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

6 **DISTRICT COURT**
7 **CLARK COUNTY, NEVADA**
8

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

4 Plaintiffs,

5 vs.

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

20 Defendants,

21 and

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

24 Nominal Defendants.
25

Case No. A558629
Dept. XIII

**PLAINTIFFS' OPPOSITION TO
SECOND MOTION FOR ORDER
EXTENDING TIME TO FILE
REQUEST FOR SECURITY AND
REQUEST FOR RIGHT TO
TAKE DEPOSITION OF
PLAINTIFFS' EXPERTS
AND WITNESSES**

Date of Hearing: May 10, 2008

Time of Hearing: 9:00 a.m.

26 COMES NOW the Plaintiffs, by and through their attorney of record, NEIL J. BELLER,
27 ESQ., of the law firm of NEIL J. BELLER, LTD, and submits their OPPOSITION TO SECOND
28

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

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JUN - 9 2008
CLERK OF THE COURT

1 MOTION FOR ORDER EXTENDING TIME TO FILE REQUEST FOR SECURITY AND
2 REQUEST FOR RIGHT TO TAKE THE DEPOSITION OF PLAINTIFFS' EXPERTS AND
3 WITNESSES as follows:

4 **I. Should Defendants File a Motion to Require Security from Plaintiffs, Defendants Fail to**
5 **Meet the Required Grounds**

6 NRS 41.520 (3) permits a defendant to require plaintiff to furnish security and that motion
7 must be based on one or more of the following grounds:

8 (a) That there is no reasonable possibility that the prosecution of the cause of action
9 alleged in the complaint against the moving party will benefit the corporation or its
security holders;

10 (b) That the moving party, if other than the corporation, did not participate in the
11 transaction complained of in any capacity.

12 Firstly, there is a reasonable possibility that his instant action will benefit the corporation and
13 its shareholders for the following reasons:

14 Defendant Hahn as president of Kokoweef, Inc. failed to provide notice to all shareholders
15 of the annual meeting of shareholders held on June 1, 2008. The Affidavits of some of those
16 shareholders are attached as **Exhibit 1**. Thus, the corporation and its shareholders will benefit from
17 Plaintiff's prosecution of this instant action by being protected from any further illegal acts of the
18 Defendants that are in violation of the ByLaws of Kokoweef, Inc. and the Nevada statutes.

19 Secondly, Defendants Hahn and Hahn's World of Surplus will be the moving party when
20 and if they file their motion to require security. Defendant Hahn participated in the transactions
21 complained of in the Complaint, AND, as shown by the attached Affidavits of the Kokoweef
22 shareholders, Hahn has just recently participated in further violations of the Kokoweef, Inc. ByLaws.
23 Defendant Hahn's World of Surplus has participated in the transactions alleged in the Complaint.

24 This participation by both these Defendants in the transactions complaint of in the
25 Complaint, eliminates both grounds as a basis for bringing any motion to require security.

26 **II.**

27 **Defendants Time to File a Motion for Security Runs on June 11, 2008**

28 Plaintiffs contend the second sentence of NRS 41.520 (3)(b) [The court may for good cause

1 shown extend the 30 day period for an additional period or periods not exceeding 60 days] means
2 an extension may be granted only for a total of an additional 60 days.

3 Defendants filed their first motion for extension of time on April 11, 2008. This Court
4 granted Defendants an additional 60 days to file until June 11, 2008. Defendant were served with
5 the Summons and Complaint on March 12, 2008. Their first request for extension of time was filed
6 on April 11, 2008. Defendants used their 30 days time period to request an additional period of
7 time, which this Court granted and gave Defendants until June 11, 2008 to file their motion.
8 Pursuant to NRS 41.520 (3), any addition period may not exceed 60 days Thus, Defendants have
9 used their initial 30 day period and have also used their extension of 60 days.

10 Defendants had their initial 30 days to file their motion for security and then were given an
11 additional 60 days until June 11, 2008 to file their motion. Defendants used their initial 30 day
12 period and also used their additional 60 days period and have not as yet filed any motion for
13 security. Defendants time has run.

14 Assuming arguendo, this Court does grant Defendant motion to extend the time to file their
15 motion to require security from Plaintiffs, their motion will fail because, as Plaintiffs previously
16 stated, Defendants lack any of the two grounds necessary to file a motion to require security from
17 Plaintiffs.

18 **III. Defendants Have Not Complied with NRCP 26 or NRCP 16.1(a)(1) to**
19 **Permit Defendants to Conduct Discovery**

20 Although NRCP 26 provides that the court may issue an order permitting discovery,
21 subsection (a) also provides: "any party who has complied with Rule 16.1(a)((1)" may obtain
22 discovery.

23 NRCP 16.1 (a) (1) provides a party must provide to the other party specific initial disclosures
24 of names, ,etc., documents in their possession, names of experts, names, etc of all witnesses,
25 appropriate identification of each documents, including summaries of other evidence and these
26 disclosures must be made in writing, signed and served. Defendants have not complied with this
27 rule.

28 ///

1 Normally, a case conference report needs to be filed prior to conduction discovery. Prior to
2 the report, a case conference needs to occur. Prior to that defendants needs to file an answer.
3 Defendants have not yet even filed an Answer.

4 NRCP 27 (a) provides that before an action a person who desires to perpetuate testimony
5 regarding any matter may file a verified petition in a district. Defendants have not file any such
6 petition.

7 NRCP 30 (a) (2) provides:

8 (2) A party must obtain leave of court, which shall be granted to the
9 extent consistent with the principles stated in rule 26 (b) (2), if the
10 person to be examined in confined in prison or if, without the written
11 stipulation of the parties:

12 (A) the person to be examined already has been deposed in the case;
13 or (B) a party seeks to take a deposition before the time specified in
14 Rule 26 (a), unless the notice contains a certification, with supporting
15 facts, that the person to be examined is expected to leave the state and
16 be unavailable for examination in this state unless deposed before
17 that time.

18 The parties have filed no stipulation regarding discovery; the person they wish to take the
19 deposition of is not in prison; has not already been deposed; and, no supporting facts have been
20 present to this court to indicate Mr. Stringham, Mr. Kehoe or any of the Plaintiff would not be
21 available for examination.

22 Actually, Defendants request that the depositions of Mr. Stringham and Mr. Kehoc be taken
23 to show Defendants if Plaintiffs have any basis for their allegations. There is no such Nevada Rule
24 of Civil Procedure that allows a defendant to take a deposition of a party or a non-party to prove
25 there exists a basis for a plaintiff to file a complaint.

26 Defendants motion requesting the taking of these deposition fails to meet any procedural rule
27 and as such, must be denied.

28 IV.

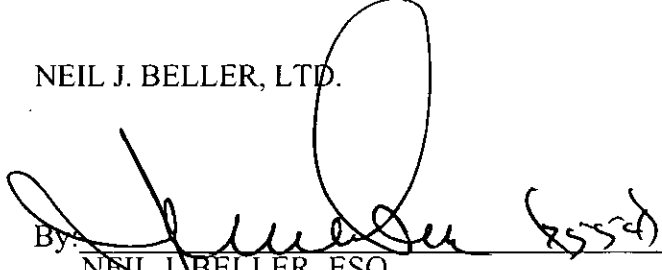
Conclusion

Based on the foregoing, Defendants SECOND MOTION FOR ORDER EXTENDING TIME
TO FILE REQUEST FOR SECURITY AND REQUEST FOR RIGHT TO TAKE THE

1 DEPOSITION OF PLAINTIFFS' EXPERTS AND WITNESSES should be denied.

2 DATED this 9th day of June, 2008.

3
4 NEIL J. BELLER, LTD.

5
6 By:  (554)
7 NEIL J. BELLER, ESQ.
8 Nevada Bar No. 2360
9 7408 W. Sahara Avenue
10 Las Vegas, Nevada 89117
11 (702)368-7767
12 Attorney for Plaintiffs

13 **CERTIFICATE OF SERVICE**

14 I HEREBY CERTIFY that on the 9th day of June, 2008, service of the, PLAINTIFFS'
15 **OPPOSITION TO SECOND MOTION FOR ORDER EXTENDING TIME TO FILE**
16 **REQUEST FOR SECURITY AND REQUEST FOR RIGHT TO TAKE DEPOSITION OF**
17 **PLAINTIFFS' EXPERTS AND WITNESSES** was made this date by Facsimile to the
18 following:

19 M. Nelson Segel, Chartered
20 M. Nelson Segel, Esq.
21 624 South 9th Street
22 Las Vegas, NV 89101
23 Attorneys for Defendant Larry Hahn and Hahn's World of Surplus, Inc.
24 Fax No. : (702) 382-2967

25 CLARY CANNON, LLP
26 Patrick C. Clary, Esq.
27 Curtis W. Cannon, Esq.
28 7201 West Lake Mead Boulevard, Suite 503
Las Vegas, NV 89129
Attorneys Defendant Kokoweef, Inc.
Fax No.: (702) 382-7277

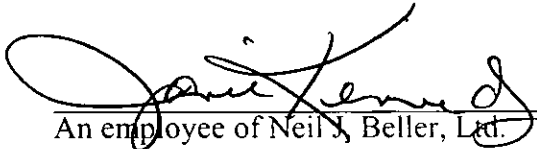

An employee of Neil J. Beller, Ltd.

EXHIBIT 1

AFFIDAVIT OF James LeValley
IN SUPPORT OF MOTION FOR CLARIFICATION

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

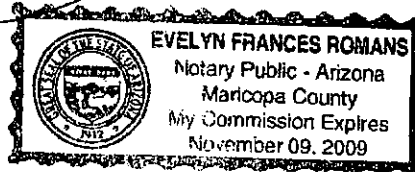
I, JAMES LEVALLEY being first duly sworn upon oath depose and state as follows:

1. I am a shareholder in Kokoweef, Inc. and hold 100 shares of stock. I am over the age of 21 years, am competent to testify if called upon and make this Affidavit in support of Plaintiffs' Motion for Clarification in the above entitled action.
2. The ByLaws of Kokoweef, Inc., Article II, Sections 2 and Section 5 provide a notice of annual meeting shall be delivered to each stockholder not less than 10 days before the date of the meeting.
3. I was informed verbally by Ted Burke of the annual meeting of the shareholders of Kokoweef, Inc. on June 1, 2008.
4. I never received by mail, e-mail or facsimile, the notice of the annual meeting of the Shareholders of Kokoweef, Inc.

James LeValley
Shareholder of Kokoweef, Inc.

Subscribed and Sworn to before me
this 8 day of June, 2008

Evelyn Frances Romans
NOTARY PUBLIC



Neil J. Beller, Esq.
NEIL J. BELLER, LTD.
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Las Vegas, Nevada 89117
(702) 368-7767
(702) 368-7720 Facsimile
Attorney for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

TED R. BURKE; MICHAEL R and LAURETTA)	
L. KEHOE; JOHN BERTOLDO; PAUL)	Case No. A558629
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GERDA FERN BILLBE; BOB and ROBYN)	
TRESKA; MICHAEL RANDOLPH, and)	
FREDERICK WILLIS,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
LARRY L. 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,)

and)

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

Nominal Defendants.)

AFFIDAVIT OF PAUL CARUANA
IN SUPPORT OF MOTION FOR CLARIFICATION

STATE OF NEVADA)

) -ss-

COUNTY OF CLARK)

I, PAUL CARUANA, being first duly sworn upon oath depose and state as

follows:

I am over the age of 21 years, am competent to testify is called upon and make this Affidavit in support of Plaintiffs' Motion for Clarification in the above entitled action.


2. The ByLaws of Kokoweef, Inc., Article II, Sections 2 and Section 5 provide a notice of annual meeting shall be delivered to each stockholder not less than 10 days before the date of the meeting.

3. I was informed verbally by Ted Burke of the annual meeting of the shareholders of Kokoweef, Inc. and did attend said meeting on June 1, 2008.

4. I never received by mail, e-mail or facsimile, the notice of the annual meeting of the Shareholders of Kokoweef, Inc.


Shareholder of Kokoweef, Inc.

Subscribed and Sworn to before me
this 5 day of June, 2008


NOTARY PUBLIC

