

ORIGINAL

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COUNSEL/PARTIES OF RECORD	
NOV - 3 2006	
CLERK U.S. DISTRICT COURT DISTRICT OF NEVADA	
BY	DEPUTY

8 **UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEVADA**

9 DENNIS MONTGOMERY, an individual; )  
10 and MONTGOMERY FAMILY TRUST, )  
a California Trust, )  
11 **Plaintiffs,** )

CASE NO.: 3:06-cv-00056-BES-VPC;  
3:06-cv-00145-BES-VPC

12 vs. )

13 eTREPPID TECHNOLOGIES, INC., a )  
California Corporation, aka eTreppid )  
14 Technologies, LLC, a Nevada LLC; )  
WARREN TREPP, an individual; )  
15 DEPARTMENT OF DEFENSE of the )  
U.S., and DOES 1 through 10, )  
16 **Defendants.** )

**THE MONTGOMERYS' REQUEST FOR  
JUDICIAL NOTICE IN SUPPORT OF THEIR  
OPPOSITION TO DOD'S MOTION FOR A  
PROTECTIVE ORDER**

17 eTreppid Technologies, Inc., a Nevada )  
Limited Liability Company )  
18 **Plaintiffs** )  
19 vs. )  
Dennis Montgomery, et al )  
Defendants )

Filed under seal.

FILED	RECEIVED
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COUNSEL/PARTIES OF RECORD	
JUL 31	
CLERK U.S. DISTRICT COURT DISTRICT OF NEVADA	
BY	DEPUTY

20 Dennis Montgomery and the Montgomery Family Trust, hereby request the Court to take  
21 judicial notice pursuant to Federal Rule of Evidence 201 of the following facts:

22 1. Evidence in the proceedings on Montgomery's Motion under F.R.Cr.P. 41(g) in *In the*  
23 *Matter of the Search of 12720 Buckthorn Lane, Reno, NV, U.S.D.Ct., Reno, NV, No. 3:06-MJ-1123-*  
24 *VPC*, including but not limited to exhibits 4, 12, 14, 9, 8, 37, and the testimony of Agent West, Vol. I,  
25 84:20-85:8, 87:3-21, 131:22-132:7; Vol. II, 77:3-19, 192:1-4; Vol. I, 154:14-19. The aforementioned  
case is also before this Court. Copies of the evidence, cannot be attached as that case is sealed.

26 Respectfully submitted,

27 Oct. 31, 2006

28 By: Michael J. Flynn  
Michael J. Flynn, Attorney for the Montgomerys

CERTIFICATE OF SERVICE

I, Zachary Draper, declare: I am an employee in the City of Reno, County of Washoe, State of Nevada, employed by the Law Office of Logar & Pulver, PC, located at 225 S. Arlington Avenue, Suite A, Reno, NV 89501. I am over the age of 18 years and not a party to this action.

I am readily familiar with the Law Office of Logar & Pulver's practice for the collection of mail, delivery of its hand-deliveries, their process of facsimile's and the practice of mailing.

On November 3<sup>rd</sup>, 2006 I caused the Montgomerys' Request for Judicial Notice in Support of Their Opposition to DOD's Motion for a Protective Order to be delivered to the following persons and/or entities:

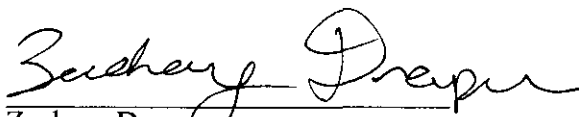
Sent Via Hand Delivery: Civil Process Clerk  
Thompson U.S. Courthouse and Federal Building  
400 S. Virginia St.,  
Reno, NV 89501

**THE ABOVE DOCUMENTS, WHICH INCLUDE SEALED MATERIALS, WILL NOT BE SERVED ON DEPT. OF DEFENSE, (Atty. Wells), or ETREPPID'S COUNSEL, (Hale Lane and Pillsbury Winthrop), UNTIL THE COURT RULES ON MONTGOMERYS' REQUEST FOR INSTRUCTIONS ON HOW TO HANDLE SEALED MATERIALS FILED SEPT. 15, 2006.**

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