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6 *Attorneys for Club Tahoe Resorts Owners*
7 *Association, Inc., Keith Wilson, Gloria DeAbla,*
8 *Donald Wall, and Robert Vermeltoort*

9 SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
10 IN AND FOR THE COUNTY OF WASHOE

11
12 Lawrence Garvey, an individual; and Robert
Payton, an individual;

13 *Plaintiffs,*

14 vs.

15 CLUB TAHOE RESORT OWNERS
ASSOCIATION, INC., a Nevada non-profit
16 corporation; KEITH WILSON, GLORIA
DEALBA; DONALD WALL; ROBERT
17 VERMELTOORT; CHRISTINA BECKER ;
KEITH OGDEN AND MARK PEARL
18 (Association Board Members Sued In Their
Individual Capacity); and DOES 1 through 10,
19 inclusive and ROE CORPORATIONS I
through X, inclusive

20 *Defendants.*

Case No.: CV25-02319
Dept.: 9

**SECOND DECLARATION OF
WHITNEY SELERT IN SUPPORT OF
MOTION FOR PRELIMINARY
INJUNCTION**

- 21
- 22 1. My name is Whitney Selert, Esq., a partner with the Ohagan Meyer Law Firm, counsel of
23 record to Defendants except Ogden and Becker and do declare the following to be true on
24 information and belief.
- 25 2. The Association did not receive the September 18, 2025 letter from Richard Haskins
26 requesting a recall election until September 21, 2025. That letter did not include a copy of
27 the referenced member petition. A true and correct copy of that email and attached
28 correspondence is attached hereto as **Exhibit B-1 and B2.**

- 1 3. On September 29, 2025, the Directors Pearl and Wilson received an email from Dusk
2 Bennett, in which he admitted collecting proxies from other members for the purpose
3 establishing a quorum of interval unit owners to call a special meeting of the membership
4 to hold a recall election. A true and correct copy of Bennett's email is attached hereto as
5 **Exhibit B-3**.
- 6 4. No copy of the alleged member petition was attached to Mr. Bennett's email or otherwise
7 served on the Association or any Director.
- 8 5. On October 8, 2025, Directors Ogden and Bennet sent an email with a document attached
9 and titled "Formal Demand and Call for Special Meeting of Members". A true and
10 correct copy of that email and attachment are attached hereto as Exhibits **B-4 and B-5**,
11 respectively. As set forth in Defendants' Motion and subsequently explained by
12 Association General Counsel Kern, only a quorum of the full Board could request a
13 special member meeting.
- 14 6. Notwithstanding that lack of authority, Directors Ogden and Bennet sent a separate
15 unauthorized notice to the entirety of the Association's membership of a "special
16 meeting" to be held on October 25, 2025, where a recall election would be proposed and
17 conducted. A true and correct copy of that notice is attached as **Exhibit B-6**.
- 18 7. While the Ogden/Becker demand to the Association (**Ex. B-5**) and notice of special
19 meeting (**Ex. B-6**) both specifically mentioned a member petition requesting the special
20 meeting and accused the Association of failing to act on that petition, no copy of that
21 petition was attached to any of those documents.
- 22 8. In addition to the numerous requests for a copy of that petition documented in
23 Defendants' Motion, Association Counsel Kern made several separate and earlier
24 requests for that petition prior to the October 25, 2025 meeting where the attempted recall
25 election was held. True and correct copies of those emails from October 10, 11, 13, 14
26 and 22 are attached hereto as **Exhibits B7-11**.

27 Dated this 24th day of February, 2026.

28 By /s/ Whit Selert
WHITNEY SELERT