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 State Bar No. 1814
 2 Thorndal, Armstrong, Delk, Balkenbush & Eisinger
 6590 South McCarran Blvd., Suite B
 3 Reno, Nevada 89509
 (775) 786-2882
 4 Attorneys for Defendants
 Incline Village General Improvement District, John A. Bohn, Gene Brockman, Bea Epstein,
 5 Chuck Weinberger and Robert C. Wolf

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 7 UNITED STATES DISTRICT COURT
 8 FOR THE DISTRICT OF NEVADA
 9

BY:

10 STEVEN E. KROLL, Case No. 3:08-CV-0166-ECR-RAM
 11 Plaintiff

12 vs.

13 INCLINE VILLAGE GENERAL ROBERT C. WOLF'S ANSWERS TO
 14 IMPROVEMENT DISTRICT, aka IVGID, a PLAINTIFF'S INTERROGATORIES
 governmental subdivision of the State of (First Set)
 Nevada; JOHN A. BOHN; GENE
 15 BROCKMAN; BEA EPSTEIN, CHUCK
 16 WEINBERGER and ROBERT C. WOLF,
 individually and as Trustees of IVGID; DOES
 17 1 through 25, inclusive, each in their
 individual and official capacities,
 18 Defendants.

19
 20 COMES NOW, Defendant, INCLINE VILLAGE GENERAL IMPROVEMENT
 21 DISTRICT, (hereinafter "IVGID") by and through its attorneys of record, THORNDAL,
 22 ARMSTRONG, DELK, BALKENBUSH & EISINGER, and in accordance with Rule 33 of the
 23 Federal Rules of Civil Procedure, hereby answers Plaintiffs' Interrogatories to Defendant Robert
 24 C. Wolf (First Set) as follows:

25 IVGID has not completed its discovery and investigation of the facts and circumstances
 26 involved in this case, and therefore, these answers may be incomplete. These answers are given
 27 without prejudice to produce and introduce at trial evidence of any subsequently discovered facts,
 28 information or circumstances. These answers may be supplemented, changed, modified or

1 amended in light of subsequently discovered facts and information. IVGID reserves the right to
2 continue its discovery and investigation in this matter for additional facts, data, information and
3 witnesses to support its claims and defenses.

4 **INTERROGATORY NO. 1**

5 Is the Memorandum to the IVGID Board of Trustees from General Counsel T. Scott
6 Brooke dated 11 October 2006 referencing "Petition" attached hereto marked Plaintiff's Exhibit
7 171 for identification genuine to the best of your information and belief?

8 **ANSWER NO. 1**

9 Objection. Interrogatory No.1 seeks information concerning a privileged communication
10 between attorney and client. Exhibit 171 attached to Plaintiff's Interrogatories is a memorandum
11 from general counsel for IVGID to the Board of Trustees for IVGID and specifically provides:
12 "This Memorandum is protected by the Attorney/Client Privilege."

13 **INTERROGATORY NO. 2**

14 Did you attend in person or by telephone or other remote device the "private meeting" on
15 November 8, 2006 referred to by Mr. Brooke in his Memorandum to the Board dated 11 October
16 2006 set forth in Plaintiff's Exhibit 171 attached hereto?

17 **ANSWER NO. 2**

18 No.

19 **INTERROGATORY NO. 3**

20 If your answer to the foregoing Interrogatory No. 2 is affirmative, please state:

- 21 a) The address where the "private meeting" took place;
- 22 b) The name of each person present in person or by telephone or other remote
23 hookup at any time, however briefly, during the course of the "private meeting;"
- 24 c) The approximate time of day the "private meeting" began and the
25 approximate time it ended;
- 26 d) Whether any audio or video recording was made of any portion of the
27 "private meeting;"
- 28 e) Whether any minutes or informal notes were taken of the "private

1 meeting,” and if so the name of the person or persons taking such informal
2 notes or minutes;

3 f) Whether you received or read the “updated summary on the entire beach
4 property issue , for distribution to the Trustees in anticipation of a private meeting”
5 referred to in Mr. Brooke’s October 11, 2006 Memorandum marked as Plaintiff’s Exhibit
6 171 attached hereto, and if so, the approximate date you received and/or read said
7 “updated summary;”

8 g) Whether you have under your custody or control a copy of the “updated
9 summary on the entire beach issue” referred to by Mr. Brooke in his Memorandum of
10 October 11, 2006, Exhibit 171 attached hereto?

11 **ANSWER NO. 3**

12 Not applicable.

13 **INTERROGATORY NO. 4**

14 Starting from January 1, 2006 and continuing to the date of your Answers to these
15 Interrogatories, please set forth each and every meeting you had or were invited to attend at
16 which any two or more other IVGID Trustees were in attendance, and which was treated as a
17 “private meeting” of the kind referred to in Exhibit 171 attached hereto, and for each such
18 “private meeting” state:

- 19 a) The date of each such meeting;
- 20 b) The name and address of the location at which each such meeting took
21 place;
- 22 c) The name of the individual or individuals calling such meeting, and the
23 means by which you were notified thereof;
- 24 d) The approximate time of day each such meeting commenced and ended;
- 25 e) The name of each individual present in person or by telephone or other
26 remote means for whatever period of time during the course of each such meeting;
- 27 f) Whether any minutes or informal notes, or audio or video recordings were
28 taken or made of each such meeting, and if so the name of the person or persons with

1 custody or control over any such records or documents; and

2 g) In general terms, the topics discussed at each such meeting.

3 **ANSWER NO. 4**

4 Objection. Interrogatory No. 4 seeks information which is not reasonably calculated to
5 lead to the discovery of admissible evidence. Although it is unclear, Interrogatory No. 4 appears
6 to seek information regarding Plaintiff's Fifth Cause of Action concerning alleged violations of
7 Nevada's Open Meeting Law. See paragraph 121 of Plaintiff's First Amended Complaint. In
8 accordance with the provisions of NRS 241.037(3) any suit brought against IVGID under NRS
9 241.037 which seeks compliance with the provisions of Chapter 241 of the NRS must be brought
10 within 120 days after the action objected to was taken by IVGID. Plaintiff's First Amended
11 Complaint was filed in this matter on 4/16/08. Accordingly, to the extent that Plaintiff is entitled
12 to any information regarding any meetings by the IVGID Board of Trustees with its legal counsel
13 to discuss potential or threatened lawsuits, such information is limited to meetings which took
14 place on or after 12/14/07. Interrogatory No. 4 seeks information concerning meetings of the
15 IVGID Board and its counsel to discuss pending or threatened lawsuits as far back as 1/1/06.

16 Without waiving this objection, I recall a meeting with legal counsel Gordon DePaoli,
17 Esq., Scott Brooke Esq. and other IVGID Board members to discuss potential or existing
18 litigation in March of 2008. The meeting was requested by legal counsel and took place at 893
19 Southwood Blvd., Incline Village, Nevada. I do not recall the time of day the meeting took place
20 and I took no notes concerning same, nor am I aware of any notes which were taken concerning
21 this meeting. The matters discussed at the meeting are protected by the attorney client privilege.

22 Further, without waiving this objection, I also recall a meeting with legal counsel Scott
23 Brooke, Esq. and Stephen C. Balkenbush, Esq. to discuss existing litigation in May of 2008. I
24 believe the entire Incline Board of Trustees attended this meeting. The meeting was requested by
25 Scott Brooke, Esq. The meeting took place at 893 Southwood Blvd., Incline Village, Nevada. I
26 took no notes concerning same, nor am I aware of any notes which were taken concerning this
27 meeting. The matters discussed at the meeting are protected by the attorney client privilege.

1 **INTERROGATORY NO. 5**

2 Did you attend a non-public meeting on or about April 23, 2008 with other Trustees at
3 which issues of First Amendment rights and Free Expression on the IVGID Beach Properties
4 were discussed?

5 **ANSWER NO. 5**

6 No.

7 **INTERROGATORY NO. 6**

8 If your answer to the foregoing Interrogatory No. 5 is affirmative, state to the best of your
9 knowledge:

- 10 a) Who called the meeting that took place on or about April 23, 2008?
11 b) The name of each individual who was present in person or by telephone or
12 other remote device during any part of that meeting of April 23, 2008, and in what
13 capacity each such individual appeared;
14 c) Whether the main topic of discussion during this meeting on or about
15 April 23, 2008, was the adoption of what was to become Policy 136?
16 d) Whether any other topic was discussed during that meeting on or about
17 April 23, 2008, and if so what?
18 e) Whether during the discussion on or about April 23, 2008 the 1968 Deed
19 to the Beach Properties or the Restrictive Covenant therein was raised by any participant,
20 and if so, the name of the participant(s) and the general contents of any discussion arising
21 therefrom.
22 f) Whether during the discussion on or about April 23, 2008 the Nevada
23 Open Meeting Law was raised by any participant, and if so, the name of the participant(s)
24 and the general contents of any discussion arising therefrom.

25 **ANSWER NO. 6**

26 Not applicable.

27 **INTERROGATORY NO. 7**

28 Are you aware whether IVGID made an audio recording of the April 30, 2008 Board of

1 Trustees Meeting, and if it did, please state who has custody and control over that recording.

2 **ANSWER NO. 7**

3 Yes. The person who has custody of the audio recording of this meeting is Susan Herron,
4 secretary to the IVGID Board of Trustees.

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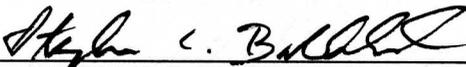
DATED this 5th day of September, 2008.

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THORNDAL, ARMSTRONG,
DELK, BALKENBUSH & EISINGER

9

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By 

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STEPHEN C. BALKENBUSH, ESQ.
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Attorneys for Defendants
INCLINE VILLAGE GENERAL IMPROVEMENT
DISTRICT, JOHN A. BOHN, GENE BROCKMAN,
BEA EPSTEIN, CHUCK WEINBERGER and
ROBERT C. WOLF

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(775) 786-2882

THORNDAL, ARMSTRONG,
DELUK, BAIKINENRIST
& EISINGER
6590 South McCarran Blvd, Suite B
Las Vegas, NV 89149
STATE OF NEVADA)

VERIFICATION

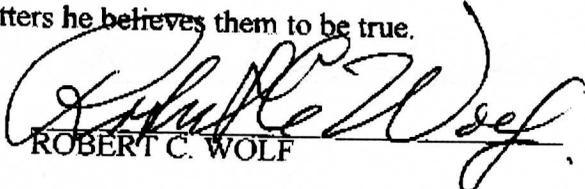
COUNTY OF WASHOE)
: SS.

COMES NOW, ROBERT C. WOLF, being duly sworn, deposes and says as follows:

1. That he has read the above and foregoing **ROBERT C. WOLF'S ANSWERS TO PLAINTIFF'S INTERROGATORIES (First Set)**

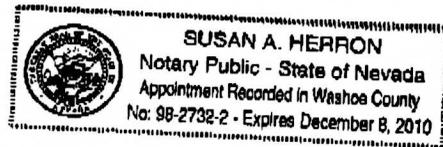
and knows the contents thereof.

2. That the same is true of his own knowledge, except for those matters stated upon information and belief, and as to those matters he believes them to be true.


ROBERT C. WOLF

SUBSCRIBED and SWORN to before
me this 5th day of September, 2008.


NOTARY PUBLIC



CERTIFICATE OF SERVICE

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Pursuant to FRCP 5(b), I certify that I am an employee of Thorndal, Armstrong, Delk, Balkenbush & Eisinger, and that on this day I deposited for mailing at Reno, Nevada the original of **Robert C. Wolf's Answers to Plaintiff's Interrogatories (First Set)**, addressed as follows:

**Steven E. Kroll, Esq.
Post Office Box 8
Crystal Bay, NV 89402**

DATED this 5th day of September, 2008.

Susan Balkenbush