IN THE SUPREME COURT OF THE STATE OF NEVADA

Case No. 80884

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Elizabeth A. Brown
Clerk of Supreme Court

FRANCHISE TAX BOARD OF THE STATE OF CALIFORNIA

Appellant,

v.

GILBERT P. HYATT

Respondent.

Appeal Regarding Judgment and Post-Judgment Orders
Eighth Judicial District Court
District Court Case No.: A382999

APPELLANT'S
APPENDIX VOLUME 36

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Docket 80884 Document 2020-28020

CHRONOLOGICAL INDEX TO APPELLANT'S APPENDIX

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10/15/2019	FTB's Briefing re the Requirement of Entry of Judgment in FTB's Favor and Determination that FTB is Prevailing Party	1	AA000019	AA000039
10/15/2019	Appendix of Exhibits in Support of FTB's Briefing re the Requirement of Entry of Judgment in FTB's Favor and Determination that FTB is Prevailing Party – Volume 1	2	AA000040	AA000281
10/15/2019	Appendix of Exhibits in Support of FTB's Briefing re the Requirement of Entry of Judgment in FTB's Favor and Determination that FTB is Prevailing Party – Volume 2	3-4	AA000282	AA000534
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Dated this 31st day of July, 2020.

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of McDonald Carano LLP, and on the 31st day of July, 2020, a copy of the foregoing document was e-filed and e-served on all registered parties to the Supreme Court's electronic filing system:

/s/ Beau Nelson
An Employee of McDonald Carano LLP

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DISTRICT COURT

CLARK COUNTY, NEVADA

GILBERT P. HYATT, Plaintiff, vs. FRANCHISE TAX BOARD OF THE STATE OF CALIFORNIA, and DOES 1-100, inclusive, Defendants.	Case No.: 98A382999 Dept. No.: X **APPENDIX TO FTB's MOTION FOR ATTORNEY'S FEES PURSUANT TO NRCP 68**

Defendant Franchise Tax Board of the State of California "FTB") hereby submits an **APPENDIX OF EXHIBITS TO FTB's MOTION FOR ATTORNEY'S FEES PURSUANT TO NRCP 68**:

Ex.	Exhibit Description	Bates No.
A	Complaint	001-022
B	Docket as of March 13, 2020	023-089
C	Offer of Judgment	090-092
D	Declaration of Pat Lundvall	093-125
E	PACER Case Locator Report	126-128
F	PACER Appellate Locator Report	129-130
G	Supreme Court Docket	131-134

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Ex.	Exhibit Description	Bates No.
H	Brief filed in Ninth Circuit Court of Appeals brief	135-166

Dated this 13th day of March, 2020.

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CERTIFICATE OF SERVICE

I certify that on this 13th day of March, 2020, I caused a true and correct copy of **APPENDIX TO FTB's MOTION FOR ATTORNEY'S FEES PURSUANT TO NRCP 68** to be electronically filed and served to all parties of record via this Court's electronic filing system to all parties listed on the e-service master list:

/s/ Beau Nelson
An employee of McDonald Carano LLP

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EXHIBIT A

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DISTRICT COURT

CLARK COUNTY, NEVADA

GILBERT P. HYATT, Plaintiff, v. FRANCHISE TAX BOARD OF THE STATE OF CALIFORNIA, and DOES 1-100, inclusive, Defendants.	Case No. A382999 Dept. No. XII Docket No. R **COMPLAINT** **Jury Trial Demanded** **Exempt from Arbitration: Declaratory Relief, Significant Public Policy and Amount in Excess Of $40,000**

Plaintiff, Gilbert P. Hyatt, complains against defendants, and each of them, as follows:

PARTIES

1. Plaintiff resides in Clark County, Nevada and has done so since September 26, 1991.

2. Defendant Franchise Tax Board of the State of California (hereinafter "FTB") is a governmental agency of the State of California with its principal office located in Sacramento, California, and a district office located in Los Angeles, California. The FTB's function is to ensure the collection of state income taxes from California residents and from income earned in California by non-residents.

3. The identity and capacities of the defendants designated as Does 1 through 100 are so designated by plaintiff because of his intent by this complaint to include as named defendants every individual or entity who, in concert with the FTB as an employee, representative, agent or independent contractor, committed the tortious acts described in this complaint. The true names

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and capacities of these Doe defendants are presently known only to the FTB, who committed the tortious acts in Nevada with the assistance of said Doe defendants who are designated by fictitious names only until plaintiff is able, through discovery, to obtain their true identities and capacities; upon ascertaining the true names and capacities of these Doe defendants, plaintiff shall promptly amend this complaint to properly name them by their actual identities and capacities. For pleading purposes, whenever this complaint refers to "defendants," it shall refer to these Doe defendants, whether individuals, corporations or other forms of associations or entities, until their true names are added by amendment along with particularized facts concerning their conduct in the commission of the tortious acts alleged herein.

4. Plaintiff is informed and believes, and on that basis alleges, that defendants, in acting or omitting to act as alleged, acted or omitted to act within the course and scope of their employment or agency, and in furtherance of their employer's or principal's business, whether the employer or principal be FTB or some other governmental agency or employer or principal whose identity is not yet known; and that FTB and defendants were otherwise responsible and liable for the acts and omissions alleged herein.

5. This action is exempt from the court-annexed arbitration program, pursuant to Rule 3, because: (1) this is an action for, inter alia, declaratory relief; (2) substantial issues of public policy are implicated concerning the sovereignty of the State of Nevada and the integrity of its territorial boundaries as opposed to governmental agencies of another state who enter Nevada in an effort to extraterritorially, arbitrarily and deceptively enforce their policies, rules and regulations on residents of Nevada in general, and plaintiff Gilbert P. Hyatt in particular; and (3) the sums of money and damages involved herein far exceed the $40,000.00 jurisdictional limit of the arbitration program.

6. Plaintiff hereby requests a jury trial for his Second, Third, Fourth, and Fifth Causes of Action.

SUMMARY OF CLAIMS

7. Plaintiff, by this action, seeks: (1) declaratory relief under NRS 30.010 et seq. to confirm plaintiff's status as a Nevada resident effective as of September 26, 1991 and continuing

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to the present and, correspondingly, his non-residency during said period in California; (2) recovery of compensatory and punitive damages against the FTB and the defendants for invasion of plaintiff's right of privacy resulting from their investigation in Nevada of plaintiff's residency, domicile and place of abode and causing (a) an unreasonable intrusion upon plaintiff's seclusion, (b) an unreasonable publicity given to private facts, and (c) casting plaintiff in a false light; and (3) recovery of compensatory and punitive damages against the FTB and the defendants for their outrageous conduct in regard to their investigation in Nevada of plaintiff's residency, domicile and place of abode. The claims specified in this paragraph constitute five separate causes of action as hereinafter set forth in this complaint.

FACTUAL BACKGROUND

Plaintiff's Residency in Nevada

8. Plaintiff moved to the State of Nevada, County of Clark, and established full-time residency here on September 26, 1991 and has remained a full-time, permanent resident since that time. Prior to his relocation to Nevada, plaintiff resided in Southern California. Plaintiff is a highly successful inventor. Specifically, plaintiff has been granted numerous important patents for a wide range of inventions relating to computer technology. Plaintiff primarily works alone in the creation and development of his inventions and greatly values his privacy both in his personal life and business affairs. After certain of his important inventions were granted patents in 1990, plaintiff began receiving a great deal of unwanted and unsolicited publicity, notoriety and attention. To greater protect his privacy, to enjoy the social, recreational, and financial advantages Nevada has to offer, and to generally enhance the quality of his life and environment, plaintiff relocated to Nevada on September 26, 1991. This move took place after much consideration and almost an entire year of planning.

9. The following events are indicative of the fact that on September 26, 1991, plaintiff commenced both his residency and intent to remain in Nevada, and a continuation of both down to the present: (1) the sale of plaintiff's California home in October 1991; (2) his renting and residing at an apartment in Las Vegas commencing in October 1991 and continuing until April 1992 when plaintiff closed the purchase of a home in Las Vegas; (3) in November 1991, plaintiff

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registered to vote in Nevada, obtained a Nevada driver's license, and joined a religious organization in Las Vegas; (4) plaintiffs' extensive search, commencing in December 1991, for a new home in Las Vegas, and in the process utilizing the services of various real estate brokers; (5) during the process of finding a home to purchase, plaintiff made numerous offers to buy; (6) plaintiff's purchase of a new home in Las Vegas on April 3, 1992; (7) plaintiff maintained and expanded his business interests from Las Vegas; and (8) plaintiff has, through the years from September 26, 1991 and down to the present, contacted persons in high political office, in the professions, and other walks of life, as a true Nevada resident of some renown would, not concealing the fact of his Nevada residency. In sum, plaintiff has substantial evidence, both testimonial and documentary, in support of the fact of his full-time residency, domicile and place of abode in Nevada commencing on September 26, 1991 and continuing to the present.

The FTB and Defendants' Investigation of Plaintiff in Nevada

10. Because plaintiff was a resident of California for part of 1991, plaintiff filed a Part-Year state income tax return with the State of California for 1991 (the "1991 Return"). Said return reflects plaintiff's payment of state income taxes to California for income earned during the period of January 1 through September 26, 1991.

11. In or about June of 1993 — 21 months after plaintiff moved to Nevada — for reasons that have never been specified, but are otherwise apparent, the FTB began an audit of the 1991 Return. In or about July of 1993, as part of its audit, the FTB began to investigate plaintiff by making or causing to be made numerous and continuous contacts directed at Nevada. Initially, the FTB sent requests to Nevada government agencies for information concerning plaintiff — a paper foray that continued for the next several years.

12. In or about January of 1995, FTB auditors began planning a trip to Las Vegas, the purpose of which was to enhance and expand the scope of their investigation of plaintiff. In March of 1995, the FTB and defendants commenced a "hands on" investigation of plaintiff that included unannounced confrontations and questioning about private details of plaintiff's life. These intrusive activities were directed at numerous residents of Nevada, including plaintiff's current and former neighbors, employees of businesses and stores frequented by plaintiff, and alas, even his

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13. Both prior and subsequent to the intrusive, "hands on" investigations described in paragraph 12, above, the FTB propounded to numerous Nevada business and professional entities and individual residents of Nevada "quasi-subpoenas" entitled "Demand to Furnish Information" which cited the FTB's authority under California law to issue subpoenas and demanded that the recipients thereof produce the requested information concerning plaintiff. Plaintiff is informed and believes, and therefore alleges, that the FTB never sought permission from a Nevada court or any Nevada government agency to send such "quasi-subpoenas" into Nevada where, induced by the authoritative appearance of the inquisitions, many Nevada residents and business entities did respond with answers and information concerning plaintiff.

14. Subsequent to the documentary and "hands on" forays into Nevada by the FTB and defendants, the FTB also sent correspondence, rather than "quasi-subpoenas," to Nevada Governor Bob Miller, Nevada Senator Richard Bryan and other government officials and agencies seeking information regarding plaintiff and his residency in Nevada. Plaintiff is further informed and believes, and therefore alleges, that the FTB intentionally sent unauthorized "quasi-subpoenas" (i.e., "Demand to Furnish Information") to private individuals and businesses in a successful attempt to coerce their cooperation through deception and the pretense of an authoritative demand, while on the other hand, sending respectful letter requests for information to Nevada governmental agencies and officials who undoubtedly would have recoiled at the attempt by the FTB to exercise extraterritorial authority in Nevada through the outrageous means of the bogus subpoenas.

15. Plaintiff neither authorized the FTB's aforementioned documentary and pretentious forays into Nevada, nor was plaintiff ever aware that such information was being sought in such a manner until well after the "quasi-subpoenas" had been issued and the responses received. Similarly, plaintiff had no knowledge of the FTB and defendants' excursions to Las Vegas to investigate plaintiff or the FTB's correspondence with Nevada government agencies and officials until well after such contacts had taken place. Upon information and belief, plaintiff alleges that all of the above-described activities were calculated to enable the FTB to develop a colorable basis for assessing a huge tax against plaintiff despite the obvious fact that the FTB was proceeding

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against a bona fide resident of Nevada.

Assessment for 1991

16. On April 23, 1996, after the FTB had completed its audit and investigation of the 1991 Return, the FTB sent a Notice of Proposed Assessment (i.e., a formal notice that taxes are owed) to plaintiff in which the FTB claimed plaintiff was a resident of California — not Nevada — until April 3, 1992. The FTB therefore assessed plaintiff California state income tax for the period of September 26 through December 31 of 1991 in a substantial amount. Moreover, the FTB also assessed a penalty against plaintiff in an amount almost equal to the assessed tax after summarily concluding that plaintiff's non-payment of the assessed tax, based upon his asserted residency in Nevada and non-residency in California, was fraudulent.

17. Plaintiff, who demonstrably is and was at all times pertinent hereto, a bona fide resident of Nevada should not be forced into a California forum to seek relief from the unjust and tortious attempts by the FTB to extort unlawful taxes from this Nevada resident. Plaintiff avers that the manufactured issue of his residency in Nevada for the period of September 26 through December 31 of 1991 should be determined in Nevada, the state of plaintiff's residence. The FTB is in effect attempting to impose an "exit tax" on plaintiff by coercing him into administrative procedures and possible future court action in California. The FTB has arbitrarily, maliciously and without support in law or fact, asserted that plaintiff remained a California resident until he purchased and closed escrow on a new home in Las Vegas on April 3, 1992. In a word, the FTB's prolonged and monumental efforts to find a way — any way — to effectively assess additional income taxes against plaintiff after he changed his residency from California to Nevada is based upon governmental greed arising from the FTB's eventual awareness of the financial success plaintiff has realized since leaving California and becoming a bona fide resident of the State of Nevada. The aforesaid date of Nevada residency accepted by the FTB with respect to the 1991 Report is over six months after plaintiff moved to Nevada with the intent to stay and began, he thought, to enjoy all the privileges and advantages of residency in his new state.

The FTB's Continuing Pursuit of Plaintiff in Nevada

18. On or about April 1, 1996, plaintiff received formal notice that the FTB had

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commenced an investigation into the 1992 tax year and that its tentative determination was that plaintiff would also be assessed California state income taxes for the period of January 1 through April 3 of 1992.

19. On or about April 10, 1997 and May 12, 1997 respectively, plaintiff received notices from the FTB that it would be issuing a formal "Notice of Proposed Assessment" in regard to the 1992 tax year in which it will seek back taxes from plaintiff for income earned during the period of January 1 through April 2, 1992 and in addition would seek penalties for plaintiff's failure to file a state income tax return for 1992.

20. Prior to the FTB sending the formal Notice of Proposed Assessment for the 1992 tax year, a representative of the FTB stated to one of plaintiff's representatives that disputes over such assessments by the FTB always settle at this stage as taxpayers do not want to risk their personal financial information being made public. Plaintiff understood this statement to be a strong suggestion by the FTB that he settle the dispute by payment of some portion of the assessed taxes and penalties. Plaintiff refused, and continues to refuse to do so, as he has not been a resident of California since his move to Nevada on September 26, 1991, and it remains clear to him that the FTB is engaging in its highhanded tactics to extort "taxes and penalties" from him that he does not legally or morally owe.

21. On or about August 14, 1997, plaintiff received a formal Notice of Proposed Assessment for 1992. Despite the FTB's earlier written statements and findings that plaintiff became a Nevada resident at least as of April 3, 1992 and its statement in such Notice of Proposed Assessment that "We [the FTB] consider you to be a resident of this state [California] through April 2, 1992," such notice proceeded to assess California state income taxes on plaintiff's income for the entire year of 1992. Specifically, the FTB assessed plaintiff state income taxes for 1992 in an amount five times greater than that for 1991, assessed plaintiff a penalty almost as great as the assessed tax for alleged fraud in claiming he was a Nevada resident during 1992, and stated that interest accrued through August 14, 1997 (roughly the equivalent of the penalty) was also owed on the assessed tax and penalty. In short, the State of California, through the FTB, sent plaintiff a bill for the entire 1992 tax year, which was fourteen times the amount of tax it initially assessed

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for 1991, and in so doing asserted that plaintiff was "a California resident for the entire year." Without explanation the FTB ignored its earlier finding and written acknowledgment that plaintiff was a Nevada resident at least as of April 3, 1992. This outrage is a transparent effort to extort substantial sums of money from a Nevada resident.

22. Plaintiff is informed and believes, and therefore alleges, that the FTB intends to engage in a repeat of the "hands on," extraterritorial investigations directed at plaintiff within the State of Nevada in an effort to conjure up a colorable basis for justifying its frivolous, extortionate Noticed of Proposed Assessment for the 1992 tax year.

23. Plaintiff is informed and believes, and therefore alleges, that the FTB may continue to assess plaintiff California state income taxes for the years 1993, 1994, 1995, 1996 and beyond since the FTB has now disregarded its own conclusion regarding plaintiff's residency in Nevada as of April 3, 1992, and is bent on charging him with a staggering amount of taxes, penalties and interest irrespective of his status as a bona fide resident of Nevada. It appears from its actions concerning plaintiff, that the FTB has embraced a new theory of liability that in effect declares "once a California resident always a California resident" as long as the victim continues to generate significant amounts of income. Thus, the FTB has raised an invisible equivalent of the iron curtain that prohibits such residents from ever leaving the taxing jurisdiction of the FTB.

The FTB's Motive

24. Plaintiff is informed and believes, and therefore alleges, that the FTB has no credible, admissible evidence that plaintiff was a California resident at anytime after September of 1991, despite the FTB's exhaustive extraterritorial investigations in Nevada. The FTB has acknowledged in its own reports that plaintiff sold his California home on October 1, 1991, that plaintiff rented an apartment in Las Vegas from November 1991 until April 1992 and that plaintiff purchased a home in Las Vegas in April 1992.

25. Plaintiff is informed and believes, and therefore alleges, that the assessments by the FTB against plaintiff for 1991 and 1992 result from the fact that almost two years after plaintiff moved from California to Nevada an FTB investigator read a magazine article about plaintiff's wealth and the FTB thereafter launched its investigation in the hope of extracting a significant

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settlement from plaintiff. Plaintiff is further informed and believes, and therefore alleges, that the FTB has assessed a fraud penalty against plaintiff for the 1991 tax year and issued a Notice of Proposed Assessment assessing plaintiff for the entire 1992 tax year and a fraud penalty for the same year to intimidate plaintiff and coerce him into paying some significant amount of tax for income earned after September 26, 1991, despite its awareness that plaintiff actually became a Nevada resident at that time. Plaintiff alleges that the FTB's efforts to coerce plaintiff into sharing his hard-earned wealth despite having no lawful basis for doing so, constitutes malice and oppression.

Jurisdiction

26. This Court has personal jurisdiction over the FTB pursuant to Nevada's "long-arm" statute, NRS 14.065 et seq., because of the FTB's tortious extraterritorial contacts and investigatory conduct within the State of Nevada ostensibly as part of its auditing efforts to undermine plaintiff's status as a Nevada resident, but in reality to create a colorable basis for maintaining that plaintiff continued his residency in California during the period September 26, 1991 to December 31, 1991 and beyond.

27. Plaintiff is informed and believes, and therefore alleges, that the FTB has a pattern and practice of entering into Nevada to investigate Nevada residents who were formerly residents of California, and then assessing such residents California state income taxes for time periods subsequent to the date when such individuals moved to and established residency in Nevada.

FIRST CAUSE OF ACTION

(For Declaratory Relief)

28. Plaintiff realleges and incorporates herein by reference each and every allegation contained in paragraphs 1 through 27 above, as though set forth herein verbatim.

29. Pursuant to California law, in determining whether an individual was a resident of California for a certain time period thereby making such individual's income subject to California state income tax during such period, the individual must have been either domiciled in California during such period for "other than a temporary or transitory purpose." See Cal. Rev. & Tax Code § 17014. The FTB's own regulations and precedents require that it apply certain factors in

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determining an individual's domicile and/or whether the individual's presence in California (or outside of California) was more than temporary or transitory.

(a) Domicile.

Domicile is determined by the individual's physical presence in California with intent to stay or if absent temporarily from California an intent to return. Such intent is determined by the acts and conduct of the individual such as: (1) where the individual is registered to vote and votes; (2) location of the individual's permanent home; (3) comparative size of homes maintained by the individual in different states; (4) where the individual files federal income tax returns; (5) comparative time spent by the individual in different states; (6) cancellation of the individual's California homeowner's property tax exemption; (7) obtaining a driver's license from another state; (8) registering a car in another state; (9) joining religious, business and/or social organizations in another state; and (10) establishment of a successful business in another state by an individual who is self employed.

(b) Temporary or Transitory Purpose.

The following contacts which are similar although not identical to those used to determine domicile are important in determining whether an individual was in California (or left California) for a temporary or transitory purpose: (1) physical presence of the individual in California in comparison to the other state or states; (2) establishment of a successful business in another state by an individual who is self employed; (3) extensive business interest outside of California and active participation in such business by the individual; (4) banking activity in California by the individual is given some, although not a great deal of, weight; (5) rental of property in another state by the individual; (6) cancellation of the individual's California homeowner's property tax exemption; (7) hiring professionals by the individual located in another state; (8) obtaining a driver's license from another state; (9) registering a car in another state; (10) joining religious, business and/or social organizations in another state; and (11) where the individual is registered to vote and votes.

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30. The FTB's assessment of taxes and a penalty for 1991 is based upon the FTB's conclusion in the first instance that plaintiff did not become a resident of Nevada until April 3, 1992, the date on which plaintiff closed escrow on a new home in Las Vegas. In coming to such a conclusion, the FTB discounted or refused to consider a multitude of evidentiary facts which contradicted the FTB's conclusion, and were the type of facts the FTB's own regulations and precedents require it to consider. Such facts include, but are not limited to, the following: (1) plaintiff sold his California home on October 1, 1991; (2) plaintiff rented and resided at an apartment in Las Vegas from October 1, 1991 until April of 1992; (3) plaintiff registered to vote, obtained a Nevada's driver's license (thereby relinquishing his California driver's license), and joined a Las Vegas religious organization in November of 1991; (4) plaintiff terminated his California home owner's exemption effective October 1, 1991; (5) plaintiff began actively searching for a house to buy in Las Vegas, and submitted numerous offers on houses in Las Vegas, commencing in December of 1991; (6) plaintiff's offer to purchase a home in Las Vegas was accepted in March of 1992 and escrow closed on such purchase on April 3, 1992; and (7) plaintiff's new home in Las Vegas was substantially larger than the home in Southern California, which he sold in October of 1991.

31. An actual controversy exists as to whether plaintiff was a full-time resident of Nevada — not California — commencing on September 26, 1991 through December 31, 1991 and continuing thereafter through the year 1992 and beyond. Plaintiff contends that under either Nevada or California law, or both, he was a full-time, bona fide resident of Nevada throughout the referenced periods and down to the present, and that the FTB ignored its own regulations and precedents in finding to the contrary, and that the FTB has no jurisdiction to impose a tax obligation on plaintiff during the contested periods. Plaintiff also contends that the FTB had no authority to conduct an extraterritorial investigation of plaintiff in Nevada and no authority to propound "quasi-subpoenas" to Nevada residents and businesses, thereby seeking to coerce the cooperation of said Nevada residents and businesses through an unlawful and tortious deception, to reveal information about plaintiff. Plaintiff is informed and believes, and therefore alleges, that the FTB contends in all respects to the contrary.

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32. Plaintiff therefore requests judgment of this Court declaring and confirming plaintiff's status as a full-time, bona fide resident of the State of Nevada effective from September 26, 1991 to the present; and for judgment declaring the FTB's extraterritorial investigatory excursions into Nevada, and the submission of "quasi-subpoenas" to Nevada residents without approval from a Nevada court or governmental agency, as alleged above, to be without authority and violative of Nevada's sovereignty and territorial integrity.

SECOND CAUSE OF ACTION

(For Invasion of Privacy — Unreasonable Intrusion Upon The Seclusion of Another)

33. Plaintiff realleges and incorporates herein by reference each and every allegation contained in paragraphs 1 through 27, and 29 through 31, above, as though set forth herein verbatim.

34. Plaintiff is informed and believes, and therefore alleges, that neighbors, businesses, government officials and others within Nevada with whom plaintiff has had and would reasonably expect in the future to have social or business interactions, were approached and questioned by the FTB and defendants who disclosed or implied that plaintiff was under investigation in California, and otherwise acted in such a manner as to cause doubts to arise concerning plaintiff's integrity and moral character. Moreover, as part of the audit/investigation in regard to the 1991 Return, plaintiff turned over to the FTB highly personal and confidential information with the understanding that it would remain confidential. The FTB even noted in its own internal documentation that plaintiff had a significant concern in regard to the protection of his privacy in turning over such information. At the time this occurred, plaintiff was still hopeful that the FTB was actually operating in good faith, a proposition that, as noted throughout this complaint, proved to be utterly false.

35. Plaintiff is informed and believes, and therefore alleges, that the FTB and defendants nevertheless violated plaintiff's right to privacy in regard to such information by revealing it to third parties and otherwise conducting an investigation in Nevada through which the FTB and defendants revealed to third parties personal and confidential information, which plaintiff had every right to expect would not be revealed to such parties.

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36. Plaintiff is informed and believes, and therefore alleges, that the FTB and defendants' extensive probing and investigation of plaintiff, including their actions both occurring within Nevada and directed to Nevada from California, were performed with the intent to harass, annoy, vex, embarrass and intimidate plaintiff such that he would eventually enter into a settlement with the FTB concerning his residency during the disputed time periods and the taxes and penalties allegedly owed. Such conduct by the FTB and defendants did in fact harass, annoy, vex and embarrass Hyatt, and syphon his time and energies from the productive work in which he is engaged.

37. Plaintiff is informed and believes, and therefore alleges, that the FTB and defendants through their investigative actions, and in particular the manner in which they were carried out in Nevada, intentionally intruded into the solitude and seclusion which plaintiff had specifically sought by moving to Nevada. The intrusion by the FTB and defendants was such that any reasonable person, including plaintiff, would find highly offensive.

38. As a direct, proximate, and foreseeable result of the FTB and defendants' aforementioned invasion of plaintiff's privacy, plaintiff has suffered actual and consequential damages in a total amount in excess of $10,000.

39. Plaintiff is informed and believes, and therefore alleges, that said invasion of plaintiff's privacy was intentional, malicious, and oppressive in that such invasion was despicable conduct by the FTB and defendants entered into with a willful and conscious disregard of plaintiff's rights, and the efficacious intent to cause him injury. Plaintiff is therefore entitled to an award of punitive damages against the FTB and defendants in an amount sufficient to satisfy the purposes for which such damages are awarded.

THIRD CAUSE OF ACTION

(For Invasion of Privacy — Unreasonable Publicity Given To Private Facts)

40. Plaintiff realleges and incorporates herein by reference each and every allegation contained in paragraphs 1 through 27, 29 through 31, and 34 through 37, above, as though set forth herein verbatim.

41. As set forth above, plaintiff revealed to the FTB highly personal and confidential

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information at the request of the FTB as an ostensible part of its audit and investigation into plaintiff's residency during the disputed time periods. Plaintiff had a reasonable expectation that said information would be kept confidential and not revealed to third parties and the FTB and defendants knew and understood that said information was to be kept confidential and not revealed to third parties.

42. The FTB and defendants, without necessity or justification, nevertheless disclosed to third parties in Nevada certain of plaintiff's personal and confidential information which had been cooperatively disclosed to the FTB by plaintiff only for the purposes of facilitating the FTB's legitimate auditing and investigative efforts.

43. As a direct, proximate, and foreseeable result of the FTB's aforementioned invasion of plaintiff's privacy, plaintiff has suffered actual and consequential damages in a total amount in excess of $10,000.

44. Plaintiff is informed and believes, and therefore alleges, that said invasion of plaintiff's privacy was intentional, malicious, and oppressive in that such invasion constituted despicable conduct by the FTB and defendants entered into with a willful and conscious disregard of the rights of plaintiff. Plaintiff is therefore entitled to an award of punitive or exemplary damages in an amount sufficient to satisfy the purposes for which such damages are awarded.

FOURTH CAUSE OF ACTION

(For Invasion of Privacy — Casting Plaintiff in a False Light)

45. Plaintiff realleges and incorporates herein by reference each and every allegation contained in paragraphs 1 through 27, 29 through 31, 34 through 37, and 41 and 42, above, as if set forth herein verbatim.

46. By conducting interviews and interrogations of Nevada residents and by issuing unauthorized "Demands to Furnish Information" as part of their investigation in Nevada of plaintiff's residency, the FTB and defendants invaded plaintiff's right to privacy by stating or insinuating to said Nevada residents that plaintiff was under investigation in California, thereby falsely portraying plaintiff as having engaged in illegal and immoral conduct, and decidedly casting plaintiff's character in a false light.

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47. The FTB and defendants' conduct in publicizing its investigation of plaintiff cast plaintiff in a false light in the public eye, thereby adversely compromising the attitude of those who know or would, in reasonable likelihood, come to know Gil Hyatt because of the nature and scope of his work. Such publicity of the investigation was offensive and objectionable to plaintiff and was carried out for other than honorable, lawful, or reasonable purposes. Said conduct by the FTB and the defendants was calculated to harm, vex, annoy and intimidate plaintiff, and was not only offensive and embarrassing to plaintiff, but would have been equally so to any reasonable person of ordinary sensibilities similarly situated, as the conduct could only serve to damage plaintiff's reputation.

48. As a direct, proximate, and foreseeable result of the FTB and defendants' aforementioned invasion of plaintiff's privacy, plaintiff has suffered actual and consequential damages in a total amount in excess of $10,000.

49. Plaintiff is informed and believes, and therefore alleges, that said invasion of plaintiff's privacy was intentional, malicious, and oppressive in that such invasion of privacy was despicable conduct by the FTB and defendants, entered into with a willful and conscious disregard of the rights of plaintiff. Plaintiff is therefore entitled to an award of exemplary or punitive damages in an amount sufficient to satisfy the purposes for which such damages are awarded.

FIFTH CAUSE OF ACTION

(For the Tort of Outrage)

50. Plaintiff realleges and incorporates herein by reference each and every allegation contained in paragraphs 1 through 27, 29 through 31, 34 through 37, 41 and 42, and 46 and 47, above, as if set forth herein verbatim.

51. The clandestine and reprehensible manner in which the FTB and defendants carried out their investigation in Nevada of plaintiff's Nevada residency under the cloak of authority from the State of California, but without permission from the State of Nevada, and the FTB and defendants' apparent intent to continue to investigate and assess plaintiff staggeringly high California state income taxes, interest, and penalties for the entire year of 1992 — and possibly continuing into future years — despite the FTB's own finding that plaintiff was a Nevada resident at least as of

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April of 1992, was, and continues to be, extreme, oppressive and outrageous conduct. The FTB has, in every sense, sought to hold plaintiff hostage in California, disdaining and abandoning all reason in its reprehensible, all-out effort to extort significant amounts of plaintiff's income without a basis in law or fact. Plaintiff is informed and believes, and therefore alleges, that the FTB and defendants carried out their investigation in Nevada for the ostensible purpose of seeking truth concerning his place of residency, but the true purpose of which was to so harass, annoy, embarrass, and intimidate plaintiff, and to cause him such severe emotional distress and worry as to coerce him into paying significant sums to the FTB irrespective of his demonstrably bona fide residence in Nevada throughout the disputed periods. As a result of such extremely outrageous and oppressive conduct on the part of the FTB and defendants, plaintiff has indeed suffered fear, grief, humiliation, embarrassment, anger, and a strong sense of outrage that any honest and reasonably sensitive person would feel if subjected to equivalent unrelenting, outrageous personal threats and insults by such powerful and determined adversaries.

52. As a direct, proximate, and foreseeable result of the FTB and defendants' aforementioned extreme, unrelenting, and outrageous conduct, plaintiff has suffered actual and consequential damages in a total amount in excess of $10,000.

53. Plaintiff is informed and believes, and therefore alleges, that said extreme, unrelenting, and outrageous conduct was intentional, malicious, and oppressive in that it was despicable conduct by the FTB and defendants, entered into with a willful and conscious disregard of plaintiff's rights. Plaintiff is therefore entitled to an award of exemplary or punitive damages in an amount sufficient to satisfy the purposes for which such damages are awarded.

WHEREFORE, plaintiff respectfully prays for judgment against the FTB and defendants as follows:

FIRST CAUSE OF ACTION

1. For judgment declaring and confirming that plaintiff is a bona fide resident of the State of Nevada effective as of September 26, 1991 to the present;

2. For judgment declaring that the FTB has no lawful basis for continuing to investigate plaintiff in Nevada concerning his residency between September 26, 1991 through December 31,

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Sent by: DOJ ATTY GEN OFC SAC 16TH FL 916 3224483; 01/22/98 10:57AM;Jetfax #594;Page 20/22

1991 or any other subsequent period down to the present, and declaring that the FTB had no right or authority to propound or otherwise issue a "Demand to Furnish Information" or other quasi subpoenas to Nevada residents and businesses seeking information concerning plaintiff;

3. For costs of suit;

4. For reasonable attorneys' fees; and

5. For such other and further relief as the Court deems just and proper.

SECOND CAUSE OF ACTION

1. For actual and consequential damages in a total amount in excess of $10,000;

2. For punitive damages in an amount sufficient to satisfy the purposes for which such damages are awarded;

3. For costs of suit;

4. For reasonable attorneys' fees; and

5. For such other and further relief as the Court deems just and proper.

THIRD CAUSE OF ACTION

1. For actual and consequential damages in a total amount in excess of $10,000;

2. For punitive damages in an amount sufficient to satisfy the purposes for which such damages are awarded;

3. For costs of suit;

4. For reasonable attorneys fees; and

5. For such other and further relief as the Court deems just and proper.

FOURTH CAUSE OF ACTION

1. For actual and consequential damages in a total amount in excess of $10,000;

2. For punitive damages in an amount sufficient to satisfy the purposes for which such damages are awarded;

3. For costs of suit;

4. For reasonable attorneys fees; and

5. For such other and further relief as the Court deems just and proper.

. . .

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FIFTH CAUSE OF ACTION

1. For actual and consequential damages in a total amount in excess of $10,000;

2. For punitive damages in an amount sufficient to satisfy the purposes for which such damages are awarded;

3. For costs of suit;

4. For reasonable attorneys' fees; and

5. For such other and further relief as the Court deems just and proper.

DATED this 6th day of January, 1998.

HUTCHISON & STEFFEN

By: _____
Thomas L. Steffen
Mark A. Hutchison
530 South 4th Street
Las Vegas, Nevada 89101

Attorneys for Plaintiff

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SUMM

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Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

GILBERT P. HYATT, Plaintiff, v. FRANCHISE TAX BOARD OF THE STATE OF CALIFORNIA, and DOES 1-100, inclusive, Defendants.	)	Case No. A382999 Dept. No. XII Docket No. R SUMMONS

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you for the relief set forth in the Complaint.

FRANCHISE TAX BOARD OF THE STATE OF CALIFORNIA

1. If you intend to defend this lawsuit, within 20 days after this Summons is

served on you exclusive of the day of service, you must do the following:

2. File with the Clerk of this court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court.

a. Serve a copy of your response upon the attorney whose name and address is shown below.

3. Unless you respond, your default will be entered upon application for the plaintiff and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.

4. If you intend to seek the advise of an attorney in this matter, you should do so promptly so that your response may be filed on time.

Issued at the direction of:
Mark A. Hutchison
Hutchison & Steffen
530 South Fourth Street
Las Vegas, NV 89101

By: _____
Attorneys for Plaintiff

LORETTA BOWMAN,
CLERK OF COURT

By: ELAINE YORK JAN 0 6 1997
DEPUTY CLERK
County Courthouse
200 South Third Street
Las Vegas, Nevada 89155

Served on me 1/21/98 1454

SUMM

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Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

GILBERT P. HYATT, Plaintiff, v. FRANCHISE TAX BOARD OF THE STATE OF CALIFORNIA, and DOES 1-100, inclusive, Defendants.	)	Case No. A382999 Dept. No. XII Docket No. R **SUMMONS**

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4. If you intend to seek the advise of an attorney in this matter, you should do so promptly so that your response may be filed on time.

Issued at the direction of:
Mark A. Hutchison
Hutchison & Steffen
530 South Fourth Street
Las Vegas, NV 89101

By: _____
Attorneys for Plaintiff

LORETTA BOWMAN,
CLERK OF COURT

By: ELAINE YORK JAN 0 6 1997
DEPUTY CLERK
County Courthouse
200 South Third Street
Las Vegas, Nevada 89155

EXHIBIT B

Register of Actions
Case No. 98A382999

Gilbert Hyatt vs California State Franchise Tax Board

Case Type:	**Civil Conversion Case Type**
Date Filed:	**01/06/1998**
Location:	**Department 10**
Cross-Reference Case Number:	**A382999**
Supreme Court No.:	**53264**

Party Information

		Lead Attorneys
Defendant	**California State Franchise Tax Board**	**Pat Lundvall** *Retained* 702-873-4100(W)
Plaintiff	**Hyatt, Gilbert P**	**Peter C. Bernhard** *Retained* 702-792-7000(W)

Events & Orders of the Court

DISPOSITIONS

05/03/2002 **Clerk's Certificate** (Judicial Officer: Saitta, Nancy)
Converted Disposition:
Entry Date & Time: 05/20/2002 @ 10:48 Description: ENTERED IN ERROR Debtor: California State Franchise Tax Board Creditor: Hyatt, Gilbert P Amount Awarded: $0.00 Attorney Fees: $0.00 Costs: $0.00 Interest Amount: $0.00 Total: $0.00

03/14/2006 **Summary Judgment** (Judicial Officer: Walsh, Jessie)
Converted Disposition:
Entry Date & Time: 03/17/2006 @ 15:53 Description: ENTERED IN ERROR Debtor: Hyatt, Gilbert P Creditor: California State Franchise Tax Board Amount Awarded: $0.00 Attorney Fees: $0.00 Costs: $0.00 Interest Amount: $0.00 Total: $0.00

08/06/2008 **Verdict** (Judicial Officer: Walsh, Jessie)
Converted Disposition:
Entry Date & Time: 08/11/2008 @ 08:42 Description: VERDICT Debtor: California State Franchise Tax Board Creditor: Hyatt, Gilbert P Amount Awarded: $0.00 Attorney Fees: $0.00 Costs: $0.00 Interest Amount: $0.00 Total: $0.00

09/08/2008 **Judgment Plus Interest** (Judicial Officer: Walsh, Jessie)
Converted Disposition:
Entry Date & Time: 09/09/2008 @ 11:10 Description: JUDGMENT PLUS INTEREST Debtor: California State Franchise Tax Board Creditor: Hyatt, Gilbert P Amount Awarded: $0.00 Attorney Fees: $0.00 Costs: $0.00 Interest Amount: $0.00 Total: $0.00

10/07/2009 **Order** (Judicial Officer: Walsh, Jessie)
Debtors: Gilbert P Hyatt (Plaintiff)
Creditors: Ashley Hall (Special Master)
Judgment: 10/07/2009, Docketed: 10/08/2009
Total Judgment: 13,082.78
Debtors: California State Franchise Tax Board (Defendant)
Creditors: Ashley Hall (Special Master)
Judgment: 10/07/2009, Docketed: 10/08/2009
Total Judgment: 13,082.78

01/04/2010 **Judgment** (Judicial Officer: Walsh, Jessie)
Debtors: California State Franchise Tax Board (Defendant)
Creditors: Gilbert P Hyatt (Plaintiff)
Judgment: 01/04/2010, Docketed: 01/05/2010
Total Judgment: 2,539,068.65
Comment: 2/21/20 Judgment Reversed and Dismissed

02/21/2020 **Judgment** (Judicial Officer: Jones, Tierra)
Debtors: Gilbert P Hyatt (Plaintiff)
Creditors: California State Franchise Tax Board (Defendant)
Judgment: 02/21/2020, Docketed: 02/24/2020
Comment: Judgment Appealed - Netiher Parties Takes Nothing

02/21/2020 **Judgment of Dismissal** (Judicial Officer: Jones, Tierra)
Debtors: California State Franchise Tax Board (Defendant)
Creditors: Gilbert P Hyatt (Plaintiff)
Judgment: 02/21/2020, Docketed: 02/24/2020

OTHER EVENTS AND HEARINGS

01/06/1998 **Filed Under Seal**
Complaint; Jury Trial Demanded
01/28/1998 **Filed Under Seal**
Summons
02/05/1998 **Filed Under Seal**
Specially-Appearing Defendant Franchise Tax Board of the State of California's Motion to Quash Service of Process and for no Other Relief (Oral Argument Requested)
02/17/1998 **Filed Under Seal**
Specially-Appearing Defendant Franchise Tax Board of the State of California's Notice of Filing of Petition for Removal
02/23/1998 **Motion to Quash** (9:00 AM) ()
DEFTS' MOTION TO QUASH SERVICE OF PROCESS AND FOR NO OTHER RELIEF Heard By: Jack Lehman
Minutes
Result: Continuance Granted
05/14/1998 **Filed Under Seal**
Minutes of the Court
05/18/1998 **Filed Under Seal**
Peremptory Challenge of Judge
05/18/1998 **Filed Under Seal**
Notice of Assignment of New Department (Unfiled)
05/20/1998 **Filed Under Seal**
Peremptory Challenge of Judge
05/20/1998 **Filed Under Seal**
Notice of Department Reassignment
06/02/1998 **Filed Under Seal**
Verified Application for Admission to Practice Under Nevada Supreme Court Rule 42
06/10/1998 **Filed Under Seal**
Supreme Court Rule 42 Statement
06/12/1998 **Filed Under Seal**
First Amended Complaint; Jury Trial Demanded
06/15/1998 **Filed Under Seal**

Receipt of Copy
06/26/1998 **Filed Under Seal**
Order
06/26/1998 **Filed Under Seal**
Re-Notice of Motion for Specially-Appearing Defendant Franchise Tax Board of the State of California's Motion to Quash Service of Process and for No Other Relief (Oral Argument Requested)
06/29/1998 **Filed Under Seal**
Certificate of Mailing
07/01/1998 **Filed Under Seal**
Notice of Entry of Order
07/16/1998 **Filed Under Seal**
Notice of Filing Pleadings Directly Related to Hearing on Motion to Quash Service of Process
07/17/1998 **Filed Under Seal**
Receipt of Copy
07/27/1998 **Filed Under Seal**
Notice of Withdrawal of Motion for Specially-Appearing Defendant Franchise Tax Board of the State of California's Motion to Quash Service of Process and for No Other Relief
07/27/1998 **Motion to Quash** (3:00 AM) ()
DEFTS' MOTION TO QUASH SERVICE OF PROCESS AND FOR NO OTHER RELIEF Heard By: Jack Lehman
Result: Off Calendar
08/13/1998 **Filed Under Seal**
Answer to First Amended Complaint
08/31/1998 **Filed Under Seal**
Notice of Early Case Conference
09/02/1998 **Filed Under Seal**
Amended Notice of Early Case Conference
09/17/1998 **Filed Under Seal**
Amended Notice of Early Case Conference
09/22/1998 **Filed Under Seal**
Amended Notice of Early Case Conference
11/13/1998 **Filed Under Seal**
Notice of Change of Address and Facsimile Number
11/20/1998 **Filed Under Seal**
Joint Case Conference Report
12/04/1998 **Filed Under Seal**
Discovery Scheduling Order
12/07/1998 **Filed Under Seal**
Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California
12/07/1998 **Filed Under Seal**
Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California
12/07/1998 **Filed Under Seal**
Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California
12/07/1998 **Filed Under Seal**
Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California
12/07/1998 **Filed Under Seal**
Verified Application for Association of Counsel Under Nevada Supreme Court Rule 42
12/10/1998 **Filed Under Seal**
Motion to Associate Counsel
12/11/1998 **Filed Under Seal**
Certificate of Service
12/14/1998 **Filed Under Seal**
Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California
12/17/1998 **Filed Under Seal**
Motion for Protective Order, Motion to Compel Production of Documents, and for an Order Shortening Time
12/18/1998 **Filed Under Seal**
Order Setting Civil Jury Trial and Calendar Call
12/21/1998 **Filed Under Seal**
Qualified Non-Opposition to Plaintiff's Motion to Associate Counsel
12/21/1998 **Filed Under Seal**
Certificate of Service of Motion for Protective Order and for an Order Shortening Time
12/21/1998 **Motion for Protective Order** (9:00 AM) ()
PLTF'S MOTION FOR PROTECTIVE ORDER; MOTION TO COMPEL PRODUCTION OF DOCUMENTS Court Clerk: MARY DAIGLE Relief Clerk: JENNIFER LOTT /jl Reporter/Recorder: MARNITA HAMMER Heard By: Thomas Biggar
Parties Present
Minutes
Result: Motion Granted
12/28/1998 **Filed Under Seal**
Subpoena Duces Tecum
01/04/1999 **Motion to Associate Counsel** (9:00 AM) ()
PLTF'S MOTION TO ASSOCIATE COUNSEL Court Clerk: JOSEPHINE BOHN Heard By: Nancy Saitta
Result: Continuance Granted
01/06/1999 **Filed Under Seal**
Order
01/08/1999 **Filed Under Seal**
Notice of Entry of Order
01/15/1999 **Filed Under Seal**
Supreme Court Rule 42 Statement
01/20/1999 **Filed Under Seal**
Verified Application for Association of Counsel Under Nevada Supreme Court Rule 42
01/25/1999 **Filed Under Seal**
Stipulation and Order to Seal Plaintiff's Motion for an Order Compelling Answers to Deposition Questions re Related Taxpayers
01/25/1999 **Filed Under Seal**
Motion to Associate Counsel
01/25/1999 **Motion to Associate Counsel** (9:00 AM) ()
PLTF'S MOTION TO ASSOCIATE COUNSEL Court Clerk: JOSEPHINE BOHN Heard By: Nancy Saitta
Minutes
Result: Motion Granted
01/26/1999 **Filed Under Seal**
Certificate of Service
01/26/1999 **Filed Under Seal**
Certificate of Service
01/26/1999 **Filed Under Seal**
Motion for an Order Compelling Answers to Deposition Questions re Related Taxpayers and for an Order Shortening Time Filed Under Seal by Stipulation and Order Dated January 25, 1999
01/26/1999 **Filed Under Seal**
Defendant Franchise Tax Board's Opposition to Brief to Plaintiff's Motion to Compel Production of Documents; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
01/27/1999 **Filed Under Seal**
Notice of Entry of Order
01/28/1999 **Filed Under Seal**
Discovery Commissioner's Report and Recommendation
01/29/1999 **Filed Under Seal**
Supreme Court Rule 42 Statement
02/02/1999 **Filed Under Seal**
Motion for an Order Compelling Further Deposition Testimony from Defendant's Rule 30(b)(6) Witness Sheila Cox and for an Order Shortening Time; Filed Under Seal by Stipulation and Order Dated February 1, 1999
02/02/1999 **Motion** (9:30 AM) ()
PLTF'S MOTION FOR AN ORDER COMPELLING ANSWERS TO DEPOSITION QUESTIONS RE RELAT Heard By: Thomas Biggar
Parties Present
Minutes
Result: Continuance Granted
02/03/1999 **Filed Under Seal**
Stipulation and Order to Seal Plaintiff's Motion for an Order Compelling Further Testimony from Defendant's Rule 30(b)(6) Witness Sheila Cox
02/03/1999 **Filed Under Seal**

Certificate of Service
02/08/1999 **Motion to Associate Counsel** (3:00 AM) ()
PLTF'S MOTION TO ASSOCIATE COUNSEL Court Clerk: JOSEPHINE BOHN Heard By: Nancy Saitta
Minutes
Result: Matter Heard
02/09/1999 **Filed Under Seal**
Defendant's Motion for Judgment on the Pleadings
02/10/1999 **Filed Under Seal**
Supreme Court Rule 42 Statement
02/10/1999 **Filed Under Seal**
Defendant's Motion for Judgment on the Pleadings; Corrected Copy
02/10/1999 **Filed Under Seal**
Notice of Errata (re: Defendant's Motion for Judgment on the Pleadings, filed February 9, 1999)
02/11/1999 **Filed Under Seal**
Receipt of Copy
02/12/1999 **Filed Under Seal**
Order
02/12/1999 **Filed Under Seal**
Franchise Tax Board's Opposition to Motion to Compel Further Answer at Deposition (Filed Under Seal)
02/12/1999 **Filed Under Seal**
Franchise Tax Board's Opposition to Motion to Compel Further Testimony from Sheila Cox. (Filed Under Seal)
02/16/1999 **Filed Under Seal**
Receipt of Copy
02/16/1999 **Filed Under Seal**
Receipt of Copy
02/16/1999 **Filed Under Seal**
Reply Memorandum in Support of Motion to Compel Answers to Deposition Questions re Related Taxpayers
02/16/1999 **Filed Under Seal**
Reply Memorandum in Support of Motion to Compel Further Testimony from Defendant's Rule 30(b)(6) Witness Sheila Cox
02/17/1999 **Filed Under Seal**
Franchise Tax Board's Opposition to Motion to Compel Further Testimony from Sheila Cox, Appendix One (Filed Under Seal)
02/17/1999 **Filed Under Seal**
Franchise Tax Board's Opposition to Motion to Compel Further Testimony from Sheila Cox, Appendix Two (Filed Under Seal)
02/17/1999 **Filed Under Seal**
Franchise Tax Board's Opposition to Motion to Compel Further Testimony from Sheila Cox, Appendix Three (Filed Under Seal)
02/17/1999 **Filed Under Seal**
Franchise Tax Board's Opposition to Motion to Compel Further Testimony from Sheila Cox, Appendix Four (Filed Under Seal)
02/17/1999 **Filed Under Seal**
Franchise Tax Board's Opposition to Motion to Compel Further Testimony from Sheila Cox, Appendix Five (Filed Under Seal)
02/17/1999 **Filed Under Seal**
Franchise Tax Board's Compendium of Out of State Authorities in Support of Its Opposition to Motion to Compel Further Testimony for Sheila Cox.
02/17/1999 **Filed Under Seal**
Franchise Tax Board's Compendium of Out of State Authorities in Support of Its Opposition to Motion to Compel Further Answers at Deposition.
02/17/1999 **Filed Under Seal**
Motion to Extend Time to File Opposition to FTB's Motion for Judgment on the Pleadings and for an Order Shortening Time
02/17/1999 **Filed Under Seal**
Franchise Tax Board's Compendium of Out of State Authorities in Support of Its Opposition to Motion to Compel Further Answers at Deposition.
02/18/1999 **Filed Under Seal**
Notice of Entry of Order
02/18/1999 **Filed Under Seal**
Certificate of Service
02/18/1999 **Filed Under Seal**
Receipt of Copy
02/18/1999 **Filed Under Seal**
Stipulation and Order to Seal Hearing on Plaintiff's Motion to Compel Answers to Deposition Questions re Related Taxpayers and Motion for an Order Compelling Further Testimony from Defendant's Rule 30(b)(6) Witness Sheila Cox
02/18/1999 **Motion** (9:30 AM) ()
PLTF'S MOTION FOR AN ORDER COMPELLING ANSWERS TO DEPOSITION QUESTIONS RE RELAT Heard By: Thomas Biggar
Result: Continuance Granted
02/18/1999 **Motion** (9:30 AM) ()
DEFT'S MOTION FOR ORDER COMPELLING FURTHER DEPOSITION TESTIMONY Heard By: Thomas Biggar
Result: Continuance Granted
02/18/1999 **All Pending Motions** (10:00 AM) ()
ALL PENDING MOTIONS FOR 2/18/99 Court Clerk: MARY DAIGLE Reporter/Recorder: KAREN MELL Heard By: Thomas Biggar
Parties Present
Minutes
Result: Matter Heard
02/19/1999 **Filed Under Seal**
Order
02/19/1999 **Filed Under Seal**
Order
02/19/1999 **Filed Under Seal**
Opposition to Plaintiff's Motion to Extend Time to File Opposition to FTB's Motion for Judgment on the Pleadings
02/22/1999 **Filed Under Seal**
Notice of Entry of Order
02/22/1999 **Filed Under Seal**
Notice of Entry of Order
02/22/1999 **Motion** (10:00 AM) ()
PLTF'S MOTION FOR AN ORDER COMPELLING ANSWERS TO DEPOSITION QUESTIONS RE RELAT Heard By: Thomas Biggar
Result: Granted in Part
02/22/1999 **Motion** (10:00 AM) ()
DEFT'S MOTION FOR ORDER COMPELLING FURTHER DEPOSITION TESTIMONY Heard By: Thomas Biggar
Result: Motion Granted
02/22/1999 **Motion** (3:00 AM) ()
PLTF'S MOTION TO EXTEND TIME TO FILE OPPOSITION TO FTB'S MTN FOR JUDG ON PLEA Court Clerk: JOSEPHINE BOHN Heard By: Nancy Saitta
Minutes
Result: Motion Granted
02/22/1999 **All Pending Motions** (10:00 AM) ()
ALL PENDING MOTIONS Court Clerk: MARY DAIGLE Relief Clerk: REBECCA FOSTER/rf Reporter/Recorder: KAREN MELL Heard By: Thomas Biggar
Parties Present
Minutes
Result: Matter Heard
02/23/1999 **Filed Under Seal**
Stipulation and Order to Extend Time for Plaintiff's Opposition to Motion for Judgment on the Pleadings
02/25/1999 **Filed Under Seal**
Certificate of Service
02/25/1999 **Filed Under Seal**
Receipt of Copy
02/25/1999 **Filed Under Seal**
Supreme Court Rule 42 Statement
02/25/1999 **Filed Under Seal**
Motion to Reconsider Stay of Discover and for an Order Shortening Time; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
03/02/1999 **Filed Under Seal**
Opposition to Plaintiff's Motion to Reconsider Stay of Discovery and for an Order Shortening Time; Filed Under Seal
03/02/1999 **Filed Under Seal**
Reply to Opposition to Plaintiff's Motion to Reconsider Stay of Discovery and for an Order Shortening Time; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
03/03/1999 **Motion to Reconsider** (8:00 AM) ()
PLTF'S MOTION TO RECONSIDER STAY OF DISCOVERY Court Clerk: JOSEPHINE BOHN Reporter/Recorder: SHERRY ROBINSON Heard By: Nancy Saitta

Parties Present

Minutes

Result: Granted in Part

03/04/1999 **Filed Under Seal**
Receipt of Copy

03/08/1999 **Motion** (3:00 AM) ()
DEFT FRANCHISE TAX BOARD OF THE STATE OFCALIFORNIA'S MTN FOR JUDG ON THE PLEADIN Relief Clerk: DENISE HUSTED Reporter/Recorder: SHERRY ROBINSON Heard By: Nancy Saitta
Result: Continuance Granted

03/15/1999 **Filed Under Seal**
Order Setting Civil Jury Trials

03/15/1999 **Filed Under Seal**
Receipt of Copy

03/15/1999 **Filed Under Seal**
Hyatt's Request for Judicial Notice - in Opposition to the FTB's Motion for Judgment on the Pleadings; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999 (Unfiled)

03/15/1999 **Filed Under Seal**
Plaintiff Gil Hyatt's Opposition to Motion for Judgment on the Pleadings; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999 (Unfiled)

03/17/1999 **Filed Under Seal**
Certificate of Service

03/18/1999 **Filed Under Seal**
Discovery Commissioner's Report and Recommendation

03/19/1999 **Filed Under Seal**
Order

03/29/1999 **Filed Under Seal**
Defendant's Reply to Plaintiff's Opposition to Motion for Judgment on the Pleadings; Filed Under Seal Pursuant to Discovery Commissioner's February 22, 1990 Ruling

03/29/1999 **Filed Under Seal**
Receipt of Copy

03/29/1999 **Filed Under Seal**
Receipt of Copy

03/29/1999 **Filed Under Seal**
Certificate of Service

03/29/1999 **Filed Under Seal**
Certificate of Service

03/29/1999 **Filed Under Seal**
Motion for an Order Compelling Production of Witness Anna Jovanovich for Deposition Testimony or Her Current Address

03/29/1999 **Filed Under Seal**
Motion to Compel re Missing, Redacted, and Sanitized Documents from FTB's Residency Audit Files of Plaintiff Gil Hyatt

04/01/1999 **Filed Under Seal**
Stipulation and Order to Seal Hearing on Defendant's Motion for Judgment on the Pleadings

04/02/1999 **Filed Under Seal**
Certificate of Service

04/02/1999 **Filed Under Seal**
Plaintiff's Motion for Leave to File Surreply; Filed Under Seal by Stipulation and Order Dated February 1, 1999

04/02/1999 **Filed Under Seal**
Plaintiff's Motion for Leave to File Surreply; Filed Under Seal by Stipulation and Order Dated February 1, 1999

04/05/1999 **Filed Under Seal**
Receipt of Copy

04/05/1999 **Motion** (3:00 PM) ()
DEFT FRANCHISE TAX BOARD OF THE STATE OFCALIFORNIA'S MTN FOR JUDG ON THE PLEADIN Relief Clerk: DENISE HUSTED Reporter/Recorder: SHERRY ROBINSON Heard By: Nancy Saitta
Result: Continuance Granted

04/06/1999 **Filed Under Seal**
Defendant's Response to Plaintiff's Surreply; Filed Under Seal

04/07/1999 **Motion** (10:00 AM) ()
DEFT FRANCHISE TAX BOARD OF THE STATE OFCALIFORNIA'S MTN FOR JUDG ON THE PLEADIN Relief Clerk: DENISE HUSTED Reporter/Recorder: SHERRY ROBINSON Heard By: Nancy Saitta

Parties Present

Minutes

Result: Denied

04/13/1999 **Filed Under Seal**
Franchise Tax Board's Opposition to Motion to Compel Missing, Redacted, and Sanitized Documents from FTB's Residency Audit Files

04/13/1999 **Filed Under Seal**
Franchise Tax Board's Opposition to Motion for an Order Compelling Production of Witness Anna Jovanovich for Deposition Testimony or Her Current

04/16/1999 **Filed Under Seal**
Plaintiff's Reply to FTB's Opposition to Plaintiff's Motion to Compel re Missing, Redacted, and Sanitized Documents from FTB's Residency Files Audit of Plaintiff Gil Hyatt; Filed Under Seal

04/16/1999 **Filed Under Seal**
Hyatt's Reply to FTB's Opposition to Motion for an Order Compelling Production of Witness Anna Jovanovich for Deposition Testimony or Her Current Address; Filed Under Seal

04/16/1999 **Filed Under Seal**
Receipt of Copy

04/16/1999 **Filed Under Seal**
Receipt of Copy

04/16/1999 **Filed Under Seal**
Certificate of Service

04/16/1999 **Filed Under Seal**
Certificate of Service

04/19/1999 **Filed Under Seal**
Partial Judgment on the Pleadings

04/20/1999 **Filed Under Seal**
Notice of Entry of Order

04/20/1999 **Motion** (9:00 AM) ()
PLTF'S MOTION FOR AN ORDER COMPELLING PRODUCTION OF WITNESS ANNA JOVANOVICH Heard By: Thomas Biggar
Result: Continuance Granted

04/20/1999 **Motion to Compel** (9:00 AM) ()
PLTF'S MOTION TO COMPEL RE MISSING, REDACTED/SANITIZED DOCUMENTS FROM FTB'S Heard By: Thomas Biggar
Result: Continuance Granted

04/20/1999 **All Pending Motions** (9:00 AM) ()
ALL PENDING MOTIONS FOR 4/20/99 Court Clerk: MARY DAIGLE Reporter/Recorder: KAREN MELL Heard By: Thomas Biggar

Parties Present

Minutes

Result: Matter Heard

04/30/1999 **Filed Under Seal**
Notice of Submission of Proposed Report and Recommendation

04/30/1999 **Filed Under Seal**
Defendant's Audit File Documents Submitted for In-Camera Inspection

05/04/1999 **Filed Under Seal**
Reply of Plaintiff to Defendant's Index to In Camera Inspection and Arguments Therein; Plaintiff's Statement re Inspection of Original Audit Files; and Statement re Deposition of Anna Jovanovich; Filed Under Seal by Stipulation and Order Dated February 1, 1999

05/05/1999 **Motion** (10:00 AM) ()
PLTF'S MOTION FOR AN ORDER COMPELLING PRODUCTION OF WITNESS ANNA JOVANOVICH Heard By: Thomas Biggar
Result: Granted in Part

05/05/1999 **Motion to Compel** (10:00 AM) ()
PLTF'S MOTION TO COMPEL RE MISSING, REDACTED/SANITIZED DOCUMENTS FROM FTB'S Heard By: Thomas Biggar
Result: Granted in Part

05/05/1999 **All Pending Motions** (10:00 AM) ()
ALL PENDING MOTIONS FOR 5/5/99 Court Clerk: MARY DAIGLE Reporter/Recorder: Karen Bentley Heard By: Thomas Biggar

Parties Present

Minutes

Result: Matter Heard
05/10/1999 **Motion** (3:00 AM) ()
PLTF'S MOTION FOR LEAVE TO FILE SURREPLY Relief Clerk: DENISE HUSTED Heard By: Nancy Saitta
Minutes
Result: Off Calendar
05/11/1999 **Filed Under Seal**
Notice of Submission of Original Affidavit
05/11/1999 **Filed Under Seal**
Affidavit
05/21/1999 **Filed Under Seal**
Discovery Commissioner's Report and Recommendation
05/27/1999 **Filed Under Seal**
Motion to Associate Counsel
05/27/1999 **Filed Under Seal**
Supreme Court Rule 42 Statement
05/27/1999 **Filed Under Seal**
Verified Application for Association of Counsel Under Nevada Supreme Court Rule 42
05/28/1999 **Filed Under Seal**
Certificate of Service
06/01/1999 **Filed Under Seal**
Certificate of Service
06/01/1999 **Filed Under Seal**
Appendix of Exhibits in Support of Plaintiff Gil Hyatt's Post-Hearing Memorandum of Points and Authorities re May 5, 1999 Hearing on Motions to Compel; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
06/01/1999 **Filed Under Seal**
Plaintiff Gil Hyatt's Post-Hearing Memorandum of Points and Authorities re May 5, 1999 Hearing on Motions to Compel; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
06/01/1999 **Filed Under Seal**
Appendix to Plaintiff Gil Hyatt's Post-Hearing Memorandum Containing Prima Facie Showing of FTB Consultation with Attorneys to Further Future and Ongoing Extortion, Breach of Confidentiality Statutes, and Fraud; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
06/02/1999 **Filed Under Seal**
Supplemental Appendix of Exhibits (Cited in Appendix to Plaintiff Gil Hyatt's Post-Hearing Memorandum Containing Prima Facie Showing of FTB Consultation with Attorneys to Further Future and Ongoing Extortion, Breach of Confidentiality Statutes, and Fraud); Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
06/02/1999 **Filed Under Seal**
Supplemental Appendix of Exhibits (Cited in Appendix to Plaintiff Gil Hyatt's Post-Hearing Memorandum Containing Prima Facie Showing of FTB Consultation with Attorneys to Further Future and Ongoing Extortion, Breach of Confidentiality Statutes, and Fraud); Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
06/03/1999 **Filed Under Seal**
Certificate of Service
06/03/1999 **Filed Under Seal**
Receipt of Copy
06/03/1999 **Filed Under Seal**
Receipt of Copy
06/10/1999 **Filed Under Seal**
Application for Issuance of Commission to Take Deposition Out of State
06/10/1999 **Filed Under Seal**
Notice of Taking Deposition of Custodian of Records, Deloitte & Touche, Human Resources Outside the State of Nevada
06/10/1999 **Filed Under Seal**
Affidavit of Mark A. Hutchison
06/10/1999 **Filed Under Seal**
Notice of Taking Deposition of Custodian of Records, Forest Lawn, Human Resources Outside the State of Nevada
06/10/1999 **Filed Under Seal**
Affidavit of Mark A. Hutchison
06/10/1999 **Filed Under Seal**
Application for Issuance of Commission to Take Deposition Out of State
06/10/1999 **Filed Under Seal**
Commission to Take Deposition Outside of the State of Nevada
06/10/1999 **Filed Under Seal**
Commission to Take Deposition of Custodian of Records, Pacific Bell, Legal Process, Outside the State of Nevada
06/10/1999 **Filed Under Seal**
Affidavit of John T. Steffen
06/10/1999 **Filed Under Seal**
Application for Issuance of Commission to Take Deposition Out of State
06/10/1999 **Filed Under Seal**
Commission to Take Deposition Outside of the State of Nevada
06/10/1999 **Filed Under Seal**
Commission to Take Deposition Outside of the State of Nevada
06/14/1999 **Motion to Associate Counsel** (3:00 AM) ()
PLTF'S MOTION TO ASSOCIATE COUNSEL Relief Clerk: DENISE HUSTED Heard By: Nancy Saitta
Minutes
Result: Motion Granted
06/15/1999 **Filed Under Seal**
Opposition to FTB's Motion to Extend Time for Filing Its Opposition to Hyatt's Post-Hearing Memorandum of Points and Authorities re: May 5, 1999 Hearing on Motion to Compel; Request for Telephonic Hearing
06/21/1999 **Filed Under Seal**
Discovery Commissioner's Order re: Motion to Extend Time
06/22/1999 **Filed Under Seal**
Affidavit of John T. Steffen
06/22/1999 **Filed Under Seal**
Commission to Take Deposition Outside of the State of Nevada
06/22/1999 **Filed Under Seal**
Notice of Taking Deposition of Jeff McKenney Outside the State of Nevada
06/22/1999 **Filed Under Seal**
Application for Issuance of Commission to Take Deposition Out of State
06/23/1999 **Filed Under Seal**
Certificate of Service
06/23/1999 **Filed Under Seal**
Errata to Appendix to Plaintiff Gil Hyatt's Post-Hearing Memorandum Containing Prima Facie Showing of FTB Consultation with Attorneys to Further Its Future and Ongoing Extortion, Breach of Confidentiality Statutes, and Fraud; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
06/24/1999 **Filed Under Seal**
Application for Issuance of Commission to Take Deposition Out of State
06/24/1999 **Filed Under Seal**
Commission to Take Deposition Outside of the State of Nevada
06/24/1999 **Filed Under Seal**
Affidavit of John T. Steffen
06/24/1999 **Filed Under Seal**
Notice of taking Deposition of Doug Dick Outside the State of Nevada
06/25/1999 **Filed Under Seal**
Affidavit of John T. Steffen
06/25/1999 **Filed Under Seal**
Amended Notice of Taking Deposition of Doug Dick Outside the State of Nevada
06/25/1999 **Filed Under Seal**
Amended Application for Issuance of Commission to Take Deposition Out of State
06/25/1999 **Filed Under Seal**
Amended Commission to Take Deposition Outside of the State of Nevada
06/25/1999 **Filed Under Seal**
Order
06/25/1999 **Filed Under Seal**
Application for Issuance of Commission to Take Deposition Out of State
06/25/1999 **Filed Under Seal**
Amended Affidavit of John T. Steffen
06/25/1999 **Filed Under Seal**

Commission to Take Deposition Outside of the State of Nevada
06/25/1999 **Filed Under Seal**
Notice of Taking Deposition Duces Tecum of Gerald Goldberg
06/28/1999 **Filed Under Seal**
Stipulation and Order to Continue Trial
06/29/1999 **Filed Under Seal**
Objections of Sheila Grady Cox to Plaintiff's Subpoena to Custodian of Records, Forest Lawn, Human Resources, Affidavit of George M. Takenouchi
06/29/1999 **Filed Under Seal**
Objections of Sheila Grady Cox to Plaintiff's Subpoena to Custodian of Records, Deloitte & Touche, Human Resources ; Affidavit of George M. Takenouchi
06/29/1999 **Filed Under Seal**
Notice of Entry of Order
07/01/1999 **Filed Under Seal**
Defendant's Post-Hearing Brief re May 5, 1999 Hearing on Motions to Compel; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
07/02/1999 **Filed Under Seal**
Notice of Entry of Order Granting Motion to Associate Counsel
07/02/1999 **Filed Under Seal**
Notice of Entry of Order Granting Continuance of Trial
07/06/1999 **Filed Under Seal**
Appendix of Exhibits in Support of Plaintiff Gil Hyatt's Motion to Compel Production of Documents; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
07/06/1999 **Filed Under Seal**
Plaintiff Gil Hyatt's Motion to Compel Production of Documents; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
07/06/1999 **Filed Under Seal**
Appendix of Exhibits in Support of Plaintiff Gil Hyatt's Motion to Compel Production of Documents; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
07/09/1999 **Filed Under Seal**
Receipt of Copy
07/09/1999 **Filed Under Seal**
Certificate of Service
07/14/1999 **Filed Under Seal**
Affidavit of John T. Steffen
07/14/1999 **Filed Under Seal**
Application for Issuance of Commission to Take Deposition Out of State
07/14/1999 **Filed Under Seal**
Notice of Taking Deposition of Priscilla Louise Maystead Outside the State of Nevada
07/14/1999 **Filed Under Seal**
Commission to Take Deposition Outside of the State of Nevada
07/14/1999 **Filed Under Seal**
Affidavit of John T. Steffen
07/14/1999 **Filed Under Seal**
Application for Issuance of Commission to Take Deposition Out of State
07/14/1999 **Filed Under Seal**
Notice of Taking Deposition of Elizabeth (Beth) Suzanne Hyatt Outside the State of Nevada
07/14/1999 **Filed Under Seal**
Commission to Take Deposition Outside of the State of Nevada
07/19/1999 **Filed Under Seal**
Stipulation and Order; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
07/20/1999 **Filed Under Seal**
Notice of Entry of Order
07/21/1999 **Filed Under Seal**
Hyatt's Post-Hearing Reply Brief for May 5, 1999 Hearing on Motion to Compel; Under Submission; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/21/1999 **Filed Under Seal**
Hyatt's Post-Hearing Reply Brief for May 5, 1999 Hearing on Motion to Compel; Under Submission; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/21/1999 **Filed Under Seal**
Supplemental Appendix of Exhibits in Support of Plaintiff Gil Hyatt's Post-Hearing Reply Brief for May 5, 1999 Hearing on Motion to Compel; Under Submission; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/22/1999 **Filed Under Seal**
Receipt of Copy
07/26/1999 **Filed Under Seal**
Appendix on Tort Causes of Action to Defendant's Motion for Protective Order; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
07/26/1999 **Motion to Continue** (1:30 PM) ()
PLTF'S MOTION TO CONTINUE TRIAL Heard By: Nancy Saitta
Result: Motion Granted
07/26/1999 **Status Check** (1:30 PM) ()
STATUS CHECK
07/26/1999 **All Pending Motions** (9:00 AM) ()
ALL PENDING MOTIONS 7-26-99 Court Clerk: DENISE HUSTED Relief Clerk: REBECCA FOSTER/rf Reporter/Recorder: SHERRY ROBINSON Heard By: Nancy Saitta
Parties Present
Minutes
Result: Matter Heard
07/27/1999 **Filed Under Seal**
Receipt of Copy of Appendix on Tort Causes of Action to Defendant's Motion for Protective Order
07/27/1999 **Filed Under Seal**
Receipt of Copy of Defendant Franchise Tax Board's Opposition Brief to Plaintiff' Motion to Compel Production of Documents
07/29/1999 **Filed Under Seal**
Hyatt's Motion to Strike FTB's Appendix to Defendant's Motion for Protective Order or Alternatively to Compel the Appendix to be Noticed and Briefed as a Motion and for an Order Shortening Time; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
07/30/1999 **Filed Under Seal**
Certificate of Service
08/02/1999 **Filed Under Seal**
Receipt of Copy
08/02/1999 **Filed Under Seal**
Errata to Defendant's Appendix on Tort Causes of Action to Defendant's Opposition to Plaintiff's Motion to Compel; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
08/06/1999 **Filed Under Seal**
Gil Hyatt's Response to the FTB's "Appendix" Submitted with the FTB's Opposition to Motion to Compel Production of Documents; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
08/06/1999 **Filed Under Seal**
Reply to Gil Hyatt in Support of Motion to Compel Production of Documents; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
08/09/1999 **Filed Under Seal**
Opposition to Plaintiff's Motion to Strike Defendant's Appendix on Tort Causes of Action to Defendant's Opposition to Plaintiff's Motion to Compel; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
08/10/1999 **Filed Under Seal**
Franchise Tax Board's Compendium of Out of State Authorities in Support of Appendix on Tort Causes of Action to Defendant's Opposition to Motion to Compel
08/11/1999 **Filed Under Seal**
Receipt of Copy
08/11/1999 **Filed Under Seal**
Receipt of Copy
08/11/1999 **Filed Under Seal**
Defendant Franchise Tax Board of the State of California's Motion for a Protective Order Barring Plaintiff from Deposing Gerald H. Goldberg
08/11/1999 **Motion to Compel** (9:30 AM) ()
PLTF'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS Heard By: Thomas Biggar
Result: Granted in Part
08/11/1999 **Motion to Strike** (9:30 AM) ()
PLTF'S MOTION TO STRIKE FTB APPENDIX TO DEFT'S MTN Heard By: Thomas Biggar

Result: Off Calendar
08/11/1999 **All Pending Motions** (9:30 AM) ()
ALL PENDING MOTIONS FOR 8/11/99 Court Clerk: MARY DAIGLE Reporter/Recorder: Christa Broka Heard By: Thomas Biggar
Parties Present
Minutes
Result: Matter Heard
08/11/1999 **Filed Under Seal**
Declaration of Gerald H. Goldberg in Support of Motion for Protective Order
08/20/1999 **Filed Under Seal**
Notice of Filing Original Declaration
08/20/1999 **Filed Under Seal**
Affidavit of John T. Steffen
08/20/1999 **Filed Under Seal**
Application for Issuance of Commission to Take Deposition Out of State
08/20/1999 **Filed Under Seal**
Affidavit of John T. Steffen
08/20/1999 **Filed Under Seal**
Application for Issuance of Commission to Take Deposition Out of State
08/24/1999 **Filed Under Seal**
Opposition of Gil Hyatt to the Franchise Tax Board of the State of California's Motion for Protective Order Barring Plaintiff from Deposing Gerald H. Goldberg; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
08/24/1999 **Filed Under Seal**
Opposition of Gil Hyatt to the Franchise Tax Board of the State of California's Motion for Protective Order Barring Plaintiff from Deposing Gerald H. Goldberg; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
08/25/1999 **Filed Under Seal**
Receipt of Copy
08/31/1999 **Filed Under Seal**
Franchise Tax Board's Compendium of Out of State Authorities in Support of Its Reply to Motion for a Protective Order Barring Plaintiff from Deposing Gerald H. Goldberg
08/31/1999 **Filed Under Seal**
Reply in Support of Franchise Tax Board's Motion for a Protective Order Barring Plaintiff from Deposing Gerald H. Goldberg; Filed Under Seal Under Discovery Commissioner Ruling of February 22, 1999
08/31/1999 **Filed Under Seal**
Franchise Tax Board's Compendium of Out of State Authorities in Support of Its Motion for a Protective Order Barring Plaintiff from Deposing Gerald H. Goldberg
09/08/1999 **Motion for Protective Order** (9:30 AM) ()
DEFT'S MOTION FOR PROTECTIVE ORDER BARRING PLTF FROM DEPOSING GERALD GOLDBE Court Clerk: MARY DAIGLE Reporter/Recorder: MARGIE CARLSEN Heard By: Thomas Biggar
Parties Present
Minutes
Result: Motion Granted
09/13/1999 *CANCELED* **Calendar Call** (9:30 AM) ()
Vacated
09/13/1999 *CANCELED* **Pre Trial Conference** (2:30 PM) ()
Vacated
09/24/1999 **Filed Under Seal**
Ex Parte Application for Order Allowing Issuance of Subpoenas and Issuance of Letters Rogatory
09/27/1999 **Filed Under Seal**
Affidavit of George M. Takenouchi
09/27/1999 **Filed Under Seal**
Affidavit of George M. Takenouchi
09/27/1999 **Filed Under Seal**
Application for Issuance of Commission to Take Deposition Out of State
09/27/1999 **Filed Under Seal**
Application for Issuance of Commission to Take Deposition Out of State
09/27/1999 *CANCELED* **Calendar Call** (9:30 AM) ()
Vacated
09/27/1999 *CANCELED* **Calendar Call** (9:00 AM) ()
Vacated
09/30/1999 **Filed Under Seal**
Affidavit of Bryan R. Clark
09/30/1999 **Filed Under Seal**
Application for Issuance of Commission to Take the Deposition Out of the State
09/30/1999 **Filed Under Seal**
Affidavit of Bryan R. Clark
09/30/1999 **Filed Under Seal**
Application for Issuance of Commission to Take the Deposition Out of the State
10/01/1999 **Filed Under Seal**
Subpoena Duces Tecum
10/01/1999 **Filed Under Seal**
Subpoena Regular
10/01/1999 **Filed Under Seal**
Subpoena Duces Tecum
10/01/1999 **Filed Under Seal**
Subpoena Duces Tecum
10/01/1999 **Filed Under Seal**
Subpoena Duces Tecum
10/01/1999 **Filed Under Seal**
Subpoena Regular
10/01/1999 **Filed Under Seal**
Subpoena Duces Tecum
10/01/1999 **Filed Under Seal**
Subpoena Duces Tecum
10/01/1999 **Filed Under Seal**
Subpoena Duces Tecum
10/01/1999 **Filed Under Seal**
Amended Application for Issuance of Commission to Take the Deposition Out of the State
10/01/1999 **Filed Under Seal**
Amended Application for Issuance of Commission to Take the Deposition Out of the State
10/01/1999 **Filed Under Seal**
Subpoena Duces Tecum
10/04/1999 **Filed Under Seal**
Subpoena Duces Tecum
10/04/1999 **Filed Under Seal**
Subpoena Regular
10/04/1999 *CANCELED* **Jury Trial** (1:30 PM) ()
Vacated
10/05/1999 *CANCELED* **Jury Trial** (9:00 AM) ()
Vacated
10/07/1999 **Filed Under Seal**
Affidavit of Bryan R. Clark
10/07/1999 **Filed Under Seal**
Application for Issuance of Commission to Take the Deposition Out of the State
10/08/1999 **Filed Under Seal**
Application for Issuance of Commission to Take the Deposition Out of the State
10/08/1999 **Filed Under Seal**
Affidavit of Bryan R. Clark
10/12/1999 **Filed Under Seal**
Objection to Subpoena Duces Tecum
10/14/1999 **Filed Under Seal**
Subpoena Duces Tecum
10/15/1999 **Filed Under Seal**
Notice of Motion
10/15/1999 **Filed Under Seal**

Amended Application for Issuance of Commission to Take the Deposition Out of the State
10/15/1999 **Filed Under Seal**
Affidavit of Bryan R. Clark
10/15/1999 **Filed Under Seal**
Motion to Compel Discovery Responses
10/18/1999 **Filed Under Seal**
Receipt of Copy
10/18/1999 **Filed Under Seal**
Certificate of Mailing
10/20/1999 **Filed Under Seal**
Notice of Appearance of Co-Counsel
10/22/1999 **Filed Under Seal**
Discovery Commissioner's Report and Recommendation
10/22/1999 **Filed Under Seal**
Application for Issuance of Commission to Take Deposition Out of State
10/22/1999 **Filed Under Seal**
Affidavit of Bryan R. Clark
10/25/1999 **Filed Under Seal**
Discovery Commissioner's Report and Recommendation
10/26/1999 **Filed Under Seal**
Discovery Commissioner's Report and Recommendation
10/27/1999 **Filed Under Seal**
Certificate of Service of Subpoena Duces Tecum
10/27/1999 **Filed Under Seal**
Certificate of Service of Subpoena Duces Tecum
10/27/1999 **Filed Under Seal**
Certificate of Service of Subpoena Duces Tecum
10/28/1999 **Filed Under Seal**
Plaintiff Gil Hyatt's Opposition to the FTB's Motion to Compel Discovery Responses; Under Submission; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
10/29/1999 **Filed Under Seal**
Certificate of Service
10/29/1999 **Filed Under Seal**
Receipt of Copy
10/29/1999 **Filed Under Seal**
Errata to Plaintiff Gil Hyatt's Opposition to the FTB's Motion to Compel Discovery Responses; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
11/04/1999 **Filed Under Seal**
Franchise Tax Board's Compendium of Out of State Authorities in Support of Its Reply to Plaintiff's Opposition to Motion to Compel Discovery Responses
11/04/1999 **Filed Under Seal**
Defendant's Reply to Plaintiff's Opposition to the FTB's Motion to Compel Discovery Responses; Under Submission; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
11/05/1999 **Filed Under Seal**
Certificate of Service
11/05/1999 **Filed Under Seal**
Second Errata to Plaintiff Gil Hyatt's Opposition to the FTB's Motion to Compel Discovery Responses; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
11/05/1999 **Filed Under Seal**
Receipt of Copy
11/08/1999 **Filed Under Seal**
Receipt of Copy
11/09/1999 **Filed Under Seal**
Order Allowing Issuance of Subpoenas and Letters Rogatory
11/09/1999 **Motion to Compel** (10:00 AM) ()
DEFT'S MOTION TO COMPEL DISCOVERY RESPONSES Court Clerk: MARY DAIGLE Heard By: Thomas Biggar
Parties Present
Minutes
Result: Granted in Part
11/12/1999 **Filed Under Seal**
Affidavit of Mark A. Hutchison
11/12/1999 **Filed Under Seal**
Application for Issuance of Commission to take Deposition Out of State
11/12/1999 **Filed Under Seal**
Notice of Taking Deposition of Person Most Knowledgeable Roddenberry 3014, Paramount Pictures Corp.
11/12/1999 **Filed Under Seal**
Affidavit of Mark A. Hutchison
11/12/1999 **Filed Under Seal**
Application for Issuance of Commission to Take Deposition Out of State
11/12/1999 **Filed Under Seal**
Notice of Taking Deposition of Custodian of Records of Roddenberry 3014, Paramount Pictures Corp.
11/17/1999 **Filed Under Seal**
Receipt of Copy
11/17/1999 **Filed Under Seal**
Receipt of Copy
11/17/1999 **Filed Under Seal**
Notice of Consumer (C.C.P. Section 1985.3)
11/17/1999 **Filed Under Seal**
Notice of Taking Deposition of Person Most Knowledgeable at California State Personnel Board Outside the State of Nevada
11/17/1999 **Filed Under Seal**
Affidavit of Mark A. Hutchison
11/17/1999 **Filed Under Seal**
Application for Issuance of Commission to Take Deposition Out of State
11/17/1999 **Filed Under Seal**
Notice to Consumer (C.C.P. Section 1985.3)
11/17/1999 **Filed Under Seal**
Notice of Taking Deposition of Custodian of Records of the California State Personnel Board Outside the State of Nevada
11/17/1999 **Filed Under Seal**
Affidavit of Mark A. Hutchison
11/17/1999 **Filed Under Seal**
Application for Issuance of Commission to Take Deposition Out of State
11/19/1999 **Filed Under Seal**
Declaration of Felix E. Leatherwood: re Anna Jovanovich; Filed in Camera and Under Seal.
11/19/1999 **Filed Under Seal**
Receipt of Copy
11/19/1999 **Filed Under Seal**
Receipt of Copy
11/19/1999 **Filed Under Seal**
Notice of Taking Deposition of Custodian of Records of Youngmart Tours & Travel Inc.
11/19/1999 **Filed Under Seal**
Affidavit of Mark A. Hutchison
11/19/1999 **Filed Under Seal**
Commission to Take Deposition Outside of the State of Nevada
11/19/1999 **Filed Under Seal**
Application for Issuance of Commission to Take Deposition Out of State
11/19/1999 **Filed Under Seal**
Notice of Taking Deposition of Lobo Chang, the Owner of Youngmart Tours & Travel Inc.
11/19/1999 **Filed Under Seal**
Affidavit of Mark A. Hutchison
11/19/1999 **Filed Under Seal**
Commission to Take Deposition Outside of the State of Nevada
11/19/1999 **Filed Under Seal**
Application for Issuance of Commission to Take Deposition Out of State
11/19/1999 **Filed Under Seal**

Errata to Plaintiff's Notice of Taking Deposition of Person Most Knowledgeable at the California State Board of Personnel and Supporting Affidavit of Mark A. Hutchison

11/23/1999 **Filed Under Seal**
Franchise Tax Board of the State of California's Objections to Plaintiff's Out of State Commissions and Deposition Notices.

12/14/1999 **Filed Under Seal**
Affidavit of John T. Steffen

12/14/1999 **Filed Under Seal**
Application for Issuance of Commission to Take Deposition Out of State

12/14/1999 **Filed Under Seal**
Notice of Taking Deposition of Priscilla Louise Maystead Outside the State of Nevada

12/16/1999 **Filed Under Seal**
Objection to Discovery Commissioner's Report and Recommendations Regarding Protective Order for Confidential Information Decided in Conjunction with Defendant Franchise Tax Board of the State of California's Motion to Compel Discovery Reponses.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

12/16/1999 **Filed Under Seal**
Objection to Discovery Commissioner's Report and Recommendations Regarding Plaintiff Gilbert P. Hyatt's Motion to Compel re Missing, Redacted, and Sanitized Documents from the Franchise Tax Board's Residency Audit Files; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

12/17/1999 **Filed Under Seal**
Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California

12/17/1999 **Filed Under Seal**
Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California

12/17/1999 **Filed Under Seal**
Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California

12/17/1999 **Filed Under Seal**
Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California

12/17/1999 **Filed Under Seal**
Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California

12/17/1999 **Filed Under Seal**
Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California

12/20/1999 **Filed Under Seal**
Amended Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California

12/20/1999 **Filed Under Seal**
Amended Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California

12/20/1999 **Filed Under Seal**
Amended Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California

12/20/1999 **Filed Under Seal**
Amended Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California

12/20/1999 **Filed Under Seal**
Amended Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California

12/20/1999 **Filed Under Seal**
Amended Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California

12/20/1999 **Filed Under Seal**
Errata; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999

12/21/1999 **Filed Under Seal**
Gil Hyatt's Response to FTB Objections and Request to Submit Points and Authorities to the FTB's "Objections" if the Court Decides to Look Beyond the Substantial Briefings and Arguments Considered by the Discovery Commission Concerning Both Motions; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

12/23/1999 **Filed Under Seal**
Objection to Discovery Commissioner's Report and Recommendations Regarding Defendant Franchise Tax Board of the State of California's Motion to Compel Discovery Responses.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

12/27/1999 **Filed Under Seal**
Discovery Commissioner's Report and Recommendation

12/27/1999 **Filed Under Seal**
Discovery Commissioner's Report and Recommendation; Filed Under Seal Pursuant to Discovery Commissioner's Ruling of February 22, 1999

12/27/1999 **Filed Under Seal**
Discovery Commissioner's Report and Recommendation

01/05/2000 **Filed Under Seal**
Franchise Tax Board of the State of California's Objections to Plaintiff's Amended Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/05/2000 **Filed Under Seal**
Franchise Tax Board of the State of California's Objections to Plaintiff's Amended Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/05/2000 **Filed Under Seal**
Franchise Tax Board of the State of California's Objections to Plaintiff's Amended Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/05/2000 **Filed Under Seal**
Franchise Tax Board of the State of California's Objections to Plaintiff's Amended Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/10/2000 **Filed Under Seal**
Franchise Tax Board of the State of California's Objections to Plaintiff's Amended Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/10/2000 **Filed Under Seal**
Franchise Tax Board of the State of California's Objections to Plaintiff's Amended Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/12/2000 **Filed Under Seal**
Plaintiff Gil Hyatt's Motion for an Order: (1) Compelling Defendant to Produce Employee-Witnesses for Depositions; (2) Compelling Defendant to Immediately Produce Documents in Compliance with this Court's Order of December 27, 1999 and Holding Defendant in Contempt for Its Failure and Refusal to Comply with the Court Order; (3) Imposing Sanctions for Discovery Abuse; and (4) for an Order Shortening Time; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999

01/18/2000 **Filed Under Seal**
Franchise Tax Board of the State of California's Objections to Plaintiff's Notice of Deposition Duces Tecum of Joseph Meyers.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/18/2000 **Filed Under Seal**
Franchise Tax Board of the State of California's Objections to Plaintiff's Notice of Deposition Duces Tecum of Barbara Hince.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/18/2000 **Filed Under Seal**
Franchise Tax Board of the State of California's Objections to Plaintiff's Notice of Deposition Duces Tecum of Rhonda Marshall.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/18/2000 **Filed Under Seal**
Franchise Tax Board of the State of California's Objections to Plaintiff's Notice of Deposition Duces Tecum of Robert Alvarez.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/18/2000 **Filed Under Seal**
Franchise Tax Board of the State of California's Objections to Plaintiff's Notice of Deposition Duces Tecum of Farzaneh Eshaghian.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/25/2000 **Filed Under Seal**
Application for Issuance of Commission to Take Deposition Out of State

01/25/2000 **Filed Under Seal**
Affidavit of John T. Steffen

01/25/2000 **Filed Under Seal**
Notice of Continuance of Taking Deposition Duces Tecum of Jeffrey Mckenney Outside the State of Nevada

01/25/2000 **Filed Under Seal**
Defendant Franchise Tax Board's Opposition to Plaintiff's Motion for an Order: (1) Compelling Defendant to Produce Employee-Witnesses for Depositions; (2) Compelling Defendant to Immediately Produce Documentation in Compliance with the District Court's Order of December 27, 1999 and Holding Defendant in Contempt for Its Failure and Refusal to Comply with the Court Order (3) Imposing Sanctions for Discovery Abuse; Under Submission Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/25/2000 **Filed Under Seal**
Defendant Franchise Tax Board's Opposition to Plaintiff's Motion for an Order: (1) Compelling Defendant to Produce Employee-Witnesses for Depositions; (2) Compelling Defendant to Immediately Produce Documentation in Compliance with the District Court's Order of December 27, 1999 and Holding Defendant in Contempt for Its Failure and Refusal to Comply with the Court Order (3) Imposing Sanctions for Discovery Abuse; Under Submission Filed Under Seal by Order fo the Discovery Commissioner Dated February 22, 1999

01/26/2000 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition

01/26/2000 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition

01/26/2000 **Filed Under Seal**

Notice of Taking Deposition Duces Tecum of Helene Schlindwein
01/26/2000 **Filed Under Seal**
Supplemental Certificate of Service
01/26/2000 **Filed Under Seal**
Receipt of Copy
01/27/2000 **Filed Under Seal**
Evidence in Support of Franchise Tax Board's Motion for Summary Judgment Under NRCP 56(b), or Alternatively for Dismissal Under NRCP 12(h)(3) (Filed Under Seal)
01/27/2000 **Filed Under Seal**
Motion for Summary Judgment Under NRCP 56(b), or Alternatively for Dismissal Under NRCP 12(h)(3); Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/27/2000 **Filed Under Seal**
Evidence in Support of Franchise Tax Board's Motion for Summary Judgment Under NRCP 56(b), or Alternatively for Dismissal Under NRCP 12(h)(3) (Filed Under Seal)
01/28/2000 **Filed Under Seal**
Receipt of Copy
01/28/2000 **Filed Under Seal**
Reply of Gil Hyatt in Support of Motion to Compel Depositions and Production of Documents; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
01/28/2000 **Filed Under Seal**
Appendix of Non-Nevada Authorities Cited in Reply of Gil Hyatt in Support of Motion to Compel Depositions and Production of Documents; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
01/28/2000 **Filed Under Seal**
Certificate of Service
01/31/2000 **Filed Under Seal**
Receipt of Copy
01/31/2000 **Filed Under Seal**
Appendix of Non-Nevada Authorities Cited by Defendant Franchise Tax Board in Its Motion for Summary Judgment Under NRCP 56(b), or Alternatively for Dismissal Under NRCP 12(H)(3)
01/31/2000 **Filed Under Seal**
Receipt of Copy of Appendix of Non-Nevada Authorities Cited by Franchise Tax Board in Its Motion for Summary Judgment Under NRCP 56(b), or Alternatively for Dismissal Under NRCP 12(H)(3)
01/31/2000 **Filed Under Seal**
Appendix of Non-Nevada Authorities Cited by Defendant Franchise Tax Board in Its Motion for Summary Judgment Under NRCP 56(b), or Alternatively for Dismissal Under NRCP 12(H)(3)
02/02/2000 **Filed Under Seal**
Errata to Hyatt's Motion for an Order (1) Compelling Defendant to Produce Employee Witnesses for Depositions; (2) Compelling Defendant to Immediately Produce Documents in Compliance with this Court's Order of 12/27/99; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
02/02/2000 **Filed Under Seal**
Motion to Extend Time to File Opposition to the FTB's Motion for Summary Judgment Under NRCP 56(b) or Alternatively for Dismissal Under NRCP 12(b)(3) and for an Order Shortening Time; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
02/02/2000 **Motion** (9:00 AM) ()
PLTF'S MOTION FOR AN ORDER COMPELLING DEFT TO PRODUCE EMPLOYEE-WITNESSES FOR Court Clerk: MARY DAIGLE Reporter/Recorder: MONICE CAMPBELL Heard By: Thomas Biggar
Parties Present
Minutes
Result: Granted in Part
02/03/2000 **Filed Under Seal**
Receipt of Copy
02/03/2000 **Filed Under Seal**
Certificate of Service
02/03/2000 **Filed Under Seal**
Errata to Hyatt's Motion to Extend Time to File Opposition to the FTB's Motion for Summary Judgment Under NRCP 56(b) or Alternatively for Dismissal Under NRCP 12(b)(3) and for and Order Shortening Time; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
02/04/2000 **Filed Under Seal**
Stipulation and Order to Continue Hearing; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
02/07/2000 **Filed Under Seal**
Notice of Entry of Order; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
02/07/2000 **Motion** (9:00 AM) ()
PLTF'S MOTION TO EXTEND TIME TO FILE OPPOSITION TO THE FTB'S MTN FOR SUMMARY Court Clerk: DENISE HUSTED Heard By: Nancy Saitta
Minutes
Result: Off Calendar
02/09/2000 **Filed Under Seal**
Receipt of Copy
02/09/2000 **Filed Under Seal**
Defendant Franchise Tax Board of the State of California's Motion for Stay Pending Appeal; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/11/2000 **Filed Under Seal**
Franchise Tax Board of the State of California's Objections to Notice of Continuance of Taking Deposition Duces Tecum of Steve Illia.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/11/2000 **Filed Under Seal**
Franchise Tax Board of the State of California's Objections to Notice of Continuance of Taking Deposition Duces Tecum of Penny Bauche.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/11/2000 **Filed Under Seal**
Franchise Tax Board of the State of California's Objections to Notice of Continuance of Taking Deposition Duces Tecum of Carol Ford.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/11/2000 **Filed Under Seal**
Franchise Tax Board of the State of California's Objections to Notice of Continuance of Taking Deposition Duces Tecum of Helene Schlindwein.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/22/2000 **Filed Under Seal**
Hyatt's Opposition to FTB's Motion for Stay Pending Appeal and Counter-Motion for a Bond and Sanctions; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/22/2000 **Motion for Summary Judgment** (9:00 AM) ()
DEFT'S MOTION FOR SUMMARY JUDGMENT UNDERNRCP 56(b),OR FOR DISMISSAL UNDER NRCP12 Relief Clerk: BLANCA MADRIGAL/BM Reporter/Recorder: CARI LEWIS Heard By: Nancy Saitta
Result: Continuance Granted
02/24/2000 **Filed Under Seal**
Errata to Hyatt's Opposition to FTB's Motion for Stay Pending Appeal and Counter-Motion for a Bond and Sanctions; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/24/2000 **Filed Under Seal**
Receipt of Copy
02/28/2000 **Filed Under Seal**
Defendant Franchise Tax Board of the State of California's Reply in Support of Its Motion for Stay Pending Appeal; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/29/2000 **Filed Under Seal**
Receipt of Copy
02/29/2000 **Filed Under Seal**
Notice of Filing Original Affidavit
03/01/2000 **Filed Under Seal**
Objections to Discovery Commissioner's Report and Recommendation Dated February 2, 2000; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/02/2000 **Filed Under Seal**
Plaintiff's Motion for Leave to File Surreply; Filed Under Seal by Stipulation and Order Dated February 22, 1999
03/03/2000 **Filed Under Seal**
Certificate of Service
03/03/2000 **Filed Under Seal**
Opposition to Plaintiff's Motion for Leave to File Surreply; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/03/2000 **Filed Under Seal**
Receipt of Copy
03/06/2000 **Motion to Stay** (3:00 AM) ()
DEFT'S MOTION TO STAY PENDING APPEAL Court Clerk: DENISE HUSTED Heard By: Nancy Saitta

Minutes
Result: Denied
03/08/2000 **Filed Under Seal**
Errata to Plaintiff's Motion for Leave to File Surreply; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/08/2000 **Filed Under Seal**
Motion of Franchise Tax Board for a Protective Order (1) Barring Hyatt from Deposing Nine FTB Employee Witnesses; and (2) Limiting Hyatt's Depositions of Five Other FTB Employee Witnesses to Two Hours
03/09/2000 **Filed Under Seal**
Order
03/09/2000 **Filed Under Seal**
Ex Parte Motion for One-Week Extension of Time for Filing Opposition to FTB's Motion for Summary Judgment; Filed Under Seal by Stipulation and Order Dated February 1, 1999
03/09/2000 **Filed Under Seal**
Receipt of Copy
03/10/2000 **Filed Under Seal**
Notice of Filing Original Affidavit
03/13/2000 **Filed Under Seal**
Errata Affidavit of Felix E. Leatherwood in Opposition to Plaintiff's Ex Parte Motion for One-Week Extension for Filing Opposition to the State of California's Motion for Summary Judgment
03/15/2000 **Filed Under Seal**
Amended Order
03/16/2000 **Filed Under Seal**
Franchise Tax Board's Compendium of Out of State Authorities in Support of Its Motion for a Protective Order Barring Hyatt's Second Wave of Proposed FTB Depositions Under Rule 30(b)(6)
03/16/2000 **Filed Under Seal**
Motion of Franchise Tax Board for a Protective Order Barring Hyatt's Second Wave of Proposed FTB Depositions Under Rule 30(b)(6)
03/17/2000 **Filed Under Seal**
Receipt of Copy
03/17/2000 **Filed Under Seal**
Notice of Entry of Order
03/17/2000 **Filed Under Seal**
Receipt of Copy
03/17/2000 **Filed Under Seal**
Defendant's Motion to Compel Interrogatory Responses and NRCP 16.1 (b)(5) Witness Identification Compliance
03/20/2000 **Filed Under Seal**
Hyatt's Opposition to the FTB's Motion for a Protective Order (1) Barring Hyatt from Deposing Nine FTB Employee Witnesses; and (2) Limiting Hyatt's Depositions of Five Other FTB Employee Witnesses to Two Hours and Counter Motion to Compel; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/21/2000 **Filed Under Seal**
Receipt of Copy
03/22/2000 **Filed Under Seal**
Affidavit of Gilbert P. Hyatt in Opposition to the FTB's Motion for Summary Judgment; Filed Under Seal by Stipulation and Order Dated February 1, 1999
03/22/2000 **Filed Under Seal**
Affidavit of Michael W. Kern in Opposition to the FTB's Motion for Summary Judgment; Filed Under Seal by Stipulation and Order Dated February 1, 1999
03/22/2000 **Filed Under Seal**
Receipt of Copy
03/22/2000 **Filed Under Seal**
Thomas K. Bourke's Affidavit in Support of Gil Hyatt's Opposition to FTB's Motion for Summary Judgment (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/22/2000 **Filed Under Seal**
Affidavit of Eugene G. Cowan in Opposition to the FTB's Motion for Summary Judgment
03/22/2000 **Filed Under Seal**
Gil Hyatt's Opposition to FTB's Motion for Summary Judgment
03/22/2000 **Filed Under Seal**
Affidavit of Eugene G. Cowan in Opposition to the FTB's Motion for Summary Judgment
03/23/2000 **Filed Under Seal**
Franchise Tax Board's Compendium of Out of State Authorities
03/23/2000 **Filed Under Seal**
Reply in Support of Motion of Franchise Tax Board for a Protective Order (1) Barring Hyatt from Deposing Nine FTB Employee Witnesses; and (2) Limiting Hyatt's Depositions of Five Other FTB Employee Witnesses to Two Hours
03/24/2000 **Filed Under Seal**
Receipt of Copy
03/27/2000 **Motion** (3:00 AM) ()
PLTF'S MOTION FOR LEAVE TO FILE SURREPLY Court Clerk: DENISE HUSTED Heard By: Nancy Saitta
Minutes
Result: Denied
03/27/2000 **Filed Under Seal**
Affidavit of Donald J. Kula in Opposition to FTB's Motion to Compel Interrogatory Responses and NCRP 16.1 Witness Identification Compliance; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/27/2000 **Filed Under Seal**
Hyatt's Opposition to the FTB's Motion to Compel Interrogatory Responses and NCRP 16.1 Witness Identification Compliance; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/27/2000 **Filed Under Seal**
Hyatt's Opposition to the FTB's Motion for (1) a Protective Order Barring Hyatt's Second Wave of Proposed FTB Depositions Under Rule 30(b)(6); and (2) Counter Motion to Compel; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/27/2000 **Filed Under Seal**
Affidavit of Thomas K. Bourke in Opposition to FTB's Motion for Protective Order Against Second Set of Depositions of Rule 30(b)(6) Witnesses
03/28/2000 **Filed Under Seal**
Receipt of Copy
03/28/2000 **Filed Under Seal**
Receipt of Copy
03/29/2000 **Filed Under Seal**
Errata to Plaintiff's Opposition to the FTB's Motion for a Protective Order; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/29/2000 **Filed Under Seal**
Errata to Plaintiff's Opposition to the FTB's Motion for a Protective Order; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/29/2000 **Filed Under Seal**
Errata to Plaintiff's Opposition to the FTB's Motion to Compel; Filed Under Seal by Order of the Discovery Commissioner dated February 22, 1999
03/29/2000 **Filed Under Seal**
Errata to Plaintiff's Opposition to the FTB's Motion for Summary Judgment; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/30/2000 **Motion for Protective Order** (9:00 AM) ()
DEFT'S MOTION FOR PROTECTIVE ORDER BARRING HYATT FROM DEPOSING Court Clerk: MARY DAIGLE Reporter/Recorder: KARRE LEWIS Heard By: Thomas Biggar
Parties Present
Minutes
Result: Denied
04/03/2000 **Filed Under Seal**
Order
04/03/2000 **Filed Under Seal**
Gilbert P. Hyatt's Supplemental Response to His Opposition to the FTB's Motion to Compel Interrogatory Responses and NCRP 16.1 Witness Identification Compliance; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
04/04/2000 **Filed Under Seal**
Notice of Entry of Order
04/04/2000 **Filed Under Seal**
Receipt of Copy
04/04/2000 **Filed Under Seal**
Reply in Support of Motion of Franchise Tax Board for a Protective Order Barring Hyatt's Second Wave of Proposed FTB Depositions Under Rule 30(b)(6)
04/05/2000 **Filed Under Seal**

Errata to Plaintiff's Opposition to the FTB's Motion for Summary Judgment; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
04/05/2000 **Filed Under Seal**
Errata to Plaintiff's Opposition to the FTB's Motion for Summary Judgment; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
04/05/2000 **Filed Under Seal**
Errata to Plaintiff's Opposition to the FTB's Motion for Summary Judgment; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
04/06/2000 **Filed Under Seal**
Receipt of Copy
04/07/2000 **Filed Under Seal**
Defendant's Reply to Hyatt's Opposition to Motion to Compel Interrogatory Responses and NRCP 16.1 Witness Identification Compliance; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
04/10/2000 **Filed Under Seal**
Receipt of Copy
04/11/2000 **Motion for Protective Order** (9:30 AM) ()
DEFT'S MOTION FOR PROTECTIVE ORDER BARRING HYATT'S SECOND WAVE OF PROPOSED Heard By: Thomas Biggar
Result: Granted in Part
04/11/2000 **Motion to Compel** (9:30 AM) ()
DEFT'S MOTION TO COMPEL INTERROGATORY RESPONSES/NRCP 16.1 WITNESS IDENTIFICATI Heard By: Thomas Biggar
Result: Granted in Part
04/11/2000 **All Pending Motions** (9:30 AM) ()
ALL PENDING MOTIONS FOR 4/11/00 Court Clerk: MARY DAIGLE Reporter/Recorder: TESSA HEISHMAN Heard By: Thomas Biggar
Parties Present
Minutes
Result: Granted in Part
04/14/2000 **Filed Under Seal**
Franchise Tax Board's Compendium of Out of State Authorities in Support of Its Reply to Motion for Summary Judgment
04/14/2000 **Filed Under Seal**
FTB's Objections to Affidavits and Errata Filed in Support of Hyatt's Opposition to Motion for Summary Judgment
04/14/2000 **Filed Under Seal**
Reply of Franchise Tax Board in Support of Motion for Summary Judgment Under NRCP 56(b), or Alternatively for Dismissal Under NRCP 12(h)(3)
04/14/2000 **Filed Under Seal**
Franchise Tax Board's Compendium of Out of State Authorities in Support of Its Reply to Motion for Summary Judgment
04/18/2000 **Filed Under Seal**
Receipt of Copy
04/19/2000 **Filed Under Seal**
Receipt of Copy
04/19/2000 **Filed Under Seal**
Franchise Tax Board's Supplement to Compendium of Out of State Authorities in Support of Its Reply to Motion for Summary Judgment
04/21/2000 **Motion for Summary Judgment** (9:00 AM) ()
DEFT'S MOTION FOR SUMMARY JUDGMENT UNDERNRCP 56(b),OR FOR DISMISSAL UNDER NRCP12 Relief Clerk: BLANCA MADRIGAL/BM Reporter/Recorder: CARI LEWIS Heard By: Nancy Saitta
Parties Present
Minutes
Result: Denied
05/26/2000 **Filed Under Seal**
Discovery Commissioner's Report and Recommendation
05/31/2000 **Filed Under Seal**
Order
06/01/2000 **Filed Under Seal**
Notice of Entry of Order
06/02/2000 **Filed Under Seal**
Franchise Tax Board's Summary of Legal Issues
06/02/2000 **Filed Under Seal**
Discovery Commissioner's Report and Recommendation
06/05/2000 **Filed Under Seal**
Defendant Franchise Tax Board of the State of California's Proposed Exhibit List.
06/05/2000 **Filed Under Seal**
Defendant Franchise Tax Board of the State of California's Proposed Witness List
06/07/2000 **Filed Under Seal**
Defendant's Motion to Compel Deposition Responses and Production of Documents
06/07/2000 **Filed Under Seal**
Defendant's Motion to Compel Deposition Responses and Production of Documents
06/08/2000 **Filed Under Seal**
Plaintiff's Objections to Defendant Franchise Tax Board of the State of California's Proposed Exhibit List; Proposed Witness List, and Statement of Issues; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
06/08/2000 **Filed Under Seal**
Receipt of Copy
06/09/2000 **Filed Under Seal**
Receipt of Copy
06/13/2000 *CANCELED* **Status Check** (9:00 AM) ()
Vacated
06/29/2000 **Motion to Compel** (9:30 AM) ()
DEFT'S MOTION TO COMPEL DEPOSITION RESPONSES AND PRODUCTION OF DOCUMENTS Court Clerk: CONNIE KALSKI/CK Heard By: Thomas Biggar
Minutes
Result: Off Calendar
10/16/2000 *CANCELED* **Pre Trial Conference** (1:30 PM) ()
Vacated
11/07/2000 *CANCELED* **Jury Trial** (9:00 AM) ()
Vacated
07/03/2001 **Filed Under Seal**
Motion for Extension of Time to File Memorandum of Costs on Order Shortening Time
07/05/2001 **Filed Under Seal**
Certificate of Service of Motion for Extension of Time to File Memorandum of Costs on Order Shortening Time
07/06/2001 **Filed Under Seal**
Gilbert P. Hyatt's Opposition to FTB's Motion for Extension of Time to File Memorandum of Costs; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/10/2001 **Motion** (9:00 AM) ()
FRANCHISE TAX BOARD'S MTN FOR EXTENSION OF TIME TO FILE MEMORANDUM OF COSTS Court Clerk: DENISE HUSTED Reporter/Recorder: KRISTINE CORNELIUS Heard By: Nancy Saitta
Parties Present
Minutes
Result: Motion Granted
07/12/2001 **Filed Under Seal**
Order
07/16/2001 **Filed Under Seal**
Revised Order
07/16/2001 **Filed Under Seal**
Order
07/16/2001 **Filed Under Seal**
Order
07/17/2001 **Filed Under Seal**
Notice of Entry of Order
07/17/2001 **Filed Under Seal**
Notice of Entry of Order
07/20/2001 **Filed Under Seal**
Appendix 3 in Support of of FTB's Motion for Award Costs
07/20/2001 **Filed Under Seal**
Appendix 2 in Support of of FTB's Motion for Award Costs
07/20/2001 **Filed Under Seal**

Appendix 1 (B) in Support of of FTB's Motion for Award Costs
07/20/2001 **Filed Under Seal**
Appendix 1 (A) in Support of of FTB's Motion for Award Costs
07/20/2001 **Filed Under Seal**
FTB's Memorandum of and Motion for Award of Costs
08/01/2001 **Filed Under Seal**
Stipulation and Order Granting Extensions of Time re Motion to Retax Costs
08/02/2001 **Filed Under Seal**
Notice of Entry of Stipulation and Order Granting Extensions of Time re Motion to Retax Costs
08/17/2001 **Filed Under Seal**
Gilbert P. Hyatt's Motion to Retax Costs and Notice of Motion
08/20/2001 **Filed Under Seal**
Receipt of Copy of Gilbert P. Hyatt's Motion to Retax Costs and Notice of Motion
08/27/2001 **Filed Under Seal**
Gilbert P. Hyatt's Opposition to FTB's Request to Extend Time to File Opposition to Motion to Retax Costs
08/31/2001 **Filed Under Seal**
Transcript of Hearing Held on August 28, 2001
09/07/2001 **Filed Under Seal**
FTB's Opposition to Motion to Retax Costs
09/11/2001 **Filed Under Seal**
Order
09/12/2001 **Filed Under Seal**
Notice of Filing Original Affidavit
09/17/2001 **Filed Under Seal**
Notice of Entry of Order
09/18/2001 **Motion to Retax** (9:00 AM) ()
PLTF'S MOTION TO RETAX COSTS/46 VE 3/7
Result: Continuance Granted
09/28/2001 **Filed Under Seal**
Appendix of Exhibits Submitted with Gilbert P. Hyatt's Reply in Support of Motion to Retax Costs; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
09/28/2001 **Filed Under Seal**
Reply Points and Authorities in Support of Gilbert P. Hyatt's Motion to Retax Costs; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
10/02/2001 *CANCELED* **Motion to Retax** (10:00 AM) ()
Vacated
Result: Continuance Granted
10/09/2001 *CANCELED* **Motion to Retax** (10:00 AM) ()
Vacated
Parties Present
Minutes
Result: Continuance Granted
10/22/2001 **Filed Under Seal**
Reporter's Transcript of Hearing Held on October 9, 2001
11/09/2001 *CANCELED* **Motion to Retax** (8:30 AM) ()
Vacated
Result: Continuance Granted
11/14/2001 **Filed Under Seal**
Stipulation and Order Re-Setting Hearing on Motion to Retax Costs
11/15/2001 **Filed Under Seal**
Notice of Entry of Stipulation and Order Re-Setting Hearing on Motion to Retax Costs
12/04/2001 **Filed Under Seal**
FTB's Motion to Vacate Protective Order; Filed Under Seal
12/04/2001 **Filed Under Seal**
Notice of Motion on FTB's Motion to Vacate Protective Order; Filed Under Seal
12/05/2001 **Filed Under Seal**
Certificate of Service of FTB's Motion to Vacate Protective Order
12/17/2001 **Filed Under Seal**
Stipulation and Order Continuing Hearing on FTB's Motion to Vacate Protective Order
12/20/2001 *CANCELED* **Motion to Retax** (10:00 AM) ()
Vacated
Result: Continuance Granted
12/26/2001 **Filed Under Seal**
Plaintiff Gil Hyatt's Opposition to the FTB's Motion to Vacate Protective Order; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
12/26/2001 **Filed Under Seal**
Appendix of Evidence Cited in Plaintiff Gil Hyatt's Opposition to the FTB's Motion to Vacate Protective Order; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
12/27/2001 **Filed Under Seal**
Receipt of Copy
12/28/2001 **Filed Under Seal**
Notice of Entry of Stipulation and Order Continuing Hearing on FTB's Motion to Vacate Protective Order
01/08/2002 **Motion to Vacate** (9:00 AM) ()
FTBS MTN TO VACATE PROTECTIVE ORDER/47 FILED UNDER SEAL Relief Clerk: Amber Farley Reporter/Recorder: Kristine Cornelius Heard By: Nancy Saitta
Result: Continuance Granted
01/09/2002 **Filed Under Seal**
Stipulation and Order Continuing Hearing on Motion to Retax Costs
01/11/2002 **Filed Under Seal**
Notice of Firm Name Change
01/11/2002 **Filed Under Seal**
Notice of Entry of Stipulation and Order Continuing Hearing on FTB's Motion to Retax Costs
01/11/2002 **Filed Under Seal**
Certificate of Service of Franchise Tax Board's Reply in Support of Motion to Vacate Protective Order; Filed Under Seal
01/11/2002 **Filed Under Seal**
Franchise Tax Board's Reply in Support of Motion to Vacate Protective Order; Filed Under Seal
01/11/2002 **Filed Under Seal**
Franchise Tax Board's Reply in Support of Motion to Vacate Protective Order; Filed Under Seal
01/11/2002 *CANCELED* **Motion to Retax** (9:00 AM) ()
Vacated
Result: Continuance Granted
01/14/2002 **Filed Under Seal**
Objection to Plaintiff's Gil Hyatt to the FTB's Reply in Support of Motion to Vacate Protective Order; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/14/2002 **Filed Under Seal**
Objection to Plaintiff's Gil Hyatt to the FTB's Reply in Support of Motion to Vacate Protective Order; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/14/2002 **Filed Under Seal**
Proposed Supplemental Hearing Exhibits Submitted by Plaintiff Gil Hyatt re Hearing on the FTB's Motion to Vacate Protective Order; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/14/2002 **Filed Under Seal**
Proposed Supplemental Hearing Exhibits Submitted by Plaintiff Gil Hyatt re Hearing on the FTB's Motion to Vacate Protective Order; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/15/2002 **Filed Under Seal**
Receipt of Copy
01/15/2002 **Filed Under Seal**
Receipt of Copy
01/16/2002 **Filed Under Seal**
Franchise Tax Board's Opposition to Plaintiff's Objection to FTB's Reply in Support of Motion to Vacate Protective Order
01/17/2002 **Motion to Vacate** (9:00 AM) ()
FTBS MTN TO VACATE PROTECTIVE ORDER/47 FILED UNDER SEAL Relief Clerk: Amber Farley Reporter/Recorder: Kristine Cornelius Heard By: Nancy Saitta
Parties Present
Minutes

Result: Denied
01/23/2002 **Filed Under Seal**
Transcript of Hearing Held on January 17, 2002
01/31/2002 **Filed Under Seal**
Order Denying FTB's Motion to Vacate Protective Order
02/15/2002 **Filed Under Seal**
FTB's Supplemental Points and Authorities re Costs
02/19/2002 **Filed Under Seal**
Notice of Entry of Order Denying FTB's Motion to Vacate Protective Order
02/19/2002 **Filed Under Seal**
Receipt of Copy
02/20/2002 **Filed Under Seal**
Notice of Motion
02/20/2002 **Filed Under Seal**
Motion for Authorization to Disclose and for Leave to Depose Mr. Kern
03/04/2002 **Filed Under Seal**
Notice of Appeal
03/04/2002 **Filed Under Seal**
Case Appeal Statement
03/05/2002 **Filed Under Seal**
Plaintiff Gil Hyatt's Opposition to the FTB's Motion for Authorization to Disclose and for Leave to Depose Mr. Kern; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/07/2002 **Filed Under Seal**
Stipulation and Order Continuing Hearing on Hyatt's Motion to Retax Costs (Filed Under Seal by Order of the Discovery Commissioner dated February 22, 1999)
03/08/2002 **Filed Under Seal**
FTB's Reply in Support of Motion for Authorization to Disclose and for Leave to Depose Mr. Kern; Filed Under Seal
03/15/2002 **Filed Under Seal**
Hearing Exhibits Submitted by Plaintiff Gil Hyatt re the FTB's Motion for Authorization to Disclose and for Leave to Depose Mr. Kern; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/15/2002 *CANCELED* **Motion to Retax** (9:00 AM) ()
Vacated
03/15/2002 **Motion** (9:00 AM) ()
DEFT'S MTN FOR AUTHORIZATION TO DISCLOSEAND FOR LEAVE TO DEPOSE MR KERN/48 Court Clerk: Amber Farley Reporter/Recorder: Debra Vanblaricom Heard By: Nancy Saitta
Parties Present
Minutes
Result: Denied
03/18/2002 **Filed Under Seal**
Notice of Entry of Stipulation and Order Continuing Hearing on Motion to Retax Costs
03/20/2002 **Filed Under Seal**
Order Denying FTB's Motion for Authorization to Disclose and for Leave to Depose Mr. Kern
03/21/2002 **Filed Under Seal**
Notice of Entry of Order Denying FTB's Motion for Authorization to Disclose and for Leave to Depose Mr. Kern
04/01/2002 **Filed Under Seal**
Transcript of Hearing Held on March 15, 2002
04/25/2002 **Filed Under Seal**
Order Vacating Order Granting Summary Judgment and Addressing Related Matters (Previous Order Entered July 16, 2001)
04/26/2002 **Filed Under Seal**
Motion for Pretrial Conference and Scheduling Order
04/29/2002 **Filed Under Seal**
Certificate of Service
04/29/2002 **Filed Under Seal**
Notice of Entry of Order Vacating Order Granting Summary Judgment and Addressing Related Matters (Previous Order Entered July 16, 2001)
05/03/2002 **Filed Under Seal**
Nevada Supreme Court Clerk's Certificate Judgment - Dismissed
05/23/2002 **Status Check** (9:00 AM) ()
STATUS CHECK/50 Court Clerk: Amber Farley Reporter/Recorder: Kristine Cornelius Heard By: Nancy Saitta
Parties Present
Minutes
Result: Matter Heard
05/23/2002 **Minute Order** (3:00 AM) ()
MINUTE ORDER RE: CASE REASSIGNMENT Court Clerk: Amber Farley Heard By: Nancy Saitta
Minutes
Result: Matter Heard
05/24/2002 **Filed Under Seal**
Notice of Department Reassignment
05/28/2002 **Motion** (9:00 AM) (Judicial Officer Saitta, Nancy)
PLTF'S MTN FOR PRETRIAL CONFERENCE & SCHEDULING ORDER/49 VC
Result: Continuance Granted
06/06/2002 **Filed Under Seal**
Transcript of Hearing Held on May 23, 2002
06/28/2002 **Filed Under Seal**
Stipulation and Order Regarding Plaintiff's Motion for Pretrial Conference and Scheduling Order (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
06/28/2002 *CANCELED* **Motion** (10:30 AM) (Judicial Officer Saitta, Nancy)
Vacated
Result: Continuance Granted
07/01/2002 **Filed Under Seal**
Notice of Entry of Stipulation and Order
07/01/2002 *CANCELED* **Motion** (9:00 AM) (Judicial Officer Saitta, Nancy)
Vacated
Result: Continuance Granted
07/03/2002 **Filed Under Seal**
Order Setting Civil Jury Trial
07/09/2002 **Filed Under Seal**
Notice of Entry of Stipulation and Order Regarding Plaintiff's Motion for Pretrial Conference and Scheduling Order
07/10/2002 *CANCELED* **Motion** (10:00 AM) (Judicial Officer Togliatti, Jennifer)
Vacated
09/26/2002 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Motion for an Order Compelling the FTB to: (1) Answer Deposition Questions Previously Objected to Based on the Deliberative-Process Privilege; and (2) Produce Documents Withheld Under the Deliberative-Process Privilege (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
09/26/2002 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Motion for an Order Compelling the FTB Witnesses to Answer Deposition Questions Regarding "CBR,"Return on Investment, and Other Motivating Factors in the FTB Fraud (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999) (Confidential - Nevada Protective Order)
09/26/2002 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Motion for an Order Compelling the FTB to Provide a Proper Vaughn Index of All Withheld, Redacted, or "Sanitized" Documents (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
09/26/2002 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Motion for an Order Compelling the FTB to: (1) Answer Deposition Questions Previously Objected to Based on the Deliberative-Process Privilege; and (2) Produce Documents Withheld Under the Deliberative-Process Privilege (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
09/26/2002 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Motion for an Order Compelling the FTB Witnesses to Answer Deposition Questions Regarding "CBR,"Return on Investment, and Other Motivating Factors in the FTB Fraud (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999) (Confidential - Nevada Protective Order)
09/26/2002 **Filed Under Seal**
Certificate of Service
09/26/2002 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Motion for an Order Compelling the FTB to Provide a Proper Vaughn Index of All Withheld, Redacted, or "Sanitized" Documents (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
09/27/2002 **Filed Under Seal**

Defendant's Motion to Compel Deposition Responses and Production of Documents re: Kern; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
09/27/2002 **Filed Under Seal**
Defendant's Motion to Compel Deposition Responses and Production of Documents re: Cowan; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
09/27/2002 **Filed Under Seal**
Gilbert P. Hyatt's Motion for: (1) a Protective Order to Prohibit the FTB from Coaching Witnesses; and (2) an Order Compelling Answers to Deposition Questions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
09/27/2002 **Filed Under Seal**
Defendant's Motion to Compel Deposition Responses and Production of Documents re: Cowan; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
09/27/2002 **Filed Under Seal**
Defendant's Motion to Compel Deposition Responses and Production of Documents re: Kern; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
09/27/2002 **Filed Under Seal**
Certificate of Service (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
09/27/2002 **Filed Under Seal**
Certificate of Service
09/27/2002 **Filed Under Seal**
Appendix of Non-Nevada Authorities Cited by Defendant Franchise Tax Board in Its Motion to Compel Deposition Responses and Production of Documents re: Kern
09/30/2002 **Filed Under Seal**
Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
09/30/2002 **Filed Under Seal**
Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
09/30/2002 **Filed Under Seal**
Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
09/30/2002 **Filed Under Seal**
Certificate of Mailing; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
09/30/2002 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
09/30/2002 **Filed Under Seal**
Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
10/03/2002 **Filed Under Seal**
Stipulation and Order Setting Briefing Schedule and Continuing Hearing on Discovery Motions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999); Before the Discovery Commissioner
10/07/2002 **Filed Under Seal**
Notice of Entry of Stipulation and Order Setting Briefing Schedule and Continuing Hearing on Discovery Motions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
10/08/2002 **Filed Under Seal**
Notice of Firm Name Change
10/08/2002 **Minute Order** (3:00 AM) (Judicial Officer Togliatti, Jennifer)
MINUTE ORDER RE: RECUSAL - DEPT IX Court Clerk: Carol Foley Heard By: Jennifer Togliatti
Minutes
Result: Matter Heard
10/10/2002 **Filed Under Seal**
Notice of Department Reassignment
10/11/2002 **Filed Under Seal**
Stipulation and Order Setting Briefing Schedule and Continuing Hearing on Discovery Motions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999); Before the Discovery Commissioner
10/15/2002 **Filed Under Seal**
Notice of Entry of Stipulation and Order Setting Briefing Schedule and Continuing Hearing on Discovery Motions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
10/23/2002 **Filed Under Seal**
Motion to Reconsider Recusal or Objection to Recusal; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
10/23/2002 **Motion** (9:30 AM) ()
PLTF'S MTN FOR ORD COMPELLING FTB PROVIDE PROPER VAUGHN INDEX/55
Result: Continuance Granted
10/23/2002 **Motion to Compel** (9:30 AM) ()
PLTF'S MTN FOR ORDER COMPELLING FTB ANSWER DEPOSITION QUESTIONS/56
Result: Continuance Granted
10/23/2002 **Motion to Compel** (9:00 AM) ()
PLTF'S MTN FOR ORDER COMPELLING FTB WITNESSES TO ANSWER/57
Result: Continuance Granted
10/23/2002 **Motion** (9:30 AM) ()
PLTF'S MTN FOR PROTECTIVE ORDER TO PROHIBIT FTB FROM COACHING WITNESSES/58
Result: Continuance Granted
10/23/2002 **Motion to Compel** (9:30 AM) ()
DEFT'S MTN TO COMPEL DEPOSITION RESPONSES/PRODUCTION OF DOCU RE KERN/59
Result: Continuance Granted
10/23/2002 **Motion to Compel** (9:30 AM) ()
DEFT'S MTN TO COMPEL DEPOSITION RESPONSES/PRODUCTION OF DOCU RE COWAN/60
Result: Continuance Granted
10/24/2002 **Filed Under Seal**
Certificate of Service
10/24/2002 **Filed Under Seal**
Defendant's Objection to Hyatt's Motion for Stay; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
10/24/2002 **Filed Under Seal**
Gilbert P. Hyatt's Motion for Stay of All Proceedings Pending Action by United States Supreme Court
10/29/2002 **Filed Under Seal**
Stipulation and Order Staying Proceedings and Extending Time Periods Under NRCP 41(e) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
10/30/2002 **Filed Under Seal**
Notice of Entry of Stipulation and Order Staying Proceedings and Extending Time Periods Under NRCP 41(e) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
10/30/2002 *CANCELED* **Motion to Stay** (11:30 AM) (Judicial Officer Leavitt, Michelle)
Vacated
11/06/2002 *CANCELED* **Motion** (9:30 AM) ()
Vacated
11/06/2002 *CANCELED* **Motion to Compel** (9:30 AM) ()
Vacated
11/06/2002 *CANCELED* **Motion to Compel** (9:30 AM) ()
Vacated
11/06/2002 *CANCELED* **Motion** (9:30 AM) ()
Vacated
11/06/2002 *CANCELED* **Motion to Compel** (9:30 AM) ()
Vacated
11/06/2002 *CANCELED* **Motion to Compel** (9:30 AM) ()
Vacated
11/18/2002 **Motion** (9:00 AM) (Judicial Officer Leavitt, Michelle)
DEFT'S MOTION TO RECONSIDER RECUSAL OR OBJECTION TO RECUSAL/62 Court Clerk: Sue Deaton Heard By: Michelle Leavitt
Minutes
Result: Off Calendar
11/19/2002 **Filed Under Seal**
Notice of Firm Name Change
05/05/2003 **Filed Under Seal**
Certificate of Service
05/05/2003 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Motion to Confirm Expiration of Stay or, in the Alternative, to Lift Stay; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
05/15/2003 **Filed Under Seal**
Defendant Franchise Tax Board's Opposition to Plaintiff's Motion to Confirm Expiration of Stay or, in the Alternative, to Lift Stay (Filed Under Seal)
05/19/2003 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Memorandum of Points and Authorities in Reply to the FTB's Opposition to Motion to Confirm Expiration of Stay or, in the Alternative, to Lift Stay; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/21/2003 **Filed Under Seal**
Supplement to Plaintiff Gilbert P. Hyatt's Motion to Confirm Expiration of Stay or, in the Alternative, to Lift Stay; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/27/2003 **Motion to Stay** (9:00 AM) (Judicial Officer Leavitt, Michelle)
PLTF HYATT'S MTN TO CONFRIM EXPIRATION OF STAY, OR IN ALT, TO LIFT STAY /64 Court Clerk: Sue Deaton Reporter/Recorder: Lisa Makowski Heard By: Michelle Leavitt

Parties Present

Minutes

Result: Continuance Granted

05/28/2003 **Filed Under Seal**
Transcript of Hearing Held on May 27, 2003

06/06/2003 **Filed Under Seal**
Defendant Franchise Tax Board's Supplement and Withdrawal of Opposition to Plaintiff's Motion to Confirm Expiration of Stay or, in the Alternative, to Lift Stay (Filed Under Seal)

06/09/2003 **Filed Under Seal**
Response to Defendant Franchise Tax Board's Supplement and Withdrawal of Opposition to Plaintiff's Motion to Confirm Expiration of Stay or, in the Alternative, to Lift Stay; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/09/2003 **Motion to Stay** (9:00 AM) (Judicial Officer Leavitt, Michelle)
PLTF HYATT'S MTN TO CONFRIM EXPIRATION OF STAY, OR IN ALT, TO LIFT STAY /64 Court Clerk: Sue Deaton Reporter/Recorder: Lisa Makowski Heard By: Michelle Leavitt

Parties Present

Minutes

Result: Motion Granted

06/10/2003 **Filed Under Seal**
Re-Notice of Plaintiff Gilbert P. Hyatt's Discovery Motions; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/12/2003 **Filed Under Seal**
Notice of Withdrawal of Defendant's Motion to Reconsider Recusal or Objection to Recusal (Filed Under Seal)

06/13/2003 **Filed Under Seal**
Re-Notice of Franchise Tax Board's Discovery Motions (Filed Under Seal)

06/20/2003 **Filed Under Seal**
FTB's Consolidated Opposition to Hyatt's Motions to Compel re: Vaughn Index and Deliberative Process; and Counter-Motion for a Protective Order; Filed Under Seal

06/20/2003 **Filed Under Seal**
FTB's Opposition to Hyatt's Motion for an Order Compelling FTB Witnesses to Answer Deposition Questions Regarding "CBR," Return on Investment, and Other Motivating Factors; Filed Under Seal

06/20/2003 **Filed Under Seal**
FTB's Opposition to Gilbert P Hyatt's Motion for: (1) a Protective Order to Prohibit the FTB from Coaching Witnesses; and (2) an Order Compelling Answers to Deposition Questions. and Counter Motion for Protective Order

06/20/2003 **Filed Under Seal**
FTB's Consolidated Opposition to Hyatt's Motions to Compel re: Vaughn Index and Deliberative Process; and Counter-Motion for a Protective Order; Filed Under Seal

06/23/2003 **Filed Under Seal**
Receipt of Copy

06/23/2003 **Filed Under Seal**
Receipt of Copy

06/23/2003 **Filed Under Seal**
Gilbert P. Hyatt's Opposition to Defendant's Motion to Compel Deposition Responses and Production of Documents re: Kern; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/23/2003 **Filed Under Seal**
Receipt of Copy

06/23/2003 **Filed Under Seal**
Gilbert P. Hyatt's Appendix of Evidence to His Oppositions to Defendant's Motions to Compel Deposition Responses and Production of Documents re: Kern and Cowan; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/23/2003 **Filed Under Seal**
Gilbert P. Hyatt's Opposition to Defendant's Motion to Compel Deposition Responses and Production of Documents re: Cowan; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/24/2003 **Filed Under Seal**
Motion to Associate Counsel; Filed Under Seal

06/25/2003 **Filed Under Seal**
Certificate of Mailing

06/26/2003 **Filed Under Seal**
Notice of Filing Original Affidavit of Felix E. Leatherwood Under EDCR 2.34; Filed Under Seal

06/30/2003 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Reply (1) in Support of Hyatt's Motion for an Order Compelling the FTB to Provide a Proper Vaughn Index of All Withheld, Redacted, or Sanitized Documents; and (2) in Opposition to the FTB's Counter-Motion for a Protective Order; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/30/2003 **Filed Under Seal**
Gilbert P. Hyatt's Reply in Support of His Motion for an Order Compelling FTB Witnesses to Answer Deposition Questions Regarding "CBR," Return on Investment, and Other Motivating Factors; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/30/2003 **Filed Under Seal**
Gilbert P. Hyatt's Joint Appendix of Evidence to Hyatt's Replies; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/30/2003 **Filed Under Seal**
Gilbert P. Hyatt's Reply in Support of His Motion for (1) a Protective Order from Coaching Witnesses; and (2) an Order Compelling Answers to Deposition Questions and Opposition to FTB's Counter-Motion for Protective Order; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/30/2003 **Filed Under Seal**
Defendant FTB's Consolidated Reply in Support of Its Motions to Compel Deposition Responses and Production of Documents re: Kern and Cowan; Filed Under Seal

06/30/2003 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Reply in Support of His Motion for an Order Compelling the FTB to: (1) Answer Deposition Questions Previously Objected to Based on the Deliberative-Process Privilege; and (2) Produce Documents Withheld Under the Deliberative-Process Privilege; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/30/2003 **Filed Under Seal**
Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/02/2003 **Filed Under Seal**
Receipt of Copy

07/07/2003 **Motion to Associate Counsel** (9:00 AM) (Judicial Officer Leavitt, Michelle)
DEFT'S MTN TO ASSOCIATE COUNSEL /68 (JOSEPH M. O'HERON, ESQ./CALIFORNIA) Court Clerk: Sue Deaton Reporter/Recorder: Julie Lever Heard By: Michelle Leavitt

Parties Present

Minutes

Result: Continuance Granted

07/08/2003 **Filed Under Seal**
Transcript of Hearing Held on July 7, 2003

07/08/2003 **Motion** (9:30 AM) ()
DEFT'S RE-NTC DISCOVERY MTNS/65 MTN Heard By: Thomas Biggar

Result: Off Calendar

07/08/2003 **Motion** (9:30 AM) ()
DEFT'S COUNTER MTN FOR PROTECTIVE ORDER OPP GILBERT HYATT'S MTN FOR PROTECTIV/66 Heard By: Thomas Biggar

Result: Off Calendar

07/08/2003 **Motion** (9:30 AM) ()
DEFT'S COUNTER MTN FOR PROTECTIVE ORDER CONSOLIDATED OPP TO HYATT MTN TO COM/67 Heard By: Thomas Biggar

Result: Off Calendar

07/08/2003 **Motion to Associate Counsel** (3:00 AM) (Judicial Officer Leavitt, Michelle)
DEFT'S MTN TO ASSOCIATE COUNSEL /68 (JOSEPH M. O'HERON, ESQ./CALIFORNIA) Court Clerk: Sue Deaton Reporter/Recorder: Julie Lever Heard By: Michelle Leavitt

Minutes

Result: Continuance Granted

07/08/2003 **Motion** (9:30 AM) ()
RE-NOTICE FRANCHISE TAX BD DISC MTNS

07/08/2003 **Motion** (9:30 AM) ()
PLTF'S DISCOVERY MTNS Heard By: Thomas Biggar

Result: Continuance Granted
07/08/2003 **All Pending Motions** (9:30 AM) ()
ALL PENDING MOTIONS FOR 7/8/03 Court Clerk: MARY DAIGLE Reporter/Recorder: MONIQUE CAMPBELL Heard By: Thomas Biggar
Parties Present
Minutes
Result: Matter Heard
07/17/2003 **Filed Under Seal**
Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/17/2003 **Filed Under Seal**
Gilbert P. Hyatt's Opposition to Defendant's Motion to Associate Foreign Counsel Joseph M. O'Heron; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2003 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2003 **Filed Under Seal**
FTB's Reply to Gilbert Hyatt's Opposition to Defendant's Motion to Associate Foreign Counsel Joseph M. O'Heron. Deposition Questions.
07/18/2003 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999; Before the Discovery Commissioner
07/18/2003 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999; Before the Discovery Commissioner
07/18/2003 **Filed Under Seal**
Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2003 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Supplement re Meet and Confer Efforts on the FTB's Privilege Logs and Document Production from June 20, 2003; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999; Before the Discovery Commissioner
07/18/2003 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Supplement in Support of His Motion for an Order Compelling the FTB to: (1) Answer Deposition Questions Previously Objected to Based on the Deliberative-Process Privilege; and (2) Produce Documents Withheld Under the Deliberative-Process Privilege; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999; Before the Discovery Commissioner
07/21/2003 **Filed Under Seal**
Receipt of Copy
07/21/2003 **Filed Under Seal**
Defendant FTB's Objections to Hyatt's Supplemental Filings; Filing Under Seal
07/21/2003 **Motion to Associate Counsel** (9:00 AM) (Judicial Officer Leavitt, Michelle)
DEFT'S MTN TO ASSOCIATE COUNSEL /68 (JOSEPH M. O'HERON, ESQ./CALIFORNIA) Court Clerk: Sue Deaton Reporter/Recorder: Julie Lever Heard By: Michelle Leavitt
Parties Present
Minutes
Result: Motion Granted
07/22/2003 **Filed Under Seal**
Receipt of Copy
07/22/2003 **Filed Under Seal**
Notice of Firm Name Change; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/22/2003 **Filed Under Seal**
Notice of Firm Name Change; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/22/2003 **Motion** (10:00 AM) ()
PLTF'S DISCOVERY MTNS Heard By: Thomas Biggar
Parties Present
Minutes
Result: Continuance Granted
07/29/2003 **Motion** (10:00 AM) ()
PLTF'S DISCOVERY MTNS Heard By: Thomas Biggar
Result: Granted in Part
07/29/2003 **Motion** (10:00 AM) ()
FRANCHISE TAX BD DISC MTNS Court Clerk: MARY DAIGLE Reporter/Recorder: MONICE CAMPBELL Heard By: Thomas Biggar
Parties Present
Minutes
Result: Granted in Part
08/08/2003 **Filed Under Seal**
Discovery Commissioner's Report and Recommendations; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
08/22/2003 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
08/22/2003 **Filed Under Seal**
Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
08/22/2003 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Motion to Strike Reply of Franchise Tax Board of the State of California (Regarding Motion to Associate Foreign Counsel); Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
08/26/2003 **Filed Under Seal**
Transcript of Hearing Held on July 21, 2003
09/02/2003 **Filed Under Seal**
FTB's Response to Hyatt's Motion to Strike Reply of FTB to Hyatt's Opposition to FTB's Motion to Associate Joseph M. O'Heron, Deputy Attorney General; and Counter-Motion to Strike Hyatt's Motion to Strike; Filed Under Seal
09/03/2003 **Filed Under Seal**
Receipt of Copy of FTB's Response to Hyatt's Motion to Strike Reply of FTB to Hyatt's Opposition to FTB's Motion to Associate Joseph M. O'Heron, Deputy Attorney General; and Counter-Motion to Strike Hyatt's Motion to Strike; Filed Under Seal
09/03/2003 **Filed Under Seal**
Receipt of Copy of FTB's Response to Hyatt's Motion to Strike Reply of FTB to Hyatt's Opposition to FTB's Motion to Associate Joseph M. O'Heron, Deputy Attorney General; and Counter-Motion to Strike Hyatt's Motion to Strike; Filed Under Seal
09/08/2003 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Reply in Support of His Motion to Strike Reply of Franchise Tax Board of the State of California (Regarding Motion to Associate Foreign Counsel); Opposition to Counter-Motion to Strike; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
09/08/2003 **Filed Under Seal**
Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
09/11/2003 **Filed Under Seal**
Request for Leave of Court to File FTB's Reply in Support of Its Counter-Motion to Strike Hyatt's Motion to Strike; Filed Under Seal
09/11/2003 **Filed Under Seal**
Receipt of Copy of FTB's Request for Leave of Court to File FTB's Reply in Support of Its Counter-Motion to Strike Hyatt's Motion to Strike and Attached Reply; Filed Under Seal
09/12/2003 **Filed Under Seal**
Response to Defendant Franchise Tax Board's Request for Leave of Court to File FTB's Reply in Support of Its Counter-Motion to Strike Hyatt's Motion to Strike; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
09/15/2003 **Motion to Strike** (9:00 AM) (Judicial Officer Leavitt, Michelle)
PLTF'S MOTION TO STRIKE REPLY OF FRANCHISE TAX BOARD OF CALIFORNIA /73 Heard By: Michelle Leavitt
Result: Denied
09/15/2003 **Motion to Strike** (9:00 AM) (Judicial Officer Leavitt, Michelle)
DEFT FTB'S RESPONSE/COUNTER-MTN TO STRIKE HYATT'S MTN TO STRIKE /74 Heard By: Michelle Leavitt
Result: Denied
09/15/2003 **All Pending Motions** (9:00 AM) (Judicial Officer Leavitt, Michelle)
ALL PENDING MOTIONS 9-15-03 Relief Clerk: Kristen Brown Reporter/Recorder: Joanie Grime Heard By: Michelle Leavitt
Parties Present
Minutes
Result: Matter Heard
09/23/2003 **Filed Under Seal**
Order Granting Motion to Associate Counsel Joseph O'Heron; Filed Under Seal
09/24/2003 **Filed Under Seal**
Order Denying Plaintiff Gilbert P. Hyatt's Motion to Strike Reply of Franchise Tax Board of the State of California (Regarding Motion to Associate Foreign Counsel) and Denying FTB's Counter-Motion to Strike Hyatt's Motion to Strike; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
09/25/2003 **Filed Under Seal**
Notice of Entry of Order Granting Motion to Associate Counsel Joseph O'Heron; Filed Under Seal
09/26/2003 **Filed Under Seal**

Transcript of Hearing Held on September 15, 2003

10/02/2003 **Filed Under Seal**
Notice of Entry of Order Denying Plaintiff Gilbert P. Hyatt's Motion to Strike Reply of Franchise Tax Board of the State of California (Regarding Motion to Associate Foreign Counsel) and Denying FTB's Counter-Motion to Strike Hyatt's Motion to Strike; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

12/30/2003 **Filed Under Seal**
Certificate of Service of Motion for Pretrial Conference and Scheduling Order; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

12/30/2003 **Filed Under Seal**
Motion for Pretrial Conference and Scheduling Order; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/07/2004 **Filed Under Seal**
Notice of Firm Name Change; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/08/2004 **Filed Under Seal**
Discovery Commissioner's Report and Recommendations; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/09/2004 **Filed Under Seal**
Defendant Franchise Tax Board's Response to Plaintiff's Motion for Pretrial Conference and Scheduling Order (Filed Under Seal)

01/12/2004 **Filed Under Seal**
Receipt of Copy

01/12/2004 **Filed Under Seal**
Receipt of Copy

01/15/2004 **Filed Under Seal**
Notice of Entry of Order on Discovery Commissioner's Report and Recommendations (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/16/2004 **Filed Under Seal**
FTB's 1) Objections to Discovery Commissioner's Report and Recommendations Regarding Defendant's June 7, 2000 and September 27, 2002 Motions to Compel 2) Request for Leave of Court to File Points and Authorities and 3) Request for Oral Argument; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/16/2004 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Reply in Support of Hyatt's Motion for Pretrial Conference and Scheduling Order; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/20/2004 **Filed Under Seal**
Gilbert P. Hyatt's Response to the FTB's 1) Objections to Discovery Commissioner's Report and Recommendations 2) Request for Leave of Court to File Points and Authorities and 3) Request for Oral Argument; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/20/2004 **Filed Under Seal**
Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/20/2004 **Filed Under Seal**
Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/26/2004 *CANCELED* **Calendar Call** (10:00 AM) (Judicial Officer Togliatti, Jennifer)
Vacated

01/26/2004 **Motion** (9:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTN FOR PRETRIAL CONFERENCE AND SCHEDULING ORDER (FILED UNDER SEAL)/76 Court Clerk: Nora Pena Reporter/Recorder: Lee Bahr Heard By: Jessie Walsh

Parties Present

Minutes

Result: Motion Granted

01/29/2004 **Filed Under Seal**
Order Regarding Motion for Pretrial Conference and Scheduling Order; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

02/02/2004 **Filed Under Seal**
Discovery Commissioner's Report and Recommendations; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

02/02/2004 **Filed Under Seal**
Transcript of Hearing Held on January 26, 2004

02/03/2004 *CANCELED* **Jury Trial** (9:00 AM) (Judicial Officer Togliatti, Jennifer)
Vacated

03/22/2004 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/22/2004 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/22/2004 **Filed Under Seal**
Notice of Taking Out of State Deposition of Darlene Beer; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/25/2004 **Filed Under Seal**
Notice of Taking Out of State Deposition of Richard Gould; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/25/2004 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/25/2004 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/25/2004 **Filed Under Seal**
Notice of Taking Out of State Deposition of Rebekah Medina; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/25/2004 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/25/2004 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/29/2004 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/29/2004 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/29/2004 **Filed Under Seal**
Notice of Taking Out of State Deposition of Sidney J. Kearns; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/29/2004 **Filed Under Seal**
Notice of Taking Out of State Deposition of William Thompson; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/29/2004 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/29/2004 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/07/2004 **Filed Under Seal**
Notice of Taking Out of State Deposition of Lisa Garrison; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/07/2004 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/07/2004 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/25/2004 **Filed Under Seal**
Order Setting Civil Jury Trial

05/27/2004 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/27/2004 **Filed Under Seal**
Notice of Taking Out of State Deposition of James H. Smith; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/27/2004 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/27/2004 **Filed Under Seal**

Notice of Taking Out of State Deposition of Jeanne Atkins; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/27/2004 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/28/2004 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/10/2004 **Filed Under Seal**
Motion for Deposition Scheduling Conference and Deposition Scheduling Order and for Sanctions Under NRCP 37(a)(4); Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/14/2004 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/14/2004 **Filed Under Seal**
Notice of Taking Out of State Deposition of Brad Lacour; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/14/2004 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/18/2004 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/18/2004 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/22/2004 **Filed Under Seal**
Defendant FTB's Opposition to Plaintiff Gilbert P. Hyatt's Motion for Deposition Scheduling Conference and Deposition Scheduling Order and for Sanctions.; Defendant FTB's Cross Motion for an Order Directing the Completion of the Depositions of Rebecca Medina, Richard Gould, Lisa Garrison, Sidney J. Kearns, and William Thompson and for a Deposition Scheduling Order.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/23/2004 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/23/2004 **Filed Under Seal**
Affidavit of Peter C. Bernhard in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/30/2004 **Filed Under Seal**
Reply in Support of Plaintiff Gilbert P. Hyatt's Motion for Deposition Scheduling Conference and Deposition Scheduling Order and for Sanctions Under NRCP 37(a)(4); Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/08/2004 **Motion** (9:30 AM) ()
PLTF'S MTN FOR DEPOSITION SCHEDULING CONFERENCE & DEPOSITION SCHEDULING/80 Relief Clerk: Jennifer Lott Reporter/Recorder: Robin Ravize Heard By: Thomas Biggar

Parties Present

Minutes

Result: Continuance Granted

07/15/2004 **Filed Under Seal**
Notice of Change of Address; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/19/2004 **Filed Under Seal**
Notice of Taking Out of State Deposition of David Isaac; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/19/2004 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/19/2004 **Filed Under Seal**
Commission to Take the Deposition Outside the State of Nevada; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/19/2004 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/19/2004 **Filed Under Seal**
Subpoena Duces Tecum; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/20/2004 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/20/2004 **Filed Under Seal**
Notice of Taking Out of State Deposition of Penelope Bauche; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/20/2004 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/20/2004 **Filed Under Seal**
Commission to Take the Deposition Outside the State of Nevada; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/28/2004 **Filed Under Seal**
Notice of Withdrawal of California Attorney General as Attorney of Record; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

08/05/2004 **Filed Under Seal**
Discovery Commissioner's Report and Recommendations; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

08/16/2004 **Filed Under Seal**
Case Management and Status Report Pursuant to Discovery Commissioner Report and Recommendations, Dated July 8, 2004; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

08/17/2004 **Filed Under Seal**
Certificate of Service of Case Management and Status Report Pursuant to Discovery Commissioner Report and Recommendations, Dated July 8, 2004; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

08/19/2004 **Motion** (10:00 AM) ()
PLTF'S MTN FOR DEPOSITION SCHEDULING CONFERENCE & DEPOSITION SCHEDULING/80 Relief Clerk: Jennifer Lott Reporter/Recorder: Robin Ravize Heard By: Thomas Biggar

Parties Present

Minutes

Result: Matter Heard

10/26/2004 **Filed Under Seal**
Second Case Management and Status Report Pursuant to Discovery Commissioner Report and Recommendations, dated July 8, 2004; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

10/27/2004 **Status Check** (10:00 AM) ()
STATUS CHECK: DISCOVERY Vj 02/16/05

Parties Present

Minutes

Result: Continuance Granted

11/24/2004 **Filed Under Seal**
Points and Authorities Explaining Hyatt's Version of Draft DCRR from October 27 Case Management Conference; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

11/30/2004 **Filed Under Seal**
Defendant's Response to Plaintiff's Points and Authorities Explaining Hyatt's Version of Draft DCRR from October 27 Case Management Conference

12/01/2004 *CANCELED* **Status Check** (10:00 AM) ()
Vacated

Parties Present

Minutes

Result: Continuance Granted

12/10/2004 **Filed Under Seal**
Certification of Counsel; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

12/13/2004 **Filed Under Seal**
Receipt of Copy

12/23/2004 **Filed Under Seal**

Plaintiff Gilbert P. Hyatt's Objections to FTB Certifications and Motion for Order Compelling FTB Compliance with Discovery Commissioner's Certification Order; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

12/27/2004 **Filed Under Seal**
Receipt of Copy - and - Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

12/29/2004 **Filed Under Seal**
Discovery Commissioner's Report and Recommendations; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

12/29/2004 **Filed Under Seal**
Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

12/29/2004 **Filed Under Seal**
Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

12/30/2004 **Filed Under Seal**
Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

12/30/2004 **Filed Under Seal**
Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/03/2005 **Filed Under Seal**
Defendant's Response to Plaintiff Gilbert P. Hyatt's Objections to FTB Certifications and Motion for Order Compelling FTB Compliance with Discovery Commissioner's Certification Order; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/06/2005 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Reply to Defendant FTB's Response to Hyatt's Objections to FTB Certifications and Motion for Order Compelling FTB Compliance with Discovery Commissioner's Certification Order; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/06/2005 **Filed Under Seal**
Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/13/2005 *CANCELED* **Status Check** (10:00 AM) ()
Vacated
Result: Continuance Granted

01/13/2005 **Motion** (10:00 AM) ()
PLTF'S MTN FOR ORDER/82 Heard By: Thomas Biggar
Result: Motion Granted

01/13/2005 **All Pending Motions** (10:00 AM) ()
ALL PENDING MOTIONS Court Clerk: MARY DAIGLE Reporter/Recorder: JOHN NAGLE Heard By: Thomas Biggar
Parties Present

Minutes
Result: Matter Heard

02/07/2005 **Filed Under Seal**
Notice of Change of Address; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

02/09/2005 **Filed Under Seal**
Stipulation and Order Concerning Briefing and Hearing on Document Disputes (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

02/14/2005 **Filed Under Seal**
Notice of Entry of Stipulation and Order Concerning Briefing and Hearing on Document Dispute (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

02/17/2005 *CANCELED* **Status Check** (10:00 AM) ()
Vacated

02/28/2005 **Filed Under Seal**
FTB's Motion for Protective Order re: the Protest Hearing Officers' Work Files; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

02/28/2005 **Filed Under Seal**
Motion to Strike or, in the Alternative, Dismiss Plaintiff's Economic Damages Claims and to Compel Discovery Responses; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

02/28/2005 **Filed Under Seal**
Receipt of Copy of Appendix of Exhibits in Support of Motion to Compel Production of Documents and Memorandum of Points and Authorities in Support of Motion to Compel Production of Documents Requested by Plaintiff Gilbert P. Hyatt (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

02/28/2005 **Filed Under Seal**
Certificate of Mailing of Separate Statement of Document Requests and Responses and Objections Thereto at Issue in Gilbert P. Hyatt's Motion to Compel Production of Documents re Plaintiff's Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh Sets of Document Requests (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

02/28/2005 **Filed Under Seal**
Certificate of Mailing of Motion to Compel Production of Documents and Memorandum of Points and Authorities in Support of Motion to Compel Production of Documents Requested by Plaintiff Gilbert P. Hyatt (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

02/28/2005 **Filed Under Seal**
Receipt of Copy of Motion to Compel Production of Documents and Memorandum of Points and Authorities in Support of Motion to Compel Production of Documents Requested by Plaintiff Gilbert P. Hyatt (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

02/28/2005 **Filed Under Seal**
Receipt of Copy of Separate Statement of Document Requests and Responses and Objections Thereto at Issue in Gilbert P. Hyatt's Motion to Compel Production of Documents re Plaintiff's Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh Sets of Document Requests (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

02/28/2005 **Filed Under Seal**
Certificate of Mailing of Appendix of Exhibits in Support of Motion to Compel Production of Documents and Memorandum of Points and Authorities in Support of Motion to Compel Production of Documents Requested by Plaintiff Gilbert P. Hyatt (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

03/01/2005 **Filed Under Seal**
Motion to Compel Production of Documents and Memorandum of Points and Authorities in Support of Motion to Compel Production of Documents Requested by Plaintiff Gilbert P. Hyatt (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

03/01/2005 **Filed Under Seal**
Separate Statement of Document Requests and Responses and Objections Thereto at Issue in Gilbert P. Hyatt's Motion to Compel Production of Documents re Plaintiff's Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh Sets of Document Requests (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

03/01/2005 **Filed Under Seal**
Appendix of Exhibits in Support of Motion to Compel Production of Documents and Memorandum of Points and Authorities in Support of Motion to Compel Production of Documents Requested by Plaintiff Gilbert P. Hyatt (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

03/04/2005 **Filed Under Seal**
Discovery Commissioner's Report and Recommendations; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/04/2005 **Filed Under Seal**
Discovery Commissioner's Report and Recommendations; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/18/2005 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Protective Order re: the Protest Hearing Officers Work Files (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

03/18/2005 **Filed Under Seal**
Certificate of Service of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion to Strike or, in the Alternative, Dismiss Plaintiff's Economic Damages Claims and to Compel Discovery Responses (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

03/18/2005 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion to Strike or, in the Alternative, Dismiss Plaintiff's Economic Damages Claims and to Compel Discovery Responses (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

03/18/2005 **Filed Under Seal**
Certificate of Service of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Protective Order re: the Protest Hearing Officers Work Files (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

03/18/2005 **Filed Under Seal**
FTB's Opposition to Hyatt's Motion to Compel Production of Documents; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/18/2005 **Filed Under Seal**
Appendix of Exhibits in Support of FTB's Opposition to Hyatt's Motion to Compel; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/18/2005 **Filed Under Seal**
Exhibits in Support of FTB's Opposition to Hyatt's Motion to Compel; Exhibits 10-26; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/18/2005 **Filed Under Seal**
Exhibits in Support of FTB's Opposition to Hyatt's Motion to Compel; Exhibits 27-50; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/18/2005 **Filed Under Seal**

Appendix of Exhibits in Support of FTB's Opposition to Hyatt's Motion to Compel; Exhibits 51-80; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/18/2005 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Protective Order re: the Protest Hearing Officers Work Files (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

03/21/2005 **Filed Under Seal**
Receipt of Copy of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Protective Order re: the Protest Hearing Officers Work Files (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

03/21/2005 **Filed Under Seal**
Receipt of Copy of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion to Strike or, in the Alternative, Dismiss Plaintiff's Economic Damages Claims and to Compel Discovery Responses (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

03/22/2005 **Filed Under Seal**
Notice of Errata re Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion to Strike or, in the Alternative, Dismiss Plaintiff's Economic Damages Claims and to Compel Discovery Responses (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

03/22/2005 **Filed Under Seal**
Receipt of Copy of Notice of Errata re Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion to Strike or, in the Alternative, Dismiss Plaintiff's Economic Damages Claims and to Compel Discovery Responses (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

03/22/2005 **Filed Under Seal**
Certificate of Service of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion to Strike or, in the Alternative, Dismiss Plaintiff's Economic Damages Claims and to Compel Discovery Responses (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

04/01/2005 **Filed Under Seal**
FTB's Reply in Support of Motion for Protective Order re: the Protest Officers' Work Files; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

04/01/2005 **Filed Under Seal**
Appendix of Exhibits in Support of FTB's Reply to Hyatt's Opposition to FTB's Motion to Strike, in the Alternative, Dismiss Plaintiff's Economic Damages Claims and to Compel Discovery Responses; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

04/01/2005 **Filed Under Seal**
FTB Reply to Hyatt's Opposition to FTB's Motion to Strike or, in the Alternative, Dismiss Plaintiff's Economic Damages Claims and to Compel Discovery Responses; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

04/01/2005 **Filed Under Seal**
Appendix of Exhibits in Support of FTB's Reply to Hyatt's Opposition to FTB's Motion for Protective Order re: Protest Officer's Work Files; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

04/01/2005 **Filed Under Seal**
Reply in Support of Plaintiff Gilbert P. Hyatt's Motion to Compel Production of Documents (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

04/01/2005 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Supplemental Summary Pleading Submitted with His Additional in Camera Production of Documents; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

04/01/2005 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Summary Pleading Submitted with His in Camera Production of Documents; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

04/04/2005 **Filed Under Seal**
Receipt of Copy and Certificate of Service of Reply in Support of Plaintiff Gilbert P. Hyatt's Motion to Compel Production of Documents (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

04/07/2005 **Motion for Protective Order** (10:00 AM) ()
DEFT'S MTN FOR PROTECTIVE ORDER /84 Heard By: Thomas Biggar
Result: Continuance Granted

04/07/2005 **Motion to Strike** (10:00 AM) ()
DEFT'S MTN TO STRIKE /MTN TO DISMISS/85 Heard By: Thomas Biggar
Result: Continuance Granted

04/07/2005 **Motion to Compel** (10:00 AM) ()
PLTF'S MTN TO COMPEL PRODUCTION OF DOCUMENTS/86 Heard By: Thomas Biggar
Result: Continuance Granted

04/07/2005 **All Pending Motions** (10:00 AM) ()
ALL PENDING MOTIONS FOR 4/7/05 Court Clerk: MARY DAIGLE Reporter/Recorder: JOHN NAGLE Heard By: Thomas Biggar
Parties Present
Minutes
Result: Matter Heard

04/26/2005 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Superseding Pleading re In Camera Production of Documents; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

04/29/2005 **Filed Under Seal**
Supplemental Exhibit in Support of Hyatt's Opposition to FTB Motion to Strike and for Other Relief; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/02/2005 **Filed Under Seal**
Plaintiff's Forty Eighth Supplemental Rule 16.1 Early Case Conference Statement; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/02/2005 **Filed Under Seal**
FTB Objection to Plaintiff's Supplemental Exhibit in Support of Hyatt's Opposition to FTB Motion to Strike or, in the Alternative, Dismiss Plaintiff's Economic Damages Claims and to Compel Discovery Responses; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/04/2005 **Motion to Strike** (10:00 AM) ()
DEFT'S MTN TO STRIKE /MTN TO DISMISS/85 Heard By: Thomas Biggar
Parties Present
Minutes
Result: Continuance Granted

05/05/2005 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/12/2005 **Filed Under Seal**
Errata to FTB's Reply in Support of Motion for Protective Order re: the Protest Officers' Work Files; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/13/2005 **Filed Under Seal**
Appendix of Out of State Authorities Cited by FTB in Its Motion for Summary Judgment re: Statutory Information Privacy Claims; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/13/2005 **Filed Under Seal**
FTB's Motion to Dismiss, or in the Alternative, for Partial Summary Judgment re: Statutory Information Privacy Claims; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/18/2005 **Motion for Protective Order** (10:00 AM) ()
DEFT'S MTN FOR PROTECTIVE ORDER /84 Heard By: Thomas Biggar
Result: Continuance Granted

05/18/2005 **Motion to Strike** (9:00 AM) ()
DEFT'S MTN TO STRIKE /MTN TO DISMISS/85 Heard By: Thomas Biggar
Result: Continuance Granted

05/18/2005 **Motion to Compel** (10:00 AM) ()
PLTF'S MTN TO COMPEL PRODUCTION OF DOCUMENTS/86 Heard By: Thomas Biggar
Result: Continuance Granted

05/31/2005 **Filed Under Seal**
Notice of Taking Deposition Duces Tecum of Terry Howell; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/31/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/31/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/31/2005 **Filed Under Seal**
Notice of Taking Deposition Duces Tecum of John Weber; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/31/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/31/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/31/2005 **Filed Under Seal**

Notice of Taking Deposition Duces Tecum of Dennis Boom; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/31/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/31/2005 **Filed Under Seal**
Notice of Taking Deposition Duces Tecum of Rick Phillips; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/31/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/31/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/31/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/31/2005 **Filed Under Seal**
Notice of Taking Deposition Duces Tecum of Robert Rosa; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/31/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

05/31/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/01/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/01/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/01/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/01/2005 **Filed Under Seal**
Notice of Continuation of Deposition of Monica Embry-Carvajal; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/01/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/01/2005 **Filed Under Seal**
Notice of Continuation of Deposition of Barbara Hince; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/01/2005 **Filed Under Seal**
Amended Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/01/2005 **Filed Under Seal**
Notice of Continuation of Deposition of Rhonda Marshall; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/01/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/01/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/03/2005 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion to Dismiss, or in the Alternative, for Partial Summary Judgment re: Statutory Information Privacy Claims (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

06/03/2005 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion to Dismiss, or in the Alternative, for Partial Summary Judgment re: Statutory Information Privacy Claims (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

06/06/2005 **Filed Under Seal**
Receipt of Copy and Certificate of Service of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion to Dismiss, or in the Alternative, for Partial Summary Judgment re: Statutory Information Privacy Claims and Appendix of Exhibits (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

06/09/2005 **Motion for Protective Order** (10:00 AM) ()
DEFT'S MTN FOR PROTECTIVE ORDER /84 Heard By: Thomas Biggar
Result: Continuance Granted

06/09/2005 **Motion to Strike** (10:00 AM) ()
DEFT'S MTN TO STRIKE /MTN TO DISMISS/85 Heard By: Thomas Biggar
Result: Continuance Granted

06/09/2005 **Motion to Compel** (10:00 AM) ()
PLTF'S MTN TO COMPEL PRODUCTION OF DOCUMENTS/86 Heard By: Thomas Biggar
Result: Continuance Granted

06/09/2005 **Motion** (10:00 AM) ()
DISCOVERY CONFERENCE Court Clerk: MARY DAIGLE Reporter/Recorder: JOHN NAGLE Heard By: Thomas Biggar
Parties Present
Minutes
Result: Matter Heard

06/13/2005 **Filed Under Seal**
FTB's Reply in Support if Its Motion to Dismiss, or in the Alternative, for Partial Summary Judgment re: Statutory Information Privacy Claims; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/20/2005 **Motion for Protective Order** (1:30 PM) ()
DEFT'S MTN FOR PROTECTIVE ORDER /84 Heard By: Thomas Biggar
Result: Continuance Granted

06/20/2005 **Motion to Strike** (1:30 PM) ()
DEFT'S MTN TO STRIKE /MTN TO DISMISS/85 Heard By: Thomas Biggar
Result: Continuance Granted

06/20/2005 **Motion to Compel** (1:30 PM) ()
PLTF'S MTN TO COMPEL PRODUCTION OF DOCUMENTS/86 Heard By: Thomas Biggar
Result: Continuance Granted

06/20/2005 **Motion to Dismiss** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN TO DISMISS OR FOR PARTIAL SUMJUD RE STATUTORY INFO PRIVACY CLAIMS/88 Court Clerk: Nora Pena Reporter/Recorder: Lee Bahr Heard By: Jessie Walsh
Parties Present
Minutes
Result: Denied

06/27/2005 **Filed Under Seal**
Transcript of Hearing Held on June 20, 2005

07/01/2005 **Filed Under Seal**
Order Denying FTB's Motion to Dismiss, or in the Alternative, for Partial Summary Judgment re: Statutory Information Privacy Claims; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/01/2005 **Filed Under Seal**
Errata and Supplement to FTB's Submission of Documents for in Camera Review; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/07/2005 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Objection to Errata and Supplement to FTB's Submission of Documents for in Camera Review; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/08/2005 **Motion for Protective Order** (10:00 AM) ()
DEFT'S MTN FOR PROTECTIVE ORDER /84 Heard By: Thomas Biggar
Result: Continuance Granted

07/08/2005 **Motion to Strike** (10:00 AM) ()
DEFT'S MTN TO STRIKE /MTN TO DISMISS/85 Heard By: Thomas Biggar
Result: Continuance Granted

07/08/2005 **Motion to Compel** (10:00 AM) ()
PLTF'S MTN TO COMPEL PRODUCTION OF DOCUMENTS/86 Heard By: Thomas Biggar
Result: Continuance Granted

07/08/2005 **Discovery Conference** (10:00 AM) ()
DISCOVERY CONFERENCE Relief Clerk: Jennifer Lott Reporter/Recorder: Robin Ravize Heard By: Thomas Biggar

Result: Continuance Granted
07/08/2005 **All Pending Motions** (10:00 AM) ()
ALL PENDING MOTIONS Heard By: Thomas Biggar
Parties Present
Minutes
Result: Continuance Granted
07/12/2005 **Filed Under Seal**
Notice of Entry of Order Denying FTB's Motion to Dismiss, or in the Alternative, for Partial Summary Judgment re: Statutory Information Privacy Claims; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/14/2005 **Filed Under Seal**
Notice of Deposition of Terry Collins; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/15/2005 **Filed Under Seal**
Notice of Continuation of Deposition of Robert Alvarez; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/15/2005 **Filed Under Seal**
Notice of Deposition of Brad LaCour; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/15/2005 **Filed Under Seal**
Notice of Continuation of Deposition of Jahna Alvarado; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/15/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/15/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/15/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/15/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/15/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/15/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/15/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/15/2005 **Filed Under Seal**
Notice of Continuation of Deposition of Barbara Hince; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/15/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/15/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/15/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/15/2005 **Filed Under Seal**
Notice of Continuation of Deposition of Paul Lou; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Amended Notice of Deposition of Rick Phillips; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Amended Notice of Deposition of John Weber; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Notice of Deposition of Thomas Kawasawa; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Notice of Continuation of Deposition of Allan Shigemitsu; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Notice of Deposition of Robert Dunn; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Notice of Deposition of Terri Howell; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**

Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Notice of Deposition of Natasha Page; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Notice of Continuation of Deposition of James Smith; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Notice of Deposition of Winson Mah; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Notice of Deposition of Anne Gorman; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Notice of Deposition of Philip Yu; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Amended Notice of Deposition of Dennis Boom; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Notice of Deposition of P.K. Agarwal; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Notice of Continuation of Deposition of Shelia Cox; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Notice of Deposition of Ben Miller; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Notice of Deposition of Paul Usedom; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Notice of Continuation of Deposition of Lisa Garrison; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Notice of Continuation of Deposition of Don Hareid; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Notice of Deposition of Katherine Courtnier; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Notice of Continuation of Deposition of Julie Meyer; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Notice of Deposition of Carlos Zamarripa; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Notice of Deposition of Cindy Malone; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Notice of Continuation of Deposition of Horace Pitts; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
07/18/2005 **Filed Under Seal**

Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/18/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/18/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/18/2005 **Filed Under Seal**
Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/18/2005 **Filed Under Seal**
Motion to Compel Depositions and for Deposition Scheduling Order and Memorandum of Points and Authorities in Support of Motion (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

07/19/2005 **Filed Under Seal**
Supplement to Motion to Compel Depositions and for Deposition Scheduling Order and Memorandum of Points and Authorities in Support of Motion: Appendix of Evidence (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

07/21/2005 **Filed Under Seal**
FTB's Request to Confirm DCR&R re: FTB's Motion to Strike or, in the Alternative, Dismiss Plaintiff's Economic Damages Claims and to Compel Discovery Responses; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/22/2005 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Response to: "FTB's Request to Confirm DCR&R re: FTB's Motion to Strike or, in the Alternative, Dismiss Plaintiff's Economic Damages Claims and to Compel Discovery Responses" (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

08/01/2005 **Filed Under Seal**
Notice of Entry of Order

08/01/2005 **Filed Under Seal**
FTB's Response to Hyatt's Motion to Compel Depositions and for Deposition Scheduling Order and Counter Motion for Protective Order; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

08/02/2005 **Filed Under Seal**
FTB's Objections to Hyatt's Proposed DCR&R re: July 8, 2005 Partial Hearing on Hyatt's Motion to Compel; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

08/02/2005 **Filed Under Seal**
Notice of Filing Original Affidavit of James W. Bradshaw; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

08/03/2005 **Filed Under Seal**
Supplement to FTB's Motion for Protective Order re the Protest Hearing Officers' Work Files and FTB's Opposition to Hyatt's Motion to Compel, Categories 8-10 re Protest Process; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

08/04/2005 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to FTB's Counter-Motion for a Protective Order re Depositions of FTB Employees (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

08/04/2005 **Filed Under Seal**
Reply in Support of Motion to Compel Depositions and for Deposition Scheduling Order (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

08/04/2005 **Filed Under Seal**
Hyatt's Motion to Strike and Opposition to FTB's Supplement Motion for Protective Order re the Protest Hearing Officers' Work Files and FTB's Opposition to Hyatt's Motion to Compel (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

08/04/2005 **Filed Under Seal**
Supplemental Appendix of Evidence in Support of Plaintiff Gilbert P. Hyatt's Reply in Support of Motion to Compel Depositions and for Deposition Scheduling Order (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

08/05/2005 **Motion for Protective Order** (10:00 AM) ()
DEFT'S MTN FOR PROTECTIVE ORDER /84 Heard By: Thomas Biggar
Result: Granted in Part

08/05/2005 **Motion to Strike** (10:00 AM) ()
DEFT'S MTN TO STRIKE /MTN TO DISMISS/85 Heard By: Thomas Biggar
Result: Denied

08/05/2005 **Motion to Compel** (10:00 AM) ()
PLTF'S MTN TO COMPEL PRODUCTION OF DOCUMENTS/86 Heard By: Thomas Biggar
Result: Granted in Part

08/05/2005 **Discovery Conference** (10:00 AM) ()
DISCOVERY CONFERENCE Relief Clerk: Jennifer Lott Reporter/Recorder: Robin Ravize Heard By: Thomas Biggar
Result: Continuance Granted

08/05/2005 *CANCELED* **All Pending Motions** (10:00 AM) ()
Vacated
Result: Matter Heard

08/05/2005 **Motion to Compel** (10:00 AM) ()
PLTF'S MTN TO COMPEL /93 Heard By: Thomas Biggar
Result: Granted in Part

08/05/2005 **All Pending Motions** (10:00 AM) ()
ALL PENDING MOTIONS FOR 8/5/05 Court Clerk: MARY DAIGLE Reporter/Recorder: JOHN NAGLE Heard By: Thomas Biggar
Parties Present
Minutes
Result: Matter Heard

08/10/2005 **Filed Under Seal**
Motion to Associate Counsel

08/10/2005 **Filed Under Seal**
Motion to Associate Counsel

08/10/2005 **Filed Under Seal**
Motion to Associate Counsel

08/15/2005 **Filed Under Seal**
Order Admitting to Practice; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

08/15/2005 **Filed Under Seal**
Order Admitting to Practice; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

08/16/2005 **Filed Under Seal**
Defendant FTB's Motion to Compel Production of Documents from Gregory Roth Files; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

08/16/2005 **Minute Order** (3:28 PM) (Judicial Officer Walsh, Jessie)
MINUTE ORDER RE: PLTF'S MTN TO ASSOCIATE(3) SET FOR 8/22/05 Court Clerk: Nora Pena Heard By: Jessie Walsh
Minutes
Result: Matter Heard

08/17/2005 **Filed Under Seal**
Notice of Entry of Order Admitting to Practice [Raymond C. Marshall]; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

08/17/2005 **Filed Under Seal**
Order Admitting to Practice; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

08/17/2005 **Filed Under Seal**
Notice of Entry of Order Admitting to Practice [Joy K. Fuyuno]; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

08/17/2005 **Filed Under Seal**
Notice of Entry of Order Admitting to Practice [Collin C. West]; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

08/18/2005 **Filed Under Seal**
Re-Notice of Hearing on FTB's Motion to Compel Production of Documents from Gregory Roth Files; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

08/22/2005 *CANCELED* **Motion to Associate Counsel** (9:00 AM) (Judicial Officer Walsh, Jessie)
Vacated

08/22/2005 *CANCELED* **Motion to Associate Counsel** (9:00 AM) (Judicial Officer Walsh, Jessie)
Vacated

08/22/2005 *CANCELED* **Motion to Associate Counsel** (9:00 AM) (Judicial Officer Walsh, Jessie)
Vacated

08/30/2005 **Discovery Conference** (10:30 AM) ()
DISCOVERY CONFERENCE Relief Clerk: Jennifer Lott Reporter/Recorder: Robin Ravize Heard By: Thomas Biggar
Parties Present
Minutes
Result: Matter Heard

09/09/2005 **Filed Under Seal**
Discovery Commissioner's Report and Recommendations; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
09/12/2005 **Status Check** (10:30 AM) ()
STATUS CHECK: DEPOSITIONS Court Clerk: MARY DAIGLE Reporter/Recorder: JOHN NAGLE Heard By: Thomas Biggar
Parties Present
Minutes
Result: Matter Heard
09/19/2005 **Filed Under Seal**
Discovery Commissioner's Report and Recommendations; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
09/19/2005 **Motion to Compel** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT FRANCHISE TAX BOARD OF CALFORNIA'S MTN TO COMPEL DOCUMENTS/99 Court Clerk: Nora Pena Reporter/Recorder: Marilyn Speciale Heard By: Jessie Walsh
Minutes
Result: Off Calendar
09/20/2005 **Filed Under Seal**
Discovery Commissioner's Report and Recommendations; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
09/23/2005 **Filed Under Seal**
FTB's Motion for Protective Orders re: 30(b)(6) Witnesses and Deposition of Brian Toman; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
09/23/2005 **Filed Under Seal**
Motion to Compel Rule 30(b)(6) Deposition re FTB Contacts with Japanese Companies (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
09/23/2005 **Filed Under Seal**
Motion to Compel Depositions of Gerald Goldberg and Brian Toman (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
09/23/2005 **Filed Under Seal**
Motion to Compel Depositions of FTB Protest Officers Charlene Woodward, Cody Cinnamon and Their Supervisor, George McLaughlin (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
09/27/2005 **Filed Under Seal**
Defendant FTB's Objections to Discovery Commissioner's Report and Recommendations re: August 5, 2005 Hearing; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
09/28/2005 **Filed Under Seal**
Defendant's Opposition to Plaintiff's Motion to Compel Depositions of FTB Protest Officers Charlene Woodward, Cody Cinnamon and Their Supervisor, George McLaughlin; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
09/28/2005 **Filed Under Seal**
FTB's Opposition to Hyatt's Motion to Compel 30(b)(6) Deposition re FTB Contacts with Japanese Companies; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
09/28/2005 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Opposition and Rebuttal to FTB Motion for Protective Orders re: 30(b)(6) Witnesses and Deposition of Brian Toman (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
09/28/2005 **Filed Under Seal**
FTB's Opposition to Hyatt's Motion to Compel Depositions of Gerald Goldberg and Brian Toman; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
09/30/2005 **Filed Under Seal**
Defendant FTB's Objections to Discovery Commissioner's Report and Recommendations re: May 4 and June 9, 2005 Hearings; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
09/30/2005 **Filed Under Seal**
Notice of Submitting the Original Affidavit of Robert W. Dunn Supporting FTB's Second Supplemental Response and in-Camera Submission of Documents in Response to the Discovery Commissioner's August 5, 2005 Recommendations re: Hyatt's Motion to Compel Categories 8-10
09/30/2005 **Hearing** (10:00 AM) ()
STATUS CHECK: DISCOVERY Heard By: Thomas Biggar
Result: Matter Heard
09/30/2005 **Motion for Protective Order** (10:00 AM) ()
DEFT'S MTN FOR PROTECTIVE ORDER /105 Heard By: Thomas Biggar
Result: Continuance Granted
09/30/2005 **Motion to Compel** (10:00 AM) ()
PLTF'S MTN TO COMPEL /106 Heard By: Thomas Biggar
Result: Denied
09/30/2005 **Motion to Compel** (10:00 AM) ()
PLTF'S MTN TO COMPEL /107 Heard By: Thomas Biggar
Result: Continuance Granted
09/30/2005 **Motion to Compel** (10:00 AM) ()
PLTF'S MTN TO COMPEL /108
09/30/2005 **All Pending Motions** (10:00 AM) ()
ALL PENDING MOTIONS FOR 9/30/05 Court Clerk: MARY DAIGLE Reporter/Recorder: JOHN NAGLE Heard By: Thomas Biggar
Parties Present
Minutes
Result: Matter Heard
10/05/2005 **Filed Under Seal**
Discovery Commissioner's Report and Recommendations; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
10/10/2005 **Filed Under Seal**
Discovery Commissioner's Report and Recommendations; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
10/13/2005 **Filed Under Seal**
Trial Subpoena (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
10/17/2005 **Filed Under Seal**
Defendants FTB's Fourth Supplemental Response and In Camera Submission of Documents in Response to the Discovery Commissioner's August 5, 2005 Recommendations re: Hyatt's Motion to Compel Categories 8-10; and Supplemental Opposition to Plaintiff's Motion to Compel Depositions of FTB Protest Officers Charlene Woodward, Cody Cinnamon, and Their Supervisor, George McLaughlin; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
10/18/2005 **Status Check** (10:00 AM) ()
STATUS CHECK: DISCOVERY
10/18/2005 **Motion for Protective Order** (10:00 AM) ()
DEFT'S MTN FOR PROTECTIVE ORDER /105 Heard By: Thomas Biggar
Result: Granted in Part
10/18/2005 **Motion to Compel** (10:00 AM) ()
PLTF'S MTN TO COMPEL /107 Heard By: Thomas Biggar
Result: Granted in Part
10/18/2005 **All Pending Motions** (10:00 AM) ()
ALL PENDING MOTIONS Court Clerk: MARY DAIGLE Heard By: Thomas Biggar
Parties Present
Minutes
Result: Matter Heard
10/19/2005 **Filed Under Seal**
Defendant California Franchise Tax Board's Motion for Partial Summary Judgment; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
10/26/2005 **Filed Under Seal**
Response to FTB's Objections to Discovery Commissioner's Report and Recommendations re: August 5, 2005 Hearing (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
10/27/2005 **Filed Under Seal**
Emergency Motion to Consolidate Hearings Scheduled to be Heard by District Court Judge on Order Shortening Time; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
11/02/2005 **Objection to Discovery Commissioner's Report** (9:00 AM) (Judicial Officer Walsh, Jessie)
FRANCHISE TAX BOARD'S (FTB) OBJECTION TOREFEREE'S RPT & RECOMMENDATION/110
Result: Continuance Granted
11/04/2005 **Filed Under Seal**
FTB's Response to Plaintiff's Motion to Establish Briefing and Hearing Schedule; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
11/04/2005 **Filed Under Seal**
Motion to Establish Briefing and Hearing Schedule (On Order Shortening Time) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
11/04/2005 **Filed Under Seal**
FTB's Motion for Partial Summary Judgment re: Ongoing California Administrative Protest Process; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

11/04/2005 **Status Check** (10:00 AM) ()
STATUS CHECK: DISCOVERY
Result: Off Calendar
11/07/2005 **Filed Under Seal**
Reply in Support of Motion to Establish Briefing and Hearing Schedule (on Order Shortening Time) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
11/09/2005 **Motion** (9:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTN TO ESTABLISH BRIEFING & HEARING SCHEDULE /116 Court Clerk: Nora Pena Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Motion Granted
11/10/2005 **Filed Under Seal**
Discovery Commissioner's Report and Recommendations; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
11/10/2005 **Filed Under Seal**
Defendant California Franchise Tax Board's Motion to Compel Production of Documents Regarding Dana Rohrabacher; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
11/15/2005 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Opposition to Defendant California Franchise Tax Board's Motion to Compel Production of Documents Regarding Dana Rohrabacher (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
11/17/2005 **Filed Under Seal**
Reply in Support of Defendant California Franchise Tax Board's Motion to Compel Production of Documents Regarding Dana Rohrabacher; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
11/18/2005 **Filed Under Seal**
Order on Motion to Establish Briefing and Hearing Schedule (on Order Shortening Time) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
11/18/2005 *CANCELED* **Show Cause Hearing** (10:00 AM) ()
Vacated
11/18/2005 *CANCELED* **Motion** (9:00 AM) (Judicial Officer Walsh, Jessie)
Vacated
11/18/2005 **Motion to Compel** (10:00 AM) ()
DEFT'S MTN TO COMPEL /121 Relief Clerk: Jennifer Lott Reporter/Recorder: John Nagle Heard By: Thomas Biggar
Parties Present
Minutes
Result: Off Calendar
11/21/2005 **Filed Under Seal**
Transcript of Hearing Held November 9, 2005
11/22/2005 **Filed Under Seal**
Notice of Entry of Order on Motion to Establish Briefing and Hearing Schedule (on Order Shortening Time) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
11/23/2005 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment (re Economic Damages) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
11/23/2005 **Filed Under Seal**
Appendix of Exhibits in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment (re Economic Damages) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
11/23/2005 **Filed Under Seal**
Appendix of Affidavits in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment (re Economic Damages) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
11/23/2005 **Filed Under Seal**
Appendix of Exhibits in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment re: Ongoing California Administrative Protest Process (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
11/23/2005 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment (re Economic Damages) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999); Certificate of Service
11/23/2005 **Filed Under Seal**
Appendix of Exhibits in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment (re Economic Damages) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999); Certificate of Service
11/23/2005 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment re: Ongoing California Administrative Protest Process (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
11/23/2005 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment re: Ongoing California Administrative Protest Process (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999); Certificate of Service
11/23/2005 **Filed Under Seal**
Appendix of Exhibits in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment re Ongoing California Administrative Protest Process (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999); Certificate of Service
11/23/2005 **Filed Under Seal**
Appendix of Affidavits in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment (re Economic Damages) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999); Certificate of Service
11/28/2005 *CANCELED* **Objection to Discovery Commissioner's Report** (9:00 AM) (Judicial Officer Walsh, Jessie)
Vacated
11/28/2005 *CANCELED* **Motion for Partial Summary Judgment** (9:00 AM) (Judicial Officer Walsh, Jessie)
Vacated
11/28/2005 *CANCELED* **Motion to Consolidate** (9:00 AM) (Judicial Officer Walsh, Jessie)
Vacated
12/02/2005 **Filed Under Seal**
Defendant California Franchise Tax Board's Reply in Support of Motion for Partial Summary Judgment re: Economic Damages
12/02/2005 **Filed Under Seal**
Notice of Objection re: Affidavits, Exhibits to Affidavits, and Exhibits Offered by Hyatt in Support of His Opposition to FTB's Motion for Partial Summary Judgment re: Economic Damages
12/06/2005 **Filed Under Seal**
Response to FTB's Objections to Discovery Commissioner's Report and Recommendations re: May 4, 2005 and June 9, 2005 Hearings (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
12/06/2005 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Response to FTB's Notice of Objection re: Affidavits, Exhibits to Affidavits, and Exhibits Offered by Hyatt in Support of His Opposition to FTB's Motion for Partial Summary Judgment re: Economic Damages (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
12/08/2005 **Filed Under Seal**
FTB's Reply in Support of Motion for Partial Summary Judgment re: Ongoing California Administrative Protest Process; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
12/08/2005 **Filed Under Seal**
FTB's Objections to Affidavits Filed in Support of Plaintiff's Opposition to Motion for Partial Summary Judgment re: Protest Process
12/09/2005 **Status Check** (10:00 AM) ()
STATUS CHECK: STATUS OF CASE
Parties Present
Minutes
Result: Continuance Granted
12/12/2005 **Filed Under Seal**
Defendant California Franchise Tax Board's Supplemental Authorities re: Motion for Partial Summary Judgment re: Economic Damages
12/12/2005 **Motion for Partial Summary Judgment** (1:30 PM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN FOR PARTIAL SUM JUD RE: ONGOING CALIF ADMIN PROTEST PROCESS/117 Heard By: Jessie Walsh
Result: Continuance Granted
12/12/2005 **Motion for Partial Summary Judgment** (1:30 PM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN FOR PARTIAL SUM JUD RE: PLTF'S CLAIM FOR ECONOMIC DAMAGES/118 Heard By: Jessie Walsh
Result: Continuance Granted
12/12/2005 **Objection** (1:30 PM) (Judicial Officer Walsh, Jessie)
DEFT'S OBJ TO DISC COMM RPRT & RECOM RE:MAY 4, 2005 AND JUNE 9,2005 HEARINGS/119 Heard By: Jessie Walsh
Result: Continuance Granted
12/12/2005 **Objection** (1:30 PM) (Judicial Officer Walsh, Jessie)
DEFT'S OBJ TO DISC COMM RPRT & RECOM RE:AUG 5, 2005 HEARING/120 Heard By: Jessie Walsh
Result: Continuance Granted
12/14/2005 **Motion for Partial Summary Judgment** (1:30 PM) (Judicial Officer Walsh, Jessie)

DEFT'S MTN FOR PARTIAL SUM JUD RE: ONGOING CALIF ADMIN PROTEST PROCESS/117 Heard By: Jessie Walsh
Result: Continuance Granted
12/14/2005 **Motion for Partial Summary Judgment** (1:30 PM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN FOR PARTIAL SUM JUD RE: PLTF'S CLAIM FOR ECONOMIC DAMAGES/118 Heard By: Jessie Walsh
Result: Continuance Granted
12/14/2005 **Objection** (1:30 PM) (Judicial Officer Walsh, Jessie)
DEFT'S OBJ TO DISC COMM RPRT & RECOM RE:MAY 4, 2005 AND JUNE 9,2005 HEARINGS/119 Heard By: Jessie Walsh
Result: Continuance Granted
12/14/2005 **Objection** (1:30 PM) (Judicial Officer Walsh, Jessie)
DEFT'S OBJ TO DISC COMM RPRT & RECOM RE:AUG 5, 2005 HEARING/120 Heard By: Jessie Walsh
Result: Continuance Granted
12/14/2005 **All Pending Motions** (1:30 PM) (Judicial Officer Walsh, Jessie)
ALL PENDING MOTIONS - 12/14/05 Relief Clerk: Jennifer Kimmel Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Minutes
Result: Matter Heard
12/16/2005 **Filed Under Seal**
Certificate of Mailing; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
12/16/2005 **Filed Under Seal**
Defendant California Franchise Tax Board's Motion for Sanctions and to Compel Production of Documents; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
12/22/2005 **Filed Under Seal**
Notice of Filing Original Affidavit of James W. Bradshaw Pursuant to E.D.C.R. 2.34 in Support of Defendant FTB's Motion for Sanctions and to Compel Production of Documents; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/03/2006 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion for Sanctions and to Compel Production of Documents (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/03/2006 **Filed Under Seal**
Defendant FTB's Motion to Compel Production of Documents Pursuant to Defendant's First, Second and Fourth Request for Document Production; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/06/2006 **Filed Under Seal**
Application for Issuance of Commission to Take Deposition Out of State; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/06/2006 **Filed Under Seal**
Application for Issuance of Commission to Take Deposition Out of State; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/06/2006 **Filed Under Seal**
Application for Order Authorizing Issuance of Subpoenas and Letters of Request (Letters Rogatory); Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/06/2006 **Filed Under Seal**
Application for Issuance of Commission to Take Deposition Out of State; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/06/2006 **Filed Under Seal**
Application for Order Authorizing Issuance of Subpoenas and Letters of Request (Letters Rogatory); Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/06/2006 **Filed Under Seal**
Application for Issuance of Commission to Take Deposition Out of State; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/06/2006 **Filed Under Seal**
FTB's Motion for Partial Summary Judgment re: Punitive Damages; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/09/2006 **Filed Under Seal**
Discovery Commissioner's Report and Recommendations; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/11/2006 **Filed Under Seal**
Order Authorizing Issuance of Letter of Request (Letters Rogatory); Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/11/2006 **Filed Under Seal**
FTB's Reply to Hyatt's Opposition for Motions for Sanctions and to Compel Production of Documents; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/11/2006 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion to Compel Production of Documents Pursuant to Defendant's First, Second and Fourth Request for Document Production (Compensation Motion) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/11/2006 **Filed Under Seal**
Order Authorizing Issuance of Letter of Request (Letters Rogatory); Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/11/2006 **Filed Under Seal**
Letter of Request (Letters Rogatory); Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/11/2006 **Filed Under Seal**
Letter of Request (Letters Rogatory); Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/12/2006 **Filed Under Seal**
Defendant FTB's Request to Confirm Draft DCR&R re: December 9, 2005 Hearing Before Discovery Commissioner Biggar; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/12/2006 **Filed Under Seal**
FTB's Opposition to Hyatt's Motion to Compel re: (1) Rule 30(b)(6) Deposition on E-Mail Purging and (2) Deposition of Natasha Page; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/13/2006 **Status Check** (10:00 AM) ()
STATUS CHECK: STATUS OF CASE
01/13/2006 *CANCELED* **Status Check** (10:00 AM) ()
Vacated
01/13/2006 **Motion for Sanctions** (10:00 AM) ()
DEFT'S MTN FOR SANCTIONS /124 Heard By: Thomas Biggar
Result: Denied
01/13/2006 **Motion to Compel** (10:00 AM) ()
DEFT'S MTN TO COMPEL /126 Heard By: Thomas Biggar
Result: Granted in Part
01/13/2006 **All Pending Motions** (10:00 AM) ()
ALL PENDING MOTIONS 1/13/06 Relief Clerk: Michelle Jones Reporter/Recorder: John Nagle Heard By: Thomas Biggar
Parties Present
Minutes
Result: Matter Heard
01/17/2006 **Filed Under Seal**
Motion for Protective Order (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/18/2006 **Filed Under Seal**
Defendant California Franchise Tax Board's Second Supplemental Authorities re: Motion for Partial Summary Judgment re: Economic Damages
01/18/2006 **Filed Under Seal**
Motion to Associate Counsel on Order Shortening Time; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/18/2006 **Filed Under Seal**
Motion to Associate Counsel on Order Shortening Time; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/20/2006 **Filed Under Seal**
Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/20/2006 **Filed Under Seal**
Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/20/2006 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/23/2006 **Motion for Partial Summary Judgment** (1:30 PM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN FOR PARTIAL SUM JUD RE: ONGOING CALIF ADMIN PROTEST PROCESS/117 Heard By: Jessie Walsh
Result: Denied
01/23/2006 **Motion for Partial Summary Judgment** (1:30 PM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN FOR PARTIAL SUM JUD RE: PLTF'S CLAIM FOR ECONOMIC DAMAGES/118 Heard By: Jessie Walsh
Result: Motion Granted
01/23/2006 **Objection** (1:30 PM) (Judicial Officer Walsh, Jessie)
DEFT'S OBJ TO DISC COMM RPRT & RECOM RE:MAY 4, 2005 AND JUNE 9,2005 HEARINGS/119 Heard By: Jessie Walsh
Result: Moot
01/23/2006 **Objection** (1:30 PM) (Judicial Officer Walsh, Jessie)
DEFT'S OBJ TO DISC COMM RPRT & RECOM RE:AUG 5, 2005 HEARING/120 Heard By: Jessie Walsh
Result: Moot

01/23/2006 **Motion to Associate Counsel** (1:30 PM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN TO ASSOCIATE COUNSEL /129 Heard By: Jessie Walsh
Result: Motion Granted
01/23/2006 **Motion to Associate Counsel** (1:30 PM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN TO ASSOCIATE COUNSEL /130 Heard By: Jessie Walsh
Result: Motion Granted
01/23/2006 **All Pending Motions** (1:30 PM) (Judicial Officer Walsh, Jessie)
ALL PENDING MOTIONS 1/23/06 Court Clerk: Nora Pena Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Matter Heard
01/24/2006 **Filed Under Seal**
FTB's Opposition to Hyatt's Motion for Protective Order
01/25/2006 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Reply to the FTB's Opposition to Motion for Protective Order (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/25/2006 **Filed Under Seal**
Order Granting Motion to Associate Counsel Mark Dickson; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/25/2006 **Filed Under Seal**
Order Granting Motion to Associate Counsel Thomas Mavrakakis; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/26/2006 **Filed Under Seal**
Notice of Entry of Order Granting Motion to Associate Counsel Mark Dickson; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/26/2006 **Filed Under Seal**
Notice of Entry of Order Granting Motion to Associate Counsel Thomas Mavrakakis; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/26/2006 **Filed Under Seal**
FTB's Objections to Hyatt's Draft DCR&R re: January 13, 2006 Hearing; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/27/2006 **Motion** (10:00 AM) ()
PLTF'S MTN FOR PROTECTIVE ORDER /128 Heard By: Thomas Biggar
Result: Denied
01/27/2006 **Status Check** (10:00 AM) ()
STATUS CHECK: STATUS OF CASE Heard By: Thomas Biggar
Result: Matter Heard
01/27/2006 **All Pending Motions** (10:00 AM) ()
ALL PENDING MOTIONS 1/27/06 Relief Clerk: Jennifer Lott Reporter/Recorder: John Nagle Heard By: Thomas Biggar
Parties Present
Minutes
Result: Matter Heard
01/30/2006 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion for Partial Summary Judgment re: Punitive Damages (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/31/2006 **Filed Under Seal**
Motion to Compel re: (1) Rule 30(b)(6) Deposition on E-Mail Purging and (2) Deposition of Natasha Page (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/03/2006 **Filed Under Seal**
Transcript of Hearing Held on January 23, 2006
02/03/2006 **Filed Under Seal**
Stipulation and Order to Extend Time for FTB to File a Reply Supporting FTB's Motion for Partial Summary Judgment re: Punitive Damages; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/07/2006 **Filed Under Seal**
Discovery Commissioner's Report and Recommendations; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/07/2006 **Filed Under Seal**
FTB's Reply in Support of Motion for Partial Summary Judgment re: Punitive Damages; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/07/2006 **Filed Under Seal**
Notice of Entry of Order to Extend Time for FTB to File a Reply Supporting FTB's Motion for Partial Summary Judgment re: Punitive Damages; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/07/2006 **Filed Under Seal**
Motion for Protective Order re Eugene Cowan (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/07/2006 **Filed Under Seal**
Motion for Protective Order re: Gilbert P. Hyatt and Grace Jeng (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/10/2006 **Filed Under Seal**
Appendix of Exhibits in Support of FTB's Second Supplemental Opposition to Plaintiff's Motion to Compel Depositions of FTB Protest Officers Charlene Woodward, Cody Cinnamon, and Their Supervisor, George McLaughlin; Volume 1; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/10/2006 **Filed Under Seal**
Appendix of Exhibits in Support of FTB's Second Supplemental Opposition to Plaintiff's Motion to Compel Depositions of FTB Protest Officers Charlene Woodward, Cody Cinnamon, and Their Supervisor, George McLaughlin; Volume 2; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/10/2006 **Filed Under Seal**
Defendant FTB's Second Supplemental Opposition to Plaintiff's Motion to Compel Depositions of FTB Protest Officers Charlene Woodward, Cody Cinnamon, and Their Supervisor, George McLaughlin; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/13/2006 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Combined: (1) Reply to Both the FTB's Opposition and Two Supplemental Oppositions to Hyatt's Motion to Compel Depositions of FTB Protest Officers; and (2) Response re Impact of District Court's Order Denying the FTB's Motion to Exclude the Protests From this Case (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/13/2006 **Motion for Partial Summary Judgment** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT FTB'S MTN FOR PARTIAL SUM JUDGMENTRE: PUNITIVE DAMAGES /127 Heard By: Jessie Walsh
Parties Present
Minutes
Result: Denied
02/14/2006 **Filed Under Seal**
FTB's Opposition to Plaintiff's Motion for Protective Order re: Eugene Cowan; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/14/2006 **Filed Under Seal**
FTB's Opposition to Plaintiff's Motion for Protective Order re: Grace Jeng; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/14/2006 **Filed Under Seal**
FTB's Opposition to Plaintiff's Motion for Protective Order re: Gilbert P. Hyatt; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/16/2006 **Filed Under Seal**
Defendant FTB's Objections to Discovery Commissioner's Report and Recommendations re: January 13, 2006 Hearing; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/16/2006 **Status Check** (11:00 AM) ()
STATUS CHECK: STATUS OF CASE
Result: Continuance Granted
02/16/2006 **Motion for Protective Order** (11:00 AM) ()
PLTF'S MTN FOR PROTECTIVE ORDER /136 Heard By: Thomas Biggar
Result: Denied
02/16/2006 **Motion for Protective Order** (11:00 AM) ()
PLTF'S MTN FOR PROTECTIVE ORDER /137 Heard By: Thomas Biggar
Result: Denied
02/16/2006 **All Pending Motions** (11:00 AM) ()
ALL PENDING MOTIONS FOR 2/16/06 Court Clerk: MARY DAIGLE Reporter/Recorder: ROBIN RAVIZE Heard By: Thomas Biggar
Parties Present
Minutes
Result: Matter Heard
02/17/2006 **Filed Under Seal**

Errata to Transcript of Hearing Held on January 23, 2006
02/17/2006 **Filed Under Seal**
Response to FTB's Objections to Discovery Commissioner's Report and Recommendations re: January 13, 2006 Hearing (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/21/2006 **Filed Under Seal**
Notice of Filing Original Affidavit of James W. Bradshaw Pursuant to E.D.C.R. 2.34 in Support of FTB's Opposition to Plaintiff's Motion for Protective Order re Eugene Cowan; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/22/2006 **Filed Under Seal**
Transcript of Hearing Held on February 13, 2006
02/23/2006 **Filed Under Seal**
Discovery Commissioner's Report and Recommendations; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/24/2006 **Filed Under Seal**
Defendant FTB's Motion to Compel Production of IRS Audit Files; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/24/2006 **Filed Under Seal**
Defendant FTB's Motion for Sanctions; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/27/2006 **Filed Under Seal**
FTB's Motion to Compel Proper Answers to Its Expert Interrogatory No. 9 and for Sanctions; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/28/2006 **Filed Under Seal**
Errata to FTB's Motion to Compel Proper Answers to Its Expert Interrogatory No. 9 and for Sanctions; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/03/2006 **Filed Under Seal**
Notice of Deposition of Charlene Woodward (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/03/2006 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/03/2006 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/03/2006 **Filed Under Seal**
Notice of Deposition of Paul Usedom (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/03/2006 **Filed Under Seal**
Affidavit of Peter C. Bernhard in Support of Application for Commission to Take Out of State Deposition (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/03/2006 **Filed Under Seal**
Notice of Filing Original Affidavit of James W. Bradshaw Pursuant to E.D.C.R. 2.34 in Support of Defendant FTB's Motion to Compel Production of IRS Audit Files; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/03/2006 **Filed Under Seal**
Affidavit of Peter C. Bernhard in Support of Application for Commission to Take Out of State Deposition (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/06/2006 **Filed Under Seal**
Response and Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion for Sanctions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/06/2006 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion to Compel Production of IRS Audit (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/06/2006 **Filed Under Seal**
FTB's Motion to Strike Plaintiff's Supplemental Witnesses; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/07/2006 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion to Strike Plaintiff's Supplemental Witnesses; Plaintiff's Countermotion to Strike Portions of FTB's Proposed Witness List (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/07/2006 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion to Compel Proper Answer to Its Interrogatory No. 9 and Sanctions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/08/2006 **Filed Under Seal**
Notice of Filing Original Affidavit of Counsel James W. Bradshaw in Support of FTB's Motion to Strike Plaintiff's Supplemental Witnesses; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/09/2006 **Status Check** (11:00 AM) ()
STATUS CHECK: STATUS OF CASE
03/09/2006 **Motion to Compel** (11:00 AM) ()
DEFT'S MTN TO COMPEL /140 Heard By: Thomas Biggar
Result: Denied
03/09/2006 **Motion for Sanctions** (11:00 AM) ()
DEFT'S MTN FOR SANCTIONS /141 Heard By: Thomas Biggar
Result: Denied
03/09/2006 **Motion to Compel** (11:00 AM) ()
DEFT'S MTN TO COMPEL PROPER ANSWERS TO EXPERT INTERROGATORY #9 & SANCTIONS /142 Heard By: Thomas Biggar
Result: Denied
03/09/2006 **Motion to Strike** (11:00 AM) ()
DEFT'S MTN TO STRIKE /143 Heard By: Thomas Biggar
Result: Denied
03/09/2006 **All Pending Motions** (11:00 AM) ()
ALL PENDING MOTIONS 3/9/06 Relief Clerk: Jennifer Lott Reporter/Recorder: John Nagle Heard By: Thomas Biggar
Parties Present
Minutes
Result: Matter Heard
03/10/2006 **Filed Under Seal**
Amended Plaintiff Gilbert P. Hyatt's Motion for Extension of Expert Witness Disclosure Dates and Application for Order Shortening Time (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/10/2006 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Motion for Extension of Expert Witness Disclosure Dates and Application for Order Shortening Time 9Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/14/2006 **Filed Under Seal**
Order Granting Partial Summary Judgment re: Hyatt's Economic Damage Claims; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/14/2006 **Filed Under Seal**
Order Denying Partial Summary Judgment re: the California Administrative Protest Process; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/14/2006 **Filed Under Seal**
Notice of Entry of Order Denying FTB's Motion for Partial Summary Judgment re Punitive Damages; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/14/2006 **Filed Under Seal**
FTB's Opposition to Hyatt's Motion for Extension of Expert Witness Disclosure Dates (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/14/2006 **Filed Under Seal**
Order Denying FTB's Motion for Partial Summary Judgment re: Punitive Damages (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/14/2006 **Filed Under Seal**
Notice of Entry of Order Granting Partial Summary Judgment re: Hyatt's Economic Damage Claims; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/14/2006 **Filed Under Seal**
Notice of Entry of Order Denying Partial Summary Judgment re: the California Administrative Protest Process; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/15/2006 **Filed Under Seal**
Commission to Take the Deposition Outside the State of Nevada (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/15/2006 **Filed Under Seal**
Defendant California Franchise Tax Board's Motion for Partial Summary Judgment re: False Light; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/15/2006 **Filed Under Seal**
Subpoena (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/15/2006 **Filed Under Seal**
Subpoena (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/15/2006 **Motion** (9:00 AM) (Judicial Officer Walsh, Jessie)

PLTF'S MOTION FOR EXTENSION OF EXPERT WITNESS DISCLOSURE DATES/146 Court Clerk: Nora Pena Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh

Parties Present

Minutes

Result: Motion Granted

03/20/2006 **Filed Under Seal**
Commission to Take the Deposition Outside the State of Nevada (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

03/20/2006 **Filed Under Seal**
Transcript of Hearing Held on March 15, 2006

03/20/2006 **Filed Under Seal**
Order Granting Plaintiff Gilbert P. Hyatt's Motion for Extension of Expert Witness Disclosure Dates (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

03/21/2006 **Filed Under Seal**
Notice of Entry of Order Granting Plaintiff Gilbert P. Hyatt's Motion for Extension of Expert Witness Disclosure Dates (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

03/21/2006 **Filed Under Seal**
FTB Request for Mitigation Concerning Extension of Expert Witness Disclosure Dates

03/22/2006 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Request for Mitigation Concerning Witness Disclosure Dates (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

03/22/2006 **Objection to Discovery Commissioner's Report** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S OBJECTION TO REFEREE'S REPORT & RECOMMENDATION Court Clerk: Nora Pena Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh

Parties Present

Minutes

Result: Continuance Granted

03/22/2006 **Motion** (9:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MOTION FOR EXTENSION OF EXPERT WITNESS DISCLOSURE DATES/146 Court Clerk: Nora Pena Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh

Result: Continuance Granted

03/23/2006 **Status Check** (11:00 AM) ()
STATUS CHECK: STATUS OF CASE Court Clerk: MARY DAIGLE Reporter/Recorder: JOHN NAGLE Heard By: Thomas Biggar

Parties Present

Minutes

Result: Matter Heard

03/24/2006 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to FTB's Objections to Discovery Commissioner's Report and Recommendations re: January 13, 2006 Hearing (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

03/24/2006 **Filed Under Seal**
Supplemental Points and Authorities in Support of FTB's Objections to Discovery Commissioner's Report and Recommendations re: January 13, 2006 Hearing

03/24/2006 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Motion for Leave to File Second Amended Complaint (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

03/27/2006 **Filed Under Seal**
Discovery Commissioner's Report and Recommendations; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/27/2006 **Filed Under Seal**
Supplemental Response of Plaintiff Gilbert P. Hyatt to the FTB's Objections to January 13, 2006 Discovery Commissioner Report and Recommendations (Concerning FTB's Motion to Compel Production of Documents Pursuant to Defendant's First, Second and Fourth Request for Document Production (Compensation Motion)) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

03/28/2006 **Filed Under Seal**
Transcript of Hearing Held on March 22, 2006

03/29/2006 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion for Partial Summary Judgment re: False Light (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

03/29/2006 **Objection to Discovery Commissioner's Report** (10:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S OBJECTION TO REFEREE'S REPORT & RECOMMENDATION Court Clerk: Nora Pena Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh

Parties Present

Minutes

Result: Matter Heard

03/31/2006 **Filed Under Seal**
FTB's Objections to Discovery Commissioner's Report and Recommendations re: March 9, 2006 Hearing

03/31/2006 **Filed Under Seal**
FTB's Initial Disclosure of Expert Witnesses; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

04/03/2006 **Filed Under Seal**
Motion to Unseal Litigation

04/04/2006 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition of Dale Fiola; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

04/04/2006 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition of Ron George Schuchord; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

04/04/2006 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition of Don Kula; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

04/05/2006 **Filed Under Seal**
Discovery Commissioner's Report and Recommendations; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

04/05/2006 **Filed Under Seal**
Transcript of Hearing Held on March 29, 2006

04/06/2006 **Filed Under Seal**
Application for Issuance of Commission to Take Out of State Deposition of Charles McHenry; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

04/07/2006 **Filed Under Seal**
FTB's Partial Opposition to Hyatt's Motion for Leave to File Second Amended Complaint

04/07/2006 **Filed Under Seal**
Objection of Plaintiff Gilbert P. Hyatt to the Form of the FTB's Proposed Order Granting FTB's Objections to DCRR re: January 13, 2006 Hearing (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

04/07/2006 **Filed Under Seal**
Motion to Compel FTB Protest Office Cody Cinnamon to Answer Deposition Questions and to Compel Production of Documents or a Privilege Log (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

04/10/2006 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Reply in Support of His Motion for Leave to File Second Amended Complaint (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

04/10/2006 **Filed Under Seal**
Defendant California Franchise Tax Board's Reply in Support of Motion for Partial Summary Judgment re: False Light

04/11/2006 **Filed Under Seal**
Defendant California Franchise Tax Board's Motion for Reconsideration of April 5, 2006 Order Adopting DCRR for march 9, 2006 Hearing and Application for Order Shortening Time

04/13/2006 **Filed Under Seal**
Notice of Filing Original Affidavit of James W. Bradshaw, Esq. in Support of Defendant's Motion for Order Shortening Time

04/14/2006 **Filed Under Seal**
Errata re: FTB's Reply in Support of Motion for Partial Summary Judgment re: False Light

04/14/2006 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion for Reconsideration of April 5, 2006, Order Adopting DCRR for March 9, 2006 Hearing (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

04/14/2006 **Filed Under Seal**
FTB's Motion in Limine re: Jeffrey W. Stempel

04/17/2006 **Motion for Partial Summary Judgment** (10:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN FOR PARTIAL SUM JUDGMNT/147 Heard By: Jessie Walsh

Result: Denied

04/17/2006 **Motion** (10:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTN FOR LEAVE TO FILE SECOND AMENDED COMPLAINT/148 Heard By: Jessie Walsh
Result: Motion Granted
04/17/2006 **Motion to Reconsider** (10:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN FOR RECONSIDERATION OF 4/5/06ORDER AFFIRMING DCRR FOR 3/9/06 HEARING Heard By: Jessie Walsh
Result: Granted in Part
04/17/2006 **All Pending Motions** (10:00 AM) (Judicial Officer Walsh, Jessie)
ALL PENDING MOTIONS 4/17/06 Court Clerk: Nora Pena Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Matter Heard
04/18/2006 **Filed Under Seal**
Order Granting FTB's Objections to DCRR re: January 13, 2006 Hearing and Adopting the Balance of the January 13, 2006 DCRR
04/18/2006 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion to Unseal Litigation (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
04/18/2006 **Filed Under Seal**
Certificate of Service of Second Amended Complaint (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
04/18/2006 **Filed Under Seal**
Second Amended Complaint; Jury Trial Demanded; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
04/18/2006 **Filed Under Seal**
Order Granting FTB's Objections to DCRR re: January 13, 2006 Hearing and Adopting the Balance of the January 13, 2006 DCRR
04/19/2006 **Filed Under Seal**
Notice of Entry of Order Granting FTB's Objections to DCRR re: January 13, 2006 Hearing and Adopting the Balance of the January 13, 2006 DCRR; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
04/19/2006 **Filed Under Seal**
Order Denying Franchise Tax Board's Motion for Partial Summary Judgment re: False Light (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
04/19/2006 **Filed Under Seal**
Order Granting Motion for Leave to File Second Amended Complaint (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
04/19/2006 **Filed Under Seal**
FTB's Motion in Limine re: Dennis Unkovic
04/24/2006 **Filed Under Seal**
Notice of Entry of Order Denying Franchise Tax Board's Motion for Partial Summary Judgment re: False Light (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
04/24/2006 **Filed Under Seal**
Notice of Entry of Order Granting Motion for Leave to File Second Amended Complaint (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
04/24/2006 **Filed Under Seal**
Motion to Compel Production of Documents Missing from FTB Productions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
04/24/2006 **Filed Under Seal**
Motion to Compel Production of Documents Concerning Promotions or Awards Revealed in Deposition Testimony by FTB Employees (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
04/24/2006 **Filed Under Seal**
Defendant FTB's Opposition to Hyatt's Motion to Compel FTB Protest Officer Cody Cinnamon to Answer Deposition Questions and to Compel Production of Documents or a Privilege Log; and Counter-Motion to Compel Protest Discovery from Hyatt
04/25/2006 **Filed Under Seal**
Discovery Commissioner's Report and Recommendations; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
04/25/2006 **Filed Under Seal**
Errata re: Defendant FTB's Opposition to Hyatt's Motion to Compel FTB Protest Officer Cody Cinnamon to Answer Deposition Questions and to Compel Production of Documents or a Privilege Log; and Counter-Motion to Compel Protest Discovery from Hyatt
04/28/2006 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Dennis Unkovic (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
04/28/2006 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re Jeffrey W. Stempel (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
05/01/2006 **Filed Under Seal**
FTB's Supplemental Disclosure of Expert Witnesses
05/01/2006 **Filed Under Seal**
Transcript of Hearing Held on April 17, 2006
05/01/2006 **Filed Under Seal**
FTB's Reply in Support of Motion to Unseal
05/01/2006 **Filed Under Seal**
Reply Brief in Support of FTB's Motion in Limine re: Dennis Unkovic
05/03/2006 **Motion to Compel** (9:30 AM) ()
PLTF'S MTN TO COMPEL /150 Heard By: Thomas Biggar
Result: Continuance Granted
05/03/2006 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT FTB'S MTN IN LIMINE REGARDING TESTIMONY OF DENNIS UNKOVIC/154 Court Clerk: Nora Pena Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Motion Granted
05/04/2006 **Filed Under Seal**
Sur-Reply of Plaintiff Gilbert P. Hyatt in Response to the FTB's Reply in Support of Motion to Unseal Litigation (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
05/05/2006 **Filed Under Seal**
Reply in Support of Motion in Limine re: Jeffrey W. Stempel
05/05/2006 **Filed Under Seal**
Errata to FTB's Reply in Support of Motion to Unseal
05/08/2006 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to FTB Counter Motion to Compel Protest Discovery from Hyatt (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
05/08/2006 **Filed Under Seal**
FTB's Opposition to Hyatt's Motion to Compel Production of Documents Missing from FTB Production; and FTB's Request for Sanctions
05/08/2006 **Filed Under Seal**
FTB's Response to Hyatt's Motion to Compel Production of Documents or Awards Revealed in Deposition Testimony by FTB Employees
05/08/2006 **Filed Under Seal**
Motion to Compel and Sanctions re: Witness Compensation
05/08/2006 **Motion** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT CSF'S MTN TO UNSEAL LITIGATION/149 Court Clerk: Nora Pena Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Denied
05/09/2006 **Filed Under Seal**
Certificate of Mailing of Motion to Compel and Sanctions re: Witness Compensation
05/09/2006 **Filed Under Seal**
Certificate of Service
05/09/2006 **Filed Under Seal**
Notice of Motion (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
05/09/2006 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Motion to Strike the FTB's Supplemental Expert Disclosures and for Order Shortening Time (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
05/10/2006 **Filed Under Seal**
Application for an Order Shortening Time to Hear Defendant FTB's Motion to Compel and Sanctions re: Witness Compensation
05/10/2006 **Filed Under Seal**
Certificate of Service via Facsimile
05/15/2006 **Filed Under Seal**
Reply in Support of Motion to Compel Production of Documents Concerning Promotions or Awards Revealed in Deposition Testimony by FTB Employees (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

05/15/2006 **Filed Under Seal**
Reply of Plaintiff Gilbert P. Hyatt in Support of Motion to Compel FTB Protest Office Cody Cinnamon to Answer Deposition Questions and to Compel Production of Documents or a Privilege Log (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
05/15/2006 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion to Compel and Sanctions re: Witness Compensation (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
05/15/2006 **Filed Under Seal**
FTB's Reply in Support of Counter-Motion to Compel Protest Discovery from Hyatt; and Opposition to Hyatt's Request to Strike FTB's Exhibits
05/15/2006 **Filed Under Seal**
Defendant FTB's Opposition to Plaintiff's Motion to Strike FTB's Rebuttal and Supplemental Expert Disclosures
05/15/2006 **Filed Under Seal**
Reply in Support of Motion to Compel Production of Documents Missing from FTB Productions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
05/15/2006 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: JEFFREY W. STEMPEL OPINION AND TESTIMONY Court Clerk: Nora Pena Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Motion Granted
05/16/2006 **Filed Under Seal**
Errata re: Defendant FTB's Opposition to Plaintiff's Motion to Strike FTB's Rebuttal and Supplemental Expert Disclosures
05/17/2006 **Filed Under Seal**
Reply in Support of Plaintiff Gilbert P. Hyatt's Motion to Strike the FTB's Supplemental Expert Disclosures (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
05/17/2006 **Filed Under Seal**
Order Granting FTB's Motion in Limine re: Dennis Unkovic
05/17/2006 **Filed Under Seal**
Order Granting FTB's Motion in Limine re: Jeffrey Stempel
05/17/2006 **Filed Under Seal**
Order Granting Motion for Reconsideration of April 5, 2006, Order Adopting DCRR for March 9, 2006 Hearing (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
05/17/2006 **Filed Under Seal**
Errata to Defendant FTB's Opposition to Plaintiff's Motion to Strike FTB's Rebuttal and Supplemental Expert Disclosures
05/17/2006 **Filed Under Seal**
Errata to Defendant FTB's Opposition to Plaintiff's Motion to Strike FTB's Rebuttal and Supplemental Expert Disclosures
05/18/2006 **Motion to Compel** (10:30 AM) ()
PLTF'S MTN TO COMPEL /150 Heard By: Thomas Biggar
Result: Denied
05/18/2006 **Motion to Compel** (10:30 AM) ()
PLTF'S MTN TO COMPEL PRODUCTION OF DOCUMENTS MISSING/155 Heard By: Thomas Biggar
Result: Denied
05/18/2006 **Motion to Compel** (10:30 AM) ()
PLTF'S MTN TO COMPEL PRODUCTION OF DOCUMENTS CONC Heard By: Thomas Biggar
Result: Motion Granted
05/18/2006 **Motion to Compel** (10:30 AM) ()
DEFT'S COUNTERMTN TO COMPEL PROTEST DISC FROM HYATT /157 Heard By: Thomas Biggar
Result: Denied
05/18/2006 **Motion to Compel** (10:30 AM) ()
DEFT'S MTN TO COMPEL /158 Heard By: Thomas Biggar
Result: Granted in Part
05/18/2006 **Motion to Strike** (10:30 AM) ()
PLTF'S MTN TO STRIKE /159 Heard By: Thomas Biggar
Result: Granted in Part
05/18/2006 **All Pending Motions** (10:30 AM) ()
ALL PENDING MOTIONS 5-18-06 Relief Clerk: Cheryl Case Reporter/Recorder: John Nagle Heard By: Thomas Biggar
Parties Present
Minutes
Result: Matter Heard
05/20/2006 **Filed Under Seal**
Errata re: FTB's Motion in Limine re: Dennis Unkovic
05/23/2006 **Filed Under Seal**
Notice of Entry of Order Granting Motion for Reconsideration of April 5, 2006 Order Adopting DCRR for March 9, 2006 Hearing; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
05/23/2006 **Filed Under Seal**
Notice of Entry of Order Granting FTB's Motion in Limine re: Dennis Unkovic; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
05/24/2006 **Filed Under Seal**
Notice of Entry of Order Granting FTB's Motion in Limine re: Jeffrey Stempel; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
05/25/2006 **Filed Under Seal**
Motion in Limine re: Malcolm Jumelet
05/26/2006 **Filed Under Seal**
Answer to Second Amended Complaint
05/26/2006 **Filed Under Seal**
Transcript of Hearing Held on May 3, 2006
05/30/2006 **Filed Under Seal**
Transcript of Hearing Held on May 8, 2006
05/30/2006 **Filed Under Seal**
Transcript of Hearing Held on May 15, 2006
05/30/2006 **Filed Under Seal**
Motion for Stay of All Proceedings Pending Action by Nevada Supreme Court (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
05/31/2006 **Filed Under Seal**
FTB's Motion to Compel re: Experts' Documents and Testimony Relied Upon by Experts
06/01/2006 **Filed Under Seal**
Errata to Defendant California Franchise Tax Board's Motion to Compel re Experts' Documents and Testimony Relied Upon by Experts
06/01/2006 **Filed Under Seal**
FTB's Motion for Partial Summary Judgment re: Invasion of Privacy Claims
06/02/2006 **Filed Under Seal**
Certificate of Service of Motion for Stay of All Proceedings Pending Action by Nevada Supreme Court (Including Order Shortening Time) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
06/05/2006 **Filed Under Seal**
Errata FTB's Motion for Partial Summary Judgment re: Privacy Claims
06/05/2006 **Filed Under Seal**
FTB's Opposition to Hyatt's Motion for Stay
06/06/2006 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Reply in Support of Motion for Stay of All Proceedings Pending Action by Nevada Supreme Court (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
06/06/2006 **Filed Under Seal**
FTB's Motion to Dismiss, or in the Alternative, Motion for Partial Summary Judgment re: Breach of Confidential Relationship
06/06/2006 **Motion to Compel** (9:30 AM) ()
DEFT'S MTN TO COMPEL /158 Heard By: Thomas Biggar
Result: Continuance Granted
06/07/2006 **Motion to Stay** (9:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTN TO STAY OF ALL PROCEEDINGS PENDING ACTION BY NEV SUPREME COURT /162 Court Clerk: Nora Pena Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Motion Granted
06/14/2006 **Filed Under Seal**
Transcript of Hearing Held on June 7, 2006
06/19/2006 **Filed Under Seal**

Order Granting Hyatt's Motion for Stay of All Proceedings Pending Action by Nevada Supreme Court (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

06/21/2006 **Filed Under Seal**
Notice of Entry of Order Granting Hyatt's Motion for Stay of All Proceedings Pending Action by Nevada Supreme Court (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

07/03/2006 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE OF NON ADMISSIABLE TESTIMONY OF MALCOLM JUMELET/161 Heard By: Jessie Walsh
Result: Continuance Granted

07/03/2006 **Motion for Partial Summary Judgment** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN FOR PARTIAL SUM JUDGMENT RE: INVASION OF PRIVACY CLAIMS /164 Heard By: Jessie Walsh
Result: Continuance Granted

07/10/2006 **Motion to Dismiss** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN TO DISMISS OR IN ALT MTN FOR PART SUMM JUDG BREACH OF CONFIDENCE/165 Heard By: Jessie Walsh
Result: Continuance Granted

07/12/2006 **Filed Under Seal**
Notice of Change of Zip Code (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

07/13/2006 **Motion to Compel** (10:00 AM) (Judicial Officer Biggar, Thomas W.)
DEFT'S MTN TO COMPEL /163 Heard By: Jessie Walsh
Result: Continuance Granted

07/24/2006 *CANCELED* **Pre Trial Conference** (9:00 AM) (Judicial Officer Walsh, Jessie)
Vacated

08/07/2006 *CANCELED* **Calendar Call** (3:00 PM) (Judicial Officer Walsh, Jessie)
Vacated

08/15/2006 *CANCELED* **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
Vacated

05/02/2007 **Filed Under Seal**
Notice of Change of Firm and Address (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

07/18/2007 **Filed Under Seal**
Notice of Change of Firm Address and Telephone Number (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

08/14/2007 **Filed Under Seal**
Joint Submission re Meeting with Court on August 15, 2007 (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

08/15/2007 **Pre Trial Conference** (11:00 AM) (Judicial Officer Walsh, Jessie)
PRETRIAL CONFERENCE Relief Clerk: Chanel West/cw Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Matter Heard

09/05/2007 **Filed Under Seal**
Transcript of Hearing Held on August 15, 2007

09/11/2007 **Filed Under Seal**
Second Joint Submission re Meeting with Court on September 12, 2007 (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

09/11/2007 **Filed Under Seal**
Receipt of Copy

09/12/2007 **Status Check** (11:00 AM) (Judicial Officer Walsh, Jessie)
STATUS CHECK: TRIAL PROTOCOL Court Clerk: Chanel West Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Matter Heard

10/09/2007 **Filed Under Seal**
Transcript of Hearing Held on September 12, 2007

10/17/2007 **Status Check** (11:00 AM) (Judicial Officer Walsh, Jessie)
STATUS CHECK: TRIAL PROTOCOL Court Clerk: Chanel West Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Matter Heard

11/02/2007 **Filed Under Seal**
Transcript of Hearing Held on October 17, 2007

11/15/2007 **Filed Under Seal**
Order Lifting Stay

11/26/2007 **Filed Under Seal**
Errata FTB's Motion to Compel re: Experts' Documents and Testimony Relied Upon by Experts

11/26/2007 **Filed Under Seal**
Notice of Entry of Stipulation and Order Thereon re: Agreements Found in Joint Submissions for Meetings with Court Dated August 15, 2007, September 12, 2007 and October 17, 2007

11/26/2007 **Filed Under Seal**
Stipulation and Order Thereon re: Agreements Found in Joint Submissions for Meetings with Court Dated August 15, 2007, September 12, 2007 and October 17, 2007

11/26/2007 **Filed Under Seal**
Notice of Entry of Stipulation to Lift Stay, and Order Thereon

11/26/2007 **Filed Under Seal**
Stipulation to Lift Stay, and Order Thereon

11/26/2007 **Filed Under Seal**
Second Errata FTB's Motion for Partial Summary Judgment re: Privacy Claims

11/26/2007 **Filed Under Seal**
FTB's Motion for Partial Summary Judgment re: Intentional Infliction of Emotional Distress

11/26/2007 **Filed Under Seal**
Motion for Partial Summary Judgment re: Litigation Privilege

11/29/2007 **Filed Under Seal**
FTB's Motion for Partial Summary Judgment re: Fraud

11/29/2007 **Filed Under Seal**
FTB's Motion for Judgment on the Pleadings, or in the Alternative, Motion in Limine re: Hyatt's Claims Concerning Information Privacy

11/30/2007 **Filed Under Seal**
Amended Certificate of Service

11/30/2007 **Filed Under Seal**
Motion to Withdraw Tom Mavrakakis and Mark Dickson as Counsel of Record for FTB

11/30/2007 **Filed Under Seal**
FTB's Motion to Dismiss "Doe" Defendants

12/03/2007 **Filed Under Seal**
FTB's Motion for Partial Summary Judgment re: False Light

12/03/2007 **Filed Under Seal**
FTB's Motion for Partial Summary Judgment re: Hyatt's Claim for Attorneys Fees as Special Damages

12/07/2007 **Filed Under Seal**
Appendix of Exhibits in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment (Invasion of Privacy Claims) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/07/2007 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment re: Invasion of Privacy Claims (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/07/2007 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion to Dismiss, or in the Alternative for Partial Summary Judgment re: Breach of Confidentiality (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/07/2007 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re Jumelet (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/07/2007 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion for Partial Summary Judgment re: Invasion of Privacy Claims (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/07/2007 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion to Dismiss, or in the Alternative for Partial Summary Judgment re: Breach of Confidentiality (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/07/2007 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re Jumelet (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/07/2007 **Filed Under Seal**

Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion to Compel re: Experts' Documents and Testimony Relied Upon by Experts (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/07/2007 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion to Compel re: Experts' Documents and Testimony Relied Upon by Experts (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/07/2007 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re Jumelet (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/07/2007 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion to Compel re: Experts' Documents and Testimony Relied Upon by Experts (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/07/2007 **Filed Under Seal**
Appendix of Exhibits in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion to Dismiss, or in the Alternative for Partial Summary Judgment re: Breach of Confidentiality (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/07/2007 **Filed Under Seal**
Appendix of Exhibits in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion to Compel re: Experts' Documents and Testimony Relied Upon by Experts (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/07/2007 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment re: Invasion of Privacy Claims (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/07/2007 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

12/07/2007 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion to Dismiss, or in the Alternative for Partial Summary Judgment re: Breach of Confidentiality (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/07/2007 **Filed Under Seal**
Appendix of Exhibits in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re Jumelet (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/07/2007 **Filed Under Seal**
FTB's Motion for Partial Summary Judgment, or Alternatively, Motion in Limine re: Intra-Agency Communications

12/07/2007 **Filed Under Seal**
FTB's Motion in Limine re: Hyatt's Alleged Economic Damages

12/07/2007 **Filed Under Seal**
FTB's Motion to Dismiss re: False Light Judicial Admissions

12/07/2007 **Filed Under Seal**
FTB's Motion to Dismiss, or the Alternative, Motion Concerning Presumptions re: Continental Hotel

12/10/2007 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment re: Litigation Privilege (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/10/2007 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment re: Litigation Privilege (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/10/2007 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment re: Litigation Privilege (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/10/2007 **Filed Under Seal**
Appendix of Exhibits in Support of Plaintiff Gilbert P. Hyatt's Opposition of Plaintiff P. Hyatt to the FTB's Motion Partial Summary Judgment re: Intentional Infliction of Emotional Distress (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/10/2007 **Filed Under Seal**
Appendix of Exhibits in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment re: Litigation Privilege (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/10/2007 **Filed Under Seal**
Affidavit of Daniel K. Hyatt in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment re: Intentional Infliction of Emotional Distress (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/10/2007 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

12/10/2007 **Filed Under Seal**
Affidavit of Roger McCaffrey in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment re: Intentional Infliction of Emotional Distress (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/10/2007 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion for Partial Summary Judgment re: Intentional Infliction of Emotional Distress (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/10/2007 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment re: Intentional Infliction of Emotional Distress (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/10/2007 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment re: Intentional Infliction of Emotional Ditess (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/11/2007 **Filed Under Seal**
Affidavit of Gilbert P. Hyatt's in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion for Partial Summary Judgment re: Intentional Infliction of Emotional Distress (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/12/2007 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

12/13/2007 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion for Partial Summary Judgment re: Fraud (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/13/2007 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Judgment on the Pleadings, or in the Alternative, Motion in Limine re: Hyatt's Claims Concerning Information Privacy (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/13/2007 **Filed Under Seal**
Stipulation and Order Setting Hearing Date on FTB's Motions Filed Before the Stay

12/13/2007 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

12/13/2007 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment re: Fraud (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/13/2007 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion for Judgment on the Pleadings, or in the Alternative, Motion in Limine re: Hyatt's Claims Concerning Information Privacy (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/13/2007 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment re: Fraud (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/13/2007 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion for Judgment on the Pleadings, or in the Alternative, Motion in Limine re: Hyatt's Claims Concerning Information Privacy (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/13/2007 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion for Judgment on the Pleadings, or in the Alternative, Motion in Limine re: Hyatt's Claims Concerning Information Privacy (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/13/2007 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion for Partial Summary Judgment re: Fraud (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/13/2007 **Filed Under Seal**
FTB's Motion for Partial Summary Judgment re: Abuse of Process

12/14/2007 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion to Dismiss "Doe" Defendants (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/14/2007 **Filed Under Seal**
Notice of Entry of Stipulation and Order Setting Hearing Date on FTB's Motions Filed Before the Stay

12/14/2007 **Filed Under Seal**
Response of the Plaintiff Gilbert P. Hyatt to the FTB's Motion to Withdraw Tom Mavrakakis and Mark Dickson as Counsel of Record for FTB (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/17/2007 **Filed Under Seal**

Appendix of Exhibits in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment re: False Light (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/17/2007 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment re: False Light(Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/17/2007 **Filed Under Seal**
Supplemental Filing of Affidavit of Rebecca Coats, Assistant Director of Clark County Treasurer's Office, in Opposition to FTB's Motion for Partial Summary Judgment re False Light (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/17/2007 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion for Partial Summary Judgment re: False Light (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/17/2007 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment re: Attorney's Fees as Special Damages (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/17/2007 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion for Partial Summary Judgment re: Attorney's Fees as Special Damages (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/17/2007 **Filed Under Seal**
Notice Filing Original Affidavits of Daniel J. Hyatt and Roger McCaffrey in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment re: Intentional Infliction of Emotional Ditress (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/17/2007 **Filed Under Seal**
Notice of Filing Original Affidavit of Daniel Solove in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion to Compel re: Experts' Documents and Testimony Relied Upon by Experts (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/17/2007 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment re: Attorneys Fees as Special Damages (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/17/2007 **Filed Under Seal**
Appendix of Exhibits in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment re: Attorneys Fees as Special Damages (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/17/2007 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

12/17/2007 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment re: False Light (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/17/2007 **Filed Under Seal**
FTB's Motion in Limine re: Garden Variety Emotional Distress Damages

12/17/2007 **Filed Under Seal**
Motion in Limine re: William Thompson

12/17/2007 **Filed Under Seal**
FTB Motion in Limine re: Suggestion of Damage Amounts During Voir Dire

12/17/2007 **Filed Under Seal**
Motion in Limine Misrepresentations

12/17/2007 **Filed Under Seal**
FTB's Motion in Limine re: Hyatt's Worldwide Humanitarian Project

12/18/2007 **Filed Under Seal**
FTB's Reply in Support of Motion to Compel re: Experts' Documents and Testimony Relied Upon by Experts

12/18/2007 **Filed Under Seal**
EDCR 7.27 Memorandum of Law re: Case Procedural History and the Law of the Case Doctrine

12/19/2007 **Filed Under Seal**
FTB's Reply in Support of Motion for Partial Summary Judgment re: Invasion of Privacy Claims

12/19/2007 **Filed Under Seal**
FTB's Reply in Support of Motion to Dismiss, or in the Alternative for Partial Summary Judgment re: Breach of Confidential Relationship

12/20/2007 **Filed Under Seal**
Motion in Limine re: Limiting Testimony to Witnesses' Personal Knowledge

12/20/2007 **Filed Under Seal**
FTB's Limited Motion in Limine re: Solove's Breach of Confidential Relationship Opinions

12/20/2007 **Filed Under Seal**
FTB's Motion in Limine re: (1) References to Other Residency Audits of California Taxpayers; (2) References to Ladonna Lucas; and (3) California's Tax Amnesty Program

12/20/2007 **Filed Under Seal**
FTB's Motion to Preclude Hyatt from Calling Roger McCaffrey at Trial

12/20/2007 **Filed Under Seal**
FTB's Motion in Limine re: Candace Les Testimony

12/21/2007 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment, or Alternatively, Motion in Limine re: Intra-Agency Communications (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/21/2007 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion to Dismiss re: False Light Judical Admissions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/21/2007 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion to Dismiss, or in the Alternative, Motion Concerning Presumptions re: Continental Hotel (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/21/2007 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

12/21/2007 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion to in Limine re: Hyatt's Alleged Economic Damages (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/21/2007 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion to Dismiss re: False Light Judicial Admissions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/21/2007 **Filed Under Seal**
Appendix of Exhibits to Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion for Partial Summary Judgment, or Alternatively, Motion in Limine re: Intra-Agency Communications (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/21/2007 **Filed Under Seal**
FTB's Objections to Discovery Commissioner's Report and Recommendations re: May 18, 2006 Hearing

12/21/2007 **Filed Under Seal**
Reply Brief in Support of Motion in Limine re: Malcolm Jumelet

12/21/2007 **Filed Under Seal**
FTB's Objections to Discovery Commissioner's Report and Recommendations re: May 18, 2006 Hearing Concerning Hyatt's Key Witnesses' Compensation and Billing Records

12/21/2007 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion Dismiss re: False Light Judicial Admissions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/21/2007 **Filed Under Seal**
Appendix of Exhibits to Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion to Dismiss re: False Light Judicial Admissions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/21/2007 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Hyatt's Alleged Economic Damages (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/21/2007 **Filed Under Seal**
Appendix of Exhibits to Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Hyatt's Alleged Economic Damages (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/21/2007 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion to Dismiss, or in the Alternative, Motion Concerning Presumptions re: Continental Hotel (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/21/2007 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion to Dismiss, or in the Alternative, Motion Concerning Presumptions re: Continental Hotel (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/21/2007 **Filed Under Seal**
Appendix of Exhibits to Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion to Dismiss, or in the Alternative, Motion Concerning Presumptions re: Continental Hotel (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/21/2007 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion for Partial Summary Judgment, or Alternatively, Motion in Limine re: Intra-Agency Communications (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/21/2007 **Filed Under Seal**

Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment, or Alternatively, Motion in Limine re: Intra-Agency Communications (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/26/2007 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion to Strike the FTB's Answer and for Alternative Sanctions to Remedy the FTB's Interntional Spoliation of E-Mails and Related Evidence (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/26/2007 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

12/26/2007 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Motion to Strike the FTB's Answer and for Alternative Sanctions to Remedy the FTB's Intentional Spoliation of E-Mails and Related Evidence (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/26/2007 **Filed Under Seal**
Appendix of Exhibits of Plaintiff Gilbert P. Hyatt's Motion to Strike the FTB's Answer and for Alternative Sanctions to Remedy the FTB's Intentional Spoliation of E-Mails and Related Evidence (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/26/2007 **Filed Under Seal**
Motion to Strike the FTB's Answer and for Alternative Sanctions to Remedy the FTB's Intentional Spoliation of E-Mails and Related Evidence (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/27/2007 **Filed Under Seal**
FTB's Motion in Limine re: Legal Opinions

12/27/2007 **Filed Under Seal**
FTB's Motion in Limine re: Sheila Cox's Work History

12/27/2007 **Filed Under Seal**
FTB's Motion in Limine re: FTB's Alleged Negligence

12/27/2007 **Filed Under Seal**
Motion in Limine re: Grace Jeng Alleged Encounters

12/27/2007 **Filed Under Seal**
FTB's Motion in Limine re: FTB's EMC Change-Over in Its Information Technology Systems

12/28/2007 **Filed Under Seal**
FTB's Reply in Support of Motion for Partial Summary Judgment re: Fraud

12/28/2007 **Filed Under Seal**
FTB's Reply in Support of Motion for Partial Summary Judgment re: Intentional Infliction of Emotional Distress (IIED)

12/28/2007 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion for Partial Summary Judgment re: Abuse of Process (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/28/2007 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

12/28/2007 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion for Partial Summary Judgment re: Abuse of Process (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/28/2007 **Filed Under Seal**
Reply in Support of Motion for Partial Summary Judgment re: Litigation Privilege

12/28/2007 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion Partial Summary Judgment re: Abuse of Process (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/28/2007 **Filed Under Seal**
Reply in Support of FTB's Motion to Dismiss "Doe" Defendants

12/28/2007 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion for Partial Summary Judgment re: Abuse of Process (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

12/31/2007 **Filed Under Seal**
FTB's Consolidated Motion in Limine re: (1) Internal FTB Communications Concerning this Litigation; and (2) FTB's Litigation Budget

12/31/2007 **Filed Under Seal**
FTB's Motion in Limine re: Eric Coffill and Thomas Bourke

12/31/2007 **Filed Under Seal**
FTB's Motion in Limine re: Judge Lehman's Order Dated October 11, 1994

12/31/2007 **Filed Under Seal**
FTB Motion in Limine re: Hyatt's Plans for any Damage Award

12/31/2007 **Filed Under Seal**
FTB's Motion in Limine re: Claims by Hyatt that this Court, the Nevada Supreme Court, and/or the United State Supreme Court Already Decided His Case Against FTB

12/31/2007 **Filed Under Seal**
FTB's Motion in Limine re: Hyatt's Alleged Cancer

12/31/2007 **Filed Under Seal**
Motion in Limine re: Gilbert P. Hyatt's Encounters with Neighbors

01/02/2008 **Filed Under Seal**
Appendix of Exhibits to Opposition Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Misrepresentation (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/02/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Hyatt's Worldwide Humanitarian Project (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/02/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: William Thompson (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/02/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: William Thompson (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/02/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Hyatt's Worldwide Humanitarian Project (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/02/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Misrepresentations (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/02/2008 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Garden Variety Emotional Distress (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/02/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt's to the FTB's Motion in Limine re: Garden Variety Emotional Distress Damages (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/02/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Garden Variety Emotional Distress Damages (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/02/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Suggestion of Damage Amounts During Voir Dire (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/02/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt's to the FTB's Motion in Limine re: Hyatt's Worldwide Humanitarian Project (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/02/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt's to the FTB's Motion in Limine re: William Thompson (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/02/2008 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/02/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Misrepresentation (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/02/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Garden Variety Emotional Distress Damages (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/03/2008 **Filed Under Seal**
FTB's Reply in Support of Motion for Partial Summary Judgment re: Hyatt's Claim for Attorneys Fees as Special Damages

01/03/2008 **Filed Under Seal**
Motion in Limine re: Testimony of Kurt R. Sjoberg

01/03/2008 **Filed Under Seal**
FTB's Motion in Limine re: Case Procedural History and Post-Compliant Conduct

01/03/2008 **Filed Under Seal**
Motion in Limine re: George Swarts
01/03/2008 **Filed Under Seal**
Motion in Limine re: Diane Truly
01/03/2008 **Filed Under Seal**
FTB's Motion in Limine re: Trial Testimony of Vince Turner
01/04/2008 **Filed Under Seal**
Discovery Commissioner's Report and Recommendations; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/04/2008 **Filed Under Seal**
FTB's Reply in Support of Motion for Partial Summary Judgment re: False Light
01/04/2008 **Filed Under Seal**
Reply Brief in Support of FTB's Motion in Limine re: Hyatt's Alleged Economic Damages
01/04/2008 **Filed Under Seal**
Motion in Limine re: Mari J. Frank
01/07/2008 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Candace Les (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/07/2008 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Limited Motion in Limine re: Solove's Breach of Confidential Relationship Opinions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/07/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: (1) References to Other Residency Audits of California Taxpayers; (2) References to Ladonna Lucas; and (3) California Tax Amnesty Program (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/07/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to FTB's Motion to Preclude Hyatt from Calling Roger McCaffrey at Trial (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/07/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Limited Motion in Limine re: Solove's Breach of Confidential Relationship Opinions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/07/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Candace Les (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/07/2008 **Filed Under Seal**
FTB's Reply in Support of Motion to Dismiss re: False Light Judicial Admissions
01/07/2008 **Filed Under Seal**
FTB's Reply in Support of Its Motion for Judgment on the Pleadings, or in the Alternative, Motion in Limine re: Hyatt's Claims Concerning Information Privacy
01/07/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Solove's Breach of Confidential Relationship Opinions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/07/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: (1) References to Other Residency Audits of California Residency; (2) References to Ladonna Lucas; and (3) California Tax Amnesty Program (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/07/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Candace Les (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/07/2008 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/07/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: (1) References to Other Residency Audits of California Taxpayers; (2) References to Laqdonna Lucas; and (3) California Tax Amnesty Program (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/07/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Personal Knowledge; Cross-Motion Seeking Same Order Regarding FTB Witnesses (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/07/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion to Preclude Hyatt from Calling Roger McCaffry at Trial (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/07/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Limited Motion in Limine re: Solove's Breach of Confidential Relationship Opinions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/07/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt to FTB's Motion to Preclude Hyatt from Calling Roger McCaffrey at Trial (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/07/2008 **Filed Under Seal**
Motion in Limine re: (1) Federal Tax Reform Legislation and Statutes; and (2) Change in FTB Policy or Procedures
01/07/2008 **Filed Under Seal**
FTB's Motion in Limine re: Discussion or Use of Discovery Commissioner Biggar's Order Sealing Case File
01/07/2008 **Filed Under Seal**
FTB's Motion in Limine re: Procedure to Bifurcate Punitive Damage Claims Pursuant to NRS 42.005
01/07/2008 **Filed Under Seal**
Motion in Limine re: Witness Exclusionary Rule
01/07/2008 **Filed Under Seal**
FTB's Motion in Limine re: (1) Anna Jovanovich and Witness Protection Program; (2) FTB's Inspection of Hyatt's Car and Trailer; (2) Document Discovery Disputes; and (2) Discovery Document Stamps
01/07/2008 **Filed Under Seal**
FTB's Motion in Limine re: Audit Documents Evidencing Hyatt's Public Figure Status
01/08/2008 **Filed Under Seal**
FTB's Reply in Support of Motion to Dismiss, or the Alternative, Motion Concerning Presumptions re: Continental Hotel
01/09/2008 **Motion for Partial Summary Judgment** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT FTB'S MOTION FOR PARTIAL SUMMARY JUDGMENT RE LITIGATION PRIVILEGE/170 Heard By: Jessie Walsh
Result: Denied
01/09/2008 **Motion for Partial Summary Judgment** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT FTB'S MTN FOR PARTIAL S/J RE INTENTIONAL INFLICTION EMOTIONAL/171 Heard By: Jessie Walsh
Result: Denied
01/09/2008 **Motion for Judgment** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT FTB'S MOTION FOR JUDGMENT OR MOTIONIN LIMINE RE HYATT'S CLAIMS/172 Heard By: Jessie Walsh
Result: Continuance Granted
01/09/2008 **Motion for Partial Summary Judgment** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT FTB'S MOTION FOR PARTIAL SUMMARY JUDGMENT RE FRAUD/173 Heard By: Jessie Walsh
Result: Continuance Granted
01/09/2008 **All Pending Motions** (9:00 AM) (Judicial Officer Walsh, Jessie)
ALL PENDING MOTIONS 1-9-08 Court Clerk: REBECCA FOSTER/rf Relief Clerk: KATHY STREUBER/ks Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Matter Heard
01/10/2008 **Filed Under Seal**
Second Errata to FTB's Motion in Limine re: Malcolm Jumelet
01/10/2008 **Filed Under Seal**
FTB's Opposition to Motion to Strike the FTB's Answer and for Alternative Sanctions to Remedy the FTB's Alleged Intentional Spoliation of E-Mails and Related Evidence
01/11/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: FTB's Alleged Negligence (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/11/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Legal Opinions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/11/2008 **Filed Under Seal**
(1) Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Grace Jeng Alleged Encounters; and (2) Cross-Motion in Limine re Grace Jeng (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/11/2008 **Filed Under Seal**

Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: FTB's EMC Change-Over in Its Information Technology System (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/11/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Sheila Cox's Work History (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/11/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Sheila Cox's Work History (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/11/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Alleged Negligence (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/11/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Legal Opinions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/11/2008 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/11/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's (1) Opposition to the FTB's Motion in Limine re: Grace Jeng Alleged Encounters; and (2) Cross-Motion in Limine re: Grace Jeng (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/11/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Sheila Cox's Work History (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/11/2008 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Legal Opinions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/11/2008 **Filed Under Seal**
Appendix of Exhibits in Support of (1) Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Grace Jeng Alleged Encounters; and (2) Cross-Motion in Limine re Grace Jeng (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/11/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Legal Opinions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/11/2008 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Alleged Negligence (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/14/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Claims by Hyatt that this Court, the Nevada Supreme Court, and/or the United States Supreme Court Already Decided His Case Against the FTB (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/14/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Consolidated Motion in Limine re: (1) Internal FTB Communications Concerning this Litigation; and (2) FTB's Litigation Budget (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/14/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Hyatt's Alleged Cancer (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/14/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Motion in Limine re: Claims by Hyatt that this Cout, and/or the United States Supreme Court Already Decided His Case Against the FTB (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/14/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Motion in Limine re: Eric Coffill and Thomas Bourke (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 19990)

01/14/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Eric Coffill and Thomas Bourke (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/14/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Motion in Limine to Exclude Evidence at Trial of: (i) Any and All FTB Assertions Allegations, or Argument that Hyatt is a "Tax Cheat" or Tax Evader" or Other Purely Ad Hominem Attacks; (ii) Any and All FTB Assertions, Allegations or Argument that Hyatt is Litigious and; (iii) All Assertions, Allegations or Argument from Prior Unrelated Litigations Involving Hyatt that Have no Relevance nor any Probative Value to this Case and are Likely to be Offered for the Sole Purpose of Attacking the Character of Hyatt in Order to Inflame the Passions and Prejudices of the Jury. (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/14/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine Re: Plans for Any Damage Award (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/14/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Motion in Limine re: (1) Internal FTB Communications Concerning this Litigation; and (2) FTB's Litigation Budget (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/14/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Motion in Limine re: Hyatt's Alleged Cancer (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/14/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Gilbert P. Hyatt's Encounters with Neighbors (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/14/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Hyatt's Alleged Cancer (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/14/2008 **Filed Under Seal**
(1) Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Judge Lehman's Order Dated October 11, 1994; and (2) Cross-Motion for Judicial Notice of Court Order (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/14/2008 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/14/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Eric Coffell and Thomas Bourke (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/14/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Claims by Hyatt that this Court, the Nevada Supreme Court, and/or the United States Supreme Court Already Decided His Case Against the FTB (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/14/2008 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: (1) Internal FTB Communications Concerning this Litigation; and (2) FTB's Litigation Budget (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/14/2008 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Motions in Limine to Exclude Evidence at Trial of: (i) Any and All FTB Assertions, Allegations, or Argument that Hyatt is a "Tax Cheat" or "Tax Evader" or Other Purely Ad Hominem Attacks; (ii) Any and All FTB Assertions, Allegations, or Argument that Hyatt is Litigious and; (iii) All Assertions, Allegations, or Argument from Prior Unrelated Litigations Involving Hyatt that Have no Relevance nor any Probative Value to this Case and are Likely to be Offered for the Sole Purpose of Attacking the Character of Hyatt in Order to Inflame the Passions and Prejudices of the Jury (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/14/2008 **Filed Under Seal**
Notice of Supplemental Legal Authorities in Support of FTB's Motion for Partial Summary Judgment re: Fraud

01/14/2008 **Filed Under Seal**
Appendix of Exhibits to Plaintiff Gilbert P. Hyatt's Motions in Limine to Exclude Evidence at Trial of: (i) Any and All FTB Assertions, Allegations, or Argument that Hyatt is a "Tax Cheat" or "Tax Evader" or Other Purely Ad Hominem Attacks; (ii) Any and All FTB Assertions, Allegations, or Argument that Hyatt is Litigious and; (iii) All Assertions, Allegations, or Argument from Prior Unrelated Litigations Involving Hyatt that Have no Relevance nor any Probative Value to this Case and are Likely to be Offered for the Sole Purpose of Attacking the Character of Hyatt in Order to Inflame the Passions and Prejudices of the Jury; (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/14/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Motions in Limine to Exclude Evidence at Trial of: (i) Any and All FTB Assertions, Allegations, or Argument that Hyatt is a "Tax Cheat" or "Tax Evader" or Other Purely Ad Hominem Attacks; (ii) Any and All FTB Assertions, Allegations, or Argument that Hyatt is Litigious and; (iii) All Assertions, Allegations, or Argument from Prior Unrelated Litigations Involving Hyatt that Have no Relevance nor any Probative Value to this Case and are Likely to be Offered for the Sole Purpose of Attacking the Character of Hyatt in Order to Inflame the Passions and Prejudices of the Jury; (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/15/2008 **Filed Under Seal**
Notice of Filing of Original Affidavit of Robert W. Dunn

01/15/2008 **Filed Under Seal**
Surreply of Plaintiff Gilbert P. Hyatt in Opposition to the FTB's Motion for Partial Summary Judgment re: Invasion of Privacy Claims (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

01/16/2008 **Filed Under Seal**
FTB's Motion in Limine re: Litigation Privilege
01/16/2008 **Filed Under Seal**
FTB's Motion in Limine re: Document Disclosure
01/16/2008 **Filed Under Seal**
FTB's Motion in Limine re: Use of Demands to Furnish Information in Nevada
01/16/2008 **Motion for Judgment** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT FTB'S MOTION FOR JUDGMENT OR MOTIONIN LIMINE RE HYATT'S CLAIMS/172 Heard By: Jessie Walsh
Result: Continuance Granted
01/16/2008 **Motion for Partial Summary Judgment** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT FTB'S MOTION FOR PARTIAL SUMMARY JUDGMENT RE FRAUD/173 Heard By: Jessie Walsh
Result: Continuance Granted
01/16/2008 **Motion to Dismiss** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT FRANCHISE TAX BOARD MTN TO DISMISS DOE DEFENDANTS/174 Heard By: Jessie Walsh
Result: Continuance Granted
01/16/2008 **Motion to Withdraw as Counsel** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT FRANCHISE TAX BOARD'S MOTION TO WITHDRAW COUNSEL MAVARAKIS & DICKSON/175 Court Clerk: Teri Braegelmann Heard By: Jessie Walsh
Result: Continuance Granted
01/16/2008 **Motion for Partial Summary Judgment** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT FTB'S MTN FOR PARTIAL SUM JUDGMENT RE CLAIM FOR ATTORNEY'S FEES/176 Heard By: Jessie Walsh
Result: Continuance Granted
01/16/2008 **Motion for Partial Summary Judgment** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT FTB'S MTN FOR PARTIAL SUMMARY JUDGMENT RE: FALSE LIGHT/177 Heard By: Jessie Walsh
Result: Continuance Granted
01/16/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT FRANCHISE TAX BOARD'S MTN LIMINE RE: HYATT'S ALLEGED ECONOMIC DAMAGES/180 Heard By: Jessie Walsh
Result: Continuance Granted
01/16/2008 **Filed Under Seal**
Reply Brief in Support of Motion in Limine Re: Hyatt's Worldwide Humanitarian Project
01/17/2008 **Filed Under Seal**
Reply Supporting FTB's Motion in Limine re: Limited Testimony to Witnesses' Personal Knowledge and Opposition to Cross-Motion Seeking Same Order Regarding FTB Witnesses
01/17/2008 **Filed Under Seal**
FTB's Reply to Surreply in Support of Motion for Partial Summary Judgment re: Invasion of Privacy
01/17/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Motion in Limine re: Case Procedural History and Post-Compliant Conduct (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/17/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Trial Testimony of Vince Turner (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/17/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Diane Truly (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/17/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Kurt Sjoberg (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/17/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Motion in Limine re: Kurt Sjoberg (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/17/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Motion in Limine re: Trial Testimony of Vince Turner (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/17/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Motion in Limine re: Mari Frank (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/17/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Mari Frank (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/17/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Case Procedural History and Post-Complaint Conduct (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/17/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: George Swarts (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/17/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Motion in Limine to Enforce Discovery Ruling and Thereby Limit the FTB's Evidence at Trial Relating to FTB Employee Revenue Motivation Such as "CBR" Except for that Which the FTB has Produced in Discovery via Document Production of Deposition Testimony (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/17/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Motion in Limine re: Diane Truly (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/17/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Kurt Sjoberg (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/17/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Diane Truly (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/17/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Case Procedural History and Post-Complaint Conduct (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/17/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Trial Testimony of Vince Turner (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/17/2008 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Case Procedural History and Post-Complaint Conduct (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/17/2008 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Diane Truly (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/17/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Plaintiff Gilbert P. Hyatt's Motion in Limine to Enforce Discovery Ruling and Thereby Limit FTB's Evidence at Trial Relating to FTB Employee Revenue Motivation Such as "CBR" Except for that Which the FTB has Produced in Discovery via Document Production or Deposition Testimony (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/17/2008 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Mari Frank (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/17/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Motion in Limine to Enforce Discovery Ruling and Thereby Limit FTB's Evidence at Trial Relating to FTB Employee Revenue Motivation Such as "CBR" Except for that Which the FTB has Produced in Discovery via Document Production or Deposition Testimony (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/17/2008 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/17/2008 **Motion for Judgment** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT FTB'S MOTION FOR JUDGMENT OR MOTIONIN LIMINE RE HYATT'S CLAIMS/172 Heard By: Jessie Walsh
Result: Continuance Granted
01/17/2008 **Motion for Partial Summary Judgment** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT FTB'S MOTION FOR PARTIAL SUMMARY JUDGMENT RE FRAUD/173 Heard By: Jessie Walsh
Result: Denied
01/17/2008 **Motion to Dismiss** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT FRANCHISE TAX BOARD MTN TO DISMISS DOE DEFENDANTS/174 Heard By: Jessie Walsh
Result: Continuance Granted
01/17/2008 **Motion to Withdraw as Counsel** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT FRANCHISE TAX BOARD'S MOTION TO WITHDRAW COUNSEL MAVARAKIS & DICKSON/175 Court Clerk: Teri Braegelmann Heard By: Jessie Walsh
Result: Continuance Granted

01/17/2008 **Motion for Partial Summary Judgment** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT FTB'S MTN FOR PARTIAL SUM JUDGMENT RE CLAIM FOR ATTORNEY'S FEES/176 Heard By: Jessie Walsh
Result: Continuance Granted
01/17/2008 **Motion for Partial Summary Judgment** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT FTB'S MTN FOR PARTIAL SUMMARY JUDGMENT RE: FALSE LIGHT/177 Heard By: Jessie Walsh
Result: Motion Granted
01/17/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT FRANCHISE TAX BOARD'S MTN LIMINE RE: HYATT'S ALLEGED ECONOMIC DAMAGES/180 Heard By: Jessie Walsh
Result: Continuance Granted
01/17/2008 **All Pending Motions** (9:00 AM) (Judicial Officer Walsh, Jessie)
ALL PENDING MOTIONS 01/17/08 Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Matter Heard
01/18/2008 **Filed Under Seal**
Order Denying Defendants' Motion for Partial Summary Judgment re: Litigation Privilege (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/18/2008 **Filed Under Seal**
Order Denying Defendants' Motion for Partial Summary Judgment re: Intentional Infliction of Emotional Distress (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/22/2008 **Filed Under Seal**
Errata to FTB's Opposition to Motion to Strike the FTB's Answer and for all Alternative Sanctions to Remedy the FTB's Alleged Intentional Spoliation of E-Mails and Related Evidence
01/22/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Procedure to Bifurcate Punitive Damage Claims Pursuant to NRS 42.005 (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/22/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Admit Documents Evidencing Hyatt's Public Figure Status (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/22/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Admit Documents Evidencing Hyatt's Public Figure Status (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/22/2008 **Filed Under Seal**
Amended Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Kurt Sjoberg (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/22/2008 **Filed Under Seal**
Amended Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Case Procedural History and Post-Complaint Conduct (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/22/2008 **Filed Under Seal**
Amended Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Trial Testimony of Vince Turner (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/22/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Anna Jovanovich and Witness Protection Program; (2) FTB's Inspection of Hyatt's Car and Trailer; (3) Document Discovery Disputes; and (4) Discovery Document Stamps (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/22/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Witness Exclusionary Rule (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/22/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motions in Limine re: (1) Anna Jovanovich and Witness Protection Program; (2) FTB's Inspection of Hyatt's Car and Trailer; (3) Document Discovery Disputes; and (4) Discovery Document Stamps (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/22/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motions in Limine re: (1) Federal Tax Reform Legislation and Statutes; and (2) Change in FTB Policy or Procedures (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/22/2008 **Filed Under Seal**
Amended Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Mari Frank (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/22/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Witness Exclusionary Rule (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/22/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Sealing the File (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/22/2008 **Filed Under Seal**
Amended Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Diane Truly (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/22/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Admit Documents Evidencing Hyatt's Public Figure Status (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/22/2008 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Admit Documents Evidencing Hyatt's Public Figure Status (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/22/2008 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Witness Exclusionary Rule (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/22/2008 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/22/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motions in Limine re: (1) Anna Jovanovich and Witness Protection Program; (2) FTB's Inspection of Hyatt's Car and Trailer; (3) Document Discovery Disputes; and (4) Discovery Document Stamps (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/22/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Witness Exclusionary Rule (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/23/2008 **Motion to Dismiss** (1:30 PM) (Judicial Officer Walsh, Jessie)
DEFT FRANCHISE TAX BOARD MTN TO DISMISS DOE DEFENDANTS/174 Heard By: Jessie Walsh
Result: Continuance Granted
01/23/2008 **Motion to Dismiss** (1:30 PM) (Judicial Officer Walsh, Jessie)
DEFT FRANCHISE TAX BOARD MTN TO DISMISS DOE DEFENDANTS/174 Heard By: Jessie Walsh
Result: Motion Granted
01/23/2008 **Motion to Withdraw as Counsel** (1:30 PM) (Judicial Officer Walsh, Jessie)
DEFT FRANCHISE TAX BOARD'S MOTION TO WITHDRAW COUNSEL MAVARAKIS & DICKSON/175 Court Clerk: Teri Braegelmann Heard By: Jessie Walsh
Minutes
Result: Motion Granted
01/23/2008 **Motion for Partial Summary Judgment** (1:30 PM) (Judicial Officer Walsh, Jessie)
DEFT FTB'S MTN FOR PARTIAL SUM JUDGMENT RE CLAIM FOR ATTORNEY'S FEES/176 Heard By: Jessie Walsh
Result: Continuance Granted
01/23/2008 **Motion to Dismiss** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT FTB'S MTN TO DISMISS RE:CONTINETAL HOTEL/178 Heard By: Jessie Walsh
Result: Continuance Granted
01/23/2008 **Motion to Dismiss** (1:30 AM) (Judicial Officer Walsh, Jessie)
FTB'S MTN TO DISMISS FALSE LIGHT JUDICIAL ADMISSIONS/179 Heard By: Jessie Walsh
Result: Denied
01/23/2008 **Motion in Limine** (1:30 PM) (Judicial Officer Walsh, Jessie)
DEFT FRANCHISE TAX BOARD'S MTN LIMINE RE: HYATT'S ALLEGED ECONOMIC DAMAGES/180 Heard By: Jessie Walsh
Result: Continuance Granted
01/23/2008 **Motion in Limine** (1:30 PM) (Judicial Officer Walsh, Jessie)
DEFT FRANCHISE TAX BOARD'S MTN LIMINE RE: HYATT'S ALLEGED ECONOMIC DAMAGES/180 Heard By: Jessie Walsh
Result: Motion Granted
01/23/2008 **All Pending Motions** (1:30 PM) (Judicial Officer Walsh, Jessie)
ALL PENDING MOTIONS 01/23/08 Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present

Minutes
Result: Matter Heard
01/24/2008 **Filed Under Seal**
Notice of Entry of Order Denying Defendant's Motion for Partial Summary Judgment re: Litigation Privilege (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/24/2008 **Filed Under Seal**
Order Setting Hearing Date on FTB's Motions Filed Before the Stay
01/24/2008 **Filed Under Seal**
FTB's Reply in Support of Motion in Limine re: Judge Lehman's Order Dated October 11, 1994 and Opposition to Cross-Motion for Judicial Notice
01/24/2008 **Filed Under Seal**
Notice of Entry of Order Setting Hearing Date on FTB's Motions Filed Before the Stay
01/24/2008 **Filed Under Seal**
Order Regarding Discovery Stamps
01/24/2008 **Filed Under Seal**
Notice of Entry of Order Regarding Discovery Stamps
01/24/2008 **Motion for Judgment** (1:30 PM) (Judicial Officer Walsh, Jessie)
DEFT FTB'S MOTION FOR JUDGMENT OR MOTIONIN LIMINE RE HYATT'S CLAIMS/172 Heard By: Jessie Walsh
Result: Denied
01/24/2008 **Motion for Partial Summary Judgment** (1:30 PM) (Judicial Officer Walsh, Jessie)
DEFT FTB'S MTN FOR PARTIAL SUM JUDGMENT RE CLAIM FOR ATTORNEY'S FEES/176 Heard By: Jessie Walsh
Result: Denied
01/24/2008 **Motion to Dismiss** (1:30 PM) (Judicial Officer Walsh, Jessie)
DEFT FTB'S MTN TO DISMISS RE:CONTINETAL HOTEL/178 Heard By: Jessie Walsh
Result: Denied
01/24/2008 **All Pending Motions** (1:30 PM) (Judicial Officer Walsh, Jessie)
ALL PENDING MOTIONS 01/24/08 Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Matter Heard
01/25/2008 **Filed Under Seal**
Appendix of Exhibits to Reply in Support of Plaintiff Gilbert P. Hyatt's Motion to Strike the FTB's Answer and for Alternative Sanctions to Remedy the FTB's Intentional Spoliation of E-Mails and Related Evidence (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/25/2008 **Filed Under Seal**
Reply in Support of Plaintiff Gilbert P. Hyatt's Motion to Strike the FTB's Answer and for Alternative Sanctions to Remedy the FTB's Intentional Spoliation of E-Mails and Related Evidence (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/25/2008 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/25/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Motion to Strike the FTB's Answer and for Alternative Sanctions to Remedy the FTB's Intentional Spoliation of E-Mails and Related Evidence (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/25/2008 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Reply in Support of Motion to Strike the FTB's Answer and for Alternative Sanctions to Remedy the FTB's Intentional Spoliation of E-Mails and Related Evidence (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/25/2008 **Filed Under Seal**
Receipt of Copy
01/25/2008 **Filed Under Seal**
FTB Reply to Motion in Limine re: Grace Jeng Encounters and Opposition to Hyatt's Cross-Motion in Limine re: Grace Jeng
01/25/2008 **Filed Under Seal**
Receipt of Copy
01/30/2008 **Filed Under Seal**
FTB's NRCP 16.1(a)(3) Witness Disclosure
01/30/2008 **Filed Under Seal**
Motion in Limine re: Hyatt's Allegation so Incorrect or Excessive Tax Assessments
01/30/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Motion in Limine to Exclude any Reference to the Number of Attorney's Plaintiff has, the Size of Their Law Firms, or Plaintiff's Financial Ability to Hire Several Attorneys (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/30/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Motion in Limine to Exclude References to Paid Witnesses or Similar Pejorative Terms About Percipient Witnesses Supporting Plaintiff Case (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/30/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Motions in Limine to Exclude References to Paid Witnesses or Similar Pejorative Terms About Percipient Witnesses Supporting Plaintiff's Case (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/30/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Motions in Limine to Exclude Testimony of John L. Sullivan (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/30/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Motion in Limine to Exclude Testimony of Deirdre K. Mulligan (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/30/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Motion in Limine to Exclude Testimony of Kathleen K. Wright (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/30/2008 **Filed Under Seal**
FTB's Motion in Limine re: Emotional Distress Damages
01/30/2008 **Filed Under Seal**
FTB's Opposition to Hyatt's Motion in Limine Seeking to Exclude Evidence at Trial of Relevant Information Voluntarily Disclosed by Hyatt Found in Public Records
01/30/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Motion in Limine to Exclude References to the Number of Attorney's Plaintiff Has, the Size of Their Law Firms, or Plaintiff's Financial Ability to Hire Several Attorneys (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/30/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Plaintiff Gilbert P. Hyatt's Motions in Limine to Exclude References to Paid Witnesses or Similar Pejorative Terms About Percipient Witnesses Supporting Plaintiff's Case (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/30/2008 **Filed Under Seal**
Gilbert P. Hyatt's 16.1(a)(3) Witness Disclosure (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/30/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Plaintiff Gilbert P. Hyatt's Motion in Limine to Exclude any Reference to the Number of Attorney's Plaintiff has, the Size of Their Law Firms, or Plaintiff's Financial Ability to Hire Several Attorneys (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
01/30/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Document Disclosure (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/30/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Document Disclosure (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/30/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Document Disclosure (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/30/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Use of Demands to Furnish Information in Nevada (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/30/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Use of Demand to Furnish Information in Nevada (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/30/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Use of Demands to Furnish Information in Nevada (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/30/2008 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of the Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Use of Demands to Furnish Information in Nevada (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/30/2008 **Filed Under Seal**

Appendix of Non-Nevada Authorities in Support of the Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Litigation Privilege (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/30/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Litigation Privilege (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/30/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Litigation Privilege (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/30/2008 **Filed Under Seal**
FTB's Motion in Limine re: Hyatt's Bad Faith Analysis Claim
01/30/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Motion in Limine to Exclude After-Acquired Evidence re: (1) New Documents Concerning XCS, Inc. and (2) the Youngmart Testimony and Documents (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/30/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Plaintiff Gilbert P. Hyatt's Motion in Limine to Exclude After-Acquired Evidence re: (1) New Documents Concerning XCS, Inc. and (2) the Youngmart Testimony and Documents (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/30/2008 **Motion for Partial Summary Judgment** (9:00 AM) (Judicial Officer Walsh, Jessie)
FTB'S MTN FOR PARTIAL SUM JUDGMENT /181 Heard By: Jessie Walsh
Result: Continuance Granted
01/30/2008 **Motion for Partial Summary Judgment** (9:00 AM) (Judicial Officer Walsh, Jessie)
FTB'S MTN FOR PARTIAL SUM JUDGMENT /182 Heard By: Jessie Walsh
Result: Continuance Granted
01/30/2008 **Motion to Strike** (9:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTN TO STRIKE /193 Heard By: Jessie Walsh
Result: Continuance Granted
01/30/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: FTB'S EMC CHANGE-OVER IN ITS INFO TECH SYSTEMS/194 Heard By: Jessie Walsh
Result: Continuance Granted
01/30/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: ALLEGED ENCOUNTERS /195 Heard By: Jessie Walsh
Result: Continuance Granted
01/30/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: FTB'S ALLEGED NEGLIGENCE /196 Heard By: Jessie Walsh
Result: Continuance Granted
01/30/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: COX'S WORK HISTORY /197 Heard By: Jessie Walsh
Result: Continuance Granted
01/30/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: LEGAL OPINIONS /198 Heard By: Jessie Walsh
Result: Continuance Granted
01/30/2008 **Objection to Discovery Commissioner's Report** (9:00 AM) (Judicial Officer Walsh, Jessie)
OBJECTION TO REFEREE'S REPORT & RECOMMD.
Result: Continuance Granted
01/31/2008 **Filed Under Seal**
Order Granting FTB's Motion in Limine re: Hyatt's Alleged Economic Damages
01/31/2008 **Filed Under Seal**
Order Granting FTB's Motion to Dismiss "Doe" Defendants
02/01/2008 **Filed Under Seal**
FTB's Reply to Motion in Limine re: Sheila Cox Work History
02/01/2008 **Filed Under Seal**
FTB's Reply Brief in Support of Motion in Limine re: Diane Truly
02/01/2008 **Filed Under Seal**
FTB's Reply to Motion in Limine re: Legal Opinions
02/01/2008 **Filed Under Seal**
Reply in Support of Motion in Limine re: Gilbert P. Hyatt's Encounters with Neighbors
02/01/2008 **Filed Under Seal**
FTB's Reply in Support of Motion in Limine re: (1) References to Other Residency Audits of California Taxpayers; (2) References to Ladonna Lucas; and (3) California's tax Amnesty Program
02/01/2008 **Filed Under Seal**
FTB's Reply to Motion in Limine re: Candace Les Testimony
02/01/2008 **Filed Under Seal**
FTB's Reply Brief in Support of Motion in Limine re: Testimony of Kurt R. Sjoberg
02/01/2008 **Filed Under Seal**
FTB's Reply in Brief in Support of Motion in Limine re: FTB's Alleged Negligence
02/01/2008 **Filed Under Seal**
Reply in Support of FTB's Motion to Preclude Hyatt from Calling Roger McCaffrey at Trial
02/01/2008 **Filed Under Seal**
FTB's Reply in Support of Motion for Partial Summary Judgment re: Abuse of Process
02/01/2008 **Filed Under Seal**
FTB Reply to Limited Motion in Limine re: Solove's Breach of Confidential Relationship Opinions
02/01/2008 **Filed Under Seal**
FTB's Reply in Support of Motion for Partial Summary Judgment, or Alternatively, Motion in Limine re: Intra-Agency Communications
02/01/2008 **Filed Under Seal**
FTB's Opposition to Hyatt's Motion in Limine to Enforce Discovery Ruling and Thereby Limit FTB's Evidence at Trial Relating to FTB Employee Revenue Motivation Such as "Cost Benefit Ratio" Except for that Which the FTB has Produced in Discovery via Document Production or Deposition Testimony ("Motion") and Cross-Motion in Limine re: Cost Benefit Ratio
02/01/2008 **Filed Under Seal**
Reply in Brief Support of Motion in Limine re: George Swarts
02/01/2008 **Filed Under Seal**
FTB's Reply in Support of Its Motion in Limine re: Eric Coffill and Thomas Bourke
02/04/2008 **Filed Under Seal**
Amended Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/04/2008 **Filed Under Seal**
Order Denying Defendants' Motion for Partial Summary Judgment re: False Light (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/04/2008 **Filed Under Seal**
Order Denying Defendants' Motion for Partial Summary Judgment re: Fraud (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/04/2008 **Filed Under Seal**
Order Denying Defendants' Motion to Dismiss, or the Alternative, Motion Concerning Presumptions re: Continental Hotel (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/04/2008 **Filed Under Seal**
Order Denying Defendants' Motion for Partial Summary Judgment re: Hyatt's Claims for Attorneys Fees as Special Damages (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/04/2008 **Filed Under Seal**
Order Denying Defendant's Motion to Dismiss re: False Light Judicial Admissions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/04/2008 **Filed Under Seal**
Notice of Entry of Order Granting FTB's Motion in Limine re: Hyatt's Alleged Economic Damages
02/04/2008 **Filed Under Seal**
FTB's Reply to Motion in Limine re: Claims by Hyatt that this Court, the Nevada Supreme Court, and/or the United States Supreme Court Already Decided His Case Against FTB
02/04/2008 **Filed Under Seal**
FTB's Reply to Motion in Limine re: William Thompson
02/04/2008 **Filed Under Seal**
FTB's Reply Brief in Support of Motion in Limine re: Hyatt's Alleged Cancer
02/04/2008 **Filed Under Seal**
FTB's Reply to Motion in Limine re: Suggestion of Damage Amount During Voir Dire
02/04/2008 **Filed Under Seal**
Notice of Entry of Order Granting FTB's Motion to Dismiss "Doe" Defendants
02/04/2008 **Filed Under Seal**
FTB's Reply in Support of FTB's Motion in Limine re: FTB's EMC Change-Over in Its Information Technology Systems
02/05/2008 **Filed Under Seal**
Second Errata to FTB's Opposition to Motion to Strike the FTB's Answer and for Alternative Sanctions to Remedy the FTB's Alleged Intentional Spoliation of E-Mails and Related Evidence

02/05/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Gilbert P. Hyatt's Opposition to the FTB's Motion in Limine re: Litigation Privilege (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/06/2008 **Filed Under Seal**
FTB's Reply to Motion in Limine re: Document Disclosure
02/06/2008 **Filed Under Seal**
Reply in Support of Motion in Limine re: Litigation Privilege
02/06/2008 **Filed Under Seal**
FTB's Reply to Consolidated Motion in Limine re: (1) Internal FTB Communications Concerning this Litigation; (2) FTB's Litigation Budget; and (3) FTB's Opposition to Hyatt's Cross-Motion re: Political Pressure
02/06/2008 **Filed Under Seal**
Order Granting FTB's Motion to Withdraw Tom Mavrakakis and Mark Dickson as Counsel of Record for FTB
02/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE HYATT'S WORLDWIDE HUMANITARIAN PROJECT/183 Heard By: Jessie Walsh
Result: Continuance Granted
02/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE MISREPRESTENTATIONS/184 Heard By: Jessie Walsh
Result: Continuance Granted
02/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE SUGGESTION OF DAMAGE AMTS DURIING VOIR DIRE/185 Heard By: Jessie Walsh
Result: Continuance Granted
02/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE WILLIAM THOMPSON/186 Heard By: Jessie Walsh
Result: Continuance Granted
02/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE GARD VARIETY EMOTIONAL DISTRESS/187 Heard By: Jessie Walsh
Result: Continuance Granted
02/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE GILBERT P HYATT'S ENCOUNTERS WITH NEIGHBORS/199 Heard By: Jessie Walsh
Result: Continuance Granted
02/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE HYATT'S ALLEGED CANCER/200 Heard By: Jessie Walsh
Result: Continuance Granted
02/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE CLAIMS BY HYATT THAT COURTS HAVE ALREADY DECIDED/201 Heard By: Jessie Walsh
Result: Continuance Granted
02/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE HYATT'S PLANS FOR ANY DAMAGE AWARD/202 Heard By: Jessie Walsh
Result: Continuance Granted
02/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE JUDGE LEHMAN'S ORDER DATED OCTOBER 11, 2994/203 Heard By: Jessie Walsh
Result: Continuance Granted
02/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE ERIC COFFILL & THOMAS BOURKE/204 Heard By: Jessie Walsh
Result: Continuance Granted
02/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S CONSOLIDATED MTN IN LIMINE RE INTERNAL FTB CONC LITIG & BUDGET/205 Heard By: Jessie Walsh
Result: Continuance Granted
02/07/2008 **Filed Under Seal**
FTB's Reply to Motion in Limine re: Procedure to Bifurcate Punitive Damages Claims Pursuant to NRS 42.005
02/07/2008 **Filed Under Seal**
FTB's Reply in Support of Its Motion in Limine re: Garden Variety Emotional Distress Damages
02/07/2008 **Filed Under Seal**
FTB's Reply to Motion in Limine re: Discussion or Use of Discovery Commissioner Biggar's Order Sealing Case File
02/07/2008 **Filed Under Seal**
Reply Supporting FTB's Motion in Limine re: (1) Federal Tax Reform Legislation and Statutes; and (2) Change in FTB Policy or Procedures
02/07/2008 **Filed Under Seal**
FTB's Reply Brief in Support of FTB's Motion in Limine re: Use of Demands to Furnish Nformation in Nevada
02/07/2008 **Filed Under Seal**
Response and Reply to FTB's Objections to Discovery Commissioner's Report and Recommendations re: May 18, 2006 Hearing Concerning Hyatt's Key Witnesses' Compensation and Billing Records (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/07/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Response and Reply to FTB's Objections re: May 18, 2006 Hearing Concerning Hyatt's Key Witnesses' Compensation and Billing Records (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/07/2008 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/07/2008 **Filed Under Seal**
Response to FTB's Objections to Discovery Commissioner's Report and Recommendations re: May 18, 2006 Hearing (Tardy Expert Designations) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/07/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Response to FTB's Objections to Discovery Commissioner's Report and Recommendations re: May 18, 2006 Hearing (Tardy Expert Designations) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/07/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Response and Reply to FTB's Objections to Discovery Commissioner's Report and Recommendations re: May 18, 2006 Hearing Concerning Hyatt's Key Witnesses' Compensation and Billing Records (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/08/2008 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/08/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Reply of Plaintiff Gilbert P. Hyatt in Support of Cross-Motion in Limine re Grace Jeng (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/08/2008 **Filed Under Seal**
Reply of Plaintiff Gilbert P. Hyatt in Support of Cross-Motion in Limine re Grace Jeng
02/08/2008 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Reply of Plaintiff Gilbert P. Hyatt in Support of Cross-Motion in Limine re: Grace Jeng (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/08/2008 **Filed Under Seal**
Gilbert P. Hyatt's 16.1(a)(3) Witness Disclosure (Updated February 8, 2008) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/08/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Response to FTB's Objections to Discovery Commissioner's Report and Recommendations re: May 18, 2006 Hearing (Tardy Expert Designations) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/08/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Reply of Plaintiff Gilbert P. Hyatt in Support of Cross-Motion in Limine re: Grace Jeng (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/11/2008 **Filed Under Seal**
Notice of Entry of Order Granting FTB's Motion to Withdraw Tom Mavrakakis and Mark Dickson as Counsel of Record
02/11/2008 **Filed Under Seal**
Transcript of Hearing Held on January 17, 2008
02/11/2008 **Filed Under Seal**
FTB's Reply in Support of FTB's Motion in Limine re: Trial Testimony of Vince Turner
02/11/2008 **Filed Under Seal**
FTB's Response to Hyatt's Motion in Limine to Exclude any Reference to the Number of Attorney's [sic] Plaintiff Has, the Size of Their Law Firms, or Plaintiff's Financial Ability to Hire Several Attorneys
02/11/2008 **Filed Under Seal**
FTB's Reply to Motion in Limine re: Mari Frank
02/11/2008 **Filed Under Seal**
FTB's Reply to Motion in Limine re: Case Procedural History and Post-Complaint Conduct
02/11/2008 **Filed Under Seal**
Transcript of Hearing Held on January 23, 2008
02/11/2008 **Filed Under Seal**
Transcript of Hearing Held on January 9, 2008
02/11/2008 **Filed Under Seal**
Transcript of Hearing Held on January 24, 2008
02/11/2008 **Filed Under Seal**

FTB's Reply in Support of Motion in Limine re: (1) Anna Jovanovich and Witness Protection Program; (2) FTB's Inspection of Hyatt's Car and Trailer; (3) Document Discovery Disputes; and (4) Discovery Document Stamps

02/11/2008 **Filed Under Seal**
FTB's Reply to Motion in Limine re: Admit Documents Evidencing Hyatt's Public Figure Status

02/11/2008 **Filed Under Seal**
FTB's Errata to Motion in Limine re: Admit Documents Evidencing Hyatt's Public Figure Status

02/12/2008 **Filed Under Seal**
Notice of Entry of Order Denying Defendants' Motion for Partial Summary Judgment re: Hyatt's Claims for Attorneys Fees as Special Damages (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

02/12/2008 **Filed Under Seal**
Notice of Entry of Order Denying Defendants' Motion to Dismiss, or the Alternative, Motion Concerning Presumptions re: Continental Hotel (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

02/12/2008 **Filed Under Seal**
Notice of Entry of Order Denying Defendants' Motion for Partial Summary Judgment re: False Light Judical Admissions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

02/12/2008 **Filed Under Seal**
Notice of Entry of Order Denying Defendants' Motion for Partial Summary Judgment re: False Light (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

02/12/2008 **Filed Under Seal**
Notice of Entry of Order Denying Defendants' Motion for Partial Summary Judgment re: Fraud (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

02/12/2008 **Filed Under Seal**
FTB's Reply in Support of FTB's Motion in Limine re: Witness Exclusionary Rule

02/13/2008 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

02/13/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Hyatt's Bad Faith Analysis Claim (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

02/13/2008 **Filed Under Seal**
Reply in Support of Plaintiff Gilbert Hyatt's Motions in Limine to Exclude Evidence at Trial of: (i) Any and All FTB Assertions Allegations, or Argument that Hyatt is a "Tax Cheat" or "Tax Evader" or Other Purely Ad Hominem Attacks; (ii) Any and All FTB Assertions, Allegations or Argument that Hyatt is Litigious and; (iii) All Assertions, Allegations or Argument from Prior Unrelated Litigations Involving Hyatt that Have no Relevance nor any Probative Value to this Case and are Likely to be Offered for the Sole Purpose of Attacking the Character of Hyatt in Order to Inflame the Passions and Prejudices of the Jury (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

02/13/2008 **Filed Under Seal**
FTB's Opposition to Hyatt's Motion in Limine to Exclude References to Paid Witnesses

02/13/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Hyatt's Bad Faith Analysis Claim (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

02/13/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Hyatt's Bad Faith Analysis Claim (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

02/13/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Emotional Distress Damages (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

02/13/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Emotional Distress (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

02/13/2008 **Filed Under Seal**
(1) Reply of Plaintiff Gilbert P. Hyatt in Support of Motion in Limine to Enforce Discovery Ruling and Thereby Limit FTB's Evidence at Trial Relating to FTB Employee Revenue Motivation Such as "CBR" Except for that Which the FTB has Produced in Discovery via Document Production or Deposition Testimony; (2) Opposition to FTB's Cross-Motion in Limine re Cost Benefit Ratio (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

02/13/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Plaintiff Gilbert P. Hyatt's (1) Reply of Plaintiff Gilbert P. Hyatt in Support of Motion in Limine to Enforce Discovery Ruling and Thereby Limit FTB's Evidence at Trial Relating to FTB Employee Revenue Motivation Such as "CBR" Except for that Which the FTB has Produced in Discovery via Document Production or Deposition Testimony; (2) Opposition to FTB's Cross-Motion in Limine re Cost Benefit Ratio (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

02/13/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Hyatt's Allegations of Incorrect or Excessive Tax Assessments (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

02/13/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine Re: Hyatt's Allegations of Incorrect or Excessive Tax Assessments (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

02/13/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Plaintiff Gilbert P. Hyatt's (1) Reply of Plaintiff Gilbert P. Hyatt in Support of Motion in Limine to Enforce Discovery Ruling and Thereby Limit FTB's Evidence at Trial Relating to FTB Employee Revenue Motivation Such as "CBR" Except for that Which the FTB has Produced in Discovery via Document Production or Deposition Testimony; (2) Opposition to FTB's Cross-Motion in Limine re Cost Benefit Ratio (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

02/13/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Hyatt's Allegations of Incorrect or Excessive Tax Assessments (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

02/13/2008 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of the Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion Limine re: Hyatt's Bad Faith Analysis Claims (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

02/13/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion in Limine re: Emotional Distress Damages (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

02/13/2008 **Filed Under Seal**
FTB's Opposition to Hyatt's Motion in Limine to Exclude Testimony of John L. Sullivan

02/13/2008 **Filed Under Seal**
FTB's Opposition to Plaintiff Gilbert P. Hyatt's Motion in Limine to Exclude Testimony of Professor Deirdre K. Mulligan

02/13/2008 **Filed Under Seal**
FTB's Opposition to Hyatt's Motion in Limine re: Professor Wright

02/13/2008 **Motion for Partial Summary Judgment** (9:00 AM) (Judicial Officer Walsh, Jessie)
FTB'S MTN FOR PARTIAL SUM JUDGMENT /181 Heard By: Jessie Walsh
Result: Continuance Granted

02/13/2008 **Motion for Partial Summary Judgment** (9:00 AM) (Judicial Officer Walsh, Jessie)
FTB'S MTN FOR PARTIAL SUM JUDGMENT /182 Heard By: Jessie Walsh
Result: Continuance Granted

02/13/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE CANDACE LES TESTIMONY/188 Heard By: Jessie Walsh
Result: Continuance Granted

02/13/2008 **Motion** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN TO PRECLUDE HYATT FROM CALLING ROGER MCCAFFREY AT TRIAL/189 Heard By: Jessie Walsh
Result: Continuance Granted

02/13/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE REF TO OTHER RESIDENCY AUDITS OF CALIF TAXPAYERS/190 Heard By: Jessie Walsh
Result: Continuance Granted

02/13/2008 **Motion** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN RE SOLOVE'S BREACH OF CONFIDENTIAL RELATIONSHIP OPINIONS/191 Heard By: Jessie Walsh
Result: Continuance Granted

02/13/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE LIMITING TESTIM TO WITNESSES PERS KNOWLEDGE/192 Heard By: Jessie Walsh
Result: Continuance Granted

02/13/2008 **Motion to Strike** (9:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTN TO STRIKE /193 Heard By: Jessie Walsh
Result: Continuance Granted

02/13/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: FTB'S EMC CHANGE-OVER IN ITS INFO TECH SYSTEMS/194 Heard By: Jessie Walsh
Result: Continuance Granted

02/13/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: ALLEGED ENCOUNTERS /195 Heard By: Jessie Walsh
Result: Continuance Granted

02/13/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: FTB'S ALLEGED NEGLIGENCE /196 Heard By: Jessie Walsh

Result: Continuance Granted
02/13/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: COX'S WORK HISTORY /197 Heard By: Jessie Walsh
Result: Continuance Granted
02/13/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: LEGAL OPINIONS /198 Heard By: Jessie Walsh
Result: Continuance Granted
02/13/2008 **Objection to Discovery Commissioner's Report** (9:00 AM) (Judicial Officer Walsh, Jessie)
OBJECTION TO REFEREE'S REPORT & RECOMMD.
Result: Continuance Granted
02/14/2008 **Motion for Partial Summary Judgment** (9:00 AM) (Judicial Officer Walsh, Jessie)
FTB'S MTN FOR PARTIAL SUM JUDGMENT /181 Heard By: Jessie Walsh
Result: Denied
02/14/2008 **Motion for Partial Summary Judgment** (9:00 AM) (Judicial Officer Walsh, Jessie)
FTB'S MTN FOR PARTIAL SUM JUDGMENT /182 Heard By: Jessie Walsh
Result: Denied
02/14/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE CANDACE LES TESTIMONY/188 Heard By: Jessie Walsh
Result: Continuance Granted
02/14/2008 **Motion** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN TO PRECLUDE HYATT FROM CALLING ROGER MCCAFFREY AT TRIAL/189 Heard By: Jessie Walsh
Result: Denied
02/14/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE REF TO OTHER RESIDENCY AUDITS OF CALIF TAXPAYERS/190 Heard By: Jessie Walsh
Result: Granted in Part
02/14/2008 **Motion** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN RE SOLOVE'S BREACH OF CONFIDENTIAL RELATIONSHIP OPINIONS/191 Heard By: Jessie Walsh
Result: Continuance Granted
02/14/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE LIMITING TESTIM TO WITNESSES PERS KNOWLEDGE/192 Heard By: Jessie Walsh
Result: Motion Granted
02/14/2008 **Motion to Strike** (9:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTN TO STRIKE /193 Heard By: Jessie Walsh
Result: Continuance Granted
02/14/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: FTB'S EMC CHANGE-OVER IN ITS INFO TECH SYSTEMS/194 Heard By: Jessie Walsh
Result: Continuance Granted
02/14/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: ALLEGED ENCOUNTERS /195 Heard By: Jessie Walsh
Result: Continuance Granted
02/14/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: FTB'S ALLEGED NEGLIGENCE /196 Heard By: Jessie Walsh
Result: Continuance Granted
02/14/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: COX'S WORK HISTORY /197 Heard By: Jessie Walsh
Result: Continuance Granted
02/14/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: LEGAL OPINIONS /198 Heard By: Jessie Walsh
Result: Motion Granted
02/14/2008 **Objection to Discovery Commissioner's Report** (9:00 AM) (Judicial Officer Walsh, Jessie)
OBJECTION TO REFEREE'S REPORT & RECOMMD.
02/14/2008 **All Pending Motions** (9:00 AM) (Judicial Officer Walsh, Jessie)
ALL PENDING MOTIONS: 02/14/08 Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Matter Heard
02/15/2008 **Filed Under Seal**
FTB's Opposition to Plaintiff's Motion in Limine to Exclude After-Acquired Evidence re: (1) New Documents Concerning XCS, Inc., and (2) the Youngmart Testimony and Documents
02/15/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE CANDACE LES TESTIMONY/188 Heard By: Jessie Walsh
Result: Granted in Part
02/15/2008 **Motion** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN RE SOLOVE'S BREACH OF CONFIDENTIAL RELATIONSHIP OPINIONS/191 Heard By: Jessie Walsh
Result: Motion Granted
02/15/2008 **Motion to Strike** (9:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTN TO STRIKE /193 Heard By: Jessie Walsh
Result: Motion Granted
02/15/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: FTB'S EMC CHANGE-OVER IN ITS INFO TECH SYSTEMS/194 Heard By: Jessie Walsh
Result: Withdrawn
02/15/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: ALLEGED ENCOUNTERS /195 Heard By: Jessie Walsh
Result: Motion Granted
02/15/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: FTB'S ALLEGED NEGLIGENCE /196 Heard By: Jessie Walsh
Result: Denied
02/15/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: COX'S WORK HISTORY /197 Heard By: Jessie Walsh
Result: Motion Granted
02/15/2008 **All Pending Motions** (9:00 AM) (Judicial Officer Walsh, Jessie)
ALL PENDING MOTIONS: 02/15/08 Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Matter Heard
02/19/2008 **Filed Under Seal**
FTB's Brief re: Juror Questionnaire
02/19/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Brief Regarding Proposed Juror Questionnaire (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/20/2008 **Filed Under Seal**
Notice of Entry of Order Denying Defendants' Motion for Partial Summary Judgment re: Intentional Infliction of Emotional Distress (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/20/2008 **Filed Under Seal**
FTB's Reply to Hyatt's Opposition to Cross-Motion in Limine re: Costs Benefit Ratio
02/20/2008 **Filed Under Seal**
FTB's Reply in Support of Motion in Limine re: Hyatt's Bad Faith Analysis Claim
02/20/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE HYATT'S WORLDWIDE HUMANITARIAN PROJECT/183 Heard By: Jessie Walsh
Result: Continuance Granted
02/20/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE MISREPRESTENTATIONS/184 Heard By: Jessie Walsh
Result: Continuance Granted
02/20/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE SUGGESTION OF DAMAGE AMTS DURIING VOIR DIRE/185 Heard By: Jessie Walsh
Result: Continuance Granted
02/20/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE WILLIAM THOMPSON/186 Heard By: Jessie Walsh
Result: Continuance Granted
02/20/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE GARD VARIETY EMOTIONAL DISTRESS/187 Heard By: Jessie Walsh
Result: Continuance Granted
02/20/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE GILBERT P HYATT'S ENCOUNTERS WITH NEIGHBORS/199 Heard By: Jessie Walsh

Result: Continuance Granted
02/20/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE HYATT'S ALLEGED CANCER/200 Heard By: Jessie Walsh
Result: Continuance Granted
02/20/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE CLAIMS BY HYATT THAT COURTS HAVE ALREADY DECIDED/201 Heard By: Jessie Walsh
Result: Continuance Granted
02/20/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE HYATT'S PLANS FOR ANY DAMAGE AWARD/202 Heard By: Jessie Walsh
Result: Continuance Granted
02/20/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE JUDGE LEHMAN'S ORDER DATED OCTOBER 11, 2994/203 Heard By: Jessie Walsh
Result: Continuance Granted
02/20/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE ERIC COFFILL & THOMAS BOURKE/204 Heard By: Jessie Walsh
Result: Continuance Granted
02/20/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S CONSOLIDATED MTN IN LIMINE RE INTERNAL FTB CONC LITIG & BUDGET/205 Heard By: Jessie Walsh
Result: Continuance Granted
02/20/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTN IN LIMINE TO EXCLUDE EVID AT TRIAL/219 Heard By: Jessie Walsh
Result: Continuance Granted
02/20/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: USE OF DEMANDS TO FURNISH INFORMATION IN NEVADA /221 Heard By: Jessie Walsh
Result: Continuance Granted
02/20/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: DOCUMENT DISCLOSURE/222 Heard By: Jessie Walsh
Result: Continuance Granted
02/20/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE /223
Result: Continuance Granted
02/20/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTN IN LIMINE /224 Heard By: Jessie Walsh
Result: Continuance Granted
02/21/2008 **Filed Under Seal**
Gilbert P. Hyatt's First Amended 16.1(a)(3) Witness Disclosure (Updated February 21, 2008) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/21/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE HYATT'S WORLDWIDE HUMANITARIAN PROJECT/183 Heard By: Jessie Walsh
Result: Continuance Granted
02/21/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE MISREPRESENTATIONS/184 Heard By: Jessie Walsh
Result: Continuance Granted
02/21/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE SUGGESTION OF DAMAGE AMTS DURIING VOIR DIRE/185 Heard By: Jessie Walsh
Result: Denied
02/21/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE WILLIAM THOMPSON/186 Heard By: Jessie Walsh
Result: Denied
02/21/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE GARD VARIETY EMOTIONAL DISTRESS/187 Heard By: Jessie Walsh
Result: Denied
02/21/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE GILBERT P HYATT'S ENCOUNTERS WITH NEIGHBORS/199 Heard By: Jessie Walsh
Result: Continuance Granted
02/21/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE HYATT'S ALLEGED CANCER/200 Heard By: Jessie Walsh
Result: Motion Granted
02/21/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE CLAIMS BY HYATT THAT COURTS HAVE ALREADY DECIDED/201 Heard By: Jessie Walsh
Result: Motion Granted
02/21/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE HYATT'S PLANS FOR ANY DAMAGE AWARD/202 Heard By: Jessie Walsh
Result: Matter Resolved
02/21/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE JUDGE LEHMAN'S ORDER DATED OCTOBER 11, 2994/203 Heard By: Jessie Walsh
Result: Continuance Granted
02/21/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE ERIC COFFILL & THOMAS BOURKE/204 Heard By: Jessie Walsh
Result: Continuance Granted
02/21/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S CONSOLIDATED MTN IN LIMINE RE INTERNAL FTB CONC LITIG & BUDGET/205 Heard By: Jessie Walsh
Result: Granted in Part
02/21/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTN IN LIMINE TO EXCLUDE EVID AT TRIAL/219 Heard By: Jessie Walsh
Result: Continuance Granted
02/21/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: USE OF DEMANDS TO FURNISH INFORMATION IN NEVADA /221 Heard By: Jessie Walsh
Result: Motion Granted
02/21/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: DOCUMENT DISCLOSURE/222 Heard By: Jessie Walsh
Result: Continuance Granted
02/21/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE /223
Result: Continuance Granted
02/21/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTN IN LIMINE /224 Heard By: Jessie Walsh
Result: Continuance Granted
02/21/2008 **All Pending Motions** (9:00 AM) (Judicial Officer Walsh, Jessie)
ALL PENDING MOTIONS: 02/21/08 Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Matter Heard
02/22/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE OF NON ADMISSIABLE TESTIMONY OF MALCOLM JUMELET/161 Heard By: Jessie Walsh
Result: Denied
02/22/2008 **Motion to Compel** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN TO COMPEL /163 Heard By: Jessie Walsh
Result: Off Calendar
02/22/2008 **Motion for Partial Summary Judgment** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN FOR PARTIAL SUM JUDGMENT RE: INVASION OF PRIVACY CLAIMS /164 Heard By: Jessie Walsh
Result: Denied
02/22/2008 **Motion to Dismiss** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN TO DISMISS OR IN ALT MTN FOR PART SUMM JUDG BREACH OF CONFIDENCE/165 Heard By: Jessie Walsh
Result: Denied
02/22/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE HYATT'S WORLDWIDE HUMANITARIAN PROJECT/183 Heard By: Jessie Walsh
Result: Off Calendar
02/22/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE MISREPRESENTATIONS/184 Heard By: Jessie Walsh
Result: Motion Granted
02/22/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE GILBERT P HYATT'S ENCOUNTERS WITH NEIGHBORS/199 Heard By: Jessie Walsh
Result: Denied
02/22/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)

DEFT'S MTN IN LIMINE RE: DOCUMENT DISCLOSURE/222 Heard By: Jessie Walsh
Result: Denied
02/22/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTN IN LIMINE /224 Heard By: Jessie Walsh
Result: Motion Granted
02/22/2008 **All Pending Motions** (9:00 AM) (Judicial Officer Walsh, Jessie)
ALL PENDING MOTIONS: 02/22/08 Relief Clerk: Lorraine Williams/lmw Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Matter Heard
02/25/2008 **Filed Under Seal**
FTB's Reply Brief in Support of Motion in Limine re: Emotional Distress Damages
02/25/2008 **Filed Under Seal**
FTB's Objections to Hyatt's Witnesses
02/25/2008 **Filed Under Seal**
FTB's NRCP 16.1(a)(3) Rebuttal Witness Disclosure to Those Revealed by Hyatt
02/25/2008 **Filed Under Seal**
Notice of Exchange of FTB's Trial Exhibits
02/25/2008 **Filed Under Seal**
Gilbert P. Hyatt's 16.1(a)(3) Rebuttal Witness Disclosures (Dated February 25, 2008) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/25/2008 **Filed Under Seal**
Gilbert P. Hyatt's Objections to Defendant's 16.1(a)(3) Witness Disclosures (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/25/2008 **Filed Under Seal**
FTB's Reply Brief in Support of Motion in Limine re: Hyatt's Allegations of Incorrect or Excessive Tax Amounts
02/25/2008 **Filed Under Seal**
Gilbert P. Hyatt's 16.1(a)(3)(C) Exhibits Disclosures (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/26/2008 **Filed Under Seal**
FTB's Supplemental Points and Authorities to FTB's Motion in Limine re: Hyatt's Worldwide Humanitarian Project
02/26/2008 **Filed Under Seal**
FTB's Supplemental Reply in Support of Motion in Limine re: Hyatt's Bad Faith Analysis Claim
02/26/2008 **Filed Under Seal**
Order Granting FTB's Motion in Limine re: Plans for Any Damage Award
02/26/2008 **Filed Under Seal**
Certificate of Service Trial Binders 1-130 (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/26/2008 **Filed Under Seal**
Transcript of Hearing Held on February 15, 2008
02/26/2008 **Filed Under Seal**
Transcript of Hearing Held on February 14, 2008
02/26/2008 **Filed Under Seal**
Supplement to Notice of Exchange of FTB's Trial Exhibits
02/27/2008 **Filed Under Seal**
Notice of Entry of Order Granting FTB's Motion in Limine re: Plans for Any Damage Award
02/27/2008 **Filed Under Seal**
Reply in Support of Plaintiff Gilbert P. Hyatt's Motions in Limine to Exclude Testimony of John L. Sullivan (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/27/2008 **Filed Under Seal**
Reply in Support of Plaintiff Gilbert P. Hyatt's Motion in Limine to Exclude Any Reference to the Number of Attorney's Plaintiff has, the Size of Their Law Firms, or Plaintiff's Financial Ability to Hire Several Attorneys (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/27/2008 **Filed Under Seal**
Reply in Support of Plaintiff Gilbert P. Hyatt's Motion in Limine to Exclude Testimony of Kathleen K. Wright (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/27/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Reply to Support Plaintiff Gilbert P. Hyatt's Motion in Limine to Exclude After-Acquired Evidence re: (1) New Documents Concerning XCS, Inc. and (2) the Youngmart Testimony and Documents (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/27/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Reply to Support Plaintiff Gilbert P. Hyatt's Motion in Limine to Exclude After-Acquired Evidence re: (1) New Documents Concerning XCS, Inc. and (2) the Youngmart Testimony and Documents (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/27/2008 **Filed Under Seal**
Reply in Support of Plaintiff Gilbert P. Hyatt's Motion in Limine to Exclude After-Acquired Evidence re: (1) New Documents Concerning XCS, Inc. and (2) the Youngmart Testimony and Documents (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/27/2008 **Filed Under Seal**
Reply in Support of Plaintiff Gilbert P. Hyatt's Motion Limine to Exclude References to Paid Witnesses or Similar Pejorative Terms About Percipient Witnesses Supporting Plaintiff's Case (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/27/2008 **Filed Under Seal**
Reply in Support of Plaintiff Gilbert P. Hyatt's Motion in Limine to Exclude Testimony of Deirdre K. Mulligan (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/27/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: TRIAL TESTIMONYOF VINCE TURNER /206 Heard By: Jessie Walsh
Result: Continuance Granted
02/27/2008 **Motion in Limine** (10:30 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: DIANE TRULY/207 Heard By: Jessie Walsh
Result: Continuance Granted
02/27/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: GEORGE SWARTS /208 Heard By: Jessie Walsh
Result: Continuance Granted
02/27/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: CASE PROCEDURALHISTORY & POST-COMPLAINT CONDUCT /209 Heard By: Jessie Walsh
Result: Continuance Granted
02/27/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: TESTIMONY OF KURT R SJOBERG /210
Result: Continuance Granted
02/27/2008 **Motion in Limine** (10:30 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: MARI J FRANK /212 Heard By: Jessie Walsh
Result: Continuance Granted
02/27/2008 **Motion in Limine** (10:30 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: ADMIT DOCUMENTSEVIDENCING HYATT'S PUB FIGURE STATUS/213 Heard By: Jessie Walsh
Result: Continuance Granted
02/27/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIM RE: JOVANOVICH/WITNESSPROTECTION; FTB'S INSPECTION; ETC /214 Heard By: Jessie Walsh
Result: Continuance Granted
02/27/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: WITNESS EXCLUSIONARY RULE /215 Heard By: Jessie Walsh
Result: Continuance Granted
02/27/2008 **Motion in Limine** (10:30 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: PROCEDURE TO BIFURCATE PUNITIVE DAMAGE CLAIMS /216 Heard By: Jessie Walsh
Result: Continuance Granted
02/27/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: DISCUSS OR USE OF DISC COMM'S ORDER SEALING CASE /217 Heard By: Jessie Walsh
Result: Continuance Granted
02/27/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: FED TAX REFORM LEGISL/STATUES & FTB POLICY CHANGE /218 Heard By: Jessie Walsh
Result: Continuance Granted
02/27/2008 **Motion in Limine** (10:30 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTN IN LIMINE TO EXCLUDE EVID AT TRIAL/219 Heard By: Jessie Walsh
Result: Continuance Granted
02/28/2008 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
02/28/2008 **Filed Under Seal**
Response to FTB Supplemental Reply in Support of Motion in Limine re: Hyatt's Bad Faith Analysis-Claim (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

02/28/2008 **Filed Under Seal**
Response to FTB's Supplemental Points and Authorities to FTB's Motion Limine re: Hyatt's Worldwide Humanitarian Project (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/28/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE JUDGE LEHMAN'S ORDER DATED OCTOBER 11, 2994/203 Heard By: Jessie Walsh
Result: Continuance Granted
02/28/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE ERIC COFFILL & THOMAS BOURKE/204 Heard By: Jessie Walsh
Result: Continuance Granted
02/28/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: DIANE TRULY/207 Heard By: Jessie Walsh
Result: Denied
02/28/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: MARI J FRANK /212 Heard By: Jessie Walsh
Result: Denied
02/28/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: ADMIT DOCUMENTSEVIDENCING HYATT'S PUB FIGURE STATUS/213 Heard By: Jessie Walsh
Result: Denied
02/28/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: PROCEDURE TO BIFURCATE PUNITIVE DAMAGE CLAIMS /216 Heard By: Jessie Walsh
Result: Motion Granted
02/28/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTN IN LIMINE TO EXCLUDE EVID AT TRIAL/219 Heard By: Jessie Walsh
Result: Granted in Part
02/28/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE /223
02/28/2008 **All Pending Motions** (9:00 AM) (Judicial Officer Walsh, Jessie)
ALL PENDING MOTIONS 02/28/08 Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Matter Heard
02/29/2008 **Filed Under Seal**
Certificate of Service of Two Trial Exhibits Disk Containing Documents 731-765, One Disk in PDF Searchable Format (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/03/2008 **Filed Under Seal**
Supplemental Exhibits to FTB's Motion in Limine re Exclusions of Witnesses (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/03/2008 **Filed Under Seal**
FTB's Reply in Support of Its Cross-Motion in Limine re: Daniel Solove
03/04/2008 **Filed Under Seal**
FTB's Motion for Reconsideration of FTB's Motion in Limine re: Admit Documents Evidencing Hyatt's Public Figure Status
03/04/2008 **Filed Under Seal**
FTB's Supplemental Exhibits to FTB's Motion in Lmine re: Exclusion of Witnesses
03/04/2008 **Filed Under Seal**
Gilbert P. Hyatt's Second Amended 16.1(a)(3) Witness Disclosure (Updated March 4, 2008) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/05/2008 **Filed Under Seal**
Errata to FTB's Motion for Reconsideration of FTB's Motion in Limine re: Admit Documents Evidencing Hyatt's Public Figure Status
03/05/2008 **Filed Under Seal**
Errata to FTB's Reply in Support of Its Cross-Motion in Limine re: Daniel Solove
03/05/2008 **Filed Under Seal**
FTB's List of Deposition Excerpts to be Used at Trial in Lieu of Appearance by Witnesses
03/05/2008 **Filed Under Seal**
Deposition Designations of Plaintiff Gilbert P. Hyatt (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/05/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: TRIAL TESTIMONYOF VINCE TURNER /206 Heard By: Jessie Walsh
Result: Denied
03/05/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: GEORGE SWARTS /208 Heard By: Jessie Walsh
Result: Continuance Granted
03/05/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: CASE PROCEDURALHISTORY & POST-COMPLAINT CONDUCT /209 Heard By: Jessie Walsh
Result: Continuance Granted
03/05/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: TESTIMONY OF KURT R SJOBERG /210
Result: Continuance Granted
03/05/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIM RE: JOVANOVICH/WITNESSPROTECTION; FTB'S INSPECTION; ETC /214 Heard By: Jessie Walsh
Result: Continuance Granted
03/05/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: WITNESS EXCLUSIONARY RULE /215 Heard By: Jessie Walsh
Result: Continuance Granted
03/05/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: DISCUSS OR USE OF DISC COMM'S ORDER SEALING CASE /217 Heard By: Jessie Walsh
Result: Continuance Granted
03/05/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: FED TAX REFORM LEGISL/STATUES & FTB POLICY CHANGE /218 Heard By: Jessie Walsh
Result: Continuance Granted
03/05/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE /226 Heard By: Jessie Walsh
Result: Continuance Granted
03/05/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE EMOTIONAL DISTRESS DAMAGES/227 Heard By: Jessie Walsh
Result: Continuance Granted
03/05/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
FTB'S MTN IN LIMINE RE: HYATT'S BAD FAITH/228 Heard By: Jessie Walsh
Result: Continuance Granted
03/05/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTN IN LIMINE TO EXCLUDE TESTIMONY OF KATHLEEN K WRIGHT/229 Heard By: Jessie Walsh
Result: Continuance Granted
03/05/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTN IN LIMINE TO EXCLUDE TESTIMONY OF DEIRDRE K MULLIGAN/230 Heard By: Jessie Walsh
Result: Continuance Granted
03/05/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTNS IN LIMINE TO EXCLUDE TESTIMONY OF JOHN L SULLIVAN/231 Heard By: Jessie Walsh
Result: Continuance Granted
03/05/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTNS IN LIMINE TO EXCLUDE REF TO PAID WITNESSES/232 Heard By: Jessie Walsh
Result: Continuance Granted
03/05/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTN IN LIMINE TO EXCLUDE ANY REF TO THE NUMBER OF ATTORNEY'S PLTF HAS/233 Heard By: Jessie Walsh
Result: Continuance Granted
03/05/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTN IN LIMINE TO EXCLUDE AFTER ACQUIRED EVID/236 Heard By: Jessie Walsh
Result: Continuance Granted
03/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE JUDGE LEHMAN'S ORDER DATED OCTOBER 11, 2994/203 Heard By: Jessie Walsh
Result: Denied
03/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE ERIC COFFILL & THOMAS BOURKE/204 Heard By: Jessie Walsh
Result: Motion Granted
03/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: GEORGE SWARTS /208 Heard By: Jessie Walsh
Result: Denied
03/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)

DEFT'S MTN IN LIMINE RE: CASE PROCEDURALHISTORY & POST-COMPLAINT CONDUCT /209 Heard By: Jessie Walsh
Result: Withdrawn
03/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: TESTIMONY OF KURT R SJOBERG /210
03/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIM RE: JOVANOVICH/WITNESSPROTECTION; FTB'S INSPECTION; ETC /214 Heard By: Jessie Walsh
Result: Denied
03/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: WITNESS EXCLUSIONARY RULE /215 Heard By: Jessie Walsh
Result: Motion Granted
03/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: DISCUSS OR USE OF DISC COMM'S ORDER SEALING CASE /217 Heard By: Jessie Walsh
Result: Motion Granted
03/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE: FED TAX REFORM LEGISL/STATUES & FTB POLICY CHANGE /218 Heard By: Jessie Walsh
Result: Motion Granted
03/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE /226 Heard By: Jessie Walsh
Result: Motion Granted
03/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN IN LIMINE RE EMOTIONAL DISTRESS DAMAGES/227 Heard By: Jessie Walsh
Result: Denied
03/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
FTB'S MTN IN LIMINE RE: HYATT'S BAD FAITH/228 Heard By: Jessie Walsh
Result: Denied
03/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTN IN LIMINE TO EXCLUDE TESTIMONY OF KATHLEEN K WRIGHT/229 Heard By: Jessie Walsh
Result: Denied
03/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTN IN LIMINE TO EXCLUDE TESTIMONY OF DEIRDRE K MULLIGAN/230 Heard By: Jessie Walsh
Result: Withdrawn
03/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTNS IN LIMINE TO EXCLUDE TESTIMONY OF JOHN L SULLIVAN/231 Heard By: Jessie Walsh
Result: Denied
03/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTNS IN LIMINE TO EXCLUDE REF TO PAID WITNESSES/232 Heard By: Jessie Walsh
Result: Denied
03/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTN IN LIMINE TO EXCLUDE ANY REF TO THE NUMBER OF ATTORNEY'S PLTF HAS/233 Heard By: Jessie Walsh
Result: Motion Granted
03/06/2008 **Motion in Limine** (9:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MTN IN LIMINE TO EXCLUDE AFTER ACQUIRED EVID/236 Heard By: Jessie Walsh
Result: Motion Granted
03/06/2008 **All Pending Motions** (9:00 AM) (Judicial Officer Walsh, Jessie)
ALL PENDING MOTIONS 03/06/08 Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Matter Heard
03/06/2008 **All Pending Motions** (9:00 AM) (Judicial Officer Walsh, Jessie)
ALL PENDING MOTIONS 3/06/08 (CHAMBER) Court Clerk: Teri Braegelmann Heard By: Jessie Walsh
Minutes
Result: Matter Heard
03/10/2008 **Filed Under Seal**
FTB's Objections to Hyatt's Proposed Trial Exhibits
03/10/2008 **Filed Under Seal**
FTB's Objections to Hyatt's Rebuttal Witnesses
03/10/2008 **Filed Under Seal**
Errata to Deposition Designations of Plaintiff Gilbert P. Hyatt
03/10/2008 **Filed Under Seal**
Gilbert P. Hyatt's Objections to Defendant's 16.1(a)(3) Rebuttal Witness Disclosure (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/10/2008 **Filed Under Seal**
Gilbert P. Hyatt's Objections to Defendant's 16.1(a)(3) Trial Exhibit Disclosure (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/11/2008 **Filed Under Seal**
Order Granting FTB's Motion in Limine re: Plans for any Damage Award
03/13/2008 **Filed Under Seal**
Transcript of Hearing Held on February 21, 2008
03/13/2008 **Filed Under Seal**
Transcript of Hearing Held on February 28, 2008
03/13/2008 **Filed Under Seal**
Transcript of Hearing Held on February 22, 2008
03/14/2008 **Filed Under Seal**
FTB's Errata to List of Deposition Excerpts to be Used at Trial in Lieu of Appearance by Witnesses
03/14/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Supplemental 16.1(a)(3)(C) Exhibits Disclosures (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/17/2008 **Filed Under Seal**
Order Denying Defendants' Motion for Judgment on Pleadings, or in the Alternative, Motion in Limine re: Hyatt's Claims Concerning Informational Privacy (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/17/2008 **Filed Under Seal**
Gilbert P. Hyatt's List of Equipment Required for Use in Courtroom (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/17/2008 **Filed Under Seal**
FTB's Notice of Equipment to be Used for Trial
03/17/2008 **Filed Under Seal**
FTB's Submissions of Proposed Jury Instructions
03/17/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Proposed Jury Instructions and Verdict Forms (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/18/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion to Reconsider the FTB's Motion in Limine re: Admit Documents Evidencing Hyatt's Public Figure Status (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/18/2008 **Filed Under Seal**
Affidavit of Counsel Peter Bernhard in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion to Reconsider the FTB's Motion in Limine re: Admit Documents Evidencing Hyatt's Public Figure Status (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/18/2008 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/18/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB's Motion to Reconsider the FTB's Motion in Limine re: Admit Document Evidencing Hyatt's Public Figure Status (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/18/2008 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion to Reconsider the FTB's Motion in Limine re: Admit Document Evidencing Hyatt's Public Figure Status (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/19/2008 **Filed Under Seal**
Notice of Entry of Order Denying Defendants' Motion for Judgment on Pleadings, or in the Alternative, Motion in Limine re: Hyatt's Claims Concerning Informational Privacy (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/19/2008 **Filed Under Seal**
FTB's Objection and/or Counter Designations to Plaintiff's Deposition Designations
03/19/2008 **Filed Under Seal**
Order Regarding Defendants' Motion in Limine (1) References to Other Residency Audits of California Taxpayer; (2) References to Ladonna Lucas; and (3) California's Tax Amnesty Program (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/19/2008 **Filed Under Seal**

Plaintiff Gilbert P. Hyatt's Objections to Deposition Designations and Counter Designations (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/20/2008 **Filed Under Seal**
FTB's Reply in Support of Motion for Reconsideration re: Admit Documents Evidencing Hyatt's Public Figure Status
03/25/2008 **Filed Under Seal**
FTB's Second Errata to List of Deposition Excerpts to be Used at Trial in Lieu of Appearance by Witnesses
03/25/2008 **Filed Under Seal**
Notice of Entry of Order Granting Defendant's Motion in Limine re: Legal Opinions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/25/2008 **Filed Under Seal**
Notice of Entry of Order Regarding Defendants' Motion in Limine (1) References to Other Residency Audits of California Taxpayer; (2) References to Ladonna Lucas; and (3) California Tax Amnesty Program (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/25/2008 **Filed Under Seal**
Notice of Entry of Order Denying Defendant's Motion in Limine re: Limiting Testimony of Witnesses' Personal Knowledge (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/25/2008 **Filed Under Seal**
Notice of Entry of Order Denying Defendants' Motion for Partial Summary Judgment re: Abuse of Process (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/25/2008 **Filed Under Seal**
Notice of Entry of Order Denying Defendants' Motion to Preclude Hyatt from Calling Roger McCaffrey at Trial (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/25/2008 **Filed Under Seal**
Restated Deposition Designations of Plaintiff Gilbert P. Hyatt (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/25/2008 **Filed Under Seal**
Notice of Entry of Order Denying Defendants' Objections to Disocvery Commissioner's Report and Recommendation (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/26/2008 **Filed Under Seal**
FTB's Motion for Abeyance re: Remedy to be Imposed Regarding Hyatt's Motion for Sanctions
03/27/2008 **Filed Under Seal**
Order Denying FTB's Motion in Limine re: Bad Faith Analysis
03/27/2008 **Filed Under Seal**
Order Granting FTB's Motion in Limine re: Discussion or Use of Discovery Commissioner Biggar's Order Sealing Case File
03/27/2008 **Filed Under Seal**
Order Denying Plaintiff's Motion in Limine re Deirdre Mulligan and Denying Defendant's Counter-Motion re Daniel Solove (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/27/2008 **Filed Under Seal**
Order Granting Plaintiff's Motion in Limine to Exclude After-Acquired Evidence re: (1) New Documents Concerning XCS, Inc. and (2) the Youngmart Testimony and Documents (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/27/2008 **Filed Under Seal**
Order Granting in Part FTB's Motion in Limine re: (1) References to Other Residency Audits of California Taxpayers; (2) References to Ladonna Lucas and (3) California's Tax Amnesty Program
03/27/2008 **Filed Under Seal**
Order Denying Defendant's Motion for Partial Summary Judgment, or Alternatively, Motion in Limine re: Intra-Agency Communications (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/27/2008 **Filed Under Seal**
Order Granting Plaintiff's Motion to Strike the FTB's Answer and for Alternative Sanctions to Remedy the FTB's Intentional Spoliation of E-Mails and Related Evidence (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/27/2008 **Filed Under Seal**
Order Granting FTB's Motion in Limine re: Limiting Witnesses' Testimony to Their Personal Knowledge
03/27/2008 **Filed Under Seal**
Order Denying Defendant's Motion to Dismiss, or in the Alternative, Motion for Partial Summary Judgment re: Breach of Confidential Relationship (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/27/2008 **Filed Under Seal**
Order Approving Withdrawal of Defendant's Motion in Limine re Litigation Privilege (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/27/2008 **Filed Under Seal**
Order Denying Defendant's Motion for Partial Summary Judgment re: Invasion of Privacy Claims (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/27/2008 **Filed Under Seal**
Order Granting Plaintiff's Motion in Limine to Enforce Discovery Ruling and Thereby Limit FTB's Evidence at Trial Relating to FTB Employee Revenue Motivation Such as "CBR" Except for That Which the FTB has Produced in Discovery via Document Production or Deposition Testimony (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/27/2008 **Filed Under Seal**
Order Regarding Defendant's Motion in Limine re: Hyatt's Worldwide Humanitarian Project (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/27/2008 **Filed Under Seal**
Errata to Enclose Original Affidavits in Support of FTB's Motion for Abeyance re Remedy to be Imposed Regarding Hyatt's Motion for Sanctions
03/28/2008 **Filed Under Seal**
Transcript of Hearing Held on March 6, 2008
03/28/2008 **Filed Under Seal**
Order Denying FTB's Motion in Limine re: Gilbert P. Hyatt's Encounters with Neighbors
03/28/2008 **Filed Under Seal**
Order Denying FTB's Motion in Limine re: Malcolm Jumelet
03/28/2008 **Filed Under Seal**
Order Denying FTB's Motion in Limine re: Garden Variety Emotional Distress
03/28/2008 **Filed Under Seal**
Order Denying FTB's Motion in Limine re: Diane Truly
03/28/2008 **Filed Under Seal**
Order Granting in Part FTB's Motion in Limine re: (1) Internal FTB Communications Regarding this Litigation; and (2) FTB's Litigation Budget
03/28/2008 **Filed Under Seal**
Order Denying FTB's Motion in Limine re: Admit Documents Evidencing Hyatt's Public Figure Status
03/28/2008 **Filed Under Seal**
Order Denying FTB's Motion in Limine re: Roger McCaffrey
03/28/2008 **Filed Under Seal**
Order Denying FTB's Motion in Limine re: Mari Frank
03/28/2008 **Filed Under Seal**
Order Denying FTB's Motion in Limine re: Document Disclosure
03/28/2008 **Filed Under Seal**
Order Granting FTB's Motion in Limine re: Legal Opinions
03/28/2008 **Filed Under Seal**
Order Granting FTB's Motion in Limine re: Sheila Cox's Work History
03/28/2008 **Filed Under Seal**
Order Denying FTB's Motion in Limine re: Suggestion of Damage Amounts During Voir Dire
03/28/2008 **Filed Under Seal**
Order Granting FTB's Motion in Limine re: Use of Demand to Furnish Information in NV
03/28/2008 **Filed Under Seal**
Order Denying FTB's Motion in Limine re: FTB's Alleged Negligence
03/28/2008 **Filed Under Seal**
Order Granting FTB's Limited Motion in Limine re: Solove's Breach of Confidential Relationship Opinions
03/28/2008 **Filed Under Seal**
Order Granting FTB's Motion in Limine re: Hyatt's Alleged Cancer
03/28/2008 **Filed Under Seal**
Order Granting FTB's Motion in Limine re: Procedure to Bifurcate Punitive Damage Claims Pursuant to NRS 42.005
03/28/2008 **Filed Under Seal**
Notice of Entry of Order Granting Plaintiff's Motion in Limine to Exclude After-Acquired Evidence re: (1) New Documents Concerning XCS, Inc. and (2) the Youngmart Testimony and Documents (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/28/2008 **Filed Under Seal**
Notice of Entry of Order Denying Plaintiff's Motion in Limine re Deirdre Mulligan and Denying Defendant's Counter-Motion re Daniel Solove (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/28/2008 **Filed Under Seal**
Notice of Entry of Order Denying FTB's Motion in Limine re: Bad Faith Analysis (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/28/2008 **Filed Under Seal**
Notice of Entry of Order Approving Withdrawal of Defendant's Motion in Limine re Litigation Privilege (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

03/28/2008 **Filed Under Seal**
Notice of Entry of Order Granting FTB's Discussion or Use of Discovery Commissioner Biggar's Order Sealing Case File (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/28/2008 **Filed Under Seal**
Notice of Entry of Order Granting Plaintiff's Motion to Strike the FTB's Answer and for Alternative, Sanctions to Remedy the FTB's Intentional Spoliation of E-Mails and Related Evidence (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/28/2008 **Filed Under Seal**
Notice of Entry of Order Granting in Part FTB's Motion in Limine re: (1) References to Other Residency Audits of California Taxpayers; (2) References to Ladonna Lucas and (3) California's Tax Amnesty Program (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/28/2008 **Filed Under Seal**
Notice of Entry of Order Granting Limine re: Limiting Witnesses' Testimony to Their Personal Knowledge (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/28/2008 **Filed Under Seal**
Notice of Entry of Order Regarding Defendant's Motion in Limine re: Hyatt's Worldwide Humanitarian Project (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/28/2008 **Filed Under Seal**
Notice of Entry of Order Denying Defendant's Motion for Partial Summary Judgment, or Alternatively, Motion in Limine re: Intra-Agency Communications (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/28/2008 **Filed Under Seal**
Notice of Entry of Order Denying Defendant's Motion to Dismiss, or in the Alternative, Motion for Partial Summary Judgment re: Breach of Confidential Relationship (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/28/2008 **Filed Under Seal**
Notice of Entry of Order Denying Defendant's Motion for Partial Summary Judgment re: Invasion of Privacy Claims (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/28/2008 **Filed Under Seal**
Notice of Entry of Order Granting Motion in Limine to Enforce Discovery Ruling and Thereby Limit FTB's Evidence at Trial Relating to FTB Employee Revenue Motivation Such as "CBR" Except for That Which the FTB Has Produced in Discovery via Document Production or Deposition Testimony (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 19990
03/28/2008 **Hearing** (9:00 AM) (Judicial Officer Walsh, Jessie)
HEARING: OBJECTIONS TO EXHIBITS, WITNESSAND DEPO TESTIMONY
Result: Continuance Granted
03/31/2008 **Filed Under Seal**
Notice of Entry of Order Granting FTB's Motion in Limine re: Legal Opinions
03/31/2008 **Filed Under Seal**
Errata FTB's Submission of Proposed Jury Instructions
03/31/2008 **Filed Under Seal**
Notice of Entry of Order Granting FTB's Motion in Limine re: Hyatt's Alleged Cancer
03/31/2008 **Filed Under Seal**
Notice of Entry of Order Granting FTB's Motion in Limine re: Use of Demands to Furnish Information in NV
03/31/2008 **Filed Under Seal**
Notice of Entry of Order Granting FTB's Motion in Limine re: Solove's Breach of Confidential Relationship Opinions
03/31/2008 **Filed Under Seal**
Notice of Entry of Order Granting FTB's Motion in Limine re: (1) Internal FTB Communications Regarding this Litigation; and (2) FTB's Litigation Budget
03/31/2008 **Filed Under Seal**
Notice of Entry of Order Granting FTB's Motion in Limine re: Sheila Cox's Work History
03/31/2008 **Filed Under Seal**
Notice of Entry of Order Denying FTB's Motion in Limine re: Suggestion of Damage Amounts During Voir Dire
03/31/2008 **Filed Under Seal**
Notice of Entry of Order Denying FTB's Motion in Limine re: Document Disclosure
03/31/2008 **Filed Under Seal**
Notice of Entry of Order Denying FTB's Motion in Limine re: Admit Documents Evidencing Hyatt's Public Figure Status
03/31/2008 **Filed Under Seal**
Notice of Entry of Order Denying FTB's Motion in Limine re: Roger McCaffrey
03/31/2008 **Filed Under Seal**
Notice of Entry of Order Denying FTB's Motion in Limine re: Gilbert P. Hyatt's Encounters with Neighbors
03/31/2008 **Filed Under Seal**
Notice of Entry of Order Denying FTB's Motion in Limine re: Malcolm Jumelet
03/31/2008 **Filed Under Seal**
Notice of Entry of Order Denying FTB's Motion in Limine re: Garden Variety Emotional Distress
03/31/2008 **Filed Under Seal**
Notice of Entry of Order Denying FTB's Motion in Limine re: Diane Truly
03/31/2008 **Filed Under Seal**
Notice of Entry of Order Denying FTB's Motion in Limine re: Mari Frank
03/31/2008 **Filed Under Seal**
Notice of Entry of Order Granting FTB's Motion in Limine re: Procedure to Bifurcate Punitive Damage Claims Pursuant to NRS 42.005
03/31/2008 **Filed Under Seal**
Notice of Entry of Order Denying FTB's Motion in Limine re: FTB's Alleged Negligence
03/31/2008 **Filed Under Seal**
FTB's Objections to Hyatt's Proposed Jury Instructions and Verdict Forms
03/31/2008 **Filed Under Seal**
FTB's Trial Memorandum Pursuant to EDCR 7.27
03/31/2008 **Filed Under Seal**
Joint Pretrial Memorandum (Pursuant to EDCR 2.67) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/31/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Objections to FTB's Proposed Jury Instructions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/31/2008 **Filed Under Seal**
Plaintiff Gilbert Hyatt's Request for Judicial Notice at Trial of Relevant Laws of the United States of America, Relevant Laws of the State of California (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/31/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Objections to Deposition Designation and Counter Designations re: Elizabeth Hyatt (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/31/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Trial Brief (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
04/01/2008 **Filed Under Seal**
FTB's Objections and/or Counter Designations to Plaintiff's Restated Deposition Designations for Jeffrey McKenney
04/02/2008 **Filed Under Seal**
Order Granting FTB's Motion in Limine re: Misrepresentations
04/02/2008 **Filed Under Seal**
Order Granting in Part FTB's Motion in Limine re: Candace Les Testimony
04/02/2008 **Filed Under Seal**
Order Granting FTB's Motion in Limine re: Claims by Hyatt that This Court, the Nevada Supreme Court, and/or the United States Supreme Court Already Decided His Case Against FTB
04/02/2008 **Filed Under Seal**
Order Denying FTB's Motion in Limine re: William Thompson
04/02/2008 **Filed Under Seal**
Order Granting in Part FTB's Motion in Limine re: Grace Jeng's Alleged Encounters
04/02/2008 **Filed Under Seal**
FTB's Objections to Counter Designations by Plaintiff
04/02/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Objections to Deposition Counter Designations (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
04/02/2008 **Filed Under Seal**
FTB's Third Errata to List of Deposition Excerpts to be Used at Trial in Lieu of Appearance by Witnesses
04/03/2008 **Filed Under Seal**
Notice of Entry of Order Granting FTB's Motion in Limine re: Claims by Hyatt that This Court, the Nevada Supreme Court, and/or the United States Supreme Court Already Decided His Case Against FTB
04/03/2008 **Filed Under Seal**
Notice of Entry of Order Granting in Part FTB's Motion in Limine re: Candace Les Testimony
04/03/2008 **Filed Under Seal**
Notice of Entry of Order Granting in Part FTB's Motion in Limine re: Grace Jeng's Alleged Encounters
04/03/2008 **Filed Under Seal**
Notice of Entry of Order Denying FTB's Motion in Limine re: William Thompson
04/03/2008 **Filed Under Seal**

Notice of Entry of Order Granting FTB's Motion in Limine re: Misrepresentations
04/03/2008 **Filed Under Seal**
FTB's Supplemental Objections to Hyatt's Proposed Jury Instructions and Verdict Forms
04/03/2008 **Hearing** (9:00 AM) (Judicial Officer Walsh, Jessie)
HEARING: OBJECTIONS TO EXHIBITS, WITNESSAND DEPO TESTIMONY
Result: Continuance Granted
04/03/2008 **Calendar Call** (9:00 AM) (Judicial Officer Walsh, Jessie)
CALENDAR CALL (FINAL) Heard By: Jessie Walsh
Result: Matter Heard
04/03/2008 **Hearing** (9:00 AM) (Judicial Officer Walsh, Jessie)
JURY INSTRUCTIONS Heard By: Jessie Walsh
Result: Matter Heard
04/03/2008 **All Pending Motions** (9:00 AM) (Judicial Officer Walsh, Jessie)
ALL PENDING MOTIONS 04/03/08 Relief Clerk: Lorraine Williams/lmw Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Matter Heard
04/07/2008 **Filed Under Seal**
Errata to Enclose Original Affidavit in Support of FTB's Motion for Abeyance re Remedy to be Imposed Regarding Hyatt's Motion for Sanctions
04/07/2008 **Hearing** (9:00 AM) (Judicial Officer Walsh, Jessie)
HEARING: OBJECTIONS TO EXHIBITS, WITNESSAND DEPO TESTIMONY
Result: Continuance Granted
04/07/2008 **Conversion Hearing Type** (9:00 AM) (Judicial Officer Walsh, Jessie)
FURTHER PROCEEDINGS - JURY INTROS AND INSTRUCTIONS
Result: Continuance Granted
04/09/2008 **Filed Under Seal**
Order Granting FTB's Motion in Limine re: Hyatt's Worldwide Humanitarian Project
04/09/2008 **Filed Under Seal**
FTB's Proposed Supplemental Jury Instruction
04/09/2008 **Filed Under Seal**
FTB's Opposition to Plaintiff Gilbert P. Hyatt's Request for Judicial Notice at Trial of Laws of the United States of America, Law of the State of California
04/09/2008 **Filed Under Seal**
Affidavit of Counsel Mark A. Hutchison in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB Motion for Abeyance re: Remedy to be Imposed Regarding Hyatt's Motion for Sanctions (aka: FTB Request for Reconsideration of Ruling Against FTB) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
04/09/2008 **Filed Under Seal**
Opposition of Plaintiff Gilbert P. Hyatt to the FTB Motion for Abeyance re: Remedy to be Imposed Regarding Hyatt's Motion for Sanctions (aka: FTB Request for Reconsideration of Ruling Against FTB) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
04/09/2008 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to the FTB Motion for Abeyance re: Remedy to be Imposed Regarding Hyatt's Motion for Sanctions (aka FTB Request for Reconsideration of Ruling Against FTB) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
04/09/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition of Plaintiff Gilbert P. Hyatt to the FTB Motion for Abeyance re: Remedy to be Imposed Regarding Hyatt's Motion for Sanctions (aka: FTB Request for Reconsideration of Ruling Against FTB) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
04/09/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Trial Exhibits (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
04/09/2008 **Motion to Reconsider** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN TO RECONSIDER /242 Heard By: Jessie Walsh
Result: Off Calendar
04/10/2008 **Filed Under Seal**
Amended Notice of Entry of Order Granting Defendant's Motion in Limine re: Limiting Testimony to Witnesses' Personal Knowledge (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
04/10/2008 **Filed Under Seal**
FTB's Objections to Hyatt's Submitted Trial Exhibits
04/11/2008 **Filed Under Seal**
Notice of Errata to Opposition of Plaintiff Gilbert P. Hyatt to the FTB Motion for Abeyance re: Remedy to be Imposed Regarding Hyatt's Motion for Sanctions (aka: FTB Request for Reconsideration of Ruling Against FTB) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
04/11/2008 **Filed Under Seal**
Transcript of Hearing Held on April 3, 2008
04/11/2008 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Reply of Plaintiff Gilbert P. Hyatt in Support of Request for Judicial Notice (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
04/11/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Reply of Plaintiff Gilbert P. Hyatt in Support of Request for Judicial Notice at Trial of Relevant Laws of the United States of America, Relevant Laws of the State of California (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
04/11/2008 **Filed Under Seal**
Affidavit of Counsel Mark A. Hutchison in Support of Reply of Plaintiff Gilbert P. Hyatt in Support of Request for Judicial Notice at Trial of Relevant Laws of the United States of America, Relevant Laws of the State of California (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
04/11/2008 **Filed Under Seal**
Reply of Plaintiff Gilbert P. Hyatt in Support of Request for Judicial Notice at Trial of Relevant Laws of the United States of America, Relevant Laws of the State of California (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
04/11/2008 **Hearing** (9:00 AM) (Judicial Officer Walsh, Jessie)
HEARING: OBJECTIONS TO EXHIBITS, WITNESSAND DEPO TESTIMONY
04/11/2008 **Conversion Hearing Type** (9:00 AM) (Judicial Officer Walsh, Jessie)
FURTHER PROCEEDINGS - JURY INTROS AND INSTRUCTIONS
04/11/2008 **All Pending Motions** (9:00 AM) (Judicial Officer Walsh, Jessie)
ALL PENDING MOTIONS 04/11/08 Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Matter Heard
04/14/2008 **Filed Under Seal**
Trial Subpoena
04/14/2008 **Filed Under Seal**
Trial Subpoena
04/14/2008 **Filed Under Seal**
Trial Subpoena
04/14/2008 **Filed Under Seal**
Trial Subpoena
04/14/2008 **Filed Under Seal**
Trial Subpoena
04/14/2008 **Filed Under Seal**
Trial Subpoena
04/14/2008 **Filed Under Seal**
Trial Subpoena
04/14/2008 **Filed Under Seal**
Affidavit of Service of Trial Subpoena re: Todd L. Bice
04/14/2008 **Filed Under Seal**
Trial Subpoena
04/14/2008 **Filed Under Seal**
Trial Subpoena
04/14/2008 **Filed Under Seal**
Trial Subpoena
04/14/2008 **Filed Under Seal**
Trial Subpoena
04/14/2008 **Filed Under Seal**
Trial Subpoena
04/14/2008 **Filed Under Seal**
Trial Subpoena
04/14/2008 **Filed Under Seal**

FTB's Responses to Reply of Gilbert P. Hyatt in Support of Request for Judicial Notice of Relevant Laws of the United States of America, Relevant Laws of the State of California

04/14/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

04/15/2008 **Filed Under Seal**
Certificate of Service of 14 Trial Subpoenas

04/15/2008 **Filed Under Seal**
FTB's EDCR 7.27 Memorandum of Law re: Account/Client Privilege

04/15/2008 **Filed Under Seal**
FTB's EDCR 7.27 Memorandum of Law re: Representations Sufficient to Support a Fraud Claim

04/15/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

04/16/2008 **Filed Under Seal**
FTB's Reply in Support of Motion for Abeyance re: Remedy to be Imposed Regarding Hyatt's Motion for Sanctions

04/16/2008 **Filed Under Seal**
Jury List

04/16/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

04/16/2008 **Filed Under Seal**
Request to Briefly Postpone Opening Statements (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

04/17/2008 **Filed Under Seal**
Plaintiff Gil Hyatt's Formal Discovery Response Pursuant to Discovery Commissioner's Report and Recommendations (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

04/17/2008 **Filed Under Seal**
Notice of Plaintiff Gilbert P. Hyatt's Intent to Offer Videotape Deposition Testimony of a Portion of the Deposition Designations Previousy Submitted in Regard to Third Party Witness Candace Les (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

04/17/2008 **Filed Under Seal**
Supplement to Plaintiff Gilbert Hyatt's Request for Judicial Notice at Trial of Relevant Laws of the United States of America, Relevant Laws of the State of California (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

04/17/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

04/18/2008 **Filed Under Seal**
Receipt of Copy (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

04/18/2008 **Filed Under Seal**
FTB's Objections to Hyatt's New Designations of Candace Les Deposition Testimony

04/18/2008 **Motion** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN FOR ABEYANCE RE: REMEDY TO BEIMPOSED REGARDING MTN FOR SANCTIONS /247 Heard By: Jessie Walsh
Result: Denied

04/18/2008 **Hearing** (9:00 AM) (Judicial Officer Walsh, Jessie)
HEARING: ALL PENDING MOTIONS Heard By: Jessie Walsh
Result: Motion Granted

04/18/2008 **All Pending Motions** (9:00 AM) (Judicial Officer Walsh, Jessie)
ALL PENDING MOTIONS 4/18/08 Relief Clerk: Willa Pettice Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Matter Heard

04/21/2008 **Filed Under Seal**
FTB's Brief in Support of Court's Order Denying Hyatt's Request for Judicial Notice

04/21/2008 **Filed Under Seal**
Plaintiff Gil Hyatt's Amended Formal Discovery Response Pursuant to Discovery Commissioner's Report and Recommendation (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

04/21/2008 **Filed Under Seal**
Introductory Statement to Jurors

04/21/2008 **Filed Under Seal**
Objection and Request to Strike the FTB's Tardy and Inaccurately Described "FTB's Objections to Hyatt's New Designations of Candace Les Deposition Testimony" (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

04/21/2008 **Filed Under Seal**
Response to Proposed Jury Instruction re: Spoliation of Evidence (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

04/21/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

04/22/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

04/23/2008 **Filed Under Seal**
Order Granting FTB's Motion in Limine re: Hyatt's Worldwide Humanitarian Project

04/23/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

04/23/2008 **Motion** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN FOR ABEYANCE RE: REMEDY TO BEIMPOSED REGARDING MTN FOR SANCTIONS /247 Heard By: Jessie Walsh
Result: Continuance Granted

04/24/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

04/25/2008 **Filed Under Seal**
FTB's EDCR 7.27 Memorandum of Law re: Non-Hearsay Party Admissions and Hyatt's Previous Assertions of Privilege

04/25/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

04/28/2008 **Filed Under Seal**
Notice of Entry of Order Granting FTB's Motion in Limine re: Hyatt's Worldwide Humanitarian Project

04/28/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)

TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
04/29/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
04/30/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
04/30/2008 **Motion** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN FOR ABEYANCE RE: REMEDY TO BEIMPOSED REGARDING MTN FOR SANCTIONS /247 Heard By: Jessie Walsh
Result: Continuance Granted
05/01/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
05/05/2008 **Filed Under Seal**
Order Denying FTB's Motion in Limine re: Judge Lehman Order Dated October 11, 1994
05/05/2008 **Filed Under Seal**
Order Denying FTB's Motion in Limine re: Trial Testimony of Vince Turner
05/05/2008 **Filed Under Seal**
Order Denying FTB's Motion in Limine re: George Swarts
05/05/2008 **Filed Under Seal**
Order Granting FTB's Motion in Limine re: Mil Re Eric Coffill and Thomas Bourke
05/05/2008 **Filed Under Seal**
Order Granting, in Part, FTB's Motion in Limine re: FTB's Motion in Limine (1) Anna Jovanovich and Witness Protection Program; (2) FTB's Inspection of Hyatt's Car and Trailer; (3) Document Discovery Disputes; and (4) Discovery Document Stamps
05/05/2008 **Filed Under Seal**
Order Denying FTB's Motion in Limine re: Testimony of Kurt R. Sjoberg
05/05/2008 **Filed Under Seal**
Order Denying FTB's Motion in Limine re: Emotional Distress Damages
05/05/2008 **Filed Under Seal**
Order Granting FTB's Motion in Limine re: (1) Federal Tax Reform Legislation and Statutes; and (2) Change in FTB Policy or Procedures
05/05/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
05/06/2008 **Filed Under Seal**
Notice of Entry of Order Denying FTB's Motion in Limine re: Testimony of Kurt R. Sjoberg
05/06/2008 **Filed Under Seal**
Notice of Entry of Order Denying FTB's Motion in Limine re: Judge Lehman Order Dated October 11, 1994
05/06/2008 **Filed Under Seal**
Notice of Entry of Order Granting FTB's Motion in Limine re: (1) Federal Tax Reform Legislation and Statutes; and (2) Change in FTB Policy or Procedures
05/06/2008 **Filed Under Seal**
Notice of Entry of Order Granting FTB's Motion in Limine re: Mil Re Eric Coffill and Thomas Bourke
05/06/2008 **Filed Under Seal**
Notice of Entry of Order Denying FTB's Motion in Limine re: Emotional Distress Damages
05/06/2008 **Filed Under Seal**
Notice of Entry of Order Denying FTB's Motion in Limine re: George Swarts
05/06/2008 **Filed Under Seal**
Notice of Entry of Order Denying FTB's Motion in Limine re: Trial Testimony of Vince Turner
05/06/2008 **Filed Under Seal**
Notice of Entry of Order Granting, in Part, FTB's Motion in Limine re: FTB's Motion in Limine re: (1) Anna Jovanovich and Witness Protection Program; (2) FTB's Inspection of Hyatt's Car and Trailer; (3) Document Discovery Disputes; and (4) Discovery Document Stamps
05/06/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
05/07/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
05/08/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
05/09/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Notice of the Use of Sheila Cox's Video Deposition Testimony During Cross-Examination (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
05/09/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
05/12/2008 **Filed Under Seal**
FTB's EDCR 7.27 Memorandum of Law re: Admission of Trial Exhibits
05/12/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
05/13/2008 **Filed Under Seal**
FTB's Proposed Supplemental Jury Instruction re: Negligence
05/13/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
05/14/2008 **Filed Under Seal**
Motion to Cure Improper Statements by FTB Counsel During Opening Statements Concerning Hyatt Allegedly Erecting a "Wall" Between This Case and the California Tax Proceedings and Thereby Violating the Court's Order Prohibiting the Parties from "Litigating the Litigation" (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
05/14/2008 **Filed Under Seal**

Motion to Cure Improper Statement by FTB Counsel During Opening Statements re: a Legal Opinion on Privacy Law by California Attorney Dale Fiola (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

05/14/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

05/15/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

05/16/2008 **Filed Under Seal**
FTB's Objection to Plaintiff Gilbert P. Hyatt's Notice of the Use of Sheila Cox's Video Deposition Testimony During Cross- Examination

05/16/2008 **Filed Under Seal**
Supplement to Plaintiff Gilbert P. Hyatt's Request for Judicial Notice at Trial of Relevant Laws of the United States of America, Relevant Laws of the State of California

05/16/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

05/19/2008 **Filed Under Seal**
FTB's Notice re: Pretrial Rulings Regarding Prior Patent Litigation

05/19/2008 **Filed Under Seal**
FTB's Opposition to Motion to Cure Improper Statement by FTB Counsel During Opening Statements re: a Legal Opinion on Privacy Law by California Attorney Dale Fiola

05/19/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

05/20/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

05/21/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

05/22/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

05/27/2008 **Filed Under Seal**
FTB's Opposition to Motion to Cure Improper Statements Concerning Hyatt Allegedly Erecting a "Wall" Between This Case and the California Tax Proceedings and Thereby Violating the Court's Order Prohibiting the Parties from "Litigating the Litigation"

05/27/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

05/28/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

05/29/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

05/30/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

06/02/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

06/03/2008 **Filed Under Seal**
Reply in Support of Motion to Cure Improper Statements by FTB Counsel During Opening Statements Concerning Hyatt Allegedly Erecting a "Wall" Between This Case and the California Tax Proceedings and Thereby Violating the Court's Order Prohibiting the Parties from "Litigating the Litigation" (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

06/03/2008 **Filed Under Seal**
Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/03/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Reply to Hyatt's Motion to Cure Improper Statements by FTB Counsel During Opening Statements Concerning Hyatt Allegedly Erecting a "Wall" Between This Case and the California Tax Proceedings and Thereby Violating the Court's Order Prohibiting the Parties from "Litigating the Litigation" (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

06/03/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

06/04/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

06/05/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

06/06/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)

TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

06/09/2008 **Filed Under Seal**
Transcript of Hearing Held on April 18, 2008

06/09/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

06/10/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

06/11/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

06/12/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

06/13/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

06/16/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

06/17/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

06/18/2008 **Filed Under Seal**
FTB's Fourth Errata to List of Deposition Excerpts to be Used at Trial in Lieu of Appearance by Witnesses

06/18/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

06/20/2008 **Filed Under Seal**
Amended Jury List

06/20/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

06/23/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Points and Authorities in Opposition to FTB's Proposed Opinion Testimony from FTB Percipient Witnesses (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

06/23/2008 **Filed Under Seal**
FTB's Fourth Errata to List of Deposition Excerpts to be Used at Trial in Lieu of Appearance by Witnesses

06/23/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

06/24/2008 **Filed Under Seal**
Objection to FTB's Fourth Errata to List of Deposition Excerpts to be Used at Trial in Lieu of Appearance by Witnesses (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

06/24/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

06/25/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

06/26/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

06/30/2008 **Filed Under Seal**
Points and Authorities on Whether John Sullivan Should be Permitted to Testify as an Expert on FTB Investigatory Tactics, and if so, Whether the FTB's Qualification Testimony Should be Limited to that Topic (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

06/30/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

07/01/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Renewed Motion in Limine to Exclude Testimony of Deirdre K. Mulligan (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

07/01/2008 **Jury Trial** (10:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted

07/02/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
07/07/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
07/08/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's: (1) Response to FTB's Notice re Pretrial Rulings Regarding Prior Patent Litigation and (2) Motion in Limine to Exclude the Testimony of Richard Donaldson and Ted Hoff and Any Evidence re "The Controversy over the Inventor of the Microprocessor" (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
07/08/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
07/09/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
07/10/2008 **Filed Under Seal**
Deposition Designations of Plaintiff Gilbert P. Hyatt (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
07/10/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
07/11/2008 **Filed Under Seal**
FTB's Proposed Supplemental Jury Instructions re: Reputational Damages
07/11/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
07/14/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
07/15/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Motion for Partial Judgment as a Matter of Law on Defendant's Statute of Limitations Defense (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
07/15/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Motion to Strike Testimony of Richard Donaldson, and to Strike Portions of the Testimony of Keith Kalm (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
07/15/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
07/16/2008 **Filed Under Seal**
FTB's Motion in Limine re: Unsupported Evidentiary Statements During Hyatt's Closing Argument
07/16/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Motion in Limine re: Franchise Tax Board's Closing Argument Concerning Grace Jeng (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
07/16/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
07/17/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
07/18/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
07/21/2008 **Filed Under Seal**
FTB's Opposition to Plaintiff Gilbert P. Hyatt's Motion in Limine re: Franchise Tax Board's Closing Argument Regarding Grace Jeng; FTB's Cross Motion in Limine re: Hyatt's Closing Argument re: FTB Employee Witnesses
07/21/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
07/22/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
07/23/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
07/24/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
07/25/2008 **Filed Under Seal**
Second Amended Jury List
07/25/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh

Parties Present
Minutes
Result: Continuance Granted
07/28/2008 **Filed Under Seal**
Third Amended Jury List
07/28/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
07/29/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
07/30/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
07/31/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Minutes
Result: Continuance Granted
08/01/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Minutes
Result: Continuance Granted
08/04/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Minutes
Result: Continuance Granted
08/05/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Minutes
Result: Continuance Granted
08/06/2008 **Filed Under Seal**
Special Verdict Form
08/06/2008 **Filed Under Seal**
Jury Instructions
08/06/2008 **Filed Under Seal**
Special Verdict Form
08/06/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Minutes
Result: Continuance Granted
08/07/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Minutes
Result: Continuance Granted
08/08/2008 **Filed Under Seal**
Defendant's Proposed Jury Instructions Not Used
08/08/2008 **Filed Under Seal**
Proposed Verdict Form Not Used
08/08/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
08/11/2008 **Filed Under Seal**
Special Verdict Form Number 2
08/11/2008 **Filed Under Seal**
Jury Instructions
08/11/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
08/13/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
08/14/2008 **Filed Under Seal**
Special Verdict Form Number 3
08/14/2008 **Filed Under Seal**
Jury Instructions
08/14/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Continuance Granted
08/14/2008 **Jury Trial** (9:00 AM) (Judicial Officer Walsh, Jessie)
TRIAL BY JURY Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Matter Heard
09/02/2008 **Filed Under Seal**
Transcript of Hearing Held on April 22, 2008
09/02/2008 **Filed Under Seal**
Transcript of Hearing Held on April 24, 2008
09/02/2008 **Filed Under Seal**
Transcript of Hearing Held on April 21, 2008
09/02/2008 **Filed Under Seal**
Order Authorizing the District Court Clerk to Release Copies of File-Stamped Documents Filed Under Seal to McDonald Carano Wilson
09/03/2008 **Filed Under Seal**
Transcript of Hearing Held on April 29, 2008
09/03/2008 **Filed Under Seal**
Notice of Entry of Order Authorizing the District Court Clerk to Release Copies of File-Stamped Documents Filed Under Seal to McDonald Carano Wilson
09/03/2008 **Filed Under Seal**
Transcript of Hearing Held on April 30, 2008
09/03/2008 **Filed Under Seal**
Transcript of Hearing Held on April 25, 2008

09/03/2008 **Filed Under Seal**
Transcript of Hearing Held on April 28, 2008
09/04/2008 **Filed Under Seal**
Transcript of Hearing Held on May 5, 2008
09/04/2008 **Filed Under Seal**
Transcript of Hearing Held on May 7, 2008
09/04/2008 **Filed Under Seal**
Transcript of Hearing Held on May 8, 2008
09/04/2008 **Filed Under Seal**
Transcript of Hearing Held on April 23, 2008
09/04/2008 **Filed Under Seal**
Transcript of Hearing Held on May 1, 2008
09/04/2008 **Filed Under Seal**
Transcript of Hearing Held on May 6, 2008
09/08/2008 **Filed Under Seal**
Judgment (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
09/08/2008 **Filed Under Seal**
Notice of Entry of Judgment (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
09/09/2008 **Filed Under Seal**
Order Authorizing the District Court Clerk to Release Copies of File-Stamped Documents Filed Under Seal to Hutchison & Steffen and/or Bullivant Houser Bailey PC (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
09/09/2008 **Filed Under Seal**
FTB's Emergency Motion to Stay Execution/Enforcement of Judgment Pending Resolution of Post-Trial Motions (NRCP 62(b)); Request for Order Shortening Time to Respond to Motion (Ex Parte Request); and Request for Expedited Hearing Date on Motion to Stay (Ex Parte Request) (EDCR 2.26)
09/09/2008 **Filed Under Seal**
Receipt of Copy
09/10/2008 **Filed Under Seal**
Notice of Association of Counsel
09/10/2008 **Filed Under Seal**
Notice of Entry of Order (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
09/12/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Response to FTB Motion to Stay Execution/Enforcement of Judgment Pending Resolution of Post-Trial Motions; and Conditional Statement of Non-Opposition to the FTB's Request that Plaintiff Gilbert P. Hyatt Not Enforce the Judgment Entered in this Case Pending Resolution of Post-Trial Motions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
09/15/2008 **Filed Under Seal**
Reply in Support of FTB's Emergency Motion to Stay Execution / Enforcement Pending Resolution of Post-Trial Motions (NRCP 62(b))
09/15/2008 **Filed Under Seal**
Memorandum of Costs (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
09/16/2008 **Filed Under Seal**
Certificate of Service of Memorandum of Costs (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
09/16/2008 **Filed Under Seal**
Notice of Intent to File Motion to Retax
09/16/2008 **Filed Under Seal**
Receipt of Copy
09/16/2008 **Filed Under Seal**
Order
09/16/2008 **Filed Under Seal**
Notice of Entry of Order
09/16/2008 **Filed Under Seal**
Addendum and Errata to Memorandum of Costs (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
09/16/2008 **Motion to Stay** (9:00 AM) (Judicial Officer Walsh, Jessie)
FTB'S MTN TO STAY EXECUTION / ENFORCE JUDGMENT PENDING RESOLUTION/255 Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Motion Granted
09/18/2008 **Filed Under Seal**
FTB's Motion to Retax Costs
09/19/2008 **Filed Under Seal**
Correction to Exhibit 8 of Plaintiff's Memorandum of Costs (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
09/19/2008 **Filed Under Seal**
Receipt of Copy
09/19/2008 **Filed Under Seal**
Receipt of Copy
09/22/2008 **Filed Under Seal**
FTB's Motion for Judgment as a Matter of Law or Alternatively and Conditionally Motion for New Trial Pursuant to NRCP 50; and FTB's Alternative Motion for New Trial and Other Relief Pursuant to NRCP 59.
09/22/2008 **Filed Under Seal**
Transcript of Hearing Held on May 9, 2008
09/22/2008 **Filed Under Seal**
Transcript of Hearing Held on May 12, 2008
09/22/2008 **Filed Under Seal**
Transcript of Hearing Held on May 13, 2008
09/22/2008 **Filed Under Seal**
Transcript of Hearing Held on May 14, 2008
09/22/2008 **Filed Under Seal**
Transcript of Hearing Held on May 15, 2008
09/22/2008 **Filed Under Seal**
Transcript of Hearing Held on May 16, 2008
09/23/2008 **Filed Under Seal**
Receipt of Copy
09/30/2008 **Filed Under Seal**
FTB's Provisional Motion for Stay Pending Appeal Without Bond
10/02/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Opposition to FTB's Motion to Retax Costs (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
10/03/2008 **Filed Under Seal**
Exhibits to Plaintiff Gilbert P. Hyatt's Opposition to FTB's Motion to Retax Costs (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
10/03/2008 **Filed Under Seal**
Exhibits to Plaintiff Gilbert P. Hyatt's Opposition to FTB's Motion to Retax Costs Ex 3 (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
10/03/2008 **Filed Under Seal**
Exhibits to Plaintiff Gilbert P. Hyatt's Opposition to FTB's Motion to Retax Costs Ex 4 (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
10/03/2008 **Filed Under Seal**
Exhibits to Plaintiff Gilbert P. Hyatt's Opposition to FTB's Motion to Retax Costs Ex 5 (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
10/03/2008 **Filed Under Seal**
Exhibits to Plaintiff Gilbert P. Hyatt's Opposition to FTB's Motion to Retax Costs Ex 6 (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
10/03/2008 **Filed Under Seal**
Exhibits to Plaintiff Gilbert P. Hyatt's Opposition to FTB's Motion to Retax Costs Ex 2 (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
10/03/2008 **Filed Under Seal**
Exhibits to Plaintiff Gilbert P. Hyatt's Opposition to FTB's Motion to Retax Costs Ex 7 (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
10/03/2008 **Filed Under Seal**
Exhibits to Plaintiff Gilbert P. Hyatt's Opposition to FTB's Motion to Retax Costs Ex 8 & 9 (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
10/06/2008 **Filed Under Seal**
Transcript of Hearing Held on May 28, 2008
10/06/2008 **Filed Under Seal**
Transcript of Hearing Held on May 21, 2008

10/06/2008 **Filed Under Seal**
Transcript of Hearing Held on May 27, 2008
10/06/2008 **Filed Under Seal**
Transcript of Hearing Held on May 19, 2008
10/06/2008 **Filed Under Seal**
Transcript of Hearing Held on May 20, 2008
10/06/2008 **Filed Under Seal**
Transcript of Hearing Held on May 22, 2008
10/14/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Opposition to FTB's Provisional Motion for Stay Pending Appeal Without Bond (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
10/14/2008 **Filed Under Seal**
FTB's Reply Brief in Support of Motion to Retax Costs
10/20/2008 **Filed Under Seal**
Stipulation and Order to Continue the Hearing on FTB's Motion to Retax Costs
10/20/2008 **Filed Under Seal**
Notice of Entry of Order
10/22/2008 **Motion to Retax** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN TO RETAX /257 VR 11/17/08
Result: Continuance Granted
10/22/2008 **Motion to Retax** (3:00 AM) (Judicial Officer Walsh, Jessie)
PLTF'S MOTION TO RETAX /260 VO 10/20/08
Result: Continuance Granted
10/23/2008 **Filed Under Seal**
Appendix of Authorities Cited in FTB's Motion for Judgment as a Matter of Law or Alternatively and Conditionally Motion for New Trial Pursuant to NRCP 50; and FTB's Alternative Motion for New Trial and Other Relief Pursuant to NRCP 59.
10/23/2008 **Filed Under Seal**
Appendix of Authorities Cited in FTB's Motion for Judgment as a Matter of Law or Alternatively and Conditionally Motion for New Trial Pursuant to NRCP 50; and FTB's Alternative Motion for New Trial and Other Relief Pursuant to NRCP 59. Volume 2 (51-100)
10/23/2008 **Filed Under Seal**
Appendix of Authorities Cited in FTB's Motion for Judgment as a Matter of Law or Alternatively and Conditionally Motion for New Trial Pursuant to NRCP 50; and FTB's Alternative Motion for New Trial and Other Relief Pursuant to NRCP 59. Volume 3 (101-150)
10/23/2008 **Filed Under Seal**
Appendix of Authorities Cited in FTB's Motion for Judgment as a Matter of Law or Alternatively and Conditionally Motion for New Trial Pursuant to NRCP 50; and FTB's Alternative Motion for New Trial and Other Relief Pursuant to NRCP 59. Volume 4 (151-198)
10/23/2008 **Filed Under Seal**
Notice of Supplemental Legal Authority in Support of FTB's Motion for Judgment as a Matter of Law or Alternatively Motion for New Trial Pursuant to NRCP 50; and FTB's Alternative Motion for New Trial and Other Relief Pursuant to NRCP 59
10/23/2008 **Filed Under Seal**
Appendix of Trial Transcripts Cited in FTB's Motion for Judgment as a Matter of Law or Alternatively and Conditionally Motion for New Trial Pursuant to NRCP 50; and FTB's Alternative Motion for New Trial and Other Relief Pursuant to NRCP 59.
10/24/2008 **Filed Under Seal**
Certificate of Service (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
10/24/2008 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Plaintiff Gilbert P. Hyatt's Opposition to: (1) FTB's Motion for Judgment as a Matter of Law or Alternatively, and Conditionally Motion for New Trial Pursuant to NRCP 50; and (2) FTB's Alternative Motion for New Trial and Other Relief Pursuant to NRCP 59 (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
10/24/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Opposition to: (1) FTB's Motion for Judgment as a Matter of Law or Alternatively, and Conditionally Motion for New Trial Pursuant to NRCP 50; and (2) FTB's Alternative Motion for New Trial and Other Relief Pursuant to NRCP 59 (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
10/24/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Opposition to: (1) FTB's Motion for Judgment as a Matter of Law or Alternatively, and Conditionally Motion for New Trial Pursuant to NRCP 50; and (2) FTB's Alternative Motion for New Trial and Other Relief Pursuant to NRCP 59 (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
10/28/2008 **Filed Under Seal**
Notice of Errata re Plaintiff Gilbert P. Hyatt's Opposition to: (1) FTB's Motion for Judgment as a Matter of Law or Alternatively, and Conditionally Motion for New Trial Pursuant to NRCP 50; and (2) FTB's Alternative Motion for New Trial and Other Relief Pursuant to NRCP 59 (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
10/29/2008 **Filed Under Seal**
Notice of Analysis and Summary of Costs Regarding FTB's Motion to Retax Costs
10/29/2008 **Filed Under Seal**
FTB's Reply in Support of Provisional Motion for Stay Pending Appeal Without Bond
10/30/2008 **Filed Under Seal**
Objection and Request to Strike the FTB's Notice of Analysis and Summary of Costs Regarding FTB's Motion to Retax Costs (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
11/04/2008 **Filed Under Seal**
FTB's Response to Plaintiff Gilbert Hyatt's Motion for (1) an Order Shortening Time to Continue Hearing on FTB's Provisional Motion for Stay Pending Appeal Without Bond to November 19, 2008; and (2) Permission to File Surreply to FTB's Reply to Same Motion
11/04/2008 **Filed Under Seal**
Appendix of Exhibits in Support of Plaintiff Gilbert P. Hyatt's Combined Motion for: (1) an Order Shortening Time to Continue Hearing on FTB's Provisional Motion for Stay Pending Appeal Without Bond to November 19, 2008, and (2) Permission to File Surreply to FTB's Reply to Same Motion (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
11/04/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Combined Motion for: (1) an Order Shortening Time to Continue Hearing on FTB's Provisional Motion for Stay Pending Appeal Without Bond to November 19, 2008, and (2) Permission to File Surreply to FTB's Reply to Same Motion (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
11/04/2008 **Filed Under Seal**
Notice of Filing Original Affidavit of Lynda Emmons
11/05/2008 *CANCELED* **Motion to Retax** (9:00 AM) (Judicial Officer Walsh, Jessie)
Vacated
Result: Continuance Granted
11/05/2008 **Motion to Stay** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT FTB'S MTN TO STAY PENDING APPEAL/259 Heard By: Jessie Walsh
Result: Continuance Granted
11/05/2008 *CANCELED* **Motion to Retax** (9:00 AM) (Judicial Officer Walsh, Jessie)
Vacated
Result: Continuance Granted
11/06/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Reply in Support of Combined Motion for: (1) an Order Shortening Time to Continue Hearing on FTB's Provisional Motion for Stay Pending Appeal Without Bond to November 19, 2008, and (2) Permission to File Surreply to FTB's Reply to Same Motion (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
11/07/2008 **Filed Under Seal**
Transcript of Hearing Held on June 2, 2008
11/07/2008 **Filed Under Seal**
Transcript of Hearing Held on June 4, 2008
11/07/2008 **Filed Under Seal**
Transcript of Hearing Held on May 30, 2008
11/07/2008 **Filed Under Seal**
Transcript of Hearing Held on June 3, 2008
11/07/2008 **Filed Under Seal**
Transcript of Hearing Held on June 5, 2008
11/07/2008 **Filed Under Seal**
Transcript of Hearing Held on May 29, 2008
11/12/2008 **Filed Under Seal**
Reply Brief in Support of FTB's Motion for Judgment as a Matter of Law or Alternatively and Conditionally, Motion for New Trial Pursuant to NRCP 50; and FTB's Alternative Motion for New Trial and Other Relief Pursuant to NRCP 59.
11/19/2008 **Hearing** (9:00 AM) (Judicial Officer Walsh, Jessie)
HEARING: FTB'S POST TRIAL MTNS 08 Heard By: Jessie Walsh
Result: Continuance Granted
11/19/2008 *CANCELED* **Motion to Retax** (9:00 AM) (Judicial Officer Walsh, Jessie)
Vacated
11/19/2008 **Motion for Judgment** (9:00 AM) (Judicial Officer Walsh, Jessie)
FTB'S MTN FOR JUDGMNT/CONDITION MTN FOR NEW TRIAL/258 Heard By: Jessie Walsh
Result: Continuance Granted
11/19/2008 **Motion to Stay** (9:00 AM) (Judicial Officer Walsh, Jessie)

DEFT FTB'S MTN TO STAY PENDING APPEAL/259 Heard By: Jessie Walsh
Result: Continuance Granted
11/19/2008 *CANCELED* **Motion to Retax** (9:00 AM) (Judicial Officer Walsh, Jessie)
Vacated
11/21/2008 **Filed Under Seal**
Stipulation and Order re: (1) Hearing Date for (a) FTB's Motion to Retax Costs, (b) FTB's Provisional Motion for Stay Pending Appeal Without Bond, and (c) FTB's Motion for Judgment as a Matter of Law or Alternatively, and Conditionally Motion for New Trial Pursuant to NRCP 50 and Alternative Motion for New Trial and Other Relief Pursuant to NRCP 59; and (2) Extension, if Necessary, of Present Stay of Execution/Enforcement of Judgment Without Bond Pending Possible Review by Nevada Supreme Court
11/21/2008 **Filed Under Seal**
Notice of Entry of Order
11/21/2008 **Filed Under Seal**
Receipt of Copy
11/25/2008 **Filed Under Seal**
Transcript of Hearing Held on June 9, 2008
11/25/2008 **Filed Under Seal**
Transcript of Hearing Held on June 12, 2008
11/25/2008 **Filed Under Seal**
Transcript of Hearing Held on June 6, 2008
11/25/2008 **Filed Under Seal**
Transcript of Hearing Held on June 10, 2008
11/25/2008 **Filed Under Seal**
Transcript of Hearing Held on June 11, 2008
11/25/2008 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Motion for: (2) to Continue Hearing Date for (a) FTB's Motion to Retax Costs; (b) FTB's Provisional Motion for Stay Pending Appeal Without Bond; and (C) FTB's Motion for Judgment as a Matter of Law or Alternatively, and Conditionally Motion for New Trial Pursuant to NRCP 50 and Alternative Motion for New Trial and Other Relief Pursuant to NRCP 59 (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
12/09/2008 **Filed Under Seal**
Transcript of Hearing Held on March 15, 2006
12/11/2008 **Filed Under Seal**
FTB's Response to Hyatt's Motion to Continue Hearing Date for (a) FTB's Motion to Retax Costs; (b) FTB's Provisional Motion for Stay Pending Appeal Without Bond; and (c) FTB's Motion for Judgment as a Matter of Law or Alternatively, and Conditionally Motion for New Trial Pursuant to NRCP 50 and Alternative Motion for New Trial and Other Relief Pursuant to NRCP 59
12/16/2008 **Filed Under Seal**
Transcript of Hearing Held on June 20, 2008
12/16/2008 **Filed Under Seal**
Transcript of Hearing Held on June 18, 2008
12/16/2008 **Filed Under Seal**
Transcript of Hearing Held on June 16, 2008
12/16/2008 **Filed Under Seal**
Transcript of Hearing Held on June 23, 2008
12/16/2008 **Filed Under Seal**
Transcript of Hearing Held on June 13, 2008
12/16/2008 **Filed Under Seal**
Amended Transcript of Hearing Held on June 5, 2008
12/22/2008 **Filed Under Seal**
Notice of Filing Hearing Transcripts
12/22/2008 **Filed Under Seal**
Notice of Filing Hearing Transcripts; Volume 3 (Exhibits 51-64)
12/22/2008 **Filed Under Seal**
Notice of Filing Hearing Transcripts; Volume 4 (Exhibits 65-71)
12/22/2008 **Filed Under Seal**
Notice of Filing Hearing Transcripts; Volume 2 (Exhibits 26-50)
12/29/2008 **Filed Under Seal**
Reply in Support of Plaintiff Gilbert P. Hyatt's Motion for: (1) an Order Shortening Time, and (2) to Continue Hearing Date for (a) FTB's Motion to Retax Costs; (b) FTB's Provisional Motion for Stay Pending Appeal Without Bond; and (C) FTB's Motion for Judgment as a Matter of Law or Alternatively, and Conditionally Motion for New Trial Pursuant to NRCP 50 and Alternative Motion for New Trial and Other Relief Pursuant to NRCP 59. (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
12/29/2008 **Filed Under Seal**
Addendum of Exhibits to Reply in Support of Plaintiff Gilbert P. Hyatt's Motion for: (1) an Order Shortening Time, and (2) to Continue Hearing Date for (a) FTB's Motion to Retax Costs; (b) FTB's Provisional Motion for Stay Pending Appeal Without Bond; and (C) FTB's Motion for Judgment as a Matter of Law or Alternatively, and Conditionally Motion for New Trial Pursuant to NRCP 50 and Alternative Motion for New Trial and Other Relief Pursuant to NRCP 59. (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
01/07/2009 *CANCELED* **Motion to Continue** (9:00 AM) (Judicial Officer Walsh, Jessie)
Vacated
01/08/2009 **Filed Under Seal**
Transcript of Hearing Held on June 17, 2008
01/08/2009 **Filed Under Seal**
Transcript of Hearing Held on July 2, 2008
01/08/2009 **Filed Under Seal**
Transcript of Hearing Held on July 1, 2008
01/08/2009 **Filed Under Seal**
Transcript of Hearing Held on June 26, 2008
01/08/2009 **Filed Under Seal**
Transcript of Hearing Held on June 24, 2008
01/08/2009 **Filed Under Seal**
Transcript of Hearing Held on June 30, 2008
01/14/2009 **Filed Under Seal**
Transcript of Hearing Held on July 10, 2008
01/14/2009 **Filed Under Seal**
Transcript of Hearing Held on July 11, 2008
01/14/2009 **Filed Under Seal**
Transcript of Hearing Held on July 8, 2008
01/14/2009 **Filed Under Seal**
Transcript of Hearing Held on July 9, 2008
01/14/2009 **Filed Under Seal**
Transcript of Hearing Held on July 14, 2008
01/14/2009 **Filed Under Seal**
Transcript of Hearing Held on July 7, 2008
01/14/2009 **Hearing** (10:00 AM) (Judicial Officer Walsh, Jessie)
HEARING: FTB'S POST TRIAL MTNS 08 Heard By: Jessie Walsh
Result: Continuance Granted
01/14/2009 **Motion for Judgment** (10:00 AM) (Judicial Officer Walsh, Jessie)
FTB'S MTN FOR JUDGMNT/CONDITION MTN FOR NEW TRIAL/258 Heard By: Jessie Walsh
Result: Continuance Granted
01/14/2009 **Motion to Stay** (10:00 AM) (Judicial Officer Walsh, Jessie)
DEFT FTB'S MTN TO STAY PENDING APPEAL/259 Heard By: Jessie Walsh
Result: Continuance Granted
01/14/2009 **Motion to Retax** (10:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MOTION TO RETAX /261 Heard By: Jessie Walsh
Result: Continuance Granted
01/16/2009 **Filed Under Seal**
FTB's Motion to Set Aside Judgment and New Trial Pursuant to NRCP 60(b)
01/16/2009 **Filed Under Seal**
FTB's Motion to Set Aside Judgment and New Trial Pursuant to NRCP 60(b)
01/20/2009 **Filed Under Seal**
Errata FTB's Motion to Set Aside Judgment and New Trial Pursuant to NRCP 60(b)
01/21/2009 **Filed Under Seal**
Transcript of Hearing Held on April 11, 2008
01/21/2009 **Filed Under Seal**
Transcript of Hearing Held on April 16, 2008
01/21/2009 **Filed Under Seal**
Transcript of Hearing Held on April 22, 2008
01/21/2009 **Filed Under Seal**
Transcript of Hearing Held on April 15, 2008

01/21/2009 **Filed Under Seal**
Transcript of Hearing Held on June 23, 2008
01/21/2009 **Filed Under Seal**
Transcript of Hearing Held on August 11, 2008
01/21/2009 **Filed Under Seal**
Transcript of Hearing Held on April 21, 2008
01/21/2009 **Filed Under Seal**
Transcript of Hearing Held on July 16, 2008
01/21/2009 **Filed Under Seal**
Transcript of Hearing Held on June 25, 2008
01/21/2009 **Filed Under Seal**
Transcript of Hearing Held on July 25, 2008
01/21/2009 **Filed Under Seal**
Transcript of Hearing Held on July 18, 2008
01/21/2009 **Filed Under Seal**
Transcript of Hearing Held on August 8, 2008
01/21/2009 **Filed Under Seal**
Transcript of Hearing Held on July 30, 2008
01/21/2009 **Filed Under Seal**
Transcript of Hearing Held on July 21, 2008
01/21/2009 **Filed Under Seal**
Transcript of Hearing Held on July 24, 2008
01/21/2009 **Filed Under Seal**
Transcript of Hearing Held on July 17, 2008
01/21/2009 **Filed Under Seal**
Transcript of Hearing Held on July 28, 2008
01/21/2009 **Filed Under Seal**
Transcript of Hearing Held on July 22, 2008
01/21/2009 **Filed Under Seal**
Transcript of Hearing Held on April 14, 2008
01/21/2009 **Filed Under Seal**
Transcript of Hearing Held on July 29, 2008
01/21/2009 **Filed Under Seal**
Transcript of Hearing Held on July 15, 2008
01/21/2009 **Filed Under Seal**
Second Errata FTB's Motion to Set Aside Judgment and New Trial Pursuant to NRCP 60(b)
01/21/2009 **Hearing** (9:00 AM) (Judicial Officer Walsh, Jessie)
HEARING: FTB'S POST TRIAL MTNS 08 Heard By: Jessie Walsh
Result: Continuance Granted
01/21/2009 **Motion for Judgment** (9:00 AM) (Judicial Officer Walsh, Jessie)
FTB'S MTN FOR JUDGMNT/CONDITION MTN FOR NEW TRIAL/258 Heard By: Jessie Walsh
Result: Continuance Granted
01/21/2009 **Motion to Stay** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT FTB'S MTN TO STAY PENDING APPEAL/259 Heard By: Jessie Walsh
Result: Continuance Granted
01/21/2009 **Motion to Retax** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MOTION TO RETAX /261 Heard By: Jessie Walsh
Result: Continuance Granted
01/22/2009 **Filed Under Seal**
Receipt of Copy
01/27/2009 **Filed Under Seal**
Transcript of Hearing Held on August 6, 2008
01/28/2009 **Filed Under Seal**
Transcript of Hearing Held on August 14, 2008
01/29/2009 **Hearing** (9:00 AM) (Judicial Officer Walsh, Jessie)
HEARING: FTB'S POST TRIAL MTNS 08 Heard By: Jessie Walsh
Result: Matter Heard
01/29/2009 **Motion for Judgment** (9:00 AM) (Judicial Officer Walsh, Jessie)
FTB'S MTN FOR JUDGMNT/CONDITION MTN FOR NEW TRIAL/258 Heard By: Jessie Walsh
Result: Denied
01/29/2009 **Motion to Stay** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT FTB'S MTN TO STAY PENDING APPEAL/259 Heard By: Jessie Walsh
Result: Granted in Part
01/29/2009 **Motion to Retax** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MOTION TO RETAX /261 Heard By: Jessie Walsh
Result: Matter Heard
01/29/2009 **All Pending Motions** (9:00 AM) (Judicial Officer Walsh, Jessie)
ALL PENDING MOTIONS: 01/29/09 Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Matter Heard
01/30/2009 **Filed Under Seal**
Notice of Filing re: Lexis/Nexis Billing Statements Utilized During January 29, 2009 Hearing
02/03/2009 **Filed Under Seal**
Order Denying: (1) FTB's Motion for Judgment as a Matter of Law or Alternatively, and Conditionally Motion for New Trial Pursuant to NRCP 50; and (2) FTB's Alternative Motion for New Trial and Other Relief Pursuant to NRCP 59 (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/03/2009 **Filed Under Seal**
Stipulation and Order (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/04/2009 **Filed Under Seal**
Notice of Entry of Order (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/05/2009 **Filed Under Seal**
Notice of Entry of Order
02/06/2009 **Filed Under Seal**
Supplemental Notice of Filing Hearing Transcripts
02/06/2009 **Filed Under Seal**
Supplemental Notice of Filing Hearing Transcripts
02/09/2009 **Filed Under Seal**
Order Granting, in Part, FTB's Provisional Motion for Stay Pending Appeal Without Bond
02/09/2009 **Filed Under Seal**
Notice of Entry of Order Granting, in Part, FTB's Provisional Motion for Stay Pending Appeal Without Bond
02/10/2009 **Filed Under Seal**
Case Appeal Statement
02/10/2009 **Filed Under Seal**
Notice of Appeal
02/10/2009 **Filed Under Seal**
Order Appointing Special Master
02/12/2009 **Filed Under Seal**
Transcript of Hearing Held on January 29, 2009
02/13/2009 **Filed Under Seal**
Certificate of Service (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/13/2009 **Filed Under Seal**
Motion for Remuneration of Court Appointed Special Master
02/13/2009 **Filed Under Seal**
Appendix of Non-Nevada Authorities in Support of Reply of Plaintiff Gilbert P Hyatt's Opposition to FTB's Motion to Set Aside Judgment and New Trial Pursuant to NRCP 60(b) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/13/2009 **Filed Under Seal**
Appendix of Exhibits in Support of Plaintiff Gilbert P Hyatt's Opposition to FTB's Motion to Set Aside Judgment and New Trial Pursuant to NRCP 60(b) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/13/2009 **Filed Under Seal**
Notice of Entry of Order
02/13/2009 **Filed Under Seal**
Plaintiff Gilbert P Hyatt's Opposition to: FTB's Motion to Set Aside Judgment and New Trial Pursuant to NRCP 60(b) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
02/18/2009 **Motion to Set Aside** (9:00 AM) (Judicial Officer Walsh, Jessie)

DEFT'S MTN TO SET ASIDE JUDGMENT & NEW TRIAL /263 Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Result: Continuance Granted
02/24/2009 **Filed Under Seal**
Transcript of Hearing Held on September 16, 2008
02/25/2009 **Filed Under Seal**
FTB's Limited Opposition to Motion for Remuneration of Court Appointed Special Master
02/27/2009 **Filed Under Seal**
Receipt of Copy
02/27/2009 **Filed Under Seal**
Notice of Entry of Order
02/27/2009 **Filed Under Seal**
Stipulation and Order re: Hearing Date of FTB's Motion to Set Aside Judgment and New Trial Pursuant to NRCP 60(b)
03/04/2009 **Filed Under Seal**
Notice of Appeal (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/04/2009 **Filed Under Seal**
Plaintiff's Case Appeal Statement (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/05/2009 **Filed Under Seal**
Plaintiff's Amended Case Appeal Statement (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
03/11/2009 **Motion to Set Aside** (11:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN TO SET ASIDE JUDGMENT & NEW TRIAL /263 Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Result: Continuance Granted
03/18/2009 **Motion** (9:00 AM) (Judicial Officer Walsh, Jessie)
ASHLEY HALL'S MTN FOR REMUNERATION OF COURT APPOINTED SPECIAL MASTER/265 Court Clerk: Teri Braegelmann Heard By: Jessie Walsh
Result: Continuance Granted
03/19/2009 **Filed Under Seal**
Reply in Support of FTB's Motion to Set Aside Judgment and for New Trial Pursuant to NRCP 60(b)
03/25/2009 **Motion** (9:00 AM) (Judicial Officer Walsh, Jessie)
ASHLEY HALL'S MTN FOR REMUNERATION OF COURT APPOINTED SPECIAL MASTER/265 Court Clerk: Teri Braegelmann Heard By: Jessie Walsh
Minutes
Result: Motion Granted
03/30/2009 **Filed Under Seal**
Motion for Remuneration of Court Appointed Special Master
03/31/2009 **Filed Under Seal**
Order
04/02/2009 **Motion to Set Aside** (9:00 AM) (Judicial Officer Walsh, Jessie)
DEFT'S MTN TO SET ASIDE JUDGMENT & NEW TRIAL /263 Court Clerk: Teri Braegelmann Reporter/Recorder: Victoria Boyd Heard By: Jessie Walsh
Parties Present
Minutes
Result: Denied
04/03/2009 **Filed Under Seal**
Notice of Entry of Order
04/07/2009 **Filed Under Seal**
Notice of Payment of Special Master Ashley Hall & Associate's January 2009 Fees and Costs
04/08/2009 **Filed Under Seal**
Supplement to the Motion for Remuneration of Court Appointed Special Master
04/09/2009 **Filed Under Seal**
Notice of Payment of Special Master Ashley Hall & Associate's January 2009 Fees and Costs
04/14/2009 **Filed Under Seal**
Transcript of Hearing Held on April 2, 2009
04/17/2009 **Filed Under Seal**
Order Denying FTB's Motion to Set Aside Judgment and New Trial Pursuant to NRCP 60(b) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
04/20/2009 **Filed Under Seal**
Notice of Entry of Order Denying FTB's Motion to Set Aside Judgment and New Trial Pursuant to NRCP 60(b) (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
05/05/2009 **Filed Under Seal**
Case Appeal Statement
05/05/2009 **Filed Under Seal**
Supplemental and/or Amended Notice of Appeal
05/07/2009 **Filed Under Seal**
Second Supplement to the Motion for Remuneration of Court Appointed Special Master
05/13/2009 **Motion** (3:00 AM) (Judicial Officer Walsh, Jessie)
SPECIAL AMSTER'S MTN FOR REMUNIERATION OF COURT APPOINTED SPECIA MASTER/266
Minutes
05/13/2009 Reset by Court to 05/13/2009
Result: Motion Granted
05/15/2009 **Filed Under Seal**
Order
05/19/2009 **Filed Under Seal**
Notice of Entry of Order
05/28/2009 **Filed Under Seal**
Notice of Payment of Special Master Ashley Hall & Associate's February, March and April, 2009 Fees and Costs
05/29/2009 **Filed Under Seal**
Notice of Filing FTB's Trial Exhibit List
06/02/2009 **Filed Under Seal**
Notice of Payment of Special Master Ashley Hall & Associate's February, March and April 2009 Fees and Costs
06/05/2009 **Filed Under Seal**
Motion for Remuneration of Court Appointed Special Master
06/24/2009 **Filed Under Seal**
Notice of Change of Firm and Address (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
06/30/2009 **Filed Under Seal**
Notice of Change of Firm Address (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
06/30/2009 **Filed Under Seal**
Notice of Change of Firm Address (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
07/08/2009 **Motion** (3:00 AM) (Judicial Officer Walsh, Jessie)
Motion fo Remuneration of Court Appointed Special Master
Minutes
Result: Motion Granted
07/08/2009 **Filed Under Seal**
Motion for Remuneration of Court Appointed Special Master
07/15/2009 **Filed Under Seal**
Hyatt's Response to Phase I Draft of Special Master (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
07/15/2009 **Filed Under Seal**
Certificate of Service of Appendix of Exhibits in Support of Hyatt's Response to Phase I Draft of Special Master (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
07/15/2009 **Filed Under Seal**
Appendix of Exhibits in Support of Hyatt's Response to Phase I Draft of Special Master (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
07/16/2009 **Filed Under Seal**
Certificate of Service of Appendix of Spreadsheets (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
07/16/2009 **Filed Under Seal**
Appendix of Spreadsheets (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
08/07/2009 **Filed Under Seal**
First Supplement to the Motion for Remuneration of Court Appointed Special Master
08/12/2009 **Motion** (3:00 AM) (Judicial Officer Walsh, Jessie)
Ashley Hall's Motion for Remuneration of Court Appointed Special Master
08/12/2009 Reset by Court to 08/12/2009
Result: Off Calendar

08/18/2009 **Filed Under Seal**
Order
08/18/2009 **Filed Under Seal**
Order
08/21/2009 **Filed Under Seal**
Notice of Entry of Order
08/24/2009 **Filed Under Seal**
Notice of Change of Firm Name (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)
08/26/2009 **Filed Under Seal**
Notice of Payment of Special Master Ashley Hall and Associate's June and July 2009 Fees and Costs
08/26/2009 **Filed Under Seal**
Notice of Entry of Order
09/01/2009 **Filed Under Seal**
Notice of Payment of Special Master Ashley Hall & Associate's June and July, 2009 Fees and Costs
09/03/2009 **Filed Under Seal**
Notice of Payment of Special Master Ashley Hall & Associate's May 2009 Fees and Costs
09/04/2009 **Filed Under Seal**
Motion for Remuneration of Court Appointed Special Master
10/05/2009 **Filed Under Seal**
Motion for Remuneration of Court Appointed Special Master
10/07/2009 **Motion** (3:00 AM) (Judicial Officer Walsh, Jessie)
Motion for Remuneration of Court Appointed Special Master
Minutes
Result: Motion Granted
10/07/2009 **Filed Under Seal**
Order
10/09/2009 **Filed Under Seal**
Notice of Entry of Order
10/20/2009 **Filed Under Seal**
Notice of Payment of Special Master Ashley Hall & Associate's August, 2009 Fees and Costs
10/21/2009 **Filed Under Seal**
Notice of Payment of Special Master Ashley Hall & Associate's August 2009 Fees and Costs
10/26/2009 **Filed Under Seal**
Notice of Payment of Special Master Ashley Hall & Associate's May 2009 Fees and Costs
11/13/2009 **Filed Under Seal**
Supplement to the Motion for Remuneration of Court Appointed Special Master
11/20/2009 **Filed Under Seal**
Order
11/23/2009 **Filed Under Seal**
Notice of Change of Firm Address
11/25/2009 **Filed Under Seal**
Notice of Entry of Order
11/30/2009 **Filed Under Seal**
Submission of the Special Master's Final Report and Recommendation on the Memorandum of Costs and Motion to Pretax Costs Pursuant to the Order Appointing Special Master
12/01/2009 **Filed Under Seal**
Order re: Continued Hearing on Defendant Franchise Tax Board of the State of California's Motion to Retax Costs
12/04/2009 **Filed Under Seal**
Notice of Entry of Order
12/04/2009 **Filed Under Seal**
Notice of Payment of Special Master Ashley Hall & Associate's September and October, 2009 Fees and Costs
12/11/2009 **Filed Under Seal**
Notice of Payment of Special Master Ashley Hall & Associate's September and October 2009 Fees and Costs
12/15/2009 **Filed Under Seal**
Notice of Filing re: Special Master Proceedings and Documents
12/15/2009 **Filed Under Seal**
FTB's Notice of Objections to the Court's Order Dated December 4, 2009 re: Prohibiting Objections to the Special Master's Report
12/16/2009 **Motion to Retax** (3:00 AM) (Judicial Officer Walsh, Jessie)
Minutes
Result: Granted in Part
12/21/2009 **Filed Under Seal**
Motion to Terminate Special Mastership and for Remuneration of Court Appointed Special Master
01/04/2010 **Filed Under Seal**
Order
01/06/2010 **Filed Under Seal**
Supplemental Motion to Terminate Special Mastership and for Remuneration of Court Appointed Special Master
01/07/2010 **Filed Under Seal**
Notice of Entry of Order
01/19/2010 **Filed Under Seal**
Second Supplemental and/or Amended Notice of Appeal
01/19/2010 **Filed Under Seal**
Amended Case Appeal Statement
01/26/2010 **Motion** (3:00 AM) (Judicial Officer Walsh, Jessie)
Motion to Terminate Special Mastership and for Remuneration of Court Appointed Special Master
Minutes
01/27/2010 Reset by Court to 01/26/2010
Result: Motion Granted
02/04/2010 **Filed Under Seal**
Order
02/12/2010 **Filed Under Seal**
Notice of Payment of Special Master Ashley Hall & Associate's November, 2009, December, 2009 and January, 2010 Fees and Costs
02/19/2010 **Filed Under Seal**
Notice of Entry of Order
02/19/2010 **Filed Under Seal**
Notice of Payment of Special Master Ashley Hall & Associate's November 2009 December 2009 and January 2010 Fees and Costs
05/22/2017 **Administrative Reassignment - Judicial Officer Change**
From Judge Jessie Walsh to Judge Tierra Jones
08/08/2019 **NV Supreme Court Clerks Certificate/Judgment - Affd/Rev Part**
Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed in Part, Reversed in Part and Remand; Remand
08/13/2019 **Notice of Hearing**
Notice of Hearing
08/20/2019 **Stipulation and Order**
Stipulation and Order to Continue Hearing
08/20/2019 **Notice of Entry of Stipulation and Order**
Notice of Entry of Stipulation and Order to Continue Hearing
09/03/2019 **Further Proceedings** (9:30 AM) (Judicial Officer Jones, Tierra)
Supreme Court Order
Parties Present
Minutes
08/27/2019 Reset by Court to 09/03/2019
Result: Matter Heard
09/25/2019 **Transcript of Proceedings**
Recorder's Transcript of Proceedings re Pending Motions, Tuesday, September 3, 2019
10/15/2019 **Filed Under Seal**
Exhibits 14-34 to Plaintiff Gilbert P. Hayatt's Brief in Support of Proposed Form of Judgment that Finds No Prevailing Party in the Litigation and No Awards of Attorneys' Fees or Costs to Either Party
10/15/2019 **Filed Under Seal**
Exhibits 35-66 to Plaintiff Gilbert P. Hayatt's Brief in Support of Proposed Form of Judgment that Finds No Prevailing Party in the Litigation and No Awards of Attorneys' Fees or Costs to Either Party
10/15/2019 **Filed Under Seal**
Exhibits 67- 82 to Plaintiff Gilbert P. Hayatt's Brief in Support of Proposed Form of Judgment that Finds No Prevailing Party in the Litigation and No Awards of Attorneys' Fees or Costs to Either Party
10/15/2019 **Filed Under Seal**

Exhibits 83 - 94 to Plaintiff Gilbert P. Hayatt's Brief in Support of Proposed Form of Judgment that Finds No Prevailing Party in the Litigation and No Awards of Attorneys' Fees or Costs to Either Party

10/15/2019 **Filed Under Seal**
Plaintiff Gilbert P. Hyatt's Brief in Support of Proposed Form of Judgment that Finds No Prevailing Party in the Litigation and No Award of Attorneys' Fees or Costs to Either Party

10/15/2019 **Brief**
FTB s Brief Re The Requirement Of Entry Of Judgment In FTB s Favor And Determination That FTB Is Prevailing Party

10/15/2019 **Appendix**
Appendix Of Exhibits In Support Of FTB s Brief Re The Requirement Of Entry Of Judgment In FTB s Favor And Determination That FTB Is Prevailing Party (Volume 1)

10/15/2019 **Appendix**
Appendix Of Exhibits In Support Of FTB s Brief Re The Requirement Of Entry Of Judgment In FTB s Favor And Determination That FTB Is Prevailing Party (Volume 2)

10/15/2019 **Appendix**
Appendix Of Exhibits In Support Of FTB s Brief Re The Requirement Of Entry Of Judgment In FTB s Favor And Determination That FTB Is Prevailing Party (Volume 3)

02/21/2020 **Order Granting Motion**
(A745272 - Filed in Incorrect Case) Order Granting Plaintiffs' Motion for Mistrial

02/21/2020 **Judgment**
Judgment

02/26/2020 **Notice of Entry of Judgment**
Notice of Entry of Judgment

02/26/2020 **Memorandum of Costs and Disbursements**
FTB's Verified Memorandum of Costs

02/26/2020 **Appendix**
Appendix to FTB's Verified Memorandum of Costs - Volume 1

02/26/2020 **Appendix**
Appendix to FTB's Verified Memorandum of Costs - Volume 2

02/26/2020 **Appendix**
Appendix to FTB's Verified Memorandum of Costs - Volume 3

02/26/2020 **Appendix**
Appendix to FTB's Verified Memorandum of Costs - Volume 4

02/26/2020 **Appendix**
Appendix to FTB's Verified Memorandum of Costs - Volume 5

02/26/2020 **Appendix**
Appendix to FTB's Verified Memorandum of Costs - Volume 6

02/26/2020 **Appendix**
Appendix to FTB's Verified Memorandum of Costs - Volume 7

02/26/2020 **Appendix**
Appendix to FTB's Verified Memorandum of Costs - Volume 8

02/26/2020 **Appendix**
Appendix to FTB's Verified Memorandum of Costs - Volume 10

02/26/2020 **Appendix**
Appendix to FTB's Verified Memorandum of Costs - Volume 9

02/26/2020 **Appendix**
Appendix to FTB's Verified Memorandum of Costs - Volume 11

02/26/2020 **Appendix**
Appendix to FTB's Verified Memorandum of Costs - Volume 12

02/26/2020 **Appendix**
Appendix to FTB's Verified Memorandum of Costs - Volume 15

02/26/2020 **Appendix**
Appendix to FTB's Verified Memorandum of Costs - Volume 13

02/26/2020 **Appendix**
Appendix to FTB's Verified Memorandum of Costs - Volume 14

02/26/2020 **Appendix**
Appendix to FTB's Verified Memorandum of Costs - Volume 16

02/26/2020 **Appendix**
Appendix to FTB's Verified Memorandum of Costs - Volume 17

02/28/2020 **Clerk's Notice of Nonconforming Document and Curative Action**
Clerk's Notice of Nonconforming Document and Curative Action

03/02/2020 **Motion to Strike**
Plaintiff Gilbert P. Hyatt's Motion to Strike, Motion to Retax and, Alternatively, Motion for Extension of Time to Provide Additional Basis to Retax Costs

03/02/2020 **Clerk's Notice of Hearing**
Notice of Hearing

03/02/2020 **Clerk's Notice of Hearing**
Notice of Change of Hearing

03/02/2020 **Clerk's Notice of Nonconforming Document**
Clerk's Notice of Nonconforming Document

03/03/2020 **Clerk's Notice of Nonconforming Document and Curative Action**
Clerk's Notice of Curative Action

03/03/2020 **Clerk's Notice of Hearing**
Notice of Hearing

03/05/2020 **Notice**
FTB's Notice of Lodging CD Containing Hyperlinked Backup to Verified Memorandum of Costs

03/05/2020 **Notice of Hearing**
Notice of Change of Hearing

03/10/2020 **Notice of Hearing**
Notice of Hearing

04/07/2020 *CANCELED* **Motion to Strike** (9:30 AM) (Judicial Officer Jones, Tierra)
Vacated - Set in Error
Plaintiff Gilbert P. Hyatt's Motion to Strike, Motion to Retax and, Alternatively, Motion for Extension of Time to Provide Additional Basis to Retax Costs

04/09/2020 **Motion to Strike** (3:00 AM) (Judicial Officer Jones, Tierra)
Plaintiff Gilbert P. Hyatt's Motion to Strike, Motion to Retax and, Alternatively, Motion for Extension of Time to Provide Additional Basis to Retax Costs
04/07/2020 Reset by Court to 04/09/2020

Financial Information

Attorney Lundvall, Pat

	Total Financial Assessment			12.00
	Total Payments and Credits			12.00
	Balance Due as of 03/13/2020			**0.00**
05/12/2009	Transaction Assessment			12.00
05/12/2009	Payment (Window)	Receipt # 2009-21044-FAM	Lundvall, Pat	(12.00)

Conversion Extended Connection Type No Convert Value @ 98A382999

	Total Financial Assessment			42,328.00
	Total Payments and Credits			42,328.00
	Balance Due as of 03/13/2020			**0.00**
01/06/1998	Transaction Assessment			42,328.00
01/06/1998	Conversion Payment	Receipt # 00376130	HUTCHISON & STEFFEN	(128.00)
02/05/1998	Conversion Payment	Receipt # 00383363	MC DONALD CARANO WILSON MC CUN	(81.00)
07/14/1998	Conversion Payment	Receipt # 00422576	CASH ACCOUNT	(2.00)
02/23/1999	Conversion Payment	Receipt # 00475334	CASH ACCOUNT	(4.00)
02/24/1999	Conversion Payment	Receipt # 00475517	CASH ACCOUNT	(1.00)
02/24/1999	Conversion Payment	Receipt # 00475612	CASH ACCOUNT	(1.00)
03/04/1999	Conversion Payment	Receipt # 00477964	INTEGRITY RECORDS ACCESS	(7.00)

03/04/1999	Conversion Payment	Receipt # 00477967	INTEGRITY RECORDS ACCESS	(4.00)
03/04/1999	Conversion Payment	Receipt # 00478035	DOCUTRIEVAL INFORMATION SERVIC	(50.00)
03/10/1999	Conversion Payment	Receipt # 00479451	CASH ACCOUNT	(1.00)
03/16/1999	Conversion Payment	Receipt # 00481339	CASH ACCOUNT	(4.00)
06/10/1999	Conversion Payment	Receipt # 00504112	HUTCHISON & STEFFEN	(20.00)
06/10/1999	Conversion Payment	Receipt # 00504154	LEGAL WINGS	(18.00)
06/22/1999	Conversion Payment	Receipt # 00506863	HUTCHISON & STEFFEN	(12.00)
06/24/1999	Conversion Payment	Receipt # 00507652	HUTCHISON & STEFFEN	(12.00)
06/25/1999	Conversion Payment	Receipt # 00508094	HUTCHISON & STEFFEN	(12.00)
06/25/1999	Conversion Payment	Receipt # 00508131	HUTCHISON & STEFFEN	(12.00)
07/14/1999	Conversion Payment	Receipt # 00512354	HUTCHISON & STEFFEN	(12.00)
07/14/1999	Conversion Payment	Receipt # 00512379	HUTCHISON & STEFFEN	(12.00)
08/09/1999	Conversion Payment	Receipt # 00518388	CASH ACCOUNT	(9.00)
11/23/1999	Conversion Payment	Receipt # 00544272	HUTCHISON & STEFFEN	(42.00)
11/30/1999	Conversion Payment	Receipt # 00545373	HUTCHISON & STEFFEN	(40.00)
07/10/2000	Conversion Payment	Receipt # 00602624	CASH ACCOUNT	(4.00)
09/22/2000	Conversion Payment	Receipt # 00622956	MC DONALD CARANO WILSON MC CUN	(127.00)
10/05/2000	Conversion Payment	Receipt # 00626399	CASH ACCOUNT	(5.00)
02/14/2002	Conversion Payment	Receipt # 00767165	CASH ACCOUNT	(2.00)
02/15/2002	Conversion Payment	Receipt # 00771128	CASH ACCOUNT	(2.00)
03/04/2002	Conversion Payment	Receipt # 00772514	MCDONALD CARANO WILSON MCCUNE	(24.00)
03/12/2002	Conversion Payment	Receipt # 00775142	CASH ACCOUNT	(2.00)
06/19/2002	Conversion Payment	Receipt # 00807459	MCDONALD CARANO WILSON MCCUNE	(22.00)
10/29/2002	Conversion Payment	Receipt # 00847028	KAREN SUROWIEC	(23.00)
11/01/2002	Conversion Payment	Receipt # 00848269	CASH ACCOUNT	(24.00)
05/19/2003	Conversion Payment	Receipt # 00913708	MCDONALD CARANO WILSON	(5.00)
08/21/2003	Conversion Payment	Receipt # 00944544	CASH ACCOUNT	(2.00)
08/26/2003	Conversion Payment	Receipt # 00945573	CASH ACCOUNT	(10.00)
09/05/2003	Conversion Payment	Receipt # 00948785	CASH ACCOUNT	(54.00)
09/25/2003	Conversion Payment	Receipt # 00955030	CASH ACCOUNT	(26.00)
01/14/2004	Conversion Payment	Receipt # 00988386	CASH ACCOUNT	(26.00)
03/24/2004	Conversion Payment	Receipt # 01011851	CASH ACCOUNT	(4.00)
04/14/2004	Conversion Payment	Receipt # 01018837	CASH ACCOUNT	(5.00)
12/16/2004	Conversion Payment	Receipt # 01097461	CASH ACCOUNT	(6.00)
03/04/2005	Conversion Payment	Receipt # 01122198	MCDONALD CARANO WILSON	(7.00)
10/14/2005	Conversion Payment	Receipt # 01193910	CASH ACCOUNT	(25.00)
04/04/2006	Conversion Payment	Receipt # 01246016	CASH ACCOUNT	(2.00)
08/18/2006	Conversion Payment	Receipt # 01289403	CASH ACCOUNT	(4.00)
08/19/2008	Conversion Payment	Receipt # 01455283	LEAH PEARSON LOISLAW	(2.00)
09/03/2008	Conversion Payment	Receipt # 01458643	MCDONALD CARANO WILSON LLP	(203.00)
11/21/2008	Conversion Payment	Receipt # 01474883	MCDONALD CARANO WILSON LLP	(30.00)
01/09/2009	Conversion Payment	Receipt # 01482998	Gilbert P Hyatt	(41,000.00)
02/10/2009	Conversion Payment	Receipt # 01488885	MCDONALD CARANO WILSON	(24.00)
03/04/2009	Conversion Payment	Receipt # 01493413	HUTCHINSON & STEFFEN LLC	(24.00)
04/09/2009	Conversion Payment	Receipt # 01500313	Unknown (Conversion)	(150.00)

	Defendant California State Franchise Tax Board			
	Total Financial Assessment			24.00
	Total Payments and Credits			24.00
	Balance Due as of 03/13/2020			**0.00**
05/05/2009	Transaction Assessment			24.00
05/05/2009	Payment (Window)	Receipt # 2009-18786-FAM	McDonald-Carano-Wilson	(24.00)

EXHIBIT C

OFFR
JAMES W. BRADSHAW (NSBN 1638)
PAT LUNDVALL (NSBN 3761)
CARLA HIGGINBOTHAM (NSBN 8495)
McDONALD CARANO WILSON LLP
2300 West Sahara Avenue, Suite 1000
Las Vegas, Nevada 89102
Telephone No. (702) 873-4100

Attorneys for Defendant Franchise Tax Board

DISTRICT COURT

CLARK COUNTY, NEVADA

* * * *

GILBERT P. HYATT, Plaintiff, vs. FRANCHISE TAX BOARD OF THE STATE OF CALIFORNIA, and DOES 1-100, inclusive Defendants.	Case No. : A 382999 Dept. No. : X Docket No. : R **FTB'S OFFER OF JUDGMENT** **Hearing Date:** **Hearing Time:**

TO: Plaintiff Gilbert P. Hyatt and his attorneys of record:

Pursuant to Rule 68 of the Nevada Rules of Civil Procedure and Nevada Revised Statute 17.115, defendant Franchise Tax Board of the State of California ("FTB") offers to allow judgment to be taken against it and in favor of plaintiff Gilbert P. Hyatt ("Hyatt") in the amount of One Hundred Ten Thousand Dollars ($110,000) **inclusive of all pre-offer, prejudgment interest, taxable costs and attorneys fees**. This Offer of Judgment is for the amount of One Hundred Ten Thousand Dollars ($110,000) only. No amount in excess of this One Hundred Ten Thousand Dollars ($110,000) is being offered. This inclusive amount is expressly intended to preclude a separate award of costs, fees, interest or any other form of compensation. This Offer of Judgment shall apply to all claims asserted by Hyatt against FTB in the above referenced action and if accepted, shall completely resolve this matter.

This Offer of Judgment is made for the purposes specified in NRCP 68 and Nevada Revised

McDONALD·CARANO·WILSON
2300 WEST SAHARA AVENUE • SUITE 1000 • LAS VEGAS, NEVADA 89102-4354
PHONE (702) 873-4100 • (702) 873-9966

Statute 17.115, is expressly designated a compromise settlement, and it is not to be construed as an admission of any kind whatsoever in any administrative proceeding or court of law in any forum or jurisdiction, including Nevada and California. If this Offer of Judgment is acceptable, Hyatt should send the original of his written acceptance to FTB attorneys at the address listed below. If this Offer of Judgment is accepted, FTB intends to pay the amount of the offer within a reasonable time and exercise its option to obtain a dismissal of this action rather than a judgment. See NRCP 68(d) and NRS 17.115(2)(a)((1).

Dated this 26 day of November, 2007.

McDONALD CARANO WILSON LLP

By: Pat Lundvall

JAMES W. BRADSHAW (NSBN 1638)
PAT LUNDVALL (NSBN 3761)
CARLA HIGGINBOTHAM (NSBN 8495)
2300 West Sahara Avenue, Suite 1000
Las Vegas, Nevada 89102
Telephone No. (702) 873-4100

Attorneys for Defendant
Franchise Tax Board of the State of California

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2300 WEST SAHARA AVENUE • SUITE 1000 • LAS VEGAS, NEVADA 89102-4354
PHONE (702) 873-4100 • (702) 873-9966

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of McDonald Carano Wilson LLP, and that I served a true and correct copy of the foregoing **FTB'S OFFER OF JUDGMENT** on this 26th day of November, 2007 by hand delivery upon the following:

Peter C. Bernhard, Esq.
Bullivant Houser Bailey PC
3883 H. Hughes Parkway, No. 550
Las Vegas, Nevada 89169

I hereby certify that I am an employee of McDonald Carano Wilson LLP, and that I served true and correct copies of the foregoing **FTB'S OFFER OF JUDGMENT** on this 26th day of November, 2007 by depositing said copies in the United States Mail, postage prepaid thereon, upon the following:

Mark A. Hutchison, Esq.
Hutchison & Steffen
Peccole Professional Park
10080 West Alta Drive, Suite 200
Las Vegas, NV 89145

Donald Kula, Esq.
Perkins Coie
1620 - 26th Street
Sixth Floor, South Tower
Santa Monica, CA 90404-4013

An Employee of McDonald Carano Wilson LLP

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EXHIBIT D

DECL
Pat Lundvall (NSBN 3761)
McDONALD CARANO LLP
2300 West Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102
Telephone: (702) 873-4100
Facsimile: (702) 873-9966
lundvall@mcdonaldcarano.com

Attorneys for Defendant
Franchise Tax Board of the State of California

DISTRICT COURT

CLARK COUNTY, NEVADA

GILBERT P. HYATT, Plaintiff, vs. FRANCHISE TAX BOARD OF THE STATE OF CALIFORNIA, and DOES 1-100, inclusive, Defendants.	Case No.: 98A382999 Dept. No.: X **DECLARATION OF PAT LUNDVALL IN SUPPORT OF FTB's MOTION FOR ATTORNEY'S FEES PURSUANT TO NRCP 68**

I, Pat Lundvall, state as follows:

1. I am an attorney in the law firm of McDonald Carano LLP ("McDonald Carano"), counsel of record for Defendant Franchise Tax Board of the State of California ("FTB") in Case No. 98A382999 against Plaintiff Gilbert Hyatt ("Hyatt"). I've had ownership interest in McDonald Carano since 1996.

2. I am over the age of 18 years. I submit this declaration in compliance with NRCP 54(d) and in support of FTB's Motion for Attorney's Fees. The declaration is based upon my own person knowledge unless otherwise stated. The information contained within and in any subsequent disclosure of invoices that McDonald Carano sent to FTB for payment in this case are not intended to waive the attorney-client or work product privileges, nor should they be construed to waive those privileges.

3. At trial in this matter, FTB was defended by James Bradshaw, myself, and Carla Higginbotham.

McDONALD CARANO
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4. I have been practicing law in Nevada since 1989. I have been an attorney with McDonald Carano since June 1994, and a partner with the firm since January 1996. I have represented clients in all aspects of complex and commercial litigation in state court (including the district courts, the intermediate Court of Appeals, and the Nevada Supreme Court), federal district courts, the Ninth Circuit Court of Appeals and the Supreme Court of the United States. A copy of my professional biography is attached as **Exhibit 1**.

5. James Bradshaw joined McDonald Carano in 1982, and he was admitted to the State Bars of Nevada and California during work on this case. Bradshaw is a fifth-generation Nevadan and served for more than 24 years in the United States Air Force and the Nevada Air National Guard. He served a judicial clerkship in Nevada state court, served on the Nevada State Bar Board of Governors for two decades, and founded McDonald Carano's Las Vegas office, where he was managing partner until 1992. Bradshaw represented business clients in Nevada and California's state and federal courts and in front of their government agencies. A copy of his professional biography is attached as **Exhibit 2**.

6. Higginbotham is currently a United States Magistrate Judge for the United States District Court of Nevada. She joined the Nevada Bar in 2003 and worked as a judicial law clerk for The Honorable Procter R. Hug, Jr. in the Ninth Circuit Court of Appeals. After her clerkship ended, McDonald Carano hired Higginbotham in 2005 as an associate attorney. In this position, Higginbotham was assigned to help defend FTB at trial and in the appellate process thereafter. She left McDonald Carano in 2010 to become an Assistant United States Attorney before being appointed as a Federal Magistrate Judge in 2018. During this time, Higginbotham had experience in all levels of federal and Nevada courts. She was also rated by the Nevada Business Journal and Super Lawyers. A copy of her professional biography is attached as **Exhibit 3.**

7. After trial, along with myself and Bradshaw, FTB was also defended by additional attorneys with dedicated experience in appellate matters. In the Nevada Supreme Court, FTB was represented by Robert Eisenberg of Lemons, Grundy, &

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Eisenberg and Debbie Leonard of McDonald Carano.

8. The biographies of Eisenberg and Leonard are attached as **Exhibits 4 and 5**.

9. Eisenberg joined the Nevada Bar in 1979 when he began working for the Nevada Supreme Court's central legal staff. In 1985, he joined his present firm and now practices entirely in Nevada civil appeals. During this time, Eisenberg has served as a Nevada Supreme Court settlement judge and on several professional committees, including the Nevada Supreme Court bench bar committee and the Nevada Appellate Advocacy Handbook committee.

10. Leonard was a partner at McDonald Carano with substantial experience in appellate matters who also served as a Nevada Supreme Court settlement judge. Leonard joined the Nevada Bar in 2002 and the California Bar in 2003 and she was rated by Martindale Hubbell, Nevada Business Magazine, and Super Lawyers.

11. In front of the Supreme Court of the United States, FTB was defended by the above individuals and national counsel, including Paul Clement and Seth Waxman.

12. The biographies of Clement and Waxman are attached as **Exhibits 6 and 7**.

13. Clement was the 43rd Solicitor General of the United States from June 2005 to June 2008 and has argued over 100 cases in front of the Supreme Court of the United States. His practice focuses on high stakes cases in appellate matters, constitutional litigation, and strategic counseling regarding all levels of federal appeals courts. Clement clerked for the late Antonin Scalia in the Supreme Court of the United States before becoming chief counsel of the United States Senate Subcommittee on the Constitution, Federalism, and Property Rights.

14. Waxman was the 41st Solicitor General of the United States from November 1997 to January 2001. He has argued over 85 cases in the Supreme Court of the United States and has substantial experience in other federal and state trial and appellate courts. In 2014, Super Lawyers named him the number one lawyer in Washington, D.C., and in 2016, the American Lawyer named him Litigator of the Year.

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15. In addition, at both the trial and appellate level, FTB was defended by various attorneys assisting Bradshaw, Lundvall, Higginbotham, Eisenberg, Leonard, Clement, and Waxman in support capacities. These attorneys are too numerous to address individually in this declaration, but each had substantial experience and credentials in complex litigation matters. This experience is why the lead attorneys assigned these attorneys tasks on this case.

16. In the Motion, FTB advocates for a bifurcated approach where the Court first determines Hyatt's liability to pay FTB's attorney's fees and costs (if necessary) under NRCP 68, before then conducting analysis under *Brunzell v. Golden Gate National Bank* to determine the amount of fees that FTB should be awarded.

17. Accordingly, I will provide billing invoices and supporting documentation during this second phase or at such time as the Court requests them. Nevertheless, in an abundance of caution, the Motion also discusses several of the *Brunzell* factors for the Court's edification.

18. As such, I will discuss my firm's general staffing and billing practices during this case.

19. I am generally familiar with the billing rates for attorneys in the Las Vegas legal market. I believe the hourly rates charged to FTB in this matter are fair and reasonable for professional services by litigation attorneys with similar levels of experience and expertise within the Las Vegas market.

20. Additionally, I am generally familiar with the billing rates for attorneys that practice in front of the Supreme Court of the United States. I believe the hourly rates charged to FTB in this matter are fair and reasonable for professional services by appellate attorneys with similar levels of experience and expertise within that highly specialized market.

21. All the work performed in this case was necessary to obtain the result reflected in this Court's Judgment dated February 21, 2020. This was a heavily litigated case through trial and multiple appeals. Hyatt litigated every issue and left no stone

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unturned during discovery. FTB's counsel performed research, factual investigation, and drafted the necessary briefs on FTB's behalf. All the work done was consistent with civil litigation practice in Las Vegas, Nevada in similar cases.

22. The case was complex, involving a substantial number of witnesses, a multi-month trial, robust dispositive motion practice, several appeals in state and federal courts, and two decades of litigation.

23. The trial included 58 witnesses and over 2789 exhibits.

24. Additionally, as correctly described by the Supreme Court of the United States, the case had far reaching implications for the constitutional sovereignty of States. If FTB lost, it would have been haled into Nevada courts by other taxpayers and indeed into courts of other states as well. This is one reason why multiple amici briefs were filed in the Supreme Court of the United States, including one by 45 states (including Nevada) supporting FTB and the Multistate Tax Commission.

25. Regarding the foregoing work, each timekeeper's work was billed on an hourly basis and reflected on each attorney's time sheets, which were required to be made at or around the time of the activity reflected thereon, and to accurately reflect the amount of time expended on the activities done on FTB's behalf. The individual time sheets were entered into a billing program in McDonald Carano's computer system. Those entries were then prepared in a format that constituted a draft of the monthly bill, with time converted to dollar amounts. Each attorney and I reviewed the draft bills for accuracy.

26. I am the billing attorney for this case and would review a draft bill before it was sent to the client, but after each timekeeper had already reviewed a draft of their own time spent. If I, as the billing attorney, believed that a write down was appropriate, then the client was given a discount which was never reflected on their invoice. I made such write downs to my time and other billing professionals throughout the litigation. This procedure has proven trustworthy and to render accurate and timely billing statements.

27. There was no contingency associated with this firm's retention in this case. FTB did not impose any specific time limits, but in accord with all work by this firm for FTB

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since approximately 1998, we strove to obtain the result in the most cost-efficient but effective manner.

28. Several exhibits are attached to the Motion.

29. Attached as Exhibit A to the Motion is a true and correct copy of the Complaint in this case.

30. Attached as Exhibit B to the Motion is a true and correct copy of the Docket in this case as of March 13, 2020.

31. Attached as Exhibit C to the Motion is a true and correct copy of the Offer of Judgment (the "Offer") that FTB served upon Hyatt in this case.

32. Hyatt rejected this Offer and chose to proceed to trial.

33. Attached as Exhibit E to the Motion is a true and correct copy of a Pacer Case Locator Report reflecting the various lawsuits that Hyatt has filed in federal courts.

34. Attached as Exhibit F to the Motion is a true and correct copy of a Pacer Appellate Locator Report reflecting the various appeals that Hyatt has litigated in federal appellate courts.

35. Attached as Exhibit G to the Motion is a true and correct copy of the Supreme Court docket in one such case that Hyatt litigated to the Supreme Court of the United States.

36. Attached as Exhibit H to the Motion is a true and correct copy of a brief that FTB filed with the Ninth Circuit Court of Appeals detailing Hyatt's lengthy tax proceedings in California. Hyatt maintained these proceedings parallel to the current case. FTB does not seek recovery of any attorney's fees associated with Hyatt's tax proceedings or the federal court litigation.

37. Instead, FTB only seeks recovery of its attorney's fees and/or costs incurred in the case pending before this Court.

38. After trial and several appeals in this case, the Court entered Judgment in FTB's favor against Hyatt dismissing all claims.

39. Consequently, Hyatt did not obtain a judgment more favorable than FTB's

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Offer.

40. Accordingly, FTB submits the Motion pursuant to NRCP 54 and seeks recovery of its attorney's fees under NRCP 68 based on Hyatt's failure to beat FTB's Offer.

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

Executed this 13th day of March, 2020.

/s/ Pat Lundvall
Pat Lundvall

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EXHIBIT 1

McDONALD CARANO

Partner

PAT LUNDVALL

lundvall@mcdonaldcarano.com

PHONE 702.873.4100 DIRECT 702.257.4591

Areas of Practice
Commercial & Complex Litigation; Employment & Labor Law; Appellate Law

Bar Admissions
Nevada

Court Admissions
U.S. Court of Appeals, Ninth Circuit

U.S. Supreme Court

Education
J.D., Valedictorian, with Great Distinction, Order of the Coif, University of the Pacific McGeorge School of Law, 1989

M.S., Exercise Sciences, University of Nebraska at Lincoln, 1983

B.S., Exercise Sciences, University of Nebraska at Lincoln, 1980

PROFESSIONAL BACKGROUND

Pat Lundvall, a partner in the firm and Chair of the firm's Litigation Practice Group and Employment & Labor Law Practice Group, has vast experience in every phase of commercial litigation – from pleading and motion practice through discovery, settlement, trial and appeal. Ms. Lundvall has successfully represented clients in judge and jury trials in state and federal court, as well as on appeal to the Nevada Supreme Court, the Ninth Circuit Court of Appeals and the U.S. Supreme Court. In addition, she has served as local and coordinating counsel for large, multidistrict, complex litigation. One adjective is repeatedly used to describe her litigation style - aggressive.

AREAS OF EXPERIENCE

Commercial & Complex Litigation

Ms. Lundvall has particular expertise handling complex business disputes and the substantive claims common to those disputes.

REPRESENTATIVE ENGAGEMENTS

Ms. Lundvall has handled literally hundreds of cases across the last 27 years. Some of her more interesting representations include:

- Governor James Gibbons in Chrissy Mazzeo v. James Gibbons et. al., a case alleging assault and deprivation of constitutional rights;
- Amerco, the parent company of U-Haul International, in Paul Shoen v. Amerco et.al., a shareholder derivative case alleging insider dealing;
- Bristol-Myers Squibb in State of Nevada v. Bristol-Myers Squibb et. al., a case alleging price fixing;
- D.R. Horton, Inc., in multiple homeowner cases alleging mortgage fraud;
- Pardee Homes of Nevada v. A.D. Seeno Construction concerning development of Coyote Springs;
- Five Mile Capital v. Jeff and Jackie Soffer in a dispute over development to Town Square Lifestyle Center;
- Landmark Homes and Development in Sierra Gateway Ventures v. Landmark, et. al., a case alleging breach of contract and bad faith;
- Pardee Homes of Nevada and Weyerhaeuser Real Estate Company, in J.P. Morgan v. Pardee et. al., a case alleging breach of contract;

(continued)

Offices

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(continued)

- Southwest Gas Corporation in Richard de los Reyes v. Southwest Gas Corporation, a case alleging employment discrimination;
- George Stephanopoulos and Little Brown Company in Gennifer Flowers v. James Carville et. al., a case alleging defamation;
- Southern Wine and Spirits of America, Inc., in SWS v. Bacardi-Martini USA, a case alleging unfair trade practices.

All of these matters are the subject of reported decisions or public dockets.

PUBLICATIONS

- Author, *The Rise and Fall of the Antitrust Exemption for the Business of Insurance,* John Stauffer Memorial, published by the University of the Pacific McGeorge School of Law, June 1989
- Chapter on Pretrial Conferences, *Nevada Civil Practice Manual*
- Numerous publications for professional seminars

AWARDS AND RECOGNITION

Chambers USA - Litigation: General Commercial

Martindale-Hubbell AV® Peer Review Rated

The Best Lawyers in America© - Commercial Litigation; Litigation - Labor and Employment (since 2002)

Super Lawyers -Business Litigation

Nevada Business Magazine - "Legal Elite"

Silver State's Top 100

Outstanding Lawyers of America

Recognized among "Female Business Leaders" by *Las Vegas Business Press*

Co-Founder: Complex Commercial Litigation Institute (CCLI)

Senior Fellow: Litigation Counsel of America

Board Certified in Civil Litigation by National Board of Trial Advocacy

Board Certified as Civil Trial Advocacy Specialist by State Bar of Nevada

Certified Advocate, National Board of Civil Pretrial Practice Advocacy

"Distinguished Nevadan" Award presented by University of Nevada Las Vegas

Presented with Award for "New Thinking About Thinking" by Keep Memory Alive / The Cleveland Clinic Lou Ruvo Center for Brain Health

RELEVANT COMMUNITY ENGAGEMENT

Former Commissioner and Past Chairman: Nevada State Athletic Commission

Public Private Partnership Advisory Panel to Nevada Department of Transportation

Board Member: Friends of the Nevada Mansion

Board Member: Nevada Military Support Alliance

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EXHIBIT 2

McDONALD CARANO

Senior Counsel

JAMES W. BRADSHAW

jbradshaw@mcdonaldcarano.com

PHONE 775.788.2000 FAX 775.788.2020

Areas of Practice
Employment & Labor Law; Construction Law; Commercial & Complex Litigation; Gaming & Administrative Law

Bar Admissions
Nevada
California

Education
J.D., University of the Pacific McGeorge School of Law, 1981

PROFESSIONAL BACKGROUND

Mr. Bradshaw practices in the litigation, construction law, and employment groups of the firm. He has been elected by his peers to the Nevada State Bar's board of governors since 2002. He served as a board member and chairman of the Northern Nevada Disciplinary Panel for nine years. Before joining the firm in Reno in 1982, he served a judicial clerkship in the Second Judicial District Court of the State of Nevada. Born and raised in Reno, Mr. Bradshaw is a fifth-generation Nevadan. He launched the firm's Las Vegas office in 1986 and was the Las Vegas managing partner until 1992, when he returned to Reno to raise his family.

MILITARY SERVICE

In addition to his career as an attorney, Mr. Bradshaw dedicated more than 24 years of service to the United States Air Force and the Nevada Air National Guard. He retired in 1995 as a Lieutenant Colonel. Mr. Bradshaw is the recipient of the Distinguished Flying Cross and Air Medals for service during Operation Desert Storm. He is a member of the Veterans of Foreign Wars, the Air National Guard Retirees Association, and the National Security Forum.

AREAS OF EXPERIENCE

Mr. Bradshaw is experienced in representing business clients in Nevada and California's state and federal courts and government agencies. He has represented clients in the insurance, banking, construction, hotel and gaming, real estate, marketing, mining, electronics, and manufacturing industries. His practice includes all aspects of litigation, along with conflict resolution and risk management. In addition to traditional tort and commercial litigation, Mr. Bradshaw has experience in litigation involving insurance law, intellectual property, unfair trade practices, restrictive covenants, fraudulent transfers, and breach of fiduciary duties.

REPRESENTATIVE ENGAGEMENTS

A.C. Houston Lumber Company

Acadia Medical Group

The Boyd Group

Brown & Brown Insurance

California Franchise Tax Board

Century Surety Company

Degussa Corporation

Eldorado Hotel Casino

Employers Insurance Company of Nevada

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(continued)

H&E Equipment Services, Inc.
Hamilton Company, Inc.
J.M. Keckler Medical Company, Inc.
Marsh USA, Inc.
Nevada State Bank
Primadonna Company
Redi Services, LLC
Scolari's Warehouse Markets, Inc.
Suburban Propane
Summit Contractors, Inc.
Transwestern General Agency
Washington Group International

AWARDS AND RECOGNITION

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The Best Lawyers in America© - Commercial Litigation
Martindale Hubbell AV® Preeminent™ Peer Review Rated

COMMUNITY ENGAGEMENT

Member of the Board of Governors, Nevada State Bar (2002–12)
Board member and chairman, Northern Nevada Disciplinary Panel (until 2002)
Member of the Board of Trustees, Nevada Bar Foundation

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EXHIBIT 3

U.S. DISTRICT COURT
DISTRICT OF NEVADA
Hon. Miranda M. Du, Chief Judge

Menu

MAGISTRATE JUDGE CARLA BALDWIN

Carla Baldwin is currently a United States Magistrate Judge in Reno, where she presides over a variety of criminal and civil matters. Prior to her elevation to the bench, Judge Baldwin gained extensive and varied trial experience in both federal criminal and complex civil law. From 2010 until to her appointment to the bench, Judge Baldwin served as an Assistant United States Attorney in the criminal division of the United States Attorney's Office in Nevada. During her tenure as an AUSA, Judge Baldwin specialized in prosecuting crimes against children, human trafficking, complex white-collar cases, immigration, election crimes and public corruption. Judge Baldwin tried numerous jury and bench trials and argued several cases before the Ninth Circuit Court of Appeals. As an AUSA, Judge Baldwin served is the District of Nevada's coordinator for the Project Safe Childhood initiative, the coordinator for the Northern Nevada Financial Crimes Task Force, the District of Nevada's Professional Responsibility Officer, and the District's Elections Officer.

Prior to becoming a federal prosecutor, Judge Baldwin was an associate attorney with the law firm of McDonald Carano Wilson LLP from 2005 until 2010. While at the firm, Judge Baldwin's practice focused primarily in the areas of appellate law and complex commercial and civil litigation. As an associate, Judge Baldwin tried a four-month long complex civil jury trial and argued numerous cases before the Ninth Circuit Court of Appeals, the Nevada Supreme Court, and various state and federal courts in Las Vegas and Reno. Prior to her time at MCW, Judge Baldwin served as a judicial law clerk to the Honorable Procter R. Hug, Jr. on the Ninth Circuit Court of Appeals and the Honorable Peter I. Breen on the Second Judicial District Court for Washoe County, Nevada.

Judge Baldwin has been active in various legal organizations and pro bono projects. Currently, she is a Master Emeritus of the Bruce R. Thompson Inns of Court in Reno, a volunteer for the We the People program, and a member of Federal Magistrate Judge's Association. Previously, Judge Baldwin served on the Board of Directors for Step 2, Inc., a drug and alcohol recovery center in Reno, an ASECNT mentor for Hug High School, and was an active member of the Ninth Circuit's Pro Bono program.

Judge Baldwin received her Bachelor of Arts Degree in Speech Communications with a minor in Business Administration from the University of Nevada, Reno in 1997. In 2007, Judge Baldwin was awarded the Outstanding Young Alumni award for UNR. In 2003, Judge Baldwin received her juris doctorate degree, with great distinction, from the University of the Pacific, McGeorge School of Law. While in law school, Judge Baldwin raised a toddler, worked and received various academic and advocacy awards, including receiving the top grade in both her property and evidence classes. Upon graduation, she was awarded the Outstanding Student Achievement Award and inducted into both the Order of the Coif and Order of the Barristers. In 2008, Judge

Baldwin was named one of McGeorge's Top 80 Alumni in 80 years.

LOCATIONS

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Saturday & Sunday: Closed

SEARCH

EXHIBIT 4

Robert L. Eisenberg

rle@lge.net (mailto:rle@lge.net)

Robert Eisenberg received his bachelor's degree from California State Polytechnic University in 1973, and his J.D. degree from the University of San Diego School of Law in 1976 (magna cum laude). He was admitted to the California Bar in 1976 and the Nevada Bar in 1980. He was a civil trial attorney in San Diego from 1976 until 1979 when he moved to Nevada. From 1979 through 1984, he worked on the Central Legal Staff of the Nevada Supreme Court. During most of that time, he was the Supervising Staff Attorney. He joined the firm of Lemons, Grundy & Eisenberg in 1985.

Since joining the firm, Mr. Eisenberg has practiced in the fields of civil trial litigation and civil appeals. He had numerous jury trials and bench trials over the years, while also developing his appellate practice. His law practice is now devoted entirely to civil appeals.

Mr. Eisenberg is a member of numerous professional organizations. He has served as President of the Reno chapter of the American Inns of Court; President of the Northern Nevada Association of Defense Counsel; member of the Board of Directors of the Association of Defense Counsel of Northern California and Nevada; Chairman of the Nevada Continuing Legal Education Committee; lawyer representative for Nevada federal courts; and member of the Board of Directors of the ABA Committee of Appellate Staff Attorneys (and National Education Chairman). He has served on numerous professional committees, including the Nevada Appellate Advocacy Handbook Committee, the Civil Practice Handbook Committee, the Nevada Supreme Court Bench-Bar Committee, and various study committees established by the Nevada Supreme Court. He has served as a Settlement Judge in the Nevada Supreme Court's mandatory settlement program since 1997. He frequently lectures and teaches in the areas of civil trial litigation and appeals. He has also coached the Reno High School mock trial team since 1999 (with three state championships).

EXHIBIT 5

Leonard Law
advocacy and mediation

ATTORNEY AND MEDIATOR

Debbie Leonard

Debbie Leonard received her law degree from the University of California, Berkeley School of Law (Boalt Hall) with a certificate in environmental law. She also has a master's degree in education from the University of California, Santa Cruz and graduated with honors from the University of Wisconsin, Madison with a bachelor's degree in zoology.

Ms. Leonard worked for the United States Forest Service and the National Marine Fisheries Service on resource management issues and environmental assessment. She also taught science at the secondary and college levels. After law school, she served as a law clerk to the Honorable David W. Hagen in the United States District Court, District of Nevada.

Prior to starting Leonard Law, Ms. Leonard was a partner with one of Nevada's largest and most established law firms, chairing its appellate practice group. With Leonard Law, Ms. Leonard continues to focus her practice on appeals, water and land disputes, and mediation.

Education

Berkeley Law, University of California, Berkeley (Boalt Hall)
Juris Doctor with Certificate

Leadership and Service

Chair, Nevada State Bar Appellate Litigation Section (2013-2014)

in Environmental Law (2002)

University of California, Santa Cruz
M.A. Education, June 1997

California Secondary Teaching Credential in Science

University of Wisconsin, Madison
B.A. Zoology (Honors), May 1991

Honors thesis: *Production Potential of Cutthroat Trout in Two Streams on the Olympic Peninsula*

Awards & Recognition

Martindale Hubbell AV® Preeminent Peer Review Rated

Reno-Tahoe Top Twenty Under 40 award (2008)

Northern Nevada Woman of Achievement (2005)

Lead Editor, Nevada Appellate Practice Manual (2016 and 2018 editions)

Lawyer Representative, U.S. District Court (2015-2018)

Contributing Editor, Western Water Law and Policy Reporter

Contributing Author, *The Writ*, Washoe County Bar Association

Volunteer Mediator and Arbitrator, Nevada State Bar Fee Dispute Panel

Pro Bono Counsel, Tahoe-Pyramid Trail (2005-present)

Debbie Leonard CV

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Leonard Law, PC, a Professional Corporation
(775) 964-4656 | debbie@leonardlawpc.com
955 S. Virginia St., Suite 220 | Reno, NV 89502

Debbie Leonard is an attorney and mediator focused on appeals, natural resource, land and water law, representing both private clients and public entities in California and Nevada.

EXHIBIT 6

Paul D. Clement

Partner / Litigation

paul.clement@kirkland.com

Washington, D.C. +1 202 389 5000

Practices

- Litigation
- U.S. Supreme Court
- Appeals
- Trials

Admissions & Qualifications

- District of Columbia
- Virginia
- Wisconsin

Courts

- Supreme Court of the United States
- United States Court of Appeals for the First Circuit
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Third Circuit
- United States Court of

Paul Clement is a partner in the Washington, D.C., office of Kirkland & Ellis LLP. Paul served as the 43rd Solicitor General of the United States from June 2005 until June 2008. Before his confirmation as Solicitor General, he served as Acting Solicitor General for nearly a year and as Principal Deputy Solicitor General for over three years.

He has argued over 100 cases before the United States Supreme Court, including *McConnell v. FEC*, *Tennessee v. Lane*, *United States v. Booker*, *MGM v. Grokster*, *ABC v. Aereo*, *Hobby Lobby v. Burwell, Epic Systems Corp. v. Lewis, and Rucho v. Common Cause*. Paul has argued more Supreme Court cases since 2000 than any lawyer in or out of government. He has also argued many important cases in the lower courts, including *Walker v. Cheney*, *United States v. Moussaoui*, and *NFL v. Brady*.

Paul's practice focuses on appellate matters, constitutional litigation, and strategic counseling. He represents a broad array of clients in the Supreme Court and in federal and state appellate courts. Last year, for example, he successfully argued Supreme Court cases involving significant issues of energy regulation, religious liberty, state sovereign immunity and labor law, and successfully argued an arbitration appeal to the Second Circuit, a preemption appeal to the Eighth Circuit, a constitutional appeal before the *en banc* Third Circuit, and secured the reversal of an adverse jury verdict in the Eleventh Circuit.

Appeals for the Fourth Circuit
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Sixth Circuit
- United States Court of Appeals for the Seventh Circuit
- United States Court of Appeals for the Eighth Circuit
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Tenth Circuit
- United States Court of Appeals for the Eleventh Circuit
- United States Court of Appeals for the District of Columbia Circuit
- United States Court of Appeals for the Federal Circuit
- United States District Court for the District of Columbia
- United States District Court for the Northern District of Florida

Paul focuses on high-stakes appeals. In recent years, he successfully defended a $1.2 billion jury verdict for clients in a Tenth Circuit case, while securing the reversal of an over $2 billion jury verdict for another client in the Seventh Circuit and the approval of a nearly billion dollar class action settlement in the Third Circuit. He has initiated major administrative law challenges and constitutional litigation against the federal government, such as the airlines' challenge to fee increases and the First Amendment challenge in *Allergan v. United States*. He also counsels clients on a variety of strategic legal questions, whether arising from pending legislation, government inquiries or ongoing litigation.

He has undertaken substantial pro bono engagements in the Supreme Court, such as twice successfully representing the defendant in *Bond v. United States* and successfully representing the Omaha Tribe in *Nebraska v. Parker*, the guardian ad litem in *Adoptive Couple v. Baby Girl*, and the defendant in *Sekhar v. United States*.

Following law school, Paul clerked for Judge Laurence H. Silberman of the U.S. Court of Appeals for the D.C. Circuit and for Associate Justice Antonin Scalia of the U.S. Supreme Court. After his clerkships, he went on to serve as Chief Counsel of the U.S. Senate Subcommittee on the Constitution, Federalism and Property Rights.

Paul is a Distinguished Lecturer in Law at the Georgetown University Law Center, where he has taught in various capacities since 1998. He also serves as a Senior Fellow of the Law Center's Supreme Court Institute.

Clerk & Government Experience

43rd Solicitor General of the United States, 2005–2008

Acting Solicitor General of the United States

Education

- Harvard Law School, J.D., *magna cum laude* Supreme Court Editor, *Harvard Law Review*
- Cambridge University, M.Phil., Economics
- Georgetown University Walsh School of Foreign Service, B.S.F.S., *summa cum laude*

Principal Deputy Solicitor General of the United States

Chief Counsel, United States Senate Subcommittee on the Constitution, Federalism and Property Rights

Law Clerk, Honorable Antonin Scalia, Associate Justice, Supreme Court of the United States

Law Clerk, Honorable Laurence H. Silberman, United States Court of Appeals for the District of Columbia Circuit

Prior Experience

Bancroft PLLC

Thought Leadership

Publications

"Lawyering in the Supreme Court," *DRI In-House Defense Quarterly* (Winter 2018)

"Why We Read the Scalia Opinion First," *Judicature* (Spring 2017)

"In Scalia, criminal defendants have lost a great defender," *USA Today* (February 19, 2016)

"Arguing Before Justice Scalia," *The New York Times*, (February 17, 2016)

"Paul Clement On the Record," *Marquette Lawyer* (Fall 2013)

"No Shrinking From the Hard Questions," *Harvard L. Bulletin* (Winter 2010)

Keynote Address: The Intra-Executive Separation of Powers, 59

Emory L.J. (2009)

Commencement Address: remarks of the Solicitor General of the United States, 90 *Marquette L. Rev.* (Fall 2006)

"Solicitors General Panel on the Legacy of the Rehnquist Court," 74 *Geo. Wash. L. Rev.* 1171-1190 (Aug. 2006)

"Wisconsin's Own: Some thoughts on the Legacy of Chief Justice William H. Rehnquist," 10 *Tex. Rev. of L. & Politics* (2006)

Recognition

Recognized by *Chambers USA* for Appellate Law [Nationwide] [Star Individual]

Received an honorary degree from the Catholic University of America Law School in 2016

Selected by the *National Law Journal* as one of the 100 most influential lawyers in America, 2013

Lawyer of the Year, The Bar Association of the District of Columbia, 2012

EXHIBIT 7

WILMERHALE

Seth P. Waxman

PARTNER
Co-Chair, Appellate and Supreme Court Litigation Practice

WASHINGTON DC
+ 1 202 663 6800
SETH.WAXMAN@WILMERHALE.COM

Universally considered to be among the country's premier Supreme Court and appellate advocates, Seth Waxman served as Solicitor General of the United States from 1997 through January 2001. In addition to leading the firm's appellate practice, Mr. Waxman engages in a broad litigation and counseling practice, with particular emphasis on complex challenges involving governments or public policy, intellectual property, regulatory, criminal and commercial issues.

A Fellow of the American College of Trial Lawyers, Mr. Waxman also is a widely respected trial litigator. In January 2016, *The American Lawyer* named him "Litigator of the Year." Mr. Waxman was also named Litigation - First Amendment "Lawyer of the Year" for 2020, Appellate/Litigation "Lawyer of the Year" for 2018, Litigation - Intellectual Property "Lawyer of the Year" for 2016 and Litigation - First Amendment Law and Regulatory Enforcement Law "Lawyer of the Year" for 2015 by *Best Lawyers in America*, and, in 2014, *Super Lawyers* deemed him the "number one" lawyer in Washington DC. Mr. Waxman has been accorded both "star" rating by *Chambers USA* and "leading lawyer" ranking in PLC's *Global Counsel Handbook*.

Mr. Waxman's practice spans both federal and state trial and appellate courts. He has delivered 80 oral arguments in the United States Supreme Court and many more in the lower federal and state courts. Mr. Waxman's clients range from financial institutions to technology, consumer, industrial and media companies, universities and Indian tribes, and he leads the firm's efforts to counsel tribal governments. He also represents a number of local, state and national governments and prominent business and government executives and professionals. The recipient of numerous professional awards and honors, Mr. Waxman is among a small handful of practicing attorneys elected to the American Academy of Arts and Sciences. He holds several honorary degrees, as well as the Jefferson Medal in Law, an honor awarded once a year and only rarely to an attorney in private practice. In recognition of exceptional service to law enforcement, Mr. Waxman holds the extraordinary status of permanent honorary Special Agent of the Federal Bureau of Investigation.

Professional Activities

Mr. Waxman served as president of Harvard's Board of Overseers from 2010-2011. He was elected to the board in 2005, and has served on its executive committee since 2008. Mr. Waxman also serves on the faculty of the Georgetown University Law Center. He is a director and fellow of several professional, educational and cultural institutions, including the American College of Trial Lawyers, the American Academy of Appellate Lawyers, the American Bar Foundation, the American Law Institute, the Supreme Court Institute and the Supreme Court Historical Society. He lectures and writes frequently on topics related to litigation, constitutional history and doctrine, the First Amendment, intellectual property and the Supreme Court.

Solutions

Appellate and Supreme Court Litigation	Government and Regulatory Litigation	Litigation
Public Policy and Legislative Affairs	Intellectual Property Litigation	Government Contracts
National Security	Antitrust Litigation	Insurance, Annuities and Retirement
Education	Anti-Discrimination	Administrative Law
Native American Law		

Experience

- **SUPREME COURT LITIGATION**

  Mr. Waxman has won landmark rulings in many Supreme Court cases, including *Boumediene v. Bush*, in which the Court ruled that foreign citizens held at Guantanamo Bay have rights under the Constitution to challenge their detention in US civilian courts; *Roper v. Simmons*, in which the Court declared unconstitutional the death penalty for juvenile offenders; and *McConnell v. FEC*, in which the Court sustained the constitutionality of the Bipartisan Campaign Reform Act. He has also won victories in the Supreme Court for a wide range of business clients, including Medtronic, Monsanto, ABC, Liberty Mutual Insurance, Chase, Ford, Household Credit, and POM Wonderful.

- **INTELLECTUAL PROPERTY LITIGATION**

  Mr. Waxman represents clients in patent, copyright, trade-secret and other intellectual property litigation, in both trial and appellate courts. He has won multiple consecutive cases in the Court of Appeals for the Federal Circuit involving complex issues of patent validity, infringement, and licensing.

- **PUBLIC AND CORPORATE CLIENTS**

  Mr. Waxman's clients constitute a broad range of public as well as corporate institutions. He secured judgment on all counts for Harvard University in a case challenging its use of race in the undergraduate admissions process following a three-week federal bench trial. He also won a complete victory for the Government of Canada in a multi-billion-dollar trade dispute involving softwood lumber imports before a NAFTA Extraordinary Challenge Committee proceeding. By special appointment, he advised the Office of the Governor of the State of Connecticut in connection with the state legislature's landmark proceedings to consider impeachment of a sitting governor. He served as counsel to the Commission to Review the United States Olympic Committee, a blue-ribbon commission created by the United States Senate to review and recommend changes to the structure and operations of the USOC. He

represented the United Nations in litigation concerning the Oil for Food investigation and several state regulatory agencies in First Amendment and environmental matters.

Recognition

Appellate/Litigation Lawyer of the Year

Best Lawyers in America®

2018

Litigator of the Year

The American Lawyer

2016

Elite Leading Lawyer for Dispute Resolution: Appellate

The Legal 500 United States

2018

- Distinguished IP Professional Award, IPO Education Foundation, 2016
- Elected to the American Academy of Arts and Sciences, 2006
- Honorary Degrees, Georgetown University, American University, 2009
- Thomas Jefferson Medal in Law, University of Virginia, 2002
- Judge Learned Hand Award, American Jewish Committee, 2007
- Exceptional Service Award, National Coalition Against the Death Penalty, 2005
- Frederick Douglass Human Rights Award, Southern Center for Human Rights, 2005
- Permanent Honorary Special Agent, Federal Bureau of Investigation, 2001
- Edmund J. Randolph Award for Exceptional Service, US Department of Justice, 2001
- Pursuit of Justice Award, International Association of Jewish Lawyers and Jurists, 1999
- *Pro Bono Publico* Award, American Bar Association, 1988
- Benjamin J. Cardozo Certificate of Merit, Anti-Defamation League of B'nai B'rith, 1987
- **Other Recognition**
- Named to the inaugural *Legal 500 US* Hall of Fame list in 2017
- Named 2016 "Litigator of the Year" by *The American Lawyer*

- Received the Outstanding Achievement Award from *Chambers USA* in 2012 for his contributions to the legal profession
- Named Litigation - First Amendment "Lawyer of the Year" for 2020; Appellate/Litigation "Lawyer of the Year" for 2018; Litigation - Intellectual Property "Lawyer of the Year" for 2016; Litigation-First Amendment Law and Regulatory Law "Lawyer of the Year" for 2015; Appellate Practice "Lawyer of the Year" for 2014, "First Amendment Lawyer of the Year" in 2013 and "Bet-the-Company Litigator of the Year" in 2010 and 2019 by *Best Lawyers in America*. Listed by *Best Lawyers* annually in the areas of appellate law, bet-the-company litigation, commercial litigation, intellectual property litigation, white-collar criminal litigations and First Amendment law.
- Named the "Number One" lawyer in Washington DC by *Super Lawyers* 2013 and 2014. He has been selected to the Washington DC *Super Lawyers* list each year since 2007, and is recognized as one of Washington DC's "Top Ten" lawyers in the 2009–2017 editions.
- Named to *The National Law Journal*'s 2014 list of Intellectual Property Trailblazers & Pioneers.
- Selected as "Litigator of the Week" in *The American Lawyer's Litigation Daily* in June 2014.
- Named one of the " The 100 Most Influential Lawyers in America" by *The National Law Journal* in 2013 and 2006
- Ranked as a "Star Individual" leader in national appellate litigation in the 2007–2019 editions of *Chambers USA: America's Leading Lawyers for Business* and selected as a leading lawyer in the Native American law category in the 2014–2019 editions
- Recognized as a "National Star" for his appellate litigation practice in the 2010, 2012 and 2013 editions of *Benchmark Litigation*. Listed in the 2012 and 2013 editions of *Benchmark Appellate* for his work in the District of Columbia and Federal Circuit.
- Listed as a "Leading Lawyer" for Supreme Court and Appellate Litigation in *The Legal 500 United States*
- Named a 2013–2019 leading patent litigator (Court of Appeals for the Federal Circuit) by *IAM Patent 1000: The World's Leading Patent Practitioners* and listed as a leading patent litigator in the 2011 edition of *IAM Patent Litigation 250*
- Consistently recognized as an IP Star by *Managing IP*, and was the recipient of its Supreme Court Milestone Case of the Year award for his successful representation of POM in *POM Wonderful v. Coca-Cola*
- Selected as DC IP Litigator of the Year in 2014 and named a 2013–2019 IP Star by *Managing IP*, a guidebook that identifies leading IP lawyers in the United States
- Named Washington DC's "Leading Lawyer" in the area of appellate litigation by the *Legal Times* , December 2004
- Named to *Washingtonian* magazine's "Washington's Best Lawyers" list in 2004, 2007, 2009, 2011, 2013 and 2015
- Recognized by his peers as one of the world's leading litigation attorneys in Legal Media Group's *The Best of the Best*
- Listed in the *PLC Which Lawyer? Yearbook 2006* as one of Washington DC's leading lawyers in the dispute resolution category

- Selected "Lawyer of the Year" in 2005 by *Lawyers Weekly USA*

Credentials

EDUCATION

JD, Yale Law School, 1977

Managing Editor, Yale Law Journal

Rockefeller Fellow, 1974

AB, Harvard University, 1973

summa cum laude

Phi Beta Kappa

GOVERNMENT EXPERIENCE

Department of Justice

Office of the Deputy Attorney General

Acting Deputy Attorney General

Department of Justice

Office of the Solicitor General

Solicitor General of the United States

Department of Justice

Office of the Solicitor General

Acting Solicitor General

Department of Justice

Office of the Solicitor General

Principal Deputy Solicitor General

ADMISSIONS

District of Columbia

CLERKSHIPS

The Hon. Gerhard A. Gesell, US District Court for the District of Columbia, 1977 - 1978

EXHIBIT E

PACER Case Locator

Party Search Results

Search Criteria: Party Search; Jurisdiction Type: [Civil]; Last Name: [Hyatt]; First Name: [Gilbert]
Result Count: 34 (1 page)
Current Page: 1

Party Name	Case Number	Case Title	Court	Date Filed	Date Closed
Hyatt, Gilbert (pla)	2:2014cv00011	Hyatt v. United States Patent and Trademark Office et al	Nevada District Court	01/03/2014	07/28/2015
Hyatt, Gilbert (pla)	1:2015cv00960	Hyatt v. United States Patent and Trademark Office et al	Virginia Eastern District Court	07/29/2015	06/10/2016
Hyatt, Gilbert E. (mov)	3:2011mc00085	In Re Michael S. Goldberg, LLC. et al	Connecticut District Court	06/08/2011	
Hyatt, Gilbert E. (mov)	3:2011mc00085	In Re Michael S. Goldberg, LLC. et al	Connecticut District Court	06/08/2011	
Hyatt, Gilbert P (pla)	2:1992cv02773	Hyatt v. Hyatt	California Central District Court	05/07/1992	09/23/1992
Hyatt, Gilbert P. (pla)	2:2014cv00849	Hyatt v. Chiang et al	California Eastern District Court	04/04/2014	02/10/2015
HYATT, GILBERT P. (pla)	1:2004cv01138	HYATT v. DUDAS	District Of Columbia District Court	07/01/2004	09/13/2009
HYATT, GILBERT P. (pla)	1:2004cv01139	HYATT v. DUDAS	District Of Columbia District Court	07/01/2004	09/13/2009
HYATT, GILBERT P. (pla)	1:2004cv01222	HYATT v. DUDAS	District Of Columbia District Court	07/15/2004	01/31/2006
HYATT, GILBERT P. (pla)	1:2004cv01496	HYATT v. DUDAS	District Of Columbia District Court	08/31/2004	01/31/2006
HYATT, GILBERT P. (pla)	1:2004cv01802	HYATT v. DUDAS	District Of Columbia District Court	10/15/2004	09/13/2009
HYATT, GILBERT P. (pla)	1:2005cv00309	HYATT v. DUDAS	District Of Columbia District Court	02/09/2005	01/31/2006
HYATT, GILBERT P. (pla)	1:2005cv00310	HYATT v. DUDAS	District Of Columbia District Court	02/09/2005	09/13/2009
HYATT, GILBERT P. (pla)	1:2005cv00834	HYATT v. DUDAS	District Of Columbia District Court	04/22/2005	03/03/2006
HYATT, GILBERT P. (pla)	1:2005cv02310	HYATT v. MATAL	District Of Columbia District Court	11/18/2005	08/01/2018

Party Name	Case Number	Case Title	Court	Date Filed	Date Closed
HYATT, GILBERT P. (pla)	1:2009cv01864	HYATT v. MATAL	District Of Columbia District Court	09/25/2009	08/01/2018
HYATT, GILBERT P. (pla)	1:2009cv01869	HYATT v. MATAL	District Of Columbia District Court	09/25/2009	08/01/2018
HYATT, GILBERT P. (pla)	1:2009cv01872	HYATT v. MATAL	District Of Columbia District Court	09/25/2009	08/01/2018
HYATT, GILBERT P. (pla)	1:2003cv00108	HYATT v. DUDAS	District Of Columbia District Court	01/22/2003	10/13/2005
HYATT, GILBERT P. (pla)	1:2003cv00901	HYATT v. ROGAN	District Of Columbia District Court	04/16/2003	09/30/2005
HYATT, GILBERT P. (pla)	1:2003cv01280	HYATT v. ROGAN	District Of Columbia District Court	06/13/2003	07/16/2003
HYATT, GILBERT P. (pla)	1:2003cv01283	HYATT v. ROGAN	District Of Columbia District Court	06/13/2003	07/16/2003
HYATT, GILBERT P. (pla)	1:2003cv01375	HYATT v. ROGAN	District Of Columbia District Court	06/24/2003	07/16/2003
HYATT, GILBERT P. (pla)	1:2018cv00234	HYATT v. UNITED STATES PATENT AND TRADEMARK OFFICE	District Of Columbia District Court	02/01/2018	11/30/2018
HYATT, GILBERT P. (pla)	1:2018cv02800	HYATT v. UNITED STATES PATENT AND TRADEMARK OFFICE	District Of Columbia District Court	11/30/2018	
HYATT, GILBERT P. (pla)	1:2019cv01779	MORINVILLE et al v. UNITED STATES PATENT AND TRADEMARK OFFICE	District Of Columbia District Court	06/18/2019	
Hyatt, Gilbert P. (pla)	1:2013cv01535	Hyatt v. United States Patent and Trademark Office et al	Virginia Eastern District Court	12/13/2013	05/29/2014
Hyatt, Gilbert P. (pla)	1:2014cv01300	Hyatt v. United States Patent and Trademark Office et al	Virginia Eastern District Court	10/01/2014	11/13/2015
Hyatt, Gilbert P. (pla)	1:1996cv00988	Hyatt v. Lehman	Virginia Eastern District Court	07/23/1996	10/04/1996
Hyatt, Gilbert P. (pla)	1:2018cv00546	Hyatt v. United States Patent and Trademark Office et al	Virginia Eastern District Court	05/07/2018	
Hyatt, Gilbert P. (pla)	2:2016cv01490	Hyatt v. United States Patent and Trademark Office et al	Nevada District Court	06/22/2016	02/17/2017
Hyatt, Gilbert P. (pla)	2:2016cv01944	Hyatt et al v. Office of Management and Budget et al	Nevada District Court	08/16/2016	
Hyatt, Gilbert P. (pla)	2:2000cv00874	GILBERT P. HYATT V. US PATENT & TRADEMARK OFFICE, ET. AL.	Nevada District Court	07/10/2000	01/19/2001

Party Name	Case Number	Case Title	Court	Date Filed	Date Closed
Hyatt, Gilbert P. (pla)	2:2014cv00311	Hyatt v. United States Patent and Trademark Office et al	Nevada District Court	02/27/2014	09/30/2014

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User	lv0753ng
Client Code	11194-1
Description	Civil Party Search All Courts; Name Hyatt, Gilbert; Jurisdiction CV; All Courts; Page: 1
Billable Pages	1 ($0.10)

EXHIBIT F

Party Search Results

Search Criteria: Party Search; Jurisdiction Type: [Appellate]; Last Name: [Hyatt]; First Name: [Gilbert]
Result Count: 19 (1 page)
Current Page: 1

Party Name	Case Number	Case Title	Court	Date Filed	Date Closed
Hyatt, Gilbert P.	0:2015cv15296	Gilbert Hyatt v. Betty Yee, et al	U.S. Court Of Appeals, Ninth Circuit	02/19/2015	09/26/2017
Hyatt, Gilbert P.	0:2017cv17101	Gilbert Hyatt, et al v. Office of Mgt. and Budget, et al	U.S. Court Of Appeals, Ninth Circuit	10/18/2017	11/15/2018
Hyatt, Gilbert P.	0:2017cvus01722	Hyatt v. PATO	U.S. Court Of Appeals, Federal Circuit	03/02/2017	09/24/2018
Hyatt, Gilbert P.	0:2017cvus01898	Hyatt v. Matal	U.S. Court Of Appeals, Federal Circuit	04/12/2017	06/22/2017
Hyatt, Gilbert P.	0:2017cvus01899	Hyatt v. Matal	U.S. Court Of Appeals, Federal Circuit	04/12/2017	06/22/2017
Hyatt, Gilbert P.	0:2017cvus01900	Hyatt v. Matal	U.S. Court Of Appeals, Federal Circuit	04/12/2017	06/22/2017
Hyatt, Gilbert P.	0:2017cvus01901	Hyatt v. Matal	U.S. Court Of Appeals, Federal Circuit	04/12/2017	06/22/2017
Hyatt, Gilbert P.	0:2017cvus01902	Hyatt v. Matal	U.S. Court Of Appeals, Federal Circuit	04/12/2017	06/22/2017
Hyatt, Gilbert P.	0:2017cvus02018	Hyatt v. Matal	U.S. Court Of Appeals, Federal Circuit	05/12/2017	06/22/2017
Hyatt, Gilbert P.	0:2014cvus01596	Hyatt v. Lee	U.S. Court Of Appeals, Federal Circuit	07/07/2014	08/20/2015
Hyatt, Gilbert P.	0:2007cvus01066	Hyatt v. Lee	U.S. Court Of Appeals, Federal Circuit		05/07/2015
Hyatt, Gilbert P.	0:2018cvus02390	Hyatt v. Iancu	U.S. Court Of Appeals, Federal Circuit	09/19/2018	
Hyatt, Gilbert P.	0:2018cvus02391	Hyatt v. Iancu	U.S. Court Of Appeals, Federal Circuit	09/19/2018	
Hyatt, Gilbert P.	0:2018cvus02392	Hyatt v. Iancu	U.S. Court Of Appeals, Federal Circuit	09/19/2018	
Hyatt, Gilbert P.	0:2019cvus01038	Hyatt v. Iancu	U.S. Court Of Appeals, Federal Circuit	10/05/2018	
Hyatt, Gilbert P.	0:2019cvus01039	Hyatt v. Iancu	U.S. Court Of Appeals, Federal Circuit	10/05/2018	

Party Name	Case Number	Case Title	Court	Date Filed	Date Closed
Hyatt, Gilbert P.	0:2019cvus01049	Hyatt v. Iancu	U.S. Court Of Appeals, Federal Circuit	10/09/2018	
Hyatt, Gilbert P.	0:2019cvus01070	Hyatt v. Iancu	U.S. Court Of Appeals, Federal Circuit	10/11/2018	
Hyatt, Gilbert P.	0:2006cvus05353	Hyatt, Gilbert v. Dudas, Jon	U.S. Court Of Appeals, D.C. Circuit	10/30/2006	11/13/2006

EXHIBIT G

Docket Search

The Supreme Court's docket system contains information about cases, both pending and decided, that have been filed at the Court. The docket provided here contains complete information regarding the status of cases filed since the beginning of the 2001 Term.

Users can search for the docket in a particular case by using a Supreme Court docket number, a case name, or other words or numbers included on a docket report. The format for Supreme Court docket numbers is "Term year-number" (e.g., 06-123; 07-12; 06-5001).

Questions Presented. The Questions Presented in a granted or noted case can be obtained by first obtaining the docket report for that case, then clicking on the blue "Questions Presented" hyperlink located on the left side of the docket report. Once the hyperlink is clicked, a .pdf file setting forth the Questions Presented in the case will appear.

Search for: Gilbert Hyatt Search

7 items found. Page: 1 of 2 for your search: Gilbert Hyatt

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Search Results:

Docket for 18-1285
Title:Gilbert P. Hyatt, et al., Petitioners v. Andrei Iancu, Director, United States Patent and Trademark Office
Andrei Iancu, Director, United States Patent and Trademark Office Motion to extend the time to Reply of petitioners ***Gilbert*** P. ***Hyatt***, et al. filed. (Distributed) Party name: ***Gilbert*** P. ***Hyatt***, et al.

Docket for 17-1299
Title:Franchise Tax Board of California, Petitioner v. Gilbert P. Hyatt
Franchise Tax Board of California, Petitioner Petition for a writ of certiorari Waiver of right of respondent ***Gilbert*** P. ***Hyatt*** to respond filed. Blanket Consent filed by Respondent, ***Gilbert*** P. ***Hyatt***.

Docket for 10-1219
Title: David J. Kappos, Under Secretary of Commerce for Intellectual Property and Director, Patent and Trademark Office, Petitioner v. Gilbert P. Hyatt
David J. Kappos, Under Secretary of Commerce for Intellectual Property and Director, Patent and Trademark Office Brief of respondent ***Gilbert*** P. ***Hyatt*** in opposition filed. Party name: ***Gilbert*** P. ***Hyatt***

Docket for 14A745
Title: California Franchise Tax Board, Applicant v. Gilbert P. Hyatt
Gilbert P. ***Hyatt*** Application (14A745) to extend the time to file a petition for a writ of certiorari from February 23, 2015 to March 23, 2015, submitted to Justice Kennedy.

Docket for 14-1175
Title: Franchise Tax Board of California, Petitioner v. Gilbert P. Hyatt
Franchise Tax Board of California, Petitioner Application (14A745) to extend the time to file a petition for a Brief of respondent ***Gilbert*** P. ***Hyatt*** in opposition filed. Party name: ***Gilbert*** P. ***Hyatt***

Note: The Engrossed Dockets from 1791 to 1995 have been scanned by the National Archives from its microfilm collection and are available in its Catalog.

Docket Search

The Supreme Court's docket system contains information about cases, both pending and decided, that have been filed at the Court. The docket provided here contains complete information regarding the status of cases filed since the beginning of the 2001 Term.

Users can search for the docket in a particular case by using a Supreme Court docket number, a case name, or other words or numbers included on a docket report. The format for Supreme Court docket numbers is "Term year-number" (e.g., 06-123; 07-12; 06-5001).

Questions Presented. The Questions Presented in a granted or noted case can be obtained by first obtaining the docket report for that case, then clicking on the blue "Questions Presented" hyperlink located on the left side of the docket report. Once the hyperlink is clicked, a .pdf file setting forth the Questions Presented in the case will appear.

Search for: Gilbert Hyatt Search

7 items found. Page: 2 of 2 for your search: Gilbert Hyatt

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Search Results:

Docket for 10A735
Title: David J. Kappos, Director, Patent and Trademark Office, Applicant v. Gilbert P. Hyatt

David J. Kappos, Director, Patent and Trademark Office, Applicant ***Gilbert*** P. ***Hyatt*** United States Court of Appeals for the Federal Circuit Application (10A735) to extend the time to file a petition for

Docket for 02-42
Title: Franchise Tax Board of California, Petitioner v. Gilbert P. Hyatt, et al.
Franchise Tax Board of California, Petitioner ***Gilbert*** P. ***Hyatt***, et al. Brief of respondent ***Gilbert*** P. ***Hyatt*** in opposition filed. Brief amici curiae of Oregon, et Party name: ***Gilbert*** P. ***Hyatt***

Note: The Engrossed Dockets from 1791 to 1995 have been scanned by the National Archives from its microfilm collection and are available in its Catalog.

EXHIBIT H

No. 15-15296

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

GILBERT P. HYATT

Plaintiff-Appellant,

v.

BETTY T. YEE, ET AL.

Defendants-Appellees.

On Appeal from the United States District Court
for the Eastern District of California, No. 2:14-cv-00849-GEB-DAD (Burrell, J.)

APPELLEE FRANCHISE TAX BOARD'S MOTION FOR JUDICIAL NOTICE

JAMES BRADSHAW
DEBBIE LEONARD
ADAM HOSMER-HENNER
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100 West Liberty Street, 10th Floor
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CYNTHIA J. LARSEN
KATIE DEWITT
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400 Capitol Mall, Suite 3000
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SETH P. WAXMAN
PAUL R.Q. WOLFSON
DANIEL WINIK
WILMER CUTLER PICKERING
HALE AND DORR LLP
1875 Pennsylvania Ave. NW
Washington, D.C. 20006
(202) 663-6000

I. Introduction

On February 24, 2017, the Court "invited [the state parties] to move for judicial notice of documents that may shed light on the administrative and judicial proceedings that have taken place, and the possible reasons for delay, since the time Plaintiff-Appellant Hyatt first contested the California income tax liability at issue in this case." ECF No. 56. In response to that order, Appellees Betty T. Yee, Diane L. Harkey, and Michael Cohen, in their official capacities as members of the California Franchise Tax Board ("FTB"), respectfully request that the Court take judicial notice of the attached documents. This motion is supported in part by the declarations of Robert W. Dunn (found in the record at SER 1-70) and Scott W. DePeel (attached as Exhibit 1).

In submitting these materials, FTB does not intend to suggest that they are necessary for the Court to affirm the judgment below. The basis on which the district court dismissed this action, and the basis on which FTB urges this Court to affirm the dismissal, is that Hyatt's claim is facially barred by the Tax Injunction Act because California has at all times offered him a "plain, speedy, and efficient" remedy for his tax challenges. That remedy is the State's pay-then-protest procedure, Cal. Rev. & Tax Code § 19382, under which Hyatt would be permitted to challenge his tax assessment in state court no more than six months after paying the amount due and submitting a refund claim to the FTB, *id.* § 19385.

The judicially noticeable materials attached to this motion relate, rather, to the FTB's distinct factual challenge to jurisdiction. As the FTB argued before the district court, the § 19381 remedy that Hyatt pursued would have been "plain, speedy, and efficient" had Hyatt not caused years' worth of delays. *See* FTB Br. 10 n.4. The district court did not rule on that challenge, as it resolved this case on the distinct basis that the § 19382 procedure available to Hyatt was, and remains, a plain, speedy, and efficient remedy. Given the district court's disposition of this case, FTB has not relied in this Court on the § 19381 process, but FTB presented that argument below and files this request for judicial notice to further elaborate on the delays for which Hyatt bears substantial responsibility. FTB notes that after many delays at Hyatt's request, Hyatt's appeal hearing before the California Board of Equalization ("SBE") is currently scheduled for May 23-25, 2017. Ex. 1, DePeel Decl. ¶6; 12RJN2301-2304.[1]

II. Argument

A. Legal Standard

The Court "may judicially notice a fact that is not subject to reasonable dispute because it … can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b). Judicial notice

[1] Each document of which FTB requests judicial notice is referenced using the label "RJN" and is preceded by the volume number in which it is found and followed by sequential page numbers.

may be taken at any stage of the proceeding, Fed. R. Evid. 201(d), including by an appellate court during the pendency of an appeal, *e.g.*, *In re Icenhower*, 755 F.3d 1130, 1142 (9th Cir. 2014). Judicial notice may be taken of matters of record in administrative agencies or court proceedings. *E.g.*, *Small v. Avanti Health Sys., LLC*, 661 F.3d 1180, 1186 (9th Cir. 2011); *Transmission Agency of N. Calif. v. Sierra Pac. Power Co.*, 295 F.3d 918, 924 n.3 (9th Cir. 2002).

B. Numerous Judicially Noticeable Documents Show That Hyatt Bears A Substantial Share Of Responsibility For Delays

Attached to this motion are court and administrative filings that support FTB's assertions in its brief and at oral argument that Hyatt bears a substantial share of responsibility for delays in the administrative proceedings. Further evidence to that effect, and a brief narrative description of those proceedings, may be found in the declaration of Robert W. Dunn and the exhibits attached thereto. (SER 1-70).

As documents that were submitted in proceedings before the SBE; the courts of Nevada, California, and New York; and the United States Supreme Court, the exhibits to the Dunn Declaration and the other documents referenced in that declaration and attached to this motion are judicially noticeable matters of public record. The documents that are not court or administrative filings were submitted as evidence in either the Nevada jury trial or the SBE proceedings. Ex. 1, DePeel Decl. ¶5. Additionally, several judicial decisions address Hyatt's attempts to resist

the FTB's statutorily mandated investigation during the protest proceedings. *E.g.*, *Hyatt v. State Franchise Tax Bd.*, 105 A.D.3d 186, 206 (N.Y. App. Div. 2013), *aff'g* 33 Misc. 3d 500 (N.Y. Sup. Ct. 2011); *State Franchise Tax Bd. v. Hyatt*, No. C043627, 2003 WL 23100266 (Cal. Ct. App. Dec. 31, 2003)). 3RJN476-500; 7RJN1234-1246; 8RJN1491-1507. Tables that identify each of the proceedings follow below.

FTB has attempted to cull judicially noticeable documents that specifically shed light on the issue of delay from more than 20 years of administrative and judicial proceedings. Many of these documents were filed in multiple proceedings. Ex. 1, DePeel Decl. ¶5. Where possible, FTB has omitted voluminous exhibits to certain documents but can provide those to the Court if requested. Ex. 1, DePeel Decl. ¶5. Because of the complex procedural history of Hyatt's challenges to FTB's investigation and tax assessments, in multiple forums, FTB's description of these proceedings is not intended to be comprehensive. Rather, FTB simply seeks to inform the Court of the nature of each proceeding to guide its review of the judicially noticeable documents.

FTB has organized the attached documents into the following categories and has included a chronological index that identifies the paragraph of the Dunn declaration that references the document and, through reference to one or more

category numbers, the proceeding or proceedings in which each document was filed or submitted.

Category 1: FTB's Tax Audit Of Hyatt

In June 1993, FTB began an audit of Hyatt's 1989, 1990 and 1991 tax returns. Dunn Decl. ¶10, SER 3; 1RJN1-5. Through the 24 months that followed, FTB's auditors corresponded with Hyatt's representatives and conducted their audit investigation. Dunn Decl. ¶¶10-11, SER 3-4; 1RJN6-48. FTB issued a detailed tentative determination letter in July 1995, concluding that Hyatt remained a California resident through April 2, 1992 and that his 1991 California return was fraudulent. Dunn Decl. ¶12, SER 4; 1RJN21-62.

FTB gave Hyatt the opportunity to respond to the tentative audit conclusions, answer unanswered questions, and provide documents to support his position. Dunn Decl. ¶12, SER 4; 1RJN48. After Hyatt's representatives and FTB corresponded through 1995 and into 1996 regarding the tentative audit conclusions, on April 23, 1996, FTB issued a Notice of Proposed Assessment ("NPA") for the 1991 tax year. Dunn Decl. ¶12, SER 4; 1RJN63-74. FTB issued an NPA for the 1992 tax year on August 14, 1997. Dunn Decl. ¶13, SER 4; 1RJN137-141.

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Category 2: Hyatt's Protest Proceedings Before FTB

Hyatt protested the 1991 NPA in June 1996 and the 1992 NPA in October 1997. Dunn Decl. ¶14, SER 4; 1RJN75-136, 142-144. When Hyatt filed suit in Nevada (described below), the FTB lawyer designated as the protest hearing officer assigned to review Hyatt's protest was assigned to the Nevada litigation. Dunn Decl. ¶14, SER 4; 1RJN145-166. Hyatt sought numerous extensions to respond to FTB's comprehensive Information and Document Request ("IDR") and failed to voluntarily provide FTB with documents that FTB requested, even where Hyatt used those documents to benefit his Nevada litigation. Dunn Decl. ¶¶14-17, SER 4-5; 2RJN258-262, 275-305, 320-322; 3RJN325-425; 4RJN518-521.

During the course of the protest, the Nevada district court issued a protective order that placed limitations on FTB's administrative subpoena process. Dunn Decl. ¶¶16-18, SER 5-6; 2RJN263-274, 316-319. Hyatt designated as "confidential" documents that were relevant to the protest proceedings in order to keep them within the scope of the Nevada protective order. Dunn Decl. ¶¶16-18, SER 5-6; 2RJN263-274, 316-319; 3RJN465-466. Through writ petitions and appeals to the Nevada Supreme Court, FTB challenged the Nevada district court's jurisdiction over FTB and its authority to issue the protective order. Dunn Decl. ¶¶17, 20, SER 5-6; 2RJN306-315, 323-324; 3RJN426-434, 438-464. In mid-2002 the Nevada Supreme Court let the protective order stand. Dunn Decl. ¶17, SER 5;

3RJN448-450. FTB followed the procedures set forth in the protective order and asked Hyatt to release to the protest hearing officer the information he designated as "confidential" for consideration in the California tax matter. Hyatt refused. Dunn Decl. ¶¶17-18, SER 5-6; 2RJN266-267; 3RJN465-466.

FTB issued an administrative subpoena for the information Hyatt had refused to release. Dunn Decl. ¶17, SER 5; 3RJN467-470. Hyatt moved to quash the subpoena in California Superior Court, lost, and appealed. Dunn Decl. ¶17, SER 5; 3RJN471-500. Hyatt lost the appeal, and FTB's protest hearing officer received the documents in early 2004. Dunn Decl. ¶17, SER 5; 3RJN476-500. The California appellate court held that there was no reason why FTB personnel working on the protest should not have access to evidence produced by Hyatt in his Nevada litigation. Dunn Decl. ¶17, SER 5; 3RJN490-491.

Throughout 2005 and 2006, Hyatt continued to designate documents he produced in the Nevada litigation as "confidential" and subject to the Nevada protective order, so that FTB was forced to engage in the administrative subpoena process. Dunn Decl. ¶¶17-18, SER 5-6; 4RJN605-638. Finally, in mid-2007, the protest hearing officer had received enough information to conclude the protest. Dunn Decl. ¶18, SER 6. In November 2007, FTB issued notices of assessment that upheld the audit assessments and fraud penalties. Dunn Decl. ¶18, SER 6;

4RJN641-690. Hyatt sought a six-month extension to respond. Dunn Decl. ¶19, SER 6, 13; 4RJN691.

Category 3: Nevada Court Proceedings

In January 1998, shortly after filing his administrative protests with FTB, Hyatt filed suit in Nevada state court, alleging that FTB's audit was tortious and seeking a declaratory judgment that, under California law, Hyatt was a Nevada resident during the pertinent time period. Dunn Decl. ¶14, SER 4; 1RJN145-166; 2RJN167-257. FTB filed multiple petitions for writ of mandamus and prohibition and appeals to the Nevada Supreme Court that challenged the Nevada court's jurisdiction over FTB; the protective order issued by the district court that placed limitations on FTB's protest and administrative subpoena process; and, ultimately, the jury verdict. Dunn Decl. ¶¶17-18, SER 5-6; 2RJN306-315, 323-324; 3RJN426-434, 438-464; 4RJN727-730.

Category 4: United States Supreme Court Proceedings

Twice, FTB sought review by the United States Supreme Court, arguing that the Nevada courts could not interfere with California's sovereign tax-collecting function. FTB contended that a Nevada court had no jurisdiction to hear Hyatt's challenge to FTB's tax assessment, could not issue a protective order that altered FTB's investigative and administrative subpoena powers, and had to afford FTB the same protections that the Nevada courts would grant Nevada's administrative

agencies. Twice, the Supreme Court granted the petitions. *Franchise Tax Bd. of Calif. v. Hyatt (Hyatt I)*, 538 U.S. 488 (2003); *Franchise Tax Bd. of Calif. v. Hyatt (Hyatt II)*, 136 S.Ct. 1277 (2016).

Category 5: California State Court Proceedings

Because of the Nevada protective order, FTB's litigation counsel possessed documents that were relevant to Hyatt's protest but that FTB's litigation counsel could not provide to FTB's protest hearing officer. Dunn Decl. ¶¶16-18, SER 5-6; 2RJN266-267, 316-319. The documents were housed in FTB's Sacramento office down the hall from the protest hearing officer, but the Nevada protective order barred FTB's protest hearing officer from reviewing them unless Hyatt consented or, in the absence of such consent, FTB issued an administrative subpoena. Dunn Decl. ¶¶16-18, SER 5-6; 2RJN266-267, 316-319; 3RJN465; 4RJN607. After Hyatt would not allow FTB's Nevada litigation counsel to provide the protest hearing officer with documents that Hyatt produced in discovery but stamped "confidential" and subject to the protective order, FTB issued an administrative subpoena for the documents. Dunn Decl. ¶¶16-18, SER 5-6; 3RJN465-470.

Hyatt challenged the subpoena in California Superior Court. Dunn Decl. ¶17, SER 5; 3RJN471-475. The Superior Court ordered Hyatt to comply with five of six requests. *California Franchise Tax Bd. v. Hyatt*, Case No. 02CS01582, California Superior Court, County of Sacramento. 3RJN471-472. Hyatt appealed,

and the California Court of Appeal affirmed. *State Franchise Tax Board v. Gilbert P. Hyatt*, Case No. C043627 (Cal. Ct. App. December 31, 2003). Dunn Decl. ¶17, SER 5; 3RJN476-500. FTB subsequently had to issue another administrative subpoena to Hyatt, in 2006, to obtain all the documents necessary for the protest hearing officer to conduct her statutorily mandated review. Dunn Decl. ¶¶17-18, SER 5-6; 4RJN605-640.

Category 6: Hyatt's State Board of Equalization Appeal

Hyatt appealed FTB's notices of assessment to SBE in January 2008. Dunn Decl. ¶22, SER 7; 4RJN699-724. Hyatt filed voluminous briefs and supplemental briefs, and added over two hundred new affidavits and declarations that he had not submitted to FTB during its investigation. Dunn Decl. ¶¶23-25, SER 7-8; 5RJN730-924; 7RJN1181-1403; 8RJN1466-1570; 9RJN1571-1683; 11RJN2019-2236; 12RJN2237-2278. FTB sought depositions and documents from some of Hyatt's new witnesses; Hyatt responded by seeking to quash FTB's subpoenas in the courts of California, Nevada and New York. Dunn Decl. ¶¶26-29, SER 8-9; 5RJN929-953; 6RJN954-975; 7RJN1404-1413; 8RJN1427-1570; 9RJN1571-1687, 1689-1705, 1727-1758, 10RJN1850-2000, 2004-2016. Hyatt sought numerous extensions of briefing deadlines and the hearing. Dunn Decl. ¶30, SER 9; 4RJN725-729; 6RJN1162-1180; 9RJN1762-1775, 1779-1780; 10RJN1781-1782,

1848-49, 2001-2003, 2017-2018; 12RJN2279-2282, 2298-2300. Hyatt's appeal hearing before SBE is currently scheduled for May 23, 2017. 12RJN2301-2304.

Category 7: New York State Court Proceedings

Because Hyatt appended multiple new affidavits to his voluminous briefing before SBE, in 2011, FTB issued administrative subpoenas to obtain documents from and depose certain witnesses in New York who were identified in some of Hyatt's new affidavits. Dunn Decl. ¶26, SER 9; 8RJN1427-1429. Hyatt filed a motion to quash the subpoenas in the Supreme Court of New York, Westchester County (Case No. 52961/2011) and then appealed the trial court's decision to the Appellate Division. Dunn Decl. ¶¶26-29, SER 7-9; 8RJN1427-1465; 9RJN1689-1705, 1731-1758; 10RJN1850-2000, 2004-2016. The New York proceedings lasted until September 2015. Dunn Decl. ¶28, SER 9; 10RJN2004-2016.

Tables begin on the following page

TABLES OF JUDICIALLY NOTICEABLE PROCEEDINGS

Nevada Court Cases				
Case Name	**Case Number**	**Court**	**Date Commenced**	**Date Ended**
Hyatt v. Franchise Tax Bd. of Calif.	A382999	Eighth Judicial District Court of Nevada	January 6, 1998	NSC remanded for new trial (but judgment vacated)
Hyatt v. Franchise Tax Bd. of Calif. v. Eighth Judicial Dist. Ct.	35549 and 36390 (consolidated)	Nevada Supreme Court	January 27, 2000 and July 7, 2000	April 30, 2002 (petition for certiorari granted by U.S. Supreme Court)
Hyatt v. Franchise Tax Bd. of Calif. v. Eighth Judicial Dist. Ct.	39274	Nevada Supreme Court	March 4, 2002	April 30, 2002 (petition for certiorari granted by U.S. Supreme Court)
Franchise Tax Bd. of Calif. v. Hyatt	39312	Nevada Supreme Court	March 8, 2002	April 30, 2002 (petition for certiorari granted by U.S. Supreme Court)
Franchise Tax Bd. of Calif. v. Hyatt	53264	Nevada Supreme Court	February 13, 2009	Ongoing
Franchise Tax Bd. Of Calif. v. Hecht (represented by Hyatt's attorneys)	A-09-593462-C	Eighth Judicial District Court of Nevada (motion for protective order from FTB's administrative subpoenas)	June 26, 2009	August 18, 2011

Nevada Court Cases				
Case Name	**Case Number**	**Court**	**Date Commenced**	**Date Ended**
Franchise Tax Bd. of Calif. v. Hyatt	A-11-635345-C	Eighth Judicial District Court of Nevada (proceeding on motion to quash FTB's administrative subpoenas)	February 16, 2011	July 12, 2013

California Court Cases (regarding FTB's administrative subpoena to Hyatt)				
Case Name	**Case Number**	**Court**	**Date Commenced**	**Date Ended**
California Franchise Tax Bd. v. Hyatt	02CS01582	Superior Court of California, County of Sacramento	October 11, 2002	February 28, 2003
California Franchise Tax Bd. v. Hyatt	C043627	Court of Appeal of California, Third Appellate District	March 20, 2003	December 31, 2003
California Franchise Tax Bd. v. Hecht, Hyatt, Real Party in Interest	34-2009-00047634	Superior Court of California, County of Sacramento (Request for Issuance of Out of State Commissions)	June 24, 2009	June 24, 2009
California Franchise Tax Bd. v. Stratton, Hyatt, Real Party in Interest	34-2011-00096505	Superior Court of California, County of Sacramento (Request for Issuance of Out of State Commissions)	February 7, 2011	February 7, 2011

New York Court Cases				
Case Name	**Case Number**	**Court**	**Date Commenced**	**Date Ended**
In re Out-of State Subpoenas (U.S. Philips Corporation, Jack Haken and Algy Tomashunas)	52961/2011	Supreme Court of New York, County of Westchester	July 20, 2011	July 29, 2011
In re Hyatt's Petition to Suppress Disclosure Improperly Obtained by Franchise Tax Board in Response to Three Out-of-State Subpoenas Previously Modified or Narrowed by New York Court Orders	57751/2013	Supreme Court of New York, County of Westchester	May 14, 2013	March 13, 2014
Hyatt v. California Franchise Tax Bd.	2011-6859	Supreme Court of New York, County of Westchester Appellate Division	August 2, 2011	March 13, 2014
In re Hyatt's Petition for Civil Contempt Order	53655/2015	Supreme Court of New York, County of Westchester	March 11, 2015	September 15, 2015

United States Supreme Court Cases				
Case Name	**Case Number**	**Court**	**Date Commenced**	**Date Ended**
California Franchise Tax Bd. v. Hyatt	02-42	United States Supreme Court	July 2, 2002	May 23, 2003
California Franchise Tax Bd. v. Hyatt	14-1175	United States Supreme Court	March 25, 2015	May 23, 2016

Proceedings Before the California Board of Equalization			
Matter Name	**Case Number**	**Date Commenced**	**Date Ended**
Appeal of Gilbert P. Hyatt	435770	January 22, 2008	Hearing delayed to May 23-25, 2017 at Hyatt's request
Appeal of Gilbert P. Hyatt	446509	January 23, 2008	Hearing delayed to May 23-25, 2017 at Hyatt's request

III. Conclusion

As stated at the outset, the key issue on appeal is whether California's pay-then-protest procedure, Cal. Rev. & Tax Code § 19382, affords Hyatt a plain, speedy, and efficient remedy for his claims. The materials attached to this motion relate not to that issue, but to whether § 19381 has afforded Hyatt a plain, speedy, and efficient remedy—an issue the district court did not find it necessary to reach. For the assistance of the Court, however, Appellees respectfully submit that the Court may take judicial notice of the attached documents.

Respectfully submitted,

Dated this 17th day of March, 2017

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CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that this motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A).

1. The motion contains 2,981 words.

2. The motion has been prepared in proportionally spaced typeface using Microsoft Word 2010 in 14 point Times New Roman font. As permitted by Fed. R. App. P. 32(g)(1), the undersigned has relied upon the word count feature of this word processing system in preparing this certificate.

Dated this 17th day of March, 2017

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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of March, 2017, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the appellate CM/ECF system. Counsel for all parties to the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

/s/Pamela Miller
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No. 15-15296

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

GILBERT P. HYATT

Plaintiff-Appellant,

v.

BETTY T. YEE, ET AL.

Defendants-Appellees.

On Appeal from the United States District Court
for the Eastern District of California, No. 2:14-cv-00849-GEB-DAD (Burrell, J.)

APPELLEE FRANCHISE TAX BOARD'S REPLY IN SUPPORT OF MOTION FOR JUDICIAL NOTICE AND OPPOSITION TO HYATT'S COUNTER REQUEST FOR JUDICIAL NOTICE

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I. Introduction

In his opposition to FTB's Motion for Judicial Notice, Hyatt does not dispute that the judicially noticeable documents submitted by FTB show that Hyatt sought delay during the administrative proceedings before FTB and SBE. Nor does Hyatt dispute that the documents submitted by FTB are true and accurate copies of documents in the public record. Instead, Hyatt asks the Court to take judicial notice of trial testimony and other documents because, according to Hyatt, there is a "disputed factual question of delay." ECF #64 at 2.

Hyatt misses the point. FTB's judicially noticeable documents depict Hyatt's activities in multiple administrative and judicial proceedings to obstruct or delay the proceedings. While Hyatt might contend that FTB and SBE also contributed to delay, he does not dispute his own contributions, which as a matter of law, cause his constitutional claims to fail even under FTB's *factual* challenge to jurisdiction, which the district court did not resolve and which is not before this Court. At any rate, any factual dispute as to who was responsible for delays in the administrative proceedings is irrelevant to FTB's *facial* challenge to jurisdiction, which was the basis for the district court's dismissal of this action and which should be the basis for this Court's affirmance.

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II. Argument

A. Hyatt's Opposition Underscores That The District Court's Dismissal Under The Tax Injunction Act Should Be Affirmed

Contrary to Hyatt's contention (ECF #65 at 1), the issue of delay is not "inextricably intertwined" with the Tax Injunction Act analysis because, at all times, Hyatt could have availed himself of California's pay-then-sue method afforded by Revenue and Tax Code section 19382. Under section 19385, that process would have afforded Hyatt an absolute right to proceed to court no later than six months after filing a refund claim with FTB. "It has consistently been held, without a single instance of deviation, that the refund action provided by California Personal Income Tax Law is a 'plain, speedy and efficient remedy' such as to invoke the restraints of 28 U.S.C. § 1341." *Aronoff v. Franchise Tax Bd. of Cal.*, 348 F.2d 9, 11 (9th Cir. 1965); *see also Franchise Tax Bd. of Cal. v. Alcan Aluminum Ltd.*, 493 U.S. 331, 338-39 (1990) ("California's refund procedures constitute a plain, speedy, and efficient remedy."); *Jerron West, Inc. v. State Bd. of Equalization*, 129 F.3d 1334, 1339 (9th Cir. 1997) ("[b]ased on a plain reading of the [TIA], the district court does not have jurisdiction over the Taxpayers' action if it seeks district court interference with California's tax assessment and collection process.").

For that reason, while the judicially noticeable documents shed light on Hyatt's substantial role in causing the delay in his administrative proceedings—

and thus on FTB's *factual* challenge to jurisdiction— the availability of the plain, speedy and efficient remedy that section 19382 affords renders the question of delay irrelevant to FTB's *facial* challenge to jurisdiction, which is the one before this Court. At any time, Hyatt could have paid the tax and been able to access California state court to challenge the tax within six months. The fact that Hyatt chose not to pay the assessed taxes (and thereby, in the interim, invest or otherwise benefit from his use of the money he owed to California) does not give him the right to access the federal courts to challenge the state's tax collecting function. Whether or not the Court takes judicial notice of the documents that show Hyatt's role in the delay, therefore, it should affirm the district court's dismissal on jurisdictional grounds.

B. Hyatt Does Not Dispute That Numerous Judicially Noticeable Documents Show That Hyatt Bears A Substantial Share Of Responsibility For Delays

Whether or not Hyatt is correct that the overall cause of delay in the FTB proceedings could reasonably be disputed (ECF #65 at 2), Hyatt does not actually dispute that the documents of which FTB seeks judicial notice satisfy the standard set forth in Fed. R. Evid. 201(b). For example, Hyatt does not contest that:

1. Hyatt designated as "confidential" and subject to the Nevada Protective Order documents he produced in the Nevada litigation such that, absent Hyatt's consent, FTB's protest hearing officer had to go through the

administrative subpoena process in order to get those documents. Hyatt did not voluntarily produce these documents to FTB's protest hearing officer, even though those documents had already been gathered in the Nevada litigation. 2RJN263-274; 3RJN465-500; 4RJN605-618.

2. Hyatt's attorney admitted there were "no 'pure' tax reasons" to move to quash FTB's administrative subpoenas issued during the protest but "there may be tactical reasons to do so (such as making the FTB work for its requests for now on or taking this opportunity to file the motion in the Nevada courts or otherwise)." 2RJN258.
3. Hyatt mounted unsuccessful legal challenges to FTB's administrative subpoenas and then ultimately Hyatt and third parties whom Hyatt sought to prevent from producing documents were compelled by court order to produce the documents sought by FTB. 3RJN465-500; 7RJN1411-1413; 8RJN1427-1465; 9RJN1684-1687, 1689-1705, 1727-1758; 10RJN2004-2016.
4. Hyatt sought numerous extensions of time in the administrative proceedings to respond to document requests and submit briefs. 4RJN725-729; 6RJN1161-1180; 9RJN1768-1780; 10RJN2001-2003; 11RJN2001-2003, 2017-2018.

5. The hearing on Hyatt's appeals to SBE is scheduled for May 23-25, 2017 after Hyatt requested a continuance from the March 2017 hearing date originally set. 12RJN2300-2304.

Given that Hyatt's opposition presented no "reasonable dispute" as to these facts, they are appropriate for judicial notice. *See* Fed. R. Evid. 201(b). And because Hyatt does not dispute these facts, the Court is not taking on the role of "fact finder" by exercising its power of judicial notice. Rather, it may simply take judicial notice of the documents that show Hyatt's role in causing the delay.[1]

C. Hyatt Has No Right To Proceed Beyond The Pleadings Stage Where The Judicially Noticeable Documents Contradict His Allegations

Unable to dispute the documents in the public record, Hyatt falls back on the allegations in his complaint to argue that a remand is warranted for judicial fact finding. (ECF #65 at 6). However, a court need not accept as true allegations in a complaint that are contradicted by facts that may be judicially noticed. *See Von Saher v. Norton Simon Museum of Art at Pasedena*, 592 F.3d 954, 960 (9th Cir. 2010) (taking judicial notice in the context of reviewing order granting Fed. R.

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[1] Hyatt's contention that a factual dispute exists regarding delay simply regurgitates what he argued in his answering brief to the Nevada Supreme Court. *See* Hyatt Ex. 2. To the extent the Court would like to review FTB's counter position, FTB supplements its motion for judicial notice to include the opening and reply briefs that FTB filed in the Nevada appeal. 13RJN2305-2448; 14RJN2449-2634.

Civ. P. 12(b)(6) motion). "A court may take judicial notice of matters of public record without converting a motion to dismiss into a motion for summary judgment, as long as the facts noticed are not subject to reasonable dispute." *Intri-Plex Techs., Inc. v. Crest Grp., Inc.*, 499 F.3d 1048, 1052 (9th Cir. 2007) (internal quotations omitted). Because the judicially noticeable documents submitted by FTB contradict the allegations in Hyatt's complaint, Hyatt has no right to proceed past the pleadings.

D. Hyatt's Role In Causing Delay Bars His Due Process Claims

Hyatt admits that the documents of which he separately seeks judicial notice, at a minimum, lay some responsibility for delay at his feet. ECF #65 at 9. Where a person who claims a due process violation as a result of delay in an administrative proceeding is partially responsible for the delay or fails to avail himself of procedural remedies that could have expedited the process, no due process claim can lie. *See Sullivan v. Houston Indep. Sch. Dist.*, 475 F.2d 1071, 1078 (5th Cir. 1973) (in the context of a due process challenge to a delay in holding a *post*-deprivation hearing, declining to find due process violation "considering [the plaintiff's] part in the delay"); *Irish v. Sec. & Exch. Comm'n*, 367 F.2d 637, 639 (9th Cir. 1966) (finding no due process violation for delay in administrative proceedings where petitioner failed to avail himself of remedies that could have expedited review); *Badgett v. District of Columbia*, 925 F.Supp.2d 23, 32 (D.C.

2013) (granting a motion to dismiss a procedural due process claim because "no … constitutional violation occurs" where a "plaintiff fails to take advantage of" "procedural safeguards that exist to obviate prejudice from delay" in an administrative proceeding). In light of these authorities, Hyatt's admission that he played a part in the delay bars his claims.

E. Witness Testimony Is Not A Proper Subject Of Judicial Notice

Without disputing the facts in FTB's judicially noticeable documents that show his role in the delay, Hyatt asks the Court to separately take judicial notice of witness testimony from the Nevada litigation that, according to Hyatt, shows delay by FTB. A court cannot take judicial notice of testimony from a previous judicial proceeding if it "constitutes 'adjudicative facts'" that "are in 'reasonable dispute.'" *United States v. Decker*, 600 F.2d 733, 738 n.9 (9th Cir. 1979) (quoting Fed. R. Evid. 201). Because the testimony of which Hyatt seeks judicial notice consists of opinions that are "not 'generally known' or 'capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned,'" judicial notice is prohibited. *Id.*, *quoting* Fed. R. Evid. 201. As a result, the Court should decline to take judicial notice of the trial testimony offered by Hyatt.

F. Having Been Vacated By The Supreme Court, The Nevada Judgment Has No Preclusive Effect

Finally, faced with the voluminous documents that show his efforts to obstruct and delay the administrative proceedings, Hyatt resorts to a baseless contention that the now-vacated Nevada Supreme Court opinion has preclusive effect on this proceeding as to the issue of delay. ECF #65 at 6 n.2, 8-9. Hyatt is wrong. The Nevada Supreme Court opinion to which Hyatt points, *Franchise Tax Bd. of Calif. v. Hyatt*, 335 P.3d 125 (Nev. 2014) ("2014 Opinion"), has been vacated as unconstitutional by the Supreme Court of the United States because it was based on "a special rule of Nevada law that is hostile to its sister States." *Franchise Tax Bd. of Calif. v. Hyatt ("Hyatt II")*, 136 S.Ct. 1277, 1283 (2016). The law is clear that the Supreme Court's vacatur of a lower court's judgment "deprives that court's opinion of precedential effect, leaving th[e Supreme] Court's opinion and judgment as the sole law of the case." *O'Connor v. Donaldson*, 422 U.S. 563, 577 n.12 (1975); *see also Durning v. Citibank, N.A.*, 950 F.2d 1419, 1424 n.2 (9th Cir. 1991) (citing *O'Connor* for the proposition that "[a] decision may be *reversed* on other grounds, but a decision that has been *vacated* has no precedential authority whatsoever" (emphasis in the original)). Contrary to Hyatt's misrepresentation, the Supreme Court vacated (not reversed) the 2014 Opinion.

Hyatt II, 136 S.Ct. at 1283. As a result, Hyatt cannot rely on the now-vacated 2014 Opinion to assert preclusive effect regarding the issue of delay.[2]

Even were this Court to take everything in the Nevada Supreme Court's vacated opinion at face value (which FTB posits it may not do), there is no collateral estoppel effect on this proceeding because the Nevada jury did not render a special verdict that the FTB caused the protest to take as long as it did. Rather, the jury simply found in Hyatt's favor on various claims, and in determining that the evidence was sufficient to support those verdicts, the Nevada Supreme Court pointed out that the eleven-year delay was among the grounds on which the jury *could have* found FTB liable. 2014 Opinion, 335 P.3d at 148. Delay was not the only potential ground the Nevada Supreme Court listed, so no one actually knows what facts the jury found in support of its ultimate verdict. *See id.* For this reason as well, Hyatt's collateral estoppel argument must be rejected.

III. Conclusion

Nothing presented in Hyatt's opposition disputes the facts shown in the judicially noticeable documents that Hyatt is substantially responsible for the delay in his administrative proceedings. Hyatt admits he bears some responsibility. Moreover, because Hyatt could at any time have availed himself of California's

[2] The Nevada Supreme Court has entertained post-mandate supplemental briefing and has scheduled oral argument for May 2, 2017.

pay-then-sue procedure, he has at all times had a plain, speedy and efficient remedy to challenge FTB's tax assessment regardless of who bears what proportion of responsibility for the duration of the FTB proceedings. As a result, whether or not the Court takes judicial notice of these documents, FTB respectfully submits that the district court's dismissal order should be affirmed.

Respectfully submitted,

Dated this 14 day of April, 2017

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CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that this reply complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(C).

1. The reply contains 2,118 words.

2. The reply has been prepared in proportionally spaced typeface using Microsoft Word 2010 in 14 point Times New Roman font. As permitted by Fed. R. App. P. 32(g)(1), the undersigned has relied upon the word count feature of this word processing system in preparing this certificate.

Dated this 14th day of April, 2017

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CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of April, 2017, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the appellate CM/ECF system. Counsel for all parties to the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

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