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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KIRK and AMY HENRY,

Plaintiffs,

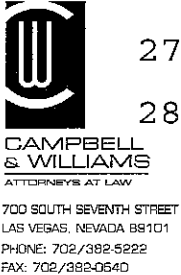
vs.

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.

)
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) Case No. 2:08-cv-635-PMP-GWF
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)
) **PLAINTIFFS' RENEWED MOTION**
) **FOR INJUNCTIVE RELIEF**
) **AGAINST THE DISSIPATION**
) **OR TRANSFER OF ASSETS**

Plaintiffs KIRK and AMY HENRY, by and through their attorneys of record, hereby file
the following Renewed Motion for Injunctive Relief against the Dissipation or Transfer of
Assets.



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POINTS AND AUTHORITIES

On June 6, 2011, Plaintiffs Kirk and Amy Henry filed their original Motion for Injunctive Relief Against the Dissipation or Transfer of Assets [Dkt. No. 519]. In the Motion, Plaintiffs requested that the Court enjoin Defendant Lisa Rizzolo from transferring or dissipating any funds without first seeking leave from the Court. *Id.* In response, Ms. Rizzolo argued that an injunction was improper because there was no evidence that she had dissipated the disputed assets. *See* Opposition [Dkt. No. 529].

This Court denied Plaintiffs' Motion and refused to enter an injunction against Ms. Rizzolo on the following grounds:

The Court, in its discretion, also will deny the requested injunctive relief as to Defendant Lisa Rizzolo. Plaintiffs have failed, at this juncture, to establish a likelihood of irreparable injury absent the requested injunctive relief. ***Plaintiffs have presented no evidence that Lisa Rizzolo has dissipated or is on the verge of dissipating any assets which Plaintiffs allege Rick Rizzolo fraudulently transferred to her.***

See Order [Dkt. No. 538], p. 3:20-24 (emphasis added).

Simply put, Ms. Rizzolo's bank records from the last year conclusively demonstrate that the funds which Ms. Rizzolo received from Defendant Rick Rizzolo in the fraudulent divorce have been substantially dissipated. Indeed, Ms. Rizzolo has blown through nearly three quarters of a million dollars in the last year alone. Ms. Rizzolo's financial waste has resulted in irreparable harm to Plaintiffs which warrants the immediate entry of an injunction barring any further transfer or dissipation of the remaining money in the Cook Islands account.

As this Court is well aware, Ms. Rizzolo keeps the funds that she received from Rick Rizzolo in the fraudulent divorce in an offshore bank account located in the Cook Islands. *See* Sealed Declaration of Philip R. Erwin, ¶ 3. Mr. Rizzolo also maintains a checking account at Wells Fargo which she uses for almost all of her monthly expenses and other financial



1 transactions. *Id.* at ¶ 4. Over the course of the last year, the Wells Fargo account has been
2 almost exclusively funded by wire transfers from the offshore account in Cook Islands. *Id.*¹
3

4 In a display of extreme profligacy, Ms. Rizzolo has disbursed \$713,481.40 from the
5 Wells Fargo account since His Honor's Order denying Plaintiffs' Motion for Injunctive Relief.
6 *Id.* at ¶ 5. There is simply no feasible explanation for Ms. Rizzolo's wasteful distribution of
7 assets at the heart of this lawsuit. To be sure, Ms. Rizzolo is on pace to dissipate the disputed
8 funds to such an extent that Plaintiffs' eventual recovery in this proceeding will be substantially
9 diminished. As such, Plaintiffs will suffer additional irreparable harm in the absence of an
10 injunction against the further disposition of the fraudulently transferred funds under the Nevada
11 Uniform Fraudulent Transfer Act. *See* NRS 112.210(c)(1).
12

13 Accordingly, it is respectfully requested that this Court grant Plaintiffs' Renewed Motion
14 for Injunctive Relief against the Dissipation or Transfer of Assets.

15 DATED this 18th day of September, 2012,

16 HUNTERTON & ASSOCIATES

CAMPBELL & WILLIAMS

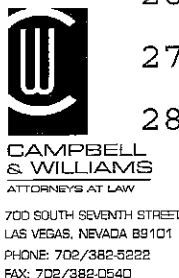
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18 By /s/ C. Stanley Hunterton
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By /s/ Philip R. Erwin
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Attorneys for Plaintiff Amy Henry

Attorneys for Plaintiff Kirk Henry

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27 ¹ Ms. Rizzolo made three \$300,000 deposits via wire transfer from Capital Security Bank
28 in the Cook Islands in September 2011, December 2011, and April 2012. *See* Sealed Declaration
of Philip R. Erwin, ¶ 4.



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that service of the foregoing was served on the 18th day of September, 2012 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



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