

FILED

SEP 14 2006
U.S. MAGISTRATE JUDGE
DISTRICT OF NEVADA

BY _____ DEPL

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15 Admitted *Pro Hac Vice* in related action *Montgomery v.*
16 *eTrepid Technologies, LLC et al.*, Case No. 3:06-cv-0056-VPC)

17 Attorneys for eTrepid Technologies, L.L.C.

18 **UNITED STATES DISTRICT COURT**
19 **FOR THE DISTRICT OF NEVADA**

20 In the Matter of the Search of:) Case No. 3:06-CV-0263 (formerly MJ-0023-
21 12720 Buckthorn Lane, Reno, Nevada,) VPC)
22 and) **REQUEST FOR JUDICIAL NOTICE IN**
23) **SUPPORT OF MOTION OF ETREPPID**
24) **TECHNOLOGIES, LLC FOR RETURN**
25) **OF SEIZED PROPERTY, F.R.Cr.P. 41(g),**
26) **AND REQUEST FOR EVIDENTIARY**
27) **HEARING**
28 Storage Units 136, 140, 141, 142, and 143,)
Double R Storage, 888 Maestro Drive, Reno,)
Nevada.)

29 **LODGED UNDER SEAL**

30 Pursuant to Federal Rule of Evidence 201, eTrepid Technologies, LLC ("eTrepid") requests
31 that in ruling on its motion for return of seized property, filed concurrently herewith, this Court take
32 judicial notice of the following facts:

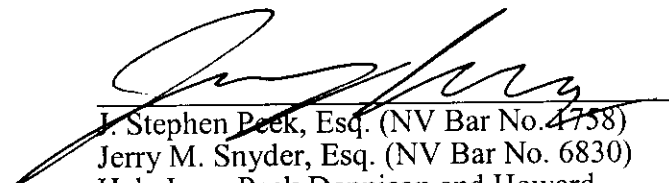
33 (A) The issuance by the Second Judicial District Court of the State of Nevada, County of
34 Washoe, of the Order, dated February 8, 2006, granting plaintiff eTrepid's Motion for Preliminary

Hale Lane Peek Dennison and Howard
5441 Kietzke Lane, Second Floor
Reno, Nevada 89511

1 Injunction against Dennis Montgomery and the Montgomery Family Trust, a true and correct certified
2 copy of which is attached hereto as **Exhibit A**. This document is on file in a related action before this
3 Court, *eTreppid v. Montgomery et al.*, Case No. 3:06-cv-00145-BES-VPC (D. Nev.), which was
4 formerly captioned as *eTreppid v. Montgomery et al.*, Case No. CV06-00114, before the Second
5 Judicial District Court of the State of Nevada, County of Washoe, and was removed to this Court in
6 March 2006.

7 (B) The civil docket in *eTreppid v. Montgomery et al.*, Case No. 3:06-cv-00145-BES-VPC
8 (D. Nev.), a true and correct certified copy of which is attached hereto as **Exhibit B**.

9 Dated: September 14, 2006.

10
11 
12 J. Stephen Peek, Esq. (NV Bar No. 4758)
13 Jerry M. Snyder, Esq. (NV Bar No. 6830)
14 Hale Lane Peek Dennison and Howard
15 5441 Kietzke Lane, Second Floor
16 Reno, Nevada 89511
17 Tel: (775) 327-3000
18 Fax: (775) 786-6179
19 Attorneys for *eTreppid Technologies, LLC*

Hale Lane Peek Dennison and Howard
5441 Kietzke Lane, Second Floor
Reno, Nevada 89511

PROOF OF SERVICE

I, Gaylene Silva, declare:

I am employed in the **City of Reno, County of Washoe, State of Nevada**, by the law offices of Hale Lane Peek Dennison and Howard. My business address is: **5441 Kietzke Lane, Second Floor, Reno, Nevada 89511**. I am over the age of 18 years and not a party to this action

I am readily familiar with Hale Lane Peek Dennison and Howard's practice for collection of mail, delivery of its hand-deliveries and their process of faxes.

On September 15, 2006, I caused the **Request for Judicial Notice in Support of Motion of ETREPPID TECHNOLOGIES, LLC for Return of Seized Property, F.R.C.P. 41(G), and Request for Evidentiary Hearing** to be:

 X mailed a true copy thereof to the following person(s) at the address(es) listed below by placing the document in Hale Lane Peek Dennison and Howard's practice for collection and processing of its outgoing mail with the United States Postal Service to the following:

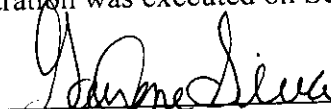
Fax No. 202/616-8470
Carlotta P. Wells
Senior Trial Counsel
Federal Programs Branch
Civil Division – Room 7150
U.S. Department of Justice
20 Massachusetts Ave., NW
P.O. Box 883
Washington, DC 20044

Fax No. 888-235-4279
Michael J. Flynn, Esq.
Philip H. Stillman, Esq.
Flynn & Stillman
224 Bermingham Dr., Ste. 1A4
Cardiff, CA 92007

 X hand-delivered by providing a true and correct copy to Hale Lane Peek Dennison and Howard's runners with instructions to hand-deliver the same to:

Fax No. 786-5044
Ronald J. Logar, Esq.
Eric A. Pulver, Esq.
The Law Offices of Logar & Pulver
225 S. Arlington Avenue, Suite A
Reno, NV 89501

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed on September 15, 2006.



Gaylene Silva

Hale Lane Peek Dennison and Howard
5441 Kietzke Lane, Second Floor
Reno, Nevada 89511

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ORIGINAL

FILED

FEB - 8 2006

RONALD A. LONGTIN, JR., CLERK

By: *S. Mansfield*
DEPUTY

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

ETREPPID TECHNOLOGIES, L.L.C., a Nevada
Limited Liability Company,

Plaintiff,

Case No. CV06-00114

vs.

DENNIS MONTGOMERY, an individual; THE
MONTGOMERY FAMILY TRUST; DENNIS
MONTGOMERY and BRENDA
MONTGOMERY, as trustee for THE
MONTGOMERY FAMILY TRUST; and DOES
1 through 20,

Dept. No. 9

Defendants.

ORDER

This matter proceeded to a preliminary injunction hearing before this Court on February 7, 2006 on the issue of Defendant Montgomery's alleged destruction and/or possession of computer software source code (hereinafter "Source Code"), allegedly belonging to Plaintiff ETreppid Technologies. The Court has reviewed the entire file, the pleadings, points and authorities, and exhibits filed therein. In addition, the Court has considered the oral arguments of counsel, and although the preliminary injunction hearing ultimately concluded before counsel had the opportunity to finish the examination of one witness, the Court believes it has more than adequate information upon which to decide the issues before it. The hearing was scheduled for one day. It began at 9:00 a.m. and concluded at 9:30 p.m. Further examination of the final witness called to testify is

1 unnecessary. See, e.g., *Zupanic v. Sierra Vista Rec., Inc.*, 625 P.2d 1177, 1180 (Nev. 1981).

2 Accordingly, the Court makes its Decision as set out below.¹

3 A preliminary injunction is available if an applicant can show a likelihood of success on the
4 merits and a reasonable probability that the non-moving party's conduct, if allowed to continue, will
5 cause irreparable harm for which compensatory damages is an inadequate remedy. *Dangberg-*
6 *Holdings Nevada, L.L.C. v. Douglas County*, 115 Nev. 129 (1999).

7 First, the Court finds, pursuant to the employment agreement between the parties, the
8 subsequent undisputed conduct of the parties throughout the course of Montgomery's employment
9 with ETreppid, and Montgomery's acquiescence to and active participation in contractual
10 agreements entered into by ETreppid with third-parties involving the Source Code and technology at
11 issue, Plaintiff is likely to prevail on the merits of his claims. See, *Brooks v. Bates*, 781 F.Supp. 202,
12 205-206 (S. DNY 1991) (rights may be acquired "by operation of law," such as in an employer-
13 employee relationship).

14 Second, the Court finds Plaintiff has demonstrated a reasonable probability that he will suffer
15 irreparable harm if a preliminary injunction does not issue. The record reflects the Source Code is
16 essential to the day-to-day business operations of ETreppid, as evidenced by the testimony of Dr.
17 Sun. Furthermore, the technology at issue, including data compression software, image detection
18 software, and pattern recognition software, which necessarily relies upon the Source Code for its
19 operation, is alleged to be valued in excess of \$100,000,000. Without access to the Source Code,
20 ETreppid may be forced to forego entering into valuable contracts for the use or sale of said
21 technology. Lastly, the testimony indicates that Plaintiff may suffer damages in excess of \$10,000
22 per day (ten-thousand) if he remains without possession of the Source Code. This is not to say that
23 Defendant may or may not have a substantial counterclaim.

24 For the foregoing reasons, the Court concludes that a preliminary injunction is warranted in
25 the present context. Accordingly, pursuant to the requirements of NRCP 65, Plaintiff is ordered to

26
27 ¹ The Court notes that Defendant gave notice approximately ten (10) hours into the hearing that it would be seeking
28 federal preemption of the issues at bar under the Copyright Act of 1976. While Defendant's position may indeed have
merit, the Court declines to address the issue of preemption, deferring such a determination for decision based upon
application to the proper Court. As such, this Court's Order solely addresses the merits of the preliminary injunction
issue at hand.

FE-08-2006 17:35 From: JUDGE RY

7753283193

To 7866179

1 post a bond in the amount of \$50,000 (fifty-thousand) to secure payment of such costs and damages
 2 as may be incurred by Defendant if found to have been wrongfully enjoined or restrained. See,
 3 *Amer. Bonding Co. v. Roggen Enterprises*, 584 P.2d 868, 870 (Nev. 1993). Good cause appearing,
 4 Plaintiff's Motion for Preliminary Injunction against Dennis Montgomery and the Montgomery
 5 Family Trust is GRANTED.

6 Until the conclusion of a trial on the merits or other Order, Montgomery and all persons or
 7 entities in active concert or participation therewith, are enjoined and restrained from destroying,
 8 hypothecating, transferring, modifying, and/or assigning the ETreppid Source Code, from discussing
 9 any ETreppid technology, including anomaly detection and pattern recognition software, with any
 10 third-party, except experts and other persons and witnesses necessary to Defendant's case and
 11 counsel, provided, however that such witnesses and counsel shall not disclose any information to
 12 others about ETreppid Source Code.

13 The Court issues this injunction to maintain the status quo and to avert any irreparable harm
 14 that ETreppid may suffer and based on the risk that Mr. Montgomery could delete and/or transfer the
 15 last version of the ETreppid Source Code that remains intact.

16 DATED this 8th day of February, 2006.


 DISTRICT JUDGE

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CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 8th day of February, 2006, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, and faxed, a true copy of the attached document addressed to:

J. Stephen Peek, Esq.
5441 Kietzke Lane, Second Floor
Reno, NV 89511
Fax No.: (775) 786-6179

David A. Jakopin, Esq.
Jonathan D. Butler, Esq.
2475 Hanover St.
Palo Alto, CA 94303
Fax No.: (650) 233-4545

Ronald J. Logar, Esq.
Eric A. Pulver, Esq.
225 S. Arlington Ave., Ste. A
Reno, NV 89501
Fax No.: (775) 786-7544


Sheila Mansfield

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

DATE: SEP 14 2006
RONALD A. LONGTIN, JR., Clerk of the Second Judicial District Court in and for the County of Washoe, State of Nevada.

By  Deputy

**United States District Court
District of Nevada (Reno)
CIVIL DOCKET FOR CASE #: 3:06-cv-00145-BES-VPC**

Etreppid Technologies, LLC v. Montgomery, et al.
Assigned to: Judge Brian E. Sandoval
Referred to: Magistrate Judge Valerie P. Cooke
Related Case: 3:06-cv-00056-BES-VPC
Cause: 28:1442 Petition for Removal

Date Filed: 03/20/2006
Jury Demand: None
Nature of Suit: 190 Contract: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

Etreppid Technologies, LLC

represented by **David A. Jakopin**
Pillsbury Winthrop Shaw Pittman LLP
2475 Hanover Street
Palo Alto, CA 94304
650-233-4790
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan D. Butler
Pillsbury Winthrop Shaw Pittman LLP
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San Francisco, CA 94105
415-983-1000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

I hereby attest and certify on 9-14-06
that the foregoing document is a full, true
and correct copy of the original on file in my
legal custody.

**CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA**

By *Suzanne Condor* Deputy Clerk



V.

Defendant

Dennis Montgomery

represented by **Eric A. Pulver**
Logar & Pulver
225 S. Arlington Ave



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CLERK U.S. DISTRICT COURT
DISTRICT OF NEVADA

Deputy Clerk _____

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Defendant

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael James Flynn
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Philip H. Stillman
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Ronald J Logar
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Brenda Montgomery

represented by **Ronald J Logar**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

Dennis Montgomery

represented by **Eric A. Pulver**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael James Flynn
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Philip H. Stillman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ronald J Logar
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

Montgomery Family Trust

represented by **Eric A. Pulver**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael James Flynn
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Philip H. Stillman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ronald J Logar
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

Counter Defendant

UNITED STATES OF AMERICA

represented by **Carlotta P Wells**

US Department of Justice, Civil Division
20 Massachusetts Avenue, NW
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Fax: 202-616-8470
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Counter Defendant

Etreppid Technologies, Inc.

represented by **David A. Jakopin**

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

J. S Peek

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jerry M Snyder

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan D. Butler

(See above for address)

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Defendant**Warren Trepp**

represented by **David A. Jakopin**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

J. S Peek
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jerry M Snyder
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan D. Butler
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/20/2006	1	PETITION FOR REMOVAL by UNITED STATES OF AMERICA <i>U.S. Department of Defense</i> from Second Judicial District Court, Washoe County, Case Number CV-06-00114,, filed by UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit counterclaim filed against U.S. Department of Defense# 2 Civil Cover Sheet)(Addington, Gregory) (Entered: 03/20/2006)
03/22/2006		Case assigned to Judge Brian E. Sandoval and Valerie P. Cooke. (BLG) (Entered: 03/22/2006)
03/22/2006	2	MINUTE ORDER IN CHAMBERS of the Honorable Brian E. Sandoval, U.S. District Judge on 3/22/2006. By Deputy Clerk: <i>wayne julian</i> . IT IS ORDERED that all parties removing actions to this court must file and serve a signed Statement no later than 15 days from the date of this order. It is further ORDERED that counsel shall have 30 days to file a Joint Status Report. Statement due by 4/6/2006. Status Report due by 4/21/2006.(no image attached) (WJ,) Additional attachment(s) added on 4/20/2006 (WJ,). (Entered: 03/22/2006)
03/22/2006	3	NOTICE TO COUNSEL PURSUANT TO LOCAL RULE IA 10-2. Counsel David A. Jakopin and Jonathan D. Butler to comply with completion and electronic filing of Designation of Local Counsel and Verified Petition in this action. (AF,) (Entered: 03/23/2006)
03/22/2006	4	NOTICE TO COUNSEL PURSUANT TO LOCAL RULE IA 10-2. Counsel Michael J. Flynn and Philip H. Stillman to comply with completion and electronic filing of Designation of Local Counsel and Verified Petition in this action. (AF,) (Entered: 03/23/2006)

03/24/2006	5	NOTICE of Appearance by attorney Karen K Richardson on behalf of Counter Defendant UNITED STATES OF AMERICA. (Richardson, Karen) (Entered: 03/24/2006)
03/24/2006	6	Consent MOTION for Extension of Time <i>to file a responsive pleading to third-party complaint</i> by Counter Defendant UNITED STATES OF AMERICA. (Richardson, Karen) (Entered: 03/24/2006)
03/29/2006	7	ORDER granting 6 Motion for Extension of Time to file a responsive pleading. UNITED STATES OF AMERICA response due 5/8/2006. Signed by Judge Valerie P. Cooke on 3/29/06. (DN) (Entered: 03/29/2006)
03/29/2006	8	UNOPPOSED MOTION admit attorneys Jakopin & Butler Pro Hac Vice per Parallel Proceeding by Plaintiff Etreppid Technologies, LLC, Counter Defendants Etreppid Technologies, Inc., Warren Trepp. (Attachments: # 1 Declaration Jerry M. Snyder ISO App. for Pro Hac Vice in Parallel Proceeding# 2 Exhibit A - E to Dec. of Jerry M. Snyder ISO App. Pro Hac Vice in Parallel Proceeding)(Snyder, Jerry) (Entered: 03/29/2006)
04/04/2006	9	First VERIFIED PETITION for Permission to Practice Pro Hac Vice <i>for Micheal J Flynn and Phillip H Stilman</i> submitted by attorney Ronald J. Logar, Esq., (Filing fee \$ 175 receipt number 168740) by Defendant Dennis Montgomery. (Attachments: # 1)(Logar, Ronald) (Entered: 04/04/2006)
04/04/2006	10	RESPONSE to 6 Consent MOTION for Extension of Time <i>to file a responsive pleading to third-party complaint</i> ; filed by Defendants Dennis Montgomery, Montgomery Family Trust, Brenda Montgomery. <i>In Opposition to Plaintiffs Motion to Seal</i> (Attachments: # 1 Declaration In Support of Opposition)(Logar, Ronald) (Entered: 04/04/2006)
04/05/2006	11	ERRATA to 10 Response to Motion to Seal, ; <i>filed in wrong case</i> filed by Defendants Dennis Montgomery, Montgomery Family Trust, Brenda Montgomery, Counter Claimants Montgomery Family Trust, Dennis Montgomery. (Logar, Ronald) (Entered: 04/05/2006)
04/06/2006	12	NOTICE of Appearance by attorney Carlotta P Wells on behalf of Counter Defendant UNITED STATES OF AMERICA. (Wells, Carlotta) (Entered: 04/06/2006)
04/06/2006	13	STATUS REPORT/STATEMENT of Counsel in Removed Case by Counter Defendant UNITED STATES OF AMERICA. (Wells, Carlotta) (Entered: 04/06/2006)
04/12/2006	14	ORDER granting 9 Verified Petition for Permission to Practice Pro Hac Vice for out of state atty's Michael J. Flynn and Philip H. Stillman atty's for Ds, Signed by Judge Brian E. Sandoval on 4/12/06. (DRM,) Modified on 4/14/2006 (DRM,) to reflect correct parties. (Entered: 04/14/2006)
04/14/2006		NOTICE of Docket Correction to 14 Order on Verified Petition for Permission to Practice Pro Hac Vice, : to reflect correct parties represented by out-of-state counsel (no image attached)(DRM,) (Entered: 04/14/2006)
05/02/2006	17	(Copy From 3:06-cv-56-BES(VPC): DESIGNATION of Local Counsel APPROVED COPY. Ronald Logar for Dennis Montgomery and Montgomery Family Trust appointed as Designated Resident Nevada Counsel in this case obo Michael J. Flynn. Signed by CLERK Lance S Wilson. (BLG) Modified docket

		text on 5/3/2006 (AF) (Entered: 05/02/2006)
05/02/2006	18	(Copy From 3:06-cv-56-BES(VPC) DESIGNATION of Local Counsel is APPROVED COPY. Ronald Logar for Dennis Montgomery and Montgomery Family Trust appointed as Designated Resident Nevada Counsel in this case obo Philip H. Stillman. Signed by CLERK Judge Lance S Wilson. (BLG) Modified docket text on 5/3/2006 (AF) (Entered: 05/02/2006)
05/02/2006	19	ORDER approving P and Cross D eTreppid Technologies, LLC and Cross D Warren Trepp, motion to apply pro hac vice application papers from parallel proceedings for out of state attorneys David A. Jakopin and Jonathan D. Butler, is approved. Signed by Judge Brian E. Sandoval on 5/2/06. (WJ,) (Entered: 05/02/2006)
05/03/2006		NOTICE OF DOCKET CORRECTION to Doc. #s 17 & 18 Designations of Local Counsel Approved -- Ronald Logar for Dennis Montgomery and Montgomery Family Trust appointed as Designated Resident Nevada Counsel in this case obo Michael J. Flynn and Philip H. Stillman. (no image attached)(AF) (Entered: 05/03/2006)
05/05/2006	20	Unopposed MOTION for Extension of Time <i>to File Responsive Pleading and to Align Responsive Pleading Deadlines (Second Request)</i> by Counter Defendant UNITED STATES OF AMERICA. (Wells, Carlotta) (Entered: 05/05/2006)
05/08/2006	21	RESPONSE to filed by Counter Defendant UNITED STATES OF AMERICA. <i>Response of United States Department of Defense to Plaintiff's Motion to Sever and Remand</i> Replies due by 5/22/2006. (Wells, Carlotta) (Entered: 05/08/2006)
05/08/2006	22	RESPONSE to filed by Defendants Dennis Montgomery, Montgomery Family Trust, Brenda Montgomery, Counter Claimants Montgomery Family Trust, Dennis Montgomery. <i>to Plaintiff's Motion to Remand or in the alternative to sever</i> Replies due by 5/22/2006. (Logar, Ronald) (Entered: 05/08/2006)
05/15/2006	23	First MOTION to Consolidate Cases <i>00056 and 00145</i> by Defendants Dennis Montgomery, Montgomery Family Trust, Brenda Montgomery, Counter Claimants Montgomery Family Trust, Dennis Montgomery. Responses due by 6/2/2006. (Attachments: # 1 Affidavit of Counsel in Support of Motion to Consolidate)(Logar, Ronald) (Entered: 05/15/2006)
05/15/2006	24	First MOTION for Judgment <i>on the Pleadings</i> by Defendants Dennis Montgomery, Montgomery Family Trust, Brenda Montgomery, Counter Claimants Montgomery Family Trust, Dennis Montgomery. Responses due by 6/2/2006. (Logar, Ronald) (Entered: 05/15/2006)
05/15/2006	25	ORDER granting <u>20</u> Motion for Extension of Time. UNITED STATES OF AMERICA answer due 6/23/2006. Signed by Judge Valerie P. Cooke on 5/12/06. (DN) (Entered: 05/15/2006)
05/15/2006	26	First MOTION to Vacate <i>Preliminary Injunction</i> by Defendants Dennis Montgomery, Montgomery Family Trust, Brenda Montgomery, Counter Claimants Montgomery Family Trust, Dennis Montgomery. (Attachments: # 1 Declaration of Dennis Montgomery in Support of Motion to Vacate Preliminary Injunction# 2 Declaration of Philip Stilman in Support of Motion to Vacate Preliminary Injunction)(Logar, Ronald) (Entered: 05/15/2006)
05/22/2006	27	REPLY <i>BRIEF IN SUPPORT OF MOTION TO REMAND OR, IN THE</i>

		<i>ALTERNATIVE, TO SEVER THIRD-PARTY CLAIM [15] BY DEFENDANTS AGAINST UNITED STATES AND REMAND CLAIMS BETWEEN PLAINTIFFS AND DEFENDANTS</i> filed by Plaintiff Etrepid Technologies, LLC, Counter Defendant Warren Trepp. (Snyder, Jerry) Modified on to link motion 6/14/2006 (BLG). (Entered: 05/22/2006)
06/01/2006	28	RESPONSE to 24 First MOTION for Judgment <i>on the Pleadings</i> ; filed by Plaintiff Etrepid Technologies, LLC, Counter Defendants Etrepid Technologies, Inc., Warren Trepp. Replies due by 6/15/2006. (Snyder, Jerry) (Entered: 06/01/2006)
06/01/2006	29	RESPONSE to 23 First MOTION to Consolidate Cases 00056 and 00145; filed by Plaintiff Etrepid Technologies, LLC, Counter Defendants Etrepid Technologies, Inc., Warren Trepp. Replies due by 6/15/2006. (Snyder, Jerry) (Entered: 06/01/2006)
06/02/2006	30	RESPONSE to 23 First MOTION to Consolidate Cases 00056 and 00145; filed by Counter Defendant UNITED STATES OF AMERICA. Replies due by 6/16/2006. (Wells, Carlotta) (Entered: 06/02/2006)
06/02/2006	31	RESPONSE to Plaintiff's MOTION to Dismiss <i>Amended Counterclaim</i> , by Defendants Dennis Montgomery, Montgomery Family Trust, Brenda Montgomery, Counter Claimants Montgomery Family Trust, Dennis Montgomery. (Logar, Ronald) Modified on 6/6/2006 per call from counsel; doc should be response rather than a motion. (AF) Modified on 6/6/2006 (AF). (Entered: 06/02/2006)
06/07/2006	34	MOTION to Strike <i>Untimely Response to Plaintiffs' Mo. to Dismiss Amended Counterclaim of Montgomery</i> by Plaintiff Etrepid Technologies, LLC, Counter Defendants Etrepid Technologies, Inc., Warren Trepp. Responses due by 6/25/2006. (Snyder, Jerry) (Entered: 06/07/2006)
06/14/2006	35	REPLY to Response to 23 First MOTION to Consolidate Cases 00056 and 00145; filed by Defendants Dennis Montgomery, Montgomery Family Trust, Brenda Montgomery, Counter Claimants Montgomery Family Trust, Dennis Montgomery. (Logar, Ronald) (Entered: 06/14/2006)
06/16/2006	36	REPLY to Response to 31 First MOTION to Dismiss <i>Amended Counterclaim</i> ; filed by Plaintiff Etrepid Technologies, LLC, Counter Defendants Etrepid Technologies, Inc., Warren Trepp. (Attachments: # 1 Exhibit A, Motion by Etrepid & Trepp to Dismiss Complaint of Montgomery, or Alternatively for Summary Judgment or To Strike in 3:06CV56)(Snyder, Jerry) (Entered: 06/16/2006)
06/19/2006	38	RESPONSE to 34 MOTION to Strike <i>Untimely Response to Plaintiffs' Mo. to Dismiss Amended Counterclaim of Montgomery</i> ; filed by Defendants Dennis Montgomery, Montgomery Family Trust, Brenda Montgomery, Counter Claimants Montgomery Family Trust, Dennis Montgomery. Replies due by 7/3/2006. (Logar, Ronald) (Entered: 06/19/2006)
06/21/2006	39	MOTION to Dismiss by Counter Defendant UNITED STATES OF AMERICA. Responses due by 7/9/2006. (Attachments: # 1 Exhibit 1)(Wells, Carlotta) (Entered: 06/21/2006)
06/26/2006	40	REPLY to Response to 34 MOTION to Strike <i>Untimely Response to Plaintiffs' Mo. to Dismiss Amended Counterclaim of Montgomery</i> ; filed by Plaintiff

		Etreppid Technologies, LLC, Counter Defendants Etreppid Technologies, Inc., Warren Trepp. (Snyder, Jerry) (Entered: 06/26/2006)
06/27/2006	41	REPLY to Response to 24 First MOTION for Judgment <i>on the Pleadings</i> ; filed by Defendants Dennis Montgomery, Montgomery Family Trust, Brenda Montgomery, Counter Claimants Montgomery Family Trust, Dennis Montgomery. <i>and 28</i> (Logar, Ronald) (Entered: 06/27/2006)
06/27/2006	42	CERTIFICATE OF SERVICE by Defendants Dennis Montgomery, Montgomery Family Trust, Brenda Montgomery, Counter Claimants Montgomery Family Trust, Dennis Montgomery re 41 Reply to Response to Motion, <i>for Judgment on the Pleadings</i> (Logar, Ronald) (Entered: 06/27/2006)
06/27/2006	43	First MOTION to Continue <i>REQUEST FOR CONTINUANCE OF STATUS CONFERENCE TO A DATE AFTER JULY 9, 2006</i> by Defendants Dennis Montgomery, Montgomery Family Trust, Brenda Montgomery, Counter Claimants Montgomery Family Trust, Dennis Montgomery. Responses due by 7/15/2006. (Logar, Ronald) (Entered: 06/27/2006)
07/10/2006	44	RESPONSE to 39 MOTION to Dismiss; filed by Plaintiff Etreppid Technologies, LLC, Counter Defendants Etreppid Technologies, Inc., Warren Trepp. <i>Notice of Non-Opposition</i> Replies due by 7/24/2006. (Snyder, Jerry) (Entered: 07/10/2006)
07/12/2006	45	First UNOPPOSED MOTION Extension of Time in which to file Opposition to and including August 14, 2006 re 39 MOTION to Dismiss by Defendants Dennis Montgomery, Montgomery Family Trust, Brenda Montgomery, Counter Claimants Montgomery Family Trust, Dennis Montgomery. (Logar, Ronald) (Entered: 07/12/2006)
07/19/2006	46	ORDER re 45 First UNOPPOSED MOTION Extension of Time in which to file Opposition to and including August 14, 2006: Ordered that Dennis Montgomery unopposed motion to file oppositions to the Department of Defense's motion to dismiss in the above captioned cases on or before 8/14/06, be granted. Signed by Judge Brian E. Sandoval on 7/19/06. (WJ,) (Entered: 07/20/2006)
08/04/2006	47	SUBPOENA Returned Executed as to ETreppid. (Snyder, Jerry) (Entered: 08/04/2006)
08/04/2006	48	SUBPOENA Returned Executed as to ETreppid; To: Custodian of AziMyth. (Snyder, Jerry) (Entered: 08/04/2006)

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