

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.

Electronically Filed
Dec 03 2020 01:45 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

PETITIONERS' APPENDIX,

VOLUME 57

(Nos. 9891–10111)

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.

INDEX TO PETITIONERS' APPENDIX

| <u>DOCUMENT DESCRIPTION</u> | | <u>LOCATION</u> |
|---|--|------------------------|
| Complaint (filed 12/17/2013) | | Vol. 1, 1–17 |
| Declaration of Salvatore Morabito in Support of Snowshoe Capital's Motion to Dismiss for Lack of Personal Jurisdiction (filed 05/12/2014) | | Vol. 1, 18–21 |
| Defendant Snowshoe Petroleum, Inc.'s Motion to Dismiss Complaint for Lack of Personal Jurisdiction NRCP 12(b)(2) (filed 05/12/2014) | | Vol. 1, 22–30 |
| JH, Inc., Jerry Herbst, and Berry Hinckley Industries Opposition to Motion to Dismiss (filed 05/29/2014) | | Vol. 1, 31–43 |
| Exhibits to Opposition to Motion to Dismiss | | |
| Exhibit | Document Description | |
| 1 | Affidavit of John P. Desmond (filed 05/29/2014) | Vol. 1, 44–48 |
| 2 | Fifth Amendment and Restatement of the Trust Agreement for the Arcadia Living Trust (dated 09/30/2010) | Vol. 1, 49–88 |
| 3 | Unanimous Written Consent of the Directors and Shareholders of CWC (dated 09/28/2010) | Vol. 1, 89–92 |
| 4 | Unanimous Written Consent of the Board of Directors and Sole Shareholder of Superpumper (dated 09/28/2010) | Vol. 1, 93–102 |
| 5 | Plan of Merger of Consolidated Western Corporation with and into Superpumper, Inc. (dated 09/28/2010) | Vol. 1, 103–107 |
| 6 | Articles of Merger of Consolidated Western Corporation with and into Superpumper, Inc. (dated 09/29/2010) | Vol. 1, 108–110 |
| 7 | 2009 Federal Income Tax Return for P. Morabito | Vol. 1, 111–153 |

| <u>DOCUMENT DESCRIPTION</u> | | <u>LOCATION</u> |
|--|--|------------------------|
| Exhibits to Opposition to Motion to Dismiss (cont.) | | |
| 8 | May 21, 2014 printout from New York Secretary of State | Vol. 1, 154–156 |
| 9 | May 9, 2008 Letter from Garrett Gordon to John Desmond | Vol. 1, 157–158 |
| 10 | Shareholder Interest Purchase Agreement (dated 09/30/2010) | Vol. 1, 159–164 |
| 11 | Relevant portions of the January 22, 2010 Deposition of Edward Bayuk | Vol. 1, 165–176 |
| 13 | Relevant portions of the January 11, 2010 Deposition of Salvatore Morabito | Vol. 1, 177–180 |
| 14 | October 1, 2010 Grant, Bargain and Sale Deed | Vol. 1, 181–187 |
| 15 | Order admitting Dennis Vacco (filed 02/16/2011) | Vol. 1, 188–190 |
| JH, Inc., Jerry Herbst, and Berry Hinckley Industries, Errata to Opposition to Motion to Dismiss (filed 05/30/2014) | | Vol. 2, 191–194 |
| Exhibit to Errata to Opposition to Motion to Dismiss | | |
| Exhibit | Document Description | |
| 12 | Grant, Bargain and Sale Deed for APN: 040-620-09, dated November 10, 2005 | Vol. 2, 195–198 |
| Answer to Complaint of P. Morabito, individually and as trustee of the Arcadia Living Trust (filed 06/02/2014) | | Vol. 2, 199–208 |
| Defendant, Snowshow Petroleum, Inc.’s Reply in Support of Motion to Dismiss Complaint for Lack of Personal Jurisdiction NRCP 12(b)(2) (filed 06/06/2014) | | Vol. 2, 209–216 |

| <u>DOCUMENT DESCRIPTION</u> | | <u>LOCATION</u> |
|---|---|------------------------|
| Exhibit to Reply in Support of Motion to Dismiss Complaint for Lack of Personal Jurisdiction NRCP 12(b)(2) | | |
| Exhibit | Document Description | |
| 1 | Declaration of Salvatore Morabito in Support of Snowshow Petroleum, Inc.'s Reply in Support of Motion to Dismiss Complaint for Lack of Personal Jurisdiction (filed 06/06/2014) | Vol. 2, 217–219 |
| Defendant, Superpumper, Inc.'s Motion to Dismiss Complaint for Lack of Personal Jurisdiction NRCP 12(b)(2) (filed 06/19/2014) | | Vol. 2, 220–231 |
| Exhibit to Motion to Dismiss Complaint for Lack of Personal Jurisdiction NRCP 12(b)(2) | | |
| Exhibit | Document Description | |
| 1 | Declaration of Salvatore Morabito in Support of Superpumper, Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction (filed 06/19/2014) | Vol. 2, 232–234 |
| JH, Inc., Jerry Herbst, and Berry Hinckley Industries, Opposition to Motion to Dismiss (filed 07/07/2014) | | Vol. 2, 235–247 |
| Exhibits to Opposition to Motion to Dismiss | | |
| Exhibit | Document Description | |
| 1 | Affidavit of Brian R. Irvine (filed 07/07/2014) | Vol. 2, 248–252 |
| 2 | Fifth Amendment and Restatement of the Trust Agreement for the Arcadia Living Trust (dated 09/30/2010) | Vol. 2, 253–292 |
| 3 | BHI Electronic Funds Transfers, January 1, 2006 to December 31, 2006 | Vol. 2, 293–294 |

| <u>DOCUMENT DESCRIPTION</u> | | <u>LOCATION</u> |
|---|---|------------------------|
| Exhibits to Opposition to Motion to Dismiss (cont.) | | |
| 4 | Legal and accounting fees paid by BHI on behalf of Superpumper; JH78636-JH78639; JH78653-JH78662; JH78703-JH78719 | Vol. 2, 295–328 |
| 5 | Unanimous Written Consent of the Directors and Shareholders of CWC (dated 09/28/2010) | Vol. 2, 329–332 |
| 6 | Unanimous Written Consent of the Board of Directors and Sole Shareholders of Superpumper (dated 09/28/2010) | Vol. 2, 333–336 |
| 7 | Plan of Merger of Consolidated Western Corporation with and into Superpumper, Inc. (dated 09/28/2010) | Vol. 2, 337–341 |
| 8 | Articles of Merger of Consolidated Western Corporation with and into Superpumper, Inc. (dated 09/29/2010) | Vol. 2, 342–344 |
| 9 | 2009 Federal Income Tax Return for P. Morabito | Vol. 2, 345–388 |
| 10 | Relevant portions of the January 22, 2010 Deposition of Edward Bayuk | Vol. 2, 389–400 |
| 11 | Grant, Bargain and Sale Deed for APN: 040-620-09, dated November 10, 2005 | Vol. 2, 401–404 |
| 12 | Relevant portions of the January 11, 2010 Deposition of Salvatore Morabito | Vol. 2, 405–408 |
| 13 | Printout of Arizona Corporation Commission corporate listing for Superpumper, Inc. | Vol. 2, 409–414 |
| Defendant, Superpumper, Inc.’s Reply in Support of Motion to Dismiss Complaint for Lack of Personal Jurisdiction NRCP 12(b)(2) (filed 07/15/2014) | | Vol. 3, 415–421 |
| Order Denying Motion to Dismiss as to Snowshoe Petroleum, Inc.’s (filed 07/17/2014) | | Vol. 3, 422–431 |

| <u>DOCUMENT DESCRIPTION</u> | | <u>LOCATION</u> |
|--|--|------------------------|
| Notice of Entry of Order Denying Motion to Dismiss as to Snowshoe Petroleum, Inc.'s (filed 07/17/2014) | | Vol. 3, 432–435 |
| Exhibit to Notice of Entry of Order Denying Motion to Dismiss as to Snowshoe Petroleum, Inc.'s | | |
| Exhibit | Document Description | |
| 1 | Order Denying Motion to Dismiss as to Snowshoe Petroleum, Inc.'s | Vol. 3, 436–446 |
| Order Denying Superpumper, Inc.'s Motion to Dismiss Complaint for Lack of Personal Jurisdiction NRCP 12(b)(2) (filed 07/22/2014) | | Vol. 3, 447–457 |
| Notice of Entry of Order Denying Superpumper, Inc.'s Motion to Dismiss Complaint for Lack of Personal Jurisdiction NRCP 12(b)(2) (filed 07/22/2014) | | Vol. 3, 458–461 |
| Exhibit to Notice of Entry of Order Denying Superpumper, Inc.'s Motion to Dismiss Complaint | | |
| Exhibit | Document Description | |
| 1 | Order Denying Superpumper, Inc.'s Motion to Dismiss Complaint for Lack of Personal Jurisdiction NRCP 12(b)(2) (filed 07/22/2014) | Vol. 3, 462–473 |
| Answer to Complaint of Superpumper, Inc., and Snowshoe Petroleum, Inc. (filed 07/28/2014) | | Vol. 3, 474–483 |
| Answer to Complaint of Defendants, Edward Bayuk, individually and as trustee of the Edward William Bayuk Living Trust, and Salvatore Morabito (filed 09/29/2014) | | Vol. 3, 484–494 |
| Notice of Bankruptcy of Consolidated Nevada Corporation and P. Morabito (filed 2/11/2015) | | Vol. 3, 495–498 |

| <u>DOCUMENT DESCRIPTION</u> | | <u>LOCATION</u> |
|--|---|------------------------|
| Supplemental Notice of Bankruptcy of Consolidated Nevada Corporation and P. Morabito (filed 02/17/2015) | | Vol. 3, 499–502 |
| Exhibits to Supplemental Notice of Bankruptcy of Consolidated Nevada Corporation and P. Morabito | | |
| Exhibit | Document Description | |
| 1 | Involuntary Petition; Case No. BK-N-13-51236 (filed 06/20/2013) | Vol. 3, 503–534 |
| 2 | Involuntary Petition; Case No. BK-N-13-51237 (06/20/2013) | Vol. 3, 535–566 |
| 3 | Order for Relief Under Chapter 7; Case No. BK-N-13-51236 (filed 12/17/2014) | Vol. 3, 567–570 |
| 4 | Order for Relief Under Chapter 7; Case No. BK-N-13-51237 (filed 12/17/2014) | Vol. 3, 571–574 |
| Stipulation and Order to File Amended Complaint (filed 05/15/2015) | | Vol. 4, 575–579 |
| Exhibit to Stipulation and Order to File Amended Complaint | | |
| Exhibit | Document Description | |
| 1 | First Amended Complaint | Vol. 4, 580–593 |
| William A. Leonard, Trustee for the Bankruptcy Estate of P. Morabito, First Amended Complaint (filed 05/15/2015) | | Vol. 4, 594–607 |
| Stipulation and Order to Substitute a Party Pursuant to NRCP 17(a) (filed 05/15/2015) | | Vol. 4, 608–611 |
| Substitution of Counsel (filed 05/26/2015) | | Vol. 4, 612–615 |
| Defendants' Answer to First Amended Complaint (filed 06/02/2015) | | Vol. 4, 616–623 |

| <u>DOCUMENT DESCRIPTION</u> | | <u>LOCATION</u> |
|---|---|------------------------|
| Amended Stipulation and Order to Substitute a Party Pursuant to NRCP 17(a) (filed 06/16/2015) | | Vol. 4, 624–627 |
| Motion to Partially Quash, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery Protected by the Attorney-Client Privilege (filed 03/10/2016) | | Vol. 4, 628–635 |
| Exhibits to Motion to Partially Quash, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery Protected by the Attorney-Client Privilege | | |
| Exhibit | Document Description | |
| 1 | March 9, 2016 Letter from Lippes | Vol. 4, 636–638 |
| 2 | Affidavit of Frank C. Gilmore, Esq., (dated 03/10/2016) | Vol. 4, 639–641 |
| 3 | Notice of Issuance of Subpoena to Dennis Vacco (dated 01/29/2015) | Vol. 4, 642–656 |
| 4 | March 10, 2016 email chain | Vol. 4, 657–659 |
| Minutes of February 24, 2016 Pre-trial Conference (filed 03/17/2016) | | Vol. 4, 660–661 |
| Transcript of February 24, 2016 Pre-trial Conference | | Vol. 4, 662–725 |
| Plaintiff's (Leonard) Opposition to Defendants' Motion to Partially Quash, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery Protected by the Attorney-Client Privilege (filed 03/25/2016) | | Vol. 5, 726–746 |
| Exhibits to Opposition to Motion to Partially Quash or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery Protected by the Attorney-Client Privilege | | |

| <u>DOCUMENT DESCRIPTION</u> | | <u>LOCATION</u> |
|------------------------------------|---|------------------------|
| Exhibit | Document Description | |
| 1 | Declaration of Teresa M. Pilatowicz in Support of Plaintiff's Opposition to Defendants' Motion to Partially Quash (filed 03/25/2016) | Vol. 5, 747–750 |
| 2 | Application for Commission to take Deposition of Dennis Vacco (filed 09/17/2015) | Vol. 5, 751–759 |
| 3 | Commission to take Deposition of Dennis Vacco (filed 09/21/2015) | Vol. 5, 760–763 |
| 4 | Subpoena/Subpoena Duces Tecum to Dennis Vacco (09/29/2015) | Vol. 5, 764–776 |
| 5 | Notice of Issuance of Subpoena to Dennis Vacco (dated 09/29/2015) | Vol. 5, 777–791 |
| 6 | Dennis C. Vacco and Lippes Mathias Wexler Friedman LLP, Response to Subpoena (dated 10/15/2015) | Vol. 5, 792–801 |
| 7 | Condensed Transcript of October 21, 2015 Deposition of Dennis Vacco | Vol. 5, 802–851 |
| 8 | Transcript of the Bankruptcy Court's December 22, 2015, oral ruling; Case No. BK-N-13-51237 | Vol. 5, 852–897 |
| 9 | Order Granting Motion to Compel Responses to Deposition Questions; Case No. BK-N-13-51237 (filed 02/03/2016) | Vol. 5, 898–903 |
| 10 | Notice of Continued Deposition of Dennis Vacco (filed 02/18/2016) | Vol. 5, 904–907 |
| 11 | Debtor's Objection to Proposed Order Granting Motion to Compel Responses to Deposition Questions; Case No. BK-N-13-51237 (filed 01/22/2016) | Vol. 5, 908–925 |

| <u>DOCUMENT DESCRIPTION</u> | | <u>LOCATION</u> |
|---|---|------------------------|
| Reply in Support of Motion to Modify Subpoena, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery Protected by the Attorney-Client Privilege (filed 04/06/2016) | | Vol. 6, 926–932 |
| Plaintiff’s Motion to Compel Production of Documents (filed 04/08/2016) | | Vol. 6, 933–944 |
| Exhibits to Plaintiff’s Motion to Compel Production of Documents | | |
| Exhibit | Document Description | |
| 1 | Declaration of Teresa M. Pilatowicz in Support of Plaintiff’s Motion to Compel (filed 04/08/2016) | Vol. 6, 945–948 |
| 2 | Bill of Sale – 1254 Mary Fleming Circle (dated 10/01/2010) | Vol. 6, 949–953 |
| 3 | Bill of Sale – 371 El Camino Del Mar (dated 10/01/2010) | Vol. 6, 954–958 |
| 4 | Bill of Sale – 370 Los Olivos (dated 10/01/2010) | Vol. 6, 959–963 |
| 5 | Personal financial statement of P. Morabito as of May 5, 2009 | Vol. 6, 964–965 |
| 6 | Plaintiff’s First Set of Requests for Production of Documents to Edward Bayuk (dated 08/14/2015) | Vol. 6, 966–977 |
| 7 | Edward Bayuk’s Responses to Plaintiff’s First Set of Requests for Production (dated 09/23/2014) | Vol. 6, 978–987 |
| 8 | Plaintiff’s First Set of Requests for Production of Documents to Edward Bayuk, as trustee of the Edward William Bayuk Living Trust (dated 08/14/2015) | Vol. 6, 988–997 |

| <u>DOCUMENT DESCRIPTION</u> | | <u>LOCATION</u> |
|---|--|------------------------|
| Exhibits to Plaintiff's Motion to Compel Production of Documents (cont.) | | |
| 9 | Edward Bayuk, as trustee of the Edward William Bayuk Living Trust's Responses to Plaintiff's First Set of Requests for Production (dated 09/23/2014) | Vol. 6, 998–1007 |
| 10 | Plaintiff's Second Set of Requests for Production of Documents to Edward Bayuk (dated 01/29/2016) | Vol. 6, 1008–1015 |
| 11 | Edward Bayuk's Responses to Plaintiff's Second Set of Requests for Production (dated 03/08/2016) | Vol. 6, 1016–1020 |
| 12 | Plaintiff's Second Set of Requests for Production of Documents to Edward Bayuk, as trustee of the Edward William Bayuk Living Trust (dated 01/29/2016) | Vol. 6, 1021–1028 |
| 13 | Edward Bayuk, as trustee of the Edward William Bayuk Living Trust's Responses to Plaintiff's Second Set of Requests for Production (dated 03/08/2016) | Vol. 6, 1029–1033 |
| 14 | Correspondences between Teresa M. Pilatowicz, Esq., and Frank Gilmore, Esq. (dated 03/25/2016) | Vol. 6, 1034–1037 |
| Opposition to Plaintiff's Motion to Compel Production of Documents (filed 04/25/2016) | | Vol. 7, 1038–1044 |
| Reply in Support of Plaintiff's Motion to Compel Production of Documents (filed 05/09/2016) | | Vol. 7, 1045–1057 |
| Exhibits to Reply in Support of Plaintiff's Motion to Compel Production of Documents | | |

| <u>DOCUMENT DESCRIPTION</u> | | <u>LOCATION</u> |
|--|--|------------------------|
| Exhibit | Document Description | |
| 1 | Declaration of Gabrielle A. Hamm, Esq., in Support of Reply in Support of Plaintiff's Motion to Compel (filed 05/09/2016) | Vol. 7, 1058–1060 |
| 2 | Amended Findings, of Fact and Conclusion of Law in Support of Order Granting Motion for Summary Judgment; Case No. BK-N-13-51237 (filed 12/22/2014) | Vol. 7, 1061–1070 |
| 3 | Order Compelling Deposition of P. Morabito dated March 13, 2014, in <i>Consolidated Nevada Corp., et al v. JH. et al.</i> ; Case No. CV07-02764 (filed 03/13/2014) | Vol. 7, 1071–1074 |
| 4 | Emergency Motion Under NRCP 27(e); Petition for Writ of Prohibition, <i>P. Morabito v. The Second Judicial District Court of the State of Nevada in and for the County of Washoe</i> ; Case No. 65319 (filed 04/01/2014) | Vol. 7, 1075–1104 |
| 5 | Order Denying Petition for Writ of Prohibition; Case No. 65319 (filed 04/18/2014) | Vol. 7, 1105–1108 |
| 6 | Order Granting Summary Judgment; Case No. BK-N-13-51237 (filed 12/17/2014) | Vol. 7, 1109–1112 |
| Recommendation for Order RE: <i>Defendants' Motion to Partially Quash</i> , filed on March 10, 2016 (filed 06/13/2016) | | Vol. 7, 1113–1124 |
| Confirming Recommendation Order from June 13, 2016 (filed 07/06/2016) | | Vol. 7, 1125–1126 |
| Recommendation for Order RE: <i>Plaintiff's Motion to Compel Production of Documents</i> , filed on April 8, 2016 (filed 09/01/2016) | | Vol. 7, 1127–1133 |

| <u>DOCUMENT DESCRIPTION</u> | | <u>LOCATION</u> |
|--|--|------------------------|
| Confirming Recommendation Order from September 1, 2016 (filed 09/16/2016) | | Vol. 7, 1134–1135 |
| Plaintiff's Application for Order to Show Cause Why Defendant, Edward Bayuk Should Not Be Held in Contempt of Court Order (filed 11/21/2016) | | Vol. 8, 1136–1145 |
| Exhibits to Plaintiff's Application for Order to Show Cause Why Defendant, Edward Bayuk Should Not Be Held in Contempt of Court Order | | |
| Exhibit | Document Description | |
| 1 | Order to Show Cause Why Defendant, Edward Bayuk Should Not Be Held in Contempt of Court Order (filed 11/21/2016) | Vol. 8, 1146–1148 |
| 2 | Confirming Recommendation Order from September 1, 2016 (filed 09/16/2016) | Vol. 8, 1149–1151 |
| 3 | Recommendation for Order RE: <i>Plaintiff's Motion to Compel Production of Documents</i> , filed on April 8, 2016 (filed 09/01/2016) | Vol. 8, 1152–1159 |
| 4 | Plaintiff's Motion to Compel Production of Documents (filed 04/08/2016) | Vol. 8, 1160–1265 |
| 5 | Opposition to Plaintiff's Motion to Compel Production of Documents (filed 04/25/2016) | Vol. 8, 1266–1273 |
| 6 | Reply in Support of Plaintiff's Motion to Compel Production of Documents (filed 05/09/2016) | Vol. 8, 1274–1342 |
| 7 | Correspondences between Teresa M. Pilatowicz, Esq., and Frank Gilmore, Esq. (dated 09/22/2016) | Vol. 8, 1343–1346 |
| 8 | Edward Bayuk's Supplemental Responses to Plaintiff's Second Set of Requests for Production (dated 10/25/2016) | Vol. 8, 1347–1352 |

| <u>DOCUMENT DESCRIPTION</u> | | <u>LOCATION</u> |
|---|---|------------------------|
| Opposition to Plaintiff's Application for Order to Show Cause Why Defendant Should Not Be Held in Contempt of Court Order (filed 12/19/2016) | | Vol. 9, 1353–1363 |
| Exhibits to Opposition to Plaintiff's Application for Order to Show Cause Why Defendant Should Not Be Held in Contempt of Court Order | | |
| Exhibit | Document Description | |
| 1 | Declaration of Edward Bayuk in Support of Opposition to Plaintiff's Application for Order to Show Cause (filed 12/19/2016) | Vol. 9, 1364–1367 |
| 2 | Declaration of Frank C. Gilmore, Esq., in Support of Opposition to Plaintiff's Application for Order to Show Cause (filed 12/19/2016) | Vol. 9, 1368–1370 |
| 3 | Redacted copy of the September 6, 2016, correspondence of Frank C. Gilmore, Esq. | Vol. 9, 1371–1372 |
| Order to Show Cause Why Defendant, Edward Bayuk Should Not Be Held in Contempt of Court Order (filed 12/23/2016) | | Vol. 9, 1373–1375 |
| Response: (1) to Opposition to Application for Order to Show Cause Why Defendant Should Not Be Held in Contempt of Court Order and (2) in Support of Order to Show Cause (filed 12/30/2016) | | Vol. 9, 1376–1387 |
| Minutes of January 19, 2017 Deposition of Edward Bayuk in RE: insurance policies (filed 01/19/2017) | | Vol. 9, 1388 |
| Minutes of January 19, 2017 hearing on Order to Show Cause (filed 01/30/2017) | | Vol. 9, 1389 |
| Motion to Quash Subpoena, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery from Hodgson Russ LLP (filed 07/18/2017) | | Vol. 9, 1390–1404 |

| <u>DOCUMENT DESCRIPTION</u> | | <u>LOCATION</u> |
|---|---|------------------------|
| Exhibits to Motion to Quash Subpoena, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery from Hodgson Russ LLP | | |
| Exhibit | Document Description | |
| 1 | Correspondence between Teresa M. Pilatowicz, Esq., and Frank Gilmore, Esq., dated March 8, 2016 | Vol. 9, 1405–1406 |
| 2 | Correspondence between Teresa M. Pilatowicz, Esq., and Frank Gilmore, Esq., dated March 8, 2016, with attached redlined discovery extension stipulation | Vol. 9, 1407–1414 |
| 3 | Jan. 3 – Jan. 4, 2017, email chain from Teresa M. Pilatowicz, Esq., and Frank Gilmore, Esq. | Vol. 9, 1415–1416 |
| 4 | Declaration of Frank C. Gilmore, Esq., in Support of Motion to Quash (filed 07/18/2017) | Vol. 9, 1417–1420 |
| 5 | January 24, 2017 email from Teresa M. Pilatowicz, Esq., | Vol. 9, 1421–1422 |
| 6 | Jones Vargas letter to HR and P. Morabito, dated August 16, 2010 | Vol. 9, 1423–1425 |
| 7 | Excerpted Transcript of July 26, 2011 Deposition of Sujata Yalamanchili, Esq. | Vol. 9, 1426–1431 |
| 8 | Letter dated June 17, 2011, from Hodgson Russ (“HR”) to John Desmond and Brian Irvine on Morabito related issues | Vol. 9, 1432–1434 |
| 9 | August 9, 2013, transmitted letter to HR | Vol. 9, 1435–1436 |
| 10 | Excerpted Transcript of July 23, 2014 Deposition of P. Morabito | Vol. 9, 1437–1441 |
| 11 | Lippes Mathias Wexler Friedman LLP, April 3, 2015 letter | Vol. 9, 1442–1444 |

| <u>DOCUMENT DESCRIPTION</u> | | <u>LOCATION</u> |
|---|--|------------------------|
| Exhibits to Motion to Quash Subpoena (cont.) | | |
| 12 | Lippes Mathias Wexler Friedman LLP, October 20, 2010 letter RE: Balance forward as of bill dated 09/19/2010 and 09/16/2010 | Vol. 9, 1445–1454 |
| 13 | Excerpted Transcript of June 25, 2015 Deposition of 341 Meeting of Creditors | Vol. 9, 1455–1460 |
| (1) Opposition to Motion to Quash Subpoena, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery from Hodgson Russ LLP; and (2) Countermotion for Sanctions and to Compel Resetting of 30(b)(3) Deposition of Hodgson Russ LLP (filed 07/24/2017) | | Vol. 10, 1461–1485 |
| Exhibits to (1) Opposition to Motion to Quash Subpoena, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery from Hodgson Russ LLP; and (2) Countermotion for Sanctions and to Compel Resetting of 30(b)(3) Deposition of Hodgson Russ LLP | | |
| Exhibit | Document Description | |
| A | Declaration of Teresa M. Pilatowicz, Esq., in Support of (1) Opposition to Motion to Quash Subpoena, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery from Hodgson Russ LLP (filed 07/24/2017) | Vol. 10, 1486–1494 |
| A-1 | Defendants' NRCP Disclosure of Witnesses and Documents (dated 12/01/2014) | Vol. 10, 1495–1598 |
| A-2 | Order Granting Motion to Compel Responses to Deposition Questions; Case No. BK-N-13-51237 (filed 02/03/2016) | Vol. 10, 1599–1604 |

| <u>DOCUMENT DESCRIPTION</u> | | <u>LOCATION</u> |
|---|--|------------------------|
| Exhibits to (1) Opposition to Motion to Quash Subpoena; and (2) Countermotion for Sanctions (cont.) | | |
| A-3 | Recommendation for Order RE: <i>Defendants' Motion to Partially Quash</i> , filed on March 10, 2016 (filed 06/13/2016) | Vol. 10, 1605–1617 |
| A-4 | Confirming Recommendation Order from September 1, 2016 (filed 09/16/2016) | Vol. 10, 1618–1620 |
| A-5 | Subpoena – Civil (dated 01/03/2017) | Vol. 10, 1621–1634 |
| A-6 | Notice of Deposition of Person Most Knowledgeable of Hodgson Russ LLP (filed 01/03/2017) | Vol. 10, 1635–1639 |
| A-7 | January 25, 2017 Letter to Hodgson Russ LLP | Vol. 10, 1640–1649 |
| A-8 | Stipulation Regarding Continued Discovery Dates (Sixth Request) (filed 01/30/2017) | Vol. 10, 1650–1659 |
| A-9 | Stipulation Regarding Continued Discovery Dates (Seventh Request) (filed 05/25/2017) | Vol. 10, 1660–1669 |
| A-10 | Defendants' Sixteenth Supplement to NRCP Disclosure of Witnesses and Documents (dated 05/03/2017) | Vol. 10, 1670–1682 |
| A-11 | Rough Draft Transcript of Garry M. Graber, Dated July 12, 2017 (Job Number 394849) | Vol. 10, 1683–1719 |
| A-12 | Sept. 15-Sept. 23, 2010 emails by and between Hodgson Russ LLP and Other Parties | Vol. 10, 1720–1723 |
| Reply in Support of Motion to Quash Subpoena, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery from Hodgson Russ LLP, and Opposition to Motion for Sanctions (filed 08/03/2017) | | Vol. 11, 1724–1734 |

| <u>DOCUMENT DESCRIPTION</u> | | <u>LOCATION</u> |
|---|--|------------------------|
| Reply in Support of Countermotion for Sanctions and to Compel Resetting of 30(b)(6) Deposition of Hodgson Russ LLP (filed 08/09/2017) | | Vol. 11, 1735–1740 |
| Minutes of August 10, 2017 hearing on Motion to Quash Subpoena, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery from Hodgson Russ LLP, and Opposition to Motion for Sanctions (filed 08/11/2017) | | Vol. 11, 1741–1742 |
| Recommendation for Order RE: <i>Defendants’ Motion to Quash Subpoena, or, in the Alternative, for a Protective Order Precluding Trustee from Seeking Discovery from Hodgson Russ LLP</i> , filed on July 18, 2017 (filed 08/17/2017) | | Vol. 11, 1743–1753 |
| Motion for Partial Summary Judgment (filed 08/17/2017) | | Vol. 11, 1754–1796 |
| Statement of Undisputed Facts in Support of Motion for Partial Summary Judgment (filed 08/17/2017) | | Vol. 11, 1797–1825 |
| Exhibits to Statement of Undisputed Facts in Support of Motion for Partial Summary Judgment | | |
| Exhibit | Document Description | |
| 1 | Declaration of Timothy P. Herbst in Support of Separate Statement of Undisputed Facts in Support of Motion for Partial Summary Judgment | Vol. 12, 1826–1829 |
| 2 | Findings of Fact, Conclusions of Law, and Judgment in <i>Consolidated Nevada Corp., et al v. JH. et al.</i> ; Case No. CV07-02764 (filed 10/12/2010) | Vol. 12, 1830–1846 |
| 3 | Judgment in <i>Consolidated Nevada Corp., et al v. JH. et al.</i> ; Case No. CV07-02764 (filed 08/23/2011) | Vol. 12, 1847–1849 |

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

| <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 |

| <u>DOCUMENT DESCRIPTION</u> | | <u>LOCATION</u> |
|---|---|------------------------|
| 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 |

| <u>DOCUMENT DESCRIPTION</u> | | <u>LOCATION</u> |
|---|--|------------------------|
| 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 |

| <u>DOCUMENT DESCRIPTION</u> | | <u>LOCATION</u> |
|---|---|------------------------|
| 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 |

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

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

MARQUIS AURBACH COFFING
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

1 **1650**
2 Jeffrey L. Hartman, Esq.
3 Nevada Bar No. 1607
4 Hartman & Hartman
5 510 W. Plumb Lane, Suite B
6 Reno, Nevada 89509
7 Tel: (775) 324-2800
8 Fax: (775) 324-1818
9 *Attorneys for Edward Bayuk individually*
10 *and as Trustee of the Edward William*
11 *Bayuk Living Trust*

7 Marquis Aurbach Coffing
8 Micah S. Echols, Esq.
9 Nevada Bar No. 8437
10 Kathleen A. Wilde, Esq.
11 Nevada Bar No. 12522
12 10001 Park Run Drive
13 Las Vegas, Nevada 89145
14 Telephone: (702) 382-0711
15 Facsimile: (702) 382-5816
16 mechols@maclaw.com
17 kwilde@maclaw.com
18 *Attorneys for Defendants*

14 **IN THE SECOND JUDICIAL DISTRICT FOR THE STATE OF NEVADA**
15 **IN AND FOR THE COUNTY OF WASHOE**

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

Case No.: CV13-02663
Dept. No.: 4

19 vs.

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

26 Defendants.

ERRATA TO MOTION TO MAKE
AMENDED OR ADDITIONAL FINDINGS
UNDER NRCP 52(b), OR, IN THE
ALTERNATIVE, MOTION FOR
RECONSIDERATION

Defendants Edward Bayuk ("Bayuk") individually and Bayuk as Trustee ("Trustee Bayuk") of the Edward William Bayuk Living Trust (collectively "Bayuk Trust"), by and through Hartman & Hartman and Marquis Aurbach Coffing; and Defendants, Superpumper, Inc.; Salvatore Morabito; and Snowshoe Petroleum, Inc. by and through their counsel of record, Marquis Aurbach Coffing, hereby file this errata to motion to make amended or additional findings pursuant to NRCP 52(b), or, in the alternative, motion for reconsideration.

On page 5 of 24, the second paragraph reads:

The first issue before the Court is that the record should reflect specific facts regarding the statute of limitations set forth in NRS 166.170(1)(a)(1) & (2) and NRS 166.170(2) that the Bayuk Trust was established on November 12, 2005 and that the initial two-year transfer period ended on November 12, 2007; and the six-month period ended April 1, 2011. The date falls within a claim by the Herbst Parties or Plaintiff against Bayuk, Trustee Bayuk, the Bayuk Trust, or the Bayuk Nominee Trust.

It should read:

The first issue before the Court is that the record should reflect specific facts regarding the statute of limitations set forth in NRS 166.170(1)(a)(1) & (2) and NRS 166.170(2) that the Bayuk Trust was established on November 12, 2005 and that the initial two-year transfer period ended on November 12, 2007; and the six-month period ended April 1, 2011. There were no debts known at the time the Bayuk Trust was created. The statutory 2011 date expired well before any claim was made by the Herbst Parties or Plaintiff against Bayuk, Trustee Bayuk, the Bayuk Trust, or the Bayuk Nominee Trust.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned affirms that the pleading or document now being present to the Court in the above-entitled action does **not** contain any Personal Information (as defined in NRS 603A.040).

Dated this 20th day of August, 2019.

MARQUIS AURBACH COFFING

By /s/ Micah S. Echols
Micah S. Echols, Esq.
Nevada Bar No. 8437
Kathleen A. Wilde, Esq.
Nevada Bar No. 12522
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **ERRATA TO MOTION TO MAKE AMENDED OR ADDITIONAL FINDINGS UNDER NRCP 52(b), OR, IN THE ALTERNATIVE, MOTION FOR RECONSIDERATION** was submitted electronically for filing and/or service with the Second Judicial District Court on the 20th day of August, 2019. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:

ERIKA TURNER, ESQ.
for WILLIAM A. LEONARD, JR, TRUSTEE OF ESTATE OF PAUL A. MORABITO

FRANK GILMORE, ESQ.
for SALVATORE R. MORABITO, SNOWSHOE PETROLEUM, INC.,
and SUPERPUMPER, INC.

MARK WEISENMILLER, ESQ.
for WILLIAM A. LEONARD, JR, TRUSTEE OF ESTATE OF PAUL A. MORABITO

JEFFREY HARTMAN, ESQ.
for EDWARD WILLIAM BAYUK LIVING TRUST, EDWARD BAYUK

TERESA PILATOWICZ, ESQ.
for WILLIAM A. LEONARD, JR, TRUSTEE OF ESTATE OF PAUL A. MORABITO

GABRIELLE HAMM, ESQ.
for WILLIAM A. LEONARD, JR, TRUSTEE OF ESTATE OF PAUL A. MORABITO

MICHAEL LEHNERS, ESQ.
for EDWARD WILLIAM BAYUK LIVING TRUST, and EDWARD BAYUK and
SALVATORE R. MORABITO

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

GERALD M. GORDON, ESQ.
Garman Turner Gordon LLP
650 White Drive, Ste. 100
Las Vegas, Nevada 89119
SPECIAL COUNSEL TO TRUSTEE

/s/ Leah Dell
Leah Dell, an employee of
Marquis Aurbach Coffing

1 **2645**
2 GARMAN TURNER GORDON LLP
3 GERALD M. GORDON, ESQ.
4 Nevada Bar No. 229
5 E-mail: ggordon@gtg.legal
6 ERIKA PIKE TURNER
7 Nevada Bar No. 6454
8 Email: eturner@gtg.legal
9 TERESA M. PILATOWICZ
10 Nevada Bar No. 9605
11 E-mail: tpilatowicz@gtg.legal
12 GABRIELLE A HAMM
13 Nevada Bar No. 11588
14 E-mail: ghamm@gtg.legal
15 650 White Drive, Ste. 100
16 Las Vegas, Nevada 89119
17 Telephone 725-777-3000
18 *Counsel to Plaintiff, William A. Leonard*

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

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

16 Plaintiff,

17 vs.

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

25 Defendants.

CASE NO.: CV13-02663
DEPT. NO. 4

26 **PLAINTIFF'S OPPOSITION TO MOTION TO MAKE**
27 **AMENDED OR ADDITIONAL FINDINGS UNDER NRCP 52(B), OR, IN THE**
28 **ALTERNATIVE, MOTION FOR RECONSIDERATION, AND**
COUNTERMOTION FOR FEES AND COSTS PURSUANT TO NRS 7.085

Plaintiff William A. Leonard, Trustee for the Bankruptcy Estate of Paul Anthony Morabito
("Plaintiff"), by and through counsel, the law firm of Garman Turner Gordon LLP, submits this

1 opposition (the “Opposition”) to the *Motion to Make Amended or Additional Findings Under*
2 *NRCP 52(b), or, in the Alternative, Motion for Reconsideration* (the “Motion”) filed by Defendants
3 Edward William Bayuk (“Bayuk”), individually and in his capacity as Trustee of the Edward
4 William Bayuk Living Trust (the “Bayuk Trust”), Salvatore Morabito (“Sam Morabito”),
5 Superpumper, Inc. (“Superpumper”), and Snowshoe Petroleum, Inc. (“Snowshoe”).

6 Plaintiff further moves this Court under NRS 7.085 (the “Countermotion”) for an award of
7 the costs, expenses, and fees reasonably incurred in opposing the Motion as a result of counsel’s
8 continued assertion of arguments not well-grounded in fact or law which unreasonably and
9 vexatiously extend these proceedings.

10 The Opposition and Countermotion are made and based on the following Memorandum of
11 Points and Authorities, the accompanying declaration of Gabrielle A. Hamm, Esq. (“Hamm
12 Decl.”) the exhibits, the papers and pleadings on file in the case, the record from trial, including
13 the trial transcript and exhibits, the Court’s *Findings of Fact, Conclusions of Law, and Judgment*
14 dated March 29, 2019 (the “Judgment”), the record of the Court’s July 22, 2019 hearing on the
15 *Notice of Claim of Exemption from Execution and Third Party Claim to Property Levied Upon*
16 *[NRS 31.070]* filed by Bayuk (together, the “Bayuk Exemption Claims”) and the *Notice of Claim*
17 *of Exemption from Execution* filed on July 2, 2019 by Sam Morabito (the “Morabito Exemption
18 Claim,” and with the Bayuk Exemption Claims, the “Exemption Claims”), as well as any testimony
19 or argument entertained by the Court.

20 MEMORANDUM OF POINTS AND AUTHORITIES

21 I. 22 INTRODUCTION

23 Rather than seeking corrections based on the record, Defendants’ Motion attempts to insert
24 specious, misleading, confusing, and irrelevant facts which are inconsistent with the Court’s
25 Judgment and the trial record on which it was based, thereby clouding the record of the case in an
26 attempt to manufacture false grounds for appeal.

27 However, neither NRCP 52(b) nor 59(e) permit Defendants’ attempt to relitigate the case
28 based on evidence and theories that could have been raised prior to the close of evidence, much

1 less by way of a collateral attack through a claim of exemption long after the time to seek relief
2 from the Judgment in this Court has passed and the Judgment is on appeal.

3 The factual allegations and argument contained in the Motion merely continue Defendants'
4 pattern of deception based on omissions, half-truths, and outright falsehoods, only to shift positions
5 after-the-fact with yet more omissions, half-truths, and falsehoods. These half-truths and untruths
6 are now compounded by arguments which, while dogmatic, are unsupported by the record,
7 unintelligible, or completely irrelevant, including, by way of example only, Defendants' argument
8 that "[t]he Tolling Agreement failed to name the Nevada Irrevocable SSST Arcadia Living Trust
9 and specifically only named the revocable Nevada Arcadia Nominee Trust ... Plaintiff knew that
10 the complaint in this matter, as well as the Settlement Agreement itself, knowingly runs afoul of
11 Nevada law."¹ These half-formed arguments unsupported by the record or applicable authority
12 fail to support amended or additional findings or an amended judgment, and are unhelpful to both
13 this Court and the appellate court.

14 Neither NRCP 52(b) nor 59(e) allow Defendants to re-assert arguments which the Court
15 correctly rejected in the *Order Denying Claim of Exemption and Third Party Claim* (the
16 "Exemption Order"), raise evidence and new theories that could have been raised before trial, or
17 pursue a different defense, much less by way of reconsideration of a post-trial execution matter
18 while the Judgment is on appeal.

19 **II.**
20 **ARGUMENT**

21 **A. The Court Satisfied NRCP 52(a)(3).**

22 Defendants briefly discuss the standard set forth in NRCP 52(a)(1),² but never establish
23 that subsection (a)(1), as opposed to subsection (a)(3), applies to the Exemption Claims. Nor do
24 they argue that the Court failed to make specific findings of fact and conclusions of law under
25

26

¹ Mot. at p. 18:10-13.

27 ² Defendants actually appear to cite to the repealed version of NRCP 52(a), which is substantially the same as new
28 subsection (a)(1).

1 subsection (a)(1), or state on the record the reasons for granting or denying a motion as required
2 by subsection (a)(3).³ The Court stated its reasons for denying the Exemption Claims on the record
3 at the hearing and in the Exemption Order, meeting the requirement of NRCP 52(a)(3).
4 Defendants' argument regarding NRCP 52(a) therefore appears to be superfluous to their NRCP
5 52(b) and NRCP 59 argument.

6 **B. Neither NRCP 52(b) or NRCP 59(e) Permit Defendants to Assert Defenses or Offer**
7 **New Evidence For the First Time After Entry of the Judgment.**

8 **1. NRCP 52(b) does not permit a party to relitigate issues or advance new**
9 **theories.**

10 As stated by the Nevada Supreme Court, the purpose of NRCP 52(b) "is to enable the
11 appellate court to obtain a correct understanding of the factual issues determined by the trial court
12 as a basis for the conclusions of law and judgment entered thereon." In the Matter of the Estate of
13 Walter E. Herrmann, 100 Nev. 1, 21, 677 P.2d 594, 607 (1984). NRCP 52(b) "is not the proper
14 rule to invoke when seeking a re-trial or a re-hearing." Id. It does not provide for reversal of a
15 judgment or a denial of the facts as found, nor is it a vehicle for securing a re-hearing on the merits.
16 Id. (citing Matyas v. Feddish, 4 F.R.D. 385, 386 (M.D. Pa. 1945); Noice v. Jorgensen, 151 Colo.
17 459, 378 P.2d 834 (1963); Minneapolis-Honeywell Reg. Co. v. Midwestern Inst., Inc., 188 F.Supp.
18 248 (N.D. Ill. 1960)).

19 Thus, "[a] party who failed to prove his strongest case is not entitled a second opportunity
20 by moving to amend a finding of fact and a conclusion of law." In the Matter of the Estate of
21 Walter E. Herrmann, 100 Nev. at 21, 677 P.2d at 607 (quoting 9 Wright & Miller, Fed. Prac. &
22 Proc. 772, § 2582). NRCP 52(b) does not afford a party another opportunity to litigate a point, to
23 present evidence that was available but not offered, or to advance new theories by moving to
24 amend a finding of fact or a conclusion of law. See 9 Wright & Miller, Fed. Prac. & Proc. 772,
25 § 2582 (3d ed.)

26 ³ NRCP 52(a)(3) states,

27 For a Motion. The court is not required to state findings or conclusions when ruling on a motion under Rule
28 12 or 56 or, unless these rules provide otherwise, on any other motion. The court should, however, state on
the record the reasons for granting or denying a motion.

1 2. **NRCP 59(e) is an extraordinary remedy that may not be invoked to raise**
2 **arguments or present evidence that could have been raised prior to entry**
3 **of the Judgment.**

4 Rule 59 relief is an “extraordinary remedy, to be used sparingly in the interests of finality
5 and conservation of judicial resources.” Carroll v. Nakatani, 342 F.3d 934, 945 (9th Cir. 2003);
6 McDowell v. Calderon, 197 F.3d 1253, 1255 n. 1 (9th Cir.1999); AA Primo Builders v.
7 Washington, 126 Nev. 578, 582, 245 P.3d 1190, 1192-93 (2010) (holding that NRCP 59(e) echoes
8 Fed.R.Civ.P. 59(e), and courts may consult federal law); see also Exec. Mgmt., Ltd. v. Ticor Title
9 Ins. Co., 118 Nev. 46, 53, 38 P.3d 872, 876 (2002) (“Federal cases interpreting the Federal Rules
10 of Civil Procedure are strong persuasive authority, because the Nevada Rules of Civil Procedure
11 are based in large part upon their federal counterparts.”).

12 Relief under NRCP 59 is available in four circumstances: (1) where the motion is
13 necessary to correct “manifest errors of law or fact upon which the judgment rests;” (2) where the
14 motion is necessary to present newly discovered or previously unavailable evidence; (3) where the
15 motion is necessary to “prevent manifest injustice;” and (4) where the amendment is justified by
16 an intervening change in controlling law. Stevo Design, Inc. v. SBR Mktg. Ltd., 919 F. Supp. 2d
17 1112, 1117 (D. Nev. 2013) (citing Allstate Insurance Co. v. Herron, 634 F.3d 1101, 1111 (9th
18 Cir.2011)).

19 A motion that “rehashe[s] matters already addressed by the district court [does] not meet
20 the standards required for relief under NRCP 59.” Oliver v. Bank of America, 2012 WL 425728
21 (2012) (table op.) (citing AA Primo Builders, 245 P.3d at 1193). Nor may NRCP 59 be used to
22 raise arguments or present evidence that could have been raised prior to the entry of judgment. 11
23 Charles Alan Wright, et al., Fed. Prac. & Proc., § 2810.1 (2d ed. 1995).

24 A motion to alter or amend a judgment should also be denied where it would serve no
25 useful purpose, as the outcome would not change. See id.; see also NRCP 61 (“At every stage of
26 the proceeding, the court must disregard all errors and defects that do not affect any party’s
27 substantial rights.”); Khoury v. Seastrand, 132 Nev. 520, 539, 377 P.3d 81, 94 (2016) (to show
28 error is not harmless, a party “must show that the error affects the party’s substantial rights so that,

1 but for the alleged error, a different result might reasonably have been reached.”) (quoting Wyeth
2 v. Rowatt, 126 Nev. 446, 465, 244 P.3d 765, 778 (2010)).

3 The district court’s decision whether to grant a new trial or to alter or amend a judgment is
4 reviewed for an abuse of discretion. Gunderson v. D.R. Horton, Inc., 130 Nev. 67, 74, 319 P.3d
5 606, 611 (2014) (citing Lioce v. Cohen, 124 Nev. 1, 14, 174 P.3d 970, 978 (2008)); see also Stevo
6 Design, Inc., 919 F. Supp. 2d at 1117.

7 **C. Defendants’ Arguments Rehash Issues Already Decided, Raise New Theories, and**
8 **Offer Evidence Which Was Available to Them Prior to Trial.**

9 The Motion seeks to rehash the Bayuk Exemption Claims, and both the Motion and the
10 Bayuk Exemption Claims are collateral attacks on the Judgment itself. Bayuk refused to disclose
11 the Spendthrift Amendment and proceeded to trial under a theory that the subject transfers by Paul
12 Morabito were not made with intent to hinder, delay, or defraud creditors, and were made for
13 reasonably equivalent value. When that defense failed and Paul Morabito’s intent to hinder, delay,
14 and defraud his creditors was demonstrated by clear and convincing evidence, Bayuk changed
15 course, challenging the Judgment by asserting defenses to avoidance which were never raised, or
16 even alluded to, prior to entry of the Judgment. The Motion now before the Court is yet another
17 attempt at a “do-over”, rehashing and reframing arguments set forth in the Bayuk Exemption
18 Claims, offering evidence that has been in their possession since 2007, and even reversing course
19 from the argument asserted only last month that the Bayuk Trust is Bayuk’s only trust.

20 That Defendants are seeking to relitigate not only the Bayuk Exemption Claims, but also
21 the merits of the fraudulent transfer action, is reflected by Defendant’s contention that the Court
22 must make findings regarding whether the Bayuk Trust received fraudulently transferred
23 property—the very subject of Plaintiff’s Amended Complaint, five years of litigation and trial, the
24 Court’s resulting Judgment, and the pending appeal.⁴ Moreover, belying any contention that the
25 Bayuk Exemption Claims are anything other than a collateral attack on the Judgment, the Motion
26 is made by all Defendants, though neither Snowshoe nor Superpumper were parties to any of the

27
28 ⁴ Mot. at p. 3:4-5.

1 Exemption Claims (nor could they be), and Defendants have now filed an emergency motion in
2 the Nevada Supreme Court for a stay *of the Judgment* based on the arguments raised in the
3 Exemption Claims and the pending Motion.

4 **1. Defendants’ argument regarding the suppression of evidence is**
5 **unintelligible and unsupported by the factual record or legal authority.**

6 Much of Defendants’ Motion appears premised upon that contention that evidence was
7 “willfully suppressed by Plaintiff, knowing that Mr. Gilmore was not the original counsel to the
8 Defendants and did not have the reliance on the institutional knowledge from 2011 of Barry
9 Breslow. . .”⁵ However, Defendants’ arguments regarding alleged concealment and suppression
10 by undersigned counsel for Plaintiff and John Desmond, Esq., former counsel for Plaintiff, are
11 incomprehensible. For example, Defendants argue:

12 Plaintiff, by deed and word, acknowledged and affirmed that the
13 Arcadia Trust was a stranger to the Court, despite absolute and full
14 knowledge that NRS 166.170 which precludes a creditor taking actions
15 with respect to “limitations of actions with respect to transfer of
16 property to trust; certain transfers of properties disregarded; limitations
17 of actions against advisers to settlors or trustees and against trustees;
18 transfers to trust.”

19 . . .

20 Considering the concealment and suppression of evidence by Plaintiff,
21 including but not limited to the Breslow March 2011 discovery and
22 depositions, and the Lehman declaration—which when taken together
23 and red-lined into the FF&CL makes untruthful the dates and
24 assumptions sold to the Court by Plaintiff as fact.⁶

25 Defendants further argue:

26 Note on Exhibit 11, page 8, ¶18, the thematic reference to Morabito and
27 Bayuk’s “close personal relationship hallmarked by Bayuk’s seemingly
28 unwavering support of Paul Morabito” that the March 1, 2011 release
of trust documents by Breslow and the March 3, 2011 deposition
outlining exchanges from what on the face was called the Arcadia
Living Trust to what on the face was called the Edward William Bayuk
Living Trust and the October 1, 2010 public notice of conveyances
(Exhibit 7).⁷

29 ⁵ Mot. at p. 9:5-7; see also p. 9:13-28.

30 ⁶ Mot. at p. 9:8-12, 9:14-18.

⁷ Mot. at p. 6:19-24.

1 It is impossible to discern what Defendants are contending Plaintiff should have disclosed
2 or produced but did not, nor how Defendants were prejudiced when the subject “evidence” was
3 produced by or known to Defendants’ own counsel. For example,

- 4 • Defendants appear to argue that Plaintiff suppressed the March 3, 2011 deposition of
5 Paul Morabito. Not only did Plaintiff disclose and produce the deposition with his
6 supplemental NRCP 16.1 disclosures on February 19, 2016, see Hamm Decl., ¶ 4;
Exhibit 2, but Defendants’ attorney, Mr. Breslow, was present at the deposition.
- 7 • Defendants also appear to contend that the Declaration of Mark E. Lehman, Esq. was
8 suppressed, though the copy provided by Defendants as Exhibit 15 to the Motion is
9 marked LMWF SUPP 02995-02997, which indicates it was a document produced by
10 Lippes, Mathias, Wexler & Friedman, and then produced by Plaintiff in this action on
11 or about November 15, 2016 with Plaintiff’s fourth supplemental NRCP 16.1
12 disclosures. See Hamm Decl., ¶ 5, **Exhibit 3**. And as Defendants concede, Mr.
13 Lehman was Defendants’ counsel.
- 14 • Defendants argue “The question is why Desmond, Hamm, Gerald M. Gordon, and
15 Plaintiff did not inform the Court of the March 1, 2011 discovery and March 3, 2011
16 Morabito deposition, or release of the privileged Vacco emails and communications to
17 tell the whole truth to the Court?”⁸ Not only did Plaintiff produce the March 3, 2011
18 deposition and the Arcadia Living Trust documents, see Ex. 1, but Plaintiff produced
19 more than 100,000 pages of records produced by Lippes, Mathias, Wexler & Friedman
20 that Plaintiff obtained only after compelling their production over Defendants’ claim
21 of attorney-client privilege. See Hamm Decl., ¶ 6, **Exhibits 4, 5**. Plaintiff hardly
22 needed to inform the Court of the “release” of the Lippes, Mathias, Wexler & Friedman
23 documents, as the order for their production is in the record of this case.

19 Rather, what Defendants appear to be arguing is that Plaintiff’s production to Defendants
20 of the Defendants’ own documents and the documents of their agents was not enough; rather,
21 Plaintiff’s counsel was supposed to cull through these records to develop the theory of the case
22 Defendants are now pursuing for the first time following trial. No such duty exists.

23 Finally, Defendants fail to intelligibly explain what amended or additional findings would
24 be supported by the allegedly-suppressed evidence, or how the evidence would affect the outcome
25 of the trial. Accordingly, Defendants’ contention that Plaintiff and its counsel concealed or
26

27
28 ⁸ Mot. at p. 9:19-21.

1 suppressed evidence is unsupported by the factual record or any legal authority, and should be
2 rejected.

3 **2. Defendants seek to relitigate the fraudulent transfer action and the**
4 **Exemption Claims.**

5 Further, Defendants reassert the majority of the arguments set forth in the Exemption
6 Claims, asking the Court to make findings relating to whether the Nevada Spendthrift Trust Act
7 shields the Bayuk Trust from liability, including whether conveyances recorded in real property
8 records disclosed that transfers were made to a spendthrift trust, whether the statute of limitations
9 contained in NRS 166.170 was tolled, and whether this Court has jurisdiction over a spendthrift
10 trust in a fraudulent transfer action.⁹ These arguments were raised, argued, and disposed of at the
11 hearing on the Exemption Claims, and however re-framed, repackaged, or rehashed, are still
12 wrong.

13 **3. Defendants' statute of limitations argument was rejected, and is**
14 **unsupported by the facts in the record or legal authority.**

15 For example, Defendants argue that the two-year limitations period with respect to an SSST
16 begins to run when the trust is *formed* rather than when the subject transfer is made, and that
17 subsequent transfers are subject to a limitations period of not more than six months. Aside from
18 the fact that Defendants waived this affirmative defense to avoidance by failing to raise it in the
19 underlying action,¹⁰ Defendants' argument is unsupported by the plain language of the statute,
20 which states,

21 1. A person may not bring an action *with respect to a transfer of property to a*
22 *spendthrift trust:*

23 (a) If the person is a creditor when the transfer is made, unless the action is
24 commenced within:

25 ⁹ E.g., Mot. at p. 3:7-26.

26 ¹⁰ See NRCPC 8(c); Idaho Res., Inc. v. Freeport-McMoran Gold Co., 110 Nev. 459, 461, 874 P.2d 742, 743 (1994)
27 (affirmative defense not properly asserted or tried is waived) (citing Combe v. Warren's Family Drive-Inns, Inc., 680
28 P.2d 733, 735-36 (Utah 1984) ("Parties may limit the scope of the litigation if they choose, and if an issue is clearly
withheld, the court cannot nevertheless adjudicate it and grant corresponding relief.") (citations omitted); see also
Matter of Frei Irrevocable Tr. Dated Oct. 29, 1996, 133 Nev. 8, 390 P.3d 646, 651 (2017) (citing Old Aztec Mine, Inc.
v. Brown, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) (stating that nonjurisdictional issues not raised in the trial court
are waived).

1 (1) Two years after *the transfer* is made; or

2 (2) Six months after the person discovers or reasonably should have
3 discovered *the transfer*,

4 *whichever is later.*

5 (b) If the person becomes a creditor after the transfer is made, unless the
6 action is commenced *within 2 years* after the transfer is made.

7 NRS 166.170(1) (emphasis added). Under the plain language of the statute, the limitations period
8 is triggered not by formation of a trust, but a transfer of assets to the trust, after which a creditor
9 has until the *later of* two years or six months from discovery to challenge the transfer.

10 Apparently somewhat cognizant of the defects in their argument, Defendants then argue
11 that the Herbst Parties were not creditors *of Bayuk* at the time of the transfers, such that the six-
12 month discovery rule does not apply, and try to further confuse the record by conflating any
13 transfers Bayuk may have made of his property to the Bayuk Trust upon its formation with Paul
14 Morabito's transfers to the Bayuk Trust five years later. However, no part of Defendants'
15 argument is supported by the record in this case. Plaintiff did not seek to avoid Bayuk's transfers
16 to the Bayuk Trust in connection with the settlement of the trust,¹¹ which were disclosed for the
17 first time in the Exemption Claim. Such transfers, to the extent they occurred, were not the subject
18 of Plaintiff's Amended Complaint, not raised by Defendants, not in evidence, and not avoided in
19 the Judgment. Rather, the Court found that the Herbst Parties were creditors of Paul Morabito at
20 the time of the transfers of Paul Morabito's property to Bayuk and the Bayuk Trust, which were
21 reflected in publicly-filed records for the first time on October 8, 2010 and November 4, 2010,¹²
22 and avoided Paul Morabito's transfers to the Bayuk Trust. Defendants' argument therefore would
23 be immaterial even if it was predicated on the factual record, because even if NRS 166.170(1)
24 applied to Paul Morabito's transfer of property to the Bayuk Trust, the limitations period would
25 have extended to at least October 8, 2012—long after Bayuk and the Bayuk Trust entered into the
26 Tolling Agreements.

27 ¹¹ *I.e.*, the original grant to the trust by the settlor, which is the defining feature of a self-settled trust.

28 ¹² See Trial Exs. 51, 52, 61.

1 Defendants further try to confuse the record by citing to a plethora of documents from
2 which they contend the Herbst Parties, and subsequently, Plaintiff, should have discerned that
3 Bayuk formed a self-settled spendthrift trust (“SSST”) in November of 2005 and one or more
4 “nominee trusts.”¹³ While these documents show the existence of Paul Morabito’s Arcadia Living
5 Trust, they have nothing to do with Bayuk’s execution of the 2005 Spendthrift Amendment, nor
6 any purported “nominee trusts” formed by Bayuk. Defendants’ continued citation to the Arcadia
7 Living Trust as evidence of the Bayuk Trust 2005 Spendthrift Amendment has no basis in fact or
8 law.

9 Moreover, consistent with Defendants’ pattern of partial disclosures and omissions, they
10 now offer yet more new evidence, including an Assignment and Assumption Agreement dated
11 July 3, 2007, which has never been disclosed to Plaintiff and is being offered for the first time,¹⁴
12 and an indirect “proffer” of hypothetical testimony by James Gibbons that he is the co-trustee of
13 the Bayuk Trust, a fact not referenced 1) in the *Declaration of Edward Bayuk Claiming Exemption*
14 *from Execution* (the “Bayuk Declaration”), 2) by Gibbons in the *Declaration of James Arthur*
15 *Gibbons Regarding His Attestation, Witness and Certification on November 12, 2005 of the*
16 *Spendthrift Trust Amendment to the Edward William Bayuk Living Trust*,¹⁵ 3) at the hearing
17 (despite Mr. Gibbons’ presence at the hearing for that very purpose, according to Defendants), or
18 4) in support of Bayuk’s *Objection to Plaintiff’s Proposed Order Denying Claim of Exemption*
19 *and Third-Party Claim*.

20 Further, among other completely new facts, Defendants now argue that Bayuk or the Bayuk
21 Trust formed one or more “nominee trusts,” and that the Edward William Bayuk Living Trust
22 refers to these nominee trusts, rather than the Bayuk Trust formed by the 2005 Spendthrift
23 Amendment, which is a “stranger to this action.” Consistent with Bayuk’s pattern of creating facts
24 out of whole cloth as circumstances require, this argument is incompatible with Bayuk’s most
25

26
27 ¹³ See Defendants’ exhibits 3, 4, 5, 6, 12, 15, and 16.

28 ¹⁴ See Hamm Decl., at 7.

¹⁵ See Bayuk Declaration, on file herein, at Exhibit 2.

1 recent argument that the Bayuk Trust formed by the 2005 Spendthrift Amendment is his one and
2 only trust.

3 4. **Defendants’ argument that the Bayuk Trust is not a Defendant or**
4 **Judgment Debtor was rejected, and is unsupported by the facts in the**
5 **record or legal authority.**

6 Defendants’ contention that only “Trustee Bayuk,” rather than the Bayuk Trust, was a
7 defendant in the action because “the SSST Bayuk Trust was not a judgment debtor as no *in rem*
8 action was filed against it”¹⁶ is not supported by the record or any legal authority. Defendants did
9 not raise this novel argument at trial or in their motion for new trial. Rather, the premise that the
10 Court could exercise jurisdiction over “Trustee Bayuk” but not the Bayuk Trust, was suggested
11 for the first time in the Third Party Claim, where Bayuk argued that the Court may exercise
12 jurisdiction over a spendthrift trust only in an *in rem* action under NRS 164.010, which Defendants
13 re-urge in the Motion despite the Court’s prior ruling.

14 The argument is still misplaced. NRS 164.010 provides, in relevant part, that “[u]pon
15 petition of any person appointed as trustee of an express trust . . . , or upon petition of a settlor or
16 beneficiary of the trust, the district court of the county in which any trustee resides or conducts
17 business at the time of the filing of the petition or in which the trust has been domiciled as of the
18 time of the filing of the petition shall assume jurisdiction of the trust as a proceeding *in rem*.” NRS
19 164.010(1). Plaintiff is not a trustee, settlor, or beneficiary of the Bayuk Trust, making NRS
20 164.010(1) inapplicable under its plain language. NRS 165.010(5)(a) provides that “[w]hen the
21 court assumes jurisdiction pursuant to this section, the court . . . Has jurisdiction of the trust as a
22 proceeding *in rem* as of the date of the filing of the petition; . . .” Thus, the court’s jurisdiction is
23 *in rem* when a petition is filed under NRS 164.010(1), but nothing in the statute provides that the
24 Court may exercise jurisdiction over a trust *only* pursuant to NRS 164.010 or *only* when a petition
25 is filed by a trustee, settlor, or beneficiary. Indeed, Defendants’ reading would mean that the
26 district courts in Nevada do not have jurisdiction over an avoidance action expressly contemplated
27

28 ¹⁶ Mot. at p. 10:5-6.

1 by NRS 166.170 because such an action would necessarily be maintained by someone other than
2 the trustee, settlor, or beneficiary of the trust.

3 In re Aboud Inter Vivos Trust, does not hold otherwise and does not support Defendants’
4 argument. That case arose from an action where the district court assumed *in rem* jurisdiction
5 under NRS 164.010(1) and 164.015(6) and trust property was transferred by the trust to a third
6 party. In re Aboud Inter Vivos Tr., 129 Nev. 915, 916, 314 P.3d 941, 941 (2013). The issues
7 before the Nevada Supreme Court were 1) “whether the *in rem* jurisdiction over trust assets
8 conferred upon a district court by NRS 164.010(1) and NRS 164.015(6) permits that court to
9 impose a constructive trust on this previous trust property based on the alleged improper transfer
10 made by the partnership to the third party” and 2) “whether the district court erred by entering a
11 personal monetary judgment against the former trustee and the third party holding former trust
12 assets based on the district court’s *in rem* jurisdiction.” Id., 129 Nev. at 916, 314 P.3d at 942. In
13 other words, whether *in rem* jurisdiction continued over property that was no longer property of
14 the trust. This Court did not assume *in rem* jurisdiction under NRS 164.010(1) and NRS
15 164.015(6) upon a petition, making In re Aboud Inter Vivos Trust not only inapposite, but
16 completely irrelevant.

17 Mona v. Eighth Judicial District Court, is also not on point and does not support
18 Defendants’ argument that the Bayuk Trust is a “stranger to this Court.” Mona v. Eighth Judicial
19 Dist. Court of State in & for Cty. of Clark, 132 Nev. 719, 380 P.3d 836 (2016). There, the Nevada
20 Supreme Court accepted the rather unremarkable principle reflected in the Restatement (Third) of
21 Trusts that a person acting individually is legally distinct from and a stranger to the person acting
22 in a representative capacity. Id., 132 Nev. at 728, 380 P.3d at 842 (citing, *inter alia*, Restatement
23 (Third) of Trusts § 105 cmt. c); NRS 163.140(4) (a trustee may be held personally liable for a tort
24 only if the trustee is personally at fault); NRS 163.120(3) (providing that a trustee is generally not
25 personally liable on a contract entered into in a representative capacity)). As such, the wife’s
26 personal bank accounts were not subject to discovery in a judgment debtor examination on a
27 judgment against the husband, individually, and as trustee of the family trust. Id., 132 Nev. at 728-
28 30, 380 P.3d at 842–84. Mona does not stand for the proposition offered by Defendants that

1 Bayuk, acting in his capacity as a representative of the Bayuk Trust, is a stranger to the Bayuk
2 Trust.

3 **5. Defendants' argument that the Court "exceeded its authority" in using the**
4 **term "purported" and that Bayuk had a statutory duty to conceal the 2005**
5 **Spendthrift Amendment is without merit.**

6 Defendants argue that because the 2005 Spendthrift Amendment is clear and unambiguous,
7 the Court "may not consider the parties' testimony regarding their purported intent when
8 fashioning remedies related to that SSST" and therefore, the Court exceeded its authority in stating
9 that "the purported nature of the Bayuk Trust . . . was not disclosed prior to the Claim of
10 Exemption."¹⁷

11 Defendants do not show that the Court has weighed or relied on Bayuk's intent with respect
12 to fashioning remedies related to the SSST. The only dispute regarding the terms of the 2005
13 Spendthrift Amendment which is arguably before the Court is one raised by Bayuk himself, by
14 continuing to represent that he is not designated a beneficiary of the Bayuk Trust¹⁸ despite the fact
15 that he asserted an exemption for this purportedly non-existent beneficial interest, no other person
16 is named as a beneficiary of the Bayuk Trust during his lifetime, he is the settlor, and he asserts
17 that the Bayuk Trust is an SSST. A spendthrift trust is a "self-settled" spendthrift trust that must
18 comply with NRS 116.040(1)(b) only if the settlor is a beneficiary of the trust.¹⁹ Otherwise, it is
19 just an ordinary spendthrift trust and the pending Motion would not be before the Court.
20

21 ¹⁷ Mot. at p. 11:12-23.

22 ¹⁸ In fact, he is. See 2005 Spendthrift Amendment, submitted with the Bayuk Declaration, at Section 3 (stating "The
23 following provisions shall apply to the distribution of the Nevada Trust estate during Bayuk's lifetime. During
24 Bayuk's lifetime at Bayuk's sole discretion the Trustee may distribute to Bayuk, or Bayuk may distribute other than to
25 Bayuk, such amount of net income and principal as deemed appropriate, . . .").

26 ¹⁹ NRS 166.040(1) provides:

27 Any person competent by law to execute a will or deed may, by writing only, duly executed, by will,
28 conveyance or other writing, create a spendthrift trust in real, personal or mixed property for the benefit of:

(a) A person other than the settlor;

(b) *The settlor if the writing is irrevocable, does not require that any part of the income or principal
of the trust be distributed to the settlor, and was not intended to hinder, delay or defraud known
creditors;* or

(c) Both the settlor and another person if the writing meets the requirements of paragraph (b).

However, the Court’s reference to the “purported nature of the Bayuk Trust” was not to whether Bayuk is a beneficiary of the Bayuk Trust, nor to Bayuk’s intent with respect to fashioning remedies against the Bayuk Trust; rather, as expressly reflected in the Exemption Order, the Court was referring to whether the 2005 Spendthrift Amendment is the operative trust document for the Bayuk Trust in light of Bayuk’s failure to disclose the 2005 Spendthrift Amendment prior to entry of the Judgment, and his contrary representations in deed records and deposition and trial testimony regarding the date and purpose of the Bayuk Trust.

However, Defendants now argue that Nevada law *required* Bayuk to make false and misleading statements regarding the Bayuk Trust and withhold the 2005 Spendthrift Amendment.²⁰ NRS 166.120(4) actually provides that “[t]he trustee of a spendthrift trust is required to disregard and defeat every assignment or other act, voluntary or involuntary, that is attempted contrary to the provisions of this chapter.” It does not authorize or impose a duty upon a trustee to conceal the existence of an SSST, make false representations, or record false or misleading documents; indeed, the premise that concealment is encouraged by the statute is inconsistent with the extension of the statute of limitations based on a discovery rule.

III. COUNTERMOTION FOR FEES AND COSTS

It has long been established in Nevada that a motion for reconsideration cannot “be utilized as a vehicle to reargue matters considered and decided in the court’s initial opinion.” In re Ross, 99 Nev. 657, 659, 658 P.2d 1089, 1090 (1983); Gershenhorn v. Stutz, 72 Nev. 293, 312, 306 P.2d 121 (1957). It is only in very rare instances where new issues of fact or law are raised supporting a ruling contrary to ruling already reached. Moore v. City of Las Vegas, 92 Nev. 402, 405, 551 P.2d 244, 246 (1976).

²⁰ See Mot. at p. 11:12-16 (citing NRS 166.120(4)). (“The trustee of a spendthrift trust is required to disregard and defeat every assignment or other act, voluntary or involuntary, that is attempted contrary to the provisions of this chapter.”).

Thus, Defendants are asking the Court for precisely what the Nevada Supreme Court has said is not available under NRCp 52(b) or 59—another bite at the apple in order to interpose defenses that Defendants never raised in the years between execution of the Settlement Agreement (and Tolling Agreements) and the entry of the Judgment in this case, based on assertions of fact which, if true, were always available to Defendants.

1 This is not such a rare instance. There is no basis in fact or law to support amending or
2 supplementing the Court's findings or amending the Court's orders. Defendants have cited no
3 new countervailing law or newly-discovered evidence. Rather, the Motion before the Court is a
4 blatant attempt by Defendants to try a different case through post-trial motions and cloud the record
5 with arguments and evidence not part of the trial record in an attempt to manufacture grounds for
6 appeal. Accordingly, Plaintiff should be awarded fees and costs.

7 **IV.**
8 **CONCLUSION**

9 For the foregoing reasons, the Motion should be denied and Plaintiff awarded his fees and
10 costs in connection with the Motion.

11 **AFFIRMATION**

12 Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding
13 document does not contain the social security number of any person.

14 Dated this 29th day of August, 2019.

15 GARMAN TURNER GORDON LLP

16 /s/ Gabrielle A. Hamm

17 GERALD M. GORDON, ESQ.

18 ERIKA PIKE TURNER, ESQ.

19 TERESA M. PILATOWICZ, ESQ.

20 GABRIELLE A. HAMM, ESQ.

21 650 White Drive, Ste. 100

22 Las Vegas, Nevada 89119

23 Telephone 725-777-3000

24 *Counsel for Plaintiff*

CERTIFICATE OF SERVICE

I certify that pursuant to NRCP 5(b), the foregoing *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 and NRCP 11* was served on the parties as set forth below:

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

_____ Certified Mail, Return Receipt Requested

_____ Via Facsimile (Fax)

_____ Via E-Mail

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

_____ Federal Express (or other overnight delivery)

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

MICAH ECHOLS, ESQ. for EDWARD WILLIAM BAYUK
LIVING TRUST et al

KATHLEEN WILDE, ESQ. for EDWARD WILLIAM BAYUK
LIVING TRUST et al

JEFFREY HARTMAN, ESQ. for EDWARD WILLIAM
BAYUK LIVING TRUST, EDWARD BAYUK

FRANK GILMORE, ESQ. for SNOWSHOE PETROLEUM,
INC., SALVATORE R. MORABITO, SUPERPUMPER, INC.

MICHAEL LEHNERS, ESQ. for SALVATORE R.
MORABITO

Dated this 29th day of August, 2019.

/s/ Gabrielle A. Hamm

An Employee of
GARMAN TURNER GORDON LLP

4830-5537-2963, v. 2

1 **2645**

2 GARMAN TURNER GORDON LLP

3 GERALD M. GORDON, ESQ.

4 Nevada Bar No. 229

5 E-mail: ggordon@gtg.legal

6 ERIKA PIKE TURNER

7 Nevada Bar No. 6454

8 Email: eturner@gtg.legal

9 TERESA M. PILATOWICZ

10 Nevada Bar No. 9605

11 E-mail: tpilatowicz@gtg.legal

12 GABRIELLE A HAMM

13 Nevada Bar No. 11588

14 E-mail: ghamm@gtg.legal

15 650 White Drive, Ste. 100

16 Las Vegas, Nevada 89119

17 Telephone 725-777-3000

18 *Counsel to Plaintiff, William A. Leonard*

19 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

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

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

23 Plaintiff,

24 vs.

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

Defendants.

CASE NO.: CV13-02663
DEPT. NO. 4

**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**

1 Plaintiff William A. Leonard, Trustee for the Bankruptcy Estate of Paul Anthony Morabito
2 (“Plaintiff”), by and through counsel, the law firm of Garman Turner Gordon LLP, submits this
3 errata to *Plaintiff’s Opposition to Motion to Make Amended or Additional Findings Under NRC*
4 *52(b), or, in the Alternative, Motion for Reconsideration, and Countermotion for Fees and Costs*
5 *Pursuant to NRS 7.085* to append the exhibits identified in the Motion.

6 **AFFIRMATION**

7 Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding
8 document does not contain the social security number of any person.

9 Dated this 30th day of August, 2019.

10 GARMAN TURNER GORDON LLP

11 /s/ Gabrielle A. Hamm

12 GERALD M. GORDON, ESQ.

13 ERIKA PIKE TURNER, ESQ.

14 TERESA M. PILATOWICZ, ESQ.

15 GABRIELLE A. HAMM, ESQ.

16 650 White Drive, Ste. 100

17 Las Vegas, Nevada 89119

18 Telephone 725-777-3000

19 *Counsel for Plaintiff*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

INDEX OF EXHIBITS

| Exhibit | Description | Pages¹ |
|----------------|---|--------------------------|
| 1 | Declaration of Gabrielle A. Hamm, Esq. | 4 |
| 2 | Plaintiff's Amended NRCP 16.1 Disclosures (February 19, 2016) | 8 |
| 3 | Plaintiff's Fourth Supplemental NRCP 16.1 Disclosures (November 15, 2016) | 4 |
| 4 | Plaintiff's Fifth Supplemental NRCP 16.1 Disclosures (December 21, 2016) | 4 |
| 5 | Plaintiff's Sixth Supplemental NRCP 16.1 Disclosures (March 20, 2017) | 4 |

¹ Exhibit pagination includes exhibit slip sheets.

CERTIFICATE OF SERVICE

I certify that pursuant to NRCP 5(b), the foregoing *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 and NRCP 11* was served on the parties as set forth below:

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

_____ Certified Mail, Return Receipt Requested

_____ Via Facsimile (Fax)

_____ Via E-Mail

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

_____ Federal Express (or other overnight delivery)

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

MICAH ECHOLS, ESQ. for EDWARD WILLIAM BAYUK
LIVING TRUST et al

KATHLEEN WILDE, ESQ. for EDWARD WILLIAM BAYUK
LIVING TRUST et al

JEFFREY HARTMAN, ESQ. for EDWARD WILLIAM
BAYUK LIVING TRUST, EDWARD BAYUK

FRANK GILMORE, ESQ. for SNOWSHOE PETROLEUM,
INC., SALVATORE R. MORABITO, SUPERPUMPER, INC.

MICHAEL LEHNERS, ESQ. for SALVATORE R.
MORABITO

Dated this 30th day of August, 2019.

/s/ Melissa Burkart
An Employee of
GARMAN TURNER GORDON LLP

4814-0577-9363, v. 1

EXHIBIT 1

1 **1520**

2 GARMAN TURNER GORDON LLP

3 GERALD M. GORDON, ESQ.

4 Nevada Bar No. 229

5 E-mail: ggordon@gtg.legal

6 ERIKA PIKE TURNER

7 Nevada Bar No. 6454

8 Email: eturner@gtg.legal

9 TERESA M. PILATOWICZ

10 Nevada Bar No. 9605

11 E-mail: tpilatowicz@gtg.legal

12 GABRIELLE A HAMM

13 Nevada Bar No. 11588

14 E-mail: ghamm@gtg.legal

15 650 White Drive, Ste. 100

16 Las Vegas, Nevada 89119

17 Telephone 725-777-3000

18 *Counsel to Plaintiff, William A. Leonard*

19 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

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

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

23 Plaintiff,

24 vs.

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

Defendants.

CASE NO.: CV13-02663

DEPT. NO. 4

29 **DECLARATION OF GABRIELLE A. HAMM IN**
30 **SUPPORT OF PLAINTIFF'S OPPOSITION TO MOTION TO MAKE**
31 **AMENDED OR ADDITIONAL FINDINGS UNDER NRCP 52(B), OR, IN THE**
32 **ALTERNATIVE, MOTION FOR RECONSIDERATION, AND**
33 **COUNTERMOTION FOR FEES AND COSTS PURSUANT TO NRS 7.085**

34 I, Gabrielle A. Hamm, declare under penalty of perjury as follows:

1 1. I am over the age of eighteen (18) years and competent to testify on the matters set
2 forth herein.

3 2. At all relevant times, I have been counsel with the law firm of Garman Turner
4 Gordon LLP (“GTG”), counsel for Plaintiff William A. Leonard (“Plaintiff”) in the above-
5 captioned case. In such capacity, I have direct and personal knowledge of the matters set forth
6 herein and know them to be true.

7 3. I am submitting this Declaration in support of *Plaintiff’s Opposition to Motion to*
8 *Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for*
9 *Reconsideration, and Countermotion for Fees and Costs Pursuant to NRS 7.085* (the
10 “Opposition”).

11 4. Plaintiff produced the March 3, 2011 deposition of Paul Morabito on or about
12 February 19, 2016, bates-stamped WL000257–WL002108, as reflected in *Plaintiff’s Amended*
13 *Disclosures Pursuant to NRCP 16.1(a)(1)*, a true and correct copy of which is attached to the
14 Opposition as **Exhibit 2**. Also included in the February 19, 2016 disclosure was the Fifth
15 Amendment and Restatement of the Trust Agreement for the Arcadia Living Trust, Spendthrift
16 Trust Agreement for the Arcadia Living Trust dated October 14, 2005, bates-stamped
17 MORABITO (341).002287-002361.

18 5. The Declaration of Mark E. Lehman, Esq., attached as Exhibit 15 to Defendants’
19 Motion, is marked LMWF SUPP 02995-02997, which indicates it was a document produced by
20 Lippes, Mathias, Wexler & Friedman, and then by Plaintiff in this action on or about November
21 15, 2016, as reflected in *Plaintiff’s Amended Disclosures Pursuant to NRCP 16.1(a)(1)*, a true and
22 correct copy of which is attached to the Opposition as **Exhibit 3**.

23 6. Upon information and belief, the “Vacco emails and communications” referred to
24 in Defendants’ Motion are the 100,000+ pages bates-stamped “LMWF_SUPP__.” These
25 documents were obtained by Plaintiff from Lippes, Mathias, Wexler & Friedman following the
26 Recommendation and Order, which denied Defendants’ *Motion to Partially Quash, or, in the*
27 *Alternative, for a Protective Order Precluding Trustee from Seeking Discovery Protected by the*
28 *Attorney-Client Privilege*, and the Confirming Order was entered in this action on July 6, 2016.

1 The documents were then produced by Plaintiff to Defendants in Plaintiffs' fifth and sixth
2 supplemental NRCP 16.1 disclosures on December 21, 2016 and March 20, 2017, true and correct
3 copies of which are attached to the Opposition as **Exhibits 4 and 5**.

4 7. Attached as Exhibit 17 to Defendants' Motion is an Assignment and Assumption
5 Agreement dated July 3, 2007. Upon review of our files in this case, it does not appear that this
6 document has ever been disclosed to Plaintiff.

7 I hereby affirm that this document does not contain the social security number of any
8 person.

9 I declare, under penalty of perjury under the law of the State of Nevada, that the foregoing
10 is true and correct.

11 Dated this 29th day of August, 2019.

12 /s/ Gabrielle A. Hamm
13 Gabrielle A. Hamm, Declarant

14 4840-5133-5843, v. 1
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 2

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

Special Counsel to Trustee

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

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

Plaintiff,

vs.

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

Defendants.

CASE NO.: CV13-02663

DEPT. NO.: 1

**PLAINTIFF'S AMENDED DISCLOSURES
PURSUANT TO NRCP 16.1(A)(1)**

TO: ALL PARTIES IN INTEREST

Plaintiff William A. Leonard ("Plaintiff"), by and through his attorneys, Garman Turner
Gordon, hereby provides the following N.R.C.P. 16.1 Disclosures:

A. NRCP 16.1(a)(1)(A) WITNESS LIST

The following witnesses have knowledge regarding the facts and circumstances out of
which this matter arises:

1. William Leonard, Trustee
c/o Garman Turner Gordon LLP
650 White Drive, Suite 100

1 Las Vegas, Nevada 89119

2 Mr. Leonard is expected to have knowledge regarding the allegations in the amended
3 complaint, including creditors in Paul Morabito's Chapter 11 case that remain unpaid and the
4 inability to collect against the assets that have been transferred.

5 2. Sean Higgins
6 9811 W. Charleston Blvd. Suite 2-379
7 Las Vegas, NV 89117
(702) 327-0295

8 Mr. Higgins is expected to have knowledge regarding the allegations in the amended
9 complaint, including the unpaid amounts owed to JH, Inc., Jerry Herbst, and Berry-Hinckley
10 Industries.

11 3. Timothy Herbst
12 5195 Las Vegas Blvd. S.
13 Las Vegas, Nevada 89119

14 Mr. Herbst is expected to have knowledge regarding the allegations in the amended
15 complaint, including the unpaid amounts owed to JH, Inc., Jerry Herbst, and Berry-Hinckley
16 Industries.

17 4. Paul Morabito
18 c/o Frank Gilmore, Esq.
19 Robison, Belaustegui, Sharp & Low
71 Washington Street
Reno, Nevada 89503

20 Mr. Morabito is expected to have knowledge regarding the allegations in the amended
21 complaint, and assertions and defenses in the Answer including, but not limited to, the assets that
22 have been transferred.

23 5. Edward Bayuk
24 c/o Frank Gilmore, Esq.
25 Robison, Belaustegui, Sharp & Low
26 71 Washington Street
Reno, Nevada 89503

27 Mr. Bayuk, individually and in his capacity as Trustee of the Edward William Bayuk
28 Living Trust, is expected to have knowledge regarding the allegations in the amended complaint,

1 and assertions and defenses in the Answer including, but not limited to, the assets that have been
2 transferred.

3
4 6. Salvatore Morabito
5 c/o Frank Gilmore, Esq.
6 Robison, Belaustegui, Sharp & Low
7 71 Washington Street
8 Reno, Nevada 89503

9 Mr. Morabito is expected to have knowledge regarding the allegations in the amended
10 complaint, and assertions and defenses in the Answer including, but not limited to, the assets that
11 have been transferred.

12 7. Dennis Vacco
13 Lippes Mathias Wexler Friedman LLP
14 50 Fountain Plaza, Suite 1700
15 Buffalo, New York 14202

16 Mr. Vacco is expected to have knowledge regarding the allegations in the amended
17 complaint, and assertions and defenses in the Answer including, but not limited to, the assets that
18 have been transferred.

19 8. Person Most Knowledgeable, Gursey Schneider LLP
20 1888 Century Park E, Suite 900
21 Los Angeles, California 90067

22 The Person Most Knowledgeable of Gursey Schneider is expected to have knowledge
23 regarding the allegations in the amended complaint, including, but not limited to, the assets that
24 have been transferred and the assets and liabilities of Superpumper, Inc.

25 9. Person Most Knowledgeable, Superpumper, Inc.
26 c/o Frank Gilmore, Esq.
27 Robison, Belaustegui, Sharp & Low
28 71 Washington Street
Reno, Nevada 89503

The Person Most Knowledgeable of Superpumper, Inc. is expected to have knowledge
regarding the allegations in the amended complaint, and assertions and defenses in the Answer
including, but not limited to, the assets that have been transferred and the assets and liabilities of
Superpumper, Inc.

1 10. Person Most Knowledgeable, Snowshoe Petroleum, Inc.
2 c/o Frank Gilmore, Esq.
3 Robison, Belaustegui, Sharp & Low
4 71 Washington Street
5 Reno, Nevada 89503

6 The Person Most Knowledgeable of Superpumper, Inc. is expected to have knowledge
7 regarding the allegations in the amended complaint, and assertions and defenses in the Answer
8 including, but not limited to, the assets that have been transferred.

9 11. Stanton Bernstein
10 6320 Canoga Ave - Ste 1500
11 Woodland Hills, CA 91367
12 (818) 596-2139

13 Mr. Bernstein is expected to have knowledge regarding the allegations in the amended
14 complaint including, but not limited to, the assets that have been transferred and the assets and
15 liabilities of Superpumper, Inc.

16 12. Custodian of Records,
17 Hancock Park Insurance Services
18 2338 E. Anaheim St., No. 444
19 Long Beach, California 90804

20 The Custodian of Records of Hancock Park Insurance Services is expected to have
21 knowledge regarding the allegations in the amended complaint, including, but not limited to, the
22 value of the assets that have been transferred.

23 B. **NRCP 16.1(a)(1)(B) DOCUMENTS, DATA COMPILATION AND TANGIBLE**
24 **THINGS**

- 25 1. All Documents disclosed in the bankruptcy case of Paul Morabito, Case No. BK-N-
26 13-51237-GWZ, including but not limited to:
- 27 a. Morabito (341).000001-007104
 - 28 b. LMWF000001-LMWF000477, LMWF000500-LMWF001000
 - c. RBSL_Morabito 000001-RBSL_Morabito 000364
 - d. PAM000001-PAM000006
 - e. PW001-PW020
2. Documents disclosed by Lippes Mathias Wexler Friedman LLP in the above-
captioned case, LMWF000001-LMWF000180.
3. Deposition of Stanton R. Bernstein dated May 11, 2011, Bates No. WL000001 –
WL000256.

4. Deposition of Paul A. Morabito dated March 3, 2011, Bates No. WL000257 – WL002108.
5. Expert Report of Craig L. Greene, CCPA/CFF, CFE, MCJ, Bates No. WL002109 – WL002187.
6. Settlement Agreement and Mutual Release, Bates No. WL002188 – WL002139.
7. Joint Deposition and 2004 examination of Paul A. Morabito dated July 23, 2014, Bates No. WL002320 – WL002535
8. Transcript from Paul Morabito's 341 Meeting of Creditors dated March 12, 2015, Bates No. WL002536 – WL002726.
9. Paul Morabito's responses to discovery responses related to dismissal motion in Bankruptcy Case, Bates No. WL002727 – WL002743.
10. Documents produced by Peitzman Weg LLP, Bates No. WL002743 – WL002776.
11. Documents related to Settlement Agreement, Loan Agreement, Modification & Release between Paul Morabito and Bank of America, Bates No. WL002777 – WL002801.
12. Paul Morabito's 2013 Tax Return, Bates No. WL002802 – WL002852.
13. Judgment dated August 23, 2011 and entered in Consolidated Nevada Corp. v. JH, Inc., et al, Case No. CV07-02764, Bates Nos. WL002853 – WL002854.
14. Findings of Facts, Conclusions of Law, and Judgment dated October 12, 2010 and entered in Consolidated Nevada Corp. v. JH, Inc., et al, Case No. CV07-02764, Bates Nos. WL002855 – WL002870.
15. Confession of Judgment dated June 18, 2013 and entered in Consolidated Nevada Corp. v. JH, Inc., et al, Case No. CV07-02764, Bates No. WL002871 – WL002895.
16. State of California, Office of Real Estate Appraisers, Decision and Order related to Mark Justmann dated April 26, 2013, Bates Nos. WL002896 – WL002908.
17. All claims filed in in the bankruptcy case of Paul Morabito, Case No. BK-N-13-51237-GWZ, Bates Nos. WL002909 – WL003114.
18. Declarations of Paul Morabito filed in the in the bankruptcy case of Paul Morabito, Case No. BK-N-13-51237-GWZ, including but not limited to ECF Nos. 22, 43, 46, 115. Bates Nos. WL003115 – WL003131.

1 19. Schedules and Statements of Financial Affairs filed in the in the bankruptcy case of
2 Paul Morabito, Case No. BK-N-13-51237-GWZ, including but not limited to ECF
Nos. 211, 249. Bates Nos. WL003132 – WL003183.

3 20. All documents identified by any other party to this lawsuit.

4 **C. NRCP 16.1(a)(1)(C) DAMAGES**

5 Plaintiff is entitled to recover assets transferred or the value thereof pursuant to Nev. Rev.
6 Stat. §§ 112.210 and 112.220, which Plaintiff believes to be no less than \$8,500,000. Plaintiff
7 will supplement as necessary during discovery.

8 **D. NRCP 16.1(a)(1)(D) INSURANCE AGREEMENT**

9 Plaintiff is unaware of any insurance agreements that are applicable to this matter.

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

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

14 Dated this 19th of February, 2016.

15 GARMAN TURNER GORDON LLP

16
17 /s/ Teresa M. Pilatowicz
18 GERALD E. GORDON, ESQ.
19 TERESA M. PILATOWICZ, ESQ.
650 White Drive, Ste. 100
Las Vegas, Nevada 89119
Telephone 725-777-3000

20
21 *Special Counsel for Trustee*
22
23
24
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of GARMAN TURNER GORDON LLP, and that on this
3 date, pursuant to NRCP 5(b), I am serving the attached **PLAINTIFF'S DISCLOSURES**
4 **PURSUANT TO NRCP 16.1(A)(1)** on the party(s) set forth below by:

- 5 XX ☐ Placing an original or true copy thereof in a sealed envelope placed for
6 collection and mailing in the United States Mail at Reno, Nevada, postage
7 prepaid, following ordinary business practices
8 ☐ Certified Mail, Return Receipt Requested
9 ☐ Via Facsimile (Fax)
10 ☐ Placing an original or true copy thereof in a sealed envelope and causing
11 the same to be personally Hand-Delivered
12 ☐ Federal Express (or other overnight delivery)
13 ☐ Hand Delivery

14 addressed as follows:

15 Frank Gilmore
16 Barry L. Breslow
17 Robison, Belaustegui, Sharp & Low
18 71 Washington Street
19 Reno, NV 89503

20 DATED this 19th day of February 2016.

21 /s/ Vicki DiMaio
22 An Employee of GARMAN TURNER GORDON
23
24
25
26
27
28

EXHIBIT 3

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

Special Counsel to Trustee

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

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

Plaintiff,

vs.

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

Defendants.

CASE NO.: CV13-02663

DEPT. NO.: 1

**PLAINTIFF'S FOURTH SUPPLEMENT TO
DISCLOSURES PURSUANT TO NRCP
16.1(A)(1)**

TO: ALL PARTIES IN INTEREST

Plaintiff William A. Leonard ("Plaintiff"), by and through his attorneys, Garman Turner
Gordon, hereby provides the following fourth supplement to N.R.C.P. 16.1 Disclosures:

**B. NRCP 16.1(a)(1)(B) DOCUMENTS, DATA COMPILATION AND TANGIBLE
THINGS**

1. Additional Documents disclosed by Lippes Mathias Wexler Friedman LLP, Bates
Nos. Lippes.PAM 0000001-0005365; Lippes.SUPP 0000001-029070;
Lippes.UNMARKED 0000001- 0000047 (produced herewith)
2. All Documents disclosed in Bankruptcy Adversary No. 15-05046 including, but not
limited to, documents disclosed by Defendant Edward Bayuk identified as Bates No.
71-83, 141-172, 562-575, 610-613, 617-643, 653-659, 1079-1102

- 1 3. Corporate organization documents for Watchmyblock, LLC, Bates Nos. WL004578-
2 WL004591 (produced herewith).
3 4. All documents identified by any other party to this lawsuit.

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

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

8 Dated this 15th of November, 2016.

9
10 GARMAN TURNER GORDON LLP

11 /s/ Teresa M. Pilatowicz
12 GERALD E. GORDON, ESQ.
13 TERESA M. PILATOWICZ, ESQ.
14 650 White Drive, Ste. 100
15 Las Vegas, Nevada 89119
16 Telephone 725-777-3000

17 *Special Counsel for Trustee*
18
19
20
21
22
23
24
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of GARMAN TURNER GORDON, and that on this
3 date, pursuant to NRCP 5(b), I am serving a true and correct copy of the above **Plaintiff's**
4 **Fourth Supplement to Disclosures Pursuant to NRCP 16.1(A)(1)** on the parties as set forth
5 below:

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

8 _____ Certified Mail, Return Receipt Requested

9 _____ Via Facsimile (Fax)

10 _____ Via E-Mail

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

13 _____ Federal Express (or other overnight delivery)

14 addressed as follows:

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

19 DATED this 15th day of November, 2016.

20 /s/ Ricky Ayala
21 An Employee of GARMAN TURNER GORDON
22
23
24
25
26
27
28

EXHIBIT 4

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

Special Counsel to Trustee

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

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

Plaintiff,

vs.

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

Defendants.

CASE NO.: CV13-02663

DEPT. NO.: 1

PLAINTIFF'S FIFTH SUPPLEMENT TO
DISCLOSURES PURSUANT TO NRCP
16.1(A)(1)

TO: ALL PARTIES IN INTEREST

Plaintiff William A. Leonard ("Plaintiff"), by and through his attorneys, Garman Turner
Gordon, hereby provides the following fifth supplement to N.R.C.P. 16.1 Disclosures:

B. NRCP 16.1(a)(1)(B) DOCUMENTS, DATA COMPILATION AND TANGIBLE THINGS

1. Electronic Correspondence disclosed by Lippes Mathias Wexler Friedman LLP, Bates Nos. Lippes.SUPP 0029071-106280.
2. Additional documents disclosed by Stanton Bernstein, Bates No. Bernstein Supp 000001-001583
3. All documents identified by any other party to this lawsuit.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

AFFIRMATION
Pursuant to NRS 239B.030

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

Dated this 21st day of December, 2016.

GARMAN TURNER GORDON LLP

/s/ Teresa M. Pilatowicz
GERALD E. GORDON, ESQ.
TERESA M. PILATOWICZ, ESQ.
650 White Drive, Ste. 100
Las Vegas, Nevada 89119
Telephone 725-777-3000

Special Counsel for Trustee

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I certify that I am an employee of GARMAN TURNER GORDON, and that on this date,
pursuant to NRCP 5(b), I am serving the attached **PLAINTIFF'S FIFTH SUPPLEMENT TO
DISCLOSURES PURSUANT TO NRCP 16.1(A)(1)** on the party(s) set forth below by:

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

Certified Mail, Return Receipt Requested

Via Facsimile (Fax)

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

Federal Express (or other overnight delivery)

Hand Delivery

addressed as follows:

Frank Gilmore
Robison, Belaustegui, Sharp & Low
71 Washington Street
Reno, NV 89503

DATED this 21st day of December, 2016.

An Employee of GARMAN TURNER GORDON

EXHIBIT 5

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

Special Counsel to Trustee

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

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

Plaintiff,

vs.

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

Defendants.

CASE NO.: CV13-02663

DEPT. NO.: 1

PLAINTIFF'S SIXTH SUPPLEMENT TO
DISCLOSURES PURSUANT TO NRCP
16.1(A)(1)

TO: ALL PARTIES IN INTEREST

Plaintiff William A. Leonard ("Plaintiff"), by and through his attorneys, Garman Turner
Gordon, hereby provides the following sixth supplement to N.R.C.P. 16.1 Disclosures:

B. NRCP 16.1(a)(1)(B) DOCUMENTS, DATA COMPILATION AND TANGIBLE THINGS

1. Documents produced by Hodgson Russ, HR0000001-0009150, produced on flash drive herewith
2. Supplement production from Lippes Mathias Wexler Friedman LLP, LMWF_SUPP-109096 – 109835, produced on flash drive herewith

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

AFFIRMATION
Pursuant to NRS 239B.030

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

Dated this 20th day of March, 2017.

GARMAN TURNER GORDON LLP

/s/ Teresa M. Pilatowicz
GERALD E. GORDON, ESQ.
TERESA M. PILATOWICZ, ESQ.
650 White Drive, Ste. 100
Las Vegas, Nevada 89119
Telephone 725-777-3000

Special Counsel for Trustee

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of GARMAN TURNER GORDON, and that on this date,
3 pursuant to NRCP 5(b), I am serving the attached **PLAINTIFF'S SIXTH SUPPLEMENT TO**
4 **DISCLOSURES PURSUANT TO NRCP 16.1(A)(1)** on the party(s) set forth below by:

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

7 Certified Mail, Return Receipt Requested

8 Via Facsimile (Fax)

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

11 Federal Express (or other overnight delivery)

12 Hand Delivery

13 addressed as follows:

14 Frank Gilmore
15 Robison, Belaustegui, Sharp & Low
16 71 Washington Street
17 Reno, NV 89503

18 DATED this 20th day of March, 2017.

19 /s/ Ricky Ayala
20 An Employee of GARMAN TURNER GORDON
21
22
23
24
25
26
27
28

MARQUIS AURBACH COFFING
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

3790
Jeffrey L. Hartman, Esq.
Nevada Bar No. 1607
Hartman & Hartman
510 W. Plumb Lane, Suite B
Reno, Nevada 89509
Tel: (775) 324-2800
Fax: (775) 324-1818
*Attorneys for Edward Bayuk individually
and as Trustee of the Edward William
Bayuk Living Trust*

Marquis Aurbach Coffing
Micah S. Echols, Esq.
Nevada Bar No. 8437
Kathleen A. Wilde, Esq.
Nevada Bar No. 12522
Tom W. Stewart, Esq.
Nevada Bar No. 14280
10001 Park Run Drive
Las Vegas, Nevada 89145
Telephone: (702) 382-0711
Facsimile: (702) 382-5816
mechols@maclaw.com
kwilde@maclaw.com
tstewart@maclaw.com
Attorneys for Defendants

IN THE SECOND JUDICIAL DISTRICT FOR THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

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

Plaintiff,

vs.

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,

Defendants.

Case No.: CV13-02663
Dept. No.: 4

**REPLY IN SUPPORT OF MOTION TO
MAKE AMENDED OR ADDITIONAL
FINDINGS UNDER
NRCP 52(b), OR, IN THE
ALTERNATIVE, MOTION FOR
RECONSIDERATION
AND
OPPOSITION TO COUNTERMOTION
FOR FEES AND COSTS**

MAC:15765-001 3834311_2

1 Defendants Edward Bayuk (“Bayuk”) individually and Bayuk as Trustee (“Trustee
2 Bayuk”) of the Edward William Bayuk Living Trust (collectively “Bayuk Trust”), by and
3 through their counsel of record, Hartman & Hartman and Marquis Aurbach Coffing; and
4 Defendants, Superpumper, Inc.; Salvatore Morabito; and Snowshoe Petroleum, Inc. by and
5 through their counsel of record, Marquis Aurbach Coffing, hereby file this reply in support of
6 motion to make amended or additional findings pursuant to NRCP 52(b), or, in the alternative,
7 motion for reconsideration and opposition to countermotion for fees and costs.

8 **I. INTRODUCTION**

9 When the Court heard arguments on Defendants’ claims of exemption, and the third-
10 party claim of exemption, which is by statute an expedited process, the Court invited additional
11 documents to support the arguments presented to the Court at the hearing: “I am not going to
12 entertain anymore evidence. If you want to try to do something in the future with some
13 documentary evidence, you can certainly do that, but not today.” See **Exhibit 8**, pg. 57.¹ Now
14 that Defendants have presented this documentary evidence in their motion, the Trustee discounts
15 the evidence, and instead raises a series of inapposite procedural arguments. According to the
16 Trustee’s own filing and Bayuk’s filing, the competing orders resolving Defendants’ claims of
17 exemption were highly contested. See **Exhibits 19 & 20** (attached). Therefore, the Court should
18 look to the actual evidence that it invited without considering the Trustee’s procedural
19 arguments.

20 Regarding the validity of the Bayuk self-settled spendthrift trust, the Trustee completely
21 ignores *Klabacka v Nelson*, 133 Nev. 164, 394 P.3d 940 (2017), which governs the validity of
22 this SSST. Almost every argument presented by the Trustee to avoid this SSST can be resolved
23 by *Klabacka* in Defendants’ favor. Yet, the Trustee’s opposition makes no attempt to analyze
24 *Klabacka*. Thus, the Court should determine that the Bayuk Trust is a valid SSST, and that,
25 according to NRS Chapter 166, the Trustee did not make a timely claim against the Bayuk Trust.

26
27
28

¹ In this reply, Defendants reference **Exhibits 1–18**, which are attached to the motion.

1 The Trustee next improperly presumes that this Court has *in rem* jurisdiction over the
2 Bayuk Trust, even though it was never separately named. The Trustee's opposition excuses
3 itself from the statutes and case law discussing how *in rem* jurisdiction can be acquired by a
4 court over a trust, but then never explains how this Court actually acquired subject matter
5 jurisdiction over the Bayuk Trust. Therefore, the Court should also determine that it lacks
6 subject matter jurisdiction over the Bayuk Trust.

7 In his opposition, the Trustee does not oppose Salvatore Morabito's request to vacate the
8 Morabito Denial Order. Due to this tacit concession of error, the Court should vacate the
9 Morabito Denial Order.

10 The Trustee's countermotion for attorney fees and costs fails both procedurally and
11 substantively. The countermotion does not even mention a legal basis to award fees, much less
12 analyze either the legal or factual grounds for the Court to award attorney fees and costs to the
13 Trustee. Therefore, the Court should deny the Trustee's countermotion.

14 **II. LEGAL ARGUMENT**

15 **A. THE COURT SHOULD CONSIDER THE EVIDENCE THAT IT**
16 **PREVIOUSLY INVITED, DESPITE THE TRUSTEE'S PROCEDURAL**
17 **ARGUMENTS.**

18 The Trustee spends several pages of its opposition discussing standards for NRCP 52(b),
19 reconsideration generally, and NRCP 59(e). However, the Trustee does not specifically respond
20 to the Nevada Supreme Court's directive that courts do not defer to "legal error," even when
21 there are highly discretionary standards of review. *See AA Primo Builders, LLC v. Washington*,
22 126 Nev. 589, 245 P.3d 1190, 1197 (2010). Notably, Defendants filed their motion because the
23 Court invited additional documentary evidence, given the expedited statutory process for claims
24 of exemption: "I am not going to entertain anymore evidence. If you want to try to do something
25 in the future with some documentary evidence, you can certainly do that, but not today."
26 *See Exhibit 8*, pg. 57. Additionally, this motion provides the Court with a mechanism, on the
27 record, to resolve Defendants' objections to the filed orders resolving their claims for exemption.
28 *See Exhibits 19 & 20*.

1 Contrary to the Trustee's assertions, this Court can consider new issues and evidence for
2 the first time in post-judgment proceedings. For example, in *Las Vegas Police Protective Ass'n*
3 *v. Dist. Ct.*, 122 Nev. 230, 236–238, 130 P.3d 182, 187–188 (2006), the Nevada Supreme Court
4 considered arguments on appeal that were raised for the first time in reconsideration. *See also*
5 *Rico v. Rodriguez*, 121 Nev. 695, 700, 120 P.3d 812, 815 (2005).

6 In assessing a motion to make amended or additional findings pursuant to NRCP 52(b),
7 the Court “may amend its findings or make additional findings and may amend the
8 judgment” especially when, as here, the motion “raise[s] questions of substance by seeking
9 reconsideration of material findings of fact or conclusions of law to prevent manifest injustice.”
10 9C Wright & Miller, FED. PRAC. & PROC. CIV. § 2582. Likewise, a motion for reconsideration
11 under NRCP 59(e) should be granted if, as here, the moving party “demonstrate[s] that the
12 motion is necessary to correct manifest errors of law or fact upon which the judgment is based.”
13 *Id.* § 2810.1.

14 Defendants' motion seeks relief under NRCP 52(b), WDCR 12, and NRCP 59(e) and is
15 particularly appropriate, given the Court's invitation for further documentation at the hearing and
16 the disputed nature of the competing orders that needs to be resolved on the record.

17 **B. THIS COURT IS BOUND BY THE STATUTORY LANGUAGE IN**
18 **NRS CHAPTER 166 REGARDING THE STATUTES OF LIMITATION**
AND THE VALIDITY OF SPENDTHRIFT TRUSTS IN NEVADA.

19 The Denial Order should be amended to reflect that both the Bayuk Trust and the Arcadia
20 Trust are valid Nevada self-settled spendthrift trusts and, thus, entitled to the rigorous statutory
21 protections afforded under NRS Chapter 166. In doing so, the Court would allow the Denial
22 Order to comport with the Supreme Court's strict interpretation of self-settled spendthrift trust
23 protections as articulated in *Klabacka v Nelson*, 133 Nev. 164, 394 P.3d 940 (2017). Despite the
24 controlling nature of *Klabacka*, the opposition completely ignores this authority. While the
25 Trustee casts the arguments outlined in Defendants' motion as “harmless error,” the truth is that
26 if the Court applies *Klabacka* to the claims of exemption, the Trustee will not be able to seek
27 assets held by the spendthrift trusts—a significant difference from the current orders, such that
28 the assignments of error are not harmless.

1 To make the Court's orders consistent with NRS Chapter 166 and *Klabacka*, the Court
2 need only amend a handful of crucial paragraphs in the Denial Order, namely Paragraphs 2, 3, 4,
3 and 6, to reflect the following:

4 **Paragraphs 2 and 3:** Paragraph 2 states that Bayuk transferred his personal assets since
5 1998 to the Bayuk Trust, which the Court acknowledges was created in 1998. Building on that
6 premise, paragraph 3 concludes that the "purported" nature of the Bayuk Trust as an SSST was
7 not disclosed prior to the Claim of Exemption. However, Paragraph 2 fails to note that, as
8 trustee, Bayuk "[wa]s required to disregard and defeat every assignment or other act, voluntary
9 or involuntary, that is attempted contrary to the provisions of this chapter," NRS 166.120(4), and
10 that Bayuk's actions conformed to this mandatory statutory requirement. *See Klabacka*,
11 133 Nev. at 175, 394 P.3d at 949 ("[S]uch a court order [that] would require the trustee to make a
12 distribution outside the scope of the trust agreement and, perhaps more importantly, would run
13 afoul of NRS 166.120(2), which prohibits payments made pursuant to or by virtue of any legal
14 process.") (citing NRS 163.417(1)(c)(1)). Further, the Denial Order should be amended to
15 exclude the use of the term "purported" in paragraph 3, as the plain and unambiguous trust
16 documents forming the SSSTs at issue complied with the strictures of NRS 166.015 and, thus,
17 were validly formed under the laws of Nevada. *See Klabacka*, 133 Nev. at 174, 394 P.3d at 949.

18 **Paragraphs 4 and 5:** Paragraph 4 should be amended to reflect the Bayuk Trust
19 comporting with the statutory requirements for a valid Nevada SSST. "The validity of a trust is
20 to be determined as of the time it is created." 90 C.J.S. TRUSTS § 76. At the time the Bayuk
21 Trust was created, Bayuk was a resident of Reno, Nevada. *See Exhibit 2*. Thus, the Court's
22 conclusion that "[t]he Bayuk Trust does not meet the requirements for enforcement as a Nevada
23 spendthrift trust under NRS 166.015 because . . . neither Bayuk nor his cotrustee Paul Morabito
24 are [currently] domiciles of Nevada" is incorrect as a matter of law. *See Klabacka*, 133 Nev. at
25 172, 394 P.3d at 947. In any event, the Court has before it the assignment and assumption
26 agreement ("A&AA") demonstrating that Governor Gibbons executed the A&AA as Co-Trustee
27 of the Arcadia Trust and Co-Trustee of the Bayuk Trust. *See Exhibit 17*. As the Court will
28

1 recall, Governor Gibbons was present during the hearing and prepared to testify of his role as the
2 Co-Trustee. Thus, this Court should amend the findings of Paragraph 4 accordingly.

3 Likewise, Paragraph 5 should be amended to reflect that Bayuk lived in Reno, *see*
4 **Exhibit 2**, and, thus, the ownership of the burial plot is immaterial to the determination of the
5 Bayuk Trust's validity.

6 **Paragraph 6:** Paragraph 6 should also be amended to remove the use of the term
7 "purported" with respect to the validity of the SSSTs. This Court should correct the record to
8 reflect its misapplication of the statutes of limitation outlined in NRS 166.170, which, when
9 applied to the transfers at issue here, bars the Trustee's untimely claims against those exempt
10 assets. Indeed, NRS 166.170(1)(a) mandates that "[a] person may not bring an action with
11 respect to a transfer of property to [the Bayuk Trust] . . . [i]f the person is a creditor when the
12 transfer is made, unless the action is commenced within . . . [t]wo years after the transfer is
13 made; or . . . [s]ix months after the person discovers or reasonably should have discovered the
14 transfer, . . . whichever is later."

15 Here, the Bayuk Trust was established, and, thus, some transfers were made, on
16 November 12, 2005; thus, the initial two-year period outlined in NRS 166.170(1)(a)(1) expired
17 on November 12, 2007. The Denial Order should reflect that no claims were made within this
18 time.

19 Further, a series of exchanges of exempt real property assets occurred on October 1, 2010
20 and November 4, 2010; thus, the six-month period outlined in NRS 166.170(1)(a)(2) expired on
21 April 1, 2011. The Denial Order should also reflect that no claims were made within this time,
22 such that the claims were untimely.

23 Finally, the Trustee took no action with the Tolling Agreements until November 30,
24 2011— eight months after learning of the Morabito Irrevocable Nevada SSSTs and, thus, outside
25 the six-month period outlined in NRS 166.170(1)(a)(2). The Denial Order should reflect that no
26 claims were made within this time and, thus, that the claims were untimely.

27 When construing statutes, courts first look to the plain language of the statute, *see A.F.*
28 *Constr. Co. v. Virgin River Casino*, 118 Nev. 699, 703, 56 P.3d 887, 890 (2002), and when, as

1 here, a statute's language is plain and its meaning clear, courts apply that plain language,
2 *see Int'l Game Tech. v. Dist. Ct.*, 122 Nev. 132, 152, 127 P.3d 1088, 1102 (2006). Thus, the
3 plain meaning of NRS 166.170(1)(a) requires that, because the Herbst Parties made no timely
4 claims, the Denial Order's findings to the contrary should be amended to reflect the claims were
5 brought outside the applicable statutes of limitations.

6 Importantly, the assertion of a breach in the trust formalities does not invalidate an
7 SSST—a point established by *Klabacka* and ignored by the Trustee in his opposition. Hence,
8 any number of procedural deficiencies does not invalidate the SSSTs in this case: "Breaching
9 trust formalities of an otherwise validly created SSST does not invalidate a spendthrift trust;
10 rather, it creates liability upon the trustee(s) for that breach. Indeed, if, after an SSST is validly
11 formed, the trust formalities are breached by a trustee, the proper remedy is a civil suit against
12 the trustee—not an invalidation of the trust itself." *Id.* 133 Nev. at 172–173, 394 P.3d at 948
13 (citing NRS 163.115).

14 The Trustee next argues that Defendants are merely trying to re-litigate the fraudulent
15 transfer trial. Quite the contrary, Defendants are asserting their rights under claims of
16 exemption, and a third-party claim in these post-judgment proceedings. Notably, the purpose of
17 the Lehman declaration was to demonstrate that there was never any "transfer," but rather an
18 "exchange" from one SSST to another. *See Exhibit 4.* In any event, the Arcadia Trust was
19 never a judgment debtor to the Trustee in any prior litigation. Therefore, the Court should make
20 these additional findings and amend the Denial Order.

21 **C. THIS COURT HAS NOT ACQUIRED *IN REM* JURISDICTION OVER**
22 **THE BAYUK TRUST, WHICH IS A MATTER OF SUBJECT MATTER**
JURISDICTION THAT CAN BE RAISED AT ANY TIME.

23 In the Trustee's opposition, he agrees that Bayuk, individually, and Bayuk as trustee of
24 the Bayuk Trust are distinct legal entities. However, the Trustee disagrees that Bayuk, as trustee
25 of the Bayuk Trust, and the Bayuk Trust itself are different legal entities. Instead, the Trustee
26 takes the position that a trustee of a trust and the trust itself are always one and the same for
27 purposes of subject matter or *in rem* jurisdiction. Yet, the Trustee does not offer any legal
28 authority for its argument. *Opp.*, pgs. 12–13. In the end, however, the Trustee has not explained

1 how this Court acquired subject matter jurisdiction over the Bayuk Trust since it was not named
2 in this litigation and not administered in Nevada, and according to the Court's prior orders was
3 not domiciled in Nevada and has no assets in Nevada. In other words, if the Court continues to
4 treat the Bayuk Trust as a foreign trust, how did the Court obtain *in rem* jurisdiction over the
5 trust itself?

6 The Nevada Supreme Court explained that a court obtains *in rem* jurisdiction over a trust
7 in all trust administrative actions under NRS Chapter 164. See *In re Aboud Inter Vivos Tr.*,
8 129 Nev. 915, 921, 314 P.3d 941, 945 (2013). The Supreme Court also elaborated that once a
9 court obtains *in rem* jurisdiction, "*in personam* jurisdiction is not necessary to enter a judgment."
10 *Id.* However, the opposite proposition, which the Trustee champions, is not supported by any
11 legal authority. The Supreme Court continued, "Because the district court's order was a
12 judgment against Betty Jo and I.C.A.N., and not against any trust property, it exceeded the *in*
13 *rem* jurisdiction over trust assets provided by NRS 164.010(1) and NRS 164.015(6) and is void."
14 *Id.*, 129 Nev. at 922, 314 P.3d at 946.

15 Since this Court's lack of *in rem* jurisdiction over the Bayuk Trust is a matter of subject
16 matter jurisdiction, it can be raised at any time and is not waivable. See *Landreth v. Malik*,
17 127 Nev. 175, 179, 251 P.3d 163, 166 (2011) ("Whether a court lacks subject matter jurisdiction
18 can be raised by the parties at any time, or sua sponte by a court of review, and cannot be
19 conferred by the parties."); *Swan v. Swan*, 106 Nev. 464, 469, 796 P.2d 221, 224 (1990) ("The
20 lack of subject matter jurisdiction is not waivable and cannot be conferred by the parties.").
21 Therefore, the Court should determine that it lacks *in rem* jurisdiction over the Bayuk Trust, such
22 that its order denying the claim of exemption as to the Bayuk Trust is void.

23 **D. THE TRUSTEE DOES NOT OPPOSE SALVATORE MORABITO'S**
24 **REQUESTED RELIEF TO VACATE THE MORABITO DENIAL ORDER.**

25 In the motion, Salvatore Morabito asked this Court to vacate the Morabito Denial Order
26 as a prohibited general execution order. Mot., pg. 20. Despite the Trustee's lengthy opposition,
27 he does *not* oppose Morabito's requested relief. Thus, Morabito's argument and requested relief
28 stand uncontested and amount to an admission that the motion is meritorious and a confession of

1 error. *See, e.g.*, DCR 13(3) (“Failure of the opposing party to serve and file his written
2 opposition may be construed as an admission that the motion is meritorious and a consent to
3 granting the same.”); *Bates v. Chronister*, 100 Nev. 675, 681–682, 691 P.2d 865, 870 (1984)
4 (treating the respondent’s failure to respond to the appellant’s argument as a confession of error);
5 *A Minor v. Mineral Co. Juv. Dep’t*, 95 Nev. 248, 249, 592 P.2d 172, 173 (1979) (determining
6 that the answering brief was silent on the issue in question, resulting in a confession of error).
7 Due to the Trustee’s failure to oppose Morabito’s argument, the Court should vacate the
8 Morabito Denial Order.

9
10 **E. THE TRUSTEE’S COUNTERMOTION FOR ATTORNEY FEES AND COSTS SHOULD BE REJECTED.**

11 As an afterthought, the Trustee offers only a cursory countermotion for attorney fees and
12 costs. Yet, the countermotion does not actually state any legal basis for this Court to award
13 attorney fees or costs.² Opp., pgs. 15–16. Nevada follows the American Rule, such that attorney
14 fees cannot be awarded absent an authorizing contract provision, statute, or court rule. *See, e.g.*,
15 *Bobby Berosini, Ltd. v. PETA*, 114 Nev. 1348, 1356, 971 P.2d 383, 388 (1998). Yet, the Trustee
16 has failed to identify a contract provision, statute, or court rule that would entitle him to recover
17 attorney fees and costs. Thus, the Trustee’s countermotion fails procedurally since it does not
18 even identify any legal basis upon which this Court could grant attorney fees and costs.
19 *See* DCR 13(2) (“A party filing a motion shall also serve and file with it a memorandum of
20 points and authorities in support of each ground thereof. The absence of such memorandum may
21 be construed as an admission that the motion is not meritorious and cause for its denial or as a
22 waiver of all grounds not so supported.”).

23 For his requested relief, the Trustee argues that attorney fees should be awarded against
24 Defendants. Opp., pg. 16. Even if the Court were to consider NRS 7.085 as the legal basis for
25 awarding attorney fees to the Trustee, this statute only authorizes awards of attorney fees against
26 attorneys, but the countermotion does not identify any attorneys the Trustee believes should be

27 ² The title to the countermotion and the introduction to the opposition (Opp., pg. 2) mention NRS 7.085,
28 but no argument or analysis is offered.

1 sanctioned and is, thus, inapplicable. More importantly, the countermotion does not specifically
2 identify any sanctionable conduct. The Trustee generally argues that Defendants' request for this
3 Court to reconsider certain aspects of the orders denying their claims for exemption amount
4 should be sanctioned. However, the Trustee fails to appreciate that this Court invited additional
5 documentary evidence. See **Exhibit 8**, pg. 57. And, the arguments presented in Defendants'
6 motion are based upon two filings (including one of the Trustee's own filings) with competing
7 orders, demonstrating the highly disputed nature of the Court's orders resolving Defendants'
8 claims of exemption. See **Exhibits 19 & 20**. Cf. *Pub. Employees' Ret. Sys. of Nevada v. Gitter*,
9 133 Nev. 126, 136, 393 P.3d 673, 682 (2017) (reversing an award of attorney fees based upon
10 NRS 18.010(2)(b) and NRS 7.085 because the "defenses were based upon novel and arguable, if
11 not ultimately successful, issues of law...."); *Baldonado v. Wynn Las Vegas, LLC*, 124 Nev. 951,
12 968, 194 P.3d 96, 107 (2008) (a case is not frivolous or brought on unreasonable grounds when
13 the law is complex or unsettled); *Rodriguez v. Primadonna Co., LLC*, 125 Nev. 578, 588–589,
14 216 P.3d 793, 801 (2009) (cases presenting novel issues of law are not frivolous). Without the
15 Trustee *specifically* identifying what conduct it believes is sanctionable, Defendants have no way
16 of defending against broad allegations of misconduct. Therefore, the Court should reject the
17 Trustee's countermotion for attorney fees and costs.

18 **III. CONCLUSION**

19 In summary, the Court should reject the Trustee's procedural arguments, and review the
20 evidence presented, particularly in light of the Court's invitation and the competing orders
21 resolving Defendants' claims of exemption. Based upon both *Klabacka* and NRS Chapter 166,
22 the Court should determine that the Bayuk SSST is a valid self-settled spendthrift trust, and that
23 the Trustee did not make a timely claim. The Court should also determine that it lacks *in rem*
24 jurisdiction over the Bayuk Trust. Based upon the Trustee's tacit concession, the Court should
25 also vacate the Morabito Denial Order. Finally, the Court should deny the Trustee's
26 countermotion for attorney fees and costs as completely unfounded as a matter of both law and
27 fact.
28

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned affirms that the pleading or document now being present to the Court in the above-entitled action does **not** contain any Personal Information (as defined in NRS 603A.040).

Dated this 4th day of September, 2019.

MARQUIS AURBACH COFFING

By /s/ Micah S. Echols
Micah S. Echols, Esq.
Nevada Bar No. 8437
Kathleen A. Wilde, Esq.
Nevada Bar No. 12522
Tom W. Stewart, Esq.
Nevada Bar No. 14280
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **REPLY IN SUPPORT OF MOTION TO MAKE AMENDED OR ADDITIONAL FINDINGS UNDER NRCP 52(b), OR, IN THE ALTERNATIVE, MOTION FOR RECONSIDERATION AND OPPOSITION TO COUNTERMOTION FOR FEES AND COSTS** was submitted electronically for filing and/or service with the Second Judicial District Court on the 4th day of September, 2019. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:

ERIKA TURNER, ESQ.
for WILLIAM A. LEONARD, JR, TRUSTEE OF ESTATE OF PAUL A. MORABITO

FRANK GILMORE, ESQ.
for SALVATORE R. MORABITO, SNOWSHOE PETROLEUM, INC.,
and SUPERPUMPER, INC.

MARK WEISENMILLER, ESQ.
for WILLIAM A. LEONARD, JR, TRUSTEE OF ESTATE OF PAUL A. MORABITO

JEFFREY HARTMAN, ESQ.
for EDWARD WILLIAM BAYUK LIVING TRUST, EDWARD BAYUK

TERESA PILATOWICZ, ESQ.
for WILLIAM A. LEONARD, JR, TRUSTEE OF ESTATE OF PAUL A. MORABITO

GABRIELLE HAMM, ESQ.
for WILLIAM A. LEONARD, JR, TRUSTEE OF ESTATE OF PAUL A. MORABITO

MICHAEL LEHNERS, ESQ.
for EDWARD WILLIAM BAYUK LIVING TRUST, and EDWARD BAYUK and
SALVATORE R. MORABITO

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

GERALD M. GORDON, ESQ.
Garman Turner Gordon LLP
650 White Drive, Ste. 100
Las Vegas, Nevada 89119
SPECIAL COUNSEL TO TRUSTEE

/s/ Leah Dell
Leah Dell, an employee of
Marquis Aurbach Coffing

MARQUIS AURBACH COFFING

10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

INDEX OF EXHIBITS

| Exhibit | Document Description | Page Count |
|----------------|---|-------------------|
| 19 | Notice of Submission of Disputed Order Denying Claim of Exemption and Third Party Claim (filed 08/01/19) | 42 |
| 20 | Objection to Plaintiff's Proposed Order Denying Claim of Exemption and Third Party Claim (filed 08/01/19) | 17 |

Exhibit 19

1770
GARMAN TURNER GORDON LLP
GERALD M. GORDON, ESQ.
Nevada Bar No. 229
E-mail: ggordon@gtg.legal
ERIKA PIKE TURNER, ESQ.
Nevada Bar No. 6454
E-mail: eturner@gtg.legal
TERESA M. PILATOWICZ, ESQ.
Nevada Bar No. 9605
E-mail: tpilatowicz@gtg.legal
GABRIELLE A. HAMM, ESQ.
Nevada Bar No. 11588
E-mail: ghamm@gtg.legal
650 White Drive, Ste. 100
Las Vegas, Nevada 89119
Telephone 725-777-3000
Counsel to Plaintiff

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

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

Plaintiff,

vs.

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

Defendants.

CASE NO.: CV13-02663

DEPT. NO.: 4

NOTICE OF SUBMISSION OF DISPUTED ORDER DENYING CLAIM OF
EXEMPTION AND THIRD PARTY CLAIM

1 Plaintiff William A. Leonard, Trustee for the Bankruptcy Estate of Paul Anthony Morabito,
2 (“Plaintiff”) by and through his counsel, the law firm of Garman Turner Gordon LLP, hereby
3 submits Plaintiff’s proposed *Order Denying Claim of Exemption and Third Party Claim* (the
4 “Proposed Order”), attached hereto as **Exhibit “1,”** and requests that the Court enter the same.

5 1. On June 28, 2019, Edward Bayuk (“Edward”), individually and as trustee of the
6 Edward William Bayuk Living Trust (the “Bayuk Trust,” and together with Edward, “Bayuk”)
7 filed a *Notice of Claim of Exemption from Execution* (the “Claim of Exemption”) and on July 3,
8 2019, the Bayuk Trust filed the *Third Party Claim to Property Levied Upon [NRS 31.070]* (the
9 “Third Party Claim”).

10 2. On July 11, 2019, Plaintiff filed *Plaintiff’s Objection to (1) Declaration of Edward*
11 *Bayuk Claiming Exemption From Execution and (2) Third Party Claim to Property Levied Upon,*
12 *and Request for Hearing Pursuant to NRS 21.112 and 31.070(5)* (the “Objection”)

13 3. On July 17, 2019, Bayuk filed their *Reply to Objection to Claim of Exemption and*
14 *Third Party Claim to Property Levied Upon* (the “Reply”)

15 4. The Court held a hearing on the Claim of Exemption and Third Party Claim on July
16 22, 2019 and requested Plaintiff to prepare and circulate an order denying the Claim of Exemption
17 and Third Party Claim, which Plaintiff did by circulating an *Order Denying Claim of Exemption*
18 *and Third Party Claim* (the “July 24 Order”) on July 24, 2019. **See Exhibit “2”**

19 5. Pursuant to WDCR 9, comments or objections to the July 24 Order were due on or
20 before July 29, 2019. On July 30, 2019, Bayuk, through counsel Jeffrey Hartman, Esq., requested
21 until noon on July 31, 2019 to provide comments. **See Exhibit**
22 **“3.”**

23 6. Bayuk failed to provide comments at noon on July 31, 2019, instead waiting until
24 1:43 p.m. to send a redline version with proposed changes after multiple follow ups from Plaintiff’s
25 counsel on July 31, 2019. **See Exhibits “4” and “5.”**¹

26
27 ¹ In the July 31 e-mail, Bayuk only provided his comments in redline, but did not provide a “clean” copy of Bayuk’s
28 proposed order. A “clean” copy of the proposed order, created by “accepting” the redline changes is attached hereto
as Exhibit “6.”

7. Upon review of the proposed revisions, Plaintiff's counsel became aware that the redline attached to the July 31, 2019 e-mail was not a correct reflection of the proposed changes to the July 24 Order. Instead, a true and correct copy of the redline run by Plaintiff accurately reflecting Bayuk's proposed changes is attached hereto as **Exhibit "6."**

8. After review of the proposed revisions, Plaintiff advised Bayuk, through counsel, that Plaintiff agreed 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. See Exhibit "7."²

9. Plaintiff's counsel requested that Bayuk's counsel respond by 1:00 p.m. on August 1, 2019 indicating whether the proposed Order was acceptable. See id.

10. Plaintiff's counsel has not received any response from Bayuk's counsel and, as such, submits the Proposed Order and advises the Court that Plaintiff understands that Bayuk disputes the form of Order.

AFFIRMATION

Pursuant to NRS 239B.030

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

Dated this 1st day of August, 2019.

GARMAN TURNER GORDON LLP

By: /s/ Teresa M. Pilatowicz
 GERALD M. GORDON, ESQ.
 ERIKA PIKE TURNER, ESQ.
 TERESA M. PILATOWICZ, ESQ.
 GABRIELLE A. HAMM, ESQ.
 650 White Drive, Ste. 100
 Las Vegas, Nevada 89119
 Telephone 725-777-3000
Counsel to Plaintiff

² Exhibit 7 does not contain a second copy of the Proposed Order or the correct redline run between the July 24 Order and Bayuk's proposed order as such documents are already attached to this Notice as Exhibits 1 and 6, respectively.

INDEX OF EXHIBITS

| Exhibit | Description | Pages³ |
|----------------|---|--------------------------|
| 1 | Plaintiff's proposed Order Denying Claim of Exemption and Third Party Claim | 5 |
| 2 | Bayuk and the Bayuk Trust's proposed Order Denying Claim of Exemption and Third Party Claim | 5 |
| 3 | July 30, 2019 email evidencing Bayuk, through counsel Jeffrey Hartman, Esq., requesting until noon on July 31, 2019 to provide comments. | 2 |
| 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 | 7 |
| 5 | A true and correct copy of the original Order and Bayuk Changes | 5 |
| 6 | A true and correct copy of the redline run by Plaintiff accurately reflecting Bayuk's proposed changes | 5 |
| 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. | 3 |

³ Exhibit pagination includes exhibit slip sheets.

Exhibit 1

2840
GARMAN TURNER GORDON LLP
GERALD M. GORDON, ESQ.
Nevada Bar No. 229
E-mail: ggordon@gtg.legal
ERIKA PIKE TURNER, ESQ.
Nevada Bar No. 6454
E-mail: eturner@gtg.legal
TERESA M. PILATOWICZ, ESQ.
Nevada Bar No. 9605
E-mail: tpilatowicz@gtg.legal
GABRIELLE A. HAMM, ESQ.
Nevada Bar No. 11588
E-mail: ghamm@gtg.legal
650 White Drive, Ste. 100
Las Vegas, Nevada 89119
Telephone 725-777-3000
Counsel to Plaintiff

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

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

Plaintiff,

vs.

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

Defendants.

CASE NO.: CV13-02663

DEPT. NO.: 4

ORDER DENYING CLAIM OF EXEMPTION AND THIRD PARTY CLAIM

Before the Court is the *Notice of Claim of Exemption from Execution* (the “Claim of Exemption”) filed on June 28, 2019 by Edward Bayuk (“Bayuk”), individually and as trustee of the Edward William Bayuk Living Trust (the “Bayuk Trust”), and the *Third Party Claim to*

1 *Property Levied Upon [NRS 31.070]* (the “Third Party Claim”) filed on July 3, 2019 by the Bayuk
2 Trust. The Claim of Exemption and Third Party Claim are supported by the *Declaration of Edward*
3 *Bayuk Claiming Exemption from Execution* (the “Bayuk Declaration”), filed on July 2, 2019.
4 *Plaintiff’s Objection to (1) Declaration of Edward Bayuk Claiming Exemption From Execution*
5 *and (2) Third Party Claim to Property Levied Upon, and Request for Hearing Pursuant to NRS*
6 *21.112 and 31.070(5)* (the “Objection”) was filed on July 11, 2019, and Bayuk and the Bayuk
7 Trust’s *Reply to Objection to Claim of Exemption and Third Party Claim to Property Levied Upon*
8 (the “Reply”) was filed on July 17, 2019.

9 The Court held a hearing on the Claim of Exemption and Third Party Claim on July 22,
10 2019. Bayuk and the Bayuk Trust appeared by and through counsel, Michael Lehnert and Jeffrey
11 L. Hartman. Plaintiff appeared by and through counsel, Erika Pike Turner, Gerald M. Gordon,
12 and Teresa Pilatowicz of the law firm of Garman Turner Gordon LLP.

13 The Court has reviewed and considered the arguments made in the Claim of Exemption
14 and the Third Party Claim, the Objection, and the Reply, the Bayuk Declaration, the exhibits to all
15 of the foregoing, the papers and pleadings on file with the Court in this action, the testimony and
16 exhibits admitted during the trial, the Court’s Findings of Fact, Conclusions of Law, and Judgment,
17 entered on March 29, 2019 (the “Judgment”), and the arguments of counsel made at the hearing.
18 The Court, persuaded by the argument and authorities in Plaintiff’s Objection and the arguments
19 of Plaintiff’s counsel at the hearing, along with the pleadings and papers on file, the trial record,
20 and the findings and conclusions set forth in the Judgment, finds as follows:

21 1. The court has subject matter jurisdiction over the claims asserted against Bayuk, as
22 trustee of the Bayuk Trust.

23 2. Bayuk has transferred all of his personal assets to the Bayuk Trust since the Bayuk
24 Trust was established in 1998. As set forth in the Judgment, the Bayuk Trust received fraudulently
25 transferred property which was established by clear and convincing evidence.

26 3. The purported nature of the Bayuk Trust as a Nevada spendthrift trust was not
27 disclosed prior to the Claim of Exemption. In response to discovery requests, in deposition, in
28 subject deeds, and at trial prior to the Judgment, Bayuk and the Bayuk Trust produced

1 contradictory evidence regarding the date and the purpose of the Bayuk Trust. With the Claim of
2 Exemption, the Bayuk Trust clarifies that that there is, and has been, only one trust with the name
3 “the Edward William Bayuk Living Trust” and that is the Bayuk Trust.

4 4. The Bayuk Trust does not meet the requirements for enforcement as a Nevada
5 spendthrift trust under NRS 166.015 because Bayuk is the settlor and beneficiary during his
6 lifetime of the Bayuk Trust, and neither Bayuk nor his co-trustee Paul Morabito are domiciles of
7 Nevada. NRS 166.015(2). As established in the Judgment, Bayuk and Paul Morabito moved to
8 California in September 2010.

9 5. Contrary to assertions by Bayuk, there was no credible evidence presented that the
10 Bayuk Trust owns a burial plot in Nevada; but, even if such fact were established, the ownership
11 of a burial plot in Nevada is insufficient to invoke the protections of NRS Chapter 166.

12 6. Even if the claims asserted against the Bayuk Trust were subject to the time periods
13 under NRS 166.170, they were timely because the fraudulent transfer claim was brought (1) within
14 two years after the fraudulent transfers were made and (2) also within six months of discovery of,
15 or when Plaintiff reasonably should have discovered, the existence of the purported spendthrift
16 trust. The subject fraudulent transfers occurred in September 2010 and thereafter. The Bayuk
17 Trust executed a tolling agreement on November 30, 2011 to toll any statute of limitations
18 applicable to the fraudulent transfer of property to the Bayuk Trust, which tolling agreement tolled
19 the time period to file until June 18, 2013 and the Complaint was filed in December 2013. The
20 purported nature of the Bayuk Trust as a spendthrift trust subject to NRS 166.170 was not disclosed
21 until the Claim of Exemption. Moreover, any defenses based on NRS 166.170 have been waived
22 as a result of the failure of Bayuk or the Bayuk Trust to raise such defenses prior to the Claim of
23 Exemption.

24 ...

25 ...

26 ...

27 ...

28 ...

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Based upon review of the entire file, the foregoing, and good cause appearing:

IT IS HEREBY ORDERED that the Claim of Exemption is denied.

IT IS FURTHER ORDERED that the Third Party Claim is denied.

Dated this _____ day of _____, 2019.

DISTRICT JUDGE

Exhibit 2

Dekova Huckaby

From: Teresa Pilatowicz
Sent: Wednesday, July 24, 2019 6:05 PM
To: jlh@bankruptcyreno.com; michaellehners@yahoo.com
Cc: Gabby Hamm; Erika Turner; Dekova Huckaby
Subject: Leonard v. Superpumper/Orders Denying Claims of Exemption
Attachments: Ord Denying Bayuk Claim of Exemption & Third Party Claim.docx; Ord Denying S. Morabito Exemption Claim.docx

Michael and Jeff,

Attached please find the following: (1) Order Denying Claim of Exemption and Third Party Claim and (2) Order Denying Claim of Exemption following the hearing held on Monday, July 22, 2019.

Please provide and comments or proposed revisions no later than July 29.

Thanks,

Teresa

1 **2840**
2 GARMAN TURNER GORDON LLP
3 GERALD M. GORDON, ESQ.
4 Nevada Bar No. 229
5 E-mail: ggordon@gtg.legal
6 ERIKA PIKE TURNER, ESQ.
7 Nevada Bar No. 6454
8 E-mail: eturner@gtg.legal
9 TERESA M. PILATOWICZ, ESQ.
10 Nevada Bar No. 9605
11 E-mail: tpilatowicz@gtg.legal
12 GABRIELLE A. HAMM, ESQ.
13 Nevada Bar No. 11588
14 E-mail: ghamm@gtg.legal
15 650 White Drive, Ste. 100
16 Las Vegas, Nevada 89119
17 Telephone 725-777-3000
18 *Counsel to Plaintiff*

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

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

17 Plaintiff,

18 vs.

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

26 Defendants.

CASE NO.: CV13-02663

DEPT. NO.: 4

25 **ORDER DENYING CLAIM OF EXEMPTION AND THIRD PARTY CLAIM**

26 Before the Court is the *Notice of Claim of Exemption from Execution* (the “Claim of
27 Exemption”) filed on June 28, 2019 by Edward Bayuk (“Bayuk”), individually and as trustee of
28 the Edward William Bayuk Living Trust (the “Bayuk Trust”), and the *Third Party Claim to*

1 *Property Levied Upon [NRS 31.070]* (the “Third Party Claim”) filed on July 3, 2019 by the Bayuk
2 Trust. The Claim of Exemption and Third Party Claim are supported by the *Declaration of Edward*
3 *Bayuk Claiming Exemption from Execution* (the “Bayuk Declaration”), filed on July 2, 2019.
4 *Plaintiff’s Objection to (1) Declaration of Edward Bayuk Claiming Exemption From Execution*
5 *and (2) Third Party Claim to Property Levied Upon, and Request for Hearing Pursuant to NRS*
6 *21.112 and 31.070(5)* (the “Objection”) was filed on July 11, 2019, and Bayuk and the Bayuk
7 Trust’s *Reply to Objection to Claim of Exemption and Third Party Claim to Property Levied Upon*
8 (the “Reply”) was filed on July 17, 2019.

9 The Court held a hearing on the Claim of Exemption and Third Party Claim on July 22,
10 2019. Bayuk and the Bayuk Trust appeared by and through counsel, Michael Lehnert and Jeffrey
11 L. Hartman. Plaintiff appeared by and through counsel, Erika Pike Turner, Gerald M. Gordon,
12 and Teresa Pilatowicz of the law firm of Garman Turner Gordon LLP.

13 The Court has reviewed and considered the arguments made in the Claim of Exemption
14 and the Third Party Claim, the Objection, and the Reply, the Bayuk Declaration, the exhibits to all
15 of the foregoing, the papers and pleadings on file with the Court in this action, the testimony and
16 exhibits admitted during the trial, the Court’s Findings of Fact, Conclusions of Law, and Judgment,
17 entered on March 29, 2019 (the “Judgment”), and the arguments of counsel made at the hearing.
18 The Court, persuaded by the argument and authorities in Plaintiff’s Objection and the arguments
19 of Plaintiff’s counsel at the hearing, along with the pleadings and papers on file, the trial record,
20 and the findings and conclusions set forth in the Judgment, finds as follows:

21 1. The court has subject matter jurisdiction over the claims asserted against Bayuk, as
22 trustee of the Bayuk Trust.

23 2. Bayuk has transferred all of his personal assets to the Bayuk Trust since the Bayuk
24 Trust was established in 1998. Inclusive, the Bayuk Trust received fraudulently transferred
25 property which, as further set forth in the Judgment, was established by clear and convincing
26 evidence.

27 3. The purported nature of the Bayuk Trust as a Nevada spendthrift trust was not
28 disclosed prior to the Claim of Exemption. In response to discovery requests, in deposition, in

1 subject deeds, and at trial prior to the Judgment, Bayuk and the Bayuk Trust produced
2 contradictory evidence regarding the date and the purpose of the Bayuk Trust. With the Claim of
3 Exemption, the Bayuk Trust clarifies that that there is, and has been, only one trust with the name
4 “the Edward William Bayuk Living Trust” and that is the Bayuk Trust.

5 4. The Bayuk Trust does not meet the requirements for enforcement as a Nevada
6 spendthrift trust under NRS 166.015 because Bayuk is the settler and beneficiary during his
7 lifetime of the Bayuk Trust, and neither Bayuk nor his co-trustee Paul Morabito are domiciles of
8 Nevada. NRS 166.015(2). As established in the Judgment, Bayuk and Paul Morabito moved to
9 California in September 2010.

10 5. Contrary to assertions by Bayuk, there was no credible evidence presented that the
11 Bayuk Trust owns a burial plot in Nevada; but, even if such fact were established, the ownership
12 of a burial plot in Nevada is insufficient to invoke the protections of NRS 166.015.

13 6. Even if the claims asserted against the Bayuk Trust were subject to the time periods
14 under NRS 166.170, they were timely because the fraudulent transfer claim was brought (1) within
15 two years of the fraudulent transfers and (2) also within six months of discovery of the existence
16 of the purported spendthrift trust. The subject fraudulent transfers occurred in September 2010
17 and thereafter. The Bayuk Trust executed a tolling agreement on November 30, 2011 to toll any
18 statute of limitations applicable to the fraudulent transfer of property to the Bayuk Trust, which
19 tolling agreement tolled the time period to file until June 18, 2013 and the Complaint was filed in
20 December 2013. The purported nature of the Bayuk Trust as a spendthrift trust subject to NRS
21 166.170 was not disclosed until the Claim of Exemption. Moreover, any defenses based on NRS
22 166.170 have been waived as a result of the failure of Bayuk or the Bayuk Trust to raise such
23 defenses prior to the Claim of Exemption.

24 ...
25 ...
26 ...
27 ...
28 ...

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Based upon review of the entire file, the foregoing, and good cause appearing:

IT IS HEREBY ORDERED that the Claim of Exemption is denied.

IT IS FURTHER ORDERED that the Third Party Claim is denied.

Dated this _____ day of _____, 2019.

DISTRICT JUDGE

Exhibit 3

Dekova Huckaby

From: Jeffrey L. Hartman <jlh@bankruptcyreno.com>
Sent: Tuesday, July 30, 2019 5:25 PM
To: Teresa Pilatowicz
Cc: Michael C. Lehnerns (mcl3303@aol.com)
Subject: RE: Leonard v. Superpumper/Orders Denying Claims of Exemption

Teresa:

Michael and I got our wires crossed on these. I will respond to you by noon tomorrow.

Jeff Hartman

From: Teresa Pilatowicz <tpilatowicz@Gtg.legal>
Sent: Wednesday, July 24, 2019 6:05 PM
To: Jeffrey L. Hartman <jlh@bankruptcyreno.com>; michaellehners@yahoo.com
Cc: Gabby Hamm <ghamm@Gtg.legal>; Erika Turner <eturner@Gtg.legal>; Dekova Huckaby <dhuckaby@Gtg.legal>
Subject: Leonard v. Superpumper/Orders Denying Claims of Exemption

Michael and Jeff,

Attached please find the following: (1) Order Denying Claim of Exemption and Third Party Claim and (2) Order Denying Claim of Exemption following the hearing held on Monday, July 22, 2019.

Please provide and comments or proposed revisions no later than July 29.

Thanks,

Teresa

Exhibit 4

Dekova Huckaby

From: Jeffrey L. Hartman <jlh@bankruptcyreno.com>
Sent: Wednesday, July 31, 2019 1:45 PM
To: Teresa Pilatowicz
Subject: RE: Exemption Orders
Attachments: JPL REDLINE OF Order Denying Bayuk Claim (004).docx

I'm sorry for the delay. We had incompatible Word versions with some of the editors.

Jeff Hartman

From: Teresa Pilatowicz <tpilatowicz@Gtg.legal>
Sent: Wednesday, July 31, 2019 1:43 PM
To: Jeffrey L. Hartman <jlh@bankruptcyreno.com>
Cc: Dekova Huckaby <dhuckaby@Gtg.legal>
Subject: Re: Exemption Orders

Jeff,

The Court requested that the orders be uploaded shortly after the hearing. We circulated them last Wednesday, two days after the hearing, for comment. Pursuant to local rule, comments were due Monday. I waited until noon today at your request. At noon, you advised comments would be sent within 30 minutes. It has now been almost two hours.

We intend to upload the orders today to comply with the Court's request that they be submitted in short order.

Teresa

Sent from my iPhone

On Jul 31, 2019, at 2:57 PM, Jeffrey L. Hartman <jlh@bankruptcyreno.com> wrote:

Another 30 minutes. Thanks for your indulgence.

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
Web: www.jeffreyhartman.com

Confidentiality Note: Please note that the information in this email is confidential and may be privileged and is intended only for the use of the named addressee(s). Nothing in this email is intended by the attorney or the client to constitute a waiver of the confidentiality of this information. If the recipient of this email is not the intended recipient, please be advised that any duplication or distribution of this information is unauthorized. If you have received this information in error, please immediately notify us by

return email, and please destroy this transmission, all attachments to it, and any copies that have been made. Thank you for your cooperation.

1 **2840**

GARMAN TURNER GORDON LLP

2 GERALD M. GORDON, ESQ.

Nevada Bar No. 229

3 E-mail: ggordon@gtg.legal

4 ERIKA PIKE TURNER, ESQ.

Nevada Bar No. 6454

5 E-mail: eturner@gtg.legal

6 TERESA M. PILATOWICZ, ESQ.

Nevada Bar No. 9605

7 E-mail: tpilatowicz@gtg.legal

GABRIELLE A. HAMM, ESQ.

8 Nevada Bar No. 11588

E-mail: ghamm@gtg.legal

9 650 White Drive, Ste. 100

Las Vegas, Nevada 89119

10 Telephone 725-777-3000

11 *Counsel to Plaintiff*

12 **IN THE SECOND JUDICIAL DISTRICT COURT OF**

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

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

16 Plaintiff,

17 vs.

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

23 Defendants.

CASE NO.: CV13-02663

DEPT. NO.: 4

24
25 **ORDER DENYING CLAIM OF EXEMPTION AND THIRD PARTY CLAIM**

26 Before the Court is the *Notice of Claim of Exemption from Execution* (the “Claim of
27 Exemption”) filed on June 28, 2019 by Edward Bayuk (“Bayuk”), individually and as trustee of
28 the Edward William Bayuk Living Trust (the “Bayuk Trust”), and the *Third Party Claim to*

1 *Property Levied Upon [NRS 31.070]* (the “Third Party Claim”) filed on July 3, 2019 by the Bayuk
2 Trust. The Claim of Exemption and Third Party Claim are supported by the *Declaration of Edward*
3 *Bayuk Claiming Exemption from Execution* (the “Bayuk Declaration”), filed on July 2, 2019.
4 *Plaintiff’s Objection to (1) Declaration of Edward Bayuk Claiming Exemption From Execution*
5 *and (2) Third Party Claim to Property Levied Upon, and Request for Hearing Pursuant to NRS*
6 *21.112 and 31.070(5)* (the “Objection”) was filed on July 11, 2019, and Bayuk and the Bayuk
7 Trust’s *Reply to Objection to Claim of Exemption and Third Party Claim to Property Levied Upon*
8 (the “Reply”) was filed on July 17, 2019.

9 The Court held a hearing on the Claim of Exemption and Third Party Claim on July 22,
10 2019. Bayuk and the Bayuk Trust appeared by and through counsel, Michael Lehnert and Jeffrey
11 L. Hartman. Plaintiff appeared by and through counsel, Erika Pike Turner, Gerald M. Gordon,
12 and Teresa Pilatowicz of the law firm of Garman Turner Gordon LLP.

13 The Court has reviewed and considered the arguments made in the Claim of Exemption
14 and the Third Party Claim, the Objection, and the Reply, the Bayuk Declaration, the exhibits to all
15 of the foregoing, the papers and pleadings on file with the Court in this action, the testimony and
16 exhibits admitted during the trial, the Court’s Findings of Fact, Conclusions of Law, and Judgment,
17 entered on March 29, 2019 (the “Judgment”), and the arguments of counsel made at the hearing.
18 The Court, persuaded by the argument and authorities in Plaintiff’s Objection and the arguments
19 of Plaintiff’s counsel at the hearing, along with the pleadings and papers on file, the trial record,
20 and the findings and conclusions set forth in the Judgment, finds as follows:

21 1. The court has subject matter jurisdiction over the claims asserted against Bayuk, as
22 trustee of the Bayuk Trust.

23 2. ~~Bayuk has transferred all of his personal assets to the Bayuk Trust since t~~The Bayuk
24 ~~Trust was established in 1998, and through amendment on November 12, 2005 became a Nevada~~
25 ~~irrevocable self-settled spendthrift trust. As set forth in the Judgment, inclusive,~~the Bayuk Trust
26 received fraudulently transferred property which ~~, as further set forth in the Judgment,~~ was
27 established by clear and convincing evidence.

28 ///

Commented [A1]: I am not sure that this is factually accurate, and do not recall seeing this in the transcript.

1 ///

2 3. ~~The purported nature of the Bayuk Trust as a Nevada spendthrift trust was not~~
3 ~~disclosed prior to the Claim of Exemption.~~ On March 3, 2011 the Plaintiff deposed Paul Morabito.
4 In that deposition, Mr. Morabito disclosed the existence of the Edward Bayuk Living Trust and
5 the fact that real property had been transferred to it. In response to discovery requests propounded
6 after the instant lawsuit was commenced on December 17, 2013, Bayuk and the Bayuk Trust
7 produced evidence regarding the date and the purpose of the Bayuk Trust as well as revocable
8 spending trusts. With the Claim of Exemption, the Bayuk Trust confirmed that there is, and has
9 been, only one self-settled spendthrift trust with the name “the Edward William Bayuk Living
10 Trust” and that is the Bayuk Trust.
11

12 4. The Bayuk Trust does not meet the requirements for enforcement as a Nevada
13 spendthrift trust under NRS 166.015 because Bayuk is the ~~settlor-settlor and beneficiary during his~~
14 ~~lifetime of the Bayuk Trust~~, and neither Bayuk ~~as Trustee~~ nor ~~his named 2005 co-trustee~~ Paul
15 Morabito, ~~who was a co-trustee in 2005~~ are ~~presently domiciles-domiciled of in~~ Nevada. NRS
16 166.015(2). As established in the Judgment, Bayuk and Paul Morabito moved ~~their residency~~ to
17 California in September 2010.

18 5. Contrary to ~~the evidence contained within assertions by Bayuk-the Claim of~~
19 ~~Exemption from Execution, and without allowing Bayuk to introduce additional evidence in the~~
20 ~~form of documents and testimony at the hearing, having the opportunity to testify to evidence,~~ the
21 ~~Court finds that there~~ was no ~~credible~~ evidence presented that the Bayuk Trust owns a burial plot
22 in Nevada; but, even if such fact were established, the ownership of a burial plot in Nevada is
23 insufficient to invoke the protections of NRS ~~Chapter 166.015~~.

24 6. Even if the claims asserted against the Bayuk Trust were subject to the time periods
25 under NRS 166.170, they were timely because the fraudulent transfer claim was brought (1) within
26 two years ~~of the fraudulent transfers~~ ~~after the transfers were made~~ and (2) ~~also~~ within six months
27 ~~of Plaintiff's~~ discovery of the existence of the ~~purported-2005~~ spendthrift trust. The subject
28

Commented [A2]: The standard under NRS 166.170(1)(A)(2) is
“Six months after the person discovers or reasonably should have
discovered the transfer.” I am not sure whether it is better to leave
the incorrect standard for appellate purposes.

1 fraudulent transfers occurred in September 2010 and thereafter as evidenced by Plaintiff's exhibits
2 of 2010 public record of the transfers. The Bayuk Trust executed a tolling agreement on November
3 30, 2011 to thereafter toll any statute of limitations applicable to the fraudulent transfer of property
4 to the Bayuk Trust, which tolling agreement tolled the time period to file until June 18, 2013 and
5 the Complaint was filed in December 2013. The purported nature of the Bayuk Trust as a
6 spendthrift trust subject to NRS 166.170 was not disclosed until the Claim of Exemption.
7 Moreover, any defenses based on NRS 166.170 have been waived as a result of the failure of
8 Bayuk or the Bayuk Trust to raise such defenses prior to the Claim of Exemption.

9 ...

10 ...

11 ...

12 ...

13 ...

14 Based upon review of the entire file, the foregoing, and good cause appearing:

15 IT IS HEREBY ORDERED that the Claim of Exemption is denied.

16 IT IS FURTHER ORDERED that the Third Party Claim is denied.

17 Dated this _____ day of _____, 2019.

18
19 _____
DISTRICT JUDGE
20
21
22
23
24
25
26
27
28

Exhibit 5

1 **2840**
2 GARMAN TURNER GORDON LLP
3 GERALD M. GORDON, ESQ.
4 Nevada Bar No. 229
5 E-mail: ggordon@gtg.legal
6 ERIKA PIKE TURNER, ESQ.
7 Nevada Bar No. 6454
8 E-mail: eturner@gtg.legal
9 TERESA M. PILATOWICZ, ESQ.
10 Nevada Bar No. 9605
11 E-mail: tpilatowicz@gtg.legal
12 GABRIELLE A. HAMM, ESQ.
13 Nevada Bar No. 11588
14 E-mail: ghamm@gtg.legal
15 650 White Drive, Ste. 100
16 Las Vegas, Nevada 89119
17 Telephone 725-777-3000
18 *Counsel to Plaintiff*

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

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

17 Plaintiff,

18 vs.

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

26 Defendants.

CASE NO.: CV13-02663

DEPT. NO.: 4

27 **ORDER DENYING CLAIM OF EXEMPTION AND THIRD PARTY CLAIM**

28 Before the Court is the *Notice of Claim of Exemption from Execution* (the "Claim of Exemption") filed on June 28, 2019 by Edward Bayuk ("Bayuk"), individually and as trustee of the Edward William Bayuk Living Trust (the "Bayuk Trust"), and the *Third Party Claim to*

1 *Property Levied Upon [NRS 31.070] (the “Third Party Claim”) filed on July 3, 2019 by the Bayuk*
2 *Trust. The Claim of Exemption and Third Party Claim are supported by the Declaration of Edward*
3 *Bayuk Claiming Exemption from Execution (the “Bayuk Declaration”), filed on July 2, 2019.*
4 ***Plaintiff’s** Objection to (1) Declaration of Edward Bayuk Claiming Exemption From Execution*
5 *and (2) Third Party Claim to Property Levied Upon, and Request for Hearing Pursuant to NRS*
6 *21.112 and 31.070(5) (the “Objection”) was filed on July 11, 2019, and Bayuk and the Bayuk*
7 *Trust’s Reply to Objection to Claim of Exemption and Third Party Claim to Property Levied Upon*
8 *(the “Reply”) was filed on July 17, 2019.*

9 The Court held a hearing on the Claim of Exemption and Third Party Claim on July 22,
10 2019. Bayuk and the Bayuk Trust appeared by and through counsel, Michael Lehnert and Jeffrey
11 L. Hartman. Plaintiff appeared by and through counsel, Erika Pike Turner, Gerald M. Gordon,
12 and Teresa Pilatowicz of the law firm of Garman Turner Gordon LLP.

13 The Court has reviewed and considered the arguments made in the Claim of Exemption
14 and the Third Party Claim, the Objection, and the Reply, the Bayuk Declaration, the exhibits to all
15 of the foregoing, the papers and pleadings on file with the Court in this action, the testimony and
16 **exhibits admitted during the trial, the Court’s Findings of Fact, Conclusions of Law, and Judgment,**
17 **entered on March 29, 2019 (the “Judgment”),** and the arguments of counsel made at the hearing.
18 The Court, persuaded by the argument and authorities in **Plaintiff’s** Objection and the arguments
19 **of Plaintiff’s counsel at the hearing,** along with the pleadings and papers on file, the trial record,
20 and the findings and conclusions set forth in the Judgment, finds as follows:

21 1. The court has subject matter jurisdiction over the claims asserted against Bayuk, as
22 trustee of the Bayuk Trust.

23 2. The Bayuk Trust was established in 1998, and through amendment on November
24 12, 2005 became a Nevada irrevocable self-settled spendthrift trust. As set forth in the Judgment,
25 the Bayuk Trust received fraudulently transferred property which was established by clear and
26 convincing evidence.

27 ///

28 ///

1 3. On March 3, 2011 the Plaintiff deposed Paul Morabito. In that deposition, Mr.
2 Morabito disclosed the existence of the Edward Bayuk Living Trust and the fact that real property
3 had been transferred to it. In response to discovery requests propounded after the instant lawsuit
4 was commenced on December 17, 2013, Bayuk and the Bayuk Trust produced evidence regarding
5 the date and the purpose of the Bayuk Trust as well as revocable spending trusts. With the Claim
6 of Exemption, the Bayuk Trust confirmed that there is, and has been, only one self-settled
7 spendthrift trust with the name “the Edward William Bayuk Living Trust” and that is the Bayuk
8 Trust.
9

10 4. The Bayuk Trust does not meet the requirements for enforcement as a Nevada
11 spendthrift trust under NRS 166.015 because Bayuk is the settlor , and neither Bayuk as Trustee
12 nor Paul Morabito, who was a co-trustee in 2005 are presently domiciled in Nevada. NRS
13 166.015(2). As established in the Judgment, Bayuk and Paul Morabito moved their residency to
14 California in September 2010.

15 5. Contrary to the evidence contained within the Claim of Exemption from Execution,
16 and without allowing Bayuk to introduce additional evidence in the form of documents and
17 testimony at the hearing, the Court finds that there was no evidence presented that the Bayuk Trust
18 owns a burial plot in Nevada; but, even if such fact were established, the ownership of a burial plot
19 in Nevada is insufficient to invoke the protections of NRS Chapter 166.

20 6. Even if the claims asserted against the Bayuk Trust were subject to the time periods
21 under NRS 166.170, they were timely because the fraudulent transfer claim was brought (1) within
22 two years after the transfers were made and (2) also within six months of **Plaintiff’s** discovery of
23 the existence of the 2005 spendthrift trust. The subject fraudulent transfers occurred in September
24 2010 and thereafter **as evidenced by Plaintiff’s exhibits of 2010 public record of the transfers**. The
25 Bayuk Trust executed a tolling agreement on November 30, 2011 to thereafter toll any statute of
26 limitations applicable to the fraudulent transfer of property to the Bayuk Trust, which tolling
27 agreement tolled the time period to file until June 18, 2013 and the Complaint was filed in
28

1 December 2013. The purported nature of the Bayuk Trust as a spendthrift trust subject to NRS
2 166.170 was not disclosed until the Claim of Exemption. Moreover, any defenses based on NRS
3 166.170 have been waived as a result of the failure of Bayuk or the Bayuk Trust to raise such
4 defenses prior to the Claim of Exemption.

5 Based upon review of the entire file, the foregoing, and good cause appearing:

6 IT IS HEREBY ORDERED that the Claim of Exemption is denied.

7 IT IS FURTHER ORDERED that the Third Party Claim is denied.

8 Dated this _____ day of _____, 2019.

9

10

DISTRICT JUDGE

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Exhibit 6

2840

GARMAN TURNER GORDON LLP

GERALD M. GORDON, ESQ.

Nevada Bar No. 229

E-mail: ggordon@gtg.legal

ERIKA PIKE TURNER, ESQ.

Nevada Bar No. 6454

E-mail: eturner@gtg.legal

TERESA M. PILATOWICZ, ESQ.

Nevada Bar No. 9605

E-mail: tpilatowicz@gtg.legal

GABRIELLE A. HAMM, ESQ.

Nevada Bar No. 11588

E-mail: ghamm@gtg.legal

650 White Drive, Ste. 100

Las Vegas, Nevada 89119

Telephone 725-777-3000

Counsel to Plaintiff

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

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

Plaintiff,

vs.

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

Defendants.

CASE NO.: CV13-02663

DEPT. NO.: 4

ORDER DENYING CLAIM OF EXEMPTION AND THIRD PARTY CLAIM

Before the Court is the *Notice of Claim of Exemption from Execution* (the “Claim of Exemption”) filed on June 28, 2019 by Edward Bayuk (“Bayuk”), individually and as trustee of the Edward William Bayuk Living Trust (the “Bayuk Trust”), and the *Third Party Claim to*

1 *Property Levied Upon [NRS 31.070] (the “Third Party Claim”) filed on July 3, 2019 by the Bayuk*
2 *Trust. The Claim of Exemption and Third Party Claim are supported by the Declaration of Edward*
3 *Bayuk Claiming Exemption from Execution (the “Bayuk Declaration”), filed on July 2, 2019.*
4 *Plaintiff’s Objection to (1) Declaration of Edward Bayuk Claiming Exemption From Execution*
5 *and (2) Third Party Claim to Property Levied Upon, and Request for Hearing Pursuant to NRS*
6 *21.112 and 31.070(5) (the “Objection”) was filed on July 11, 2019, and Bayuk and the Bayuk*
7 *Trust’s Reply to Objection to Claim of Exemption and Third Party Claim to Property Levied Upon*
8 *(the “Reply”) was filed on July 17, 2019.*

9 The Court held a hearing on the Claim of Exemption and Third Party Claim on July 22,
10 2019. Bayuk and the Bayuk Trust appeared by and through counsel, Michael Lehnerns and Jeffrey
11 L. Hartman. Plaintiff appeared by and through counsel, Erika Pike Turner, Gerald M. Gordon,
12 and Teresa Pilatowicz of the law firm of Garman Turner Gordon LLP.

13 The Court has reviewed and considered the arguments made in the Claim of Exemption
14 and the Third Party Claim, the Objection, and the Reply, the Bayuk Declaration, the exhibits to all
15 of the foregoing, the papers and pleadings on file with the Court in this action, the testimony and
16 exhibits admitted during the trial, the Court’s Findings of Fact, Conclusions of Law, and Judgment,
17 entered on March 29, 2019 (the “Judgment”), and the arguments of counsel made at the hearing.
18 The Court, persuaded by the argument and authorities in Plaintiff’s Objection and the arguments
19 of Plaintiff’s counsel at the hearing, along with the pleadings and papers on file, the trial record,
20 and the findings and conclusions set forth in the Judgment, finds as follows:

21 1. The court has subject matter jurisdiction over the claims asserted against Bayuk, as
22 trustee of the Bayuk Trust.

23 2. ~~Bayuk has transferred all of his personal assets to the Bayuk Trust since the The~~
24 ~~Bayuk Trust was established in 1998. Inclusive, and through amendment on November 12, 2005~~
25 ~~became a Nevada irrevocable self-settled spendthrift trust. As set forth in the Judgment, the Bayuk~~
26 ~~Trust received fraudulently transferred property which, as further set forth in the Judgment, was~~
27 ~~established by clear and convincing evidence.~~

28 ~~The purported nature of the Bayuk Trust as a Nevada spendthrift trust was not///~~

1. ///

2. 3. On March 3, 2011 the Plaintiff deposed Paul Morabito. In that deposition, Mr.
3. Morabito disclosed prior to the Claim of Exemption, the existence of the Edward Bayuk Living
4. Trust and the fact that real property had been transferred to it. In response to discovery requests,
5. in deposition, in subject deeds, and at trial prior to propounded after the Judgment instant lawsuit
6. was commenced on December 17, 2013, Bayuk and the Bayuk Trust produced contradictory
7. evidence regarding the date and the purpose of the Bayuk Trust-- as well as revocable spending
8. trusts. With the Claim of Exemption, the Bayuk Trust clarifies that confirmed that there is, and has
9. been, only one self-settled spendthrift trust with the name "the Edward William Bayuk Living
10. Trust" and that is the Bayuk Trust.

11. 4. The Bayuk Trust does not meet the requirements for enforcement as a Nevada
12. spendthrift trust under NRS 166.015 because Bayuk is the settler and beneficiary during his
13. lifetime of the Bayuk Trust settlor, and neither Bayuk as Trustee nor his co-trustee Paul Morabito,
14. who was a co-trustee in 2005 are domiciles of presently domiciled in Nevada. NRS 166.015(2).
15. As established in the Judgment, Bayuk and Paul Morabito moved their residency to California in
16. September 2010.

17. 5. Contrary to assertions by Bayuk, there was no credible Contrary to the evidence
18. contained within the Claim of Exemption from Execution, and without allowing Bayuk to
19. introduce additional evidence in the form of documents and testimony at the hearing, the Court
20. finds that there was no evidence presented that the Bayuk Trust owns a burial plot in Nevada; but,
21. even if such fact were established, the ownership of a burial plot in Nevada is insufficient to invoke
22. the protections of NRS Chapter 166-015.

23. 6. Even if the claims asserted against the Bayuk Trust were subject to the time periods
24. under NRS 166.170, they were timely because the fraudulent transfer claim was brought (1) within
25. two years of after the fraudulent transfers were made and (2) also within six months of Plaintiff's
26. discovery of the existence of the purported 2005 spendthrift trust. The subject fraudulent transfers
27.
28.

Formatted: List Paragraph, Indent: Left: 0", First line: 0.5", Line spacing: Double

1 occurred in September 2010 and thereafter- as evidenced by Plaintiff's exhibits of 2010 public
2 record of the transfers. The Bayuk Trust executed a tolling agreement on November 30, 2011 to
3 thereafter toll any statute of limitations applicable to the fraudulent transfer of property to the
4 Bayuk Trust, which tolling agreement tolled the time period to file until June 18, 2013 and the
5 Complaint was filed in December 2013. The purported nature of the Bayuk Trust as a spendthrift
6 trust subject to NRS 166.170 was not disclosed until the Claim of Exemption. Moreover, any
7 defenses based on NRS 166.170 have been waived as a result of the failure of Bayuk or the Bayuk
8 Trust to raise such defenses prior to the Claim of Exemption.

9 ...

10 ...

11 ...

12 ...

13 ...

14 Based upon review of the entire file, the foregoing, and good cause appearing:

15 IT IS HEREBY ORDERED that the Claim of Exemption is denied.

16 IT IS FURTHER ORDERED that the Third Party Claim is denied.

17 Dated this _____ day of _____, 2019.

18
19 _____
20 DISTRICT JUDGE
21
22
23
24
25
26
27
28

Exhibit 7

Dekova Huckaby

From: Teresa Pilatowicz
Sent: Thursday, August 1, 2019 10:12 AM
To: Jeffrey L. Hartman
Cc: Erika Turner; Gabby Hamm; Dekova Huckaby
Subject: RE: Exemption Orders
Attachments: Redline - Original Order and Bayuk Changes.docx; Ord Denying Bayuk Claim of Exemption & Third Party Claim.docx; Redline - GTG versions.docx

Jeff,

It took some time to get through your comments as I realized half way through that the redline you sent was not a redline with the version we had sent. I assume that was unintentional. I am attaching a redline that shows Bayuk's proposed changes with our original version. I have also attached an updated version and a redline showing the changes we are willing to accept.

For the most part, Bayuk's proposed changes are not acceptable as they do not reflect the Court's findings or evidence that was before the Court.

Please advise as to whether the attached revised order is acceptable by 1:00 today. If we do not have an agreement, we will advise the Court that there is a dispute over the form of orders and both parties can submit their proposed orders.

Teresa

From: Jeffrey L. Hartman <jlh@bankruptcyreno.com>
Sent: Wednesday, July 31, 2019 1:45 PM
To: Teresa Pilatowicz <tpilatowicz@Gtg.legal>
Subject: RE: Exemption Orders

I'm sorry for the delay. We had incompatible Word versions with some of the editors.

Jeff Hartman

From: Teresa Pilatowicz <tpilatowicz@Gtg.legal>
Sent: Wednesday, July 31, 2019 1:43 PM
To: Jeffrey L. Hartman <jlh@bankruptcyreno.com>
Cc: Dekova Huckaby <dhuckaby@Gtg.legal>
Subject: Re: Exemption Orders

Jeff,

The Court requested that the orders be uploaded shortly after the hearing. We circulated them last Wednesday, two days after the hearing, for comment. Pursuant to local rule, comments were due Monday. I waited until noon today at your request. At noon, you advised comments would be sent within 30 minutes. It has now been almost two hours.

We intend to upload the orders today to comply with the Court's request that they be submitted in short order.

Teresa

Sent from my iPhone

On Jul 31, 2019, at 2:57 PM, Jeffrey L. Hartman <jlh@bankruptcyreno.com> wrote:

Another 30 minutes. Thanks for your indulgence.

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
Web: www.jeffreyhartman.com

Confidentiality Note: Please note that the information in this email is confidential and may be privileged and is intended only for the use of the named addressee(s). Nothing in this email is intended by the attorney or the client to constitute a waiver of the confidentiality of this information. If the recipient of this email is not the intended recipient, please be advised that any duplication or distribution of this information is unauthorized. If you have received this information in error, please immediately notify us by return email, and please destroy this transmission, all attachments to it, and any copies that have been made. Thank you for your cooperation.

1 **2840**
2 GARMAN TURNER GORDON LLP
3 GERALD M. GORDON, ESQ.
4 Nevada Bar No. 229
5 E-mail: ggordon@gtg.legal
6 ERIKA PIKE TURNER, ESQ.
7 Nevada Bar No. 6454
8 E-mail: eturner@gtg.legal
9 TERESA M. PILATOWICZ, ESQ.
10 Nevada Bar No. 9605
11 E-mail: tpilatowicz@gtg.legal
12 GABRIELLE A. HAMM, ESQ.
13 Nevada Bar No. 11588
14 E-mail: ghamm@gtg.legal
15 650 White Drive, Ste. 100
16 Las Vegas, Nevada 89119
17 Telephone 725-777-3000
18 *Counsel to Plaintiff*

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

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

17 Plaintiff,

18 vs.

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

26 Defendants.

CASE NO.: CV13-02663

DEPT. NO.: 4

27 **ORDER DENYING CLAIM OF EXEMPTION AND THIRD PARTY CLAIM**

28 Before the Court is the *Notice of Claim of Exemption from Execution* (the "Claim of Exemption") filed on June 28, 2019 by Edward Bayuk ("Bayuk"), individually and as trustee of the Edward William Bayuk Living Trust (the "Bayuk Trust"), and the *Third Party Claim to*

1 *Property Levied Upon [NRS 31.070] (the “Third Party Claim”) filed on July 3, 2019 by the Bayuk*
2 *Trust. The Claim of Exemption and Third Party Claim are supported by the Declaration of Edward*
3 *Bayuk Claiming Exemption from Execution (the “Bayuk Declaration”), filed on July 2, 2019.*
4 ***Plaintiff’s Objection to (1) Declaration of Edward Bayuk Claiming Exemption From Execution***
5 ***and (2) Third Party Claim to Property Levied Upon, and Request for Hearing Pursuant to NRS***
6 ***21.112 and 31.070(5) (the “Objection”) was filed on July 11, 2019, and Bayuk and the Bayuk***
7 ***Trust’s Reply to Objection to Claim of Exemption and Third Party Claim to Property Levied Upon***
8 ***(the “Reply”) was filed on July 17, 2019.***

9 The Court held a hearing on the Claim of Exemption and Third Party Claim on July 22,
10 2019. Bayuk and the Bayuk Trust appeared by and through counsel, Michael Lehnert and Jeffrey
11 L. Hartman. Plaintiff appeared by and through counsel, Erika Pike Turner, Gerald M. Gordon,
12 and Teresa Pilatowicz of the law firm of Garman Turner Gordon LLP.

13 The Court has reviewed and considered the arguments made in the Claim of Exemption
14 and the Third Party Claim, the Objection, and the Reply, the Bayuk Declaration, the exhibits to all
15 of the foregoing, the papers and pleadings on file with the Court in this action, the testimony and
16 **exhibits admitted during the trial, the Court’s Findings of Fact, Conclusions of Law, and Judgment,**
17 **entered on March 29, 2019 (the “Judgment”),** and the arguments of counsel made at the hearing.
18 The Court, persuaded by the argument and authorities in Plaintiff’s Objection and the arguments
19 **of Plaintiff’s counsel at the hearing,** along with the pleadings and papers on file, the trial record,
20 and the findings and conclusions set forth in the Judgment, finds as follows:

21 1. The court has subject matter jurisdiction over the claims asserted against Bayuk, as
22 trustee of the Bayuk Trust.

23 2. Bayuk has transferred all of his personal assets to the Bayuk Trust since the Bayuk
24 Trust was established in 1998. ~~Inclusive, As set forth in the Judgment,~~ the Bayuk Trust received
25 fraudulently transferred property which, ~~as further set forth in the Judgment,~~ was established by
26 clear and convincing evidence.

27 3. The purported nature of the Bayuk Trust as a Nevada spendthrift trust was not
28 disclosed prior to the Claim of Exemption. In response to discovery requests, in deposition, in

1 subject deeds, and at trial prior to the Judgment, Bayuk and the Bayuk Trust produced
2 contradictory evidence regarding the date and the purpose of the Bayuk Trust. With the Claim of
3 Exemption, the Bayuk Trust clarifies that that there is, and has been, only one trust with the name
4 **“the Edward William Bayuk Living Trust” and that is the Bayuk Trust.**

5 4. The Bayuk Trust does not meet the requirements for enforcement as a Nevada
6 spendthrift trust under NRS 166.015 because Bayuk is the ~~settler~~settlor and beneficiary during his
7 lifetime of the Bayuk Trust, and neither Bayuk nor his co-trustee Paul Morabito are domiciles of
8 Nevada. NRS 166.015(2). As established in the Judgment, Bayuk and Paul Morabito moved to
9 California in September 2010.

10 5. Contrary to assertions by Bayuk, there was no credible evidence presented that the
11 Bayuk Trust owns a burial plot in Nevada; but, even if such fact were established, the ownership
12 of a burial plot in Nevada is insufficient to invoke the protections of NRS Chapter 166.015.

13 6. Even if the claims asserted against the Bayuk Trust were subject to the time periods
14 under NRS 166.170, they were timely because the fraudulent transfer claim was brought (1) within
15 two years ~~of~~after the fraudulent transfers were made and (2) also within six months of discovery
16 of , or when Plaintiff reasonably should have discovered, the existence of the purported spendthrift
17 trust. The subject fraudulent transfers occurred in September 2010 and thereafter. The Bayuk
18 Trust executed a tolling agreement on November 30, 2011 to toll any statute of limitations
19 applicable to the fraudulent transfer of property to the Bayuk Trust, which tolling agreement tolled
20 the time period to file until June 18, 2013 and the Complaint was filed in December 2013. The
21 purported nature of the Bayuk Trust as a spendthrift trust subject to NRS 166.170 was not disclosed
22 until the Claim of Exemption. Moreover, any defenses based on NRS 166.170 have been waived
23 as a result of the failure of Bayuk or the Bayuk Trust to raise such defenses prior to the Claim of
24 Exemption.

25 ...

26 ...

27 ...

28 ...

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

...

Based upon review of the entire file, the foregoing, and good cause appearing:

IT IS HEREBY ORDERED that the Claim of Exemption is denied.

IT IS FURTHER ORDERED that the Third Party Claim is denied.

Dated this _____ day of _____, 2019.

DISTRICT JUDGE

Exhibit 20

1 CODE
2 JEFFREY L. HARTMAN
3 Hartman & Hartman
4 510 W. Plumb Ln.,
5 Suite B
6 Reno, Nevada 89509
7 Tel: (775) 324-2800
8 Fax: (775) 324-1818

5 MICHAEL LEHNERS, ESQ.
6 429 Marsh Ave.
7 Reno, Nevada 89509
8 Nevada Bar Number 003331
9 (775) 786-1695

8 Attorneys for Edward Bayuk

10 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

11 IN AND FOR THE COUNTY OF WASHOE
12 o0o

13 Case No. CV13-02663

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

Dept. No. 4

15 Plaintiff,

OBJECTION TO PLAINTIFF'S
PROPOSED ORDER DENYING CLAIM
OF EXEMPTION AND THIRD PARTY
CLAIM

17 vs.

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

23 Defendant.

24 _____/
25 Edward Bayuk, in his capacity as an individual and in his capacity as the Trustee of the
26 Edward William Bayuk Living Trust files the following Objection to Plaintiff's order denying
27 claim of exemption and third party claim
28

1 Attached as Exhibit "1" is a copy of the Plaintiff's proposed order. In order for the
2 record to be complete, the Defendant is requesting certain findings of fact also appear in the
3 order. A list of the comments that reflect these proposed findings of fact have been attached as
4 Exhibit "2".

5 Finally, the Defendant's proposed order denying claim of exemption and third party
6 claim has been attached as Exhibit "3".

7 Wherefore, the Defendant respectfully requests that this Court adopt the Defendant's
8 version of the proposed order.

9 **Affirmation**

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

11 The Undersigned does hereby affirm that the preceding document filed in the case herein
12 does not contain the social security number of any person.

13 Dated: This 1 day of August, 2019

14 By: 

15 Michael Lehnert, Esq.
16 429 Marsh Ave.
17 Reno, Nevada 89509
18 Nevada Bar Number 003331

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Teresa M. Pilatowicz, Esq.
Gabrielle A. Hamm, Esq.
Garman Turner Gordon
650 White Drive, Suite 100
Las Vegas, NV 89119


Dolores Stigall

Exhibit List

| | |
|-----------|--|
| Exhibit 1 | Plaintiff's Proposed Order |
| Exhibit 2 | Defendant's Comments on Findings of Fact |
| Exhibit 3 | Defendant's Proposed Order |

Exhibit

1

FILED
Electronically
CV13-02663
2019-08-01 03:48:01 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7407464 : yvitoria

Exhibit 1

1 **2840**

2 GARMAN TURNER GORDON LLP

3 GERALD M. GORDON, ESQ.

4 Nevada Bar No. 229

5 E-mail: ggordon@gtg.legal

6 ERIKA PIKE TURNER, ESQ.

7 Nevada Bar No. 6454

8 E-mail: eturner@gtg.legal

9 TERESA M. PILATOWICZ, ESQ.

10 Nevada Bar No. 9605

11 E-mail: tpilatowicz@gtg.legal

12 GABRIELLE A. HAMM, ESQ.

13 Nevada Bar No. 11588

14 E-mail: ghamm@gtg.legal

15 650 White Drive, Ste. 100

16 Las Vegas, Nevada 89119

17 Telephone 725-777-3000

18 *Counsel to Plaintiff*

19
20 **IN THE SECOND JUDICIAL DISTRICT COURT OF**
21 **THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE**

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

25 Plaintiff,

26 vs.

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

Defendants.

CASE NO.: CV13-02663

DEPT. NO.: 4

ORDER DENYING CLAIM OF EXEMPTION AND THIRD PARTY CLAIM

Before the Court is the *Notice of Claim of Exemption from Execution* (the "Claim of Exemption") filed on June 28, 2019 by Edward Bayuk ("Bayuk"), individually and as trustee of the Edward William Bayuk Living Trust (the "Bayuk Trust"), and the *Third Party Claim to*

1 *Property Levied Upon [NRS 31.070]* (the “Third Party Claim”) filed on July 3, 2019 by the
2 Bayuk Trust. The Claim of Exemption and Third Party Claim are supported by the *Declaration*
3 *of Edward Bayuk Claiming Exemption from Execution* (the “Bayuk Declaration”), filed on July
4 2, 2019. *Plaintiff’s Objection to (1) Declaration of Edward Bayuk Claiming Exemption From*
5 *Execution and (2) Third Party Claim to Property Levied Upon, and Request for Hearing*
6 *Pursuant to NRS 21.112 and 31.070(5)* (the “Objection”) was filed on July 11, 2019, and Bayuk
7 and the Bayuk Trust’s *Reply to Objection to Claim of Exemption and Third Party Claim to*
8 *Property Levied Upon* (the “Reply”) was filed on July 17, 2019.

9 The Court held a hearing on the Claim of Exemption and Third Party Claim on July 22,
10 2019. Bayuk and the Bayuk Trust appeared by and through counsel, Michael Lehnrs and
11 Jeffrey L. Hartman. Plaintiff appeared by and through counsel, Erika Pike Turner, Gerald M.
12 Gordon, and Teresa Pilatowicz of the law firm of Garman Turner Gordon LLP.

13 The Court has reviewed and considered the arguments made in the Claim of Exemption
14 and the Third Party Claim, the Objection, and the Reply, the Bayuk Declaration, the exhibits to
15 all of the foregoing, the papers and pleadings on file with the Court in this action, the testimony
16 and exhibits admitted during the trial, the Court’s Findings of Fact, Conclusions of Law, and
17 Judgment, entered on March 29, 2019 (the “Judgment”), and the arguments of counsel made at
18 the hearing. The Court, persuaded by the argument and authorities in Plaintiff’s Objection and
19 the arguments of Plaintiff’s counsel at the hearing, along with the pleadings and papers on file,
20 the trial record, and the findings and conclusions set forth in the Judgment, finds as follows:

21 1. The court has subject matter jurisdiction over the claims asserted against Bayuk,
22 as trustee of the Bayuk Trust.

23 2. Bayuk has transferred all of his personal assets to the Bayuk Trust since the
24 Bayuk Trust was established in 1998. Inclusive, the Bayuk Trust received fraudulently
25 transferred property which, as further set forth in the Judgment, was established by clear and
26 convincing evidence.

27 3. The purported nature of the Bayuk Trust as a Nevada spendthrift trust was not
28 disclosed prior to the Claim of Exemption. In response to discovery requests, in deposition, in

1 subject deeds, and at trial prior to the Judgment, Bayuk and the Bayuk Trust produced
2 contradictory evidence regarding the date and the purpose of the Bayuk Trust. With the Claim of
3 Exemption, the Bayuk Trust clarifies that that there is, and has been, only one trust with the
4 name "the Edward William Bayuk Living Trust" and that is the Bayuk Trust.

5 4. The Bayuk Trust does not meet the requirements for enforcement as a Nevada
6 spendthrift trust under NRS 166.015 because Bayuk is the settler and beneficiary during his
7 lifetime of the Bayuk Trust, and neither Bayuk nor his co-trustee Paul Morabito are domiciles of
8 Nevada. NRS 166.015(2). As established in the Judgment, Bayuk and Paul Morabito moved to
9 California in September 2010.

10 5. Contrary to assertions by Bayuk, there was no credible evidence presented that
11 the Bayuk Trust owns a burial plot in Nevada; but, even if such fact were established, the
12 ownership of a burial plot in Nevada is insufficient to invoke the protections of NRS 166.015.

13 6. Even if the claims asserted against the Bayuk Trust were subject to the time
14 periods under NRS 166.170, they were timely because the fraudulent transfer claim was brought
15 (1) within two years of the fraudulent transfers and (2) also within six months of discovery of the
16 existence of the purported spendthrift trust. The subject fraudulent transfers occurred in
17 September 2010 and thereafter. The Bayuk Trust executed a tolling agreement on November 30,
18 2011 to toll any statute of limitations applicable to the fraudulent transfer of property to the
19 Bayuk Trust, which tolling agreement tolled the time period to file until June 18, 2013 and the
20 Complaint was filed in December 2013. The purported nature of the Bayuk Trust as a
21 spendthrift trust subject to NRS 166.170 was not disclosed until the Claim of Exemption.
22 Moreover, any defenses based on NRS 166.170 have been waived as a result of the failure of
23 Bayuk or the Bayuk Trust to raise such defenses prior to the Claim of Exemption.

24 ...

25 ...

26 ...

27 ...

28 ...

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Based upon review of the entire file, the foregoing, and good cause appearing:

IT IS HEREBY ORDERED that the Claim of Exemption is denied.

IT IS FURTHER ORDERED that the Third Party Claim is denied.

Dated this _____ day of _____, 2019.

DISTRICT JUDGE

Exhibit 2

FILED
Electronically
CV13-02663
2019-08-01 03:48:01 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7407464 : yvitoria

Exhibit 2

Comments on Changes to the Garman Turner Gordon LLP
Order Denying Claim of Exemption and Third Party Claim
Case No. CV13-02663

1. ¶ 2: Barry L. Breslow, Esq., in a supplement to NRCP 16.1 disclosures dated March 1, 2011 provided Plaintiffs with copies of the Fifth Amendment and Restatement of the Trust Agreement for the Arcadia Living Trust (RBSL 001868-001906) which stated that this **revocable** trust was established on February 14, 2006; and of the Spendthrift Trust Agreement for the Arcadia Living Trust established on October 14, 2005 (RBSL 001907-001942) revoking the August 25, 1998 Arcadia Living Trust revocable trust established in Miami Beach, Florida (CG000043-CG000099) on August 25, 1998. Separately Plaintiffs were as well as the revocable California Arcadia Living Trust of January 6, 2005 which was supplied to Plaintiffs in July, 2019.
2. ¶ 3: Plaintiff's deposed Paul Morabito on Thursday, March 3, 2011 with John P. Desmond, Esq., and Brian R. Irvine, Esq., present with Mr. Breslow wherein Mr. Morabito detailed all of the exchanges by exempt assets in Mr. Morabito's self-settled spendthrift trusts ("SSST") of which he was a Trustee but not a beneficiary to Edward Bayuk's SSST Edward William Bayuk Living Trust of which Mr. Bayuk was the Trustee but not a beneficiary. Mr. Morabito went into detail the existence of the SSST Arcadia Living Trust as well as the revocable Arcadia Living Trust that was in California (2005), Florida (1998) and Nevada (2006) each spending trusts used for administrative convenience.
3. ¶ 4: Mr. Bayuk was the Settlor (not Settler) and Trustee of the SSST Edward William Bayuk Living Trust and **not** a beneficiary. Both Mr. Bayuk and Mr. Morabito were Nevada residents on the execution dates of their respective Nevada irrevocable SSST.
4. ¶ 5: Michael Lehnert, Esq. on July 22, 2019 stated (pg. 55, lines 23-24) that "*I can swear Mr. Bayuk and ask him the question and there is the evidence*" regarding the Edward William Bayuk Living Trust SSST burial plot. Mr. Bayuk had evidence in his possession during the hearing of the ownership of a gravesite burial plot in Reno owned by his SSST Edward William Bayuk Living Trust. When offered Mr. Bayuk's personal knowledge as Trustee for live testimony, Judge Steinheimer commented: "*He would be qualified if he told the truth.*" Present in the courtroom was former Nevada Governor Jim Gibbons, who was prepared to testify regarding the Bayuk Trust.
5. ¶ 6: Gabrielle A. Hamm, Esq., counsel for Plaintiffs, had sworn in Plaintiff's objections to exhibits of public records of property conveyances made from the SSST Arcadia Living Trust to the Edward William Bayuk Living Trust SSST, either directly or through administrative revocable trusts, most dated on October 1, 2010.

Exhibit 3

FILED
Electronically
CV13-02663
2019-08-01 03:48:01 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7407464 : yvilorla

Exhibit 3

2840

JEFFREY L. HARTMAN
Hartman & Hartman
510 W. Plumb Ln.,
Suite B
Reno, Nevada 89509
Tel: (775) 324-2800
Fax: (775) 324-1818

MICHAEL LEHNERS, ESQ.
429 Marsh Ave.
Reno, Nevada 89509
Nevada Bar Number 003331
(775) 786-1695

Attorneys for Edward Bayuk

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

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

CASE NO.: CV13-02663

DEPT. NO.: 4

vs.

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

Defendants.

**ORDER DENYING CLAIM OF EXEMPTION AND THIRD PARTY
CLAIM**

Before the Court is the *Notice of Claim of Exemption from Execution* (the "Claim of Exemption") filed on June 28, 2019 by Edward Bayuk ("Bayuk"), individually and as trustee of the Edward William Bayuk Living Trust (the "Bayuk Trust"), and the *Third Party Claim to Property Levied Upon [NRS 31.070]* (the "Third Party Claim") filed on July 3, 2019 by the Bayuk Trust. The Claim of Exemption and Third Party Claim are supported by the *Declaration of Edward Bayuk Claiming Exemption from Execution* (the "Bayuk Declaration"), filed on July

1 2, 2019. *Plaintiff's Objection to (1) Declaration of Edward Bayuk Claiming Exemption From*
2 *Execution and (2) Third Party Claim to Property Levied Upon, and Request for Hearing*
3 *Pursuant to NRS 21.112 and 31.070(5)* (the "Objection") was filed on July 11, 2019, and
4 Bayuk and the Bayuk Trust's *Reply to Objection to Claim of Exemption and Third Party Claim*
5 *to Property Levied Upon* (the "Reply") was filed on July 17, 2019.

6 The Court held a hearing on the Claim of Exemption and Third Party Claim on July 22,
7 2019. Bayuk and the Bayuk Trust appeared by and through counsel, Michael Lehnert and
8 Jeffrey L. Hartman. Plaintiff appeared by and through counsel, Erika Pike Turner, Gerald M.
9 Gordon, and Teresa Pilatowicz of the law firm of Garman Turner Gordon LLP.

10 The Court has reviewed and considered the arguments made in the Claim of Exemption
11 and the Third Party Claim, the Objection, and the Reply, the Bayuk Declaration, the exhibits to
12 all of the foregoing, the papers and pleadings on file with the Court in this action, the testimony
13 and exhibits admitted during the trial, the Court's Findings of Fact, Conclusions of Law, and
14 Judgment, entered on March 29, 2019 (the "Judgment"), and the arguments of counsel made at
15 the hearing. The Court, persuaded by the argument and authorities in Plaintiff's Objection and
16 the arguments of Plaintiff's counsel at the hearing, along with the pleadings and papers on file,
17 the trial record, and the findings and conclusions set forth in the Judgment, finds as follows:

18 1. The court has subject matter jurisdiction over the claims asserted against Bayuk,
19 as trustee of the Bayuk Trust.

20 2. The Bayuk Trust was established in 1998, and through amendment on
21 November 12, 2005 became a Nevada irrevocable self-settled spendthrift trust. As set forth in
22 the Judgment, the Bayuk Trust received fraudulently transferred property which was established
23 by clear and convincing evidence.

24 3. On March 3, 2011 the Plaintiff deposed Paul Morabito. In that deposition, Mr.
25 Morabito disclosed the existence of the Edward Bayuk Living Trust and the fact that real
26 property had been transferred to it. In response to discovery requests propounded after the
27 instant lawsuit was commenced on December 17, 2013, Bayuk and the Bayuk Trust produced
28

1 evidence regarding the date and the purpose of the Bayuk Trust as well as revocable spending
2 trusts. With the Claim of Exemption, the Bayuk Trust confirmed that that there is, and has been,
3 only one self-settled spendthrift trust with the name "the Edward William Bayuk Living Trust"
4 and that is the Bayuk Trust.

5 4. The Bayuk Trust does not meet the requirements for enforcement as a Nevada
6 spendthrift trust under NRS 166.015 because Bayuk is the settlor, and neither Bayuk as Trustee
7 nor Paul Morabito, who was a co-trustee in 2005 are presently domiciled in Nevada. NRS
8 166.015(2). As established in the Judgment, Bayuk and Paul Morabito moved their residency
9 to California in September 2010.

10 5. Contrary to the evidence contained within the Claim of Exemption from
11 Execution, and without allowing Bayuk to introduce additional evidence in the form of
12 documents and testimony at the hearing, the Court finds that there was no evidence presented
13 that the Bayuk Trust owns a burial plot in Nevada; but, even if such fact were established, the
14 ownership of a burial plot in Nevada is insufficient to invoke the protections of NRS Chapter
15 166.

16 6. Even if the claims asserted against the Bayuk Trust were subject to the time
17 periods under NRS 166.170, they were timely because the fraudulent transfer claim was
18 brought (1) within two years after the transfers were made and (2) also within six months of
19 Plaintiff's discovery of the existence of the 2005 spendthrift trust. The subject fraudulent
20 transfers occurred in September 2010 and thereafter as evidenced by Plaintiff's exhibits of 2010
21 public record of the transfers. The Bayuk Trust executed a tolling agreement on November 30,
22 2011 to thereafter toll any statute of limitations applicable to the fraudulent transfer of property
23 to the Bayuk Trust, which tolling agreement tolled the time period to file until June 18, 2013
24 and the Complaint was filed in December 2013. The purported nature of the Bayuk Trust as a
25 spendthrift trust subject to NRS 166.170 was not disclosed until the Claim of Exemption.
26 Moreover, any defenses based on NRS 166.170 have been waived as a result of the failure of
27 Bayuk or the Bayuk Trust to raise such defenses prior to the Claim of Exemption.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Based upon review of the entire file, the foregoing, and good cause appearing:
IT IS HEREBY ORDERED that the Claim of Exemption is denied.
IT IS FURTHER ORDERED that the Third Party Claim is denied.
Dated this _____ day of _____, 2019.

DISTRICT JUDGE

2840

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

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

CASE NO.: CV13-02663

DEPT. NO.: 4

Plaintiff,

vs.

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

Defendants.

**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**

On November 26, 2018, the Court concluded the nine day Non-Jury Trial and took the matter under advisement.

On January 30, 2019, Plaintiff William A. Leonard. Leonard, Trustee of the Bankruptcy Estate of Paul Anthony Morabito (hereinafter "Leonard"), by and through his attorney, Erika Pike Turner, Esq. Teresa M. Pilatowicz, Esq. and Gabrielle A. Hamm, Esq. of Garman Turner Gordan LLP, filed *Plaintiff's Motion to Reopen Evidence*. Also, on January 30, 2019, Leonard filed an *Errata to Plaintiff's Motion to Reopen Evidence*, and an *Ex Parte Motion for Order Shortening Time on Plaintiff's Motion to Reopen Evidence and for Expedited Hearing*. On February 4, 2019, the Court entered an *Order Shortening Time on Plaintiff's Motion to Reopen Evidence and Setting*

1 *Expedited Hearing* wherein the Court set forth the shortened briefing deadlines and scheduled a
2 hearing on the motion to reopen evidence for February 8, 2019. Also, on February 4, 2019,
3 Leonard filed a *Supplement to Plaintiff's Motion to Reopen Evidence*.

4 On February 6, 2019, Defendants Superpumper, Inc., Edward Bayuk, individually and as
5 Trustee of the Edward William Bayuk Living Trust, Salvatore Morabito and Snowshoe Petroleum,
6 Inc. (hereinafter collectively "Superpumper Defendants"), by and through their attorney, Frank C.
7 Gilmore, Esq. of Robison, Sharp, Sullivan & Brust, filed *Defendants' Response to Motion to*
8 *Reopen Evidence*.

9 On February 7, 2019, Leonard filed *Plaintiff's Reply to Defendants' Response to Motion*
10 *to Reopen Evidence*.

11 On February 8, 2019, Erika Turner, Esq. appeared on behalf of Leonard, and Frank
12 Gilmore, Esq. appeared on behalf of the Superpumper Defendants at the scheduled hearing on
13 Leonard's Motion to Reopen Evidence. After hearing the arguments of the parties, the Court
14 granted Leonard's motion to reopen evidence and set an ongoing non-jury trial wherein the
15 Superpumper Defendants would have the opportunity to present rebuttal evidence for March 1,
16 2019.

17 On February 28, 2019, an *Amended Stipulation to Vacate March 1, 2019 Hearing* was filed
18 wherein the Superpumper Defendants waived any rebuttal to the evidence admitted at the February
19 8, 2019 hearing, Trial Exhibits 305, 306, 307, 308 and 309, and the parties stipulated to vacating
20 the March 1, 2019 ongoing non-jury trial. Thereafter, on February 28, 2019, the Court entered an
21 *Order Granting Amended Stipulation to Vacate March 1, 2019 Hearing*.

22 On March 6, 2019, Leonard filed *[Plaintiff's Proposed] Findings of Fact, Conclusions of*
23 *Law, and Judgment*. On March 8, 2019, the Superpumper Defendants filed *[Defendants' Proposed*
24 *Amended] Findings of Fact, Conclusions of Law and Judgment*.

25 On March 29, 2019, the Court entered its *Findings of Fact, Conclusions of Law and*
26 *Judgment*. Also, on March 29, 2019, Leonard filed a *Notice of Entry of Findings of Fact,*
27 *Conclusions of Law and Judgment*.

1 On April 11, 2019, Leonard filed *Plaintiff's Memorandum of Costs and Disbursements*.
2 On April 12, 2019, Leonard filed an *Application for Attorneys' Fees and Costs Pursuant to NRCP*
3 *68*. On May 15, 2019, the Superpumper Defendants filed a *Motion to Retax Costs*. On April 17,
4 2019, *Plaintiff's Opposition to Motion to Retax Costs* was filed. On April 22, 2019, the
5 Superpumper Defendants filed their *Reply in Support of Motion to Retax Costs*. On April 25, 2019,
6 the Superpumper Defendants filed their *Opposition to Application for Attorneys' Fees and Costs*.

7 On April 25, 2019, Jeffrey L. Hartman, Esq. and the law firm of Hartman & Hartman,
8 substituted in the place and stead of Frank Gilmore, Esq. and Robison, Sharp, Sullivan & Brust,
9 as attorney of record for Defendant Edward Bayuk, individually and as Trustee of the Edward
10 William Bayuk Living Trust (hereinafter "Bayuk")

11 Also, on April 25, 2019, Defendants Salvatore Morabito, Snowshoe Petroleum, Inc. and
12 Superpumper, Inc. (hereinafter the "Morabito Defendants") filed a *Motion for New Trial and/or to*
13 *Alter or Amend Judgment Pursuant to NRCP 52, 59 and 60*. On April 26, 2019, Bayuk filed a
14 *Motion for New Trial and/or to Alter or Amend Judgment*.

15 On April 30, 2019, *Plaintiff's Reply in Support of Application for Attorneys' Fees and*
16 *Costs Pursuant to NRCP 68* was filed. On May 1, 2019, Leonard submitted his Application for
17 Attorneys' Fees and Costs Pursuant to NRCP 68 and the Superpumper Defendants' Motion to
18 Retax Costs for the Court's consideration.

19 On May 7, 2019, *Plaintiff's Opposition to Defendants' Motions for New Trial and/or to*
20 *Alter or Amend Judgment* was filed. On May 14, 2019, the Morabito Defendants filed *Defendants'*
21 *Reply in Support of Motion for New Trial and/or to Alter or Amend Judgment Pursuant to NRCP*
22 *52, 59 and 60*, and submitted the motion for the Court's consideration. After the time to file a
23 reply had expired, Leonard submitted Defendant Bayuk's Motion for New Trial and/or to Alter or
24 Amend Judgment for the Court's consideration on May 21, 2019.

25 On June 24, 2019, the Court held a telephonic hearing on its decision concerning the
26 submitted motions of Leonard's application for attorneys' fees and costs, the motion to retax costs
27 and the Morabito Defendants' and Bayuk's motions for new trial and/or alter or amend judgment
28 wherein Erika Turner, Esq., Teresa Pilatowicz, Esq. and Gabrielle Hamm, Esq. appeared on behalf

1 of Leonard, Jeffrey Hartman, Esq. appeared on behalf of Bayuk, and Frank Gilmore, Esq. appeared
2 on behalf of the Morabito Defendants.

3 At the hearing, the Court stated that it was persuaded by a majority of the arguments of
4 Leonard; therefore, it was granting in part and denying in part the Motion to Retax Costs. As a
5 result, the Court found that reasonable costs were incurred in the amount of \$152,856.84. As to
6 Leonard's motion for attorneys' fees and costs, the Court found that Bayuk and the Morabito
7 Defendants' rejection of the offer of judgment was unreasonable, and ordered costs incurred from
8 June 1, 2016 which were reduced by the decision in the motion to retax costs, and that Bayuk and
9 the Morabito Defendants were to pay Leonard's attorneys' fees in the amount of \$773,116.00, less
10 \$8,128.87 for sanctions previously paid.

11 Next, the Court turned its attention to Bayuk and the Morabito Defendants' motions for
12 new trial and/or to amend or alter judgment. Having reviewed all the pleadings filed related to the
13 motions, the entire file, and presided over the trial, the Court found it was persuaded by a majority
14 of the arguments of Leonard, and found that there were no clerical mistakes, oversights or newly
15 discovered evidence or any other reason to justify relief from the judgment pursuant to NRCP 60,
16 that NRCP 52 does not support modification of the judgment as written, and that there were no
17 irregularities that denied Bayuk and the Morabito Defendants a fair trial nor error in law over
18 defendants' objections that would justify a new trial and/or altering the judgment pursuant to
19 NRCP 59, and that in light of the evidence supporting the Court's finding regarding multiple
20 badges of fraud and lack of good faith by Bayuk and the Morabito Defendants, they could not
21 demonstrate that any error materially affected their substantial rights or affected the outcome of
22 the trial. As such, the Court denied Bayuk's and the Morabito Defendants' Motions for New Trial
23 and/or Alter or Amend Judgment Pursuant to NRCP 52, 59 and 60.

24 On July 2, 2019, Salvatore Morabito filed a *Notice of Claim of Exemption from Execution*
25 and a *Declaration of Salvatore Morabito Claiming Exemption from Execution*. On July 3, 2019,
26 Edward Bayuk filed a *Third-Party Claim to Property Levied Upon NRS 31, 070*.

27 On July 10, 2019, the written *Order Denying Defendants' Motions for New Trial and/or to*
28 *Alter or Amend Judgment* was entered. Also, on July 10, 2019, the written *Order Granting in Part*

1 *and Denying in Part Motion to Retax Costs and the written Order Granting Plaintiff's Application*
2 *for an Award of Attorneys' Fees and Costs Pursuant to NRCP 68* were entered.

3 On July 11, 2019, Leonard filed *Plaintiff's Objection to (1) Claim of Exemption from*
4 *Execution and (2) Third Party Claim to Property Levied Upon, and Request for Hearing Pursuant*
5 *to NRS 21.112 and 31.070(5).*

6 On July 16, 2019, Leonard filed a *Notice of Hearing on Plaintiff's Objection to (1) Claim*
7 *of Exemption from Execution and (2) Third Party Claim to Property Levied Upon, and Request*
8 *for Hearing Pursuant to NRS 21.112 and 31.070(5)* wherein the hearing on the claims of
9 exemption was scheduled for July 22, 2019. Also, on July 16, 2019, *Plaintiff's Objection to Notice*
10 *of Claim of Exemption from Execution filed by Salvatore Morabito and Request for Hearing* was
11 filed. Additionally, on July 16, 2019, Leonard filed notices of entry of orders concerning the Order
12 Denying Defendants' Motion for New Trial and/or Alter or Amend Judgment, Order Granting in
13 Part and Denying in Part Motion to Retax Costs, and the Order Granting Plaintiff's Application
14 for an Award of Attorneys' Fees and Costs Pursuant to NRCP 68.

15 On July 17, 2019, Bayuk filed his *Reply to Objection to Claim of Exemption and Third-*
16 *Party Claim to Property Levied Upon.*

17 On July 18, 2019, Michael Lehnern, Esq. filed a *Notice of Appearance* as attorney of record
18 on behalf of Salvatore Morabito, and associating as co-counsel for Bayuk. Also, on July 18, 2019,
19 Salvatore Morabito filed his *Reply to Plaintiff's Objection to Notice of Claim from Exemption from*
20 *Execution.* Also, on July 18, 2019, Leonard filed a *Notice of Hearing on Plaintiff's Objection to*
21 *Notice of Claim of Execution Filed by Salvatore Morabito* was filed setting the hearing on
22 Salvatore Morabito's claims of exemption for July 22, 2019.

23 On July 22, 2019, Erika Turner, Esq. and Teresa Pilatowicz, Esq. appeared on behalf of
24 Leonard, Jeffrey Hartman, Esq. appeared with Defendant Edward Bayuk, and Michael Lehnern,
25 Esq. appeared as co-counsel on behalf of Edward Bayuk, and counsel for Salvatore Morabito at
26 the scheduled hearing on the objections to claims of exemption. After hearing argument of the
27 parties, the Court found that there were not sufficient factors in the case to create trust protections.
28 Neither a trustee or beneficiary of the Edward William Bayuk Living Trust live in the State of

1 Nevada, the Court does have the necessary jurisdiction to rule in the case, and the objection was
2 waived by the Defendants as it was not raised during the course of the trial. As such, the Court
3 denied the claims of exemption. Additionally, the Court heard argument on Mr. Lehner's oral
4 motion for stay of proceedings pending appeal, and a motion for leave to supplement record as to
5 the burial plot. After hearing argument of the parties, the Court denied the request to supplement
6 the record with testimony of Edward Bayuk regarding the burial plot, and denied the motion to
7 stay proceedings with leave to renew once written decision is entered regarding the request for
8 exemption. Finally, the Court rendered its oral decision denying Edward William Bayuk Living
9 Trust's third-party claim.

10 On August 5, 2019, Micah S. Echols, Esq. and Kathleen A. Wilde, Esq. of Marquis
11 Aurbach Coffing filed a *Notice of Appearance* as attorney of record on behalf of Defendants
12 Superpumper, Inc., Bayuk, Salvatore Morabito and Snowshoe Petroleum, Inc. Additionally, on
13 August 5, 2019, Defendants Superpumper, Inc., Edward Bayuk, Salvatore Morabito and Snowshoe
14 Petroleum, Inc., by and through the law firm of Marquis Aurbach Coffing, filed a *Notice of Appeal*
15 concerning the Findings of Fact, Conclusions of Law, and Judgment filed March 29, 2019, the
16 Order Denying Defendants' Motion for New Trial and/or to Alter or Amend Judgment filed July
17 10, 2019, the Order Granting in Part and Denying in Part Motion to Retax Costs, filed July 10,
18 2019, and the Order Granting Plaintiff's Application for an Award of Attorneys' Fees and Costs
19 Pursuant to NRCP 68 filed July 10, 2019.

20 Also, on August 5, 2019, Bayuk, by and through Jeffrey Hartman, Esq. and Michael
21 Lehner, Esq. filed a *Notice of Appeal* of eight orders entered in the instant matter from August 17,
22 2014 to July 20, 2019.

23 On August 19, 2019, Bayuk and the Superpumper Defendants filed a *Motion to Amended*
24 *or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration.*

25 On August 30, 2019, Bayuk and the Superpumper Defendants filed an *Errata to Motion to*
26 *Make Amended or Additional Findings under NRCP 52(b), or in the Alternative, Motion for*
27 *Reconsideration.* On August 30, 2019, Leonard filed *Plaintiff's Opposition to Motion to Make*
28 *Amended or Additional Findings Under NRCP 52(b), or in the Alternative, Motion for*

1 *Reconsideration, and Countermotion for Fees and Costs Pursuant to NRS 7.085.* Thereafter, also
2 on August 30, 2019, Leonard filed an *Errata to Plaintiff's Opposition to Motion to Make Amended*
3 *or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration and*
4 *Countermotion for Fees and Costs Pursuant to NRS 7.085.*

5 On September 4, 2019, Bayuk and the Superpumper Defendants filed their *Reply in*
6 *Support of Motion to Amended or Additional Findings Under NRCP 52(b), or, in the Alternative,*
7 *Motion for Reconsideration and Opposition to Countermotion for Fees and Costs,* and submitted
8 their motion for the Court's consideration.

9 The Court has considered the pleadings noted above, in addition to all exhibits, papers and
10 pleadings on file in the case; the record of the trial including trial transcripts and exhibits, the
11 Court's Findings of Fact, Conclusion of Law and Judgment dated March 29, 2019, and the record
12 of the July 22, 2019 hearing.

13 Based upon the above, the Court finds no basis in law or fact to support amending or
14 supplementing the Court's previously entered orders or findings.

15 Good cause appearing,

16 IT IS HEREBY ORDERED that Defendants' Motion to Make Amended or Additional
17 Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration is DENIED.

18 IT IS HEREBY FURTHER ORDERED that Plaintiff's Countermotion for Fees and Costs
19 Pursuant to NRS 7.085 is DENIED.

20 Dated this 8 day of November, 2019.

21
22 
23 DISTRICT JUDGE
24
25
26
27
28

CERTIFICATE OF SERVICE

CASE NO. CV13-02663

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 8 day of November, 2019, I filed the **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** with the Clerk of the Court.

I FURTHER CERTIFY THAT I TRANSMITTED A TRUE AND CORRECT COPY OF THE FOREGOING DOCUMENT BY THE METHOD(S) NOTED BELOW:

 PERSONAL DELIVERY TO THE FOLLOWING: [NONE]

 ELECTRONICALLY FILED WITH THE CLERK OF THE COURT, USING THE EFLEX SYSTEM WHICH CONSTITUTES EFFECTIVE SERVICE FOR ALL EFILED DOCUMENTS PURSUANT TO THE EFILE USER AGREEMENT.

GABRIELLE HAMM, ESQ. FOR WILLIAM A. LEONARD, JR, TRSTEE OF ESTATE OF PAUL A. MORABITO

JEFFREY HARTMAN, ESQ. FOR EDWARD WILLIAM BAYUK LIVING TRUST, EDWARD BAYUK

TERESA PILATOWICZ, ESQ. FOR WILLIAM A. LEONARD, JR, TRSTEE OF ESTATE OF PAUL A. MORABITO

TOM STEWART, ESQ. FOR EDWARD WILLIAM BAYUK LIVING TRUST ET AL

ERIKA TURNER, ESQ. FOR WILLIAM A. LEONARD, JR, TRSTEE OF ESTATE OF PAUL A. MORABITO

MARK WEISENMILLER, ESQ. FOR WILLIAM A. LEONARD, JR, TRSTEE OF ESTATE OF PAUL A. MORABITO

KATHLEEN WILDE, ESQ. FOR EDWARD WILLIAM BAYUK LIVING TRUST ET AL

MICHAEL LEHNERS, ESQ. FOR SALVATORE R. MORABITO

MICAH ECHOLS, ESQ. FOR EDWARD WILLIAM BAYUK LIVING TRUST ET AL

FRANK GILMORE, ESQ. FOR SALVATORE R. MORABITO, SUPERPUMPER, INC., SNOWSHOE PETROLEUM, INC.

1310
Marquis Aurbach Coffing
Micah S. Echols, Esq.
Nevada Bar No. 8437
10001 Park Run Drive
Las Vegas, Nevada 89145
Telephone: (702) 382-0711
Facsimile: (702) 382-5816
mechols@maclaw.com

Attorneys for Defendants and Edward Bayuk, as Trustee for Non-Party the Edward Bayuk Living Trust

IN THE SECOND JUDICIAL DISTRICT FOR THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

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

Plaintiff,

vs.

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,

Defendants.

Case No.: CV13-02663
Dept. No.: 4

CASE APPEAL STATEMENT

Defendants, Superpumper, Inc.; Edward Bayuk, individually and as Trustee of the Edward Bayuk Living Trust; Edward Bayuk, as Trustee for Non-Party the Edward Bayuk Living Trust; Salvatore Morabito; and Snowshoe Petroleum, Inc., by and through their attorneys of record, Marquis Aurbach Coffing, hereby file this Case Appeal Statement.

1. Name of appellants filing this Case Appeal Statement:

Defendants, Superpumper, Inc.; Edward Bayuk, individually and as Trustee of the Edward Bayuk Living Trust; Edward Bayuk, as Trustee for Non-Party the Edward Bayuk Living Trust; Salvatore Morabito; and Snowshoe Petroleum, Inc.

- 1 2. Identify the Judge issuing the decision, judgment, or order appealed from:
2 Honorable Connie J. Steinheimer, District Court Judge
3 3. Identify each appellant and the name and address of counsel for each appellant:
4 **Superpumper, Inc. and Snowshoe Petroleum, Inc.**
5 Frank Gilmore, Esq.
6 Robison, Sharp, Sullivan & Brust
7 71 Washington Street
8 Reno, Nevada 89503
9 Micah S. Echols, Esq.
10 Marquis Aurbach Coffing
11 10001 Park Run Drive
12 Las Vegas, Nevada 89145
13 **Salvatore Morabito**
14 Frank Gilmore, Esq.
15 Robison, Sharp, Sullivan & Brust
16 71 Washington Street
17 Reno, Nevada 89503
18 Micah S. Echols, Esq.
19 Marquis Aurbach Coffing
20 10001 Park Run Drive
21 Las Vegas, Nevada 89145
22 **Edward Bayuk, individually and as Trustee of the Edward Bayuk Living**
23 **Trust and Edward Bayuk, as Trustee for Non-Party the Edward Bayuk**
24 **Living Trust**
25 Jeffrey Hartman, Esq.
26 Hartman & Hartman
27 510 W. Plumb Lane, Ste. B
28 Reno, Nevada 89509
 Micah S. Echols, Esq.
 Marquis Aurbach Coffing
 10001 Park Run Drive
 Las Vegas, Nevada 89145

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicated as much and provide the name and address of that respondent's trial counsel):

William A. Leonard, Trustee for the Bankruptcy Estate of Paul Anthony Morabito

Gerald M. Gordon, Esq.
Erica Pike Turner, Esq.
Teresa M. Pilatowicz, Esq.
Gabrielle A. Hamm, Esq.
Mark M. Weisenmiller, Esq.
Garman Turner Gordon LLP
650 White Drive, Ste. 100
Las Vegas, Nevada 89119

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):

N/A

6. Indicated whether appellant was represented by appointed or retained counsel in the district court:

Retained.

7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

Retained.

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

N/A

9. Indicate the date the proceedings commenced in the district court (e.g., date complaint indictment, information, or petition was filed):

The complaint was filed on December 17, 2013.

1 10. Provide a brief description of the nature of the action and result in the district
2 court, including the type of judgment or order being appealed and the relief granted by the
3 district court:

4 This is an action to recover alleged fraudulent conveyances. The action was commenced
5 by JH, Inc.; Jerry Herbst; and Berry-Hinckley Industries, Inc. on December 17, 2013. On
6 June 20, 2013, JH, Inc.; Jerry Herbst; and Berry-Hinckley Industries, Inc. filed a petition for an
7 involuntary bankruptcy against Paul Morabito in the United States Bankruptcy Court for the
8 District of Nevada, Case No. BK-N 13-51237. On December 22, 2014, the Bankruptcy Court
9 entered an order for relief under Chapter 7. The order for relief signifies that the requirements of
10 11 U.S.C. § 303 have been met and that the bankruptcy may proceed under Chapter 7. William
11 A. Leonard was appointed as the Chapter 7 Trustee in the involuntary bankruptcy. On June 16,
12 2015, the District Court entered an order substituting William A. Leonard as the Plaintiff in the
13 place of JH, Inc.; Jerry Herbst; and Berry-Hinckley Industries, Inc. pursuant to NRCP 17(a).

14 On March 29, 2019 the District Court entered judgment against each of the Defendants as
15 follows:

16 Against Ed Bayuk and the Bayuk Trust, as follows: 1. Avoiding the transfer of the El
17 Camino Property and the Los Olivos Property, and awarding Plaintiff damages in the amount of
18 \$884,999.95, with offset for amounts collected on account of the El Camino Property and the
19 Los Olivos Property; 2. Avoiding the transfer of Baruk LLC and awarding Plaintiff damages in
20 the amount of \$1,654,550 with offset for amounts collected on account of Baruk LLC;
21 3. Avoiding the transfer of \$420,250 and awarding Plaintiff damages in the amount of \$420,250
22 with offset for amounts collected on account of the \$420,250; and 4. Avoiding the Superpumper
23 Transfer and awarding Plaintiff damages in the amount of \$4,949,000 with offset for amounts
24 collected on account of the Superpumper Transfer.

25 Against Sam Morabito as follows: 1. Avoiding the transfer of \$355,000 and awarding
26 Plaintiff damages in the amount of \$355,000 with offset for amounts collected on account on
27 account of the \$355,000; and 2. Avoiding the Superpumper Transfer and awarding Plaintiff
28

1 damages in the amount of \$4,949,000 with offset for amounts collected on account of the
2 Superpumper Transfer.

3 Against Snowshoe, avoiding the Superpumper Transfer and awarding Plaintiff damages
4 in the amount of \$9,898,000 with offset for amounts collected on account of the Superpumper
5 Transfer. In post-trial proceedings, the District Court denied a motion for new trial, and awarded
6 Plaintiff attorney fees and costs.

7 Upon initiation of execution proceedings, Defendants Ed Bayuk and Salvatore Morabito
8 both filed claims of exemption. Edward Bayuk, as Trustee for Non-Party the Edward Bayuk
9 Living Trust also filed a third-party claim. However, the District Court denied the claims of
10 exemption in orders filed on August 2, 2019 and August 9, 2019. On August 19, 2019,
11 Defendants filed their motion to make amended or additional findings under NRCP 52(b), or, in
12 the alternative, motion for reconsideration. The District Court denied Defendants' motion in an
13 order filed on November 8, 2019.

14 Defendants now appeal from: (1) the Order Denying [Morabito's] Claim of Exemption,
15 which was filed on August 2, 2019; (2) the Order Denying [Bayuk's] Claim of Exemption and
16 Third Party Claim, which was filed on August 9, 2019; and (3) the Order Denying Defendants'
17 Motion to Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative,
18 Motion for Reconsideration and Denying Plaintiff's Countermotion for Fees and Costs Pursuant
19 to NRS 7.085, which was filed on November 8, 2019.

20 11. Indicate whether the case has previously been the subject of an appeal to or
21 original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket
22 number of the prior proceeding:

23 Superpumper, Inc. v. Leonard, Supreme Court Case No. 79355

24 12. Indicate whether this appeal involves child custody or visitation:

25 N/A

26 13. If this is a civil case, indicate whether this appeal involves the possibility of
27 settlement:

1 In Supreme Court Case No. 79355, the Settlement Judge determined that this case is not
2 appropriate for mediation in the Court's settlement conference program.

3
4 **AFFIRMATION PURSUANT TO NRS 239B.030**

5 The undersigned affirms that the pleading or document now being present to the Court in
6 the above-entitled action does **not** contain any Personal Information (as defined in
7 NRS 603A.040).

8 Dated this 6th day of December, 2019.

9
10 MARQUIS AURBACH COFFING

11 By /s/ Micah S. Echols
12 Micah S. Echols, Esq.
13 Nevada Bar No. 8437
14 10001 Park Run Drive
15 Las Vegas, Nevada 89145
16 *Attorneys for Defendants and Edward Bayuk, as*
17 *Trustee for Non-Party the Edward Bayuk Living*
18 *Trust*
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **CASE APPEAL STATEMENT** was submitted electronically for filing and/or service with the Second Judicial District Court on the 6th day of December, 2019. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:

ERIKA TURNER, ESQ.
for WILLIAM A. LEONARD, JR, TRUSTEE OF ESTATE OF PAUL A. MORABITO

FRANK GILMORE, ESQ.
for SALVATORE R. MORABITO, SNOWSHOE PETROLEUM, INC.,
and SUPERPUMPER, INC.

MARK WEISENMILLER, ESQ.
for WILLIAM A. LEONARD, JR, TRUSTEE OF ESTATE OF PAUL A. MORABITO

JEFFREY HARTMAN, ESQ.
for EDWARD WILLIAM BAYUK LIVING TRUST, and EDWARD BAYUK

TERESA PILATOWICZ, ESQ.
for WILLIAM A. LEONARD, JR, TRUSTEE OF ESTATE OF PAUL A. MORABITO

GABRIELLE HAMM, ESQ.
for WILLIAM A. LEONARD, JR, TRUSTEE OF ESTATE OF PAUL A. MORABITO

MICHAEL LEHNERS, ESQ.
for EDWARD WILLIAM BAYUK LIVING TRUST, and EDWARD BAYUK and
SALVATORE R. MORABITO

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

GERALD M. GORDON, ESQ.
Garman Turner Gordon LLP
650 White Drive, Ste. 100
Las Vegas, Nevada 89119
SPECIAL COUNSEL TO TRUSTEE

/s/ Leah Dell
Leah Dell, an employee of
Marquis Aurbach Coffing

MARQUIS AURBACH COFFING
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

1 **\$2515**
2 **Marquis Aurbach Coffing**
3 Micah S. Echols, Esq.
4 Nevada Bar No. 8437
5 10001 Park Run Drive
6 Las Vegas, Nevada 89145
7 Telephone: (702) 382-0711
8 Facsimile: (702) 382-5816
9 mechols@maclaw.com

10 *Attorneys for Defendants and Edward Bayuk, as Trustee for Non-Party the Edward Bayuk*
11 *Living Trust*

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

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

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

16 Plaintiff,

17 vs.

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

24 Defendants.

Case No.: CV13-02663
Dept. No.: 4

25 **NOTICE OF APPEAL**

26 Defendants, Superpumper, Inc.; Edward Bayuk, individually and as Trustee of the
27 Edward Bayuk Living Trust; Edward Bayuk, as Trustee, for the benefit of Non-Party the Edward
28 Bayuk Living Trust; Salvatore Morabito; and Snowshoe Petroleum, Inc., by and through their
attorneys of record, Marquis Aurbach Coffing, hereby appeal to the Supreme Court of Nevada
from: (1) the Order Denying [Morabito's] Claim of Exemption, which was filed on August 2,
2019 and is attached as **Exhibit 1**; (2) the Order Denying [Bayuk's] Claim of Exemption and
Third Party Claim, which was filed on August 9, 2019 and is attached as **Exhibit 2**; and (3) the
Order Denying Defendants' Motion to Make Amended or Additional Findings Under

1 NRCP 52(b), or, in the Alternative, Motion for Reconsideration and Denying Plaintiff's
2 Countermotion for Fees and Costs Pursuant to NRS 7.085, which was filed on November 8, 2019
3 and is attached as **Exhibit 3**.

4 **AFFIRMATION PURSUANT TO NRS 239B.030**

5 The undersigned affirms that the pleading or document now being presented to the Court
6 in the above-entitled action does **not** contain any Personal Information (as defined in
7 NRS 603A.040).

8 Dated this 6th day of December, 2019.

9
10 MARQUIS AURBACH COFFING

11 By /s/ Micah S. Echols
12 Micah S. Echols, Esq.
13 Nevada Bar No. 8437
14 10001 Park Run Drive
15 Las Vegas, Nevada 89145
16 *Attorneys for Defendants and Edward Bayuk, as*
17 *Trustee for Non-Party the Edward Bayuk Living*
18 *Trust*
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NOTICE OF APPEAL** was submitted electronically for filing and/or service with the Second Judicial District Court on the 6th day of December, 2019. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:

ERIKA TURNER, ESQ.
for WILLIAM A. LEONARD, JR, TRUSTEE OF ESTATE OF PAUL A. MORABITO

FRANK GILMORE, ESQ.
for SALVATORE R. MORABITO, SNOWSHOE PETROLEUM, INC.,
and SUPERPUMPER, INC.

MARK WEISENMILLER, ESQ.
for WILLIAM A. LEONARD, JR, TRUSTEE OF ESTATE OF PAUL A. MORABITO

JEFFREY HARTMAN, ESQ.
for EDWARD WILLIAM BAYUK LIVING TRUST, and EDWARD BAYUK

TERESA PILATOWICZ, ESQ.
for WILLIAM A. LEONARD, JR, TRUSTEE OF ESTATE OF PAUL A. MORABITO

GABRIELLE HAMM, ESQ.
for WILLIAM A. LEONARD, JR, TRUSTEE OF ESTATE OF PAUL A. MORABITO

MICHAEL LEHNERS, ESQ.
for EDWARD WILLIAM BAYUK LIVING TRUST, and EDWARD BAYUK and
SALVATORE R. MORABITO

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

GERALD M. GORDON, ESQ.
Garman Turner Gordon LLP
650 White Drive, Ste. 100
Las Vegas, Nevada 89119
SPECIAL COUNSEL TO TRUSTEE

/s/ Leah Dell
Leah Dell, an employee of
Marquis Aurbach Coffing

MARQUIS AURBACH COFFING

10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

INDEX OF EXHIBITS

| Exhibit No. | Document Description | No. of Pages |
|------------------------|--|-------------------------|
| 1 | Order Denying [Morabito's] Claim of Exemption (filed 08/02/19) | 3 |
| 2 | Order Denying [Bayuk's] Claim of Exemption and Third Party Claim (filed 08/09/19) | 5 |
| 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) | 10 |

Exhibit 1

1 2840

2
3
4
5
6 **IN THE SECOND JUDICIAL DISTRICT COURT OF**
7 **THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE**

8
9 WILLIAM A. LEONARD, Trustee for the
10 Bankruptcy Estate of Paul Anthony
Morabito,

CASE NO.: CV13-02663

DEPT. NO.: 4

11 Plaintiff,

12 vs.

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

16 Defendants.

17 **ORDER DENYING CLAIM OF EXEMPTION**

18 Before the Court is the *Notice of Claim of Exemption from Execution* (the "Claim of
19 Exemption") filed on July 2, 2019 by Defendant Salvatore Morabito ("Morabito"). The Claim of
20 Exemption is supported by the *Declaration of Salvatore Morabito Claiming Exemption from*
21 *Execution* (the "Morabito Declaration"), also filed on July 2, 2019. *Plaintiff's Objection to Notice*
22 *of Claim of Exemption from Execution Filed by Salvatore Morabito and Request for Hearing* (the
23 "Objection") was filed on July 16, 2019, and *Morabito's Reply to Plaintiff's Objection to Notice*
24 *of Claim of Exemption from Execution* (the "Reply") was filed on July 18, 2019.

25 The Court held a hearing on the Claim of Exemption on July 22, 2019. Morabito appeared
26 by and through counsel, Michael Lehnert. Plaintiff appeared by and through counsel, Erika Pike
27 Turner, Gerald M. Gordon and Teresa Pilatowicz of the law firm of Garman Turner Gordon LLP.
28

The Court has reviewed and considered the arguments made in the Claim of Exemption, the Objection, and the Reply, the papers and pleadings on file with the Court in this action, the testimony and exhibits admitted during the trial, the Court's Findings of Fact, Conclusions of Law, and Judgment, entered on March 29, 2019 (the "Judgment"), and the arguments of counsel made at the hearing. The Court is persuaded by the argument and authorities in Plaintiff's Objection and the arguments of Plaintiff's counsel at the hearing, along with the pleadings and papers on file, the trial record, and the findings and conclusions set forth in the Judgment. As such, the Court finds that Sam Morabito failed to meet his burden to show that there are assets in Nevada subject to exemption from execution.

Based on the foregoing, and good cause appearing:

IT IS HEREBY ORDERED that the Claim of Exemption filed by Salvatore Morabito is denied.

Dated this 2 day of August, 2019.

Connie J. Steinheimer
DISTRICT JUDGE

Exhibit 2

2840

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

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

CASE NO.: CV13-02663

DEPT. NO.: 4

Plaintiff,

vs.

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

Defendants.

ORDER DENYING CLAIM OF EXEMPTION AND THIRD PARTY CLAIM

Before the Court is the *Notice of Claim of Exemption from Execution* (the "Claim of Exemption") filed on June 28, 2019 by Edward Bayuk ("Bayuk"), individually and as trustee of the Edward William Bayuk Living Trust (the "Bayuk Trust"), and the *Third Party Claim to Property Levied Upon [NRS 31.070]* (the "Third Party Claim") filed on July 3, 2019 by the Bayuk Trust. The Claim of Exemption and Third Party Claim are supported by the *Declaration of Edward Bayuk Claiming Exemption from Execution* (the "Bayuk Declaration"), filed on July 2, 2019. *Plaintiff's Objection to (1) Declaration of Edward Bayuk Claiming 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)* (the "Objection") was filed on July 11, 2019, and Bayuk and the Bayuk Trust's *Reply to Objection to Claim of Exemption and Third Party Claim to Property Levied Upon* (the "Reply") was filed on July 17, 2019.

1 The Court held a hearing on the Claim of Exemption and Third Party Claim on July 22,
2 2019. Bayuk and the Bayuk Trust appeared by and through counsel, Michael Lehnert and Jeffrey
3 L. Hartman. Plaintiff appeared by and through counsel, Erika Pike Turner, Gerald M. Gordon,
4 and Teresa Pilatowicz of the law firm of Garman Turner Gordon LLP.

5 The Court has reviewed and considered the arguments made in the Claim of Exemption
6 and the Third Party Claim, the Objection, and the Reply, the Bayuk Declaration, the exhibits to all
7 of the foregoing, the papers and pleadings on file with the Court in this action, the testimony and
8 exhibits admitted during the trial, the Court's Findings of Fact, Conclusions of Law, and Judgment,
9 entered on March 29, 2019 (the "Judgment"), and the arguments of counsel made at the hearing.
10 The Court, persuaded by the argument and authorities in Plaintiff's Objection and the arguments
11 of Plaintiff's counsel at the hearing, along with the pleadings and papers on file, the trial record,
12 and the findings and conclusions set forth in the Judgment, finds as follows:

13 1. The court has subject matter jurisdiction over the claims asserted against Bayuk, as
14 trustee of the Bayuk Trust.

15 2. Bayuk has transferred all of his personal assets to the Bayuk Trust since the Bayuk
16 Trust was established in 1998. As set forth in the Judgment, the Bayuk Trust received fraudulently
17 transferred property which was established by clear and convincing evidence.

18 3. The purported nature of the Bayuk Trust as a Nevada spendthrift trust was not
19 disclosed prior to the Claim of Exemption. In response to discovery requests, in deposition, in
20 subject deeds, and at trial prior to the Judgment, Bayuk and the Bayuk Trust produced
21 contradictory evidence regarding the date and the purpose of the Bayuk Trust. With the Claim of
22 Exemption, the Bayuk Trust clarifies that there is, and has been, only one trust with the name
23 "the Edward William Bayuk Living Trust" and that is the Bayuk Trust.

24 4. The Bayuk Trust does not meet the requirements for enforcement as a Nevada
25 spendthrift trust under NRS 166.015 because Bayuk is the settlor and beneficiary during his
26 lifetime of the Bayuk Trust, and neither Bayuk nor his co-trustee Paul Morabito are domiciles of
27 Nevada. NRS 166.015(2). As established in the Judgment, Bayuk and Paul Morabito moved to
28 California in September 2010.

5. Contrary to assertions by Bayuk, there was no credible evidence presented that the Bayuk Trust owns a burial plot in Nevada; but, even if such fact were established, the ownership of a burial plot in Nevada is insufficient to invoke the protections of NRS Chapter 166.

6. Even if the claims asserted against the Bayuk Trust were subject to the time periods under NRS 166.170, they were timely because the fraudulent transfer claim was brought (1) within two years after the fraudulent transfers were made and (2) also within six months of discovery of, or when Plaintiff reasonably should have discovered, the existence of the purported spendthrift trust. The subject fraudulent transfers occurred in September 2010 and thereafter. The Bayuk Trust executed a tolling agreement on November 30, 2011 to toll any statute of limitations applicable to the fraudulent transfer of property to the Bayuk Trust, which tolling agreement tolled the time period to file until June 18, 2013 and the Complaint was filed in December 2013. The purported nature of the Bayuk Trust as a spendthrift trust subject to NRS 166.170 was not disclosed until the Claim of Exemption. Moreover, any defenses based on NRS 166.170 have been waived as a result of the failure of Bayuk or the Bayuk Trust to raise such defenses prior to the Claim of Exemption.

Based upon review of the entire file, the foregoing, and good cause appearing:

IT IS HEREBY ORDERED that the June 28, 2019 Claim of Exemption filed by Edward Bayuk, individually and as trustee of the Edward William Bayuk Living Trust is DENIED.

IT IS HEREBY FURTHER ORDERED that the July 3, 2019 Third Party Claim to Property Levied Upon [NRS 31.070] filed by the Bayuk Trust is DENIED.

Dated this 9 day of August, 2019.

Connie J. Steinheimer
DISTRICT JUDGE

CERTIFICATE OF SERVICE

CASE NO. CV13-02663

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 9 day of August, 2019, I filed the **ORDER DENYING CLAIM OF EXEMPTION AND THIRD PARTY CLAIM** with the Clerk of the Court.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

 Personal delivery to the following: [NONE]

 f **Electronically filed with the Clerk of the Court, using the eFlex system which constitutes effective service for all eFiled documents pursuant to the eFile User Agreement.**

ERIKA TURNER, ESQ. for WILLIAM A. LEONARD, JR, TRSTEE OF ESTATE OF PAUL A. MORABITO

MICAH ECHOLS, ESQ. for EDWARD WILLIAM BAYUK LIVING TRUST et al

JEFFREY HARTMAN, ESQ. for EDWARD WILLIAM BAYUK LIVING TRUST, EDWARD BAYUK

MARK WEISENMILLER, ESQ. for WILLIAM A. LEONARD, JR, TRSTEE OF ESTATE OF PAUL A. MORABITO

FRANK GILMORE, ESQ. for SNOWSHOE PETROLEUM, INC., SALVATORE R. MORABITO, SUPERPUMPER, INC.

MICHAEL LEHNERS, ESQ. for SALVATORE R. MORABITO

TERESA PILATOWICZ, ESQ. for WILLIAM A. LEONARD, JR, TRSTEE OF ESTATE OF PAUL A. MORABITO

GABRIELLE HAMM, ESQ. for WILLIAM A. LEONARD, JR, TRSTEE OF ESTATE OF PAUL A. MORABITO

 Transmitted document to the Second Judicial District Court mailing system in a sealed envelope for postage and mailing by Washoe County using the United States Postal Service in Reno, Nevada: [NONE]

 Placed a true copy in a sealed envelope for service via:

 Reno/Carson Messenger Service – [NONE]

 Federal Express or other overnight delivery service [NONE]

DATED this 9 day of August, 2019.

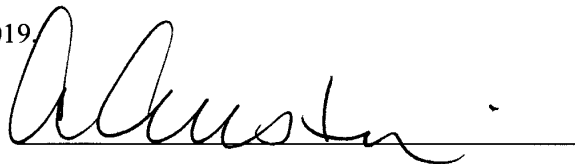


Exhibit 3

2840

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

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

CASE NO.: CV13-02663

DEPT. NO.: 4

Plaintiff,

vs.

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

Defendants.

**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**

On November 26, 2018, the Court concluded the nine day Non-Jury Trial and took the matter under advisement.

On January 30, 2019, Plaintiff William A. Leonard. Leonard, Trustee of the Bankruptcy Estate of Paul Anthony Morabito (hereinafter "Leonard"), by and through his attorney, Erika Pike Turner, Esq. Teresa M. Pilatowicz, Esq. and Gabrielle A. Hamm, Esq. of Garman Turner Gordan LLP, filed *Plaintiff's Motion to Reopen Evidence*. Also, on January 30, 2019, Leonard filed an *Errata to Plaintiff's Motion to Reopen Evidence*, and an *Ex Parte Motion for Order Shortening Time on Plaintiff's Motion to Reopen Evidence and for Expedited Hearing*. On February 4, 2019, the Court entered an *Order Shortening Time on Plaintiff's Motion to Reopen Evidence and Setting*

1 *Expedited Hearing* wherein the Court set forth the shortened briefing deadlines and scheduled a
2 hearing on the motion to reopen evidence for February 8, 2019. Also, on February 4, 2019,
3 Leonard filed a *Supplement to Plaintiff's Motion to Reopen Evidence*.

4 On February 6, 2019, Defendants Superpumper, Inc., Edward Bayuk, individually and as
5 Trustee of the Edward William Bayuk Living Trust, Salvatore Morabito and Snowshoe Petroleum,
6 Inc. (hereinafter collectively "Superpumper Defendants"), by and through their attorney, Frank C.
7 Gilmore, Esq. of Robison, Sharp, Sullivan & Brust, filed *Defendants' Response to Motion to*
8 *Reopen Evidence*.

9 On February 7, 2019, Leonard filed *Plaintiff's Reply to Defendants' Response to Motion*
10 *to Reopen Evidence*.

11 On February 8, 2019, Erika Turner, Esq. appeared on behalf of Leonard, and Frank
12 Gilmore, Esq. appeared on behalf of the Superpumper Defendants at the scheduled hearing on
13 Leonard's Motion to Reopen Evidence. After hearing the arguments of the parties, the Court
14 granted Leonard's motion to reopen evidence and set an ongoing non-jury trial wherein the
15 Superpumper Defendants would have the opportunity to present rebuttal evidence for March 1,
16 2019.

17 On February 28, 2019, an *Amended Stipulation to Vacate March 1, 2019 Hearing* was filed
18 wherein the Superpumper Defendants waived any rebuttal to the evidence admitted at the February
19 8, 2019 hearing, Trial Exhibits 305, 306, 307, 308 and 309, and the parties stipulated to vacating
20 the March 1, 2019 ongoing non-jury trial. Thereafter, on February 28, 2019, the Court entered an
21 *Order Granting Amended Stipulation to Vacate March 1, 2019 Hearing*.

22 On March 6, 2019, Leonard filed *[Plaintiff's Proposed] Findings of Fact, Conclusions of*
23 *Law, and Judgment*. On March 8, 2019, the Superpumper Defendants filed *[Defendants' Proposed*
24 *Amended] Findings of Fact, Conclusions of Law and Judgment*.

25 On March 29, 2019, the Court entered its *Findings of Fact, Conclusions of Law and*
26 *Judgment*. Also, on March 29, 2019, Leonard filed a *Notice of Entry of Findings of Fact,*
27 *Conclusions of Law and Judgment*.

1 On April 11, 2019, Leonard filed *Plaintiff's Memorandum of Costs and Disbursements*.
2 On April 12, 2019, Leonard filed an *Application for Attorneys' Fees and Costs Pursuant to NRC*
3 *68*. On May 15, 2019, the Superpumper Defendants filed a *Motion to Retax Costs*. On April 17,
4 2019, *Plaintiff's Opposition to Motion to Retax Costs* was filed. On April 22, 2019, the
5 Superpumper Defendants filed their *Reply in Support of Motion to Retax Costs*. On April 25, 2019,
6 the Superpumper Defendants filed their *Opposition to Application for Attorneys' Fees and Costs*.

7 On April 25, 2019, Jeffrey L. Hartman, Esq. and the law firm of Hartman & Hartman,
8 substituted in the place and stead of Frank Gilmore, Esq. and Robison, Sharp, Sullivan & Brust,
9 as attorney of record for Defendant Edward Bayuk, individually and as Trustee of the Edward
10 William Bayuk Living Trust (hereinafter "Bayuk")

11 Also, on April 25, 2019, Defendants Salvatore Morabito, Snowshoe Petroleum, Inc. and
12 Superpumper, Inc. (hereinafter the "Morabito Defendants") filed a *Motion for New Trial and/or to*
13 *Alter or Amend Judgment Pursuant to NRC* 52, 59 and 60. On April 26, 2019, Bayuk filed a
14 *Motion for New Trial and/or to Alter or Amend Judgment*.

15 On April 30, 2019, *Plaintiff's Reply in Support of Application for Attorneys' Fees and*
16 *Costs Pursuant to NRC* 68 was filed. On May 1, 2019, Leonard submitted his Application for
17 Attorneys' Fees and Costs Pursuant to NRC 68 and the Superpumper Defendants' Motion to
18 Retax Costs for the Court's consideration.

19 On May 7, 2019, *Plaintiff's Opposition to Defendants' Motions for New Trial and/or to*
20 *Alter or Amend Judgment* was filed. On May 14, 2019, the Morabito Defendants filed *Defendants'*
21 *Reply in Support of Motion for New Trial and/or to Alter or Amend Judgment Pursuant to NRC*
22 *52, 59 and 60*, and submitted the motion for the Court's consideration. After the time to file a
23 reply had expired, Leonard submitted Defendant Bayuk's Motion for New Trial and/or to Alter or
24 Amend Judgment for the Court's consideration on May 21, 2019.

25 On June 24, 2019, the Court held a telephonic hearing on its decision concerning the
26 submitted motions of Leonard's application for attorneys' fees and costs, the motion to retax costs
27 and the Morabito Defendants' and Bayuk's motions for new trial and/or alter or amend judgment
28 wherein Erika Turner, Esq., Teresa Pilatowicz, Esq. and Gabrielle Hamm, Esq. appeared on behalf

1 of Leonard, Jeffrey Hartman, Esq. appeared on behalf of Bayuk, and Frank Gilmore, Esq. appeared
2 on behalf of the Morabito Defendants.

3 At the hearing, the Court stated that it was persuaded by a majority of the arguments of
4 Leonard; therefore, it was granting in part and denying in part the Motion to Retax Costs. As a
5 result, the Court found that reasonable costs were incurred in the amount of \$152,856.84. As to
6 Leonard's motion for attorneys' fees and costs, the Court found that Bayuk and the Morabito
7 Defendants' rejection of the offer of judgment was unreasonable, and ordered costs incurred from
8 June 1, 2016 which were reduced by the decision in the motion to retax costs, and that Bayuk and
9 the Morabito Defendants were to pay Leonard's attorneys' fees in the amount of \$773,116.00, less
10 \$8,128.87 for sanctions previously paid.

11 Next, the Court turned its attention to Bayuk and the Morabito Defendants' motions for
12 new trial and/or to amend or alter judgment. Having reviewed all the pleadings filed related to the
13 motions, the entire file, and presided over the trial, the Court found it was persuaded by a majority
14 of the arguments of Leonard, and found that there were no clerical mistakes, oversights or newly
15 discovered evidence or any other reason to justify relief from the judgment pursuant to NRCP 60,
16 that NRCP 52 does not support modification of the judgment as written, and that there were no
17 irregularities that denied Bayuk and the Morabito Defendants a fair trial nor error in law over
18 defendants' objections that would justify a new trial and/or altering the judgment pursuant to
19 NRCP 59, and that in light of the evidence supporting the Court's finding regarding multiple
20 badges of fraud and lack of good faith by Bayuk and the Morabito Defendants, they could not
21 demonstrate that any error materially affected their substantial rights or affected the outcome of
22 the trial. As such, the Court denied Bayuk's and the Morabito Defendants' Motions for New Trial
23 and/or Alter or Amend Judgment Pursuant to NRCP 52, 59 and 60.

24 On July 2, 2019, Salvatore Morabito filed a *Notice of Claim of Exemption from Execution*
25 and a *Declaration of Salvatore Morabito Claiming Exemption from Execution*. On July 3, 2019,
26 Edward Bayuk filed a *Third-Party Claim to Property Levied Upon NRS 31, 070*.

27 On July 10, 2019, the written *Order Denying Defendants' Motions for New Trial and/or to*
28 *Alter or Amend Judgment* was entered. Also, on July 10, 2019, the written *Order Granting in Part*

1 *and Denying in Part Motion to Retax Costs and the written Order Granting Plaintiff's Application*
2 *for an Award of Attorneys' Fees and Costs Pursuant to NRCP 68* were entered.

3 On July 11, 2019, Leonard filed *Plaintiff's Objection to (1) Claim of Exemption from*
4 *Execution and (2) Third Party Claim to Property Levied Upon, and Request for Hearing Pursuant*
5 *to NRS 21.112 and 31.070(5).*

6 On July 16, 2019, Leonard filed a *Notice of Hearing on Plaintiff's Objection to (1) Claim*
7 *of Exemption from Execution and (2) Third Party Claim to Property Levied Upon, and Request*
8 *for Hearing Pursuant to NRS 21.112 and 31.070(5)* wherein the hearing on the claims of
9 exemption was scheduled for July 22, 2019. Also, on July 16, 2019, *Plaintiff's Objection to Notice*
10 *of Claim of Exemption from Execution filed by Salvatore Morabito and Request for Hearing* was
11 filed. Additionally, on July 16, 2019, Leonard filed notices of entry of orders concerning the Order
12 Denying Defendants' Motion for New Trial and/or Alter or Amend Judgment, Order Granting in
13 Part and Denying in Part Motion to Retax Costs, and the Order Granting Plaintiff's Application
14 for an Award of Attorneys' Fees and Costs Pursuant to NRCP 68.

15 On July 17, 2019, Bayuk filed his *Reply to Objection to Claim of Exemption and Third-*
16 *Party Claim to Property Levied Upon.*

17 On July 18, 2019, Michael Lehnern, Esq. filed a *Notice of Appearance* as attorney of record
18 on behalf of Salvatore Morabito, and associating as co-counsel for Bayuk. Also, on July 18, 2019,
19 Salvatore Morabito filed his *Reply to Plaintiff's Objection to Notice of Claim from Exemption from*
20 *Execution.* Also, on July 18, 2019, Leonard filed a *Notice of Hearing on Plaintiff's Objection to*
21 *Notice of Claim of Execution Filed by Salvatore Morabito* was filed setting the hearing on
22 Salvatore Morabito's claims of exemption for July 22, 2019.

23 On July 22, 2019, Erika Turner, Esq. and Teresa Pilatowicz, Esq. appeared on behalf of
24 Leonard, Jeffrey Hartman, Esq. appeared with Defendant Edward Bayuk, and Michael Lehnern,
25 Esq. appeared as co-counsel on behalf of Edward Bayuk, and counsel for Salvatore Morabito at
26 the scheduled hearing on the objections to claims of exemption. After hearing argument of the
27 parties, the Court found that there were not sufficient factors in the case to create trust protections.
28 Neither a trustee or beneficiary of the Edward William Bayuk Living Trust live in the State of

1 Nevada, the Court does have the necessary jurisdiction to rule in the case, and the objection was
2 waived by the Defendants as it was not raised during the course of the trial. As such, the Court
3 denied the claims of exemption. Additionally, the Court heard argument on Mr. Lehner's oral
4 motion for stay of proceedings pending appeal, and a motion for leave to supplement record as to
5 the burial plot. After hearing argument of the parties, the Court denied the request to supplement
6 the record with testimony of Edward Bayuk regarding the burial plot, and denied the motion to
7 stay proceedings with leave to renew once written decision is entered regarding the request for
8 exemption. Finally, the Court rendered its oral decision denying Edward William Bayuk Living
9 Trust's third-party claim.

10 On August 5, 2019, Micah S. Echols, Esq. and Kathleen A. Wilde, Esq. of Marquis
11 Aurbach Coffing filed a *Notice of Appearance* as attorney of record on behalf of Defendants
12 Superpumper, Inc., Bayuk, Salvatore Morabito and Snowshoe Petroleum, Inc. Additionally, on
13 August 5, 2019, Defendants Superpumper, Inc., Edward Bayuk, Salvatore Morabito and Snowshoe
14 Petroleum, Inc., by and through the law firm of Marquis Aurbach Coffing, filed a *Notice of Appeal*
15 concerning the Findings of Fact, Conclusions of Law, and Judgment filed March 29, 2019, the
16 Order Denying Defendants' Motion for New Trial and/or to Alter or Amend Judgment filed July
17 10, 2019, the Order Granting in Part and Denying in Part Motion to Retax Costs, filed July 10,
18 2019, and the Order Granting Plaintiff's Application for an Award of Attorneys' Fees and Costs
19 Pursuant to NRCP 68 filed July 10, 2019.

20 Also, on August 5, 2019, Bayuk, by and through Jeffrey Hartman, Esq. and Michael
21 Lehner, Esq. filed a *Notice of Appeal* of eight orders entered in the instant matter from August 17,
22 2014 to July 20, 2019.

23 On August 19, 2019, Bayuk and the Superpumper Defendants filed a *Motion to Amended*
24 *or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration.*

25 On August 30, 2019, Bayuk and the Superpumper Defendants filed an *Errata to Motion to*
26 *Make Amended or Additional Findings under NRCP 52(b), or in the Alternative, Motion for*
27 *Reconsideration.* On August 30, 2019, Leonard filed *Plaintiff's Opposition to Motion to Make*
28 *Amended or Additional Findings Under NRCP 52(b), or in the Alternative, Motion for*

1 *Reconsideration, and Countermotion for Fees and Costs Pursuant to NRS 7.085.* Thereafter, also
2 on August 30, 2019, Leonard filed an *Errata to Plaintiff's Opposition to Motion to Make Amended*
3 *or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration and*
4 *Countermotion for Fees and Costs Pursuant to NRS 7.085.*

5 On September 4, 2019, Bayuk and the Superpumper Defendants filed their *Reply in*
6 *Support of Motion to Amended or Additional Findings Under NRCP 52(b), or, in the Alternative,*
7 *Motion for Reconsideration and Opposition to Countermotion for Fees and Costs,* and submitted
8 their motion for the Court's consideration.

9 The Court has considered the pleadings noted above, in addition to all exhibits, papers and
10 pleadings on file in the case; the record of the trial including trial transcripts and exhibits, the
11 Court's Findings of Fact, Conclusion of Law and Judgment dated March 29, 2019, and the record
12 of the July 22, 2019 hearing.

13 Based upon the above, the Court finds no basis in law or fact to support amending or
14 supplementing the Court's previously entered orders or findings.

15 Good cause appearing,

16 IT IS HEREBY ORDERED that Defendants' Motion to Make Amended or Additional
17 Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration is DENIED.

18 IT IS HEREBY FURTHER ORDERED that Plaintiff's Countermotion for Fees and Costs
19 Pursuant to NRS 7.085 is DENIED.

20 Dated this 8 day of November, 2019.

21
22 
23 DISTRICT JUDGE
24
25
26
27
28

CERTIFICATE OF SERVICE

CASE NO. CV13-02663

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 8 day of November, 2019, I filed the **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** with the Clerk of the Court.

I FURTHER CERTIFY THAT I TRANSMITTED A TRUE AND CORRECT COPY OF THE FOREGOING DOCUMENT BY THE METHOD(S) NOTED BELOW:

 PERSONAL DELIVERY TO THE FOLLOWING: [NONE]

 ELECTRONICALLY FILED WITH THE CLERK OF THE COURT, USING THE EFLEX SYSTEM WHICH CONSTITUTES EFFECTIVE SERVICE FOR ALL EFILED DOCUMENTS PURSUANT TO THE EFILE USER AGREEMENT.

GABRIELLE HAMM, ESQ. FOR WILLIAM A. LEONARD, JR, TRSTEE OF ESTATE OF PAUL A. MORABITO

JEFFREY HARTMAN, ESQ. FOR EDWARD WILLIAM BAYUK LIVING TRUST, EDWARD BAYUK

TERESA PILATOWICZ, ESQ. FOR WILLIAM A. LEONARD, JR, TRSTEE OF ESTATE OF PAUL A. MORABITO

TOM STEWART, ESQ. FOR EDWARD WILLIAM BAYUK LIVING TRUST ET AL

ERIKA TURNER, ESQ. FOR WILLIAM A. LEONARD, JR, TRSTEE OF ESTATE OF PAUL A. MORABITO

MARK WEISENMILLER, ESQ. FOR WILLIAM A. LEONARD, JR, TRSTEE OF ESTATE OF PAUL A. MORABITO

KATHLEEN WILDE, ESQ. FOR EDWARD WILLIAM BAYUK LIVING TRUST ET AL

MICHAEL LEHNERS, ESQ. FOR SALVATORE R. MORABITO

MICAH ECHOLS, ESQ. FOR EDWARD WILLIAM BAYUK LIVING TRUST ET AL

FRANK GILMORE, ESQ. FOR SALVATORE R. MORABITO, SUPERPUMPER, INC., SNOWSHOE PETROLEUM, INC.

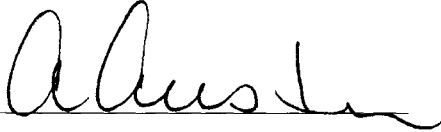
1 **TRANSMITTED DOCUMENT TO THE SECOND JUDICIAL DISTRICT COURT**
2 **MAILING SYSTEM IN A SEALED ENVELOPE FOR POSTAGE AND MAILING BY**
3 **WASHOE COUNTY USING THE UNITED STATES POSTAL SERVICE IN RENO,**
4 **NEVADA: [NONE]**

5 **PLACED A TRUE COPY IN A SEALED ENVELOPE FOR SERVICE VIA:**

6 _____ Reno/Carson Messenger Service – [NONE]

7 _____ Federal Express or other overnight delivery service [NONE]

8 DATED this 8 day of November, 2019.

9 

MARQUIS AURBACH COFFING
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

2540
Marquis Aurbach Coffing
Micah S. Echols, Esq.
Nevada Bar No. 8437
Kathleen A. Wilde, Esq.
Nevada Bar No. 12522
10001 Park Run Drive
Las Vegas, Nevada 89145
Telephone: (702) 382-0711
Facsimile: (702) 382-5816
mechols@maclaw.com
kwilde@maclaw.com
Attorneys for Defendants

IN THE SECOND JUDICIAL DISTRICT FOR THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

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

Plaintiff,

vs.

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,

Defendants.

Case No.: CV13-02663
Dept. No.: 4

NOTICE OF ENTRY OF ORDER

Please take notice that an 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 was filed on November 8, 2019 and is attached as **Exhibit A**.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned affirms that the pleading or document now being present to the Court in the above-entitled action does **not** contain any Personal Information (as defined in NRS 603A.040).

Dated this 23rd day of December, 2019.

MARQUIS AURBACH COFFING

By /s/ Micah S. Echols
Micah S. Echols, Esq.
Nevada Bar No. 8437
Kathleen A. Wilde, Esq.
Nevada Bar No. 12522
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NOTICE OF ENTRY OF ORDER** was submitted electronically for filing and/or service with the Second Judicial District Court on the 23rd day of December, 2019. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:

ERIKA TURNER, ESQ.
for WILLIAM A. LEONARD, JR, TRUSTEE OF ESTATE OF PAUL A. MORABITO

FRANK GILMORE, ESQ.
for SALVATORE R. MORABITO, SNOWSHOE PETROLEUM, INC.,
and SUPERPUMPER, INC.

MARK WEISENMILLER, ESQ.
for WILLIAM A. LEONARD, JR, TRUSTEE OF ESTATE OF PAUL A. MORABITO

JEFFREY HARTMAN, ESQ.
for EDWARD WILLIAM BAYUK LIVING TRUST, and EDWARD BAYUK

TERESA PILATOWICZ, ESQ.
for WILLIAM A. LEONARD, JR, TRUSTEE OF ESTATE OF PAUL A. MORABITO

GABRIELLE HAMM, ESQ.
for WILLIAM A. LEONARD, JR, TRUSTEE OF ESTATE OF PAUL A. MORABITO

MICHAEL LEHNERS, ESQ.
for EDWARD WILLIAM BAYUK LIVING TRUST, and EDWARD BAYUK and
SALVATORE R. MORABITO

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

GERALD M. GORDON, ESQ.
Garman Turner Gordon LLP
650 White Drive, Ste. 100
Las Vegas, Nevada 89119
SPECIAL COUNSEL TO TRUSTEE

/s/ Leah Dell
Leah Dell, an employee of
Marquis Aurbach Coffing

MARQUIS AURBACH COFFING

10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

INDEX OF EXHIBITS

| Exhibit No. | Document Description | No. of Pages |
|------------------------|--|-------------------------|
| 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) | 10 |

FILED
Electronically
CV13-02663
2019-12-23 01:14:18 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7652664

Exhibit A

2840

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

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

CASE NO.: CV13-02663

DEPT. NO.: 4

Plaintiff,

vs.

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

Defendants.

**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**

On November 26, 2018, the Court concluded the nine day Non-Jury Trial and took the matter under advisement.

On January 30, 2019, Plaintiff William A. Leonard. Leonard, Trustee of the Bankruptcy Estate of Paul Anthony Morabito (hereinafter "Leonard"), by and through his attorney, Erika Pike Turner, Esq. Teresa M. Pilatowicz, Esq. and Gabrielle A. Hamm, Esq. of Garman Turner Gordan LLP, filed *Plaintiff's Motion to Reopen Evidence*. Also, on January 30, 2019, Leonard filed an *Errata to Plaintiff's Motion to Reopen Evidence*, and an *Ex Parte Motion for Order Shortening Time on Plaintiff's Motion to Reopen Evidence and for Expedited Hearing*. On February 4, 2019, the Court entered an *Order Shortening Time on Plaintiff's Motion to Reopen Evidence and Setting*

1 *Expedited Hearing* wherein the Court set forth the shortened briefing deadlines and scheduled a
2 hearing on the motion to reopen evidence for February 8, 2019. Also, on February 4, 2019,
3 Leonard filed a *Supplement to Plaintiff's Motion to Reopen Evidence*.

4 On February 6, 2019, Defendants Superpumper, Inc., Edward Bayuk, individually and as
5 Trustee of the Edward William Bayuk Living Trust, Salvatore Morabito and Snowshoe Petroleum,
6 Inc. (hereinafter collectively "Superpumper Defendants"), by and through their attorney, Frank C.
7 Gilmore, Esq. of Robison, Sharp, Sullivan & Brust, filed *Defendants' Response to Motion to*
8 *Reopen Evidence*.

9 On February 7, 2019, Leonard filed *Plaintiff's Reply to Defendants' Response to Motion*
10 *to Reopen Evidence*.

11 On February 8, 2019, Erika Turner, Esq. appeared on behalf of Leonard, and Frank
12 Gilmore, Esq. appeared on behalf of the Superpumper Defendants at the scheduled hearing on
13 Leonard's Motion to Reopen Evidence. After hearing the arguments of the parties, the Court
14 granted Leonard's motion to reopen evidence and set an ongoing non-jury trial wherein the
15 Superpumper Defendants would have the opportunity to present rebuttal evidence for March 1,
16 2019.

17 On February 28, 2019, an *Amended Stipulation to Vacate March 1, 2019 Hearing* was filed
18 wherein the Superpumper Defendants waived any rebuttal to the evidence admitted at the February
19 8, 2019 hearing, Trial Exhibits 305, 306, 307, 308 and 309, and the parties stipulated to vacating
20 the March 1, 2019 ongoing non-jury trial. Thereafter, on February 28, 2019, the Court entered an
21 *Order Granting Amended Stipulation to Vacate March 1, 2019 Hearing*.

22 On March 6, 2019, Leonard filed *[Plaintiff's Proposed] Findings of Fact, Conclusions of*
23 *Law, and Judgment*. On March 8, 2019, the Superpumper Defendants filed *[Defendants' Proposed*
24 *Amended] Findings of Fact, Conclusions of Law and Judgment*.

25 On March 29, 2019, the Court entered its *Findings of Fact, Conclusions of Law and*
26 *Judgment*. Also, on March 29, 2019, Leonard filed a *Notice of Entry of Findings of Fact,*
27 *Conclusions of Law and Judgment*.

1 On April 11, 2019, Leonard filed *Plaintiff's Memorandum of Costs and Disbursements*.
2 On April 12, 2019, Leonard filed an *Application for Attorneys' Fees and Costs Pursuant to NRC*
3 *68*. On May 15, 2019, the Superpumper Defendants filed a *Motion to Retax Costs*. On April 17,
4 2019, *Plaintiff's Opposition to Motion to Retax Costs* was filed. On April 22, 2019, the
5 Superpumper Defendants filed their *Reply in Support of Motion to Retax Costs*. On April 25, 2019,
6 the Superpumper Defendants filed their *Opposition to Application for Attorneys' Fees and Costs*.

7 On April 25, 2019, Jeffrey L. Hartman, Esq. and the law firm of Hartman & Hartman,
8 substituted in the place and stead of Frank Gilmore, Esq. and Robison, Sharp, Sullivan & Brust,
9 as attorney of record for Defendant Edward Bayuk, individually and as Trustee of the Edward
10 William Bayuk Living Trust (hereinafter "Bayuk")

11 Also, on April 25, 2019, Defendants Salvatore Morabito, Snowshoe Petroleum, Inc. and
12 Superpumper, Inc. (hereinafter the "Morabito Defendants") filed a *Motion for New Trial and/or to*
13 *Alter or Amend Judgment Pursuant to NRC* 52, 59 and 60. On April 26, 2019, Bayuk filed a
14 *Motion for New Trial and/or to Alter or Amend Judgment*.

15 On April 30, 2019, *Plaintiff's Reply in Support of Application for Attorneys' Fees and*
16 *Costs Pursuant to NRC* 68 was filed. On May 1, 2019, Leonard submitted his Application for
17 Attorneys' Fees and Costs Pursuant to NRC 68 and the Superpumper Defendants' Motion to
18 Retax Costs for the Court's consideration.

19 On May 7, 2019, *Plaintiff's Opposition to Defendants' Motions for New Trial and/or to*
20 *Alter or Amend Judgment* was filed. On May 14, 2019, the Morabito Defendants filed *Defendants'*
21 *Reply in Support of Motion for New Trial and/or to Alter or Amend Judgment Pursuant to NRC*
22 *52, 59 and 60*, and submitted the motion for the Court's consideration. After the time to file a
23 reply had expired, Leonard submitted Defendant Bayuk's Motion for New Trial and/or to Alter or
24 Amend Judgment for the Court's consideration on May 21, 2019.

25 On June 24, 2019, the Court held a telephonic hearing on its decision concerning the
26 submitted motions of Leonard's application for attorneys' fees and costs, the motion to retax costs
27 and the Morabito Defendants' and Bayuk's motions for new trial and/or alter or amend judgment
28 wherein Erika Turner, Esq., Teresa Pilatowicz, Esq. and Gabrielle Hamm, Esq. appeared on behalf

1 of Leonard, Jeffrey Hartman, Esq. appeared on behalf of Bayuk, and Frank Gilmore, Esq. appeared
2 on behalf of the Morabito Defendants.

3 At the hearing, the Court stated that it was persuaded by a majority of the arguments of
4 Leonard; therefore, it was granting in part and denying in part the Motion to Retax Costs. As a
5 result, the Court found that reasonable costs were incurred in the amount of \$152,856.84. As to
6 Leonard's motion for attorneys' fees and costs, the Court found that Bayuk and the Morabito
7 Defendants' rejection of the offer of judgment was unreasonable, and ordered costs incurred from
8 June 1, 2016 which were reduced by the decision in the motion to retax costs, and that Bayuk and
9 the Morabito Defendants were to pay Leonard's attorneys' fees in the amount of \$773,116.00, less
10 \$8,128.87 for sanctions previously paid.

11 Next, the Court turned its attention to Bayuk and the Morabito Defendants' motions for
12 new trial and/or to amend or alter judgment. Having reviewed all the pleadings filed related to the
13 motions, the entire file, and presided over the trial, the Court found it was persuaded by a majority
14 of the arguments of Leonard, and found that there were no clerical mistakes, oversights or newly
15 discovered evidence or any other reason to justify relief from the judgment pursuant to NRCP 60,
16 that NRCP 52 does not support modification of the judgment as written, and that there were no
17 irregularities that denied Bayuk and the Morabito Defendants a fair trial nor error in law over
18 defendants' objections that would justify a new trial and/or altering the judgment pursuant to
19 NRCP 59, and that in light of the evidence supporting the Court's finding regarding multiple
20 badges of fraud and lack of good faith by Bayuk and the Morabito Defendants, they could not
21 demonstrate that any error materially affected their substantial rights or affected the outcome of
22 the trial. As such, the Court denied Bayuk's and the Morabito Defendants' Motions for New Trial
23 and/or Alter or Amend Judgment Pursuant to NRCP 52, 59 and 60.

24 On July 2, 2019, Salvatore Morabito filed a *Notice of Claim of Exemption from Execution*
25 and a *Declaration of Salvatore Morabito Claiming Exemption from Execution*. On July 3, 2019,
26 Edward Bayuk filed a *Third-Party Claim to Property Levied Upon NRS 31, 070*.

27 On July 10, 2019, the written *Order Denying Defendants' Motions for New Trial and/or to*
28 *Alter or Amend Judgment* was entered. Also, on July 10, 2019, the written *Order Granting in Part*

1 *and Denying in Part Motion to Retax Costs and the written Order Granting Plaintiff's Application*
2 *for an Award of Attorneys' Fees and Costs Pursuant to NRCP 68* were entered.

3 On July 11, 2019, Leonard filed *Plaintiff's Objection to (1) Claim of Exemption from*
4 *Execution and (2) Third Party Claim to Property Levied Upon, and Request for Hearing Pursuant*
5 *to NRS 21.112 and 31.070(5).*

6 On July 16, 2019, Leonard filed a *Notice of Hearing on Plaintiff's Objection to (1) Claim*
7 *of Exemption from Execution and (2) Third Party Claim to Property Levied Upon, and Request*
8 *for Hearing Pursuant to NRS 21.112 and 31.070(5)* wherein the hearing on the claims of
9 exemption was scheduled for July 22, 2019. Also, on July 16, 2019, *Plaintiff's Objection to Notice*
10 *of Claim of Exemption from Execution filed by Salvatore Morabito and Request for Hearing* was
11 filed. Additionally, on July 16, 2019, Leonard filed notices of entry of orders concerning the Order
12 Denying Defendants' Motion for New Trial and/or Alter or Amend Judgment, Order Granting in
13 Part and Denying in Part Motion to Retax Costs, and the Order Granting Plaintiff's Application
14 for an Award of Attorneys' Fees and Costs Pursuant to NRCP 68.

15 On July 17, 2019, Bayuk filed his *Reply to Objection to Claim of Exemption and Third-*
16 *Party Claim to Property Levied Upon.*

17 On July 18, 2019, Michael Lehnern, Esq. filed a *Notice of Appearance* as attorney of record
18 on behalf of Salvatore Morabito, and associating as co-counsel for Bayuk. Also, on July 18, 2019,
19 Salvatore Morabito filed his *Reply to Plaintiff's Objection to Notice of Claim from Exemption from*
20 *Execution.* Also, on July 18, 2019, Leonard filed a *Notice of Hearing on Plaintiff's Objection to*
21 *Notice of Claim of Execution Filed by Salvatore Morabito* was filed setting the hearing on
22 Salvatore Morabito's claims of exemption for July 22, 2019.

23 On July 22, 2019, Erika Turner, Esq. and Teresa Pilatowicz, Esq. appeared on behalf of
24 Leonard, Jeffrey Hartman, Esq. appeared with Defendant Edward Bayuk, and Michael Lehnern,
25 Esq. appeared as co-counsel on behalf of Edward Bayuk, and counsel for Salvatore Morabito at
26 the scheduled hearing on the objections to claims of exemption. After hearing argument of the
27 parties, the Court found that there were not sufficient factors in the case to create trust protections.
28 Neither a trustee or beneficiary of the Edward William Bayuk Living Trust live in the State of

1 Nevada, the Court does have the necessary jurisdiction to rule in the case, and the objection was
2 waived by the Defendants as it was not raised during the course of the trial. As such, the Court
3 denied the claims of exemption. Additionally, the Court heard argument on Mr. Lehner's oral
4 motion for stay of proceedings pending appeal, and a motion for leave to supplement record as to
5 the burial plot. After hearing argument of the parties, the Court denied the request to supplement
6 the record with testimony of Edward Bayuk regarding the burial plot, and denied the motion to
7 stay proceedings with leave to renew once written decision is entered regarding the request for
8 exemption. Finally, the Court rendered its oral decision denying Edward William Bayuk Living
9 Trust's third-party claim.

10 On August 5, 2019, Micah S. Echols, Esq. and Kathleen A. Wilde, Esq. of Marquis
11 Aurbach Coffing filed a *Notice of Appearance* as attorney of record on behalf of Defendants
12 Superpumper, Inc., Bayuk, Salvatore Morabito and Snowshoe Petroleum, Inc. Additionally, on
13 August 5, 2019, Defendants Superpumper, Inc., Edward Bayuk, Salvatore Morabito and Snowshoe
14 Petroleum, Inc., by and through the law firm of Marquis Aurbach Coffing, filed a *Notice of Appeal*
15 concerning the Findings of Fact, Conclusions of Law, and Judgment filed March 29, 2019, the
16 Order Denying Defendants' Motion for New Trial and/or to Alter or Amend Judgment filed July
17 10, 2019, the Order Granting in Part and Denying in Part Motion to Retax Costs, filed July 10,
18 2019, and the Order Granting Plaintiff's Application for an Award of Attorneys' Fees and Costs
19 Pursuant to NRCP 68 filed July 10, 2019.

20 Also, on August 5, 2019, Bayuk, by and through Jeffrey Hartman, Esq. and Michael
21 Lehner, Esq. filed a *Notice of Appeal* of eight orders entered in the instant matter from August 17,
22 2014 to July 20, 2019.

23 On August 19, 2019, Bayuk and the Superpumper Defendants filed a *Motion to Amended*
24 *or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration.*

25 On August 30, 2019, Bayuk and the Superpumper Defendants filed an *Errata to Motion to*
26 *Make Amended or Additional Findings under NRCP 52(b), or in the Alternative, Motion for*
27 *Reconsideration.* On August 30, 2019, Leonard filed *Plaintiff's Opposition to Motion to Make*
28 *Amended or Additional Findings Under NRCP 52(b), or in the Alternative, Motion for*

1 *Reconsideration, and Countermotion for Fees and Costs Pursuant to NRS 7.085.* Thereafter, also
2 on August 30, 2019, Leonard filed an *Errata to Plaintiff's Opposition to Motion to Make Amended*
3 *or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration and*
4 *Countermotion for Fees and Costs Pursuant to NRS 7.085.*

5 On September 4, 2019, Bayuk and the Superpumper Defendants filed their *Reply in*
6 *Support of Motion to Amended or Additional Findings Under NRCP 52(b), or, in the Alternative,*
7 *Motion for Reconsideration and Opposition to Countermotion for Fees and Costs,* and submitted
8 their motion for the Court's consideration.

9 The Court has considered the pleadings noted above, in addition to all exhibits, papers and
10 pleadings on file in the case; the record of the trial including trial transcripts and exhibits, the
11 Court's Findings of Fact, Conclusion of Law and Judgment dated March 29, 2019, and the record
12 of the July 22, 2019 hearing.

13 Based upon the above, the Court finds no basis in law or fact to support amending or
14 supplementing the Court's previously entered orders or findings.

15 Good cause appearing,

16 IT IS HEREBY ORDERED that Defendants' Motion to Make Amended or Additional
17 Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration is DENIED.

18 IT IS HEREBY FURTHER ORDERED that Plaintiff's Countermotion for Fees and Costs
19 Pursuant to NRS 7.085 is DENIED.

20 Dated this 8 day of November, 2019.

21
22 
23 DISTRICT JUDGE
24
25
26
27
28

CERTIFICATE OF SERVICE

CASE NO. CV13-02663

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 8 day of November, 2019, I filed the **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** with the Clerk of the Court.

I FURTHER CERTIFY THAT I TRANSMITTED A TRUE AND CORRECT COPY OF THE FOREGOING DOCUMENT BY THE METHOD(S) NOTED BELOW:

 PERSONAL DELIVERY TO THE FOLLOWING: [NONE]

 ELECTRONICALLY FILED WITH THE CLERK OF THE COURT, USING THE EFLEX SYSTEM WHICH CONSTITUTES EFFECTIVE SERVICE FOR ALL EFILED DOCUMENTS PURSUANT TO THE EFILE USER AGREEMENT.

GABRIELLE HAMM, ESQ. FOR WILLIAM A. LEONARD, JR, TRSTEE OF ESTATE OF PAUL A. MORABITO

JEFFREY HARTMAN, ESQ. FOR EDWARD WILLIAM BAYUK LIVING TRUST, EDWARD BAYUK

TERESA PILATOWICZ, ESQ. FOR WILLIAM A. LEONARD, JR, TRSTEE OF ESTATE OF PAUL A. MORABITO

TOM STEWART, ESQ. FOR EDWARD WILLIAM BAYUK LIVING TRUST ET AL

ERIKA TURNER, ESQ. FOR WILLIAM A. LEONARD, JR, TRSTEE OF ESTATE OF PAUL A. MORABITO

MARK WEISENMILLER, ESQ. FOR WILLIAM A. LEONARD, JR, TRSTEE OF ESTATE OF PAUL A. MORABITO

KATHLEEN WILDE, ESQ. FOR EDWARD WILLIAM BAYUK LIVING TRUST ET AL

MICHAEL LEHNERS, ESQ. FOR SALVATORE R. MORABITO

MICAH ECHOLS, ESQ. FOR EDWARD WILLIAM BAYUK LIVING TRUST ET AL

FRANK GILMORE, ESQ. FOR SALVATORE R. MORABITO, SUPERPUMPER, INC., SNOWSHOE PETROLEUM, INC.



Second Judicial District Court
State of Nevada
Washoe County

Electronic Filing

Case Summary for Case: CV13-02663

WM. LEONARD, TTEE v. SUPERPUMPER, INC. et al .(B4)

Case Number CV13-02663

Case Type OTHER CIVIL MATTERS

Opened 12-17-2013

Status DISPOSED

Plaintiff

WILLIAM A. LEONARD, JR, TRSTEE OF ESTATE OF PAUL A. MORABITO

Defendant

EDWARD WILLIAM BAYUK LIVING TRUST et al

Judge

HONORABLE CONNIE J. STEINHEIMER - Division D4

[Show/Hide Participants](#)

File Date

Case History

| | |
|-------------------------|--|
| 05-07-2020 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7865808 - Approved By: NOREVIEW : 05-07-2020:08:14:01</p> |
| 05-07-2020 | <p>Ord Return of Appeal Bond Filed Ord Return of Appeal Bond ORDER FOR RETURN OF APPEAL BOND (DECEMBER 16, 2019 BOND ON BEHALF OF DEFENDANTS SUPERPUMPER, ET AL.; SCN 80214) - Transaction 7865803 - Approved By: NOREVIEW : 05-07-2020:08:13:01</p> |
| 04-01-2020 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7818266 - Approved By: NOREVIEW : 04-01-2020:14:12:30</p> |
| 04-01-2020 | <p>Supreme Court Remittitur Filed Supreme Court Remittitur Transaction 7818252 - Approved By: NOREVIEW : 04-01-2020:14:10:08</p> |
| 04-01-2020 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7818186 - Approved By: NOREVIEW : 04-01-2020:13:43:20</p> |
| 04-01-2020 | <p>Supreme Ct Clk's Cert & Judg Filed Supreme Ct Clk's Cert & Judg SUPREME COURT NO. 80214 / CLERK'S CERTIFICATE & JUDGMENT - Transaction 7818184 - Approved By: NOREVIEW : 04-01-2020:13:42:27</p> |
| 04-01-2020 | <p>Supreme Ct Ord Dismiss Appeal Filed Supreme Ct Ord Dismiss Appeal SUPREME COURT NO. 79355 AND 80214 / ORDER DISMISSING APPEAL AND REGARDING MOTIONS - Transaction 7818184 - Approved By: NOREVIEW : 04-01-2020:13:42:27</p> |
| 03-09-2020 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7782269 - Approved By: NOREVIEW : 03-09-2020:14:04:32</p> |
| 03-09-2020 | <p>Supreme Ct Ord Dismiss Appeal Filed Supreme Ct Ord Dismiss Appeal SUPREME COURT NO. 79355 AND 80214 / ORDER DISMISSING APPEAL AND REGARDING MOTIONS - Transaction 7782247 - Approved By: NOREVIEW : 03-09-2020:14:02:10</p> |
| 01-29-2020 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7710534 - Approved By: NOREVIEW : 01-29-2020:11:54:28</p> |
| 01-29-2020 Court | <p>Notice Withdrawal of Attorney Filed by: KATHLEEN A. WILDE, ESQ. Notice Withdrawal of Attorney Notice of Withdrawal and Firm Disassociation - Transaction 7710524 - Approved By: NOREVIEW : 01-29-2020:11:53:22</p> |
| 01-28-2020 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7708180 - Approved By: NOREVIEW : 01-28-2020:11:31:14</p> |
| 01-28-2020 Defendant | <p>Notice Filed by: MICAH S. ECHOLS, ESQ. Notice ... NOTICE OF CHANGE OF FIRM AFFILIATION - Transaction 7707991 - Approved By: YVILORIA : 01-28-2020:11:29:47</p> |
| 01-17-2020 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7693441 - Approved By: NOREVIEW : 01-17-2020:15:52:07</p> |
| 01-17-2020 | <p>Notice of Change of Address</p> |

<https://wceflex.washoecourts.com/notify/cmsFullHistory.html?pageAction=QueryCmsFullHist¬ifierCaseInfol=112301&caseNumber=CV13-02663...> 1/49

10063

Plaintiff

Filed by: TERESA M. PILATOWICZ, ESQ.

[Notice of Change of Address Transaction 7693433 - Approved By: NOREVIEW : 01-17-2020:15:50:29](#)

Notice of Electronic Filing

01-14-2020

Filed

[Proof of Electronic Service Transaction 7683449 - Approved By: NOREVIEW : 01-14-2020:07:29:37](#)

Transcript

01-14-2020

Filed

Transcript Motion to Reopen Evidence - Feb. 8, 2019 - Transaction 7683448 - Approved By: NOREVIEW : 01-14-2020:07:28:37 : this document can only be accessed at the court

Notice of Electronic Filing

01-13-2020

Filed

[Proof of Electronic Service Transaction 7681873 - Approved By: NOREVIEW : 01-13-2020:12:03:40](#)

Transcript

01-13-2020

Filed

Transcript Pre-Trial Conference 2/24/16 - Transaction 7681866 - Approved By: NOREVIEW : 01-13-2020:12:02:32 : this document can only be accessed at the court

Notice of Electronic Filing

01-10-2020

Filed

[Proof of Electronic Service Transaction 7679715 - Approved By: NOREVIEW : 01-10-2020:12:21:10](#)

Transcript

01-10-2020

Filed

Transcript Hearing on Motions 6/3/15 - Transaction 7679714 - Approved By: NOREVIEW : 01-10-2020:12:20:05 : this document can only be accessed at the court

Notice of Electronic Filing

12-23-2019

Filed

[Proof of Electronic Service Transaction 7652669 - Approved By: NOREVIEW : 12-23-2019:13:15:51](#)

Notice of Entry of Ord

12-23-2019
Defendant

Filed by: MICAH S. ECHOLS, ESQ.

[Notice of Entry of Ord Transaction 7652664 - Approved By: NOREVIEW : 12-23-2019:13:14:51](#)
- Continuation

Notice of Electronic Filing

12-16-2019

Filed

[Proof of Electronic Service Transaction 7639988 - Approved By: NOREVIEW : 12-16-2019:13:23:48](#)

Supreme Court Receipt for Doc

12-16-2019

Filed

[Supreme Court Receipt for Doc SUPREME COURT NO. 80214 / RECEIPT FOR DOCUMENTS - Transaction 7639973 - Approved By: NOREVIEW : 12-16-2019:13:21:43](#)

Supreme Court Receipt for Doc

12-16-2019

Filed

[Supreme Court Receipt for Doc SUPREME COURT NO. 80214 / RECEIPT FOR DOCUMENTS - Transaction 7639973 - Approved By: NOREVIEW : 12-16-2019:13:21:43](#)

Notice of Electronic Filing

12-10-2019

Filed

[Proof of Electronic Service Transaction 7630930 - Approved By: NOREVIEW : 12-10-2019:16:31:16](#)

District Ct Deficiency Notice

12-10-2019

Filed

[District Ct Deficiency Notice NOTICE OF APPEAL DEFICIENCY - Transaction 7630922 - Approved By: NOREVIEW : 12-10-2019:16:30:08](#)

Certificate of Clerk

12-10-2019

Filed

[Certificate of Clerk CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 7630922 - Approved By: NOREVIEW : 12-10-2019:16:30:08](#)

Notice of Electronic Filing

12-09-2019

Filed

[Proof of Electronic Service Transaction 7625962 - Approved By: NOREVIEW : 12-09-2019:08:11:05](#)

Notice of Electronic Filing

12-06-2019

Filed

[Proof of Electronic Service Transaction 7625748 - Approved By: NOREVIEW : 12-06-2019:17:06:10](#)

Case Appeal Statement

12-06-2019
Defendant

Filed by: MICAH S. ECHOLS, ESQ.

[Case Appeal Statement CASE APPEAL STATEMENT - Transaction 7625744 - Approved By: NOREVIEW : 12-06-2019:17:05:03](#)

| | |
|-------------------------|---|
| 12-06-2019 Defendant | Notice/Appeal Supreme Court Filed by: MICAH S. ECHOLS, ESQ. \$Notice/Appeal Supreme Court NOTICE OF APPEAL - Transaction 7625741 - Approved By: YVILORIA : 12-09-2019:08:09:55 - Exhibit 1 - Exhibit 2 - Exhibit 3 |
| 11-27-2019 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7611106 - Approved By: NOREVIEW : 11-27-2019:10:32:47 |
| 11-27-2019 Defendant | Request Filed by: MICAH S. ECHOLS, ESQ. Request REQUEST FOR TRANSCRIPT OF PROCEEDINGS - Transaction 7611093 - Approved By: CSULEZIC : 11-27-2019:10:31:32 |
| 11-08-2019 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7580687 - Approved By: NOREVIEW : 11-08-2019:14:10:26 |
| 11-08-2019 | Ord Denying Motion Filed Ord Denying Motion 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 - Transaction 7580677 - Approved By: NOREVIEW : 11-08-2019:14:07:36 |
| 09-11-2019 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7479027 - Approved By: NOREVIEW : 09-11-2019:14:05:31 |
| 09-11-2019 | Supreme Court Order Denying Filed Supreme Court Order Denying SUPREME COURT NO. 79355 / ORDER DENYING STAY - Transaction 7479023 - Approved By: NOREVIEW : 09-11-2019:14:04:31 |
| 09-05-2019 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7467151 - Approved By: NOREVIEW : 09-05-2019:08:25:03 |
| 09-04-2019 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7467031 - Approved By: NOREVIEW : 09-04-2019:21:40:53 |
| 09-04-2019 Defendant | Request for Submission Filed by: MICAH S. ECHOLS, ESQ. Request for Submission Transaction 7467030 - Approved By: NOREVIEW : 09-04-2019:21:39:53 DOCUMENT TITLE: Request to Submit for Decision: Motion to Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration PARTY SUBMITTING: MICAH ECHOLS, ESQ. DATE SUBMITTED: SEPTEMBER 5, 2019 SUBMITTED BY: BBLOUGH DATE RECEIVED JUDGE OFFICE: |
| 09-04-2019 Defendant | Reply to/in Opposition Filed by: MICAH S. ECHOLS, ESQ. Reply to/in Opposition REPLY IN SUPPORT OF MOTION TO MAKE AMENDED OR ADDITIONAL FINDINGS UNDER NRCP 52(b), OR, IN THE ALTERNATIVE, MOTION FOR RECONSIDERATION AND OPPOSITION TO COUNTERMOTION FOR FEES AND COSTS - Transaction 7467029 - Approved By: CSULEZIC : 09-05-2019:08:22:28 - Exhibit 1 - Exhibit 2 |
| 09-04-2019 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7464814 - Approved By: NOREVIEW : 09-04-2019:09:59:33 |
| 09-04-2019 Defendant | Notice of Appearance Filed by: MICAH S. ECHOLS, ESQ. Notice of Appearance NOTICE OF APPEARANCE: TOM STEWART ESQ / DEFTS SUPERPUMPER INC, EDWARD BAYUK, SALVATORE MORABITO AND SNOWSHOE PETROCLEUM INC - Transaction 7464736 - Approved By: YVILORIA : 09-04-2019:09:58:27 |
| 08-30-2019 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7460644 - Approved By: NOREVIEW : 08-30-2019:14:21:30 |
| 08-30-2019 Plaintiff | Errata Filed by: GABRIELLE A. HAMM, ESQ. Errata... 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 - Transaction 7460610 - Approved By: YVILORIA : 08-30-2019:14:20:27 - Exhibit 1 - Exhibit 2 |

- Exhibit 3
- Exhibit 4
- Exhibit 5

| | |
|-------------------------|--|
| 08-30-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7459590 - Approved By: NOREVIEW : 08-30-2019:10:30:39</p> |
| 08-30-2019 Plaintiff | <p>Opposition to Mtn</p> <p>Filed by: GABRIELLE A. HAMM, ESQ.</p> <p>Opposition to Mtn ... 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 - Transaction 7458971 - Approved By: YVILORIA : 08-30-2019:10:29:18</p> |
| 08-20-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7439854 - Approved By: NOREVIEW : 08-20-2019:15:09:30</p> |
| 08-20-2019 Defendant | <p>Errata</p> <p>Filed by: MICAH S. ECHOLS, ESQ.</p> <p>Errata... ERRATA TO MOTION TO MAKE AMENDED OR ADDITIONAL FINDINGS UNDER NRCP 52(b), OR, IN THE ALTERNATIVE, MOTION FOR RECONSIDERATION - Transaction 7439630 - Approved By: CSULEZIC : 08-20-2019:15:08:09</p> |
| 08-20-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7439582 - Approved By: NOREVIEW : 08-20-2019:14:23:52</p> |
| 08-20-2019 | <p>Supreme Court Receipt for Doc</p> <p>Filed</p> <p>Supreme Court Receipt for Doc SUPREME COURT NO. 79355 / RECEIPT FOR DOCUMENTS - Transaction 7439541 - Approved By: NOREVIEW : 08-20-2019:14:20:08</p> |
| 08-20-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7437382 - Approved By: NOREVIEW : 08-20-2019:08:22:30</p> |
| 08-19-2019 Defendant | <p>Motion</p> <p>Filed by: MICAH S. ECHOLS, ESQ.</p> <p>Motion ... Motion to Make Amended or Additional Findings Under NRCP 52(b), or, in the Alternative, Motion for Reconsideration - Transaction 7437267 - Approved By: BBLOUGH : 08-20-2019:08:20:57</p> <ul style="list-style-type: none"> - Exhibit 1 - Exhibit 2 - Exhibit 3 - Exhibit 4 - Exhibit 5 - Exhibit 6 - Exhibit 7 - Exhibit 8 - Exhibit 9 - Exhibit 10 - Exhibit 11 - Exhibit 12 - Exhibit 13 - Exhibit 14 - Exhibit 15 - Exhibit 16 - Exhibit 17 - Exhibit 18 |
| 08-12-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7422771 - Approved By: NOREVIEW : 08-12-2019:09:34:53</p> |
| 08-12-2019 Plaintiff | <p>Notice of Entry of Ord</p> <p>Filed by: TERESA M. PILATOWICZ, ESQ.</p> <p>Notice of Entry of Ord Notice of Entry of Order Denying Claim of Exemption - Transaction 7422767 - Approved By: NOREVIEW : 08-12-2019:09:33:53</p> |
| 08-09-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7422203 - Approved By: NOREVIEW : 08-09-2019:16:33:52</p> |
| 08-09-2019 Plaintiff | <p>Notice of Entry of Ord</p> <p>Filed by: ERIKA PIKE TURNER, ESQ.</p> <p>Notice of Entry of Ord Transaction 7422199 - Approved By: NOREVIEW : 08-09-2019:16:32:51</p> |
| 08-09-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7421489 - Approved By: NOREVIEW : 08-09-2019:13:12:20</p> |

| | |
|-------------------------|--|
| | Ord Denying |
| 08-09-2019 | <p>Filed</p> <p>Ord Denying ... ORDER DENYING CLAIM OF EXEMPTION AND THIRD PARTY CLAIM (EDWARD BAYUK/EDWARD BAYUK LIVING TRUST) - Transaction 7421482 - Approved By: NOREVIEW : 08-09-2019:13:11:07</p> |
| | Notice of Electronic Filing |
| 08-08-2019 | <p>Filed</p> <p>Proof of Electronic Service Transaction 7418872 - Approved By: NOREVIEW : 08-08-2019:11:54:34</p> |
| | Supreme Court Receipt for Doc |
| 08-08-2019 | <p>Filed</p> <p>Supreme Court Receipt for Doc SUPREME COURT NO. 79355 / RECEIPT FOR DOCUMENTS - Transaction 7418864 - Approved By: NOREVIEW : 08-08-2019:11:53:17</p> |
| | Notice of Electronic Filing |
| 08-07-2019 | <p>Filed</p> <p>Proof of Electronic Service Transaction 7417530 - Approved By: NOREVIEW : 08-07-2019:15:57:49</p> |
| | Certificate of Service |
| 08-07-2019 Plaintiff | <p>Filed by: TERESA M. PILATOWICZ, ESQ.</p> <p>Certificate of Service "NOTICE ATTACHED - NOTICE OF STRICKEN DOCUMENT FILED AUGUST 7, 2019 STRIKING THE CERTIFICATE OF SERVICE FOR THE FOLLOWING REASON: DOCUMENT DOES NOT HAVE AN AFFIRMATION – WDCR10(c)(1) - Transaction 7417522 - Approved By: NOREVIEW : 08-07-2019:15:56:26</p> <p>- Document</p> |
| | Notice of Electronic Filing |
| 08-07-2019 | <p>Filed</p> <p>Proof of Electronic Service Transaction 7415795 - Approved By: NOREVIEW : 08-07-2019:08:59:11</p> |
| | Certificate of Clerk |
| 08-07-2019 | <p>Filed</p> <p>Certificate of Clerk CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL (BAYUK) - Transaction 7415791 - Approved By: NOREVIEW : 08-07-2019:08:58:21</p> |
| | Notice of Electronic Filing |
| 08-06-2019 | <p>Filed</p> <p>Proof of Electronic Service Transaction 7414808 - Approved By: NOREVIEW : 08-06-2019:15:24:45</p> |
| | Certificate of Clerk |
| 08-06-2019 | <p>Filed</p> <p>Certificate of Clerk CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 7414796 - Approved By: NOREVIEW : 08-06-2019:15:23:29</p> |
| | Notice of Electronic Filing |
| 08-06-2019 | <p>Filed</p> <p>Proof of Electronic Service Transaction 7412857 - Approved By: NOREVIEW : 08-06-2019:08:41:16</p> |
| | Reply to/in Opposition |
| 08-05-2019 Plaintiff | <p>Filed by: TERESA M. PILATOWICZ, ESQ.</p> <p>Reply to/in Opposition Plaintiff's Reply to Defendants' Objection to Plaintiff's Proposed Order Denying Claim of Exemption and Third-Party Claim - Transaction 7412704 - Approved By: CSULEZIC : 08-06-2019:08:39:53</p> |
| | Notice of Electronic Filing |
| 08-05-2019 | <p>Filed</p> <p>Proof of Electronic Service Transaction 7411899 - Approved By: NOREVIEW : 08-05-2019:14:20:49</p> |
| | Notice of Electronic Filing |
| 08-05-2019 | <p>Filed</p> <p>Proof of Electronic Service Transaction 7411871 - Approved By: NOREVIEW : 08-05-2019:14:16:21</p> |
| | Case Appeal Statement |
| 08-05-2019 Defendant | <p>Filed by: MICAH S. ECHOLS, ESQ.</p> <p>Case Appeal Statement CASE APPEAL STATEMENT - (SUBMITTED BY MICAH ECHOLS ESQ) Transaction 7411859 - Approved By: NOREVIEW : 08-05-2019:14:14:35</p> |
| | Notice/Appeal Supreme Court |
| 08-05-2019 Defendant | <p>Filed by: MICAH S. ECHOLS, ESQ.</p> <p>\$Notice/Appeal Supreme Court NOTICE OF APPEAL - (SUBMITTED BY MICAH S. ECHOLS ESQ) Transaction 7411848 - Approved By: YVILORIA : 08-05-2019:14:19:18</p> <p>- Exhibit 1</p> <p>- Exhibit 2</p> <p>- Exhibit 3</p> <p>- Exhibit 4</p> |
| | Notice of Electronic Filing |
| 08-05-2019 | <p>Filed</p> <p>Proof of Electronic Service Transaction 7411792 - Approved By: NOREVIEW : 08-05-2019:14:01:00</p> |

| | |
|-------------------------|---|
| 08-05-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7411778 - Approved By: NOREVIEW : 08-05-2019:13:57:36</p> |
| 08-05-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7411764 - Approved By: NOREVIEW : 08-05-2019:13:53:09</p> |
| 08-05-2019 Defendant | <p>Notice/Appeal Supreme Court</p> <p>Filed by: MICHAEL C. LEHNERS, ESQ.</p> <p>\$Notice/Appeal Supreme Court NOTICE OF APPEAL - (SUBMITTED BY MICHAEL C. LEHNERS ESQ) Transaction 7411690 - Approved By: YVILORIA : 08-05-2019:13:56:37</p> |
| 08-05-2019 Defendant | <p>Case Appeal Statement</p> <p>Filed by: MICHAEL C. LEHNERS, ESQ.</p> <p>Case Appeal Statement CASE APPEAL STATEMENT - (SUBMITTED BY MICHAEL C. LEHNERS ESQ) Transaction 7411690 - Approved By: YVILORIA : 08-05-2019:13:56:37</p> |
| 08-05-2019 Defendant | <p>Notice of Appearance</p> <p>Filed by: MICAH S. ECHOLS, ESQ.</p> <p>Notice of Appearance NOTICE OF APPEARANCE: MICAH ECHOLS ESQ AND KATHLEEN WILDE ESQ / DEFTS SUPERPUMPER INC, EDWARD BAYUK, INDIVIDUALLY AND TRUSTEE , SALVATORE MORABITO, SNOWSHOE PETROLEUM INC - Transaction 7411684 - Approved By: YVILORIA : 08-05-2019:13:52:05</p> |
| 08-02-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7410017 - Approved By: NOREVIEW : 08-02-2019:15:58:35</p> |
| 08-02-2019 | <p>Ord Denying</p> <p>Filed</p> <p>Ord Denying ... ORDER DENYING CLAIM OF EXEMPTION (FILED BY SALVATORE MORABITO ON JULY 2, 2019) - Transaction 7410004 - Approved By: NOREVIEW : 08-02-2019:15:56:41</p> |
| 08-02-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7409596 - Approved By: NOREVIEW : 08-02-2019:14:23:07</p> |
| 08-02-2019 | <p>***Minutes</p> <p>Filed</p> <p>***Minutes OBJECTION TO CLAIM OF EXEMPTIONS - 7/22/19 - Transaction 7409587 - Approved By: NOREVIEW : 08-02-2019:14:22:09</p> |
| 08-02-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7407992 - Approved By: NOREVIEW : 08-02-2019:08:41:54</p> |
| 08-01-2019 Plaintiff | <p>Notice</p> <p>Filed by: TERESA M. PILATOWICZ, ESQ.</p> <p>Notice ... NOTICE OF SUBMISSION OF DISPUTED ORDER DENYING CLAIM OF EXEMPTION AND THIRD PARTY CLAIM - Transaction 7407826 - Approved By: CSULEZIC : 08-02-2019:08:40:32</p> <ul style="list-style-type: none"> - Exhibit 1 - Exhibit 2 - Exhibit 3 - Exhibit 4 - Exhibit 5 - Exhibit 6 - Exhibit 7 |
| 08-01-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7407479 - Approved By: NOREVIEW : 08-01-2019:15:52:17</p> |
| 08-01-2019 Defendant | <p>Objection to</p> <p>Filed by: MICHAEL C. LEHNERS, ESQ.</p> <p>Objection to ... OBJECTION TO PLAINTIFF'S PROPOSED ORDER DENYING CLAIM OF EXEMPTION AND THIRD PARTY CLAIM - Transaction 7407464 - Approved By: YVILORIA : 08-01-2019:15:51:05</p> <ul style="list-style-type: none"> - Exhibit 1 - Exhibit 2 - Exhibit 3 |
| 07-29-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7399162 - Approved By: NOREVIEW : 07-29-2019:13:40:59</p> |
| 07-29-2019 | <p>Declaration</p> <p>Filed</p> <p>Declaration HARTMAN AND HARTMAN P.C. - Transaction 7399156 - Approved By: NOREVIEW : 07-29-2019:13:40:00</p> |
| 07-25-2019 | |

| | |
|-------------------------|--|
| | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7394777 - Approved By: NOREVIEW : 07-25-2019:14:55:11 |
| 07-25-2019 | Transcript Filed Transcript Hearing - 7-22-19 - Transaction 7394765 - Approved By: NOREVIEW : 07-25-2019:14:53:38 : this document can only be accessed at the court |
| 07-18-2019 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7380962 - Approved By: NOREVIEW : 07-18-2019:13:19:21 |
| 07-18-2019 Plaintiff | Notice of Hearing Filed by: TERESA M. PILATOWICZ, ESQ. Notice of Hearing (SALVATORE MORABITO) NOTICE OF HEARING ON PLAINTIFF'S OBJECTION TO NOTICE OF CLAIM OF EXECUTION FILED BY SALVATORE MORABITO - Transaction 7380958 - Approved By: NOREVIEW : 07-18-2019:13:18:20 |
| 07-18-2019 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7380648 - Approved By: NOREVIEW : 07-18-2019:11:30:47 |
| 07-18-2019 Defendant | Notice of Appearance Filed by: MICHAEL C. LEHNERS, ESQ. Notice of Appearance NOTICE OF APPEARANCE: MICHAEL LEHNERS ESQ / DEFT SALVATORE MORABITO - Transaction 7380600 - Approved By: YVILORIA : 07-18-2019:11:29:24 |
| 07-18-2019 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7380507 - Approved By: NOREVIEW : 07-18-2019:10:56:23 |
| 07-18-2019 | Reply to/in Opposition Filed Reply to/in Opposition (SALVATORE MORABITO) REPLY TO PLAINTIFF'S OBJECTION TO NOTICE OF CLAIM OF EXEMPTION FROM EXECUTION - Transaction 7380470 - Approved By: CSULEZIC : 07-18-2019:10:55:13 |
| 07-18-2019 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7379994 - Approved By: NOREVIEW : 07-18-2019:08:54:10 |
| 07-17-2019 Defendant | Reply Filed by: JEFFREY L. HARTMAN, ESQ. Reply... (EDWARD BAYUK) REPLY TO OBJECTION TO CLAIM OF EXEMPTION AND THIRD PARTY CLAIM TO PROPERTY LEVIED UPON - Transaction 7379614 - Approved By: CSULEZIC : 07-18-2019:08:50:33 <ul style="list-style-type: none"> - Exhibit 1 - Exhibit 2 - Exhibit 3 |
| 07-16-2019 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7375342 - Approved By: NOREVIEW : 07-16-2019:11:35:50 |
| 07-16-2019 Plaintiff | Objection to Filed by: TERESA M. PILATOWICZ, ESQ. Objection to ... (SALVATORE MORABITO) PLAINTIFF'S OBJECTION TO NOTICE OF CLAIM OF EXEMPTION FROM EXECUTION FILED BY SALVATORE MORABITO AND REQUEST FOR HEARING - Transaction 7375177 - Approved By: BBLOUGH : 07-16-2019:11:31:36 |
| 07-16-2019 Plaintiff | Notice of Entry of Ord Filed by: TERESA M. PILATOWICZ, ESQ. Notice of Entry of Ord NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS' MOTIONS FOR NEW TRIAL AND/OR ALTER OR AMEND JUDGMENT - Transaction 7375177 - Approved By: BBLOUGH : 07-16-2019:11:31:36 |
| 07-16-2019 Plaintiff | Notice of Entry of Ord Filed by: TERESA M. PILATOWICZ, ESQ. Notice of Entry of Ord NOTICE OF ENTRY OF ORDER GRANTING IN PART AND DENYING IN PART MOTION TO RETAX COSTS - Transaction 7375177 - Approved By: BBLOUGH : 07-16-2019:11:31:36 |
| 07-16-2019 Plaintiff | Notice of Entry of Ord Filed by: TERESA M. PILATOWICZ, ESQ. Notice of Entry of Ord NOTICE OF ENTRY OF ORDER GRANTING PLAINTIFF'S APPLICATION FOR AN AWARD OF ATTORNEYS' FEES AND COSTS PURSUANT TO NRCF 68 - Transaction 7375177 - Approved By: BBLOUGH : 07-16-2019:11:31:36 |
| 07-16-2019 Plaintiff | Notice of Hearing Filed by: TERESA M. PILATOWICZ, ESQ. Notice of Hearing (EDWARD BAYEK) NOTICE OF HEARING ON PLAINTIFF'S OBJECTION TO (1) DECLARATION OF EDWARD BAYUK CLAIMING EXEMPTION FROM EXECUTION AND (2) THIRD PARTY CLAIM TO PROPERTY LEVIED UPON - Transaction 7375177 - Approved By: BBLOUGH : 07-16-2019:11:31:36 |

| | |
|-------------------------|--|
| 07-11-2019 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7368387 - Approved By: NOREVIEW : 07-11-2019:14:51:00 |
| 07-11-2019 Plaintiff | Objection to Filed by: GABRIELLE A. HAMM, ESQ. Objection to ... (EDWARD BAYEK) 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) DFX: EXHIBITS PRESENTED INCORRECTLY - Transaction 7368231 - Approved By: YVILORIA : 07-11-2019:14:48:27 - Exhibit 1 |
| 07-10-2019 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7364877 - Approved By: NOREVIEW : 07-10-2019:11:18:43 |
| 07-10-2019 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7364872 - Approved By: NOREVIEW : 07-10-2019:11:17:49 |
| 07-10-2019 | Ord Granting Filed Ord Granting ... ORDER GRANTING PLAINTIFF'S APPLICATION FOR AN AWARD OF ATTORNEYS' FEES AND COSTS PURSUANT TO NRCP 68 - Transaction 7364871 - Approved By: NOREVIEW : 07-10-2019:11:17:39 |
| 07-10-2019 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7364869 - Approved By: NOREVIEW : 07-10-2019:11:16:59 |
| 07-10-2019 | Ord Granting/Denying in Part Filed Ord Granting/Denying in Part ORDER GRANTING IN PART AND DENYING IN PART MOTION TO RETAX COSTS - Transaction 7364868 - Approved By: NOREVIEW : 07-10-2019:11:16:49 |
| 07-10-2019 | Ord Denying Motion Filed Ord Denying Motion ORDER DENYING DEFENDANTS' MOTIONS FOR NEW TRIAL AND/OR TO ALTER OR AMEND JUDGMENT - Transaction 7364866 - Approved By: NOREVIEW : 07-10-2019:11:16:01 |
| 07-09-2019 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7363676 - Approved By: NOREVIEW : 07-09-2019:15:52:23 |
| 07-09-2019 Plaintiff | Notice Filed by: TERESA M. PILATOWICZ, ESQ. Notice ... DFX: NO EXHIBIT INDEX - NOTICE OF LODGING ORDER GRANTING PLAINTIFF'S APPLICATION FOR AN AWARD OF ATTORNEYS' FEES AND COSTS PURSUANT TO NRCP 68 - Transaction 7363625 - Approved By: YVILORIA : 07-09-2019:15:49:45 - Exhibit 1 |
| 07-09-2019 Plaintiff | Notice Filed by: TERESA M. PILATOWICZ, ESQ. Notice ... DFX: NO EXHIBIT INDEX - NOTICE OF LODGING ORDER GRANTING IN PART AND DENYING IN PART MOTION TO RETAX COSTS - Transaction 7363625 - Approved By: YVILORIA : 07-09-2019:15:49:45 - Exhibit 1 |
| 07-09-2019 Plaintiff | Notice Filed by: TERESA M. PILATOWICZ, ESQ. Notice ... DFX: NO EXHIBIT INDEX - NOTICE OF LODGING ORDER DENYING DEFENDANTS' MOTION FOR NEW TRIAL AND/OR TO ALTER OR AMEND JUDGMENT - Transaction 7363625 - Approved By: YVILORIA : 07-09-2019:15:49:45 - Exhibit 1 |
| 07-03-2019 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7354870 - Approved By: NOREVIEW : 07-03-2019:12:08:15 |
| 07-03-2019 Defendant | Claim Filed by: JEFFREY L. HARTMAN, ESQ. Claim... (EDWARD BAYEK) THIRD-PARTY CLAIM TO PROPERTY LEVIED UPON NRS 31.070 - Transaction 7354866 - Approved By: NOREVIEW : 07-03-2019:12:07:17 |
| 07-02-2019 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7353258 - Approved By: NOREVIEW : 07-02-2019:16:23:42 |
| 07-02-2019 Defendant | Notice Filed by: FRANK C. GILMORE, ESQ. Notice ... (SALVATORE MORABITO) NOTICE OF CLAIM OF EXEMPTION FROM EXECUTION - Transaction 7353184 - Approved By: YVILORIA : 07-02-2019:16:22:26 |

| | |
|-------------------------|---|
| 07-02-2019 Defendant | <p>Declaration</p> <p>Filed by: FRANK C. GILMORE, ESQ.</p> <p>Declaration DECLARATION OF SALVATORE MORABITO CLAIMING EXEMPTION FROM EXECUTION - Transaction 7353184 - Approved By: YVILORIA : 07-02-2019:16:22:26</p> <ul style="list-style-type: none"> - Exhibit 1 - Exhibit 2 |
| 07-02-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7352175 - Approved By: NOREVIEW : 07-02-2019:13:03:19</p> |
| 07-02-2019 | <p>***Minutes</p> <p>Filed</p> <p>***Minutes DECISION ON SUBMITTED MOTIONS (TELEPHONIC) - 6/24/19 - Transaction 7352171 - Approved By: NOREVIEW : 07-02-2019:13:02:09</p> |
| 06-28-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7348242 - Approved By: NOREVIEW : 06-28-2019:16:48:11</p> |
| 06-28-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7348127 - Approved By: NOREVIEW : 06-28-2019:16:33:45</p> |
| 06-28-2019 Defendant | <p>Declaration</p> <p>Filed by: JEFFREY L. HARTMAN, ESQ.</p> <p>Declaration DECLARATION OF EDWARD BAYUK CLAIMING EXEMPTION FROM EXECUTION - Transaction 7347981 - Approved By: SACORDAG : 06-28-2019:16:29:56</p> <ul style="list-style-type: none"> - Exhibit 1 - Exhibit 2 |
| 06-28-2019 Defendant | <p>Notice</p> <p>Filed by: JEFFREY L. HARTMAN, ESQ.</p> <p>Notice ... (EDWARD BAYEK) NOTICE OF CLAIM OF EXEMPTION FROM EXECUTION - Transaction 7347901 - Approved By: YVILORIA : 06-28-2019:16:38:05</p> |
| 06-24-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7337395 - Approved By: NOREVIEW : 06-24-2019:14:28:30</p> |
| 06-24-2019 | <p>Transcript</p> <p>Filed</p> <p>Transcript Decision - 6-24-19 - Transaction 7337383 - Approved By: NOREVIEW : 06-24-2019:14:25:24 : this document can only be accessed at the court</p> |
| 06-19-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7328778 - Approved By: NOREVIEW : 06-19-2019:08:52:55</p> |
| 06-19-2019 | <p>Application for Setting - eFile</p> <p>Filed</p> <p>Application for Setting eFile TELEPHONIC DECISION ON SUBMITTED MOTIONS - JUNE 24, 2019 AT 10:30 A.M. - Transaction 7328767 - Approved By: NOREVIEW : 06-19-2019:08:51:01</p> |
| 05-21-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7280178 - Approved By: NOREVIEW : 05-21-2019:10:14:19</p> |
| 05-21-2019 Plaintiff | <p>Request for Submission</p> <p>Filed by: TERESA M. PILATOWICZ, ESQ.</p> <p>Request for Submission Transaction 7279949 - Approved By: CSULEZIC : 05-21-2019:10:12:19 DOCUMENT TITLE: DEFENDANT BAYUK'S MOTION FOR NEW TRIAL AND/OR TO ALTER OR AMEND JUDGMENT FILED 4/26/19 PARTY SUBMITTING: TERESA PILATOWICZ ESQ DATE SUBMITTED: 5/21/19 SUBMITTED BY: CS DATE RECEIVED JUDGE OFFICE:</p> |
| 05-14-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7269551 - Approved By: NOREVIEW : 05-14-2019:16:03:43</p> |
| 05-14-2019 Defendant | <p>Reply</p> <p>Filed by: FRANK C. GILMORE, ESQ.</p> <p>Reply... DEFENDANTS' REPLY IN SUPPORT OF MOTION FOR NEW TRIAL AND/OR TO ALTER OR AMEND JUDGMENT PURSUANT TO NRCP 52, 59, AND 60 - Transaction 7269113 - Approved By: YVILORIA : 05-14-2019:16:02:13</p> |
| 05-14-2019 Defendant | <p>Request for Submission</p> <p>Filed by: FRANK C. GILMORE, ESQ.</p> <p>Request for Submission REQUEST FOR SUBMISSION - Transaction 7269113 - Approved By: YVILORIA : 05-14-2019:16:02:13 DOCUMENT TITLE: MOTION FOR NEW TRIAL AND/OR ALTER OR AMENDED JUDGMENT PURSUANT TO NRCP 52, 59 AND 60 FILED</p> |

4-25-19 PARTY SUBMITTING: FRANK GILMORE ESQ DATE SUBMITTED: 5-14-19 SUBMITTED BY: YV DATE RECEIVED JUDGE OFFICE:

| | |
|-------------------------|--|
| 05-07-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7257726 - Approved By: NOREVIEW : 05-07-2019:14:22:36</p> |
| 05-07-2019 Plaintiff | <p>Opposition to Mtn</p> <p>Filed by: GABRIELLE A. HAMM, ESQ.</p> <p>Opposition to Mtn ... PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTIONS FOR NEW TRIAL AND/OR TO ALTER OR AMEND JUDGMENT - Transaction 7257368 - Approved By: YVILORIA : 05-07-2019:14:21:22</p> |
| 05-01-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7246988 - Approved By: NOREVIEW : 05-01-2019:10:18:43</p> |
| 05-01-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7246981 - Approved By: NOREVIEW : 05-01-2019:10:17:00</p> |
| 05-01-2019 Plaintiff | <p>Request for Submission</p> <p>Filed by: GABRIELLE A. HAMM, ESQ.</p> <p>Request for Submission REQUEST FOR SUBMISSION OF MOTION TO RETAX COSTS - Transaction 7246644 - Approved By: CSULEZIC : 05-01-2019:10:17:44 PARTY SUBMITTING: GABRIELLE HAMM ESQ DATE SUBMITTED: 5/01/19 SUBMITTED BY: CS DATE RECEIVED JUDGE OFFICE:</p> |
| 05-01-2019 Plaintiff | <p>Request for Submission</p> <p>Filed by: GABRIELLE A. HAMM, ESQ.</p> <p>Request for Submission REQUEST FOR SUBMISSION OF APPLICATION FOR ATTORNEYS' FEES AND COSTS PURSUANT TO NRCP 68 - Transaction 7246640 - Approved By: CSULEZIC : 05-01-2019:10:16:01 PARTY SUBMITTING: GABRIELLE HAMM ESQ DATE SUBMITTED: 5/02/19 SUBMITTED BY: CS DATE RECEIVED JUDGE OFFICE:</p> |
| 05-01-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7246626 - Approved By: NOREVIEW : 05-01-2019:08:58:06</p> |
| 04-30-2019 Plaintiff | <p>Reply</p> <p>Filed by: GABRIELLE A. HAMM, ESQ.</p> <p>Reply... DFX: NO EXHIBIT INDEX - PLAINTIFF'S REPLY IN SUPPORT OF APPLICATION FOR ATTORNEYS' FEES AND COSTS PURSUANT TO NRCP 68 - Transaction 7246340 - Approved By: YVILORIA : 05-01-2019:08:56:58</p> <p style="margin-left: 20px;">- Exhibit 1</p> |
| 04-29-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7243423 - Approved By: NOREVIEW : 04-29-2019:16:20:27</p> |
| 04-29-2019 | <p>Ord Denying Motion</p> <p>Filed</p> <p>Ord Denying Motion ORDER REGARDING MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR DEFENDANT EDWARD BAYUK (MOTION DEEMED MOOT; THEREFORE DENIED) - Transaction 7243395 - Approved By: NOREVIEW : 04-29-2019:16:17:26</p> |
| 04-26-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7239865 - Approved By: NOREVIEW : 04-26-2019:09:43:32</p> |
| 04-26-2019 Defendant | <p>Mtn for New Trial or JNOV</p> <p>Filed by: JEFFREY L. HARTMAN, ESQ.</p> <p>Mtn for New Trial or JNOV MOTION FOR NEW TRIAL AND/OR TO ALTER OR AMEND JUDGMENT - Transaction 7239770 - Approved By: YVILORIA : 04-26-2019:09:42:26</p> <p style="margin-left: 20px;">- Exhibit 1</p> <p style="margin-left: 20px;">- Exhibit 2</p> <p style="margin-left: 20px;">- Exhibit 3</p> <p style="margin-left: 20px;">- Exhibit 4</p> |
| 04-26-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7239615 - Approved By: NOREVIEW : 04-26-2019:08:41:44</p> |
| 04-26-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7239508 - Approved By: NOREVIEW : 04-26-2019:08:15:10</p> |
| 04-25-2019 Defendant | <p>Mtn for New Trial or JNOV</p> <p>Filed by: FRANK C. GILMORE, ESQ.</p> <p>Mtn for New Trial or JNOV MOTION FOR NEW TRIAL AND/OR TO ALTER OR AMEND JUDGMENT PURSUANT TO NRCP 52, 59, AND 60 - Transaction 7239263 - Approved By: CSULEZIC : 04-26-2019:08:37:42</p> |
| 04-25-2019 Defendant | <p>Substitution of Counsel</p> |

Filed by: JEFFREY L. HARTMAN, ESQ.
[Substitution of Counsel JEFFREY HARTMAN ESQ - Transaction 7238784 - Approved By: CSULEZIC : 04-26-2019:08:12:24](#)

04-25-2019 Notice of Electronic Filing
 Filed
[Proof of Electronic Service Transaction 7237795 - Approved By: NOREVIEW : 04-25-2019:11:03:50](#)

04-25-2019 Opposition to
 Defendant Filed by: FRANK C. GILMORE, ESQ.
[Opposition to ... OPPOSITION TO APPLICATION FOR ATTORNEYS FEES AND COSTS - Transaction 7237627 - Approved By: CSULEZIC : 04-25-2019:11:01:05](#)
 - [Exhibit 1](#)

04-22-2019 Notice of Electronic Filing
 Filed
[Proof of Electronic Service Transaction 7231500 - Approved By: NOREVIEW : 04-22-2019:14:36:48](#)

04-22-2019 Reply
 Defendant Filed by: FRANK C. GILMORE, ESQ.
[Reply... REPLY IN SUPPORT OF MOTION TO RETAX COSTS - Transaction 7231373 - Approved By: YVILORIA : 04-22-2019:14:32:58](#)

04-18-2019 Notice of Electronic Filing
 Filed
[Proof of Electronic Service Transaction 7225299 - Approved By: NOREVIEW : 04-18-2019:08:43:19](#)

04-17-2019 Opposition to Mtn
 Plaintiff Filed by: TERESA M. PILATOWICZ, ESQ.
[Opposition to Mtn ... PLAINTIFF'S OPPOSITION TO MOTION TO RETAX COSTS - Transaction 7225119 - Approved By: YVILORIA : 04-18-2019:08:41:59](#)
 - [Exhibit 1](#)
 - [Exhibit 2](#)
 - [Exhibit 3](#)
 - [Exhibit 4](#)
 - [Exhibit 5](#)

04-15-2019 Notice of Electronic Filing
 Filed
[Proof of Electronic Service Transaction 7219845 - Approved By: NOREVIEW : 04-15-2019:16:53:19](#)

04-15-2019 Notice of Electronic Filing
 Filed
[Proof of Electronic Service Transaction 7219793 - Approved By: NOREVIEW : 04-15-2019:16:45:48](#)

04-15-2019 Mtn to Retax Costs
 Defendant Filed by: FRANK C. GILMORE, ESQ.
[Mtn to Retax Costs MOTION TO RETAX COSTS Transaction 7219499 - Approved By: CVERA : 04-15-2019:16:42:54](#)

04-15-2019 Notice of Appearance
 Defendant Filed by: FRANK C. GILMORE, ESQ.
[Notice of Appearance NOTICE OF APPEARANCE: FRANK GILMORE ESQ / DEFTS SALVATORE MORABITO, SUPERPUMPER INC AND SNOWSHOE PETROLEUM INC. - Transaction 7219331 - Approved By: YVILORIA : 04-15-2019:16:51:55](#)

04-12-2019 Notice of Electronic Filing
 Filed
[Proof of Electronic Service Transaction 7216609 - Approved By: NOREVIEW : 04-12-2019:13:26:42](#)

04-12-2019 Notice of Electronic Filing
 Filed
[Proof of Electronic Service Transaction 7216528 - Approved By: NOREVIEW : 04-12-2019:13:14:45](#)

04-12-2019 Application for Fees
 Plaintiff Filed by: TERESA M. PILATOWICZ, ESQ.
[Application for Fees APPLICATION FOR ATTORNEYS' FEES AND COSTS PURSUANT TO NRCF 68 - Transaction 7216450 - Approved By: YVILORIA : 04-12-2019:13:25:29](#)
 - [Exhibit 1](#)
 - [Exhibit 2](#)
 - [Exhibit 3](#)
 - [Exhibit 4](#)
 - [Exhibit 5](#)

04-12-2019 Supplemental ...
 Plaintiff Filed by: TERESA M. PILATOWICZ, ESQ.
[Supplemental ... SUPPLEMENTAL CERTIFICATE OF SERVICE - Transaction 7216379 - Approved By: YVILORIA : 04-12-2019:13:13:09](#)

04-12-2019 Notice of Electronic Filing
 Filed
[Proof of Electronic Service Transaction 7215662 - Approved By: NOREVIEW : 04-12-2019:09:48:44](#)

| | |
|-------------------------|--|
| 04-11-2019 Plaintiff | <p>Memo of Costs & Disbursements Filed by: TERESA M. PILATOWICZ, ESQ. Memo of Costs & Disbursements PLAINTIFF'S MEMORANDUM OF COSTS AND DISBURSEMENTS - Transaction 7215253 - Approved By: CSULEZIC : 04-12-2019:09:45:24 - Exhibit 1</p> |
| 04-02-2019 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7196719 - Approved By: NOREVIEW : 04-02-2019:10:40:15</p> |
| 04-02-2019 Defendant | <p>Notice Withdrawal of Attorney Filed by: FRANK C. GILMORE, ESQ. Notice Withdrawal of Attorney FRANK GILMORE ESQ - Transaction 7196309 - Approved By: CSULEZIC : 04-02-2019:10:39:07</p> |
| 03-29-2019 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7193339 - Approved By: NOREVIEW : 03-29-2019:14:29:04</p> |
| 03-29-2019 Plaintiff | <p>Notice of Entry ... Filed by: TERESA M. PILATOWICZ, ESQ. Notice of Entry ... NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSION OF LAW AND JUDGMENT - Transaction 7193335 - Approved By: NOREVIEW : 03-29-2019:14:27:39 - Continuation</p> |
| 03-29-2019 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7192136 - Approved By: NOREVIEW : 03-29-2019:09:09:07</p> |
| 03-29-2019 | <p>Findings, Conclusions & Judg Filed Findings, Conclusions & Judg FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JUDGMENT - Transaction 7192125 - Approved By: NOREVIEW : 03-29-2019:09:07:38</p> |
| 03-11-2019 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7160195 - Approved By: NOREVIEW : 03-11-2019:16:36:03</p> |
| 03-11-2019 | <p>***Minutes Filed ***Minutes CONFERENCE CALL - 2/26/19 - Transaction 7160184 - Approved By: NOREVIEW : 03-11-2019:16:34:16</p> |
| 03-11-2019 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7159459 - Approved By: NOREVIEW : 03-11-2019:14:29:45</p> |
| 03-11-2019 Defendant | <p>Request for Submission Filed by: FRANK C. GILMORE, ESQ. Request for Submission MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR DEFT EDWARD BAYUK FILED 2/07/19 - Transaction 7159118 - Approved By: CSULEZIC : 03-11-2019:14:27:52 PARTY SUBMITTING: FRANK GILMORE ESQ DATE SUBMITTED: 3/11/19 SUBMITTED BY: CS DATE RECEIVED JUDGE OFFICE:</p> |
| 03-08-2019 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7157047 - Approved By: NOREVIEW : 03-08-2019:14:59:22</p> |
| 03-08-2019 Defendant | <p>Amended Filed by: FRANK C. GILMORE, ESQ. Amended ... [Defendants' Proposed Amended] Findings of Fact, Conclusions of Law, and Judgment - Transaction 7156880 - Approved By: CSULEZIC : 03-08-2019:14:57:40</p> |
| 03-06-2019 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7152149 - Approved By: NOREVIEW : 03-06-2019:14:51:20</p> |
| 03-06-2019 Plaintiff | <p>Other ... Filed by: GABRIELLE A. HAMM, ESQ. Other ... [PLAINTIFF'S PROPOSED] FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JUDGMENT - Transaction 7151936 - Approved By: YVILORIA : 03-06-2019:14:49:37</p> |
| 02-28-2019 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 7142249 - Approved By: NOREVIEW : 02-28-2019:17:07:29</p> |
| 02-28-2019 | <p>***Minutes Filed ***Minutes MOTION TO REOPEN EVIDENCE - 2/8/19 - Transaction 7142248 - Approved By: NOREVIEW : 02-28-2019:17:06:29 - Exhibit List</p> |

| | |
|-------------------------|---|
| 02-28-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7142014 - Approved By: NOREVIEW : 02-28-2019:16:15:35</p> <p>Ord Granting</p> <p>Filed</p> <p>Ord Granting ... AMENDED STIPULATION TO VACATE MARCH 1, 2019 HEARING - Transaction 7142006 - Approved By: NOREVIEW : 02-28-2019:16:14:25</p> |
| 02-28-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7141285 - Approved By: NOREVIEW : 02-28-2019:13:14:39</p> |
| 02-28-2019 Defendant | <p>Stipulation</p> <p>Filed by: FRANK C. GILMORE, ESQ.</p> <p>Stipulation ... AMENDED STIPULATION TO VACATE MARCH 1, 2019 HEARING - Transaction 7141272 - Approved By: YVILORIA : 02-28-2019:13:13:24</p> |
| 02-28-2019 Defendant | <p>Request for Submission</p> <p>Filed by: FRANK C. GILMORE, ESQ.</p> <p>Request for Submission REQUEST FOR SUBMISSION - Transaction 7141272 - Approved By: YVILORIA : 02-28-2019:13:13:24 DOCUMENT TITLE: AMENDED STIPULATION TO VACATE MARCH 1, 2019 HEARING PARTY SUBMITTING: 2-28-19 DATE SUBMITTED: YV SUBMITTED BY: DATE RECEIVED JUDGE OFFICE: - Exhibit 1</p> |
| 02-26-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7136384 - Approved By: NOREVIEW : 02-26-2019:11:44:55</p> |
| 02-26-2019 | <p>Notice Withdrawal of Attorney</p> <p>Filed</p> <p>Notice Withdrawal of Attorney LINDSAY LIDDELL ESQ - Transaction 7135903 - Approved By: CSULEZIC : 02-26-2019:11:43:23</p> |
| 02-26-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7135291 - Approved By: NOREVIEW : 02-26-2019:08:29:30</p> |
| 02-25-2019 Defendant | <p>Reply</p> <p>Filed by: FRANK C. GILMORE, ESQ.</p> <p>Reply... DEFENDANT'S REPLY IN SUPPORT OF MOTION TO CONTINUE MARCH 1, 2019 HEARING - Transaction 7134784 - Approved By: MPURDY : 02-26-2019:08:27:09 - Exhibit 1 - Exhibit 2 - Exhibit 3 - Exhibit 4</p> |
| 02-25-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7132245 - Approved By: NOREVIEW : 02-25-2019:08:27:19</p> |
| 02-22-2019 Plaintiff | <p>Opposition to Mtn</p> <p>Filed by: GABRIELLE A. HAMM, ESQ.</p> <p>Opposition to Mtn ... PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO CONTINUE HEARING - DFX: ALPHABETICAL EXHIBITS, SUB-EXHIBITS PRESENTED INCORRECTLY Transaction 7131665 - Approved By: YVILORIA : 02-25-2019:08:25:36 - Exhibit A - Exhibit A1 - Exhibit A2 - Exhibit A3 - Exhibit A4 - Exhibit A5 - Exhibit A6</p> |
| 02-21-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7129685 - Approved By: NOREVIEW : 02-21-2019:16:05:32</p> |
| 02-21-2019 | <p>Application for Setting - eFile</p> <p>Filed</p> <p>Application for Setting eFile CONFERENCE CALL REGARDING MOTION TO CONTINUE - 2/26/19 AT 8:30 A.M. - Transaction 7129668 - Approved By: NOREVIEW : 02-21-2019:16:03:37</p> |
| 02-20-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7127665 - Approved By: NOREVIEW : 02-20-2019:17:07:40</p> |
| 02-20-2019 Defendant | <p>Notice of Entry of Ord</p> <p>Filed by: FRANK C. GILMORE, ESQ.</p> <p>Notice of Entry of Ord Transaction 7127663 - Approved By: NOREVIEW : 02-20-2019:17:06:40</p> |

| | |
|-------------------------|---|
| | - Continuation |
| 02-20-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7127556 - Approved By: NOREVIEW : 02-20-2019:16:39:08</p> |
| 02-20-2019 | <p>Ord Shortening Time</p> <p>Filed</p> <p>Ord Shortening Time - RESPONSE TO MOTION TO CONTINUE 3/1/19 EVIDENTIARY HEARING TO BE FILED NO LATER THAN 2/22/19 AT 5:00 PM/REPLY TO BE FILED NO LATER THAN 2/25/19 AT 5:00 P.M. - Transaction 7127543 - Approved By: NOREVIEW : 02-20-2019:16:35:28</p> |
| 02-20-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7125659 - Approved By: NOREVIEW : 02-20-2019:08:55:35</p> |
| 02-19-2019 Defendant | <p>Mtn to Continue</p> <p>Filed by: FRANK C. GILMORE, ESQ.</p> <p>Mtn to Continue DEFENDANTS' MOTION TO CONTINUE HEARING - Transaction 7125386 - Approved By: YVILORIA : 02-20-2019:08:54:17</p> <ul style="list-style-type: none"> - Confidential Exhibit 1 - Confidential Exhibit 2 - Confidential Exhibit 3 - Exhibit 4 |
| 02-19-2019 Defendant | <p>Ex-Parte Mtn</p> <p>Filed by: FRANK C. GILMORE, ESQ.</p> <p>Ex-Parte Mtn... DEFENDANTS' EX PARTE MOTION FOR ORDER SHORTENING TIME TO OPPOSE MOTION TO CONTINUE HEARING - Transaction 7125386 - Approved By: YVILORIA : 02-20-2019:08:54:17</p> |
| 02-19-2019 Defendant | <p>Request for Submission</p> <p>Filed by: FRANK C. GILMORE, ESQ.</p> <p>Request for Submission REQUEST FOR SUBMISSION - Transaction 7125386 - Approved By: YVILORIA : 02-20-2019:08:54:17</p> <p>DOCUMENT TITLE: DEFENDANT'S EX PARTE MOTION FOR ORDER SHORTENING TIME TO OPPOSE MOTION TO CONTINUE HEARING PARTY SUBMITTING: FRANK GILMORE ESQ DATE SUBMITTED: 2-20-19 SUBMITTED BY: YV DATE RECEIVED JUDGE OFFICE:</p> <ul style="list-style-type: none"> - Exhibit 1 |
| 02-12-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7115598 - Approved By: NOREVIEW : 02-12-2019:16:27:06</p> |
| 02-12-2019 Defendant | <p>Motion</p> <p>Filed by: FRANK C. GILMORE, ESQ.</p> <p>Motion ... MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR DEFENDANT EDWARD BAYUK - Transaction 7115375 - Approved By: CVERA : 02-12-2019:16:25:06</p> |
| 02-07-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7108461 - Approved By: NOREVIEW : 02-07-2019:15:46:14</p> |
| 02-07-2019 Plaintiff | <p>Reply</p> <p>Filed by: GABRIELLE A. HAMM, ESQ.</p> <p>Reply... PLAINTIFF'S REPLY TO DEFENDANT'S RESPONSE TO MOTION TO REOPEN EVIDENCE - Transaction 7107917 - Approved By: CSULEZIC : 02-07-2019:15:42:36</p> |
| 02-06-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7105239 - Approved By: NOREVIEW : 02-06-2019:13:38:01</p> |
| 02-06-2019 Defendant | <p>Response</p> <p>Filed by: FRANK C. GILMORE, ESQ.</p> <p>Response... DEFENDANT'S RESPONSE TO MOTION TO REOPEN EVIDENCE - Transaction 7105109 - Approved By: SACORDAG : 02-06-2019:13:36:51</p> |
| 02-05-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 7101944 - Approved By: NOREVIEW : 02-05-2019:08:58:06</p> |
| 02-04-2019 Plaintiff | <p>Supplemental ...</p> <p>Filed by: GABRIELLE A. HAMM, ESQ.</p> <p>Supplemental ... SUPPLEMENT TO PLAINTIFF'S MOTION TO REOPEN EVIDENCE - Transaction 7101737 - Approved By: YVILORIA : 02-05-2019:08:56:51</p> <ul style="list-style-type: none"> - Exhibit 1 - Exhibit 2 |
| 02-04-2019 | <p>Notice of Electronic Filing</p> <p>Filed</p> |

[Proof of Electronic Service Transaction 7100148 - Approved By: NOREVIEW : 02-04-2019:11:11:23](#)

Ord Shortening Time

Filed

02-04-2019

[Ord Shortening Time ORDER SHORTENING TIME ON PLAINTIFF'S MOTION TO REOPEN EVIDENCE AND SETTING EXPEDITED HEARING - HEARING SET FOR FRIDAY, FEBRUARY 8, 2019 AT 1:00 P.M. - Transaction 7100140 - Approved By: NOREVIEW : 02-04-2019:11:09:52](#)

Notice of Electronic Filing

Filed

02-03-2019

[Proof of Electronic Service Transaction 7099434 - Approved By: NOREVIEW : 02-03-2019:09:41:22](#)

Transcript

Filed

02-03-2019

[Transcript NON-JURY TRIAL-CLOSING ARGUMENTS - NOVEMBER 26, 2018 - Transaction 7099433 - Approved By: NOREVIEW : 02-03-2019:09:40:22 : this document can only be accessed at the court](#)

Notice of Electronic Filing

Filed

02-01-2019

[Proof of Electronic Service Transaction 7097179 - Approved By: NOREVIEW : 02-01-2019:08:22:58](#)

Ex-Parte Mtn

Filed by: GABRIELLE A. HAMM, ESQ.

01-31-2019

Plaintiff

[Ex-Parte Mtn... EX PARTE MOTION FOR ORDER SHORTENING TIME ON PLAINTIFF'S MOTION TO REOPEN EVIDENCE AND FOR EXPEDITED HEARING - Transaction 7097012 - Approved By: YVILORIA : 02-01-2019:08:21:30](#)

Notice of Electronic Filing

Filed

01-30-2019

[Proof of Electronic Service Transaction 7094513 - Approved By: NOREVIEW : 01-30-2019:16:40:47](#)

Errata

Filed by: ERIKA PIKE TURNER, ESQ.

01-30-2019

Plaintiff

[Errata... to Plaintiff's Motion to Reopen Evidence - Transaction 7094414 - Approved By: JAPARICI : 01-30-2019:16:39:22](#)
- Exhibit 1

Notice of Electronic Filing

Filed

01-30-2019

[Proof of Electronic Service Transaction 7093300 - Approved By: NOREVIEW : 01-30-2019:13:12:41](#)

Motion

Filed by: ERIKA PIKE TURNER, ESQ.

01-30-2019

Plaintiff

[Motion ... DFX: SUBEXHIBITS PRESENTED INCORRECTLY - PLAINTIFF'S MOTION TO REOPEN EVIDENCE - Transaction 7093239 - Approved By: YVILORIA : 01-30-2019:13:11:19](#)

- Exhibit 1
- Exhibit 1
- Exhibit 1
- Exhibit 1
- Exhibit 1
- Exhibit 1
- Exhibit 1
- Exhibit 1
- Exhibit 1

Notice of Electronic Filing

Filed

11-26-2018

[Proof of Electronic Service Transaction 6992033 - Approved By: NOREVIEW : 11-26-2018:17:06:40](#)

***Minutes

Filed

11-26-2018

[***Minutes NON-JURY TRIAL \(DAY 9\) - 11/26/18 - Transaction 6992029 - Approved By: NOREVIEW : 11-26-2018:17:05:39](#)

Notice of Electronic Filing

Filed

11-21-2018

[Proof of Electronic Service Transaction 6987358 - Approved By: NOREVIEW : 11-21-2018:08:33:15](#)

Transcript

Filed

11-21-2018

[Transcript Nonjury Trial - Nov. 7, 2018 - Transaction 6987357 - Approved By: NOREVIEW : 11-21-2018:08:32:13 : this document can only be accessed at the court](#)

Notice of Electronic Filing

Filed

11-20-2018

[Proof of Electronic Service Transaction 6985676 - Approved By: NOREVIEW : 11-20-2018:11:45:08](#)

Transcript

Filed

11-20-2018

[Transcript Nonjury Trial - Nov. 6, 2018 - Transaction 6985655 - Approved By: NOREVIEW : 11-20-2018:11:42:55 : this document can only be accessed at the court](#)

11-20-2018 Notice of Electronic Filing
Filed
[Proof of Electronic Service Transaction 6985592 - Approved By: NOREVIEW : 11-20-2018:11:33:36](#)

11-20-2018 Notice of Electronic Filing
Filed
[Proof of Electronic Service Transaction 6985569 - Approved By: NOREVIEW : 11-20-2018:11:30:02](#)

11-20-2018 Notice of Electronic Filing
Filed
[Proof of Electronic Service Transaction 6985566 - Approved By: NOREVIEW : 11-20-2018:11:29:28](#)

11-20-2018 Notice of Electronic Filing
Filed
[Proof of Electronic Service Transaction 6985556 - Approved By: NOREVIEW : 11-20-2018:11:28:10](#)

11-20-2018 Notice of Electronic Filing
Filed
[Proof of Electronic Service Transaction 6985545 - Approved By: NOREVIEW : 11-20-2018:11:26:15](#)

11-20-2018 Notice of Electronic Filing
Filed
[Proof of Electronic Service Transaction 6985533 - Approved By: NOREVIEW : 11-20-2018:11:22:25](#)

11-20-2018 Transcript
Filed
Transcript TRANSCRIPT OF PROCEEDINGS - TRIAL, MON., NOV. 5, 2018, 1:00 PM - Transaction 6985422 - Approved By: YVILORIA : 11-20-2018:11:32:28 : this document can only be accessed at the court

11-20-2018 Transcript
Filed
Transcript TRANSCRIPT OF PROCEEDINGS - TRIAL - FRI., NOV. 2, 2018, 10:15 AM - Transaction 6985419 - Approved By: YVILORIA : 11-20-2018:11:27:00 : this document can only be accessed at the court

11-20-2018 Transcript
Filed
Transcript TRANSCRIPT OF PROCEEDINGS - TRIAL - THURS., NOV. 1, 2018, 8:00 AM - Transaction 6985416 - Approved By: YVILORIA : 11-20-2018:11:24:18 : this document can only be accessed at the court

11-20-2018 Transcript
Filed
Transcript TRANSCRIPTS OF PROCEEDINGS - TRIAL - WED., OCT. 31, 2018, 8:00 AM - Transaction 6985403 - Approved By: YVILORIA : 11-20-2018:11:21:19 : this document can only be accessed at the court

11-20-2018 Transcript
Filed
Transcript TRANSCRIPT OF PROCEEDINGS - TRIAL, TUES., OCT. 30, 2018, 9:45 AM - Transaction 6985392 - Approved By: YVILORIA : 11-20-2018:11:28:48 : this document can only be accessed at the court

11-20-2018 Transcript
Filed
Transcript TRANSCRIPT OF PROCEEDINGS - TRIAL - MON., OCT. 29, 2018, 9:00 AM - Transaction 6985384 - Approved By: YVILORIA : 11-20-2018:11:28:26 : this document can only be accessed at the court

11-08-2018 Notice of Electronic Filing
Filed
[Proof of Electronic Service Transaction 6969667 - Approved By: NOREVIEW : 11-08-2018:15:37:22](#)

11-08-2018 ***Minutes
Filed
[***Minutes NON-JURY TRIAL \(DAY 8\) - 11/7/18 - Transaction 6969656 - Approved By: NOREVIEW : 11-08-2018:15:36:02](#)
- Exhibit List

11-08-2018 Notice of Electronic Filing
Filed
[Proof of Electronic Service Transaction 6969494 - Approved By: NOREVIEW : 11-08-2018:15:11:53](#)

11-08-2018 Notice of Electronic Filing
Filed
[Proof of Electronic Service Transaction 6969492 - Approved By: NOREVIEW : 11-08-2018:15:10:54](#)

11-08-2018 ***Minutes
Filed
[***Minutes NON-JURY TRIAL \(DAY 7\) - 11/6/18 - Transaction 6969490 - Approved By: NOREVIEW : 11-08-2018:15:10:33](#)

11-08-2018 ***Minutes
Filed
[***Minutes NON-JURY TRIAL \(DAY 6\) - 11/5/18 - Transaction 6969484 - Approved By: NOREVIEW : 11-08-2018:15:09:36](#)

| | |
|-------------------------|--|
| 11-08-2018 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6969460 - Approved By: NOREVIEW : 11-08-2018:15:05:14 |
| 11-08-2018 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6969451 - Approved By: NOREVIEW : 11-08-2018:15:04:16 |
| 11-08-2018 | ***Minutes Filed ***Minutes NON-JURY TRIAL (DAY 5) - 11/2/18 - Transaction 6969449 - Approved By: NOREVIEW : 11-08-2018:15:04:00 |
| 11-08-2018 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6969440 - Approved By: NOREVIEW : 11-08-2018:15:03:01 |
| 11-08-2018 | ***Minutes Filed ***Minutes NON-JURY TRIAL (DAY 4) - 11/1/18 - Transaction 6969441 - Approved By: NOREVIEW : 11-08-2018:15:03:02 |
| 11-08-2018 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6969434 - Approved By: NOREVIEW : 11-08-2018:15:02:02 |
| 11-08-2018 | ***Minutes Filed ***Minutes NON-JURY TRIAL (DAY 3) - 10/31/18 - Transaction 6969436 - Approved By: NOREVIEW : 11-08-2018:15:02:01 |
| 11-08-2018 | ***Minutes Filed ***Minutes NON-JURY TRIAL (DAY 2) - 10/30/18 - Transaction 6969428 - Approved By: NOREVIEW : 11-08-2018:15:00:58 |
| 11-08-2018 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6969426 - Approved By: NOREVIEW : 11-08-2018:15:00:07 |
| 11-08-2018 | ***Minutes Filed ***Minutes NON-JURY TRIAL (DAY 1) - 10/29/18 - Transaction 6969420 - Approved By: NOREVIEW : 11-08-2018:14:59:01 |
| 11-07-2018 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6966192 - Approved By: NOREVIEW : 11-07-2018:12:10:31 |
| 11-07-2018 | Notice of Witnesses Filed Notice of Witnesses AMENDED JOINT PROPOSED SCHEDULE OF WITNESSES - Transaction 6966056 - Approved By: CSULEZIC : 11-07-2018:12:09:25 |
| 10-31-2018 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6954762 - Approved By: NOREVIEW : 10-31-2018:09:27:42 |
| 10-31-2018 Plaintiff | Response Filed by: TERESA M. PILATOWICZ, ESQ. Response... PLAINTIFF'S POINTS AND AUTHORITIES REGARDING AUTHENTICITY AND HEARSAY ISSUES - Transaction 6954510 - Approved By: YVILORIA : 10-31-2018:09:24:44 |
| 10-30-2018 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6953095 - Approved By: NOREVIEW : 10-30-2018:12:35:39 |
| 10-30-2018 | Points and Authorities Filed Points and Authorities DEFENDANT'S POINTS AND AUTHORITIES RE: OBJECTION TO ADMISSION OF DOCUMENTS IN CONJUNCTION WITH THE DEPOSITIONS OF PAUL MORABITO AND DENNIS VACCO - Transaction 6953047 - Approved By: PMSEWELL : 10-30-2018:12:34:34 |
| 10-29-2018 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6949234 - Approved By: NOREVIEW : 10-29-2018:09:08:00 |
| 10-29-2018 Plaintiff | Stipulation Filed by: TERESA M. PILATOWICZ, ESQ. Stipulation ... STIPULATED FACTS - Transaction 6949198 - Approved By: JAPARICI : 10-29-2018:09:06:53 |
| 10-19-2018 | Notice of Electronic Filing |

| | |
|-------------------------|--|
| | Filed Proof of Electronic Service Transaction 6938146 - Approved By: NOREVIEW : 10-19-2018:15:47:22 |
| 10-19-2018 | ***Minutes Filed ***Minutes PRE-TRIAL CONFERENCE - 9/11/18 - Transaction 6938143 - Approved By: NOREVIEW : 10-19-2018:15:46:32 |
| 10-17-2018 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6931784 - Approved By: NOREVIEW : 10-17-2018:08:06:19 |
| 10-16-2018 Defendant | Acceptance of Service Filed by: FRANK C. GILMORE, ESQ. Acceptance of Service ACKNOWLEDGMENT AND ACCEPTANCE OF SERVICE OF SUBPOENA FOR TRIAL - Transaction 6931631 - Approved By: YVILORIA : 10-17-2018:08:05:04 - Exhibit 1 |
| 10-15-2018 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6927160 - Approved By: NOREVIEW : 10-15-2018:08:51:24 |
| 10-12-2018 Plaintiff | Objection to Filed by: TERESA M. PILATOWICZ, ESQ. Objection to ... OBJECTIONS TO DEFENDANTS' PRETRIAL DISCLOSURES - Transaction 6926956 - Approved By: PMSEWELL : 10-15-2018:08:50:25 |
| 10-12-2018 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6926914 - Approved By: NOREVIEW : 10-12-2018:16:52:28 |
| 10-12-2018 Defendant | Objection to Filed by: FRANK C. GILMORE, ESQ. Objection to ... DEFENDANTS OBJECTION TO PLAINTIFFS PRETRIAL DISCLOSURES - Transaction 6926885 - Approved By: CSULEZIC : 10-12-2018:16:51:29 |
| 10-12-2018 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6926870 - Approved By: NOREVIEW : 10-12-2018:16:42:17 |
| 10-12-2018 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6926837 - Approved By: NOREVIEW : 10-12-2018:16:37:20 |
| 10-12-2018 Plaintiff | Request for Submission Filed by: TERESA M. PILATOWICZ, ESQ. Request for Submission Transaction 6926838 - Approved By: YVILORIA : 10-12-2018:16:41:15 DOCUMENT TITLE: PLAINTIFF'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF JAN FRIEDERICH FILED 9-20-18 PARTY SUBMITTING: TERESA PILATOWICZ ESQ DATE SUBMITTED: OCT 12, 2018 SUBMITTED BY: YV DATE RECEIVED JUDGE OFFICE: |
| 10-12-2018 Plaintiff | Reply Filed by: TERESA M. PILATOWICZ, ESQ. Reply... REPLY TO DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION IN LIMINE TO EXCLUDE THE TESTIMONY OF JAN FRIEDERICH - Transaction 6926824 - Approved By: YVILORIA : 10-12-2018:16:36:14 |
| 10-10-2018 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6920499 - Approved By: NOREVIEW : 10-10-2018:11:35:37 |
| 10-10-2018 Plaintiff | Notice of Appearance Filed by: TERESA M. PILATOWICZ, ESQ. Notice of Appearance ERIKA TURNER ESQ AND GABRIELLE HAMM ESQ / PLTF WILLIAM LEONARD - Transaction 6920355 - Approved By: YVILORIA : 10-10-2018:11:33:28 |
| 10-08-2018 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6916964 - Approved By: NOREVIEW : 10-08-2018:16:14:13 |
| 10-08-2018 Defendant | Request for Submission Filed by: FRANK C. GILMORE, ESQ. Request for Submission - Transaction 6916875 - Approved By: PMSEWELL : 10-08-2018:16:13:09 DOCUMENT TITLE: MOTIONS IN LIMINE (NO ORDER PROVIDED) PARTY SUBMITTING: FRANK GILMORE, ESQ. DATE SUBMITTED: OCTOBER 8, 2018 SUBMITTED BY: PMSEWELL DATE RECEIVED JUDGE OFFICE: |
| 10-08-2018 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6916847 - Approved By: NOREVIEW : 10-08-2018:15:52:09 |
| 10-08-2018 Defendant | Reply |

| | |
|-------------------------|--|
| | <p>Filed by: FRANK C. GILMORE, ESQ. Reply... DEFENDANTS' REPLY IN SUPPORT OF MOTIONS IN LIMINE - Transaction 6916790 - Approved By: YVILORIA : 10-08-2018:15:50:51 - Exhibit 1</p> |
| 10-08-2018 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6915976 - Approved By: NOREVIEW : 10-08-2018:12:52:51</p> |
| 10-08-2018 Defendant | <p>Opposition to Mtn Filed by: FRANK C. GILMORE, ESQ. Opposition to Mtn ... OPPOSITION TO MOTIONS IN LIMINE TO EXCLUDE THE TESTIMONY OF JAN FRIEDERICH - Transaction 6915879 - Approved By: PMSEWELL : 10-08-2018:12:51:42 - Exhibit 1 - Exhibit 2 - Exhibit 3 - Exhibit 4</p> |
| 10-05-2018 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6914814 - Approved By: NOREVIEW : 10-05-2018:16:29:30</p> |
| 10-05-2018 Defendant | <p>Affidavit of Service Filed by: FRANK C. GILMORE, ESQ. Affidavit of Service Transaction 6914702 - Approved By: CSULEZIC : 10-05-2018:16:26:49</p> |
| 10-05-2018 Defendant | <p>Affidavit of Service Filed by: FRANK C. GILMORE, ESQ. Affidavit of Service Transaction 6914702 - Approved By: CSULEZIC : 10-05-2018:16:26:49</p> |
| 10-05-2018 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6913600 - Approved By: NOREVIEW : 10-05-2018:11:02:40</p> |
| 10-05-2018 Defendant | <p>Notice Filed by: FRANK C. GILMORE, ESQ. Notice ... NOTICE OF INTENT TO SERVE SUBPOENA FOR TRIAL - Transaction 6913504 - Approved By: PMSEWELL : 10-05-2018:11:01:27</p> |
| 10-03-2018 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6909550 - Approved By: NOREVIEW : 10-03-2018:13:39:48</p> |
| 10-03-2018 Defendant | <p>Notice Filed by: FRANK C. GILMORE, ESQ. Notice ... NOTICE OF INTENT TO SERVE SUBPOENA FOR TRIAL - Transaction 6909412 - Approved By: YVILORIA : 10-03-2018:13:38:39</p> |
| 10-01-2018 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6904654 - Approved By: NOREVIEW : 10-01-2018:11:04:51</p> |
| 09-28-2018 Plaintiff | <p>Opposition to Mtn Filed by: TERESA M. PILATOWICZ, ESQ. Opposition to Mtn ... OPPOSITION TO DEFENDANTS' MOTIONS IN LIMINE DFX: EXHIBITS PRESENTED INCORRECTLY - Transaction 6903877 - Approved By: YVILORIA : 10-01-2018:11:03:18 - Exhibit A - Exhibit A1 - Exhibit A2 - Exhibit A3 - Exhibit A4 - Exhibit A5</p> |
| 09-20-2018 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6890547 - Approved By: NOREVIEW : 09-20-2018:14:48:36</p> |
| 09-20-2018 Plaintiff | <p>Mtn in Limine Filed by: TERESA M. PILATOWICZ, ESQ. Mtn in Limine TO EXCLUDE TESTIMONY OF JAN FRIEDERICH - Transaction 6890398 - Approved By: JAPARICI : 09-20-2018:14:47:13 - Exhibit 1 - Exhibit 2</p> |
| 09-18-2018 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6886028 - Approved By: NOREVIEW : 09-18-2018:15:55:28</p> |
| 09-18-2018 | <p>Notice</p> |

| | |
|-------------------------|---|
| Plaintiff | Filed by: TERESA M. PILATOWICZ, ESQ. Notice ... PLAINTIFF'S NOTICE OF INTENT TO USE AUDIO VISUAL EQUIPMENT AT TRIAL - Transaction 6885825 - Approved By: YVILORIA : 09-18-2018:15:53:53 |
| 09-12-2018 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6875637 - Approved By: NOREVIEW : 09-12-2018:12:25:46 |
| 09-12-2018 Defendant | Mtn in Limine Filed by: FRANK C. GILMORE, ESQ. Mtn in Limine DEFENDANTS' MOTIONS IN LIMINE - Transaction 6875627 - Approved By: YVILORIA : 09-12-2018:12:24:43 - Exhibit 1 - Exhibit 2 - Exhibit 3 |
| 08-10-2018 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6823690 - Approved By: NOREVIEW : 08-10-2018:11:21:01 |
| 08-10-2018 | Application for Setting - eFile Filed Application for Setting eFile PRE-TRIAL CONFERENCE - SEPTEMBER 11, 2018 AT 2:00 P.M. - Transaction 6823687 - Approved By: NOREVIEW : 08-10-2018:11:19:59 |
| 01-23-2018 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6493483 - Approved By: NOREVIEW : 01-23-2018:10:32:13 |
| 01-23-2018 Plaintiff | Amended Filed by: TERESA M. PILATOWICZ, ESQ. Amended ... AMENDED NOTICE OF DEPOSITION OF PERSON MOST KNOWLEDGEABLE OF HODGSON RUSS LLP - Transaction 6493417 - Approved By: YVILORIA : 01-23-2018:10:31:06 |
| 01-09-2018 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6472284 - Approved By: NOREVIEW : 01-09-2018:11:02:43 |
| 01-09-2018 Plaintiff | Amended Filed by: TERESA M. PILATOWICZ, ESQ. Amended ... Amended Notice of Deposition of Person Most Knowledgeable of Hodgson Russ LLP - Transaction 6471927 - Approved By: PMSEWELL : 01-09-2018:11:01:19 |
| 01-05-2018 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6467496 - Approved By: NOREVIEW : 01-05-2018:09:54:09 |
| 01-05-2018 | Ord Affirming Master Recommend Filed Ord Affirming Master Recommend CONFIRMING ORDER - DISCOVERY COMMISSIONER'S RECOMMENDATION FOR ORDER SERVED DECEMBER 20, 2017 - Transaction 6467489 - Approved By: NOREVIEW : 01-05-2018:09:52:59 |
| 12-20-2017 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6447398 - Approved By: NOREVIEW : 12-20-2017:10:37:21 |
| 12-20-2017 | Master's Recommendation/Ord Filed Master's Recommendation/Ord RECOMMENDATION FOR ORDER - Transaction 6447397 - Approved By: NOREVIEW : 12-20-2017:10:36:28 |
| 12-11-2017 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6432823 - Approved By: NOREVIEW : 12-11-2017:13:05:49 |
| 12-11-2017 | Ord Denying Summ/Judgment Filed Ord Denying Summ/Judgment ORDER DENYING MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 6432815 - Approved By: NOREVIEW : 12-11-2017:13:04:40 |
| 12-07-2017 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6427381 - Approved By: NOREVIEW : 12-07-2017:09:17:40 |
| 12-07-2017 | Order... Filed Order ... ORDER REGARDING DISCOVERY COMMISSIONER'S RECOMMENDATION FOR ORDER DATED AUGUST 17, 2017 - Transaction 6427373 - Approved By: NOREVIEW : 12-07-2017:09:16:54 |

| | |
|-------------------------|--|
| 10-11-2017 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6341995 - Approved By: NOREVIEW : 10-11-2017:13:08:56 |
| 10-11-2017 Plaintiff | Request for Submission Filed by: TERESA M. PILATOWICZ, ESQ. Request for Submission Transaction 6341845 - Approved By: YVILORIA : 10-11-2017:13:08:09 DOCUMENT TITLE: MOTION FOR PARTIAL SUMMARY JUDGMENT FIELD 8-17-17 PARTY SUBMITTING: TERESA M. PILATOWICZ ESQ DATE SUBMITTED: OCT 11, 2017 SUBMITTED BY: YVILORIA DATE RECEIVED JUDGE OFFICE: |
| 10-11-2017 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6341003 - Approved By: NOREVIEW : 10-11-2017:08:54:31 |
| 10-10-2017 Plaintiff | Reply Filed by: TERESA M. PILATOWICZ, ESQ. Reply... REPLY IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 6340797 - Approved By: PMSEWELL : 10-11-2017:08:53:41 |
| 09-25-2017 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6315423 - Approved By: NOREVIEW : 09-25-2017:11:18:34 |
| 09-25-2017 | Application for Setting - eFile Filed Application for Setting eFile NON-JURY TRIAL - (1ST SET-10 DAYS) OCTOBER 29, 2018 AT 10:00 A.M. - Transaction 6315413 - Approved By: NOREVIEW : 09-25-2017:11:17:24 |
| 09-22-2017 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6314707 - Approved By: NOREVIEW : 09-22-2017:16:57:45 |
| 09-22-2017 Defendant | Opposition to Mtn Filed by: FRANK C. GILMORE, ESQ. Opposition to Mtn ... DEFTS' OPPOSITION TO PLTF'S MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 6314623 - Approved By: SWILLIAM : 09-22-2017:16:54:18 |
| 09-22-2017 Defendant | Statement Filed by: FRANK C. GILMORE, ESQ. Statement ... DEFTS' SEPARATE STATEMENT OF DISPUTE FACTS IN SUPPORT OF PLTF'S MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 6314623 - Approved By: SWILLIAM : 09-22-2017:16:54:18 <ul style="list-style-type: none">- Exhibit 1- Exhibit 2- Exhibit 3- Exhibit 4- Exhibit 5- Exhibit 6- Exhibit 7- Exhibit 8- Exhibit 9- Exhibit 10- Exhibit 11- Exhibit 12- Exhibit 13- Exhibit 14- Exhibit 15- Exhibit 16- Exhibit 17- Exhibit 18- Exhibit 19- Exhibit 20- Exhibit 21- Exhibit 22- Exhibit 23- Exhibit 24- Exhibit 25- Exhibit 26- Exhibit 27 |
| 09-15-2017 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6301175 - Approved By: NOREVIEW : 09-15-2017:08:53:33 |
| 09-15-2017 Defendant | Reply Filed by: FRANK C. GILMORE, ESQ. Reply... REPLY TO OPPOSITION TO OBJECTION TO RECOMMENDATION FOR ORDER - Transaction 6301042 - Approved By: PMSEWELL : 09-15-2017:08:50:16 |
| 09-15-2017 | Request for Submission |

| | |
|-------------------------|---|
| Defendant | <p>Filed by: FRANK C. GILMORE, ESQ.</p> <p>Request for Submission - Transaction 6301042 - Approved By: PMSEWELL : 09-15-2017:08:50:16 DOCUMENT TITLE: OPPOSITION TO OBJECTION TO RECOMMENDATION FOR ORDER (NO ORDER PROVIDED) PARTY SUBMITTING: FRANK GILMORE, ESQ. DATE SUBMITTED: SEPTEMBER 15, 2017 SUBMITTED BY: PMSEWELL DATE RECEIVED JUDGE OFFICE:</p> |
| 09-12-2017 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 6295938 - Approved By: NOREVIEW : 09-12-2017:16:30:23</p> |
| 09-06-2017 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 6284888 - Approved By: NOREVIEW : 09-06-2017:11:39:36</p> |
| 09-06-2017 Defendant | <p>Notice</p> <p>Filed by: FRANK C. GILMORE, ESQ.</p> <p>Notice ... NOTICE OF CHANGE OF FIRM NAME - Transaction 6284864 - Approved By: YVILORIA : 09-06-2017:11:38:06</p> |
| 09-06-2017 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 6284235 - Approved By: NOREVIEW : 09-06-2017:08:48:10</p> |
| 09-05-2017 Plaintiff | <p>Opposition to</p> <p>Filed by: TERESA M. PILATOWICZ, ESQ.</p> <p>Opposition to ... Opposition to Objection to Recommendation for Order - Transaction 6283946 - Approved By: TBRITTON : 09-06-2017:08:47:07</p> <p>- Exhibit A</p> |
| 08-28-2017 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 6271701 - Approved By: NOREVIEW : 08-28-2017:16:27:52</p> |
| 08-28-2017 Defendant | <p>Obj to Master's Recommendation</p> <p>Filed by: FRANK C. GILMORE, ESQ.</p> <p>Obj to Master's Recommendation Transaction 6271629 - Approved By: YVILORIA : 08-28-2017:16:26:07</p> <p>- Exhibit 1</p> |
| 08-24-2017 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 6267595 - Approved By: NOREVIEW : 08-24-2017:17:37:15</p> |
| 08-24-2017 | <p>Ord Accepting Reassignment</p> <p>Filed</p> <p>Ord Accepting Reassignment (D4) - Transaction 6267594 - Approved By: NOREVIEW : 08-24-2017:17:36:25</p> |
| 08-23-2017 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 6263713 - Approved By: NOREVIEW : 08-23-2017:11:39:29</p> |
| 08-23-2017 | <p>Case Assignment Notification</p> <p>Filed</p> <p>Case Assignment Notification PER 8/22/17 ORDER OF RECUSAL, RANDOMLY REASSIGNED TO D4 FROM D1 - Transaction 6263704 - Approved By: NOREVIEW : 08-23-2017:11:38:25</p> |
| 08-22-2017 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 6262855 - Approved By: NOREVIEW : 08-22-2017:17:10:06</p> |
| 08-22-2017 | <p>Ord of Recusal</p> <p>Filed</p> <p>Ord of Recusal and for Random Reassignment - Transaction 6262850 - Approved By: NOREVIEW : 08-22-2017:17:09:10</p> |
| 08-18-2017 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 6256626 - Approved By: NOREVIEW : 08-18-2017:08:44:12</p> |
| 08-17-2017 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 6256326 - Approved By: NOREVIEW : 08-17-2017:16:18:13</p> |
| 08-17-2017 | <p>Master's Recommendation/Ord</p> <p>Filed</p> <p>Master's Recommendation/Ord RECOMMENDATION FOR ORDER - Transaction 6256320 - Approved By: NOREVIEW : 08-17-2017:16:17:11</p> |
| 08-17-2017 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 6256223 - Approved By: NOREVIEW : 08-17-2017:15:58:01</p> |

08-17-2017
Plaintiff

Statement

Filed by: TERESA M. PILATOWICZ, ESQ.

Statement ... Statement of Undisputed Facts in Support of Motion for Partial Summary Judgment - Transaction 6256131 - Approved

By: CSULEZIC : 08-18-2017:08:42:36

- Exhibit 1
- Exhibit 29
- Exhibit 57

08-17-2017
Plaintiff

Mtn Partial Sum Judgment

Filed by: TERESA M. PILATOWICZ, ESQ.

\$Mtn Partial Sum Judgment Transaction 6256001 - Approved By: YVILORIA : 08-17-2017:15:55:53

08-16-2017

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 6252992 - Approved By: NOREVIEW : 08-16-2017:14:18:51

08-16-2017

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 6252979 - Approved By: NOREVIEW : 08-16-2017:14:17:26

08-16-2017
Plaintiff

Request for Submission

Filed by: TERESA M. PILATOWICZ, ESQ.

Request for Submission T - Transaction 6252795 - Approved By: PMSEWELL : 08-16-2017:14:17:53 DOCUMENT TITLE: EX PARTE MOTION TO EXCEED PAGE LIMIT FOR PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT (NO ORDER PROVIDED) PARTY SUBMITTING: TERESA PILATOWICZ, ESQ. DATE SUBMITTED: AUGUST 16, 2017 SUBMITTED BY: PMSEWELL DATE RECEIVED JUDGE OFFICE:

08-16-2017
Plaintiff

Ex-Parte Mtn

Filed by: TERESA M. PILATOWICZ, ESQ.

Ex-Parte Mtn... Ex Parte Motion to Exceed Page Limit for Plaintiff's Motion for Partial Summary Judgment - Transaction 6252786 - Approved By: PMSEWELL : 08-16-2017:14:16:14

- Exhibit 1

08-11-2017

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 6245191 - Approved By: NOREVIEW : 08-11-2017:12:53:12

08-11-2017

***Minutes

Filed

***Minutes 08/10/2017: Motion to Quash Subpoena, or in the Alternative for a Protective Order Precluding Trustee from Seeking Discovery from Hodgson Russ, LLP and Trustee's Countermotion for Sanctions and to Co - Transaction 6245183 - Approved By: NOREVIEW : 08-11-2017:12:52:09

08-09-2017

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 6240086 - Approved By: NOREVIEW : 08-09-2017:13:34:40

08-09-2017

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 6240074 - Approved By: NOREVIEW : 08-09-2017:13:32:18

08-09-2017
Plaintiff

Request for Submission

Filed by: TERESA M. PILATOWICZ, ESQ.

Request for Submission COUNTERMOTION FOR SANCTIONS AND TO COMPEL RESETTNG OF 30(B)(6) DEPOSITION OF HODGSON RUSS LLP FILED 7/24/17 - Transaction 6239838 - Approved By: CSULEZIC : 08-09-2017:13:33:52 PARTY SUBMITTING: TERESA PILATOWICZ ESQ DATE SUBMITTED: 8/09/17 SUBMITTED BY: CS DATE RECEIVED JUDGE OFFICE:

08-09-2017
Plaintiff

Reply

Filed by: TERESA M. PILATOWICZ, ESQ.

Reply... Reply in Support of Countermotion for Sanctions and to Compel Resetting of 30 (B)(6) Deposition of Hodgson Russ LLP - Transaction 6239828 - Approved By: CSULEZIC : 08-09-2017:13:31:13

08-04-2017

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 6232269 - Approved By: NOREVIEW : 08-04-2017:08:17:45

08-04-2017

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 6232256 - Approved By: NOREVIEW : 08-04-2017:08:14:02

08-03-2017
Defendant

Request for Submission

Filed by: FRANK C. GILMORE, ESQ.

Request for Submission MOTION TO QUASH SUBPOENA, OR, IN THE ALTERNATIVE, FOR A PROTECTIVE 23 ORDER PRECLUDING TRUSTEE FROM SEEKING DISCOVERY FROM HODGSON RUSS LLC FILED 7/18/17 - Transaction 6232108 - Approved By: CSULEZIC : 08-04-2017:08:16:56 PARTY SUBMITTING: FRANK GILMORE ESQ DATE SUBMITTED: 8/04/17 SUBMITTED BY: CS DATE RECEIVED JUDGE OFFICE:

08-03-2017
Defendant

Reply

Filed by: FRANK C. GILMORE, ESQ.

Reply... REPLY IN SUPPORT OF MOTION TO QUASH SUBPOENA, OR, IN THE ALTERNATIVE, FOR A PROTECTIVE ORDER PRECLUDING TRUSTEE FROM 22 SEEKING DISCOVERY FROM HODGSON RUSS LLP. AND OPPOSITION TO MOTION FOR SANCTIONS - Transaction 6232102 - Approved By: CSULEZIC : 08-04-2017:08:12:50

Notice of Electronic Filing

07-25-2017

Filed

Proof of Electronic Service Transaction 6212157 - Approved By: NOREVIEW : 07-25-2017:09:10:31

Opposition to Mtn

Filed by: TERESA M. PILATOWICZ, ESQ.

Opposition to Mtn ... (1) Opposition to Motion to Quash Subpoena, or, in the alternative, For a Protective Order Precluding Trustee from Seeking Discovery from Hodgson Russ LLP; and (2) Countermotion for Sanctions and ... - Transaction 6211844 - Approved By: CSULEZIC : 07-25-2017:09:08:57

07-24-2017
Plaintiff

- Exhibit 1
- Exhibit 2
- Exhibit 3
- Exhibit 4
- Exhibit 5
- Exhibit 6
- Exhibit 7
- Exhibit 8
- Exhibit 9
- Exhibit 10
- Exhibit 11
- Exhibit 12
- Exhibit 13

Notice of Electronic Filing

07-19-2017

Filed

Proof of Electronic Service Transaction 6202551 - Approved By: NOREVIEW : 07-19-2017:08:14:22

Mtn to Quash

Filed by: FRANK C. GILMORE, ESQ.

Mtn to Quash... MOTION TO QUASH SUBPOENA, OR, IN THE ALTERNATIVE, FOR A PROTECTIVE ORDER PRECLUDING TRUSTEE FROM SEEKING DISCOVERY FROM HODGSON RUSS LLP - Transaction 6202149 - Approved By: CSULEZIC : 07-19-2017:08:13:01

07-18-2017
Defendant

- Exhibit 1
- Exhibit 2
- Exhibit 3
- Exhibit 4
- Exhibit 5
- Exhibit 6
- Exhibit 7
- Exhibit 8
- Exhibit 9
- Exhibit 10
- Exhibit 11
- Exhibit 12
- Exhibit 13

Notice of Electronic Filing

06-20-2017

Filed

Proof of Electronic Service Transaction 6157427 - Approved By: NOREVIEW : 06-20-2017:12:48:33

Application for Setting

06-20-2017

Filed

Application for Setting PTC - 9/5/17 - Transaction 6157288 - Approved By: PMSEWELL : 06-20-2017:12:47:36

Notice of Electronic Filing

05-26-2017

Filed

Proof of Electronic Service Transaction 6121180 - Approved By: NOREVIEW : 05-26-2017:14:10:19

Ord Approving

05-26-2017

Filed

Ord Approving ... STIPULATION RE: CONTINUED DISCOVERY DATES (7TH REQUEST) - Transaction 6121169 - Approved By: NOREVIEW : 05-26-2017:14:08:51

Notice of Electronic Filing

05-25-2017

Filed

Proof of Electronic Service Transaction 6119595 - Approved By: NOREVIEW : 05-25-2017:16:18:52

Stipulation

05-25-2017
Plaintiff

Filed by: TERESA M. PILATOWICZ, ESQ.

Stipulation ... STIPULATION REGARDING CONTINUED DISCOVERY DATES (SEVENTH REQUEST) - Transaction 6119278 - Approved By: CSULEZIC : 05-25-2017:16:17:42

- Exhibit 1

04-27-2017

Notice of Electronic Filing

Filed

04-27-2017
 Notice of Electronic Filing
 Filed
[Proof of Electronic Service Transaction 6073767 - Approved By: NOREVIEW : 04-27-2017:16:17:29](#)

04-27-2017
 Plaintiff
 Notice of Taking Deposition
 Filed by: TERESA M. PILATOWICZ, ESQ.
[Notice of Taking Deposition Amended Notice of Deposition of Dennis Vacco - Transaction 6073743 - Approved By: YVILORIA : 04-27-2017:16:16:08](#)

04-27-2017
 Plaintiff
 Notice of Taking Deposition
 Filed by: TERESA M. PILATOWICZ, ESQ.
[Notice of Taking Deposition Amended Notice of Deposition of Person Most Knowledgeable of Hodgson Russ LLP - Transaction 6073708 - Approved By: YVILORIA : 04-27-2017:16:13:27](#)

04-17-2017
 Notice of Electronic Filing
 Filed
[Proof of Electronic Service Transaction 6054617 - Approved By: NOREVIEW : 04-17-2017:13:10:25](#)

04-17-2017
 Plaintiff
 Notice of Taking Deposition
 Filed by: TERESA M. PILATOWICZ, ESQ.
[Notice of Taking Deposition Amended Notice of Deposition of Dennis Vacco - Transaction 6054439 - Approved By: CSULEZIC : 04-17-2017:13:09:18](#)

04-10-2017
 Notice of Electronic Filing
 Filed
[Proof of Electronic Service Transaction 6043715 - Approved By: NOREVIEW : 04-10-2017:16:26:21](#)

04-10-2017
 Court
 Notice Withdrawal of Attorney
 Filed by: BARRY L. BRESLOW, ESQ.
[Notice Withdrawal of Attorney Notice of Withdrawal of Co-Counsel: BARRY L. BRESLOW ESQ / DEFTS - Transaction 6043707 - Approved By: YVILORIA : 04-10-2017:16:25:15](#)

03-29-2017
 Notice of Electronic Filing
 Filed
[Proof of Electronic Service Transaction 6023083 - Approved By: NOREVIEW : 03-29-2017:12:39:44](#)

03-29-2017
 Notice of Electronic Filing
 Filed
[Proof of Electronic Service Transaction 6023072 - Approved By: NOREVIEW : 03-29-2017:12:36:26](#)

03-29-2017
 Plaintiff
 Notice of Taking Deposition
 Filed by: TERESA M. PILATOWICZ, ESQ.
[Notice of Taking Deposition AMENDED NOTICE OF DEPOSITION OF PERSON MOST KNOWLEDGEABLE OF HODGSON RUSS LLP - Transaction 6023065 - Approved By: TBRITTON : 03-29-2017:12:38:50](#)

03-29-2017
 Plaintiff
 Notice of Taking Deposition
 Filed by: TERESA M. PILATOWICZ, ESQ.
[Notice of Taking Deposition AMENDED NOTICE OF CONTINUED DEPOSITION OF DENNIS VACCO - Transaction 6023062 - Approved By: TBRITTON : 03-29-2017:12:35:14](#)

03-27-2017
 Notice of Electronic Filing
 Filed
[Proof of Electronic Service Transaction 6019179 - Approved By: NOREVIEW : 03-27-2017:15:28:54](#)

03-27-2017
 Defendant
 Notice
 Filed by: FRANK C. GILMORE, ESQ.
[Notice ... DEFENDANT EDWARD BAYUK'S NOTICE OF COMPLIANCE - Transaction 6019002 - Approved By: CSULEZIC : 03-27-2017:15:27:51](#)
 - Exhibit 1

03-14-2017
 Notice of Electronic Filing
 Filed
[Proof of Electronic Service Transaction 5996166 - Approved By: NOREVIEW : 03-14-2017:13:48:05](#)

03-14-2017
 Order...
 Filed
[Order ... re: SANCTIONS - Transaction 5996162 - Approved By: NOREVIEW : 03-14-2017:13:47:07](#)

02-22-2017
 Notice of Electronic Filing
 Filed
[Proof of Electronic Service Transaction 5960824 - Approved By: NOREVIEW : 02-22-2017:10:00:09](#)

02-22-2017
 Notice of Electronic Filing
 Filed
[Proof of Electronic Service Transaction 5960821 - Approved By: NOREVIEW : 02-22-2017:09:57:18](#)

02-22-2017

| | |
|-------------------------|---|
| | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5960818 - Approved By: NOREVIEW : 02-22-2017:09:56:28 |
| 02-21-2017 Plaintiff | Request for Submission Filed by: TERESA M. PILATOWICZ, ESQ. Request for Submission - Transaction 5960341 - Approved By: PMSEWELL : 02-22-2017:09:57:34 DOCUMENT TITLE: MEMORANDUM OF FEES AND COSTS RELATED TO ORDER TO SHOW CAUSE WHY EDWARD BAYUK SHOULD NOT BE HELD IN CONTEMPT (NO ORDER PROVIDED) PARTY SUBMITTING: TERESA PILATOWICZ, ESQ. DATE SUBMITTED: FEBRUARY 21, 2017 SUBMITTED BY: PMSEWELL DATE RECEIVED JUDGE OFFICE: |
| 02-21-2017 Plaintiff | Declaration Filed by: TERESA M. PILATOWICZ, ESQ. Declaration DFX: MISSING INDEX OF EXHIBITS - Declaration of Teresa M. Pilatowicz in Support of Reply in Support of Memorandum of Fees and Costs Related to Order to Show Cause Why Edward Bayuk Should not Be Held in Contempt - Transaction 5960340 - Approved By: PMSEWELL : 02-22-2017:09:56:18 - Exhibit 1 - Exhibit 2 - Exhibit 3 - Exhibit 4 - Exhibit 5 |
| 02-21-2017 Plaintiff | Reply Filed by: TERESA M. PILATOWICZ, ESQ. Reply... Reply in Support of Memorandum of Fees and Costs Related to Order to Show Cause Why Edward Bayuk Should not Be Held in Contempt - Transaction 5960339 - Approved By: PMSEWELL : 02-22-2017:09:55:13 |
| 02-09-2017 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5944648 - Approved By: NOREVIEW : 02-09-2017:16:09:24 |
| 02-09-2017 Defendant | Objection to Filed by: FRANK C. GILMORE, ESQ. Objection to ... OBJECTION OF EDWARD BAYUK TO PLAINTIFF'S MEMORANDUM OF FEES AND COSTS REAL TED TO ORDEDR TO SHOW CAUSE WHY EDWARD BAYUK SHOULD NOT BE HELD IN CONTEMPT - Transaction 5944478 - Approved By: PMSEWELL : 02-09-2017:16:08:10 - Exhibit 1 - Exhibit 2 |
| 02-06-2017 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5937058 - Approved By: NOREVIEW : 02-06-2017:16:34:47 |
| 02-06-2017 Plaintiff | Memorandum Filed by: TERESA M. PILATOWICZ, ESQ. Memorandum ... Memorandum of Fees and Costs Related to Order to Show Cause Why Edward Bayuk Should No be Held in Contempt - Transaction 5936840 - Approved By: CSULEZIC : 02-06-2017:16:33:41 - Exhibit 1 |
| 02-03-2017 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5934053 - Approved By: NOREVIEW : 02-03-2017:15:39:42 |
| 02-03-2017 | Ord Approving Filed Ord Approving ... Stipulation regarding continued discovery deadlines - Transaction 5934050 - Approved By: NOREVIEW : 02-03-2017:15:38:43 |
| 02-03-2017 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5932821 - Approved By: NOREVIEW : 02-03-2017:10:16:49 |
| 02-03-2017 Plaintiff | Notice Filed by: TERESA M. PILATOWICZ, ESQ. Notice ... DFX: EXHIBITS PRESENTED INCORRECTLY - NO INDEX OF EXHIBITS - Notice of Issuance of Subpoena to AIG Property Casualty Insurance Agency, Inc. aka Risk Specialists Companies Insurance Agency, Inc. - Transaction 5932790 - Approved By: YVILORIA : 02-03-2017:10:15:21 - Exhibit 1 |
| 02-01-2017 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5928906 - Approved By: NOREVIEW : 02-01-2017:14:36:18 |
| 02-01-2017 | Transcript Filed Transcript 1/19/17 OSC - Corrected transcript to replace previous filing - Transaction 5928900 - Approved By: NOREVIEW : 02-01-2017:14:35:22 : this document can only be accessed at the court |
| 01-31-2017 | |

| | |
|-------------------------|--|
| | Notice of Electronic Filing |
| | Filed |
| | Proof of Electronic Service Transaction 5925031 - Approved By: NOREVIEW : 01-31-2017:09:10:41 |
| | Stipulation |
| 01-30-2017 Plaintiff | Filed by: TERESA M. PILATOWICZ, ESQ. Stipulation ... Stipulation Regarding Continued Discovery Dates (Sixth Request) - Transaction 5924754 - Approved By: CSULEZIC : 01-31-2017:09:09:29 - Exhibit 1 |
| | Notice of Electronic Filing |
| 01-30-2017 | Filed |
| | Proof of Electronic Service Transaction 5922914 - Approved By: NOREVIEW : 01-30-2017:10:42:16 |
| | ***Minutes |
| 01-30-2017 | Filed |
| | ***Minutes ORDER TO SHOW CAUSE - 1/19/17 - Transaction 5922905 - Approved By: NOREVIEW : 01-30-2017:10:41:15 |
| | Notice of Electronic Filing |
| 01-27-2017 | Filed |
| | Proof of Electronic Service Transaction 5920426 - Approved By: NOREVIEW : 01-27-2017:10:12:44 |
| | Notice of Electronic Filing |
| 01-27-2017 | Filed |
| | Proof of Electronic Service Transaction 5920391 - Approved By: NOREVIEW : 01-27-2017:10:09:23 |
| | Notice of Taking Deposition |
| 01-27-2017 Plaintiff | Filed by: TERESA M. PILATOWICZ, ESQ. Notice of Taking Deposition Notice of Continued Deposition of Person Most Knowledgeable of Hodgson Russ LLP - Transaction 5920222 - Approved By: YVILORIA : 01-27-2017:10:11:42 |
| | Notice of Taking Deposition |
| 01-27-2017 Plaintiff | Filed by: TERESA M. PILATOWICZ, ESQ. Notice of Taking Deposition Notice of Continued Deposition of Dennis Vacco - Transaction 5920212 - Approved By: YVILORIA : 01-27-2017:10:08:08 |
| | Notice of Electronic Filing |
| 01-25-2017 | Filed |
| | Proof of Electronic Service Transaction 5917192 - Approved By: NOREVIEW : 01-25-2017:16:43:39 |
| | Transcript |
| 01-25-2017 | Filed |
| | Transcript 1-19-17 OSC - Transaction 5917188 - Approved By: NOREVIEW : 01-25-2017:16:42:48 : this document can only be accessed at the court |
| | Notice of Electronic Filing |
| 01-24-2017 | Filed |
| | Proof of Electronic Service Transaction 5912544 - Approved By: NOREVIEW : 01-24-2017:09:56:54 |
| | Notice of Taking Deposition |
| 01-24-2017 Plaintiff | Filed by: TERESA M. PILATOWICZ, ESQ. Notice of Taking Deposition Notice of Deposition of Stanton Bernstein - Transaction 5912467 - Approved By: YVILORIA : 01-24-2017:09:54:46 |
| | Notice of Electronic Filing |
| 01-19-2017 | Filed |
| | Proof of Electronic Service Transaction 5907006 - Approved By: NOREVIEW : 01-19-2017:17:53:14 |
| | ***Minutes |
| 01-19-2017 | Filed |
| | ***Minutes 01/19/2017: Deposition of Edward Bayuk in re: insurance policies. - Transaction 5907005 - Approved By: NOREVIEW : 01-19-2017:17:50:24 |
| | Notice of Electronic Filing |
| 01-03-2017 | Filed |
| | Proof of Electronic Service Transaction 5882356 - Approved By: NOREVIEW : 01-03-2017:16:22:00 |
| | Comm/Take Out/State Depo |
| 01-03-2017 | Filed |
| | Comm/Take Out/State Depo Transaction 5882306 - Approved By: BVIRREY : 01-03-2017:16:19:23 |
| | Notice of Electronic Filing |
| 01-03-2017 | Filed |
| | Proof of Electronic Service Transaction 5881265 - Approved By: NOREVIEW : 01-03-2017:13:23:17 |
| 01-03-2017 Plaintiff | Errata |
| | Filed by: TERESA M. PILATOWICZ, ESQ. Errata... DFX: EXHIBITS PRESENTED INCORRECTLY - ERRATA TO NOTICE OF ISSUANCE OF SUBPOENA TO THE PERSON MOST |

| | | |
|-------------------------|-----------------------------|--|
| | | KNOWLEDGEABLE OF HODSGON RUSS LLP - Transaction 5881153 - Approved By: TBRITTON : 01-03-2017:13:22:23 - Exhibit 1 |
| 01-03-2017 | Notice of Electronic Filing | Filed Proof of Electronic Service Transaction 5880994 - Approved By: NOREVIEW : 01-03-2017:11:50:15 |
| 01-03-2017 | Notice of Electronic Filing | Filed Proof of Electronic Service Transaction 5880970 - Approved By: NOREVIEW : 01-03-2017:11:45:39 |
| 01-03-2017 | Notice of Electronic Filing | Filed Proof of Electronic Service Transaction 5880946 - Approved By: NOREVIEW : 01-03-2017:11:38:02 |
| 01-03-2017 Plaintiff | Application | Filed by: TERESA M. PILATOWICZ, ESQ. Application ... Application for Commission to Take Deposition - Transaction 5880894 - Approved By: YVILORIA : 01-03-2017:11:36:52 - Exhibit 1 |
| 01-03-2017 Plaintiff | Notice | Filed by: TERESA M. PILATOWICZ, ESQ. Notice ... Notice of Issuance of Subpoena to the Person Most Knowledgeable of Hodgson Russ LLP - Transaction 5880857 - Approved By: PMSEWELL : 01-03-2017:11:47:54 - Exhibit 1 |
| 01-03-2017 Plaintiff | Notice of Taking Deposition | Filed by: TERESA M. PILATOWICZ, ESQ. Notice of Taking Deposition Notice of Deposition of Person Most Knowledgeable of Hodgson Russ LLP - Transaction 5880842 - Approved By: PMSEWELL : 01-03-2017:11:44:43 |
| 12-30-2016 | Notice of Electronic Filing | Filed Proof of Electronic Service Transaction 5878342 - Approved By: NOREVIEW : 12-30-2016:10:15:47 |
| 12-30-2016 Plaintiff | Response | Filed by: TERESA M. PILATOWICZ, ESQ. Response... RESPONSE: (1) TO OPPOSITION TO APPLICATION FOR ORDER TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE HELD IN CONTEMPT OF THE COURT ORDER AND (2) IN SUPPORT OF ORDER TO SHOW CAUSE - Transaction 5878327 - Approved By: TBRITTON : 12-30-2016:10:14:50 |
| 12-28-2016 | Notice of Electronic Filing | Filed Proof of Electronic Service Transaction 5875632 - Approved By: NOREVIEW : 12-28-2016:16:56:01 |
| 12-28-2016 Plaintiff | Certificate of Service | Filed by: TERESA M. PILATOWICZ, ESQ. Certificate of Service regarding Order Granting Order to Show Cause Why Defendant Edward Bayuk Should Not be Held in Contempt of Court Order - Transaction 5875613 - Approved By: CSULEZIC : 12-28-2016:16:55:03 |
| 12-23-2016 | Notice of Electronic Filing | Filed Proof of Electronic Service Transaction 5870732 - Approved By: NOREVIEW : 12-23-2016:12:15:17 |
| 12-23-2016 | Ord to Show Cause | Filed Ord to Show Cause WHY EDWARD BAYUK SHOULD NOT BE HELD IN CONTEMPT OF COURT ORDER - Transaction 5870729 - Approved By: NOREVIEW : 12-23-2016:12:14:17 |
| 12-19-2016 | Notice of Electronic Filing | Filed Proof of Electronic Service Transaction 5861222 - Approved By: NOREVIEW : 12-19-2016:13:24:41 |
| 12-19-2016 Defendant | Opposition to | Filed by: FRANK C. GILMORE, ESQ. Opposition to ... OPPOSITION TO PLAINTIFF'S APPLICATION FOR ORDER TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE HELD IN CONTEMPT OF COURT ORDER - Transaction 5861151 - Approved By: TBRITTON : 12-19-2016:13:23:41 - Exhibit 1 - Exhibit 2 - Exhibit 3 |
| 11-30-2016 | Notice of Electronic Filing | Filed Proof of Electronic Service Transaction 5827745 - Approved By: NOREVIEW : 11-30-2016:09:01:00 |
| 11-29-2016 Plaintiff | Notice of Taking Deposition | Filed by: TERESA M. PILATOWICZ, ESQ. |

Notice of Taking Deposition Notice of Continued Deposition of Dennis Vacco - Transaction 5827498 - Approved By: PMSEWELL : 11-30-2016:08:59:57

11-21-2016

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 5817441 - Approved By: NOREVIEW : 11-21-2016:16:47:29

11-21-2016

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 5817240 - Approved By: NOREVIEW : 11-21-2016:16:05:48

11-21-2016
Plaintiff

Notice of Taking Deposition

Filed by: TERESA M. PILATOWICZ, ESQ.

Notice of Taking Deposition Notice of Deposition of Person Most Knowledgeable of Compass Bank - Transaction 5816855 - Approved By: PMSEWELL : 11-21-2016:16:46:09

- Exhibit 1

11-21-2016
Plaintiff

Notice of Taking Deposition

Filed by: TERESA M. PILATOWICZ, ESQ.

Notice of Taking Deposition Sixth Amended Notice of Deposition of Stanton Bernstein - Transaction 5816775 - Approved By: CSULEZIC : 11-21-2016:16:04:38

11-21-2016

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 5816030 - Approved By: NOREVIEW : 11-21-2016:11:26:29

Application Ord Show Cause

Filed by: TERESA M. PILATOWICZ, ESQ.

Application Ord Show Cause PLAINTIFF'S APPLICATION FOR ORDER TO SHOW CAUSE WHY DEFENDANT EDWARD BAYUK SHOULD NOT BE HELD IN CONTEMPT OF COURT ORDER - Transaction 5815697 - Approved By: CSULEZIC : 11-21-2016:11:24:50

11-21-2016
Plaintiff

- Exhibit 1

- Exhibit 2

- Exhibit 3

- Exhibit 4

- Exhibit 5

- Exhibit 6

- Exhibit 7

- Exhibit 8

09-21-2016

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 5719275 - Approved By: NOREVIEW : 09-21-2016:15:29:29

09-21-2016

Application for Setting

Filed

Application for Setting Ttrial-10/9/17; PTC- 6/29/17 - Transaction 5718913 - Approved By: CSULEZIC : 09-21-2016:15:28:11

09-19-2016

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 5713395 - Approved By: NOREVIEW : 09-19-2016:10:10:49

09-19-2016

Ord Granting Continuance

Filed

Ord Granting Continuance of Trial - Transaction 5713391 - Approved By: NOREVIEW : 09-19-2016:10:09:58

09-16-2016

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 5711789 - Approved By: NOREVIEW : 09-16-2016:12:05:56

09-16-2016

Ord Affirming Master Recommend

Filed

Ord Affirming Master Recommend Transaction 5711786 - Approved By: NOREVIEW : 09-16-2016:12:04:55

09-12-2016

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 5702801 - Approved By: NOREVIEW : 09-12-2016:15:53:43

09-12-2016

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 5702738 - Approved By: NOREVIEW : 09-12-2016:15:41:20

09-12-2016
Plaintiff

Request for Submission

Filed by: TERESA M. PILATOWICZ, ESQ.

Request for Submission Transaction 5702270 - Approved By: SWOLFE : 09-12-2016:15:40:12 DOCUMENT TITLE: PLAINTIFF'S SECOND STIPULATED MOTION TO CONTINUE TRIAL FILED ON 9/12/16 (ORDER ATTACHED AS EXHIBIT) PARTY SUBMITTING: TERESA M. PILATOWICZ, ESQ. DATE SUBMITTED: 9/12/16 SUBMITTED BY: SWOLFE DATE RECEIVED JUDGE OFFICE:

- Exhibit 1

09-12-2016

Motion

| | |
|-------------------------|---|
| Plaintiff | <p>Filed by: TERESA M. PILATOWICZ, ESQ. Motion ... Second Stipulated Motion to Continue Trial - Transaction 5702177 - Approved By: CSULEZIC : 09-12-2016:15:52:25</p> |
| 09-01-2016 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5689062 - Approved By: NOREVIEW : 09-01-2016:13:33:19</p> |
| 09-01-2016 | <p>Master's Recommendation/Ord Filed Master's Recommendation/Ord 09-01-16 RECOMMENDATION FOR ORDER - Transaction 5689059 - Approved By: NOREVIEW : 09-01-2016:13:32:18</p> |
| 08-24-2016 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5675269 - Approved By: NOREVIEW : 08-24-2016:14:26:59</p> |
| 08-24-2016 | <p>Application for Setting Filed Application for Setting Trial 6/19/17; PTC- 3/1/17 - Transaction 5674834 - Approved By: TBRITTON : 08-24-2016:14:25:44</p> |
| 07-22-2016 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5623592 - Approved By: NOREVIEW : 07-22-2016:16:07:36</p> |
| 07-22-2016 | <p>Ord Granting Continuance Filed Ord Granting Continuance of Trial - Transaction 5623585 - Approved By: NOREVIEW : 07-22-2016:16:06:35</p> |
| 07-22-2016 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5623509 - Approved By: NOREVIEW : 07-22-2016:15:47:44</p> |
| 07-22-2016 Plaintiff | <p>Notice of Taking Deposition Filed by: TERESA M. PILATOWICZ, ESQ. Notice of Taking Deposition FIFTH AMENDED NOTICE OF DEPOSITION OF STANTON BERNSTEIN - Transaction 5623087 - Approved By: RKWATKIN : 07-22-2016:15:46:43</p> |
| 07-21-2016 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5620108 - Approved By: NOREVIEW : 07-21-2016:13:42:36</p> |
| 07-21-2016 Plaintiff | <p>Request for Submission Filed by: TERESA M. PILATOWICZ, ESQ. Request for Submission Transaction 5620020 - Approved By: YVILORIA : 07-21-2016:13:41:11 DOCUMENT TITLE: STIPULATED MOTION TO CONTINUE TRIAL (ORDER INCLUDED IN EXHIBIT) PARTY SUBMITTING: TERESA M PILATOWICZ ESQ DATE SUBMITTED: JULY 21, 2016 SUBMITTED BY: YVILORIA DATE RECEIVED JUDGE OFFICE: - Exhibit 1</p> |
| 07-19-2016 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5616465 - Approved By: NOREVIEW : 07-19-2016:16:49:48</p> |
| 07-19-2016 Plaintiff | <p>Request for Submission Filed by: TERESA M. PILATOWICZ, ESQ. Request for Submission PLAINTIFF'S REQUEST FOR SUBMISSION OF STIPULATED MOTION TO CONTINUE TRIAL - Transaction 5616455 - Approved By: CSULEZIC : 07-19-2016:16:48:46 PARTY SUBMITTING: TERESA PILATOWICZ, ESQ DATE SUBMITTED: 7/19/16 SUBMITTED BY: CS DATE RECEIVED JUDGE OFFICE:</p> |
| 07-19-2016 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5616453 - Approved By: NOREVIEW : 07-19-2016:16:46:21</p> |
| 07-19-2016 Plaintiff | <p>Motion Filed by: TERESA M. PILATOWICZ, ESQ. Motion ... Stipulated Motion to Continue Trial - Transaction 5616438 - Approved By: YVILORIA : 07-19-2016:16:45:05</p> |
| 07-12-2016 | <p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5603897 - Approved By: NOREVIEW : 07-12-2016:11:54:38</p> |
| 07-12-2016 Plaintiff | <p>Stip Extension of Time Filed by: TERESA M. PILATOWICZ, ESQ. Stip Extension of Time ... Stipulation Regarding Continued Discovery Dates (fifth request) - Transaction 5603438 - Approved By: CSULEZIC : 07-12-2016:11:53:42 - Exhibit 1</p> |
| 07-06-2016 | <p>Notice of Electronic Filing Filed</p> |

[Proof of Electronic Service Transaction 5595848 - Approved By: NOREVIEW : 07-06-2016:15:18:40](#)

Master's Recommendation/Ord

07-06-2016

Filed

[Master's Recommendation/Ord Order Confirming Master Recommendation from 6/13/16 - Transaction 5595839 - Approved By: NOREVIEW : 07-06-2016:15:17:38](#)

Notice of Electronic Filing

06-16-2016

Filed

[Proof of Electronic Service Transaction 5564460 - Approved By: NOREVIEW : 06-16-2016:08:16:26](#)

Notice of Taking Deposition

06-15-2016
Plaintiff

Filed by: TERESA M. PILATOWICZ, ESQ.

[Notice of Taking Deposition Fifth Amended Notice of Deposition of Stanton Bernstein - Transaction 5564217 - Approved By: CSULEZIC : 06-16-2016:08:15:33](#)

Notice of Electronic Filing

06-13-2016

Filed

[Proof of Electronic Service Transaction 5559218 - Approved By: NOREVIEW : 06-13-2016:12:08:47](#)

Master's Recommendation/Ord

06-13-2016

Filed

[Master's Recommendation/Ord 06/13/16 Recommendation for Order - Transaction 5559216 - Approved By: NOREVIEW : 06-13-2016:12:07:50](#)

Notice of Electronic Filing

05-11-2016

Filed

[Proof of Electronic Service Transaction 5509236 - Approved By: NOREVIEW : 05-11-2016:08:34:18](#)

Request for Submission

05-10-2016
Plaintiff

Filed by: TERESA M. PILATOWICZ, ESQ.

[Request for Submission PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS filed ON 04/08/16 - Transaction 5509146 - Approved By: SWOLFE : 05-11-2016:08:33:11 PARTY SUBMITTING: TERESA M. PILATOWICZ, ESQ. DATE SUBMITTED: 05/11/16 SUBMITTED BY: SWOLFE DATE RECEIVED JUDGE OFFICE:](#)

Notice of Electronic Filing

05-10-2016

Filed

[Proof of Electronic Service Transaction 5507246 - Approved By: NOREVIEW : 05-10-2016:10:16:04](#)

Reply to/in Opposition

05-09-2016
Plaintiff

Filed by: TERESA M. PILATOWICZ, ESQ.

[Reply to/in Opposition REPLY IN SUPPORT OF PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS - Transaction 5506873 - Approved By: RKWATKIN : 05-10-2016:10:14:46](#)

- Exhibit 1
- Exhibit 2
- Exhibit 3
- Exhibit 4
- Exhibit 5
- Exhibit 6

Notice of Electronic Filing

04-29-2016

Filed

[Proof of Electronic Service Transaction 5490952 - Approved By: NOREVIEW : 04-29-2016:09:43:42](#)

Ord Approving

04-29-2016

Filed

[Ord Approving ... Stipulation regarding continued discovery dates \(4th request\) - Transaction 5490950 - Approved By: NOREVIEW : 04-29-2016:09:40:40](#)

Notice of Electronic Filing

04-28-2016

Filed

[Proof of Electronic Service Transaction 5489368 - Approved By: NOREVIEW : 04-28-2016:11:46:21](#)

Amended

04-28-2016
Plaintiff

Filed by: TERESA M. PILATOWICZ, ESQ.

[Amended ... Fourth Amended Notice of Deposition of Stanton Bernstein - Transaction 5489118 - Approved By: MCHOLICO : 04-28-2016:11:45:10](#)

Notice of Electronic Filing

04-26-2016

Filed

[Proof of Electronic Service Transaction 5485305 - Approved By: NOREVIEW : 04-26-2016:13:33:58](#)

Stipulation to Continuance

04-26-2016
Plaintiff

Filed by: TERESA M. PILATOWICZ, ESQ.

[Stipulation to Continuance STIPULATION REGARDING CONTINUED DISCOVERY DATES \(FOURTH REQUEST\) - Transaction 5485271 - Approved By: YVILORIA : 04-26-2016:13:32:59](#)

- Exhibit 1

04-26-2016

Notice of Electronic Filing

| | |
|-------------------------|--|
| | Filed Proof of Electronic Service Transaction 5485269 - Approved By: NOREVIEW : 04-26-2016:13:24:05 |
| 04-26-2016 Plaintiff | Request for Submission Filed by: TERESA M. PILATOWICZ, ESQ. Request for Submission EX PARTE MOTION FOR LEAVE TO FILE A SUPPLEMENT TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO QUASH, OR, IN THE ALTERNATIVE, FOR A PROTECTIVE ORDER PRECLUDING TRUSTEE FROM SEEKING DISCOVERY PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE - Transaction 5485144 - Approved By: CSULEZIC : 04-26-2016:13:23:05 PARTY SUBMITTING: TERESA KRPATA, ESQ DATE SUBMITTED: 4/26/16 SUBMITTED BY: CS DATE RECEIVED JUDGE OFFICE: |
| 04-26-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5484334 - Approved By: NOREVIEW : 04-26-2016:09:05:31 |
| 04-25-2016 Plaintiff | Reply to/in Opposition Filed by: TERESA M. PILATOWICZ, ESQ. Reply to/in Opposition REPLY IN SUPPORT OF MOTION TO FILE SUPPLEMENT - Transaction 5484071 - Approved By: MCHOLICO : 04-26-2016:09:04:38 - Exhibit 1 - Exhibit 2 |
| 04-25-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5483848 - Approved By: NOREVIEW : 04-25-2016:16:27:05 |
| 04-25-2016 Defendant | Opposition to Mtn Filed by: FRANK C. GILMORE, ESQ. Opposition to Mtn ... OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS - Transaction 5483579 - Approved By: YVILORIA : 04-25-2016:16:26:09 |
| 04-25-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5482765 - Approved By: NOREVIEW : 04-25-2016:12:18:08 |
| 04-25-2016 Plaintiff | Notice of Taking Deposition Filed by: TERESA M. PILATOWICZ, ESQ. Notice of Taking Deposition THIRD AMENDED NOTICE OF DEPOSITION OF STANTON BERNSTEIN - APRIL 26, 2016 AT 10:00 AM - Transaction 5482539 - Approved By: YVILORIA : 04-25-2016:12:17:12 |
| 04-22-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5480471 - Approved By: NOREVIEW : 04-22-2016:10:47:30 |
| 04-22-2016 | Ord Approving Filed Ord Approving ... Stipulation re: Contd Discovery Dates-3rd Request - Transaction 5480464 - Approved By: NOREVIEW : 04-22-2016:10:46:28 |
| 04-20-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5477008 - Approved By: NOREVIEW : 04-20-2016:16:53:15 |
| 04-20-2016 | Application for Setting Filed Application for Setting Trial-10/31/16; PT Mtns-10/25/16 & 10/27/16; PTC-8/3/16 - Transaction 5476958 - Approved By: CSULEZIC : 04-20-2016:16:52:16 |
| 04-19-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5473047 - Approved By: NOREVIEW : 04-19-2016:10:26:06 |
| 04-19-2016 Plaintiff | Request for Submission Filed by: TERESA M. PILATOWICZ, ESQ. Request for Submission Transaction 5473026 - Approved By: YVILORIA : 04-19-2016:10:25:14 DOCUMENT TITLE: STIPULATION REGARDING CONTINUED DISCOVERY DATES (THIRD REQUEST) FILED 4-4-16 PARTY SUBMITTING: TERESA M. KRPATA ESQ DATE SUBMITTED: APRIL 19, 2016 SUBMITTED BY: YVILORIA DATE RECEIVED JUDGE OFFICE: |
| 04-14-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5465837 - Approved By: NOREVIEW : 04-14-2016:10:16:58 |
| 04-14-2016 Defendant | Notice to Set Filed by: FRANK C. GILMORE, ESQ. Notice to Set APRIL 20, 2016 AT 11:00 AM - Transaction 5465799 - Approved By: YVILORIA : 04-14-2016:10:15:44 |
| 04-13-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5464720 - Approved By: NOREVIEW : 04-13-2016:15:47:31 |

| | |
|-------------------------|---|
| 04-13-2016 Defendant | <p>Opposition to</p> <p>Filed by: FRANK C. GILMORE, ESQ.</p> <p>Opposition to ... OPPOSITION TO EX PARTE MOTION FOR LEAVE TO FILE A SUPPLEMENTAL TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO QUASH - Transaction 5464494 - Approved By: TBRITTON : 04-13-2016:15:46:32</p> <ul style="list-style-type: none"> - Exhibit 1 |
| 04-12-2016 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5462522 - Approved By: NOREVIEW : 04-12-2016:15:58:26</p> |
| 04-12-2016 | <p>Ord Granting Continuance</p> <p>Filed</p> <p>Ord Granting Continuance of Trial - Transaction 5462515 - Approved By: NOREVIEW : 04-12-2016:15:57:24</p> |
| 04-12-2016 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5461724 - Approved By: NOREVIEW : 04-12-2016:12:57:27</p> |
| 04-12-2016 | <p>Ord Approving</p> <p>Filed</p> <p>Ord Approving ... Stipulation re: continued discovery dates-second request - Transaction 5461722 - Approved By: NOREVIEW : 04-12-2016:12:56:37</p> |
| 04-12-2016 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5461438 - Approved By: NOREVIEW : 04-12-2016:11:16:29</p> |
| 04-12-2016 Defendant | <p>Stipulation to Continuance</p> <p>Filed by: FRANK C. GILMORE, ESQ.</p> <p>Stipulation to Continuance Transaction 5461339 - Approved By: YVILORIA : 04-12-2016:11:15:02</p> |
| 04-11-2016 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5458746 - Approved By: NOREVIEW : 04-11-2016:08:22:38</p> |
| 04-08-2016 Plaintiff | <p>Ex-Parte Mtn</p> <p>Filed by: TERESA M. PILATOWICZ, ESQ.</p> <p>Ex-Parte Mtn... Plaintiff's Ex Parte Motion for Leave to File a Supplement to Plaintiff's Opposition to Defendants' Motion to Partially Quash, or, in the Alternative, For A Protective Order Precluding Trustee From Seeking Discovery Protected By the Attorney-Client Privi - Transaction 5458603 - Approved By: MCHOLICO : 04-11-2016:08:21:38</p> <ul style="list-style-type: none"> - Exhibit 1 - Exhibit 2-Part 1 - Exhibit 2-Part 2 - Exhibit 2-Part 3 |
| 04-08-2016 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5456902 - Approved By: NOREVIEW : 04-08-2016:09:51:55</p> |
| 04-08-2016 Plaintiff | <p>Mtn to Compel</p> <p>Filed by: TERESA M. PILATOWICZ, ESQ.</p> <p>Mtn to Compel... PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS - Transaction 5456829 - Approved By: CSULEZIC : 04-08-2016:09:50:03</p> <ul style="list-style-type: none"> - Exhibit 1 - Exhibit 2 - Exhibit 3 - Exhibit 4 - Exhibit 5 - Exhibit 6 - Exhibit 7 - Exhibit 8 - Exhibit 9 - Exhibit 10 - Exhibit 11 - Exhibit 12 - Exhibit 13 - Exhibit 14 |
| 04-06-2016 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5452824 - Approved By: NOREVIEW : 04-06-2016:13:40:59</p> |
| 04-06-2016 Defendant | <p>Reply</p> <p>Filed by: FRANK C. GILMORE, ESQ.</p> <p>Reply... REPLY IN SUPPORT OF MOTION TO MODIFY SUBPOENA, OR, IN THE ALTERNATIVE, FOR A PROTECTIVE ORDER PRECLUDING TRUSTEE FROM SEEKING DISCOVERY PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE - Transaction 5452770 - Approved By: CSULEZIC : 04-06-2016:13:40:03</p> |
| 04-06-2016 | |

Defendant

Request for Submission

Filed by: FRANK C. GILMORE, ESQ.

Request for Submission MOTION TO MODIFY SUBPOENA, OR, IN THE ALTERNATIVE, FOR A PROTECTIVE ORDER PRECLUDING TRUSTEE FROM SEEKING DISCOVERY PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE - Transaction 5452770 - Approved By: CSULEZIC : 04-06-2016:13:40:03 PARTY SUBMITTING: FRANK GILMORE, ESQ DATE SUBMITTED: 4/06/16 SUBMITTED BY: CS DATE RECEIVED JUDGE OFFICE:

04-05-2016

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 5449342 - Approved By: NOREVIEW : 04-05-2016:08:31:55

04-04-2016

Plaintiff

Stipulation to Continuance

Filed by: TERESA M. PILATOWICZ, ESQ.

Stipulation to Continuance STIPULATION REGARDING CONTINUED DISCOVERY DATES (THIRD REQUEST) - Transaction 5449186 - Approved By: TBRTTTON : 04-05-2016:08:30:57
- Exhibit 1

04-01-2016

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 5445358 - Approved By: NOREVIEW : 04-01-2016:08:41:40

03-31-2016

Plaintiff

Notice

Filed by: TERESA M. PILATOWICZ, ESQ.

Notice ... SECOND AMENDED NOTICE OF DEPOSITION OF STANTON BERNSTEIN - ARIL 26, 2016 @ 10:00 AM - Transaction 5445235 - Approved By: TBRTTTON : 04-01-2016:08:40:37

03-25-2016

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 5436020 - Approved By: NOREVIEW : 03-25-2016:12:12:16

03-25-2016

Plaintiff

Opposition to Mtn

Filed by: TERESA M. PILATOWICZ, ESQ.

Opposition to Mtn ... PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO PARTIALLY QUASH, OR IN THE ALTERNATIVE, FOR A PROTECTIVE ORDER PRECLUDING TRUSTEE FROM SEEKING DISCOVERY PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE - Transaction 5435799 - Approved By: MFERNAND : 03-25-2016:12:09:38

- Exhibit 1
- Exhibit 2
- Exhibit 3
- Exhibit 4
- Exhibit 5
- Exhibit 6
- Exhibit 7
- Exhibit 8
- Exhibit 9

03-24-2016

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 5434500 - Approved By: NOREVIEW : 03-24-2016:15:36:52

03-24-2016

Plaintiff

Stipulation

Filed by: TERESA M. PILATOWICZ, ESQ.

Stipulation ... STIPULATION REGARDING CONTINUED DISCOVERY DATES (SECOND REQUEST) - Transaction 5434373 - Approved By: TBRTTTON : 03-24-2016:15:35:45
- Exhibit 1

03-24-2016

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 5433055 - Approved By: NOREVIEW : 03-24-2016:09:06:05

03-24-2016

Plaintiff

Stipulation

Filed by: TERESA M. PILATOWICZ, ESQ.

Stipulation ... Stipulation Regarding Vacating Depositions of Darryl Noble and Paul Alves - Transaction 5433044 - Approved By: YVILORIA : 03-24-2016:09:05:04
- Exhibit 1

03-24-2016

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 5432960 - Approved By: NOREVIEW : 03-24-2016:08:42:57

03-24-2016

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 5432957 - Approved By: NOREVIEW : 03-24-2016:08:42:48

03-24-2016

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 5432945 - Approved By: NOREVIEW : 03-24-2016:08:41:19

03-23-2016

Plaintiff

Notice

| | |
|-------------------------|---|
| | Filed by: TERESA M. PILATOWICZ, ESQ. Notice ... Notice of Vacating Deposition of Paul Alvez - Transaction 5432816 - Approved By: YVILORIA : 03-24-2016:08:42:01 |
| 03-23-2016 Plaintiff | Notice Filed by: TERESA M. PILATOWICZ, ESQ. Notice ... Notice of Vacating Deposition of Darryl Noble - Transaction 5432817 - Approved By: YVILORIA : 03-24-2016:08:41:48 |
| 03-23-2016 Plaintiff | Notice Filed by: TERESA M. PILATOWICZ, ESQ. Notice ... Notice of Vacating Deposition of Paul Michelle Salazar - Transaction 5432818 - Approved By: YVILORIA : 03-24-2016:08:40:15 |
| 03-17-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5423408 - Approved By: NOREVIEW : 03-17-2016:17:00:34 |
| 03-17-2016 Plaintiff | Notice Filed by: TERESA M. PILATOWICZ, ESQ. Notice ... Notice of Continued Deposition of Dennis Vacco - Transaction 5423206 - Approved By: YVILORIA : 03-17-2016:16:59:38 |
| 03-17-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5421159 - Approved By: NOREVIEW : 03-17-2016:08:28:37 |
| 03-17-2016 | ***Minutes Filed ***Minutes PRE-TRIAL CONFERENCE - 2/24/16 - Transaction 5421150 - Approved By: NOREVIEW : 03-17-2016:08:27:32 |
| 03-14-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5414361 - Approved By: NOREVIEW : 03-14-2016:09:30:09 |
| 03-14-2016 Plaintiff | Amended Filed by: TERESA M. PILATOWICZ, ESQ. Amended ... Amended Notice of Deposition of Stanton Bernstein - Transaction 5414328 - Approved By: MCHOLICO : 03-14-2016:09:28:59 |
| 03-10-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5411482 - Approved By: NOREVIEW : 03-10-2016:16:47:16 |
| 03-10-2016 Defendant | Motion Filed by: FRANK C. GILMORE, ESQ. Motion ... MOTION TO PARTIALLY QUASH, OR, IN THE ALTERNATIVE, FOR A PROTECTIVE ORDER PRECLUDING TRUSTEE FROM SEEKING DISCOVERY PROTECTED BY THE ATTORNEY CLIENT PRIVILEGE - Transaction 5411376 - Approved By: MCHOLICO : 03-10-2016:16:46:18 - Exhibit 1 - Exhibit 2 - Exhibit 3 - Exhibit 4 |
| 03-09-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5408421 - Approved By: NOREVIEW : 03-09-2016:15:16:12 |
| 03-09-2016 Plaintiff | Notice Filed by: TERESA M. PILATOWICZ, ESQ. Notice ... Notice of Issuance of Subpoena on Jan Frederich - Transaction 5408374 - Approved By: YVILORIA : 03-09-2016:15:15:25 - Exhibit 1 |
| 03-08-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5406243 - Approved By: NOREVIEW : 03-08-2016:15:06:31 |
| 03-08-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5406233 - Approved By: NOREVIEW : 03-08-2016:15:03:54 |
| 03-08-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5406217 - Approved By: NOREVIEW : 03-08-2016:14:56:22 |
| 03-08-2016 Plaintiff | Notice of Taking Deposition Filed by: TERESA M. PILATOWICZ, ESQ. Notice of Taking Deposition Amended Notice of Deposition of Stanton Bernstein - Transaction 5405908 - Approved By: YVILORIA : 03-08-2016:15:05:37 |
| 03-08-2016 Plaintiff | Notice of Taking Deposition |

| | |
|-------------------------|--|
| | Filed by: TERESA M. PILATOWICZ, ESQ. Notice of Taking Deposition Amende Notice of Deposition of PMK of Gursej Schneider LLP - Transaction 5405896 - Approved By: YVILORIA : 03-08-2016:15:02:52 |
| 03-08-2016 Plaintiff | Notice of Taking Deposition Filed by: TERESA M. PILATOWICZ, ESQ. Notice of Taking Deposition Notice of Deposition of Jan Frederich - Transaction 5405886 - Approved By: YVILORIA : 03-08-2016:14:55:21 |
| 03-03-2016 | Comm/Take Out/State Depo Filed Comm/Take Out/State Depo |
| 03-03-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5398717 - Approved By: NOREVIEW : 03-03-2016:12:30:28 |
| 03-03-2016 Court | Application Filed by: BARRY L. BRESLOW, ESQ. Application ... APPLICATION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION OUT OF STATE - Transaction 5398711 - Approved By: CCOVINGT : 03-03-2016:12:29:31 |
| 03-03-2016 Court | Notice of Taking Deposition Filed by: BARRY L. BRESLOW, ESQ. Notice of Taking Deposition DEFENDANTS' NOTICE OF TAKING THE DEPOSITION OF MICHAEL SEVITZ - Transaction 5398711 - Approved By: CCOVINGT : 03-03-2016:12:29:31 |
| 02-26-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5388986 - Approved By: NOREVIEW : 02-26-2016:10:08:56 |
| 02-26-2016 Plaintiff | Notice of Taking Deposition Filed by: TERESA M. PILATOWICZ, ESQ. Notice of Taking Deposition Amended Notice of Deposition of Person Most Knowledgeable of Gursej Schneider - Transaction 5388966 - Approved By: YVILORIA : 02-26-2016:10:07:58 |
| 02-24-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5385429 - Approved By: NOREVIEW : 02-24-2016:16:20:36 |
| 02-24-2016 | Application for Setting Filed Application for Setting Trial-6/8/16; Pretrial Hearings-6/6 & 6/7/16; PTC- 4/13/16 - Transaction 5385061 - Approved By: YVILORIA : 02-24-2016:16:19:14 |
| 02-24-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5384244 - Approved By: NOREVIEW : 02-24-2016:12:02:51 |
| 02-24-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5384184 - Approved By: NOREVIEW : 02-24-2016:11:47:32 |
| 02-24-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5383956 - Approved By: NOREVIEW : 02-24-2016:10:59:01 |
| 02-24-2016 Plaintiff | Notice Filed by: TERESA M. PILATOWICZ, ESQ. Notice ... Notice of Issuance of Subpoena to Custodian of Records of Compass Bank - Transaction 5383855 - Approved By: YVILORIA : 02-24-2016:12:00:58 - Exhibit 1 |
| 02-24-2016 Plaintiff | Notice Filed by: TERESA M. PILATOWICZ, ESQ. Notice ... OF DEPOSITION OF MICHELE SALAZAR - 3/24/16 AT 1000 - Transaction 5383849 - Approved By: RKWATKIN : 02-24-2016:10:57:58 |
| 02-24-2016 Plaintiff | Notice Filed by: TERESA M. PILATOWICZ, ESQ. Notice ... Notice of Issuance of Subpoena of Paul Morabito - Transaction 5383846 - Approved By: YVILORIA : 02-24-2016:11:46:29 - Exhibit 1 |
| 02-19-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5376704 - Approved By: NOREVIEW : 02-19-2016:09:51:35 |
| 02-19-2016 | Notice of Electronic Filing |

| | |
|-------------------------|--|
| | Filed Proof of Electronic Service Transaction 5376679 - Approved By: NOREVIEW : 02-19-2016:09:47:27 |
| 02-19-2016 Plaintiff | Notice Filed by: TERESA M. PILATOWICZ, ESQ. Notice ... NOTICE OF ISSUANCE OF SUBPOENA TO CUSTODIAN OF RECORDS OF COMPASS BANK - Transaction 5376442 - Approved By: MFERNAND : 02-19-2016:09:50:45 - Exhibit 1 |
| 02-19-2016 Plaintiff | Notice Filed by: TERESA M. PILATOWICZ, ESQ. Notice ... NOTICE OF ISSUANCE OF SUBPOENA TO MICHELLE SALAZAR - Transaction 5376428 - Approved By: MFERNAND : 02-19-2016:09:46:31 - Exhibit 1 |
| 02-18-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5376146 - Approved By: NOREVIEW : 02-18-2016:16:45:24 |
| 02-18-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5376144 - Approved By: NOREVIEW : 02-18-2016:16:44:45 |
| 02-18-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5376127 - Approved By: NOREVIEW : 02-18-2016:16:41:06 |
| 02-18-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5376115 - Approved By: NOREVIEW : 02-18-2016:16:38:55 |
| 02-18-2016 Plaintiff | Notice of Taking Deposition Filed by: TERESA M. PILATOWICZ, ESQ. Notice of Taking Deposition Notice of Deposition of Paul Morabito - Transaction 5375836 - Approved By: YVILORIA : 02-18-2016:16:44:27 |
| 02-18-2016 Plaintiff | Application Filed by: TERESA M. PILATOWICZ, ESQ. Application ... Application for Commission to Take Deposition - Transaction 5375827 - Approved By: YVILORIA : 02-18-2016:16:43:47 - Exhibit 1 |
| 02-18-2016 Plaintiff | Notice Filed by: TERESA M. PILATOWICZ, ESQ. Notice ... Notice of Issuance of Subpoena to Darryl Nobel - Transaction 5375768 - Approved By: YVILORIA : 02-18-2016:16:40:00 - Exhibit 1 |
| 02-18-2016 Plaintiff | Notice Filed by: TERESA M. PILATOWICZ, ESQ. Notice ... NOTICE OF ISSUANCE OF SUBPOENA TO DENNIS BANKS - Transaction 5375746 - Approved By: YVILORIA : 02-18-2016:16:37:55 - Exhibit 1 |
| 02-18-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5375312 - Approved By: NOREVIEW : 02-18-2016:14:23:29 |
| 02-18-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5375195 - Approved By: NOREVIEW : 02-18-2016:14:04:07 |
| 02-18-2016 Plaintiff | Comm/Take Out/State Depo Filed by: GERALD M. GORDON, ESQ. Comm/Take Out/State Depo Transaction 5375191 - Approved By: BRAMIREZ : 02-18-2016:14:03:12 |
| 02-18-2016 Plaintiff | Notice of Taking Deposition Filed by: TERESA M. PILATOWICZ, ESQ. Notice of Taking Deposition Notice of Continued Deposition of Dennis Vacco - Transaction 5375086 - Approved By: MCHOLICO : 02-18-2016:14:22:30 |
| 02-17-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5373534 - Approved By: NOREVIEW : 02-17-2016:16:17:46 |
| 02-17-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5373485 - Approved By: NOREVIEW : 02-17-2016:16:10:51 |
| 02-17-2016 | |

| | |
|-------------------------|---|
| | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5373159 - Approved By: NOREVIEW : 02-17-2016:15:09:25 |
| 02-17-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5372918 - Approved By: NOREVIEW : 02-17-2016:14:22:02 |
| 02-17-2016 Plaintiff | Notice of Taking Deposition Filed by: TERESA M. PILATOWICZ, ESQ. Notice of Taking Deposition Notice of Deposition of Darryl Noble - Transaction 5372702 - Approved By: YVILORIA : 02-17-2016:15:08:37 |
| 02-17-2016 Plaintiff | Notice of Taking Deposition Filed by: TERESA M. PILATOWICZ, ESQ. Notice of Taking Deposition Notice of Deposition of Dennis Banks - Transaction 5372586 - Approved By: YVILORIA : 02-17-2016:14:20:38 |
| 02-17-2016 Plaintiff | Notice of Taking Deposition Filed by: TERESA M. PILATOWICZ, ESQ. Notice of Taking Deposition Notice of Deposition of Paul Alves, MAI MARCH 23, 2016 @10:00AM - Transaction 5372570 - Approved By: KJONES : 02-17-2016:16:16:59 |
| 02-17-2016 Plaintiff | Notice Filed by: TERESA M. PILATOWICZ, ESQ. Notice ... Notice of Issuance of Subpoena to Paul Alves, MAI - Transaction 5372562 - Approved By: KJONES : 02-17-2016:16:09:37 |
| 02-17-2016 Plaintiff | Notice Filed by: TERESA M. PILATOWICZ, ESQ. Notice ... Exhibit 1 - Transaction 5372562 - Approved By: KJONES : 02-17-2016:16:09:37 |
| 02-16-2016 Court | Comm/Take Out/State Depo Filed by: BARRY L. BRESLOW, ESQ. Comm/Take Out/State Depo |
| 02-16-2016 Court | Application Filed by: BARRY L. BRESLOW, ESQ. Application ... APPLICATION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION OUT OF STATE |
| 02-16-2016 Court | Notice of Taking Deposition Filed by: BARRY L. BRESLOW, ESQ. Notice of Taking Deposition RONALD L. BUSS |
| 02-03-2016 | Comm/Take Out/State Depo Filed Comm/Take Out/State Depo STANTON BERNSTEIN |
| 02-03-2016 | Comm/Take Out/State Depo Filed Comm/Take Out/State Depo GURSEY SCHNEIDER LLP |
| 02-03-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5350163 - Approved By: NOREVIEW : 02-03-2016:08:07:37 |
| 02-03-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5350160 - Approved By: NOREVIEW : 02-03-2016:08:06:06 |
| 02-02-2016 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5349957 - Approved By: NOREVIEW : 02-02-2016:16:46:11 |
| 02-02-2016 Plaintiff | Notice of Taking Deposition Filed by: TERESA M. PILATOWICZ, ESQ. Notice of Taking Deposition NOTICE OF DEPOSITION OF PERSON MOST KNKOWLEDGEABLE OF GURSEY SCHNEIDER LLP - Transaction 5349905 - Approved By: YVILORIA : 02-03-2016:08:06:51 |
| 02-02-2016 Plaintiff | Application Filed by: TERESA M. PILATOWICZ, ESQ. Application ... APPLICATION FOR COMMISSION TO TAKE DEPOSITION - Transaction 5349905 - Approved By: YVILORIA : 02-03-2016:08:06:51 - Exhibit 1 |
| 02-02-2016 Plaintiff | Notice Filed by: TERESA M. PILATOWICZ, ESQ. Notice ... OF ISSUANCE OF SUBPOENA TO GURSEY SCHNEIDER LLP - Transaction 5349893 - Approved By: YVILORIA : 02-03-2016:08:05:21 |

- Exhibit 1

Notice

02-02-2016
Plaintiff

Filed by: TERESA M. PILATOWICZ, ESQ.

Notice ... NOTICE OF ISSUANCE OF SUBPOENA TO CUSTODIAN OF RECORDS, HANCOCK PARK INSURANCE SERVICES - Transaction 5349844 - Approved By: YVILORIA : 02-02-2016:16:45:13

- Exhibit 1

Notice of Electronic Filing

02-02-2016

Filed

Proof of Electronic Service Transaction 5349807 - Approved By: NOREVIEW : 02-02-2016:16:19:07

Notice of Electronic Filing

02-02-2016

Filed

Proof of Electronic Service Transaction 5349740 - Approved By: NOREVIEW : 02-02-2016:16:05:55

Notice of Taking Deposition

02-02-2016
Plaintiff

Filed by: TERESA M. PILATOWICZ, ESQ.

Notice of Taking Deposition NOTICE OF DEPOSITION OF STANTON BERNSTEIN - Transaction 5349662 - Approved By: YVILORIA : 02-02-2016:16:18:06

Application

02-02-2016
Plaintiff

Filed by: TERESA M. PILATOWICZ, ESQ.

Application ... APPLICATION FOR COMMISSION TO TAKE DEPOSITION - Transaction 5349662 - Approved By: YVILORIA : 02-02-2016:16:18:06

- Exhibit 1

Notice

02-02-2016
Plaintiff

Filed by: TERESA M. PILATOWICZ, ESQ.

Notice ... NOTICE OF ISSUANCE OF SUBPOENA TO STANTON BERNSTEIN - Transaction 5349662 - Approved By: YVILORIA : 02-02-2016:16:18:06

- Exhibit 1

Notice

02-02-2016
Plaintiff

Filed by: TERESA M. PILATOWICZ, ESQ.

Notice ... NOTICE OF ISSUANCE OF SUBPOENA TO CUSTODIAN OF RECORDS HANCOCK PARK INSURANCE SERVICES - Transaction 5349521 - Approved By: CSULEZIC : 02-02-2016:16:05:09

- Continuation

Notice of Electronic Filing

01-14-2016

Filed

Proof of Electronic Service Transaction 5320984 - Approved By: NOREVIEW : 01-14-2016:12:38:07

Notice of Taking Deposition

01-14-2016
Court

Filed by: BARRY L. BRESLOW, ESQ.

Notice of Taking Deposition DEFENDANTS' NOTICE OF TAKING VIDEO CONFERENCE OF DANIEL CHRISTIAN - Transaction 5320975 - Approved By: YVILORIA : 01-14-2016:12:37:08

Application

01-14-2016
Court

Filed by: BARRY L. BRESLOW, ESQ.

Application ... APPLICATION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION OUT OF STATE - Transaction 5320975 - Approved By: YVILORIA : 01-14-2016:12:37:08

Other ...

01-14-2016
Court

Filed by: BARRY L. BRESLOW, ESQ.

Other ... COMMISSION TO TAKE DEPOSITION OUT OF STATE - Transaction 5320975 - Approved By: YVILORIA : 01-14-2016:12:37:08

Notice of Electronic Filing

01-14-2016

Filed

Proof of Electronic Service Transaction 5320958 - Approved By: NOREVIEW : 01-14-2016:12:31:54

Notice of Taking Deposition

01-14-2016
Court

Filed by: BARRY L. BRESLOW, ESQ.

Notice of Taking Deposition DEFENDANTS' NOTICE OF TAKING VIDEO CONFERENCE DEPOSITION OF MARK JUSTMANN - Transaction 5320953 - Approved By: YVILORIA : 01-14-2016:12:30:58

Application

01-14-2016
Court

Filed by: BARRY L. BRESLOW, ESQ.

Application ... APPLICATION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION OUT OF STATE - Transaction 5320953 - Approved By: YVILORIA : 01-14-2016:12:30:58

Other ...

01-14-2016
Court

Filed by: BARRY L. BRESLOW, ESQ.

Other ... COMMISSION TO TAKE DEPOSITION OUT OF STATE - Transaction 5320953 - Approved By: YVILORIA : 01-14-2016:12:30:58

09-21-2015
Plaintiff

Comm/Take Out/State Depo

Filed by: GERALD M. GORDON, ESQ.
[Comm/Take Out/State Depo](#)

09-21-2015
 Plaintiff
 Comm/Take Out/State Depo
 Filed by: GERALD M. GORDON, ESQ.
[Comm/Take Out/State Depo](#)

09-21-2015
 Plaintiff
 Comm/Take Out/State Depo
 Filed by: GERALD M. GORDON, ESQ.
[Comm/Take Out/State Depo COMMISSION TO TAKE DEPOSITION](#)

09-18-2015
 Notice of Electronic Filing
 Filed
[Proof of Electronic Service Transaction 5147573 - Approved By: NOREVIEW : 09-18-2015:09:01:27](#)

09-17-2015
 Plaintiff
 Application
 Filed by: TERESA M. PILATOWICZ, ESQ.
[Application ... APPLICATION FOR COMMISSION TO TAKE DEPOSITION - Transaction 5147154 - Approved By: CSULEZIC : 09-18-2015:08:58:37](#)
 - [Exhibit 1](#)

09-17-2015
 Plaintiff
 Application
 Filed by: TERESA M. PILATOWICZ, ESQ.
[Application ... APPLICATION FOR COMMISSION TO TAKE DEPOSITION - Transaction 5147154 - Approved By: CSULEZIC : 09-18-2015:08:58:37](#)
 - [Exhibit 1](#)

09-17-2015
 Plaintiff
 Application
 Filed by: TERESA M. PILATOWICZ, ESQ.
[Application ... APPLICATION FOR COMMISSION TO TAKE DEPOSITION - Transaction 5147154 - Approved By: CSULEZIC : 09-18-2015:08:58:37](#)
 - [Exhibit 1](#)

08-27-2015
 Notice of Electronic Filing
 Filed
[Proof of Electronic Service Transaction 5115772 - Approved By: NOREVIEW : 08-27-2015:15:50:15](#)

08-27-2015
 Plaintiff
 Amended
 Filed by: TERESA M. PILATOWICZ, ESQ.
[Amended ... AMENDED NOTICE OF DEPOSITION OF SALVATION MORABITO - Transaction 5115154 - Approved By: MCHOLICO : 08-27-2015:15:49:15](#)

08-21-2015
 Notice of Electronic Filing
 Filed
[Proof of Electronic Service Transaction 5105066 - Approved By: NOREVIEW : 08-21-2015:09:23:41](#)

08-20-2015
 Plaintiff
 Notice of Taking Deposition
 Filed by: TERESA M. PILATOWICZ, ESQ.
[Notice of Taking Deposition DENNIS VACCO - Transaction 5104371 - Approved By: YLLOYD : 08-21-2015:09:22:39](#)

08-20-2015
 Plaintiff
 Notice of Taking Deposition
 Filed by: TERESA M. PILATOWICZ, ESQ.
[Notice of Taking Deposition SALVATORE MORABITO - Transaction 5104371 - Approved By: YLLOYD : 08-21-2015:09:22:39](#)

08-20-2015
 Plaintiff
 Notice of Taking Deposition
 Filed by: TERESA M. PILATOWICZ, ESQ.
[Notice of Taking Deposition THE PERSON MOST KNOWLEDGABLE OF SNOWSHOE PETROLEUM INC - Transaction 5104371 - Approved By: YLLOYD : 08-21-2015:09:22:39](#)

08-06-2015
 Plaintiff
 Comm/Take Out/State Depo
 Filed by: GERALD M. GORDON, ESQ.
[Comm/Take Out/State Depo](#)

08-04-2015
 Notice of Electronic Filing
 Filed
[Proof of Electronic Service Transaction 5076642 - Approved By: NOREVIEW : 08-04-2015:11:24:58](#)

08-04-2015
 Plaintiff
 Notice of Taking Deposition
 Filed by: TERESA M. PILATOWICZ, ESQ.
[Notice of Taking Deposition NOTICE OF DEPOSITION OF EDWARD BAYUK - Transaction 5076390 - Approved By: MCHOLICO : 08-04-2015:11:23:54](#)

08-04-2015
 Plaintiff
 Application
 Filed by: TERESA M. PILATOWICZ, ESQ.
[Application ... APPLICATION FOR COMMISSION TO TAKE DEPOSITION - Transaction 5076390 - Approved By: MCHOLICO : 08-04-2015:11:23:54](#)
 - [Exhibit 1](#)

07-07-2015

| | |
|-------------------------|--|
| | Notice of Electronic Filing |
| | Filed |
| | Proof of Electronic Service Transaction 5034450 - Approved By: NOREVIEW : 07-07-2015:17:00:31 |
| | Stipulation |
| 07-07-2015 | Filed |
| | Stipulation ... STIPULATION AND ORDER REGARDING CONTINUED DISCOVERY DATES - Transaction 5034281 - Approved By: CSULEZIC : 07-07-2015:16:59:33 |
| | - Exhibit 1 |
| | Notice of Electronic Filing |
| 06-16-2015 | Filed |
| | Proof of Electronic Service Transaction 5003416 - Approved By: NOREVIEW : 06-16-2015:15:49:04 |
| | Stip and Order |
| 06-16-2015 | Filed |
| | Stip and Order... TO SUBSTITUTE A PARTY PURSUANT TO NRCP 17(a) - Transaction 5003411 - Approved By: NOREVIEW : 06-16-2015:15:46:10 |
| | Notice of Electronic Filing |
| 06-15-2015 | Filed |
| | Proof of Electronic Service Transaction 4999297 - Approved By: NOREVIEW : 06-15-2015:07:37:20 |
| | Ord Granting Continuance |
| 06-12-2015 | Filed |
| | Ord Granting Continuance Stipulation to Continue Trial - Trial set for 6/13/16 - Transaction 4998737 - Approved By: MPURDY : 06-15-2015:07:36:18 |
| | Application for Setting |
| 06-12-2015 | Filed |
| | Application for Setting Trial - 6/13/16; PTC - 2/24/16 - Transaction 4998737 - Approved By: MPURDY : 06-15-2015:07:36:18 |
| | Notice of Electronic Filing |
| 06-11-2015 | Filed |
| | Proof of Electronic Service Transaction 4996479 - Approved By: NOREVIEW : 06-11-2015:16:50:23 |
| | Notice of Electronic Filing |
| 06-11-2015 | Filed |
| | Proof of Electronic Service Transaction 4994382 - Approved By: NOREVIEW : 06-11-2015:09:07:29 |
| | Stipulation to Continuance |
| 06-10-2015 | Filed |
| | Stipulation to Continuance STIPULATION AND ORDER REGARDING MOTION TO CONTINUE TRIAL AND REOPEN DISCOVERY ON SHORTENED TIME - Transaction 4993888 - Approved By: CSULEZIC : 06-11-2015:09:06:46 |
| | - Exhibit 1 |
| | Notice of Electronic Filing |
| 06-09-2015 | Filed |
| | Proof of Electronic Service Transaction 4989277 - Approved By: NOREVIEW : 06-09-2015:07:13:16 |
| | ***Minutes |
| 06-09-2015 | Filed |
| | ***Minutes HRG - EX PARTE MTN FOR ORDER.... - 6/03/15 - Transaction 4989276 - Approved By: NOREVIEW : 06-09-2015:07:12:26 |
| | Notice of Electronic Filing |
| 06-02-2015 | Filed |
| | Proof of Electronic Service Transaction 4979028 - Approved By: NOREVIEW : 06-02-2015:10:36:29 |
| | Notice of Electronic Filing |
| 06-02-2015 | Filed |
| | Proof of Electronic Service Transaction 4978785 - Approved By: NOREVIEW : 06-02-2015:09:23:04 |
| | Ord Setting Hearing |
| 06-02-2015 | Filed |
| | Ord Setting Hearing re: EX PARTE MTN FOR ORDER SHORTENING TIME FOR MTN TO CONTINUE TRIAL - Transaction 4978784 - Approved By: NOREVIEW : 06-02-2015:09:22:04 |
| | Answer to Amended Complaint |
| 06-02-2015 Defendant | Filed by: FRANK C. GILMORE, ESQ. |
| | Answer to Amended Complaint DEFENDANTS' ANSWER TO FIRST AMENDED COMPLAINT - Transaction 4978747 - Approved By: YLLOYD : 06-02-2015:10:35:33 |
| | Notice of Electronic Filing |
| 05-29-2015 | Filed |
| | Proof of Electronic Service Transaction 4976354 - Approved By: NOREVIEW : 05-29-2015:16:50:54 |
| 05-29-2015 | Motion |

| | |
|-------------------------|--|
| | Filed Motion ... TO CONTINUE TRIAL AND REOPEN DISCOVERY ON SHORTENED - Transaction 4976179 - Approved By: CSULEZIC : 05-29-2015:16:48:53 |
| 05-29-2015 | Declaration Filed Declaration WILLIAM LEONARD - Transaction 4976179 - Approved By: CSULEZIC : 05-29-2015:16:48:53 |
| 05-29-2015 | Mtn Ord Shortening Time Filed Mtn Ord Shortening Time EX PARTE MOTION FOR ORDER SHORTENING TIME FOR MOTION TO CONTINUE TRIAL AND REOPEN DISCOVERY ON SHORTENED TIME - Transaction 4976179 - Approved By: CSULEZIC : 05-29-2015:16:48:53 |
| 05-29-2015 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 4975178 - Approved By: NOREVIEW : 05-29-2015:10:35:30 |
| 05-29-2015 | Comm/Take Out/State Depo Filed Comm/Take Out/State Depo COMMISSION TO TAKE DEPOSITION OUTSIDE THE STATE OF NEVADA - Transaction 4975171 - Approved By: BRAMIREZ : 05-29-2015:10:34:32 |
| 05-29-2015 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 4974944 - Approved By: NOREVIEW : 05-29-2015:09:47:25 |
| 05-29-2015 Court | Application Filed by: BARRY L. BRESLOW, ESQ. Application ... APPLICATION FOR ISSUANCE FO COMMISSION TO TAKE OUT-OF-STATE NRCP 30(b)(6) VIDEOCONFERENCE DEPOSITION OF MATRIX CAPITAL MARKETS GROUP, INC - Transaction 4974917 - Approved By: YLLOYD : 05-29-2015:09:46:27 - Exhibit 1 |
| 05-29-2015 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 4974739 - Approved By: NOREVIEW : 05-29-2015:08:53:22 |
| 05-28-2015 Court | Notice of Taking Deposition Filed by: BARRY L. BRESLOW, ESQ. Notice of Taking Deposition Transaction 4974361 - Approved By: YLLOYD : 05-29-2015:08:52:19 |
| 05-26-2015 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 4969576 - Approved By: NOREVIEW : 05-26-2015:16:16:06 |
| 05-26-2015 Plaintiff | Substitution of Counsel Filed by: JOHN P. DESMOND, ESQ. Substitution of Counsel GERALD M. GORDON, ESQ., TERESA M. PILATOWICZ, ESQ., AND MARK M. WEISENMILLER, ESQ. OBO PLTF WILLIAM A. LEONARD IN PLACE OF JOHN P. DESMOND, ESQ. AND BRIAN R. IRVINE, ESQ. - Transaction 4969260 - Approved By: TBRITTON : 05-26-2015:16:14:51 |
| 05-21-2015 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 4964256 - Approved By: NOREVIEW : 05-21-2015:10:40:41 |
| 05-21-2015 | ***Minutes Filed ***Minutes PRE-TRIAL CONFERENCE - 5/14/15 - Transaction 4964249 - Approved By: NOREVIEW : 05-21-2015:10:39:41 |
| 05-21-2015 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 4963721 - Approved By: NOREVIEW : 05-21-2015:07:48:33 |
| 05-21-2015 | Transcript Filed Transcript pre trial conference - Transaction 4963720 - Approved By: NOREVIEW : 05-21-2015:07:47:34 : this document can only be accessed at the court |
| 05-20-2015 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 4962413 - Approved By: NOREVIEW : 05-20-2015:11:49:25 |
| 05-20-2015 | Transcript Filed Transcript pretrial conference - Transaction 4962410 - Approved By: NOREVIEW : 05-20-2015:11:48:24 : this document can only be accessed at the court |
| 05-18-2015 | Notice of Electronic Filing Filed |

| | | |
|-------------------------|------------------------------|---|
| | | Proof of Electronic Service Transaction 4956981 - Approved By: NOREVIEW : 05-18-2015:09:00:22 |
| 05-15-2015 Plaintiff | Amended Complaint | <p>Filed by: BRIAN R. IRVINE, ESQ.</p> <p>Amended Complaint FIRST AMENDED COMPLAINT - Transaction 4956616 - Approved By: CSULEZIC : 05-18-2015:08:58:24</p> |
| 05-15-2015 | Notice of Electronic Filing | <p>Filed</p> <p>Proof of Electronic Service Transaction 4955621 - Approved By: NOREVIEW : 05-15-2015:13:03:33</p> |
| 05-15-2015 | Stip and Order | <p>Filed</p> <p>Stip and Order... TO FILE AMENDED COMPLAINT - Transaction 4955617 - Approved By: NOREVIEW : 05-15-2015:13:02:32</p> |
| 05-15-2015 | Notice of Electronic Filing | <p>Filed</p> <p>Proof of Electronic Service Transaction 4955609 - Approved By: NOREVIEW : 05-15-2015:12:58:02</p> |
| 05-15-2015 | Stip and Order | <p>Filed</p> <p>Stip and Order... TO SUBSTIUTE A PARTY PURSUANT TO NRCP 17(a) - Transaction 4955606 - Approved By: NOREVIEW : 05-15-2015:12:57:03</p> |
| 05-14-2015 | Notice of Electronic Filing | <p>Filed</p> <p>Proof of Electronic Service Transaction 4952807 - Approved By: NOREVIEW : 05-14-2015:09:24:24</p> |
| 05-13-2015 Plaintiff | Report | <p>Filed by: BRIAN R. IRVINE, ESQ.</p> <p>Report... STATUS REPORT IN ADVANCE OF PRE-TRIAL STATUS CONFERENCE - Transaction 4952390 - Approved By: CSULEZIC : 05-14-2015:09:22:34</p> <ul style="list-style-type: none"> - Exhibit 1 - Exhibit 2 - Exhibit 3 - Exhibit 4 - Exhibit 5 - Exhibit 6 - Exhibit 7 - Exhibit 8 - Exhibit 9 - Exhibit 10 - Exhibit 11 |
| 02-17-2015 | Notice of Electronic Filing | <p>Filed</p> <p>Proof of Electronic Service Transaction 4819539 - Approved By: NOREVIEW : 02-17-2015:11:56:22</p> |
| 02-17-2015 Plaintiff | Supplemental ... | <p>Filed by: BRIAN R. IRVINE, ESQ.</p> <p>Supplemental ... SUPPLEMENTAL NOTICE OF BANKRUPTCY OF CONSOLIDATED NEVADA CORPORATION AND PAUL A. MORABITO - Transaction 4818801 - Approved By: YLLOYD : 02-17-2015:11:55:26</p> <ul style="list-style-type: none"> - Exhibit 1 - Exhibit 2 - Exhibit 3 - Exhibit 4 |
| 02-11-2015 | Notice of Electronic Filing | <p>Filed</p> <p>Proof of Electronic Service Transaction 4814723 - Approved By: NOREVIEW : 02-11-2015:16:44:19</p> |
| 02-11-2015 Plaintiff | Notice | <p>Filed by: BRIAN R. IRVINE, ESQ.</p> <p>Notice ... NOTICE OF BANKRUPTCY OF CONSOLIDATED NEVADA CORPORATION AND PAUL A. MORABITO - Transaction 4814662 - Approved By: MELWOOD : 02-11-2015:16:43:25</p> |
| 11-18-2014 | Notice of Electronic Filing | <p>Filed</p> <p>Proof of Electronic Service Transaction 4700414 - Approved By: NOREVIEW : 11-18-2014:10:15:44</p> |
| 11-18-2014 | Pre-Trial Order | <p>Filed</p> <p>Pre-Trial Order Transaction 4700407 - Approved By: NOREVIEW : 11-18-2014:10:14:45</p> |
| 11-06-2014 | Notice of Electronic Filing | <p>Filed</p> <p>Proof of Electronic Service Transaction 4685200 - Approved By: NOREVIEW : 11-06-2014:14:21:32</p> |
| 11-06-2014 Plaintiff | Joint Case Conference Report | <p>Filed by: BRIAN R. IRVINE, ESQ.</p> |

| | |
|-------------------------|--|
| | Joint Case Conference Report Transaction 4685099 - Approved By: MELWOOD : 11-06-2014:14:20:38 |
| 10-20-2014 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 4659024 - Approved By: NOREVIEW : 10-20-2014:10:46:53 |
| 10-20-2014 | Application for Setting - eFile Filed Application for Setting eFile Transaction 4659018 - Approved By: NOREVIEW : 10-20-2014:10:45:53 |
| 09-29-2014 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 4627573 - Approved By: NOREVIEW : 09-29-2014:12:02:58 |
| 09-29-2014 Defendant | Answer - Business Court Filed by: FRANK C. GILMORE, ESQ. \$Answer - Business Court EDWARD BAYUK - Transaction 4627446 - Approved By: YLLOYD : 09-29-2014:12:01:57 |
| 09-29-2014 Defendant | NRCP 16.1 Doc/Designation Filed by: FRANK C. GILMORE, ESQ. NRCP 16.1 Doc/Designation DEFENDANTS' NRCP 7.1 DISCLOSURE - Transaction 4627446 - Approved By: YLLOYD : 09-29-2014:12:01:57 |
| 09-12-2014 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 4604988 - Approved By: NOREVIEW : 09-12-2014:15:32:03 |
| 09-12-2014 Plaintiff | Notice Filed by: BRIAN R. IRVINE, ESQ. Notice ... NOTICE OF FILING OF PROOF OF PUBLICATIONS - Transaction 4604856 - Approved By: MFERNAND : 09-12-2014:15:30:50 - Exhibit 1 - Exhibit 2 - Exhibit 3 |
| 08-12-2014 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 4557977 - Approved By: NOREVIEW : 08-12-2014:13:42:58 |
| 08-12-2014 Plaintiff | Notice of Entry of Ord Filed by: BRIAN R. IRVINE, ESQ. Notice of Entry of Ord Transaction 4557971 - Approved By: NOREVIEW : 08-12-2014:13:42:07 - Continuation |
| 08-12-2014 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 4557960 - Approved By: NOREVIEW : 08-12-2014:13:39:26 |
| 08-12-2014 Plaintiff | Notice of Entry of Ord Filed by: BRIAN R. IRVINE, ESQ. Notice of Entry of Ord Transaction 4557955 - Approved By: NOREVIEW : 08-12-2014:13:38:35 - Continuation |
| 08-12-2014 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 4557828 - Approved By: NOREVIEW : 08-12-2014:13:03:16 |
| 08-12-2014 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 4557826 - Approved By: NOREVIEW : 08-12-2014:13:02:43 |
| 08-12-2014 | Ord for Publication Filed Ord for Publication Transaction 4557822 - Approved By: NOREVIEW : 08-12-2014:13:02:18 |
| 08-12-2014 | Ord for Publication Filed Ord for Publication Transaction 4557818 - Approved By: NOREVIEW : 08-12-2014:13:01:49 |
| 07-31-2014 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 4541165 - Approved By: NOREVIEW : 07-31-2014:11:18:09 |
| 07-31-2014 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 4541159 - Approved By: NOREVIEW : 07-31-2014:11:17:17 |
| 07-31-2014 | Request for Submission |

| | |
|-------------------------|---|
| Plaintiff | <p>Filed by: BRIAN R. IRVINE, ESQ. Request for Submission MOTION TO SERVE EDWARD W. BAYUK BY PUBLICATION (NO PAPER ORDER PROVIDED) - Transaction 4540924 - Approved By: MCHOLICO : 07-31-2014:11:16:36 PARTY SUBMITTING: BRIAN IRVINE, ESQ. DATE SUBMITTED: 7/31/14 SUBMITTED BY: MCHOLICO DATE RECEIVED JUDGE OFFICE:</p> <p>Request for Submission</p> <p>Filed by: BRIAN R. IRVINE, ESQ. Request for Submission MOTION TO SERVE SALVATORE MORABITO (NO PAPER ORDER PROVIDED) - Transaction 4540921 - Approved By: MCHOLICO : 07-31-2014:11:15:55 PARTY SUBMITTING: BRIAN IRVINE, ESQ. DATE SUBMITTED: 7/31/14 SUBMITTED BY: MCHOLICO DATE RECEIVED JUDGE OFFICE:</p> |
| 07-31-2014 Plaintiff | |
| 07-29-2014 | <p>Notice of Electronic Filing</p> <p>Filed Proof of Electronic Service Transaction 4537387 - Approved By: NOREVIEW : 07-29-2014:11:32:47</p> |
| 07-28-2014 Defendant | <p>Answer - Business Court</p> <p>Filed by: FRANK C. GILMORE, ESQ. Answer - Business Court SUPERPUMPER, INC., AND SNOWSHOE PETROLEUM INC - Transaction 4536387 - Approved By: YLLOYD : 07-29-2014:11:31:50</p> |
| 07-28-2014 | <p>Notice of Electronic Filing</p> <p>Filed Proof of Electronic Service Transaction 4536261 - Approved By: NOREVIEW : 07-28-2014:16:22:21</p> |
| 07-28-2014 | <p>Notice of Electronic Filing</p> <p>Filed Proof of Electronic Service Transaction 4536111 - Approved By: NOREVIEW : 07-28-2014:15:47:43</p> |
| 07-28-2014 Plaintiff | <p>Summons Filed</p> <p>Filed by: JOHN P. DESMOND, ESQ. Summons Filed NO SERVICE ON EDWARD BAYUK LIVING TRUST - Transaction 4535745 - Approved By: YLLOYD : 07-28-2014:16:21:23</p> |
| 07-28-2014 Plaintiff | <p>Summons Filed</p> <p>Filed by: JOHN P. DESMOND, ESQ. Summons Filed NO SERVICE ON EDWARD BAYUK - Transaction 4535739 - Approved By: YLLOYD : 07-28-2014:15:46:40</p> |
| 07-22-2014 | <p>Notice of Electronic Filing</p> <p>Filed Proof of Electronic Service Transaction 4528290 - Approved By: NOREVIEW : 07-22-2014:14:06:57</p> |
| 07-22-2014 Plaintiff | <p>Notice of Entry of Ord</p> <p>Filed by: BRIAN R. IRVINE, ESQ. Notice of Entry of Ord Transaction 4528271 - Approved By: NOREVIEW : 07-22-2014:14:03:57 - Continuation</p> |
| 07-22-2014 | <p>Notice of Electronic Filing</p> <p>Filed Proof of Electronic Service Transaction 4528019 - Approved By: NOREVIEW : 07-22-2014:12:32:41</p> |
| 07-22-2014 | <p>Ord Denying Motion</p> <p>Filed Ord Denying Motion SUPERPUMPER, INC.'S, MOTION TO DISMISS COMPLAINT - Transaction 4528015 - Approved By: NOREVIEW : 07-22-2014:12:31:43</p> |
| 07-18-2014 | <p>Notice of Electronic Filing</p> <p>Filed Proof of Electronic Service Transaction 4524649 - Approved By: NOREVIEW : 07-18-2014:16:05:33</p> |
| 07-18-2014 | <p>Notice of Electronic Filing</p> <p>Filed Proof of Electronic Service Transaction 4524625 - Approved By: NOREVIEW : 07-18-2014:15:59:50</p> |
| 07-18-2014 Plaintiff | <p>Summons Filed</p> <p>Filed by: BRIAN R. IRVINE, ESQ. Summons Filed SUPERPUMPER INC 5/30/14 - Transaction 4524581 - Approved By: YLLOYD : 07-18-2014:15:58:51</p> |
| 07-18-2014 Plaintiff | <p>Summons Filed</p> <p>Filed by: BRIAN R. IRVINE, ESQ. Summons Filed NO SERVICE ON SALVATORE MORABITO - Transaction 4524572 - Approved By: YLLOYD : 07-18-2014:16:04:33</p> |
| 07-17-2014 | <p>Notice of Electronic Filing</p> <p>Filed Proof of Electronic Service Transaction 4521309 - Approved By: NOREVIEW : 07-17-2014:10:15:28</p> |
| 07-17-2014 Plaintiff | <p>Notice of Entry of Ord</p> <p>Filed by: BRIAN R. IRVINE, ESQ. Notice of Entry of Ord Transaction 4521307 - Approved By: NOREVIEW : 07-17-2014:10:14:27</p> |

- Continuation

| | |
|-------------------------|---|
| 07-17-2014 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 4521240 - Approved By: NOREVIEW : 07-17-2014:09:49:50 |
| 07-17-2014 | Ord Denying Motion Filed Ord Denying Motion TO DISMISS AS TO SNOWSHOE PETROLEUM, INC. - Transaction 4521231 - Approved By: NOREVIEW : 07-17-2014:09:48:50 |
| 07-16-2014 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 4520464 - Approved By: NOREVIEW : 07-16-2014:16:13:00 |
| 07-16-2014 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 4520456 - Approved By: NOREVIEW : 07-16-2014:16:11:18 |
| 07-16-2014 Plaintiff | Motion Filed by: BRIAN R. IRVINE, ESQ. Motion ... MOTION FOR SERVICE BY PUBLICATION - Transaction 4520413 - Approved By: MCHOLICO : 07-16-2014:16:10:25 <ul style="list-style-type: none"> - Exhibit 1 - Exhibit 2 - Exhibit 3 - Exhibit 4 - Exhibit 5 |
| 07-16-2014 Plaintiff | Motion Filed by: BRIAN R. IRVINE, ESQ. Motion ... MOTION FOR SERVICE BY PUBLICATION - Transaction 4520392 - Approved By: MCHOLICO : 07-16-2014:16:12:00 <ul style="list-style-type: none"> - Exhibit 1 - Exhibit 2 - Exhibit 3 - Exhibit 4 - Exhibit 5 - Exhibit 6 |
| 07-15-2014 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 4517487 - Approved By: NOREVIEW : 07-15-2014:14:09:47 |
| 07-15-2014 Defendant | Reply Filed by: FRANK C. GILMORE, ESQ. Reply... DEFT SUPERPUMPER INC'S REPLY IN SUPPORT OF MOTION TO DISMISS COMPLAINT FOR LACK OF PERSONAL JURISDICTION - Transaction 4517368 - Approved By: AZION : 07-15-2014:14:08:48 |
| 07-15-2014 Defendant | Request for Submission Filed by: FRANK C. GILMORE, ESQ. Request for Submission MOTION TO DISMISS COMPLAINT FOR LACK OF PERSONAL JURISDICTION - Transaction 4517368 - Approved By: AZION : 07-15-2014:14:08:48 DOCUMENT TITLE: MOTION TO DISMISS COMPLAINT FOR LACK OF PERSONAL JURISDICTION PARTY SUBMITTING: FRANK GILMORE ESQ DATE SUBMITTED: 07-15-14 SUBMITTED BY: AZION DATE RECEIVED JUDGE OFFICE: |
| 07-09-2014 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 4510318 - Approved By: NOREVIEW : 07-09-2014:16:58:54 |
| 07-09-2014 Plaintiff | Notice Filed by: BRIAN R. IRVINE, ESQ. Notice ... NOTICE OF CHANGE OF CAPTION - Transaction 4509897 - Approved By: MFERNAND : 07-09-2014:16:56:52 |
| 07-08-2014 | Notice of Electronic Filing Filed Proof of Electronic Service Transaction 4506992 - Approved By: NOREVIEW : 07-08-2014:10:31:06 |
| 07-07-2014 Plaintiff | Opposition to Mtn Filed by: BRIAN R. IRVINE, ESQ. Opposition to Mtn ... OPPOSITION TO MOTION TO DISMISS - Transaction 4506378 - Approved By: MFERNAND : 07-08-2014:10:30:12 <ul style="list-style-type: none"> - Exhibit 1 - Exhibit 2 - Exhibit 3 - Exhibit 4-Part 1 - Exhibit 4-Part 2 - Exhibit 5 - Exhibit 6 - Exhibit 7 - Exhibit 8 |

- Exhibit 9
- Exhibit 9
- Exhibit 10
- Exhibit 11
- Exhibit 12
- Exhibit 13

| | |
|-------------------------|---|
| 06-19-2014 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 4484529 - Approved By: NOREVIEW : 06-19-2014:15:50:51</p> |
| 06-19-2014 Defendant | <p>Mtn to Dismiss</p> <p>Filed by: FRANK C. GILMORE, ESQ.</p> <p>Mtn to Dismiss ... DEFENDANT SUPERPUMPER, INC.'S MOTION TO DISMISS COMPLAINT FOR LACK OF PERSONAL JURISDICTION (NRCP 12(b)(2)) - Transaction 4484171 - Approved By: MFERNAND : 06-19-2014:15:49:53</p> <ul style="list-style-type: none"> - Exhibit 1 |
| 06-06-2014 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 4465911 - Approved By: NOREVIEW : 06-06-2014:11:16:51</p> |
| 06-06-2014 Defendant | <p>Reply</p> <p>Filed by: FRANK C. GILMORE, ESQ.</p> <p>Reply... DEFENDANT SNOWSHOE PETROLEUM, INC.'S REPLY IN SUPPORT OF MOTION TO DISMISS COMPLAINT FOR LACK OF PERSONAL JURISDICTION (NRCP 12(b)(2)) - Transaction 4465761 - Approved By: MCHOLICO : 06-06-2014:11:16:02</p> <ul style="list-style-type: none"> - Exhibit 1 |
| 06-06-2014 Defendant | <p>Request for Submission</p> <p>Filed by: FRANK C. GILMORE, ESQ.</p> <p>Request for Submission DEFENDANT'S MOTION TO DISMISS COMPLAINT FOR LACK OF PERSONAL JURISDICTION (NRCP 12(b)(2)) (NO PAPER ORDER PROVIDED) - Transaction 4465761 - Approved By: MCHOLICO : 06-06-2014:11:16:02 PARTY SUBMITTING: FRANK GILMORE, ESQ. DATE SUBMITTED: 6/6/14 SUBMITTED BY: MCHOLICO DATE RECEIVED JUDGE OFFICE:</p> |
| 06-02-2014 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 4457805 - Approved By: NOREVIEW : 06-02-2014:15:14:37</p> |
| 06-02-2014 Defendant | <p>Answer - Business Court</p> <p>Filed by: FRANK C. GILMORE, ESQ.</p> <p>\$Answer - Business Court ANSWER TO COMPLAINT OF PAUL MORABITO, INDIVIDUALLY AND AS TRUSTEE OF THE ARCADIA LIVING TRUST - Transaction 4457682 - Approved By: MFERNAND : 06-02-2014:15:13:33</p> |
| 05-30-2014 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 4454886 - Approved By: NOREVIEW : 05-30-2014:10:36:06</p> |
| 05-30-2014 Plaintiff | <p>Errata</p> <p>Filed by: BRIAN R. IRVINE, ESQ.</p> <p>Errata... ERRATA TO OPPOSITION TO MOTION TO DISMISS - Transaction 4454593 - Approved By: YLLOYD : 05-30-2014:10:35:08</p> <ul style="list-style-type: none"> - Exhibit 12 |
| 05-30-2014 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 4454516 - Approved By: NOREVIEW : 05-30-2014:09:09:52</p> |
| 05-29-2014 Plaintiff | <p>Opposition to Mtn</p> <p>Filed by: BRIAN R. IRVINE, ESQ.</p> <p>Opposition to Mtn ... Opposition to Motion to Dismiss - Transaction 4454134 - Approved By: AZION : 05-30-2014:09:08:47</p> <ul style="list-style-type: none"> - Exhibit 1 - Exhibit 2 - Exhibit 3 - Exhibit 4 - Exhibit 5 - Exhibit 6 - Exhibit 7 - Exhibit 8 - Exhibit 9 - Exhibit 10 - Exhibit 11 - Exhibit 13 - Exhibit 14 - Exhibit 15 |
| 05-29-2014 | <p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 4453759 - Approved By: NOREVIEW : 05-29-2014:15:05:04</p> |
| 05-29-2014 Plaintiff | <p>Notice of Entry of Ord</p> <p>Filed by: BRIAN R. IRVINE, ESQ.</p> |

Notice of Entry of Ord Transaction 4453755 - Approved By: NOREVIEW : 05-29-2014:15:04:11
- Continuation

05-27-2014 Notice of Electronic Filing
Filed
Proof of Electronic Service Transaction 4450141 - Approved By: NOREVIEW : 05-27-2014:16:34:43

05-27-2014 Ord Granting Mtn
Filed
Ord Granting Mtn ... ENLARGING TIME FOR SERVICE - Transaction 4450130 - Approved By: NOREVIEW : 05-27-2014:16:33:42

05-27-2014 Notice of Electronic Filing
Filed
Proof of Electronic Service Transaction 4449118 - Approved By: NOREVIEW : 05-27-2014:12:01:53

05-27-2014 Request for Submission
Filed by: BRIAN R. IRVINE, ESQ.
Request for Submission REQUEST FOR SUBMISSION OF MOTION TO ENLARGE TIME FOR SERVICE (NO PAPER ORDER PROVIDED)
- Transaction 4448792 - Approved By: MFERNAND : 05-27-2014:12:01:00 PARTY SUBMITTING: BRIAN R. IRVINE, ESQ. DATE
SUBMITTED: 05/27/2014 SUBMITTED BY: M. FERNANDEZ DATE RECEIVED JUDGE OFFICE:

05-23-2014 ** Summons Issued
Filed

05-13-2014 Notice of Electronic Filing
Filed
Proof of Electronic Service Transaction 4428699 - Approved By: NOREVIEW : 05-13-2014:09:27:55

05-13-2014 Acceptance of Service
Filed by: JOHN P. DESMOND, ESQ.
Acceptance of Service OBO DEFT PAUL MORABITO - Transaction 4428662 - Approved By: YVILORIA : 05-13-2014:09:27:13

05-12-2014 Notice of Electronic Filing
Filed
Proof of Electronic Service Transaction 4427455 - Approved By: NOREVIEW : 05-12-2014:12:28:31

05-12-2014 Mtn to Dismiss
Filed by: FRANK C. GILMORE, ESQ.
Mtn to Dismiss ... DEFENDANT SNOWSHOE PETROLEUM, INC'S MOTION TO DISMISS COMPLAINT FOR LACK OF PERSONAL
JURISDICTION - Transaction 4427172 - Approved By: YVILORIA : 05-12-2014:12:27:36

05-12-2014 Declaration
Filed by: FRANK C. GILMORE, ESQ.
Declaration DECLARATION OF SALVATORE MORABITO IN SUPPORT OF SNOWSHOE CAPITAL'S MOTION TO DISMISS FOR LACK OF
PERSONAL JURISDICTION - Transaction 4427172 - Approved By: YVILORIA : 05-12-2014:12:27:36

05-09-2014 Notice of Electronic Filing
Filed
Proof of Electronic Service Transaction 4425863 - Approved By: NOREVIEW : 05-09-2014:14:40:28

05-09-2014 Case Assignment Notification
Filed
Case Assignment Notification PEREMPTORY CHALLENGE - RANDOMLY REASSIGNED TO DEPARTMENT B1, FROM DEPARTMENT B6
- Transaction 4425858 - Approved By: NOREVIEW : 05-09-2014:14:39:28

05-09-2014 Notice of Electronic Filing
Filed
Proof of Electronic Service Transaction 4425694 - Approved By: NOREVIEW : 05-09-2014:14:07:02

05-09-2014 Peremptory Challenge
Filed by: FRANK C. GILMORE, ESQ.
\$Peremptory Challenge DEFT - SNOWSHOE PETROLEUM, INC. - Transaction 4425619 - Approved By: YLLOYD : 05-09-
2014:14:04:11

05-09-2014 Notice of Electronic Filing
Filed
Proof of Electronic Service Transaction 4425603 - Approved By: NOREVIEW : 05-09-2014:13:46:57

05-09-2014 Notice of Appearance
Filed by: FRANK C. GILMORE, ESQ.
Notice of Appearance BARRY BRESLOW, ESQ. & FRANK GILMORE, ESQ. / SNOWSHOE PETROLEUM, INC - Transaction 4425254 -
Approved By: MCHOLICO : 05-09-2014:13:45:56

05-07-2014 ** Summons Issued
Filed

04-23-2014 Notice of Electronic Filing
Filed

| | | |
|-------------------------|------------------------------|---|
| | | Proof of Electronic Service Transaction 4398625 - Approved By: NOREVIEW : 04-23-2014:08:51:06 |
| 04-22-2014 Plaintiff | Summons Filed | <p>Filed by: BRIAN R. IRVINE, ESQ.</p> <p>Summons Filed SNOWSHOE PETROLEUM INC4/21/14 - Transaction 4398395 - Approved By: YLLOYD : 04-23-2014:08:50:10</p> |
| 04-17-2014 | Notice of Electronic Filing | <p>Filed</p> <p>Proof of Electronic Service Transaction 4390500 - Approved By: NOREVIEW : 04-17-2014:09:33:33</p> |
| 04-16-2014 Plaintiff | Motion | <p>Filed by: BRIAN R. IRVINE, ESQ.</p> <p>Motion ... MOTION TO ENLARGE TIME FOR SERVICE - Transaction 4389941 - Approved By: MFERNAND : 04-17-2014:09:32:36</p> <ul style="list-style-type: none"> - Exhibit 1 - Exhibit 2 - Exhibit 3 - Exhibit 4 - Exhibit 5 - Exhibit 6 - Exhibit 7 - Exhibit 8 - Exhibit 9 - Exhibit 10 - Exhibit 11 - Exhibit 12 |
| 04-16-2014 | ** Summons Issued | <p>Filed</p> |
| 12-23-2013 | Notice of Electronic Filing | <p>Filed</p> <p>Proof of Electronic Service Transaction 4215030 - Approved By: NOREVIEW : 12-23-2013:09:13:30</p> |
| 12-23-2013 | Case Assignment Notification | <p>Filed</p> <p>Case Assignment Notification PEREMPTORY CHALLENGE - RANDOMLY REASSIGNED TO DEPARTMENT B6, FROM DEPARTMENT B7 - Transaction 4215012 - Approved By: NOREVIEW : 12-23-2013:09:11:39</p> |
| 12-20-2013 Plaintiff | Peremptory Challenge | <p>Filed by: JOHN P. DESMOND, ESQ.</p> <p>\$Peremptory Challenge PLTFS - JH, INC, A Nevada corporation; JERRY HERBST, an individual; and BERRY-HINCKLEY INDUSTRIES, a Nevada corporation</p> |
| 12-20-2013 | Notice of Electronic Filing | <p>Filed</p> <p>Proof of Electronic Service Transaction 4212783 - Approved By: NOREVIEW : 12-20-2013:11:46:44</p> |
| 12-20-2013 | Case Assignment Notification | <p>Filed</p> <p>Case Assignment Notification BUSINESS COURT - RANDOMLY REASSIGNED TO DEPARTMENT B7, FROM DEPARTMENT 7 - Transaction 4212768 - Approved By: NOREVIEW : 12-20-2013:11:43:22</p> |
| 12-18-2013 | Notice of Electronic Filing | <p>Filed</p> <p>Proof of Electronic Service Transaction 4206455 - Approved By: NOREVIEW : 12-18-2013:11:22:03</p> |
| 12-18-2013 | ** Summons Issued | <p>Filed</p> |
| 12-17-2013 Plaintiff | Complaint - Business Court | <p>Filed by: JOHN P. DESMOND, ESQ.</p> <p>\$Complaint - Business Court Transaction 4204874 - Approved By: AAKOPYAN : 12-17-2013:16:15:21</p> |