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11
12 **UNITED STATES DISTRICT COURT**
13 **FOR THE DISTRICT OF NEVADA**

14 ETREPPID TECHNOLOGIES, L.L.C., a Nevada
15 Limited Liability Company

16 Plaintiff,

17 vs.

18 DENNIS MONTGOMERY, THE
MONTGOMERY FAMILY TRUST, DENNIS
19 MONTGOMERY and BRENDA
MONTGOMERY as Trustees of The
20 MONTGOMERY FAMILY TRUST; and DOES 1
through 20,

21 Defendants.

22 DENNIS MONTGOMERY; MONTGOMERY
23 FAMILY TRUST,

24 Counterclaimants and Third-Party Plaintiffs,

25 vs.

26 ETREPPID TECHNOLOGIES, L.L.C.; a Nevada
Limited Liability Company, WARREN TREPP;
27 DEPARTMENT OF DEFENSE of the UNITED
STATES OF AMERICA; and DOES 1-10,

28 Counterdefendants and Third-Party Defendants.

Case No. 3:06-CV-00145 (PMP)(VPC)

**ETREPPID TECHNOLOGIES,
L.L.C.'S APPLICATION FOR A
TEMPORARY RESTRAINING
ORDER**

Complaint filed: Jan. 19, 2006

Hale Lane Peek Dennison and Howard
5441 Kietzke Lane, Second Floor
Reno, Nevada 89511

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 Pursuant to Rule 65 of the Federal Rules of Civil Procedure and NRS 600A.010 et seq. of the
3 Nevada Revised Statutes, Plaintiff eTreppid Technologies, LLC (“eTreppid”) hereby applies for an
4 order enjoining Defendants and Counter-claimants Dennis Montgomery, Brenda Montgomery and the
5 Montgomery Family Trust, and each of them (collectively, the “Defendants”) from obtaining custody
6 of any of the Property seized by the Federal Bureau of Investigation from the Residence and Storage
7 Units (described in the caption for case number 3:06-CV-0263-LRH (VPC), 3:06-MJ-0023-VPC
8 before this Court as, respectively, “12720 BUCKTHORNE LANE, RENO, NEVADA, and 888
9 MAESTRO DRIVE, RENO, NEVADA, STORAGE UNITS 136, 140, 141, 142, and 143”) of Dennis
10 Montgomery, Brenda Montgomery and/or the Montgomery Family Trust (the “TRO”).

11 This application is made on the grounds that Mr. Montgomery misappropriated eTreppid’s
12 trade secrets in the form of software source code (the “eTreppid Source Code”); he intentionally
13 deleted all other copies of those trade secrets from eTreppid’s computers and servers; he stole
14 numerous computer hard drives and other property from eTreppid; he stole large quantities of e-mails
15 and other electronic files from eTreppid; and he has stated his intention to blackmail eTreppid by
16 holding hostage the final intact version of the eTreppid Source Code.

17 eTreppid requests that the Court enter a TRO which applies to the following specific property,
18 which is also described in the papers filed and served herewith:

- 19 • the following Western Digital hard drives, identified by serial number:
 - 20 WMAMR1612253, WMAMR1624507, WMA8C1223396, WMAD15256807,
 - 21 WMAD15194737, WMAD15335294, WMAL71844911, WMAMR1066012,
 - 22 WMAMR1523649, WMAMR1537929, WMAMR1538197, WMAMR1538570,
 - 23 WMAMR1538581, WMAMR1539825, WMAMR1539942, WMAMR1543003,
 - 24 WMAMR1580666, WMAMR1580671, WMAMR1673681, WMAMR1509932,
 - 25 WMAA61102098, WMA8C3243070, WMAD16644525, WCAD16502878 and
 - 26 WCAD13691228;
- 27 • the following Seagate Technology, LLC hard drives, identified by serial number:
 - 28 3CK00XXY and 3CK028W3; and

- all electronic information that may be stored on the specific hard drives identified above (including but not limited to eTreppid e-mail files, eTreppid documents and the eTreppid Source Code).

Declaration of Warren Trepp, ¶¶ 7-8, Exs. 2-6; Declaration of Sloan Venables, ¶¶ 20-24, Exs. C-F; Declaration of Jerry M. Snyder, Ex. 1 at 4:1-2.

A temporary restraining order is necessary pending resolution on eTreppid's motion to modify preliminary injunction to prevent any further damage to its trade secrets and proprietary emails. In addition, Defendants' counsel, the United States Department of Justice, and the United States Department of Defense, and the Federal Bureau of Investigation have been advised that eTreppid is seeking the present TRO. This Application is based upon the Notice of Motion and Motion for Temporary Restraining Order and For Evidentiary Hearing and Request for Hearing on Motion to Modify Order Granting Preliminary Injunction with supporting memorandum of points and authorities, the Declaration of Warren Trepp, the Declaration of Sloan Venables, the Declaration of Jerry M. Snyder, and the documentary showings presented therewith, all of which were filed and served in the above-entitled action on March 1, 2007, the pleadings, papers and records on file in this action, and such evidence and argument as may be presented at the hearing on this matter.

DATED: March 1, 2007.

/s/

J. Stephen Peek, Esq.
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Warren Trepp*

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PROOF OF SERVICE

I, Gaylene Silva, declare:

I am employed in the **City of Reno, County of Washoe, State of Nevada**, by the law offices of Hale Lane Peek Dennison and Howard. My business address is: **5441 Kietzke Lane, Second Floor, Reno, Nevada 89511**. I am over the age of 18 years and not a party to this action

I am readily familiar with Hale Lane Peek Dennison and Howard’s practice for collection of mail, delivery of its hand-deliveries and their process of faxes.

On March 1, 2007, I caused the foregoing **ETREPPID TECHNOLOGIES, L.L.C.’S APPLICATION FOR A TEMPORARY RESTRAINING ORDER** to be:

X filed the document electronically with the U.S. District Court and therefore the court’s computer system has electronically delivered a copy of the foregoing document to the following person(s) at the following e-mail addresses:

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed on March 1, 2007.

Gaylene Silva

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