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12 Attorneys for Defendant Kokoweef, Inc.

FILED

May 16 11 58 AM '08

*Clary Cannon*  
CLERK OF THE COURT

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DISTRICT COURT  
CLARK COUNTY, NEVADA

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

20 Plaintiffs )

21 vs. )

22 LARRY L. HAHN, individually, and as )  
23 President of and Treasurer of Kokoweef, )  
24 Inc., and former President and )  
25 Treasurer of Explorations Incorporated )  
26 of Nevada; HAHN'S WORLD OF SURPLUS, )  
27 INC., a Nevada corporation; DOES I-X, )  
28 inclusive; DOE OFFICERS, DIRECTORS and )  
PARTICIPANTS I-XX, )

Defendants, )

and )

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

Nominal Defendants. )

CASE NO. A558629  
DEPT. XIII

**AFFIDAVIT OF PATRICK C.  
CLARY IN SUPPORT OF  
MOTION TO REQUIRE  
SECURITY FROM PLAINTIFFS**

DATE OF HEARING: 5/19/08  
TIME OF HEARING: 9:00 a.m.



1 not a "report" at all; rather, it is string of further unsubstantiated  
2 allegations and contains no admissible evidence whatsoever supporting  
3 the Plaintiff's positions in this case.

4 4. Plaintiff Ted R. Burke, while an officer and director of  
5 Kokoweef, recommended to Kokoweef that it hire Rita Vandawalker to  
6 perform accounting services for Kokoweef back in 2002. Accordingly,  
7 Ms. Vandawalker was engaged, and Mr. Burke stated on many occasions  
8 that he was satisfied with her services. More recently, when Mr. Burke  
9 raised certain questions relating to certain unspecified financial  
10 transactions of Kokoweef, Ms. Vandawalker was again engaged by  
11 Kokoweef.

12 5. Prior to the institution of this lawsuit, the Plaintiffs'  
13 counsel herein, Neil J. Beller, Esq., demanded certain financial  
14 records, which I believed he was permitted to receive under Chapter  
15 78 of Nevada Revised Statutes for the purpose of performing an audit  
16 of Kokoweef's financial records, which was never done, even though  
17 copies of all of the requested financial records were provided.  
18 Accordingly, it is clear to me that the requests for such financial  
19 records were wrongfully made for the purpose of preparing this lawsuit  
20 instead of the audit that was never performed.

21 6. Moreover, I have since learned that Mr. Beller did not  
22 represent the requisite percentage of Kokoweef's stockholders to make  
23 the requests in the first place!

24 7. Ms. Vandawalker completed her examination of Kokoweef's  
25 financial records for the years 2003-2007 and reported the results of  
26 her work, prior to the institution of this lawsuit, to Mr. Burke,  
27 informing him that Kokoweef's financial transactions, except some  
28 small, insignificant, and immaterial matters, were all fully accounted

1 for. Yet, the Complaint was nevertheless filed herein, making false  
2 allegations of financial improprieties for which no proof has been  
3 offered.

4 8. I have examined the Affidavit of Ted R. Burke which is  
5 attached to the "Supplement to Motion to Strike Motion to Require  
6 Security from Plaintiffs Or, in the Alternative, Opposition to Motion  
7 to Require Security from Plaintiffs" ("the Supplement") received late  
8 yesterday afternoon via FAX from the Plaintiffs' counsel. Mr. Burke's  
9 Affidavit has virtually no probative value or relevance. Mr. Burke,  
10 in my presence, on more than one occasion, while he was still  
11 Secretary and a director of Kokoweef, stated that the Bylaws submitted  
12 by Mr. Segel were in fact the correct Bylaws of Kokoweef, but, even  
13 if they weren't, there isn't anything in either sets of bylaws that  
14 Mr. Burke produced with his Affidavit that has anything to do with the  
15 Subject Motion or the Plaintiff's motion that the Subject Motion be  
16 stricken.

17 9. I have examined the Affidavit of Talon Stringham which is also  
18 attached to the Supplement. In his Affidavit Mr. Stringham attempts  
19 to qualify himself as an expert, but he does not the specific licenses  
20 he holds and who issued the licenses. Most of the statements in his  
21 affidavit are mere conclusions not based on admissible evidence, and  
22 he even admits that he has merely found "red flags," which he also  
23 virtually admits do not prove his conclusions.

24 10. Accordingly, the Plaintiffs have produced nothing tangible  
25 to defeat the Subject Motion or to support their motion to strike the  
26 Subject Motion. Moreover, they have produced no admissible evidence  
27 which would prove the false allegations contained in their Complaint  
28 herein.

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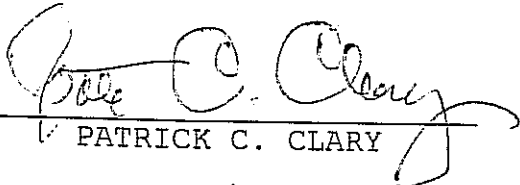
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11. Even at this stage of this proceeding, Kokoweef has incurred attorneys' fees herein exceeding \$20,000.

12. Based on my experience in practicing law for over 40 years including substantial experience in litigation of the nature of the above-captioned case, it is my opinion that Kokoweef's attorneys' fees in this case very likely will eventually exceed \$150,000.


13. Based on the same experience, I believe that Mr. Segel's attorney's fees in this case will exceed \$100,000, and Kokoweef's board of directors recently voted to indemnify Mr. Hahn for his attorney's fees in this case as permitted in and mandated by its Articles of Incorporation and Bylaws.

14. Accordingly, the amount of the Bond to be posted by the Plaintiffs should be in an amount not less that \$250,000.

  
PATRICK C. CLARY

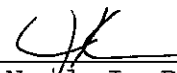
SUBSCRIBED AND SWORN TO before me on the 16 day of May, 2008.



 **Sandra Rodriguez**  
NOTARY PUBLIC  
STATE OF NEVADA  
Appl. No. 07-1152-1  
My Appt. Expires January 5, 2011

1 RECEIPT IS HEREBY ACKNOWLEDGED of a copy of the above and  
2 foregoing Affidavit of Patrick C. Clary in Support of Motion to  
3 Require Security from Plaintiffs on the \_\_\_\_ day of May, 2008.

4 NEIL J. BELLER, LTD.

5  
6 By   
7 Neil J. Beller  
8 Nevada Bar No. 2360  
9 Attorneys for Plaintiffs  
10 7408 West Sahara Avenue  
11 Las Vegas, Nevada 89117

12  
13 M NELSON SEGEL  
14 Nevada Bar No. 530  
15 Attorney for Defendants Larry  
16 Hahn and Hahn's World of  
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