


CLERK OF THE COURT

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DISTRICT COURT
CLARK COUNTY, NEVADA

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

21 Plaintiffs,

22 vs.

23 LARRY H. HAHN, individually, and as
24 President and Treasurer of Kokoweef, Inc., and
25 former President and Treasurer of Explorations
26 Incorporated of Nevada; HAHN'S WORLD OF
27 SURPLUS, INC., a Nevada corporation;
28 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

**MOTION TO COMPEL
RESPONSES TO REQUESTS FOR
PRODUCTION AND TO EXTEND
DISCOVERY DEADLINES (SECOND
REQUEST)**

*Opp Feb 24 ✓
Reply Mar 5 ✓*

ROBERTSON
& VICK, LLP

1 Plaintiffs Ted R. Burke; Michael R. And Lauretta L. Kehoe; John Bertoldo; Paul Barnard;
2 Eddy Kravetz; Jackie and Fred Kravetz; Steven Franks; Paula Maria Barnard; Peter T. And Lisa
3 A. Freeman; Leon Golden; C.A. Murff; Gerda Fern Billbe; Bob and Robyn Treska; Michael
4 Randolph and Frederick Willis (hereinafter collectively referred to as "Plaintiffs"), by and
5 through their undersigned counsel of record, Robertson & Vick LLP, hereby file their Motion to
6 Compel Kokoweef, Inc.'s (hereafter "Kokoweef") Responses to Plaintiffs' Requests for
7 Production served upon Defendant Kokoweef on August 14, 2009. Defendant's failure to
8 participate in good faith in the discovery process, has cost Plaintiffs valuable time, and, therefore,
9 Plaintiffs also move for an order extending the discovery deadlines pursuant to EDCR 2.35.

10 This motion is made and based upon NRCP 26, 30, 34, and 37, EDCR 2.34 and EDCR
11 2.35, the pleadings and papers on file in this matter, the attached Memorandum of Points and
12 Authorities, and any oral argument allowed at the hearing of this matter.

13
14 **NOTICE OF MOTION**

15 TO: ALL COUNSEL AND THEIR ATTORNEYS OF RECORD HEREIN:

16 PLEASE TAKE NOTICE that the Plaintiffs will bring the above and foregoing
17 MOTION TO COMPEL RESPONSES TO REQUESTS FOR PRODUCTION AND TO
18 EXTEND DISCOVERY DEADLINES (SECOND REQUEST) on for hearing at the
19 courtroom of the above-entitled Court on the 12 day of March, 2010, at Chambers a.m. of
20 said day, in Department XIII of said Court.

21 DATED this 5th day of February, 2010

22 ROBERTSON & VICK, LLP

23
24 By: 

25 ALEXANDER ROBERTSON, IV
26 Bar No. 8642
27 JENNIFER L. TAYLOR
28 Bar No. 5798
401 N. Buffalo Drive, Suite 202
Las Vegas, Nevada 89145

Attorneys for Plaintiffs

ROBERTSON
& VICK, LLP

1 Plaintiffs Ted R. Burke; Michael R. And Lauretta L. Kehoe; John Bertoldo; Paul Barnard;
2 Eddy Kravetz; Jackie and Fred Kravetz; Steven Franks; Paula Maria Barnard; Peter T. And Lisa
3 A. Freeman; Leon Golden; C.A. Murff; Gerda Fern Billbe; Bob and Robyn Treska; Michael
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18 **EXTEND DISCOVERY DEADLINES (SECOND REQUEST)** on for hearing at the
19 courtroom of the above-entitled Court on the ____ day of _____, 2010, at ____ a.m. of
20 said day, in Department XIII of said Court.

21 DATED this 5th day of February, 2010

22 ROBERTSON & VICK, LLP

23
24 By: 

ALEXANDER ROBERTSON, IV
Bar No. 8642
JENNIFER L. TAYLOR
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Attorneys for Plaintiffs

25
26
27
28 ROBERTSON
& VICK, LLP

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **INTRODUCTION**

4 Since the litigation in this matter has started in earnest, Defendants have engaged in
5 tactics to stall discovery and force Plaintiffs to incur unnecessary costs. The most recent and
6 egregious example of this is the subject of Plaintiffs' Motion to Compel. Since August 2009,
7 Plaintiffs have made every reasonable effort to obtain production of documents from Kokoweef
8 that are necessary for Plaintiffs' experts to prepare reports for production. Plaintiffs have entered
9 into informal agreements with counsel for Kokoweef and the Hahn Defendants, which have not
10 been honored. Plaintiffs have also written letters, emails, made phone calls and renoticed a
11 deposition in order to act in good faith in working for the production of documents with counsel
12 for Kokoweef.

13 However, all those efforts have been in vain, and Plaintiffs now find themselves without
14 the requested documents, without any written response under NRCP 34 to Requests for
15 Production, without any indication from Kokoweef as to when those documents may be
16 produced, while facing looming expert disclosure deadlines. The history of the behavior of
17 Kokoweef's counsel in regard to this Motion represents gamesmanship at its worst, and should
18 not be countenanced.¹ Accordingly, Plaintiffs' Motion should be granted, Kokoweef should be
19 compelled to fully respond to Plaintiffs' Requests for Production pursuant to NRCP 34, and to
20 produce all responsive documents without objection. Additionally, the discovery deadlines
21 should be continued to allow Plaintiffs' experts sufficient time to produce their reports for
22 disclosure.

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24
25
26 ¹ Delay tactics have also been employed by counsel for Larry H. Hahn and Hahn's World of Surplus
27 (hereafter the "Hahn Defendants"). On August 14, 2009, this Court granted the Hahn Defendants' Motion to Quash
28 certain Subpoenas and ordered the Hahn Defendants to prepare the Recommendation for Plaintiffs' counsel to
review. To this date, that Recommendation has not been prepared, and, therefore, Plaintiffs have been prejudiced
because they are unable to take any further action on that ruling. Plaintiffs have now been forced to expend their
time and money to draft and forward a proposed Recommendation to counsel for the Hahn Defendants to review.

1 II.

2 STATEMENT OF FACTS

3 **Background:**

4 This matter is a shareholder derivative lawsuit against Defendant Larry Hahn ("Hahn"),
5 Kokoweef, Inc's ("Kokoweef") president, and his alter-ego, Hahn's World of Surplus, Inc.
6 ("HWS"). It also sets forth causes of action against Kokoweef's corporate counsel, Patrick C.
7 Clary. The claims for relief against the Defendants include negligent misrepresentations against
8 Defendants Clary and Larry Hahn related to the sale of shares and the reorganization of
9 Kokoweef's predecessor, Explorations Incorporated of Nevada ("EIN"). Additional claims for
10 relief against the Hahn Defendants and Kokoweef include breach of fiduciary duty, unjust
11 enrichment, constructive fraud and corporate waste. Damages are sought as a result of, among
12 other acts of malfeasance, self-dealing, securities fraud, and conversion of corporate assets by the
13 Defendants.

14 **Plaintiffs' NRCP 30(b)(6) Deposition Notice and Requests for Production of Documents:**

15 On August 14, 2009, Plaintiffs personally served a Notice of Deposition Pursuant to
16 NRCP 30(b)(6) of the Custodian and Keeper of Records of Kokoweef, Inc. (hereafter the
17 "Deposition Notice"). A true and correct copy is attached hereto as Ex. "1". The deposition was
18 scheduled for September 14, 2009. Pursuant to NRCP 30(b)(5), Requests for Production
19 accompanied the Deposition Notice. Specifically, on page 2 of the Deposition Notice, it stated:
20 "Additionally, and pursuant to NRCP 30(b)(5), Plaintiffs request that the following documents
21 and tangible things be produced as delineated". Ex. "1" 2:14-15.

22 No communication from counsel for Kokoweef was ever received regarding the
23 Deposition Notice until the day before the deposition was scheduled. On September 13, 2009, a
24 Sunday, at 6:33 pm, counsel for Kokoweef sent an email unilaterally attempting to cancel the
25 deposition (hereafter the "9/13 email"). A true and correct copy of this email is attached hereto
26 as Exhibit "2". The 9/13 email stated:

27 The discovery document that you served on me does not comply with the applicable
28 portions of the Nevada Rules of Civil Procedure. In any event, because of emergencies

1 that have poured over into this week from last week, I am not available for a deposition
2 tomorrow, so none will be held.

3 Upon arrival at the office on Monday, September 14, 2009, counsel for Plaintiff emailed
4 counsel for Kokoweef regarding the unilateral cancellation of the properly noticed deposition
5 (hereafter the "9/14 email"). A true and correct copy of this email is attached hereto as Exhibit
6 "3". No response was received. Accordingly, Plaintiffs entered a Notice of Non-Appearance. A
7 true and correct copy of this Notice of Non-Appearance is attached hereto as Exhibit "4". During
8 the taking of the Notice of Non-Appearance, counsel for Plaintiffs again tried to contact counsel
9 for Kokoweef to discuss his objections to the Notice of Deposition, but was told he was not
10 available. Counsel for Kokoweef did not return the phone calls on September 14 or September
11 15, 2009.

12 Accordingly, on September 16, 2009, counsel for Plaintiff sent further correspondence
13 requesting a conference to discuss the non-appearance. A true and correct copy of the September
14 16, 2009 letter is attached hereto as Exhibit "5". Counsel for both parties did not speak until
15 September 18, 2009. Countervailing confirming correspondence were issued, and are attached
16 hereto as Exhibits "6" and "7". However, what Plaintiffs believed from that conversation was
17 that Kokoweef had failed to prepare for the deposition, as noticed for September 14, 2009.
18 Counsel for Kokoweef disputed that contention. What the parties did agree to was that Kokoweef
19 would produce a witness in response to the deposition notice on October 5, 2009. In order to
20 secure the appearance of Kokoweef's PMK under the Deposition Notice, an Amended
21 Deposition Notice was again served via hand-delivery on September 18, 2009 (hereinafter the
22 "Amended Deposition Notice"). A true and correct copy of this Amended Deposition Notice is
23 attached hereto as Exhibit "8".

24 Up to the date of the September 18, 2009 conversation between counsel, counsel for
25 Kokoweef never served written responses or objections to the Requests for Production which
26 accompanied the Deposition Notice.

27 //

28 ///

1 **The October 5, 2009 Deposition:**

2 On October 5, 2009, counsel for Kokoweef appeared with his so-called NRCP 30(b)(6)
3 designee (hereafter "the Witness"). However, facts elicited in the deposition indicated that this
4 PMK had not even been identified or prepared prior to October 1, 2009, again calling into
5 question the "emergencies," which had allegedly prevented the deposition to go forward as
6 originally noticed.

7 For instance, the Witness testified when asked about her preparation for the deposition,
8 and specifically, when she had been designated as the NRCP 30(b)(6) designee, and asked to
9 gather documents:

10 Q: ... When was the first time, to your recollection, that you were informed you
11 would be acting as the custodian of records for these depositions?

12 A: About a week before we met with Mr. Clary and Mr. Nelson [sic]. We discussed
13 what is a custodian of records and ---

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

15 A: On Thursday of last week.

16 Wright Dep. 16-24. A true and correct copy of the Deposition of Laurie Wright is attached
17 hereto as Exhibit "9".

18 In the days leading up to the October 5, 2009 deposition, counsel for Kokoweef did
19 produce some documents in a piecemeal fashion. For example, on October 2, 2009, a disk that
20 was left at the front desk of Plaintiffs' counsel's office at 3:07 p.m. Additional documents were
21 produced the morning of the October 5, 2009 deposition.² However, none of the documents were
22 labeled or identified in conjunction with the Requests for Production, as required under NRCP
23 34(b).

24 Additionally, prior to October 1, 2009, since Ms. Wright had not been asked to appear as
25 the Custodian of Records, she had also not been asked to confirm if the documents that were
26

27 ² At the beginning of the deposition, a disk was produced, and when asked why it wasn't produced with the
28 documents that had been produced on Friday night, counsel for Kokoweef responded: "Well, I didn't receive it on
October 2nd; received it this morning. I asked her to rush to get the other part." Wright Dep. 9:13-15.

1 being produced complied with the Requests for Production, and, as it turned out, the extent of the
2 work she completed was simply scanning documents onto discs for production. Wright Dep.
3 17:13-17 - 20:1-25. Further, Ms. Wright could not testify to who had gathered any of the
4 documents that she ultimately produced. Wright Dep. 31:2-25. Additionally, although she
5 identified several other people who may have been responsible for the actual gathering of the
6 documents she ultimately scanned, she could not testify as to what, if anything those Kokoweef
7 officers, agents and volunteers had done to determine if any of the documents that were produced
8 complied with the Requests for Production. Wright Dep. 75:25, 76:1-25; 77:1. Further, though
9 Ms. Wright could not testify as to which documents were specifically responsive to the Requests
10 for Production, (Wright Dep. 82: 1-20), she was somehow able to without any stated basis, for
11 certain documents, testify that Plaintiffs had already been given the documents. Wright Dep. 78-
12 81.

13 Additionally, it was clear that Kokoweef documents still had not been produced, but
14 counsel for Defendants refused to return to Kokoweef to continue a search. Instead, the parties
15 agreed that Plaintiffs would review the documents that had been produced and see if anything
16 was missing. Then, upon notice to Defendants, Defendants would produce those documents
17 within 10 days. And, if the documents were not available, counsel for Defendants would inform
18 counsel for Plaintiffs of what had been done to locate those documents. Off the record, the
19 parties also agreed that Plaintiff's counsel and Plaintiffs' expert could conduct an inspection of
20 the Kokoweef offices to review records. See generally, Wright Dep. 84-98.³

21 Such an inspection is necessary because it is clear from Ms. Wright's deposition that
22 many documents have not been produced. For example, she testified about an entire filing
23 cabinet that exists, for which she does not know the contents. This file cabinet included all of the
24

25 ³ There is specific testimony throughout the deposition setting forth agreements to
26 produce documents. For example, see, Wright Dep. 103-105. This testimony set forth an
27 agreement by counsel to produce the tax records of Kokoweef, including records back to 2004
28 and 2005. Yet, despite this agreement, it was more than one month, a lengthy email and two
lengthy phone calls to get these documents produced. See also Wright Dep. 118:21-25; 119:1-18
(agreement from Kokoweef's counsel to produce documents within 10 days and describe process
of search if none were located).

1 emails from her father. Wright Dep. 73:2-14. Further, emails from an unidentified Kokoweef
2 account also exist, but have not been produced. Wright Dep. 74:3-25.

3 **EDCR 2.34 Following the Deposition**

4 Upon receipt of the deposition transcript, counsel for Plaintiffs reviewed the produced
5 documents and drafted a letter to counsel for Defendants regarding missing documents. On
6 November 24, 2009, Plaintiffs counsel sent counsel for Defendants a letter, a true and correct
7 copy of which is attached hereto as Exhibit "10". The November 24, 2009 letter also asked that
8 the inspection take place on December 7, 2009. Counsel for Kokoweef never responded.

9 On December 4th, 2009, counsel for Plaintiffs called counsel for the Hahn Defendants to
10 find out if he had heard from Kokoweef's counsel regarding the document production or
11 inspection.⁴ After multiple phone calls, counsel for Hahn Defendants sent an email that no
12 inspection would occur, but that counsel for Kokoweef would call the next week. A true and
13 correct copy of this email is attached hereto as Ex. "11". However, counsel for Kokoweef did
14 not call.

15 On or about December 15, 2009, counsel for Plaintiff called counsel for Kokoweef to
16 discuss the issues in this case. There was an agreement that Plaintiff would review Laurie
17 Wright's deposition on the issue of the inspection and then contact Kokoweef's counsel again to
18 continue the discussions regarding the outstanding documents.

19
20 ⁴ The call was placed to counsel for the Hahn Defendants because the two attorneys have
21 been working closely on the discovery issues in this matter, by their own admission, and seem to
22 be agents of one another. See e.g., Wright Dep. 57:1-12, wherein Ms. Wright testified that she
23 gave copies of discs of all the scanned documents to both Messrs. Segel and Clary because "it
24 just seems the thing to do." Wright Dep. 136:12-14. Communications regarding the production
25 of documents were addressed to counsel for Larry Hahn, as well as counsel for Kokoweef,
26 because these two attorneys have worked in concert on discovery issues. Many admissions
27 related to this concerted activity were admitted during the deposition of Laurie Wright.

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

A: Spoke with the attorneys about what to expect.

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

A: Mr. Pat Clary and Nelson Segel.

Wright Dep. 14:16-20. Further, Ms. Wright indicated that she had only meet with Messrs. Clary
and Segel on "Thursday of last week", i.e. two business days before the deposition. Wright Dep.
16:22-24. See additionally Wright Dep. 86:8-12; 136:12-14 (Mr. Segel: "I'm speaking as
counsel for President of Kokoweef, who is the one who is responsible for making sure that
Kokoweef performs."

1 On December 17, 2009, counsel for Plaintiff and counsel for Kokoweef conducted a
2 lengthy 2.34 conference. During that conversation, counsel for Kokoweef indicated, yet again,
3 that documents would be produced, but claimed that most of the documents responsive to the
4 discovery requests had been produced. Counsel for Kokoweef said he would speak with his client
5 and "get back to" Plaintiffs' counsel on the issue of the documents. Plaintiffs' counsel told
6 counsel for Kokoweef that no further delay was acceptable, and requested counsel for Kokoweef
7 contact his client during the current phone call. Counsel for Kokoweef put Plaintiffs' counsel on
8 hold to discuss the production counsel for Kokoweef agreed to produce outstanding tax returns
9 no later than Friday, December 18, 2009.

10 Additionally, counsel for Plaintiffs told Kokoweef's counsel that Plaintiffs were seeking
11 some type of official representation that the documents produced pursuant to their discussions
12 constituted the extent of the documents that existed. Mr. Clary stated that he would not provide
13 any such type of representation.⁵ However, Kokoweef's own COR indicated that records are not
14 consistently maintained at the Kokoweef offices, and therefore, there is no way for Plaintiffs to
15 know, absent the requested representation, whether all records have been produced.⁶

16 Counsel for Plaintiff then asked counsel for Kokoweef when the balance of the
17 documents would be produced, counsel for Kokoweef said they should be produced before
18 Christmas. Counsel for Plaintiffs then informed counsel for Kokoweef that if the documents were

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20 ⁵ This same issue arose in the deposition, see, e.g., Wright Dep. 131:8.

21 ⁶ Ms. Wright testified that in her duties scanning documents to disk, she will take
22 them to her home fifty percent of the time. Wright Dep. 50: 2-9. Additionally, Ms. Wright's
23 testimony implied that additional documents, specifically receipts, were still at the Kokoweef
24 offices and had not been produced despite previous informal agreements between counsel and the
25 Requests for Production served upon Kokoweef.

26 Q: So then are there a whole series of disks fixed at different points in time?

27 A: I haven't gotten to scanning any more receipts . . . I scan them when I have
28 time or when requested.

26 Wright Dep. 58:12-15. Additionally, Ms. Wright testified that another woman, Wanda Bryant,
27 maintained a flash drive through which documents were transferred back and forth between
28 computers. Wright Dep. 61:15-22. However, this flash drive was not produced, Ms. Wright did
not know its contents, did not know where it was maintained, and what Wanda did to preserve
information on that flash drive.

1 not received by Christmas, Plaintiffs would be forced to file a Motion to Compel. Counsel for
2 Kokoweef then responded that if Plaintiffs filed a Motion to Compel, Plaintiffs would not see
3 those documents "this month, the next month, or the next month." No additional documents
4 were received before Christmas.

5 Counsel for Plaintiffs waited until the Monday after New Years, i.e. January 4, 2010, and
6 called Kokoweef's counsel to find out the status of production of the documents pursuant to their
7 informal agreement. Counsel for Kokoweef said that he did not know status of the document
8 production, that he would call his client and let counsel for Plaintiffs know the status. Counsel
9 for Kokoweef has never called back, necessitating the filing of this motion. Further, to this date,
10 counsel for Kokoweef has never provided written responses or objections to the Requests for
11 Production. It is clear that absent court order, Defendants will not properly respond to discovery
12 requests.

13 III.

14 LEGAL ARGUMENT

15 **A. Kokoweef has failed to Respond to the Requests for Production, as required to do** 16 **so under the Nevada Rules of Civil Procedure.**

17 ***1. A Motion to Compel is Appropriate:***

18 To this date, Kokoweef has never produced a response to the Plaintiffs' Requests for
19 Production which accompanied the Notice for Deposition. Nor have they provided written
20 objections to those Requests for Production, as Required under NRCP 34(b). Further, informal
21 attempts at obtaining the documents requested, procuring a certification that Kokoweef's
22 documents have all been produced (to prevent surprise later on), or getting a delineation of which
23 documents are responsive to a specific Request for Production have all failed.

24 Therefore, Plaintiffs have no choice but to file this motion to compel pursuant to NRCP
25 37, to apply for an order compelling disclosure or discovery as follows:

26 (b) If a deponent fails to answer a question propounded or
27 submitted under Rules 30 or 31, or a corporation or other entity
28 fails to make a designation under Rule 30(b)(6) or 31(a), or a party
fails to answer an interrogatory submitted under Rule 33, or if a
party, in response to a request for inspection submitted under Rule

1 34, fails to respond that inspection will be permitted as requested
2 or fails to permit inspection as requested, the discovering party
3 may move for an order compelling an answer, or a designation, or
4 an order compelling inspection in accordance with the request.
5 The motion must include a certification that the movant has in
6 good faith conferred or attempted to confer with the person or party
7 failing to make the discovery in an effort to secure the information
8 or material without court action.

9 (3) *Evasive or incomplete disclosure, answer or response.* For
10 purposes of this subdivision an evasive or incomplete disclosure,
11 answer or response is to be treated as a failure to disclose, answer
12 or respond.

13 Specifically, Kokoweef has failed to respond to Requests for Production served under
14 NRCP 30(b)(5), and has failed to comply with repeated attempts to resolve this failure
15 informally. The Nevada Rules of Civil Procedure specifically permit Requests for Production to
16 be served with a Notice for Deposition. Specifically, NRCP 30(b)(5) states: "The notice to a
17 party deponent may be accompanied by a request made in compliance with Rule 34 for the
18 production of documents and tangible things at the taking of the deposition. The procedure of
19 Rule 34 shall apply to the request." Plaintiffs' Notice of Deposition complied with NRCP
20 30(b)(5) through the "Requests for Production," which accompanied the Notice of Deposition.

21 NRCP 34 (a), which governs "Production of documents and things and entry upon land
22 for inspection and other purposes", permits any party:

23 to serve on any other party a request (1) to produce and permit the
24 party making the request, or someone acting on the requestor's
25 behalf, to inspect and copy, any designated documents (including
26 writings, drawings, graphs, charts, photographs, phonorecords, and
27 other data compilations from which information can be obtained,
28 translated, if necessary, by the respondent through detection
devices into reasonably usable form), or to inspect and copy, test,
or sample any tangible things which constitute or contain matters
within the scope of Rule 26(b), and which are in the possession,
custody or control of the party upon whom the request is served. . .

Additionally, "[t]he request shall set forth the items to be inspected either by individual item or
by category, and describe each item and category with reasonable particularity."

Further, NRCP 34(b) governs the responses to such requests, and states:

The party upon whom the request is served shall serve a written
response within 30 days after the service of the request. . . . The
response shall state, with respect to each item or category, that

1 inspection and related activities will be permitted as requested,
2 unless the request is objected to, in which event the reasons for
3 objection shall be stated. If objection is made part of an item or
4 category, the part shall be specified and inspection permitted of the
5 remaining parts. The response shall first set forth each request for
6 production made, followed by the answer or objections thereto.
7 The party submitting the request may move for an order under Rule
8 37 (a) with respect to any objection to or other failure to respond to
9 the request or any part thereof, or any failure to permit inspection
10 as requested.

11 A party who produces documents for inspection shall produce them as they are
12 kept in the usual course of business or shall organize and label them to correspond
13 with the categories in the request.

14 **2. Defendant's Ongoing Refusal to Produce Documents Must be Remedied and Full and**
15 **Complete Responses Provided.**

16 Kokoweef has no justifiable excuse for its continued delay in providing Plaintiffs with the
17 requested information. Plaintiffs have patiently waited for informal cooperation to yield results.
18 It has not, and it is very clear, at this point, that nothing short of a court order will compel
19 appropriate responses by Kokoweef.

20 Accordingly, Kokoweef should be required to completely and fully respond to the
21 Requests for Production, pursuant to NRCP 34. This includes production of all records that have
22 been identified, but not produced, such as the box of receipts and shareholder lists referenced in
23 Laurie Wright's deposition. Such compliance should include identification, under NRCP 34 (b)
24 of the documents deemed responsive to such a request. Additionally, Plaintiffs request that
25 Kokoweef be required to represent that all documents have been presented, in order to prevent
26 further burden and prejudice to Plaintiff. See Mancini v. Ins. Corp., 2009 WL 1837326 (S.D. Cal.
27 2009).

28 Finally, Plaintiffs request that an inspection of the Kokoweef offices be permitted,
pursuant to NRCP 34, on shortened time. This informal agreement, as with so many of the other
representations broken by Kokoweef's counsel, was to be recommended to counsel for the Hahn
Defendants and occur with sufficient time to ensure all documents had been produced.

B. THE DISCOVERY DEADLINES SHOULD BE CONTINUED

The discovery scheduling order in this matter was filed on November 24, 2009. A true
and correct copy is attached hereto as Exhibit "12". However, as a result of Defendant

Kokoweef's ongoing discovery delays, Plaintiffs have, and will, continue to suffer prejudice. Specifically, Kokoweef's failure to produce documents as agreed in their discussion of December 17th, 2009 has prevented Plaintiffs' experts from completing their work. As described above and set out in the Declaration of Jennifer L. Taylor, during the December 17th, 2009 meet and confer telephone conference, Kokoweef threatened that if a Motion to Compel was filed earlier, he would ensure that documents were not received for months. Accordingly, counsel for Plaintiffs believed that counsel for Kokoweef would comply with the informal agreement to produce documents in order to avoid court intervention.

The current trial date is set for September 7, 2010. A true and correct copy of the Order Setting Civil Jury Trial, Pre-Trial and Calendar Call is attached hereto as Exhibit "13". With a few adjustments to the discovery scheduling order and a strict order compelling disclosures from Defendants, Plaintiffs' experts will have time to complete a report without disturbing the trial date.

PLAINTIFFS' PROPOSED SCHEDULE FOR COMPLETION OF DISCOVERY

DEADLINE	CURRENT DATE	PROPOSED DATE
Close of discovery	May 21, 2010	June 7, 2010
Deadline to Add Parties or Amend Pleadings	February 22, 2010	April 9, 2010
Initial Expert Disclosures	February 22, 2010	April 9, 2010
Rebuttal Expert Disclosures	March 22, 2010	May 10, 2010
Parties to file dispositive motions	June 21, 2010	June 21, 2010
Parties to be trial ready	August 2, 2010	August 2, 2010
Trial	September 7, 2010	September, 7, 2010

IV.

CONCLUSION

Plaintiffs request that Defendants be compelled to produce documents fully responsive to the Requests for Production. Further, Plaintiffs request that the discovery deadlines be amended

1 as noted above. Plaintiffs' will suffer extreme prejudice as a result of the ongoing delays by
2 Defendants.

3 Dated: February 8, 2010.

4 ROBERTSON & VICK, LLP

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6 By 

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& VICK, LLP

AFFIDAVIT OF JENNIFER L. TAYLOR, ESQ.
IN SUPPORT OF MOTION TO COMPEL

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

JENNIFER L. TAYLOR, ESQ., being first duly sworn, deposes and states that she is an attorney licensed to practice in all courts in the State of Nevada, that she is counsel for Plaintiffs that she has personal knowledge of the facts stated herein, except for those stated and made upon information and belief, wherein so indicated.

1. This affidavit is made in compliance with EDCR 2.34.

2. On August 14, 2009, Plaintiffs personally served a Notice of Deposition Pursuant to NRCP 30(b)(6) of the Custodian and Keeper of Records of Kokoweef, Inc.(hereafter the "Deposition Notice").

3. No communication from counsel for Kokoweef was ever received regarding the Deposition Notice until the evening before the deposition was scheduled.

4. Upon arrival at the office on Monday, September 14, 2009, counsel for Plaintiff emailed counsel for Kokoweef regarding the unilateral cancellation of the properly noticed deposition (hereafter the "9/14 email"). During the taking of the Notice of Non-Appearance, counsel for Plaintiffs again tried to contact counsel for Kokoweef to discuss his objections to the Notice of Deposition, but was told he was not available. Counsel for Kokoweef did not return the phone calls on September 14 or September 15, 2009.

5. After sending correspondence related to the non-appearance on September 16, 2009, Counsel spoke on September 18, 2009. However, what Plaintiffs believed from that conversation was that Kokoweef had failed to prepare for the deposition, as noticed for September 14, 2009. Counsel for Kokoweef disputed that contention.

6. Up to the date of the September 18, 2009 conversation between counsel, counsel for Kokoweef never served written responses or objections to the Requests for Production which accompanied the Deposition Notice.

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1 7. On October 5, 2009, counsel for Kokoweef appeared with his so-called NRCP
2 30(b)(6) designee (hereafter "the Witness"). However, facts elicited in the deposition indicated
3 that this PMK had not even been identified or prepared prior to October 1, 2009, again calling
4 into questions the "emergencies," which had allegedly prevented the deposition to go forward as
5 originally noticed.

6 8. Additionally, the Witness had no true knowledge about the custody of keeping of
7 the records but did indicate documents still existed at Kokoweef which hadn't been produced to
8 date.

9 9. In the days leading up to the October 5, 2009 deposition, counsel for Kokoweef
10 did produce some documents in a piecemeal fashion. For example, on October 2, 2009, a disk
11 that was left at the front desk of Plaintiffs' counsel's office at 3:07 p.m. Additional documents
12 were produced the morning of the October 5, 2009 deposition. However, none of the documents
13 were labeled or identified in conjunction with the Requests for Production, as required under
14 NRCP 34(b).

15 10. While it was clear that Kokoweef documents still had not been produced, counsel
16 for Defendants refused to return to Kokoweef to continue a search. Instead, the parties agreed
17 that Plaintiffs would review the documents that had been produced and see if anything was
18 missing. Then, upon notice to Defendants, Defendants would produce those documents within
19 10 days. And, if the documents were not available, counsel for Defendants would inform
20 counsel for Plaintiffs of what had been done to locate those documents. Off the record, the
21 parties also agreed that Plaintiff's counsel and Plaintiffs' expert could conduct an inspection of
22 the Kokoweef offices to review records. Such an inspection is necessary because it is clear from
23 Ms. Wright's deposition that many documents have not been produced. For example, she
24 testified about an entire filing cabinet exists, for which she does not know the contents. This file
25 cabinet included all of the emails from her father. Wright Dep. 73:2-14. Further, emails from an
26 unidentified Kokoweef account also exist, but have not been produced. Wright Dep. 74:3-25.

27 11. Upon receipt of the deposition transcript, counsel for Plaintiffs reviewed the
28 produced documents and drafted a letter to counsel for Defendants regarding missing documents.

1 On November 24, 2009, Plaintiffs counsel sent counsel for Defendants a letter. The November
2 24, 2009 letter also asked that the inspection take place on December 7, 2009. Counsel for
3 Kokoweef never responded.

4 12. On December 4th, 2009, counsel for Plaintiffs called counsel for the Hahn
5 Defendants to find out if he had heard from Kokoweef's counsel regarding the document
6 production or inspection. After multiple phone calls, counsel for Hahn Defendants sent an
7 email that no inspection would occur, but that counsel for Kokoweef would call the next week.
8 However, counsel for Kokoweef did not call.

9 13. On or about December 15, 2009, counsel for Plaintiff called counsel for
10 Kokoweef to discuss the issues in this case. There was an agreement that Plaintiff would review
11 Laurie Wright's deposition on the issue of the inspection and then contact Kokoweef's counsel
12 again to continue the discussions regarding the outstanding documents.

13 14. On December 17, 2009, counsel for Plaintiff and counsel for Kokoweef conducted
14 a lengthy 2.34 conference. During that conversation, counsel for Kokoweef indicated, yet again,
15 that documents would be produced, but claimed that most of the documents responsive to the
16 discovery requests had been produced. Counsel for Kokoweef said he would speak with his client
17 and "get back to" Plaintiffs' counsel on the issue of the documents and the inspection. Plaintiffs'
18 counsel told counsel for Kokoweef that no further delay was acceptable, and requested counsel
19 for Kokoweef contact his client during the current phone call. Counsel for Kokoweef put
20 Plaintiffs' counsel on hold to discuss the production Counsel for Kokoweef agreed to produce
21 outstanding tax returns no later than Friday, December 18, 2009.

22 15. Additionally, counsel for Plaintiffs told Kokoweef's counsel that Plaintiffs were
23 seeking some type of official representation that the documents produced pursuant to their
24 discussions constituted the extent of the documents that existed. Mr. Clary stated that he would
25 not provide any such type of representation. However, Kokoweef's own Witness indicated that
26 records are not consistently maintained at the Kokoweef offices, and therefore, there is no way
27 for Plaintiffs to know, absent the requested representation, whether all records have been
28 produced.

1 16. Counsel for Plaintiff then asked counsel for Kokoweef when the balance of the
2 documents would be produced, counsel for Kokoweef said they should be produced before
3 Christmas. Counsel for Plaintiffs then informed counsel for Kokoweef that if the documents
4 were not received by Christmas, Plaintiffs would be forced to file a Motion to Compel. Counsel
5 for Kokoweef then responded that if Plaintiffs filed a Motion to Compel, Plaintiffs would not see
6 those documents "this month, the next month, or the next month." No additional documents
7 were received before Christmas.

8 17. Counsel for Plaintiffs waited until the Monday after New Years, i.e. January 4,
9 2010, and called Kokoweef's counsel to find out the status of production of the documents
10 pursuant to their informal agreement. Counsel for Kokoweef said that he did not know status of
11 the document production, that he would call his client and let counsel for Plaintiffs know the
12 status. Counsel for Kokoweef has never called back, necessitating the filing of this motion.
13 Further, to this date, counsel for Kokoweef has never provided written responses or objections to
14 the Requests for Production. After a month of waiting for a return phone call from counsel for
15 Kokoweef or the production of additional documents and a response regarding the requested
16 inspection, it is clear that absent court order, Defendants will not respond to discovery requests.

17 18. This motion was originally filed with a request for an order shortening time in
18 order to obtain a ruling prior to the deadline for initial expert disclosures. Currently, the deadline
19 for expert disclosures is February 22, 2010, with rebuttal expert disclosures on March 22, 2010.
20 The discovery cut-off is currently May 21, 2010, with the last day for hearings on motions in
21 limine and dispositive motions set for July 22, 2010.

22 19. Trial in the matter is set for September 7, 2010.

23 20. As set forth in the Motion, a slight adjustment on the discovery dates and
24 deadlines will not impact the trial date.

25 ///

26 ///

27 ///

28 ///

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21. However, Plaintiffs will be severely prejudiced without the opportunity to obtain complete responses from Kokoweef and for their experts to have sufficient time to review those responses and prepare reports.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

JENNIFER L. TAYLOR

SUBSCRIBED AND SWORN to before
me this 5th day of February, 2010.

NOTARY PUBLIC in and for said
County and State.

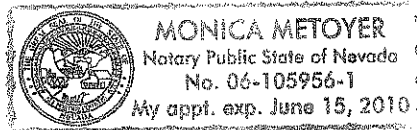


EXHIBIT 1

1 **NOTC**
2 ALEXANDER ROBERTSON, IV
3 State Bar No. 8642
4 JENNIFER L. TAYLOR
5 State Bar No. 5798
6 ROBERTSON & VICK, LLP
7 401 N. Buffalo Drive, Suite 202
8 Las Vegas, Nevada 89145
9 Telephone: (702) 247-4661
10 Facsimile: (702) 247-6227

11 Attorneys for Plaintiffs

12 DISTRICT COURT

13 CLARK COUNTY, NEVADA

14 TED R. BURKE; MICHAEL R. and
15 LAURETTA L. KEHOE; JOHN BERTOLDO;
16 PAUL BARNARD; EDDY KRAVETZ;
17 JACKIE and FRED KRAVETZ; STEVE
18 FRANKS; PAULA MARIA BARNARD;
19 LEON GOLDEN; C.A. MURFF; GERDA
20 FERN BILLBE; BOB and ROBYN TRESKA;
21 MICHAEL RANDOLPH; and FREDERICK
22 WILLIS,

23 Plaintiffs,

24 vs.

25 LARRY H. HAHN, individually, and as
26 President and Treasurer of Kokoweef, Inc., and
27 former President and Treasurer of Explorations
28 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

) NOTICE OF DEPOSITION PURSUANT TO
) NRCP 30(b)(6) OF THE CUSTODIAN AND
) KEEPER OF RECORDS OF KOKOWEEF,
) INC.

1 TO: ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that pursuant to NRCP 30(b)(6), Plaintiffs will take the
3 deposition of the corporate designee on the custody and keeping of the records of Kokoweef, Inc.
4 The term "Kokoweef" or "you" as used herein refers to Kokoweef, Inc., including
5 any and all of its agents, employees, officers, directors, attorneys, consultants, representatives,
6 successors or predecessors in interest, or other persons acting or purporting to act on its behalf.
7 The deposition will be taken on the **14th day of September, 2009 at 9:00 a.m.** at the offices of
8 Robertson & Vick, LLP, 401 N. Buffalo Dr., Suite 202, Las Vegas, Nevada 89145.

9 Said deposition will be conducted upon oral examination, pursuant to Rule 26 of the
10 Nevada Rules of Civil Procedure and before a Notary Public, or before some other officer
11 authorized by the law to administer oaths.

12 Oral examination will continue from day to day until completed. You are invited to
13 attend and cross-examine.

14 Additionally, and pursuant to NRCP 30(b)(5), Plaintiffs request that the following
15 documents and tangible things be produced as delineated. These Requests for Production,
16 pursuant to NRCP 30(b)(5) and NRCP 34 include, but are not limited to all "Electronically
17 Stored Information" ("ESI"). ESI, as used herein refers to all forms of data, metadata and
18 embedded data, including, but not limited to data in e-mails, Web pages, word processing files,
19 databases stored in any and all drives in any and all computers or on magnetic disks, DVDs, CDs
20 and/or flash memory, cellular telephones and personal digital assistants (PDAs), and facsimile
21 machines.

22 **REQUESTS**

23 **REQUEST NO. 1:** All Federal and State Income Tax Returns, including all schedules,
24 forms, attachments, and other supporting documents or writings for each such return for each of
25 the following years: 2004 - 2008.

26 **REQUEST NO. 2:** All statements for each month for each year from 2004 - 2009 for
27 any accounts at any financial institution, including, but not limited to, checking accounts, savings
28 accounts, money market accounts, time deposit accounts, retirement accounts, pension plan

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1 accounts, profit sharing accounts, stock purchase plan accounts, annuity accounts, stock
2 accounts, bond accounts, ready asset accounts, mutual fund accounts, loan accounts, credit
3 accounts, mortgage accounts, or any similar such accounts.

4 REQUEST NO. 3: For all months in all years from 2004 - 2009, all cancelled checks,
5 voucher portions of checks, or any other document or writing evidencing withdrawals or transfers
6 of funds from each account for which statements are produced as requested in No. 2 above.

7 REQUEST NO. 4: For all months in all years from 2004 - 2009, all deposit slips or
8 any other document or writing evidencing the source of funds deposited to each account for
9 which statements are produced as requested in No. 2 above.

10 REQUEST NO. 5: For all months in all years from 2004 - 2009, all ledgers,
11 reconciliation reports, registers, or other type of list used for tracking the balance of each account
12 for which statements are produced as requested in No. 2 above.

13 REQUEST NO. 6: For all months in all years from 2004 - 2009, any communications
14 with any individual concerning any of the accounts at any of the financial institutions for which
15 statements are produced as requested in No. 2 above.

16 REQUEST NO. 7: For all months in all years from 2004 - 2009, all statements or
17 billings received from each and every creditor of debts incurred or paid during the discovery
18 period, including but not limited to, copies of all vendor invoices or statements and other paid
19 bill files.

20 REQUEST NO. 8: For all months in all years from 2004 - 2009, all mortgages,
21 promissory notes, or other types of indebtedness representing monies owed.

22 REQUEST NO. 9: For all months in all years from 2004 - 2009, all loan applications.

23 REQUEST NO. 10: Any writings or other documents which evidence or describe your
24 treatment of, deductions from cash value of, and disposition of any proceeds from any insurance
25 policies for which documents are produced pursuant to the above request.

26 REQUEST NO. 11: Any documents or writings evidencing any real estate acquired or
27 disposed of between 2004 - 2009.

1 REQUEST NO. 12: All registration, title of ownership, tax assessments, or other
2 documents or writings evidencing each purchase, sale, use, or ownership of all vehicles,
3 snowmobiles, trailers, motorcycles, boats, watercraft, trucks, campers, off-highway vehicles, and
4 any other similar type of asset from 2004 to the present.

5 REQUEST NO. 13: All documents or writings evidencing, explaining, or detailing any
6 inquiries, offers made, or offers received for purchase or sale of any stock, real estate, personal
7 property, or business interest from 2004 to the present.

8 REQUEST NO. 14: All stockholder lists or ledgers outlining the name, address, phone
9 number, and number of shares held for each stockholder from any time.

10 REQUEST NO. 15: Any business agreements, corporate documents, organizational
11 documents, articles of incorporation, by-laws, minutes, joint venture agreements, operating
12 agreements, partnership agreements, limited liability company agreements, documents amending
13 any such documents, or other such similar documents or writings pertaining to any type of
14 organization.

15 REQUEST NO. 16: Copies of ESI files, in native format, for all computer programs
16 utilized in the management and recordkeeping of Kokoweef, including but not limited to:

- 17 a. QuickBooks data files
- 18 b. Microsoft Money data files
- 19 c. Peachtree Accounting data files
- 20 d. MAS90 data files
- e. Quicken data files
- f. Usernames and passwords for the administrative account for all data files
- g. Name and version of program for which data file operates

21 REQUEST NO. 17: All financial budgets or projections for Kokoweef prepared or
22 started in 2004 and running through the present.

23 REQUEST NO. 18: Cash receipt registers/ledgers and cash disbursement
24 registers/ledgers for Kokoweef for all periods from 2004 through 2009.

25 REQUEST NO. 19: Any list, document, writing, or schedule that shows, reflects, or
26 establishes all assets, property, and equipment that is used by Kokoweef, including but not
27 limited to:

28 ///

- 1 a. Description
2 b. Date acquired
3 c. Original purchase price
4 d. Acquisition type (lease or purchase)
5 e. Acquisition amount
6 f. Useful life information
7 g. Date replacement anticipated
8 h. Estimate of current value
9 i. Depreciation schedule

10 REQUEST NO. 20: Any recent property tax assessments or other appraisals for any of
11 the above items if such exist.

12 REQUEST NO. 21: Any list, document, writing, or schedule that shows, reflects, or
13 establishes all prepaid expenses for Kokoweef.

14 REQUEST NO. 22: All existing agreements and contracts including, but not limited to:
15 Covenants not to compete; Supplier agreements; Equipment leases; Rental contracts; Loan
16 agreements; Labor contracts; and so on for Kokoweef.

17 REQUEST NO. 23: All claims held, patented, unpatented or otherwise, and all
18 documents demonstrating renewals for 2009 and forward.

19 REQUEST NO. 24: All shareholder ledgers, stock certificates, and any other
20 information delineating the number of shares sold, the identity of shareholders, the amounts paid
21 for the shares, and the current value of the shares.

22 REQUEST NO. 25: Any and all documents related to, leading up to or prepared in
23 anticipation of the November 2005, "Agreement and Plan of Reorganization" between EIN and
24 KOKOWEEF, including all documents related to EIN's assets and liabilities.

25 ///

26 ///

27 ///

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1 REQUEST NO. 26: For all months in all years from 2004 - 2009, any and all receipts,
2 invoices, purchase orders or other such documents that correspond to the checks written and the
3 deposits made as requested in Nos. 3 and 4 above.

4 Dated: August 14th, 2009

ROBERTSON & VICK, LLP

By 

ALEXANDER ROBERTSON, IV

Nevada Bar No. 8642

JENNIFER L. TAYLOR

Nevada Bar No. 5798

401 N. Buffalo Dr., Suite 202

Las Vegas, Nevada 89145

Attorneys for PLAINTIFFS

ROBERTSON
& VICK, LLP

RECEIPT OF COPY

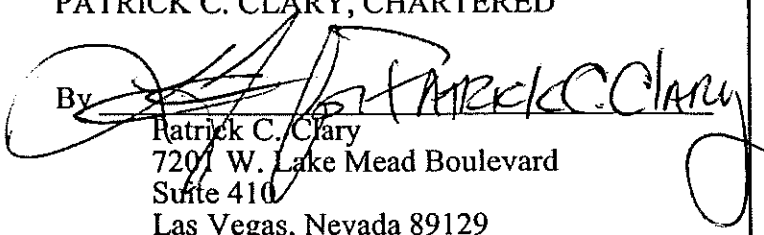
The undersigned acknowledges receipt of copy of the following document:

1. NOTICE OF DEPOSITION PURSUANT TO NRCP 30(b)(6) OF THE
CUSTODIAN AND KEEPER OF RECORDS OF KOKOWEEF, INC

Dated: August 14, 2009

PATRICK C. CLARY, CHARTERED

By


Patrick C. Clary
7201 W. Lake Mead Boulevard
Suite 410
Las Vegas, Nevada 89129

RECEIPT OF COPY

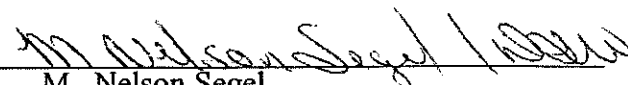
The undersigned acknowledges receipt of copy of the following document:

1. NOTICE OF DEPOSITION PURSUANT TO NRCP 30(b)(6) OF THE
CUSTODIAN AND KEEPER OF RECORDS OF KOKOWEEF, INC

Dated: August 14, 2009

M. NELSON SEGEL, CHARTERED

By



M.. Nelson Segel
624 South 9th Street
Las Vegas, Nevada 89101
Attorneys for Larry Hahn and

EXHIBIT 2

Jennifer L. Taylor

From: Patrick C. Clary [patclary@patclarylaw.com]
Sent: Sunday, September 13, 2009 6:33 PM
To: Jennifer L. Taylor
Cc: nelson@nelsonsegallaw.com
Subject: Burke, et al. v. Hahn, et al.

Dear Jennifer:

The discovery document that you served on me does not comply with the applicable portions of the Nevada Rules of Civil Procedure. In any event, because of emergencies that have poured over into this week from last week, I am not available for a deposition tomorrow, so none will be held.

Nevertheless, I suggest that you and I have a conference call with Nelson Segel tomorrow, if possible, to try to work out our differences on this subject, as I believe all of us have the obligation to do anyway, so that we might be able to avoid having to go back to the Discovery Commissioner.

Sincerely,
Pat Clary
Law Offices of Patrick C. Clary, Chartered
7201 W. Lake Mead Blvd., Suite 410
Las Vegas, Nevada 89128
702.382.0813/702.382.7277FAX

CONFIDENTIALITY NOTICE: This e-mail transmission (and/or the attachments accompanying it) contains confidential information belonging to the sender. The information is intended only for the use of the intended recipient. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. Furthermore, any unauthorized interception of this transmission is prohibited. If you have received this transmission in error, please notify the sender by reply e-mail, and then destroy all copies of this transmission.

EXHIBIT 3

Jennifer L. Taylor

From: Jennifer L. Taylor
Sent: Monday, September 14, 2009 8:34 AM
To: 'Patrick C. Clary'
Cc: nelson@nelsonsegallaw.com
Subject: RE: Burke, et al. v. Hahn, et al.

Pat:

If you had a legitimate dispute with the discovery and deposition notice served on you, you had ample time to provide me with notice of the same. If you had a legitimate emergency you could have contacted my office at any point prior to 7:00pm last night so that we could work to reschedule this deposition. Your failure to provide me with any notice leaves me with a court reporter charge that I will seek to recover from you. Therefore, if you do not have your witness and your documents at my office, by 9:15am, I will be entering a notice of non-appearance.

Sincerely,
Jennifer L. Taylor
Robertson & Vick, 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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-----Original Message-----

From: Patrick C. Clary [mailto:patclary@patclarylaw.com]
Sent: Sunday, September 13, 2009 6:33 PM
To: Jennifer L. Taylor
Cc: nelson@nelsonsegallaw.com
Subject: Burke, et al. v. Hahn, et al.

Dear Jennifer:

The discovery document that you served on me does not comply with the applicable portions of the Nevada Rules of Civil Procedure. In any event, because of emergencies that have poured over into this week from last week, I am not available for a deposition tomorrow, so none will be held.

Nevertheless, I suggest that you and I have a conference call with Nelson Segel tomorrow, if possible, to try to work out our differences on this subject, as I believe all of us have the obligation to do anyway, so that we might be able to avoid having to go back to the Discovery Commissioner.

Sincerely,
Pat Clary
Law Offices of Patrick C. Clary, Chartered
7201 W. Lake Mead Blvd., Suite 410

2/3/2010

Las Vegas, Nevada 89128
702.382.0813/702.382.7277FAX

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EXHIBIT 4

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.)

CASE NO.: A448628)

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; DOES)
I-X, inclusive; DOE OFFICERS,)
DIRECTORS and PARTICIPANTS I-XX,)

Defendants.)

AFFIDAVIT OF NON APPEARANCE
OF COR FOR KOKOWEEF, INC.
LAS VEGAS, NEVADA
SEPTEMBER 14, 2009

REPORTED BY: KAREN L. JONES, CCR NO. 694, CSR 9464
LS&T JOB NO.: 1-111095

Page 2

SCHEDULED DEPOSITION OF COR OF KOKOWEEF, INC., taken at
401 North Buffalo Drive, Suite 202, Las Vegas, Nevada, on
Monday, September 14, 2009, at 9:34 a.m., before Karen L.
Jones, Certified Court Reporter, in and for the State of
Nevada.

APPEARANCES:

For the PLAINTIFFS:

ROBERTSON & VICK, LLP
BY: JENNIFER L. TAYLOR, ESQ.
401 N. Buffalo Drive, Suite 202
Las Vegas, Nevada 89145

EXHIBITS

NUMBER	DESCRIPTION	PAGE
1	Notice of Deposition	
2	6:33 p.m. E-mail from Patrick Clary	
3	8:34 a.m. E-mail from Jennifer Taylor	

Page 3

LAS VEGAS, NEVADA; MONDAY, SEPTEMBER 14, 2009
-oOo-

MS. TAYLOR: Now is the time and place for the
deposition of the custodian of records pursuant to
NRC 30 (b)(6) for Defendant Kokoweef. This is Jennifer
Taylor. I am counsel for Plaintiffs. The time is now
9:34 a.m. No counsel for Kokoweef nor any witness have
appeared for the deposition. Accordingly, this record is
made to take Notice of the non appearance of both the
custodian of records of Kokoweef and their counsel Patrick
C. Clary.

Attached as Exhibit 1 will be the Notice of
Deposition pursuant to NRC 30 (b)(6) of Custodian and
Keeper of Records of Kokoweef, Inc. This Notice of
Deposition was served upon Mr. Clary as counsel for
Kokoweef, Inc., via hand delivery. A receipt of copy is
part of Exhibit 1.

At 6:33 p.m. on Sunday, September 13th, 2009,
counsel for Kokoweef sent me an e-mail which indicated
that he had a belief that the document attached hereto as
Exhibit 1 did not comply with the applicable portions of
the Nevada Rules of Civil Procedure and that because of
emergencies, he would not be available for deposition, and
he unilaterally attempted to cancel this deposition. The
6:33 p.m. e-mail from Mr. Clary will be attached to the

Page 4

deposition as Exhibit 2.

At 8:34 a.m., this morning, Monday,
September 14th, I sent an e-mail to Mr. Clary indicating
that had he had emergencies, he could have contacted our
office up through Friday, September 11th to work out the
rescheduling of same. I indicated that if I did not have
him or his witness in my office by 9:15, that I would be
entering this non appearance. I'll be attaching my e-mail
back to Mr. Clary as Exhibit 3 to this deposition.

At 9:34 a.m., I attempted to call Mr. Clary's
office so that he could make a statement on the record as
to what his beliefs were related to the noncompliance of
Exhibit 1 and to state what emergencies he believed
existed that prevented him from attending the deposition
this morning or calling prior to the weekend before so
that we could reschedule the deposition.

He was contacted by his receptionist and informed
her to tell me he was in a meeting and would call me back
as soon as possible. I then told the receptionist that I
was calling him because I would be putting this non
appearance on the record and I wanted to give him an
opportunity to make a statement regarding those two issues
on the record. She indicated again that he had said that
he would call me back, and the phone call was terminated.
The phone call to Mr. Clary was made because he

Page 5

had not responded to my 8:34 a.m. e-mail. It is now
9:41 a.m. No phone call has been returned and no further
contact made by Mr. Clary; therefore, with the record of
Mr. Clary and his client's non appearance being placed on
the record, I will now close the deposition.

(Exhibits 1, 2 and 3 marked.)

(Proceedings conclude at 9:41 a.m.)

* * *

A			I	M
above-entitled 6:8	6:1 Certified 2:4	1:14 DISTRICT 1:1	inclusive 1:14	MARIA 1:6
accurate 6:11	certify 6:6	document 3:20	Incorporated 1:12	marked 5:6
AFFIDAVIT 1:19	Civil 3:22	DOE 1:14	indicated 3:19	matter 6:8
appearance 1:19	Clark 1:2 6:3,5 6:14	Drive 2:2,10	4:6,23 6:8	meeting 4:18
3:9 4:8,21 5:4	Clary 2:17 3:11	duly 6:4	indicating 4:3	MICHAEL 1:4
APPEARANC...	3:15,25 4:3,9	E	individually 1:10	1:7
2:7	4:25 5:3,4	E 2:14	informed 4:17	Monday 2:3 3:1
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1 NOTC
2 ALEXANDER ROBERTSON, IV
3 State Bar No. 8642
4 JENNIFER L. TAYLOR
5 State Bar No. 5798
6 ROBERTSON & VICK, LLP
7 401 N. Buffalo Drive, Suite 202
8 Las Vegas, Nevada 89145
9 Telephone: (702) 247-4661
10 Facsimile: (702) 247-6227

11 Attorneys for Plaintiffs

12 DISTRICT COURT

13 CLARK COUNTY, NEVADA

14 TED R. BURKE; MICHAEL R. and
15 LAURETTA L. KEHOE; JOHN BERTOLDO;
16 PAUL BARNARD; EDDY KRAVETZ;
17 JACKIE and FRED KRAVETZ; STEVE
18 FRANKS; PAULA MARIA BARNARD;
19 LEON GOLDEN; C.A. MURFF; GERDA
20 FERN BILLBE; BOB and ROBYN TRESKA;
21 MICHAEL RANDOLPH; and FREDERICK
22 WILLIS,

23 Plaintiffs,

24 vs.

25 LARRY H. HAHN, individually, and as
26 President and Treasurer of Kokoweef, Inc., and
27 former President and Treasurer of Explorations
28 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

) NOTICE OF DEPOSITION PURSUANT TO
) NRCP 30(b)(6) OF THE CUSTODIAN AND
) KEEPER OF RECORDS OF KOKOWEEF,
) INC.

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& VICK, LLP

28

EXHIBIT

1

1 TO: ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that pursuant to NRCP 30(b)(6), Plaintiffs will take the
3 deposition of the corporate designee on the custody and keeping of the records of Kokoweef, Inc.
4 The term "Kokoweef" or "you" as used herein refers to Kokoweef, Inc., including
5 any and all of its agents, employees, officers, directors, attorneys, consultants, representatives,
6 successors or predecessors in interest, or other persons acting or purporting to act on its behalf.
7 The deposition will be taken on the 14th day of September, 2009 at 9:00 a.m. at the offices of
8 Robertson & Vick, LLP, 401 N. Buffalo Dr., Suite 202, Las Vegas, Nevada 89145.

9 Said deposition will be conducted upon oral examination, pursuant to Rule 26 of the
10 Nevada Rules of Civil Procedure and before a Notary Public, or before some other officer
11 authorized by the law to administer oaths.

12 Oral examination will continue from day to day until completed. You are invited to
13 attend and cross-examine.

14 Additionally, and pursuant to NRCP 30(b)(5), Plaintiffs request that the following
15 documents and tangible things be produced as delineated. These Requests for Production,
16 pursuant to NRCP 30(b)(5) and NRCP 34 include, but are not limited to all "Electronically
17 Stored Information" ("ESI"). ESI, as used herein refers to all forms of data, metadata and
18 embedded data, including, but not limited to data in e-mails, Web pages, word processing files,
19 databases stored in any and all drives in any and all computers or on magnetic disks, DVDs, CDs
20 and/or flash memory, cellular telephones and personal digital assistants (PDAs), and facsimile
21 machines.

22 **REQUESTS**

23 **REQUEST NO. 1:** All Federal and State Income Tax Returns, including all schedules,
24 forms, attachments, and other supporting documents or writings for each such return for each of
25 the following years: 2004 - 2008.

26 **REQUEST NO. 2:** All statements for each month for each year from 2004 - 2009 for
27 any accounts at any financial institution, including, but not limited to, checking accounts, savings
28 accounts, money market accounts, time deposit accounts, retirement accounts, pension plan

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1 accounts, profit sharing accounts, stock purchase plan accounts, annuity accounts, stock
2 accounts, bond accounts, ready asset accounts, mutual fund accounts, loan accounts, credit
3 accounts, mortgage accounts, or any similar such accounts.

4 REQUEST NO. 3: For all months in all years from 2004 - 2009, all cancelled checks,
5 voucher portions of checks, or any other document or writing evidencing withdrawals or transfers
6 of funds from each account for which statements are produced as requested in No. 2 above.

7 REQUEST NO. 4: For all months in all years from 2004 - 2009, all deposit slips or
8 any other document or writing evidencing the source of funds deposited to each account for
9 which statements are produced as requested in No. 2 above.

10 REQUEST NO. 5: For all months in all years from 2004 - 2009, all ledgers,
11 reconciliation reports, registers, or other type of list used for tracking the balance of each account
12 for which statements are produced as requested in No. 2 above.

13 REQUEST NO. 6: For all months in all years from 2004 - 2009, any communications
14 with any individual concerning any of the accounts at any of the financial institutions for which
15 statements are produced as requested in No. 2 above.

16 REQUEST NO. 7: For all months in all years from 2004 - 2009, all statements or
17 billings received from each and every creditor of debts incurred or paid during the discovery
18 period, including but not limited to, copies of all vendor invoices or statements and other paid
19 bill files.

20 REQUEST NO. 8: For all months in all years from 2004 - 2009, all mortgages,
21 promissory notes, or other types of indebtedness representing monies owed.

22 REQUEST NO. 9: For all months in all years from 2004 - 2009, all loan applications.

23 REQUEST NO. 10: Any writings or other documents which evidence or describe your
24 treatment of, deductions from cash value of, and disposition of any proceeds from any insurance
25 policies for which documents are produced pursuant to the above request.

26 REQUEST NO. 11: Any documents or writings evidencing any real estate acquired or
27 disposed of between 2004 - 2009.

1 REQUEST NO. 12: All registration, title of ownership, tax assessments, or other
2 documents or writings evidencing each purchase, sale, use, or ownership of all vehicles,
3 snowmobiles, trailers, motorcycles, boats, watercraft, trucks, campers, off-highway vehicles, and
4 any other similar type of asset from 2004 to the present.

5 REQUEST NO. 13: All documents or writings evidencing, explaining, or detailing any
6 inquiries, offers made, or offers received for purchase or sale of any stock, real estate, personal
7 property, or business interest from 2004 to the present.

8 REQUEST NO. 14: All stockholder lists or ledgers outlining the name, address, phone
9 number, and number of shares held for each stockholder from any time.

10 REQUEST NO. 15: Any business agreements, corporate documents, organizational
11 documents, articles of incorporation, by-laws, minutes, joint venture agreements, operating
12 agreements, partnership agreements, limited liability company agreements, documents amending
13 any such documents, or other such similar documents or writings pertaining to any type of
14 organization.

15 REQUEST NO. 16: Copies of ESI files, in native format, for all computer programs
16 utilized in the management and recordkeeping of Kokoweef, including but not limited to:

- 17 a. QuickBooks data files
18 b. Microsoft Money data files
19 c. Peachtree Accounting data files
20 d. MAS90 data files
21 e. Quicken data files
22 f. Usernames and passwords for the administrative account for all data files
23 g. Name and version of program for which data file operates

24 REQUEST NO. 17: All financial budgets or projections for Kokoweef prepared or
25 started in 2004 and running through the present.

26 REQUEST NO. 18: Cash receipt registers/ledgers and cash disbursement
27 registers/ledgers for Kokoweef for all periods from 2004 through 2009.

28 REQUEST NO. 19: Any list, document, writing, or schedule that shows, reflects, or
establishes all assets, property, and equipment that is used by Kokoweef, including but not
limited to:

29 ///

- 1 a. Description
- 2 b. Date acquired
- 3 c. Original purchase price
- 4 d. Acquisition type (lease or purchase)
- 5 e. Acquisition amount
- 6 f. Useful life information
- 7 g. Date replacement anticipated
- 8 h. Estimate of current value
- 9 i. Depreciation schedule

10 REQUEST NO. 20: Any recent property tax assessments or other appraisals for any of
11 the above items if such exist.

12 REQUEST NO. 21: Any list, document, writing, or schedule that shows, reflects, or
13 establishes all prepaid expenses for Kokoweef.

14 REQUEST NO. 22: All existing agreements and contracts including, but not limited to:
15 Covenants not to compete; Supplier agreements; Equipment leases; Rental contracts; Loan
16 agreements; Labor contracts; and so on for Kokoweef.

17 REQUEST NO. 23: All claims held, patented, unpatented or otherwise, and all
18 documents demonstrating renewals for 2009 and forward.

19 REQUEST NO. 24: All shareholder ledgers, stock certificates, and any other
20 information delineating the number of shares sold, the identity of shareholders, the amounts paid
21 for the shares, and the current value of the shares.

22 REQUEST NO. 25: Any and all documents related to, leading up to or prepared in
23 anticipation of the November 2005, "Agreement and Plan of Reorganization" between EIN and
24 KOKOWEEF, including all documents related to EIN's assets and liabilities.

25 ///

26 ///

27 ///

28 ///

///

///

///

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& VICK, LLP

///

1 REQUEST NO. 26: For all months in all years from 2004 - 2009, any and all receipts,
2 invoices, purchase orders or other such documents that correspond to the checks written and the
3 deposits made as requested in Nos. 3 and 4 above.

4 Dated: August 14th, 2009

ROBERTSON & VICK, LLP

By 

ALEXANDER ROBERTSON, IV

Nevada Bar No. 8642

JENNIFER L. TAYLOR

Nevada Bar No. 5798

401 N. Buffalo Dr., Suite 202

Las Vegas, Nevada 89145

Attorneys for PLAINTIFFS

ROBERTSON
& VICK, LLP

RECEIPT OF COPY

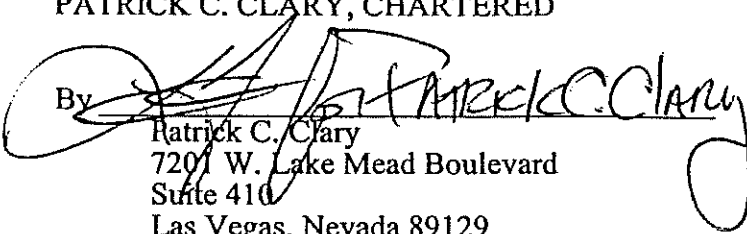
The undersigned acknowledges receipt of copy of the following document:

1. NOTICE OF DEPOSITION PURSUANT TO NRCp 30(b)(6) OF THE
CUSTODIAN AND KEEPER OF RECORDS OF KOKOWEEF, INC

Dated: August 14, 2009

PATRICK C. CLARY, CHARTERED

By


Patrick C. Clary
7201 W. Lake Mead Boulevard
Suite 410
Las Vegas, Nevada 89129

RECEIPT OF COPY

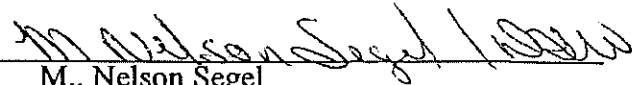
The undersigned acknowledges receipt of copy of the following document:

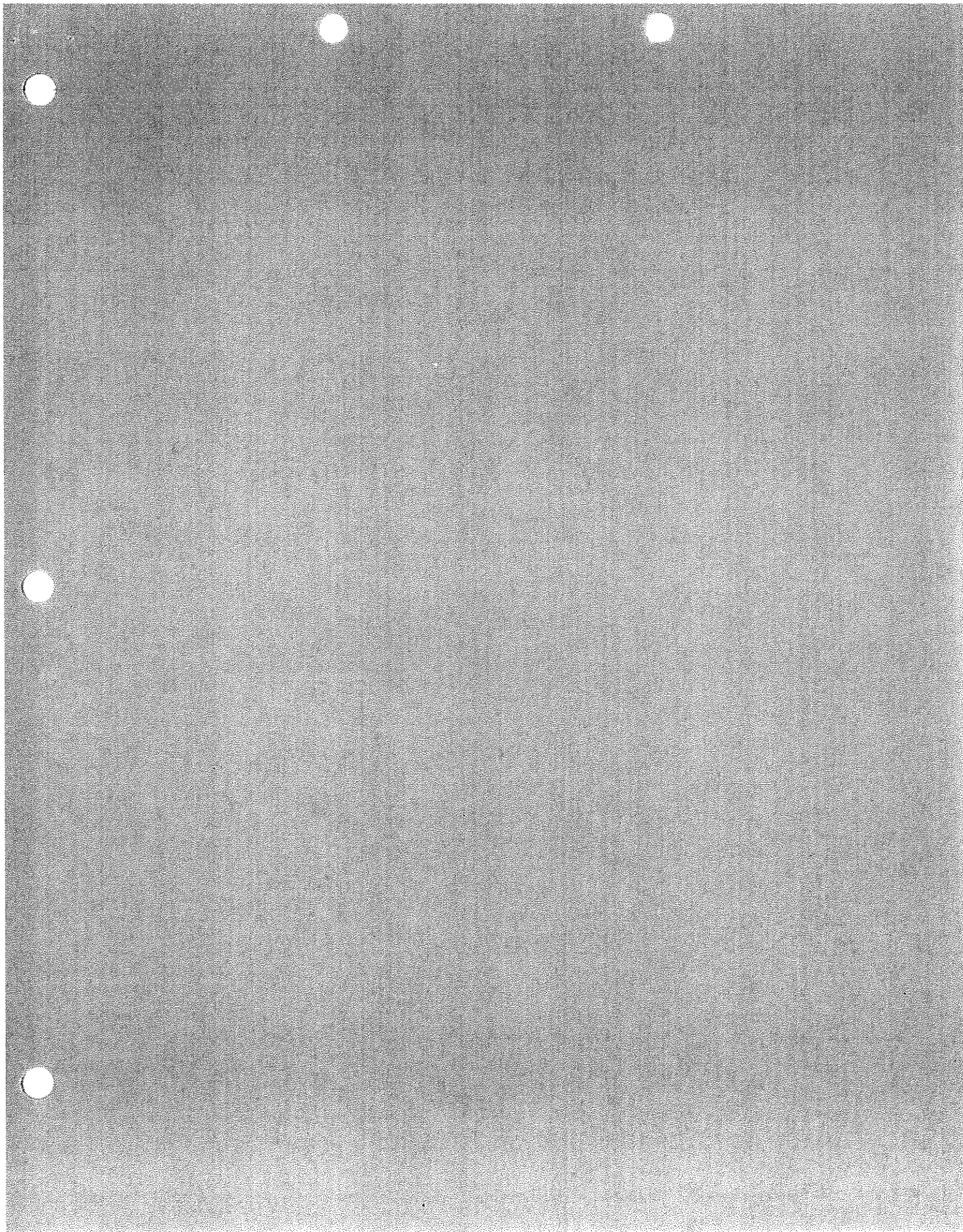
1. NOTICE OF DEPOSITION PURSUANT TO NRCP 30(b)(6) OF THE
CUSTODIAN AND KEEPER OF RECORDS OF KOKOWEEF, INC

Dated: August 14, 2009

M. NELSON SEGEL, CHARTERED

By


M.. Nelson Segel
624 South 9th Street
Las Vegas, Nevada 89101
Attorneys for Larry Hahn and



Jennifer L. Taylor

From: Patrick C. Clary [patclary@patclarylaw.com]
Sent: Sunday, September 13, 2009 6:33 PM
To: Jennifer L. Taylor
Cc: nelson@nelsonsegallaw.com
Subject: Burke, et al. v. Hahn, et al.

Dear Jennifer:

The discovery document that you served on me does not comply with the applicable portions of the Nevada Rules of Civil Procedure. In any event, because of emergencies that have poured over into this week from last week, I am not available for a deposition tomorrow, so none will be held.

Nevertheless, I suggest that you and I have a conference call with Nelson Segel tomorrow, if possible, to try to work out our differences on this subject, as I believe all of us have the obligation to do anyway, so that we might be able to avoid having to go back to the Discovery Commissioner.

Sincerely,

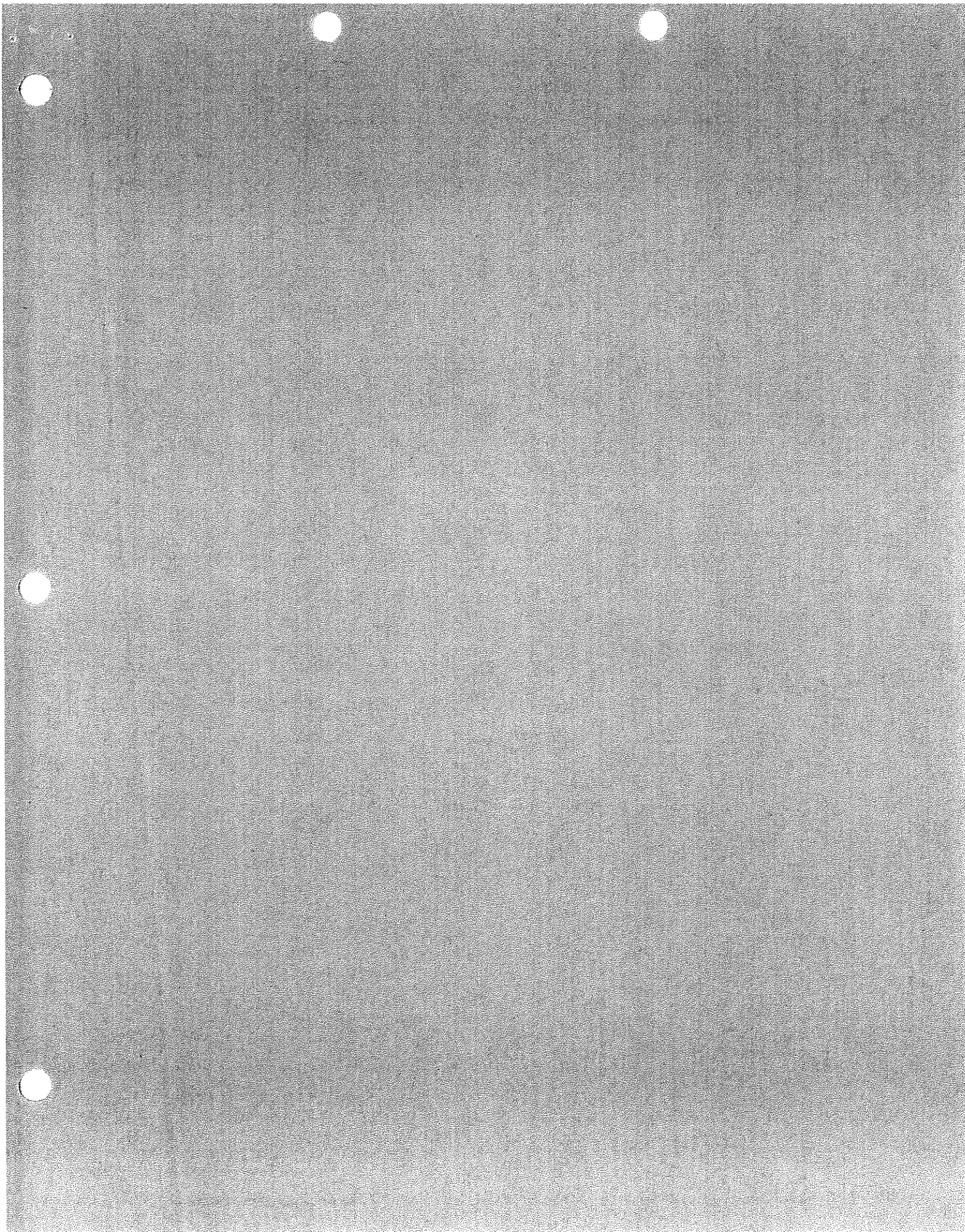
Pat Clary

Law Offices of Patrick C. Clary, Chartered
7201 W. Lake Mead Blvd., Suite 410
Las Vegas, Nevada 89128
702.382.0813/702.382.7277FAX

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9/14/2009





Jennifer L. Taylor

From: Jennifer L. Taylor
Sent: Monday, September 14, 2009 8:34 AM
To: 'Patrick C. Clary'
Cc: nelson@nelsonsegallaw.com
Subject: RE: Burke, et al. v. Hahn, et al.

Pat:

If you had a legitimate dispute with the discovery and deposition notice served on you, you had ample time to provide me with notice of the same. If you had a legitimate emergency you could have contacted my office at any point prior to 7:00pm last night so that we could work to reschedule this deposition. Your failure to provide me with any notice leaves me with a court reporter charge that I will seek to recover from you. Therefore, if you do not have your witness and your documents at my office, by 9:15am, I will be entering a notice of non-appearance.

Sincerely,
Jennifer L. Taylor
Robertson & Vick, 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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-----Original Message-----

From: Patrick C. Clary [mailto:patclary@patclarylaw.com]
Sent: Sunday, September 13, 2009 6:33 PM
To: Jennifer L. Taylor
Cc: nelson@nelsonsegallaw.com
Subject: Burke, et al. v. Hahn, et al.

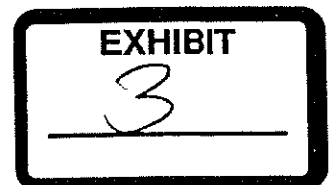
Dear Jennifer:

The discovery document that you served on me does not comply with the applicable portions of the Nevada Rules of Civil Procedure. In any event, because of emergencies that have poured over into this week from last week, I am not available for a deposition tomorrow, so none will be held.

Nevertheless, I suggest that you and I have a conference call with Nelson Segel tomorrow, if possible, to try to work out our differences on this subject, as I believe all of us have the obligation to do anyway, so that we might be able to avoid having to go back to the Discovery Commissioner.

Sincerely,
Pat Clary

9/14/2009



Law Offices of Patrick C. [redacted]ry, Chartered
7201 W. Lake Mead Blvd., Suite 410
Las Vegas, Nevada 89128
702.382.0813/702.382.7277FAX

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9/14/2009

EXHIBIT 5

Robertson & Vick LLP

Attorneys at Law

401 N. Buffalo Dr, Suite 202

Las Vegas, Nevada 89145

Telephone (702) 247-4661 • Fax (702) 247-6227

website: www.rvcdlaw.com

September 16, 2009

VIA FACSIMILE and UNITED STATES MAIL

Patrick C. Clary

Law Offices of Patrick C. Clary, Chtd.

Clary Gibson Lowry LLP

7201 West Lake Mead Boulevard, Suite 410

Las Vegas, Nevada 89128

Re: Burke, et al. v. Hahn, et al.
District Court Case No. A558629
Our File No.: 5081.01

Dear Pat:

This letter is to address your failure to appear for the COR deposition that was noticed for September 14, 2009. The COR deposition with attached Requests for Production was served, via hand-delivery, to you on August 14, 2009, to allow for the 30 days required under the Nevada Rules of Civil Procedure. Nonetheless, despite that long stretch of time, on Sunday, September 13, 2009, at 6:33 p.m., you sent an email claiming that the COR Deposition Notice with Requests for Production did not "comply with the applicable portions of the Nevada Rules of Civil Procedure", but failed to provide me with any basis for this claim.

Additionally, your email claimed that you had "emergencies" from last week that had "poured over" into this week, and that since you were not available for this deposition, "none will be held". Again, you provided no explanation for this statement and, if this was actually the case, you had ample time up to close of business on Friday, September 11, 2009, to apprise me of the same and to mutually work to reschedule this deposition, or to file a motion for protective order. Your unilateral cancellation of this deposition, besides being impermissible, has caused

LOS ANGELES

LAS VEGAS

ALBUQUERQUE

9/16/09 12:07 SJG
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my client to incur the costs of my preparation for a deposition that didn't go forward and for a court reporting fee that couldn't be waived because of your untimely email.

Finally, you indicated in your email that:

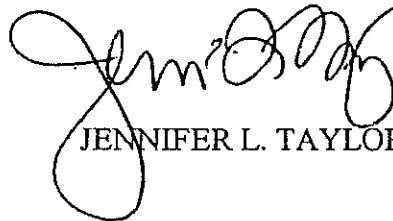
"I suggest that you and I have a conference call with Nelson Segel tomorrow (Monday), if possible, to try to work out our differences on this subject, as I believe all of us have the obligation to do anyway, so that we might be able to avoid having to go back to the Discovery Commissioner."

To that end, I sent you an email at 8:34 a.m. on Monday, September 14, 2009, in response to your unilateral cancellation of my properly noticed deposition. I informed you that I would wait until 9:15 a.m. before recording a Notice of Non-Appearance. That deadline came and went, and I waited until 9:34 a.m., at which time I called you to give you an opportunity to place on the record the basis for the statements made in your email. Your receptionist took my name, placed me on hold, and returned to tell me that you were "in a meeting" and would call me back as soon as you could. I informed her that I was about to place the Notice of Non-Appearance on the record and asked if she didn't want to take that message back to you. She reiterated that you had indicated you were in a meeting and that you would call me as soon as you could.

It is now Wednesday, September 16, 2009. I have received no further communication from you. Accordingly, I am requesting that you call my office no later than close of business today to address this issue pursuant to EDCR 2.34. Should you fail to do so, I will assume you have no interest or intent to comply with the applicable rules of civil procedure that govern such discovery disputes. Thank you for your time and prompt attention to this matter.

Very truly yours,

ROBERTSON & VICK, LLP

A handwritten signature in black ink, appearing to read "JL Taylor", is written over the printed name "JENNIFER L. TAYLOR".

JENNIFER L. TAYLOR

JLT:sjg

cc: Nelson Segel, Esq.

Transaction Report

Send

Transaction(s) completed

No.	TX	Date/Time	Destination	Duration	P. #	Result	Mode
977	SEP-16	13:11	7023827277	0'00'25"	003	OK	N ECM

ROBERTSON & VICK, LLP

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Las Vegas, Nevada 89145

Telephone: (702) 247-4661

Facsimile: (702) 247-6227

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To: Patrick C. Clary, Esq.

Facsimile No. 382-7277

Telephone No. 382-0813

To: Nelson Segel, Esq.

Facsimile No. 382-2967

Telephone No. 385-5266

From: Jennifer L. Taylor

Matter: Burke, et al. v. Hahn, et al.

File No.: 5081.01

To confirm, or to let us know if you did not receive all of the pages of this transmission, please contact Sue at (702) 247-4661.

• COMMENTS •

Letter regarding failure to appear for COR deposition on 9/14/09 (attached).

Transaction Report

Send

Transaction(s) completed

No.	TX	Date/Time	Destination	Duration	P. #	Result	Mode
978	SEP-16	13:12	3822967	0'00'30"	003	OK	N ECM

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401 N. Buffalo Dr., Suite 202

Las Vegas, Nevada 89145

Telephone: (702) 247-4661

Facsimile: (702) 247-6227

September 16, 2009

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To: Patrick C. Clary, Esq.

Facsimile No. 382-7277

Telephone No. 382-0813

To: Nelson Segel, Esq.

Facsimile No. 382-2967

Telephone No. 385-5266

From: Jennifer L. Taylor

Matter: Burke, et al. v. Hahn, et al.

File No.: 5081.01

To confirm, or to let us know if you did not receive all of the pages of this transmission, please contact Sue at (702) 247-4661.

• COMMENTS •

Letter regarding failure to appear for COR deposition on 9/14/09 (attached).

ROBERTSON & VICK, LLP

401 N. Buffalo Dr., Suite 202

Las Vegas, Nevada 89145

Telephone: (702) 247-4661

Facsimile: (702) 247-6227

September 16, 2009

FACSIMILE TRANSMISSION COVER SHEET

CONFIDENTIALITY NOTICE

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Number of pages in transmission, including cover sheet: 3

To: Patrick C. Clary, Esq.

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• COMMENTS •

Letter regarding failure to appear for COR deposition on 9/14/09 (attached).

EXHIBIT 6

Jennifer L. Taylor

From: Jennifer L. Taylor
Sent: Friday, September 18, 2009 1:19 PM
To: Patrick C. Clary
Cc: 'nelson@nelsonsegellaw.com'
Subject: Notice of Deposition Custodian of Records and Requests for Production

Dear Pat:

This email is to follow-up on our conversation of today at approximately 1:00pm. Despite my letter of September 16, 2009, you did not call me to discuss your non-appearance for your clients' COR deposition on Monday. I called you and you indicated simply that you had intended to write me in regard to this matter.

As we discussed, you do not believe that I am entitled to serve a Custodian of Records Deposition Notice along with a Request for Production. Please see NRCP 30(b)(5) which states:

"The notice to a party deponent may be accompanied by a request made in compliance with Rule 34 for the production of documents and tangible things at the taking of the deposition. The procedure of Rule 34 shall apply to the request."

Clearly, therefore, the Notice and Requests served upon you via hand delivery were proper, and your objection invalid.

Further, you indicated that you needed to forward the requests to your client again and see how long it would take for them to gather the documents. As I told you, with which you disagreed, this appears to me as if you have never previously forwarded these Requests or the Depo Notice to your client. This concerns me greatly because we waited 30 days for the production of these records and we simply can't afford to wait much longer. As we discussed, I would like to have this deposition rescheduled for next Thursday, September 24, 2009, and all the documents produced at that time. You agreed to contact me by the end of the day to confirm that your clients would be able to produce all documents by this date and that you would be available. If I do not hear from you by the close of business today regarding this matter, I will assume that you do not intend to abide by this agreement or the spirit and letter of EDCR 2.34.

Thanks in advance for your time and prompt attention to this matter.

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

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

This message may contain information that is ATTORNEY-CLIENT PRIVILEGED, ATTORNEY WORK PRODUCT or otherwise PRIVILEGED or CONFIDENTIAL. If you received this communication in error please erase all copies of this message and its attachments, if any and notify us immediately

2/4/2010

EXHIBIT 7

Robertson & Vick LLP

Attorneys at Law

401 N. Buffalo Dr, Suite 202
Las Vegas, Nevada 89145
Telephone (702) 247-4661 • Fax (702) 247-6227
website: www.rvcdlaw.com

September 18, 2009

Via Hand Delivery

Patrick C. Clary
Law Offices of Patrick C. Clary, Chtd.
Clary Gibson Lowry LLP
7201 West Lake Mead Boulevard, Suite 410
Las Vegas, Nevada 89128

Nelson M. Segel, Esq.
624 S. 9th Street
Las Vegas, Nevada 89101

Re: **Burke, et al. v. Hahn, et al.**
District Court Case No. A558629
Our File No.: 5081.01

Dear Pat and Nelson:

This is to follow up on my conversation with Pat and an email from Nelson regarding a new date for the Deposition of Kokoweef's Custodian of Records, which had previously been properly noticed for September 14, 2009, and for which both Mr. Clary and his client failed to appear. When I spoke with Pat, he said he would talk to his client and get back to me about a date by which his client could produce documents and appear. I sent an email confirming that conversation and seeking September 24, 2009, as the day for that deposition. I then received a letter from Nelson indicating that he is not available all next week, and only available on Monday, Tuesday and Wednesday the week of September 28, 2009. My concern is that this "unavailable" game will continue for so long that it will prevent my ability to complete this discovery or seek relief from the Discovery Commissioner.

LOS ANGELES

LAS VEGAS

ALBUQUERQUE

9/18/09 2:54 SJG
5081\5081.01\c\SJG0706.WPD

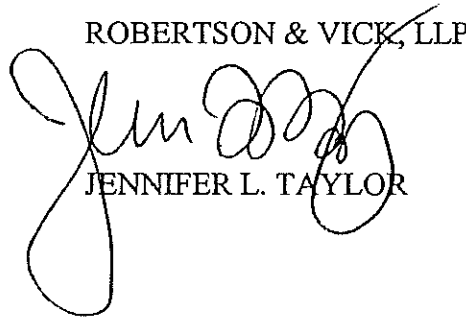
Patrick C. Clary
Nelson Segel
September 18, 2009
Page 2

Therefore, along with this letter, you will be served with an Amended Notice of Deposition following Kokoweef's Non-Appearance. I am setting this deposition for October 5, 2009. I will happily move the deposition to any date prior to October 5, 2009, provided that you both provide me in writing that date with an agreement that an Amended Deposition Notice will be accepted on less than 15 days notice. Otherwise, I will look forward to you all appearing on October 5, 2009.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

ROBERTSON & VICK, LLP

A handwritten signature in black ink, appearing to read "Jennifer L. Taylor", is written over the printed name. The signature is fluid and cursive, with a large loop at the end.

JENNIFER L. TAYLOR

JLT:sjg
Enclosure

EXHIBIT 8

1 NOTC
ALEXANDER ROBERTSON, IV
2 State Bar No. 8642
JENNIFER L. TAYLOR
3 State Bar No. 5798
ROBERTSON & VICK, LLP
4 401 N. Buffalo Drive, Suite 202
Las Vegas, Nevada 89145
5 Telephone: (702) 247-4661
Facsimile: (702) 247-6227

6 Attorneys for Plaintiffs
7

8 DISTRICT COURT

9 CLARK COUNTY, NEVADA
10

11 TED R. BURKE; MICHAEL R. and
LAURETTA L. KEHOE; JOHN BERTOLDO;
12 PAUL BARNARD; EDDY KRAVETZ;
JACKIE and FRED KRAVETZ; STEVE
13 FRANKS; PAULA MARIA BARNARD;
LEON GOLDEN; C.A. MURFF; GERDA
14 FERN BILLBE; BOB and ROBYN TRESKA;
MICHAEL RANDOLPH; and FREDERICK
15 WILLIS,

16 Plaintiffs,

17 vs.

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

22 Defendants,

23 and

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

26 Nominal Defendants.
27

) CASE NO. A558629

) Dept. XIII

) AMENDED NOTICE OF DEPOSITION
) PURSUANT TO NRCP 30(b)(6) OF THE
) CUSTODIAN AND KEEPER OF RECORDS
) OF KOKOWEEF, INC.

1 TO: ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that pursuant to NRCP 30(b)(6), Plaintiffs will take the
3 deposition of the corporate designee on the custody and keeping of the records of Kokoweef, Inc.
4 The term "Kokoweef" or "you" as used herein refers to Kokoweef, Inc., including
5 any and all of its agents, employees, officers, directors, attorneys, consultants, representatives,
6 successors or predecessors in interest, or other persons acting or purporting to act on its behalf.
7 The deposition will be taken on the **5th day of October, 2009 at 9:00 a.m.** at the offices of
8 Robertson & Vick, LLP, 401 N. Buffalo Dr., Suite 202, Las Vegas, Nevada 89145. This
9 amended deposition notice is sent out to secure an appearance date following the non-appearance
10 of Defendant Kokoweef on the original deposition date of September 14, 2009..

11 Said deposition will be conducted upon oral examination, pursuant to Rule 26 of the
12 Nevada Rules of Civil Procedure and before a Notary Public, or before some other officer
13 authorized by the law to administer oaths.

14 Oral examination will continue from day to day until completed. You are invited to
15 attend and cross-examine.

16 Additionally, and pursuant to NRCP 30(b)(5), Plaintiffs request that the following
17 documents and tangible things be produced as delineated. These Requests for Production,
18 pursuant to NRCP 30(b)(5) and NRCP 34 include, but are not limited to all "Electronically
19 Stored Information" ("ESI"). ESI, as used herein refers to all forms of data, metadata and
20 embedded data, including, but not limited to data in e-mails, Web pages, word processing files,
21 databases stored in any and all drives in any and all computers or on magnetic disks, DVDs, CDs
22 and/or flash memory, cellular telephones and personal digital assistants (PDAs), and facsimile
23 machines.

24 REQUESTS

25 REQUEST NO. 1: All Federal and State Income Tax Returns, including all schedules,
26 forms, attachments, and other supporting documents or writings for each such return for each of
27 the following years: 2004 - 2008.

28 ROBERTSON
& VICK, LLP

1 REQUEST NO. 2: All statements for each month for each year from 2004 - 2009 for
2 any accounts at any financial institution, including, but not limited to, checking accounts, savings
3 accounts, money market accounts, time deposit accounts, retirement accounts, pension plan
4 accounts, profit sharing accounts, stock purchase plan accounts, annuity accounts, stock
5 accounts, bond accounts, ready asset accounts, mutual fund accounts, loan accounts, credit
6 accounts, mortgage accounts, or any similar such accounts.

7 REQUEST NO. 3: For all months in all years from 2004 - 2009, all cancelled checks,
8 voucher portions of checks, or any other document or writing evidencing withdrawals or transfers
9 of funds from each account for which statements are produced as requested in No. 2 above.

10 REQUEST NO. 4: For all months in all years from 2004 - 2009, all deposit slips or
11 any other document or writing evidencing the source of funds deposited to each account for
12 which statements are produced as requested in No. 2 above.

13 REQUEST NO. 5: For all months in all years from 2004 - 2009, all ledgers,
14 reconciliation reports, registers, or other type of list used for tracking the balance of each account
15 for which statements are produced as requested in No. 2 above.

16 REQUEST NO. 6: For all months in all years from 2004 - 2009, any communications
17 with any individual concerning any of the accounts at any of the financial institutions for which
18 statements are produced as requested in No. 2 above.

19 REQUEST NO. 7: For all months in all years from 2004 - 2009, all statements or
20 billings received from each and every creditor of debts incurred or paid during the discovery
21 period, including but not limited to, copies of all vendor invoices or statements and other paid
22 bill files.

23 REQUEST NO. 8: For all months in all years from 2004 - 2009, all mortgages,
24 promissory notes, or other types of indebtedness representing monies owed.

25 REQUEST NO. 9: For all months in all years from 2004 - 2009, all loan applications.

26 REQUEST NO. 10: Any writings or other documents which evidence or describe your
27 treatment of, deductions from cash value of, and disposition of any proceeds from any insurance
28 policies for which documents are produced pursuant to the above request.

1 REQUEST NO. 11: Any documents or writings evidencing any real estate acquired or
2 disposed of between 2004 - 2009.

3 REQUEST NO. 12: All registration, title of ownership, tax assessments, or other
4 documents or writings evidencing each purchase, sale, use, or ownership of all vehicles,
5 snowmobiles, trailers, motorcycles, boats, watercraft, trucks, campers, off-highway vehicles, and
6 any other similar type of asset from 2004 to the present.

7 REQUEST NO. 13: All documents or writings evidencing, explaining, or detailing any
8 inquiries, offers made, or offers received for purchase or sale of any stock, real estate, personal
9 property, or business interest from 2004 to the present.

10 REQUEST NO. 14: All stockholder lists or ledgers outlining the name, address, phone
11 number, and number of shares held for each stockholder from any time.

12 REQUEST NO. 15: Any business agreements, corporate documents, organizational
13 documents, articles of incorporation, by-laws, minutes, joint venture agreements, operating
14 agreements, partnership agreements, limited liability company agreements, documents amending
15 any such documents, or other such similar documents or writings pertaining to any type of
16 organization.

17 REQUEST NO. 16: Copies of ESI files, in native format, for all computer programs
18 utilized in the management and recordkeeping of Kokoweef, including but not limited to:

- 19 a. QuickBooks data files
20 b. Microsoft Money data files
21 c. Peachtree Accounting data files
22 d. MAS90 data files
23 e. Quicken data files
24 f. Usernames and passwords for the administrative account for all data files
25 g. Name and version of program for which data file operates

26 REQUEST NO. 17: All financial budgets or projections for Kokoweef prepared or
27 started in 2004 and running through the present.

28 REQUEST NO. 18: Cash receipt registers/ledgers and cash disbursement
registers/ledgers for Kokoweef for all periods from 2004 through 2009.

///

///

ROBERTSON
& VICK, LLP

1 REQUEST NO. 19: Any list, document, writing, or schedule that shows, reflects, or
2 establishes all assets, property, and equipment that is used by Kokoweef, including but not
3 limited to:

- 4 a. Description
- 5 b. Date acquired
- 6 c. Original purchase price
- 7 d. Acquisition type (lease or purchase)
- 8 e. Acquisition amount
- 9 f. Useful life information
- g. Date replacement anticipated
- h. Estimate of current value
- i. Depreciation schedule

10 REQUEST NO. 20: Any recent property tax assessments or other appraisals for any of
11 the above items if such exist.

12 REQUEST NO. 21: Any list, document, writing, or schedule that shows, reflects, or
13 establishes all prepaid expenses for Kokoweef.

14 REQUEST NO. 22: All existing agreements and contracts including, but not limited to:
15 Covenants not to compete; Supplier agreements; Equipment leases; Rental contracts; Loan
16 agreements; Labor contracts; and so on for Kokoweef.

17 REQUEST NO. 23: All claims held, patented, unpatented or otherwise, and all
18 documents demonstrating renewals for 2009 and forward.

19 REQUEST NO. 24: All shareholder ledgers, stock certificates, and any other
20 information delineating the number of shares sold, the identity of shareholders, the amounts paid
21 for the shares, and the current value of the shares.

22 REQUEST NO. 25: Any and all documents related to, leading up to or prepared in
23 anticipation of the November 2005, "Agreement and Plan of Reorganization" between EIN and
24 KOKOWEEF, including all documents related to EIN's assets and liabilities.

25 ///

26 ///

27 ///

28 ///

ROBERTSON
& VICK, LLP

1 REQUEST NO. 26: For all months in all years from 2004 - 2009, any and all receipts,
2 invoices, purchase orders or other such documents that correspond to the checks written and the
3 deposits made as requested in Nos. 3 and 4 above.

4 Dated: September 18th, 2009

ROBERTSON & VICK, LLP

6 By 

ALEXANDER ROBERTSON, IV

Nevada Bar No. 8642

JENNIFER L. TAYLOR

Nevada Bar No. 5798

401 N. Buffalo Dr., Suite 202

Las Vegas, Nevada 89145

Attorneys for PLAINTIFFS

ROBERTSON
& VICK, LLP

28

RECEIPT OF COPY


The undersigned acknowledges receipt of copy of the following document:

1. AMENDED NOTICE OF DEPOSITION PURSUANT TO NRCP 30(b)(6) OF THE CUSTODIAN AND KEEPER OF RECORDS OF KOKOWEEF, INC.
2. Letter dated September 18, 2009.

Dated: September 18, 2009

M. NELSON SEGEL, CHARTERED

By


M.. Nelson Segel
624 South 9th Street
Las Vegas, Nevada 89101
Attorneys for Larry Hahn and

RECEIPT OF COPY

The undersigned acknowledges receipt of copy of the following documents:

1. AMENDED NOTICE OF DEPOSITION PURSUANT TO NRCP 30(b)(6) OF THE CUSTODIAN AND KEEPER OF RECORDS OF KOKOWEEF, INC.
2. Letter dated September 18, 2009

Dated: September __, 2009

PATRICK C. CLARY, CHARTERED

By

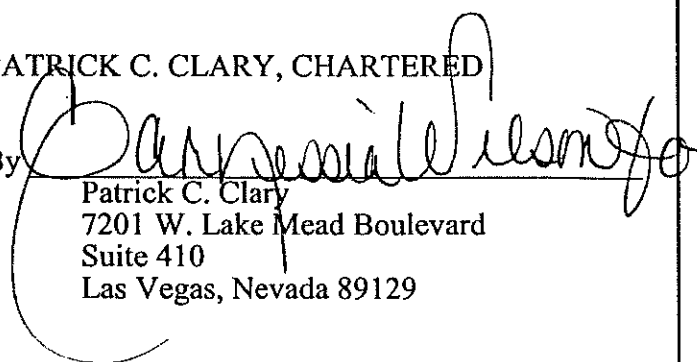

Patrick C. Clary
7201 W. Lake Mead Boulevard
Suite 410
Las Vegas, Nevada 89129

EXHIBIT 9

DISTRIC
CLARK COUNT

8

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

Plaintiffs,)

vs.)

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

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

LAS VEGAS, NEVADA

MONDAY, OCTOBER 5, 2009

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

1
 2 PATRICK C. CLARY, an individual;)
 3 DOES 1 through 100, inclusive,)
 4)
 5 Defendants,)
 6)
 7 and)
 8)
 9 KOKOWEEF, INC., a Nevada)
 10 corporation; EXPLORATIONS)
 11 INCORPORATED OF NEVADA, a)
 12 dissolved corporation,)
 13)
 14 Nominal Defendants.)
 15)
 16)
 17)
 18)
 19)
 20)
 21)
 22)
 23)
 24)
 25)

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

Page 2

1 APPEARANCES:
 2 For the Plaintiffs:
 3 ROBERTSON & VICK, LLP
 4 BY: JENNIFER L. TAYLOR, ESQ.
 5 401 North Buffalo Drive, Suite 202
 6 Las Vegas, Nevada 89145
 7 (702) 247-4661
 8 (702) 247-6227 (Facsimile)
 9 jtaylor@rvcdlaw.com
 10 For KOKOWEEF, INC. and PATRICK C. CLARY:
 11 PATRICK C. CLARY, CHARTERED
 12 BY: PATRICK C. CLARY, ESQ.
 13 7201 West Lake Mead Boulevard, Suite 410
 14 Las Vegas, Nevada 89128
 15 (702) 382-0813
 16 (702) 382-7277 (Facsimile)
 17 patclary@patclarylaw.com
 18 For LARRY HAHN and HAHN'S WORLD OF SURPLUS:
 19 LAW OFFICES OF M. NELSON SEGEL
 20 BY: M. NELSON SEGEL, ESQ.
 21 624 South Ninth Street
 22 Las Vegas, Nevada 89101
 23 (702) 385-5266
 24 (702) 382-2967 (Facsimile)
 25 nelson@nelsonsegellaw.com

Also Present: Larry Hahn

Page 3

1 INDEX
 2 WITNESS: LAURIE WRIGHT
 3 EXAMINATION PAGE
 4 BY: Ms. Taylor 5
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 7
 8
 9
 10

EXHIBITS

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

Page 4

1 LAS VEGAS, NEVADA; MONDAY, OCTOBER 5, 2009
 2 9:14 A.M.
 3 -oOo-

Whereupon -

(In an off-the-record discussion held prior to the commencement of the proceedings, counsel agreed to waive the court reporter's requirements under Rule 30(b)(4) of the Nevada Rules of Civil Procedure.)
 (Prior to the commencement of the deposition proceedings, Exhibits 1 through 4 were marked for identification.)

LAURIE WRIGHT,

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

EXAMINATION

BY MS. TAYLOR:

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

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

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

Q. And can you please give me your address.

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

Page 5

1 Nevada 89149.

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

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

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

12 (Discussion held off the record.)

13 BY MS. TAYLOR:

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

19 **A.** Yes.

20 **Q.** Okay. That's another --

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

Page 6

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

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

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

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

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

Page 7

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

8 MS. TAYLOR: Okay.

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

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

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

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

25 (Recess taken.)

Page 8

1 BY MS. TAYLOR:

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

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

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

16 MS. TAYLOR: Okay.

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

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

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

Page 9

1 witness.
 2 MR. CLARY: I'm sure there will be at some
 3 point.
 4 MS. TAYLOR: But for now, may I get through my
 5 instructions without any further interruptions? Do you
 6 think that's possible?
 7 MR. CLARY: Well, it depends on what you say.
 8 BY MS. TAYLOR:
 9 Q. Okay. As I was saying: Since this is a record
 10 that's being created by the court reporter, it's very
 11 important that in addition to not talking over one
 12 another, you give me verbal responses such as you did --
 13 yes and no, as opposed to head shakes or "uh-huhs" or
 14 "huh-uhs," because the court reporter will take down
 15 what she hears; but then as we go down the road, we may
 16 not be able to interpret whether you meant a yes or a
 17 no. Does that make sense?
 18 A. Yes.
 19 Q. This is also a record of what your testimony is
 20 today. So if you don't understand a question of mine,
 21 please let me know and I'll either restate it or I'll
 22 rephrase it. And that's significant because if you
 23 answered -- the easiest example is in the context of a
 24 car accident. If you were a witness in a car accident
 25 and you told me today the light was red and then down

Page 10

1 the road you tried to change your testimony to say the
 2 light was green, then either I, other counsel, or the
 3 finder of fact could comment or weigh in on your
 4 credibility and the fact that you significantly changed
 5 your answer from your deposition to later testimony.
 6 Does that make sense?
 7 A. Yes.
 8 Q. Okay. If you need a break or need more water or
 9 anything like that, just let me know and we'll take a
 10 break. My only admonition to that is if I have a
 11 question pending, I need you to answer the question
 12 before we can take a break. Okay?
 13 A. Okay.
 14 Q. What is your -- strike that.
 15 Who are you employed by?
 16 A. Buford Satellite Systems.
 17 Q. And what is Buford Satellite Systems?
 18 A. It is a cable company.
 19 Q. And what is your title at Buford Satellite
 20 Systems?
 21 A. Education programs director.
 22 Q. And how long have you been there?
 23 A. Nine years.
 24 Q. And what did you do before you were at Buford
 25 Satellite Systems? Who were you employed by?

Page 11

1 A. I owned my own company, JRW Concepts.
 2 Q. Okay. And what was JRW Concepts?
 3 A. A training company.
 4 Q. And what kind of training did you provide?
 5 A. Life skills.
 6 Q. So, like, life coaching?
 7 A. Well, it's slightly different, but --
 8 Q. Okay. How long did you own JRW Concepts?
 9 A. Roughly four years.
 10 Q. Okay. What is your highest level of education?
 11 A. Master's.
 12 Q. In what?
 13 A. Administration.
 14 Q. Okay. And where did you receive that degree
 15 from?
 16 A. Nova Southeastern.
 17 Q. What is your -- what is your undergraduate
 18 degree in?
 19 A. Education.
 20 Q. And where is that from?
 21 A. Las Vegas.
 22 Q. UNLV?
 23 A. UNLV.
 24 Q. And do you know why you were designated as the
 25 corporate representative for the -- the corporate

Page 12

1 representative responsible for being the custodian of
 2 records?
 3 A. I'm assuming because I am the person who makes
 4 the electronic copies of all documents that are given to
 5 me, as well as knowing where they're kept.
 6 Q. What is your -- since you're not employed by
 7 Kokoweef, what is -- oh, you know what? I actually have
 8 to do one background question. I'm sorry.
 9 Have you ever been convicted of a felony?
 10 A. No.
 11 Q. Have you ever been a convicted of a misdemeanor
 12 that may involve moral turpitude such as embezzlement or
 13 perjury?
 14 A. No.
 15 Q. What is your relationship to Kokoweef, since
 16 they're not your employer?
 17 A. I'm a stockholder and volunteer.
 18 Q. And how many shares do you own of Kokoweef?
 19 A. I want to say 10,000.
 20 Q. And how much did you pay for those shares of
 21 Kokoweef?
 22 A. They were given to me.
 23 Q. And why were they given to you?
 24 A. Um -- being a good daughter.
 25 Q. Oh, okay. So are you -- I'm sorry, so you are

Page 13

1 Mr. Hahn's daughter?
 2 A. Yes.
 3 Q. Okay. So Hahn would be your maiden name?
 4 A. Yes.
 5 Q. Okay. Do you know what the valuation of those
 6 stocks are?
 7 A. Zero, to my knowledge.
 8 Q. Were those stocks given to you in exchange for
 9 any work that you did for Kokoweef?
 10 A. No.
 11 Q. Now, you said you thought you were designated as
 12 custodian of records because you make copies of
 13 electronic documents and you know where those are. Does
 14 that sound about right?
 15 A. Yes.
 16 Q. Why don't you tell me, to start with, what you
 17 did to prepare for your deposition today?
 18 A. Spoke with the attorneys about what to expect.
 19 Q. Okay. And when you say "the attorneys," who are
 20 you talking about?
 21 A. Mr. Pat Clary and Nelson Segel.
 22 Q. And what did you talk to them about?
 23 A. What to expect at a deposition.
 24 Q. And what did they tell you?
 25 A. Don't talk over you. Answer succinctly and

Page 14

1 honestly. Don't be too nervous, which I am.
 2 Q. Yeah. Depositions can be a little
 3 nerve-racking, so --
 4 Did they tell you anything else?
 5 A. No, not really. We went over what -- I asked
 6 them what they thought I might expect, and they said for
 7 you to ask a bunch of questions and for me to answer
 8 honestly.
 9 Q. In preparation for this deposition, did they
 10 have you gather any of the documents that Mr. Clary has
 11 provided to me either Friday or today?
 12 A. No. The -- no. Well, wait a minute. I need to
 13 understand that question. Could you repeat it?
 14 Q. Yeah. Let me just go back for a second.
 15 What I want to do first is: I'm going to
 16 provide you with what's been premarked -- but the
 17 witness name is not on here because we didn't know who
 18 it was -- premarked as Exhibit 1.
 19 A. Uh-huh.
 20 Q. And that is the notice of deposition pursuant to
 21 30(b)(6) of the custodian and keeper of records for
 22 Kokoweef, Inc.
 23 And Exhibit Number 2, which is the Amended
 24 Notice of Deposition Pursuant to 30(b)(6) of the
 25 Custodian and Keeper of Records of Kokoweef.

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1 I only made one extra copy. Do you guys want
 2 one?
 3 MR. SEGEL: I've got the amended one here.
 4 (Discussion held off the record.)
 5 MR. CLARY: Are these in the right order?
 6 MS. TAYLOR: The original notice is 1; the
 7 amended notice is 2.
 8 BY MS. TAYLOR:
 9 Q. Have you ever seen either of those documents
 10 before today, Ms. Wright?
 11 A. One of them. I don't know which one.
 12 Q. Okay. Do you know approximately when you may
 13 have seen the document you're referring to?
 14 A. No. I don't know the exact date or the
 15 approximate date.
 16 Q. Okay. When was the first time, to your
 17 recollection, that you were informed you would be acting
 18 as the custodian of records for these depositions?
 19 A. About a week before we met with Mr. Clary and
 20 Mr. Nelson (sic). We discussed what is a custodian of
 21 records and --
 22 Q. When did you meet with Mr. Clary and Mr. Segel?
 23 A. On Thursday of last week.
 24 Q. On Thursday of last week?
 25 A. Uh-huh.

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1 Q. And before that time, you had never met with
 2 them regarding the custodian of records deposition?
 3 A. No.
 4 Q. Who provided you with that document about a week
 5 prior to your meeting with them?
 6 A. It was e-mailed to Larry Hahn, and I downloaded
 7 for him because he doesn't know how to download from the
 8 e-mail.
 9 Q. Okay. So you were not then instructed to
 10 actually review the document. You just were downloading
 11 it to provide to your father?
 12 A. Exactly.
 13 Q. So it wasn't until October 1st that you were
 14 even informed that you were going to be the custodian of
 15 records, and at no time did they ask you to review any
 16 of this document in preparation for your appearance here
 17 as a custodian of records?
 18 A. Prior to Thursday, you mean?
 19 Q. Okay, let's go before -- we'll do it that way.
 20 MR. CLARY: No. You know, I'm going to object.
 21 You haven't put a point of time on these documents --
 22 MS. TAYLOR: And if you'd let me, Pat, that's
 23 what I was about to do, because Ms. Wright indicated
 24 that the question was confusing, so I was about to
 25 clarify. So --

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

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

3 BY MS. TAYLOR:

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

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

11 A. Yes.

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

16 A. Just read through it.

17 Q. Okay.

18 A. Read through it, basically.

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

22 A. No.

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

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1 A. Yes.

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

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

7 Q. Okay.

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

9 Q. Okay.

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

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

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

17 MR. SEGEL: At which point in time?

18 BY MS. TAYLOR:

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

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

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

Page 19

1 somebody -- and did you scan them?

2 A. Scanned them.

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

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

5 Q. Was it a month ago?

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

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

11 A. Yes.

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

16 A. Yes.

17 Q. How many other times?

18 A. I don't know.

19 Q. More than five?

20 A. No.

21 Q. More than three?

22 A. Most likely two is a rough estimate.

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

25 A. No.

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

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

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

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

15 (Discussion held off the record.)

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

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

24 MS. TAYLOR: These are your copies.

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

Page 21

1 know that.

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

7 MR. SEGEL: Well, if you --

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

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

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

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

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

6 MS. TAYLOR: Yeah, done.

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

18 MS. TAYLOR: I'm sure.

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

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

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

25 MS. TAYLOR: Right. Or --

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1 MR. SEGEL: And you can talk about what disks --

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

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

10 MR. SEGEL: Okay. Thank you.

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

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

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

20 MS. TAYLOR: Oh, I premarked --

21 MR. SEGEL: Let me finish.

22 MS. TAYLOR: All right.

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

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

5 MS. TAYLOR: Okay.

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

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

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

17 MS. TAYLOR: Right.

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

Page 25

1 being referred to on the record.
 2 Mr. Clary, do you agree?
 3 MR. CLARY: Uh-huh.
 4 MR. SEGEL: Thank you. That was a yes?
 5 MR. CLARY: Yes. Thank you.
 6 MS. TAYLOR: So I'm going to hand back to the
 7 court reporter --
 8 MR. SEGEL: She can do whatever she'd like. She
 9 can save them or throw them away and make another one
 10 later. I'm sure she's able to do that.
 11 BY MS. TAYLOR:
 12 Q. Okay. So let's go back to where I was going.
 13 There's a stack of documents sitting in front
 14 you that starts with the Bates stamp KIAP09, 1 of 15.
 15 This is 851 documents. They were on the disk that was
 16 provided to me on Friday at 3:07. I would like you to
 17 just first take a look at this and tell me whether or
 18 not you were responsible for having these documents
 19 handed to you and then scanning them and putting them on
 20 a disk.
 21 A. Yes.
 22 Q. Okay. Those documents were just provided to
 23 me -- again, as I said on Friday. Do you know when they
 24 were given to you to scan and put on a disk?
 25 A. No, not offhand.

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1 Q. A month ago?
 2 A. Well, it was less than that.
 3 Q. Okay. Had they been provided to you and scanned
 4 as of your meeting on October 1st with Mr. Clary and
 5 Mr. Segel?
 6 A. Yes.
 7 Q. Did you provide either of them with the disk of
 8 the scanned documents at that meeting?
 9 A. Yes. Copies of -- you mean, copies of what I've
 10 given you, or were sent to you? Is that what you mean?
 11 Q. For this most recent stack.
 12 MR. CLARY: The recent -- show her the disk.
 13 MS. TAYLOR: As I explained to Mr. Segel, the
 14 disk is out for copying right now. This was the disk
 15 that --
 16 MR. CLARY: No, it's not.
 17 MR. SEGEL: Let me -- you ask the questions.
 18 I'm not sure if she properly understood the question.
 19 BY MS. TAYLOR:
 20 Q. There's -- what we've got here, Ms. Wright --
 21 MR. CLARY: I'm completely confused now.
 22 BY MS. TAYLOR:
 23 Q. -- is two sets of documents. Okay? This set of
 24 documents that's on your right that has on top of it a
 25 disk that I have premarked -- but entered into the

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1 record yet as Exhibit 5 -- that says 7 -- Kokoweef,
 2 Inc., Taylor copy, 7-2009, Disk Number 7 -- these
 3 documents were provided to me on or about August 6th.
 4 Okay?
 5 A. Uh-huh.
 6 Q. The documents that are on your left were
 7 provided to me on Friday, October 2nd, at about
 8 3:07 p.m., in a disk that was dropped off on our
 9 counter, and these are the printed records of what was
 10 on that disk.
 11 A. Okay.
 12 Q. The disk is out for copying so that we have in
 13 our office copies of it. Okay?
 14 MR. SEGEL: Ms. Taylor, I was given this disk
 15 this morning. I think if you want to use this, you can
 16 ask her if that's the same disk that she gave to you on
 17 Friday.
 18 MS. TAYLOR: I bet it is.
 19 MR. SEGEL: Do you think that will help clarify
 20 the record?
 21 MS. TAYLOR: Thank you, Mr. Segel.
 22 BY MS. TAYLOR:
 23 Q. So, this looks to me like the same --
 24 A. It's the same thing.
 25 Q. -- labeling.

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1 A. Yes.
 2 Q. Okay. That what's in this stack?
 3 A. Yes, uh-huh.
 4 Q. Okay. On October 1st, when you met Mr. Clary
 5 and Mr. Segel, had you already -- did you provide them
 6 with that disk?
 7 A. Prior to meeting?
 8 Q. No. On October --
 9 A. On Thursday?
 10 Q. -- 1st. Yeah, Thursday.
 11 A. No.
 12 Q. Did you give that disk on Thursday?
 13 A. I gave it to them -- was it -- I don't remember.
 14 I think it was Friday. Friday at 1:00.
 15 Q. Okay.
 16 A. Yeah.
 17 Q. Do you remember when you were given this stack
 18 of documents to scan?
 19 A. Not offhand.
 20 Q. Okay. All right. The stack on your right --
 21 A. Uh-huh.
 22 Q. -- I'm going to get turned around, because it's
 23 your right and my left.
 24 Can you do the same exercise: Take a look at
 25 these documents and tell me if these were documents that

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

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

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

6 A. Yes.

7 Q. -- by you?

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

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

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

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

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

24 MR. CLARY: I have no problem.

25 ///

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

5 A. I knew where they had looked.

6 Q. Okay. And where did they look?

7 A. The Kokoweef office.

8 Q. And where is the Kokoweef office?

9 A. 2908 East Lake Mead Boulevard.

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

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

16 A. No.

17 Q. So it's completely separate?

18 A. Yes.

19 Q. Is it its own building?

20 A. No.

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

22 A. Yes.

23 Q. What company is that?

24 A. Hahn's World of Surplus.

25 Q. Okay. Are there separate entries for both

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1 BY MS. TAYLOR:

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

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

6 MR. SEGEL: Van de Walker.

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

10 BY MS. TAYLOR:

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

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

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

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

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

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

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1 Hahn's World of Surplus and Kokoweef?

2 A. Yes.

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

4 A. 2908.

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

7 A. No.

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

10 A. Yes.

11 Q. How many doors?

12 A. Well, there's two.

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

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

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

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

19 A. Uh-huh.

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

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

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1 office.

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

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

5 Q. That was a very good description.

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

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

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

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

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

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

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

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1 A. Yes.

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

3 A. In the smaller room, yes.

4 Q. Okay. Do you just want to call that the inner
5 office for the purposes of --

6 A. Yes.

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

8 A. There is two.

9 Q. Okay.

10 A. Two.

11 Q. How about -- and there's no computers in the
12 outer office?

13 (Cellular phone rings.)

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

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

17 BY MS. TAYLOR:

18 Q. Are there -- is there any Kokoweef paperwork in
19 the outer office?

20 A. I don't believe so.

21 Q. How much time have you spent in the Kokoweef
22 office at 2908 East Lake Mead?

23 A. Wow --

24 MR. SEGEL: Objection. During what period of
25 time?

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

2 THE WITNESS: Past year? Goodness gracious.

3 How many hours? Probably three hours a day at least,
4 two to three days a week.

5 BY MS. TAYLOR:

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

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

13 Q. Do you do any accounting work?

14 A. No.

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

17 A. No.

18 Q. Who does that?

19 A. I don't know.

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

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

25 Q. And where is that kept?

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

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

4 A. It's been ongoing.

5 Q. Okay.

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

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

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

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

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

15 Q. And why not?

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

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

20 A. Updated as necessary.

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

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

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

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1 A. It's been a couple of months.
 2 Q. Okay.
 3 MR. SEGEL: Can you give me a few minutes? Can
 4 we take a break?
 5 (Discussion held off the record.)
 6 BY MS. TAYLOR:
 7 Q. All right. What other tasks have you done in
 8 those Kokoweef offices?
 9 A. That's it.
 10 Q. Okay.
 11 A. Clean.
 12 Q. Okay.
 13 A. Sorry.
 14 Q. Who else has assisted you in organizing files?
 15 A. Wanda Bryan.
 16 Q. And who is she?
 17 A. An investor.
 18 Q. All right. Anyone else?
 19 A. Barbara Dapper.
 20 Q. Can you spell that last name for the record?
 21 A. D-a-p-p-e-r.
 22 Q. And who is she?
 23 A. An investor.
 24 Q. All right. Anyone else?
 25 A. No, I don't think so. Not that I recall.

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1 Q. Is there anyone else who has helped you scan
 2 documents so that you can maintain your electronic
 3 copies?
 4 A. No.
 5 Q. Is there anyone who's regularly -- strike that.
 6 Does Kokoweef, to your knowledge, have any
 7 employees?
 8 A. No, not -- not to my knowledge.
 9 Q. Is there anyone who spends, in your knowledge,
 10 more time in the Kokoweef offices than you do?
 11 A. That I don't know. Over what span of time?
 12 Q. Do the same thing. In the past year, who's --
 13 A. In the past year, Wanda and Barbara probably
 14 have spent slightly more time.
 15 Q. All right. So in the outer office there's no
 16 paperwork. In the inner office you've got your two
 17 computers, and what other paperwork and how is it
 18 organized?
 19 A. All the stockholder files.
 20 Q. And --
 21 A. They're in a filing cabinet.
 22 Q. Okay. How many drawers?
 23 A. Four.
 24 Q. And what kind of documents are contained in
 25 those stockholder files?

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1 A. The receipt of how much somebody -- I don't
 2 recall what it's called. It's just like a receipt of
 3 what they've invested.
 4 Q. For a monetary amount?
 5 A. Yeah, I guess that is what it would be. Their
 6 names and addresses, of course. Their -- if they're
 7 deceased, death records. Information on their
 8 certificate of trust, if they have a trust, and then
 9 just their stock's held. Basic information.
 10 Q. Okay.
 11 A. Letters they might have sent.
 12 Q. In those -- in the file cabinets, is it broken
 13 down -- like, do you have a folder for each shareholder?
 14 A. Yes.
 15 Q. And how are those records maintained and
 16 updated?
 17 A. Most of that is done by Barbara and Wanda.
 18 They -- how do you maintain them? If something comes
 19 in, you put the information in.
 20 Q. What do Barbara and/or Wanda do, to your
 21 knowledge, to make sure that the information is retained
 22 in those files and not destroyed or otherwise altered?
 23 A. I don't know much about it.
 24 Q. Okay. And other than what your testimony just
 25 was, that when information comes in you put it in the

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1 drawers, do you know anything else Barbara and/or Wanda
 2 might do to update and make sure the files have the most
 3 current information?
 4 A. They help me with the Excel file that was
 5 created --
 6 Q. Okay.
 7 A. -- to keep and help maintain that.
 8 Q. Anything else?
 9 A. They try to locate investors.
 10 Q. And what do they do to try to locate investors?
 11 A. Make a lot of phone calls. Do some Internet
 12 searches. I don't know the extent to what else they may
 13 do. I'm not involved in that aspect of it.
 14 Q. Do you know what they're looking for when they
 15 do Internet searches?
 16 A. Relatives, people that might help them to lead
 17 them to the investors.
 18 Q. So is this for current investors that they're
 19 trying to locate, or for new investors?
 20 A. Current investors.
 21 Q. Your testimony said that they helped to try to
 22 locate investors.
 23 A. People move.
 24 Q. Okay. All right. So it's trying to maintain
 25 records of current investors?

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1 A. Yes.
 2 Q. Okay. I just wanted to clarify that.
 3 A. I'm sorry if I was confused.
 4 Q. No, that's okay.
 5 Do Wanda or Barbara do anything to locate
 6 potential new investors?
 7 A. No.
 8 Q. When they do those searches to locate current
 9 investors, do they maintain on those computers where
 10 they may be doing Internet searches, records of what
 11 they've done to try to locate those current investors?
 12 A. I don't know.
 13 Q. Do you know if they print out any information
 14 from those searches that then go into the files --
 15 A. I don't know.
 16 Q. -- you described?
 17 Within that inner office, how many file cabinets
 18 are there?
 19 A. Two.
 20 Q. Okay. And how many drawers does each of them
 21 have?
 22 A. Four.
 23 Q. So you've just described to me one of the filing
 24 cabinets contains four drawers of stockholder
 25 information.

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1 A. Yes.
 2 Q. So that's within one.
 3 A. Yes.
 4 Q. What is in the second file cabinet?
 5 A. A lot of mining stuff. Things that if they need
 6 to order a certain part, they would know where to go to
 7 get those things. I don't know the depth of that one.
 8 I haven't spent a lot of time in that filing cabinet.
 9 Q. How many drawers, to your knowledge, does the
 10 mining stuff take up?
 11 A. I don't know.
 12 Q. Okay. Is there any other records that you know
 13 are kept in that second filing cabinet?
 14 A. I haven't spent very much time looking through
 15 that cabinet, so no.
 16 Q. Who does look through that cabinet? Who spends
 17 time with that cabinet?
 18 A. I don't know.
 19 Q. What else is in the inner office?
 20 A. Binders that have this information on it.
 21 Q. And when you say "this," you were flipping
 22 through the October stack?
 23 A. Both stacks, information.
 24 Q. Okay.
 25 A. Boxes with receipts and other mining stuff.

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1 Q. Okay. How many binders are in that office?
 2 A. I don't know.
 3 Q. More than ten?
 4 A. I don't know, to tell you the truth. I really
 5 don't know exactly how many. I would say probably 10 to
 6 15 --
 7 Q. Okay.
 8 A. -- if I estimate.
 9 Q. If that's your best estimate, that's --
 10 MR. SEGEL: And we prefer you not to guess. If
 11 you can make an informed estimate, that's fine, but
 12 don't guess.
 13 THE WITNESS: Then let's leave it as I don't
 14 know, because I can't be sure.
 15 BY MS. TAYLOR:
 16 Q. Is it more than five?
 17 A. Yes.
 18 Q. Is it less than 20?
 19 A. I don't know.
 20 Q. Is it less than 50?
 21 A. I don't know. It's more than five, I can
 22 guarantee that much.
 23 Q. And when you say "this stuff," and you're
 24 pointing to the October and August stack, can you give
 25 me a list of some of the documents that are in those

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1 binders?
 2 A. I don't -- I scan them, I maintain them, you
 3 know, and make sure that they're in the office; but I
 4 don't spend time with them knowing what is in them
 5 substantively. I do know that a lot of it is the
 6 accounting, because it was given to me from Reta.
 7 Q. Okay. Do you know how many -- okay, let's go
 8 back for a second.
 9 When you say the accounting that was given to
 10 you by Reta, what kind of documents has Reta given you
 11 that would fall within that description of accounting?
 12 A. She gives me the three ring -- what she'll
 13 create first is a binder, and it has got things such as
 14 accounts payable, balance sheets, her QuickBook
 15 thingies, copy of ledgers, things of that sort.
 16 Q. Okay.
 17 A. But I'm not an accountant, so I don't know a lot
 18 about that.
 19 Q. No, that's a good description of stuff.
 20 MR. SEGEL: It's been about ten minutes since I
 21 asked for a break.
 22 MS. TAYLOR: Oh, I'm very sorry. Yes, go on
 23 break. I apologize, Nelson.
 24 (Recess taken.)
 25 MS. TAYLOR: Back on.

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1 BY MS. TAYLOR:

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

4 A. At least five.

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

7 A. I don't know.

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

10 A. I don't know.

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

13 A. One has the receipts and checks in them.

14 Actually, a couple of them have receipts and checks in
15 them.

16 Q. Okay.

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

19 Q. Okay.

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

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

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

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1 Q. Okay. More than five?

2 A. I don't know.

3 Q. Okay.

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

5 Q. Okay.

6 A. So Reta does that, not me.

7 Q. Do you scan the documents that Reta handles
8 related to receipts and checks for any of your disks?

9 A. Yes.

10 Q. Do you know how many disks these documents have
11 been reduced to?

12 A. Two.

13 Q. The October stack and the August stack?

14 A. Yes.

15 Q. Do you know when these stacks were provided to
16 you, in part, by Reta, if they constituted all the
17 documents that Reta has related to Kokoweef?

18 A. I don't know.

19 Q. Okay. Who would know that?

20 A. Reta.

21 Q. Okay. Do you know what Reta does to maintain or
22 update the binders with the receipts and checks?

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

24 Q. Okay. Do you know what Reta does to ensure that
25 documents related to receipts and checks are not

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1 Q. Is it more than five?

2 A. Yes.

3 Q. Is it more than ten?

4 A. I don't know.

5 Q. Is it --

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

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

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

12 BY MS. TAYLOR:

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

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

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

18 A. Oh.

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

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

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

25 A. I don't know.

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1 destroyed or otherwise altered?

2 A. I know nothing about that.

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

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

9 A. Stay at the Kokoweef office.

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

11 A. PDF -- Adobe PDF.

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

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

17 Q. Okay.

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

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

22 A. Not to the Kokoweef computer.

23 Q. Okay.

24 A. I have to bring either the scanner down, or I

25 have to take the documents up to my house, because we do

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

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

6 A. Yes.

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

9 A. Half and half.

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

13 A. Saved to disk.

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

16 A. Uh-huh.

17 Q. Is that a yes?

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

19 Q. That's okay.

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

23 A. Me.

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

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

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

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

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

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

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

12 BY MR. TAYLOR:

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

16 A. Yes.

17 Q. Okay. Got it. Okay.

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

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

22 A. Yes.

23 Q. Got it. Okay.

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

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1 start creating those binders?

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

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

6 A. More dates. No.

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

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

11 Q. Yes.

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

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

18 A. No.

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

23 A. No.

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

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1 A. No.

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

5 A. I haven't any idea.

6 Q. Do you know who updates those binders?

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

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

12 A. Yes.

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

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

17 Q. That's fine.

18 Is it more than five?

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

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

22 A. There's -- file boxes.

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

25 A. Yeah.

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1 Q. That are the ones you might buy broken down --
2 A. Broken down. You put them together, and they've
3 got a little front thing -- which they aren't labeled --
4 but yeah.

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

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

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

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

12 Q. And why is that?

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

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

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

20 BY MS. TAYLOR:

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

25 A. Yes.

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1 started scanning receipts?

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

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

6 A. In Koko -- in a safe.

7 Q. Okay. And where is that safe?

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

10 Q. And what else is kept in there?

11 A. I don't know.

12 Q. Who has access to that safe?

13 A. Larry Hahn.

14 Q. Anybody else?

15 A. I don't know.

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

18 A. No.

19 Q. So when you complete a disk --

20 A. Uh-huh.

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

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

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

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

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

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

10 A. Basically, yeah.

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

13 A. Not to my knowledge.

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

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

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

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

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

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

2 A. Yes.

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

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

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

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

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

17 A. True.

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

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

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

24 Q. In excess of 20?

25 A. Oh, no.

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

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

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1 A. No.
 2 Q. So for what you do for Kokoweef, you use your
 3 home computer, you use your work computer, you use the
 4 computer at the Kokoweef office?
 5 A. At the Kokoweef office or home.
 6 Q. Oh, but you fax from Buford?
 7 A. Well, communications, such as "I will be there
 8 to do whatever." Or if something like this comes in, I
 9 may fax and send immediately. But mostly, no. That's
 10 all communication you asked for.
 11 Q. No, that's fine. And I'm just trying to get the
 12 full brush of everything that goes on from a business
 13 records standpoint, so --
 14 A. Uh-huh.
 15 Q. All right. And what about Wanda or Barbara? Do
 16 you know if they fax from different locations or use
 17 their cell phones or anything like that?
 18 A. I don't know.
 19 Q. Okay. Does Mr. Hahn, to your knowledge, have a
 20 cell phone that is a dedicated Kokoweef cell phone?
 21 A. I don't know.
 22 Q. Okay. How many different cell phone numbers do
 23 you have for your father?
 24 A. One.
 25 Q. Okay. Is it a personal cell phone or is that a

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1 cell phone for his business Hahn's World of Surplus?
 2 A. I don't know.
 3 Q. The two computers that are in the inner office
 4 are they networked or are they standalones?
 5 A. Standalones.
 6 Q. Okay. Do you create any other type of backup
 7 other than the disks? Do you have, like, a dedicated --
 8 like an outside hard drive, external hard drive?
 9 A. No.
 10 Q. Any type of tape backup?
 11 A. No.
 12 Q. Does anyone even know what tape backup is
 13 anymore?
 14 A. Yes.
 15 Q. Has anything from the Kokoweef computers ever
 16 been put onto a storage device, other than the CDs you
 17 describe? Floppy disks --
 18 A. Yes. A flash drive to go back and forth between
 19 computers when need be.
 20 Q. And where is that flash drive maintained?
 21 A. Wanda maintains the flash drive. I couldn't
 22 tell you exactly where.
 23 Q. Okay. Do you know what Wanda does in terms of
 24 maintaining the flash drive and to preserve any data
 25 that may be upon it?

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1 A. No.
 2 Q. When you say to go back and forth between
 3 computers, which computers are you referring to?
 4 A. Kokoweef.
 5 Q. So that flash drive would just go from computer
 6 "A" in the inner office to computer "B" in the inner
 7 office?
 8 A. Yes.
 9 Q. Have you ever taken that flash drive home to
 10 your computers?
 11 A. No, I haven't.
 12 Q. Okay. Anyone else you know who has ever had
 13 access to that flash drive?
 14 A. Wanda, Barbara, myself.
 15 Q. Are there any other places that Kokoweef records
 16 are maintained?
 17 A. Not to my knowledge.
 18 Q. What about out at the mine? What's out at the
 19 mine?
 20 A. I don't know about -- what's out at the mine,
 21 recordswise.
 22 Q. Who would know that?
 23 A. I'm assuming Larry Hahn.
 24 Q. Have you ever -- have you been to the mine?
 25 A. Yes.

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1 Q. On how many occasions?
 2 A. Since it's been open, couple dozen, maybe.
 3 Q. Couple dozen?
 4 And are there -- how many buildings are out at
 5 the mine, currently?
 6 A. I don't know. I don't know.
 7 Q. Can you describe to me some of the buildings
 8 that you do know are out at the mine?
 9 A. Yes. There is a large meeting hall, a portable
 10 building. There are a couple of shanties down below. I
 11 do not know specific information regarding those. There
 12 is a -- a place that they store tools.
 13 Q. Okay.
 14 A. A little building with tools and such in them.
 15 That's basically it.
 16 Q. Is there a house?
 17 A. There is -- I don't know if you could call it
 18 such; but, yeah, there's one that -- the one house that
 19 Larry Butler stays in. I don't know -- I believe every
 20 building out there is portable, so I don't know if it's
 21 considered a house?
 22 Q. It's a building where somebody resides; correct?
 23 A. Yes.
 24 Q. Is there any other building in which people
 25 could --

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1 A. Yes.
 2 Q. -- reside and sleep over, that kind of thing?
 3 A. Yes.
 4 Q. How many?
 5 A. I don't know. There's a few of them out there.
 6 Q. Okay.
 7 A. Mostly trailers, to my knowledge.
 8 Q. Okay. Any other buildings that you can describe
 9 in general?
 10 A. A few trailers. That's all I know about. There
 11 is a building off property, but I don't know anything
 12 more than that.
 13 Q. Where is the building off property? Where is
 14 that?
 15 A. It's right next to camp.
 16 Q. And what type of building is that?
 17 A. A rundown building. A little teeny house that
 18 has nothing in it, nobody in it, nothing.
 19 Q. So an abandoned sort of building?
 20 A. Exactly, you know.
 21 Q. Okay. Of these buildings that you've described
 22 for me -- the large meeting hall, the different
 23 shanties, the tool storage, the couple of different
 24 portable houses where people could reside in, and the
 25 abandoned house, the abandoned building off the

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1 premises --
 2 A. Uh-huh.
 3 Q. -- have you been in any or all of those?
 4 MR. SEGEL: Ms. Taylor, are we going to go much
 5 on her report? She's the custodian and keeper of
 6 records of Kokoweef, so she's here as a designee. Now
 7 you're asking her to testify regarding Kokoweef's
 8 properties.
 9 MS. TAYLOR: Do you want to know why I'm doing
 10 that?
 11 MR. SEGEL: I do.
 12 MS. TAYLOR: Because I want to find out what may
 13 be where. And so I'm going to ask her, since you've
 14 produced her as the custodian of records, but yet has
 15 very little knowledge, to see if she's been in any of
 16 these Kokoweef buildings that may or may not have
 17 records. So that's where I'm going, and when I'm done
 18 with that, then, you know, we'll keep going into the
 19 records. But I need to get an understanding of what may
 20 be where.
 21 MR. SEGEL: Well, hopefully, just a few more
 22 minutes.
 23 MS. TAYLOR: It's my deposition, Nelson.
 24 MR. SEGEL: I understand that, but I could
 25 object to this line of questioning because it's beyond

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

3 MS. TAYLOR: Right.

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

6 MS. TAYLOR: And --

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

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

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

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

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

3 A. The main meeting hall.

4 Q. Okay.

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

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

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

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

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

17 Q. Are there any computers?

18 A. No.

19 Q. Binders?

20 A. No.

21 Q. Boxes of records?

22 A. No.

23 Q. Notebooks?

24 A. No.

25 Q. Journals?

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

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

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

14 Let's try and move on.

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

16 BY MS. TAYLOR:

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

19 A. Yes.

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

23 A. Yes.

24 Q. And which ones are those?

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

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1 A. No.

2 Q. Ledgers of any type?

3 A. No.

4 Q. Computer disks?

5 A. No.

6 Q. CDs?

7 A. No.

8 Q. Okay. And then how about in the tools storage?

9 A. No.

10 Q. Are there any documents in there?

11 A. No.

12 Q. How about in the large meeting hall?

13 A. In the large meeting hall there are pictures and
14 maps. And to my knowledge, that is all the documents
15 that are up there.

16 Q. Okay. Have you ever seen any binders there?

17 A. No.

18 Q. Any boxes?

19 A. No.

20 Q. Computers?

21 A. No.

22 Q. Any computer-storage devices --

23 A. No.

24 Q. -- such as disks, et cetera?

25 A. No.

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1 Q. How about in Larry's Butler's house?
 2 A. Nothing like that. No computers, no storage,
 3 no --
 4 Q. No boxes of records?
 5 A. Never seen anything like that anywhere in there.
 6 Q. I understand Larry Butler gets reimbursed for
 7 certain expenses; is that correct?
 8 A. I do not know that.
 9 Q. All right. Is there anywhere else that you're
 10 aware of that Kokoweef might keep records?
 11 A. No.
 12 Q. How about the address listed in the Articles,
 13 which is 8144 Bay Harbor Drive, Las Vegas, Nevada 89129.
 14 A. Bay Harbor --
 15 THE WITNESS: Is that your house?
 16 BY MS. TAYLOR:
 17 Q. It is. That is Mr. Clary's residence. Are
 18 there any records there?
 19 A. I don't know. I don't know about that.
 20 Q. Have you ever been to Mr. Clary's house?
 21 A. No.
 22 Q. All right. I'm going to have you take a look at
 23 Exhibit 2.
 24 A. Okay.
 25 MR. SEGEL: That's the amended notice.

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1 MS. TAYLOR: The actual original notice is 2.
 2 THE WITNESS: No. It says 2, amended.
 3 BY MS. TAYLOR:
 4 Q. Oh, thank you. I had it wrong on my notes.
 5 A. Do you want me to look at 1?
 6 Q. Yes.
 7 All right. So going back to your earlier
 8 testimony, tell me again when the first time you saw
 9 this document was -- either this one or Exhibit 2 -- for
 10 purposes of performing your duties as the corporate
 11 designee for the custodian of records -- for being the
 12 custodian of records.
 13 A. It was e-mailed to my father.
 14 Q. Uh-huh.
 15 A. I open his e-mail and download the things for
 16 him, download the attachments.
 17 Q. Oh, when e-mails come in for your father, where
 18 do they go?
 19 A. To larryhawn@wildblue.net.
 20 Q. Now, is wildblue.net, is it a -- like, for
 21 example, my e-mail, which is suffixed rvedlaw.com, I
 22 can't just access that anywhere. You know, it's like a
 23 dedicated e-mail and a dedicated server.
 24 A. Uh-huh.
 25 Q. Is wildblue.net something that can be accessed

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

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1 Kokoweef office, what he does with them?
 2 A. They go in a filing cabinet that has a lot of
 3 stuff in it that I don't know a lot about.
 4 Q. So file cabinet number two?
 5 A. Exactly.
 6 Q. Okay. And then within the program wildblue.net,
 7 what do you do with those incoming e-mails after you've
 8 printed them for your father?
 9 A. Actually, they just sit there.
 10 Q. So arguably, if I went into wildblue.net, every
 11 e-mail that he had ever received or that you had sent or
 12 he had sent -- you'd either had sent on his behalf or he
 13 had sent -- still be in there; is that correct?
 14 A. Yes.
 15 Q. Does anyone else -- Wanda or Barbara or you --
 16 have e-mail accounts that you use to send or receive
 17 information related to Kokoweef?
 18 A. There is a Kokoweef e-mail account. Wanda and
 19 Barbara check that e-mail.
 20 Q. Do Wanda and Barbara each have their own, like,
 21 e-mail -- wanda@kokoweef.net, barbara@kokoweef.net?
 22 A. No, just one Kokoweef account. I believe it's a
 23 Hotmail account.
 24 Q. Do you know what the actual e-mail address is?
 25 A. Not from memory, no.

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1 Q. Okay. But you believe it's a Hotmail account?
 2 A. Yes.
 3 Q. Do you know what Barbara and/or Wanda do with
 4 incoming e-mails to that Kokoweef account?
 5 A. Print them and then file them.
 6 Q. Okay. And again, is it your belief that's file
 7 cabinet number two?
 8 A. Depending on what it is. When it comes in, if
 9 it's from an investor, it gets filed in their file.
 10 Q. And do you know if Wanda or Barbara, what they
 11 do -- after they've printed it, what they do with the
 12 actual e-mail?
 13 A. No.
 14 MS. TAYLOR: Okay. Obviously, to the extent
 15 that there is an account with e-mails coming in, you
 16 guys are under order to make sure that none of those get
 17 deleted, so --
 18 MR. CLARY: This is neither the time nor the
 19 place to be preaching to us about that.
 20 MS. TAYLOR: I'm just telling you.
 21 MR. CLARY: Well, I'm not listening.
 22 BY MS. TAYLOR:
 23 Q. Are there any other e-mail accounts that you're
 24 aware of?
 25 A. No.

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1 document as custodian of records to do anything else
 2 with, other than give to your father?
 3 A. I've never received it to do anything else with
 4 it, other than give to my father.
 5 Q. Okay. So you were never, as the corporate
 6 designee, custodian of records, never asked to go
 7 through these requests that were in here and ensure that
 8 documents produced complied with these requests?
 9 A. No.
 10 Q. Okay. Do you know if Reta Van de Walker was?
 11 A. I know that she had been -- I don't know if this
 12 was the exact documents, but she had gone through
 13 documents to verify that certain things were given to me
 14 to --
 15 Q. Scan?
 16 A. -- scan.
 17 Q. Do you know what time period you're talking
 18 about?
 19 A. No.
 20 Q. Okay. How about Wanda or Barbara? Were they
 21 ever given a copy of this document?
 22 A. I don't know.
 23 Q. And then how about your father? Do you know if
 24 he was ever instructed to take this document and make
 25 sure that documents were produced that complied with it?

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1 Q. And so if you were going to ever send an e-mail
 2 related to Kokoweef business, where would it come from?
 3 Would you just do it on behalf of your father through
 4 wildblue.net?
 5 A. Exactly.
 6 Q. Would you ever do anything on behalf of Kokoweef
 7 through the Kokoweef account?
 8 A. No.
 9 Q. All right. Take a look at Number 1, again.
 10 MS. TAYLOR: Do you know what? Do you want to
 11 prop that open, Pat? Because it gets miserably,
 12 miserably hot in here.
 13 BY MS. TAYLOR:
 14 Q. So after you got that e-mail from your father --
 15 let me go back.
 16 So that e-mail in which this was first
 17 transmitted and you printed it out for your father, that
 18 should still be in the wildblue.net files; is that
 19 correct?
 20 A. I believe so, yes.
 21 Q. Do you know if it was on or about August 14th,
 22 or if it was in the month of August?
 23 A. I don't know.
 24 Q. I know. I've got to ask.
 25 At what point, then, did you receive this

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1 A. I don't know what he was instructed to do.
 2 Q. Okay. All right. What I want you to do is read
 3 through these requests.
 4 A. Uh-huh.
 5 Q. On Pages 2 through 5, and it's Requests 2
 6 through 6 -- Requests 1 through 26 --
 7 MR. SEGEL: Let me make sure the record is clear
 8 and make sure she's looking at Document Number 2, since
 9 that's what we're operating on; correct?
 10 MS. TAYLOR: I'm going to have her look at both
 11 of them and tell me.
 12 MR. CLARY: Are there differences?
 13 MS. TAYLOR: No. But I'm just going to do it
 14 both.
 15 MR. CLARY: Then you're going to waste your time
 16 doing that.
 17 MS. TAYLOR: You know what? It's my depo.
 18 MR. SEGEL: If you're going to be doing both,
 19 then give me a copy of Exhibit 1, because I don't have
 20 that.
 21 MS. TAYLOR: Off the record, please.
 22 (Discussion held off the record.)
 23 MS. TAYLOR: Let's go back on.
 24 BY MS. TAYLOR:
 25 Q. So on Exhibit 1, Requests 1 through 26 --

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1 A. Yes.
 2 Q. -- are you able to tell me whether any of these
 3 documents are responsive to any of those requests?
 4 A. Yes.
 5 Q. Okay. Why don't you start with Number 1, and
 6 we'll go through these documents. And you can tell me,
 7 based on these Bates numbers in the August and October
 8 stack, which is responsive to which request.
 9 A. Oh, no, I can't do that.
 10 Q. Okay.
 11 A. I'm sorry, I don't -- I don't spend time looking
 12 at these and knowing -- you're asking me to go through
 13 each one of these and pick out where the Federal tax
 14 returns are. I don't have that knowledge, okay.
 15 Q. Okay. Actually, speaking of the tax returns,
 16 where are they kept, in general, in Kokoweef offices?
 17 A. Yeah, in -- with the three-ring binders from
 18 Reta.
 19 Q. When you said you were able to tell me what
 20 documents were responsive to those requests, what did
 21 you mean, since you didn't mean what I was asking?
 22 A. I can generally say we complied with 1.
 23 Number 2, you have those documents. Number 3, you have
 24 those documents.
 25 Q. Okay. Let me stop you for just one second.

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1 What are you basing that on?
 2 A. Just a rough -- like, you know, a rough peruse
 3 of these.
 4 MR. SEGEL: No. She asked you on 2, 3, and 4,
 5 where you're saying she has them, what are your bases
 6 for saying she has them?
 7 MS. TAYLOR: She's saying 1, 2, and 3. I think
 8 she stopped --
 9 MR. SEGEL: Oh, no. One -- you said 1 you said
 10 were produced, 2 and 3 you responded to. I'm just --
 11 THE WITNESS: 2 and 3 you have.
 12 BY MS. TAYLOR:
 13 Q. And what --
 14 A. Based on --
 15 Q. Wait. Wait. Wait. Stop. What are you basing
 16 your answer on my -- strike that.
 17 Request Number 1, what are you basing your
 18 assertion that I have all the documents that were asked
 19 for in Request Number 1?
 20 A. I have scanned the income tax returns and put
 21 them on a disk.
 22 MR. SEGEL: And just for the record, I'm going
 23 to make an objection. Because your first question was:
 24 Have you produced documents in response to Request
 25 Number 1? And the second time you said it: Have you

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1 produced all of the documents? And I looked, and so she
 2 answered yes as to, Have these, the documents to Request
 3 Number 1, been produced? And her response was yes.
 4 Whether they are all, she didn't answer. Okay.
 5 MS. TAYLOR: Okay. And why don't you keep your
 6 objections to form and privilege, because that's what's
 7 permitted under the rules, and speaking objections are
 8 not.
 9 BY MS. TAYLOR:
 10 Q. So do you believe there's a difference between
 11 whether or not you have produced documents responsive to
 12 Request Number 1 and whether or not you have produced
 13 documents that are -- all the documents that are
 14 responsive to Request Number 1?
 15 A. I don't know.
 16 Q. Okay. Do you know whether or not there are
 17 documents for -- there are Federal and State income tax
 18 returns, including all schedules, forms, attachments,
 19 and other supporting documents for years 2004 through
 20 2008, in either the October or August stack?
 21 MR. CLARY: I'm going to object to the question
 22 because it assumes -- the request talks about 2004 and
 23 2005, and Kokoweef was not in existence in 2004 and
 24 2005. And so it assumes -- your question, because
 25 you've erroneously designated Kokoweef tax returns 2004,

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1 2005, assumes facts that are not facts, and assume
 2 documents that don't exist.
 3 MS. TAYLOR: And I'm going to ask, Mr. Clary,
 4 that you refrain from asserting speaking objections and
 5 you keep your objections within the parameters of
 6 Rule 30.
 7 BY MS. TAYLOR:
 8 Q. So what years do you believe that Kokoweef, as
 9 somebody who has been designated as the person who at
 10 least scans records, do you believe tax returns exist
 11 for Kokoweef?
 12 A. Well, I'm going to have to go with I don't know.
 13 Q. Okay.
 14 A. I scan the documents. I know where they're
 15 kept.
 16 Q. Okay.
 17 A. That is -- I do not spend time with the
 18 substantive, you know, for the documents.
 19 Q. So you don't know really -- do you know -- I'm
 20 sorry, strike that.
 21 Do you know which years of tax returns have been
 22 produced at all in either the August or the October
 23 stack?
 24 A. To the best of my knowledge, I don't remember.
 25 Q. Why don't you go ahead and go through the stacks

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

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

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

7 Q. Okay.

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

10 Q. Okay.

11 A. Okay.

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

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

15 Q. Okay.

16 A. But --

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

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

21 Q. This disk?

22 A. Uh-huh.

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

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

4 A. QuickBooks.

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

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

15 MR. SEGEL: Objection. Argumentative.

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

18 BY MS. TAYLOR:

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

22 A. Yes.

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

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

5 A. Uh-huh.

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

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

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

11 MR. SEGEL: Thank you.

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

13 MR. SEGEL: Three.

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

15 Sorry.

16 BY MS. TAYLOR:

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

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

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

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

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

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

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

9 BY MS. TAYLOR:

10 Q. How long would that take you?

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

16 Q. Okay.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 MS. TAYLOR: But then --

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

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

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

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

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

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

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

3 MS. TAYLOR: They are the perfect example.

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

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

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

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

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

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

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

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

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

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

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

7 MS. TAYLOR: Mr. Clary, stop.

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

11 MS. TAYLOR: I would not have claimed that.

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

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

24 MS. TAYLOR: But this is absolutely --

25 MR. CLARY: This is clearly --

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

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

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

11 MS. TAYLOR: I --

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

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

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

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

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

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

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

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

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

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

21 MR. CLARY: Because --

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 MS. TAYLOR: So that means then --

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

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

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

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

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

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

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

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

12 MS. TAYLOR: Take that risk, Nelson.

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

18 MS. TAYLOR: Go off the record.

19 (Recess taken.)

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

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

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

6 (Discussion held off the record.)

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

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

18 MS. TAYLOR: Okay.

19 MR. SEGEL: Okay. Thank you.

20 BY MS. TAYLOR:

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

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

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1 that on there. I don't know.

2 Q. Whose handwriting is that?

3 A. God, I don't know.

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

6 A. No.

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

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

11 Q. Did you put this label on it?

12 A. No.

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

14 A. No.

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

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

22 BY MS. TAYLOR:

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

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

9 A. No.

10 Q. Who would have that information?

11 A. Reta Van de Walker.

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

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

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

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

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

24 A. She handed me the binders.

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

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

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

5 BY MS. TAYLOR:

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

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

15 Q. Okay. Other than the subpoenaed --

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

17 Q. Okay. Sorry.

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

25 A. Not to my knowledge.

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

4 A. Reta Van de Walker.

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

9 A. There are some documents --

10 Q. -- was giving you documents?

11 A. -- provided in the binders.

12 Excuse me for overshooting.

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

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

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

24 MR. CLARY: The next day or so.

25 MR. SEGEL: Friday.

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1 MR. CLARY: Friday.

2 MS. TAYLOR: Friday?

3 MR. CLARY: Next Friday.

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

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

6 MR. SEGEL: I'll make sure it gets done. You'll
7 have them either Friday or before; 2006, 2007. If there
8 was a return for '04 or '05, you'll have that as well;
9 but we don't think it exists. And I want it clear that
10 we thought we had produced them. I understand. But
11 you'll have '06 and '07, because we know those were
12 done -- either by Friday -- is that the 9th? Friday,
13 the 9th?

14 MS. TAYLOR: Yeah.

15 MR. SEGEL: Prior to Friday the 9th, you'll have
16 '06 and '07.

17 MS. TAYLOR: Okay.

18 MR. SEGEL: If there was one for '04 and '05,
19 which we're fairly certain was not the case, then you'll
20 have those.

21 MS. TAYLOR: Okay. And that would include all
22 schedules, form, attachments, and other supporting
23 documents?

24 MR. SEGEL: Whatever we have. Whatever Kokoweef
25 has.

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1 MR. CLARY: I agree with that.

2 MS. TAYLOR: All right.

3 MR. CLARY: You'll be provided with hard copies.
4 Is that okay?

5 MS. TAYLOR: Yeah, that is fine.

6 BY MS. TAYLOR:

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

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

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

16 A. No.

17 Q. And who would know that?

18 A. Reta Van de Walker.

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

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

24 Q. Okay.

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

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

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

6 A. Yes.

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

9 A. Yes.

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

12 A. Yes.

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

15 A. Yes.

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

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

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

25 Have you looked at her binders, other than just

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1 know.

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

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

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

21 MS. TAYLOR: Yeah.

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

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1 to copy them?

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

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

10 A. The reconciliation reports are in here.

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

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

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

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

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

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

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

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

24 MR. CLARY: That's fine.

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

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1 everything on the QuickBooks?

2 THE WITNESS: To the best of my knowledge.

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

6 MS. TAYLOR: If you're --

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

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

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

15 MS. TAYLOR: Okay.

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

21 BY MS. TAYLOR:

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

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1 A. No, I haven't.

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

4 A. No.

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

9 A. No.

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

13 A. No.

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

16 A. No.

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

20 A. No.

21 Q. Okay.

22 A. I don't believe so.

23 Q. Okay.

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

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

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

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

6 A. I don't know that.

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

10 A. Yes.

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

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

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

16 A. I do not know.

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

20 A. Yes.

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

24 A. Invoices?

25 Q. Sure.

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1 A. Invoices.

2 Q. Invoices are in here?

3 A. Yes.

4 Q. And again, the invoices that are in here are
5 only invoices that were given to Reta, and you don't
6 know what she did to compile those invoices or ensure
7 that it was complete; correct?

8 A. No, I don't know.

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

11 A. Huh-uh.

12 Q. Do you know if Kokoweef has any mortgages,
13 promissory notes, or other types of indebtedness, other
14 than just regular monthly invoices?

15 A. No, I do not know that.

16 Q. Who would know that?

17 A. Larry Hahn.

18 Q. Where -- would there be records of those types
19 of promissory notes or mortgages kept in the Kokoweef
20 office?

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

22 Q. Have you ever --

23 A. -- if they exist.

24 Q. Okay. Have you ever seen any of those types of
25 records?

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1 A. No.
 2 Q. Is there a mortgage on the store in which
 3 Kokoweef -- well, strike that. Never mind.
 4 How does Kokoweef hold the land that's out at
 5 the mine, to your knowledge?
 6 A. The claims, you mean?
 7 Q. Well, not the claims. But do they have a lease
 8 on the land?
 9 A. I'm not comfortable describing it, because I'm
 10 not sure I completely understand.
 11 Q. Do you know whether or not there are documents
 12 that reflect that legal relationship between Kokoweef
 13 and its ability to place buildings and other equipment
 14 on that land?
 15 A. I don't know.
 16 Q. Okay. About the claims -- well, strike that.
 17 Let me just go on.
 18 Do you know if Kokoweef has taken out any loans
 19 from '04 to '09?
 20 A. I don't know of any loans.
 21 Q. Who would know that?
 22 A. Larry Hahn.
 23 Q. Okay. In terms of insurance policies, do you
 24 know what, if any, insurance policies Kokoweef holds?
 25 A. I don't know of any specifics regarding the

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1 insurance.
 2 Q. Where do you think any records related to
 3 insurance would be kept?
 4 A. At the office, in that second file cabinet.
 5 Q. That you never --
 6 A. That I haven't taken the time to organize or go
 7 through it yet.
 8 Q. Okay. So there's a whole second file cabinet of
 9 documents that could include documents that are
 10 responsive to some of the requests that I've been
 11 making, and you don't know whether or not they're in
 12 that file cabinet; correct?
 13 A. I don't know.
 14 Q. And have Wanda or Barbara been responsible for
 15 organizing that file cabinet?
 16 A. No one, I believe, has started to even organize
 17 that cabinet as of yet.
 18 Q. Okay. Do you know if Kokoweef has acquired any
 19 real estate between '04 and '09?
 20 A. Not to my knowledge.
 21 Q. And to the extent that there are any documents
 22 relating to that, it would be in that second file
 23 cabinet?
 24 A. If they've acquired any, I would assume such.
 25 Q. To your knowledge, are there any documents

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1 reflecting registration, title of ownership, tax
 2 assessments, or other documents evidencing a purchase,
 3 sale, use, or ownership of all vehicles, snowmobiles,
 4 trailers, motorcycles, boats, watercraft, trucks,
 5 campers, off-highway vehicles, or any other type of
 6 assets in 2004 to the present?
 7 A. There is some assets listed in here.
 8 Q. Okay.
 9 A. And it was compiled by Reta Van de Walker.
 10 Q. Can you find that one?
 11 A. Yep.
 12 Q. Was that at the very, very bottom?
 13 A. Yes.
 14 And I do need to use the rest room again. I
 15 hate to say it, but nerves make me --
 16 Q. That's okay. Let me ask you a couple questions
 17 on this document.
 18 So you don't know where Reta compiled this list
 19 from?
 20 A. No.
 21 Q. And then what does your "FA" stand for as your
 22 Bates number here?
 23 A. Let me look at that again.
 24 Q. Fixed assets?
 25 A. Fixed assets, yes.

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1 Q. Did you come up with the Bates stamping
 2 designation?
 3 A. Yes. That's why they're chaotic. When it was
 4 described to me, I didn't quite know what to do.
 5 Q. Yes, please go run and hit the bathroom, and
 6 we'll be back on the record.
 7 A. Thank you.
 8 (Recess taken.)
 9 BY MS. TAYLOR:
 10 Q. Let me ask you another couple questions on this
 11 document.
 12 Do you know whether or not the date of by -- and
 13 by "this document," I mean the one that you've
 14 designated as FA1 of 3 through 3 that was on the October
 15 disk. Do you see up at the top there's a date that says
 16 12/31/08?
 17 A. Yes.
 18 Q. Do you know anything about whether that document
 19 has been updated since then? if that was the date in
 20 which it was created? Anything like that?
 21 A. I do not know. Reta Van de Walker would know.
 22 Q. Okay. Does Kokoweef, to your knowledge,
 23 maintain any documents or writings evidencing,
 24 explaining, or detailing any inquiries, offers made, or
 25 offers received for purchase or sale of any stock, real

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1 estate, personal property, or business interests that
2 were from 2004 to present?

3 A. So you're talking about here -- let me clarify.
4 When someone buys some stock, basically?

5 Q. When --

6 A. Real estate, I have no knowledge of. But just
7 to clarify, if someone buys some stock, that's what
8 these ledger sheets are about.

9 Q. And that is KIPR091 of 5 -- 1 through 5 of 5 --

10 A. Yes.

11 Q. -- which is part of the October stack?

12 A. Yes. And there's that in this stack, but
13 relevant to each year as well.

14 Q. So in the August stack, I should be able to find
15 a Kokoweef Property Proof Journal for the years '04
16 through '08, since this appears to be '09?

17 A. I can't guarantee what years, per se, because I
18 don't know, '5 or '6. I don't know when Kokoweef was
19 brought into play here so -- but, yeah, that's the
20 stockholders.

21 MS. TAYLOR: Okay. And to the extent that I do
22 not find those requisite years, Counsel, will you
23 provide them to me within ten days of me telling you
24 which years are missing?

25 MR. CLARY: If they exist, yes.

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1 MS. TAYLOR: And if they don't exist, then I
2 will get your certification that you have done a due
3 diligence and they don't exist; correct?

4 MR. CLARY: Well, I --

5 MS. TAYLOR: I mean, I need something --

6 MR. CLARY: No, I'm not going to give you that.
7 I'll tell you what I've done. I'm not going to give you
8 any certification. You're not the bankruptcy --

9 THE WITNESS: I'm not, dang it. Well, I need
10 something showing that there's at least been some kind
11 of search. Because what I don't want to have happen is:
12 On any of these requests, Pat, I say, "Give me X, Y, and
13 Z." You give me X, because you sort of obliquely refer
14 to Y and Z not existing, and then eight months down the
15 road, all of a sudden Y appears. So that was
16 my concern.

17 MR. CLARY: I'll tell you what we've done to try
18 to find it if we didn't find it.

19 MS. TAYLOR: That's fine.

20 BY MS. TAYLOR:

21 Q. Who creates these proof journals?

22 A. Larry Hahn knows who creates them. I -- I
23 believe he does, but I don't know for sure.

24 Q. All right. And where are they kept in the
25 Kokoweef office?

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1 A. In the safe.

2 Q. In the safe, okay.

3 A. I believe.

4 Q. So we talked about in that safe that is actually
5 in Hahn's World of Surplus --

6 A. Yes.

7 Q. -- his building space. There are the disks,
8 there are these proof journals. What other documents
9 that are Kokoweef records that exist in that safe?

10 A. Those are all that I know of, but I don't -- I
11 don't know of anything else, no.

12 Q. Have you had access to that safe?

13 A. No.

14 Q. So the only person who has had access to that
15 safe is Larry Hahn?

16 A. I do not know that to be true.

17 Q. Do you know of any procedures or protocol that
18 are in place at Kokoweef to present -- that would
19 prevent the destruction or other alteration of any other
20 documents that might be retained in the safe?

21 A. No.

22 Q. Okay. Do you know of any other documents or
23 writings evidencing, explaining, or detailing any offers
24 received for purpose of real estate, personal property,
25 or business interests from 2004 forward?

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1 A. No, I have no knowledge.

2 Q. And where would such things be kept, to your
3 knowledge?

4 A. Those should be in the Kokoweef office.

5 Q. In the office, okay.

6 And why would things related to the purchase of
7 real estate, personal property, or business interests be
8 in the office and not be in the safe that you described
9 where the stockholder proof journals would be?

10 A. Well, I may be making an assumption here.

11 Q. Okay.

12 A. However, I thought all of those were in that one
13 file cabinet, but I'm not sure.

14 Q. Okay. And then all stockholder lists or ledgers
15 which outline the name, address, phone number, and
16 number of shares held for each stockholder from any time
17 are in the file cabinet Number 1, as we discussed at
18 length earlier?

19 A. All stockholders lists -- all files for the
20 stockholders is in one, yes.

21 Q. Are there separate lists that would just detail
22 out who Kokoweef's stockholders are?

23 A. Yes.

24 Q. And where are those kept?

25 A. That's an Excel file that I put on a disk.

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1 Q. And where is that disk kept?
 2 A. In the locked safe.
 3 Q. Did you make any copies of that for anyone else?
 4 When you --
 5 A. No.
 6 Q. -- created that disk, did you create a copy for
 7 Mr. Clary?
 8 A. No.
 9 Q. Did you create a copy for Mr. Segel?
 10 A. No, I don't believe so.
 11 Q. And why didn't you copy those for the two
 12 attorneys, but you copied all the other disks for the
 13 attorneys?
 14 A. Because I have a question as to whether that is
 15 personal information. And I posed that to the
 16 attorneys, and I've never been asked to copy it.
 17 Q. Would you --
 18 A. So I don't believe I -- although -- no, I'm
 19 sorry. I did make one copy that has their name and
 20 address on it, yes. I'm sorry. That was --
 21 Q. Okay. So there's a copy that's in the safe --
 22 A. Uh-huh.
 23 Q. -- and then there's another copy floating around
 24 that's exactly the same copy of what's in the safe, or
 25 does it only got certain amounts of data on it?

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1 A. It's only got a small amount of data on it.
 2 Q. Okay. And where is that copy?
 3 A. It is with Mr. Nelson Segel.
 4 Q. When did you give that to Mr. Segel? I'm sorry.
 5 A. I'm not good with dates. I don't have a clue,
 6 to tell you the truth. This has all become a blur. You
 7 know, I don't know dates, to tell you the truth.
 8 Q. Has it been more than a year?
 9 A. I don't know.
 10 Q. Okay. Was it before, say, the evidentiary
 11 hearing?
 12 A. No, it wouldn't have been before.
 13 Q. Okay. Was it -- did you come to a hearing in
 14 court?
 15 A. I've never been to a hearing in court.
 16 Q. Okay. I was going to use that as a fixed time,
 17 possibly.
 18 All right. Has it been within the last year
 19 that you gave it to him, or less time?
 20 A. I don't know.
 21 Q. Did how you pose your question to Mr. Segel and
 22 Mr. Clary about whether or not you should be copying
 23 those Excel files of shareholder information? Was it a
 24 phone call? Was it an e-mail?
 25 MR. SEGEL: Objection. Assumes evidence --

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1 facts not in evidence.
 2 MS. TAYLOR: I'm just telling you -- repeating
 3 her answer to an earlier question.
 4 THE WITNESS: I don't really remember, to tell
 5 you the truth.
 6 BY MS. TAYLOR:
 7 Q. And you never got a response from either of
 8 them?
 9 A. Yeah, I did.
 10 Q. Oh, okay. What was the response?
 11 A. My question had -- was specific to files you had
 12 already subpoenaed, and that there were addresses and
 13 names on checks of stockholders. And Mr. Nelson said
 14 you had the right to the documents you subpoenaed, that
 15 they -- and that we left it at that.
 16 Q. Okay. So when you created that second disk of
 17 names and addresses that you gave to Mr. Segel, where
 18 did you pull that information from?
 19 A. The files.
 20 Q. In the file cabinet?
 21 A. In the stockholder files in the file cabinet,
 22 yes.
 23 Q. So basically you just reduced hard paper data
 24 onto another spreadsheet?
 25 A. Yes.

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1 Q. Now, was that the entire larger Excel file that
 2 is on the disk in the safe, or was that also for what
 3 you gave to Mr. Segel?
 4 A. No, just what we gave to Mr. Segel.
 5 Q. Okay. And did Mr. Segel ask you to create that?
 6 A. No. It was asked, I think, around the time the
 7 Securities Division wanted names and addresses.
 8 Q. Okay.
 9 A. But I couldn't tell you the date or time of
 10 that.
 11 Q. Did you also provide a copy to the Securities
 12 Division?
 13 A. That's -- yes, that went to the Securities
 14 Division.
 15 Q. Okay. So that went from you to Mr. Segel to the
 16 Securities Division?
 17 A. To -- to both attorneys, yes.
 18 Q. Okay. How many meetings have you had where
 19 Mr. Segel was present wherein which you were discussing
 20 Kokoweef business?
 21 A. One meeting where he was present, and one where
 22 he was on the phone.
 23 Q. And what was the subject of those meetings?
 24 A. One was this.
 25 Q. Okay.

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1 A. The other was the lawsuit; general things about
2 the lawsuit.
3 Q. And what did you talk about on the one about the
4 general things about the lawsuit?
5 A. I don't -- I don't remember. I didn't take
6 notes. I don't recall. Probably document production.
7 Q. Okay. Any --
8 A. But I don't know for sure.
9 Q. Anything else?
10 A. Um --
11 Q. Is that the one where he was in person or on the
12 phone?
13 A. On the phone.
14 Q. Okay. How long was the meeting?
15 A. Not very long. You know, other than we talked
16 about restaurants. I don't remember if he was on the
17 phone for the restaurants. Some general conversation.
18 Q. Who else was present at that meeting?
19 A. Reta Van de Walker, Larry Hahn, and Pat Clary.
20 Q. Okay. And do you know roughly when that was?
21 I'm sorry.
22 A. No. I do not know dates of anything.
23 Q. Was it more than six months ago?
24 A. You're asking -- to me, like I said, this is a
25 blur.

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1 Q. I've got to ask you, so --
2 A. Okay. It's going to be the same blur answer.
3 Q. So you don't know if it was more than six months
4 ago?
5 A. I do not know. I just --
6 Q. All right. Was it more than a month ago?
7 A. I do not know.
8 Q. Okay. Where have you -- where at the Kokoweef
9 office would there be business agreements, corporate
10 documents, organizational documents, Articles of
11 Incorporation, Bylaws, minutes, joint-venture
12 agreements, operating agreements, partnership
13 agreements, limited-liability company agreements,
14 documents amending any of those documents, or anything
15 else along those lines?
16 A. To my knowledge that information is kept at the
17 corporate attorneys.
18 Q. So all those documents would be at 8144 Bay
19 Harbor Drive, Las Vegas, 89129?
20 A. I don't know the address for that --
21 Q. Okay.
22 A. -- of where they would be kept. And that's to
23 my understanding. I don't know that.
24 Q. So nobody provided you with any documents along
25 those lines to be included in either the --

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1 A. No.
2 Q. -- August stack or the October stack?
3 A. No.
4 MS. TAYLOR: So, Mr. Clary, ten days, if we
5 don't have any of that stuff?
6 MR. CLARY: You have most of it.
7 MS. TAYLOR: Okay.
8 MR. CLARY: I don't know what you have and what
9 you don't have.
10 MS. TAYLOR: Well, this is what I have. This is
11 what I have.
12 MR. CLARY: It's not in those documents. You
13 have -- if you're telling me you don't have any copies
14 of corporate documents, business documents, your
15 client -- that Ted Burke doesn't have any of these
16 things, I don't believe it. Articles of Incorporation,
17 Bylaws, minutes; some of those he drew up himself.
18 MS. TAYLOR: My client is no longer on your
19 Board. I am asking Kokoweef for these records. If
20 you're telling me you're not going to produce them so I
21 have a complete set, that's fine. I'm asking you to
22 produce me a complete set of these records within the
23 next ten days.
24 MR. CLARY: All right. We'll do it.
25 MS. TAYLOR: All right. From the disk that I

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1 was handed today, I understand that --
2 MR. CLARY: A lot of this stuff was produced to
3 your predecessor counsel, and I'm sorry to question
4 whether you ever got anything that you gave to him
5 considering the state of affairs with respect to
6 documents which you say you don't have.
7 MS. TAYLOR: Well, you know, again, some of the
8 stuff was produced during nonlitigated times. I'm now
9 asking for those documents, and I look forward to
10 getting them within ten days.
11 BY MS. TAYLOR:
12 Q. Okay. So this morning I got a disk that had
13 QuickBooks data on it. Do you know if there's any other
14 of these accounting programs that are used to keep
15 records for Kokoweef -- Microsoft Money, Peachtree,
16 MAS90, Quicken --
17 A. No.
18 MR. SEGEL: No, she doesn't know, or, no, they
19 don't exist?
20 BY MS. TAYLOR:
21 Q. Yeah, which is it, Ms. Wright?
22 A. No, I don't know.
23 Q. Who would know that?
24 A. Reta Van de Walker.
25 Q. Okay. There are any type of administrative

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1 programs that are, you know, not the standard Microsoft
2 Word -- you know, that kind of document, that kind of
3 document -- on the Kokoweef computers?

4 A. No, not to my knowledge.

5 Q. Okay.

6 A. Just Office and -- just Office.

7 Q. Okay. To your knowledge, does Reta do any of
8 her accounting work on either of the Kokoweef computers?

9 A. I do not know.

10 Q. Does she have -- to your knowledge, does
11 Kokoweef keep a flash drive of the one you described
12 that might be passed between Kokoweef and Reta?

13 A. I do not know.

14 Q. Where would budgets or projections for Kokoweef
15 from the years 2004 to the present be kept?

16 A. To the best of my knowledge, we don't have any;
17 but I would not know beyond that.

18 Q. Okay. And so in scanning these documents, did
19 you find anything that looked like a budget or other
20 projection for Kokoweef?

21 A. I don't know. I didn't --

22 MS. TAYLOR: Okay. Again, Mr. Clary, I would
23 request that you go back to your records and see if
24 there are budgets or other type of financial projections
25 for Kokoweef from 2004 forward, and give them to me

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1 to 19, but there's nothing -- we've already talked about
2 Number 18 earlier in another question about formal books
3 and records and QuickBooks you were talking about, and
4 they don't exist.

5 BY MS. TAYLOR:

6 Q. To the extent any document, like a financial
7 budget or a financial projection existed, would it be
8 kept in that same second file cabinet that we talked
9 about?

10 A. I do not know.

11 Q. And then I think I did ask you this earlier.

12 But cash receipt registers or ledgers and cash
13 disbursement registers and ledgers for Kokoweef for '04
14 to '09, have you ever seen any documents like that in
15 the Kokoweef office or any other Kokoweef's places of
16 business?

17 A. Other than what was given to me on the
18 three-ring binders, that's all I know of.

19 Q. Have you ever been to Mr. Clary's office over on
20 Lake Mead?

21 A. Yes.

22 Q. And what, if any, Kokoweef documents are kept
23 there?

24 A. I don't know.

25 Q. Have you had meetings there where documents were

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1 within the next ten days?

2 MR. CLARY: They don't exist.

3 MS. TAYLOR: Okay. So that is your statement on
4 the record that they don't exist?

5 MR. CLARY: Yeah.

6 MS. TAYLOR: And are you certifying that they
7 don't exist?

8 MR. CLARY: I'm not certifying anything. I
9 wouldn't even know where to look for them, and neither
10 does anybody else. Nothing like that was even prepared
11 according to what I've been told. And I'm not the
12 person to ask that. If you want to take everybody
13 that -- everybody that I can think of that might know
14 about that and take their deposition under oath, that's
15 how you're going to find that out. From me, I've made
16 reasonable inquiry regarding this and Number 18 and 19,
17 I believe, also, and I believe there are none that
18 exist.

19 MR. SEGEL: Well, 19 -- we've produced 19.

20 THE WITNESS: Yeah, 19, we've already produced.

21 MR. SEGEL: Yeah, we've already produced that.

22 MS. TAYLOR: Okay. You guys can't talk because
23 we're still on the record.

24 MR. CLARY: Okay. Other than that, we -- other
25 than that, we don't know of anything else that exists as

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1 passed around?

2 A. We had the meeting there where I've delivered
3 this information.

4 Q. Okay. Have you ever seen any sort of corporate
5 books, like a black binder -- like a black sort of
6 magazine holder that might say Kokoweef on it, or
7 anything like that?

8 A. I've never seen anything like that at
9 Mr. Clary's office.

10 Q. We talked a little bit about this document
11 that's been designated by you as FA1 through 3 of 3.
12 Are there any other documents, writings, or schedules
13 that show all assets, property, and equipment used or
14 owned by Kokoweef other than this sheet?

15 A. Not to my knowledge.

16 Q. And looking at that sheet, does that include the
17 description of the item, the date acquired, the original
18 purchase price, the acquisition type, the acquisition
19 amount?

20 A. Don't go so fast. I'm trying to read this at
21 the same time.

22 Q. Okay. Well, you know what? I'll make it easy
23 on you. Take a look at that spreadsheet, and take a
24 look at the list A through I that's on Exhibit 1.

25 A. Placed in service, original purchase price.

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1 Cost -- um -- you know, the language is slightly
2 different from what you requested versus what she's
3 got -- Reta Van de Walker -- has across the top.

4 Q. Uh-huh.

5 A. I'm assuming it's there, but I can't say that
6 that language is -- means that it's all intact.

7 Q. Okay. So any of the data compiled on that
8 spreadsheet was all gathered by Reta to create that?

9 A. I was not involved in that, so I don't know.

10 Q. But you do know, and you can testify, that Reta
11 did create FA1 through 3 of 3?

12 A. Yes.

13 Q. Are there any backup documents that you're aware
14 of that would show any of -- you know, anything related
15 to, say, Number 8, the dump truck? Are there any other
16 documents in the Kokoweef offices?

17 A. I know that there are some. I have glanced at
18 some that are in existence in which you have here.

19 Q. Okay.

20 MR. SEGEL: "That" being the August stack?

21 THE WITNESS: Yes, the August stack.

22 Some receipts or invoices or something. But it
23 was a glance.

24 BY MS. TAYLOR:

25 Q. Okay.

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1 MS. TAYLOR: Well, I did ask for certain things
2 on this that don't necessarily -- that are not
3 necessarily reflected in this spreadsheet.

4 MR. SEGEL: Well, the problem is that you asked
5 for lists that exist. We have no duty or obligation to
6 create a document that makes you happy. If we have that
7 type of document in existence, we have an obligation to
8 provide it to you. We've done so. I think we've
9 responded clearly to that request.

10 MS. TAYLOR: And when you say "we," are you
11 again talking about yourself as counsel for Kokoweef?

12 MR. SEGEL: I'm speaking as counsel for the
13 president of Kokoweef, who is the one who is responsible
14 for making sure that Kokoweef performs.

15 MS. TAYLOR: Okay.

16 MR. SEGEL: Okay.

17 MR. CLARY: I think it's noteworthy that the
18 notice of deposition, the series of them, are addressed
19 to all interested parties and their attorneys of record.
20 It's not just addressed to Kokoweef.

21 BY MS. TAYLOR:

22 Q. Request Number 20, we talk about property tax
23 assessments or other appraisals for any of the items
24 listed in your FA1 of 3 through 3. Where are those
25 documents? Where would those be located in the Kokoweef

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1 A. I don't -- can't say to all of that, no.

2 Q. And in terms of what's in the August stack, you
3 don't know where it came from in terms of where in the
4 Kokoweef office, because you were just given the
5 documents to scan and Bates stamp; correct?

6 A. Um -- correct.

7 Q. Okay. So anything related to any of the assets
8 that are listed on FA1 of 3 through 3, you don't know
9 whether they're -- whether or where documents exist
10 related to --

11 A. No.

12 Q. -- say, again, Number 8, the dump truck?

13 A. No.

14 MS. TAYLOR: So, Mr. Clary, to the extent that
15 there is backup data related to any of the assets on FA1
16 of 3 through 3 that has not been provided, I would
17 request that we get that in ten days as well.

18 MR. SEGEL: Well, you asked for any lists, docs,
19 writings, or schedules showing all assets, property,
20 equipment that was used. That's what you've been
21 provided. You did not make a request for any and all
22 backup of any other documentation. I think that's a
23 little more burdensome.

24 THE WITNESS: That would take a lot longer for
25 me to scan than ten days.

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1 offices?

2 A. I do not know.

3 Q. Okay. Do you know if there are any property tax
4 assessments or other appraisals for any of these items
5 in either the August or the October stack?

6 A. I have to look really quick.

7 And I haven't a clue what this is, to tell you
8 the truth. But here's something.

9 Q. Where did this come from, Ms. Wright, because it
10 doesn't have one of your clever Bates stamps on it?

11 A. Yeah, I didn't get a Bates stamp to it, because
12 I just barely got it in time to get it to you.

13 MR. SEGEL: Why don't we call it PT1, Property
14 Tax I?

15 MS. TAYLOR: Or so-called Property Tax I, since
16 we don't know what it really is?

17 MR. SEGEL: Well --

18 MS. TAYLOR: Let's see.

19 MR. SEGEL: I just wanted to identify the
20 document by some Bates stamp number. Whatever you'd
21 like to do.

22 MR. CLARY: What's the next order in the exhibit
23 list?

24 MS. TAYLOR: I'd kind of want to know where it
25 came from, too. I want to be able to make sure that it

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1 was on one of these disks.
 2 MR. CLARY: That's fairly current. What's the
 3 date on that?
 4 MS. TAYLOR: '08.
 5 MR. CLARY: Well, it's a fairly current exhibit.
 6 THE WITNESS: Well, it came out of the stack
 7 that came from your disk; correct?
 8 BY MS. TAYLOR:
 9 **Q. If this proof of journal has a Bates number on**
 10 **it that you've designated --**
 11 **A. No. But I'm saying this stack came out of your**
 12 **disk, what's on your disk. I just inadvertently forgot**
 13 **to Bates stamp it.**
 14 MR. SEGEL: And again, we're talking about the
 15 October stack?
 16 THE WITNESS: Yes.
 17 BY MS. TAYLOR:
 18 **Q. All right. Other than this un-Bates stamped**
 19 **record from the public agency of San Bernardino,**
 20 **specifically, Dick Larsen, Treasurer and Tax Collector,**
 21 **from 2008 for parcel or I.D. Number 057328102P000, are**
 22 **there any other property tax assessments or other**
 23 **appraisals for any of the items in FA1 of 3 through 3?**
 24 **A. Not that I'm aware of.**
 25 MR. SEGEL: Just for the record, the request was

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1 for any recent property tax assessments or other
 2 appraisals for any of the above items if such exist, and
 3 we brought you the most recent because we thought that
 4 was what was responsive to the request.
 5 BY MS. TAYLOR:
 6 **Q. So as far as other appraisals for any of these**
 7 **items listed, where would those exist?**
 8 **A. I don't know.**
 9 **Q. And where would less recent property tax**
 10 **assessments exist?**
 11 **A. I don't know.**
 12 **Q. Okay.**
 13 MR. CLARY: What are we calling this thing?
 14 THE WITNESS: This is FA1 of 3, but --
 15 MR. CLARY: I know. I know that. Are we
 16 calling this anything?
 17 MS. TAYLOR: We'll just call it PT1.
 18 MR. SEGEL: She identified it.
 19 MS. TAYLOR: And I read it into the record of
 20 what it was.
 21 THE WITNESS: Can I put that onto the document
 22 now?
 23 MS. TAYLOR: Sure.
 24 THE WITNESS: PT1?
 25 MS. TAYLOR: Yes.

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1 THE WITNESS: And I'll put it on electronically
 2 and --
 3 MS. TAYLOR: Sure. And just have it scanned and
 4 e-mailed to me, and I'll substitute it in to the October
 5 stack.
 6 THE WITNESS: Okay. I shall do that.
 7 BY MS. TAYLOR:
 8 **Q. Does Kokoweef -- are there any documents in the**
 9 **August stack or the October stack that reflect any**
 10 **Covenants not to Compete, supplier agreements, equipment**
 11 **leases, rental contracts, loan agreement, labor**
 12 **contracts for Kokoweef?**
 13 **A. I do not know. I don't recall actually viewing**
 14 **those. They could be there; they could not.**
 15 **Q. Okay.**
 16 MR. CLARY: We don't believe any such things
 17 exist.
 18 MS. TAYLOR: Okay. To the extent that such
 19 things exist, Mr. Clary, can you provide them to me in
 20 ten days?
 21 MR. CLARY: Well, they don't exist. We have
 22 looked for them. Nobody recalls there ever being
 23 anything like that within recent history, and they say
 24 they don't exist.
 25 MS. TAYLOR: Okay. Then can you please describe

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1 for me what efforts were taken and who you spoke to to
 2 confirm your belief that those items don't exist.
 3 MR. CLARY: Well, I spoke to representatives of
 4 my client.
 5 MS. TAYLOR: Including who?
 6 MR. CLARY: Well, I'm not going to tell you who
 7 I spoke to. I spoke to the people that would be
 8 responsible for this. I primarily relied upon Larry,
 9 and he would know if there were any things like this,
 10 and he tells me there are not.
 11 BY MS. TAYLOR:
 12 **Q. Ms. Wright, is there anyone else besides your**
 13 **father who would know whether or not Covenants not to**
 14 **Compete, supplier agreements, equipment leases, rental**
 15 **contracts, loan agreements, labor contracts, and such**
 16 **things exist for Kokoweef?**
 17 **A. I do not know that. I would have assumed that**
 18 **Mr. Burke should have known that.**
 19 **Q. Okay. Of course, as I noted, Mr. Burke has been**
 20 **off the Board for a while?**
 21 **A. Yes.**
 22 **Q. So there are things that could have been entered**
 23 **into after that, you would agree with me --**
 24 **A. I agree.**
 25 **Q. -- that he would not know about; correct?**

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1 MR. CLARY: What if there aren't?

2 MS. TAYLOR: Move to strike.

3 BY MS. TAYLOR:

4 Q. All right. Are there records that actually
5 reflect the claims held -- patented, unpatented or
6 otherwise -- and/or any of the renewals for patented,
7 unpatented claims from 2009 forward?

8 A. Yes.

9 Q. And where are those in the August or the October
10 stacks?

11 A. No. Those were e-mailed separately to you.

12 Q. Okay. I'm going to tell you I have not received
13 documents. I received an e-mail representation from
14 counsel that they had been renewed that was, you know,
15 subsequent to another conversation that I had on the
16 phone. So I do not have those documents.

17 MR. SEGEL: It's my recollection that it's part
18 of that e-mail. I attached a copy of it, anyway.

19 MS. TAYLOR: Okay.

20 MR. SEGEL: And then we had a conversation where
21 you said we missed one or two.

22 MS. TAYLOR: Which we fixed, which we talked
23 about.

24 MR. SEGEL: We fixed, right. But it's my
25 recollection that I e-mailed you a copy of the document.

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1 there was any value -- current value to these.

2 Q. Okay. On the Excel spreadsheet that you copied
3 to a disk that's in the safe, is information related to
4 amount paid for the share, current value of the shares,
5 and other shareholder ledgers, are those on those Excel
6 spreadsheets?

7 A. Amount paid for the shares, but not the current
8 value of shares.

9 Q. Do you know if there's any document that
10 reflects the current value of the shares?

11 A. Not to my knowledge. I do not know.

12 Q. Okay. And who would know that?

13 A. I would assume Larry Hahn.

14 Q. Okay. Does Reta Van de Walker do anything
15 related to the shares?

16 A. I don't know.

17 Q. Okay. Are there any -- are there any type of
18 corporate documents, like documents that might have been
19 drafts of agreement plans and reorganization,
20 correspondence that were related to the plan of
21 reorganization, anything like that at the Kokoweef
22 offices?

23 A. Not that I have seen.

24 Q. Okay.

25 A. But I do not know.

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1 I'll check to see if we didn't. If we didn't, we'll do
2 it again.

3 MS. TAYLOR: That's all I need. To the extent
4 that it was not attached, if I can have it in 10 days.

5 MR. SEGEL: Whether it was or wasn't, we'll do
6 it again so we don't have any issues.

7 BY MS. TAYLOR:

8 Q. And then, again, shareholder ledgers, stock
9 certificates, and any other information related to the
10 number of shares sold, identity of shareholders, the
11 amounts paid for shares, and the current value of the
12 shares. We talked about file cabinet number one. Would
13 that include those documents?

14 A. Some of them, yes.

15 Q. Okay. Which ones would it include?

16 A. Copies of stock certificates; you know
17 information with their name, shares sold, identity of
18 shareholders.

19 Q. Okay. What about shareholder ledgers, amount
20 paid for the shares, and the current value of the
21 shares? Are there any records that reflect those?

22 A. I don't know, other than these. That's all I
23 know of.

24 Q. Okay.

25 A. This information which is -- I don't know that

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1 Q. All right. Does your father keep any other
2 documents in his office in Hahn's Surplus that are
3 related to Kokoweef?

4 A. I don't know. I haven't spent any time looking
5 through his office up there.

6 Q. Okay. All right. And then it's your prior
7 testimony that any and all receipts, invoices, purchase
8 orders, or other documents that might correspond with
9 the checks written and deposits made in the accounts
10 we've talked about, you believe are in the August and
11 October stacks --

12 MR. CLARY: Except for --

13 BY MS. TAYLOR:

14 Q. -- except for the illegible receipts?

15 A. I cannot guarantee that I didn't miss one or
16 two.

17 Q. Okay.

18 A. But to the best of my ability, I have included
19 receipts that are legible or as close to legible as
20 possible.

21 Q. Okay. At any point before October 1st, were you
22 told that you were going to be acting as a custodian of
23 records for these -- pursuant to this deposition notice?

24 A. No.

25 Q. Have you ever been on the Board for Kokoweef?

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1 A. No.

2 Q. And just for the record -- never mind. Strike
3 that.

4 (Discussion held off the record.)

5 BY MS. TAYLOR:

6 Q. On the computers at Kokoweef, the Word files
7 that are done -- for example, letters to investors or
8 that kind of thing -- are those saved on those
9 computers?

10 A. Not all of them. And the reason being is
11 because we recently had one of the computers go down.
12 Everything that was on it got destroyed. I had to
13 completely reinstall Windows. So, yeah, there's an
14 awful lot that's not on them because of that.

15 Q. Okay. And what happened to that computer? How
16 did it go down?

17 A. It just went down. I don't know the details,
18 other than --

19 Q. Did you have it --

20 A. I was with Barbara and Wanda at the time, and
21 the --

22 (Cellular phone rings.)

23 THE WITNESS: Sorry about my phone.

24 The -- when we turned it on, it just would not
25 boot. I tried many different attempts to try to make it

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1 A. Yes.

2 Q. Do they have virus protection, Malware
3 protection, that kind of thing on them?

4 A. The one computer did not at the time.

5 Q. The one that crashed?

6 A. The one that crashed, yes. The other computer
7 does. I did purchase software for it since then.

8 Q. And then does the one that you basically
9 reloaded the Windows onto, does that one now have, like,
10 an antivirus?

11 A. I don't think I've taken the time to even get
12 over there to do anything with it. I don't think
13 anybody's even turned it on since then.

14 Q. How long ago was it that it crashed?

15 A. Probably a month and a half, or a month.

16 Q. Is there a calendaring system for Kokoweef? Do
17 you guys calendar events or meetings or anything like
18 that?

19 A. The only meeting that I'm familiar with,
20 basically, is the once-a-year picnic meeting. I am not
21 privy to all of the Board meetings, so I don't know
22 about those.

23 Q. Who would know about Board meetings and any
24 other calendaring that might go on for those?

25 A. Laurie Hahn.

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1 boot, tried to bring it back up. Asked from Wanda and
2 Barbara if there were any things that was relevant or
3 extremely important on the computer, because I was going
4 to wipe it clean and put the Windows back on it, and
5 they assured me there wasn't. I was a little concerned
6 maybe there was a virus that caused it to crash. I
7 reinstalled Windows, and we go forward.

8 BY MS. TAYLOR:

9 Q. Did you have to replace the hard drive?

10 A. No.

11 Q. What did you do to, quote, unquote, wipe it
12 clean?

13 A. Just reinstalled Windows.

14 Q. So when you turned it on, you just couldn't even
15 get the startup screen?

16 A. Couldn't get anything. Went into DOS, couldn't
17 get anything.

18 Q. Did you do a virus check on it?

19 A. When it wouldn't come up? No.

20 Q. Okay. So are those computers connected to the
21 Internet?

22 A. Yes.

23 Q. Okay.

24 A. Well, they can be.

25 Q. Okay.

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1 Q. Do you know if they have any type of program for
2 calendaring, such as like a Microsoft Outlook or
3 anything like that?

4 A. I can tell you no. The only computer person is
5 me.

6 Q. Okay. Are there hand calendars that you're
7 aware of that might reflect things in Board meetings?

8 A. I'm not aware of them.

9 MS. TAYLOR: Mr. Clary, to the extent that any
10 of those types of documents exist, if you could produce
11 those; that would be part of those corporate documents
12 that we talked about earlier.

13 MR. CLARY: I don't think their calendars are
14 part of the corporate documents that you described.

15 MS. TAYLOR: Well, if calendaring is part of the
16 minutes. That's fine, whatever.

17 MR. CLARY: We produced what you asked for. I'm
18 not going to produce anything else.

19 MS. TAYLOR: All right.

20 BY MS. TAYLOR:

21 Q. Does Kokoweef have its own phone line?

22 A. It does now, yes.

23 Q. Who answers that?

24 A. It goes to a machine, and Wanda or Barbara
25 typically answer that.

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1 Q. Are there phone logs that go along with Wanda or
2 Barbara answering the phones or listening to messages?

3 A. No. I don't think anybody's kept any logs.

4 Q. Okay. How long ago did Kokoweef's line get
5 installed?

6 A. It got allocated to Kokoweef about -- oh, maybe
7 a year ago.

8 Q. And before that?

9 A. Before that it happened to be a line that was
10 used upstairs. My sister had used it more for her
11 personal issues, I guess. I don't know. But she
12 changed her phone number. I don't know the details of
13 it. I don't know anything about it, per se.

14 Q. So when you say "upstairs," you mean in the
15 Hahn's World of Surplus offices?

16 A. Yes.

17 Q. So other than the disks that you've started
18 creating, there's no other backup to the Kokoweef's
19 computers; correct?

20 A. No. Not as of yet.

21 Q. Any accounting software would be within what
22 Reta selected; correct? I mean, like, you don't know if
23 there's a separate Kokoweef accounting software separate
24 from what Reta does?

25 A. I do not.

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

11 MR. CLARY: Well, I don't agree with your
12 statement that she's not the -- we think she is the
13 proper person. And she's certainly the proper person --
14 you found out a lot of information from her, or we were
15 sitting here for nothing. You also know who the other
16 people are and what they do, as far as she knows. So
17 you're free to do that anyway. You don't need to
18 reserve anything. If you want to take the deposition of
19 other people she's mentioned, you're free to do that.

20 Now, I only have -- I have Exhibits 1, 2, 3, and
21 4. Are those the only exhibits that were marked?

22 MS. TAYLOR: Oh. We have to decide -- since we
23 only referred to a handful of documents -- do we want to
24 have this disk as Exhibit 5 or --

25 MR. SEGEL: I think that to the extent that you

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1 identified documents into the record, they're
2 identified. They're Bates stamped and they've been
3 identified. They came off of those two disks, we all
4 have them, and there won't be any confusion at such time
5 as we may want to use those documents. And I don't
6 think we really need to burden the reporter or ourselves
7 with the disks or the stack of documents.

8 MS. TAYLOR: And I am perfectly happy to go with
9 that plan, to just have them identified by Ms. Wright's
10 Bates stamping.

11 MR. SEGEL: Mr. Clary?

12 MR. CLARY: That's fine.

13 MS. TAYLOR: So I'm removing this Exhibit
14 Number 5 sticker from the Kokoweef, Inc., Taylor copy of
15 the 2009 disk that was used to pull the August stack of
16 documents. Okay?

17 MR. SEGEL: So 1 through 4?

18 MS. TAYLOR: We have 1 through 4.

19 MR. SEGEL: Very good. Anything else?

20 MS. TAYLOR: I don't think so.

21 MR. SEGEL: Are you complete?

22 MS. TAYLOR: I am complete.

23 MR. SEGEL: May we go off the record?

24 MS. TAYLOR: We may go off the record.

25 (The deposition concluded at 1:08 p.m.)

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1 CERTIFICATE OF DEPONENT
2 PAGE LINE CHANGE REASON

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18 * * * * *

19 I, LAURIE WRIGHT, deponent herein, do hereby certify
20 and declare that the within and foregoing transcription
21 to be my deposition in said action; that I have read,
22 corrected and do hereby affix my signature to said
23 deposition, under penalty of perjury.

24 LAURIE WRIGHT, Deponent Date

25

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1 CERTIFICATE OF REPORTER

2 STATE OF NEVADA)

)SS:

3 COUNTY OF CLARK)

4 I, Jean M. Dahlberg, a duly commissioned and licensed
5 Court Reporter, Clark County, State of Nevada, do hereby
6 certify: That I reported the taking of the deposition
7 of the witness, Laurie Wright, Custodian of Records for
8 Kokoweef, Inc., commencing on Monday, October 5, 2009,
9 at 9:14 a.m.

10 That prior to being examined, the witness was, by me,
11 duly sworn to testify to the truth. That I thereafter
12 transcribed my said shorthand notes into typewriting and
13 that the typewritten transcript of said deposition is a
14 complete, true and accurate transcription of said
15 shorthand notes.

16 I further certify that I am not a relative or
17 employee of an attorney or counsel of any of the
18 parties, nor a relative or employee of an attorney or
19 counsel involved in said action, nor a person
20 financially interested in the action.

21 IN WITNESS WHEREOF, I have hereunto set my hand, in my
22 office, in the County of Clark, State of Nevada, this
23 13th day of October, 2009.

24 JEAN M. DAHLBERG, RPR, CCR NO. 759, CSR 11715

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EXHIBIT 10

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November 24, 2009

Via United States Mail and Facsimile:

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**Re: Burke, et al. v. Hahn, et al.
District Court Case No. A558629
Our File No.: 5081.01**

Dear Messrs. Clary and Segel:

This correspondence is to follow-up on a number of items related to the discovery in this matter.

First, during our October 5, 2009, deposition of Kokoweef's so-called Custodian of Records, I expressed grave concerns that documents had been omitted in the production that was provided pursuant to our Subpoena. You both agreed that if we went through your August and October 2009 document productions (which you have repeatedly stated constitutes the entire universe of Kokoweef documents), and identified documents that we believed were missing, you would produce those documents within ten (10) days. The following represents a list of these missing documents. We have listed them by Request number.

LOS ANGELES

LAS VEGAS

ALBUQUERQUE

11/24/09 2:15 JLT
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Request No. 1: We do not have any tax returns for 2004 and 2005. In our requests, we defined Kokoweef to include its “predecessors in interest”. That includes EIN. Therefore, please produce EIN tax returns for these years, i.e. 2004 and 2005.

Requests Nos. 2-4: You did not produce any of these documents. The only copies we have were documents subpoenaed based upon our limited information as to Kokoweef’s, and its predecessor in interest, EIN’s, banking accounts. Therefore, we request that your client produce its own copy of these bank records so that we can ensure that we have a complete set.

Request No. 5: Documents responsive to this request were not produced for 2004. As noted in Request No. 1, we defined Kokoweef to include its “predecessors in interest.” Therefore, we request that for the years 2004 and 2005, you produce any and all ledgers, reconciliation reports, registers, or other type of list used for tracking the balance of each account that is the subject of Request No. 2, whether those documents are for Kokoweef or its predecessor in interest, EIN.

Request No. 6: No documents of any kind were produced for this request, nor do we have any from our subpoena. Therefore, as agreed, within the next 10 days, please produce these documents for Kokoweef, and predecessor in interest, EIN. Please keep in mind that our requests for documents include any and all electronic data. Therefore, we remind you that your search for these records must include any and all emails in any account, including those of Laurie Wright, Larry Hahn, or any of the various other “volunteers” who have done work with Kokoweef, and its predecessor in interest, EIN.

Request No. 7: During the deposition, the witness indicated that many original receipts were not “readable” and therefore were not produced. Additionally, in your prior productions, there are receipts that have been folded over or otherwise physically altered so that they have become unreadable. We, therefore, request that the original receipts, as stored in the ordinary course of business, and as described by Laurie Wright, be produced. If that means production of a box of receipts you claim to be “unreadable”, so be it. If you are uncomfortable producing these records to us, my suggestion is that they be stored at a document depository such as Litigation Services and Technology. Again, this request is for Kokoweef, as defined in our Requests for Production of Documents, which includes its predecessor in interest, EIN. Additionally, in reviewing the documents produced, it does not appear that records from creditors, such as insurance providers and telephone companies, were produced. Our request requires that phone bills be produced, not only for Kokoweef and its predecessor in interest, EIN, but for those phones of Hahn’s World of Surplus, Larry Hahn, Laurie Wright or any other persons or entities whose phones have been used for Kokoweef, and/or its predecessor in interest, EIN, from 2004 to present.

Request No. 8: No documents responsive to this request have been produced. Therefore, we request that such production occur for Kokoweef, as defined in our Requests for Production and, as agreed upon in the deposition, within the next 10 days.

Request No. 9: No documents responsive to this request have been produced. Therefore, we request that such production occur for Kokoweef, as defined in our Requests for Production and, as agreed upon in the deposition, within the next 10 days.

Request No. 10: No documents responsive to this request have been produced. Therefore, we request that such production occur for Kokoweef, as defined in our Requests for Production and, as agreed upon in the deposition, within the next 10 days.

Request No. 11: No documents responsive to this request have been produced. Therefore, we request that such production occur for Kokoweef, as defined in our Requests for Production and, as agreed upon in the deposition, within the next 10 days.

Request No. 12: No documents responsive to this request have been produced. Therefore, we request that such production occur for Kokoweef, as defined in our Requests for Production and, as agreed upon in the deposition, within the next 10 days.

Request No. 13: No documents responsive to this request have been produced. Therefore, we request that such production occur for Kokoweef, as defined in our Requests for Production and, as agreed upon in the deposition, within the next 10 days.

Request No. 14: I will address this as a separate item below.

Request No. 15: There were no documents produced that were responsive to this request and dated from 2007 forward. Please produce these documents within the next 10 days.

Request No. 16: While a Quickbooks disc was produced related to some accounting records, this request seeks production of database records for all computer programs utilized in the "management and recordkeeping" of Kokoweef. Therefore, please produce records for any and all other computer programs held by Kokoweef.

Request No. 17: During the October 5, 2009 deposition, counsel for Kokoweef asserted that documents responsive to this request do not exist. Please confirm with your clients, within the next 10 days, that these documents do not, indeed, exist, and provide me with a statement of how this was determined.

Request No. 18: Documents responsive to this request were not produced for 2004 or 2005. As noted in Request No. 1, we defined Kokoweef to include its “predecessors in interest.” Therefore, we request that for the years 2004 and 2005, you produce any and all ledgers, reconciliation reports, registers, or other type of list described in this Request, whether those documents are for Kokoweef or its predecessor in interest, EIN.

Request No. 19: No documents responsive to this request have been produced. Therefore, we request that such production occur for Kokoweef, as defined in our Requests for Production and, as agreed upon in the deposition, within the next 10 days. This includes documents for all subparts.

Request No. 20: While one document responsive to this request was produced, this does not constitute any or all “recent” tax assessments or appraisals. Therefore, we request that such production occur for Kokoweef, as defined in our Requests for Production and, as agreed upon in the deposition, within the next 10 days, for the past three years, i.e., from 2006 forward.

Request No. 21: No documents related to this request were produced for Kokoweef and/or its predecessor companies. Accordingly, please provide all documents related to this request within the next 10 days.

Request No. 22: During the October 5, 2009 deposition, counsel for Kokoweef asserted that documents responsive to this request do not exist. Please confirm with your clients, within the next 10 days, that these documents do not, indeed, exist, and provide me with details of the due diligence conducted to confirm this. Further, this request contemplates production of all loan agreements or evidence of loans. We understand from prior testimony, documents and information that loans may have been entered into between Kokoweef, and/or its predecessor in interest, EIN, with Skip Wynia, Bill Simshauser, and/or Hahn’s World of Surplus. Accordingly, please provide any and all documents related to loan agreements with these entities or individuals, including electronic data and correspondence or other correspondence with the next 10 days.

Request No. 23: No documents related to this request were produced for Kokoweef and/or its predecessor companies. Accordingly, please provide all documents related to this request within the next 10 days.

Request No. 24: This request is addressed below.

Request No. 25: No documents related to this request were produced for Kokoweef and/or its predecessor companies. Accordingly, please provide all documents related to this request within the next 10 days.

Request No. 26: During the deposition, the witness indicated that many original receipts were not “readable” and therefore were not produced. Additionally, in your prior productions, there are receipts that have been folded over or otherwise physically altered so that they have become unreadable. We, therefore, request that the original receipts as stored in the ordinary course of business be produced. If that means a box of receipts you claim to be “unreadable”, so be it. If you are uncomfortable producing these records to us, my suggestion is that they be stored at a document depository such as Litigation Services and Technology. Again, this request is for Kokoweef, as defined in our Requests for Production of Documents.

Additionally, the one outstanding item in contention is the production of shareholder lists, as requested in Requests Nos. 14 and 24. During the deposition, Mr. Segel stated he would never produce these because he didn’t think they were discoverable for “this type of action”. Following the deposition, I had a telephonic conversation with Mr. Clary, Kokoweef’s actual counsel of record, in which he said that these documents wouldn’t be produced because of concerns that my client, Ted Burke, would “harass” shareholders. I suggested to Mr. Clary that, as a compromise, these records could be produced under a confidentiality agreement between the parties. Mr. Clary said he would consider this option and let me know. That was more than one month ago, and I have not had a final response, or any further communication from either of you, in regard to this offer of compromise on this issue. This proposal would extend to any and all documents related to shareholder records, including, but not limited to, the shareholder lists identified by Laurie Wright that are stored in the file cabinets in the Kokoweef office or in the safes located in the office of Hahn’s World of Surplus. This would also include production of any and all letters and emails from any and all shareholders of Kokoweef and its predecessor company, which were identified by Laurie Wright as being maintained in the file cabinet at the Kokoweef offices. Please advise no later than close of business on Monday, November 30, 2009, whether such a proposal is generally acceptable, so that, if so, we can begin drafting a document to memorialize an appropriate confidentiality agreement.

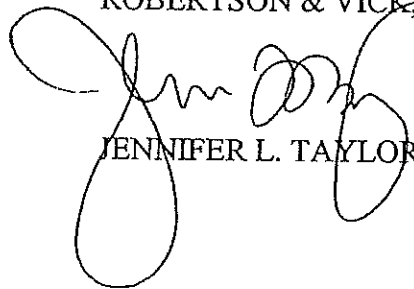
Finally, during the October 5, 2009 deposition, you agreed to allow me and our expert, Talon Stringham, to further inspect the Kokoweef offices, and the documents contained therein. We are requesting that this inspection go forward on December 7, 2009. As Mr. Stringham has to come down from Utah to conduct this inspection, we would request confirmation of this date no later than close of business on November 30, 2009.

Patrick C. Clary
Nelson Segel
November 24, 2009
Page 6

If you have any questions, please do not hesitate to contact me.

Very truly yours,

ROBERTSON & VICK, LLP

A handwritten signature in black ink, appearing to read "Jennifer L. Taylor", is written over the printed name. The signature is stylized with large loops and a cursive script.

JENNIFER L. TAYLOR

JLT:sjg

ROBERTSON & VICK, LLP

401 N. Buffalo Dr., Suite 202

Las Vegas, Nevada 89145

Telephone: (702) 247-4661

Facsimile: (702) 247-6227

November 24, 2009

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To: Patrick C. Clary, Esq.

Facsimile No. 382-7277

Telephone No. 382-0813

To: Nelson Segel, Esq.

Facsimile No. 382-2967

Telephone No. 385-5266

From: Jennifer L. Taylor

Matter: Burke, et al. v. Hahn, et al.

File No.: 5081.01

To confirm, or to let us know if you did not receive all of the pages of this transmission, please contact Sue at (702) 247-4661.

• **COMMENTS** •

Letter regarding discovery issues (attached).

Transaction Report

Send

Transaction(s) completed

No.	TX Date/Time	Destination	Duration	P. #	Result	Mode
115	NOV-24	15:25 7023827277	0'01'08"	007	OK	N ECM

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• **COMMENTS** •

Letter regarding discovery issues (attached).

Transaction Report

Send

Transaction(s) completed

No.	TX	Date/Time	Destination	Duration	P. #	Result	Mode
116	NOV-24	15:30	3822967	0'01'16"	007	OK	N ECM

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Matter: Burke, et al. v. Hahn, et al.

File No.: 5081.01

To confirm, or to let us know if you did not receive all of the pages of this transmission, please contact Sue at (702) 247-4661.

• **COMMENTS** •

Letter regarding discovery issues (attached).

EXHIBIT 11

Jennifer L. Taylor

From: M Nelson Segel [nelson@nelsonsegellaw.com]
Sent: Friday, December 04, 2009 11:59 AM
To: Jennifer L. Taylor
Cc: 'Patrick C. Clary'
Subject: No Inspection Monday

Jennifer:

You requested a response asap.
Here it is.

Pat was out of his office for the Thanksgiving holiday and returned Monday afternoon. He has been out of the office the rest of the week on an emergency.

Pat will be communicating with you next week regarding the inspection and other issues.

M Nelson Segel, Esquire
624 South 9th Street
Las Vegas, Nevada 89101
Telephone (702)385-5266
Facsimile (702)382-2967

This e-mail message is a confidential communication that may contain information that is privileged attorney work product and exempt from disclosure under the law. If the recipient of this message is not the party to whom it is intended, please immediately notify the sender at (702)385-5266 (collect) and delete this e-mail message and any attachments from your workstation or network mail system.

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 9.0.709 / Virus Database: 270.14.78/2521 - Release Date: 11/23/09 23:46:00

EXHIBIT 12

1 **DCRR**
2 ALEXANDER ROBERTSON, IV
3 State Bar No. 8642
4 JENNIFER L. TAYLOR
5 State Bar No. 5798
6 ROBERTSON & VICK, LLP
7 401 N. Buffalo Drive, Suite 202
8 Las Vegas, Nevada 89145
9 Telephone: (702) 247-4661
10 Facsimile: (702) 247-6227

11 Attorneys for Plaintiffs

12
13 DISTRICT COURT
14 CLARK COUNTY, NEVADA
15

16 TED R. BURKE; MICHAEL R. and
17 LAURETTA L. KEHOE; JOHN BERTOLDO;
18 PAUL BARNARD; EDDY KRAVETZ;
19 JACKIE and FRED KRAVETZ; STEVE
20 FRANKS; PAULA MARIA BARNARD;
21 LEON GOLDEN; C.A. MURFF; GERDA
22 FERN BILLBE; BOB and ROBYN TRESKA;
23 MICHAEL RANDOLPH; and FREDERICK
24 WILLIS,

25 Plaintiffs,

26 vs.

27 LARRY H. HAHN, individually, and as
28 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~~ 11

Eleven

DISCOVERY COMMISSIONER'S REPORT
AND RECOMMENDATIONS

FILED

NOV 24 2009

John L. Robinson
CLERK OF COURT

1 DISPUTE RESOLUTION CONFERENCE DATE: September 25, 2009

2 APPEARANCES:

3 Plaintiffs: Jennifer L. Taylor, Esq., Robertson & Vick, LLP

4 Defendants: Patrick C. Clary, Esq., Patrick C. Clary, Chartered

5 Nelson M. Segel, Esq., M. Nelson Segel, Chartered

6 I.

7 **FINDINGS**

8 The Stipulation and Order to Extend Discovery Deadlines between parties was discussed,
9 followed by Commissioner Bulla's recommendations for amended dates and deadlines.

10 II.

11 **RECOMMENDATIONS**

12 IT IS HEREBY RECOMMENDED that the February 18, 2010 trial date be VACATED;

13 IT IS FURTHER RECOMMENDED that the discovery cutoff be extended to May 21,
14 2010;

15 IT IS FURTHER RECOMMENDED that adding parties and amending pleadings must
16 be completed by February 22, 2010;

17 IT IS FURTHER RECOMMENDED that expert disclosures are due February 22, 2010;

18 IT IS FURTHER RECOMMENDED that rebuttal expert disclosures are due March 22,
19 2010;

20 IT IS FURTHER RECOMMENDED that dispositive motions must be filed by June 21,
21 2010; and

22 IT IS FURTHER RECOMMENDED that all parties must be trial ready on August 2,
23 2010.

24 ///

25 ///

26 ///

27 ///

28 ///

ROBERTSON
& VICK, LLP

1 The Discovery Commissioner, having met with counsel for the parties, having discussed
2 the issues noted above and having reviewed any materials proposed in support thereof, hereby
3 submits the above recommendations.

4 DATED this 4 day of November, 2009.

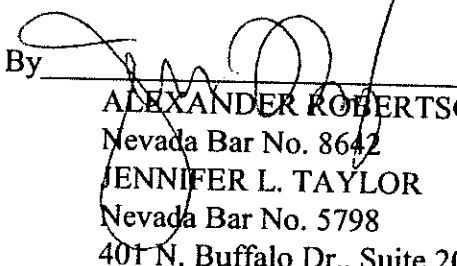


DISCOVERY COMMISSIONER

Submitted by:

ROBERTSON & VICK, LLP

By


ALEXANDER ROBERTSON, IV
Nevada Bar No. 8642
JENNIFER L. TAYLOR
Nevada Bar No. 5798
401 N. Buffalo Dr., Suite 202
Las Vegas, Nevada 89145
Attorneys for PLAINTIFFS

1 **NOTICE**

2 Pursuant to NRCP 16.1(d)(2), you are hereby notified you have five (5) days from the date you
3 receive this document within which to file written objections.

4 [Pursuant to E.D.C.R. 2.34(f) an objection must be filed and served no more than five (5) days
5 after receipt of the Discovery Commissioner's Report. The Commissioner's Report is deemed
6 received when signed and dated by a party, his attorney or his attorney's employee, or three (3)
7 days after mailing to a party or his attorney, or three (3) days after the clerk of the court deposits
8 a copy of the Report in a folder of a party's lawyer in the Clerk's office. **See E.D.C.R. 2.34(F)**]

9 A copy of the foregoing Discovery Commissioner's Report was:

10 _____ Mailed to the Plaintiff/Defendant at the following address on the _____ day of
11 _____, 2009.

12 Alexander Robertson, IV, Esq.
13 Jennifer L. Taylor, Esq.
14 Robertson & Vick, LLP
15 401 N. Buffalo Dr., Suite 202
16 Las Vegas, Nevada 89145
17 **Attorneys for Plaintiffs**

M. Nelson Segel, Chartered
M. Nelson Segel, Esq.
624 South 9th Street
Las Vegas, NV 89101
**Attorneys for Larry Hahn and
Hahn's World of Surplus, Inc.**

18 Patrick C. Clary, Chartered
19 Patrick C. Clary, Esq.
20 7201 West Lake Mead Boulevard
21 Suite 410
22 Las Vegas, NV 89129
23 **Attorneys for Kokoweef, Inc.**

24 X Placed in the folder of the Plaintiff's/Defendants counsel in the Clerk's office on the
25 5 day of Nov., 2009.

26 STEVEN D. GRIERSON
27 EDWARD A. FRIEDLAND

28 By Jennifer Xatt
Deputy Clerk

ROBERTSON
& VICK, LLP

CASE NAME: Burke, et al. v. Hahn, et al.
CASE NUMBER: 08A558629

ORDER

The Court, having reviewed the above report and recommendations prepared by the
Discovery Commissioner and,

The parties having waived the right to object thereto,

☒ No timely objection having been received in the office of the Discovery Commissioner
pursuant to E.D.C.R. 2.34(f),

Having received the objections thereto and the written arguments in support of said
objections, and good cause appearing,

* * *

AND

☒ IT IS HEREBY ORDERED the Discovery Commissioner's Report and
Recommendations are affirmed and adopted.

IT IS HEREBY ORDERED the Discovery Commissioner's Report and
Recommendations are affirmed and adopted as modified in the following manner.
(attached hereto).

IT IS HEREBY ORDERED that a hearing on the Discovery Commissioner's Report is
set for _____, 200__, at ____:____ a.m.

DATED this 20 day of November, 2009.


DISTRICT JUDGE

EXHIBIT 13

FILED
DEC - 2 2009

John H. Blum
CLERK OF COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

TED R BURKE, ET AL,)
)
Plaintiff,) Case No. 08 A558629
vs.) Dept. No. XI
)
LARRY H HAHN, ET AL,)
)
Defendants.)
)
)
AND ALL RELATED MATTERS.)
)

ORDER SETTING CIVIL JURY TRIAL,
PRE-TRIAL AND CALENDAR CALL

IT IS HEREBY ORDERED THAT:

A. The above entitled case is set to be tried to a jury on a TEN week stack to
Tuesday
begin, **Monday, September 7, 2010, at 1:30p.m.**

B. A Pre-Trial Conference with the designated attorney and/or parties in
proper person will be held on **Friday, August 13, 2010, at 9:00a.m.**

C. A calendar call will be held on **Thursday, September 2, 2010, at**
9:15a.m. Parties must bring to Calendar Call the following:

- (1) Typed exhibit lists;
- (2) List of depositions;
- (3) List of equipment needed for trial; and
- (4) Courtesy copies of any legal briefs on trial issues.

D. Parties are to appear on **Thursday, May 27, 2010 at 9:00a.m.** for
a Status Check on the matter.

E. The Pre-trial Memorandum must be filed no later than **4:00p.m. on**
August 12, 2010, with a courtesy copy delivered to Department XI. All parties,

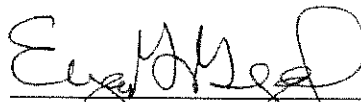
1 (Attorneys and parties in proper person) **MUST** comply with **All REQUIREMENTS**
2 of E.D.C.R. 2.67, 2.68 and 2.69.

3 F. All motions in limine and dispositive motions, must be in writing and
4 set for hearing no later than **July 22, 2010**. **Orders shortening time will not be**
5 **signed except in extreme emergencies.**

6
7 Failure of the designated trial attorney or any party appearing in
8 proper person to appear for any court appearances or to comply with this
9 Order shall result in any of the following: (1) dismissal of the action (2)
10 default judgment; (3) monetary sanctions; (4) vacation of trial date; and/or
11 any other appropriate remedy or sanction.

12 Counsel is required to advise the Court immediately when the case settles
13 or is otherwise resolved prior to trial. A stipulation which terminates a case by
14 dismissal shall also indicate whether a Scheduling Order or Trial Setting order has
15 been filed and, if a trial date has been set, the date of that trial. A copy should be
16 given to Chambers.
17

18 DATED this 30th day of November, 2009.

19
20 

21 ELIZABETH GONZALEZ, DISTRICT JUDGE

22 I hereby certify that on the date filed, I mailed to the following proper
23 persons or placed a copy of this order in the attorney's folder in the Clerk's Office
24 as follows:

25 Patrick C Clary, Esq.

26 M Nelson Segal, Esq.

27 Jennifer L Taylor, Esq. (Robertson & Vick) —

28 

Dan Kutinac