

1 A. Again?

2 Q. Yes.

3 A. 80 to \$90,000 I believe.

4 Q. Looks like there's a \$450,000 loan in June
5 of 2012?

6 A. I told you I was guessing. I made that
7 clear I was guessing.

8 Q. Okay. Is there any written agreement for
9 that loan for Jim Mahoney, the \$80,000 loan?

10 A. The \$80,000 loan?

11 Q. Yes.

12 A. I believe so, yes.

13 Q. Okay. Was that produced?

14 A. I believe it was in those boxes, yes.

15 Q. Okay. So it's my understanding now that
16 you don't own any shares currently in Medical
17 Marijuana, Inc.; is that right or not?

18 A. Correct.

19 Q. Okay. And you originally purchased
20 \$37 million worth of shares in them though, didn't
21 you?

22 A. What's that?

23 Q. Didn't you originally get 37 million shares
24 of Medical Marijuana, Inc.?

25 A. I did not purchase these shares.

1 Q. How did you get them?

2 A. As stated earlier, I was a consultant for
3 them.

4 Q. That's right.

5 A. I never wrote a penny for shares.

6 Q. Okay. And you indicated that you sold out
7 of Roen Ventures for a half million dollars; is that
8 right?

9 A. True.

10 Q. When was Roen formed?

11 A. Sometime in 2012, I believe.

12 Q. Okay. And with whom did you form it?

13 A. Michael Llamas.

14 Q. That's it?

15 A. Correct.

16 Q. What was the purpose of that entity?

17 A. For investments.

18 Q. What kind of investments? Marijuana?

19 A. Any investments that made sense. If it was
20 marijuana, it was marijuana.

21 Q. How much money did you have in 2012 when
22 you formed Roen?

23 A. No idea.

24 Q. How much money did you put into Roen in the
25 beginning to capitalize it?

1 A. I think a hundred dollars to start off.

2 I'm not sure. Again, I'd be guessing.

3 Q. So your total capital contribution was
4 somewhere in the neighborhood of a hundred dollars?

5 A. I can't answer that. Don't forget, I got a
6 2.6 loan against it -- or had, I should say. I
7 don't know what the capital investment was in the
8 beginning.

9 Q. Looks like you made four payments to Roen
10 Investments.

11 In April this year, it looks like you paid
12 them \$1,061,000; is that correct?

13 A. I believe that's what we saw earlier.

14 Q. Yes.

15 And, again, what was that for?

16 A. A loan.

17 Q. Okay. And then on April 11th, you -- that
18 was the other part of the 2.6, right, another
19 million dollars?

20 A. If that's what the record states.

21 Q. Okay. In July of this year, July 8th, it
22 looks like you paid \$700,000 to Roen Investments.

23 Do you know what that was for?

24 A. No idea. Obviously, you're going to show
25 me.

1 Q. And then in August of 2013, you paid
2 \$800,000 -- \$300,000 to Roen Investments.

3 Do you know what that was for?

4 A. Same answer.

5 Q. But the bottom line is you paid \$3 million
6 to Roen Investments and you cashed out for a half
7 million dollars?

8 A. I cashed out for half a million dollars of
9 cash compared to a ten-year unsecured note that I do
10 not know if it's going to be worth a penny at the
11 end of ten years.

12 Q. Okay. Do you have any loans outstanding to
13 Roen that they owe you money on?

14 A. Do I have loans outstanding to Roen?

15 Q. Yes.

16 A. The only Roen note was the 2.6 to me, which
17 I no longer own.

18 Q. Okay. Have you made loans to Michael
19 Llamas?

20 A. I don't believe so. I could be wrong.

21 Q. Is he now the sole owner of Roen or is
22 there another owner?

23 A. Bart Mackay took my position in Roen. So
24 now it's Mr. Llamas and Mr. Mackay.

25 Q. Got you.

1 And did Bart Mackay pay for his interest in
2 Roan?

3 A. The check is in the mail.

4 Q. That's the half million?

5 A. Correct.

6 Q. Is Bart Mackay also an owner of CannaVest?

7 A. Bart Mackay owns a lot of stock in
8 CannaVest, yes.

9 Q. Okay. But you have no ownership interest
10 in CannaVest; is that correct?

11 A. I have zero ownership interest. I have an
12 option as being -- as running it for 500,000 shares
13 at \$0.68 a share.

14 Q. Okay. How did you go from real estate
15 development into the medical marijuana sphere?
16 That's an interesting transition.

17 Tell me how it happened.

18 A. Well, I believe every developer in Las
19 Vegas was looking for another occupation when this
20 recession hit, if I'm not mistaken. I can go
21 interview my friends, and every one of them was
22 looking for a new occupation. The party was over.

23 So, fortunately, I met Mr. Llamas through
24 my dispensary that I never opened up. I met him.
25 We started talking. He is well diversified [sic] in

1 the industry, he's been in it, and I was fortunate
2 enough to hook up with him.

3 Q. Okay. But how did you hit upon medical
4 marijuana? There's a lot out there.

5 And I'm not criticizing by any means.
6 Okay?

7 A. I hope not.

8 Q. But it's an interesting transition and I'm
9 wondering how that transition occurred.

10 It wasn't only Mr. Llamas, was it?

11 A. Ask me that same question in five years
12 when it's the biggest industry out there, when it
13 makes prohibition look like nothing, when it makes
14 the computer age look like nothing.

15 Marijuana is going to be the biggest
16 industry in five years that you can deal with it.
17 And if you're intelligent, you would get in on it.

18 Q. Fair enough?

19 A. That's my opinion. I could be wrong. I'm
20 fortunate to be in it.

21 I know right now -- and this is getting off
22 the track, but I want to give you a little
23 education.

24 THE WITNESS: No?

25 MR. MUIJE: That's going far afield, I

1 think.

2 THE WITNESS: Well, it's something that's
3 worth saying.

4 MR. MUIJE: It's worth saying off the
5 record later. If you want to sell him a stock,
6 that's great.

7 THE WITNESS: Let me tell you off the
8 record.

9 MR. HAWLEY: We can go off the record.

10 MR. MUIJE: We can go off the record for a
11 moment.

12 (Thereupon, an off-the-record discussion was had.)

13 BY MR. HAWLEY:

14 Q. Okay. When did your involvement with
15 CannaVest begin?

16 A. Well, Bart Mackay worked for MJNA as a
17 consultant and an attorney. I met him there. So it
18 began when I was involved with MJNA two or three
19 years ago.

20 Q. Okay. And what account is your salary from
21 CannaVest deposited into?

22 MR. MUIJE: Asked and answered.

23 You can answer it again.

24 THE WITNESS: I either give the check to my
25 wife to put in the household account or I did put in

1 the BofA -- Bank of America -- you got me saying
2 BofA now -- the Bank of America account.

3 BY MR. HAWLEY:

4 Q. It's my powers of persuasion.

5 A. That's okay.

6 Q. We talked about \$300,000 you paid to
7 CannaVest last August, didn't we?

8 A. I don't remember that. You mentioned it.

9 Q. What was the purpose of that?

10 A. I don't know.

11 Q. Why did you pay CannaVest \$300,000?

12 A. I don't remember.

13 Q. Where did you get that money?

14 A. Probably off my stock sales. It's the only
15 source I've had.

16 Q. Does Roen Ventures own any part of
17 CannaVest?

18 A. Roen Ventures has the option to either get
19 paid back from CannaVest or to roll its interest
20 over in shares -- its loan over in shares.

21 I have no idea what Mike and Bart are going
22 to do.

23 Q. When does that option become due or when
24 can that be exercised?

25 A. I think they have six months, I believe.

1 Q. From today?

2 A. From a couple months ago. Again, I'm just
3 guessing, which isn't good.

4 Q. What is PhytoSPHERE?

5 A. PhytoSPHERE was a subsidiary of MJNA.

6 Q. What does PhytoSPHERE do?

7 A. PhytoSPHERE had the relationship with the
8 farmers to import the legal hemp and cannabinoids.

9 Q. Okay. Looks like you paid \$135,000 to
10 PhytoSPHERE in 2012; is that correct?

11 A. Who is me?

12 Q. That would be you personally.

13 A. Oh. I don't recall.

14 Q. Do you hold any shares in PhytoSPHERE?

15 A. No. Again, PhytoSPHERE was or is a
16 subsidiary of MJNA. I hold no shares in MJNA.

17 Q. You hold no shares?

18 A. Currently?

19 Q. Yes.

20 A. I have no shares of MJNA.

21 Q. Did you have shares of MJNA?

22 A. Yes.

23 Q. When?

24 A. Up until I sold them to Alpine.

25 Q. Okay. Do you hold shares in any

1 corporation at this time?

2 A. I don't believe so. I have the options, as
3 I've said five times, in CannaVest, which I've not
4 elected to opt. But I don't believe the -- I
5 believe the answer is no.

6 Q. Okay. If you did pay \$135,000 to
7 PhytoSPHERE in 2012, where would you have obtained
8 that money?

9 A. What? I'm sorry.

10 Q. Where would you have obtained that money?
11 Where would you have gotten it?

12 A. Either from shares of stock -- I'm guessing
13 here -- or the loan from Jim Mahoney -- that's what
14 I've been living on -- or monies from Mr. Sifen.

15 I don't know. Those have been my sources.

16 Q. Okay. What about KannaLife, what is that?

17 A. KannaLife is a company --

18 Q. That's K-A-N-N-A-L-I-F-E. I'm sorry.
19 I'm sorry, sir.

20 A. That's okay.

21 And for your information, CannaVest is
22 C-A-N-N-A. KannaLife is K-A-N-N-A.

23 Have I confused you yet?

24 KannaLife is a company that's in the same
25 space as medical marijuana. They have a couple

1 patents that they're working on that are very strong
2 patents for products and things to do in the
3 marijuana field. CannaVest invested. MJNA invested
4 in KannaLife and so did CannaVest.

5 Q. Okay. Do you have any ownership interest
6 in KannaLife?

7 A. None whatsoever.

8 Q. No shares at all?

9 A. None whatsoever.

10 Q. Okay. And do you work for KannaLife in any
11 capacity?

12 A. I'm on their board of directors.

13 Q. Do you get compensated for being on their
14 board of directors?

15 A. No.

16 Q. How did you get to be on their board?

17 A. Well, because CannaVest has a \$750,000
18 investment in KannaLife, and I told them I want to
19 know what's going on in the company.

20 When CannaVest -- when the board of
21 directors decided to invest in KannaLife, they said,
22 we want you on the board to basically baby-sit.

23 Q. Okay. But a member of the board is the
24 only position you hold with KannaLife?

25 In other words, you're not an officer or

1 director or anything like that?

2 A. No, sir.

3 Q. Okay. Where are the shares of KannaLife
4 physically located in the CannaVest realm?

5 Are there physical shares?

6 A. Physical shares for the \$750,000 that's
7 been invested and they're held by the corporate
8 attorney for KannaLife, John Cleary out of Procopio
9 in San Diego.

10 MR. HAWLEY: This would be a good time to
11 break.

12 (Thereupon, a break was taken.)

13 BY MR. HAWLEY:

14 Q. Okay. Your present home on Red Arrow, does
15 that have a mortgage on it?

16 A. Yes.

17 Q. How much is that mortgage for?

18 Well, what's the current balance?

19 A. I have a first and a second.

20 Q. Okay.

21 A. The first I believe it's a million two.
22 The second is 250, I believe -- 250 or 500, one of
23 the two.

24 Q. What's the value of the house?

25 A. Maybe a million six, million five, maybe.

1 Q. What do you drive?
2 A. 2005 Mercedes.
3 Q. Do you own it?
4 A. Yes, sir.
5 Q. Free and clear?
6 A. There's a \$25,000 loan against it to a
7 friend of mine about three or four years ago.
8 Q. What's the balance on that loan?
9 A. \$25,000 plus interest.
10 Q. You haven't made any payments?
11 A. No.
12 Q. Who is the friend?
13 A. Tracy Ciccarelli (phonetic).
14 Q. Who is Tracy Ciccarelli?
15 A. A friend.
16 Q. How long have you known her?
17 A. Ten years.
18 Q. What is the car worth?
19 A. Maybe \$35,000. It's eight years old.
20 Q. Okay. Does your wife have a car?
21 A. My wife leases a Jaguar.
22 Q. And does the Mona Family Trust own any
23 vehicles?
24 A. I don't think so.
25 Q. Okay. And you said that the Red Arrow home

1 is the only real property that the Mona Family Trust
2 owns?

3 A. I believe so, yes.

4 Q. Does the Mona Family Trust have any
5 interest in any LLCs or corporations that you know
6 of?

7 A. If they did, again, it goes back to my
8 answer three or four times. When I invested years
9 ago in all these companies, I would invest either
10 through an LLC, sometimes through -- couple times
11 through Mona Family Trust, this or that. So there
12 may be.

13 But, again, if it does, I believe it's
14 very, very minimal, if there is any.

15 Q. Okay. And other than the credit card you
16 showed me earlier -- that was a Capital One account;
17 right?

18 A. Capital One.

19 Q. Do you have any other credit cards in your
20 wallet?

21 A. No.

22 Q. When Mr. Llamas got into Roen, how much did
23 he put?

24 A. I'm sorry. I couldn't hear you.

25 Q. I'm sorry. I --

1 A. Yes.

2 Q. When Mr. Llamas got into Roen, how much of
3 a capital contribution did he make?

4 A. I believe his investment is up to maybe a
5 million five right now. From what I understand,
6 Bart is making him put more funds in as we speak to
7 balance out the capital account.

8 Again, I'm not involved in that. It's
9 Mr. Llamas and Mr. Mackay.

10 Q. What is Mai Dun, M-A-I D-U-N, Limited?
11 What is that?

12 A. That is one of Bart's numerous LLCs.

13 Q. What is its business?

14 A. Bart.

15 Q. Mai Dun. What is that?

16 A. I have no idea.

17 Q. Okay. Something keeps showing up on your
18 tax returns called Stranger Than Fiction, LLC?

19 A. Yes.

20 Q. You initially bought in for \$75,000?

21 A. Yes.

22 Q. What is that?

23 MR. MUIJE: It's stranger than fiction.

24 BY MR. HAWLEY:

25 Q. Let's hear it then.

1 A. That is an LLC that my wife invested in
2 about five or six years ago. From what I
3 understand -- I do know the gentleman; I forget his
4 name -- he was going to do a book on a high profile
5 individual in Las Vegas and it never went through.

6 So Stranger Than Fiction is another loser.

7 Q. Okay. Who was the high profile individual?

8 A. I'm trying to think of his name.

9 Q. With that title, there's more than a few
10 that it could be.

11 A. I forget his name. But it never went
12 through. That was one I told my wife not to do and
13 she did it.

14 I can't complain because of the 20 she told
15 me not to do that I did, she's way ahead of me in
16 the right department. So I really can't complain
17 about that one to her.

18 Q. Then I see a Hamid/Richie throughout the
19 records.

20 What is that?

21 A. Two friends of mine that I invested in -- I
22 was in probably four or five of their investment
23 deals. There was an investment deal here, an
24 investment deal in Arizona, an investment deal in
25 Laughlin that all of them fell through, bankrupt or

1 dried up or no value in them.

2 Q. Okay. And when did you do those deals with
3 those people?

4 A. Over the last six, seven years.

5 Q. Okay. When was the last one?

6 A. No idea. Long time ago when I had money.

7 Q. When one was the last one?

8 A. I have no idea.

9 Q. Okay. Do you still own a property in North
10 Las Vegas?

11 A. I can't hear you.

12 Q. Do you still own a property in North Las
13 Vegas?

14 A. Which property?

15 Q. What is the address here?

16 A. What's the title.

17 Q. The cross-streets are Clayton and Coralie,
18 C-O-R-A-L-I-E.

19 A. I believe that was 20 acres that I -- was
20 it Speedway property?

21 Q. It's 4.86 acres.

22 A. Oh, no. That's lost. That was a five-acre
23 parcel. I believe I was partners with Hamid and
24 Richie on that one. That's gone.

25 There's also a Speedway project that's

1 gone.

2 Q. Tell me about that Speedway project.

3 Where was that?

4 A. Somewhere down near the Speedway, 20 acres
5 that I bought that foreclosed on.

6 Q. When was that?

7 A. Over the last three, four years, five
8 years.

9 Q. Okay. What about Dogtown Road in
10 Coulterville, California?

11 A. Dogtown Road? That was an investment that
12 Roen made in a piece of property up in Northern
13 California.

14 Q. Okay. What was that investment for?

15 A. For hopefully making money.

16 Q. What were you going to do to make money?

17 A. It was one those investments that you buy
18 that hopefully is going to make money in the next
19 few years. It's vacant land.

20 Q. Do you still own that?

21 A. I don't know if Roen still owns it or not.
22 I believe they sold part of it, Roen Ventures.

23 Q. When?

24 A. Last month.

25 Q. Do you know how much they made on it?

1 A. Like \$5,000. I believe Roen paid \$160,000
2 for it and I believe they sold it for 170 -- I
3 believe again.

4 Q. Okay. And then we have McCarran Plaza
5 Suites. There was some condemnation litigation.
6 Tell me about that.

7 A. McCarran Plaza Suite is 18 acres on the
8 corner of Las Vegas Boulevard and the freeway right
9 there. It's on the southeast corner.

10 I bought it in 2002, 2003, for I think
11 \$4.8 million total, and it was worth at one time
12 about \$20 million, a million an acre, maybe a
13 million and a half an acre, and I lost that in
14 bankruptcy.

15 Q. That was 2000?

16 A. Oh, no. So I had to buy it prior. You're
17 right. I believe I bought it '99. I lost it in
18 bankruptcy, yes.

19 Q. Okay.

20 A. Another horror store.

21 Q. What about Rio Grande Falls Avenue in Las
22 Vegas?

23 A. Rio Grande? I believe that was a house
24 that I bought and fixed up and sold.

25 Q. Okay.

1 A. There were like three or four of those.
2 Q. Would it would be the same I guess for Aloe
3 Springs?
4 A. Probably so, yes. Single-family dwellings.
5 Q. Yes.
6 Do you own any rental properties?
7 A. No.
8 MR. HAWLEY: Okay. Are we done?
9 I think that we're done.
10 MR. MUIJE: Totally?
11 MR. HAWLEY: I think that we are.
12 - - - - -
13
14 (Proceedings concluded at 1:39 p.m.)
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MICHAEL J. MONA, JR., Deponent

CERTIFICATE OF REPORTER

STATE OF NEVADA)
) SS:
COUNTY OF CLARK)

I, Jackie Jennelle, a Certified Court Reporter, in and for the State of Nevada, do hereby certify: That I reported the judgment debtor examination of MICHAEL J. MONA, JR., commencing on MONDAY, NOVEMBER 25, 2013, at 10:00 a.m.

That prior to being deposed, the witness was Duly sworn by me to testify to the truth. That I thereafter transcribed my said shorthand notes into typewriting and that the typewritten transcript is a complete, true and accurate transcription of my said shorthand notes.

I further certify that I am not a relative or employee of counsel, of any of the parties, nor a relative or employee of the parties involved in said action, nor a person financially interested in the action.

IN WITNESS WHEREOF, I have set my hand in my office in the County of Clark, State of Nevada, this 5th day of December, 2013.

JACKIE JENNELLE, RPR, CCR #809

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PART B

PART B

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Michael Mona

Far West Industries vs. Rio Vista
Nevada, LLC, et al.



Job: 194436

Exhibit: 0000A



CIVIL COVER SHEET A-12-670352-F

Clark County, Nevada

I V

Case No. _____
(Assigned by Clerk's Office)**I. Party Information**

Plaintiff(s) (name/address/phone):

Far West Industries

Defendant(s) (name/address/phone):

Rio Vista Nevada, LLC,

World Development, Inc.,

Bruce Maize,

Michael J. Mona, Jr.

Attorney (name/address/phone):

David S. Lee, Esq.

Lee, Hernandez, Landrum, Garofalo & Blake, APC

7575 Vegas Drive, Suite 150

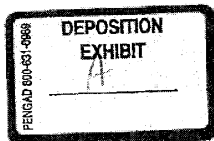
Las Vegas, Nevada 89128

(702) 880-9750

Attorney (name/address/phone):

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)☐ Arbitration Requested**Civil Cases**

Real Property	Torts	
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> Negligence <input type="checkbox"/> Negligence - Auto <input type="checkbox"/> Negligence - Medical/Dental <input type="checkbox"/> Negligence - Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence - Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
<input type="checkbox"/> Probate <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Other Civil Filing Types <input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Agree/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	
<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input checked="" type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input checked="" type="checkbox"/> Foreign Judgment - Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters		

**III. Business Court Requested** (Please check applicable category; for Clark or Washoe Counties only.)

0150

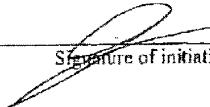
- ☐ NRS Chapters 78-88
☐ Commodities (NRS 90)
☐ Securities (NRS 90)

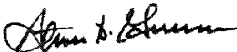
- ☐ Investments (NRS 104 Art. 8)
☐ Deceptive Trade Practices (NRS 598)
☐ Trademarks (NRS 600A)

- ☐ Enhanced Case Mgmt/Business
☐ Other Business Court Matters

October 18, 2012

Date


Signature of initiating party or representative


CLERK OF THE COURT

1 **FORJ**
John R. Hawley
2 Nevada Bar No. 001545
LEE, HERNANDEZ, LANDRUM,
3 GAROFALO & BLAKE
7575 Vegas Drive, Suite 150
4 Las Vegas, Nevada 89128
(702) 880-9750
5 Fax; (702) 314-1210
jhawley@leelawfirm.com

6
7 Attorneys for Plaintiff

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 **FAR WEST INDUSTRIES, a California**
11 **corporation,**

12 **Plaintiff,**

13 **vs.**

14 **RIO VISTA NEVADA, LLC, a Nevada**
15 **limited liability company; WORLD**
16 **DEVELOPMENT, INC., a California**
17 **corporation; BRUCE MAIZE, and individual;**
18 **MICHAEL J. MONA, JR., an individual;**
19 **DOES I through 100, inclusive,**

20 **Defendants.**

CASE NO.: A-12-670352-F

IV

**APPLICAION OF FOREIGN
JUDGMENT**

21 **AFFIDAVIT OF JOHN R. HAWLEY, ESQ.**

22 **STATE OF NEVADA)**

: ss.

23 **COUNTY OF CLARK)**

24 **COMES NOW, JOHN R. HAWLEY, ESQ., being first duly sworn, and states as follows:**

25 **I. That Affiant is an attorney, duly licensed to practice in the State of Nevada and is a**
26 **member of the law firm of LEE, HERNANDEZ, LANDRUM, GAROFALO & BLAKE.**

0152

LEE, HERNANDEZ, LANDRUM,
GAROFALO & BLAKE
7575 VEGAS DRIVE, SUITE 150
LAS VEGAS, NV 89128
(702) 880-9750

LEE, HERNANDEZ, LANDRUM,
GAROFALO & BLAKE
7575 VEGAS DRIVE, SUITE 150
LAS VEGAS, NV 89128
(702) 880-9750

1 2. That Affiant is counsel of record for FAR WEST INDUSTRIES, a California
2 corporation in the instant matter.

3 3. That the name and last known address of the Judgment Debtors herein are as follows:

4 Michael J. Mona, Jr.
5 2793 Red Arrow Drive
6 Las Vegas, NV 89135

7 Michael J. Mona, Jr., as trustee of the Mona Family Trust dated February 21,
8 2002
9 2793 Red Arrow Drive
10 Las Vegas, NV 89135

11 4. That the name and address of the Judgment Creditor herein is as follows:

12 Far West Industries, a California corporation
13 2922 Daimler Street
14 Santa Ana, CA 89128

15 5. That the Judgment herein, a duly exemplified copy of which is attached hereto, is valid
16 and enforceable.

17 6. That no portion of the Judgment herein has been satisfied.


18 FURTHER Affiant sayeth naught.

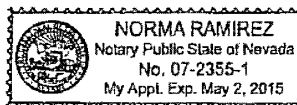
19 DATED this 18th day of October, 2012.

20 
JOHN R. HAWLEY, ESQ.

21 SUBSCRIBED and SWORN to

22 before me this 18th day of
23 October, 2012.

24
25
26 
27 NOTARY PUBLIC



(SEAL)

0153

EXEMPLIFICATION CERTIFICATE

The documents to which this certificate is attached are full, true and correct copies of the originals on file and of record in my office. All of which we have caused by these presents to be exemplified, and the seal of our Superior Court of California, County of Riverside to be hereunto affixed.



IN WITNESS WHEREOF, I have hereto set my hand
and affixed the Seal of the said Court,

This 7th day of June
Sherri R. Carter
Sherri R. Carter, Clerk
Superior Court of California, County of Riverside

I, Mae R. Fisher, Judge of the Superior
Court of the State of California, in and for the County of Riverside, do hereby certify that
SHERRI R. CARTER whose name is subscribed to the preceding exemplification, is the
Clerk of the said Superior Court of the State of California, in and for the County of
Riverside, and that full faith and credit are due to her official acts. I further certify, that the
seal affixed to the exemplification is the seal of our said Superior Court and that the
attestation thereof is in due form and according to the form of attestation used in this State.

Date June 7, 2012

Mae R. Fisher
Judge of the Superior Court of California
County of Riverside

28 USCA, Sec. 1738
Form No. 334 (1/90; 10/97; 2/99; 3/00; 10/00; 5/01; 1/03; 4/03; 6/03)

0154

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

APR 27 2012

MJV

APR 30 2012

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE, RIVERSIDE COURT

FAR WEST INDUSTRIES, a California
corporation,

Plaintiff,

vs.

RIO VISTA NEVADA, LLC, a Nevada limited
liability company; WORLD DEVELOPMENT,
INC., a California corporation; BRUCE MAIZE,
an individual; MICHAEL J. MONA, JR., an
individual; and DOES 1 through 100, inclusive,

Defendants.

Case No. RIC495966

JUDGE: Hon. Jacqueline Jackson

~~PROPOSED~~ JUDGMENT ~~NUNC PRO TUNC~~

Action Filed: March 24, 2008

Trial Date: September 23, 2011

GREEN & HALL
ATTORNEYS AT LAW
RIVERSIDE, CALIFORNIA

On February 23, 2012, the Honorable Jacqueline Jackson entered Finding of Fact and Conclusion of Law in the above-referenced matter. Based upon those Findings and Conclusion, Judgment is hereby entered in favor of Plaintiff Far West Industries, a California corporation and against the following Defendants, jointly and severally: (1) Michael J. Mona, Jr.; (2) Michael J. Mona, Jr., as Trustee of the Mona Family Trust dated February 21, 2002; (3) Rio Vista Nevada, LLC, a Nevada limited liability company; and (4) World Development, Inc., a California corporation in the amount of \$17,777,562.18. Recoverable court costs of \$25,562.56 and attorney's fees of \$327,548.84 are also awarded to Far West Industries, jointly and severally against all Defendants. The Clerk is hereby directed to enter those amounts on this Judgment following Far West Industries' post-Judgment petition for them. Finally, the Clerk is hereby

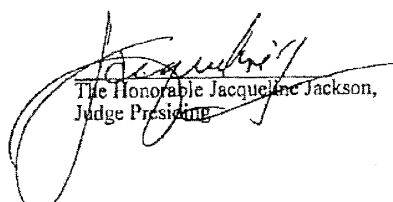
~~PROPOSED~~ JUDGMENT ~~NUNC PRO TUNC~~

0155

GREEN & HALL
ATTORNEYS AT LAW
1500 PINE STREET, SUITE 1000
DENVER, CO 80202
(303) 733-1100

1 directed to release the \$32,846 that was interpleaded by Defendant Fidelity National Title Company
2 to Far West Industries upon entry of this Judgment.

3 Dated: 4/27/12


The Honorable Jacqueline Jackson,
Judge Presiding

Michael Mona

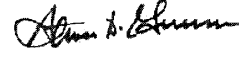
Far West Industries vs. Rio Vista
Nevada, LLC, et al.



Job: 194436

Exhibit: 0000B




CLERK OF THE COURT

1 ORDR
2 JOHN W. MUIJE & ASSOCIATES
3 JOHN W. MUIJE, ESQ.,
4 Nevada Bar No. 2419
5 1320 S. Casino Center Blvd.
6 Las Vegas, Nevada 89104
7 PH: 702-386-7002
8 Fax No: 702-386-9135
9 Email: jmuije@mujelawoffice.com
10 Attorneys for Judgment debtors Michael J. Mona Jr.,
11 and Michael J. Mona Jr., as trustee of the
12 Monad Family Trust Dated February 21, 2002

DISTRICT COURT

CLARK COUNTY, NEVADA

11 FAR WEST INDUSTRIES, a California
12 corporation,

13 Plaintiff,

14 vs.

15 RIO VISTA NEVADA, LLC, Nevada
16 limited liability company; WORLD
17 DEVELOPMENT, INC., a California
18 corporation; BRUCE MALZE, and
19 individual; MICHAEL J. MONA, JR., an
20 individual; DOES I through III, and ROE
21 CORPORATIONS I through III, inclusive,

22 Defendants.

Case No. : A-12-670352-F

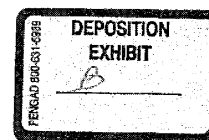
Dept. No.: XXVI

HEARING DATE: SEPTEMBER 18, 2013
HEARING TIME: 9:00 A.M.

ORDER

23 This matter came on for hearing on a status check regarding the Court Ordered Examination
24 of Judgment Debtors MICHAEL J. MONA, JR., and MICHEL J. MONA JR., as Trustee of the
25 MONA FAMILY TRUST DATED FEBRUARY 21, 2002, Plaintiff represented by JOHN R.
26 HAWLEY OF the law firm of LEE, HERNANDEZ, LANDRUM, GAROFALO & BLAKE, the
27
28

- 1 -



0158

LAW OFFICES
JOHN W. MUIJE & ASSOCIATES
1320 S. CASINO CENTER BOULEVARD
LAS VEGAS, NEVADA 89104
Phone: (702) 386-7002 Fax: (702) 386-9135

LAW OFFICES
JOHN W. MUIJE & ASSOCIATES
1320 S. CASINO CENTER BOULEVARD
LAS VEGAS, NEVADA 89104
Phone: (702) 385-7002 Fax: (702) 385-9135

1 appearing defendants represented by JOHN W. MUIJE, ESQ., of the law firm of JOHN W. MUIJE
2 & ASSOCIATES, the Court and Counsel having engaged in discussion regarding the status of said
3 defendants' compliance with the Court's Examination Order and good cause appearing,

4 **IT IS HEREBY ORDERED AND ADJUDGED AND DECREED** that Plaintiff shall
5 return to the offices of counsel for said Defendants the eighteen boxes of documents produced by
6 said Defendants in compliance with this Court's Order on or about September 5, 2013, no later than
7 5:00 p.m. (PDT) on Wednesday, September 25, 2013.

8 **IT IS HEREBY ORDERED AND ADJUDGED AND DECREED** that said Defendants
9 shall complete their production, constituting approximately two additional boxes of documents as
10 represented by said Defendant's counsel, to counsel for Plaintiff, no later than 5:00 p.m.(PDT) on
11 Wednesday, September 25, 2013.

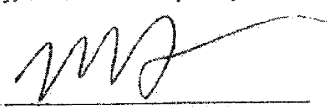

12 **IT IS HEREBY ORDERED AND ADJUDGED AND DECREED** that Plaintiff shall have
13 one week from the delivery of those additional documents, i.e. thru and including 5:00 p.m.
14 Wednesday October 2, 2013, to complete its review and inspection of said two additional boxes of
15 documents, and return the same to the offices of said Defendants counsel.

16 **IT IS HEREBY ORDERED AND ADJUDGED AND DECREED** that the Court also
17 entertained discussion regarding the scope and reasonableness of a sworn debtor examination, and
18 has concluded that said examination shall be conducted over two 8-hour working days, (with suitable
19 and appropriate breaks during said days), on dates mutually agreeable to the parties and counsel, to
20 occur subsequent to October 2, 2013, but no later than November 20, 2013.
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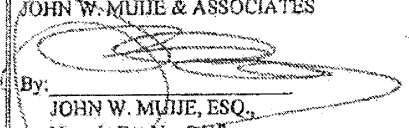
LAW OFFICES
JOHN W. MUIJE & ASSOCIATES
1320 S. CASINO CENTER BOULEVARD
LAS VEGAS, NEVADA 89104
Phone: (702) 386-7002 Fax: (702) 386-9135

1 IT IS FURTHER ORDERED AND ADJUDGED AND DECREED that the court will
2 continue this matter for further status check to occur before the court on December 4, 2013 at the
3 hour of 9:00 a.m., which status check may be unilaterally vacated by the parties to the extent that the
4 document production and examination goes smoothly, and have been completed prior to that date.

5 Dated this 2nd day of September, 2013.

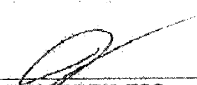
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7 
DISTRICT COURT JUDGE
8 

9 Respectfully submitted,
10 JOHN W. MUIJE & ASSOCIATES

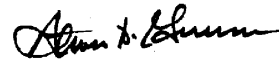
11 By: 
12 JOHN W. MUIJE, ESQ.,
13 Nevada Bar No: 2419
14 1320 S. Casino Center Blvd.
15 Las Vegas, NV 89104
16 Telephone: 702-386-7002
17 Facsimile: 702-386-9135
18 Email: jmuje@mujeandassociates.com
19 Attorneys for Judgment debtors Michael J. Mena Jr.,
20 and Michael J. Mena Jr., as trustee of the
21 Monad Family Trust Dated February 21, 2002

22 APPROVED AS TO FORM AND CONTENT

23 LEE, HERNANDEZ, LANDRUM,
24 GAROFALO & BLAKE

25 By: 
26 JOHN R. HAWLEY, ESQ.,
27 Nevada Bar No: 001545
28 7575 Vegas Drive #150
Las Vegas, NV 89128
Telephone: 702-880-8910
Facsimile: 702-382-6675
Email: jhawley@lee-lawfirm.com
Attorneys for FAR WEST INDUSTRIES

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CLERK OF THE COURT

1 **OJDE**
2 F. THOMAS EDWARDS, ESQ.
3 Nevada Bar No. 9549
4 E-mail: tedwards@nevadafirm.com
5 HOLLEY DRIGGS WALCH
6 FINE WRAY PUZEY & THOMPSON
7 400 South Fourth Street, Third Floor
8 Las Vegas, Nevada 89101
9 Telephone: 702/791-0308
10 Facsimile: 702/791-1912

11 *Attorneys for Plaintiff*

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 FAR WEST INDUSTRIES, a California
15 corporation,

16 Plaintiff,

17 v.

18 RIO VISTA NEVADA, LLC, a Nevada limited
19 liability company; WORLD DEVELOPMENT,
20 INC., a California corporation; BRUCE MAIZE,
21 an individual, MICHAEL J. MONA, JR., an
22 individual; DOES 1 through 100, inclusive,

23 Defendants.

CASE NO.: A-12-670352-F
Dept. No.: XV

**ORDER FOR EXAMINATION OF
JUDGMENT DEBTOR MICHAEL J.
MONA, JR., INDIVIDUALLY, AND AS
TRUSTEE OF THE MONA FAMILY
TRUST DATED FEBRUARY 12, 2002**

24 **TO: MICHAEL J. MONA, JR., INDIVIDUALLY, AND AS TRUSTEE OF THE MONA
25 FAMILY TRUST DATED FEBRUARY 12, 2002**

26 **THIS PLEADING IS A COMMUNICATION BEING MADE IN AN EFFORT TO
27 COLLECT A DEBT AND SEEK COMPLIANCE WITH A JUDGMENT. ANY
28 INFORMATION OBTAINED INCIDENT HERETO WILL BE USED FOR THAT
PURPOSE.**

It appearing to the Court that a Judgment (the "Judgment") was entered on April 27,
2012, in favor of Plaintiff Far West Industries and against Defendant Michael J. Moná, Jr.,
individually ("Moná"), and as Trustee of the Moná Family Trust Dated February 12, 2012 (the
Moná Family Trust") for damages in the amount of \$17,777,562.18, plus costs of \$25,562.56 and
attorney's fees of \$327,548.84. Moná and the Moná Family Trust have failed to satisfy any
amount of the Judgment by paying in full the monetary damages set forth in the Judgment; and
whereas NRS 21.270 provides for an Examination of Judgment Debtor under such

10594-01/1494164

MAY 11 2015

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1 circumstances;

2 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Mona, individually,
3 and as Trustee of the Mona Family Trust ("Judgment Debtor"), appear at the law offices of
4 HOLLEY DRIGGS WALCH FINE WRAY PUZEY & THOMPSON, located at 400 South
5 Fourth Street, Third Floor, Las Vegas, Nevada 89101, on **June 12, 2015, at 10:00 a.m. and May**
6 **29, 2015, at 10:00 a.m.**, to be examined under oath concerning any property which may be used
7 to satisfy said Judgment ("Judgment Debtor Examination") with examination continuing from
8 day to day until completed;

9 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, in the interim of the
10 Judgment Debtor Examination, the Judgment Debtor be and hereby is forbidden from
11 effectuating any transfer(s) or otherwise disposing of any property not exempt from execution.

12 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, the Judgment Debtor
13 shall produce at least one week prior to the examination the documents listed on **Exhibit "1"**
14 attached hereto and incorporated herein by reference.

15 IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED that the date
16 and time of the Judgment Debtor Examination may be continued at the Judgment Creditor's
17 discretion so as to accommodate any conflict of schedule which may arise.

18 FAILURE TO APPEAR AT THE TIME AND PLACE OF THE SCHEDULED
19 JUDGMENT DEBTOR EXAMINATION MAY RESULT IN A BENCH WARRANT BEING
20 ISSUED FOR YOUR ARREST.

21 Dated this 13th day of May, 2015.

22 
23 DISTRICT COURT JUDGE
24 116

1 Submitted by:

2 HOLLEY DRIGGS WALCH
3 FINE WRAY PUZEY & THOMPSON

4 By 

5 F. THOMAS EDWARDS, ESQ.
6 Nevada Bar No. 9549
7 400 S. Fourth Street, Third Floor
8 Las Vegas, NV 89101
9 *Attorneys for Plaintiff*

10

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1 **EXHIBIT "1"**

2 **DEFINITIONS**

3
4 The following definitions are to be used with respect to these documents:

5 A. "Document" is defined to be synonymous in meaning and equal in scope to the
6 usage of this term in Nevada Rules of Civil Procedure 34(a), and shall mean any and all
7 information in tangible or other form, whether printed, typed, recorded, computerized, filmed,
8 reproduced by any process, or written or produced by hand, and whether an original, draft,
9 master, duplicate or copy, or notated version thereof, that is in Your possession, custody, or
10 control. A draft or non-identical copy is a separate document within the meaning of this term.

11 B. Document shall also include, but not be limited to, electronic files, other data
12 generated by and/or stored on or through any of Your computer systems and storage media (e.g.,
13 internal or external hard drives, CD-ROM's, floppy disks, backup tapes, thumb drives, internet-
14 based posting boards, or any other data storage media or mechanisms), or any other electronic
15 data. This includes, but is not limited to: email and other electronic communications (e.g.,
16 postings to internet forums, ICQ or any other instant messenger messages, and/or text messages);
17 voicemails; word processing documents; spreadsheets; databases; calendars; telephone logs;
18 contact manager information; Internet usage files; offline storage or information stored on
19 removable media; information contained on laptops or other portable devices; and network
20 access information. Further, this includes data in any format for storing electronic data.

21 C. "Relating or referring" are used in their broadest sense and shall mean and
22 include, but shall not be limited to, advert, allude, comprise, concern, constitute, describe,
23 discuss, mention, note, pertain, quote, recite, recount, reflect, report or state.

24 D. The singular shall include the plural, and the plural shall include the singular. The
25 conjunctive "and" shall include the disjunctive "or" and the disjunctive "or" shall include the
26 conjunctive "and."

27 E. "Judgment Debtor" shall mean and refer to (1) Michael J. Mona, Jr., Individually,
28 and as Trustee of the Mona Family Trust Dated February 12, 2002, and (2) the Mona Family
Trust Dated February 12, 2002, in the Judgment entered on April 27, 2012 by the Superior Court
of the State of California, County of Riverside, Riverside Court in the case of Far West
Industries v. Rio Vista Nevada, LLC, et. al., Case No. RIC495966.

F. "You" or "Your" shall mean and refer to (1) Michael J. Mona, Jr., Individually,
and as Trustee of the Mona Family Trust Dated February 12, 2002, and (2) Rhonda Mona, as
Trustee of the Mona Family Trust Dated February 12, 2002.

G. Each Document produced pursuant to this Exhibit shall be produced as it is kept
in the usual course of business (*i.e.*, in the file folder or binder in which such Document(s) were
located when the request was served) or shall be organized and labeled to correspond to the
categories of Document(s) requested.

H. You are instructed to produce any and all Documents which are in your
possession, custody or control. Possession, custody or control includes constructive possession
whereby you have a right to compel the production of a matter from a third party (including an
agency, authority or representative.)

1 I. To the extent the location of any Document called for by this Exhibit is unknown
2 to you, so state. If any estimate can reasonably be made as to the location of an unknown
3 Document, describe the Document with sufficient particularity so that it can be identified, set
forth your best estimate of the Document's location, and describe the basis upon which the
estimate is made.

4 J. If any Document request is deemed to call for disclosure of proprietary data,
5 counsel for movant is prepared to receive such data pursuant to an appropriate confidentiality
order.

6 K. To the extent the production of any Document is objected to on the basis of
7 privilege, provide the following information about each such document: (1) describe the nature
of the privilege claimed (e.g., attorney-client, work product, etc.); (2) state the factual and legal
8 basis for the claim of such privilege (e.g., communication between attorney for corporation and
outside counsel relating to acquisition of legal services); (3) identify each person who was
9 present when the document was prepared and who has seen the Document; and (4) identify every
other Document which refers to or describes the contents of such Document.

10 L. If any document has been lost or destroyed, the Document so lost or destroyed
11 shall be identified by author, date, subject matter, date of loss or destruction, identity of person
responsible for loss or destruction and, if destroyed, the reason for such destruction.

13 ITEMS TO BE PRODUCED

14
15 1. For the period beginning April 2012 through the present date, financial documents of
16 Judgment Debtor, including, but not limited to, but not limited to, statements for
17 checking, savings or other financial accounts, securities brokerage accounts, certificates
18 of deposit, shares in banks, savings and loan, thrift, building loan, credit unions, or
19 brokerage houses or cooperative, and records of income, profits from companies, cash on
20 hand, safe deposit boxes, deposits of money with any other institution or person, cash
21 value of insurance policies, federal and state income tax refunds due or expected, any
22 debt payable to or held by or for Judgment Debtor, checks, drafts, notes, bonds, interest
23 bearing instruments, accounts receivable, liquidated and unliquidated claims of any
24 nature, or any and all other assets.

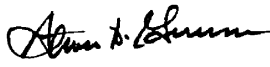
25 2. For the period beginning April 2012 through the present date, Documents relating to
26 closed financial accounts, including, but not limited to checking, savings or other
27 financial accounts, securities brokerage accounts, certificates of deposit, shares in banks,
28 savings and loan, thrift, building loan, credit unions, or brokerage houses or cooperative.

- 1 3. Tax returns and all related tax records of Judgment Debtor for tax years 2011, 2012,
2 2013, and 2014.
- 3 4. Tax returns and all related tax records of Rhonda Mona for tax years 2011, 2012, 2013,
4 and 2014.
- 5 5. For the period beginning April 2012 through the present date, Documents relating to tax
6 deficiencies of Judgment Debtor.
- 7 6. For the period beginning April 2012 through the present date, Documents relating to
8 earnings and/or income, including, but not limited to, compensation paid or payable for
9 services performed by Judgment Debtor, wages, tips, salaries, commissions, bonuses,
10 sales or transfers of assets, and interest earned on financial accounts.
- 11 7. For the period beginning April 2012 through the present date, Documents relating to
12 proof of Judgment Debtor's employment, including, but not limited to, any and all
13 paystubs, retirement slips, contracts for employment, and consulting agreements.
- 14 8. For the period beginning April 2012 through the present date, Documents relating to
15 income, passive income, investment distributions, or other monetary disbursements or
16 distributions Judgment Debtor has received.
- 17 9. For the period beginning April 2012 through the present date, Documents relating to
18 Judgment Debtor's ownership or lease of automobiles, trucks, trailers, and other vehicles,
19 including, but not limited to, Documents relating to vehicle registration, insurance, sales,
20 purchases, or leases.
- 21 10. For the period beginning April 2012 through the present date, Documents relating to
22 stock and interests in any and all corporations or other business entities, whether privately
23 held or publically traded, held by Judgment Debtor, including, but not limited to any and
24 all certificates of stock in CannaVEST Corp.
- 25 11. For the period beginning April 2012 through the present date, Documents relating to
26 interests in any and all partnerships, sole proprietorships, joint ventures, corporations,
27 holding companies and limited liability companies held by Judgment Debtor.
- 28

- 1 12. Documents relating to any and all real property in which Judgment Debtor holds an
2 interest or which Judgment Debtor owns, directly or indirectly, including, but not limited
3 to, mortgages, deeds, leases, assignments, subordination agreements, and finance
4 statements.
- 5 13. Documents relating to any and all tangible or intangible property, including, but not
6 limited to, furnishings, furniture, musical instruments, fixtures, hardware, home
7 accessories, electronics, computers, audio-visual devices, appliances, equipment, jewelry,
8 artwork, antiques, and collections, in which Judgment Debtor holds an interest or which
9 Judgment Debtor owns, directly or indirectly, including, but not limited to, bills of sale,
10 sale receipts, purchase agreements, insurance policies, or promissory notes.
- 11 14. For the period beginning April 2012 through the present date, Documents relating to all
12 commercial and consumer loans which Judgment Debtor applied for, or which Judgment
13 Debtor guaranteed, that were submitted to any individual, bank, lender, financial
14 institution, finance company, other private entity, public agency or governmental
15 administration.
- 16 15. For the period beginning April 2012 through the present date, Documents relating to all
17 monies loaned to Judgment Debtor or financed on Judgment Debtor's behalf, including,
18 but not limited to, any home loan, personal property loan, equity loan, or line of credit.
- 19 16. For the period beginning April 2012 through the present date, Documents relating to any
20 guaranty or assurance of performance made by Judgment Debtor for any contract,
21 agreements, commercial transactions, loans, financing arrangements, notes, mortgages,
22 third party lender agreements, assignments, and subordination agreements of any kind.
- 23 17. For the period beginning April 2012 through the present date, policies of insurance issued
24 in the name of Judgment Debtor and/or under which Judgment Debtor is a beneficiary,
25 including, but not limited to, policies for life insurance, disability insurance, homeowners
26 insurance, automobile insurance, health insurance, flood insurance, umbrella policies,
27 liability insurance, personal property protection, and corporate director and/or officer
28 insurance.

- 1 18. For the period beginning April 2012 through the present date, Documents relating to any
2 indebtedness that was owed to Judgment Debtor or which is still owed to Judgment
3 Debtor by any person or entity, including, but not limited to, agreements, contracts,
4 leases, promissory notes, mortgages, bills of sale, personal guaranties, or judgments.
- 5 19. For the period beginning April 2012 through the present date, Documents relating to any
6 indebtedness that was owed by Judgment Debtor or which is still owed by Judgment
7 Debtor to any person or entity, including, but not limited to, agreements, contracts,
8 leases, promissory notes, mortgages, bills of sale, personal guaranties, or judgments.
- 9 20. For the period beginning April 2012 through the present date, all audited and unaudited
10 financial statements prepared by or on behalf of Judgment Debtor.
- 11 21. For the period beginning April 2012 through the present date, financial affidavits that
12 Judgment Debtor executed at any time for any purpose or reason, including, but not
13 limited to, submissions in court proceedings or other legal matters, governmental
14 compliance, proceedings, or investigation, or applications for loans or other financing.
- 15 22. For the period beginning April 2012 through the present date, Documents relating to total
16 attorney's fees charged to and/or paid by Judgment Debtor.
- 17 23. For the period beginning April 2012 through the present date, Documents relating to
18 monies, gifts, bequests, dispositions, or transfers paid or given to Judgment Debtor
- 19 24. For the period beginning April 2012 through the present date, Documents relating to all
20 residential real property lease or mortgage payments, utility bills, including, but not
21 limited to, cable, telephone, cellular phone, internet, club memberships, credit card
22 statements, and automobile loan or lease payments that were billed to and/or owed by
23 Judgment Debtor
- 24 25. For the period beginning April 2012 through the present date, Documents relating to
25 retirement accounts, pension plans, SEP accounts, profit sharing plans and retirement
26 plans in which Judgment Debtor currently holds an interest
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- 1 26. For the period beginning April 2012 through the present date, Documents relating to all
2 tangible or intangible property or other assets sold, assigned, transferred, or conveyed by
3 Judgment Debtor to any person or entity.
- 4 27. Documents relating to any and all trusts of which Judgment Debtor currently is, or has
5 been for the period beginning April 2012 through the present date, or will be in the
6 future, a beneficiary, future beneficiary, settlor, or trustee.
- 7 28. Documents relating to any and all wills of which Judgment Debtor currently is, or has
8 been for the period beginning April 2012 through the present date, or will be a
9 beneficiary.
- 10 29. Documents evidencing any and all other intangible personal, tangible, and/or real
11 property of Judgment Debtor not already identified in the items set forth above.
- 12 30. Documents relating to the current value of any and all property identified in the items set
13 forth above, including, but not limited to, appraisals and tax assessments
- 14 31. A written inventory of any and all property identified in the items set forth above,
15 including, but not limited to, intangible, personal, tangible, and real property, with each
16 specific item of property listed with a description, location, and current fair market value.
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CLERK OF THE COURT

OJDE
F. THOMAS EDWARDS, ESQ.
Nevada Bar No. 9549
E-mail: tedwards@nevadafirm.com
HOLLEY DRIGGS WALCH
FINE WRAY PUZEY & THOMPSON
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Telephone: 702/791-0308
Facsimile: 702/791-1912

Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

FAR WEST INDUSTRIES, a California
corporation,

Plaintiff,

v.

RIO VISTA NEVADA, LLC, a Nevada limited
liability company; WORLD DEVELOPMENT,
INC., a California corporation; BRUCE MAIZE,
an individual, MICHAEL J. MONA, JR., an
individual; DOES 1 through 100, inclusive,

Defendants.

CASE No.: A-12-670352-F
Dept. No.: XV

**ORDER FOR EXAMINATION OF
RHONDA MONA AS TRUSTEE OF
JUDGMENT DEBTOR THE MONA
FAMILY TRUST DATED FEBRUARY 12,
2002**

**TO: RHONDA MONA, AS TRUSTEE OF JUDGMENT DEBTOR THE MONA
FAMILY TRUST DATED FEBRUARY 12, 2002**

**THIS PLEADING IS A COMMUNICATION BEING MADE IN AN EFFORT TO
COLLECT A DEBT AND SEEK COMPLIANCE WITH A JUDGMENT. ANY
INFORMATION OBTAINED INCIDENT HERETO WILL BE USED FOR THAT
PURPOSE.**

It appearing to the Court that a Judgment (the "Judgment") was entered on April 27,
2012, in favor of Plaintiff Far West Industries and against Defendant Michael J. Mona, Jr.,
individually ("Mona"), and as Trustee of the Mona Family Trust Dated February 12, 2012 (the
Mona Family Trust") for damages in the amount of \$17,777,562.18, plus costs of \$25,562.56 and
attorney's fees of \$327,548.84. The Mona Family Trust was found to be jointly liable for any
and all damages awarded. During a previous judgment debtor examination of Mona, he
indicated that Rhonda Mona ("Mrs. Mona") is his co-trustee of the Mona Family Trust. Mona

1 and the Mona Family Trust have failed to satisfy any amount of the Judgment by paying in full
2 the monetary damages set forth in the Judgment; and whereas NRS 21.270 provides for an
3 Examination of Judgment Debtor under such circumstances;


4 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Mrs. Mona, as Trustee
5 of the Mona Family Trust ("Judgment Debtor"), appear at the law offices of HOLLEY DRIGGS
6 WALCH FINE WRAY PUZEY & THOMPSON, located at 400 South Fourth Street, Third
7 Floor, Las Vegas, Nevada 89101, on **June 11, 2015, at 10:00 a.m.**, to be examined under oath
8 concerning any property which may be used to satisfy said Judgment ("Judgment Debtor
9 Examination") with examination continuing from day to day until completed;

10 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, in the interim of the
11 Judgment Debtor Examination, the Judgment Debtor be and hereby is forbidden from
12 effectuating any transfer(s) or otherwise disposing of any property not exempt from execution.

13 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, the Judgment Debtor
14 shall produce at least one week prior to the examination the documents listed on **Exhibit "1"**
15 attached hereto and incorporated herein by reference.

16 IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED that the date
17 and time of the Judgment Debtor Examination may be continued at the Judgment Creditor's
18 discretion so as to accommodate any conflict of schedule which may arise.

19 FAILURE TO APPEAR AT THE TIME AND PLACE OF THE SCHEDULED
20 JUDGMENT DEBTOR EXAMINATION MAY RESULT IN A BENCH WARRANT BEING
21 ISSUED FOR YOUR ARREST.

22 Dated this 13th day of May, 2015.
23 
24 DISTRICT COURT JUDGE
25 mb
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27
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1 Submitted by:

2 HOLLEY DRIGGS WALCH
3 FINE WRAY PUZEY & THOMPSON

4 By 

5 F. THOMAS EDWARDS, ESQ.
6 Nevada Bar No. 9549
7 400 S. Fourth Street, Third Floor
8 Las Vegas, NV 89101
9 *Attorneys for Plaintiff*
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1 **EXHIBIT "1"**

2 **DEFINITIONS**

3
4 The following definitions are to be used with respect to these documents:

5 A. "Document" is defined to be synonymous in meaning and equal in scope to the
6 usage of this term in Nevada Rules of Civil Procedure 34(a), and shall mean any and all
7 information in tangible or other form, whether printed, typed, recorded, computerized, filmed,
8 reproduced by any process, or written or produced by hand, and whether an original, draft,
9 master, duplicate or copy, or notated version thereof, that is in Your possession, custody, or
10 control. A draft or non-identical copy is a separate document within the meaning of this term.

11 B. Document shall also include, but not be limited to, electronic files, other data
12 generated by and/or stored on or through any of Your computer systems and storage media (e.g.,
13 internal or external hard drives, CD-ROM's, floppy disks, backup tapes, thumb drives, internet-
14 based posting boards, or any other data storage media or mechanisms), or any other electronic
15 data. This includes, but is not limited to: email and other electronic communications (e.g.,
16 postings to internet forums, ICQ or any other instant messenger messages, and/or text messages);
17 voicemails; word processing documents; spreadsheets; databases; calendars; telephone logs;
18 contact manager information; Internet usage files; offline storage or information stored on
19 removable media; information contained on laptops or other portable devices; and network
20 access information. Further, this includes data in any format for storing electronic data.

21 C. "Relating or referring" are used in their broadest sense and shall mean and
22 include, but shall not be limited to, advert, allude, comprise, concern, constitute, describe,
23 discuss, mention, note, pertain, quote, recite, recount, reflect, report or state.

24 D. The singular shall include the plural, and the plural shall include the singular. The
25 conjunctive "and" shall include the disjunctive "or" and the disjunctive "or" shall include the
26 conjunctive "and."

27 E. "Judgment Debtor" shall mean and refer to (1) Michael J. Mona, Jr., Individually,
28 and as Trustee of the Mona Family Trust Dated February 12, 2002, and (2) the Mona Family
Trust Dated February 12, 2002, in the Judgment entered on April 27, 2012 by the Superior Court
of the State of California, County of Riverside, Riverside Court in the case of Far West
Industries v. Rio Vista Nevada, LLC, et. al., Case No. RIC495966.

F. "You" or "Your" shall mean and refer to (1) Michael J. Mona, Jr., Individually,
and as Trustee of the Mona Family Trust Dated February 12, 2002, and (2) Rhonda Mona, as
Trustee of the Mona Family Trust Dated February 12, 2002.

G. Each Document produced pursuant to this Exhibit shall be produced as it is kept
in the usual course of business (*i.e.*, in the file folder or binder in which such Document(s) were
located when the request was served) or shall be organized and labeled to correspond to the
categories of Document(s) requested.

H. You are instructed to produce any and all Documents which are in your
possession, custody or control. Possession, custody or control includes constructive possession
whereby you have a right to compel the production of a matter from a third party (including an
agency, authority or representative.)

1 I. To the extent the location of any Document called for by this Exhibit is unknown
2 to you, so state. If any estimate can reasonably be made as to the location of an unknown
3 Document, describe the Document with sufficient particularity so that it can be identified, set
forth your best estimate of the Document's location, and describe the basis upon which the
estimate is made.

4 J. If any Document request is deemed to call for disclosure of proprietary data,
5 counsel for movant is prepared to receive such data pursuant to an appropriate confidentiality
order.

6 K. To the extent the production of any Document is objected to on the basis of
7 privilege, provide the following information about each such document: (1) describe the nature
8 of the privilege claimed (e.g., attorney-client, work product, etc.); (2) state the factual and legal
9 basis for the claim of such privilege (e.g., communication between attorney for corporation and
outside counsel relating to acquisition of legal services); (3) identify each person who was
present when the document was prepared and who has seen the Document; and (4) identify every
other Document which refers to or describes the contents of such Document.

10 L. If any document has been lost or destroyed, the Document so lost or destroyed
11 shall be identified by author, date, subject matter, date of loss or destruction, identity of person
responsible for loss or destruction and, if destroyed, the reason for such destruction.

12 ITEMS TO BE PRODUCED

- 13
- 14
- 15 1. For the period beginning April 2012 through the present date, financial documents of
- 16 Judgment Debtor, including, but not limited to, but not limited to, statements for
- 17 checking, savings or other financial accounts, securities brokerage accounts, certificates
- 18 of deposit, shares in banks, savings and loan, thrift, building loan, credit unions, or
- 19 brokerage houses or cooperative, and records of income, profits from companies, cash on
- 20 hand, safe deposit boxes, deposits of money with any other institution or person, cash
- 21 value of insurance policies, federal and state income tax refunds due or expected, any
- 22 debt payable to or held by or for Judgment Debtor, checks, drafts, notes, bonds, interest
- 23 bearing instruments, accounts receivable, liquidated and unliquidated claims of any
- 24 nature, or any and all other assets.
- 25 2. For the period beginning April 2012 through the present date, Documents relating to
- 26 closed financial accounts, including, but not limited to checking, savings or other
- 27 financial accounts, securities brokerage accounts, certificates of deposit, shares in banks,
- 28 savings and loan, thrift, building loan, credit unions, or brokerage houses or cooperative.

- 1 3. Tax returns and all related tax records of Judgment Debtor for tax years 2011, 2012,
2 2013, and 2014.
- 3 4. Tax returns and all related tax records of Rhonda Mona for tax years 2011, 2012, 2013,
4 and 2014.
- 5 5. For the period beginning April 2012 through the present date, Documents relating to tax
6 deficiencies of Judgment Debtor.
- 7 6. For the period beginning April 2012 through the present date, Documents relating to
8 earnings and/or income, including, but not limited to, compensation paid or payable for
9 services performed by Judgment Debtor, wages, tips, salaries, commissions, bonuses,
10 sales or transfers of assets, and interest earned on financial accounts.
- 11 7. For the period beginning April 2012 through the present date, Documents relating to
12 proof of Judgment Debtor's employment, including, but not limited to, any and all
13 paystubs, retirement slips, contracts for employment, and consulting agreements.
- 14 8. For the period beginning April 2012 through the present date, Documents relating to
15 income, passive income, investment distributions, or other monetary disbursements or
16 distributions Judgment Debtor has received.
- 17 9. For the period beginning April 2012 through the present date, Documents relating to
18 Judgment Debtor's ownership or lease of automobiles, trucks, trailers, and other vehicles,
19 including, but not limited to, Documents relating to vehicle registration, insurance, sales,
20 purchases, or leases.
- 21 10. For the period beginning April 2012 through the present date, Documents relating to
22 stock and interests in any and all corporations or other business entities, whether privately
23 held or publically traded, held by Judgment Debtor, including, but not limited to any and
24 all certificates of stock in CannaVEST Corp.
- 25 11. For the period beginning April 2012 through the present date, Documents relating to
26 interests in any and all partnerships, sole proprietorships, joint ventures, corporations,
27 holding companies and limited liability companies held by Judgment Debtor.
- 28

- 1 12. Documents relating to any and all real property in which Judgment Debtor holds an
2 interest or which Judgment Debtor owns, directly or indirectly, including, but not limited
3 to, mortgages, deeds, leases, assignments, subordination agreements, and finance
4 statements.
- 5 13. Documents relating to any and all tangible or intangible property, including, but not
6 limited to, furnishings, furniture, musical instruments, fixtures, hardware, home
7 accessories, electronics, computers, audio-visual devices, appliances, equipment, jewelry,
8 artwork, antiques, and collections, in which Judgment Debtor holds an interest or which
9 Judgment Debtor owns, directly or indirectly, including, but not limited to, bills of sale,
10 sale receipts, purchase agreements, insurance policies, or promissory notes.
- 11 14. For the period beginning April 2012 through the present date, Documents relating to all
12 commercial and consumer loans which Judgment Debtor applied for, or which Judgment
13 Debtor guaranteed, that were submitted to any individual, bank, lender, financial
14 institution, finance company, other private entity, public agency or governmental
15 administration.
- 16 15. For the period beginning April 2012 through the present date, Documents relating to all
17 monies loaned to Judgment Debtor or financed on Judgment Debtor's behalf, including,
18 but not limited to, any home loan, personal property loan, equity loan, or line of credit.
- 19 16. For the period beginning April 2012 through the present date, Documents relating to any
20 guaranty or assurance of performance made by Judgment Debtor for any contract,
21 agreements, commercial transactions, loans, financing arrangements, notes, mortgages,
22 third party lender agreements, assignments, and subordination agreements of any kind.
- 23 17. For the period beginning April 2012 through the present date, policies of insurance issued
24 in the name of Judgment Debtor and/or under which Judgment Debtor is a beneficiary,
25 including, but not limited to, policies for life insurance, disability insurance, homeowners
26 insurance, automobile insurance, health insurance, flood insurance, umbrella policies,
27 liability insurance, personal property protection, and corporate director and/or officer
28 insurance.

- 1 18. For the period beginning April 2012 through the present date, Documents relating to any
2 indebtedness that was owed to Judgment Debtor or which is still owed to Judgment
3 Debtor by any person or entity, including, but not limited to, agreements, contracts,
4 leases, promissory notes, mortgages, bills of sale, personal guaranties, or judgments.
- 5 19. For the period beginning April 2012 through the present date, Documents relating to any
6 indebtedness that was owed by Judgment Debtor or which is still owed by Judgment
7 Debtor to any person or entity, including, but not limited to, agreements, contracts,
8 leases, promissory notes, mortgages, bills of sale, personal guaranties, or judgments.
- 9 20. For the period beginning April 2012 through the present date, all audited and unaudited
10 financial statements prepared by or on behalf of Judgment Debtor.
- 11 21. For the period beginning April 2012 through the present date, financial affidavits that
12 Judgment Debtor executed at any time for any purpose or reason, including, but not
13 limited to, submissions in court proceedings or other legal matters, governmental
14 compliance, proceedings, or investigation, or applications for loans or other financing.
- 15 22. For the period beginning April 2012 through the present date, Documents relating to total
16 attorney's fees charged to and/or paid by Judgment Debtor.
- 17 23. For the period beginning April 2012 through the present date, Documents relating to
18 monies, gifts, bequests, dispositions, or transfers paid or given to Judgment Debtor
- 19 24. For the period beginning April 2012 through the present date, Documents relating to all
20 residential real property lease or mortgage payments, utility bills, including, but not
21 limited to, cable, telephone, cellular phone, internet, club memberships, credit card
22 statements, and automobile loan or lease payments that were billed to and/or owed by
23 Judgment Debtor
- 24 25. For the period beginning April 2012 through the present date, Documents relating to
25 retirement accounts, pension plans, SEP accounts, profit sharing plans and retirement
26 plans in which Judgment Debtor currently holds an interest
27
28

- 1 26. For the period beginning April 2012 through the present date, Documents relating to all
2 tangible or intangible property or other assets sold, assigned, transferred, or conveyed by
3 Judgment Debtor to any person or entity.
- 4 27. Documents relating to any and all trusts of which Judgment Debtor currently is, or has
5 been for the period beginning April 2012 through the present date, or will be in the
6 future, a beneficiary, future beneficiary, settlor, or trustee.
- 7 28. Documents relating to any and all wills of which Judgment Debtor currently is, or has
8 been for the period beginning April 2012 through the present date, or will be a
9 beneficiary.
- 10 29. Documents evidencing any and all other intangible personal, tangible, and/or real
11 property of Judgment Debtor not already identified in the items set forth above.
- 12 30. Documents relating to the current value of any and all property identified in the items set
13 forth above, including, but not limited to, appraisals and tax assessments
- 14 31. A written inventory of any and all property identified in the items set forth above,
15 including, but not limited to, intangible, personal, tangible, and real property, with each
16 specific item of property listed with a description, location, and current fair market value.
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IN THE SUPREME COURT OF THE STATE OF NEVADA

RHONDA HELENE MONA and
MICHAEL J. MONA, JR.,

Petitioners,

v.

THE EIGHTH JUDICIAL DISTRICT
COURT FOR THE STATE OF
NEVADA, IN AND FOR THE COUNTY
OF CLARK, AND THE HONORABLE
JOE HARDY, DISTRICT JUDGE

Respondents,

and

FAR WEST INDUSTRIES,

Real Party in Interest.

SUPREME COURT NO. 68434

District Court Case No.: A-12-670352-F
Dept. No.: 15

SUPPLEMENTAL APPENDIX TO REAL PARTY IN INTEREST'S
ANSWERING BRIEF

Volume 2 of 4
Pages 0980 - 0997

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3	Transcript of Judgment Debtor Examination of Michael J. Mona, Jr.	November 25, 2013	1	0016-0160
4	Order for Examination of Judgment Debtor Michael J. Mona, Jr., Individually, and as Trustee of the Mona Family Trust Dated February 12, 2001	May 13, 2015	1	0161-0169
5	Order for Examination of Rhonda Mona as Trustee of Judgment Debtor The Mona Family Trust Dated February 12, 2001	May 13, 2015	1	0170-0178
6	Transcript of Judgment Debtor Examination of Rhonda Mona (erroneously named on its face as "Deposition of Rhonda Mona")	June 26, 2015	2	0179-0497
7	Transcript of Judgment Debtor Examination of Michael J. Mona, Jr.	June 30, 2015	3	0498-0979
8	First Amended Complaint , <u>Far West Industries, etc. vs. Michael J. Mona, Jr., etc., et al.</u> , Eighth Judicial District Court Case No. A-15-724490-C	September 16, 2015	4	0980-0997

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6	Transcript of Judgment Debtor Examination of Rhonda Mona (erroneously named on its face as "Deposition of Rhonda Mona")	June 26, 2015	2	0179-0497

1 DISTRICT COURT
2 CLARK COUNTY, NEVADA
3 * * * * *
4
5 FAR WEST INDUSTRIES, a
6 California corporation,
7 Plaintiff,
8 vs. Case No. A-12-670352-F
9 Dept. No. XV
10 RIO VISTA NEVADA, LLC, a
11 Nevada limited liability
12 company; WORLD DEVELOPMENT,
13 INC., a California
14 corporation; BRUCE MAIZE, an
15 individual; MICHAEL J. MONA,
16 JR., an individual; DOES 1
17 through 100, inclusive,
18 Defendants.
19
20
21
22
23 DEPOSITION OF
24 RHONDA MONA
25 Las Vegas, Nevada
June 26, 2015
10:31 a.m.
Reported by: Heidi K. Konsten, RPR, CCR
Nevada CCR No. 845 - NCRA RPR No. 816435
JOB NO. 252983

1 Deposition of RHONDA MONA, Volume 1,
2 taken at 400 South Fourth Street, 3rd Floor, Las
3 Vegas, Nevada, on June 26, 2015, at 10:31 a.m.,
4 before Heidi K. Konsten, Certified Court Reporter
5 in and for the State of Nevada.
6

7 APPEARANCES OF COUNSEL

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* * * * *

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1 DEPOSITION OF RHONDA MONA

2 June 26, 2015

3 * * * * *

4

5 MR. COFFING: Judge, Terry Coffing.

6 How are you?

7 JUDGE HARDESTY: Good. How are you?

8 MR. COFFING: I'm well.

9 MR. EDWARDS: And Tom Edwards,

10 Your Honor, on behalf of Far West.

11 MR. COFFING: Terry Coffing on behalf

12 of Rhonda Mona.

13 MR. EDWARDS: So, Your Honor, you

14 heard from us a few weeks ago as it related to a

15 protective order for Mr. Mona. The judgment

16 debtor exam of Mrs. Mona was not in front of you.

17 But the parties were able to work out a time and

18 place, so that's why we're here today.

19 But we've run into a roadblock up

20 front as to the scope of the judgment debtor

21 examination. We identified -- the judgment

22 debtors in this case are Mr. Mona individually and

23 the Mona Family Trust. The trustees of the Mona

24 Family Trust include Mr. Mona and Mrs. Mona. So

25 it would be -- we noticed the judgment debtor exam

1 of Mrs. Mona on that basis.

2 However, the order in and of itself
3 was not that narrow. It said that Mrs. Mona would
4 be examined under oath concerning any property
5 which may be used to satisfy our judgment. Also,
6 we feel there's substantial law in Nevada and
7 elsewhere that says a judgment debtor examination
8 is extraordinarily broad, and much more broad than
9 a regular discovery deposition.

10 We equate this dispute today to sort
11 of a 30(b)(6) deposition dispute. For example, if
12 you identify the topics for a particular
13 corporation, that corporation will produce a
14 witness to testify about those topics, the
15 question being can the questioner ask questions
16 beyond those topics.

17 And the courts have addressed that
18 issue and said, yes, they absolutely can. The
19 only bounds to the questions is relevance or
20 whether it will lead to the discovery of
21 admissible evidence.

22 So despite the fact that Mrs. Mona is
23 here today on behalf of the trust, our questions
24 don't need to be limited to the trust and, for
25 example, can go into community property, which

1 would be subject to execution under our judgment.

2 MR. COFFING: Well, I will -- I will
3 disagree about some of that, Your Honor. This is
4 Terry Coffing.

5 Your Honor, I'm looking at the order
6 and notice and the order for the examination of
7 Rhonda Mona as trustee of Judgment Debtor Mona
8 Family Trust. That is how she's appearing today.
9 She is a former trustee, but we're going to
10 bring -- we brought her anyways, because she was a
11 trustee at the time the judgment was entered.

12 This trust has one asset. It's an
13 asset that is well-known to the debtors -- or, I'm
14 sorry, the judgment creditor, and it's the
15 personal -- it's the family residence.

16 And so in accordance with the notice,
17 there was a document production that was
18 requested. We timely filed objections to some of
19 those documents, and at the same time produced a
20 pretty hefty couple of thousand pages of
21 documentation in order to comply, which -- the
22 same documents we're using for Mr. Mona's judgment
23 debtor exam, which will take place next week.

24 But my issue is this is noticed as a
25 judgment debtor exam, not a deposition under Rule

1 61. And I don't want, and I don't think it's fair
2 to Mrs. Mona, to allow the debtor to have what
3 amounts to be multiple avenues to get sworn
4 testimony when -- when she's been noticed here in
5 a very limited capacity.

6 So I've offered up the possibility of
7 doing this one time under a deposition notice.
8 And for a variety of reasons, all of which are
9 reasonable, that's not on the table today. So our
10 position is Ms. Mona is here as a trustee. We've
11 prepared her in accordance with the notice of the
12 trust.

13 And now my understanding -- and
14 Mr. Edwards and I have been debating this -- is
15 they want to go outside that notice, ask her
16 questions about her individual finances, which are
17 not subject to the -- to a judgment, and community
18 assets that may or may not be subject to -- that
19 are beyond the scope of the notice and, candidly,
20 what she's prepared for.

21 And so I'm not saying that they can't
22 ask the questions. What I don't want to be is in
23 a situation where they get multiple opportunities
24 to put her through the exact same line of
25 questioning, one under the guise of a judgment

1 debtor exam, one under the guise of a Rule 61
2 deposition, when in reality -- you know, if that's
3 what we're going to do, then let's do it one time,
4 let me prepare her for that, and move forward.

5 But I don't think it's fair to notice
6 her up as a trustee and then ask questions that
7 are beyond the scope of the notice and her
8 preparation for that notice.

9 MR. EDWARDS: And if I could,
10 Your Honor, I -- I disagree that this is beyond
11 the scope of the notice in the sense that the
12 notice in and of itself says the examination will
13 concern any property which may be used to satisfy
14 the judgment. It's not limited to property of the
15 trust.

16 JUDGE HARDESTY: Do we have a -- a
17 copy of the notice?

18 MR. COFFING: I'm looking at one.

19 JUDGE HARDESTY: Was it -- was it
20 filed?

21 MR. COFFING: Yes. It looks -- no,
22 it says E-Served.

23 Does that mean it was filed, Tom?

24 MR. EDWARDS: You should find it on
25 the docket, Your Honor, on May 13, 2015.

1 JUDGE HARDESTY: Okay. Bear with me.

2 MR. COFFING: Tom, the amendment was
3 just to change the time?

4 MR. EDWARDS: Date and time, right.

5 JUDGE HARDESTY: Okay. So I guess I
6 have pulled up the order for examination of
7 Judgment Debtor Michael J. Mona, Jr., individually
8 and as trustee.

9 Is that the one I'm looking for, or
10 is it a different one?

11 MR. EDWARDS: You'll find one for
12 Rhonda Mona as trustee.

13 JUDGE HARDESTY: Okay. Got it.
14 Okay. Bear with me.

15 Okay. Mr. Edwards, continue.

16 MR. EDWARDS: Okay. And beyond that,
17 as to the multiple bites of the apple, first, it's
18 important to understand that we're not in a
19 typical lawsuit where I would only have one bite
20 at the apple. Here we're trying to execute on a
21 judgment.

22 I certainly do not intend to recall
23 Mrs. Mona with a deposition notice a month from
24 now. I intend to get it all done now. Now, in
25 the future, obviously I can't waive my right to

1 take her judgment debtor exam or notice her
2 deposition again as it relates to the assets,
3 because circumstances change. And, frankly, in an
4 estate as complicated as the estate of Mr. and
5 Mrs. Mona, they have a lot of businesses, a lot of
6 transactions, I -- there will be probably multiple
7 examinations until this -- this \$20 million
8 judgment is satisfied.

9 However, that is certainly not my
10 intent today, is to take a judgment debtor exam
11 and then plow the same grounds a month from now.
12 And to the extent I start to do that, I would
13 welcome Mr. Coffing to bring it to your attention
14 so we can address it. But that's certainly not my
15 intent. I was hoping to get it all done today.

16 JUDGE HARDESTY: So I guess my
17 question is what -- I'm not sure what exactly
18 either side exactly wants me to do.

19 MR. COFFING: Well -- go ahead.

20 MR. EDWARDS: I think the question
21 is, are my questions today required to be limited
22 to the assets of the trust, or am I entitled to go
23 into any assets: Assets of the trust, assets of
24 the community property, assets that Mrs. Mona
25 claims are her individual property? Those are the

1 two positions, I think.

2 MR. COFFING: Well, and that was the
3 subject of our objections, is that we're not here
4 to talk about her individual property. It says
5 the examination of Rhonda Mona as trustee of
6 judgment debtor. Rhonda Mona, an individual, is
7 not a judgment debtor in this case.

8 And so she has rights that relate to
9 that, and candidly, we've prepped her regarding
10 questions related to the trust, which are fair
11 game. And I'm allowed -- I mean, certainly I'm
12 not going to -- I would have some latitude there.

13 But if we're going to delve into what
14 amounts to be a full-blown examination of Rhonda
15 Mona about her personal assets, that simply wasn't
16 on the table today, and I don't think it's fair to
17 put her through that right now.

18 MR. EDWARDS: Your Honor, if I could,
19 I would like to just quote a -- a passage from a
20 district of Nevada case, a federal case. It says
21 where spouses --

22 JUDGE HARDESTY: Before you do that,
23 Mr. Edwards, what's the citation?

24 MR. EDWARDS: The citation is 2013
25 Westlaw, 141 3024, and the name -- the name of the

1 case is VFS Finance, Inc., the specialty finance
2 court.

3 JUDGE HARDESTY: Okay. Bear with me
4 before you start reading. Okay.

5 MR. EDWARDS: And just to address the
6 point Mr. Coffing made about the -- that we
7 shouldn't be able to get into Ms. Mona's personal
8 assets, this case addressed the issue and said
9 where spouses are involved, even a slight showing
10 that there's been a transfer of property from the
11 debtor spouse to the other spouse is sufficient
12 for the court to allow a judgment creditor to
13 delve into the personal assets of the nondebtor
14 spouse.

15 And I don't think Mr. Coffing would
16 dispute with me that there are transfers between
17 Mr. Mona and Mrs. Mona. And for that reason we
18 should be allowed to delve into the personal
19 assets of Mrs. Mona, in addition to her community
20 property assets, which are, I think without
21 dispute, subject to the execution of the -- upon
22 judgment.

23 MR. COFFING: The dilemma is --
24 Your Honor, is that's not what was noticed for
25 today. And so you can imagine if I'm talking to

1 my client and preparing her for questions related
2 to the trust and her role as trustee of the trust,
3 she's ready to roll on that. But to now say we're
4 going to go after personal things and talk about
5 that, I, at a minimum, would like an opportunity
6 to brief the issue to you and -- before it
7 becomes, you know, a problem, so we're not having
8 you on the phone for this all day long.

9 But from our perspective, I'm asking
10 that the questioning today be limited to the -- as
11 the notice says, the Mona Family Trust and her
12 role as trustee of that trust, because that's what
13 it was -- that's what we're here for.

14 If you'll give us the opportunity to
15 brief the issue, we'll brief the issue. And they
16 do -- I'm not going to dispute the right that they
17 have the ability to bring her back for a
18 full-blown deposition on a variety of matters.
19 But I haven't had the opportunity to brief this
20 issue for you until it's -- it's here in front of
21 us today.

22 MR. EDWARDS: And, Your Honor, one
23 quick point, and then I'll stop talking, because
24 I'm starting to repeat myself. But if you take a
25 look at the judgment debtor exam notice, it says I

1 get to ask about any property which may be used to
2 satisfy the judgment. It doesn't specify any
3 particular property that I'm allowed to ask
4 questions about.

5 As to the issue of briefing, we do
6 have a bench brief ready for you on this issue,
7 because Mr. Coffing and I have been discussing
8 this for a few days. My concern with that is that
9 my client sees this as a delay effort. And if we
10 have to wait for briefing, my clients are
11 concerned they may be prejudiced with the delays.

12 MR. COFFING: Well, on that issue, if
13 I could, Your Honor, there were no efforts to
14 collect this judgment until, you know, over a year
15 after it was entered. They have a current wage
16 garnishment on a significant salary, and so I'm
17 not sure if -- if there's something that occurs in
18 the next three weeks or two weeks it takes us to
19 brief this, I'm certain that that will be brought
20 to your attention and you will give it the -- the
21 attention it's due.

22 MR. EDWARDS: The dilemma there
23 being, Your Honor, that would mean I have to fight
24 another fraudulent transfer action for the next
25 three years to try to get that money back. It

1 is -- it is what we're doing in front of Judge
2 Gonzales right now, and I would hate to have to do
3 it again for another transfer.

4 JUDGE HARDESTY: Okay. Thank you
5 both, you know, for -- for setting forth the
6 issues succinctly and allowing me time to pull up,
7 you know, the notice and the case.

8 I'm not sure exactly whether I can
9 give you any real specific order, so if -- I'll
10 give you my -- my general ruling right now. And
11 if -- you know, if specific issues come up during
12 the examination, you're welcome to call back, but
13 hopefully -- hopefully this general order will
14 give you both some guidance.

15 The Court is fairly familiar with the
16 scope of judgment debtor exams and the like and
17 collection of judgment and the scope that is
18 permitted. The Court does find that that scope,
19 if you will, is as Mr. Edwards argued, very broad
20 in nature.

21 And so with that background, the
22 Court, examining the May 13 order for examination
23 of Rhonda Mona as trustee of judgment debtor, the
24 Mona Family Trust dated February 12, 2002, it is
25 for Mrs. Mona as trustee of the Mona Family Trust,

1 which at first glance would seem to -- to limit
2 the scope.

3 However, as pointed out, the
4 substance or nature of the examination as set
5 forth, continuing on, states, quote, to be
6 examined under oath concerning any property which
7 may be used to satisfy said judgment, with the
8 examination continuing from day to day until
9 completed.

10 The Court finds that that is the
11 notice of the scope of the examination of
12 Mrs. Mona as trustee of the Mona Family Trust, and
13 therefore the judgment creditors are entitled to
14 ask Mrs. Mona questions concerning any property
15 which may be used to satisfy said judgment and not
16 limited to any property of the Mona Family Trust.
17 So the questions need not be limited to questions
18 regarding assets of the trust.

19 MR. COFFING: Well, Your Honor, would
20 that include assets that are then in Ms. Mona's
21 separate name when she's not a judgment debtor
22 here? And -- and I understand that they're
23 entitled to ask questions in order to satisfy
24 them, but Ms. Mona has her own rights here, as
25 well, and she is not a debtor in this case.

1 And so if she has separate property,
2 she has separate property. And she should not be
3 compelled by virtue of this notice, as trustee, to
4 have to answer questions about that.

5 MR. EDWARDS: My response to that,
6 Your Honor, is that's essentially putting the
7 burden on me to win a fraudulent transfer action
8 before I'm even able to ask about the asset.

9 JUDGE HARDESTY: Yeah, the question
10 certainly can be asked regarding what assets
11 Mrs. Mona possesses, et cetera. And if her
12 response is, "Well, this asset is my separate,"
13 you know, you can ask your follow-up question,
14 "Well, you know, how is that your separate asset?"

15 It was, you know -- you are entitled
16 to delve into her testimony if she claims under
17 oath that something is her separate asset, you
18 know, because asking it -- you know, it's like
19 discovery. You ask the questions to get the
20 details and the facts of the information, which
21 may or may not lead to a finding that this asset
22 is -- is an asset or property which may be used to
23 satisfy said judgment, and this -- this property
24 is not property that may be used to satisfy said
25 judgment.

1 So, yes, you are entitled to ask
2 those questions, and she's entitled to -- to
3 answer them and definitely should answer those
4 types of questions.

5 MR. COFFING: So, Your Honor, if I
6 may, not so hypothetically, if an account is
7 presented, and that account is entitled Rhonda
8 Mona, her sole and separate property, I mean, that
9 should be dispositive of the issue, and foreseeing
10 your -- I think what your ruling is, forcing me to
11 prove what she owns rather than prove what she
12 doesn't own.

13 MR. EDWARDS: To distinguish it,
14 Your Honor, I think if I can show that that
15 separate property came from Mr. Mona or came from
16 the community property estate, then -- and I can
17 tell you for sure we have that situation here --
18 I'm certainly entitled to dive into the
19 circumstances surrounding how she became in
20 possession of that property in her -- her
21 individual capacity. And that in and of itself is
22 a legal conclusion that I shouldn't be barred from
23 gathering the facts to determine.

24 JUDGE HARDESTY: The Court agrees
25 with Mr. Edwards. Again, we're dealing with a

1 broad scope, if you will, regarding, you know,
2 collection of judgments. And then, two, you know,
3 again, just because a piece of paper says
4 something, does not necessarily mean that it's
5 true.

6 That will be the Court's order.
7 Again, if you have specific issues that arise, I'm
8 here all day today. You're welcome to contact us
9 again. I hope that the order is sufficiently
10 clear to give both sides guidance as to the scope
11 that's permitted in terms of the questions and the
12 answers and the examination today.

13 MR. EDWARDS: Thank you, Your Honor.

14 JUDGE HARDESTY: Thank you both.

15 MR. COFFING: Thank you.

16 (Whereupon, a recess was taken.)
17

18 (Prior to the commencement of the
19 deposition, all of the parties present agreed to
20 waive statements by the court reporter, pursuant
21 to Rule 30(b)4 of NRC.P.)
22

23 (Exhibit No. 1 was marked.)
24

25 RHONDA MONA,

1 having been first duly sworn, was examined and
2 testified as follows:

3

4

EXAMINATION

5 BY MR. EDWARDS:

6 Q Ma'am, I'm showing you what's been
7 marked as Exhibit 1.

8 Do you recognize this document?

9 A Yes, I've seen it before.

10 Q And what is it?

11 A Post-marital property settlement
12 agreement.

13 Q Okay. Do you recognize your initials at
14 the bottom of each page?

15 A I do.

16 Q And feel free to flip through if you
17 want.

18 Those are your initials on each page?

19 A Uh-huh.

20 Q One of the rules we'll talk about later
21 is, because the court reporter is here and taking
22 down everything that we're saying, it's important
23 that you give audible answers. Whereas a head nod
24 will usually work, if you can answer with a yes or
25 no, I'd appreciate it.

1 A Sorry.

2 Q That's okay. And if I remind you, I'm
3 not trying to be rude. I'm just making sure that
4 the court reporter gets down what she's supposed
5 to.

6 So you do recognize your initials at the
7 bottoms of each of the pages on Exhibit 1?

8 A Yes, I do.

9 Q And on the next to the last page, do you
10 recognize your signature?

11 A Yes.

12 Q Okay. Do you recall initialing and
13 signing this document?

14 A Vaguely.

15 Q Okay. What's your understanding of the
16 purpose of this agreement?

17 A I really didn't delve into it.

18 Q Okay. Did you read the agreement?

19 A Not really, no.

20 Q Did you skim it?

21 A The first page.

22 Q Okay.

23 A Yeah.

24 Q What did you gather when you skimmed the
25 first page?

1 A I really don't know.

2 Q Okay.

3 A I sign what I'm supposed to sign.

4 Q Okay. So I -- why did you sign this?

5 MR. COFFING: Well, to the extent you
6 had a conversation with an attorney, we don't want
7 to go into that. So if -- if any answer requires
8 divulging what your attorney said, I'm going to
9 say don't answer that, and make sure you
10 understand that. Okay?

11 THE WITNESS: Okay.

12 BY MR. EDWARDS:

13 Q Did you discuss this with an attorney,
14 Exhibit 1?

15 A I don't -- I don't recall.

16 Q Okay. And you have no understanding of
17 the purpose of this agreement?

18 A I might have discussed it with Bart
19 maybe.

20 Q Okay.

21 A Yeah.

22 Q And do you have any understanding what
23 this agreement is meant for?

24 A A little bit.

25 Q Okay. Can you give me your basic

1 understanding, please?

2 A That if we get divorced, that what's
3 mine is mine.

4 Q Okay. So sort of a -- you saw this as
5 sort of a prenuptial agreement?

6 A No. Post.

7 Q Post-nuptial agreement?

8 A Uh-huh.

9 Q Okay. If you'd turn to the second page
10 of Exhibit 1, look at the first line.

11 Could you read that for me?

12 A "Whereas it is the parties' intent to
13 acknowledge, confirm, and document their equal" --

14 Q And the whole sentence, if you would.

15 A Oh -- "their equal division between
16 themselves of the said \$6,813,220.20 they received
17 from the sale of their MMI corporate stock, with
18 Rhonda receiving \$3,406,601.10 of such moneys as
19 her sole and separate property, and Mike receiving
20 the remaining" -- blah, blah, blah -- "as his sole
21 and separate property."

22 Q Did you receive your \$3.4 million as set
23 forth in this agreement?

24 A Yes.

25 Q All of it?

1 A I thought I only got two and something,
2 but ...

3 Q So you think there may still be about
4 1.4 million that you haven't received yet?

5 A I don't know.

6 Q Okay. Where is that money?

7 A Most of that's gone.

8 Q Okay. Where did it go?

9 A Am I allowed to answer that?

10 MR. COFFING: Yeah.

11 THE WITNESS: A lot of it went to a
12 bad business deal.

13 BY MR. EDWARDS:

14 Q What bad business deal?

15 A Purchasing Super Bowl tickets. Bad
16 decision.

17 Q Okay. How much did you spend purchasing
18 Super Bowl tickets?

19 A About 5- or 600,000.

20 Q And what happened with that? Can you
21 tell me, what was the idea behind purchasing those
22 Super Bowl tickets?

23 A It was -- can I answer?

24 MR. COFFING: Yeah. You can tell him
25 about the transaction, yeah.

1 THE WITNESS: I gave it to a ticket
2 broker to buy tickets to resell them, and he
3 embezzled the money and went to jail, so ...

4 BY MR. EDWARDS:

5 Q Okay. So you never actually received
6 any tickets, weren't able to resell anything?

7 A He did, kept the money, and he went to
8 jail.

9 Q Understood.

10 What's his name?

11 A Jonathon Robiste.

12 Q Can you spell that?

13 A R-O-B-I-S-T-E.

14 Q Was he here in Las Vegas or elsewhere?

15 A He was in New York.

16 Q New York. Okay.

17 So you think you received about
18 \$2 million. So what happened with the other
19 \$1.5 million?

20 A I lent some to my son to buy his home.

21 Q Okay. How much did you lend to your
22 son?

23 A Close to 900, I think.

24 Q Okay. What's your son's name?

25 A Michael.

1 Q Michael Mona, III; right?

2 A Uh-huh.

3 Q And where is the home?

4 A In San Diego.

5 Q How old is your son?

6 A Twenty-nine.

7 Q Twenty-nine?

8 A Uh-huh.

9 Q Is there a loan agreement between you
10 and your son, or was this just a handshake deal?

11 A I don't know. I don't know if there's
12 paperwork on it or not. I really don't.

13 Q Okay. Has your son started paying you
14 on that \$900,000 loan?

15 A Not yet, no.

16 Q Is it -- is it your expectation that he
17 will start paying you at some point?

18 A I would assume so at some point, when
19 he's in a better financial -- he's not yet.

20 Q Okay. Is it your intent that he will
21 simply pay you back when he eventually sells the
22 property?

23 A I -- I didn't get into it. I don't
24 know.

25 Q Okay. Do you know the address of the

1 property in San Diego?

2 A Uh-huh.

3 Q What is it?

4 A 877 Island Avenue.

5 Q And there's a unit number, as well;
6 right?

7 A 701.

8 Q Right next to Petco; right?

9 A Uh-huh.

10 Q Okay. So you spent about 5- to 600,000
11 on the tickets -- or attempted tickets, about
12 900,000 to your son for the house.

13 What happened to the rest of the money?

14 A I paid my bills with them.

15 Q Okay. What bills?

16 A My house bills.

17 Q And what house bills did you pay, or are
18 you still using that money to pay bills?

19 A Uh-huh, yeah.

20 Q Okay. Where is that money sitting?

21 A In a money market account.

22 Q With what bank?

23 MR. COFFING: You can tell him.

24 THE WITNESS: Bank of George.

25

1 BY MR. EDWARDS:

2 Q Do you know the balance in the Bank of
3 George account?

4 A Right around 300,000.

5 Q Who are the signatories on the Bank of
6 George account?

7 A Just me.

8 Q Was your husband ever a signatory on
9 that account?

10 A Never.

11 Q Do you have any other accounts that are
12 solely in your name?

13 A Yes.

14 Q Where are those accounts?

15 A Bank of George.

16 Q Okay. Multiple accounts at Bank of
17 George?

18 A The other one is a checking account that
19 I actually write my bills out of.

20 Q Okay. How much do you estimate is in
21 the checking account at Bank of George?

22 A I just put enough in to write my bills.

23 Q Okay. Do you have any other accounts --

24 A No.

25 Q -- personally?

1 A No.

2 Q I guess individually is the proper term.

3 A No.

4 Oh, yes, I'm sorry, I have a -- my
5 own -- my own checking account, too. And I'm
6 sorry, the other account is in Bank of Nevada, not
7 Bank of George. I'm sorry. My household account
8 is in Bank of Nevada.

9 Q Okay. So is there still a checking
10 account associated with Bank of George?

11 A Yes, my own.

12 Q Your personal?

13 A Uh-huh.

14 Q Okay. And then your household account
15 is Bank of Nevada?

16 A Right, so --

17 Q And that's just you as the signatory on
18 that account?

19 A Yes.

20 Q Okay. Can you estimate how much money
21 is in the Bank of Nevada account?

22 A That's the one that's just enough to pay
23 my bills.

24 Q I see. Okay.

25 Then what is the amount in the Bank of

1 **George checking account?**

2 A That's just my mine. It's been mine for
3 forever. Nothing to do with my husband at all,
4 never has had anything to do with him.

5 Q Okay. And so what balance is in that
6 account?

7 A Do I have to answer?

8 MR. COFFING: Well, this is an
9 account that predated the judgment, and so ...

10 THE WITNESS: No, it's got nothing to
11 do with him.

12 MR. COFFING: It has nothing to do
13 with -- with anything related to the judgment. It
14 predates it, so this is kind of --

15 THE WITNESS: It's money that I
16 had -- I got paid for working, so it's money --
17 it's my own money.

18 BY MR. EDWARDS:

19 Q Okay. And I appreciate that, but I need
20 to know the answer.

21 MR. COFFING: To the best of your
22 knowledge, what's the --

23 THE WITNESS: About 190,000.

24 BY MR. EDWARDS:

25 Q In the Bank of George checking account?

1 A Uh-huh.

2 Q Okay. So that's money you owned -- you
3 earned from working?

4 A Uh-huh.

5 Q What do you do for work?

6 A Designer.

7 Q And when did you do this designer work
8 to earn that 190,000? I guess it was probably
9 multiple jobs.

10 A No. I actually got one lump sum for
11 200,000.

12 Q Okay. When did you get that lump sum?

13 A Approximately eight years ago, maybe.
14 Seven, six, I don't know.

15 Q So you got about approximately \$200,000
16 lump sum, and you've only spent about 10,000 of it
17 so far?

18 A No. It goes up and down, you know.
19 Yeah. Yeah, for the most part, that's what my
20 balance has been, yeah.

21 Q I see. And it goes up when you do other
22 work and you put money in there?

23 A When I put money in there. But just by
24 a few thousand dollars, that's it.

25 Q Sure. Sure. Understood.

1 Was that one big job you did --
2 A Uh-huh.
3 Q -- back six or seven years ago?
4 What was that job?
5 A It was for someone's residence.
6 Q Okay. Here in town?
7 A Yes.
8 Q Who is that?
9 A Mike Shustek.
10 Q Did he pay you everything you were
11 supposed to receive for that job?
12 A Uh-huh, yes.
13 Q He doesn't owe you any more money?
14 A No.
15 Q And to this day, you're still doing
16 various design jobs?
17 A Not really, no. Just for my husband,
18 actually.
19 Q Okay. And how does that work?
20 A I don't get paid.
21 Q Okay. So your husband --
22 A I work for free.
23 Q I'm sorry. Go ahead.
24 A I work for free.
25 Q Okay. So, for example, if your husband

1 has a piece of property and he asks you to do some
2 design work for him?

3 A Just his offices.

4 Q His offices. Okay.

5 I guess at what point in time did you
6 stop doing work?

7 A A few years ago.

8 Q About eight years ago?

9 A No, about -- yeah. No about five years
10 ago.

11 Q About five years ago. Okay.

12 And how long have you been married to
13 Mr. Mona?

14 A 32 years.

15 Q Congratulations. That's a long time.

16 A Thank you.

17 Q Do you know the bank account number for
18 either Bank of George account?

19 A No.

20 Q Do you have a card with you that would
21 allow you access to that money -- to that money?

22 A Do I have a card?

23 Q You know, for example, a Visa card, a
24 debit card?

25 A No.

1 Q How do you access that money?

2 A I go to the bank. I'm old school.

3 Q So you don't have a debit card or a
4 credit card --

5 A No.

6 Q -- associated with either of the
7 accounts at Bank of George?

8 A No.

9 Q Do you have a credit card or a debit
10 card associated with the Bank of Nevada account?

11 A No.

12 Q And when you need to pay your monthly
13 bills, do I understand you take the money from the
14 Bank of George money market account and put it
15 into the Bank of Nevada account?

16 A Correct.

17 Q Okay. Are there other sources of money
18 for the Bank of George money market account?

19 A No.

20 Q Are there other sources of money, other
21 than your design work, for the checking account at
22 Bank of George?

23 A No.

24 Q And the only source of money for the
25 money in the checking account at Bank of Nevada is

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL J. MONA, JR., an individual,

Appellant,

vs.

FAR WEST INDUSTRIES, a California
corporation,

Respondent.

Case No.: 73815 Electronically Filed
Jan 09 2018 04:33 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Appeal from the Eighth Judicial District
Court, The Honorable Joe Hardy
Presiding.

APPELLANT'S APPENDIX
(Volume 11, Bates Nos. 2368-2607)

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A	Affidavit of John R. Hawley, Esq. in Support of Ex Parte Motion for Examination of Judgment Debtor	Volume 1 Bates Nos. 20–22
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C	Declaration of Mike Mona in Support of Response to Order to Show Cause	Volume 2 Bates Nos. 309–310
Supplement to Response to Order to Show Cause Why Accounts of Rhonda Mona should not be Subject to Execution and Why the Court Should Not Find the Monas in Contempt (filed 07/08/15)		Volume 2 Bates Nos. 311–316
Declaration in Support of Request for Contempt (filed 07/08/15)		Volume 2 Bates Nos. 317–324
Order Regarding Order to Show Cause Why Accounts of Rhonda Mona should not be Subject to Execution and Why the Court Should Not Find the Monas in Contempt (filed 07/15/15)		Volume 2 Bates Nos. 325–335
Notice of Entry of Order to Show Cause Why Accounts of Rhonda Mona should not be Subject to Execution and Why the Court Should Not Find the Monas in Contempt (filed 07/16/15)		Volume 2 Bates Nos. 336–349
Motion to Compel Application of Particular Assets Toward Satisfaction of Judgment (filed 07/16/15)		Volume 2 Bates Nos. 350–360

	Exhibits to Motion to Compel Application of Particular Assets Toward Satisfaction of Judgment	
Exhibit	Document Description	
1	Judgment Debtor Examination of Michael J. Mona, Jr.	Volume 2 Bates Nos. 361–370
2	Deposition of Rhonda Mona	Volume 2 Bates Nos. 371–376
Plaintiff's Memorandum of Fees and Costs Associated with Order to Show Cause Why Accounts of Rhonda Mona should Not be Subject to Execution and Why the Court Should Not Find Monas in Contempt (filed 07/20/15)		Volume 2 Bates Nos. 377–380
Motion on an Order Shortening Time for Bond Pending Appeal (filed 09/09/15)		Volume 2 Bates Nos. 381–391
	Exhibits to Motion on an Order Shortening Time for Bond Pending Appeal	
Exhibit	Document Description	
1	Order (filed 08-31-15)	Volume 2 Bates Nos. 392–395
2	Judgment (filed 04/27/12 in the Superior Court of California Riverside)	Volume 2 Bates Nos. 396–414
3	Deed of Trust	Volume 2 Bates Nos. 415–422
4	Deed of Trust with Assignment of Rents	Volume 2 Bates Nos. 423–430
Opposition to Motion on an Order Shortening Time for Bond Pending Appeal (filed 09/16/15)		Volume 2 Bates Nos. 431–439
	Exhibits to Opposition to Motion on an Order Shortening Time for Bond Pending Appeal	
Exhibit	Document Description	
A	Order (filed 08/31/15)	Volume 2 Bates Nos. 440–443
B	Transcript of Proceedings of July 9, 2015 Hearing (filed 07/14/15)	Volume 2 Bates Nos. 444–447
C	Third Amended Complaint (filed 07/15/14)	Volume 2 Bates Nos. 448–459

	Exhibits to Opposition to Motion on an Order Shortening Time for Bond Pending Appeal (cont.)	
D	Complaint (filed 09/11/15)	Volume 2 Bates Nos. 460–473
E	Far West’s Motion to Intervene, for a finding and Order that the Post-Marital Agreement is void Based on the Principles of Res Judicata and Issue Preclusion, and that the Plaintiff and Defendant are Jointly Liable for the Judgment Held by Intervenor (filed 09/04/15)	Volume 3 Bates Nos. 474–517
Second Motion to Compel Application of Particular Assets Towards Satisfaction of Judgment (filed 10/12/15)		Volume 3 Bates Nos. 518–524
	Exhibits to Second Motion to Compel Application of Particular Assets Towards Satisfaction of Judgment	
Exhibit	Document Description	
1	Judgment Debtor Examination of Michael J. Mona, Jr.	Volume 3 Bates Nos. 525–531
2	Order Granting Temporary Stay (filed 07/20/15)	Volume 3 Bates Nos. 532–534
3	Order (filed 08/31/15)	Volume 3 Bates Nos. 535–538
4	Decree of Divorce (filed 07/23/15)	Volume 3 Bates Nos. 539–545
Order Regarding Motion on an Order Shortening time for Bond Pending Appeal (filed 10/16/15)		Volume 3 Bates Nos. 546–553
Plaintiff Far West Industries’ Motion for Determination of Priority of Garnishment (filed 02/16/16)		Volume 3 Bates Nos. 554–563
	Exhibits to Plaintiff Far West Industries’ Motion for Determination of Priority of Garnishment	
Exhibit	Document Description	
1	Judgment (filed 04/27/12 in the Superior Court of the State of California, Riverside)	Volume 3 Bates Nos. 564–567

	Exhibits to Plaintiff Far West Industries’ Motion for Determination of Priority of Garnishment (cont.)	
2	Case Summary	Volume 3 Bates Nos. 568–570
3	Writ of Execution	Volume 3 Bates Nos. 571–575
4	Instructions to the Sheriff/Constable-Clark County	Volume 3 Bates Nos. 576–589
5	Writ of Garnishment	Volume 3 Bates Nos. 590–598
6	Email Chain between Tom Edward and Tye Hanseen	Volume 3 Bates Nos. 599–602
7	Decree of Divorce (filed 07/23/2015)	Volume 3 Bates Nos. 603–609
Plaintiff Far West Industries’ Motion: (1) For Default Judgment Against Roen Ventures, LLC for Untimely Answers to Writ of Garnishment and Interrogatories; and (2) to Compel Roen Ventures, LLC’s Turnover of Payment Made to, on Behalf of, or for the Benefit of Michael J. Mona, Jr. (filed 02/16/16)		Volume 3 Bates Nos. 610–622
	Exhibits to Plaintiff Far West Industries’ Motion: (1) For Default Judgment Against Roen Ventures, LLC for Untimely Answers to Writ of Garnishment and Interrogatories; and (2) to Compel Roen Ventures, LLC’s Turnover of Payment Made to, on Behalf of, or for the Benefit of Michael J. Mona, Jr.	
Exhibit	Document Description	
1	Judgment (filed 04/27/12 in the Superior Court of the State of California, Riverside)	Volume 3 Bates Nos. 623–626
2	Management Agreement	Volume 3 Bates Nos. 627–630
3	Management Agreement	Volume 3 Bates Nos. 631–635
4	Writ of Execution	Volume 3 Bates Nos. 636–641
5	Instructions to the Sheriff/Constable-Clark County	Volume 3 Bates Nos. 642–656

	Exhibits to Plaintiff Far West Industries' Motion: (1) For Default Judgment Against Roen Ventures, LLC for Untimely Answers to Writ of Garnishment and Interrogatories; and (2) to Compel Roen Ventures, LLC's Turnover of Payment Made to, on Behalf of, or for the Benefit of Michael J. Mona, Jr. (cont.)	
6	Writ of Garnishment	Volume 3 Bates Nos. 657–676
Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment (filed 02/19/16)		Volume 3 Bates Nos. 677–679
Appendix of Exhibits to Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment (filed 02/19/16)		
	Exhibits to Appendix of Exhibits to Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment	
Exhibit	Document Description	
1	Order Regarding Order to Show Cause Why Accounts of Rhonda Mona Should Not Be Subject to Execution and Why the Court Should Not Find Monas in Contempt (filed 07/15/15) (cont. in Vol. 4)	Volume 3 Bates Nos. 680–691
2	Plaintiff's Memorandum of Fees and Costs Associated With Order to Show Cause Why Accounts of Rhonda Mona Should Not be Subject to Execution and Why the Court Should Not Find Monas in Contempt (filed 07/20/15)	Volume 3 Bates Nos. 692–696
3	Transcript of Show Cause Hearing: Why Accounts Of Rhonda Mona Should Not Be Subject To Execution And Why The Court Should Not Find Monas In Contempt (filed 07/14/15)	Volume 4 Bates Nos. 697–807
4	Petition for Writ of Mandamus or Prohibition (filed 07/17/15)	Volume 4 Bates Nos. 808–849
5	Order Granting Temporary Stay (filed 07/20/15)	Volume 4 Bates Nos. 850–852
6	Order (filed 10/16/15)	Volume 4 Bates Nos. 853–856

	Exhibits to Appendix of Exhibits to Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment (cont.)	
7	Order Denying Motion (filed 11/19/15)	Volume 4 Bates Nos. 857–860
8	Motion to Dismiss (filed December 4, 2015)	Volume 4 Bates Nos. 861–941 Volume 5 Bates Nos. 942–957
9	Defendant Michael J. Mona, Jr.'s Reply in Support of Motion to Dismiss (filed 01/26/16)	Volume 5 Bates Nos. 958–978
Amended Appendix of Exhibits to Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment (filed 02/22/16)		Volume 5 Bates Nos. 979–981
	Exhibits to Amended Appendix of Exhibits to Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment	
Exhibit	Document Description	
4	Petition for Writ of Mandamus or Prohibition (filed 07/17/15)	Volume 5 Bates Nos. 982–1023
Mona's Opposition to Far West's Motion for Determination of Priority of Garnishment and Countermotion to Discharge Garnishment and for Return of Proceeds (filed 03/04/16)		Volume 5 Bates Nos. 1024–1053
	Exhibits to Mona's Opposition to Far West's Motion for Determination of Priority of Garnishment and Countermotion to Discharge Garnishment and for Return of Proceeds	
Exhibit	Document Description	
A	Writ of Garnishment	Volume 5 Bates Nos. 1054–1060
Third Party Roen Ventures, LLCs' Opposition to Motion: (1) For Default Judgment Against Roen Ventures, LLC for Untimely Answers to Writ of Garnishment and Interrogatories; and (2) to Compel Roen Ventures, LLC's Turnover of Payment Made to, on Behalf of, or for the Benefit of Michael J. Mona, Jr.; and Countermotion for Attorney's Fees and Costs (filed 03/04/16)		Volume 5 Bates Nos. 1061–1080

	Exhibits to Third Party Roen Ventures, LLCs' Opposition to Motion: (1) For Default Judgment Against Roen Ventures, LLC for Untimely Answers to Writ of Garnishment and Interrogatories; and (2) to Compel Roen Ventures, LLC's Turnover of Payment Made to, on Behalf of, or for the Benefit of Michael J. Mona, Jr.; and Countermotion for Attorney's Fees and Costs	
Exhibit	Document Description	
1	Declaration of Bart Mackay in Support of Opposition to Plaintiff Far West Industries' Motion: (1) for Default Judgment Against Roen Ventures, etc.	Volume 5 Bates Nos. 1081–1090
2	Declaration of Dylan Ciciliano in Support of Opposition to Plaintiff Far West Industries' Motion: (1) for Default Judgment Against Roen Ventures, etc.	Volume 5 Bates Nos. 1091–1102
3	Complaint (filed 02/07/14)	Volume 5 Bates Nos. 1103–1110
4	Motion to Enforce Settlement Agreement (filed 11/10/15)	Volume 5 Bates Nos. 1111–1144
5	Notice of Entry of Order (01/29/16)	Volume 5 Bates Nos. 1145–1151
6	Motion to Dismiss the Roen Defendants with Prejudice (filed 03/03/16)	Volume 5 Bates Nos. 1152–1171
7	Writ of Garnishment	Volume 5 Bates Nos. 1172–1179
8	Management Agreement	Volume 5 Bates Nos. 1180–1184
Mike Mona's Opposition to Motion to Reduce Sanctions Order to Judgment (filed 03/07/16)		Volume 6 Bates Nos. 1185–1192
Non-Party Rhonda Mona's Opposition to Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment (filed 03/07/16)		Volume 6 Bates Nos. 1193–1200

	Exhibits to Non-Party Rhonda Mona's Opposition to Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment	
Exhibit	Document Description	
A	Defendant's Opposition to Countermotion for Summary Judgment (filed 01/19/16)	Volume 6 Bates Nos. 1201–1223
B	Order Regarding Plaintiff Far West Industries' Countermotion for Summary Judgment	Volume 6 Bates Nos. 1224–1227
C	Petition for Writ of Mandamus or Prohibition (filed 07/17/15)	Volume 6 Bates Nos. 1228–1269
Plaintiff Far West Industries' Reply to Mona's Opposition to Far West's Motion for Determination of Priority of Garnishment and Opposition to Countermotion to Discharge Garnishment and for Return of Proceeds (filed 03/14/16)		Volume 6 Bates Nos. 1270–1282
	Exhibits to Plaintiff Far West Industries' Reply to Mona's Opposition to Far West's Motion for Determination of Priority of Garnishment and Opposition to Countermotion to Discharge Garnishment and for Return of Proceeds	
Exhibit	Document Description	
8	Writ of Garnishment	Volume 6 Bates Nos. 1283–1289
9	Judgment Debtor Examination of Michael J. Mona, Jr.	Volume 6 Bates Nos. 1290–1294
10	Deposition of Rhonda Mona	Volume 6 Bates Nos. 1295–1298
11	Checks	Volume 6 Bates Nos. 1299–1302
Plaintiff Far West Industries' Reply in Support of Motion to Reduce Sanctions Order to Judgment (filed 03/14/16)		Volume 6 Bates Nos. 1303–1309
Appendix of Exhibits to Plaintiff Far West Industries' Reply in Support of Motion to Reduce Sanctions Order to Judgment (filed 03/14/16)		Volume 6 Bates Nos. 1310–1311

	Exhibits to Appendix of Exhibits to Plaintiff Far West Industries' Reply in Support of Motion to Reduce Sanctions Order to Judgment	
Exhibit	Document Description	
11	Supplemental Appendix to Real Party In Interest's Answering Brief	Volume 6 Bates Nos. 1312–1424 Volume 7 Bates Nos. 1425–1664 Volume 8 Bates Nos. 1665–1890 Volume 9 Bates Nos. 1891–2127 Volume 10 Bates Nos. 2128–2312
Plaintiff Far West Industries' Reply to Roen Venture LLC's Opposition to Motion: (1) For Default Judgment Against Roen Ventures, LLC for Untimely Answers to Writ of Garnishment and Interrogatories; and (2) to Compel Roen Ventures, LLC's Turnover of Payment Made to, on Behalf of, or for the Benefit of Michael J. Mona, Jr., and Opposition to Countermotion for Attorney's Fees and Costs (filed 03/14/16)		Volume 10 Bates Nos. 2313–2322
Amended Appendix of Exhibits to Plaintiff Far West Industries' Reply in Support of Motion to Reduce Sanctions Order to Judgment (filed 03/15/16)		Volume 10 Bates Nos. 2323–2325
	Exhibits to Amended Appendix of Exhibits to Plaintiff Far West Industries' Reply in Support of Motion to Reduce Sanctions Order to Judgment	
Exhibit	Document Description	
10	Real Party in Interest's Answering Brief	Volume 10 Bates Nos. 2326–2367 Volume 11 Bates Nos. 2368–2385

	Exhibits to Amended Appendix of Exhibits to Plaintiff Far West Industries' Reply in Support of Motion to Reduce Sanctions Order to Judgment (cont.)	
11	Supplemental Appendix to Real Party in Interest's Answering Brief	Volume 11 Bates Nos. 2386–2607 Volume 12 Bates Nos. 2608–2836 Volume 13 Bates Nos. 2837–3081 Volume 14 Bates Nos. 3082–3138
Mona's Reply in Support of Countermotion to Discharge Garnishment and for Return of Proceeds (filed 03/23/16)		Volume 14 Bates Nos. 3139–3154
Errata to Non-Party Rhonda Mona's Opposition to Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment (filed 03/29/16)		Volume 14 Bates Nos. 3155–3156
Non-Party Rhonda Mona's Supplemental Briefing Following Recent Oral Argument Concerning Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment (filed 04/22/16)		Volume 14 Bates Nos. 3157–3172
	Exhibits to Non-Party Rhonda Mona's Supplemental Briefing Following Recent Oral Argument Concerning Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment	
Exhibit	Document Description	
A	Defendant's Opposition to Countermotion for Summary Judgment (filed 01/19/16)	Volume 14 Bates Nos. 3173–3193
B	Defendants Rhonda Helen Mona, Michael Mona II, and Lundene Enterprises, LLC's Reply to Plaintiff's Opposition to Motion to Dismiss (filed 01/26/16)	Volume 14 Bates Nos. 3194–3210
C	Transcript of Proceedings: Plaintiff Far West Industries' Opposition to Defendants' Motion to Dismiss and Countermotion for Summary Judgment (filed 04/06/26)	Volume 14 Bates Nos. 3211–3279
D	Decree of Divorce (filed 07/23/15)	Volume 14 Bates Nos. 3280–3286

Plaintiff Far West Industries' Supplemental Brief Regarding Motion to Reduce Sanctions Order to Judgment (filed 04/22/16)		Volume 14 Bates Nos. 3287–3298
	Exhibits to Plaintiff Far West Industries' Supplemental Brief Regarding Motion to Reduce Sanctions Order to Judgment	
Exhibit	Document Description	
12	Writ of Garnishment-Bank of George	Volume 14 Bates Nos. 3299–3305
13	Writ of Garnishment-Bank of Nevada	Volume 14 Bates Nos. 3306–3313
14	Mona's Redacted Bank Records	Volume 14 Bates Nos. 3314–3327
Supplemental Brief Regarding Judicial Estoppel and Reducing the Sanction Order to Judgment (filed 04/23/16)		Volume 15 Bates Nos. 3328–3346
Order Regarding Plaintiff Far West Industries' Motion: (1) For Default Judgment Against Roen Ventures, LLC for Untimely Answers to Writ of Garnishment Interrogatories; and (2) to compel Roen Ventures, LLC's Turnover of Payments Made to, on Behalf of, or for the Benefit of Michael J. Mona, Jr. (filed 04/28/16)		Volume 15 Bates Nos. 3347–3350
Order Regarding Plaintiff Far West Industries' Motion for Determination of Priority of Garnishment and Defendant Michael J. Mona's Countermotion to Discharge Garnishment and for Return of Proceeds (filed 06/21/16)		Volume 15 Bates Nos. 3351–3356
Notice of Entry of Order Regarding Plaintiff Far West Industries' Motion for Determination of Priority of Garnishment and Defendant Michael J. Mona's Countermotion to Discharge Garnishment and for Return of Proceeds (filed 06/21/16)		Volume 15 Bates Nos. 3357–3365
Notice of Entry of Order Shortening Time and Notice of Hearing (filed 07/07/16)		Volume 15 Bates Nos. 3366–3372
Joint Case Appeal Statement (filed 07/14/16)		Volume 15 Bates Nos. 3373–3378

Joint Notice of Appeal (filed 07/15/16)		Volume 15 Bates Nos. 3379–3397
Claim of Exemption (filed 07/15/16)		Volume 15 Bates Nos. 3398–3400
Plaintiff's Far West Industries' Objection to Claim of Exception from Execution on an Order Shortening Time (filed 07/21/16)		Volume 15 Bates Nos. 3401–3411
	Exhibits to Plaintiff's Far West Industries' Objection to Claim of Exception from Execution on an Order Shortening Time	
Exhibit	Document Description	
1	Writ of Garnishment-Michael Mona	Volume 15 Bates Nos. 3412–3416
2	Writ of Execution	Volume 15 Bates Nos. 3417–3421
Memorandum of Points and Authorities in Support of Claim of Exemption and Discharge (filed 07/29/16)		Volume 15 Bates Nos. 3422–3452
	Exhibits to Memorandum of Points and Authorities in Support of Claim of Exemption and Discharge	
Exhibit	Document Description	
A	Legislative History related to 120 day expiration period	Volume 15 Bates Nos. 3453–3501
B	Notice of Entry of Decree of Divorce	Volume 15 Bates Nos. 3502–3510
C	Plaintiff's Opposition to Far West's Motion to Intervene for a Finding and Order that the Post-Marital Agreement is Void Based on the Principles of Res Judicata and Issue Preclusion, and that the Plaintiff and Defendant are Jointly Liable for the Judgment Held by Intervenor and Plaintiff's Countermotion for Far West to Pay Plaintiff's Attorneys Fees and Costs Incurred Pursuant to NRS 12.130(1)(d)	Volume 15 Bates Nos. 3511–3524

	Exhibits to Memorandum of Points and Authorities in Support of Claim of Exemption and Discharge (cont.)	
D	Defendant Michael Mona's Joinder to Plaintiff's Opposition to Far West's Motion to Intervene for a Finding and Order that the Post-Marital Agreement is Void Based on the Principles of Res Judicata and Issue Preclusion, and that the Plaintiff and Defendant are Jointly Liable for the Judgment Held by Intervenor and Plaintiff's Countermotion for Far West to Pay Plaintiff's Attorneys Fees and Costs Incurred Pursuant to NRS 12.130(1)(d) (filed 09/29/15)	Volume 15 Bates Nos. 3525–3528
E	Notice of Entry of Order (filed 12/01/15)	Volume 15 Bates Nos. 3529–3533
F	Writ of Garnishment-Michael Mona	Volume 15 Bates Nos. 3534–3535
G	Constable's return of Notice of Execution after Judgment and Writ of Execution to Michael Mona	Volume 15 Bates Nos. 3536–3545
H	Writ of Garnishment- Michael Mona	Volume 15 Bates Nos. 3546–3556
I	Claim of Exemption (filed 07/15/16)	Volume 15 Bates Nos. 3557–3560
J	Mona's Opposition to Far West's Motion for Determination of Priority of Garnishment and Countermotion to Discharge Garnishment and for Return of Proceeds (filed 03/04/16)	Volume 16 Bates Nos. 3561–3598
K	Mona's Reply in Support of Countermotion to Discharge Garnishment and for Return of Proceeds (filed 03/23/16)	Volume 16 Bates Nos. 3599–3614
L	NRS 21.112	Volume 16 Bates Nos. 3615–3616
M	Affidavit of Claiming Exempt Property form	Volume 16 Bates Nos. 3617–3618
Order Sustaining Plaintiff Far West Industries' Objection to Claim of Exemption from Execution (filed 08/09/16)		Volume 16 Bates Nos. 3619–3621
Memorandum of Points and authorizes in Support of Claim of Exemption and Motion to Discharge Garnishment (filed 11/10/16)		Volume 16 Bates Nos. 3622–3659

Appendix of Exhibits Attached to Memorandum of Points and Authorities in Support of Claim of Exemption and Motion for Discharge of Garnishment (filed 11/10/16)		Volume 16 Bates Nos. 3660–3662
	Exhibits to Appendix of Exhibits Attached to Memorandum of Points and Authorities in Support of Claim of Exemption and Motion for Discharge of Garnishment	
Exhibit	Document Description	
A	Nevada Assembly Bill 247, Chapter 338, Page 699 (1989)	Volume 16 Bates Nos. 3663–3711
B	Decree of Divorce dated July 23, 2015	Volume 16 Bates Nos. 3712–3718
C	Rhonda’s Opposition to Motion to Intervene dated September 28, 2015	Volume 16 Bates Nos. 3719–3731
D	Mona’s September 29, 2015 Joinder to Rhonda’s Opposition	Volume 16 Bates Nos. 3732–3735
E	November 25, 2015 Order Denying Intervention and awarding fees and costs	Volume 16 Bates Nos. 3736–3738
F	Writ of Garnishment expiring April 29, 2016	Volume 16 Bates Nos. 3739–3740
G	Writ of Garnishment served July 1, 2016	Volume 16 Bates Nos. 3741–3748
H	July 5, 2016 correspondence from Constable with Notice and Writ of Execution	Volume 16 Bates Nos. 3749–3758
I	Writ of Execution and Writ of Garnishment served October 31, 2016	Volume 16 Bates Nos. 3759–3769
J	Claim of Exemption forms from Clark County and the Self-Help Center	Volume 16 Bates Nos. 3770–3777
K	NRS 21.075	Volume 16 Bates Nos. 3778–3780
L	NRS 20.076	Volume 16 Bates Nos. 3781–3782
M	NRS 21.090	Volume 16 Bates Nos. 3783–3785
N	NRS 21.112	Volume 16 Bates Nos. 3786–3787
O	NRS 31.200	Volume 16 Bates Nos. 3788–3789
P	NRS 31.249	Volume 16 Bates Nos. 3790–3791

	Exhibits to Appendix of Exhibits Attached to Memorandum of Points and Authorities in Support of Claim of Exemption and Motion for Discharge of Garnishment (cont.)	
Q	NRS 31.260	Volume 16 Bates Nos. 3792–3793
R	NRS 31.270	Volume 16 Bates Nos. 3794–3795
S	NRS 31.295	Volume 16 Bates Nos. 3796–3797
T	NRS 31.296	Volume 16 Bates Nos. 3798–3799
U	EDCR 2.20	Volume 16 Bates Nos. 3800–3801
Claim of Exemption from Execution (filed 11/10/16)		Volume 17 Bates Nos. 3802–3985
Far West Industries’ Objection to Claim of Exemption from Execution on an Order shortening Time and Motion for Attorney Fees and Costs Pursuant to NRS 18.010(2)(b) (filed 11/21/16)		Volume 17 Bates Nos. 3986–4002
	Exhibits to Far West Industries’ Objection to Claim of Exemption from Execution on an Order shortening Time and Motion for Attorney Fees and Costs Pursuant to NRS 18.010(2)(b)	
Exhibit	Document Description	
1	Findings of Fact and Conclusions of Law (filed 03/06/12 Superior Court of California, County of Riverside)	Volume 17 Bates Nos. 4003–4019
2	Order Regarding Plaintiff Far West Industries’ Motion for Determination of Priority of Garnishment and Defendant Michael J. Mona’s Countermotion to Discharge Garnishment and for Return of Proceeds (filed 06/21/16)	Volume 17 Bates Nos. 4020–4026
3	Writ of Execution	Volume 17 Bates Nos. 4027–4035
4	Documents from the Office of the Ex–Officio Constable	Volume 17 Bates Nos. 4036–4039
Affidavit of Service upon CV Sciences, Inc. FKA Cannavest Corp. (filed 11/23/16)		Volume 17 Bates Nos. 4040–4041

Order Continuing Hearing re Far West's Objection to Claim of Exemption from Execution on an Order Shortening Time (filed 12/06/16)		Volume 17 Bates Nos. 4042–4043
Notice of Entry of Order Continuing Hearing on Objection to Claim of Exemption (filed 12/07/16)		Volume 18 Bates Nos. 4044–4048
Opposition to Plaintiff's Motion for Attorney Fees and Costs Pursuant to NRS 18.010(2)(b) (filed 12/08/16)		Volume 18 Bates Nos. 4049–4054
Declaration of Rosanna Wesp (filed 12/15/16)		Volume 18 Bates Nos. 4055–4056
Order Regarding Mona's Claim of Exemption, Motion to Discharge, Memorandum of Points and Authorities, and Far West's Objection to Claim or Exemption Regarding October 2016 Garnishment (filed 01/09/17)		Volume 18 Bates Nos. 4057–4058
Notice of Entry of Order (filed 01/10/17)		Volume 18 Bates Nos. 4059–4063
Application for Issuance of Order for Arrest of Defendant Michael J. Mona, Jr. (filed 01/20/17)		Volume 18 Bates Nos. 4064–4066
	Exhibits to Application for Issuance of Order for Arrest of Defendant Michael J. Mona, Jr.	
Exhibit	Document Description	
1	Subpoena Duces Tecum to Michael D. Sifen	Volume 18 Bates Nos. 4067–4076
Michael J. Mona's Opposition to Application for Issuance of Order for Arrest of Defendant Michael J. Mona, Jr. (filed 02/06/17)		Volume 18 Bates Nos. 4077–4089
	Exhibits to Michael J. Mona's Opposition to Application for Issuance of Order for Arrest of Defendant Michael J. Mona, Jr.	
Exhibit	Document Description	
1	Decree of Divorce (filed 07/23/15)	Volume 18 Bates Nos. 4090–4096
Reply to Opposition to Application for Issuance of Order for Arrest of Defendant Michael J. Mona, Jr. (filed 02/14/17)		Volume 18 Bates Nos. 4097–4107
	Exhibits to Reply to Opposition to Application for Issuance of Order for Arrest of Defendant Michael J. Mona, Jr.	
Exhibit	Document Description	
A	Decree of Divorce (filed 07/23/15)	Volume 18 Bates Nos. 4108–4114

	Exhibits to Reply to Opposition to Application for Issuance of Order for Arrest of Defendant Michael J. Mona, Jr. (cont.)	
B	Nevada Secretary of State Entity Details for CV Sciences, Inc.	Volume 18 Bates Nos. 4115–4118
C	Executive Employment Agreement	Volume 18 Bates Nos. 4119–4136
	Exhibits to Reply to Opposition to Application for Issuance of Order for Arrest of Defendant Michael J. Mona, Jr. (cont.)	
D	Judgment Debtor Examination of Michael Mona	Volume 18 Bates Nos. 4137–4148
E	Residential Lease/Rental Agreement	Volume 18 Bates Nos. 4149–4152
F	Management Agreement	Volume 18 Bates Nos. 4153–4157
Claim of Exemption from Execution (filed 03/24/17)		Volume 18 Bates Nos. 4158–4164
Appendix of Exhibits Attached to Memorandum of Points and Authorities in Support of Claim of Exemption and Motion to Discharge Garnishment (filed 03/24/17)		Volume 18 Bates Nos. 4165–4167
	Exhibits to Appendix of Exhibits Attached to Memorandum of Points and Authorities in Support of Claim of Exemption and Motion to Discharge Garnishment	
Exhibit	Document Description	
A	Nevada Assembly Bill 247, Chapter 338, Page 699 (1989)	Volume 18 Bates Nos. 4168–4216
B	Decree of Divorce dated July 23, 2015	Volume 18 Bates Nos. 4217–4223
C	Rhonda’s Opposition to Motion to Intervene dated September 28, 2015	Volume 18 Bates Nos. 4224–4236
D	Mona’s September 29, 2015 Joinder to Rhonda’s Opposition	Volume 18 Bates Nos. 4237–4240
E	November 25, 2015 Order Denying Intervention and awarding fees and costs	Volume 18 Bates Nos. 4241–4243
F	Writ of Garnishment expiring April 29, 2016	Volume 18 Bates Nos. 4244–4245

	Exhibits to Appendix of Exhibits Attached to Memorandum of Points and Authorities in Support of Claim of Exemption and Motion to Discharge Garnishment (cont.)	
G	Writ of Garnishment served July 1, 2016	Volume 18 Bates Nos. 4246–4253
H	July 5, 2016 correspondence from Constable with Notice and Writ of Execution	Volume 18 Bates Nos. 4254–4263
I	Writ of Execution and Writ of Garnishment served October 31, 2016	Volume 18 Bates Nos. 4264–4274
J	Claim of Exemption forms from Clark County and the Self-Help Center	Volume 18 Bates Nos. 4275–4282
K	NRS 21.075	Volume 19 Bates Nos. 4283–4285
L	NRS 20.076	Volume 19 Bates Nos. 4286–4287
M	NRS 21.090	Volume 19 Bates Nos. 4288–4290
N	NRS 21.112	Volume 19 Bates Nos. 4291–4292
O	NRS 31.200	Volume 19 Bates Nos. 4293–4294
P	NRS 31.249	Volume 19 Bates Nos. 4295–4296
Q	NRS 31.260	Volume 19 Bates Nos. 4297–4298
R	NRS 31.270	Volume 19 Bates Nos. 4299–4300
S	NRS 31.295	Volume 19 Bates Nos. 4301–4302
T	NRS 31.296	Volume 19 Bates Nos. 4303–4304
U	EDCR 2.20	Volume 19 Bates Nos. 4305–4306
V	Check to Mike Mona, Writ of Execution, and Writ of Garnishment	Volume 19 Bates Nos. 4307–4323

Memorandum of Points and Authorities in Support of Claim of Exemption and Motion to Discharge Garnishment (filed 03/30/17)		Volume 19 Bates Nos. 4324–4359
Appendix of Exhibits Attached to Memorandum of Points and Authorities in Support of Claim of Exemption and Motion to Discharge Garnishment (filed 03/30/17)		Volume 19 Bates Nos. 4360–4362
	Exhibits to Appendix of Exhibits Attached to Memorandum of Points and Authorities in Support of Claim of Exemption and Motion to Discharge Garnishment	
Exhibit	Document Description	
A	Nevada Assembly Bill 247, Chapter 338, Page 699 (1989)	Volume 19 Bates Nos. 4363–4411
B	Decree of Divorce dated July 23, 2015	Volume 19 Bates Nos. 4412–4418
C	Rhonda’s Opposition to Motion to Intervene dated September 28, 2015	Volume 19 Bates Nos. 4419–4431
D	Mona’s September 29, 2015 Joinder to Rhonda’s Opposition	Volume 19 Bates Nos. 4432–4435
E	November 25, 2015 Order Denying Intervention and awarding fees and costs	Volume 19 Bates Nos. 4436–4438
F	Writ of Garnishment expiring April 29, 2016	Volume 19 Bates Nos. 4439–4440
G	Writ of Garnishment served July 1, 2016	Volume 19 Bates Nos. 4441–4448
H	July 5, 2016 correspondence from Constable with Notice and Writ of Execution	Volume 19 Bates Nos. 4449–4458
I	Writ of Execution and Writ of Garnishment served October 31, 2016	Volume 19 Bates Nos. 4459–4469
J	Claim of Exemption forms from Clark County and the Self-Help Center	Volume 19 Bates Nos. 4470–4477
K	NRS 21.075	Volume 19 Bates Nos. 4478–4480
L	NRS 20.076	Volume 19 Bates Nos. 4481–4482
M	NRS 21.090	Volume 19 Bates Nos. 4483–4485
N	NRS 21.112	Volume 19 Bates Nos. 4486–4487

	Exhibits to Appendix of Exhibits Attached to Memorandum of Points and Authorities in Support of Claim of Exemption and Motion to Discharge Garnishment (cont.)	
O	NRS 31.200	Volume 19 Bates Nos. 4488–4489
P	NRS 31.249	Volume 19 Bates Nos. 4490–4491
Q	NRS 31.260	Volume 19 Bates Nos. 4492–4493
R	NRS 31.270	Volume 19 Bates Nos. 4494–4495
S	NRS 31.295	Volume 19 Bates Nos. 4496–4497
T	NRS 31.296	Volume 19 Bates Nos. 4498–4499
U	EDCR 2.20	Volume 19 Bates Nos. 4500–4501
V	Check to Mike Mona, Writ of Execution, and Writ of Garnishment	Volume 19 Bates Nos. 4502–4518
W	Check to CV Sciences, Writ of Execution, and Writ of Garnishment	Volume 20 Bates Nos. 4519–4535
X	Affidavit of Service regarding March 15, 2017 service of Writ of Execution, and Writ of Garnishment from Laughlin Township Constable’s Office	Volume 20 Bates Nos. 4536–4537
Claim of Exemption from Execution (filed 03/30/17)		Volume 20 Bates Nos. 4538–4544
Order Regarding Far West’s Application for Issuance of Order for Arrest of Defendant Michael J. Mona, Jr. (filed 03/31/17)		Volume 20 Bates Nos. 4545–4546
Notice of Entry of Order (filed 04/03/17)		Volume 20 Bates Nos. 4547–4550
Memorandum of Points and Authorities in Support of Claim of Exemption and Motion to Discharge Garnishment (filed 04/20/17)		Volume 20 Bates Nos. 4551–4585
Claim of Exemption from Execution (filed 04/20/17)		Volume 20 Bates Nos. 4586–4592

Appendix of Exhibits Attached to Memorandum of Points and Authorities in Support of Claim of Exemption and Motion to Discharge Garnishment (filed 04/20/17)		Volume 20 Bates Nos. 4593–4595
	Exhibits to Appendix of Exhibits Attached to Memorandum of Points and Authorities in Support of Claim of Exemption and Motion to Discharge Garnishment	
Exhibit	Document Description	
A	Nevada Assembly Bill 247, Chapter 338, Page 699 (1989)	Volume 20 Bates Nos. 4596–4644
B	Decree of Divorce dated July 23, 2015	Volume 20 Bates Nos. 4645–4651
C	Rhonda’s Opposition to Motion to Intervene dated September 28, 2015	Volume 20 Bates Nos. 4652–4664
D	Mona’s September 29, 2015 Joinder to Rhonda’s Opposition	Volume 20 Bates Nos. 4665–4668
E	November 25, 2015 Order Denying Intervention and awarding fees and costs	Volume 20 Bates Nos. 4669–4671
F	Writ of Garnishment expiring April 29, 2016	Volume 20 Bates Nos. 4672–4673
G	Writ of Garnishment served July 1, 2016	Volume 20 Bates Nos. 4674–4681
H	July 5, 2016 correspondence from Constable with Notice and Writ of Execution	Volume 20 Bates Nos. 4682–4691
I	Writ of Execution and Writ of Garnishment served October 31, 2016	Volume 20 Bates Nos. 4692–4702
J	Claim of Exemption forms from Clark County and the Self-Help Center	Volume 20 Bates Nos. 4703–4710
K	NRS 21.075	Volume 20 Bates Nos. 4711–4713
L	NRS 20.076	Volume 20 Bates Nos. 4714–4715
M	NRS 21.090	Volume 20 Bates Nos. 4716–4718
N	NRS 21.112	Volume 20 Bates Nos. 4719–4720
O	NRS 31.200	Volume 20 Bates Nos. 4721–4722
P	NRS 31.249	Volume 20 Bates Nos. 4723–4724

	Exhibits to Appendix of Exhibits Attached to Memorandum of Points and Authorities in Support of Claim of Exemption and Motion to Discharge Garnishment (cont.)	
Q	NRS 31.260	Volume 20 Bates Nos. 4725–4726
R	NRS 31.270	Volume 20 Bates Nos. 4727–4728
S	NRS 31.295	Volume 20 Bates Nos. 4729–4730
T	NRS 31.296	Volume 20 Bates Nos. 4731–4732
U	EDCR 2.20	Volume 20 Bates Nos. 4733–4734
V	Check to Mike Mona, Writ of Execution, and Writ of Garnishment	Volume 20 Bates Nos. 4735–4751
W	Check to CV Sciences, Writ of Execution, and Writ of Garnishment	Volume 20 Bates Nos. 4752–4768
X	Affidavit of Service regarding March 15, 2017 service of Writ of Execution, and Writ of Garnishment from Laughlin Township Constable’s Office	Volume 21 Bates Nos. 4769–4770
Y	Affidavit of Service regarding April 3, 2017 service of Writ of Execution, and Writ of Garnishment from Laughlin Township Constable’s Office	Volume 21 Bates Nos. 4771–4788
Stipulation and Order Regarding Amended Nunc Pro Tunc Order Regarding Plaintiff Far West Industries’ Motion to Reduce Sanctions Order to Judgment (filed 04/24/17)		Volume 21 Bates Nos. 4789–4791
Notice of Entry Stipulation and Order Regarding amended Nunc Pro Tunc Order regarding Plaintiff Far West Industries’ Motion to Reduce Sanctions Order to Judgment (filed 04/25/17)		Volume 21 Bates Nos. 4792–4797
Plaintiff Far West Industries Objection to Claim of Exemption from Execution on an Order Shortening Time and Motion for Attorney Fees and Costs Pursuant to NRS 18.010(2)(b) (filed 05/02/17)		Volume 21 Bates Nos. 4798–4817

	Exhibits to Plaintiff Far West Industries Objection to Claim of Exemption from Execution on an Order Shortening Time and Motion for Attorney Fees and Costs Pursuant to NRS 18.010(2)(b)	
Exhibit	Document Description	
1	Findings of Fact and Conclusions of law (filed 03/06/12 Superior Court of California Riverside)	Volume 21 Bates Nos. 4818–4834
2	Order Regarding Plaintiff Far West Industries’ Motion for Determination of Priority of Garnishment and Defendant Michael J. Mona’s Countermotion to Discharge Garnishment and for Return of Proceeds (filed 06/21/16)	Volume 21 Bates Nos. 4835–4841
3	Nevada Secretary of State Entity Details for CV Sciences, Inc.	Volume 21 Bates Nos. 4842–4845
4	Answers to Interrogatories	Volume 21 Bates Nos. 4846–4850
Stipulation and Order Regarding Writ of Garnishment Served 04/03/17 and Claim of Exemption , and Vacating Related Hearing without Prejudice (filed 05/15/17)		Volume 21 Bates Nos. 4851–4854
Notice of Entry of Stipulation and Order Regarding Writ of Garnishment Served 04/03/17 and Claim of Exemption , and Vacating Related Hearing without Prejudice (filed 05/16/17)		Volume 21 Bates Nos. 4855–4861
Claim of Exemption from Execution (filed 05/23/17)		Volume 21 Bates Nos. 4862–4868
Appendix of Exhibits Attached to Memorandum of Points and Authorities in Support of Claim of Exemption and Motion to Discharge Garnishment (filed 05/23/17)		Volume 21 Bates Nos. 4869–4871
	Exhibits to Appendix of Exhibits Attached to Memorandum of Points and Authorities in Support of Claim of Exemption and Motion to Discharge Garnishment	
Exhibit	Document Description	
A	Nevada Assembly Bill 247, Chapter 338, Page 699 (1989)	Volume 21 Bates Nos. 4872–4920
B	Decree of Divorce dated July 23, 2015	Volume 21 Bates Nos. 4921–4927
C	Rhonda’s Opposition to Motion to Intervene dated September 28, 2015	Volume 21 Bates Nos. 4928–4940

	Exhibits to Appendix of Exhibits Attached to Memorandum of Points and Authorities in Support of Claim of Exemption and Motion to Discharge Garnishment (cont.)	
D	Mona's September 29, 2015 Joinder to Rhonda's Opposition	Volume 21 Bates Nos. 4941–4944
E	November 25, 2015 Order Denying Intervention and awarding fees and costs	Volume 21 Bates Nos. 4945–4947
F	Writ of Garnishment expiring April 29, 2016	Volume 21 Bates Nos. 4948–4949
G	Writ of Garnishment served July 1, 2016	Volume 21 Bates Nos. 4950–4957
H	July 5, 2016 correspondence from Constable with Notice and Writ of Execution	Volume 21 Bates Nos. 4958–4967
I	Writ of Execution and Writ of Garnishment served October 31, 2016	Volume 21 Bates Nos. 4968–4978
J	Claim of Exemption forms from Clark County and the Self-Help Center	Volume 21 Bates Nos. 4979–4986
K	NRS 21.075	Volume 21 Bates Nos. 4987–4989
L	NRS 20.076	Volume 21 Bates Nos. 4990–4991
M	NRS 21.090	Volume 21 Bates Nos. 4992–4994
N	NRS 21.112	Volume 21 Bates Nos. 4995–4996
O	NRS 31.200	Volume 21 Bates Nos. 4997–4998
P	NRS 31.249	Volume 21 Bates Nos. 4999–5000
Q	NRS 31.260	Volume 21 Bates Nos. 5001–5002
R	NRS 31.270	Volume 21 Bates Nos. 5003–5004
S	NRS 31.295	Volume 21 Bates Nos. 5005–5006
T	NRS 31.296	Volume 21 Bates Nos. 5007–5008

	Exhibits to Appendix of Exhibits Attached to Memorandum of Points and Authorities in Support of Claim of Exemption and Motion to Discharge Garnishment (cont.)	
U	EDCR 2.20	Volume 21 Bates Nos. 5009–5010
V	Check to Mike Mona, Writ of Execution, and Writ of Garnishment	Volume 22 Bates Nos. 5011–5027
W	Check to CV Sciences, Writ of Execution, and Writ of Garnishment	Volume 22 Bates Nos. 5028–5044
X	Affidavit of Service regarding March 15, 2017 service of Writ of Execution, and Writ of Garnishment from Laughlin Township Constable’s Office	Volume 22 Bates Nos. 5045–5046
Y	Affidavit of Service regarding April 3, 2017 service of Writ of Execution, and Writ of Garnishment from Laughlin Township Constable’s Office	Volume 22 Bates Nos. 5047–5064
Z	Writ of Execution and Writ of Garnishment served May 9, 2017	Volume 22 Bates Nos. 5065–5078
Memorandum of Points and Authorities in Support of Claim of Exemption and Motion to Discharge Garnishment (filed 05/23/17)		Volume 22 Bates Nos. 5079–5114
Plaintiff Far West Industries Objection to Claim of Exemption from Execution on an Order Shortening Time and Motion for Attorney Fees and Costs Pursuant to NRS 18.010(2)(b) (filed 06/05/17)		Volume 22 Bates Nos. 5115–5131
	Exhibits to Plaintiff Far West Industries Objection to Claim of Exemption from Execution on an Order Shortening Time and Motion for Attorney Fees and Costs Pursuant to NRS 18.010(2)(b)	
Exhibit	Document Description	
1	Findings of Fact and Conclusions of law (filed 03/06/12 in Superior Court of California Riverside)	Volume 22 Bates Nos. 5132–5148
2	Order Regarding Plaintiff Far West Industries’ Motion for Determination of Priority of Garnishment and Defendant Michael J. Mona’s Countermotion to Discharge Garnishment and for Return of Proceeds (filed 06/21/16)	Volume 22 Bates Nos. 5149–5155

	Exhibits to Plaintiff Far West Industries Objection to Claim of Exemption from Execution on an Order Shortening Time and Motion for Attorney Fees and Costs Pursuant to NRS 18.010(2)(b) (cont.)	
3	Affidavit of Service by Laughlin Township Constable's Office	Volume 22 Bates Nos. 5156–5157
4	Affidavit of Service by Laughlin Township Constable's Office	Volume 22 Bates Nos. 5158–5159
Notice of Entry of Order Sustaining Plaintiff Far West Industries' Objection to Claim of Exemption from Execution (filed 07/19/17)		Volume 22 Bates Nos. 5160–5165
Ex Parte Motion for Order Allowing Judgment Debtor Examination of Michael J. Mona, Jr., Individually, and as Trustee of the Mona Family Trust Dated February 12, 2002 (filed 08/16/17)		Volume 22 Bates Nos. 5166–5179
Notice of Appeal (filed 08/18/17)		Volume 22 Bates Nos. 5180–5182
	Exhibits to Notice of Appeal	
Exhibit	Document Description	
1	Notice of Entry of Order Sustaining Plaintiff Far West Industries' Objection to Claim of Exemption from Execution (filed 07/19/17)	Volume 22 Bates Nos. 5183–5189
2	Notice of Entry of Order Regarding Plaintiff Far West Industries' Motion for Determination of Priority of Garnishment and Defendant Michael J. Mona's Countermotion to Discharge Garnishment and for Return of Proceeds (filed 06/21/16)	Volume 22 Bates Nos. 5190–5199
Order for Examination of Judgment Debtor Michael J. Mona, Jr., Individually, and as Trustee of the Mona Family Trust dated February 12, 2002 (filed 08/18/17)		Volume 22 Bates Nos. 5200–5211
Far West Industries' Reply to CV Sciences Inc.'s Answers to Writ of Garnishment Interrogatories and Ex parte Request for Order to Show Cause Why CV Sciences Inc. Should Not be Subjected to Garnishment Penalties (filed 11/20/17)		Volume 22 Bates Nos. 5212–5223

	Exhibits to Far West Industries' Reply to CV Sciences Inc.'s Answers to Writ of Garnishment Interrogatories and Ex parte Request for Order to Show Cause Why CV Sciences Inc. Should Not be Subjected to Garnishment Penalties	
Exhibit	Document Description	
1	Answers to Interrogatories to be Answered by Garnishee	Volume 22 Bates Nos. 5224–5229
2	United States Securities and Exchange Commission, Form 10-K	Volume 22 Bates Nos. 5230–5233
3	Judgment Debtor Examination of Michael J. Mona, Jr.	Volume 22 Bates Nos. 5234–5241
4	Excerpts of Car Lease Documents	Volume 22 Bates Nos. 5242–5244
5	Excerpts of Life Insurance Premium Documents	Volume 22 Bates Nos. 5245–5250
6	Excerpts of Car Insurance Documents	Volume 23 Bates Nos. 5251–5254
7	Laughlin Constable Affidavit of Service	Volume 23 Bates Nos. 5255–5256
8	Laughlin Constable Affidavit of Mailing	Volume 23 Bates Nos. 5257–5258
9	Answers to Writ of Garnishment Interrogatories	Volume 23 Bates Nos. 5259–5263
10	Email Exchange between Andrea Gandara an Tye Hanseen June 26, 2017 through August 26, 2017	Volume 23 Bates Nos. 5264–5267
11	Email Exchange between Andrea Gandara an Tye Hanseen, November 2017	Volume 23 Bates Nos. 5268–5275
Docket of Case No. A670352		Volume 23 Bates Nos. 5276–5284

only applies to discovery motions, not for requests for sanctions. NRCP 37(b), which provides for sanctions for the violation of court orders, does not include any meet and confer requirement. Therefore, there was no meet and confer obligation under NRCP 37(a)(2)(A) or EDCR 2.34 prior to Far West requesting sanctions and the Court should affirm the Sanction Order.

G. The District Court Did Not Need to Hold an Evidentiary Hearing

The Petitioners incorrectly argue that Nevada Power Co. v. Fluor Illinois, 108 Nev. 638, 837 P.2d 1354 (1992), requires an evidentiary hearing before any sanctions under NRCP 37 may be issued. That is not the law in Nevada. In Fluor, the Court held that when imposing the sanction of dismissal with prejudice, if there were factual questions, those questions should be resolved by an evidentiary hearing. Id. at 644-45. In the present case, an evidentiary hearing was not required because: (1) the sanctions did not involve dismissal with prejudice; and (2) there were no questions of fact since the Monas testified under oath to all of the facts necessary to establish that the sanctions were appropriate.¹⁵

In the Writ Petition, in an attempt to create an issue of fact, Petitioners argue that the District Court should have held “an evidentiary hearing and trace the source of the assets” in the subject bank accounts. See Writ Petition, p. 26. This

¹⁵ Petitioners incorrectly claim that Foster v. Dingwal, 126 Nev. Adv. Op. 6, 227 P.3d 1042, 1047 (Nev. 2010), requires an evidentiary hearing before making a liability determination as a discovery sanction. That holding is nowhere to be found in the Foster case such that the Court should disregard Petitioners’ argument.

tracing of the source of the money is the *only* issue of fact raised by Petitioners in the Writ Petition. However, Petitioners never raised the issue of tracing with the District Court, such that the issue is now waived on appeal. The “failure to raise an argument in the district court proceedings precludes a party from presenting the argument on appeal.” Mason v. Cuisenaire, 122 Nev. 43, 48, 128 P.3d 446, 449 (2006). The failure to raise issues in the lower court is deemed to be a waiver of these issues on appeal. Cervantes v. Health Plan of Nevada, Inc., 127 Nev. Adv. Op. 70, 263 P.3d 261, 263 (2011).

Moreover, Mrs. Mona testified under oath as to the source of the funds, such that there is no question of fact. During her judgment debtor examination, Mrs. Mona reluctantly testified that she has a checking account at Bank of George in which she holds approximately \$190,000.00 that she earned from design work performed during the marriage.

Q Do you have any other accounts that are solely in your name?

A Yes.

Q Where are those accounts?

A Bank of George. . . .

Q I see. Okay. Then what is the amount in the Bank of George checking account?

A That's just my mine. It's been mine for forever. Nothing to do with my husband at all, never has anything to do with him.

Q Okay. And so what balance is in that account? . . .

THE WITNESS: About 190,000.

BY MR. EDWARDS: In the Bank of George checking account?

A Uh-huh.

Q Okay. So that's money you owned -- you earned from working?

A Uh-huh.

Q What do you do for work?

A Designer.

Q And when did you do this designer work to earn that 190,000 -- I guess it was probably multiple jobs?

A No, I actually got one lump sum for 200,000.

Q Okay. When did you get that lump sum?

A Approximately eight years ago, maybe. Seven, six, I don't know.

2 FW App. 207-10 (29:11-15; 30:24-32:14).¹⁶

Mrs. Mona testified that money market account at Bank of George holds the money remaining from her share of the Post-Martial Property Settlement Agreement.

Q So do I have it right, that the money in the Bank of George money market account is the remaining money from the money he gave you --

A Correct.

¹⁶ Petitioners were married for more than 30 years. 2 FW App. 212.

Q -- associated with the post-marital agreement?

A Correct.

2 FW App. 218-19 (40:23-41:4).

Finally, Mrs. Mona testified that her third account, at Bank of Nevada, is funded from the Bank of George money market account.

Q And when you need to pay your monthly bills, do I understand you take the money from the Bank of George money market account and put it into the Bank of Nevada account?

A Correct.

Q Okay. Are there other sources of money for the Bank of George money market account?

A No.

2 FW App. 213.

With this undisputed testimony, there is no issue of fact with regard to tracing the source of the funds. Moreover, Petitioners failed to raise the issue of tracing with the District Court, such that the issue is waived on appeal. For these reasons, there was no need for the District Court to hold an evidentiary hearing.

Likewise, Petitioners argue that the Court should have considered declarations that contradicted their testimony at the judgment debtor examinations. However, “a party cannot create an issue of fact by an affidavit contradicting his prior deposition testimony.” Kennedy v. Allied Mut. Ins. Co., 952 F.2d 262, 266 (9th Cir. 1991). The Court does not need to hold a hearing on a fabricated factual

dispute. Aldabe v. Adams, 81 Nev. 280, 285, 402 P.2d 34, 37 (1965) (overruled on other grounds). This Court in Aldabe recognized:

The word “genuine” has moral overtones. We do not take it to mean a fabricated issue. Though aware that the summary judgment procedure is not available to test and resolve the credibility of opposing witnesses to a fact issue we hold that it may appropriately be invoked to defeat a lie from the mouth of a party against whom the judgment is sought, when that lie is claimed to be the source of a ‘genuine’ issue of fact for trial.

Id.

Moreover, Mrs. Mona never submitted any declaration, and thus never even attempted to contradict her judgment debtor examination testimony. Mr. Mona’s declaration merely denied lying and said that he thought he previously produced the Post-Marital Settlement Agreement, but that he did not bother to review his records to verify one way or another. 2 Pet. App. 252. In any event, the District Court properly determined that Mr. Mona’s denials were a sham:

Mr. Mona’s deceit and omission cannot be excused by a lack of memory because the purported transfer through the Post-Marital Settlement Agreement occurred only shortly before his examination. Likewise, Mr. Mona’s deceit and omission cannot be blamed on his attorney, as Mr. Mona was in control of his testimony at the judgment debtor examination in 2013. At his more recent judgment debtor examination, Mr. Mona admitted that he should have produced the Post-Marital Settlement Agreement in 2013 and that he should have disclosed it during the November 25, 2013 examination and, on this point, the Court agrees with Mr. Mona.

2 Pet. App. 351-52. Therefore, Mr. Mona’s declaration did not create any issues of fact, such that no evidentiary hearing was required and the Court should affirm the

Sanction Order.¹⁷

H. The District Court Considered the Relevant Factors in Rendering the Sanctions

The Petitioners argue that the District Court was required to and failed to consider the factors under Young. 106 Nev. at 92-93, 787 P.2d at 779-80. However, the Young factors only apply when the sanction is dismissal with prejudice, which is not applicable here. Moreover, the Young case merely identified certain factors that the District Court “may properly consider.” Id. (emphasis added). The District Court is not limited to the factors identified in Young. Id.

In this case, the District Court entered a detailed, express, and carefully written explanation of its analysis. 2 Pet. App. 348-58. Although the Sanction Order did not need to address the Young factors as it did not dismiss a case with prejudice, the factors were addressed in the detailed Sanction Order including: (1) that the sanctions were just and relate to the claims which were at issue in the order which is violated, (2) the degree of willfulness of the offending party, (3) the extent to which the non-offending party would be prejudiced by a lesser sanction,

¹⁷ Petitioners cite to a non-Nevada case (Illinois) to argue that they should have a hearing or trial on the fraudulent transfer issues. Workforce Solutions v. Urban Servs. Of Am., Inc., 977 N.E.2d 267, 275 (Ill. App. 2012). However, the case cited by Petitioners does not address the issue of sanctions, which was the basis for the Sanction Order, such that the case cited by Petitioners is irrelevant. Id. Moreover, without any genuinely disputed facts, there is no need for an evidentiary hearing.

(4) the severity of the sanction of dismissal relative to the severity of the discovery abuse, (5) whether any evidence has been irreparably lost, (6) the feasibility and fairness of alternative, less severe sanctions, such as an order deeming facts relating to improperly withheld or destroyed evidence to be admitted by the offending party, (7) the policy favoring adjudication on the merits, (8) whether sanctions unfairly operate to penalize a party for the misconduct of his or her attorney, and (9) the need to deter both the parties and future litigants from similar abuses. Young, 106 Nev. at 92-93, 787 P.2d at 779-80.

- 1) The District Court determined the Sanction Order is just and related to the claims which were at issue in the order which is violated as required under Young.

The orders for the judgment debtor examinations expressly required Petitioners to produce all financial information and relevant contracts to prevent the judgment debtors from concealing assets. 1 FW App. 8-15, 161-78. However, in violation of the orders, Petitioners concealed and lied about their assets, and specifically hid the Post-Marital Property Settlement Agreement and the bank accounts in Mrs. Mona's name. Those lies and concealment of records prohibited Far West from timely executing upon the \$3,400,000.00 transferred to Mrs. Mona in 2012 and cost Far West millions of dollars as only \$490,000.00 of the \$4,300,000.00 remains available for execution. The sanctions are therefore just and related directly to the Post-Marital Property Settlement Agreement and the

bank accounts in Mrs. Mona's name.

2) The District Court also considered the remaining factors articulated in Young.

In the following excerpts, the Sanction Order addressed: (a) the degree of willfulness of the offending party, (b) whether sanctions unfairly operate to penalize a party for the misconduct of his or her attorney; and (c) the severity of the discovery abuse:

Mr. Mona's deceit and omission cannot be excused by a lack of memory because the purported transfer through the Post-Marital Settlement Agreement occurred only shortly before his examination. Likewise, Mr. Mona's deceit and omission cannot be blamed on his attorney, as Mr. Mona was in control of his testimony at the judgment debtor examination in 2013. At his more recent judgment debtor examination, Mr. Mona admitted that he should have produced the Post-Marital Settlement Agreement in 2013 and that he should have disclosed it during the November 25, 2013 examination and, on this point, the Court agrees with Mr. Mona.

2 Pet. App. 351-52.

In their response to the May 2015 Orders, the Monas did not produce certain bank records purportedly because the bank accounts are in the name of Mrs. Mona only, despite the fact that the accounts hold community property, in violation of the May 2015 Orders. Mrs. Mona made no efforts to produce any documents in response to the May 2015 Orders. Mr. Mona's failure to produce these bank records in response to the January 2013 Order and the October 2013 Order was also a violation of said orders.

2 Pet. App. 353.

In the following excerpt, the Sanction Order addressed: (a) the extent to which the non-offending party would be prejudiced by a lesser sanction; (b) the

severity of the sanction relative to the severity of the discovery abuse; (c) the feasibility and fairness of alternative, less severe sanctions, such as an order deeming facts relating to improperly withheld or destroyed evidence to be admitted by the offending party; (d) the policy favoring adjudication on the merits:

The Court concludes that Mr. Mona's failure to produce the Post-Marital Settlement Agreement as ordered and Mr. Mona and Mrs. Mona's failure to disclose Mrs. Mona's bank records for the three (3) accounts in Mrs. Mona's name were not substantially justified and **constitute serious violations** subject to sanctions under NRCP 37. **Considering all available sanctions under NRCP 37** for such violations, the Court finds grounds to designate the Post-Marital Settlement Agreement a fraudulent transfer under NRS 112.180 **on the merits** based on the following badges of fraud associated with that transfer.

2 Pet. App. 355 (emphasis added).

In the following excerpt, the Sanction Order addressed: (a) the degree of willfulness of the offending party; (b) the severity of the sanction relative to the severity of the discovery abuse; (c) whether assets have been irreparably lost; and (d) the need to deter both the parties and future litigants from similar abuses:

The Court finds the sanctions imposed herein to be appropriate in light of the **very serious misconduct** at issue, specifically the failure to disclose documents as ordered, **which resulted in the dissipation of millions of dollars in assets**, of which only a relatively small amount remains (\$300,000 in Mrs. Mona's Bank of George money market account) and concealment of significant community property (\$190,000.00 in Mrs. Mona's Bank of George checking account) which could have gone to satisfy Plaintiff's Judgment. The Court has previously found that Mr. Mona is not taking this proceeding seriously. See Order entered 06/17/2015. **The sanctions are meant to deter the Monas and future litigants from similar abuses.**

2 Pet. App. 356. (emphasis added).

In the following excerpts, the Sanction Order addressed: (a) the feasibility and fairness of alternative, less severe sanctions, such as an order deeming facts relating to improperly withheld or destroyed evidence to be admitted by the offending party:

IT IS HEREBY FURTHER ORDERED that the Monas' purported transfer pursuant to the Post-Marital Property Settlement Agreement is a fraudulent transfer, and the facts proving the fraudulent transfer, including the badges of fraud outlined above, **are deemed established;**

IT IS HEREBY FURTHER ORDERED that the facts entitling Plaintiff to execute upon the bank accounts in the name of Mrs. Mona **are deemed established;**

2 Pet. App. 357. (emphasis added).

Therefore, although the District Court did not need to address the Young factors as it did not dismiss a case with prejudice, or even specifically reference the Young factors, the factors were addressed in the District Court's detailed and well-reasoned Sanction Order. Accordingly, the Court should affirm the Sanction Order.

I. The District Court Properly Found that the Post Marital Settlement Agreement Was a Fraudulent Transfer

The District Court properly recognized that married couples cannot avoid community debts by making fraudulent transfers. Henry v. Rizzolo, 2012 WL 1376967, *3 (D. Nev. April 19, 2012) (unpublished). Yet, that is exactly what

Petitioners attempted with the Post Marital Property Settlement Agreement. After analyzing in detail the badges of fraud and the severity of the misconduct by Petitioners, the Court properly concluded that the Post-Marital Property Settlement Agreement was a fraudulent transfer. In addition to its authority to make factual findings pursuant to NRCP 37(b)(2)(A) and the District Court's broad and inherent authority, the District Court, in analyzing the undisputed facts, made the following determinations:

The Court concludes that Mr. Mona's failure to produce the Post-Marital Settlement Agreement as ordered and Mr. Mona and Mrs. Mona's failure to disclose Mrs. Mona's bank records for the three (3) accounts in Mrs. Mona's name were not substantially justified and constitute serious violations subject to sanctions under NRCP 37. Considering all available sanctions under NRCP 37 for such violations, the Court finds grounds to designate the Post-Marital Settlement Agreement a fraudulent transfer under NRS 112.180 on the merits based on the following badges of fraud associated with that transfer.

First, the transfer in the Post-Marital Settlement Agreement was to an insider, Mrs. Mona, as she is the wife of Mr. Mona, a judgment debtor, and was at all relevant times the Trustee of the Mona Family Trust, a judgment debtor.

Second, Mr. Mona appears to have retained possession and control over some portion of the funds that were purportedly transferred pursuant to the Post-Marital Settlement Agreement.

Third, Mr. Mona concealed the transaction by not producing the Post-Marital Settlement Agreement as required by the January 2013 Order and October 2013 Order and by not disclosing the transfer during his judgment debtor examination on November 25, 2013. Mr. Mona was not truthful when he was asked during the November 25, 2013 examination about what he did with the approximately \$6.8 million dollars.

Fourth, prior to effectuating the transfer through the Post-Marital Settlement Agreement, Far West sued and obtained the Judgment against Mr. Mona and the Mona Family Trust.

Fifth, the Post-Marital Settlement Agreement, and the related transfers of the proceeds from the sale of the stock, transferred substantially all of Mr. Mona's assets as he was insolvent at the time or the transfers, or rendered Mr. Mona insolvent shortly after they was made.

Sixth, Mr. Mona concealed assets by failing to disclose the Post-Marital Settlement Agreement in 2013, by not disclosing the transfer during his judgment debtor examination on November 25, 2013, and by not producing the bank account records for the accounts in Mrs. Mona's name.

Seventh, at the time of the transfer through the Post-Marital Settlement Agreement, Mr. Mona was insolvent, or the transfer rendered Mr. Mona insolvent shortly after it was made.

These considerations are several of many factors in NRS 112.180(2), which provides a non-exhaustive list of considerations that support a determination that there was an actual intent to hinder, delay, or defraud a creditor. To find a fraudulent transfer, not every factor must be shown and the lack of one or more badges of fraud among many is not dispositive. The badges of fraud described above provide overwhelming evidence that the Post-Marital Settlement Agreement was a fraudulent transfer.

2 Pet. App. 355-56.

Petitioners failed to raise any issue of fact with regard to these conclusions, such that they cannot do so now on appeal. Mason, 122 Nev. at 48, 123 P.3d at 449 ; Cervantes, 263 P.3d at 263. Therefore, the Court should affirm the Sanction Order.

VII.

CONCLUSION

For the reasons set forth above, Respondent respectfully requests that this Court affirm the District Court's Sanction Order. The District Court clearly had jurisdiction to sanction Mrs. Mona who had: (1) been served with an order requiring her to appear for the judgment debtor examination; (2) had appeared at the judgment debtor examination where she failed to raise any objection to personal jurisdiction; and (3) where she had voluntarily appeared at a hearing before the District Court with counsel, and again did not raise personal jurisdiction as an issue.

Petitioners' suggestion that Far West added Mrs. Mona as the party to the Judgment and consequently needed to institute a separate action against her to collect on the Judgment has no basis in law or in fact. The Judgment was against Mr. Mona and consequently Far West, consistent with the laws of this state could collect its Judgment against the community property of Mr. Mona without instituting a separate action. In addition to legal precedent clearly establishing that a separate action against a spouse does not need to be instituted to collect a debt against community property, public policy further demands that this Court not adopt such requirement.

The District Court's Sanction Order satisfied Petitioners' due process rights and that they were given notice as well as an opportunity to be heard. In fact, Petitioners repeatedly declined the opportunity for additional time for briefing and the hearing.

The District Court properly applied Nevada law for the proceeding supplement to the execution of judgment. The meet and confer requirements of NRCP 37(a)(2)(A) do not apply to the sanctions at issue in this case, since the Motion for Sanctions was made pursuant to NRCP 37(b).

The District Court was not obligated to conduct an evidentiary hearing where there was no material factual questions on the sanctions did not involve dismissal without prejudice. The Sanction Order provided a detailed, expressed and carefully written explanation of its analysis in its order sufficient to satisfy Nevada requirements for an order issuing sanctions. For these reasons and the

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others set forth in the Answering Brief, it is respectfully requested that this Court affirm the District Court's Sanction Order.

Dated this 30th day of September, 2015.

HOLLEY DRIGGS WALCH
FINE WRAY PUZEY & THOMPSON

/s/ F. Thomas Edwards

F. THOMAS EDWARDS, ESQ.

Nevada Bar No. 9549

RACHEL E. DONN, ESQ.

Nevada Bar No. 10568

ANDREA M. GANDARA, ESQ.

Nevada Bar No. 12580

400 South Fourth Street, Third Floor

Las Vegas, Nevada 89101

Attorneys for Far West Industries

CERTIFICATE OF COMPLIANCE

1. I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because: This brief has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14-point font Times New Roman.

2. I further certify that this brief complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is either:

☒ Proportionately spaced, has a typeface of 14 points or more, and contains 11,701 words; or

☐ Does not exceed 30 pages.

3. Finally, I hereby certify that I have read this appellate brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not

in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated this 30th day of September, 2015.

**HOLLEY DRIGGS WALCH
FINE WRAY PUZEY & THOMPSON**

/s/ F. Thomas Edwards

F. THOMAS EDWARDS, ESQ.

Nevada Bar No. 9549

RACHEL E. DONN, ESQ.

Nevada Bar No. 10568

ANDREA M. GANDARA, ESQ.

Nevada Bar No. 12580

400 South Fourth Street, Third Floor

Las Vegas, Nevada 89101

Attorneys for Real Party In Interest

Far West Industries

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the law firm of Holley Driggs Walch Fine Wray Puzey & Thompson, and that on this 30th day of September, 2015, I served the above and foregoing **Real Party in Interest's Answering Brief and Supplemental Appendix** in accordance with NRAP 25 by placing a true and correct copy of same, in a sealed envelope, with postage fully prepaid thereon, and sending in the U.S. Mail, addressed as follows:

<p>Terry Coffing, Esq. Tye Hanseen, Esq. MARQUIS AURBACH COFFING 1001 Park Run Drive Las Vegas, NV 89145 E-mail: thanseen@maclaw.com tcoffing@maclaw.com mechols@maclaw.com chatfield@maclaw.com ldell@maclaw.com smong@maclaw.com rwesp@maclaw.com</p>	<p>Robert L. Eisenberg, Esq. Lemons Grundy & Eisenberg 6005 Plumas Street, #300 Reno, NV 89519 E-Mail: rle@lge.net</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------

/s/ Cynthia Kelley

An employee of Holley Driggs Walch
Fine Wray Puzey & Thompson

EXHIBIT 11

EXHIBIT 11

IN THE SUPREME COURT OF THE STATE OF NEVADA

RHONDA HELENE MONA and
MICHAEL J. MONA, JR.,

Petitioners,

v.

THE EIGHTH JUDICIAL DISTRICT
COURT FOR THE STATE OF
NEVADA, IN AND FOR THE COUNTY
OF CLARK, AND THE HONORABLE
JOE HARDY, DISTRICT JUDGE

Respondents,

and

FAR WEST INDUSTRIES,

Real Party in Interest.

SUPREME COURT NO. 68434

Electronically Filed
Oct 01 2015 11:32 a.m.
District Court Case No. 15-00000-0
Dept. No.: 15
Clerk of Supreme Court

**SUPPLEMENTAL APPENDIX TO REAL PARTY IN INTEREST'S
ANSWERING BRIEF**

**Volume 1 of 4
Pages 0980 - 0997**

F. THOMAS EDWARDS, ESQ.
Nevada Bar No. 9549
RACHEL E. DONN, ESQ.
Nevada Bar No. 10568
ANDREA M. GANDARA, ESQ.
Nevada Bar No. 12580
HOLLEY DRIGGS WALCH
FINE WRAY PUZEY & THOMPSON
400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101
*Attorneys for Real Party in Interest
Far West Industries*

**TABLE OF CONTENTS OF
SUPPLEMENTAL APPENDIX
(Chronological)**

TAB	Document	Date	Vol. #	Pages
1	Application of Foreign Judgment	October 18, 2012	1	0001-0007
2	Order for Appearance of Judgment Debtors	January 30, 2013	1	0008-0015
3	Transcript of Judgment Debtor Examination of Michael J. Mona, Jr.	November 25, 2013	1	0016-0160
4	Order for Examination of Judgment Debtor Michael J. Mona, Jr., Individually, and as Trustee of the Mona Family Trust Dated February 12, 2001	May 13, 2015	1	0161-0169
5	Order for Examination of Rhonda Mona as Trustee of Judgment Debtor The Mona Family Trust Dated February 12, 2001	May 13, 2015	1	0170-0178
6	Transcript of Judgment Debtor Examination of Rhonda Mona (erroneously named on its face as "Deposition of Rhonda Mona")	June 26, 2015	2	0179-0497
7	Transcript of Judgment Debtor Examination of Michael J. Mona, Jr.	June 30, 2015	3	0498-0979
8	First Amended Complaint , <u>Far West Industries, etc. vs. Michael J. Mona, Jr., etc., et al.</u> , Eighth Judicial District Court Case No. A-15-724490-C	September 16, 2015	4	0980-0997

**TABLE OF CONTENTS OF
SUPPLEMENTAL APPENDIX
(Alphabetical)**

TAB	Document	Date	Vol. #	Pages
1	Applicaion [sic] of Foreign Judgment	October 18, 2012	1	0001-0007
8	First Amended Complaint; Far West Industries, etc. vs. <u>Michael J. Mona, Jr., etc., et al.</u> , Eighth Judicial District Court Case No. A-15-724490-C	September 16, 2015	4	0980-0997
2	Order for Appearance of Judgment Debtors	January 30, 2013	1	0008-0015
4	Order for Examination of Judgment Debtor Michael J. Mona, Jr., Individually, and as Trustee of the Mona Family Trust Dated February 12, 2001	May 13, 2015	1	0061-0169
5	Order for Examination of Rhonda Mona as Trustee of Judgment Debtor The Mona Family Trust Dated February 12, 2001	May 13, 2015	1	0170-0178
3	Transcript of Judgment Debtor Examination of Michael J. Mona, Jr.	November 25, 2013	3	0016-0160
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6	Transcript of Judgment Debtor Examination of Rhonda Mona (erroneously named on its face as "Deposition of Rhonda Mona")	June 26, 2015	2	0179-0497

CIVIL COVER SHEET A-12-670352-F

Clark County, Nevada

I V

Case No. _____
(Assigned by Clerk's Office)

I. Party Information

Plaintiff(s) (name/address/phone):

Far West Industries

Defendant(s) (name/address/phone):

Rio Vista Nevada, LLC,

World Development, Inc.,

Bruce Maize,

Michael J. Mona, Jr.

Attorney (name/address/phone):

David S. Lee, Esq.

Lee, Hernandez, Landrum, Garofalo & Blake, APC

7575 Vegas Drive, Suite 150

Las Vegas, Nevada 89128

(702) 880-9750

Attorney (name/address/phone):

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

☐ **Arbitration Requested**

Civil Cases

Real Property	Negligence	Torts
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> Negligence – Auto <input type="checkbox"/> Negligence – Medical/Dental <input type="checkbox"/> Negligence – Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence – Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition

Probate

Other Civil Filing Types

<input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input checked="" type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input checked="" type="checkbox"/> Foreign Judgment – Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters
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III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

0001

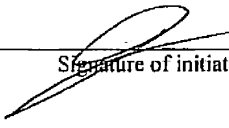
☐ NRS Chapters 78-88
☐ Commodities (NRS 90)
☐ Securities (NRS 90)

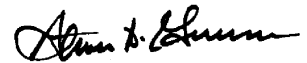
☐ Investments (NRS 104 Art. 8)
☐ Deceptive Trade Practices (NRS 598)
☐ Trademarks (NRS 600A)

☐ Enhanced Case Mgmt/Business
☐ Other Business Court Matters

October 18, 2012

Date


Signature of initiating party or representative



CLERK OF THE COURT

FORJ
John R. Hawley
Nevada Bar No. 001545
LEE, HERNANDEZ, LANDRUM,
GAROFALO & BLAKE
7575 Vegas Drive, Suite 150
Las Vegas, Nevada 89128
(702) 880-9750
Fax; (702) 314-1210
jhawley@leelawfirm.com

Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

FAR WEST INDUSTRIES, a California
corporation,

Plaintiff,

vs.

RIO VISTA NEVADA, LLC, a Nevada
limited liability company; WORLD
DEVELOPMENT, INC., a California
corporation; BRUCE MAIZE, and individual;
MICHAEL J. MONA, JR., an individual;
DOES I through 100, inclusive,

Defendants.

CASE NO.: A - 12 - 670352 - F

I V

**APPLICAION OF FOREIGN
JUDGMENT**

AFFIDAVIT OF JOHN R. HAWLEY, ESQ.

STATE OF NEVADA)
 : ss.
COUNTY OF CLARK)

COMES NOW, JOHN R. HAWLEY, ESQ., being first duly sworn, and states as follows:

1. That Affiant is an attorney, duly licensed to practice in the State of Nevada and is a
member of the law firm of LEE, HERNANDEZ, LANDRUM, GAROFALO & BLAKE.

0003

LEE, HERNANDEZ, LANDRUM,
GAROFALO & BLAKE
7575 VEGAS DRIVE, SUITE 150
LAS VEGAS, NV 89128
(702) 880-9750

LEE, HERNANDEZ, LANDRUM,
GAROFALO & BLAKE
7575 VEGAS DRIVE, SUITE 150
LAS VEGAS, NV 89128
(702) 880-9750

1 2. That Affiant is counsel of record for FAR WEST INDUSTRIES, a California
2 corporation in the instant matter.

3 3. That the name and last known address of the Judgment Debtors herein are as follows:

4 **Michael J. Mona, Jr.**
5 **2793 Red Arrow Drive**
6 **Las Vegas, NV 89135**

7 **Michael J. Mona, Jr., as trustee of the Mona Family Trust dated February 21,**
8 **2002**
9 **2793 Red Arrow Drive**
10 **Las Vegas, NV 89135**

11 4. That the name and address of the Judgment Creditor herein is as follows:

12 **Far West Industries, a California corporation**
13 **2922 Daimler Street**
14 **Santa Ana, CA 89128**

15 5. That the Judgment herein, a duly exemplified copy of which is attached hereto, is valid
16 and enforceable.

17 6. That no portion of the Judgment herein has been satisfied.

18 FURTHER Affiant sayeth naught.

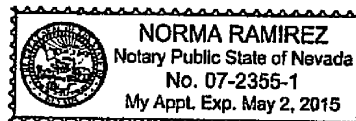
19 DATED this 18th day of October, 2012.

20 
JOHN R. HAWLEY, ESQ.

21 SUBSCRIBED and SWORN to

22 before me this 18th day of
23 October, 2012.

24
25
26 
27 NOTARY PUBLIC



(SEAL)

0004

EXEMPLIFICATION CERTIFICATE

The documents to which this certificate is attached are full, true and correct copies of the originals on file and of record in my office. All of which we have caused by these presents to be exemplified, and the seal of our Superior Court of California, County of Riverside to be hereunto affixed.



IN WITNESS WHEREOF, I have hereto set my hand and affixed the Seal of the said Court,

This 7th day of June
Sherri R. Carter
Sherri R. Carter, Clerk
Superior Court of California, County of Riverside

I, Mac R. Fisher, Judge of the Superior Court of the State of California, in and for the County of Riverside, do hereby certify that SHERRI R. CARTER whose name is subscribed to the preceding exemplification, is the Clerk of the said Superior Court of the State of California, in and for the County of Riverside, and that full faith and credit are due to her official acts. I further certify, that the seal affixed to the exemplification is the seal of our said Superior Court and that the attestation thereof is in due form and according to the form of attestation used in this State.

Date June 7, 2012

Mac R. Fisher
Judge of the Superior Court of California
County of Riverside

28 USCA, Sec. 1738
Form No. 334 (1/90; 10/97; 2/99; 3/00; 10/00; 5/01; 1/03; 4/03; 6/03)

0005

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

APR 27 2012

MJV

APR 30 2012

pm

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE, RIVERSIDE COURT

FAR WEST INDUSTRIES, a California
corporation,

Plaintiff,

vs.

RIO VISTA NEVADA, LLC, a Nevada limited
liability company; WORLD DEVELOPMENT,
INC., a California corporation; BRUCE MAIZE,
an individual; MICHAEL J. MONA, JR., an
individual; and DOES 1 through 100, inclusive,

Defendants.

) Case No. RIC495966

) JUDGE: Hon. Jacqueline Jackson

) ~~[PROPOSED] JUDGMENT NUNC PRO TUNC~~

) Action Filed: March 24, 2008

) Trial Date: September 23, 2011

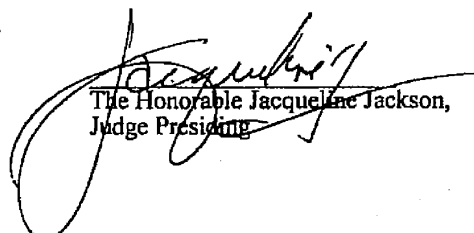
On February 23, 2012, the Honorable Jacqueline Jackson entered Finding of Fact and Conclusion of Law in the above-referenced matter. Based upon those Findings and Conclusion, Judgment is hereby entered in favor of Plaintiff Far West Industries, a California corporation and against the following Defendants, jointly and severally: (1) Michael J. Mona, Jr.; (2) Michael J. Mona, Jr., as Trustee of the Mona Family Trust dated February 21, 2002; (3) Rio Vista Nevada, LLC, a Nevada limited liability company; and (4) World Development, Inc., a California corporation in the amount of \$17,777,562.18. Recoverable court costs of \$25,562.56 and attorney's fees of \$327,548.84 are also awarded to Far West Industries, jointly and severally against all Defendants. The Clerk is hereby directed to enter those amounts on this Judgment following Far West Industries' post-Judgment petition for them. Finally, the Clerk is hereby

~~[PROPOSED] JUDGMENT NUNC PRO TUNC~~

0006

1 directed to release the \$32,846 that was interplead by Defendant Fidelity National Title Company
2 to Far West Industries upon entry of this Judgment.

3 Dated: 4/27/12


The Honorable Jacqueline Jackson,
Judge Presiding

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CLERK OF THE COURT

1 OAJD
2 DAVID S. LEE, ESQ.
3 Nevada Bar No. 6033
4 John R. Hawley
5 Nevada Bar No. 001545
6 LEE, HERNANDEZ, LANDRUM,
7 GAROFALO & BLAKE
8 7575 Vegas Drive, Suite 150
9 Las Vegas, Nevada 89128
10 (702) 880-9750
11 Fax; (702) 314-1210
12 dlee@lee-lawfirm.com
13 jhawley@lee-lawfirm.com

14 Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

15 FAR WEST INDUSTRIES, a California
16 corporation,

17 Plaintiff,

18 vs.

19 RIO VISTA NEVADA, LLC, a Nevada
20 limited liability company; WORLD
21 DEVELOPMENT, INC., a California
22 corporation; BRUCE MAIZE, and individual;
23 MICHAEL J. MONA, JR., an individual;
24 DOES I through 100, inclusive,

25 Defendants.

CASE NO.: A-12-670352-F
DEPT: ~~26~~ 26

ORDER FOR APPEARANCE OF
JUDGMENT DEBTORS

ORDER FOR APPEARANCE OF JUDGMENT DEBTORS

26 This matter, having come on regularly for hearing in Chambers before the Honorable
27 Judge Kerry Earley, upon FAR WEST INDUSTRIES' ("FWI") Ex Parte Motion for Order
28 Allowing Examination of Judgment Debtors ("Motion"). The Court having carefully examined
the pleadings and papers on file in this matter, and with good cause appearing, hereby enters its
Orders as follows:

LEE, HERNANDEZ, LANDRUM,
GAROFALO & BLAKE
7575 VEGAS DRIVE, SUITE 150
LAS VEGAS, NV 89128
(702) 880-9750

LEE, HERNANDEZ, LANDRUM,
GAROFALO & BLAKE
7575 VEGAS DRIVE, SUITE 150
LAS VEGAS, NV 89128
(702) 880-9750

1 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Motion filed on
2 behalf of FWI is hereby GRANTED.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that MICHAEL J.
4 MONA, JR, individually, and MICHAEL J. MONA, JR., as Trustee of the Mona Family Trust
5 dated February 21, 2002, appear at Litigation Services, 3770 Howard Hughes Parkway, Suite 300
6 Las Vegas, Nevada, on the 18th day of February, 2013, at the hour of 10:00 a.m., with regard to
7 the Judgment entered against MICHAEL J. MONA, JR, individually, and MICHAEL J. MONA,
8 JR., as Trustee of the Mona Family Trust dated February 21, 2002, in favor of FWI on January
9 12, 2010, then and there to answer questions under oath concerning the assets of MICHAEL J.
10 MONA, JR, individually, and MICHAEL J. MONA, JR., as Trustee of the Mona Family Trust
11 dated February 21, 2002.

12 MICHAEL J. MONA, JR, individually, and MICHAEL J. MONA, JR., as Trustee of
13 the Mona Family Trust dated February 21, 2002, ARE COMMANDED TO BRING copies
14 of any and all documents outlined in Exhibit "A" attached hereto.

15 MICHAEL J. MONA, JR, individually, and MICHAEL J. MONA, JR., as Trustee of
16 the Mona Family Trust FAILURE TO APPEAR AT THE TIME SET FORTH ABOVE
17 COULD RESULT IN AN ORDER TO SHOW CAUSE TO BE ISSUED TO EXPLAIN ITS
18 FAILURE TO APPEAR AND TO DISCLOSE ITS ASSETS.


19 DATED this 29 day of January, 2013.

20
21 
22 DISTRICT COURT JUDGE

23 Respectfully submitted by:

24 LEE, HERNANDEZ, LANDRUM,
25 GAROFALO & BLAKE, APC

26 By:

27 
28 JOHN R. HAWLEY, ESQ.
Nevada Bar No. 001545
7575 Vegas Drive, Suite 150
Las Vegas, Nevada 89128

LEE, HERNANDEZ, LANDRUM,
GAROFALO & BLAKE
7575 VEGAS DRIVE, SUITE 150
LAS VEGAS, NV 89128
(702) 880-9750

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EXHIBIT "A"

LEE, HERNANDEZ, LANDRUM,
GAROFALO & BLAKE
7375 VEGAS DRIVE, SUITE 150
LAS VEGAS, NV 89128
(702) 880-9730

EXHIBIT "A"

Judgment Debtor Exam of MICHAEL J. MONA, JR, individually, and MICHAEL J. MONA, JR., as Trustee of the Mona Family Trust dated February 21, 2002

LIST OF DOCUMENTS AND THINGS TO BE PRODUCED BY

MICHAEL J. MONA, JR, individually, and MICHAEL J. MONA, JR., as Trustee of the Mona Family Trust dated February 21, 2002, AT DEBTOR'S EXAMINATION. ("You" and "Your" refers herein to MICHAEL J. MONA, JR, individually, and MICHAEL J. MONA, JR., as Trustee of the Mona Family Trust dated February 21, 2002).

1. Any and all Federal Employer Identification Numbers, Sales Tax Numbers, State Tax Numbers and City Tax Numbers.
2. Copies of any and all documents establishing and/or governing the Mona Family Trust dated February 21, 2002, and any amendments thereto.
3. A copy of each document showing your monthly income for the last 6 months.
4. A copy of each of your federal income tax returns with all schedules and any quarterly estimates of income taxes from 2005 through to the present.
5. A copy of each of your state income tax returns with all schedules and any quarterly income taxes from 2005 through to the present.
6. All "1099" forms reflecting income received by you for the last five (5) years.
7. Records of any and all monies received by you whether in the nature of bonuses, reimbursement of expenses, wages or reimbursement of loans for the past five (5) years.
8. Documents reflecting all assets (real, personal or mixed), whether owned by you individually, in any partnership or corporation form or in joint tenancy or in tenancy in common for the past five (5) years.
9. A copy of all documents related to any real assets (land, buildings, and any other commercial or residential real estate) in which you have any interest, as well as any appraisals prepared on such assets. The requested documents specifically include but not limited to all Deeds, Deeds of Trust, Mortgage Applications, Closing Statements, coupon books, statements of account, credit reports, title

LEE, HERNANDEZ, LANDRUM,
GAROFALO & BLAKE
7575 VEGAS DRIVE, SUITE 150
LAS VEGAS, NV 89128
(702) 880-9750

insurance policies, and all other information in any way reflecting your involvement with, your ownership of, or your transactions as regards real estate or other property owned by you.

10. A copy of any and all lease(s) which you have signed, including, but not limited to, residential, commercial, and automotive. These leases do not need to be owned by you but can be regarding real estate or other property not owned by you but for which regular monthly lease payments are made.
11. A copy of all statements, and a copy of each check register for each account, for each and every financial institution (including but not limited to all banks, savings and loans, credit unions, and brokerage houses) where you have an account, where you have signature authority on an account, or in which you have held or now hold an interest from January 2005 through to the present.
12. A copy of all bank statements, deposit slips, and canceled checks for all bank, money market accounts which you own or in which you owned any interest whatsoever, or on which you were authorized to draw checks, whether said documents were in your name alone, in the name of another person/entity, or in the name of another and yourself as joint tenants, for the period of three (3) years prior to the date hereof.
13. All savings account passbooks, bank statements and certificates of deposit for any and all accounts, in which you owned any interest whatsoever, or from which you were authorized to make withdrawals, whether said accounts were in your name alone, in the name of any other person, or in your name and another as joint tenants, for the period of five (5) years prior to the date hereof.
14. All records regarding safe deposit boxes and any certificates of stocks and bonds belonging to you or in which you have had any interest direct, indirect, contingent, beneficial, or otherwise, whatsoever either alone or jointly with any other person for five (5) years preceding the date of this Order.
15. All stocks, bonds, debentures or other securities, which you personally own or claim any interest to or had any interest in whether such interest was direct, indirect, contingent, beneficial, or otherwise, either alone or jointly with any other person for five (5) years preceding the date of this Order.
16. All life insurance policies naming you as beneficiary whether direct, indirect, contingent, beneficial, or otherwise, therein.
17. A copy of all certificates of title or any other documents evidencing your ownership with respect to any automobiles, motorcycles, trucks, RVs, ATVs, jet skis, boats, trailers, airplanes, or any other type of vehicle, which you now own, claim any interest in, or regularly derive.

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GAROFALO & BLAKE
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LAS VEGAS, NV 89128
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18. All evidence of any and all notes, contracts, negotiable instruments, receivable or accounts receivable whether due or not due belonging to you or in which you have or have had any interest whosoever either alone or jointly with any other person or persons for five (5) years preceding the date of this Order.
19. A list of real property owned by you and, if occupied by Tenants, please state the following:
 - a. Tenants' names;
 - b. Tenants' address;
 - c. amount of monthly rent.
20. Documents relating to evidence of each and every credit card in your name or jointly with another person/entity, together with copies of all statements submitted by said credit companies for the last five (5) years.
21. All fire, burglary, and extended coverage insurance policies now in force upon any real estate or personal property (including copies of insurance inventories) owned by you or in which you have or have had any interest whatsoever either alone or jointly with any other person(s)/entity(ies) for five (5) years preceding the date of this Order.
22. All titles, bills of sale, or contracts of sale upon personal property, including but not limited to, stocks, bonds, memberships, or partnership interests, automobiles, boats, airplanes, household goods, miscellaneous furniture and fixtures belonging to you or in which you have or have had any interest (direct or indirect, beneficial or otherwise), whatsoever either alone or jointly with any other person or persons for five (5) years preceding the date of this Order.
23. A complete inventory of all items of personal property owned by you, of any nature whatsoever, including automobiles, boats, airplanes, household fixtures, furnishings, and appliances, whether paid for or not. If the personal property is not in your possession and in the possession of another person, designate the name and address of the person having possession of the property.
24. Copies of all financial statements given by you, either individually or jointly with another person or as a corporation, to any third party at any point during the past five (5) years preceding the date of this Order.
25. A statement listing all of your debts and obligations.
26. All automobile or personal property casualty or collision or all risk insurance policies presently owned by you.
27. A copy of all records pertaining to the acquisition, transfer and sale of all securities, in which you have had an interest from at least five (5) years prior to the date hereof to the present.

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28. A copy of all evidence of mining claims, patents or development work owned by you or in which you have or have had any interest whatsoever either along or jointly with any other person or persons for at least five (5) years immediately preceding the date of this Order.
29. A copy of all documents which evidence any trademark, trade name, copyright, or patent in which you have or have had an interest.
30. A copy of all general ledgers, accounting journals, financial statements or other financial records prepared or maintained as regards your finances during the last five (5) years.
31. A copy of any/all lawsuits, judgments, etc., which you may be a party to.
32. A copy of all loan applications used for any purpose whatsoever in the last five (5) years.
33. A copy of your current plan and your most recent plan statement or summary plan description for any deferred compensation in which you are a participant.
34. A copy of any and all agreements, of whatever kind, for the use of a safe deposit box, safe or vault or other place of safekeeping.
35. A copy of each and every life insurance or annuity policy in which you hold a beneficial interest.
36. Copies of all your corporate records, including Minutes (for the past 5 years), Stock Transfer Ledgers and other "corporation" records.
37. Copies of any partnership or joint venture agreements and all correspondence related thereto.
38. Copies of all of your business licenses.
39. Copies of any and all contracts to which you are a party entered into within the last five (5) years.
40. All records, which evidence charitable donations of \$100 or more up to personal "gifts" with a value of more than \$100 made by you or on your behalf within the last five (5) years.
41. Copies of any and all documents whereby you acquired or disposed of an interest in any business(es) within the last five (5) years.
42. Copies of any employment or consulting contracts to which you are a party.
43. Any notes owed to you.

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44. Copy of all accounts receivable documents, both current and for five (5) years prior to the date of this Order.
45. All of your general ledgers, accounting journals, financial statements or other financial records prepared or maintained during the last five (5) years.
46. A copy of each and every document evidencing each and every business in which you have, or had, an interest from 2005 through to the present.
47. A copy of each and every profit and loss statement for each business in which you have, or had, an interest from 2005 through to the present.
48. A copy of each financial statement or credit application prepared by you or on behalf of you and/or any business in which you have, or had, any interest, whether legal or equitable, in the past five (5) years.

DISTRICT COURT
CLARK COUNTY, NEVADA

FAR WEST INDUSTRIES, a California)
corporation,)

Plaintiff,)

vs.)

CASE NO.: A-12-670352-F
DEPT. NO.: 26

RIO VISTA NEVADA, LLC, a Nevada)
limited liability company; WORLD)
DEVELOPMENT, INC., a California)
corporation; BRUCE MAIZE, an)
individual; MICHAEL J. MONA, JR.,)
an individual; DOES I-100,)
inclusive,)

Defendants.)

JUDGMENT DEBTOR EXAMINATION
MICHAEL J. MONA, JR.
LAS VEGAS, NEVADA
MONDAY, NOVEMBER 25, 2013

REPORTED BY: JACKIE JENNELLE, RPR, CCR #809

JOB NO.: 194436

0016

1 JUDGMENT DEBTOR EXAMINATION OF MICHAEL J.
2 MONA, JR., taken at 3770 Howard Hughes Parkway, Las
3 Vegas, Nevada on MONDAY, NOVEMBER 25, 2013 at 10:00
4 a.m., before Jackie Jennelle, Certified Court
5 Reporter, in and for the State of Nevada.
6
7

8 APPEARANCES:

9 For the Plaintiff:

10 LEE HERNANDEZ LANDRUM GAROFALO & BLAKE
11 BY: JOHN R. HAWLEY, ESQ.
12 7575 Vegas Drive, No. 150
13 Las Vegas, Nevada 89128
14 (702) 880-9750

15 For the Defendant, MICHAEL J. MONA, JR.:

16 JOHN W. MUIJE & ASSOCIATES
17 BY: JOHN W. MUIJE, ESQ.
18 1320 South Casino Center Boulevard
19 Las Vegas, Nevada 89104
20 (702) 386-7002

21 Also Present:

22 IRA GLASKY
23
24
25

I N D E X

WITNESS: MICHAEL J. MONA, JR.

EXAMINATION

PAGE

BY MR. HAWLEY

4

EXHIBITS MARKED

EXHIBIT

PAGE

Exhibit A Application of Foreign
Judgement

5

Exhibit B Order

5

1 LAS VEGAS, NEVADA

2 MONDAY, NOVEMBER 25, 2013; 10:00 a.m.

3 -o0o-

4 Thereupon --

5 MICHAEL J. MONA, JR.,

6 was called as a witness, and having been first duly
7 sworn, was examined and testified as follows:

8 EXAMINATION

9 BY MR. HAWLEY:

10 Q. Will you state your name for the record,
11 please.

12 A. Michael Joseph Mona, Jr.

13 Q. How do you spell your last name?

14 A. M-O-N-A.

15 Q. Mr. Mona, you know we're here for a
16 Judgement Debtor Exam; is that correct?

17 A. Correct.

18 Q. Just some housekeeping: This a copy of the
19 domesticated judgement in Nevada that I'll mark as
20 Exhibit A.

21 MR. HAWLEY: Do you want to look at it,
22 John?

23 MR. MUIJE: No.

24 MR. HAWLEY: We have a copy of an order
25 dated October 7, 2013, regarding a status check.

1 MR. MUIJE: Let me skim that real quick. I
2 think I wrote it.

3 MR. HAWLEY: I think you did, too. It was
4 verbose, so yes.

5 MR. MUIJE: That's me.

6 Very good. No objection.

7 MR. HAWLEY: And that's Exhibit B.
8 (Exhibit A Application of Foreign Judgement marked.)

9 (Exhibit B Order marked.)

10 BY MR. HAWLEY:

11 Q. All right. Mr. Mona, just a little
12 background first.

13 What's your date of birth?

14 A. August 2, 1954.

15 Q. And your place of birth?

16 A. Camden, New Jersey.

17 Q. All right. Did you graduate from high
18 school?

19 A. Valley High School 1972.

20 Q. In Las Vegas?

21 A. Yes.

22 Q. Okay. When did you move to Las Vegas?

23 A. 1960.

24 Q. All right. How was it that you came to
25 move to Las Vegas?

- 1 A. My mother and my dad and my three sisters.
- 2 Q. Okay. I take it your dad got a job here?
- 3 A. Correct.
- 4 Q. That's the way most of us got here.
- 5 A. Yes.
- 6 Q. After graduating from Valley High School in
- 7 1972, did you take any college classes?
- 8 A. I went to UNLV for six months.
- 9 Q. Okay. And what did you take there?
- 10 A. Business classes.
- 11 Q. Did you get a degree from UNLV?
- 12 A. No.
- 13 Q. Did you get any post-secondary educational
- 14 degree?
- 15 A. No.
- 16 Q. When you left UNLV, what did you do for a
- 17 living?
- 18 A. Went to work.
- 19 Q. Where?
- 20 A. International Hotel, busboy and room
- 21 service.
- 22 Q. Okay. How long did you do that?
- 23 A. Two years.
- 24 Q. Okay. And why did you leave the
- 25 International Hotel?

1 A. I stayed there for longer than that. Then
2 I got promoted the a waiter. I was there probably
3 three years, four years.

4 Q. So takes us to 1976?

5 A. Something like that.

6 Then I parked cars at the MGM.

7 Q. The old MGM, now Bally's?

8 A. Correct, correct.

9 Q. Okay.

10 A. Then after that, when I was 21 years old, I
11 was a dealer. I dealt for a couple years.

12 Q. Where did you deal?

13 A. Started at the Stardust for about a year.

14 Then I went to the MGM, which was Bally's.

15 Q. Okay. So that takes us to 1980 or so?

16 A. Somewhere in that area.

17 Q. Okay. And you dealt cards at the Stardust
18 and Bally's?

19 A. I dealt craps.

20 Q. Craps?

21 A. Correct.

22 Q. At both the Stardust and Bally's; is that
23 correct?

24 A. Yes.

25 Q. When you left Bally's dealing craps, what

1 did you do next?

2 A. Went to work for my brother-in-law, Bob
3 Bigelow, as a laborer in the construction industry.

4 Q. What kind of construction did Mr. Bigelow
5 do?

6 A. He was into apartments.

7 Q. How long did you work for Mr. Bigelow?

8 A. About ten years.

9 Q. Up to about 1990 then?

10 A. I don't know. You have to do the math. I
11 know it was about ten years. I've been on my own
12 for about 27 years, so we can do the math backwards.

13 Q. So 27 years?

14 A. Yes.

15 Q. That takes us back to '93?

16 A. You're better at math than I am.

17 Q. I had a high school teacher that told me to
18 warn him of any bridges I might build. So that's
19 why I became a lawyer.

20 But that said, that takes us to 1993. You
21 started as a laborer in 1993 with Mr. Bigelow.

22 What did you end up with him?

23 A. Basically running his company after ten
24 years.

25 Q. Okay.

1 A. Assisting him running his company.
2 Q. What was the focus of that company --
3 A. Apartment construction.
4 Q. -- when you left?
5 A. Apartment construction and management. We
6 would find the parcels, build them through my
7 brother-in-law and manage them. He owned them all.
8 Q. Is that company still around?
9 A. You know, I don't know. I've not talked to
10 my brother-in-law in about 20 years. I don't know
11 if he's still around or not.
12 Q. Fair enough. Fair enough.
13 Why did you leave Bigelow?
14 A. Go on my own.
15 Q. Okay. And when you went on your own, what
16 did you do?
17 A. Basically the same field, apartments.
18 Q. What was the name of the company?
19 A. M&M Developments at that time.
20 Q. Okay. And were you CEO of M&M Development?
21 A. President correct, CEO.
22 Q. Any partners?
23 A. My wife, the bank, the IRS. But no.
24 Q. All right. And how long did you own M&M?
25 A. You know, I'm guessing here now. I don't

1 want to be -- I know it's not good to guess at these
2 things, but 15 years, maybe 20 years.

3 Q. What year did M&M cease to exist?

4 A. 2000. When I filed bankruptcy, M&M filed
5 bankruptcy also in 2000.

6 Q. Okay. And what was the cause of that
7 bankruptcy?

8 A. Casino -- I applied for a casino license
9 and did not get it.

10 Q. What casino license were you applying for?
11 What were you trying to do at that time?

12 A. Sunrise Casino in Boulder Highway.

13 Q. Why didn't you get the license?

14 A. Political. I'm just going to leave it at
15 that. Very political.

16 Q. Have you ever been convicted of a felony?

17 A. No.

18 Q. How about a misdemeanor involving moral
19 turpitude?

20 A. Involving what?

21 Q. Moral turpitude?

22 MR. MUIJE: Do you know what that means?

23 THE WITNESS: No.

24 BY MR. HAWLEY:

25 Q. Fraud, sexual offenses, lying.

1 A. No.

2 Q. Okay. After you went bankrupt, did you
3 reincarnate as another company?

4 A. Mona Co., M-O-N-A C-O.

5 Q. Okay. And is Mona Co. still around?

6 A. Yes.

7 Q. Okay. And what does Mona Co. do?

8 A. Nothing. It's basically a shell company.
9 At one time, it was my vehicle to build apartments.
10 It was my development/management vehicle.

11 Q. Okay.

12 A. Had a general contractor's license and all
13 that.

14 Q. Okay. Did you ever utilize that general
15 contractor's license?

16 In other words, did you ever self-perform?

17 A. Yes.

18 Q. Okay. And when did Mona Co. stop doing
19 business and become a shell?

20 A. About four to five years ago.

21 Q. Okay. And why did that occur?

22 A. The economy.

23 Q. Okay. When the economy went down, it went
24 down?

25 A. Correct.

1 Q. Okay.

2 A. It lost its contractor's license because of
3 insufficient funds, lost the bond.

4 Q. Okay. Have you made any steps to
5 reinvigorate Mona Co.?

6 A. No.

7 Q. Since Mona Co. ceased -- I'm sorry. Let me
8 back up. I'm sorry. Go ahead.

9 A. Go ahead.

10 Q. No, you.

11 Okay. Since Mona Co. -- strike that. Did
12 Mona Co. cease doing business when the economy
13 tanked or --

14 A. It still has an open office on Sahara.

15 Q. What is the purpose of Mona Co. having an
16 open office on Sahara?

17 A. No purpose.

18 Q. Do you have it staffed?

19 A. One person's there.

20 Q. Who is that?

21 A. Karen Epstein.

22 Q. How long has Karen Epstein been with Mona
23 Co.?

24 A. Two months, maybe three months. She's new.

25 Q. What does Karen Epstein do to fill her day

1 if Mona Co. is not in business?

2 A. That's a good question.

3 Q. All right. Do you maintain an office
4 there?

5 A. Yes.

6 Q. Are there any other offices maintained
7 there?

8 A. For myself.

9 Q. For anyone else?

10 A. Yes.

11 Q. Who?

12 A. A guy named Hamid has an office there. A
13 guy named Ted Sevinsky (phonetic) has an office
14 there. Another guy named Nick Velardo (phonetic)
15 comes in and out.

16 Q. Do they work for Mona Co.?

17 A. No.

18 Q. Are they tenants?

19 A. No.

20 Q. What is their status with -- how do they
21 get offices in a Mona Co. suite?

22 A. Mona Co. shares an office with another
23 company called CannaVest.

24 Q. CannaVest?

25 A. Correct.

1 Q. And you have an interest in CannaVest,
2 don't you?

3 A. No.

4 Q. Did you ever have an interest in CannaVest?

5 A. An interest as far as what?

6 Q. A financial interest.

7 Have you ever owned shares, managed,
8 anything?

9 A. I'm employed by CannaVest.

10 Q. What do you do CannaVest?

11 A. I'm the president.

12 Q. And what is CannaVest's business?

13 A. CannaVest is a publicly-traded company that
14 is in the cannabinoid business.

15 Q. Okay. You're talking about marijuana?

16 A. No. You obviously don't know cannabinoids
17 or CBD.

18 Q. Okay. You're talking about the active
19 ingredient in marijuana, pharmaceutical?

20 A. There are about 700 active ingredients in
21 marijuana. Cannabinoid is one of them. There's
22 no -- you do not get high off cannabinoids or CBD.
23 It's purely medical.

24 Q. Okay. That's fair.

25 Does Mona Co. own any property?

1 A. No.
2 Q. No real property?
3 No?
4 A. No.
5 Q. No personal property?
6 A. Maybe a couple computers, typewriters,
7 things like that.
8 Q. How many employees does CannaVest have?
9 A. Approximately seven -- six or seven.
10 Q. We know you're the president; right?
11 A. Right.
12 Q. What do the other employees do?
13 A. Scientist, sales, marketing.
14 Q. Okay. Does Mona Co. generate any income?
15 A. No.
16 Q. Does CannaVest generate any income?
17 A. For the corporation?
18 Q. Yes.
19 A. Yes.
20 Q. Is it profitable?
21 A. No.
22 Q. Does it have plans to become profitable?
23 A. Hopefully. That's our goal.
24 Q. Okay. And what will its business be
25 according to the plan, when it becomes profitable?

1 A. I don't understand the question.

2 Q. How does CannaVest intend to become
3 profitable?

4 How's that?

5 A. By selling cannabinoids and CBD in that
6 atmosphere, that market.

7 Q. Okay. In what market?

8 A. In the cannabinoid market.

9 Q. Who buys cannabinoids?

10 A. Epileptic individuals, people with medical
11 problems, different individuals.

12 Q. All right. You don't sell to
13 pharmaceutical houses?

14 A. That is hopefully in our future. As of
15 right now, the answer is no.

16 Q. You sell to individuals?

17 A. Correct.

18 Q. Do you sell through the mail or do you sell
19 in storefronts?

20 A. CannaVest does not sell. CannaVest hired a
21 company called Hemp Meds, which does all its
22 distribution. CannaVest does not sell itself.
23 CannaVest has the product. Hemp Meds distributes
24 it.

25 Q. Does Hemp Meds purchase the cannabinoids

1 from CannaVest?

2 A. No. It's given to Hemp Meds, and they get
3 a percentage of the sales.

4 Q. It's more of a consignment?

5 A. Correct.

6 Q. Do you have any interest in Hemp Meds?

7 A. No, sir.

8 Q. Have you ever?

9 A. No, sir.

10 Q. Do you make any income from Hemp Meds?

11 A. Do I?

12 Q. Yes.

13 A. No.

14 Q. How much are you paid as president of
15 CannaVest?

16 A. \$120,000 a year.

17 Q. Do you draw any kind of salary or other
18 compensation from Mona Co.?

19 A. No.

20 Q. In addition to your salary from CannaVest,
21 do you have any other benefits?

22 Do you have a car or anything like that?
23 Expense account?

24 A. CannaVest has an apartment, a loft in San
25 Diego, that I use that CannaVest pays for when I go

1 back and forth.

2 Q. And where is that loft?

3 A. It's 11 -- it's 877 Island Avenue, San
4 Diego, California.

5 Q. Is that down by Petco Park?

6 A. Right by Petco Park.

7 Q. Okay.

8 A. You must know San Diego pretty well.

9 Q. I know parts of it.

10 All right. Other than the \$120,000 a year
11 that you get from CannaVest, what other sources of
12 income do you have?

13 A. None.

14 Q. Do you trade real estate?

15 Do you invest in real estate still?

16 A. I used to.

17 Q. Do you do it now?

18 A. No.

19 Q. When did you stop?

20 A. When my funds ran out.

21 Q. When did your funds run out?

22 A. '08, '09, the great recession when most
23 developers and real estate people went upside down.
24 I was one of the lucky ones.

25 Q. What's your present address?

- 1 A. Home?
- 2 Q. Yes.
- 3 A. 2793 Red Arrow Drive, Las Vegas, Nevada
- 4 89135.
- 5 Q. How long have you lived at Red Arrow?
- 6 A. Twelve years.
- 7 Q. Okay.
- 8 A. Ten, 11 years, something like that.
- 9 Q. Before then, where did you live?
- 10 A. I had a house on Notting Hill Gate Court,
- 11 301 Notting Hill that we rented. Before that, I
- 12 lost the house -- no help there -- on Soaring Court,
- 13 1901 Soaring Court.
- 14 Prior to that, I had a house on 221
- 15 University Court. Prior to that, I had a house at
- 16 801 Greenbrook Street.
- 17 Q. What is the Mona Family Trust?
- 18 A. It's a my wife and I put together -- I
- 19 don't know exactly when it was -- years ago.
- 20 Q. Does that trust have any assets?
- 21 A. I believe the house is a Mona Family Trust,
- 22 I believe.
- 23 Q. Are you the trustee of the Mona Family
- 24 Trust?
- 25 A. I think my wife and I are co-trustees.

1 Q. So there's no one that would know more
2 about the Mona Family Trust than you and your wife;
3 is that correct?

4 A. And my lawyer.

5 Q. Okay. That would be Mr. Muije?

6 A. No. Mr. Muije did not do the family trust.

7 Q. Okay. Who is the lawyer?

8 A. Jeff Burr.

9 Q. Okay. Did he establish the Mona Family
10 Trust?

11 A. Yes.

12 Q. And that was 12 years ago, you said?

13 A. I would be guessing. I was told not to
14 guess, so, you know, I don't know.

15 Q. Give me your best estimate though.

16 A. Ten, 12 years ago, my best guess.

17 Q. And I guess before we continue, have you
18 ever had your deposition taken before?

19 A. Yes.

20 Q. On how many occasions?

21 A. Three or four.

22 Q. Okay. When was the last time you had your
23 deposition taken?

24 A. Roughly eight, ten years ago maybe.

25 Q. All right. Let me go -- this is really a

1 Judgement Debtor Exam, but it has the hallmarks of a
2 deposition, so I'm going to go through my deposition
3 spiel with you to make sure we're on the same page.
4 Okay?

5 A. Please.

6 Q. A deposition is a fact-finding process.
7 It's authorized by the Nevada Rules of Civil
8 Procedure.

9 The oath took is the same oath you would
10 take in a court of law and it requires you to tell
11 the truth.

12 Do you understand that?

13 A. Yes.

14 Q. Even though we're in a very informal
15 setting here today in a conference room, the oath
16 that you took carries with it the same solemnity and
17 penalty of perjury as would attach in a court of
18 law.

19 You understand that; right?

20 A. Yes.

21 Q. The court reporter is taking down
22 everything that is said today. Within a couple of
23 weeks time she will transcribe her notes into a
24 booklet form. You'll be given an opportunity to
25 review that booklet and make any changes you want to

1 make to any of your answers. Then sign the booklet
2 under oath before a notary public.

3 Do you understand that?

4 A. Yes.

5 Q. There's two oaths you take essentially:
6 The oath you took now and the oath that you take
7 when you sign the book.

8 Right?

9 A. Correct.

10 Q. As I said, you're going to be able to make
11 any changes that you want to make to any of your
12 answers.

13 If you make any substantive changes to any
14 of your answers -- if this were an auto case and you
15 changed a red to a green, that would be a
16 substantive change.

17 A. Repeat that, please.

18 Q. If this were a car collision case and you
19 changed a red to a green, that would be a
20 substantive change.

21 If you made a change like that, I could
22 comment on that to the Court at any time and that
23 could affect your credibility.

24 Do you understand that?

25 A. Yes.

1 Q. So the best way for you to avoid that
2 happening, is to make sure that you understand my
3 questions before you answer them.

4 Is that fair?

5 A. Correct.

6 Q. All right. If you answer a question, I'm
7 going to assume that you understood it. Okay?

8 A. Okay.

9 Q. Okay. If you don't understand a question,
10 please tell me that you don't understand it. I'm
11 perfectly capable of asking questions that are
12 complete incomprehensible. I don't take offense.

13 A. Thank you.

14 Q. So please tell me that you don't understand
15 a question, and I'll rephrase it.

16 A. Thank you.

17 Q. All right. We don't want you to guess
18 here. We want you to testify as to your own
19 personal knowledge. That said, I'm entitled to your
20 best estimate.

21 To illustrate, you could estimate the
22 length of this conference table; is that correct?

23 A. Correct.

24 Q. But you couldn't estimate the length of my
25 dining room table at home, could you, because you've

1 seen it?

2 A. Correct.

3 Q. So that would be a guess.

4 A. All right.

5 Q. You've doing very well in this setting so
6 far.

7 This is not a conversation. The uh-huhs,
8 the hu-uhs, the head shakes, the grunts, the groans,
9 the ways we communicate in everyday conversation
10 don't apply here because it's being transcribed.

11 If we revert to that, the court reporter is
12 going to get very angry with us, and we don't want
13 that.

14 So if during the course of this proceeding
15 I ask if your response is yes or no, it's not to
16 embarrass you. It's only for clarity of the record.

17 A. All right.

18 Q. Also, I would ask that you let me finish my
19 questions before you answer and I will let you
20 finish your answer before asking my next question.

21 That way, the court reporter, again, won't
22 get hostile because she can't take down two people
23 speaking at the same time.

24 Fair enough?

25 A. She doesn't look hostile.

1 Q. They can get mean.

2 All right. We've talked about Mona Co. a
3 little bit and CannaVest; is that right?

4 A. Right.

5 Q. And Hemp Meds?

6 A. Correct.

7 Q. Are you involved in any other businesses at
8 this time personally?

9 A. No.

10 Q. You were detailing the homes you've owned.
11 You did not mention Promontory Ridge.

12 A. Promontory Ridge?

13 Q. Yes.

14 That was yours, wasn't it?

15 A. No. It was a development project. It was
16 a spec house I built and sold it. I've never lived
17 in it. It was purely spec.

18 Q. Did you own it?

19 A. I don't know if I owned it or Mona Co.
20 owned it or it was an LLC.

21 Q. Okay. Well, you own Mona Co.; is that
22 right?

23 A. I own it and I know my son and my kids'
24 trust has a piece of it. I do not know the exact
25 ownership.

1 Q. You said you didn't know if Promontory
2 Ridge --

3 A. Promontory Point.

4 Q. I have it as Promontory Ridge.

5 It's The Ridges in Summerlin?

6 A. Yes. And, again, to repeat myself, I've
7 never lived there and I had no intentions. It was
8 way too big of a home. It was strictly an
9 investment.

10 Q. Okay. And that sold; correct?

11 A. Yes.

12 Q. For about 11 and a half million dollars?

13 A. Correct.

14 Q. What happened to that money?

15 A. Well, I went and paid back, first of all,
16 an eight and a half, nine million dollar loan. I
17 paid taxes on it.

18 And that was -- what? -- four years ago,
19 five years ago?

20 Q. Okay. Well, I'm sure there was something
21 left over after the taxes; is that right?

22 A. I couldn't tell you. I'm sure there was.

23 But, again, that was five years ago. I'm
24 sure I re-invested it or blew it or paid bills. I
25 couldn't tell you what happened to the profit after

1 paying the bank back and the IRS.

2 Q. Let's talk about banking for a moment.

3 Do you currently have a checking account
4 personally?

5 A. Yes.

6 Q. With what bank?

7 A. Bank of America.

8 Q. What's the account number for that?

9 A. No idea.

10 Q. Do you have a check?

11 A. Not with me.

12 Q. Do you have a debit card?

13 MR. MUIJE: We've produced the records on
14 that account, haven't we?

15 THE WITNESS: Yes.

16 BY MR. HAWLEY:

17 Q. Do you know what the current balance on
18 that account is?

19 A. No idea.

20 Q. How often do you make deposits to that
21 account?

22 A. When I get paid.

23 Q. How often do you get paid?

24 A. Biweekly.

25 Q. Okay. By CannaVest?

- 1 A. Correct.
- 2 Q. All right. Any other checking accounts?
- 3 A. I believe that's the only one I have.
- 4 Q. Does the Mona Family Trust have any
- 5 checking accounts?
- 6 A. There may be one at Bank of Las Vegas. I'm
- 7 not sure. And, if so, it's very -- there may be 50
- 8 bucks in it.
- 9 Q. Okay.
- 10 A. And again --
- 11 Q. What branch is that?
- 12 A. Again, I produced all those records.
- 13 Q. I understand.
- 14 A. What branch? I don't know.
- 15 Q. All right. Do you have any savings
- 16 accounts?
- 17 A. No.
- 18 Q. Personally?
- 19 A. No.
- 20 Q. What about the Mona Family Trust?
- 21 A. I don't think so.
- 22 Q. Does your wife maintain any savings
- 23 accounts or checking accounts?
- 24 A. Pardon me?
- 25 Q. Does your wife maintain any savings or

1 checking accounts?

2 A. I know she has a household account.

3 Q. Where is that maintained?

4 A. Pardon me?

5 Q. Where is that maintained?

6 A. I believe that's Bank of Nevada, also.

7 Q. How long has she had that account?

8 A. I don't know.

9 Q. How much money is in that account?

10 A. I don't know. That's her account. I don't

11 even sign on it.

12 Q. Fair enough.

13 Do you have any credit cards in your wallet

14 right now?

15 A. Yes.

16 Q. Which ones?

17 A. Capital One.

18 Q. May I see it?

19 A. Of course. As long as you don't use it.

20 MR. MUIJE: Actually, you'll get double

21 miles.

22 BY MR. HAWLEY:

23 Q. Okay. Thank you.

24 A. Here's my ID, also.

25 Q. That's fine. I've got your ID.

1 A. Twenty bucks.

2 Q. Well, it will go a long way to helping
3 this.

4 MR. MUIJE: Actually, I don't think it will
5 cover an hour's worth of interest.

6 BY MR. HAWLEY:

7 Q. What's the credit limit on this card?

8 A. \$1,500 I believe.

9 Q. Okay. And how much is left on it?

10 A. A thousand, 900. Again, I'm guessing.

11 Q. And this is the account that ends in the
12 last four numbers 6781; is that correct?

13 A. Correct.

14 Q. And it looks like it expires in April of
15 2014?

16 A. No idea. You're reading it, not me.

17 Q. All right. Michael J. Mona is on the card;
18 right?

19 A. Yes.

20 And I have another Capital One card, also.

21 Q. Okay. May I see that?

22 A. I don't have it with me. But it's the same
23 company with a \$1,500 limit, also. I don't know
24 that number.

25 Q. Okay. And when did you obtain those cards?

1 A. Again, guessing, four or five years ago.

2 Q. Okay. Is your wife a signer on the
3 checking account that we discussed at the Bank of
4 America?

5 MR. MUIJE: Objection.

6 He indicated Bank of Nevada.

7 MR. HAWLEY: I'm sorry. I thought I said
8 Bank of Nevada.

9 THE WITNESS: No. You said Bank of
10 America.

11 BY MR. HAWLEY:

12 Q. I'm sorry.

13 A. I don't know. My account, I don't know.

14 Q. Okay. But you're not a signatory on her
15 account?

16 A. No.

17 Q. How does her account get funded?

18 A. Through me, through her.

19 Q. What does she do to fund the account?

20 A. She has investments. She has her own
21 money.

22 Q. What investments does she have?

23 A. Oh, I don't know. I don't deal in my
24 wife's business.

25 Q. Were you the source of any of the money

1 that she has those investments?

2 MR. MUIJE: Objection to the term 'source.'
3 That's vague and ambiguous.

4 You are allowed to answer.

5 THE WITNESS: What's the question?

6 MR. HAWLEY: Will you repeat the question,
7 please.

8 (Thereupon, the requested portion was read back.)

9 THE WITNESS: I don't know what investments
10 she has, what sources she has.

11 BY MR. HAWLEY:

12 Q. Okay. Did you give her any money to start
13 that investment account?

14 A. She's had half of whatever we've made over
15 the years.

16 Q. Okay. Have you given her any money towards
17 that investment account in addition to the half?

18 MR. MUIJE: Objection as to time frame.
19 That's awfully broad and ambiguous.

20 You're allowed to answer.

21 THE WITNESS: What is the question?

22 MR. HAWLEY: Will you repeat the question,
23 please.

24 (Thereupon, the requested portion was read back.)

25 THE WITNESS: I'm sorry. Have I given her

1 any money?

2 BY MR. HAWLEY:

3 Q. Yes. To put into the investment account in
4 addition to the half interest that she has under
5 community property laws.

6 A. She has her share of what we made in the
7 past, yes.

8 Q. Is that it?

9 A. What do you mean?

10 Q. Have you ever given her any cash to put
11 into her investment account?

12 A. I've given her cash over the years, yes.

13 Q. How much?

14 A. Over the years, millions, over the 31 years
15 we've been married.

16 Q. Okay. And who maintains those investment
17 accounts?

18 Were are those investment accounts
19 maintained?

20 A. I have no idea.

21 Q. Okay. Do you have any kind of a safe
22 deposit box?

23 A. No.

24 Q. Okay. Do you have any funds in overseas
25 accounts?

1 A. I was in Germany two months ago, a month
2 and a half ago, and the guy I was with who works
3 over there, he wanted some help at a bank and he
4 talked me into opening an account in Germany for
5 \$500.

6 So, yes, I do have a German account and
7 there's \$500, which is 320 Euros in it, which I'm
8 getting ready to cancel. It's some German account.
9 I don't even know the name of the bank.

10 **Q. Is that the only foreign account you have?**

11 A. That's it.

12 MR. HAWLEY: You want to bring up page
13 6-0666. Zoom in so I can see.

14 BY MR. HAWLEY:

15 **Q. That indicates that you're a signatory on**
16 **an account, correct, a foreign account?**

17 MR. MUIJE: Could you refer to the line,
18 please.

19 MR. GLASKY: Let me get to the right page.
20 (Thereupon, an off-the-record discussion was had.)

21 BY MR. HAWLEY:

22 **Q. All right. Is that the account that's**
23 **being referred to on that tax return, the \$500 in**
24 **Germany?**

25 A. I have no idea.

1 MR. GLASKY: This was 2011 taxes.

2 BY MR. HAWLEY:

3 Q. When was the German account established?

4 A. Two months ago.

5 Q. Okay. So in 2011 though, your tax return
6 indicates that you had another foreign account; is
7 that correct?

8 A. I'm not aware of it.

9 Is that one with the \$545? Is that what
10 you're talking about?

11 Q. No, I don't believe so.

12 A. I don't know what you're talking about.
13 I'm lost.

14 MR. MUIJE: It's line 7A at the bottom,
15 Part III, Foreign Accounts.

16 And I'll just note for the record the
17 document speaks for itself. Obviously, if he can
18 illuminate or clarify, he's welcome to do so.

19 BY MR. HAWLEY:

20 Q. You signed the tax return; right?

21 A. I did.

22 Q. Who prepared it?

23 A. Ed Wilson.

24 Q. Okay. He's your accountant?

25 A. Yes.

1 Q. Okay. He would know your finances,
2 wouldn't he?

3 A. Hopefully.

4 Q. Okay. You're not aware of the foreign
5 account?

6 A. I don't know if he's talking about the
7 German account. I don't know when this was filed.

8 Q. 2011.

9 A. I don't know. I can't answer that.

10 Q. Okay. Do you know if the required form
11 TD F 90-22.1 has ever been filed?

12 That would be 7B right here.

13 A. I have no idea.

14 Q. Okay. Are separate tax returns filed for
15 the Mona Family Trust?

16 A. I believe so.

17 Q. Who would prepare those?

18 A. Ed Wilson.

19 Q. Have you ever signed a tax return for the
20 Mona Family Trust?

21 A. I don't know if I sign them. I don't know
22 if they're prepared by him. I don't know if I sign
23 them. I don't know if they're signed
24 electronically.

25 Q. A tax return wouldn't be signed

1 electronically without your authorization, would it?

2 A. I hope not.

3 Q. Mr. Wilson wouldn't do that without your
4 say-so, would he?

5 MR. MUIJE: Objection, calls for
6 speculation.

7 Don't answer.

8 MR. HAWLEY: He can answer.

9 MR. MUIJE: To the best of his knowledge or
10 ability.

11 But, again, I would note for the record
12 continuing speculation as to what a third-party
13 might or might not do.

14 BY MR. HAWLEY:

15 Q. You can answer.

16 A. I would hope not.

17 Q. Okay. How long has Mr. Wilson been your
18 accountant?

19 A. Fifteen years maybe.

20 Q. All right. What does the Mona Family Trust
21 own?

22 A. This question was asked and I'm going to
23 answer the same thing: I believe my house.

24 Q. Is that it?

25 A. Yes.

1 Q. Okay.

2 A. I believe so.

3 Q. All right. Has the trust sold any property
4 in the last two years?

5 A. I don't think so, no.

6 Q. Okay. We've talked about your house;
7 right?

8 A. Correct.

9 Q. A little bit.

10 In addition to your house, do you own any
11 other real estate either here or in another state or
12 another country?

13 A. Another country, no. Another state, years
14 ago back in development days I had parcels all over.

15 I had Rio Vista in California. I had
16 numerous parcels in Arizona. 99 percent of those
17 are gone; they're lost. Either they went back to
18 the bank or foreclosed or whatever.

19 I may be a partial owner of a small piece,
20 like a two percent owner in a piece of Arizona. I
21 don't know. I doubt it. But I think every
22 investment I had is gone.

23 Q. So the only real property that you own or
24 that you have an interest in is the house here in
25 Las Vegas; is that correct?

1 A. Again, I may have a small interest like one
2 and a half or one percent of some LLC that hasn't
3 gone belly up yet but will belly up.

4 I don't think so. I believe the only thing
5 that I do own, yes, is my house.

6 At one time I had 20 parcels. I kind of --
7 they're all gone. So, again, I believe it's my
8 house, correct.

9 Q. Okay. And what about -- we talked about
10 you might have an interest in an LLC that has a
11 minor interest in some other parcels; is that
12 correct?

13 A. I may.

14 Q. In addition to that, are there any
15 businesses that you own that own real property?

16 A. No.

17 Q. Okay. Who is David park?

18 A. Who?

19 Q. David Park (phonetic).

20 A. David Park? I don't know.

21 Q. What about Christine Mora, M-O-R-A?

22 A. I don't know.

23 Q. What is Emerald Suites?

24 A. Emerald Suites is a chain of hotels I owned
25 years ago.

1 There was an Emerald Suites Las Vegas
2 Boulevard, which got taken back by the bank. There
3 was an Emerald Suites Cameron, which got taken back
4 by the bank. There was an Emerald Suites Trop,
5 which I was a partner in which I sold out years ago.
6 There was an Emerald Suites Nellis that I sold
7 probably seven, eight years ago.

8 I believe there was another Emerald Suites.
9 I believe I had five at one time, but I either sold
10 them or -- and the last two, Emerald Suites Las
11 Vegas Boulevard and Cameron, got taken over by the
12 bank and got foreclosed on four years ago.

13 **Q. Okay. What about Emerald Suites LVBS**
14 **Agate?**

15 A. That's Emerald Suites Las Vegas Boulevard.

16 **Q. Okay.**

17 A. That's the --

18 **Q. Okay. That's Las Vegas and Agate?**

19 A. Correct. That was my first one.

20 That's how I came up with the name Emerald.
21 Pretty ingenious, huh?

22 And I just noticed as I pulled up here,
23 obviously, the same gentleman that bought mine out
24 of foreclosure bought the one across the street
25 because that's Emerald now. I heard he did that.

1 That's the first time I've seen it.

2 Q. Okay. In 2009, did you make a \$3 million
3 loan to Vestin Mortgage or a Vestin entity?

4 A. I remember something like that. I remember
5 loaning Mr. Shustek or Vestin \$3 million for a short
6 period of time, but I got it back. I don't have all
7 the details on that.

8 Q. Okay. Well, it looks to me like it was
9 paid off in two installments: On May 5th of 2009,
10 \$1.5 million and then on May 7th of 2009,
11 \$1.5 million.

12 Does that refresh your recollection?

13 We have a couple pages up on the board
14 here, too.

15 A. That doesn't remind me, but obviously I can
16 see it up there. My memory is very bad.

17 Q. Okay. Have you seen a doctor because you
18 have a bad memory?

19 A. No.

20 Q. Okay. Tell me about how bad your memory
21 is. Tell me about the symptoms.

22 A. What do you want to know?

23 Q. I want to know the extent --

24 A. I remember your name.

25 Q. It's John?

1 A. I remember Ira's name. I may not remember
2 somebody's name I met last week.

3 Q. All right. What do you not -- it's hard to
4 logically ask the question 'what do you not
5 remember,' but what are the categories of things
6 that you don't remember?

7 A. Nothing specific. It's general. There's
8 nothing that categorizes my bad memory.

9 Q. So you have random bits of memory loss?
10 Is that what you're telling me?

11 A. No. I just simply say I have a bad memory.

12 Q. How long have you had a bad memory?

13 A. About 30 years.

14 Q. Okay. About the time you've been married?

15 A. Thirty-one years.

16 MR. MUIJE: That will cause it.

17 THE WITNESS: I never thought of that.
18 Hope my wife doesn't read this.

19 MR. MUIJE: I actually rely on my wife to
20 be my memory because whatever I remember she'll
21 remember different.

22 BY MR. HAWLEY:

23 Q. When did you set up Scarlet Properties?

24 A. I have no idea. It was probably back when
25 I was buying properties and flipping them and

1 developing them.

2 Q. What was Scarlet Properties?

3 A. Scarlet Properties was one of the numerous
4 LLCs I set up for protection.

5 Q. For protection from what?

6 A. Protection from life.

7 Q. Okay.

8 A. Like everyone else sets up LLCs. I'm not
9 the first one to do it.

10 Q. What was the business of Scarlet
11 Properties?

12 A. Obviously, like I said, it was an LLC.
13 What was in it, I don't know. I had numerous LLCs.
14 Scarlet was just one of them.

15 Q. Who else was in Scarlet with you?

16 A. I can't answer that without looking at the
17 document.

18 Q. How many properties did you transfer to
19 Scarlet?

20 A. I can't answer that without looking at the
21 document.

22 Q. Did you have a property in Laguna?

23 A. 351 Crescent Bay Drive, yes, which got
24 foreclosed on --

25 Q. Okay. Then you had one in --

1 A. -- by Mr. Shustek.
2 Q. And you had one in Big Bear?
3 A. Yes. That got sold.
4 Q. Okay. And when did the property in Big
5 Bear get sold?
6 A. I don't recall. Two, three years ago
7 maybe.
8 Q. Is Scarlet, LLC still around?
9 A. I do not know if it's current. I would
10 have to say no because both those properties are
11 gone. I don't know if it's the attorney, re --
12 whatever he does, re -- what do you call it?
13 MR. MUIJE: Filed the annual list?
14 THE WITNESS: Yes. I have no idea.
15 BY MR. HAWLEY:
16 Q. All right. And what's the ownership of
17 Scarlet?
18 Were you the sole member of the LLC or were
19 there others?
20 A. Again, I don't remember.
21 Q. Okay. Did Scarlet own other LLCs?
22 A. I don't remember how Scarlet was set up. I
23 believe it was just a couple properties in there.
24 Q. Does Scarlet file any tax returns?
25 A. I don't know.

1 Q. Have you ever seen any tax returns --

2 A. Years ago, yes.

3 Q. -- for filing by Scarlet?

4 When do you believe Scarlet quit filing tax
5 returns?

6 A. Again, I don't know. I would be guessing.

7 Q. Give me your best estimate.

8 A. Three years ago, two years ago. That's an
9 estimate.

10 Q. Have you paid anything into Scarlet over
11 the last 24 months?

12 A. I don't believe so.

13 Q. Okay. So you haven't loaned any money to
14 Scarlet?

15 A. I don't believe so.

16 Q. Have you received any money from Scarlet
17 over the past 24 months or so?

18 A. I don't believe so.

19 (Thereupon, an off-the-record discussion was had.)

20 BY MR. HAWLEY:

21 Q. It looks like you got \$100,000 from them on
22 October 23, 2012.

23 THE WITNESS: Could we take a break?

24 MR. HAWLEY: Sure.

25 (Thereupon, a break was taken.)

1 BY MR. HAWLEY:

2 Q. We've pulled up the page and it's page
3 14-603. It looks like you received a payment on
4 10/23/12 to a Republic bank account.

5 MR. MUIJE: It wouldn't be '12. It would
6 be '09, I believe.

7 THE WITNESS: That's October 2009 on this.

8 BY MR. HAWLEY:

9 Q. 10/23/09.

10 A. Four years ago.

11 Q. Okay. And then you also received a
12 \$1 million --

13 A. Four years ago.

14 MR. MUIJE: Don't argue. People make
15 mistakes.

16 MR. HAWLEY: We're not going to argue.

17 THE WITNESS: Now it makes sense.

18 BY MR. HAWLEY:

19 Q. Okay. Have you ever borrowed any money
20 from Michael Sifen, S-I-F-E-N?

21 A. Michael Sifen, yes.

22 Q. How much?

23 A. Over the years?

24 Q. Yes.

25 A. Four or five million.

1 Q. Okay. How many notes -- how many loans has
2 Mr. Sifen given you over the years?

3 A. He was one of my original investors in 2000
4 on Emerald Suites.

5 And how many notes -- or what was the
6 question again? I'm sorry.

7 Q. How many loans have you taken out from him?

8 A. I couldn't give you an answer.

9 Q. Okay. Was there a loan for about a million
10 242 that you took out in January of 2010?

11 A. Probably so. Sounds right.

12 Q. Okay. And then it looks like you have
13 another \$200,000 note dated May 3rd of 2009; is that
14 correct?

15 A. I remember borrowing that to live on, yes.

16 Q. Okay. What were the terms of those notes?
17 Were they secured?

18 A. I don't recall.

19 Q. Okay. You don't know if they were secured?

20 A. Secured by my home, I believe.

21 Q. Okay. Which home?

22 A. Pardon me?

23 Q. Which home?

24 A. 2793 Red Arrow Drive.

25 Q. Okay. Did you have a property at 50th and

1 Fillmore?

2 A. Yes. That was an investment property.
3 That's in the Palm Springs area, I believe. Yes,
4 years ago that was an investment property. It was
5 80 acres.

6 Q. Could the \$1.2 million loan in January of
7 2010 have been to pay off 50 percent of that?

8 A. I don't recall. Mike was in a lot of deals
9 with me. Like I said, he was an original investor
10 in Emerald Suites with me, and he's been in a lot of
11 my investments throughout the last 13 years.

12 So can I specify that one? I have no idea.

13 Q. Okay. You said the \$200,000 loan was for
14 living money?

15 A. I believe so. I don't recall.

16 Q. Okay.

17 A. Mike has always been there for me.

18 Q. So you don't know if the notes were secured
19 or unsecured, the \$1.2 million in particular?

20 A. Again, like I just said 30 second ago, I
21 believe that note was secured by my home.

22 Q. But that deed of trust doesn't look like it
23 was recorded until about a year after the loan was
24 made.

25 Do you know why that was?

- 1 A. No idea.
- 2 Q. What's the current status of that note?
- 3 A. I still owe him.
- 4 Q. Are you paying --
- 5 A. No.
- 6 Q. -- on it?
- 7 What's the balance of that note?
- 8 A. I believe the original balance plus
- 9 interest.
- 10 Q. Okay. How are you going to pay that note
- 11 off?
- 12 A. It's something Mike and I will figure out.
- 13 Q. What's TX 1650, LLC?
- 14 A. One more time.
- 15 Q. TX 1650, LLC.
- 16 A. Texas 1650. That was another one of my
- 17 investments years ago.
- 18 Q. What was your ownership interest in that?
- 19 A. My percentage?
- 20 Q. Yes.
- 21 A. I don't know. I don't recall.
- 22 Q. It looks like you used some of your
- 23 interest in 1650, LLC as a partial payment of the
- 24 \$1.2 million note -- did you do that? -- to Michael
- 25 Sifen?

1 A. I believe Mike wanted some more collateral
2 back. This was a couple years ago; correct?

3 You're looking at the document; I'm not.

4 Q. I'm looking at March 12th of 2012 where you
5 assigned your interest in TX 1650 to Michael Sifen.

6 A. Okay.

7 Q. I have an unsigned version of that.

8 Did that occur?

9 A. I believe so, yes. I believe Mike wanted
10 more collateral.

11 Q. It wasn't collateral.

12 It was partial payment of the note, wasn't
13 it?

14 A. I don't know what he called it. I don't
15 know what we agreed on.

16 Q. How much was the note reduced by after the
17 assignment of the TX 1650 interest?

18 A. I don't know the specifics.

19 Q. Clearly, then some payments have been made
20 on the note though; right?

21 MR. MUIJE: Objection, mischaracterizes
22 Mr. Mona's testimony.

23 It's an unsigned document and he testified
24 he doesn't know whether it was additional collateral
25 or a partial payment.

1 You're allowed to clarify if you have any
2 clarification.

3 THE WITNESS: I don't know.

4 BY MR. HAWLEY:

5 Q. So you don't know how much --

6 A. No. But I believe that property is
7 worthless now anyway, that TX 1650.

8 Q. Okay. Where is the TX 1650 property
9 located?

10 A. San Antonio, Texas.

11 Q. Can you give me cross streets?

12 A. No. I was only there one time -- twice.
13 I'm sorry.

14 Q. Was it a piece of developed property or
15 undeveloped?

16 A. It was vacant land.

17 Q. Have you ever borrowed \$700,000 from
18 Mr. Shustek?

19 A. I've been borrowing money from Mr. Shustek
20 since 2000. So what the amounts are and when, I
21 cannot be specific.

22 (Thereupon, an off-the-record discussion was had.)

23 BY MR. HAWLEY:

24 Q. Who is Mr. Shustek?

25 A. Michael Shustek is a gentleman that works

1 for -- shall I say I guess Vestin Mortgage. He's a
2 hard money lender and the reason I'm here right now.

3 Q. How long have you known Mr. Shustek?

4 A. I met Mr. Shustek in 1999 or 2000 -- no.
5 I'm sorry. It was probably a little bit after that.
6 Probably close to 2001, in that area.

7 Q. All right. Up on the board is a \$700,000
8 note from Mr. Shustek; is that correct?

9 MR. MUIJE: No. To Mr. Shustek. You said
10 from.

11 MR. HAWLEY: I did?

12 No. He borrowed money from Mr. Shustek.
13 Fair enough. Fair enough.

14 BY MR. HAWLEY:

15 Q. What is the date of that note?

16 A. Don't they usually have these things on
17 documents?

18 Q. Well, we have 33,000 pages.

19 A. July 26, 2010.

20 Q. What was that money used for?

21 A. No idea.

22 Q. Into which account was that money
23 deposited?

24 A. No idea. This is three years ago.

25 Q. Do you know if this note was reported?

1 A. No idea.

2 Q. Did you put any property on that note?

3 A. I believe I put up a second on my Laguna
4 home.

5 Q. Okay.

6 A. Again, I'm guessing, but that kind of rings
7 in my head, which is scary.

8 Q. Okay. Did you ever assign the note to
9 someone else?

10 MR. MUIJE: Objection to form.

11 Again, this is a note from him to
12 Mr. Shustek.

13 MR. HAWLEY: I'm sorry. You're right.

14 BY MR. HAWLEY:

15 Q. Do you know if you ever assigned the note
16 to anyone?

17 A. I don't know.

18 Q. Who is Don Matz, M-A-T-Z?

19 MR. MUIJE: Spelling on that again, John?

20 MR. HAWLEY: M-A-T-Z.

21 MR. MUIJE: Thanks.

22 THE WITNESS: No idea.

23 BY MR. HAWLEY:

24 Q. He's listed as one of the current lenders
25 on that note.

1 You don't know him?
2 A. Never heard of him.
3 Q. What's the current balance on that note?
4 A. I don't know. He foreclosed on my house.
5 I don't know.
6 Q. Okay.
7 A. Foreclosed and sold it. I don't know the
8 balance. I've not talked to Mike for a long time.
9 Q. Okay. Do you know how much was paid off
10 from the sale of the foreclosure of that property?
11 That was the Laguna property; right?
12 A. Correct.
13 No.
14 Q. You don't know how much was realized from
15 the sale?
16 Okay. Are you making any payments on that
17 note?
18 A. No.
19 Q. Okay. So Mr. Shustek foreclosed on the
20 Laguna property?
21 A. Correct.
22 Q. Who is Park Real Estate in Dallas, Texas?
23 A. Never heard of them.
24 Q. Have you had any connection with the Laguna
25 property since it was foreclosed on?

- 1 A. Have I?
- 2 Q. Yes.
- 3 A. Drove by it one time about two months ago.
- 4 Q. Okay. Did you have insurance on that
- 5 property up until its foreclosure in April of 2012?
- 6 A. Excuse me?
- 7 Q. Did you have insurance on that property?
- 8 A. What type of insurance?
- 9 Q. Property insurance, homeowners insurance?
- 10 A. I would have to say yes.
- 11 Q. Okay. Did you cancel the insurance after
- 12 the foreclosure sale?
- 13 A. Hopefully, I did -- or hopefully somebody
- 14 did.
- 15 Q. Do you have a golf cart at that property?
- 16 A. No.
- 17 Q. Why is it listed on your insurance?
- 18 A. I had a golf cart at one time at that
- 19 property, yes.
- 20 Do I have a golf cart at that property now?
- 21 I don't have the property, nor the golf cart.
- 22 Q. Are you still paying for coverage on the
- 23 property or the golf cart?
- 24 A. I hope not, but I will definitely find out.
- 25 Q. Did you report the debt forgiveness for the

1 Laguna property on your tax return?

2 MR. MUIJE: Objection.

3 What tax return? Which year?

4 MR. HAWLEY: It was foreclosed in 2012.

5 MR. MUIJE: He can answer.

6 THE WITNESS: I don't know.

7 BY MR. HAWLEY:

8 Q. Have you done your 2012 taxes?

9 A. No.

10 Q. Okay. Do you know when those will be
11 completed?

12 A. No.

13 Q. Mr. Wilson will know that?

14 A. I owe Mr. Wilson a large sum of money.
15 We're discussing that.

16 Q. How much money do you owe Mr. Wilson?

17 A. \$38,000, in that area.

18 Q. Okay. Who is Sunup Lending (phonetic)?

19 A. I've seen that name somewhere, but I don't
20 know. If you show me what it's related to, I may be
21 able to help, but I don't -- I remember seeing the
22 name, but right now I cannot pinpoint what it is.

23 Q. Looks like you borrowed \$1,045,000 from
24 them.

25 Do you know what it was for?

1 A. No idea. I would borrow from anybody that
2 could give me the money.

3 Q. Looks like you made a \$35,000 payment to
4 them in December of 2010 from Capital Security Bank.

5 How long did you have an account at Capital
6 Security Bank?

7 A. I do not remember having an account at
8 Capital Security Bank. I've never heard of Capital
9 Security Bank, unless I'm, again, mistaken.

10 Q. Is that something that you wrote?

11 A. It's my e-mail.

12 Q. Okay. What is that e-mail, sir?

13 That was Bank of Nevada to Sunup; correct?

14 A. It was Bank of Nevada to -- well, the
15 e-mail is to Udia (phonetic) at Bank of Nevada,
16 correct.

17 Q. What's the purpose of the e-mail?

18 A. I don't know.

19 MR. MUIJE: Counsel, what page is that?

20 MR. HAWLEY: This is page --

21 THE WITNESS: What date was that again,
22 please?

23 MR. HAWLEY: 16-005.

24 BY MR. HAWLEY:

25 Q. Sunup Bank is in the Cook Islands.

1 A. What date was that? December 2010?
2 Q. Yes.
3 Do you recognize that document?
4 A. No.
5 That's my signature.
6 Q. Okay. Have you ever done any banking with
7 Sunup Bank in the Cook Islands?
8 A. Not that I recall. But that's my
9 signature. That's all I can say.
10 Q. Okay. Did you ever pay off that loan?
11 A. Which loan?
12 Q. The \$1,045,000 loan from Sunup Bank.
13 A. Again, I don't remember \$1,045,000 loan and
14 I don't know if it was the loan to Sunup Bank. I
15 don't recall Sunup Bank. So I can't answer that
16 question.
17 Q. Well, there was a letter to the lender
18 directing that it be paid off from a CD at Capital
19 Security Bank; right?
20 MR. MUIJE: Objection, document speaks for
21 yourself.
22 You're allowed to answer.
23 THE WITNESS: That's what the document
24 states.
25 BY MR. HAWLEY:

1 Q. Okay. And so did you have an account at
2 Capital Security Bank?

3 A. I don't recall Capital Security Bank, nor
4 an account there, for the last time.

5 Q. Okay.

6 A. You keep asking, I'll keep answering that
7 way.

8 Q. Big Bear, tell me about the property you
9 had at Big Bear.

10 A. It was a house up in Big Bear that I bought
11 eight years ago maybe, nine years ago.

12 Q. Who is Chris Bentley?

13 A. Chris Bentley is a gentleman I used to do
14 business with. He was the one that sold three or
15 four of my buildings, Emerald Suites.

16 Q. He took a trip to Greece with you in 2008,
17 didn't he?

18 A. Pardon me?

19 Q. Didn't he take a trip to Greece with you
20 and your wife?

21 A. Yes, he did.

22 Q. Have you made any loans to him?

23 A. Throughout the years, yes.

24 Q. Okay. You loaned him \$100,000 in 2009,
25 didn't you?

1 A. I believe so, yes.
2 Q. Is he making payments on that loan?
3 A. I don't know the balance on that loan.
4 Q. When was the last time he made a payment?
5 A. I don't recall.
6 Q. Has he ever made a payment?
7 A. I don't recall.
8 Q. Okay. Has he ever loaned you money?
9 A. I don't think so.
10 Q. Well, you paid him \$5,000 in July of 2012.
11 A. Who knows what it was for?
12 Q. It looks like you paid him \$10,000,
13 actually.
14 A. I don't recall.
15 What year was this?
16 Q. 2012, July of 2012.
17 A. No idea.
18 Q. Okay. When you sold the Big Bear property,
19 did you sell it furnished?
20 A. Complete.
21 Q. To whom did you sell it?
22 A. Chris Bentley or an LLC he had or something
23 like that. I don't know what it was.
24 Q. Have you stayed at that property since it
25 was sold?

PART A

PART A

1 A. Yes.

2 Q. When?

3 A. Last New Year's Eve. Hopefully, this New
4 Year's Eve.

5 Q. Okay.

6 A. Maybe about three months ago.

7 Q. Okay. Who is Dunholm Limited, LLC?

8 A. I don't recall.

9 Q. Did Scarlet Properties make a loan to
10 Dunholm Limited, LLC?

11 A. I don't recall.

12 Q. Do you know if Dunholm Limited owes any
13 money to Scarlet?

14 A. I don't recall.

15 Q. Other than visiting the Big Bear property
16 on a couple of occasions, do you have any other
17 connection with that property since the date you
18 sold it?

19 A. No.

20 Q. Did you insure the property up until the
21 time it was sold in December of 2011?

22 A. I believe so.

23 Q. Did you cancel your insurance after the
24 sale?

25 A. I don't recall. Same as Laguna.

1 Q. Would you have any reason to disagree that
2 you insured the property from December 2012 through
3 November of this year; in fact, you're still
4 insuring it?

5 A. No idea.

6 Q. Regarding your present residence on Red
7 Arrow Drive, have you made any loans to Mona Co.,
8 you personally?

9 A. Over the years, yes, numerous loans.

10 Q. Okay. How many loans?

11 A. I don't remember.

12 Q. Do you have documentation for any of those
13 loans?

14 A. Pardon me?

15 Q. Do you have documentation for any of those
16 loans?

17 A. I don't know. I believe it's been millions
18 over the years. I'm not sure.

19 Q. Has Mona Co. paid you back?

20 A. No, I don't believe so.

21 Q. Okay. But you don't know the current
22 status of the loans you've made to Mona Co.; is that
23 correct?

24 A. Correct.

25 Q. Where would I look to get the current

1 status of those loans?

2 I'll represent to you that I don't see a
3 current status in the 33,000 pages of documents you
4 gave me.

5 A. Well, maybe there's no loans. I'm not
6 sure.

7 Q. Okay.

8 A. If there were, Mona Co. could not pay
9 anyway.

10 Q. Okay. It looks like in May of this year
11 you wrote a check for \$100,000 to your wife that was
12 deposited into a joint checking account at Bank of
13 America?

14 MR. MUIJE: Bank of America.

15 MR. HAWLEY: Yes -- I'm sorry. Bank of
16 Nevada.

17 Why do I keep doing that?

18 THE WITNESS: Okay. When was this?

19 BY MR. HAWLEY:

20 Q. That was in May of this year.

21 A. Okay.

22 Q. Where did you get that money from?

23 A. I don't know.

24 Q. You don't remember where you got \$100,000
25 from?

1 A. No.

2 Q. Okay. Do you know why that money was
3 deposited into the joint account?

4 A. It's the joint account at Bank of Nevada?

5 Q. At Bank of Nevada, yes?

6 A. That was probably to pay bills, to eat,
7 power, house, I'm guessing.

8 Q. Okay. And then in April of this year, you
9 wrote a check for \$100,000 again to your wife from
10 the Bank of Southern Utah account.

11 What was that amount for?

12 A. I don't recall.

13 Q. What is the source of the funds in the Bank
14 of Southern Utah?

15 A. I don't recall.

16 Q. How much money is in the Bank of Southern
17 Utah account?

18 A. There is no account up there. Got
19 cancelled.

20 Q. When did you close it?

21 A. Few months ago.

22 Q. Okay. The San Diego apartment, tell me
23 again about that, the loft.

24 A. It's a loft that CannaVest pays for that
25 employees stay at, CannaVest employees when they're

- 1 in San Diego.
- 2 Q. All right. Do you pay any rent on that?
- 3 A. No.
- 4 Q. It's all through CannaVest?
- 5 A. Correct.
- 6 Q. And you have no ownership interest in
- 7 CannaVest?
- 8 A. Pardon me?
- 9 Q. And you have no ownership interest in
- 10 CannaVest?
- 11 A. I have an option for 500,000 shares. It's
- 12 an option.
- 13 Q. Have you ever had an ownership interest in
- 14 CannaVest?
- 15 A. No.
- 16 Q. Okay. Is the lease on that apartment
- 17 guaranteed?
- 18 A. Guaranteed?
- 19 Q. Does CannaVest own the apartment or does it
- 20 lease it?
- 21 A. No. It rents it.
- 22 Q. Is there any guarantee on that lease?
- 23 A. No.
- 24 Q. Are you sure?
- 25 A. I don't think there is.

1 MR. HAWLEY: 3-1108.

2 BY MR. HAWLEY:

3 Q. Looks like Michael Sifen is guaranteeing
4 the lease actually.

5 A. No. Michael Sifen guaranteed the lease the
6 first year.

7 Q. That was only the first year?

8 A. Yes. He guaranteed the lease in 3 of '02.
9 That's what you're looking at.

10 That was by Mike Sifen, yes, because my
11 credit wasn't good, nor did I have the money. So
12 Mike Sifen, being a friend of mine, signed for it.
13 That lease was in my name and my wife's name.

14 Q. Did you pay him for that guarantee?

15 A. No. He did it as a favor.

16 Q. Do you have an investment in Capriotti's
17 Sandwich Shops?

18 A. I had one.

19 Q. How long?

20 A. A few years.

21 Q. From what year to what year?

22 A. I don't know the details.

23 Q. Well, when was it that you no longer had an
24 investment in Capriotti's Sandwich Shops?

25 A. I sold the Capriotti's Sandwich Shops to

1 Ken Antos.

2 Q. Who?

3 A. Ken Antos.

4 Q. And when did you sell that?

5 A. Three years ago about.

6 Q. Okay. Looks like you had a million shares
7 in 2008 and 2009; is that right?

8 A. I believe so, yes.

9 Q. So you sold them to Ken Antos?

10 A. Ken Antos owns my Capriotti's.

11 Q. How much did he pay for that?

12 A. \$500,000.

13 Q. All right. Would that include the
14 franchise that you were awarded in San Diego?

15 A. Correct.

16 Q. What's your current relationship with KCI
17 Investments?

18 A. KCI Investments?

19 Q. Yes.

20 A. I believe that was the company that Ken
21 Antos wrote the checks to. I believe. That sounds
22 familiar there.

23 Q. Who is Ken Antos?

24 A. Just a gentleman that is in the Capriotti's
25 food chain. He was real big, I guess, in Subway,

1 and then he came over to the Capriotti's group a few
2 years ago.

3 Q. All right. You have a son, Michael Mona,
4 III; is that correct?

5 A. Correct.

6 Q. Is he working for any of the Capriotti's
7 entities?

8 A. No. He works for CannaVest.

9 Q. Is he involved in any way with Capriotti's
10 that you know of?

11 A. No longer.

12 Q. When did he divest himself or get divested?

13 A. When I sold three years ago, four years
14 ago.

15 Q. So you both got out at the same time?

16 A. Yes.

17 Q. How much did you get for selling?

18 A. \$500,000.

19 Q. I'm sorry. You're right.

20 And I believe that was KCI, if I'm not
21 mistaken?

22 A. It sounds familiar.

23 Q. That got rid of Cap's of San Diego, LLC;
24 right?

25 A. Yes.

1 Q. Cap's Group I, LLC?
2 A. Yes.
3 Q. And Capriotti's Mission Valley?
4 A. Yes.
5 Q. Okay. Capital Security Bank, do you have
6 an account there?
7 A. Doesn't sound familiar at all.
8 Q. Okay. That was the source of the CD that
9 you were using to pay Sunup Bank; is that right?
10 A. I don't recall. I don't recall paying
11 Sunup.
12 Q. Okay. But that was -- never mind.
13 So you wouldn't know where Capital Security
14 Bank is located?
15 A. Not at all.
16 Q. And you wouldn't remember how you learned
17 of that bank?
18 A. Not at all.
19 Q. And you wouldn't know the balance of any
20 accounts you might have there?
21 A. Not at all.
22 Q. Okay. Do you have any accounts in Sunup
23 Bank?
24 A. I don't know Sunup Bank.
25 Q. In the Cook Islands.

1 MR. HAWLEY: That was Sunup; right?

2 MR. GLASKY: Sunup Lending.

3 BY MR. HAWLEY:

4 Q. Sunup lending?

5 A. I don't know.

6 (Thereupon, an off-the-record discussion was had.)

7 (Thereupon, a break was taken.)

8 MR. HAWLEY: Back on.

9 BY MR. HAWLEY:

10 Q. Capital Security Bank Limited. This is
11 page 6-1612 I believe; is that right?

12 I'm sorry. 16-0012. I'm looking at this.
13 I'm wondering is that your handwriting?

14 A. Yes, it is.

15 Q. What does it mean?

16 A. That money and 40 percent back to Dawson.

17 John Dawson is an attorney.

18 Q. Okay.

19 A. I guess that's what that 35,340 is.

20 Q. All right. Well, you have \$1,045,000?

21 A. Um-hmm.

22 Q. You've testified that don't know where you
23 got that or what it was for?

24 A. True.

25 Q. What about the \$1.9 million?

1 A. Same answer.
2 Q. You don't know who you got it from?
3 A. What date was this?
4 Can we go up to the date?
5 MR. GLASKY: It's undated.
6 THE WITNESS: I have no idea.
7 I don't know if this was a year ago or ten
8 years ago.
9 BY MR. HAWLEY:
10 Q. Okay. Did you give us documents that were
11 ten years old?
12 A. I gave you documents -- you wanted
13 everything. I just emptied my storeroom. I didn't
14 go through and figure the dates out.
15 Q. John Dawson is your attorney?
16 A. He was.
17 Q. He's not your attorney any more?
18 A. I don't deal with him. I owe him money,
19 also.
20 Q. How much?
21 A. I don't know the total.
22 Q. Can you estimate?
23 A. At one time it was -- no, I can't estimate,
24 no.
25 Q. Okay. He's not working for you any more?

1 A. We talk. We're friends. But, yeah, he
2 hasn't done work for me.

3 Q. Okay. Do you have any accounts at US Bank?

4 A. I did at one time.

5 Q. Okay. Looks like you opened one in June of
6 2012; is that right?

7 A. Sounds about right.

8 Q. And then it looks like on June 22, 2012,
9 the bank asked you to close that account; is that
10 right?

11 A. Correct.

12 Q. Why did the bank ask you to close that
13 account?

14 A. No idea.

15 MR. HAWLEY: Bring up 9-1247.

16 THE WITNESS: What are those dates again,
17 please?

18 BY MR. HAWLEY:

19 Q. It looks like in June of 2012 you opened
20 the account and then on 6/22/2012 you were asked to
21 close it. And there's the letter.

22 And the reason I'm dwelling on this is I've
23 never seen a letter like this.

24 Have you?

25 A. No.

1 MR. MUIJE: I actually have.

2 MR. HAWLEY: I won't get into that with
3 you, John.

4 THE WITNESS: I went there. They wouldn't
5 give me a reason.

6 MR. MUIJE: What's the reference number on
7 that, Ira?

8 MR. GLASKY: It is 9-1247.

9 MR. MUIJE: Thank you.

10 BY MR. HAWLEY:

11 Q. What about, do you have an account with the
12 Bank of Southern Utah?

13 A. I had one.

14 Q. Okay. And when was that account
15 established?

16 A. I don't know the exact dates.

17 Q. Okay. Looks to me -- well, first off, how
18 was that account funded?

19 A. I don't recall.

20 Q. Why did you change that? I'm sorry. Why
21 did you establish that account?

22 A. No specific reason.

23 Q. Okay. When did you stop doing business
24 using that account?

25 A. Shortly after.

1 Q. Shortly after what?
2 A. After it was opened.
3 Q. Okay. So how long was it open?
4 A. I would be guessing. Short period of time.
5 I don't know the exact time.
6 Q. Who is Alpine Investments?
7 A. Alpine Investments is a stock account.
8 Q. A stock account?
9 A. Alpine Investments is a security company --
10 securities company.
11 Q. Securities company?
12 A. Correct.
13 Q. Okay. Do you have an account with them?
14 A. No.
15 Q. Did Alpine Securities ever wire into the
16 Bank of Southern Utah account?
17 A. Yes, they did.
18 Q. Okay. In fact, I see wires in from Alpine
19 Securities on April 2nd of 2013, and April 5th of
20 2013, and April 10th of 2013.
21 Do you know much Alpine Securities wired
22 into your account on those dates?
23 A. I don't know, but I'm sure you're going to
24 tell me shortly.
25 Q. You're right.

1 A. I am. You're looking at the document, not
2 me.

3 Q. It looks like it was a nice amount of
4 money, doesn't it?

5 A. Yes, it was.

6 Q. Okay. And then it looks like you had a
7 wire out to Roen, R-O-E-N, what is that?

8 A. Roen was an investment account.

9 Q. Your investment account?

10 A. No, it's not an investment account. It's
11 an LLC. It's a partnership.

12 Q. Were you a part of that partnership?

13 A. Correct.

14 Q. Are you a part of that partnership?

15 A. No longer.

16 Q. How long were you a part of Roen?

17 A. Maybe eight or ten months, guessing.

18 Q. And give me the beginning and the end date
19 of your involvement with Roen.

20 A. I don't know when it was. I don't know the
21 exact date it was opened. I believe it was 12, 2012
22 sometime. And I sold it about two weeks ago,
23 November 14th or 15th.

24 Q. How much did you get for that?

25 A. \$500,000.

- 1 Q. Where is that \$500,000 now?
- 2 A. I don't have it yet.
- 3 Q. You don't have it yet?
- 4 A. No.
- 5 Q. When are you going to get it?
- 6 A. Hopefully, this week.
- 7 Q. Okay. Is there an escrow company that's
- 8 going to do that?
- 9 Who at Roen investments is going to pay you
- 10 the \$500,000?
- 11 A. Bart Mackay.
- 12 Q. Okay. And is he just going to send you a
- 13 check in the mail?
- 14 A. Correct.
- 15 Q. Looks like you did a wire out to Roen
- 16 Investments on April 12, 2013, does it?
- 17 A. Yes.
- 18 Q. And another one on April 16th.
- 19 A. Correct.
- 20 Q. And what was the purpose of those payments
- 21 out?
- 22 A. It was part of my capital account.
- 23 Q. Of your what?
- 24 A. Capital investment to Roen.
- 25 Q. Okay. Where did you get those monies?

- 1 A. From stock that I sold.
- 2 Q. What stock?
- 3 A. MJNA.
- 4 Q. What is --
- 5 A. MJNA is another public company that's on a
- 6 penny stock exchange that I consulted for for a
- 7 couple years.
- 8 Q. Okay. And what business does MJNA do?
- 9 A. They buy and sell companies in the public
- 10 market.
- 11 Q. Okay.
- 12 A. They're -- it's -- yeah.
- 13 Q. Okay. And with whom do you deal at MJNA?
- 14 A. I dealt with Michael Llamas and Michelle
- 15 Sides. It's Michael Llamas basically.
- 16 Q. Where is Michael Llamas located?
- 17 A. San Diego.
- 18 Q. How long have you known Michael Llamas?
- 19 A. Four years -- three, four years.
- 20 Q. How did you meet Michael Llamas?
- 21 A. In Las Vegas.
- 22 Q. Under what circumstance?
- 23 A. I was building a dispensary that I never
- 24 opened.
- 25 Q. What kind of dispensary?

1 A. Medical marijuana. As you know, it's legal
2 in the State of Nevada.

3 **Q. No, that's fine.**

4 A. And I was building a dispensary and he came
5 in and wanted to buy it.

6 **Q. Did he?**

7 A. Well, no. We decided -- no, he decided
8 against it.

9 At one time there were 97 dispensaries open
10 in Las Vegas. And then, as you know, they turned
11 the heat up and started busting them all, and I
12 refused to get into that.

13 So I never opened the doors, nor did he
14 decide to buy it because of the increased --
15 increased -- how do I put it?

16 **Q. Attention?**

17 A. Yes. Thank you. Thank you very much.
18 Increased attention by the Metropolitan Police
19 Department.

20 **Q. Okay.**

21 A. So I decided to walk away.

22 **Q. I'm sorry. I don't usually mean to finish**
23 **a deponent's answer.**

24 A. No. I had a -- excuse the language --
25 brain fart. I couldn't think of the word. I

1 apologize.

2 Q. Okay. Let's see here. What was the --
3 when you wired a million dollars to Roen, what was
4 the purpose of that?

5 A. It was a loan.

6 Q. You loaned it to Roen?

7 A. Yes.

8 Q. So Roen owes you money?

9 A. Roen owes me -- well, not me any longer. I
10 sold out, but there was a note for \$2.6 million,
11 unsecured note.

12 Q. Okay. And you cashed out for half a
13 million dollars?

14 A. Correct.

15 Q. Why would you do that?

16 A. It's from CannaVest, which is an unsecured
17 entity. I don't -- I feel a little weakness there
18 in CannaVest. And, first of all, it was a ten-year
19 loan and I need the cash.

20 Q. Okay. When you say it was CannaVest, I
21 don't understand.

22 A. The money --

23 Q. Well, let me finish my question. Okay?

24 A. I'm sorry.

25 Q. And maybe my question will be a stupid one,

1 but that's the way it works.
2 What is the relationship, first off,
3 between CannaVest and Roen, No. 1?
4 A. Answer it?
5 Q. Yes.
6 A. There is no relationship. It just simply
7 loaned money to it.
8 Q. CannaVest loaned money to Roen?
9 A. Correct -- no. The opposite. I'm sorry.
10 Q. Roen loaned money to CannaVest?
11 A. Yes.
12 Q. Okay. And you loaned money to Roen; is
13 that right?
14 A. Correct.
15 Q. Okay. So you loaned money to Roen to loan
16 to CannaVest; is that what you're telling me?
17 A. Correct.
18 Q. And you loaned \$2 million?
19 A. \$2.6 million.
20 Q. \$2.6 million to Roen to be loaned to
21 CannaVest?
22 A. Correct. To be --
23 Q. Tell me how you cashed out of Roen for a
24 half a million dollars.
25 A. Well, the note is a ten-year note. It's an

1 unsecured note. Roen also owes a \$3.4 million loan.
2 Roen is in pretty big debt.

3 I don't know where Roen is going. I don't
4 know where CannaVest is going. Bart Mackay made me
5 an offer. He knows I need cash.

6 I'm dealing with BofA right now. BofA is
7 going to have a \$22 million judgement against me in
8 the next two weeks or so.

9 Q. Okay. What is --

10 A. Over Emerald Suites.

11 Q. Maybe that's why I was talking about BofA
12 all the time.

13 A. Probably so.

14 MR. MUIJE: Ever represent BofA?

15 MR. HAWLEY: No, I did not.

16 (Thereupon, an off-the-record discussion was had.)

17 THE WITNESS: I am currently dealing with
18 BofA to, hopefully, buy that \$22 million judgement
19 very cheap. I needed the cash.

20 BY MR. HAWLEY:

21 Q. So you want to buy the BofA \$22 million
22 judgement?

23 A. Correct.

24 Q. And what money are you going to use to buy
25 that judgement?

1 A. Hopefully, the money that I'm getting off
2 the sale of my Roen interest.

3 Q. The sale of your Roen interest is a half a
4 million dollars?

5 A. Correct.

6 Q. So you want to pay BofA a half a million
7 dollars for their \$22 million judgement; is that
8 correct?

9 A. I want to pay them less than that.

10 Q. Okay. But you don't want to pay Far West
11 Industries on the judgement that is now \$20 million?

12 A. There was never any conversation about
13 settlement.

14 Q. Okay.

15 A. They want to take the half million dollars,
16 we'll talk.

17 Q. Is BofA going to take your half million
18 dollars?

19 A. I don't know.

20 Q. Okay. Who is representing BofA?

21 A. I don't know. I know who is representing
22 me.

23 Q. Who is representing you?

24 A. Terry Coffing.

25 Q. Is the BofA judgement a fraud judgement?

1 A. No.

2 Q. Is it a judgement that can be discharged in
3 bankruptcy, or have you been advised?

4 A. Correct, it can be.

5 Q. Okay. Have you been advised about the
6 dischargeability of this particular judgement that
7 Far West Industries has obtained?

8 I don't want to violate any attorney/client
9 privileges.

10 MR. MUIJE: You can answer whether or not
11 you've consulted counsel regarding that issue. I
12 don't want any discussion regarding what the
13 discussions were, but you can say yes or no.

14 THE WITNESS: Yes.

15 BY MR. HAWLEY:

16 Q. Okay. Do you know have any bank accounts
17 at Comerica Bank?

18 A. Currently no.

19 Q. Did Comerica Bank ask you to close an
20 account in August of 2013?

21 A. Yes.

22 Q. Okay. Why did they ask you to do that?

23 A. No idea.

24 Q. All right. Is that the same kind of a
25 letter that you received from US bank?

1 A. Yes, sir.

2 Q. Okay. It looks like from that particular
3 bank account you had a \$700,000 wire out to Roen
4 Investments in July of 2013; is that correct?

5 A. I have no idea. You're looking at the
6 document, not me.

7 MR. HAWLEY: Bring it up, 9-1181.

8 BY MR. HAWLEY:

9 Q. Do you see it?

10 A. Yes, sir.

11 Q. You also had a wire out to CannaVest for
12 \$300,000? That was 1180.

13 A. Yes, sir.

14 Q. What was the purpose of that wire out?

15 A. I don't know. Probably a loan.

16 Q. To CannaVest?

17 A. I guess. I don't recall.

18 Q. Well, does CannaVest owe you money?

19 A. No.

20 Q. What was the purpose of the wire out to
21 Roen for \$700,000?

22 A. A loan.

23 Q. Does Roen still owe you money?

24 A. No.

25 Q. Okay. How did they retire that debt?

1 A. They haven't retired it. The debt is still
2 there. And it's owned by Bart Mackay now.

3 Q. Okay. And when did you sell the debt to
4 Mackay?

5 A. Two weeks -- ten days ago, two weeks ago.
6 The 14th or 15th maybe.

7 Q. Is Roen making payments on that?

8 A. I don't know.

9 Q. Were they making payments on it before you
10 sold it?

11 A. Interest payments to me.

12 Q. Okay. How much were those interest
13 payments?

14 A. Four percent interest, whatever that is.
15 The note is a ten-year note. That's the reason why
16 it was useless to me.

17 Q. Then you had a wire out to Roen on
18 August 8th of 2013, isn't that correct, for
19 \$300,000?

20 A. You're looking at the document. If you say
21 so.

22 MR. HAWLEY: Pull that up.

23 BY MR. HAWLEY:

24 Q. Is that correct?

25 A. Yes.

1 MR. HAWLEY: Okay. And, for the record,
2 that's 9-1179.

3 MR. MUIJE: Okay. Thank you.

4 MR. HAWLEY: Then go to 9-1182, please.

5 BY MR. HAWLEY:

6 Q. Looks like in July 1st of this year you had
7 a wire in from Alpine Securities in the amount of
8 \$400,000; is that correct?

9 A. That's what the document states, yes.

10 Q. What was that \$400,000 for?

11 A. Stock.

12 Q. What stock?

13 A. Stock I received from MJNA for being a
14 consultant for two years.

15 MR. HAWLEY: I think this a good time to
16 break for lunch.

17 (Thereupon, a lunch break was taken.)

18 BY MR. HAWLEY:

19 Q. All right. I gather from our discussion
20 earlier this morning that Mr. Muije has deposed you
21 in the past?

22 A. Correct.

23 Q. On how many occasions?

24 A. Once I think.

25 Q. Okay. And tell me what that occasion was

1 about.

2 MR. MUIJE: You're allowed.

3 THE WITNESS: That was -- in 2000 when I
4 filed bankruptcy protection for the casino,
5 Mr. Muije represented one of the creditors.

6 BY MR. HAWLEY:

7 Q. Okay. That was the last time you saw him
8 before retaining him in this matter?

9 A. I think so.

10 MR. MUIJE: I'm thinking we might have seen
11 each other across a room at some social function,
12 but professionally that was the last time.

13 BY MR. HAWLEY:

14 Q. All right. I have to ask, are you thinking
15 about getting any neuropsychological testing for
16 your memory?

17 A. No.

18 Q. Have you consulted a doctor about it?

19 A. No.

20 Q. Okay. Do you have any ownership or
21 membership interest currently in any corporations or
22 LLCs or partnerships or anything of that nature, any
23 business entity?

24 A. Explain that one more time.

25 MR. HAWLEY: Can you read that back.

1 (Thereupon, the requested portion was read back.)

2 THE WITNESS: Again, at the peak of my
3 profession, I had probably 20 LLCs that I was
4 partners in, partnerships, LLCs, this or that. I
5 believe they're all history.

6 I may have one or two percent of something
7 here or there that the bank has not taken over or
8 their partners haven't diluted yet or something like
9 that that I don't know about.

10 So I can't answer that question.

11 BY MR. HAWLEY:

12 Q. Okay. Do you have any entities in which
13 you participate solely as an investor?

14 A. Again, I have numerous investments. I
15 would invest as an individual, invest as an LLC.
16 We're talking, you know, years ago.

17 So it's basically the same answer as I just
18 answered prior.

19 Q. Okay. Do you still maintain an account
20 with Alpine Securities?

21 A. No.

22 Q. When did you close that again?

23 A. A while ago. A month ago maybe.

24 Q. Why did you close it?

25 A. There was no stock.

1 Q. What?

2 A. There was nothing left to sell. The stock
3 was gone.

4 Q. Okay. Who was your broker with Alpine
5 Securities?

6 A. Randy -- I can get you that answer
7 tomorrow.

8 THE WITNESS: Can I do that?

9 MR. MUIJE: Yes, you may.

10 BY MR. HAWLEY:

11 Q. The Alpine Securities account, what was the
12 high-water mark as far as value of that account and
13 what year was that?

14 A. I'm sorry?

15 Q. The Alpine Securities account, what was the
16 high-water mark in terms of that value for that
17 account and when did that occur?

18 A. Well, it had at one time 37 million shares
19 of stock that I earned.

20 Q. Okay. I'm talking about cash value.

21 What was the cash value of it?

22 A. Five million, depending upon the price of
23 the stock. It went from \$0.08 to \$0.30. It's is a
24 penny stock. It varied.

25 Q. Okay. And when was the high-water mark for

1 the Alpine Securities account?

2 A. I'd say four months ago, five months ago.

3 Q. So \$5 million dollars roughly?

4 A. Five and a half, maybe six. Like today, I
5 have no idea what the stock is today. It was \$0.11
6 yesterday. It was \$0.38 a month ago or three weeks
7 ago, something like that.

8 Q. When you got out of Alpine Securities, how
9 much was the stock worth?

10 A. About \$0.12 a share.

11 Q. And translate that into an aggregate.

12 A. About \$6 million.

13 Q. Did you cash out?

14 A. Yes.

15 Q. What did you do with that \$6 million?

16 A. Paid bills.

17 Q. What bills?

18 A. Paid off some debts that I had.

19 Q. What bills?

20 A. Just personal bills. Gave 2.6 -- loaned
21 \$2.6 million to Roen Ventures.

22 Q. And Roen then loaned that to --

23 A. CannaVest.

24 Q. -- CannaVest?

25 A. Um-hmm.

1 Q. Okay. And then you sold out for a half
2 million dollars?

3 A. Sold out, yes.

4 Q. So you turned \$5 million into a half
5 million dollars; is that correct?

6 MR. MUIJE: Objection, argumentative.

7 You're allowed to answer.

8 THE WITNESS: No. It's not the way I look
9 at it.

10 BY MR. HAWLEY:

11 Q. How do you look at it?

12 A. Well, the Roen debt, I felt the Roen
13 investment I felt was a good investment and I would
14 have kept it if this BofA didn't come up. I was
15 under the impression that -- and I was told that AB
16 273 -- you know what that is; correct?

17 Q. Yes -- well, I have a passing familiarity.
18 Let's put it that way.

19 A. Okay. Well, that was going to relieve me
20 of all my debt from BofA. I was told --

21 Q. Your deficiency?

22 A. Deficiency.

23 BofA paid zero for my two Emerald Suites
24 Agate Las Vegas Boulevard and Cameron.

25 When BofA bought First Republic four or

1 five years ago, whenever it was, I have no idea when
2 it was, there's a statute, 273, that states you
3 cannot collect on something that you paid zero for.

4 Unfortunately, I just found out three weeks
5 ago, two weeks ago from Terry Coffing, the ruling
6 came down from the Supreme Court and that's true,
7 but my sale date missed it by three weeks.

8 So if my sale date of my deficient
9 properties was three weeks prior, I would not owe
10 BofA a penny.

11 So, therefore, I sat with Terry. He is
12 dealing with BofA right now, and I think we can buy
13 out of it. That's the reason I needed the money.

14 I tried getting more. Wouldn't happen.
15 Bart knew my situation. It's a ten-year loan. He's
16 a tough businessman.

17 **Q. The half million dollars that is coming and**
18 **is going to be mailed, will that be mailed to your**
19 **personal address?**

20 A. I don't know where he mailed it, personal
21 or the office, one of the two.

22 **Q. Okay. What's the name of the outfit paying**
23 **the half million?**

24 **Is that Roen?**

25 A. I don't know what entity he's writing it

1 out of. It's not Roen. Roen has the debt. I don't
2 know what entity. I believe it's just his name.
3 I'm not sure.

4 Q. And where is Bart located?

5 A. Somewhere up in Utah.

6 Q. Did you borrow money from someone named
7 Mahoney in 2012?

8 A. Yes. Jim Mahoney.

9 Q. Who is he?

10 A. Jim Mahoney is -- has a company in San
11 Diego. He is in the stock business.

12 Q. And what company does he have in San Diego?

13 A. Equititrend.

14 Q. Equititrend?

15 A. Um-hmm.

16 Q. What does Equititrend do?

17 A. He deals in penny stocks.

18 Q. We've been talking a lot about a penny
19 stock that fluctuates wildly in value.

20 What's the name of that company?

21 A. Medical Marijuana, Incorporated.

22 Q. That's right. That's right.

23 And how much did you borrow from
24 Mr. Mahoney?

25 A. I know there were a couple of loans. I

1 believe there was one -- again, I'm guessing here.
2 Should I not guess?
3 Q. I want you to estimate.
4 A. Estimate?
5 Q. Sure. Your best estimate.
6 A. There are two loans, I believe: One, I owe
7 personally for about 80 or 90,000. The second one
8 he loaned some money to Roen Ventures.
9 Q. When?
10 A. Maybe a year ago, nine months ago.
11 Q. Okay. And how much was that for?
12 A. \$3.4 million.
13 Q. Okay. So all together -- okay. Are
14 payments being made on that loan?
15 A. I don't know if Mr. Llamas is making
16 interest payments or not. I don't know the term of
17 the loan.
18 Q. Okay. What about the term of your personal
19 loan?
20 A. I forget that one.
21 Q. Are you making payments on it?
22 A. No.
23 Q. Have you ever made payments on it?
24 A. I don't remember. I may have made one
25 payment. I'm not sure.

1 Q. Is Mr. Mahoney pursuing you for payments?

2 A. Not at this time.

3 Q. Is he asking, hey, are you going to pay?

4 A. He's aware of what's going on financially
5 with me. And, again, Jim has done very, very well
6 through MJNA and his company. So I think he's
7 backing off right now, shall I put it.

8 Q. Okay. What is Stix Pix, Inc., S-T-I-X
9 P-I-X, Inc.?

10 A. I don't know.

11 Q. Do you owe them money?

12 A. Not that I'm aware, unless that's an entity
13 or something from Jim Mahoney.

14 Q. Do they owe you money?

15 A. I don't know.

16 Q. Okay. What is Vanilla Sky SA, it's out of
17 Panama?

18 A. I don't know.

19 Q. Do you owe them money?

20 A. No. I owe Jim Mahoney money. That may BE
21 one of his LLCs. I'm not sure.

22 Q. Does Vanilla Sky owe you money?

23 A. No.

24 Q. Again, how much did you personally borrow
25 from Mr. Mahoney?