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12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14	DENNIS MONTGOMERY, et al.,)	
)	
15	Plaintiffs,)	3:06-CV-0056-PMP-VPC
)	BASE FILE
16	vs.)	
)	3:06-CV-0145-PMP-VPC
17	ETREPPID TECHNOLOGIES, LLC, et al.,)	(Consolidated action)
)	
18	Defendants.)	
)	DEPARTMENT OF DEFENSE’S RESPONSE
19	AND RELATED MATTERS.)	TO MONTGOMERY’S REQUEST/MOTION
)	FOR DISCLOSURES, etc. (#118)
20)	

21 Comes now defendant Department of Defense (DoD), through its undersigned counsel, and
 22 responds as follows to the “”request/motion for disclosures regarding conduct of former Nevada U.S.
 23 Attorney, Trepp’s attorneys, and others that may be the subject of a complaint filed with the
 24 Department of Justice” (#118) filed by Montgomery. The “motion” should be denied.

25 Montgomery’s motion, apart from its extravagant and baseless accusations, can only be
 26 characterized as an effort to obtain discovery in these consolidated actions. Montgomery, in the

1 guise of seeking “full disclosure,” requests copies of documents and further “requests leave to obtain
2 discovery” including various depositions. See Motion (#118), pp. 2-3.

3 DoD filed its motion (#56) to dismiss the claims against it in June 2006. The briefing on that
4 motion has been interrupted by concerns regarding the sealing of filings, including Montgomery’s
5 opposition to the motion. DoD also filed its motion for protective order (#83) in September 2006,
6 which motion has likewise been deferred on account of an interrupted briefing schedule.

7 All parties have acknowledged, on multiple occasions, that this Court has stayed discovery
8 in these actions (in September 2006) and this Court has recently ordered that the stay of discovery
9 will extend through the disposition of the pending motions for protective orders. See Minutes (#88),
10 March 15, 2007.

11 Given the stay of discovery, recently affirmed by this Court as appropriate, Montgomery’s
12 “motion” should be denied. In addition to running afoul of the stay of discovery, Montgomery’s
13 motion is wholly incompatible with the ordinary discovery mechanisms described in the Federal
14 Rules of Civil Procedure and likewise in violation of this Court’s Local Rules concerning discovery
15 motions. See Local Rule LR 26-7.

16 Respectfully submitted,

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19 /s/ Greg Addington
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PROOF OF SERVICE

I hereby certify that service of the foregoing DEPARTMENT OF DEFENSE'S RESPONSE TO MONTGOMERY'S REQUEST/MOTION FOR DISCLOSURES, etc. (#118) was made through the Court's electronic notification system or, as appropriate, by sending same through first class mail from Reno, Nevada, to the addressees below on March 21, 2007.

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