IN THE SUPREME COURT OF THE STATE OF NEVADA

SUPERPUMPER, INC., an Arizona corporation; EDWARD BAYUK, individually and as Trustee of the EDWARD BAYUK LIVING TRUST; SALVATORE MORABITO, an individual; and SNOWSHOE PETROLEUM, INC., a New York corporation, Appellants, vs. WILLIAM A. LEONARD, Trustee for the Bankruptcy Estate of Paul Anthony Morabito, Respondent.	Case No. 79355 Electronically Filed Jun 02 2020 03:06 p.m. Elizabeth A. Brown Clerk of Supreme Court Appeal from the Second Judicial District Court, the Honorable Connie J. Steinheimer Presiding

APPELLANTS' APPENDIX, VOLUME 6
(Nos. 926–1037)

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A-10	Defendants' Sixteenth Supplement to NRCP Disclosure of Witnesses and Documents (dated 05/03/2017)	Vol. 10, 1670–1682
A-11	Rough Draft Transcript of Garry M. Graber, Dated July 12, 2017 (Job Number 394849)	Vol. 10, 1683–1719
A-12	Sept. 15-Sept. 23, 2010 emails by and between Hodgson Russ LLP and Other Parties	Vol. 10, 1720–1723
Reply in Support of Motion to Quash Subpoena, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery from Hodgson Russ LLP, and Opposition to Motion for Sanctions (filed 08/03/2017)		Vol. 11, 1724–1734
Reply in Support of Countermotion for Sanctions and to Compel Resetting of 30(b)(6) Deposition of Hodgson Russ LLP (filed 08/09/2017)		Vol. 11, 1735–1740
Minutes of August 10, 2017 hearing on Motion to Quash Subpoena, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery from Hodgson Russ LLP, and Opposition to Motion for Sanctions (filed 08/11/2017)		Vol. 11, 1741–1742
Recommendation for Order RE: *Defendants' Motion to Quash Subpoena, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery from Hodgson Russ LLP*, filed on July 18, 2017 (filed 08/17/2017)		Vol. 11, 1743–1753
Motion for Partial Summary Judgment (filed 08/17/2017)		Vol. 11, 1754–1796
Statement of Undisputed Facts in Support of Motion for Partial Summary Judgment (filed 08/17/2017)		Vol. 11, 1797–1825

DOCUMENT DESCRIPTION		LOCATION
Exhibits to Statement of Undisputed Facts in Support of Motion for Partial Summary Judgment		
Exhibit	**Document Description**	
1	Declaration of Timothy P. Herbst in Support of Separate Statement of Undisputed Facts in Support of Motion for Partial Summary Judgment	Vol. 12, 1826–1829
2	Findings of Fact, Conclusions of Law, and Judgment in *Consolidated Nevada Corp., et al v. JH. et al.;* Case No. CV07-02764 (filed 10/12/2010)	Vol. 12, 1830–1846
3	Judgment in *Consolidated Nevada Corp., et al v. JH. et al.;* Case No. CV07-02764 (filed 08/23/2011)	Vol. 12, 1847–1849
4	Excerpted Transcript of July 12, 2017 Deposition of Garry M. Graber	Vol. 12, 1850–1852
5	September 15, 2015 email from Yalamanchili RE: Follow Up Thoughts	Vol. 12, 1853–1854
6	September 23, 2010 email between Garry M. Graber and P. Morabito	Vol. 12, 1855–1857
7	September 20, 2010 email between Yalamanchili and Eileen Crotty RE: Morabito Wire	Vol. 12, 1858–1861
8	September 20, 2010 email between Yalamanchili and Garry M. Graber RE: All Mortgage Balances as of 9/20/2010	Vol. 12, 1862–1863
9	September 20, 2010 email from Garry M. Graber RE: Call	Vol. 12, 1864–1867

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10	September 20, 2010 email from P. Morabito to Dennis and Yalamanchili RE: Attorney client privileged communication	Vol. 12, 1868–1870
11	September 20, 2010 email string RE: Attorney client privileged communication	Vol. 12, 1871–1875
12	Appraisal of Real Property: 370 Los Olivos, Laguna Beach, CA, as of Sept. 24, 2010	Vol. 12, 1876–1903
13	Excerpted Transcript of March 21, 2016 Deposition of P. Morabito	Vol. 12, 1904–1919
14	P. Morabito Redacted Investment and Bank Report from Sept. 1 to Sept. 30, 2010	Vol. 12, 1920–1922
15	Excerpted Transcript of June 25, 2015 Deposition of 341 Meeting of Creditors	Vol. 12, 1923–1927
16	Excerpted Transcript of December 5, 2015 Deposition of P. Morabito	Vol. 12, 1928–1952
17	Purchase and Sale Agreement between Arcadia Trust and Bayuk Trust entered effective as of Sept. 27, 2010	Vol. 12, 1953–1961
18	First Amendment to Purchase and Sale Agreement between Arcadia Trust and Bayuk Trust entered effective as of Sept. 28, 2010	Vol. 12, 1962–1964
19	Appraisal Report providing market value estimate of real property located at 8355 Panorama Drive, Reno, NV as of Dec. 7, 2011	Vol. 12, 1965–1995

	DOCUMENT DESCRIPTION	LOCATION
20	An Appraisal of a vacant .977± Acre Parcel of Industrial Land Located at 49 Clayton Place West of the Pyramid Highway (State Route 445) Sparks, Washoe County, Nevada and a single-family residence located at 8355 Panorama Drive Reno, Washoe County, Nevada 89511 as of October 1, 2010 a retrospective date	Vol. 13, 1996–2073
21	APN: 040-620-09 Declaration of Value (dated 12/31/2012)	Vol. 14, 2074–2075
22	Sellers Closing Statement for real property located at 8355 Panorama Drive, Reno, NV 89511	Vol. 14, 2076–2077
23	Bill of Sale for real property located at 8355 Panorama Drive, Reno, NV 89511	Vol. 14, 2078–2082
24	Operating Agreement of Baruk Properties LLC	Vol. 14, 2083–2093
25	Edward Bayuk, as trustee of the Edward William Bayuk Living Trust's Answer to Plaintiff's First Set of Interrogatories (dated 09/14/2014)	Vol. 14, 2094–2104
26	Summary Appraisal Report of real property located at 1461 Glenneyre Street, Laguna Beach, CA 92651, as of Sept. 25, 2010	Vol. 14, 2105–2155
27	Appraisal of Real Property as of Sept. 23, 2010: 1254 Mary Fleming Circle, Palm Springs, CA 92262	Vol. 15, 2156–2185
28	Appraisal of Real Property as of Sept. 23, 2010: 1254 Mary Fleming Circle, Palm Springs, CA 92262	Vol. 15, 2186–2216

	DOCUMENT DESCRIPTION	LOCATION
29	Membership Interest Transfer Agreement between Arcadia Trust and Bayuk Trust entered effective as of Oct. 1, 2010	Vol. 15, 2217–2224
30	PROMISSORY NOTE [Edward William Bayuk Living Trust ("Borrower") promises to pay Arcadia Living Trust ("Lender") the principal sum of $1,617,050.00, plus applicable interest] (dated 10/01/2010)	Vol. 15, 2225–2228
31	Certificate of Merger dated Oct. 4, 2010	Vol. 15, 2229–2230
32	Articles of Merger Document No. 20100746864-78 (recorded date 10/04/2010)	Vol. 15, 2231–2241
33	Excerpted Transcript of September 28, 2015 Deposition of Edward William Bayuk	Vol. 15, 2242–2256
34	Grant Deed for real property 1254 Mary Fleming Circle, Palm Springs, CA 92262; APN: 507-520-015 (recorded 11/04/2010)	Vol. 15, 2257–2258
35	General Conveyance made as of Oct. 31, 2010 between Woodland Heights Limited ("Vendor") and Arcadia Living Trust ("Purchaser")	Vol. 15, 2259–2265
36	Appraisal of Real Property as of Sept. 24, 2010: 371 El Camino Del Mar, Laguna Beach, CA 92651	Vol. 15, 2266–2292
37	Excerpted Transcript of December 6, 2016 Deposition of P. Morabito	Vol. 15, 2293–2295
38	Page intentionally left blank	Vol. 15, 2296–2297
39	Ledger of Edward Bayuk to P. Morabito	Vol. 15, 2298–2300

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40	Loan Calculator: Payment Amount (Standard Loan Amortization)	Vol. 15, 2301–2304
41	Payment Schedule of Edward Bayuk Note in Favor of P. Morabito	Vol. 15, 2305–2308
42	November 10, 2011 email from Vacco RE: Baruk Properties, LLC/P. Morabito/Bank of America, N.A.	Vol. 15, 2309–2312
43	May 23, 2012 email from Vacco to Steve Peek RE: Formal Settlement Proposal to resolve the Morabito matter	Vol. 15, 2313–2319
44	Excerpted Transcript of March 12, 2015 Deposition of 341 Meeting of Creditors	Vol. 15, 2320–2326
45	Shareholder Interest Purchase Agreement between P. Morabito and Snowshoe Petroleum, Inc. (dated 09/30/2010)	Vol. 15, 2327–2332
46	P. Morabito Statement of Assets & Liabilities as of May 5, 2009	Vol. 15, 2333–2334
47	March 10, 2010 email from Naz Afshar, CPA to Darren Takemoto, CPA RE: Current Personal Financial Statement	Vol. 15, 2335–2337
48	March 10, 2010 email from P. Morabito to Jon RE: ExxonMobil CIM for Florida and associated maps	Vol. 15, 2338–2339
49	March 20, 2010 email from P. Morabito to Vacco RE: proceed with placing binding bid on June 22nd with ExxonMobil	Vol. 15, 2340–2341

	DOCUMENT DESCRIPTION	LOCATION
50	P. Morabito Statement of Assets & Liabilities as of May 30, 2010	Vol. 15, 2342–2343
51	June 28, 2010 email from P. Morabito to George R. Garner RE: ExxonMobil Chicago Market Business Plan Review	Vol. 15, 2344–2345
52	Plan of Merger of Consolidated Western Corp. with and into Superpumper, Inc. (dated 09/28/2010)	Vol. 15, 2346–2364
53	Page intentionally left blank	Vol. 15, 2365–2366
54	BBVA Compass Proposed Request on behalf of Superpumper, Inc. (dated 12/15/2010)	Vol. 15, 2367–2397
55	Business Valuation Agreement between Matrix Capital Markets Group, Inc. and Superpumper, Inc. (dated 09/30/2010)	Vol. 15, 2398–2434
56	Expert report of James L. McGovern, CPA/CFF, CVA (dated 01/25/2016)	Vol. 16, 2435–2509
57	June 18, 2014 email from Sam Morabito to Michael Vanek RE: SPI Analysis	Vol. 17, 2510–2511
58	Declaration of P. Morabito in Support of Opposition to Motion of JH, Inc., Jerry Herbst, and Berry-Hinckley Industries for Order Prohibiting Debtor from Using, Acquiring, or Disposing of or Transferring Assets Pursuant to 11 U.S.C. §§ 105 and 303(f) Pending Appointment of Trustee; Case No. BK-N-13-51237 (filed 07/01/2013)	Vol. 17, 2512–2516

	DOCUMENT DESCRIPTION	LOCATION
59	State of California Secretary of State Limited Liability Company – Snowshoe Properties, LLC; File No. 201027310002 (filed 09/29/2010)	Vol. 17, 2517–2518
60	PROMISSORY NOTE [Snowshoe Petroleum ("Maker") promises to pay P. Morabito ("Holder") the principal sum of $1,462,213.00] (dated 11/01/2010)	Vol. 17, 2519–2529
61	PROMISSORY NOTE [Superpumper, Inc. ("Maker") promises to pay Compass Bank (the "Bank" and/or "Holder") the principal sum of $3,000,000.00] (dated 08/13/2010)	Vol. 17, 2530–2538
62	Excerpted Transcript of October 21, 2015 Deposition of Salvatore R. Morabito	Vol. 17, 2539–2541
63	Page intentionally left blank	Vol. 17, 2542–2543
64	Edward Bayuk's Answers to Plaintiff's First Set of Interrogatories (dated 09/14/2014)	Vol. 17, 2544–2557
65	October 12, 2012 email from Stan Bernstein to P. Morabito RE: 2011 return	Vol. 17, 2558–2559
66	Page intentionally left blank	Vol. 17, 2560–2561
67	Excerpted Transcript of October 20, 2015 Deposition of Dennis C. Vacco	Vol. 17, 2562–2564
68	Snowshoe Petroleum, Inc.'s letter of intent to set out the framework of the contemplated transaction between: Snowshoe Petroleum, Inc.; David Dwelle, LP; Eclipse Investments, LP; Speedy Investments; and TAD Limited Partnership (dated 04/21/2011)	Vol. 17, 2565–2572

	DOCUMENT DESCRIPTION	LOCATION
69	Excerpted Transcript of July 10, 2017 Deposition of Dennis C. Vacco	Vol. 17, 2573–2579
70	April 15, 2011 email from P. Morabito to Christian Lovelace; Gregory Ivancic; Vacco RE: $65 million loan offer from Cerberus	Vol. 17, 2580–2582
71	Email from Vacco to P. Morabito RE: $2 million second mortgage on the Reno house	Vol. 17, 2583–2584
72	Email from Vacco to P. Morabito RE: Tim Haves	Vol. 17, 2585–2586
73	Settlement Agreement, Loan Agreement Modification & Release dated as of Sept. 7, 2012, entered into by Bank of America and P. Morabito	Vol. 17, 2587–2595
74	Page intentionally left blank	Vol. 17, 2596–2597
75	February 10, 2012 email from Vacco to Paul Wells and Timothy Haves RE: 1461 Glenneyre Street, Laguna Beach – Sale	Vol. 17, 2598–2602
76	May 8, 2012 email from P. Morabito to Vacco RE: Proceed with the corporate set-up with Ray, Edward and P. Morabito	Vol. 17, 2603–2604
77	September 4, 2012 email from Vacco to Edward Bayuk RE: Second Deed of Trust documents	Vol. 17, 2605–2606
78	September 18, 2012 email from P. Morabito to Edward Bayuk RE: Deed of Trust	Vol. 17, 2607–2611
79	October 3, 2012 email from Vacco to P. Morabito RE: Term Sheet on both real estate deal and option	Vol. 17, 2612–2614

	DOCUMENT DESCRIPTION	LOCATION
80	March 14, 2013 email from P. Morabito to Vacco RE: BHI Hinckley	Vol. 17, 2615–2616
81	Page intentionally left blank	Vol. 17, 2617–2618
82	November 11, 2011 email from Vacco to P. Morabito RE: Trevor's commitment to sign	Vol. 17, 2619–2620
83	November 28, 2011 email string RE: Wiring $560,000 to Lippes Mathias	Vol. 17, 2621–2623
84	Page intentionally left blank	Vol. 17, 2624–2625
85	Page intentionally left blank	Vol. 17, 2626–2627
86	Order for Relief Under Chapter 7; Case No. BK-N-13-51236 (filed 12/22/2014)	Vol. 17, 2628–2634
87	Report of Undisputed Election (11 U.S.C § 702); Case No. BK-N-13-51237 (filed 01/23/2015)	Vol. 17, 2635–2637
88	Amended Stipulation and Order to Substitute a Party to NRCP 17(a) (filed 06/11/2015)	Vol. 17, 2638–2642
89	Membership Interest Purchase Agreement, entered into as of Oct. 6, 2010 between P. Morabito and Edward Bayuk	Vol. 17, 2643–2648
90	Complaint; Case No. BK-N-13-51237 (filed 10/15/2015)	Vol. 17, 2649–2686
91	Fifth Amendment and Restatement of the Trust Agreement for the Arcadia Living Trust (dated 09/30/2010)	Vol. 17, 2687–2726

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<tr><td colspan="2">Exhibit to Objection to Recommendation for Order</td><td></td></tr>
<tr><td>Exhibit</td><td>Document Description</td><td></td></tr>
<tr><td>1</td><td>Plaintiff’s counsel’s Jan. 24, 2017, email memorializing the discovery dispute agreement</td><td>Vol. 18, 2735–2736</td></tr>
<tr><td colspan="2">Opposition to Objection to Recommendation for Order filed August 17, 2017 (filed 09/05/2017)</td><td>Vol. 18, 2737–2748</td></tr>
<tr><td colspan="2">Exhibit to Opposition to Objection to Recommendation for Order</td><td></td></tr>
<tr><td>Exhibit</td><td>Document Description</td><td></td></tr>
<tr><td>A</td><td>Declaration of Teresa M. Pilatowicz, Esq., in Support of Opposition to Objection to Recommendation for Order (filed 09/05/2017)</td><td>Vol. 18, 2749–2752</td></tr>
<tr><td colspan="2">Reply to Opposition to Objection to Recommendation for Order filed August 17, 2017 (dated 09/15/2017)</td><td>Vol. 18, 2753–2758</td></tr>
<tr><td colspan="2">Defendants’ Opposition to Plaintiff’s Motion for Partial Summary Judgment (filed 09/22/2017)</td><td>Vol. 18, 2759–2774</td></tr>
<tr><td colspan="2">Defendants’ Separate Statement of Disputed Facts in Support of Opposition to Plaintiff’s Motion for Partial Summary Judgment (filed 09/22/2017)</td><td>Vol. 18, 2775–2790</td></tr>
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DOCUMENT DESCRIPTION		LOCATION
Exhibits to Defendants' Separate Statement of Disputed Facts in Support of Opposition to Plaintiff's Motion for Partial Summary Judgment		
Exhibit	**Document Description**	
1	Judgment in *Consolidated Nevada Corp., et al v. JH. et al.*; Case No. CV07-02764 (filed 08/23/2011)	Vol. 18, 2791–2793
2	Excerpted Transcript of October 20, 2015 Deposition of Dennis C. Vacco	Vol. 18, 2794–2810
3	Order Denying Motion to Dismiss Involuntary Chapter 7 Petition and Suspending Proceedings Pursuant to 11 U.S.C §305(a)(1); Case No. BK-N-13-51237 (filed 12/17/2013)	Vol. 18, 2811–2814
4	Excerpted Transcript of March 21, 2016 Deposition of P. Morabito	Vol. 18, 2815–2826
5	Excerpted Transcript of September 28, 2015 Deposition of Edward William Bayuk	Vol. 18, 2827–2857
6	Appraisal	Vol. 18, 2858–2859
7	Budget Summary as of Jan. 7, 2016	Vol. 18, 2860–2862
8	Excerpted Transcript of March 24, 2016 Deposition of Dennis Banks	Vol. 18, 2863–2871
9	Excerpted Transcript of March 22, 2016 Deposition of Michael Sewitz	Vol. 18, 2872–2879
10	Excerpted Transcript of April 27, 2011 Deposition of Darryl Noble	Vol. 18, 2880–2883

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11	Copies of cancelled checks from Edward Bayuk made payable to P. Morabito	Vol. 18, 2884–2892
12	CBRE Appraisal of 14th Street Card Lock Facility (dated 02/26/2010)	Vol. 18, 2893–2906
13	Bank of America wire transfer from P. Morabito to Salvatore Morabito in the amount of $146,127.00; and a wire transfer from P. Morabito to Lippes for $25.00 (date 10/01/2010)	Vol. 18, 2907–2908
14	Excerpted Transcript of October 21, 2015 Deposition of Christian Mark Lovelace	Vol. 18, 2909–2918
15	June 18, 2014 email from Sam Morabito to Michael Vanek RE: Analysis of the Superpumper transaction in 2010	Vol. 18, 2919–2920
16	Excerpted Transcript of October 21, 2015 Deposition of Salvatore R. Morabito	Vol. 18, 2921–2929
17	PROMISSORY NOTE [Snowshoe Petroleum ("Maker") promises to pay P. Morabito ("Holder") the principal sum of $1,462,213.00] (dated 11/01/2010)	Vol. 18, 2930–2932
18	TERM NOTE [P. Morabito ("Borrower") promises to pay Consolidated Western Corp. ("Lender") the principal sum of $939,000.00, plus interest] (dated 09/01/2010)	Vol. 18, 2933–2934
19	SUCCESSOR PROMISSORY NOTE [Snowshoe Petroleum ("Maker") promises to pay P. Morabito ("Holder") the principal sum of $492,937.30, plus interest] (dated 02/01/2011)	Vol. 18, 2935–2937

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20	Edward Bayuk's wire transfer to Lippes in the amount of $517,547.20 (dated 09/29/2010)	Vol. 18, 2938–2940
21	Salvatore Morabito Bank of Montreal September 2011 Wire Transfer	Vol. 18, 2941–2942
22	Declaration of Salvatore Morabito (dated 09/21/2017)	Vol. 18, 2943–2944
23	Edward Bayuk bank wire transfer to Superpumper, Inc., in the amount of $659,000.00 (dated 09/30/2010)	Vol. 18, 2945–2947
24	Edward Bayuk checking account statements between 2010 and 2011 funding the company with transfers totaling $500,000	Vol. 18, 2948–2953
25	Salvatore Morabito's wire transfer statement between 2010 and 2011, funding the company with $750,000	Vol. 18, 2954–2957
26	Payment Schedule of Edward Bayuk Note in Favor of P. Morabito	Vol. 18, 2958–2961
27	September 15, 2010 email from Vacco to Yalamanchili and P. Morabito RE: Follow Up Thoughts	Vol. 18, 2962–2964
Reply in Support of Motion for Partial Summary Judgment (dated 10/10/2017)		Vol. 19, 2965–2973
Order Regarding Discovery Commissioner's Recommendation for Order dated August 17, 2017 (filed 12/07/2017)		Vol. 19, 2974–2981

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Order Denying Motion for Partial Summary Judgment (filed 12/11/2017)		Vol. 19, 2982–2997
Defendants' Motions in Limine (filed 09/12/2018)		Vol. 19, 2998–3006
Exhibits to Defendants' Motions in Limine		
Exhibit	**Document Description**	
1	Plaintiff's Second Supplement to Amended Disclosures Pursuant to NRCP 16.1(A)(1) (dated 04/28/2016)	Vol. 19, 3007–3016
2	Excerpted Transcript of March 25, 2016 Deposition of William A. Leonard	Vol. 19, 3017–3023
3	Plaintiff, Jerry Herbst's Responses to Defendant Snowshoe Petroleum, Inc.'s Set of Interrogatories (dated 02/11/2015); and Plaintiff, Jerry Herbst's Responses to Defendant, Salvatore Morabito's Set of Interrogatories (dated 02/12/2015)	Vol. 19, 3024–3044
Motion in Limine to Exclude Testimony of Jan Friederich (filed 09/20/2018)		Vol. 19, 3045–3056
Exhibits to Motion in Limine to Exclude Testimony of Jan Friederich		
Exhibit	**Document Description**	
1	Defendants' Rebuttal Expert Witness Disclosure (dated 02/29/2016)	Vol. 19, 3057–3071
2	Condensed Transcript of March 29, 2016 Deposition of Jan Friederich	Vol. 19, 3072–3086

DOCUMENT DESCRIPTION		LOCATION
Opposition to Defendants' Motions in Limine (filed 09/28/2018)		Vol. 19, 3087–3102
Exhibits to Opposition to Defendants' Motions in Limine		
Exhibit	**Document Description**	
A	Declaration of Teresa M. Pilatowicz, Esq. in Support of Opposition to Defendants' Motions in Limine (filed 09/28/2018)	Vol. 19, 3103–3107
A-1	Plaintiff's February 19, 2016, Amended Disclosures Pursuant to NRCP 16.1(A)(1)	Vol. 19, 3108–3115
A-2	Plaintiff's January 26, 2016, Expert Witnesses Disclosures (without exhibits)	Vol. 19, 3116–3122
A-3	Defendants' January 26, 2016, and February 29, 2016, Expert Witness Disclosures (without exhibits)	Vol. 19, 3123–3131
A-4	Plaintiff's August 17, 2017, Motion for Partial Summary Judgment (without exhibits)	Vol. 19, 3132–3175
A-5	Plaintiff's August 17, 2017, Statement of Undisputed Facts in Support of his Motion for Partial Summary Judgment (without exhibits)	Vol. 19, 3176–3205
Defendants' Reply in Support of Motions in Limine (filed 10/08/2018)		Vol. 20, 3206–3217
Exhibit to Defendants' Reply in Support of Motions in Limine		
Exhibit	**Document Description**	

DOCUMENT DESCRIPTION		LOCATION
1	Chapter 7 Trustee, William A. Leonard's Responses to Defendants' First Set of Interrogatories (dated 05/28/2015)	Vol. 20, 3218–3236
Defendants' Opposition to Plaintiff's Motions in Limine to Exclude the Testimony of Jan Friederich (filed 10/08/2018)		Vol. 20, 3237–3250
Exhibits to Defendants' Opposition to Plaintiff's Motions in Limine to Exclude the Testimony of Jan Friederich		
Exhibit	**Document Description**	
1	Excerpt of Matrix Report (dated 10/13/2010)	Vol. 20, 3251–3255
2	Defendants' Rebuttal Expert Witness Disclosure (dated 02/29/2016)	Vol. 20, 3256–3270
3	November 9, 2009 email from P. Morabito to Daniel Fletcher; Jim Benbrook; Don Whitehead; Sam Morabito, etc. RE: Jan Friederich entered consulting agreement with Superpumper	Vol. 20, 3271–3272
4	Excerpted Transcript of March 29, 2016 Deposition of Jan Friederich	Vol. 20, 3273–3296
Defendants' Objections to Plaintiff's Pretrial Disclosures (filed 10/12/2018)		Vol. 20, 3297–3299
Objections to Defendants' Pretrial Disclosures (filed 10/12/2018)		Vol. 20, 3300–3303
Reply to Defendants' Opposition to Plaintiff's Motion in Limine to Exclude the Testimony of Jan Friederich (filed 10/12/2018)		Vol. 20, 3304–3311

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<tr><td colspan="2">Stipulated Facts (filed 10/29/2018)</td><td>Vol. 20, 3313–3321</td></tr>
<tr><td colspan="2">Defendants' Points and Authorities RE: Objection to Admission of Documents in Conjunction with the Depositions of P. Morabito and Dennis Vacco (filed 10/30/2018)</td><td>Vol. 20, 3322–3325</td></tr>
<tr><td colspan="2">Plaintiff's Points and Authorities Regarding Authenticity and Hearsay Issues (filed 10/31/2018)</td><td>Vol. 20, 3326–3334</td></tr>
<tr><td colspan="2">Clerk's Trial Exhibit List (filed 02/28/2019)</td><td>Vol. 21, 3335–3413</td></tr>
<tr><td colspan="2">Exhibits to Clerk's Trial Exhibit List</td><td></td></tr>
<tr><td>Exhibit</td><td>Document Description</td><td></td></tr>
<tr><td>1</td><td>Certified copy of the Transcript of September 13, 2010 Judge's Ruling; Case No. CV07-02764</td><td>Vol. 21, 3414–3438</td></tr>
<tr><td>2</td><td>Findings of Fact, Conclusions of Law, and Judgment; Case No. CV07-02764 (filed 10/12/2010)</td><td>Vol. 21, 3439–3454</td></tr>
<tr><td>3</td><td>Judgment; Case No. CV07-0767 (filed 08/23/2011)</td><td>Vol. 21, 3455–3456</td></tr>
<tr><td>4</td><td>Confession of Judgment; Case No. CV07-02764 (filed 06/18/2013)</td><td>Vol. 21, 3457–3481</td></tr>
<tr><td>5</td><td>November 30, 2011 Settlement Agreement and Mutual Release</td><td>Vol. 22, 3482–3613</td></tr>
<tr><td>6</td><td>March 1, 2013 Forbearance Agreement</td><td>Vol. 22, 3614–3622</td></tr>
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8	Order Denying Motion to Dismiss Involuntary Chapter 7 Petition and Suspending Proceedings, Case 13-51237. ECF No. 94, (filed 12/17/2013)	Vol. 22, 3623–3625
19	Report of Undisputed Election– Appointment of Trustee, Case No. 13-51237, ECF No. 220	Vol. 22, 3626–3627
20	Stipulation and Order to Substitute a Party Pursuant to NRCP 17(a), Case No. CV13-02663, May 15, 2015	Vol. 22, 3628–3632
21	Non-Dischargeable Judgment Regarding Plaintiff's First and Second Causes of Action, Case No. 15-05019-GWZ, ECF No. 123, April 30, 2018	Vol. 22, 3633–3634
22	Memorandum & Decision; Case No. 15-05019-GWZ, ECF No. 124, April 30, 2018	Vol. 22, 3635–3654
23	Amended Findings of Fact, Conclusions of Law in Support of Judgment Regarding Plaintiff's First and Second Causes of Action; Case 15-05019-GWZ, ECF No. 122, April 30, 2018	Vol. 22, 3655–3679
25	September 15, 2010 email from Yalamanchili to Vacco and P. Morabito RE: Follow Up Thoughts	Vol. 22, 3680–3681
26	September 18, 2010 email from P. Morabito to Vacco	Vol. 22, 3682–3683
27	September 20, 2010 email from Vacco to P. Morabito RE: Spirit	Vol. 22, 3684–3684
28	September 20, 2010 email between Yalamanchili and Crotty RE: Morabito -Wire	Vol. 22, 3685–3687

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29	September 20, 2010 email from Yalamanchili to Graber RE: Attorney Client Privileged Communication	Vol. 22, 3688–3689
30	September 21, 2010 email from P. Morabito to Vacco and Cross RE: Attorney Client Privileged Communication	Vol. 22, 3690–3692
31	September 23, 2010 email chain between Graber and P. Morabito RE: Change of Primary Residence from Reno to Laguna Beach	Vol. 22, 3693–3694
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<tr><td colspan="2">Findings of Fact, Conclusions of Law, and Judgment (filed 03/29/2019)</td><td>Vol. 48, 8270–8333</td></tr>
<tr><td colspan="2">Notice of Entry of Findings of Fact, Conclusions of Law, and Judgment (filed 03/29/2019)</td><td>Vol. 48, 8334–8340</td></tr>
<tr><td colspan="2">Memorandum of Costs and Disbursements (filed 04/11/2019)</td><td>Vol. 48, 8341–8347</td></tr>
<tr><td colspan="2">Exhibit to Memorandum of Costs and Disbursements</td><td></td></tr>
<tr><td>Exhibit</td><td>Document Description</td><td></td></tr>
<tr><td>1</td><td>Ledger of Costs</td><td>Vol. 48, 8348–8370</td></tr>
<tr><td colspan="2">Application for Attorneys’ Fees and Costs Pursuant to NRCP 68 (filed 04/12/2019)</td><td>Vol. 48, 8371–8384</td></tr>
<tr><td colspan="2">Exhibits to Application for Attorneys’ Fees and Costs Pursuant to NRCP 68</td><td></td></tr>
<tr><td>Exhibit</td><td>Document Description</td><td></td></tr>
<tr><td>1</td><td>Declaration of Teresa M. Pilatowicz In Support of Plaintiff’s Application for Attorney’s Fees and Costs Pursuant to NRCP 68 (filed 04/12/2019)</td><td>Vol. 48, 8385–8390</td></tr>
<tr><td>2</td><td>Plaintiff’s Offer of Judgment to Defendants (dated 05/31/2016)</td><td>Vol. 48, 8391–8397</td></tr>
<tr><td>3</td><td>Defendant’s Rejection of Offer of Judgment by Plaintiff (dated 06/15/2016)</td><td>Vol. 48, 8398–8399</td></tr>
<tr><td>4</td><td>Log of time entries from June 1, 2016 to March 28, 2019</td><td>Vol. 48, 8400–8456</td></tr>
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DOCUMENT DESCRIPTION		**LOCATION**
5	Plaintiff's Memorandum of Costs and Disbursements (filed 04/11/2019)	Vol. 48, 8457–8487
Motion to Retax Costs (filed 04/15/2019)		Vol. 49, 8488–8495
Plaintiff's Opposition to Motion to Retax Costs (filed 04/17/2019)		Vol. 49, 8496–8507
Exhibits to Plaintiff's Opposition to Motion to Retax Costs		
Exhibit	**Document Description**	
1	Declaration of Teresa M. Pilatowicz In Support of Opposition to Motion to Retax Costs (filed 04/17/2019)	Vol. 49, 8508–8510
2	Summary of Photocopy Charges	Vol. 49, 8511–8523
3	James L. McGovern Curriculum Vitae	Vol. 49, 8524–8530
4	McGovern & Greene LLP Invoices	Vol. 49, 8531–8552
5	Buss-Shelger Associates Invoices	Vol. 49, 8553–8555
Reply in Support of Motion to Retax Costs (filed 04/22/2019)		Vol. 49, 8556–8562
Opposition to Application for Attorneys' Fees and Costs Pursuant to NRCP 68 (filed 04/25/2019)		Vol. 49, 8563–8578
Exhibit to Opposition to Application for Attorneys' Fees and Costs Pursuant to NRCP 68		
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1	Plaintiff's Bill Dispute Ledger	Vol. 49, 8579–8637

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<tr><th colspan="2"><u>DOCUMENT DESCRIPTION</u></th><th><u>LOCATION</u></th></tr>
<tr><td colspan="2">Defendants, Salvatore Morabito, Snowshoe Petroleum, Inc., and Superpumper, Inc.'s Motion for New Trial and/or to Alter or Amend Judgment Pursuant to NRCP 52, 59, and 60 (filed 04/25/2019)</td><td>Vol. 49, 8638–8657</td></tr>
<tr><td colspan="2">Defendant, Edward Bayuk's Motion for New Trial and/or to Alter or Amend Judgment Pursuant to NRCP 52, 59, and 60 (filed 04/26/2019)</td><td>Vol. 50, 8658–8676</td></tr>
<tr><td colspan="2">Exhibits to Edward Bayuk's Motion for New Trial and/or to Alter or Amend Judgment Pursuant to NRCP 52, 59, and 60</td><td></td></tr>
<tr><td>Exhibit</td><td>Document Description</td><td></td></tr>
<tr><td>1</td><td>February 27, 2019 email with attachments</td><td>Vol. 50, 8677–8768</td></tr>
<tr><td>2</td><td>Declaration of Frank C. Gilmore in Support of Edward Bayuk's Motion for New Trial (filed 04/26/2019)</td><td>Vol. 50, 8769–8771</td></tr>
<tr><td>3</td><td>February 27, 2019 email from Marcy Trabert</td><td>Vol. 50, 8772–8775</td></tr>
<tr><td>4</td><td>February 27, 2019 email from Frank Gilmore to eturner@Gtg.legal RE: Friday Trial</td><td>Vol. 50, 8776–8777</td></tr>
<tr><td colspan="2">Plaintiff's Reply in Support of Application of Attorneys' Fees and Costs Pursuant to NRCP 68 (filed 04/30/2019)</td><td>Vol. 50, 8778–8790</td></tr>
<tr><td colspan="2">Exhibit to Plaintiff's Reply in Support of Application of Attorneys' Fees and Costs Pursuant to NRCP 68</td><td></td></tr>
<tr><td>Exhibit</td><td>Document Description</td><td></td></tr>
<tr><td>1</td><td>Case No. BK-13-51237-GWZ, ECF Nos. 280, 282, and 321</td><td>Vol. 50, 8791–8835</td></tr>
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<tr><th colspan="2"><u>DOCUMENT DESCRIPTION</u></th><th><u>LOCATION</u></th></tr>
<tr><td colspan="2">Plaintiff's Opposition to Defendants' Motions for New Trial and/or to Alter or Amend Judgment (filed 05/07/2019)</td><td>Vol. 51, 8836–8858</td></tr>
<tr><td colspan="2">Defendants, Salvatore Morabito, Snowshoe Petroleum, Inc., and Superpumper, Inc.'s Reply in Support of Motion for New Trial and/or to Alter or Amend Judgment Pursuant to NRCP 52, 59, and 60 (filed 05/14/2019)</td><td>Vol. 51, 8859–8864</td></tr>
<tr><td colspan="2">Declaration of Edward Bayuk Claiming Exemption from Execution (filed 06/28/2019)</td><td>Vol. 51, 8865–8870</td></tr>
<tr><td colspan="2">Exhibits to Declaration of Edward Bayuk Claiming Exemption from Execution</td><td></td></tr>
<tr><td>Exhibit</td><td>Document Description</td><td></td></tr>
<tr><td>1</td><td>Copy of June 22, 2019 Notice of Execution and two Write of Executions</td><td>Vol. 51, 8871–8896</td></tr>
<tr><td>2</td><td>Declaration of James Arthur Gibbons Regarding his Attestation, Witness and Certification on November 12, 2005 of the Spendthrift Trust Amendment to the Edward William Bayuk Living Trust (dated 06/25/2019)</td><td>Vol. 51, 8897–8942</td></tr>
<tr><td colspan="2">Notice of Claim of Exemption from Execution (filed 06/28/2019)</td><td>Vol. 51, 8943–8949</td></tr>
<tr><td colspan="2">Edward Bayuk's Declaration of Salvatore Morabito Claiming Exemption from Execution (filed 07/02/2019)</td><td>Vol. 51, 8950–8954</td></tr>
<tr><td colspan="2">Exhibits to Declaration of Salvatore Morabito Claiming Exemption from Execution</td><td></td></tr>
<tr><td>Exhibit</td><td>Document Description</td><td></td></tr>
<tr><td>1</td><td>Las Vegas June 22, 2019 letter</td><td>Vol. 51, 8955–8956</td></tr>
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<tr><th colspan="2"><u>DOCUMENT DESCRIPTION</u></th><th><u>LOCATION</u></th></tr>
<tr><td>2</td><td>Writs of execution and the notice of execution</td><td>Vol. 51, 8957–8970</td></tr>
<tr><td colspan="2">Minutes of June 24, 2019 telephonic hearing on Decision on Submitted Motions (filed 07/02/2019)</td><td>Vol. 51, 8971–8972</td></tr>
<tr><td colspan="2">Salvatore Morabito's Notice of Claim of Exemption from Execution (filed 07/02/2019)</td><td>Vol. 51, 8973–8976</td></tr>
<tr><td colspan="2">Edward Bayuk's Third Party Claim to Property Levied Upon NRS 31.070 (filed 07/03/2019)</td><td>Vol. 51, 8977–8982</td></tr>
<tr><td colspan="2">Order Granting Plaintiff's Application for an Award of Attorneys' Fees and Costs Pursuant to NRCP 68 (filed 07/10/2019)</td><td>Vol. 51, 8983–8985</td></tr>
<tr><td colspan="2">Order Granting in part and Denying in part Motion to Retax Costs (filed 07/10/2019)</td><td>Vol. 51, 8986–8988</td></tr>
<tr><td colspan="2">Plaintiff's Objection to (1) Claim of Exemption from Execution and (2) Third Party Claim to Property Levied Upon, and Request for Hearing Pursuant to NRS 21.112 and 31.070(5) (filed 07/11/2019)</td><td>Vol. 52, 8989–9003</td></tr>
<tr><td colspan="2">Exhibits to Plaintiff's Objection to (1) Claim of Exemption from Execution and (2) Third Party Claim to Property Levied Upon, and Request for Hearing Pursuant to NRS 21.112 and 31.070(5)</td><td></td></tr>
<tr><td>Exhibit</td><td>Document Description</td><td></td></tr>
<tr><td>1</td><td>Declaration of Gabrielle A. Hamm, Esq.</td><td>Vol. 52, 9004–9007</td></tr>
<tr><td>2</td><td>11/30/2011 Tolling Agreement – Edward Bayuk</td><td>Vol. 52, 9008–9023</td></tr>
<tr><td>3</td><td>11/30/2011 Tolling Agreement – Edward William Bayuk Living Trust</td><td>Vol. 52, 9024–9035</td></tr>
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4	Excerpts of 9/28/2015 Deposition of Edward Bayuk	Vol. 52, 9036–9041
5	Edward Bayuk, as Trustee of the Edward William Bayuk Living Trust's Responses to Plaintiff's First Set of Requests for Production, served 9/24/2015	Vol. 52, 9042–9051
6	8/26/2009 Grant Deed (Los Olivos)	Vol. 52, 9052–9056
7	8/17/2018 Grant Deed (El Camino)	Vol. 52, 9057–9062
8	Trial Ex. 4 (Confession of Judgment)	Vol. 52, 9063–9088
9	Trial Ex. 45 (Purchase and Sale Agreement, dated 9/28/2010)	Vol. 52, 9089–9097
10	Trial Ex. 46 (First Amendment to Purchase and Sale Agreement, dated 9/29/2010)	Vol. 52, 9098–9100
11	Trial Ex. 51 (Los Olivos Grant Deed recorded 10/8/2010)	Vol. 52, 9101–9103
12	Trial Ex. 52 (El Camino Grant Deed recorded 10/8/2010)	Vol. 52, 9104–9106
13	Trial Ex. 61 (Membership Interest Transfer Agreement, dated 10/1/2010)	Vol. 52, 9107–9114
14	Trial Ex. 62 ($1,617,050.00 Promissory Note)	Vol. 52, 9115–9118
15	Trial Ex. 65 (Mary Fleming Grant Deed recorded 11/4/2010)	Vol. 52, 9119–9121
Notice of Entry of Order Denying Defendants' Motions for New Trial and/or to Alter or Amend Judgment (filed 07/16/2019)		Vol. 52, 9122–9124

DOCUMENT DESCRIPTION		LOCATION
Exhibit to Notice of Entry of Order Denying Defendants' Motions for New Trial and/or to Alter or Amend Judgment		
Exhibit	**Document Description**	
1	Order Denying Defendants' Motions for New Trial and/or to Alter or Amend Judgment (filed 07/10/2019)	Vol. 52, 9125–9127
Notice of Entry of Order Granting Plaintiff's Application for an Award of Attorneys' Fees and Costs Pursuant to NRCP 68 (filed 07/16/2019)		Vol. 52, 9128–9130
Exhibit to Notice of Entry of Order Granting Plaintiff's Application for an Award of Attorneys' Fees and Costs Pursuant to NRCP 68		
Exhibit	**Document Description**	
1	Order Granting Plaintiff's Application for an Award of Attorneys' Fees and Costs Pursuant to NRCP 68 (filed 07/10/2019)	Vol. 52, 9131–9134
Notice of Entry of Order Granting in Part and Denying in Part Motion to Retax Costs (filed 07/16/2019)		Vol. 52, 9135–9137
Exhibit to Notice of Entry of Order Granting in Part and Denying in Part Motion to Retax Costs		
Exhibit	**Document Description**	
1	Order Granting in Part and Denying in Part Motion to Retax Costs (filed 07/10/2019)	Vol. 52, 9138–9141

DOCUMENT DESCRIPTION		LOCATION
Plaintiff's Objection to Notice of Claim of Exemption from Execution Filed by Salvatore Morabito and Request for Hearing (filed 07/16/2019)		Vol. 52, 9142–9146
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Exhibits to Reply to Objection to Claim of Exemption and Third Party Claim to Property Levied Upon		
Exhibit	**Document Description**	
1	March 3, 2011 Deposition Transcript of P. Morabito	Vol. 52, 9163–9174
2	Mr. Bayuk's September 23, 2014 responses to Plaintiff's first set of requests for production	Vol. 52, 9175–9180
3	September 28, 2015 Deposition Transcript of Edward Bayuk	Vol. 52, 9181–9190
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Declaration of Service of Till Tap, Notice of Attachment and Levy Upon Property (filed 07/29/2019)		Vol. 52, 9195
Notice of Submission of Disputed Order Denying Claim of Exemption and Third Party Claim (filed 08/01/2019)		Vol. 52, 9196–9199
Exhibits to Notice of Submission of Disputed Order Denying Claim of Exemption and Third Party Claim		
Exhibit	**Document Description**	
1	Plaintiff's Proposed Order Denying Claim of Exemption and Third-Party Claim	Vol. 52, 9200–9204

	DOCUMENT DESCRIPTION	LOCATION
2	Bayuk and the Bayuk Trust's proposed Order Denying Claim of Exemption and Third-Party Claim	Vol. 52, 9205–9210
3	July 30, 2019 email evidencing Bayuk, through counsel Jeffrey Hartman, Esq., requesting until noon on July 31, 2019 to provide comments.	Vol. 52, 9211–9212
4	July 31, 2019 email from Teresa M. Pilatowicz, Esq. Bayuk failed to provide comments at noon on July 31, 2019, instead waiting until 1:43 p.m. to send a redline version with proposed changes after multiple follow ups from Plaintiff's counsel on July 31, 2019	Vol. 52, 9213–9219
5	A true and correct copy of the original Order and Bayuk Changes	Vol. 52, 9220–9224
6	A true and correct copy of the redline run by Plaintiff accurately reflecting Bayuk's proposed changes	Vol. 52, 9225–9229
7	Email evidencing that after review of the proposed revisions, Plaintiff advised Bayuk, through counsel, that Plaintiff agree to certain proposed revisions, but the majority of the changes were unacceptable as they did not reflect the Court's findings or evidence before the Court.	Vol. 52, 9230–9236
Objection to Plaintiff's Proposed Order Denying Claim of Exemption and Third Party Claim (filed 08/01/2019)		Vol. 53, 9237–9240

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<tr><th colspan="2"><u>DOCUMENT DESCRIPTION</u></th><th><u>LOCATION</u></th></tr>
<tr><td colspan="2">Exhibits to Objection to Plaintiff's Proposed Order Denying Claim of Exemption and Third-Party Claim</td><td></td></tr>
<tr><td>Exhibit</td><td>Document Description</td><td></td></tr>
<tr><td>1</td><td>Plaintiff's Proposed Order Denying Claim of Exemption and Third-Party Claim</td><td>Vol. 53, 9241–9245</td></tr>
<tr><td>2</td><td>Defendant's comments on Findings of Fact</td><td>Vol. 53, 9246–9247</td></tr>
<tr><td>3</td><td>Defendant's Proposed Order Denying Claim of Exemption and Third-Party Claim</td><td>Vol. 53, 9248–9252</td></tr>
<tr><td colspan="2">Minutes of July 22, 2019 hearing on Objection to Claim for Exemption (filed 08/02/2019)</td><td>Vol. 53, 9253</td></tr>
<tr><td colspan="2">Order Denying Claim of Exemption (filed 08/02/2019)</td><td>Vol. 53, 9254–9255</td></tr>
<tr><td colspan="2">Bayuk's Case Appeal Statement (filed 08/05/2019)</td><td>Vol. 53, 9256–9260</td></tr>
<tr><td colspan="2">Bayuk's Notice of Appeal (filed 08/05/2019)</td><td>Vol. 53, 9261–9263</td></tr>
<tr><td colspan="2">Defendants, Superpumper, Inc., Edward Bayuk, Salvatore Morabito; and Snowshoe Petroleum, Inc.'s, Case Appeal Statement (filed 08/05/2019)</td><td>Vol. 53, 9264–9269</td></tr>
<tr><td colspan="2">Defendants, Superpumper, Inc., Edward Bayuk, Salvatore Morabito; and Snowshoe Petroleum, Inc.'s, Notice of Appeal (filed 08/05/2019)</td><td>Vol. 53, 9270–9273</td></tr>
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<tr><th colspan="2"><u>DOCUMENT DESCRIPTION</u></th><th><u>LOCATION</u></th></tr>
<tr><td colspan="2">Exhibits to Defendants, Superpumper, Inc., Edward Bayuk, Salvatore Morabito; and Snowshoe Petroleum, Inc.’s, Notice of Appeal</td><td></td></tr>
<tr><td>Exhibit</td><td>Document Description</td><td></td></tr>
<tr><td>1</td><td>Findings of Fact, Conclusions of Law, and Judgment (filed 03/29/2019)</td><td>Vol. 53, 9274–9338</td></tr>
<tr><td>2</td><td>Order Denying Defendants’ Motions for New Trial and/or to Alter or Amend Judgment (filed 07/10/2019)</td><td>Vol. 53, 9339–9341</td></tr>
<tr><td>3</td><td>Order Granting in Part and Denying in Part Motion to Retax Costs (filed 07/10/2019)</td><td>Vol. 53, 9342–9345</td></tr>
<tr><td>4</td><td>Order Granting Plaintiff’s Application for an Award of Attorneys’ Fees and Costs Pursuant to NRCP 68 (filed 07/10/2019)</td><td>Vol. 53, 9346–9349</td></tr>
<tr><td colspan="2">Plaintiff’s Reply to Defendants’ Objection to Plaintiff’s Proposed Order Denying Claim of Exemption and Third-Party Claim</td><td>Vol. 53, 9350–9356</td></tr>
<tr><td colspan="2">Order Denying Claim of Exemption and Third-Party Claim (08/09/2019)</td><td>Vol. 53, 9357–9360</td></tr>
<tr><td colspan="2">Notice of Entry of Order Denying Claim of Exemption and Third-Party Claim (filed 08/09/2019)</td><td>Vol. 53, 9361–9364</td></tr>
<tr><td colspan="2">Exhibit to Notice of Entry of Order Denying Claim of Exemption and Third-Party Claim</td><td></td></tr>
<tr><td>Exhibit</td><td>Document Description</td><td></td></tr>
<tr><td>1</td><td>Order Denying Claim of Exemption and Third-Party Claim (08/09/2019)</td><td>Vol. 53, 9365–9369</td></tr>
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DOCUMENT DESCRIPTION		LOCATION
Notice of Entry of Order Denying Claim of Exemption (filed 08/12/2019)		Vol. 53, 9370–9373
Exhibit to Notice of Entry of Order Denying Claim of Exemption		
Exhibit	**Document Description**	
1	Order Denying Claim of Exemption (08/02/2019)	Vol. 53, 9374–9376
Motion to Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration (filed 08/19/2019)		Vol. 54, 9377–9401
Exhibits to Motion to Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration		
Exhibit	**Document Description**	
1	Order Denying Claim of Exemption and Third Party Claim (filed 08/09/19)	Vol. 54, 9402–9406
2	Spendthrift Trust Amendment to the Edward William Bayuk Living Trust (dated 11/12/05)	Vol. 54, 9407–9447
3	Spendthrift Trust Agreement for the Arcadia Living Trust (dated 10/14/05)	Vol. 54, 9448–9484
4	Fifth Amendment and Restatement of the Trust Agreement for the Arcadia Living Trust (dated 09/30/10)	Vol. 54, 9485–9524
5	P. Morabito's Supplement to NRCP 16.1 Disclosures (dated 03/01/11)	Vol. 54, 9525–9529

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6	Transcript of March 3, 2011 Deposition of P. Morabito	Vol. 55, 9530–9765
7	Documents Conveying Real Property	Vol. 56, 9766–9774
8	Transcript of July 22, 2019 Hearing	Vol. 56, 9775–9835
9	Tolling Agreement JH and P. Morabito (partially executed 11/30/11)	Vol. 56, 9836–9840
10	Tolling Agreement JH and Arcadia Living Trust (partially executed 11/30/11)	Vol. 56, 9841–9845
11	Excerpted Pages 8–9 of Superpumper Judgment (filed 03/29/19)	Vol. 56, 9846–9848
12	Petitioners' First Set of Interrogatories to Debtor (dated 08/13/13)	Vol. 56, 9849–9853
13	Tolling Agreement JH and Edward Bayuk (partially executed 11/30/11)	Vol. 56, 9854–9858
14	Tolling Agreement JH and Bayuk Trust (partially executed 11/30/11)	Vol. 56, 9859–9863
15	Declaration of Mark E. Lehman, Esq. (dated 03/21/11)	Vol. 56, 9864–9867
16	Excerpted Transcript of October 20, 2015 Deposition of Dennis C. Vacco	Vol. 56, 9868–9871
17	Assignment and Assumption Agreement (dated 07/03/07)	Vol. 56, 9872–9887
18	Order Denying Morabito’s Claim of Exemption (filed 08/02/19)	Vol. 56, 9888–9890

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<tr><th colspan="2">DOCUMENT DESCRIPTION</th><th>LOCATION</th></tr>
<tr><td colspan="2">Errata to Motion to Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration (filed 08/20/2019)</td><td>Vol. 57, 9891–9893</td></tr>
<tr><td colspan="2">Plaintiff's Opposition to Motion to Make Amended or Additional Findings Under NRCP 52(b), or, In the Alternative, Motion for Reconsideration, and Countermotion for Fees and Costs Pursuant to NRS 7.085 (filed 08/30/2019)</td><td>Vol. 57, 9894–9910</td></tr>
<tr><td colspan="2">Errata to Plaintiff's Opposition to Motion to Make Amended or Additional Findings Under NRCP 52(b), or, In the Alternative, Motion for Reconsideration, and Countermotion for Fees and Costs Pursuant to NRS 7.085 (filed 08/30/2019)</td><td>Vol. 57, 9911–9914</td></tr>
<tr><td colspan="2">Exhibits to Errata to Plaintiff's Opposition to Motion to Make Amended or Additional Findings Under NRCP 52(b), or, In the Alternative, Motion for Reconsideration, and Countermotion for Fees and Costs Pursuant to NRS 7.085</td><td></td></tr>
<tr><td>Exhibit</td><td>Document Description</td><td></td></tr>
<tr><td>1</td><td>Declaration of Gabrielle A. Hamm, Esq.</td><td>Vol. 57, 9915–9918</td></tr>
<tr><td>2</td><td>Plaintiff's Amended NRCP 16.1 Disclosures (February 19, 2016)</td><td>Vol. 57, 9919–9926</td></tr>
<tr><td>3</td><td>Plaintiff's Fourth Supplemental NRCP 16.1 Disclosures (November 15, 2016)</td><td>Vol. 57, 9927–9930</td></tr>
<tr><td>4</td><td>Plaintiff's Fifth Supplemental NRCP 16.1 Disclosures (December 21, 2016)</td><td>Vol. 57, 9931–9934</td></tr>
<tr><td>5</td><td>Plaintiff's Sixth Supplemental NRCP 16.1 Disclosures (March 20, 2017)</td><td>Vol. 57, 9935–9938</td></tr>
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<tr><td colspan="2">Reply in Support of Motion to Make Amended or Additional Findings Under NRCP 52(b), or, In the Alternative, Motion for Reconsideration, and Countermotion for Fees and Costs (filed 09/04/2019)</td><td>Vol. 57, 9939–9951</td></tr>
<tr><td colspan="2">Exhibits to Reply in Support of Motion to Make Amended or Additional Findings Under NRCP 52(b), or, In the Alternative, Motion for Reconsideration, and Countermotion for Fees and Costs</td><td></td></tr>
<tr><td>Exhibit</td><td>Document Description</td><td></td></tr>
<tr><td>19</td><td>Notice of Submission of Disputed Order Denying Claim of Exemption and Third Party Claim (filed 08/01/19)</td><td>Vol. 57, 9952–9993</td></tr>
<tr><td>20</td><td>Notice of Submission of Disputed Order Denying Claim of Exemption and Third Party Claim (filed 08/01/19)</td><td>Vol. 57, 9994–10010</td></tr>
<tr><td colspan="2">Order Denying Defendants’ Motion to Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration and Denying Plaintiff's Countermotion for Fees and Costs Pursuant to NRS 7.085 (filed 11/08/2019)</td><td>Vol. 57, 10011–10019</td></tr>
<tr><td colspan="2">Bayuk’s Case Appeal Statement (filed 12/06/2019)</td><td>Vol. 57, 10020–10026</td></tr>
<tr><td colspan="2">Bayuk’s Notice of Appeal (filed 12/06/2019)</td><td>Vol. 57, 10027–10030</td></tr>
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<tr><td colspan="2">Exhibits to Bayuk’s Notice of Appeal</td><td></td></tr>
<tr><td>Exhibit</td><td>Document Description</td><td></td></tr>
<tr><td>1</td><td>Order Denying [Morabito’s] Claim of Exemption (filed 08/02/19)</td><td>Vol. 57, 10031–10033</td></tr>
<tr><td>2</td><td>Order Denying [Bayuk’s] Claim of Exemption and Third Party Claim (filed 08/09/19)</td><td>Vol. 57, 10034–10038</td></tr>
<tr><td>3</td><td>Order Denying Defendants’ Motion to Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration and Denying Plaintiff’s Countermotion for Fees and Costs Pursuant to NRS 7.085 (filed 11/08/19)</td><td>Vol. 57, 10039–10048</td></tr>
<tr><td colspan="2">Notice of Entry of Order Denying Defendants' Motion to Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration and Denying Plaintiff's Countermotion for Fees and Costs Pursuant to NRS 7.085 (filed 12/23/2019)</td><td>Vol. 57, 10049–10052</td></tr>
<tr><td colspan="2">Exhibit to Notice of Entry of Order</td><td></td></tr>
<tr><td>Exhibit</td><td>Document Description</td><td></td></tr>
<tr><td>A</td><td>Order Denying Defendants’ Motion to Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration and Denying Plaintiff’s Countermotion for Fees and Costs Pursuant to NRS 7.085 (filed 11/08/19)</td><td>Vol. 57, 10053–10062</td></tr>
<tr><td colspan="2">Docket Case No. CV13-02663</td><td>Vol. 57, 10063–10111</td></tr>
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Jacqueline Bryant
Clerk of the Court
Transaction # 5452770 : csulezic

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Attorneys for Defendants Snowshoe Petroleum, Inc., Superpumper, Inc., Edward Bayuk, individually and as Trustee of the Edward William Bayuk Living Trust, and Salvatore Morabito.

IN THE SECOND JUDICIAL DISTRICT FOR THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

WILLIAM A. LEONARD, Trustee for the Bankruptcy Estate of Paul Anthony Morabito

Plaintiffs,

vs.

SUPERPUMPER, INC., an Arizona corporation; EDWARD BAYUK, individually and as Trustee of the EDWARD WILLIAM BAYUK LIVING TRUST; SALVATORE MORABITO, an individual; and SNOWSHOE PETROLEUM, INC., a New York corporation,

Defendants.
_____/

CASE NO.: CV13-02663

DEPT. NO.: B1

REPLY IN SUPPORT OF MOTION TO MODIFY SUBPOENA, OR, IN THE ALTERNATIVE, FOR A PROTECTIVE ORDER PRECLUDING TRUSTEE FROM SEEKING DISCOVERY PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE

Defendants SUPERPUMPER, INC., EDWARD BAYUK, individually and as Trustee of the EDWARD WILLIAM BAYUK LIVING TRUST, SALVATORE MORABITO, and SNOWSHOE PETROLEUM (collectively, "Defendants") hereby reply in support of their motion asking this Court to partially quash, or, in the alternative, enter a protective order regarding the

subpoena issued to non-party DENNIS VACCO ("Vacco"), by plaintiff WILLIAM A. LEONARD, Trustee for the Bankruptcy Estate of Paul Anthony Morabito ("Trustee").

I. DEFENDANTS' MOTION IS NOT A COLLATERAL ATTACK

Contrary to the Trustee's assertion, this motion is not an improper collateral attack on the Bankruptcy Court's order waiving the attorney-client privilege as to non-party Paul Morabito. Defendants have not challenged that order in this motion. That order did not waive the attorney-client privilege of **Defendants'** communications with Vacco. Therefore, Defendants' motion is not a collateral attack.

II. THE TRUSTEE IS NOT ENTITLED TO DISCOVER INFORMATION PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE.[1]

A. The Information Sought is Protected By the Attorney-Client Privilege Under Either a Joint Defense OR a Common-Interest Theory.

The Trustee confuses the distinction between the common-interest privilege and the joint defense privilege in his opposition. The joint defense privilege applies when multiple clients are represented by ***one*** attorney. *See Restatement (Third) of the Law Governing Lawyers,* § 75(1) (2000) (stating that "[i]f two or more persons are jointly represented by the same lawyer in a matter, a communication of either co-client that otherwise qualifies as privileged . . . is privileged as against third persons"). Here, Vacco did, in fact, represent some of the Defendants as noted by the Trustee in his opposition. *See* Opposition, Exh. 7, 54:24 – 55:22, 115:13-19. Thus, the joint defense privilege may apply.

Regardless, these communications are unequivocally protected under the common-interest privilege. Communications are privileged and protected from disclosure if they were "[m]ade for the purpose of facilitating the rendition of professional legal services to the client, by the client or the client's lawyer to a lawyer representing another in a matter of common interest." NRS 49.095(3). Under this privilege, "attorneys for different clients pursuing a common legal strategy [may] communicate with each other" without waiving the attorney-client privilege. *In re Pac.*

[1] It does not appear that the Trustee is arguing that the crime-fraud exception applies to these documents. Therefore, no treatment is given to that argument. However, if the Trustee is relying on waiver under the crime-fraud theory, Defendants reserve the right to supplement.

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Pictures Corp., 679 F.3d 1121, 1129 (9th Cir. 2012).

This privilege protects not only communications between **attorneys**, but also between the underlying clients. *See, e.g., In re Superior Nat'l Ins. Grp.*, 518 B.R. 562, 568 (Bankr. C.D. Cal. 2014) ("The common-interest doctrine allows disclosure between **parties**, without waiver privileges, of communications protected by the attorney-client privilege or the attorney work-product doctrine where the disclosure is necessary to accomplish the purpose for which the legal advice was sought." (Emphasis added) (internal quotations omitted)); *see also Wardleigh v. Second Judicial Dist. Ct.*, 111 Nev. 345, 351 n.2, 891 P.2d 1180, 1184 n.2 (1995) (discussing the attorney-client privilege, and construing NRS 49.095 in conjunction with NRS 49.055, which permits disclosure to third parties when necessary to accomplish the purpose of the attorney-client relationship).

Although typically applied in the context of civil or criminal litigation, the common interest privilege also applies in transactional contexts. *In re Teleglobe Communs. Corp.*, 493 F.3d 345, 364 (3d Cir. 2007) ("[The common interest privilege] applies in civil and criminal litigation, and even in purely transactional contexts."); *Restatement (Third) of the Law Governing Lawyers* § 76 ("If two or more clients with a common interest in a litigated or nonlitigated matter are represented by separate lawyers and they agree to exchange information concerning the matter, a communication of any such client that otherwise qualifies as privileged under [the attorney-client privilege] that relates to the matter is privileged as against third persons."). Accordingly, the communications that the Trustee is seeking are protected by the attorney-client privilege, as that privilege applies under the common-interest privilege.

B. The Attorney-Client Privilege Has Not Been Waived.

The Trustee cannot argue that the privilege as to Defendant's communications with Vacco has been waived because there has been no order entered establishing that Defendants' communications with Vacco have been waived. The only order entered pertains to Mr. Morabito and that order does not waive the protection of communications between Vacco and Defendants.

The waiver of the privilege as to one party does not waive the privilege as to all other parties under either the common-interest or the joint defense privilege. "[A] member is not

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authorized to waive the privilege for another member's communication." *Restatement (Third) of the Law Governing Lawyers,* § 76, cmt. g (2000) (discussing common-interest privilege); *see also Restatement (Third) of the Law Governing Lawyers,* § 75, cmt. e (2000) (discussing the joint defense privilege) ("One co-client does not have authority to waive the privilege with respect to another co-client's communications with their common lawyer."). "If a document or other recording embodies communications from two or more members, a waiver is effective only if concurred in by all members whose communications are involved, unless an objecting member's communication can be redacted." *Restatement (Third) of the Law Governing Lawyers,* § 76, cmt. g (2000) (discussing common-interest privilege); *see also Restatement (Third) of the Law Governing Lawyers,* § 75, cmt. e (2000) (discussing the joint defense privilege) (For a waiver to be effective, "all those co-clients must join a waiver, unless a nonwaiving co-client's communication can be redacted from the document").

Here, Defendants have not agreed to waive the privilege as to their own communications. Furthermore, the Bankruptcy Court did not enter any order waiving Defendants' privilege. Therefore, the attorney-client privilege has not been waived.

C. The Parties to the Communications Are Not "Adverse."

Finally, the parties to these privileged communications are not adverse. Generally, when parties become adverse, they cannot claim either the joint defense or the common interest privilege against ***each other.*** *Restatement (Third) of the Law Governing Lawyers,* § 76(2) (stating that a communication protected by the common interest privilege "is not privileged . . . in a subsequent adverse proceeding between" the parties); *Restatement (Third) of the Law Governing Lawyers,* § 75(2) (stating that a communication protected by the joint defense privilege "is not privileged as between co-clients in a subsequent adverse proceeding between them."). However, Mr. Morabito is not adverse to the Defendants. Therefore, the adversity exception does not apply.

The Trustee attempts to argue that he is now, for all purposes, Mr. Morabito; therefore, because the Trustee is adverse to the Defendants, the privilege no longer applies. The Trustee's argument is wrong. In order to stand in Mr. Morabito's shoes for purposes of the joint-defense or common-interest privilege, the Trustee would need to show this Court that the Trustee is the

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holder, or owner, of Mr. Morabito's attorney-client privileges. The United States Supreme Court has unequivocally held that a bankruptcy trustee may not invade a debtor's individual attorney-client privilege. *See Swidler & Berlin v. United State,* 524 U.S. 399, 409 (1998) ("Thus, federal common law simply prohibits the balancing of the trustee's duties and need for the information with the debtor's attorney client privilege."); *see also In re Ginzburg*, 517 B.r. 175, 181 (Bankr. C.D. Cal. 2014) (refusing to permit the bankruptcy trustee to unilaterally waive the attorney-client privilege).

Furthermore, the bankruptcy code contradicts the Trustee's argument. Section 542 permits the Trustee to step in Mr. Morabito's shoes as to the ownership of the property of the bankruptcy estate, ***but expressly excludes privileged information.*** Thus, the Trustee is ***not*** Mr. Morabito for purposes of asserting the attorney-client privilege. Because he is not Mr. Morabito, he remains a ***third party*** who is adverse to Defendants. The information is still privileged from disclosure to the Trustee. *See, e.g., In re Madison Mgmt. Grp., Inc.*, 212 B.R. 894, 896 (Bankr. N.D. Ill. 1997) ("When joint defendants become adverse to each other, however, there is still a reasonable expectation of confidentiality as to third parties."). Accordingly, the Trustee is not entitled to discover information protected by the attorney-client privilege.

III. THE MOTION IS TIMELY.

NRCP 45(c)(3)(A) merely requires that a motion be "timely" made, but does not set a particular limit as to what constitutes "timely" motion practice. Similarly, NRCP 26(c) contains no set time limit. Here, Defendants moved for protection from this Court almost immediately after discovering that the Trustee would be seeking privileged information in its subpoena. *See* Exh. 1; Exh. 2. Notably, the subpoena, as issued by this Court, does not seek the disclosure of information protected by the attorney-client privilege on its face. Exh. 3. It was not until Mr. Vacco's law firm revealed that this information had been requested that Defendants learned the Trustee intended to use the subpoena to seek discovery of attorney-client and work product privileged material. Exh. 2 at ¶ 5.

Defendants immediately contacted the Trustee to discuss this issue. In that communication, Defendants advised the Trustee that they were unaware the Trustee was seeking

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documents and communications between Vacco and Defendants. Exh. 4; *see also* Exh. 2 at ¶ 6. As the Trustee made clear in its response, he intends to seek any communication between Vacco, Mr. Morabito and Defendants. Thus, Defendants promptly brought this motion.

Regarding the Trustee's claims that Defendants have not yet provided a privilege log, Defendants note that its counsel only learned of the Trustee's intention to seek information he is not entitled to immediately prior to being forced to move for relief from this Court. This motion was made a mere days before the deposition seeking this information. As the Trustee himself notes, there are hundreds of documents contained in fifteen banker's boxes that must be catalogued. Accordingly, Defendants have not had time to compile this privilege log.

IV. CONCLUSION

For the foregoing reasons, Defendants respectfully request that this Court enter an order modifying or quashing the subpoena, or in the alternative, enter a protective order, precluding the Trustee from seeking discovery of communications and information protected by the attorney-client privilege from Vacco. Defendants do not wish to obstruct the Trustee's right to discover non-privileged information; Defendants merely wish to protect their privileged communications. Accordingly, Defendants respectfully request that this Court grant their motion.

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that this document does not contain the social security number of any person.

DATED this 6th day of April, 2016.

ROBISON, BELAUSTEGUI, SHARP & LOW
A Professional Corporation
71 Washington Street
Reno, Nevada 89503

/s/ Frank C. Gilmore
BARRY L. BRESLOW, ESQ.
FRANK C. GILMORE, ESQ.
Attorneys for Defendants Snowshoe Petroleum, Inc., Superpumper, Inc., Edward Bayuk, individually and as Trustee of the Edward William Bayuk Living Trust, and Salvatore Morabito.

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Robison, Belaustegui, Sharp & Low, and that on this date I caused to be served a true copy of the **REPLY IN SUPPORT OF MOTION TO MODIFY SUBPOENA, OR, IN THE ALTERNATIVE, FOR A PROTECTIVE ORDER PRECLUDING TRUSTEE FROM SEEKING DISCOVERY PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE** all parties to this action by the method(s) indicated below:

____ by placing an original or true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

Gerald Gordon, Esq.
Mark M. Weisenmiller, Esq.
Teresa M. Pilatowicz, Esq.
GARMAN TURNER GORDON
650 White Drive, Suite 100
Las Vegas, Nevada 89119
Attorneys for Plaintiff

✓ by using the Court's CM/ECF Electronic Notification System addressed to:

Gerald Gordon, Esq.
Email: ggordon@Gtg.legal
Mark M. Weisenmiller, Esq.
Email: mweisenmiller@Gtg.legal
Teresa M. Pilatowicz, Esq.
Email: tpilatowicz@Gtg.legal

____ by personal delivery/hand delivery addressed to:

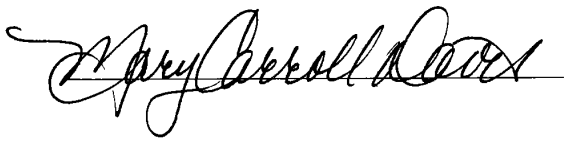
____ by email addressed to:

Gerald Gordon, Esq.
Email: ggordon@Gtg.legal
Mark M. Weisenmiller, Esq.
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Teresa M. Pilatowicz, Esq.
Email: tpilatowicz@Gtg.legal

____ by facsimile (fax) addressed to:

____ by Federal Express/UPS or other overnight delivery addressed to:

DATED: This 6th day of March, 2016.



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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

WILLIAM A. LEONARD, Trustee for the Bankruptcy Estate of Paul Anthony Morabito, Plaintiff, vs. SUPERPUMPER, INC., an Arizona corporation; EDWARD BAYUK, individually and as Trustee of the EDWARD WILLIAM BAYUK LIVING TRUST; SALVATORE MORABITO, and individual; and SNOWSHOE PETROLEUM, INC., a New York corporation, Defendants.	**CASE NO.: CV13-02663** **DEPT. NO. 1**

PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS

William Leonard, Chapter 7 Trustee for the bankruptcy estate of Paul Anthony Morabito and the plaintiff in the above-referenced action (the "Plaintiff" or "Trustee"), by and through his counsel, the law firm of Garman Turner Gordon LLP, hereby files this motion (the "Motion") to compel the production of documents from defendant EDWARD BAYUK, individually

("Bayuk") and as trustee of the EDWARD WILLIAM BAYUK LIVING TRUST (the "Trust"). Specifically, Plaintiff seeks an order compelling the production of insurance policies relating to the personal property which Plaintiff alleges was fraudulently transferred to Bayuk or the Trust by Paul Morabito ("Morabito" or "Debtor").

This Motion is supported by the following memorandum of points and authorities, the declaration of Teresa M. Pilatowicz, Esq. (the "Pilatowicz Decl."), attached hereto as **Exhibit 1**, the remaining exhibits attached hereto, and pleadings and papers on file in this above-captioned case, judicial notice of which is respectfully requested.

Dated this 7th day of April, 2016.

GARMAN TURNER GORDON LLP

/s/ Gabrielle A. Hamm
GERALD M. GORDON, ESQ.
Nevada Bar No. 229
TERESA M. PILATOWICZ, ESQ.
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Attorneys for Plaintiff William A. Leonard

MEMORANDUM OF POINTS AND AUTHORITIES

I.
RELEVANT FACTS

A. Background.

1. On December 17, 2013, JH, Inc., Jerry Herbst, and Berry-Hinckley Industries (the "Herbst Parties") filed a complaint in this Court against Morabito, his long-term domestic partner, Bayuk, his brother, Salvatore Morabito, Superpumper, Inc., an Arizona corporation, and Snowshoe Petroleum, Inc., a New York corporation, thereby commencing this action (the "Fraudulent Transfer Action").

2. On June 20, 2013, the Herbst Parties filed an Involuntary Petition (the "Petition") against the Debtor, thereby commencing the chapter 7 case (the "Chapter 7 Case") in the United

States Bankruptcy Court for the District of Nevada. Case No. 13-51237-GWZ, ECF No. 1.

3. Following the election and appointment of William A. Leonard as the Chapter 7 Trustee, Mr. Leonard was substituted as the Plaintiff in this Fraudulent Transfer Action.

B. The Personal Property Transfers.

4. The Fraudulent Transfer Action seeks to avoid and recover a number of fraudulent transfers of the Debtor's property, including personal property, which occurred only days after an oral ruling by Judge Brent Adams finding the Debtor liable for fraud against the Herbst Parties resulting in actual damages of approximately $75 million. Ultimately, final judgment was entered against the Debtor in the approximate amount of $144 Million against the Debtor and in favor of the Herbst Parties, encompassing actual and punitive damages.

5. Pertinent to this Motion, Plaintiff seeks to avoid and recover the fraudulent transfer by the Debtor to Bayuk of numerous items of personal property reflected in the bills of sale attached hereto as **Exhibits 2, 3**, and **4** (the "Bills of Sale"). The Bills of Sale reflect an aggregate purchase price paid by Bayuk of $88,812. See Ex. 1, 2, 3; Pilatowicz Decl. ¶ 4.

6. During the course of discovery, Plaintiff learned that within the two yearsprior to the transfers of the personal property reflected in the Bills of Sale, the Debtor insured various items of personal property for $2,000,000 – significantly more than the price paid by Bayuk. Attached hereto as **Exhibit 5** is the personal financial statement of the Debtor produced pursuant to a subpoena *duces tecum* by non-party Gursey Schneider, who performed auditing services for the Debtor and his cohorts, including Bayuk. Pilatowicz Decl. ¶ 5.

C. The Discovery Requests and Bayuk's and the Trust's Failure to Produce Responsive Documents.

7. On August 14, 2015, Plaintiff served *Plaintiff's First Set of Requests for Production of Documents to Edward Bayuk* (the "First Bayuk Requests"), to which Bayuk served his responses on September 24, 2015. True and correct copies of the First Bayuk Requests and *Edward Bayuk's Responses to Plaintiff's First Set of Requests for Production* are attached hereto as **Exhibits 6** and **7**. See Pilatowicz Decl., ¶ 6. In the First Bayuk Requests, Plaintiff requested the production of a number of categories of documents that would include insurance policies

obtained on the fraudulently-transferred personal property, though Bayuk failed to produce any insurance policies. The relevant requests, and Bayuk's responses thereto, are as follows:

> **Request for Production No. 2**:
> Produce any and all appraisals and/or valuations of the real and/or personal property located at [] 1254 Mary Flem[]ing Circle, Palm Springs, California between 2007 and the date of Your responses to these Discovery Requests.
>
> Response to Request for Production No. 2
> See MORABITO (341).002365-002401.
>
> **Request for Production No. 3**:
> Produce any and all appraisals and/or valuations of the real and/or personal property located at [] 371 El Camino Del Mar, Laguna Beach, California between 2007 and the date of Your responses to these Discovery Requests.
>
> Response to Request for Production No. 3
> See MORABITO (341).002489-00251
>
> **Request for Production No. 5**:
> Produce any and all inventories or lists of personal property located at [] 1254 Mary Flem[]ing Circle, Palm Springs, California between 2007 and the date of Your response to these Discovery Requests.
>
> Response to Request for Production No. 5
> All known responsive documents have been produced. See MORABITO (341).002362-2544; 006971-006978; 007350-007361; 006941-006948.
>
> **Request for Production No. 6**:
> Produce any and all inventories or lists of personal property located at [] 371 El Camino Del Mar, Laguna Beach, California between 2007 and the date of Your response to these Discovery Requests.
>
> Response to Request for Production No. 6
> All known responsive documents have been produced. See MORABITO (341).002362-2544;006971-006978;007350-007361;006941-006948.

8. On August 14, 2015, Plaintiff served *Plaintiff's First Set of Requests for Production of Documents to Edward Bayuk, as trustee of the Edward William Bayuk Living Trust* (the "First Trust Requests"), to which Bayuk served his responses on September 23, 2015. True and correct copies of the First Trust Requests and *Edward Bayuk, as trustee of the Edward William Bayuk Living Trust's Responses to Plaintiff's First Set of Requests for Production* are

attached hereto as **Exhibits 8** and **9**. See Pilatowicz Decl., ¶ 7. Like the First Bayuk Requests, Plaintiff requested the production of a number of categories of documents from the Trust that would include insurance policies obtained on the fraudulently-transferred personal property, though Bayuk failed to produce any insurance policies. The relevant requests, and the Bayuk's responses thereto, are as follows:

Request for Production No. 3:
Produce any and all Lists or Inventories of Assets in The Edward William Bayuk Living Trust between December 3, 2007 and the date of Your Response to these Discovery Requests.

Response to Request for Production No. 3
Objection. This request is overbroad and seeks documents which are not reasonably calculated to lead to the discovery of admissible evidence related to the claims and/or defenses in this case.

Request for Production No. 8:
Produce any and all appraisals and/or valuations of the real and/or personal property located at [] 1254 Mary Flem[]ing Circle, Palm Springs, California between 2007 and the date of Your responses to these Discovery Requests.

Response to Request for Production No. 8
See MORABITO (341).002515-2544.

Request for Production No. 9:
Produce any and all appraisals and/or valuations of the real and/or personal property located at [] 371 El Camino Del Mar, Laguna Beach, California between 2007 and the date of Your responses to these Discovery Requests.

Response to Request for Production No. 9
See MORABITO (341).002489-2514;

Request for Production No. 10:
Produce any and all inventories or lists of personal property located at [] 1254 Mary Flem[]ing Circle, Palm Springs, California between 2007 and the date of Your response to these Discovery Requests.

Response to Request for Production No. 10
See MORABITO (341).002362-2544; see also cancelled checks evidencing Bayuk's purchase of the furniture, MORABIT0 (341).006941-006948.

Request for Production No. 11:
Produce any and all inventories or lists of personal property located at [] 371 El Camino Del Mar, Laguna Beach, California between 2007 and the date of Your response to these Discovery Requests.

Response to Request for Production No. 11
See responses to Bayuk Requests for Production.

9. On January 29, 2016, Plaintiff served *Plaintiff's Second Set of Requests for Production of Documents to Edward Bayuk* (the "Second Bayuk Requests"), to which Bayuk served his responses on March 9, 2016. True and correct copies of the Second Bayuk Requests and *Edward Bayuk's Responses to Plaintiff's Second Set of Requests for Production* are attached hereto as **Exhibits 10** and **11**. See Pilatowicz Decl., ¶ 8. In the Second Bayuk Requests, Plaintiff expressly requested the production of insurance policies obtained on the fraudulently-transferred personal property. Again, Bayuk failed to produce any insurance policies. The relevant requests, and Bayuk's responses thereto, are as follows:

Request for Production No. 26:
Produce all Documents related to, referring to, or constituting any and all insurance policies in effect for any real or personal property You owned between January 1, 2005 and December 31, 2011.

Response to Request for Production No. 26
Objection, this request seeks documents which contain sensitive personal information which is not relevant to the claims and defenses pled in this case. The request is overbroad, not limited to the specific issues in dispute in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Request for Production No. 27:
Produce all Documents related to, referring to, or constituting any and all insurance policies for which you applied relating to any [] real or personal property You owned between January 1, 2005 and December 31, 2011.

Response to Request for Production No. 27
Objection, this request seeks documents which contain sensitive personal information which is not relevant to the claims and defenses pled in this case. The request is overbroad, not limited to the specific issues in dispute in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

10. On January 29, 2016, Plaintiff served *Plaintiff's Second Set of Requests for Production of Documents to Edward Bayuk, as trustee of the Edward William Bayuk Living Trust* (the "Second Trust Requests"), to which Bayuk served his responses on March 9, 2016. True and correct copies of the Second Trust Requests and *Edward Bayuk, as trustee of the Edward William Bayuk Living Trust's Responses to Plaintiff's Second Set of Requests for Production* are attached hereto as **Exhibits 12** and **13**. See Pilatowicz Decl., ¶ 9. Like the Second Bayuk Requests, Plaintiff expressly requested the production of insurance policies obtained on the fraudulently-transferred personal property. Again, Bayuk failed to produce any insurance policies. The relevant requests, and Bayuk's responses thereto, are as follows:

> **Request for Production No. 24:**
> Produce all Documents related to, referring to, or constituting any and all insurance policies in effect for any real or personal property You owned between January 1, 2005 and December 31, 2011.
>
> > Response to Request for Production No. 24
> > Objection, this request seeks documents which contain sensitive personal information which is not relevant to the claims and defenses pled in this case. The request is overbroad, not limited to the specific issues in dispute in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.
>
> **Request for Production No. 25:**
> Produce all Documents related to, referring to, or constituting any and all insurance policies for which you applied relating to any [] real or personal property You owned between January 1, 2005 and December 31, 2011.
>
> > Response to Request for Production No. 25
> > Objection, this request seeks documents which contain sensitive personal information which is not relevant to the claims and defenses pled in this case. The request is overbroad, not limited to the specific issues in dispute in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

11. In counsel's meet and confer pursuant to NRCP 37, Defendants' counsel contended that insurance policies are not relevant, stating that "[i]nformation contained in an insurance policy does not reflect the true market value of any personal or real property. Rather, a policy reflects the amount to which an insured is willing to ensure the property." Pilatowicz

Decl., ¶ 10. A true and correct copy of counsel's correspondence is attached hereto as **Exhibit 14**.

II.
LEGAL ARGUMENT

A party, upon reasonable notice to other parties and all persons affected thereby, may apply for an order compelling discovery. NRCP 37(a). If a party fails to permit inspection pursuant to a NRCP 34 request, after being served with a proper notice, the court in which the action is pending on motion may make such orders in regard to the failure as are just. See NRCP 37(d). Failure to comply with discovery requests under NRCP 37(d) "may not be excused on the ground that the discovery sought is objectionable unless the party failing to act has applied for a protective order as provided by Rule 26(c)." Id. In lieu of any order or in addition thereto, the court shall require the party failing to act or the attorney advising that party or both to pay the reasonable expenses, including attorney's fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust. Id.

"Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery." NRCP 26(b)(1); see also Harrison v. Falcon Prods., 103 Nev. 558, 560, 746 P.2d 642, 642 (1987). "Relevance is broadly construed to include "any matter that bears on, or that reasonably could lead to other matters that could bear on, any issue that is or may be in the case." Oppenheimer Fund, Inc. v. Sanders, 437 U.S. 340, 351 (1978); see also F.T.C. v. AMG Servs., Inc., 291 F.R.D. 544, 552 (D. Nev. 2013) ("Relevance within the meaning of Rule 26(b)(1) is considerably broader than relevance for trial purposes . . . [f]or discovery purposes, relevance means only that the materials sought are reasonably calculated to lead to the discovery of admissible evidence.") (citations omitted); Pulsecard, Inc. v. Discover Card Servs., Inc., 168 F.R.D. 295, 309 (D. Kan. 1996). "It is not ground for objection that the information sought will be inadmissible at the trial if *the information sought appears reasonably calculated to lead to the discovery of admissible evidence.*" Nev. R. Civ. P. 26

(emphasis added). Therefore, Defendant's counsel is not the arbiter of whether the insurance policies are relevant, and may not refuse to produce responsive documents because Defendant would object to their admissibility at trial.

The "party resisting discovery bears the burden of showing why a discovery request should be denied." F.T.C. v. AMG Servs., Inc., 291 F.R.D. 544, 553 (D. Nev. 2013) (citing Painters Joint Comm. v. Employee Painters Trust Health & Welfare Fund, No. 2:10–CV–1385 JCM (PAL), 2011 WL 4573349, at *5 (D. Nev. 2011), *modified on other grounds*, 2011 WL 5854714 (D. Nev. 2011)). The "objecting party must specifically detail the reasons why each request is irrelevant" and may not rely on boilerplate, generalized, conclusory, or speculative arguments. Id. (citing E.E.O.C. v. Caesars Entertainment, Inc., 237 F.R.D. 428, 432 (D. Nev. 2006) ("Rule 26(c) requires more than broad allegations of harm, unsubstantiated by specific examples or articulated reasoning."). Defendant's reference to unspecified privacy interests and boilerplate objection that the insurance policies are not relevant therefore are insufficient.

At issue in this case is whether Bayuk gave the Debtor reasonably equivalent value for the property transferred to Bayuk mere days after a significant judgment against the Debtor under Nevada's Uniform Fraudulent Transfer Act. The value ascribed to that property by Bayuk, and the amount of coverage which he sought and obtained, unquestionably relate to the value of that property along with Bayuk's opinion of the value of that property. Even assuming an insurance policy "does not reflect the true market value of any personal or real property," as Defendants contend and which Plaintiff contests, it is unquestionably likely to lead to the discovery of admissible evidence including, but not limited to, Bayuk's belief as to the value of the personal property. Accordingly, the requested documents are discoverable and must be produced.

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AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 7th day of April, 2016.

GARMAN TURNER GORDON LLP

/s/ Gabrielle A. Hamm

GERALD M. GORDON, ESQ.
Nevada Bar No. 229
TERESA M. PILATOWICZ, ESQ.
Nevada Bar No. 9605
GABRIELLE A. HAMM, ESQ.
Nevada Bar No. 11588
650 White Drive, Suite 100
Las Vegas, Nevada 89119
Tel: (735) 777-3000
Attorneys for Plaintiff William A. Leonard

CERTIFICATE OF SERVICE

I certify that I am an employee of GARMAN TURNER GORDON, and that on this date, pursuant to NRCP 5(b), I am serving a true and correct copy of the above **Plaintiff's Motion to Compel Production of Documents** on the parties as set forth below:

XXX Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, Reno, Nevada, postage prepaid, following ordinary business practices

____ Certified Mail, Return Receipt Requested

____ Via Facsimile (Fax)

____ Via E-Mail

____ Placing an original or true copy thereof in a sealed envelope and causing the same to be personally Hand Delivered

____ Federal Express (or other overnight delivery)

addressed as follows:

Barry Breslow
Frank Gilmore
ROBISON, BELAUSTEGUI, SHARP & LOW
71 Washington Street
Reno, NV 89503

DATED this 7th day of April, 2016.

/s/ Rebecca Post
An Employee of GARMAN TURNER GORDON

INDEX OF EXHIBITS

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Transaction # 5456829 : csulezic

Exhibit 1

DECLARATION OF TERESA M. PILATOWICZ IN SUPPORT OF PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO PARTIALLY QUASH, OR, IN THE ALTERNATIVE, FOR A PROTECTIVE ORDER PRECLUDING TRUSTEE FROM SEEKING DISCOVERY PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE

I, TERESA M. PILATOWICZ, declare and state under penalty of perjury the following:

1. I am an attorney with the law firm of Garman Turner Gordon LLP and am counsel to the plaintiff, William Leonard, in this matter. I am duly-licensed in Nevada and Arizona.

2. I have personal knowledge of the facts set forth herein, and if called upon to testify, could and would do so.

3. I submit this declaration in support of *Plaintiff's Motion to Compel Production of Documents* (the "Motion").

4. True and correct copies of the Bills of Sale reflecting an aggregate purchase price purportedly paid by Bayuk to the Debtor for numerous items of personal property of $88,812, produced by Defendants in this action, are attached to the Motion as **Exhibits 1**, **2**, and **3**.

5. During the course of discovery, Plaintiff learned that prior to the transfers of the personal property reflected in the Bills of Sale, the Debtor insured various items of personal property for $2,000,000 – significantly more than the price paid by Bayuk. Attached to the Motion as **Exhibit 5** is the personal financial statement of the Debtor produced pursuant to a subpoena duces tecum by non-party Gursey Schneider, who performed auditing services for the Debtor and his cohorts, including Bayuk.

6. On August 14, 2015 Plaintiff served *Plaintiff's First Set of Requests for Production of Documents to Edward Bayuk* (the "First Bayuk Requests"), to which Bayuk served his responses on September 24, 2015. True and correct copies of the First Bayuk Requests and *Edward Bayuk's Responses to Plaintiff's First Set of Requests for Production* are attached to the Motion as **Exhibits 6** and **7**. In the First Bayuk Requests, Plaintiff requested the production of a number of categories of documents that would include insurance policies obtained on the fraudulently-transferred personal property, though Bayuk failed to produce any insurance policies.

7. On August 14, 2015, Plaintiff served *Plaintiff's First Set of Requests for Production of Documents to Edward Bayuk, as trustee of the Edward William Bayuk Living Trust* (the "First Trust Requests"), to which Bayuk served his responses on September 23, 2015. True and correct copies of the First Trust Requests and *Edward Bayuk, as trustee of the Edward William Bayuk Living Trust's Responses to Plaintiff's First Set of Requests for Production* are attached to the Motion as **Exhibits 8** and **9**. Like the First Bayuk Requests, Plaintiff requested the production of a number of categories of documents from the Trust that would include insurance policies obtained on the fraudulently-transferred personal property, though Bayuk failed to produce any insurance policies.

8. On January 29, 2016, Plaintiff served *Plaintiff's Second Set of Requests for Production of Documents to Edward Bayuk* (the "Second Bayuk Requests"), to which Bayuk served his responses on March 9, 2016. True and correct copies of the Second Bayuk Requests and *Edward Bayuk's Responses to Plaintiff's Second Set of Requests for Production* are attached to the Motion as **Exhibits 10** and **11**. In the Second Bayuk Requests, Plaintiff expressly requested the production of insurance policies obtained on the fraudulently-transferred personal property. Again, Bayuk failed to produce any insurance policies.

9. On January 29, 2016, Plaintiff served *Plaintiff's Second Set of Requests for Production of Documents to Edward Bayuk, as trustee of the Edward William Bayuk Living Trust* (the "Second Trust Requests"), to which Bayuk served his responses on March 9, 2016. True and correct copies of the Second Trust Requests and *Edward Bayuk, as trustee of the Edward William Bayuk Living Trust's Responses to Plaintiff's Second Set of Requests for Production* are attached to the Motion as **Exhibits 12** and **13**. Like the Second Bayuk Requests, Plaintiff expressly requested the production of insurance policies obtained on the fraudulently-transferred personal property. Again, no insurance policies were produced.

10. I have consulted with counsel for the Defendants, Frank Gilmore, in order to attempt to resolve the matter, but we have been unable to resolve the matter without court intervention. In our meet and confer pursuant to NRCP 37, Defendants' counsel contended that insurance policies are not relevant, stating that "[i]nformation contained in an insurance policy

does not reflect the true market value of any personal or real property. Rather, a policy reflects the amount to which an insured is willing to ensure the property." A true and correct copy of counsel's correspondence is attached to the Motion as **Exhibit 14.**

Dated this 7th day of April, 2016.

TERESA M. PILATOWICZ, ESQ.

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Exhibit 2

BILL OF SALE

This **BILL OF SALE** (this "Bill of Sale") is made and effective as of October 1, 2010, (the "Effective Date") by and between **PAUL A. MORABITO** in his capacity as Trustee of the **ARCADIA LIVING TRUST ("Seller")** on the one hand, and **EDWARD WILLIAM BAYUK** in his capacity as Trustee of the **EDWARD WILLIAM BAYUK LIVING TRUST ("Buyer")**

Recitals

A. The Seller and the Buyer entered into that certain Purchase and Sale Agreement dated as of September 27, 2010 as thereafter amended (the "Agreement"), respecting the transfer of certain real property interests, including the real property commonly known as 1254 Mary Fleming Circle, Palm Springs, CA (the "Mary Fleming Property") as defined in the Agreement); and

B. Under the Agreement, the Seller is obligated to transfer to the Buyer any and all of his right, title and interest in and to certain specified personal property ("Personal Property") owned by Seller that is located on or in the Mary Fleming Property.

NOW, THEREFORE, as of the Effective Date for good and valuable consideration, the receipt and sufficiency of which are acknowledged, Seller and Buyer agree as follows:

1. In consideration of the sum of $44,756.00 delivered to Buyer concurrently herewith, Seller absolutely and unconditionally gives, grants, bargains, sells, transfers, sets over, assigns, conveys, releases, confirms and delivers to the Buyer all of the Seller's right, title and interest in and to all of the Personal Property. Attached hereto marked Exhibit "A" and incorporated herein by reference is a Listing of the Personal Property.

2. The Seller covenants that the Seller will, at no cost or liability to the Seller, at any time and from time to time upon written request therefor, execute and deliver to the Buyer, or the Buyer's successors, nominees or assigns, such documents as the Buyer may reasonably request in order to confirm the foregoing transfer to the Buyer of all of the Seller's right, title and interest in and to all of the Personal Property.

3. The Buyer acknowledges that the Seller makes no representation or warranty, either express or implied, with respect to the Personal Property, its present condition or its fitness or suitability for any particular purpose; and accordingly, the Personal Property is being purchased by the Buyer from the Seller in its "as is" "where is" condition, with all faults associated therewith. In this respect, the Buyer confirms that except as set forth in the representations, warranties and covenants contained in the Agreement, the Buyer is relying solely upon its investigation of the present condition of the Personal Property. The Buyer agrees to pay sales and use taxes, if any, in connection with the transfer of the Personal Property pursuant hereto.

4. This Bill of Sale shall be binding upon and inure to the benefit of the successors, assigns, personal representatives, heirs and legatees of the Buyer and the Seller.

5. The Bill of Sale shall be governed by, interpreted under, and construed and enforceable in accordance with, the laws of the State of California.

6. This Bill of Sale may be executed in any number of counterparts, each of which shall be deemed an original, and all of which, together, shall constitute one and the same instrument.

7. Capitalized terms used herein and not herein defined shall have the meanings given to such terms in the Agreement

IN WITNESS WHEREOF, the Seller and the Buyer have executed this Bill of Sale as of the date first written above.

"SELLER"

ARCADIA LIVING TRUST

Paul A. Morabito, Trustee

"BUYER"

EDWARD WILLIAM BAYUK LIVING TRUST

Edward William Bayuk, Trustee

Exhibit "A"
Listing of Personal Property

1254 Mary Fleming Circle

Location	Description
kitchen	Oslo style bar stools
kitchen	dining table
kitchen	dining chairs
kitchen	carpet
kitchen	pots, pans, dishes etc.
kitchen	liquor and wine
Liv rm	throw pillows
Liv rm	cocktail table
Liv rm	L shaped sofa
Liv rm	knick knacks
Liv rm	side table
Liv rm	Inuit art
various	framed WW1 & WW2 posters
TV Room	throw pillows
TV Room	custom 3 pc sectional sofa
TV Room	leather ottoman
hall	wood framed mirror
den	Nixon lounge chair
den	2 office chairs
guest rm	mirror
guest rm	custom Queen upholstered bed
guest rm	ottoman
guest rm	chair
guest rm	bed side cabinet
guest rm	custom pillows
hall bar area	800 DVDs
various	throws
hall bath	framed mirror & pictures
bedrooms	mattresses
master bdrm	custom eastern king upholstered bed, comforter etc.
master bdrm	bedside 4 drwr chests
master bdrm	credenza cabinet
master bdrm	wall mounted lamps
master bdrm	lounge chair
master bdrm	bedding
master bdrm	Secretary desk
dining room	wall cabinet glassware
various	TVs & electronics
various	outdoor furniture
dining room	dining table
dining room	dining chairs

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Clerk of the Court
Transaction # 5456829 : csulezic

Exhibit 3

BILL OF SALE

This **BILL OF SALE** (this "Bill of Sale") is made and effective as of October 1, 2010, (the "Effective Date") by and between **PAUL A. MORABITO** in his capacity as Trustee of the **ARCADIA LIVING TRUST ("Seller")** on the one hand, and **EDWARD WILLIAM BAYUK** in his capacity as Trustee of the **EDWARD WILLIAM BAYUK LIVING TRUST ("Buyer")**

Recitals

A. The Seller and the Buyer entered into that certain Purchase and Sale Agreement dated as of September 27, 2010 as thereafter amended (the "Agreement"), respecting the transfer of certain real property interests, including the real property commonly known as 371 El Camino Del Mar, Laguna Beach, CA (the "El Camino Property") as defined in the Agreement); and

B. Under the Agreement, the Seller is obligated to transfer to the Buyer any and all of his right, title and interest in and to certain specified personal property ("Personal Property") owned by Seller that is located on or in the El Camino Property.

NOW, THEREFORE, as of the Effective Date for good and valuable consideration, the receipt and sufficiency of which are acknowledged, Seller and Buyer agree as follows:

1. In consideration of the sum of $31,284.00 delivered to Buyer concurrently herewith, Seller absolutely and unconditionally gives, grants, bargains, sells, transfers, sets over, assigns, conveys, releases, confirms and delivers to the Buyer all of the Seller's right, title and interest in and to all of the Personal Property. Attached hereto marked Exhibit "A" and incorporated herein by reference is a Listing of the Personal Property.

2. The Seller covenants that the Seller will, at no cost or liability to the Seller, at any time and from time to time upon written request therefor, execute and deliver to the Buyer, or the Buyer's successors, nominees or assigns, such documents as the Buyer may reasonably request in order to confirm the foregoing transfer to the Buyer of all of the Seller's right, title and interest in and to all of the Personal Property.

3. The Buyer acknowledges that the Seller makes no representation or warranty, either express or implied, with respect to the Personal Property, its present condition or its fitness or suitability for any particular purpose; and accordingly, the Personal Property is being purchased by the Buyer from the Seller in its "as is" "where is" condition, with all faults associated therewith. In this respect, the Buyer confirms that except as set forth in the representations, warranties and covenants contained in the Agreement, the Buyer is relying solely upon its investigation of the present condition of the Personal Property. The Buyer agrees to pay sales and use taxes, if any, in connection with the transfer of the Personal Property pursuant hereto.

4. This Bill of Sale shall be binding upon and inure to the benefit of the successors, assigns, personal representatives, heirs and legatees of the Buyer and the Seller.

5. The Bill of Sale shall be governed by, interpreted under, and construed and enforceable in accordance with, the laws of the State of California.

6. This Bill of Sale may be executed in any number of counterparts, each of which shall be deemed an original, and all of which, together, shall constitute one and the same instrument.

7. Capitalized terms used herein and not herein defined shall have the meanings given to such terms in the Agreement

IN WITNESS WHEREOF, the Seller and the Buyer have executed this Bill of Sale as of the date first written above.

"SELLER"

ARCADIA LIVING TRUST

Paul A. Morabito, Trustee

"BUYER"

EDWARD WILLIAM BAYUK LIVING TRUST

Edward William Bayuk, Trustee

Exhibit "A"
Listing of Personal Property

371 El Camino del Mar

Location	Description
kitchen	Oslo style bar stools
TV Room	L shaped sofa
TV Room	cocktail table
TV Room	leather ottoman
TV Room	leather chair
Liv rm	throw pillows
Liv rm	cocktail table
Liv rm	round side tables & butterfly boxes
Liv rm	chairs
Liv rm	knick knacks
Liv rm	ottoman
Liv rm	art work
den	throw pillows
den	chair and ottoman
guest rm	double upholstered bed
guest rm	bed side cabinet
guest rm	custom pillows
various	throws
bedrooms	mattresses
master bdrm	King upholstered bed, comforter etc.
master bdrm	bedside chests
master bdrm	credenza cabinet
various	TVs & electronics
various	outdoor furniture
dining room	chairs
dining room	table

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Transaction # 5456829 : csulezic

Exhibit 4

BILL OF SALE

This **BILL OF SALE** (this "Bill of Sale") is made and effective as of October 1, 2010, (the "Effective Date") by and between **PAUL A. MORABITO** in his capacity as Trustee of the **ARCADIA LIVING TRUST ("Seller")** on the one hand, and **EDWARD WILLIAM BAYUK** in his capacity as Trustee of the **EDWARD WILLIAM BAYUK LIVING TRUST ("Buyer")**

Recitals

A. The Seller and the Buyer entered into that certain Purchase and Sale Agreement dated as of September 27, 2010 as thereafter amended (the "Agreement"), respecting the transfer of certain real property interests, including the real property commonly known as 370 Los Olivos, Laguna Beach, CA (the "Los Olivos Property") as defined in the Agreement); and

B. Under the Agreement, the Seller is obligated to transfer to the Buyer any and all of his right, title and interest in and to certain specified personal property ("Personal Property") owned by Seller that is located on or in the Los Olivos Property.

NOW, THEREFORE, as of the Effective Date for good and valuable consideration, the receipt and sufficiency of which are acknowledged, Seller and Buyer agree as follows:

1. In consideration of the sum of $12,763.00 delivered to Buyer concurrently herewith, Seller absolutely and unconditionally gives, grants, bargains, sells, transfers, sets over, assigns, conveys, releases, confirms and delivers to the Buyer all of the Seller's right, title and interest in and to all of the Personal Property. Attached hereto marked Exhibit "A" and incorporated herein by reference is a Listing of the Personal Property.

2. The Seller covenants that the Seller will, at no cost or liability to the Seller, at any time and from time to time upon written request therefor, execute and deliver to the Buyer, or the Buyer's successors, nominees or assigns, such documents as the Buyer may reasonably request in order to confirm the foregoing transfer to the Buyer of all of the Seller's right, title and interest in and to all of the Personal Property.

3. The Buyer acknowledges that the Seller makes no representation or warranty, either express or implied, with respect to the Personal Property, its present condition or its fitness or suitability for any particular purpose; and accordingly, the Personal Property is being purchased by the Buyer from the Seller in its "as is" "where is" condition, with all faults associated therewith. In this respect, the Buyer confirms that except as set forth in the representations, warranties and covenants contained in the Agreement, the Buyer is relying solely upon its investigation of the present condition of the Personal Property. The Buyer agrees to pay sales and use taxes, if any, in connection with the transfer of the Personal Property pursuant hereto.

4. This Bill of Sale shall be binding upon and inure to the benefit of the successors, assigns, personal representatives, heirs and legatees of the Buyer and the Seller.

5. The Bill of Sale shall be governed by, interpreted under, and construed and enforceable in accordance with, the laws of the State of California.

6. This Bill of Sale may be executed in any number of counterparts, each of which shall be deemed an original, and all of which, together, shall constitute one and the same instrument.

7. Capitalized terms used herein and not herein defined shall have the meanings given to such terms in the Agreement

IN WITNESS WHEREOF, the Seller and the Buyer have executed this Bill of Sale as of the date first written above.

"SELLER"

ARCADIA LIVING TRUST

Paul A. Morabito, Trustee

"BUYER"

EDWARD WILLIAM BAYUK LIVING TRUST

Edward William Bayuk, Trustee

Exhibit "A"
Listing of Personal Property

370 Los Olivos

Location	Description
Liv rm	throw pillows
Liv rm	cocktail table
Liv rm	L shaped sofa
Liv rm	knick knacks
Liv rm	bureau
Liv rm	art work
den	throw pillows
TV Room	pull-out sofa
guest rm	double upholstered bed
guest rm	bed side cabinet
guest rm	custom pillows
various	throws
bedrooms	mattresses
master bdrm	Queen upholstered bed, comforter etc.
master bdrm	bedside chests
various	TVs & electronics
various	outdoor furniture
dining room	table

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Exhibit 5

Paul Anthony Morabito

Statement of Assets & Liabilities
as of May 5, 2009

Assets			Liabilities	
Personal Items			**Loan Balances**	
[redacted]				
Artwork - (note 5)	per AIG Insurance	$ 2,000,000	[redacted]	$ 186,661
personal affects - (Note 6)	per AIG Insurance	$ 1,500,000		
Antiques (note 6)	per AIG Insurance	$ 250,000		
[redacted]				
excess of assets over liabilities				**$64,526,418**

Notes:

all residential and commercial properties and investments shown at Fair Market Value unless noted otherwise

[redacted]

5 as outlined in detailed schedule to AIG Private Insurance on the Umbrella Policy with Rider
6 as outlined in detailed schedule to AIG Private Insurance on the Umbrella Policy with Rider

[redacted]

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Exhibit 6

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Nevada Bar No. 9605
E-mail: tpilatowicz@gtg.legal
650 White Drive, Ste. 100
Las Vegas, Nevada 89119
Telephone 725-777-3000

Attorneys to Trustee

IN THE SECOND JUDICIAL DISTRICT COURT OF

THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE

WILLIAM A. LEONARD, Trustee for the Bankruptcy Estate of Paul Anthony Morabito, Plaintiff, vs. SUPERPUMPER, INC., an Arizona corporation; EDWARD BAYUK, individually and as Trustee of the EDWARD WILLIAM BAYUK LIVING TRUST; SALVATORE MORABITO, and individual; and SNOWSHOE PETROLEUM, INC., a New York corporation, Defendants.	**CASE NO.: CV13-02663** **DEPT. NO.: 1**

PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO EDWARD BAYUK

To: Edward William Bayuk; and

To: Barry Breslow and Frank Gilmore, Esq., his attorneys.

PLEASE TAKE NOTICE that, Pursuant to Rule 34 of the Nevada Rule of Civil Procedure, Plaintiff William A. Leonard ("Plaintiff"), by and through his counsel, Garman Turner Gordon LLP, hereby propounds the following document requests (each a "Discovery Request," and collectively, the "Discovery Requests"), and demands that Edward William Bayuk

respond within thirty (30) days of service hereof.

DEFINITIONS

1. "Action" means the above-captioned case pending in the Second Judicial District Court, Washoe County, Nevada, at Case No. A CV13-02663.

2. "Answer" means *Defendants' Answer to First Amended Complaint* filed in the Action on or about June 2, 2015.

3. "Communication" means any contact, oral or written, formal or informal, at any time or any place under any circumstance whatsoever whereby any information of any nature was transmitted or transferred, including but not limited to personal conversation, conferences, telephone conversations, memoranda, letters, correspondence, electronic correspondence, texts, reports, and publications.

4. "Complaint" refers to the *First Amended Complaint* filed in the Action on or about May 15, 2015.

5. "Document" shall be deemed to mean any printed, typewritten, handwritten, electronic, or otherwise recorded matter of whatever character, whether original, master or copy (whether still active, archived or transparent) and any copies or reproductions that are not identical to the original, that is or has been in the possession, control or custody of you, your attorney and/or all other person acting in your behalf or of which any of the aforementioned persons have knowledge, other person acting in your behalf or of which any of the aforementioned persons have knowledge, including, but not limited to, letters, e-mail (internal and external), communications, correspondence, memoranda, confirmations, facsimile transmittal sheets, transmittal forms, telegrams, notes, summaries, minutes, contracts, subcontracts, purchase orders, leases, amendments, change orders, proposals, requests for proposal, bids, marketing documents, reports, studies, drawings, charts, diagrams, sketches, estimates, specifications, addenda, schedules, directives, records of telephone conversations, staffing projections, records of meetings and conferences, including lists of persons attending meetings or conferences, summaries and records of personal conversations or interviews, exhibits, transcripts, books, manuals, publications, diaries, logs, daily reports, status reports,

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650 White Drive, Ste. 100
Las Vegas, NV 89119
725-777-3000

minutes of meetings, records, journals, entries in journals, charts, financial records and/or summaries of financial records, work papers, bills, ledgers, financial statements, audit reports, financial data, status sheets, contract status reports, tax returns, certificate of insurance, agreements of suretyship and/or indemnification, insurance policies, calendars, summaries of investigations and/or surveys, statistical compilations, audio or visual recordings, photographs, cpm schedules, spreadsheets, computer or magnetic records, computer memory (including that of any "transparent" information, information deleted from the personal computer or file but not from the system), hard drives, floppy discs, optical discs, CD-ROM discs, Bernoulli discs and their equivalents, magnetic tape, disaster recovery back-up, compact disks, computer generated reports or summaries, drafts of original or preliminary notes on and marginal comments appearing on any documents, other reports and records, any other paper or physical thing containing writing, photographic, imaged, or electronically recorded data, every copy of such writing or records where the original is not in the possession, custody or control of the aforementioned persons, and every copy of every such writing or record where such copy contains any commentary or notation whatsoever that does not appear on the original.

6. "Morabito" means Paul Morabito.

7. "Plaintiff" or "Leonard" refers to Plaintiff William A. Leonard, Trustee.

8. "Relate" or "Relating to" or "Relative to" means constituting, comprising, containing, setting forth, showing, disclosing, describing, explaining, summarizing, concerning, or referring to directly or indirectly.

9. "You" or "Your" means Edward William Bayuk, and his agents, heirs, assignees or representatives.

INSTRUCTIONS

1. These Discovery Requests shall be deemed continuing and as additional information concerning the answers is secured, such additional information shall be supplied to Plaintiff.

2. You shall produce all Documents in the manner in which they are maintained in the usual course of business and/or shall organize and label Documents to correspond with the

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Las Vegas, NV 89119
725-777-3000

categories of these Discovery Requests. A Discovery Request shall be deemed to include a request for any and all file folders within which the document was contained, transmittal sheets, cover letters, exhibits, enclosures, or attachments to the Document in addition to the Document itself.

3. In producing Documents and other materials, You are requested to furnish all Documents or things in Your possession, custody, or control, regardless of whether such Documents or materials are possessed by You directly or Your directors, officers, agents, employees, representatives, subsidiaries, managing agents, affiliates, investigators, or by Your attorneys or their agents, employees, representatives, or investigators.

4. If any Document is held under claim of privilege, please identify the Document for which there is a claim of privilege and a full description thereof, including without limitation:

1. The date it bears;

2. The name of each person who prepared it or who participated in any way in its preparation;

3. The name of each person who signed it;

4. The name of each person to whom it, or a copy of it was addressed;

5. The name of each person who presently has custody of it or a copy of it;

6. The subject matter and its substance; and

7. What factual basis there is for the claim of privilege.

5. If any Document requested to be produced was but is no longer in Your possession or control, or is no longer in existence, state whether it is (1) missing or lost, (2) destroyed, (3) transferred voluntarily or involuntarily to others and if so to whom, or (4) otherwise disposed of; and in each instance explain the circumstances surrounding an authorization of such disposition thereof and state the approximate date thereof.

6. In the event that Documents called for by any particular request have been lost or destroyed, please state: (i) the date on which the Document(s) were lost or destroyed; (ii) the manner in which the Document(s) were lost or destroyed; (iii) the identity of the Document(s);

(iv) the information contained within such Document(s) and the nature of the Document(s); and (v) and the identity of any person(s) who has knowledge of the contents of the Document(s) or has received a copy of such Document(s).

7. Documents attached to each other should not be separated.

8. Documents not otherwise responsive to this Discovery Request shall be produced if such Documents mention, discuss, refer to, or explain the Documents that are called for in a Discovery Request.

9. The term "and" as well as "or" shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of these requests any information which might otherwise be construed to be outside their scope.

10. Whenever appropriate, the singular form of a word shall be interpreted as plural and the masculine gender shall be deemed to include feminine.

11. The fact that a Document has been produced by You or any other defendant in any other litigation does not relieve You of Your obligation to produce your copy of the same Document, even if the two Documents are identical

DISCOVERY REQUESTS

Request for Production No. 1:

Produce any and all appraisals and/or valuations of the real and/or personal property located at 8355 Panorama Drive, Reno, Nevada, between 2007 and the date of Your response to these Discovery Requests

Request for Production No. 2:

Produce any and all appraisals and/or valuations of the real and/or personal property located at the 1254 Mary Flemming Circle, Palm Springs, California between 2007 and the date of Your response to these Discovery Requests.

Request for Production No. 3:

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650 White Drive, Ste. 100
Las Vegas, NV 89119
725-777-3000

Produce any and all appraisals and/or valuations of the real and/or personal property located at the 371 El Camino Del Mar, Laguna Beach, California between 2007 and the date of Your response to these Discovery Requests

Request for Production No. 4:

Produce any and all inventories or lists of personal property located at 8355 Panorama Drive, Reno, Nevada between 2007 and the date of Your response to these Discovery Requests

Request for Production No. 5:

Produce any and all inventories or lists of personal property located at 1254 Mary Flemming Circle, Palm Springs, California between 2007 and the date of Your response to these Discovery Requests

Request for Production No. 6:

Produce any and all inventories or lists of personal property located at 371 El Camino Del Mar, Laguna Beach, California between 2007 and the date of Your response to these Discovery Requests

Request for Production No. 7:

Produce any and all Documents evidencing, constituting, or relating to any secured loans on the real property located at 8355 Panorama Drive, Reno, Nevada the following locations between 2007 and the date of Your response to these Discovery Requests

Request for Production No. 8:

Produce any and all Documents evidencing, constituting, or relating to any secured loans on the real property located at 1254 Mary Flemming Circle, Palm Springs, California the following locations between 2007 and the date of Your response to these Discovery Requests

Request for Production No. 9:

Produce any and all Documents evidencing, constituting, or relating to any secured loans on the real property located at 371 El Camino Del Mar, Laguna Beach, California the following locations between 2007 and the date of Your response to these Discovery Requests

Request for Production No. 10:

Produce any and all Documents evidencing, constituting, or relating to the transfer of the

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Las Vegas, NV 89119
725-777-3000

real property located at 8355 Panorama Drive, Reno, Nevada to the Arcadia Living Trust on or about October 1, 2010.

Request for Production No. 11:

Produce any and all Documents evidencing, constituting, or relating to the transfer of the real property located at 1254 Mary Flemming Circle, Palm Springs, California to the Edward William Bayuk Living Trust in or about September 2010.

Request for Production No. 12:

Produce any and all Documents evidencing, constituting, or relating to the transfer of the real property located at 371 El Camino Del Mar, Laguna Beach, California to the Edward William Bayuk Living Trust on or about August 20, 2009.

Request for Production No. 13:

Produce any and all Communications between You and any third-party regarding the transfer of the real property located at 8355 Panorama Drive, Reno, Nevada to the Arcadia Living Trust on or about October 1, 2010.

Request for Production No. 14:

Produce any and all Communications between You and any third-party regarding the transfer of the real property located at 1254 Mary Flemming Circle, Palm Springs, California to the Edward William Bayuk Living Trust in or about September 2010.

Request for Production No. 15:

Produce any and all Communications between You and any third-party regarding the transfer of the real property located at 371 El Camino Del Mar, Laguna Beach, California to the Edward William Bayuk Living Trust on or about August 20, 2009.

Request for Production No. 16:

Produce any and all inventories or lists of all assets held by Baruk Properties from December 3, 2007 to the date of Your responses to these Discovery Requests.

Request for Production No. 17:

Produce any and all any and all valuations of Your interest in Baruk Properties from December 3, 2007 to the date of Your responses to these Discovery Requests.

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Las Vegas, NV 89119
725-777-3000

Request for Production No. 18:

Any and all documents evidencing, constituting, or related to the promissory note from Morabito to You in the amount of $600,000, including, but not limited to, any and all documents evidencing the basis for the promissory note.

Request for Production No. 19:

Any and all Communications between You and any third-party regarding the promissory note from Morabito to You in the amount of $600,000, including, but not limited to, any and all documents evidencing the basis for the promissory note.

Request for Production No. 20:

Any and all valuations of Your interest in Consolidated Western Corporation between December 3, 2007 and the date of Your response to these Discovery Requests.

Request for Production No. 21:

Any and all valuations of Your interest in Snowshoe Petroleum, Inc. between December 3, 2007 and the date of Your response to these Discovery Requests.

Request for Production No. 22:

Any and all documents valuations of Your interest in Superpumper, Inc. between December 3, 2007 and the date of Your response to these Discovery Requests.

Request for Production No. 23:

Any and all Documents constituting, evidencing, or related to every transfer of property of any type from Morabito, either directly or through an entity or trust owned or controlled by Morabito, to You between December 1, 2007 and the date of Your response to these Discovery Requests.

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Request for Production No. 24:

Any and all Communications regarding every transfer of property of any type from Morabito, either directly or through an entity or trust owned or controlled by Morabito, to You between December 1, 2007 and the date of Your response to these Discovery Requests

Dated this 14th day of August, 2015.

GARMAN TURNER GORDON LLP

/s/ Teresa M. Pilatowicx

GERALD M. GORDON, ESQ.
Nevada Bar No. 229
E-mail: ggordon@gtg.legal
TERESA M. PILATOWICZ, ESQ.
Nevada Bar No. 9605
E-mail: tpilatowicz@gtg.legal
650 White Drive, Ste. 100
Telephone (725) 777-3000
Attorneys to Trustee

CERTIFICATE OF SERVICE

I certify that I am an employee of GARMAN TURNER GORDON LLP, and that on this date, pursuant to NRCP 5(b), I am serving a true and correct copy of the attached **PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO EDWARD BAYUK** on the parties as set forth below:

XXX Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, Reno, Nevada, postage prepaid, following ordinary business practices

____ Certified Mail, Return Receipt Requested

____ Via Facsimile (Fax)

XXX Via E-Mail

____ Placing an original or true copy thereof in a sealed envelope and causing the same to be personally Hand Delivered

____ Federal Express (or other overnight delivery)

addressed as follows:

Barry Breslow
Frank Gilmore
ROBISON, BELAUSTEGUI, SHARP & LOW
71 Washington Street
Reno, NV 89503

DATED this 4 day of August 2015.

An Employee of GARMAN TURNER GORDON LLP

IARMAN TURNER GORDON LLP
650 White Drive, Ste. 100
Las Vegas, NV 89119
725-777-3000

F I L E D
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CV13-02663
2016-04-08 09:28:10 AM
Jacqueline Bryant
Clerk of the Court
Transaction # 5456829 : csulezic

Exhibit 7

DISCOVERY
BARRY L. BRESLOW, ESQ. – NSB #3023
bbreslow@rbsllaw.com
FRANK C. GILMORE, ESQ. - NSB #10052
fgilmore@rbsllaw.com
Robison, Belaustegui, Sharp & Low
A Professional Corporation
71 Washington Street
Reno, Nevada 89503
Telephone: (775) 329-3151
Facsimile: (775) 329-7169

Attorneys for Defendants Snowshoe Petroleum, Inc., Superpumper, Inc., Edward Bayuk, individually and as Trustee of the Edward William Bayuk Living Trust, and Salvatore Morabito.

IN THE SECOND JUDICIAL DISTRICT FOR THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

WILLIAM A. LEONARD, Trustee for the Bankruptcy Estate of Paul Anthony Morabito

Plaintiffs,

vs.

SUPERPUMPER, INC., an Arizona corporation; EDWARD BAYUK, individually and as Trustee of the EDWARD WILLIAM BAYUK LIVING TRUST; SALVATORE MORABITO, an individual; and SNOWSHOE PETROLEUM, INC., a New York corporation,

Defendants.
_____/

CASE NO.: CV13-02663

DEPT. NO.: B1

EDWARD BAYUK'S RESPONSES TO PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION

Defendant Edward Bayuk, by and through his attorneys Robison, Belaustegui, Sharp & Low, pursuant to NRCP 34 hereby Responses Plaintiff's First Set of Requests for Production of Documents to Edward Bayuk, as follows:

REQUEST FOR PRODUCTION NO. 1:

Produce any and all appraisals and/or valuations of the real and/or personal property located at 8355 Panorama Drive, Reno, Nevada between 2007 and the date of Your response to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

See Morabito (341).002365-002401.

REQUEST FOR PRODUCTION NO. 2:

Produce any and all appraisals and/or valuations of the real and/or personal property located at 1254 Mary Flemming Circle, Palm Springs, California between 2007 and the date of Your response to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

See Morabito (341).002365-002401.

REQUEST FOR PRODUCTION NO. 3:

Produce any and all appraisals and/or valuations of the real and/or personal property located at 371 El Camino Del Mar, Laguna Beach, California between 2007 and the date of Your response to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

See MORABITO (341).002489-002514

REQUEST FOR PRODUCTION NO. 4:

Produce any and all inventories or lists of personal property located at 8355 Panorama Drive, Reno, Nevada between 2007 and the date of Your response to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

All known responsive documents have been produced. See MORABITO (341).002362-2544; 007063-007092; 006941-006948.

REQUEST FOR PRODUCTION NO. 5:

Produce any and all inventories or lists of personal property located at 1254 Mary Flemming Circle, Palm Springs, California between 2007 and the date of Your response to these Discovery Requests.

Robison, Belaustegui, Sharp & Low
71 Washington St.
Reno, NV 89503
(775) 329-3151

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

All known responsive documents have been produced. See MORABITO (341).002362-2544; 006971-006978; 007350-007361; 006941-006948.

REQUEST FOR PRODUCTION NO. 6:

Produce any and all inventories or lists of personal property located at 371 El Camino Del Mar, Laguna Beach, California between 2007 and the date of Your response to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

All known responsive documents have been produced. See MORABITO (341).002362-2544; 006971-006978; 007350-007361; 006941-006948.

REQUEST FOR PRODUCTION NO. 7:

Produce and any all Documents evidencing, constituting, or relating to any secured loans on the real property located at 8355 Panorama Drive, Reno, Nevada between 2007 and the date of Your response to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Documents related to this loan have been requested of the lender. The loan was paid off approximately December 31, 2012. When additional documents have been received, they will be produced.

REQUEST FOR PRODUCTION NO. 8:

Produce and any all Documents evidencing, constituting, or relating to any secured loans on the real property located at 1254 Mary Flemming Circle, Palm Springs, California the following locations between 2007 and the date of Your response to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Documents related to this loan have been requested of the lender and will be produced when received. See also MORABITO (341).007097-98.

REQUEST FOR PRODUCTION NO. 9:

Produce and any all Documents evidencing, constituting, or relating to any secured loans on the real property located at 371 El Camino Del Mar, Laguna Beach, California the following

Robison, Belaustegui, Sharp & Low
71 Washington St.
Reno, NV 89503
(775) 329-3151

locations between 2007 and the date of Your response to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Documents related to this loan have been requested of the lender and will be produced when received. See also Superpumper 000439; MORABITO (341).006925-006926.

REQUEST FOR PRODUCTION NO. 10:

Produce any and all Documents evidencing, constituting, or relating to the transfer of the real property located at 8355 Panorama Drive, Reno, Nevada to the Arcadia Living Trust on or about October 1, 2010.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

All known responsive documents have been produced. See MORABITO (341).002362-2544;

REQUEST FOR PRODUCTION NO. 11:

Produce any and all Documents evidencing, constituting, or relating to the transfer of the real property located at 1254 Mary Flemming Circle, Palm Springs, California to the Edward William Bayuk Living Trust on or about September 2010.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

All known responsive documents have been produced. See See MORABITO (341).002362-2544; 7099;

REQUEST FOR PRODUCTION NO. 12:

Produce any and all Documents evidencing, constituting, or relating to the transfer of the real property located at 371 El Camino Del Mar, Laguna Beach, California to the Edward William Bayuk Living Trust on or about August 20, 2009.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

All known responsive documents have been produced. See See MORABITO (341).002362-2544; 006949; 006941-006948; 006971-006978

REQUEST FOR PRODUCTION NO. 13:

Produce any and all Communications between You and any third-party regarding the transfer of the real property located at 8355 Panorama Drive, Reno, Nevada to the Arcadia Living

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Reno, NV 89503
(775) 329-3151

Trust on or about October 1, 2010.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

All known responsive documents have been produced. See # 10, above.

REQUEST FOR PRODUCTION NO. 14:

Produce any and all Communications between You and any third-party regarding the transfer of the real property located at 1254 Mary Flemming Circle, Palm Springs, California to the Edward William Bayuk Living Trust on or about September 2010.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

All known responsive documents have been produced. See MORABITO (341).002362-2544;

REQUEST FOR PRODUCTION NO. 15:

Produce any and all Communications between You and any third-party regarding the transfer of the real property located at 371 El Camino Del Mar, Laguna Beach, California to the Edward William Bayuk Living Trust on or about August 20, 2009.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

All known responsive documents have been produced. See See MORABITO (341).002362-2544; 007097-007099

REQUEST FOR PRODUCTION NO. 16:

Produce any and all inventories or lists of assets held by Baruk Properties from December 3, 2007 to the date of Your response to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

Bayuk does not hold any interest in Baruk Properties.

REQUEST FOR PRODUCTION NO. 17:

Produce any and all valuations of Your interest in Baruk Properties from December 3, 2007 to the date of Your response to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

Bayuk does not hold any interest in Baruk Properties.

REQUEST FOR PRODUCTION NO. 18:

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Reno, NV 89503
(775) 329-3151

Any and all documents evidencing, constituting, or related to the promissory note from Morabito to You in the amount of $600,000, including, but not limited to, any and all documents evidencing the basis for the promissory note.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18:

See MORABITO (341).000001-000004; 000110-000111; All other responsive documents have been produced.

REQUEST FOR PRODUCTION NO. 19:

Any and all Communications between You and any third-party regarding the promissory note from Morabito to You in the amount of $600,000, including but not limited to, any and all documents evidencing the basis for the promissory note.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19:

See MORABITO (341).000001-000004; 000110-000111; All other responsive documents have been produced.

REQUEST FOR PRODUCTION NO. 20:

Any and all valuations of Your interest in Consolidated Western Corporation between December 3, 2007 and the date of Your response to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20:

See Superpumper 00064-00096; MORABITO(341).00001-000004. No other responsive documents are known to exist which have not been produced.

REQUEST FOR PRODUCTION NO. 21:

Any and all valuations of Your interest in Snowshoe Petroleum, Inc. between December 3, 2007, and the date of Your response to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

See SUPERPUMPER 000064-000096.

REQUEST FOR PRODUCTION NO. 22:

Any and all valuations of Your interest in Superpumper, Inc. between December 3, 2007 and the date of Your response to these Discovery Requests.

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71 Washington St.
Reno, NV 89503
(775) 329-3151

RESPONSE TO REQUEST FOR PRODUCTION NO. 22:

See SUPERPUMPER 000064-000096.

REQUEST FOR PRODUCTION NO. 23:

Any and all Documents constituting, evidencing, or related to every transfer of property of any type from Morabito, either directly or through an entity or trust owned or controlled by Morabito, to You between December 1, 2007 and the date of Your response to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23:

All responsive documents have been produced.

REQUEST FOR PRODUCTION NO. 24:

Any and all Communications regarding every transfer of property of any type from Morabito, either directly or through an entity or trust owned or controlled by Morabito, to You between December 1, 2007 and the date of Your response to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

All responsive documents have been produced.

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that this document does not contain the social security number of any person.

DATED this 23rd day of September, 2014.

ROBISON, BELAUSTEGUI, SHARP & LOW
A Professional Corporation
71 Washington Street
Reno, Nevada 89503



BARRY L. BRESLOW, ESQ.
FRANK C. GILMORE, ESQ.
Attorneys for Defendants Snowshoe Petroleum, Inc., Superpumper, Inc., Edward Bayuk, individually and as Trustee of the Edward William Bayuk Living Trust, and Salvatore Morabito.

J:\WPData\BLB\14359.001 Snowshoe adv. Herbst\P-Response to RFP (1st set) by Bayuk .doc

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71 Washington St.
Reno, NV 89503
(775) 329-3151

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Robison, Belaustegui, Sharp & Low, and that on this date I caused to be served a true copy of the **EDWARD BAYUK'S RESPONSES TO PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION** all parties to this action by the method(s) indicated below:

✓ by placing an original or true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

Gerald Gordon, Esq.
Mark M. Weisenmiller, Esq.
Teresa M. Pilatowicz, Esq.
GARMAN TURNER GORDON
650 White Drive, Suite 100
Las Vegas, Nevada 89119
Attorneys for Plaintiff

____ by using the Court's CM/ECF Electronic Notification System addressed to:

Gerald Gordon, Esq.
Email: ggordon@Gtg.legal
Mark M. Weisenmiller, Esq.
Email: mweisenmiller@Gtg.legal
Teresa M. Pilatowicz, Esq.
Email: tpilatowicz@Gtg.legal

____ by personal delivery/hand delivery addressed to:

____ by facsimile (fax) addressed to:

____ by Federal Express/UPS or other overnight delivery addressed to:

DATED: This 24th day of September, 2015.

Mary Carroll Davis

Robison, Belaustegui, Sharp & Low
71 Washington St.
Reno, NV 89503
(775) 329-3151

RBS&L | 71 Washington Street
Reno, Nevada 89503
ROBISON, BELAUSTEGUI, SHARP & LOW



Gerald Gerrion, Esq
Mark M Weisenmiller, Esq
Teresa M. Pilatowicz Esq.
GARMAN TURNER GORDON
650 White Drive, Suite 100
Las Vegas, Nevada 89119

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Jacqueline Bryant
Clerk of the Court
Transaction # 5456829 : csulezic

Exhibit 8

GARMAN TURNER GORDON LLP
GERALD M. GORDON, ESQ.
Nevada Bar No. 229
E-mail: ggordon@gtg.legal
TERESA M. PILATOWICZ, ESQ.
Nevada Bar No. 9605
E-mail: tpilatowicz@gtg.legal
650 White Drive, Ste. 100
Las Vegas, Nevada 89119
Telephone 725-777-3000

Attorneys to Trustee

IN THE SECOND JUDICIAL DISTRICT COURT OF

THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE

WILLIAM A. LEONARD, Trustee for the Bankruptcy Estate of Paul Anthony Morabito, Plaintiff, vs. SUPERPUMPER, INC., an Arizona corporation; EDWARD BAYUK, individually and as Trustee of the EDWARD WILLIAM BAYUK LIVING TRUST; SALVATORE MORABITO, and individual; and SNOWSHOE PETROLEUM, INC., a New York corporation, Defendants.	**CASE NO.: CV13-02663** **DEPT. NO.: 1**

PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO EDWARD BAYUK, AS TRUSTEE OF THE EDWARD WILLIAM BAYUK LIVING TRUST

To: Edward William Bayuk, as Trustee of the Edward William Bayuk Living Trust; and

To: Barry Breslow and Frank Gilmore, Esq., his attorneys.

PLEASE TAKE NOTICE that, Pursuant to Rule 34 of the Nevada Rule of Civil Procedure, Plaintiff William A. Leonard ("Plaintiff"), by and through his counsel, Garman

Turner Gordon LLP, hereby propounds the following document requests (each a "Discovery Request," and collectively, the "Discovery Requests"), and demands that Edward William Bayuk, as Trustee of the Edward William Bayuk Living Trust, respond within thirty (30) days of service hereof.

DEFINITIONS

1. "Action" means the above-captioned case pending in the Second Judicial District Court, Washoe County, Nevada, at Case No. A CV13-02663.

2. "Answer" means *Defendants' Answer to First Amended Complaint* filed in the Action on or about June 2, 2015.

3. "Communication" means any contact, oral or written, formal or informal, at any time or any place under any circumstance whatsoever whereby any information of any nature was transmitted or transferred, including but not limited to personal conversation, conferences, telephone conversations, memoranda, letters, correspondence, electronic correspondence, texts, reports, and publications.

4. "Complaint" refers to the *First Amended Complaint* filed in the Action on or about May 15, 2015.

5. "Document" shall be deemed to mean any printed, typewritten, handwritten, electronic, or otherwise recorded matter of whatever character, whether original, master or copy (whether still active, archived or transparent) and any copies or reproductions that are not identical to the original, that is or has been in the possession, control or custody of you, your attorney and/or all other person acting in your behalf or of which any of the aforementioned persons have knowledge, other person acting in your behalf or of which any of the aforementioned persons have knowledge, including, but not limited to, letters, e-mail (internal and external), communications, correspondence, memoranda, confirmations, facsimile transmittal sheets, transmittal forms, telegrams, notes, summaries, minutes, contracts, subcontracts, purchase orders, leases, amendments, change orders, proposals, requests for proposal, bids, marketing documents, reports, studies, drawings, charts, diagrams, sketches, estimates, specifications, addenda, schedules, directives, records of telephone conversations,

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Las Vegas, NV 89119
725-777-3000

staffing projections, records of meetings and conferences, including lists of persons attending meetings or conferences, summaries and records of personal conversations or interviews, exhibits, transcripts, books, manuals, publications, diaries, logs, daily reports, status reports, minutes of meetings, records, journals, entries in journals, charts, financial records and/or summaries of financial records, work papers, bills, ledgers, financial statements, audit reports, financial data, status sheets, contract status reports, tax returns, certificate of insurance, agreements of suretyship and/or indemnification, insurance policies, calendars, summaries of investigations and/or surveys, statistical compilations, audio or visual recordings, photographs, cpm schedules, spreadsheets, computer or magnetic records, computer memory (including that of any "transparent" information, information deleted from the personal computer or file but not from the system), hard drives, floppy discs, optical discs, CD-ROM discs, Bernoulli discs and their equivalents, magnetic tape, disaster recovery back-up, compact disks, computer generated reports or summaries, drafts of original or preliminary notes on and marginal comments appearing on any documents, other reports and records, any other paper or physical thing containing writing, photographic, imaged, or electronically recorded data, every copy of such writing or records where the original is not in the possession, custody or control of the aforementioned persons, and every copy of every such writing or record where such copy contains any commentary or notation whatsoever that does not appear on the original.

6. "Morabito" means Paul Morabito.

7. "Plaintiff" or "Leonard" refers to Plaintiff William A. Leonard, Trustee.

8. "Relate" or "Relating to" or "Relative to" means constituting, comprising, containing, setting forth, showing, disclosing, describing, explaining, summarizing, concerning, or referring to directly or indirectly.

9. "You" or "Your" means the Edward William Bayuk Living Trust, and its agents, heirs, assignees or representatives.

INSTRUCTIONS

1. These Discovery Requests shall be deemed continuing and as additional information concerning the answers is secured, such additional information shall be supplied to

ARMAN TURNER GORDON LLP
650 White Drive, Ste. 100
Las Vegas, NV 89119
725-777-3000

Plaintiff.

2. You shall produce all Documents in the manner in which they are maintained in the usual course of business and/or shall organize and label Documents to correspond with the categories of these Discovery Requests. A Discovery Request shall be deemed to include a request for any and all file folders within which the document was contained, transmittal sheets, cover letters, exhibits, enclosures, or attachments to the Document in addition to the Document itself.

3. In producing Documents and other materials, You are requested to furnish all Documents or things in Your possession, custody, or control, regardless of whether such Documents or materials are possessed by You directly or Your directors, officers, agents, employees, representatives, subsidiaries, managing agents, affiliates, investigators, or by Your attorneys or their agents, employees, representatives, or investigators.

4. If any Document is held under claim of privilege, please identify the Document for which there is a claim of privilege and a full description thereof, including without limitation:

a. The date it bears;

b. The name of each person who prepared it or who participated in any way in its preparation;

c. The name of each person who signed it;

d. The name of each person to whom it, or a copy of it was addressed;

e. The name of each person who presently has custody of it or a copy of it;

f. The subject matter and its substance; and

g. What factual basis there is for the claim of privilege.

5. If any Document requested to be produced was but is no longer in Your possession or control, or is no longer in existence, state whether it is (1) missing or lost, (2) destroyed, (3) transferred voluntarily or involuntarily to others and if so to whom, or (4) otherwise disposed of; and in each instance explain the circumstances surrounding an authorization of such disposition thereof and state the approximate date thereof.

ARMAN TURNER GORDON LLP
650 White Drive, Ste. 100
Las Vegas, NV 89119
725-777-3000

6. In the event that Documents called for by any particular request have been lost or destroyed, please state: (i) the date on which the Document(s) were lost or destroyed; (ii) the manner in which the Document(s) were lost or destroyed; (iii) the identity of the Document(s); (iv) the information contained within such Document(s) and the nature of the Document(s); and (v) and the identity of any person(s) who has knowledge of the contents of the Document(s) or has received a copy of such Document(s).

7. Documents attached to each other should not be separated.

8. Documents not otherwise responsive to this Discovery Request shall be produced if such Documents mention, discuss, refer to, or explain the Documents that are called for in a Discovery Request.

9. The term "and" as well as "or" shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of these requests any information which might otherwise be construed to be outside their scope.

10. Whenever appropriate, the singular form of a word shall be interpreted as plural and the masculine gender shall be deemed to include feminine.

11. The fact that a Document has been produced by You or any other defendant in any other litigation does not relieve You of Your obligation to produce your copy of the same Document, even if the two Documents are identical

DISCOVERY REQUESTS

Request for Production No. 1.

Produce a complete executed copy of the Edward William Bayuk Living Trust.

Request for Production No. 2:

Produce a complete executed copy of any and all amendments/modifications to the Edward William Bayuk Living Trust.

Request for Production No. 3:

Produce any and all lists or inventories of assets in the Edward William Bayuk Living Trust between December 3, 2007 and the date of Your response to these Discovery Requests.

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Las Vegas, NV 89119
725-777-3000

Request for Production No. 4:

Produce any and all Documents constituting, evidencing, or related to any transfers of assets to and from the Edward William Bayuk Living Trust between December 3, 2007 and the date of your response to these Discovery Requests.

Request for Production No. 5:

Produce any and all Communications between You and any third-party regarding any transfers of assets to and from the Edward William Bayuk Living Trust between December 3, 2007 and the date of your response to these Discovery Requests.

Request for Production No. 6:

Produce and any all Documents constituting, evidencing, or related to the source of funds and the purpose(s) for the $351,626.82 deposited into Morabito's trust account with Lippes Mathias Wexler Friedman, LLP by You on or about September 5, 2011.

Request for Production No. 7:

Produce and any all Communications between You and any third-party relating to the $351,626.82 deposited into Morabito's trust account with Lippes Mathias Wexler Friedman, LLP by You on or about September 5, 2011.

Request for Production No. 8:

Produce any and all appraisals and/or valuations of the real and/or personal property located at the 1254 Mary Flemming Circle, Palm Springs, California between 2007 and the date of Your response to these Discovery Requests.

Request for Production No. 9:

Produce any and all appraisals and/or valuations of the real and/or personal property located at the 371 El Camino Del Mar, Laguna Beach, California between 2007 and the date of Your response to these Discovery Requests

Request for Production No. 10:

Produce any and all inventories or lists of personal property located at 1254 Mary Flemming Circle, Palm Springs, California between 2007 and the date of Your response to these Discovery Requests

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Las Vegas, NV 89119
725-777-3000

Request for Production No. 11:

Produce any and all inventories or lists of personal property located at 371 El Camino Del Mar, Laguna Beach, California between 2007 and the date of Your response to these Discovery Requests

Request for Production No. 12:

Produce any and all Documents constituting, evidencing, or related to any secured loans on the real property located at 1254 Mary Flemming Circle, Palm Springs, California between 2007 and the date of Your response to these Discovery Requests

Request for Production No. 13:

Produce any and all Documents constituting, evidencing, or related any secured loans on the real property located at 371 El Camino Del Mar, Laguna Beach, California between 2007 and the date of Your response to these Discovery Requests

Request for Production No. 14:

Produce any and all Documents constituting, evidencing, or related to the transfer of the real property located at 1254 Mary Flemming Circle, Palm Springs, California to You on or after September 2010.

Request for Production No. 15:

Produce any and all Documents constituting, evidencing, or related to the transfer of the real property located at 371 El Camino Del Mar, Laguna Beach, California to You or by You at any time on or after August 20, 2009.

Request for Production No. 16:

Produce any and all Communications between You and any third-party regarding the transfer of the real property located at 1254 Mary Flemming Circle, Palm Springs, California to You on or after September 2010.

Request for Production No. 17:

Produce any and all Communications between You and any third-party regarding the transfer of the real property located at 371 El Camino Del Mar, Laguna Beach, California to You or by You at any time on or after August 20, 2009.

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650 White Drive, Ste. 100
Las Vegas, NV 89119
725-777-3000

Request for Production No. 18:

Any and all Documents constituting, evidencing, or related to the transfer of the Arcadia Living Trust's 50% interest in Baruk Properties to You on or about October 1, 2010.

Request for Production No. 19:

Any and all Communications between You and any third-party regarding Arcadia Living Trust's 50% interest in Baruk Properties to You on or about October 1, 2010.

Request for Production No. 20:

Any and all appraisals and/or valuations of Your interest in Baruk Properties between December 3, 2007 and the date of Your response to these Discovery Requests.

Request for Production No. 21:

Any and all Documents constituting, evidencing, or related to every transfer of property of any type from Morabito, either directly or through an entity or trust owned or controlled by Morabito, to You between December 1, 2007 and the date of Your response to these Discovery Requests

Request for Production No. 22:

Any and all Communications regarding every transfer of property of any type from Morabito, either directly or through an entity or trust owned or controlled by Morabito, to You between December 1, 2007 and the date of Your response to these Discovery Requests

Dated this 14th day of August, 2015.

GARMAN TURNER GORDON LLP

/s/ Teresa M. Pilatowicz

GERALD M. GORDON, ESQ.
Nevada Bar No. 229
E-mail: ggordon@gtg.legal
TERESA M. PILATOWICZ, ESQ.
Nevada Bar No. 9605
E-mail: tpilatowicz@gtg.legal
650 White Drive, Ste. 100
Telephone (725) 777-3000
Attorneys to Trustee

GARMAN TURNER GORDON LLP
650 White Drive, Ste. 100
Las Vegas, NV 89119
725-777-3000

CERTIFICATE OF SERVICE

I certify that I am an employee of GARMAN TURNER GORDON LLP, and that on this date, pursuant to NRCP 5(b), I am serving a true and correct copy of the attached PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO EDWARD BAYUK, AS TRUSTEE OF THE EDWARD WILLIAM BAYUK LIVING TRUST on the parties as set forth below:

XXX Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, Reno, Nevada, postage prepaid, following ordinary business practices

____ Certified Mail, Return Receipt Requested

____ Via Facsimile (Fax)

XXX Via E-Mail

____ Placing an original or true copy thereof in a sealed envelope and causing the same to be personally Hand Delivered

____ Federal Express (or other overnight delivery)

addressed as follows:

Barry Breslow
Frank Gilmore
ROBISON, BELAUSTEGUI, SHARP & LOW
71 Washington Street
Reno, NV 89503

DATED this 14 day of August 2015.

An Employee of GARMAN TURNER GORDON LLP

F I L E D
Electronically
CV13-02663
2016-04-08 09:28:10 AM
Jacqueline Bryant
Clerk of the Court
Transaction # 5456829 : csulezic

Exhibit 9

DISCOVERY
BARRY L. BRESLOW, ESQ. – NSB #3023
bbreslow@rbsllaw.com
FRANK C. GILMORE, ESQ. - NSB #10052
fgilmore@rbsllaw.com
Robison, Belaustegui, Sharp & Low
A Professional Corporation
71 Washington Street
Reno, Nevada 89503
Telephone: (775) 329-3151
Facsimile: (775) 329-7169

Attorneys for Defendants Snowshoe Petroleum, Inc., Superpumper, Inc., Edward Bayuk, individually and as Trustee of the Edward William Bayuk Living Trust, and Salvatore Morabito.

IN THE SECOND JUDICIAL DISTRICT FOR THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

WILLIAM A. LEONARD, Trustee for the Bankruptcy Estate of Paul Anthony Morabito

Plaintiffs,

vs.

SUPERPUMPER, INC., an Arizona corporation; EDWARD BAYUK, individually and as Trustee of the EDWARD WILLIAM BAYUK LIVING TRUST; SALVATORE MORABITO, an individual; and SNOWSHOE PETROLEUM, INC., a New York corporation,

Defendants.
_____/

CASE NO.: CV13-02663

DEPT. NO.: B1

EDWARD BAYUK, AS TRUSTEE OF THE EDWARD WILLIAM BAYUK LIVING TRUSTS RESPONSES TO PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION

Defendant Edward Bayuk, as Trustee of the Edward William Bayuk Living Trust, by and through its attorneys Robison, Belaustegui, Sharp & Low, pursuant to NRCP 34 hereby Responses Plaintiff's First Set of Requests for Production of Documents to Edward Bayuk, as Trustee of the Edward William Bayuk Living Trust, as follows:

///

REQUEST FOR PRODUCTION NO. 1:

Produce a complete executed copy of the Edward William Bayuk Living Trust.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Objection. The Trust agreement contains information which is personal and confidential and not subject to disclosure. The Trust agreement contains information which is not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding the objection, Bayuk confirms that he is the Settlor and Trustee, that the Trust was established prior to any events at issue in this case, and no person which has any affiliation to this action is named as a beneficiary in the Trust.

REQUEST FOR PRODUCTION NO. 2:

Produce a complete executed copy of any and all amendments/modifications to the Edward William Bayuk Living Trust.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

See response to No.1 above.

REQUEST FOR PRODUCTION NO. 3:

Produce any and all lists or inventories of assets in the Edward William Bayuk Living Trust between December 3, 2007 and the date of Your response to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Objection. This request is overbroad and seeks documents which are not reasonably calculated to lead to the discovery of admissible evidence related to the claims and/or defenses in this case.

REQUEST FOR PRODUCTION NO. 4:

Produce any and all Documents constituting, evidencing, or related to any transfers of assets to and from the Edward William Bayuk Living Trust between December 3, 2007 and the date of your response to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Objection. This request is overbroad and seeks documents which are not reasonably calculated to lead to the discovery of admissible evidence related to the claims and/or defenses in

Robison, Belaustegui, Sharp & Low
71 Washington St.
Reno, NV 89503
(775) 329-3151

this case.

REQUEST FOR PRODUCTION NO. 5:

Produce any and all Communications between You and any third-party regarding any transfers of assets to and from the Edward William Bayuk Living Trust between December 3, 2007 ad the date of your response to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Objection. This request is overbroad and seeks documents which are not reasonably calculated to lead to the discovery of admissible evidence related to the claims and/or defenses in this case.

REQUEST FOR PRODUCTION NO. 6:

Produce and any all Documents constituting, evidencing, or related to the source of funds and the purpose(s) for the $351,626.82 deposited into Morabito's trust account with Lippes Mathias Wexler Friedman, LLC by You on or about September 5, 2011.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Objection, lacks foundation. Bayuk is not aware of any deposit to Lippes Mathias of that amount on or about September 5, 2011.

REQUEST FOR PRODUCTION NO. 7:

Produce and any all Communications between You and any third-party relating to the $351,626.82 deposited into Morabito's trust account with Lippes Mathias Wexler Friedman, LLP by You on or before September 5, 2011.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Objection, see No. 6, above.

REQUEST FOR PRODUCTION NO. 8:

Produce any and all appraisals and/or valuations of the real and/or personal property located at the 1254 Mary Flemming Circle, Palm Springs, California between 2007 and the date of Your response to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

See MORABITO (341).002515-2544;

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(775) 329-3151

REQUEST FOR PRODUCTION NO. 9:

Produce any and all appraisals and/or valuations of the real and/or personal property located at the 371 El Camino Del Mar, Laguna Beach, California between 2007 and the date of Your response to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

See MORABITO (341).002489-2514;

REQUEST FOR PRODUCTION NO. 10:

Produce any and all inventories or lists of personal property located at the 1254 Mary Flemming Circle, Palm Springs, California between 2007 and the date of Your response to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

See MORABITO (341).002362-2544; see also cancelled checks evidencing Bayuk's purchase of the furniture, MORABITO(341).006941-006948.

REQUEST FOR PRODUCTION NO. 11:

Produce any and all inventories or lists of personal property located at the 371 El Camino Del Mar, Laguna Beach, California between 2007 and the date of Your response to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

See responses to Bayuk Requests for Production.

REQUEST FOR PRODUCTION NO. 12:

Produce any and all Documents constituting, evidencing, or related any secured loans on the real property located at the 1254 Mary Flemming Circle, Palm Springs, California between 2007 and the date of Your response to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

See Bayuk responses to Requests for Production. Bayuk has requested copies of these records from the respective lenders and will be produced once received.

REQUEST FOR PRODUCTION NO. 13:

Produce any and all Documents constituting, evidencing, or related any secured loans on

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71 Washington St.
Reno, NV 89503
(775) 329-3151

the real property located at the 371 El Camino Del Mar, Laguna Beach, California between 2007 and the date of Your response to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

See Bayuk responses to Requests for Production. Bayuk has requested copies of these records from the respective lenders and will be produced once received.

REQUEST FOR PRODUCTION NO. 14:

Produce any and all Documents constituting, evidencing, or related to the transfer of the property located at the 1254 Mary Flemming Circle, Palm Springs, California to You on or after September 2010.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

See Bayuk responses to Requests for Production.

REQUEST FOR PRODUCTION NO. 15:

Produce any and all Documents constituting, evidencing, or related to the transfer of the real property located at 371 El Camino Del Mar, Laguna Beach, California to You or by You at any time on or after August 20, 2009.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

See Bayuk responses to Requests for Production.

REQUEST FOR PRODUCTION NO. 16:

Produce any and all Documents between You and any third-party regarding of the transfer of the real property located at 1254 Mary Flemming Circle, Palm Springs, California to You on or after September 2010.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

No responsive documents are known to exist, other than what has been produced.

REQUEST FOR PRODUCTION NO. 17:

Produce any and all Communications between You and any third-party regarding the transfer of the real property located at 371 El Camino Del Mar, Laguna Beach, California to You or by You at any time on or after August 20, 2009.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

Robison, Belaustegui, Sharp & Low
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Reno, NV 89503
(775) 329-3151

No responsive documents are known to exist, other than what has been produced.

REQUEST FOR PRODUCTION NO. 18:

Any and all Documents constituting, evidencing, or related to the transfer of the Arcadia Living Trust's 50% interest in Baruk Properties to You on or about October 1, 2010.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18:

No such documents are within the care, custody and/or control of the Bayuk Trust, other than what has been produced.

REQUEST FOR PRODUCTION NO. 19:

Any and all Communications between You and any third-party regarding Arcadia Living Trust's 50% interest in Baruk Properties to You on or about October 1, 2010.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19:

No such documents are within the care, custody and/or control of the Bayuk Trust, other than what has been produced.

REQUEST FOR PRODUCTION NO. 20:

Any and all appraisals and/or valuations of Your interest in Baruk Properties between December 2007 and the date of Your response to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20:

See MORABITO (341).002362-2544;

REQUEST FOR PRODUCTION NO. 21:

Any and all Documents constituting, evidencing, or related to every transfer of property of any type from Morabito, either directly or through an entity or trust owned or controlled by Morabito, to You between December 1, 2007 and the ate of Your response to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

All known responsive documents have been produced.

REQUEST FOR PRODUCTION NO. 22:

Any and all Communications regarding every transfer of property of any type from Morabito, either directly or through an entity or trust owned or controlled by Morabito, to You

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71 Washington St.
Reno, NV 89503
(775) 329-3151

between December 1, 2007 and the date of Your response to these Discovery Requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 22:

All known responsive documents have been produced.

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that this document does not contain the social security number of any person.

DATED this 23rd day of September, 2014.

ROBISON, BELAUSTEGUI, SHARP & LOW
A Professional Corporation
71 Washington Street
Reno, Nevada 89503

BARRY L. BRESLOW, ESQ.
FRANK C. GILMORE, ESQ.
Attorneys for Defendants Snowshoe Petroleum, Inc., Superpumper, Inc., Edward Bayuk, individually and as Trustee of the Edward William Bayuk Living Trust, and Salvatore Morabito.

J:\WPData\BLB\14359.001 Snowshoe adv. Herbst\P-Response to RFP (1st set) by Bayuk Trust .doc

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Robison, Belaustegui, Sharp & Low, and that on this date I caused to be served a true copy of the **EDWARD BAYUK, AS TRUSTEE OF THE EDWARD WILLIAM BAYUK LIVING TRUSTS RESPONSES TO PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION** all parties to this action by the method(s) indicated below:

✓ by placing an original or true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

Gerald Gordon, Esq.
Mark M. Weisenmiller, Esq.
Teresa M. Pilatowicz, Esq.
GARMAN TURNER GORDON
650 White Drive, Suite 100
Las Vegas, Nevada 89119
Attorneys for Plaintiff

___ by using the Court's CM/ECF Electronic Notification System addressed to:

Gerald Gordon, Esq.
Email: ggordon@Gtg.legal
Mark M. Weisenmiller, Esq.
Email: mweisenmiller@Gtg.legal
Teresa M. Pilatowicz, Esq.
Email: tpilatowicz@Gtg.legal

___ by personal delivery/hand delivery addressed to:

___ by facsimile (fax) addressed to:

___ by Federal Express/UPS or other overnight delivery addressed to:

DATED: This 24th day of September, 2015.



Robison, Belaustegui, Sharp & Low
71 Washington St.
Reno, NV 89503
(775) 329-3151

RBS&L
71 Washington Street
Reno, Nevada 89503
ROBISON, BELAUSTEGUI, SHARP & LOW

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Gerald Gordon, Esq
Mark M Weisenmiller, Esq
Teresa M. Pilatowicz, Esq.
GARMAN TURNER GORDON
650 White Drive, Suite 100
Las Vegas, Nevada 89119

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Clerk of the Court
Transaction # 5456829 : csulezic

Exhibit 10

GARMAN TURNER GORDON LLP
GERALD M. GORDON, ESQ.
Nevada Bar No. 229
E-mail: ggordon@gtg.legal
TERESA M. PILATOWICZ, ESQ.
Nevada Bar No. 9605
E-mail: tpilatowicz@gtg.legal
650 White Drive, Ste. 100
Las Vegas, Nevada 89119
Telephone 725-777-3000

Attorneys to Trustee

IN THE SECOND JUDICIAL DISTRICT COURT OF

THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE

WILLIAM A. LEONARD, Trustee for the Bankruptcy Estate of Paul Anthony Morabito,

Plaintiff,

vs.

SUPERPUMPER, INC., an Arizona corporation; EDWARD BAYUK, individually and as Trustee of the EDWARD WILLIAM BAYUK LIVING TRUST; SALVATORE MORABITO, and individual; and SNOWSHOE PETROLEUM, INC., a New York corporation,

Defendants.

CASE NO.: CV13-02663

DEPT. NO.: 1

PLAINTIFF'S SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO EDWARD BAYUK

To: Edward William Bayuk; and

To: Barry Breslow and Frank Gilmore, Esq., his attorneys.

PLEASE TAKE NOTICE that, Pursuant to Rule 34 of the Nevada Rule of Civil Procedure, Plaintiff William A. Leonard ("Plaintiff"), by and through his counsel, Garman Turner Gordon LLP, hereby propounds the following document requests (each a "Discovery Request," and collectively, the "Discovery Requests"), and demands that Edward William Bayuk

respond within thirty (30) days of service hereof.

DEFINITIONS

1. "Action" means the above-captioned case pending in the Second Judicial District Court, Washoe County, Nevada, at Case No. A CV13-02663.

2. "Answer" means *Defendants' Answer to First Amended Complaint* filed in the Action on or about June 2, 2015.

3. "Communication" means any contact, oral or written, formal or informal, at any time or any place under any circumstance whatsoever whereby any information of any nature was transmitted or transferred, including but not limited to personal conversation, conferences, telephone conversations, memoranda, letters, correspondence, electronic correspondence, texts, reports, and publications.

4. "Complaint" refers to the *First Amended Complaint* filed in the Action on or about May 15, 2015.

5. "Document" shall be deemed to mean any printed, typewritten, handwritten, electronic, or otherwise recorded matter of whatever character, whether original, master or copy (whether still active, archived or transparent) and any copies or reproductions that are not identical to the original, that is or has been in the possession, control or custody of you, your attorney and/or all other person acting in your behalf or of which any of the aforementioned persons have knowledge, other person acting in your behalf or of which any of the aforementioned persons have knowledge, including, but not limited to, letters, e-mail (internal and external), communications, correspondence, memoranda, confirmations, facsimile transmittal sheets, transmittal forms, telegrams, notes, summaries, minutes, contracts, subcontracts, purchase orders, leases, amendments, change orders, proposals, requests for proposal, bids, marketing documents, reports, studies, drawings, charts, diagrams, sketches, estimates, specifications, addenda, schedules, directives, records of telephone conversations, staffing projections, records of meetings and conferences, including lists of persons attending meetings or conferences, summaries and records of personal conversations or interviews, exhibits, transcripts, books, manuals, publications, diaries, logs, daily reports, status reports,

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725-777-3000

minutes of meetings, records, journals, entries in journals, charts, financial records and/or summaries of financial records, work papers, bills, ledgers, financial statements, audit reports, financial data, status sheets, contract status reports, tax returns, certificate of insurance, agreements of suretyship and/or indemnification, insurance policies, calendars, summaries of investigations and/or surveys, statistical compilations, audio or visual recordings, photographs, cpm schedules, spreadsheets, computer or magnetic records, computer memory (including that of any "transparent" information, information deleted from the personal computer or file but not from the system), hard drives, floppy discs, optical discs, CD-ROM discs, Bernoulli discs and their equivalents, magnetic tape, disaster recovery back-up, compact disks, computer generated reports or summaries, drafts of original or preliminary notes on and marginal comments appearing on any documents, other reports and records, any other paper or physical thing containing writing, photographic, imaged, or electronically recorded data, every copy of such writing or records where the original is not in the possession, custody or control of the aforementioned persons, and every copy of every such writing or record where such copy contains any commentary or notation whatsoever that does not appear on the original.

6. "Morabito" means Paul Morabito.

7. "Plaintiff" or "Leonard" refers to Plaintiff William A. Leonard, Trustee.

8. "Relate" or "Relating to" or "Relative to" means constituting, comprising, containing, setting forth, showing, disclosing, describing, explaining, summarizing, concerning, or referring to directly or indirectly.

9. "You" or "Your" means Edward William Bayuk, and his agents, heirs, assignees or representatives.

INSTRUCTIONS

1. These Discovery Requests shall be deemed continuing and as additional information concerning the answers is secured, such additional information shall be supplied to Plaintiff.

2. You shall produce all Documents in the manner in which they are maintained in the usual course of business and/or shall organize and label Documents to correspond with the

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Las Vegas, NV 89119
725-777-3000

categories of these Discovery Requests. A Discovery Request shall be deemed to include a request for any and all file folders within which the document was contained, transmittal sheets, cover letters, exhibits, enclosures, or attachments to the Document in addition to the Document itself.

3. In producing Documents and other materials, You are requested to furnish all Documents or things in Your possession, custody, or control, regardless of whether such Documents or materials are possessed by You directly or Your directors, officers, agents, employees, representatives, subsidiaries, managing agents, affiliates, investigators, or by Your attorneys or their agents, employees, representatives, or investigators.

4. If any Document is held under claim of privilege, please identify the Document for which there is a claim of privilege and a full description thereof, including without limitation:

1. The date it bears;

2. The name of each person who prepared it or who participated in any way in its preparation;

3. The name of each person who signed it;

4. The name of each person to whom it, or a copy of it was addressed;

5. The name of each person who presently has custody of it or a copy of it;

6. The subject matter and its substance; and

7. What factual basis there is for the claim of privilege.

5. If any Document requested to be produced was but is no longer in Your possession or control, or is no longer in existence, state whether it is (1) missing or lost, (2) destroyed, (3) transferred voluntarily or involuntarily to others and if so to whom, or (4) otherwise disposed of; and in each instance explain the circumstances surrounding an authorization of such disposition thereof and state the approximate date thereof.

6. In the event that Documents called for by any particular request have been lost or destroyed, please state: (i) the date on which the Document(s) were lost or destroyed; (ii) the manner in which the Document(s) were lost or destroyed; (iii) the identity of the Document(s);

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Las Vegas, NV 89119
725-777-3000

(iv) the information contained within such Document(s) and the nature of the Document(s); and (v) and the identity of any person(s) who has knowledge of the contents of the Document(s) or has received a copy of such Document(s).

7. Documents attached to each other should not be separated.

8. Documents not otherwise responsive to this Discovery Request shall be produced if such Documents mention, discuss, refer to, or explain the Documents that are called for in a Discovery Request.

9. The term "and" as well as "or" shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of these requests any information which might otherwise be construed to be outside their scope.

10. Whenever appropriate, the singular form of a word shall be interpreted as plural and the masculine gender shall be deemed to include feminine.

11. The fact that a Document has been produced by You or any other defendant in any other litigation does not relieve You of Your obligation to produce your copy of the same Document, even if the two Documents are identical

DISCOVERY REQUESTS

Request for Production No. 25:.

Produce all tax returns filed by You or on Your behalf from the tax years 2005 through 2012.

Request for Production No. 26:

Produce all Documents related to, referring to, or constituting any and all insurance policies in effect for any real or personal property You owned between January 1, 2005 and December 31, 2011.

Request for Production No. 27:

Produce all Documents related to, referring to, or constituting any and all insurance policies for which you applied relating to any any real or personal property You owned between January 1, 2005 and December 31, 2011.

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Las Vegas, NV 89119
725-777-3000

Request for Production No. 28:

Produce all Documents related to, referring to, or constituting any payments or distributions to You from Superpumper, Inc,. between January 1, 2005 and December 31, 2011.

Request for Production No. 29:

Produce all Documents related to, referring to, or constituting any loans to You from Superpumper, Inc,. between January 1, 2005 and December 31, 2011.

Dated this 29th day of January, 2016.

GARMAN TURNER GORDON LLP

/s/ Teresa Pilatowicz

GERALD M. GORDON, ESQ.
Nevada Bar No. 229
E-mail: ggordon@gtg.legal
TERESA M. PILATOWICZ, ESQ.
Nevada Bar No. 9605
E-mail: tpilatowicz@gtg.legal
650 White Drive, Ste. 100
Telephone (725) 777-3000
Attorneys to Trustee

CERTIFICATE OF SERVICE

I certify that I am an employee of GARMAN TURNER GORDON LLP, and that on this date, pursuant to NRCP 5(b), I am serving a true and correct copy of the attached **PLAINTIFF'S SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO EDWARD BAYUK** on the parties as set forth below:

XXX Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, Reno, Nevada, postage prepaid, following ordinary business practices

____ Certified Mail, Return Receipt Requested

____ Via Facsimile (Fax)

XXX Via E-Mail

____ Placing an original or true copy thereof in a sealed envelope and causing the same to be personally Hand Delivered

____ Federal Express (or other overnight delivery)

addressed as follows:

Barry Breslow
Frank Gilmore
ROBISON, BELAUSTEGUI, SHARP & LOW
71 Washington Street
Reno, NV 89503

DATED this 29th day of January, 2016

An Employee of GARMAN TURNER GORDON LLP

F I L E D
Electronically
CV13-02663
2016-04-08 09:28:10 AM
Jacqueline Bryant
Clerk of the Court
Transaction # 5456829 : csulezic

Exhibit 11

DISCOVERY
BARRY L. BRESLOW, ESQ. – NSB #3023
bbreslow@rbsllaw.com
FRANK C. GILMORE, ESQ. - NSB #10052
fgilmore@rbsllaw.com
Robison, Belaustegui, Sharp & Low
A Professional Corporation
71 Washington Street
Reno, Nevada 89503
Telephone: (775) 329-3151
Facsimile: (775) 329-7169

Attorneys for Defendants Snowshoe Petroleum, Inc., Superpumper, Inc., Edward Bayuk, individually and as Trustee of the Edward William Bayuk Living Trust, and Salvatore Morabito.

IN THE SECOND JUDICIAL DISTRICT FOR THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

WILLIAM A. LEONARD, Trustee for the Bankruptcy Estate of Paul Anthony Morabito

Plaintiffs,

vs.

SUPERPUMPER, INC., an Arizona corporation; EDWARD BAYUK, individually and as Trustee of the EDWARD WILLIAM BAYUK LIVING TRUST; SALVATORE MORABITO, an individual; and SNOWSHOE PETROLEUM, INC., a New York corporation,

Defendants.
_____/

CASE NO.: CV13-02663

DEPT. NO.: B1

EDWARD BAYUK'S RESPONSES TO PLAINTIFF'S SECOND SET OF REQUESTS FOR PRODUCTION

Defendant Edward Bayuk, by and through his attorneys Robison, Belaustegui, Sharp & Low, pursuant to NRCP 34 hereby Responses Plaintiff's Second Set of Requests for Production of Documents to Edward Bayuk, as follows:

REQUEST FOR PRODUCTION NO. 25:

Produce all tax returns filed by You or on Your behalf from the tax years 2005 through 2011.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

Objection, tax returns contain sensitive personal information which is not relevant to the claims and defenses pled in this case. As explained in correspondence sent to Plaintiff related to the same request from Stanton Bernstein, tax returns are not discoverable unless the information contained therein is relevant to a claim alleged. Here, the tax returns are not relevant to Plaintiff's claims and will not be produced. Notwithstanding the objection, no shareholder loans related to Superpumper Inc., are believed to be reported or scheduled on Edward Bayuk's tax returns.

REQUEST FOR PRODUCTION NO. 26:

Produce all Documents related to, referring to, or constituting any and all insurance policies in effect for any real or personal property You owned between January 1, 2005 and December 31, 2011.

RESPONSE TO REQUEST FOR PRODUCTION NO. 26:

Objection, this request seeks documents which contain sensitive personal information which is not relevant to the claims and defenses pled in this case. The request is overbroad, not limited to specific issues in dispute in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 27:

Produce all Documents related to, referring to, or constituting any and all insurance policies for which you applied relating to any real or personal property You owned between January 1, 20015 and December 31, 2011.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27:

Objection, this request seeks documents which contain sensitive personal information which is not relevant to the claims and defenses pled in this case. The request is overbroad, not limited to specific issues in dispute in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Robison, Belaustegui, Sharp & Low
71 Washington St.
Reno, NV 89503
(775) 329-3151

REQUEST FOR PRODUCTION NO. 28:

Produce all Documents related to, referring to, or constituting any payments or distributions to You from Superpumper, Inc,. between January 1, 2005 and December 31, 2011.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28:

All responsive documents have either already been produced or are in the possession of Superpumper's accounting and auditing professionals, which has already been sought and/or received by the requesting party. Edward Bayuk has no records in his personal possession which have not already been sought and/or requested from the most direct source.

REQUEST FOR PRODUCTION NO. 29:

Produce all Documents related to, referring to, or constituting any loans to You from Superpumper, Inc,. between January 1, 2005 and December 31, 2011.

RESPONSE TO REQUEST FOR PRODUCTION NO. 29:

All responsive documents have either already been produced or are in the possession of Superpumper's accounting and auditing professionals, which has already been sought and/or received by the requesting party. Edward Bayuk has no records in his personal possession which have not already been sought and/or requested from the most direct source.

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that this document does not contain the social security number of any person.

DATED this 8th day of March, 2016.

ROBISON, BELAUSTEGUI, SHARP & LOW
A Professional Corporation
71 Washington Street
Reno, Nevada 89503

BARRY L. BRESLOW, ESQ.
FRANK C. GILMORE, ESQ.
Attorneys for Defendants

J:\WPData\BLB\14359.001 Snowshoe adv. Herbst\P-Response to RFP (2nd set) by Bayuk.2-2-16.doc

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Robison, Belaustegui, Sharp & Low, and that on this date I caused to be served a true copy of the **EDWARD BAYUK'S RESPONSES TO PLAINTIFF'S SECOND SET OF REQUESTS FOR PRODUCTION** all parties to this action by the method(s) indicated below:

✓ by placing an original or true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

Gerald Gordon, Esq.
Mark M. Weisenmiller, Esq.
Teresa M. Pilatowicz, Esq.
GARMAN TURNER GORDON
650 White Drive, Suite 100
Las Vegas, Nevada 89119
Attorneys for Plaintiff

____ by using the Court's CM/ECF Electronic Notification System addressed to:

Gerald Gordon, Esq.
Email: ggordon@Gtg.legal
Mark M. Weisenmiller, Esq.
Email: mweisenmiller@Gtg.legal
Teresa M. Pilatowicz, Esq.
Email: tpilatowicz@Gtg.legal

____ by personal delivery/hand delivery addressed to:

____ by email addressed to:

Gerald Gordon, Esq.
Email: ggordon@Gtg.legal
Mark M. Weisenmiller, Esq.
Email: mweisenmiller@Gtg.legal
Teresa M. Pilatowicz, Esq.
Email: tpilatowicz@Gtg.legal

____ by facsimile (fax) addressed to:

____ by Federal Express/UPS or other overnight delivery addressed to:

DATED: This 9th day of March, 2016.

Mary Carroll Davis

Robison, Belaustegui, Sharp & Low
71 Washington St.
Reno, NV 89503
(775) 329-3151

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2016-04-08 09:28:10 AM
Jacqueline Bryant
Clerk of the Court
Transaction # 5456829 : csulezic

Exhibit 12

GARMAN TURNER GORDON LLP
GERALD M. GORDON, ESQ.
Nevada Bar No. 229
E-mail: ggordon@gtg.legal
TERESA M. PILATOWICZ, ESQ.
Nevada Bar No. 9605
E-mail: tpilatowicz@gtg.legal
650 White Drive, Ste. 100
Las Vegas, Nevada 89119
Telephone 725-777-3000

Attorneys to Trustee

IN THE SECOND JUDICIAL DISTRICT COURT OF

THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE

WILLIAM A. LEONARD, Trustee for the Bankruptcy Estate of Paul Anthony Morabito, Plaintiff, vs. SUPERPUMPER, INC., an Arizona corporation; EDWARD BAYUK, individually and as Trustee of the EDWARD WILLIAM BAYUK LIVING TRUST; SALVATORE MORABITO, and individual; and SNOWSHOE PETROLEUM, INC., a New York corporation, Defendants.	**CASE NO.: CV13-02663** **DEPT. NO.: 1**

PLAINTIFF'S SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO EDWARD BAYUK, AS TRUSTEE OF THE EDWARD WILLIAM BAYUK LIVING TRUST

To: Edward William Bayuk, as Trustee of the Edward William Bayuk Living Trust; and

To: Barry Breslow and Frank Gilmore, Esq., his attorneys.

PLEASE TAKE NOTICE that, Pursuant to Rule 34 of the Nevada Rule of Civil Procedure, Plaintiff William A. Leonard ("Plaintiff"), by and through his counsel, Garman

Turner Gordon LLP, hereby propounds the following document requests (each a "Discovery Request," and collectively, the "Discovery Requests"), and demands that Edward William Bayuk, as Trustee of the Edward William Bayuk Living Trust, respond within thirty (30) days of service hereof.

DEFINITIONS

1. "Action" means the above-captioned case pending in the Second Judicial District Court, Washoe County, Nevada, at Case No. A CV13-02663.

2. "Answer" means *Defendants' Answer to First Amended Complaint* filed in the Action on or about June 2, 2015.

3. "Communication" means any contact, oral or written, formal or informal, at any time or any place under any circumstance whatsoever whereby any information of any nature was transmitted or transferred, including but not limited to personal conversation, conferences, telephone conversations, memoranda, letters, correspondence, electronic correspondence, texts, reports, and publications.

4. "Complaint" refers to the *First Amended Complaint* filed in the Action on or about May 15, 2015.

5. "Document" shall be deemed to mean any printed, typewritten, handwritten, electronic, or otherwise recorded matter of whatever character, whether original, master or copy (whether still active, archived or transparent) and any copies or reproductions that are not identical to the original, that is or has been in the possession, control or custody of you, your attorney and/or all other person acting in your behalf or of which any of the aforementioned persons have knowledge, other person acting in your behalf or of which any of the aforementioned persons have knowledge, including, but not limited to, letters, e-mail (internal and external), communications, correspondence, memoranda, confirmations, facsimile transmittal sheets, transmittal forms, telegrams, notes, summaries, minutes, contracts, subcontracts, purchase orders, leases, amendments, change orders, proposals, requests for proposal, bids, marketing documents, reports, studies, drawings, charts, diagrams, sketches, estimates, specifications, addenda, schedules, directives, records of telephone conversations,

ARMAN TURNER GORDON LLP
650 White Drive, Ste. 100
Las Vegas, NV 89119
725-777-3000

staffing projections, records of meetings and conferences, including lists of persons attending meetings or conferences, summaries and records of personal conversations or interviews, exhibits, transcripts, books, manuals, publications, diaries, logs, daily reports, status reports, minutes of meetings, records, journals, entries in journals, charts, financial records and/or summaries of financial records, work papers, bills, ledgers, financial statements, audit reports, financial data, status sheets, contract status reports, tax returns, certificate of insurance, agreements of suretyship and/or indemnification, insurance policies, calendars, summaries of investigations and/or surveys, statistical compilations, audio or visual recordings, photographs, cpm schedules, spreadsheets, computer or magnetic records, computer memory (including that of any "transparent" information, information deleted from the personal computer or file but not from the system), hard drives, floppy discs, optical discs, CD-ROM discs, Bernoulli discs and their equivalents, magnetic tape, disaster recovery back-up, compact disks, computer generated reports or summaries, drafts of original or preliminary notes on and marginal comments appearing on any documents, other reports and records, any other paper or physical thing containing writing, photographic, imaged, or electronically recorded data, every copy of such writing or records where the original is not in the possession, custody or control of the aforementioned persons, and every copy of every such writing or record where such copy contains any commentary or notation whatsoever that does not appear on the original.

6. "Morabito" means Paul Morabito.

7. "Plaintiff" or "Leonard" refers to Plaintiff William A. Leonard, Trustee.

8. "Relate" or "Relating to" or "Relative to" means constituting, comprising, containing, setting forth, showing, disclosing, describing, explaining, summarizing, concerning, or referring to directly or indirectly.

9. "You" or "Your" means the Edward William Bayuk Living Trust, and its agents, heirs, assignees or representatives.

INSTRUCTIONS

1. These Discovery Requests shall be deemed continuing and as additional information concerning the answers is secured, such additional information shall be supplied to

IARMAN TURNER GORDON LLP
650 White Drive, Ste. 100
Las Vegas, NV 89119
725-777-3000

Plaintiff.

2. You shall produce all Documents in the manner in which they are maintained in the usual course of business and/or shall organize and label Documents to correspond with the categories of these Discovery Requests. A Discovery Request shall be deemed to include a request for any and all file folders within which the document was contained, transmittal sheets, cover letters, exhibits, enclosures, or attachments to the Document in addition to the Document itself.

3. In producing Documents and other materials, You are requested to furnish all Documents or things in Your possession, custody, or control, regardless of whether such Documents or materials are possessed by You directly or Your directors, officers, agents, employees, representatives, subsidiaries, managing agents, affiliates, investigators, or by Your attorneys or their agents, employees, representatives, or investigators.

4. If any Document is held under claim of privilege, please identify the Document for which there is a claim of privilege and a full description thereof, including without limitation:

a. The date it bears;

b. The name of each person who prepared it or who participated in any way in its preparation;

c. The name of each person who signed it;

d. The name of each person to whom it, or a copy of it was addressed;

e. The name of each person who presently has custody of it or a copy of it;

f. The subject matter and its substance; and

g. What factual basis there is for the claim of privilege.

5. If any Document requested to be produced was but is no longer in Your possession or control, or is no longer in existence, state whether it is (1) missing or lost, (2) destroyed, (3) transferred voluntarily or involuntarily to others and if so to whom, or (4) otherwise disposed of; and in each instance explain the circumstances surrounding an authorization of such disposition thereof and state the approximate date thereof.

IARMAN TURNER GORDON LLP
650 White Drive, Ste. 100
Las Vegas, NV 89119
725-777-3000

6. In the event that Documents called for by any particular request have been lost or destroyed, please state: (i) the date on which the Document(s) were lost or destroyed; (ii) the manner in which the Document(s) were lost or destroyed; (iii) the identity of the Document(s); (iv) the information contained within such Document(s) and the nature of the Document(s); and (v) and the identity of any person(s) who has knowledge of the contents of the Document(s) or has received a copy of such Document(s).

7. Documents attached to each other should not be separated.

8. Documents not otherwise responsive to this Discovery Request shall be produced if such Documents mention, discuss, refer to, or explain the Documents that are called for in a Discovery Request.

9. The term "and" as well as "or" shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of these requests any information which might otherwise be construed to be outside their scope.

10. Whenever appropriate, the singular form of a word shall be interpreted as plural and the masculine gender shall be deemed to include feminine.

11. The fact that a Document has been produced by You or any other defendant in any other litigation does not relieve You of Your obligation to produce your copy of the same Document, even if the two Documents are identical

DISCOVERY REQUESTS

Request for Production No. 23.

Produce all tax returns filed by You or on Your behalf from the tax years 2005 through 2011.

Request for Production No. 24:

Produce all Documents related to, referring to, or constituting any and all insurance policies in effect for any real or personal property You owned between January 1, 2005 and December 31, 2011.

. . .

IARMAN TURNER GORDON LLP
650 White Drive, Ste. 100
Las Vegas, NV 89119
725-777-3000

Request for Production No. 25:

Produce all Documents related to, referring to, or constituting any and all insurance policies for which you applied relating to any any real or personal property You owned between January 1, 2005 and December 31, 2011.

Dated this 29th day of January 2016.

GARMAN TURNER GORDON LLP

/s/ Teresa Pilatowicz
GERALD M. GORDON, ESQ.
Nevada Bar No. 229
E-mail: ggordon@gtg.legal
TERESA M. PILATOWICZ, ESQ.
Nevada Bar No. 9605
E-mail: tpilatowicz@gtg.legal
650 White Drive, Ste. 100
Telephone (725) 777-3000
Attorneys to Trustee

CERTIFICATE OF SERVICE

I certify that I am an employee of GARMAN TURNER GORDON LLP, and that on this date, pursuant to NRCP 5(b), I am serving a true and correct copy of the attached PLAINTIFF'S SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO EDWARD BAYUK, AS TRUSTEE OF THE EDWARD WILLIAM BAYUK LIVING TRUST on the parties as set forth below:

XXX Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, Reno, Nevada, postage prepaid, following ordinary business practices

____ Certified Mail, Return Receipt Requested

____ Via Facsimile (Fax)

XXX Via E-Mail

____ Placing an original or true copy thereof in a sealed envelope and causing the same to be personally Hand Delivered

____ Federal Express (or other overnight delivery)

addressed as follows:

Barry Breslow
Frank Gilmore
ROBISON, BELAUSTEGUI, SHARP & LOW
71 Washington Street
Reno, NV 89503

DATED this 29th day of January, 2016.

An Employee of GARMAN TURNER GORDON LLP

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2016-04-08 09:28:10 AM
Jacqueline Bryant
Clerk of the Court
Transaction # 5456829 : csulezic

Exhibit 13

DISCOVERY
BARRY L. BRESLOW, ESQ. – NSB #3023
bbreslow@rbsllaw.com
FRANK C. GILMORE, ESQ. - NSB #10052
fgilmore@rbsllaw.com
Robison, Belaustegui, Sharp & Low
A Professional Corporation
71 Washington Street
Reno, Nevada 89503
Telephone: (775) 329-3151
Facsimile: (775) 329-7169

Attorneys for Defendants Snowshoe Petroleum, Inc., Superpumper, Inc., Edward Bayuk, individually and as Trustee of the Edward William Bayuk Living Trust, and Salvatore Morabito.

IN THE SECOND JUDICIAL DISTRICT FOR THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

WILLIAM A. LEONARD, Trustee for the Bankruptcy Estate of Paul Anthony Morabito

Plaintiffs,

vs.

SUPERPUMPER, INC., an Arizona corporation; EDWARD BAYUK, individually and as Trustee of the EDWARD WILLIAM BAYUK LIVING TRUST; SALVATORE MORABITO, an individual; and SNOWSHOE PETROLEUM, INC., a New York corporation,

Defendants.
_____/

CASE NO.: CV13-02663

DEPT. NO.: B1

EDWARD BAYUK'S, AS TRUSTEE OF THE EDWARD WILLIAM BAYUK LIVING TRUST, RESPONSES TO PLAINTIFF'S SECOND SET OF REQUESTS FOR PRODUCTION

Defendant Edward Bayuk, as Trustee of the Edward William Bayuk Living Trust, by and through its attorneys Robison, Belaustegui, Sharp & Low, pursuant to NRCP 34 hereby Responses Plaintiff's Second Set of Requests for Production of Documents to Edward Bayuk, as Trustee of the Edward William Bayuk Living Trust, as follows:

///

REQUEST FOR PRODUCTION NO. 23:

Produce all tax returns filed by You or on Your behalf from the tax years 2005 through 2011.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23:

Objection, tax returns contain sensitive personal information which is not relevant to the claims and defenses pled in this case. As explained in correspondence sent to Plaintiff related to the same request from Stanton Bernstein, tax returns are not discoverable unless the information contained therein is relevant to a claim alleged. Here, the tax returns are not relevant to Plaintiff's claims and will not be produced. Notwithstanding the objection, the Edward Bayuk Living Trust has never filed a tax return.

REQUEST FOR PRODUCTION NO. 24:

Produce all Documents related to, referring to, or constituting any and all insurance policies in effect for any real or personal property You owned between January 1, 2005 and December 31, 2011.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

Objection, this request seeks documents which contain sensitive personal information which is not relevant to the claims and defenses pled in this case. The request is overbroad, not limited to specific issues in dispute in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 25:

Produce all Documents related to, referring to, or constituting any and all insurance policies for which you applied relating to any real or personal property You owned between January 1, 20015 and December 31, 2011.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

Objection, this request seeks documents which contain sensitive personal information which is not relevant to the claims and defenses pled in this case. The request is overbroad, not limited to specific issues in dispute in this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

Robison, Belaustegui, Sharp & Low
71 Washington St.
Reno, NV 89503
(775) 329-3151

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that this document does not contain the social security number of any person.

DATED this 8th day of March, 2016.

ROBISON, BELAUSTEGUI, SHARP & LOW
A Professional Corporation
71 Washington Street
Reno, Nevada 89503

BARRY L. BRESLOW, ESQ.
FRANK C. GILMORE, ESQ.
Attorneys for Defendants Snowshoe Petroleum, Inc., Superpumper, Inc., Edward Bayuk, individually and as Trustee of the Edward William Bayuk Living Trust, and Salvatore Morabito.

J:\WPData\BLB\14359.001 Snowshoe adv. Herbst\P-Response to RFP (2nd set) by Bayuk Trust.2-2-16.doc

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Robison, Belaustegui, Sharp & Low, and that on this date I caused to be served a true copy of the **EDWARD BAYUK'S, AS TRUSTEE OF THE EDWARD WILLIAM BAYUK LIVING TRUST, RESPONSES TO PLAINTIFF'S SECOND SET OF REQUESTS FOR PRODUCTION** all parties to this action by the method(s) indicated below:

✓ by placing an original or true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

Gerald Gordon, Esq.
Mark M. Weisenmiller, Esq.
Teresa M. Pilatowicz, Esq.
GARMAN TURNER GORDON
650 White Drive, Suite 100
Las Vegas, Nevada 89119
Attorneys for Plaintiff

____ by using the Court's CM/ECF Electronic Notification System addressed to:

Gerald Gordon, Esq.
Email: ggordon@Gtg.legal
Mark M. Weisenmiller, Esq.
Email: mweisenmiller@Gtg.legal
Teresa M. Pilatowicz, Esq.
Email: tpilatowicz@Gtg.legal

____ by personal delivery/hand delivery addressed to:

____ by email addressed to:

Gerald Gordon, Esq.
Email: ggordon@Gtg.legal
Mark M. Weisenmiller, Esq.
Email: mweisenmiller@Gtg.legal
Teresa M. Pilatowicz, Esq.
Email: tpilatowicz@Gtg.legal

____ by facsimile (fax) addressed to:

____ by Federal Express/UPS or other overnight delivery addressed to:

DATED: This 9th day of March, 2016.

Mary Carroll Davis

Robison, Belaustegui, Sharp & Low
71 Washington St.
Reno, NV 89503
(775) 329-3151

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Jacqueline Bryant
Clerk of the Court
Transaction # 5456829 : csulezic

Exhibit 14

From: Teresa Pilatowicz
Sent: Friday, March 25, 2016 11:24 AM
To: Frank Gilmore
Cc: Mary Carroll Davis; Gabby Hamm; Vicki DiMaio
Subject: RE: Superpumper Discovery Responses

Frank,

With respect to the tax returns, as set forth in the my letter dated February 19, 2016:

"The Trustee will agree to limit the production to only the pertinent schedules and notes related to the transfers referenced in the State Court Case complaint and any loans from Superpumper, Inc. to Bayuk and Morabito between 2006 and 2011."

As you can see, the Trustee had requested any information as to how the transfers set forth in the state court action were treated on the tax returns. As the transfers are the subject of the state court complaint, their treatment by the parties in tax returns is certainly relevant to the proceeding. Please produce responsive documents.

With respect to the tax returns, as a preliminary matter, we did not seek insurance policies from Sam Morabito but rather, only from Edward Bayuk and the Edward William Bayuk Living Trust. As you know, personal property was transferred by and between Mr. Bayuk and his Trust and Paul Morabito in connection with the transfers of the real properties. The Trustee is entitled to discover what personal property the parties were indicating they owned on insurance policies during the relevant time period . Your position as to whether such policies reflect the true market value is not only disputed by the Trustee but not a basis to withhold the documents. Any identification of personal property or the value thereof on insurance policies between 2009 and 2011 are likely to lead to the discovery of admissible evidence and therefore, must be produced.

Please produce the requested documents by the close of business no later than Monday, March 28.

Thanks,

Teresa M. Pilatowicz
Attorney

Phone: 725 777 3000
Direct: 702 478 0559
Fax: 725 777 3112

GARMAN | TURNER | GORDON
2415 E. CAMELBACK RD., SUITE 700
PHOENIX, ARIZONA 85016

Visit us online at www.gtg.legal

From: Frank Gilmore [mailto:FGilmore@rbsllaw.com]
Sent: Wednesday, March 23, 2016 2:26 PM
To: Teresa Pilatowicz <tpilatowicz@Gtg.legal>
Cc: Mary Carroll Davis <MDavis@rbsllaw.com>; Gabby Hamm <ghamm@Gtg.legal>; Vicki DiMaio <vdimaio@Gtg.legal>
Subject: RE: Superpumper Discovery Responses

Teresa,

See my responses below in red:

With respect to the requests for the tax returns for Edward Bayuk (No. 25)and Salvatore Morabito (No.10), you indicate for Mr. Bayuk that "no shareholder loans related to Superpumper, Inc. are believed to be reported or scheduled on Edward Bayuk's tax returns," and for Salvatore Morabito, you indicate that "no shareholder loans related to Superpumper Inc. are reported or scheduled on Sam Morabito's tax returns." Please note that the Trustee and Defendants previously agreed to limit his requests as they relate to tax returns to the extent they reflect shareholder loans and/or treatment of the transfers identified in the state court complaint. Please produce the tax returns to the extent that they identify treatment of any of the transfers identified in the state court complaint. Furthermore, please advise as to what you mean by "no shareholder loans are believed to be reported or scheduled" as stated in Mr. Bayuk's response.

I understood the requests for tax returns to be based on the desire to discovery the tax treatment of the Superpumper loans. That is the limitation with which I agreed to produce anything related to tax returns. I will produce schedules or statements evidencing the Superpumper loans if they exist. I am being told that no loans are reflected in the respective tax returns. Thus, no tax returns will be produced. If you are now telling me that you seek additional information in the tax returns, please explain specifically what you seek, and why. All other information related to the Superpumper ownership would be located in the k-1's of the company tax returns, which you have.

Finally, as to the requests for insurance policies in effect for real and personal property for both Mr. Bayuk (Nos. 26, 27) and the Edward William Bayuk Living Trustee (Nos. 24, 25), you have refused to produce any documents on the basis that such documents contain personal or sensitive information or are not likely to lead to the discovery of admissible evidence. The request seeks information related the value of both real and personal property transferred, which is the subject of the state court complaint. Therefore, the information is relevant to the proceedings and must be produced. Please produce the documents no later than March 21, 2016 or the Trustee will be required to file a motion seeking to compel responses to the same.

Information contained in an insurance policy does not reflect the true market value of any personal or real property. Rather, a policy reflects the amount to which an insured is willing to ensure the property. Moreover, if you review the prior productions you will see several pages of insurance paperwork that has been produced, which is likely to satisfy your concerns. I remain steadfast in my contention that Sam and Edward's policies of insurance are not relevant and contain personal and confidential information about their personal finances that Plaintiff is not entitled to discover.

To the extent you do not intend to produce the documents as requested above, please let me know when you are available for a meet and confer to discuss.

Thanks,

Teresa M. Pilatowicz
Attorney

Phone: 725 777 3000
Direct: 702 478 0559
Fax: 725 777 3112

GARMAN | TURNER | GORDON

2415 E. CAMELBACK RD., SUITE 700
PHOENIX, ARIZONA 85016

Visit us online at www.gtg.legal

-----Original Message-----
From: Frank Gilmore [mailto:FGilmore@rbsllaw.com]
Sent: Tuesday, March 8, 2016 7:55 PM
To: Teresa Pilatowicz <tpilatowicz@Gtg.legal>
Cc: Mary Carroll Davis <MDavis@rbsllaw.com>
Subject: Superpumper Discovery Responses

Teresa,

Please see the courtesy copies of the attached discovery responses and my letter of today's date. I am in the process of preparing a document production that you should have tomorrow or Thursday as well. My assistant will serve the originals tomorrow with a Cert of Service.

P-Responses to RFP (2nd).Superpumper.pdf P-Responses to RFP (2nd).S Morabito.pdf P-Responses to RFP (2nd).Bayuk Trust.pdf P-Responses to RFP (2nd).Bayuk.pdf

Frank

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