

CLERK OF THE COURT

**RPLY**  
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Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants,

and

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

Nominal Defendants.

) CASE NO. A558629

) DEPT: XI

) [ELECTRONIC FILING CASE]

) **PLAINTIFFS' REPLY TO DEFENDANTS**  
) **LARRY HAHN AND HAHN'S WORLD**  
) **OF SURPLUS, INC.'S OPPOSITION TO**  
) **MOTION FOR SANCTIONS; AND EX**  
) **PARTE APPLICATION FOR ORDER**  
) **SHORTENING TIME (REGARDING**  
) **PRODUCTION OF DOCUMENTS)**

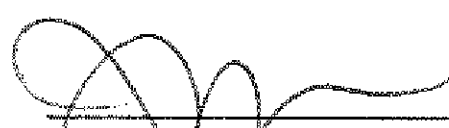
) DATE OF HEARING:

) TIME OF HEARING:

1 Plaintiffs Ted R. Burke; Michael R. and Laurretta L. Kehoe; John Bertoldo; Paul Barnard;  
2 Eddy Kravetz; Jackie and Fred Kravetz; Steven Franks; Paula Maria Barnard; Leon Golden; C.A.  
3 Murff; Gerda Fern Billbe; Bob and Robyn Treska; Michael Randolph and Frederick Willis  
4 (hereinafter collectively referred to as "Plaintiffs"), by and through their undersigned counsel of  
5 record, Robertson & Associates LLP, hereby file their Reply to Defendants Larry Hahn and  
6 Hahn's World of Surplus, Inc.'s Opposition to Motion for Sanctions; and Ex Parte Application for  
7 Order Shortening Time (Regarding Production of Documents) (hereafter "Reply").  
8

9 Dated August 29, 2011

ROBERTSON & VICK, LLP

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11   
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## 20 MEMORANDUM OF POINTS AND AUTHORITIES

### 21 I.

#### 22 INTRODUCTION

23 Plaintiffs' Reply to the Memorandum of Points and Authorities of So-Called Nominal  
24 Defendant Kokoweef, Inc. and Defendant Patrick C. Clary in Opposition to (First) Motion for  
25 Sanctions is incorporated into this Reply as if fully set forth herein or attached hereto. However,  
26 the Opposition of the Hahn Defendants requires additional argument.

27 Specifically, the Hahn Defendants' Opposition is yet another rambling jeremiad casting  
28 aspersions on Plaintiffs' counsel that have no bearing on the underlying Motion for Sanctions.  
Included in this laundry list of criticism is an oft-repeated derisive comment by counsel for the

1 Hahn Defendants, M. Nelson Segel, Esq. (hereafter "Segel") about Plaintiffs' counsel's practice  
2 in construction defect rendering her unable to properly litigate in business court.<sup>1</sup>

3  
4 **II.**

5 **PLAINTIFFS HAVE SET FORTH THE DELAYING CONDUCT OF DEFENDANTS IN**  
6 **DETAIL AND HAHN'S AND SEGEL'S CONTINUED MISSTATEMENTS OF FACT**  
7 **SHOULD NOT BE COUNTENANCED**

8 Segel, and his client, Larry Hahn (hereafter "Hahn") seem to want to both direct the  
9 litigation and admit responsibility for Kokoweef's document compliance in the litigation, yet be  
10 absolved from all wrongdoing related to the problems with the document production. Counsel  
11 for the Hahn Defendants claims that Plaintiffs have never set forth any conduct of any defendant  
12 that delayed these proceedings other than the error regarding production of documents by  
13 Kokoweef. (Mot.2:14-15.) This is a misleading statement. This latest production of documents  
14 is the latest in a string of events where Defendants have asked for more time because they have  
15 produced new documents and then failed to produce those documents in compliance with the  
16 Nevada Rules of Civil Procedures. It is absolutely astounding that Defendants can claim  
17 Plaintiffs have never set forth any conduct of delay, when trial dates have been continued solely  
18 due to the failure in their production.

19 The reality is that HAHN should not have had to make any efforts to produce these  
20 documents because they should have, in the ordinary course of business, been kept in a clean and  
21 complete order. Additionally, if organization needed to be completed, Hahn had ample time to  
22 organize these documents in advance of the evidentiary hearing. Yet, as this litigation has worn  
23 on, it is clear that this was never done, and the evidence presented to Judge Denton incomplete,  
24 and inaccurate. These were Defendants' documents to begin with and HAHN had a statutory and  
25 fiduciary duty to maintain these records in the ordinary course of business, as well as an admitted  
26 duty to ensure Kokoweef complied with the document production.

27 <sup>1</sup> The Court also practiced construction defect litigation while employed in private litigation, and,  
28 Plaintiffs' hope, finds such derisiveness the most base of uncivil practice protocol.

1 HAHN admits in his affidavit that he had a duty to maintain accurate records. He states "I  
2 do not believe it is unreasonable for me to have delegated the production of documents to other  
3 people." (Hahn Dec. ¶ 16). While it is not unreasonable to delegate production, it is  
4 unreasonable to not supervise or ensure that production was done timely and competently. For  
5 HAHN and Segel to now hide behind a veil of allegedly inadequate volunteers is ludicrous and  
6 wrong. Court records will demonstrate that Plaintiffs' allegations are accurate, not Defendants'  
7 blanket denials.

### 8 III.

#### 9 SANCTIONS ARE PROPER AGAINST HAHN, CLARY AND SEGEL AND NOT 10 AGAINST KOKOWEEF AND LARRY HAHN CAUSED THE DELAY IN 11 PRODUCTION

12 It is within this Court's inherent powers to issue sanctions against Defendant Hahn and  
13 counsel Clary and Segel. See Young v. Johnny Ribeiro Bldg, Inc., 106 Nev. 88, 787 P.2d 777  
14 (1990). See also Plaintiffs' Opposition to Defendant Kokoweef's Motion for Approval of Late-  
15 Produced Evidence, filed on April 22, 2011.

16 Again, Plaintiffs incorporate and restate their Argument regarding the assignment of  
17 Sanctions set out in their Reply to Defendant Kokoweef Inc. and Clary's Opposition. Defendants  
18 definitively and accurately state who sanctions should be against. Larry Hahn as President and  
19 Treasurer of Kokoweef is responsible for the production of documents for Kokoweef, Inc.,  
20 regardless of who he delegates the actual work to. Segel admits as much. Messrs. Clary and  
21 Segel are the attorneys who repeatedly represented to the Court that the production attempts set  
22 forth were complete. Pursuant to NRCP Rule 11, these officers of the Court are responsible for  
23 any pleading presented to the Court or to Plaintiffs. Of this there is no doubt.

24 Further, the Nevada Rules of Professional Conduct clearly set out the responsibilities of  
25 the attorneys. Nevada Rule of Professional Conduct 3.4 reads in pertinent part that a lawyer shall  
26 not:

27 (a) Unlawfully obstruct another party's access to evidence or  
28 unlawfully alter, destroy or conceal a document or other material  
having potential evidentiary value. A lawyer shall not counsel or  
assist another person to do any such act.

1 Yet, through years of protestations that all of Kokoweef's documents had been produced, this is  
2 exactly what Segel and Clary have done; obstruct access to evidence. Correspondence between  
3 counsel for Plaintiffs and Segel and Clary, attached hereto as Exhibit "1 ", demonstrate that  
4 rather than engage in any due diligence, Segel and Clary were too busy describing descriptions of  
5 document deficiencies as a "monstrosity" and engaging in other gamesmanship.

6 As to HAHN, Plaintiffs reiterate that Kokoweef, Inc. is not a charity, it is not a business  
7 like HWS that is based on the sales of merchandise or service with a single owner, or even a  
8 "mom and pop" business entity. Kokoweef is a Nevada Corporation whose sole operating capital  
9 is drawn from the investments of shareholders to the tune of over \$2.5 million dollars. Hahn is  
10 President, Treasurer and Majority Shareholder of the corporation. Hahn has a statutory and  
11 heightened fiduciary duty to maintain accurate records and comply with discovery requests and  
12 court orders. There is no excuse for his failure to do so, and his counsel, Segel, admits as much.  
13 Opp. 8:6-8. See generally Enterprise Foundry & Machine Works v. Miners' Elkhorn Coal Co.,  
14 241 Ky 779 (Ky 1931).

15 As with their Reply to Kokoweef and Clary, Hahn and Segel deny that they had anything  
16 to do with the production of documents and ask this Court to assess sanctions, if any, against  
17 only the Corporation, Kokoweef, Inc. In other words, the shareholders of Kokoweef, the victims  
18 of the wrongdoing would then be made to pay for the actions of the wrongdoers. This would  
19 truly be an injustice. See Kahn v. Dodds (In re AMERCO Deviative Litig.), 252 P.3d 681 (Nev.  
20 2011); see also Bock v. American Growth Fund Sponsors, 904 P.2d 1381 (Colo. Ct. App. 1995).

21 In the end, the circus act that is the Defendants' production can lead to only two  
22 conclusions; 1) Larry Hahn is incompetent as the President and Treasurer; or 2) Larry Hahn has  
23 taken the funds and is now trying to cover his tracks. There is no question that Hahn has a  
24 fiduciary responsibility to ensure that the records of shareholder funds paid to Kokoweef are kept  
25 in a responsible and diligent fashion and he has breached that duty.

#### 26 IV.

#### 27 DEFENDANTS HAD AN OBLIGATION TO PRODUCE ORIGINAL RECEIPTS.

28 The Hahn Defendants then complain that no request was made for them to produce

1 original receipts. This is an out and out lie as Plaintiffs' counsel wrote a letter dated November  
2 24, 2009 where she specifically requested the original receipts, and an earlier letter asking for an  
3 on-site document inspection. (See Letter of November 24, 2009 and other correspondence from  
4 Plaintiffs' regarding compliance, attached hereto as Exhibit "2"). The false accusations of Segel  
5 regarding these requests to view original documents is yet one more in his long line of factual  
6 misstatements.

7 Further, the Rules of Civil Procedure do not contemplate that a party is only required to  
8 produce copies but just the opposite in fact. Rule 34 states:

9 (a) Scope. Any party may serve on any other party a request (1) to  
10 produce and permit the party making the request, or someone  
11 acting on the requestor's behalf, to inspect and copy, any  
12 designated documents (including writings, drawings, graphs,  
13 charts, photographs, phonorecords, and other data compilations  
from which information can be obtained, translated, if necessary,  
by the respondent through detection devices into reasonably usable  
form.

14 Further NRS 52.235 specifically requires original documents when production is sought.

15 "To prove the content of a writing, recording or photograph, the  
16 original writing, recording or photograph is required, except as  
otherwise provided in this Title."

17 The best evidence rule requires production of an original document where the actual contents of  
18 that document are at issue and sought to be proved. In proving the terms of a writing, where the  
19 terms are material, the original writing must be produced unless it is shown to be unavailable for  
20 some reason other than the serious fault of the proponent. Young v. Nevada Title Co., 103 Nev.  
21 436 (Nev. 1987).

22 Defendants' argument is without basis and should be disregarded.

23 V.

24 **PLAINTIFFS' EXPERT TALON STRINGHAM DID NOT OPINE AS TO**  
25 **MISAPPROPRIATE BECAUSE IT IS NOT HIS FUNCTION.**

26 Attached hereto is a copy of the guidelines by which Mr. Stringham, and any Certified  
27 Fraud Examiner must abide. A true and correct copy of these guidelines are attached hereto as  
28 Exhibit "3 " and were also attached to Mr. Stringham's January 19, 2011 report. These



1 guidelines specifically define the CFE's role: "No opinion shall be expressed regarding the guilt  
2 or innocence of any person or party." It will be up to the finder of fact to determine HAHN's role  
3 in the misappropriation of funds. Mr. Stringham can present statements that the evidence will  
4 support indicia of fraud, which Mr. Stringham has done. Defendants' argument is again without  
5 basis, illogical and misapprehends the role of a Certified Fraud Examiner. Since Defendants  
6 have retained their own Certified Fraud Examiner, Sharon McNair, they should be aware of this  
7 guideline.

8 **VI.**

9 **THE REQUESTED SANCTIONS ARE REASONABLE.**

10 Again, Plaintiffs incorporate their Reply to the Opposition of Defendant Kokoweef and  
11 Patrick C. Clary's to Plaintiffs' Motion for Sanctions.

12 **VII.**

13 **NRS CHAPTER 90 PROVISIONS CITED BY PLAINTIFFS ARE APPLICABLE.**

14 Plaintiffs, again, incorporate their Reply to the Opposition of Defendant Kokoweef and  
15 Patrick C. Clary's to Plaintiffs' Motion for Sanctions.

16 **VIII.**

17 **SEGEL'S PERSONAL ATTACKS ARE UNWARRANTED RED HERRINGS TO**  
18 **DISTRACT FROM HIS OWN WRONGDOING**

19 Much of the Declaration of Segel is comprised of aspersions cast upon Plaintiffs' counsel.  
20 One of the highlights is Segel's contention that because Plaintiffs' counsel does not "trust a  
21 word" he says, it has cost all counsel additional fees to do what should have been done by  
22 agreement. Frankly, this should not be news to this Court, but to highlight for the Court, the  
23 most recent basis for this distrust, Plaintiffs attach hereto as Exhibit "4 ", a series of emails in  
24 which Segel solicited, an extension of the discovery cut-off, to which Plaintiffs' counsel agreed.  
25 Segel then filed a Status Report, filed December 8, 2010, in which he asked the Court to maintain  
26 the November 17, 2011 discovery cut-off, for which he had solicited an extension. On numerous  
27 subsequent occasions, Segel has admitted that he was not "proud" of this conduct. Further  
28 instances of such unprofessional conduct by Segel, along with Clary, are manifest, but this is the

1 point at which it was clear Plaintiffs simply could not trust a word said by Segel. See Exhibit "5"  
2 containing further emails between counsel demonstrating Segel's misstatements of fact regarding  
3 the history of communication in this litigation.

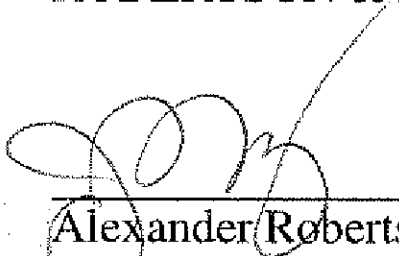
4 **IX.**

5 **CONCLUSION**

6 Based upon the foregoing, Plaintiffs respectfully pray that their Motion for Sanctions be  
7 granted against Defendants Hahn and Clary and Counsel Segel for the full amount requested.

8  
9 Dated August 29, 2011

ROBERTSON & ASSOCIATES, LLP

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# EXHIBIT 1

Law Offices of  
**Patrick C. Clary, Chartered**  
A Professional Corporation  
CITY CENTER WEST, SUITE 410  
7201 WEST LAKE MEAD BOULEVARD  
LAS VEGAS, NEVADA 89128  
May 7, 2010

Telephone: 702.382.0813  
Fax: 702.382.7277  
email: patclary@patclarylawn.com  
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Email: jttaylor@rvcdlaw.com  
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FILE #	<u>5081.01</u>
INDEX: YES	<u>NO</u>
CALENDAR:	
DATE 1:	
DATE 2:	
BY:	
OTHER:	<u>[Signature]</u>
ATTORNEY:	<u>[Signature]</u>
ROUTE TO:	

Branch Office  
543 Plumas Street  
Reno, Nevada 89509  
Telephone: 775.348.0099  
Fax: 775.348.1738

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

Dear Jennifer:

This is my best attempt to respond to your monstrosity of a second letter to me dated April 29, 2010 ("your 11-page letter"). Your 11-page letter is in sharp contrast to the first letter you wrote to me on April 29, 2010 in response to my letter to you of April 28, 2010. In your first April 29<sup>th</sup> letter, you indicated that, in response to my inquiry, neither you nor your clients had any copies of corporate minutes of Kokoweef, Inc. ("Kokoweef") for the period of August 2007 to date, so I supplied copies thereof to you also on April 29<sup>th</sup> in order that the continued deposition of "the corporate designee on the custody and keeping of the records of Kokoweef" could proceed as scheduled on August 30<sup>th</sup>. Nevertheless, and in direct violation of the Court's Order Regarding Plaintiff's Motion to Compel entered and filed on April 22, 2010 ("the Subject Order"), which all counsel had expressly approved, you unilaterally and at the last minute cancelled the deposition. Thus, it is you, rather than my client or me, who is not in compliance with the Subject Order.

Contrary to your erroneous allegations, I have acted in good faith in attempting to get all documents to you that are covered by the subject Order and previous to that in producing the documents that were covered by the request for production of documents contained within your previous Notice of Deposition served on August 14, 2009.

What you have forgotten or choose to ignore is that voluminous documents were produced during the so-called "audit" period (although there was never any audit) to your predecessor counsel, Neil Beller, before the filing of the so-called derivative complaint in this case, and then additional documents were, as I recall, also produced. Do you have copies of those documents? Do you even know what they consist of? If you do, did you ever bate-stamp them? If not, why not? We should not have to produce these same documents a second time.

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Since it is obvious to me that you have not acted in good faith during the discovery process, I agree with Nelson Segel that the purpose of your continuing conduct of harassment, which has and still consists of a "fishing expedition" not permitted under applicable law, is to overwhelm Kokoweef and its counsel as well as Mr. Hahn and his affiliate defendant and their counsel and ultimately to destroy Kokoweef.

With respect to the second full paragraph of your 11-page letter, your belief stated therein is incorrect. I know that corporate minutes are covered by the overly broad description contained in Request No. 14. The fact is that we have previously produced corporate minutes, so I properly inquired of you what corporate minutes you requested and you responded by advising me of the corporate minutes that you stated you and your clients that they didn't have and demanded that they be produced, and I complied.

It remains to be seen whether documents identified in the Directory (as defined by you) have not been produced. There are, of course, documents that were previously produced before you requested that subsequent documents be bated-stamped which were not bate-stamped. Again, why didn't you bate-stamp them yourself? No documents were ever "dumped" on Plaintiffs as you wrongfully allege, and they were identified at the time they were produced. Either they were produced to your previous counsel, who never objected to the form of productions made to him, or, if they were produced after you and your firm came into the case and not bated-stamped, either you weren't paying attention or you never requested then that they be bate-stamped.

With respect to your diatribe in the middle of page 3 of your 11-page letter, the responses are correct because (1) there are no "joint venture agreements operating agreements, partnership agreements, limited liability company agreements" and (2) the only document that we believe could fall into this category would be the idiot agreement that was given little or no consideration with the phoney company, Mayan Gold, that Ted Burke introduced and proposed.

Responding to the first two paragraphs on page 4 of your 11-page letter, the reason that the documents you reference are "Scant" in number is that that is all that there are! The rest of your comments don't make sense. Suffice it to say that, except for documents produced when you were not counsel, all of the documents that have been produced on computer discs are set forth in the Directory to the best of our knowledge, information and belief.

Your comments on the bottom of page 4 and the top of page 5 of your 11-page letter are also misleading, because the expense payments made are recorded in the disc containing Kokoweef's Quick Books program. I am

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Robertson & Vick, LLP  
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informed that the list of mining claims, which is a matter of public record, was produced on a one-page hard document that was provided to you but was not on a disc and not bated-stamped. If you can't find it, we will give you another copy. The only "reorganization documents," which consist of the Agreement and Plan of Reorganization dated November 20, 2005 and the Closing Agreement, Assignment and Receipt dated August 31, 2006, have been in your clients' possession for years; otherwise, you wouldn't even know about the transactions covered by them. In case you haven't reviewed the corporate minutes we produced last week, copies of both are included therein.

With respect to the second paragraph on page 5 of your 11-page letter, the referenced documents are contained in the "19,000 documents" (according to you) that you scanned and placed on discs. You will have to make your own lists of those documents. Incidentally, you still haven't provided us with copies of those discs as you promised. We will anticipate receiving the disks on or before Friday, May 14, 2010. If there is some reason that they cannot be produced, please let me know as soon as possible.

As to the last full paragraph on page 5 of your 11-page letter, see "QUICK BOOKS." As to documents of Mr. Hahn and his affiliated company, you will have to speak to Nelson Segel.

Referring to page 6 of your 11-page letter, I have been unable to speak to Laurie Wright as she is, and was prior to the delivery of your letter, out of town for her employer, but we believe that all of the documents listed as I a) 1-16) are in the discs supplied with the response to request for production of documents served April 14, 2010. Ms. Wright is returning to Las Vegas on or about Monday, May 10, 2010; however, as stated below I will be out of town that entire week; ; therefore, I will not be able to speak to her about this issue until I return.

As to I b) 1), the documents contained therein, consisting of documents reflecting visitors to the mine and letters from old stockholders all from 1988. Documents in I b) 2-3) consist of duplicates work sheets that were scanned by you in the stockholders' files. We did not produce item no I b) 4), because it is merely a corporate form book from 1986 and contains no corporate documents of Kokoweef. As to "I b) 5-6)," these records are included in the Directory as documents bated-stamped as "EIN" and clearly described as for '03 and '04. No. I b) 7) was not produced because it is a virtually empty binder containing three pages that mean nothing. No. I b) 8) are documents produced at the evidentiary hearing and are clearly identified as stated in the Directory. No. I b) 9) was not produced because they are court documents filed in this case. No. I b) 10) contains documents that are identified in the Directory. Nos. I

b) 11) and 12) were not produced because they are books containing corporate minutes for 1884-1990 and 1990-1997, respectively. Nos. I) b) 13-21) were not produced because they were not requested, provided, however, that I agree that proxies (although not specifically named in the Request) may be interpreted as corporate records that should have been produced, but, accordingly, if you want copies of these proxies we will produce them, , since there are thousands of them, you will have to make the same type of arrangements as you recently did to scan the voluminous shareholder files.

No. I c) 1-3), consisting of (1) of photographs of rock, (2) assays, and (3) a safety book for BLM No. I c) 4) contains an assay, which was not produced because it was not requested and a document relating to Mayan Gold, which is referred to above. No. I) c) 5) contains documents relating to a wind/solar system, which was not produced because it was not requested. No. I c) 6) contains documents relating to underground procedure, which was not produced because it was not requested. No. I c) 7) contains photographs of a drill rig, which was not produced because they were not requested. No. I c) 8) contains blank, unused stock certificates of Explorations Incorporated of Nevada ("EIN"), which was not produced because they were not requested. No. I c) 9) are in the Director so described. Nos. I c) 10-13) speak for themselves as copies of court documents in this lawsuit. No. I c) 16) contains unfiled and duplicate court documents in this case. No. I c) 17) contains a photograph of the mail-out of the stockholders' meeting for '09 an operating manual, solar information, report on Drill Hole 13, and an explosive permit, which were not produced because they were not requested.

No. I d) 1) contains maps, the 1993 newsletter, a geological report by Hewitt, and a parts catalogue, which were not produced because they were not requested. No. I d) 2) contains drill rig information, which was not produced because it was not requested. No. I d) 3) contains duplicate copies from the bank that were subpoenaed in this case in 2009 which were not produced because you already have them! No. I d) 4) consist of the green and burgundy books containing the Quick Books records that are identified in the Directory, while the box contains copies of documents which Ted Burke put on the unauthorized "Kokoweef.com" web site, which were not produced because they were not requested. No. I d) 5 is an empty black binder. No. I d) 6) contains miscellaneous court documents in this case. No. I d) 7) contains a copy of an assay report, which Ted Burke possesses, and extra copies of documents that have been previously produced.

I e) "Column 1:" No. 1) contains maps, which were not produced because they were not requested. No. 2) contains receipts for 2003-2006, which

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are set forth in the Directory. No. 3) contains tools, which were not produced because they were not requested.

I e) "Column 2:" The documents in no. 1 are identified in the Directory. No. 2 contains extra copies of old newsletters, which were not produced because they were not requested. No. 3 contains obsolete miscellaneous papers relating to mining claims covering the period 1991-2000, which were not produced because they were not requested. Nos. 4-6) are identified in the Directory.

I e) "Two Boxes next to shelf:" No. 1) is empty. No. 2) contain receipts that were produced and are listed in the Directory.

I e) The "Box - at back of closet with Binders & Books" contains old Mining manuals, books and catalogues, which were not produced because they were not requested.

I f) "Shelves at back of closet:" No. 2 contains paid receipts covering 2003-2006 which are included in the Directory.

No. II a) contains reference materials, tools, empty file folders, and old unfiled, unorganized documents, which were not produced because they were not requested. No. II b) contains shareholder records that were scanned by you. With respect to II c), the bottom drawer is empty, because its contents set forth on the label on the drawer were moved up to the top drawer, and those shareholders records were scanned by you, except for blank Kokoweef office forms remaining in the bottom drawer, which were not produced because they were not requested.

III a), as stated, contains "Stock Certificates and Ledgers," which were scanned by you except for returned EIN stock certificates that were exchanged for Kokoweef stock certificates, but the information contained there is set forth in the stockholder files, which were scanned by you.

I have no objection to your receiving a copy of the spread sheets, provided, however, that you understand that they are not as current and up-to-date as the information that you received in the shareholder files.

With respect to the "unreadable receipts" referred to in the second full paragraph on page 9 of your 11-page letter, during the so-called "audit" period, Mr. Beller made arrangements with Kokoweef for removal of various corporate petty cash receipts and had them scanned. There were certain of those receipts that were not readable because of the passage of time, and, therefore, they were separated from the readable receipts. Those unreadable receipts were apparently not returned and cannot now be located. We will continue our efforts, however, to find them and will advise if we do.



Jennifer L. Taylor, Esq.  
Robertson & Vick, LLP  
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Once again Laurie Wright is not available right now; consequently, I am not able at this time to comment on the content of the third and fourth full paragraphs of your 11-page letter. Nevertheless, I can assure that, with respect to the remainder of the preceding set forth at the top of page 10 of your 11-page letter, there are no Kokoweef documents in any safe, where none have been since on or about September 3, 2008.

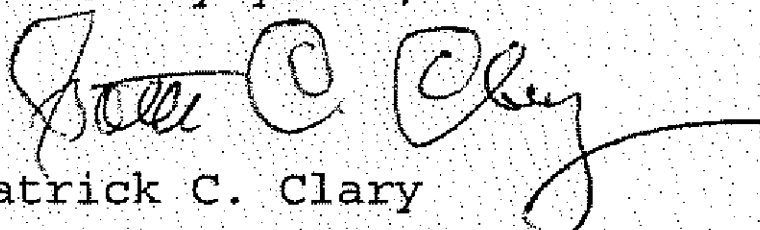
With respect to the first full paragraph on page 10 of your 11-page letter, I am informed that the two shareholder lists were offered to you when you were in Kokoweef's office and that your reply was that you would ask Nelson Segel for the lists. Did you ask Nelson? If not, are you now asking me for them? If so, you can have them. I don't appreciate your misleading commentary that would suggest that we were deliberately withholding them from you.

With respect to the last half of page 10 of your 11-page letter, my comments above regarding Laurie Wrights being unavailable also apply.

I cannot figure out what you mean or what you want me to do in the generalized comments contained in the first and second full paragraphs on page 11 of your 11-page letter. As to the third full paragraph on page 10, your continuing threats and your arbitrary and unauthorized deadline of May 10, 2010, when in fact it is you, not the undersigned, who is violation of the aforesaid Order of the court, are also not appreciated.

as I alluded to above, on Monday, May 10, 2010, I will be flying early in the morning to Washington, D. C. to attend the CARE National Conference and Celebration and won't return to Las Vegas until the following Monday, May 17, 2010. Please govern yourself accordingly.

Sincerely yours,

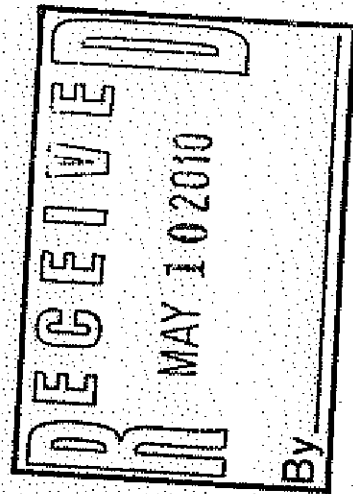
  
Patrick C. Clary

PCC:lf

cc: M Nelson Segel, Esq.  
Larry Hahn, President  
Kokoweef, Inc.



LAW OFFICES OF  
**PATRICK C. CLARY, CHARTERED**  
A PROFESSIONAL CORPORATION  
CITY CENTER WEST, SUITE 410  
7201 WEST LAKE MEAD BLVD., STE 410  
LAS VEGAS, NEVADA 89128



Jennifer L. Taylor, Esq.  
Robertson & Vick, LLP  
401 North Buffalo Drive, Suite 202  
Las Vegas, Nevada 89145



LAW OFFICE OF  
**M NELSON SEGEL, ESQUIRE**

624 SOUTH 9<sup>TH</sup> STREET  
LAS VEGAS, NEVADA 89101  
TELEPHONE (702) 385-5266  
FAX (702) 382-2967  
EMAIL: [nelson@nelsonsegellaw.com](mailto:nelson@nelsonsegellaw.com)

April 30, 2010

VIA EMAIL

Jennifer Taylor, Esquire  
ROBERTSON & VICK  
401 North Buffalo Drive  
Suite 202  
Las Vegas, Nevada 89145

Re: ***HAHN ET AL. ADV BURKE ET AL.***

Dear Ms. Taylor:

We are in receipt of your various emails and letters regarding the purported deficiencies in the production by Kokoweef, Inc. Without commenting on the contents of said letters, or acknowledging that Kokoweef did not properly respond, it is Kokoweef, not my clients, who were responsible for the production. I appreciate your keeping me in the loop and I believe it is appropriate.

I will make one observation. It appears that your requests are overbroad and burdensome. Had I responded, there would have been multiple objections. It is my belief that Kokoweef attempted to respond to requests.

I allowed you unfettered access to the "inner office" of Kokoweef. If you recall, our original agreement was to limit you to the "outer office." You were allowed to literally make a diagram of the entire "inner office." This should make it clear that Kokoweef had a desire to open and allow unfettered access.

Your background in CD cases makes it clear that you have a desire to go on a "fishing expedition" and to cause such expense to the defendants to bury them. You have essentially sought every piece of paper that was generated by Kokoweef or its predecessor EIN from their inception. That is likely to happen! However, this will not be a positive result for your clients.

Numerous times, I have requested a settlement offer, what your clients wanted, or at minimum, a computation of any category of damages claimed by your clients. No such information has ever been provided to us. After the hearing on your discovery motion, I contacted Mr. Robertson and you. I asked what your clients wanted. Mr. Robertson stated, "I am not authorized to tell you!"

While we were at the Kokoweef offices, I believe on Monday, April 19, 2010, I asked you what your clients wanted." You stated, in an agitated voice, that I had asked you this numerous times, you had many matters

Jennifer Taylor, Esquire  
April 30, 2010  
Page Two

with which you had to deal and you could not address it.

I am also not happy with your unilateral termination of the deposition that was scheduled twice and ordered by Judge Gonzalez to take place. It is clear that your clients do not have a desire to resolve this matter or to assist Kokoweef in ridding itself of an officer who allegedly acted improperly. Your clients' goals are to kill Kokoweef!

This letter shall serve as a formal demand for the immediate disclosure of your client's damages. Since you have set a deadline for performance by Kokoweef of May 10, 2010, we will use said date for your responses. It is the desire of my clients to end this litigation. It is clear that the Plaintiffs prefer to prolong it and avoid the true issues.

I look forward to hearing from you.

With great concern,

Ms\M Nelson Segel

M Nelson Segel

MNS:dlw

cc: Mr. Larry Hahn  
Patrick C. Clary, Esquire

Law Offices of  
**Patrick C. Clary, Chartered**  
A Professional Corporation  
CITY CENTER WEST, SUITE 410  
7201 WEST LAKE MEAD BOULEVARD  
LAS VEGAS, NEVADA 89128

Telephone: 702.382.0813  
Fax: 702.382.7277  
email: patclary@patclarylaw.com  
www.patclarylaw.com

September 23, 2009

Branch Office  
543 Plumas Street  
Reno, Nevada 89509  
Telephone: 775.348.0099  
Fax: 775.348.1738

Via email taylor@RVCDLAW.COM &  
Original by Regular U. S. Mail

Jennifer L. Taylor, Esq.  
Robertson & Vick, LLP  
401 North Buffalo Drive, Suite 202  
Las Vegas, Nevada 89145

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

Dear Jennifer:

Please consider this letter as my formal response to your emails of September 14 and 18 and your letters of September 16 and 18, 2009. My inability to appear at the time of the deposition noticed by you was strictly because of emergencies in which I was engaged. I regret, however, that the exigencies of one of those emergencies caused me to give you such late notice; consequently, in the spirit of cooperation and fair play, I am willing to reimburse you for the court reporter's appearance fee if it is a reasonable amount.

I did take a call from you on September 18<sup>th</sup>, and, as I stated in my email of September 13, we did "try to work out or differences on this subject, as I believe all of us have the obligations to do anyway, so that we might be able to avoid having to go back to the Discovery Commissioner." I also stated in that telephone conversation that, irrespective of the propriety of the procedure you employed, you are entitled to the discovery you are seeking. You wrongly accused me of having taken no action with respect to your discovery request, and you also stated in your September 18<sup>th</sup> email that "this appears to me as if you have never previously forwarded these Requests or the Depo Notice to your client." Since then I have been able to confirm that your accusation is untrue. In fact representatives of my client, Kokoweef, Inc., Nelson Segel, and I discussed all of the categories of documents you set forth in your discovery request in a meeting at my office shortly after it was received, and, with one exception, all of those documents were included in the computer discs that were delivered to you quite sometime ago. Apparently, you have not even bothered to look on them, and you cannot blame me for that.

FILE #	<u>5081.01</u>
INDEX: YES	<u>NO</u>
CALENDAR:	
DATE 1:	<u>                    </u>
DATE 2:	<u>                    </u>
BY:	<u>                    </u>
OTHER:	<u>                    </u>
ATTORNEY:	<u>                    </u>
ROUTE TO:	<u>                    </u>

Jennifer L. Taylor, Esq.  
Robertson & Vick, LLP  
401 North Buffalo Drive  
September 23, 2009 - Page Two

---

The one exception is the request for the names, addresses, and telephone numbers of the stockholders of Kokoweef, Inc. and copies of all stock certificates.

I still maintain that insertion of a request for production of documents (without calling it that) in your "Notice of Deposition pursuant to NRCP 30(b)(6) of the Custodian and Keeper of Records of Kokoweef, Inc." was and is procedurally defective. Your quotation of Rule 30(b)(6) in your email of September 18<sup>th</sup> does not support your position. I suggest that you reread it again, because it clearly states as follows:

*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. (Emphasis supplied.)*

An insertion in a deposition notice is not the equivalent or an "accompanying" document, and you did not follow the procedure outlined in Rule 34. Neither does Rule 30(b)(6), cited in the heading of your deposition notice, support your position. Again, with respect to the aforesaid exception, had you served me with a proper Request for Production of Documents under Rule 34, I would have timely served on you a written objection to the request for the information and documentation regarding the stockholders.

Nevertheless, I presently plan to be present with the appropriate person designated by Kokoweef, Inc. for the deposition that you now have scheduled for Monday, October 5, 2009, at 9:00 a.m. at your office; however, since you have been provided with access to all the documents you requested (with the foregoing exception), I am not planning to have the witness bring any of those documents.

Sincerely yours,



Patrick C. Clary

PCC:bhc

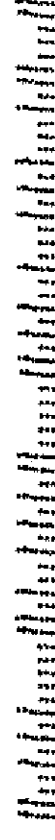
cc: M Nelson Segel, Esq.

LAW OFFICES OF  
**PATRICK C. CLARY, CHARTERED**  
A PROFESSIONAL CORPORATION  
CITY CENTER WEST, SUITE 410  
7201 WEST LAKE MEAD BLVD., STE 410  
LAS VEGAS, NEVADA 89128



Jennifer L. Taylor, Esq.  
Robertson & Vick, LLP  
401 North Buffalo Drive, Suite 202  
Las Vegas, Nevada 89145

89145+0237



# EXHIBIT 2



# 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](http://www.rvcdlaw.com)

November 24, 2009

**Via United States Mail and Facsimile:**

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

Facsimile: (702) 382-7277

Nelson M. Segel, Esq.

624 S. 9<sup>th</sup> Street

Las Vegas, Nevada 89101

Facsimile: (702) 382-2967

**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

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Patrick C. Clary  
Nelson Segel  
November 24, 2009  
Page 2

**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.

Patrick C. Clary  
Nelson Segel  
November 24, 2009  
Page 5

**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.

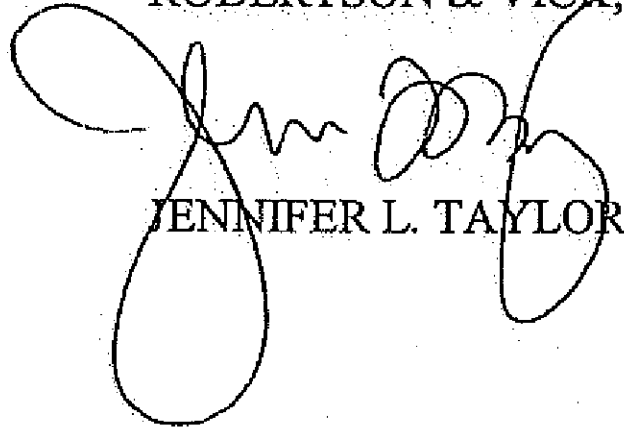
Finally, during the October 5, 2009 deposition, you agreed to allow me and our expert, Talon Stringham, to further inspect the Kokoweef offices, and the documents contained therein. We are requesting that this inspection go forward on December 7, 2009. As Mr. Stringham has to come down from Utah to conduct 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 fluid and cursive, with a large loop at the end.

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
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**ROBERTSON & VICK, LLP**

401 N. Buffalo Dr., Suite 202

Las Vegas, Nevada 89145

Telephone: (702) 247-4661

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November 24, 2009

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Number of pages in transmission, including cover sheet: 7

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
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**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

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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).

# 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](http://www.rvcdlaw.com)

April 29, 2010

**VIA FACSIMILE and EMAIL**

Patrick C. Clary

Law Offices of Patrick C. Clary, Chtd.

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:

I am in receipt of your letter of last night regarding the production of corporate minutes. Corporate minutes were one of the items listed in Plaintiffs' Request for Production No. 15. Accordingly, I would have expected that all corporate minutes would have been produced and delineated as part of your response to Request No. 15. After reviewing the index attached to Kokoweef's Responses to Plaintiffs' Request for Production and Kokoweef's prior document disclosures, it appears that no corporate minutes have ever been produced by Kokoweef pursuant to NRCP 16.1, NRCP 34, or Judge Gonzales' Order on Plaintiffs' Motion to Compel.

Despite Kokoweef's failure to comply with NRCP 16.1, NRCP 34, or Judge Gonzales' Order on Plaintiffs' Motion to Compel in regard to corporate minutes as requested in Plaintiffs' Request for Production No. 15, I discussed with my clients the extent to which they may have corporate minutes. I am informed that they have no corporate minutes dated after August 2007.

LOS ANGELES

LAS VEGAS

ALBUQUERQUE

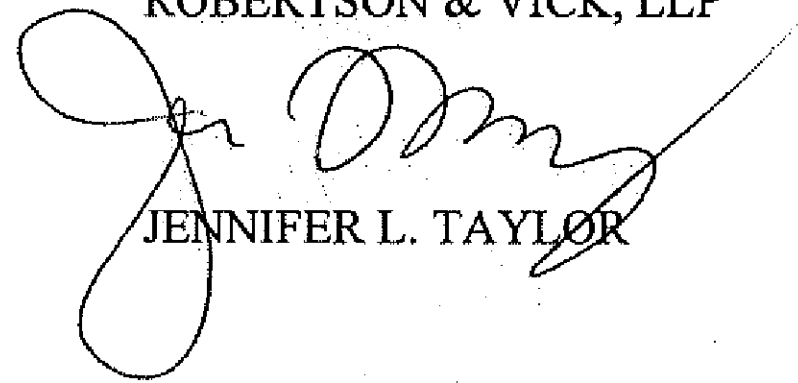
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Patrick C. Clary  
April 29, 2010  
Page 2

Therefore, please formally supplement your Responses to Requests for Production, as required by NRCP 16.1, with a complete set of corporate minutes dated August 2007, and beyond.

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

cc: Nelson Segel, Esq.

## Transaction Report

Send

Transaction(s) completed

No.	TX	Date/Time	Destination	Duration	P. #	Result	Mode
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401 N. Buffalo Dr., Suite 202

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Telephone: (702) 247-4661

Facsimile: (702) 247-6227

April 29, 2010

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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 •**

Response letter regarding production of corporate minutes (attached).

## Transaction Report

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**ROBERTSON & VICK, LLP**

401 N. Buffalo Dr., Suite 202

Las Vegas, Nevada 89145

Telephone: (702) 247-4661

Facsimile: (702) 247-6227

April 29, 2010

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Facsimile No. 382-7277

Telephone No. 382-0813

To: Nelson Segel, Esq.

Facsimile No. 382-2967

Telephone No. 385-6266

From: Jennifer L. Taylor

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

File No.: 5081.01

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**• COMMENTS •**

Response letter regarding production of corporate minutes (attached).

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**• COMMENTS •**

**Response letter regarding production of corporate minutes (attached).**



# Robertson & Vick<sup>LLP</sup>

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April 29, 2010

**Via United States Mail, Electronic Mail and Facsimile:**

Patrick C. Clary

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Clary Gibson Lowry LLP

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Facsimile: (702) 382-7277

Nelson M. Segel, Esq.

624 S. 9<sup>th</sup> Street

Las Vegas, Nevada 89101

Facsimile: (702) 382-2967

**Re: Burke, et al. v. Hahn, et al.**

**District Court Case No. A558629**

**Our File No.: 5081.01**

***Compliance with Court Order regarding Motion to Compel***

Dear Messrs. Clary and Segel:

You and your client have still failed to fully comply with Judge Gonzales' Order granting Plaintiffs' Motion to Compel further production of documents. Your Responses to Plaintiffs' Request for Production are evasive and incomplete, your production of documents is incomplete, and last night Mr. Clary faxed me a letter, after hours, stating it had just "occurred" to him that Kokoweef had failed to produce all of its corporate minutes. Further, our clients have just incurred substantial costs to copy more than 19,000 records at Kokoweef's office over the past few weeks, and for you to suddenly recall that you failed to produce all of the relevant records, twenty four (24) hours before the deposition of your client's custodian of records, is inexcusable. As such, we will not be going forward with the deposition scheduled for tomorrow, April 30, 2010, as it would be a further waste of our time and our clients' money. Once Kokoweef has

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LAS VEGAS

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fully complied with the Court's Order, we will re-notice this deposition so that it can be completed in one session, and with all of the court-ordered documents.

Therefore, we are requesting that Kokoweef properly comply with NRCP 16.1, NRCP 34 and Judge Gonzales' Order no later than May 10, 2010. Should you and your client fail to comply, we will be forced to file a request for an Order to Show Cause why Kokoweef should not be held in contempt of Judge Gonzales' Order Granting Plaintiffs' Motion to Compel.

The specifics of Kokoweef's non-compliance follows. Kokoweef has failed to produce documents responsive to Plaintiffs' Requests for Production of Documents that exist at the Kokoweef office and that were either identified during the deposition of Laurie Wright or identified during the onsite inspection and copying of documents allegedly responsive to Req. No. 24. This belief is confirmed by your letter of April 28, 2010, sent after 6:00 p.m., stating that Kokoweef had not produced its corporate minutes.

Additionally, in reviewing Kokoweef's Responses to Plaintiffs' Requests for Production of Documents (the "Responses"), including the Kokoweef Directory of Documents Produced (the "Directory"), it appears that:

- 1) documents identified in the Directory have not been produced;
- 2) documents previously produced with bates-numbers have not been listed in the Directory; or
- 3) that documents previously dumped on Plaintiffs have neither been bates-stamped nor identified as responsive to each of Plaintiffs' Requests for Production as required by NRCP 34.

In analyzing the Responses and the Directory, we reviewed the following:

- 1) A disc titled as "Kokoweef Inc. Taylor Copy, 7-2009, COR" (the "July disc");
- 2) A disc titled "Kokoweef Inc. Files - Copy for Jennifer L. Taylor, 10-2009, included: KI 09 Paperwork, Receipts, KI 08 Tax Return, KI Fixed Asset Report, Other Tax Information" (the "October disc");
- 3) The Quick Books disc produced to counsel for Plaintiffs on October 5, 2009; and
- 4) A disc titled "KI Files 4-12-10, Paid in 07 Receipts, Added, KI Info: Certs, Transfers, Shareholders" (the "April disc");
- 5) The NRCP 16.1 Disclosures by all Defendants.
- 6) Unidentified documents in a series of six binders which are not organized in any way to comply with the Court's Order or respond to Plaintiffs'

Requests for Production, and which have no bates-stamps or other identifying documents, no custodian of records affidavit or other document indicating authenticity, and no pleading containing the signature of any counsel accompanies these documents;

**The Responses remain incomplete, and documents identified  
in the Directory have not been produced**

The Responses remain significantly incomplete, and in comparing the Responses and the Directory, it is patently clear that documents have not been produced.

For example, in regard to Response No. 15, which was the subject of correspondence earlier today, Kokoweef responds:

“There are no joint venture agreements, operating agreements, partnership agreements, limited liability company agreements known to exist. See Response to Request No. 1 above.”

When you look at Response to Request No. 1, it states:

“All requested documents have been heretofore produced and delivered to the Plaintiffs’ attorney and, except for the 2008 Return, are identified in the Directory of Documents Produced (the “Directory”) attached hereto as Exhibit A and incorporated herein by this reference.”

When you refer to the Directory, there is nothing in the “Matches Request #” column for Request No. 15, and the only item which is delineated as “Matches Request #” for Request No. 1 is “EIN\_07\_tax\_returns”, which is not responsive to Request No. 15, which sought:

“Any business agreements, corporate documents, organizations documents, articles of incorporation, by-laws, minutes, joint venture agreements, operating agreements, partnership agreements, limited liability company agreements, documents amending any such documents, or other such similar documents or writings pertaining to any type of organization.”

This non-responsive cross-referencing is systemic in the Responses. As a further example, Req. No. 2 seeks, in summary, banking records. Kokoweef’s responses states:

“There were and are no savings accounts, money market accounts, time deposit accounts, retirement accounts, pension accounts, profits sharing accounts, stock

Patrick C. Clary  
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**purchase loan accounts, annuity accounts, stock accounts, bond accounts, ready assets accounts, mutual funds accounts, loan accounts or mortgage accounts. All other requested documents have previously been produced on computer discs heretofore delivered to Plaintiffs' attorneys and are identified in the Directory."**

(Emphasis added). However, when you review the Directory, there is only one entry indicating "Matches Request #" 2 that has actually been produced on either the July, October or April discs. For your ease of reference, I have attached notes from our review of the Directory showing the scant number of documents that were actually "previously" produced on computer discs. Any documents identified in the July, October or April discs have been noted in handwriting.

The same deficiency exists in your Responses to Request Nos. 3, 4, 5, 7, 8, 18 and 20. The Response to Request No. 3 refers me back to the Response to Request No. 2. The Response to Request No. 4, refers me back to Request No. 3. The Response to Request No. 5 refers me back to Request No. 3. The Response to Req. No. 18 refers me to the Response to Req. No. 7. The Response to Req. Nos. 7 and 8 refer me to the Response to Req. No. 26, which refers me back to the Response to Req. No. 2, for which documents identified have not been produced. Similarly, the Response to Req. No. 20 refers me back to Req. No. 2. And, when I review the Directory, Kokoweef has only produced a scant number of the documents identified in the Directory as responsive to Request Nos. 2, 3-5, 7-8, 18, and 26.

Response to Request No. 13 is also non-compliant. In the response to Request No. 13, Kokoweef responds:

**"All documents requested have been heretofore produced as set forth in Response No. 2 and are identified in the Directory. See also Responses to Request Nos. 14 and 24."**

If I refer to the Directory, the only entry in the "Matches Request #" Column that refers to Req. No. 13 is the Mayan Gold correspondence. Are documents identified in the Response and Directory as responsive to Request No. 2 also, then, responsive to Request No. 13? If so, they have not been produced.

Kokoweef's Response to Req. No. 21 is similarly problematic. Kokoweef responds that "no documents exist", in regard to prepaid expenses for Kokoweef, "except with respect to payments relating to mining claims and insurance." Yet, no expenses related to mining claims and insurance are produced or referred to in the Directory.

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Further, Kokoweef's Responses to Req. Nos. 23 and 25 are also non-compliant. The Response to Req. No. 23 simply states, in regard to a request for production of mining claims, "All requested documents have been heretofore produced and delivered to the Plaintiffs' attorneys." Yet, the Response to Req. No. 23 doesn't even provide a reference to the Directory or to a bates-stamped document. The Response to Req. No. 25 presents the same issue of non-compliance. In response to a request for all documents related to the "Agreement and Plan of Reorganization", Kokoweef simply states: "All requested documents have been heretofore produced and delivered to the Plaintiffs' attorneys." However, there is no bates-stamp reference and no reference in the Directory.

Kokoweef has not complied with Request No. 14. As discussed throughout this letter, Plaintiffs are aware of several other "stockholder lists or ledgers outlining the name, address, phone number, and number of shares held for each stockholder from any time." Laurie Wright testified that her father kept a disc reflecting this information in his Hahn's World of Surplus office safe. Two additional lists were identified during the on-site copying at Kokoweef. Therefore, the Response is not accurate or compliant.

Further, as you are aware, Plaintiffs had to go on site at the Kokoweef office to obtain copies of these documents. Plaintiffs were made aware, for the first, time that Kokoweef's "time constraints" prevented production of these documents on April 13, 2010 at approximately 3:30pm. Plaintiffs' counsel are still reviewing the nearly 19,000 pages that they copied, at their sole expense. Had Kokoweef apprised Plaintiffs' that it intended to permit "inspection" and not produce these documents prior to the eve of the April 14, 2010 Court ordered production deadline, Plaintiffs' counsel could have obtained access to review these documents earlier. As it is, Plaintiffs' counsel are still reviewing these documents to determine if there are any deficiencies in the documents copied.

Additionally, in reviewing the documents produced, it does not appear that records from creditors, as delineated in Request No. 7, 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. No such documents have been produced in the Responses.

**A significantly larger volume of documents were observed at the Kokoweef offices than have been produced to Plaintiffs**

In spending three and a half days, between 4/16/01 and 4/21/10 at the Kokoweef offices, it appears that there are far more documents than have been produced. Since we were only

permitted on site to copy shareholder records, I did not even request inspection of the numerous binders, bound record books, envelopes and boxes of documents I observed in the office. Specifically, I observed the following in plain view at the Kokoweef offices:

I. A closet containing four long shelves along the main part of the closet, three smaller shelves at the back of the closet, and boxes stacked along the floor of the closet.

a) Top shelf: 16 binders

- 1) Co 1,2,3
- 2) Co 4, 5
- 3) Co 5 cont'd
- 4) Co 5 cont'd
- 5) Co 5 cont'd
- 6) Co 5 cont'd
- 7) Co 6
- 8) Audit 2004 - 2007/US Bank Checks & Statements
- 9) EIN, Inc. - Financials 05-06
- 10) Exp. 2005-06
- 11) Kokoweef 2005-06 (cont'd)
- 12) Evidentiary Hearing - Checks, Receipts Paid Outs, Hahn's Surplus Checks Receipts 2003-2006
- 13) Kokoweef, Inc. 07
- 14) Explorations 11/07 - 06/09
- 15) EIN/KI Receipts '09; Misc. George Owen '08
- 16) EIN/KI Receipts '04, '08 ('07 covered up)

b) Second shelf from top:

- 1) Black notebook
- 2) Dick's Stock Certificate Original Work Sheets
- 3) Dick's Original Stock Certificate Work Sheets
- 4) Complete Book of Corporate Forms
- 5) Explorations of NV, Inc. 2003 - \_\_\_\_\_
- 6) Explorations of NV, Inc. 2004
- 7) Investors Total
- 8) Paid outs - Audit Evidentiary Hearing 2003, 2004, 2005, 2006, 2007
- 9) Summons March 2008 Audit
- 10) Check & Receipts 2003 - 2004
- 11) Book 1
- 12) Book 2



- 13) Minutes
- 14) Proxy - 3/26/08 - Remove-Burke-Keyhoe-Dut.
- 15) Proxies Audit June 2008
- 16) Proxy Aug 2007
- 17) Unlabeled Green file portfolio
- 18) Green cardboard folder - Proxies June '08
- 19) News Letters - '06, '07, '08
- 20) Proxy 09
- 21) Clear box - front sheet "2009 Board Election - 6/7/09"

c) Third Shelf from Top

- 1) Pat's pictures
- 2) Unlabeled folders
- 3) "Notice for Exploratory Drilling" - 7/10/00
- 4) Reference INU Explorations
- 5) Reference INU Data
- 6) Unlabeled Black Binder
- 7) "Kokoweef" - handwritten block letters
- 8) Manilla envelope - "Explorations, Inc. Stock Certificates"
- 9) Original Receipts - Explorations Checks 2005 2006
- 10) Law Suit 7-11-07 to 11-17-08
- 11) 2008 Lawsuit
- 12) Lawsuit '09
- 13) Lawsuit Nov. '08 - 2009
- 14) Kokoweef 2008
- 15) Kokoweef 2009
- 16) 3 plastic baskets:
  - bottom basket - write;
  - middle - blue w/red folders - "financial report";
  - top-white "to be filed"
- 17) Stacker divider w/ folders in 3 sections
  - front - picture of boxes with envelopes in it.

d) Bottom Shelf

- 1) Black binder - unlabeled
- 2) Blue binder - "T650 Drill"
- 3) Stacks of paper, unidentifiable, below
- 4) 2 bound books - one green, one burgundy, one box top full of unidentifiable papers
- 5) Black binder unlabeled



- 6) Carhartt binder
- 7) Metal stackers with folders: Assayer/Consultant, Roger J. Smid; -  
Green "Minutes-Letter & Articles"

e) Boxes on floor of Closet -

Left to right: Column 1

- 1) Top - Larry's Map Box - open box top - loose maps
- 2) Middle - "Paid Misc. Mine Receipts 2000, 01, 02, 03, 2004, 05,  
06"
- 3) Bottom - L Tools -

Column 2:

- 1) Top - Kokoweef Financials & Bank 2004
- 2) Bottom - Old Extra News Letters
- 3) Mine Claims
- 4) Misc. Paid Receipts - Kokoweef & Check Stubs thru 2005
- 5) Explorations Financials & Banks - 2003 - 2007
- 6) Mine Bank Statements - 2003, 2004, 2005, 2006

Two Boxes next to shelf

- 1) Bottom - Blue plastic box
- 2) Unlabeled Box

Box - at back of closet with Binders & Books, including  
- "Of men and gold"  
- "Descent Team"

f) Shelves at back of closet

- 1) Bottom Shelf: Box with apparently dozens of manilla folders with  
green post it notes identifying the contents. Examples of plainly  
visible post-it notes include: 2006, 2004, 1980, 1/00 - 12/00, 2000,  
2001, Jan - Dec. 2001, 2002, Dec. 2006
- 2) Left of closet (back to door)

II. File Cabinets:

- a) Brown vertical file cabinet - Four drawers
- b) Yellow vertical file cabinet - Four drawers containing shareholder records  
identified as 1- 1049
- c) Blue two-drawer lateral file cabinet:  
- top drawer unlabeled

– bottom drawer containing additional shareholder records and labeled as  
“1101 - 1300”

III. Shelf above desk located next to lateral file cabinet:

- a) Five (5) binders each denoted as “Stock Certificates and Ledgers”.

Additionally, as you are aware, the shareholder records that we copied on site were identified by numbers tabbed on the side of the folders. Wanda, who was supervising the onsite copying, volunteered that there were spread sheets that cross-referenced shareholders by name and by file number. She asked if I wanted a copy and I said that I would discuss it with you. I am requesting, therefore, a copy of these records as they are responsive to Request Nos. 14 and 24. They were kept on the desk below the shelves with the 5 binders denoted as “stock certificates and ledger”.

**Documents identified during the deposition of Laurie Wright or set out in Plaintiffs’  
Requests for Production have not been produced**

In reviewing the documents produced with your disk, there are still documents that were identified by your PMK in October which have still not been produced. For example, Laurie Wright testified that there was a box of original receipts that were not “readable” and therefore not been 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. Again, if that means that you produce a box of receipts you claim to be “unreadable”, so be it. If you are uncomfortable producing these records to us, my suggestion, again, 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.

Further, Laurie Wright testified that she had not been asked to scan documents for a while, yet, none of the documents produced as part of the April disc or identified in the Directory post date her deposition of more than 6 months ago. Additionally, it does not appear that the documents produced on the April disc or identified in the Directory fill in gaps from last documents produced.

Additionally, during her testimony, Laurie Wright testified that there were numerous documents in a safe in the office of Larry Hahn that is actually part of the Hahn’s World of Surplus. She testified that documents in that safe included “proof journals” and various computer disks, including disks of share holder records. Wright Dep. 118-120. It does not appear that these documents or disks were produced. Further, while reviewing the documents

Patrick C. Clary  
Nelson Segel  
April 29, 2010  
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shareholder documents, at least two of the records, folders numbered 447 and 459 had handwritten notes indicating: "paper work in safe." Therefore, it is clear that not all documents were produced or even made available for inspection.

Finally, your response to Request No. 14 states: "All documents in response to this Request which are hereby produced on the New Disc and are also identified in the Directory". However, as noted above, there are at least two other stockholder lists or ledgers outlining the shareholder located in Kokoweef's offices, and at least one disc of information located in Larry Hahn's office safe, as testified to by your PMK. Therefore, Plaintiffs' request that the Responses be properly supplemented and these additional documents produced.

**Documents previously produced in the April or October Discs have  
not been listed in the Directory**

In reviewing the April and October discs, the following documents, which had been produced on those discs, were not identified in the Responses or the Directory.

- EINBR 1 of 253
- KIBS 1 of 550
- KICD 1 of 95
- EINCD 1 of 170
- DD 1 of 38
- EINF 1 of 42
- Invoices 1 of 7
- KIF 1 of 32
- Misc. 1 of 5
- EINRJ 1 of 86
- KI Rec 05 1 of 16
- EIN Citi CC 1 of 28
- KIC CUS 1 of 32
- KI Rev 2 of 8
- KI Rec 1 of 74
- KI Rec 07 1 of 54
- FA 1 of 3

Does this mean that none of these documents respond to any of the Requests? If that is the case, please let us know. If not, Kokoweef's Responses need to be supplemented to include these documents.

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**Documents have not been bates-stamped nor identified as responsive to a particular Request for Production**

As noted above, in reviewing documents from this litigation, there are numerous binders of unauthenticated, unidentified documents that appear to be Kokoweef or EIN records. However, they have no bates-stamps and have not been identified in any NRCP 16.1 disclosure of Kokoweef's Directory as set forth in the Responses. Yet, on several Responses, Kokoweef continues to assert that all documents have been produced, with no other reference to a specific document. Such a simplistic assertion runs afoul of NRCP 34 and Judge Gonzales' Order. Any document that Kokoweef believes is responsive to one of Plaintiffs' Requests must be identified in the Responses.

Further, the Stock Certificates identified as "KI Issued Certificates" produced on the April disc are not bates-stamped, and are produced in such a way as to provide no information at all as to the number of pages in each document. This dumping of documents on the April disc provides no way to subsequently identify them or ensure that a complete set has been produced.

As noted above, as a result of this non-compliance, Plaintiffs have no choice but to vacate tomorrow's deposition until such time as Kokoweef has fully complied with the Court's Order. In the event that Kokoweef does not properly supplement its Responses by May 10, 2010 to comply with NRCP 16.1, NRCP 34 and Judge Gonzales' Order, Plaintiffs will be forced to seek an Order to Show Cause on this continued non-compliance.

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

Very truly yours,

ROBERTSON & VICK, LLP



JENNIFER L. TAYLOR

JLT:sjg  
Enclosure

KOKOWEEF DIRECTORY OF DOCUMENTS PRODUCED

MATCHES REQUEST #	Description	BATE STAMPS	BATE STAMPS PAGE #
2	Citibank Corporate Credit Card (company credit card statement, RANGING FROM '02 TO '07 NONCONSECUTIVE) CREDIT CARD #4991	EIN-BC 1 of 100	PL000001 to PL 000100
2	Citibank Corporate Credit Card (company credit card statement, RANGING FROM '02 TO '04 NONCONSECUTIVE) CREDIT CARD #4991 & #9325	EIN-BC 1 of 91	PL000101 to PL 000191
2	US Bank Corporate Credit Card (Kokoweef Card, '04-'08, NONCONSECUTIVE) CREDIT CARD #3683	EIN-BUS 1 of 43	PL000192 to PL000232
2	American Express Corporate Credit Card #62007 & #71005, NONCONSECUTIVE	EIN--BAMEX 1 of 100	PL000235 to PL000333
2	American Express Corporate Credit Card #62007, NONCONSECUTIVE, '03 TO '04	EIN--BAMEX2 1 of 100	PL000335 to PL000433
2	American Express Corporate Credit Card #62007 & #63005, NONCONSECUTIVE, '04 to '05	EIN-BAMEX3 1 OF 100	PL000435 to PL000533
2	American Express Corporate Credit Card #63005, NONCONSECUTIVE, '05 to '07	EIN-BAMEX4 1 OF 89	PL000535 to PL000623
2	US Bank Bank Statement (Explorations, '02-'09, NONCONSECUTIVE) CREDIT CARD #4121	EIN-BUS 1 of 100	PL000624 to PL000723
2	US Bank Bank Statement (Explorations, '06-'08, NONCONSECUTIVE) CREDIT CARD #4121	EIN-BUS3 1 of 100	PL000724 to PL000823
2	US Bank Bank Statement (Kokoweef & Explorations, '06-'09, NONCONSECUTIVE) CREDIT CARD EIN/#4121 & KI/#3683	EIN-BUS4 1 of 100	PL000824 to PL000923
3	Investor checks and money orders to EIN and KI, '02 to '03	EIN-CK 1	PL002485 TO PL002584
3	Investor checks and money orders to EIN and KI, '04	EIN-CK2 1 of 100	PL003685 TO PL003784
2, 3	Investor checks and money orders to EIN and KI, '03 to '04, NONCONSECUTIVE & EIN USBank DEPOSIT SLIPS	EIN-CK3 1 of 100	PL003085 TO PL003184
2, 3	Investor checks and money orders to EIN and KI, '04, NONCONSECUTIVE & EIN USBank DEPOSIT SLIPS	EIN-CK4 1 of 100	PL003285 TO PL003384
3	Investor checks and money orders to EIN, '05, NONCONSECUTIVE & EIN USBank DEPOSIT SLIPS	EIN-CK5 1 of 100	PL004085 TO PL004184
2, 3	Investor checks and money orders to EIN, '04 & '05, NONCONSECUTIVE & EIN USBank DEPOSIT SLIPS	EIN-CK6 1 of 100	PL003785 TO PL003884
2, 3	Investor checks and money orders to EIN, '05, NONCONSECUTIVE & EIN USBank DEPOSIT SLIPS	EIN-CK7 1 of 100	PL004184 TO PL004284
2, 3	Investor checks and money orders to EIN, '02, NONCONSECUTIVE & EIN USBank DEPOSIT SLIPS	EIN-CK9 1 of 100	PL002484 TO PL002385
2, 3	Investor checks and money orders to EIN, '05, NONCONSECUTIVE & EIN USBank DEPOSIT SLIPS	EIN-CK8 1 of 100	PL003985 TO PL004084
2, 3	Investor checks and money orders to EIN, '03 & '04, NONCONSECUTIVE & EIN USBank DEPOSIT SLIPS	EIN-CK10 1 of 100	PL002985 TO PL003084
3	Investor checks and money orders to EIN, '03, NONCONSECUTIVE & EIN USBank DEPOSIT SLIPS	EIN-CK11 1 of 100	PL002785 TO PL002884
2, 3	Investor checks and money orders to EIN, '05, NONCONSECUTIVE & EIN USBank DEPOSIT SLIPS	EIN-CK12 1 of 100	PL004285 TO PL004384
2, 3	Investor checks and money orders to EIN, '05 & '06, NONCONSECUTIVE & EIN USBank DEPOSIT SLIPS	EIN-CK13 1 of 100	PL004485 TO PL004584
	Hahn's Surplus Payroll Account "03	H5-US 1 of 100	PL001085 TO PL001184
2, 3, 7, 26	Kokoweef Payouts '06 to '09 & Investor checks and money orders to KI, '07, NONCONSECUTIVE & EIN USBank DEPOSIT SLIPS	KI-CK2 1-100	PL005285 TO PL005384
	Kokoweef Payouts '06 to '09, NONCONSECUTIVE	KI-CK3 1-100	PL004585 TO PL004684
7, 26	Kokoweef Payouts '08, NONCONSECUTIVE	KI-CK7 1-100	PL005085 TO PL005184
3	Kokoweef Deposit Slips & Investor checks and money orders to KI '07 to '08, NONCONSECUTIVE	KI-USD1 1-100	PL005385 TO PL005484

## KOKOWEEF DIRECTORY OF DOCUMENTS PRODUCED

MATCHES REQUEST #	Description	BATE STAMPS	BATE STAMPS PAGE #
7, 26	Kokoweef Payouts '08, NONCONSECUTIVE	KI-CK8 1-100	PL005185 TO PL005284
7, 26	Kokoweef Payouts '07, NONCONSECUTIVE	KI-CK5 1-100	PL004985 TO PL005084
7, 26	Kokoweef Payouts KI '07, NONCONSECUTIVE	KI-CK5 1-100	PL004785 TO PL004884
7, 26	Kokoweef Payouts EIN'06, NONCONSECUTIVE	EIN_CK29 1 of 100	PL001885 TO PL001984
3, 7, 26	Kokoweef Payouts EIN'06, Investor checks and money orders to EIN "02 to '09, NONCONSECUTIVE	EIN_CK30 1 of 100	PL001985 TO PL002084
3	Investor checks and money orders to EIN & KI '04 to '06, and Deposit slips, NONCONSECUTIVE	KICK1 1 of 87	PL005485 TO PL005571
3	Investor checks and money orders to EIN '02, and Deposit slips, NONCONSECUTIVE	EINUS1 1 of 100	PL002185 TO PL002284
3	Investor checks and money orders to EIN '04, and Deposit slips, NONCONSECUTIVE	EINUS2 1 of 100	PL003385 TO PL003484
3	Investor checks and money orders to EIN '04, and Deposit slips, NONCONSECUTIVE	EINUS3 1 of 100	PL003485 TO PL003584
2	US Bank Statements for Kokoweef '05 to '06, NONCONSECUTIVE	KI-USS3 1 of 61	PL001026 TO PL001084
2	US Bank Statements for Kokoweef '06 TO '08, NONCONSECUTIVE	KI-USS2 1 of 61	PL000924 TO PL001023
3	Investor checks and money orders to EIN '04, and Deposit slips, NONCONSECUTIVE	EIN-US4 1 of 100	PL003485 TO PL003584
	Kokoweef Payouts '07	KI-CK4 1 of 100	PL004685 TO PL004784
2	US Bank Statements for Kokoweef & Exploration'04 TO '09, NONCONSECUTIVE & signature cards	KIUSS 1 of 43	PL000192 to PL000234
3	Investor checks and money orders to EIN '05 to '06, and Deposit slips, NONCONSECUTIVE	EIN-CK13 1 of 43	PL004385 to PL004484
4, 3	Investor checks and money orders to EIN '02, and Deposit slips, NONCONSECUTIVE	EIN-CK14 1 of 100	PL002085 to PL002184
4, 3	Investor checks and money orders to EIN '03, and Deposit slips, NONCONSECUTIVE	EIN-CK15 1 of 100	PL002885 to PL002984
4, 3	Investor checks and money orders to EIN '04, and Deposit slips, NONCONSECUTIVE	EIN-CK16 1 of 100	PL003585 to PL003684
4,3	Investor checks and money orders to EIN '03, and Deposit slips, NONCONSECUTIVE	EIN-CK17 1 of 100	PL002685 to PL002784
4, 3	Investor checks and money orders to EIN '03, and Deposit slips, NONCONSECUTIVE	EIN-CK18 1 of 100	PL002585 to PL002684
4, 3	Investor checks and money orders to EIN '05, and Deposit slips, NONCONSECUTIVE	EIN-CK19 1 of 100	PL003885 to PL003984
4, 3	Investor checks and money orders to EIN '03 to '05, and Deposit slips, NONCONSECUTIVE	EIN-CK20 1 of 100	PL003185 to PL003284
4, 3	Investor checks and money orders to EIN '02, and Deposit slips, NONCONSECUTIVE	EIN-CK21 1 of 100	PL002285 to PL002384
4, 3	Investor checks and money orders to EIN '02, and Deposit slips, NONCONSECUTIVE	EIN-CK22 1 of 100	PL001185 to PL001284
4, 3	Investor checks and money orders to EIN '02, and Deposit slips, NONCONSECUTIVE	EIN-CK23 1 of 100	PL001285 to PL001384
4, 3	Investor checks and money orders to EIN '02, and Deposit slips, NONCONSECUTIVE	EIN-CK24 1 of 100	PL001385 to PL001484
4, 3	Investor checks and money orders to EIN '03 to '04, and Deposit slips, NONCONSECUTIVE	EIN-CK25 1 of 100	PL001485 to PL001584
4, 3	Investor checks and money orders to EIN '04, and Deposit slips, NONCONSECUTIVE	EIN-CK26 1 of 100	PL001585 to PL001684
7, 26	EIN Payouts '04 to '05, NONCONSECUTIVE	EIN-CK27 1 of 100	PL001685 to PL001784
7, 26	EIN Payouts '05 to '06, NONCONSECUTIVE	EIN-CK28 1 of 100	PL001785 to PL001884



KOKOWEEF DIRECTORY OF DOCUMENTS PRODUCED

MATCHES REQUEST #	Description	BATE STAMPS	BATE STAMPS PAGE #
4, 3	Investor checks and money orders to EIN '06, and Deposit slips, NONCONSECUTIVE & EIN Payouts '06, NONCONSECUTIVE	EIN.KIC 1 of 1010	PL005574 to PL006580
7, 26	EXPLORATIONSTABLE OF RECEIPTS 2003	EIN 2003 cks and receipts	EX03 1 of 137 2 <sup>v</sup>
7, 26	EXPLORATIONS TABLE OF RECEIPTS 2004	EIN 2004 cks and receipts	EX-04 1 of 86 3 <sup>v</sup>
7, 26	EXPLORATIONS TABLE OF RECEIPTS 2005	EIN 2005 cks and receipts	EX05 - 1 of 90 4 <sup>v</sup>
7, 26	EXPLORATIONS TABLE OF RECEIPTS 2006	EIN 2006 cks and receipts	EX06 - 1 of 94 5 <sup>v</sup>
3, 7, 26	Hahns Surplus Checks	Hahn's Surplus cks and receipts	HS - 1 of 108 1 <sup>v</sup>
4	KI_USbank statements '07	Bank Statements '07	USKI - 1 of 12 6 <sup>v</sup>
	KOKOWEEF INC. presentation	Explanation of cks and receipts given	KIP - 1 of 25 7 <sup>v</sup>
7, 26	KOKOWEEF TABLE OF RECEIPTS 2006	KI 2006 cks and receipts	KO - 06 1 of 27 8 <sup>v</sup>
7, 26	KOKOWEEF TABLE OF RECEIPTS 2007	KI 2007 cks and receipts	KO - 07 1 of 37 9 <sup>v</sup>
7, 26	KOKOWEEF TABLE OF RECEIPTS Brad Johnson	Brad Johnson cks and receipts	BJ 1 of 6 10 <sup>v</sup>
7, 26	KOKOWEEF TABLE OF RECEIPTS Laurie Wright	Laurie Wright cks and receipts	T&L 1 of 19 11 <sup>v</sup>
7, 26, 13	Mayan gold & etc.	Drilling Rig bill of sale & Myan Gold Info	MGECT 1 of 11 12 <sup>v</sup>
7, 26	Payouts	Payouts and receipts	PO 1 of 32 13 <sup>v</sup>
3	04 EIN -- Check Info	EIN_04_bank_check_in fo	EINCI 1 of 70
2	04 EIN --Bank Statements	EIN_04_bank_stateme nts	EIN04BS 1 of 45
2	04 EIN --Bank Statements2	EIN_04_bank_stateme nts2	EIN04BS2 1 of 79
2	04 EIN --Bank Statements3	EIN_04_bank_stateme nts3	EIN04BS3 1 of 68
5	04 EIN --Credit Card Info	EIN_04_credit_card	EINCC04 1 of 50
5	04 EIN --General Ledger	EIN_general_ledger_04	ENGL 1 of 13
5	04 EIN --Balance Sheet	EIN_ledger_balance_sh eet_04	EINLBS 1 of 2
7, 26	04 EIN --Receipts	EIN_receipts_04	EINR04 1 of 71
5	04 EIN --Revenue	EIN_revenue_04	EINPL04 1 of 43
5	KI-09 -- Accounts Payable	KI_09_accounts_payab le	KIAP09 1 of 15
2	KI-09 -- Bank Statements	KI_09_bank_state	KIBS09 1 of 141
3	KI-09 -- Check Detail	KI_09_ck_detail	KICD09 1 of 43
5	KI-09 --Financials	KI_09_financials	KIF09 1 of 2
5	KI -09 --General Ledger	KI_09_general_ledger	KIGL09 1 of 11
5	KI-09 --Proof Ledger Receipts	KI_09_proof_ledger_re ceipt	KIPR09 1 of 5
7, 26	EIN -- 04 Receipts	EIN.KI_04_receipts	EIN.KI04R 1 of 227
7, 26	EIN -- 07 Receipts	EIN.KI_07_receipts	EIN.KI07R 1 of 44
7, 26	EIN -- 08 Receipts	EIN.KI_08_receipts	EIN.KI08R 1 of 333

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## KOKOWEEF DIRECTORY OF DOCUMENTS PRODUCED

MATCHES REQUEST #	Description	BATE STAMPS	BATE STAMPS PAGE #
1	EIN and KI 07 Tax Returns	EIN_07_tax_returns	EIN.KI07 1 of 11
2,3	EIN -- Bank Statements & check detail	EIN_07- 9_bank_sta_ck_detail	EIN07-9BSCD 1 of 134
3	EIN-07 -- Checks	EIN_07-9_checks	EIN07-9C 1 of 4
4	EIN-07 -- Deposits	EIN_07-9_deposits	EIN07-9D 1 of 4
5	EIN-07 -- Financials	EIN_07-9_financials	EIN07-9F 1 of 6
5	EIN-07 -- General Ledger	EIN_07- 9_general_ledger	EIN07-9GL 1 of 22
5	KI-07 -- Accounts Payable	KI_07- 9_accounts_payable	KI07-9AP 1 of 13
2	KI-07 -- Bank Records	KI_07- 9_bank_records1	KI07-9BR 1 of 337
3	KI-07 -- Check Detail	KI_07- 9_ck_detail_proof_reg	KI07-9CDPR 1 of 8
5	KI-07 -- Check Reconciliation Detail	KI_07- 9_ck_detail_reconciliat ion	KI07-9CDR 1 of 114
5	KI-07 -- Financials	KI_07-9_financials	KI07-9F 1 of 6
5	KI-07 -- General Ledger	KI_07- 9_general_ledger	KI07-9GL 1 of 22
7, 26	KI-07 -- Receipts	KI_07_receipts	KI07R 1 of 57
3	KI -- Checks cashed by Hahn's Surplus	KI_ck_cshd_hahns	KICKHS <<1>> of 125
5	KI_09_accounts_payable	Accounts Payable	KIAP09 1 of 15 14 ✓
2	KI_09_bank_state	Bank Statements	KIBS09 1 of 141 15 ✓
3	KI_09_ck_detail	Check Detail	KICD09 1 of 43 16 ✓
5	KI_09_financials	Financials	KIF09 1 of 2 17 ✓
5	KI_09_general_ledger	General Ledger	KIGL09 1 of 11 18 ✓
5	KI_09_proof_ledger_receipt	Proof Ledger Receipts	KIPR09 1 of 5 19 ✓
7, 26	EIN.KI_04_receipts	04 Receipts	EIN.KI04R 1 of 227 20 ✓
7, 26	EIN.KI_07_receipts	07 Receipts	EIN.KI07R 1 of 44 21 ✓
7, 26	EIN.KI_08_receipts	08 Receipts	EIN.KI08R 1 of 333 22 ✓
1	EIN_07_tax_returns	EIN and KI 07 Tax Returns	EIN.KI07 1 of 11 23 ✓
2	EIN_07-9_bank_sta_ck_detail		EIN07-9BSCD 1 of 134
3	EIN_07-9_checks		EIN07-9C 1 of 4
4	EIN_07-9_deposits		EIN07-9D 1 of 4
5	EIN_07-9_financials		EIN07-9F 1 of 6
5	EIN_07-9_general_ledger		EIN07-9GL 1 of 22
5	KI_07-9_accounts_payable		KI07-9AP 1 of 13
2	KI_07-9_bank_records1		KI07-9BR 1 of 337
3	KI_07-9_ck_detail_proof_reg		KI07-9CDPR 1 of 8
3	KI_07-9_ck_detail_reconciliation		KI07-9CDR 1 of 114
5	KI_07-9_financials		KI07-9F 1 of 6
5	KI_07-9_general_ledger		KI07-9GL 1 of 22
7, 26	KI_07_receipts		KI07R 1 of 57
3, 5, 2, 16	KI Quickbooks disc copy (Hand Delivered during Laurie Wright's Deposition)	NOT BATE STAMPED Quickbooks file	
3	KI_ck_cshd_hahns	Checks cashed by Hahn's Surplus	KICKHS <<1>> of 125

## KOKOWEEF DIRECTORY OF DOCUMENTS PRODUCED

MATCHES REQUEST #	Description	BATE STAMPS	BATE STAMPS PAGE #
7, 26	KI-07 -- receipts added -- 07 receipts for dick skoy	KI.DICKSKOY.RECEIPTS. 07	1 of 2 <i>24 mda ✓</i>
7, 26, 8	KI-07 -- SIMSHOUSER NOTES 04-08	KI.LOAN.BS.04-08	1 OF 6 <i>25 mda ✓</i>
7, 26	KI-07 -- SOLAR & RIG RECEIPTS 07	KI.BofS.SOLAR.07	1 OF 2 <i>26 mda ✓</i>
7, 26	KI-07 -- WALT RECEIPTS PAID IN 00	KI.WALT.RECEIPTS 07	1 OF 30 <i>27 mda ✓</i>
14, 24	KI ISSUED CERTIFICATES	NOT BATE STAMPED (WORD DOCUMENTS)	<i>partial 28 ✓</i>
14, 24	KI TRANSFER RECORDS	NOT BATE STAMPED (WORD DOCUMENTS)	
14	KI STOCKHOLDERS	NOT BATE STAMPED PDF FILE	<i>29 ✓</i>

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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

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Letter regarding noncompliance of production of documents (attached).

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# Robertson & Vick LLP

Attorneys at Law

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

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April 30, 2010

**Via United States Mail, Electronic Mail and Facsimile:**

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

Facsimile: (702) 382-7277

**Re: Burke, et al. v. Hahn, et al.**

**District Court Case No. A558629**

**Our File No.: 5081.01**

***Compliance with Court Order regarding Motion to Compel***

Dear Mr. Clary:

Thank you for your Supplemental Response to Plaintiffs' Requests for Production (the "Supplement"), which was hand-delivered to our office at 4:17pm yesterday afternoon. The Supplement provides documents and written responses to Request Nos. 15 and 24. However, this Supplement still does not cure the deficiencies outlined in our letter of yesterday.

For example, your response to Request No. 15 claims that "voluminous corporate documents were previously produced" by Kokoweef. However, neither your April 14, 2010 Responses to Plaintiffs Requests for Production, nor the Supplement provide copies of these "voluminous corporate documents", as detailed in Request No. 15. The evasive and incomplete responses in your Supplement, along with the entirety of the evasive and incomplete responses in your April 14, 2010 Responses, which we outlined yesterday, compels us to again request Kokoweef properly supplement its April 14, 2010 Responses, and the newly received

LOS ANGELES

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Patrick C. Clary  
April 30, 2010  
Page 2

Supplement, in accordance with NRCP 16.1, NRCP 34 and Judge Gonzales' Order no later than **May 10, 2010**. If you fail to do so by May 10, 2010, we will request Judge Gonzales' issue an Order to Show Cause regarding Kokoweef's continued non-compliance.

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

Very truly yours,

ROBERTSON & VICK, LLP



JENNIFER L. TAYLOR

cc: Nelson Segel

JLT:sjg



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# EXHIBIT 3

*Together, Reducing Fraud Worldwide*



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CPE Compliance

Code of Ethics

Standards

Disciplinary

All Certified Fraud Examiners must meet the rigorous criteria for admission to the Association of Certified Fraud Examiners. Thereafter, they must exemplify the highest moral and ethical standards and must agree to abide by the bylaws of the ACFE and the Certified Fraud Examiner Code of Professional Ethics.

- A Certified Fraud Examiner shall, at all times, demonstrate a commitment to professionalism and diligence in the performance of his or her duties.
- A Certified Fraud Examiner shall not engage in any illegal or unethical conduct, or any activity which would constitute a conflict of interest.
- A Certified Fraud Examiner shall, at all times, exhibit the highest level of integrity in the performance of all professional assignments and will accept only assignments for which there is reasonable expectation that the assignment will be completed with professional competence.
- A Certified Fraud Examiner will comply with lawful orders of the courts and will testify to matters truthfully and without bias or prejudice.
- A Certified Fraud Examiner, in conducting examinations, will obtain evidence or other documentation to establish a reasonable basis for any opinion rendered. No opinion shall be expressed regarding the guilt or innocence of any person or party.
- A Certified Fraud Examiner shall not reveal any confidential information obtained during a professional engagement without proper authorization.
- A Certified Fraud Examiner will reveal all material matters discovered during the course of an examination which, if omitted, could cause a distortion of the facts.
- A Certified Fraud Examiner shall continually strive to increase the competence and effectiveness of professional services performed under his or her direction.

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CPE Compliance

Code of Ethics

Standards

Disciplinary

### I. Preamble

The Association of Certified Fraud Examiners is an association of professionals committed to performing at the highest level of ethical conduct. Members of the Association pledge themselves to act with integrity and to perform their work in a professional manner.

Members have a professional responsibility to their clients, to the public interest and each other; a responsibility that requires subordinating self-interest to the interests of those served.

These standards express basic principles of ethical behavior to guide members in the fulfilling of their duties and obligations. By following these standards, all Certified Fraud Examiners shall be expected, and all Associate members shall strive to demonstrate their commitment to excellence in service and professional conduct.

### II. Applicability of Code

The CFE Code of Professional Standards shall apply to all members and all Associate members of the Association of Certified Fraud Examiners. The use of the word "member" or "members" in this Code shall refer to Associate members as well as regular members of the Association of Certified Fraud Examiners.

### III. Standards of Professional Conduct

#### A. Integrity and Objectivity

1. Members shall conduct themselves with integrity, knowing that public trust is founded on integrity. Members shall not sacrifice integrity to serve the client, their employer or the public interest.

2. Prior to accepting the fraud examination, members shall investigate for potential conflicts of interest. Members shall disclose any potential conflicts of interest to prospective clients who retain them or their employer.

3. Members shall maintain objectivity in discharging their professional responsibilities within the scope of the engagement.

4. Members shall not commit discreditable acts, and shall always conduct themselves in the best interests of the reputation of the profession.

5. Members shall not knowingly make a false statement when testifying in a court of law or other dispute resolution forum. Members shall comply with lawful orders of the courts or other dispute resolution bodies. Members shall not commit criminal acts or knowingly induce others to do so.

#### *B. Professional Competence*

1. Members shall be competent and shall not accept assignments where this competence is lacking. In some circumstances, it may be possible to meet the requirement for professional competence by use of consultation or referral.

2. Members shall maintain the minimum program of continuing professional education required by the Association of Certified Fraud Examiners. A commitment to professionalism combining education and experience shall continue throughout the member's professional career. Members shall continually strive to increase the competence and effectiveness of their professional services.

#### *C. Due Professional Care*

1. Members shall exercise due professional care in the performance of their services. Due professional care requires diligence, critical analysis and professional skepticism in discharging professional responsibilities.

2. Conclusions shall be supported with evidence that is relevant, competent and sufficient.

3. Members' professional services shall be adequately planned. Planning controls the performance of a fraud examination from inception through completion and involves developing strategies and objectives for performing the services.

4. Work performed by assistants on a fraud examination shall be adequately supervised. The extent of supervision required varies depending on the complexities of the work and the qualifications of the assistants.

#### *D. Understanding with Client or Employer*

1. At the beginning of a fraud examination, members shall reach an understanding with



those retaining them (client or employer) about the scope and limitations of the fraud examination and the responsibilities of all parties involved.

2. Whenever the scope or limitations of a fraud examination or the responsibilities of the parties change significantly, a new understanding shall be reached with the client or employer.

#### *E. Communication with Client or Employer*

1. Members shall communicate to those who retained them (client or employer) significant findings made during the normal course of the fraud examination.

#### *F. Confidentiality*

1. Members shall not disclose confidential or privileged information obtained during the course of the fraud examination without the express permission of proper authority or order of a court. This requirement does not preclude professional practice or investigative body reviews as long as the reviewing organization agrees to abide by the confidentiality restrictions.

### **IV. Standards of Examination**

#### *A. Fraud Examinations*

1. Fraud examinations shall be conducted in a legal, professional and thorough manner. The fraud examiner's objective shall be to obtain evidence and information that is complete, reliable and relevant.

2. Members shall establish predication and scope priorities at the outset of a fraud examination and continuously reevaluate them as the examination proceeds. Members shall strive for efficiency in their examination.

3. Members shall be alert to the possibility of conjecture, unsubstantiated opinion and bias of witnesses and others. Members shall consider both exculpatory and inculpatory evidence.

#### *B. Evidence*

1. Members shall endeavor to establish effective control and management procedures for documents. Members shall be cognizant of the chain of custody including origin, possession and disposition of relevant evidence and material. Members shall strive to preserve the integrity of relevant evidence and material.

2. Members' work product may vary with the circumstances of each fraud examination. The extent of documentation shall be subject to the needs and objectives of the client or

employer.

**V. Standards of Reporting**

**A. General**

1. Members' reports may be oral or written, including fact witness and/or expert witness testimony, and may take many different forms. There is no single structure or format that is prescribed for a member's report; however, the report should not be misleading.

**B. Report Content**

1. Members' reports shall contain only information based on data that are sufficient and relevant to support the facts, conclusions, opinions and/or recommendations related to the fraud examination. The report shall be confined to subject matter, principles and methodologies within the member's area of knowledge, skill, experience, training or education.
2. No opinion shall be expressed regarding the legal guilt or innocence of any person or party.

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# EXHIBIT 4

## Jennifer L. Taylor

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**From:** M Nelson Segel [nelson@nelsonsegellaw.com]  
**Sent:** Thursday, November 18, 2010 4:14 PM  
**To:** Jennifer L. Taylor  
**Cc:** 'Patrick C. Clary'  
**Subject:** Discovery  
**Importance:** High

Ms. Taylor:

My letter regarding the need to extend the discovery deadline is attached.

Your prompt attention to it will be appreciated.

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

This email 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 addressed, 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.

8/28/2011

## Jennifer L. Taylor

---

**From:** Jennifer L. Taylor  
**Sent:** Friday, November 19, 2010 1:32 PM  
**To:** 'nelson@nelsonsegellaw.com'  
**Cc:** 'Patrick C. Clary'; 'diana@nelsonsegellaw.com'  
**Subject:** RE: Discovery

Nelson:

I apologize. I have been in "Sweeps week" since Tuesday. It's the annual fun of sitting through every CD case over three days and status-ing them. Today I'm in a CLE.

This has been my first chance to respond, so:

We have a number of issues with which we must deal.

First, the order from the last hearing has never been completed. We had agreed to send a letter to Judge Gonzalez regarding the ambiguity on completion of your reports. This has not been addressed.

I sent you changes to your proposed letter a while ago. I never saw a response from you.

Then we had the issue of what and how to copy the "sensitive" information from the Hahn's World of Surplus, Inc.'s documents. This also includes the specific terms of the confidentiality agreement that is part of the production.

Since I am in a CLE today, I can't forward it to you, but I will be sending you the CMO Judge Gonzales entered in the Southwest Exchange litigation. In that case there were many documents which contained checking account information and social security numbers of non-parties. In that case, she did not make the parties redact the information. I have spoken with Ben and to do what you are asking will cost approximately \$10,000.00. I believe that extent of burden is untenable when it can be handled through confidentiality mandates. I am happy to address maintaining the confidentiality of these documents in a court order, but I have investigated what it would take to do what you (and Wanda) want and it's unreasonably burdensome. So, let's determine how we can handle this in the Confidentiality Order.

Finally, we have the issue of the discovery deadline.

I have Friday, November 19, 2010, calendared for the discovery deadline. However, I thought it was the last day to serve discovery. Additionally, you want to take the deposition of our PMK in December, there are no expert reports and we are clearly not in a position to close discovery.

I am happy to stipulate to a discovery extension.

Please let me know whether you can stipulate to an extension of the discovery deadline. If so, we need to have it presented to Judge Gonzalez by Friday. We also need to discuss the practicality of maintaining the present trial stack. I am inclined to request a new date, and obtain a date certain. If you are not able to stipulate, I will file the motion Friday.

How far out do you want to continue the trial? Please advise so we can try to stipulate. We have a status check with Judge Gonzales the first couple weeks of December,. We can probably discuss the trial date then.

I have Bankruptcy Court at 11 and an appointment in the office at 2. Otherwise, I should be available to

8/28/2011

discuss these issues. I do not know Pat's scheduled.

Since I'm in a CLE I am sort of available, i.e. I can receive emails, but may or may not be able to do an extensive response.

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](mailto:jtaylor@rvcdlaw.com)

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

**From:** M Nelson Segel [mailto:[nelson@nelsonsegellaw.com](mailto:nelson@nelsonsegellaw.com)]  
**Sent:** Wednesday, November 17, 2010 10:36 AM  
**To:** Jennifer L. Taylor  
**Cc:** 'Patrick C. Clary'  
**Subject:** Discovery

Jennifer:

We have a number of issues with which we must deal.

First, the order from the last hearing has never been completed. We had agreed to send a letter to Judge Gonzalez regarding the ambiguity on completion of your reports. This has not been addressed.

Then we had the issue of what and how to copy the "sensitive" information from the Hahn's World of Surplus, Inc.'s documents. This also includes the specific terms of the confidentiality agreement that is part of the production.

Finally, we have the issue of the discovery deadline.

I have Friday, November 19, 2010, calendared for the discovery deadline. However, I thought it was the last day to serve discovery. Additionally, you want to take the deposition of our PMK in December, there are no expert reports and we are clearly not in a position to close discovery.

Please let me know whether you can stipulate to an extension of the discovery deadline. If so, we need to have it presented to Judge Gonzalez by Friday. We also need to discuss the practicality of maintaining the present trial stack. I am inclined to request a new date, and obtain a date certain. If you are not able to stipulate, I will file the motion Friday.

I have Bankruptcy Court at 11 and an appointment in the office at 2. Otherwise, I should be available to discuss these issues. I do not know Pat's scheduled.

M Nelson Segel

8/28/2011

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

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# EXHIBIT 5

## Jennifer L. Taylor

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

Counsel:

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

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

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

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

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

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

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

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8/28/2011

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

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

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

**To:** Jennifer L. Taylor

**Cc:** 'Patrick C. Clary'

**Subject:** Order et al

Ms. Taylor:

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

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

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

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

I look forward to hearing from you.

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

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