

**LAQUER, URBAN, CLIFFORD & HODGE LLP**

MICHAEL A. URBAN, Nevada State Bar No. 3875

NATHAN R. RING, Nevada State Bar No. 12078

4270 South Decatur Blvd., Suite A-9

Las Vegas, Nevada 89103

Telephone: (702) 968-8087

Facsimile: (702) 968-8088

Electronic Mail: murban@luch.com

nring@luch.com

*Counsel for Plaintiff Trust Funds*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

TRUSTEES OF THE OPERATING ENGINEERS PENSION TRUST; TRUSTEES OF THE OPERATING ENGINEERS HEALTH AND WELFARE FUND; TRUSTEES OF THE OPERATING ENGINEERS JOURNEYMAN AND APPRENTICE TRAINING TRUST; and TRUSTEES OF THE OPERATING ENGINEERS VACATION-HOLIDAY SAVINGS TRUST,

Plaintiffs,

vs.

DIVERSIFIED CONCRETE CUTTING, INC., a Domestic Corporation; SPECIALTY CONTRACTING CO. d/b/a DIVERSIFIED DEMOLITION CO.; and KENNETH M. MERCURIO, an individual,

Defendant.

CASE NO: 2:17-cv-02686-APG-GWF

~~(Proposed)~~  
ORDER FOR JUDGMENT DEBTOR EXAMINATION OF KENNETH M. MERCURIO

Having considered Plaintiffs' Application for Judgment Debtor Examination of Defendant/Judgment Debtor Kenneth M. Mercurio (hereinafter "Mercurio"), and the Declaration of Nathan R. Ring and good cause appearing,

**IT IS HEREBY ORDERED** that Defendant/Judgment Debtor Mercurio, appear at the law offices of Reese Kintz, LLC, 201 W. Liberty St., Suites 203-204, Reno, NV 89501 on the 22<sup>nd</sup> day of June, 2018, at 1:00 p.m., to be sworn in for a Judgment Debtor Examination and answer concerning property subject to the ownership and control of Kenneth Mercurio.

1           **IT IS FURTHER ORDERED** that the Mercurio brings with him the following documents  
2 under his control or under the control of its agents, attorneys or accountants:

3           a.       All financial statements prepared by or on behalf of Mercurio from January 1, 2017, to  
4 the present.

5           b.       All original monthly bank statements of Mercurio from January 1, 2017, to the present.

6           c.       All original savings account pass books, certificates of deposit, and trust certificates in  
7 the name of Mercurio January 1, 2017, to the present.

8           d.       All canceled checks drawn on any account established in the name of Mercurio from  
9 January 1, 2017, to the present.

10          e.       All original negotiable instruments and negotiable securities in the name of Mercurio  
11 from January 1, 2017, to the present.

12          f.       All evidence or other memoranda of any ownership interest of Mercurio in any  
13 corporation, partnership, unincorporated association or any business organized or conducted for the  
14 production of income from January 1, 2017, to the present.

15          g.       All evidence or other memoranda of any income received by Mercurio January 1, 2017,  
16 to the present, to include but not limited to tax returns, insurance proceeds, or repayment of loans.

17          h.       All evidence or other memoranda of any employer, or place of work or employment of  
18 Mercurio from January 1, 2017, to the present, including but not limited to contracts, invoices, billings,  
19 vouchers or payments.

20          i.       All evidence of any ownership interest of Mercurio to include but not limited to, bills of  
21 sale, pink slips or any other record or title, in any motor vehicle, airplane, boat, equipment or machinery,  
22 from January 1, 2017, to the present.

23          j.       All evidence of any debts or repayments owed by Mercurio, to include but not limited to,  
24 those arising from loans or judgments from January 1, 2017, to the present.

25          k.       Any and all evidence or other memoranda indicating that Mercurio was either a plaintiff  
26 or a defendant in any lawsuit from January 1, 2017, to the present.

27

28

1 l. Any and all evidence or memoranda indicating that Mercurio received any judgment,  
2 award, bequest or devise in any lawsuit or other court action from January 1, 2017, to the present.

3 m. Any and all evidence or memoranda indicating any ownership interest of Mercurio in  
4 any patent, invention, trade name, or copyright.

5 n. Any and all evidence or memoranda indicating an ownership interest of Mercurio in any  
6 real property or developments on real property.

7 o. Any and all evidence of the sale(s) of any real or personal property of Mercurio from  
8 January 1, 2017, to the present.

9 p. Any and all loan applications filled out by Mercurio since January 1, 2017.

10 q. Copies of all documents evidencing the sale or transfer of any assets of Mercurio from  
11 January 1, 2017, to the present.

12 r. Any and all documents evidencing any federal or State tax liability of Mercurio.

13 s. Original cash disbursement journals and/or check registers maintained in connection with  
14 any business of Mercurio from January 1, 2017, to the present.

15 t. Federal income tax returns of Mercurio for the year 2017 to the present.

16  
17  
18 **NOTICE TO JUDGMENT DEBTOR**

19 **IF YOU FAIL TO APPEAR AT THE TIME AND PLACE SPECIFIED IN THIS ORDER,**  
20 **YOU MAY BE SUBJECT TO ARREST AND PUNISHMENT FOR CONTEMPT OF COURT**  
21 **AND THE COURT MAY MAKE AN ORDER REQUIRING YOU TO PAY REASONABLE**  
22 **ATTORNEY'S FEES INCURRED BY THE JUDGMENT CREDITORS IN THIS**  
23 **PROCEEDING.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated this 15th of May, 2018.

By:   
UNITED STATES MAGISTRATE JUDGE

Submitted by:

**LAQUER, URBAN, CLIFFORD & HODGE LLP**

By: */s/ Nathan R. Ring*  
MICHAEL A. URBAN, Nevada State Bar No. 3875  
NATHAN R. RING, Nevada State Bar No. 12078  
*Counsel for Plaintiff Trust Funds*