

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 34
(Nos. 5769–5801)

Micah S. Echols, Esq.
Nevada Bar No. 8437
CLAGGETT & SYKES LAW FIRM
4101 Meadows Lane, Suite 100
Las Vegas, Nevada 89107
Telephone: (702) 655-2346
Facsimile: (702) 655-3763
micah@claggettlaw.com

Jeffrey L. Hartman, Esq.
Nevada Bar No. 1607
HARTMAN & HARTMAN
510 West Plumb Lane, Suite B
Reno, Nevada 89509
Telephone: (775) 324-2800
Facsimile: (775) 324-1818
jlh@bankruptcyreno.com

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

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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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Statement of Undisputed Facts (cont.)		
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Statement of Undisputed Facts (cont.)		
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Statement of Undisputed Facts (cont.)		
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Statement of Undisputed Facts (cont.)		
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Statement of Undisputed Facts (cont.)		
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Statement of Undisputed Facts (cont.)		
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Statement of Undisputed Facts (cont.)		
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
Exhibit to Objection to Recommendation for Order		
Exhibit	Document Description	
1	Plaintiff's counsel's Jan. 24, 2017, email memorializing the discovery dispute agreement	Vol. 18, 2735–2736

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Opposition to Objection to Recommendation for Order filed August 17, 2017 (filed 09/05/2017)		Vol. 18, 2737–2748
Exhibit to Opposition to Objection to Recommendation for Order		
Exhibit	Document Description	
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
Exhibits to Defendants’ Separate Statement of Disputed Facts in Support of Opposition to Plaintiff’s Motion for Partial Summary Judgment		
Exhibit	Document Description	
1	Judgment in <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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Defendants' Separate Statement of Disputed Facts (cont.)		
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Defendants' Separate Statement of Disputed Facts (cont.)		
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Defendants' Separate Statement of Disputed Facts (cont.)		
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
Exhibits to Defendants' Motions in Limine		
Exhibit	Document Description	
1	Plaintiff's Second Supplement to Amended Disclosures Pursuant to NRCP 16.1(A)(1) (dated 04/28/2016)	Vol. 19, 3007–3016
2	Excerpted Transcript of March 25, 2016 Deposition of William A. Leonard	Vol. 19, 3017–3023
3	Plaintiff, Jerry Herbst's Responses to Defendant Snowshoe Petroleum, Inc.'s Set of Interrogatories (dated 02/11/2015); and Plaintiff, Jerry Herbst's Responses to Defendant, Salvatore Morabito's Set of Interrogatories (dated 02/12/2015)	Vol. 19, 3024–3044
Motion in Limine to Exclude Testimony of Jan Friederich (filed 09/20/2018)		Vol. 19, 3045–3056

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

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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
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
Exhibits to Clerk’s Trial Exhibit List		
Exhibit	Document Description	
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Clerk's Trial Exhibit List (cont.)		
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Clerk's Trial Exhibit List (cont.)		
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Clerk's Trial Exhibit List (cont.)		
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Clerk's Trial Exhibit List (cont.)		
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Clerk's Trial Exhibit List (cont.)		
76	March 10, 2010 email chain between P. Morabito and jon@aim13.com 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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Clerk's Trial Exhibit List (cont.)		
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Clerk's Trial Exhibit List (cont.)		
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

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Exhibits to Clerk's Trial Exhibit List (cont.)		
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Clerk's Trial Exhibit List (cont.)		
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

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Exhibits to Clerk's Trial Exhibit List (cont.)		
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

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Exhibits to Clerk's Trial Exhibit List (cont.)		
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Clerk's Trial Exhibit List (cont.)		
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

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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

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Exhibits to Clerk's Trial Exhibit List (cont.)		
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
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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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Clerk's Trial Exhibit List (cont.)		
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
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
Exhibits to Plaintiff’s Motion to Reopen Evidence		
Exhibit	Document Description	
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Plaintiff's Motion to Reopen Evidence (cont.)		
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
Exhibit to Errata to: Plaintiff's Motion to Reopen Evidence		
Exhibit	Document Description	
1	Plaintiff's Motion to Reopen Evidence	Vol. 47, 8081–8096

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
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
Exhibits to Supplement to Plaintiff's Motion to Reopen Evidence		
Exhibit	Document Description	
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
[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
Exhibit to Memorandum of Costs and Disbursements		
Exhibit	Document Description	
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
Exhibits to Application for Attorneys' Fees and Costs Pursuant to NRCP 68		
Exhibit	Document Description	
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
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
Exhibits to Plaintiff's Opposition to Motion to Retax Costs		
Exhibit	Document Description	
1	Declaration of Teresa M. Pilatowicz In Support of Opposition to Motion to Retax Costs (filed 04/17/2019)	Vol. 49, 8508–8510
2	Summary of Photocopy Charges	Vol. 49, 8511–8523
3	James L. McGovern Curriculum Vitae	Vol. 49, 8524–8530
4	McGovern & Greene LLP Invoices	Vol. 49, 8531–8552
5	Buss-Shelger Associates Invoices	Vol. 49, 8553–8555
Reply in Support of Motion to Retax Costs (filed 04/22/2019)		Vol. 49, 8556–8562
Opposition to Application for Attorneys' Fees and Costs Pursuant to NRCPP 68 (filed 04/25/2019)		Vol. 49, 8563–8578
Exhibit to Opposition to Application for Attorneys' Fees and Costs Pursuant to NRCPP 68		

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibit	Document Description	
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
	Exhibits to Edward Bayuk's Motion for New Trial and/or to Alter or Amend Judgment Pursuant to NRCP 52, 59, and 60	
Exhibit	Document Description	
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 eturner@Gtg.legal 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
	Exhibit to Plaintiff's Reply in Support of Application of Attorneys' Fees and Costs Pursuant to NRCP 68	
Exhibit	Document Description	
1	Case No. BK-13-51237-GWZ, ECF Nos. 280, 282, and 321	Vol. 50, 8791–8835

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
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
Exhibits to Declaration of Edward Bayuk Claiming Exemption from Execution		
Exhibit	Document Description	
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
Exhibits to Declaration of Salvatore Morabito Claiming Exemption from Execution		
Exhibit	Document Description	
1	Las Vegas June 22, 2019 letter	Vol. 51, 8955–8956
2	Writs of execution and the notice of execution	Vol. 51, 8957–8970

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
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
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)		
Exhibit	Document Description	
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Plaintiff's Objection (cont.)		
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

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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Reply to Objection to Claim of Exemption and Third Party Claim to Property Levied Upon		
Exhibit	Document Description	
1	March 3, 2011 Deposition Transcript of P. Morabito	Vol. 52, 9163–9174
2	Mr. Bayuk’s September 23, 2014 responses to Plaintiff’s first set of requests for production	Vol. 52, 9175–9180
3	September 28, 2015 Deposition Transcript of Edward Bayuk	Vol. 52, 9181–9190
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
Exhibits to Notice of Submission of Disputed Order Denying Claim of Exemption and Third Party Claim		
Exhibit	Document Description	
1	Plaintiff’s Proposed Order Denying Claim of Exemption and Third-Party Claim	Vol. 52, 9200–9204
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Notice of Submission of Disputed Order (cont.)		
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
Exhibits to Objection to Plaintiff's Proposed Order Denying Claim of Exemption and Third-Party Claim		
Exhibit	Document Description	
1	Plaintiff's Proposed Order Denying Claim of Exemption and Third-Party Claim	Vol. 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>DOCUMENT DESCRIPTION</u>		<u>LOCATION</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
Exhibits to Defendants, Superpumper, Inc., Edward Bayuk, Salvatore Morabito; and Snowshoe Petroleum, Inc.’s, Notice of Appeal		
Exhibit	Document Description	
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
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
Exhibit to Notice of Entry of Order Denying Claim of Exemption and Third-Party Claim		
Exhibit	Document Description	
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
Exhibit to Notice of Entry of Order Denying Claim of Exemption		
Exhibit	Document Description	
1	Order Denying Claim of Exemption (08/02/2019)	Vol. 53, 9374–9376
Motion to Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration (filed 08/19/2019)		Vol. 54, 9377–9401
Exhibits to Motion to Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration		
Exhibit	Document Description	
1	Order Denying Claim of Exemption and Third Party Claim (filed 08/09/19)	Vol. 54, 9402–9406

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Motion to Make Amended (cont.)		
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Motion to Make Amended (cont.)		
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
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		
Exhibit	Document Description	
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Exhibits to Errata (cont.)		
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
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		
Exhibit	Document Description	
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
Bayuk's Notice of Appeal (filed 12/06/2019)		Vol. 57, 10027–10030
Exhibits to Bayuk's Notice of Appeal		
Exhibit	Document Description	
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
Exhibit to Notice of Entry of Order		
Exhibit	Document Description	
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

<u>DOCUMENT DESCRIPTION</u>		<u>LOCATION</u>
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
Exhibits to Notice of Claim of Exemption and Third-Party Claim to Property Levied Upon		
Exhibit	Document Description	
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



Robison | Sharp | Sullivan | Brust

Kent R. Robison
Thomas L. Belaustegui
(Co-Founder Of Counsel)
F. DeArmond Sharp
Michael E. Sullivan
Clayton P. Brust
Stefanie T. Sharp
Frank C. Gilmore
Michael A. Burke
Therese M. Shanks
Lindsay L. Liddell

August 30, 2018

VIA E-MAIL: mweisenmiller@gtg.legal

Mark M. Weisenmiller, Esq.
Garman Turner Gordon
650 White Drive, Suite 100
Las Vegas, Nevada 89119

Re: *Subpoena to Robison, Sharp, Sullivan & Brust*

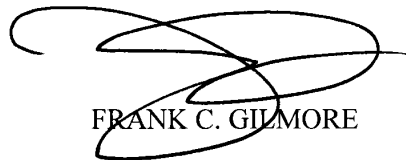
Dear Mark:

I am in receipt of the Subpoena served upon RSSB seeking certain records with respect to this firm's representation of Mr. Morabito.

Pursuant to Federal Rule of Civil Procedure 45(d)(2)(B), please accept this correspondence as an objection to the request to produce documents. First, the request is unduly burdensome, and no accommodation has been made for the time and cost of compiling and producing the requested records. Second, I interpret the Subpoena as an attempt to execute upon a money judgment obtained in the Second Judicial District Court of the State of Nevada. Accordingly, we take the position that the Subpoena you have issued, under the auspices of the "523" Adversary, is the incorrect forum for your collection activities. Third, the time frame requested in the Subpoena does not comport with Rule 45, and does not provide my office sufficient time to compile and produce the documents, even if we were inclined to do so.

Please contact me if you would like to discuss this objection further.

Sincerely,



FRANK C. GILMORE

71 Washington St
Reno, Nevada 89503


RSSBLAW.COM

P: 775.329.3151

F: 775.329.7941

FCG/mcd
cc: Client
David Shemano, Esq.

J:\WPData\FCG\23245.001 Morabito adv. JH, Inc. and Herbst\Morabito Invol Bankruptcy 2013\Herbst 523 Adversary Action 15-05019\L-Weisenmiller 8-29-18.docx


Honorable Gregg W. Zive
United States Bankruptcy Judge



Entered on Docket
January 03, 2019

GARMAN TURNER GORDON LLP
GERALD M. GORDON
Nevada Bar No. 229
E-mail: ggordon@gtg.legal
MARK M. WEISENMILLER
Nevada Bar No. 12128
E-mail: mweisenmiller@gtg.legal
650 White Drive. Ste. 100
Las Vegas, Nevada 89119
Tel: (725)-777-3000
Fax: (725)-777-3112
Attorneys for the Herbst Parties

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re:

PAUL A. MORABITO,

Debtor.

Case No.: BK-N-13-51237-GWZ
Chapter 7

JH, INC., JERRY HERBST, and BERRY-
HINCKLEY INDUSTRIES,

Plaintiffs,

v.

PAUL A. MORABITO,

Defendant.

Adv. Pro. No. 15-05019-GWZ

Hearing Date: September 13, 2018
Hearing Time: 2:00 p.m.

Oral Ruling Date: December 20, 2018
Oral Ruling Time: 3:00 p.m.

**ORDER GRANTING MOTION TO COMPEL COMPLIANCE WITH THE
SUBPOENA TO ROBISON SHARP SULLIVAN BRUST**

Garman Turner Gordon
650 White Dr., Suite 100
Las Vegas, Nevada 89119
(725) 777-3000

4824-0978-6756, v. 1

1 The *Motion to Compel Compliance With the Subpoena to Robison Sharp Sullivan Brust*
 2 [ECF No. 191] (the “Motion”)¹, filed by judgment creditors JH, Inc. (“JH”), Jerry Herbst
 3 (“Herbst”), and Berry-Hinckley Industries (“BHI” and collectively with JH and Herbst, the
 4 “Herbst Parties”), by and through their counsel, the law firm of Garman Turner Gordon LLP,
 5 came on for hearing before the above-captioned Court on September 13, 2018, at 2:00 p.m. (the
 6 “Hearing”). Gerald M. Gordon, Esq. appeared on behalf of the Herbst Parties and Lindsay
 7 Liddell, Esq. appeared on behalf of Robison Sharp Sullivan Brust (“Robison”).

8 The Court, having reviewed and considered the Motion, Robison’s objection to the
 9 Motion stated at the Hearing, and all documents and exhibits submitted therewith, as well as the
 10 supplemental briefing submitted by the parties [ECF Nos. 199 & 201]; all notice and service
 11 having been proper under the Bankruptcy Code and Bankruptcy Rules; the Court having entered
 12 its findings of fact and conclusions of law on the record at the Hearing and the hearing held on
 13 December 20, 2018, at 3:00 p.m., which are hereby incorporated pursuant to Bankruptcy Rule
 14 7052; and good cause appearing:

15 **IT IS HEREBY ORDERED, ADJUDGED and DECREED** as follows:

- 16 1. The Motion is granted as set forth herein.
- 17 2. Robison shall comply with the Subpoena on or before January 18, 2019.

18 **IT IS SO ORDERED.**

19 PREPARED AND SUBMITTED BY:

20 GARMAN TURNER GORDON LLP

21
 22 /s/ Mark M. Weisenmiller
 23 GERALD M. GORDON, ESQ.
 24 MARK M. WEISENMILLER, ESQ.
 25 *Attorneys for the Herbst Parties*

26
 27
 28 ¹ All capitalized undefined terms used herein shall be ascribed the definitions in the Motion.

LR 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

- ☐ The court waived the requirement of approval under LR 9021(b)(1).
- ☐ No party appeared at the hearing or filed an objection to the motion.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

David Shemano, counsel for Paul A. Morabito and Edward Bayuk – approves form of this proposed order subject to full reservation of rights to appeal or otherwise seek relief with respect to the order

- ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objection to the form or content of the order.

###

1 Frank C. Gilmore, Esq. (SBN 10052)
fgilmore@rssblaw.com
2 Lindsay L. Liddell, Esq. (SBN 14079)
lliddell@rssblaw.com
3 ROBISON, SHARP, SULLIVAN & BRUST
71 Washington Street
4 Reno, Nevada 89503
Telephone: (775) 329-3151

5 Attorneys for Paul A. Morabito

6 **UNITED STATES BANKRUPTCY COURT**
7 **DISTRICT OF NEVADA**
8

9 In re:

10 PAUL A. MORABITO,

11 Debtor.

12 JH, INC., JERRY HERBST, and BERRY-
HINCKLEY INDUSTRIES,

13 Plaintiffs.

14 vs.

15 PAUL A. MORABITO,

16 Defendant.
17

Case No. BK-N-13-51237
Chapter 7

Adv. No. 15-05019

**RESPONSE OF ROBISON, SHARP,
SULLIVAN & BRUST'S TO SUBPOENA**

Hearing Date: September 13, 2018
Hearing Time: 2:00 p.m.

Oral Ruling Date: December 20, 2018
Oral Ruling Time: 3:00 p.m.

18 Pursuant to the Court's Order [Doc. 229], Robison, Sharp, Sullivan & Brust ("RSSB")
19 hereby produces the following documents in response to the Subpoena served upon it:

20	RSSB_000001- RSSB_000005	2/4/2013- 3/27/18	Detailed Payment Transaction File -- Robison, Sharp, Sullivan & Brust
21	RSSB 000006	6/11/13	Email
22	RSSB 000007	7/8/13	Email
23	RSSB 000008	7/31/13	Email
24	RSSB 000009	8/30/13	Email
25	RSSB 000010	9/3/13	Email
26	RSSB 000011	10/02/13	Email
27	RSSB 000012	10/29/13	Email
28	RSSB 000013	12/3/13	Email
	RSSB 000014	2/3/14	Email
	RSSB 000015	5/4/14	Email
	RSSB 000016	7/31/14	Email
	RSSB 000017	9/2/14	Email
	RSSB 000018	11/3/14	Email
	RSSB 000019	12/2/14	Email

RSSB 000020	1/8/15	Email
RSSB 000021	5/5/15	Email
RSSB 000030	6/22/16	Email
RSSB 000031	2/17/16	Email

RSSB also provides a privilege log for documents RSSB_000022-RSSB_000029.

Dated this 18th day of January, 2019.

ROBISON, SHARP, SULLIVAN & BRUST
71 Washington Street
Reno, Nevada 89503
Telephone: (775) 329-3151

By: /s/ Frank C. Gilmore
Frank C. Gilmore, Esq. (SBN 10052)
Lindsay L. Liddell, Esq. (SBN 14079)
Attorneys for Paul A. Morabito

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Stmt # Rate	Amount	Ref #
Client ID 23245.001 Morabito and Consolidated Nevada Corp./Paul							
23245.001	02/04/2013		A	31		9,225.00 Fee payment.	ARCH
23245.001	03/20/2013		A	31		8,505.00 Fee payment.	ARCH
23245.001	04/18/2013		A	31		3,656.25 Fee payment.	ARCH
23245.001	05/13/2013		A	31		1,290.00 Fee payment.	ARCH
23245.001	06/17/2013		A	31		1,635.00 Fee payment.	ARCH
23245.001	07/19/2013		A	31		1,687.50 Fee payment.	ARCH
23245.001	07/31/2013		A	41		6,986.80 Trust Fee Payment.	ARCH
23245.001	07/31/2013		A	42		453.01 Trust Cost payment.	ARCH
23245.001	08/07/2013		A	41		5,718.20 Trust Fee Payment.	ARCH
23245.001	08/30/2013		A	41		1,423.84 Trust Fee Payment.	ARCH
23245.001	08/30/2013		A	42		162.20 Trust Cost payment.	ARCH
23245.001	09/06/2013		A	31		12,484.91 Fee payment.	ARCH
23245.001	09/20/2013		A	32		2,760.66 Cost payment.	ARCH
23245.001	10/07/2013		A	32		399.52 Cost payment.	ARCH
23245.001	10/07/2013		A	31		13,220.48 Fee payment.	ARCH
23245.001	11/07/2013		A	32		204.15 Cost payment.	ARCH
23245.001	11/07/2013		A	31		19,093.30 Fee payment.	ARCH
23245.001	12/06/2013		A	31		5,861.22 Fee payment.	ARCH
23245.001	01/03/2014		A	41		291.68 Trust Fee Payment.	ARCH
23245.001	01/03/2014		A	42		34.60 Trust Cost payment.	ARCH
23245.001	01/14/2014		A	31		2,250.82 Fee payment.	ARCH
23245.001	01/31/2014		A	41		96.68 Trust Fee Payment.	ARCH
23245.001	02/05/2014		A	31		2,479.57 Fee payment.	ARCH
23245.001	02/05/2014		A	32		3,591.90 Cost payment.	ARCH
23245.001	03/11/2014		A	32		78.00 Cost payment.	ARCH
23245.001	03/11/2014		A	31		1,507.50 Fee payment.	ARCH
23245.001	04/07/2014		A	32		8.50 Cost payment.	ARCH
23245.001	04/07/2014		A	31		4,655.00 Fee payment.	ARCH
23245.001	04/21/2014		A	32		1,458.53 Cost payment.	ARCH
23245.001	05/09/2014		A	32		178.66 Cost payment.	ARCH
23245.001	05/09/2014		A	31		5,201.52 Fee payment.	ARCH
23245.001	06/09/2014		A	32		351.50 Cost payment.	ARCH
23245.001	06/09/2014		A	31		10,848.48 Fee payment.	ARCH
23245.001	07/14/2014		A	32		135.95 Cost payment.	ARCH
23245.001	07/14/2014		A	31		3,867.50 Fee payment.	ARCH
23245.001	08/13/2014		A	31		9,372.50 Fee payment.	ARCH
23245.001	09/05/2014		A	32		765.50 Cost payment.	ARCH
23245.001	09/05/2014		A	31		4,907.50 Fee payment.	ARCH
23245.001	10/05/2014		A	32		79.52 Cost payment.	ARCH
23245.001	10/05/2014		A	31		5,165.00 Fee payment.	ARCH
23245.001	11/07/2014		A	31		7,620.00 Fee payment.	ARCH
23245.001	11/07/2014		A	32		5,899.18 Cost payment.	ARCH
23245.001	12/05/2014		A	32		374.96 Cost payment.	ARCH
23245.001	12/05/2014		A	31		5,932.50 Fee payment.	ARCH
23245.001	01/06/2015		A	32		411.63 Cost payment.	ARCH
23245.001	01/06/2015		A	31		11,910.00 Fee payment.	ARCH
23245.001	02/04/2015		A	32		18,631.29 Cost payment.	ARCH
23245.001	03/04/2015		A	32		14,094.20 Cost payment.	ARCH
23245.001	03/10/2015		A	41		12,500.00 Trust Fee Payment.	ARCH
23245.001	04/13/2015		A	42		995.29 Trust Cost payment.	ARCH
23245.001	04/20/2015		A	31		6,615.64 Fee payment.	ARCH
23245.001	04/29/2015		A	42		819.15 Trust Cost payment.	ARCH
23245.001	05/08/2015		A	32		17,000.00 Cost payment.	ARCH
23245.001	05/08/2015		A	31		1,062.74 Fee payment.	ARCH
23245.001	06/05/2015		A	32		814.76 Cost payment - JAMS.	ARCH
23245.001	06/24/2015		A	32		486.04 Cost payment.	ARCH
23245.001	06/24/2015		A	32		14,013.96 Cost payment.	ARCH
23245.001	07/29/2015		A	32		2,324.40 Cost payment.	ARCH
23245.001	10/09/2015		A	41		19,999.35 Trust Fee Payment.	ARCH
23245.001	10/16/2015		A	32		1,661.90 Cost payment - Snowshoe Petroleum, Inc.	ARCH
23245.001	10/16/2015		A	31		13,210.10 Fee payment - Snowshoe Petroleum, Inc.	ARCH
23245.001	11/17/2015		A	41		10,223.68 Trust Fee Payment.	ARCH
23245.001	11/17/2015		A	42		3,296.82 Trust Cost payment.	ARCH
23245.001	12/17/2015		A	41		12,500.00 Trust Fee Payment.	ARCH

Client	Trans Date	H Tmkr	Tcode/ P Task Code	Stmt # Rate	Amount	Ref #
Client ID 23245.001 Morabito and Consolidated Nevada Corp./Paul						
23245.001	12/17/2015	A	42		3,348.00 Trust Cost payment.	ARCH
23245.001	01/22/2016	A	32		1,360.24 Cost payment.	ARCH
23245.001	01/22/2016	A	32		10,000.00 Cost payment.	ARCH
23245.001	01/22/2016	A	31		13,125.20 Fee payment.	ARCH
23245.001	02/17/2016	A	32		10,586.47 Cost payment.	ARCH
23245.001	02/17/2016	A	31		13,073.63 Fee payment.	ARCH
23245.001	03/10/2016	A	32		10,803.50 Cost payment.	ARCH
23245.001	03/10/2016	A	31		8,086.47 Fee payment.	ARCH
23245.001	04/22/2016	A	32		13,448.32 Cost payment.	ARCH
23245.001	04/22/2016	A	31		12,499.68 Fee payment.	ARCH
23245.001	05/23/2016	A	32		1,863.00 Cost payment.	ARCH
23245.001	05/23/2016	A	31		12,500.00 Fee payment.	ARCH
23245.001	05/23/2016	A	32		7,554.93 Cost payment.	ARCH
23245.001	06/17/2016	A	32		7,617.00 Cost payment.	ARCH
23245.001	06/17/2016	A	31		12,500.00 Fee payment.	ARCH
23245.001	07/13/2016	A	32		1,642.44 Cost payment.	ARCH
23245.001	07/13/2016	A	31		12,499.56 Fee payment.	ARCH
23245.001	08/12/2016	A	32		21.00 Cost payment - Access Transcripts, LLC (Refund for overestimate on pages)	ARCH
23245.001	08/26/2016	A	32		1,349.88 Cost payment.	ARCH
23245.001	08/26/2016	A	31		13,650.12 Fee payment.	ARCH
23245.001	10/04/2016	A	32		91.25 Cost payment - Access Transcripts, LLC (Refund).	ARCH
23245.001	10/05/2016	A	32		239.83 Cost payment.	ARCH
23245.001	10/05/2016	A	31		14,760.17 Fee payment.	ARCH
23245.001	10/31/2016	A	32		1,999.77 Cost payment.	ARCH
23245.001	10/31/2016	A	31		13,000.23 Fee payment.	ARCH
23245.001	11/28/2016	A	32		640.30 Cost payment - Snowshoe Petroleum, Inc.	ARCH
23245.001	11/28/2016	A	31		14,359.70 Cost payment - Snowshoe Petroleum, Inc.	ARCH
23245.001	12/15/2016	A	32		3,769.48 Cost payment.	ARCH
23245.001	12/15/2016	A	31		12,499.52 Fee payment.	ARCH
23245.001	01/18/2017	A	32		2,529.09 Cost payment - Snowshoe Petroleum, Inc.	ARCH
23245.001	01/18/2017	A	31		12,500.00 Fee payment.	ARCH
23245.001	02/21/2017	A	32		1,466.82 Cost payment.	ARCH
23245.001	02/21/2017	A	31		12,500.00 Fee payment.	ARCH
23245.001	03/24/2017	A	32		3,011.34 Cost payment.	ARCH
23245.001	03/24/2017	A	31		12,552.00 Fee payment.	ARCH
23245.001	04/24/2017	P	32		809.80 Cost payment.	134
23245.001	04/24/2017	P	31		12,500.00 Fee payment.	135
23245.001	05/18/2017	P	32		1,738.41 Cost payment - Snowshoe Petroleum, Inc.	136
23245.001	05/18/2017	P	31		15,000.00 Fee payment - Snowshoe Petroleum, Inc.	137
23245.001	06/19/2017	P	32		1,900.53 Cost payment - Snowshoe Petroleum, Inc.	138
23245.001	06/19/2017	P	31		12,500.00 Fee payment - Snowshoe Petroleum, Inc.	139
23245.001	06/26/2017	P	31		9,199.40 Fee payment - Edward Bayuk.	140
23245.001	07/31/2017	P	31		12,500.00 Fee payment.	141
23245.001	08/28/2017	P	32		1,204.09 Cost payment - Snowshoe Petroleum, Inc.	142
23245.001	08/28/2017	P	31		12,553.29 Fee payment - Snowshoe Petroleum, Inc.	143
23245.001	09/26/2017	P	32		500.00 Cost payment.	144
23245.001	09/26/2017	P	31		12,500.00 Fee payment.	145
23245.001	10/23/2017	P	32		854.00 Cost payment - Snowshoe Petroleum, Inc.	146
23245.001	11/16/2017	P	31		12,500.00 Fee payment - Snowshoe Petroleum, Inc.	147
23245.001	12/21/2017	P	31		12,500.00 Fee payment.	149
23245.001	12/21/2017	P	32		3,094.69 Cost payment.	153
23245.001	12/26/2017	P	32		3,343.59 Cost payment.	150
23245.001	02/01/2018	P	31		12,500.00 Fee payment - Snowshoe Petroleum, Inc.	151
23245.001	02/01/2018	P	32		89.00 Cost payment - Snowshoe Petroleum, Inc.	152
23245.001	02/15/2018	P	31		10,000.00 Fee payment - Snowshoe Petroleum, Inc.	154
23245.001	03/27/2018	P	32		5,048.55 Cost payment - Snowshoe Petroleum, Inc.	155
23245.001	03/27/2018	P	31		7,712.45 Fee payment - Snowshoe Petroleum, Inc.	156

Total for Client ID 23245.001 Payments: 768,487.78 Morabito and Consolidated Nevada Corp./Paul
V. JH, Inc and Herbst

Client ID 23245.003 Morabito/Paul

23245.003	08/07/2013	A	41	337.50	Trust Fee Payment.	ARCH
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Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Stmt # Rate	Amount	Ref #
Client ID 23245.003 Morabito/Paul							
23245.003	09/06/2013		A	31		450.00 Fee payment.	ARCH
23245.003	10/07/2013		A	31		427.50 Fee payment.	ARCH
23245.003	11/07/2013		A	31		101.25 Fee payment.	ARCH
23245.003	12/06/2013		A	31		562.50 Fee payment.	ARCH
23245.003	01/14/2014		A	31		1,260.00 Fee payment.	ARCH
23245.003	02/05/2014		A	31		700.00 Fee payment.	ARCH
23245.003	03/11/2014		A	32		223.52 Cost payment.	ARCH
23245.003	06/09/2014		A	31		120.00 Fee payment.	ARCH
23245.003	10/05/2014		A	32		35.00 Cost payment.	ARCH
23245.003	11/07/2014		A	32		500.00 Cost payment.	ARCH
23245.003	05/08/2015		A	31		100.00 Fee payment.	ARCH
Total for Client ID 23245.003						Payments 4,817.27 Morabito/Paul General	
Client ID 23245.004 Morabito/Paul							
23245.004	02/04/2013		A	31		90.00 Fee payment.	ARCH
23245.004	05/13/2013		A	31		4,248.75 Fee payment.	ARCH
23245.004	06/17/2013		A	32		320.00 Cost payment.	ARCH
23245.004	06/17/2013		A	31		7,995.00 Fee payment.	ARCH
23245.004	07/31/2013		A	41		1,106.25 Trust Fee Payment.	ARCH
23245.004	09/06/2013		A	31	26	1,035.00 Fee payment.	ARCH
23245.004	09/06/2013		A	32	26	159.00 Cost payment.	ARCH
23245.004	10/07/2013		A	31		442.50 Fee payment.	ARCH
23245.004	11/07/2013		A	32		404.55 Cost payment.	ARCH
23245.004	11/07/2013		A	31		3,101.25 Fee payment.	ARCH
23245.004	12/06/2013		A	31		4,597.50 Fee payment.	ARCH
23245.004	01/14/2014		A	31		4,638.75 Fee payment.	ARCH
23245.004	02/05/2014		A	31		4,332.50 Fee payment.	ARCH
23245.004	03/11/2014		A	32		325.80 Cost payment.	ARCH
23245.004	03/11/2014		A	31		5,557.50 Fee payment.	ARCH
23245.004	04/07/2014		A	32		137.00 Cost payment.	ARCH
23245.004	04/07/2014		A	31		6,367.26 Fee payment.	ARCH
23245.004	04/28/2014		A	31		320.00 Fee payment - Second Judicial District Court (Refund).	ARCH
23245.004	05/09/2014		A	32		143.08 Cost payment.	ARCH
23245.004	05/09/2014		A	31		5,227.74 Fee payment.	ARCH
Total for Client ID 23245.004						Payments 50,549.43 Morabito/Paul Berry-Hinckley Industries, et al., adv. Morabito	
Client ID 23245.005 Morabito/Paul							
23245.005	02/04/2013		A	31		60.00 Fee payment.	ARCH
Total for Client ID 23245.005						Payments 60.00 Morabito/Paul Bank of America v. Morabito/Arcadia Living Trust	
Client ID 23245.007 Morabito/Paul							
23245.007	07/31/2013		A	41		1,275.00 Trust Fee Payment.	ARCH
23245.007	07/31/2013		A	42		243.49 Trust Cost payment.	ARCH
23245.007	09/06/2013		A	31	4	416.25 Fee payment.	ARCH
23245.007	10/07/2013		A	31		453.75 Fee payment.	ARCH
23245.007	11/07/2013		A	32		213.00 Cost payment.	ARCH
23245.007	11/07/2013		A	31		1,125.00 Fee payment.	ARCH
23245.007	12/06/2013		A	31		607.50 Fee payment.	ARCH
23245.007	01/14/2014		A	31		472.50 Fee payment.	ARCH
23245.007	02/05/2014		A	31		537.50 Fee payment.	ARCH
23245.007	03/11/2014		A	31		2,450.00 Fee payment.	ARCH
23245.007	04/07/2014		A	32		213.00 Cost payment.	ARCH
23245.007	04/07/2014		A	31		685.00 Fee payment.	ARCH
23245.007	05/09/2014		A	31		2,982.50 Fee payment.	ARCH
23245.007	06/09/2014		A	32		70.00 Cost payment.	ARCH
23245.007	06/09/2014		A	31		2,165.00 Fee payment.	ARCH
23245.007	07/14/2014		A	32		152.99 Cost payment.	ARCH
23245.007	07/14/2014		A	31		5,442.50 Fee payment.	ARCH

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Stmt # Rate	Amount	Ref #
Client ID 23245.007 Morabito/Paul							
23245.007	08/13/2014		A	31		1,335.00 Fee payment.	ARCH
23245.007	09/05/2014		A	32		1,189.50 Cost payment.	ARCH
23245.007	09/05/2014		A	31		8,185.00 Fee payment.	ARCH
23245.007	10/05/2014		A	31		505.00 Fee payment.	ARCH
23245.007	10/05/2014		A	32		0.00 Cost payment.	ARCH
23245.007	10/05/2014		A	32		1,640.88 Cost payment.	ARCH
23245.007	11/07/2014		A	32		26.63 Cost payment.	ARCH
23245.007	12/05/2014		A	32		26.38 Cost payment.	ARCH
Total for Client ID 23245.007					Payments	32,413.37 Morabito/Paul v. Consolidated Nevada Corp. et al. adv. The Hartford	
Client ID 23245.008 Morabito/Paul							
23245.008	08/07/2013		A	41		900.00 Trust Fee Payment.	ARCH
23245.008	09/06/2013		A	31		210.00 Fee payment.	ARCH
23245.008	10/07/2013		A	31		56.25 Fee payment.	ARCH
23245.008	12/06/2013		A	31		45.00 Fee payment.	ARCH
23245.008	01/14/2014		A	31		281.25 Fee payment.	ARCH
23245.008	02/05/2014		A	31		125.00 Fee payment.	ARCH
23245.008	03/11/2014		A	31		375.00 Fee payment.	ARCH
23245.008	04/07/2014		A	32		436.74 Cost payment.	ARCH
23245.008	05/09/2014		A	32		131.50 Cost payment.	ARCH
23245.008	05/09/2014		A	31		7,247.50 Fee payment.	ARCH
23245.008	06/09/2014		A	31		200.00 Fee payment.	ARCH
23245.008	07/14/2014		A	32		1.19 Cost payment.	ARCH
23245.008	07/14/2014		A	31		125.00 Fee payment.	ARCH
23245.008	08/13/2014		A	31		125.00 Fee payment.	ARCH
23245.008	11/07/2014		A	31		250.00 Fee payment.	ARCH
23245.008	12/05/2014		A	31		350.00 Fee payment.	ARCH
23245.008	01/06/2015		A	32		1,358.33 Cost payment.	ARCH
23245.008	01/06/2015		A	31		325.00 Fee payment.	ARCH
23245.008	04/20/2015		A	32		451.43 Cost payment.	ARCH
23245.008	05/08/2015		A	32		600.91 Cost payment.	ARCH
23245.008	05/08/2015		A	31		4,021.35 Fee payment.	ARCH
Total for Client ID 23245.008					Payments	17,616.45 Morabito/Paul v. Eclectic Properties v. Morabito et al.	
Client ID 23245.009 Morabito/Paul							
23245.009	03/11/2014		A	31		997.50 Fee payment.	ARCH
23245.009	04/07/2014		A	31		497.50 Fee payment.	ARCH
23245.009	05/09/2014		A	31		887.50 Fee payment.	ARCH
23245.009	06/09/2014		A	31		587.50 Fee payment.	ARCH
23245.009	07/14/2014		A	31		962.50 Fee payment.	ARCH
23245.009	09/05/2014		A	31		1,152.50 Fee payment.	ARCH
23245.009	10/05/2014		A	31		1,212.50 Fee payment.	ARCH
23245.009	11/07/2014		A	32		1,250.00 Cost payment.	ARCH
23245.009	11/07/2014		A	31		1,000.00 Fee payment.	ARCH
23245.009	12/05/2014		A	31		662.50 Fee payment.	ARCH
23245.009	01/06/2015		A	31		532.50 Fee payment.	ARCH
23245.009	02/04/2015		A	32		1,625.00 Cost payment.	ARCH
23245.009	03/04/2015		A	32		7,500.00 Cost payment.	ARCH
23245.009	04/20/2015		A	32		513.78 Cost payment.	ARCH
23245.009	05/08/2015		A	31		4,215.00 Fee payment.	ARCH
Total for Client ID 23245.009					Payments	23,596.28 Morabito/Paul v. adv. Barbieri, Carl and Ilda	
Client ID 23245.010 Virsenet, LLC							
23245.010	06/19/2015		A	31		19,999.35 Fee payment - Virsenet LLC	ARCH
Total for Client ID 23245.010					Payments	19,999.35 Virsenet, LLC Document production pursuant to Subpoena	

Date: 01/10/2019

Detail Payment Transaction File List
Robison, Sharp, Sullivan & Brust

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<u>Client</u>	<u>Trans Date</u>	<u>Tmkr</u>	<u>H Tcode/ P Task Code</u>	<u>Stmt # Rate</u>	<u>Amount</u>	<u>Ref #</u>
Client ID 23245.011 Morabito and Consolidated Nevada Corp./Paul						
23245.011	02/21/2017		A 32		1,800.00 Cost payment.	ARCH
23245.011	06/26/2017		P 32		151.69 Cost payment - Edward Bayuk.	3
Total for Client ID 23245.011				Payments	1,951.69 Morabito and Consolidated Nevada Corp./Paul Morabito/CNC v. JH Inc., Berry Hinckley Industries	
<hr/> GRAND TOTALS <hr/>						
				Payments	919,491.62	

Frank Gilmore

From: Barry Breslow
Sent: Tuesday, June 11, 2013 9:15 PM
To: Heidi Cohen
Cc: Debbie Moberly; Frank Gilmore
Subject: Paul Morabito bills

Totalling \$9950, client approved AmEx payment; please process.
Thank you,
Barry

Sent from my iPhone

Frank Gilmore

From: Barry Breslow
Sent: Monday, July 08, 2013 3:38 PM
To: Heidi Cohen
Cc: Debbie Moberly
Subject: Please process an AmEx payment from Paul Morabito

For all bills, in the amount of \$ 11,702.05.

Thank you

Frank Gilmore

From: Frank Gilmore
Sent: Wednesday, July 31, 2013 8:56 PM
To: Heidi Cohen
Cc: Barry Breslow
Subject: Morabito

Paul authorized an \$8,000 charge to his card to pay this months bills. Please run it. Thanks.

Frank C. Gilmore, Esq.
Robison Belaustegui Sharp & Low
71 Washington St.
Reno, Nevada 89503
W: 775-329-3151
C: 775-240-6387

Sent from my iPhone

Frank Gilmore

From: Barry Breslow
Sent: Friday, August 30, 2013 2:47 PM
To: Heidi Cohen
Cc: Frank Gilmore; Mary Carroll Davis; Jennifer Jacobsen
Subject: RE: Morabito Due \$15,512.66

Thank you Heidi. That is the amount to please charge Paul's Amex on Tuesday.

Frank, please forward the bills (on your chair) to Paul via email on Tuesday. Please let him know the total amount above that we charged his Amex.

thanks

From: Heidi Cohen
Sent: Friday, August 30, 2013 2:38 PM
To: Barry Breslow
Subject: Morabito Due \$15,512.66

Frank Gilmore

From: Frank Gilmore
Sent: Tuesday, September 03, 2013 3:37 PM
To: morabito.pa@gmail.com
Cc: Heidi Cohen; Debbie Moberly
Subject: August Bills
Attachments: 20130903130320702.pdf

Paul,

As we discussed last week, here are the August bills for all the cases we are working on. We will process the payment of \$15,512 this evening.

Thanks.

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

Frank Gilmore

From: Jennifer Jacobsen
Sent: Wednesday, October 02, 2013 9:05 AM
To: 'morabito.pa@gmail.com' (morabito.pa@gmail.com)
Cc: Barry Breslow; Frank Gilmore
Subject: Statements for Services Rendered for the period ending September 25, 2013
Attachments: Billing Statements 8-26 to 9-25.pdf

Dictated by Barry Breslow:

Paul:

Attached are our statements for the period August 26 through September 25. The total for this month is just north of \$19,000.

I am aware that Frank previously received your authorization to process and AMEX charge of \$15,000. I apologize that it was processed for the full amount of these bills. I have today instructed our bookkeeper to refund the card the amount charged, in excess of \$15,000. The balance will be carried over to next month. The error is completely my fault, as I miscalculated the total, before providing it to Frank.

If you have any questions, please advise.

Sorry again for the mistake.

Sincerely,

Barry

Sent by:

Jennifer Jacobsen
Assistant to Barry L. Breslow, Esq.
Robison, Belaustegui, Sharp & Low
71 Washington Street
Reno, NV 89503
(775) 329-3151
jjacobsen@rbsllaw.com

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Frank Gilmore

From: Barry Breslow
Sent: Tuesday, October 29, 2013 7:06 AM
To: Frank Gilmore
Cc: Heidi Cohen; Barry Breslow
Subject: Re: Morabito

Heidi this includes the amounts we held in abeyance. Please charge on Nov 4, \$25,000 or actual total amount owed, whichever is lower. Frank will review and return Morabito pre- bills this week. As we discussed you do not need to wait for me.

Thank you.

Sent from my iPhone

On Oct 28, 2013, at 10:51 PM, "Frank Gilmore" <FGilmore@rbsllaw.com> wrote:

> On November 4, We have the client's permission to charge up to \$25,000 for all his accounts.
>
> The charge cannot be processed before next Monday. Please wait a week and then process the charge. Thanks.
>
> Frank C. Gilmore, Esq.
> Robison Belaustegui Sharp & Low
> 71 Washington St.
> Reno, Nevada 89503
> W: 775-329-3151
> C: 775-240-6387
>
>
> Sent from my iPhone

Frank Gilmore

From: Frank Gilmore.
Sent: Tuesday, December 03, 2013 4:04 PM
To: Barry Breslow; Heidi Cohen; Debbie Moberly
Subject: Morabito

I have authorization from the client to charge \$12,000 to the Amex for November's bills.

Frank C. Gilmore, Esq.
Robison Belaustegui Sharp & Low
71 Washington St.
Reno, Nevada 89503
W: 775-329-3151
C: 775-240-6387

Sent from my iPhone

Frank Gilmore

From: Frank Gilmore
Sent: Monday, February 03, 2014 2:43 PM
To: Heidi Cohen
Cc: Barry Breslow
Subject: FW: Invoice
Attachments: Morabito Invoice.pdf

Heidi,
Approval from the client to please charge the Morabito card for the January bills, and for this Hartman invoice. Then cut a check to Hartman for his bill.

Thanks.

From: Jeff Hartman [mailto:jlh@bankruptcyreno.com]
Sent: Wednesday, November 20, 2013 6:55 AM
To: 'Paul Morabito'
Cc: Frank Gilmore
Subject: Invoice

Paul:



Jeff Hartman

Jeffrey L. Hartman, Esq.
HARTMAN & HARTMAN
510 West Plumb Lane, Suite B
Reno, NV 89509
Telephone: (775) 324-2800
Facsimile: (775) 324-1818
Email: jlh@bankruptcyreno.com

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Frank Gilmore

From: Frank Gilmore
Sent: Monday, May 05, 2014 1:35 PM
To: Barry Breslow; Heidi Cohen
Cc: Jennifer Jacobsen
Subject: RE: Morabito bills

Morabito approved a payment of \$22,000 toward the existing bills.

From: Barry Breslow
Sent: Thursday, May 01, 2014 3:14 PM
To: Heidi Cohen
Cc: Jennifer Jacobsen; Frank Gilmore
Subject: Morabito bills

Heidi, even if you don't get to the remainder of my pre-bills tonight, can you please finalize the Morabito bills and leave on Jen's chair?

If so, Jen, please scan and email them to Frank with a bcc to me. Frank will then forward to client and make contact with him.

Heidi if tonight is not possible, then Friday sometime would be great too.

Thank you,
Barry

Frank Gilmore

From: Frank Gilmore
Sent: Thursday, July 31, 2014 1:18 PM
To: Mary Carroll Davis; Barry Breslow; Heidi Cohen
Subject: Morabito

I got Permission to charge his card for the outstanding bills next Wednesday.

Frank C. Gilmore, Esq.
Robison Belaustegui Sharp & Low
71 Washington St.
Reno, Nevada 89503
W: 775-329-3151
C: 775-240-6387

Sent from my iPhone

Frank Gilmore

From: Frank Gilmore
Sent: Tuesday, September 02, 2014 10:59 AM
To: Barry Breslow; Heidi Cohen
Subject: Morabito

I have authorization to charge the Morabito card for the August Bills plus \$12,000 to be paid out in settlement. Please advise as soon as the charge posts. Thanks.

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

Frank Gilmore

From: Barry Breslow
Sent: Monday, November 03, 2014 3:31 PM
To: Frank Gilmore; Heidi Cohen; Debbie Moberly
Cc: Mary Carroll Davis; Jennifer Jacobsen
Subject: RE: Morabito billings

HC, our total bills are \$10,147.

Please add the other \$2500, plus the amount of Jeff Hartman's bill, all toward this month's Am Ex charge.

If you need Jeff's bill amount again, please advise.

MCD and/or Jen will oversee getting the \$2000 to Hartford and \$500 to Spencer, once you confirm that the funds are available.

Thank you.

From: Frank Gilmore
Sent: Monday, November 03, 2014 3:22 PM
To: Heidi Cohen; Debbie Moberly
Cc: Barry Breslow
Subject: Morabito billings

Please charge the card for our fees, the Hartford \$2,000, the Hartman bill I forwarded earlier this month, and the \$500 to Spencer Investigations. I obtained client approval.

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

Frank Gilmore

From: Frank Gilmore
Sent: Tuesday, December 02, 2014 2:34 PM
To: Heidi Cohen; Debbie Moberly
Cc: Barry Breslow
Subject: Morabito

I received authority to charge the client's card for November bills.

Thanks.

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

Frank Gilmore

From: Frank Gilmore
Sent: Wednesday, January 28, 2015 5:21 PM
To: Heidi Cohen; Barry Breslow; Mary Carroll Davis
Subject: Morabito Bills

Here are the instructions for this coming Monday on Morabito:

Charge Morabito's card \$20,256.29

Make the following payments once it has cleared:

Lee & High : \$16,225.29

Hartman & Hartman: \$931

Harris Weinberg: \$1,625

Remainder (\$1,475) to RBSL to apply to costs.

FRANK C. GILMORE, ESQ.
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71 WASHINGTON STREET
RENO, NV 89503
PH: (775) 329-3151
FAX: (775) 329-7169
fgilmore@rbsllaw.com

Frank Gilmore

From: Frank Gilmore
Sent: Tuesday, May 05, 2015 8:00 AM
To: morabito.pa@gmail.com
Cc: Barry Breslow
Subject: Emailing: M-Memo on Morabito Bills and Payments.5.4.15.pdf
Attachments: M-Memo on Morabito Bills and Payments.5.4.15.pdf

Paul,

Attached is a short memo setting forth the billing and payments for the 3 sets of lawyers working for you on your matters. Please call to discuss.

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

Frank Gilmore

From: Barry Breslow
Sent: Friday, January 22, 2016 10:32 AM
To: Jeffrey L. Hartman; CeciliaLee-DGS (cecilia.lee@dgsllaw.com)
Cc: Frank Gilmore; Mary Carroll Davis
Subject: Morabito matters

Hi Jeff and Cissy:

Happy to confirm receipt moments ago of \$10,000 to be distributed \$5000 each towards your bills.
Once cleared, checks will be cut next week.

Thank you,
Barry

Frank Gilmore

From: Barry Breslow
Sent: Wednesday, February 17, 2016 11:22 AM
To: Jeffrey L. Hartman; CeciliaLee-DGS (cecilia.lee@dgsilaw.com)
Cc: Frank Gilmore; Mary Carroll Davis
Subject: RE: Morabito matters

Hello Cissy and Jeff:

Funds received today. Once protocol for deposit and clearing have been met, we will fund \$5000 to each of you, likely at the end of next week.

Thank you,
Barry

From: Barry Breslow
Sent: Tuesday, January 26, 2016 3:12 PM
To: 'Jeffrey L. Hartman'; CeciliaLee-DGS (cecilia.lee@dgsilaw.com)
Cc: Frank Gilmore; Mary Carroll Davis
Subject: RE: Morabito matters

All:
Checks should be delivered this Friday.
Thank you,
Barry

From: Barry Breslow
Sent: Friday, January 22, 2016 10:32 AM
To: 'Jeffrey L. Hartman'; CeciliaLee-DGS (cecilia.lee@dgsilaw.com)
Cc: Frank Gilmore; Mary Carroll Davis
Subject: Morabito matters

Hi Jeff and Cissy:

Happy to confirm receipt moments ago of \$10,000 to be distributed \$5000 each towards your bills.
Once cleared, checks will be cut next week.

Thank you,
Barry

1 Frank C. Gilmore, Esq. (SBN 10052)
2 ROBISON, SHARP, SULLIVAN & BRUST
3 71 Washington Street
4 Reno, Nevada 89503
5 Tel: (775) 329-3151 / Fax: (775) 329-7941

6 Counsel for Paul A. Morabito

7 UNITED STATES BANKRUPTCY COURT
8 FOR THE DISTRICT OF NEVADA
9 (RENO)

10 In re

11 PAUL A. MORABITO, an individual,
12 Debtor.

13 JH, INC., JERRY HERBST, and BERRY-
HINCKLEY INDUSTRIES,

14 Plaintiffs.

15 vs.

16 PAUL A. MORABITO,

17 Defendant.

Case No. BK-N-13-51237

Chapter No. 7

Adv. No. 15-05019-GWZ

DECLARATION OF FRANK C.
GILMORE IN SUPPORT OF
ROBISON, SHARP, SULLIVAN &
BRUST'S OPPOSITION TO MOTION
FOR ORDER HOLDING ROBISON
IN CONTEMPT

Hearing Date: OST Pending
Hearing Time: OST Pending

18
19
20 I, Frank C. Gilmore, Esq., hereby declare under penalty of perjury as follows:

21 1. I am a shareholder at Robison, Sharp, Sullivan & Brust ("RSSB"), counsel of
22 record for Defendant, Paul A. Morabito, in the above referenced Chapter 7 adversary bankruptcy
23 matter.

24 2. This Motion represents the third time the Herbst Parties have brought a motion
25 against RSSB seeking an order compelling RSSB to performance, seeking sanctions and/or
26 requesting contempt findings. The first instance involved a March 3, 2014, motion by the Herbst
27 Parties to Department 6 of the Second Judicial District Court, seeking an award of attorney's fees
28 against RSSB related to the scheduling of a deposition. Judge Adams denied request for sanction

1 against RSSB in the form of attorney's fees.

2 3. On March 23, 2015, the Herbst Parties sought an order against RSSB compelling
3 the production of documents related to its pre-petition representation of Paul Morabito. [ECF 269
4 & 286 in the Chapter 7 Bankruptcy, BK-N-13-51237], contending that RSSB failed to comply
5 with a subpoena served on January 8, 2015. At the hearing held on May 13, 2015, the Herbst
6 Parties admitted that there was no basis for proceeding with the Motion to Compel against RSSB
7 and admitted that the motion against RSSB should be denied as moot.

8 4. Attached hereto as Exhibit 1, is a true and accurate copy of the March 13, 2014
9 Order entered by the Second Judicial District Court in Case Number CV07-02764 denying
10 sanctions against RSSB.

11 5. Attached hereto as Exhibit 2, is a true and accurate copy of an email January 24,
12 2019 email string between me and counsel Mark Weisenmiller.

13 6. RSSB has represented Paul A. Morabito and various of his entities since prior to
14 January 1, 2013. The client numbers associated with Mr. Morabito and his various entities'
15 matters is identified as "23245". Each matter has its own assigned matter number: 23245.001
16 through 23245.011. Of all the Morabito matters that RSSB has opened, only the Chapter 7
17 bankruptcy matter (23245.001) remains active.

18 7. Prior to October 2015, RSSB maintained an hourly-fee arrangement with
19 Morabito, plus reimbursement for out-of-pocket costs. Morabito's bills occasionally were paid
20 by personal check from Morabito, but most often his bill was paid by processing his credit card.
21 These payments are reflected on RSSB_000001-000005, attached as Exhibit 1 to the Motion.

22 8. The Herbst Parties have copies of all of Morabito's credit card statements and
23 bank statements from at least 2010 until at least March 2015 to verify this information. These
24 records were produced at the request of the Trustee.

25 9. Starting in October 2015, Morabito agreed to a flat monthly attorney fee, plus
26 costs. Each month, RSSB would receive a check or credit card to process the payment. These
27 payments are reflected on RSSB_000001-000005, attached as Exhibit 1 to the Motion. Where
28 the identity of the payor was someone other than Paul Morabito, a notation to the Detail Payment

1 Transaction ledger was made.

2 10. On information and belief, each of the payments made on any of Morabito's files
3 since October 2015 were made by paper check, and not by wire transfer or credit card, or any
4 other source of payment.

5 11. No payment has been received by any person related to RSSB's representation of
6 Morabito (on any of his matters) since March 27, 2018.

7 12. RSSB has never accepted or received any tangible or intangible asset in lieu of
8 payment of any fee or cost.

9 13. The Detail Payment Transaction Ledger (RSSB_000001-000002), attached to the
10 Motion as Exhibit 1, is a true and correct compilation of all payments received for all of the
11 matters in which RSSB has represented Paul Morabito or his entities since January 1, 2013.

12 14. In response to the subpoena, I reviewed my files and emails and produced all non-
13 privileged communications related to "payments or transfers of an Asset" to RSSB "(including
14 the form and source of payments) in payment of [RSSB] fees and costs incurred in representing
15 Morabito since January 1, 2013."

16 15. All responsive documents in RSSB's care, custody, and control were produced.
17 Those privileged communications were withheld and a privilege log was produced reflecting the
18 withheld documents.

19 16. On January 19, 2019, I received an email from Herbst Parties' counsel which
20 asked only, "Do you contend that the documents attached to Robison's response are all the
21 documents and communications in Robison's possession, custody, or control responsive of the
22 Subpoena for the applicable period (from 2013 to the present)?" On January 22, 2019, I
23 responded, "Yes, we do contend as much."

24 17. On January 24, 2019, Herbst Parties' counsel responded by accusing RSSB of
25 misinterpreting the subpoena and suggesting the contention that the response to the subpoena is
26 not credible. Herbst Parties' counsel then notified me that a motion seeking to hold RSSB in
27 contempt would be filed on order shortening time. No attempt was made to explain the basis for
28 the request for shortened time, as required by Local Rule 9006.

18. On January 24, 2019, I responded by asking “Can I assume that you are dispensing with the requirement to meet and confer as to the specifics of your allegations before you proceed to motion practice? * * * And no, I do not consent to OST. According to the Rules, you are required to explain the basis for the OST, which, frankly, you never do. Can you explain the basis for OST?”

Dated this 30th day of January, 2019.

Frank C. Gilmore, Esq.