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 8 **IN THE UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

10 United States of American for the use and)
 benefit of CONSOLIDATED ELECTRICAL)
 11 DISTRIBUTORS, INC., a foreign corporation,)

12 Plaintiff,)

13 v.)

14 MT. GRANT ELECTRIC, an unknown entity;)
 DAY & ZIMMERMANN HAWTHORNE)
 15 CORPORATION; a Delaware corporation; and)
 AMERICAN CONTRACTORS INDEMNITY)
 16 CO., a surety,)

17 Defendants.)

18 AMERICAN CONTRACTORS INDEMNITY)
 COMPANY,)

19 Crossclaimant,)

20 v.)

21 MT. GRANT ELECTRIC,)

22 Crossdefendant.)

23 AMERICAN CONTRACTORS INDEMNITY)
 24 COMPANY,)

25 Third Party Plaintiff,)

26 v.)

27 MERLIN J. HALL, an individual; KATHY)
 THYNE, an individual; DOES I through X,)
 28 inclusive,)

Third Party Defendants.)

Case No.: 3:06-CV-00309-BES-RAM

ORDER GRANTING

**AMERICAN CONTRACTORS
 INDEMNITY COMPANY'S EX-PARTE
 MOTION FOR:**

**1) AN ORDER REQUIRING JUDGMENT
 DEBTORS MERLIN J. HALL AND
 KATHY THYNE TO APPEAR FOR AN
 EXAMINATION OF JUDGMENT
 DEBTOR; AND**

**2) AN ORDER REQUIRING MERLIN J.
 HALL AND KATHY THYNE TO
 PRODUCE FINANCIAL DOCUMENTS AT
 THE EXAMINATION OF JUDGMENT
 DEBTOR**

1 AMERICAN CONTRACTORS INDEMNITY COMPANY's ("ACIC") Ex-Parte Motion For:
2 1) an Order Requiring Judgment Debtors Merlin J. Hall and Kathy Thyne to Appear for an Examination
3 of Judgment Debtor; 2) an Order Requiring Merlin J. Hall and Kathy Thyne to Produce Financial
4 Documents at the Examination of Judgment Debtor; having come before this Court, and the Court
5 having reviewed the pleadings and papers on file herein,

6 IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

7 1. Judgment Debtor Merlin J. Hall is order to appear at 105 S. "A" St., Hawthorne, NV
8 89415, on Tuesday, December 14, 2010 at 10:00 a.m., or at a later time and date to be designated by
9 correspondence from ACIC's counsel, to testify under oath concerning his property, and specifically the
10 persons and real properties enumerated below. Further, said Judgment Debtor is hereby forbidden in
11 the meantime from dispensing of any real and personal property not exempt from execution.

12 2. Judgment Debtor Kathy Thyne is order to appear at 105 S. "A" St., Hawthorne, NV
13 89415, on Tuesday, December 14, 2010 at 1:00 p.m., or at a later time and date to be designated by
14 correspondence from ACIC's counsel, to testify under oath concerning her property, and specifically the
15 persons and real properties enumerated below. Further, said Judgment Debtor is hereby forbidden in
16 the meantime from dispensing of any real and personal property not exempt from execution.

17 3. Judgment Debtors Merlin J. Hall and Kathy Thyne are also ordered to bring with them
18 at the time of their examinations noted above all the following documents spanning the time frame from
19 June 13, 2005, the date on which the Judgment Debtors executed the General Indemnity Agreement in
20 favor of ACIC, to the date of examinations:

21 a. Any and all monthly and annual account statements issued by any bank, credit
22 union, or similar financial institution since June 13, 2005;

23 b. Any and all bonds, stock accounts and certificates in which Merlin J. Hall and/or
24 Kathy Thyne, jointly or individually, as trustor, trustee, or beneficiary, held an
25 interest at anytime since June 13, 2005;

26 c. Any and all financial statements or records since June 13, 2005 showing real or
27 personal assets in which Merlin J. Hall and/or Kathy Thyne, jointly or
28 individually, as trustor, trustee, or beneficiary, held an interest;

- 1 d. All tax returns filed since June 13, 2005;
- 2 e. Any and all financial statements since June 13, 2005, containing information
- 3 regarding any personal or real property in which Merlin J. Hall and/or Kathy
- 4 Thyne, jointly or individually, as trustor, trustee, or beneficiary, held an interest;
- 5 f. Any and all titles to real property in which Merlin J. Hall and/or Kathy Thyne,
- 6 jointly or individually, as trustor, trustee, or beneficiary, held an interest at
- 7 anytime since June 13, 2005;
- 8 g. All titles to any motor vehicle, equipment or motorized craft of any nature in
- 9 which Merlin J. Hall and/or Kathy Thyne, jointly or individually, as trustor,
- 10 trustee, or beneficiary, held an interest at anytime since June 13, 2005;
- 11 h. Any and all corporate filings, certificates, or other documents regarding Merlin
- 12 J. Hall and/or Kathy Thyne's interest, whether held jointly or individually, as
- 13 trustor, trustee, or beneficiary, in any other entity or business;
- 14 i. All life insurance policies;
- 15 j. Location and address of any out of state property;
- 16 k. All cash and the location thereof;
- 17 l. Any and all stock certificates, contracts, or other documents showing Merlin J.
- 18 Hall and/or Kathy Thyne's financial interests, whether held whether held jointly
- 19 or individually, as trustor, trustee, or beneficiary;
- 20 m. For each contract or subcontract of on-going projects involving Mt. Grant
- 21 Electric, Merlin J. Hall and/or Kathy Thyne, whether jointly or individually, or
- 22 through any business entity or trust in which Mt. Grant Electric, Merlin J. Hall
- 23 and/or Kathy Thyne, jointly or individually, held an interest, a description of the
- 24 project, including but not limited to the owner or contractor on the project, the
- 25 name of the project, the location of such projects, the name and telephone
- 26 number of the contact person of the owner or contractor on the project, the
- 27 amount of each contract or subcontract, and the amount currently outstanding and
- 28 owed to Mt. Grant Electric, Merlin J. Hall and/or Kathy Thyne;

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- o. All contracts, subcontracts, pay applications, and invoices on any of the projects described in item number “m” above;
- p. For each contract or subcontract of completed projects involving Mt. Grant Electric, Merlin J. Hall and/or Kathy Thyne, whether jointly or individually, or through any business entity or trust in which Mt. Grant Electric, Merlin J. Hall and/or Kathy Thyne, jointly or individually, held an interest and for which Merlin J. Hall and/or Kathy Thyne remains unpaid, a description of the project, including but not limited to the owner or contractor on the project, the name of the project, the location of such projects, the name and telephone number of the contact person of the owner or contractor on the project, the amount of each contract or subcontract, and the amount currently outstanding and owed to Mt. Grant Electric, Merlin J. Hall and/or Kathy Thyne;
- q. All contracts, subcontracts, pay applications, and invoices on any of the projects described in item number “p” above;
- r. Any and all documents regarding any trust in which Merlin J. Hall and/or Kathy Thyne held an interest, whether jointly or individually, as grantor or grantee, or as trustor, trustee or beneficiary, since June 13, 2005;
- s. Any and all documents regarding any conveyance since June 13, 2005 of any interest in any real property held by Merlin J. Hall and/or Kathy Thyne, whether jointly or individually, as grantor or grantee, or as trustor, trustee or beneficiary; and
- t. Any and all checks or payments issued by any person or entity to Merlin J. Hall and/or Kathy Thyne or to any other person or entity for the ultimate benefit of Merlin J. Hall and/or Kathy Thyne.

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Failure to appear at the time and place and to bring the documents and information described above will result in a bench warrant being issued for your arrest.

DATED: November 3, 2010



UNITED STATE MAGISTRATE JUDGE

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