



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

TED BURKE, et al.	.	
	.	
Plaintiffs	.	CASE NO. A-558629
	.	
vs.	.	
	.	DEPT. NO. XI
LARRY HAHN, et al.	.	
	.	Transcript of
Defendants	.	Proceedings
	.	
.....	.	

BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

RESIGNATION OF PATRICK CLARY, ESQ.

TUESDAY, AUGUST 30, 2011

APPEARANCES:

FOR THE PLAINTIFFS: JENNIFER LANE TAYLOR, ESQ.

FOR THE DEFENDANTS: PATRICK C. CLARY, ESQ.
M. NELSON SEGEL, ESQ.

COURT RECORDER:	TRANSCRIPTION BY:
JILL HAWKINS	FLORENCE HOYT
District Court	Las Vegas, Nevada 89146

Proceedings recorded by audio-visual recording, transcript produced by transcription service.

RECEIVED
SEP 8 2011
CLERK OF THE COURT

44

1 LAS VEGAS, NEVADA, TUESDAY, AUGUST 30, 2011, 9:30 A.M.

2 (Court was called to order)

3 THE COURT: Is everyone here on Burke versus Hahn?

4 I would like to start with the motion for sanctions
5 after everyone identifies themselves so the clerk can make
6 good notes.

7 MS. TAYLOR: Good morning, Your Honor. Jennifer
8 Taylor on behalf of plaintiffs.

9 MR. SEGEL: Nelson Segel on behalf of defendant Hahn
10 and Hahn's World Surplus.

11 MR. CLARY: Your Honor, in lieu of making an
12 appearance I'd like to make a brief statement to the Court, if
13 I could so uninterrupted.

14 THE COURT: Certainly, Mr. Clary.

15 MR. CLARY: I -- this has been a very difficult case
16 for me. I stand here as a defendant, as well as an attorney.
17 I -- they say an attorney who has himself as his attorney has
18 a fool for a client, and perhaps I'm a fool. No longer am I
19 going to be a fool.

20 I -- I have never knew about the new developing
21 specialty in the law called character assassination. And I'm
22 a victim of it. So is a young man by the name of Jeremy,
23 who's sitting right here. Ms. Taylor enjoys calling -- saying
24 -- using the phrase over and over, enough is enough. For
25 once I agree with her. Enough is enough.

1 I -- I cannot take it anymore. I am going to as of
2 this moment resign and retire as a lawyer. I -- perhaps she
3 can destroy my reputation, which she already has, but she
4 cannot destroy my character. I will retain that. And I ask
5 you to please release me and let me go home.

6 THE COURT: Mr. Clary, since you're a named
7 defendant, are you going to have other counsel that represents
8 you, or are you going to represent yourself in proper person?

9 MR. CLARY: I'm finished.

10 THE COURT: So I'm sorry to hear you're retiring.
11 You've been around for a long time. As long as I've been a
12 lawyer you've been around.

13 MR. CLARY: Almost made it to 44 years, Your Honor,
14 no thanks to Ms. Taylor.

15 THE COURT: Okay. Well, I have a pending motion
16 that you filed that's on calendar today. Do you want me to
17 hear that motion, or do you want me to vacate that motion?

18 MR. CLARY: Your Honor, I would love to have you
19 grant my motion to dismiss me out as a defendant. But
20 dismissing me out as a defendant will not change the fact that
21 Ms. Taylor has destroyed my reputation. I cannot -- I built a
22 reputation as a securities lawyer for 40 years, and I can no
23 longer hold my head up high and say to a client that I can
24 represent you without disclosing to them that I've been
25 accused of committing securities fraud. I can't function.

1 And so I don't know what you want to do. I will sit
2 here, if you insist I do so; but I cannot any longer go
3 forward with this case in good conscience. Mr. Hahn is a
4 person that I've known for many years. He, like me, is a
5 graduate of Las Vegas High School. I'm ashamed to say this in
6 front of an old friend of mine sitting in the back, Dennis
7 Haney went to high school with me, to make this announcement
8 today in front of him. I'm more ashamed to admit that I'm
9 still a lawyer in front of a young man like Jeremy, whose
10 character was attacked because he had the audacity to come
11 forward and sign an affidavit. And Ms. Taylor went to the
12 Internet and is now attacking his credibility based upon
13 inadmissible evidence that she published to Your Honor.

14 I am -- I don't want to reach the level of being a
15 practitioner of this profession and a participant in this
16 judicial system where I am ashamed of being such. And I'm
17 almost at that point, and my resignation is done shamelessly,
18 but it's done with sincerity, with irrevocability, and with
19 finality. So I can go home to my wife and my family and be
20 proud of myself and not have to put up with what I've been
21 subjected to in this case. And I can no longer say that I can
22 be proud to be a member of a legal system, the legal
23 profession, and a judicial system that would countenance
24 specializing in character assassination as a new form of
25 practice of law.

1 THE COURT: All right, Mr. Clary --

2 MR. CLARY: I can't do it, and I've had it. If I
3 look defeated, I'm not. There's other things in my life I can
4 do.

5 THE COURT: Okay. Well, Mr. Clary, I'll certainly
6 let you go home, if that's what you want to do. I need to ask
7 Mr. Hahn a couple of questions, though, because you were
8 representing Kokoweef, Mr. Clary. And so Mr. Hahn, who's
9 involved in Kokoweef, now needs to make a decision as to
10 whether Kokoweef is going to have other counsel, because it
11 can't represent itself, or whether you're going to ask Mr.
12 Segel to represent you.

13 So I'm going to let you guys take a break and go out
14 in the hallway and caucus.

15 Yes, Mr. Segel.

16 MR. SEGEL: I'll be glad to go caucus, Your Honor,
17 but Mr. Clary -- I am in this case representing Mr. Hahn
18 because I cannot -- Mr. Clary couldn't represent Mr. Hahn and
19 Kokoweef, and I cannot represent both, either. So we will
20 have to have new counsel for Kokoweef.

21 THE COURT: So then I can't have hearings today.
22 Because every hearing I have involves Kokoweef to one extent
23 or another.

24 MR. SEGEL: Your Honor, I'll represent to this
25 Court, because I'm sure Ms. Taylor's going to jump up and

1 down, this is new to me. Mr. Clary told me this morning
2 walking in here. I don't know anything about it.

3 THE COURT: Mr. Segel, I'm not questioning that.

4 All right. So how long do you need? Because I
5 assume Mr. Hahn's going to be the one who's got the laboring
6 oar of finding a new lawyer for Kokoweef.

7 MR. SEGEL: Your Honor, I -- I guess I will have to
8 work with Mr. Hahn as the president of Kokoweef to find new
9 counsel. Hopefully that doesn't mean I'm representing
10 Kokoweef, as I'm being argued throughout this case. But I
11 need a minimum of two weeks to find somebody, and then we've
12 got to find out if we can get them to come in. The issue,
13 obviously, Your Honor -- I hate -- I want to go to trial in a
14 month. I'm not sure how that happens now when we -- Kokoweef
15 -- you know, we've got to deal with the summary judgment
16 motions. And if the Court denies the summary judgment
17 motions, we have one situation. If the Court grants it, we
18 have a different situation.

19 And then I also have this issue of pleading, Your
20 Honor. And this -- I would like the Court to order there will
21 be no more pleading in this case, because we pointed to all
22 the problems the plaintiffs had with failing to provide any
23 competent evidence.

24 THE COURT: Okay. Let's stop for a minute. How
25 long do you need to determine -- and I guess I need to ask Mr.

1 Hahn.

2 How long do you need to determine if you're going to
3 be able to find new counsel? You've got -- technically you
4 have a calendar call on Thursday. I'm not going to make you
5 go to trial with this particular situation that's occurred,
6 but I am going to keep pressure on you so that we get back on
7 the trial stack as soon as possible. So if I give you two
8 weeks, do you think that's enough time, sir, for you to find a
9 new lawyer given what Mr. Clary said to us today?

10 MR. HAHN: Yes.

11 THE COURT: All right. I'm going to set a status
12 check on new counsel for Kokoweef in two weeks. We're not
13 going to argue any of the motions in two weeks, because I
14 didn't think it would be fair to new counsel to put them in
15 that position. If new counsel has already substituted in and
16 you can agree to a schedule for the hearing of the motions,
17 then you guys can just tell me that, and I won't have to worry
18 about having you come in in two weeks. Otherwise, I'll see
19 you and we'll figure out what we're doing. Is that okay?

20 All right. Goodbye.

21 MS. TAYLOR: Do we have any date now?

22 THE COURT: Goodbye.

23 MS. TAYLOR: Okay.

24 THE CLERK: September 13, 9:00 a.m.

25 MS. TAYLOR: That's all I wanted, Your Honor.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT: Your trial date is vacated.

MR. SEGEL: Thank you, Your Honor.

THE PROCEEDINGS CONCLUDED AT 9:39 A.M.

* * * * *

CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

FLORENCE HOYT
Las Vegas, Nevada 89146

Florence M. Hoyt
FLORENCE HOYT, TRANSCRIBER

9/8/11
DATE