

DC-09900084643-001  
STEVEN B. CRYSTAL ET AL. VS. J. & PAGES  
District Court 05/22/2017 11:52 AM  
Washington County  
MIN  
DICK

O. CV17-00281

STEVEN B. CRYSTAL ET AL. VS. JIM MCGOWEN

\*\*\*CORRECTED\*\*\*

JUDGE  
CLERKS OF  
COURT PRESENT

APPEARANCES-HEARING

5/17/17

EVIDENTIARY HEARING

HONORABLE  
DAVID A. HARDY  
Dept. No. 15  
A. Dick  
(Clerk)  
L. Stubbs  
(Reporter)

Walter Wicker, Esq. and Dane Anderson, Esq. represented Plaintiff Steven Crystal who was present. Janine Prupas, Esq. and Bill Peterson, Esq. represented Defendant Jim McGowen who was present.

1:30 p.m. – Court convened with counsel and respective parties present.

Court addressed counsel presented preliminary inclinations regarding effective service.

Counsel Prupas addressed the Court INVOKED THE RULE OF EXCLUSION and presented an opening statement regarding Defendant's Motion to Quash Service and Dismiss Case and Request for Sanctions on behalf of the Defendant.

Court inquired counsel Prupas.

Counsel Prupas answered the Court's questioning and further presented an opening statement on behalf of the Defendant.

JIM MCGOWEN, sworn, testified under direct examination conducted by counsel Prupas, cross examination conducted by counsel Wicker.

*Plaintiff's Exhibits 1-9 are file-stamped documents.*

*Plaintiff's Exhibits 10-14 marked for identification.*

*Counsel Wick offered Plaintiff's Exhibits 1-9; objection stated as to Exhibit 4; OBJECTION OVERRULED; Plaintiff's Exhibits 1-9 ADMITTED.*

*Plaintiff's Exhibit 12, offered, objection stated, OBJECTION OVERRULED; ADMITTED.*

3:00 p.m. – Brief recess.

3:09 p.m. – Court reconvened with counsel and respective parties present.

JIM MCGOWEN, heretofore sworn, resumed the witness stand testified under redirect examination conducted by counsel Prupas; recross examination waived. Witness thanked and excused to return to his seat.

WALTER CHRIS WICKER, sworn, testified under direct examination conducted by counsel Prupas; cross examination conducted by counsel Anderson; redirect examination conducted by counsel Prupas; recross examination waived. Witness thanked and excused to return to his seat.

STEVEN CRYSTAL, sworn, testified under direct examination conducted by counsel Wicker; cross examination conducted by counsel Prupas; redirect examination conducted by counsel Wicker; recross examination waived. Witness thanked and excused to return to his seat.

DANE ANDERSON, sworn, testified under direct examination conducted by counsel Wicker; cross examination conducted by counsel Prupas; redirect examination waived. Witness thanked and excused to return to his seat.

*Defendant's Exhibit 15 marked for identification, offered, no objection; ADMITTED.*

DIANNE KELLY, sworn, testified under direct examination conducted by counsel Anderson; cross examination waived. Witness thanked and excused.

STEVEN WARNER, sworn, testified under direct examination conducted by counsel Wicker; cross examination conducted by counsel Prupas; redirect examination waived. Witness thanked and excused.

Counsel Anderson addressed the Court presented closing arguments on behalf of the Plaintiff.

Counsel Peterson addressed the Court presented closing arguments on behalf of the Defendant.

**COURT ORDERED:** If a transcript of today's proceedings is prepared and the Court Reporter charges the statutory after-hours per diem then the parties shall equally spilt the cost.

**COURT FURTHER ORDERED:** *Defendant's Motion to Quash Service and Dismiss Case and Request for Sanctions UNDER ADVISEMENT;* a written Order will be entered.  
5:07 p.m. – Court stood in recess.

*After session Clerk's note –*

- *Plaintiff's Exhibits 1 & 2 attached to Dianne Kelling Declaration remarked as 1A & 2A.*
- *Plaintiff's Exhibit 1 attached to Steve Warner's Declaration remarked as 1B.*
- *Plaintiff's Exhibit 1 attached to WCW Declaration remarked as 1C.*
- *Plaintiff's Exhibits 7-9 and 14 not provided to Court.*
- *Hearing exhibits maintained in case docket.*

## Exhibits

HEARING: EVIDENTIARY HEARING

TITLE: STEVEN B. CRYSTAL ET AL. VS. JIM MCGOWEN

PLTF: STEVEN CRYSTAL      ATTY: Chris Wicker, Esq. + Dane Anderson, Esq.  
DEFT: JIM MCGOWEN      DATY: Janine Prupas, Esq. + Bill Peterson, Esq.

Case No: CV17-00281    Dept. No: 15    Clerk: A. Dick    Date: 5/17/17

Exhibit No	Party	Description	Marked	Offered	Admitted
1A	PLAINTIFF	Photograph of Dianne Kelling in Room 5 of Sunshine Litigation Services February 9, 2017	5/17/17		---
2A	PLAINTIFF	Text exchange between Dane Anderson and Dianne Kelling on February 9, 2017	5/17/17		---
1B	PLAINTIFF	Email Exchange between Carole Pope and Ron Bush	5/17/17		---
1C	PLAINTIFF	Motion to Consolidate Actions for Purposes of Settlement Conference Only	5/17/17	NO OBJECTION	5/17/17
2	PLAINTIFF	CIP's Opposition to Motion to Consolidate Actions for Purposes of Settlement Conference Only	5/17/17	NO OBJECTION	5/17/17
3	PLAINTIFF	Order Denying Motion to Consolidate Actions for Purposes of Settlement Conference Only	5/17/17	NO OBJECTION	5/17/17
4	PLAINTIFF	Bill of Sale, Right to Repurchase Agreement (11/26/14)	5/17/17	OBJECTION OVERRULED	5/17/17
5	PLAINTIFF	Email Dated November 28, 2014	5/17/17	NO OBJECTION	5/17/17
6	PLAINTIFF	Excerpts from Ronnie Gene Bush Deposition Transcript	5/17/17	NO OBJECTION	5/17/17
7	PLAINTIFF	BLANK			---
8	PLAINTIFF	BLANK			---

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Exhibit No.	Party	Description	Marked	Offered	Admitted
9	PLAINTIFF	BLANK			---
10	PLAINTIFF	Bill of Sale, Pieta (7/25/14)	5/17/17	NO OBJECTION	5/17/17
11	PLAINTIFF	JP Morgan Wire Transfer (7/25/14)	5/17/17	NO OBJECTION	5/17/17
12	PLAINTIFF	Email Between Chris Wicker and James McGowen (9/19-22/16)	5/17/17	OBJECTION OVERRULED	5/17/17
13	PLAINTIFF	Court Docket for CV16- 00865 ( <i>Crystal v. Ronald Bush</i> )	5/17/17	NO OBJECTION	5/17/17
14	PLAINTIFF	BLANK			---
15	DEFENDANT	Summons	5/17/17	NO OBJECTION	5/17/17



1 CODE: 1696  
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7 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
8 IN AND FOR THE COUNTY OF WASHOE  
9

10 STEVEN B. CRYSTAL ET AL.,

11 Plaintiff,

12 vs.

Case No. CV17-00281

13 JIM MCGOWEN,

Dept. No. 15

14 Defendant.  
15

16 MAY 17, 2017, EVIDENTIARY HEARING EXHIBITS MAINTAINED IN DOCKET  
17

18 SEE ATTACHED  
19

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 DEFT: JIM MCGOWEN      DATY: Janine Prupas, Esq. + Bill Peterson, Esq.

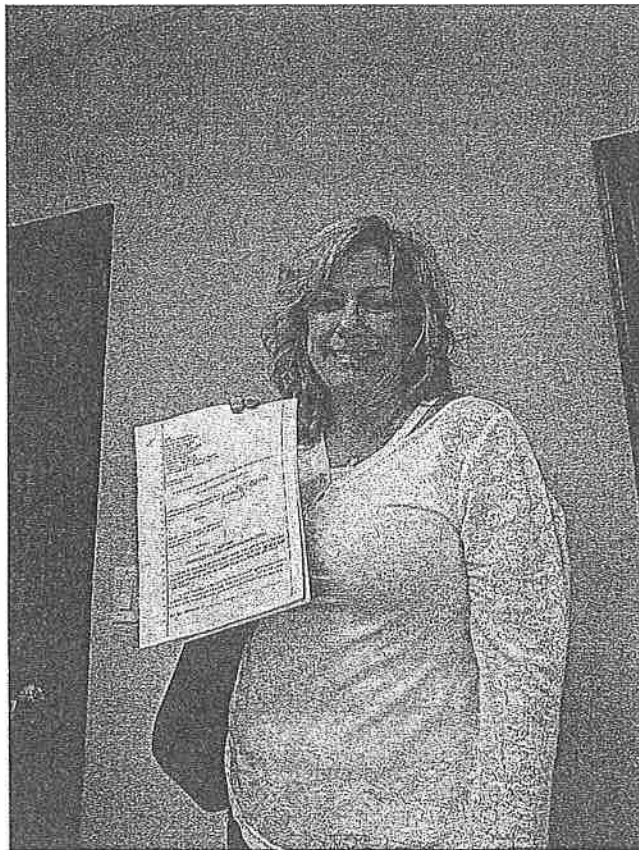
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*Crystal v. McGowen*  
Evidentiary Hearing 5/17/17 Plaintiff's Exhibits

Exhibit No.	Attached to	Document
1A	Attached to Dianne Kelling Declaration	Photograph of Dianne Kelling in Room 5 of Sunshine Litigation Services on February 9, 2017
2A	Attached to Dianne Kelling Declaration	Text exchange between Dane Anderson and Dianne Kelling on February 9, 2017
1B	Attached to Steve Warner Declaration	Email exchange between Carole Pope and Ron Bush
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8		
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14		

1A



2A

Thu, Feb 9, 12:04 PM

Still hasn't been filed

I'm here and I will see if they can issue summons without a no.

They are going to process the complaint now.

We are in room 5 when you get here

Just text me

I'm here

Service accomplished!  
Wicker is talking to him

Delivered



1B

-----Original Message-----

From: Steve Warner <[swarner@acsplayon.com](mailto:swarner@acsplayon.com)>  
To: 'Carole Pope' <[cmp7000@aol.com](mailto:cmp7000@aol.com)>  
Cc: 'Kathryn Warner' <[kathrynlake588@gmail.com](mailto:kathrynlake588@gmail.com)>  
Sent: Tue, Feb 7, 2017 10:37 am  
Subject: RE: Warner v. Bush lawsuit

Hello Carole,

Please file the today... His letter has no credence as far as my wife and I are concerned. Our lawsuit filing (You, Kate and I) against Mr. Bush has absolutely nothing to do with the proceedings between he and Mr. Crystal. His representations in his response letter to you are idle threats with no merit and Kate are tired of the BS/delays he continues to represent. You too indicate that in the body of your email... "I know this man is not forthcoming. He did wait until the last minute to respond to my letter." He's not even represented by an attorney for his responses. Therefore, please execute default.

BTW the court meeting he is representing has to do with real-estate he and Crystal are in litigation over...

Thank you,

Stephen L Warner  
Founder/Chief Operating Officer  
Automated Cashless Systems, Inc

[swarner@acsplayon.com](mailto:swarner@acsplayon.com)  
775-412-5450



[www.acsplayon.com](http://www.acsplayon.com)

**Play On Responsibly**

**From:** Carole Pope [<mailto:cmp7000@aol.com>]  
**Sent:** Monday, February 06, 2017 5:47 PM  
**To:** [swarner@acsplayon.com](mailto:swarner@acsplayon.com)  
**Subject:** Fwd: Warner v. Bush lawsuit

Good Evening Steve,

Please see the emails below. I look forward to hearing your thoughts. I am poised to file the default tomorrow, or we can wait one week. I know this man is not forthcoming. He did wait until the last minute to respond to my letter. Is there any chance of resolution in the other matter?

Sincerely,  
Carole  
Law Office of Carole M. Pope, APC  
301 Flint Street  
Reno, Nevada 89501

775-337-0773  
775-337-0778 (fax)

-----Original Message-----

From: Rgbush6 <[Rgbush6@aol.com](mailto:Rgbush6@aol.com)>  
To: cmp7000 <[cmp7000@aol.com](mailto:cmp7000@aol.com)>  
Sent: Mon, Feb 6, 2017 5:37 pm  
Subject: Re: Warner v. Bush lawsuit  
Dear Ms. Pope:

Your representations in your email are very unfortunate. As I have repeatedly stated, I intend to pay Steve (who I will refer to as Steve W. due to several Steve's involved).

Unfortunately, Steve W's partner Steve Crystal managed to "trick" the court into tying up my assets and I have no way earn an income or sell anything to pay my bills or debts.

HOWEVER, without going into confidential details, I can tell you that things will change after this week.

I just don't have time to file that Answer, and I am NOT denying the debt. I am working 16 hours a day (along with 3 attorneys putting in a crazy amount of hours) preparing what will be very unpleasant legal proceedings in multiple states for everyone involved in the fraud allegations in that litigation if Mr. Crystal doesn't accept payment of the debt, return the stolen assets, and agree to let the Court release the hold on my other assets.

Getting a default judgment filed against me is unnecessary at this time and will accomplish nothing except force me to raise other defenses which will be very unfortunate.

I truly like Steve Warner, and have no desire to cause very costly litigation costs on his part if the multiple people being represented in the settlement hearings this week are forced to drag him into what will be very

serious litigation matters filed by the law firm of Brownstein, Hyatt, Farber et al, who will be representing several interested parties in court this week.

This can be avoided. AGAIN I say, I admit the debt and I intend to pay it. I have instructed my attorneys to pay my debt to Mr. and Mrs. Warner directly out of the settlement that will be presented this week. A default judgment accomplishes nothing further than that because I don't have any available assets until that settlement is executed.

If on the other hand, Mr. Crystal doesn't agree to accept the debt owed to him and "do the right thing," then everyone on that side, including unfortunately Mr. Warner, will be dragged into defending against very, very unpleasant litigation.

**Carole, I ask that you wait until the outcome of this week's Court meeting** with the multiple attorneys coming from multiple states to represent my interests and the interests of several other people who have been "wronged."

I promise I will be in touch with you by the end of the day a week from today, and hopefully in that call I can give you a date when the entire debt to Mr. and Mrs. Warner will be paid. The money has been available for distribution by my attorneys for several months. But it cannot be distributed until the case with Mr. Crystal is settled.

Sincerely,

Ron Bush

In a message dated 2/6/2017 4:54:31 P.M. Pacific Standard Time, cmp7000@aol.com writes:  
Dear Mr. Bush,

My paralegal, Denise Hines, forwarded me the email below. Please be advised that your answer was due today as outlined in my letter dated January 26, 2017 since you did not accept the settlement offer. Further, as I indicated, if an answer is not filed, I will be filing your default tomorrow.

Sincerely,  
Carole  
Law Office of Carole M. Pope, APC  
301 Flint Street  
Reno, Nevada 89501

775-337-0773  
775-337-0778 (fax)

----- Forwarded message -----  
From: <Rgbush6@aol.com>  
Date: Mon, Feb 6, 2017 at 12:05 PM  
Subject: Re: Warner v. Bush lawsuit  
To: nvskilady@gmail.com

Denise,

I'm sorry I have just been overwhelmed preparing for a settlement conference and legal proceedings that are taking place Wednesday and Thursday this week. I am having to coordinate attorneys coming in from Texas, Arizona, Vegas, Healdsburg, and San Jose for those proceedings.

I will respond to your email later today or tomorrow morning.

Sincerely,

Ron

In a message dated 1/26/2017 3:05:07 P.M. Pacific Standard Time, [nvskilady@gmail.com](mailto:nvskilady@gmail.com) writes:  
Dear Mr. Bush,

I work for Carole Pope as her paralegal. Attached is a letter from the Warners relating to their offer regarding the above lawsuit. Please note that the offer is only open for 10 days from the date of this letter.

If you have any questions please let us know.

--

Sincerely,

Denise Hines, ACP  
Advanced Certified Paralegal  
[nvskilady@gmail.com](mailto:nvskilady@gmail.com)

--

Sincerely,

Denise Hines, ACP  
Advanced Certified Paralegal

Stephen L Warner  
Founder/Chief Operating Officer  
Automated Cashless Systems, Inc  
[swarner@acsplayon.com](mailto:swarner@acsplayon.com)  
775-412-5450



[www.acsplayon.com](http://www.acsplayon.com)

**Play On Responsibly**

1C

1 STEVE M. DEFILIPPIS  
CA State Bar #117292  
2 PICONE & DEFILIPPIS, A P.L.C.  
625 N. First Street  
3 San Jose, CA 95112  
Office: 408-292-0441  
4 Fax: 408-287-6550  
[flipsmd2005@yahoo.com](mailto:flipsmd2005@yahoo.com)

5 ALICIA JOHNSON  
6 State Bar #10093  
JOHNSON LAW PRACTICE  
7 611 Sierra Rose Dr., Suite A  
Reno, NV 89511  
8 Phone: (775) 737-9927  
[Alicia@JohnsonLawReno.com](mailto:Alicia@JohnsonLawReno.com)

9  
10 Attorneys for Defendants,  
RONALD G. BUSH  
11 TYCHE ART INTERNATIONAL, INC.

12  
13 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

14 **IN AND FOR THE COUNTY OF WASHOE**

15 CIP REAL ESTATE SO. VIRGINIA LLC, a  
16 Nevada limited liability company; CIP REAL  
ESTATE LLC, a Nevada limited liability  
17 company,

Case No. CV16-00948

Dept . 1

18 Plaintiffs,

19 vs.

20 RONALD G. BUSH aka RONNIE G. BUSH, an  
individual; TYCHE ART INTERNATIONAL,  
21 INC., a Nevada corporation; and DOES 1-5,  
inclusive,

22 Defendants.

23  
24  
25 **DEFENDANTS' MOTION TO CONSOLIDATE ACTIONS FOR PURPOSES OF**  
26 **SETTLEMENT CONFERENCE ONLY**  
27  
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1     **A.     BRIEF STATEMENT OF THE NATURE OF THE ACTION**

2             This case involves a lease on two separate properties by landlords CIPSV and CIP to  
3 BUSH and TAI respectively. The properties were occupied by TAI as an art gallery to display  
4 numerous exclusive art pieces that included works of Jackson Pollock, Michaelangelo, Tuan, and  
5 various other highly acclaimed artists. Plaintiffs and their principal, Steven Crystal, were fully  
6 aware of the purpose for occupying the premises, as Mr. Crystal was actually involved as a joint  
7 venturer with Mr. Bush in the acquisition of several of the pieces of art that were part of the  
8 collection owned by Mr. Bush and/or TAI.

9             **1. CIPSV v. BUSH – South Virginia Premises**

10            The contentions as to this property revolve around an oral arrangement between Plaintiff,  
11 CIPSV, landlord, to occupy a commercial premises ("South Virginia Premises"), with Defendant  
12 BUSH as the proposed tenant, with part of Bush's rent to be applied to the joint ownership of the  
13 South Virginia Premises, which had a total initial cost to Plaintiff of \$1,800,000 plus  
14 improvements that would make the premises inhabitable by a tenant. The terms of the  
15 arrangement were discussed but they were never established in writing. Plaintiff alleges the  
16 Defendant owes \$1,215,748.97 under the lease which includes rent and common area  
17 maintenance ("CAM") charges, and \$459,983.23 in tenant improvement work, for a total of  
18 \$1,675,732.20. However there exists a disagreement by the parties as to the material terms of the  
19 agreement regarding this property.

20            **2. CIP v. TAI – Mill Lease**

21            The issues as to this property revolve around a commercial lease agreement ("Mill  
22 Lease") between Plaintiff, CIP, landlord, and Defendant, TAI. Bush was not a party to that  
23 lease individually. Plaintiff alleges that TAI has failed to make payments as required by the Mill  
24 Lease and currently owes \$55,946.36 (including 3,052.50 in attorney's fees) out of a total  
25 \$64,800.00 (as noted in the Lease Agreement). However, TAI has paid a total of \$21,258.66 on  
26 the Mill Lease and expended approximately \$20,000 in improvements. In addition, CIP failed to  
27 mitigate by re-letting the premises. Therefore, the total cost of rent for the two years wherein  
28



1 TAI was a resident was \$43,200, against which TAI has paid \$21,258.66, and paid \$20,000 in  
2 improvements, leaving only nominal actual damages.

3 **3. CRYSTAL v. BUSH – Loans For ACS Stock Purchase**

4 This present action is just one of two<sup>1</sup> cases that have been filed against the Bush  
5 defendants by Steve Crystal, individually and through various entities that he owns. The other  
6 case is entitled *Crystal v. Bush, et al.*, case #CV16-00865, (hereinafter referred to as the "Crystal  
7 Action") and is currently pending in Department Four before the Honorable Connie Steinheimer.  
8 The Crystal Action involves a series of loans to the Bush defendants totaling more than \$5  
9 million, used to purchase a controlling interest in a start up company known as Automated Cash  
10 Systems (ACS). Crystal and his various entities have sued the Bush defendants for alleged  
11 breaches of those notes. During the course of the events involved in that case, the stock  
12 purchased by one of the Bush defendants was transferred back to Crystal, and there is a dispute  
13 as to the ownership of that stock, with Crystal claiming that it is now his, and the Bush  
14 defendants claiming a right thereto. After the stock transfer, Crystal caused the closure of ACS,  
15 and transferred all of its assets to a newly formed a company, Automated Cashless Systems  
16 (ACLS), which now Crystal controls. The Bush defendants claim that this action constituted  
17 fraud on the part of Crystal, ACS and ACLS.

18 The loans in the Crystal action were used by a related entity, Tyche Acquisitions Group  
19 (TAG), to purchase a controlling interest in ACS. The loans were secured by the ACS stock, a  
20 personal injury case that had been filed on behalf of Mr. Bush, and various pieces of art,  
21 including those which had been present at the Virginia Street property. When the loans went  
22 into default, the first step taken in the Crystal Action was to seek a temporary restraining order,  
23 and ultimately a Preliminary Injunction, prohibiting Mr. Bush, and any related legal entities,  
24 from selling, offering to sell, transferring or encumbering any of the pieces of art discussed  
25 above. In essence, this action precludes Mr. Bush from generating any form of income or funds  
26 that could be used to address settlement of either this case or the Crystal action. However, it is

27  
28 <sup>1</sup> In actuality, there were originally three (3) cases, but one of the cases, *Automated Cashless Systems v. Bush, et al.*, was dismissed when its claims were consolidated into the Crystal Action.

1 the contention of the Bush Defendants that the agreements between the parties resulted in the  
2 ACS stock being withdrawn from consideration as collateral for the loan, and that upon  
3 repayment of the debt owed to Crystal, they would have to be transferred back to TAG.

4 In order to facilitate the pay off to Crystal, and obtain the return of the ACS stock, it  
5 would be necessary for Mr. Bush to secure a willing investor to step into his and/or TAG's  
6 position upon paying off the debt to Crystal. Several such persons exist, and are ready, willing  
7 and able to take that exact action. However, to do this, there would have to be a joint resolution  
8 of not only the Crystal action, but the claims in this case as well. Thus, defendants proposed to  
9 Crystal, who is both the plaintiff in the Crystal action and the individual that controls the entities  
10 in this case, that both cases be discussed together at the upcoming settlement conference on  
11 February 9. Crystal refuses to do so, which would render the settlement conference in this case  
12 meaningless, as Mr. Bush would have no means of generating any funds to settle the claims in  
13 this matter.

14 It is the position of the Bush defendants that Crystal is refusing to negotiate in the Crystal  
15 action in order to solidify his position, while accruing interest charged by Crystal at a rate of  
16 25% per annum, wherein he has effectively taken over control of ACLS, a company that  
17 ultimately will have far more value than the total of all the loans and debts owed to Crystal. In  
18 other words, he will have taken all of the stock previously owned by TAG, converting it to his  
19 own use, and will still be able to collect the debts owed for the purchase of that stock by selling  
20 Mr. Bush's artwork. In other words, Mr. Bush and TAG get nothing, yet have to pay Crystal in  
21 excess of \$8 million.

22 Accordingly, to ensure that such an inequitable result does not occur, it is necessary to  
23 compel the consolidation of this case with the Crystal action, solely for purposes of settlement  
24 discussions at the upcoming settlement conference on February 9, 2017, before the Honorable  
25 Judge Russell. Defendants herein pray that such an order be issued forthwith.

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Affirmation

The undersigned hereby affirms that the foregoing document does not contain the social security number of any person.

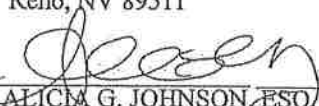
Dated: February 6, 2017

PICONE & DEFILIPPIS, A P.L.C.  
625 N. 1<sup>st</sup> Street  
San Jose, CA 95112

By: /s/ Steve M. Defilippis  
STEVE M. DEFILIPPIS, ESQ.  
CA Bar No. 117292 (Pro Hac Vice)  
Attorneys for Defendants  
RONALD G. BUSH  
TYCHE ART INTERNATIONAL, INC.

Dated: February 6, 2017

JOHNSON LAW PRACTICE, PLLC  
611 Sierra Rose Dr., Suite A  
Reno, NV 89511

By:   
ALICIA G. JOHNSON, ESQ.  
Nevada State Bar No. 10093  
Attorneys for Defendants  
RONALD G. BUSH  
TYCHE ART INTERNATIONAL, INC.

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**CERTIFICATE OF SERVICE**

Pursuant to NRCP Rule 5(b), I hereby certify that on February 6, 2017, I caused the foregoing document to be served to all parties to this action by:

- ☐ Placing a true copy thereof in a sealed postage prepaid envelope in the United States Mail in Reno, Nevada [NRCP 5(b)(2)(B)]
- ☐ Hand-delivery [NRCP 5(b)(2)(A)] via RENO/CARSON MESSENGER SERVICE
- ☐ Facsimile
- ☐ Federal Express, UPS, or other overnight delivery
- ☒ E-filing pursuant to Section IV of District of Nevada Electronic Filing Procedures [NRCP 5(b)(2)(D)]

fully addressed as follows:

W. Chris Wicker, Esq.  
Nevada State Bar No. 1037  
WOODBURN AND WEDGE  
6100 Neil Road, Suite 500  
Reno, Nevada 89511

/s/ Alicia G. Johnson  
ALICIA G. JOHNSON

No. CW17-00281

S. CRYSTAL

vs.

J. MCGOWEN

PLT Ex. 1C

Admitted: 5/17, 20 17

JACQUELINE BRYANT, CLERK

By adick  
Deputy

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2

APPX000307

1 2645  
2 W. Chris Wicker, Esq.  
3 Nevada State Bar No. 1037  
4 Dane W. Anderson, Esq.  
5 Nevada State Bar 6883  
6 WOODBURN AND WEDGE  
7 6100 Neil Road, Suite 500  
8 Reno, Nevada 89511  
9 Telephone: 775-688-3000  
10 Facsimile: 775-688-3088  
11 Email: cwicker@woodburnandwedge.com  
12 danderson@woodburnandwedge.com

13 Attorneys for Plaintiffs

14 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

15 IN AND FOR THE COUNTY OF WASHOE

16 CIP REAL ESTATE SO. VIRGINIA LLC, a  
17 Nevada limited liability company; CIP REAL  
18 ESTATE LLC, a Nevada limited liability  
19 company,

20 Plaintiffs,

21 v.

22 RONALD G. BUSH aka RONNIE G. BUSH,  
23 an individual; TYCHE ART  
24 INTERNATIONAL, INC., a Nevada  
25 corporation; and DOES 1 – 5, inclusive,

26 Defendants.

Case No.: CV16-00948

Dept. No.: 1

27 **PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION TO CONSOLIDATE**  
28 **ACTIONS FOR PURPOSES OF SETTLEMENT CONFERENCE ONLY**

29 Plaintiffs, CIP REAL ESTATE SO. VIRGINIA LLC and CIP REAL ESTATE LLC,  
30 by and through their counsel of record, WOODBURN AND WEDGE, hereby oppose  
31 Defendants' Motion as follows.

32 It is ludicrous for Defendants to request an order consolidating the two actions for  
33 purposes of settlement negotiations. There are many reasons why Crystal has refused to  
34 negotiate the Department 4 case with the CIP lease matters.

1           The Department 4 cases are extremely different and have been litigated completely  
2 differently than this case. In the case before this Court, virtually no discovery has been  
3 performed. CIP has produced 1,200 pages of information about the two buildings and their  
4 expenses. The only disclosure from Defendants is they served copies of ten cancelled checks  
5 after the disclosure deadline. No depositions have been taken.

6           In the Department 4 case, in addition to the complaint, counterclaims, crossclaims, and  
7 third-party claims, many thousands of pages of documents have been produced by both sides.  
8 There have been two preliminary injunction hearings. Seven depositions have been taken.  
9 Numerous motions have been filed and briefed, including discovery motions. The level of  
10 complexity of the Department 4 litigation is many times that of the relatively simple issues in  
11 the case before this Court.

12           A major issue in Department 4 is whether Mr. Bush or any of his alter ego companies,  
13 Tyche Art International (TAI), Tyche Acquisitions Group (TAG), Classic Fine Art (Classic),  
14 and Renaissance Masters (Renaissance), own an interest in Automatic Cash Systems (ACS) or  
15 the entity that purchased its assets, Automatic Cashless Systems (ACLS). Mr. Bush, through  
16 his alter-ego, Tyche Acquisitions Group (TAG), borrowed \$5,150,000 from Mr. Crystal and  
17 by Barbara Crystal Decedent's Trust (collectively "Crystal") to buy 51% of ACS issued stock  
18 for \$5.0 million from February to June, 2013. ACS stock and art owned by Bush were  
19 collateral for the ACS stock loan pursuant to a security agreement. In late 2013, Mr.  
20 Bush/TAG borrowed back \$2.5 million, which loan was personally guaranteed by Crystal.

21           In July, 2014, Bush and his alter ego company, Renaissance, borrowed \$2.1 million to  
22 buy a Michelangelo authorized bronze sculpture; in August, 2014, borrowed \$450,000 for an  
23 interest in purported Jackson Pollock paintings; and from May to October, 2014, borrowed  
24 \$500,000 for an interest in a project to cast and sell Michelangelo miniatures in the Bay Area.  
25 All of the loans are in default. Without Crystal's knowledge, Bush secretly sold the  
26 Michelangelo and purported Jackson Pollocks to an attorney as trustee in Dallas, Texas for  
27 \$500,000.



1 ACS is a company that was formed to produce a device that would allow gaming  
2 customers to use a debit card at a gaming table or slot machine to obtain credit to gamble. In  
3 late summer of 2015, it was determined by ACS gaming counsel that anybody owning one  
4 share of ACS had to be licensed.

5 Over time, as Bush defaulted, Crystal obtained a large share of ACS stock and was  
6 chairman of the Board. Mike Sackrison was the CFO of ACS. In October, 2015, Sackrison  
7 discovered that Bush was convicted of a felony that involved a gaming company, and spent  
8 1985 to 2005 in prison. Bush did not disclose his criminal record when he borrowed money  
9 from Crystal and obtained stock in ACS. Crystal and ACS learned from their gaming counsel  
10 that as long as Bush was involved in ACS, ACS could never be licensed to do business in  
11 Nevada.

12 After discovering Bush's deception, Crystal and ACS negotiated with Bush, who was  
13 agreeable to getting out of ACS. Those negotiations in November and December of 2016  
14 resulted in an agreement. Bush/TAG entered into an agreement dated December 29, 2015  
15 whereby Bush agreed that he had until March 30, 2016 to tender all amounts he owed and if  
16 he did, somebody designated by Bush and who was licensable would be assigned 82,000,000  
17 shares of ACS. Pursuant to the agreement, if Bush failed to tender the money due, he lost the  
18 opportunity to obtain the ACS stock. Bush may have a right to offset his debts of over \$8.0  
19 million plus interest, expenses and fees, from the value of collateral, which included ACS  
20 stock.

21 ACS still needed all of its shareholders to be licensed. Despite requests made in early  
22 2016, minority shareholders, allied with Bush, refused to send in the required gaming  
23 applications. As a result, ACS was dead because it could not get licensed without the  
24 cooperation of minority shareholders. ACS had its assets valued and the ACS officers and  
25 shareholders, including Crystal, who wanted to pursue the business opportunity, formed  
26 ACLS and purchased the assets of ACS.

27 On November 30, 2016, Crystal, ACS and ACLS filed a motion for partial summary  
28 judgment. The motion had 24 pages of facts and, with exhibits, was 366 pages long. Bush

1 and his alter ego companies opposed the motion but obtained an additional 60 days for  
2 discovery, starting January 17, 2017. The Crystal, ACS, ACLS motion seeks a declaration  
3 that Bush and his alter ego companies owned no interest in ACS or ACLS. ACLS cannot go  
4 forward until it obtains a judgment that Bush owns no interest in ACS or ACLS, so it can be  
5 licensed in Nevada.

6 After March 30, 2016, Bush still claims to own a major interest in ACS and therefore  
7 claims an interest in ACLS. Bush has claimed to have investors lined up to pay his debts in  
8 exchange for ACS stock. However, at his deposition in October 2016, Bush could not  
9 remember the name of a single so-called investor.

10 The Department 4 case is vastly more complicated than the CIP litigation and, if  
11 Crystal was inclined to settle the Department 4 case, it could never be accomplished in an  
12 afternoon. However, Crystal has no interest in negotiating the Department 4 case at this time.  
13 Since 2014, Bush has repeatedly said he is about to get a large sum of money, either from  
14 sales of art or "investors," but they were all lies or unjustified exaggerations. Bush did obtain  
15 extensions of deadlines based on those representations which came to an end when Crystal  
16 discovered Bush's criminal history in October 2015. They negotiated an agreement for ACS  
17 to get away from Bush but Bush will not adhere to his agreement.

18 As seen from the above discussion, it makes no sense to grant Bush's motion. It  
19 appears that it is a ruse to avoid the settlement conference because Bush knows very well that  
20 Crystal will not negotiate the matters in Department 4 with the pending motion for summary  
21 judgment. Crystal trusted Bush for way too long and, so far, Crystal is out millions of dollars.

22 Bush claims that with the injunction in place and other unresolved issues, he has no  
23 ability to pay the CIP claims. Crystal has no way to evaluate this assertion because in  
24 discovery, Bush has opposed efforts to obtain financial information from Bush. A settlement  
25 conference could resolve the CIP matter without wasting judicial resources in a trial. If all  
26 CIP gets is a confession of judgment, the settlement conference will have served its purpose.  
27 There is no requirement that a settlement conference must result in payment and Crystal does  
28 not expect Bush to pay any judgment anyway.

1 While the CIP case is straightforward and set for trial in four weeks, the Department 4  
2 litigation is completely different. Aside from the substantive complexity and procedural  
3 posture of the Department 4 case, there is the practical reality that Judge Russell, who will  
4 preside over the settlement conference, likely knows very little if anything about the  
5 Department 4 case because CIP did not address this issue in its settlement conference brief,  
6 having rejected Bush's request that both matters be heard at the conference. It is simply  
7 absurd for Bush and TAI to file this motion on shortened time asking the Court to order, on  
8 the eve or morning of the settlement conference, that the complex case in Department 4 be  
9 added to the scope of the settlement conference. Therefore, Defendants' Motion to  
10 Consolidate for Purposes of Settlement should be denied.

11 AFFIRMATION  
12 pursuant to NRS 239B.030

13 The undersigned does hereby affirm that the preceding document does not contain the  
14 social security number of any person.

15 DATED: February 8, 2017.

WOODBURN AND WEDGE

16 By: /s/ W. Chris Wicker  
17 W. Chris Wicker  
18 Nevada Bar No. 1037  
19 Dane W. Anderson, Esq.  
20 Nevada Bar No. 6883  
21 Attorneys for Plaintiffs  
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1 CERTIFICATE OF SERVICE

2 I hereby certify that I am an employee of Woodburn and Wedge and that on this date,  
3 I caused to be sent via electronic service through the Court's E-flex system a true and correct  
4 copy of the **PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO**  
5 **CONSOLIDATE ACTIONS FOR PURPOSES OF SETTLEMENT CONFERENCE**  
6 **ONLY** to:  
7

8 Alicia Johnson  
9 JOHNSON LAW PRACTICE  
10 611 Sierra Rose Dr., Suite A  
11 Reno, NV 89511  
12 *Attorneys for Defendants*

13 Steve M. Defilippis  
14 PICONE & DEFILIPPIS, A P.L.C.  
15 625 N. First Street  
16 San Jose, CA 95112  
17 *Attorneys for Defendants*

18 DATED this 8th day of February, 2017.

19 By: /s/ Melissa C. Scott  
20 An employee of Woodburn and Wedge  
21  
22  
23  
24  
25  
26  
27  
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No. CW17-00281

S. CRYSTAL

vs.

J. MCGOWEN

PLI Ex. 2

Admitted: 5/17, 20 17

JACQUELINE BRYANT, CLERK

By CLICK  
Deputy

3

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

\*\*\*

CIP REAL ESTATE SO. VIRGINIA LLC,  
a Nevada limited liability company; CIP  
REAL ESTATE LLC, a Nevada limited  
liability company,

Case No. CV16-00948

Dept. No. 1

Plaintiffs,

vs.

RONALD G. BUSH aka RONNIE G. BUSH,  
an individual; TYCHE ART INTERNATIONAL,  
INC., a Nevada corporation; and DOES 1-5, inclusive;

Defendants.

ORDER

On February 6, 2017, Defendants RONALD G. BUSH and TYCHE ART  
INTERNATIONAL, INC., by and through counsel of record, PICONE & DEFILIPPIS, A P.L.C.  
and JOHNSON LAW PRACTICE, filed a *Defendants' Motion to Consolidate Actions for Purposes  
of Settlement Conference Only*. On February 8, 2017, Plaintiff, CIP REAL ESTATE LLC ("CIP"),  
by and through counsel of record, WOODBURN AND WEDGE, filed an *Opposition*. The  
settlement conference is scheduled for February 9, 2017, before the Honorable Judge Russell.

//

1 The Court finds the motion is untimely and finds the Department 4 case should not be added  
2 to the scope of the settlement conference. Accordingly, and good cause appearing, *Defendants'*  
3 *Motion to Consolidate Actions for Purposes of Settlement Conference Only* is hereby DENIED.

4 IT IS SO ORDERED.

5 DATED this 8<sup>th</sup> day of February 2017.

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9 JANET J. BERRY  
District Judge  
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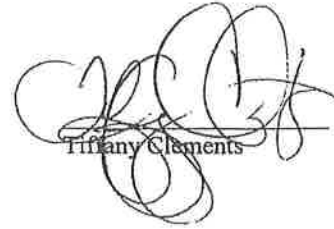
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 2 day of February 2017, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed the individuals listed herein and/or electronically filed the foregoing document with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

VIA ECF

Dane Anderson, Esq.  
Alicia Johnson, Esq.  
Steve Defilippis, Esq.  
Walter Wicker, Esq.



Tiffany Clements

No. CN17-00281

S. CRYSTAL

vs.

J. MCGOWEN

PLT Ex. 3

Admitted: 5/17, 20 17

JACQUELINE BRYANT, CLERK

By ADICK

Deputy

4

BILL OF SALE, RIGHT TO REPURCHASE AGREEMENT, and IRREVOCABLE  
INSTRUCTIONS TO SELLER'S ATTORNEY FOR PAYMENT OF FUNDS

November 26, 2014

Seller: RON G. BUSH and/or Renaissance Masters, LLC, Classic Fine Art, LLC or affiliated companies  
5000 Smithridge Dr., Ste. D11-68, Reno, NV 89502

Buyer: JIM MCGOWEN, TRUSTEE, McGowen & Fowler, PLLC  
Dallas, Texas

Information On items Sold:

1. #9 of 9 Bronze Casting of Michelangelo St. Peter Pieta'
2. 1 Painting credited to have been painted by Jackson Pollock, identified as #B2
3. 1 Painting credited to have been painted by Jackson Pollock, identified as #Q2

For consideration of \$500,000 to be paid by wire transfer to the below identified bank account for delivery to Ron Bush upon execution of this document on November 26, 2014:


Wells Fargo Bank  
Address: 4780 Caughlin Parkway, Reno, NV 89519  
Routing: 0248  
To the Account of Ronnie Gene Bush, Acct: # 588696

I, the undersigned Seller, Ron Bush on behalf of myself and Renaissance Masters, LLC, Classic Fine Art, LLC or affiliate companies, hereby sell the above described three pieces of art to Buyer, and affirm that I have the authority to sell and transfer the above three described pieces of art and that the information provided in this bill of sale is true and correct. The three pieces of art are sold free and clear of debt with good title and interest to the Buyer named above.

Buyer and Seller further agree that Buyer hereby gives Seller the irrevocable right to buy the three above-listed pieces of art back from the Buyer for the total sum of \$3,500,000 as long as Seller pays the full \$3,500,000 to Buyer to complete the buy-back of the three pieces of art immediately upon sale of any of the art or on or before March 1, 2015, whichever occurs first.

Seller hereby acknowledges that the attached document is his irrevocable instruction to the law firm of Picone and DeFilippis in San Jose, California, to pay Buyer the total sum of \$3,500,000 directly from that firm's escrow of the sale of up to six Jackson Pollock paintings that Seller is negotiating with a European buyer and expecting to close before the end of year 2014. This instruction is contingent upon Buyer wiring the above-described \$500,000 upon receipt of the executed Bill of Sale on November 26, 2014. Buyer acknowledges that this \$3,500,000 payment will constitute full payment from Seller to buy back the 3 pieces of art described above free and clear with no encumbrances or liens.

Signature of Seller:  November 26, 2014  
Ron G. Bush


Signature of Buyer:  November 26, 2014  
Jim McGowen, Trustee

IRREVOCABLE INSTRUCTION TO PICONE & DEFILIPPIS LAW FIRM  
TO PAY FUNDS FROM ESCROW OF ART SALE

November 26, 2014

I, Ronnie Gene Bush hereby instruct Steve Defilippis, Picone & Defilippis, San Jose, CA, as follows:

1. I have been negotiating the sale of up to six Jackson Pollock paintings to a buyer referred to herein as "European Buyer."
2. Based on representations by Dr. Jorg Richard of the German Law Firm Haver & Mailänder, Lenzhalde 83-85, 70192 Stuttgart, Germany, I believe the sale will close before the end of this year, 2014.
3. I have retained the services of the Law Offices of Picone & Defilippis to transact the legal documents and escrow of funds from the aforementioned anticipated sale of art.
4. I hereby give the irrevocable instructions to Steve Defilippis for disbursements from the funds received from the above described sale of art, immediately upon receipt of the funds from sale of the art, but before March 1, 2015, whichever occurs first:
  - a. \$7,500,000 to be paid to the party named as payee for money still owed on Jackson Pollock paintings, #C5, #C6, #C7, #E12.
  - b. Legal fees as agreed to the law firm of Picone & Defilippis.
  - c. \$3,500,000 to Jim McGowen, Trustee, McGowen & Fowler, PLLC.
  - d. If the sales price of the art sold is between \$25M to \$129M, I will direct 35% of those proceeds to be paid to Jim McGowen, TRUSTEE for the purchase of Michelangelo Bronzes.
  - e. If the sales price of the art sold is at least \$130,000,000 as expected, I will direct \$75M of those proceeds to be paid to Jim McGowen, TRUSTEE for the purchase of Michelangelo Bronzes.
5. I hereby acknowledge that Steve Defilippis' agreement to follow my instructions in no way serves as any guarantee that the above mentioned anticipated sale of art will actually happen. This instruction document is merely my instructions to Steve Defilippis in the event that the aforementioned sale of art is transacted and Defilippis agreeing to distribute the money.

  
Ron G. Bush

November 26, 2014

I Agree to Follow Mr. Bush's above Instructions.

\_\_\_\_\_  
Steve M. Defilippis

November 26, 2014

No. CN17-DD281

S. CRYSTAL

vs.

J. MCGOWEN

PLT Ex. 4

Admitted: 5/17, 20 17  
JACQUELINE BRYANT, CLERK

By CRONICK  
Deputy

5

From: [Ronbush@aol.com](mailto:Ronbush@aol.com)  
To: [Molly@aol.com](mailto:Molly@aol.com); [globalu@charter.net](mailto:globalu@charter.net)  
Subject: McGowen Authorize  
Date: Friday, November 28, 2014 12:43:18 PM

---

Mr. McGowen,

Please send me an email stating to the effect the following:

I, Jim McGowen, Trustee, hereby authorize Ron Bush, for the purpose of selling the below described items, to represent that he owns the Jackson Pollock paintings B2 and Q2 and the #9 of 9 Pieta through and until the expiration date of our "Sale and Repurchase Agreement."

Logistically, no one needs to know these pieces were ever actually purchased by you as long as I pay you the \$3,500,000 as agreed. All the escrow instructions state is that Defilippis is to pay you \$3.5M upon my sale of Jackson Pollock paintings.

Thank you.

cc: Ronald Welborn

*Make it a GREAT Day.*

Ron Bush, CEO  
Renaissance Masters, LLC  
[renaissancemasters.com](http://renaissancemasters.com)  
(M) 707-479-4400



**From:** [jmccg@adl.com](mailto:jmccg@adl.com)  
**To:** [rbush@sol.com](mailto:rbush@sol.com)  
**Subject:** Letter of Authorization  
**Date:** Friday, November 28, 2014 2:16:37 PM

---

I, Jim McGowen, Trustee, hereby authorize Ron Bush, for the purpose of selling the below described items, to represent that he owns the Jackson Pollock paintings B2 and Q2 and the #9 of 9 Pieta through and until the expiration date of our "Sale and Repurchase Agreement."

No. CW17-00281  
S. CRYSTAL  
vs.  
J. MCGOWEN  
PLT Ex. 5  
Admitted: 5/17, 2017  
JACQUELINE BRYANT, CLERK  
By adick  
Deputy

6

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

STEVEN B. CRYSTAL, Trustee of The	)
Barbara L. Crystal Decedent Trust;	) Case No.: CV16-00865
STEVEN B. CRYSTAL, individually	) Dept. No.: 4
Plaintiffs	)
v.	)
RONALD G. "RON" BUSH, and individual;	)
TYCHE ACQUISITIONS GROUP, INC., a	)
Nevada corporation; and DOES 1-20,	)
Inclusive,	)
Defendants.	)
	)

RECORDED DEPOSITION OF RONNIE GENE BUSH

Taken on June 29, 2016

At 1:05 p.m.

6100 Neil Road, Suite 500

Reno, Nevada 89511

1 APPEARANCES:

2 For the Plaintiff: CHRIS WICKER, ESQ.

3 WOODBURN and WEDGE

4 6100 Neil Road, Suite 500

5 Reno, Nevada 89511

6

7 DANE W. ANDERSON, ESQ.

8 WOODBURN and WEDGE

9 6100 Neil Road, Suite 500

10 Reno, Nevada 89511

11

12 STEVEN B. CRYSTAL

13 Plaintiff

14

15 For the Defendants: STEVE DEFILIPPIS, ESQ.

16 PICONE & DEFILIPPIS, ATTORNEYS AT LAW

17 625 North First Street #1

18 San Jose, California 95112

19

20 ALICIA JOHNSON, ESQ.

21 JOHNSON LAW PRACTICE, PLLC

22 611 Sierra Rose Dr,

23 Reno, Nevada 89511

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INDEX

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Mr. Bush	Page 5	
(BY Mr. Wicker)		

EXHIBITS

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1 Q: Okay. Now, when was the Monaco show? Just the  
2 year is good enough.

3 A: Yeah, last year, June or July.

4 Q: 2015?

5 A: '15, right.

6 Q: Okay. And when did you borrow on B2 and Q2?

7 A: I don't remember if it was before or after the  
8 show.

9 Q: And that's the \$500,000 loan that Mr. McGowan is  
10 involved in?

11 A: Yes.

12 Q: What are the terms of that transaction?

13 A: 500,000 and then when sales are done, he's going  
14 to get three -- \$3 million back.

15 Q: McGowan?

16 A: Yeah.

17 Q: Do you know if he's acting for a client or is he  
18 acting for his own interest?

19 A: I'm told that transaction was on behalf of a  
20 client.

21 Q: And so you borrow 500,000 and did it come from Mr.  
22 McGowan's trust account?

23 A: Yes.

24 Q: And the deal is that when those paintings are  
25 sold, Mr. McGowan will get \$3 million?

1 A: Yeah. I was supposed to pay him back, you know,  
2 in a short time, but that didn't happen.

3 Q: Does he have right to foreclose on the paintings?

4 A: I would certainly think so.

5 Q: Is there -- in written agreement?

6 A: Yes.

7 Q: And do you have that?

8 A: Yes.

9 Q: What does the written agreement say as far as what  
10 happens if you don't pay back the \$500,000?

11 A: It's actually written up as a sale.

12 Q: Well, what gives you the right to -- to get them  
13 back?

14 A: What gives me the right to buy them back?

15 Q: Well as I understood it that you could sell them  
16 and he would get \$3 million, but you could still sell them, is  
17 that right?

18 A: Yes.

19 Q: Okay. Who owns them then?

20 A: Technically on paper, he owns them.

21 Q: McGowan.

22 A: It was done -- it was a done as a sale and buy  
23 back, not as a loan and a pay back.

24 Q: So, would it be accurate to say you have an option  
25 to buy them back?



1           A: Yeah. I'm -- I'm not using that word as freely  
2 now because of things that have happened in this. But from the  
3 layman's point of view, yeah.

4           Q: Let me just ask you, your understanding of the  
5 transaction is that if -- if you're able to sell the paintings,  
6 \$3 million of the sales price goes to Mr. McGowan?

7           A: Yeah. And it doesn't matter whether that money  
8 comes from those particular paintings.

9           Q: Okay.

10          A: Because there's -- there's also Michelangelo's,  
11 you know, involved. And wherever the money comes from it  
12 doesn't matter where money comes from.

13          Q: So, you could buy back the paintings for \$3  
14 million?

15          A: That's right. And -- and the Pietà. It's all in  
16 one transaction.

17          Q: Okay. Tell me about the transaction that you just  
18 described, would that involves the Pietà.

19          A: It's all three tied together.

20          Q: Okay. Are we talking about the transaction of Mr.  
21 McGowan?

22          A: Yes.

23          Q: Okay. And how is the Pietà involved in that?

24          A: It's just -- it's in the same document it was as  
25 the \$500,000 loan. And at that time, we were in the middle of

1 getting the authentication done on the paintings, negotiating  
2 with the foundation to buy Michelangelo pieces and it was a  
3 \$500,000 loan.

4 Q: So, what is the deal on the Pietà then?

5 A: Same thing. The 3 million gets all three pieces  
6 free and clear back.

7 Q: So, is it -- are you saying that you sold the two  
8 Jackson Pollock's B2 and Q2 and the Pietà to Mr. McGowan for  
9 \$500,000?

10 A: I'm saying that's what the document says, it's a  
11 loan.

12 Q: Okay. But the document would say that?

13 A: The document would say sale. Just like when I did  
14 hard money loans in real estate.

15 Q: Is that the Pietà that sits in the building in  
16 South Virginia?

17 A: Yes.

18 Q: What about Mr. Crystal's interest in that? How is  
19 that handled?

20 A: He has a -- he has 2.1 million coming from the  
21 sale. Plus now, he has, well -- I don't know what he has now,  
22 but the original deal was 2.1 million and 20% of the profit.

23 Q: And that was increased to 50% interest rate?

24 A: Umm, yes.

25 Q: And was that disclosed to Mr. McGowan that Mr.

1 Crystal has a 50% interest in the Pietà?

2 A: Hmm. No, I don't think I told Mr. McGowan what --  
3 I didn't tell him about Mr. Crystal's royalties or percentage  
4 ownerships anymore than I told him about other royalties that  
5 are coming from the pieces that I'm doing.

6 Q: Does the agreement with Mr. McGowan, does it, on  
7 its face appear to sell the entire interest of the Pietà to Mr.  
8 McGowan?

9 A: On its face, yes.

10 Q: Where are the two Jackson Pollock's paintings  
11 located now?

12 A: I don't know exactly where they are. I was back  
13 there three or four months ago and took samples to Geneva or to  
14 -- I don't remember if I took those samples to Zurich. No, to  
15 Geneva and I took the samples from Mr. Welborn's house.

16 Q: Okay. So, the last time you saw them at Mr.  
17 Welborn's house?

18 A: Yes.

19 Q: Do you have any indication that - its Mr. Welborn  
20 had paid the \$500,000 for the paintings and the Pietà?

21 A: I don't know. I -- I always can go by what they  
22 say and they say it's not Mr. Welborn.

23 Q: But Mr. Welborn had possession of them the last  
24 time you talk -- the last time you saw them?

25 A: He went and got them when I told them I needed to

1 take samples for testing. I said, where -- can we do it at the  
2 museum? Because I thought they were still at the museum? And  
3 he says, no, we can't cut things from them at the museum. And I  
4 said, "Well, where do you want me to meet you?" And he said,  
5 "Meet me at the ranch." So, I met him, I videoed it, you know,  
6 so there's a record of cutting off very tiny piece of paper off  
7 at each of this. That's the last time I saw them.

8 Q: When was that?

9 A: Three or four months ago.

10 Q: Do you have a copy of the video?

11 A: Yes.

12 Q: Have those pieces that you cut off been tested?

13 A: Yes.

14 Q: And do you have the test results?

15 A: Yes.

16 Q: What are the test results?

17 A: Well, really inconclusive on the paper and that  
18 really didn't show anything. I've also had fractals done, so I  
19 guess I need to say, not only did I take pieces, but I took high  
20 quality pictures for fractal analysis.

21 Q: And that's from the guy in the northwest that does  
22 fractals?

23 A: Yes.

24 Q: What's his name?

25 A: Professor Taylor.

No. W17-00281  
S. CRYSTAL

vs.

J. MCGOWEN  
PLT Ex. 6

Admitted: 5/17, 2017  
JACQUELINE BRYANT, CLERK

By adick  
Deputy

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Copy Bill of Sale Pieta #9 of 9

Seller: October 2008 SRW Limited Partnership, Burleson, TX

Buyer: Renaissance Masters, LLC, Reno, NV

**BILL OF SALE**

July 25, 2014

Seller: **OCTOBER 2008 SRW LIMITED PARTNERSHIP**  
11701 SOUTH FREEWAY, BURLESON, TX 76028

Buyer: **RENAISSANCE MASTERS, LLC**  
**RENO, NEVADA**

For shipment to Reno, Nevada. The resale number of **RENAISSANCE MASTERS, LLC** is: \_\_\_\_\_

**INFORMATION ON ITEM THAT WAS SOLD:**

1 PIECE OF ART WORK IN Bronze, original Michelangelo 9/9

For consideration of \$2,100,000. Paid by wire transfer to the Trust account of James P. McGowen, Trustee for the beneficiaries thereof.

I, THE UNDERSIGNED, HEREBY AFFIRM THAT I THE SELLER OF THE ITEM DESCRIBED HEREIN HAS THE AUTHORITY TO SELL AND TRANSFER THE PIETA 9/9 AND THAT THE INFORMATION PROVIDED IN THIS BILL OF SALE IS TRUE AND CORRECT. THE PIETA 9/9 IS SOLD FREE AND CLEAR OF DEBT WITH GOOD TITLE AND INTEREST TO **RENAISSANCE MASTERS, LLC**.

Delivery of funds and this Bill of Sale will allow **RENAISSANCE MASTERS, LLC** to pick up and load the Pieta 9/9 at the warehouse of Deer Creek Ranch, 11701 South Freeway, Burleson, TX.

**RENAISSANCE MASTERS, LLC** will have to furnish a forklift for the loading of the Pieta 9/9.

Signature of Seller: \_\_\_\_\_ July 25, 2014

Reginald L Davis, Officer of Kingsland Galleries, Inc. which is the Manager of October 2008 SRW Limited Partnership

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STEVEN B CRYSTAL



Primary Account-00  
For the Period 7/1/14 to 7/31/14

## Private Client Checking Plus

### Checking Account Summary

	Amount
Beginning Balance	191,940.54
Deposits & Credits	2,100,001.60
Payments & Transfers	(2,100,500.00)
Ending Balance	\$191,442.14

Annual Percentage Yield Earned This Period*	0.01%
Interest Paid This Period	\$1.60
Interest Paid Year-to-Date	\$10.16

\*Annual Percentage Yield Earned is an annualized rate that reflects the relationship between the amount of interest actually earned on the account during this statement period and the average daily balance in this account for the same period.

This message confirms that you have overdraft protection on your checking account.

### Deposits & Credits

Date	Description	Amount
07/25	Credit Memorandum Ref: New Loan Proceeds Trn: 0145748342Dm	2,100,000.00
07/31	Interest Payment	1.60
Total Deposits & Credits		\$2,100,001.60

### Payments & Transfers

Date	Description	Amount
07/18	Fidelity Moneyline 2Bj9Xxxx Qhrhk PPD ID: 3823540844	500.00
07/25	07/25 Fedwire Debit Via: Texas Capital Dal/111017979 A/C: McGowen And Fowler, Plo 2602 75204 Ref: Attn Kristany Harrod/Time/16:44 Imad: 0725B1Qgc04C012414 Trn: 1414500206Es	2,100,000.00
Total Payments & Transfers		(\$2,100,500.00)

J.P.Morgan

Page 3 of 8

APPX000345

12

**Chris Wicker**

---

**From:** Chris Wicker  
**Sent:** Thursday, September 22, 2016 12:50 PM  
**To:** James McGowen (jim@mcgowenfowler.com); James McGowen (JMoily@aol.com)  
**Subject:** FW: Crystal  
**Attachments:** Bill of Sale.pdf; 1325.pdf

Mr. McGowen,

Have you had an opportunity to review the attached documents? As you are aware, my client Steve Crystal, has possession of and claims to the Pieta. In addition, Mr. Crystal fully funded the purchase of the purported Jackson Pollack paintings, B2 and Q2, and had no idea that Mr. Bush entered into the attached agreement until it was referenced in Mr. Bush's deposition a few months ago.

Please let me know if you, as Trustee, had signed the agreement.

Thank you,  
Chris Wicker

W. Chris Wicker  
Woodburn and Wedge  
6100 Neil Road, Suite 500  
Reno, NV 89511  
(775) 688-3011  
Fax: (775) 688-3088

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**From:** Chris Wicker  
**Sent:** Monday, September 19, 2016 4:55 PM  
**To:** James McGowen (jim@mcgowenfowler.com) <jim@mcgowenfowler.com>; James McGowen (JMoily@aol.com) <JMoily@aol.com>  
**Subject:** FW: Crystal

Mr. McGowen,

We have spoken on a previous occasion about Mr. Bush. Attached is a Bill of Sale and Repurchase Agreement that was produced to us in our litigation with Ron Bush. Would you please advise me if that is your authentic signature as Trustee on the agreement? Can you tell us which trust you were acting for?

Also, we received this email that appears to come from you, but it uses a different email address than your law firm. Is that an active email address and is it the better one to use in matters concerning Ron Bush?

Thank you,  
Chris Wicker

W. Chris Wicker  
Woodburn and Wedge

6100 Neil Road, Suite 500  
Reno, NV 89511  
(775) 688-3011  
Fax: (775) 688-3088

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BILL OF SALE, RIGHT TO REPURCHASE AGREEMENT and IRREVOCABLE  
INSTRUCTIONS TO SELLER'S ATTORNEY FOR PAYMENT OF FUNDS

November 26, 2014

Seller: RON G. BUSH and/or Renaissance Masters, LLC, Classic Fine Art, LLC or affiliated companies  
5000 Smithridge Dr., Ste. D11-68, Reno, NV 89502

Buyer: JIM MCGOWEN, TRUSTEE, McGowen & Fowler, PLLC  
Dallas, Texas

Information On Items Sold:

1. #9 of 9 Bronze Casting of Michelangelo St. Peter Pista
2. 1 Painting credited to have been painted by Jackson Pollock, identified as #B2
3. 1 Painting credited to have been painted by Jackson Pollock, identified as #Q2

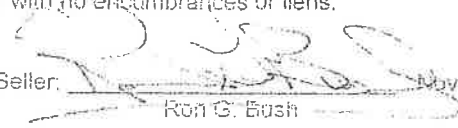
For consideration of \$500,000 to be paid by wire transfer to the below identified bank account for delivery to Ron Bush upon execution of this document on November 26, 2014:

Wells Fargo Bank  
Address: 4780 Caughlin Parkway, Reno, NV 89519  
Routing: 121000248  
To the Account of Ronnie Gene Bush, Acct. # [REDACTED] 88696

I, the undersigned Seller, Ron Bush on behalf of myself and Renaissance Masters, LLC, Classic Fine Art, LLC or affiliate companies, hereby sell the above described three pieces of art to Buyer, and affirm that I have the authority to sell and transfer the above three described pieces of art and that the information provided in this bill of sale is true and correct. The three pieces of art are sold free and clear of debt with good title and interest to the Buyer named above.

Buyer and Seller further agree that Buyer hereby gives Seller the irrevocable right to buy the three above-listed pieces of art back from the Buyer for the total sum of \$3,500,000 as long as Seller pays the full \$3,500,000 to Buyer to complete the buy-back of the three pieces of art immediately upon sale of any of the art or on or before March 1, 2015, whichever occurs first

Seller hereby acknowledges that the attached document is his irrevocable instruction to the law firm of Picone and Defilippis in San Jose, California, to pay Buyer the total sum of \$3,500,000 directly from that firm's escrow of the sale of up to six Jackson Pollock paintings that Seller is negotiating with a European buyer and expecting to close before the end of year 2014. This instruction is contingent upon Buyer wiring the above-described \$500,000 upon receipt of the executed Bill of Sale on, November 26, 2014. Buyer acknowledges that this \$3,500,000 payment will constitute full payment from Seller to buy back the 3 pieces of art described above free and clear with no encumbrances or liens.

Signature of Seller:  November 26, 2014  
Ron G. Bush

Signature of Buyer: \_\_\_\_\_ November 26, 2014  
Jim McGowen, Trustee




IRREVOCABLE INSTRUCTION TO PICONE & DEFILIPPIS LAW FIRM  
TO PAY FUNDS FROM ESCROW OF ART SALE

November 26, 2014

I, Ronnie Gene Bush hereby instruct Steve Defilippis, Picone & Defilippis, San Jose, CA, as follows:

1. I have been negotiating the sale of up to six Jackson Pollock paintings to a buyer referred to herein as "European Buyer."
2. Based on representations by Dr. Jorg Richardi of the German Law Firm Haver & Mailänder, Lenzhalde 83-85, 70192 Stuttgart, Germany, I believe the sale will close before the end of this year, 2014.
3. I have retained the services of the Law Offices of Picone & Defilippis to transact the legal documents and escrow of funds from the aforementioned anticipated sale of art.
4. I hereby give the irrevocable instructions to Steve Defilippis for disbursements from the funds received from the above described sale of art, immediately upon receipt of the funds from sale of the art, but before March 1, 2015, whichever occurs first.
  - a. \$7,500,000 to be paid to the party named as payee for money still owed on Jackson Pollock paintings, #C5, #C6, #C7, #E12.
  - b. Legal fees as agreed to the law firm of Picone & Defilippis.
  - c. \$3,500,000 to Jim McGowen, Trustee, McGowen & Fowler, PLLC.
  - d. If the sales price of the art sold is between \$25M to \$129M, I will direct 35% of those proceeds to be paid to Jim McGowen, TRUSTEE for the purchase of Michelangelo Bronzes.
  - e. If the sales price of the art sold is at least \$130,000,000 as expected, I will direct \$75M of those proceeds to be paid to Jim McGowen, TRUSTEE for the purchase of Michelangelo Bronzes.
5. I hereby acknowledge that Steve Defilippis' agreement to follow my instructions in no way serves as any guarantee that the above mentioned anticipated sale of art will actually happen. This instruction document is merely my instructions to Steve Defilippis in the event that the aforementioned sale of art is transacted and Defilippis agreeing to distribute the money.

  
Ron G. Bush

November 26, 2014

I Agree to Follow Mr. Bush's above Instructions:

\_\_\_\_\_  
Steve M. Defilippis

November 26, 2014

**From:** [JMoliv@aol.com](mailto:JMoliv@aol.com)  
**To:** [rgbush6@aol.com](mailto:rgbush6@aol.com)  
**Subject:** Letter of Authorization  
**Date:** Friday, November 28, 2014 2:16:37 PM

---

I, Jim McGowen, Trustee, hereby authorize Ron Bush, for the purpose of selling the below described items, to represent that he owns the Jackson Pollock paintings B2 and Q2 and the #9 of 9 Pieta through and until the expiration date of our "Sale and Repurchase Agreement."

No. CN17-00281  
S. CRYSTAL

vs.

J. MCGOWEN  
PLT Ex. 12

Admitted: 5/17, 20 17  
JACQUELINE BRYANT, CLERK

By ORICK  
Deputy

13



Second Judicial District Court  
State of Nevada  
Washoe County

Electronic Filing

## Case Summary for Case: CV16-00865

STEVEN B. CRYSTAL, ET AL VS RONALD BUSH, ET AL (D4)

<b>Case Number</b>	CV16-00865	<b>Plaintiff</b>	STEVEN B. CRYSTAL et al
<b>Case Type</b>	COMMERCIAL INSTRUMENT	<b>Defendant</b>	RENAISSANCE MASTERS, LLC et al
<b>Opened</b>	04-18-2016	<b>Judge</b>	HONORABLE CONNIE J. STEINHEIMER - Division D4
<b>Status</b>	PENDACTIVE		

Show/Hide Participants

File Date	Case History
	Notice of Electronic Filing
05-05-2017	Filed Proof of Electronic Service Transaction 6087966 - Approved By: NOREVIEW : 05-05-2017:16:32:06
	Opposition to Mtn
05-05-2017 Plaintiff	Filed by: WALTER CHRIS WICKER, ESQ. Opposition to Mtn ... OPPOSITION TO MOTION TO WAIVE THE REQUIREMENT OF AN EXPERT REPORT - Transaction 6087699 - Approved By: CSULEZIC : 05-05-2017:16:30:57 - Exhibit 1
	Notice of Electronic Filing
04-28-2017	Filed Proof of Electronic Service Transaction 6074200 - Approved By: NOREVIEW : 04-28-2017:09:02:51
	Request for Submission
04-28-2017 Plaintiff	Filed by: WALTER CHRIS WICKER, ESQ. Request for Submission Transaction 6074174 - Approved By: YVILORIA : 04-28-2017:09:02:06 DOCUMENT TITLE: PLTF'S SUPPLEMENTAL BRIEFING IN SUPPORT OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT FIELD 12-116 PARTY SUBMITTING: WALTER CHRIS WICKER ESQ DATE SUBMITTED: APRIL 28, 2017 SUBMITTED BY: YVILORIA DATE RECEIVED JUDGE OFFICE:
	Notice of Electronic Filing
04-19-2017	Filed Proof of Electronic Service Transaction 6059125 - Approved By: NOREVIEW : 04-19-2017:10:46:53
	Ord Granting Mtn
04-19-2017	Filed Ord Granting Mtn ... ORDER GRANTING EX PARTE MTOION TO EXCEED PAGE LIMIT FOR REPLY - Transaction 6059120 - Approved By: NOREVIEW : 04-19-2017:10:45:53
	Notice of Electronic Filing
04-19-2017	Filed Proof of Electronic Service Transaction 6059116 - Approved By: NOREVIEW : 04-19-2017:10:45:13
	Ord Granting Extension Time
04-19-2017	Filed Ord Granting Extension Time ORDER RE: ADDJTIONAL EXTENSION FOR PLAINTIFFS TO REPLY TO SUPPLEMENTAL OPPOSITION TO MTN FOR PARTIAL SUMMARY JUDGMENT AND TO ALLOW DFTS TO FILE SUPPLEMENTAL DEC... - Transaction 6059108 - Approved By: NOREVIEW : 04-19-2017:10:44:12
	Notice of Electronic Filing
04-19-2017	Filed Proof of Electronic Service Transaction 6058705 - Approved By: NOREVIEW : 04-19-2017:09:03:21
	Reply to/in Opposition
	Filed by: WALTER CHRIS WICKER, ESQ. Reply to/in Opposition SUPPLEMENTAL REPLY TO SUPPLEMENTAL OPPOSITION TO MOTION FOR PARTIAL SUMMARY JUDGMENT - DFX: EXHIBITS SHOULD BE NUMERICAL - SUBEXHIBITS SHOULD BE IN THE SAME SCAN AS THEIR MAIN EXHIBIT Transaction 6058504 - Approved By: PMSEWELL : 04-19-2017:09:01:55
04-18-2017 Plaintiff	- Exhibit 1 - Exhibit 2 - Exhibit 3 - Exhibit 4 - Exhibit 5 - Exhibit 6 - Exhibit 7 - Exhibit 8 - Exhibit 9 - Exhibit 10 - Exhibit 11 - Exhibit 12 - Exhibit 13 - Exhibit 14

- Exhibit 15
- Exhibit 16
- Exhibit 17
- Exhibit 18
- Exhibit 19
- Exhibit 20
- Exhibit 21
- Exhibit 22
- Exhibit 23
- Exhibit 24
- Exhibit 25
- Exhibit 26
- Exhibit 27
- Exhibit 28
- Exhibit 29
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- Exhibit 31
- Exhibit 32
- Exhibit 33
- Exhibit 34
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- Exhibit 40
- Exhibit 41
- Exhibit 42
- Exhibit 43
- Exhibit 44
- Exhibit 45
- Exhibit 46
- Exhibit 47
- Exhibit 48
- Exhibit 49
- Exhibit 50
- Exhibit 51

	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 6058417 - Approved By: NOREVIEW : 04-18-2017:16:55:43</p>
04-18-2017	
	<p>Mtn for Extension of Time</p> <p>Filed by: ALICIA G. JOHNSON, ESQ.</p> <p>Mtn for Extension of Time to Disclose Expert Witness and Motion to Waive Requirement of Report - Transaction 6058390 - Approved By: YVILORIA : 04-18-2017:16:54:33</p>
04-18-2017	Defendant
	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 6058195 - Approved By: NOREVIEW : 04-18-2017:16:18:39</p>
04-18-2017	
	<p>Disclosure of Expert Witness</p> <p>Filed by: ALICIA G. JOHNSON, ESQ.</p> <p>Disclosure of Expert Witness DEFENDANTS - Transaction 6058126 - Approved By: CSULEZIC : 04-18-2017:16:17:39</p> <ul style="list-style-type: none"> <li>- Exhibit 1</li> <li>- Exhibit 2</li> </ul>
04-18-2017	Defendant
	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 6055963 - Approved By: NOREVIEW : 04-18-2017:08:05:13</p>
04-18-2017	
	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 6055791 - Approved By: NOREVIEW : 04-17-2017:16:55:38</p>
04-17-2017	
	<p>Ex-Parte Mtn</p> <p>Filed by: WALTER CHRIS WICKER, ESQ.</p> <p>Ex-Parte Mtn... EX PARTE MOTION TO EXCEED PAGE LIMIT FOR REPLY - Transaction 6055752 - Approved By: YVILORIA : 04-18-2017:08:04:00</p>
04-17-2017	Plaintiff
	<p>Disclosure of Expert Witness</p> <p>Filed by: WALTER CHRIS WICKER, ESQ.</p> <p>Disclosure of Expert Witness Transaction 6055672 - Approved By: PMSEWELL : 04-17-2017:16:54:40</p> <ul style="list-style-type: none"> <li>- Exhibit 1</li> <li>- Exhibit 2</li> </ul>
04-17-2017	Plaintiff
	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 6054963 - Approved By: NOREVIEW : 04-17-2017:14:36:57</p>
04-17-2017	

04-17-2017 Defendant	<p>Declaration          Filed by: ALICIA G. JOHNSON, ESQ.          Declaration Declaration of Ronnie G. Bush in Support of Evidence Refuting Plaintiff's "Alter Ego" Theory - Transaction 6054846 - Approved By: CSULEZIC : 04-17-2017:14:35:38          - Exhibit 1          - Exhibit 2</p>
04-14-2017	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 6053178 - Approved By: NOREVIEW : 04-14-2017:16:24:57</p>
04-14-2017 Plaintiff	<p>Stipulation          Filed by: WALTER CHRIS WICKER, ESQ.          Stipulation ... FOR ADDITIONAL EXTENSION OF DATE FOR PLAINTIFFS TO REPLY TO SUPPLEMENTAL OPPOSITION TO MOTION FOR PARTIAL SUMMARY JUDGMENT AND TO ALLOW DEFENDANTS TO FILE SUPPLEMENTAL DECLARATION OF RONALD BUSH IN SU - Transaction 6053153 - Approved By: YVILORIA : 04-14-2017:16:24:03</p>
04-13-2017	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 6051113 - Approved By: NOREVIEW : 04-13-2017:16:29:56</p>
04-13-2017	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 6051111 - Approved By: NOREVIEW : 04-13-2017:16:29:48</p>
04-13-2017	<p>***Minutes          Filed          ***Minutes 04-13-2017 DISCOVERY DISPUTE - CONTINUED HEARING - Transaction 6051105 - Approved By: NOREVIEW : 04-13-2017:16:29:00</p>
04-13-2017	<p>***Minutes          Filed          ***Minutes 3-14-2107 DISCOVERY DISPUTE - Transaction 6051100 - Approved By: NOREVIEW : 04-13-2017:16:28:51</p>
04-13-2017	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 6048909 - Approved By: NOREVIEW : 04-13-2017:09:08:27</p>
04-13-2017	<p>Scheduling Order          Filed          Scheduling Order FIRST AMENDED SCHEDULING PRE-TRIAL ORDER - Transaction 6048897 - Approved By: NOREVIEW : 04-13-2017:09:07:25</p>
04-13-2017	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 6048872 - Approved By: NOREVIEW : 04-13-2017:09:04:02</p>
04-13-2017	<p>Ord Granting Continuance          Filed          Ord Granting Continuance ORDER RE: EXTENDING DATE TO REPLY TO SUPPLEMENTAL OPPOSITION TO MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 6048866 - Approved By: NOREVIEW : 04-13-2017:09:03:02</p>
04-07-2017	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 6041081 - Approved By: NOREVIEW : 04-07-2017:15:37:44</p>
04-07-2017 Plaintiff	<p>Stip Extension of Time          Filed by: WALTER CHRIS WICKER, ESQ.          Stip Extension of Time ... STIPULATION TO EXTEND DATE TO REPLY TO SUPPLEMENTAL OPPOSITION TO MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 6041058 - Approved By: YVILORIA : 04-07-2017:15:36:42</p>
03-29-2017	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 6023928 - Approved By: NOREVIEW : 03-29-2017:15:57:39</p>
03-29-2017	<p>Ord Granting          Filed          Ord Granting ... ORDER RE: TRANSFER OF COLLATERAL FROM 2195 SO. VIRGINIA TO 2225 MARKET STREET AND TO REMOVE PERSONAL ITEMS - Transaction 6023921 - Approved By: NOREVIEW : 03-29-2017:15:56:36</p>
03-29-2017	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 6023551 - Approved By: NOREVIEW : 03-29-2017:14:39:32</p>
03-29-2017 Plaintiff	<p>Stipulation          Filed by: WALTER CHRIS WICKER, ESQ.          Stipulation ... TO EXTEND EXPERT DISCLOSURE DATES - Transaction 6023456 - Approved By: PMSEWELL : 03-29-2017:14:38:12</p>

	Notice of Electronic Filing
03-28-2017	Filed Proof of Electronic Service Transaction 6021199 - Approved By: NOREVIEW : 03-28-2017:14:27:12
	Stipulation
03-28-2017 Plaintiff	Filed by: WALTER CHRIS WICKER, ESQ. Stipulation ... STIPULATION TO TRANSFER COLLATERAL FROM 2195 SO. VIRGINIA TO 2225 MARKET STREET AND TO REMOVE PERSONAL ITEMS - Transaction 6021051 - Approved By: CSULEZIC : 03-28-2017:14:25:36
	Notice of Electronic Filing
03-22-2017	Filed Proof of Electronic Service Transaction 6011292 - Approved By: NOREVIEW : 03-22-2017:08:21:40
	Notice of Electronic Filing
03-22-2017	Filed Proof of Electronic Service Transaction 6011247 - Approved By: NOREVIEW : 03-22-2017:07:59:29
	Declaration
	Filed by: ALICIA G. JOHNSON, ESQ. Declaration DECLARATION OF STEVE M. DEFILIPPIS IN SUPPORT OF SUPPLEMENTAL OPPOSITION TO MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 6011187 - Approved By: YVILORIA : 03-22-2017:07:58:31
03-21-2017 Defendant	<ul style="list-style-type: none"> <li>- Exhibit 1</li> <li>- Exhibit 2</li> <li>- Exhibit 3</li> <li>- Exhibit 4</li> <li>- Exhibit 5</li> <li>- Exhibit 6</li> <li>- Exhibit 7</li> <li>- Exhibit 8</li> <li>- Exhibit 9</li> <li>- Exhibit 10</li> <li>- Exhibit 11</li> <li>- Exhibit 12</li> </ul>
	Declaration
03-21-2017 Defendant	Filed by: ALICIA G. JOHNSON, ESQ. Declaration DECLARATION OF RONALD BUSH IN SUPPORT OF SUPPLEMENTAL OPPOSITION TO MOTION FOR PARTIAL FOR SUMMARY JUDGMENT - Transaction 6011056 - Approved By: CSULEZIC : 03-22-2017:08:20:34
	<ul style="list-style-type: none"> <li>- Exhibit 1</li> <li>- Exhibit 2</li> </ul>
	Declaration
03-21-2017 Defendant	Filed by: ALICIA G. JOHNSON, ESQ. Declaration DECLARATION OF VIRGIL HOBBS IN SUPPORT OF SUPPLEMENTAL OPPOSITION TO MOTION FOR PARTIAL FOR SUMMARY JUDGMENT - Transaction 6011056 - Approved By: CSULEZIC : 03-22-2017:08:20:34
	Notice of Electronic Filing
03-21-2017	Filed Proof of Electronic Service Transaction 6010895 - Approved By: NOREVIEW : 03-21-2017:16:12:43
	Opposition to Mtn
03-21-2017 Defendant	Filed by: ALICIA G. JOHNSON, ESQ. Opposition to Mtn ... Supplemental Opposition to Motion for Summary Judgment - Transaction 6010815 - Approved By: CSULEZIC : 03-21-2017:16:09:00
	Notice of Electronic Filing
02-27-2017	Filed Proof of Electronic Service Transaction 5969559 - Approved By: NOREVIEW : 02-27-2017:15:22:33
	***Minutes
02-27-2017	Filed ***Minutes MOTION FOR PARTIAL SUMMARY JUDGMENT - 1/3/17 - Transaction 5969552 - Approved By: NOREVIEW : 02-27-2017:15:21:18
	Notice of Electronic Filing
02-27-2017	Filed Proof of Electronic Service Transaction 5968771 - Approved By: NOREVIEW : 02-27-2017:12:10:56
	***Minutes
02-27-2017	Filed ***Minutes STATUS CONFERENCE (PARTIAL TELEPHONIC) - 12/7/16 - Transaction 5968756 - Approved By: NOREVIEW : 02-27-2017:12:09:09
	Notice of Electronic Filing
02-23-2017	Filed Proof of Electronic Service Transaction 5965036 - Approved By: NOREVIEW : 02-23-2017:16:41:41



02-23-2017 Plaintiff	<p>Notice</p> <p>Filed by: WALTER CHRIS WICKER, ESQ.</p> <p>Notice ... NOTICE OF SERVING SUBPOENAS DUCES TECUM - Transaction 5964764 - Approved By: CSULEZIC ; 02-23-2017:16:37:41</p> <ul style="list-style-type: none"> <li>- Exhibit 1</li> <li>- Exhibit 2</li> <li>- Exhibit 3</li> <li>- Exhibit 4</li> <li>- Exhibit 5</li> <li>- Exhibit 6</li> <li>- Exhibit 7</li> <li>- Exhibit 8</li> <li>- Exhibit 9</li> <li>- Exhibit 10</li> <li>- Exhibit 11</li> <li>- Exhibit 12</li> </ul>
02-13-2017	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5949036 - Approved By: NOREVIEW ; 02-13-2017:16:07:48</p>
02-13-2017	<p>Comm/Take Out/State Depo</p> <p>Filed</p> <p>Comm/Take Out/State Depo Transaction 5949017 - Approved By: BBLOUGH ; 02-13-2017:16:06:45</p>
02-13-2017	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5948138 - Approved By: NOREVIEW ; 02-13-2017:13:22:14</p>
02-13-2017	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5948132 - Approved By: NOREVIEW ; 02-13-2017:13:20:44</p>
02-13-2017 Plaintiff	<p>Application</p> <p>Filed by: WALTER CHRIS WICKER, ESQ.</p> <p>Application ... APPLICATION FOR ISSUANCE OF COMMISSION TO TAKE THE OUT-OF-STATE DEPOSITION OF VIRGIL HOBBS - Transaction 5948123 - Approved By: CSULEZIC ; 02-13-2017:13:19:57</p>
02-13-2017 Plaintiff	<p>Notice</p> <p>Filed by: WALTER CHRIS WICKER, ESQ.</p> <p>Notice ... AMENDED NOTICE OF DEPOSITION PURSUANT TO SUBPOENA DUCES TECUM OF VIRGIL HOBBS - Transaction 5948118 - Approved By: TBRITTON ; 02-13-2017:13:21:21</p> <ul style="list-style-type: none"> <li>- Exhibit A</li> <li>- Exhibit B</li> </ul>
01-17-2017	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5901037 - Approved By: NOREVIEW ; 01-17-2017:16:10:52</p>
01-17-2017	<p>Ord Granting Mtn</p> <p>Filed</p> <p>Ord Granting Mtn ... ORDER - GRANTING BUSH PARTIES' MOTION IN SUPPORT OF REQUEST FOR DISCOVERY CONTINUANCE UNDER NRCP 56; DECISION ON PARTIAL MOTION FOR SUMMARY JUDGMENT IN ABEYANCE PENDING ADD'L DISCOVERY - Transaction 5901025 - Approved By: NOREVIEW ; 01-17-2017:16:09:43</p>
01-12-2017	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5894794 - Approved By: NOREVIEW ; 01-12-2017:11:06:46</p>
01-12-2017 Defendant	<p>Notice</p> <p>Filed by: ALICIA G. JOHNSON, ESQ.</p> <p>Notice ... NOTICE OF UNAVAILABILITY OF COUNSEL - Transaction 5894692 - Approved By: YVILORIA ; 01-12-2017:11:05:48</p>
01-10-2017	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5891258 - Approved By: NOREVIEW ; 01-10-2017:16:08:54</p>
01-10-2017	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5890912 - Approved By: NOREVIEW ; 01-10-2017:14:51:22</p>
01-10-2017	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5890909 - Approved By: NOREVIEW ; 01-10-2017:14:50:43</p>
01-10-2017	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5890899 - Approved By: NOREVIEW ; 01-10-2017:14:49:21</p>

01-10-2017 Defendant	Subpoena Duces Tecum Filed by: STEVE M. DEFILIPPIS, ESQ. Subpoena Duces Tecum Scott McCallum - Transaction 5890851 - Approved By: YVILORIA : 01-10-2017:16:08:03
01-10-2017	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5890770 - Approved By: NOREVIEW : 01-10-2017:14:32:28
01-10-2017 Defendant	Supplemental ... Filed by: STEVE M. DEFILIPPIS, ESQ. Supplemental ... SUPPLEMENTAL BRIEF RE MOTION FOR RULE 56(f) CONTINUANCE - Transaction 5890365 - Approved By: MPURDY : 01-10-2017:14:30:29 - Exhibit 1
01-10-2017 Plaintiff	Declaration Filed by: WALTER CHRIS WICKER, ESQ. Declaration DECLARATION OF STEPHEN WARNER IN SUPPORT OF OPPOSITION TO SUPPLEMENTAL BRIEF RE MOTION FOR RULE 56(F) CONTINUANCE - Transaction 5890224 - Approved By: YVILORIA : 01-10-2017:14:50:11
01-10-2017 Plaintiff	Declaration Filed by: WALTER CHRIS WICKER, ESQ. Declaration DECLARATION OF W. CHRIS WICKER IN SUPPORT OF OPPOSITION TO SUPPLEMENTAL BRIEF RE MOTION FOR RULE 56(F) CONTINUANCE - Transaction 5890223 - Approved By: YVILORIA : 01-10-2017:14:49:41 - Exhibit 1
01-10-2017 Plaintiff	Opposition to Filed by: WALTER CHRIS WICKER, ESQ. Opposition to ... OPPOSITION TO SUPPLEMENTAL BRIEF RE MOTION FOR RULE 56(f) CONTINUANCE - Transaction 5890221 - Approved By: YVILORIA : 01-10-2017:14:48:26
01-06-2017	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5888128 - Approved By: NOREVIEW : 01-06-2017:13:59:23
01-06-2017 Defendant	Supplemental ... Filed by: STEVE M. DEFILIPPIS, ESQ. Supplemental ... SUPPLEMENTAL BRIEF RE MOTION FOR RULE 56(f) CONTINUANCE - Transaction 5888009 - Approved By: TBRITTON : 01-06-2017:13:58:24
12-30-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5879113 - Approved By: NOREVIEW : 12-30-2016:13:02:41
12-30-2016 Plaintiff	Opposition to Mtn Filed by: WALTER CHRIS WICKER, ESQ. Opposition to Mtn ... OPPOSITION TO MOTION TO STRIKE REPLY AND OBJECTION TO REQUEST FOR SUBMISSION - Transaction 5879088 - Approved By: TBRITTON : 12-30-2016:13:01:47
12-28-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5874745 - Approved By: NOREVIEW : 12-28-2016:13:50:14
12-28-2016 Defendant	Motion Filed by: ALICIA G. JOHNSON, ESQ. Motion ... MOTION TO STRIKE REPLY AND OBJECTION TO REQUEST FOR SUBMISSION - Transaction 5874634 - Approved By: YVILORIA : 12-28-2016:13:48:54
12-27-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5872881 - Approved By: NOREVIEW : 12-27-2016:15:03:13
12-27-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5872865 - Approved By: NOREVIEW : 12-27-2016:15:01:43
12-27-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5872832 - Approved By: NOREVIEW : 12-27-2016:14:57:23
12-27-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5872806 - Approved By: NOREVIEW : 12-27-2016:14:55:44
12-27-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5872801 - Approved By: NOREVIEW : 12-27-2016:14:53:12

12-27-2016 Plaintiff	<p>Request for Submission          Filed by: WALTER CHRIS WICKER, ESQ.          Request for Submission MOTION FOR PARTIAL SUMMARY JUDGMENT FILED 12/01/16 - Transaction 5872702 - Approved By: CSULEZIC : 12-27-2016:15:02:16 PARTY SUBMITTING: WALTER WICKER, ESQ DATE SUBMITTED: 12/27/16 SUBMITTED BY: CS DATE RECEIVED JUDGE OFFICE:</p>
12-27-2016 Plaintiff	<p>Response          Filed by: WALTER CHRIS WICKER, ESQ.          Response... PLAINTIFF/COUNTERDEFENDANT/3DEF/3RD PARTY COUNTERCLAIMANTS' RESPONSES TO DEFTS/COUNTERCLAIMANTS/3RD PARTY PLTF/3RD PARTY COUNTERDEFENDANTS' OBJECTIONS TO EVIDENCE IN SUPPORT OF THEIR OPPOSITION TO PLTF/COUNTERDEFENDANT/3RD PARTY DEF/3RD PARTY COUNTERCLAIMANTS MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 5872701 - Approved By: CSULEZIC : 12-27-2016:15:00:41</p>
12-27-2016 Plaintiff	<p>Declaration          Filed by: WALTER CHRIS WICKER, ESQ.          Declaration DECLARATION OF MIKE SACKRISON IN SUPPORT OF PLAINTIFF/COUNTERDEFENDANT/THIRD PARTY DEFENDANT/THIRD PARTY COUNTERCLAIMANTS REPLY TO MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 5872700 - Approved By: CSULEZIC : 12-27-2016:14:56:25</p> <ul style="list-style-type: none"> <li>- Exhibit 1</li> <li>- Exhibit 2</li> <li>- Exhibit 3</li> <li>- Exhibit 4</li> <li>- Exhibit 5</li> <li>- Exhibit 6</li> <li>- Exhibit 7</li> <li>- Exhibit 8</li> <li>- Exhibit 9</li> <li>- Exhibit 10</li> </ul>
12-27-2016 Plaintiff	<p>Declaration          Filed by: WALTER CHRIS WICKER, ESQ.          Declaration DECLARATION OF MICHELLE SALAZAR - Transaction 5872697 - Approved By: YVILORIA : 12-27-2016:14:53:03</p>
12-27-2016 Plaintiff	<p>Reply          Filed by: WALTER CHRIS WICKER, ESQ.          Reply... PLAINTIFF/COUNTERDEFENDANT/THIRD PARTY DEFENDANT/THIRD PARTY COUNTERCLAIMANTS REPLY TO MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 5872695 - Approved By: YVILORIA : 12-27-2016:14:52:11</p>
12-27-2016	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 5872545 - Approved By: NOREVIEW : 12-27-2016:14:02:06</p>
12-27-2016 Defendant	<p>Request for Submission          Filed by: ALICIA G. JOHNSON, ESQ.          Request for Submission MOTION FOR DISCOVERY CONTINUANCE UNDER NRCP 56(f) FILED 12/15/16 - Transaction 5872480 - Approved By: CSULEZIC : 12-27-2016:14:01:10 PARTY SUBMITTING: ALICIA JOHNSON ESQ DATE SUBMITTED: 12/27/16 SUBMITTED BY: CS DATE RECEIVED JUDGE OFFICE: DOCUMENT TITLE: PARTY SUBMITTING: DATE SUBMITTED: SUBMITTED BY: DATE RECEIVED JUDGE OFFICE:</p>
12-27-2016	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 5872479 - Approved By: NOREVIEW : 12-27-2016:13:40:34</p>
12-27-2016	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 5872451 - Approved By: NOREVIEW : 12-27-2016:13:30:26</p>
12-27-2016 Defendant	<p>Declaration          Filed by: ALICIA G. JOHNSON, ESQ.          Declaration Supplemental Declaration of Steve M. Defilippis in Support of Reply to Opposition to Motion for Discovery Continuance - Transaction 5872424 - Approved By: YVILORIA : 12-27-2016:13:37:53</p> <ul style="list-style-type: none"> <li>- Exhibit 1</li> </ul>
12-27-2016 Defendant	<p>Reply to/in Opposition          Filed by: ALICIA G. JOHNSON, ESQ.          Reply to/in Opposition Reply to Opposition to Motion for Discovery Continuance Under NRCP 56(f) - Transaction 5872416 - Approved By: YVILORIA : 12-27-2016:13:29:21</p>
12-22-2016	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 5867910 - Approved By: NOREVIEW : 12-22-2016:10:49:56</p>
12-22-2016	<p>Ord Granting Mtn          Filed          Ord Granting Mtn ... ORDER GRANTING PLAINTIFFS/COUNTERDEFENDANT/THIRD PARTY DEFENDANT THIRD PARTY COUNTERCLAIMANTS' EX PARTE MOTION TO EXCEED PAGE LIMIT FOR REPLY TO MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 5867903 - Approved By: NOREVIEW : 12-22-2016:10:48:50</p>

12-21-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5866745 - Approved By: NOREVIEW : 12-21-2016:15:23:03</p>
12-21-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5866742 - Approved By: NOREVIEW : 12-21-2016:15:22:14</p>
12-21-2016 Plaintiff	<p>Request for Submission Filed by: WALTER CHRIS WICKER, ESQ. Request for Submission EX PARTE MOTION TO EXCEED PAGE LIMIT FOR REPLY TO MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 5866699 - Approved By: AAUSTIN : 12-21-2016:15:21:22</p>
12-21-2016 Plaintiff	<p>Ex-Parte Mtn Filed by: WALTER CHRIS WICKER, ESQ. Ex-Parte Mtn... EX PARTE MOTION TO EXCEED PAGE LIMIT FOR REPLY TO MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 5866697 - Approved By: AAUSTIN : 12-21-2016:15:22:20</p>
12-20-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5864367 - Approved By: NOREVIEW : 12-20-2016:15:38:53</p>
12-20-2016	<p>Ord Granting Mtn Filed Ord Granting Mtn ... ORDER GRANTING DEFENDANTS' EX PARTE MOTION TO EXCEED PAGE LIMIT FOR MOTION - Transaction 5864362 - Approved By: NOREVIEW : 12-20-2016:15:37:53</p>
12-19-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5862330 - Approved By: NOREVIEW : 12-19-2016:16:53:39</p>
12-19-2016 Plaintiff	<p>Opposition to Mtn Filed by: WALTER CHRIS WICKER, ESQ. Opposition to Mtn ... OPPOSITION TO MOTION FOR DISCOVERY CONTINUANCE UNDER NRCP 56(f) - Transaction 5861725 - Approved By: PMSEWELL : 12-19-2016:16:52:45 - Exhibit 1</p>
12-19-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5861103 - Approved By: NOREVIEW : 12-19-2016:12:22:46</p>
12-19-2016 Defendant	<p>Request for Submission Filed by: ALICIA G. JOHNSON, ESQ. Request for Submission - Transaction 5861039 - Approved By: PMSEWELL : 12-19-2016:12:21:53 DOCUMENT TITLE: EX PARTE MOTION TO EXCEED PAGE LIMIT FOR MOTION (NO ORDER PROVIDED) PARTY SUBMITTING: ALICIA JOHNSON, ESQ. DATE SUBMITTED: DECEMBER 19, 2016 SUBMITTED BY: PMSEWELL DATE RECEIVED JUDGE OFFICE:</p>
12-19-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5860279 - Approved By: NOREVIEW : 12-19-2016:09:24:14</p>
12-16-2016 Defendant	<p>Motion Filed by: ALICIA G. JOHNSON, ESQ. Motion ... EX PARTE MOTION TO EXCEED PAGE LIMIT FOR MOTION - Transaction 5859796 - Approved By: TBRITTON : 12-19-2016:09:23:15</p>
12-16-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5859340 - Approved By: NOREVIEW : 12-16-2016:14:10:00</p>
12-16-2016 Defendant	<p>Objection to Filed by: ALICIA G. JOHNSON, ESQ. Objection to ... EVIDENCE IN SUPPORT OF OPPOSITION TO MOTION FOR SUMMARY JUDGMENT - Transaction 5859289 - Approved By: PMSEWELL : 12-16-2016:14:09:02</p>
12-16-2016 Defendant	<p>Opposition to Mtn Filed by: ALICIA G. JOHNSON, ESQ. Opposition to Mtn ... DEFENDANTS' OPPOSITION TO MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 5859289 - Approved By: PMSEWELL : 12-16-2016:14:09:02 - Exhibit 1</p>
12-16-2016 Defendant	<p>Declaration Filed by: ALICIA G. JOHNSON, ESQ. Declaration OF RONALD G. BUSH IN SUPPORT OF OPPOSITION TO MOTION FOR SUMMARY JUDGMENT - Transaction 5859289 - Approved By: PMSEWELL : 12-16-2016:14:09:02 - Exhibit 1</p>

12-16-2016 Defendant	<p>Declaration Filed by: ALICIA G. JOHNSON, ESQ. Declaration OF MICHELLE SALAZAR IN SUPPORT OF OPPOSITION TO MOTION FOR SUMMARY JUDGMENT - Transaction 5859289 - Approved By: PMSEWELL : 12-16-2016:14:09:02</p>
12-16-2016 Defendant	<p>Declaration Filed by: ALICIA G. JOHNSON, ESQ. Declaration OF SCOTT McCALLUM IN SUPPORT OF OPPOSITION OF MOTION FOR SUMMARY JUDGMENT - Transaction 5859289 - Approved By: PMSEWELL : 12-16-2016:14:09:02</p>
12-15-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5857315 - Approved By: NOREVIEW : 12-15-2016:16:20:13</p>
12-15-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5857293 - Approved By: NOREVIEW : 12-15-2016:16:17:53</p>
12-15-2016 Defendant	<p>Declaration Filed by: ALICIA G. JOHNSON, ESQ. Declaration DECLARATION OF STEVE M. DEFILIPPIS IN SUPPORT OF DEFENDANTS/COUNTERCLAIMANTS/THIRD PARTY PLAINTIFFS/ THIRD PARTY COUNTERDEFENDANTS MOTION FOR DISCOVERY CONTINUANCE UNDER NRCP 56 - Transaction 5857046 - Approved By: TBRITTON : 12-15-2016:16:16:30 - Exhibit 1 - Exhibit 2</p>
12-15-2016 Defendant	<p>Motion Filed by: ALICIA G. JOHNSON, ESQ. Motion ... DEFENDANTS/COUNTERCLAIMANTS/THIRD PARTY PLAINTIFFS/ THIRD PARTY COUNTERDEFENDANTS MOTION IN SUPPORT OF REQUEST FOR DISCOVERY CONTINUANCE UNDER NRCP 56 - Transaction 5857003 - Approved By: TBRITTON : 12-15-2016:16:14:43</p>
12-15-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5856481 - Approved By: NOREVIEW : 12-15-2016:13:44:54</p>
12-15-2016 Defendant	<p>Subpoena Duces Tecum Filed by: ALICIA G. JOHNSON, ESQ. Subpoena Duces Tecum MICHELLE SALAZAR SERVED ON 12/13/16 - Transaction 5856361 - Approved By: TBRITTON : 12-15-2016:13:42:23</p>
12-15-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5856267 - Approved By: NOREVIEW : 12-15-2016:12:28:12</p>
12-15-2016 Defendant	<p>Notice Filed by: ALICIA G. JOHNSON, ESQ. Notice ... NOTICE OF UNAVAILABILITY OF COUNSEL - Transaction 5856214 - Approved By: PMSEWELL : 12-15-2016:12:27:16</p>
12-12-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5849795 - Approved By: NOREVIEW : 12-12-2016:17:10:00</p>
12-12-2016	<p>Transcript Filed Transcript 12-7-16 STATUS CONFERENCE - Transaction 5849794 - Approved By: NOREVIEW : 12-12-2016:17:08:59 : this document can only be accessed at the court</p>
12-09-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5845918 - Approved By: NOREVIEW : 12-09-2016:12:22:35</p>
12-09-2016	<p>Ord Affirming Master Recommend Filed Ord Affirming Master Recommend ORDER CONFIRMING DISCOVERY COMMISSIONER'S NOVEMBER 30, 2016 RECOMMENDATION FOR ORDER AND DIRECTING WELLS FARGO BANK TO PRODUCE DOCUMENTS PURSUANT TO SUBPOENA REGARDING TYCHE ACQUISITIONS GROUP, INC. - Transaction 5845915 - Approved By: NOREVIEW : 12-09-2016:12:21:35</p>
12-09-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5845914 - Approved By: NOREVIEW : 12-09-2016:12:21:16</p>
12-09-2016	<p>Ord Affirming Master Recommend Filed Ord Affirming Master Recommend CONFIRMING ORDER - DECEMBER 2, 2016 DISCOVERY COMMISSIONER'S RECOMMENDATION FOR ORDER - Transaction 5845910 - Approved By: NOREVIEW : 12-09-2016:12:20:15</p>

12-07-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5842090 - Approved By: NOREVIEW : 12-07-2016:17:32:32</p> <p>Transcript Filed Transcript SEPTEMBER 26, 2016 HEARING RE: RECEIVER/CASE MANAGEMENT CONFERENCE - Transaction 5842084 - Approved By: NOREVIEW : 12-07-2016:17:31:31 : this document can only be accessed at the court</p>
12-02-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5833517 - Approved By: NOREVIEW : 12-02-2016:10:47:29</p>
12-02-2016	<p>Master's Recommendation/Ord Filed Master's Recommendation/Ord RECOMMENDATION FOR ORDER - Transaction 5833507 - Approved By: NOREVIEW : 12-02-2016:10:46:11</p>
12-01-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5831542 - Approved By: NOREVIEW : 12-01-2016:12:21:51</p>
12-01-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5831482 - Approved By: NOREVIEW : 12-01-2016:12:11:53</p>
12-01-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5831478 - Approved By: NOREVIEW : 12-01-2016:12:11:15</p>
12-01-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5831475 - Approved By: NOREVIEW : 12-01-2016:12:10:17</p>
12-01-2016 Plaintiff	<p>Dedclaration Filed by: WALTER CHRIS WICKER, ESQ. Dedclaration DECLARATION OF STEPHEN WARNER IN SUPPORT OF PLAINTIFF/COUNTERDEFENDANT/THIRD PARTY DEFENDANT/THIRD PARTY COUNTERCLAIMANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 5831361 - Approved By: PMSEWELL : 12-01-2016:12:10:23</p>
12-01-2016 Plaintiff	<p>Dedclaration Filed by: WALTER CHRIS WICKER, ESQ. Dedclaration DECLARATION OF STEVEN CRYSTAL IN SUPPORT OF PLAINTIFF/COUNTERDEFENDANT/THIRD PARTY DEFENDANT/THIRD PARTY COUNTERCLAIMANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 5831358 - Approved By: PMSEWELL : 12-01-2016:12:09:09</p>
12-01-2016 Plaintiff	<p>Dedclaration Filed by: WALTER CHRIS WICKER, ESQ. Dedclaration DECLARATION OF MIKE SACKRISON IN SUPPORT OF PLAINTIFF/COUNTERDEFENDANT/THIRD PARTY DEFENDANT/THIRD PARTY COUNTERCLAIMANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 5831347 - Approved By: PMSEWELL : 12-01-2016:12:11:04</p>
12-01-2016 Plaintiff	<p>Mtn for Summary Judgment Filed by: WALTER CHRIS WICKER, ESQ. \$Mtn for Summary Judgment PLAINTIFF/COUNTERDEFENDANT/THIRD PARTY DEFENDANT/THIRD PARTY COUNTERCLAIMANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 5831345 - Approved By: PMSEWELL : 12-01-2016:12:20:17</p> <ul style="list-style-type: none"> <li>- Exhibit 1</li> <li>- Exhibit 2</li> <li>- Exhibit 3</li> <li>- Exhibit 4</li> <li>- Exhibit 5</li> <li>- Exhibit 6</li> <li>- Exhibit 7</li> <li>- Exhibit 8</li> <li>- Exhibit 9</li> <li>- Exhibit 10</li> <li>- Exhibit 11</li> <li>- Exhibit 12</li> <li>- Exhibit 13</li> <li>- Exhibit 14</li> <li>- Exhibit 15</li> <li>- Exhibit 16</li> <li>- Exhibit 17</li> <li>- Exhibit 18</li> <li>- Exhibit 19</li> <li>- Exhibit 20</li> <li>- Exhibit 21</li> <li>- Exhibit 22</li> </ul>

		<ul style="list-style-type: none"> <li>- Exhibit 23</li> <li>- Exhibit 24</li> <li>- Exhibit 25</li> <li>- Exhibit 26</li> <li>- Exhibit 27</li> <li>- Exhibit 28</li> <li>- Exhibit 29</li> <li>- Exhibit 30</li> <li>- Exhibit 31</li> <li>- Exhibit 32</li> <li>- Exhibit 33</li> <li>- Exhibit 34</li> <li>- Exhibit 35</li> <li>- Exhibit 36</li> </ul>
11-30-2016		Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5829583 - Approved By: NOREVIEW : 11-30-2016:15:32:51
11-30-2016		Master's Recommendation/Ord Filed Master's Recommendation/Ord RECOMMENDATION FOR ORDER - Transaction 5829578 - Approved By: NOREVIEW : 11-30-2016:15:32:01
11-29-2016		Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5825771 - Approved By: NOREVIEW : 11-29-2016:10:54:39
11-29-2016		Ord Granting Mtn Filed Ord Granting Mtn ... ORDER GRANTING PLAINTIFF/COUNTERDEFENDANT/THIRD PARTY DEFENDANT/THIRD PARTY COUNTERCLAIMANTS' EX PARTE MOTION TO EXCEED PAGE LIMIT FOR MOTION - Transaction 5825768 - Approved By: NOREVIEW : 11-29-2016:10:53:37
11-23-2016		Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5821210 - Approved By: NOREVIEW : 11-23-2016:10:51:45
11-23-2016		Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5821207 - Approved By: NOREVIEW : 11-23-2016:10:51:06
11-23-2016 Plaintiff		Request for Submission Filed by: WALTER CHRIS WICKER, ESQ. Request for Submission EX PARTE MOTION TO EXCEED PAGE LIMIT FOR MOTION - Transaction 5821076 - Approved By: CSULEZIC : 11-23-2016:10:50:43 PARTY SUBMITTING: WALTER WICKER, ESQ DATE SUBMITTED: 11/23/16 SUBMITTED BY: CS DATE RECEIVED JUDGE OFFICE:
11-23-2016 Plaintiff		Ex-Parte Mtn Filed by: WALTER CHRIS WICKER, ESQ. Ex-Parte Mtn... EX PARTE MOTION TO EXCEED PAGE LIMIT FOR MOTION - Transaction 5821074 - Approved By: CSULEZIC : 11-23-2016:10:50:00
11-15-2016		Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5805682 - Approved By: NOREVIEW : 11-15-2016:08:12:53
11-14-2016		Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5805219 - Approved By: NOREVIEW : 11-14-2016:15:37:55
11-14-2016		Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5805217 - Approved By: NOREVIEW : 11-14-2016:15:37:04
11-14-2016 Defendant		Request for Submission Filed by: ALICIA G. JOHNSON, ESQ. Request for Submission Transaction 5804899 - Approved By: RKWATKIN : 11-15-2016:08:11:53 DOCUMENT TITLE: MOTION FOR SANCTIONS (ORDER ATTACHED) PARTY SUBMITTING: STEVE DEFILIPPIS DATE SUBMITTED: 11/15/16 SUBMITTED BY: RKWATKIN DATE RECEIVED JUDGE OFFICE: <ul style="list-style-type: none"> <li>- Exhibit 1</li> </ul>
11-14-2016 Plaintiff		Notice Filed by: WALTER CHRIS WICKER, ESQ. Notice ... NOTICE OF FILING SUBPOENAS DUCES TECUM - Transaction 5804545 - Approved By: CSULEZIC : 11-14-2016:15:36:52 <ul style="list-style-type: none"> <li>- Exhibit 1</li> <li>- Exhibit 2</li> </ul>

11-14-2016 Defendant	<p>Reply to/in Opposition          Filed by: ALICIA G. JOHNSON, ESQ.          Reply to/in Opposition REPLY TO OPPOSITION TO MOTION FOR SANCTIONS - Transaction 5804543 - Approved By: CSULEZIC : 11-14-2016:15:36:08</p>
11-09-2016	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 5798976 - Approved By: NOREVIEW : 11-09-2016:11:08:13</p>
11-09-2016	<p>***Minutes          Filed          ***Minutes CONFERENCE CALL REGARDING DEPOSITION OF RONALD BUSH - 10/4/16 - Transaction 5798968 - Approved By: NOREVIEW : 11-09-2016:11:07:12</p>
11-07-2016	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 5793764 - Approved By: NOREVIEW : 11-07-2016:11:18:43</p>
11-07-2016	<p>***Minutes          Filed          ***Minutes HEARING REGARDING RECEIVER/CASE MANAGEMENT CONFERENCE - 9/26/16 - Transaction 5793760 - Approved By: NOREVIEW : 11-07-2016:11:17:48</p>
11-04-2016	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 5791018 - Approved By: NOREVIEW : 11-04-2016:09:35:31</p>
11-03-2016 Plaintiff	<p>Opposition to          Filed by: DANE W. ANDERSON, ESQ.          Opposition to ... OPPOSITION TO MOTION FOR SANCTIONS - Transaction 5790427 - Approved By: YLLOYD : 11-04-2016:09:32:49          - Exhibit 1</p>
10-25-2016	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 5776063 - Approved By: NOREVIEW : 10-25-2016:16:22:34</p>
10-25-2016 Defendant	<p>Response          Filed by: ALICIA G. JOHNSON, ESQ.          Response... DEFENDANTS' RESPONSE TO PLAINTIFF'S SUPPLEMENT TO OPPOSITION TO 2 DEFENDANTS' AMENDED MOTION TO QUASH AUGUST 24, 2016 AND SEPTEMBER 1, 2016 SUBPOENAS DUCES TECUM - Transaction 5775490 - Approved By: TBRITTON : 10-25-2016:16:21:49</p>
10-25-2016	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 5775332 - Approved By: NOREVIEW : 10-25-2016:13:54:47</p>
10-25-2016 Defendant	<p>Notice          Filed by: ALICIA G. JOHNSON, ESQ.          Notice ... NOTICE OF UNAVAILABILITY OF COUNSEL - Transaction 5774898 - Approved By: CSULEZIC : 10-25-2016:13:53:44</p>
10-21-2016	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 5771196 - Approved By: NOREVIEW : 10-21-2016:16:42:22</p>
10-21-2016 Plaintiff	<p>Supplemental ...          Filed by: WALTER CHRIS WICKER, ESQ.          Supplemental ... SUPPLEMENT TO OPPOSITION TO DEFENDANTS' AMENDED MOTION TO QUASH AUGUST 24, 2016 SUBPOENA DUCES TECUM AND SEPTEMBER 1, 2016 SUBPOENA DUCES TECUM - Transaction 5770967 - Approved By: PMSEWELL : 10-21-2016:16:41:23          - Exhibit 1</p>
10-21-2016	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 5769432 - Approved By: NOREVIEW : 10-21-2016:08:29:14</p>
10-20-2016 Defendant	<p>Mtn for Sanctions          Filed by: ALICIA G. JOHNSON, ESQ.          Mtn for Sanctions MOTION FOR SANCTIONS - Transaction 5769084 - Approved By: TBRITTON : 10-21-2016:08:28:15          - Exhibit 1          - Exhibit 2</p>
10-11-2016	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 5750508 - Approved By: NOREVIEW : 10-11-2016:10:39:33</p>
10-11-2016	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 5750499 - Approved By: NOREVIEW : 10-11-2016:10:37:29</p>



	Request for Submission
10-10-2016 Plaintiff	<p>Filed by: WALTER CHRIS WICKER, ESQ.</p> <p>Request for Submission MOTION TO COMPEL COMPLIANCE WITH NRCP 16.1 (PAPER ORDER NOT PROVIDED) - Transaction 5749529 - Approved By: TBRITTON : 10-11-2016:10:38:18 PARTY SUBMITTING: WALTER C. WICKER, ESQ. DATE SUBMITTED: OCTOBER 11, 2016 SUBMITTED BY: TBRITTON DATE RECEIVED JUDGE OFFICE:</p>
	Reply
10-10-2016 Plaintiff	<p>Filed by: WALTER CHRIS WICKER, ESQ.</p> <p>Reply... REPLY IN SUPPORT OF MOTION TO COMPEL COMPLIANCE WITH NRCP 16.1 - Transaction 5749527 - Approved By: TBRITTON : 10-11-2016:10:36:32</p>
	Notice of Electronic Filing
10-10-2016	<p>Filed</p> <p>Proof of Electronic Service Transaction 5748962 - Approved By: NOREVIEW : 10-10-2016:14:02:46</p>
	Request for Submission
10-10-2016 Plaintiff	<p>Filed by: WALTER CHRIS WICKER, ESQ.</p> <p>Request for Submission Transaction 5748836 - Approved By: RKWATKIN : 10-10-2016:14:01:47 DOCUMENT TITLE: AMENDED MOTION TO QUASH (NO ORDER) PARTY SUBMITTING: W CHRIS WICKER DATE SUBMITTED: 10/10/16 SUBMITTED BY: RKWATKIN DATE RECEIVED JUDGE OFFICE:</p>
	Notice of Electronic Filing
10-06-2016	<p>Filed</p> <p>Proof of Electronic Service Transaction 5745243 - Approved By: NOREVIEW : 10-06-2016:16:49:06</p>
	Reply
10-06-2016 Defendant	<p>Filed by: ALICIA G. JOHNSON, ESQ.</p> <p>Reply... DEFENDANTS' REPLY TO PLAINTIFFS' OPPOSITION TO DEFENDANTS' AMENDED MOTION TO QUASH AUGUST 24, 2016 AND SEPTEMBER 1, 2016 SUBPOENAS DUCES TECUM Transaction 5744650 - Approved By: MPURDY : 10-06-2016:16:48:10</p>
	Notice of Electronic Filing
10-03-2016	<p>Filed</p> <p>Proof of Electronic Service Transaction 5736277 - Approved By: NOREVIEW : 10-03-2016:09:00:45</p>
	Application for Setting - eFile
10-03-2016	<p>Filed</p> <p>Application for Setting eFile - CONFERENCE CALL RE: DEPOSITION - 10/4/16 AT 11:00 A.M. - Transaction 5736271 - Approved By: NOREVIEW : 10-03-2016:08:59:38</p>
	Notice of Electronic Filing
09-30-2016	<p>Filed</p> <p>Proof of Electronic Service Transaction 5734448 - Approved By: NOREVIEW : 09-30-2016:09:45:13</p>
	Notice of Electronic Filing
09-30-2016	<p>Filed</p> <p>Proof of Electronic Service Transaction 5734431 - Approved By: NOREVIEW : 09-30-2016:09:38:51</p>
	Notice of Electronic Filing
09-30-2016	<p>Filed</p> <p>Proof of Electronic Service Transaction 5734364 - Approved By: NOREVIEW : 09-30-2016:09:19:41</p>
	Declaration
09-29-2016 Defendant	<p>Filed by: ALICIA G. JOHNSON, ESQ.</p> <p>Declaration DECLARATION OF STEVE M. DEFILIPPIS IN SUPPORT OF OPPOSITION TO MOTION TO COMPEL COMPLIANCE WITH NRCP 16.1 - Transaction 5734119 - Approved By: SWOLFE : 09-30-2016:09:44:15</p>
	Opposition to Mtn
09-29-2016 Plaintiff	<p>Filed by: WALTER CHRIS WICKER, ESQ.</p> <p>Opposition to Mtn ... OPPOSITION TO DEFENDANTS' AMENDED MOTION TO QUASH AUGUST 24, 2016 SUBPOENA DUCES TECUM AND SEPTEMBER 1, 2016 SUBPOENA DUCES TECUM - Transaction 5734071 - Approved By: TBRITTON : 09-30-2016:09:37:45</p> <ul style="list-style-type: none"> <li>- Exhibit 1</li> <li>- Exhibit 2</li> <li>- Exhibit 3</li> <li>- Exhibit 4</li> <li>- Exhibit 5</li> <li>- Exhibit 6</li> <li>- Exhibit 7</li> <li>- Exhibit 8</li> <li>- Exhibit 9</li> <li>- Exhibit 10</li> <li>- Exhibit 11</li> <li>- Exhibit 12</li> </ul>
	Opposition to Mtn
09-29-2016 Defendant	<p>Filed by: ALICIA G. JOHNSON, ESQ.</p> <p>Opposition to Mtn ... OPPOSITION TO MOTION TO COMPEL WITH NRCP 16.1 - Transaction 5734008 - Approved By: TBRITTON : 09-30-2016:09:18:37</p> <ul style="list-style-type: none"> <li>- Exhibit 1</li> </ul>

- Exhibit 2  
- Exhibit 3  
- Exhibit 4  
- Exhibit 5

09-29-2016 Notice of Electronic Filing  
Filed  
Proof of Electronic Service Transaction 5733119 - Approved By: NOREVIEW : 09-29-2016:13:54:08

09-29-2016 Scheduling Order  
Filed  
Scheduling Order Transaction 5733108 - Approved By: NOREVIEW : 09-29-2016:13:52:51

09-26-2016 Notice of Electronic Filing  
Filed  
Proof of Electronic Service Transaction 5724432 - Approved By: NOREVIEW : 09-26-2016:08:50:22

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09-23-2016 Plaintiff Report  
Filed by: WALTER CHRIS WICKER, ESQ.  
Report... PLAINTIFF/COUNTERDEFENDANTS/ THIRD PARTY DEFENDANTS/THIRD PARTY COUNTERCLAIMANTS' STATUS REPORT FOR THE HEARING REGARDING RECEIVER AND THE CASE MANAGEMENT CONFERENCE (SEPTEMBER 26, 2016, AT 2:00 P.M.) - Transaction 5724132 - Approved By: RKWATKIN : 09-26-2016:08:49:26  
- Exhibit 45  
- Exhibit 46  
- Exhibit 47  
- Exhibit 48

09-22-2016 Notice of Electronic Filing  
Filed  
Proof of Electronic Service Transaction 5721486 - Approved By: NOREVIEW : 09-22-2016:15:04:14

09-22-2016 Notice of Electronic Filing  
Filed  
Proof of Electronic Service Transaction 5721247 - Approved By: NOREVIEW : 09-22-2016:14:15:03

09-22-2016 Defendant Amended  
Filed by: ALICIA G. JOHNSON, ESQ.  
Amended ... DEFENDANTS' AMENDED MOTION TO QUASH AUGUST 24, 2016 AND SEPTEMBER 1, 2016 SUBPOENA DUCES TECUM - Transaction 5720846 - Approved By: SWOLFE : 09-22-2016:14:13:48

09-22-2016 Defendant Answer Third Party Complaint  
Filed by: ALICIA G. JOHNSON, ESQ.  
Answer Third Party Complaint ANSWER TO AUTOMATED CASH SYSTEMS' AND AUTOMATED CASHLESS SYSTEMS' COUNTERCLAIM AGAINST THIRD PARTY PLAINTIFFS RON BUSH AND TYCHE ACQUISITIONS GROUP, INC. - Transaction 5720667 - Approved By: TBRITTON : 09-22-2016:15:03:11

09-14-2016 Notice of Electronic Filing  
Filed  
Proof of Electronic Service Transaction 5706792 - Approved By: NOREVIEW : 09-14-2016:12:00:28

09-14-2016 \*\*\*Minutes  
Filed  
\*\*\*Minutes MOTION FOR ORDER SHORTENING TIME TO RESPOND TO MOTION TO QUASH SUBPOEANA - 9/7/16 - Transaction 5706787 - Approved By: NOREVIEW : 09-14-2016:11:59:27

09-12-2016 Notice of Electronic Filing  
Filed  
Proof of Electronic Service Transaction 5702432 - Approved By: NOREVIEW : 09-12-2016:14:37:17

09-12-2016 Plaintiff Mtn to Compel  
Filed by: WALTER CHRIS WICKER, ESQ.  
Mtn to Compel... MOTION TO COMPEL COMPLIANCE WITH NRCP 16.1 - Transaction 5701730 - Approved By: RKWATKIN : 09-12-2016:14:36:17  
- Exhibit 1  
- Exhibit 2  
- Exhibit 3  
- Exhibit 4  
- Exhibit 5  
- Exhibit 6  
- Exhibit 7  
- Exhibit 8

09-12-2016 Notice of Electronic Filing  
Filed  
Proof of Electronic Service Transaction 5701313 - Approved By: NOREVIEW : 09-12-2016:10:29:08

09-09-2016 Plaintiff Motion  
Filed by: DANE W. ANDERSON, ESQ.

	Motion ... MOTION FOR APPOINTMENT OF RECEIVER - Transaction 5700515 - Approved By: PMSEWELL : 09-12-2016:10:27:55
	Notice of Electronic Filing
09-08-2016	Filed
	Proof of Electronic Service Transaction 5698014 - Approved By: NOREVIEW : 09-08-2016:13:33:08
	Notice of Electronic Filing
09-08-2016	Filed
	Proof of Electronic Service Transaction 5697419 - Approved By: NOREVIEW : 09-08-2016:10:57:54
	Ord Denying Motion
09-08-2016	Filed
	Ord Denying Motion ORDER DENYING EX PARTE MOTION FOR ORDER SHORTENING TIME - Transaction 5697412 - Approved By: NOREVIEW : 09-08-2016:10:56:58
	Stipulation
09-08-2016	Filed by: ALICIA G. JOHNSON, ESQ.
Defendant	Stipulation ... STIPULATION REGARDING DOCUMENTS SUBJECT TO PLAINTIFF'S SEPTEMBER 1, 2016 SUBPOENAS DUCES TECUM - Transaction 5697159 - Approved By: TBRITTON : 09-08-2016:13:32:08
	Notice of Electronic Filing
09-06-2016	Filed
	Proof of Electronic Service Transaction 5693904 - Approved By: NOREVIEW : 09-06-2016:15:16:26
	Notice of Electronic Filing
09-06-2016	Filed
	Proof of Electronic Service Transaction 5693784 - Approved By: NOREVIEW : 09-06-2016:14:47:36
	Application for Setting - eFile
09-06-2016	Filed
	Application for Setting eFile CONFERENCE CALL ON EX PARTE MOTION FOR ORDER SHORTENING TIME - SEPTEMBER 7, 2016 AT 10:30 A.M. - Transaction 5693779 - Approved By: NOREVIEW : 09-06-2016:14:46:31
	Request for Submission
09-06-2016	Filed by: ALICIA G. JOHNSON, ESQ.
Defendant	Request for Submission DEFENDANTS' MOTION FOR ORDER SHORTENING TIME (PAPER ORDER NOT PROVIDED) - Transaction 5693350 - Approved By: TBRITTON : 09-06-2016:15:14:50 PARTY SUBMITTING: ALICIA G. JOHNSON, ESQ. DATE SUBMITTED: SEPTEMBER 6, 2016 SUBMITTED BY: TBRITTON DATE RECEIVED JUDGE OFFICE:
	Notice of Electronic Filing
09-06-2016	Filed
	Proof of Electronic Service Transaction 5693160 - Approved By: NOREVIEW : 09-06-2016:11:47:55
	Opposition to Mtn
09-06-2016	Filed by: DANE W. ANDERSON, ESQ.
Plaintiff	Opposition to Mtn ... OPPOSITION TO DEFENDANTS EX PARTE MOTION FOR ORDER SHORTENING TIME - Transaction 5693038 - Approved By: AAUSTIN : 09-06-2016:11:47:07
	- Exhibit 1
	Notice of Electronic Filing
09-06-2016	Filed
	Proof of Electronic Service Transaction 5692595 - Approved By: NOREVIEW : 09-06-2016:09:25:38
	Notice of Electronic Filing
09-06-2016	Filed
	Proof of Electronic Service Transaction 5692440 - Approved By: NOREVIEW : 09-06-2016:08:50:04
	Ex-Parte Mtn
09-02-2016	Filed by: ALICIA G. JOHNSON, ESQ.
Defendant	Ex-Parte Mtn... EX PARTE MOTION FOR ORDER SHORTENING TIME - Transaction 5692169 - Approved By: RKWATKIN : 09-06-2016:09:24:29
	Mtn to Quash
09-02-2016	Filed by: ALICIA G. JOHNSON, ESQ.
Defendant	Mtn to Quash... DEFENDANTS' MOTION TO QUASH AUGUST 24, 2016 SUBPOENA DUCES TECUM - Transaction 5692091 - Approved By: RKWATKIN : 09-06-2016:08:49:16
	Notice of Electronic Filing
09-02-2016	Filed
	Proof of Electronic Service Transaction 5690869 - Approved By: NOREVIEW : 09-02-2016:10:59:29
	Affidavit of Service
09-01-2016	Filed by: WALTER CHRIS WICKER, ESQ.
Plaintiff	Affidavit of Service SUPPOENA DUCES TECUM - Transaction 5690138 - Approved By: TBRITTON : 09-02-2016:10:58:37
	Notice of Electronic Filing
09-01-2016	Filed
	Proof of Electronic Service Transaction 5689093 - Approved By: NOREVIEW : 09-01-2016:13:38:18

09-01-2016 Plaintiff	<p>Notice</p> <p>Filed by: WALTER CHRIS WICKER, ESQ.</p> <p>Notice ... NOTICE OF FILING OF SUBPOENA DUCES TECUM, - Transaction 5688743 - Approved By: MPURDY : 09-01-2016:13:37:23</p> <p>- Exhibit 1</p>
08-26-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5679783 - Approved By: NOREVIEW : 08-26-2016:11:27:35</p>
08-26-2016 Plaintiff	<p>Affidavit of Service</p> <p>Filed by: WALTER CHRIS WICKER, ESQ.</p> <p>Affidavit of Service WELLS FARGO BANK - 8/24/16 - Transaction 5679423 - Approved By: RKWATKIN : 08-26-2016:11:26:47</p>
08-24-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5676204 - Approved By: NOREVIEW : 08-24-2016:16:52:33</p>
08-24-2016 Plaintiff	<p>Notice</p> <p>Filed by: WALTER CHRIS WICKER, ESQ.</p> <p>Notice ... NOTICE OF FILING OF SUBPOENA DUCES TECUM - Transaction 5675350 - Approved By: RKWATKIN : 08-24-2016:16:51:27</p> <p>- Exhibit 1</p>
08-23-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5673522 - Approved By: NOREVIEW : 08-23-2016:15:34:36</p>
08-23-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5673119 - Approved By: NOREVIEW : 08-23-2016:14:16:06</p>
08-23-2016	<p>Exemption from Arbitration</p> <p>Filed</p> <p>Exemption from Arbitration Transaction 5673101 - Approved By: NOREVIEW : 08-23-2016:14:14:42</p>
08-23-2016 Defendant	<p>Motion</p> <p>Filed by: ALICIA G. JOHNSON, ESQ.</p> <p>Motion ... DEFENDANTS' MOTION TO QUASH SUBPOENAS DUCES TECUM FOR IMPROPER SERVICE - Transaction 5672940 - Approved By: YVILORIA : 08-23-2016:15:33:33</p>
08-22-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5669403 - Approved By: NOREVIEW : 08-22-2016:09:00:32</p>
08-22-2016	<p>Ord Admit to Practice PerSCR42</p> <p>Filed</p> <p>Ord Admit to Practice PerSCR42 ORDER GRANTING MOTION TO ASSOCIATE COUNSEL AND ADMITTING STEPHEN M. DEFILIPPS, ESQ. TO PRACTICE (FOR RENAISSANCE MASTER, LLC, CLASSIC FINE ART, LLC &amp; TYCHE ART INT'L, INC.) - Transaction 5669401 - Approved By: NOREVIEW : 08-22-2016:08:59:34</p>
08-18-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5665558 - Approved By: NOREVIEW : 08-18-2016:11:13:54</p>
08-18-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5665327 - Approved By: NOREVIEW : 08-18-2016:10:33:14</p>
08-18-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5665154 - Approved By: NOREVIEW : 08-18-2016:10:06:08</p>
08-17-2016 Plaintiff	<p>Answer Third Party Complaint</p> <p>Filed by: WALTER CHRIS WICKER, ESQ.</p> <p>Answer Third Party Complaint AUTOMATED CASH SYSTEMS' ANSWER TO THIRD PARTY COMPLAINT AND COUNTERCLAIM AGAINST THIRD PARTY PLAINTIFFS RONALD G. "RON" BUSH AND TYCHE ACQUISITIONS GROUP, INC. - Transaction 5664451 - Approved By: MFERNAND : 08-18-2016:10:32:03</p> <p>- Exhibit 1</p> <p>- Exhibit 2</p> <p>- Exhibit 3</p> <p>- Exhibit 4</p> <p>- Exhibit 5</p>
08-17-2016 Plaintiff	<p>Notice</p> <p>Filed by: WALTER CHRIS WICKER, ESQ.</p> <p>Notice ... NOTICE OF FILING OF SUBPOENAS DUCES TECUM - Transaction 5664287 - Approved By: RKWATKIN : 08-18-2016:10:04:26</p> <p>- Exhibit 1</p>

	<ul style="list-style-type: none"> <li>- Exhibit 2</li> <li>- Exhibit 3</li> </ul>
08-17-2016 Plaintiff	<p>Reply</p> <p>Filed by: WALTER CHRIS WICKER, ESQ.</p> <p>Reply... REPLY TO COUNTERCLAIM - Transaction 5664259 - Approved By: RKWATKIN : 08-18-2016:10:01:51</p>
08-16-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5661291 - Approved By: NOREVIEW : 08-16-2016:14:52:05</p>
08-16-2016 Defendant	<p>Request for Submission</p> <p>Filed by: ALICIA G. JOHNSON, ESQ.</p> <p>Request for Submission MOTION TO ASSOCIATE COUNSEL FILED 7/27/16 - Transaction 5660759 - Approved By: CSULEZIC : 08-16-2016:14:49:57 PARTY SUBMITTING: ALICIA JOHNSON ESQ DATE SUBMITTED: 8/16/16 SUBMITTED BY: CS DATE RECEIVED JUDGE OFFICE:</p>
08-15-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5658442 - Approved By: NOREVIEW : 08-15-2016:11:32:29</p>
08-15-2016 Defendant	<p>Demand for Jury</p> <p>Filed by: ALICIA G. JOHNSON, ESQ.</p> <p>Demand for Jury Transaction 5657724 - Approved By: RKWATKIN : 08-15-2016:11:30:51</p>
08-11-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5654960 - Approved By: NOREVIEW : 08-11-2016:15:43:13</p>
08-11-2016	<p>Application for Setting - eFile</p> <p>Filed</p> <p>Application for Setting eFile 2ND SET JURY TRIAL - 9/25/17 AT 10:00 A.M. (12 DAYS) OR ALTERNATE 1ST SET JURY TRIAL - 11/6/17 AT 10:00 A.M. (12 DAYS) - Transaction 5654947 - Approved By: NOREVIEW : 08-11-2016:15:42:16</p>
08-02-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5637048 - Approved By: NOREVIEW : 08-02-2016:08:15:44</p>
08-01-2016 Plaintiff	<p>Notice to Set</p> <p>Filed by: WALTER CHRIS WICKER, ESQ.</p> <p>Notice to Set August 11, 2016, at 1:50 p.m. - Transaction 5636728 - Approved By: RKWATKIN : 08-02-2016:08:14:20</p>
07-29-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5634196 - Approved By: NOREVIEW : 07-29-2016:12:17:21</p>
07-29-2016 Plaintiff	<p>Joint Case Conference Report</p> <p>Filed by: WALTER CHRIS WICKER, ESQ.</p> <p>Joint Case Conference Report Transaction 5633788 - Approved By: CSULEZIC : 07-29-2016:12:16:20</p>
07-27-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5629092 - Approved By: NOREVIEW : 07-27-2016:10:07:04</p>
07-27-2016 Defendant	<p>Motion</p> <p>Filed by: ALICIA G. JOHNSON, ESQ.</p> <p>Motion ... MOTION TO ASSOCIATE COUNSEL - Transaction 5628778 - Approved By: RKWATKIN : 07-27-2016:10:03:57</p> <ul style="list-style-type: none"> <li>- Exhibit 1</li> <li>- Exhibit 2</li> <li>- Exhibit 3</li> </ul>
07-25-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5625812 - Approved By: NOREVIEW : 07-25-2016:19:02:00</p>
07-25-2016	<p>Transcript</p> <p>Filed</p> <p>Transcript JULY 12, 2016 PRELIMINARY INJUNCTION - Transaction 5625811 - Approved By: NOREVIEW : 07-25-2016:19:01:00 : this document can only be accessed at the court</p>
07-25-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5625401 - Approved By: NOREVIEW : 07-25-2016:15:47:48</p>
07-25-2016 Defendant	<p>Answer to Amended Complaint</p> <p>Filed by: ALICIA G. JOHNSON, ESQ.</p> <p>Answer to Amended Complaint ANSWER TO FIRST AMENDED COMPLAINT COUNTERCLAIM AND THIRD-PARTY COMPLAINT - Transaction 5624705 - Approved By: TBRTTTON : 07-25-2016:15:45:11</p>

07-21-2016	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 5621063 - Approved By: NOREVIEW : 07-21-2016:16:19:35</p>
07-21-2016 Plaintiff	<p>Notice of Entry ...          Filed by: WALTER CHRIS WICKER, ESQ.          Notice of Entry ... Transaction 5621057 - Approved By: NOREVIEW : 07-21-2016:16:18:32          - Continuation</p>
07-20-2016	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 5618602 - Approved By: NOREVIEW : 07-20-2016:16:51:07</p>
07-20-2016	<p>Preliminary Injunction Order          Filed          Preliminary Injunction Order Transaction 5618599 - Approved By: NOREVIEW : 07-20-2016:16:50:08</p>
07-18-2016	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 5614245 - Approved By: NOREVIEW : 07-18-2016:16:52:23</p>
07-18-2016	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 5613754 - Approved By: NOREVIEW : 07-18-2016:15:05:48</p>
07-18-2016 Defendant	<p>Reply to/in Opposition          Filed by: ALICIA G. JOHNSON, ESQ.          Reply to/in Opposition REPLY TO OPPOSITION TO DEFENDANTS' MOTION TO QUASH WRIT OF POSSESSION AND WRIT OF IMMEDIATE POSSESSION - Transaction 5613720 - Approved By: YVILORIA : 07-18-2016:16:50:54</p>
07-18-2016	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 5613533 - Approved By: NOREVIEW : 07-18-2016:14:23:24</p>
07-18-2016	<p>***Minutes          Filed          ***Minutes ONGOING PRELIMINARY INJUNCTION HEARING - 7/12/16 - Transaction 5613526 - Approved By: NOREVIEW : 07-18-2016:14:22:17          - Exhibit List</p>
07-18-2016 Plaintiff	<p>Opposition to          Filed by: WALTER CHRIS WICKER, ESQ.          Opposition to ... OPPOSITION TO DEFENDANTS' EX PARTE APPLICATION TO STAY WRIT OF POSSESSION AND WRIT OF IMMEDIATE POSSESSION PENDING DECISION ON MOTION TO QUASH - Transaction 5613203 - Approved By: CSULEZIC : 07-18-2016:15:04:57</p>
07-13-2016	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 5605194 - Approved By: NOREVIEW : 07-13-2016:07:54:20</p>
07-13-2016	<p>Transcript          Filed          Transcript JULY 12, 2016 PRELIMINARY INJUNCTION (ORDER) - Transaction 5605191 - Approved By: NOREVIEW : 07-13-2016:07:53:19 : this document can only be accessed at the court</p>
07-08-2016	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 5600770 - Approved By: NOREVIEW : 07-08-2016:16:57:54</p>
07-08-2016 Plaintiff	<p>Opposition to Mtn          Filed by: WALTER CHRIS WICKER, ESQ.          Opposition to Mtn ... OPPOSITION TO DEFENDANTS' EX PARTE MOTION FOR ORDER SHORTENING TIME - Transaction 5600605 - Approved By: YVILORIA : 07-08-2016:16:56:54</p>
07-08-2016	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 5600568 - Approved By: NOREVIEW : 07-08-2016:16:06:10</p>
07-08-2016	<p>Notice of Electronic Filing          Filed          Proof of Electronic Service Transaction 5600564 - Approved By: NOREVIEW : 07-08-2016:16:04:01</p>
07-08-2016 Plaintiff	<p>Summons Filed          Filed by: WALTER CHRIS WICKER, ESQ.          Summons Filed STEPHEN WARNER RESIDENT AGENT - 7/8/16 9:18 AM - Transaction 5600078 - Approved By: YVILORIA : 07-08-2016:16:05:10</p>

07-08-2016 Plaintiff	Summons Filed Filed by: WALTER CHRIS WICKER, ESQ. Summons Filed SERVED STEPHEN WARNER RESIDENT AGENT - 7/8/16 9:18 AM - Transaction 5600073 - Approved By: YVILORIA : 07-08-2016:16:03:08
07-08-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5599204 - Approved By: NOREVIEW : 07-08-2016:09:17:26
07-08-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5599201 - Approved By: NOREVIEW : 07-08-2016:09:17:25
07-07-2016 Plaintiff	Amended Filed by: WALTER CHRIS WICKER, ESQ. Amended ... AMENDED CERTIFICATE OF SERVICE - Transaction 5598871 - Approved By: CSULEZIC : 07-08-2016:09:15:13
07-07-2016 Plaintiff	Opposition to Mtn Filed by: WALTER CHRIS WICKER, ESQ. Opposition to Mtn ... OPPOSITION TO DEFENDANTS' MOTION TO QUASH WRIT OF POSSESSION AND WRIT OF IMMEDIATE POSSESSION - Transaction 5598870 - Approved By: CSULEZIC : 07-08-2016:09:14:39 - Exhibit 1
07-07-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5598646 - Approved By: NOREVIEW : 07-07-2016:16:26:49
07-07-2016 Plaintiff	Supplemental ... Filed by: WALTER CHRIS WICKER, ESQ. Supplemental ... SUPPLEMENTAL EVIDENCE FOR PRELIMINARY INJUNCTION HEARING - Transaction 5597995 - Approved By: CSULEZIC : 07-07-2016:16:25:45 - Exhibit 1 - Exhibit 2
07-06-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5596148 - Approved By: NOREVIEW : 07-06-2016:16:07:35
07-06-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5596107 - Approved By: NOREVIEW : 07-06-2016:15:59:24
07-06-2016 Defendant	Request for Submission Filed by: ALICIA G. JOHNSON, ESQ. Request for Submission Transaction 5595656 - Approved By: RKWATKIN : 07-06-2016:16:06:29 DOCUMENT TITLE: EX PARTE MOTION FOR ORDER SHORTENING TIME (ORDER ATTACHED) PARTY SUBMITTING: ALICIA JOHNSON DATE SUBMITTED: 7/6/16 SUBMITTED BY: RKWATKIN DATE RECEIVED JUDGE OFFICE: - Exhibit 1
07-06-2016 Defendant	Mtn Ord Shortening Time Filed by: ALICIA G. JOHNSON, ESQ. Mtn Ord Shortening Time EX PARTE MOTION FOR ORDER SHORTENING TIME - Transaction 5595641 - Approved By: TBRTITON : 07-06-2016:15:58:11
07-05-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5592500 - Approved By: NOREVIEW : 07-05-2016:11:27:48
07-05-2016 Plaintiff	Summons Filed Filed by: WALTER CHRIS WICKER, ESQ. Summons Filed LINDY FREY - 6/30/16 - Transaction 5592244 - Approved By: RKWATKIN : 07-05-2016:11:25:09
06-30-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5587924 - Approved By: NOREVIEW : 06-30-2016:09:37:49
06-30-2016 Plaintiff	Amended Complaint Filed by: WALTER CHRIS WICKER, ESQ. Amended Complaint FIRST AMENDED COMPLAINT - Transaction 5587677 - Approved By: RKWATKIN : 06-30-2016:09:36:42 - Exhibit 1 - Exhibit 2 - Exhibit 3 - Exhibit 4 - Exhibit 5 - Exhibit 6 - Exhibit 7 - Exhibit 8 - Exhibit 9

	- Exhibit 10 - Exhibit 11
06-29-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5586915 - Approved By: NOREVIEW : 06-29-2016:15:13:07</p>
06-29-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5586911 - Approved By: NOREVIEW : 06-29-2016:15:12:10</p>
06-29-2016	<p>Ord Granting Filed Ord Granting ... ORDER GRANTING STIPULATION TO ADVANCE HEARING DATE - Transaction 5586913 - Approved By: NOREVIEW : 06-29-2016:15:12:10</p>
06-29-2016	<p>Ord Granting Mtn Filed Ord Granting Mtn ... ORDER GRANTING MOTION FOR LEAVE TO FILE AMENDED COMPLAINT - Transaction 5586898 - Approved By: NOREVIEW : 06-29-2016:15:10:46</p>
06-29-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5586350 - Approved By: NOREVIEW : 06-29-2016:13:47:48</p>
06-29-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5586224 - Approved By: NOREVIEW : 06-29-2016:13:29:43</p>
06-29-2016 Defendant	<p>Affidavit Filed by: ALICIA G. JOHNSON, ESQ. Affidavit ... AFFIDAVIT OF RON BUSH - Transaction 5585603 - Approved By: TBRITTON : 06-29-2016:13:46:48</p>
06-29-2016 Defendant	<p>Ex-Parte Application Filed by: ALICIA G. JOHNSON, ESQ. Ex-Parte Application... DEFENDANTS' EX PARTE APPLICATION TO STAY WRIT OF POSSESSION AND WRIT OF IMMEDIATE POSSESSION PENDING DECISION ON MOTION TO QUASH - Transaction 5585555 - Approved By: TBRITTON : 06-29-2016:13:27:46 - Exhibit 1 - Exhibit 2</p>
06-28-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5582924 - Approved By: NOREVIEW : 06-28-2016:11:47:49</p>
06-28-2016 Plaintiff	<p>Stipulation Filed by: WALTER CHRIS WICKER, ESQ. Stipulation ... STIPULATION TO ADVANCE TO HEARING DATE - Transaction 5582759 - Approved By: SWOLFE : 06-28-2016:11:46:48</p>
06-28-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5582496 - Approved By: NOREVIEW : 06-28-2016:10:18:45</p>
06-28-2016 Plaintiff	<p>Notice of Early Case Conferenc Filed by: WALTER CHRIS WICKER, ESQ. Notice of Early Case Conferenc Transaction 5582488 - Approved By: NOREVIEW : 06-28-2016:10:18:00</p>
06-28-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5582252 - Approved By: NOREVIEW : 06-28-2016:09:23:37</p>
06-28-2016 Plaintiff	<p>Request for Submission Filed by: WALTER CHRIS WICKER, ESQ. Request for Submission Transaction 5582145 - Approved By: YVILORIA : 06-28-2016:09:22:30 DOCUMENT TITLE: MOTION FOR LEAVE TO FILE AMENDED COMPLAINT FILED 6-10-16 PARTY SUBMITTING: WALTER CHRIS WICKER ESQ DATE SUBMITTED: JUNE 28, 2016 SUBMITTED BY: YVILORIA DATE RECEIVED JUDGE OFFICE:</p>
06-21-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5573410 - Approved By: NOREVIEW : 06-21-2016:17:01:38</p>
06-21-2016	<p>Transcript Filed Transcript JUNE 13, 2016 PRELIMINARY INJUNCTION/ORDER TO SHOW CAUSE - Transaction 5573408 - Approved By: NOREVIEW : 06-21-2016:17:00:48 : this document can only be accessed at the court</p>



06-21-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5573183 - Approved By: NOREVIEW : 06-21-2016:16:27:03</p> <p>***Minutes</p> <p>Filed</p>
06-21-2016	<p>***Minutes PRELIMINARY INJUNCTION/ORDER TO SHOW CAUSE HEARING - 6/13/16 - Transaction 5573177 - Approved By: NOREVIEW : 06-21-2016:16:26:03</p> <p>- Exhibit List</p> <p>- **Corrected Minutes</p>
06-21-2016	<p>Dedclaration</p> <p>Filed</p> <p>Declaration DECLARATION OF SERVICE FOR RONALD G. "RON" BUSH ON 06/15/2016 AT 10:00 AM</p> <p>- Exhibit 1</p>
06-16-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5565615 - Approved By: NOREVIEW : 06-16-2016:14:00:23</p>
06-16-2016	<p>Ord Granting Mtn</p> <p>Filed</p> <p>Ord Granting Mtn ... ORDER GRANTING EX PARTE MOTION TO CONDUCT DISCOVERY PRIOR TO COMPLIANCE WITH NRCP 16.1 - Transaction 5565611 - Approved By: NOREVIEW : 06-16-2016:13:59:34</p>
06-16-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5565606 - Approved By: NOREVIEW : 06-16-2016:13:59:14</p>
06-16-2016	<p>Order...</p> <p>Filed</p> <p>Order ... ORDER EXTENDING TEMPORARY RESTRAINING ORDER AND CONTINUING THE HEARING ON THE MOTION FOR PRELIMINARY INJUNCTION - CLOSING ARGUMENTS ON PLAINTIFF'S MOTION FOR PRELIM INJ SET FOR JULY 19, 2016 AT 1:30 P - Transaction 5565602 - Approved By: NOREVIEW : 06-16-2016:13:58:26</p>
06-14-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5560623 - Approved By: NOREVIEW : 06-14-2016:09:54:54</p>
06-13-2016 Plaintiff	<p>Answer to Counterclaim-Civil</p> <p>Filed by: WALTER CHRIS WICKER, ESQ.</p> <p>Answer to Counterclaim-Civil REPLY TO COUNTERCLAIM - Transaction 5560382 - Approved By: RKWATKIN : 06-14-2016:09:53:59</p>
06-13-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5559505 - Approved By: NOREVIEW : 06-13-2016:13:43:21</p>
06-13-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5559500 - Approved By: NOREVIEW : 06-13-2016:13:41:31</p>
06-13-2016	<p>** Exhibit(s) ...</p> <p>Filed</p>
06-13-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5559433 - Approved By: NOREVIEW : 06-13-2016:13:22:30</p>
06-13-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5559376 - Approved By: NOREVIEW : 06-13-2016:13:08:51</p>
06-13-2016 Defendant	<p>Affidavit</p> <p>Filed by: ALICIA G. JOHNSON, ESQ.</p> <p>Affidavit ... Affidavit of Pin Feng - Transaction 5559122 - Approved By: CSULEZIC : 06-13-2016:13:40:14</p>
06-13-2016 Defendant	<p>Affidavit</p> <p>Filed by: ALICIA G. JOHNSON, ESQ.</p> <p>Affidavit ... AFFIDAVIT OF RON BUSH - Transaction 5559012 - Approved By: RKWATKIN : 06-13-2016:13:21:31</p>
06-13-2016 Defendant	<p>Affidavit</p> <p>Filed by: ALICIA G. JOHNSON, ESQ.</p> <p>Affidavit ... AFFIDAVIT OF GARY CANTRELL - Transaction 5558987 - Approved By: RKWATKIN : 06-13-2016:13:07:54</p>
06-13-2016 Defendant	<p>Mtn to Quash</p> <p>Filed by: ALICIA G. JOHNSON, ESQ.</p>

		Mtn to Quash... Defendants' Motion to Quash Writ of Possession and Writ of Immediate Possession - Transaction 5558961 - Approved By: YVILORIA : 06-13-2016:13:42:14 - Exhibit 1 - Exhibit 2 - Exhibit 3 - Exhibit 4 - Exhibit 5 - Exhibit 6
06-10-2016		Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5557962 - Approved By: NOREVIEW : 06-10-2016:15:32:40
06-10-2016 Plaintiff		Motion Filed by: WALTER CHRIS WICKER, ESQ. Motion ... MOTION FOR LEAVE TO FILE AMENDED COMPLAINT - Transaction 5557543 - Approved By: CSULEZIC : 06-10-2016:15:31:30 - Exhibit 1
06-09-2016		Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5556254 - Approved By: NOREVIEW : 06-09-2016:16:55:13
06-09-2016		Ord Setting Hearing Filed Ord Setting Hearing ORDER SETTING HEARING ON EX PARTE MOTION TO CONDUCT DISCOVERY PRIOR TO COMPLIANCE WITH NRCp 16.1 - Transaction 5556248 - Approved By: NOREVIEW : 06-09-2016:16:54:14
06-03-2016		Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5545084 - Approved By: NOREVIEW : 06-03-2016:08:24:36
06-03-2016		Ord Admit to Practice PerSCR42 Filed Ord Admit to Practice PerSCR42 (STEPHEN M. DEFILIPPIS, ESQ. for DEFENDANTS TYCHE ACQUISITIONS GROUP, INC. AND RONALD G. BUSH) - Transaction 5545082 - Approved By: NOREVIEW : 06-03-2016:08:23:33
06-01-2016		Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5540604 - Approved By: NOREVIEW : 06-01-2016:11:27:18
06-01-2016 Defendant		Request for Submission Filed by: ALICIA G. JOHNSON, ESQ. Request for Submission Transaction 5540194 - Approved By: RKWATKIN : 06-01-2016:11:24:44 DOCUMENT TITLE: MOTION TO ASSOCIATE COUNSEL (NO ORDER) PARTY SUBMITTING: ALICIA JOHNSON DATE SUBMITTED: 6/1/16 SUBMITTED BY: RKWATKIN DATE RECEIVED JUDGE OFFICE:
05-19-2016		Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5523533 - Approved By: NOREVIEW : 05-19-2016:14:18:28
05-19-2016 Defendant		Third Party Complaint Filed by: ALICIA G. JOHNSON, ESQ. §Third Party Complaint ANSWER TO COMPLAINT FOR DECLARATORY, INJUNCTIVE, AND OTHER EQUITABLE RELIEF, COUNTERCLAIM, AND THIRD-PARTY COMPLAINT - Transaction 5523258 - Approved By: CSULEZIC : 05-19-2016:14:17:26 - Exhibit 1
05-12-2016		Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5512697 - Approved By: NOREVIEW : 05-12-2016:13:19:04
05-12-2016 Defendant		Withdrawal Filed by: ALICIA G. JOHNSON, ESQ. Withdrawal ... WITHDRAWAL OF REQUEST FOR SUBMISSION - Transaction 5512643 - Approved By: CSULEZIC : 05-12-2016:13:18:00
05-11-2016		Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5510383 - Approved By: NOREVIEW : 05-11-2016:14:03:53
05-11-2016 Defendant		Request for Submission Filed by: ALICIA G. JOHNSON, ESQ. Request for Submission Transaction 5510236 - Approved By: RKWATKIN : 05-11-2016:14:02:50 DOCUMENT TITLE: MOTION TO ASSOCIATE COUNSEL (NO ORDER) PARTY SUBMITTING: ALICIA JOHNSON, ESQ DATE SUBMITTED: 5/11/16 SUBMITTED BY: RKWATKIN DATE RECEIVED JUDGE OFFICE:
05-11-2016		Notice of Electronic Filing Filed

	Proof of Electronic Service Transaction 5510047 - Approved By: NOREVIEW : 05-11-2016:11:53:05
05-11-2016	<p>***Minutes</p> <p>Filed</p> <p>***Minutes PRELIMINARY INJUNCTION/ORDER TO SHOW CAUSE - 5/9/16 - Transaction 5510038 - Approved By: NOREVIEW : 05-11-2016:11:51:40</p>
05-11-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5509910 - Approved By: NOREVIEW : 05-11-2016:11:25:15</p>
05-11-2016 Defendant	<p>Motion</p> <p>Filed by: ALICIA G. JOHNSON, ESQ.</p> <p>Motion ... MOTION TO ASSOCIATE COUNSEL - Transaction 5509717 - Approved By: RKWATKIN : 05-11-2016:11:24:00</p> <ul style="list-style-type: none"> <li>- Exhibit 1</li> <li>- Exhibit 2</li> <li>- Exhibit 3</li> </ul>
05-10-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5508175 - Approved By: NOREVIEW : 05-10-2016:14:20:58</p>
05-10-2016	<p>Temporary Restraining Order</p> <p>Filed</p> <p>Temporary Restraining Order ORDER EXTENDING TEMPORARY RESTRAINING ORDER UPON DEFENDANTS' CONSENT - TRO EXTENDED THROUGH JUNE 13, 2016 - Transaction 5508154 - Approved By: NOREVIEW : 05-10-2016:14:19:36</p>
05-09-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5505438 - Approved By: NOREVIEW : 05-09-2016:11:27:31</p>
05-09-2016	<p>Ord Granting</p> <p>Filed</p> <p>Ord Granting ... ORDER GRANTING EXTENSION OF TIME FOR DEFENDANT'S RESPONSE TO MOTION FOR PRELIMINARY INJUNCTION - Transaction 5505429 - Approved By: NOREVIEW : 05-09-2016:11:26:33</p>
05-06-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5503873 - Approved By: NOREVIEW : 05-06-2016:13:41:49</p>
05-06-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5503808 - Approved By: NOREVIEW : 05-06-2016:13:25:39</p>
05-06-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5503801 - Approved By: NOREVIEW : 05-06-2016:13:23:59</p>
05-06-2016	<p>Notice of Electronic Filing</p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5503736 - Approved By: NOREVIEW : 05-06-2016:13:04:02</p>
05-06-2016 Plaintiff	<p>Stip Extension of Time</p> <p>Filed by: WALTER CHRIS WICKER, ESQ.</p> <p>Stip Extension of Time ... STIPULATION TO EXTEND TIME FOR DEFENDANT'S RESPONSE TO MOTION FOR PRELIMINARY INJUNCTION - Transaction 5503583 - Approved By: CSULEZIC : 05-06-2016:13:40:53</p>
05-06-2016 Plaintiff	<p>Affidavit</p> <p>Filed by: WALTER CHRIS WICKER, ESQ.</p> <p>Affidavit ... AFFIDAVIT OF SERVICE PURSUANT TO NRS 14.090 - Transaction 5503581 - Approved By: CSULEZIC : 05-06-2016:13:24:39</p> <ul style="list-style-type: none"> <li>- Exhibit 1</li> </ul>
05-06-2016 Plaintiff	<p>Dedearation</p> <p>Filed by: WALTER CHRIS WICKER, ESQ.</p> <p>Dedearation DECLARATION OF STEVEN B. CRYSTAL IN SUPPORT OF HIS REPLY REGARDING MOTION FOR PRELIMINARY INJUNCTION - Transaction 5503578 - Approved By: CSULEZIC : 05-06-2016:13:23:03</p>
05-06-2016 Plaintiff	<p>Reply</p> <p>Filed by: WALTER CHRIS WICKER, ESQ.</p> <p>Reply... REGARDING MOTION FOR PRELIMINARY INJUNCTION - Transaction 5503577 - Approved By: RKWATKIN : 05-06-2016:13:01:09</p> <ul style="list-style-type: none"> <li>- Exhibit 1</li> <li>- Exhibit 2</li> <li>- Exhibit 3</li> </ul>
05-06-2016	<p>Notice of Electronic Filing</p> <p>Filed</p>

	Proof of Electronic Service Transaction 5502586 - Approved By: NOREVIEW : 05-06-2016:08:28:08
05-05-2016 Defendant	Affidavit in Support Filed by: ALICIA G. JOHNSON, ESQ. Affidavit in Support... AFFIDAVIT OF RON BUSH - Transaction 5502092 - Approved By: RKWATKIN : 05-06-2016:08:27:10
05-05-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5500905 - Approved By: NOREVIEW : 05-05-2016:11:45:59
05-05-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5500757 - Approved By: NOREVIEW : 05-05-2016:11:08:17
05-05-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5500720 - Approved By: NOREVIEW : 05-05-2016:11:01:27
05-05-2016 Plaintiff	Declaration Filed by: WALTER CHRIS WICKER, ESQ. Declaration DECLARATION OF SERVICE - RONALD G. "RON" BUSH SERVED ON 5/2/16 - Transaction 5500568 - Approved By: MCHOLICO : 05-05-2016:11:45:13
05-05-2016 Defendant	Opposition to Mtn Filed by: ALICIA G. JOHNSON, ESQ. Opposition to Mtn ... OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION - Transaction 5500437 - Approved By: MCHOLICO : 05-05-2016:11:07:12 <ul style="list-style-type: none"> <li>- Exhibit 1</li> <li>- Exhibit 2</li> <li>- Exhibit 3</li> <li>- Exhibit 4</li> </ul>
05-05-2016 Defendant	Notice of Appearance Filed by: ALICIA G. JOHNSON, ESQ. Notice of Appearance Transaction 5500348 - Approved By: CSULEZIC : 05-05-2016:11:00:23
05-03-2016 Plaintiff	Writ of Possession Filed by: WALTER CHRIS WICKER, ESQ. Writ of Possession WRIT OF IMMEDIATE POSSESSION <ul style="list-style-type: none"> <li>- Exhibit 1</li> </ul>
05-03-2016	Writ of Attachment Filed
05-03-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5496614 - Approved By: NOREVIEW : 05-03-2016:14:47:14
05-03-2016	Amended Ord and/or Judgment Filed Amended Ord and/or Judgment AMENDED ORDER GRANTING EX PARTE APPLICATION IN CLAIM AND DELIVERY FOR IMMEDIATE ISSUANCE OF WRIT OF IMMEDIATE POSSESSION WITHOUT HEARING - Transaction 5496597 - Approved By: NOREVIEW : 05-03-2016:14:45:13
05-02-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5494940 - Approved By: NOREVIEW : 05-02-2016:16:39:12
05-02-2016 Plaintiff	Writ of Attachment Filed by: WALTER CHRIS WICKER, ESQ. sWrit of Attachment <ul style="list-style-type: none"> <li>- Exhibit 1</li> </ul>
05-02-2016 Plaintiff	Ex-Parte Mtn Filed by: DANE W. ANDERSON, ESQ. Ex-Parte Mtn... EX PARTE MOTION TO CONDUCT DISCOVERY PRIOR TO COMPLIANCE WITH NRCP 16.1 - Transaction 5494752 - Approved By: TBRITTON : 05-02-2016:16:38:14
05-02-2016 Plaintiff	Request for Submission Filed by: DANE W. ANDERSON, ESQ. Request for Submission EX PARTE MOTION TO CONDUCT DISCOVERY PRIOR TO COMPLIANCE WITH NRCP 16.1 (PAPER ORDER NOT PROVIDED) - Transaction 5494752 - Approved By: TBRITTON : 05-02-2016:16:38:14 PARTY SUBMITTING: DANE W. ANDERSON, ESQ. DATE SUBMITTED: MAY 2, 2016 SUBMITTED BY: TBRITTON DATE RECEIVED JUDGE OFFICE:
05-02-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5494285 - Approved By: NOREVIEW : 05-02-2016:14:35:26

05-02-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5494280 - Approved By: NOREVIEW : 05-02-2016:14:34:33</p>
05-02-2016	<p>Ord Granting Filed Ord Granting ... ORDER GRANTING EX PARTE APPLICATION IN CLAIM AND DELIVERY FOR IMMEDIATE ISSUANCE OF WRIT OF POSSESSION WITHOUT HEARING - Transaction 5494279 - Approved By: NOREVIEW : 05-02-2016:14:34:23</p>
05-02-2016	<p>Ord to Show Cause Filed Ord to Show Cause ORDER GRANTING EX PARTE APPLICATION FOR ORDER TO SHOW CAUSE WHY DEFENDANT RONALD G. "RON" BUSH SHOULD NOT BE HELD IN CONTEMPT OF COURT - Transaction 5494275 - Approved By: NOREVIEW : 05-02-2016:14:33:34</p>
05-02-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5493575 - Approved By: NOREVIEW : 05-02-2016:11:45:52</p>
05-02-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5493553 - Approved By: NOREVIEW : 05-02-2016:11:44:03</p>
05-02-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5493529 - Approved By: NOREVIEW : 05-02-2016:11:40:19</p>
05-02-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5493522 - Approved By: NOREVIEW : 05-02-2016:11:39:16</p>
05-02-2016 Plaintiff	<p>Request for Submission Filed by: DANE W. ANDERSON, ESQ. Request for Submission EX PARTE APPLICATION IN CLAIM AND DELIVER FOR IMMEDIATE ISSUANCE OF WRIT OF POSSESSION WITHOUT HEARING; AND APPLCIATION FOR ORDER TO SHOW CAUSE (NO PAPER ORDER PROVIDED) - Transaction 5493013 - Approved By: MFERNAND : 05-02-2016:11:44:12 PARTY SUBMITTING: DANE W. ANDERSON, ESQ. DATE SUBMITTED: 05/02/16 SUBMITTED BY: M. FERNANDEZ DATE RECEIVED JUDGE OFFICE:</p>
05-02-2016 Plaintiff	<p>Declaration Filed by: DANE W. ANDERSON, ESQ. Declaration DECLARATION OF STEVEN B. CRYSTAL - Transaction 5493008 - Approved By: MFERNAND : 05-02-2016:11:41:56 - Exhibit 1</p>
05-02-2016 Plaintiff	<p>Declaration Filed by: DANE W. ANDERSON, ESQ. Declaration DECLARATION OF DAVE VIGIL - Transaction 5493004 - Approved By: MFERNAND : 05-02-2016:11:39:15 - Exhibit 1</p>
05-02-2016 Plaintiff	<p>Ex-Parte Application Filed by: DANE W. ANDERSON, ESQ. Ex-Parte Application... EX PARTE APPLICATION IN CLAIM AND DELIVERY FOR IMMEDIATE ISSUANCE OF WRIT OF POSSESSION WITHOUT HEARING; AND APPLICATION FOR ORDER TO SHOW CAUSE WHY DEFENDANT RONALD G. "RON" BUSH SHOULD NOT BE HELD IN CONTEMPT OF COURT - Transaction 5493001 - Approved By: MFERNAND : 05-02-2016:11:38:17</p>
04-29-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5491202 - Approved By: NOREVIEW : 04-29-2016:10:49:39</p>
04-29-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5491167 - Approved By: NOREVIEW : 04-29-2016:10:42:09</p>
04-29-2016 Plaintiff	<p>Declaration Filed by: WALTER CHRIS WICKER, ESQ. Declaration DECLARATION OF SERVICE UPON LINDY FREY WIFE OF THE OFFICE OF JAMES FREY REGISTERED AGENT FOR TYCHE ACQUISITTONS GROUP, INC. - APRIL 25, 2016 AT 6:22 PM - Transaction 5491160 - Approved By: YVILORIA : 04-29-2016:10:48:52</p>
04-29-2016 Plaintiff	<p>Summons Filed Filed by: WALTER CHRIS WICKER, ESQ. Summons Filed SUMMONS, COMPLAINT, TRO and supporting APPLICATIONS AND MOTIONS UPON DAVIS DOE (REFUSED LAST NAME) GATE GUARD OBO RONALD G. "RON" BUSH - APRIL 26, 2016 AT 5:34 PM - Transaction 5491101 - Approved By: YVILORIA : 04-29-2016:10:41:14</p>
04-27-2016	<p>Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5486501 - Approved By: NOREVIEW : 04-27-2016:09:18:41</p>

04-27-2016 \*\*\*Minutes  
Filed  
\*\*\*Minutes MOTION FOR WRIT OF POSSESSION/TEMPORARY RESTRAINING ORDER - 4/25/16 - Transaction 5486474 - Approved By: NOREVIEW : 04-27-2016:09:16:38

04-25-2016 Notice of Electronic Filing  
Filed  
Proof of Electronic Service Transaction 5483297 - Approved By: NOREVIEW : 04-25-2016:14:40:36

04-25-2016 Temporary Restraining Order  
Filed  
Temporary Restraining Order PRELIMINARY INJUNCTION HEARING SET FOR MAY 9, 2016 AT 9:30 A.M. - Transaction 5483282 - Approved By: NOREVIEW : 04-25-2016:14:37:25  
- Exhibit 1

04-25-2016 Notice  
Filed by: DANE W. ANDERSON, ESQ.  
Notice ... NOTICE OF CASH DEPOSIT IN LIEU OF BOND

04-25-2016 Notice of Electronic Filing  
Filed  
Proof of Electronic Service Transaction 5482215 - Approved By: NOREVIEW : 04-25-2016:10:20:17

04-25-2016 Summons Filed  
Filed by: WALTER CHRIS WICKER, ESQ.  
Summons Filed TYCHE ACQUISITIONS GROUP INC-4/20/16 - Transaction 5482198 - Approved By: CSULEZIC : 04-25-2016:10:19:15

04-22-2016 Notice of Electronic Filing  
Filed  
Proof of Electronic Service Transaction 5481569 - Approved By: NOREVIEW : 04-22-2016:16:36:49

04-22-2016 Notice of Electronic Filing  
Filed  
Proof of Electronic Service Transaction 5481567 - Approved By: NOREVIEW : 04-22-2016:16:35:48

04-22-2016 Notice of Electronic Filing  
Filed  
Proof of Electronic Service Transaction 5481563 - Approved By: NOREVIEW : 04-22-2016:16:33:37

04-22-2016 DedARATION  
Filed by: WALTER CHRIS WICKER, ESQ.  
DedARATION DECLARATION OF STEVEN CRYSTAL IN SUPPORT OF EX PARTE APPLICATION IN CLAIM AND DELIVERY FOR IMMEDIATE ISSUANCE OF WRIT OF POSSESSION WITHOUT HEARING AND EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION - Transaction 5481484 - Approved By: MPURDY : 04-22-2016:16:32:45  
- Exhibit 1  
- Exhibit 2  
- Exhibit 3

04-22-2016 DedARATION  
Filed by: WALTER CHRIS WICKER, ESQ.  
Declaration DECLARATION OF MIKE SACKRISON IN SUPPORT OF EX PARTE APPLICATION IN CLAIM AND DELIVERY FOR IMMEDIATE ISSUANCE OF WRIT OF POSSESSION WITHOUT HEARING AND EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION - Transaction 5481478 - Approved By: MPURDY : 04-22-2016:16:34:58  
- Exhibit 1  
- Exhibit 2  
- Exhibit 3  
- Exhibit 4  
- Exhibit 5  
- Exhibit 6  
- Exhibit 7

04-22-2016 Ex-Parte Application  
Filed by: WALTER CHRIS WICKER, ESQ.  
Ex-Parte Application... EX PARTE APPLICATION IN CLAIM AND DELIVERY FOR IMMEDIATE ISSUANCE OF WRIT OF POSSESSION WITHOUT HEARING AND EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION - Transaction 5481453 - Approved By: MPURDY : 04-22-2016:16:36:01

04-18-2016 Complaint - Civil  
Filed by: WALTER CHRIS WICKER, ESQ.  
\$Complaint - Civil Transaction 5472175 - Approved By: CSULEZIC : 04-19-2016:08:37:01  
- Exhibit 1  
- Exhibit 2  
- Exhibit 3  
- Exhibit 4  
- Exhibit 5  
- Exhibit 6  
- Exhibit 7

14

1 4085  
2 W. Chris Wicker, Esq.  
3 Nevada State Bar No. 1037  
4 Dane W. Anderson, Esq.  
5 Nevada Bar No. 6883  
6 WOODBURN AND WEDGE  
7 6100 Neil Road, Suite 500  
8 Reno, Nevada 89511  
9 Telephone: 775-688-3000  
10 Facsimile: 775-688-3088  
11 Email: [cwicker@woodburnandwedge.com](mailto:cwicker@woodburnandwedge.com)  
12 Email: [danderson@woodburnandwedge.com](mailto:danderson@woodburnandwedge.com)

13 Attorneys for Plaintiff  
14 Steven Crystal

15 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
16  
17 IN AND FOR THE COUNTY OF WASHOE

18 STEVEN B. CRYSTAL, individually and as  
19 Trustee of The Barbara L. Crystal Decedent  
20 Trust.

21 Plaintiff,

22 v.

23 JIM MCGOWEN, Trustee of McGowen &  
24 Fowler, PLLC and/or DOES 1-10, inclusive;  
25 and DOES 11-20.

26 Defendants.

Case No.: CV17-00281

Dept. No.: 62

27 SUMMONS

28 (JIM MCGOWEN, Trustee of McGowen & Fowler, PLLC)

29 TO THE DEFENDANT: YOU HAVE BEEN SUED. THE COURT MAY DECIDE  
30 AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND IN  
31 WRITING WITHIN 30 DAYS. READ THE INFORMATION BELOW VERY  
32 CAREFULLY.

33 A civil complaint or petition has been filed by the plaintiff against you for relief as  
34 set forth in that document (see complaint). When service is by publication, add a brief  
35 statement of the object of the action. See Nevada Rules of Civil Procedure, Rule 4(b).

36 The object of this action is: \_\_\_\_\_





1. If you intend to defend this lawsuit, you must do the following within 30 calendar days after service of this summons, exclusive of the day of service:

- a. File with the Clerk of this Court, whose address is shown below, a **formal written answer** to the complaint or petition, along with the appropriate filing fees, in accordance with the rules of the Court, and;
- b. Serve a copy of your answer upon the attorney or plaintiff(s) whose name and address is shown below.

2. Unless you respond, a default will be entered upon application of the plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the complaint or petition.

Dated: this 9<sup>th</sup> day of February, 2017.

JACQUELINE BRYANT  
CLERK OF THE COURT

By: \_\_\_\_\_

Deputy Clerk  
SECOND JUDICIAL DISTRICT COURT  
75 COURT STREET, RENO, NV 89511

Issued on behalf of Plaintiff:

W. Chris Wicker, Esq.  
Nevada State Bar No. 1037  
Dane W. Anderson, Esq.  
Nevada State Bar 6883  
**WOODBURN AND WEDGE**  
6100 Neil Road, Suite 500  
Reno, Nevada 89511  
Telephone: 775-688-3000  
Facsimile: 775-688-3088  
Email: [ewicker@woodburnandwedge.com](mailto:ewicker@woodburnandwedge.com)  
Email: [danderson@woodburnandwedge.com](mailto:danderson@woodburnandwedge.com)

Attorneys for Plaintiff  
Steven Crystal



No. CN17-00281

S. CRYSTAL

vs.

J. MCGOWEN

DEPT Ex. 15

Admitted: 5/17, 20 17

JACQUELINE BRYANT, CLERK

By adick

Deputy

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

STEVEN B. CRYSTAL, individually and as  
Trustee of the Barbara L. Crystal Decedent  
Trust,

Plaintiff,

vs.

JIM MCGOWEN, Trustee of McGowen &  
Fowler, PLLC and/or DOES 1-10, inclusive;  
and DOES 11-20,

Defendants.

Case No. CV17-00281

Dept. No. 15

**ORDER AFTER HEARING**

Before this Court is Defendant Jim McGowen's motion to quash service of process. This Court has reviewed all file materials and considered the evidence and arguments presented in court. Plaintiff Steven Crystal is represented by Chris Wicker and Dane Anderson; Defendant Jim McGowen is represented by Jacey Prupas and William Peterson. This Court now finds and orders as follows:

1. Mr. McGowen knew of his personal and/or professional involvement in a disputed art transaction. He declined to answer Mr. Wicker's electronic questions about the transaction, but voluntarily came to Nevada for legitimate business purposes at the request of his clients. He intended to observe proceedings, gather information, and speak with Mr. Wicker about preventing his clients from being involved in other litigation. His presence was not facilitated, encouraged, or even known by Mr. Wicker or Mr. Wicker's

1 client.

2 2. Upon seeing Mr. McGowen in Nevada, Messrs. Wicker and Anderson  
3 prepared and filed the underlying complaint. Diane Kelling, an employee of the  
4 Woodburn & Wedge Law Firm, served Mr. McGowen in Reno, Nevada on February 9,  
5 2017. There is no question about what was served or upon whom service was made.


6 3. NRCP 4(c) requires that service be made "by any person who is not a party  
7 and who is over 18 years of age." Although counsel should be cautious, service of process  
8 by an adverse attorney or his or her employee is not prohibited in Nevada.<sup>1</sup>

9 4. Plaintiff did not induce Mr. McGowen to Nevada through trickery. Neither  
10 Mr. Wicker nor Mr. Anderson manipulated Mr. McGowen's continuing presence to effect  
11 service. See generally Buchanan v. Wilson, 254 F.2d 849 (6th Cir. 1958). To the contrary,  
12 Mr. McGowen patiently waited until Mr. Wicker had completed a deposition because he  
13 wanted to speak with Mr. Wicker.

14 5. Because proper personal service was effected in Nevada, this Court is not  
15 required to analyze other jurisdictional contacts, whether general or specific. Cariaga v.  
16 District Court, 104 Nev. 544, 762 P.2d 886 (1988); Burnham v. Superior Court of California,  
17 110 S. Ct. 2105, 2110 (1990).

18 6. For these reasons, Mr. McGowen's motion to quash service of process is  
19 denied.

20 Dated: May 30, 2017.

21   
22 David A. Hardy  
23 District Court Judge

24  
25 <sup>1</sup> Mr. McGowan cites Sawyer v. Sugarless Shops, 106 Nev. 265, 792 P.2d 14 (1990), for the proposition that  
26 neither a lawyer nor a lawyer's employee may effect service of process. Sawyer was decided when NRCP 4  
27 allowed service by "any citizen" over the age of 18, including the adverse party. NRCP 4(c) (1990, as  
28 amended, eff. 1979) (prior to 2004 amendment). The issue in Sawyer was what documents were served upon  
whom? An employee of plaintiff's attorney was part of the service efforts. The Sawyer court noted service  
of process can become "a battle of credibility and testimony," and "[s]omething as fundamental and decisive  
as service is best taken away from the parties or their counsel or counsel's employees." Mr. McGowan argues  
this phrase creates a per se rule against service of process by an attorney or the attorney's employee. But  
Sawyer was abrogated when, in response to it, the Nevada Supreme Court amended NRCP 4 to expressly  
require service by a non-party. See NRCP 4 (drafter's note 2004 amendment).

1 2540  
2 W. Chris Wicker, Esq.  
3 Nevada State Bar No. 1037  
4 Dane W. Anderson, Esq.  
5 Nevada State Bar 6883  
6 WOODBURN AND WEDGE  
7 6100 Neil Road, Suite 500  
8 Reno, Nevada 89511  
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11 cwicker@woodburnandwedge.com  
12 danderson@woodburnandwedge.com

13 Attorneys for Plaintiff, Steven Crystal

14 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

15 IN AND FOR THE COUNTY OF WASHOE

16 STEVEN B. CRYSTAL, individually and as  
17 Trustee of The Barbara L. Crystal Decedent  
18 Trust,

19 Plaintiff,

20 v.

21 JIM MCGOWEN, Trustee of McGowen &  
22 Fowler, PLLC and/or DOES 1-10, inclusive;  
23 and DOES 11-20,

24 Defendants.

Case No.: CV17-00281

Dept. No.: 15

**NOTICE OF ENTRY OF ORDER**

25 TO: Defendant, JIM MCGOWEN, and his counsel of record:


26 PLEASE TAKE NOTICE that on the 31<sup>st</sup> day of May, 2017, the above-entitled Court  
27 entered the Order After Hearing, attached hereto as Exhibit "1."

28 The undersigned does hereby affirm pursuant to NRS 239B.030 that the preceding  
document does not contain the personal information of any person.

DATED: May 31, 2017.

WOODBURN AND WEDGE

By:

  
W. Chris Wicker, Esq. [Bar No. 1037]  
Dane W. Anderson, Esq. [Bar No. 6883]  
Attorneys for Plaintiff

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**Table of Exhibit**

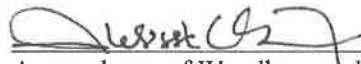
<b>Exhibit No.</b>	<b>Document Description</b>	<b>No. of Pages (not including Exhibit sheet)</b>
1	Order After Hearing (5/31/17)	2

1 CERTIFICATE OF SERVICE

2 I hereby certify that I am an employee of Woodburn and Wedge and that on this date,  
3 I caused to be sent via electronic service through the Court's E-flex system a true and correct  
4 copy of the foregoing **NOTICE OF ENTRY OF ORDER** to:  
5

6 Jacey Prupas, Esq.  
7 Carrie L. Parker, Esq.  
8 SNELL & WILMER, L.L.P.  
9 50 West Liberty Street, Suite 510  
10 Reno, NV 89501  
11 *Attorneys for Defendant*

12 Dated: May 31, 2017.

13 By:   
14 An employee of Woodburn and Wedge  
15  
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FILED  
Electronically  
CV17-00281  
2017-05-31 02:14:27 PM  
Jacqueline Bryant  
Clerk of the Court  
Transaction # 6125502

# EXHIBIT “1”

---

# EXHIBIT “1”

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

STEVEN B. CRYSTAL, individually and as  
Trustee of the Barbara L. Crystal Decedent  
Trust,

Plaintiff,

vs.

JIM MCGOWEN, Trustee of McGowen &  
Fowler, PLLC and/or DOES 1-10, inclusive;  
and DOES 11-20,

Defendants.

Case No. CV17-00281

Dept. No. 15

**ORDER AFTER HEARING**

Before this Court is Defendant Jim McGowen's motion to quash service of process. This Court has reviewed all file materials and considered the evidence and arguments presented in court. Plaintiff Steven Crystal is represented by Chris Wicker and Dane Anderson; Defendant Jim McGowen is represented by Jacey Prupas and William Peterson. This Court now finds and orders as follows:

1. Mr. McGowen knew of his personal and/or professional involvement in a disputed art transaction. He declined to answer Mr. Wicker's electronic questions about the transaction, but voluntarily came to Nevada for legitimate business purposes at the request of his clients. He intended to observe proceedings, gather information, and speak with Mr. Wicker about preventing his clients from being involved in other litigation. His presence was not facilitated, encouraged, or even known by Mr. Wicker or Mr. Wicker's

1 client.

2 2. Upon seeing Mr. McGowen in Nevada, Messrs. Wicker and Anderson  
3 prepared and filed the underlying complaint. Diane Kelling, an employee of the  
4 Woodburn & Wedge Law Firm, served Mr. McGowen in Reno, Nevada on February 9,  
5 2017. There is no question about what was served or upon whom service was made.

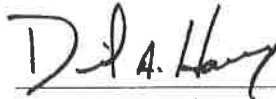
6 3. NRCP 4(c) requires that service be made "by any person who is not a party  
7 and who is over 18 years of age." Although counsel should be cautious, service of process  
8 by an adverse attorney or his or her employee is not prohibited in Nevada.<sup>1</sup>

9 4. Plaintiff did not induce Mr. McGowen to Nevada through trickery. Neither  
10 Mr. Wicker nor Mr. Anderson manipulated Mr. McGowen's continuing presence to effect  
11 service. See generally Buchanan v. Wilson, 254 F.2d 849 (6th Cir. 1958). To the contrary,  
12 Mr. McGowen patiently waited until Mr. Wicker had completed a deposition because he  
13 wanted to speak with Mr. Wicker.

14 5. Because proper personal service was effected in Nevada, this Court is not  
15 required to analyze other jurisdictional contacts, whether general or specific. Cariaga v.  
16 District Court, 104 Nev. 544, 762 P.2d 886 (1988); Burnham v. Superior Court of California,  
17 110 S. Ct. 2105, 2110 (1990).

18 6. For these reasons, Mr. McGowen's motion to quash service of process is  
19 denied.

20 Dated: May 30, 2017.

21   
22 David A. Hardy  
23 District Court Judge

24  
25 <sup>1</sup> Mr. McGowan cites Sawyer v. Sugarless Shops, 106 Nev. 265, 792 P.2d 14 (1990), for the proposition that  
26 neither a lawyer nor a lawyer's employee may effect service of process. Sawyer was decided when NRCP 4  
27 allowed service by "any citizen" over the age of 18, including the adverse party. NRCP 4(c) (1990, as  
28 amended, eff. 1979) (prior to 2004 amendment). The issue in Sawyer was what documents were served upon  
whom? An employee of plaintiff's attorney was part of the service efforts. The Sawyer court noted service  
of process can become "a battle of credibility and testimony," and "[s]omething as fundamental and decisive  
as service is best taken away from the parties or their counsel or counsel's employees." Mr. McGowan argues  
this phrase creates a per se rule against service of process by an attorney or the attorney's employee. But  
Sawyer was abrogated when, in response to it, the Nevada Supreme Court amended NRCP 4 to expressly  
require service by a non-party. See NRCP 4 (drafter's note 2004 amendment).

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

JIM MCGOWEN, Trustee of McGowen &  
Fowler, PLLC and/or DOES 1-10, inclusive;  
and DOES 11-20,

Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT  
COURT, in and for the County of Washoe,  
State of Nevada, and THE HONORABLE  
DAVID A. HARDY, District Judge,

Respondent,

STEVEN B. CRYSTAL, individually and as  
Trustee of the Barbara L. Crystal Decedent  
Trust,

Real Party in Interest.

Case No.

District Court Case No. CA17-00281

Dept. 15

Electronically Filed  
Jun 23 2017 10:00 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**PETITION**

**From the Second Judicial District Court  
The Honorable David A. Hardy, District Judge**

---

**PETITIONER'S APPENDIX – VOLUME II**

---

WILLIAM E. PETERSON  
Nevada Bar No. 1528  
JANINE C. PRUPAS  
Nevada Bar No. 9156  
CARRIE L. PARKER  
Nevada Bar No. 10952  
SNELL & WILMER L.L.P.  
50 West Liberty Street, Suite 510  
Reno, Nevada 89501  
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[jprupas@swlaw.com](mailto:jprupas@swlaw.com)  
[cparker@swlaw.com](mailto:cparker@swlaw.com)  
*Attorneys for Petitioner*

<b><u>Document Name</u></b>	<b><u>Dated Filed</u></b>	<b><u>Volume</u></b>	<b><u>Page</u></b>
Application for Setting	4/27/17	I	APPX000129- APPX000130
Application for Setting	5/3/17	I	APPX000132
Case Assignment Notification	4/3/17	I	APPX000115- APPX000116
Complaint	2/9/17	I	APPX000001- APPX000003
Declaration of Dane W. Anderson in Support of Opposition to Defendant's Motion to Quash Service and Dismiss and Request for Sanctions	3/28/17	I	APPX000108- APPX000111
Declaration of Dianne Kelling in Support of Opposition to Defendant's Motion to Quash Service and Dismiss and Request for Sanctions	3/28/17	I	APPX000094- APPX000103
Declaration of Stephen Warner in Support of Opposition to Defendant's Motion to Quash Service and Dismiss and Request for Sanctions	3/28/17	I	APPX000043- APPX000052

Declaration of Steven B. Crystal in Support of Opposition to Defendant's Motion to Quash Service and Dismiss and Request for Sanctions	3/28/17	I	APPX000104-APPX000107
Declaration of W. Chris Wicker in Support of Opposition to Defendant's Motion to Quash Service and Dismiss and Request for Sanctions	3/28/17	I	APPX000053-APPX000093
Evidentiary Hearing Exhibits	5/22/17	II	APPX000286-APPX000384
Evidentiary Hearing Minutes	5/22/17	II	APPX000282-APPX000285
Motion to Quash Service and Dismiss Case and Request for Sanctions	3/10/17	I	APPX000007-APPX000030
Notice of Entry of Order	5/31/17	II	APPX000387-APPX000392
Opposition to Defendant's Motion to Quash Service and Dismiss Case	3/28/17	I	APPX000031-APPX000042
Order Accepting Reassignment	4/4/17	I	APPX000117

Order After Hearing	5/31/17	II	APPX000385- APPX000386
Order of Recusal of Presiding Judge and for Random Reassignment	4/3/17	I	APPX000112- APPX000114
Order to Set	4/27/17	I	APPX000131
Reply in Support of Motion to Quash Service and Dismiss Case and Request for Sanctions	4/6/17	I	APPX000118- APPX000125
Request for Submission	4/6/17	I	APPX000126- APPX000128
Summons	2/9/17	I	APPX000004- APPX000006
Transcript of Proceedings – Evidentiary Hearing	5/17/17	II	APPX000133- APPX00281

### CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On June 22, 2017, I caused to be served a true and correct copy of the foregoing **PETITIONER'S APPENDIX – VOLUME II** upon the following by the method indicated:

- ☐ **BY E-MAIL:** by transmitting via e-mail the document(s) listed above to the e-mail addresses set forth below and/or included on the Court's Service List for the above-referenced case.
- ☒ **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Reno, Nevada addressed as set forth below.
- ☐ **BY ELECTRONIC SUBMISSION:** submitted to the above-entitled Court for electronic filing and service upon the Court's Service List for the above-referenced case.

The Honorable David A. Hardy  
Second Judicial District Court  
Department 15  
75 Court Street  
Reno, Nevada 89501

W. Chris Wicker  
Dane W. Anderson  
Woodburn and Wedge  
6100 Neil Road, Suite 500  
Reno, Nevada 89511

By: /s/ Holly W. Longe  
An employee of Snell & Wilmer L.L.P.



1 4185

2  
3  
4  
5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

6 IN AND FOR THE COUNTY OF WASHOE

7 THE HONORABLE DAVID A. HARDY, DISTRICT JUDGE

8  
9 STEVEN B. CRYSTAL, ET AL, --oOo--

10 Plaintiff,

Case No. CV17-00281

11 vs.

Dept. No. 15

12 JIM MCGOWEN, ET AL,

13 Defendants.

---

14  
15 TRANSCRIPT OF PROCEEDINGS

16 EVIDENTIARY HEARING

17 Wednesday, May 17, 2017

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24 Reported by:

EVELYN J. STUBBS, CCR #356

A P P E A R A N C E S

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1 RENO, NEVADA; WEDNESDAY, MAY 17, 2017; 1:30 P.M.

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3  
4 THE COURT: Please be seated.

5 Counsel, your appearances, please.

6 MR. WICKER: Your Honor, appearing on behalf of the  
7 Plaintiff Steven Crystal is Chris Wicker and Dane Anderson. And  
8 with me today is Mr. Steven Crystal.

9 THE COURT: Thank you.

10 MS. PRUPAS: Good afternoon, Your Honor. For  
11 Mr. McGowen J.C. Prupas, Bill Peterson, and Mr. McGowen.

12 THE COURT: Thank you.

13 I wish to begin with a few comments. But before I  
14 launch into what I want to convey, is there anything procedural  
15 from counsel I need to know?

16 MR. WICKER: The only thing I would say, Your Honor, we  
17 have two -- two or one witness, depending on what Your Honor  
18 says, arriving by plane. They're supposed to arrive at 1:00  
19 o'clock. And so they should be here by 2:00 o'clock. But  
20 they'll probably be just walking in the courtroom.

21 THE COURT: Okay. Ms. Prupas, anything from you?

22 MS. PRUPAS: No, Your Honor. Thank you.

23 THE COURT: I always ask that question, because  
24 sometimes I launch into these long conversations and have the

1 attorneys interrupt and say, "Judge, we've settled the case" or  
2 "We have agreed on what you're about to order."

3           So that not being the case, let me share with you a few  
4 of my preliminary inclinations, so that it may inform your  
5 arguments and presentations and also limit the time that may be  
6 incurred.

7           By local rule in this district, the Court regularly  
8 makes decisions on paper. It is contemplated that the Court will  
9 read and adjudicate from paper. While I have not finally  
10 resolved the issues in my mind, my review of the paper, several  
11 times, has led to some inclinations I would like you to know.

12           We are here on a jurisdictional question, which shall  
13 be informed by some evidence. There are three components of the  
14 question for the Court. Two questions, with one question having  
15 a subpart. Number one, the efficacy of service of the process,  
16 grounded in the arguments that service was effected by an  
17 interested party and therefore invalid.

18           I think a subquestion is whether -- if service was  
19 perfected, whether it supplants any further jurisdictional  
20 analysis under personal and specific and contacts.

21           And then the second question for the this Court is even  
22 if service was proper, was it the result of some artifice; was  
23 there deceit or trickery that led Mr. McGowen to the State of  
24 Nevada.

1           As to the first question, the current Rule 4 provides  
2 that service may be made by any person not a party and over the  
3 age of 18. The common law prohibited service by any interested  
4 party. The common law was codified early in Nevada's history by  
5 legislative enactment.

6           Let me say that differently. The common law was  
7 clarified by early legislative action when the Nevada Legislature  
8 printed a statute that said any citizen could serve, could effect  
9 service of process if over the age of 21. And that was the state  
10 of law at the time that Nevada Cornell Silver versus Hankins case  
11 was decided. That was 1929.

12           The law at that time was that any citizen over the age  
13 of 25. And as the Supreme Court noted, that really creates  
14 mischief, because any citizen could include the plaintiff, so the  
15 plaintiff would be the process server.

16           And then in 1990, in the Sawyer versus Sugarless case  
17 the Court suggested -- I'm not sure how -- I certainly anticipate  
18 the argument, but suggested that service should not be made by an  
19 attorney or an attorney's employee.

20           In 1990 the service rule still contained the language,  
21 "citizen over the age of 21." In the Nevada Cornell Silver  
22 versus Hankins case and Sawyer versus Sugarless, both of those  
23 cases involved default judgments and questions about service  
24 itself. I believe if we look at the reasons why service must be

1 effected by a disinterested party -- or now by rule, a non-  
2 party -- it's to prevent any battles about what was served and  
3 upon whom was service made.

4           It was to eliminate, I think as the Court said, battles  
5 of credibility and testimony. According to the drafter's notes  
6 in 2004, Rule 4 was amended in 2005 specifically because of the  
7 Sawyer versus Sugarless decision, and the resulting rule provides  
8 "not a party."

9           So my first inclination is that Mr. Wicker and his  
10 office representative are not parties under literal construction  
11 of the rule and that I would have to rely upon decisional  
12 authorities that predate the current construction of the rule to  
13 find in favor of Mr. McGowen.

14           Further, I'll be interested to know today whether there  
15 is any question about Mr. McGowen's identity or any question  
16 about what was served, because if Mr. McGowen was indeed served,  
17 and he concedes he was served with the Complaint and Summons,  
18 then the battles about credibility and testimony and what was  
19 served and upon whom it was served become answered.

20           By way of just example, in the Sawyer versus Sugarless  
21 decision -- Counsel, you've read it, you know -- the documents  
22 were sealed and the process server had no idea what was contained  
23 in the document and they were delivered it as part of the  
24 ordinary course of the office, and the defendant said, "I wasn't

1 even there."

2           So we have all of these questions. I don't think any  
3 of these questions, at least from what I've read in this case,  
4 the single dispositive series of facts that I'm looking for today  
5 I believe will be whether Mr. McGowen was brought to Nevada  
6 through some intrigue, whether it was all trickery to effect  
7 service of process personally to bypass what would have otherwise  
8 been a jurisdictional analysis. So that's where I am.

9           You may begin with quick arguments, you may respond to  
10 what I said, or you may call your first witness. And I believe  
11 on this jurisdictional question, typically it would be your  
12 burden on the prima facie case. I'm not sure who should start  
13 here today. I don't know. I just want to know the circumstances  
14 under which Mr. McGowen came to Nevada.

15           MR. WICKER: I anticipated that the defendants would  
16 start, as it is their motion.

17           MS. PRUPAS: I did as well.

18           MR. WICKER: Okay. I would like to note for the Court  
19 that a witness, Ms. Kelling, who we maintain effected the  
20 service, is here in the Court. So I've not heard anybody exclude  
21 witnesses yet, but I just wanted counsel to know that.

22           THE COURT: It's your call.

23           MS. PRUPAS: I'll exclude her.

24           THE COURT: All right. Ma'am, the rule of exclusion



1 contemplates that the witness will not hear other trial  
2 proceedings until called. So we will summons you to come back.

3 Ms. Prupas, you may begin.

4 MS. PRUPAS: Just to answer your first question, to get  
5 the point of it: There is no question on who was served and what  
6 was served. I just want to clear that up. But I do want to give  
7 you some argument as to why service was improper under the rule.

8 And if you look at 4(c), which Your Honor already  
9 brought up, and I believe you mentioned the editors' notes. The  
10 editors' notes specifically discuss the Sawyer case and that no  
11 disinterested party can effectuate service.

12 THE COURT: You're right, but that language, "no  
13 disinterested party" was not included in the rule by the Supreme  
14 Court itself. How do I reconcile that?

15 MS. PRUPAS: Well, I think the editors' notes are part  
16 of the rule. Every practitioner reads the notes as part of the  
17 rule. So my position would be these notes are part of the rule.

18 And then I also, more importantly --

19 THE COURT: What is the purpose that's vindicated by  
20 your argument? Why in this instance is the reported service  
21 fatal?

22 MS. PRUPAS: And that's a very good question. Because  
23 what you were saying earlier is well the Sawyer case, that's a  
24 default case. And it came down to credibility as to who was

1 served and what was served. I think that gets into a slippery  
2 slope. And what you're then saying is when you have an  
3 interested party making service, it really comes down to a  
4 factual analysis as to the circumstances of the case; is it a  
5 default judgment, is it not a default judgment. And I don't  
6 think that's what implied by the rule. Are they interested or  
7 are they not? If they're interested, no service.

8 THE COURT: But you can see there is no fact question  
9 here. So we can't even trip on a slippery slope. There is no  
10 fact question.

11 MS. PRUPAS: Except, except, and I think this is  
12 important to note, in the Sawyer case -- and I know you say  
13 there's language suggesting that's there -- that no interested  
14 party can make service. But what you have to note here is they  
15 say, "Something as fundamental and decisive as service is best  
16 taken away from the parties or their counsel or counsel's  
17 employees." The next sentence starts with, "Applying this  
18 prohibition."

19 So it's a prohibition. You can't have a party, their  
20 counsel, counsel's employees making service. And then if you --  
21 what you're saying is, well, you really have to look at the facts  
22 of the case, what kind of -- what's being served, who's being  
23 served, under what circumstances, what kind of case is it. And  
24 you make it a factual analysis, and you're sort of bypassing the

1 rule. I think the rule is clear: No interested party.

2 THE COURT: If the rule was enacted in response to  
3 Sawyer, why doesn't the rule embody the Sawyer holding you're  
4 urging upon this Court? It doesn't.

5 MS. PRUPAS: Yeah. And my only response is: It's in  
6 the editors' notes.

7 THE COURT: It doesn't say anything about the attorney  
8 in the editors' notes. It simply refers to the Sawyer decision.

9 MS. PRUPAS: I'm sorry.

10 THE COURT: I'm sorry. Go ahead.

11 MS. PRUPAS: I'm sorry.

12 THE COURT: That's okay.

13 MS. PRUPAS: I think it's important to note that the  
14 editors' note is in there to clarify the rule.

15 THE COURT: So under typical statutory construction,  
16 contract construction, testamentary instrument construction, we  
17 only go to interpretive notes if there is ambiguity. Where is  
18 the ambiguity in the rule, "not a party over the age of 18"?

19 MS. PRUPAS: There is not, except in the editors'  
20 notes.

21 THE COURT: And again, if the editors -- ultimately the  
22 Supreme Court would probably make the rule -- intended that a  
23 lawyer or law firm representative not effect service pursuant to  
24 Sawyer, why is it not in the rule? There's a reference to

1 Sawyer, but there's nothing about lawyers or their employees.

2 MS. PRUPAS: Except I think the language is pretty  
3 clear in Sawyer that it's a prohibition. If you think about it,  
4 you know, it insinuates -- you know, it does sort of insinuate  
5 and attack the credibility of what's going on here.

6 You know, Mr. Wicker says, "I didn't serve him.  
7 Ms. Kelling served him." Well, Mr. McGowen says, "No. No.  
8 Ms. Kelling didn't serve me. Mr. Wicker did."

9 THE COURT: But he admits he was served though.

10 MS. PRUPAS: He admits he was served, yeah.

11 THE COURT: With the Complaint and a Summons?

12 MS. PRUPAS: Yes. Yes.

13 Going on to the second point. And, Your Honor, the  
14 second point going to the trickery. Counsel for Mr. Bush,  
15 Mr. Wicker, and -- I mean counsel for Mr. Bush, he has several  
16 counsel; Mr. Bert Terreri, Mr. Steve Defilippis, and Ms. Alicia  
17 Johnson. Unfortunately none of them are here, because they were  
18 not parties to this case, and, therefore, not ordered to be here  
19 today. But his counsel, Mr. Bush, and Mr. Crystal's counsel,  
20 Mr. Wicker and Mr. Anderson, tricked Mr. McGowen into coming to  
21 Reno on February 9th to attend a settlement conference. But also  
22 tricked him into coming to Reno, and coming to a deposition that  
23 morning, and tricked him to staying there long enough so they  
24 could draft a Complaint, file it, and serve him personally.

1 Okay.

2 Prior to February 8th or February 9th, Mr. Bush's  
3 counsel called Mr. McGowen and said, "I think you should come to  
4 Reno on February 9th. There's going to be a settlement  
5 conference. I'd like you and your client" -- Mr. McGowen is an  
6 attorney. He represents clients in Texas. "We think you should  
7 come to settlement conference."

8 Mr. McGowen's clients declined, but they authorized  
9 Mr. McGowen to come to the settlement conference to specifically  
10 talk to Mr. Wicker and attend the settlement conference that had  
11 been ordered by Judge Berry on February 9th to take place in  
12 front of Judge Russell February 9 at 1:30 in Carson City.

13 Without informing him, okay, until the day of,  
14 February 9th, Mr. Bush and his counsel, Mr. Bert Terreri,  
15 Mr. Steve Defilippis, informed Mr. McGowen, "Well, the settlement  
16 conference has been pushed back to 1:30, and in its place,  
17 they're going to have a short deposition. So why don't we all go  
18 to the deposition, and then we'll be there for the settlement  
19 conference."

20 They usher Mr. McGowen into their car and they all  
21 drive to Sunshine Litigation that morning. So in Mr. McGowen's  
22 mind he's saying: Okay, the deposition is not anything about  
23 what I'm concerned about, and I guess the settlement conference  
24 will take place afterwards. Okay. Fine. I'll sit through the

1 deposition.

2 THE COURT: Are you going to have evidence that somehow  
3 connects that conspiracy to Mr. Wicker and his client though?  
4 I'm not sure how to ascribe all of that to Mr. Wicker.

5 MS. PRUPAS: That's a very good point. I'm at a  
6 disadvantage here, because Mr. Wicker has had conversations with  
7 Mr. Terreri and Mr. Defilippis. Okay. I don't know what those  
8 conversations are, but I can sure infer what those conversations  
9 are, just based on the facts of what happened that day.

10 So I can ask Mr. Wicker today what were the  
11 conversations you had with Mr. Terreri, and I can also -- I'm  
12 also going to present Mr. McGowen as to what happened that day.  
13 But all I really can -- and I can tell you what those facts  
14 infer. So they -- they say, "We're at Sunshine. Why don't you  
15 come into the deposition. Sit in on this deposition." They  
16 drive him to Sunshine. They introduce him to Mr. Wicker. They  
17 introduce him, "Mr. McGowen this is Mr. Wicker. We're going to  
18 have this short deposition. Now come on into the conference  
19 room."

20 Before the deposition starts Mr. Wicker and  
21 Mr. Terreri, okay, Bush's counsel, Crystal's counsel, they meet  
22 behind closed doors, although Wicker has had no contact with my  
23 client Mr. McGowen, and we have no idea the conversations  
24 Mr. Terreri and Mr. Wicker are having, okay. Mr. Wicker, in his

1 own declaration to this Court, admits meeting with Mr. Terreri at  
2 least once during this deposition. And Mr. McGowen will testify  
3 that there were at least three conversations between closed doors  
4 between Mr. Terreri and Mr. Wicker.

5 According to Mr. Wicker's own declaration, and I think  
6 his opposition, Mr. Bush and Mr. Crystal are archenemies. This  
7 is bitter litigation. There's multiple lawsuits going on. There  
8 can be absolutely no collusion going on between these two,  
9 because the litigation is so bitter. Why then, why then is  
10 Mr. Terreri and Mr. Wicker having closed conversations,  
11 conversations behind closed doors at this deposition? I can  
12 infer. I know what those facts infer.

13 THE COURT: If they were archenemies why would Mr. Bush  
14 want to assist Mr. Crystal in serving process of a Complaint that  
15 Mr. Bush is not a party to, although he may be factually  
16 implicated.

17 MS. PRUPAS: It's an excellent question. It benefits  
18 both of them. It benefits both Mr. Bush and Mr. Crystal to have  
19 Mr. McGowen now involved in these lawsuits. I anticipate if we  
20 lose this motion they will try to consolidate this lawsuit  
21 against Mr. McGowen with one of the other two cases pending. And  
22 it benefits both of them, because Mr. Bush owes money to  
23 Mr. Crystal. Bush doesn't have the money. Mr. Crystal wants the  
24 money. Who has money? Mr. McGowen and his client. So I think

1 it benefits both of them getting him involved.

2 So they're conspiring. They conspired before the  
3 deposition. Then they take breaks during the deposition. They  
4 have conversations during lunch at the deposition. And then at  
5 the end of the deposition, who comes and gets Mr. McGowen out of  
6 the conference room? Mr. Terreri. "Mr. McGowen, Mr. Wicker  
7 would like to talk to you now." Bam.

8 THE COURT: So I know we're putting arguments before  
9 the evidence, but I'm also going to assume that Mr. Wicker is  
10 going to testify consistent with his declaration. So I'm going  
11 to ask about it.

12 If this is the case, why the telephone call to  
13 Mr. Anderson, "Oh, by the way, McGowen is here?" And why did  
14 they prepare the lawsuit that day after discovering his presence,  
15 as opposed to preparing it and filing it in advance, knowing,  
16 because of the conspiracy, that he was going to be there?

17 MS. PRUPAS: So the original phone call to Mr. McGowen  
18 from Mr. Bust was, "I think your client and you should come to  
19 Reno." Okay. So they're hoping Mr. McGowen clients are coming.  
20 I have to assume, I do not know, that Mr. Wicker was given a  
21 heads-up on that. "Hey, Mr. McGowen and his clients might come  
22 to the settlement conference." Okay.

23 So he sees Mr. McGowen that morning, and he's  
24 surprised. He's surprised, "Oh, my gosh. He actually came."



1 But, oh, look. No clients. So he has to make due with  
2 Mr. McGowen. So what does he do? He calls Mr. Anderson. He  
3 says, "Draft the Complaint. Think of something to state a claim  
4 against Mr. McGowen." Okay.

5 If you look at the Complaint, that explains why this  
6 Complaint is extremely awkward. If you look at the defendant,  
7 the defendant is Jim McGowen as trustee of his own law firm.  
8 There's no such thing. He's not a trustee of his law firm. The  
9 law firm is a professional limited liability company. So and he  
10 doesn't even claim an interest in the artwork that's being  
11 alleged. So they had to think of something, and they thought of  
12 something really fast, but they didn't know about it until 9:30  
13 that morning. Mr. McGowen is here. Let's make the most of it.

14 So what should have been half an hour, maybe an hour  
15 deposition got prolonged until 12:30, long enough so Mr. Anderson  
16 could type up his Complaint; they could give it to Ms. Kelling to  
17 drive down to the courthouse, file it, get a Summons issued,  
18 drive to Sunshine, and serve it with Mr. McGowen. All the time  
19 knowing they had a 1:30 settlement conference in Carson City in  
20 front of Judge Russell. So they needed at least two or three  
21 hours to get all of this done and prolong Mr. McGowen being here  
22 as long as they could get him to stay here so they could do all  
23 of this during the deposition.

24 THE COURT: I think we better get -- we better get some

1 evidence.

2 MS. PRUPAS: Okay.

3 THE COURT: And I'll invite you to defer your argument.  
4 Let me be clear. You're going to do some -- I don't know who is  
5 as going to be called. If you would like to make comments now,  
6 you may or you can do so at the beginning of your presentation.

7 MR. WICKER: We defer, Your Honor.

8 THE COURT: All right.

9 MS. PRUPAS: Okay. I'll call my first witness,  
10 Mr. McGowen.

11 THE COURT: All right. Deputy, if you can assist  
12 Mr. McGowen to be sworn and take the witness stand.

13 JAMES P. MCGOWEN,  
14 called as a witness herein, being first duly sworn,  
15 was examined and testified as follows:

16 DIRECT EXAMINATION

17 BY MS. PRUPAS:

18 Q Good afternoon, sir. Can you state and spell your name  
19 for the record.

20 A James P. McGowen. J-A-M-E-S P. M-C-G-O-W-E-N.

21 Q Where do you reside?

22 A Dallas, Texas.

23 Q What do you do for a living?

24 A I'm an attorney.

1 Q What type of law do you practice?

2 A I do mostly transactional stuff. I do oil and gas.

3 Occasionally I do litigation, if I can't you figure out a way to  
4 get out of it.

5 Q How long have you been practicing?

6 A About 20 years roughly.

7 Q And where are you licensed?

8 A In Texas. That's all.

9 Q Okay. Are you aware of the litigation pending against  
10 Mr. Bush here in Washoe County?

11 A I am aware of it. I've heard things said about it. I  
12 have never read any of the documents.

13 Q Do you understand how many lawsuits are currently  
14 pending against Mr. Bush?

15 A I have no idea.

16 Q Are you a party to those lawsuits?

17 A No.

18 Q Are you counsel of record in those lawsuits?

19 A Not that I know of. Not that I recall.

20 Q And you're not admitted pro hac vice in Nevada?

21 A No.

22 Q You do understand that you've been named as a defendant  
23 in this lawsuit, the case we're here today, correct?

24 A Yes, I do.

1 Q And you understand that in that lawsuit you've been  
2 named as a trustee of your law firm? Do you understand that?

3 A I understood that's what it says.

4 Q Okay. Are you a trustee of your law firm?

5 A No, ma'am.

6 Q What is the legal entity of your law firm?

7 A It's a professional limited liability company, and does  
8 not have a trustee, never has had a trustee.

9 Q Is your law firm held in trust?

10 A No.

11 Q The lawsuit that we're here on today alleges that  
12 Mr. Bush sold you, as trustee of your law firm, some pieces of  
13 artwork. Do you understand that?

14 A Yes, ma'am.

15 Q Okay. Do you claim any ownership in that artwork?

16 A No.

17 Q I want to go now to the date of the deposition, which  
18 was February 9th. Correct?

19 A Yes, ma'am.

20 Q Is that what you recall?

21 A Yes, ma'am.

22 Q February 9th, 2017.

23 A (The witness nods.)

24 Q When did you come to Reno for that -- well, let me ask

1 you, when did you come to Reno around -- did you come to Reno  
2 February 9th or February 8th?

3 A I came February the 8th.

4 Q Around what time did you arrive?

5 A The last flight in from Las Vegas. I think it was 9:00  
6 o'clock, 10:00 o'clock when I got here.

7 Q Okay. And why did you come here?

8 A To go to that settlement conference.

9 Q Okay. And when you say, "that settlement conference,"  
10 what are you referring to?

11 A The Crystal and Bush case settlement conference.  
12 That's all I know.

13 Q Okay. How did you know about the settlement  
14 conference? What was told to you about that settlement  
15 conference?

16 A You mean before I came or after I came?

17 Q Before you came.

18 A Before I came. I was told that --

19 MR. WICKER: Your Honor, I'm going to object. It  
20 sounds like we're going to get into some hearsay.

21 THE COURT: I anticipate there will be a lot of  
22 information conveyed to Mr. McGowen by out-of-court declarants to  
23 cause his appearance. What is your general argument against what  
24 will be a continuing hearsay objection?

1 MS. PRUPAS: My general position on that, this goes to  
2 his state of mind. It really is not -- you know, it does not go  
3 to the truth of the matter. It goes to his state of mind, why he  
4 came to Reno, why he did the things he did. It goes to his  
5 understanding.

6 THE COURT: So is the truth of the conspiracy not  
7 relevant? Is it just his understanding of the conspiracy that's  
8 relevant?

9 MS. PRUPAS: You know, we anticipated this argument.  
10 And Mr. Peterson did the research on it. Can he be heard?

11 THE COURT: Counsel, I'm going to grant the same  
12 privilege to you if necessary. Certainly in front of a jury and  
13 often when only one attorney argues a cause that I'm going to --  
14 I'm going to allow it.

15 MR. WICKER: And we would have no objection, Your Honor.

16 THE COURT: Please proceed.

17 MR. PETERSON: Your Honor, if you look at the statute,  
18 it is identical to the federal rule on hearsay. It's not  
19 hearsay. There's a two-step analysis. First, is it hearsay? If  
20 you conclude that is hearsay, then you go to the exception to the  
21 hearsay. One of them is the one Ms. Prupas just mentioned, which  
22 is state of mind.

23 But the first point, is it a hearsay statement at all?  
24 Hearsay is defined in the statute 51.035. The statute says that

1 if it's not offered -- if the statement, the contents of the  
2 statement are not offered to prove the contents of the statement,  
3 then it's not hearsay at all.

4 So of all of these statements that Ms. Prupas is going  
5 to ask about are not offered to prove the truth of whatever the  
6 declaration is made by the declarant. It's simply irrelevant to  
7 show circumstantially that there was a motive or intent to do  
8 certain things, and/or that the statement itself is relevant for  
9 that purpose.

10 So if you analyze it and think about it, which I have,  
11 that it's really not hearsay, because you've got to focus on the  
12 contents of the statement: What did Mr. Wicker tell you? He  
13 told me to come in here. "He told me to come in here" is not  
14 offered to prove the truth of the matter that he came in there.  
15 Simply the fact that the statement was made is relevant to the  
16 point that it's part of a conspiracy; whether it's a  
17 before-conspiracy, as you've talked about, or an  
18 after-conspiracy. There being a difference between the  
19 conspiracy to bring him here and one to keep him here.

20 THE COURT: Thank you. I'm going to invite speaking  
21 objections. You can argue that if you'd like. I'd like to hear  
22 your perspective, if any.

23 MR. WICKER: My perspective is this, Your Honor: I  
24 anticipate that Mr. McGowen would testify, if allowed to do so,

1 that his clients, the Welborns told him that they were contacted  
2 by Mr. Bush or Mr. Bush's attorney and told there was going to be  
3 a settlement conference in Reno and would you please attend in  
4 our stead.

5 In my mind that sounds like they're going to the truth  
6 of the matter, that they were told these things and that it's  
7 true and a part of the conspiracy to get Mr. McGowen here. So if  
8 it's not for the truth of the matter in those statements, then  
9 what point is it? If Mr. McGowen came here for no reason, then  
10 there certainly is no deceit or no conspiracy. If he came here  
11 because of what his clients claimed were true facts, then I think  
12 that is hearsay and misses the first test as enunciated by  
13 Mr. Peterson.

14 THE COURT: I'm going to allow it. Overruled.

15 BY MS. PRUPAS:

16 Q So I'll repeat my last question. Why did you come to  
17 Reno on February 8th?

18 A I was told by some of my clients that there was going  
19 to be a settlement conference and that even though my clients  
20 were not involved in the lawsuit they said there are some aspects  
21 of what's in the lawsuit that may effect them. And they said,  
22 you know, "we've been invited to go." And at one time they were  
23 thinking -- some of them were thinking about going and bringing  
24 me. And then closer to it, they said, "Why don't you just go."



1           So I was there to hear what was to be brought out in  
2 the settlement conference.

3           Q     Were you told a specific date and time as to where and  
4 when that settlement conference would take place?

5           MR. WICKER: Your Honor, if I could just have a  
6 continuing hearsay objection rather than interrupting?

7           THE COURT: Yes.

8           THE WITNESS: The date and time changed a couple of  
9 times, I think, from the initial discussion until the time of.  
10 But I think it ended up being on the 9th, February the 9th. And  
11 I was told that it was -- I was initially told that it was going  
12 to be the morning of the 9th, which is the reason why I flew in  
13 the night before, so I could be here for an early morning  
14 settlement conference.

15 BY MS. PRUPAS:

16          Q     Okay. When you arrived on February 8th, where did you  
17 stay that night?

18          A     I stayed at the Harrah's, Harrah's Casino-Hotel.

19          Q     And how did you get from the airport to Harrah's?

20          A     Mr. Bush drove everybody in his car.

21          Q     When you say "everybody," who's everybody?

22          A     Mr. Bush, myself, Mr. Terreri. I think that was it. I  
23 think that's all.

24          Q     Okay. And once you got to Harrah's, what did you do?

1           A     Wait a minute.  Maybe I missed the last question here.  
2     When you were talking about who was in the car with Bush, when  
3     and where?

4           Q     When you were picked up from the airport on  
5     February 8th and driven to Harrah's, who was in the car with you?

6           A     Oh, I'm sorry.  I misunderstood you.  It was just  
7     Mr. Bush and me.  That's it.

8           Q     Okay.  And then you arrived at Harrah's.  What did you  
9     do once you arrived?

10          A     Went to bed.

11          Q     Did you speak to anybody prior to going to bed?

12          A     No.

13          Q     Okay.  You woke up the next morning, February 9th,  
14     correct?

15          A     Yes, ma'am.

16          Q     After leaving your room, where did you go?

17          A     Mr. Bush had told me on the ride from the airport to  
18     the hotel that the next morning he wanted to get together for  
19     breakfast.  I went down to the breakfast area of the hotel.

20          Q     Okay.  And who was at breakfast with you?

21          A     Mr. Defilippis, Mr. Terreri, myself, Bush.  I think  
22     that -- as best I can recall that's it.

23          Q     Do you recall what was discussed at breakfast?

24          A     There was some discussion about the Crystal-Bush

1 lawsuit, but really not a lot. I mean, I would have expected it  
2 to be all that considering that the settlement conference was  
3 coming up, but it wasn't that much discussion. There was some,  
4 but it wasn't much.

5 Q Okay. And then that morning at breakfast, was it still  
6 your understanding that the settlement conference was going to  
7 take place that morning?

8 A There was a comment made at breakfast by Mr. Bush  
9 saying -- I'm sorry, by Mr. Defilippis, saying that he believed  
10 that the settlement conference would be held later in the day.

11 Q Is that the first time you had heard that?

12 A Yes.

13 Q Okay. So did -- after breakfast, where did you go?

14 A We got in the car and Mr. Bush said, "Okay. Before we  
15 go to the settlement conference, we will go by, because we're  
16 taking a quick deposition of the guy in that case." So we were  
17 already driving by the time he said that. So I went along.

18 Q So at that point who was in the car with you?

19 A Terreri, Bush, Defilippis, and myself, I believe.

20 Q Okay. So they said there was going to be a deposition  
21 that morning, and they were going to go to where that deposition  
22 was being held; is that your understanding?

23 A Yes.

24 Q Okay. And that was at Sunshine Litigation Services?

1 A Yes.

2 Q What time did you arrive at Sunshine?

3 A I don't really recall. I would say probably between  
4 8:00 o'clock, 9:00 o'clock range would be my guess.

5 Q Okay. And when you arrived did you speak to anybody?

6 A No. I didn't personally know anybody else, so no.

7 Q So after arriving what did you do?

8 A Some of us stood at a table out there in this open area  
9 for a while. It was -- we sat there for a while until everybody  
10 got ready to do what we had come to do. They may have been  
11 waiting on the person to be deposed, I suppose. But we sat  
12 around there. Mr. Terreri at one point went and talked to  
13 Mr. Wicker.

14 Q So you observed Mr. Terreri speaking with Mr. Wicker?

15 A Um-hum.

16 Q Where were they speaking?

17 A They were kind of off of the main room. There was a  
18 smaller conference room. They were standing in the door, but  
19 they weren't inside with the door closed. They were standing in  
20 the door talking.

21 Q Okay. And how long do you think they were talking for?

22 A Not very long. Maybe about a minute. I don't know.

23 Q What happened after that? Did the deposition commence?

24 A Yes.

1 Q And do you recall what time the deposition started?

2 A No. I'm sure there's a record of it, but I don't have  
3 it. I don't remember exactly.

4 Q Okay. At some point were you introduced to Mr. Wicker?

5 A Yes.

6 Q And when was that?

7 A After we went into the room where the deposition was  
8 held, Mr. Terreri, I believe, was the one that said -- that told  
9 Mr. Wicker, "This is Jim McGowen." That was the introduction.

10 Q And Mr. Wicker was taking the deposition?

11 A Yes.

12 Q Did he object to you being there?

13 A No.

14 Q Did anybody else object to you being there?

15 A No.

16 Q You weren't a party to the lawsuit, right?

17 A Right.

18 Q And you weren't counsel of record to the lawsuit,  
19 right?

20 A No.

21 Q You were simply just observing the deposition?

22 A Yes.

23 Q Okay. What was your understanding of what the  
24 deposition was about?

1           A     The deposition was of a person who had been an investor  
2 in one of Mr. Bush's companies. And just questions about why he  
3 invested, why he got in the company, and all that stuff. Just  
4 pretty routine type deposition.

5           Q     Did you ask any questions during the deposition?

6           A     No.

7           Q     Once the deposition started, was there ever -- did  
8 anyone ever take a break?

9           A     There was a -- I don't know if you you'd define it as a  
10 break. There was one point where Mr. Wicker stopped the  
11 deposition and said, "Excuse me." I don't know if he went to the  
12 restroom, I don't know what he did. But he left the room, came  
13 back, not gone very long.

14                     And then as it got closer to lunchtime, as it got to be  
15 lunchtime, we took a break for lunch.

16           Q     Okay. Prior to Mr. Wicker leaving the room and taking  
17 that first initial break, did you observe Mr. Wicker do anything  
18 else out of the ordinary?

19           A     At one point he -- at one point he was tapping on his  
20 computer or pad, whatever he had, but something. He was typing  
21 something pretty hurriedly. And then shortly after that, he  
22 had -- I guess he had one of these devices where you can speak  
23 into a microphone with your phone, as opposed to talking on the  
24 phone. Anyway, he made some comment about, "I need that as soon

1 as possible."

2 Q Okay.

3 A It had nothing to do with the deposition. It was  
4 whoever he was talking to on the phone or communicating with.

5 Q And then he continued with questioning the witness?

6 A He may have been dictating a text. I don't know what  
7 he was doing, but it had nothing to do with the deposition.

8 Q But what he said was, "I need that ASAP"?

9 A Correct.

10 Q Then you took a break for lunch, correct?

11 A That's correct.

12 Q Do you recall what time you took the lunch?

13 A I'd say sometime 11:30 to 12:00, somewhere in there.

14 Q Okay. And during the lunch break did you observe  
15 Mr. Wicker and Mr. Terreri speaking?

16 A I didn't observe them speaking. I observed them when  
17 they came out of their closed-door conference.

18 Q Do you recall how long they were behind closed doors at  
19 lunch?

20 A I don't know what time they went in. I just saw them  
21 come out.

22 Q Okay. How long was the lunch break?

23 A There again, I don't know. It was 30, 45 minutes. I'm  
24 just guessing.

1 Q Okay. And then the deposition commenced after lunch?

2 A Yes, ma'am.

3 Q Okay. And when it commenced, when was the first break  
4 after it started after lunch?

5 A Well, it pretty much stayed continuous. It was pretty  
6 slow, but it was continuous until we saw Mr. Wicker's law partner  
7 drive up in the driveway. We could see out of the window and saw  
8 that car pull in. And someone mentioned that that's Mr. Wicker's  
9 law partner.

10 Q And is that Mr. Dane Anderson sitting here today?

11 A Yes. And he came in. About just a minute or two after  
12 he came in there was a female, blond female that showed up. And  
13 she came in. And then as soon as they both had gotten there or  
14 shortly after they both had gotten there, Mr. Wicker said he  
15 needed to take a quick recess, but told the witness to stay, that  
16 he had more questions.

17 Q So from when you started after launch to when  
18 Mr. Wicker said he needed a break because his law partner had  
19 showed up, how long? What is the time duration there?

20 A Again, I wasn't timing it or watching my watch. But if  
21 I had to guess, I'd say probably did that deposition for between  
22 30 minutes and an hour and then stopped after those people had  
23 arrived.

24 Q Okay. Had you been trying to communicate with



1 Mr. Wicker from the time you got to Sunshine Litigation that  
2 morning?

3 A I had told Mr. Terreri at breakfast that morning, I  
4 told him that I would like to have a conversation with Mr. Wicker  
5 or Mr. Wicker and Mr. Crystal. And he said that he knew  
6 Mr. Wicker, and he'd see what he could do.

7 I didn't know why I had to have his permission, but he  
8 seemed to think I did.

9 Then after we got there, I reminded Mr. Terreri that I  
10 wanted to at some point talk to Mr. Wicker. At lunch -- after I  
11 had gone in another room and eaten lunch, I came back and  
12 Mr. Terreri was coming out of a closed-door conference with  
13 Mr. Wicker. And again, I don't know how long they talked. I  
14 just saw him leave.

15 And when he came by me, I caught him and I said, "I  
16 sure would like to talk to Mr. Wicker." He said, "Well, he  
17 doesn't have time right now, but he'll get to you later." I  
18 said, "Okay. Fine."

19 So then I sat through that deposition. When the  
20 deposition was over, Mr. -- let me back up. When the deposition  
21 was stopped and Mr. Wicker went out and stayed gone for a few  
22 minutes, at that point I again reminded Mr. Terreri that I would  
23 like to talk to Mr. Wicker sometime before the day is over. And  
24 then he -- he got up and left the room. Mr. Wicker was outside

1 the room at that point. He get up and left the room.

2 Q And this is the lunch, this is the break after lunch,  
3 correct?

4 A Yes. This is after Mr. Wicker's law partner had  
5 arrived. He got up, left the room, went out, came back in in a  
6 few minutes. And he said that, "I think Mr. Wicker wants to see  
7 you now." And so I went out to see if I could meet with  
8 Mr. Wicker.

9 Q Okay. And you came out of the conference room where  
10 the deposition was taking place, right?

11 A Yes, ma'am.

12 Q And you found Mr. Wicker?

13 A Oh, yeah.

14 Q Okay. And what happened next?

15 A When I walked out the door, Mr. Wicker was standing  
16 probably five feet from the door, facing the door. I walked out  
17 and he took the papers from the female and turned around and  
18 handed them to me and said, "These are for you. You need to read  
19 these."

20 Q And how did you react?

21 A I didn't have my glasses on, so I couldn't read them.  
22 But I just looked and held them out, you know, at arm's length,  
23 and I could see my name on it. And I said, "What's this about?"  
24 And he said, "Well, you need to read it." That was the end of

1 the conversation.

2 Q Okay.

3 A Other than I did mention to him that I would still like  
4 to talk with him. And shortly after that we did talk.

5 But, go ahead. Sorry.

6 Q That's okay. So you finally did -- Mr. Wicker finally  
7 agreed to have a conversation with you substantive conversation?

8 A Yes.

9 Q After he served you with the papers, right?

10 A Yes.

11 Q Did you go to a different conference room to have that  
12 conversation?

13 A We went into a private room.

14 Q And what was that conversation?

15 A I wanted to explain to him or tried to explain to him  
16 that we -- that my clients are not directly involved in the  
17 Crystal lawsuit, Crystal-Bush lawsuit, but there are some little  
18 pieces of that lawsuit, as I understand it, even though I've  
19 never read it, there are some little pieces of that that do  
20 affect my clients, and rather than get in a lawsuit between --  
21 between the two parties here, Crystal and my clients, I said you  
22 know, I think it would be smart for us to try to work something  
23 out without getting into litigation.

24 And I also explained to him that at least one of my

1 clients is getting up in years, and, you know, a decision needs  
2 to be made fairly soon if it's going to be litigation or  
3 settlement or what's going to happen.

4 Q Okay. And did he inquire as to the identity of your  
5 client during that conversation?

6 A He told me that he assumed that my clients were members  
7 of the Welborn family. And I said, "They're beneficiaries of the  
8 trust." That's -- that's the --

9 Q Okay. After you're conversation with Mr. Wicker, what  
10 did you do next?

11 A Well --

12 Q Well, let me ask you this: After your conversation  
13 with Mr. Wicker, was it your understanding the deposition was  
14 done?

15 A Yes.

16 Q So did they go back into the conference room and  
17 continue the deposition, do you know?

18 A The deposition was stopped while Mr. Wicker went out  
19 and talked to his law partner. Afterwards he came back in and  
20 asked a few short questions and then said, "I have nothing else."  
21 And that was it.

22 Q Okay. So you had a lunch break, then you continued for  
23 about -- you said 30 minutes, give or take?

24 A Yeah, give or take.

1 Q Then Mr. Wicker took a break?

2 A Yes.

3 Q To presumably speak to his law partner?

4 A Correct.

5 Q Then came back in and asked what, two or three more  
6 questions?

7 A Yeah, if that. I don't even remember if he asked a  
8 question when he came back in. He may have asked one or two. He  
9 may have just come in and said, "I don't have anything else." I  
10 don't remember.

11 Q And it was your understanding then that the deposition  
12 had concluded?

13 A Yes.

14 Q And then Mr. Wicker left the room?

15 A After the deposition was concluded, I don't -- honestly  
16 don't remember whether he left the room first or I did.

17 Q Okay. But at some point Mr. Terreri then summoned you  
18 to come talk to Mr. Wicker, correct?

19 A Right. Mr. Terreri came and summoned me to talk to  
20 Mr. Wicker. But I thought you were trying to get at who left the  
21 room first or whatever.

22 Q No. I'm just trying to understand once the deposition  
23 was concluded, how then did you go talk to Mr. Wicker?

24 A Mr. Terreri told me that Mr. Wicker would see me. And

1 I went out and he was in that room.

2 Q Okay. So after you had your private conversation with  
3 Mr. Wicker, what did you do?

4 A I checked again with the attorneys that I knew that  
5 were there. I asked them, "When is this settlement conference  
6 going to take place," since that was the reason I came. And they  
7 said, "Well, it's still a little bit up in the air, but it should  
8 start here in just a little while."

9 They said we're going to go ahead and start going  
10 toward it or go there and see if it's really going to happen.

11 I didn't have a vehicle there, so my choice was to  
12 either go to a purported settlement conference that may or may  
13 not occur and possibly or probably miss my flight home by doing  
14 so, or catch a cab or Uber or whatever and go back, gather up my  
15 stuff and go home. I chose the second option. I went home.

16 Q Okay. And did you leave Sunshine with anybody?

17 A Mr. Terreri asked me if I wanted him to go with me, and  
18 I said, "Suit yourself." And he said, "Yeah, I'd like to go back  
19 to the hotel." Now whether he went on to the settlement  
20 conference or not, I have no idea.

21 Q You don't know one way or the other whether he went to  
22 the settlement conference?

23 A No.

24 Q And you didn't go to the settlement conference?

1           A     No, ma'am.

2           Q     At that point you were told that the settlement  
3 conference was ready to commence soon after the deposition?

4           A     Yes. I mean the comments that the -- the comments that  
5 I recall hearing, and I only remember he said, "We need to get  
6 going, if we're going to make it to the settlement conference,"  
7 which I understood that to mean we need to hurry up.

8           Q     But at the time that you arrived at Sunshine that  
9 morning, what was your understanding of where that settlement  
10 conference was going to take place?

11          A     I was told it was going to be here in Reno.

12          Q     Okay. And so sometime throughout that day you then  
13 realized the settlement conference was not going to take place at  
14 Sunshine?

15          A     Yeah, because they kept talking about it would take a  
16 while to get there. I thought: Reno is not that big. It  
17 shouldn't take that long.

18          Q     Okay.

19                 MS. PRUPAS: I have nothing further. Thank you.

20                 THE COURT: Thank you.

21                 Counsel.

22                 MR. WICKER: Thank you, Your Honor.

23                 A legal circumstance where I figure so much in the  
24 story, but we'll deal with it.

1 THE COURT: It's a little bit strange, isn't it, that  
2 at some point you're going to be called upon to answer questions.

3 MR. WICKER: Yes, it's a little strange.

4 Your Honor, if I could approach. I've got exhibit  
5 binders, one for the Court and one for the witness.

6 THE COURT: Yes.

7 THE CLERK: Counsel, are there 14 exhibits?

8 MR. WICKER: No. I'll tell everybody what's in here.  
9 Exhibits behind -- there should be a name, which is the Kelling  
10 declaration. And what should be attached there are Exhibits 1  
11 and 2, which are the exhibits that were attached to her  
12 declaration. Then there's a tab that says, "Warner." And that  
13 should have the email that was attached to Mr. Warner's  
14 declaration in our opposition. There's a tab that says,  
15 "Wicker." And there should be six exhibits there that were  
16 attached to the Wicker declaration. And then new exhibits,  
17 there's a tab that says, "new exhibits," and they start at 10.

18 THE COURT: So 1 through 9 are reproductions of what  
19 were attached to moving papers?

20 MR. WICKER: That is correct.

21 THE CLERK: Exhibits 10 through 14 marked for  
22 identification.

23 (Exhibits 10, 11, 12, 13, and 14 were marked for identification.)

24 THE COURT: All right.



1 MR. WICKER: And, Your Honor, for purposes of this  
2 hearing, I would ask if the Exhibits 1 through 9 can be admitted.  
3 I'm sorry. One through -- let me put it this way: The exhibits  
4 that were attached to the declarations in our moving papers.

5 THE COURT: So I guess that same hearsay rule comes  
6 back full circle as I think about Mr. Bush responding to  
7 Ms. Pope's paralegal.

8 And I want to be consistent in my rulings, so I will  
9 admit -- I'm just looking at the document numbers. The only one  
10 that I would invite comment from opposing counsel is the bill of  
11 sale. The emails, under Mr. Peterson's same argument, I'm going  
12 to admit. Excerpts from the deposition transcript don't create  
13 authenticity concerns for me. The photographs are what they are,  
14 I presume a catchall for the text messages. So it's really a  
15 bill of sale, No. 4.

16 MR. WICKER: Your Honor, that is a bill of sale that  
17 was signed by Mr. McGowen.

18 THE COURT: I understand. So the question is whether  
19 opposing counsel objects and so you have to lay a foundation for  
20 his signature.

21 MS. PRUPAS: I would just object on relevancy. We're  
22 here on service of process only. I don't understand what it has  
23 to do with the issue of service of process. I think it goes to  
24 the substance of the lawsuit.

1 THE COURT: So I'll invite your response.

2 MR. WICKER: Thank you, Your Honor.

3 Part of the case law in dealing with the deceit and  
4 trickery in the context of service of process is one element or  
5 one factor that these cases have talked about, whether or not the  
6 defendant should have known that service was likely in the event  
7 he appeared in the jurisdiction. And some of the exhibits,  
8 including the bill of sale, Exhibit 4, go to the issue, and  
9 there's some new exhibits, that go to the issue that Mr. McGowen  
10 was advised that the objects of art that he bought by way of the  
11 bill of sale, Exhibit 4, that Mr. Crystal claimed an interest in  
12 that. And therefore, by Mr. McGowen coming to the jurisdiction,  
13 he should have known that if he presents himself to the  
14 jurisdiction, particularly in the presence of Mr. Crystal, that  
15 he might get served with process over the claims that are  
16 represented in part, at least the art that's represented by  
17 Exhibit 4.

18 THE COURT: Ms. Prupas, argued that there will be a  
19 connection at some point between Mr. Bush's conduct in acquiring  
20 Mr. McGowen's presence in the state and Mr. Crystal's desire to  
21 have Mr. McGowen present in the state.

22 Ms. Prupas, are you going to make those arguments  
23 without reference to the loan, the purchase that's encapsulated  
24 in Exhibit 4? Are you not going to make any reference in your

1 arguments?

2 MS. PRUPAS: I think all I need are the allegations in  
3 the Complaint.

4 THE COURT: Right. I've already read it all. For  
5 example, I know he has a \$75 million interest if the artwork  
6 sells for more than \$130 million. And so this is not as if I'm  
7 the gatekeeper for irrelevant prejudicial information going to a  
8 jury. So in some ways this is an academic conversation, because  
9 the bell has already been rung in my mind. The question for me  
10 is to carefully parse the information that's been presented to  
11 me.

12 I'm going to admit the document.

13 (Exhibit 4 was admitted into evidence.)

14 MS. PRUPAS: Thank you.

15 CROSS-EXAMINATION

16 BY MR. WICKER:

17 Q Mr. McGowen, when did you leave Texas for this trip to  
18 Reno?

19 A You mean this trip?

20 Q No, I'm sorry. When did you leave Texas for the trip  
21 to attend what you said you thought you were going to a  
22 settlement conference?

23 A The day before you did the deposition.

24 Q Approximately what time did you leave Texas?

1           A     I don't recall. Probably 3:00 or 4:00 in the  
2 afternoon, somewhere in there.

3           Q     Okay. Now you've known Mr. Bush for a long time,  
4 right?

5           A     Not really.

6           Q     Well, you've met him years ago, right?

7           A     I think I probably -- I probably met him or have been  
8 in the same room with him four times, five times in my life.

9           Q     Over what period of time?

10          A     Well, I'm 66 years old.

11          Q     Well, we know that at least you knew Mr. Bush in  
12 November of 2014, right?

13          A     Yes.

14          Q     And that's when you as trustee purchased the purported  
15 Jackson Pollacks and Pieta, right?

16          A     Yes. And when you say I knew him, I'm not sure I'd  
17 call it knowing somebody.

18          Q     Okay. You were acquainted with him, right?

19          A     I signed a document that he signed, yes.

20          Q     Okay. Were you ever advised that Mr. Bush's side had  
21 filed a motion to consolidate settlement -- for settlement  
22 purposes only in the case that was going to a settlement  
23 conference?

24          A     No. I really didn't know much of anything about that

1 lawsuit or the settlement conference at all. That was the main  
2 reason I wanted to -- that was the main reason that I thought I  
3 was coming out here was to learn more about what's involved in  
4 the case, where the case is, where it's headed, and whatever  
5 impact it might or might not have on my clients.

6 Q Well, you're quite an experienced attorney. 20 years,  
7 right?

8 A Yes.

9 Q And you've done settlement conferences before, right?

10 A Yes.

11 Q And before you go to a settlement conference you do a  
12 certain amount of preparation; isn't that right?

13 A Yes.

14 Q And in this case you were coming to Reno, which is a  
15 fair journey from Dallas, I presume presumably paid for by your  
16 clients. You did some preparation for this settlement  
17 conference, didn't you?

18 A Nope.

19 Q Not a bit, huh?

20 A No.

21 Q Didn't look at any papers?

22 A No.

23 Q Didn't talk to Mr. Defilippis about the particular  
24 claims?

1           A     Mr. Defilippis, somewhere around that time, before that  
2 time, sent a letter that he had drawn up. I didn't pay a lot of  
3 attention to it.

4           Q     He sent a letter to you?

5           A     He sent the letter to Mr. Bush. And I think he copied  
6 me. He copied several people.

7           Q     Well, who were the clients that you were coming to Reno  
8 for the settlement conference for?

9           MS. PRUPAS: Your Honor, I'm going to object at this  
10 point. I don't think that's relevant.

11          THE COURT: Why is it relevant, Mr. Wicker, as to this  
12 question distinguished from the underlying litigation?

13          MR. WICKER: Well, it's relevant -- well --

14          THE COURT: The jurisdictional question.

15          MR. WICKER: The jurisdictional question, I would say  
16 that the identity of his clients is not particularly relevant.

17          THE COURT: I agree. There may come a point -- I have  
18 no idea where you're going to go on this. So I don't want to  
19 foreshadow -- I guess I'm thinking, but I don't wish to disclose.

20                 If this case continues, I very well may require  
21 Mr. McGowen to disclose who he is trustee for. He appears as  
22 trustee in the bill of sale. I'm not sure what that means. But  
23 I will do so after argument on points and authorities. I may  
24 pierce that attorney-client privilege. I'm not going to do it

1 today though.

2 MR. WICKER: Very good, Your Honor.

3 BY MR. WICKER:

4 Q Mr. McGowen, it was your understanding that your  
5 clients claimed an interest in Automatic Cash Systems?

6 A I'm sorry. Could you repeat that?

7 Q Is it your understanding that your clients that you  
8 came to Reno for claimed an interest in a company called  
9 Automatic Cash Systems? Automated, sorry.

10 A They were some of the beneficiaries of the trust that  
11 owned an interest in that company, yes.

12 Q And that's why you came to Reno, is you were looking to  
13 see if their claimed interest could be acknowledged in some  
14 fashion; is that right?

15 A Yes.

16 Q And that's what you talked to me about, right?

17 A That's correct.

18 Q Let's look at Exhibit 4 in the exhibit book. I'm sorry  
19 let me go to -- this is a new exhibit, Your Honor. This is  
20 Exhibit 11. And I'll ask Mr. McGowen a little bit about that.  
21 So that will be Exhibit 11, which has not been admitted yet. If  
22 you look, it's a JP Morgan wire transfer record, right?

23 A Yes.

24 Q And if you look down on an item dated, "Payments &

1 Transfers" on July 25th, it looks like there's a transfer to  
2 McGowen and Fowler of \$2.1 million.

3 MS. PRUPAS: Again, I'm just going to object as to  
4 relevancy. We're here on service of process only.

5 THE COURT: It feels irrelevant to the jurisdictional  
6 question. I'll let you tell me if you're going somewhere where I  
7 can't see.

8 MR. WICKER: This goes to the issue, Your Honor, that  
9 is involved with the underlying case. This is the payment for  
10 the Pieta that we looked at Exhibit 4, which was the bill of sale  
11 where Mr. McGowen as trustee purchased the Pieta and purported  
12 Jackson Pollacks.

13 THE COURT: How is that related to the claim he sought  
14 validation for -- regarding Automated Cash Systems?

15 MR. WICKER: Well, that's why he was here, was to  
16 represent his client's interest in Automated Cash Systems. I  
17 believe in Mr. McGowen's declaration he said that the reason he  
18 was here was unrelated to anything to do with the subject of the  
19 Crystal lawsuit, which is this case.

20 THE COURT: And how then is this \$2,100,000 an integral  
21 part of the Crystal versus Bush litigation?

22 MR. WICKER: No, it's a -- well, it's involved in the  
23 Crystal v. Bush litigation, yes. But where I'm going with this,  
24 Your Honor, is that in July of 2014, Mr. Crystal sent \$2.1



1 million to Mr. McGowen's trust account to buy the Pieta for  
2 Renaissance Masters, which was a Bush entity. And then a few  
3 months later, in November of 2014, Mr. McGowen as trustee,  
4 apparently for somebody, bought the Pieta and two purported  
5 Jackson Pollack paintings for \$500,000.

6 And there will be an email coming out from me to  
7 Mr. McGowen in September of 2016 saying, "Do you know anything  
8 about this? Mr. Crystal claims an interest in these items."

9 THE COURT: So it feels like it's going to the  
10 substantive claims that are included in the lawsuit. I do see --  
11 they're not admitted, I skimmed them. I do see two emails from  
12 you that relate to this, there may be a notice feature.

13 I want you to know I'm familiar with the concept, and I  
14 want to quickly travel over this, because it feels irrelevant to  
15 me on the jurisdictional issue. So travel fast.

16 MR. WICKER: The relevance of this is that Mr. McGowen  
17 was aware of the claims of Mr. Crystal. And when he came to the  
18 jurisdiction, he should not have been surprised that he was  
19 served with process. And that's one of the factors on whether he  
20 was here by deceit and trickery.

21 THE COURT: Right. So I understand the concept. And I  
22 would like to focus on your pre-service contacts with Mr. McGowen.

23 MR. WICKER: Okay.

24 ///

1 BY MR. WICKER:

2 Q Mr. McGowen, would you turn to -- turn to Exhibit 12,  
3 please. Tell me when you're there.

4 A I'm there.

5 Q Okay. Now do you recall -- so going to the summer of  
6 2016. Do you remember a phone call from me approximately in  
7 early July asking you about whether or not you had any role in  
8 buying artwork for Mr. Bush?

9 A Whether I had any role in buying artwork for Mr. Bush?

10 Q Do you remember that I talked to you in the summer of  
11 2016? Let's start there.

12 A Vaguely, yes.

13 Q And do you remember that I called you about whether or  
14 not you had purchased artwork from Mr. Bush?

15 A From Mr. Bush or for Mr. Bush?

16 Q From Mr. Bush.

17 A Yes.

18 Q And do you recall telling me that you didn't recall  
19 anything about that?

20 A I remember that when you asked me that question, I did  
21 not recall buying any artwork at that time.

22 Q Okay. So in the summer of 2016 was a phone call,  
23 right?

24 A Yes.

1           Q     And then subsequent to that, do you see the email on  
2 Exhibit 12, which is the bottom email, dated September 19, 2016,  
3 and it says, Dear Mr. McGowen or "Mr. McGowen, we have spoken on  
4 a previous occasion about Mr. Bush. Attached is a Bill of Sale  
5 and Repurchase Agreement that was produced to us in our  
6 litigation with Ron Bush. Would you please advise me if that is  
7 your authentic signature as trustee on the agreement? Can you  
8 tell us which trust you were acting for?"

9                     It goes on to say, "Also, we received this email that  
10 appears to come from you, but uses a different email address than  
11 your law firm. Is that an active email address and is it the  
12 better one to use in matters concerning Ron Bush?"

13                    Do you remember getting that email?

14           A     Vaguely, yes.

15           Q     If you look at the attachments, there's a -- attached  
16 to that is a Bill of Sale and Right to Repurchase Agreement dated  
17 November 26, 2014.

18           A     Um-hum.

19                    MS. PRUPAS: Again, I'm just going to have a continuing  
20 objection on relevance.

21                    THE COURT: Thank you.

22 BY MR. WICKER:

23           Q     And you received that with my email, correct?

24           A     Yes.

1 Q And you -- look at the next page. There's an email  
2 from you, it looks like at your J Moily address, to Ron Bush  
3 dated November 28, 2014, in which you say, "I, Jim McGowen,  
4 trustee, hereby authorize Ron Bush, for the purpose of selling  
5 the below described items, to represent that he owns the Jackson  
6 Pollack Paintings B2 and Q2, and the number 9 of 9 Pieta, through  
7 an until the expiration of our sale and repurchase agreement."

8 Do you recall sending that email to Mr. Bush?

9 A Yes.

10 Q So do you recall this bill of sale that's attached to  
11 my email to you dated November 26, 2014?

12 A Yes.

13 Q And you didn't respond to this email, did you?

14 A No.

15 Q Okay. And then at the top there's another email from  
16 me to you dated September 22, 2016. And it says, "Mr. McGowen,  
17 have you had an opportunity to review the attached documents? As  
18 you are aware, my client Steve Crystal has possession of and  
19 claims to the Pieta. In addition, Mr. Crystal fully funded the  
20 purchase of the purported Jackson Pollack paintings B2 and Q2 and  
21 have no idea that Mr. Bush entered into the attached agreement  
22 until it was referenced in Mr. Bush's deposition a few months  
23 ago.

24 "Please let me know if you, as trustee, had signed the

1 agreement."

2 Do you recall that email?

3 A I don't recall it, but I believe you.

4 MR. WICKER: Your Honor, I'd move for the admission of  
5 Exhibit 12.

6 MS. PRUPAS: Again, just relevance.

7 THE COURT: The relevance for me is whether there is  
8 some notice of an impending disagreement and how, if so, it  
9 relates to the trickery that is alleged.

10 It is overruled. 12 is admitted, Ms. Clerk.

11 (Exhibit 12 was admitted into evidence.)

12 BY MR. WICKER:

13 Q Mr. Bush, if you'd look at the attachment Bill of Sale  
14 and Repurchase Agreement, please. That's the second page --  
15 third page of Exhibit 12.

16 A With all due respect, I don't think Mr. Bush is in the  
17 room.

18 Q I apologize. You're absolutely right. Mr. McGowen, I  
19 apologize for calling you Mr. Bush.

20 Would you look at the third page of Exhibit 12, please.

21 A Yes, sir.

22 Q This is an item you signed as Jim McGowen, Trustee?

23 A Well, can't really see it on here, but I believe that  
24 is correct.

1 Q You remember doing that, right?

2 A Yes.

3 Q Okay. And at the top of that it says, "Buyer: Jim  
4 McGowen. Trustee McGowen and Fowler, PLLC." Do you see that?

5 A Yes.

6 Q Was Jim McGowen, Trustee of McGowen and Fowler, PLCC,  
7 the buyer of these art items?

8 A You inserted the word "of," which is not in there.

9 Q Okay. It says, "Buyer: Jim McGowen, Trustee, McGowen  
10 and Fowler, PLCC." Were you acting as trustee for McGowen and  
11 Fowler?

12 A No.

13 Q Who were you acting as trustee for in this bill of  
14 sale?

15 MS. PRUPAS: I'm going to object. Relevance. It's  
16 really going outside the scope of any of the issues of service to  
17 process.

18 THE COURT: I know. It does, and I'm going to harken  
19 back to your argument about how he was served as trustee of the  
20 professional company and there's no connection between him and  
21 how I reconcile this, please.

22 MS. PRUPAS: Yes. And there was also testimony by  
23 Mr. McGowen that when he was served by Mr. Wicker, he said, "I  
24 need to know more about your client. I need to know who you're

1 acting on." So I think he's abusing the process here trying to  
2 find out who his clients are. But he's not entitled to know  
3 that.

4 THE COURT: Did Mr. McGowen ever respond to the second  
5 email that is dated September 22nd?

6 BY MR. WICKER:

7 Q Mr. McGowen, you never responded to that second email  
8 either, did you?

9 A No.

10 THE COURT: The objection is overruled.

11 BY MR. WICKER:

12 Q Is it accurate to say in regard to this bill of sale  
13 that you were acting as a trustee for somebody?

14 A Yes.

15 Q And you would rather not disclose at this time who  
16 you're acting as trustee for?

17 A That's correct.

18 Q Did Mr. Bush ever repurchase the artwork?

19 A He -- there was some discussion about a repurchase of  
20 the artwork. The artwork was -- the artwork was delivered to  
21 Mr. Bush in anticipation that he would repurchase it. As I  
22 understand it, the artwork is now locked up somewhere in a place  
23 that Mr. Crystal controls.

24 Q That would be the Pieta? Is that your understanding?

1 A Yes.

2 Q Do you have --

3 A Well, you were talking about the paintings.

4 Q Do you have an understanding of what happened to the  
5 purported Jackson Pollack paintings?

6 MS. PRUPAS: Your Honor, this goes --

7 THE COURT: Sustained.

8 MR. WICKER: Okay. I'll go on.

9 BY MR. WICKER:

10 Q As a result of my emails, which are Exhibit 12, you had  
11 an understanding, did you not, Mr. McGowen, that my client,  
12 Mr. Crystal, claimed an interest adverse to the bill of sale that  
13 you signed?

14 MS. PRUPAS: Again, this goes to the allegations of the  
15 Complaint.

16 THE COURT: I understand, but I've got to flesh out  
17 whether there's some notice that is a predicate for his  
18 appearance in Nevada. For that reason it is overruled.

19 THE WITNESS: I don't know if that particular time, I  
20 don't know what I understood as far as any claims that  
21 Mr. Crystal had, Mr. Bush had, so on and so forth. There was a  
22 lot of turmoil going on between Bush and Crystal and occasionally  
23 some of the trustees of the trust that I represent. And it  
24 was -- it's hard for me to go back and remember on a specific day



1 who liked who and who didn't like it who, because it was a moving  
2 target.

3 BY MR. WICKER:

4 Q Okay. And so --

5 A And furthermore, let me also add, when I represent  
6 somebody and I get a letter from an opposing counselor from  
7 another lawyer and there's no litigation involved, there's no  
8 argument involved, there's no demand involved or anything else,  
9 my duty is to my client. It's not to an opposing lawyer, it's  
10 not to another lawyer that I don't even know at that point.

11 Q Is that why you didn't respond to my email telling  
12 you --

13 A I didn't --

14 Q Let me finish my question.

15 A Oh, I'm sorry.

16 Q Is that why you didn't respond to my email telling you  
17 that Mr. Crystal had a claim to the artwork that you purported to  
18 buy with this bill of sale?

19 A I make it a practice not to respond to letters that  
20 demand or insinuate that I'm required to answer someone I don't  
21 know.

22 Q Do you know who Steve Warner is?

23 A Do I know who he is, yes.

24 Q And have you met him?

1 A Yes.

2 Q You met him actually at the deposition, right?

3 A Yes. I'd met him previous to that also.

4 Q Did you. And did you know him to be connected with  
5 ACS, Automated Cash Systems?

6 A Did I know that he was?

7 Q Right.

8 A Yes.

9 Q And did you know that he was also connected with  
10 Renaissance Masters, who was a party to your bill of sale that we  
11 just talked about?

12 A I may have known it. I knew him -- when I first knew  
13 who he was, it was because of art, not because of ACS. So I  
14 don't know.

15 Q Do you recall getting a call from Mr. Warner in July of  
16 2016 asking you if you had been involved in the purchase of art  
17 and having paid \$500,000 for that?

18 A I don't recall that phone call.

19 Q You don't recall that phone call?

20 A No.

21 Q Did Mr. Crystal ever ask you to come to Reno?

22 A Did he ever ask me to do what?

23 Q Come to Reno.

24 A Not that I recall.

1 Q Did I ever ask you to come to Reno?

2 A Not that I recall.

3 Q Did Mr. Anderson ask you to come to Reno?

4 A I've never spoken to Mr. Anderson in my life.

5 Q Nobody connected with Mr. Crystal's side of the lawsuit  
6 asked you to come to Reno, did they?

7 A No, not that I recall.

8 Q Do you recall seeing the lady that was sitting in the  
9 first row back here before she was -- she left?

10 A Yes.

11 Q Okay. She's the person that handed you the Summons and  
12 Complaint, right?

13 A She's the person that handed it to you, then you handed  
14 it to me.

15 Q You do recall her being there now?

16 A Yes.

17 MR. WICKER: Court's indulgence one moment.

18 BY MR. WICKER:

19 Q You said that Mr. Bush picked you up at the airport and  
20 took you to the hotel. Do you recall that?

21 A The night before or the --

22 Q The night before the deposition?

23 A Yes.

24 Q And did you have any conversation with him about this

1 settlement conference that you had come to Reno for?

2 A He -- the only thing he said in that conversation that  
3 night was that there was a settlement conference that had been  
4 scheduled and then it had been rescheduled. And he thought it  
5 might happen the next day, which is not at all what I had  
6 understood when I made the trip out here.

7 Q You found that rather odd, didn't you, that there would  
8 be a settlement conference that was up in the air?

9 A Yes. And I would not have come out here if it had been  
10 up in the air.

11 Q What did you ask Mr. Bush about why it was seemingly to  
12 be somewhat vague?

13 A He said that there had been some motions that had been  
14 made very recently that might interfere with the settlement  
15 conference.

16 Q So he told you that there -- did he tell you that they  
17 had made a motion to consolidate two litigations for settlement  
18 purposes?

19 A No.

20 Q He just told you that there had been motions made --

21 A Right.

22 Q -- that might get in the way of the settlement  
23 conference?

24 A Right. And I honestly didn't know enough, still don't

1 know enough about the litigation between Crystal and Bush to  
2 know -- I wouldn't know if a motion seemed out of character,  
3 because I haven't followed the trial. I don't know anything  
4 about it.

5 Q So all you remember is he mentioned that a motion had  
6 been made and it might interfere with the settlement conference  
7 process?

8 A That's correct.

9 Q And you didn't follow up on that?

10 A No.

11 Q Now, when you went to breakfast, did you ask either --  
12 Mr. Defilippis was there, Mr. Bush's attorney, correct?

13 A Right.

14 Q And Mr. Bush?

15 A Yes.

16 Q Mr. Terreri. And did they all seem to know what was  
17 going on?

18 A Seemed to me they did, yes.

19 Q And did you ask them what was going on?

20 A I really -- I really didn't care what was going on.  
21 What I was interested in was getting to the settlement conference  
22 to, A, see what was holding up getting the thing resolved, B,  
23 getting to hear kind of what the positions of the two sides were,  
24 and then, C, take that information and figure out how it would

1 affect us, no matter how the whole case went.

2 Q Did it ever occur to you when you were making these  
3 travel plans to come to Reno to, for example, call me and ask me,  
4 Mr. Wicker, what's going on with the settlement conference?

5 A I never did make a call to anybody to ask what was  
6 going on with the settlement conference.

7 Q At that breakfast, did you ask for more detail on the  
8 settlement conference?

9 A I asked, "Are we" -- "is the settlement conference  
10 still going to be this morning?" And the reply was, "No. It may  
11 not happen until this afternoon."

12 Q Did you -- you knew it was going to be with the judge,  
13 right?

14 A Yes.

15 Q Did you find that odd that they didn't know if it was  
16 going to be that morning or that afternoon?

17 A Well, I'm not familiar with how the Court's work out  
18 here. In Texas it's not unheard of for a judge to call the  
19 attorneys on the phone and say, you know, you've been moved back,  
20 you've been moved up, whatever. You just go when the judge tells  
21 you to be here.

22 Q All right. Did you come to the settlement conference  
23 with any kind of settlement authority from your clients?

24 A Not specifically, but I think generally, yes.

1 Q Did you know Mr. Terreri before the day of the  
2 deposition you attended?

3 A I had met him once.

4 Q And when did you meet him?

5 A He came into my office, and was talking about that he  
6 wanted to -- that he intended to help Mr. Bush in this lawsuit.

7 Q Did he tell you how he intended to help Mr. Bush?

8 A No.

9 Q Did he reveal to you that he was trying to put together  
10 a group of investors to buy Mr. Bush's position?

11 A I think he made some comments about finding investors  
12 to buy Mr. Bush, but he commented about a lot of other things  
13 too.

14 Q Did he ever tell you if he represented Mr. Bush or if  
15 he represented this investor group?

16 A He did not say.

17 Q Did you -- would it be fair to state, then, you did not  
18 know if Mr. Terreri was actually Mr. Bush's lawyer?

19 A I had no idea who he represented.

20 MR. WICKER: Court's indulgence one more time.

21 That's all I have, Your Honor.

22 THE COURT: Thank you. It's customary after an hour  
23 and a half when we are live-recording to take a break. We'll be  
24 in recess for about ten minutes.

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(Recess taken.)

THE COURT: We're back on the record. Counsel, there's a possibility I may be interrupted to take a telephone call. I am not sure it will happen. I just wanted to let you know in advance. Thank you.

MS. PRUPAS: No problem.

REDIRECT EXAMINATION

BY MS. PRUPAS:

Q Mr. McGowen, can you turn to Exhibit 12, that first page, that email. Do you see that first bottom email from Chris Wicker to yourself dated September 19th?

A Yes, ma'am.

Q And that last question, that first paragraph, Mr. Wicker stated, "Can you tell us which trust you were acting for?" And you didn't respond to Mr. Wicker, correct?

A That's correct.

Q He didn't know which trust you were representing, correct?

A Apparently not.

Q Okay. And September 2016, that's approximately five months before you showed up in Reno for the settlement conference, correct?

A Correct.

Q Okay. When you were served on February 9th, 2017, by



1 Mr. Wicker were you surprised?

2 A Yes.

3 Q Why?

4 A I wasn't -- I didn't feel like -- from what I knew, I  
5 didn't feel like there was any adversarial relationship between  
6 my clients and either side of the lawsuit, in the Crystal-Bush  
7 lawsuit.

8 Q So when you attended the deposition on February 9th,  
9 you did not anticipate being served with any lawsuit?

10 A No.

11 Q When you were originally asked to come to Reno by  
12 Mr. Bush or his counsel, was there any indication that you would  
13 be attending a deposition involving Mr. Crystal and his counsel?

14 A No.

15 Q Were you told that you would be attending the  
16 deposition prior to getting into the car on February 9th?

17 A No.

18 Q So it was while you were in that car you found out you  
19 were going to a deposition?

20 A That's correct.

21 Q Were you told that Mr. Crystal was going to be there  
22 and his counsel or did you have any understanding as to who would  
23 be there?

24 A I was told that Mr. Wicker was going to take one

1 person's deposition, and that it was just kind of a minor part of  
2 the deal. It wasn't a real important deposition in Mr. Bush's  
3 opinion.

4 Q Okay. After getting there at the deposition, was it  
5 your understanding that the settlement conference was still going  
6 to go forward when you initially arrived?

7 A When I initially arrived I was told that the settlement  
8 conference would go forward and we'd have time to do the  
9 deposition and then make it to the settlement conference.

10 Q Okay. If you were told that morning the settlement  
11 conference was not going to go forward, would you have left?

12 A Yes.

13 Q Did you have a car?

14 A No.

15 MS. PRUPAS: That's it. Thank you.

16 THE COURT: Okay. Redirect. Oh, I'm sorry. Recross.  
17 Excuse me.

18 MR. WICKER: Nothing further, Your Honor.

19 THE COURT: Thank you, sir. You're free to step down  
20 and take your seat.

21 Ms. Prupas, any other witnesses before we turn to  
22 Mr. Wicker?

23 MS. PRUPAS: Yes, Mr. Wicker.

24 THE COURT: Now this is just strange. As an officer of

1 the court we accept argument all of the time. And you were first  
2 sworn as a licensed attorney a year or two ago or more, but I'm  
3 going to have you sworn anyway.

4 MR. WICKER: Okay.

5 THE COURT: I think that will be better.

6 CHRIS WICKER,  
7 called as a witness herein, being first duly sworn,  
8 was examined and testified as follows:

9 DIRECT EXAMINATION

10 BY MS. PRUPAS:

11 Q Mr. Wicker, can you please spell and state your name  
12 for the record.

13 A I don't know.

14 Q I hope so.

15 A Chris Wicker, C-H-R-I-S W-I-C-K-E-R.

16 Q And who do you represent in this lawsuit?

17 A Mr. Steve Crystal.

18 Q And how many other pending lawsuits does Mr. Crystal  
19 have in this district?

20 A Including this one, there's two other lawsuits. One  
21 was recently settled in addition to that or resolved, I should  
22 say.

23 Q So at the most there was three pending?

24 A Well, before we served Mr. McGowen there were -- there

1 were three pending during that period of time. One was finally  
2 resolved with an order from a judge. And so then there were just  
3 two left, not including Mr. McGowen.

4 Q Okay. And now there's three?

5 A Now there's three again.

6 Q And just out of curiosity, the settlement conference  
7 that took place on February 9th, did it take place?

8 A Yes, it did. It took place starting at 1:30 with Judge  
9 Russell in Carson City.

10 Q Did it resolve the litigation?

11 A It did not. That litigation eventually went to trial.

12 Q Okay. Okay. One of the lawsuits that's still pending  
13 in this district is Crystal v. Bush, correct?

14 A That's correct.

15 Q And that case has to do with a series of loans made to  
16 Bush from your client Mr. Crystal?

17 A That's certainly a part of it. It's not the whole  
18 picture.

19 Q Okay. I'm at a disadvantage, because I'm not part of  
20 that lawsuit, but I'm just trying to understand generally what  
21 that lawsuit is about.

22 A Would you like me to kind of describe it as quickly as  
23 I can?

24 Q Well, no. I want you to -- but you do admit that

1 there's loans involved between Mr. Bush and Mr. Crystal, correct?

2 A Yes.

3 Q And Bush's defense or one of Mr. Bush's defenses in  
4 that case is that Crystal believes he's entitled to 25 percent  
5 interest on one of those loans, correct?

6 A Well, maybe 28 percent. It's 25 or 28 percent.

7 Q At any rate, it's a huge amount, correct?

8 A It's a large amount.

9 Q And the deposition on February 9th was for that case,  
10 right?

11 A That's correct.

12 Q And you know that Mr. McGowen's clients claim an  
13 ownership in a corporate entity which is a party to that lawsuit;  
14 is that right?

15 A That's correct. It would be Automated Cash Systems,  
16 which was originally a plaintiff and then a third-party  
17 defendant. Then the cases were consolidated, so now it's a  
18 third-party defendant and a third-party claimant.

19 Q But Mr. McGowen is not a party to that lawsuit?

20 A That's correct.

21 Q And he's not counsel of record?

22 A Not that I know of. Not of record, certainly.

23 Q Okay. And going back to February 8th, there were three  
24 depositions scheduled for February 8th, correct?

1 A I'm not sure if there were three. On February 8th, yes.

2 Q Originally there were three depositions scheduled?

3 A Yes. On February 8th there originally were three.

4 Q Okay. And the last one was bumped to February 9th; is  
5 that correct?

6 A That's correct.

7 Q Why?

8 A It was bumped because the -- there was a problem with  
9 having both -- there were -- a father and daughter were witnesses.  
10 And so the daughter -- the time we had scheduled for the father,  
11 I believe was stated to be somewhat inconvenient for him. And  
12 Mr. Defilippis was going to be in town anyway, because we had the  
13 settlement conference in the afternoon, and everybody agreed it  
14 would be more convenient to just take the third deposition the  
15 morning of the 9th, rather than work late on the 8th.

16 Q Okay. Do you understand that in your opposition to my  
17 Motion to Dismiss a representation was made that it was moved  
18 because Mr. Defilippis had a settlement conference that  
19 afternoon, February 8th?

20 A I don't recall that.

21 Q Okay. But in any event, the deposition was set for  
22 February 9th, that morning?

23 A Yeah. We reset it on the day of the 8th.

24 Q Notwithstanding that you had a 1:30 settlement

1 conference scheduled in Carson City in front of Judge Russell?

2 A Yes. We thought the deposition would easily be  
3 completed in time.

4 Q Okay. You stated -- you sued Mr. McGowen in this case  
5 as trustee of his law firm, correct?

6 A Well, we sued him in the fashion that the bill of sale  
7 was written.

8 Q Right. But you had no choice but to do that because  
9 you had no idea who he represented, correct?

10 A That's correct. And I think it's still proper  
11 procedure to sue a trustee who is acting as a trustee for an  
12 entity.

13 Q But you are still curious as to who he represents,  
14 right?

15 A I'm very curious.

16 Q Yes. And you stated in your declaration, though, you  
17 prepared a Complaint for claims that your client Steve Crystal  
18 has against Mr. McGowen for an undisclosed trust. You made that  
19 statement in your declaration, correct?

20 A That sounds right.

21 Q Okay. So you really don't know who these claims should  
22 be asserted against?

23 MR. ANDERSON: Objection. I think he asked and  
24 answered that already.

1 THE COURT: Overruled.

2 THE WITNESS: They should be asserted against Mr. McGowen  
3 as trustee. I know that part. I just don't know who he's  
4 trustee for. The bill of sale said, "Mr. McGowen, Trustee," and  
5 then gave his law firm name. And that was the form used in the  
6 Complaint. I would not be surprised if his law firm is not the  
7 entity, but he hasn't told us. We tried to find out, but he  
8 wouldn't tell us.

9 BY MS. PRUPAS:

10 Q Okay. Okay. Were you hoping that his clients would  
11 show up on February 9th at the deposition?

12 A No. We had no idea that Mr. McGowen or his clients  
13 would be involved at all.

14 Q Okay. But he did, in fact, show up February 9th and  
15 you chose to sue him, correct?

16 A Yes.

17 Q And you didn't sue him as an individual, correct?

18 A We sued him as a trustee.

19 Q Right. And you didn't sue him as any other undisclosed  
20 trust, you sued him only as trustee of a law firm?

21 A We sued him as it was written in the bill of sale.

22 Q I'd like you to turn to the exhibit that has the text  
23 message, which is Exhibit 2.

24 A Yes.



1 Q And this is your exhibit, correct?

2 A That's correct.

3 Q What is this document?

4 A This is an -- I think it's a screenshot from Dane  
5 Anderson's cell phone.

6 Q Okay. And is it a group text?

7 A No. It's just between -- as I understand it, it was  
8 between Dianne Kelling and Mr. Anderson.

9 Q Okay. Prior to the deposition commencing you contacted  
10 Dane Anderson to draft a Complaint to sue Mr. McGowen, correct?

11 A No. No.

12 Q During the deposition you contacted Mr. Anderson to  
13 draft a Complaint against Mr. McGowen?

14 A I think it was near the end of the deposition. Well,  
15 it was near the end of the deposition.

16 Q Okay. Prior to the deposition commencing, you met with  
17 Mr. Terreri, correct?

18 A No.

19 Q In your declaration you admitted that you met with  
20 Mr. Terreri at the deposition.

21 A Yes.

22 Q Okay. What was that conversation?

23 A I met with Mr. Terreri, I believe it was after the  
24 deposition was completed. I did not -- the first time I'd ever

1 met him was when he showed up at the deposition, although I'd had  
2 email exchanges with him prior to that time.

3 Mr. Terreri was somebody that we didn't know, an  
4 attorney from Healdsburg, California, who was trying to convince  
5 us that he represented a group of investors that had many  
6 millions of dollars that were capable of buying Mr. Bush's  
7 interest in ACS. And we kept basically telling them to go away,  
8 because we did not think that Mr. Bush had an interest in ACS and  
9 because of gaming regulations we could not accept an investment  
10 in ACS from people connected with Mr. Bush.

11 Q Okay. So you sat here during Mr. McGowen's testimony,  
12 and he said he saw you conversing with Mr. Terreri at least three  
13 different times. Do you dispute that?

14 A Yes. His memory is faulty.

15 Q Okay. So Mr. Terreri, you didn't have any conversations  
16 with --

17 A Let me correct that. I might have said hello to him in  
18 the bath room or in passing, but I had no conversation with him  
19 until the one time that we talked about.

20 Q So no closed-door conversations?

21 A That was a closed-door conversation.

22 Q Okay. But only one, and it was after the deposition?

23 A Yes.

24 Q Okay. So no conversations with Mr. Terreri: Hey, you

1 got Mr. McGowen here. He's here for a settlement conference.  
2 You should be serving him with a lawsuit?

3 A Say that again.

4 Q No conversations with Mr. Terreri and -- between you  
5 and Mr. Terreri or Mr. Terreri or you saying what are we go going  
6 to do with Mr. McGowen here? He's here for a settlement  
7 conference. We you should take advantage of this?

8 A Well, Mr. Terreri would have no idea why we sued  
9 Mr. McGowen, because Mr. Terreri would have no knowledge of the  
10 issues that we sued Mr. McGowen as trustee on. The conversations  
11 I had with Mr. Terreri were strictly limited to his telling me  
12 that he had investors that had \$20 million to invest. And he  
13 expressed incredibility that Mr. Crystal was not interested in  
14 the \$20 million. And I -- I put off talking to him. I hadn't  
15 talked to him on the phone or anything. But he was there, much  
16 to my surprise. So I agreed to talk to him. And we had this  
17 conversation, and I said, I basically told him that there's no  
18 way that we can accept his investor's money.

19 Q Did you --

20 A He also told me at that meeting that he did not  
21 represent Mr. Bush.

22 Q When the deposition commenced, Mr. McGowen was present  
23 in the deposition, right?

24 A Yes.

1 Q You didn't object to his being there?

2 A I didn't care.

3 Q Is that a normal procedure for you to have strangers  
4 attend your depositions?

5 A Well, as I understand the rule, unless you get a  
6 protective order, you can't exclude strangers from the deposition.  
7 And I had no interest in expending the effort to try to get a  
8 protective order.

9 Q He actually wasn't a stranger. He was actually someone  
10 who possible could be adverse to your client wasn't he?

11 A Well, he was a stranger to the Bush lawsuit, let's put  
12 it that way. He's not a party to the lawsuit. And the idea of  
13 suing him kind of developed in my head as the deposition went on.  
14 And we took a break and talked about it. And then that developed  
15 the idea well, let's find out if we have jurisdiction over  
16 Mr. McGowen by his physical presence in the state. And so that's  
17 when I called Mr. Anderson to find out.

18 Q When did you first call Mr. Anderson to draft that  
19 Complaint?

20 A It was in the second half of the deposition.

21 Q So like what time, 10:30?

22 A I couldn't tell you.

23 Q 11:00?

24 A It was probably before 11:00.

1           Q     Okay.  So it's your testimony that Mr. Anderson drafted  
2 that Complaint in less than 30 minutes?

3           A     Well --

4           Q     Because --

5           A     Yes.  Well, I don't know how long he spent on drafting  
6 it.  I think it was longer than 30 minutes.

7           Q     But you would agree with me the Complaint in this case  
8 was filed at 11:40?

9           A     I didn't know what time it was filed.

10          Q     Would you disagree?

11          A     I don't disagree.

12          Q     Okay.  So the Complaint's filed at 11:40 that means --  
13 and your testimony is that you contacted Mr. Anderson around  
14 10:30?

15          A     I don't know.  My best recollection is it was during  
16 the middle of the deposition, because it didn't occur to me right  
17 away that this was an opportunity to sue on the artwork.  It kind  
18 of -- you know, the idea came to me during the course of time.  
19 And that's when I called Mr. Anderson to initiate the process.

20          Q     Right.  So it finally occurred to you that this was an  
21 opportunity for Mr. McGowen to be sued and served in Nevada, but  
22 you had a short window of time to do it, correct, because you had  
23 a 1:30 settlement conference?

24          A     I thought we had a short window of time.  I had no idea

1 how long Mr. McGowen was going to be there.

2 Q Right. So you took a one-hour lunch break, didn't you?

3 A Well, what happened at the conclusion --

4 Q Did you take a one-hour lunch break?

5 A Yes and no. It wasn't a lunch break for me in  
6 particular, because I met with Mr. Terreri and Mr. McGowen. But  
7 there was probably at least an hour between the time we broke  
8 from the deposition and the time we left for Carson City.

9 Q I'm sorry. Can you say that again. There was --

10 A There was probably at least an hour from the time when  
11 we concluded the deposition before we left for Carson City. And  
12 during that time we had lunch, but I ended up spending some time  
13 talking to Mr. Terreri, and after that I spoke to Mr. McGowen.

14 Q And you understand that during that time that the  
15 Complaint had yet to be filed?

16 A Well, I think Diane Kelling, who is Mr. Anderson's  
17 assistant -- I think Dane advised -- Dane came to the deposition  
18 area, because he was going to the settlement conference or I mean  
19 Mr. Anderson. And he told me that Ms. Kelling had left the  
20 office to go downtown to get the Complaint filed and get a  
21 Summons issued.

22 Q Okay. So if you look at Exhibit 2, which is the text  
23 message that you say is between Mr. Anderson and Ms. Kelling, you  
24 see it's February 9th, dated February 9th at 12:04. And I

1 believe Mr. Anderson is on the left. It says --

2 A Yes. I think you're right.

3 Q -- "Still hasn't been filed."

4 A He was looking at his phone to see if it had popped up  
5 on the E-Serve.

6 Q Right, because he had to be at a settlement conference  
7 at 1:30, correct?

8 A Yes.

9 Q And at 12:04 the Complaint hasn't been filed yet,  
10 but -- it hasn't been filed, you can't serve him yet, correct?

11 A I think it had been filed, according to the number --  
12 the time you gave me.

13 Here's what I know. Here's what I know is that  
14 Ms. Kelling filed the Complaint, got the Summons issued, brought  
15 the Summons and a copy of the Complaint to Litigation Services  
16 and waited until we had an opportunity to serve Mr. McGowen.

17 Q Right. If you look at the next text message on this  
18 screen, it has Ms. Kelling, says, "I'm here, and I will see if  
19 they can issue Summons without a number." So she is in such a  
20 hurry that she's ready to leave with a Summons without a case  
21 number.

22 A She was in a hurry.

23 Q Yeah. And then she says, "They're going to process the  
24 Complaint now." So this is after 12:04, correct?

1           A     I see that.

2           Q     Okay. And then Mr. Anderson texts back and says,  
3     "We're in room five. When you get here just text me."

4                     And then her declaration, correct me if I'm wrong, she  
5     states she served Mr. McGowen around 12:30, correct?

6           A     That sounds about Right.

7           Q     Okay. So you took about an hour or so lunch break and  
8     then commenced the deposition after lunch, correct?

9           A     No. We finished the deposition prior to lunch, as I  
10    recall.

11          Q     So what time did the deposition end?

12          A     I couldn't tell you for sure.

13          Q     But you took a break, though, for people to have food,  
14    correct?

15          A     Well, we took a break. Litigation Services has food  
16    out. And so when we took a break, people would get something.  
17    We didn't break for lunch, and I didn't have my meetings with  
18    Mr. Terreri and Mr. McGowen until after we had finished the  
19    deposition.

20          Q     So it's your testimony that you never took a lunch  
21    break during this deposition?

22          A     Not during the deposition. I believe that's correct.

23          Q     So the deposition, do you know what time it started?

24          A     Probably 9:00, but I don't know for sure.



1 Q And you went through lunch; is that --

2 A No.

3 Q Please --

4 A Okay. What -- what my best recollection is, is that we  
5 started the deposition probably at 9:00. You know, usually I  
6 like to start them at 10:00, but we probably started at 9:00,  
7 because of the settlement conference. And we probably took one  
8 or two breaks. I know we took at least one break, maybe two  
9 breaks during the course of the deposition. And then normally we  
10 take a break to see if I have any more questions. And then we  
11 came back and either asked a couple questions or said I had no  
12 questions.

13 And then by that time Litigation Services had put out  
14 the lunch that they served. And our whole group got lunch, but  
15 Mr. Terreri wanted me to talk to him and my clients authorized me  
16 to talk to him. So I went into a conference room to talk to him.  
17 And I want to say I think that Dane had arrived with the Summons  
18 and Complaint before I went to talk to Mr. Terreri.

19 Q Okay. When you concluded the deposition and you said,  
20 "I have no more questions," had Mr. Anderson already appeared?

21 A I think he had appeared.

22 Q And was Ms. Kelling there as well?

23 A I don't think she got there until after we had  
24 concluded the deposition.

1 THE COURT: Let me interrupt for a moment, just so I  
2 can understand the context of the questions.

3 Do you believe you can demonstrate to the Court that  
4 there is an analytical difference between trickery to bring  
5 Mr. McGowen to Nevada in contrast to taking efforts to make  
6 service more convenient? Do you think that trickery involves  
7 extending deposition time?

8 MS. PRUPAS: Absolutely. And I think this was an  
9 entire conspiracy. Mr. Terreri delivers Mr. McGowen as the  
10 sacrificial lamb that morning.

11 THE COURT: So not your arguments, but you believe that  
12 some of your case authorities will show that to me, that there's  
13 a distinction -- there's two parts to the trickery; bringing the  
14 defendant to the State, and then taking efforts to keep him to  
15 make service more convenient.

16 MS. PRUPAS: Yes, because I think that's part of the  
17 trickery.

18 THE COURT: All right. Carry on.

19 BY MS. PRUPAS:

20 Q At any time during the deposition did you dictate to  
21 your phone, "I need that ASAP"?

22 A No. I don't dictate to my phone.

23 Q Okay. Did you talk to your phone? Did you talk to  
24 your phone and say, "I need that ASAP"?

1           A     Well, I probably called Dane, but it would have been in  
2 the conference outside the hearing of Mr. McGowen.

3           Q     And you told him you needed that Complaint ASAP,  
4 because you had no idea when Mr. McGowen was going to leave?

5           A     I'm sure I said something like that.

6           MS. PRUPAS: That's all I have.

7           THE COURT: Thank you.

8           Mr. Anderson.

9           MR. ANDERSON: Thank you, Your Honor. And in the  
10 interest of time, I may go beyond the scope of direct, just to  
11 try to get Mr. Wicker done. I don't know if that's allowable.  
12 I'd make that suggestion --

13          THE COURT: Go ahead.

14          MR. ANDERSON: -- just to get this going.

15          Thank you, Your Honor.

16                                   CROSS-EXAMINATION

17 BY MR. ANDERSON:

18          Q     Mr. Wicker, how long have you been practicing law?

19          A     Since 1979.

20          Q     And how long have you been a shareholder at Woodburn  
21 and Wedge?

22          A     Since 1987.

23          Q     Okay. You talked about some lawsuits that Mr. Crystal  
24 has pending and that there were three pending at the time that

1 Mr. McGowen was served with this lawsuit. Is that right?

2 A Yes, I can't quite recall if on the NCA lawsuit, if we  
3 had gotten the final order from Judge Polaha or not.

4 Q And the NC Auto suit has nothing to do with any of the  
5 lawsuits between Mr. Crystal and Mr. Bush?

6 A That's correct.

7 Q And nothing to do with Mr. McGowen?

8 A That's correct.

9 Q What time did you arrive at the deposition?

10 A I arrived late. I know that because Mr. Crystal called  
11 me on my cell phone and said, "Are you coming?" And I forget if  
12 it was my dogs or the weather. Something had delayed me. And he  
13 said, "Well, the whole entourage is here." And I said, "Okay.  
14 I'm on the way. It should be about ten minutes."

15 And so by the time I arrived at the deposition  
16 everybody was sitting in the conference room. And it was kind of  
17 awkward, because everybody had been waiting for me to get there.

18 Q Did you recognize everyone that was in the room?

19 A No, I did not recognize at the time Mr. Terreri or  
20 Mr. McGowen.

21 Q Okay.

22 A Or the witness. I had not met Mr. Long before either.

23 Q Did anyone tell that you Mr. McGowen was going to be  
24 attending the deposition?

1           A     No.

2           Q     Okay. Did you have any idea in advance that  
3 Mr. McGowen would be there?

4           A     It was a complete surprise to me that Mr. McGowen and  
5 that Mr. Terreri were there.

6           Q     And Mr. Bush is represented by whom in those litigation  
7 matters?

8           A     Mr. Defilippis and Ms. Alicia Johnson.

9           Q     Is Ms. Alicia Johnson an attorney in Reno?

10          A     Yes, she is.

11          Q     Where does Mr. Bush reside?

12          A     He resides in Lakeridge Shores.

13          Q     So Mr. Bush would be within the subpoena power of this  
14 court?

15          A     We've subpoenaed him before.

16          Q     As would Ms. Johnson?

17          A     Ms. Johnson would be too.

18          Q     Okay. And you had conversations with Mr. Defilippis  
19 about Mr. Bush's case with Mr. Crystal repeatedly in the  
20 preceding months, correct?

21          A     A lot of conversations.

22          Q     And did Mr. Defilippis ever tell you anything about  
23 whether Mr. McGowen would be in Reno that week?

24          A     No. We had extensive conversations trying to set up

1 these depositions. And so the conversations were all about  
2 setting these depositions and making them close in time to the  
3 settlement conference in another case that Mr. Defilippis  
4 represents Mr. Bush in, the CIP case.

5 So we kind of tried to bunch them together as the same  
6 time as the settlement conference.

7 Q Okay. And you were asked some questions about why one  
8 of the depositions on February 8th was pushed back to the morning  
9 of February 9th. Can you please tell the Court what you recall  
10 about those events?

11 A Well, there was an issue with either Ms. Leung, the  
12 daughter, or Mr. Leung, who's I believe a dentist. And I can't  
13 remember the details, but it was decided it would be more  
14 convenient for the witnesses if one of them was deposed on the  
15 8th and the other one was deposed on the 9th. And Mr. Defilippis  
16 was going to be there and we were going to be involved anyway.

17 And we had originally set up the 9th as an alternative  
18 date anyway. So it worked out for the convenience of everybody  
19 to take the deposition on the morning of the 9th.

20 Q Okay. And that deposition was of Dr. Leung; is that  
21 correct?

22 A That's correct.

23 Q How do you spelled that last name?

24 A L-E-U-N-G, I think.

1 Q At some point during the deposition you testified that  
2 it occurred to you that this might be an opportunity to file a  
3 suit and serve Mr. McGowen; is that right?

4 A That's correct.

5 Q Tell me about that.

6 A Well, it just occurred to me. I could not recall if  
7 you could get jurisdiction over somebody for a lawsuit if you  
8 were able to serve them with process in the jurisdiction. And so  
9 I called you and asked you to find an answer to that. And if we  
10 could acquire jurisdiction over somebody, to draft a quick  
11 Complaint so we could get him served.

12 I didn't know why he was there, and -- at the time I  
13 talked to you, and we didn't know how long he was going to be  
14 there.

15 Q Okay. When was the first time you spoke to Mr. McGowen?

16 A I think we were introduced at the beginning of the  
17 deposition. And I didn't speak to him until after I spoke to  
18 Mr. Terreri during kind of what's been characterized as the lunch  
19 period between the deposition and leaving for Carson City.

20 Q And was the first time you spoke to Mr. McGowen after  
21 he had been served with the Complaint and Summons?

22 A Well, what happened is this: When I spoke with  
23 Mr. Terreri, Mr. Terreri told me that Mr. McGowen wanted to speak  
24 to me. So when Mr. Terreri and I had finished our conversation,

1 by that time I knew that Dianne Kelling was there with the  
2 Summons and Complaint. And I sent him into a conference room to  
3 ask if Mr. McGowen would come out. And I went in the conference  
4 room and got Ms. Kelling to come out and sit in the lobby.  
5 Mr. McGowen came out. I'd been introduced to him before.  
6 Mr. McGowen came out. I introduced him to Dianne and said this  
7 is Mr. McGowen, she handed him the Summons and Complaint. And  
8 Mr. McGowen looked at it and said, "What's this?" And I said,  
9 "It's a Summons and Complaint." And he looked -- maybe -- he  
10 said earlier he didn't have his glasses on, but then Ms. Kelling  
11 left.

12 Q Did Mr. McGowen say anything to you after you told him  
13 it was a Summons and Complaint?

14 A Not really about that.

15 Q Okay.

16 A We still talked.

17 Q What did you talk about?

18 A Mr. McGowen's clients -- and I believe it to be the  
19 Welborn clients -- were minority shareholders in ACS. In the  
20 spring of 2016 ACS was trying to get licensed in Nevada. In  
21 order to get licensed as a gaming company in Nevada, all the  
22 shareholders had to turn in a gaming application. And the  
23 minority shareholders, meaning the Welborns, had refused to turn  
24 in a gaming also, which stopped ACS basically in its tracks.



1           And so as a result of being dead in the water, the  
2 major shareholders and officers of ACS formed a new company  
3 called ACLS, Automatic Cashless Systems, to try to carry on the  
4 business. I knew from review of the records that Mr. McGowen's  
5 clients had refused to turn in the application. And then I also  
6 knew that they had been offered an opportunity to buy into ACLS,  
7 and they had refused to do that also.

8           And so I think Mr. McGowen was there to talk about is  
9 there a settlement that could involve his clients getting an  
10 interest in ACLS. And one of the things we talked about is,  
11 "Well, your clients would have to be licensable if they're going  
12 to be minority shareholders." And there were other issues  
13 involved, but that was the discussion I had with Mr. McGowen.

14         Q     Okay. So --

15         A     I also said this: I told him that I thought -- I told  
16 him, "I don't think we can reach a settlement with Bush," but I  
17 thought that we could talk to Mr. McGowen and his clients and see  
18 if we could resolve something.

19         Q     So the substance of the conversation was about the ACS  
20 issues and not about the Complaint with which he had just been  
21 served?

22         A     Right.

23         Q     Would it surprise you if the deposition transcript of  
24 Dr. Leung shows that it ended at 11:57 a.m.?

1           A     No.

2           Q     Did you ever tell Mr. McGowen that he should stick  
3 around for any reason?

4           A     No. I didn't talk to Mr. McGowen until after I asked  
5 Mr. Terreri -- other than saying hello. I hope I said hello to  
6 him in the beginning, but other than that I didn't talk to  
7 Mr. McGowan until Mr. Terreri went in the conference room and  
8 asked him to come out.

9           Q     Did you hear anyone talking to Mr. McGowen about  
10 whether he should stick around or his reasons for being there?

11          A     No. Mr. McGowen sat down at the end of the table, and  
12 nobody really talked to him that I observed. I don't know what  
13 happened when we were out of the room. When we were out of the  
14 room Mr. McGowen, Mr. Terreri, Mr. Bush, Mr. Defilippis all  
15 stayed in the conference where the deposition was occurring.

16          Q     Mr. McGowen testified that he had viewed you furiously  
17 typing on a computer or a laptop and then speaking into a  
18 microphone of some sort. Do you own a microphone that you use at  
19 depositions?

20          A     I don't own a microphone, and I never take a laptop to  
21 depositions. Now one of our clients -- I think it might have  
22 been Mike Sackrison, maybe Mike Sackrison and Steve Warner had  
23 laptops there and they were typing, but I did -- I had my Apple  
24 iPhone, and that's all I had.

1 Q When you called me where were you?

2 A In the conference room with the clients, not in the  
3 conference room where the deposition was occurring.

4 MR. ANDERSON: May I have the Court's indulgence one  
5 moment please?

6 THE COURT: Yes.

7 MR. ANDERSON: I have no further questions at this  
8 time, Your Honor.

9 THE COURT: Thank you.

10 Counsel.

11 REDIRECT EXAMINATION

12 BY MS. PRUPAS:

13 Q Prior to Mr. McGowen being served with Summons and  
14 Complaint, Mr. Crystal took a picture of Ms. Kelling with the  
15 Summons and Complaint, correct?

16 A Yes, that's correct.

17 Q And you attached that picture to your moving papers,  
18 correct?

19 A Yes. What happened is that Mr. Crystal actually wanted  
20 to take a picture of her serving Mr. McGowen, and I refused to  
21 allow him to do that. So he took a picture of Ms. Kelling in the  
22 conference room instead.

23 Q So he wanted to take a picture of Mr. McGowen being  
24 served, because you guys knew there was going to be an issue

1 about service in this case; isn't that true?

2 A No.

3 MR. ANDERSON: Objection, argumentative.

4 THE COURT: Overruled. You may answer the question.

5 THE WITNESS: If I thought there was going to be an  
6 issue about service, I would have allowed him to take the picture.

7 BY MS. PRUPAS:

8 Q But you still attached the picture to your moving  
9 papers, correct?

10 A Yes. And that was to show that Ms. Kelling was there.  
11 That was the only photograph we had.

12 Q You already had her declaration saying she was there,  
13 correct?

14 A You guys said she was a perjurer, so we attached the  
15 photograph.

16 Q Do you normally take pictures when you serve Summons  
17 and Complaints?

18 A Never.

19 Q Okay. When you were emailing Mr. McGowen in September  
20 of 2016 asking him, "Which trust do you represent, which trust  
21 are we talking about here," and he didn't respond to you, why  
22 didn't you sue him then?

23 A Because he resided in Texas, and it would be an  
24 expensive proposition to sue him in Texas.

1 Q Maybe because there was no jurisdiction in Texas?

2 A No. There's jurisdiction in Texas. There wasn't at  
3 the time -- as far as I could tell there wasn't jurisdiction in  
4 Nevada, as far as Mr. McGowen.

5 Q Exactly. Okay.

6 MS. PRUPAS: That's all I have, thank you.

7 MR. ANDERSON: Nothing further, Your Honor.

8 THE COURT: Thank you, sir. You're free to step down.  
9 Any other witnesses?

10 MS. PRUPAS: No, Your Honor.

11 THE COURT: You may call your first witness.

12 MR. WICKER: Mr. Crystal.

13 STEVEN CRYSTAL,  
14 called as a witness herein, being first duly sworn,  
15 was examined and testified as follows:

16 DIRECT EXAMINATION

17 BY MR. WICKER:

18 Q Would you state your name and address, please.

19 A Steven Crystal. I reside at 39 Sawbuck Road, Reno,  
20 Nevada.

21 Q Would you just very briefly describe your current  
22 occupation?

23 A I'm a business owner. I own Big Valley Honda here in  
24 Reno, Ace Hardware in Sparks, I used to own a couple of auto part

1 stores, I trade commodities, I'm an active investor, and I'm  
2 currently chairman of the board of Automated Cashless Systems.

3 Q And Automated Cashless Systems is operating the  
4 business that Automated Cash Systems used to operate?

5 A Yes. It's the successor company.

6 Q Successor, okay. Now did you loan approximately -- and  
7 when I say "you," I mean you or the Barbara Crystal Decedent  
8 Trust.

9 A Okay.

10 Q Are you the trustee of the Barbara Crystal Decedent  
11 Trust?

12 A I am. I'm also the sole beneficiary as long as I'm  
13 alive.

14 Q Okay. So either you or the Barbara Crystal Decedent  
15 Trust, did you loan \$5,150,000 to Mr. Bush and his entity, Tag.

16 A I loaned the money directly to Mr. Bush. Mr. Bush then  
17 loaned the money theoretically to Tag, and Tag made an investment  
18 of \$5 million in the original company, ACS.

19 Q And did ACS loan about half of that money back to  
20 Mr. Bush?

21 A Between January 2013 through May of 2013 there was a  
22 \$5 million investment. In August of 2013 there was a \$2.5  
23 million withdrawal by Tag. And that was a loan to Tag, which I  
24 guaranteed.

1           Q     In approximately August of 2014, did you loan \$450,000  
2 to Mr. Bush related to the purchase of purported Jackson Pollack  
3 paintings?

4           A     I did.

5           MS. PRUPAS: Again, I'm going to object as to  
6 relevance.

7           THE COURT: I'm having a hard time seeing it on this  
8 jurisdictional question.

9           MR. WICKER: Let me cut this a little shorter.

10          THE COURT: All right. On that extent, it is  
11 sustained.

12          BY MR. WICKER:

13          Q     As part of your loan arrangement with Mr. Bush, did you  
14 take a security agreement in artwork owned by Bush or his alter  
15 egos?

16          A     Yes, I did. That was done by Lance McKenzie of  
17 Melarkey Avansino. And he perfected a security agreement and a  
18 U.C.C. filing on the artwork, which at that time in July I wired  
19 \$2.1 million to Mr. McGowen's trust account at McGowen and Fowler  
20 for the purchase of the Pieta, which was negotiated between  
21 Mr. Bush and Mr. Welborn. And I was present during that  
22 negotiation.

23          Q     And you claim an interest in the B2 and Q2 that are in  
24 the bill of sale from Mr. McGowen -- from Mr. Bush and

1 Renaissance Masters to Mr. McGowen?

2 A Yes. That was \$450,000.

3 Q And do you claim an interest in the Pieta that was also  
4 subject to that bill of sale?

5 A That was the 2.1 million. And the artwork, under the  
6 U.C.C. filing and what was negotiated between myself and Mr. Bush  
7 in that security agreement, and which was, I'm going to say, also  
8 negotiated with Mr. Defilippis, originally it stated all  
9 artwork -- well, it said, "all assets owned." And Mr. Defilippis  
10 required that that was too broad and it be restricted to "any  
11 artwork owned now or in the future." And that's what was in the  
12 security agreement, and that's where my basis of claims on the  
13 artwork exist.

14 Q Now there was a lawsuit between CIP and Mr. Bush, right?

15 A Yes, sir. CI -- well --

16 Q Who is CIP?

17 A I have many CIPs.

18 Q Who were the CIP entities involved in that lawsuit?

19 A CIP is Crystal Investment Partners, and the entity that  
20 was suing Mr. Bush -- there were two entities of CIP. One was  
21 CIP Real Estate, which was Mill Street, which was where the West  
22 Marine Building is, and the other CIP Real Estate of South  
23 Virginia, which is 2195 South Virginia Street, whereby Mr. Bush  
24 had entered into leasing arrangements through either himself or



1 his Tyche Art International or Tyche Acquisition Group, and he  
2 had defaulted on his rental payments.

3 Q So the dispute, the CIP versus Bush dispute was  
4 essentially a lease dispute?

5 MS. PRUPAS: Your Honor, I just don't understand why  
6 any of this is relevant.

7 THE COURT: Sustained.

8 MR. WICKER: Well, Your Honor, where I'm going with  
9 this is that was the --

10 THE COURT: And I need you to ask questions and not  
11 allow the witness to just provide narrative information. That's  
12 not helping me.

13 So if you'll wait for the question, then we'll get a  
14 direct answer. I do trust you to bring in the relevant  
15 information, but you need to be the examiner.

16 MR. WICKER: Okay. Thank you.

17 BY MR. WICKER:

18 Q No. Was the CIP case, was that different issues than  
19 were involved in the Crystal v. Bush case?

20 A Yes, CIP --

21 THE COURT: So the answer is yes.

22 You may ask your next question.

23 BY MR. WICKER:

24 Q Was the CIP case ordered to go to a settlement

1 conference in Carson City in front of Judge Russell?

2 A Yes.

3 Q Do you recall Mr. Bush filing a motion to consolidate  
4 the cases for settlement between Crystal v. Bush and CIP versus  
5 Bush?

6 A Yes.

7 Q And did you oppose that?

8 A Yes.

9 Q Why did you oppose that?

10 A CIP Real Estate and Mill Street, and CIP Real Estate of  
11 South Virginia are Crystal Investment Partners, which I'm only a  
12 one percent managing general partner, and it's really owned by my  
13 kids as limited partners.

14 The Crystal v. Bush case has to do with myself loaning  
15 money, or the Barbara Crystal Decedent Trust, my wife's trust,  
16 and the kids are not involved.

17 Q So you authorized your counsel to oppose this effort by  
18 Mr. Bush to consolidate the cases for settlement?

19 A Yes. Different parties.

20 Q Did you attend a Leung deposition on February 9th?

21 A Yes, I did.

22 Q Did you come to find out that Mr. McGowen was present  
23 at the Leung deposition?

24 A Yes, I did.

1 Q How did you find that out?

2 A I walked into the room. There were faces there I'd  
3 never seen before; one of whom was Mr. Terreri, the other one was  
4 Mr. McGowen. I knew Dr. Leung. I'd seen him before in court.  
5 And Mr. Defilippis. I don't recall whether Ms. Johnson was  
6 there or not, but I think she was.

7 Q Did you do anything to try to get Mr. McGowen to come  
8 to Nevada?

9 A No. I had no idea he was coming.

10 Q Did you ever tell Mr. Bush that you were willing to  
11 negotiate the Crystal v. Bush case at the settlement conference  
12 where the CIP versus Bush was being negotiated?

13 A No, I did not. I don't hold conversations with  
14 Mr. Bush except through legal counsel.

15 Q Did you authorize the Complaint against Mr. McGowen?

16 A Yes, I did.

17 Q When -- do you recall -- do you know who Ms. Kelling  
18 is?

19 A Yes, I do.

20 Q And she's the assistant of Mr. Anderson?

21 A Yes, she is.

22 Q And you've had dealings with her before in the course  
23 of litigation?

24 A Yes, I have.

1 Q Do you recall that she arrived at the conference room  
2 where you were at?

3 A Yes.

4 Q And did you take the photograph that's been submitted  
5 into evidence?

6 A Yes.

7 Q And did you want to take a photograph of her service of  
8 Mr. McGowen?

9 A Yes, I did.

10 Q And why didn't you?

11 A I was advised by counsel that it would not be  
12 appropriate.

13 THE COURT: Did you ask why he did not or why he wanted  
14 to?

15 MR. WICKER: Why he didn't.

16 THE COURT: Excuse me. I did not hear the question.  
17 Thank you.

18 BY MR. WICKER:

19 Q Did you go to the settlement conference that afternoon  
20 on the 9th?

21 A Yes, I did.

22 Q And was Mr. Defilippis and Mr. Bush there?

23 A Yes, they were.

24 Q And Ms. Johnson?

1 A Yes, she was.

2 Q And so you recall, was the meeting with Judge Russell?

3 A Yes.

4 Q And did he attempt to settle the case?

5 A The real estate, yes.

6 Q And did it settle?

7 A No. It did not. We went to trial.

8 MR. WICKER: That's all Your Honor.

9 THE COURT: Thank you.

10 Counsel.

11 CROSS-EXAMINATION

12 BY MS. PRUPAS:

13 Q You claim Mr. McGowen has property that you own or have  
14 a security interest in, correct?

15 A Yes.

16 Q Okay. And that's what this Complaint is about today,  
17 the Complaint that's been filed in this lawsuit, correct?

18 A Yes.

19 Q Okay. But Mr. McGowen -- you sat through Mr. McGowen  
20 testifying here this morning, correct?

21 A This afternoon.

22 Q This afternoon. Mr. McGowen said that the property is  
23 in a warehouse controlled by Bush, correct?

24 A There are three pieces of property that are dictated in

1 that bill of sale. The Pieta, which is located physically in  
2 Reno, Nevada, which I have possession of in my building at 2195  
3 South Virginia. The other two appearances of artwork, B2, Q2,  
4 reported Jackson Pollack paintings, Mr. Bush took out of state.  
5 And last I heard they were in the possession of Mr. Welborn.

6 Q So Mr. McGowen doesn't have this property.

7 A Mr. McGowen represented he was trustee of trusts. And  
8 when we had asked or -- I'm sorry. Not we. When Mr. Warner, who  
9 is, at that time, president of Renaissance Masters asked about  
10 various transactions due to tax implications he called  
11 Mr. McGowen directly. And he said --

12 Q I'm not interested in that conversation. I'm  
13 interested to know where that Pieta is today.

14 A I just told you.

15 Q In Reno, Nevada, correct?

16 A Yes.

17 Q Okay.

18 A Of which I own 50 percent of.

19 Q And the Pollacks are not with Mr. McGowen, correct?

20 A I don't know where the Pollacks are. I said the last I  
21 heard they were in the possession of --

22 Q Okay. Wherever --

23 THE COURT: Hold on. Excuse me.

24 So you do have the right to have control the

1 examination, but our reporter cannot write two words at once and  
2 I cannot hear two words at once. So if you'll each wait for the  
3 other to conclude.

4 MS. PRUPAS: All right. I'm sorry.

5 BY MS. PRUPAS:

6 Q So wherever the property is, you have an interest in  
7 extinguishing whatever interest Mr. McGowen might have, correct?

8 A Or Mr. McGowen's clients, which Mr. McGowen has yet to  
9 reveal.

10 Q Okay. So Mr. Wicker said that he couldn't sue McGowen  
11 in Texas because there was not jurisdiction in Texas. So you  
12 wanted to see --

13 MR. WICKER: Well, Your Honor, I think that misstates  
14 Mr. Wicker's testimony.

15 THE COURT: Well, I think Mr. Wicker said that it would  
16 be expensive and it was not something that he considered doing.  
17 He did not say Texas had no jurisdiction. To the best of my  
18 recollection. And with that you can correct me and --

19 BY MS. PRUPAS:

20 Q No jurisdiction in Nevada, correct. I'm sorry.

21 And so you wanted to see if presence -- if he was  
22 present, if he could get -- if he could appear in Reno, correct?  
23 Because then if he was in Reno, your counsel could have sue him  
24 correct? You knew that?

1 A I don't understand your question. Are you --

2 Q Okay.

3 A Are you --

4 THE COURT: Okay. So --

5 THE WITNESS: Rephrase or reask me.

6 BY MS. PRUPAS:

7 Q On February 9th you authorized the Complaint to be  
8 filed against Mr. McGowen. You testified to that already.

9 A Yes.

10 Q Okay. You authorized that on the morning of  
11 February 9th, correct?

12 A Yes, I did.

13 Q And you authorized that because Mr. McGowen was  
14 actually present in Reno, Nevada, correct?

15 A That's correct.

16 Q And when you saw him at the deposition, you were  
17 absolutely thrilled, weren't you?

18 A At the time I didn't know who he was.

19 Q You had never met Mr. McGowen before?

20 A Never.

21 Q But you were told that he was Mr. McGowen; you were  
22 aware of who he was when he showed up at the deposition, right?  
23 You knew then who he was.

24 A I knew that this was the man who was the recipient of



1 \$2.1 million wire that I did in July of 2014.

2 Q Okay. Exactly. Do you recall what time you authorized  
3 that Complaint to be filed against Mr. McGowen on February 9th?

4 A The morning of.

5 Q Do you recall what time?

6 A Morning of.

7 MS. PRUPAS: That's all I have.

8 THE COURT: Counsel.

9 REDIRECT EXAMINATION

10 BY MR. WICKER:

11 Q When you say the last you heard the Pollacks were in  
12 Mr. Welborn's possession -- do you recall that?

13 A Yes.

14 Q Do you have knowledge if Mr. Welborn is a client of  
15 Mr. McGowen?

16 A Yes, he is.

17 Q And who told you that they were last seen at  
18 Mr. Welborn's?

19 A I believe it was either Mr. Bush or --

20 Q Was it Mr. Bush in a deposition?

21 A Yes. It was Mr. Bush in a deposition where he was  
22 asked about authenticity of the paintings. And he had to go to  
23 get a sample from the paint. And he said that he went to Texas  
24 to get that sample, in his deposition.

1 MR. WICKER: That's all, Your Honor.

2 THE COURT: Thank you, Counsel.

3 Anything else?

4 MS. PRUPAS: No. Thank you, Your Honor.

5 THE COURT: Thank you, sir. You're free to step down  
6 and return to your seat.

7 You're next witness, please.

8 MR. WICKER: Next witness will be Mr. Anderson.

9 DANE ANDERSON,

10 called as a witness herein, being first duly sworn,

11 was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. WICKER:

14 Q State your name and address, please.

15 A Dane Anderson. My address is 2275 Hedge Wood Drive,  
16 Reno, Nevada.

17 Q Are you a shareholder of Woodburn and Wedge?

18 A Yes, I am.

19 Q And how long have you been a shareholder?

20 A Ten years.

21 Q Do you represent Mr. Crystal?

22 A Yes, I do.

23 Q Let me ask you to look at what is Exhibit 4 in the book  
24 under the "Wicker" label. And that's the bill of sale dated

1 November 26, 2014.

2 Now do you recall how we got possession of that document?

3 A I believe this document was obtained through discovery  
4 in the Crystal v. Bush matter.

5 Q Was it obtained through Mr. Bush?

6 A I believe so.

7 Q And was there a reference to it made by Mr. Bush in the  
8 deposition that caused the request for this document?

9 A Yes. Mr. Bush testified that he had sold the  
10 referenced pieces of artwork to Mr. McGowen for, I believe,  
11 \$500,000.

12 Q And did you -- were you involved in setting up the CIP  
13 settlement conference?

14 A Yes, I was.

15 Q And that was originally ordered by Judge Berry in the  
16 CIP case?

17 A Yes. We were at a pretrial conference in January. And  
18 Judge Berry ordered us to a settlement conference. I called  
19 several judges in this district that were unavailable in the very  
20 short time frame before trial. And ultimately we were able to  
21 get something scheduled with Judge Russell in Carson City.

22 Q Do you recall approximately when you got that scheduled?

23 A My recollection is the pretrial conference was on  
24 January 18th and the settlement conference was on February 9th.

1 So I want to say several days after the January pretrial hearing.  
2 Maybe mid 20s of January.

3 Q And would you look at Exhibit 2 under the "Wicker"  
4 label. And that's a motion that appears to have been filed on  
5 February 8th, 2017. Do you recall that?

6 A I'm sorry.

7 Q I'm sorry. I'm on the wrong --

8 A Is it Exhibit 1?

9 Q Yes.

10 A Yes. I do recall this motion.

11 Q And that was filed when?

12 A It was filed on February 6th, 2017.

13 Q And what was your understanding of the purpose of this  
14 motion filed by Mr. Bush's attorneys?

15 A My understanding of the purpose of the motion was to  
16 consolidate for settlement purposes two lawsuits. One was the  
17 Crystal v. Bush lawsuit, the other was the lawsuit involving the  
18 CIP landlord tenant disputes.

19 Q On behalf of CIP was an opposition to that motion  
20 filed?

21 A Yes.

22 Q And when was that filed?

23 A It was filed on February 8th, 2017. And my  
24 recollection is it was filed in response to an order shortening

1 time from Judge Berry.

2 Q And so the motion to consolidate for settlement  
3 purposes was filed just a few days before the settlement  
4 conference was actually supposed to take place, right?

5 A Correct.

6 Q And this opposition was filed on the day before the  
7 settlement conference was to take place, right?

8 A Yes.

9 Q And after the opposition was filed, did the judge rule  
10 on that?

11 A Yes. The judge issued an order, I'm looking at  
12 Exhibit 3, shortly before 5:00 o'clock on February 8th.

13 Q And that was the day before the settlement conference  
14 was supposed to occur?

15 A Yes.

16 Q Did you attend the deposition on February 8th in the  
17 Crystal V. Bush case?

18 A My recollection is there were several depositions that  
19 week. I think there may have been some on Wednesday the 7th. I  
20 don't recall if I attended any depositions on the 8th. I know I  
21 attended, I believe it was Mr. Crystal's deposition on the 7th.

22 Q Did you ever make -- let me ask it this way: Were you  
23 surprised to find out that Mr. McGowen was at the deposition on  
24 the morning of February 9th?

1           A     Yes, I was.

2           Q     And tell me how you find out about it?

3           A     I arrived at work that morning on February 9th at  
4 Woodburn and Wedge and was sitting at my desk when I received a  
5 call from you. And you indicated that to your surprise that  
6 Mr. McGowen was in attendance. And you asked me to inquire or  
7 determine whether we could prepare and serve a Complaint against  
8 him in Nevada.

9           Q     And what did you do?

10                  Had you worked on a Complaint against Mr. McGowen prior  
11 to that time?

12           A     No.

13           Q     What did you do?

14           A     After your phone call, I asked one of our associates,  
15 Joshua Woodbury, to research whether physical presence in the  
16 state in and off itself would give jurisdiction over the  
17 individual present. And he answered that question in the  
18 affirmative; yes, that would be sufficient for personal  
19 jurisdiction.

20                  So then I looked at NRCP 4 to determine who could serve  
21 process, because we were on a short time frame in which to serve  
22 Mr. McGowen.

23           Q     And what did you conclude about who could serve process?

24           A     I looked at the rule. The rule said, not quoting it

1 directly, but any person who is not a party who is over the age  
2 of 18. I then spoke with your managing shareholder John Murtha  
3 to get his thoughts on whether he thought one of our staff could  
4 do it in the interest of time. And he indicated that he didn't  
5 think there was anything prohibiting it.

6 Q Did you proceed to get the Complaint finalized?

7 A Yes. I quickly drafted a Complaint. It's not very  
8 long, but it's I believe one of the exhibits before the Court or  
9 one of the documents before the Court. I drafted that Complaint  
10 and instructed my assistant to arrange for its filing and asked  
11 her to go down to the court to obtain a copy of the Summons and  
12 to meet me and you at Sunshine Litigation Services for the  
13 purpose of having her serve a copy of that on Mr. McGowen.

14 Q Did you then go over to Litigation Services?

15 A Yes.

16 Q Were you intending to attend the settlement conference  
17 that afternoon?

18 A Yes, I was.

19 Q And tell me what happened after you arrived at Sunshine  
20 Litigation Services without revealing any attorney-client  
21 privilege.

22 A I arrived at Sunshine Litigation Services, and I went  
23 to Room No. 5, which I believe is sort of across the main area  
24 from where the deposition is being taken. And I walked into the

1 room where you and Mr. Crystal, I believe Mike Sackrison were  
2 sitting.

3 Q Was Mr. Warner there also?

4 A I believe so.

5 Q And then at some point in time did your assistant  
6 Ms. Kelling arrive?

7 A Yes. I texted her after I got there and determined  
8 where you all were located. I texted her and let me know that we  
9 were in room five and to come to that will room when she arrived  
10 with the Summons.

11 Q If you look at Exhibit 2 to Ms. Kelling's label, is  
12 that a screenshot from your cell phone?

13 A I believe that is a screenshot from my cell phone.  
14 It's certainly the conversation that we had. I don't think it's  
15 from her cell phone.

16 Q And did Ms. Kelling arrive?

17 A Pardon me.

18 Q Did Ms. Kelling arrive?

19 A Yes, she did.

20 Q What did she have with her?

21 A She had a copy of the Summons that had been issued by  
22 the Second Judicial District Court, she had a copy of the  
23 Complaint, and -- yeah, I think that's it.

24 Q At some point did you leave the room -- at some point



1 did Ms. Kelling leave the room?

2 A Yes. At some point after she arrived she left the  
3 room, I believe with you or shortly after you left the room.

4 Q And did you have an understanding what she was leaving  
5 the room for?

6 A She was going to serve the process on Mr. McGowen.

7 Q And I'm looking at Exhibit 2, the text. At some point  
8 in time you got a text from Ms. Kelling saying, "Service  
9 accomplished. Wicker is talking to him"?

10 A Yes. After you and Ms. Kelling left the room, I stayed  
11 in the room with my clients. I did not see her again. My  
12 understanding is she left, and shortly thereafter I got that text  
13 message from her indicating that she had served Mr. McGowen.

14 Q Do you have any knowledge of anybody in our firm was  
15 trying to obtain Mr. McGowen's presence in Nevada?

16 A No.

17 Q Do you have knowledge of anybody connected with  
18 Mr. Crystal trying to obtain Mr. McGowen's presence in Nevada?

19 A I have no knowledge of anyone attempting to bring  
20 Mr. McGowen to Nevada, other than what I've read from his  
21 declaration.

22 MR. WICKER: Court's indulgence for a minute.

23 THE COURT: Yes.

24 ///

1 BY MR. WICKER:

2 Q Now on the morning of the deposition, you came to  
3 Litigation Services where Mr. Defilippis -- was he there at the  
4 Litigation Services?

5 A I believe I saw him at one point. When I arrived, I  
6 think you all were in the room five already and I went straight  
7 to that room. And I'm not sure I saw Mr. Defilippis until at  
8 some point later when we were leaving for the settlement  
9 conference. But yes, I believe he was there. I'm just not  
10 exactly sure when I saw him.

11 MR. WICKER: That's all, Your Honor.

12 THE COURT: Thank you.

13 Ms. Prupas.

14 MS. PRUPAS: Real quick.

15 CROSS-EXAMINATION

16 BY MS. PRUPAS:

17 Q So Wicker called you around 10:30 that morning to draft  
18 the Complaint, right?

19 A Mr. Wicker called me -- I don't know the exact time.  
20 It wouldn't surprise me if it were 10:30. As I recall I arrived  
21 at work around 9:30, 9:45 after dropping my kids off at school  
22 and sometime within the next half an hour or so I got a call from  
23 Mr. Wicker.

24 Q So between 10:00 and 10:30 you get a call from

1 Mr. Wicker to draft the Complaint, and by 11:40 or 12:00

2 Ms. Kelling has already filed it, correct?

3 A I don't know that she filed it by 11:40. The exhibit  
4 I'm looking at, text message she sent me or I sent her that  
5 around noon it still hadn't been filed.

6 So I don't know exactly what time it got filed. I  
7 guess we could look at the exhibit itself.

8 Q The Complaint has a file stamp of 11:40 on it.

9 A Okay. I'll defer to the Court's file stamp.

10 Q And Woodburn and Wedge is down south, so it takes about  
11 20 to 25 minutes to drive to the courthouse, correct?

12 A It can vary depending on traffic, you know, anywhere  
13 from 10, 15, to 25 minutes depending on how many lights you hit  
14 on South Virginia.

15 Q When you arrived at Sunshine, was the deposition going  
16 on?

17 A My understanding is that the deposition had been  
18 concluded. I recall arriving -- as I told Mr. Wicker, I arrived,  
19 I handed him the draft of the Complaint that had been filed.  
20 Dianne arrived later with the file-stamped copy and the Summons.  
21 But I don't recall after that that they went back into the main  
22 room for any deposition proceedings.

23 Q Did you ever attend the deposition?

24 A I did not.

1           Q     You, and I think Mr. Wicker, concluded that you  
2     couldn't serve Mr. McGowen in Texas, right?

3           A     I'm not sure that I have specifically discussed whether  
4     we could serve him in Texas or not with Mr. Wicker.

5           Q     Do you believe you can serve him in Texas?

6           A     We could probably serve him anywhere. If your question  
7     is whether --

8           Q     I'm sorry. Yeah.

9           A     -- whether we could serve him on some basis other than  
10    him being physically present, I would say I don't think we've  
11    done that complete analysis as to what his contacts are with  
12    Nevada. I think we looked at it as an opportunity. He's here.  
13    He's physically present. Mr. Woodbury told me that that alone is  
14    enough to confer jurisdiction. And at that point I was asked to  
15    draft a Complaint and file it and get it served.

16          Q     So do you know what time you arrived at Sunshine? It  
17    had to have been after 10:30, correct?

18          A     It was after 10:30. Looking at these text messages, I  
19    would say probably somewhere around noon or so. I can't recall  
20    the specific time. I do recall that while Ms. Kelling was  
21    heading downtown to get the Summons issued, I went over there to  
22    show sort of the final draft of what I prepared.

23          Q     Okay. But everybody knew that there was a 1:30  
24    settlement conference pending, correct?

1           A     Actually I think the settlement conference was  
2 scheduled at 2:00 p.m. My recollection in scheduling it with  
3 Judge Russell is that we received a letter from his department  
4 indicating that the settlement conference was to start at 2:00.  
5 But yes, that afternoon.

6           Q     But you would agree with me that there was a dig rush  
7 between you drafting the Complaint and Ms. Kelling filing it and  
8 thereafter serving it, correct?

9           A     We were in a hurry to get the Complaint over there  
10 because we did not know how long Mr. McGowen would be there.

11          Q     Exactly. And he was there attending a deposition that  
12 Mr. Wicker was taking, correct?

13          A     I didn't know he was there until I got a call from  
14 Mr. Wicker.

15          Q     But Mr. Wicker was taking the deposition, right?

16          A     That's my understanding, but I never attended the  
17 deposition.

18          Q     And Mr. Wicker had control of that deposition, correct?

19          A     I wasn't there.

20          Q     Did you draft the Summons in this case?

21          A     No. I believe Dianne Kelling drafted that.

22          Q     Did you authorize the drafting of it?

23          A     I asked her to draft it. I don't recall specifically  
24 looking at it. I generally do.

1 Q Did you look at this one?

2 A I don't specifically recall doing so.

3 Q Are you aware that it tells Mr. McGowen that he has 30  
4 days to respond to the Complaint instead of 20 days under Rule  
5 12?

6 A If that's what this says, I'll take your word for it.  
7 If you show me a copy, I'll answer your question.

8 MS. PRUPAS: May I approach?

9 THE CLERK: Exhibit 15 marked for identification.

10 (Exhibit 15 was marked for identification.)

11 BY MS. PRUPAS:

12 Q Would you agree with me on the second page it tells  
13 Mr. McGowen that he has 30 days to respond to the lawsuit?

14 A Actually, it indicates it on both the first page and  
15 the second page.

16 Q Thank you. And you'd agree with me under Rule 12 that  
17 he actually has 20 days?

18 A I believe -- I don't know. I can't recall exactly what  
19 the rule says off the top of my head. But 20 days I think is the  
20 minimum time in which the defendant has to answer under Nevada  
21 rules.

22 MS. PRUPAS: That's all I have. Thank you.

23 I would move to admit the Summons. That's necessary.

24 MR. WICKER: No objection.

1 THE COURT: The Summons is admitted, Exhibit 15.

2 THE CLERK: Thank you.

3 (Exhibit 15 was admitted into evidence.)

4 MR. WICKER: I have nothing further, Your Honor.

5 THE COURT: Thank you, sir. You may step down.

6 Your next witness, Counsel.

7 MR. WICKER: Ms. Kelling, who is out in the lobby.

8 DIANNE M. KELLING,

9 called as a witness herein, being first duly sworn,

10 was examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. ANDERSON:

13 Q Good afternoon, Ms. Kelling. Would you please state  
14 your full name.

15 A Dianne M. Kelling.

16 Q And where do you reside?

17 A Sparks, Nevada.

18 Q You're employed by Woodburn and Wedge?

19 A Yes, correct.

20 Q How long have you been working there?

21 A For about 12 years.

22 Q And for which attorneys do you work?

23 A I work for you, Mr. Anderson. And I also worked for  
24 Nicholas Frey for a very long time until his passing. I work for

1 various other attorneys in the office; Chris Wicker, Don Ross.

2 Q And we're here today about a Complaint that was filed  
3 on February 9th, 2017. Do you recall that day?

4 A I do.

5 Q Okay. And at some point that morning I asked you to do  
6 some things. Would you please describe for the Court your  
7 recollection of what happened that morning.

8 A I was asked to file a Complaint, and I filed the  
9 Complaint. And then I was asked to take the Summons to the  
10 courthouse to have it issued. And then I was told to go to  
11 Sunshine Litigation Services. Upon my arrival at Sunshine, I  
12 went into the conference room and then came back out into the  
13 conference area lobby. And Mr. Wicker came out and sent a  
14 message to have Mr. McGowen come out of the conference room that  
15 he was in. So he came out of the conference room. And then  
16 after that Mr. Wicker identified him as Mr. McGowen, and I handed  
17 him the papers. And then he said, "What's this?" And Mr. Wicker  
18 said, "A Summons and Complaint." And then I left.

19 Q Mr. McGowen has testified that it was Mr. Wicker that  
20 handed him that paper.

21 A Mr. Wicker identified Mr. McGowen to me, and I handed  
22 him the paperwork.

23 Q You're sure you handed him the paperwork?

24 A I am sure.



1 Q So contrary to what the defendant has suggested in this  
2 paperwork, you didn't perjure yourself in filing the Summons or  
3 in the Affidavit you subsequently filed, correct?

4 A Correct.

5 Q Okay. And do you see Mr. McGowen sitting in the  
6 courtroom today?

7 A I do.

8 Q Okay. Where is he?

9 A Right there (indicating).

10 MR. WICKER: Your Honor, may the record that Dianne  
11 Kelling has identified Mr. McGowen?

12 THE COURT: Yes.

13 MR. ANDERSON: Thank you, Your Honor.

14 BY MR. ANDERSON:

15 Q After you served Mr. McGowen with the paperwork, what  
16 happened then?

17 A I left Sunshine Litigation. And I got in my car and  
18 texted you and said service had been accomplished and Wicker was  
19 speaking to Mr. McGowen at that time, and I went back to Woodburn  
20 and Wedge.

21 Q Would you look at Exhibit 2 in the exhibit binder.  
22 There's two Exhibit 2s, but the first one has the text message  
23 string.

24 A Okay.

1 Q And the text message to which you just spoke is at the  
2 bottom of Exhibit 2, correct?

3 A Yes.

4 Q Okay. Do you recall what time you arrived at  
5 Litigation Services?

6 A I think it was about 12:30. 12:20, 12:30.

7 Q And you had driven there straight from the courthouse?

8 A Correct.

9 Q Would it be fair to say that we were in a hurry that  
10 morning to get a copy of the Summons to Litigation Services?

11 A Yes.

12 Q And I asked you to get that done as quickly as  
13 possible, correct?

14 A That's correct.

15 THE COURT: Will you speak right into that microphone,  
16 please.

17 THE WITNESS: (Witness complies.)

18 THE COURT: Thank you.

19 BY MR. ANDERSON:

20 Q Would you look at exhibit -- actually -- strike that.

21 MR. ANDERSON: Court's indulgence one moment.

22 THE COURT: Yes.

23 BY MR. ANDERSON:

24 Q Would you look at Exhibit 15, please. And that might

1 be it. It might be loose up there in the exhibit binder. It was  
2 just handed to me a few minutes ago.

3 A And I'm sorry, Exhibit 15?

4 THE COURT: Ma'am, it's the Summons.

5 THE WITNESS: The Summons. Okay. The Summons.

6 BY MR. ANDERSON:

7 Q Yes. Now on Exhibit 15 on both the first page and the  
8 second page it indicates the defendant has 30 days to file a  
9 response to the lawsuit, correct?

10 A Correct.

11 Q Okay. Ordinarily what is the standard amount of time  
12 that a defendant has to answer a lawsuit?

13 A 20 days.

14 Q Do you know why this says 30 days?

15 A I do not. Typo.

16 Q Okay. Do we have other cases in which defendants have  
17 30 days in which to respond to Complaints?

18 A Yes.

19 Q What kind of cases are those?

20 A I believe government cases.

21 MR. ANDERSON: No further questions of this witness.

22 THE COURT: Counsel?

23 MS. PRUPAS: Nothing further.

24 THE COURT: Thank you. You're free to step down and

1 leave the courtroom.

2 Any other witnesses?

3 MR. WICKER: One last witness, Your Honor. Mr. Warner.

4 STEPHEN WARNER,

5 called as a witness herein, being first duly sworn,

6 was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MR. WICKER:

9 Q Will you state your name and address.

10 A Stephen L. Warner, physical address is 126 Willow  
11 Drive, Zephyr Cove, Nevada.

12 Q Are you connected in any way with ACLS?

13 A Yes.

14 Q What does that stand for?

15 A Automated Cashless Systems.

16 Q And were you connected with ACS?

17 A Yes.

18 Q What does that stand for?

19 A Automated Cash System.

20 Q And what were your roles in those companies?

21 A I am the founder of Automated Cash Systems, COO of the  
22 company. And then when that company was dissolved, you know, for  
23 reasons most people in here understand why, I continued as the  
24 COO of Automated Cashless Systems.

1 Q In the spring of 2016 was there an issue with minority  
2 shareholders not turning in gaming applications?

3 A Yes.

4 Q What did that do to ACS?

5 A It basically paralyzed the company. We could not move  
6 forward with licensing within the State of Nevada, as all  
7 shareholders were required to submit either a registration  
8 application or a multijurisdictional, depending on the amount of  
9 shares that they held.

10 Q Do you have a role or did you used to have a role with  
11 Renaissance Masters?

12 A Yes.

13 Q What was that company and how was it formed?

14 A The company was formed by Ron Bush and myself. I was a  
15 register -- the only registered agent with the company. Ron came  
16 to me, gave me the -- basically the background on various works  
17 of art that extend around Michelangelo, and his association with  
18 a gentleman in Texas by the name of Mr. Welborn.

19 Q Do you know what Mr. McGowen's relationship with  
20 Mr. Welborn was?

21 A The only thing that I knew about Mr. McGowen was when  
22 we had a phone call last year sometime. Then came to find out  
23 that he was one of Mr. Welborn's attorneys in some facet.

24 Q Why did you have occasion to have a phone call with

1 Mr. McGowen last year?

2 A I found out by way of Mr. Crystal that in deposition to  
3 Ron Bush that the Pieta, which is a large statue had been sold  
4 and to -- by Renaissance Masters had made money, basically sold  
5 the Pieta to Mr. McGowen or a group of Mr. McGowen's. So I  
6 inquired, because as I said earlier, I was the only registered  
7 agent for the company. This was income that would come to the  
8 company, therefore, I'd have to file taxes for income.

9 Q Approximately when did you call Mr. McGowen?

10 A I called him July of last year, '16, first part.

11 Q And would you in substance relate the conversation you  
12 had with Mr. McGowen.

13 A Yeah. It was a nice conversation. I called and  
14 identified myself, explained to him that I was the responsible  
15 party for the books and the accounting of the company. I was  
16 informed by way of the deposition that had taken place that Ron  
17 had -- Ron Bush had sold the Pieta that to him or his group or  
18 whatever. And Mr. McGowen acknowledged that Ron Bush had  
19 approached him about it, but in his words there were too many  
20 moving parts, and they backed away from the deal.

21 Subsequent to that I found an actual document that  
22 showed a purchase had taken place. So I was concerned about our  
23 company's tax situation at that particular time.

24 Q Did you have occasion to -- let me ask you this: Did

1 you follow up your conversation with an email to Mr. McGowen?

2 A Yes. I recapped our conversation and sent that to him  
3 by way of the email that I had, and I never got any response.

4 Q Did you have occasion to file a lawsuit against  
5 Mr. Bush?

6 A Pardon me?

7 Q Did you have an occasion to file a lawsuit against  
8 Mr. Bush?

9 A Yes. I filed a personal lawsuit against him.

10 Q What did that relate to in general, generally?

11 A Ron had come to me and requested a short-term loan for  
12 our company, meaning ACS at that particular time. So I took out  
13 55,000 out of an IRA type of account that was actually earmarked  
14 for my daughter's college. Gave that to Ron October 14, which  
15 was to be paid back December 15th.

16 Q Of what year?

17 A December 2014. It was a two-month loan.

18 Q Were you ever paid back?

19 A No.

20 Q Did you retain an attorney to file suit against Mr. Bush?

21 A I did.

22 Q Who was that?

23 A Carole Pope here in Reno.

24 Q Would you look at Exhibit 1, which if you look in the

1 exhibit book there's a label that says "Warner," and attached to  
2 that is an Exhibit 1, which is an email.

3 A Yes.

4 Q Is that an email that you received from Ms. Pope?

5 A Exhibit 1, this one says from me.

6 Q Okay. Okay. This is the email from you to Ms. Pope  
7 dated February 7th, 2017?

8 A Correct.

9 Q And that was an email you sent to her. You say please  
10 file today?

11 A Yes.

12 Q What was that in connection to?

13 A In our filing, my judgment against Ron. My lawsuit  
14 against Ron.

15 Q And did you have an understanding that Mr. Bush had  
16 been in communication with your attorney trying to delay the  
17 filing of the default?

18 A Yeah. That's what this email here relates to, that she  
19 had been contacted by way of email by Ron saying that some  
20 settlement was coming and that my wife and I would be paid off in  
21 full.

22 Q And had you ever heard that from Mr. Bush before?

23 A No.

24 Q Did you believe a settlement was coming and you would



1 be paid off?

2 A No. And as I wrote here in the email, it was talked  
3 about some settlement coming to Mr. Crystal. My lawsuit is my  
4 lawsuit; Mr. Crystal's is Mr. Crystal's. I had nothing to do  
5 with Mr. Crystal's lawsuit, nor did I believe there was any  
6 settlement coming.

7 Q Were you aware that Mr. Crystal was scheduled for a  
8 settlement conference in regard to CIP?

9 A Yes. I don't know CIP. I knew he had something  
10 scheduled in relation to another deposition that we were  
11 attending.

12 Q Did you attend the Dr. Leung deposition?

13 A Yes.

14 Q When did you arrive?

15 A I was the first one to arrive. I think the deposition  
16 was scheduled around 9:00 o'clock in the morning. It was a  
17 pretty cold, wintery day. And I got there about 8:20 I guess.  
18 And I was the first one there, along with the gal that does the  
19 court reporting.

20 Q Who was the last one there?

21 A The last one to arrive?

22 Q Yes.

23 A You.

24 Q Did I arrive after everybody had taken their seats in

1 the conference room?

2 A Yes.

3 Q And they been waiting for a few minutes for me to  
4 arrive?

5 A Yes.

6 Q Did you finding out whether Mr. McGowen or Mr. Terreri  
7 were present in the room?

8 A I found out when they walked in, yeah. I didn't know  
9 who they were.

10 Q And how did you find out?

11 A Like I said, I was there first. And Mr. Leung, he's an  
12 Asian guy, was going to be deposed. So when he walked in Ron  
13 Bush walked in with Steve Defilippis and Mr. McGowen and that  
14 Terry guy or Terreri guy. And Mr. Terreri walked over and goes,  
15 "Hi, I'm Burt."

16 I just looked up at him, said, "Am I supposed to know  
17 you?" I didn't know who the guy was. He goes, "Yeah, I  
18 represent an investor." I go, "I have no clue what you're  
19 talking about."

20 And then Mr. McGowen stuck out his hand, very nicely  
21 said, "Hi, I'm Jim McGowen." I said, "Yeah, I know who you are."  
22 I said you're the guy I spoke to on the phone.

23 Q Did he acknowledge having spoken to you on the phone?

24 A No, not verbally or anything like that.

1 Q Did you have any other conversations with Mr. McGowen?

2 A No.

3 Q Do you have any idea that Mr. McGowen and Mr. Terreri  
4 were going to be at the deposition that day?

5 A No. I thought they represented Mr. Leung. I thought  
6 they were attorneys for him. I had no idea who they were.

7 Q Let me ask you to look at the Exhibit 1, which is the  
8 email we were just making reference to.

9 A Um-hum.

10 Q And if you look on page three of the email, at the  
11 bottom there's an email from Ron Bush dated Monday, February 6th.

12 A Yes.

13 Q And the second line he says -- well, the paragraph  
14 says, "I'm sorry. I've just been overwhelmed preparing for a  
15 settlement conference in legal proceedings that are taking place  
16 Wednesday and Thursday this week. I'm having to coordinate  
17 attorneys coming in from Texas, Arizona, Vegas, and Healdsburg  
18 and San Jose for those proceedings."

19 Were you involved in any of that coordination?

20 A No.

21 Q Mr. Bush says, "I'm having to coordinate"?

22 A Yes.

23 Q Are you aware of anybody on the Crystal side of things  
24 that was involved in trying to get Mr. McGowen to come to Nevada?

1 A No.

2 MR. WICKER: That's all I have, Your Honor.

3 CROSS-EXAMINATION

4 BY MS. PRUPAS:

5 Q You attended the deposition on February 9th, correct?

6 A Yes, ma'am.

7 Q Was there a lunch break taken at that deposition?

8 A Was there a lunch break? It was over. We were in the  
9 lunch room, yeah. The deposition was --

10 Q Do you know what the deposition ended?

11 A It was, oh, I would say probably, well, when we went to  
12 lunch 1:00, 12:30. I don't remember the exact time.

13 MS. PRUPAS: Okay. Thank you.

14 THE WITNESS: You're welcome.

15 MR. WICKER: Nothing further.

16 THE COURT: All right. You're free to step down and  
17 leave the courtroom.

18 THE WITNESS: Thank you, Your Honor.

19 THE COURT: You're welcome.

20 Counsel, any other witnesses?

21 MR. WICKER: One moment, please, Your Honor.

22 Except for argument that's all the witnesses we have.

23 THE COURT: Well, I'm struggling to figure out how  
24 we're going to get argument done. It's 20 to 5:00. We will end

1 at 5:00. Ms. Prupas had the privilege of offering lots of  
2 argument in advance of the evidentiary hearing and you deferred  
3 yours. So let's see how far you go. I can't prevent Ms. Prupas  
4 from speaking, but you get more time. So you do your best.

5 MR. WICKER: Mr. Anderson will handle the legal  
6 argument, so I'll urge him to be quick.

7 THE COURT: All right.

8 MR. ANDERSON: Thank you, Your Honor. I think I'd  
9 start by saying the remarks the Court made at the beginning of  
10 the proceeding essentially tracked what I had prepared as an  
11 anticipated closing argument.

12 To answer the first jurisdictional question regarding  
13 the efficacy of service of process, I would agree with the Court  
14 that of Rule 4 indicates that any person over the age of 18 years  
15 who is not a party can serve process. I looked at that rule when  
16 I was called with this assignment. I spoke about it with my  
17 managing partner, and the conclusion was our assistant Dianne  
18 Kelling is not a party and she's over the age of 18. She can  
19 serve process.

20 Generally we don't do that, because it's more  
21 convenient to higher a process server, but in this case we were  
22 in a hurry to try to get Mr. McGowen served before the settlement  
23 conference at 2:00 o'clock.

24 The argument that the editors' notes incorporated the

1 Sawyer Sugarless case by reference, I think the Court is right,  
2 the opportunity to amend the rules and revise the rules with that  
3 case in mind could have been drafted to read as they wanted to  
4 read, which is: Service of process is best taken away from the  
5 parties or their counsels or their counsels' employees.

6 So the rule could have been drafted to say something  
7 like a party or any representative on behalf of the party or to  
8 specifically say a party and their counsel, and any of counsel's  
9 employees. It was not. It was drafted to identify specifically  
10 a party and nobody else.

11 And that's what we have here. Steve Crystal didn't  
12 serve the lawsuit, our assistant Dianne Kelling did.

13 And I want to look at the Sugarless case, Sawyer case a  
14 little bit more closely, because I think the facts of that case  
15 are absolutely diametrically opposed to this, with the possible  
16 exception of the employee being involved. In that case the  
17 attorney instructed his staff to have process served. That staff  
18 member enclosed a Summons and Complaint, allegedly, into an  
19 envelope which was delivered to two affiants, who later testified  
20 that they didn't even know what was in the envelope.

21 As the Court pointed out, that envelope was delivered  
22 to the office of the defendant in the ordinary course of  
23 business. The defendant said he wasn't there. The affiants  
24 don't know what was in the envelope. And so what the Court said

1 was: In order to establish the fact of service, Sugarless  
2 necessarily relied upon a combination of disinterested parties  
3 and an interested secretary as to -- to its California counsel.

4 We don't have that issue here. Mr. McGowen admits that  
5 he was served with process. He admits that he was told -- well,  
6 he doesn't admit it, but Mr. Wicker testified that he told  
7 Mr. McGowen it was an Summons and Complaint. And so the policy  
8 reasons behind the Sawyer case really aren't applicable here.

9 As the Court pointed out in Sawyer: There are obvious  
10 and sound policy reasons for this prohibition. The primary  
11 justification, as illustrated by the facts of this case, is that  
12 service many times becomes a battle of credibility and testimony.

13 Well here there is no battle. He was served. He had  
14 notice of lawsuit. We're here in advance of an answer and  
15 certainly in advance of a default judgment. And one of the  
16 points the Court made in that case was that Mr. Sawyer may lose  
17 his home as a result of this debacle in the service of process.

18 So the policy reasons that are set forth in that case  
19 and which supposedly were incorporated in the rule, according to  
20 defendants, are not present here. If you look at what the Court  
21 really ruled, it's that -- well, they said that they're adopting  
22 the common law and only a disinterested person can serve process.  
23 In that case really what happened was two disinterested people  
24 attempted to serve process, but because they could not be -- they

1 could not identify what was in the envelope, they had to rely on  
2 the testimony of a staff member. But a staff member did not  
3 actually serve the process. And so I would argue that the  
4 statement upon which defendants so heavily rely, that service is  
5 best taken away from counsel or counsel's employees is actually  
6 dicta in that case. And it echoes a policy which has long been  
7 questioned by Nevada courts.

8           If you look back at the original case cited by the  
9 defendant, Nevada Cornell Silver Mines there was a dissenting  
10 opinion in that case. And it was Justice Ducker who basically  
11 referenced a Minnesota Supreme Court case. And granted, this is  
12 1929, a long time ago. But basically he looked at the fact that  
13 attorneys are officers of the court. And within the spirit of  
14 the rule as it read at that time, any citizen over the age of 21  
15 could serve, were just as reliable as an independent party.

16           Basically, he said, basically an attorney who is an  
17 officer of the court and answerable to it for fraud or misconduct  
18 on the premises. There's really no reason why attorneys and  
19 their staff should be read into the rule as somebody who is  
20 prohibited from service.

21           That same reasoning was in a dissenting opinion as the  
22 case of Deboer vs. Fattor, 72 Nevada 316, 1956. And the  
23 dissenting opinion in that case, I believe it was by Justice  
24 Eather, pointed out the same policy. They said this rule should



1 be read as it's written, which is: It doesn't prohibit an  
2 attorney or their staff members from accomplishing service of  
3 process. And they cited the same rules of construction which the  
4 Court basically identified, which is when the rule doesn't  
5 specifically prohibit it and there's no policy reason for  
6 prohibiting or voiding the service, then service by an attorney  
7 should be valid.

8 Now there's no dissenting opinion in the Sugarless  
9 case, but as the Court pointed out that case was decided before  
10 the amendment of NRCP 4 in 2005. And the fact that it was not  
11 specifically adopted, I think, speaks volumes as to where this  
12 court is headed.

13 We pointed out a number of federal court cases in our  
14 opposition brief, in which service by an attorney or staff was  
15 allowed and was not voided. So I think that the fact that this  
16 common law rule is being -- the defendants are attempting to read  
17 it into a rule which does not include it, there's just no policy  
18 reason why service should not be allowed in this particular  
19 instance.

20 I think the second issue the Court identified was if  
21 service is actually effected and was valid, does that dispose of  
22 further minimum contacts analysis. I think the Cariaga  
23 (phonetic) case, Cariaga versus District Court, 104 Nevada 544,  
24 which is referenced a long with Pennoyer versus Neff makes it

1 clear that if a defendant is physically present in the forum  
2 state that service with that presence disposes of any further  
3 minimum contacts analysis. So I guess in direct answer to the  
4 Court's, no we don't think any further minimum contacts analysis  
5 is necessary, because Mr. McGowen was served while physically  
6 present in the State of Nevada.

7 The third issue the Court identified was if service was  
8 proper, was it the result of deceit or trickery by the opposing  
9 party. Now, counsel in their opposing argument or in their  
10 opening argument and I think throughout the course of the  
11 examination attempted to take some potshots at Mr. Wicker and  
12 myself for trying to hurry and get Mr. McGowen served.

13 But the one thing that's really missing is how did he  
14 get here? Why was he in Nevada? He was in Nevada because a  
15 third party asked him to be here. It wasn't clear to me whether  
16 it was Mr. Bush or Mr. Defilippis. The one thing that was clear  
17 was that neither Mr. Crystal, Mr. Wicker or anyone else on behalf  
18 of Mr. Crystal induced Mr. McGowen to come to Nevada.

19 Mr. McGowen I believe testified he came here because  
20 his clients asked him to come here. And we don't know who those  
21 clients are, but they apparently heard from somebody else that  
22 these issues might involve them. And what were the issues that  
23 he was here to discuss? They were whether his client has a claim  
24 to ownership in ACS. Has nothing to do with the case that we're

1 here about today.

2 And I think if you look at the cases that the  
3 defendants cite, at least the ones that I can recall, all dealt  
4 with the plaintiff inducing the defendant to come to the  
5 jurisdiction to discuss settlement.

6 So the policy behind those cases were we don't want to  
7 chill settlement discussions by allowing parties to trick another  
8 party into coming into the state to discuss settlement, and when  
9 that's unsuccessful say, "Ha, got you." Lawsuit filed.

10 In this case neither Mr. Crystal or anybody on his  
11 behalf had any idea that Mr. McGowen would be in Reno that day.

12 And so in terms of inducing him to come here, I didn't  
13 hear any evidence that he was induced by our side. In fact, he  
14 was coming here on an unrelated matter, which distinguishes this  
15 case from the other cases.

16 The circumstances regarding the morning of his service,  
17 there's no dispute that our -- that Mr. Wicker found out that  
18 morning that Mr. McGowen was here. He asked me to quickly draft  
19 a Complaint, which I did. I asked my assistant to hurry down to  
20 the courthouse and get a Summons and serve him. So yes, we were  
21 trying to serve him before he left the premises. Does that make  
22 it deceit or trickery? There was no evidence that Mr. Wicker or  
23 Mr. Crystal said: Hey, Mr. McGowen. Don't leave yet. Stick  
24 around for the settlement conference.

1           The only discussions he had regarding the reasons he  
2 was there were with Mr. Bush, Mr. Defilippis, and possibly  
3 Mr. Terreri. I don't think he testified the reason they told him  
4 that the settlement conference was up in the air. The settlement  
5 conference was a firm date and we knew about that date several  
6 days in advance. Mr. Bush filed a motion to try to consolidate  
7 everything. That might have involved Mr. McGowen or his clients.  
8 But the order denying that request was entered on the evening of  
9 February 8th. So Mr. Bush and his counsel where aware of that,  
10 and whether they chose to tell Mr. McGowen that or not, I don't  
11 know, but there's no evidence that Mr. Crystal or any of his  
12 attorneys had any involvement in trying to keep Mr. McGowen in  
13 this jurisdiction or at Sunshine Litigation Services for the  
14 purposes of serving process.

15           I don't think there's any cases cited that simply  
16 drafting a quick Complaint and hurrying to serve it amounts to  
17 trickery or deceit. Were we trying to take advantage of the fact  
18 that he was physically present in the state, yes. But there's  
19 nothing that prohibits that.

20           You know, the dispute over who actually served  
21 Mr. McGowen, I think the more credible testimony is on the  
22 Crystal side, that Mr. Wicker handed the Complaint to Ms. Kelling  
23 who then served Mr. McGowen. Mr. McGowen disputes that, but  
24 there's really no other reason why Ms. Kelling would have been

1 there and been out in that conference room, but to hand the  
2 papers to him.

3           You know, in light of language of Rule 4, I'm not sure  
4 there's any distinction, because neither Mr. Wicker nor  
5 Ms. Kelling is a party to the case. And none of the authorities,  
6 including the plain language of the rule that we've cited and the  
7 fact that service is not disputed, there's notice, there's  
8 opportunity to be heard, no default judgment has been entered.

9           All the factors, I think, weigh in favor of this Court  
10 finding that service was effectively made, there was no trickery  
11 or deceit, and the court has personal jurisdiction over  
12 Mr. McGowen by virtue of his physical presence at the time of  
13 service. So unless the Court has any questions, I think I'll sit  
14 down.

15           THE COURT: Thank you.

16           MS. PRUPAS: We divided up the argument, and he has the  
17 Rule 4 argument. Is that okay?

18           MR. PETERSON: Your Honor, my argument's going to be  
19 brief, because we're going to concede with respect to whether  
20 physical presence alone is sufficient to convert jurisdiction,  
21 notwithstanding live and minimal contacts, which I think  
22 Mr. Wicker said he wasn't sure and somebody did research back at  
23 Woodburn. I did the same, confirming with this question  
24 yesterday and it was a great surprise to me that it is. I think

1 it's not right. But actually there's a U.S. Supreme Court case  
2 on it. And the Supreme Court case is Bernie versus Superior  
3 Court of California. This very question was decided by the U.S.  
4 Supreme Court. And it's 119 Supreme Court 2105. And I cannot  
5 read the U.S. code cite.

6 But the short of the matter, according to the U.S.  
7 Supreme Court, is the jurisdiction based on physical presence  
8 alone constitutes due process. That is one of the continuing  
9 traditions of our legal system and defines the due process  
10 standard of traditional honesty and fair play and substantial  
11 justice. That standard was developed by analogy, the physical  
12 presence, and it would be perverse to say it could now be turned  
13 against the touchstone of jurisdiction.

14 So there is, in my view, no question but that the -- I  
15 always thought that Pennoyer versus Neff was overruled, and  
16 International Shoe, now come to understand that it was not  
17 overruled in all respects. So we're going to concede that  
18 argument.

19 With respect to the second argument on the matter of  
20 service, I really have a question for the Court, because we may  
21 concede this as well. And that is you started at your comments  
22 this morning making a reference to the legislature. I wasn't  
23 quite sure --

24 THE COURT: I was only trying to see -- which right now

1 Rule 4 is grounded in the rules of civil procedure. In 1929 the  
2 service rules were embodied by legislative enactment.

3 MR. PETERSON: Yes, that is correct.

4 My understanding of what happened here -- and you also  
5 said something that I'm not aware of. And if you're correct  
6 about it, we may concede this argument as well. And I do  
7 understand, you know, you have a reputation of being a legal  
8 historian, as well as being the other kind of historian, but the  
9 problem is this: The 1990 case that was decided by the Supreme  
10 Court is unequivocal basically on what it said with respect to  
11 service of process by an attorney or a secretary.

12 And by the way, we don't think there's a distinction  
13 there. In other words, I don't think it makes a difference  
14 whether or not the attorney does it or the secretary does it. If  
15 the rule is that a party means a party, then obviously it could  
16 be done by an attorney or it could be done by the attorney's  
17 secretary. I think that's a distinction without a difference.  
18 We may have made that point in our papers, but we withdraw that.

19 But here's the question, and the question is this: I  
20 thought what you were telling us, or Ms. Prupas, was that when  
21 this case was decided in 1990, the rule was different than it  
22 was --

23 THE COURT: It was. I will you verify that tonight.

24 MR. PETERSON: And the rule was different in the manner

1 that you stated, which was --

2 THE COURT: Yes.

3 MR. PETERSON: What did it say?

4 THE COURT: It said, "Service by any citizen over the  
5 age of 21."

6 MR. PETERSON: I see. Okay.

7 THE COURT: And after the Sawyer case came the change  
8 to "no party."

9 MR. PETERSON: Because the Nevada rule, Rule 4 existed  
10 in 1990. And Rule 4, what you're telling is, was as you just  
11 stated it, and it was subsequently changed after 1990, then, to  
12 read as it does today.

13 THE COURT: That's my understanding, but I will verify  
14 that.

15 MR. PETERSON: Because if you're correct about that, I  
16 think we're going to have to concede that point as well. And I  
17 was not aware of that. And you can't really get that from the  
18 book. You really have to do some other kind of research, because  
19 the editor's note obviously -- you know, I thought that there  
20 would be an editor's note on a change to a provision in the rule.  
21 And the editors' note here is unequivocal in that basically it  
22 says that Nevada has -- you know, Nevada has a long -- had rules  
23 prohibiting service by a party. This was a common law  
24 requirement and has now been changed by, quote, statute.



1 I was under the assumption that this editor's note was  
2 an editor's note that was applicable to the way the rule reads in  
3 the book now. It looks like this is a holdover, maybe, editor's  
4 note from a time prior to when the rule was changed yet again  
5 sometime after 1990, which did not make sense to me.

6 But here's the bottom line: The bottom line is -- and  
7 we're going trust your research on this. If you're right about  
8 that, we're going to withdraw that argument. If you're wrong  
9 about that, then the argument is different. It would go like --  
10 in two short sentences, it goes like this: That the Supreme  
11 Court wrote these orders. They appointed a committee basically  
12 to write those orders and they approved those orders. The  
13 committee says, "this is what it means." And the Supreme Court  
14 adopts the rule. And I'm not sure it's part of the official  
15 rules, as Ms. Prupas stated. But regardless, it's a clear and  
16 unequivocal expression of the intent of the rule. And if that's  
17 the intent of the rule, then our arguments still hold. But if it  
18 was changed afterwards, I don't think our arguments, as they say,  
19 doesn't hold any water.

20 So that's it.

21 THE COURT: Thank you, Mr. Peterson.

22 Ms. Prupas.

23 MS. PRUPAS: Very brief, Your Honor. I think the  
24 evidence is clear that Mr. McGowen was tricked to come to Reno by

1 Mr. Bush or Mr. Terreri or Mr. Defilippis. And I think that  
2 evidence is made clear, because he gets into the car on the  
3 morning of February 9th and he doesn't even know he's going to a  
4 deposition. He thinks the settlement conference is that morning.  
5 But they say "Well, no. I think the settlement conference is  
6 that afternoon. So let's just go to this deposition. Maybe  
7 we'll learn something."

8 And so they usher Mr. McGowen into Sunshine Litigation.  
9 Low and behold Mr. Wicker sees him and pounces on that opportunity.

10 And I think your question earlier was, is that party of  
11 the trickery. Well, it can be part of an entire conspiracy. I  
12 don't know the conversations he's having with Mr. Terreri. There  
13 was conflicting evidence on that, of how many times he spoke to  
14 Mr. Terreri, but I think it can be inferred.

15 But there is a case that I cited in my papers that  
16 says, "If you induce a party to remain in the jurisdiction until  
17 he can be served, that is trickery." And that is the Buchanan  
18 case, 254 F. 2d 849. And that is a case where they induced the  
19 party to remain in the home until the deputy sheriff shows up to  
20 actually serve him.

21 And so I think the facts infer that Mr. Wicker was in  
22 charge of this deposition. It commenced at 9:00 or 9:30. And  
23 the minute he saw Mr. McGowen, he saw an opportunity to serve him  
24 in this jurisdiction. And Mr. McGowen's testimony was this

1 deposition went on for a long time, even though all these parties  
2 had to be in Carson City at 1:30. So he was in control of the  
3 time frame here. And so, therefore, he induced Mr. McGowen to  
4 remain at Sunshine until he could get him served. He was in  
5 control.

6 And also, I just find it completely odd that Mr. Wicker  
7 shows up to the deposition, and absolute strangers are in this  
8 deposition. He doesn't object. And he actually says, "No, I'd  
9 let any stranger come into my deposition. These are public  
10 proceedings." That's not my understanding. Depositions are  
11 private proceedings. Maybe you want to exclude certain witnesses  
12 from hearing testimony, but an absolute stranger, Mr. Terreri and  
13 Mr. McGowen, he has no objection to it. And he has no objection  
14 to it, because he needs him to remain there until he can get him  
15 served. So I think he took every opportunity to do it. And  
16 under the Buchanan case it's improper.

17 And the last argument I want to point out is that this  
18 ploy really goes against all fairness. It doesn't sit right with  
19 me. And this is a gentleman that came to Nevada to settle  
20 litigation. There's a public policy in this state that we  
21 settle, we resolve our disputes. And he came here with every  
22 effort to do that. And rather than, you know, take that  
23 opportunity, Mr. Wicker took the opportunity to serve him with  
24 another lawsuit.

1           So I think it goes against all fairness and public  
2 policy that we want to resolve our disputes. And if there is any  
3 basis to sue Mr. McGowen in Nevada, it should be done the right  
4 way, under the long arm statute.

5           So that's all I have. Thank you.

6           THE COURT: Thank you. Now, the question I asked the  
7 clerk was whether, under our reporting statute, we now owe the  
8 reporter a second per diem because we have gone past 5:00. The  
9 statute prescribes the daily per diem amount and the hours for  
10 which that per diem is paid. And the reporter may do whatever is  
11 in the customary nature of the business. But if I get a bill for  
12 a second per diem for after hours, I will send it to the two of  
13 you.

14           I'm glad that we finished. And with that, the Court  
15 will see to its written order soon.

16           Thank you for you moving papers, your preparation  
17 today.

18           Good day to you, sir. You as well, Mr. Crystal.

19           Thank you everyone.

20                       (Proceedings Concluded)

21                       --o0o--

1 STATE OF NEVADA            )  
                                      ) ss.  
2 COUNTY OF WASHOE        )

3  
4                   I, EVELYN J. STUBBS, official reporter of the  
5 Second Judicial District Court of the State of Nevada, in and for  
6 the County of Washoe, do hereby certify:

7                   That as such reporter I was present in Department No. 9  
8 of the above court on Wednesday, May 17, 2017, at the hour of  
9 1:30 p.m. of said day, and I then and there took stenotype notes  
10 of the proceedings had and testimony given therein upon the  
11 EVIDENTIARY HEARING of the case of STEVEN B. CRYSTAL, ET AL,  
12 Plaintiff, vs. JIM MCGOWEN, ET AL, Defendant, Case No.  
13 CV17-00281.

14                   That the foregoing transcript, consisting of pages  
15 numbered 1 to 148, inclusive, is a full, true and correct  
16 transcript of my said stenotype notes, so taken as aforesaid, and  
17 is a full, true and correct statement of the proceedings had and  
18 testimony given therein upon the above-entitled action to the  
19 best of my knowledge, skill and ability.

20                   DATED: At Reno, Nevada, this 19th day of June, 2017.

21  
22                                   /s/ Evelyn Stubbs  
23                                   EVELYN J. STUBBS, CCR #356  
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