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CAMPBELL & WILLIAMS
DONALD J. CAMPBELL, ESQ. (1216)
J. COLBY WILLIAMS, ESQ. (5549)
JACK F. DEGREE, ESQ. (11102)
700 South Seventh Street
Las Vegas, Nevada 89101
Telephone: (702) 382-5222
Facsimile: (702) 382-0540

and

HUNTERTON & ASSOCIATES
C. STANLEY HUNTERTON, ESQ. (1891)
333 S. Sixth Street
Las Vegas, Nevada 89101
Telephone: (702) 388-0098
Facsimile: (702) 388-0361

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KIRK and AMY HENRY,

Plaintiffs,

vs.

FREDRICK RIZZOLO aka RICK RIZZOLO,
an individual; LISA RIZZOLO, individually
and as trustee of The Lisa M. Rizzolo Separate
Property Trust and as successor trustee of
The Rick J. Rizzolo Separate Property Trust;
THE RICK AND LISA RIZZOLO FAMILY
TRUST; THE RICK J. RIZZOLO SEPARATE
PROPERTY TRUST; THE LISA M. RIZZOLO
SEPARATE PROPERTY TRUST; THE RLR
TRUST; and THE LMR TRUST,

Defendants.

Case No. 2:08-CV-635-PMP-GWF

**APPLICATION FOR
DISCLOSURE OF RICK
RIZZOLO'S PRESENTENCE
INVESTIGATION REPORTS
AND SUPERVISION RECORDS**

1
2 COMES NOW Plaintiffs KIRK and AMY HENRY, by and through their attorneys of
3 record, DONALD J. CAMPBELL, ESQ. and JACK F. DEGREE, ESQ., of the law firm
4 CAMPBELL & WILLIAMS, and C. STANLEY HUNTERTON, ESQ., of the law firm
5 HUNTERTON & ASSOCIATES, and hereby respectfully request the release of information
6 pertaining to Defendant Fredrick Rizzolo's financial condition which is presently in possession
7 of United States Department of Parole and Probation.

8
9 This Application is made and based upon all the pleadings and papers on file herein,
10 together with the affidavits and exhibits attached hereto.

11 DATED this 30th day of September, 2009.

12 CAMPBELL & WILLIAMS

HUNTERTON & ASSOCIATES

13
14 By /s/
15 JACK F. DEGREE, ESQ. (11102)
16 700 South Seventh Street
Las Vegas, Nevada 89101
Attorneys for Plaintiff Kirk Henry

By /s/
C. STANLEY HUNTERTON, ESQ. (1891)
333 South Sixth Street
Las Vegas, Nevada 89101
Attorneys for Plaintiff Amy Henry

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**AFFIDAVIT OF JACK F. DEGREE, ESQ.
IN SUPPORT OF RELEASE OF DOCUMENTS IN POSSESSION OF THE UNITED
STATES DEPARTMENT OF PAROLE AND PROBATION PURSUANT TO
LOCAL RULE OF CRIMINAL PRACTICE (“LCR”) 32-2**

STATE OF NEVADA)
)ss.
COUNTY OF CLARK)

JACK F. DEGREE, being first duly sworn, deposes and says:

1. I am a resident of Clark County, Nevada. I am over the age of eighteen (18) years and I am in all respects, competent to make this Affidavit. This Affidavit is based upon my personal knowledge, and if called upon to testify, I would testify as set forth in this Affidavit.

2. I am a licensed attorney in the State of Nevada Bar Number 11102. I am an associate in the law firm CAMPBELL & WILLIAMS. I am one of the attorneys representing Plaintiffs Kirk and Amy Henry in the above-captioned action.

3. This Affidavit is set forth for purposes of compliance with LCR 32-2(c) which governs the disclosure of an criminal defendant’s presentence investigation (“PSI”) report and supervision records in possession of the United States Department of Parole and Probation.

4. On December 29, 2008, Defendant Rick Rizzolo served his “Supplemental Answers to First Set of Interrogatories” in this action wherein he answered Plaintiffs’ request for “any books or other written memoranda [he] keeps of [his] income and business affairs.” See Rick’s Supplemental Interrogatory Answers, relevant portions of which are attached hereto as Exhibit “1.” Rick stated as follows: “...I do not keep any books or written memoranda except what I provide to my probation officer. My probation officer is Eric Christensen and he has informed me that my Parole and Probation reports are property of the court and not discoverable in civil litigation.” See Rick’s Ex. 1.

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5. Plaintiffs are seeking a narrowly defined set of documents included as part of Rick's PSI report and supervision records including, but not limited to, the following:

Any and all financial statements, listing of assets and/or compilation of any kind or type relating to the financial condition of Rick Rizzolo; any and all documents showing any employment or prospective employment; and any and all documents showing sources of income and the entities and/or individuals providing that income.

6. In addition to causes of action for common law fraud and conspiracy to defraud, the Plaintiffs assert a third cause of action pursuant to the Uniform Fraudulent Transfer Act ("UFTA"). See Second Amended Complaint (#200). Plaintiffs contend the Rizzolos entered into a series of financial transactions "with the intent to hinder, delay and/or defraud" the Plaintiffs from collecting on the remaining \$9 million (plus interest) owed pursuant to the 2006 Settlement Agreement entered into with Rick Rizzolo. *Id.* For their third prayer for relief, Plaintiffs are requesting "avoidance of the transfer[s] or obligations assumed by the Rizzolos" in order to compensate the Plaintiffs in the event Plaintiffs prevail in this action. *Id.*

7. It is undisputed that Rick's financial information has been a primary focus throughout discovery in this action. Rick's PSI report and supervision records presumably contain documents reflecting his financial means and any potential future income which, in turn, could be subject to avoidance in the event Plaintiffs prevail in this action. The Plaintiffs set forth the foregoing request with the dual purpose of: (1) determining the veracity of Rick's responses to written discovery requests and (2) to identify and locate assets which could be the source of recovery for Plaintiffs in this action.

8. The documentation presently in possession of the United States Department of Parole and Probation "is not readily available from other sources or by other means." First, this information is generally deemed confidential and not disclosed unless permission is granted by a

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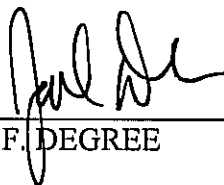
determining official pursuant to LCR 32-2(a). Second, the Plaintiffs pursuit to obtain this information has required heavy motion practice to compel the disclosure of this information. The record demonstrates the Plaintiffs have filed (and prevailed on) the following motions:

- Plaintiffs' Motion to Compel the Custodian of Patti, Sgro & Lewis (#29);
- Plaintiffs' Motion to Compel Lisa Rizzolo (#43);
- Plaintiffs' Motion to Compel Rick Rizzolo (#42);
- Plaintiffs' Renewed Motion to Compel Lisa Rizzolo (#127);
- Plaintiffs' Motion to Compel Dean Patti (#129); and
- Plaintiffs' Motion to Compel Lionel, Sawyer & Collins (#128).

The documents produced by Rick and the subpoenaed third parties in response to these motions never once yielded a statement reflecting Rick's financial condition.


9. I certify that all attached exhibits are true and correct copies.

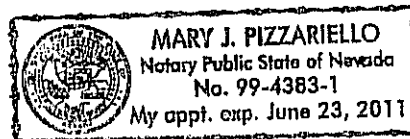
DATED this 30th day of September, 2009.



JACK F. DEGREE

SUBSCRIBED and SWORN to before me this 30th day of September, 2009.


NOTARY PUBLIC, in and for said County and State (seal).



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APPLICATION

I. Plaintiffs' Request Meets The Protocols Of LCR 32-2

The Affidavit of the undersigned counsel is incorporated by way of reference into this Application. Plaintiffs are requesting documents with information concerning Rick's financial condition as well as the sources of that income. The records sought by Plaintiffs are generally deemed confidential pursuant to LCR 32-2 because they are included in Rick's PSI report and supervision records. To compel the disclosure from the United States Department of Parole and Probation, the Plaintiffs must seek permission from a determining official. LCR 32-2(a) (a determining official under this rule includes a District Judge or a Magistrate Judge). Lastly, LCR 32-2(c)(2) requires a minimum 15-day period before production can be had commencing from the time the Application is submitted to the determining official for review. Accordingly, Plaintiffs respectfully request the following date, time, and location for production:

Date: October 29, 2009
Time: 10:00 a.m.
Location: Campbell & Williams
700 South Seventh Street
Las Vegas, Nevada 89101

II. Case Law Supports Disclosure Of Rick's PSI Report And Supervision Records

Courts as recently as three months ago have compelled the production of financial information contained in a defendant's PSI report. *See United States v. Watkins*, 623 F.Supp.2d 514 (S.D. N.Y. 2009). "District courts have 'a fair measure of discretion in weighing the competing interests in order to determine whether or not the person seeking disclosure [of probation records] has shown that the ends of justice require disclosure.'" *Id.* at 516 quoting *United States v. Charmer Indus., Inc.*, 711 F.2d 1164, 1177 (2d Cir. 1983). In *Watkins*, the court held that the "integrity of the judicial process" required that the defendant's financial information

1
2 in the PSI report be produced to counter defendant's "seemingly inconsistent" representations
3 made to the court in a separate case. *Id.* After weighing the competing interests, the court held
4 in favor of disclosure for reasons similarly articulated by the Plaintiffs in this action:

5 Indeed, the primary policy concern giving rise to the need for confidentiality,
6 *viz.*, the fear that public disclosure of presentence reports could both undermine
7 the probation department's ability to receive accurate information and enable the
8 dissemination of unverified accusations, *Charmer*, 711 F.2d at 1175, is not
9 implicated here, because *petitioner seeks only a narrowly tailored portion of the*
10 *PSR and probation records (that are based primarily on respondent's non-*
11 *hearsay admissions), so as to ensure the accuracy and truthfulness of all*
12 *information before this and other courts, and to prevent respondent from*
13 *taking inconsistent, self-serving positions regarding his financial condition.*

14 *Id.* at 517 (emphasis added).

15 Similarly, in *United States v. Gomez*, 323 F.3d 1305 (11th Cir. 2003), the defendant was
16 charged and sentenced in federal court to 55 months in prison. As part of a subsequent state
17 court trial for charges unrelated to the federal proceedings, the prosecution requested the release
18 of the defendant's PSI report. *Id.* at 1306. The documents requested by the prosecution
19 consisted of information contained in the PSI report relevant to defendant's "mental status,"
20 because the defendant was pleading a diminished-capacity defense in the subsequent state court
21 proceedings. *Id.* at 1307. To compel disclosure, the state needed to show: (1) relevance to the
22 instant action; (2) a particularized need for the information; and (3) that the need outweighed any
23 chilling effect disclosure of the PSI might have on the sentencing process. *Id.*

24 The state met the burden with a sufficient showing on each one of the three prongs. First,
25 the information relating to defendant's mental status was relevant because his mental health was
26 *at issue* in the subsequent suit. *Id.* Second, the state needed the information to rebut defendant's
27 contentions that his health was in a deteriorated state at the time of he committed the murders.
28 *Id.* at 1308. For assessing this need, the court held that "*a party to 'pending or contemplated*

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2 *litigation,' who requires access to a presentence report 'to impeach a witness, or to establish*
3 *an affirmative proposition,' would normally meet this need requirement." Id. citing United*
4 *States v. Corbitt, 879 F.2d 224, 239-40 (7th Cir. 1989) (emphasis added). Lastly, the court ruled*
5 *disclosure of the PSI report would not have any chilling effect on the sentencing process, since it*
6 *is highly unlikely a third party could demonstrate the need for the report "without some prior*
7 *knowledge of the contents of a PSI." Id. at 1309.*

8
9 The similarities between Plaintiffs' case and the facts and corresponding holdings in
10 *Watkins* and *Gomez* are compelling. Each of the factors discussed in these cases supported
11 disclosure. Indeed, the same factors likewise favor disclosure of Rick's financial information
12 contained in his PSI report and supervision records. Each will be discussed in turn below.

13 **A. Relevance to the Plaintiffs' Action**

14 Rick's financial information is at issue and relevant to these proceedings. This case is
15 brought pursuant to the UFTA and the discovery of Rick's financial information has been the
16 central issue for most of these proceedings, particularly during discovery. Plaintiffs need Rick's
17 financial information to demonstrate the transfers pled in the Second Amended Complaint (#200)
18 were entered into with the intent to hinder, delay and/or defraud the Plaintiffs from collecting on
19 the remaining \$9 million owed on the Settlement Agreement.
20

21 Plaintiffs have served pattern interrogatories and requests for production concerning the
22 Defendants' financial condition, and these are routinely answered and produced in cases
23 involving fraudulent transfers. *See In re Heritage Bond Litigation, 223 F.R.D. 527, 532*
24 *(C.D.Cal. 2004)* (financial documents are the sort of documents most responsive to a UFTA
25 plaintiffs' requests for production). In the event a defendant is less than forthcoming in a UFTA
26 case, the court will compel the production of documents evidencing the defendant's financial
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1
2 condition. *Id.*; *See also, In re Mendez*, 2008 WL 597280 (E.D.Cal. 2008) (bank account
3 statements); *In re Dubrowsky*, 244 B.R. 560, 579 (E.D.N.Y. 2000) (credit card account
4 statements); *In re Victor Intern., Inc.*, 278 B.R. 67, 76 (D.N.J. 2002) (tax returns); *F.D.I.C. v.*
5 *Elio*, 39 F.3d 1239 (1st Cir. 1994) (trust information). To date, the documents produced by Rick
6 are not representative of the information he claims to have submitted to his probation officer.
7 This information is relevant and essential to Plaintiffs' causes of action.

8
9 **B. The Information is Not Readily Obtainable From Other Sources**

10 The Plaintiffs have a particularized need for this information and have attempted to
11 obtain this information from Rick but to no avail. His evasive responses have forced Plaintiffs to
12 file numerous motions to compel with the Court.¹ Plaintiffs prevailed on each one. Rick's PSI
13 report and supervision records are of particular importance because they document his
14 representations to the United States government concerning his financial affairs. This
15 information needs to be analyzed in comparison with the false and misleading representations
16 Rick has made to the Plaintiffs throughout discovery over the course of the last year. By way of
17 example, the following demonstrates Rick's answers to written discovery requests compared
18 with the starkly different information obtained from subpoenaed third parties:
19

- 20 • **Interrogatory No. 8** reads: "List any and all financial institution accounts you
21 currently maintain, whether business or personal, checking or savings, or
22 jointly owned, or to which you hold in trust for anyone else." Rick answered
23 that he "did have a checking account with a small positive balance at Nevada
24 State Bank of \$2,178.06 which the IRS seized. No other accounts exist." *See*
25 Ex. 1.

26 * * * *

27 Subpoenaed third party Patti, Sgro & Lewis, however, produced over \$50,000
28 worth of checks signed by Rick on an account just months before he answered
this interrogatory. Rick never identified this account. *See* Checks, attached
hereto as Exhibit "2."

¹ The six Motions referred to are set forth in the Affidavit of the undersigned herein, *supra*.

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- Interrogatory No. 12 reads: “List any property you hold or have held as trustee of a testamentary or inter vivos trust since September 20, 2001, and identify any trust you have created or contributed to for the benefit of others since September 20, 2001.” Rick answered that he and Lisa at one point created a family trust for estate planning purposes. However, he added that this “trust was never funded with assets” and “there is no such trust in existence today.” See Ex. 1.

* * * *

Subpoenaed third party Lionel, Sawyer & Collins, however, produced documents signed by Rick for the transfer of \$400,000 into his personal offshore trust, The RLR Trust. See Trustee Resolution and Promissory Note, attached hereto as Exhibit “3.” Rick has never produced any documents showing his trust interests.

- Interrogatory No. 17 reads: “Identify if you have, at any time since September 20, 2001, entered into any transaction with your former spouse or any other relative involving the transfer, conveyance, assignment or other disposition of any of your real or personal property and describe the terms thereof.” Rick responded, “Except for the items listed in my divorce decree, my wife and I did not dispose of any assets between ourselves or any other relative. After the divorce, I have no knowledge of what my former wife has done with her assets.” See Ex. 1.

* * * *

The aforementioned \$400,000 transferred into Rick’s offshore account was actually transferred from Lisa’s offshore trust. See Ex. 3.

The discovery conducted thus far is laced with inconsistencies similar to the foregoing three examples. The information contained in Rick’s PSI report and supervision records will clarify and/or contradict some of the discrepancies shown in Rick’s discovery responses.

C. No Adverse Effect on the Sentencing Process

There would be no “chilling effect” on the sentencing process by disclosure of this information. This is pending civil litigation and Rick has already been sentenced in the criminal case and released from federal incarceration. It would indeed be a rare occurrence that a plaintiff would be able to demonstrate a more particularized need for the information than these Plaintiffs.

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III. Conclusion

Accordingly, Plaintiffs request an Order compelling production of the requested documents at the date, time, and location set forth herein.

DATED this 30th day of September, 2009.

CAMPBELL & WILLIAMS

HUNTERTON & ASSOCIATES

By /s/
JACK F. DEGREE, ESQ. (11102)
700 South Seventh Street
Las Vegas, Nevada 89101
Attorneys for Plaintiff Kirk Henry

By /s/
C. STANLEY HUNTERTON, ESQ. (1891)
333 South Sixth Street
Las Vegas, Nevada 89101
Attorneys for Plaintiff Amy Henry

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CERTIFICATE OF SERVICE

Pursuant to Fed.R.Civ.P.5(b), I certify that I am an employee of Campbell & Williams and on the _____ day of September, 2009, service of a true and correct copy of the foregoing Application for Disclosure of Rick Rizzolo's Presentence Investigation Reports or Supervision Records was made via CM/ECF and U.S. Mail to the following:

Mark B. Bailus, Esq.
Bailus, Cook & Kelesis, Ltd.
400 South Fourth Street, #300
Las Vegas, Nevada 89101

*Attorneys for Defendant/Cross Claimant
Lisa Rizzolo, The Lisa M. Rizzolo
Separate Property Trust, and The LMR Trust*

Rick Rizzolo
1760 Amarone Way
Henderson, NV 89012

VIA U.S. MAIL

*Pro Se Litigant for Rick Rizzolo,
The Rick and Lisa Rizzolo Family Trust,
The Rick J. Rizzolo Separate Property Trust,
And The RLR Trust*

C. Stanley Hunterton, Esq.
Hunterton & Associates
333 South Sixth Street
Las Vegas, Nevada 89101

Attorneys for Plaintiff Amy Henry



Employee of Campbell and Williams

1

ORIGINAL

1 MARK C. HAFER, ESQ. (0117)
2 PATTI, SGRO & LEWIS
3 720 South Seventh Street, Third Floor
4 Las Vegas, Nevada 89101
5 Telephone: (702) 385-9595

6 Attorneys for Defendant FREDRICK
7 RIZZOLO

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 KIRK and AMY HENRY,)
11 Plaintiffs,)
12 vs.)
13 FREDRICK RIZZOLO aka)
14 RICK RIZZOLO, an individual;)
15 LISA RIZZOLO, an individual;)
16 THE RICK AND LISA RIZZOLO)
17 FAMILY TRUST,)
18 Defendants.)

CASE NO.: 2:08-CV-635-PMP-GWF
**DEFENDANT RICK RIZZOLO'S
SUPPLEMENTAL ANSWERS TO
FIRST SET OF INTERROGATORIES**

19 COMES NOW, Defendant FREDRICK RIZZOLO, by and through his undersigned counsel
20 and supplements his answers Plaintiffs' interrogatories as follows:

21 **INTERROGATORY NO. 3:**

22 State the full description and present location and ownership of any asset or property you
23 presently possess. If any such asset or property is not presently owned by you, state the full details
24 concerning its disposition by you, including to whom it went, when, and for what consideration,
25 including its sale price, if any.

26 Objection, vague, ambiguous, irrelevant and not designed to lead to admissible evidence.

27 Plaintiffs have alleged that the divorce of FREDRICK & LISA RIZZOLO was a fraudulent
28

1 transaction designed to avoid paying Plaintiffs on a claim that was unliquidated and disputed. If
2 Plaintiffs establish that an order of the Eighth Judicial District court is a fraud, they still have to
3 obtain a judgment for damages for discovery of personal assets to be permissible in a judgment
4 debtor's exam. Without waiving said objection, I have my clothes and personal possessions with
5 me where I live as a roommate with a friend. I've got a watch and a few items of jewelry which I
6 may have to sell to a pawn shop for living expenses. I did sell my car for living expenses and the
7 IRS seized everything else.

8
9 **INTERROGATORY NO. 8:**

10 List any and all financial institution accounts you currently maintain, whether business or
11 personal, checking or savings, or jointly owned, or to which you hold in trust for anyone else.
12

13 Objection, irrelevant and not designed to lead to admissible evidence. Plaintiffs have alleged
14 that the divorce of FREDRICK & LISA RIZZOLO was a fraudulent transaction designed to avoid
15 paying Plaintiffs on a claim that was unliquidated and disputed. If Plaintiffs establish that an order
16 of the Eighth Judicial District court is a fraud, they still have to obtain a judgment for damages for
17 discovery of personal assets to be permissible in a judgment debtor's exam. Without waiving this
18 objection, this answering Defendant did have a checking account with a small positive balance at
19 Nevada State Bank of \$2,178.06 which the IRS seized. No other accounts exist.
20

21 **INTERROGATORY NO. 9:**

22 List and give full details concerning any account not listed above, held in any name other
23 than your own, or over which you have dominion, possession, or control.
24

25 Objection, irrelevant and not designed to lead to admissible evidence. Plaintiffs have alleged
26 that the divorce of FREDRICK & LISA RIZZOLO was a fraudulent transaction designed to avoid
27 paying Plaintiffs on a claim that was unliquidated and disputed. If Plaintiffs establish that an order
28

1 of the Eighth Judicial District court is a fraud, they still have to obtain a judgment for damages for
2 discovery of personal assets to be permissible in a judgment debtor's exam. Without waiving said
3 objection, the IRS seized all accounts whether they were still open or not. See: Exhibits "D", "E"
4 and "F" attached to Defendant Rizzolo's Supplemental Production Of Documents.
5

6 **INTERROGATORY NO. 12:**

7 List any property you hold or have held as trustee of a testamentary or inter vivos trust since
8 September 20, 2001, and identify any trust you have created or contributed to for the benefit of
9 others since September 20, 2001.
10

11 Objection, irrelevant and not designed to lead to admissible evidence. Plaintiffs have alleged
12 that the divorce of FREDRICK & LISA RIZZOLO was a fraudulent transaction designed to avoid
13 paying Plaintiffs on a claim that was unliquidated and disputed. If Plaintiffs establish that an order
14 of the Eighth Judicial District court is a fraud, they still have to obtain a judgment for damages for
15 discovery of personal assets to be permissible in a judgment debtor's exam. Without waiving said
16 objection, at one time my former wife and I created a family trust for estate planning purposes. I am
17 informed and do believe that said trust was never funded with assets except that our family home
18 may have been titled to the trust before my divorce. I am further informed and do believe that there
19 is no such trust in existence today.
20

21 **INTERROGATORY NO. 17:**

22 Identify if you have, at any time since September 20, 2001, entered into any transaction with
23 your former spouse or any other relative involving the transfer, conveyance, assignment or other
24 disposition of any of your real or personal property and describe the terms thereof.
25

26 See: Exhibit "A" attached hereto. Except for the items listed in my divorce decree, my wife
27 and I did not dispose of any assets between ourselves or any other relative. After the divorce, I have
28

1 no knowledge of what my former wife has done with her assets.

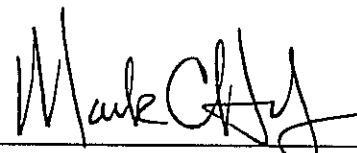
2 **INTERROGATORY NO. 20:**

3 Identify any books or other written memoranda you keep of your income and business affairs.

4
5 Objection, irrelevant and not designed to lead to admissible evidence. Plaintiffs have alleged
6 that the divorce of FREDRICK & LISA RIZZOLO was a fraudulent transaction designed to avoid
7 paying Plaintiffs on a claim that was unliquidated and disputed. If Plaintiffs establish that an order
8 of the Eighth Judicial District court is a fraud, they still have to obtain a judgment for damages for
9 discovery of personal assets to be permissible in a judgment debtor's exam. Without waiving said
10 objection, I do not keep any books or other written memoranda except what I provide to my
11 probation officer. My probation officer is Eric Christensen and he has informed me that my Parole
12 and Probation reports are property of the court and are not discoverable in civil litigation. His
13 address is at the United States Office of Probation and Parole, Foley Federal Building, 300 Las
14 Vegas Boulevard South, Las Vegas, NV 89101.

15
16 DATED: December 29, 2008

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19 PATTI, SGRO & LEWIS

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23 MARK C. HAFER, ESQ.
24 Nevada State Bar No. 00117
25 720 S. 7th Street, Suite 300
26 Las Vegas, NV 89101
27 Attorney For FREDRICK RIZZOLO
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VERIFICATION

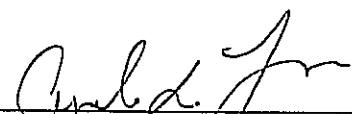
STATE OF NEVADA)
 :
 : SS
COUNTY OF CLARK)

FREDRICK RIZZOLO, being first duly sworn now deposes and says, that I am a Defendant in the above-entitled action and I have read the foregoing Answers To Interrogatories and the same is true, except for matters stated upon information and belief and as to those matters, I believe them to be true.

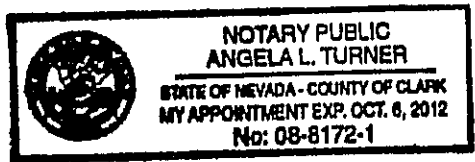


FREDRICK RIZZOLO

SUBSCRIBED AND SWORN TO before me
this 29th day of December, 2008.



NOTARY PUBLIC in and for said
County and State.



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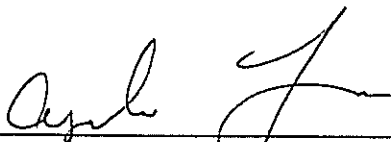
CERTIFICATE OF MAILING

Pursuant to Fed.R.Civ.P.5(b), I certify that I am an employee of PATTI, SGRO & LEWIS and on the 29th day of December, 2008, service of a true and correct copy of the foregoing **FREDRICK RIZZOLO'S SUPPLEMENTAL ANSWERS TO FIRST SET OF INTERROGATORIES** was made by depositing a copy of the same in a sealed envelope, first class postage prepaid addressed as follows:

DONALD J. CAMPBELL, ESQ.
J. COLBY WILLIAMS, ESQ.
CAMPBELL & WILLIAMS
700 So. Seventh Street
Las Vegas, NV 89101
Attorneys for Plaintiff KIRK HENRY

C. STANLEY HUNTERTON, ESQ.
HUNTERTON & ASSOCIATES
333 South Sixth Street
Las Vegas, NV 89101
Attorneys for Plaintiff AMY HENRY

MARK B. BAILUS, ESQ.
BAILUS, COOK & KELESIS, LTD.
400 So. Fourth St., Suite 300
Las Vegas, NV 89101
Attorneys for Defendant/Cross-Claimant LISA RIZZOLO


An Employee of Patti, Sgro & Lewis

2

LIONS LIMITED PARTNER P
MONEY MARKET ACCOUNT
2476 INDUSTRIAL RD.
LAS VEGAS, NV 89102

94-208/1224
0011003845

1312

DATE 8-7-08

PAY TO THE ORDER OF

PATTI & Sgro & Lewis \$ 10,000.00
Ten thousand and 00/100

DOLLARS

Nevada Commerce Bank

3500 S. Valley View Blvd.
Las Vegas, NV 89102 (702) 257-7777

www.nevadacommercebank.com

MEMO

Legal

[Handwritten signature]

Crazy Horse
26633
posted
8/7

LIONS LIMITED PARTNERSHIP
MONEY MARKET ACCOUNT
2476 INDUSTRIAL RD.
LAS VEGAS, NV 89102

94-209/1224
0011003845

1308

DATE 7-22-08

NO DOLLAR LIMIT ON PAYMENTS

PAY TO PATTI A SEVO, & LEWIS \$ 30,000.00
THE ORDER OF Theresa Howard and Leo DOLLARS Security Features

Nevada Commerce Bank

3300 S. Valley View Blvd.
Las Vegas, NV 89102 (702) 457-7777

www.nvadacommercebank.com

MEMO ATTORNEY FEE Phil Fyfe MP



ATC01171007

*Pistad
7/21
M.H.*

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TRUSTEE RESOLUTION
The LMR Trust,
DATED 9th March 2007

CONSIDERED

1. Southpac Trust International, Inc. ("Southpac") and John Dawson are the Trustees of the Trust under settlement of trust dated 22 August 2005.
2. The Trustees have received a request to make a loan of USD400,000.00 ("the Loan") on an unsecured and temporary basis to Lions Limited Partnership, a Nevada Limited Partnership, of which the Trustees in their capacity as trustees of RLR Trust u/a/d 2 November 2001, are limited partner, for the purpose of mortgage payments and other expenses.
3. The Trustees are empowered under First Schedule, paragraph 1.2(h) of the trust agreement to lend money to such person or persons and upon such terms as to security or otherwise as the Trustees in the Trustees' absolute discretion think fit: While the Trustees are satisfied they have the power to make the Loan, they are concerned as to the prudence of making such a loan unsecured and accordingly require the primary beneficiaries of the Trust to provide the Trustees with an Indemnity before they will make the Loan.

RESOLVED

1. To make the Loan in accordance with the attached Promissory Note, provided a Deed of Consent and Indemnity in the attached form is first obtained from the primary beneficiaries.
2. To do all things necessary to effect the above.
3. This resolution may be signed in counterparts and by way of facsimile exchange.

Southpac Trust International, Inc.
Trustee, by its authorised signatory

John Dawson, trustee

The Protector hereby consents to the above Loan and waives his right to notice.

John Dawson, Protector

P000435

01000003

PROMISSORY NOTE

March 9 2007

\$400,000.00

FOR VALUE RECEIVED, the receipt and sufficiency of which is hereby acknowledged, the undersigned (hereinafter "Maker") promises to pay to the order of Southpac Trust International Inc., and John Dawson as trustees of the LMR Trust, (hereinafter "Payee"), at such address as Payee or the holder hereof may designate to Maker from time to time, the principal sum of \$400,000.00 (four hundred thousand dollars) in lawful money of the United States, together with interest on the principal balance calculated at the rate of five percent (5%) per annum, with all such principal and accrued interest payable on 9th June 2007. Any interest accrued and unpaid at the end of each calendar year shall immediately be added to and become part of the principal due under this Note.

This Note shall be deemed in default upon the occurrence of one or more of the following events: (a) failure to make any payment of principal or interest on this Note when due and payable; or dissolution, liquidation or termination of the Maker.

Upon default the principal and accrued interest hereon shall draw interest at the rate of seven percent (7%) per annum. It is agreed that any default hereunder shall cause the whole Note to become due at once, at the option of the holder of the Note. The Maker and endorsers hereof, if any, severally waive presentment for payment, protest, notice of non-payment and notice of protest, and agree to any extension of time of payment and partial payments before, at or after maturity, and if this Note is in default, agree to pay all reasonable costs of collection, whether pre-judgment or post-judgment, including court costs and reasonable attorney's fees.

This Note may be prepaid in whole or in part, at any time, without penalty. All payments shall first serve to reduce interest, and then shall be applied to reduce the principal balance.

This Note is unsecured.

Maker

Lions Limited Partnership,
a Nevada limited partnership

By: [Signature]
Domole, LLC, General Partner
By its manager Rick J. Bizzolo

By: [Signature]
Domole, LLC, General Partner
By its manager, Lisa M. Rizzolo

RECEIVED
LIONEL SAWYER & COLLINS
245 AM/PM
MAR 09 2007 J
CALLED _____ AM/PM
V/M _____ AM/PM
DEL _____ AM/PM
INITIALS JED

CONFIDENTIAL

LR017