

Electronically Filed
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Elizabeth A. Brown
Clerk of Supreme Court

NOAS

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Nevada Bar No. 10715

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Attorneys for NuVeda, LLC

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CLARK

NUVEDA, LLC, a Nevada limited liability
company; SHANE M. TERRY, an individual;
and JENNIFER M. GOLDSTEIN, an individual;

Plaintiffs,

v.

PEJMAN BADY, an individual; POUYA
MOHAJER, an individual; DOES I to X,
inclusive; and ROES I to X, inclusive,

Defendants.

Case No.: A-15-728510-B

Dept. No.: XI

NOTICE OF APPEAL

1 NOTICE IS HEREBY GIVEN that NUVEDA, LLC (“NuVeda”), a Nevada limited liability
2 company, and party in the above-named action, hereby appeals to the Supreme Court of Nevada the
3 *Findings of Fact, Conclusions of Law and Order: (1) Granting Plaintiff Jennifer M. Goldstein’s Motion*
4 *to Continue Hearing on NuVeda, LLC’s Motion to Vacate Arbitration Award and to Extend Briefing*
5 *Deadlines; (2) Denying Defendant NuVeda, LLC’s Motion to Vacate Arbitration Award; and (3)*
6 *Confirming Arbitration Award* entered in this action on the 9th day of September, 2019.

7 DATED this 9th day of October, 2019.

8
9 **KOLESAR & LEATHAM**

WILEY PETERSEN

10
11 /s/ Matthew T. Dushoff, Esq.

/s/ Jason M. Wiley, Esq.

12 MATTHEW T. DUSHOFF, ESQ.

JASON M. WILEY, ESQ.

13 Nevada Bar No. 4975

Nevada Bar No. 9274

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22 *Attorneys for NuVeda, LLC*

Attorneys for NuVeda, LLC

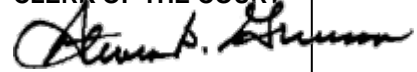
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CERTIFICATE OF SERVICE

I certify that I am an employee of WILEY PETERSEN, and that on this 9th day of October, 2019, pursuant to NRCP 5(b), I am serving a true and correct copy of the **NOTICE OF APPEAL** to the following individuals by Odyssey Electronic Service and U.S. Mail:

Shane Terry
222 Karen Avenue, Suite 3305
Las Vegas, Nevada 89109

Briar R. Irvine, Esq.
Brooks T. Westergard, Esq.
DICKINSON WRIGHT PLLC
100 West Liberty Street, Suite 940
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Attorneys for NuVeda, LLC

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CLARK

NUVEDA, LLC, a Nevada limited liability
company; SHANE M. TERRY, an individual;
and JENNIFER M. GOLDSTEIN, an individual;

Plaintiffs,

v.

PEJMAN BADY, an individual; POUYA
MOHAJER, an individual; DOES I to X,
inclusive; and ROES I to X, inclusive,

Defendants.

Case No.: A-15-728510-B

Dept. No.: XI

CASE APPEAL STATEMENT

Appellant NUVEDA, LLC (“NuVeda”), a Nevada limited liability company, offers the following Case Appeal Statement in accordance with Nev. R. App. P. 3(f), which it submits substantially complies with Form 2 in the Appendix of Forms.

1. Name of Appellant filing this Case Appeal Statement: The sole Appellant is NUVEDA, LLC (“NuVeda”), a Nevada limited liability company. The sole Respondent is Jennifer M. Goldstein (“Goldstein”). It may be helpful to note that NuVeda and Ms. Goldstein both appear as plaintiffs in the caption above because Ms. Goldstein originally commenced a case in the District Court as a putative derivative action. The case was then stayed pending mandatory alternative dispute resolution proceedings before the American Arbitration Association (AAA), Case No. 01-15-005-8574 (the “Arbitration”). In the Arbitration, Ms. Goldstein and NuVeda were held to be adverse parties, with Ms. Goldstein ultimately identified as the Petitioner and NuVeda the Respondent. The caption in the Eighth Judicial District Court was never amended to correspond to that in the Arbitration.

2. Identity of the judge issuing the decision, the judgment, or order appealed from: The Honorable Elizabeth Gonzalez, Department 11 of the Eighth Judicial District Court in and for Clark County, Nevada.

3. Identity of each Appellant and the name and address of counsel for each Appellant:

NuVeda, LLC
Matthew T. Dushoff, Counsel
Kolesar & Leatham
400 S. Rampart Boulevard
Suite 400
Las Vegas, Nevada 89145
702.362.7800
mdushoff@klnevada.com

Jason M. Wiley, Counsel
Wiley Petersen
1050 Indigo Drive
Suite 130
Las Vegas, Nevada 89145
702.910.3329
jwiley@wileypetersenlaw.com

///

4. Identity of each Respondent and the name and address of counsel, if known for each Respondent:

Jennifer Goldstein
Brian R. Irvine, Esq.
Dickinson Wright PLLC
100 West Liberty Street
Suite 940
Reno, Nevada 89501
775.343.7500
birvine@dickinsonwright.com

5. Whether any attorney identified above in response to Question 3 or Question 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney to appear under SCR 42: Messrs. Dushoff, Wiley, and Irvine are licensed to practice law in Nevada.

6. Whether Appellant was represented by appointed or retained counsel in the district court: Appellant NuVeda was retained by Matthew Dushoff, Esq. of the law firm Kolesar & Leatham and Jason Wiley, Esq. of the law firm Wiley Petersen in the district court proceedings.

7. Whether Appellant is represented by appointed or retained counsel on appeal: Appellant NuVeda has retained Matthew Dushoff, Esq. of the law firm Kolesar & Leatham and Jason Wiley, Esq. of the law firm Wiley Petersen to represent it in the appeal proceedings.

8. Whether Appellant was granted leave to proceed *in forma pauperis*, and the date of entry of the district court order granting such leave: Not applicable.

9. Indicate the date the proceeding was commenced in district court: Ms. Goldstein and her co-Plaintiff, Shane Terry (“Terry”) (who has been dismissed from the action), commenced the district court proceeding titled *Goldstein et al. v. Bady et al.*, Case No. A-15-728510-B through the filing of their Complaint on December 3, 2015.

10. Brief description of the nature of the action and result in district court, including the type of judgment or order being appealed and the relief granted by the district court: NuVeda has appealed the *Findings of Fact, Conclusions of Law and Order: (1) Granting Plaintiff Jennifer M. Goldstein’s Motion to Continue Hearing on NuVeda, LC’s Motion to Vacate Arbitration Award and to Extend Briefing Deadlines; (2) Denying Defendant NuVeda, LLC’s Motion to Vacate Arbitration Award; and (3) Confirming the Arbitration Award* entered September 9, 2019 (the “Order”).

1 This matter involves an intra-company dispute by and between the members of NuVeda, a
2 limited liability company that was awarded and continues to possess and conduct operations related to
3 six marijuana licenses based in Clark County, Nevada. Ms. Goldstein initially commenced an action
4 in the District Court alleging, among other things, that she was improperly expelled as a member of
5 NuVeda. As the matter went forward, it was determined that Ms. Goldstein was properly removed as
6 a member of the company. The primary issue in the Arbitration thus focused on the fair market value
7 of Ms. Goldstein's interest in NuVeda at the time of her removal. On March 19, 2019, a *Final Award*
8 (the "Award") was entered in the Arbitration valuing Ms. Goldstein's interest at roughly \$2 million.

9 NuVeda moved in the District Court to vacate the Award in the Arbitration based primarily
10 upon irregularities concerning an expert witness. In the Arbitration, Ms. Goldstein relied upon the
11 expert testimony of Donald Parker ("Parker"). Mr. Parker was timely disclosed as an expert witness
12 by Ms. Goldstein's former Co-Petitioner Shane M. Terry ("Terry") and, as such, Mr. Parker's initial
13 report and later supplements thereto addressed Mr. Terry's interest and did not – in any way – refer to
14 Ms. Goldstein or the value of her interest in NuVeda. Ms. Goldstein failed to disclose an expert prior
15 to the deadline to do so per relevant scheduling orders issued by the Arbitrator. Less than one month
16 before the final hearing, Ms. Goldstein disclosed a "supplemental report" by Mr. Parker which – for
17 the first time – (a) indicated that Mr. Parker was serving as an expert witness for Ms. Goldstein; and
18 (b) provided a valuation of Mr. Goldstein's interest in NuVeda. NuVeda filed a motion to strike Mr.
19 Parker's report based on the untimely disclosure, which the Arbitrator denied. Mr. Parker thus testified
20 on Ms. Goldstein's behalf at the Arbitration's, without NuVeda having had an opportunity to examine
21 Mr. Parker on his report and opinions before the final hearing. NuVeda asserts that the District Court
22 erred in upholding the Final Award in the Arbitration given the untimely disclosure of Ms. Goldstein's
23 valuation expert and NuVeda's inability to conduct discovery related to Mr. Parker's opinion.

24 NuVeda further asserts that the District Court erred in denying its *Motion to Vacate Arbitration*
25 *Award* ("Motion to Vacate") and in granting Ms. Goldstein's *Motion to Continue Hearing on NuVeda,*
26 *LLC's Motion to Vacate Arbitration Award and to Extend Briefing Deadlines* ("Motion to Extend").
27 Briefly stated, NuVeda asserts that Ms. Goldstein failed to file a timely opposition to the Motion to
28 Vacate. After recognizing that failure, Ms. Goldstein filed her Motion to Extend, but failed to offer

any factual explanation (i.e. excusable neglect) for her failure to meet the initial deadline. NuVeda asserts that the District Court erred by accepting evidence offered in support of Ms. Goldstein's reply, rather than in support of her initial Motion to Extend.

11. Whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court: No.

12. Whether the appeal involves child custody or visitation: No.

13. Whether the appeals involves the possibility of settlement: Yes, settlement and settlement negotiations/settlement conference would assist the parties.

DATED this 9th day of October, 2019.

KOLESAR & LEATHAM

WILEY PETERSEN

/s/ Matthew T. Dushoff, Esq.

/s/ Jason M. Wiley, Esq.

MATTHEW T. DUSHOFF, ESQ.

JASON M. WILEY, ESQ.

Nevada Bar No. 4975

Nevada Bar No. 9274

SCOTT FLEMING, ESQ.

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Attorneys for NuVeda, LLC

Attorneys for NuVeda, LLC

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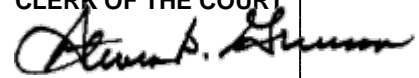
CERTIFICATE OF SERVICE

I certify that I am an employee of WILEY PETERSEN, and that on this 9th day of October, 2019, pursuant to NRCP 5(b), I am serving a true and correct copy of the **CASE APPEAL STATEMENT**

to the following individuals by Odyssey Electronic Service and U.S. Mail:

Shane Terry
222 Karen Avenue, Suite 3305
Las Vegas, Nevada 89109

Briar R. Irvine, Esq.
Brooks T. Westergard, Esq.
DICKINSON WRIGHT PLLC
100 West Liberty Street, Suite 940
Reno, Nevada 89501



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Attorneys for NuVeda, LLC

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CLARK

NUVEDA, LLC, a Nevada limited liability
company; SHANE M. TERRY, an individual;
and JENNIFER M. GOLDSTEIN, an individual;

Plaintiffs,

v.

PEJMAN BADY, an individual; POUYA
MOHAJER, an individual; DOES I to X,
inclusive; and ROES I to X, inclusive,

Defendants.

Case No.: A-15-728510-B

Dept. No.: XI

NOTICE OF POSTING BOND

1 PLEASE TAKE NOTICE that NuVeda, LLC, by and through their counsel of record, Jason M.
2 Wiley, Esq. of the law firm Wiley Petersen, hereby files this Notice of Posting Bond in the amount of
3 \$500.00 in conjunction with the filing of Notice of Appeal pursuant to Rule 7 of the Nevada Rules of
4 Appellate Procedure.

5 A copy of the Official Receipt issued by the District Court Clerk is appended hereto and labeled
6 as **Exhibit 1**.

7 DATED this 9th day of October, 2019.

8
9
10 **WILEY PETERSEN**

11 /s/ Jason M. Wiley

12 JASON M. WILEY, ESQ.

13 Nevada Bar No. 9274

14 RYAN S. PETERSEN, ESQ.

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22 *Attorneys for NuVeda, LLC*
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Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by that Court's facilities to those parties listed on the Court's Master Service List and as follows:

Briar R. Irvine, Esq.
Brooks T. Westergard, Esq.
DICKINSON WRIGHT PLLC
100 West Liberty Street, Suite 940
Reno, Nevada 89501

3

EXHIBIT 1

OFFICIAL RECEIPT

District Court Clerk of the Court 200 Lewis Ave, 3rd Floor Las Vegas, NV 89101

Payor
Wiley Petersen Law Offices

Receipt No.
2019-61735-CCCLK

Transaction Date
10/9/2019

Description	Amount Paid
-------------	-------------

On Behalf Of Nuveda, LLC
A-15-728510-B
Nuveda, LLC , Plaintiff(s) vs. Pejman Bady, Defendant(s)
Appeal Bond

Appeal Bond
SUBTOTAL

500.00
500.00

PAYMENT TOTAL **500.00**

Check (Ref #000424) Tendered	500.00
Total Tendered	500.00
Change	0.00

Notice of Appeal - filed on 10/9/19

10/09/2019
03:53 PM

Cashier
Station RJCC1

Audit
37221557

OFFICIAL RECEIPT

CASE SUMMARY**CASE NO. A-15-728510-B****Nuveda, LLC , Plaintiff(s)****vs.****Pejman Bady, Defendant(s)**§
§
§
§
§
§

Location: **Department 11**
 Judicial Officer: **Gonzalez, Elizabeth**
 Filed on: **12/03/2015**
 Case Number History:
 Cross-Reference Case Number: **A728510**
 Supreme Court No.: **69648**

CASE INFORMATION**Statistical Closures**

09/10/2019 Judgment on Arbitration


Case Type: **Other Business Court Matters**Case Status: **09/10/2019 Closed****DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number A-15-728510-B
 Court Department 11
 Date Assigned 12/11/2015
 Judicial Officer Gonzalez, Elizabeth


PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	Goldstein, Jennifer M	Irvine, Brian R. <i>Retained</i> 775-343-7500(W)
	Nuveda, LLC	Wiley, Jason M. <i>Retained</i> 702-910-3329(W)
	Terry, Shane M	Goldstein, Jennifer <i>Retained</i> 415-517-6464(W)
Defendant	Bady, Pejman	Aiello III, Vincent J. <i>Retained</i> 702-362-7800(W)
	Mohajer, Pouya	Maupin, Alvin W. <i>Retained</i> 7023660622(W)

DATE**EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

12/03/2015  Complaint (Business Court)
 Filed By: Plaintiff Nuveda, LLC
Complaint

12/03/2015 Other Contract Case

12/07/2015  Summons
 Filed by: Plaintiff Nuveda, LLC
Summons

CASE SUMMARY

CASE NO. A-15-728510-B

12/07/2015	 Summons Filed by: Plaintiff Nuveda, LLC <i>Summons</i>
12/07/2015	 Motion Filed By: Plaintiff Nuveda, LLC <i>Plaintiffs' Motion for Preliminary Injunction and Application on Order Shortening Time</i>
12/08/2015	 Motion Filed By: Defendant Bady, Pejman <i>Motion to Recuse the Honorable Nancy L. Alf</i>
12/08/2015	 Initial Appearance Fee Disclosure Filed By: Defendant Bady, Pejman <i>Initial Appearance Fee Disclosure</i>
12/08/2015	 Motion Filed By: Plaintiff Nuveda, LLC <i>Plaintiffs' Motion to Seal Exhibit 2-D to Plaintiffs' Motion for Preliminary Injunction and Application for Order Shortening Time</i>
12/09/2015	 Peremptory Challenge Filed by: Plaintiff Terry, Shane M <i>Plaintiffs' Peremptory Challenge</i>
12/09/2015	 Affidavit of Attempted Service Filed By: Plaintiff Nuveda, LLC <i>Affidavit of Attempted Service</i>
12/09/2015	 Affidavit of Attempted Service Filed By: Plaintiff Nuveda, LLC <i>Affidavit of Attempted Service</i>
12/09/2015	 Affidavit of Due Diligence Filed By: Plaintiff Nuveda, LLC <i>Affidavit of Due Diligence</i>
12/09/2015	 Affidavit Filed By: Plaintiff Nuveda, LLC <i>Affidavit of Service</i>
12/09/2015	 Affidavit of Due Diligence Filed By: Plaintiff Nuveda, LLC <i>Affidavit of Due Diligence</i>
12/09/2015	 Affidavit of Attempted Service Filed By: Plaintiff Nuveda, LLC <i>Affidavit of Attempted Service</i>
12/09/2015	 Affidavit of Attempted Service Filed By: Plaintiff Nuveda, LLC <i>Affidavit of Attempted Service</i>
12/09/2015	 Notice of Department Reassignment

CASE SUMMARY

CASE NO. A-15-728510-B

Notice of Department Reassignment

12/10/2015



Certificate of Service

Filed by: Plaintiff Nuveda, LLC

Certificate of Service

12/10/2015



Application

Filed By: Plaintiff Nuveda, LLC

Application for Order Shortening Time

12/10/2015



Notice of Department Reassignment

Notice of Department Reassignment

12/10/2015



Filed Under Seal

Filed By: Plaintiff Nuveda, LLC; Plaintiff Terry, Shane M; Plaintiff Goldstein, Jennifer M
Exhibit 2-D to Plaintiff's Motion for Preliminary Injunction and Application on Order Shortening Time

12/11/2015



Peremptory Challenge

Filed by: Defendant Bady, Pejman

Dr. Bady's Peremptory Challenge

12/11/2015



Notice of Entry of Order

Filed By: Plaintiff Nuveda, LLC

Notice of Entry of Order Shortening Time and Notice of Hearing

12/11/2015



Notice of Department Reassignment

Notice of Department Reassignment

12/14/2015



Opposition to Motion

Filed By: Defendant Bady, Pejman

Pejman Bady's Opposition to Plaintiffs' Motion for Preliminary Injunction and Application on Order Shortening Time and Countermotion for Preliminary Injunction

12/14/2015



Initial Appearance Fee Disclosure

Filed By: Defendant Mohajer, Pouya

Initial Appearance and Fee Disclosure

12/14/2015



Opposition to Motion

Filed By: Defendant Mohajer, Pouya

Pouya Mohajer, MD's Opposition to Plaintiff's Motion for Preliminary Injunction and Application on Order Shortening Time

12/14/2015



Joinder

Filed By: Defendant Mohajer, Pouya

Pouya Mohajer, MD's Joinder to Pejmon Bady's Countermotion for Preliminary Injunction

12/15/2015



Temporary Restraining Order

Filed by: Plaintiff Nuveda, LLC

Temporary Restraining Order

12/16/2015




Notice of Entry

Filed By: Plaintiff Nuveda, LLC

Notice of Entry of Temporary Restraining Order

CASE SUMMARY













CASE NO. A-15-728510-B

12/21/2015	 Notice of Posting Bond Filed By: Plaintiff Nuveda, LLC <i>Notice of Posting Bond</i>
12/22/2015	 Motion to Seal/Redact Records Filed By: Defendant Bady, Pejman <i>(Withdraw 1/22/16) Defendant Pejman Bady's Motion to Seal Exhibit 20 Attached to Pejman Bady's Opposition to Plaintiffs' Motion for Preliminary Injunction and Application on Order Shortening Time and Countermotion for Preliminary Injunction</i>
12/23/2015	 Supplemental Brief Filed By: Defendant Bady, Pejman <i>Dr. Pejman Bady's Supplemental Brief in Support of His Opposition to Plaintiffs' Motion for Preliminary Injunction and Application on Order Shortening Time and Countermotion for Preliminary Injunction</i>
12/23/2015	 Reply Filed by: Plaintiff Terry, Shane M <i>Plaintiff's Reply to Pejman Bady's Opposition to Plaintiffs' Motion for Preliminary Injunction and Opposition to Countermotion for Preliminary Injunction</i>
12/23/2015	 Appendix Filed By: Defendant Bady, Pejman <i>Appendix of Exhibits to Dr. Pejman Bady's Supplemental Brief in Support of His Opposition to Plaintiffs' Motion for Preliminary Injunction and Application on Order Shortening Time and Countermotion for Preliminary Injunction</i>
12/24/2015	 Supplemental Brief Filed By: Defendant Mohajer, Pouya <i>Pouya Mohajer's Supplemental Opposition to Plaintiffs' Motion for Preliminary Injunction</i>
01/04/2016	 Reporters Transcript <i>Transcript of Proceedings: Preliminary Injunction Hearing - Day 1 December 28, 2015</i>
01/13/2016	 Findings of Fact, Conclusions of Law and Judgment <i>Findings of Fact and Conclusions of Law Denying Plaintiffs' Motion for Preliminary Injunction, Denying Defendant's Countermotion for Preliminary Injunction and Joinder, and Entering Provisional Remedy Pursuant to N.R.S. 38.222</i>
01/19/2016	 Notice of Appeal Filed By: Plaintiff Nuveda, LLC <i>Notice of Appeal</i>
01/19/2016	 Reporters Transcript <i>Transcript of Proceedings: Preliminary Injunction Hearing - Day 2, January 6, 2016</i>
01/19/2016	 Reporters Transcript <i>Transcript of Proceedings: Preliminary Injunction Hearing - Day 3, January 7, 2016</i>
01/19/2016	 Reporters Transcript <i>Transcript of Proceedings: Preliminary Injunction Hearing - Day 4, January 8, 2016</i>
01/20/2016	 Case Appeal Statement Filed By: Plaintiff Nuveda, LLC

CASE SUMMARY

CASE NO. A-15-728510-B

Case Appeal Statement

01/22/2016	 Notice of Entry of Stipulation and Order Filed By: Defendant Bady, Pejman <i>Notice of Entry of Stipulation and Order to Withdraw Defendant Pejman Bady's Motion to Seal Exhibit 20 Attached to Pejman Bady's Opposition to Plaintiffs' Motion for Preliminary Injunction and Application on Order Shortening Time and Countermotion for Preliminary Injunction</i>
01/22/2016	 Stipulation and Order Filed by: Defendant Bady, Pejman <i>Stipulation and Order to Withdraw Defendant Pejman Bady's Motion to Seal Exhibit 20 Attached to Pejman Bady's Opposition to Plaintiffs' Motion for Preliminary Injunction and Application on Order Shortening Time and Countermotion for Preliminary Injunction</i>
01/27/2016	 Notice of Entry Filed By: Plaintiff Nuveda, LLC <i>Notice of Entry of Findings of Fact and Conclusions of Law Denying Plaintiffs' Motion for Preliminary Injunction, Denying Defendant's Countermotion for Preliminary Injunction and Joinder, and Entering Provisional Remedy Pursuant to N.R.S. 38.222</i>
01/28/2016	 Order Denying Motion Filed By: Plaintiff Nuveda, LLC <i>Order Denying Plaintiffs' Motion To Seal Exhibit 2-D To Plaintiffs' Motion For Preliminary Injunction And Application For Order Shortening Time</i>
01/28/2016	 Amended Notice of Appeal
01/29/2016	 Notice of Posting Bond Filed By: Plaintiff Nuveda, LLC <i>Notice Of Posting Bond</i>
01/29/2016	 Amended Notice of Appeal <i>Second Amended Notice Of Appeal</i>
02/01/2016	 Certificate of Service Filed by: Plaintiff Nuveda, LLC <i>Certificate Of Service</i>
02/02/2016	 Notice Filed By: Defendant Bady, Pejman <i>Notice of Filing of Exhibit 20 to Defendant Pejman Bady's Opposition to Plaintiff's Motion for Preliminary Injunction and Application on Order Shortening Time and Countermotion for Preliminary Injunction</i>
02/08/2016	 Notice of Entry of Order Filed By: Plaintiff Nuveda, LLC <i>Notice of Entry of Order</i>
02/11/2016	 Notice Filed By: Plaintiff Nuveda, LLC <i>Notice of Filing Exhibit 2-D to Plaintiff's Motion for Preliminary Injunction and Application for Order Shortening Time</i>
02/12/2016	 Motion for Attorney Fees

CASE SUMMARY

CASE NO. A-15-728510-B

Filed By: Defendant Mohajer, Pouya
Pouya Mohajer, MD's Motion for Attorney's Fees

02/23/2016



Supplement

Filed by: Defendant Mohajer, Pouya
Pouya Mohajer, MD's Supplement to his Motion for Attorney's Fees

02/24/2016



Opposition to Motion

Filed By: Plaintiff Nuveda, LLC
Plaintiff's Opposition to Defendant Pouya Mohajer's Motion for Attorney's Fees

03/09/2016



Memorandum of Points and Authorities

Filed By: Plaintiff Nuveda, LLC
Nuveda LLC'S Amicus Memorandum of Points and Authorities to Pouya Mohajer, MD'S Motion for Attorney's Fees

03/11/2016



Reply in Support

Filed By: Defendant Mohajer, Pouya
Pouya Mohajer, MD's Reply in Support of His Motion for Attorney's Fees

03/25/2016



Notice of Entry of Order

Filed By: Plaintiff Nuveda, LLC
Notice of Entry of Order Denying Defendant Pouya Mohajer's Motion for Attorney's Fees

03/25/2016



Order Denying Motion

Filed By: Plaintiff Nuveda, LLC
Order Denying Defendant Pouya Mohajer's Motion for Attorney's Fees

04/20/2016



Substitution of Attorney

Filed by: Plaintiff Nuveda, LLC
Substitution of Attorneys

06/10/2016



Order Scheduling Status Check

Order Scheduling Status Check

08/19/2016



Motion for Order

Filed By: Plaintiff Nuveda, LLC
Motion for Leave of Court to File a Motion to Amend Findings of Fact and Conclusions of Law

08/22/2016



Certificate of Service

Filed by: Plaintiff Nuveda, LLC
Certificate of Service

08/22/2016



Certificate of Service

Filed by: Plaintiff Nuveda, LLC
Certificate of Service

08/25/2016



Notice

Filed By: Plaintiff Nuveda, LLC
Notice of Representation for Nuveda LLC

08/31/2016



Errata

Filed By: Plaintiff Nuveda, LLC

CASE SUMMARY

CASE NO. A-15-728510-B

Errata to Motion for Leave of Court to File a Motion to Amend Findings of Fact and Conclusions of Law

09/06/2016



Opposition to Motion

Filed By: Plaintiff Terry, Shane M

Plaintiff Shane M. Terry's Opposition to NuVeda's Motion for Leave of Court to File a Motion to Amend Findings of Fact and Conclusions of Law and Countermotion to Strike Affidavits

09/19/2016



Errata

Filed By: Plaintiff Terry, Shane M

Errata to Plaintiff Shane M. Terry's Opposition to NuVeda's Motion for Leave of Court to File a Motion to Amend Findings of Fact and Conclusions of Law and Countermotion to Strike Affidavits

10/12/2016



Motion to Amend

Filed By: Plaintiff Nuveda, LLC

Motion to Amend Findings of Fact and Conclusions of Law

10/14/2016



Order

Filed By: Plaintiff Nuveda, LLC

Order

10/21/2016



Opposition to Motion

Filed By: Plaintiff Terry, Shane M

Plaintiff Shane M. Terry's Opposition to NuVeda's Motion to Amend Findings of Fact and Conclusions of Law

11/05/2016



Reply to Opposition

Filed by: Plaintiff Nuveda, LLC

Reply to Shane Terry's Opposition to Motion to Amend Findings of Fact and Conclusions of Law

12/14/2016



Notice of Entry of Order

Filed By: Plaintiff Nuveda, LLC

Notice of Entry of Order Denying Nuveda's Motion to Amend Findings of Fact and Conclusions of Law

12/14/2016



Order Denying Motion

Filed By: Plaintiff Nuveda, LLC

Order Denying Nuveda's Motion to Amend Findings of Fact and Conclusions of Law

03/09/2017



Notice of Change of Firm Name

Filed By: Defendant Bady, Pejman

Notice of Change of Status, Change of Firm Name and Address

08/25/2017



Substitution of Attorney

Filed by: Defendant Bady, Pejman; Defendant Mohajer, Pouya

Substitution of Counsel

08/25/2017



Certificate of Service

Certificate of Service

09/30/2017




Order Scheduling Status Check

Order Scheduling Status Check

CASE SUMMARY

CASE NO. A-15-728510-B

11/16/2017	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>
11/17/2017	 Motion to Dismiss Filed By: Plaintiff Nuveda, LLC; Defendant Bady, Pejman; Defendant Mohajer, Pouya <i>Motion to Dismiss Arbitration</i>
11/27/2017	 Certificate of Service <i>Certificate of Service</i>
12/11/2017	 Opposition Filed By: Plaintiff Terry, Shane M <i>Opposition to Motion to Dismiss Arbitration</i>
12/11/2017	 Opposition Filed By: Plaintiff Goldstein, Jennifer M <i>Opposition to Motion to Dismiss Arbitration</i>
12/23/2017	 Motion to Withdraw As Counsel Filed By: Plaintiff Nuveda, LLC; Defendant Bady, Pejman; Defendant Mohajer, Pouya <i>Motion to Withdraw as Attorney of Record for Nuveda, LLC, Pejman Bady and Pouya Mohajer</i>
12/28/2017	 Certificate of Service <i>Certificate of Service</i>
12/29/2017	 Application Filed By: Plaintiff Nuveda, LLC; Defendant Mohajer, Pouya <i>Application for Order Shortening Time for Motion to Withdraw as Attorney of Record for Nuveda LLC, Pejman Bady and Pouya Mohajer</i>
01/05/2018	 Order Shortening Time <i>Order Shortening Time</i>
01/05/2018	 Substitution of Attorney Filed by: Plaintiff Nuveda, LLC <i>Substitution of Counsel</i>
01/30/2018	 Order Denying Filed By: Plaintiff Terry, Shane M <i>Order Denying Motion to Dismiss Arbitration</i>
01/31/2018	 Notice of Entry of Order Filed By: Plaintiff Terry, Shane M <i>Notice of Entry of Order</i>
03/08/2018	 Motion to Enforce Filed By: Intervenor CWNevada LLC <i>Intervenor CWNevada's Motion to Enforce January 13, 2016 District Court Order & October 13, 2017 Supreme Court Order of Affirmance on Order Shortening Time 3-8-18</i>
03/08/2018	 Motion to Intervene Party: Intervenor CWNevada LLC <i>CWNevada, LLC's Motion to Intervene as Defendant on Order Shortening Time 3-6-18</i>

CASE SUMMARY

CASE NO. A-15-728510-B

03/09/2018



Appendix

Filed By: Plaintiff Terry, Shane M

Appendix of Exhibits to Opposition to CWNevada s Motions to 1) Intervene as a Defendant on Order Shortening Time, And 2) Enforce January 13, 2016 District Court Order and October 13, 2017 Supreme Court Order of Affirmance on Order Shortening Time, Vol. IV

03/09/2018



Opposition

Filed By: Plaintiff Terry, Shane M

Opposition to CWNevada s Motions to 1) Intervene as a Defendant on Order Shortening Time, And 2) Enforce January 13, 2016 District Court Order and October 13, 2017 Supreme Court Order of Affirmance on Order Shortening Time

03/09/2018



Appendix

Filed By: Plaintiff Terry, Shane M

Appendix of Exhibits to Opposition to CWNevada s Motions to 1) Intervene as a Defendant on Order Shortening Time, And 2) Enforce January 13, 2016 District Court Order and October 13, 2017 Supreme Court Order of Affirmance on Order Shortening Time, Vol. I

03/09/2018



Appendix

Filed By: Plaintiff Terry, Shane M

Appendix of Exhibits to Opposition to CWNevada s Motions to 1) Intervene as a Defendant on Order Shortening Time, And 2) Enforce January 13, 2016 District Court Order and October 13, 2017 Supreme Court Order of Affirmance on Order Shortening Time, Vol. II

03/09/2018



Appendix

Filed By: Plaintiff Terry, Shane M

Appendix of Exhibits to Opposition to CWNevada s Motions to 1) Intervene as a Defendant on Order Shortening Time, And 2) Enforce January 13, 2016 District Court Order and October 13, 2017 Supreme Court Order of Affirmance on Order Shortening Time, Vol. III

03/09/2018



Ex Parte

Filed By: Plaintiff Terry, Shane M

Ex Parte Application to Associate Counsel David Feuerstein

03/09/2018



Joinder

Filed By: Plaintiff Goldstein, Jennifer M

Joinder to Plaintiff Shane Terry s Opposition to CW Nevada s Motions to 1) Intervene as a Defendant on Order Shortening Time, and 2) Enforce January 13, 2016 District Court Order and October 13, 2017 Supreme Court Order of Affirmance on Order Shortening Time

03/09/2018



Joinder To Motion

Filed By: Defendant Bady, Pejman; Defendant Mohajer, Pouya

Joinder to Intervenor CWNevada's Motion to Enforce January 13, 2016 District Court Order and October 13, 2017 Supreme Court Order of Affirmance on Order Shortening Time

03/10/2018



Errata

Filed By: Plaintiff Terry, Shane M

Errata to Appendix of Exhibits to Opposition to Motions to: 1) Intervene as a Defendant on Order Shortening Time, and 2) Enforce January 13, 2016 District Court Order and October 13, 2017 Supreme Court Order of Affirmance on Order Shortening Time, Vol. IV

03/12/2018



Ex Parte Order

Filed By: Plaintiff Terry, Shane M

Order Granting Ex Parte Application to Associate Counsel David Todd Feuerstein

03/13/2018

CASE SUMMARY

CASE NO. A-15-728510-B

	 Notice of Entry of Order Filed By: Plaintiff Terry, Shane M <i>Notice of Entry of Order</i>
03/13/2018	 Notice of Compliance Party: Plaintiff Terry, Shane M; Plaintiff Goldstein, Jennifer M <i>Notice of Compliance Re: Order Granting Ex Parte Motion to Associate Counsel David Todd Feuerstein</i>
04/10/2018	 Status Report <i>Status Report Regarding Intervenor CWNevada's Motion to Enforce January 13, 2016 District Court Order and October 13, 2017 Supreme Court Order of Affirmance on Order Shortening Time and Request to Order the Parties to Proceed with the Transfer of the Licenses as Contracted</i>
05/01/2018	 Stipulation and Order Filed by: Plaintiff Terry, Shane M <i>Stipulation and Order to Vacate Hearing</i>
05/03/2018	 Notice of Entry of Order Filed By: Plaintiff Terry, Shane M <i>Notice of Entry of Order</i>
07/12/2018	 Order Shortening Time Filed By: Plaintiff Terry, Shane M <i>Motion to Withdraw as Counsel; and Application for Order Shortening Time</i>
07/25/2018	 Order Granting Filed By: Plaintiff Terry, Shane M <i>Order Granting Motion to Withdraw as Counsel</i>
07/25/2018	 Notice of Entry of Order Filed By: Plaintiff Terry, Shane M <i>2018 0725</i>
03/19/2019	 Order
06/17/2019	 Motion Filed By: Plaintiff Nuveda, LLC <i>NuVeda, LLC's Motion to Vacate Arbitration Award</i>
06/18/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
06/21/2019	 Notice of Appearance <i>Notice of Appearance of Brian R. Irvine and Brooks T. Westergard</i>
07/01/2019	 Motion to Continue Filed By: Plaintiff Goldstein, Jennifer M <i>Motion to Continue Hearing of Nuveda, LLC's Motion to Vacate Arbitration Award and to Extend Briefing Deadlines (First Requested Extension)</i>
07/02/2019	 Request Filed by: Plaintiff Goldstein, Jennifer M

CASE SUMMARY

CASE NO. A-15-728510-B

Request for Hearing on Motion to Continue Hearing on Nuveda, LLC's Motion to Vacate Arbitration Award and to Extend Briefing Deadlines

07/03/2019	 Clerk's Notice of Hearing <i>Notice Of Hearing</i>
07/11/2019	 Opposition to Motion Filed By: Plaintiff Nuveda, LLC <i>NuVeda, LLC's Opposition to Motion to Continue Hearing on NuVeda, LLC's Motion to Vacate Arbitration Award and to Extend Briefing Deadlines [First Requested Extension] and Notice of No Opposition to Its Motion to Vacate Arbitration Award</i>
07/16/2019	 Reply in Support Filed By: Plaintiff Goldstein, Jennifer M <i>Reply in Support of Motion to Continue Hearing on Nuveda, LLC's Motion to Vacate Arbitration Award and to Extend Briefing Deadlines</i>
07/23/2019	 Stipulation and Order Filed by: Plaintiff Goldstein, Jennifer M <i>Stipulation and [Proposed] Order to Continue Hearing on the Motion to Vacate Arbitration Award & Stipulation and [Proposed] Order to Continue Hearing on the Motion to Continue Hearing on Nuveda, LLC's Motion to Vacate Arbitration Award and to Extend Briefing Deadlines</i>
07/23/2019	 Notice of Entry of Order Filed By: Plaintiff Goldstein, Jennifer M <i>Notice of Entry of Order</i>
07/25/2019	 Opposition to Motion Filed By: Plaintiff Goldstein, Jennifer M <i>Plaintiff Jennifer m. Goldstein's Opposition to Nuveda, LLC's Motion to Vacate Arbitration Award</i>
08/05/2019	 Opposition to Motion Filed By: Plaintiff Nuveda, LLC <i>NuVeda, LLC's Reply to Plaintiff Jennifer Goldstein's Opposition to NuVeda, LLC's Motion to Vacate Arbitration Award</i>
08/23/2019	 Transcript of Proceedings <i>Transcript of Proceedings: Hearing on Motion to Continue Motion to Vacate and Motion to Vacate Arbitration Award</i>
09/06/2019	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff Goldstein, Jennifer M <i>Findings of Fact, Conclusions of Law and Order, et al.</i>
09/09/2019	 Notice of Entry of Order Filed By: Plaintiff Goldstein, Jennifer M <i>Notice of Entry of Fndings of Fact, Conclusions of Law and Order</i>
09/10/2019	 Order to Statistically Close Case <i>Civil Order to Statistically Close Case</i>
09/19/2019	 Motion for Attorney Fees and Costs Filed By: Plaintiff Goldstein, Jennifer M

CASE SUMMARY

CASE NO. A-15-728510-B

Motion for Attorneys' Fees and Costs

09/19/2019



Motion for Entry of Judgment

Filed By: Plaintiff Goldstein, Jennifer M

Plaintiff's Motion for Entry of Judgment

09/20/2019



Clerk's Notice of Hearing

Notice of Hearing

09/20/2019



Clerk's Notice of Hearing

Notice of Hearing

09/30/2019



Opposition to Motion

Filed By: Plaintiff Nuveda, LLC

NuVeda, LLC's Opposition to Motion for Attorneys' Fees and Costs

10/09/2019



Notice of Appeal

Filed By: Plaintiff Nuveda, LLC

Notice of Appeal

10/09/2019



Notice of Posting Bond

Filed By: Plaintiff Nuveda, LLC

Notice of Posting Bond

10/09/2019



Case Appeal Statement

Filed By: Plaintiff Nuveda, LLC

Case Appeal Statement

DISPOSITIONS

11/16/2017

Clerk's Certificate (Judicial Officer: Gonzalez, Elizabeth)

Debtors: Nuveda, LLC (Plaintiff), Shane M Terry (Plaintiff), Jennifer M Goldstein (Plaintiff)

Creditors: Pejman Bady (Defendant), Pouya Mohajer (Defendant)

Judgment: 11/16/2017, Docketed: 11/27/2017

Comment: Supreme Court No. 69648; Judgment Affirmed

HEARINGS

12/04/2015



Minute Order (3:00 AM) (Judicial Officer: Alf, Nancy)

Minute Order - No Hearing Held;

Journal Entry Details:

COURT FINDS after review Plaintiffs filed a Complaint on December 3, 2015. COURT FURTHER FINDS after review on December 4, 2015 the Court received a request for Preliminary Injunction on Order Shortening Time. COURT FURTHER FINDS after review Plaintiff Nuveda, LLC holds registration certificates to dispense medical marijuana in the cities of North Las Vegas and Las Vegas as well as the right to cultivate and process medical marijuana in the cities of North Las Vegas and Pahrump. This minute order is done pursuant to Nevada Code of Judicial Conduct 2.11(C). Judge Alf makes the following disclosures in case A-15-728510. The Judge's husband is a part owner of a Nevada entity that is licensed in Clark County for the cultivation, production and dispensing of medical marijuana. She has no personal knowledge about any of the allegations made in the complaint, nor of the parties, nor their involvement which would preclude her impartiality. She is not involved in her husband's business interests. However should any party seek the recusal of the Court, such request may be made via fax to Department 27 by December 8, 2015 at 5:00 pm. Plaintiff's counsel is required to advise counsel for Defendants of the right to seek recusal. The hearing on the request for Preliminary Injunction will be set for Thursday December 10, 2015 at 10:30 am. 12/10/2015 10:30 AM PRELIMINARY INJUNCTION CLERK'S NOTE: A copy of this minute order was faxed to: Erika Pike Turner, Esq. (725-777-3112);

CASE SUMMARY

CASE NO. A-15-728510-B

12/08/2015



Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy)

Minute Order: Recusal

Recused;

Journal Entry Details:

COURT FINDS after review Plaintiffs filed a Complaint on December 3, 2015. COURT FURTHER FINDS after review on December 4, 2015 the Court received and signed Plaintiff's Motion for Preliminary Injunction and Application on Order Shortening Time. COURT FURTHER FINDS after review the Hearing was set for Thursday December 10, 2015 at 10:30 am. COURT FURTHER FINDS after review Plaintiff Nuveda, LLC holds registration certificates to dispense medical marijuana in the cities of North Las Vegas and Las Vegas as well as the right to cultivate and process medical marijuana in the cities of North Las Vegas and Pahrump. COURT FURTHER FINDS after review that pursuant to Nevada Code of Judicial Conduct 2.11(C). Judge Allf made the following disclosures in case A-15-728510 on December 4, 2015. The Judge's husband is a part owner of a Nevada entity that is licensed in Clark County for the cultivation, production and dispensing of medical marijuana. She has no personal knowledge about any of the allegations made in the complaint, nor of the parties, nor their involvement which would preclude her impartiality. She is not involved in her husband's business interests. COURT FURTHER FINDS after review that parties were provided the opportunity seek recusal of the Court until December 8, 2015 at 5:00 p.m. COURT FURTHER FINDS after review that on December 8, 2015 at 2:16 p.m. the Court received Defendant's Motion to Recuse the Honorable Nancy L. Allf. COURT ORDERS for good cause appearing and after review, pursuant to Nevada Code of Judicial Conduct 2.11(C) and the minute order entered on December 4, 2015 this Court hereby disqualifies itself and ORDERS, this case be REASSIGNED at random. CLERK'S NOTE: The above minute order has been distributed to: Erika Pike Turner, Esq. and Dylan Cicilano, Esq. of Garman Turner Gordon (sent by e-mail) and mailed to address: Pejman Bady, P.O. Box 6255, Pahrump, NV 89041 and FAX to 702-362-9472./np;

12/14/2015



Telephonic Conference (8:45 AM) (Judicial Officer: Gonzalez, Elizabeth)

Telephonic Conference: Application for Preliminary Injunction

Granted in Part; Telephonic Conference: Application for Preliminary Injunction

Journal Entry Details:

Also present: Attorney John Naylor and Attorney William Maupin. Court called Mr. Aiello's office and was transferred to another firm partner, Atty. Nile Leatham. Court directed Mr. Leatham to have Mr. Aiello call Ms. Turner as the Court is trying to accommodate a schedule for a TRO hearing. Matter TRAILED. Matter RECALLED at 11:37 AM. Court noted, since it did not appear that everyone was willing to come to court this conference call was scheduled. Ms. Turner advised they are under a quick deadline; tomorrow, December 15th, is the deadline for submitting the renewal package to the State of Nevada. Ms. Turner argued in support of maintaining the status quo; Mr. Shane Terry is the only designated representative for the State and they need the package submitted or they will lose the license; they have no idea how far along transfer of the licenses and majority interest have taken place, but they need a hearing to determine the proprietary vote to expel the Defendants and a retaliatory vote to expel the Plaintiffs; the Defendants purported to expel the Plaintiffs after November 20th. Mr. Aiello responded, counsel's representations involve significant issues; Plaintiffs are trying to interject themselves into the deal; the likelihood of success on the merits is very low because the operating agreement on its face is very clear; the threshold issue of who owns the company and who the rightful actor is needs to be resolved. Mr. Maupin added that the Complaint and petition for injunctive relief are self-executing instruments of surrender. Court inquired as to any administrative or regulatory approval of any transfer of membership interest. Mr. Aiello stated it is his understanding there has been no transfer of any interest that has taken place; this was a conditional agreement. COURT ORDERED, limited injunctive relief GRANTED, which will restore the current reflection of ownership interest given the current attempts of both sides to remove the other; so, both sides will be reflected as having membership interest; no action by either side to remove the other is currently effective; Mr. Terry is to file the renewal application reflecting membership interest as it existed prior to November 20, 2015. Matter SET for Evidentiary Hearing on December 28, 2015. Parties ORDERED to Mediation prior to that hearing. Bond SET at \$2,500.00. Upon Court's inquiry, Ms. Turner advised the hearing will take two days. Mr. Aiello and Mr. Maupin advised it should not take more than one, as the application centers on documents already in the record. 12-28-15 10:00 AM PRELIMINARY INJUNCTION HEARING;

12/28/2015

Preliminary Injunction Hearing (10:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

12/28/2015, 01/06/2016-01/08/2016

Preliminary Injunction Hearing

CASE SUMMARY

CASE NO. A-15-728510-B

	Continued; Continued; Continued; Decision Made;
	Continued; Continued; Continued; Decision Made;
	Continued; Continued; Continued; Decision Made;
	Continued; Continued; Continued; Decision Made;
12/28/2015	Opposition and Countermotion (10:00 AM) (Judicial Officer: Gonzalez, Elizabeth) 12/28/2015, 01/06/2016-01/08/2016 <i>Pejman Bady's Opposition to Plaintiffs' Motion for Preliminary Injunction and Application on Order Shortening Time and Countermotion for Preliminary Injunction</i> Continued; Continued; Continued; Matter Heard; Continued; Continued; Continued; Matter Heard; Continued; Continued; Continued; Matter Heard; Continued; Continued; Continued; Matter Heard;
12/28/2015	Joinder (10:00 AM) (Judicial Officer: Gonzalez, Elizabeth) 12/28/2015, 01/06/2016-01/08/2016 <i>Pouya Mohajer, MD's Joinder to Pejmon Bady's Countermotion for Preliminary Injunction</i> Continued; Continued; Continued; Matter Heard; Continued; Continued; Continued; Matter Heard; Continued; Continued; Continued; Matter Heard; Continued; Continued; Continued; Matter Heard;
12/28/2015	CANCELED All Pending Motions (10:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - On in Error</i>

CASE SUMMARY

CASE NO. A-15-728510-B

12/28/2015



All Pending Motions (10:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

PRELIMINARY INJUNCTION HEARING... PEJMAN BADI'S OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND APPLICATION ON ORDER SHORTENING TIME AND COUNTERMOTION FOR PRELIMINARY INJUNCTION...POUYA MOHAJER, MD'S JOINDER TO PEJMAN BADI'S COUNTERMOTION FOR PRELIMINARY INJUNCTION Defendant's Proposed Exhibits 1 through 30 RE-DESIGNATED as 101 through 130. Court RECESSED for parties to review each other's exhibits and see if any can be stipulated to. Proceedings resumed. Pursuant to parties' stipulation, COURT ORDERED the following exhibits ADMITTED: Defendant's Exhibits 101, 103 - 107, 111 - 123, and Plaintiffs' Exhibits 1, 5, 7, 13, 15 - 17, 22, 24, and 30. Opening statements by Ms. Turner, Mr. Maupin, and Mr. Dushoff. Pantea Stevenson, SWORN and TESTIFIED. Exhibits presented. (See worksheet.) Letter offered by Mr. Dushoff MARKED as Defendant's Proposed Exhibit 200 and, there being no objection, ADMITTED into evidence. LUNCH RECESS. Proceedings resumed. Testimony and exhibits continued. Shane Terry, SWORN and TESTIFIED. Exhibits presented. (See worksheet.) Court RECESSED for the afternoon break. Testimony and exhibits continued. Witness retrieved notes from his laptop, emailed them to the Law Clerk; copies distributed to all parties. Testimony and exhibits continued. (See worksheet.) Hearing CONTINUED. COURT ORDERED, telephonic conference SET on December 30, 2015 at 10:00 AM to discuss resumption of the preliminary injunction hearing. Mr. Dushoff volunteered to distribute the call-in information. COURT FURTHER ORDERED, the Escrow documents will be PRODUCED. Temporary Restraining Order (TRO) entered on December 15, 2015 will REMAIN IN PLACE until the conclusion of the hearing. Mr. Maupin requested a two-week extension to answer the Complaint. Ms. Turner agreed. Ms. Turner further requested that since the TRO is still in place Defendants produce the Nuveda books and records. Mr. Aiello advised, to the extent they have those, they will be provided; his understanding is that they are stored in a Google Drive. Colloquy regarding Google Drive access. COURT ORDERED, parties to also discuss due diligence on the DW transaction. 12-30-15 10:00 AM TELEPHONIC CONFERENCE: RESUMPTION OF THE PRELIMINARY INJUNCTION HEARING;

12/30/2015



Telephonic Conference (10:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Telephonic Conference: Resumption of Preliminary Injunction Hearing

Matter Heard; Telephonic Conference: Resumption of Preliminary Injunction Hearing

Journal Entry Details:

Pursuant to the Court's and parties' availability, COURT ORDERED, hearing to RESUME on Wednesday, January 6, 2016, at 10:00 AM. Mr. Naylor inquired whether there has been a motion to advance the trial on the merits. Court NOTED there has not, and the Court has not advanced trial on the merits. Mr. Naylor advised they will not stipulate to it. 1-6-16 10:00 AM PRELIMINARY INJUNCTION HEARING... PEJMAN BADI'S OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND APPLICATION ON ORDER SHORTENING TIME AND COUNTERMOTION FOR PRELIMINARY INJUNCTION...POUYA MOHAJER, MD'S JOINDER TO PEJMAN BADI'S COUNTERMOTION FOR PRELIMINARY INJUNCTION;

01/06/2016



All Pending Motions (10:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

PRELIMINARY INJUNCTION HEARING... PEJMAN BADI'S OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND APPLICATION ON ORDER SHORTENING TIME AND COUNTERMOTION FOR PRELIMINARY INJUNCTION...POUYA MOHAJER, MD'S JOINDER TO PEJMAN BADI'S COUNTERMOTION FOR PRELIMINARY INJUNCTION Exclusionary rule INVOKED. Shane Terry, SWORN and TESTIFIED. Exhibits presented. (See worksheet.) LUNCH RECESS. Testimony and exhibits continued. RECESS. Proceedings resumed. Testimony and exhibits presented. Mr. Aiello offered to use a demonstrative exhibit, a copy in larger print of section 6.2 and which includes 6.3. Objection by Ms. Turner for lack of foundation. Court DIRECTED Mr. Aiello to address the issue of the information contained in the proposed demonstrative exhibit. Following Mr. Aiello's explanation, COURT noted it does not think it will need this to make its decisions. Testimony and exhibits continued. RECESS. Testimony and exhibits resumed. At the hour of 4:23 PM, Plaintiffs RESTED. Colloquy regarding scheduling. COURT ORDERED, hearing continued tomorrow at 9:30 AM. Mr. Maupin requested the application be converted to a motion for provisional remedies to accurately describe the status of this

CASE SUMMARY

CASE No. A-15-728510-B

procedure. Ms. Turner objected to the request and argued a section of the operating agreement providing for enforcement through injunction or other equitable relief. Mr. Maupin further argued, Plaintiffs do not have enough votes to raise the question of all the accusations, and renewed his request that the Court enter provisional remedies similar to a TRO. Joinder by Mr. Dushoff. Following further argument, COURT ORDERED, given the standard under Rule 52(c), the Defendant's motion is DENIED; it does not appear 6.2 is ambiguous; however, there are factual issues that the Court will be hearing argument on regarding interested vs. disinterested expulsion; it does not need parol evidence on the meaning of 6.2; it needs counting. EVENING RECESS. 1-7-16 9:30 AM PRELIMINARY INJUNCTION HEARING... PEJMAN BADA'S OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND APPLICATION ON ORDER SHORTENING TIME AND COUNTERMOTION FOR PRELIMINARY INJUNCTION...POUYA MOHAJER, MD'S JOINDER TO PEJMON BADA'S COUNTERMOTION FOR PRELIMINARY INJUNCTION;

01/07/2016



All Pending Motions (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

PRELIMINARY INJUNCTION HEARING... PEJMAN BADA'S OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND APPLICATION ON ORDER SHORTENING TIME AND COUNTERMOTION FOR PRELIMINARY INJUNCTION...POUYA MOHAJER, MD'S JOINDER TO PEJMON BADA'S COUNTERMOTION FOR PRELIMINARY INJUNCTION Joseph Kennedy, SWORN and TESTIFIED. Exhibits presented. (See worksheet.) Colloquy regarding scheduling. COURT ORDERED, hearing CONTINUED tomorrow at 9:00 AM. EVENING RECESS. 1-8-16 9:00 AM PRELIMINARY INJUNCTION HEARING... PEJMAN BADA'S OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND APPLICATION ON ORDER SHORTENING TIME AND COUNTERMOTION FOR PRELIMINARY INJUNCTION...POUYA MOHAJER, MD'S JOINDER TO PEJMON BADA'S COUNTERMOTION FOR PRELIMINARY INJUNCTION;

01/08/2016



All Pending Motions (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

PRELIMINARY INJUNCTION HEARING... PEJMAN BADA'S OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND APPLICATION ON ORDER SHORTENING TIME AND COUNTERMOTION FOR PRELIMINARY INJUNCTION...POUYA MOHAJER, MD'S JOINDER TO PEJMON BADA'S COUNTERMOTION FOR PRELIMINARY INJUNCTION Brian Padgett, SWORN and TESTIFIED. Exhibits presented. (See worksheet.) RECESS. Testimony and exhibits continued. LUNCH RECESS. Proceedings resumed. At the hour of 1:17 PM, Defendants RESTED. Plaintiffs' rebuttal. Shane Terry, SWORN and TESTIFIED. (See worksheet.) With regards to Defendant's counter motion, counsel advised they are not offering any witnesses. Closing arguments by Ms. Turner, Mr. Maupin, and Mr. Dushoff. Upon inquiry of the Court, parties advised they have no objection to leaving proposed exhibits that were not offered during the hearing with the Court. Mr. Terry's notes were returned to counsel. Matter taken under advisement. Decision will ISSUE.;

01/14/2016

CANCELED Motion (3:00 AM) (Judicial Officer: Barker, David)

Vacated - Moot

Motion to Recuse the Honorable Nancy L. Alf

01/19/2016



Motion to Seal/Redact Records (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Plaintiffs' Motion to Seal Exhibit 2-D to Plaintiffs' Motion for Preliminary Injunction and Application for Order Shortening Time

Denied; Plaintiffs' Motion to Seal Exhibit 2-D to Plaintiffs' Motion for Preliminary Injunction and Application for Order Shortening Time

Journal Entry Details:

No appearance by Defendants. Mr. Ciciliano advised he sent an email with a stipulation and order on Friday (1/15/16) to opposing counsel. COURT ORDERED, motion DENIED because the Exhibit was admitted at the hearing.;

01/19/2016

CANCELED Opposition and Counter motion (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

CASE SUMMARY

CASE NO. A-15-728510-B

Vacated - On in Error

Pejman Bady's Opposition to Plaintiffs' Motion for Preliminary Injunction and Application on Order Shortening Time and Countermotion for Preliminary Injunction

01/22/2016

CANCELED Motion to Seal/Redact Records (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Vacated - per Stipulation and Order

Defendant Pejman Bady's Motion to Seal Exhibit 20 Attached to Pejman Bady's Opposition to Plaintiffs' Motion for Preliminary Injunction and Application on Order Shortening Time and Countermotion for Preliminary Injunction

03/18/2016



Motion for Attorney Fees and Costs (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Pouya Mohajer, MD's Motion for Attorney Fees

Denied Without Prejudice; Pouya Mohajer, MD's Motion for Attorney Fees

Journal Entry Details:

The Court having reviewed Dr. Mohajer's Motion for Attorney Fees and Costs and the related briefing and being fully informed, DENIES the motion WITHOUT PREJUDICE to renew at the conclusion of the case. The Court agrees that it is premature to award fees at the injunctive relief stage when issue remain between the parties. Counsel for NuVeda is directed to submit a proposed order consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order or judgment. CLERK'S NOTE: A copy of the above minute order was distributed to parties via the E-Service Master List. / dr 3-18-16;

07/07/2016



Status Check (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

Ms. Turner confirmed parties are in arbitration. Mr. Naylor advised they will seek remedy here afterwards. COURT ORDERED, CASE STAYED pending results of arbitration. Counsel to notify the Court if they need any assistance.;

09/23/2016

Motion for Leave (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Plaintiff Nuveda, LLC.'s Motion for Leave of Court to File a Motion to Amend Findings of Fact and Conclusions of Law

Granted;

09/23/2016

Opposition and Countermotion (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Plaintiff Shane M. Terry's Opposition to NuVeda's Motion for Leave of Court to File a Motion to Amend Findings of Fact and Conclusions of Law and Countermotion to Strike Affidavits

Matter Heard;

09/23/2016



All Pending Motions (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order - No Hearing Held;

Journal Entry Details:

PLAINTIFF NUVEDA, LLC.'S MOTION FOR LEAVE OF COURT TO FILE A MOTION TO AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW...PLAINTIFF SHANE M. TERRY'S OPPOSITION TO NUVEDA'S MOTION FOR LEAVE OF COURT TO FILE A MOTION TO AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW AND COUNTERMOTION TO STRIKE AFFIDAVITS The Court having reviewed the Motion for leave to file Motion to Amend Findings of Fact and the related briefing and being fully informed, GRANTS the motion for leave. Moving Counsel is directed to submit a proposed order consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. CLERK'S NOTE: A copy of the above minute order was distributed via the E-Service Master List. / dr 9-28-16;

11/18/2016



Motion (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

NuVeda LLC's Motion to Amend Findings of Fact and Conclusions of Law

Minute Order - No Hearing Held; NuVeda LLC's Motion to Amend Findings of Fact and Conclusions of Law

Journal Entry Details:

CASE SUMMARY

CASE NO. A-15-728510-B

The Court having reviewed the Motion to Amend Findings of Fact and Conclusions of Law (FFCL) and the related briefing and being fully informed, denies the motion as framed because the conduct referenced occurred following this court's hearing and entry of FFCL. Counsel for Mr. Terry is directed to submit a proposed order consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. CLERK'S NOTE: The above minute order has been distributed VIA FACSIMILE to: Buttell Law Offices (702-319-7802); Garman Turner Gordon (725-777-3112); Kolesar and Leatham (702-362-9472); and Maupin Naylor Braster (702-420-7001) (tmj:11/21/16);

10/16/2017



Status Check (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Set Status Check;

Journal Entry Details:

Court inquired about arbitration. Ms. Turner advised a new arbitrator has been appointed, Ms. Nikki Baker, and that they have a date set in January. COURT ORDERED, matter SET for status check on March 30, 2018. If the Court does not hear from counsel they will be contacted. 3-30-18 CHAMBERS STATUS CHECK;

01/08/2018



Motion to Dismiss (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Defendants' Motion to Dismiss Arbitration

Denied;

Journal Entry Details:

Mr. Wiley advised there is a conflict issue with regards to Mr. Buttell. On Friday, Mr. Wiley stated he filed substitution of counsel for Nuveda. Ms. Turner confirmed there are remaining claims; there is an alleged conflict being addressed by the arbitrator; the arbitrator did not permit Mr. Buttell's withdrawal. Court noted Mr. Buttell's motion to withdraw before this Court is set for hearing in two weeks. Mr. Wiley responded that the arbitrator's order stated that Mr. Buttell had to stay as counsel through the depositions but thereafter could withdraw. Ms. Turner agreed, conditioned on some things. Mr. Wiley stated that Mr. Buttell's motion to withdraw should be moot. Court noted that motion to withdraw is on this Court's January 26th Chambers calendar and the Court will look at it at that time. Mr. Wiley advised he is willing to proceed today on the motion to dismiss filed by Mr. Buttell. Following arguments by Mr. Wiley and Ms. Turner, COURT ORDERED, motion to dismiss arbitration DENIED. The relief of arbitration was affirmatively requested from this Court by the moving parties and is a judicial estoppel from them now being able to attack the enforceability of the arbitration provision. Ms. Turner advised their arbitration hearing is scheduled for February 12th. COURT noted the status check on this Court's chambers calendar for March 30th. Counsel to submit a status report. 1-26-18 CHAMBERS MOTION TO WITHDRAW AS ATTORNEY OF RECORD FOR NUVEDA, LLC, PEJMAN BADI AND POUYA MOHAJER 3-30-18 CHAMBERS STATUS CHECK;

01/10/2018



Minute Order (4:00 PM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order re: Counsel Alan J. Buttell's Ex Parte Application for Temporary Restraining Order and an Order to Show Cause Why a Motion for Preliminary Injunction Should Not Issue on Order Shortening Time

Denied;

Journal Entry Details:

The Court has reviewed the application for TRO. Based upon the substitution of counsel filed on January 5, 2018 it does not appear that there is an adequate basis for entry of injunctive relief at this time. CLERK'S NOTE: A copy of this minute order was distributed via electronic mail this date.;

01/22/2018



Motion to Withdraw as Counsel (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Alan J. Buttell, Esq.'s Motion to Withdraw as Attorney of Record for Nuveda, LLC, Pejman Badi and Pouya Mohajer



Off Calendar; Moot.

Journal Entry Details:

Ms. Turner advised the motion is unopposed. COURT ORDERED, motion taken OFF CALENDAR as MOOT.;

CASE SUMMARY

CASE NO. A-15-728510-B

03/12/2018	<p>Motion to Enforce (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Intervenor CWNevada's Motion to Enforce January 13, 2016 District Court Order & October 13, 2017 Supreme Court Order of Affirmance on Oder Shortening Time</i> Matter Heard;</p>
03/12/2018	<p>Motion to Intervene (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>CWNevada, LLC's Motion to Intervene as Defendant on Order Shortening Time</i> Granted;</p>
03/12/2018	<p> All Pending Motions (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth) Matter Heard; Journal Entry Details: CWNEVADA, LLC'S MOTION TO INTERVENE AS DEFENDANT ON ORDER SHORTENING TIME...INTERVENOR CWNEVADA'S MOTION TO ENFORCE JANUARY 13, 2016 DISTRICT COURT ORDER & OCTOBER 13, 2017 SUPREME COURT ORDER OF AFFIRMANCE ON ODER SHORTENING TIME APPEARANCES CONTINUED: Attorney David Feuerstein for Plaintiff Jennifer Goldstein. No objection to Plaintiffs' Ex Parte Application to Associate Counsel David Feuerstein. Court inquired of Mr. Feuerstein if by accepting the admission, counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a). Mr. Feuerstein stated that he does. COURT ORDERED, motion GRANTED. Proposed order signed in open court and returned to Ms. Turner for filing. CWNEVADA, LLC'S MOTION TO INTERVENE AS DEFENDANT ON ORDER SHORTENING TIME: Arguments by Ms. Sugden and Ms. Turner. COURT ORDERED, request to intervene GRANTED over Plaintiffs' objection because the Court believes the issues are distinct between the two entities. INTERVENOR CWNEVADA'S MOTION TO ENFORCE JANUARY 13, 2016 DISTRICT COURT ORDER & OCTOBER 13, 2017 SUPREME COURT ORDER OF AFFIRMANCE ON ODER SHORTENING TIME: Arguments by Ms. Sugden, Mr. Dushoff, Ms. Turner, Mr. Feuerstein, and Mr. Padgett. COURT ORDERED, this is essentially a dissenter rights' case; dissenters typically do not involve preliminary injunction; to the extent there is a TRO the Court will not disturb Arbitrator Baker's findings; however, if there is a preliminary injunction that is issued, that is under the Nevada Rules of Appellate Procedure something that could be reviewed by the Court and, given the parties' unusual arbitration provision, the Court will consider any review of a preliminary injunction. Court will not review a TRO.;</p>
03/30/2018	<p> Status Check (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) 03/30/2018, 04/16/2018 Matter Continued; Hearing Set; Journal Entry Details: Court acknowledged receipt of status reports and requests to put this matter on calendar. Mr. Padgett advised CW believed the TRO was set aside but did not know that there was some agreement between the lawyers for Nuveda, Mr. Terry, and Ms. Goldstein that they would proactively continue the TRO to see if they could settle the matter; this Court and the NV Supreme Court have already ruled that the sale can go through; the other lawyers did not bother to call him or Ms. Sugden that they had extended the TRO; there is a transfer that has been applied for, sitting on the dock and signed by the Nuveda representative. Mr. Padgett requested the Court dissolve the TRO, as the transfer license would not impact the other parties, and allow the transfer to go through; CW would be substantially damaged if it does not; more licenses as well as applications will come out at the end of this month; as an owner, you can apply for more retail licenses and have more points; CW has been acting as an owner and doing everything they can; it is April, and the State is about to release license applications for which CW would garner extra points for the 65% ownership. Upon Court's inquiry, Mr. Padgett advised the applications are due about 30 / 60 days after that. Colloquy between Court and counsel regarding the review process. Mr. Padgett further argued that the problem for CW is that they actually have to go through the application for transfer; that needs to be reviewed by the AG, and then the ownership transfer occurs; they have signed off on everything but it has not been put through to the State; their lawyer, Amanda Conner, is holding it, as she was told by one of the Nuveda members that a TRO was extended; he told Ms. Conner to put it through when he heard the arbitrator would not continue the TRO, but Ms. Conner said she could not do that because she understood the TRO had been extended. Court inquired, once transfer paperwork was given to State, what was in counsel's best recollection the length of time for the State to process it. Mr. Padgett replied that it is somewhere between 60 - 120 days.</p>

CASE SUMMARY

CASE NO. A-15-728510-B

Further argument by counsel for the Court to dissolve the TRO and transfer the Nuveda transfer licenses. Ms. Turner advised CW's status report was not e-served, and referred to page 5 of the 2016 Findings of Fact and Conclusions of Law. Court noted its concern that the parties entered into injunctive relief amongst themselves without a final order to continue settlement discussions. Ms. Turner responded that the members and Nuveda had said they wanted to maintain the status quo to have meaningful settlement discussions; in the past 2 years there has been no transfer to CW, and her client has not signed any consent to transfer membership interest; CW is substantially in material breach of their obligations. Ms. Turner further advised that the parties have a May arbitration date and requested that the Court hold an evidentiary hearing on this issue. Mr. Wiley advised that certain information and documents were requested at the depositions that should have been in Nuveda's possession, but were not; he represented to Mr. Feuerstein and Ms. Turner they would get the documents to them but still did not have them; one of the reasons why Nuveda entered into the stipulation to extend the TRO was to ensure complete compliance, because Nuveda had been sanctioned numerous times before his involvement in this case. Upon Court's inquiry, Mr. Wiley confirmed that Nuveda has an agreement in place with CW; he does not believe it has been breached by Nuveda in any way; CW may have breached the agreement, consistent with documentation, but it has nothing to do with the licensure or any of the actions on behalf of the parties; he does not know if that counts as a material breach. **COURT ORDERED**, matter **SET** for evidentiary hearing on May 1, 2018 at 1:00 PM on the motion to enforce the January 23, 2016 order. Briefs to be submitted by the Friday before. 5-2-18 9:00 AM **EVIDENTIARY HEARING: MOTION TO ENFORCE** January 23, 2016 **ORDER CLERK'S NOTE**: Pursuant to the conference call held later today, hearing rescheduled to commence on May 2nd at 9 AM, as reflected above and entered in Odyssey, and the deadline for hearing briefs moved to April 30th.;

Matter Continued;

Hearing Set;

Journal Entry Details:

COURT advised no status report or filing related to injunctive relief has been submitted and ORDERED, matter CONTINUED. CONTINUED TO: 4/13/18 CHAMBERS CLERK'S NOTE: This Minute Order has been electronically served by Courtroom Clerk, Kory Schlitz, to all registered parties for Odyssey File & Serve. (3-30-18);

04/16/2018



Telephonic Conference (2:30 PM) (Judicial Officer: Gonzalez, Elizabeth)

Telephonic Conference at Request of the Court

Matter Heard;

Journal Entry Details:

Upon inquiry of the Court and agreement by the parties, COURT ORDERED, evidentiary hearing RESET to commence on May 2, 2018 at 9:00 AM and anticipated to take place through May 4. Ms. Turner noted she has a 9 AM appearance before Judge Hardy on May 3rd. COURT FURTHER ORDERED, hearing briefs to be submitted to the Court by Monday, April 30. Proposed findings of fact and conclusions of law to be emailed to Department XI chambers by the morning of the hearing.;

05/02/2018

CANCELED Evidentiary Hearing (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Vacated - per Stipulation and Order

Evidentiary Hearing: Motion to Enforce January 23, 2016 Order

07/16/2018



Motion to Withdraw as Counsel (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Garman Turner Gordon, LLP's Motion to Withdraw as Counsel; and Application for Order Shortening Time

Granted;

Journal Entry Details:

Ms. Turner appeared by telephone. Attorney Dylan Ciciliano, co-counsel to Ms. Turner, present in court. Counsel advised motion is unopposed. Court inquired whether there is a written arbitration award. Ms. Turner advised there has never been an arbitration hearing and no award. Court noted Ms. Turner's firm will then be out of this case. Ms. Turner concurred, but noted the case itself will not be in limbo. COURT ORDERED, motion to withdraw GRANTED because of the potential conflict of interest that has been identified.;

07/17/2018



Minute Order (2:57 PM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order Setting Status Check

Set Status Check;

CASE SUMMARY

CASE NO. A-15-728510-B

Journal Entry Details:

COURT ORDERED, matter SET for status check regarding arbitration on the chambers calendar in 3 months. 10-19-18 CHAMBERS STATUS CHECK: ARBITRATION CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / dr 7-17-18;

10/19/2018



Status Check (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
10/19/2018, 11/02/2018, 02/01/2019, 04/19/2019

Status Check: Arbitration

MINUTES

Matter Continued;
Matter Continued;
Minute Order - No Hearing Held;
Set Status Check;
Status Check set on the judgment.

Journal Entry Details:

Prior minute order issued for today's date vacated. Based upon the status report of counsel received by email, the COURT VACATES the April 29, 2019 date and SETS a status check on the judgment in 8 weeks in chambers. 6-14-19 CHAMBERS STATUS CHECK: JUDGMENT CLERK'S NOTE: A copy of this minute order was distributed via the E-Service List. / dr 4-19-19 ;

Matter Continued;
Matter Continued;
Minute Order - No Hearing Held;
Set Status Check;
Status Check set on the judgment.

Journal Entry Details:

No parties present. No update received; COURT ORDERED, matter SET for hearing. 3/4/19 9:00 AM HEARING RE: ARBITRATION CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt;

Matter Continued;
Matter Continued;
Minute Order - No Hearing Held;
Set Status Check;
Status Check set on the judgment.

Journal Entry Details:

Court received correspondence from Mr. Dushoff. Status Check set for 2/1/19 in Chambers. CLERK'S NOTE: A copy of this minute order was served via the E-Service List. / dr 11/2/18 ;

Matter Continued;
Matter Continued;
Minute Order - No Hearing Held;
Set Status Check;
Status Check set on the judgment.

Journal Entry Details:

COURT ORDERED, as no status report has been filed, matter CONTINUED for 2 weeks. 11-2-18 CHAMBERS STATUS CHECK: ARBITRATION CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / dr 10-23-18;

SCHEDULED HEARINGS



Status Check (06/14/2019 at 3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
06/14/2019, 06/28/2019

Status Check: Judgment

06/14/2019



Status Check (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
06/14/2019, 06/28/2019

Status Check: Judgment

MINUTES

Matter Continued;
Hearing Set;
Journal Entry Details:

Court notes motion to vacate arbitration award set for hearing 7/19/19 on chambers calendar.

CASE SUMMARY

CASE NO. A-15-728510-B

COURT ORDERED, matter SET for oral argument. 7/22/19 9:00 AM ARGUMENT: MOTION TO VACATE ARBITRATION;

Matter Continued;

Hearing Set;

Journal Entry Details:

COURT ORDERED, matter CONTINUED for two weeks per email from Mr. Dushoff. ...6-28-19 - CHAMBERS CLERK'S NOTE: A copy of this minute order was distributed via the E-Service List. / dr 6-14-19;

SCHEDULED HEARINGS

CANCELED Argument (07/22/2019 at 9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Vacated - per Stipulation

Argument: Motion to Vacate Arbitration Award

07/16/2019



Telephonic Conference (1:30 PM) (Judicial Officer: Gonzalez, Elizabeth)

Telephonic Conference re: Motion to Continue Trial and Argument on Motion to Vacate Arbitration Award

Matter Heard;

Journal Entry Details:

Court noted it appears there is a motion to continue dates filed by Ms. Goldstein's counsel, but that motion has been set for hearing long after the motion set for July 22nd. Mr. Irvine advised they drafted a stipulation and order that has been signed by Mr. Wiley that would continue the hearing on the motion to vacate arbitration award to August 12th based on a date obtained from chambers, and that stipulation and order will be filed today. Upon Court's inquiry, Mr. Dushoff stated he has not signed the stipulation and order, as he has not seen it, but he would. Mr. Wiley explained the claims against Bady and Mohajer individually have been resolved, and Mr. Dushoff is now co-counsel with him; Nuveda is now the only party so Mr. Dushoff does not need to execute the stip. COURT ORDERED, based on the representations made by counsel today, all current motions VACATED; motion set for July 22nd RESET on August 12th. Counsel to submit their stipulation and order to chambers. Court further noted CWNevada, the prior Intervenor, is no longer involved. Mr. Wiley concurred. Court stated they will be taken off and not given notice. Mr. Wiley advised the second part of the motion to continue requests an extension of briefing deadlines. COURT ORDERED, motion to continue will be HEARD on August 12th as well. 8-12-19 9:00 AM NUVEDA, LLC'S MOTION TO VACATE ARBITRATION AWARD...REQUEST FOR HEARING ON MOTION TO CONTINUE HEARING ON NUVEDA LLC'S MOTION TO VACATE ARBITRATION AWARD AND TO EXTEND BRIEFING DEADLINES;

07/17/2019



Minute Order (2:11 PM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order re: CWNevada

Minute Order - No Hearing Held;

Journal Entry Details:

COURT ORDERED, given the ongoing receivership over CW Nevada and the representations of counsel that CW Nevada is no longer involved in this matter, the Court directs that the status as a party in intervention be removed. 8-12-19 9:00 AM NUVEDA, LLC'S MOTION TO VACATE ARBITRATION AWARD...REQUEST FOR HEARING ON MOTION TO CONTINUE HEARING ON NUVEDA LLC'S MOTION TO VACATE ARBITRATION AWARD AND TO EXTEND BRIEFING DEADLINES CLERK'S NOTE: A copy of this minute order was distributed via the E-Service List. / dr 7-17-19 ;

07/22/2019

CANCELED Argument (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Vacated - per Stipulation

Argument: Motion to Vacate Arbitration Award

08/12/2019

Motion (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Nuveda, LLC's Motion to Vacate Arbitration Award

Denied;

08/12/2019

Motion to Continue (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Request For Hearing On Motion To Continue Hearing On Nuveda LLC's Motion To Vacate Arbitration Award and To Extend Briefing Deadlines

resolved by S&O filed 7/23/19

Granted;

CASE SUMMARY**CASE NO. A-15-728510-B**

08/12/2019

**All Pending Motions (9:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

REQUEST FOR HEARING ON MOTION TO CONTINUE HEARING ON NUVEDA LLC'S MOTION TO VACATE ARBITRATION AWARD AND TO EXTEND BRIEFING DEADLINES...NUVEDA, LLC'S MOTION TO VACATE ARBITRATION AWARD APPEARANCES CONTINUED: Attorney Matthew Dushoff for Nuveda, LLC. REQUEST FOR HEARING ON MOTION TO CONTINUE HEARING ON NUVEDA LLC'S MOTION TO VACATE ARBITRATION AWARD AND TO EXTEND BRIEFING DEADLINES: Mr. Irvine stated they filed a motion under local rule 2.22 and, upon inquiry of the Court, stated they do not need more time. COURT ORDERED, motion GRANTED; opposition is considered timely and the Court has read it. NUVEDA, LLC'S MOTION TO VACATE ARBITRATION AWARD: Following arguments by Mr. Dushoff and Mr. Irvine, COURT ORDERED, it is not appropriate for the Court to substitute its judgment or management of the docket and expert disclosures by the arbitrator. Fair market value is a factual determination to be made by the arbitrator; while the Court understands Mr. Dushoff's position, book value is typically not used for fair market value, although under certain very limited circumstances it may be an appropriate valuation method. It does not appear in this case there was an abuse of discretion or that the actions of the arbitrator were arbitrary and capricious, and, there does not appear to be an incorrect application of the law. The motion to vacate the arbitration award is DENIED. Mr. Wiley made his record as to the lack of points and authorities supporting the extension, no analysis of excusable neglect, and that the opposition was a rouge pleading; however, they understand the Court's position. Court noted it is the policy of the State of Nevada to consider things on their merit, so, the Court read the opposition.;

10/21/2019

Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)*Plaintiff Motion for Attorneys' Fees and Costs*

11/01/2019

Motion for Judgment (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)*Plaintiff's Motion for Entry of Judgment***DATE****FINANCIAL INFORMATION****Intervenor** CWNevada LLC

Total Charges

1,483.00

Total Payments and Credits

0.00

Balance Due as of 10/10/2019**1,483.00****Defendant** Bady, Pejman

Total Charges

2,143.00

Total Payments and Credits

2,143.00

Balance Due as of 10/10/2019**0.00****Defendant** Mohajer, Pouya

Total Charges

1,483.00

Total Payments and Credits

1,483.00

Balance Due as of 10/10/2019**0.00****Plaintiff** Goldstein, Jennifer M

Total Charges

30.00

Total Payments and Credits

0.00

Balance Due as of 10/10/2019**30.00****Plaintiff** Nuveda, LLC

Total Charges

1,578.00

Total Payments and Credits

1,578.00

Balance Due as of 10/10/2019**0.00****Plaintiff** Terry, Shane M

Total Charges

480.00

Total Payments and Credits

450.00

Balance Due as of 10/10/2019**30.00****Plaintiff** Nuveda, LLC

CASE SUMMARY

CASE No. A-15-728510-B

Temporary Restraining Order Balance as of 10/10/2019

2,500.00

Plaintiff Nuveda, LLC

Appeal Bond Balance as of 10/10/2019

1,000.00

BUSINESS COURT CIVIL COVER SHEET

..... Clark County, Nevada
 Case No.
(Assigned by Clerk's Office)

I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone): NUVEDA, LLC a Nevada limited liability company Shane M. Terry and Jennifer M. Terry	Defendant(s) (name/address/phone): PEJMAN BADY and POUYA MOHAJER
Attorney (name/address/phone): ERIKA PIKE TURNER/NV Bar No. 6454 Garman Turner Gordon 650 White Drive, Suite 100 Las Vegas, NV 89119/Phone 725-777-3000	Attorney (name/address/phone):

II. Nature of Controversy *(Please check the applicable boxes for both the civil case type and business court case type)*

☐ Arbitration Requested

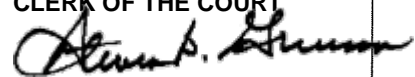
Civil Case Filing Types		Business Court Filing Types
Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Torts Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort	CLARK COUNTY BUSINESS COURT <input type="checkbox"/> NRS Chapters 78-89 <input type="checkbox"/> Commodities (NRS 91) <input type="checkbox"/> Securities (NRS 90) <input type="checkbox"/> Mergers (NRS 92A) <input type="checkbox"/> Uniform Commercial Code (NRS 104) <input type="checkbox"/> Purchase/Sale of Stock, Assets, or Real Estate <input type="checkbox"/> Trademark or Trade Name (NRS 600) <input type="checkbox"/> Enhanced Case Management <input checked="" type="checkbox"/> Other Business Court Matters
Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input checked="" type="checkbox"/> Other Contract	Civil Writs <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	WASHOE COUNTY BUSINESS COURT <input type="checkbox"/> NRS Chapters 78-88 <input type="checkbox"/> Commodities (NRS 91) <input type="checkbox"/> Securities (NRS 90) <input type="checkbox"/> Investments (NRS 104 Art.8) <input type="checkbox"/> Deceptive Trade Practices (NRS 598) <input type="checkbox"/> Trademark/Trade Name (NRS 600) <input type="checkbox"/> Trade Secrets (NRS 600A) <input type="checkbox"/> Enhanced Case Management <input type="checkbox"/> Other Business Court Matters
Judicial Review/Appeal/Other Civil Filing		
Judicial Review <input type="checkbox"/> Foreclosure Mediation Case Appeal Other <input type="checkbox"/> Appeal from Lower Court	Other Civil Filing <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters	

12/3/2015

Date

/s/ Erika Pike Turner, Esq.

Signature of initiating party or representative



FFCO
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Attorneys for Plaintiff Jennifer M. Goldstein

DISTRICT COURT
CLARK COUNTY, NEVADA

NUVEDA, LLC, a Nevada limited liability company, SHANE M. TERRY, a Nevada resident; and JENNIFER M. GOLDSTEIN, a Nevada resident,

Plaintiffs,
vs.

PEJMAN BADY; POUYA MOHAJER; DOE
Individuals I-X and ROE Entities I-X, inclusive,

Defendants.

Case No.: A-15-728510-B
Dept. No.: 11

[PROPOSED] FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER: (1) GRANTING PLAINTIFF JENNIFER M. GOLDSTEIN'S MOTION TO CONTINUE HEARING ON NUVEDA, LLC'S MOTION TO VACATE ARBITRATION AWARD AND TO EXTEND BRIEFING DEADLINES; (2) DENYING DEFENDANT NUVEDA, LLC'S MOTION TO VACATE ARBITRATION AWARD; AND (3) CONFIRMING THE ARBITRATION AWARD

Hearing Date: August 12, 2019

This matter having come on for hearing related to Plaintiff Jennifer M. Goldstein's Motion to Continue Hearing on NuVeda, LLC's Motion to Vacate Arbitration Award and to Extend Briefing Deadlines (the "Motion to Continue") and Defendant NuVeda, LLC's Motion to Vacate Arbitration Award (the "Motion to Vacate") before the Court on August 12, 2019. Plaintiff Goldstein appeared by and through her counsel of record Brian Irvine of the law firm of

1 Dickinson Wright PLLC; and Defendant NuVeda, LLC appeared by and through its counsel of
2 record Matthew Dushoff of the law firm of Kolesar & Leatham and Jason Wiley of the law firm
3 of Wiley Petersen; the Court having read and considered the pleadings filed by the parties; the
4 Court having considered the oral and written arguments of counsel, and with the intent of
5 deciding the issues before the Court related to the Motion to Continue and the Motion to Vacate.
6 The Court makes the following findings of fact and conclusions of law:

7
8 **FINDINGS OF FACT**

9 1. On July 9, 2014, the parties entered into an Operating Agreement for NuVeda,
10 LLC (“NuVeda”) to operate dispensaries, cultivation and processing facilities for medical
11 marijuana (“MME”) pursuant to licenses obtained from certain political subdivisions.

12 2. The Operating Agreement for NuVeda provided that Plaintiff Goldstein
13 (“Goldstein”) held a 7% ownership interest in NuVeda.

14 3. Certain disputes arose between the parties over the existence and vesting of
15 certain membership interests, management and control of NuVeda.

16 4. On December 3, 2015, Goldstein and another minority owner of NuVeda, Shane
17 Terry (“Terry”), filed a complaint in this Court against the majority owners of Nuveda, Pejman
18 Bady (“Bady”) and Pouya Mohajer (“Mohajer”), and contemporaneously therewith, filed a
19 Motion for Preliminary Injunction, requesting that this Court enjoin any transfer of NuVeda’s
20 membership interests.

21 5. Goldstein and Terry also commenced a private arbitration proceeding with the
22 American Arbitration Association against NuVeda, Bady and Mohajer, which was captioned and
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24 “Arbitration”).

25 6. On December 28, 2015 and January 6 – 8, 2016, this Court held an evidentiary
26 hearing on the Motion for Preliminary Injunction (the “Preliminary Injunction Hearing”).

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1 8. On March 10, 2016, a NuVeda Officer Meeting was conducted, and Terry was
2 expelled from NuVeda.

3 9. On August 8, 2017, during the pendency of this case and the Arbitration, the
4 members of NuVeda conducted a meeting during which a majority of members possessing
5 greater than 60% voting interest in NuVeda voted to expel Goldstein from Nuveda pursuant to
6 Section 6.2 of the Operating Agreement.

7 10. The vote to expel Goldstein triggered certain obligations of NuVeda. Specifically,
8 Goldstein was “entitled to receive from the Company, in exchange for all of the former
9 Member’s Ownership Interest, the fair market value of that Member’s Ownership Interest,
10 adjusted for profits and losses to the date of expulsion.” (*See* Operating Agreement at Section
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12 Members were required to “hire an appraiser to determine fair market value.” (*Id.*)

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14 Group provided a Certified Business Appraisal based upon the Asset Valuation Approach
15 (Liquidation) of NuVeda (the “Webster Valuation”), affixing NuVeda’s fair market value at
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18 reports offering competing opinions as to the fair market value of NuVeda.

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20 Donald Parker (“the Parker Report”), in which Mr. Parker opined that the fair market value of
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22 market value of \$5 million to \$8 million after applying a discount rate of 28%.

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24 the report was not timely disclosed pursuant to the deadlines established by the Arbitrator.

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26 to Strike, as well as several other motions that were pending prior to the Arbitration hearing. The
27 Arbitrator denied NuVeda’s Motion to Strike and also ruled that NuVeda’s expert report
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1 rebutting Mr. Parker's December 14, 2018 supplemental report would not be stricken on the
2 basis that the rebuttal report had not been timely disclosed.

3 16. The parties conducted the three-day Arbitration hearing on January 15-17, 2019.
4 The parties agreed prior to the Arbitration hearing that the only issues that remained for the
5 Arbitrator to decide was the valuation of Goldstein's interest in NuVeda as of August 8, 2017,
6 the date on which Goldstein was expelled from NuVeda, and whether Goldstein was entitled to
7 an attorneys' fees award because she did not receive the fair market value of her interest in
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13 Valuation computed the "book value" or "liquidation value" of Goldstein's interest rather than
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17 Padgett, a member of CWNevada, LLC, during the preliminary injunction hearing before the
18 Court in January 2016, and after applying a discount rate of 30% for lack of marketability and
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24 Award in the amount of \$222,655.07, and also awarded Goldstein attorneys' fees and costs in the
25 amount of \$152,293.35 as the prevailing party under Section 12.10 of the Operating Agreement,
26 for a total award of \$2,426,163.80.

27 20. On June 17, 2019, NuVeda filed the Motion to Vacate, arguing that the Final
28 Award should be vacated for two reasons: (a) the Arbitrator exceeded her powers and manifestly

1 disregarded the law and her own scheduling orders in considering the opinions contained in the
2 Parker Report, which NuVeda characterized as a direct expert report rather than a supplemental
3 expert report, and which NuVeda argued was disclosed past the deadline established by the
4 Arbitrator for the disclosure of direct expert reports; and (b) the Arbitrator exceeded her powers
5 and manifestly disregarded the law in looking outside the plain language of the Operating
6 Agreement and the provisions relating to the valuation of an expelled member's interest.

7 21. On July 1, 2019, Goldstein filed the Motion to Continue seeking to (a) continue
8 the hearing on NuVeda's Motion to Vacate; and (b) extend the deadline within which to file an
9 opposition to NuVeda's Motion to Vacate. In so moving the Court, Goldstein cited EDCR 2.22
10 as the only point and authority in support of her legal positions set forth therein. In its July 12,
11 2019 Opposition to the Motion to Continue, NuVeda argued that the Motion to Continue should
12 be denied because the lone points and authorities in support of Goldstein's position was EDCR
13 2.22(d), which applied to the request to continue the hearing. NuVeda argued that Goldstein
14 failed to cite the applicable rules and standards – that being EDCR 2.25 and NRCP 6 – in support
15 of her petition to extend the briefing deadline. Moreover, NuVeda argued that Goldstein's
16 Motion to Continue should be disregarded since it was not timely filed.

17 22. Goldstein filed her Reply in support of the Motion to Continue on July 16, 2019
18 and filed her Opposition to the Motion to Vacate on July 25, 2019.

19 22. If any finding of fact is properly a conclusion of law, it shall be treated as if
20 appropriately identified and designated.

21 CONCLUSIONS OF LAW

22 Motion to Continue

23 23. The Motion to Continue was made pursuant to ECDR 2.22(d), which provides
24 that the Court may continue a hearing “upon a showing by motion supported by affidavit or oral
25 testimony that such continuance is in good faith, reasonably necessary and is not sought merely
26 for delay.”
27
28

1 24. Goldstein's basis for the Motion to Continue was that she had engaged new
2 counsel to oppose the Motion to Vacate, and that her counsel was in the process of obtaining the
3 file from Goldstein's prior counsel so they could review it in order to prepare Goldstein's
4 opposition, which necessitated additional time to brief the Motion to Vacate and a brief
5 continuance of the hearing on the Motion to Vacate.

6 25. In its Opposition to the Motion to Continue, NuVeda argued that the Motion to
7 Continue should be denied because the lone points and authorities relied upon in support of
8 Goldstein's position was EDCR 2.22(d), which applied to the request to continue the hearing.
9 NuVeda argued that Goldstein failed to cite the applicable rules and standards – that being
10 EDCR 2.25 and NRCP 6 – in support of her petition to extend the briefing deadline. Moreover,
11 NuVeda argued that Goldstein's Motion to Continue should be disregarded since it was not
12 timely filed, and that this Court should deny the Motion to Continue on that basis and, by
13 extension, grant the Motion to Vacate pursuant to EDCR 2.20(e).

14 26. In her Reply in support of the Motion to Continue and at the hearing, counsel for
15 Goldstein acknowledged that the Motion to Continue was not filed within the deadline set forth
16 in EDCR 2.20(e) because counsel was not aware that this Court had suspended EDCR 1.14(a)
17 through (c) in a March 12, 2019 Administrative Order, which had the effect of reducing
18 Goldstein's time to respond to the Motion to Vacate.

19 27. In her Reply in support of the Motion to Continue and at the hearing, Goldstein
20 also requested that this Court consider the Motion to Continue under EDCR 2.25(a), which
21 provides, in relevant part, that "a request for extension made after the expiration of the specified
22 period shall not be granted unless the moving party, attorney or other person demonstrates that
23 the failure to act was the result of excusable neglect."

24 28. The Court finds that Goldstein has demonstrated excusable neglect in failing to
25 file the Motion to Continue or the Opposition to the Motion to Vacate prior to the expiration of
26 the deadline established by EDCR 2.20(e), and this Court will therefore consider Goldstein's
27 Opposition to the Motion to Vacate and decide that Motion on the merits.

1 29. In addition, the Court finds that there was no prejudice to NuVeda due to the late
2 filing of the Motion to Continue, as NuVeda was able to file its Opposition to the Motion to
3 Continue, Goldstein filed her Opposition to the Motion to Vacate well in advance of the hearing,
4 NuVeda was able to file a Reply in support of the Motion to Vacate, and this Court reviewed and
5 considered all of those pleadings prior to the hearing.

6 30. Moreover, this Court's decision to allow Goldstein to file her Opposition to the
7 Motion to Vacate and to consider that Opposition is consistent with both this Court's stated
8 policy that its Rules "must be liberally construed . . . to promote and facilitate the administration
9 of justice" (EDCR 1.10), and the Nevada Supreme Court's long recognized and "basic
10 underlying policy to have each case decided upon its merits." *Hotel Last Frontier Corp. v.*
11 *Frontier Props., Inc.*, 79 Nev. 150, 155, 380 P.2d 293, 295 (1963).

12 **Motion to Vacate**

13 31. This Court may vacate an arbitration award pursuant to NRS 38.241(1)(d) where
14 the arbitrator exceeded her powers, or under the common law where: (a) the award is arbitrary,
15 capricious, or unsupported by the agreement; or (b) where the arbitrator manifestly disregarded
16 the law.

17 32. With regard to NuVeda's argument that the Arbitrator exceeded her powers and
18 manifestly disregarded the law by relying on Parker's expert witness testimony and the Parker
19 Report, this Court finds that the Arbitrator did not exceed her powers or manifestly disregard the
20 law.

21 33. Under both AAA's Commercial Arbitration Rules for Large, Complex Cases,
22 which governed Arbitration, and Nevada law, the Arbitrator has broad discretion to manage the
23 pre-hearing disclosure of documents and information, including the disclosure of expert reports.
24 This Court will not second-guess the Arbitrator's decision to allow Goldstein to disclose Parker
25 or the Arbitrator's decision to consider his testimony.

26 34. In addition, based upon its review of the Interim Award, the Final Award and the
27 arbitration record, this Court finds that NuVeda was not prejudiced in any way by the
28

1 Arbitrator's decision to consider the Parker Report and the testimony of Parker. NuVeda was
2 permitted to rely on an expert report rebutting the Parker Report, despite the fact that the rebuttal
3 expert report was not disclosed within the deadline imposed by the Arbitrator's Scheduling
4 Order, and all of NuVeda's experts testified at length and offered detailed criticism of the Parker
5 Report. NuVeda was also afforded opportunity to cross-examine Parker about all of his opinions.

6 35. Finally, this Court finds that the Arbitrator did not solely rely upon Parker's
7 valuation of Goldstein's interest in her Award, and arrived at her valuation of Goldstein's
8 interest based upon Terry's testimony at the hearing, Padgett's testimony at the preliminary
9 injunction hearing, as well as other testimony and documentary evidence. NuVeda itself admits
10 that the Award only relied on portions of Parker's opinions. Accordingly, even if this Court were
11 to find that the Arbitrator erred in allowing Goldstein to disclose the Parker Report or relying on
12 Mr. Parker's opinions, which it does not, such error would have constituted harmless error.

13 36. With regard to NuVeda's argument that the Arbitrator erred in interpreting the
14 Operating Agreement and in ruling that the Webster Report did not meet NuVeda's obligation
15 under the Operating Agreement to hire an appraiser to determine the fair market value of
16 Goldstein's interest in NuVeda, this Court finds that the Arbitrator did not exceed her powers or
17 manifestly disregard the law, and that the Interim Award and Final Award were not arbitrary,
18 capricious, or unsupported by the agreement.

19 37. The Court finds that the Arbitrator's interpretation of the Operating Agreement
20 evades judicial review by this Court. (*See Castaneda v. Palm Beach Resort Condominiums*, 127
21 Nev. 1124, 373 P.3d 901 (2011) ("Furthermore, to the extent the Castanedas argue that the
22 arbitrator misinterpreted the contract provision on financing, this argument evades judicial
23 review." (citing *Hill v. Norfolk and Western Ry. Co.*, 814 F.2d 1192, 1195 (7th Cir.1987) (The
24 question in reviewing an arbitration award "is not whether the arbitrator or arbitrators erred in
25 interpreting the contract; it is not whether they clearly erred in interpreting the contract; it is not
26 whether they grossly erred in interpreting the contract; it is whether they interpreted the contract.
27 If they did, their interpretation is conclusive."))).
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1 38. The Court further finds that the Arbitrator's ruling that the Webster Report, which
2 purported to calculate Goldstein's interest using "book value" or "liquidation value," did not
3 comply with NuVeda's obligation under Section 6.2 of the Operating Agreement to hire an
4 appraiser to determine the fair market value of Goldstein's interest in NuVeda, is consistent with
5 Nevada law, as book value is not typically an accepted method to calculate fair market value.
6 (See *American Ethanol, Inc. v. Cordillera Fund, L.P.*, 127 Nev.147, 155, n. 7, 252 P.3d 663, 668,
7 n. 7 (2011) (noting that in determining the value of corporate stock, "[b]ook value is entitled to
8 little, if any, weight in determining the value of corporate stock, and many other factors must be
9 taken into consideration.")).

10 39. Finally, this Court finds that NRS 38.241(4) requires this Court to confirm the
11 Final Award upon denial of the Motion to Vacate.

12 40. If any conclusion of law is properly a finding of fact, it shall be treated as if
13 appropriately identified and designated.

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ORDER

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Motion to Continue is granted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Motion to Vacate is denied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Arbitrator's Final Award is confirmed.

IT IS SO ORDERED.

Dated this 6 day of September, 2019.


DISTRICT COURT JUDGE

Respectfully submitted by:

Approved by:

DICKINSON WRIGHT PLLC

WILEY PETERSEN


BRIAN R. IRVINE


JASON M. WILEY #9274

Nevada Bar No. 7758

RYAN S. PETERSEN

BROOKS T. WESTERGARD

1050 Indigo Drive, Suite 130

Nevada Bar No. 14300

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Reno, Nevada 89501

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Email: birvine@dickinsonwright.com

Email: bwestergard@dickinsonwright.com

Attorneys for Plaintiff Jennifer M. Goldstein



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Attorneys for Plaintiff Jennifer M. Goldstein

DISTRICT COURT

CLARK COUNTY, NEVADA

NUVEDA, LLC, a Nevada limited liability company, SHANE M. TERRY, a Nevada resident; and JENNIFER M. GOLDSTEIN, a Nevada resident,

Plaintiffs,

vs.

PEJMAN BADY; POUYA MOHAJER; DOE
Individuals I-X and ROE Entities I-X, inclusive,

Defendants.

Case No.: A-15-728510-B

Dept. No.: XI

NOTICE OF ENTRY OF ORDER

Please take notice that on the 6th day of September, 2019, the Findings of Fact, Conclusions of Law and Order: (1) Granting Plaintiff Jennifer M. Goldstein's Motion to Continue Hearing on Nuveda, LLC's Motion to Vacate Arbitration Award and to Extend Briefing Deadlines; (2) Denying Defendant Nuveda, LLC's Motion to Vacate Arbitration

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1 Award; and (3) Confirming the Arbitration Award. A copy of this document is attached hereto
2 as **Exhibit 1**.

3 DATED this 9th day of September, 2019.

4
5 DICKINSON WRIGHT PLLC

6 /s/ Brian R. Irvine

7 BRIAN R. IRVINE

8 Nevada Bar No. 7758

9 BROOKS T. WESTERGARD

10 Nevada Bar No. 14300

11 100 West Liberty Street

12 Suite 940

13 Reno, Nevada 89501

14 Tel.: (775) 343-7500

15 Fax: (844) 670-6009

16 Email: birvine@dickinsonwright.com

17 Email: bwestergard@dickinsonwright.com

18 *Attorneys for Plaintiff Jennifer M. Goldstein*

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of DICKINSON WRIGHT PLLC, and that on this date,
3 pursuant to NRCP 5(b), I am serving a true and correct copy of the **FINDINGS OF FACT,**
4 **CONCLUSIONS OF LAW AND ORDER: (1) GRANTING PLAINTIFF JENNIFER M.**
5 **GOLDSTEIN'S MOTION TO CONTINUE HEARING ON NUVEDA, LLC'S MOTION**
6 **TO VACATE ARBITRATION AWARD AND TO EXTEND BRIEFING DEADLINES;**
7 **(2) DENYING DEFENDANT NUVEDA, LLC'S MOTION TO VACATE**
8 **ARBITRATION AWARD; AND (3) CONFIRMING THE ARBITRATION AWARD** to
9 the following individuals by United States Mail, postage fully prepaid:

10 Jason M. Wiley, Esq
11 Ryan S. Petersen
12 WILEY PETERSON
13 1050 Indigo Drive, Suite 130
14 Las Vegas, NV 89145

Matthew T. Dushoff
Scott D. Fleming
KOLESAR & LEATHAM
400 South Rampart Boulevard
Suite 400
Las Vegas, NV 89145

Shane Terry
222 Karen Avenue, Suite 3305
Las Vegas, NV 89109

15 DATED this 9th day of September, 2019.

16
17
18 /s/ Cindy S. Grinstead
19 An Employee of DICKINSON WRIGHT PLLC
20
21
22
23
24
25
26
27
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EXHIBIT TABLE

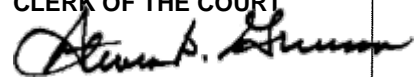
Exhibit	Description	Page(s)¹
1	Findings of Fact, Conclusions of Law and Order: (1) Granting Plaintiff Jennifer M. Goldstein's Motion to Continue Hearing on Nuveda, LLC's Motion to Vacate Arbitration Award and to Extend Briefing Deadlines; (2) Denying Defendant Nuveda, LLC's Motion to Vacate Arbitration Award; and (3) Confirming the Arbitration Award, September 6, 2019	10

RENO 88728-1 41960v1

¹ Exhibit slip sheet is exclusive of exhibit page count.

EXHIBIT 1

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FFCO
DICKINSON WRIGHT PLLC
BRIAN R. IRVINE
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Case No.: A-15-728510-B
Dept. No.: 11

[PROPOSED] FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER: (1) GRANTING PLAINTIFF JENNIFER M. GOLDSTEIN'S MOTION TO CONTINUE HEARING ON NUVEDA, LLC'S MOTION TO VACATE ARBITRATION AWARD AND TO EXTEND BRIEFING DEADLINES; (2) DENYING DEFENDANT NUVEDA, LLC'S MOTION TO VACATE ARBITRATION AWARD; AND (3) CONFIRMING THE ARBITRATION AWARD

Hearing Date: August 12, 2019

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28 Award should be vacated for two reasons: (a) the Arbitrator exceeded her powers and manifestly

1 disregarded the law and her own scheduling orders in considering the opinions contained in the
2 Parker Report, which NuVeda characterized as a direct expert report rather than a supplemental
3 expert report, and which NuVeda argued was disclosed past the deadline established by the
4 Arbitrator for the disclosure of direct expert reports; and (b) the Arbitrator exceeded her powers
5 and manifestly disregarded the law in looking outside the plain language of the Operating
6 Agreement and the provisions relating to the valuation of an expelled member's interest.

7 21. On July 1, 2019, Goldstein filed the Motion to Continue seeking to (a) continue
8 the hearing on NuVeda's Motion to Vacate; and (b) extend the deadline within which to file an
9 opposition to NuVeda's Motion to Vacate. In so moving the Court, Goldstein cited EDCR 2.22
10 as the only point and authority in support of her legal positions set forth therein. In its July 12,
11 2019 Opposition to the Motion to Continue, NuVeda argued that the Motion to Continue should
12 be denied because the lone points and authorities in support of Goldstein's position was EDCR
13 2.22(d), which applied to the request to continue the hearing. NuVeda argued that Goldstein
14 failed to cite the applicable rules and standards – that being EDCR 2.25 and NRCP 6 – in support
15 of her petition to extend the briefing deadline. Moreover, NuVeda argued that Goldstein's
16 Motion to Continue should be disregarded since it was not timely filed.

17 22. Goldstein filed her Reply in support of the Motion to Continue on July 16, 2019
18 and filed her Opposition to the Motion to Vacate on July 25, 2019.

19 22. If any finding of fact is properly a conclusion of law, it shall be treated as if
20 appropriately identified and designated.

21 CONCLUSIONS OF LAW

22 Motion to Continue

23 23. The Motion to Continue was made pursuant to EDCR 2.22(d), which provides
24 that the Court may continue a hearing “upon a showing by motion supported by affidavit or oral
25 testimony that such continuance is in good faith, reasonably necessary and is not sought merely
26 for delay.”
27
28

1 24. Goldstein's basis for the Motion to Continue was that she had engaged new
2 counsel to oppose the Motion to Vacate, and that her counsel was in the process of obtaining the
3 file from Goldstein's prior counsel so they could review it in order to prepare Goldstein's
4 opposition, which necessitated additional time to brief the Motion to Vacate and a brief
5 continuance of the hearing on the Motion to Vacate.

6 25. In its Opposition to the Motion to Continue, NuVeda argued that the Motion to
7 Continue should be denied because the lone points and authorities relied upon in support of
8 Goldstein's position was EDCR 2.22(d), which applied to the request to continue the hearing.
9 NuVeda argued that Goldstein failed to cite the applicable rules and standards – that being
10 EDCR 2.25 and NRCR 6 – in support of her petition to extend the briefing deadline. Moreover,
11 NuVeda argued that Goldstein's Motion to Continue should be disregarded since it was not
12 timely filed, and that this Court should deny the Motion to Continue on that basis and, by
13 extension, grant the Motion to Vacate pursuant to EDCR 2.20(e).

14 26. In her Reply in support of the Motion to Continue and at the hearing, counsel for
15 Goldstein acknowledged that the Motion to Continue was not filed within the deadline set forth
16 in EDCR 2.20(e) because counsel was not aware that this Court had suspended EDCR 1.14(a)
17 through (c) in a March 12, 2019 Administrative Order, which had the effect of reducing
18 Goldstein's time to respond to the Motion to Vacate.

19 27. In her Reply in support of the Motion to Continue and at the hearing, Goldstein
20 also requested that this Court consider the Motion to Continue under EDCR 2.25(a), which
21 provides, in relevant part, that "a request for extension made after the expiration of the specified
22 period shall not be granted unless the moving party, attorney or other person demonstrates that
23 the failure to act was the result of excusable neglect."

24 28. The Court finds that Goldstein has demonstrated excusable neglect in failing to
25 file the Motion to Continue or the Opposition to the Motion to Vacate prior to the expiration of
26 the deadline established by EDCR 2.20(e), and this Court will therefore consider Goldstein's
27 Opposition to the Motion to Vacate and decide that Motion on the merits.
28

1 29. In addition, the Court finds that there was no prejudice to NuVeda due to the late
2 filing of the Motion to Continue, as NuVeda was able to file its Opposition to the Motion to
3 Continue, Goldstein filed her Opposition to the Motion to Vacate well in advance of the hearing,
4 NuVeda was able to file a Reply in support of the Motion to Vacate, and this Court reviewed and
5 considered all of those pleadings prior to the hearing.

6 30. Moreover, this Court's decision to allow Goldstein to file her Opposition to the
7 Motion to Vacate and to consider that Opposition is consistent with both this Court's stated
8 policy that its Rules "must be liberally construed . . . to promote and facilitate the administration
9 of justice" (EDCR 1.10), and the Nevada Supreme Court's long recognized and "basic
10 underlying policy to have each case decided upon its merits." *Hotel Last Frontier Corp. v.*
11 *Frontier Props., Inc.*, 79 Nev. 150, 155, 380 P.2d 293, 295 (1963).

12 **Motion to Vacate**

13 31. This Court may vacate an arbitration award pursuant to NRS 38.241(1)(d) where
14 the arbitrator exceeded her powers, or under the common law where: (a) the award is arbitrary,
15 capricious, or unsupported by the agreement; or (b) where the arbitrator manifestly disregarded
16 the law.

17 32. With regard to NuVeda's argument that the Arbitrator exceeded her powers and
18 manifestly disregarded the law by relying on Parker's expert witness testimony and the Parker
19 Report, this Court finds that the Arbitrator did not exceed her powers or manifestly disregard the
20 law.

21 33. Under both AAA's Commercial Arbitration Rules for Large, Complex Cases,
22 which governed Arbitration, and Nevada law, the Arbitrator has broad discretion to manage the
23 pre-hearing disclosure of documents and information, including the disclosure of expert reports.
24 This Court will not second-guess the Arbitrator's decision to allow Goldstein to disclose Parker
25 or the Arbitrator's decision to consider his testimony.

26 34. In addition, based upon its review of the Interim Award, the Final Award and the
27 arbitration record, this Court finds that NuVeda was not prejudiced in any way by the
28

1 Arbitrator's decision to consider the Parker Report and the testimony of Parker. NuVeda was
2 permitted to rely on an expert report rebutting the Parker Report, despite the fact that the rebuttal
3 expert report was not disclosed within the deadline imposed by the Arbitrator's Scheduling
4 Order, and all of NuVeda's experts testified at length and offered detailed criticism of the Parker
5 Report. NuVeda was also afforded opportunity to cross-examine Parker about all of his opinions.

6 35. Finally, this Court finds that the Arbitrator did not solely rely upon Parker's
7 valuation of Goldstein's interest in her Award, and arrived at her valuation of Goldstein's
8 interest based upon Terry's testimony at the hearing, Padgett's testimony at the preliminary
9 injunction hearing, as well as other testimony and documentary evidence. NuVeda itself admits
10 that the Award only relied on portions of Parker's opinions. Accordingly, even if this Court were
11 to find that the Arbitrator erred in allowing Goldstein to disclose the Parker Report or relying on
12 Mr. Parker's opinions, which it does not, such error would have constituted harmless error.

13 36. With regard to NuVeda's argument that the Arbitrator erred in interpreting the
14 Operating Agreement and in ruling that the Webster Report did not meet NuVeda's obligation
15 under the Operating Agreement to hire an appraiser to determine the fair market value of
16 Goldstein's interest in NuVeda, this Court finds that the Arbitrator did not exceed her powers or
17 manifestly disregard the law, and that the Interim Award and Final Award were not arbitrary,
18 capricious, or unsupported by the agreement.

19 37. The Court finds that the Arbitrator's interpretation of the Operating Agreement
20 evades judicial review by this Court. (*See Castaneda v. Palm Beach Resort Condominiums*, 127
21 Nev. 1124, 373 P.3d 901 (2011) ("Furthermore, to the extent the Castanedas argue that the
22 arbitrator misinterpreted the contract provision on financing, this argument evades judicial
23 review." (citing *Hill v. Norfolk and Western Ry. Co.*, 814 F.2d 1192, 1195 (7th Cir.1987) (The
24 question in reviewing an arbitration award "is not whether the arbitrator or arbitrators erred in
25 interpreting the contract; it is not whether they clearly erred in interpreting the contract; it is not
26 whether they grossly erred in interpreting the contract; it is whether they interpreted the contract.
27 If they did, their interpretation is conclusive."))).
28

1 38. The Court further finds that the Arbitrator's ruling that the Webster Report, which
2 purported to calculate Goldstein's interest using "book value" or "liquidation value," did not
3 comply with NuVeda's obligation under Section 6.2 of the Operating Agreement to hire an
4 appraiser to determine the fair market value of Goldstein's interest in NuVeda, is consistent with
5 Nevada law, as book value is not typically an accepted method to calculate fair market value.
6 (See *American Ethanol, Inc. v. Cordillera Fund, L.P.*, 127 Nev.147, 155, n. 7, 252 P.3d 663, 668,
7 n. 7 (2011) (noting that in determining the value of corporate stock, "[b]ook value is entitled to
8 little, if any, weight in determining the value of corporate stock, and many other factors must be
9 taken into consideration.")).

10 39. Finally, this Court finds that NRS 38.241(4) requires this Court to confirm the
11 Final Award upon denial of the Motion to Vacate.

12 40. If any conclusion of law is properly a finding of fact, it shall be treated as if
13 appropriately identified and designated.

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ORDER

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Motion to Continue is granted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Motion to Vacate is denied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Arbitrator's Final Award is confirmed.

IT IS SO ORDERED.

Dated this 6 day of September, 2019.

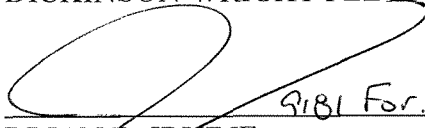

DISTRICT COURT JUDGE

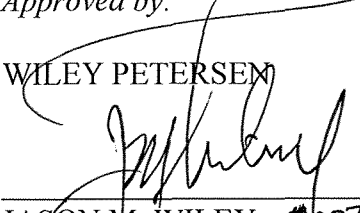
Respectfully submitted by:

Approved by:

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WILEY PETERSEN


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Attorneys for Plaintiff Jennifer M. Goldstein

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

December 04, 2015

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

December 04, 2015 3:00 AM Minute Order

HEARD BY: Allf, Nancy

COURTROOM: No Location

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT FINDS after review Plaintiffs filed a Complaint on December 3, 2015. COURT FURTHER FINDS after review on December 4, 2015 the Court received a request for Preliminary Injunction on Order Shortening Time.

COURT FURTHER FINDS after review Plaintiff Nuveda, LLC holds registration certificates to dispense medical marijuana in the cities of North Las Vegas and Las Vegas as well as the right to cultivate and process medical marijuana in the cities of North Las Vegas and Pahrump.

This minute order is done pursuant to Nevada Code of Judicial Conduct 2.11(C). Judge Allf makes the following disclosures in case A-15-728510. The Judge s husband is a part owner of a Nevada entity that is licensed in Clark County for the cultivation, production and dispensing of medical marijuana. She has no personal knowledge about any of the allegations made in the complaint, nor of the parties, nor their involvement which would preclude her impartiality. She is not involved in her husband's business interests.

However should any party seek the recusal of the Court, such request may be made via fax to Department 27 by December 8, 2015 at 5:00 pm. Plaintiff s counsel is required to advise counsel for Defendants of the right to seek recusal.

The hearing on the request for Preliminary Injunction will be set for Thursday December 10, 2015 at 10:30 am.

12/10/2015 10:30 AM PRELIMINARY INJUNCTION

CLERK'S NOTE: A copy of this minute order was faxed to: Erika Pike Turner, Esq. (725-777-3112)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

December 08, 2015

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

December 08, 2015 3:00 AM Minute Order

HEARD BY: Allf, Nancy

COURTROOM: No Location

COURT CLERK: Nora Pena

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT FINDS after review Plaintiffs filed a Complaint on December 3, 2015. COURT FURTHER FINDS after review on December 4, 2015 the Court received and signed Plaintiff s Motion for Preliminary Injunction and Application on Order Shortening Time. COURT FURTHER FINDS after review the Hearing was set for Thursday December 10, 2015 at 10:30 am.

COURT FURTHER FINDS after review Plaintiff Nuveda, LLC holds registration certificates to dispense medical marijuana in the cities of North Las Vegas and Las Vegas as well as the right to cultivate and process medical marijuana in the cities of North Las Vegas and Pahrump.

COURT FURTHER FINDS after review that pursuant to Nevada Code of Judicial Conduct 2.11(C). Judge Allf made the following disclosures in case A-15-728510 on December 4, 2015. The Judge s husband is a part owner of a Nevada entity that is licensed in Clark County for the cultivation, production and dispensing of medical marijuana. She has no personal knowledge about any of the allegations made in the complaint, nor of the parties, nor their involvement which would preclude her impartiality. She is not involved in her husband s business interests.

COURT FURTHER FINDS after review that parties were provided the opportunity seek recusal of the Court until December 8, 2015 at 5:00 p.m. COURT FURTHER FINDS after review that on

December 8, 2015 at 2:16 p.m. the Court received Defendant s Motion to Recuse the Honorable Nancy L. Alf.

COURT ORDERS for good cause appearing and after review, pursuant to Nevada Code of Judicial Conduct 2.11(C) and the minute order entered on December 4, 2015 this Court hereby disqualifies itself and ORDERS, this case be REASSIGNED at random.

CLERK'S NOTE: The above minute order has been distributed to: Erika Pike Turner, Esq. and Dylan Cicilano, Esq. of Garman Turner Gordon (sent by e-mail) and mailed to address: Pejman Bady, P.O. Box 6255, Pahrump, NV 89041 and FAX to 702-362-9472./np

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

December 14, 2015

A-15-728510-B	Nuveda, LLC , Plaintiff(s) vs. Pejman Bady, Defendant(s)
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December 14, 2015	8:45 AM	Telephonic Conference	Telephonic Conference: Application for Preliminary Injunction
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HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Aiello III, Vincent J.	Attorney
	Ciciliano, Dylan T.	Attorney
	Pike, Erika A.	Attorney

JOURNAL ENTRIES

- Also present: Attorney John Naylor and Attorney William Maupin.

Court called Mr. Aiello's office and was transferred to another firm partner, Atty. Nile Leatham. Court directed Mr. Leatham to have Mr. Aiello call Ms. Turner as the Court is trying to accommodate a schedule for a TRO hearing. Matter TRAILED.

Matter RECALLED at 11:37 AM. Court noted, since it did not appear that everyone was willing to come to court this conference call was scheduled. Ms. Turner advised they are under a quick deadline; tomorrow, December 15th, is the deadline for submitting the renewal package to the State of Nevada. Ms. Turner argued in support of maintaining the status quo; Mr. Shane Terry is the only designated representative for the State and they need the package submitted or they will lose the license; they have no idea how far along transfer of the licenses and majority interest have taken

place, but they need a hearing to determine the proprietary vote to expel the Defendants and a retaliatory vote to expel the Plaintiffs; the Defendants purported to expel the Plaintiffs after November 20th. Mr. Aiello responded, counsel's representations involve significant issues; Plaintiffs are trying to interject themselves into the deal; the likelihood of success on the merits is very low because the operating agreement on its face is very clear; the threshold issue of who owns the company and who the rightful actor is needs to be resolved. Mr. Maupin added that the Complaint and petition for injunctive relief are self-executing instruments of surrender. Court inquired as to any administrative or regulatory approval of any transfer of membership interest. Mr. Aiello stated it is his understanding there has been no transfer of any interest that has taken place; this was a conditional agreement.

COURT ORDERED, limited injunctive relief GRANTED, which will restore the current reflection of ownership interest given the current attempts of both sides to remove the other; so, both sides will be reflected as having membership interest; no action by either side to remove the other is currently effective; Mr. Terry is to file the renewal application reflecting membership interest as it existed prior to November 20, 2015. Matter SET for Evidentiary Hearing on December 28, 2015. Parties ORDERED to Mediation prior to that hearing. Bond SET at \$2,500.00. Upon Court's inquiry, Ms. Turner advised the hearing will take two days. Mr. Aiello and Mr. Maupin advised it should not take more than one, as the application centers on documents already in the record.

12-28-15

10:00 AM

PRELIMINARY INJUNCTION HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

December 28, 2015

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

December 28, 2015 10:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT:	Aiello III, Vincent J.	Attorney
	Dushoff, Matthew T.	Attorney
	Goldstein, Jennifer M	Plaintiff
	Gormley, Ryan	Attorney
	Maupin, Alvin W.	Attorney
	Naylor, John M.	Attorney
	Pike, Erika A.	Attorney
	Terry, Shane M	Plaintiff

JOURNAL ENTRIES

- PRELIMINARY INJUNCTION HEARING... PEJMAN BADY'S OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND APPLICATION ON ORDER SHORTENING TIME AND COUNTERMOTION FOR PRELIMINARY INJUNCTION...POUYA MOHAJER, MD'S JOINDER TO PEJMON BADY'S COUNTERMOTION FOR PRELIMINARY INJUNCTION

Defendant's Proposed Exhibits 1 through 30 RE-DESIGNATED as 101 through 130. Court RECESSED for parties to review each other's exhibits and see if any can be stipulated to.

Proceedings resumed. Pursuant to parties' stipulation, COURT ORDERED the following exhibits ADMITTED: Defendant's Exhibits 101, 103 - 107, 111 - 123, and Plaintiffs' Exhibits 1, 5, 7, 13, 15 - 17, 22, 24, and 30. Opening statements by Ms. Turner, Mr. Maupin, and Mr. Dushoff.

Pantea Stevenson, SWORN and TESTIFIED. Exhibits presented. (See worksheet.)

Letter offered by Mr. Dushoff MARKED as Defendant's Proposed Exhibit 200 and, there being no objection, ADMITTED into evidence.

LUNCH RECESS.

Proceedings resumed. Testimony and exhibits continued.

Shane Terry, SWORN and TESTIFIED. Exhibits presented. (See worksheet.) Court RECESSED for the afternoon break.

Testimony and exhibits continued. Witness retrieved notes from his laptop, emailed them to the Law Clerk; copies distributed to all parties.

Testimony and exhibits continued. (See worksheet.) Hearing CONTINUED.

COURT ORDERED, telephonic conference SET on December 30, 2015 at 10:00 AM to discuss resumption of the preliminary injunction hearing. Mr. Dushoff volunteered to distribute the call-in information. COURT FURTHER ORDERED, the Escrow documents will be PRODUCED. Temporary Restraining Order (TRO) entered on December 15, 2015 will REMAIN IN PLACE until the conclusion of the hearing.

Mr. Maupin requested a two-week extension to answer the Complaint. Ms. Turner agreed. Ms. Turner further requested that since the TRO is still in place Defendants produce the Nuveda books and records. Mr. Aiello advised, to the extent they have those, they will be provided; his understanding is that they are stored in a Google Drive. Colloquy regarding Google Drive access. COURT ORDERED, parties to also discuss due diligence on the DW transaction.

12-30-15 10:00 AM TELEPHONIC CONFERENCE: RESUMPTION OF THE
PRELIMINARY INJUNCTION HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

December 30, 2015

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

December 30, 2015	10:00 AM	Telephonic Conference	Telephonic Conference: Resumption of Preliminary Injunction Hearing
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HEARD BY: Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Dulce Romea**RECORDER:** Patti Slattery**REPORTER:****PARTIES**

PRESENT:	Dushoff, Matthew T.	Attorney
	Maupin, Alvin W.	Attorney
	Naylor, John M.	Attorney
	Pike, Erika A.	Attorney

JOURNAL ENTRIES

- Pursuant to the Court's and parties' availability, COURT ORDERED, hearing to RESUME on Wednesday, January 6, 2016, at 10:00 AM.

Mr. Naylor inquired whether there has been a motion to advance the trial on the merits. Court NOTED there has not, and the Court has not advanced trial on the merits. Mr. Naylor advised they will not stipulate to it.

1-6-16 10:00 AM PRELIMINARY INJUNCTION HEARING... PEJMAN BADY'S
OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND APPLICATION
ON ORDER SHORTENING TIME AND COUNTERMOTION FOR PRELIMINARY
INJUNCTION...POUYA MOHAJER, MD'S JOINDER TO PEJMON BADY'S COUNTERMOTION

FOR PRELIMINARY INJUNCTION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

January 06, 2016

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

January 06, 2016 10:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Aiello III, Vincent J.	Attorney
	Bady, Pejman	Defendant
	Dushoff, Matthew T.	Attorney
	Goldstein, Jennifer M	Plaintiff
	Gormley, Ryan	Attorney
	Maupin, Alvin W.	Attorney
	Mohajer, Pouya	Defendant
	Naylor, John M.	Attorney
	Pike, Erika A.	Attorney
	Terry, Shane M	Plaintiff

JOURNAL ENTRIES

- PRELIMINARY INJUNCTION HEARING... PEJMAN BADY'S OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND APPLICATION ON ORDER SHORTENING TIME AND COUNTERMOTION FOR PRELIMINARY INJUNCTION...POUYA MOHAJER, MD'S JOINDER TO PEJMON BADY'S COUNTERMOTION FOR PRELIMINARY INJUNCTION

Exclusionary rule INVOKED. Shane Terry, SWORN and TESTIFIED. Exhibits presented. (See worksheet.) LUNCH RECESS.

Testimony and exhibits continued. RECESS.

Proceedings resumed. Testimony and exhibits presented.

Mr. Aiello offered to use a demonstrative exhibit, a copy in larger print of section 6.2 and which includes 6.3. Objection by Ms. Turner for lack of foundation. Court DIRECTED Mr. Aiello to address the issue of the information contained in the proposed demonstrative exhibit. Following Mr. Aiello's explanation, COURT noted it does not think it will need this to make its decisions.

Testimony and exhibits continued. RECESS.

Testimony and exhibits resumed. At the hour of 4:23 PM, Plaintiffs RESTED. Colloquy regarding scheduling. COURT ORDERED, hearing continued tomorrow at 9:30 AM.

Mr. Maupin requested the application be converted to a motion for provisional remedies to accurately describe the status of this procedure. Ms. Turner objected to the request and argued a section of the operating agreement providing for enforcement through injunction or other equitable relief. Mr. Maupin further argued, Plaintiffs do not have enough votes to raise the question of all the accusations, and renewed his request that the Court enter provisional remedies similar to a TRO. Joinder by Mr. Dushoff. Following further argument, COURT ORDERED, given the standard under Rule 52(c), the Defendant's motion is DENIED; it does not appear 6.2 is ambiguous; however, there are factual issues that the Court will be hearing argument on regarding interested vs. disinterested expulsion; it does not need parol evidence on the meaning of 6.2; it needs counting.

EVENING RECESS.

1-7-16 9:30 AM PRELIMINARY INJUNCTION HEARING... PEJMAN BADY'S
OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND APPLICATION
ON ORDER SHORTENING TIME AND COUNTERMOTION FOR PRELIMINARY
INJUNCTION...POUYA MOHAJER, MD'S JOINDER TO PEJMON BADY'S COUNTERMOTION
FOR PRELIMINARY INJUNCTION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

January 07, 2016

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

January 07, 2016 9:30 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Aiello III, Vincent J.	Attorney
	Bady, Pejman	Defendant
	Ciciliano, Dylan T.	Attorney
	Dushoff, Matthew T.	Attorney
	Goldstein, Jennifer M	Plaintiff
	Gormley, Ryan	Attorney
	Maupin, Alvin W.	Attorney
	Mohajer, Pouya	Defendant
	Naylor, John M.	Attorney
	Pike, Erika A.	Attorney
	Terry, Shane M	Plaintiff

JOURNAL ENTRIES

- PRELIMINARY INJUNCTION HEARING... PEJMAN BADY'S OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND APPLICATION ON ORDER SHORTENING TIME AND COUNTERMOTION FOR PRELIMINARY INJUNCTION...POUYA MOHAJER, MD'S JOINDER TO PEJMON BADY'S COUNTERMOTION FOR PRELIMINARY INJUNCTION

Joseph Kennedy, SWORN and TESTIFIED. Exhibits presented. (See worksheet.)

Colloquy regarding scheduling. COURT ORDERED, hearing CONTINUED tomorrow at 9:00 AM.
EVENING RECESS.

1-8-16 9:00 AM PRELIMINARY INJUNCTION HEARING... PEJMAN BADY'S
OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND APPLICATION
ON ORDER SHORTENING TIME AND COUNTERMOTION FOR PRELIMINARY
INJUNCTION...POUYA MOHAJER, MD'S JOINDER TO PEJMON BADY'S COUNTERMOTION
FOR PRELIMINARY INJUNCTION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

January 08, 2016

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

January 08, 2016 9:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Aiello III, Vincent J.	Attorney
	Bady, Pejman	Defendant
	Dushoff, Matthew T.	Attorney
	Gormley, Ryan	Attorney
	Maupin, Alvin W.	Attorney
	Mohajer, Pouya	Defendant
	Naylor, John M.	Attorney
	Pike, Erika A.	Attorney
	Terry, Shane M	Plaintiff

JOURNAL ENTRIES

- PRELIMINARY INJUNCTION HEARING... PEJMAN BADY'S OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND APPLICATION ON ORDER SHORTENING TIME AND COUNTERMOTION FOR PRELIMINARY INJUNCTION...POUYA MOHAJER, MD'S JOINDER TO PEJMON BADY'S COUNTERMOTION FOR PRELIMINARY INJUNCTION

Brian Padgett, SWORN and TESTIFIED. Exhibits presented. (See worksheet.) RECESS.

Testimony and exhibits continued. LUNCH RECESS.

Proceedings resumed. At the hour of 1:17 PM, Defendants RESTED.

Plaintiffs' rebuttal. Shane Terry, SWORN and TESTIFIED. (See worksheet.)

With regards to Defendant's countermotion, counsel advised they are not offering any witnesses.

Closing arguments by Ms. Turner, Mr. Maupin, and Mr. Dushoff.

Upon inquiry of the Court, parties advised they have no objection to leaving proposed exhibits that were not offered during the hearing with the Court. Mr. Terry's notes were returned to counsel.

Matter taken under advisement. Decision will ISSUE.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

January 19, 2016

A-15-728510-B	Nuveda, LLC , Plaintiff(s) vs. Pejman Bady, Defendant(s)
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January 19, 2016	8:30 AM	Motion to Seal/Redact Records	Plaintiffs' Motion to Seal Exhibit 2-D to Plaintiffs' Motion for Preliminary Injunction and Application for Order Shortening Time
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HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Ciciliano, Dylan T. Attorney

JOURNAL ENTRIES

- No appearance by Defendants. Mr. Ciciliano advised he sent an email with a stipulation and order on Friday (1/15/16) to opposing counsel. COURT ORDERED, motion DENIED because the Exhibit was admitted at the hearing.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

March 18, 2016

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

March 18, 2016	3:00 AM	Motion for Attorney Fees and Costs	Pouya Mohajer, MD's Motion for Attorney Fees
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HEARD BY: Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Dulce Romea**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- The Court having reviewed Dr. Mohajer's Motion for Attorney Fees and Costs and the related briefing and being fully informed, DENIES the motion WITHOUT PREJUDICE to renew at the conclusion of the case. The Court agrees that it is premature to award fees at the injunctive relief stage when issue remain between the parties. Counsel for NuVeda is directed to submit a proposed order consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order or judgment.

CLERK'S NOTE: A copy of the above minute order was distributed to parties via the E-Service Master List. / dr 3-18-16

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

July 07, 2016

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

July 07, 2016 8:30 AM Status Check

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Naylor, John M. Attorney
Pike, Erika A. Attorney

JOURNAL ENTRIES

- Ms. Turner confirmed parties are in arbitration. Mr. Naylor advised they will seek remedy here afterwards. COURT ORDERED, CASE STAYED pending results of arbitration. Counsel to notify the Court if they need any assistance.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

September 23, 2016

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

September 23, 2016 3:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- PLAINTIFF NUVEDA, LLC.'S MOTION FOR LEAVE OF COURT TO FILE A MOTION TO AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW...PLAINTIFF SHANE M. TERRY'S OPPOSITION TO NUVEDA'S MOTION FOR LEAVE OF COURT TO FILE A MOTION TO AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW AND COUNTERMOTION TO STRIKE AFFIDAVITS

The Court having reviewed the Motion for leave to file Motion to Amend Findings of Fact and the related briefing and being fully informed, GRANTS the motion for leave. Moving Counsel is directed to submit a proposed order consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter.

CLERK'S NOTE: A copy of the above minute order was distributed via the E-Service Master List. / dr
9-28-16

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

November 18, 2016

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

November 18, 2016	3:00 AM	Motion	NuVeda LLC's Motion to Amend Findings of Fact and Conclusions of Law
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HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Tena Jolley

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- The Court having reviewed the Motion to Amend Findings of Fact and Conclusions of Law (FFCL) and the related briefing and being fully informed, denies the motion as framed because the conduct referenced occurred following this court's hearing and entry of FFCL. Counsel for Mr. Terry is directed to submit a proposed order consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

CLERK'S NOTE: The above minute order has been distributed VIA FACSIMILE to: Buttell Law Offices (702-319-7802); Garman Turner Gordon (725-777-3112); Kolesar and Leatham (702-362-9472); and Maupin Naylor Braster (702-420-7001) (tmj:11/21/16)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

October 16, 2017

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

October 16, 2017 8:30 AM Status Check

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT: Buttell, Alan J. Attorney
Pike, Erika A. Attorney

JOURNAL ENTRIES

- Court inquired about arbitration. Ms. Turner advised a new arbitrator has been appointed, Ms. Nikki Baker, and that they have a date set in January. COURT ORDERED, matter SET for status check on March 30, 2018. If the Court does not hear from counsel they will be contacted.

3-30-18 CHAMBERS STATUS CHECK

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

January 08, 2018

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

January 08, 2018 8:30 AM Motion to Dismiss

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Pike, Erika A. Attorney
Wiley, Jason M. Attorney

JOURNAL ENTRIES

- Mr. Wiley advised there is a conflict issue with regards to Mr. Buttell. On Friday, Mr. Wiley stated he filed substitution of counsel for Nuveda. Ms. Turner confirmed there are remaining claims; there is an alleged conflict being addressed by the arbitrator; the arbitrator did not permit Mr. Buttell's withdrawal. Court noted Mr. Buttell's motion to withdraw before this Court is set for hearing in two weeks. Mr. Wiley responded that the arbitrator's order stated that Mr. Buttell had to stay as counsel through the depositions but thereafter could withdraw. Ms. Turner agreed, conditioned on some things. Mr. Wiley stated that Mr. Buttell's motion to withdraw should be moot. Court noted that motion to withdraw is on this Court's January 26th Chambers calendar and the Court will look at it at that time.

Mr. Wiley advised he is willing to proceed today on the motion to dismiss filed by Mr. Buttell. Following arguments by Mr. Wiley and Ms. Turner, COURT ORDERED, motion to dismiss arbitration DENIED. The relief of arbitration was affirmatively requested from this Court by the moving parties and is a judicial estoppel from them now being able to attack the enforceability of the arbitration provision.

Ms. Turner advised their arbitration hearing is scheduled for February 12th. COURT noted the status

check on this Court's chambers calendar for March 30th. Counsel to submit a status report.

1-26-18 CHAMBERS MOTION TO WITHDRAW AS ATTORNEY OF RECORD FOR
NUVEDA, LLC, PEJMAN BADY AND POUYA MOHAJER

3-30-18 CHAMBERS STATUS CHECK

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

January 10, 2018

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

January 10, 2018 4:00 PM Minute Order

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court has reviewed the application for TRO. Based upon the substitution of counsel filed on January 5, 2018 it does not appear that there is an adequate basis for entry of injunctive relief at this time.

CLERK'S NOTE: A copy of this minute order was distributed via electronic mail this date.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

January 22, 2018

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

January 22, 2018 8:30 AM Motion to Withdraw as Moot.
Counsel

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Pike, Erika A. Attorney

JOURNAL ENTRIES

- Ms. Turner advised the motion is unopposed. COURT ORDERED, motion taken OFF CALENDAR as MOOT.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

March 12, 2018

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

March 12, 2018 8:30 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Dushoff, Matthew T. Attorney
Padgett, Brian C. Attorney
Pike, Erika A. Attorney
Sugden, Amy L. Attorney
Wiley, Jason M. Attorney

JOURNAL ENTRIES

- CWNEVADA, LLC'S MOTION TO INTERVENE AS DEFENDANT ON ORDER SHORTENING TIME...INTERVENOR CWNEVADA'S MOTION TO ENFORCE JANUARY 13, 2016 DISTRICT COURT ORDER & OCTOBER 13, 2017 SUPREME COURT ORDER OF AFFIRMANCE ON ORDER SHORTENING TIME

APPEARANCES CONTINUED: Attorney David Feuerstein for Plaintiff Jennifer Goldstein.

No objection to Plaintiffs' Ex Parte Application to Associate Counsel David Feuerstein. Court inquired of Mr. Feuerstein if by accepting the admission, counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a). Mr. Feuerstein stated that he does. COURT ORDERED, motion GRANTED. Proposed order signed in open court and returned to Ms. Turner for filing.

CWNEVADA, LLC'S MOTION TO INTERVENE AS DEFENDANT ON ORDER SHORTENING TIME: Arguments by Ms. Sugden and Ms. Turner. COURT ORDERED, request to intervene GRANTED over Plaintiffs' objection because the Court believes the issues are distinct between the two entities.

INTERVENOR CWNEVADA'S MOTION TO ENFORCE JANUARY 13, 2016 DISTRICT COURT ORDER & OCTOBER 13, 2017 SUPREME COURT ORDER OF AFFIRMANCE ON ORDER SHORTENING TIME: Arguments by Ms. Sugden, Mr. Dushoff, Ms. Turner, Mr. Feuerstein, and Mr. Padgett. COURT ORDERED, this is essentially a dissenter rights' case; dissenters typically do not involve preliminary injunction; to the extent there is a TRO the Court will not disturb Arbitrator Baker's findings; however, if there is a preliminary injunction that is issued, that is under the Nevada Rules of Appellate Procedure something that could be reviewed by the Court and, given the parties' unusual arbitration provision, the Court will consider any review of a preliminary injunction. Court will not review a TRO.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

March 30, 2018

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

March 30, 2018 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Kory Schlitz

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT advised no status report or filing related to injunctive relief has been submitted and ORDERED, matter CONTINUED.

CONTINUED TO: 4/13/18 CHAMBERS

CLERK'S NOTE: This Minute Order has been electronically served by Courtroom Clerk, Kory Schlitz, to all registered parties for Odyssey File & Serve. (3-30-18)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters**COURT MINUTES****April 16, 2018**

A-15-728510-B Nuveda, LLC , Plaintiff(s)
 vs.
 Pejman Bady, Defendant(s)

April 16, 2018 8:30 AM Status Check

HEARD BY: Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Dulce Romea**RECORDER:** Jill Hawkins**REPORTER:****PARTIES**

PRESENT:	Dushoff, Matthew T.	Attorney
	Feuerstein, David T.	Attorney
	Padgett, Brian C.	Attorney
	Pike, Erika A.	Attorney
	Sugden, Amy L.	Attorney
	Wiley, Jason M.	Attorney

JOURNAL ENTRIES

- Court acknowledged receipt of status reports and requests to put this matter on calendar.

Mr. Padgett advised CW believed the TRO was set aside but did not know that there was some agreement between the lawyers for Nuveda, Mr. Terry, and Ms. Goldstein that they would proactively continue the TRO to see if they could settle the matter; this Court and the NV Supreme Court have already ruled that the sale can go through; the other lawyers did not bother to call him or Ms. Sugden that they had extended the TRO; there is a transfer that has been applied for, sitting on the dock and signed by the Nuveda representative. Mr. Padgett requested the Court dissolve the TRO, as the transfer license would not impact the other parties, and allow the transfer to go through; CW would be substantially damaged if it does not; more licenses as well as applications will come out at the end of this month; as an owner, you can apply for more retail licenses and have more points; CW has been acting as an owner and doing everything they can; it is April, and the State is about to release license applications for which CW would garner extra points for the 65% ownership.

Upon Court's inquiry, Mr. Padgett advised the applications are due about 30 / 60 days after that. Colloquy between Court and counsel regarding the review process. Mr. Padgett further argued that the problem for CW is that they actually have to go through the application for transfer; that needs to be reviewed by the AG, and then the ownership transfer occurs; they have signed off on everything but it has not been put through to the State; their lawyer, Amanda Conner, is holding it, as she was told by one of the Nuveda members that a TRO was extended; he told Ms. Conner to put it through when he heard the arbitrator would not continue the TRO, but Ms. Conner said she could not do that because she understood the TRO had been extended.

Court inquired, once transfer paperwork was given to State, what was in counsel's best recollection the length of time for the State to process it. Mr. Padgett replied that it is somewhere between 60 - 120 days. Further argument by counsel for the Court to dissolve the TRO and transfer the Nuveda transfer licenses.

Ms. Turner advised CW's status report was not e-served, and referred to page 5 of the 2016 Findings of Fact and Conclusions of Law. Court noted its concern that the parties entered into injunctive relief amongst themselves without a final order to continue settlement discussions. Ms. Turner responded that the members and Nuveda had said they wanted to maintain the status quo to have meaningful settlement discussions; in the past 2 years there has been no transfer to CW, and her client has not signed any consent to transfer membership interest; CW is substantially in material breach of their obligations. Ms. Turner further advised that the parties have a May arbitration date and requested that the Court hold an evidentiary hearing on this issue.

Mr. Wiley advised that certain information and documents were requested at the depositions that should have been in Nuveda's possession, but were not; he represented to Mr. Feuerstein and Ms. Turner they would get the documents to them but still did not have them; one of the reasons why Nuveda entered into the stipulation to extend the TRO was to ensure complete compliance, because Nuveda had been sanctioned numerous times before his involvement in this case. Upon Court's inquiry, Mr. Wiley confirmed that Nuveda has an agreement in place with CW; he does not believe it has been breached by Nuveda in any way; CW may have breached the agreement, consistent with documentation, but it has nothing to do with the licensure or any of the actions on behalf of the parties; he does not know if that counts as a material breach.

COURT ORDERED, matter SET for evidentiary hearing on May 1, 2018 at 1:00 PM on the motion to enforce the January 23, 2016 order. Briefs to be submitted by the Friday before.

5-2-18 9:00 AM EVIDENTIARY HEARING: MOTION TO ENFORCE January 23, 2016 ORDER

CLERK'S NOTE: Pursuant to the conference call held later today, hearing rescheduled to commence on May 2nd at 9 AM, as reflected above and entered in Odyssey, and the deadline for hearing briefs moved to April 30th.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

April 16, 2018

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

April 16, 2018

2:30 PM

Telephonic Conference

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 10B

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:

Dushoff, Matthew T.	Attorney
Feuerstein, David T.	Attorney
Padgett, Brian C.	Attorney
Pike, Erika A.	Attorney
Sugden, Amy L.	Attorney
Wiley, Jason M.	Attorney

JOURNAL ENTRIES

- Upon inquiry of the Court and agreement by the parties, COURT ORDERED, evidentiary hearing RESET to commence on May 2, 2018 at 9:00 AM and anticipated to take place through May 4. Ms. Turner noted she has a 9 AM appearance before Judge Hardy on May 3rd. COURT FURTHER ORDERED, hearing briefs to be submitted to the Court by Monday, April 30. Proposed findings of fact and conclusions of law to be emailed to Department XI chambers by the morning of the hearing.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

July 16, 2018

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

**July 16, 2018 9:00 AM Motion to Withdraw as
Counsel**

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Pike, Erika A. Attorney

JOURNAL ENTRIES

- Ms. Turner appeared by telephone. Attorney Dylan Ciciliano, co-counsel to Ms. Turner, present in court.

Counsel advised motion is unopposed. Court inquired whether there is a written arbitration award. Ms. Turner advised there has never been an arbitration hearing and no award. Court noted Ms. Turner's firm will then be out of this case. Ms. Turner concurred, but noted the case itself will not be in limbo. COURT ORDERED, motion to withdraw GRANTED because of the potential conflict of interest that has been identified.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

July 17, 2018

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

July 17, 2018 2:57 PM Minute Order

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, matter SET for status check regarding arbitration on the chambers calendar in 3 months.

10-19-18 CHAMBERS STATUS CHECK: ARBITRATION

CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / dr 7-17-18

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

October 19, 2018

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

October 19, 2018 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, as no status report has been filed, matter CONTINUED for 2 weeks.

11-2-18 CHAMBERS STATUS CHECK: ARBITRATION

CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / dr 10-23-18

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

November 02, 2018

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

November 02, 2018 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Court received correspondence from Mr. Dushoff. Status Check set for 2/1/19 in Chambers.

CLERK'S NOTE: A copy of this minute order was served via the E-Service List. / dr 11/2/18

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

February 01, 2019

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

February 01, 2019 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Michaela Tapia

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- No parties present.

No update received; COURT ORDERED, matter SET for hearing.

3/4/19 9:00 AM HEARING RE: ARBITRATION

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey
File & Serve. /mt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

April 19, 2019

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

April 19, 2019 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Prior minute order issued for today's date vacated. Based upon the status report of counsel received by email, the COURT VACATES the April 29, 2019 date and SETS a status check on the judgment in 8 weeks in chambers.

6-14-19 CHAMBERS STATUS CHECK: JUDGMENT

CLERK'S NOTE: A copy of this minute order was distributed via the E-Service List. / dr 4-19-19

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

June 14, 2019

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

June 14, 2019 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED for two weeks per email from Mr. Dushoff.

...6-28-19 - CHAMBERS

CLERK'S NOTE: A copy of this minute order was distributed via the E-Service List. / dr 6-14-19

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

June 28, 2019

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

June 28, 2019 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Michaela Tapia

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Court notes motion to vacate arbitration award set for hearing 7/19/19 on chambers calendar.
COURT ORDERED, matter SET for oral argument.

7/22/19 9:00 AM ARGUMENT: MOTION TO VACATE ARBITRATION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

July 16, 2019

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

July 16, 2019 1:30 PM Telephonic Conference

HEARD BY: Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Dulce Romea**RECORDER:** Jill Hawkins**REPORTER:****PARTIES**

PRESENT:	Dushoff, Matthew T.	Attorney
	Irvine, Brian R.	Attorney
	Westergard, Brooks T	Attorney
	Wiley, Jason M.	Attorney

JOURNAL ENTRIES

- Court noted it appears there is a motion to continue dates filed by Ms. Goldstein's counsel, but that motion has been set for hearing long after the motion set for July 22nd. Mr. Irvine advised they drafted a stipulation and order that has been signed by Mr. Wiley that would continue the hearing on the motion to vacate arbitration award to August 12th based on a date obtained from chambers, and that stipulation and order will be filed today. Upon Court's inquiry, Mr. Dushoff stated he has not signed the stipulation and order, as he has not seen it, but he would. Mr. Wiley explained the claims against Bady and Mohajer individually have been resolved, and Mr. Dushoff is now co-counsel with him; Nuveda is now the only party so Mr. Dushoff does not need to execute the stip. COURT ORDERED, based on the representations made by counsel today, all current motions VACATED; motion set for July 22nd RESET on August 12th. Counsel to submit their stipulation and order to chambers.

Court further noted CWNevada, the prior Intervenor, is no longer involved. Mr. Wiley concurred. Court stated they will be taken off and not given notice.

Mr. Wiley advised the second part of the motion to continue requests an extension of briefing deadlines. COURT ORDERED, motion to continue will be HEARD on August 12th as well.

8-12-19 9:00 AM NUVEDA, LLC'S MOTION TO VACATE ARBITRATION
AWARD...REQUEST FOR HEARING ON MOTION TO CONTINUE HEARING ON NUVEDA
LLC'S MOTION TO VACATE ARBITRATION AWARD AND TO EXTEND BRIEFING DEADLINES

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

July 17, 2019

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

July 17, 2019 2:11 PM Minute Order

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, given the ongoing receivership over CW Nevada and the representations of counsel that CW Nevada is no longer involved in this matter, the Court directs that the status as a party in intervention be removed.

8-12-19 9:00 AM NUVEDA, LLC'S MOTION TO VACATE ARBITRATION
AWARD...REQUEST FOR HEARING ON MOTION TO CONTINUE HEARING ON NUVEDA
LLC'S MOTION TO VACATE ARBITRATION AWARD AND TO EXTEND BRIEFING DEADLINES

CLERK'S NOTE: A copy of this minute order was distributed via the E-Service List. / dr 7-17-19

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

August 12, 2019

A-15-728510-B Nuveda, LLC , Plaintiff(s)
vs.
Pejman Bady, Defendant(s)

August 12, 2019 9:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Irvine, Brian R. Attorney
Wiley, Jason M. Attorney

JOURNAL ENTRIES

- REQUEST FOR HEARING ON MOTION TO CONTINUE HEARING ON NUVEDA LLC'S
MOTION TO VACATE ARBITRATION AWARD AND TO EXTEND BRIEFING
DEADLINES...NUVEDA, LLC'S MOTION TO VACATE ARBITRATION AWARD

APPEARANCES CONTINUED: Attorney Matthew Dushoff for Nuveda, LLC.

REQUEST FOR HEARING ON MOTION TO CONTINUE HEARING ON NUVEDA LLC'S MOTION
TO VACATE ARBITRATION AWARD AND TO EXTEND BRIEFING DEADLINES: Mr. Irvine stated
they filed a motion under local rule 2.22 and, upon inquiry of the Court, stated they do not need more
time. COURT ORDERED, motion GRANTED; opposition is considered timely and the Court has read
it.

NUVEDA, LLC'S MOTION TO VACATE ARBITRATION AWARD: Following arguments by Mr.
Dushoff and Mr. Irvine, COURT ORDERED, it is not appropriate for the Court to substitute its
judgment or management of the docket and expert disclosures by the arbitrator. Fair market value is
a factual determination to be made by the arbitrator; while the Court understands Mr. Dushoff's
position, book value is typically not used for fair market value, although under certain very limited

circumstances it may be an appropriate valuation method. It does not appear in this case there was an abuse of discretion or that the actions of the arbitrator were arbitrary and capricious, and, there does not appear to be an incorrect application of the law. The motion to vacate the arbitration award is DENIED.

Mr. Wiley made his record as to the lack of points and authorities supporting the extension, no analysis of excusable neglect, and that the opposition was a rouge pleading; however, they understand the Court's position. Court noted it is the policy of the State of Nevada to consider things on their merit, so, the Court read the opposition.

VAULT EXHIBIT FORM

CASE NO: A728510 – B	HEARING DATE: DECEMBER 28, 2015
DEPT. NO: XI	JUDGE : HON. ELIZABETH GONZALEZ
	CLERK: DULCE ROMEA
	RECORDER: PATRICIA SLATTERY; JILL HAWKINS
PLAINTIFF: NUVEDA, LLC	JURY FEES: N/A
	COUNSEL FOR PLAINTIFF: ERIKA PIKE TURNER
DEFENDANT: PEJMAN BADI	
	COUNSEL FOR DEFENDANT POUYA MOHAJER: ALVIN MAUPIN & JOHN NAYLOR
	COUNSEL FOR DEFENDANT PEJMAN BADI: MATTHEW DUSHOFF; VINCENT AIELLO III; RYAN GORMLEY

[illegible]

PLAINTIFFS EXHIBIT INDEX

VOLUME I

EXHIBITS 1-34

CASE NO.: A-15-728510-B	HEARING DATE: December 28, 2015
DEPT: XI	TIME: 10:00 A.M.
PLAINTIFF: NuVeda, LLC, Shane Terry and Jennifer Goldstein	Attorney for Plaintiffs: Erika Pike Turner, Esq. And Dylan T. Ciciliano
DEFENDANTS: Pejman Bady and Pouya Mohajer	Attorney for Defendant Pejman Bady: Veincent Aiello, Esq.
	Attorney for Defendant Pouya Mohajer: William Maupin, Esq.

	Description	Bates Nos.	Offered	Object Yes/No	Admitted
1	NuVeda, LLC Operating Agreement, dated July 9, 2014	NUVEDA 0000001- 000028	DEC 2 8 2015	STIP	DEC 2 8 2015
2	NuVeda, LLC Ownership Interest	NUVEDA 000029- 000030	DEC 2 8 2015	OBJ	DEC 2 8 2015
3	August 11, 2015 Email from Pejman Bady to Shane Terry Re: Percentage	NUVEDA 000031 -000034	DEC 2 8 2015	OBJ	DEC 2 8 2015
4	December 15, 2015 email from Pejman Bady to Shane Terry Re: % Change for Phil	NUVEDA 000035- 000047	DEC 2 8 2015	OBJ	DEC 2 8 2015
5	Letter of Intent to Purchase Real Property	NUVEDA 000048- 000049	DEC 2 8 2015	STIP	DEC 2 8 2015
6	October 14, 2015 email from Pejman Bady to the "Team"	NUVEDA 000050- 000052	DEC 2 8 2015	NO	DEC 2 8 2015
7	Action by Written Consent of the Disinterested Voting Members of NuVeda, LLC, dated November 20, 2015	NUVEDA 000053- 000057	DEC 2 8 2015	STIP	DEC 2 8 2015
8	November 8, 2015 email from Joe Kennedy to Shane Terry Re: K-1's	NUVEDA 000058- 000067	JAN 0 6 2016	NO	JAN 0 6 2016
9	November 8, 2015 email from Jennifer Goldstein to John Penders Re: NuVeda K-1's	NUVEDA 000068- 000070			
10	November 8, 2015 email from Pejman Bady Re: Meeting on October 6	NUVEDA 000071- 000076			
11	November 12, 2015 email from Joe Kennedy to Pouya Mohajer Re: NuVeda Members Meeting	NUVEDA 000077- 000078			
12	November 4, 2015 email from Pejman Bady to Shane Terry Re: Timeline for	NUVEDA 000079- 000081			

PLAINTIFFS EXHIBIT INDEX

VOLUME I

EXHIBITS 1-34

	Description	Bates Nos.	Offered	Object Yes/No	Admitted
	Vesting Documents				
13	November 2015 Project LV Preliminary Indicative Terms and Conditions	NUVEDA 00082- 000085	DEC 2 8 2015	STP	DEC 2 8 2015
14	November 23, 2015 email from Shane Terry to Pejman Bady Re: Minutes of the Meeting	NUVEDA 000086- 000091	JAN 0 7 2016	NO	JAN 0 7 2016
15	Written Consent in Lieu of Special Meeting of the Members of NuVeda, LLC, A Nevada Limited Liability Company, dated November 24, 2015	NUVEDA 000092- 000097	DEC 2 8 2015	STP	DEC 2 8 2015
16	Written Consent in Lieu of Special Meeting of the Members of NuVeda, LLC, A Nevada Limited Liability Company	NUVEDA 000098- 000109	DEC 2 8 2015	STP	DEC 2 8 2015
17	November 24, 2015 email between Mr. Aiello and Ms. Stevenson, Re: NuVeda, LLC - Removal and Invitation to Meet	NUVEDA 000110- 000113	DEC 2 8 2015	STP	DEC 2 8 2015
18	November 25, 2015 email from Jin Ho to Shane Terry Re: NuVeda	NUVEDA 000114- 000115			
19	Letter to Shane Terry from Mohsen Bahri	NUVEDA 000116- 000118	DEC 2 8 2015	OBJ	DEC 2 8 2015
20	December 2, 2015 correspondence from Ms. Knight to Ms. Stevenson Re: Mohsen Bahri v. NuVeda, LLC	NUVEDA 000119- 000133	DEC 2 8 2015	OBJ	DEC 2 8 2015
21	December 2015 Project LV- Cultivation Preliminary Indicative Terms and Conditions	NUVEDA 000134- 000137	DEC 2 8 2015	OBJ	DEC 2 8 2015
22	Membership Purchase Agreement, dated December 6, 2015	NUVEDA 000138- 000178	DEC 2 8 2015	STP	DEC 2 8 2015
23	Notice of Agenda City of North Las Vegas Planning Commission, dated December 9, 2015	NUVEDA 000179- 000187	DEC 2 8 2015	OBJ	DEC 2 8 2015
24	Renewal application submitted on December 9, 2015 by Pej Bady	NUVEDA 000188- 000238	DEC 2 8 2015	STP	DEC 2 8 2015
25	Email from Erika Pike Turner to Counsel Re: Preliminary Injunction Hearing, dated December 14, 2015	NUVEDA 000239- 000241			
26	Email from Erika Pike Turner to Counsel Re: Transfer of Ownership dated December 15, 2015	NUVEDA 000242- 000243			

PLAINTIFFS EXHIBIT INDEX

VOLUME I

EXHIBITS 1-34

	Description	Bates Nos.	Offered	Object Yes/No	Admitted
27	June 17, 2015 email from Pejman Bady to Jennifer Goldstein Re: Mknight Lease with Comments	NUVEDA 000244- 000245			
28	July 22, 2015 email from Jennifer Goldstein to Pejman Bady Re: Mknight Lease	NUVEDA 000246- 00248			
29	Complaint Re: McKnight v. Bady et al, filed on December 14, 2015	NUVEDA 000249- 000287	DEC 2 8 2015	OBJ	DEC 2 8 2015
30	Renewal Applications forms for Medical Marijuana Establishments, dated December 15, 2015	NUVEDA 000288- 000336	DEC 2 8 2015	STP	DEC 2 8 2015
31	Corporate & Personal Liabilities Chart	NUVEDA 000338- 000340	DEC 2 8 2015	OBJ	DEC 2 8 2015
32	The record of NuVeda financial obligations known by Plaintiffs.	NUVEDA 000341- 000342	DEC 2 8 2015	OBJ	DEC 2 8 2015
33	December 9, 2015 Guidance	NUVEDA 000343- 000355	DEC 2 8 2015	OBJ	
34	Pejman Bady's agreement alleged failure to report litigation	NUVEDA 000356- 000372			

* 33A. CLEAN COPY OF EXHIBIT 33

12-28-15 NO 12-28-15

PLAINTIFF'S EXHIBITS (CONTINUED)

CASE NO. A 728510

[illegible]

*DEFENDANTS POUYA
MOHAJER VS*
INDEX OF EXHIBITS

EXHIBIT	DOCUMENT
10 1	NuVeda Operating Agreement
10 2	Loan Agreement between Joe Kennedy and Pejman Bady*
10 3	Nye LLC and Clark LLC Articles of Incorporation
10 4	Promissory Note between Shane Terry and Pejman Bady*
10 5	August 28, 2015 letter to Shane Terry showing different ownership percentages
10 6	Promissory Note between 2Prime and Shane Terry (Dated October 15, 2015)*
10 7	November 17 and 18, 2015 E-mails from Brian Padgett to Pejman Bady*
10 8	November 18, 2015 E-mail transmitting Jaccarino Demand Letter to Pejman Bady
10 9	November 18, 2015 Jaccarino Demand Letter to Pejman Bady
1 10	November 18, 2015 Jaccarino Demand Letter to Pouya Mohajer*
1 11	CWNevada Letter of Intent (Executed November 23, 2015)
1 12	4Front Letter of Intent
1 13	AFS Nevada Letter of Intent
1 14	November 20, 2015 Vote to Expel Pejman Bady and Pouya Mohajer
1 15	November 23, 2015 Vote to Terminate Terry and Goldstein Pursuant to 4.1
1 16	November 24, 2015 E-mail from Stevenson
1 17	November 24, 2015 Vote to Expel Terry pursuant to 6.2
1 18	November 24, 2015 Vote to Expel Goldstein pursuant to 6.2
1 19	November 25, 2015 NuVeda Articles of Incorporation Amended by Stevenson*
1 20	November 25, 2015 (maybe 23) Vote to Terminate Bady and Mohajer
1 21	CWNevada and NuVeda Purchase Agreement (Executed December 6, 2015) (sealed)
1 22	December 9, 2015 License Renewal Forms submitted by Pejman Bady
1 23	December 15, 2015 License Renewal Forms submitted by Terry
1 24	December 23, 2015 E-mail to Erika Turner demanding access to NuVeda e-mail*
1 25	Declaration of Shane Terry
1 26	Declaration of Pantea Farhi Stevenson
1 27	Declaration of Pejman Bady
1 28	Declaration of Brian C. Padgett
1 29	Declaration of Thomas Frank
1 30	Declaration of Joseph Kennedy

please see pages 2 and 3 for exhibits admitted into evidence.

DEPENDANT
BOUYA MOHAJER'S EXHIBITS

CASE NO. A728510

* Please see page 1 for the description of
exhibits 101-130.

	Date Offered	Objection	Date Admitted
101.	DEC 2 8 2015	STP	DEC 2 8 2015
102.			
103.	DEC 2 8 2015	STP	DEC 2 8 2015
104.			
105.			
106.			
107.	DEC 2 8 2015	STP	DEC 2 8 2015
108.			
109.	DEC 2 8 2015	OBJ	DEC 2 8 2015
110.			
111.	DEC 2 8 2015	STP	DEC 2 8 2015
112.			
113.			
114.			
115.			
116.			
117.			
118.			
119.			
120.			
121.			
122.			
123.	DEC 2 8 2015	STP	DEC 2 8 2015

DEFENDANT
POUYA MOHAJER'S EXHIBITS

CASE NO. *A 728510*

* Please see page 1 for the description of exhibits 101 through 130.

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PEJMAN BADI)

CASE NO. *A 728510*

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Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; NOTICE OF POSTING BOND; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; [PROPOSED] FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER: (1) GRANTING PLAINTIFF JENNIFER M. GOLDSTEIN'S MOTION TO CONTINUE HEARING ON NUVEDA, LLC'S MOTION TO VACATE ARBITRATION AWARD AND TO EXTEND BRIEFING DEADLINES, (2) DENYING DEFENDANT NUVEDA, LLC'S MOTION TO VACATE ARBITRATION AWARD, AND (3) CONFIRMING THE ARBITRATION AWARD; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST

NUVEDA, LLC; SHANE M. TERRY;
JENNIFER M. GOLDSTEIN,

Plaintiff(s),

vs.

PEJMAN BADY; POUYA MOHAJER,

Defendant(s),

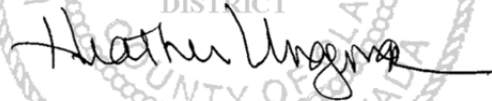
Case No: A-15-728510-B

Dept No: XI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 10 day of October 2019.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

000423



**WILEY
PETERSEN**
LAW OFFICES

Wiley Petersen
1050 Indigo Drive, Suite 130
Las Vegas, Nevada 89145
702-910-3329

BANK OF NEVADA
Henderson, NV 89014

94-177/1224

10/09/2019

PAY TO THE
ORDER OF

Clerk of The Nevada Supreme Court

\$ **250.00

Two hundred fifty and 00/100*****

DOLLARS

Clerk of The Nevada Supreme Court



[Signature]
AUTHORIZED SIGNATURE

MEMO

Notice of Appeal - Case No A-15-728510-B

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