

CLERK OF THE COURT

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7
8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 TED R. BURKE; MICHAEL R. and) CASE NO. A558629
11 LAURETTA L. KEHOE; JOHN BERTOLDO;) DEPT: XIII
PAUL BARNARD; EDDY KRAVETZ;)
12 JACKIE and FRED KRAVETZ; STEVE)
FRANKS; PAULA MARIA BARNARD;)
13 LEON GOLDEN; C.A. MURFF; GERDA)
FERN BILLBE; BOB and ROBYN TRESKA;)
14 MICHAEL RANDOLPH; and FREDERICK)
WILLIS,)
15 Plaintiffs,)
16 vs.)
17 LARRY H. HAHN, individually, and as)
18 President and Treasurer of Kokoweef, Inc., and)
former President and Treasurer of Explorations)
19 Incorporated of Nevada; HAHN'S WORLD OF)
SURPLUS, INC., a Nevada corporation;)
20 PATRICK C. CLARY, an individual; DOES 1)
through 100, inclusive;)
21 Defendants,)
22 and)
23 KOKOWEEF, INC., a Nevada corporation;)
24 EXPLORATIONS INCORPORATED OF)
NEVADA, a dissolved corporation,)
25 Nominal Defendants.)
26)
27)

ROBERTSON
& VICK, LLP

28

1 Plaintiffs Ted R. Burke; Michael R. and Laretta L. Kehoe; John Bertoldo; Paul Barnard;
2 Eddy Kravetz; Jackie and Fred Kravetz; Steven Franks; Paula Maria Barnard; Peter T. And Lisa
3 A. Freeman; Leon Golden; C.A. Murff; Gerda Fern Billbe; Bob and Robyn Treska; Michael
4 Randolph and Frederick Willis (hereinafter collectively referred to as "Plaintiffs"), by and
5 through their undersigned counsel of record, Robertson & Vick LLP, hereby file their Reply to
6 the Oppositions of Defendants Larry Hahn and Hahn's World of Surplus (hereafter collectively
7 the "Hahn Defendants") and Kokoweef, Inc. (hereafter "Kokoweef") to Plaintiffs' Motion to
8 Compel. Collectively, the separate Oppositions of the Hahn Defendants and Kokoweef will be
9 referred to as the "Oppositions", and individually, the Hahn Defendants' Opposition or the
10 Kokoweef Opposition. The Oppositions are full of smoke and mirrors, red herrings, erroneous
11 assumptions and blatant misstatements. Again, the Hahn Defendants and Kokoweef, rather than
12 oppose the motions on substance, have taken the path of further delay, implied personal attacks,
13 and obfuscation. Defendant's failure to participate in good faith in the discovery process,
14 including the necessity to file this motion, continues to cost Plaintiffs valuable time, and
15 therefore, Plaintiffs also move for an order extending the discovery deadlines pursuant to EDCR
16 2.35.

17 This Reply is made and based upon NRCP 26, 30, 34, and 37, EDCR 2.34 and EDCR
18 2.35, the pleadings and papers on file in this matter, the attached Memorandum of Points and
19 Authorities, and all exhibits attached thereto, and any oral argument allowed at the hearing of this
20 matter.

21 22 MEMORANDUM OF POINTS AND AUTHORITIES

23 I.

24 INTRODUCTION

25 The Oppositions are premised generally on three improper and baseless arguments. First,
26 that Defendants' unilateral declaration that Plaintiffs have received "all the documents to which
27 they are entitled" is sufficient to defeat Plaintiffs' Motion to Compel. Second, that procedural
28 deficiencies rendered Plaintiffs' Requests for Production void, and that procedural deficiencies

1 prevent this Court from hearing Plaintiffs' Motion to Compel. Third, Plaintiffs, and/or their
2 counsel, have acted in some inappropriate manner, such that their Motion should be denied and
3 implied personal attacks on Plaintiffs' counsel should be countenanced. All three of these claims
4 are baseless, grounded merely in assumptions and fiction.

5 Since this litigation has started in earnest, Defendants have engaged in tactics to stall
6 discovery and force Plaintiffs to incur unnecessary costs. Defendants Oppositions to Plaintiffs'
7 Motion to Compel continue in this tactic. Defendants now squarely deny events and spin facts to
8 imply nefarious conduct on behalf of Plaintiffs and their counsel. This continued gamesmanship
9 should not be tolerated.¹ Accordingly, Plaintiffs' Motion should be granted, Kokoweef should be
10 compelled to fully respond to Plaintiffs' Requests for Production pursuant to NRCp 34, and to
11 produce all requested and responsive documents, including all shareholder records, without
12 objection. Additionally, the discovery deadlines should be continued to allow Plaintiffs' experts
13 sufficient time to produce their reports for disclosure.

14 15 16 II.

17 STATEMENT OF FACTS

18 Plaintiffs do not contest that Kokoweef has produced documents. Instead, Plaintiffs
19 contest the scope of the documents produced, the form in which they were produced, and the fact
20 that Defendants continue to intentionally withhold documents without having proceeded as
21 required by the Nevada Rules and rulings of the Nevada Supreme Court. Further, while the
22 Kokoweef Opposition states that "the Plaintiffs received all of the documents requested by them
23 and to which they are entitled" (Kokoweef Opp.3:25-26), Kokoweef simply states that
24

25 ¹ Delay tactics have also been employed by counsel for Larry H. Hahn and Hahn's World of Surplus
26 (hereafter the "Hahn Defendants"). On August 14, 2009, this Court granted the Hahn Defendants' Motion to Quash
27 certain Subpoenas and ordered the Hahn Defendants to prepare the Recommendation for Plaintiffs' counsel to
28 review. To this date, that Recommendation has still not been prepared, and, therefore, Plaintiffs have been
prejudiced because they are unable to take any further action on that ruling. Plaintiffs' submission of this Report and
Recommendation was rejected by the Discovery Commissioner because it had not been prepared by counsel for the
Hahn Defendants. Yet, counsel for the Hahn Defendants have still not prepared this document.

1 stockholder records were not produced because they would be used “not only to harass the
2 Defendants but also to try to continue to destroy Kokoweef.” Kokoweef Opp. 4:3-5. Kokoweef
3 presents no facts or evidence to support either contention. Additionally, in order to facilitate a
4 compromise on this issue, counsel for Plaintiffs, in October 2009, offered to let Kokoweef
5 produce these records under a confidentiality order, and that offer still holds. See Taylor
6 Declaration.

7 Shareholder records are discoverable and relevant in this litigation. As set forth below,
8 Plaintiffs have claimed negligent misrepresentation against Defendant Patrick Clary stemming
9 from his “reorganization” of Kokoweef’s predecessor company, Explorations Incorporated of
10 Nevada. Mr. Clary is asserting a defense that his reorganization was proper under certain
11 securities exemptions in the Nevada Revised Statutes. Plaintiffs contend that it was not.
12 Additional discussion of this information is set forth below in Section III.A.

13 Plaintiffs do not contest that their Motion to Compel, ultimately, was inadvertently filed
14 before this Honorable Court. However, it was done in error. The Motion was originally filed
15 with an Ex Parte Request to Shorten Time and was delivered to the Discovery Commissioner.
16 See Declaration of Jennifer L. Taylor, attached hereto. However, the request for an Order
17 Shortening Time was denied, and Plaintiffs’ counsel was told to re-file the Motion in the
18 “ordinary course”. The Motion was re-styled to be filed in the ordinary course, but the Notice of
19 Motion contained two inadvertent errors. The first was listing a district court department
20 number, and not the Discovery Commissioner. The second was listing the wrong department
21 number.

22 Plaintiffs realized this error only once the chambers hearing had been set. Upon realizing
23 the error, Plaintiff’s counsel called Clark County Department 11 to see how to handle this error.
24 Plaintiffs’ counsel ultimately told that this Honorable Court would retain jurisdiction. Plaintiffs
25 did not realize that the second error, the identification of the wrong department, i.e. Department
26 13, not Department 11, had even occurred until the receipt of the Oppositions. See Taylor
27 Declaration. Regardless of this error, however, Master Calendar was able to properly schedule it
28 in the presiding court. See Register of Actions attached hereto as Exhibit “1”.

1 When Plaintiffs received the Oppositions and realized that a large section of each were
2 dedicated to this jurisdictional issue, counsel for Plaintiffs wrote Defendants to explain the
3 inadvertent error. This correspondence was copied to the Court as confirmation that the Court
4 did want to retain jurisdiction. To date, Plaintiffs have not been apprised by this Honorable
5 Court that Plaintiffs understanding was incorrect and that it intends to transfer the matter to the
6 Discovery Commissioner for a ruling. A true and correct copy of this correspondence is attached
7 hereto as Exhibit "2".

8 Finally, the facts related to "meet and confer" held between the parties have been
9 misstated by Defendants. First, Defendant Kokoweef's statement that "Mr. Clary did not receive
10 any communication from Ms. Taylor after said meeting and prior to the service of the Motion"
11 (Opp. 4:17-18) is an absolute untruth. As set out in the Motion to Compel, counsel for Plaintiffs
12 did, in fact, call Mr. Clary on January 4, 2010, and ask for the status of the production of the
13 balance of the documents that had been promised. Mot. 10:5-8; Taylor Aff. 18:8-12. At the time
14 that call was placed in early January, Mr. Clary did not tell counsel for Plaintiffs' that all
15 documents to which she was entitled had been produced. Instead, he stated that he would check
16 with his client and let her know. Id. Now, in his Opposition, Mr. Clary claims that this call
17 never occurred. This is simply false.

18 Plaintiffs also do not contest that no follow-up letter was sent to Mr. Clary. However, no
19 requirement exists that Plaintiffs were obligated to incur yet more legal fees to coax Kokoweef
20 and its counsel into compliance with the Nevada Rules of Civil Procedure. Additionally, the
21 conference happened just before the Christmas holiday at which time counsel for Plaintiffs was
22 dealing with family emergencies, specifically, the sudden diagnosis of terminal cancer and,
23 ultimately, the death of her father in law, which necessitated several trips to Indiana between
24 mid-December 2009 and late-January 2010.

25 Finally, as set forth above, Defendants' have engaged in dilatory tactics to prejudice
26 Plaintiffs. Attached hereto as Exhibit "3" are the Affidavits of Paul and Paula Barnard. Mr. and
27 Mrs. Barnard were present at an annual shareholders' meeting held at the Kokoweef mine site
28 during which time, counsel for Kokoweef, Mr. Clary informed Kokoweef's investors that the

1 entire strategy for dealing with Plaintiffs lawsuit was: "...stall the case and continue stalling the
2 case until the plaintiffs run out of money and are no longer able [sic] continue the case."
3 Kokoweef's counsel indicated a similar intent to delay when he informed counsel for Plaintiff
4 that if she filed a motion to compel, she would not see any documents, "this month, the next
5 month, or the next month." Mot. 10:3-4.

6 III.

7 LEGAL ARGUMENT

8 **A. DEFENDANTS DO NOT GET TO UNILATERALLY DETERMINE** 9 **WHICH DOCUMENTS PLAINTIFFS ARE "ENTITLED TO" AND** 10 **THE REQUESTED SHAREHOLDER RECORDS SHOULD BE PRODUCED.**

11 **1. Defendants' documents produced to date fail to adhere to the requirements of the Nevada** 12 **Rules of Civil Procedure.**

13 Plaintiffs are at a loss as to how to even reply to Defendants' arguments that "Plaintiffs'
14 received all of the documents requested by them and to which they were entitled". Kokoweef
15 Opp. 3:24-28. Further, the Hahn Defendants' counsel declares that somehow Plaintiffs' Motion
16 lacks merit because "documents have been produced that would reach approximately one foot
17 thick." Hahn Opp., Segel Dec. 5: 16-17. Nothing could be further from the truth.

18 Many of the documents requested which Mr. Clary represented would be produced,
19 especially for the years 2004 - 2006 were to be produced, thus necessitating the January 4, 2010
20 call to Mr. Clary. To date, these documents have still not been produced, nor has a written
21 response, as required by NRCP 34.

22 Additionally, the production of records in the fashion done by Defendants violates NRCP
23 16.1 and NRCP 11. None have been produced with the signatures of Defendants' attorneys in
24 the form of NRCP 16.1 Supplemental disclosures. Therefore, Plaintiffs cannot rely on the
25 authenticity of these "records". Accordingly, Defendants should be required to certify, as
26 requested in Plaintiffs' Motion, that the documents produced do, or do not, constitute all the
27 records of Kokoweef.

28 **2. The shareholder records are relevant, admissible and must be produced.**

1 As stated by counsel for the Hahn Defendants, the shareholder records are “a problem”.
2 The problem is the Defendants continued failure and refusal to produce these records without any
3 legal authority or justification. Kokoweef, in conjunction with its President, Larry Hahn, admits
4 to not producing records, specifically shareholder records, for no other reason than an
5 unsupported claim that production of these records could be used to “harass” Defendants and
6 allegedly to destroy Kokoweef. Kokoweef Opp. 4:1-5; Hahn Opp., Segel Aff. 7:1-14. This
7 argument is simply intended to delay and hinder the litigation in this matter.

8 NRCP 26(a) defines the limits of discovery and states:

9 Parties may obtain discovery regarding any matter, not privileged,
10 which is relevant to the subject matter involved in the pending
11 action, whether it relates to the claim or defense of the party
12 seeking discovery or to the claim or defense of any other party. . .
13 **It is not ground for objection that the information sought will
be inadmissible at the trial if the information sought appears
reasonably calculated to lead to the discovery of admissible
evidence.**

14 The Hahn Defendants simply claim, without any other legal support that production of the
15 shareholder records is “a problem” because, they contend, this is not a derivative action. Hahn
16 Opp., Segel Declaration, 7:1-4. However, this contention, again, lacks any legal support and
17 should be disregarded because it is contained, apparently as so-called evidence, in the
18 Declaration of the Hahn Defendants’ counsel. EDCR 2.20(f) (permitting a court to decline
19 consideration of a memorandum of points and authorities which consists of bare citations to
20 statutes, rules, or case authority). In fact, the Defendants have failed to provide any substantive
21 basis for the refusal to produce these documents.

22 What none of the Defendants have told the Court is that, in fact, Plaintiffs have a claim
23 for negligent misrepresentation against Defendant Patrick Clary. Mr. Clary contends that he
24 reorganized Kokoweef’s predecessor company, Explorations Incorporated of Nevada, under a so-
25 called exemption to the Nevada Revised Statutes, found in NRS 90.530 (17)(b) and NRS
26 90.530(11)(a) permitted the registration of the new Kokoweef shares through the reorganization.

27 NRS 90.530 (17)(b) states:

28 A transaction involving the distribution of the securities of an
issuer to the security holders of another person in connection with

1 a merger, consolidation, exchange of securities, sale of assets or
2 other reorganization to which the issuer, or its parent or subsidiary,
and the other person, or its parent or subsidiary, are parties, if: . . .
3 (b) The securities to be distributed are not required to be registered
under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., written
4 notice of the transaction and a copy of the materials, if any, by
which approval of the transaction will be solicited, together with a
5 nonrefundable fee of \$300, are given to the Administrator at least
10 days before the consummation of the transaction and the
6 Administrator does not, by order, disallow the exemption within
the next 10 days.

7 Defendant Clary's basis for claiming this broader exemption is found in NRS 90.530(11)(a),
8 which allows an exemption if:

9 The transaction is part of an issue in which there are not more than
10 25 purchasers in this State, other than those designated in
subsection 10, during any 12 consecutive months;

11 Plaintiffs believe that this exemption was not properly claimed, and that sales of share exceeded
12 the limitation imposed by NRS 90.530(11)(a). Therefore, shareholder records are directly related
13 to both the claim of Plaintiffs and the defense of Mr. Clary.

14 Plaintiffs have retained and designated an expert to provide opinions on the propriety of
15 this so-called reorganization allegedly under this exemption. Therefore, despite the allegedly
16 evidentiary opinion of counsel for the Hahn Defendants that Plaintiffs' claims do not entitle them
17 the shareholder records, this is simply not the case. Shareholder records fall squarely within the
18 parameters of NRCP 26(a) to both prove and defend against the negligent misrepresentation
19 claim against Mr. Clary.

20 **B. DEFENDANTS' PROCEDURAL ARGUMENTS LACK MERIT:**

21 **1. This Court has the authority to hear this motion.**

22 The primary argument in the Oppositions is that this Honorable Court has no discretion to
23 hear Plaintiffs' Motion to Compel unless and until it's been heard and ruled on by the Discovery
24 Commissioner. However, the Kokoweef Opposition lacks any authority to support this
25 argument, and the authority cited by the Hahn Defendants is simply not persuasive.

26 Instead, what is very clear is that EDCR 2.34(a) simply states,
27

1 “Unless otherwise ordered, all discovery disputes . . . must first be heard by the discovery
2 commissioner.” This, contrary to the positions in the Oppositions’ arguments, indicates that the
3 Court does, indeed, have discretion in ruling on this Motion.

4 In leaning on their jurisdictional argument, Kokoweef provides not a scrap of legal
5 authority. Further the authority provided by the Hahn Defendants is not persuasive. In addition
6 to citing EDCR, 2.34, but ignoring the first three words of this rule, the Hahn Defendants rely on
7 NRCP 16.1 and Mays v. Eighth Judicial District Court, 105 Nev. 60, 768 P.2d 877 (Nev. 1989),
8 neither of which are factually or legally applicable. The main purpose of NRCP 16.1 is, as
9 described in its title, to detail “Mandatory pretrial discovery requirements”. The portion quoted
10 by the Hahn Defendants addresses complex litigation, not the jurisdictional authority of this
11 Court. Further, in Mays, the Nevada Supreme Court addressed a factual situation with no
12 analogy whatsoever to the current facts of this case, i.e. waiver of requirements under NRCP
13 16.1, “Mandatory pretrial requirements”. In this case, the Court has simply ordered that it will
14 retain jurisdiction of this Motion under the provision of EDCR 2.34(a), which allows this Court
15 to do so.

16
17 **2. The Requests for Production were properly served and Kokoweef has never provided**
18 **any response to same.**

19 Curiously, the Hahn Defendants do not weigh in on this aspect of the matter. Perhaps it’s
20 because Kokoweef’s argument lacks any credibility whatsoever. There is no authority to support
21 the proposition, as claimed in the Kokoweef Opposition that “An insertion in a deposition is not
22 the equivalent or an ‘accompanying’ document, and the Plaintiffs did not follow the procedure
23 outlined in Rule 34”. Kokoweef Opp. 3:14-17. However, Kokoweef continues to fail to provide
24 any support or explanation for its position that Plaintiffs did not follow the procedure outlined in
25 Rule 34. Kokoweef was provided thirty days after the service of the request to comply, and it
26 failed to do so. See Ex. 1 to Plaintiffs’ Motion to Compel.

27 Further, no request was made by Kokoweef to extend the time in which they could
28 respond, and, to this date, Kokoweef has never, under Rule 34(b) responded “with respect to each

1 item or category, that inspection and related activities will be permitted as requested, unless the
2 request is objected to, in which event the reasons for objection shall be stated.” Instead,
3 Kokweef merely claims that it would have timely served a written response or objection to the
4 Request had the Plaintiffs’, in Kokoweef’s view, served a proper Request for Production of
5 Documents under Rule 34.

6 Regardless of Kokoweef’s objections, the proper vehicle is a motion for protective order,
7 not an outright refusal and failure to respond thereto. See Kerley v. Aetna Casualty Co., 94 Nev.
8 710, 585 P.2d 1339 (Nev. 1978). Kokoweef has also failed to make such a motion and,
9 therefore, this entire novel and unsupported argument should be disregarded. Quillen v. State,
10 112 Nev. 1369, 1380, 929 P.2d 893, 900 (Nev. 1996) (concluding that a court may summarily
11 reject a novel legal proposition when no relevant authority is cited)(citing Tahoe Village Realty
12 v. DeSmet, 95 Nev. 131, 136, 590 P.2d 1158, 1162 (1979)). The Court has no obligation to even
13 consider, and should summarily reject, Kokoweef’s unsupported and flawed arguments on this
14 issue.

15
16 **C. DEFENDANTS’ ASSUMPTIONS AND PERSONAL ATTACKS ARE IRRELEVANT**
17 **TO THE MOTION**
AND SHOULD NOT BE COUNTENANCED.

18 Defendants make numerous assumptions, inferences and misstatements about the history
19 of this litigation and the events leading up to this Motion, as set out in the Statement of Facts
20 above. Yet, not one of them is relevant to the determination of Plaintiffs’ Motion on the merits,
21 and are merely smoke screens and red herrings.

22 Instead, Defendants should look to their own conduct, as outlined in the Motion to
23 Compel, and as set out in the Affidavits of Paul and Paula Barnard. Such behavior was targeted
24 in the enactment of various discovery rules designed to prevent gamesmanship, delay and
25 prejudice. See e.g., NRCP 16.1 and NRCP 37.

26 ////

27 ////

28 ////

1 IV.

2 CONCLUSION

3 Defendants' Oppositions lack any legal authority, and are premised on novel unsupported
4 legal theories and unfounded hypothesis and misrepresentations. Plaintiffs simply request that
5 Defendant be compelled to produce documents fully responsive to the Requests for Production.
6 Further, Plaintiffs request that the discovery deadlines be amended as noted above. Plaintiffs'
7 will suffer extreme prejudice as a result of the ongoing delays by Defendants.

8 Dated: March 11, 2010.

9 ROBERTSON & VICK, LLP

10
11 By 

Alexander Robertson, IV

NV Bar No. 8642

Jennifer L. Taylor

NV Bar No. 5798

401 N. Buffalo Drive, Suite 202

Las Vegas, Nevada 89145

1 **DECLARATION OF JENNIFER L. TAYLOR, ESQ.**
2 **IN SUPPORT OF REPLY TO OPPOSITION TO MOTION TO COMPEL**

3 STATE OF NEVADA)
4 COUNTY OF CLARK) ss:

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

9 1. Plaintiffs do not contest that their Motion to Compel, ultimately, was
10 inadvertently
11 filed before this Honorable Court. However, it was done in error. The Motion was originally
12 filed with an Ex Parte Request to Shorten Time and was delivered to the Discovery
13 Commissioner. However, the request for an Order Shortening Time was denied, and Plaintiffs'
14 counsel was told to re-file the Motion in the "ordinary course".

15 2. The Motion was re-styled to be filed in the ordinary course, but the Notice of
16 Motion contained two inadvertent errors. The first was listing a district court department
17 number, and not the Discovery Commissioner. The second was listing the wrong department
18 number.

19 3. Plaintiffs realized this error only once the chambers hearing had been set. Upon
20 realizing the error, Plaintiff's counsel called Clark County Department 11 to see how to handle
21 this error. Plaintiffs' counsel ultimately told that this Honorable Court would retain jurisdiction.
22 Plaintiffs did not realize that the second error, the identification of the wrong department, i.e.
23 Department 13, not Department 11, had even occurred until the receipt of the Oppositions.
24 Regardless of this error, however, Master Calendar was able to properly schedule it in the
25 presiding court.

26 4. When Plaintiffs received the Oppositions and realized that a large section of each
27 were dedicated to this jurisdictional issue, counsel for Plaintiffs wrote Defendants to explain the
28 inadvertent error. This correspondence was copied to the Court as confirmation that the Court

1 did want to retain jurisdiction. To date, Plaintiffs have not been apprised by this Honorable
2 Court that Plaintiffs understanding was incorrect and that it intends to transfer the matter to the
3 Discovery Commissioner for a ruling.

4 5. Additionally, Plaintiffs do not contest that Kokoweef has produced documents.
5 Instead, Plaintiffs contest the scope of the documents produced, the form in which they were
6 produced, and the fact that Defendants continue to intentionally withhold documents without
7 having proceeded as required by the Nevada Rules and rulings of the Nevada Supreme Court.
8 Further, while the Kokoweef Opposition states that “the Plaintiffs received all of the documents
9 requested by them and to which they are entitled” (Kokoweef Opp.3:25-26), Kokoweef simply
10 states that stockholder records were not produced because they would be used “not only to harass
11 the Defendants but also to try to continue to destroy Kokoweef.” Kokoweef Opp. 4:3-5.

12 6. Kokoweef presents no facts or evidence to support either contention.
13 Additionally, in order to facilitate a compromise on this issue, counsel for Plaintiffs, in October
14 2009, offered to let Kokoweef produce these records under a confidentiality order, and that offer
15 still holds.

16 7. Finally, the facts related to “meet and confer” held between the parties have been
17 misstated by Defendants. First, Defendant Kokoweef’s statement that “Mr. Clary did not receive
18 any communication from Ms. Taylor after said meeting and prior to the service of the Motion”
19 (Opp. 4:17-18) is an absolute untruth. As set out in the Motion to Compel, counsel for Plaintiffs
20 did, in fact, call Mr. Clary on January 4, 2010, and ask for the status of the production of the
21 balance of the documents that had been promised. At the time that call was placed in early
22 January, Mr. Clary did not tell counsel for Plaintiffs’ that all documents to which she was entitled
23 had been produced. Instead, he stated that he would check with his client and let her know.
24 Now, in his Opposition, Mr. Clary claims that this call never occurred. This is simply false.

25 8. Plaintiffs also do not contest that no follow-up letter was sent to Mr. Clary.
26 However, no requirement exists that Plaintiffs were obligated to incur yet more legal fees to coax
27 Kokoweef and its counsel into compliance with the Nevada Rules of Civil Procedure.

28 Additionally, the conference happened just before the Christmas holiday at which time counsel

1 for Plaintiffs was dealing with family emergencies, specifically, the sudden diagnosis of terminal
2 cancer and, ultimately, the death of her father in law, which necessitated several trips to Indiana
3 between mid-December 2009 and late-January 2010.

4 9. Finally, as set forth above, Defendants' have engaged in dilatory tactics to
5 prejudice Plaintiffs. Attached hereto are the Affidavits of Paul and Paula Barnard. Mr. and Mrs.
6 Barnard were present at an annual shareholders' meeting held at the Kokoweef mine site during
7 which time, counsel for Kokoweef, Mr. Clary informed Kokoweef's investors that the entire
8 strategy for dealing with Plaintiffs lawsuit was: "...stall the case and continue stalling the case
9 until the plaintiffs run out of money and are no longer able [sic] continue the case."

10 10. Kokoweef's counsel indicated a similar intent to delay when he informed counsel
11 for Plaintiff that if she filed a motion to compel, she would not see any documents, "this month,
12 the next month, or the next month."

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

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JENNIFER L. TAYLOR

Exhibit 1

[Logout](#) [Search Menu](#) [New District Civil Search](#) [Back](#)
Location : District Court Civil [Help](#)

REGISTER OF ACTIONS

CASE No. 08A558629

Ted Burke, Michael Kehoe, et al vs Larry Hahn, Hahn's World Of Surplus Inc, et al

 §
§
§
§
§
§

 Case Type: **Business Court**
 Subtype: **Other Business Court Matters**
 Date Filed: **03/07/2008**
 Location: **Department 11**
 Conversion Case Number: **A558629**

PARTY INFORMATION

Conversion ENo Convert Value @ 08A558629 Removed: 04/24/2009 Converted From Blackstone		Lead Attorneys
Defendant	Clary, Patrick C	Clary, Patrick Charles <i>Retained</i>
Defendant	Hahn's World Of Surplus Inc	Segel, M. Nelson <i>Retained</i>
Defendant	Hahn, Larry	Segel, M. Nelson <i>Retained</i>
Defendant	Hahn, Larry L	Segel, M. Nelson <i>Retained</i>
Other Defend	Explorations Incorporated Of Nevada	
Other Defend	Kokoweef Inc	Clary, Patrick Charles <i>Retained</i>
Plaintiff	Barnard, Paul	Robertson IV, Alexander <i>Retained</i>
Plaintiff	Barnard, Paula M	Robertson IV, Alexander <i>Retained</i>
Plaintiff	Bertoldo, John	Robertson IV, Alexander <i>Retained</i>
Plaintiff	Billbe, Gerda F	Robertson IV, Alexander <i>Retained</i>
Plaintiff	Burke, Ted R	Robertson IV, Alexander <i>Retained</i>

Plaintiff	Franks, Steven	Robertson IV, Alexander <i>Retained</i>
Plaintiff	Freeman, Lisa A	Robertson IV, Alexander <i>Retained</i>
Plaintiff	Freeman, Peter T	Robertson IV, Alexander <i>Retained</i>
Plaintiff	Golden, Leon	Robertson IV, Alexander <i>Retained</i>
Plaintiff	Kehoe, Laretta L	Robertson IV, Alexander <i>Retained</i>
Plaintiff	Kehoe, Michael R	Robertson IV, Alexander <i>Retained</i>
Plaintiff	Kravetz, Eddy	Robertson IV, Alexander <i>Retained</i>
Plaintiff	Kravetz, Fred	Robertson IV, Alexander <i>Retained</i>
Plaintiff	Kravetz, Jackie	Robertson IV, Alexander <i>Retained</i>
Plaintiff	Murff, C A	Robertson IV, Alexander <i>Retained</i>
Plaintiff	Randolph, Michael	Robertson IV, Alexander <i>Retained</i>
Plaintiff	Treska, Bob	Robertson IV, Alexander <i>Retained</i>
Plaintiff	Treska, Robyn	Robertson IV, Alexander <i>Retained</i>
Plaintiff	Willis, Frederick	Robertson IV, Alexander <i>Retained</i>

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

04/09/2008	Voluntary Dismissal (Judicial Officer: Denton, Mark R.) Converted Disposition: Entry Date & Time: 04/14/2008 @ 08:33 Description: VOLUNTARY DISMISSAL Debtor: Multiple Parties Creditor: Multiple Parties Amount Awarded: \$0.00 Attorney Fees: \$0.00 Costs: \$0.00 Interest Amount: \$0.00 Total: \$0.00
01/29/2009	Order of Dismissal With Prejudice (Judicial Officer: Denton, Mark R.) Converted Disposition: Entry Date & Time: 02/23/2009 @ 10:09 Description: DECN/ORDR OF DISMISSAL W/P(CERTAIN CAUSE Debtor: Multiple Parties Creditor: Multiple Parties Amount Awarded: \$0.00 Attorney Fees: \$0.00 Costs: \$0.00 Interest Amount: \$0.00 Total: \$0.00
01/29/2009	Order of Dismissal (Judicial Officer: Denton, Mark R.) Converted Disposition: Entry Date & Time: 02/23/2009 @ 10:12 Description: DECN/ORDR OF DISMISSAL(CERTAIN CAUSES) Debtor: Multiple Parties Creditor: Multiple Parties Amount Awarded: \$0.00 Attorney Fees: \$0.00 Costs: \$0.00 Interest Amount: \$0.00 Total: \$0.00

OTHER EVENTS AND HEARINGS

03/07/2008	Complaint COMPLAINT FILED Fee \$688.00 08A5586290001.tif pages
03/07/2008	Initial Appearance Fee Disclosure INITIAL APPEARANCE FEE DISCLOSURE 08A5586290002.tif pages
03/19/2008	Summons SUMMONS - HAHNS WORLD OF SURPLUS INC 08A5586290003.tif pages
03/19/2008	Summons SUMMONS 08A5586290004.tif pages
04/09/2008	Judgment VOLUNTARY DISMISSAL 08A5586290010.tif pages
04/10/2008	Summons SUMMONS FOR LARRY HAHN 08A5586290011.tif pages
04/10/2008	Summons SUMMONS FOR KOKOWEEF INC 08A5586290012.tif pages
04/10/2008	Summons SUMMONS -EXPLORATIONS INCORPORATED OF NEVADA 08A5586290014.tif pages
04/11/2008	Appearance APPEARANCE 08A5586290005.tif pages
04/11/2008	Motion DEFT'S MTN TO REQUIRE SECURITY FROM PLTFS /1 08A5586290006.tif pages
04/11/2008	Appearance APPEARANCE 08A5586290007.tif pages
04/11/2008	Appearance APPEARANCE 08A5586290008.tif pages
04/11/2008	Motion

DEFTS' MTN FOR ORDER EXTENDING TIME TO FILE REQUEST FOR SECURITY/2
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04/11/2008 **Initial Appearance Fee Disclosure**
INITIAL APPEARANCE FEE DISCLOSURE NRS CHAPTER 19
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04/11/2008 **Initial Appearance Fee Disclosure**
INITIAL APPEARANCE FEE DISCLOSURE FORM
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04/16/2008 **Certificate**
CERTIFICATE OF SERVICE OF MOTION TO REQUIRE SECURITY FROM PLTFS
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04/29/2008 **Motion**
PLTF'S MTN TO DISQUALIFY LAW FIRM /3
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04/29/2008 **Motion**
PLTF'S MTN TO STRIKE/4
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05/02/2008 **Motion**
DEFT'S MTN TO CONTINUE HEARINGS/05
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05/05/2008 **Certificate**
CERTIFICATE OF SERVICE OF EMERGENCY MTN TO CONTINUE HEARINGS AND EX PARTE MTN FOR ORDER
SHORTENING TIME
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05/06/2008 **Opposition**
PLTFS OPPOSITION TO EMERGENCY MTN TO CONTINUE HEARINGS AND EX PARTE MTN FOR ORDER
SHORTENING TIME
08A5586290021.tif pages

05/07/2008 **Receipt of Copy**
RECEIPT OF COPY OF PLAINTIFFS OPPOSITION TO EMERGENCY MOTION TO CONTINUE HEARING AND EXPARTE
MOTION FOR ORDER
08A5586290022.tif pages

05/07/2008 **Motion to Continue** (9:00 AM) (Judicial Officer Denton, Mark R.)
DEFT'S MTN TO CONTINUE HEARINGS/05 Relief Clerk: Tia Everett/te Reporter/Recorder: Cynthia Georgilas Heard By:
Mark Denton
Parties Present
Minutes
Result: Matter Heard

05/08/2008 **Reporter's Transcript**
REPORTER'S TRANSCRIPT OF PROCEEDINGS DEFENDANTS MOTION TO CONTINUE HEARINGS
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05/12/2008 **Order Granting**
ORDER GRANTING EMERGENCY MOTION TO CONTINUE HEARING
08A5586290024.tif pages

05/12/2008 **Motion to Disqualify Attorney** (9:00 AM) (Judicial Officer Denton, Mark R.)
PLTF'S MTN TO DISQUALIFY LAW FIRM /3 Heard By: Mark Denton
Result: Continuance Granted

05/12/2008 **Motion to Strike** (9:00 AM) (Judicial Officer Denton, Mark R.)
PLTF'S MTN TO STRIKE/4 Heard By: Mark Denton
Result: Continuance Granted

05/14/2008 **Notice of Entry of Order**
NOTICE OF ENTRY OF ORDER GRANTING EMERGENCY MOTION TO CONTINUE HEARING
08A5586290025.tif pages

05/15/2008 **Supplemental**
SUPPLEMENT TO MOTION TO STRIKE MOTION TO REQUIRE SECURITY FROM PLAINTIFFS OR IN THE
ALTERNATIVE OPPOSITION TO MOTION TO REQUIRE SECURITY FROM PLAINTIFFS
08A5586290027.tif pages

05/16/2008 **Affidavit**
AFFIDAVIT OF PATRICK C CLARY IN SUPPORT OF MOTION TO REQUIRE SECURITY FROM PLAINTIFFS
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05/16/2008 **Affidavit**
AFFIDAVIT OF RETA VAN DA WALKER IN OPPOSITION TO SUPPLEMENT TO MTN TOSTRIKE MTN TO REQUIRE
SECURITY FROM PLTFS OR IN THE ALTERNATIVE OPPOSITION TO MTN TO REQUIRE SECURITY FROM PLAINTIFFS
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05/19/2008 **Motion**
ALL PENDING MOTIONS (05-19-08)
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05/19/2008 **Errata**
ERRATA TO SUPPLEMENT TO MOTION TO STRIKE MOTION TO REQUIRE SECURITY FROM PLAINTIFFS OR IN THE
ATLERANTIVE OPPOSITION ALTERNATIVE OPPOSITOIN TO MOTION TO REQUIRE SECURITY FORM PLAINTIFFS
08A5586290030.tif pages

05/19/2008 **Motion** (9:00 AM) (Judicial Officer Denton, Mark R.)
DEFT'S MTN TO REQUIRE SECURITY FROM PLTFS /1 Heard By: Mark Denton
Result: Granted in Part

05/19/2008 **Motion** (9:00 AM) (Judicial Officer Denton, Mark R.)

DEFTS' MTN FOR ORDER EXTENDING TIME TO FILE REQUEST FOR SECURITY/2 Heard By: Mark Denton
Result: Motion Granted

05/19/2008 **Motion to Disqualify Attorney** (9:00 AM) (Judicial Officer Denton, Mark R.)
PLTF'S MTN TO DISQUALIFY LAW FIRM /3 Heard By: Mark Denton
Result: Denied

05/19/2008 **Motion to Strike** (9:00 AM) (Judicial Officer Denton, Mark R.)
PLTF'S MTN TO STRIKE/4 Heard By: Mark Denton
Result: Denied

05/19/2008 **All Pending Motions** (9:00 AM) (Judicial Officer Denton, Mark R.)
ALL PENDING MOTIONS (05-19-08) Court Clerk: Sue Burdette Reporter/Recorder: Cynthia Georgilas Heard By: Mark Denton
Parties Present
Minutes

05/22/2008 Result: Matter Heard
Certificate
CERTIFICATE OF SERVICE
08A5586290031.tif pages

05/23/2008 **Reporter's Transcript**
REPORTER'S TRANSCRIPT OF PROCEEDINGS DEFENDANTS MOTION TO REQUIRE SECURITY FROM PLAINTIFFS/DEFENDANTS MOTION FOR ORDER EXTENDING TIME PLAINTIFFS MOTION TO STRIKE PLAINTIFFS
MOTION TO DISQUALIFY LAW FIRM
08A5586290032.tif pages

05/27/2008 **Order**
ORDER REGARDING VARIOUS MOTIONS
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05/28/2008 **Conversion Case Event Type**
DECISION RE: DEFT KOKOOWEEF'S MOTION TO REQUIRE SECURITY FROM PLTFs
08A5586290033.tif pages

05/28/2008 **Notice of Entry of Order**
NOTICE OF ENTRY OF ORDER REGARDING VARIOUS MOTIONS
08A5586290035.tif pages

05/28/2008 **Order**
DECISION AND ORDER
08A5586290036.tif pages

05/28/2008 **Decision** (4:42 PM) (Judicial Officer Denton, Mark R.)
DECISION RE: DEFT KOKOOWEEF'S MOTION TO REQUIRE SECURITY FROM PLTFs Court Clerk: Sue Burdette Heard By: Mark Denton
Minutes

05/30/2008 Result: Matter Heard
Notice of Entry of Order
NOTICE OF ENTRY OF DECISION AND ORDER
08A5586290037.tif pages

06/03/2008 **Ex Parte**
EX PARTE MOTION FOR ORDER SHORTENING TIME
08A5586290039.tif pages

06/03/2008 **Motion**
SECOND MOTION FOR ORDER EXTENDING TIME TO FILE REQUEST FOR SECURITY AND REQUEST FOR RIGHT TO TAKE THE DEPOSITION OF PLTFs EXPERTS AND WITNESSES
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06/05/2008 **Motion**
DEFT'S HAHN & SURPLUS 2ND MTN FOR ORDER EXTENDING TIME TO FILE/8
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06/06/2008 **Motion**
PLTF'S MTN TO CLARIFY COURT'S MAY 28, 2008 ORDER /9
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06/06/2008 **Certificate**
CERTIFICATE OF SERVICE
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06/06/2008 **Supplemental**
SUPPLEMENT TO MTN TO CLARIFICATION OF THIS COURT MAY 28 2008 DECISION AND ORDER AND ORDER SHORTENING TIME
08A5586290044.tif pages

06/09/2008 **Opposition**
PLTFs OPPOSITION TO SECOND MTN FOR ORDER EXTENDING TIME TO FILE REQUEST FOR SECURITY AND REQUEST FOR RIGHT TO TAKE DEPOSITION OF PLTFs EXPERTS AND WITNESSES
08A5586290045.tif pages

06/10/2008 **Motion**
ALL PENDING MOTIONS (06-10-08)
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06/10/2008 **Motion** (9:00 AM) (Judicial Officer Denton, Mark R.)
DEFT'S HAHN & SURPLUS 2ND MTN FOR ORDER EXTENDING TIME TO FILE/8 Heard By: Mark Denton
Result: Motion Granted

06/10/2008 **Motion to Clarify** (9:00 AM) (Judicial Officer Denton, Mark R.)
PLTF'S MTN TO CLARIFY COURT'S MAY 28, 2008 ORDER /9 Heard By: Mark Denton

06/10/2008 **Result: Granted in Part**
All Pending Motions (9:00 AM) (Judicial Officer Denton, Mark R.)
ALL PENDING MOTIONS (06-10-08) Court Clerk: Sue Burdette Reporter/Recorder: Cynthia Georgilas Heard By: Mark Denton
Parties Present
Minutes

06/12/2008 **Result: Matter Heard**
Motion
DEFT KOKOWEEF'S RENEWED MOTION FOR SECURITY FROM PLAINTIFFS/11 (VJ 6/26/08)
08A5586290046.tif pages

06/13/2008 **Certificate of Mailing**
CERTIFICATE OF SERVICE OF DEFENDANT KOKOWEEF INCS RENEWED MOTION TO REQUIRE SECURITY FROM PLAINTIFFS
08A5586290050.tif pages

06/17/2008 **Motion**
DEFT KOKOWEEF'S CNTRMTN FOR SANCTIONS/12 (VJ 6/26)
08A5586290047.tif pages

06/18/2008 **Motion**
PLTFS' MTN TO STRIKE DEFT KOKOWEEF'S RENEWED MTN FOR SECURITY FROM PLTFS/13
08A5586290048.tif pages

06/18/2008 **Acknowledgment**
ACKNOWLEDGMENT OF SERVICE OF EX PARTE MOTION FOR ORDER SHORTENING TIME FOREVIDENTIARY HEARING ON RENEWED MOTION TO REQUIRE SECURITY FROM PLAINTIFFS AND ORDER SHORTENING TIME
08A5586290051.tif pages

06/18/2008 **Ex Parte**
EX PARTE MOTION FOR ORDER SHORTENING TIME FOR EVIDENTIARY HEARING ON RENEWED MOTION TO REQUIRE SECURITY FROM PLAINTIFFS
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06/20/2008 **Motion**
DEFT KOKOWEEF'S COUNTERMOTION FOR SANCTIONS/14
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06/23/2008 **Declaration**
DECLARATION OF CURTIS W CANNON IN OPPOSITION TO PLTFS MTNS TO STRIKE ETC
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06/23/2008 **Reply**
PLTFS REPLY TO DEFT KOKOWEEF INCS OPPOSITION TO PLTFS MTN TO STRIKERENEWED MTN TO REQUIRE SECURITY FROM PLTFS AND OPPOSITION TO COUNTERMTN FOR SANCTIONS
08A5586290058.tif pages

06/23/2008 **Reply**
PLAINTIFFS REPLY TO DEFENDANT KOKOWEEF INC OPPOSITION TO PLAINTIFFS RENEWEDMOTION TO STRIKE RENEWED MOTION TO REQUIRE SECURITY FROM PLAINTIFFS AND OPPOSITION TO MOTION FOR SANCTIONS
08A5586290059.tif pages

06/23/2008 **Motion**
RENEWED MOTION TO STRIKE RENEWED MOTION TO REQUIRE SECURITY FROM PLTFS ORDER SHORTENING TIME
08A5586290060.tif pages

06/24/2008 **Motion**
PLTF'S MTN TO CONTINUE EVIDENTIARY HEARING /15
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06/24/2008 **Conversion Case Event Type**
MINUTE ORDER RE: JUNE 10, 2008, HEARING
08A5586290054.tif pages

06/24/2008 **Minute Order** (12:05 PM) (Judicial Officer Denton, Mark R.)
MINUTE ORDER RE: JUNE 10, 2008, HEARING Court Clerk: Sue Burdette Heard By: Mark Denton
Minutes

06/26/2008 **Result: Matter Heard**
Motion
ALL PENDING MOTIONS (06-26-08)
08A5586290055.tif pages

06/26/2008 **Conversion Case Event Type**
EVIDENTIARY HEARING: SETTING SECURITY (TWO HOURS)
08A5586290056.tif pages

06/26/2008 **Motion to Strike** (10:00 AM) (Judicial Officer Denton, Mark R.)
PLTFS' MTN TO STRIKE DEFT KOKOWEEF'S RENEWED MTN FOR SECURITY FROM PLTFS/13 Heard By: Mark Denton
Result: Denied

06/26/2008 **Motion for Sanctions** (10:00 AM) (Judicial Officer Denton, Mark R.)
DEFT KOKOWEEF'S COUNTERMOTION FOR SANCTIONS/14 Heard By: Mark Denton
Result: Denied

06/26/2008 **Motion to Continue** (10:00 AM) (Judicial Officer Denton, Mark R.)
PLTF'S MTN TO CONTINUE EVIDENTIARY HEARING /15 Heard By: Mark Denton
Result: Motion Granted

06/26/2008 **All Pending Motions** (10:00 AM) (Judicial Officer Denton, Mark R.)
ALL PENDING MOTIONS (06-26-08) Court Clerk: Sue Burdette Reporter/Recorder: Cynthia Georgilas Heard By: Mark Denton

Parties Present
Minutes
 Result: Matter Heard
 06/27/2008 **Order**
 ORDER REGARDING VARIOUS MATTERS
 08A5586290061.tif pages
 06/27/2008 **CANCELED Motion** (10:00 AM) (Judicial Officer Denton, Mark R.)
 Vacated
 06/27/2008 **CANCELED Motion for Sanctions** (10:00 AM) (Judicial Officer Denton, Mark R.)
 Vacated
 06/27/2008 **Motion to Strike** (10:00 AM) (Judicial Officer Denton, Mark R.)
 PLTFS' MTN TO STRIKE DEFT KOKOWEEF'S RENEWED MTN FOR SECURITY FROM PLTFS/13 Heard By: Mark Denton
 Result: Continuance Granted
 06/27/2008 **Motion for Sanctions** (10:00 AM) (Judicial Officer Denton, Mark R.)
 DEFT KOKOWEEF'S COUNTERMOTION FOR SANCTIONS/14 Heard By: Mark Denton
 Result: Continuance Granted
 07/10/2008 **Notice of Entry of Order**
 NOTICE OF ENTRY OF ORDER REGARDING VARIOUS MATTERS
 08A5586290062.tif pages
 07/14/2008 **Motion** (9:00 AM) (Judicial Officer Denton, Mark R.)
 DEFT KOKOWEEF'S RENEWED MOTION FOR SECURITY FROM PLAINTIFFS/11 (VJ 6/26/08)
 Result: Continuance Granted
 07/14/2008 **Motion for Sanctions** (9:00 AM) (Judicial Officer Denton, Mark R.)
 DEFT KOKOWEEF'S CNTRMTN FOR SANCTIONS/12(VJ 6/26)
 Result: Continuance Granted
 07/18/2008 **Conversion Case Event Type**
 DISCLOSURE OF EXPERT WITNESSES
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 07/23/2008 **Affidavit**
 SECOND AFFIDAVIT OF TALON STRINGHAM
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 07/25/2008 **Affidavit**
 AFFIDAVIT OF KENNETH F WRIGHT AKA KEN WRIGHT
 08A5586290065.tif pages
 07/25/2008 **Certificate**
 CERTIFICATE OF SERVICE
 08A5586290066.tif pages
 07/29/2008 **Certificate**
 CERTIFICATE OF SERVICE
 08A5586290067.tif pages
 07/30/2008 **Affidavit**
 AFFIDAVIT OF TED R BURKE
 08A5586290068.tif pages
 07/30/2008 **Evidentiary Hearing** (9:00 AM) (Judicial Officer Denton, Mark R.)
 EVIDENTIARY HEARING: SETTING SECURITY (TWO HOURS) Court Clerk: Sue Burdette Reporter/Recorder: Cynthia Georgilas Heard By: Mark Denton
Parties Present
Minutes
 Result: Matter Heard
 08/06/2008 **Brief**
 DEFENDANT KOKOWEEF INCS BRIEF IN SUPPORT OF ITS RENEWED MOTION TO REQUIRE SECURITY FROM PLAINTIFFS
 08A5586290071.tif pages
 08/08/2008 **Order Denying**
 ORDER DENYING PLAINTIFFS MOTION TO STRIKE DEFENDANT KOKOWEEFS MOTION FOR SECURITY FROM PLAINTIFFS DENYING DEFENDANT KOKOWEEFS COUNTER-MOTION FOR SANCTIONS AND GRANTING PLAINTIFFS MOTION TO CONTINUE EVIDENTIARY HEARING
 08A5586290072.tif pages
 08/11/2008 **Conversion Case Event Type**
 DECISION RE: DEFT KOKOWEEFE'S RENEWED MTN TO REQUIRE SECURITY FROM PLTF
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 08/11/2008 **Decision**
 DECISION
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 08/11/2008 **Conversion Case Event Type**
 PLAINTIFFS SUMMARY OF EVIDENCE PRESENTED AT EVIDENTIARY HEARING ON JULY 30 2008
 08A5586290075.tif pages
 08/11/2008 **Minute Order** (1:00 PM) (Judicial Officer Denton, Mark R.)
 MINUTE ORDER RE: PLTFS' SUMMARY OF EVIDENCE PRESENTED AT 7/30/08 EVID HRG Court Clerk: Sue Burdette Heard By: Mark Denton
Minutes
 Result: Matter Heard
 08/11/2008 **Decision** (3:39 PM) (Judicial Officer Denton, Mark R.)

DECISION RE: DEFT KOKOWEEFE'S RENEWED MTN TO REQUIRE SECURITY FROM PLTF Court Clerk: Sue Burdette
 Heard By: Mark Denton
Minutes
 Result: Matter Heard

08/12/2008 **Conversion Case Event Type**
 MINUTE ORDER RE: PLTF'S SUMMARY OF EVIDENCE PRESENTED AT 7/30/08 EVID HRG
 08A5586290069.tif pages

08/12/2008 **Reporter's Transcript**
 PARTIAL TRANSCRIPT RE EVIDENTIARY HEARING DIRECT AND CROSS EXAMINATION OF RETA VAN DA WALKER
 CROSS EXAMINATION OF LARRY HAHN
 08A5586290073.tif pages

08/13/2008 **Notice of Entry of Order**
 NOTICE OF ENTRY OF ORDER DENYING PLAINTIFFS MOTION TO STRIKE DEFENDANT KOKOWEEFS MOTION FOR
 SECURITY FROM PLAINTIFFS DENYING DEFENDANT KOKOWEEFS COUNTER-MOTION FOR SANCTIONS AND
 GRANTING PLAINTIFFS MOTION TO CONTINUE EVIDENTIARY HEARING
 08A5586290076.tif pages

08/21/2008 **Certificate**
 CERTIFICATE OF SERVICE PLAINTIFFS SUMMARY OF EVIDENCE PRESENTED AT EVIDENTIARY HEARING ON JULY
 30 2008
 08A5586290077.tif pages

08/28/2008 **Findings of Fact, Conclusions of Law and Judgment**
 PRELIMINARY FINDINGS OF FACTS AND CONCLUSIONS OF LAW AND ORDER GRANTING DEFENDANT
 KOKOWEEFS RENEWED MOTION TO REQUIRE SECURITY FROM PLAINTIFFS
 08A5586290078.tif pages

08/28/2008 **Findings of Fact, Conclusions of Law and Judgment**
 PRELIMINARY FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER GRANTING DEFENDANT KOKOWEEFS
 RENEWED MOTION TO REQUIRE SECURITY FROM PLAINTIFFS
 08A5586290085.tif pages

09/03/2008 **Notice of Entry of Order**
 NOTICE OF ENTRY OF PRELIMINARY FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER GRANTING
 DEFENDANT KOKOWEEFS RENEWED MOTION TO REQUIRE SECURITY FROM PLAINTIFFS
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09/10/2008 **Notice**
 NOTICE OF LIEN FOR ATTORNEYS FEES AND COSTS
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09/12/2008 **Motion**
 PLTF'S MTN TO CLARIFY PRELIMINARY FINDINGS OF FACT & CONCLUSIONS OF LAW/21
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09/12/2008 **Substitution of Attorney**
 SUBSTITUTION OF ATTORNEY
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09/12/2008 **Bond**
 NOTICE OF POSTING BOND
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09/22/2008 **Amended Complaint**
 VERIFIED DERIVATIVE FIRST AMENDED COMPLAINT
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09/30/2008 **Certificate**
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09/30/2008 **Opposition**
 OPPOSITION TO MOTION FOR CLARIFICATION OF THE PRELIMINARY FINDINGS OF FACT AND CONCLUSIONS OF
 LAW AND ORDER GRANTING NOMINAL DEFENDANT KOKOWEEF INCS RENEWED MOTION REQUIRE SECURITY
 FROM PLAINTIFFS DRAFTED AND SUBMITTED BY KOKOWEEF INC
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10/02/2008 **Certificate**
 CERTIFICATE OF SERVICE
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10/02/2008 **Summons**
 SUMMONS -KOKOWEEF INC
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10/02/2008 **Summons**
 SUMMONS ISSUED ONLY-PATRICK C CLARY
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10/02/2008 **Summons**
 SUMMONS -EXPLORATIONS INCORPORATED OF NEVADA
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10/02/2008 **Summons**
 SUMMONS -LARRY H HAHN
 08A5586290094.tif pages

10/02/2008 **Summons**
 SUMMONS -HAHNS WORLD OF SURPLUS INC
 08A5586290095.tif pages

10/13/2008 **Motion to Clarify (9:00 AM) (Judicial Officer Denton, Mark R.)**
 PLTF'S MTN TO CLARIFY PRELIMINARY FINDINGS OF FACT & CONCLUSIONS OF LAW/21 Court Clerk: Sue Burdette

Reporter/Recorder: Cynthia Georgilas Heard By: Mark Denton
Parties Present
Minutes
 Result: Granted in Part
 10/22/2008 **Conversion Case Event Type**
 MINUTE ORDER RE: PLTF'S MTN TO CLARIFY PRELIM FINDINGS OF FACT & CONCLSN OF LAW
 08A5586290096.tif pages
 10/22/2008 **Minute Order** (9:20 AM) (Judicial Officer Denton, Mark R.)
 MINUTE ORDER RE: PLTF'S MTN TO CLARIFY PRELIM FINDINGS OF FACT & CONCLSN OF LAW Court Clerk: Sue
 Burdette Heard By: Mark Denton
Minutes
 Result: Matter Heard
 10/27/2008 **Appearance**
 APPEARANCE
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 10/27/2008 **Motion**
 DEFT PATRICK CLARY'S MOTION FOR SANCTIONS /23
 08A5586290098.tif pages
 10/27/2008 **Initial Appearance Fee Disclosure**
 INITIAL APPEARANCE FEE DISCLOSURE
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 10/28/2008 **Three Day Notice of Intent to Default**
 THREE DAY NOTICE OF INTENT TO TAKE DEFAULT
 08A5586290103.tif pages
 10/28/2008 **Three Day Notice of Intent to Default**
 THREE DAY NOTICE OF INTENT TO TAKE DEFAULT
 08A5586290104.tif pages
 10/28/2008 **Three Day Notice of Intent to Default**
 THREE DAY NOTICE OF INTENT TO TAKE DEFAULT
 08A5586290105.tif pages
 10/28/2008 **Three Day Notice of Intent to Default**
 THREE DAY NOTICE OF INTENT TO TAKE DEFAULT
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 10/28/2008 **Receipt of Copy**
 RECEIPT OF COPY
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 10/28/2008 **Receipt of Copy**
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 10/28/2008 **Three Day Notice of Intent to Default**
 THREE DAY NOTICE OF INTENT TO TAKE DEFAULT
 08A5586290109.tif pages
 10/29/2008 **Certificate**
 CERTIFICATE OF SERVICE OF MOTION FOR SANCTIONS
 08A5586290110.tif pages
 11/04/2008 **Motion**
 DEFTS L HAHN & HAHN'S WORLD OF SURPLUS' MTN TO DISMISS AMENDED VERIFIED CMLNT/24
 08A5586290099.tif pages
 11/04/2008 **Motion**
 KOKOWEEF & DEFT P CLARY'S JNDR TO DEFT HAHN'S MTN TO DISMISS AMD COMPLNT/25
 08A5586290100.tif pages
 11/17/2008 **Motion**
 PLTF'S MTN FOR TRO & TEMP APPTMENT OF RECEIVER/MTN FOR PRELIMINARY INJUNC /26
 08A5586290101.tif pages
 11/17/2008 **Opposition**
 PLTF'S OPPOSITION TO DEFT PATRICK C CLARYS MTN FOR SANCTIONS
 08A5586290112.tif pages
 11/21/2008 **Motion**
 PLTF'S APPL FOR TRO, APPOINTMENT OF RECEIVER/27
 08A5586290111.tif pages
 11/24/2008 **Opposition**
 PLTF'S OPPOSITION TO DEFTS LARRY HAHN AND HAHNS WORLD OF SURPLUS INCS MTN TO DISMISS AMENDED
 VERIFIED COMPLAINT
 08A5586290113.tif pages
 11/25/2008 **Receipt of Copy**
 RECEIPT OF COPY
 08A5586290115.tif pages
 12/01/2008 **Motion for Sanctions** (9:00 AM) (Judicial Officer Denton, Mark R.)
 DEFT PATRICK CLARY'S MOTION FOR SANCTIONS /23 Court Clerk: Sue Burdette Reporter/Recorder: Cynthia Georgilas
 Heard By: Mark Denton
Minutes
 Result: Continuance Granted
 12/02/2008 **Reply**
 REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANTS PATRICK C CLARYS MOTION

FOR SANCTIONS
08A5586290116.tif pages

12/04/2008 **Reply**
REPLY TO PLTFS OPPOSITION TO DEFTS LARRY HAHN AND HAHNS WORLD OF SURPLUS INCS MOTION TO DISMISS AMENDED VERIFIED DERIVATIVE COMPLAINT
08A5586290117.tif pages

12/04/2008 **Memorandum**
MEMORANDUM OF POINTS AND AUTHORITIES OF NOMINAL DEFT KOKOWEEF INC AND DEFTPATRICK C CLARY IN SUPPORT OF DEFTS LARRY HAHN AND HAHNS WORLD OF SURPLUS INCS MOTION TO DISMISS AMENDED VERIFIED DERIVATIVE COMPLAINT THE SUBJECT MOTION AND IN OPPOSITION TO PLTFS COUNTER MOTION TO STRIKE KOKOWEEF INCS JOINDER IN THE SUBJECT MOTION
08A5586290118.tif pages

12/08/2008 **Motion**
ALL PENDING MOTIONS (12-08-08)
08A5586290114.tif pages

12/08/2008 **Motion for Sanctions** (9:00 AM) (Judicial Officer Denton, Mark R.)
DEFT PATRICK CLARY'S MOTION FOR SANCTIONS /23 Court Clerk: Sue Burdette Reporter/Recorder: Cynthia Georgilas
Heard By: Mark Denton
Result: Continuance Granted

12/08/2008 **Motion to Dismiss** (9:00 AM) (Judicial Officer Denton, Mark R.)
DEFTS L HAHN & HAHN'S WORLD OF SURPLUS' MTN TO DISMISS AMENDED VERIFIED CMLNT/24 Heard By: Mark Denton
Result: Continuance Granted

12/08/2008 **Joinder** (9:00 AM) (Judicial Officer Denton, Mark R.)
KOKOWEEF & DEFT P CLARY'S JNDR TO DEFT HAHN'S MTN TO DISMISS AMD COMPLNT/25

12/08/2008 **Motion for Temporary Restraining Order** (9:00 AM) (Judicial Officer Denton, Mark R.)
PLTF'S MTN FOR TRO & TEMP APPTMENT OF RECEIVER/MTN FOR PRELIMINARY INJUNC /26 Heard By: Mark Denton
Result: Continuance Granted

12/08/2008 **CANCELED Motion for Temporary Restraining Order** (9:00 AM) (Judicial Officer Denton, Mark R.)
Vacated
Result: Matter Heard

12/08/2008 **All Pending Motions** (9:00 AM) (Judicial Officer Denton, Mark R.)
ALL PENDING MOTIONS (12-08-08) Court Clerk: Sue Burdette Reporter/Recorder: Cynthia Georgilas Heard By: Mark Denton
Minutes
Result: Matter Heard

12/09/2008 **Stipulation and Order**
STIPULATION AND ORDER RE HEARING DATES
08A5586290119.tif pages

12/22/2008 **Motion for Temporary Restraining Order** (9:00 AM) (Judicial Officer Denton, Mark R.)
PLTF'S MTN FOR TRO & TEMP APPTMENT OF RECEIVER/MTN FOR PRELIMINARY INJUNC /26 Heard By: Mark Denton
Result: Continuance Granted

12/24/2008 **Joinder**
JOINDER OF DEFENDANT PATRICK C CLARY AND SO CALLED NOMIAL DEFENDNAT KOKOWEEP INCIN
OPPOSITIONS OF DEFENDANTS LARRY HAWN AND HANHS WORLD OF SURPLUS INC AND AFFIDAVIT OF PATRICK C CLARY IN SUPPORT THEREOF
08A5586290121.tif pages

12/24/2008 **Opposition**
OPPOSITION TO PLAINTIFFS NOTICE OF NONOPPOSITION TO APPLICATION FORRECEIVER MOTION FOR PRELIMINARY INJUNCTION AND MOTION FOR APPOINTMENT OF TEMPORARY RESTRAINING ORDER AND APPLICATION FOR TEMPORARY APPOINTMEENT OF RECEIVER
08A5586290122.tif pages

12/24/2008 **Opposition**
OPPOSITION TO APPLICATION FOR TEMPORARY RESTRAINING ORDER, AND APPLICATION FORTEMPORARY APPOINTMENT OF RECEIVER; MOTION FOR PRELIMINARY INJUNCTION AND MOTION FOR APPOINTMENT OF RECEIVER
08A5586290123.tif pages

01/08/2009 **Reply**
REPLY TO DEFTS OPPOSITION AND JOINDER TO OPPOSITION TO APPLICATION FOR TRO ANDAPPLICATION FOR TEMP APPT OF RECEIVER MOTION FOR PRELIMINARY INJUNCTION AND MOTION FOR APPT OF RECEIVER REPLY TO DEFTS OPPOSITION TO NOTICE OF NON OPPOSITION
08A5586290125.tif pages

01/12/2009 **Motion**
ALL PENDING MOTIONS (01-12-09)
08A5586290120.tif pages

01/12/2009 **Motion for Sanctions** (9:00 AM) (Judicial Officer Denton, Mark R.)
DEFT PATRICK CLARY'S MOTION FOR SANCTIONS /23 Court Clerk: Sue Burdette Reporter/Recorder: Cynthia Georgilas
Heard By: Mark Denton
Result: Continuance Granted

01/12/2009 **Motion to Dismiss** (9:00 AM) (Judicial Officer Denton, Mark R.)
DEFTS L HAHN & HAHN'S WORLD OF SURPLUS' MTN TO DISMISS AMENDED VERIFIED CMLNT/24 Heard By: Mark Denton
Result: Granted in Part

01/12/2009 **Motion for Temporary Restraining Order** (9:00 AM) (Judicial Officer Denton, Mark R.)
PLTF'S MTN FOR TRO & TEMP APPTMENT OF RECEIVER/MTN FOR PRELIMINARY INJUNC /26 Heard By: Mark Denton

01/12/2009 **Result: Granted in Part**
All Pending Motions (9:00 AM) (Judicial Officer Denton, Mark R.)
ALL PENDING MOTIONS (01-12-09) Court Clerk: Sue Burdette Reporter/Recorder: Cheryl Campbell Heard By: Mark Denton
Parties Present
Minutes

01/13/2009 **Result: Matter Heard**
Reporter's Transcript
REPORTER'S TRANSCRIPT PARTIAL TRNASCRIPT RE EVIDENTIARY HEARING TESTIMONY OF TALON STRINGHAM
08A5586290126.tif pages

01/13/2009 **Receipt of Copy**
RECEIPT OF COPY
08A5586290127.tif pages

01/16/2009 **Notice of Entry of Order**
NOTICE OF ENTRY OF ORDER
08A5586290128.tif pages

01/22/2009 **Affidavit**
SECOND SUPPLEMENTAL AFFIDAVIT OF PATRICK C CLARY IN SUPPORT OF DEFT PATRICK C CLARYS MTN FOR SANCTIONS
08A5586290129.tif pages

01/23/2009 **Supplemental**
PLAINTIFFS SUPPLEMENT TO ITS APPLICATION FOR TEMPORARY APPOINTMENT OF RECEIVER MOTION FOR PRELIMINARY INJUNCTION AND MOTION FOR APPOINTMENT OF RECEIVER
08A5586290130.tif pages

01/26/2009 **Motion for Sanctions** (9:00 AM) (Judicial Officer Denton, Mark R.)
DEFT PATRICK CLARY'S MOTION FOR SANCTIONS /23 Court Clerk: Sue Burdette Reporter/Recorder: Cynthia Georgilas
Heard By: Mark Denton
Parties Present
Minutes

01/28/2009 **Result: Denied**
Certificate of Mailing
AMENDED CERTIFICATE OF SERVICE FOR REPLY TO PLAINTIFFS OPPOSITION TO DEFENDANTS LARRY HAHN AND HAHNS WORLD OF SURPLUS INCS MOTION TO DISMISS AMENDED VERIFIED DERIVATIVE COMPLAINT
08A5586290132.tif pages

01/29/2009 **Conversion Case Event Type**
DECISION RE: DEFT HAHN'S MTN TO DISMISS/ PLTF'S APP FOR TRO/PRELIM INJ & RECEIVER
08A5586290124.tif pages

01/29/2009 **Certificate**
ADDITONAL CERTIFICATE
08A5586290131.tif pages

01/29/2009 **Judgment**
DECN/ORDR OF DISMISSAL W/P(CERTAIN CAUSE
08A5586290135.tif pages

01/29/2009 **Judgment**
DECN/ORDR OF DISMISSAL(CERTAIN CAUSES)
08A5586290136.tif pages

01/29/2009 **Decision** (1:17 PM) (Judicial Officer Denton, Mark R.)
DECISION RE: DEFT HAHN'S MTN TO DISMISS/PLTF'S APP FOR TRO/PRELIM INJ & RECEIVER Court Clerk: Sue Burdette Heard By: Mark Denton
Minutes

02/02/2009 **Result: Matter Heard**
Certificate
CERTIFICATE OF SERVICE
08A5586290133.tif pages

02/04/2009 **Notice of Entry of Order**
NOTICE OF ENTRY OF ORDER
08A5586290134.tif pages

02/05/2009 **Receipt of Copy**
NOTICE OF RECEIPT OF COPY OF NOTICE OF ENTRY OF ORDER
08A5586290137.tif pages

02/20/2009 **Answer**
ANSWER
08A5586290138.tif pages

02/20/2009 **Answer**
ANSWER
08A5586290139.tif pages

02/23/2009 **Answer to Amended Complaint**
ANSWER TO AMENDED VERIFIED DERIVATIVE COMPLAINT
08A5586290141.tif pages

02/26/2009 **Default**
DEFAULT
08A5586290142.tif pages

03/16/2009 **Amended Answer**
AMENDED ANSWER OF DEFT PATRICK C CLARY

08A5586290143.tif pages
03/16/2009 **Amended Answer**
AMENDED ANSWER TO AMENDED VERIFIED DERIVATIVE COMPLAINT
08A5586290144.tif pages
03/16/2009 **Amended Answer**
AMENDED ANSWER TO AMENDED VERIFIED DERIVATIVE COMPLAINT
08A5586290145.tif pages
03/16/2009 **Amended Answer**
AMENDED ANSWER OF SO CALLED NOMINAL DEFT KOKOWEEF INC
08A5586290146.tif pages
04/22/2009 **Business Court Order**
04/28/2009 **Motion to Quash Service**
Defendant Larry L Hahn & Hahn's World of Surplus Inc's Motion to Quash Subpoenas
04/28/2009 **Notice of Hearing**
Defendant's Notice of Hearing on Defendants Larry L Hahn & Hahn's World of Surplus Inc's Motion to Quash Subpoenas
04/30/2009 **Certificate of Service**
of Larry L Hahn and Hahns World of Surplus Incs mtn to quash subpoenas and notice of hearing
05/05/2009 **Joinder To Motion**
Nominal Defendant Kokoweef, Inc., and Defendant Patrick C. Clary's Joinder in Defendants Larry Hahn and Hahn's World of Surplus, Inc.'s Motion to Quash Subpoenas
05/11/2009 **Mandatory Rule 16 Conference** (3:45 PM) (Judicial Officer Denton, Mark R.)
MANDATORY RULE 16 CONFERENCE
Parties Present
Minutes
05/11/2009 Reset by Court to 05/11/2009
Result: Matter Heard
05/13/2009 **Demand for Jury Trial**
Demand for Jury Trial
05/19/2009 **Joint Case Conference Report**
Joint Case Conference Report
05/22/2009 **Receipt of Copy**
Receipt Of Copy
05/22/2009 **Receipt of Copy**
Receipt Of Copy
05/22/2009 **Opposition to Motion**
Plaintiffs Opposition to Defendants Larry Hahn and Hahns World of Surplus Incs Motion to Quash Subpoenas
05/29/2009 **Motion for Partial Summary Judgment**
06/03/2009 **Notice of Motion**
Notice of Motion And Certificate of Service
06/04/2009 **Stipulation and Order**
Stipulation and Order Regarding Subpoenas
06/05/2009 **Notice of Entry of Stipulation and Order**
Notice of Entry of Stipulation and Order
06/19/2009 **Opposition to Motion**
Reply to Plaintiffs' opposition to Defendants Larry L Hahn and Hahn's World of Surplus, Inc.'s Motion to Quash Subpoenas
06/19/2009 **Opposition**
Plaintiffs Opposition to Defendant Patrick C Clary's Motion for Summary Judgment
06/26/2009 **Motion to Quash** (9:30 AM) (Judicial Officer Bulla, Bonnie)
06/26/2009, 06/26/2009, 08/14/2009
Defendant's Notice of Motion to Quash Subpeona
05/29/2009 Reset by Court to 05/29/2009
05/29/2009 Continued to 06/26/2009 - At the Request of Counsel - Bertoldo, John; Clary, Patrick C
05/29/2009 Reset by Court to 05/29/2009
Result: Matter Continued
06/26/2009 **Joinder** (9:30 AM) (Judicial Officer Bulla, Bonnie)
06/26/2009, 06/26/2009, 08/14/2009
Nominal Defendant Kokoweef, Inc., and Defendant Patrick C. Clary's Joinder in Defendants Larry Hahn and Hahn's World of Surplus, Inc.'s Motion to Quash Subpoenas
05/29/2009 Reset by Court to 05/29/2009
05/29/2009 Continued to 06/26/2009 - At the Request of Counsel - Bertoldo, John; Clary, Patrick C
05/29/2009 Reset by Court to 05/29/2009
Result: Matter Continued
06/26/2009 **All Pending Motions** (9:30 AM) (Judicial Officer Bulla, Bonnie)
Nominal Defendant Kokoweef, Inc., and Defendant Patrick C. Clary's Joinder in Defendants Larry Hahn and Hahn's World of Surplus, Inc.'s Motion to Quash Subpoenas.....Def't's Notice of Motion to Quash Subpeona
Parties Present
Minutes
Result: Matter Heard
07/02/2009 **Reply Points and Authorities**
Reply Memorandum of Points and Authorities in Support of Defendant Patrick C. Clary's Motion for Partial Summary Judgment

07/06/2009 **Motion for Partial Summary Judgment** (9:00 AM) (Judicial Officer Denton, Mark R.)
Nominal Defts Kokoweef and P Clary's Motion for Partial Summary Judgment
Minutes
 Result: Off Calendar

07/27/2009 **Peremptory Challenge**

07/27/2009 **Notice of Department Reassignment**

07/30/2009 **Scheduling Order**

08/11/2009 **Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call**

08/14/2009 **All Pending Motions** (9:30 AM) (Judicial Officer Bulla, Bonnie)
Parties Present
Minutes
 Result: Matter Heard

09/09/2009 **Notice to Appear for Discovery Conference**

09/23/2009 **Motion**
Defendants Larry Hahn and Hahn's World of Surplus Inc's Motion to Transfer Case to Department 13

09/25/2009 **Discovery Conference** (9:00 AM) (Judicial Officer Bulla, Bonnie)
Parties Present
Minutes
 09/25/2009 Reset by Court to 09/25/2009
 Result: Matter Heard

10/09/2009 **Opposition to Motion**
Plaintiff's Opposition to Defendants Larry Hahn and Hahn's World of Surplus, Inc.'s Motion to Transfer Case to Department 13

10/16/2009 **Joinder**
Joinder of Defendant Patrick C. Clary and So-called Nominal Defendant Kokoweef, Inc. In Defendants LarryHahn and Hahn's world of Surplus, Inc.'s Motion to Transfer case to Department 13

10/16/2009 **Reply to Opposition**
Reply to Plaintiffs' Opposition to Defendants Larry Hahn and Hahn's World of Surplus, Inc.'s Motion to Transfer Case to Department 13

10/27/2009 **Opposition**
Opposition to Defendants Patrick C Clary's and Kokoweef, Inc's Fugitive Joinder to Defendants Larry Hahn's and Hahn's World of Surplus Inc's Motion to Transfer Case to Department 13, and Request to Strike Same

10/29/2009 **Motion** (9:00 AM) (Judicial Officer Gonzalez, Elizabeth)
Defendants Larry Hahn and Hahn's World of Surplus Inc's Motion to Transfer Case to Department 13
Parties Present
Minutes
 10/28/2009 Reset by Court to 10/29/2009
 Result: Denied

11/05/2009 **CANCELED Status Check** (9:00 AM) (Judicial Officer Gonzalez, Elizabeth)
Vacated - per Judge

11/24/2009 **Summons**
Summons

11/24/2009 **Discovery Commissioners Report and Recommendations**

12/02/2009 **Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call**

01/15/2010 **CANCELED Pre Trial Conference** (9:00 AM) (Judicial Officer Gonzalez, Elizabeth)
Vacated Per Commissioner
discovery extended

02/04/2010 **CANCELED Calendar Call** (9:15 AM) (Judicial Officer Gonzalez, Elizabeth)
Vacated Per Commissioner
discovery extended

02/05/2010 **Request**
Request for Rule 16 Conference

02/05/2010 **Motion to Compel**
Motion to Compel Responses To Request For Production and to Extend Discovery Deadlines (Second Request)

02/08/2010 **CANCELED Jury Trial** (1:30 PM) (Judicial Officer Gonzalez, Elizabeth)
Vacated Per Commissioner
discovery extended

02/09/2010 **Receipt of Copy**
Receipt of Copy

02/10/2010 **Status Check** (11:30 AM) (Judicial Officer Gonzalez, Elizabeth)
Minutes
 Result: Minute Order - No Hearing Held

02/19/2010 **Opposition**
Defendant Kokoweef, Inc.'s Opposition to Plaintiffs' Motion to Compel Responses to Requests for Production and to Extend Discovery Deadlines (Second Request)

02/24/2010 **Opposition**
Opposition to Plaintiffs' Motion to Compel Responses to Requests for Production and to Extend Discovery Deadlines (Second Request)

02/24/2010 **Motion for Summary Judgment**
Larry L Hahn and Hahn's World of Surplus, Inc.'s Motion for Partial Summary Judgment

02/25/2010 **Notice of Hearing**

02/25/2010	<i>Re-Notice of Hearing of Motion for Partial Summary Judgment</i>
	Joinder
	<i>Joinder of Defendant Patrick C. Clary and So-Called Nominal Defendant Kokoweer Inc in Defendants Larry Hahn and Hahn's World of Surplus Inc.'s Motion for Partial Summary Judgment</i>
02/25/2010	Proof of Service by Mail
	<i>Proof of Service by Mail</i>
02/26/2010	Certificate of Mailing
	<i>Certificate of Service of Re-Notice of Hearing of Motion for Partial Summary Judgment</i>
03/12/2010	Motion to Compel (3:00 AM) (Judicial Officer Gonzalez, Elizabeth)
	<i>Motion to Compel Responses To Request For Production and to Extend Discovery Deadlines (Second Request)</i>
03/30/2010	Motion for Partial Summary Judgment (9:00 AM) (Judicial Officer Gonzalez, Elizabeth)
	<i>Larry L Hahn and Hahn's World of Surplus, Inc.'s Motion for Partial Summary Judgment</i>
03/30/2010	Motion for Partial Summary Judgment (9:00 AM) (Judicial Officer Gonzalez, Elizabeth)
	<i>Re-Notice of Hearing of Motion for Partial Summary Judgment</i>
03/30/2010	Joinder (9:00 AM) (Judicial Officer Gonzalez, Elizabeth)
	<i>Joinder of Defendant Patrick C. Clary and So-Called Nominal Defendant Kokoweer Inc in Defendants Larry Hahn and Hahn's World of Surplus Inc.'s Motion for Partial Summary Judgment</i>
05/27/2010	Status Check (9:00 AM) (Judicial Officer Gonzalez, Elizabeth)
08/13/2010	Pre Trial Conference (9:00 AM) (Judicial Officer Gonzalez, Elizabeth)
09/02/2010	Calendar Call (9:15 AM) (Judicial Officer Gonzalez, Elizabeth)
09/07/2010	Jury Trial (1:30 PM) (Judicial Officer Gonzalez, Elizabeth)

FINANCIAL INFORMATION

	Conversion Extended Connection Type No Convert Value @ 08A558629			
	Total Financial Assessment			1,022.00
	Total Payments and Credits			1,022.00
	Balance Due as of 03/09/2010			0.00
03/07/2008	Transaction			
	Assessment			1,021.00
03/07/2008	Conversion Payment	Receipt # 01415437	NEIL J BELLER LTD	(688.00)
04/11/2008	Conversion Payment	Receipt # 01423551	M NELSON SEGEL, CHARTERED	(131.00)
04/11/2008	Conversion Payment	Receipt # 01423682	PATRICK C CLARY	(101.00)
10/28/2008	Conversion Payment	Receipt # 01470071	PATRICK C CLARY	(101.00)
07/24/2009	Transaction			
	Assessment			1.00
07/24/2009	Payment (Window)	Receipt # 2009-41136-FAM	Hahn, Larry L	(1.00)
	Defendant Clary, Patrick C			
	Total Financial Assessment			200.00
	Total Payments and Credits			200.00
	Balance Due as of 03/09/2010			0.00
02/26/2010	Transaction			
	Assessment			200.00
02/26/2010	Wiznet	Receipt # 2010-03409-CCCLK	Clary, Patrick C	(200.00)
	Defendant Hahn, Larry			
	Total Financial Assessment			200.00
	Total Payments and Credits			200.00
	Balance Due as of 03/09/2010			0.00
02/25/2010	Transaction			
	Assessment			200.00
02/25/2010	Wiznet	Receipt # 2010-03301-CCCLK	Hahn, Larry	(200.00)

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

March 1, 2010

Via Facsimile:

The Honorable Elizabeth Gonzales
Dept. 11
Eighth Judicial Court
200 Lewis Avenue
Las Vegas, Nevada 89155

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

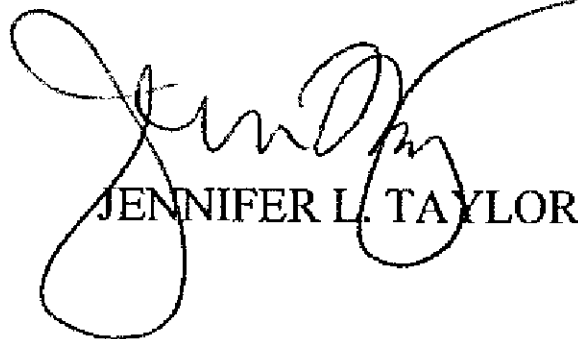
Dear Judge Gonzales:

Enclosed please find a copy of my correspondence to opposing counsel regarding our Motion to Compel, set for Chambers hearing on March 12, 2010.

If you have any questions, please call me.

Very truly yours,

ROBERTSON & VICK, LLP



JENNIFER L. TAYLOR

JLT:mlm

cc: Patrick C. Clary, Esq.
Nelson M. Segel, Esq.

LOS ANGELES

LAS VEGAS

ALBUQUERQUE

3/1/10 4:11 SJG
5081\5081.01\et\SJG0804.WPD

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

March 1, 2010

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. 9th 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:

I am in receipt of your Oppositions to my Motion to Compel. I note that overwhelmingly your Oppositions are procedural in nature, i.e. that the Motion was improperly filed before Judge Gonzales and not Commissioner Bulla. For your information, I originally submitted this Motion on an OST to Commissioner Bulla. The OST was rejected, as I was told, because the trial date was more than six (6) months away. So, we changed the Motion to be filed in the ordinary course. We failed to notice that our "Notice of Motion" was for Department XIII, not the Discovery Commissioner, and e-filed it. When we received our hearing date, we realized the error. I immediately called Judge Gonzales' chambers and asked her Judicial Executive Assistant how to handle the error. He told me he would ask the Judge and let me know. When

LOS ANGELES

LAS VEGAS

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3/1/10 1:56 SJG
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Patrick C. Clary
Nelson Segel
March 1, 2010
Page 2

we spoke again, he told me that Judge Gonzales would retain the Motion for consideration and I didn't need to do anything.

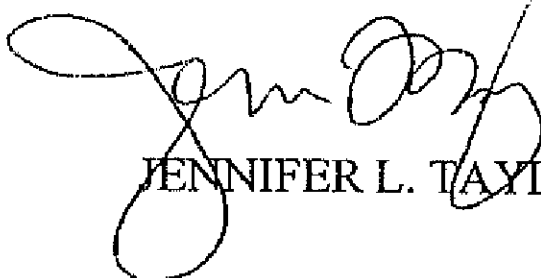
It was not until receipt of your Oppositions that I realized there had been an error in the department designation in the Notice of Motion. I apologize for this inadvertent error.

Again, as I note above, your Oppositions are essentially procedural in nature. The deadline for your Oppositions pursuant to EDCR 2.20 was February 24, 2010. However, given the circumstances described above, if you would like to amend your Oppositions to include a substantive argument, I will not object to the timeliness of such an Opposition, as long as I receive a copy *no later than Wednesday, March 3, 2010*, so that I have time to prepare a Reply to any such amended Opposition. Pursuant to EDCR 2.20, my Reply would be due on March 5, 2010, so I will need at least those two days to respond.

If you have any questions, please do not hesitate to contact me. Thank you for your time.

Very truly yours,

ROBERTSON & VICK, LLP



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

March 1, 2010

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Number of pages in transmission, including cover sheet: 3

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 Oppositions to Motion to Compel (attached).

Transaction Report

Send

Transaction(s) completed

No.	TX	Date/Time	Destination	Duration	P. #	Result	Mode
289	MAR-01	14:54	3822967	0'00'25"	003	OK	N ECM

ROBERTSON & VICK, LLP

401 N. Buffalo Dr., Suite 202

Las Vegas, Nevada 89145

Telephone: (702) 247-4661

Facsimile: (702) 247-6227

March 1, 2010

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Number of pages in transmission, including cover sheet: 3

To: Patrick C. Clary, Esq.

Facsimile No. 382-7277

Telephone No. 382-0813

To: Nelson Segel, Esq.

Facsimile No. 382-2967

Telephone No. 386-6266

From: Jennifer L. Taylor

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

File No.: 6081.01

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• COMMENTS •

Letter regarding Oppositions to Motion to Compel (attached).

Transaction Report

Send

Transaction(s) completed

No.	TX	Date/Time	Destination	Duration	P. #	Result	Mode
288	MAR-01	14:53	7023827277	0'00'22"	003	OK	N ECM

ROBERTSON & VICK, LLP

401 N. Buffalo Dr., Suite 202

Las Vegas, Nevada 89145

Telephone: (702) 247-4661

Facsimile: (702) 247-6227

March 1, 2010

FACSIMILE TRANSMISSION COVER SHEET

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Number of pages in transmission, including cover sheet: 3

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 Oppositions to Motion to Compel (attached).

ROBERTSON & VICK, LLP

401 N. Buffalo Dr., Suite 202
Las Vegas, Nevada 89145
Telephone: (702) 247-4661
Facsimile: (702) 247-6227

March 1, 2010

FACSIMILE TRANSMISSION COVER SHEET

CONFIDENTIALITY NOTICE

This telecopied information is confidential, intended for the use of the addressee listed below. If you are neither the intended recipient nor the employee or agent responsible for delivering the telecopied information to the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance upon the contents of the telecopied information is strictly prohibited. If you have received this telecopied information in error, please immediately notify us by telephone to arrange for the return of the telecopied information to us.

Number of pages in transmission, including cover sheet: 1

To: The Honorable Elizabeth Gonzales
Facsimile No. 671-4377

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

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• COMMENTS •

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		17:20	3822967	0'00'32"	004	OK	N ECM

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March 1, 2010

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To: The Honorable Elizabeth Gonzales
Facsimile No. 671-4377

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

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• **COMMENTS** •

Exhibit 3

STATE OF NEVADA)
)SS
COUNTY OF CLARK)

AFFIDAVIT OF PAUL BARNARD

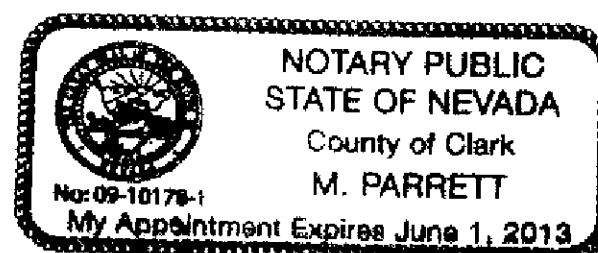
I, PAUL BARNARD, being first duly sworn upon oath, depose and state as follows:

1. That I am a Plaintiff in the matter of Ted Burke et al v. Larry Hahn et al, Case No. 08 D 558629.
2. That I am a shareholder with shares in Explorations, Incorporated of Nevada and/or Kokoweef, Inc.
3. That I am of sound mind, capable of making this affidavit and personally acquainted with the facts herein stated.
4. That I was present at the Shareholder's meeting held at the Kokoweef mine site in San Bernardino County, California on Sunday, June 1, 2008.
5. That after Ted Burke and his attorney left the premises, I personally heard Mr. Patrick Clary state to the approximately 100 remaining shareholders present: "Here is our strategy, we are going to stall the case and continue stalling the case until the plaintiffs run out of money and are no longer able continue the case."
6. Further affiant sayeth naught.


PAUL BARNARD

Subscribed and Sworn to before me
This 10 day of March, 2010.


NOTARY PUBLIC



STATE OF NEVADA)
)SS
COUNTY OF CLARK)

AFFIDAVIT OF PAULA M. BARNARD

I, PAULA M. BARNARD, being first duly sworn upon oath, depose and state as follows:

7. That I am a Plaintiff in the matter of Ted Burke et al v. Larry Hahn et al, Case No. 08 D 558629.

8. That I am a shareholder with shares in Explorations, Incorporated of Nevada and/or Kokoweef, Inc.

9. That I am of sound mind, capable of making this affidavit and personally acquainted with the facts herein stated.

10. That I was present at the Shareholder's meeting held at the Kokoweef mine site in San Bernardino County, California on Sunday, June 1, 2008.

11. That after Ted Burke and his attorney left the premises, I personally heard Mr. Patrick Clary state to the approximately 100 remaining shareholders present: "Here is our strategy, we are going to stall the case and continue stalling the case until the plaintiffs run out of money and are no longer able continue the case."

12. Further affiant sayeth naught.


PAULA M. BARNARD

Subscribed and Sworn to before me
This 10 day of March, 2010.


NOTARY PUBLIC

