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8 **BEFORE THE SUPREME COURT OF THE STATE OF NEVADA**

9 VINCENT W. HESSER, an individual,

10 Appellant,

11 v.

12 KENNEDY FUNDING, INC., a New Jersey
corporation,

13 Respondent.

Supreme Court Case No.: 55654

District Court Case No.: A582746

District Court Dept. No.: XI

FILED

MAR 31 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

15 **RESPONDENT KENNEDY FUNDING, INC.'S RESPONSE TO APPELLANT'S**
16 **DOCKETING STATEMENT**

17 Respondent Kennedy Funding, Inc. ("Kennedy Funding") responds to Appellant's
18 Docketing Statement as identified on the attached **Exhibit "A"**:

19 DATED this 29th day of March, 2010.

20 **SANTORO, DRIGGS, WALCH,**
21 **KEARNEY, HOLLEY & THOMPSON**

22
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26 *Attorneys for Respondent Kennedy Funding,*
27 *Inc.*

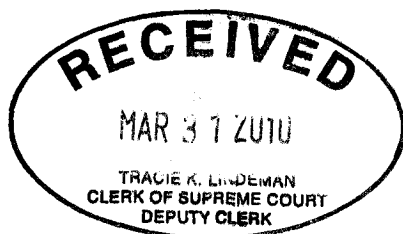


EXHIBIT "A"

7. **Pending and Prior Proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

Nevada Ueno Mita, LLC fka OneCap Partners 2, LLC¹, filed for Bankruptcy in the District of Nevada on December 26, 2008, Case No. BK-S-08-25487-BAM ("Bankruptcy Case"). The Bankruptcy Case is assigned to Judge Bruce A. Markell. Kennedy Funding filed a Motion to Terminate Automatic Stay Pursuant to 11 U.S.C. § 362(d)(1)-(3), or in the Alternative, Convert or Dismiss Bankruptcy Case and Waiver of the 10-Day Stay Under FRBP 4001(a)(3), and on August 18, 2009, Kennedy Funding filed a Motion to Approve Compromise and Settlement Pursuant to Bankruptcy Rule 9019 Approving Settlement Between Debtor and Kennedy Funding, Inc. ("Motion to Approve Settlement"). On September 18, 2009, an Order Granting Motion to Approve Compromise and Settlement Pursuant to Bankruptcy Rule 9019 Between Debtor and Kennedy Funding, Inc. ("Settlement Order") was entered. Pursuant to the Settlement Order, Debtor agreed to either pay Kennedy Funding an amount equal to or greater than Kennedy's Secured Claim, or a lesser amount agreed to by Kennedy, or sell the property which is the subject of Kennedy's Motion for Summary Judgment and also the subject of the within Appeal, within six months of entry of the Settlement Order. If Kennedy is not paid within the six (6) month period, the Bankruptcy Court shall enter an order immediately terminating the automatic stay as to Kennedy Funding without need for further hearing. Debtor failed to sell the property and/or pay Kennedy Funding within the required period of time. An Ex parte Order Terminating Automatic Stay was entered March 29, 2010, allowing Kennedy Funding to foreclose on the subject property.

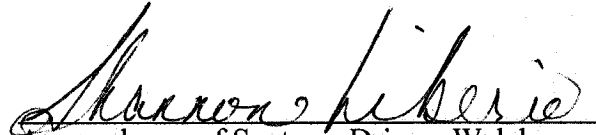
¹ Vincent Hesser and OneCap Partners MM, Inc. signed unconditional guaranties relating to the Loan Agreement between Kennedy Funding and OneCap Partners 2, LLC.

CERTIFICATE OF MAILING

I HEREBY CERTIFY that, on the 29th day of March 2010, I deposited for mailing in the U.S. Mail a true and correct copy of the foregoing **RESPONDENT KENNEDY FUNDING, INC.'S RESPONSE TO APPELLANT'S DOCKETING STATEMENT**, postage prepaid and addressed to:

Harold P. Gewerter
Harold P. Gewerter, Esq., Ltd.
2705 Airport Drive
North Las Vegas, NV 89032
Attorneys for Defendants

Robert F. Saint-Aubin
Settlement Judge
53 Cassis
Monarch Beach, CA 92629
Settlement Judge


An employee of Santoro, Driggs, Walch,
Kearney, Holley & Thompson