

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

| | | |
|---|---|---------------------|
| HARRAH'S OPERATING COMPANY, INC. | * | CIVIL ACTION |
| | * | |
| | * | NO. 03-1611 |
| | * | |
| VERSUS | * | SECTION "F" |
| | * | |
| WILLIAM HUGH SIBLEY | * | MAGISTRATE 3 |

**SECOND MOTION TO RESUME
EXAMINATION OF JUDGMENT DEBTOR**

The Motion to Resume Examination of Judgment Debtor ("Motion") of plaintiff, Harrah's Operating Company, Inc. ("Harrah's"), through undersigned counsel, respectfully represents:

I.

On February 2, 2004, this Court rendered a judgment in favor of Harrah's and against William Hugh Sibley ("Sibley") in the amount of \$1,357,332.50, plus late fees \$203,599.86 together with interest accruing from the date of judicial demand until paid, attorney's fees in the amount of \$8,775.92, and all costs of these proceedings, as fully set forth in the record of the captioned matter (the "Judgment").

II.

Harrah's desires to re-examine Sibley upon all matters pertaining to assets and liabilities, estate or property, pursuant to Fed. R. Civ. P. 69(a) and La. Code of Civ. Proc. Ann. art. 2451.

III.

The time for appeal of this judgment has run, no appeal has been taken, and the judgment has not been satisfied.

IV.

To secure payment of the Judgment, Harrah's perfected a UCC security interest in certain contingency fee agreements held by Sibley or The Sibley Law Firm in the following legal actions:

1. *In Re: Bayou Sorrel Class Action*, USDC, WDLA, Civil Action No. 6:04CV1101;
2. *Noretta Thomas and Demetrice Butler, each individually, and on behalf of all others similarly situated versus A. Wilbert & Sons, L.L.C. and XYZ Insurance Company*, 18th JDC – Parish of Iberville, Suit No. 55,127 and all consolidated matters, Division B;
3. *In Re: New Orleans Tank Care Leakage Fire Litigation*, Civil District Court – Parish of Orleans, Suit No. 02-13675;
4. *In Re: 1994 Exxon Chemical Plant Fire*, USDC, MDLA, Master Docket No. 94-MS-3-C-1;
5. *Letha Hampton, et al vs. Illinois Central Railroad Company d/b/a Canadian National Railroad/Illinois Central Railroad*, USDC, EDLA, Civil/Class Action No. 02-3121, Section "A", Division "1";
6. *Susan Blades, et al versus Illinois Central Railroad Company c/b/a Canadian National Railroad/Illinois Central Railroad*, USDC, EDLA, Civil/Class Action NO. 02-3121, Section "A", Division "1";
7. *In Re: 1993 Exxon Coke Fire Litigation*, USDC, MDLA, Master Docket No. 93-MS-2-A-M2; and

8. *Victoria Donnett, et al. versus Canadian National Railway Company, et al*, USDC, EDLA, Civil Action No. 01-3565, Section "C" 4.

V.

As of this date, the Judgment remains largely unsatisfied.

VI.

Harrah's seeks to ascertain the status of the distribution of contingency fee awards in the matters listed above in paragraph IV.

VII

Accordingly, Harrah's desires to resume the Examination of the Judgment Debtor. Harrah's seeks to specifically examine Sibley upon matters pertaining to the status of the legal actions listed in Paragraph IV., the status of any legal entities he may have a financial interest in, and any other assets Sibley has a direct or indirect ownership interest in that could be used or made available to wholly or partially satisfy the Judgment.

VIII.

Harrah's also desires that Sibley produce into Court for examination certain books, papers and other documents which are material in this case, and further desires to examine Sibley in relation to and in connection with the books, papers and documents pertaining to assets and property:

- (A) Copies of the federal and state income tax returns for Sibley and The Sibley Law Firm for the years of 2004 and 2007;
- (B) A list providing the present status of each legal action listed in Paragraph II.;
- (C) Copies of all judgments rendered in the legal actions listed in Paragraph II.;

- (D) Copies of all settlement agreements, settlement agreements in principle or tentative settlement agreements agreed to and/or executed by the parties or on their behalf in any of the legal actions listed in Paragraph II.;
- (E) Copies of any and all checking account ledgers, bank statements and any other books or financial records pertaining to client trust accounts in banks, savings associations, brokerage firms or associations of like nature opened in connection with the legal actions listed in Paragraph II.;
- (F) Copies of all documents relating to monies or in kind payment after December 31, 2004, relating to the legal actions listed in Paragraph II.; and
- (G) All documents evidencing any transfer or conveyance of interest by Sibley and/or The Sibley Law Firm in any contingency fee agreement or similar agreement after December 31, 2004.
- (H) Copies of all documents evidencing, relating or referring to any interest Sibley has in the following entities, whether held directly or indirectly (including any interest held through a nominee):
 - (1) Decatur Properties, Inc.
 - (2) New Orleans Jazziz, L.L.C.
 - (3) Longvue Properties, L.L.C.
 - (4) Photronics, Inc.
 - (5) Southland Steel Fabricators, Inc.
 - (6) Chipola Properties, L.L.C.
 - (7) Charter Insurance Agency, Inc.
 - (8) Kentwood Shopping Center, L.L.C.
 - (9) Acromed Corporation
 - (10) America's Attic Self-Storage, L.L.C.
 - (11) The Sibley Law Firm
 - (12) Train Car, L.L.C.

IX.

By the above books, papers and documents, Harrah's intends to establish ownership or control of sufficient assets which would be available for seizure and sale to satisfy the Judgment rendered in favor of Harrah's.

X.

Copies of all documents evidencing, relating or referring to any interest Sibley has in any other entity, whether held directly or indirectly (including any interest held through a nominee).

WHEREFORE, Harrah's moves to resume its examination of Sibley, at a time and place to be fixed by this Court. Harrah's further moves this Court to command Sibley to produce into Court or at such other location this Court may designate at the same time the books, papers and documents described in Paragraph V above. Harrah's further asks for all general and equitable relief to which it may be entitled.

Respectfully submitted,

/s/ Henry A King

HENRY A. KING, T.A. (#7393)
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Telefax: 504-582-1233
*Attorneys for Plaintiff, Harrah's Operating
Company, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing Second Motion to Resume Examination of Judgment Debtor has been forwarded to all counsel of record listed below either by facsimile, by hand delivery or by placing same in the United States mail, property addressed and postage prepaid, on this 29th day of May, 2008.

/s/ Henry A King

William Hugh Sibley
Sibley Law Firm
One New North St.
P. O. Box 399
Greensburg, LA 70441

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

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| | * | NO. 03-1611 |
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| VERSUS | * | SECTION "F" |
| | * | |
| | * | MAGISTRATE 3 |
| WILLIAM HUGH SIBLEY | * | |

TO: TRAIN CAR, L.L.C.
Through its agent for service of process:
William T. Phillips
19 North First Street
Greensburg, LA 70441

To be answered categorically under oath, in writing, within twenty (20) days from service.

INTERROGATORY NO. 1:

Have you in your hands, or under your control, directly or indirectly, at the time of service of these interrogatories, or at any time since, any money, rights, credits, or other property whatsoever belonging or due to William Hugh Sibley, defendant herein, for which he has or had any interest for the whole or for a part; and if yes, what is the nature, description and amount thereof, and is the same sufficient to pay or satisfy the full amount of the Judgment in the captioned matter, in the principal amount of \$1,357,332.50, plus interest at the legal rate from the

date of the entry Judgment. You are asked and required to make a full disclosure with respect to this property.

INTERROGATORY NO. 2:

Were you at the time of service of these Interrogatories upon you, or since, directly or indirectly indebted or obligated to defendant, William Hugh Sibley, for anything, or any sum, whether yourself alone or together with others, in consequence of any sale, exchange, or transaction of any kind, whatever due or to become due, and whether the interest of said defendant be direct or indirect, or be for the whole or a part only, whether it be by bill, note, or otherwise; and if so, what is the nature, description, and amount thereof, and is it sufficient to pay and satisfy the full amount of the Judgment stated in Interrogatory No. 1 above or, if less, to what amount? You are asked and required to make a full disclosure with respect to this obligation.

INTERROGATORY NO. 3:

Is William Hugh Sibley a member of Train Car, L.L.C.?

INTERROGATORY NO. 4:

What is William Hugh Sibley's membership share in Train Car, L.L.C.?

INTERROGATORY NO. 5:

Is William Hugh Sibley entitled to any distributions by Train Car, L.L.C.?

New Orleans, Louisiana this 2nd day of June, 2008.

Respectfully submitted,

/s/ Henry A. King

HENRY A. KING (#7393)

MICHAEL L. VINCENZO (#23965)

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Attorneys for Harrah's Operating Company, Inc.

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WRIT OF FIERI FACIAS

TO: THE UNITED STATES MARSHAL,
EASTERN DISTRICT OF LOUISIANA

GREETINGS:

On February 2, 2004 a judgment was rendered by this Court in favor of Harrah's Operating Company, Inc. and against William Hugh Sibley ("Sibley") in the principal sum of \$1,357,332.50, plus interest, attorneys fees and costs (the "Judgment").

Judgment has not been satisfied, and the applicable suspensive appeal delays have expired.

Therefore, you are commanded to seize the economic interests of Sibley in Train Car, L.L.C. through service of this writ upon the agent for Service of Process of Train Car, L.L.C., William T. Phillips, located at 19 North First St., Greensburg, Louisiana, 70441 and you are to

make return of this Writ within 30 days after receipt thereof with what you have endorsed thereon.

New Orleans, Louisiana, this 17th day of June, 2008.

Monty C. Feldman
JUDGE