

1 Mark H. Gunderson, Esq. (SBN: 2134)
Catherine A. Reichenberg, Esq. (SBN: 10362)
2 MARK H. GUNDERSON, LTD.
5345 Kietzke Lane, Suite 200
3 Reno, Nevada 89511
Telephone: (775) 829-1222
4 Facsimile: (775) 829-1226

5 Deborah A. Klar, Esq. (SBN: CA 124750)
Teri T. Pham, Esq. (SBN: CA 193383)
6 LINER YANKELEVITZ
SUNSHINE & REGENSTREIF LLP
7 1100 Glendon Avenue, 14th Floor
Los Angeles, California 90024-3503
8 Telephone: (310) 500-3500
Facsimile: (310) 500-3501
9 ADMITTED PRO HAC VICE

10 Attorneys for DENNIS MONTGOMERY, BRENDA
MONTGOMERY and the MONTGOMERY FAMILY
11 TRUST

12 J. Stephen Peek, Esq. (SBN: 1758)
Jerry M. Snyder, Esq. (SBN: 6830)
13 HALE LANE PEEK DENNISON AND HOWARD
5441 Kietzke Lane, Second Floor
14 Reno, Nevada 89511
Telephone: (775) 327-3000
15 Facsimile: (775) 786-6179

16 Attorneys for ETREPPID TECHNOLOGIES, LLC and
WARREN TREPP
17

18 **UNITED STATES DISTRICT COURT**
19 **DISTRICT OF NEVADA**

20 DENNIS MONTGOMERY and the
MONTGOMERY FAMILY TRUST,)

21 Plaintiffs,)

22 vs.)

23 ETREPPID TECHNOLOGIES, LLC, WARREN)
24 TREPP, and the UNITED STATES)
DEPARTMENT OF DEFENSE,)

25 Defendants.)
26)
27)

28 AND RELATED CASES.)

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

(3:06-CV-00145-PMP-VPC)

**JOINT STATUS REPORT RE CASE
MANAGEMENT CONFERENCE**

Date: October 11, 2007
Time: 10:00 a.m.

1 Dennis Montgomery, Brenda Montgomery, and the Montgomery Family Trust
2 (“Montgomery parties”), on the one hand, and eTreppid Technologies, LLC and Warren Trepp
3 (“Trepp parties”), on the other hand, respectfully submit this Joint Status report pursuant to the
4 Court’s September 14, 2007 Minute Order.

5 As discussed at the September 14, 2007 hearing, the Montgomery parties report that their
6 client files, including original documents and materials, are presently still in the possession of their
7 former counsel, Michael J. Flynn. There is presently pending in the Superior Court for the State of
8 California (“the California Court”) a motion by the Montgomery parties for return of their client
9 files, and the hearing on that motion is set for October 18, 2007. As suggested by this Court at the
10 September 14, 2007 hearing, the Montgomery parties have also filed an emergency *ex parte*
11 application with the Court for clarification of the Court’s September 4, 2007 order regarding Mr.
12 Flynn’s motion to withdraw and disposition of the Montgomery parties’ client files. That
13 application is also pending. In addition, there is also now pending before the Massachusetts State
14 Bar an investigation against Mr. Flynn for failure to return his client files pursuant to
15 Massachusetts Rules of Professional Conduct. In light of this situation, the Montgomery parties
16 respectfully reiterate their concern that they are unable to fully comply with the Court’s September
17 11, 2007 Minute Order concerning preparation of a comprehensive Case Management Conference
18 Report.

19 Notwithstanding the foregoing, on September 27, 2007, counsel for these parties did meet
20 and confer telephonically in an attempt to address and discuss the issues and information requested
21 by the Court in furtherance of the Case Management Conference. The parties did discuss each and
22 every item as required by the Court, including status of pleadings, anticipated motions, discovery,
23 and mediation, and counsel are preparing a joint case management conference report addressing
24 those items to be submitted to the Court in advance of the Case Management Conference on
25 October 11, 2007. However, the parties anticipate that there will be a number of items of
26 disagreement which will need to be addressed at the Case Management Conference, including

27 ///

28 ///

1 issues relating to document production in light of the current status of the Montgomery parties'
2 client files.

3 Dated: September 28, 2007

Respectfully submitted,

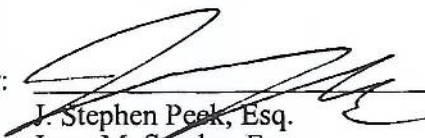
LINER YANKELEVITZ
SUNSHINE & REGENSTREIF LLP

5
6 By: 

7 Deborah A. Klar
8 Teri T. Pham
9 Attorneys for Dennis Montgomery, Brenda
Montgomery and the Montgomery Family
Trust

10 Dated: September 28, 2007

HALE LANE PEEK DENNISON & HOWARD

11
12 By: 

13 J. Stephen Peek, Esq.
14 Jerry M. Snyder, Esq.
15 Attorneys for eTrepid Technologies, LLC
and Warren Trepp

28

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

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the LAW OFFICES OF LINER YANKELEVITZ SUNSHINE & REGENSTREIF LLP, and that on the **28th day of September, 2007**, I caused to be served the within document described as **JOINT STATUS REPORT RE CASE MANAGEMENT CONFERENCE** on the interested parties in this action as stated below:

J. Stephen Peek, Esq.
Jerry M. Snyder, Esq.
Hale Lane Peek Dennison and Howard
5441 Kietzke Lane
SecondFloor
Reno, Nevada 89511
(775) 327-3000; 786-6179 - FAX
E-mail: speek@halelane.com
E-mail: jsnyder@halelane.com
Attorneys for Etreppid Technologies, LLC
and Warren Trepp

Carlotta P. Wells, Esq.,
Sr. Trial Counsel
U.S. Department of Justice
Federal Programs Branch
Civil Division, Room 7150
20 Massachusetts Avenue, NW
Post Office Box 883
Washington, D.C. 20044
(202) 514-4522; 616-8470 - FAX
E-mail: Carlotta.wells@usdoj.gov
Attorneys for Department of Defense

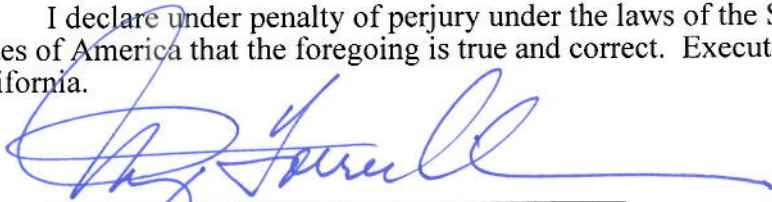
Ralph O. Gomez, Esq., Sr. Trial Counsel
U.S. Dept. of Justice, Fed. Programs Branch
Civil Division, Room 6144
20 Massachusetts Avenue, NW
Post Office Box 883
Washington, D.C. 20044
(202) 514-1318; 616-8470 - FAX
E-mail: raphael.gomez@usdoj.gov
Attorneys for Department of Defense

Greg Addington, AUSA
U.S. DEPARTMENT OF JUSTICE
100 W. Liberty Street. Suite 600
Reno, Nevada 89501
E-mail: Greg.addington@usdoj.gov
(775) 784-5181 - FAX
Attorneys for Department of Defense

Mark H. Gunderson, Esq.
Catherine A. Reichenberg, Esq.
MARK H. GUNDERSON, Ltd., APC
5345 Kietzke Lane
Suite 200
Reno, Nevada 89511
(775) 829-1222; 829-1226 - FAX
e-Mail: mgunderson@gundersonlaw.com
e-Mail: creichenberg@gundersonlaw.com
and poneill@gundersonlaw.com

[ELECTRONIC] By filing the document(s) electronically with the U.S. District Court and therefore the court's computer system has electronically delivered a copy of the foregoing document(s) to the persons listed above at their respective email address.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct. Executed on 9/28/2007, at Los Angeles, California.



NANCY TORRECILLAS

PROOF OF SERVICE