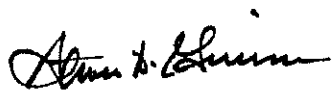


**Plaintiffs' Opposition to
August 16, 2010 Discovery
Commissioner's Report and
Recommendations**

(Without Exhibits)


CLERK OF THE COURT

1 0146
2 ALEXANDER ROBERTSON, IV
3 State Bar No. 8642
4 JENNIFER L. TAYLOR
5 State Bar No. 5798
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11 Attorneys for Plaintiffs

12 DISTRICT COURT
13 CLARK COUNTY, NEVADA

14 TED R. BURKE; MICHAEL R. and) CASE NO. A558629
15 LAURETTA L. KEHOE; JOHN BERTOLDO;) DEPT: XI
16 PAUL BARNARD; EDDY KRAVETZ;)
17 JACKIE and FRED KRAVETZ; STEVE)
18 FRANKS; PAULA MARIA BARNARD;)
19 LEON GOLDEN; C.A. MURFF; GERDA) **PLAINTIFFS' OBJECTION TO AUGUST**
20 FERN BILLBE; BOB and ROBYN TRESKA;) **16, 2010 DISCOVERY**
21 MICHAEL RANDOLPH; and FREDERICK) **COMMISSIONER'S REPORT AND**
22 WILLIS,) **RECOMMENDATIONS**

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.

ROBERTSON
& VICK, LLP

1 **PLAINTIFFS' OBJECTION TO AUGUST 16, 2010 DISCOVERY COMMISSIONER'S**
2 **REPORT AND RECOMMENDATIONS**
3

4 Comes now Plaintiffs Ted R. Burke; Michael R. And Laretta L. Kehoe; John Berthold;
5 Paul Barnard; Eddy Kravetz; Jackie and Fred Kravetz; Steven Franks; Paula Maria Barnard;
6 Peter T. And Lisa A. Freeman; Leon Golden; C.A. Murff; Gerda Fern Billbe; Bob and Robyn
7 Treska; Michael Randolph and Frederick Willis (hereinafter collectively referred to as
8 "Plaintiffs"), by and through their undersigned counsel of record, Robertson & Vick LLP, and
9 refiles its Objection to August 16, 2010 Discovery Commissioner's Report and
10 Recommendations ("Objection").

11 Plaintiffs re-file this objection because the original timely-filed Objection filed August
12 27, 2010 contained a Notice of Hearing. Plaintiffs inserted a calendar code at the top of the
13 Objection and following normal procedure, a notice of hearing was also inserted. (See
14 Declaration of Monica Metoyér). The Clerk's office, however, rejected the filing because of the
15 insertion of the Notice of Hearing.

16 Plaintiffs Ted R. Burke; Michael R. And Laretta L. Kehoe; John Berthold; Paul Barnard;
17 Eddy Kravetz; Jackie and Fred Kravetz; Steven Franks; Paula Maria Barnard; Peter T. And Lisa
18 A. Freeman; Leon Golden; C.A. Murff; Gerda Fern Billbe; Bob and Robyn Treska; Michael
19 Randolph and Frederick Willis (hereinafter collectively referred to as "Plaintiffs"), by and
20 through their undersigned counsel of record, Robertson & Vick LLP, and hereby files their
21 Objection to the Discovery Commissioner's Report and Recommendations dated August 16,
22 2010 (hereafter the "DCRR"). A true and correct copy of the DCRR is attached hereto as Ex. 1.

23 This Objection stems from the DCRR upon Defendants Larry Hahn's and Hahn's World
24 of Surplus, Inc.'s (hereafter the "Hahn Defendants") Motion to Quash Subpoenas, filed April 28,
25 2009, which were served by Plaintiffs upon American Express Company, Nevada State Bank,
26 Citibank, Home Depot USA Inc., and U.S. Bank National Association (hereafter the
27 "Subpoenas"). Copies of the Hahn Defendants' Motion with the attached Subpoenas is attached

28 ROBERTSON
& VICK, LLP

1 hereto as Ex. 2 (hereafter the "Motion"). Plaintiffs agreed to not enforce the Subpoenas pending
2 a ruling on the substantive arguments, as detailed below,

3 The Motion argued that the Subpoenas were procedurally deficient because the
4 Subpoenas were served Prior to NRCP 16. 1conference and the filing of the Joint Case
5 Conference Report. Further, the Motion argued that the Subpoenas were improper, even without
6 procedural deficiencies because "Plaintiffs have no Legitimate Business for the Invasion of the
7 Personal and Business Records of Hahn Defendants". (Mot. 5:22-23).

8 Plaintiffs filed an Opposition to the Motion. A true and correct copy of which is attached
9 hereto as Ex. 3. The Opposition detailed the procedural stance and that the procedural objections
10 to the Subpoenas was now moot. Additionally, the Opposition attached and included the
11 Affidavit of expert, Talon Stringham, detailing the commingling of assets as a basis, under
12 NRCP 26, for the records to be produced.

13 The Hahn Defendants' Reply included various affidavits contesting the opinions and
14 evidence offered by Mr. Stringham. Thus, the Hahn Defendants, have had a full opportunity to
15 argue substantively regarding Plaintiffs' entitlement to the Hahn Defendants' records obviating
16 any procedural prejudice that may have resulted from the initial service of the Subpoenas. A true
17 and correct copy of the Reply is attached hereto as Ex. 4.

18 The hearing on the Motion was held on August 14, 2009. The Discovery Commissioner
19 granted the Motion claiming that the procedural deficiencies justified the Subpoenas being
20 quashed. Further, she indicated that there was "not enough factual support" to modify the
21 Subpoenas to allow Plaintiffs to obtain the Hahn Defendants' records.

22 Plaintiffs believe the Discovery Commissioner erred in ruling there was not "enough
23 factual support" to modify the subpoenas. The records and analysis provided by expert, Talon
24 Stringham, provided sufficient evidence of intermingling of funds, accounts and control to
25 warrant, under the broad parameters of NRCP 26, production of the Hahn Defendants' records.
26 In the intervening year since the hearing, Mr. Stringham has received additional documents,
27 which have merely solidified his opinion that the Hahn Defendants' records may lead to the

1 discovery of admissible evidence and, therefore, are a necessary part of this analysis in this case.

2 Attached hereto as Ex. 5.

3 Accordingly, Plaintiffs respectfully request this Court reverse the ruling of the Discovery
4 Commissioner, and Order that the subpoenaed entities comply with the Subpoenas.

5 DATED this ~~27th~~^{30th} day of August, 2010.

6 ROBERTSON & VICK, LLP

7

8

By: 

ALEXANDER ROBERTSON, IV

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Bar No. 86421

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Attorneys for Plaintiffs

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28 ROBERTSON
& VICK, LLP

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DECLARATION OF MONICA METOYÉR

I, Monica Metoyér declare:

1. I am a paralegal at Robertson & Vick, LLP, counsel of record for Plaintiffs.

2. On Friday, August 27, 2010, we prepared and e-filed an Objection to August 16, 2010 Discovery Commissioner's Report and Recommendations ("Objection"), that included the calendar code 0146. As we normally do when applying a numerical calendar code, we inserted a Notice of Hearing section so that all parties may be notified of the hearing date and time. See attached copy of receipt showing the filing date to be August 27, 2010.

3. On Monday, August 30, 2010, our Objection was rejected by the Court Clerk stating that the Notice of Hearing section should be stricken from the document because objections are straight-filed. However, the calendar hearing code should remain. See attached copy of receipt showing that the Objection was rejected on August 30, 2010.

4. We have followed the instructions from the Court Clerk and Department 11 and re-file the Objection herewith.

I declare under penalty of perjury that the foregoing is true and correct.



Monica Metoyér

**Details of filing titled:
 Plaintiffs' Objection to Discovery Commissi...
 for Case Number A558629**

E-File ID:	1159314
Lead File Size:	127155 bytes
Date Filed:	2010-08-27 17:57:24.0
Case Title:	A558629
Case Name:	A558629 - Ted Burke, Michael Kehoe, et al vs Larry Hahn, Hahn's World Of Surplus Inc, et al
Filing Title:	Plaintiffs' Objection to Discovery Commissioner's Report and Recommendation of August 16, 2010
Filing Type:	EFO
Filer's Name:	Ann Scholz
Filer's Email:	ascholz@rvcdlaw.com
Account Name:	Ann Scholz Dap
Filing Code:	ODCR
Amount:	\$ 6.00
Court Fee:	\$ 0.00
Card Fee:	\$ 0.00
Comments:	
Courtesy Copies:	
Firm Name:	Robertson & Vick
Your File Number:	5081.01
Status:	Rejected - (R)
Date Accepted:	2010-08-30 12:22:29.0
	Incorrect Format
Rejection Reason:	Objections are straight-filed. Date is issued by court. In order to file this document "notice of motion" must be stricken from the document. Thank you.
Reviewer:	Jennifer Arevalo
File Stamped Copy:	
Cover Document:	
Lead Document:	OBJECTION.pdf 127155 bytes
Data Reference ID:	
Attachment # 1:	ex 1 to opp to dcurr.pdf 1128977 bytes
Attachment # 2:	ex 2 to obj to dcurr.pdf 1274273 bytes
Attachment # 3:	ex3 to obj to dcurr 1.pdf 4494561 bytes
Attachment # 4:	ex3 to obj to dcurr2.pdf 5063852 bytes
Attachment # 5:	ex3 to obj to dcurr3.pdf 5130993 bytes
Attachment # 6:	ex4 to obj to dcurr.pdf 1034710 bytes
Attachment # 7:	ex5 to obj to dcurr1.pdf 2192839 bytes
Attachment # 8:	ex5 to obj to dcurr2.pdf 2904761 bytes
Credit Card Response:	System Response: Approved Reference: VLECSFAED965

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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of August, 2010, I served a copy of the above and foregoing **PLAINTIFFS' OBJECTION TO AUGUST 16, 2010 DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS** addressed to:

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Hahn's World of Surplus, Inc.**

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