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11 Attorneys for Plaintiffs
Dennis Montgomery and the Montgomery Family Trust

12
13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15
16 DENNIS MONTGOMERY, an individual; and)
MONTGOMERY FAMILY TRUST, a California)
17 Trust,)

18 Plaintiffs,

19 vs.

20 eTREPPID TECHNOLOGIES, LLC, a Nevada)
Limited Company; WARREN TREPP, an)
21 individual; and DOES 1 through 10,)

22 Defendants.

23
24 AND RELATED CASES.
25

Case No. 3:06-CV-00056-PMP-VPC

BASE FILE

3:06-CV-00145-PMP-VPC

**RESPONSE TO MICHAEL J. FLYNN'S
UNAUTHORIZED SUR-REPLY AND
SUPPLEMENTAL DECLARATION IN
SUPPORT OF MOTION TO
WITHDRAW**

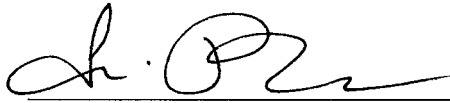
26 Dennis Montgomery, Brenda Montgomery and the Montgomery Family Trust (“the
27 Montgomerys”) respectfully submit this brief response for the purpose of objecting to the
28 unauthorized sur-reply and supplemental declaration filed by Michael J. Flynn in these

1 consolidated matters. Mr. Flynn has been terminated as counsel of record in this matter and new
2 counsel for the Montgomerys have appeared. To the extent there are any orders and rulings in
3 place governing the conduct of counsel or the parties in these actions, new counsel will continue to
4 be bound by those orders and rulings. Mr. Flynn accordingly lacks standing to assert any claims or
5 issues in these matters. As Mr. Flynn acknowledges in his recent supplemental declaration, there is
6 presently an action pending in the United States District Court for the Central District of California
7 addressing any issues concerning the attorney-client relationship between Mr. Flynn and the
8 Montgomerys. There is no pending case or controversy between Mr. Flynn and the Montgomerys
9 before this Court, and the Montgomerys respectfully request that the Court confirm Mr. Flynn's
10 termination and disregard any extraneous issues not properly before this Court.

11 Dated: August 16, 2007

Respectfully submitted,

12 LINER YANKELEVITZ
13 SUNSHINE & REGENSTREIF LLP

14 By: 

15 Deborah A. Klar
16 Teri T. Pham
17 Attorneys for Plaintiffs
18 Dennis Montgomery and the Montgomery
19 Family Trust
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