2156, 2156-2157, 2157-2158, 2158-2159, 2159-2160, 2160-2161, 2161-2162, 2162-2163, 2163-2164, 2164-2165, 2165-2166, 2166-2167, 2167-2168, 2168-2169, 2169-2170, 2170-2171, 2171-2172, 2172-2173, 2173-2174, 2174-2175, 2175-2176, 2176-2177, 2177-2178, 2178-2179, 2179-2180, 2180-2181, 2181-2182, 2182-2183, 2183-2184, 2184-2185, 2185-2186, 2186-2187, 2187-2188, 2188-2189, 2189-2190, 2190-2191, 2191-2192, 2192-2193, 2193-2194, 2194-2195, 2195-2196, 2196-2197, 2197-2198, 2198-2199, 2199-2200, 2200-2201, 2201-2202, 2202-2203, 2203-2204, 2204-2205, 2205-2206, 2206-2207, 2207-2208, 2208-2209, 2209-2210, 2210-2211, 2211-2212, 2212-2213, 2213-2214, 2214-2215, 2215-2216, 2216-2217, 2217-2218, 2218-2219, 2219-2220, 2220-2221, 2221-2222, 2222-2223, 2223-2224, 2224-2225, 2225-2226, 2226-2227, 2227-2228, 2228-2229, 2229-2230, 2230-2231, 2231-2232, 2232-2233, 2233-2234, 2234-2235, 2235-2236, 2236-2237, 2237-2238, 2238-2239, 2239-2240, 2240-2241, 2241-2242, 2242-2243, 2243-2244, 2244-2245, 2245-2246, 2246-2247, 2247-2248, 2248-2249, 2249-2250, 2250-2251, 2251-2252, 2252-2253, 2253-2254, 2254-2255, 2255-2256, 2256-2257, 2257-2258, 2258-2259, 2259-2260, 2260-2261, 2261-2262, 2262-2263, 2263-2264, 2264-2265, 2265-2266, 2266-2267, 2267-2268, 2268-2269, 2269-2270, 2270-2271, 2271-2272, 2272-2273, 2273-2274, 2274-2275, 2275-2276, 2276-2277, 2277-2278, 2278-2279, 2279-2280, 2280-2281, 2281-2282, 2282-2283, 2283-2284, 2284-2285, 2285-2286, 2286-2287, 2287-2288, 2288-2289, 2289-2290, 2290-2291, 2291-2292, 2292-2293, 2293-2294, 2294-2295, 2295-2296, 2296-2297, 2297-2298, 2298-2299, 2299-2300, 2300-2301, 2301-2302, 2302-2303, 2303-2304, 2304-2305, 2305-2306, 2306-2307, 2307-2308, 2308-2309, 2309-2310, 2310-2311, 2311-2312, 2312-2313, 2313-2314, 2314-2315, 2315-2316, 2316-2317, 2317-2318, 2318-2319, 2319-2320, 2320-2321, 2321-2322, 2322-2323, 2323-2324, 2324-2325, 2325-2326, 2326-2327, 2327-2328, 2328-2329, 2329-2330, 2330-2331, 2331-2332, 2332-2333, 2333-2334, 2334-2335, 2335-2336, 2336-2337, 2337-2338, 2338-2339, 2339-2340, 2340-2341, 2341-2342, 2342-2343, 2343-2344, 2344-2345, 2345-2346, 2346-2347, 2347-2348, 2348-2349, 2349-2350, 2350-2351, 2351-2352, 2352-2353, 2353-2354, 2354-2355, 2355-2356, 2356-2357, 2357-2358, 2358-2359, 2359-2360, 2360-2361, 2361-2362, 23

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Page 29 of 38

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PROCESSES OF THE

NONREVENUE: Tony Blaine Wright's Information
 COPIES OF CHECKS & RECEIPTS FOR LAWSUIT

75830 5133 RECEIPTS	205700.00 205700.00
TOTAL: \$205,700.00 LAWSUIT PROCEEDS 205700.00	

Summary of Comments on DESCRIPTION

Page: 6

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 All other 1091 DTD 1/8/05 200.00
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CHK # 4791
DTD 01/18/2005
Amount \$ 200.00 Difference -\$ 77.48

Date	Amount
12/19/2004	\$ 122.52

\$ 122.52

DE001368

EXHIBIT 2



5229

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DATE _____

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TO THE
ORDER OF

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testbank.com

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Shannon Berry
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MINS # 5229

PETTY CASH

NUMBER

DATE 8-2-06

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DESCRIPTION OF ITEM/SERVICE PURCHASED	AMOUNT
Buying crap.	110 00
Hoyt Chancey	}
52228 Garden Lane #B	
Las Vegas, NV. 89119	
CHARGE TO ACCOUNT	TOTAL 110 00

Received By

Approved By

EXHIBIT 3

Jennifer L. Taylor

From: Jennifer L. Taylor
Sent: Thursday, April 07, 2011 12:02 PM
To: 'Patrick C. Clary'
Cc: nelson@nelsonsegellaw.com
Subject: RE: Burke, et al. v. Hahn, et al.

Counsel:

I am in receipt of your demand for a response regarding your request that your untimely, improperly disclosed documents be accepted "without further controversy" or you will file the "appropriate motion". First, what "motion" do you anticipate filing? Second, we are currently in the process of reviewing your untimely, improperly disclosed documents and we will provide you with a response to these documents and your letter by Monday, April 11, 2011 at noon.

Sincerely,
Jennifer L. Taylor
401 N. Buffalo Dr., Suite 202
Las Vegas, NV 89145

Office Phone (702) 247-4661
Direct E-mail address: jtaylor@rvcdlaw.com

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-----Original Message-----

From: Patrick C. Clary [mailto:patclary@patclarylaw.com]
Sent: Wednesday, April 06, 2011 4:45 PM
To: Jennifer L. Taylor
Cc: nelson@nelsonsegellaw.com
Subject: Burke, et al. v. Hahn, et al.

Dear Jennifer:

On Tuesday, March 29, 2011, I caused to be delivered to you the disc containing, *inter alia*, the newly discovered evidence together with my letter to you of that date, a copy of which is attached. I have received no response whatsoever from you as requested in the last paragraph of my letter, and, of course, you have already stated that you will not talk to either Nelson Segel or me on the telephone.

Please be advised that, If I do not hear from you by noontime tomorrow, I intend to file the appropriate motion with the Court referred to in my letter.

Sincerely,

Pat Clary
Law Offices of Patrick C. Clary, Chartered
8670 West Cheyenne Avenue, Suite 120
Las Vegas, Nevada 89129

4/22/2011

Telephone: 702.382.0813
FAX: 702.382.7277
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1 As noted above, the late documents were not accompanied by any pleading or "other paper",
2 rendering them capable of being stricken. Additionally, this deficiency was pointed out to
3 Defendant. See email attached hereto as Exhibit "3" and has been repeatedly raised with
4 Defendants by this Court. See Statement of Facts, supra.

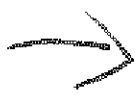
5 NRCF Rule 37 (2), governs discovery abuse, and the remedies for "repetitive, abusive
6 and recalcitrant" discovery. See Bahena v. Goodyear Tire & Rubber Co., 235 P.3d 592 (Nev.
7 2010). NRCF 37 (2) provides in pertinent part:

8
9 Sanctions--Party. If a party or an officer, director, or managing
10 agent of a party or a person designated under Rule 30(b)(6) or
11 31(a) to testify on behalf of a party fails to obey an order to provide
12 or permit discovery, including an order made under subdivision (a)
13 of this rule or Rule 35, or if a party fails to obey an order entered
14 under Rules 16, 16.1, and 16.2, the court in which the action is
15 pending may make such orders in regard to the failure as are just,
16 and among others the following:

17 (A) An order that the matters regarding which the order was
18 made or any other designated facts shall be taken to be established
19 for the purposes of the action in accordance with the claim of the
20 party obtaining the order;

21 (B) An order refusing to allow the disobedient party to support
22 or oppose designated claims or defenses, or prohibiting that party
23 from introducing designated matters in evidence;

24 (C) An order striking out pleadings or parts thereof, or staying
25 further proceedings until the order is obeyed, or dismissing the
26 action or proceeding or any part thereof, or rendering a judgment
27 by default against the disobedient party;

28  In lieu of any of the foregoing orders or in addition thereto, the court shall
require the party failing to obey the order or the attorney advising that party or
both to pay the reasonable expenses, including attorney's fees, caused by the
failure, unless the court finds that the failure was substantially justified or that
other circumstances make an award of expenses unjust.

3. Defendants' "repetitive, abusive, and recalcitrant" discovery abuses warrant further sanctions pursuant to Nevada case law.

26 Plaintiffs have been attempting to secure these documents for more than three years. This
27 Court has repeatedly, over more than a year, ordered Defendants to produce documents, and to
28 produce them in accordance with the Nevada Rules of Civil Procedure. However, this latest

1 improper, untimely, and suspicious document dump demonstrates Defendant's continued
2 disregard of the "judicial process", which under Nevada law is presumed to cause prejudice to
3 Plaintiffs. See Foster v. Dingwall, et al., 126 Nev. Adv. Rep. 6, 15, 227 P.3d 1042, 1049 (Nev.
4 2010) (*citing Hamlett v. Reynolds*, 114 Nev. 863, 865, 963 P.2d 457 (Nev. 1998)). As such,
5 pursuant to Foster, further sanctions are warranted and should be imposed upon Defendants.

6 The facts in this case are similar to Young v. Johnny Ribeiro Bldg., 106 Nev. 88 (1990).
7 In Young, Plaintiff made written entries in a diary in a pen different that the original documents
8 produced. The district court gave Plaintiff an opportunity to clarify the evidence and address
9 whether these documents had been altered. When Plaintiff failed to authenticate the writings as
10 contemporaneous to the actual creation of the diary, the district court dismissed Young's claims
11 because the fabricated evidence was directly related to the claims at issue. The instant case is
12 factually analogous. Defendants have had three years and multiple directions from this Court to
13 produce appropriate and complete evidence, and have failed to do so.

14 *a. Factors to analyze for sanctions:*

15 One of the significant components of Young was that it established factors a court must
16 consider when taking drastic steps in sanctioning discovery abuse, such as dismissing a
17 complaint, or an Answer. These factors include an analysis of the degree of willfulness of the
18 offending party, the extent to which the non-offending party would be prejudiced by a lesser
19 sanction, the severity of the sanction of dismissal relative to the severity of the discovery abuse,
20 whether any evidence has been irreparably lost, the feasibility and fairness of alternative, less
21 severe sanctions, such as an order deeming facts relating to improperly withheld or destroyed
22 evidence to be admitted by the offending party, the policy favoring adjudication on the merits,
23 whether sanctions unfairly operate to penalize a party for the misconduct of his or her attorney,
24 and the need to deter both the parties and future litigants from similar abuses. Young, 106 Nev.
25 at 93. In this case, the abuse of discovery has been so expansive, so flagrant and over such a long
26 period of time that sanctions, up to the striking of Defendants' Answers, would not be unjust.

27 For flagrant, and continuing discovery abuses, as in this case, the Nevada Supreme Court
28 has even gone beyond the sanctions issued in Young. Bahena v. Goodyear Tire & Rubber Co.,

EXHIBIT 4

STATE OF NEVADA)
)SS
COUNTY OF CLARK)

AFFIDAVIT OF PAUL BARNARD


I, PAUL BARNARD, being first duly sworn upon oath, depose and state as follows:

1. That I am a Plaintiff in the matter of Ted Burke et al v. Larry Hahn et al, Case No. 08 D 558629.
2. That I am a shareholder with shares in Explorations, Incorporated of Nevada and/or Kokoweef, Inc.
3. That I am of sound mind, capable of making this affidavit and personally acquainted with the facts herein stated.
4. That I was present at the Shareholder's meeting held at the Kokoweef mine site in San Bernardino County, California on Sunday, June 1, 2008.
5. That after Ted Burke and his attorney left the premises, I personally heard Mr. Patrick Clary state to the approximately 100 remaining shareholders present: "Here is our strategy, we are going to stall the case and continue stalling the case until the plaintiffs run out of money and are no longer able continue the case."
6. Further affiant sayeth naught.

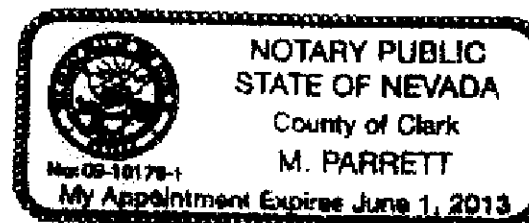


PAUL BARNARD

Subscribed and Sworn to before me
This 10 day of March, 2010.



NOTARY PUBLIC



STATE OF NEVADA)
)SS
COUNTY OF CLARK)

AFFIDAVIT OF PAULA M. BARNARD

I, PAULA M. BARNARD, being first duly sworn upon oath, depose and state as follows:

7. That I am a Plaintiff in the matter of Ted Burke et al v. Larry Hahn et al, Case No. 08 D 558629.
8. That I am a shareholder with shares in Explorations, Incorporated of Nevada and/or Kokoweef, Inc.
9. That I am of sound mind, capable of making this affidavit and personally acquainted with the facts herein stated.
10. That I was present at the Shareholder's meeting held at the Kokoweef mine site in San Bernardino County, California on Sunday, June 1, 2008.
11. That after Ted Burke and his attorney left the premises, I personally heard Mr. Patrick Clary state to the approximately 100 remaining shareholders present: "Here is our strategy, we are going to stall the case and continue stalling the case until the plaintiffs run out of money and are no longer able continue the case."
12. Further affiant sayeth naught.


PAULA M. BARNARD

Subscribed and Sworn to before me
This 10 day of March, 2010.


NOTARY PUBLIC

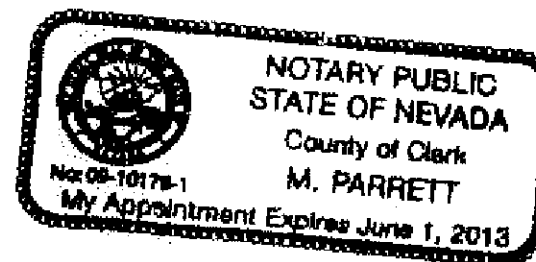


EXHIBIT 5

Jennifer L. Taylor

From: Jennifer L. Taylor
Sent: Monday, March 14, 2011 3:30 PM
To: 'nelson@nelsonsegellaw.com'
Cc: 'Patrick C. Clary'
Subject: RE: Order et al

Counsel:

In regard to the draft order, a proposed version is attached. I was waiting for the transcript.

In regard to the discovery issues. First, I did not say I would call you. I said I would email you. Please do not misrepresent our communications. This is precisely the reason I believe it is in all of our clients' best interests to maintain communications via written means. As far as the discovery, you have both received requests for production from me. You are both, as the Judge reflected, under an ongoing obligation to supplement your responses. So, what I'm asking is for you to supplement up through the periods requested on each of those Requests for Production. If a Kokoweef request seeks documents through "current", then that means through today; if there's a specific year that I was seeking documents through, then that's the year, under the rules, that you would need to supplement through.

Additionally, I am expecting your supplemental documents on 3/17. That's what your represented could be done, that's what the court directed you to do, and that's what the minute order reflects. Please do not come back to me and argue that you needed this order prior to producing because you know she often directs deadlines based on the date of the hearing, not the date of the entered order. If there are documents you will be producing now that I've addressed what I, and the Court and the NRCP expect from a supplementation, please produce these no later than ten (10) days from today so that I can file motions if needed.

Finally, a matter of very serious concern. We have had information from several sources that your client is liquidating assets at the company. This liquidation includes various equipment necessary for the operation of Kokoweef, such as drill rigs. While this causes me great concern about the continued impropriety of your clients' business operations (i.e. are these sales being made at arm's length, are funds from the sale being deposited into Kokoweef accounts, etc.), I am more seriously concerned about reports that your clients are offering the actual mining claims for sale. Sale of a piece of equipment can be, arguably, addressed by money damages. However, the loss of mining claims by a mining cannot ever be replaced. Therefore, we need information about these alleged transactions. To the extent a sale of any assets has occurred, the documents requested related to Kokoweef's assets must be supplemented under the rules of civil procedure. To the extent that any claims have been sold or are at risk of being sold, please advise me immediately so that I can take the appropriate measures to protect these irreplaceable corporate assets.

Please provide me a response to the above via any written means.

Jennifer L. Taylor
Robertson & Associates, LLP
401 N. Buffalo Dr., Suite 202
Las Vegas, NV 89145

Office Phone (702) 247-4661
Direct E-mail address: jtaylor@rvcdlaw.com

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4/22/2011

-----Original Message-----

From: M Nelson Segel [mailto:nelson@nelsonsegellaw.com]

Sent: Wednesday, March 02, 2011 11:11 AM

To: Jennifer L. Taylor

Cc: 'Patrick C. Clary'

Subject: Order et al

Ms. Taylor:

During the hearing last week, you informed the Court that there were two issues that you had regarding discovery. The Judge told you that nothing was before her and she directed you to file a motion. You had informed her that one of the issues was the supplements to the prior discovery requests, specifically, further documentation for the year 2009.

As we were leaving the Courtroom, I informed you that we would provide the supplemental information, if any, without the need for a motion. Additionally, I asked you about your second item. You were unwilling to discuss it, but stated you would call in the afternoon. I have not heard from you.

If it is your desire to file a motion, without conducting a 2.34, we will respond to the motion. If it is your desire to work out whatever can be accomplished, please let me know what you are seeking.

Finally, I have not seen a draft of an order from the hearing. Since the Judge directed you to complete the order, I will assume that she will not harass me about any delay. I would like to get the order completed so we understand our obligations.

I look forward to hearing from you.

M Nelson Segel
624 South 9th Street
Las Vegas, Nevada 89101
(702)385-5266

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4/22/2011