

IN THE SUPREME COURT OF THE STATE OF NEVADA

GILBERT P. HYATT,

Appellants,

v.

FRANCHISE TAX BOARD OF THE
STATE OF CALIFORNIA,

Respondents.

Docket No. 84707

Electronically Filed
Oct 10 2022 10:40 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
**APPENDIX OF EXHIBITS TO
APPELLANT'S OPENING BRIEF
VOLUME 1 OF 42**

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Attorneys for Appellant Gilbert P. Hyatt

Chronological Index

Doc No.	Description	Date	Vol.	Bates Range	
1	Order of Remand	8/5/2019	1	AA000001	AA000002
2	Notice of Hearing	8/13/2019	1	AA000003	AA000004
3	Court Minutes re: case remanded, dated September 3, 2019	9/3/2019	1	AA000005	AA000005
4	Recorder's Transcript of Pending Motions	9/25/2019	1	AA000006	AA000019
5	FTB's Briefing re the Requirement of Entry of Judgment in FTB's Favor and Determination that FTB is Prevailing Party	10/15/2019	1	AA000020	AA000040
6	Appendix of Exhibits in Support of FTB's Briefing re the Requirement of Entry of Judgment in FTB's Favor and Determination that FTB is Prevailing Party — Volume 1	10/15/2019	1, 2	AA000041	AA000282
7	Appendix of Exhibits in Support of FTB's Briefing re the Requirement of Entry of Judgment in FTB's Favor and Determination that FTB is Prevailing Party — Volume 2	10/15/2019	2,3	AA000283	AA000535
8	Appendix of Exhibits in Support of FTB's Briefing re the Requirement of Entry of Judgment in FTB's Favor and Determination that FTB is Prevailing Party — Volume 3	10/15/2019	3,4	AA000536	AA000707

9	Plaintiff Gilbert P. Hyatt's Brief in Support of Proposed Form of Judgment That Finds No Prevailing Party in the Litigation and No Award of Attorneys' Fees or Costs, filed October 15, 2019	10/15/2019	4-7	AA000708	AA001592
10	Exhibits 14-34 to Plaintiff Gilbert P. Hyatt's Brief in Support of Proposed Form of Judgment That Finds No Prevailing Party in the Litigation and No Award of Attorneys' Fees or Costs to Either Party, filed October 15, 2019	10/15/2019	7-11	AA001593	AA002438
11	Exhibits 35-66 to Plaintiff Gilbert P. Hyatt's Brief in Support of Proposed Form of Judgment That Finds No Prevailing Party in the Litigation and No Award of Attorneys' Fees or Costs to Either Party, filed October 15, 2019	10/15/2019	11-15	AA002439	AA003430
12	Exhibits 67-82 to Plaintiff Gilbert P. Hyatt's Brief in Support of Proposed Form of Judgment That Finds No Prevailing Party in the Litigation and No Award of Attorneys' Fees or Costs to Either Party, filed October 15, 2019	10/15/2019	15-19	AA003431	AA004403

13	Exhibits 83-94 to Plaintiff Gilbert P. Hyatt's Brief in Support of Proposed Form of Judgment That Finds No Prevailing Party in the Litigation and No Award of Attorneys' Fees or Costs to Either Party, filed October 15, 2019	10/15/2019	19-21	AA004404	AA004733
14	Correspondence re: 1991 state income tax balance, dated December 23, 2019	12/23/2019	21	AA004734	AA004738
15	Judgment	2/21/2020	21	AA004739	AA004748
16	Notice of Entry of Judgment	2/26/2020	21	AA004749	AA004760
17	FTB's Verified Memorandum of Costs	2/26/2020	21	AA004761	AA004772
18	Appendix to FTB's Verified Memorandum of Costs — Volume 1	2/26/2020	21, 22	AA004773	AA004977
19	Appendix to FTB's Verified Memorandum of Costs — Volume 2	2/26/2020	22, 23	AA004978	AA005234
20	Appendix to FTB's Verified Memorandum of Costs — Volume 3	2/26/2020	23, 24	AA005235	AA005596
21	Appendix to FTB's Verified Memorandum of Costs — Volume 4	2/26/2020	24, 25	AA005597	AA005802
22	Appendix to FTB's Verified Memorandum of Costs — Volume 5	2/26/2020	25, 26	AA005803	AA006001
23	Appendix to FTB's Verified Memorandum of Costs — Volume 6	2/26/2020	26, 27	AA006002	AA006250

24	Appendix to FTB's Verified Memorandum of Costs — Volume 7	2/26/2020	27, 28	AA006251	AA006500
25	Appendix to FTB's Verified Memorandum of Costs — Volume 8	2/26/2020	28, 29	AA006501	AA006750
26	Appendix to FTB's Verified Memorandum of Costs — Volume 9	2/26/2020	29, 30	AA006751	AA006997
27	Appendix to FTB's Verified Memorandum of Costs — Volume 10	2/26/2020	30, 31	AA006998	AA007262
28	Appendix to FTB's Verified Memorandum of Costs — Volume 11	2/26/2020	31-33	AA007263	AA007526
29	Appendix to FTB's Verified Memorandum of Costs — Volume 12	2/26/2020	33, 34	AA007527	AA007777
30	Appendix to FTB's Verified Memorandum of Costs — Volume 13	2/26/2020	34, 35	AA007778	AA008032
31	Appendix to FTB's Verified Memorandum of Costs — Volume 14	2/26/2020	35, 36	AA008033	AA008312
32	Appendix to FTB's Verified Memorandum of Costs — Volume 15	2/26/2020	36	AA008313	AA008399
33	Appendix to FTB's Verified Memorandum of Costs — Volume 16	2/26/2020	36, 37	AA008400	AA008591
34	Appendix to FTB's Verified Memorandum of Costs — Volume 17	2/26/2020	37	AA008592	AA008694

35	Plaintiff Gilbert P. Hyatt's Motion to Strike, Motion to Retax, and Alternatively, Motion for Extension of Time to Provide Additional Basis to Retax Costs	3/2/2020	37, 38	AA008695	AA008705
36	FTB's Motion for Attorney's Fees Pursuant to NRCP 68	3/13/2020	38	AA008706	AA008732
37	Appendix to FTB's Motion for Attorney's Fees Pursuant to NRCP 68	3/13/2020	38	AA008733	AA008909
38	FTB's Opposition to Plaintiff Gilbert Hyatt's Motion to Strike, Motion to Retax and, Alternatively, Motion for Extension of Time to Provide Additional Basis to Retax Costs	3/16/2020	38, 39	AA008910	AA008936
40	FTB's Notice of Appeal of Judgment	3/20/2020	39	AA008937	AA008949
41	Plaintiff Gilbert P Hyatt's Opposition to FTB's Motion for Attorney's Fees Pursuant to NRCP 68	3/27/2020	39	AA008950	AA008974
42	Reply in Support of Plaintiff Gilbert P. P Hyatt's Motion to Strike, Motion to Retax and, Alternatively, Motion for Extension of Time to Provide Additional Basis to Retax Costs	4/1/2020	39	AA008975	AA008980
43	Court Minutes	4/9/2020	39	AA008981	AA008982
44	FTB's Reply in Support of Motion for Attorney's Fees	4/14/2020	39	AA008983	AA009012

45	Court Minutes re: motion for attorney fees and costs	4/23/2020	39	AA009013	AA009014
46	Recorder's Transcript of Pending Motions	4/27/2020	39	AA009015	AA009053
47	Order Denying FTB's Motion for Attorney's Fees Pursuant to NRCP 68	6/8/2020	39	AA009054	AA009057
48	Notice of Entry of Order Denying FTB's Motion for Attorney's Fees Pursuant to NRCP 68	6/8/2020	39	AA009058	AA009064
49	FTB's Supplemental Notice of Appeal	7/2/2020	39	AA009065	AA009074
50	Order Affirming in Part, Reversing in Part and Remanding	4/23/2021	39	AA009075	AA009083
51	Remittitur	6/7/2021	39	AA009084	AA009085
52	Hyatt Supplemental Memo in Support of Motion to Retax Costs and Supplemental Appendix	9/29/2021	39, 40	AA009086	AA009283
53	Appendix Of Exhibits In Support Of FTBs Supplemental Brief Vol. 1	12/2/2021	40, 41	AA009284	AA009486
54	Appendix Of Exhibits In Support Of FTBs Supplemental Brief Vol. 2	12/2/2021	41, 42	AA009487	AA009689
55	FTB's Supplemental Brief re Hyatt's Motion to Retax Costs	12/3/2021	42	AA009690	AA009710

56	Minute Order re Motion to Strike Motion to Retax Alternatively Motion for Extension of Time to Provide Additional Basis to Retax Costs	3/10/2022	42	AA009711	AA009712
57	Order Denying Mtn to Strike Mtn to Retax Mtn for Ext of Time	4/6/2022	42	AA009713	AA009720
58	Hyatt Case Appeal Statement	5/6/2022	42	AA009721	AA009725
59	Hyatt Notice of Appeal	5/6/2022	42	AA009726	AA009728
60	Recorder's Transcript of Motion to Retax	1/25/2022	42	AA009729	AA009774
61	Recorder's Transcript Continued Motion to Retax	1/27/2022	42	AA009775	AA009795

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CERTIFICATE OF SERVICE

I certify that I am an employee of HUTCHISON & STEFFEN, PLLC and that on this date the **APPENDIX OF EXHIBITS TO APPELLANT’S OPENING BRIEF VOLUME 1 OF 42** was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list.

DATED this 10th day of October, 2022.

/s/ Kaylee Conradi

An employee of Hutchison & Steffen, PLLC


IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANCHISE TAX BOARD OF THE
STATE OF CALIFORNIA,
Appellant/Cross-Respondent,
vs.
GILBERT P. HYATT,
Respondent/Cross-Appellant.

No. 53264

FILED

AUG 05 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF REMAND


This case comes to us on remand from the United States Supreme Court. In *Franchise Tax Bd. of California v. Hyatt*, 587 U.S. ___, ___, 139 S. Ct. 1485, 1499 (2019), the Court concluded that states retain sovereign immunity from private suits in other courts, overruling *Nevada v. Hall*, 440 U.S. 410 (1979), and reversed our December 26, 2017, opinion affirming in part and reversing in part the district court's judgment in favor of respondent/cross-appellant Gilbert Hyatt. Therefore, we remand this matter to the district court with instructions that the court vacate its judgment in favor of Hyatt and take any further necessary action consistent

19-32774

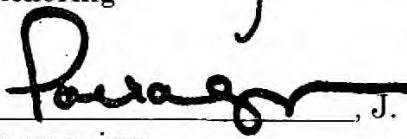
with this order and *Hyatt*, 587 U.S. ___, 139 S. Ct. 1485. Accordingly, we


ORDER this matter REMANDED to the district court for proceedings consistent with this order.


Gibbons C.J.


Pickering, J.


Hardesty, J.

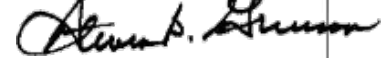

Parraguirre, J.


Stiglich, J.


Cadish, J.


Silver, J.

cc: Hon. Linda Bell, Chief Judge
Eighth Judicial District Court, Dept. 10
McDonald Carano LLP/Reno
Lewis Roca Rothgerber Christie LLP/Las Vegas
Eighth District Court Clerk



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4 **DISTRICT COURT**
5 **CLARK COUNTY, NEVADA**

6 Gilbert Hyatt,

Case No.: 98A382999

7 Plaintiff(s)

Department: X

8 v.

9 California State Franchise Tax Board,
10 et al,

11 Defendant(s)
12

13 **NOTICE OF HEARING**

14
15 PLEASE TAKE NOTICE that this matter is now set for **Further Proceedings:**
16 **Supreme Court Order** on **TUESDAY, AUGUST 27, 2019**, at the hour of **9:30 A.M.**, in
17 District Court Department 10 in the Regional Justice Center, 200 Lewis Avenue, 14th Floor,
18 Courtroom 14B, Las Vegas, Nevada.

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20 DATED: 8/13/19
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24 TIERRA JONES
25 DISTRICT JUDGE
26 DEPARTMENT 10
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CERTIFICATE OF SERVICE

I hereby certify that on or about the date e-filed, this document was served electronically pursuant to the Nevada Electronic Filing Rules, placed in the attorney's folder in the Regional Justice Center or mailed to the proper person as follows:

James Bradshaw, Esq.

Robert Eisenberg, Esq.

Jeffrey Silvestri, Esq.

Peter Bernhard, Esq.

Mark Hutchison, Esq.

Patricia Lundvall, Esq.



Tess Driver
Judicial Executive Assistant
Department 10

**DISTRICT COURT
CLARK COUNTY, NEVADA****Civil Conversion Case Type****COURT MINUTES****September 03, 2019**

98A382999 Gilbert Hyatt
 vs
 California State Franchise Tax Board

September 03, 2019 09:30 AM Supreme Court Order

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Berkshire, Teri

RECORDER: Boyd, Victoria

REPORTER:

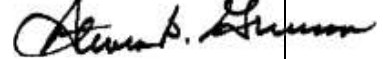
PARTIES PRESENT:

Gilbert P Hyatt	Plaintiff
Mark A Hutchison	Attorney for Plaintiff
Pat Lundvall	Attorney for Defendant

JOURNAL ENTRIES

APPEARANCES CONTINUED: Representative, Mr. Scott DePeel, present.

Court noted the case has been remanded based on the Damages and Costs. Colloquy regarding Supreme Court Order. Mr. Hutchison advised he was just handed an order from opposing counsel, the he is opposed to. Arguments by counsel, stating history of case, and Supreme Court Decisions. Following arguments by counsel, Court directed both sides to submit competing orders. Further, Court directed the parties to brief the issues, as to, is there a prevailing party, if there is a prevailing party, who is that, and why is that the case, as well as whether or not Judgment should be issued in favor of the Franchise Tax Board. COURT ORDERED, both briefs due by 10-15-19. Court noted if the Court can proceed with an order after that date, the Court will issue an order. If not, the Court will re-set the matter for a hearing.



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DISTRICT COURT

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CLARK COUNTY, NEVADA

7

GILBERT HYATT,

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Plaintiff,

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vs.

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CALIFORNIA STATE FRANCHISE
TAX BOARD,

11

12

Defendant.

13

14

BEFORE THE HONORABLE TIERRA D. JONES
DISTRICT COURT JUDGE
TUESDAY, SEPTEMBER 3, 2019

15

RECORDER'S TRANSCRIPT OF PENDING MOTIONS

16

17

APPEARANCES:

18

For the Plaintiff:

MARK A. HUTCHISON, ESQ.

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For the Defendant:

PAT LUNDVALL, ESQ.

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RECORDED BY: VICTORIA BOYD, COURT RECORDER

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Las Vegas, Nevada, September 3, 2019

[Case called at 9:29 a.m.]

THE COURT: -- California State Franchise Tax Board. Good morning, counsel.

MR. HUTCHISON: Good morning, Your Honor.

THE COURT: If we could have everyone's appearances for the record.

MR. HUTCHISON: Your Honor, Mark Hutchison on behalf of Gilbert P. Hyatt. Mr. Hyatt is with me in the courtroom, as well, Your Honor.

THE COURT: Okay.

MS. LUNDVALL: Good morning, Your Honor. Pat Lundvall from McDonald Carano here on behalf of the California Franchise Tax Board. I, too, have a representative with me, Scott DePeel.

THE COURT: Okay. Okay. S this is on for a -- basically, we put it on for a status check based on the Supreme Court's order of remand. So it's been remanded in regards to the damages, as well as in regards to the costs. Do you guys think this is something that you guys have an agreement on, or how do you guys want to proceed with this?

MR. HUTCHISON: Well, Your Honor, I don't think we have an agreement. I was handed -- and I'm sure counsel gave you copies -- but I was handed an order that I think counsel is going to present to the Court for consideration.

THE COURT: Okay.

1 MR. HUTCHISON: We object to the order, Your Honor, on
2 the very basis by which the Court has had this case remanded to the
3 Court. As the Court knows, we've got an order of remand.

4 THE COURT: Right.

5 MR. HUTCHISON: And what the order of remand says is that
6 the U.S. Supreme Court reverses *Nevada v Hall*, and then the Nevada
7 Supreme Court's opinion is that of December 26th, 2007, which actually
8 affirmed in part and reversed in part the judgment in favor of Mr. Hyatt.
9 The Court then said, therefore, we remand this matter to the District
10 Court with instructions that the Court vacate its judgment in favor of
11 Hyatt and take other further necessary actions consistent with this order
12 and the U.S. Supreme Court's order.

13 What the judgment that's being proposed by counsel does is
14 actually enter judgment favor of the FTB, which of course, there's no
15 instruction at all from the Court -- the Nevada Supreme Court, that the
16 judgment be entered in favor of the Franchise Tax Board. To the
17 contrary, the only direction in terms of dealing with the judgment is to
18 vacate the judgment of favor of Hyatt, Your Honor.

19 And so we don't believe that the Court can follow the form
20 that is being presented by the FTB, based on the Court's order of
21 remand. There is no judgment in favor of the FTB. There never has
22 been. There never will be, Your Honor. The jury found in favor of Mr.
23 Hyatt to the tune of \$388.1 million. Judgment was entered in Mr. Hyatt's
24 favor on the Nevada tort case based on that \$388 million judgment.

25 It then went to the Nevada Supreme Court twice. The

1 judgment was affirmed on various levels, still maintaining the judgment
2 in favor of Mr. Hyatt. The only reasons we're even here is because after
3 22 years of litigating, the U.S. Supreme Court now has reversed the case
4 law, and there's good case law that says that just because the underlying
5 case law is reversed, it doesn't make you the prevailing party, it doesn't
6 entitle you to a judgment, Your Honor.

7 So that issue is hotly contested, and we would vehemently
8 object to any form that would suggest that the FTB is either entitled to a
9 judgment or is, in fact, the prevailing party. We believe Mr. Hyatt
10 continues to be the prevailing party in this Nevada tort case, and for the
11 procedural grounds that I've just repeated -- and I'm happy to go into
12 much more detail -- where Mr. Hyatt won at virtually every turn in this
13 Court, and then Your Honor -- and this case -- this Nevada tort case, is
14 based on a residency audit.

15 The whole question was, did Mr. Hyatt move to the State of
16 Nevada or was he still a California resident. That audit was not
17 determined in Nevada, but the torts, the underlying torts that were
18 committed as a result of that audit, is what this case was all about. Mr.
19 Hyatt won at every turn in this Court, and by the way, Your Honor, in the
20 California residency audit case, he won on the residency question, hands
21 down.

22 The residency audit Mr. Hyatt prevailed on in California, that
23 was the basis of the Nevada tort claim, so to suggest that there should
24 be a judgment entered in favor of the FTB, or that there should be a
25 prevailing party determination as the FTB, as a prevailing party, we think

1 it's completely wrong, Your Honor.

2 THE COURT: Counsel?

3 MS. LUNDVALL: Good morning, Your Honor. I think you've
4 got a little bit of a difficult task. You're walking into a case that is now
5 going on its 22nd year of existence. There's a little bit of history,
6 obviously, that went on in this case, and that history is something that is
7 important. Mr. Hutchison has given you part of that history. May I give
8 you the balance of that history?

9 THE COURT: Yes.

10 MS. LUNDVALL: The case was originally filed in 1998. What
11 happened that preceded 1998, is that the FTB had conducted an audit of
12 Mr. Hyatt, and he did not like the results of that audit. What he did, is he
13 took certain legal proceedings then in the State of California, but he also
14 filed this action here in the State of Nevada.

15 Originally, when this case was first filed, we had contested
16 whether or not that the Court had jurisdiction over this case. That issue
17 was briefed. It went to the Nevada Supreme Court. After it went to the
18 Nevada Supreme Court, it went to the U.S. Supreme Court for the first
19 time. And before the U.S. Supreme Court for the first time, we had taken
20 the position that we could fall within the scope of an exception that had
21 been created by the U.S. Supreme Court concerning immunity and
22 State's rights, and we lost before the U.S. Supreme Court back in 2003.

23 The case came down here to the District Court then after
24 being remanded to the Nevada Supreme Court, and then ultimately, back
25 to this Court. There was a trial. The results of that trial then were

1 contested. We went up on appeal to the Nevada Supreme Court, and the
2 Nevada Supreme Court sharply, sharply reduced the judgment. That
3 judgment went from \$490 million down to around a million dollars.

4 We believe that there were certain errors that were
5 committed by the Nevada Supreme Court, and we took an appeal then to
6 the U.S. Supreme Court, once again, contesting the immunity issue. We
7 had advanced actually two arguments the second time around. We
8 prevailed on the first argument, and the Court split four to four on the
9 second argument. The justice that was unable to participate in the final
10 decision was Justice Scalia. When Justice Scalia passed, then the Court
11 had split four to four on the issue of whether or not the FTB was immune
12 from suit here in the State of Nevada.

13 That case then in 2015, was remanded back to the Nevada
14 Supreme Court. We took further proceedings, and in those further
15 proceedings, once again, reduced the judgment even further, down from
16 a million some odd dollars, down to a hundred thousand dollars. And at
17 that point in time, we believe that there were additional errors that were
18 committed. Took an appeal for the third time to the U.S. Supreme Court.
19 And in May of this year, the U.S. Supreme Court issued its decision.

20 I don't have a copy of that decision here, but I didn't
21 anticipate the argument that was being prepared by Mr. Hutchison
22 today, but I will provide a copy to the Court, if in fact, the Court -- I think
23 that it would be important for the Court to take a look at it.

24 That decision says this. That the State of California, its
25 Franchise Tax Board, was immune from suit here in the State of Nevada.

1 And therefore, that Mr. Hyatt could take nothing by reason of his suit
2 because there was no jurisdiction by this Court over the State of
3 California, their Franchise Tax Board.

4 The case then was remanded back to the Nevada Supreme
5 Court, and recently, the Nevada Supreme Court issued a remand order.
6 That remand order gave this court two instructions, for lack of a better
7 word. One was to vacate the judgment that was entered, first, in favor of
8 Mr. Hyatt. And the second was to take further proceedings in accord
9 with the U.S. Supreme Court decision, a two-fold point.

10 And so what we did today is we prepared a judgment. That
11 judgment pursuant to Rule 54, and the proceedings in the District Court
12 as it relates to liability on the claims that were asserted by Mr. Hyatt. We
13 included within the proposed judgment both of the directives that were
14 given to you by the Nevada Supreme Court.

15 The first directive is that it vacate the judgment that was
16 originally entered in favor of Mr. Hyatt. The second piece then is that it
17 enters judgment in favor of the FTB against Mr. Hyatt on all of the
18 claims, and that's the second piece of the directive that was given by the
19 Nevada Supreme Court based upon the U.S. Supreme Court's decision.

20 And it sounds like that counsel and I don't have an
21 agreement on this document, and my instinct is that possibly, the Court
22 may benefit by briefing on this single point of whether or not judgment
23 should be entered in favor of the FTB based upon the U.S. Supreme
24 Court decision. I'm happy to supply briefing if the Court sees fit, but in
25 the meantime, if the Court would allow me to approach, I would like to at

1 least hand the Court a draft copy of the judgment that we had given a
2 copy to Mr. Hutchison in advance of the hearing.

3 THE COURT: Sure. Please.

4 MS. LUNDVALL: Thank you.

5 THE COURT: Thank you.

6 MS. LUNDVALL: Would you like me to hand it to the Clerk or
7 you?

8 THE COURT: You can give it to me. Thank you.

9 And, Mr. Hutchison, what is your position in regards to
10 briefing the issue on whether or not judgment should be issued in favor
11 of FTB?

12 MR. HUTCHISON: Well, Your Honor, I think that the Court
13 can consider the order of remand and do exactly what the Nevada
14 Supreme Court said, which is just simply to vacate the judgment and the
15 Court can do that today.

16 THE COURT: Well, yeah, because I don't think -- I think that's
17 undisputed --

18 MR. HUTCHISON: Right.

19 THE COURT: -- that the Nevada Supreme Court ordered me
20 to vacate the judgment that was previously entered.

21 MR. HUTCHISON: Right.

22 THE COURT: But in regards to where we go from there.

23 MR. HUTCHISON: That's right, and if the Court is
24 considering any way more than that, Your Honor, then we would like an
25 opportunity to present --

1 THE COURT: Okay.

2 MR. HUTCHISON: -- a competing order to the Court, along
3 with briefing. We also think, Your Honor, again -- excuse me -- Your
4 Honor, I don't want to repeat my argument, but I think just based on just
5 a simple vacation of the judgment and the fact that there's no judgment
6 entered in favor of the FTB, which is not what the Supreme Court has
7 ordered, then I think you could just simply say there is no prevailing
8 party, and we're all done.

9 To the extent that the Court wants to look behind that, on
10 prevailing party, I think it would be prudent for the Court to have briefing
11 on whether there is a prevailing party, because we've got 22 years of
12 costs and potentially parties seeking fees. The Court shouldn't wade
13 through -- really, the parties frankly shouldn't brief unless -- until the
14 Court has determined the fundamental question, whether there even is a
15 prevailing party here, Your Honor.

16 So that would be our recommendation. I mean, our desire is
17 for the Court to simply enter judgment consistent with the Supreme
18 Court's order of remand, just vacate the judgment in favor of Hyatt.
19 That's it. If the Court wants to move beyond that and have us submit
20 competing orders and briefing, we're happy to do that, Your Honor, but
21 then if the Court does that, there has to be a fundamental question
22 answered first, which is, is there a prevailing party upon which you'd like
23 to spend time briefing the Court, as well, Your Honor.

24 MS. LUNDVALL: And I think what Mr. Hutchison is
25 previewing for this Court is that, in essence, what Mr. Hyatt's goal is, is

1 not to have any result that comes from the U.S. Supreme Court decision
2 that was issued in May of 2019.

3 In essence, he's saying, jump ball. That this case ends in a
4 tie, in an even, so that neither party is the prevailing party. And I think
5 the preview of what he's giving to the Court is this. He wants to deprive
6 the prevailing party of being able to recover costs, as well as attorney's
7 fees. In advance of the trial that was done in this case in 2007, we had
8 made an offer of judgment to Mr. Hyatt to formally resolve this case.

9 It had been preceded by many informal offers to resolve the
10 case, and it was post-ceded by many offers to resolve the case, but the
11 offer of judgment, though, is something that we sent to Mr. Hyatt, and
12 there are consequences, as the Court well knows, pursuant to Rule 68,
13 from failing to accept an offer of judgment that you do not heed.

14 And so to the extent that I think what's happening here is
15 that you're seeing a preview then of an attempt to deprive the FTB of any
16 result, and so that result deprives the FTB of presenting to the Court a
17 bill of cost, as well as a motion requesting reimbursement of certain of
18 our attorney's fees.

19 THE COURT: Well, and I mean, I --

20 MR. HUTCHISON: Your Honor, may I just quickly respond?

21 THE COURT: Yes.

22 MR. HUTCHISON: Judge, you have to determine whether
23 there's a prevailing party. So you would have to make that
24 determination. I think there's a reason that you didn't hear the amount
25 of the offer of judgment, \$110,000. \$110,000 before *Nevada v. Hall* was

1 reversed. *Nevada v. Hall* is still good law. We go on to get a \$380
2 million verdict.

3 Now, somehow in that rejection -- and the Court knows this
4 case law in terms of whether or not that was rejected in bad faith and
5 that sort of thing, or it was grossly inadequate, or problematic for a party
6 to reject that. So Judge, we're happy to tee that up.

7 What I'm previewing for the Court is we're going to ask the
8 Court to enter judgment, just as I asked, just simply vacating the
9 judgment, and we are going to ask the Court to have a determination
10 that there is no prevailing party based on the procedural history of this
11 case, and if there is a prevailing party, it's Mr. Hyatt in this case. That's
12 what we're going to be arguing.

13 And by the way, Your Honor, it would not be unprecedented --
14 in fact, there's Nevada Supreme Court precedent on published decisions,
15 by the way, I'll just tell the Court, that says, sometimes, it is a jump ball.
16 Sometimes, there is no prevailing party. There doesn't have to be a
17 prevailing party.

18 And in fact, there's also further case law that says when the
19 underlying law in a case changes, and just you -- and a party is a
20 fortuitous beneficiary, is how the Court says it, that doesn't mean you're
21 the prevailing party. You're a fortuitous beneficiary of a change in the
22 law that we started this case on that was decades long precedent
23 through the vast recourse.

24 THE COURT: Well, I mean, I think these issues are definitely
25 -- I mean, clearly, these are going to be issues that we have to sort out

1 before any decision can be made on that.

2 So what I'm going to do is I am going to allow you guys to
3 submit competing orders to the Court, but I am going to also require that
4 you brief this issue of -- I think the prevailing party is an important issue
5 because if there's ever ever going to be any sort of determination of if
6 there's fees, if there's costs, if there's any of these things, that's
7 something that has to be determined before we can even get there.

8 So I do need you guys to brief the issue of is there a
9 prevailing party. If there is a prevailing party, who is that, and why is
10 that the case, as well as whether or not -- I want you to brief the issue of
11 whether or not judgment should be issued in favor of the Franchise Tax
12 Board, okay?

13 MR. HUTCHISON: Yes, Your Honor.

14 MS. LUNDVALL: Yes.

15 THE COURT: And I want you guys to do this blindly --

16 MR. HUTCHISON: Okay.

17 THE COURT: -- in regards to your briefs. So how long do
18 you guys think it will take for you? I mean, I know this may take like
19 some digging in archives for your files and things like that, so I don't
20 want to put you on a short timeframe only for you to go back to your
21 computer and find out there's documents that you don't have or things
22 that you have to reobtain.

23 MR. HUTCHISON: Your Honor, I know we've got multiple
24 things, my client has multiple legal proceedings. Can I just consult with
25 him for just a minute?

1 THE COURT: Yes.

2 MR. HUTCHISON: Just to see what we need to do.

3 [Pause]

4 MR. HUTCHISON: Your Honor, if we could get 45 days to do

5 opening briefs, that's what we would request.

6 THE COURT: What's your position on 45 days?

7 MS. LUNDVALL: I think it's a little long, but in the event that

8 that's what they need, we will comply within 45 days, Your Honor.

9 THE COURT: Okay. So both briefs will be due in 45 days.

10 That date is?

11 THE CLERK: October 15th.

12 THE COURT: If the Court can proceed with an order after that

13 date, I'll proceed with an order. If not, we will reset this for hearing.

14 MR. HUTCHISON: And I'm sorry. Was it October 15th?

15 THE CLERK: Correct.

16 MR. HUTCHISON: Great.

17 THE COURT: Okay?

18 MR. HUTCHISON: All right. And thank you very much. We

19 had requested this to be recorded, and we would just like it to be

20 expedited, just for the record. Thank you so much.

21 THE COURT: Okay.

22 MS. LUNDVALL: Thank you, Your Honor.

23 THE COURT: Thank you, counsel. Thank you.

24 /////

25 /////

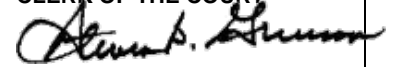
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MR. HUTCHISON: Thank you, Your Honor.
THE COURT: Have a good day.
[Proceedings concluded at 9:48 a.m.]

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-visual recording of the proceeding in the above entitled case to the best of my ability.



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DISTRICT COURT

CLARK COUNTY, NEVADA

GILBERT P. HYATT,

Plaintiff,

vs.

FRANCHISE TAX BOARD OF THE STATE
OF CALIFORNIA, and DOES 1-100, inclusive,

Defendants.

Case No.: 98A382999

Dept. No.: X

**FTB's BRIEF RE THE
REQUIREMENT OF ENTRY OF
JUDGMENT IN FTB'S FAVOR AND
DETERMINATION THAT FTB IS
PREVAILING PARTY**

On September 3, 2019, the Court held a status check in this matter during which the Court requested that plaintiff Gilbert Hyatt ("Hyatt") and defendant Franchise Tax Board of the State of California ("FTB") submit blind briefing addressing two issues:

- (1) Whether judgment must be entered in FTB's favor because of the U.S. Supreme Court's May 2019 decision in FTB's favor and in compliance with the Nevada Supreme Court's subsequent orders on remand; and
- (2) Whether there is a prevailing party in this litigation, and if so, which party prevailed.

See September 3, 2019 Transcript ("Sept. 3 Trans.") at 12:8-12, on file with the Court. The Court's request was prompted by Hyatt's argument that the Court should vacate the final judgment originally entered September 8, 2008, without entering a new one, and that despite Hyatt recovering nothing in this lawsuit because of the U.S. Supreme Court's May 2019 decision, Hyatt was the prevailing party in this lawsuit. See *id.* at 4:7-21 and 8:12-21.

Hyatt was incorrect on both points. First, on the question of whether the Court must enter a new judgment after vacating the prior judgment, the Nevada Supreme Court is unwavering in requiring a final judgment. NRCP 54 and 58 command a district court to enter a final judgment in every case before it. See NRCP 54(a) and 58(b). Several procedural rules regarding attorney's fees and costs, offers of judgment, amending and enforcing judgments, and taking appeals therefrom cannot be triggered without a final judgment. See, e.g., NRCP 54, 59, 60, 62, and 68, and NRAP 3A and 4. Moreover, a final judgment implicates issue and claim preclusion doctrines that bring about finality to a case. Consequently, a final judgment that resolves all issues presented in the case is an inescapable procedural requirement under Nevada law. Hyatt's suggestion to the contrary—that the Court can vacate the prior judgment without entering a new one—would leave this case in a procedural quagmire where neither party could seek post-judgment remedies, appeal any contested issues, or claim the protection of issue or claim preclusion. Additionally, the Court cannot statistically close the case without a final judgment. Nevada law, therefore, requires a final judgment in this case, and that judgment must be in FTB's favor given the U.S. Supreme Court's May 2019 decision.

Second, on the issue of determining which party is the prevailing party, the Court cannot make such determination until there is an actual motion for attorney's fees or bill of costs before it which would implicate prevailing party analysis since the analysis varies dependent upon the grounds upon which the motion for attorney's fees or costs are sought. As such, FTB provides briefing herein on prevailing party status to comply with the Court's direction, but believes the Court cannot presently determine the prevailing party until FTB files a motion seeking its attorneys fees or a memorandum of costs.

Moreover, Hyatt has the unenviable task of convincing the Court that the U.S. Supreme Court erred in already deciding that FTB is the prevailing party for imposition of costs. The U.S. Supreme Court has already granted FTB's costs as the prevailing party. In other words, Hyatt brazenly suggests that the U.S. Supreme Court erred when it determined FTB was the prevailing party for the purposes of costs on appeal, and that this

1 Court is empowered to reverse the U.S. Supreme Court. The U.S. Supreme Court has
2 already found that FTB prevailed, and there is no justification for Hyatt's suggestion that this
3 Court overrule that finding. Nor is there any justification that this Court has the power to
4 reverse the U.S. Supreme Court's determination.

5 Hyatt's fallback position—that prevailing party analysis in this Nevada case should
6 turn on what allegedly happened in the California tax audit which was a separate
7 independent legal proceeding—is without precedential support and contradicts multiple
8 representations Hyatt has made to appellate courts in this case. As FTB urged from its
9 very appearance in this case, the U.S. Supreme Court's May 2019 decision clearly ruled
10 that the State of Nevada did not have jurisdiction over FTB and consequently Hyatt's lawsuit
11 asserting common law claims in Nevada was *void ab initio* because of this absence of
12 jurisdiction. As even Hyatt now admits, he lost all his claims in Nevada. In contrast, FTB
13 prevailed on the very position it asserted from day one. In such circumstances, there can
14 be no clearer prevailing party under Nevada law, and that party is FTB. FTB was the party
15 that achieved all its litigation objectives. FTB successfully defended against the entirety of
16 Hyatt's Nevada lawsuit. Hyatt received no relief from this case.

17 FTB therefore respectfully requests that the Court enter judgment in FTB's favor
18 pursuant to the proposed judgment that FTB submitted at the September 3, 2019 hearing,
19 a courtesy copy of which is attached as **Exhibit A**. FTB further requests that, upon the filing
20 of a proper motion for attorney's fees or a memorandum of costs, the Court ultimately find
21 that FTB was the prevailing party in this litigation.

22 Dated this 15th day of October, 2019.

23 McDONALD CARANO LLP

24 /s/ Pat Lundvall

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MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF RELEVANT FACTS.

A. Hyatt's Tax Dispute.

Hyatt is a former 23-year resident of California who received hundreds of millions of dollars in fees related to technology patents he once owned and developed in California. In 1992, Hyatt filed a California tax return stating he had ceased to be a California resident, and had become a Nevada resident on October 1, 1991.

FTB, the State of California government agency responsible for collecting personal income tax, became aware of circumstances suggesting that Hyatt had not actually moved to Nevada in October 1991, as he claimed. Accordingly, the FTB commenced an audit in California of Hyatt's 1991 return. The audit concluded that Hyatt did not move to Nevada until April 1992, and that he remained a California resident until that time. FTB accordingly determined that Hyatt owed approximately \$1.8 million in unpaid California income tax for 1991, plus penalties and interest. Because FTB determined that Hyatt resided in California for part of 1992 yet paid no California taxes, it also opened an audit for 1992 which concluded Hyatt owed an additional \$6 million in taxes and interest, plus further penalties.

Disputes over these deficiency assessments between Hyatt and FTB over the validity of those audit determinations have consumed over two decades and are currently ongoing in California pursuant to California administrative and statutory procedure.

1. The Nevada Litigation Begins.

In January 1998, as California's administrative review of FTB's deficiency assessment was just beginning, Hyatt brought this lawsuit against FTB. In a Nevada state court, Hyatt alleged that the FTB had committed several torts in the course of auditing his tax returns. Hyatt sought compensatory and punitive damages. See **Exhibit B**, Complaint.

FTB began its defense of the Nevada litigation by asserting its immunity from the suit. See **Exhibit J**, Answer to First Amended Complaint. FTB moved for judgment on the pleadings, arguing that Nevada lacked the necessary jurisdiction to hear Hyatt's claims. See **Exhibit K**, Defendant's Motion for Judgment on the Pleadings. FTB also moved for

1 summary judgment and ultimately petitioned the Nevada Supreme Court for a writ of
2 mandamus, arguing FTB was immune from suit in Nevada courts. See **Exhibit L**, FTB's
3 Motion for Summary Judgment. The Nevada Supreme Court rejected FTB's claim of
4 complete immunity, which set up the first decision from the U.S. Supreme Court. *Franchise*
5 *Tax Bd. of Cal. v. Hyatt (Hyatt I)*, 538 U.S. 488 (2003).

6 2. Hyatt also files suit in federal court seeking to avoid his tax liabilities.

7 Beyond the California tax proceedings and the case in front of this Court, Hyatt also
8 sued FTB in the United States District Court for the Eastern District of California. See *Hyatt*
9 *v. Chiang*, 2015 WL 545993 at *1 (E.D. Cal. Feb. 10, 2015). In that case, Hyatt claimed
10 FTB's efforts in processing his California administrative tax appeal violated his constitutional
11 rights under the due process and equal protection clauses. See *id.* He thus sought an
12 offensive injunction barring FTB from "continuing the investigation and administrative
13 proceedings against him" and from "continuing to assess or threaten to assess [Hyatt], or
14 collect or threaten to collect from [Hyatt], taxes, penalties, or interest." *Id.*

15 Much like this case in Nevada, Hyatt went on the offensive seeking to interject
16 another court's ruling, this time from a federal district court, into the California tax
17 proceedings as a mechanism to avoid tax liability. The district court in that case stated, "[i]t
18 is evident that [Hyatt] seeks to void the tax or taxes assessed against him." *Id.* at *6. But
19 the federal district court was unconvinced regarding Hyatt's claims, and so it dismissed the
20 lawsuit against FTB. See *id.* Hyatt appealed to the United States Court of Appeals for the
21 Ninth Circuit, but that court also remained unconvinced by Hyatt's arguments and instead
22 affirmed the district court's dismissal of his case. See *Hyatt v. Yee*, 871 F.3d 1067, 1078
23 (9th Cir. 2017).¹

24
25
26 ¹ Attached at **Exhibit C** is a copy of a brief filed with the Ninth Circuit Court of Appeals
27 offering details explaining the length of time the tax proceedings have consumed since Hyatt
28 first contested his tax liability to the State of California. FTB will not seek recovery of any
attorney's fees incurred in Hyatt's tax proceedings or its directly related litigation but offers
this information for context.

1 B. FTB Submits an Offer of Judgment to Hyatt But He Rejects It to Go to Trial.

2 After the U.S. Supreme Court's decision in *Hyatt I*, the parties engaged in massive
3 discovery and pretrial proceedings. Those efforts are well documented in the docket entries
4 for this case. See **Exhibit D**, Docket Report of Eighth Judicial District Court in Case No.
5 98-A382999 as of 10/8/2019.

6 On November 26, 2007, nearly ten years after Hyatt filed suit and nearly twelve
7 years before this brief, FTB served an offer of judgment (the "Offer") upon Hyatt pursuant
8 to NRCP 68 and NRS 17.115 offering to settle this case for \$110,000, "inclusive of all pre-
9 offer, prejudgment interest, taxable costs and attorneys fees." See **Exhibit E**, Offer of
10 Judgment. FTB made the Offer after the parties conducted voluminous discovery in this
11 case and after discovery had closed.

12 From this case's very beginning, FTB contended that it was immune from suit in
13 Nevada courts. See *Hyatt I*, 538 U.S. at 492 (noting FTB's summary judgment motion
14 "argued that the District Court lacked subject matter jurisdiction because principles of
15 sovereign immunity, full faith and credit, choice of law, comity, and administrative
16 exhaustion" required dismissal). Because of its belief that FTB was immune from suit in
17 Nevada, FTB explicitly made the Offer case concluding of the Nevada litigation: "This Offer
18 of Judgment shall apply to all claims asserted by Hyatt against FTB in the above referenced
19 action and if accepted, shall completely resolve this matter." **Exhibit E**, Offer at 1:26-27.
20 Hyatt rejected the Offer.

21 After Hyatt's rejection, the parties did substantial additional work preparing the case
22 for trial. See **Exhibit D**, Docket Report. Between FTB's Offer and trial, Hyatt filed nearly
23 20 pretrial motions. See *id.* The trial itself began April 15, 2008 and lasted four months,
24 covering over 75 trial days. See *id.* The trial included a substantial number of witnesses
25 and over 2000 multi-page exhibits. Ultimately, a jury found in Hyatt's favor on all claims
26 tried and with interest and costs, the judgment was over \$490 million in money damages,
27 the majority coming from punitive damages. See *Franchise Tax Bd. of California v. Hyatt*,
28 130 Nev. 662, 674, 335 P.3d 125, 133-34 (2014) and **Exhibit F** (2008 Judgment to be

1 vacated).

2 C. Subsequent Appeals Reduce Hyatt's 2008 Judgment to Nothing.

3 FTB appealed the jury awards to the Nevada Supreme Court, which affirmed in part
4 and reversed in part the 2008 Judgment in Hyatt's favor. *Id.* Notably, the Nevada Supreme
5 Court again rejected FTB's immunity contentions. *Id.* FTB again appealed to the U.S.
6 Supreme Court, which granted certiorari on two questions. *Franchise Tax Bd. of Cal. v.*
7 *Hyatt (Hyatt II)*, 136 S.Ct. 1277, 1280 (2016). Several states filed amicus briefs at both the
8 petition stage and merits stage in support of FTB, including the State of Nevada.

9 Thereafter, the U.S. Supreme Court divided equally on the two questions. On one
10 question, the U.S. Supreme Court held that the Full Faith and Credit Clause does not
11 "permit [] Nevada to award damages against California agencies under Nevada law that
12 are greater than it could award against Nevada agencies in similar circumstances." *Id.* at
13 1281. "In light of the constitutional equality among the states," "Nevada has not offered
14 'sufficient policy considerations' to justify the application of a special rule of Nevada law
15 that discriminates against its sister states." *Id.* at 1282. On the second question, because
16 of the death of Justice Antonin Scalia and the resulting temporary composition of 8 justices,
17 the U.S. Supreme Court divided equally on the issue of whether *Nevada v. Hall*, 440 U.S.
18 410 (1979), addressing sovereign immunity should be overruled. *Id.* at 1279.

19 On remand from the U.S. Supreme Court, and after supplemental briefing in which
20 the FTB raised concerns about continuing hostile and discriminatory treatment in Nevada
21 courts, the Nevada Supreme Court issued a new decision. *See Franchise Tax Bd. of*
22 *California v. Hyatt*, 133 Nev.826, 407 P.3d 717 (Dec. 26, 2017). From that decision, FTB
23 once again petitioned for certiorari which was granted and resulted in *Franchise Tax Bd. of*
24 *Calif. v. Hyatt (Hyatt III)*, 587 U.S. at ___, 139 S. Ct. at 1488 (2019).

25 In *Hyatt III*, the U.S. Supreme Court outlined the lengthy history of this case and its
26 factual predicate before concluding that Hyatt had no right to assert claims against FTB in
27 Nevada courts without the State of California's consent. *See id.* at 1492. The U.S.
28 Supreme Court stressed that "States' immunity from suit is a fundamental aspect of the

sovereignty” that States enjoy in our constitutional system and that the United States Constitution “embeds interstate sovereign immunity within the constitutional design.” *Id.* at 1493 and 1497. This echoed the U.S. Supreme Court’s previous statement in *Hyatt II* that haling FTB into state court in Nevada and applying special rules would “cause chaotic interference by some States into the internal, legislative affairs of others.” *Hyatt II*, 578 U.S. at ___, 136 S. Ct. at 1282. In doing so, the U.S. Supreme Court effectively made a vital point: Nevada courts never properly acquired jurisdiction over FTB, and consequently Hyatt’s lawsuit was *void ab initio*, with Hyatt achieving none of his litigation objectives. See *id.*

After the remand from the U.S. Supreme Court to the Nevada Supreme Court, the latter issued a notice of remittitur and order of remand instructing this Court to “vacate its judgment in favor of Hyatt and take any further necessary action consistent with this order and [*Hyatt III*], 587 U.S. ___, 139 S. Ct. 1485.” See Nevada Supreme Court Order of Remand , on file with the Court.

II. LEGAL ARGUMENT.

A. The Court Must Enter a New Judgment in FTB’s Favor.

The parties agree that the Nevada Supreme Court’s order of remand requires the Court to vacate its prior final judgment from 2008 in Hyatt’s favor. See *id.*; see also September 3 Trans. at 8:16-20. Hyatt, however, also takes the opportunity to argue that the Court should simply vacate that prior final judgment without entering a new judgment in FTB’s favor. See *id.* at 8:12-15. In other words, Hyatt argues that there should be no final judgment in this case. See *id.* This position is absolutely untenable under well-established Nevada law.

1. A Final Judgment Is An Inescapable Step To Conclude Litigation In Nevada.

There is a long line of Nevada cases stating the importance of fully resolving litigation through entry of a final judgment. “A final judgment is an order that disposes of all issues and leaves nothing for future consideration.” *Warren v. Eighth Judicial Dist. Ct.*

1 of the State of Nevada in and for Clark Cty., 134 Nev. Adv. Op. 77, 427, P.3d 1033, 1036
2 (2018). This is an important concluding step, as a final judgment “promot[es] judicial
3 economy by avoiding the specter of piecemeal appellate review.” *Valley Bank of Nevada*
4 *v. Ginsburg*, 110 Nev. 440, 444, 874 P.2d 729, 733 (1994). Moreover, with very few
5 exceptions, an appellate court cannot acquire jurisdiction over a case without a final
6 judgment, and the final judgment “preclud[es] multiple appeals arising from a single action.”
7 *Simmons Self-Storage Partners, LLC v. Rib Roof, Inc.*, 127 Nev. 86, 87, 247 P.3d 1107,
8 1108 (2011). Indeed, it has long been the rule in Nevada that “there can be but one final
9 judgment in a case.” *Elsman v. Elsman*, 54 Nev. 20, 3 P.2d 1071, 1072 (1931).

10 A final judgment in every case serves three vital roles in the Nevada judiciary. First,
11 a final judgment puts to rest all issues in the case by describing whether any liability exists
12 and awarding or denying money damages or equitable relief based upon the same. It is a
13 single document that indicates the rules of issue preclusion or claims preclusion now apply
14 to bar subsequent actions. See Restatement (Second) of Judgments § 13 (1982) (noting
15 the requirement of finality through judgments).

16 Second, a final judgment marks the end of the case’s trial phase and provides the
17 blueprint for the parties to determine how to proceed on post-judgment issues. See *id.* at
18 § 14 (effects of judgment occur upon the “date of its rendition”). Several procedural actions
19 in Nevada cannot occur by rule until a final judgment is entered. For example, NRCP 54(d)
20 does not allow a party to move for attorney’s fees until written notice of entry of judgment
21 is served. Additionally, any such motion must “specify the judgment . . . entitling the movant
22 to the award.” *Id.* Consequently, without a final judgment, there can be no award of
23 attorney’s fees under NRCP 54(d). NRS Chapter 18 also states that the Court cannot
24 award costs until it determines the “party against whom judgment is rendered.” NRS
25 18.020. Moreover, a verified memorandum of costs is triggered by “entry of judgment.”
26 NRS 18.110(1). Finally, NRCP 68 does not allow a party to enforce an offer of judgment
27 unless the offeree has rejected an offer and failed “to obtain a more favorable judgment.”
28 NRCP 68(f)(1). Without a final judgment, the Court cannot properly analyze FTB’s Offer.

1 Third, to the extent either party wishes to appeal, it cannot do so under NRAP 3A
2 without entry of a final judgment. See NRAP 3A(b)(1) (allowing appeal from a “final
3 judgment entered in an action or proceeding commenced in the court in which the judgment
4 is rendered”). A final judgment marks the beginning of any appellate phase, and this finality
5 prevents parties from prematurely taking multiple appeals during the pendency of a case.
6 It also presents a consolidated case to any appellate court so that it may consider all issues
7 properly before it with the full benefit of the trial court’s record.

8 As such, there is no doubt that a final judgment is required in this case and all others.
9 The Nevada Supreme Court has ordered this Court to vacate the prior 2008 final judgment.
10 The Court now has a duty to enter a new final judgment reflecting the case’s current
11 procedural posture. That includes all appeals in front of the Nevada Supreme Court, and
12 it also includes Hyatt II and Hyatt III in front of the U.S. Supreme Court, in which that Court
13 ultimately concluded that Nevada courts had no jurisdiction over FTB and so FTB achieved
14 a complete victory and Hyatt received nothing.

15 Only through entry of a final judgment will all issues in the case be resolved, and it
16 is entry of a new final judgment that triggers post-judgment proceedings for attorneys fees
17 and costs.

18 2. The Court Must Issue The Final Judgment In FTB’s Favor.

19 At the September 3, 2019 status check, FTB proposed a final judgment that declared
20 two things: (1) the Court’s prior judgment dated September 8, 2008 is vacated; and (2)
21 judgement is now entered in FTB’s favor on any and all claims asserted in this action. See
22 Proposed Judgment, attached as **Exhibit A**.² Hyatt objected and instead suggested that
23 the Court should simply vacate the prior judgment without entering any final judgment in
24 FTB’s favor. See Sept. 3 Trans. at 9:2-23.

25 Doing so not only would violate the case law indicated above showing that Nevada
26

27
28 ² FTB’s counsel submitted this proposed judgment at the September 3, 2019 status
check and does so again here for ease of reference. See **Exhibit A**.

1 requires a final judgment, but it also obfuscates what has occurred in this case. FTB
2 obtained a complete victory and is entitled to judgment on the same. In *Hyatt III*, the U.S.
3 Supreme Court unequivocally held that the United States Constitution does not permit a
4 State to be sued by a private party in the courts of a different State without the State's
5 consent. See 587 U.S. ___, ___, 139 S. Ct. 1485, 1488 (2019). In doing so, the U.S.
6 Supreme Court found that the Constitution required it to vacate Hyatt's prior 2008 final
7 judgment and further that the Nevada courts did not have jurisdiction over the case. See
8 *id.* at 587 U.S. at ___, 139 S. Ct. at 1499-1500 (noting Hyatt will lose "a final judgment
9 against [FTB]" and that FTB is "immune from Hyatt's suit in Nevada's courts"). Thus, the
10 U.S. Supreme Court was not only casting aside Hyatt's judgment but also instructing
11 Nevada state courts to dismiss his action against FTB for want of jurisdiction. See *id.*
12 Vacating the prior final judgment without entering a new judgment reflecting this dismissal
13 for want of jurisdiction would leave a gap in the case's procedural history.

14 Moreover, dismissal of a lawsuit is a final judgment on the parties' claims and
15 defenses. See *Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 1058, 194 P.3d 709, 715
16 (2008) (holding dismissal of a lawsuit "is properly considered a final judgment"). For FTB
17 to obtain the appropriate issue and claim preclusion protection from this case, the Court
18 must enter a new final judgment reflecting FTB's victory. This is not a *de minimis* request,
19 as Hyatt has a lengthy history of litigating every issue possible in multiple jurisdictions. See
20 Part I(A), *supra*. A clear final judgment in FTB's favor will prevent the specter of this
21 occurring again.

22 Consequently, the Court must enter FTB's proposed judgment, which is
23 conservatively drafted only to reflect that, pursuant to *Hyatt III*, the prior judgment is vacated
24 and FTB is entitled to judgment on any and all of Hyatt's claims in this action. Doing so not
25 only creates the required finality, but it also protects FTB on issue and claim preclusion
26 grounds from any collateral or subsequent litigation by Hyatt.

27 B. FTB Is the Prevailing Party in This Case.

28 At the September 3, 2019 status check, Hyatt also suggested that the Court simply

1 find that neither party prevailed in this case, i.e. the Court could vacate the prior judgment
2 and dispose of the case without any need for additional action. See Sept. 3 Trans. at 9:4-
3 8 (“[B]ased on just a simple vacation of the judgment and the fact that there’s no judgment
4 entered in favor of the FTB . . . then I think you could just simply say there is no prevailing
5 party, and we’re all done.”). This is a sleight of hand, though, as it obscures that FTB may
6 be entitled to recovery of costs and FTB made an offer of judgment that does not require
7 the Court to engage in any prevailing party analysis to enforce it. Presumably, Hyatt was
8 hoping the Court would focus exclusively on statutory fees and costs, which do rely on
9 prevailing party analysis, and overlook FTB’s offer of judgment under NRCP 68, which
10 does not include prevailing party analysis. But in addition to finding FTB was the prevailing
11 party for statutory costs, the Court cannot overlook the other bases by which FTB may seek
12 its attorney’s fees or costs.

13 1. FTB Was The Prevailing Party In This Case.

- 14 a. The U.S. Supreme Court already found that FTB prevailed and
15 Hyatt cannot encourage the Court to overrule that finding.

16 Rule 43 of the Rules of the Supreme Court of the United States allows the prevailing
17 party to recover its costs upon appeal. Here, the U.S. Supreme Court has already decided
18 that FTB prevailed in the litigation by awarding FTB its costs on appeal and ruling that FTB
19 was entitled to a complete victory because of lack of jurisdiction. See U.S. Supreme Court
20 Cost Award, attached as **Exhibit G**; see also *Hyatt III*, 587 U.S. at ___, 139 S. Ct. at 1488.
21 At the September 3, 2019 hearing, Hyatt suggested the Court could deviate from the U.S.
22 Supreme Court’s finding that FTB prevailed, but Hyatt provided no legal citation to support
23 this claim. Nor could he, as it has long been recognized that state courts are bound to
24 follow directives of the U.S. Supreme Court. See, e.g., *Bargas v. Warden, Nev. State*
25 *Prison*, 87 Nev. 30, 31, 482 P.2d 317, 318 (1971) (“We are bound by the decisions of the
26 United States Supreme Court.”).

27 The U.S. Supreme Court’s ruling in *Hyatt III* and its subsequent award of FTB’s costs
28 make it clear who the prevailing party is in this litigation: FTB. The Court need only affirm

1 the U.S. Supreme Court's prior ruling in determining that FTB prevailed in this case.

- 2 b. Nevada case law affirms the U.S. Supreme Court's finding that
3 FTB prevailed in this case.

4 In considering prevailing parties, the Nevada Supreme Court has held that a party
5 prevails if it succeeds on any significant issue in litigation which achieves some of the
6 benefit it sought in bringing suit. *Valley Elec. Ass'n v. Overfield*, 121 Nev. 7, 10, 106 P.3d
7 1198, 1200 (2005). But this is not an open-ended inquiry, as "a prevailing party must win
8 on at least one of its claims" for relief to be entitled to attorney's fees or costs. *Golightly v.*
9 *Vannah, PLLC v. TJ Allen, LLC*, 132 Nev. Adv. Op. 41, 373 P.3d 103, 107 (2016).

10 Here, there is no doubt that FTB is the prevailing party. First, despite *Golightly's*
11 directive that a party must win on at least one of its claims to prevail, Hyatt did not succeed
12 on any of his claims after Hyatt III. See *Hyatt III*, 587 U.S. at ___, 139 S. Ct. at 1488. Hyatt
13 filed suit seeking recovery on eight causes of action. The U.S. Supreme Court ruled that
14 Nevada courts did not have jurisdiction over FTB. See *id.* Consequently, Hyatt lost on all
15 eight of his claims. *Id.*

16 Second, Hyatt did not succeed on any significant issue in litigation that conferred a
17 benefit upon him. *Valley Elec. Ass'n*, 121 Nev. at 10, 106 P.3d at 1200. Hyatt sought
18 substantial money damages against FTB and further brought a declaratory relief claim
19 regarding his purported Nevada residency. But because the U.S. Supreme Court ruled
20 that the Nevada courts do not have jurisdiction over FTB, Hyatt neither recovered money
21 damages nor a determination by a Nevada court that he was a Nevada resident during the
22 relevant time periods. Simply put, Hyatt did not achieve success on any issue, much less
23 a significant one.

24 Third, FTB achieved its primary objective in the case, which was a complete victory
25 because Nevada courts lacked jurisdiction over FTB as a California agency. FTB asserted
26 this from the case's beginning and doggedly pursued the argument throughout proceedings
27 in several appellate courts. See **Exhibit J**, FTB's Answer to First Amended Complaint at
28 6:24-26 (asserting lack of jurisdiction as an affirmative defense); see *a/so* **Exhibit K**, FTB's

1 Motion for Judgment on the Pleadings at 8:23-12:4 (arguing the Court does not have
2 jurisdiction under several constitutional principles); **Exhibit L** FTB's Motion for Summary
3 Judgment at 2:1-23, all on file with the Court. FTB ultimately succeeded in the U.S.
4 Supreme Court in *Hyatt III* on this very point. As such, FTB achieved its primary goal in
5 the case and is accordingly the prevailing party.

6 c. Hyatt is judicially estopped from arguing that prevailing party
7 analysis in the Nevada case turns on what may occur in the
8 California tax audit.

9 Hyatt now seems to argue that his litigation goal was to use the Nevada court
10 proceeding to achieve success in his California tax audit and so the Court should consider
11 the California tax audit when determining the prevailing party in this Nevada case. See
12 Sept. 3 Trans. at 4:7-8:1. Amazingly, Hyatt makes this argument after decades of arguing
13 in multiple courts that the two cases were not intertwined, including most recently when he
14 argued to the Nevada Supreme Court in October 2016 that “the two matters have always
15 been and remain two different trains traveling on separate tracks.” See Hyatt’s
16 Supplemental Answering Brief Following Mandate from the Supreme Court of the United
17 States (“Hyatt Supp. Brief”) at 7, relevant portions attached as **Exhibit H**.³ In the same
18 brief, Hyatt argued that “[t]his tort case will not decide the tax case, nor will resolution of
19 the tax case address and resolve the issues put forth in this tort case.” *Id.* at 45.

20 But Hyatt is judicially estopped from asserting these inconsistent positions. “Judicial
21 estoppel is an equitable doctrine used to protect the judiciary’s integrity.” *Déjà vu Showgirls*
22 *v. State, Dept. of Tax.*, 130 Nev. 711, 716, 334 P.3d 387, 390 (2014). Judicial estoppel’s
23 main purposes is “to prevent parties from deliberately shifting their position to suit the
24 requirements of another case concerning the same subject matter.” *Matter of Frei*
25 *Irrevocable Trust Dated October 29, 1996*, 133 Nev. 50, 56, 390 P.3d 646, 652 (2017).

26
27 ³ Hyatt made this argument in response to FTB’s contention that Hyatt was required
28 to administratively exhaust his remedies in California before proceeding with this separate
case in Nevada. See Hyatt Supp. Brief at 7. He contended the cases were separate, and
so the doctrine of administrative exhaustion did not apply. See *id.*

1 The doctrine applies when “(1) the same party has taken two positions; (2) the positions
2 were taken in judicial or quasi-judicial administrative proceedings; (3) the party was
3 successful in asserting the first position; (4) the positions are totally inconsistent; and (5)
4 the first position was not taken as a result of ignorance, fraud, or mistake.” *NOLM, LLC v.*
5 *Cty. of Clark*, 120 Nev. 736, 743, 100 P.3d. 658, 663 (2004).

6 Here, there is no doubt regarding any of the doctrine’s elements. Hyatt is the same
7 party in both this Court and in front of the Nevada Supreme Court, and Hyatt asserted both
8 positions in judicial proceedings. See *id.* Hyatt was successful in previously arguing to the
9 Nevada Supreme Court that this case and the California tax audit were not intertwined, as
10 the Nevada Supreme Court’s December 26, 2017 opinion did not embrace FTB’s argument
11 regarding administrative exhaustion. See generally *Franchise Tax Board of California v.*
12 *Hyatt*, 133 Nev. 826, 407 P.3d 717 (2017). The positions are also totally inconsistent. In
13 front of the Nevada Supreme Court, Hyatt argued that “the two matters have always been
14 and remain two different trains traveling on separate tracks.” Hyatt Supp. Brief at 7. Now,
15 however, Hyatt argues that, for purposes of prevailing party analysis, the track involving
16 the Nevada case led directly into the track involving the California Tax Audit. See Sept. 3
17 Trans. at 4:7-8:1. These inconsistent positions cannot be reconciled. Finally, they are not
18 the result of ignorance, fraud, or mistake, as Hyatt has been represented by esteemed trial
19 and appellate counsel during the entirety of this case. Hyatt was well aware of the strategic
20 advantage of arguing the separateness of this case and the California tax audit, and he
21 took advantage of that strategy to win a short-lived victory in front of the Nevada Supreme
22 Court in 2017.⁴

23
24 ⁴ Hyatt took this strategic position not only in front of various courts but also in
25 communications with FTB. In a 2002 letter, Hyatt’s counsel could not have been clearer
26 that Hyatt was asserting the two cases were unrelated:

27 Mr. Hyatt’s California residency status during 1991 and 1992 has not been an
28 issue in the Nevada case since 1999. Instead, the central focus of the case,
as I understand it from Mr. Hyatt’s counsel in Nevada, has been the events
and misconduct of FTB personnel starting with the commencement of the
[footnote continued on next page]

Now, he seeks to argue the contrary after losing the entirety of his case on appeal to the U.S. Supreme Court. He cannot do so, as this is a textbook case of judicial estoppel applying to protect the integrity of this Court.

d. Hyatt's suggestion that he should be the prevailing party in this Nevada case because of his residency audit in California is unsupported by Nevada law.

Trying to avoid the inescapable conclusion that FTB prevailed because it won a complete victory in this Nevada case, Hyatt suggests the Court should look to the California residency audit in considering who prevailed in this litigation. See Sept. 3 Trans. at 4:15-5:1. But there is no support for the position that, in determining the prevailing party in litigation in one State, a trial court should look to an administrative hearing in another State.

Such an analytical framework would turn existing Nevada law on its head. As discussed above, the appropriate focus in determining prevailing party analysis is what happened with the substantive claims and defenses that were at issue in that litigation. See *Valley Elec. Ass'n*, 121 Nev. at 10, 106 P.3d at 1200 (focusing on significant issues "in the litigation"); see also *Golightly*, 132 Nev. Adv. Op. 41, 373 P.3d at 107 (focusing on a plaintiff's claims). The focus is not on outside issues or collateral administrative litigation between the parties in another state. FTB can find no case where a Nevada court determined the prevailing party by considering issues outside the case from another jurisdiction.

And Nevada's approach is echoed by multiple other states that hold prevailing party analysis focuses only on what occurred in litigation before the trial court and not on outside issues. See *Reyher v. State Farm Mut. Auto. Ins. Co.*, 280 P.3d 64, 72 (Colo. App. Ct. 2012) ("[T]he focus of the prevailing party analysis is not on procedural victories during the course of the litigation, but on the final disposition of the substantive issues."); see also

audit in 1993 and beyond.

July 22, 2002 Letter from Hyatt's Counsel to FTB (emphasis in original), attached as **Exhibit I**.

1 *Intercontinental Group Partnership v. KB Home Lone Star L.P.*, 295 S.W.3d 650, 656 (Tex.
2 2009) (“Neither law nor logic favors a rule that bestows ‘prevailing party’ status upon a
3 plaintiff who requests \$1 million for actual injury but pockets nothing except a jury finding
4 of non-injurious breach; to prevail in a suit that seeks actual damages . . . there must be a
5 showing that the plaintiff was actually harmed, not merely wronged.”); *Niguel Shores*
6 *Comm. Ass’n v. Buehler*, 2002 WL 31121089 at *5 (Ca. App. Ct. 2002) (“We question
7 whether issues decided outside of the litigation are relevant to determining the prevailing
8 party.”). This laser focused approach was perhaps stated best by the Idaho Supreme Court
9 when it said “[i]n determining the prevailing party, the court examines the final result
10 obtained in relation to the relief sought, whether there were multiple claims or issues, and
11 the extent to which either party prevailed on each separate issue or claim.” *American*
12 *Semiconductor, Inc. v. Sage Silicon Solutions, LLC*, 162 Idaho 119, 134, 395 P.3d 338,
13 353 (2017).

14 In this case, there is no doubt that FTB prevailed on all the claims and issues
15 involved in the case because the U.S. Supreme Court found that Nevada courts lacked
16 jurisdiction over FTB. Though Hyatt brought eight separate claims against FTB, they have
17 now all been dismissed for lack of jurisdiction. And though Hyatt sought hundreds of
18 millions of dollars for purported torts during FTB’s audit of his residency, he walks away
19 with no monetary recovery. Finally, though Hyatt invited this Nevada court to become
20 involved in the California residency audit by declaring him a Nevada resident, he also lost
21 on this claim because the Court does not have jurisdiction over FTB. Comparing the final
22 result to the relief sought by Hyatt, FTB is clearly the prevailing party. See *id.*

23 e. Hyatt’s argument that FTB was a “fortuitous beneficiary” of a
24 change in law and thus not the prevailing is similarly without
legal support.

25 At the September 3, 2019 hearing, Hyatt also argued that FTB could not be the
26 prevailing party because of purported case law holding that “when the underlying law in a
27 case changes . . . and a party is a fortuitous beneficiary . . . that does not mean [the party]
28 is the prevailing party.” Sept. 3 Trans. at 11:18-23. FTB has exhaustively searched cases

1 from the Nevada Supreme Court and has not located any case suggesting a winning party
2 benefitting from a change in law should be punished when determining prevailing party
3 status.

4 Moreover, FTB was not a “fortuitous” beneficiary of any change in law. See Black’s
5 Law Dictionary, 8th Ed. 2004 (defining a “fortuitous event” as a “happening that, because
6 it occurs only by chance or accident, the parties could not have reasonably foreseen.”). On
7 the contrary, FTB **caused** the change in law by asserting immunity immediately in the
8 lawsuit and twice appealing the issue to the U.S. Supreme Court and convincing the U.S.
9 Supreme Court of the merits of FTB’s argument. Compare with *Petrone v. Sec’y of Health*
10 *& Human Servs.*, 936 F. 2d 428, 430 (9th Cir. 1991) (noting a party could not benefit from
11 Congress changing a law during the pendency of its case because “no clear causal
12 relationship” existed between the lawsuit and the congressional action). Specifically, FTB
13 raised immunity and Nevada’s lack of jurisdiction in its first filings in this case. See **Exhibit**
14 **J**, FTB’s Answer to First Amended Complaint at 6:24-26 (asserting lack of jurisdiction as
15 an affirmative defense); see *a/so* **Exhibit K**, FTB’s Motion for Judgment on the Pleadings
16 at 8:23-12:4 (arguing the Court does not have jurisdiction under several constitutional
17 principles); **Exhibit L**, FTB’s Motion for Summary Judgment at 2:1-23, all on file with the
18 Court. FTB maintained that position for the next two decades before prevailing in the U.S.
19 Supreme Court. This is not a fortuitous change, but rather a change that FTB specifically
20 brought about, and so FTB should be rewarded for its litigation success.

21 2. Prevailing Party Analysis Does Not Apply To FTB’s Offer Of
22 Judgment.

23 Finally, it appears that Hyatt is trying to distract the Court from FTB’s offer of
24 judgment and the fee-shifting penalties in NRCP 68 that make Hyatt liable for FTB’s post-
25 offer of judgment attorney’s fees and costs and further foreclose on Hyatt’s ability to recover
26 his own attorney’s fees and costs. To be clear, prevailing party analysis only applies to
27 attorney’s fees and costs sought pursuant to NRS Chapter 18. NRS 18.020 provides that
28 “[c]osts must be allowed of course to the prevailing party against any adverse party against

1 whom judgment is entered . . . in an action for the recovery of money or damages, where
2 the plaintiff seeks to recover more than \$2,500.” NRS 18.020(3). Similarly, NRS 18.010
3 requires the Court to award fees “to a prevailing party when the prevailing party has not
4 recovered more than \$20,000” or “without regard to the recovery sought,” when the Court
5 finds that the non-prevailing party brought claims without “reasonable ground or to harass
6 the prevailing party.” NRS 18.010(2)(a)-(b). Thus, if the Court determines a prevailing
7 party in this case pursuant to its request for supplemental briefing, that determination only
8 informs awarding fees or costs based upon NRS Chapter 18.

9 By comparison, however, NRCP 68 does not require the Court to determine the
10 prevailing party. Instead, NRCP 68 is a fee shifting statute “designed to facilitate and
11 encourage settlement.” *Matthews v. Collman*, 110 Nev. 940, 950, 878 P.2d 971, 978
12 (1994). The statute saves “time and money for the court system, the parties, and the
13 taxpayers . . . by rewarding a party who makes a reasonable offer and punishing the party
14 who refuses to accept such an offer.” *Dillard Dep’t Stores, Inc. v. Beckwith*, 115 Nev. 372,
15 382, 989 P.2d 882, 888 (1999). Specifically, the rule allows a party to “serve an offer in
16 writing to allow judgment to be taken . . . to resolve all claims in the action between the
17 parties to the date of the offer, including, costs, expenses, interest, and if attorney fees are
18 permitted by law or contract, attorney fees.” NRCP 68(a). If an offeree rejects the offer of
19 judgment and proceeds to a final judgment, the rule requires the Court to conduct an
20 apples-to-apples analysis of the offeree’s ultimate judgment versus the amount of the offer
21 of judgment. *See also McCrary v. Bianco*, 122 Nev. 102, 107, 131 P.3d 573, 576 (2006)
22 (detailing the appropriate apples-to-apples numerical analysis under NRCP 68).

23 If an offeree does not obtain a judgment greater than the offer of judgment, the
24 offeree may not recover its own attorney’s fees and costs and NRCP 68 shifts the offeror’s
25 post-Offer attorney’s fees and costs to the offeree. *See* NRCP 68(g) (“To invoke the
26 penalties of this rule, the court must determine if the offeree failed to obtain a more
27 favorable judgment” than the offer). Thus, an offeree could “prevail” on its claims in the
28 case and still be punished under NRCP 68 if the offeree’s recovered judgment was less

1 than the offer it rejected.

2 Here, FTB's Offer was for \$110,000. See **Exhibit E**. Because Hyatt recovered
3 nothing after *Hyatt III*, he therefore failed to beat the Offer. NRCP 68(f) therefore applies
4 to shift FTB's post-Offer fees and costs to Hyatt. As important, NRCP 68(f) precludes Hyatt
5 from recovering his own attorneys fees and costs. Consequently, the prevailing party
6 analysis relevant to NRS Chapter 18 does not apply to Hyatt, and FTB surmises Hyatt only
7 suggests it to distract the Court from the enforceability of FTB's Offer.

8 **III. CONCLUSION.**

9 Nevada precedent sets a clear pathway forward for the Court. First, the Court must
10 vacate the prior 2008 judgment in Hyatt's favor and enter a new judgment in FTB's favor.
11 As with all other cases, this one requires a final judgment for finality purposes, and that
12 judgment can only be in FTB's favor given *Hyatt III*.

13 Second, FTB is the prevailing party in this case. The U.S. Supreme Court has
14 already found that FTB was the prevailing party in this case when it awarded FTB costs on
15 appeal. Moreover, because of *Hyatt III*, Hyatt did not win on any of his claims for relief,
16 and instead it was FTB that achieved each of its litigation objectives. In such
17 circumstances, FTB is the prevailing party.

18 Accordingly, FTB respectfully asks that the Court enter FTB's proposed final
19 judgment (**Exhibit A**).

20 Dated this 15th day of October, 2019.

21 McDONALD CARANO LLP

22 /s/ Pat Lundvall

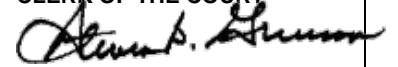
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24 *Attorneys for Defendant*
25 *Franchise Tax Board of the State of California*
26
27
28

1 **CERTIFICATE OF SERVICE**

2 I certify that on this 15th day of October, 2019, I caused a true and correct copy of
3 the **FTB's BRIEF RE THE REQUIREMENT OF ENTRY OF JUDGMENT IN FTB'S FAVOR**
4 **AND DETERMINATION THAT FTB IS PREVAILING PARTY** to be electronically filed and
5 served to all parties of record via this Court's electronic filing system to all parties listed on
6 the e-service master list:

7
8 /s/ Beau Nelson
9 An employee of McDonald Carano LLP



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10 *Franchise Tax Board of the State of California*

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 GILBERT P. HYATT,

14 Plaintiff,

15 vs.

16 FRANCHISE TAX BOARD OF THE STATE
17 OF CALIFORNIA, and DOES 1-100, inclusive,

18 Defendants.

Case No.: 98A382999

Dept. No.: X

**APPENDIX OF EXHIBITS IN
SUPPORT OF FTB'S BRIEF RE THE
REQUIREMENT OF ENTRY OF
JUDGMENT IN FTB'S FAVOR AND
DETERMINATION THAT FTB IS
PREVAILING PARTY**

(Volume 1)

19 Defendant Franchise Tax Board of the State of California "FTB") hereby submits an
20 APPENDIX OF EXHIBITS IN SUPPORT OF FTB'S BRIEF RE THE REQUIREMENT OF
21 ENTRY OF JUDGMENT IN FTB'S FAVOR AND DETERMINATION THAT FTB IS
22 PREVAILING PARTY:

Ex.	Exhibit Description	Volume No.	Bates No.
A	Proposed Judgment	1	001-004
B	Complaint	1	005-027
C	Ninth Circuit Court of Appeals Brief	1	028-050
D	Docket Report of Eighth Judicial District Court in Case No. 98-A382999 as of 10/8/2019	1-2	051-489

Ex.	Exhibit Description	Volume No.	Bates No.
E	Offer of Judgment	3	490-493
F	2008 Judgment	3	494-502
G	U.S. Supreme Court Cost Award	3	503-506
H	Hyatt's Supplemental Answering Brief Following Mandate from the Supreme Court of the United States (relevant portions)	3	507-512
I	July 22, 2002 Letter from Hyatt's Counsel to FTB	3	513-516
J	Answer to First Amended Complaint	3	517-526
K	Defendant's Motion for Judgment on the Pleadings	3	527-607
L	FTB's Motion for Summary Judgment	3	608-658

Dated this 15th day of October, 2019.

McDONALD CARANO LLP

/s/ Pat Lundvall

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*Attorneys for Defendant
Franchise Tax Board of the State of California*

1 **CERTIFICATE OF SERVICE**

2 I certify that on this 15th day of October, 2019, I caused a true and correct copy of
3 the **APPENDIX OF EXHIBITS IN SUPPORT OF FTB's BRIEF RE THE REQUIREMENT**
4 **OF ENTRY OF JUDGMENT IN FTB'S FAVOR AND DETERMINATION THAT FTB IS**
5 **PREVAILING PARTY (VOLUME 1)** to be electronically filed and served to all parties of
6 record via this Court's electronic filing system to all parties listed on the e-service master
7 list:

8
9 /s/ Beau Nelson
10 An employee of McDonald Carano LLP

EXHIBIT A

EXHIBIT A

JUDG

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DISTRICT COURT

CLARK COUNTY, NEVADA

GILBERT P. HYATT,

Plaintiff,

vs.

FRANCHISE TAX BOARD OF THE STATE
OF CALIFORNIA, and DOES 1-100, inclusive,

Defendants.

Case No.: 98A382999

Dept. No.: X

JUDGMENT

This case was remanded and remitted to this Court pursuant to Order of Remand dated August 5, 2019, a copy of which is attached.

NOW, THEREFORE, in accord with the Order of Remand, judgment is entered against plaintiff Gilbert P. Hyatt and in favor of defendant Franchise Tax Board of the State of California, as follows:

IT IS ORDERED, ADJUDGED AND DECREED the previous Judgment dated September 8, 2008 entered in favor of plaintiff Gilbert P. Hyatt is vacated; and

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1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Judgment is
2 entered in favor of defendant Franchise Tax Board of the State of California against
3 plaintiff Gilbert P. Hyatt on any and all claims asserted in this action.

4
5 Dated this ____ day of August, 2019.

6
7
8 DISTRICT COURT JUDGE

9 Submitted by:

10 McDONALD CARANO LLP

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17 *Attorneys for Defendant*
18 *Franchise Tax Board of the State of California*
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CERTIFICATE OF SERVICE

I certify that on this ____ day of September, 2019, I caused a true and correct copy of the **JUDGMENT** to be electronically filed and served to all parties of record via this Court's electronic filing system to all parties listed on the e-service master list:

An employee of McDonald Carano LLP

EXHIBIT B

EXHIBIT B

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FILED

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John J. L...
CLERK

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3 530 South Fourth Street
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5 Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

10 GILBERT P. HYATT,
Plaintiff.

Case No.
Dept. No.
Docket No.

COMPLAINT

Jury Trial Demanded

**Exempt from Arbitration:
Declaratory Relief, Significant
Public Policy and Amount in Excess
Of \$40,000**

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

PARTIES

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

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

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

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

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

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

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

26 SUMMARY OF CLAIMS

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

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

10 FACTUAL BACKGROUND

11 Plaintiff's Residency in Nevada

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

24 9. The following events are indicative of the fact that on September 26, 1991, plaintiff
25 commenced both his residency and intent to remain in Nevada, and a continuation of both down
26 to the present: (1) the sale of plaintiff's California home in October 1991; (2) his renting and
27 residing at an apartment in Las Vegas commencing in October 1991 and continuing until April
28 1992 when plaintiff closed the purchase of a home in Las Vegas; (3) in November 1991, plaintiff

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

12 The FTB and Defendants' Investigation of Plaintiff in Nevada

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

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

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

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1 trash collector!

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

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

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

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1 against a bona fide resident of Nevada.

2 Assessment for 1991

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

11 17. Plaintiff, who demonstrably is and was at all times pertinent hereto, a bona fide resident
12 of Nevada should not be forced into a California forum to seek relief from the unjust and tortious
13 attempts by the FTB to extort unlawful taxes from this Nevada resident. Plaintiff avers that the
14 manufactured issue of his residency in Nevada for the period of September 26 through December
15 31 of 1991 should be determined in Nevada, the state of plaintiff's residence. The FTB is in effect
16 attempting to impose an "exit tax" on plaintiff by coercing him into administrative procedures and
17 possible future court action in California. The FTB has arbitrarily, maliciously and without support
18 in law or fact, asserted that plaintiff remained a California resident until he purchased and closed
19 escrow on a new home in Las Vegas on April 3, 1992. In a word, the FTB's prolonged and
20 monumental efforts to find a way — any way — to effectively assess additional income taxes
21 against plaintiff after he changed his residency from California to Nevada is based upon
22 governmental greed arising from the FTB's eventual awareness of the financial success plaintiff
23 has realized since leaving California and becoming a bona fide resident of the State of Nevada.
24 The aforesaid date of Nevada residency accepted by the FTB with respect to the 1991 Report is
25 over six months after plaintiff moved to Nevada with the intent to stay and began, he thought, to
26 enjoy all the privileges and advantages of residency in his new state.

27 The FTB's Continuing Pursuit of Plaintiff in Nevada

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

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

4 19. On or about April 10, 1997 and May 12, 1997 respectively, plaintiff received notices
5 from the FTB that it would be issuing a formal "Notice of Proposed Assessment" in regard to the
6 1992 tax year in which it will seek back taxes from plaintiff for income earned during the period
7 of January 1 through April 2, 1992 and in addition would seek penalties for plaintiff's failure to
8 file a state income tax return for 1992.

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

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

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

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

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

18 The FTB's Motive

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

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

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

9 Jurisdiction

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

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

20 FIRST CAUSE OF ACTION

21 (For Declaratory Relief)

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

24 29. Pursuant to California law, in determining whether an individual was a resident of
 25 California for a certain time period thereby making such individual's income subject to California
 26 state income tax during such period, the individual must have been either domiciled in California
 27 during such period for "other than a temporary or transitory purpose." See Cal. Rev. & Tax Code
 28 § 17014. The FTB's own regulations and precedents require that it apply certain factors in

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

3 (a) Domicile.

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

15 (b) Temporary or Transitory Purpose.

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

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

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

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

SECOND CAUSE OF ACTION

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

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

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

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

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

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

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

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

THIRD CAUSE OF ACTION

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

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

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

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

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

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

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

18 FOURTH CAUSE OF ACTION

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

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

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

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

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

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

18 FIFTH CAUSE OF ACTION

19 (For the Tort of Outrage)

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

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

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

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

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

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

24 **FIRST CAUSE OF ACTION**

- 25 1. For judgment declaring and confirming that plaintiff is a bona fide resident of the State
26 of Nevada effective as of September 26, 1991 to the present;
27 2. For judgment declaring that the FTB has no lawful basis for continuing to investigate
28 plaintiff in Nevada concerning his residency between September 26, 1991 through December 31,

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1 1991 or any other subsequent period down to the present, and declaring that the FTB had no right
2 or authority to propound or otherwise issue a "Demand to Furnish Information" or other quasi
3 subpoenas to Nevada residents and businesses seeking information concerning plaintiff;

4 3. For costs of suit;

5 4. For reasonable attorneys' fees; and

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

7 **SECOND CAUSE OF ACTION**

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

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

11 3. For costs of suit;

12 4. For reasonable attorneys' fees; and

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

14 **THIRD CAUSE OF ACTION**

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

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

18 3. For costs of suit;

19 4. For reasonable attorneys fees; and

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

21 **FOURTH CAUSE OF ACTION**

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

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

25 3. For costs of suit;

26 4. For reasonable attorneys fees; and

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

28 ...

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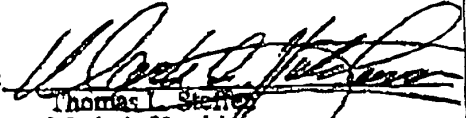
FIFTH CAUSE OF ACTION

1. For actual and consequential damages in a total amount in excess of \$10,000;
2. For punitive damages in an amount sufficient to satisfy the purposes for which such damages are awarded;
3. For costs of suit;
4. For reasonable attorneys' fees; and
5. For such other and further relief as the Court deems just and proper.

DATED this 6th day of January, 1998.

HUTCHISON & STEFFEN

By:


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Mark A. Hutchison
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Las Vegas, Nevada 89101

Attorneys for Plaintiff

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& STEFFEN
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SUMM

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Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

GILBERT P. HYATT,

Plaintiff,

v.

FRANCHISE TAX BOARD OF THE
STATE OF CALIFORNIA, and DOES
1-100, inclusive,

Defendants.

) Case No.
) Dept. No.
) Docket No.

A382994
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SUMMONS

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

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

FRANCHISE TAX BOARD OF THE STATE OF CALIFORNIA

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

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

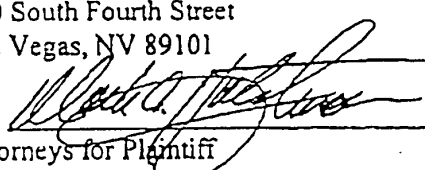
2. File with the Clerk of this court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court.

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

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

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

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

By: 
Attorneys for Plaintiff

LORETTA BOWMAN,
CLERK OF COURT

By: ELAINE YORK JAN 11 1997
DEPUTY CLERK
County Courthouse
200 South Third Street
Las Vegas, Nevada 89155

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SUMM

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Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

GILBERT P. HYATT,

Plaintiff,

Case No.
Dept. No.
Docket No.

A382999
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R

SUMMONS

FRANCHISE TAX BOARD OF THE
STATE OF CALIFORNIA, and DOES
1-100, inclusive,

Defendants.

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

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

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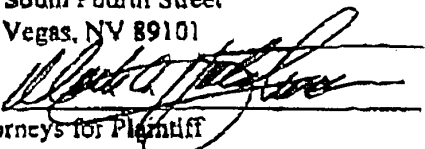
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4. If you intend to seek the advise of an attorney in this matter, you should do so promptly so that your response may be filed on time.

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

By: 
Attorneys for Plaintiff

LORETTA BOWMAN,
CLERK OF COURT

By: ELAINE YORK JAN 10 1997
DEPUTY CLERK
County Courthouse
200 South Third Street
Las Vegas, Nevada 89155

EXHIBIT C

EXHIBIT C

No. 15-15296

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

GILBERT P. HYATT

Plaintiff-Appellant,

v.

BETTY T. YEE, ET AL.

Defendants-Appellees.

On Appeal from the United States District Court
for the Eastern District of California, No. 2:14-cv-00849-GEB-DAD (Burrell, J.)

**APPELLEE FRANCHISE TAX BOARD'S
MOTION FOR JUDICIAL NOTICE**

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I. Introduction

On February 24, 2017, the Court “invited [the state parties] to move for judicial notice of documents that may shed light on the administrative and judicial proceedings that have taken place, and the possible reasons for delay, since the time Plaintiff-Appellant Hyatt first contested the California income tax liability at issue in this case.” ECF No. 56. In response to that order, Appellees Betty T. Yee, Diane L. Harkey, and Michael Cohen, in their official capacities as members of the California Franchise Tax Board (“FTB”), respectfully request that the Court take judicial notice of the attached documents. This motion is supported in part by the declarations of Robert W. Dunn (found in the record at SER 1-70) and Scott W. DePeel (attached as Exhibit 1).

In submitting these materials, FTB does not intend to suggest that they are necessary for the Court to affirm the judgment below. The basis on which the district court dismissed this action, and the basis on which FTB urges this Court to affirm the dismissal, is that Hyatt’s claim is facially barred by the Tax Injunction Act because California has at all times offered him a “plain, speedy, and efficient” remedy for his tax challenges. That remedy is the State’s pay-then-protest procedure, Cal. Rev. & Tax Code § 19382, under which Hyatt would be permitted to challenge his tax assessment in state court no more than six months after paying the amount due and submitting a refund claim to the FTB, *id.* § 19385.

The judicially noticeable materials attached to this motion relate, rather, to the FTB's distinct factual challenge to jurisdiction. As the FTB argued before the district court, the § 19381 remedy that Hyatt pursued would have been "plain, speedy, and efficient" had Hyatt not caused years' worth of delays. *See* FTB Br. 10 n.4. The district court did not rule on that challenge, as it resolved this case on the distinct basis that the § 19382 procedure available to Hyatt was, and remains, a plain, speedy, and efficient remedy. Given the district court's disposition of this case, FTB has not relied in this Court on the § 19381 process, but FTB presented that argument below and files this request for judicial notice to further elaborate on the delays for which Hyatt bears substantial responsibility. FTB notes that after many delays at Hyatt's request, Hyatt's appeal hearing before the California Board of Equalization ("SBE") is currently scheduled for May 23-25, 2017. Ex. 1, DePeel Decl. ¶6; 12RJN2301-2304.¹

II. Argument

A. Legal Standard

The Court "may judicially notice a fact that is not subject to reasonable dispute because it ... can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b). Judicial notice

¹ Each document of which FTB requests judicial notice is referenced using the label "RJN" and is preceded by the volume number in which it is found and followed by sequential page numbers.

may be taken at any stage of the proceeding, Fed. R. Evid. 201(d), including by an appellate court during the pendency of an appeal, *e.g.*, *In re Icenhower*, 755 F.3d 1130, 1142 (9th Cir. 2014). Judicial notice may be taken of matters of record in administrative agencies or court proceedings. *E.g.*, *Small v. Avanti Health Sys., LLC*, 661 F.3d 1180, 1186 (9th Cir. 2011); *Transmission Agency of N. Calif. v. Sierra Pac. Power Co.*, 295 F.3d 918, 924 n.3 (9th Cir. 2002).

B. Numerous Judicially Noticeable Documents Show That Hyatt Bears A Substantial Share Of Responsibility For Delays

Attached to this motion are court and administrative filings that support FTB's assertions in its brief and at oral argument that Hyatt bears a substantial share of responsibility for delays in the administrative proceedings. Further evidence to that effect, and a brief narrative description of those proceedings, may be found in the declaration of Robert W. Dunn and the exhibits attached thereto. (SER 1-70).

As documents that were submitted in proceedings before the SBE; the courts of Nevada, California, and New York; and the United States Supreme Court, the exhibits to the Dunn Declaration and the other documents referenced in that declaration and attached to this motion are judicially noticeable matters of public record. The documents that are not court or administrative filings were submitted as evidence in either the Nevada jury trial or the SBE proceedings. Ex. 1, DePeel Decl. ¶5. Additionally, several judicial decisions address Hyatt's attempts to resist

the FTB's statutorily mandated investigation during the protest proceedings. *E.g.*, *Hyatt v. State Franchise Tax Bd.*, 105 A.D.3d 186, 206 (N.Y. App. Div. 2013), *aff'g* 33 Misc. 3d 500 (N.Y. Sup. Ct. 2011); *State Franchise Tax Bd. v. Hyatt*, No. C043627, 2003 WL 23100266 (Cal. Ct. App. Dec. 31, 2003)). 3RJN476-500; 7RJN1234-1246; 8RJN1491-1507. Tables that identify each of the proceedings follow below.

FTB has attempted to cull judicially noticeable documents that specifically shed light on the issue of delay from more than 20 years of administrative and judicial proceedings. Many of these documents were filed in multiple proceedings. Ex. 1, DePeel Decl. ¶5. Where possible, FTB has omitted voluminous exhibits to certain documents but can provide those to the Court if requested. Ex. 1, DePeel Decl. ¶5. Because of the complex procedural history of Hyatt's challenges to FTB's investigation and tax assessments, in multiple forums, FTB's description of these proceedings is not intended to be comprehensive. Rather, FTB simply seeks to inform the Court of the nature of each proceeding to guide its review of the judicially noticeable documents.

FTB has organized the attached documents into the following categories and has included a chronological index that identifies the paragraph of the Dunn declaration that references the document and, through reference to one or more

category numbers, the proceeding or proceedings in which each document was filed or submitted.

Category 1: FTB's Tax Audit Of Hyatt

In June 1993, FTB began an audit of Hyatt's 1989, 1990 and 1991 tax returns. Dunn Decl. ¶10, SER 3; 1RJN1-5. Through the 24 months that followed, FTB's auditors corresponded with Hyatt's representatives and conducted their audit investigation. Dunn Decl. ¶¶10-11, SER 3-4; 1RJN6-48. FTB issued a detailed tentative determination letter in July 1995, concluding that Hyatt remained a California resident through April 2, 1992 and that his 1991 California return was fraudulent. Dunn Decl. ¶12, SER 4; 1RJN21-62.

FTB gave Hyatt the opportunity to respond to the tentative audit conclusions, answer unanswered questions, and provide documents to support his position. Dunn Decl. ¶12, SER 4; 1RJN48. After Hyatt's representatives and FTB corresponded through 1995 and into 1996 regarding the tentative audit conclusions, on April 23, 1996, FTB issued a Notice of Proposed Assessment ("NPA") for the 1991 tax year. Dunn Decl. ¶12, SER 4; 1RJN63-74. FTB issued an NPA for the 1992 tax year on August 14, 1997. Dunn Decl. ¶13, SER 4; 1RJN137-141.

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Category 2: Hyatt's Protest Proceedings Before FTB

Hyatt protested the 1991 NPA in June 1996 and the 1992 NPA in October 1997. Dunn Decl. ¶14, SER 4; 1RJN75-136, 142-144. When Hyatt filed suit in Nevada (described below), the FTB lawyer designated as the protest hearing officer assigned to review Hyatt's protest was assigned to the Nevada litigation. Dunn Decl. ¶14, SER 4; 1RJN145-166. Hyatt sought numerous extensions to respond to FTB's comprehensive Information and Document Request ("IDR") and failed to voluntarily provide FTB with documents that FTB requested, even where Hyatt used those documents to benefit his Nevada litigation. Dunn Decl. ¶¶14-17, SER 4-5; 2RJN258-262, 275-305, 320-322; 3RJN325-425; 4RJN518-521.

During the course of the protest, the Nevada district court issued a protective order that placed limitations on FTB's administrative subpoena process. Dunn Decl. ¶¶16-18, SER 5-6; 2RJN263-274, 316-319. Hyatt designated as "confidential" documents that were relevant to the protest proceedings in order to keep them within the scope of the Nevada protective order. Dunn Decl. ¶¶16-18, SER 5-6; 2RJN263-274, 316-319; 3RJN465-466. Through writ petitions and appeals to the Nevada Supreme Court, FTB challenged the Nevada district court's jurisdiction over FTB and its authority to issue the protective order. Dunn Decl. ¶¶17, 20, SER 5-6; 2RJN306-315, 323-324; 3RJN426-434, 438-464. In mid-2002 the Nevada Supreme Court let the protective order stand. Dunn Decl. ¶17, SER 5;

3RJN448-450. FTB followed the procedures set forth in the protective order and asked Hyatt to release to the protest hearing officer the information he designated as “confidential” for consideration in the California tax matter. Hyatt refused. Dunn Decl. ¶¶17-18, SER 5-6; 2RJN266-267; 3RJN465-466.

FTB issued an administrative subpoena for the information Hyatt had refused to release. Dunn Decl. ¶17, SER 5; 3RJN467-470. Hyatt moved to quash the subpoena in California Superior Court, lost, and appealed. Dunn Decl. ¶17, SER 5; 3RJN471-500. Hyatt lost the appeal, and FTB’s protest hearing officer received the documents in early 2004. Dunn Decl. ¶17, SER 5; 3RJN476-500. The California appellate court held that there was no reason why FTB personnel working on the protest should not have access to evidence produced by Hyatt in his Nevada litigation. Dunn Decl. ¶17, SER 5; 3RJN490-491.

Throughout 2005 and 2006, Hyatt continued to designate documents he produced in the Nevada litigation as “confidential” and subject to the Nevada protective order, so that FTB was forced to engage in the administrative subpoena process. Dunn Decl. ¶¶17-18, SER 5-6; 4RJN605-638. Finally, in mid-2007, the protest hearing officer had received enough information to conclude the protest. Dunn Decl. ¶18, SER 6. In November 2007, FTB issued notices of assessment that upheld the audit assessments and fraud penalties. Dunn Decl. ¶18, SER 6;

4RJN641-690. Hyatt sought a six-month extension to respond. Dunn Decl. ¶19, SER 6, 13; 4RJN691.

Category 3: Nevada Court Proceedings

In January 1998, shortly after filing his administrative protests with FTB, Hyatt filed suit in Nevada state court, alleging that FTB's audit was tortious and seeking a declaratory judgment that, under California law, Hyatt was a Nevada resident during the pertinent time period. Dunn Decl. ¶14, SER 4; 1RJN145-166; 2RJN167-257. FTB filed multiple petitions for writ of mandamus and prohibition and appeals to the Nevada Supreme Court that challenged the Nevada court's jurisdiction over FTB; the protective order issued by the district court that placed limitations on FTB's protest and administrative subpoena process; and, ultimately, the jury verdict. Dunn Decl. ¶¶17-18, SER 5-6; 2RJN306-315, 323-324; 3RJN426-434, 438-464; 4RJN727-730.

Category 4: United States Supreme Court Proceedings

Twice, FTB sought review by the United States Supreme Court, arguing that the Nevada courts could not interfere with California's sovereign tax-collecting function. FTB contended that a Nevada court had no jurisdiction to hear Hyatt's challenge to FTB's tax assessment, could not issue a protective order that altered FTB's investigative and administrative subpoena powers, and had to afford FTB the same protections that the Nevada courts would grant Nevada's administrative

agencies. Twice, the Supreme Court granted the petitions. *Franchise Tax Bd. of Calif. v. Hyatt (Hyatt I)*, 538 U.S. 488 (2003); *Franchise Tax Bd. of Calif. v. Hyatt (Hyatt II)*, 136 S.Ct. 1277 (2016).

Category 5: California State Court Proceedings

Because of the Nevada protective order, FTB's litigation counsel possessed documents that were relevant to Hyatt's protest but that FTB's litigation counsel could not provide to FTB's protest hearing officer. Dunn Decl. ¶¶16-18, SER 5-6; 2RJN266-267, 316-319. The documents were housed in FTB's Sacramento office down the hall from the protest hearing officer, but the Nevada protective order barred FTB's protest hearing officer from reviewing them unless Hyatt consented or, in the absence of such consent, FTB issued an administrative subpoena. Dunn Decl. ¶¶16-18, SER 5-6; 2RJN266-267, 316-319; 3RJN465; 4RJN607. After Hyatt would not allow FTB's Nevada litigation counsel to provide the protest hearing officer with documents that Hyatt produced in discovery but stamped "confidential" and subject to the protective order, FTB issued an administrative subpoena for the documents. Dunn Decl. ¶¶16-18, SER 5-6; 3RJN465-470.

Hyatt challenged the subpoena in California Superior Court. Dunn Decl. ¶17, SER 5; 3RJN471-475. The Superior Court ordered Hyatt to comply with five of six requests. *California Franchise Tax Bd. v. Hyatt*, Case No. 02CS01582, California Superior Court, County of Sacramento. 3RJN471-472. Hyatt appealed,

and the California Court of Appeal affirmed. *State Franchise Tax Board v. Gilbert P. Hyatt*, Case No. C043627 (Cal. Ct. App. December 31, 2003). Dunn Decl. ¶¶17, SER 5; 3RJN476-500. FTB subsequently had to issue another administrative subpoena to Hyatt, in 2006, to obtain all the documents necessary for the protest hearing officer to conduct her statutorily mandated review. Dunn Decl. ¶¶17-18, SER 5-6; 4RJN605-640.

Category 6: Hyatt's State Board of Equalization Appeal

Hyatt appealed FTB's notices of assessment to SBE in January 2008. Dunn Decl. ¶¶22, SER 7; 4RJN699-724. Hyatt filed voluminous briefs and supplemental briefs, and added over two hundred new affidavits and declarations that he had not submitted to FTB during its investigation. Dunn Decl. ¶¶23-25, SER 7-8; 5RJN730-924; 7RJN1181-1403; 8RJN1466-1570; 9RJN1571-1683; 11RJN2019-2236; 12RJN2237-2278. FTB sought depositions and documents from some of Hyatt's new witnesses; Hyatt responded by seeking to quash FTB's subpoenas in the courts of California, Nevada and New York. Dunn Decl. ¶¶26-29, SER 8-9; 5RJN929-953; 6RJN954-975; 7RJN1404-1413; 8RJN1427-1570; 9RJN1571-1687, 1689-1705, 1727-1758, 10RJN1850-2000, 2004-2016. Hyatt sought numerous extensions of briefing deadlines and the hearing. Dunn Decl. ¶¶30, SER 9; 4RJN725-729; 6RJN1162-1180; 9RJN1762-1775, 1779-1780; 10RJN1781-1782,

1848-49, 2001-2003, 2017-2018; 12RJN2279-2282, 2298-2300. Hyatt's appeal hearing before SBE is currently scheduled for May 23, 2017. 12RJN2301-2304.

Category 7: New York State Court Proceedings

Because Hyatt appended multiple new affidavits to his voluminous briefing before SBE, in 2011, FTB issued administrative subpoenas to obtain documents from and depose certain witnesses in New York who were identified in some of Hyatt's new affidavits. Dunn Decl. ¶26, SER 9; 8RJN1427-1429. Hyatt filed a motion to quash the subpoenas in the Supreme Court of New York, Westchester County (Case No. 52961/2011) and then appealed the trial court's decision to the Appellate Division. Dunn Decl. ¶¶26-29, SER 7-9; 8RJN1427-1465; 9RJN1689-1705, 1731-1758; 10RJN1850-2000, 2004-2016. The New York proceedings lasted until September 2015. Dunn Decl. ¶28, SER 9; 10RJN2004-2016.

Tables begin on the following page

TABLES OF JUDICIALLY NOTICEABLE PROCEEDINGS

Nevada Court Cases				
Case Name	Case Number	Court	Date Commenced	Date Ended
<i>Hyatt v. Franchise Tax Bd. of Calif.</i>	A382999	Eighth Judicial District Court of Nevada	January 6, 1998	NSC remanded for new trial (but judgment vacated)
<i>Hyatt v. Franchise Tax Bd. of Calif. v. Eighth Judicial Dist. Ct.</i>	35549 and 36390 (consolidated)	Nevada Supreme Court	January 27, 2000 and July 7, 2000	April 30, 2002 (petition for certiorari granted by U.S. Supreme Court)
<i>Hyatt v. Franchise Tax Bd. of Calif. v. Eighth Judicial Dist. Ct.</i>	39274	Nevada Supreme Court	March 4, 2002	April 30, 2002 (petition for certiorari granted by U.S. Supreme Court)
<i>Franchise Tax Bd. of Calif. v. Hyatt</i>	39312	Nevada Supreme Court	March 8, 2002	April 30, 2002 (petition for certiorari granted by U.S. Supreme Court)
<i>Franchise Tax Bd. of Calif. v. Hyatt</i>	53264	Nevada Supreme Court	February 13, 2009	Ongoing
<i>Franchise Tax Bd. Of Calif. v. Hecht</i> (represented by Hyatt's attorneys)	A-09-593462-C	Eighth Judicial District Court of Nevada (motion for protective order from FTB's administrative subpoenas)	June 26, 2009	August 18, 2011

Nevada Court Cases				
Case Name	Case Number	Court	Date Commenced	Date Ended
<i>Franchise Tax Bd. of Calif. v. Hyatt</i>	A-11-635345-C	Eighth Judicial District Court of Nevada (proceeding on motion to quash FTB's administrative subpoenas)	February 16, 2011	July 12, 2013

California Court Cases (regarding FTB's administrative subpoena to Hyatt)				
Case Name	Case Number	Court	Date Commenced	Date Ended
<i>California Franchise Tax Bd. v. Hyatt</i>	02CS01582	Superior Court of California, County of Sacramento	October 11, 2002	February 28, 2003
<i>California Franchise Tax Bd. v. Hyatt</i>	C043627	Court of Appeal of California, Third Appellate District	March 20, 2003	December 31, 2003
<i>California Franchise Tax Bd. v. Hecht, Hyatt, Real Party in Interest</i>	34-2009-00047634	Superior Court of California, County of Sacramento (Request for Issuance of Out of State Commissions)	June 24, 2009	June 24, 2009
<i>California Franchise Tax Bd. v. Stratton, Hyatt, Real Party in Interest</i>	34-2011-00096505	Superior Court of California, County of Sacramento (Request for Issuance of Out of State Commissions)	February 7, 2011	February 7, 2011

New York Court Cases				
Case Name	Case Number	Court	Date Commenced	Date Ended
<i>In re Out-of-State Subpoenas (U.S. Philips Corporation, Jack Haken and Algy Tomashunas)</i>	52961/2011	Supreme Court of New York, County of Westchester	July 20, 2011	July 29, 2011
<i>In re Hyatt's Petition to Suppress Disclosure Improperly Obtained by Franchise Tax Board in Response to Three Out-of-State Subpoenas Previously Modified or Narrowed by New York Court Orders</i>	57751/2013	Supreme Court of New York, County of Westchester	May 14, 2013	March 13, 2014
<i>Hyatt v. California Franchise Tax Bd.</i>	2011-6859	Supreme Court of New York, County of Westchester Appellate Division	August 2, 2011	March 13, 2014
<i>In re Hyatt's Petition for Civil Contempt Order</i>	53655/2015	Supreme Court of New York, County of Westchester	March 11, 2015	September 15, 2015

United States Supreme Court Cases				
Case Name	Case Number	Court	Date Commenced	Date Ended
<i>California Franchise Tax Bd. v. Hyatt</i>	02-42	United States Supreme Court	July 2, 2002	May 23, 2003
<i>California Franchise Tax Bd. v. Hyatt</i>	14-1175	United States Supreme Court	March 25, 2015	May 23, 2016

Proceedings Before the California Board of Equalization			
Matter Name	Case Number	Date Commenced	Date Ended
<i>Appeal of Gilbert P. Hyatt</i>	435770	January 22, 2008	Hearing delayed to May 23-25, 2017 at Hyatt's request
<i>Appeal of Gilbert P. Hyatt</i>	446509	January 23, 2008	Hearing delayed to May 23-25, 2017 at Hyatt's request

III. Conclusion

As stated at the outset, the key issue on appeal is whether California's pay-then-protest procedure, Cal. Rev. & Tax Code § 19382, affords Hyatt a plain, speedy, and efficient remedy for his claims. The materials attached to this motion relate not to that issue, but to whether § 19381 has afforded Hyatt a plain, speedy, and efficient remedy—an issue the district court did not find it necessary to reach. For the assistance of the Court, however, Appellees respectfully submit that the Court may take judicial notice of the attached documents.

Respectfully submitted,

Dated this 17th day of March, 2017

/s/ Debbie Leonard

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CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that this motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A).

1. The motion contains 2,981 words.
2. The motion has been prepared in proportionally spaced typeface using Microsoft Word 2010 in 14 point Times New Roman font. As permitted by Fed. R. App. P. 32(g)(1), the undersigned has relied upon the word count feature of this word processing system in preparing this certificate.

Dated this 17th day of March, 2017

/s/ Debbie Leonard

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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of March, 2017, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the appellate CM/ECF system. Counsel for all parties to the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

/s/Pamela Miller

An Employee of McDonald Carano Wilson LLP

EXHIBIT 1

EXHIBIT 1

DECLARATION OF SCOTT W. DePEEL

I, Scott W. DePeel do hereby swear under penalty of perjury that the assertions of this declaration are true and correct.

1. I am over the age of eighteen (18) years. I have personal knowledge of the facts stated within this declaration. If called as a witness, I would be competent to testify to these facts.

2. I am Tax Counsel IV for the Franchise Tax Board of the State of California ("FTB"), Appellee in this case number 15-15296.

3. This declaration is offered in support of FTB's Motion for Judicial Notice (the "Motion"), which FTB is filing in response to the Court's February 24, 2017 Order.

4. In my position with FTB, I have personal knowledge of the documents filed in various administrative and court proceedings involving Appellant Gilbert Hyatt. These include Hyatt's ongoing appeals to the California Board of Equalization ("SBE"), Case Nos. 435770 and 446509 and court proceedings in Nevada, California, New York and the United States Supreme Court ("the Hyatt Proceedings"), as set forth in the Table of Judicially Noticeable Proceedings appended to the Motion. The dockets, submissions and filings in the Hyatt Proceedings of which FTB seeks judicial notice are matters of public record.

5. Attached to the Motion for Judicial Notice are true and correct copies of documents that were filed in the Hyatt Proceedings. However, where possible, FTB has omitted exhibits to certain documents to reduce the volume of pages being submitted to the Court. FTB can provide those exhibits to the Court if requested. Any documents that are not court or administrative filings were submitted into evidence in either or both the Nevada district court trial or Hyatt's SBE appeals. The index of documents correctly identifies each document according to the proceeding(s) in which it was submitted. Many of these documents were filed in multiple proceedings.

6. After many delays at Hyatt's request, Hyatt's appeal hearing before the SBE is currently scheduled for May 23-25, 2017.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED: March 16, 2017.



SCOTT W. DEPEEL

EXHIBIT D

EXHIBIT D

Case Information

98A382999 | Gilbert Hyatt vs California State Franchise Tax Board

Case Number	Court	Judicial Officer
98A382999	Department 10	Jones, Tierra
File Date	Case Type	Case Status
01/06/1998	Civil Conversion Case Type	Reactivated

Party

Plaintiff
Hyatt, Gilbert P

Active Attorneys ▼
Attorney
Bradshaw, James W.
Retained

Attorney
Hutchison, Mark A
Retained

Attorney
Kulla, Mark A
Retained

Attorney
Johnson, Valner L
Retained

Attorney
Carvalho, Jennifer A
Retained

Lead Attorney
Bernhard, Peter C.
Retained

Attorney
Skau, Creighton C.
Retained

Attorney
Higginbotham,
Carla B.
Retained

Attorney
Kula, Donald J.
Retained

Attorney
Carvalho, Daniel E
Retained

Attorney
Ganley, Joseph R
Retained

Attorney
Steffen, Thomas L.
Retained

Attorney
Wall, Michael
Retained

Defendant
California State Franchise Tax Board

Active Attorneys ▼
Attorney
Bradshaw, James
W.
Retained

Attorney
Silvestri, Jeffrey A.
Retained

Attorney
Higginbotham,
Carla B.
Retained

Attorney
Kula, Donald J.
Retained

Attorney
Addison, Matthew
C.
Retained

Attorney
Clark, Bryan R, ESQ
Retained

Attorney
Wilson, Thomas R.c.
Retained

Lead Attorney
Lundvall, Pat
Retained

Attorney
Giudici, James Carl
Retained

Attorney
Frankovich, John
James
Retained

Attorney
Eisenberg, Robert L.
Retained

Disposition Events

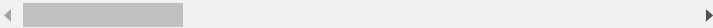
05/03/2002 Judgment▼

Judicial Officer
Saitta, Nancy

Judgment Type
Clerk's Certificate

Converted Disposition

Entry Date & Time: 05/20/2002 @ 10:48 Description: E



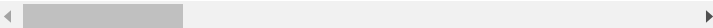
03/14/2006 Judgment▼

Judicial Officer
Walsh, Jessie

Judgment Type
Summary Judgment

Converted Disposition

Entry Date & Time: 03/17/2006 @ 15:53 Description: E



08/06/2008 Judgment▼

Judicial Officer
Walsh, Jessie

Judgment Type
Verdict

Converted Disposition

Entry Date & Time: 08/11/2008 @ 08:42 Description: V

09/08/2008 Judgment▼

Judicial Officer

Walsh, Jessie

Judgment Type

Judgment Plus Interest

Converted Disposition

Entry Date & Time: 09/09/2008 @ 11:10 Description: J

10/07/2009 Judgment▼

Judicial Officer

Walsh, Jessie

Judgment Type

Order

Monetary Judgment

Debtors: California State Franchise Tax Board (Defendant)

Creditors: Ashley Hall (Special Master)

Judgment: 10/07/2009 Docketed: 10/08/2009

Total Judgment: \$13,082.78

Monetary Judgment

Debtors: Gilbert P Hyatt (Plaintiff)

Creditors: Ashley Hall (Special Master)

AA000099

Judgment: 10/07/2009 Docketed: 10/08/2009

Total Judgment: \$13,082.78

01/04/2010 Judgment ▼

Judicial Officer
Walsh, Jessie

Judgment Type
Judgment

Monetary Judgment

Debtors: California State Franchise Tax Board (Defendant)

Creditors: Gilbert P Hyatt (Plaintiff)

Judgment: 01/04/2010 Docketed: 01/05/2010

Total Judgment: \$2,539,068.65

Events and Hearings

01/06/1998 Filed Under Seal ▼

Comment
Complaint; Jury Trial Demanded

01/28/1998 Filed Under Seal ▼

Comment
Summons

02/05/1998 Filed Under Seal ▼

AA000100

<p>Comment</p> <p>Specially-Appearing Defendant Franchise Tax Board of the State of California's Motion to Quash Service of Process and for no Other Relief (Oral Argument Requested)</p>
<p>02/17/1998 Filed Under Seal ▼</p> <p>Comment</p> <p>Specially-Appearing Defendant Franchise Tax Board of the State of California's Notice of Filing of Petition for Removal</p>
<p>02/23/1998 Motion to Quash ▼</p> <p>Hearing Time</p> <p>9:00 AM</p> <p>Result</p> <p>Continuance Granted</p> <p>Comment</p> <p>DEFTS' MOTION TO QUASH SERVICE OF PROCESS AND FOR NO OTHER RELIEF Heard By: Jack Lehman</p>
<p>05/14/1998 Filed Under Seal ▼</p> <p>Comment</p> <p>Minutes of the Court</p>
<p>05/18/1998 Filed Under Seal ▼</p> <p>Comment</p> <p>Peremptory Challenge of Judge</p>
<p>05/18/1998 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Assignment of New Department (Unfiled)</p>
<p>05/20/1998 Filed Under Seal ▼</p> <p>Comment</p> <p>Peremptory Challenge of Judge</p>
<p>05/20/1998 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Department Reassignment</p>
<p>06/02/1998 Filed Under Seal ▼</p> <p>Comment</p> <p>Verified Application for Admission to Practice Under Nevada Supreme Court Rule 42</p>

06/10/1998 Filed Under Seal ▼

Comment

Supreme Court Rule 42 Statement

06/12/1998 Filed Under Seal ▼

Comment

First Amended Complaint; Jury Trial Demanded

06/15/1998 Filed Under Seal ▼

Comment

Receipt of Copy

06/26/1998 Filed Under Seal ▼

Comment

Order

06/26/1998 Filed Under Seal ▼

Comment

Re-Notice of Motion for Specially-Appearing Defendant Franchise Tax Board of the State of California's Motion to Quash Service of Process and for No Other Relief (Oral Argument Requested)

06/29/1998 Filed Under Seal ▼

Comment

Certificate of Mailing

07/01/1998 Filed Under Seal ▼

Comment

Notice of Entry of Order

07/16/1998 Filed Under Seal ▼

Comment

Notice of Filing Pleadings Directly Related to Hearing on Motion to Quash Service of Process

07/17/1998 Filed Under Seal ▼

Comment

Receipt of Copy

07/27/1998 Motion to Quash ▼

Hearing Time

3:00 AM

Result

Off Calendar

Comment

DEFTS' MOTION TO QUASH SERVICE OF PROCESS AND FOR NO
OTHER RELIEF Heard By: Jack Lehman

07/27/1998 Filed Under Seal ▼

Comment

Notice of Withdrawal of Motion for Specially-Appearing Defendant
Franchise Tax Board of the State of California's Motion to Quash
Service of Process and for No Other Relief

08/13/1998 Filed Under Seal ▼

Comment

Answer to First Amended Complaint

08/31/1998 Filed Under Seal ▼

Comment

Notice of Early Case Conference

09/02/1998 Filed Under Seal ▼

Comment

Amended Notice of Early Case Conference

09/17/1998 Filed Under Seal ▼

Comment

Amended Notice of Early Case Conference

09/22/1998 Filed Under Seal ▼

Comment

Amended Notice of Early Case Conference

11/13/1998 Filed Under Seal ▼

Comment

Notice of Change of Address and Facsimile Number

11/20/1998 Filed Under Seal ▼

Comment

Joint Case Conference Report

12/04/1998 Filed Under Seal ▼

AA000103

<p>Comment</p> <p>Discovery Scheduling Order</p>
<p>12/07/1998 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California</p>
<p>12/07/1998 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California</p>
<p>12/07/1998 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California</p>
<p>12/07/1998 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California</p>
<p>12/07/1998 Filed Under Seal ▼</p> <p>Comment</p> <p>Verified Application for Association of Counsel Under Nevada Supreme Court Rule 42</p>
<p>12/10/1998 Filed Under Seal ▼</p> <p>Comment</p> <p>Motion to Associate Counsel</p>
<p>12/11/1998 Filed Under Seal ▼</p> <p>Comment</p> <p>Certificate of Service</p>
<p>12/14/1998 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California</p>
<p>12/17/1998 Filed Under Seal ▼</p>

<p>Comment</p> <p>Motion for Protective Order, Motion to Compel Production of Documents, and for an Order Shortening Time</p>
<p>12/18/1998 Filed Under Seal ▼</p> <p>Comment</p> <p>Order Setting Civil Jury Trial and Calendar Call</p>
<p>12/21/1998 Motion for Protective Order ▼</p> <p>Hearing Time</p> <p>9:00 AM</p> <p>Result</p> <p>Motion Granted</p> <p>Comment</p> <p>PLTF'S MOTION FOR PROTECTIVE ORDER; MOTION TO COMPEL PRODUCTION OF DOCUMENTS Court Clerk: MARY DAIGLE Relief Clerk: JENNIFER LOTT /jl Reporter/Recorder: MARNITA HAMMER Heard By: Thomas Biggar</p> <p>Parties Present ▲</p> <p>Plaintiff: Hyatt, Gilbert P</p> <p>Attorney: Hutchison, Mark A</p> <p>Attorney: Bernhard, Peter C.</p> <p>Defendant</p> <p>Attorney: Addison, Matthew C.</p>
<p>12/21/1998 Filed Under Seal ▼</p> <p>Comment</p> <p>Qualified Non-Opposition to Plaintiff's Motion to Associate Counsel</p>
<p>12/21/1998 Filed Under Seal ▼</p> <p>Comment</p> <p>Certificate of Service of Motion for Protective Order and for an Order Shortening Time</p>
<p>12/28/1998 Filed Under Seal ▼</p> <p>Comment</p> <p>Subpoena Duces Tecum</p>
<p>01/04/1999 Motion to Associate Counsel ▼</p> <p>Hearing Time</p> <p>9:00 AM</p>

Result

Continuance Granted

Comment

PLTF'S MOTION TO ASSOCIATE COUNSEL Court Clerk: JOSEPHINE
BOHN Heard By: Nancy Saitta

01/06/1999 Filed Under Seal ▼

Comment

Order

01/08/1999 Filed Under Seal ▼

Comment

Notice of Entry of Order

01/15/1999 Filed Under Seal ▼

Comment

Supreme Court Rule 42 Statement

01/20/1999 Filed Under Seal ▼

Comment

Verified Application for Association of Counsel Under Nevada
Supreme Court Rule 42

01/25/1999 Motion to Associate Counsel ▼

Hearing Time

9:00 AM

Result

Motion Granted

Comment

PLTF'S MOTION TO ASSOCIATE COUNSEL Court Clerk: JOSEPHINE
BOHN Heard By: Nancy Saitta

01/25/1999 Filed Under Seal ▼

Comment

Stipulation and Order to Seal Plaintiff's Motion for an Order
Compelling Answers to Deposition Questions re Related Taxpayers

01/25/1999 Filed Under Seal ▼

Comment

Motion to Associate Counsel

01/26/1999 Filed Under Seal ▼

<p>Comment</p> <p>Certificate of Service</p>
<p>01/26/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Certificate of Service</p>
<p>01/26/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Motion for an Order Compelling Answers to Deposition Questions re Related Taxpayers and for an Order Shortening Time Filed Under Seal by Stipulation and Order Dated January 25, 1999</p>
<p>01/26/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Defendant Franchise Tax Board's Opposition to Brief to Plaintiff's Motion to Compel Production of Documents; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999</p>
<p>01/27/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Entry of Order</p>
<p>01/28/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Discovery Commissioner's Report and Recommendation</p>
<p>01/29/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Supreme Court Rule 42 Statement</p>
<p>02/02/1999 Motion ▼</p> <p>Hearing Time</p> <p>9:30 AM</p> <p>Result</p> <p>Continuance Granted</p> <p>Comment</p> <p>PLTF'S MOTION FOR AN ORDER COMPELLING ANSWERS TO DEPOSITION QUESTIONS RE RELAT Heard By: Thomas Biggar</p> <p>Parties Present ▲</p> <p>Plaintiff</p> <p>Attorney: Hutchison, Mark A</p> <p>Defendant</p>

Attorney: Clark, Bryan R

02/02/1999 Filed Under Seal ▼

Comment

Motion for an Order Compelling Further Deposition Testimony from Defendant's Rule 30(b)(6) Witness Sheila Cox and for an Order Shortening Time; Filed Under Seal by Stipulation and Order Dated February 1, 1999

02/03/1999 Filed Under Seal ▼

Comment

Stipulation and Order to Seal Plaintiff's Motion for an Order Compelling Further Testimony from Defendant's Rule 30(b)(6) Witness Sheila Cox

02/03/1999 Filed Under Seal ▼

Comment

Certificate of Service

02/08/1999 Motion to Associate Counsel ▼

Hearing Time

3:00 AM

Result

Matter Heard

Comment

PLTF'S MOTION TO ASSOCIATE COUNSEL Court Clerk: JOSEPHINE BOHN Heard By: Nancy Saitta

02/09/1999 Filed Under Seal ▼

Comment

Defendant's Motion for Judgment on the Pleadings

02/10/1999 Filed Under Seal ▼

Comment

Supreme Court Rule 42 Statement

02/10/1999 Filed Under Seal ▼

Comment

Defendant's Motion for Judgment on the Pleadings; Corrected Copy

02/10/1999 Filed Under Seal ▼

AA000108

<p>Comment</p> <p>Notice of Errata (re: Defendant's Motion for Judgment on the Pleadings, filed February 9, 1999)</p>
<p>02/11/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy</p>
<p>02/12/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Order</p>
<p>02/12/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Franchise Tax Board's Opposition to Motion to Compel Further Answer at Deposition (Filed Under Seal)</p>
<p>02/12/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Franchise Tax Board's Opposition to Motion to Compel Further Testimony from Sheila Cox. (Filed Under Seal)</p>
<p>02/16/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy</p>
<p>02/16/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy</p>
<p>02/16/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Reply Memorandum in Support of Motion to Compel Answers to Deposition Questions re Related Taxpayers</p>
<p>02/16/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Reply Memorandum in Support of Motion to Compel Further Testimony from Defendant's Rule 30(b)(6) Witness Sheila Cox</p>
<p>02/17/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Franchise Tax Board's Opposition to Motion to Compel Further Testimony from Sheila Cox, Appendix One (Filed Under Seal)</p>

02/17/1999 Filed Under Seal ▼

Comment

Franchise Tax Board's Opposition to Motion to Compel Further Testimony from Sheila Cox, Appendix Two (Filed Under Seal)

02/17/1999 Filed Under Seal ▼

Comment

Franchise Tax Board's Opposition to Motion to Compel Further Testimony from Sheila Cox, Appendix Three (Filed Under Seal)

02/17/1999 Filed Under Seal ▼

Comment

Franchise Tax Board's Opposition to Motion to Compel Further Testimony from Sheila Cox, Appendix Four (Filed Under Seal)

02/17/1999 Filed Under Seal ▼

Comment

Franchise Tax Board's Opposition to Motion to Compel Further Testimony from Sheila Cox, Appendix Five (Filed Under Seal)

02/17/1999 Filed Under Seal ▼

Comment

Franchise Tax Board's Compendium of Out of State Authorities in Support of Its Opposition to Motion to Compel Further Testimony for Sheila Cox.

02/17/1999 Filed Under Seal ▼

Comment

Franchise Tax Board's Compendium of Out of State Authorities in Support of Its Opposition to Motion to Compel Further Answers at Deposition.

02/17/1999 Filed Under Seal ▼

Comment

Motion to Extend Time to File Opposition to FTB's Motion for Judgment on the Pleadings and for an Order Shortening Time

02/17/1999 Filed Under Seal ▼

Comment

Franchise Tax Board's Compendium of Out of State Authorities in Support of Its Opposition to Motion to Compel Further Answers at Deposition.

02/18/1999 Motion ▼

Hearing Time

9:30 AM

Result

Continuance Granted

Comment

PLTF'S MOTION FOR AN ORDER COMPELLING ANSWERS TO
DEPOSITION QUESTIONS RE RELAT Heard By: Thomas Biggar

02/18/1999 Motion ▼

Hearing Time

9:30 AM

Result

Continuance Granted

Comment

DEFT'S MOTION FOR ORDER COMPELLING FURTHER DEPOSITION
TESTIMONY Heard By: Thomas Biggar

02/18/1999 All Pending Motions ▼

Hearing Time

10:00 AM

Result

Matter Heard

Comment

ALL PENDING MOTIONS FOR 2/18/99 Court Clerk: MARY DAIGLE
Reporter/Recorder: KAREN MELL Heard By: Thomas Biggar

Parties Present ▲

Plaintiff

Attorney: Bradshaw, James W.

Attorney: Hutchison, Mark A

Defendant

Attorney: Bradshaw, James W.

02/18/1999 Filed Under Seal ▼

Comment

Notice of Entry of Order

02/18/1999 Filed Under Seal ▼

Comment

Certificate of Service

AA000111

02/18/1999 Filed Under Seal ▼

Comment

Receipt of Copy

02/18/1999 Filed Under Seal ▼

Comment

Stipulation and Order to Seal Hearing on Plaintiff's Motion to Compel Answers to Deposition Questions re Related Taxpayers and Motion for an Order Compelling Further Testimony from Defendant's Rule 30(b)(6) Witness Sheila Cox

02/19/1999 Filed Under Seal ▼

Comment

Order

02/19/1999 Filed Under Seal ▼

Comment

Order

02/19/1999 Filed Under Seal ▼

Comment

Opposition to Plaintiff's Motion to Extend Time to File Opposition to FTB's Motion for Judgment on the Pleadings

02/22/1999 Motion ▼

Hearing Time

3:00 AM

Result

Motion Granted

Comment

PLTF'S MOTION TO EXTEND TIME TO FILE OPPOSITION TO FTB'S MTN FOR JUDG ON PLEA Court Clerk: JOSEPHINE BOHN Heard By: Nancy Saitta

02/22/1999 Motion ▼

Hearing Time

10:00 AM

Result

Granted in Part

Comment

PLTF'S MOTION FOR AN ORDER COMPELLING ANSWERS TO DEPOSITION QUESTIONS RE RELAT Heard By: Thomas Biggar

AA000112

02/22/1999 Motion ▼

Hearing Time

10:00 AM

Result

Motion Granted

Comment

DEFT'S MOTION FOR ORDER COMPELLING FURTHER DEPOSITION
TESTIMONY Heard By: Thomas Biggar

02/22/1999 All Pending Motions ▼

Hearing Time

10:00 AM

Result

Matter Heard

Comment

ALL PENDING MOTIONS Court Clerk: MARY DAIGLE Relief Clerk:
REBECCA FOSTER/rf Reporter/Recorder: KAREN MELL Heard By:
Thomas Biggar

Parties Present ▲

Plaintiff

Attorney: Bradshaw, James W.

Attorney: Hutchison, Mark A

Defendant

Attorney: Bradshaw, James W.

02/22/1999 Filed Under Seal ▼

Comment

Notice of Entry of Order

02/22/1999 Filed Under Seal ▼

Comment

Notice of Entry of Order

02/23/1999 Filed Under Seal ▼

Comment

Stipulation and Order to Extend Time for Plaintiff's Opposition to
Motion for Judgment on the Pleadings

02/25/1999 Filed Under Seal ▼

Comment

Certificate of Service

AA000113

02/25/1999 Filed Under Seal ▼

Comment

Receipt of Copy

02/25/1999 Filed Under Seal ▼

Comment

Supreme Court Rule 42 Statement

02/25/1999 Filed Under Seal ▼

Comment

Motion to Reconsider Stay of Discover and for an Order Shortening Time; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999

03/02/1999 Filed Under Seal ▼

Comment

Opposition to Plaintiff's Motion to Reconsider Stay of Discovery and for an Order Shortening Time; Filed Under Seal

03/02/1999 Filed Under Seal ▼

Comment

Reply to Opposition to Plaintiff's Motion to Reconsider Stay of Discovery and for an Order Shortening Time; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999

03/03/1999 Motion to Reconsider ▼

Hearing Time

8:00 AM

Result

Granted in Part

Comment

PLTF'S MOTION TO RECONSIDER STAY OF DISCOVERY Court Clerk: JOSEPHINE BOHN Reporter/Recorder: SHERRY ROBINSON Heard By: Nancy Saitta

Parties Present ▲

Plaintiff

Attorney: Bradshaw, James W.

Attorney: Hutchison, Mark A

Defendant

Attorney: Bradshaw, James W.

03/04/1999 Filed Under Seal ▼

AA000114

<p>Comment</p> <p>Receipt of Copy</p>
<p>03/08/1999 Motion ▼</p> <p>Hearing Time 3:00 AM</p> <p>Result Continuance Granted</p> <p>Comment DEFT FRANCHISE TAX BOARD OF THE STATE OF CALIFORNIA'S MTN FOR JUDG ON THE PLEADIN Relief Clerk: DENISE HUSTED Reporter/Recorder: SHERRY ROBINSON Heard By: Nancy Saitta</p>
<p>03/15/1999 Filed Under Seal ▼</p> <p>Comment Order Setting Civil Jury Trials</p>
<p>03/15/1999 Filed Under Seal ▼</p> <p>Comment Receipt of Copy</p>
<p>03/15/1999 Filed Under Seal ▼</p> <p>Comment Hyatt's Request for Judicial Notice - in Opposition to the FTB's Motion for Judgment on the Pleadings; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999 (Unfiled)</p>
<p>03/15/1999 Filed Under Seal ▼</p> <p>Comment Plaintiff Gil Hyatt's Opposition to Motion for Judgment on the Pleadings; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999 (Unfiled)</p>
<p>03/17/1999 Filed Under Seal ▼</p> <p>Comment Certificate of Service</p>
<p>03/18/1999 Filed Under Seal ▼</p> <p>Comment Discovery Commissioner's Report and Recommendation</p>
<p>03/19/1999 Filed Under Seal ▼</p>

<p>Comment</p> <p>Order</p>
<p>03/29/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Defendant's Reply to Plaintiff's Opposition to Motion for Judgment on the Pleadings; Filed Under Seal Pursuant to Discovery</p> <p>Commissioner's February 22, 1990 Ruling</p>
<p>03/29/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy</p>
<p>03/29/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy</p>
<p>03/29/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Certificate of Service</p>
<p>03/29/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Certificate of Service</p>
<p>03/29/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Motion for an Order Compelling Production of Witness Anna Jovanovich for Deposition Testimony or Her Current Address</p>
<p>03/29/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Motion to Compel re Missing, Redacted, and Sanitized Documents from FTB's Residency Audit Files of Plaintiff Gil Hyatt</p>
<p>04/01/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Stipulation and Order to Seal Hearing on Defendant's Motion for Judgment on the Pleadings</p>
<p>04/02/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Certificate of Service</p>

04/02/1999 Filed Under Seal ▼

Comment

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

04/02/1999 Filed Under Seal ▼

Comment

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

04/05/1999 Motion ▼

Hearing Time

3:00 PM

Result

Continuance Granted

Comment

DEFT FRANCHISE TAX BOARD OF THE STATE OF CALIFORNIA'S MTN
FOR JUDGE ON THE PLEADIN Relief Clerk: DENISE HUSTED
Reporter/Recorder: SHERRY ROBINSON Heard By: Nancy Saitta

04/05/1999 Filed Under Seal ▼

Comment

Receipt of Copy

04/06/1999 Filed Under Seal ▼

Comment

Defendant's Response to Plaintiff's Surreply; Filed Under Seal

04/07/1999 Motion ▼

Hearing Time

10:00 AM

Result

Denied

Comment

DEFT FRANCHISE TAX BOARD OF THE STATE OF CALIFORNIA'S MTN
FOR JUDGE ON THE PLEADIN Relief Clerk: DENISE HUSTED
Reporter/Recorder: SHERRY ROBINSON Heard By: Nancy Saitta

Parties Present ▲

Plaintiff: Hyatt, Gilbert P

Attorney: Hutchison, Mark A

Attorney: Bernhard, Peter C.

Defendant: California State Franchise Tax Board

AA000117

Attorney: Wilson, Thomas R.c.

Attorney: Lundvall, Pat

04/13/1999 Filed Under Seal ▼

Comment

Franchise Tax Board's Opposition to Motion to Compel Missing, Redacted, and Sanitized Documents from FTB's Residency Audit Files

04/13/1999 Filed Under Seal ▼

Comment

Franchise Tax Board's Opposition to Motion for an Order Compelling Production of Witness Anna Jovanovich for Deposition Testimony or Her Current

04/16/1999 Filed Under Seal ▼

Comment

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

04/16/1999 Filed Under Seal ▼

Comment

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

04/16/1999 Filed Under Seal ▼

Comment

Receipt of Copy

04/16/1999 Filed Under Seal ▼

Comment

Receipt of Copy

04/16/1999 Filed Under Seal ▼

Comment

Certificate of Service

04/16/1999 Filed Under Seal ▼

Comment

Certificate of Service

04/19/1999 Filed Under Seal ▼

AA000118

<p>Comment</p> <p>Partial Judgment on the Pleadings</p>
<p>04/20/1999 Motion ▼</p> <p>Hearing Time 9:00 AM</p> <p>Result Continuance Granted</p> <p>Comment PLTF'S MOTION FOR AN ORDER COMPELLING PRODUCTION OF WITNESS ANNA JOVANOVIH Heard By: Thomas Biggar</p>
<p>04/20/1999 Motion to Compel ▼</p> <p>Hearing Time 9:00 AM</p> <p>Result Continuance Granted</p> <p>Comment PLTF'S MOTION TO COMPEL RE MISSING, REDACTED/SANITIZED DOCUMENTS FROM FTB'S Heard By: Thomas Biggar</p>
<p>04/20/1999 All Pending Motions ▼</p> <p>Hearing Time 9:00 AM</p> <p>Result Matter Heard</p> <p>Comment ALL PENDING MOTIONS FOR 4/20/99 Court Clerk: MARY DAIGLE Reporter/Recorder: KAREN MELL Heard By: Thomas Biggar</p> <p>Parties Present ▲ Plaintiff Attorney: Johnson, Valner L</p>
<p>04/20/1999 Filed Under Seal ▼</p> <p>Comment Notice of Entry of Order</p>
<p>04/30/1999 Filed Under Seal ▼</p> <p>Comment Notice of Submission of Proposed Report and Recommendation</p>
<p>04/30/1999 Filed Under Seal ▼</p>

Comment
Defendant's Audit File Documents Submitted for In-Camera
Inspection

05/04/1999 Filed Under Seal ▼

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

05/05/1999 Motion ▼

Hearing Time
10:00 AM

Result
Granted in Part

Comment
PLTF'S MOTION FOR AN ORDER COMPELLING PRODUCTION OF
WITNESS ANNA JOVANOVIH Heard By: Thomas Biggar

05/05/1999 Motion to Compel ▼

Hearing Time
10:00 AM

Result
Granted in Part

Comment
PLTF'S MOTION TO COMPEL RE MISSING, REDACTED/SANITIZED
DOCUMENTS FROM FTB'S Heard By: Thomas Biggar

05/05/1999 All Pending Motions ▼

Hearing Time
10:00 AM

Result
Matter Heard

Comment
ALL PENDING MOTIONS FOR 5/5/99 Court Clerk: MARY DAIGLE
Reporter/Recorder: Karen Bentley Heard By: Thomas Biggar

Parties Present ▲
Plaintiff

Attorney: Hutchison, Mark A

Defendant

Attorney: Addison, Matthew C.

AA000120

05/10/1999 Motion ▼

Hearing Time

3:00 AM

Result

Off Calendar

Comment

PLTF'S MOTION FOR LEAVE TO FILE SURREPLY Relief Clerk: DENISE
HUSTED Heard By: Nancy Saitta

05/11/1999 Filed Under Seal ▼

Comment

Notice of Submission of Original Affidavit

05/11/1999 Filed Under Seal ▼

Comment

Affidavit

05/21/1999 Filed Under Seal ▼

Comment

Discovery Commissioner's Report and Recommendation

05/27/1999 Filed Under Seal ▼

Comment

Motion to Associate Counsel

05/27/1999 Filed Under Seal ▼

Comment

Supreme Court Rule 42 Statement

05/27/1999 Filed Under Seal ▼

Comment

Verified Application for Association of Counsel Under Nevada
Supreme Court Rule 42

05/28/1999 Filed Under Seal ▼

Comment

Certificate of Service

06/01/1999 Filed Under Seal ▼

Comment

Certificate of Service

AA000121

06/01/1999 Filed Under Seal ▼

Comment

Appendix of Exhibits in Support of Plaintiff Gil Hyatt's Post-Hearing Memorandum of Points and Authorities re May 5, 1999 Hearing on Motions to Compel; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999

06/01/1999 Filed Under Seal ▼

Comment

Plaintiff Gil Hyatt's Post-Hearing Memorandum of Points and Authorities re May 5, 1999 Hearing on Motions to Compel; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999

06/01/1999 Filed Under Seal ▼

Comment

Appendix to Plaintiff Gil Hyatt's Post-Hearing Memorandum Containing Prima Facie Showing of FTB Consultation with Attorneys to Further Future and Ongoing Extortion, Breach of Confidentiality Statutes, and Fraud; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999

06/02/1999 Filed Under Seal ▼

Comment

Supplemental Appendix of Exhibits (Cited in Appendix to Plaintiff Gil Hyatt's Post-Hearing Memorandum Containing Prima Facie Showing of FTB Consultation with Attorneys to Further Future and Ongoing Extortion, Breach of Confidentiality Statutes, and Fraud); Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999

06/02/1999 Filed Under Seal ▼

Comment

Supplemental Appendix of Exhibits (Cited in Appendix to Plaintiff Gil Hyatt's Post-Hearing Memorandum Containing Prima Facie Showing of FTB Consultation with Attorneys to Further Future and Ongoing Extortion, Breach of Confidentiality Statutes, and Fraud); Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999

06/03/1999 Filed Under Seal ▼

Comment

Certificate of Service

06/03/1999 Filed Under Seal ▼

Comment

Receipt of Copy

AA000122

06/03/1999 Filed Under Seal ▼

Comment

Receipt of Copy

06/10/1999 Filed Under Seal ▼

Comment

Application for Issuance of Commission to Take Deposition Out of State

06/10/1999 Filed Under Seal ▼

Comment

Notice of Taking Deposition of Custodian of Records, Deloitte & Touche, Human Resources Outside the State of Nevada

06/10/1999 Filed Under Seal ▼

Comment

Affidavit of Mark A. Hutchison

06/10/1999 Filed Under Seal ▼

Comment

Notice of Taking Deposition of Custodian of Records, Forest Lawn, Human Resources Outside the State of Nevada

06/10/1999 Filed Under Seal ▼

Comment

Affidavit of Mark A. Hutchison

06/10/1999 Filed Under Seal ▼

Comment

Application for Issuance of Commission to Take Deposition Out of State

06/10/1999 Filed Under Seal ▼

Comment

Commission to Take Deposition Outside of the State of Nevada

06/10/1999 Filed Under Seal ▼

Comment

Commission to Take Deposition of Custodian of Records, Pacific Bell, Legal Process, Outside the State of Nevada

06/10/1999 Filed Under Seal ▼

AA000123

<p>Comment</p> <p>Affidavit of John T. Steffen</p>
<p>06/10/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Application for Issuance of Commission to Take Deposition Out of State</p>
<p>06/10/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Commission to Take Deposition Outside of the State of Nevada</p>
<p>06/10/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Commission to Take Deposition Outside of the State of Nevada</p>
<p>06/14/1999 Motion to Associate Counsel ▼</p> <p>Hearing Time</p> <p>3:00 AM</p> <p>Result</p> <p>Motion Granted</p> <p>Comment</p> <p>PLTF'S MOTION TO ASSOCIATE COUNSEL Relief Clerk: DENISE HUSTED Heard By: Nancy Saitta</p>
<p>06/15/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Opposition to FTB's Motion to Extend Time for Filing Its Opposition to Hyatt's Post-Hearing Memorandum of Points and Authorities re: May 5, 1999 Hearing on Motion to Compel; Request for Telephonic Hearing</p>
<p>06/21/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Discovery Commissioner's Order re: Motion to Extend Time</p>
<p>06/22/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Affidavit of John T. Steffen</p>
<p>06/22/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Commission to Take Deposition Outside of the State of Nevada</p>

06/22/1999 Filed Under Seal ▼

Comment

Notice of Taking Deposition of Jeff McKenney Outside the State of Nevada

06/22/1999 Filed Under Seal ▼

Comment

Application for Issuance of Commission to Take Deposition Out of State

06/23/1999 Filed Under Seal ▼

Comment

Certificate of Service

06/23/1999 Filed Under Seal ▼

Comment

Errata to Appendix to Plaintiff Gil Hyatt's Post-Hearing Memorandum Containing Prima Facie Showing of FTB Consultation with Attorneys to Further Its Future and Ongoing Extortion, Breach of Confidentiality Statutes, and Fraud; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999

06/24/1999 Filed Under Seal ▼

Comment

Application for Issuance of Commission to Take Deposition Out of State

06/24/1999 Filed Under Seal ▼

Comment

Commission to Take Deposition Outside of the State of Nevada

06/24/1999 Filed Under Seal ▼

Comment

Affidavit of John T. Steffen

06/24/1999 Filed Under Seal ▼

Comment

Notice of taking Deposition of Doug Dick Outside the State of Nevada

06/25/1999 Filed Under Seal ▼

Comment

Affidavit of John T. Steffen

AA000125

06/25/1999 Filed Under Seal ▼

Comment

Amended Notice of Taking Deposition of Doug Dick Outside the State of Nevada

06/25/1999 Filed Under Seal ▼

Comment

Amended Application for Issuance of Commission to Take Deposition Out of State

06/25/1999 Filed Under Seal ▼

Comment

Amended Commission to Take Deposition Outside of the State of Nevada

06/25/1999 Filed Under Seal ▼

Comment

Order

06/25/1999 Filed Under Seal ▼

Comment

Application for Issuance of Commission to Take Deposition Out of State

06/25/1999 Filed Under Seal ▼

Comment

Amended Affidavit of John T. Steffen

06/25/1999 Filed Under Seal ▼

Comment

Commission to Take Deposition Outside of the State of Nevada

06/25/1999 Filed Under Seal ▼

Comment

Notice of Taking Deposition Duces Tecum of Gerald Goldberg

06/28/1999 Filed Under Seal ▼

Comment

Stipulation and Order to Continue Trial

06/29/1999 Filed Under Seal ▼

<p>Comment</p> <p>Objections of Sheila Grady Cox to Plaintiff's Subpoena to Custodian of Records, Forest Lawn, Human Resources, Affidavit of George M. Takenouchi</p>
<p>06/29/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Objections of Sheila Grady Cox to Plaintiff's Subpoena to Custodian of Records, Deloitte & Touche, Human Resources ; Affidavit of George M. Takenouchi</p>
<p>06/29/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Entry of Order</p>
<p>07/01/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Defendant's Post-Hearing Brief re May 5, 1999 Hearing on Motions to Compel; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999</p>
<p>07/02/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Entry of Order Granting Motion to Associate Counsel</p>
<p>07/02/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Entry of Order Granting Continuance of Trial</p>
<p>07/06/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Appendix of Exhibits in Support of Plaintiff Gil Hyatt's Motion to Compel Production of Documents; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999</p>
<p>07/06/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Plaintiff Gil Hyatt's Motion to Compel Production of Documents; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999</p>
<p>07/06/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Appendix of Exhibits in Support of Plaintiff Gil Hyatt's Motion to Compel Production of Documents; Filed Under Seal Pursuant to</p>

Discovery Commissioner Ruling of February 22, 1999
07/09/1999 Filed Under Seal ▼ Comment Receipt of Copy
07/09/1999 Filed Under Seal ▼ Comment Certificate of Service
07/14/1999 Filed Under Seal ▼ Comment Affidavit of John T. Steffen
07/14/1999 Filed Under Seal ▼ Comment Application for Issuance of Commission to Take Deposition Out of State
07/14/1999 Filed Under Seal ▼ Comment Notice of Taking Deposition of Priscilla Louise Maystead Outside the State of Nevada
07/14/1999 Filed Under Seal ▼ Comment Commission to Take Deposition Outside of the State of Nevada
07/14/1999 Filed Under Seal ▼ Comment Affidavit of John T. Steffen
07/14/1999 Filed Under Seal ▼ Comment Application for Issuance of Commission to Take Deposition Out of State
07/14/1999 Filed Under Seal ▼ Comment Notice of Taking Deposition of Elizabeth (Beth) Suzanne Hyatt Outside the State of Nevada
07/14/1999 Filed Under Seal ▼

<p>Comment</p> <p>Commission to Take Deposition Outside of the State of Nevada</p>
<p>07/19/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Stipulation and Order; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999</p>
<p>07/20/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Entry of Order</p>
<p>07/21/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Hyatt's Post-Hearing Reply Brief for May 5, 1999 Hearing on Motion to Compel; Under Submission; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>07/21/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Hyatt's Post-Hearing Reply Brief for May 5, 1999 Hearing on Motion to Compel; Under Submission; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>07/21/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Supplemental Appendix of Exhibits in Support of Plaintiff Gil Hyatt's Post-Hearing Reply Brief for May 5, 1999 Hearing on Motion to Compel; Under Submission; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>07/22/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy</p>
<p>07/26/1999 All Pending Motions ▼</p> <p>Hearing Time</p> <p>9:00 AM</p> <p>Result</p> <p>Matter Heard</p> <p>Comment</p> <p>ALL PENDING MOTIONS 7-26-99 Court Clerk: DENISE HUSTED Relief Clerk: REBECCA FOSTER/rf Reporter/Recorder: SHERRY ROBINSON Heard By: Nancy Saitta</p>

Parties Present ▲

Plaintiff

Attorney: Hutchison, Mark A

Defendant

Attorney: Wilson, Thomas R.c.

07/26/1999 Motion to Continue ▼

Hearing Time

1:30 PM

Result

Motion Granted

Comment

PLTF'S MOTION TO CONTINUE TRIAL Heard By: Nancy Saitta

07/26/1999 Status Check ▼

Hearing Time

1:30 PM

Comment

STATUS CHECK

07/26/1999 Filed Under Seal ▼

Comment

Appendix on Tort Causes of Action to Defendant's Motion for Protective Order; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999

07/27/1999 Filed Under Seal ▼

Comment

Receipt of Copy of Appendix on Tort Causes of Action to Defendant's Motion for Protective Order

07/27/1999 Filed Under Seal ▼

Comment

Receipt of Copy of Defendant Franchise Tax Board's Opposition Brief to Plaintiff Motion to Compel Production of Documents

07/29/1999 Filed Under Seal ▼

Comment

Hyatt's Motion to Strike FTB's Appendix to Defendant's Motion for Protective Order or Alternatively to Compel the Appendix to be Noticed and Briefed as a Motion and for an Order Shortening Time; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999

07/30/1999 Filed Under Seal ▼

Comment

Certificate of Service

08/02/1999 Filed Under Seal ▼

Comment

Receipt of Copy

08/02/1999 Filed Under Seal ▼

Comment

Errata to Defendant's Appendix on Tort Causes of Action to Defendant's Opposition to Plaintiff's Motion to Compel; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999

08/06/1999 Filed Under Seal ▼

Comment

Gil Hyatt's Response to the FTB's "Appendix" Submitted with the FTB's Opposition to Motion to Compel Production of Documents; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999

08/06/1999 Filed Under Seal ▼

Comment

Reply to Gil Hyatt in Support of Motion to Compel Production of Documents; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999

08/09/1999 Filed Under Seal ▼

Comment

Opposition to Plaintiff's Motion to Strike Defendant's Appendix on Tort Causes of Action to Defendant's Opposition to Plaintiff's Motion to Compel; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999

08/10/1999 Filed Under Seal ▼

Comment

Franchise Tax Board's Compendium of Out of State Authorities in Support of Appendix on Tort Causes of Action to Defendant's Opposition to Motion to Compel

08/11/1999 Motion to Compel ▼

Hearing Time

9:30 AM

AA000131

Result

Granted in Part

Comment

PLTF'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS Heard
By: Thomas Biggar

08/11/1999 Motion to Strike ▼

Hearing Time

9:30 AM

Result

Off Calendar

Comment

PLTF'S MOTION TO STRIKE FTB APPENDIX TO DEFT'S MTN Heard By:
Thomas Biggar

08/11/1999 All Pending Motions ▼

Hearing Time

9:30 AM

Result

Matter Heard

Comment

ALL PENDING MOTIONS FOR 8/11/99 Court Clerk: MARY DAIGLE
Reporter/Recorder: Christa Broka Heard By: Thomas Biggar

Parties Present ▲

Plaintiff: Hyatt, Gilbert P

Attorney: Hutchison, Mark A

Attorney: Bernhard, Peter C.

Defendant: California State Franchise Tax Board

Attorney: Lundvall, Pat

08/11/1999 Filed Under Seal ▼

Comment

Receipt of Copy

08/11/1999 Filed Under Seal ▼

Comment

Receipt of Copy

08/11/1999 Filed Under Seal ▼

Comment

Defendant Franchise Tax Board of the State of California's Motion for
a Protective Order Barring Plaintiff from Deposing Gerald H.

AA000132

Goldberg
08/11/1999 Filed Under Seal ▼ Comment Declaration of Gerald H. Goldberg in Support of Motion for Protective Order
08/20/1999 Filed Under Seal ▼ Comment Notice of Filing Original Declaration
08/20/1999 Filed Under Seal ▼ Comment Affidavit of John T. Steffen
08/20/1999 Filed Under Seal ▼ Comment Application for Issuance of Commission to Take Deposition Out of State
08/20/1999 Filed Under Seal ▼ Comment Affidavit of John T. Steffen
08/20/1999 Filed Under Seal ▼ Comment Application for Issuance of Commission to Take Deposition Out of State
08/24/1999 Filed Under Seal ▼ Comment Opposition of Gil Hyatt to the Franchise Tax Board of the State of California's Motion for Protective Order Barring Plaintiff from Deposing Gerald H. Goldberg; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
08/24/1999 Filed Under Seal ▼ Comment Opposition of Gil Hyatt to the Franchise Tax Board of the State of California's Motion for Protective Order Barring Plaintiff from Deposing Gerald H. Goldberg; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999
08/25/1999 Filed Under Seal ▼

<p>Comment</p> <p>Receipt of Copy</p>
<p>08/31/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Franchise Tax Board's Compendium of Out of State Authorities in Support of Its Reply to Motion for a Protective Order Barring Plaintiff from Deposing Gerald H. Goldberg</p>
<p>08/31/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Reply in Support of Franchise Tax Board's Motion for a Protective Order Barring Plaintiff from Deposing Gerald H. Goldberg; Filed Under Seal Under Discovery Commissioner Ruling of February 22, 1999</p>
<p>08/31/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Franchise Tax Board's Compendium of Out of State Authorities in Support of Its Motion for a Protective Order Barring Plaintiff from Deposing Gerald H. Goldberg</p>
<p>09/08/1999 Motion for Protective Order ▼</p> <p>Hearing Time</p> <p>9:30 AM</p> <p>Result</p> <p>Motion Granted</p> <p>Comment</p> <p>DEFT'S MOTION FOR PROTECTIVE ORDER BARRING PLTF FROM DEPOSING GERALD GOLDBE Court Clerk: MARY DAIGLE Reporter/Recorder: MARGIE CARLSEN Heard By: Thomas Biggar</p> <p>Parties Present ▲</p> <p>Plaintiff: Hyatt, Gilbert P</p> <p>Attorney: Hutchison, Mark A</p> <p>Attorney: Bernhard, Peter C.</p>
<p>09/13/1999 Calendar Call ▼</p> <p>Hearing Time</p> <p>9:30 AM</p> <p>Cancel Reason</p> <p>Vacated</p>
<p>09/13/1999 Pre Trial Conference ▼</p>

Hearing Time

2:30 PM

Cancel Reason

Vacated

09/24/1999 Filed Under Seal ▼

Comment

Ex Parte Application for Order Allowing Issuance of Subpoenas and
Issuance of Letters Rogatory

09/27/1999 Calendar Call ▼

Hearing Time

9:00 AM

Cancel Reason

Vacated

09/27/1999 Calendar Call ▼

Hearing Time

9:30 AM

Cancel Reason

Vacated

09/27/1999 Filed Under Seal ▼

Comment

Affidavit of George M. Takenouchi

09/27/1999 Filed Under Seal ▼

Comment

Affidavit of George M. Takenouchi

09/27/1999 Filed Under Seal ▼

Comment

Application for Issuance of Commission to Take Deposition Out of
State

09/27/1999 Filed Under Seal ▼

Comment

Application for Issuance of Commission to Take Deposition Out of
State

09/30/1999 Filed Under Seal ▼

AA000135

<p>Comment</p> <p>Affidavit of Bryan R. Clark</p>
<p>09/30/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Application for Issuance of Commission to Take the Deposition Out of the State</p>
<p>09/30/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Affidavit of Bryan R. Clark</p>
<p>09/30/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Application for Issuance of Commission to Take the Deposition Out of the State</p>
<p>10/01/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Subpoena Duces Tecum</p>
<p>10/01/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Subpoena Regular</p>
<p>10/01/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Subpoena Duces Tecum</p>
<p>10/01/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Subpoena Duces Tecum</p>
<p>10/01/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Subpoena Duces Tecum</p>
<p>10/01/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Subpoena Regular</p>
<p>10/01/1999 Filed Under Seal ▼</p>

<p>Comment</p> <p>Subpoena Duces Tecum</p>
<p>10/01/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Subpoena Duces Tecum</p>
<p>10/01/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Subpoena Duces Tecum</p>
<p>10/01/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Amended Application for Issuance of Commission to Take the Deposition Out of the State</p>
<p>10/01/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Amended Application for Issuance of Commission to Take the Deposition Out of the State</p>
<p>10/01/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Subpoena Duces Tecum</p>
<p>10/04/1999 Jury Trial ▼</p> <p>Hearing Time</p> <p>1:30 PM</p> <p>Cancel Reason</p> <p>Vacated</p>
<p>10/04/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Subpoena Duces Tecum</p>
<p>10/04/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Subpoena Regular</p>
<p>10/05/1999 Jury Trial ▼</p>

Hearing Time

9:00 AM

Cancel Reason

Vacated

10/07/1999 Filed Under Seal ▼

Comment

Affidavit of Bryan R. Clark

10/07/1999 Filed Under Seal ▼

Comment

Application for Issuance of Commission to Take the Deposition Out of the State

10/08/1999 Filed Under Seal ▼

Comment

Application for Issuance of Commission to Take the Deposition Out of the State

10/08/1999 Filed Under Seal ▼

Comment

Affidavit of Bryan R. Clark

10/12/1999 Filed Under Seal ▼

Comment

Objection to Subpoena Duces Tecum

10/14/1999 Filed Under Seal ▼

Comment

Subpoena Duces Tecum

10/15/1999 Filed Under Seal ▼

Comment

Notice of Motion

10/15/1999 Filed Under Seal ▼

Comment

Amended Application for Issuance of Commission to Take the Deposition Out of the State

10/15/1999 Filed Under Seal ▼

Comment

Affidavit of Bryan R. Clark

AA000138

10/15/1999 Filed Under Seal ▼

Comment

Motion to Compel Discovery Responses

10/18/1999 Filed Under Seal ▼

Comment

Receipt of Copy

10/18/1999 Filed Under Seal ▼

Comment

Certificate of Mailing

10/20/1999 Filed Under Seal ▼

Comment

Notice of Appearance of Co-Counsel

10/22/1999 Filed Under Seal ▼

Comment

Discovery Commissioner's Report and Recommendation

10/22/1999 Filed Under Seal ▼

Comment

Application for Issuance of Commission to Take Deposition Out of State

10/22/1999 Filed Under Seal ▼

Comment

Affidavit of Bryan R. Clark

10/25/1999 Filed Under Seal ▼

Comment

Discovery Commissioner's Report and Recommendation

10/26/1999 Filed Under Seal ▼

Comment

Discovery Commissioner's Report and Recommendation

10/27/1999 Filed Under Seal ▼

Comment

Certificate of Service of Subpoena Duces Tecum

10/27/1999 Filed Under Seal ▼

Comment

Certificate of Service of Subpoena Duces Tecum

10/27/1999 Filed Under Seal ▼

Comment

Certificate of Service of Subpoena Duces Tecum

10/28/1999 Filed Under Seal ▼

Comment

Plaintiff Gil Hyatt's Opposition to the FTB's Motion to Compel
Discovery Responses; Under Submission; Filed Under Seal by Order
of the Discovery Commissioner Dated February 22, 1999

10/29/1999 Filed Under Seal ▼

Comment

Certificate of Service

10/29/1999 Filed Under Seal ▼

Comment

Receipt of Copy

10/29/1999 Filed Under Seal ▼

Comment

Errata to Plaintiff Gil Hyatt's Opposition to the FTB's Motion to
Compel Discovery Responses; Filed Under Seal Pursuant to
Discovery Commissioner Ruling of February 22, 1999

11/04/1999 Filed Under Seal ▼

Comment

Franchise Tax Board's Compendium of Out of State Authorities in
Support of Its Reply to Plaintiff's Opposition to Motion to Compel
Discovery Responses

11/04/1999 Filed Under Seal ▼

Comment

Defendant's Reply to Plaintiff's Opposition to the FTB's Motion to
Compel Discovery Responses; Under Submission; Filed Under Seal
by Order of the Discovery Commissioner Dated February 22, 1999

11/05/1999 Filed Under Seal ▼

Comment

Certificate of Service

AA000140

11/05/1999 Filed Under Seal ▼

Comment

Second Errata to Plaintiff Gil Hyatt's Opposition to the FTB's Motion to Compel Discovery Responses; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

11/05/1999 Filed Under Seal ▼

Comment

Receipt of Copy

11/08/1999 Filed Under Seal ▼

Comment

Receipt of Copy

11/09/1999 Motion to Compel ▼

Hearing Time

10:00 AM

Result

Granted in Part

Comment

DEFT'S MOTION TO COMPEL DISCOVERY RESPONSES Court Clerk: MARY DAIGLE Heard By: Thomas Biggar

Parties Present ▲

Plaintiff

Attorney: Hutchison, Mark A

Defendant

Attorney: Wilson, Thomas R.c.

11/09/1999 Filed Under Seal ▼

Comment

Order Allowing Issuance of Subpoenas and Letters Rogatory

11/12/1999 Filed Under Seal ▼

Comment

Affidavit of Mark A. Hutchison

11/12/1999 Filed Under Seal ▼

Comment

Application for Issuance of Commission to take Deposition Out of State

11/12/1999 Filed Under Seal ▼

AA000141

<p>Comment</p> <p>Notice of Taking Deposition of Person Most Knowledgeable Roddenberry 3014, Paramount Pictures Corp.</p>
<p>11/12/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Affidavit of Mark A. Hutchison</p>
<p>11/12/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Application for Issuance of Commission to Take Deposition Out of State</p>
<p>11/12/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Taking Deposition of Custodian of Records of Roddenberry 3014, Paramount Pictures Corp.</p>
<p>11/17/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy</p>
<p>11/17/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy</p>
<p>11/17/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Consumer (C.C.P. Section 1985.3)</p>
<p>11/17/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Taking Deposition of Person Most Knowledgeable at California State Personnel Board Outside the State of Nevada</p>
<p>11/17/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Affidavit of Mark A. Hutchison</p>
<p>11/17/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Application for Issuance of Commission to Take Deposition Out of State</p>

11/17/1999 Filed Under Seal ▼

Comment

Notice to Consumer (C.C.P. Section 1985.3)

11/17/1999 Filed Under Seal ▼

Comment

Notice of Taking Deposition of Custodian of Records of the California State Personnel Board Outside the State of Nevada

11/17/1999 Filed Under Seal ▼

Comment

Affidavit of Mark A. Hutchison

11/17/1999 Filed Under Seal ▼

Comment

Application for Issuance of Commission to Take Deposition Out of State

11/19/1999 Filed Under Seal ▼

Comment

Declaration of Felix E. Leatherwood: re Anna Jovanovich; Filed in Camera and Under Seal.

11/19/1999 Filed Under Seal ▼

Comment

Receipt of Copy

11/19/1999 Filed Under Seal ▼

Comment

Receipt of Copy

11/19/1999 Filed Under Seal ▼

Comment

Notice of Taking Deposition of Custodian of Records of Youngmart Tours & Travel Inc.

11/19/1999 Filed Under Seal ▼

Comment

Affidavit of Mark A. Hutchison

11/19/1999 Filed Under Seal ▼

<p>Comment</p> <p>Commission to Take Deposition Outside of the State of Nevada</p>
<p>11/19/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Application for Issuance of Commission to Take Deposition Out of State</p>
<p>11/19/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Taking Deposition of Lobo Chang, the Owner of Youngmart Tours & Travel Inc.</p>
<p>11/19/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Affidavit of Mark A. Hutchison</p>
<p>11/19/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Commission to Take Deposition Outside of the State of Nevada</p>
<p>11/19/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Application for Issuance of Commission to Take Deposition Out of State</p>
<p>11/19/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Errata to Plaintiff's Notice of Taking Deposition of Person Most Knowledgeable at the California State Board of Personnel and Supporting Affidavit of Mark A. Hutchison</p>
<p>11/23/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Franchise Tax Board of the State of California's Objections to Plaintiff's Out of State Commissions and Deposition Notices.</p>
<p>12/14/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Affidavit of John T. Steffen</p>
<p>12/14/1999 Filed Under Seal ▼</p>

<p>Comment</p> <p>Application for Issuance of Commission to Take Deposition Out of State</p>
<p>12/14/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Taking Deposition of Priscilla Louise Maystead Outside the State of Nevada</p>
<p>12/16/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Objection to Discovery Commissioner's Report and Recommendations Regarding Protective Order for Confidential Information Decided in Conjunction with Defendant Franchise Tax Board of the State of California's Motion to Compel Discovery Reponeses.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>12/16/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Objection to Discovery Commissioner's Report and Recommendations Regarding Plaintiff Gilbert P. Hyatt's Motion to Compel re Missing, Redacted, and Sanitized Documents from the Franchise Tax Board's Residency Audit Files; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>12/17/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California</p>
<p>12/17/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California</p>
<p>12/17/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California</p>
<p>12/17/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California</p>
<p>12/17/1999 Filed Under Seal ▼</p>

<p>Comment</p> <p>Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California</p>
<p>12/17/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California</p>
<p>12/20/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Amended Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California</p>
<p>12/20/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Amended Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California</p>
<p>12/20/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Amended Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California</p>
<p>12/20/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Amended Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California</p>
<p>12/20/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Amended Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California</p>
<p>12/20/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Amended Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax Board of the State of California</p>
<p>12/20/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Errata; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999</p>
<p>12/21/1999 Filed Under Seal ▼</p>

<p>Comment</p> <p>Gil Hyatt's Response to FTB Objections and Request to Submit Points and Authorities to the FTB's "Objections" if the Court Decides to Look Beyond the Substantial Briefings and Arguments Considered by the Discovery Commission Concerning Both Motions; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>	
<p>12/23/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Objection to Discovery Commissioner's Report and Recommendations Regarding Defendant Franchise Tax Board of the State of California's Motion to Compel Discovery Responses.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>	
<p>12/27/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Discovery Commissioner's Report and Recommendation</p>	
<p>12/27/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Discovery Commissioner's Report and Recommendation; Filed Under Seal Pursuant to Discovery Commissioner's Ruling of February 22, 1999</p>	
<p>12/27/1999 Filed Under Seal ▼</p> <p>Comment</p> <p>Discovery Commissioner's Report and Recommendation</p>	
<p>01/05/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Franchise Tax Board of the State of California's Objections to Plaintiff's Amended Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>	
<p>01/05/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Franchise Tax Board of the State of California's Objections to Plaintiff's Amended Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>	
<p>01/05/2000 Filed Under Seal ▼</p>	

<p>Comment</p> <p>Franchise Tax Board of the State of California's Objections to Plaintiff's Amended Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>	
<p>01/05/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Franchise Tax Board of the State of California's Objections to Plaintiff's Amended Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>	
<p>01/10/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Franchise Tax Board of the State of California's Objections to Plaintiff's Amended Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>	
<p>01/10/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Franchise Tax Board of the State of California's Objections to Plaintiff's Amended Notice of Deposition of Person(s) Most Knowledgeable at the Franchise Tax.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>	
<p>01/12/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Plaintiff Gil Hyatt's Motion for an Order: (1) Compelling Defendant to Produce Employee-Witnesses for Depositions; (2) Compelling Defendant to Immediately Produce Documents in Compliance with this Court's Order of December 27, 1999 and Holding Defendant in Contempt for Its Failure and Refusal to Comply with the Court Order; (3) Imposing Sanctions for Discovery Abuse; and (4) for an Order Shortening Time; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999</p>	
<p>01/18/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Franchise Tax Board of the State of California's Objections to Plaintiff's Notice of Deposition Duces Tecum of Joseph Meyers.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>	
<p>01/18/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Franchise Tax Board of the State of California's Objections to Plaintiff's Notice of Deposition Duces Tecum of Barbara Hince.; Filed</p>	

Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/18/2000 Filed Under Seal ▼

Comment

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

01/18/2000 Filed Under Seal ▼

Comment

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

01/18/2000 Filed Under Seal ▼

Comment

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

01/25/2000 Filed Under Seal ▼

Comment

Application for Issuance of Commission to Take Deposition Out of State

01/25/2000 Filed Under Seal ▼

Comment

Affidavit of John T. Steffen

01/25/2000 Filed Under Seal ▼

Comment

Notice of Continuance of Taking Deposition Duces Tecum of Jeffrey Mckenney Outside the State of Nevada

01/25/2000 Filed Under Seal ▼

Comment

Defendant Franchise Tax Board's Opposition to Plaintiff's Motion for an Order: (1) Compelling Defendant to Produce Employee-Witnesses for Depositions; (2) Compelling Defendant to Immediately Produce Documentation in Compliance with the District Court's Order of December 27, 1999 and Holding Defendant in Contempt for Its

Failure and Refusal to Comply with the Court Order (3) Imposing Sanctions for Discovery Abuse; Under Submission Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

01/25/2000 Filed Under Seal ▼

Comment

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

01/26/2000 Filed Under Seal ▼

Comment

Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition

01/26/2000 Filed Under Seal ▼

Comment

Application for Issuance of Commission to Take Out of State Deposition

01/26/2000 Filed Under Seal ▼

Comment

Notice of Taking Deposition Duces Tecum of Helene Schlindwein

01/26/2000 Filed Under Seal ▼

Comment

Supplemental Certificate of Service

01/26/2000 Filed Under Seal ▼

Comment

Receipt of Copy

01/27/2000 Filed Under Seal ▼

Comment

Evidence in Support of Franchise Tax Board's Motion for Summary Judgment Under NRCP 56(b), or Alternatively for Dismissal Under NRCP 12(h)(3) (Filed Under Seal)

01/27/2000 Filed Under Seal ▼

AA000150

<p>Comment</p> <p>Motion for Summary Judgment Under NRCP 56(b), or Alternatively for Dismissal Under NRCP 12(h)(3); Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>01/27/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Evidence in Support of Franchise Tax Board's Motion for Summary Judgment Under NRCP 56(b), or Alternatively for Dismissal Under NRCP 12(h)(3) (Filed Under Seal)</p>
<p>01/28/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy</p>
<p>01/28/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Reply of Gil Hyatt in Support of Motion to Compel Depositions and Production of Documents; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999</p>
<p>01/28/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Appendix of Non-Nevada Authorities Cited in Reply of Gil Hyatt in Support of Motion to Compel Depositions and Production of Documents; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999</p>
<p>01/28/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Certificate of Service</p>
<p>01/31/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy</p>
<p>01/31/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Appendix of Non-Nevada Authorities Cited by Defendant Franchise Tax Board in Its Motion for Summary Judgment Under NRCP 56(b), or Alternatively for Dismissal Under NRCP 12(H)(3)</p>
<p>01/31/2000 Filed Under Seal ▼</p>

<p>Comment</p> <p>Receipt of Copy of Appendix of Non-Nevada Authorities Cited by Franchise Tax Board in Its Motion for Summary Judgment Under NRCP 56(b), or Alternatively for Dismissal Under NRCP 12(H)(3)</p>
<p>01/31/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Appendix of Non-Nevada Authorities Cited by Defendant Franchise Tax Board in Its Motion for Summary Judgment Under NRCP 56(b), or Alternatively for Dismissal Under NRCP 12(H)(3)</p>
<p>02/02/2000 Motion ▼</p> <p>Hearing Time</p> <p>9:00 AM</p> <p>Result</p> <p>Granted in Part</p> <p>Comment</p> <p>PLTF'S MOTION FOR AN ORDER COMPELLING DEFT TO PRODUCE EMPLOYEE-WITNESSES FOR Court Clerk: MARY DAIGLE Reporter/Recorder: MONICE CAMPBELL Heard By: Thomas Biggar</p> <p>Parties Present ▲</p> <p>Plaintiff</p> <p>Attorney: Hutchison, Mark A</p>
<p>02/02/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Errata to Hyatt's Motion for an Order (1) Compelling Defendant to Produce Employee Witnesses for Depositions; (2) Compelling Defendant to Immediately Produce Documents in Compliance with this Court's Order of 12/27/99; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999</p>
<p>02/02/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Motion to Extend Time to File Opposition to the FTB's Motion for Summary Judgment Under NRCP 56(b) or Alternatively for Dismissal Under NRCP 12(b)(3) and for an Order Shortening Time; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999</p>
<p>02/03/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy</p>
<p>02/03/2000 Filed Under Seal ▼</p>

<p>Comment</p> <p>Certificate of Service</p>
<p>02/03/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Errata to Hyatt's Motion to Extend Time to File Opposition to the FTB's Motion for Summary Judgment Under NRCP 56(b) or Alternatively for Dismissal Under NRCP 12(b)(3) and for and Order Shortening Time; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999</p>
<p>02/04/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Stipulation and Order to Continue Hearing; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999</p>
<p>02/07/2000 Motion ▼</p> <p>Hearing Time</p> <p>9:00 AM</p> <p>Result</p> <p>Off Calendar</p> <p>Comment</p> <p>PLTF'S MOTION TO EXTEND TIME TO FILE OPPOSITION TO THE FTB'S MTN FOR SUMMARY Court Clerk: DENISE HUSTED Heard By: Nancy Saitta</p>
<p>02/07/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Entry of Order; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999</p>
<p>02/09/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy</p>
<p>02/09/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Defendant Franchise Tax Board of the State of California's Motion for Stay Pending Appeal; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>02/11/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Franchise Tax Board of the State of California's Objections to Notice of Continuance of Taking Deposition Duces Tecum of Steve Illia.;</p>

Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

02/11/2000 Filed Under Seal ▼

Comment

Franchise Tax Board of the State of California's Objections to Notice of Continuance of Taking Deposition Duces Tecum of Penny Bauche.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

02/11/2000 Filed Under Seal ▼

Comment

Franchise Tax Board of the State of California's Objections to Notice of Continuance of Taking Deposition Duces Tecum of Carol Ford.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

02/11/2000 Filed Under Seal ▼

Comment

Franchise Tax Board of the State of California's Objections to Notice of Continuance of Taking Deposition Duces Tecum of Helene Schlindwein.; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

02/22/2000 Motion for Summary Judgment ▼

Hearing Time

9:00 AM

Result

Continuance Granted

Comment

DEFT'S MOTION FOR SUMMARY JUDGMENT UNDER NRCP 56(b), OR FOR DISMISSAL UNDER NRCP 12 Relief Clerk: BLANCA MADRIGAL/BM Reporter/Recorder: CARI LEWIS Heard By: Nancy Saitta

02/22/2000 Filed Under Seal ▼

Comment

Hyatt's Opposition to FTB's Motion for Stay Pending Appeal and Counter-Motion for a Bond and Sanctions; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

02/24/2000 Filed Under Seal ▼

Comment

Errata to Hyatt's Opposition to FTB's Motion for Stay Pending Appeal and Counter-Motion for a Bond and Sanctions; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

02/24/2000 Filed Under Seal ▼

Comment

Receipt of Copy

02/28/2000 Filed Under Seal ▼

Comment

Defendant Franchise Tax Board of the State of California's Reply in Support of Its Motion for Stay Pending Appeal; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

02/29/2000 Filed Under Seal ▼

Comment

Receipt of Copy

02/29/2000 Filed Under Seal ▼

Comment

Notice of Filing Original Affidavit

03/01/2000 Filed Under Seal ▼

Comment

Objections to Discovery Commissioner's Report and Recommendation Dated February 2, 2000; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/02/2000 Filed Under Seal ▼

Comment

Plaintiff's Motion for Leave to File Surreply; Filed Under Seal by Stipulation and Order Dated February 22, 1999

03/03/2000 Filed Under Seal ▼

Comment

Certificate of Service

03/03/2000 Filed Under Seal ▼

Comment

Opposition to Plaintiff's Motion for Leave to File Surreply; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/03/2000 Filed Under Seal ▼

Comment

Receipt of Copy

03/06/2000 Motion to Stay ▼

Hearing Time

3:00 AM

Result

Denied

Comment

DEFT'S MOTION TO STAY PENDING APPEAL Court Clerk: DENISE
HUSTED Heard By: Nancy Saitta

03/08/2000 Filed Under Seal ▼

Comment

Errata to Plaintiff's Motion for Leave to File Surreply; Filed Under
Seal by Order of the Discovery Commissioner Dated February 22,
1999

03/08/2000 Filed Under Seal ▼

Comment

Motion of Franchise Tax Board for a Protective Order (1) Barring
Hyatt from Deposing Nine FTB Employee Witnesses; and (2) Limiting
Hyatt's Depositions of Five Other FTB Employee Witnesses to Two
Hours

03/09/2000 Filed Under Seal ▼

Comment

Order

03/09/2000 Filed Under Seal ▼

Comment

Ex Parte Motion for One-Week Extension of Time for Filing
Opposition to FTB's Motion for Summary Judgment; Filed Under Seal
by Stipulation and Order Dated February 1, 1999

03/09/2000 Filed Under Seal ▼

Comment

Receipt of Copy

03/10/2000 Filed Under Seal ▼

Comment

Notice of Filing Original Affidavit

03/13/2000 Filed Under Seal ▼

<p>Comment</p> <p>Errata Affidavit of Felix E. Leatherwood in Opposition to Plaintiff's Ex Parte Motion for One-Week Extension for Filing Opposition to the State of California's Motion for Summary Judgment</p>
<p>03/15/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Amended Order</p>
<p>03/16/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Franchise Tax Board's Compendium of Out of State Authorities in Support of Its Motion for a Protective Order Barring Hyatt's Second Wave of Proposed FTB Depositions Under Rule 30(b)(6)</p>
<p>03/16/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Motion of Franchise Tax Board for a Protective Order Barring Hyatt's Second Wave of Proposed FTB Depositions Under Rule 30(b)(6)</p>
<p>03/17/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy</p>
<p>03/17/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Entry of Order</p>
<p>03/17/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy</p>
<p>03/17/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Defendant's Motion to Compel Interrogatory Responses and NRCP 16.1 (b)(5) Witness Identification Compliance</p>
<p>03/20/2000 Filed Under Seal ▼</p> <p>Comment</p> <p>Hyatt's Opposition to the FTB's Motion for a Protective Order (1) Barring Hyatt from Deposing Nine FTB Employee Witnesses; and (2) Limiting Hyatt's Depositions of Five Other FTB Employee Witnesses to Two Hours and Counter Motion to Compel; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>

03/21/2000 Filed Under Seal ▼

Comment

Receipt of Copy

03/22/2000 Filed Under Seal ▼

Comment

Affidavit of Gilbert P. Hyatt in Opposition to the FTB's Motion for Summary Judgment; Filed Under Seal by Stipulation and Order Dated February 1, 1999

03/22/2000 Filed Under Seal ▼

Comment

Affidavit of Michael W. Kern in Opposition to the FTB's Motion for Summary Judgment; Filed Under Seal by Stipulation and Order Dated February 1, 1999

03/22/2000 Filed Under Seal ▼

Comment

Receipt of Copy

03/22/2000 Filed Under Seal ▼

Comment

Thomas K. Bourke's Affidavit in Support of Gil Hyatt's Opposition to FTB's Motion for Summary Judgment (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

03/22/2000 Filed Under Seal ▼

Comment

Affidavit of Eugene G. Cowan in Opposition to the FTB's Motion for Summary Judgment

03/22/2000 Filed Under Seal ▼

Comment

Gil Hyatt's Opposition to FTB's Motion for Summary Judgment

03/22/2000 Filed Under Seal ▼

Comment

Affidavit of Eugene G. Cowan in Opposition to the FTB's Motion for Summary Judgment

03/23/2000 Filed Under Seal ▼

Comment

Franchise Tax Board's Compendium of Out of State Authorities

03/23/2000 Filed Under Seal ▼

Comment

Reply in Support of Motion of Franchise Tax Board for a Protective Order (1) Barring Hyatt from Deposing Nine FTB Employee Witnesses; and (2) Limiting Hyatt's Depositions of Five Other FTB Employee Witnesses to Two Hours

03/24/2000 Filed Under Seal ▼

Comment

Receipt of Copy

03/27/2000 Motion ▼

Hearing Time

3:00 AM

Result

Denied

Comment

PLTF'S MOTION FOR LEAVE TO FILE SURREPLY Court Clerk: DENISE HUSTED Heard By: Nancy Saitta

03/27/2000 Filed Under Seal ▼

Comment

Affidavit of Donald J. Kula in Opposition to FTB's Motion to Compel Interrogatory Responses and NCRP 16.1 Witness Identification Compliance; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/27/2000 Filed Under Seal ▼

Comment

Hyatt's Opposition to the FTB's Motion to Compel Interrogatory Responses and NCRP 16.1 Witness Identification Compliance; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/27/2000 Filed Under Seal ▼

Comment

Hyatt's Opposition to the FTB's Motion for (1) a Protective Order Barring Hyatt's Second Wave of Proposed FTB Depositions Under Rule 30(b)(6); and (2) Counter Motion to Compel; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/27/2000 Filed Under Seal ▼

Comment

Affidavit of Thomas K. Bourke in Opposition to FTB's Motion for Protective Order Against Second Set of Depositions of Rule 30(b)(6)

AA000159

Witnesses
03/28/2000 Filed Under Seal ▼ Comment Receipt of Copy
03/28/2000 Filed Under Seal ▼ Comment Receipt of Copy
03/29/2000 Filed Under Seal ▼ Comment Errata to Plaintiff's Opposition to the FTB's Motion for a Protective Order; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/29/2000 Filed Under Seal ▼ Comment Errata to Plaintiff's Opposition to the FTB's Motion for a Protective Order; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/29/2000 Filed Under Seal ▼ Comment Errata to Plaintiff's Opposition to the FTB's Motion to Compel; Filed Under Seal by Order of the Discovery Commissioner dated February 22, 1999
03/29/2000 Filed Under Seal ▼ Comment Errata to Plaintiff's Opposition to the FTB's Motion for Summary Judgment; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/30/2000 Motion for Protective Order ▼ Hearing Time 9:00 AM Result Denied Comment DEFT'S MOTION FOR PROTECTIVE ORDER BARRING HYATT FROM DEPOSING Court Clerk: MARY DAIGLE Reporter/Recorder: KARRE LEWIS Heard By: Thomas Biggar Parties Present ▲

Plaintiff

Attorney: Hutchison, Mark A

04/03/2000 Filed Under Seal ▼

Comment
Order

04/03/2000 Filed Under Seal ▼

Comment
Gilbert P. Hyatt's Supplemental Response to His Opposition to the
FTB's Motion to Compel Interrogatory Responses and NCRP 16.1
Witness Identification Compliance; Filed Under Seal by Order of the
Discovery Commissioner Dated February 22, 1999

04/04/2000 Filed Under Seal ▼

Comment
Notice of Entry of Order

04/04/2000 Filed Under Seal ▼

Comment
Receipt of Copy

04/04/2000 Filed Under Seal ▼

Comment
Reply in Support of Motion of Franchise Tax Board for a Protective
Order Barring Hyatt's Second Wave of Proposed FTB Depositions
Under Rule 30(b)(6)

04/05/2000 Filed Under Seal ▼

Comment
Errata to Plaintiff's Opposition to the FTB's Motion for Summary
Judgment; Filed Under Seal by Order of the Discovery Commissioner
Dated February 22, 1999

04/05/2000 Filed Under Seal ▼

Comment
Errata to Plaintiff's Opposition to the FTB's Motion for Summary
Judgment; Filed Under Seal by Order of the Discovery Commissioner
Dated February 22, 1999

04/05/2000 Filed Under Seal ▼

Comment
Errata to Plaintiff's Opposition to the FTB's Motion for Summary
Judgment; Filed Under Seal by Order of the Discovery Commissioner
Dated February 22, 1999

AA000161

04/06/2000 Filed Under Seal ▼

Comment

Receipt of Copy

04/07/2000 Filed Under Seal ▼

Comment

Defendant's Reply to Hyatt's Opposition to Motion to Compel Interrogatory Responses and NRCP 16.1 Witness Identification Compliance; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

04/10/2000 Filed Under Seal ▼

Comment

Receipt of Copy

04/11/2000 Motion for Protective Order ▼

Hearing Time

9:30 AM

Result

Granted in Part

Comment

DEFT'S MOTION FOR PROTECTIVE ORDER BARRING HYATT'S SECOND WAVE OF PROPOSED Heard By: Thomas Biggar

04/11/2000 Motion to Compel ▼

Hearing Time

9:30 AM

Result

Granted in Part

Comment

DEFT'S MOTION TO COMPEL INTERROGATORY RESPONSES/NRCP 16.1 WITNESS IDENTIFICATI Heard By: Thomas Biggar

04/11/2000 All Pending Motions ▼

Hearing Time

9:30 AM

Result

Granted in Part

Comment

ALL PENDING MOTIONS FOR 4/11/00 Court Clerk: MARY DAIGLE Reporter/Recorder: TESSA HEISHMAN Heard By: Thomas Biggar

AA000162

Parties Present ▲

Plaintiff: Hyatt, Gilbert P

Attorney: Hutchison, Mark A

Attorney: Bernhard, Peter C.

04/14/2000 Filed Under Seal ▼

Comment

Franchise Tax Board's Compendium of Out of State Authorities in Support of Its Reply to Motion for Summary Judgment

04/14/2000 Filed Under Seal ▼

Comment

FTB's Objections to Affidavits and Errata Filed in Support of Hyatt's Opposition to Motion for Summary Judgment

04/14/2000 Filed Under Seal ▼

Comment

Reply of Franchise Tax Board in Support of Motion for Summary Judgment Under NRCP 56(b), or Alternatively for Dismissal Under NRCP 12(h)(3)

04/14/2000 Filed Under Seal ▼

Comment

Franchise Tax Board's Compendium of Out of State Authorities in Support of Its Reply to Motion for Summary Judgment

04/18/2000 Filed Under Seal ▼

Comment

Receipt of Copy

04/19/2000 Filed Under Seal ▼

Comment

Receipt of Copy

04/19/2000 Filed Under Seal ▼

Comment

Franchise Tax Board's Supplement to Compendium of Out of State Authorities in Support of Its Reply to Motion for Summary Judgment

04/21/2000 Motion for Summary Judgment ▼

Hearing Time

9:00 AM

AA000163

Result
Denied

Comment
DEFT'S MOTION FOR SUMMARY JUDGMENT UNDER NRCP 56(b), OR
FOR DISMISSAL UNDER NRCP 12 Relief Clerk: BLANCA MADRIGAL/BM
Reporter/Recorder: CARI LEWIS Heard By: Nancy Saitta

Parties Present ▲

Plaintiff: Hyatt, Gilbert P

Attorney: Hutchison, Mark A

Attorney: Bernhard, Peter C.

Attorney: Steffen, Thomas L.

Defendant

Attorney: Wilson, Thomas R.c.

05/26/2000 Filed Under Seal ▼

Comment
Discovery Commissioner's Report and Recommendation

05/31/2000 Filed Under Seal ▼

Comment
Order

06/01/2000 Filed Under Seal ▼

Comment
Notice of Entry of Order

06/02/2000 Filed Under Seal ▼

Comment
Franchise Tax Board's Summary of Legal Issues

06/02/2000 Filed Under Seal ▼

Comment
Discovery Commissioner's Report and Recommendation

06/05/2000 Filed Under Seal ▼

Comment
Defendant Franchise Tax Board of the State of California's Proposed
Exhibit List.

06/05/2000 Filed Under Seal ▼

Comment
Defendant Franchise Tax Board of the State of California's Proposed
Witness List

06/07/2000 Filed Under Seal ▼

Comment

Defendant's Motion to Compel Deposition Responses and Production of Documents

06/07/2000 Filed Under Seal ▼

Comment

Defendant's Motion to Compel Deposition Responses and Production of Documents

06/08/2000 Filed Under Seal ▼

Comment

Plaintiff's Objections to Defendant Franchise Tax Board of the State of California's Proposed Exhibit List; Proposed Witness List, and Statement of Issues; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/08/2000 Filed Under Seal ▼

Comment

Receipt of Copy

06/09/2000 Filed Under Seal ▼

Comment

Receipt of Copy

06/13/2000 Status Check ▼

Hearing Time

9:00 AM

Cancel Reason

Vacated

06/29/2000 Motion to Compel ▼

Hearing Time

9:30 AM

Result

Off Calendar

Comment

DEFT'S MOTION TO COMPEL DEPOSITION RESPONSES AND PRODUCTION OF DOCUMENTS Court Clerk: CONNIE KALSKI/CK
Heard By: Thomas Biggar

AA000165

10/16/2000 Pre Trial Conference ▼

Hearing Time

1:30 PM

Cancel Reason

Vacated

11/07/2000 Jury Trial ▼

Hearing Time

9:00 AM

Cancel Reason

Vacated

07/03/2001 Filed Under Seal ▼

Comment

Motion for Extension of Time to File Memorandum of Costs on Order Shortening Time

07/05/2001 Filed Under Seal ▼

Comment

Certificate of Service of Motion for Extension of Time to File Memorandum of Costs on Order Shortening Time

07/06/2001 Filed Under Seal ▼

Comment

Gilbert P. Hyatt's Opposition to FTB's Motion for Extension of Time to File Memorandum of Costs; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/10/2001 Motion ▼

Hearing Time

9:00 AM

Result

Motion Granted

Comment

FRANCHISE TAX BOARD'S MTN FOR EXTENSION OF TIME TO FILE MEMORANDUM OF COSTS Court Clerk: DENISE HUSTED Reporter/Recorder: KRISTINE CORNELIUS Heard By: Nancy Saitta

Parties Present ▲

Plaintiff: Hyatt, Gilbert P

Attorney: Hutchison, Mark A

Attorney: Bernhard, Peter C.

Attorney: Skau, Creighton C.

AA000166

Defendant

Attorney: Clark, Bryan R

07/12/2001 Filed Under Seal ▼

Comment
Order

07/16/2001 Filed Under Seal ▼

Comment
Revised Order

07/16/2001 Filed Under Seal ▼

Comment
Order

07/16/2001 Filed Under Seal ▼

Comment
Order

07/17/2001 Filed Under Seal ▼

Comment
Notice of Entry of Order

07/17/2001 Filed Under Seal ▼

Comment
Notice of Entry of Order

07/20/2001 Filed Under Seal ▼

Comment
Appendix 3 in Support of of FTB's Motion for Award Costs

07/20/2001 Filed Under Seal ▼

Comment
Appendix 2 in Support of of FTB's Motion for Award Costs

07/20/2001 Filed Under Seal ▼

Comment
Appendix 1 (B) in Support of of FTB's Motion for Award Costs

07/20/2001 Filed Under Seal ▼

Comment
Appendix 1 (A) in Support of of FTB's Motion for Award Costs

AA000167

07/20/2001 Filed Under Seal ▼

Comment

FTB's Memorandum of and Motion for Award of Costs

08/01/2001 Filed Under Seal ▼

Comment

Stipulation and Order Granting Extensions of Time re Motion to Retax Costs

08/02/2001 Filed Under Seal ▼

Comment

Notice of Entry of Stipulation and Order Granting Extensions of Time re Motion to Retax Costs

08/17/2001 Filed Under Seal ▼

Comment

Gilbert P. Hyatt's Motion to Retax Costs and Notice of Motion

08/20/2001 Filed Under Seal ▼

Comment

Receipt of Copy of Gilbert P. Hyatt's Motion to Retax Costs and Notice of Motion

08/27/2001 Filed Under Seal ▼

Comment

Gilbert P. Hyatt's Opposition to FTB's Request to Extend Time to File Opposition to Motion to Retax Costs

08/31/2001 Filed Under Seal ▼

Comment

Transcript of Hearing Held on August 28, 2001

09/07/2001 Filed Under Seal ▼

Comment

FTB's Opposition to Motion to Retax Costs

09/11/2001 Filed Under Seal ▼

Comment

Order

09/12/2001 Filed Under Seal ▼

<p>Comment</p> <p>Notice of Filing Original Affidavit</p>
<p>09/17/2001 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Entry of Order</p>
<p>09/18/2001 Motion to Retax ▼</p> <p>Hearing Time</p> <p>9:00 AM</p> <p>Result</p> <p>Continuance Granted</p> <p>Comment</p> <p>PLTF'S MOTION TO RETAX COSTS/46 VE 3/7</p>
<p>09/28/2001 Filed Under Seal ▼</p> <p>Comment</p> <p>Appendix of Exhibits Submitted with Gilbert P. Hyatt's Reply in Support of Motion to Retax Costs; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>09/28/2001 Filed Under Seal ▼</p> <p>Comment</p> <p>Reply Points and Authorities in Support of Gilbert P. Hyatt's Motion to Retax Costs; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>10/02/2001 Motion to Retax ▼</p> <p>Hearing Time</p> <p>10:00 AM</p> <p>Cancel Reason</p> <p>Vacated</p> <p>Result</p> <p>Continuance Granted</p>
<p>10/09/2001 Motion to Retax ▼</p> <p>Hearing Time</p> <p>10:00 AM</p> <p>Cancel Reason</p> <p>Vacated</p> <p>Result</p> <p>Continuance Granted</p>

Parties Present▲

Plaintiff: Hyatt, Gilbert P

Attorney: Hutchison, Mark A

Attorney: Bernhard, Peter C.

Defendant

Attorney: Wilson, Thomas R.c.

10/22/2001 Filed Under Seal ▼

Comment

Reporter's Transcript of Hearing Held on October 9, 2001

11/09/2001 Motion to Retax ▼

Hearing Time

8:30 AM

Cancel Reason

Vacated

Result

Continuance Granted

11/14/2001 Filed Under Seal ▼

Comment

Stipulation and Order Re-Setting Hearing on Motion to Retax Costs

11/15/2001 Filed Under Seal ▼

Comment

Notice of Entry of Stipulation and Order Re-Setting Hearing on
Motion to Retax Costs

12/04/2001 Filed Under Seal ▼

Comment

FTB's Motion to Vacate Protective Order; Filed Under Seal

12/04/2001 Filed Under Seal ▼

Comment

Notice of Motion on FTB's Motion to Vacate Protective Order; Filed
Under Seal

12/05/2001 Filed Under Seal ▼

Comment

Certificate of Service of FTB's Motion to Vacate Protective Order

12/17/2001 Filed Under Seal ▼

<p>Comment</p> <p>Stipulation and Order Continuing Hearing on FTB's Motion to Vacate Protective Order</p>
<p>12/20/2001 Motion to Retax ▼</p> <p>Hearing Time 10:00 AM</p> <p>Cancel Reason Vacated</p> <p>Result Continuance Granted</p>
<p>12/26/2001 Filed Under Seal ▼</p> <p>Comment Plaintiff Gil Hyatt's Opposition to the FTB's Motion to Vacate Protective Order; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999</p>
<p>12/26/2001 Filed Under Seal ▼</p> <p>Comment Appendix of Evidence Cited in Plaintiff Gil Hyatt's Opposition to the FTB's Motion to Vacate Protective Order; Filed Under Seal Pursuant to Discovery Commissioner Ruling of February 22, 1999</p>
<p>12/27/2001 Filed Under Seal ▼</p> <p>Comment Receipt of Copy</p>
<p>12/28/2001 Filed Under Seal ▼</p> <p>Comment Notice of Entry of Stipulation and Order Continuing Hearing on FTB's Motion to Vacate Protective Order</p>
<p>01/08/2002 Motion to Vacate ▼</p> <p>Hearing Time 9:00 AM</p> <p>Result Continuance Granted</p> <p>Comment FTBS MTN TO VACATE PROTECTIVE ORDER/47 FILED UNDER SEAL Relief Clerk: Amber Farley Reporter/Recorder: Kristine Cornelius Heard By: Nancy Saitta</p>
<p>01/09/2002 Filed Under Seal ▼</p>

<p>Comment</p> <p>Stipulation and Order Continuing Hearing on Motion to Retax Costs</p>
<p>01/11/2002 Motion to Retax ▼</p> <p>Hearing Time 9:00 AM</p> <p>Cancel Reason Vacated</p> <p>Result Continuance Granted</p>
<p>01/11/2002 Filed Under Seal ▼</p> <p>Comment Notice of Firm Name Change</p>
<p>01/11/2002 Filed Under Seal ▼</p> <p>Comment Notice of Entry of Stipulation and Order Continuing Hearing on FTB's Motion to Retax Costs</p>
<p>01/11/2002 Filed Under Seal ▼</p> <p>Comment Certificate of Service of Franchise Tax Board's Reply in Support of Motion to Vacate Protective Order; Filed Under Seal</p>
<p>01/11/2002 Filed Under Seal ▼</p> <p>Comment Franchise Tax Board's Reply in Support of Motion to Vacate Protective Order; Filed Under Seal</p>
<p>01/11/2002 Filed Under Seal ▼</p> <p>Comment Franchise Tax Board's Reply in Support of Motion to Vacate Protective Order; Filed Under Seal</p>
<p>01/14/2002 Filed Under Seal ▼</p> <p>Comment Objection to Plaintiff's Gil Hyatt to the FTB's Reply in Support of Motion to Vacate Protective Order; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>01/14/2002 Filed Under Seal ▼</p>

<p>Comment</p> <p>Objection to Plaintiff's Gil Hyatt to the FTB's Reply in Support of Motion to Vacate Protective Order; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>01/14/2002 Filed Under Seal ▼</p> <p>Comment</p> <p>Proposed Supplemental Hearing Exhibits Submitted by Plaintiff Gil Hyatt re Hearing on the FTB's Motion to Vacate Protective Order; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>01/14/2002 Filed Under Seal ▼</p> <p>Comment</p> <p>Proposed Supplemental Hearing Exhibits Submitted by Plaintiff Gil Hyatt re Hearing on the FTB's Motion to Vacate Protective Order; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>01/15/2002 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy</p>
<p>01/15/2002 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy</p>
<p>01/16/2002 Filed Under Seal ▼</p> <p>Comment</p> <p>Franchise Tax Board's Opposition to Plaintiff's Objection to FTB's Reply in Support of Motion to Vacate Protective Order</p>
<p>01/17/2002 Motion to Vacate ▼</p> <p>Hearing Time</p> <p>9:00 AM</p> <p>Result</p> <p>Denied</p> <p>Comment</p> <p>FTBS MTN TO VACATE PROTECTIVE ORDER/47 FILED UNDER SEAL Relief Clerk: Amber Farley Reporter/Recorder: Kristine Cornelius Heard By: Nancy Saitta</p> <p>Parties Present ▲</p> <p>Plaintiff: Hyatt, Gilbert P</p> <p>Attorney: Hutchison, Mark A</p> <p>Attorney: Bernhard, Peter C.</p>

Defendant

Attorney: Silvestri, Jeffrey A.

Attorney: Wilson, Thomas R.c.

01/23/2002 Filed Under Seal ▼

Comment

Transcript of Hearing Held on January 17, 2002

01/31/2002 Filed Under Seal ▼

Comment

Order Denying FTB's Motion to Vacate Protective Order

02/15/2002 Filed Under Seal ▼

Comment

FTB's Supplemental Points and Authorities re Costs

02/19/2002 Filed Under Seal ▼

Comment

Notice of Entry of Order Denying FTB's Motion to Vacate Protective Order

02/19/2002 Filed Under Seal ▼

Comment

Receipt of Copy

02/20/2002 Filed Under Seal ▼

Comment

Notice of Motion

02/20/2002 Filed Under Seal ▼

Comment

Motion for Authorization to Disclose and for Leave to Depose Mr. Kern

03/04/2002 Filed Under Seal ▼

Comment

Notice of Appeal

03/04/2002 Filed Under Seal ▼

Comment

Case Appeal Statement

03/05/2002 Filed Under Seal ▼

Comment

Plaintiff Gil Hyatt's Opposition to the FTB's Motion for Authorization to Disclose and for Leave to Depose Mr. Kern; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/07/2002 Filed Under Seal ▼

Comment

Stipulation and Order Continuing Hearing on Hyatt's Motion to Retax Costs (Filed Under Seal by Order of the Discovery Commissioner dated February 22, 1999)

03/08/2002 Filed Under Seal ▼

Comment

FTB's Reply in Support of Motion for Authorization to Disclose and for Leave to Depose Mr. Kern; Filed Under Seal

03/15/2002 Motion to Retax ▼

Hearing Time

9:00 AM

Cancel Reason

Vacated

03/15/2002 Motion ▼

Hearing Time

9:00 AM

Result

Denied

Comment

DEFT'S MTN FOR AUTHORIZATION TO DISCLOSEAND FOR LEAVE TO DEPOSE MR KERN/48 Court Clerk: Amber Farley Reporter/Recorder: Debra Vanblaricom Heard By: Nancy Saitta

Parties Present ▲

Plaintiff: Hyatt, Gilbert P

Attorney: Hutchison, Mark A

Attorney: Bernhard, Peter C.

Attorney: Steffen, Thomas L.

Defendant

Attorney: Silvestri, Jeffrey A.

Attorney: Wilson, Thomas R.c.

03/15/2002 Filed Under Seal ▼

Comment

Hearing Exhibits Submitted by Plaintiff Gil Hyatt re the FTB's Motion for Authorization to Disclose and for Leave to Depose Mr. Kern; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

03/18/2002 Filed Under Seal ▼

Comment

Notice of Entry of Stipulation and Order Continuing Hearing on Motion to Retax Costs

03/20/2002 Filed Under Seal ▼

Comment

Order Denying FTB's Motion for Authorization to Disclose and for Leave to Depose Mr. Kern

03/21/2002 Filed Under Seal ▼

Comment

Notice of Entry of Order Denying FTB's Motion for Authorization to Disclose and for Leave to Depose Mr. Kern

04/01/2002 Filed Under Seal ▼

Comment

Transcript of Hearing Held on March 15, 2002

04/25/2002 Filed Under Seal ▼

Comment

Order Vacating Order Granting Summary Judgment and Addressing Related Matters (Previous Order Entered July 16, 2001)

04/26/2002 Filed Under Seal ▼

Comment

Motion for Pretrial Conference and Scheduling Order

04/29/2002 Filed Under Seal ▼

Comment

Certificate of Service

04/29/2002 Filed Under Seal ▼

Comment

Notice of Entry of Order Vacating Order Granting Summary Judgment and Addressing Related Matters (Previous Order Entered

July 16, 2001)

05/03/2002 Filed Under Seal ▼

Comment

Nevada Supreme Court Clerk's Certificate Judgment - Dismissed

05/23/2002 Minute Order ▼

Hearing Time

3:00 AM

Result

Matter Heard

Comment

MINUTE ORDER RE: CASE REASSIGNMENT Court Clerk: Amber Farley
Heard By: Nancy Saitta

05/23/2002 Status Check ▼

Hearing Time

9:00 AM

Result

Matter Heard

Comment

STATUS CHECK/50 Court Clerk: Amber Farley Reporter/Recorder:
Kristine Cornelius Heard By: Nancy Saitta

Parties Present ▲

Plaintiff

Attorney: Hutchison, Mark A

Attorney: Bernhard, Peter C.

Defendant

Attorney: Wilson, Thomas R.c.

05/24/2002 Filed Under Seal ▼

Comment

Notice of Department Reassignment

05/28/2002 Motion ▼

Judicial Officer

Togliatti, Jennifer

Hearing Time

9:00 AM

Result

Continuance Granted

AA000177

Comment
PLTF'S MTN FOR PRETRIAL CONFERENCE & SCHEDULING
ORDER/49 VC

06/06/2002 Filed Under Seal ▼

Comment
Transcript of Hearing Held on May 23, 2002

06/28/2002 Motion ▼

Judicial Officer
Togliatti, Jennifer

Hearing Time
10:30 AM

Cancel Reason
Vacated

Result
Continuance Granted

06/28/2002 Filed Under Seal ▼

Comment
Stipulation and Order Regarding Plaintiff's Motion for Pretrial
Conference and Scheduling Order (Filed Under Seal by Order of the
Discovery Commissioner Dated February 22, 1999)

07/01/2002 Motion ▼

Judicial Officer
Togliatti, Jennifer

Hearing Time
9:00 AM

Cancel Reason
Vacated

Result
Continuance Granted

07/01/2002 Filed Under Seal ▼

Comment
Notice of Entry of Stipulation and Order

07/03/2002 Filed Under Seal ▼

Comment
Order Setting Civil Jury Trial

07/09/2002 Filed Under Seal ▼

AA000178

<p>Comment</p> <p>Notice of Entry of Stipulation and Order Regarding Plaintiff's Motion for Pretrial Conference and Scheduling Order</p>
<p>07/10/2002 Motion ▼</p> <p>Judicial Officer Togliatti, Jennifer</p> <p>Hearing Time 10:00 AM</p> <p>Cancel Reason Vacated</p>
<p>09/26/2002 Filed Under Seal ▼</p> <p>Comment Plaintiff Gilbert P. Hyatt's Motion for an Order Compelling the FTB to: (1) Answer Deposition Questions Previously Objected to Based on the Deliberative-Process Privilege; and (2) Produce Documents Withheld Under the Deliberative-Process Privilege (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)</p>
<p>09/26/2002 Filed Under Seal ▼</p> <p>Comment Plaintiff Gilbert P. Hyatt's Motion for an Order Compelling the FTB Witnesses to Answer Deposition Questions Regarding "CBR,"Return on Investment, and Other Motivating Factors in the FTB Fraud (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999) (Confidential - Nevada Protective Order)</p>
<p>09/26/2002 Filed Under Seal ▼</p> <p>Comment Plaintiff Gilbert P. Hyatt's Motion for an Order Compelling the FTB to Provide a Proper Vaughn Index of All Withheld, Redacted, or "Sanitized" Documents (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)</p>
<p>09/26/2002 Filed Under Seal ▼</p> <p>Comment Plaintiff Gilbert P. Hyatt's Motion for an Order Compelling the FTB to: (1) Answer Deposition Questions Previously Objected to Based on the Deliberative-Process Privilege; and (2) Produce Documents Withheld Under the Deliberative-Process Privilege (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)</p>
<p>09/26/2002 Filed Under Seal ▼</p> <p>Comment Plaintiff Gilbert P. Hyatt's Motion for an Order Compelling the FTB Witnesses to Answer Deposition Questions Regarding "CBR,"Return</p>

on Investment, and Other Motivating Factors in the FTB Fraud (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999) (Confidential - Nevada Protective Order)

09/26/2002 Filed Under Seal ▼

Comment
Certificate of Service

09/26/2002 Filed Under Seal ▼

Comment
Plaintiff Gilbert P. Hyatt's Motion for an Order Compelling the FTB to Provide a Proper Vaughn Index of All Withheld, Redacted, or "Sanitized" Documents (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

09/27/2002 Filed Under Seal ▼

Comment
Defendant's Motion to Compel Deposition Responses and Production of Documents re: Kern; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

09/27/2002 Filed Under Seal ▼

Comment
Defendant's Motion to Compel Deposition Responses and Production of Documents re: Cowan; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

09/27/2002 Filed Under Seal ▼

Comment
Gilbert P. Hyatt's Motion for: (1) a Protective Order to Prohibit the FTB from Coaching Witnesses; and (2) an Order Compelling Answers to Deposition Questions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

09/27/2002 Filed Under Seal ▼

Comment
Defendant's Motion to Compel Deposition Responses and Production of Documents re: Cowan; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

09/27/2002 Filed Under Seal ▼

Comment
Defendant's Motion to Compel Deposition Responses and Production of Documents re: Kern; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

09/27/2002 Filed Under Seal ▼

<p>Comment</p> <p>Certificate of Service (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)</p>
<p>09/27/2002 Filed Under Seal ▼</p> <p>Comment</p> <p>Certificate of Service</p>
<p>09/27/2002 Filed Under Seal ▼</p> <p>Comment</p> <p>Appendix of Non-Nevada Authorities Cited by Defendant Franchise Tax Board in Its Motion to Compel Deposition Responses and Production of Documents re: Kern</p>
<p>09/30/2002 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>09/30/2002 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>09/30/2002 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>09/30/2002 Filed Under Seal ▼</p> <p>Comment</p> <p>Certificate of Mailing; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>09/30/2002 Filed Under Seal ▼</p> <p>Comment</p> <p>Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>09/30/2002 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>10/03/2002 Filed Under Seal ▼</p>

Comment

Stipulation and Order Setting Briefing Schedule and Continuing Hearing on Discovery Motions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999); Before the Discovery Commissioner

10/07/2002 Filed Under Seal ▼

Comment

Notice of Entry of Stipulation and Order Setting Briefing Schedule and Continuing Hearing on Discovery Motions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

10/08/2002 Minute Order ▼

Judicial Officer

Togliatti, Jennifer

Hearing Time

3:00 AM

Result

Matter Heard

Comment

MINUTE ORDER RE: RECUSAL - DEPT IX Court Clerk: Carol Foley
Heard By: Jennifer Togliatti

10/08/2002 Filed Under Seal ▼

Comment

Notice of Firm Name Change

10/10/2002 Filed Under Seal ▼

Comment

Notice of Department Reassignment

10/11/2002 Filed Under Seal ▼

Comment

Stipulation and Order Setting Briefing Schedule and Continuing Hearing on Discovery Motions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999); Before the Discovery Commissioner

10/15/2002 Filed Under Seal ▼

Comment

Notice of Entry of Stipulation and Order Setting Briefing Schedule and Continuing Hearing on Discovery Motions (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)

10/23/2002 Motion to Compel ▼

Hearing Time

9:00 AM

Result

Continuance Granted

Comment

PLTF'S MTN FOR ORDER COMPELLING FTB WITNESSES TO
ANSWER/57

10/23/2002 Motion ▼

Hearing Time

9:30 AM

Result

Continuance Granted

Comment

PLTF'S MTN FOR ORD COMPELLING FTB PROVIDE PROPER
VAUGHN INDEX/55

10/23/2002 Motion to Compel ▼

Hearing Time

9:30 AM

Result

Continuance Granted

Comment

PLTF'S MTN FOR ORDER COMPELLING FTB ANSWER DEPOSITION
QUESTIONS/56

10/23/2002 Motion ▼

Hearing Time

9:30 AM

Result

Continuance Granted

Comment

PLTF'S MTN FOR PROTECTIVE ORDER TO PROHIBIT FTB FROM
COACHING WITNESSES/58

10/23/2002 Motion to Compel ▼

Hearing Time

9:30 AM

Result

Continuance Granted

AA000183

Comment

DEFT'S MTN TO COMPEL DEPOSITION RESPONSES/PRODUCTION
OF DOCU RE KERN/59

10/23/2002 Motion to Compel ▼

Hearing Time

9:30 AM

Result

Continuance Granted

Comment

DEFT'S MTN TO COMPEL DEPOSITION RESPONSES/PRODUCTION
OF DOCU RE COWAN/60

10/23/2002 Filed Under Seal ▼

Comment

Motion to Reconsider Recusal or Objection to Recusal; Filed Under
Seal by Order of the Discovery Commissioner Dated February 22,
1999

10/24/2002 Filed Under Seal ▼

Comment

Certificate of Service

10/24/2002 Filed Under Seal ▼

Comment

Defendant's Objection to Hyatt's Motion for Stay; Filed Under Seal by
Order of the Discovery Commissioner Dated February 22, 1999

10/24/2002 Filed Under Seal ▼

Comment

Gilbert P. Hyatt's Motion for Stay of All Proceedings Pending Action
by United States Supreme Court

10/29/2002 Filed Under Seal ▼

Comment

Stipulation and Order Staying Proceedings and Extending Time
Periods Under NRCP 41(e) (Filed Under Seal by Order of the
Discovery Commissioner Dated February 22, 1999)

10/30/2002 Motion to Stay ▼

Judicial Officer

Leavitt, Michelle

AA000184

Hearing Time

11:30 AM

Cancel Reason

Vacated

10/30/2002 Filed Under Seal ▼

Comment

Notice of Entry of Stipulation and Order Staying Proceedings and
Extending Time Periods Under NRCP 41(e) (Filed Under Seal by
Order of the Discovery Commissioner Dated February 22, 1999)

11/06/2002 Motion ▼

Hearing Time

9:30 AM

Cancel Reason

Vacated

11/06/2002 Motion to Compel ▼

Hearing Time

9:30 AM

Cancel Reason

Vacated

11/06/2002 Motion to Compel ▼

Hearing Time

9:30 AM

Cancel Reason

Vacated

11/06/2002 Motion ▼

Hearing Time

9:30 AM

Cancel Reason

Vacated

11/06/2002 Motion to Compel ▼

Hearing Time

9:30 AM

Cancel Reason

Vacated

AA000185

11/06/2002 Motion to Compel ▼

Hearing Time

9:30 AM

Cancel Reason

Vacated

11/18/2002 Motion ▼

Judicial Officer

Leavitt, Michelle

Hearing Time

9:00 AM

Result

Off Calendar

Comment

DEFT'S MOTION TO RECONSIDER RECUSAL OR OBJECTION TO
RECUSAL/62 Court Clerk: Sue Deaton Heard By: Michelle Leavitt

11/19/2002 Filed Under Seal ▼

Comment

Notice of Firm Name Change

05/05/2003 Filed Under Seal ▼

Comment

Certificate of Service

05/05/2003 Filed Under Seal ▼

Comment

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

05/15/2003 Filed Under Seal ▼

Comment

Defendant Franchise Tax Board's Opposition to Plaintiff's Motion to
Confirm Expiration of Stay or, in the Alternative, to Lift Stay (Filed
Under Seal)

05/19/2003 Filed Under Seal ▼

Comment

Plaintiff Gilbert P. Hyatt's Memorandum of Points and Authorities in
Reply to the FTB's Opposition to Motion to Confirm Expiration of Stay

AA000186

or, in the Alternative, to Lift Stay; Filed Under Seal by Order of the
Discovery Commissioner Dated February 22, 1999

05/21/2003 Filed Under Seal ▼

Comment

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

05/27/2003 Motion to Stay ▼

Judicial Officer

Leavitt, Michelle

Hearing Time

9:00 AM

Result

Continuance Granted

Comment

PLTF HYATT'S MTN TO CONFRIM EXPIRATION OF STAY, OR IN ALT,
TO LIFT STAY /64 Court Clerk: Sue Deaton Reporter/Recorder: Lisa
Makowski Heard By: Michelle Leavitt

Parties Present ▲

Plaintiff: Hyatt, Gilbert P

Attorney: Hutchison, Mark A

Attorney: Bernhard, Peter C.

Defendant

Attorney: Silvestri, Jeffrey A.

Attorney: Wilson, Thomas R.c.

05/28/2003 Filed Under Seal ▼

Comment

Transcript of Hearing Held on May 27, 2003

06/06/2003 Filed Under Seal ▼

Comment

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

06/09/2003 Motion to Stay ▼

Judicial Officer

Leavitt, Michelle

Hearing Time

9:00 AM

Result

Motion Granted

Comment

PLTF HYATT'S MTN TO CONFRIM EXPIRATION OF STAY, OR IN ALT,
TO LIFT STAY /64 Court Clerk: Sue Deaton Reporter/Recorder: Lisa
Makowski Heard By: Michelle Leavitt

Parties Present ▲

Plaintiff

Attorney: Hutchison, Mark A

Attorney: Bernhard, Peter C.

Defendant

Attorney: Silvestri, Jeffrey A.

06/09/2003 Filed Under Seal ▼

Comment

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

06/10/2003 Filed Under Seal ▼

Comment

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

06/12/2003 Filed Under Seal ▼

Comment

Notice of Withdrawal of Defendant's Motion to Reconsider Recusal or
Objection to Recusal (Filed Under Seal)

06/13/2003 Filed Under Seal ▼

Comment

Re-Notice of Franchise Tax Board's Discovery Motions (Filed Under
Seal)

06/20/2003 Filed Under Seal ▼

Comment

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

06/20/2003 Filed Under Seal ▼

AA000188

<p>Comment</p> <p>FTB's Opposition to Hyatt's Motion for an Order Compelling FTB Witnesses to Answer Deposition Questions Regarding "CBR," Return on Investment, and Other Motivating Factors; Filed Under Seal</p>
<p>06/20/2003 Filed Under Seal ▼</p> <p>Comment</p> <p>FTB's Opposition to Gilbert P Hyatt's Motion for: (1) a Protective Order to Prohibit the FTB from Coaching Witnesses; and (2) an Order Compelling Answers to Deposition Questions. and Counter Motion for Protective Order</p>
<p>06/20/2003 Filed Under Seal ▼</p> <p>Comment</p> <p>FTB's Consolidated Opposition to Hyatt's Motions to Compel re: Vaughn Index and Deliberative Process; and Counter-Motion for a Protective Order; Filed Under Seal</p>
<p>06/23/2003 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy</p>
<p>06/23/2003 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy</p>
<p>06/23/2003 Filed Under Seal ▼</p> <p>Comment</p> <p>Gilbert P. Hyatt's Opposition to Defendant's Motion to Compel Deposition Responses and Production of Documents re: Kern; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>06/23/2003 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy</p>
<p>06/23/2003 Filed Under Seal ▼</p> <p>Comment</p> <p>Gilbert P. Hyatt's Appendix of Evidence to His Oppositions to Defendant's Motions to Compel Deposition Responses and Production of Documents re: Kern and Cowan; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>06/23/2003 Filed Under Seal ▼</p>

Comment

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

06/24/2003 Filed Under Seal ▼

Comment

Motion to Associate Counsel; Filed Under Seal

06/25/2003 Filed Under Seal ▼

Comment

Certificate of Mailing

06/26/2003 Filed Under Seal ▼

Comment

Notice of Filing Original Affidavit of Felix E. Leatherwood Under EDCR 2.34; Filed Under Seal

06/30/2003 Filed Under Seal ▼

Comment

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

06/30/2003 Filed Under Seal ▼

Comment

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

06/30/2003 Filed Under Seal ▼

Comment

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

06/30/2003 Filed Under Seal ▼

Comment

Gilbert P. Hyatt's Reply in Support of His Motion for (1) a Protective Order from Coaching Witnesses; and (2) an Order Compelling

AA000190

Answers to Deposition Questions and Opposition to FTB's Counter-Motion for Protective Order; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

06/30/2003 Filed Under Seal ▼

Comment

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

06/30/2003 Filed Under Seal ▼

Comment

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

06/30/2003 Filed Under Seal ▼

Comment

Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/02/2003 Filed Under Seal ▼

Comment

Receipt of Copy

07/07/2003 Motion to Associate Counsel ▼

Judicial Officer

Leavitt, Michelle

Hearing Time

9:00 AM

Result

Continuance Granted

Comment

DEFT'S MTN TO ASSOCIATE COUNSEL /68 (JOSEPH M. O'HERON, ESQ./CALIFORNIA) Court Clerk: Sue Deaton Reporter/Recorder: Julie Lever Heard By: Michelle Leavitt

Parties Present ▲

Plaintiff

Attorney: Bernhard, Peter C.

Defendant

Attorney: Clark, Bryan R

AA000191

07/08/2003 Motion to Associate Counsel ▼

Judicial Officer
Leavitt, Michelle

Hearing Time
3:00 AM

Result
Continuance Granted

Comment
DEFT'S MTN TO ASSOCIATE COUNSEL /68 (JOSEPH M. O'HERON,
ESQ./CALIFORNIA) Court Clerk: Sue Deaton Reporter/Recorder: Julie
Lever Heard By: Michelle Leavitt

07/08/2003 Motion ▼

Hearing Time
9:30 AM

Result
Off Calendar

Comment
DEFT'S RE-NTC DISCOVERY MTNS/65 MTN Heard By: Thomas Biggar

07/08/2003 Motion ▼

Hearing Time
9:30 AM

Result
Off Calendar

Comment
DEFT'S COUNTER MTN FOR PROTECTIVE ORDER OPP GILBERT
HYATT'S MTN FOR PROTECTIV/66 Heard By: Thomas Biggar

07/08/2003 Motion ▼

Hearing Time
9:30 AM

Result
Off Calendar

Comment
DEFT'S COUNTER MTN FOR PROTECTIVE ORDER CONSOLIDATED
OPP TO HYATT MTN TO COM/67 Heard By: Thomas Biggar

07/08/2003 Motion ▼

Hearing Time

9:30 AM

Comment

RE-NOTICE FRANCHISE TAX BD DISC MTNS

07/08/2003 Motion ▼

Hearing Time

9:30 AM

Result

Continuance Granted

Comment

PLTF'S DISCOVERY MTNS Heard By: Thomas Biggar

07/08/2003 All Pending Motions ▼

Hearing Time

9:30 AM

Result

Matter Heard

Comment

ALL PENDING MOTIONS FOR 7/8/03 Court Clerk: MARY DAIGLE
Reporter/Recorder: MONIQUE CAMPBELL Heard By: Thomas Biggar

Parties Present ▲

Plaintiff

Attorney: Bradshaw, James W.

Attorney: Hutchison, Mark A

Attorney: Bernhard, Peter C.

Defendant

Attorney: Bradshaw, James W.

Attorney: Wilson, Thomas R.c.

Attorney: Giudici, James Carl

07/08/2003 Filed Under Seal ▼

Comment

Transcript of Hearing Held on July 7, 2003

07/17/2003 Filed Under Seal ▼

Comment

Receipt of Copy; Filed Under Seal by Order of the Discovery
Commissioner Dated February 22, 1999

07/17/2003 Filed Under Seal ▼

AA000193

<p>Comment</p> <p>Gilbert P. Hyatt's Opposition to Defendant's Motion to Associate Foreign Counsel Joseph M. O'Heron; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>07/18/2003 Filed Under Seal ▼</p> <p>Comment</p> <p>Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>07/18/2003 Filed Under Seal ▼</p> <p>Comment</p> <p>FTB's Reply to Gilbert Hyatt's Opposition to Defendant's Motion to Associate Foreign Counsel Joseph M. O'Heron. Deposition Questions.</p>
<p>07/18/2003 Filed Under Seal ▼</p> <p>Comment</p> <p>Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999; Before the Discovery Commissioner</p>
<p>07/18/2003 Filed Under Seal ▼</p> <p>Comment</p> <p>Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999; Before the Discovery Commissioner</p>
<p>07/18/2003 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>07/18/2003 Filed Under Seal ▼</p> <p>Comment</p> <p>Plaintiff Gilbert P. Hyatt's Supplement re Meet and Confer Efforts on the FTB's Privilege Logs and Document Production from June 20, 2003; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999; Before the Discovery Commissioner</p>
<p>07/18/2003 Filed Under Seal ▼</p> <p>Comment</p> <p>Plaintiff Gilbert P. Hyatt's Supplement in Support of His Motion for an Order Compelling the FTB to: (1) Answer Deposition Questions Previously Objected to Based on the Deliberative-Process Privilege; and (2) Produce Documents Withheld Under the Deliberative-</p>

Process Privilege; Filed Under Seal by Order of the Discovery
Commissioner Dated February 22, 1999; Before the Discovery
Commissioner

07/21/2003 Motion to Associate Counsel ▼

Judicial Officer
Leavitt, Michelle

Hearing Time
9:00 AM

Result
Motion Granted

Comment
DEFT'S MTN TO ASSOCIATE COUNSEL /68 (JOSEPH M. O'HERON,
ESQ./CALIFORNIA) Court Clerk: Sue Deaton Reporter/Recorder: Julie
Lever Heard By: Michelle Leavitt

Parties Present ▲
Plaintiff

Attorney: Hutchison, Mark A

Attorney: Bernhard, Peter C.

Defendant

Attorney: Clark, Bryan R

07/21/2003 Filed Under Seal ▼

Comment
Receipt of Copy

07/21/2003 Filed Under Seal ▼

Comment
Defendant FTB's Objections to Hyatt's Supplemental Filings; Filing
Under Seal

07/22/2003 Motion ▼

Hearing Time
10:00 AM

Result
Continuance Granted

Comment
PLTF'S DISCOVERY MTNS Heard By: Thomas Biggar

Parties Present ▲

Plaintiff: Hyatt, Gilbert P

Attorney: Bradshaw, James W.

Attorney: Hutchison, Mark A

AA000195

Attorney: Bernhard, Peter C.

Defendant

Attorney: Bradshaw, James W.

Attorney: Giudici, James Carl

07/22/2003 Filed Under Seal ▼

Comment

Receipt of Copy

07/22/2003 Filed Under Seal ▼

Comment

Notice of Firm Name Change; Filed Under Seal by Order of the
Discovery Commissioner Dated February 22, 1999

07/22/2003 Filed Under Seal ▼

Comment

Notice of Firm Name Change; Filed Under Seal by Order of the
Discovery Commissioner Dated February 22, 1999

07/29/2003 Motion ▼

Hearing Time

10:00 AM

Result

Granted in Part

Comment

PLTF'S DISCOVERY MTNS Heard By: Thomas Biggar

07/29/2003 Motion ▼

Hearing Time

10:00 AM

Result

Granted in Part

Comment

FRANCHISE TAX BD DISC MTNS Court Clerk: MARY DAIGLE
Reporter/Recorder: MONICE CAMPBELL Heard By: Thomas Biggar

Parties Present ▲

Plaintiff

Attorney: Bradshaw, James W.

Attorney: Hutchison, Mark A

Defendant

Attorney: Bradshaw, James W.

AA000196

Attorney: Giudici, James Carl

08/08/2003 Filed Under Seal ▼

Comment

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

08/22/2003 Filed Under Seal ▼

Comment

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

08/22/2003 Filed Under Seal ▼

Comment

Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

08/22/2003 Filed Under Seal ▼

Comment

Plaintiff Gilbert P. Hyatt's Motion to Strike Reply of Franchise Tax Board of the State of California (Regarding Motion to Associate Foreign Counsel); Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

08/26/2003 Filed Under Seal ▼

Comment

Transcript of Hearing Held on July 21, 2003

09/02/2003 Filed Under Seal ▼

Comment

FTB's Response to Hyatt's Motion to Strike Reply of FTB to Hyatt's Opposition to FTB's Motion to Associate Joseph M. O'Heron, Deputy Attorney General; and Counter-Motion to Strike Hyatt's Motion to Strike; Filed Under Seal

09/03/2003 Filed Under Seal ▼

Comment

Receipt of Copy of FTB's Response to Hyatt's Motion to Strike Reply of FTB to Hyatt's Opposition to FTB's Motion to Associate Joseph M. O'Heron, Deputy Attorney General; and Counter-Motion to Strike Hyatt's Motion to Strike; Filed Under Seal

09/03/2003 Filed Under Seal ▼

<p>Comment</p> <p>Receipt of Copy of FTB's Response to Hyatt's Motion to Strike Reply of FTB to Hyatt's Opposition to FTB's Motion to Associate Joseph M. O'Heron, Deputy Attorney General; and Counter-Motion to Strike Hyatt's Motion to Strike; Filed Under Seal</p>
<p>09/08/2003 Filed Under Seal ▼</p> <p>Comment</p> <p>Plaintiff Gilbert P. Hyatt's Reply in Support of His Motion to Strike Reply of Franchise Tax Board of the State of California (Regarding Motion to Associate Foreign Counsel); Opposition to Counter-Motion to Strike; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>09/08/2003 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>09/11/2003 Filed Under Seal ▼</p> <p>Comment</p> <p>Request for Leave of Court to File FTB's Reply in Support of Its Counter-Motion to Strike Hyatt's Motion to Strike; Filed Under Seal</p>
<p>09/11/2003 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy of FTB's Request for Leave of Court to File FTB's Reply in Support of Its Counter-Motion to Strike Hyatt's Motion to Strike and Attached Reply; Filed Under Seal</p>
<p>09/12/2003 Filed Under Seal ▼</p> <p>Comment</p> <p>Response to Defendant Franchise Tax Board's Request for Leave of Court to File FTB's Reply in Support of Its Counter-Motion to Strike Hyatt's Motion to Strike; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>09/15/2003 Motion to Strike ▼</p> <p>Judicial Officer Leavitt, Michelle</p> <p>Hearing Time 9:00 AM</p> <p>Result Denied</p>

Comment

PLTF'S MOTION TO STRIKE REPLY OF FRANCHISE TAX BOARD OF CALIFORNIA /73 Heard By: Michelle Leavitt

09/15/2003 Motion to Strike ▼

Judicial Officer

Leavitt, Michelle

Hearing Time

9:00 AM

Result

Denied

Comment

DEFT FTB'S RESPONSE/COUNTER-MTN TO STRIKE HYATT'S MTN TO STRIKE /74 Heard By: Michelle Leavitt

09/15/2003 All Pending Motions ▼

Judicial Officer

Leavitt, Michelle

Hearing Time

9:00 AM

Result

Matter Heard

Comment

ALL PENDING MOTIONS 9-15-03 Relief Clerk: Kristen Brown
Reporter/Recorder: Joanie Grime Heard By: Michelle Leavitt

Parties Present ▲

Plaintiff

Attorney: Bradshaw, James W.

Attorney: Hutchison, Mark A

Attorney: Bernhard, Peter C.

Defendant

Attorney: Bradshaw, James W.

Attorney: Wilson, Thomas R.c.

09/23/2003 Filed Under Seal ▼

Comment

Order Granting Motion to Associate Counsel Joseph O'Heron; Filed Under Seal

09/24/2003 Filed Under Seal ▼

<p>Comment</p> <p>Order Denying Plaintiff Gilbert P. Hyatt's Motion to Strike Reply of Franchise Tax Board of the State of California (Regarding Motion to Associate Foreign Counsel) and Denying FTB's Counter-Motion to Strike Hyatt's Motion to Strike; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>09/25/2003 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Entry of Order Granting Motion to Associate Counsel Joseph O'Heron; Filed Under Seal</p>
<p>09/26/2003 Filed Under Seal ▼</p> <p>Comment</p> <p>Transcript of Hearing Held on September 15, 2003</p>
<p>10/02/2003 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Entry of Order Denying Plaintiff Gilbert P. Hyatt's Motion to Strike Reply of Franchise Tax Board of the State of California (Regarding Motion to Associate Foreign Counsel) and Denying FTB's Counter-Motion to Strike Hyatt's Motion to Strike; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>12/30/2003 Filed Under Seal ▼</p> <p>Comment</p> <p>Certificate of Service of Motion for Pretrial Conference and Scheduling Order; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>12/30/2003 Filed Under Seal ▼</p> <p>Comment</p> <p>Motion for Pretrial Conference and Scheduling Order; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>01/07/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Firm Name Change; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>01/08/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Discovery Commissioner's Report and Recommendations; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>

01/09/2004 Filed Under Seal ▼

Comment

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

01/12/2004 Filed Under Seal ▼

Comment

Receipt of Copy

01/12/2004 Filed Under Seal ▼

Comment

Receipt of Copy

01/15/2004 Filed Under Seal ▼

Comment

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

01/16/2004 Filed Under Seal ▼

Comment

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

01/16/2004 Filed Under Seal ▼

Comment

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

01/20/2004 Filed Under Seal ▼

Comment

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

01/20/2004 Filed Under Seal ▼

AA000201

Comment
Receipt of Copy; Filed Under Seal by Order of the Discovery
Commissioner Dated February 22, 1999

01/20/2004 Filed Under Seal ▼

Comment
Receipt of Copy; Filed Under Seal by Order of the Discovery
Commissioner Dated February 22, 1999

01/26/2004 Motion ▼

Judicial Officer
Walsh, Jessie

Hearing Time
9:00 AM

Result
Motion Granted

Comment
PLTF'S MTN FOR PRETRIAL CONFERENCE AND SCHEDULING
ORDER (FILED UNDER SEAL)/76 Court Clerk: Nora Pena
Reporter/Recorder: Lee Bahr Heard By: Jessie Walsh

Parties Present ▲
Plaintiff

Attorney: Bradshaw, James W.

Attorney: Hutchison, Mark A

Attorney: Bernhard, Peter C.

Defendant

Attorney: Bradshaw, James W.

01/26/2004 Calendar Call ▼

Judicial Officer
Togliatti, Jennifer

Hearing Time
10:00 AM

Cancel Reason
Vacated

01/29/2004 Filed Under Seal ▼

Comment
Order Regarding Motion for Pretrial Conference and Scheduling
Order; Filed Under Seal by Order of the Discovery Commissioner
Dated February 22, 1999

02/02/2004 Filed Under Seal ▼

AA000202

<p>Comment</p> <p>Discovery Commissioner's Report and Recommendations; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>02/02/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Transcript of Hearing Held on January 26, 2004</p>
<p>02/03/2004 Jury Trial ▼</p> <p>Judicial Officer Togliatti, Jennifer</p> <p>Hearing Time 9:00 AM</p> <p>Cancel Reason Vacated</p>
<p>03/22/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>03/22/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>03/22/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Taking Out of State Deposition of Darlene Beer; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>03/25/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Taking Out of State Deposition of Richard Gould; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>03/25/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery</p>

Commissioner Dated February 22, 1999
03/25/2004 Filed Under Seal ▼ Comment Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/25/2004 Filed Under Seal ▼ Comment Notice of Taking Out of State Deposition of Rebekah Medina; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/25/2004 Filed Under Seal ▼ Comment Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/25/2004 Filed Under Seal ▼ Comment Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/29/2004 Filed Under Seal ▼ Comment Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/29/2004 Filed Under Seal ▼ Comment Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/29/2004 Filed Under Seal ▼ Comment Notice of Taking Out of State Deposition of Sidney J. Kearns; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999
03/29/2004 Filed Under Seal ▼

<p>Comment</p> <p>Notice of Taking Out of State Deposition of William Thompson; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>03/29/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>03/29/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>05/07/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Taking Out of State Deposition of Lisa Garrison; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>05/07/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>05/07/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>05/25/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Order Setting Civil Jury Trial</p>
<p>05/27/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>05/27/2004 Filed Under Seal ▼</p>

<p>Comment</p> <p>Notice of Taking Out of State Deposition of James H. Smith; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>05/27/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>05/27/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Taking Out of State Deposition of Jeanne Atkins; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>05/27/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>05/28/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>06/10/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Motion for Deposition Scheduling Conference and Deposition Scheduling Order and for Sanctions Under NRCP 37(a)(4); Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>06/14/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>06/14/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Taking Out of State Deposition of Brad Lacour; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>

06/14/2004 Filed Under Seal ▼

Comment

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

06/18/2004 Filed Under Seal ▼

Comment

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

06/18/2004 Filed Under Seal ▼

Comment

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

06/22/2004 Filed Under Seal ▼

Comment

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

06/23/2004 Filed Under Seal ▼

Comment

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

06/23/2004 Filed Under Seal ▼

Comment

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

06/30/2004 Filed Under Seal ▼

Comment

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

AA000207

07/08/2004 Motion ▼

Hearing Time

9:30 AM

Result

Continuance Granted

Comment

PLTF'S MTN FOR DEPOSITION SCHEDULING CONFERENCE &
DEPOSITION SCHEDULING/80 Relief Clerk: Jennifer Lott
Reporter/Recorder: Robin Ravize Heard By: Thomas Biggar

Parties Present ▲

Plaintiff: Hyatt, Gilbert P

Attorney: Bradshaw, James W.

Attorney: Hutchison, Mark A

Attorney: Bernhard, Peter C.

Defendant

Attorney: Bradshaw, James W.

07/15/2004 Filed Under Seal ▼

Comment

Notice of Change of Address; Filed Under Seal by Order of the
Discovery Commissioner Dated February 22, 1999

07/19/2004 Filed Under Seal ▼

Comment

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

07/19/2004 Filed Under Seal ▼

Comment

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

07/19/2004 Filed Under Seal ▼

Comment

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

07/19/2004 Filed Under Seal ▼

AA000208

<p>Comment</p> <p>Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>07/19/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Subpoena Duces Tecum; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>07/20/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>07/20/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Taking Out of State Deposition of Penelope Bauche; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>07/20/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>07/20/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Commission to Take the Deposition Outside the State of Nevada; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>07/28/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Withdrawal of California Attorney General as Attorney of Record; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>08/05/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Discovery Commissioner's Report and Recommendations; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>08/16/2004 Filed Under Seal ▼</p>

Comment

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

08/17/2004 Filed Under Seal ▼

Comment

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

08/19/2004 Motion ▼

Hearing Time

10:00 AM

Result

Matter Heard

Comment

PLTF'S MTN FOR DEPOSITION SCHEDULING CONFERENCE &
DEPOSITION SCHEDULING/80 Relief Clerk: Jennifer Lott
Reporter/Recorder: Robin Ravize Heard By: Thomas Biggar

Parties Present ▲

Plaintiff

Attorney: Bradshaw, James W.

Attorney: Bernhard, Peter C.

Defendant

Attorney: Bradshaw, James W.

10/26/2004 Filed Under Seal ▼

Comment

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

10/27/2004 Status Check ▼

Hearing Time

10:00 AM

Result

Continuance Granted

Comment

STATUS CHECK: DISCOVERY Vj 02/16/05

Parties Present ▲

AA000210

Plaintiff: Hyatt, Gilbert P

Attorney: Bradshaw, James W.

Attorney: Hutchison, Mark A

Attorney: Bernhard, Peter C.

Defendant

Attorney: Bradshaw, James W.

11/24/2004 Filed Under Seal ▼

Comment

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

11/30/2004 Filed Under Seal ▼

Comment

Defendant's Response to Plaintiff's Points and Authorities Explaining Hyatt's Version of Draft DCRR from October 27 Case Management Conference

12/01/2004 Status Check ▼

Hearing Time

10:00 AM

Cancel Reason

Vacated

Result

Continuance Granted

Parties Present ▲

Plaintiff: Hyatt, Gilbert P

Attorney: Bradshaw, James W.

Attorney: Hutchison, Mark A

Attorney: Bernhard, Peter C.

Defendant

Attorney: Bradshaw, James W.

12/10/2004 Filed Under Seal ▼

Comment

Certification of Counsel; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

12/13/2004 Filed Under Seal ▼

<p>Comment</p> <p>Receipt of Copy</p>
<p>12/23/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Plaintiff Gilbert P. Hyatt's Objections to FTB Certifications and Motion for Order Compelling FTB Compliance with Discovery Commissioner's Certification Order; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>12/27/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy - and - Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>12/29/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Discovery Commissioner's Report and Recommendations; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>12/29/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>12/29/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>12/30/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>12/30/2004 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>01/03/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Defendant's Response to Plaintiff Gilbert P. Hyatt's Objections to FTB Certifications and Motion for Order Compelling FTB Compliance with</p>

Discovery Commissioner's Certification Order; Filed Under Seal by
Order of the Discovery Commissioner Dated February 22, 1999

01/06/2005 Filed Under Seal ▼

Comment

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

01/06/2005 Filed Under Seal ▼

Comment

Receipt of Copy; Filed Under Seal by Order of the Discovery
Commissioner Dated February 22, 1999

01/13/2005 Status Check ▼

Hearing Time

10:00 AM

Cancel Reason

Vacated

Result

Continuance Granted

01/13/2005 Motion ▼

Hearing Time

10:00 AM

Result

Motion Granted

Comment

PLTF'S MTN FOR ORDER/82 Heard By: Thomas Biggar

01/13/2005 All Pending Motions ▼

Hearing Time

10:00 AM

Result

Matter Heard

Comment

ALL PENDING MOTIONS Court Clerk: MARY DAIGLE Reporter/Recorder:
JOHN NAGLE Heard By: Thomas Biggar

Parties Present ▲

Plaintiff

AA000213

Attorney: Bradshaw, James W.

Attorney: Hutchison, Mark A

Attorney: Bernhard, Peter C.

Defendant

Attorney: Bradshaw, James W.

02/07/2005 Filed Under Seal ▼

Comment

Notice of Change of Address; Filed Under Seal by Order of the
Discovery Commissioner Dated February 22, 1999

02/09/2005 Filed Under Seal ▼

Comment

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

02/14/2005 Filed Under Seal ▼

Comment

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

02/17/2005 Status Check ▼

Hearing Time

10:00 AM

Cancel Reason

Vacated

02/28/2005 Filed Under Seal ▼

Comment

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

02/28/2005 Filed Under Seal ▼

Comment

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

02/28/2005 Filed Under Seal ▼

AA000214

	<p>Comment</p> <p>Receipt of Copy of Appendix of Exhibits in Support of Motion to Compel Production of Documents and Memorandum of Points and Authorities in Support of Motion to Compel Production of Documents Requested by Plaintiff Gilbert P. Hyatt (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)</p>	
	<p>02/28/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Certificate of Mailing of Separate Statement of Document Requests and Responses and Objections Thereto at Issue in Gilbert P. Hyatt's Motion to Compel Production of Documents re Plaintiff's Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh Sets of Document Requests (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)</p>	
	<p>02/28/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Certificate of Mailing of Motion to Compel Production of Documents and Memorandum of Points and Authorities in Support of Motion to Compel Production of Documents Requested by Plaintiff Gilbert P. Hyatt (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)</p>	
	<p>02/28/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy of Motion to Compel Production of Documents and Memorandum of Points and Authorities in Support of Motion to Compel Production of Documents Requested by Plaintiff Gilbert P. Hyatt (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)</p>	
	<p>02/28/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy of Separate Statement of Document Requests and Responses and Objections Thereto at Issue in Gilbert P. Hyatt's Motion to Compel Production of Documents re Plaintiff's Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh Sets of Document Requests (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)</p>	
	<p>02/28/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Certificate of Mailing of Appendix of Exhibits in Support of Motion to Compel Production of Documents and Memorandum of Points and Authorities in Support of Motion to Compel Production of Documents Requested by Plaintiff Gilbert P. Hyatt (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)</p>	
	<p>03/01/2005 Filed Under Seal ▼</p>	

Comment

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

03/01/2005 Filed Under Seal ▼

Comment

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

03/01/2005 Filed Under Seal ▼

Comment

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

03/04/2005 Filed Under Seal ▼

Comment

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

03/04/2005 Filed Under Seal ▼

Comment

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

03/18/2005 Filed Under Seal ▼

Comment

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

03/18/2005 Filed Under Seal ▼

Comment

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

03/18/2005 Filed Under Seal ▼

Comment

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

03/18/2005 Filed Under Seal ▼

Comment

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

03/18/2005 Filed Under Seal ▼

Comment

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

03/18/2005 Filed Under Seal ▼

Comment

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

03/18/2005 Filed Under Seal ▼

Comment

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

03/18/2005 Filed Under Seal ▼

Comment

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

03/18/2005 Filed Under Seal ▼

Comment

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

03/18/2005 Filed Under Seal ▼

<p>Comment</p> <p>Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Protective Order re: the Protest Hearing Officers Work Files (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)</p>	
<p>03/21/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion for Protective Order re: the Protest Hearing Officers Work Files (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)</p>	
<p>03/21/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion to Strike or, in the Alternative, Dismiss Plaintiff's Economic Damages Claims and to Compel Discovery Responses (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)</p>	
<p>03/22/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Errata re Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion to Strike or, in the Alternative, Dismiss Plaintiff's Economic Damages Claims and to Compel Discovery Responses (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)</p>	
<p>03/22/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy of Notice of Errata re Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion to Strike or, in the Alternative, Dismiss Plaintiff's Economic Damages Claims and to Compel Discovery Responses (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)</p>	
<p>03/22/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Certificate of Service of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion to Strike or, in the Alternative, Dismiss Plaintiff's Economic Damages Claims and to Compel Discovery Responses (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)</p>	
<p>04/01/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>FTB's Reply in Support of Motion for Protective Order re: the Protest Officers' Work Files; Filed Under Seal by Order of the Discovery</p>	

Commissioner Dated February 22, 1999

04/01/2005 Filed Under Seal ▼

Comment

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

04/01/2005 Filed Under Seal ▼

Comment

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

04/01/2005 Filed Under Seal ▼

Comment

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

04/01/2005 Filed Under Seal ▼

Comment

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

04/01/2005 Filed Under Seal ▼

Comment

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

04/01/2005 Filed Under Seal ▼

Comment

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

04/04/2005 Filed Under Seal ▼

Comment

Receipt of Copy and Certificate of Service of Reply in Support of Plaintiff Gilbert P. Hyatt's Motion to Compel Production of Documents

AA000219

(Filed Under Seal by Order of the Discovery Commissioner Dated
February 22, 1999)

04/07/2005 Motion for Protective Order ▼

Hearing Time

10:00 AM

Result

Continuance Granted

Comment

DEFT'S MTN FOR PROTECTIVE ORDER /84 Heard By: Thomas Biggar

04/07/2005 Motion to Strike ▼

Hearing Time

10:00 AM

Result

Continuance Granted

Comment

DEFT'S MTN TO STRIKE /MTN TO DISMISS/85 Heard By: Thomas
Biggar

04/07/2005 Motion to Compel ▼

Hearing Time

10:00 AM

Result

Continuance Granted

Comment

PLTF'S MTN TO COMPEL PRODUCTION OF DOCUMENTS/86 Heard
By: Thomas Biggar

04/07/2005 All Pending Motions ▼

Hearing Time

10:00 AM

Result

Matter Heard

Comment

ALL PENDING MOTIONS FOR 4/7/05 Court Clerk: MARY DAIGLE
Reporter/Recorder: JOHN NAGLE Heard By: Thomas Biggar

Parties Present ▲

Plaintiff: Hyatt, Gilbert P

Attorney: Bradshaw, James W.

Attorney: Hutchison, Mark A

AA000220

Attorney: Bernhard, Peter C.

Defendant

Attorney: Bradshaw, James W.

04/26/2005 Filed Under Seal ▼

Comment

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

04/29/2005 Filed Under Seal ▼

Comment

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

05/02/2005 Filed Under Seal ▼

Comment

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

05/02/2005 Filed Under Seal ▼

Comment

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

05/04/2005 Motion to Strike ▼

Hearing Time

10:00 AM

Result

Continuance Granted

Comment

DEFT'S MTN TO STRIKE /MTN TO DISMISS/85 Heard By: Thomas
Biggar

Parties Present ▲

Plaintiff

Attorney: Bradshaw, James W.

Attorney: Hutchison, Mark A

Attorney: Bernhard, Peter C.

Defendant

AA000221

Attorney: Bradshaw, James W.

05/05/2005 Filed Under Seal ▼

Comment

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

05/12/2005 Filed Under Seal ▼

Comment

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

05/13/2005 Filed Under Seal ▼

Comment

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

05/13/2005 Filed Under Seal ▼

Comment

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

05/18/2005 Motion to Strike ▼

Hearing Time

9:00 AM

Result

Continuance Granted

Comment

DEFT'S MTN TO STRIKE /MTN TO DISMISS/85 Heard By: Thomas Biggar

05/18/2005 Motion for Protective Order ▼

Hearing Time

10:00 AM

Result

Continuance Granted

Comment

DEFT'S MTN FOR PROTECTIVE ORDER /84 Heard By: Thomas Biggar

AA000222

05/18/2005 Motion to Compel ▼

Hearing Time

10:00 AM

Result

Continuance Granted

Comment

PLTF'S MTN TO COMPEL PRODUCTION OF DOCUMENTS/86 Heard
By: Thomas Biggar

05/31/2005 Filed Under Seal ▼

Comment

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

05/31/2005 Filed Under Seal ▼

Comment

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

05/31/2005 Filed Under Seal ▼

Comment

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

05/31/2005 Filed Under Seal ▼

Comment

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

05/31/2005 Filed Under Seal ▼

Comment

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

05/31/2005 Filed Under Seal ▼

Comment

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

05/31/2005 Filed Under Seal ▼

AA000223

<p>Comment</p> <p>Notice of Taking Deposition Duces Tecum of Dennis Boom; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>05/31/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>05/31/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Taking Deposition Duces Tecum of Rick Phillips; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>05/31/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>05/31/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>05/31/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>05/31/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Taking Deposition Duces Tecum of Robert Rosa; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>05/31/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>

05/31/2005 Filed Under Seal ▼

Comment

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

06/01/2005 Filed Under Seal ▼

Comment

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

06/01/2005 Filed Under Seal ▼

Comment

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

06/01/2005 Filed Under Seal ▼

Comment

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

06/01/2005 Filed Under Seal ▼

Comment

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

06/01/2005 Filed Under Seal ▼

Comment

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

06/01/2005 Filed Under Seal ▼

Comment

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

06/01/2005 Filed Under Seal ▼

AA000225

<p>Comment</p> <p>Amended Certificate of Service; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>06/01/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Continuation of Deposition of Rhonda Marshall; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>06/01/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>06/01/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>06/03/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion to Dismiss, or in the Alternative, for Partial Summary Judgment re: Statutory Information Privacy Claims (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)</p>
<p>06/03/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion to Dismiss, or in the Alternative, for Partial Summary Judgment re: Statutory Information Privacy Claims (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)</p>
<p>06/06/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Receipt of Copy and Certificate of Service of Plaintiff Gilbert P. Hyatt's Opposition to the FTB's Motion to Dismiss, or in the Alternative, for Partial Summary Judgment re: Statutory Information Privacy Claims and Appendix of Exhibits (Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999)</p>
<p>06/09/2005 Motion for Protective Order ▼</p>

Hearing Time

10:00 AM

Result

Continuance Granted

Comment

DEFT'S MTN FOR PROTECTIVE ORDER /84 Heard By: Thomas Biggar

06/09/2005 Motion to Strike ▼

Hearing Time

10:00 AM

Result

Continuance Granted

Comment

DEFT'S MTN TO STRIKE /MTN TO DISMISS/85 Heard By: Thomas Biggar

06/09/2005 Motion to Compel ▼

Hearing Time

10:00 AM

Result

Continuance Granted

Comment

PLTF'S MTN TO COMPEL PRODUCTION OF DOCUMENTS/86 Heard By: Thomas Biggar

06/09/2005 Motion ▼

Hearing Time

10:00 AM

Result

Matter Heard

Comment

DISCOVERY CONFERENCE Court Clerk: MARY DAIGLE
Reporter/Recorder: JOHN NAGLE Heard By: Thomas Biggar

Parties Present ▲

Plaintiff

Attorney: Bradshaw, James W.

Attorney: Hutchison, Mark A

Attorney: Bernhard, Peter C.

Defendant

Attorney: Bradshaw, James W.

06/13/2005 Filed Under Seal ▼

AA000227

Comment

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

06/20/2005 Motion to Dismiss ▼

Judicial Officer

Walsh, Jessie

Hearing Time

9:00 AM

Result

Denied

Comment

DEFT'S MTN TO DISMISS OR FOR PARTIAL SUMJUD RE STATUTORY
INFO PRIVACY CLAIMS/88 Court Clerk: Nora Pena Reporter/Recorder:
Lee Bahr Heard By: Jessie Walsh

Parties Present ▲

Plaintiff: Hyatt, Gilbert P

Attorney: Bradshaw, James W.

Attorney: Hutchison, Mark A

Attorney: Bernhard, Peter C.

Defendant

Attorney: Bradshaw, James W.

06/20/2005 Motion for Protective Order ▼

Hearing Time

1:30 PM

Result

Continuance Granted

Comment

DEFT'S MTN FOR PROTECTIVE ORDER /84 Heard By: Thomas Biggar

06/20/2005 Motion to Strike ▼

Hearing Time

1:30 PM

Result

Continuance Granted

Comment

DEFT'S MTN TO STRIKE /MTN TO DISMISS/85 Heard By: Thomas
Biggar

06/20/2005 Motion to Compel ▼

Hearing Time

1:30 PM

Result

Continuance Granted

Comment

PLTF'S MTN TO COMPEL PRODUCTION OF DOCUMENTS/86 Heard
By: Thomas Biggar

06/27/2005 Filed Under Seal ▼

Comment

Transcript of Hearing Held on June 20, 2005

07/01/2005 Filed Under Seal ▼

Comment

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

07/01/2005 Filed Under Seal ▼

Comment

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

07/07/2005 Filed Under Seal ▼

Comment

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

07/08/2005 Motion for Protective Order ▼

Hearing Time

10:00 AM

Result

Continuance Granted

Comment

DEFT'S MTN FOR PROTECTIVE ORDER /84 Heard By: Thomas Biggar

07/08/2005 Motion to Strike ▼

AA000229

Hearing Time

10:00 AM

Result

Continuance Granted

Comment

DEFT'S MTN TO STRIKE /MTN TO DISMISS/85 Heard By: Thomas Biggar

07/08/2005 Motion to Compel ▼

Hearing Time

10:00 AM

Result

Continuance Granted

Comment

PLTF'S MTN TO COMPEL PRODUCTION OF DOCUMENTS/86 Heard By: Thomas Biggar

07/08/2005 Discovery Conference ▼

Hearing Time

10:00 AM

Result

Continuance Granted

Comment

DISCOVERY CONFERENCE Relief Clerk: Jennifer Lott
Reporter/Recorder: Robin Ravize Heard By: Thomas Biggar

07/08/2005 All Pending Motions ▼

Hearing Time

10:00 AM

Result

Continuance Granted

Comment

ALL PENDING MOTIONS Heard By: Thomas Biggar

Parties Present ▲

Plaintiff: Hyatt, Gilbert P

Attorney: Bradshaw, James W.

Attorney: Hutchison, Mark A

Attorney: Bernhard, Peter C.

Defendant

Attorney: Bradshaw, James W.

07/12/2005 Filed Under Seal ▼

AA000230

<p>Comment</p> <p>Notice of Entry of Order Denying FTB's Motion to Dismiss, or in the Alternative, for Partial Summary Judgment re: Statutory Information Privacy Claims; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>	
<p>07/14/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Deposition of Terry Collins; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>	
<p>07/15/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Continuation of Deposition of Robert Alvarez; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>	
<p>07/15/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Deposition of Brad LaCour; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>	
<p>07/15/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Continuation of Deposition of Jahna Alvarado; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>	
<p>07/15/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>	
<p>07/15/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>	
<p>07/15/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>	
<p>07/15/2005 Filed Under Seal ▼</p>	

<p>Comment</p> <p>Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>07/15/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>07/15/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>07/15/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>07/15/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Notice of Continuation of Deposition of Barbara Hince; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>07/15/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>07/15/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Affidavit of Mark A. Hutchison in Support of Application for Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>
<p>07/15/2005 Filed Under Seal ▼</p> <p>Comment</p> <p>Application for Issuance of Commission to Take Out of State Deposition; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999</p>

07/15/2005 Filed Under Seal ▼

Comment

Notice of Continuation of Deposition of Paul Lou; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/18/2005 Filed Under Seal ▼

Comment

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

07/18/2005 Filed Under Seal ▼

Comment

Amended Notice of Deposition of Rick Phillips; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/18/2005 Filed Under Seal ▼

Comment

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

07/18/2005 Filed Under Seal ▼

Comment

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

07/18/2005 Filed Under Seal ▼

Comment

Amended Notice of Deposition of John Weber; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/18/2005 Filed Under Seal ▼

Comment

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

07/18/2005 Filed Under Seal ▼

Comment

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

AA000233

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Comment

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

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Comment

Notice of Deposition of Thomas Kawasawa; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/18/2005 Filed Under Seal ▼

Comment

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

07/18/2005 Filed Under Seal ▼

Comment

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

07/18/2005 Filed Under Seal ▼

Comment

Notice of Continuation of Deposition of Allan Shigemitsu; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

07/18/2005 Filed Under Seal ▼

Comment

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

07/18/2005 Filed Under Seal ▼

Comment

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

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Comment

Notice of Deposition of Robert Dunn; Filed Under Seal by Order of the Discovery Commissioner Dated February 22, 1999

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Comment

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

07/18/2005 Filed Under Seal ▼

Comment

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

07/18/2005 Filed Under Seal ▼

Comment

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

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Comment

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

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

07/18/2005 Filed Under Seal ▼

Comment

Notice of Deposition of Terri Howell; Filed Under Seal by Order of the
Discovery Commissioner Dated February 22, 1999

07/18/2005 Filed Under Seal ▼

Comment

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

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Comment

Affidavit of Mark A. Hutchison in Support of Application for
Commission to Take Out of State Deposition; Filed Under Seal by

AA000235