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

SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

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

Plaintiffs,

vs.

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

Defendants.

Case No.: CV25-02319
Dept.: 9

**DECLARATION OF WHITNEY J.
SELERT IN SUPPORT OF
PRELIMINARY INJUNCTION**

1. My name is Whitney Selert and I am a partner with the Ohagan Meyer Law Firm, and do declare the following to be true on information and belief under penalty of perjury.

2. I am one of the attorneys that represented the Association in the separate action filed by the Association's former Manager, Tricom, styled Tricom Management, LLC v. Club Tahoe Resort Owners Association, Inc., CV25-00772 (the "Tricom Action") filed in Department Nine of the Second Judicial District Court.

3. That action was filed by Tricom to set aside the Order of a duly appointed Emergency Measures Arbitrator, which ordered Tricom to relinquish control of the Association, vacate its premises and return its property so the Association could engage a new manager.

1 4. That Order was requested and entered specifically to avoid the continued
2 disruption of and interference with Association business by Tricom, in particular, its interference
3 with and refusal to facilitate the April 2025 Annual Meeting and Board Election.

4 5. This Court ultimately denied Tricom's Motion and Dismissed its Complaint on
5 August 27, 2025. A true and correct copy of that Order is attached hereto as **Exhibit A-1**.

6 6. Upon entry of that Order, the Association immediately retained a new manager,
7 Grand Pacific Resorts ("GPR") and began trying to restore normal operations, which had been
8 purposefully disrupted by Tricom after that company was terminated.

9 7. Plaintiffs in the present action filed their Original Complaint on September 25
10 2025. That Complaint, which sought to invalidate the April 2025 election due to perceived
11 improprieties in the notices and procedures for how that election was conducted, was not served
12 until October 22, 2025.

13 8. On October 16, 2025, the Association received a letter from Plaintiff's counsel
14 indicating that a "recall election" was going to be held on October 25, 2025.

15 9. On October 17, 2025, attorney Gayle Kern, legal counsel for the Association,
16 emailed the Board and the Board's manager, Grand Pacific Resorts, explaining in detail why the
17 recall election, as outlined in the October 16, 2025 letter, was procedurally and legally improper
18 and would be of no legal effect. A true and correct copy of that email is attached hereto as
19 **Exhibit A-2**.

20 10. The Association was served with Plaintiffs original Complaint on Thursday,
21 October 23, 2025, and the attempted recall election was apparently held Saturday, October 25,
22 2025.

23 11. Although Plaintiffs allege the Association was served with a "recall petition"
24 supporting that election, the Association has no record of such service and did not actually
25 receive any copies of that petition, which myself, Board counsel Kern, and GPR counsel,
26 Shavinsky, have each separately requested and which has never been provided.

27 12. On or around Tuesday, October 28, 2025, the Association Board received word
28 from its manager, GPR, that a new Board was issuing directives in the name of the Association,
including not to deal further with the existing Board.

 13. A special board meeting was called by the existing Board for October 29, 2025.
Apparently, Plaintiffs' counsel was corresponding directly with board members Becker and
Ogden, asking them to report back to him on what discussions took place at that meeting and
what decisions were made, as evidenced by an email from Plaintiff's counsel to those individuals

1 where he hit “reply all” and copied other members of the Board. A true and correct copy of that
2 email is attached as **Exhibit A-3**.

3 14. On October 29, 2025, Plaintiff’s counsel on behalf of the so-called “Recall
4 Board” advised the Association’s Manager, GPR, that the special meeting was “unlawful”,
5 creating significant confusion and immediate conflict with that vendor. A true and correct copy
6 of that email is attached as **Exhibit A-4**.

7 15. On November 3, 2025, Plaintiff’s counsel sent formal correspondence to
8 Association counsel Gayle Kern, demanding she and the sitting Board “cease and desist” from
9 further operations. A true and correct copy of that email is attached as **Exhibit A-5**.

10 16. On November 3, 2025, I sent formal correspondence to Plaintiff’s counsel,
11 specifically explaining why the recall election was procedurally and legally improper and
12 offering on behalf of the Association to conduct an interim election to cure any perceived
13 deficiencies in any elections and ensure a properly authorized Board is in place. A true and
14 correct copy of that correspondence is attached as **Exhibit A-6**.

15 17. On or around November 4, 2025, the existing Board drafted formal
16 correspondence to the Association members explaining Plaintiffs’ lawsuit and the October 2025
17 attempted recall election. GPR refused to send that communication on behalf of the Board
18 because of direction because of the confusion regarding which board was the proper board.

19 18. On November 7, 2025, I spoke directly with Plaintiff’s counsel who confirmed
20 that his clients would not agree to an interim election as proposed by me on behalf of the
21 Association and who further advised that Plaintiffs would be filing an Amended Complaint to
22 address those election issues, granting me an open ended extension to appear on behalf of the
23 Association until that amended complaint was filed. A true and correct copy of the email string
24 that followed is attached as **Exhibit A-7**.

25 19. Plaintiffs filed their First Amended Complaint on or about December 16, 2025.

26 20. On or about December 16, 2025, I spoke with Mandy Shavinsky, counsel for the
27 Association’s Manager, GPR, who confirmed that GPR was in a tough spot given the competing
28 claims of board authority, but who also agreed that the burden was on the Recall Board claiming
to replace the current Board and that she had not received any proof that the recall election was
valid. She agreed to request that proof from Plaintiff’s counsel, but would not commit to doing
business with the existing Board until that proof was provided.

21 21. On December 18, 2025, Ms. Shavinsky sent formal correspondence to Plaintiff’s
22 counsel requesting, among other things, a copy of the recall petition and other documents
23 supporting the Recall Board’s claim that the recall election was conducted properly. Ms.

1 Shavinsky reiterated the Association's offer to hold a duly conducted interim election. A true and
2 correct copy of Ms. Shavinsky's letter is attached as **Exhibit A-8**.

3 22. As of the date of this declaration, Ms. Shavinsky has not received the information
4 she requested.

5 23. On December 22, 2025, Gayle Kern, counsel for the Association, also sent formal
6 correspondence to Plaintiff's counsel responding to his November 3, 2025 letter, outlining again
7 the improprieties in the recall election and requesting copies of the petition, member notices and
8 voting records. A true and correct copy of that letter is attached as **Exhibit A-9**.

9 24. As of the date of this declaration, Ms. Kern has not received the requested
10 information.

11 25. On January 2, 2026, I sent formal correspondence to Plaintiff's counsel requesting
12 copies of the petition and other records supporting the notion that a recall election was properly
13 held. A true and correct copy of that letter is attached as **Exhibit A-10**.

14 26. As of the date of this declaration I have not received any of the information
15 requested.

16 27. That same day, January 2, 2026, I sent formal correspondence to GPR, demanding
17 it continue only working with the Board as elected on April 25, 2025 unless and until Plaintiff's
18 provided the information requested and demonstrated that the October 25, 2025 election was
19 properly conducted or until a court resolves this dispute. A true and correct copy of that letter is
20 attached as Exhibit A-11.

21 28. As of the date of this declaration, GPR has not confirmed that it will take
22 direction only from the existing Board as elected on April 25, 2025, nor that it can or will be able
23 to facilitate any interim election or the upcoming Annual Meeting absent resolution by this
24 Court.

25 Pursuant to NRS 239B.3030, the undersigned does hereby affirm that the preceding
26 document filed in the above-entitled case does not contain the social security number of any
27 person.

28 Dated this 26th day of January, 2026.

By /s/ Whit Selert
WHITNEY SELERT