

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

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

Petitioners,

vs.

THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE CONNIE J. STEINHEIMER,

Respondents,

and

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

Real Party in Interest.

Case No.

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**PETITIONERS' APPENDIX,**

**VOLUME 6**

**(Nos. 926–1037)**

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Recommendation for Order RE: <i>Defendants’ Motion to Quash Subpoena, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery from Hodgson Russ LLP</i> , filed on July 18, 2017 (filed 08/17/2017)		Vol. 11, 1743–1753
Motion for Partial Summary Judgment (filed 08/17/2017)		Vol. 11, 1754–1796
Statement of Undisputed Facts in Support of Motion for Partial Summary Judgment (filed 08/17/2017)		Vol. 11, 1797–1825
<b>Exhibits to Statement of Undisputed Facts in Support of Motion for Partial Summary Judgment</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Declaration of Timothy P. Herbst in Support of Separate Statement of Undisputed Facts in Support of Motion for Partial Summary Judgment	Vol. 12, 1826–1829
2	Findings of Fact, Conclusions of Law, and Judgment in <i>Consolidated Nevada Corp., et al v. JH. et al.</i> ; Case No. CV07-02764 (filed 10/12/2010)	Vol. 12, 1830–1846
3	Judgment in <i>Consolidated Nevada Corp., et al v. JH. et al.</i> ; Case No. CV07-02764 (filed 08/23/2011)	Vol. 12, 1847–1849

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Statement of Undisputed Facts (cont.)</b>		
4	Excerpted Transcript of July 12, 2017 Deposition of Garry M. Graber	Vol. 12, 1850–1852
5	September 15, 2015 email from Yalamanchili RE: Follow Up Thoughts	Vol. 12, 1853–1854
6	September 23, 2010 email between Garry M. Graber and P. Morabito	Vol. 12, 1855–1857
7	September 20, 2010 email between Yalamanchili and Eileen Crotty RE: Morabito Wire	Vol. 12, 1858–1861
8	September 20, 2010 email between Yalamanchili and Garry M. Graber RE: All Mortgage Balances as of 9/20/2010	Vol. 12, 1862–1863
9	September 20, 2010 email from Garry M. Graber RE: Call	Vol. 12, 1864–1867
10	September 20, 2010 email from P. Morabito to Dennis and Yalamanchili RE: Attorney client privileged communication	Vol. 12, 1868–1870
11	September 20, 2010 email string RE: Attorney client privileged communication	Vol. 12, 1871–1875
12	Appraisal of Real Property: 370 Los Olivos, Laguna Beach, CA, as of Sept. 24, 2010	Vol. 12, 1876–1903
13	Excerpted Transcript of March 21, 2016 Deposition of P. Morabito	Vol. 12, 1904–1919
14	P. Morabito Redacted Investment and Bank Report from Sept. 1 to Sept. 30, 2010	Vol. 12, 1920–1922
15	Excerpted Transcript of June 25, 2015 Deposition of 341 Meeting of Creditors	Vol. 12, 1923–1927
16	Excerpted Transcript of December 5, 2015 Deposition of P. Morabito	Vol. 12, 1928–1952

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Statement of Undisputed Facts (cont.)</b>		
17	Purchase and Sale Agreement between Arcadia Trust and Bayuk Trust entered effective as of Sept. 27, 2010	Vol. 12, 1953–1961
18	First Amendment to Purchase and Sale Agreement between Arcadia Trust and Bayuk Trust entered effective as of Sept. 28, 2010	Vol. 12, 1962–1964
19	Appraisal Report providing market value estimate of real property located at 8355 Panorama Drive, Reno, NV as of Dec. 7, 2011	Vol. 12, 1965–1995
20	An Appraisal of a vacant .977± Acre Parcel of Industrial Land Located at 49 Clayton Place West of the Pyramid Highway (State Route 445) Sparks, Washoe County, Nevada and a single-family residence located at 8355 Panorama Drive Reno, Washoe County, Nevada 89511 as of October 1, 2010 a retrospective date	Vol. 13, 1996–2073
21	APN: 040-620-09 Declaration of Value (dated 12/31/2012)	Vol. 14, 2074–2075
22	Sellers Closing Statement for real property located at 8355 Panorama Drive, Reno, NV 89511	Vol. 14, 2076–2077
23	Bill of Sale for real property located at 8355 Panorama Drive, Reno, NV 89511	Vol. 14, 2078–2082
24	Operating Agreement of Baruk Properties LLC	Vol. 14, 2083–2093
25	Edward Bayuk, as trustee of the Edward William Bayuk Living Trust's Answer to Plaintiff's First Set of Interrogatories (dated 09/14/2014)	Vol. 14, 2094–2104
26	Summary Appraisal Report of real property located at 1461 Glenneyre Street, Laguna Beach, CA 92651, as of Sept. 25, 2010	Vol. 14, 2105–2155

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Statement of Undisputed Facts (cont.)</b>		
27	Appraisal of Real Property as of Sept. 23, 2010: 1254 Mary Fleming Circle, Palm Springs, CA 92262	Vol. 15, 2156–2185
28	Appraisal of Real Property as of Sept. 23, 2010: 1254 Mary Fleming Circle, Palm Springs, CA 92262	Vol. 15, 2186–2216
29	Membership Interest Transfer Agreement between Arcadia Trust and Bayuk Trust entered effective as of Oct. 1, 2010	Vol. 15, 2217–2224
30	PROMISSORY NOTE [Edward William Bayuk Living Trust (“Borrower”) promises to pay Arcadia Living Trust (“Lender”) the principal sum of \$1,617,050.00, plus applicable interest] (dated 10/01/2010)	Vol. 15, 2225–2228
31	Certificate of Merger dated Oct. 4, 2010	Vol. 15, 2229–2230
32	Articles of Merger Document No. 20100746864-78 (recorded date 10/04/2010)	Vol. 15, 2231–2241
33	Excerpted Transcript of September 28, 2015 Deposition of Edward William Bayuk	Vol. 15, 2242–2256
34	Grant Deed for real property 1254 Mary Fleming Circle, Palm Springs, CA 92262; APN: 507-520-015 (recorded 11/04/2010)	Vol. 15, 2257–2258
35	General Conveyance made as of Oct. 31, 2010 between Woodland Heights Limited (“Vendor”) and Arcadia Living Trust (“Purchaser”)	Vol. 15, 2259–2265
36	Appraisal of Real Property as of Sept. 24, 2010: 371 El Camino Del Mar, Laguna Beach, CA 92651	Vol. 15, 2266–2292

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Statement of Undisputed Facts (cont.)</b>		
37	Excerpted Transcript of December 6, 2016 Deposition of P. Morabito	Vol. 15, 2293–2295
38	Page intentionally left blank	Vol. 15, 2296–2297
39	Ledger of Edward Bayuk to P. Morabito	Vol. 15, 2298–2300
40	Loan Calculator: Payment Amount (Standard Loan Amortization)	Vol. 15, 2301–2304
41	Payment Schedule of Edward Bayuk Note in Favor of P. Morabito	Vol. 15, 2305–2308
42	November 10, 2011 email from Vacco RE: Baruk Properties, LLC/P. Morabito/Bank of America, N.A.	Vol. 15, 2309–2312
43	May 23, 2012 email from Vacco to Steve Peek RE: Formal Settlement Proposal to resolve the Morabito matter	Vol. 15, 2313–2319
44	Excerpted Transcript of March 12, 2015 Deposition of 341 Meeting of Creditors	Vol. 15, 2320–2326
45	Shareholder Interest Purchase Agreement between P. Morabito and Snowshoe Petroleum, Inc. (dated 09/30/2010)	Vol. 15, 2327–2332
46	P. Morabito Statement of Assets & Liabilities as of May 5, 2009	Vol. 15, 2333–2334
47	March 10, 2010 email from Naz Afshar, CPA to Darren Takemoto, CPA RE: Current Personal Financial Statement	Vol. 15, 2335–2337
48	March 10, 2010 email from P. Morabito to Jon RE: ExxonMobil CIM for Florida and associated maps	Vol. 15, 2338–2339

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Statement of Undisputed Facts (cont.)</b>		
49	March 20, 2010 email from P. Morabito to Vacco RE: proceed with placing binding bid on June 22nd with ExxonMobil	Vol. 15, 2340–2341
50	P. Morabito Statement of Assets & Liabilities as of May 30, 2010	Vol. 15, 2342–2343
51	June 28, 2010 email from P. Morabito to George R. Garner RE: ExxonMobil Chicago Market Business Plan Review	Vol. 15, 2344–2345
52	Plan of Merger of Consolidated Western Corp. with and into Superpumper, Inc. (dated 09/28/2010)	Vol. 15, 2346–2364
53	Page intentionally left blank	Vol. 15, 2365–2366
54	BBVA Compass Proposed Request on behalf of Superpumper, Inc. (dated 12/15/2010)	Vol. 15, 2367–2397
55	Business Valuation Agreement between Matrix Capital Markets Group, Inc. and Superpumper, Inc. (dated 09/30/2010)	Vol. 15, 2398–2434
56	Expert report of James L. McGovern, CPA/CFF, CVA (dated 01/25/2016)	Vol. 16, 2435–2509
57	June 18, 2014 email from Sam Morabito to Michael Vanek RE: SPI Analysis	Vol. 17, 2510–2511
58	Declaration of P. Morabito in Support of Opposition to Motion of JH, Inc., Jerry Herbst, and Berry-Hinckley Industries for Order Prohibiting Debtor from Using, Acquiring, or Disposing of or Transferring Assets Pursuant to 11 U.S.C. §§ 105 and 303(f) Pending Appointment of Trustee; Case No. BK-N-13-51237 (filed 07/01/2013)	Vol. 17, 2512–2516

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



<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Statement of Undisputed Facts (cont.)</b>		
69	Excerpted Transcript of July 10, 2017 Deposition of Dennis C. Vacco	Vol. 17, 2573–2579
70	April 15, 2011 email from P. Morabito to Christian Lovelace; Gregory Ivancic; Vacco RE: \$65 million loan offer from Cerberus	Vol. 17, 2580–2582
71	Email from Vacco to P. Morabito RE: \$2 million second mortgage on the Reno house	Vol. 17, 2583–2584
72	Email from Vacco to P. Morabito RE: Tim Haves	Vol. 17, 2585–2586
73	Settlement Agreement, Loan Agreement Modification & Release dated as of Sept. 7, 2012, entered into by Bank of America and P. Morabito	Vol. 17, 2587–2595
74	Page intentionally left blank	Vol. 17, 2596–2597
75	February 10, 2012 email from Vacco to Paul Wells and Timothy Haves RE: 1461 Glenneyre Street, Laguna Beach – Sale	Vol. 17, 2598–2602
76	May 8, 2012 email from P. Morabito to Vacco RE: Proceed with the corporate set-up with Ray, Edward and P. Morabito	Vol. 17, 2603–2604
77	September 4, 2012 email from Vacco to Edward Bayuk RE: Second Deed of Trust documents	Vol. 17, 2605–2606
78	September 18, 2012 email from P. Morabito to Edward Bayuk RE: Deed of Trust	Vol. 17, 2607–2611
79	October 3, 2012 email from Vacco to P. Morabito RE: Term Sheet on both real estate deal and option	Vol. 17, 2612–2614
80	March 14, 2013 email from P. Morabito to Vacco RE: BHI Hinckley	Vol. 17, 2615–2616
81	Page intentionally left blank	Vol. 17, 2617–2618

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Statement of Undisputed Facts (cont.)</b>		
82	November 11, 2011 email from Vacco to P. Morabito RE: Trevor's commitment to sign	Vol. 17, 2619–2620
83	November 28, 2011 email string RE: Wiring \$560,000 to Lippes Mathias	Vol. 17, 2621–2623
84	Page intentionally left blank	Vol. 17, 2624–2625
85	Page intentionally left blank	Vol. 17, 2626–2627
86	Order for Relief Under Chapter 7; Case No. BK-N-13-51236 (filed 12/22/2014)	Vol. 17, 2628–2634
87	Report of Undisputed Election (11 U.S.C § 702); Case No. BK-N-13-51237 (filed 01/23/2015)	Vol. 17, 2635–2637
88	Amended Stipulation and Order to Substitute a Party to NRCP 17(a) (filed 06/11/2015)	Vol. 17, 2638–2642
89	Membership Interest Purchase Agreement, entered into as of Oct. 6, 2010 between P. Morabito and Edward Bayuk	Vol. 17, 2643–2648
90	Complaint; Case No. BK-N-13-51237 (filed 10/15/2015)	Vol. 17, 2649–2686
91	Fifth Amendment and Restatement of the Trust Agreement for the Arcadia Living Trust (dated 09/30/2010)	Vol. 17, 2687–2726
Objection to Recommendation for Order filed August 17, 2017 (filed 08/28/2017)		Vol. 18, 2727–2734
<b>Exhibit to Objection to Recommendation for Order</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Plaintiff's counsel's Jan. 24, 2017, email memorializing the discovery dispute agreement	Vol. 18, 2735–2736

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
Opposition to Objection to Recommendation for Order filed August 17, 2017 (filed 09/05/2017)		Vol. 18, 2737–2748
<b>Exhibit to Opposition to Objection to Recommendation for Order</b>		
<b>Exhibit</b>	<b>Document Description</b>	
A	Declaration of Teresa M. Pilatowicz, Esq., in Support of Opposition to Objection to Recommendation for Order (filed 09/05/2017)	Vol. 18, 2749–2752
Reply to Opposition to Objection to Recommendation for Order filed August 17, 2017 (dated 09/15/2017)		Vol. 18, 2753–2758
Defendants’ Opposition to Plaintiff’s Motion for Partial Summary Judgment (filed 09/22/2017)		Vol. 18, 2759–2774
Defendants’ Separate Statement of Disputed Facts in Support of Opposition to Plaintiff’s Motion for Partial Summary Judgment (filed 09/22/2017)		Vol. 18, 2775–2790
<b>Exhibits to Defendants’ Separate Statement of Disputed Facts in Support of Opposition to Plaintiff’s Motion for Partial Summary Judgment</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Judgment in <i>Consolidated Nevada Corp., et al v. JH. et al.</i> ; Case No. CV07-02764 (filed 08/23/2011)	Vol. 18, 2791–2793
2	Excerpted Transcript of October 20, 2015 Deposition of Dennis C. Vacco	Vol. 18, 2794–2810
3	Order Denying Motion to Dismiss Involuntary Chapter 7 Petition and Suspending Proceedings Pursuant to 11 U.S.C §305(a)(1); Case No. BK-N-13-51237 (filed 12/17/2013)	Vol. 18, 2811–2814

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Defendants' Separate Statement of Disputed Facts (cont.)</b>		
4	Excerpted Transcript of March 21, 2016 Deposition of P. Morabito	Vol. 18, 2815–2826
5	Excerpted Transcript of September 28, 2015 Deposition of Edward William Bayuk	Vol. 18, 2827–2857
6	Appraisal	Vol. 18, 2858–2859
7	Budget Summary as of Jan. 7, 2016	Vol. 18, 2860–2862
8	Excerpted Transcript of March 24, 2016 Deposition of Dennis Banks	Vol. 18, 2863–2871
9	Excerpted Transcript of March 22, 2016 Deposition of Michael Sewitz	Vol. 18, 2872–2879
10	Excerpted Transcript of April 27, 2011 Deposition of Darryl Noble	Vol. 18, 2880–2883
11	Copies of cancelled checks from Edward Bayuk made payable to P. Morabito	Vol. 18, 2884–2892
12	CBRE Appraisal of 14th Street Card Lock Facility (dated 02/26/2010)	Vol. 18, 2893–2906
13	Bank of America wire transfer from P. Morabito to Salvatore Morabito in the amount of \$146,127.00; and a wire transfer from P. Morabito to Lippes for \$25.00 (date 10/01/2010)	Vol. 18, 2907–2908
14	Excerpted Transcript of October 21, 2015 Deposition of Christian Mark Lovelace	Vol. 18, 2909–2918
15	June 18, 2014 email from Sam Morabito to Michael Vanek RE: Analysis of the Superpumper transaction in 2010	Vol. 18, 2919–2920
16	Excerpted Transcript of October 21, 2015 Deposition of Salvatore R. Morabito	Vol. 18, 2921–2929

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Defendants' Separate Statement of Disputed Facts (cont.)</b>		
17	PROMISSORY NOTE [Snowshoe Petroleum ("Maker") promises to pay P. Morabito ("Holder") the principal sum of \$1,462,213.00] (dated 11/01/2010)	Vol. 18, 2930–2932
18	TERM NOTE [P. Morabito ("Borrower") promises to pay Consolidated Western Corp. ("Lender") the principal sum of \$939,000.00, plus interest] (dated 09/01/2010)	Vol. 18, 2933–2934
19	SUCCESSOR PROMISSORY NOTE [Snowshoe Petroleum ("Maker") promises to pay P. Morabito ("Holder") the principal sum of \$492,937.30, plus interest] (dated 02/01/2011)	Vol. 18, 2935–2937
20	Edward Bayuk's wire transfer to Lippes in the amount of \$517,547.20 (dated 09/29/2010)	Vol. 18, 2938–2940
21	Salvatore Morabito Bank of Montreal September 2011 Wire Transfer	Vol. 18, 2941–2942
22	Declaration of Salvatore Morabito (dated 09/21/2017)	Vol. 18, 2943–2944
23	Edward Bayuk bank wire transfer to Superpumper, Inc., in the amount of \$659,000.00 (dated 09/30/2010)	Vol. 18, 2945–2947
24	Edward Bayuk checking account statements between 2010 and 2011 funding the company with transfers totaling \$500,000	Vol. 18, 2948–2953
25	Salvatore Morabito's wire transfer statement between 2010 and 2011, funding the company with \$750,000	Vol. 18, 2954–2957
26	Payment Schedule of Edward Bayuk Note in Favor of P. Morabito	Vol. 18, 2958–2961

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Defendants' Separate Statement of Disputed Facts (cont.)</b>		
27	September 15, 2010 email from Vacco to Yalamanchili and P. Morabito RE: Follow Up Thoughts	Vol. 18, 2962–2964
Reply in Support of Motion for Partial Summary Judgment (dated 10/10/2017)		Vol. 19, 2965–2973
Order Regarding Discovery Commissioner's Recommendation for Order dated August 17, 2017 (filed 12/07/2017)		Vol. 19, 2974–2981
Order Denying Motion for Partial Summary Judgment (filed 12/11/2017)		Vol. 19, 2982–2997
Defendants' Motions in Limine (filed 09/12/2018)		Vol. 19, 2998–3006
<b>Exhibits to Defendants' Motions in Limine</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Plaintiff's Second Supplement to Amended Disclosures Pursuant to NRCP 16.1(A)(1) (dated 04/28/2016)	Vol. 19, 3007–3016
2	Excerpted Transcript of March 25, 2016 Deposition of William A. Leonard	Vol. 19, 3017–3023
3	Plaintiff, Jerry Herbst's Responses to Defendant Snowshoe Petroleum, Inc.'s Set of Interrogatories (dated 02/11/2015); and Plaintiff, Jerry Herbst's Responses to Defendant, Salvatore Morabito's Set of Interrogatories (dated 02/12/2015)	Vol. 19, 3024–3044
Motion in Limine to Exclude Testimony of Jan Friederich (filed 09/20/2018)		Vol. 19, 3045–3056

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Motion in Limine to Exclude Testimony of Jan Friederich</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Defendants' Rebuttal Expert Witness Disclosure (dated 02/29/2016)	Vol. 19, 3057–3071
2	Condensed Transcript of March 29, 2016 Deposition of Jan Friederich	Vol. 19, 3072–3086
Opposition to Defendants' Motions in Limine (filed 09/28/2018)		Vol. 19, 3087–3102
<b>Exhibits to Opposition to Defendants' Motions in Limine</b>		
<b>Exhibit</b>	<b>Document Description</b>	
A	Declaration of Teresa M. Pilatowicz, Esq. in Support of Opposition to Defendants' Motions in Limine (filed 09/28/2018)	Vol. 19, 3103–3107
A-1	Plaintiff's February 19, 2016, Amended Disclosures Pursuant to NRCP 16.1(A)(1)	Vol. 19, 3108–3115
A-2	Plaintiff's January 26, 2016, Expert Witnesses Disclosures (without exhibits)	Vol. 19, 3116–3122
A-3	Defendants' January 26, 2016, and February 29, 2016, Expert Witness Disclosures (without exhibits)	Vol. 19, 3123–3131
A-4	Plaintiff's August 17, 2017, Motion for Partial Summary Judgment (without exhibits)	Vol. 19, 3132–3175
A-5	Plaintiff's August 17, 2017, Statement of Undisputed Facts in Support of his Motion for Partial Summary Judgment (without exhibits)	Vol. 19, 3176–3205
Defendants' Reply in Support of Motions in Limine (filed 10/08/2018)		Vol. 20, 3206–3217

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



<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
Minutes of September 11, 2018, Pre-trial Conference (filed 10/19/2018)		Vol. 20, 3312
Stipulated Facts (filed 10/29/2018)		Vol. 20, 3313–3321
Defendants’ Points and Authorities RE: Objection to Admission of Documents in Conjunction with the Depositions of P. Morabito and Dennis Vacco (filed 10/30/2018)		Vol. 20, 3322–3325
Plaintiff’s Points and Authorities Regarding Authenticity and Hearsay Issues (filed 10/31/2018)		Vol. 20, 3326–3334
Clerk’s Trial Exhibit List (filed 02/28/2019)		Vol. 21, 3335–3413
<b>Exhibits to Clerk’s Trial Exhibit List</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Certified copy of the Transcript of September 13, 2010 Judge’s Ruling; Case No. CV07-02764	Vol. 21, 3414–3438
2	Findings of Fact, Conclusions of Law, and Judgment; Case No. CV07-02764 (filed 10/12/2010)	Vol. 21, 3439–3454
3	Judgment; Case No. CV07-0767 (filed 08/23/2011)	Vol. 21, 3455–3456
4	Confession of Judgment; Case No. CV07-02764 (filed 06/18/2013)	Vol. 21, 3457–3481
5	November 30, 2011 Settlement Agreement and Mutual Release	Vol. 22, 3482–3613
6	March 1, 2013 Forbearance Agreement	Vol. 22, 3614–3622

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
8	Order Denying Motion to Dismiss Involuntary Chapter 7 Petition and Suspending Proceedings, Case 13-51237. ECF No. 94, (filed 12/17/2013)	Vol. 22, 3623–3625
19	Report of Undisputed Election– Appointment of Trustee, Case No. 13-51237, ECF No. 220	Vol. 22, 3626–3627
20	Stipulation and Order to Substitute a Party Pursuant to NRCPP 17(a), Case No. CV13-02663, May 15, 2015	Vol. 22, 3628–3632
21	Non-Dischargeable Judgment Regarding Plaintiff's First and Second Causes of Action, Case No. 15-05019-GWZ, ECF No. 123, April 30, 2018	Vol. 22, 3633–3634
22	Memorandum & Decision; Case No. 15-05019-GWZ, ECF No. 124, April 30, 2018	Vol. 22, 3635–3654
23	Amended Findings of Fact, Conclusions of Law in Support of Judgment Regarding Plaintiff's First and Second Causes of Action; Case 15-05019-GWZ, ECF No. 122, April 30, 2018	Vol. 22, 3655–3679
25	September 15, 2010 email from Yalamanchili to Vacco and P. Morabito RE: Follow Up Thoughts	Vol. 22, 3680–3681
26	September 18, 2010 email from P. Morabito to Vacco	Vol. 22, 3682–3683
27	September 20, 2010 email from Vacco to P. Morabito RE: Spirit	Vol. 22, 3684–3684
28	September 20, 2010 email between Yalamanchili and Crotty RE: Morabito -Wire	Vol. 22, 3685–3687
29	September 20, 2010 email from Yalamanchili to Graber RE: Attorney Client Privileged Communication	Vol. 22, 3688–3689

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
30	September 21, 2010 email from P. Morabito to Vacco and Cross RE: Attorney Client Privileged Communication	Vol. 22, 3690–3692
31	September 23, 2010 email chain between Graber and P. Morabito RE: Change of Primary Residence from Reno to Laguna Beach	Vol. 22, 3693–3694
32	September 23, 2010 email from Yalamanchili to Graber RE: Change of Primary Residence from Reno to Laguna Beach	Vol. 22, 3695–3696
33	September 24, 2010 email from P. Morabito to Vacco RE: Superpumper, Inc.	Vol. 22, 3697–3697
34	September 26, 2010 email from Vacco to P. Morabito RE: Judgment for a fixed debt	Vol. 22, 3698–3698
35	September 27, 2010 email from P. Morabito to Vacco RE: First Amendment to Residential Lease executed 9/27/2010	Vol. 22, 3699–3701
36	November 7, 2012 emails between Vacco, P. Morabito, C. Lovelace RE: Attorney Client Privileged Communication	Vol. 22, 3702–3703
37	Morabito BMO Bank Statement – September 2010	Vol. 22, 3704–3710
38	Lippes Mathias Trust Ledger History	Vol. 23, 3711–3716
39	Fifth Amendment & Restatement of the Trust Agreement for the Arcadia Living Trust dated September 30, 2010	Vol. 23, 3717–3755
42	P. Morabito Statement of Assets & Liabilities as of May 5, 2009	Vol. 23, 3756–3756

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
43	March 10, 2010 email chain between Afshar and Takemoto RE: Current Personal Financial Statement	Vol. 23, 3757–3758
44	Salazar Net Worth Report (dated 03/15/2011)	Vol. 23, 3759–3772
45	Purchase and Sale Agreement	Vol. 23, 3773–3780
46	First Amendment to Purchase and Sale Agreement	Vol. 23, 3781–3782
47	Panorama – Estimated Settlement Statement	Vol. 23, 3783–3792
48	El Camino – Final Settlement Statement	Vol. 23, 3793–3793
49	Los Olivos – Final Settlement Statement	Vol. 23, 3794–3794
50	Deed for Transfer of Panorama Property	Vol. 23, 3795–3804
51	Deed for Transfer for Los Olivos	Vol. 23, 3805–3806
52	Deed for Transfer of El Camino	Vol. 23, 3807–3808
53	Kimmel Appraisal Report for Panorama and Clayton	Vol. 23, 3809–3886
54	Bill of Sale – Panorama	Vol. 23, 3887–3890
55	Bill of Sale – Mary Fleming	Vol. 23, 3891–3894
56	Bill of Sale – El Camino	Vol. 23, 3895–3898
57	Bill of Sale – Los Olivos	Vol. 23, 3899–3902
58	Declaration of Value and Transfer Deed of 8355 Panorama (recorded 12/31/2012)	Vol. 23, 3903–3904
60	Baruk Properties Operating Agreement	Vol. 23, 3905–3914
61	Baruk Membership Transfer Agreement	Vol. 24, 3915–3921
62	Promissory Note for \$1,617,050 (dated 10/01/2010)	Vol. 24, 3922–3924

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
63	Baruk Properties/Snowshoe Properties, Certificate of Merger (filed 10/04/2010)	Vol. 24, 3925–3926
64	Baruk Properties/Snowshoe Properties, Articles of Merger	Vol. 24, 3927–3937
65	Grant Deed from Snowshoe to Bayuk Living Trust; Doc No. 2010-0531071 (recorded 11/04/2010)	Vol. 24, 3938–3939
66	Grant Deed – 1461 Glenneyre; Doc No. 2010000511045 (recorded 10/08/2010)	Vol. 24, 3940–3941
67	Grant Deed – 570 Glenneyre; Doc No. 2010000508587 (recorded 10/08/2010)	Vol. 24, 3942–3944
68	Attorney File re: Conveyance between Woodland Heights and Arcadia Living Trust	Vol. 24, 3945–3980
69	October 24, 2011 email from P. Morabito to Vacco RE: Attorney Client Privileged Communication	Vol. 24, 3981–3982
70	November 10, 2011 email chain between Vacco and P. Morabito RE: Baruk Properties, LLC/Paul Morabito/Bank of America, N.A.	Vol. 24, 3983–3985
71	Bayuk First Ledger	Vol. 24, 3986–3987
72	Amortization Schedule	Vol. 24, 3988–3990
73	Bayuk Second Ledger	Vol. 24, 3991–3993
74	Opposition to Motion for Summary Judgment and Declaration of Edward Bayuk; Case No. 13-51237, ECF No. 146 (filed 10/03/2014)	Vol. 24, 3994–4053
75	March 30, 2012 email from Vacco to Bayuk RE: Letter to BOA	Vol. 24, 4054–4055

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
76	March 10, 2010 email chain between P. Morabito and <a href="mailto:jon@aim13.com">jon@aim13.com</a> RE: Strictly Confidential	Vol. 24, 4056–4056
77	May 20, 2010 email chain between P. Morabito, Vacco and Michael Pace RE: Proceed with placing a Binding Bid on June 22nd with ExxonMobil	Vol. 24, 4057–4057
78	Morabito Personal Financial Statement May 2010	Vol. 24, 4058–4059
79	June 28, 2010 email from P. Morabito to George Garner RE: ExxonMobil Chicago Market Business Plan Review	Vol. 24, 4060–4066
80	Shareholder Interest Purchase Agreement	Vol. 24, 4067–4071
81	Plan of Merger of Consolidated Western Corporation with and Into Superpumper, Inc.	Vol. 24, 4072–4075
82	Articles of Merger of Consolidated Western Corporation with and Into Superpumper, Inc.	Vol. 24, 4076–4077
83	Unanimous Written Consent of the Board of Directors and Sole Shareholder of Superpumper, Inc.	Vol. 24, 4078–4080
84	Unanimous Written Consent of the Directors and Shareholders of Consolidated Western Corporation	Vol. 24, 4081–4083
85	Arizona Corporation Commission Letter dated October 21, 2010	Vol. 24, 4084–4091
86	Nevada Articles of Merger	Vol. 24, 4092–4098
87	New York Creation of Snowshoe	Vol. 24, 4099–4103
88	April 26, 2012 email from Vacco to Afshar RE: Ownership Structure of SPI	Vol. 24, 4104–4106
90	September 30, 2010 Matrix Retention Agreement	Vol. 24, 4107–4110

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
91	McGovern Expert Report	Vol. 25, 4111–4189
92	Appendix B to McGovern Report – Source 4 – Budgets	Vol. 25, 4190–4191
103	Superpumper Note in the amount of \$1,462,213.00 (dated 11/01/2010)	Vol. 25, 4192–4193
104	Superpumper Successor Note in the amount of \$492,937.30 (dated 02/01/2011)	Vol. 25, 4194–4195
105	Superpumper Successor Note in the amount of \$939,000 (dated 02/01/2011)	Vol. 25, 4196–4197
106	Superpumper Stock Power transfers to S. Morabito and Bayuk (dated 01/01/2011)	Vol. 25, 4198–4199
107	<i>Declaration of P. Morabito in Support of Opposition to Motion of JH, Inc., Jerry Herbst, and Berry- Hinckley Industries for Order Prohibiting Debtor from Using, Acquiring or Transferring Assets Pursuant to 11 U.S.C. §§ 105 and 303(f) Pending Appointment of Trustee, Case 13-51237, ECF No. 22 (filed 07/01/2013)</i>	Vol. 25, 4200–4203
108	October 12, 2012 email between P. Morabito and Bernstein RE: 2011 Return	Vol. 25, 4204–4204
109	Compass Term Loan (dated 12/21/2016)	Vol. 25, 4205–4213
110	P. Morabito – Term Note in the amount of \$939,000.000 (dated 09/01/2010)	Vol. 25, 4214–4214
111	Loan Agreement between Compass Bank and Superpumper (dated 12/21/2016)	Vol. 25, 4215–4244
112	Consent Agreement (dated 12/28/2010)	Vol. 25, 4245–4249
113	Superpumper Financial Statement (dated 12/31/2007)	Vol. 25, 4250–4263

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
114	Superpumper Financial Statement (dated 12/31/2009)	Vol. 25, 4264–4276
115	Notes Receivable Interest Income Calculation (dated 12/31/2009)	Vol. 25, 4277–4278
116	Superpumper Inc. Audit Conclusions Memo (dated 12/31/2010)	Vol. 25, 4279–4284
117	Superpumper 2010 YTD Income Statement and Balance Sheets	Vol. 25, 4285–4299
118	March 12, 2010 Management Letter	Vol. 25, 4300–4302
119	Superpumper Unaudited August 2010 Balance Sheet	Vol. 25, 4303–4307
120	Superpumper Financial Statements (dated 12/31/2010)	Vol. 25, 4308–4322
121	Notes Receivable Balance as of September 30, 2010	Vol. 26, 4323
122	Salvatore Morabito Term Note \$2,563,542.00 as of December 31, 2010	Vol. 26, 4324–4325
123	Edward Bayuk Term Note \$2,580,500.00 as of December 31, 2010	Vol. 26, 4326–4327
125	April 21, 2011 Management letter	Vol. 26, 4328–4330
126	Bayuk and S. Morabito Statements of Assets & Liabilities as of February 1, 2011	Vol. 26, 4331–4332
127	January 6, 2012 email from Bayuk to Lovelace RE: Letter of Credit	Vol. 26, 4333–4335
128	January 6, 2012 email from Vacco to Bernstein	Vol. 26, 4336–4338
129	January 7, 2012 email from Bernstein to Lovelace	Vol. 26, 4339–4343
130	March 18, 2012 email from P. Morabito to Vacco	Vol. 26, 4344–4344



<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
131	April 21, 2011 Proposed Acquisition of Nella Oil	Vol. 26, 4345–4351
132	April 15, 2011 email chain between P. Morabito and Vacco	Vol. 26, 4352
133	April 5, 2011 email from P. Morabito to Vacco	Vol. 26, 4353
134	April 16, 2012 email from Vacco to Morabito	Vol. 26, 4354–4359
135	August 7, 2011 email exchange between Vacco and P. Morabito	Vol. 26, 4360
136	August 2011 Lovelace letter to Timothy Halves	Vol. 26, 4361–4365
137	August 24, 2011 email from Vacco to P. Morabito RE: Tim Haves	Vol. 26, 4366
138	November 11, 2011 email from Vacco to P. Morabito RE: Getting Trevor's commitment to sign	Vol. 26, 4367
139	November 16, 2011 email from P. Morabito to Vacco RE: Vacco's litigation letter	Vol. 26, 4368
140	November 28, 2011 email chain between Vacco, S. Morabito, and P. Morabito RE: \$560,000 wire to Lippes Mathias	Vol. 26, 4369–4370
141	December 7, 2011 email from Vacco to P. Morabito RE: Moreno	Vol. 26, 4371
142	February 10, 2012 email chain between P. Morabito Wells, and Vacco RE: 1461 Glenneyre Street - Sale	Vol. 26, 4372–4375
143	April 20, 2012 email from P. Morabito to Bayuk RE: BofA	Vol. 26, 4376
144	April 24, 2012 email from P. Morabito to Vacco RE: SPI Loan Detail	Vol. 26, 4377–4378

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
145	September 4, 2012 email chain between Vacco and Bayuk RE: Second Deed of Trust documents	Vol. 26, 4379–4418
147	September 4, 2012 email from P. Morabito to Vacco RE: Wire	Vol. 26, 4419–4422
148	September 4, 2012 email from Bayuk to Vacco RE: Wire	Vol. 26, 4423–4426
149	December 6, 2012 email from Vacco to P. Morabito RE: BOA and the path of money	Vol. 26, 4427–4428
150	September 18, 2012 email chain between P. Morabito and Bayuk	Vol. 26, 4429–4432
151	October 3, 2012 email chain between Vacco and P. Morabito RE: Snowshoe Properties, LLC	Vol. 26, 4433–4434
152	September 3, 2012 email from P. Morabito to Vacco RE: Wire	Vol. 26, 4435
153	March 14, 2013 email chain between P. Morabito and Vacco RE: BHI Hinckley	Vol. 26, 4436
154	Paul Morabito 2009 Tax Return	Vol. 26, 4437–4463
155	Superpumper Form 8879-S tax year ended December 31, 2010	Vol. 26, 4464–4484
156	2010 U.S. S Corporation Tax Return for Consolidated Western Corporation	Vol. 27, 4485–4556
157	Snowshoe form 8879-S for year ended December 31, 2010	Vol. 27, 4557–4577
158	Snowshoe Form 1120S 2011 Amended Tax Return	Vol. 27, 4578–4655
159	September 14, 2012 email from Vacco to P. Morabito	Vol. 27, 4656–4657

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
160	October 1, 2012 email from P. Morabito to Vacco RE: Monday work for Dennis and Christian	Vol. 27, 4658
161	December 18, 2012 email from Vacco to P. Morabito RE: Attorney Client Privileged Communication	Vol. 27, 4659
162	April 24, 2013 email from P. Morabito to Vacco RE: BHI Trust	Vol. 27, 4660
163	Membership Interest Purchases, Agreement – Watch My Block (dated 10/06/2010)	Vol. 27, 4661–4665
164	Watch My Block organizational documents	Vol. 27, 4666–4669
174	October 15, 2015 Certificate of Service of copy of Lippes Mathias Wexler Friedman's Response to Subpoena	Vol. 27, 4670
175	Order Granting Motion to Compel Responses to Deposition Questions ECF No. 502; Case No. 13- 51237-gwz (filed 02/03/2016)	Vol. 27, 4671–4675
179	Gursey Schneider LLP Subpoena	Vol. 28, 4676–4697
180	Summary Appraisal of 570 Glenneyre	Vol. 28, 4698–4728
181	Appraisal of 1461 Glenneyre Street	Vol. 28, 4729–4777
182	Appraisal of 370 Los Olivos	Vol. 28, 4778–4804
183	Appraisal of 371 El Camino Del Mar	Vol. 28, 4805–4830
184	Appraisal of 1254 Mary Fleming Circle	Vol. 28, 4831–4859
185	Mortgage – Panorama	Vol. 28, 4860–4860
186	Mortgage – El Camino	Vol. 28, 4861
187	Mortgage – Los Olivos	Vol. 28, 4862
188	Mortgage – Glenneyre	Vol. 28, 4863

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
189	Mortgage – Mary Fleming	Vol. 28, 4864
190	Settlement Statement – 371 El Camino Del Mar	Vol. 28, 4865
191	Settlement Statement – 370 Los Olivos	Vol. 28, 4866
192	2010 Declaration of Value of 8355 Panorama Dr	Vol. 28, 4867–4868
193	Mortgage – 8355 Panorama Drive	Vol. 28, 4869–4870
194	Compass – Certificate of Custodian of Records (dated 12/21/2016)	Vol. 28, 4871–4871
196	June 6, 2014 Declaration of Sam Morabito – Exhibit 1 to Snowshoe Reply in Support of Motion to Dismiss Complaint for Lack of Personal Jurisdiction – filed in Case No. CV13-02663	Vol. 28, 4872–4874
197	June 19, 2014 Declaration of Sam Morabito – Exhibit 1 to Superpumper Motion to Dismiss Complaint for Lack of Personal Jurisdiction – filed in Case No. CV13-02663	Vol. 28, 4875–4877
198	September 22, 2017 Declaration of Sam Morabito – Exhibit 22 to Defendants' SSOF in Support of Opposition to Plaintiff's MSJ – filed in Case No. CV13-02663	Vol. 28, 4878–4879
222	Kimmel – January 21, 2016, Comment on Alves Appraisal	Vol. 28, 4880–4883
223	September 20, 2010 email from Yalamanchili to Morabito	Vol. 28, 4884
224	March 24, 2011 email from Naz Afshar RE: telephone call regarding CWC	Vol. 28, 4885–4886
225	Bank of America Records for Edward Bayuk (dated 09/05/2012)	Vol. 28, 4887–4897

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
226	June 11, 2007 Wholesale Marketer Agreement	Vol. 29, 4898–4921
227	May 25, 2006 Wholesale Marketer Facility Development Incentive Program Agreement	Vol. 29, 4922–4928
228	June 2007 Master Lease Agreement – Spirit SPE Portfolio and Superpumper, Inc.	Vol. 29, 4929–4983
229	Superpumper Inc 2008 Financial Statement (dated 12/31/2008)	Vol. 29, 4984–4996
230	November 9, 2009 email from P. Morabito to Bernstein, Yalaman RE: Jan Friederich – entered into Consulting Agreement	Vol. 29, 4997
231	September 30, 2010, Letter from Compass to Superpumper, Morabito, CWC RE: reducing face amount of the revolving note	Vol. 29, 4998–5001
232	October 15, 2010, letter from Quarles & Brady to Vacco RE: Revolving Loan Documents and Term Loan Documents between Superpumper and Compass Bank	Vol. 29, 5002–5006
233	BMO Account Tracker Banking Report October 1 to October 31, 2010	Vol. 29, 5007–5013
235	August 31, 2010 Superpumper Inc., Valuation of 100 percent of the common equity in Superpumper, Inc on a controlling marketable basis	Vol. 29, 5014–5059
236	June 18, 2014 email from S. Morabito to Vanek (WF) RE: Analysis of Superpumper Acquisition in 2010	Vol. 29, 5060–5061
241	Superpumper March 2010 YTD Income Statement	Vol. 29, 5062–5076

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
244	Assignment Agreement for \$939,000 Morabito Note	Vol. 29, 5077–5079
247	July 1, 2011 Third Amendment to Forbearance Agreement Superpumper and Compass Bank	Vol. 29, 5080–5088
248	Superpumper Cash Contributions January 2010 thru September 2015 – Bayuk and S. Morabito	Vol. 29, 5089–5096
252	October 15, 2010 Letter from Quarles & Brady to Vacco RE: Revolving Loan documents and Term Loan documents between Superpumper Prop. and Compass Bank	Vol. 29, 5097–5099
254	Bank of America – S. Morabito SP Properties Sale, SP Purchase Balance	Vol. 29, 5100
255	Superpumper Prop. Final Closing Statement for 920 Mountain City Hwy, Elko, NV	Vol. 29, 5101
256	September 30, 2010 Raffles Insurance Limited Member Summary	Vol. 29, 5102
257	Equalization Spreadsheet	Vol. 30, 5103
258	November 9, 2005 Grant, Bargain and Sale Deed; Doc #3306300 for Property Washoe County	Vol. 30, 5104–5105
260	January 7, 2016 Budget Summary – Panorama Drive	Vol. 30, 5106–5107
261	Mary 22, 2006 Compilation of Quotes and Invoices Quote of Valley Drapery	Vol. 30, 5108–5116
262	Photos of 8355 Panorama Home	Vol. 30, 5117–5151
263	Water Rights Deed (Document #4190152) between P. Morabito, E. Bayuk, Grantors, RCA Trust One Grantee (recorded 12/31/2012)	Vol. 30, 5152–5155

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
265	October 1, 2010 Bank of America Wire Transfer –Bayuk – Morabito \$60,117	Vol. 30, 5156
266	October 1, 2010 Check #2354 from Bayuk to P. Morabito for \$29,383 for 8355 Panorama funding	Vol. 30, 5157–5158
268	October 1, 2010 Check #2356 from Bayuk to P. Morabito for \$12,763 for 370 Los Olivos Funding	Vol. 30, 5159–5160
269	October 1, 2010 Check #2357 from Bayuk to P. Morabito for \$31,284 for 371 El Camino Del Mar Funding	Vol. 30, 5161–5162
270	Bayuk Payment Ledger Support Documents Checks and Bank Statements	Vol. 31, 5163–5352
271	Bayuk Superpumper Contributions	Vol. 31, 5353–5358
272	May 14, 2012 email string between P. Morabito, Vacco, Bayuk, and S. Bernstein RE: Info for Laguna purchase	Vol. 31, 5359–5363
276	September 21, 2010 Appraisal of 8355 Panorama Drive Reno, NV by Alves Appraisal	Vol. 32, 5364–5400
277	Assessor's Map/Home Comparisons for 8355 Panorama Drive, Reno, NV	Vol. 32, 5401–5437
278	December 3, 2007 Case Docket for CV07-02764	Vol. 32, 5438–5564
280	May 25, 2011 Stipulation Regarding the Imposition of Punitive Damages; Case No. CV07-02764 (filed 05/25/2011)	Vol. 33, 5565–5570
281	Work File for September 24, 2010 Appraisal of 8355 Panorama Drive, Reno, NV	Vol. 33, 5571–5628
283	January 25, 2016 Expert Witness Report Leonard v. Superpumper Snowshoe	Vol. 33, 5629–5652

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
284	February 29, 2016 Defendants' Rebuttal Expert Witness Disclosure	Vol. 33, 5653–5666
294	October 5, 2010 Lippes, Mathias Wexler Friedman, LLP, Invoices to P. Morabito	Vol. 33, 5667–5680
295	P. Morabito 2010 Tax Return (dated 10/16/2011)	Vol. 33, 5681–5739
296	December 31, 2010 Superpumper Inc. Note to Financial Statements	Vol. 33, 5740–5743
297	December 31, 2010 Superpumper Consultations	Vol. 33, 5744
300	September 20, 2010 email chain between Yalmanchili and Graber RE: Attorney Client Privileged Communication	Vol. 33, 5745–5748
301	September 15, 2010 email from Vacco to P. Morabito RE: Tomorrow	Vol. 33, 5749–5752
303	Bankruptcy Court District of Nevada Claims Register Case No. 13-51237	Vol. 33, 5753–5755
304	April 14, 2018 email from Allen to Krausz RE: Superpumper	Vol. 33, 5756–5757
305	Subpoena in a Case Under the Bankruptcy Code to Robison, Sharp, Sullivan & Brust issued in Case No. BK-N-13-51237-GWZ	Vol. 33, 5758–5768
306	August 30, 2018 letter to Mark Weisenmiller, Esq., from Frank Gilmore, Esq.,	Vol. 34, 5769
307	Order Granting Motion to Compel Compliance with the Subpoena to Robison, Sharp, Sullivan & Brust filed in Case No. BK-N-13-51237-GWZ	Vol. 34, 5770–5772
308	Response of Robison, Sharp, Sullivan & Brust's to Subpoena filed in Case No. BK-N-13-51237-GWZ	Vol. 34, 5773–5797



<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Clerk's Trial Exhibit List (cont.)</b>		
309	Declaration of Frank C. Gilmore in support of Robison, Sharp, Sullivan & Brust's Opposition to Motion for Order Holding Robison in Contempt filed in Case No. BK-N-13-51237-GWZ	Vol. 34, 5798–5801
Minutes of October 29, 2018, Non-Jury Trial, Day 1 (filed 11/08/2018)		Vol. 35, 5802–6041
Transcript of October 29, 2018, Non-Jury Trial, Day 1		Vol. 35, 6042–6045
Minutes of October 30, 2018, Non-Jury Trial, Day 2 (filed 11/08/2018)		Vol. 36, 6046–6283
Transcript of October 30, 2018, Non-Jury Trial, Day 2		Vol. 36, 6284–6286
Minutes of October 31, 2018, Non-Jury Trial, Day 3 (filed 11/08/2018)		Vol. 37, 6287–6548
Transcript of October 31, 2018, Non-Jury Trial, Day 3		Vol. 37, 6549–6552
Minutes of November 1, 2018, Non-Jury Trial, Day 4 (filed 11/08/2018)		Vol. 38, 6553–6814
Transcript of November 1, 2018, Non-Jury Trial, Day 4		Vol. 38, 6815–6817
Minutes of November 2, 2018, Non-Jury Trial, Day 5 (filed 11/08/2018)		Vol. 39, 6818–7007
Transcript of November 2, 2018, Non-Jury Trial, Day 5		Vol. 39, 7008–7011
Minutes of November 5, 2018, Non-Jury Trial, Day 6 (filed 11/08/2018)		Vol. 40, 7012–7167
Transcript of November 5, 2018, Non-Jury Trial, Day 6		Vol. 40, 7168–7169

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
Minutes of November 6, 2018, Non-Jury Trial, Day 7 (filed 11/08/2018)		Vol. 41, 7170–7269
Transcript of November 6, 2018, Non-Jury Trial, Day 7		Vol. 41, 7270–7272 Vol. 42, 7273–7474
Minutes of November 7, 2018, Non-Jury Trial, Day 8 (filed 11/08/2018)		Vol. 43, 7475–7476
Transcript of November 7, 2018, Non-Jury Trial, Day 8		Vol. 43, 7477–7615
Minutes of November 26, 2018, Non-Jury Trial, Day 9 (filed 11/26/2018)		Vol. 44, 7616
Transcript of November 26, 2018, Non-Jury Trial – Closing Arguments, Day 9		Vol. 44, 7617–7666 Vol. 45, 7667–7893
Plaintiff’s Motion to Reopen Evidence (filed 01/30/2019)		Vol. 46, 7894–7908
<b>Exhibits to Plaintiff’s Motion to Reopen Evidence</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Declaration of Gabrielle A. Hamm, Esq. in Support of Plaintiff’s Motion to Reopen	Vol. 46, 7909–7913
1-A	September 21, 2017 Declaration of Salvatore Morabito	Vol. 46, 7914–7916
1-B	Defendants’ Proposed Findings of Fact, Conclusions of Law, and Judgment (Nov. 26, 2018)	Vol. 46, 7917–7957
1-C	Judgment on the First and Second Causes of Action; Case No. 15-05019-GWZ (Bankr. D. Nev.), ECF No. 123 (April 30, 2018)	Vol. 46, 7958–7962

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Plaintiff's Motion to Reopen Evidence (cont.)</b>		
1-D	Amended Findings of Fact and Conclusions of Law in Support of Judgment Regarding Plaintiffs' First and Second Causes of Action; Case No. 15-05019-GWZ (Bankr. D. Nev.), ECF No. 126 (April 30, 2018)	Vol. 46, 7963–7994
1-E	Motion to Compel Compliance with the Subpoena to Robison Sharp Sullivan Brust; Case No. 15-05019-GWZ (Bankr. D. Nev.), ECF No. 191 (Sept. 10, 2018)	Vol. 46, 7995–8035
1-F	Order Granting Motion to Compel Compliance with the Subpoena to Robison Sharp Sullivan Brust; Case No. 15-05019-GWZ (Bankr. D. Nev.), ECF No. 229 (Jan. 3, 2019)	Vol. 46, 8036–8039
1-G	Response of Robison, Sharp, Sullivan & Brust[] To Subpoena (including RSSB_000001 – RSSB_000031) (Jan. 18, 2019)	Vol. 46, 8040–8067
1-H	Excerpts of Deposition Transcript of Sam Morabito as PMK of Snowshoe Petroleum, Inc. (Oct. 1, 2015)	Vol. 46, 8068–8076
Errata to: Plaintiff's Motion to Reopen Evidence (filed 01/30/2019)		Vol. 47, 8077–8080
<b>Exhibit to Errata to: Plaintiff's Motion to Reopen Evidence</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Plaintiff's Motion to Reopen Evidence	Vol. 47, 8081–8096

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
Ex Parte Motion for Order Shortening Time on Plaintiff's Motion to Reopen Evidence and for Expedited Hearing (filed 01/31/2019)		Vol. 47, 8097–8102
Order Shortening Time on Plaintiff's Motion to Reopen Evidence and for Expedited Hearing (filed 02/04/2019)		Vol. 47, 8103–8105
Supplement to Plaintiff's Motion to Reopen Evidence (filed 02/04/2019)		Vol. 47, 8106–8110
<b>Exhibits to Supplement to Plaintiff's Motion to Reopen Evidence</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Supplemental Declaration of Gabrielle A. Hamm, Esq. in Support of Plaintiff's Motion to Reopen Evidence (filed 02/04/2019)	Vol. 47, 8111–8113
1-I	Declaration of Frank C. Gilmore in Support of Robison, Sharp Sullivan & Brust's Opposition to Motion for Order Holding Robison in Contempt; Case No. 15-05019-GWZ (Bankr. D. Nev.), ECF No. 259 (Jan. 30, 2019)	Vol. 47, 8114–8128
Defendants' Response to Motion to Reopen Evidence (02/06/2019)		Vol. 47, 8129–8135
Plaintiff's Reply to Defendants' Response to Motion to Reopen Evidence (filed 02/07/2019)		Vol. 47, 8136–8143
Minutes of February 7, 2019 hearing on Motion to Reopen Evidence (filed 02/28/2019)		Vol. 47, 8144
Rough Draft Transcript of February 8, 2019 hearing on Motion to Reopen Evidence		Vol. 47, 8145–8158

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
[Plaintiff's Proposed] Findings of Fact, Conclusions of Law, and Judgment (filed 03/06/2019)		Vol. 47, 8159–8224
[Defendants' Proposed Amended] Findings of Fact, Conclusions of Law, and Judgment (filed 03/08/2019)		Vol. 47, 8225–8268
Minutes of February 26, 2019 hearing on Motion to Continue ongoing Non-Jury Trial (Telephonic) (filed 03/11/2019)		Vol. 47, 8269
Findings of Fact, Conclusions of Law, and Judgment (filed 03/29/2019)		Vol. 48, 8270–8333
Notice of Entry of Findings of Fact, Conclusions of Law, and Judgment (filed 03/29/2019)		Vol. 48, 8334–8340
Memorandum of Costs and Disbursements (filed 04/11/2019)		Vol. 48, 8341–8347
<b>Exhibit to Memorandum of Costs and Disbursements</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Ledger of Costs	Vol. 48, 8348–8370
Application for Attorneys' Fees and Costs Pursuant to NRCP 68 (filed 04/12/2019)		Vol. 48, 8371–8384
<b>Exhibits to Application for Attorneys' Fees and Costs Pursuant to NRCP 68</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Declaration of Teresa M. Pilatowicz In Support of Plaintiff's Application for Attorney's Fees and Costs Pursuant to NRCP 68 (filed 04/12/2019)	Vol. 48, 8385–8390
2	Plaintiff's Offer of Judgment to Defendants (dated 05/31/2016)	Vol. 48, 8391–8397

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
3	Defendant's Rejection of Offer of Judgment by Plaintiff (dated 06/15/2016)	Vol. 48, 8398–8399
4	Log of time entries from June 1, 2016 to March 28, 2019	Vol. 48, 8400–8456
5	Plaintiff's Memorandum of Costs and Disbursements (filed 04/11/2019)	Vol. 48, 8457–8487
Motion to Retax Costs (filed 04/15/2019)		Vol. 49, 8488–8495
Plaintiff's Opposition to Motion to Retax Costs (filed 04/17/2019)		Vol. 49, 8496–8507
<b>Exhibits to Plaintiff's Opposition to Motion to Retax Costs</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Declaration of Teresa M. Pilatowicz In Support of Opposition to Motion to Retax Costs (filed 04/17/2019)	Vol. 49, 8508–8510
2	Summary of Photocopy Charges	Vol. 49, 8511–8523
3	James L. McGovern Curriculum Vitae	Vol. 49, 8524–8530
4	McGovern & Greene LLP Invoices	Vol. 49, 8531–8552
5	Buss-Shelger Associates Invoices	Vol. 49, 8553–8555
Reply in Support of Motion to Retax Costs (filed 04/22/2019)		Vol. 49, 8556–8562
Opposition to Application for Attorneys' Fees and Costs Pursuant to NRCP 68 (filed 04/25/2019)		Vol. 49, 8563–8578
<b>Exhibit to Opposition to Application for Attorneys' Fees and Costs Pursuant to NRCP 68</b>		

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibit</b>	<b>Document Description</b>	
1	Plaintiff's Bill Dispute Ledger	Vol. 49, 8579–8637
	Defendants, Salvatore Morabito, Snowshoe Petroleum, Inc., and Superpumper, Inc.'s Motion for New Trial and/or to Alter or Amend Judgment Pursuant to NRCP 52, 59, and 60 (filed 04/25/2019)	Vol. 49, 8638–8657
	Defendant, Edward Bayuk's Motion for New Trial and/or to Alter or Amend Judgment Pursuant to NRCP 52, 59, and 60 (filed 04/26/2019)	Vol. 50, 8658–8676
	<b>Exhibits to Edward Bayuk's Motion for New Trial and/or to Alter or Amend Judgment Pursuant to NRCP 52, 59, and 60</b>	
<b>Exhibit</b>	<b>Document Description</b>	
1	February 27, 2019 email with attachments	Vol. 50, 8677–8768
2	Declaration of Frank C. Gilmore in Support of Edward Bayuk's Motion for New Trial (filed 04/26/2019)	Vol. 50, 8769–8771
3	February 27, 2019 email from Marcy Trabert	Vol. 50, 8772–8775
4	February 27, 2019 email from Frank Gilmore to <a href="mailto:eturner@Gtg.legal">eturner@Gtg.legal</a> RE: Friday Trial	Vol. 50, 8776–8777
	Plaintiff's Reply in Support of Application of Attorneys' Fees and Costs Pursuant to NRCP 68 (filed 04/30/2019)	Vol. 50, 8778–8790
	<b>Exhibit to Plaintiff's Reply in Support of Application of Attorneys' Fees and Costs Pursuant to NRCP 68</b>	
<b>Exhibit</b>	<b>Document Description</b>	
1	Case No. BK-13-51237-GWZ, ECF Nos. 280, 282, and 321	Vol. 50, 8791–8835

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
Plaintiff's Opposition to Defendants' Motions for New Trial and/or to Alter or Amend Judgment (filed 05/07/2019)		Vol. 51, 8836–8858
Defendants, Salvatore Morabito, Snowshoe Petroleum, Inc., and Superpumper, Inc.'s Reply in Support of Motion for New Trial and/or to Alter or Amend Judgment Pursuant to NRCp 52, 59, and 60 (filed 05/14/2019)		Vol. 51, 8859–8864
Declaration of Edward Bayuk Claiming Exemption from Execution (filed 06/28/2019)		Vol. 51, 8865–8870
<b>Exhibits to Declaration of Edward Bayuk Claiming Exemption from Execution</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Copy of June 22, 2019 Notice of Execution and two Write of Executions	Vol. 51, 8871–8896
2	Declaration of James Arthur Gibbons Regarding his Attestation, Witness and Certification on November 12, 2005 of the Spendthrift Trust Amendment to the Edward William Bayuk Living Trust (dated 06/25/2019)	Vol. 51, 8897–8942
Notice of Claim of Exemption from Execution (filed 06/28/2019)		Vol. 51, 8943–8949
Edward Bayuk's Declaration of Salvatore Morabito Claiming Exemption from Execution (filed 07/02/2019)		Vol. 51, 8950–8954
<b>Exhibits to Declaration of Salvatore Morabito Claiming Exemption from Execution</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Las Vegas June 22, 2019 letter	Vol. 51, 8955–8956
2	Writs of execution and the notice of execution	Vol. 51, 8957–8970



<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
Minutes of June 24, 2019 telephonic hearing on Decision on Submitted Motions (filed 07/02/2019)		Vol. 51, 8971–8972
Salvatore Morabito’s Notice of Claim of Exemption from Execution (filed 07/02/2019)		Vol. 51, 8973–8976
Edward Bayuk’s Third Party Claim to Property Levied Upon NRS 31.070 (filed 07/03/2019)		Vol. 51, 8977–8982
Order Granting Plaintiff’s Application for an Award of Attorneys’ Fees and Costs Pursuant to NRCP 68 (filed 07/10/2019)		Vol. 51, 8983–8985
Order Granting in part and Denying in part Motion to Retax Costs (filed 07/10/2019)		Vol. 51, 8986–8988
Plaintiff’s Objection to (1) Claim of Exemption from Execution and (2) Third Party Claim to Property Levied Upon, and Request for Hearing Pursuant to NRS 21.112 and 31.070(5) (filed 07/11/2019)		Vol. 52, 8989–9003
<b>Exhibits to Plaintiff’s Objection to (1) Claim of Exemption from Execution and (2) Third Party Claim to Property Levied Upon, and Request for Hearing Pursuant to NRS 21.112 and 31.070(5)</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Declaration of Gabrielle A. Hamm, Esq.	Vol. 52, 9004–9007
2	11/30/2011 Tolling Agreement – Edward Bayuk	Vol. 52, 9008–9023
3	11/30/2011 Tolling Agreement – Edward William Bayuk Living Trust	Vol. 52, 9024–9035
4	Excerpts of 9/28/2015 Deposition of Edward Bayuk	Vol. 52, 9036–9041

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Plaintiff's Objection (cont.)</b>		
5	Edward Bayuk, as Trustee of the Edward William Bayuk Living Trust's Responses to Plaintiff's First Set of Requests for Production, served 9/24/2015	Vol. 52, 9042–9051
6	8/26/2009 Grant Deed (Los Olivos)	Vol. 52, 9052–9056
7	8/17/2018 Grant Deed (El Camino)	Vol. 52, 9057–9062
8	Trial Ex. 4 (Confession of Judgment)	Vol. 52, 9063–9088
9	Trial Ex. 45 (Purchase and Sale Agreement, dated 9/28/2010)	Vol. 52, 9089–9097
10	Trial Ex. 46 (First Amendment to Purchase and Sale Agreement, dated 9/29/2010)	Vol. 52, 9098–9100
11	Trial Ex. 51 (Los Olivos Grant Deed recorded 10/8/2010)	Vol. 52, 9101–9103
12	Trial Ex. 52 (El Camino Grant Deed recorded 10/8/2010)	Vol. 52, 9104–9106
13	Trial Ex. 61 (Membership Interest Transfer Agreement, dated 10/1/2010)	Vol. 52, 9107–9114
14	Trial Ex. 62 (\$1,617,050.00 Promissory Note)	Vol. 52, 9115–9118
15	Trial Ex. 65 (Mary Fleming Grant Deed recorded 11/4/2010)	Vol. 52, 9119–9121
Notice of Entry of Order Denying Defendants' Motions for New Trial and/or to Alter or Amend Judgment (filed 07/16/2019)		Vol. 52, 9122–9124

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibit to Notice of Entry of Order Denying Defendants' Motions for New Trial and/or to Alter or Amend Judgment</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Order Denying Defendants' Motions for New Trial and/or to Alter or Amend Judgment (filed 07/10/2019)	Vol. 52, 9125–9127
Notice of Entry of Order Granting Plaintiff's Application for an Award of Attorneys' Fees and Costs Pursuant to NRCP 68 (filed 07/16/2019)		Vol. 52, 9128–9130
<b>Exhibit to Notice of Entry of Order Granting Plaintiff's Application for an Award of Attorneys' Fees and Costs Pursuant to NRCP 68</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Order Granting Plaintiff's Application for an Award of Attorneys' Fees and Costs Pursuant to NRCP 68 (filed 07/10/2019)	Vol. 52, 9131–9134
Notice of Entry of Order Granting in Part and Denying in Part Motion to Retax Costs (filed 07/16/2019)		Vol. 52, 9135–9137
<b>Exhibit to Notice of Entry of Order Granting in Part and Denying in Part Motion to Retax Costs</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Order Granting in Part and Denying in Part Motion to Retax Costs (filed 07/10/2019)	Vol. 52, 9138–9141
Plaintiff's Objection to Notice of Claim of Exemption from Execution Filed by Salvatore Morabito and Request for Hearing (filed 07/16/2019)		Vol. 52, 9142–9146
Reply to Objection to Claim of Exemption and Third Party Claim to Property Levied Upon (filed 07/17/2019)		Vol. 52, 9147–9162

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Reply to Objection to Claim of Exemption and Third Party Claim to Property Levied Upon</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	March 3, 2011 Deposition Transcript of P. Morabito	Vol. 52, 9163–9174
2	Mr. Bayuk’s September 23, 2014 responses to Plaintiff’s first set of requests for production	Vol. 52, 9175–9180
3	September 28, 2015 Deposition Transcript of Edward Bayuk	Vol. 52, 9181–9190
Reply to Plaintiff’s Objection to Notice of Claim of Exemption from Execution (filed 07/18/2019)		Vol. 52, 9191–9194
Declaration of Service of Till Tap, Notice of Attachment and Levy Upon Property (filed 07/29/2019)		Vol. 52, 9195
Notice of Submission of Disputed Order Denying Claim of Exemption and Third Party Claim (filed 08/01/2019)		Vol. 52, 9196–9199
<b>Exhibits to Notice of Submission of Disputed Order Denying Claim of Exemption and Third Party Claim</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Plaintiff’s Proposed Order Denying Claim of Exemption and Third-Party Claim	Vol. 52, 9200–9204
2	Bayuk and the Bayuk Trust’s proposed Order Denying Claim of Exemption and Third-Party Claim	Vol. 52, 9205–9210
3	July 30, 2019 email evidencing Bayuk, through counsel Jeffrey Hartman, Esq., requesting until noon on July 31, 2019 to provide comments.	Vol. 52, 9211–9212

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Notice of Submission of Disputed Order (cont.)</b>		
4	July 31, 2019 email from Teresa M. Pilatowicz, Esq. Bayuk failed to provide comments at noon on July 31, 2019, instead waiting until 1:43 p.m. to send a redline version with proposed changes after multiple follow ups from Plaintiff's counsel on July 31, 2019	Vol. 52, 9213–9219
5	A true and correct copy of the original Order and Bayuk Changes	Vol. 52, 9220–9224
6	A true and correct copy of the redline run by Plaintiff accurately reflecting Bayuk's proposed changes	Vol. 52, 9225–9229
7	Email evidencing that after review of the proposed revisions, Plaintiff advised Bayuk, through counsel, that Plaintiff agree to certain proposed revisions, but the majority of the changes were unacceptable as they did not reflect the Court's findings or evidence before the Court.	Vol. 52, 9230–9236
Objection to Plaintiff's Proposed Order Denying Claim of Exemption and Third Party Claim (filed 08/01/2019)		Vol. 53, 9237–9240
<b>Exhibits to Objection to Plaintiff's Proposed Order Denying Claim of Exemption and Third-Party Claim</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Plaintiff's Proposed Order Denying Claim of Exemption and Third-Party Claim	Vol. 53, 9241–9245
2	Defendant's comments on Findings of Fact	Vol. 53, 9246–9247
3	Defendant's Proposed Order Denying Claim of Exemption and Third-Party Claim	Vol. 53, 9248–9252

<u><b>DOCUMENT DESCRIPTION</b></u>		<u><b>LOCATION</b></u>
Minutes of July 22, 2019 hearing on Objection to Claim for Exemption (filed 08/02/2019)		Vol. 53, 9253
Order Denying Claim of Exemption (filed 08/02/2019)		Vol. 53, 9254–9255
Bayuk’s Case Appeal Statement (filed 08/05/2019)		Vol. 53, 9256–9260
Bayuk’s Notice of Appeal (filed 08/05/2019)		Vol. 53, 9261–9263
Defendants, Superpumper, Inc., Edward Bayuk, Salvatore Morabito; and Snowshoe Petroleum, Inc.’s, Case Appeal Statement (filed 08/05/2019)		Vol. 53, 9264–9269
Defendants, Superpumper, Inc., Edward Bayuk, Salvatore Morabito; and Snowshoe Petroleum, Inc.’s, Notice of Appeal (filed 08/05/2019)		Vol. 53, 9270–9273
<b>Exhibits to Defendants, Superpumper, Inc., Edward Bayuk, Salvatore Morabito; and Snowshoe Petroleum, Inc.’s, Notice of Appeal</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Findings of Fact, Conclusions of Law, and Judgment (filed 03/29/2019)	Vol. 53, 9274–9338
2	Order Denying Defendants’ Motions for New Trial and/or to Alter or Amend Judgment (filed 07/10/2019)	Vol. 53, 9339–9341
3	Order Granting in Part and Denying in Part Motion to Retax Costs (filed 07/10/2019)	Vol. 53, 9342–9345
4	Order Granting Plaintiff’s Application for an Award of Attorneys’ Fees and Costs Pursuant to NRCF 68 (filed 07/10/2019)	Vol. 53, 9346–9349

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
Plaintiff's Reply to Defendants' Objection to Plaintiff's Proposed Order Denying Claim of Exemption and Third-Party Claim		Vol. 53, 9350–9356
Order Denying Claim of Exemption and Third-Party Claim (08/09/2019)		Vol. 53, 9357–9360
Notice of Entry of Order Denying Claim of Exemption and Third-Party Claim (filed 08/09/2019)		Vol. 53, 9361–9364
<b>Exhibit to Notice of Entry of Order Denying Claim of Exemption and Third-Party Claim</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Order Denying Claim of Exemption and Third-Party Claim (08/09/2019)	Vol. 53, 9365–9369
Notice of Entry of Order Denying Claim of Exemption (filed 08/12/2019)		Vol. 53, 9370–9373
<b>Exhibit to Notice of Entry of Order Denying Claim of Exemption</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Order Denying Claim of Exemption (08/02/2019)	Vol. 53, 9374–9376
Motion to Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration (filed 08/19/2019)		Vol. 54, 9377–9401
<b>Exhibits to Motion to Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Order Denying Claim of Exemption and Third Party Claim (filed 08/09/19)	Vol. 54, 9402–9406

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Motion to Make Amended (cont.)</b>		
2	Spendthrift Trust Amendment to the Edward William Bayuk Living Trust (dated 11/12/05)	Vol. 54, 9407–9447
3	Spendthrift Trust Agreement for the Arcadia Living Trust (dated 10/14/05)	Vol. 54, 9448–9484
4	Fifth Amendment and Restatement of the Trust Agreement for the Arcadia Living Trust (dated 09/30/10)	Vol. 54, 9485–9524
5	P. Morabito's Supplement to NRCP 16.1 Disclosures (dated 03/01/11)	Vol. 54, 9525–9529
6	Transcript of March 3, 2011 Deposition of P. Morabito	Vol. 55, 9530–9765
7	Documents Conveying Real Property	Vol. 56, 9766–9774
8	Transcript of July 22, 2019 Hearing	Vol. 56, 9775–9835
9	Tolling Agreement JH and P. Morabito (partially executed 11/30/11)	Vol. 56, 9836–9840
10	Tolling Agreement JH and Arcadia Living Trust (partially executed 11/30/11)	Vol. 56, 9841–9845
11	Excerpted Pages 8–9 of Superpumper Judgment (filed 03/29/19)	Vol. 56, 9846–9848
12	Petitioners' First Set of Interrogatories to Debtor (dated 08/13/13)	Vol. 56, 9849–9853
13	Tolling Agreement JH and Edward Bayuk (partially executed 11/30/11)	Vol. 56, 9854–9858
14	Tolling Agreement JH and Bayuk Trust (partially executed 11/30/11)	Vol. 56, 9859–9863
15	Declaration of Mark E. Lehman, Esq. (dated 03/21/11)	Vol. 56, 9864–9867



<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Motion to Make Amended (cont.)</b>		
16	Excerpted Transcript of October 20, 2015 Deposition of Dennis C. Vacco	Vol. 56, 9868–9871
17	Assignment and Assumption Agreement (dated 07/03/07)	Vol. 56, 9872–9887
18	Order Denying Morabito’s Claim of Exemption (filed 08/02/19)	Vol. 56, 9888–9890
Errata to Motion to Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration (filed 08/20/2019)		Vol. 57, 9891–9893
Plaintiff’s Opposition to Motion to Make Amended or Additional Findings Under NRCP 52(b), or, In the Alternative, Motion for Reconsideration, and Countermotion for Fees and Costs Pursuant to NRS 7.085 (filed 08/30/2019)		Vol. 57, 9894–9910
Errata to Plaintiff’s Opposition to Motion to Make Amended or Additional Findings Under NRCP 52(b), or, In the Alternative, Motion for Reconsideration, and Countermotion for Fees and Costs Pursuant to NRS 7.085 (filed 08/30/2019)		Vol. 57, 9911–9914
<b>Exhibits to Errata to Plaintiff’s Opposition to Motion to Make Amended or Additional Findings Under NRCP 52(b), or, In the Alternative, Motion for Reconsideration, and Countermotion for Fees and Costs Pursuant to NRS 7.085</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Declaration of Gabrielle A. Hamm, Esq.	Vol. 57, 9915–9918
2	Plaintiff’s Amended NRCP 16.1 Disclosures (February 19, 2016)	Vol. 57, 9919–9926

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
<b>Exhibits to Errata (cont.)</b>		
3	Plaintiff's Fourth Supplemental NRCP 16.1 Disclosures (November 15, 2016)	Vol. 57, 9927–9930
4	Plaintiff's Fifth Supplemental NRCP 16.1 Disclosures (December 21, 2016)	Vol. 57, 9931–9934
5	Plaintiff's Sixth Supplemental NRCP 16.1 Disclosures (March 20, 2017)	Vol. 57, 9935–9938
Reply in Support of Motion to Make Amended or Additional Findings Under NRCP 52(b), or, In the Alternative, Motion for Reconsideration, and Countermotion for Fees and Costs (filed 09/04/2019)		Vol. 57, 9939–9951
<b>Exhibits to Reply in Support of Motion to Make Amended or Additional Findings Under NRCP 52(b), or, In the Alternative, Motion for Reconsideration, and Countermotion for Fees and Costs</b>		
<b>Exhibit</b>	<b>Document Description</b>	
19	Notice of Submission of Disputed Order Denying Claim of Exemption and Third Party Claim (filed 08/01/19)	Vol. 57, 9952–9993
20	Notice of Submission of Disputed Order Denying Claim of Exemption and Third Party Claim (filed 08/01/19)	Vol. 57, 9994–10010
Order Denying Defendants' Motion to Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration and Denying Plaintiff's Countermotion for Fees and Costs Pursuant to NRS 7.085 (filed 11/08/2019)		Vol. 57, 10011–10019
Bayuk's Case Appeal Statement (filed 12/06/2019)		Vol. 57, 10020–10026

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
Bayuk's Notice of Appeal (filed 12/06/2019)		Vol. 57, 10027–10030
<b>Exhibits to Bayuk's Notice of Appeal</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Order Denying [Morabito's] Claim of Exemption (filed 08/02/19)	Vol. 57, 10031–10033
2	Order Denying [Bayuk's] Claim of Exemption and Third Party Claim (filed 08/09/19)	Vol. 57, 10034–10038
3	Order Denying Defendants' Motion to Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration and Denying Plaintiff's Countermotion for Fees and Costs Pursuant to NRS 7.085 (filed 11/08/19)	Vol. 57, 10039–10048
Notice of Entry of Order Denying Defendants' Motion to Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration and Denying Plaintiff's Countermotion for Fees and Costs Pursuant to NRS 7.085 (filed 12/23/2019)		Vol. 57, 10049–10052
<b>Exhibit to Notice of Entry of Order</b>		
<b>Exhibit</b>	<b>Document Description</b>	
A	Order Denying Defendants' Motion to Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration and Denying Plaintiff's Countermotion for Fees and Costs Pursuant to NRS 7.085 (filed 11/08/19)	Vol. 57, 10053–10062

<b><u>DOCUMENT DESCRIPTION</u></b>		<b><u>LOCATION</u></b>
District Court Docket Case No. CV13-02663		Vol. 57, 10063–10111
Notice of Claim of Exemption and Third-Party Claim to Property Levied Upon, Case No. CV13-02663 (filed 08/25/2020)		Vol. 58, 10112–10121
<b>Exhibits to Notice of Claim of Exemption and Third-Party Claim to Property Levied Upon</b>		
<b>Exhibit</b>	<b>Document Description</b>	
1	Writ of Execution, Case No. CV13-02663 (filed 07/21/2020)	Vol. 58, 10123–10130
2	Superior Court of California, Orange County Docket, Case No. 30-2019-01068591-CU-EN-CJC	Vol. 58, 10131–10139
3	Spendthrift Trust Amendment to the Edward William Bayuk Living Trust (dated 11/12/2005)	Vol. 58, 10140–10190

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

16 **IN THE SECOND JUDICIAL DISTRICT FOR THE STATE OF NEVADA**

17 **IN AND FOR THE COUNTY OF WASHOE**

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

**CASE NO.: CV13-02663**

**DEPT. NO.: B1**

20 Plaintiffs,

21 vs.

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

28 Defendants.

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

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

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

3 **I. DEFENDANTS’ MOTION IS NOT A COLLATERAL ATTACK**

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

9 **II. THE TRUSTEE IS NOT ENTITLED TO DISCOVER INFORMATION**  
10 **PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE.<sup>1</sup>**

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

13 The Trustee confuses the distinction between the common-interest privilege and the joint  
14 defense privilege in his opposition. The joint defense privilege applies when multiple clients are  
15 represented by **one** attorney. *See Restatement (Third) of the Law Governing Lawyers*, § 75(1)  
16 (2000) (stating that “[i]f two or more persons are jointly represented by the same lawyer in a  
17 matter, a communication of either co-client that otherwise qualifies as privileged . . . is privileged  
18 as against third persons”). Here, Vacco did, in fact, represent some of the Defendants as noted by  
19 the Trustee in his opposition. *See* Opposition, Exh. 7, 54:24 – 55:22, 115:13-19. Thus, the joint  
20 defense privilege may apply.

21 Regardless, these communications are unequivocally protected under the common-interest  
22 privilege. Communications are privileged and protected from disclosure if they were “[m]ade for  
23 the purpose of facilitating the rendition of professional legal services to the client, by the client or  
24 the client’s lawyer to a lawyer representing another in a matter of common interest.” NRS  
25 49.095(3). Under this privilege, “attorneys for different clients pursuing a common legal strategy  
26 [may] communicate with each other” without waiving the attorney-client privilege. *In re Pac.*

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

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

2 This privilege protects not only communications between **attorneys**, but also between the  
3 underlying clients. *See, e.g., In re Superior Nat'l Ins. Grp.*, 518 B.R. 562, 568 (Bankr. C.D. Cal.  
4 2014) (“The common-interest doctrine allows disclosure between **parties**, without waiver  
5 privileges, of communications protected by the attorney-client privilege or the attorney work-  
6 product doctrine where the disclosure is necessary to accomplish the purpose for which the legal  
7 advice was sought.” (Emphasis added) (internal quotations omitted)); *see also Wardleigh v.*  
8 *Second Judicial Dist. Ct.*, 111 Nev. 345, 351 n.2, 891 P.2d 1180, 1184 n.2 (1995) (discussing the  
9 attorney-client privilege, and construing NRS 49.095 in conjunction with NRS 49.055, which  
10 permits disclosure to third parties when necessary to accomplish the purpose of the attorney-client  
11 relationship).

12 Although typically applied in the context of civil or criminal litigation, the common  
13 interest privilege also applies in transactional contexts. *In re Teleglobe Commun. Corp.*, 493 F.3d  
14 345, 364 (3d Cir. 2007) (“[The common interest privilege] applies in civil and criminal litigation,  
15 and even in purely transactional contexts.”); *Restatement (Third) of the Law Governing Lawyers* §  
16 76 (“If two or more clients with a common interest in a litigated or nonlitigated matter are  
17 represented by separate lawyers and they agree to exchange information concerning the matter, a  
18 communication of any such client that otherwise qualifies as privileged under [the attorney-client  
19 privilege] that relates to the matter is privileged as against third persons.”). Accordingly, the  
20 communications that the Trustee is seeking are protected by the attorney-client privilege, as that  
21 privilege applies under the common-interest privilege.

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

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

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

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

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

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

17 Finally, the parties to these privileged communications are not adverse. Generally, when  
18 parties become adverse, they cannot claim either the joint defense or the common interest privilege  
19 against *each other*. *Restatement (Third) of the Law Governing Lawyers*, § 76(2) (stating that a  
20 communication protected by the common interest privilege "is not privileged . . . in a subsequent  
21 adverse proceeding between" the parties); *Restatement (Third) of the Law Governing Lawyers*, §  
22 75(2) (stating that a communication protected by the joint defense privilege "is not privileged as  
23 between co-clients in a subsequent adverse proceeding between them."). However, Mr. Morabito  
24 is not adverse to the Defendants. Therefore, the adversity exception does not apply.

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



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

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

### 17 **III. THE MOTION IS TIMELY.**

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

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

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

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

#### IV. CONCLUSION

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

#### **AFFIRMATION** **Pursuant to NRS 239B.030**

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

DATED this 6th day of April, 2016.

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

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

CERTIFICATE OF SERVICE

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

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

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

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

Gerald Gordon, Esq.  
Email: [ggordon@Gtg.legal](mailto:ggordon@Gtg.legal)  
Mark M. Weisenmiller, Esq.  
Email: [mweisenmiller@Gtg.legal](mailto:mweisenmiller@Gtg.legal)  
Teresa M. Pilatowicz, Esq.  
Email: [tpilatowicz@Gtg.legal](mailto:tpilatowicz@Gtg.legal)

by personal delivery/hand delivery addressed to:

by email addressed to:

Gerald Gordon, Esq.  
Email: [ggordon@Gtg.legal](mailto:ggordon@Gtg.legal)  
Mark M. Weisenmiller, Esq.  
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by facsimile (fax) addressed to:

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

DATED: This 6<sup>th</sup> day of March, 2016.



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16  
17 **IN THE SECOND JUDICIAL DISTRICT COURT OF**  
18 **THE STATE OF NEVADA IN AND FOR THE**  
19 **COUNTY OF WASHOE**

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

23 Plaintiff,

24 vs.

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

Defendants.

CASE NO.: CV13-02663

DEPT. NO. 1

**PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS**

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

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

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

9 Dated this 7<sup>th</sup> day of April, 2016.

10 GARMAN TURNER GORDON LLP

11 /s/ Gabrielle A. Hamm  
12 GERALD M. GORDON, ESQ.  
13 Nevada Bar No. 229  
14 TERESA M. PILATOWICZ, ESQ.  
15 Nevada Bar No. 9605  
16 GABRIELLE A. HAMM, ESQ.  
17 Nevada Bar No. 11588  
18 650 White Drive, Suite 100  
19 Las Vegas, Nevada 89119  
20 Tel: (735) 777-3000  
21 *Attorneys for Plaintiff William A. Leonard*

22 **MEMORANDUM OF POINTS AND AUTHORITIES**

23 **I.**  
24 **RELEVANT FACTS**

25 **A. Background.**

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

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

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

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

4 **B. The Personal Property Transfers.**

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

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

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

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

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

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

3 **Request for Production No. 2:**

4 Produce any and all appraisals and/or valuations of the real and/or personal  
5 property located at [] 1254 Mary Flem[ing] Circle, Palm Springs, California  
6 between 2007 and the date of Your responses to these Discovery Requests.

7 **Response to Request for Production No. 2**

8 See MORABITO (341).002365-002401.

9 **Request for Production No. 3:**

10 Produce any and all appraisals and/or valuations of the real and/or personal  
11 property located at [] 371 El Camino Del Mar, Laguna Beach, California between  
12 2007 and the date of Your responses to these Discovery Requests.

13 **Response to Request for Production No. 3**

14 See MORABITO (341).002489-00251

15 **Request for Production No. 5:**

16 Produce any and all inventories or lists of personal property located at [] 1254  
17 Mary Flem[ing] Circle, Palm Springs, California between 2007 and the date of  
18 Your response to these Discovery Requests.

19 **Response to Request for Production No. 5**

20 All known responsive documents have been produced. See MORABITO  
21 (341).002362-2544; 006971-006978; 007350-007361; 006941-006948.

22 **Request for Production No. 6:**

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

26 **Response to Request for Production No. 6**

27 All known responsive documents have been produced. See MORABITO  
28 (341).002362-2544;006971-006978;007350-007361;006941-006948.

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



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

6 **Request for Production No. 3:**

7 Produce any and all Lists or Inventories of Assets in The Edward William Bayuk  
8 Living Trust between December 3, 2007 and the date of Your Response to these  
9 Discovery Requests.

10 **Response to Request for Production No. 3**

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

14 **Request for Production No. 8:**

15 Produce any and all appraisals and/or valuations of the real and/or personal  
16 property located at [] 1254 Mary Flem[ing] Circle, Palm Springs, California  
17 between 2007 and the date of Your responses to these Discovery Requests.

18 **Response to Request for Production No. 8**

19 See MORABITO (341).002515-2544.

20 **Request for Production No. 9:**

21 Produce any and all appraisals and/or valuations of the real and/or personal  
22 property located at [] 371 El Camino Del Mar, Laguna Beach, California between  
23 2007 and the date of Your responses to these Discovery Requests.

24 **Response to Request for Production No. 9**

25 See MORABITO (341).002489-2514;

26 **Request for Production No. 10:**

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

**Response to Request for Production No. 10**

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



1       **Request for Production No. 11:**

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

5               **Response to Request for Production No. 11**

6               See responses to Bayuk Requests for Production.

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

15       **Request for Production No. 26:**

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

19               **Response to Request for Production No. 26**

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

25       **Request for Production No. 27:**

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

**Response to Request for Production No. 27**

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

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

10           **Request for Production No. 24:**

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

14           **Response to Request for Production No. 24**

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

20           **Request for Production No. 25:**

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

24           **Response to Request for Production No. 25**

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

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

1 Decl., ¶ 10. A true and correct copy of counsel's correspondence is attached hereto as **Exhibit**  
2 **14**.

3 **II.**  
4 **LEGAL ARGUMENT**

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

16 "Parties may obtain discovery regarding any matter, not privileged, which is relevant to  
17 the subject matter involved in the pending action, whether it relates to the claim or defense of  
18 the party seeking discovery." NRCP 26(b)(1); see also Harrison v. Falcon Prods., 103 Nev.  
19 558, 560, 746 P.2d 642, 642 (1987). "Relevance is broadly construed to include "any matter  
20 that bears on, or that reasonably could lead to other matters that could bear on, any issue that is  
21 or may be in the case." Oppenheimer Fund, Inc. v. Sanders, 437 U.S. 340, 351 (1978); see also  
22 F.T.C. v. AMG Servs., Inc., 291 F.R.D. 544, 552 (D. Nev. 2013) ("Relevance within the  
23 meaning of Rule 26(b)(1) is considerably broader than relevance for trial purposes . . . [f]or  
24 discovery purposes, relevance means only that the materials sought are reasonably calculated to  
25 lead to the discovery of admissible evidence.") (citations omitted); Pulsecard, Inc. v. Discover  
26 Card Servs., Inc., 168 F.R.D. 295, 309 (D. Kan. 1996). "It is not ground for objection that the  
27 information sought will be inadmissible at the trial if *the information sought appears*  
28 *reasonably calculated to lead to the discovery of admissible evidence.*" Nev. R. Civ. P. 26

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

4 The "party resisting discovery bears the burden of showing why a discovery request  
5 should be denied." F.T.C. v. AMG Servs., Inc., 291 F.R.D. 544, 553 (D. Nev. 2013) (citing  
6 Painters Joint Comm. v. Employee Painters Trust Health & Welfare Fund, No. 2:10-CV-1385  
7 JCM (PAL), 2011 WL 4573349, at \*5 (D. Nev. 2011), *modified on other grounds*, 2011 WL  
8 5854714 (D. Nev. 2011)). The "objecting party must specifically detail the reasons why each  
9 request is irrelevant" and may not rely on boilerplate, generalized, conclusory, or speculative  
10 arguments. Id. (citing E.E.O.C. v. Caesars Entertainment, Inc., 237 F.R.D. 428, 432 (D. Nev.  
11 2006) ("Rule 26(c) requires more than broad allegations of harm, unsubstantiated by specific  
12 examples or articulated reasoning.")). Defendant's reference to unspecified privacy interests and  
13 boilerplate objection that the insurance policies are not relevant therefore are insufficient.

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

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**AFFIRMATION**  
**Pursuant to NRS 239B.030**

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

Dated this 7<sup>th</sup> day of April, 2016.

GARMAN TURNER GORDON LLP

/s/ Gabrielle A. Hamm

GERALD M. GORDON, ESQ.

Nevada Bar No. 229

TERESA M. PILATOWICZ, ESQ.

Nevada Bar No. 9605

GABRIELLE A. HAMM, ESQ.

Nevada Bar No. 11588

650 White Drive, Suite 100

Las Vegas, Nevada 89119

Tel: (735) 777-3000

*Attorneys for Plaintiff William A. Leonard*

1 **CERTIFICATE OF SERVICE**

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

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

7 \_\_\_\_\_ Certified Mail, Return Receipt Requested

8 \_\_\_\_\_ Via Facsimile (Fax)

9 \_\_\_\_\_ Via E-Mail

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

12 \_\_\_\_\_ Federal Express (or other overnight delivery)

13 addressed as follows:

14 Barry Breslow  
15 Frank Gilmore  
16 ROBISON, BELAUSTEGUI, SHARP & LOW  
17 71 Washington Street  
18 Reno, NV 89503

19 DATED this 7<sup>th</sup> day of April, 2016.

20 /s/ Rebecca Post

21 An Employee of GARMAN TURNER GORDON  
22  
23  
24  
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## INDEX OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>	<u>Pages</u>
1.	Declaration of Teresa M. Pilatowicz in Support of Plaintiff's Motion to Compel Production of Documents	3
2.	Bill of Sale - 1254 Mary Fleming Circle	4
3.	Bill of Sale - 371 El Camino Del Mar	4
4.	Bill of Sale - 370 Los Olivos	4
5.	Personal financial statement of Paul A. Morabito	1
6.	Plaintiff's First Set of Requests for Production of Documents to Edward Bayuk	11
7.	Edward Bayuk's Responses to Plaintiff's First Set of Requests for Production	9
8.	Plaintiff's First Set of Requests for Production of Documents to Edward Bayuk, as trustee of the Edward William Bayuk Living Trust	9
9.	Edward Bayuk, as trustee of the Edward William Bayuk Living Trust's Responses to Plaintiff's First Set of Requests for Production	9
10.	Plaintiff's Second Set of Requests for Production of Documents to Edward Bayuk	7
11.	Edward Bayuk's Responses to Plaintiff's Second Set of Requests for Production	4
12.	Plaintiff's Second Set of Requests for Production of Documents to Edward Bayuk, as trustee of the Edward William Bayuk Living Trust	7
13.	Edward Bayuk, as trustee of the Edward William Bayuk Living Trust's Responses to Plaintiff's Second Set of Requests for Production	4
14.	Correspondence between Teresa M. Pilatowicz, Esq. and Frank Gilmore, Esq.	3

# Exhibit 1



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

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

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

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

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

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

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

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

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

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

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

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

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

4 Dated this 7th day of April, 2016.

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TERESA M. PILATOWICZ, ESQ.  
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## Exhibit 2

## **BILL OF SALE**

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

### **Recitals**

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

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

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

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

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

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

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

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

MORABITO (341).002437

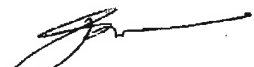
6. This Bill of Sale may be executed in any number of counterparts, each of which shall be deemed an original, and all of which, together, shall constitute one and the same instrument.

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

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

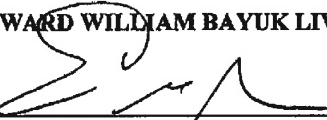
**"SELLER"**

**ARCADIA LIVING TRUST**

  
\_\_\_\_\_  
Paul A. Morabito, Trustee

**"BUYER"**

**EDWARD WILLIAM BAYUK LIVING TRUST**

  
\_\_\_\_\_  
Edward William Bayuk, Trustee

MORABITO (341).002438

**Exhibit "A"**  
**Listing of Personal Property**

MORABITO (341).002439

# 1254 Mary Fleming Circle

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

MORABITO (341).002440



## Exhibit 3

## **BILL OF SALE**

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

### **Recitals**

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

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

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

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

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

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

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

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

MORABITO (341).002445

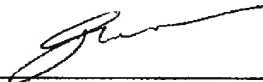
6. This Bill of Sale may be executed in any number of counterparts, each of which shall be deemed an original, and all of which, together, shall constitute one and the same instrument.

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

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

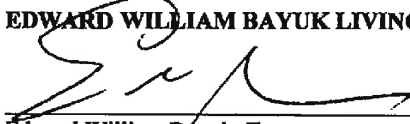
**"SELLER"**

**ARCADIA LIVING TRUST**

  
\_\_\_\_\_  
Paul A. Morabito, Trustee

**"BUYER"**

**EDWARD WILLIAM BAYUK LIVING TRUST**

  
\_\_\_\_\_  
Edward William Bayuk, Trustee

MORABITO (341).002446

**Exhibit "A"**  
**Listing of Personal Property**

MORABITO (341).002447

### 371 El Camino del Mar

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

MORABITO (341).002448

## Exhibit 4

## **BILL OF SALE**

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

### **Recitals**

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

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

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

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

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

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

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

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

MORABITO (341).002441

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

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

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

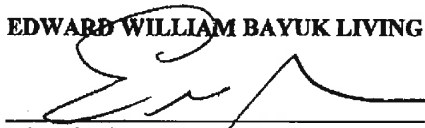
**"SELLER"**

**ARCADIA LIVING TRUST**

  
\_\_\_\_\_  
Paul A. Morabito, Trustee

**"BUYER"**

**EDWARD WILLIAM BAYUK LIVING TRUST**

  
\_\_\_\_\_  
Edward William Bayuk, Trustee

MORABITO (341).002442



**Exhibit "A"**  
**Listing of Personal Property**

MORABITO (341).002443

### 370 Los Olivos

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

MORABITO (341).002444

# Exhibit 5

[illegible]

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

\_\_\_\_\_

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## Exhibit 6

1 GARMAN TURNER GORDON LLP  
2 GERALD M. GORDON, ESQ.  
3 Nevada Bar No. 229  
4 E-mail: ggordon@gtg.legal  
5 TERESA M. PILATOWICZ, ESQ.  
6 Nevada Bar No. 9605  
7 E-mail: tpilatowicz@gtg.legal  
8 650 White Drive, Ste. 100  
9 Las Vegas, Nevada 89119  
10 Telephone 725-777-3000

11 *Attorneys to Trustee*

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

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

14 Plaintiff,

15 vs.

16 SUPERPUMPER, INC., an Arizona  
17 corporation; EDWARD BAYUK,  
18 individually and as Trustee of the EDWARD  
19 WILLIAM BAYUK LIVING TRUST;  
20 SALVATORE MORABITO, and individual;  
21 and SNOWSHOE PETROLEUM, INC., a  
22 New York corporation,

23 Defendants.

CASE NO.: CV13-02663

DEPT. NO.: 1

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

29 To: Edward William Bayuk; and

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

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

1 respond within thirty (30) days of service hereof.

2 **DEFINITIONS**

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

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

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

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

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

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

16 6. "Morabito" means Paul Morabito.

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

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

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

### 23 INSTRUCTIONS

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

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



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

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

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

- 12 1. The date it bears;
- 13 2. The name of each person who prepared it or who participated in any way  
14 in its preparation;
- 15 3. The name of each person who signed it;
- 16 4. The name of each person to whom it, or a copy of it was addressed;
- 17 5. The name of each person who presently has custody of it or a copy of it;
- 18 6. The subject matter and its substance; and
- 19 7. What factual basis there is for the claim of privilege.

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

25 6. In the event that Documents called for by any particular request have been lost or  
26 destroyed, please state: (i) the date on which the Document(s) were lost or destroyed; (ii) the  
27 manner in which the Document(s) were lost or destroyed; (iii) the identity of the Document(s);  
28

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

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

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

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

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

13 11. The fact that a Document has been produced by You or any other defendant in  
14 any other litigation does not relieve You of Your obligation to produce your copy of the same  
15 Document, even if the two Documents are identical  
16

#### 17 **DISCOVERY REQUESTS**

##### 18 **Request for Production No. 1:**

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

##### 22 **Request for Production No. 2:**

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

##### 26 **Request for Production No. 3:**

27  
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1 Produce any and all appraisals and/or valuations of the real and/or personal property  
2 located at the 371 El Camino Del Mar, Laguna Beach, California between 2007 and the date of  
3 Your response to these Discovery Requests

4 **Request for Production No. 4:**

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

7 **Request for Production No. 5:**

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

11 **Request for Production No. 6:**

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

15 **Request for Production No. 7:**

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

19 **Request for Production No. 8:**

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

23 **Request for Production No. 9:**

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

27 **Request for Production No. 10:**

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

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

3 **Request for Production No. 11:**

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

7 **Request for Production No. 12:**

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

11 **Request for Production No. 13:**

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

15 **Request for Production No. 14:**

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

19 **Request for Production No. 15:**

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

23 **Request for Production No. 16:**

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

26 **Request for Production No. 17:**

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

1 **Request for Production No. 18:**

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

5 **Request for Production No. 19:**

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

9 **Request for Production No. 20:**

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

12 **Request for Production No. 21:**

13 Any and all valuations of Your interest in Snowshoe Petroleum, Inc. between December  
14 3, 2007 and the date of Your response to these Discovery Requests.

15 **Request for Production No. 22:**

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

18 **Request for Production No. 23:**

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

23 ...

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1 **Request for Production No. 24:**

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

5 Dated this 14<sup>th</sup> day of August, 2015.

6  
7 GARMAN TURNER GORDON LLP

8 /s/ Teresa M. Pilatowicz

9 GERALD M. GORDON, ESQ.

10 Nevada Bar No. 229

11 E-mail: ggordon@gtg.legal

12 TERESA M. PILATOWICZ, ESQ.

13 Nevada Bar No. 9605

14 E-mail: tpilatowicz@gtg.legal

15 650 White Drive, Ste. 100

16 Telephone (725) 777-3000

17 Attorneys to Trustee

1 CERTIFICATE OF SERVICE

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

6  
7 XXX Placing an original or true copy thereof in a sealed envelope placed for collection  
8 and mailing in the United States Mail, Reno, Nevada, postage prepaid, following  
ordinary business practices

9        Certified Mail, Return Receipt Requested

10        Via Facsimile (Fax)

11 XXX Via E-Mail

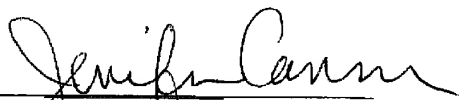
12        Placing an original or true copy thereof in a sealed envelope and causing the same  
13 to be personally Hand Delivered

14        Federal Express (or other overnight delivery)

15 addressed as follows:

16 Barry Breslow  
17 Frank Gilmore  
18 ROBISON, BELAUSTEGUI, SHARP & LOW  
19 71 Washington Street  
Reno, NV 89503

20 DATED this 4 day of August 2015.

21  
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23 An Employee of GARMAN TURNER  
24 GORDON LLP  
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ARMAN TURNER GORDON LLP  
650 White Drive, Ste. 100  
Las Vegas, NV 89119  
725-777-3000

11 of 11



# Exhibit 7

1 **DISCOVERY**

2 **BARRY L. BRESLOW, ESQ. – NSB #3023**

3 **bbreslow@rbsllaw.com**

4 **FRANK C. GILMORE, ESQ. - NSB #10052**

5 **fgilmore@rbsllaw.com**

6 **Robison, Belaustegui, Sharp & Low**

7 A Professional Corporation

8 71 Washington Street

9 Reno, Nevada 89503

10 Telephone: (775) 329-3151

11 Facsimile: (775) 329-7169

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

16 **IN THE SECOND JUDICIAL DISTRICT FOR THE STATE OF NEVADA**

17 **IN AND FOR THE COUNTY OF WASHOE**

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

20 **Plaintiffs,**

**CASE NO.: CV13-02663**

**DEPT. NO.: B1**

21 vs.

22 **SUPERPUMPER, INC., an Arizona corporation;**  
23 **EDWARD BAYUK, individually and as Trustee**  
24 **of the EDWARD WILLIAM BAYUK LIVING**  
25 **TRUST; SALVATORE MORABITO, an**  
26 **individual; and SNOWSHOE PETROLEUM,**  
27 **INC., a New York corporation,**

28 **Defendants.**

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

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

**REQUEST FOR PRODUCTION NO. 1:**

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

**RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

See Morabito (341).002365-002401.

**REQUEST FOR PRODUCTION NO. 2:**

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

**RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

See Morabito (341).002365-002401.

**REQUEST FOR PRODUCTION NO. 3:**

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

**RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

See MORABITO (341).002489-002514

**REQUEST FOR PRODUCTION NO. 4:**

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

**RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

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

**REQUEST FOR PRODUCTION NO. 5:**

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

**RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

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

**REQUEST FOR PRODUCTION NO. 6:**

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

**RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

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

**REQUEST FOR PRODUCTION NO. 7:**

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

**RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

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

**REQUEST FOR PRODUCTION NO. 8:**

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

**RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

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

**REQUEST FOR PRODUCTION NO. 9:**

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

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

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

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

5 **REQUEST FOR PRODUCTION NO. 10:**

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

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

10 All known responsive documents have been produced. See MORABITO (341).002362-  
11 2544;

12 **REQUEST FOR PRODUCTION NO. 11:**

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

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

17 All known responsive documents have been produced. See See MORABITO  
18 (341).002362-2544; 7099;

19 **REQUEST FOR PRODUCTION NO. 12:**

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

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

24 All known responsive documents have been produced. See See MORABITO  
25 (341).002362-2544; 006949; 006941-006948; 006971-006978

26 **REQUEST FOR PRODUCTION NO. 13:**

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

1 Trust on or about October 1, 2010.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

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

4 **REQUEST FOR PRODUCTION NO. 14:**

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

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

9 All known responsive documents have been produced. See MORABITO (341).002362-  
10 2544;

11 **REQUEST FOR PRODUCTION NO. 15:**

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

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

16 All known responsive documents have been produced. See See MORABITO  
17 (341).002362-2544; 007097-007099

18 **REQUEST FOR PRODUCTION NO. 16:**

19 Produce any and all inventories or lists of assets held by Baruk Properties from December  
20 3, 2007 to the date of Your response to these Discovery Requests.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

22 Bayuk does not hold any interest in Baruk Properties.

23 **REQUEST FOR PRODUCTION NO. 17:**

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

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

27 Bayuk does not hold any interest in Baruk Properties.

28 **REQUEST FOR PRODUCTION NO. 18:**

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

**RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

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

**REQUEST FOR PRODUCTION NO. 19:**

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

**RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

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

**REQUEST FOR PRODUCTION NO. 20:**

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

**RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

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

**REQUEST FOR PRODUCTION NO. 21:**

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

**RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

See SUPERPUMPER 000064-000096.

**REQUEST FOR PRODUCTION NO. 22:**

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

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

2 See SUPERPUMPER 000064-000096.

3 **REQUEST FOR PRODUCTION NO. 23:**

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

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

9 All responsive documents have been produced.

10 **REQUEST FOR PRODUCTION NO. 24:**

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

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

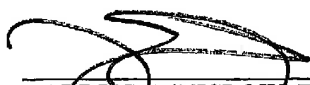
15 All responsive documents have been produced.

16 **AFFIRMATION**  
17 **Pursuant to NRS 239B.030**

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

20 DATED this 23rd day of September, 2014.

21 ROBISON, BELAUSTEGUI, SHARP & LOW  
22 A Professional Corporation  
23 71 Washington Street  
24 Reno, Nevada 89503

25   
26 BARRY J. BRESLOW, ESQ.  
27 FRANK C. GILMORE, ESQ.  
28 Attorneys for Defendants Snowshoe Petroleum,  
Inc., Superpumper, Inc., Edward Bayuk, individually  
and as Trustee of the Edward William Bayuk Living  
Trust, and Salvatore Morabito.

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



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**CERTIFICATE OF SERVICE**

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

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

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

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

Gerald Gordon, Esq.  
Email: [ggordon@Gtg.legal](mailto:ggordon@Gtg.legal)  
Mark M. Weisenmiller, Esq.  
Email: [mweisenmiller@Gtg.legal](mailto:mweisenmiller@Gtg.legal)  
Teresa M. Pilatowicz, Esq.  
Email: [tpilatowicz@Gtg.legal](mailto:tpilatowicz@Gtg.legal)

by personal delivery/hand delivery addressed to:

by facsimile (fax) addressed to:

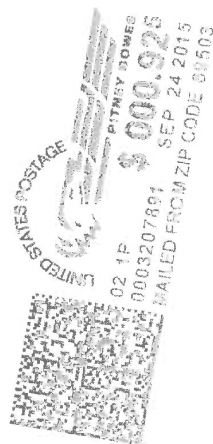
by Federal Express/UPS or other overnight delivery addressed to:

DATED: This 24<sup>th</sup> day of September, 2015.



**RBS&L**

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



Geoff Gordon, Esq.  
Mark M. Wessendiller, Esq.  
Teresa M. Plotowicz, Esq.  
GARMAN TURNER LLP  
650 White Drive, Suite 100  
Las Vegas, Nevada 89119

0911989015 CODE



# Exhibit 8

1 GARMAN TURNER GORDON LLP  
2 GERALD M. GORDON, ESQ.  
3 Nevada Bar No. 229  
4 E-mail: ggordon@gtg.legal  
5 TERESA M. PILATOWICZ, ESQ.  
6 Nevada Bar No. 9605  
7 E-mail: tpilatowicz@gtg.legal  
8 650 White Drive, Ste. 100  
9 Las Vegas, Nevada 89119  
10 Telephone 725-777-3000

11 *Attorneys to Trustee*

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

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

14 Plaintiff,

15 vs.

16 SUPERPUMPER, INC., an Arizona  
17 corporation; EDWARD BAYUK,  
18 individually and as Trustee of the EDWARD  
19 WILLIAM BAYUK LIVING TRUST;  
20 SALVATORE MORABITO, and individual;  
21 and SNOWSHOE PETROLEUM, INC., a  
22 New York corporation,

23 Defendants.

CASE NO.: CV13-02663

DEPT. NO.: 1

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

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

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

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

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

#### 5 DEFINITIONS

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

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

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

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

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

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

19 6. "Morabito" means Paul Morabito.

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

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

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

#### 26 INSTRUCTIONS

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

1 Plaintiff.

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

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

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

- 15               a.     The date it bears;
- 16               b.     The name of each person who prepared it or who participated in any way  
17                      in its preparation;
- 18               c.     The name of each person who signed it;
- 19               d.     The name of each person to whom it, or a copy of it was addressed;
- 20               e.     The name of each person who presently has custody of it or a copy of it;
- 21               f.     The subject matter and its substance; and
- 22               g.     What factual basis there is for the claim of privilege.

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

28

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

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

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

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

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

16          11.    The fact that a Document has been produced by You or any other defendant in  
17 any other litigation does not relieve You of Your obligation to produce your copy of the same  
18 Document, even if the two Documents are identical  
19

#### 20                                   DISCOVERY REQUESTS

##### 21           Request for Production No. 1.

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

##### 23           Request for Production No. 2:

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

##### 26           Request for Production No. 3:

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



1 **Request for Production No. 4:**

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

5 **Request for Production No. 5:**

6 Produce any and all Communications between You and any third-party regarding any  
7 transfers of assets to and from the Edward William Bayuk Living Trust between December 3,  
8 2007 and the date of your response to these Discovery Requests.

9 **Request for Production No. 6:**

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

13 **Request for Production No. 7:**

14 Produce and any all Communications between You and any third-party relating to the  
15 \$351,626.82 deposited into Morabito's trust account with Lippes Mathias Wexler Friedman, LLP  
16 by You on or about September 5, 2011.

17 **Request for Production No. 8:**

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

21 **Request for Production No. 9:**

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

25 **Request for Production No. 10:**

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

1 **Request for Production No. 11:**

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

5 **Request for Production No. 12:**

6 Produce any and all Documents constituting, evidencing, or related to any secured loans  
7 on the real property located at 1254 Mary Flemming Circle, Palm Springs, California between  
8 2007 and the date of Your response to these Discovery Requests

9 **Request for Production No. 13:**

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

13 **Request for Production No. 14:**

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

17 **Request for Production No. 15:**

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

21 **Request for Production No. 16:**

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

25 **Request for Production No. 17:**

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

1 **Request for Production No. 18:**

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

4 **Request for Production No. 19:**

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

7 **Request for Production No. 20:**

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

10 **Request for Production No. 21:**

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

15 **Request for Production No. 22:**

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

19 Dated this 14<sup>th</sup> day of August, 2015.

20  
21 GARMAN TURNER GORDON LLP

22 /s/ Teresa M. Pilatowicz

23 GERALD M. GORDON, ESQ.

24 Nevada Bar No. 229

25 E-mail: ggordon@gtg.legal

26 TERESA M. PILATOWICZ, ESQ.

27 Nevada Bar No. 9605

28 E-mail: tpilatowicz@gtg.legal

650 White Drive, Ste. 100

Telephone (725) 777-3000

Attorneys to Trustee

1 CERTIFICATE OF SERVICE

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

7  
8 XXX Placing an original or true copy thereof in a sealed envelope placed for collection  
9 and mailing in the United States Mail, Reno, Nevada, postage prepaid, following  
ordinary business practices

10        Certified Mail, Return Receipt Requested

11        Via Facsimile (Fax)

12 XXX Via E-Mail

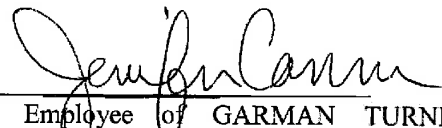
13        Placing an original or true copy thereof in a sealed envelope and causing the same  
14 to be personally Hand Delivered

15        Federal Express (or other overnight delivery)

16 addressed as follows:

17 Barry Breslow  
18 Frank Gilmore  
19 ROBISON, BELAUSTEGUI, SHARP & LOW  
20 71 Washington Street  
Reno, NV 89503

21 DATED this 14 day of August 2015.

22  
23   
24 An Employee of GARMAN TURNER  
GORDON LLP

## Exhibit 9

1 **DISCOVERY**

2 **BARRY L. BRESLOW, ESQ. – NSB #3023**

3 **bbreslow@rbsllaw.com**

4 **FRANK C. GILMORE, ESQ. - NSB #10052**

5 **fgilmore@rbsllaw.com**

6 **Robison, Belaustegui, Sharp & Low**

7 **A Professional Corporation**

8 **71 Washington Street**

9 **Reno, Nevada 89503**

10 **Telephone: (775) 329-3151**

11 **Facsimile: (775) 329-7169**

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

16 **IN THE SECOND JUDICIAL DISTRICT FOR THE STATE OF NEVADA**

17 **IN AND FOR THE COUNTY OF WASHOE**

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

**CASE NO.: CV13-02663**

**DEPT. NO.: B1**

20 **Plaintiffs,**

21 **vs.**

22 **SUPERPUMPER, INC., an Arizona corporation;**  
23 **EDWARD BAYUK, individually and as Trustee**  
24 **of the EDWARD WILLIAM BAYUK LIVING**  
25 **TRUST; SALVATORE MORABITO, an**  
26 **individual; and SNOWSHOE PETROLEUM,**  
27 **INC., a New York corporation,**

28 **Defendants.**

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

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

///

**REQUEST FOR PRODUCTION NO. 1:**

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

**RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

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

**REQUEST FOR PRODUCTION NO. 2:**

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

**RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

See response to No.1 above.

**REQUEST FOR PRODUCTION NO. 3:**

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

**RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

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

**REQUEST FOR PRODUCTION NO. 4:**

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

**RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

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

1 this case.

2 **REQUEST FOR PRODUCTION NO. 5:**

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

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

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

10 **REQUEST FOR PRODUCTION NO. 6:**

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

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

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

17 **REQUEST FOR PRODUCTION NO. 7:**

18 Produce any and all Communications between You and any third-party relating to the  
19 \$351,626.82 deposited into Morabito's trust account with Lippes Mathias Wexler Friedman, LLP  
20 by You on or before September 5, 2011.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

22 Objection, see No. 6, above.

23 **REQUEST FOR PRODUCTION NO. 8:**

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

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

28 See MORABITO (341).002515-2544;



1 **REQUEST FOR PRODUCTION NO. 9:**

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

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

6 See MORABITO (341).002489-2514;

7 **REQUEST FOR PRODUCTION NO. 10:**

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

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

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

14 **REQUEST FOR PRODUCTION NO. 11:**

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

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

19 See responses to Bayuk Requests for Production.

20 **REQUEST FOR PRODUCTION NO. 12:**

21 Produce any and all Documents constituting, evidencing, or related any secured loans on  
22 the real property located at the 1254 Mary Flemming Circle, Palm Springs, California between  
23 2007 and the date of Your response to these Discovery Requests.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

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

27 **REQUEST FOR PRODUCTION NO. 13:**

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

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

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

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

6 **REQUEST FOR PRODUCTION NO. 14:**

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

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

11 See Bayuk responses to Requests for Production.

12 **REQUEST FOR PRODUCTION NO. 15:**

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

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

17 See Bayuk responses to Requests for Production.

18 **REQUEST FOR PRODUCTION NO. 16:**

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

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

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

24 **REQUEST FOR PRODUCTION NO. 17:**

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

28 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

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

2 **REQUEST FOR PRODUCTION NO. 18:**

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

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

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

8 **REQUEST FOR PRODUCTION NO. 19:**

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

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

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

14 **REQUEST FOR PRODUCTION NO. 20:**

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

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

18 See MORABITO (341).002362-2544;

19 **REQUEST FOR PRODUCTION NO. 21:**

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

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

25 All known responsive documents have been produced.

26 **REQUEST FOR PRODUCTION NO. 22:**

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

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

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**


3 All known responsive documents have been produced.

4 **AFFIRMATION**  
5 **Pursuant to NRS 239B.030**

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

8 DATED this 23rd day of September, 2014.

9 ROBISON, BELAUSTEGUI, SHARP & LOW  
10 A Professional Corporation  
11 71 Washington Street  
12 Reno, Nevada 89503

13   
14 **BARRY D. BRESLOW, ESQ.**  
15 **FRANK C. GILMORE, ESQ.**  
16 Attorneys for Defendants Snowshoe Petroleum,  
17 Inc., Superpumper, Inc., Edward Bayuk, individually  
18 and as Trustee of the Edward William Bayuk Living  
19 Trust, and Salvatore Morabito.

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

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**CERTIFICATE OF SERVICE**

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

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

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

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

Gerald Gordon, Esq.  
Email: [ggordon@Gtg.legal](mailto:ggordon@Gtg.legal)  
Mark M. Weisenmiller, Esq.  
Email: [mweisenmiller@Gtg.legal](mailto:mweisenmiller@Gtg.legal)  
Teresa M. Pilatowicz, Esq.  
Email: [tpilatowicz@Gtg.legal](mailto:tpilatowicz@Gtg.legal)

— by personal delivery/hand delivery addressed to:

— by facsimile (fax) addressed to:

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

DATED: This 24<sup>th</sup> day of September, 2015.



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

3000 6105451100



# Exhibit 10

1 GARMAN TURNER GORDON LLP  
2 GERALD M. GORDON, ESQ.  
3 Nevada Bar No. 229  
4 E-mail: ggordon@gtg.legal  
5 TERESA M. PILATOWICZ, ESQ.  
6 Nevada Bar No. 9605  
7 E-mail: tpilatowicz@gtg.legal  
8 650 White Drive, Ste. 100  
9 Las Vegas, Nevada 89119  
10 Telephone 725-777-3000

11 *Attorneys to Trustee*

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

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

14 Plaintiff,

15 vs.

16 SUPERPUMPER, INC., an Arizona  
17 corporation; EDWARD BAYUK,  
18 individually and as Trustee of the EDWARD  
19 WILLIAM BAYUK LIVING TRUST;  
20 SALVATORE MORABITO, and individual;  
21 and SNOWSHOE PETROLEUM, INC., a  
22 New York corporation,

23 Defendants.

CASE NO.: CV13-02663

DEPT. NO.: 1

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

29 To: Edward William Bayuk; and

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

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



1 respond within thirty (30) days of service hereof.

## 2 DEFINITIONS

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

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

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

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

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

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

16 6. "Morabito" means Paul Morabito.

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

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

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

### 23 INSTRUCTIONS

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

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

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

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

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

- 12 1. The date it bears;
- 13 2. The name of each person who prepared it or who participated in any way  
14 in its preparation;
- 15 3. The name of each person who signed it;
- 16 4. The name of each person to whom it, or a copy of it was addressed;
- 17 5. The name of each person who presently has custody of it or a copy of it;
- 18 6. The subject matter and its substance; and
- 19 7. What factual basis there is for the claim of privilege.

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

25 6. In the event that Documents called for by any particular request have been lost or  
26 destroyed, please state: (i) the date on which the Document(s) were lost or destroyed; (ii) the  
27 manner in which the Document(s) were lost or destroyed; (iii) the identity of the Document(s);  
28

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

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

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

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

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

13 11. The fact that a Document has been produced by You or any other defendant in  
14 any other litigation does not relieve You of Your obligation to produce your copy of the same  
15 Document, even if the two Documents are identical  
16

#### 17 **DISCOVERY REQUESTS**

##### 18 **Request for Production No. 25:**

19 Produce all tax returns filed by You or on Your behalf from the tax years 2005 through  
20 2012.

##### 21 **Request for Production No. 26:**

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

##### 25 **Request for Production No. 27:**

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

1 **Request for Production No. 28:**

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

4 **Request for Production No. 29:**

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

7 Dated this 29th day of January, 2016.

8  
9 GARMAN TURNER GORDON LLP

10 /s/ Teresa Pilatowicz

11 GERALD M. GORDON, ESQ.

12 Nevada Bar No. 229

13 E-mail: ggordon@gtg.legal

14 TERESA M. PILATOWICZ, ESQ.

15 Nevada Bar No. 9605

16 E-mail: tpilatowicz@gtg.legal

17 650 White Drive, Ste. 100

18 Telephone (725) 777-3000

19 *Attorneys to Trustee*

1 **CERTIFICATE OF SERVICE**

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

6  
7 XXX Placing an original or true copy thereof in a sealed envelope placed for collection  
8 and mailing in the United States Mail, Reno, Nevada, postage prepaid, following  
ordinary business practices

9        Certified Mail, Return Receipt Requested

10        Via Facsimile (Fax)

11 XXX Via E-Mail

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

14        Federal Express (or other overnight delivery)

15 addressed as follows:

16 Barry Breslow  
17 Frank Gilmore  
18 ROBISON, BELAUSTEGUI, SHARP & LOW  
19 71 Washington Street  
Reno, NV 89503

20 DATED this 29<sup>th</sup> day of January, 2016

21  
22   
23 An Employee of GARMAN TURNER  
24 GORDON LLP  
25  
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27  
28

# Exhibit 11

1 **DISCOVERY**

2 **BARRY L. BRESLOW, ESQ. – NSB #3023**

3 **bbreslow@rbsllaw.com**

4 **FRANK C. GILMORE, ESQ. - NSB #10052**

5 **fgilmore@rbsllaw.com**

6 **Robison, Belaustegui, Sharp & Low**

7 **A Professional Corporation**

8 **71 Washington Street**

9 **Reno, Nevada 89503**

10 **Telephone: (775) 329-3151**

11 **Facsimile: (775) 329-7169**

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

16 **IN THE SECOND JUDICIAL DISTRICT FOR THE STATE OF NEVADA**

17 **IN AND FOR THE COUNTY OF WASHOE**

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

**CASE NO.: CV13-02663**

**DEPT. NO.: B1**

20 **Plaintiffs,**

21 **vs.**

22 **SUPERPUMPER, INC., an Arizona corporation;**  
23 **EDWARD BAYUK, individually and as Trustee**  
24 **of the EDWARD WILLIAM BAYUK LIVING**  
25 **TRUST; SALVATORE MORABITO, an**  
26 **individual; and SNOWSHOE PETROLEUM,**  
27 **INC., a New York corporation,**

28 **Defendants.**

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

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



1 **REQUEST FOR PRODUCTION NO. 25:**

2 Produce all tax returns filed by You or on Your behalf from the tax years 2005 through  
3 2011.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

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

11 **REQUEST FOR PRODUCTION NO. 26:**

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

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

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

20 **REQUEST FOR PRODUCTION NO. 27:**

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

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

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

1 **REQUEST FOR PRODUCTION NO. 28:**

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

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

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

9 **REQUEST FOR PRODUCTION NO. 29:**

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

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

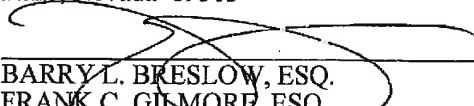
13 All responsive documents have either already been produced or are in the possession of  
14 Superpumper's accounting and auditing professionals, which has already been sought and/or  
15 received by the requesting party. Edward Bayuk has no records in his personal possession which  
16 have not already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

17 **AFFIRMATION**  
18 Pursuant to NRS 239B.030

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

21 DATED this 8th day of March, 2016.

22 ROBISON, BELAUSTEGUI, SHARP & LOW  
23 A Professional Corporation  
24 71 Washington Street  
25 Reno, Nevada 89503

26   
27 BARRY L. BRESLOW, ESQ.  
28 FRANK C. GILMORE, ESQ.  
Attorneys for Defendants

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

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**CERTIFICATE OF SERVICE**

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

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

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

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

Gerald Gordon, Esq.  
Email: [ggordon@Gtg.legal](mailto:ggordon@Gtg.legal)  
Mark M. Weisenmiller, Esq.  
Email: [mweisenmiller@Gtg.legal](mailto:mweisenmiller@Gtg.legal)  
Teresa M. Pilatowicz, Esq.  
Email: [tpilatowicz@Gtg.legal](mailto:tpilatowicz@Gtg.legal)

by personal delivery/hand delivery addressed to:

by email addressed to:

Gerald Gordon, Esq.  
Email: [ggordon@Gtg.legal](mailto:ggordon@Gtg.legal)  
Mark M. Weisenmiller, Esq.  
Email: [mweisenmiller@Gtg.legal](mailto:mweisenmiller@Gtg.legal)  
Teresa M. Pilatowicz, Esq.  
Email: [tpilatowicz@Gtg.legal](mailto:tpilatowicz@Gtg.legal)

by facsimile (fax) addressed to:

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

DATED: This 9th day of March, 2016.



# Exhibit 12

1 GARMAN TURNER GORDON LLP  
2 GERALD M. GORDON, ESQ.  
3 Nevada Bar No. 229  
4 E-mail: ggordon@gtg.legal  
5 TERESA M. PILATOWICZ, ESQ.  
6 Nevada Bar No. 9605  
7 E-mail: tpilatowicz@gtg.legal  
8 650 White Drive, Ste. 100  
9 Las Vegas, Nevada 89119  
10 Telephone 725-777-3000

11 *Attorneys to Trustee*

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

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

13 Plaintiff,

14 vs.

15 SUPERPUMPER, INC., an Arizona  
16 corporation; EDWARD BAYUK,  
17 individually and as Trustee of the EDWARD  
18 WILLIAM BAYUK LIVING TRUST;  
19 SALVATORE MORABITO, and individual;  
20 and SNOWSHOE PETROLEUM, INC., a  
21 New York corporation,

19 Defendants.

CASE NO.: CV13-02663

DEPT. NO.: 1

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

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

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

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

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

#### 5 DEFINITIONS

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

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

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

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

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

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

19 6. "Morabito" means Paul Morabito.

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

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

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

#### 26 INSTRUCTIONS

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

1 Plaintiff.

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

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

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

- 15                   a.     The date it bears;
- 16                   b.     The name of each person who prepared it or who participated in any way  
17 in its preparation;
- 18                   c.     The name of each person who signed it;
- 19                   d.     The name of each person to whom it, or a copy of it was addressed;
- 20                   e.     The name of each person who presently has custody of it or a copy of it;
- 21                   f.     The subject matter and its substance; and
- 22                   g.     What factual basis there is for the claim of privilege.

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

28



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

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

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

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

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

16           11.    The fact that a Document has been produced by You or any other defendant in  
17 any other litigation does not relieve You of Your obligation to produce your copy of the same  
18 Document, even if the two Documents are identical  
19

#### 20                                   DISCOVERY REQUESTS

##### 21           Request for Production No. 23.

22                   Produce all tax returns filed by You or on Your behalf from the tax years 2005 through  
23 2011.

##### 24           Request for Production No. 24:

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

28           ...

1 Request for Production No. 25:

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

5 Dated this 29<sup>th</sup> day of January 2016.

6

7

GARMAN TURNER GORDON LLP

8

9

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

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1 CERTIFICATE OF SERVICE

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

7  
8 XXX Placing an original or true copy thereof in a sealed envelope placed for collection  
9 and mailing in the United States Mail, Reno, Nevada, postage prepaid, following  
ordinary business practices

10 \_\_\_\_\_ Certified Mail, Return Receipt Requested

11 \_\_\_\_\_ Via Facsimile (Fax)

12 XXX Via E-Mail

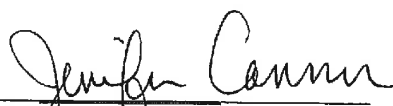
13 \_\_\_\_\_ Placing an original or true copy thereof in a sealed envelope and causing the same  
14 to be personally Hand Delivered

15 \_\_\_\_\_ Federal Express (or other overnight delivery)

16 addressed as follows:

17 Barry Breslow  
18 Frank Gilmore  
19 ROBISON, BELAUSTEGUI, SHARP & LOW  
20 71 Washington Street  
Reno, NV 89503

21 DATED this 29th day of January, 2016.

22  
23   
24 An Employee of GARMAN TURNER  
GORDON LLP

# Exhibit 13

1 **DISCOVERY**

2 **BARRY L. BRESLOW, ESQ. – NSB #3023**

3 bbreslow@rbsllaw.com

4 **FRANK C. GILMORE, ESQ. - NSB #10052**

5 fgilmore@rbsllaw.com

6 **Robison, Belaustegui, Sharp & Low**

7 A Professional Corporation

8 71 Washington Street

9 Reno, Nevada 89503

Telephone: (775) 329-3151

Facsimile: (775) 329-7169

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

10 **IN THE SECOND JUDICIAL DISTRICT FOR THE STATE OF NEVADA**

11 **IN AND FOR THE COUNTY OF WASHOE**

12  
13 **WILLIAM A. LEONARD, Trustee for the**  
14 **Bankruptcy Estate of Paul Anthony Morabito**

**CASE NO.: CV13-02663**

**DEPT. NO.: B1**

15 **Plaintiffs,**

16 **vs.**

17 **SUPERPUMPER, INC., an Arizona corporation;**  
18 **EDWARD BAYUK, individually and as Trustee**  
19 **of the EDWARD WILLIAM BAYUK LIVING**  
20 **TRUST; SALVATORE MORABITO, an**  
21 **individual; and SNOWSHOE PETROLEUM,**  
22 **INC., a New York corporation,**

23 **Defendants.**

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

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

///  
28

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

1 **REQUEST FOR PRODUCTION NO. 23:**

2 Produce all tax returns filed by You or on Your behalf from the tax years 2005 through  
3 2011.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

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

11 **REQUEST FOR PRODUCTION NO. 24:**

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

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

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

20 **REQUEST FOR PRODUCTION NO. 25:**

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

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

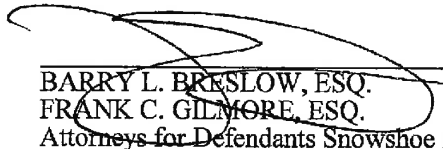
25 Objection, this request seeks documents which contain sensitive personal information  
26 which is not relevant to the claims and defenses pled in this case. The request is overbroad, not  
27 limited to specific issues in dispute in this case, and is not reasonably calculated to lead to the  
28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

**AFFIRMATION**  
**Pursuant to NRS 239B.030**

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

DATED this 8th day of March, 2016.

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

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

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

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CERTIFICATE OF SERVICE

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

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

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

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

Gerald Gordon, Esq.  
Email: [ggordon@Gtg.legal](mailto:ggordon@Gtg.legal)  
Mark M. Weisenmiller, Esq.  
Email: [mweisenmiller@Gtg.legal](mailto:mweisenmiller@Gtg.legal)  
Teresa M. Pilatowicz, Esq.  
Email: [tpilatowicz@Gtg.legal](mailto:tpilatowicz@Gtg.legal)

by personal delivery/hand delivery addressed to:

by email addressed to:

Gerald Gordon, Esq.  
Email: [ggordon@Gtg.legal](mailto:ggordon@Gtg.legal)  
Mark M. Weisenmiller, Esq.  
Email: [mweisenmiller@Gtg.legal](mailto:mweisenmiller@Gtg.legal)  
Teresa M. Pilatowicz, Esq.  
Email: [tpilatowicz@Gtg.legal](mailto:tpilatowicz@Gtg.legal)

by facsimile (fax) addressed to:

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

DATED: This 9th day of March, 2016.





# Exhibit 14

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

Frank,

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

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

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

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

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

Thanks,

**Teresa M. Pilatowicz**

Attorney

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

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

Visit us online at [www.gtg.legal](http://www.gtg.legal)

---

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

Teresa,

See my responses below in red:

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

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

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

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

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

Thanks,

Teresa M. Pilatowicz  
Attorney

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

GARMAN | TURNER | GORDON

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

Visit us online at [www.gtg.legal](http://www.gtg.legal)

-----Original Message-----

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

Teresa,

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

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

Frank

FRANK C. GILMORE, ESQ.  
ROBISON, BELAUSTEGUI, SHARP AND LOW, P.C.  
71 WASHINGTON STREET  
RENO, NV 89503  
PH: (775) 329-3151  
FAX: (775) 329-7169  
[fgilmore@rbsllaw.com](mailto:fgilmore@rbsllaw.com)