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Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

STEVEN E. KROLL,

Plaintiff,

vs.

INCLINE VILLAGE GENERAL IMPROVEMENT  
DISTRICT, a/k/a IVGID, a governmental subdivi-  
sion of the State of Nevada; et al.,

Defendants.

Case No. 3:08-cv-00166-ECR-RAM

**Plaintiff's Interrogatories to Defen-  
dant IVGID (First Set: 5 Questions)**

and  
Certificate of Service

**Interrogatories to Defendant IVGID (First Set)**

**TO:** Defendant Incline Village General Improvement District (IVGID)

**FROM:** Plaintiff Steven E. Kroll

Plaintiff, by and through his attorney undersigned, requires that Defen-  
dant IVGID<sup>1</sup> answer within 30 days of the service hereof the following Interroga-  
tories<sup>2</sup> fully, under oath, and in accordance with FRCP Rule 33 and the other ap-

<sup>1</sup> As used in these Interrogatories, the term, "defendant" and "IVGID" includes, in addition to the named defendant, attorneys, agents, servants, employees, representatives, private investigators, or others who are in the possession of or who may have obtained information for or on behalf of the named defendant.

<sup>2</sup> These Interrogatories are continuing in character so as to require you to file supplementary answers if you obtain further or different information before trial.

plicable Federal Rules of Civil Procedure. Terms defined in the footnotes hereto apply to all interrogatories, not just the footnoted one. If the information furnished is not within the personal knowledge of the person who verifies the responses to this discovery request, please state the name of each person to whom the information is a matter of personal knowledge. In order to make your answers fully understandable, Plaintiff requests that you precede each answer by a restatement of the numbered Interrogatory you are answering.

**1. Please identify<sup>3</sup> with particularity each and every IVGID record<sup>4</sup> personally reviewed by IVGID's Director of Finance, Accounting, and Information Technology RAMONA CRUZ in reaching her conclusion in Paragraph 3 of her Affidavit dated May 21, 2008 (copy attached) that it is "clear from the records of IVGID that the entire indebtedness resulting from the issuance of these public bonds was paid for solely by owners of parcels of real property in IVGID as it was constituted in 1968."**

**2. Please identify with particularity each and every IVGID record personally reviewed by IVGID's Director of Finance, Accounting, and Information Technology RAMONA CRUZ in reaching her conclusion in Paragraph 4 of her Affidavit dated May 21, 2008 that "The cost of improvements to the IVGID Beaches was funded through the use of public bonds," and that "The entire in-**

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<sup>3</sup> "Identify" when used to refer to a document means to state the title or description of the document, to identify the author, the date the document was authored, and to identify the present custodian of the document.

<sup>4</sup> The meaning of the word "record" or "document" shall include, but not be limited to, writings, drawings, graphs, charts, photographs, reports, computer disks, and other data compilations from which information can be obtained or translated, if necessary, through devices or other equipment into reasonable, usable form.

debtedness resulting from the issuance of these public bonds for the improvements to the IVGID Beaches was paid for solely by owners of real property in IVGID as it was constituted in 1968.”

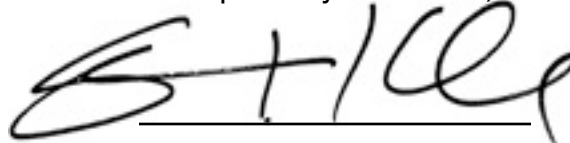
3. Please identify with particularity each and every IVGID record personally reviewed by IVGID’s Director of Finance, Accounting, and Information Technology RAMONA CRUZ in reaching her conclusion in Paragraph 5 of her Affidavit dated May 21, 2008 that “owners of real property annexed to IVGID after 1968 have not been assessed for the purchase of or improvements to IVGID Beaches.”

4. Do your answers to Interrogatories 1 through 3 include each and every IVGID record or document reviewed by RAMONA CRUZ to which she referred in her May 21, 2008 Affidavit?

5. If there are any IVGID documents which were not personally reviewed by RAMONA CRUZ in connection with the preparation of her May 21, 2008 Affidavit but which bear directly or indirectly upon the matters and conclusions testified to by her in said Affidavit, please identify each such record with particularity.

DATED: at Crystal Bay, Nevada this \_\_\_\_\_ day of May, 2008.

Respectfully submitted,



Steven E. Kroll, Esq.  
Attorney for Plaintiff

1 Stephen C. Balkenbush, Esq.  
 State Bar No. 1814  
 2 Thorndal, Armstrong, Deik, Balkenbush & Eisinger  
 6590 South McCarran Blvd., Suite B  
 3 Reno, Nevada 89509  
 (702) 786-2882  
 4 Attorneys for Defendants  
 Incline Village General Improvement District,  
 5 John A. Bohn, Gene Brockman, Bea Epstein,  
 Chuck Weinberger, and Robert C. Wolf  
 6

7 UNITED STATES DISTRICT COURT  
 8 FOR THE DISTRICT OF NEVADA

9 STEVEN E. KROLL, Case No. 3:08-cv-00166-ECR-RAM  
 10 Plaintiff  
 vs.

11 INCLINE VILLAGE GENERAL  
 12 IMPROVEMENT DISTRICT, aka IVGID, a  
 governmental subdivision of the State of  
 Nevada; JOHN A. BOHN; GENE  
 13 BROCKMAN; BEA EPSTEIN, CHUCK  
 WEINBERGER and ROBERT C. WOLF,  
 14 individually and as Trustees of IVGID; DOES  
 15 1 through 25, inclusive, each in their  
 individual and official capacities,  
 16 Defendants.

**AFFIDAVIT OF RAMONA CRUZ**

17  
 18 STATE OF NEVADA )  
 19 ) ss  
 20 COUNTY OF WASHOE )

21 RAMONA CRUZ, being first duly sworn, deposes and says under penalty of perjury as  
 22 follows:

- 23 1. I have been employed by Incline Village General Improvement District  
 24 (hereinafter IVGID) for approximately 15 years and am currently employed as the Director of  
 25 Finance, Accounting, and Information Technology for IVGID.  
 26 2. In my capacity as Director of Finance, Accounting, and Information Technology  
 27 for IVGID, I have access to the records pertaining to the purchase by IVGID of two parcels of  
 28 real property abutting Lake Tahoe, including APN 122-162-23 and APN 127-280-01. These

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1 parcels are currently known as Burnt Cedar Beach, Incline Beach, Ski Beach, and Hermit Beach  
2 (hereinafter referred to as "IVGID Beaches").

3 3. It is clear from the records of IVGID which I reviewed that the IVGID Beaches  
4 were purchased through the use of public bonds. It is also clear from the records of IVGID that  
5 the entire indebtedness resulting from the issuance of these public bonds was paid for solely by  
6 owners of parcels of real property in IVGID as it was constituted in 1968.

7 4. From my review of the records of IVGID, it is clear that improvements have been  
8 made to the IVGID Beaches since the IVGID Beaches were purchased by IVGID in 1968. The  
9 cost of improvements to the IVGID Beaches was funded through the use of public bonds. The  
10 entire indebtedness resulting from the issuance of these public bonds for the improvements to the  
11 IVGID Beaches was paid for solely by owners of real property in IVGID as it was constituted in  
12 1968.

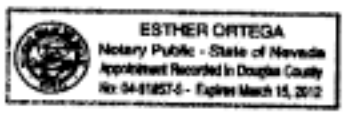
13 5. From my review of the records of IVGID, owners of real property annexed to  
14 IVGID after 1968 have not been assessed for the purchase of or improvements to IVGID  
15 Beaches.

16 6. From my review of the records of IVGID, Steven Kroll has not been assessed for  
17 the purchase of the IVGID Beaches or any of the improvements made to the IVGID Beaches.

18  
19   
20 RAMONA CRUZ

21 SUBSCRIBED and SWORN to before  
22 before me this 21 day of May, 2008.

23   
24 NOTARY PUBLIC



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**CERTIFICATE OF SERVICE BY MAIL and EMAIL**

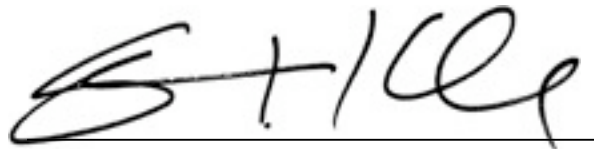
Pursuant to Rule 5(b) FRCP, I certify that I am the attorney for Plaintiff in the above entitled action, and that on this date I caused a true and correct copy of the **“Plaintiff’s Interrogatories to Defendant IVGID (First Set: 5 Questions)”** herein to be served upon the parties or attorneys by depositing the same with the U.S. Post Office from a point within the State of Nevada, first class postage pre-paid, and addressed to:

**Stephen C. Balkenbush, Esq.  
Thorndal, Armstrong, Delk, Balkenbush & Eisinger  
6590 South McCarran Blvd. Suite B  
Reno, Nevada 89509**

and also electronically by eMail to said parties or attorneys addressed to:

**Stephen C. Balkenbush**  
[rla@thorndal.com](mailto:rla@thorndal.com),  
[receptionist2@thorndal.com](mailto:receptionist2@thorndal.com)  
[sbalkenbush@thorndal.com](mailto:sbalkenbush@thorndal.com)  
[smb@thorndal.com](mailto:smb@thorndal.com)

DATED: this 27th day of May, 2008.



STEVEN E. KROLL