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CAMPBELL & WILLIAMS  
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Attorneys for Interested Parties  
Kirk and Amy Henry

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

	)	
Plaintiffs,	)	Case No. 2:06-cr-00186-PMP-PAL
	)	
vs.	)	<b>KIRK AND AMY HENRY'S</b>
	)	<b>MOTION FOR ORDER TO</b>
POWER COMPANY INC., doing business as	)	<b>SHOW CAUSE WHY THE</b>
THE CRAZY HORSE TOO, and	)	<b>MANAGERS AND AGENTS</b>
FREDERICK JOHN RIZZOLO	)	<b>OF THE PIAZZA FAMILY</b>
	)	<b>LIMITED PARTNERSHIP</b>
Defendants.	)	<b>SHOULD NOT BE HELD IN</b>
	)	<b><u>CONTEMPT</u></b>

Victims KIRK and AMY HENRY, by and through their attorneys of record, hereby file the following Motion for Order to Show Cause why the Managers and Agents of the Piazza Family Limited Partnership Should not be Held in Contempt.

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**DECLARATION OF COUNSEL IN SUPPORT OF THE MOTION FOR ORDER TO  
SHOW CAUSE WHY THE MANAGERS AND AGENTS OF THE PIAZZA FAMILY  
LIMITED PARTNERSHIP SHOULD NOT BE HELD IN CONTEMPT**

PHILIP R. ERWIN hereby declares:

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 Declaration. This Declaration is based upon my personal knowledge and, if called upon to testify, I would testify as set forth in this Declaration.

2. I am a licensed attorney in the State of Nevada, Nevada Bar Number 11563, an associate in the law firm of Campbell & Williams, and am one of the attorneys representing Kirk Henry in this proceeding.

3. On July 20, 2011, the Court ordered that "Defendant Rizzolo shall arrange for payments from the Piazza Partnership due to Lions to be paid to Amy & Kirk Henry and Defendant Rizzolo shall not take any action, directly or indirectly or through any agents or anyone else acting on his behalf, to hinder the payments of those monies to Amy & Kirk Henry in partial satisfaction of restitution obligations to them." *See* Minute of Proceedings (#459). The Court further ordered that "the money in the Bank of America account in Philadelphia shall be turned over to the Henrys forthwith." *Id.*

4. That same day, Mary Pizzariello, the Legal Administrator of Campbell & Williams, spoke with Adele Johansen of Gordon Silver regarding the transfer of proceeds from the Philadelphia sale to the Campbell & Williams trust account. *See* Exhibit "1," E-Mail Correspondence of July 20, 2011. Mrs. Pizzariello was informed that the funds would be transferred on Friday, July 22, 2011 or Monday, July 25, 2011. *Id.* The funds, however, never arrived.

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2 5. On Tuesday, July 26, 2011, C. Stanley Hunterton, counsel for Amy Henry,  
3 received a message from Mr. Gentile stating that the Controller for the Piazza Family Limited  
4 Partnership was out of the office during the prior week. Mr. Gentile informed Mr. Hunterton  
5 that the Controller had been expected to return on "Monday or sometime this week."

6 6. Subsequently, Mr. Hunterton and I sent Mr. Gentile multiple e-mails regarding  
7 the status of the Philadelphia money. See Exhibit "2," Hunterton E-Mail of July 26, 2011;  
8 Exhibit "3," Erwin E-Mail of July 28, 2011.

9  
10 7. On Thursday, July 28, 2011, I received a telephone call from defense counsel  
11 Margaret Lambrose regarding the status of the Philadelphia money. Ms. Lambrose informed me  
12 that neither Mr. Gentile nor herself had been in contact with Stuart Cohen, counsel for the Piazza  
13 Family Limited Partnership, since the previous week. According to Ms. Lambrose, Mr. Cohen's  
14 last representation was that the Controller of the Piazza Family Limited Partnership was out of  
15 town but had been expected to return on Monday. Ms. Lambrose represented to me that Mr.  
16 Gentile and herself had sent e-mails and placed telephone calls to Mr. Cohen that had gone  
17 unreturned. Further, Ms. Lambrose stated that Mr. Cohen was in possession of the Order (#459)  
18 commanding the immediate transfer of the Philadelphia money and the wiring information for  
19 the Campbell & Williams trust account.  
20

21 8. On Friday, July 29, 2011, Mr. Hunterton spoke with Mr. Gentile regarding the  
22 status of the Philadelphia money. Mr. Gentile echoed Ms. Lambrose's position that they had  
23 repeatedly attempted to contact the representatives of the Piazza Family Limited Partnership and  
24 had relayed the Order (#459) and wiring information for the Campbell & Williams trust account  
25 to them. Mr. Hunterton informed Mr. Gentile that, unless the Philadelphia funds were  
26 transferred forthwith as ordered by the Court, the Henrys would seek an Order to Show Cause  
27  
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1 why Vincent Piazza, Mr. Cohen, and the Controller of the Piazza Family Limited Partnership  
2 should not be held in contempt. I confirmed this conversation in an e-mail to Mr. Gentile. See  
3 Exhibit "4," Erwin E-mail of July 29, 2011.  
4

5 10. At the time of filing, the Henrys still have not received the Philadelphia money.  
6 Likewise, there has been no indication of when such a transfer of the funds is to take place.

7 11. I declare under penalty of perjury that the foregoing is true and correct.

8 DATED this 1st day of August, 2011.  
9

10 /s/ Philip R. Erwin  
11 PHILIP R. ERWIN, ESQ.

12 **POINTS AND AUTHORITIES**

13 During Defendant Rick Rizzolo's revocation hearing on July 20, 2011, the Court ordered  
14 that "the money in the Bank of America account in Philadelphia shall be turned over to the  
15 Henrys *forthwith*." See Minutes of Proceedings (#459) (emphasis added). Despite the passage  
16 of more than ten days, Kirk and Amy Henry still have not received the Philadelphia money. This  
17 constitutes a willful violation of the Court's Order by the managers and agents of the Piazza  
18 Family Limited Partnership including but not limited to Vincent Piazza, Stuart Cohen, Esq., and  
19 the unknown person holding the position of Controller.  
20

21 "A court of the United States shall have power to punish by fine or imprisonment, or  
22 both, at its discretion, such contempt of its authority, and none other, as . . . [d]isobedience or  
23 resistance of its lawful writ, process, order, rule, decree, or command." 18 U.S.C. § 401(3).  
24 "Criminal contempt is established when there is a clear and definite order, and the contemnor  
25 knows of the order, and willfully disobeys the order." *Chapman v. Pac. Tel. and Tel. Co.*, 613  
26 F.2d 193, 195 (9th Cir. 1979). "The penalty is punitive in nature [and] serves to vindicate the  
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1 authority of the court and does not terminate upon compliance with the court's order." *United*  
2  
3 *States v. Rylander*, 714 F.2d 996, 1001 (9th Cir. 1983).

4         Simply put, the managers and agents of the Piazza Limited Partnership have done nothing  
5 in response to the Order directing the immediate transfer of funds to the Henrys. Counsel for  
6 Rizzolo plainly informed the undersigned counsel that Mr. Cohen is in possession of the Order as  
7 well as all necessary wiring instructions. Further, the Order could not be clearer that the funds  
8 must be transferred *forthwith*. Despite that unequivocal command, the Piazza Family Limited  
9 Partnership has refused to transfer the Philadelphia money which rightly belongs to the Henrys.  
10 In addition, the Henrys have not received any indication that the transfer of funds will actually  
11 occur at any time in the future. Such brazen disobedience of the Court's Order by the Managers  
12 and Agents of the Piazza Family Limited Partnership is unacceptable.

13  
14         Accordingly, Kirk and Amy Henry request that the Court enter an Order to Show Cause  
15 why the Managers and Agents of the Piazza Family Limited Partnership including Vincent  
16 Piazza, Stuart Cohen, Esq., and the person acting as the Controller should not be held in  
17 contempt.  
18

19         DATED this 1st day of August, 2011.

20 HUNTERTON & ASSOCIATES

CAMPBELL & WILLIAMS

21 By /s/ C. Stanley Hunterton  
22 C. STANLEY HUNTERTON, ESQ. (1891)  
23 333 South Sixth Street  
Las Vegas, Nevada 89101

By /s/ Philip R. Erwin  
DONALD J. CAMPBELL, ESQ. (1216)  
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24 *Attorneys for Victim Amy Henry*

*Attorneys for Victim Kirk Henry*

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that service of the foregoing was served on the 1st day of August, 2011 via the Court's CM/ECF electronic filing system addressed to all parties on the e-service list.

/s/ Philip R. Erwin, Esq.  
An Employee of Campbell & Williams

1

**From:** Adele L. Johansen [ajohansen@GORDONSILVER.com]  
**Sent:** Wednesday, July 20, 2011 5:04 PM  
**To:** Mary Pizzariello  
**Subject:** RE: Henry/Rizzolo

You have a great one too.

---

**From:** Mary Pizzariello [mailto:mpizzariello@campbellandwilliams.com]  
**Sent:** Wednesday, July 20, 2011 5:06 PM  
**To:** Adele L. Johansen  
**Subject:** RE: Henry/Rizzolo

Thanks so much, Adele.  
Have a great evening.  
Mary

Mary J. Pizzariello, Legal Administrator  
Campbell & Williams  
700 South Seventh Street  
Las Vegas, Nevada 89101  
Telephone: 702-382-5222  
Facsimile: 702-382-0540  
E-Mail: [mary@campbellandwilliams.com](mailto:mary@campbellandwilliams.com)

---

**From:** Adele L. Johansen [mailto:ajohansen@GORDONSILVER.com]  
**Sent:** Wednesday, July 20, 2011 5:02 PM  
**To:** Mary Pizzariello  
**Subject:** RE: Henry/Rizzolo

Per Mr. Gentile, as you know, Philadelphia is three hours ahead of us., and that is where the money will be coming from. Mr. Gentile has not as yet spoken with Stuart Cohen and will not be able to do so until tomorrow. Therefore, the money will probably in Mr. Campbell's trust account until either Friday or Monday.

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**From:** Mary Pizzariello [mailto:mpizzariello@campbellandwilliams.com]  
**Sent:** Wednesday, July 20, 2011 4:51 PM  
**To:** Adele L. Johansen  
**Subject:** Henry/Rizzolo

Good afternoon, Adele:  
This will confirm our telephone conversation earlier today wherein I gave you the wiring information for our trust account. Please let me know when we may expect the funds.  
We also need the supporting documentation. We can either send our runner to pick it up or it can be sent via e-mail, whatever is easier.  
Thanks so much,  
Mary



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**Gordon Silver**

Attorneys and Counselors at Law

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Gordon Silver Standard Disclaimer

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2

**From:** Jan Allen [jallen@huntertonlaw.com]  
**Sent:** Tuesday, July 26, 2011 11:02 AM  
**To:** dgentile@gordonsilver.com  
**Cc:** Philip Erwin  
**Subject:** from Stan Hunterton

Dominic:

We have heard nothing from Philadelphia. Stan

3

**From:** Philip Erwin  
**Sent:** Thursday, July 28, 2011 9:25 AM  
**To:** [dgentile@gordonsilver.com](mailto:dgentile@gordonsilver.com)  
**Cc:** 'Jan Allen'  
**Subject:** Transfer of Funds

Dominic,

We have still not received any of the Philadelphia money or word of when to expect receipt of the transfer. Can you please advise me of the status? Thank you.

Philip R. Erwin, Esq.  
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700 South Seventh Street  
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**4**

**From:** Philip Erwin  
**Sent:** Friday, July 29, 2011 4:21 PM  
**To:** 'dgentile@gordonsilver.com'  
**Cc:** Donald Campbell; 'Jan Allen'  
**Subject:** Transfer of the TEZ Funds

Dominic,

I am writing to confirm your conversation with Stan earlier today. We still have not received the Philadelphia money despite the passage of more than a week since Judge Pro ordered its immediate transfer. Likewise, there has been no indication of when we can expect a transfer of the funds to take place. Accordingly, it is our intention to submit an order to show cause why Vincent Piazza, Stuart Cohen, and the Controller of the Piazza Family Limited Partnership should not be held in contempt for violating Judge Pro's Order (#459). We will file the OSC with the Court on Monday. Thank you.

Philip R. Erwin, Esq.  
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