



Entered on Docket
January 30, 2009

Hon. Mike K. Nakagawa
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

10	In re:)	BK-S-08-10474-MKN
11	XYIENCE INCORPORATED, a Nevada)	Chapter 11
12	corporation,)	
	Debtor.)	
13	_____)	
14	XYIENCE INCORPORATED, a Nevada)	Adversary No. 08-1082
15	corporation,)	Date: January 7, 2009
16	Plaintiff,)	Time: 9:30 a.m.
17	v.)	
18	RICHARD BERGERON, an individual,)	
19	Defendant.)	
20	_____)	
21	RICHARD BERGERON, an individual,)	
22	Counterclaimant,)	
23	v.)	
24	XYIENCE INCORPORATED, a Nevada)	
	corporation; FERTITTA ENTERPRISES,)	
	INC., a Nevada corporation,)	
	Counterdefendants.)	
	_____)	

**ORDER ON MOTION OF
DEFENDANT/COUNTERCLAIMANT RICH BERGERON
FOR AN IMMEDIATE SHOW CAUSE HEARING TO STRIKE
THE PERJURED DECLARATIONS OF ADAM FRANK (Dkt. # 3, Exh. 3)
AND JAMIE COGBURN (Dkt. #3, Exh. 8); AND MOTION TO VACATE THE
CLARK COUNTY DISTRICT COURT'S MODIFIED PRELIMINARY INJUNCTION**

1 The court having entered its Memorandum Decision on Motion of
2 Defendant/Counterclaimant Rich Bergeron for an Immediate Show Cause Hearing to Strike the
3 Perjured Declarations of Adam Frank (Dkt. # 3, Exh. 3) and Jamie Cogburn (Dkt. #3, Exh. 8);
4 and Motion to Vacate the Clark County District Court's Modified Preliminary Injunction
5 concurrently herewith,

6 **IT IS HEREBY ORDERED** that the Motion for an Immediate Show Cause Hearing to
7 Strike the Perjured Declarations of Adam Frank (Dk. # 3, Exh. 3) and Jamie Cogburn (Dkt. #3,
8 Exh. 8); and Motion to Vacate the Clark County District Court's Modified Preliminary
9 Injunction brought by Defendant/Counterclaimant Richard Bergeron be, and the same hereby is,
10 **DENIED.**

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12 Copies noticed through ECF to:

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20 and sent to BNC to:

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