ELLIOT S. BLUT, ESQ.
Nevada State Bar No. 6570
BLUT LAW GROUP, PC
300 South Fourth Street, Suite 701
Las Vegas, Nevada 89101
Telephone: (702) 384-1050 / Facsimile: (702) 384-8565
E-mail: eblut@blutlaw.com

*Attorneys for Defendants,*
*BARNET LIBERMAN and CASINO COOLIDGE LLC*



**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| RUSSELL L. NYPE; REVENUE PLUS, LLC, DOES I through X; DOES I through X; DOE CORPORATIONS I through X; and DOES PARTNERSHIPS I through X,<br><br>Plaintiffs,<br><br>vs.<br><br>DAVID J. MITCHELL; BARNET LIBERMAN; LAS VEGAS LAND PARTNERS, LLC; MEYER PROPERTY, LTD.; ZOE PROPERTY, LLC; LEAH PROPERTY, LLC; WINK ONE, LLC; LIVE WORK, LLC; LIVE WORK MANAGER, LLC; AQUARIUS OWNER, LLC; LVLP HOLDINGS, LLC; MITCHELL HOLDINGS, LLC; LIBERMAN HOLDINGS, LLC; 305 LAS VEGAS LLC; LIVE WORKS TIC SUCCESSOR, LLC; CASINO COOLIDGE LLC; DOES I through III, and ROE CORPORATIONS I through III, inclusive,<br><br>Defendants. | Case No. A-16-740689-B<br>Dept. No. 11<br><br>**DEFENDANTS CASINO COOLIDGE LLC AND BARNET LIBERMAN'S NOTICE OF APPEAL** |

**COMES NOW**, Defendants *CASINO COOLIDGE LLC*, and *Barnet Liberman*, by and through its attorney of record, ELLIOT S. BLUT, ESQ. of BLUT LAW GROUP, PC, and hereby appeals from the following orders, judgment and decrees of the Eighth Judicial District Court to the Nevada Supreme Court as follows:

1. Order, Findings of Fact and Conclusions of Law entered on January 16, 2020 and awarding Plaintiff judgment against these Defendants and others for $19,641,515.90;
2. Order, Findings of Fact and Conclusions of Law entered on January 16, 2020 for $4,835,111.37;
3. Order, Findings of Fact and Conclusions of Law entered on January 16, 2020 on the alter ego claim in the amount of the underlying judgment in A5510373.
4. Amended Order, Findings of Fact and Conclusions of Law entered on January 17, 2020 for $19,641,515,90;
5. Amended Order, Findings of Fact and Conclusions of Law entered on January 17, 2020 for $4,835,111.37;
6. Amended Order, Findings of Fact and Conclusions of Law entered on January 17, 2020 on the alter ego claim in the amount of the underlying judgment in A5510373.

DATED this 25th day of February 2020

BLUT LAW GROUP, PC

By: */s/ Elliot S. Blut*

Elliot S. Blut, Esq.
Nevada Bar No. 6570
300 South Fourth Street, Suite 701
Las Vegas, NV 89101
*Attorney for Defendants Barnet Liberman and Casino Coolidge LLC*

## CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of BLUT LAW GROUP, PC, and that on **February 25, 2020**, I caused a correct copy of the foregoing document entitled NOTICE OF APPEAL to be served as follows:

[ ] by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which First Class postage was prepaid: and/or

[ ] pursuant to NRCP (5)(b)(2)(D) to be served via facsimile; and/or

[ ] pursuant to EDCR 7.26, to be sent via email; and/or

[X] pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served through the Eighth Judicial District Court's electronic filing system, with the date and time of the electronic service substituted for the date and place of deposit in the mail; and/or

[ ] to be hand-delivered,

to the attorneys / interested parties listed below at the address and/or facsimile number indicated below:

| | |
|---|---|
| John W. Muije, Esq.<br>JOHN W. MUIJE & ASSOCIATES<br>1840 E. Sahara Ave #106<br>Las Vegas, NV 89104<br>*Attorneys for Plaintiffs* | Brian B. Boschee, Esq.<br>HOLLY DRIGGS WALCH FINE PUZEY STEIN & THOMPSON<br>400 S. Fourth St., 3rd Flr.<br>Las Vegas, NV 89101<br>*Attorneys for Defendant 305 Las Vegas, LLC* |
| James L. Edwards, Esq.<br>COHEN JOHNSON PARKER & EDWARDS<br>375 E. Warm Springs Rd., Suite 104<br>Las Vegas, NV 89119<br>*Attorneys for Mitchell Defendants* | |

*/s/ Linda Dinerstein*
An Employee of Blut Law Group, PC

Electronically Filed
2/26/2020 11:16 AM
Steven D. Grierson
CLERK OF THE COURT

ELLIOT S. BLUT, ESQ.
Nevada State Bar No. 6570
BLUT LAW GROUP, PC
300 South Fourth Street, Suite 701
Las Vegas, Nevada 89101
Telephone: (702) 384-1050 / Facsimile: (702) 384-8565
E-mail: eblut@blutlaw.com

*Attorneys for Defendants,*
*BARNET LIBERMAN and CASINO COOLIDGE LLC*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| RUSSELL L. NYPE; REVENUE PLUS, LLC;<br><br>Plaintiffs,<br><br>vs.<br><br>DAVID J. MITCHELL; BARNET LIBERMAN; LAS VEGAS LAND PARTNERS, LLC; MEYER PROPERTY, LTD.; ZOE PROPERTY, LLC; LEAH PROPERTY, LLC; WINK ONE, LLC; LIVE WORK, LLC; LIVE WORK MANAGER, LLC; AQUARIUS OWNER, LLC; LVLP HOLDINGS, LLC; MITCHELL HOLDINGS, LLC; LIBERMAN HOLDINGS, LLC; 305 LAS VEGAS LLC; LIVE WORKS TIC SUCCESSOR, LLC; CASINO COOLIDGE LLC; DOES I through III, and ROE CORPORATIONS I through III, inclusive,<br><br>Defendants | Case No. A-16-740689-B<br>Dept. No. 11<br><br>**DEFENDANTS AND APPELLANTS CASINO COOLIDGE, LLC'S AND BARNET LIBERMAN'S CASE APPEAL STATEMENT** |

**COMES NOW**, Defendants *CASINO COOLIDGE LLC*, and *Barnet Liberman*, by and through their attorney of record, ELLIOT S. BLUT, ESQ. of BLUT LAW GROUP, PC, and hereby appeals to the Nevada Supreme Court from the following orders, judgment and decrees of the Eighth Judicial District Court as follows:

1. **Names of Appellants filing this Case Appeal Statement:**

   Casino Coolidge, LLC, Barnet Liberman

2. **Identify the judge issuing the decision, judgment or order appealed from:**

Hon. Elizabeth Gonzales

3. **Identify each appellant and the name and address of counsel for each appellant:**

| | |
|---|---|
| Casino Coolidge, LLC | Elliot Blut, Esq.,<br>Blut Law Group, PC<br>300 South Fourth Street, Suite 701<br>Las Vegas, Nevada 89101 |
| Barnet Liberman | Elliot Blut, Esq.,<br>Blut Law Group, PC<br>300 South Fourth Street, Suite 701<br>Las Vegas, Nevada 89101 |

4. **Identify each respondent and the name and address of appellate counsel, if known, for each respondent:**

| | |
|---|---|
| RUSSELL L. NYPE | John W. Muije, Esq.<br>JOHN W. MUIJE & ASSOCIATES<br>1840 E. Sahara Ave #106<br>Las Vegas, NV 89104 |
| REVENUE PLUS, LLC | John W. Muije, Esq.<br>JOHN W. MUIJE & ASSOCIATES<br>1840 E. Sahara Ave #106<br>Las Vegas, NV 89104 |
| SHELLY D. KROHN,<br>U.S. Bankruptcy Trustee<br>for Las Vegas Land<br>Partners, Debtor | John W. Muije, Esq.<br>JOHN W. MUIJE & ASSOCIATES<br>1840 E. Sahara Ave #106<br>Las Vegas, NV 89104 |

5. **Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district Court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):**

Both attorneys are licensed in Nevada.

6. **Indicate whether appellant was represented by appointed or retained counsel in the District Court:**

   Appellants were represented by retained counsel.

7. **Indicate whether appellant is represented by appointed or retained counsel on appeal:**

   Appellants are represented by retained counsel.

8. **Indicate whether appellant was granted leave to proceed in forma paupers, and the date of entry of the district Court order granting such leave:**

   Leave was neither requested nor granted.

9. **Indicate the date the proceedings commenced in the district Court (e.g., date complaint, indictment, information or petition was filed):**

   The complaint was filed in the Eighth Judicial District Court on July 26, 2016. Shelly D. Krohn, U.S. Bankruptcy Trustee, filed her Complaint in Intervention on November 18, 2019.

10. **Provide a brief description of the nature of the action and result in the District Court, including type of judgment or order being appealed and the relief granted by the District Court:**

    Plaintiffs obtained a money judgment in a prior action against Las Vegas Land Partners. Las Vegas Land Partners filed bankruptcy. The other defendants are alleged to be the alter egos of Las Vegas Land Partners, including Casino Coolidge, LLC and Barnet Liberman. Plaintiffs alleged they conspired to prevent the Plaintiffs from recovering their money judgment. The court agreed, and awarded Plaintiffs the same underlying judgment of $19,641,515.90 against all of the co-defendants (except 305 Las Vegas, LLC, who was dismissed) which includes $4,835,111.37 for the attorney's fees as special damages for the

costs incurred attempting to recover the judgment. Appellants appeal from these rulings, asserting that they were not the alter egos of the judgment debtor, and these Defendants respected the corporate formalities and did not conspire to deprive Plaintiffs of the recovery of their judgment. The damages are excessive, relative to the monies distributed to Barnet Liberman. Casino Coolidge, LLC did not receive any funds, but paid $1,000,000 for real property from Leah, Inc. The transaction was alleged to be fraudulent. Appellants contend the judgment was excessive relative to the purported transfers, and that they did not conspire with, nor were they the alter egos for, the judgment debtor. In addition, the alleged fraudulent conveyances were largely barred by the statute of limitation.

11. **Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court, and, if so, the caption and the Supreme Court docket number of the prior proceeding:**

    There has been no prior appeal or writ proceeding.

12. **Indicate whether this appeal involves child custody or visitation:**

    This appeal does not involve child custody or visitation.

13. **If this is a civil case, indicate whether this appeal involves the possibility of settlement:**

    Appellants would be open to a settlement conference.

DATED this 25th day of February 2020

BLUT LAW GROUP, PC

By: */s/ Elliot S. Blut*

Elliot S. Blut, Esq.
Nevada Bar No. 6570
300 South Fourth Street, Suite 701
Las Vegas, NV 89101
*Attorney for Defendants Barnet Liberman and Casino Coolidge LLC*

## CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of BLUT LAW GROUP, PC, and that on February 26, 2020, I caused a correct copy of the foregoing document entitled DEFENDANTS AND APPELLANTS CASINO COOLIDGE, LLC'S AND BARNET LIBERMAN'S CASE APPEAL STATEMENT to be served as follows:

[ ] by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which First Class postage was prepaid: and/or

[ ] pursuant to NRCP (5)(b)(2)(D) to be served via facsimile; and/or

[ ] pursuant to EDCR 7.26, to be sent via email; and/or

[X] pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served through the Eighth Judicial District Court's electronic filing system, with the date and time of the electronic service substituted for the date and place of deposit in the mail; and/or

[ ] to be hand-delivered,

to the attorneys / interested parties listed below at the address and/or facsimile number indicated below:

| | |
|---|---|
| John W. Muije, Esq.<br>JOHN W. MUIJE & ASSOCIATES<br>1840 E. Sahara Ave #106<br>Las Vegas, NV 89104<br>*Attorneys for Plaintiffs* | Brian B. Boschee, Esq.<br>HOLLY DRIGGS WALCH FINE PUZEY STEIN & THOMPSON<br>400 S. Fourth St., 3rd Flr.<br>Las Vegas, NV 89101<br>*Attorneys for Defendant 305 Las Vegas, LLC* |
| James L. Edwards, Esq.<br>COHEN JOHNSON PARKER & EDWARDS<br>375 E. Warm Springs Rd., Suite 104<br>Las Vegas, NV 89119<br>*Attorneys for Mitchell Defendants* | |

*/s/ Hillary Kapaona*
An Employee of Blut Law Group, PC

EIGHTH JUDICIAL DISTRICT COURT

# CASE SUMMARY

## CASE NO. A-16-740689-B

| | | | |
|---|---|---|---|
| **Russell Nype, Plaintiff(s)** | § | Location: | **Department 11** |
| **vs.** | § | Judicial Officer: | **Gonzalez, Elizabeth** |
| **David Mitchell, Defendant(s)** | § | Filed on: | **07/26/2016** |
| | § | Case Number History: | **A-16-740689-C** |
| | § | Cross-Reference Case Number: | **A740689** |
| | § | | |

### CASE INFORMATION

Case Type: **NRS Chapters 78-89**

Case Status: **07/26/2016 Open**

| DATE | CASE ASSIGNMENT |
|---|---|

**Current Case Assignment**

| | |
|---|---|
| Case Number | A-16-740689-B |
| Court | Department 11 |
| Date Assigned | 07/02/2018 |
| Judicial Officer | Gonzalez, Elizabeth |

### PARTY INFORMATION

| | | |
|---|---|---|
| **Plaintiff** | **Nype, Russell L** | **Muije, John W.**<br>*Retained*<br>7023867002(W) |
| | **Revenue Plus LLC** | **Muije, John W.**<br>*Retained*<br>7023867002(W) |
| **Defendant** | **305 Las Vegas LLC**<br>Removed: 02/24/2020<br>Dismissed | **Boschee, Brian W.**<br>*Retained*<br>702-791-0308(W) |
| | **Aquarius Owner LLC** | **Hayes, Garry L.**<br>*Retained*<br>702-832-5592(W) |
| | **Casino Coolidge LLC** | **Blut, Elliot S.**<br>*Retained*<br>702-384-1050(W) |
| | **FC/Live Work Vegas LLC** | **Edwards, James L, ESQ**<br>*Retained*<br>702-384-8000(W) |
| | **Las Vegas Land Partners LLC** | **Hayes, Garry L.**<br>*Retained*<br>702-832-5592(W) |
| | **Leah Property LLC** | **Hayes, Garry L.**<br>*Retained*<br>702-832-5592(W) |
| | **Liberman Holdings LLC**<br>Removed: 11/29/2018<br>Dismissed | **Hayes, Garry L.**<br>*Retained*<br>702-832-5592(W) |
| | **Liberman, Barnet** | **Blut, Elliot S.** |

| | | |
|---|---|---|
| | | *Retained*<br>702-384-1050(W) |
| | **Live Work LLC** | **Hayes, Garry L.**<br>*Retained*<br>702-832-5592(W) |
| | **Live Work Manager LLC** | **Hayes, Garry L.**<br>*Retained*<br>702-832-5592(W) |
| | **Live Works TIC Successor LLC** | **Hayes, Garry L.**<br>*Retained*<br>702-832-5592(W) |
| | **LVLP Holdings LLC** | **Hayes, Garry L.**<br>*Retained*<br>702-832-5592(W) |
| | **Meyer Property Ltd** | **Hayes, Garry L.**<br>*Retained*<br>702-832-5592(W) |
| | **Mitchell Holdings LLC** | **Hayes, Garry L.**<br>*Retained*<br>702-832-5592(W) |
| | **Mitchell, David J** | **Johnson, Harold Stanley**<br>*Retained*<br>702-823-3500(W) |
| | **Wink One LLC** | **Hayes, Garry L.**<br>*Retained*<br>702-832-5592(W) |
| | **Zoe Property LLC** | **Hayes, Garry L.**<br>*Retained*<br>702-832-5592(W) |
| **Intervenor Defendant** | **305 Las Vegas LLC** | **Boschee, Brian W.**<br>*Retained*<br>702-791-0308(W) |
| | **Aquarius Owner LLC** | **Hayes, Garry L.**<br>*Retained*<br>702-832-5592(W) |
| | **Casino Coolidge LLC** | **Blut, Elliot S.**<br>*Retained*<br>702-384-1050(W) |
| | **FC/Live Work Vegas LLC** | **Edwards, James L, ESQ**<br>*Retained*<br>702-384-8000(W) |
| | **Leah Property LLC** | **Hayes, Garry L.**<br>*Retained*<br>702-832-5592(W) |
| | **Liberman, Barnet** | **Blut, Elliot S.**<br>*Retained*<br>702-384-1050(W) |
| | **Live Work LLC** | **Hayes, Garry L.**<br>*Retained*<br>702-832-5592(W) |
| | **Live Work Manager LLC** | **Hayes, Garry L.**<br>*Retained* |

| | | |
|---|---|---|
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| | **Live Works TIC Successor LLC** | **Hayes, Garry L.**<br>*Retained*<br>702-832-5592(W) |
| | **LVLP Holdings LLC** | **Hayes, Garry L.**<br>*Retained*<br>702-832-5592(W) |
| | **Meyer Property Ltd** | **Hayes, Garry L.**<br>*Retained*<br>702-832-5592(W) |
| | **Mitchell Holdings LLC** | **Hayes, Garry L.**<br>*Retained*<br>702-832-5592(W) |
| | **Mitchell, David J** | **Johnson, Harold Stanley**<br>*Retained*<br>702-823-3500(W) |
| | **Wink One LLC** | **Hayes, Garry L.**<br>*Retained*<br>702-832-5592(W) |
| | **Zoe Property LLC** | **Hayes, Garry L.**<br>*Retained*<br>702-832-5592(W) |
| **Intervenor Plaintiff** | **Krohn, Shelly D** | **Muije, John W.**<br>*Retained*<br>7023867002(W) |

| DATE | EVENTS & ORDERS OF THE COURT | INDEX |
|---|---|---|
| | **EVENTS** | |
| 07/26/2016 | Complaint<br>Filed By: Plaintiff Nype, Russell L<br>*Complaint* | |
| 07/27/2016 | Initial Appearance Fee Disclosure<br>Filed By: Plaintiff Nype, Russell L<br>*Initial Appearance Fee Disclosure* | |
| 07/27/2016 | Disclosure Statement<br>Party: Plaintiff Nype, Russell L<br>*N.R.C.P. Rule 7.1 Disclosure Statement* | |
| 07/27/2016 | Notice of Intent to Take Default<br>Party: Plaintiff Nype, Russell L<br>*Notice of Intent to Take Default* | |
| 11/17/2016 | Ex Parte Motion for Enlargement of Time<br>Filed By: Plaintiff Nype, Russell L<br>*Ex Parte Motion to Extend Time for Service of Process* | |
| 11/23/2016 | Order<br>Filed By: Plaintiff Nype, Russell L<br>*Order Extending Time for Service of Process* | |

02/23/2017 Ex Parte Motion for Enlargement of Time
Filed By: Plaintiff Nype, Russell L
*Ex Parte Motion to Extend Time for Service of Process (Second Request)*

02/24/2017 Proof of Service
Filed by: Plaintiff Nype, Russell L
*Proof of Service of Casino Coolidge, LLC*

02/27/2017 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of Live Works TIC Successor, LLC*

02/27/2017 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of Liberman Holdings, LLC*

02/27/2017 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of Barnet Liberman*

02/27/2017 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of Zoe Property, LL*

02/27/2017 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of Live Work, LLC*

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Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of Aquarius Owner, LLC*

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*Affidavit of Service of LVLP Holdings, LLC*

02/27/2017 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of Mitchell Holdings, LLC*

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*Affidavit of Service of Wink One, LLC*

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*Affidavit of Service of Live Work Manager, LLC*

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Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of Meyer Property, Ltd*

02/27/2017 Affidavit of Service
Filed By: Plaintiff Nype, Russell L

*Affidavit of Service of Leah Property, LLC*

02/27/2017 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of David Mitchell*

02/28/2017 Proof of Service
Filed by: Plaintiff Nype, Russell L
*Proof of Service of Las Vegas Land Partners, LLC*

02/28/2017 Proof of Service
Filed by: Plaintiff Nype, Russell L
*Proof of Service of Leah Property, LLC*

02/28/2017 Proof of Service
Filed by: Plaintiff Nype, Russell L
*Proof of Service*

02/28/2017 Proof of Service
Filed by: Plaintiff Nype, Russell L
*Proof of Service*

03/02/2017 Peremptory Challenge
Filed by: Intervenor Defendant Mitchell, David J
*Peremptory Challenge of Judge*

03/02/2017 Initial Appearance Fee Disclosure
Filed By: Intervenor Defendant Mitchell, David J
*Initial Appearance Fee Disclosure*

03/02/2017 Notice of Department Reassignment
*Notice of Department Reassignment*

03/03/2017 Initial Appearance Fee Disclosure
Filed By: Intervenor Defendant Mitchell, David J
*Initial Appearance Fee Disclosure*

03/03/2017 Notice of Department Reassignment
*Notice of Department Reassignment*

03/03/2017 Intentional Misconduct Case

03/06/2017 Notice of Entry of Order
Filed By: Plaintiff Nype, Russell L
*Notice of Entry of Order Extending Time for Service of Process (Second Request)*

03/06/2017 Order Extending Time to Serve
Filed By: Plaintiff Nype, Russell L
*Order Extending Time for Service of Process (Second Request)*

03/14/2017 Demand
Filed By: Intervenor Defendant Mitchell, David J
*Demand for Security of Costs*

03/14/2017 Demand
Filed By: Intervenor Defendant Mitchell, David J
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03/14/2017 Demand
Filed By: Intervenor Defendant Mitchell, David J
*Demand for Security of Costs*

03/14/2017 Demand
Filed By: Intervenor Defendant Mitchell, David J
*Demand for Security of Costs*

03/21/2017 Notice of Intent to Take Default
Party: Plaintiff Nype, Russell L
*Ten-Day Notice of Intent to Take Default*

03/21/2017 Notice of Posting Bond
Filed By: Plaintiff Nype, Russell L
*Notice of Posting Cost Bonds*

03/23/2017 Motion to Strike
Filed By: Intervenor Defendant Mitchell, David J
*Defendants' Motion to Strike Plaintiffs' Jury Demand*

03/24/2017 Arbitration File
*Arbitration File*

04/06/2017 Motion to Dismiss
Filed By: Intervenor Defendant Mitchell, David J
*Defendants' Motion to Dismiss Plaintiffs' Complaint Pursuant to NRS 86.548(2), NRCP 12(b)(2) and 12(b)(5)*

04/13/2017 Stipulation and Order
Filed by: Plaintiff Nype, Russell L
*Stipulation and Order to Continue Hearing On Defendant's Motion to Strike Plaintiff's Jury Demand*

04/14/2017 Notice of Entry of Stipulation and Order
Filed By: Plaintiff Nype, Russell L
*Notice of Entry of Stipulation and Order to Continue Hearing on Defendant's Motion to Strike Plaintiff's Jury Demand*

04/17/2017 Opposition and Countermotion
Filed By: Plaintiff Nype, Russell L
*Opposition to Defendant's Motion to Strike Plaintiffs' Jury Demand and Countermotion for Advisory Jury as to Equitable Issues*

04/25/2017 Reply to Opposition
Filed by: Intervenor Defendant Mitchell, David J

*Defendants' Reply to Opposition to Defendants' Motion to Strike Plaintiffs' Jury Demand, and Opposition to Plaintiffs' Countermotion for Advisory Jury as to Equitable Issues*

04/28/2017 Stipulation and Order
Filed by: Plaintiff Nype, Russell L
*Stipulation and Order to Continue Hearing on Defendants' Motion to Dismiss Plaintiffs' Complaint Pursuant to NRS 86.548(2), NRCP 12(b)(2) and 12(b)(5)*

05/01/2017 Notice of Entry of Stipulation and Order
Filed By: Plaintiff Nype, Russell L
*Notice of Entry of Stipulation and Order to Continue Hearing on Defedants' Motion to Dismiss Plaintiff's Complaint Pursuant to NRS 86.548(2), NRCP 12(b)(2) and 12(b)(5)*

05/02/2017 Substitution of Attorney
Filed by: Intervenor Defendant 305 Las Vegas LLC
*Substitution of Attorney*

05/02/2017 Substitution of Attorney
Filed by: Intervenor Defendant Liberman, Barnet
*Substitution of Attorney*

05/23/2017 Stipulation and Order
Filed by: Plaintiff Nype, Russell L
*Stipulation and Order to Continue Hearing on Defendant's Motion to Dismiss Plaintiff's Complaint*

05/23/2017 Order Granting Motion
Filed By: Intervenor Defendant Mitchell, David J; Defendant Las Vegas Land Partners LLC; Intervenor Defendant Meyer Property Ltd; Intervenor Defendant Zoe Property LLC; Intervenor Defendant Leah Property LLC; Intervenor Defendant Wink One LLC; Intervenor Defendant Live Work LLC; Intervenor Defendant Live Work Manager LLC; Intervenor Defendant Aquarius Owner LLC; Intervenor Defendant LVLP Holdings LLC; Intervenor Defendant Mitchell Holdings LLC; Defendant Liberman Holdings LLC; Intervenor Defendant 305 Las Vegas LLC; Intervenor Defendant Live Works TIC Successor LLC; Intervenor Defendant Casino Coolidge LLC
*Order Granting Defendants' Motion to Strike Plaintiffs' Jury Demand, and Denying Plaintiffs' Countermotion for Advisory Jury as to Equitable Issues*

05/24/2017 Notice of Entry of Order
*Notice of Entry of Order*

05/24/2017 Notice of Entry of Stipulation and Order
Filed By: Plaintiff Nype, Russell L
*Notice of Entry of Stipulation and Order to Continue Hearing on Defendants' Motion to Dismiss Plaintiffs' Complaint*

05/30/2017 Stipulation and Order
Filed by: Plaintiff Nype, Russell L
*Stipulation and Order to Continue Briefing Deadlines Re Defendants' Motion to Dismiss Plaintiffs' Complaint Pursuant to NRS 86.548(2), NRCP 12(b)(2) and 12(b)(5)*

05/31/2017 Notice of Entry of Stipulation and Order
Filed By: Plaintiff Nype, Russell L
*Notice of Entry of Stipulation and Order to Continue Briefing Deadlines Re: Defendants' Motion to Dismiss Plaintiffs' Complaint Pursuant to NRS 86.548(2), NRCP 12(b)(2) and 12(b)(5)*

06/06/2017 Stipulation and Order
Filed by: Plaintiff Nype, Russell L
*Stipulation and Order to Continue Hearing On Defendants' Motion to Dismiss Plaintiffs' Complaint Pursuant to NRS 86.548(2), NRCP 12(b)(2) and 12(b)(5) And Other Briefing Deadlines*

06/07/2017 Notice of Entry of Stipulation and Order
Filed By: Plaintiff Nype, Russell L
*Notice of Entry of Stipulation & Order to Continue Hearing on Defendants' Motion to Dismiss Plaintiffs' Complaint Pursuant to NRS 86.548(2), NRCP 12(b)(2) and 12(b)(5) And Other Briefing Deadlines*

06/14/2017 Opposition to Motion
Filed By: Plaintiff Nype, Russell L
*Opposition to Defendants' Motion to Dismiss*

06/15/2017 Errata
Filed By: Plaintiff Nype, Russell L
*Errata to Opposition to Defendants' Motion to Dismiss*

07/06/2017 Reply to Opposition
Filed by: Intervenor Defendant Mitchell, David J; Defendant Las Vegas Land Partners LLC; Intervenor Defendant Meyer Property Ltd; Intervenor Defendant Zoe Property LLC; Intervenor Defendant Leah Property LLC; Intervenor Defendant Wink One LLC; Intervenor Defendant Live Work LLC; Intervenor Defendant Live Work Manager LLC; Intervenor Defendant Aquarius Owner LLC; Intervenor Defendant LVLP Holdings LLC; Intervenor Defendant Mitchell Holdings LLC; Defendant Liberman Holdings LLC; Intervenor Defendant Live Works TIC Successor LLC; Intervenor Defendant Casino Coolidge LLC
*Defendants' Reply to Plaintiffs' Opposition to Motion to Dismiss Plaintiffs' Complaint Pursuant to NRS 86.548(2), NRCP 12(b)(2) and 12(b)(5)*

07/07/2017 Joinder
Filed By: Intervenor Defendant Liberman, Barnet; Intervenor Defendant 305 Las Vegas LLC
*Joinder and Reply of 305 Las Vegas, LLC and Barnet Liberman in Support of Motion to Dismiss Plaintiff's Complaint Pursuant to NRS 86.548(2), NRCP 12(b)(2) and 12(b)(5)*

07/18/2017 Business Court Order
*Business Court Order*

08/07/2017 Order Denying Motion
Filed By: Plaintiff Nype, Russell L
*Order Denying Defendants' Motion to Dismiss Plaintiffs' Complaint*

08/09/2017 Notice of Entry of Order
Filed By: Plaintiff Nype, Russell L
*Notice of Entry of Order Denying Defendants' Motion to Dismiss Plaintiffs' Complaint*

08/21/2017 Amended Complaint
Filed By: Plaintiff Nype, Russell L; Plaintiff Revenue Plus LLC
*Amended Complaint*

08/22/2017 Notice of Compliance
Party: Intervenor Defendant Mitchell, David J
*Notice of Compliance*

08/22/2017 Notice of Compliance
Party: Plaintiff Nype, Russell L
*Notice of Compliance*

08/22/2017 Notice of Compliance
*Notice of compliance*

09/01/2017 Business Court Order
*Business Court Scheduling Order rand Order Setting Civil Bench Trial and Calendar Call*

09/05/2017 Answer to Amended Complaint
Filed By: Intervenor Defendant Mitchell, David J; Defendant Las Vegas Land Partners LLC; Intervenor Defendant Meyer Property Ltd; Intervenor Defendant Zoe Property LLC; Intervenor Defendant Leah Property LLC; Intervenor Defendant Wink One LLC; Intervenor Defendant Live Work LLC; Intervenor Defendant Live Work Manager LLC; Intervenor Defendant Aquarius Owner LLC; Intervenor Defendant LVLP Holdings LLC; Intervenor Defendant Mitchell Holdings LLC; Defendant Liberman Holdings LLC; Intervenor Defendant Live Works TIC Successor LLC; Intervenor Defendant Casino Coolidge LLC
*Answer to Amended Complaint*

09/08/2017 Answer to Amended Complaint
*Answer to Plaintiff's Amended Complaint*

09/14/2017 Disclosure Statement
*NRCP Rule 7.1 Disclosure Statement*

10/24/2017 Joint Case Conference Report
Filed By: Plaintiff Nype, Russell L
*Joint Case Conference Report*

01/19/2018 Disclosure of Documents and Witnesses Pursuant to NRCP 16.1
Filed By: Plaintiff Nype, Russell L
*Plaintiff's First Supplemental Disclosures Pursuant to NRCP 16.1*

02/05/2018 Supplemental
Filed by: Plaintiff Nype, Russell L
*Supplemental Verification to Plaintiff Revenue Plus, LLC's Responses to Defendants' First Set of Interrogatories*

02/05/2018 Supplemental
Filed by: Plaintiff Nype, Russell L
*Supplemental Verification to Plaintiff Russell L. Nype's Responses to Defendants' First Set of Interrogatories*

02/15/2018 Notice of Deposition
Filed By: Plaintiff Nype, Russell L
*Notice of Deposition of Kenneth S. Eisenberg, CPA, As The Custodian of Records At Kenneth S. Eisenberg, CPA*

02/15/2018 Stipulation and Order to Extend Discovery Deadlines
Filed By: Intervenor Defendant Mitchell, David J; Defendant Las Vegas Land Partners LLC; Intervenor Defendant Meyer Property Ltd; Intervenor Defendant Zoe Property LLC; Intervenor Defendant Leah Property LLC; Intervenor Defendant Wink One LLC; Intervenor Defendant Live Work LLC; Intervenor Defendant Live Work Manager

LLC; Intervenor Defendant Aquarius Owner LLC; Intervenor Defendant LVLP Holdings LLC; Intervenor Defendant Mitchell Holdings LLC; Defendant Liberman Holdings LLC; Intervenor Defendant Live Works TIC Successor LLC; Intervenor Defendant Casino Coolidge LLC; Intervenor Defendant FC/Live Work Vegas LLC
*Stipulation and Order for Extension of Time to Complete Discovery (First Request)*

02/15/2018 Notice of Entry of Stipulation and Order
Filed By: Intervenor Defendant Mitchell, David J
*Notice of Entry of Stipulation and Order*

02/20/2018 Business Court Order
*Amended Business Court Scheduling Order and Order Setting Civil Bench Trial and Calendar Call*

02/21/2018 Stipulated Protective Order
Filed By: Intervenor Defendant Mitchell, David J
*Stipulated Protective Order*

02/21/2018 Notice of Entry of Stipulation and Order
Filed By: Intervenor Defendant Mitchell, David J
*Notice of Entry of Stipulated Protective Order*

03/06/2018 Amended Notice of Taking Deposition
Filed By: Plaintiff Nype, Russell L
*Amended Notice to Take Deposition of the Custodian of Records of Kenneth S. Eisenberg, CPA*

03/07/2018 Amended Notice
Filed By: Plaintiff Nype, Russell L
*Second Amended Noticer to Take Deposition of the Custodian of Records of Kenneth S. Eisenberg, CPa*

03/28/2018 Notice of Deposition
Filed By: Plaintiff Nype, Russell L
*Notice to Take Deposition of the PMK of Forest City Properties, LLC Pursuant to Subpoena Duces Tecum*

03/28/2018 Notice of Deposition
Filed By: Plaintiff Nype, Russell L
*Notice to Take Deposition of the PMK of FC/LW Vegas, LLC Pursuant to Subpoena Duces Tecu*

03/28/2018 Notice of Deposition
Filed By: Plaintiff Nype, Russell L
*Notice to Take Deposition of the PMK of PQ Ground Lesse, LLC Pursuant to Subpoena Duces Tecum*

03/28/2018 Notice of Deposition
Filed By: Plaintiff Nype, Russell L
*Notice to Take Deposition of the PMK of PQ Las Vegas, LLC Pursuant to Subpoena Duces Tecum*

03/28/2018 Notice of Deposition
Filed By: Plaintiff Nype, Russell L
*Notice to Take Deposition of the PMK of Forest City Commercial Management, LLC Pursuant to Subpoena Duces Tecum*

03/28/2018 Notice of Deposition
Filed By: Plaintiff Nype, Russell L
*Notice to Take Deposition of the PMK of Forest City Commercial Management, Inc. Pursuant to Subpoena Duces Tecum*

03/28/2018 Notice of Deposition
Filed By: Plaintiff Nype, Russell L
*Notice to Take Deposition of the PMK of Forest City TRS, LLC Pursuant to Subpoena Duces Tecum*

03/28/2018 Notice of Deposition
Filed By: Plaintiff Nype, Russell L
*Notice to Take Deposition of the PMK of FC Vegas 20, LLC Pursuant to Subpoena Duces Tecum*

03/28/2018 Notice of Deposition
Filed By: Plaintiff Nype, Russell L
*Notice to Take Deposition of the PMK of Forest City Real Estate Services, LLC Pursuant to Subpoena Duces Tecum*

03/28/2018 Notice of Deposition
Filed By: Plaintiff Nype, Russell L
*Notice to Take Deposition of the PMK of QH Las Vegas, LLC Pursuant to Subpoena Duces Tecum*

03/30/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of PQ Las Vegas, LLC*

03/30/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of FC Las Vegas 20, LLC*

03/30/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of PQ Ground Lesse, LLC*

03/30/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of QH Las Vegas, LLC*

03/30/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of Forest City Commercial Management, Inc.*

03/30/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of Foret City Commercial Management, LLC*

03/30/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of FC/LW Vegas, LLC*

03/30/2018

Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of Forest City TRS, LLC*

03/30/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of Forest City Real Estate Service, LLC*

03/30/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of Forest City Properties, LLC*

04/19/2018 Motion to Compel
Filed By: Intervenor Defendant Mitchell, David J
*Motion to Compel Complete Responses to Interrogatories and Requests for Production of Documents*

04/26/2018 Joinder
*Joinder of Barnet Liberman and 305 Las Vegas in the Mitchell Defendant's Motion to Compel Complete Responses to Interrogatories and Requests for Production of Documents*

05/08/2018 Ex Parte Application
Party: Plaintiff Nype, Russell L
*Ex Parte Applicatoin for an Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt and For Order Compelling Said Entities to Produce Docments Requested Responsive to Subpoena and For An Award of Attorneys' Fees and costs*

05/09/2018 Stipulation and Order
Filed by: Plaintiff Nype, Russell L
*Stipulation and Order to Continue Hearing Re Motion to Compel Complete Responses to Interrogatories and Requests for Production of Documents*

05/09/2018 Notice of Entry of Stipulation and Order
Filed By: Plaintiff Nype, Russell L
*Notice of Entry of Stipulation and Order to Continue Hearing Re Motion to Compel Complete Responses to Interrogatories and Requests for Production of Documents*

05/11/2018 Opposition to Motion to Compel
Filed By: Plaintiff Nype, Russell L
*Opposition to Motion to Compel and Counter-Motion Requiring Disclosure of Undredacted Emails Between Defendants and Their Accountant*

05/14/2018 Order to Show Cause
Filed by: Plaintiff Nype, Russell L
*Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt*

05/16/2018 Notice of Entry of Order
Filed By: Plaintiff Nype, Russell L
*Notice of Entry of Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt*

05/25/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of Forest City Real Estate Services, LLC Re Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt*

05/25/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of Forest City Commercial Management, LLC Re Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt*

05/25/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of FC Las Vegas 20, LLC Re Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt*

05/25/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of FC/LW Vegas, LLC Re Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt*

05/25/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of Forest City Commercial Management, Inc. Re Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt*

05/25/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of QH Las Vegas, LLC Re Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt*

05/25/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of Forest City Properties, LLC Re Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt*

05/25/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of Forest City TRS, LLC Re Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt*

05/25/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of PQ Las Vegas, LLC Re Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt*

05/25/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of PQ Ground Lessee, LLC Re Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt*

05/30/2018 Reply to Opposition
Filed by: Intervenor Defendant Mitchell, David J
*Mitchell Defendants' Reply to Opposition to Motion to Compel Complete Responses to Interrogatories and Requests for Production of Documents*

05/30/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of Forest City Commercial Management, LLC Re Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt*

05/30/2018 Joinder
*Joinder of Barnet Liberman and 305 Las Vegas, LLC in the Mitchell Defendants' Reply to Opposition to Motion to Compel Complete Responses to Interrogatories and Requests for Production of Documents*

06/04/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of PQ Las Vegas, LLC Re Ex Parte Application for An Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt and for Order Compelling Said Entities to Produce Documents Requested Responsive to Subpoena And For An Award of Attorneys' Fees and Costs*

06/04/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of QH Las Vegas, LLC Re Ex Parte Application for An Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt and for Order Compelling Said Entities to Produce Documents Requested Responsive to Subpoena And For An Award of Attorneys' Fees and Costs*

06/04/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of Forest City TRS, LLC Re Ex Parte Application for An Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt And for Order Compelling Said Entities to Produce Documents Requested Responsive to Subpoena and for An Award of Attorneys' Fees and Costs*

06/04/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of Forest City Properties, LLC Re Ex Parte Application for An Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt And for Order Compelling Said Entities to Produce Documents Requested Responsive to Subpoena and for An Award of Attorneys' Fees and Costs*

06/04/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of Forest City Commercial Management, LLC Re Ex Parte Application for An Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt And for Order Compelling Said Entities to Produce Documents Requested Responsive to Subpoena and for An Award of Attorneys' Fees and Costs*

06/04/2018 Affidavit of Service
*Affidavit of Service of Forest City Real Estate Services, LLC Re Ex Parte Application for An Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt And for Order Compelling Said Entities to Produce Documents Requested Responsive to Subpoena and for An Award of Attorneys' Fees and Costs*

06/04/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of FC Las Vegas 20, LLC Re Ex Parte Application for An Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt and for Order Compelling Said Entities to Produce Documents Responsive to Subpoena and For An Award of Attorneys' Fees and Costs*

06/04/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of PQ Ground Lessee, LLC Re Ex Parte Application for An Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt and For Order Compelling Said Entities to Produce Documents Requested Responsive to Subpoena and For*

*An Award of Attorneys' Fees and Costs*

06/04/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of Forest City Commercial Management, Inc. Re Ex Parte Application for An Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt and For Order Compelling Said Entities to Produce Documents Requested Responsive to Subpoena and For An Award of Attorneys' Fees and Costs*

06/04/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of FC/LW Vegas 20, LLC Re Ex Parte Application for An Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt and For Order Compelling Said Entities to Produce Documents Requested Responsive to Subpoena and For An Award of Attorneys' Fees and Costs*

06/05/2018 Stipulation and Order
Filed by: Plaintiff Nype, Russell L
*Stipulation and Order to Continue Hearing Re Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt and/or Sanctioned*

06/05/2018 Notice of Entry of Stipulation and Order
Filed By: Plaintiff Nype, Russell L
*Notice of Entry of Stipulation and Order to Continue Hearing Re Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt and/or Sanctioned*

06/05/2018 Supplement
Filed by: Plaintiff Nype, Russell L
*Supplement to Plaintiffs' Opposition to Motion to Compel and Counter-Motion Requiring Disclosure of Unredacted Emails*

06/12/2018 Objection
Filed By: Plaintiff Nype, Russell L
*Objection to Ex Parte Application for an Order to Show Cause Why Multiple Related Entities Should Not be Held in Contempt; Order Compelling Said Entities to Produce Documents Requested Responsive to Subpoena; and an Award of Attorneys' Fees and Costs*

06/18/2018 Order Granting Motion
*Order Granting Defendants' Motion to Compel and Denying Plaintiffs' Countermotion Requiring Disclosure of Unredacted Emails Between Defendants and their Accountant*

06/19/2018 Notice of Entry
Filed By: Intervenor Defendant Mitchell, David J
*NOTICE OF ENTRY OF ORDER*

07/02/2018 Case Reassigned to Department 11
*Reassigned From Judge Hardy - Dept 15*

07/03/2018 Order
*Order Denying Ex Parte Application for an Order to Show Cause why Multiple Related Entities Should Not be Held in Contempt; Order Compelling Said Entities to Produce Documents Requested Responsive to Subpoena; and an Award of Attorneys' Fees and Costs WIthout Prejudice and Discharging Order to Show Cause*

07/03/2018 Notice of Entry of Order
*Notice of Entry of Order Denying Ex Parte Application for an Order to Show Cause Why Multiple Related Entities Should Not Be Held in Contempt; Order Compelling Said Entities to*

*Produce Documents Requested Responsive to Subpoena; and an Award of Attorneys' Fees and Costs Without Prejudice and Discharging Order to Show Cause*

07/17/2018 Business Court Order
*Amended Business Court Order*

07/30/2018 Business Court Order
*2nd Amended Business Court Scheduling Order and Order Setting Civil Bench Trial and Calendar Call*

08/16/2018 Disclosure of Documents and Witnesses Pursuant to NRCP 16.1
Filed By: Plaintiff Nype, Russell L
*Supplemental Document Disclosures Regarding Plaintiffs' Initial 16.1 Disclosure and Production*

08/28/2018 Notice of Deposition
Filed By: Plaintiff Nype, Russell L
*Notice to Take Deposition of Barnet Liberman*

08/28/2018 Notice of Deposition
Filed By: Plaintiff Nype, Russell L
*Notice to Take Deposition of David Mitchell*

09/05/2018 Amended Notice of Taking Deposition
Filed By: Plaintiff Nype, Russell L
*Amended Notice to Take Deposition of David Mitchell*

09/05/2018 Amended Notice of Taking Deposition
Filed By: Plaintiff Nype, Russell L
*Amended Notice to Take Depositiion of Barnet Liberman*

09/19/2018 Notice of Taking Deposition
Filed By: Plaintiff Nype, Russell L
*Notice of Taking Deposition of the Person Most Knowledgeable of PQ Las Vegas, LLC Pursuant to Subpoena Duces Tecum*

09/19/2018 Notice of Taking Deposition
Filed By: Plaintiff Nype, Russell L
*Notice of Taking Deposition of the Person Most Knowledgeable of FC Vegas 20, LLC Pursuant to Subpoena Duces Tecum*

09/19/2018 Notice of Taking Deposition
Filed By: Plaintiff Nype, Russell L
*Notice of Taking Deposition of the Person Most Knowledgeable of PQ Ground Lessee, LLC Pursuant to Subpoena Duces Tecum*

09/19/2018 Notice of Taking Deposition
Filed By: Plaintiff Nype, Russell L
*Notice to Take Deposition of the Person Most knowlegeable of Forest City Commercial Management Pursuant to Subpoena Duces Tecum*

09/19/2018 Notice of Taking Deposition
Filed By: Plaintiff Nype, Russell L
*Notice to Take Deposition of the Person Most Knowlegeable of FC/LW Vegas, LLC Pursuant to Subpoena Decues Tecum*

09/19/2018 Notice of Taking Deposition
Filed By: Plaintiff Nype, Russell L
*Notice to Take Deposition of the Person Most Knowledgeable of QH Las Vegas, LLC Pursuant to Subpoena Duces Tecum*

09/20/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service - FC/LW Vegas, LLC*

09/20/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service - PQ Las Vegas*

09/20/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service - PQ Ground Lessee*

09/20/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service -Forest City Comm*

09/20/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service - QH Las Vegas*

09/20/2018 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service - FC Vegas 20*

09/21/2018 Supplement
Filed by: Plaintiff Nype, Russell L
*Supplemental Verification to Plaintiff Russell l. Nype's Supplemental Responses to Defendants' First Set of Interrogatories and to Request for Production of Docouments No. 44*

09/21/2018 Supplement
Filed by: Plaintiff Nype, Russell L
*Supplemental Verification to Plaintiff Revunue Plus, LLC's Supplemental Responses to Defendants' First Set of Interrogatories and to Request for Production of Documents No. 44*

11/07/2018 Substitution of Attorney
Filed by: Intervenor Defendant Mitchell, David J; Defendant Las Vegas Land Partners LLC; Intervenor Defendant Meyer Property Ltd; Intervenor Defendant Zoe Property LLC; Intervenor Defendant Leah Property LLC
*Substitution of Attorney*

11/15/2018 Stipulation to Extend Discovery
Party: Intervenor Defendant Mitchell, David J; Defendant Las Vegas Land Partners LLC; Intervenor Defendant Meyer Property Ltd; Intervenor Defendant Zoe Property LLC; Intervenor Defendant Leah Property LLC; Intervenor Defendant Wink One LLC; Intervenor Defendant Live Work LLC; Intervenor Defendant Live Work Manager LLC
*Stipulation and Order for Extension of Discovery and to Continue Trial (Second Request)*

11/20/2018 Stipulated Protective Order

Filed By: Plaintiff Nype, Russell L
*Stipulated Protective Order Regarding Subpoenaed Forest City Entities*

11/20/2018 Notice of Entry of Order
Filed By: Plaintiff Nype, Russell L
*Notice of Entry of Stipulated Protective Order Regarding Subpoenaed "Forest City Entities"*

11/20/2018 Notice of Entry of Stipulation and Order
Filed By: Intervenor Defendant Mitchell, David J; Defendant Las Vegas Land Partners LLC; Intervenor Defendant Meyer Property Ltd; Intervenor Defendant Zoe Property LLC; Intervenor Defendant Leah Property LLC; Intervenor Defendant Wink One LLC; Intervenor Defendant Live Work LLC; Intervenor Defendant Live Work Manager LLC; Intervenor Defendant Aquarius Owner LLC; Intervenor Defendant LVLP Holdings LLC; Intervenor Defendant Mitchell Holdings LLC; Defendant Liberman Holdings LLC; Intervenor Defendant Live Works TIC Successor LLC
*Notice of Entry of Stipulation and Order for Extension of Discovery and to Continue Trial (Second Request)*

11/27/2018 Order Setting Civil Bench Trial
*3rd Amended Business Court Scheduling Order and Order Setting Civil Bench Trial and Calendar Call*

11/29/2018 Stipulation and Order for Dismissal Without Prejudice
Filed By: Plaintiff Nype, Russell L
*Stipulation and Order for Partial Dismissal Without Prejudice Against Liberman Holdings, LLC ONLY*

11/29/2018 Notice of Entry of Stipulation and Order
Filed By: Plaintiff Nype, Russell L
*Notice of Entry of Stipulation and Order for Partial Dismissal Without Prejudice Against Liberman Holdings, LLc*

11/30/2018 Notice of Entry of Stipulation and Order
Filed By: Plaintiff Nype, Russell L
*Notice of Entry of Stipulation and Order for Partial Dismissal Without Prejudice Against Liberman Holdings, ONLY*

01/04/2019 Supplemental Disclosures
Filed By: Plaintiff Nype, Russell L
*Plaintiff's Third Supplemental NRCP 16.1 Disclosures*

01/31/2019 Certificate of Mailing
Filed By: Plaintiff Nype, Russell L
*Certificate of Mailing*

01/31/2019 Supplemental Disclosures
Filed By: Plaintiff Nype, Russell L
*Plaintiff's Fourth Supplemental NRCP 16.1 Disclosures*

03/11/2019 Motion to Withdraw As Counsel
Filed By: Intervenor Defendant Liberman, Barnet; Intervenor Defendant 305 Las Vegas LLC; Intervenor Defendant Casino Coolidge LLC
*Motion to Withdraw as Counsel*

03/12/2019 Clerk's Notice of Hearing
*Notice of Hearing*

03/13/2019 Motion to Withdraw As Counsel
Filed By: Intervenor Defendant Mitchell, David J; Defendant Las Vegas Land Partners LLC; Intervenor Defendant Meyer Property Ltd; Intervenor Defendant Zoe Property LLC; Intervenor Defendant Leah Property LLC; Intervenor Defendant Wink One LLC; Intervenor Defendant Live Work LLC; Intervenor Defendant Live Work Manager LLC; Intervenor Defendant Aquarius Owner LLC; Intervenor Defendant LVLP Holdings LLC; Intervenor Defendant Mitchell Holdings LLC; Intervenor Defendant Live Works TIC Successor LLC
*Motion to Withdraw as Counsel of Record for Defendants*

03/14/2019 Clerk's Notice of Hearing
*Notice of Hearing*

03/18/2019 Certificate of Service
Filed by: Intervenor Defendant Mitchell, David J
*Certificate of Service*

03/19/2019 Order

03/25/2019 Opposition to Motion
Filed By: Plaintiff Nype, Russell L
*Plaintiffs' Opposition to Defendants' Barnet Liberman, 305 Las Vegas, LLC and Casino Coolidge, LLC's Motion to Withdraw As Counsel of Record*

03/27/2019 Opposition to Motion
Filed By: Plaintiff Nype, Russell L
*Plaintiffs' Limited Opposition to the Mitchell Defendants' Motion to Withdraw As Counsel of Record*

03/28/2019 Reply to Opposition
Filed by: Intervenor Defendant Mitchell, David J; Defendant Las Vegas Land Partners LLC; Intervenor Defendant Meyer Property Ltd; Intervenor Defendant Zoe Property LLC; Intervenor Defendant Leah Property LLC; Intervenor Defendant Wink One LLC; Intervenor Defendant Live Work LLC; Intervenor Defendant Live Work Manager LLC; Intervenor Defendant Aquarius Owner LLC; Intervenor Defendant LVLP Holdings LLC; Intervenor Defendant Mitchell Holdings LLC; Intervenor Defendant Live Works TIC Successor LLC; Intervenor Defendant FC/Live Work Vegas LLC
*Reply to Plaintiffs Limited Opposition to the Mitchell Defendants Motion to Withdraw as Counsel of Record*

04/03/2019 Notice to Take Deposition
Filed by: Plaintiff Nype, Russell L
*Notice to Take Deposition of David Mitchell*

04/03/2019 Notice to Take Deposition
Filed by: Plaintiff Nype, Russell L
*Notice to Take Deposition of Barnet Liberman*

04/03/2019 Notice to Take Deposition
Filed by: Plaintiff Nype, Russell L
*Notice to Take Deposition of David Mitchell*

04/04/2019 Affidavit of Service
Filed By: Intervenor Defendant Mitchell, David J
*Affidavit/Declaration of Service (Mark D. Rich, CPA)*

04/05/2019 Motion to Extend Discovery
Filed By: Plaintiff Nype, Russell L
*Plaintiffs' Motion to Enlarge Time to Complete Discovery on Order Shortening Time*

04/08/2019 Receipt of Copy
Filed by: Plaintiff Nype, Russell L
*Receipt of Copy of Plaintiffs' Motion to Enlarge Time to Complete Discovery on OST (Garry Hayes)*

04/08/2019 Receipt of Copy
Filed by: Plaintiff Nype, Russell L
*Receipt of Copy of Plaintffs' Motion to Enlarge Time to Complete Discovery on OST (Harry Marquis)*

04/08/2019 Substitution of Attorney
Filed by: Intervenor Defendant Casino Coolidge LLC
*Substitution of Counsel*

04/08/2019 Substitution of Attorney
Filed by: Intervenor Defendant Liberman, Barnet
*Substitution of Counsel*

04/09/2019 Notice
Filed By: Plaintiff Nype, Russell L
*Notice of Intent to Serve Subpoena*

04/09/2019 Notice of Deposition
Filed By: Plaintiff Nype, Russell L
*Notice of Depositio of the COR of The Bank of New York and/or The Bank of New YOrk Mellon Corporation dba BNY Mellon*

04/09/2019 Notice of Deposition
Filed By: Plaintiff Nype, Russell L
*Notice of Deposition of the Custodian of Records of Greystar RS SW, LLC*

04/09/2019 Notice of Deposition
Filed By: Plaintiff Nype, Russell L
*Notice of Deposition of the Custodian of Records of U.S. Bank National Association*

04/10/2019 Notice of Deposition
Filed By: Plaintiff Nype, Russell L
*Notice to Take Deposition of Michael L. Rosten, CPA/CFF, CFE, MAFF, CVA*

04/10/2019 Notice of Deposition
Filed By: Plaintiff Nype, Russell L
*Notice to Take Deposition of Scott W. Taylor, CPA*

04/11/2019 Amended Notice of Taking Deposition
Filed By: Plaintiff Nype, Russell L
*Amended Notice to Take Deposition of Michael L. Rosten, CPA.Cff, CRE, MAFF, CVA*

04/11/2019 Amended Notice of Taking Deposition
Filed By: Plaintiff Nype, Russell L

*Amended Notice to Take Deposition of Michael L. Rosten, CPA.CFF,CFE, MAFF, CVA*

04/11/2019 Notice of Intent
Filed By: Plaintiff Nype, Russell L
*Notice of Intent to Serve Subpoena*

04/11/2019 Notice of Deposition
Filed By: Plaintiff Nype, Russell L
*Notice of Deposition of the Custodian of Records of First American Title Company*

04/11/2019 Notice of Deposition
Filed By: Plaintiff Nype, Russell L
*Notice of Deposition of the Custodian of Records of Chicago Title of Nevada, Inc*

04/11/2019 Notice of Deposition
Filed By: Plaintiff Nype, Russell L
*Notice of Deposition of the Custodian of Records of Nationalo Title Co.*

04/11/2019 Notice of Deposition
Filed By: Plaintiff Nype, Russell L
*Notice of Deposition of the Custodian of Records of Greenberg Traurig, LLP*

04/11/2019 Opposition to Motion
Filed By: Intervenor Defendant Mitchell, David J; Defendant Las Vegas Land Partners LLC; Intervenor Defendant Meyer Property Ltd; Intervenor Defendant Zoe Property LLC; Intervenor Defendant Leah Property LLC; Intervenor Defendant Wink One LLC; Intervenor Defendant Live Work LLC; Intervenor Defendant Live Work Manager LLC; Intervenor Defendant Aquarius Owner LLC; Intervenor Defendant LVLP Holdings LLC; Intervenor Defendant Mitchell Holdings LLC; Intervenor Defendant Live Works TIC Successor LLC; Intervenor Defendant FC/Live Work Vegas LLC
*LIMITED OPPOSITION TO PLAINTIFFS MOTION TO ENLARGE TIME TO COMPLETE DISCOVERY (3rd Request) ON ORDER SHORTENING TIME*

04/12/2019 Substitution of Attorney
Filed by: Intervenor Defendant 305 Las Vegas LLC
*Substitution of Attorney*

04/12/2019 Notice of Deposition
Filed By: Plaintiff Nype, Russell L
*Notice of Taking the NRCP 30(b)(6) Deposition of Wink One, LLC*

04/16/2019 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of Scott W. Taylor, CPa*

04/16/2019 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of Michael L. Rosten, CPA/CFF, CFE, MAFF, CVA*

04/18/2019 Order Granting Motion
Filed By: Plaintiff Nype, Russell L
*Order Granting Plaintiffs' Motion to Enlarge Time to Complete Discovery (Third Request)*

04/18/2019 Notice of Entry of Order
Filed By: Plaintiff Nype, Russell L

*Notice of Entry of Order Granting Plaintiffs' Motion to Enlarge Time to Complete Discovery (Third Request)*

04/19/2019 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of Greystar RS SW, LLC*

04/19/2019 Amended Notice of Taking Deposition
Filed By: Plaintiff Nype, Russell L
*Amended Notice to Take Depositoin of David Mitchell*

04/19/2019 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of The Bank of New York*

04/19/2019 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of National Title Co*

04/19/2019 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of First American Title Company*

04/19/2019 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service of U,S, Bank National Association*

04/22/2019 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service*

04/22/2019 Affidavit of Service
Filed By: Plaintiff Nype, Russell L
*Affidavit of Service*

04/22/2019 Motion
Filed By: Plaintiff Nype, Russell L
*Plaintiffs' Motion to Compel Defendants' Production of Documents on Order Shortening Time*

04/22/2019 Order Granting
Filed By: Intervenor Defendant Mitchell, David J; Defendant Las Vegas Land Partners LLC; Intervenor Defendant Meyer Property Ltd; Intervenor Defendant Zoe Property LLC; Intervenor Defendant Leah Property LLC; Intervenor Defendant Wink One LLC; Intervenor Defendant Live Work LLC; Intervenor Defendant Live Work Manager LLC; Intervenor Defendant Aquarius Owner LLC; Intervenor Defendant LVLP Holdings LLC; Intervenor Defendant Mitchell Holdings LLC; Intervenor Defendant Live Works TIC Successor LLC
*Order Granting Motion to Withdraw as Counsel of Record for Defendants*

04/23/2019 Notice of Entry of Order
Filed By: Intervenor Defendant Mitchell, David J; Defendant Las Vegas Land Partners LLC; Intervenor Defendant Meyer Property Ltd; Intervenor Defendant Zoe Property LLC; Intervenor Defendant Leah Property LLC; Intervenor Defendant Wink One LLC; Intervenor Defendant Live Work LLC; Intervenor Defendant Live Work Manager LLC; Intervenor Defendant Aquarius Owner LLC; Intervenor Defendant LVLP Holdings LLC; Intervenor Defendant Mitchell Holdings LLC; Intervenor Defendant Live Works TIC

Successor LLC
*Notice of Entry of Order Granting Motion to Withdraw as Counsel of Record for Defendants*

04/23/2019 Appendix
Filed By: Plaintiff Nype, Russell L
*Appendix Vol. I to Plaintiffs' Motion to Compel Defendants' Production of Documents on Order Shortening Time*

04/23/2019 Appendix
Filed By: Plaintiff Nype, Russell L
*Appendix Vol. II to Plaintiffs' Motion to Compel Defendants' Production of Documents On Order Shortening Time*

04/29/2019 Amended Notice of Taking Deposition
Filed By: Plaintiff Nype, Russell L
*Second Amended Notice to Take Deposition of Michael L. Rosten, CPA/CFF, CFE, MAFF, CVA*

04/29/2019 Amended Notice of Taking Deposition
Filed By: Plaintiff Nype, Russell L
*Second Amended Notice to Take Deposition of Scott W. Taylor, CPA*

05/01/2019 Stipulation and Order
Filed by: Plaintiff Nype, Russell L
*Stipulation and Order to Continue the Deposition of Barnet Liberman*

05/02/2019 Notice of Entry of Order
Filed By: Plaintiff Nype, Russell L
*Notice of Entry of Order to Continue the Deposition of Barnet Liberman*

05/02/2019 Amended Notice of Taking Deposition
Filed By: Plaintiff Nype, Russell L
*Amended Notice to Take Deposition of Barnet Liberman*

05/09/2019 Notice of Appearance
Party: Intervenor Defendant Mitchell, David J; Defendant Las Vegas Land Partners LLC; Intervenor Defendant Meyer Property Ltd; Intervenor Defendant Zoe Property LLC; Intervenor Defendant Leah Property LLC; Intervenor Defendant Wink One LLC; Intervenor Defendant Live Work LLC; Intervenor Defendant Live Work Manager LLC; Intervenor Defendant Aquarius Owner LLC; Intervenor Defendant LVLP Holdings LLC; Intervenor Defendant Mitchell Holdings LLC; Intervenor Defendant Live Works TIC Successor LLC
*Notice of Appearance*

05/09/2019 Amended Notice
Filed By: Plaintiff Nype, Russell L
*Amended Notice to Take Deposition of Michael L. Rosten, CPA/CFF, CFE, MAFF, CVA*

05/09/2019 Amended Notice
Filed By: Plaintiff Nype, Russell L
*Third Amended Notice to Take Deposition of Scott W. Taylor, CPA*

05/14/2019 Motion to Extend Discovery
Filed By: Intervenor Defendant Mitchell, David J; Defendant Las Vegas Land Partners LLC; Intervenor Defendant Meyer Property Ltd; Intervenor Defendant Zoe Property LLC; Intervenor Defendant Leah Property LLC; Intervenor Defendant Wink One

LLC; Intervenor Defendant Live Work LLC; Intervenor Defendant Live Work Manager LLC; Intervenor Defendant Aquarius Owner LLC; Intervenor Defendant LVLP Holdings LLC; Intervenor Defendant Mitchell Holdings LLC; Intervenor Defendant Live Works TIC Successor LLC
*MOTION TO EXTEND DISCOVERY AND CONTINUE TRIAL (Fourth Request)*

05/15/2019 Clerk's Notice of Hearing
*Notice of Hearing*

05/20/2019 Order Setting Civil Bench Trial
*4th Amended Business Court Scheduling Order and Order Setting Civil Bench Trial and Calendar Call*

05/23/2019 Transcript of Proceedings
*Transcript of Proceedings: Hearing on All Pending Motions*

05/30/2019 Order
Filed By: Plaintiff Nype, Russell L
*Order Compelling Discovery, Awarding Sanctions, and Briefly Extending Discovery for Limited Purposes and Continuing the Trial Date*

05/30/2019 Notice of Entry of Order
Filed By: Plaintiff Nype, Russell L
*Notice of Entry of Order Compelling Discovery, Awarding Sanctions, and Briefly Extending Discovery For Limited Purposes and Continuing the Trial Date*

06/14/2019 Motion for Sanctions
Filed By: Plaintiff Nype, Russell L
*Plaintiffs' Motion for Sanctions Pursuant to NRCP 37(b) and Motion to Extend Time for Plaintiffs' Deadline For Supplemental Expert Report on OST*

06/25/2019 Transcript of Proceedings
Party: Plaintiff Revenue Plus LLC
*RECORDER S TRANSCRIPT OF HEARING: PLAINTIFFS MOTION FOR SANCTIONS PURSUANT TO NRCP 37(b) AND MOTION TO EXTEND TIME FOR PLAINTIFFS DEADLINE FOR SUPPLEMENTAL EXPERT REPORT ON ORDER SHORTENING TIME June 24, 2019*

06/27/2019 Declaration
Filed By: Intervenor Defendant Mitchell, David J
*Declaration of David J. Mitchell in Opposition to Motion to Compel and Sanctions*

07/02/2019 Supplement
Filed by: Plaintiff Nype, Russell L
*Supplement In Support of Monetary Sanctions and Request for Incremental Sanctions*

07/08/2019 Receipt of Copy
Filed by: Intervenor Defendant Mitchell, David J; Defendant Las Vegas Land Partners LLC; Intervenor Defendant Meyer Property Ltd; Intervenor Defendant Leah Property LLC; Intervenor Defendant Wink One LLC; Intervenor Defendant Live Work LLC; Intervenor Defendant Live Work Manager LLC; Intervenor Defendant Aquarius Owner LLC; Intervenor Defendant LVLP Holdings LLC; Intervenor Defendant Mitchell Holdings LLC; Intervenor Defendant Live Works TIC Successor LLC; Intervenor Defendant Casino Coolidge LLC
*Receipt of Copy of Def's Second Supp Resp to P's 1st set of RFP*

08/19/2019

Transcript of Proceedings
*Transcript of Proceedings: Evidentiary Hearing - Day 2 Tuesday, July 09, 2019*

08/23/2019 Transcript of Proceedings
*Transcript of Proceedings: Evidentiary Hearing - Day 1*

08/23/2019 Motion for Summary Judgment
Filed By: Intervenor Defendant 305 Las Vegas LLC
*Defendant's Motion for Summary Judgment*

08/24/2019 Clerk's Notice of Hearing
*Notice of Hearing*

08/28/2019 Notice of Bankruptcy
Filed By: Defendant Las Vegas Land Partners LLC
*Notice of Bankruptcy Filing*

08/30/2019 Brief
Filed By: Plaintiff Nype, Russell L
*Trial Brief Regarding Evidentiary Hearing - Discovery Sanctions*

09/02/2019 Declaration
Filed By: Intervenor Defendant Mitchell, David J; Defendant Las Vegas Land Partners LLC; Intervenor Defendant Meyer Property Ltd; Intervenor Defendant Zoe Property LLC; Intervenor Defendant Leah Property LLC; Intervenor Defendant Wink One LLC; Intervenor Defendant Live Work LLC; Intervenor Defendant Live Work Manager LLC; Intervenor Defendant Aquarius Owner LLC; Intervenor Defendant LVLP Holdings LLC; Intervenor Defendant Live Works TIC Successor LLC
*Declaration of Ira Victor*

09/10/2019 Accounting
Filed By: Plaintiff Nype, Russell L
*Itemized Statement Accounting for Fees and Costs (8-22-2019 to 9-3-2019)*

09/17/2019 Transcript of Proceedings
*Transcript of Proceedings: Evidentiary Hearing - Day 3 9/3/19*

09/20/2019 Order
*Order RE: Discovery Sanctions*

09/23/2019 Notice of Entry of Order
Filed By: Plaintiff Nype, Russell L
*Notice of Entry of Order Re: Discovery Sanctions*

09/24/2019 Stipulation and Order
Filed by: Plaintiff Nype, Russell L
*Stipulation and Order to Continue the Hearing on Defendant 305 Las Vegas, LLC's Motion for Summary Judgment*

09/24/2019 Notice of Entry of Stipulation and Order
Filed By: Plaintiff Nype, Russell L
*Notice of Entry of Stipulation and Order to Continue the Hearing on Defendant 305 Las Vegas, LLC's Motion for Summary Judgment*

09/24/2019 Judgment
Filed By: Plaintiff Nype, Russell L
*Judgment*

09/24/2019 Notice of Entry of Judgment
Filed By: Plaintiff Nype, Russell L
*Notice of Entry of Judgment*

10/07/2019 Motion to Seal/Redact Records
Filed By: Plaintiff Nype, Russell L
*Motion to Maintain Redactions and Seal Certain Exhibits to Plaintiff's Opposition to Motion for Summary Judgment and Countermotion for Discovery Pursuant to NRCP 56(d)*

10/07/2019 Receipt of Copy
Filed by: Intervenor Defendant Mitchell, David J; Defendant Las Vegas Land Partners LLC; Intervenor Defendant Meyer Property Ltd; Intervenor Defendant Zoe Property LLC; Intervenor Defendant Leah Property LLC; Intervenor Defendant Wink One LLC; Intervenor Defendant Live Work LLC; Intervenor Defendant Live Work Manager LLC; Intervenor Defendant Aquarius Owner LLC; Intervenor Defendant LVLP Holdings LLC; Intervenor Defendant Live Works TIC Successor LLC; Intervenor Defendant Casino Coolidge LLC
*Receipt of Copy of Defendant's 3rd Supp Responses to RFP of Documents*

10/07/2019 Opposition to Motion For Summary Judgment
Filed By: Plaintiff Nype, Russell L
*Plaintiffs' Opposition to Motion for Summary Judgment and CounterMotoin for Discovery Pursuant to NRCP 56(d)*

10/07/2019 Appendix
Filed By: Plaintiff Nype, Russell L
*Appendix to Plaintiffs' Opposition to Motion for Summary Judgment and Countermotion for Discovery Pursuant to NRCP 56(d)*

10/07/2019 Appendix
Filed By: Plaintiff Nype, Russell L
*Appendix to Plaintiffs' Opposition to Motion for Summary Judgment and Countermotion for Discovery Pursuant to NRCP 56(d)*

10/07/2019 Clerk's Notice of Hearing
*Notice of Hearing*

10/07/2019 Statement
Filed by: Intervenor Defendant Mitchell, David J
*The Mitchell Defendants' Statement of Compliance and Motion for Additional Time for Further Production*

10/08/2019 Filed Under Seal
Filed By: Plaintiff Nype, Russell L; Plaintiff Revenue Plus LLC
*Appendix to Plaintiff's Opposition to Motion for Summary Judgment and Countermotion for Discovery Pursuant to NRCP 56(d)*

10/14/2019 Transcript of Proceedings
*Transcript of Proceedings: Calendar Call*

10/15/2019 Order Shortening Time
Filed By: Intervenor Defendant Mitchell, David J

*Ex Parte Application for Order Shortening Time and Order Shortening Time*

10/17/2019 Reply to Opposition
Filed by: Intervenor Defendant 305 Las Vegas LLC
*Reply to Opposition to Motion for Summary Judgment*

10/17/2019 Opposition and Countermotion
Filed By: Plaintiff Nype, Russell L
*Plaintiff's Opposition to The Mitchell Defendants' Statement of Compliance & Motion For Additional Time For Further Production & Counter-Motion for Case-Concluding Sanctions*

10/29/2019 Transcript of Proceedings
*Transcript of Proceedings: Hearing on Defendant 305 LVLP's Motion for Summary Judgment and Motion for Additional Time for Further Production*

10/31/2019 Supplement
Filed by: Plaintiff Nype, Russell L
*Plaintiff's Ninth Supplemental NRCP 16.1 Disclosures*

11/04/2019 Receipt of Copy
Filed by: Intervenor Defendant Mitchell, David J; Defendant Las Vegas Land Partners LLC; Intervenor Defendant Meyer Property Ltd; Intervenor Defendant Zoe Property LLC; Intervenor Defendant Leah Property LLC; Intervenor Defendant Wink One LLC; Intervenor Defendant Live Work LLC; Intervenor Defendant Live Work Manager LLC; Intervenor Defendant Aquarius Owner LLC; Intervenor Defendant LVLP Holdings LLC; Intervenor Defendant Mitchell Holdings LLC; Intervenor Defendant Live Works TIC Successor LLC
*Receipt of Copy*

11/05/2019 Receipt of Copy
Filed by: Plaintiff Nype, Russell L
*Receipt of Copy of Original Flash Drive - Mitchell Defendants' 220 GD Document Production*

11/07/2019 Status Report
Filed By: Plaintiff Nype, Russell L
*Status Report Regarding the Mitchell Defendants' Compliance With This Court's Order Re: Discovery Sanctions*

11/12/2019 Supplement
Filed by: Plaintiff Nype, Russell L
*Plaintiff's Tenth Supplemental NRCP 16.1 Disclosures*

11/12/2019 Receipt of Copy
Filed by: Plaintiff Nype, Russell L
*Receipt of Copy of Flash Drive With Approximately 160GB of Mitchell Defendants' Documents As Received from Mitchell Defendants on Nov. 4, 2019*

11/12/2019 Receipt of Copy
Filed by: Plaintiff Nype, Russell L
*Receipt of Copy to Elliot Blut, Esq., of Flash Drive With Approximately 160GB of Mitchell Defendants' Documents As Received from Mitchell Defendants on Nov. 4, 2019*

11/12/2019 Motion to Intervene
Party: Plaintiff Nype, Russell L
*Shelley D. Krohn, Bankruptcy Trustee's Motion to Intervene*

11/12/2019 Status Report
Filed By: Intervenor Defendant Mitchell, David J
*Status Report Regarding Compliance With This Court's Order Re: Discovery Sanctions*

11/13/2019 Ex Parte Application
Party: Plaintiff Nype, Russell L
*Ex Parte Application for Order Shortenng Time*

11/16/2019 Opposition to Motion
Filed By: Defendant Las Vegas Land Partners LLC
*Mitchell Defendants' Opposition to Shelley D. Krohn, Bankruptcy Trustee's Motion to Intervene*

11/18/2019 Order Granting Motion
Filed By: Plaintiff Nype, Russell L
*Order Granting Trustees's Motion to Intervene*

11/18/2019 Notice of Entry of Order
Filed By: Plaintiff Nype, Russell L
*Notice of Entry of Order Granting Trustee's Motion to Intervene*

11/18/2019 Complaint in Intervention
Filed By: Plaintiff Nype, Russell L
*Complaint In Intervention For (1) Constructive Trust; (2) Fraudulent Conveyance, (3) Conspiracy to Defraud, (4) Declaratory Relief and Alter Ego*

11/19/2019 Errata
Filed By: Plaintiff Nype, Russell L
*Notice of Errata to Complaint In Intervention*

11/19/2019 Affidavit in Support
Filed By: Plaintiff Nype, Russell L
*Affidavit in Support of Examination of Judgment Debtor*

11/19/2019 Ex Parte Application for Examination of Judgment Debtor
Filed By: Plaintiff Nype, Russell L
*Ex Parte Application for Examination of Judgment Debtor*

11/19/2019 Amended Notice of Taking Deposition
Filed By: Plaintiff Nype, Russell L
*Amended Notice of Taking Deposition of David Mitchell*

11/20/2019 Motion for Protective Order
Filed By: Plaintiff Nype, Russell L
*Motion for Protective Order*

11/20/2019 Certificate of Service
Filed by: Plaintiff Nype, Russell L
*Certificate of Service - Aff and ex parte*

11/20/2019 Certificate of Service
Filed by: Plaintiff Nype, Russell L
*Certificate of Service - EJD Order*

11/20/2019 Order for Examination of Judgment Debtor
Filed By: Plaintiff Nype, Russell L
*Order for Examination of Judgment Debtor*

11/21/2019 Clerk's Notice of Hearing
*Notice of Hearing*

11/21/2019 Affidavit of Mailing
Filed By: Plaintiff Nype, Russell L
*Affidavit of Mailing*

11/21/2019 Order
Filed By: Plaintiff Nype, Russell L
*Order Granting Plaintiffs' Motion to Maintain Redactions and Seal Certain Exhibits to Plaintiffs' Opposition to Motion for Summary Judgment and Countermotion for Discovery Pursuant to NRCP 56(d)*

11/21/2019 Notice to Take Deposition
Filed by: Plaintiff Nype, Russell L
*Notice to Take the Deposition of Barnet Liberman*

11/21/2019 Notice of Entry of Order
Filed By: Plaintiff Nype, Russell L
*Notice of Entry of Order for Examination of Judgment Debtor David J. Mitchell*

11/21/2019 Notice of Entry of Order
Filed By: Plaintiff Nype, Russell L
*Notice of Entry of Order Granting Plaintiffs' Motion to Maintain Redactions and Seal Certain Exhibits to Plaintiffs' Opposition to Motion for Summary Judgment and Countermotion for Discovery Pursuant to NRCP 56(da0*

11/21/2019 Receipt of Copy
Filed by: Plaintiff Nype, Russell L
*Receipt of Copy of file-stamped copy of Order for Examination of Judgment Debtor David J. Mitchell*

11/21/2019 Motion To Dismiss - Alternative Motion For Summary Judgment
Filed By: Intervenor Defendant Mitchell, David J; Intervenor Defendant Liberman, Barnet; Defendant Las Vegas Land Partners LLC; Intervenor Defendant LVLP Holdings LLC; Intervenor Defendant Mitchell Holdings LLC
*Defendant s Motion To Dismiss Plaintiffs Amended Complaint Pursuant To NRCP 12(B)(2) and 12(B)(5), Or In The Alternative Motion For Summary Judgment*

11/21/2019 Motion
*Motion for Protective Order on Order Shortening Time*

11/21/2019 Clerk's Notice of Hearing
*Notice of Hearing*

11/22/2019 Notice to Take Deposition
Filed by: Plaintiff Nype, Russell L
*Notice to TAke the PMK Deposition of Live work, LLC*

11/22/2019 Notice to Take Deposition
Filed by: Plaintiff Nype, Russell L

*Notice of Taking the NRCP 30(b)(6) Deposition of Wink One, LLC*

11/25/2019 Amended Notice of Taking Deposition
Filed By: Plaintiff Nype, Russell L
*Amended Notice to Take the PMK Deposition of Live Work, LLC*

11/25/2019 Amended Notice of Taking Deposition
Filed By: Plaintiff Nype, Russell L
*Amended Notice of Taking The NRCP 30(b)(6) Deposition of Wink One LLC*

11/25/2019 Notice
Filed By: Plaintiff Nype, Russell L
*Notice of Continued Hearing regarding Order for Examination of Judgment Debtor*

11/25/2019 Supplement
Filed by: Plaintiff Nype, Russell L
*Plaintiff's Supplemental Expert Witness Report*

12/02/2019 Notice of Intent to Take Default
Party: Plaintiff Nype, Russell L
*Notice of Intent to Take Default*

12/02/2019 Transcript of Proceedings
*Transcript of Proceedings: Status Check Re Compliance*

12/03/2019 Transcript of Proceedings
*Transcript of Proceedings: Hearing on Defendants' Emergency Motion to Stay*

12/03/2019 Transcript of Proceedings
*Transcript of Proceedings: Hearing on Motion to Intervene*

12/03/2019 Transcript of Proceedings
*Transcript of Proceedings: Hearing on Plaintiff's Motion for Protective Order*

12/04/2019 Proof of Service
Filed by: Plaintiff Nype, Russell L
*Proof of Service - Leah Property, LLC c/o David J. Mitchell*

12/04/2019 Proof of Service
Filed by: Plaintiff Nype, Russell L
*Proof of Service - David J. Mitchell*

12/04/2019 Proof of Service
Filed by: Plaintiff Nype, Russell L
*Proof of Service - Aquarius Owner, LLC*

12/04/2019 Proof of Service
Filed by: Plaintiff Nype, Russell L
*Proof of Service - Zoe Property, LLC c/o David J. Mitchell*

12/04/2019 Proof of Service
Filed by: Plaintiff Nype, Russell L
*Proof of Service - Wink One, LLC c/o David J. Mitchell*

12/04/2019 Proof of Service
Filed by: Plaintiff Nype, Russell L
*Proof of Service - Mitchell Holdings, LLC c/o David J. Mitchell*

12/04/2019 Proof of Service
Filed by: Plaintiff Nype, Russell L
*Proof of Service - Meyer Property, Ltd., c/o David J. Mitchell*

12/04/2019 Proof of Service
Filed by: Plaintiff Nype, Russell L
*Proof of Service - LVLP Holdings, LLC c/o David J. Mitchell*

12/04/2019 Proof of Service
Filed by: Plaintiff Nype, Russell L
*Proof of Service - Live Works TIC Successor, LLC c/o David J. Mitchell*

12/04/2019 Proof of Service
Filed by: Plaintiff Nype, Russell L
*Proof of Service - Live Work Manager, LLC c/o David J. Mitchell*

12/04/2019 Proof of Service
Filed by: Plaintiff Nype, Russell L
*Proof of Service - Live Work, LLC c/o David J. Mitchell*

12/09/2019 Answer to Complaint
Filed by: Intervenor Defendant 305 Las Vegas LLC
*Answer to Plaintiffs' Complaint in Intervention*

12/10/2019 Proof of Service
Filed by: Plaintiff Nype, Russell L
*Proof of Service of Casino Coolidge, LLC by Serving Barnet L. Liberman, Manager*

12/10/2019 Proof of Service
Filed by: Plaintiff Nype, Russell L
*Proof of Service of Barnet Liberman*

12/10/2019 Proof of Service
Filed by: Plaintiff Nype, Russell L
*Proof of Service of Casino Coolidge, LLC*

12/10/2019 Proof of Service
Filed by: Plaintiff Nype, Russell L
*Proof of Service - 305 Las Vegas LLC*

12/12/2019 Appendix
Filed By: Plaintiff Nype, Russell L
*Appendix to Plaintiffs' Opposition to Defendant's Motion to Dismiss Plaintiffs' Amended Complaint Pursuant to NRCP 12(b)(2) and 12(b)(5), Or In The Alternative Motion for Summary Judgment*

12/12/2019 Opposition to Motion
Filed By: Plaintiff Nype, Russell L
*Plaintiffs' Opposition to Defendant's Motion to Dismiss Plaintiffs' Amended Complaint*

*Pursuant to NRCP 12(b)(2) and 12(b)(5), Or In The Alternative Motion for Summary Judgment*

12/18/2019 Pre-Trial Disclosure
Party: Plaintiff Nype, Russell L
*Plaintiffs' NRCP 16.1(a)(3) Pre-Trial Disclosures*

12/19/2019 Memorandum of Costs and Disbursements
Filed By: Plaintiff Nype, Russell L
*Supplemental Post-Judgment Memorandum of Costs and Disbursements As Of 9.24.2019*

12/19/2019 Answer to Complaint
Filed by: Intervenor Defendant Mitchell, David J
*Answer to Complaint in Intervention*

12/19/2019 Reply in Support
Filed By: Intervenor Defendant Mitchell, David J; Defendant Las Vegas Land Partners LLC; Intervenor Defendant Meyer Property Ltd; Intervenor Defendant Zoe Property LLC; Intervenor Defendant Leah Property LLC; Intervenor Defendant Wink One LLC; Intervenor Defendant Live Work LLC; Intervenor Defendant Live Work Manager LLC; Intervenor Defendant Aquarius Owner LLC; Intervenor Defendant LVLP Holdings LLC; Intervenor Defendant Mitchell Holdings LLC; Intervenor Defendant Live Works TIC Successor LLC
*Reply In Support Of Mitchell Defendants' Motion To Dissmiss Plaintiffs' Amended Complaint Pursuant To NRCP 12(B)(2) AND 12(B)(5), Or In The Alternative Motion For Summary Judgment*

12/23/2019 Answer to Complaint
Filed by: Intervenor Defendant Liberman, Barnet; Intervenor Defendant Casino Coolidge LLC
*Answer to Complaint in Intervention by Defendants Barnet Liberman and Casino Coolidge LLC*

12/23/2019 Pre-Trial Disclosure
Party: Intervenor Defendant Liberman, Barnet; Intervenor Defendant Casino Coolidge LLC
*Defendants Barnet Liberman and Casino Coolidge LLC's NRCP 16.1(a)(e) Pre-Trial Disclosures*

12/24/2019 Motion to Retax
Filed By: Intervenor Defendant Mitchell, David J
*(12/26/19 Withdrawn) Motion to Tax Costs and Disbursements*

12/24/2019 Clerk's Notice of Hearing
*Notice of Hearing*

12/24/2019 Pre-Trial Disclosure
Party: Intervenor Defendant Mitchell, David J; Defendant Las Vegas Land Partners LLC; Intervenor Defendant Meyer Property Ltd; Intervenor Defendant Zoe Property LLC; Intervenor Defendant Leah Property LLC; Intervenor Defendant Wink One LLC; Intervenor Defendant Live Work LLC; Intervenor Defendant Live Work Manager LLC; Intervenor Defendant Aquarius Owner LLC; Intervenor Defendant LVLP Holdings LLC; Intervenor Defendant Mitchell Holdings LLC; Intervenor Defendant Live Works TIC Successor LLC
*THE MITCHELL DEFENDANTS PRE-TRIAL DISCLOSURES PURSUANT TO NRCP 16.1(a)(3) AND OBJECTIONS TO PLAINTIFFS PRE-TRIAL DISCLOSURES*

12/26/2019 Notice of Withdrawal

Filed by: Intervenor Defendant Mitchell, David J
*Notice of withdrawal of Mitchell Defendants' Motion To Tax Costs and Disbursements*

12/26/2019 Pre-Trial Disclosure
Party: Intervenor Defendant 305 Las Vegas LLC
*Defendant 305 Las Vegas, LLC's NRCP 16.1 Pre-Trial Disclosures*

12/26/2019 Satisfaction of Judgment
Filed by: Plaintiff Nype, Russell L
*Satisfaction of Judgment as to Judgment (Againsr Mitchell Defendants, Only) As Entered on September 24, 2019*

12/27/2019 Pre-trial Memorandum
Filed by: Plaintiff Nype, Russell L
*Plaintiffs' Pre-Trial Memorandum*

12/27/2019 Trial Brief
Filed By: Intervenor Defendant 305 Las Vegas LLC
*Defendant 305 Las Vegas, LLC's Trial Brief*

12/27/2019 Proof of Service
Filed by: Plaintiff Nype, Russell L
*Proof of Service of Trial Subpoena - Barnet Liberman*

12/27/2019 Proof of Service
Filed by: Plaintiff Nype, Russell L
*Proof of Service of Trial Subpoena - David J. Mitchell*

12/29/2019 Trial Brief
Filed By: Intervenor Defendant Liberman, Barnet
*Defendant Barnet Liberman and Casino Coolidge, LLC's Trial Brief*

01/16/2020 Findings of Fact, Conclusions of Law and Judgment
*Findings of Fact and Conclusions of Law*

01/16/2020 Notice of Entry of Findings of Fact, Conclusions of Law
Filed By: Plaintiff Nype, Russell L
*Notice of Entry of Findings of Fact, Conclusions of Law and Judgment*

01/16/2020 Affidavit
Filed By: Plaintiff Nype, Russell L
*Affidavt in Support of Recordation of Findings of Fact and Conclusions of Law*

01/17/2020 Findings of Fact, Conclusions of Law and Judgment
*Amended Findings of Fact and Conclusions of Law*

01/17/2020 Notice of Entry of Order
Filed By: Plaintiff Nype, Russell L
*Notice of Entry of Amended Findings of Fact, Conclusions of Law and Judgment*

01/20/2020 Affidavit
Filed By: Plaintiff Nype, Russell L
*Affidavit in Support of Recordation of Findings of Fact and Conclusions of Law*

01/21/2020 Memorandum of Costs and Disbursements
Filed By: Plaintiff Nype, Russell L
*Memorandum of Costs and Disbursements*

01/24/2020 Motion to Retax
*Mitchell Defendants' Motion to Tax Costs and Disbursements*

01/27/2020 Clerk's Notice of Hearing
*Notice of Hearing*

01/27/2020 Motion to Amend Judgment
Filed By: Intervenor Defendant Casino Coolidge LLC
*Defendant Casino Coolidge LLC's Motion to Alter or Amend Judgment and Findings of Fact and Conclusions of Law Pursuant to NRCP 52 and NRCP 59*

01/28/2020 Clerk's Notice of Hearing
*Notice of Hearing*

01/29/2020 Memorandum of Costs and Disbursements
Filed By: Plaintiff Nype, Russell L
*Supplemental Memorandum of Costs and Disbursements*

02/05/2020 Application
Filed By: Intervenor Defendant Liberman, Barnet
*Application for OST to Hear Defendant CAsino Coolidge LLC's Motion to Strike and Set Aside Recorded Judgment*

02/05/2020 Motion to Strike
Filed By: Intervenor Defendant Liberman, Barnet
*Defendant Casino Coolidge, LLC's Motion to Strike and Set Aside Recorded Judgment; Memorandum of Points and Authorities in Support Therof*

02/05/2020 Joinder To Motion
Filed By: Intervenor Defendant Mitchell, David J; Defendant Las Vegas Land Partners LLC; Intervenor Defendant Meyer Property Ltd; Intervenor Defendant Zoe Property LLC; Intervenor Defendant Leah Property LLC; Intervenor Defendant Wink One LLC; Intervenor Defendant Live Work LLC; Intervenor Defendant Live Work Manager LLC; Intervenor Defendant Aquarius Owner LLC; Intervenor Defendant Mitchell Holdings LLC; Intervenor Defendant Live Works TIC Successor LLC
*MITCHELL DEFENDANTS JOINDER IN SUPPORT OF DEFENDANT CASINO COOLIDGE LLC S MOTION TO STRIKE AND SET ASIDE RECORDED JUDGMENT*

02/06/2020 Motion for Attorney Fees
Filed By: Plaintiff Nype, Russell L
*Motion for Award of Attorneys Fees*

02/07/2020 Clerk's Notice of Hearing
*Notice of Hearing*

02/07/2020 Opposition to Motion
Filed By: Plaintiff Nype, Russell L
*Opposition to the Mitchell Defendants' Motion to Re-Tax Costs*

02/07/2020 Opposition to Motion
Filed By: Plaintiff Nype, Russell L

*Opposition to Motion to Strike and Set Aside Recorded Judgment*

02/10/2020 Stipulation and Order to Extend Discovery Deadlines
Filed By: Plaintiff Nype, Russell L
*Stipulation and Order to Extend Deadline to Oppose Defendant Casino Coolidge, LLC's Motion to Alter or Amend Judgment & Findings of Fact and Conclusions of Law Pursuant to NRCP 52 and NRCP 59*

02/10/2020 Notice of Entry of Stipulation and Order
Filed By: Plaintiff Nype, Russell L
*Notice of Entry of Stipulation and order to Extend Deadline to Oppose Defendant Casino Coolidge, LLC's Motion to Alter or Amend Judgment & Findings of Fact and Conclusions of Law Pursuant to NRCP 52 AND NRCP 59*

02/11/2020 Motion to Stay
Filed By: Intervenor Defendant Mitchell, David J
*Mitchell Defendants Motion to Stay Enforcement of the Judgment on an Order Shortening Time*

02/13/2020 Joinder To Motion
Filed By: Intervenor Defendant Casino Coolidge LLC
*(2/13/20 Withdrawn) Barnet Liberman and Casino Coolidge LLC Defendants Joinder in Support of Mitchell Defendants Motion to Strike and Set Aside Recorded Judgment*

02/13/2020 Motion
Filed By: Plaintiff Nype, Russell L; Plaintiff Revenue Plus LLC
*Plaintiffs' Motion of Findings of Fact and Conclusions of Law and Judgment to Correct Minor Errors and Incorporate Pre-Judgmet Interest*

02/13/2020 Notice of Withdrawal of Motion
*Notice of Withdrawal of Joinder*

02/13/2020 Joinder
Filed By: Intervenor Defendant Liberman, Barnet
*Barnet Liberman and Casino Coolidge LLC Defendants Joinder in Support of Mitchell Defendants Motion for Stay Enforcement of the Judgment on Order Shortening Time*

02/14/2020 Clerk's Notice of Hearing
*Notice of Hearing*

02/14/2020 Motion to Amend
Filed By: Intervenor Defendant Liberman, Barnet
*Defendants Casino Coolidge, LLC and Barnet Liberman's Motion to Alter or Amend Amended Judgment and Findings of Fact and Conclusions of Law Pursuant to NRCP 52 and NRCP 59*

02/14/2020 Clerk's Notice of Hearing
*Notice of Hearing*

02/14/2020 Opposition to Motion
Filed By: Plaintiff Nype, Russell L
*Plaintiffs' Opposition to Defendnat Casino Coolidge, LLC's Motion to Alter or Amend Judgment and Findings of Fact and Conclusions of Law*

02/14/2020 Motion to Amend Judgment
Filed By: Intervenor Defendant Mitchell, David J; Defendant Las Vegas Land Partners

LLC; Intervenor Defendant Meyer Property Ltd; Intervenor Defendant Zoe Property LLC; Intervenor Defendant Leah Property LLC; Intervenor Defendant Wink One LLC; Intervenor Defendant Live Work LLC; Intervenor Defendant Live Work Manager LLC; Intervenor Defendant Aquarius Owner LLC; Intervenor Defendant Mitchell Holdings LLC; Intervenor Defendant Live Works TIC Successor LLC
*Motion to Alter or Amend Judgment Pursuant to NRCP 52 and NRCP 59 (e)*

02/18/2020 Clerk's Notice of Nonconforming Document
*Clerk's Notice of Nonconforming Document*

02/18/2020 Clerk's Notice of Nonconforming Document and Curative Action
*Clerk's Notice of Curative Action*

02/19/2020 Clerk's Notice of Hearing
*Notice of Hearing*

02/19/2020 Order Shortening Time
Filed By: Plaintiff Nype, Russell L
*Order Shortening Time for Parties' Pending Motions to Alter, Amend, and Correct the Court's Judgment and Setting Deadline for Opposition Points and Authorities Regarding the Same*

02/19/2020 Notice of Entry of Order
Filed By: Plaintiff Nype, Russell L
*Notice of Entry of Order Shortening Time for Parties' Pending Motions to Alter, Amend, and Correct the Court's Judgment and Setting Deadline for Opposition Points and Authorities Regarding the Same*

02/20/2020 Joinder To Motion
Filed By: Intervenor Defendant Liberman, Barnet; Intervenor Defendant Casino Coolidge LLC
*Barnet Liberman and Casino Coolidge LLC Defendants Joinder in Support of Mitchell Defendants' Motion to Alter or Amend Judgment Pursuant to NRCP 52 and NRCP 59 (e)*

02/20/2020 Reply
Filed by: Intervenor Defendant Liberman, Barnet
*Dendant Casino Coolidge, LLC's Reply to Plaintiffs Opposition to Alter or Amend Amended Judgment and Findings of Fact and Conclusions of Law Pursuant to NRCP 52 and NRCP 59*

02/20/2020 Opposition to Motion
Filed By: Intervenor Defendant Liberman, Barnet; Intervenor Defendant Casino Coolidge LLC
*Defendants Casino Coolidge LLC and Barnet Liberman's Opposition to Plaintiffs' Motion for Attorney's Fees*

02/20/2020 Opposition to Motion
Filed By: Plaintiff Nype, Russell L
*Plaintiffs' Opposition to Mitchell Defendants' Motion to Stay Enforcement of the Judgment On An Order Shortening Time*

02/20/2020 Opposition to Motion
Filed By: Intervenor Defendant Mitchell, David J; Defendant Las Vegas Land Partners LLC; Intervenor Defendant Meyer Property Ltd; Intervenor Defendant Zoe Property LLC; Intervenor Defendant Leah Property LLC; Intervenor Defendant Wink One LLC; Intervenor Defendant Live Work LLC; Intervenor Defendant Live Work Manager LLC; Intervenor Defendant Aquarius Owner LLC; Intervenor Defendant LVLP Holdings LLC; Intervenor Defendant Live Works TIC Successor LLC; Intervenor Defendant FC/Live Work Vegas LLC

*Mitchell Defendants' Opposition to Plaintiffs' Motion for Award of Attorney Fees*

02/20/2020 Opposition to Motion
Filed By: Plaintiff Nype, Russell L
*Plaintiffs' Opposition to The Mitchell Defendants', Liberman's and Casino Coolidge's Motion to Alter or Amend Judgment*

02/24/2020 Order
Filed By: Intervenor Defendant 305 Las Vegas LLC
*Order and Judgment on 305 Las Vegas, LLC's Motion for Directed Verdict*

02/24/2020 Notice of Entry of Order
Filed By: Intervenor Defendant 305 Las Vegas LLC
*Notice of Entry of Order and Judgment on 305 Las Vegas LLC's Motion for Directed Verdict*

02/24/2020 Writ Electronically Issued
Party: Plaintiff Nype, Russell L
*Writ of Execution*

02/24/2020 Writ Electronically Issued
Party: Plaintiff Nype, Russell L
*Writ of Execution*

02/25/2020 Affidavit in Support
Filed By: Plaintiff Nype, Russell L
*Affidavit in Support of Examinationo of Judgment Debtor - Casino*

02/25/2020 Ex Parte Application for Examination of Judgment Debtor
Filed By: Plaintiff Nype, Russell L
*Ex Parte Application for Examination of Judgment Debtor*

02/25/2020 Affidavit in Support
Filed By: Plaintiff Nype, Russell L
*Affidavit in Support of Examination of Judgment Debtor - LIEBERMAN*

02/25/2020 Ex Parte Application for Examination of Judgment Debtor
Filed By: Plaintiff Nype, Russell L
*Ex Parte Application For Examination of Judgment Debtor*

02/25/2020 Affidavit in Support
Filed By: Plaintiff Nype, Russell L
*Affidavit in Support of Examination of Judgment Debtor*

02/25/2020 Notice of Appeal
Filed By: Intervenor Defendant Liberman, Barnet; Intervenor Defendant Casino Coolidge LLC
*Defendants Casino Coolidge LLC and Barnet Liberman's Notice of Appeal*

02/26/2020 Case Appeal Statement
Filed By: Intervenor Defendant Liberman, Barnet
*Defendants and Appellants Casino Coolidge, LLC's and Barnet Liberman's Case Appeal Statement*

02/26/2020 Memorandum of Costs and Disbursements

Filed By: Intervenor Defendant 305 Las Vegas LLC
*Memorandum of Costs and Disbursements*

02/26/2020 Notice of Appeal
Filed By: Intervenor Defendant Mitchell, David J; Defendant Las Vegas Land Partners LLC; Intervenor Defendant Meyer Property Ltd; Intervenor Defendant Zoe Property LLC; Intervenor Defendant Leah Property LLC; Intervenor Defendant Wink One LLC; Intervenor Defendant Live Work LLC; Intervenor Defendant Live Work Manager LLC; Intervenor Defendant Aquarius Owner LLC; Intervenor Defendant LVLP Holdings LLC; Intervenor Defendant Live Works TIC Successor LLC; Intervenor Defendant FC/Live Work Vegas LLC
*Notice of Appeal*

02/26/2020 Case Appeal Statement
Filed By: Intervenor Defendant Mitchell, David J; Defendant Las Vegas Land Partners LLC; Intervenor Defendant Meyer Property Ltd; Intervenor Defendant Zoe Property LLC; Intervenor Defendant Leah Property LLC; Intervenor Defendant Wink One LLC; Intervenor Defendant Live Work LLC; Intervenor Defendant Live Work Manager LLC; Intervenor Defendant Aquarius Owner LLC; Intervenor Defendant LVLP Holdings LLC; Intervenor Defendant Live Works TIC Successor LLC; Intervenor Defendant FC/Live Work Vegas LLC
*Case Appeal Statement*

## DISPOSITIONS

11/29/2018 **Order of Dismissal Without Prejudice** (Judicial Officer: Gonzalez, Elizabeth)
Debtors: Liberman Holdings LLC (Defendant)
Creditors: Russell L Nype (Plaintiff), Revenue Plus LLC (Plaintiff)
Judgment: 11/29/2018, Docketed: 11/29/2018

09/20/2019 **Sanctions** (Judicial Officer: Gonzalez, Elizabeth)
Debtors: David J Mitchell (Defendant), Meyer Property Ltd (Defendant), Zoe Property LLC (Defendant), Leah Property LLC (Defendant), Wink One LLC (Defendant), Live Work LLC (Defendant), Live Work Manager LLC (Defendant), Aquarius Owner LLC (Defendant), LVLP Holdings LLC (Defendant), Mitchell Holdings LLC (Defendant), Live Works TIC Successor LLC (Defendant)
Creditors: Russell L Nype (Plaintiff), Revenue Plus LLC (Plaintiff)
Judgment: 09/20/2019, Docketed: 09/23/2019
Total Judgment: 160,086.46

09/24/2019 **Judgment Plus Legal Interest** (Judicial Officer: Gonzalez, Elizabeth)
Debtors: David J Mitchell (Defendant), Meyer Property Ltd (Defendant), Zoe Property LLC (Defendant), Leah Property LLC (Defendant), Wink One LLC (Defendant), Live Work LLC (Defendant), Live Work Manager LLC (Defendant), Aquarius Owner LLC (Defendant), LVLP Holdings LLC (Defendant), Mitchell Holdings LLC (Defendant), Live Works TIC Successor LLC (Defendant)
Creditors: Russell L Nype (Plaintiff), Revenue Plus LLC (Plaintiff)
Judgment: 09/24/2019, Docketed: 09/24/2019
Total Judgment: 160,086.46
Satisfaction: Satisfaction of Judgment

01/17/2020 **Amended Judgment** (Judicial Officer: Gonzalez, Elizabeth)
Debtors: David J Mitchell (Defendant), Barnet Liberman (Defendant), Meyer Property Ltd (Defendant), Zoe Property LLC (Defendant), Leah Property LLC (Defendant), Wink One LLC (Defendant), Live Work LLC (Defendant), Live Work Manager LLC (Defendant), Aquarius Owner LLC (Defendant), LVLP Holdings LLC (Defendant), Live Works TIC Successor LLC (Defendant), Casino Coolidge LLC (Defendant), FC/Live Work Vegas LLC (Defendant)
Creditors: Russell L Nype (Plaintiff), Revenue Plus LLC (Plaintiff)
Judgment: 01/17/2020, Docketed: 01/16/2020
Total Judgment: 4,835,111.37
Comment: Certain Claim
Debtors: David J Mitchell (Defendant), Barnet Liberman (Defendant)
Creditors: Russell L Nype (Plaintiff), Revenue Plus LLC (Plaintiff)
Judgment: 01/17/2020, Docketed: 01/16/2020

Total Judgment: 19,641,515.90
Comment: Certain Claim
Debtors: David J Mitchell (Defendant), Barnet Liberman (Defendant), Meyer Property Ltd (Defendant), Zoe Property LLC (Defendant), Leah Property LLC (Defendant), Wink One LLC (Defendant), Live Work LLC (Defendant), Live Work Manager LLC (Defendant), Aquarius Owner LLC (Defendant), LVLP Holdings LLC (Defendant), Live Works TIC Successor LLC (Defendant), Casino Coolidge LLC (Defendant), FC/Live Work Vegas LLC (Defendant)
Creditors: Russell L Nype (Plaintiff), Revenue Plus LLC (Plaintiff)
Judgment: 01/17/2020, Docketed: 01/16/2020
Comment: Certain Claim

02/24/2020 **Order of Dismissal With Prejudice** (Judicial Officer: Gonzalez, Elizabeth)
Debtors: Russell L Nype (Plaintiff), Revenue Plus LLC (Plaintiff)
Creditors: 305 Las Vegas LLC (Defendant)
Judgment: 02/24/2020, Docketed: 02/24/2020

02/24/2020 **Judgment** (Judicial Officer: Gonzalez, Elizabeth)
Debtors: Russell L Nype (Plaintiff), Revenue Plus LLC (Plaintiff)
Creditors: 305 Las Vegas LLC (Defendant)
Judgment: 02/24/2020, Docketed: 02/24/2020

## HEARINGS

05/02/2017 **Motion to Strike** (9:00 AM) (Judicial Officer: Hardy, Joe)
*Defendants' Motion to Strike Plaintiffs' Jury Demand*
*04/24/2017 Continued to 05/02/2017 - Stipulation and Order - Nype, Russell L; Mitchell, David J; Revenue Plus LLC; Liberman, Barnet; Las Vegas Land Partners LLC; Meyer Property Ltd; Zoe Property LLC; Leah Property LLC; Wink One LLC; Live Work LLC; Live Work Manager LLC; Aquarius Owner LLC; LVLP Holdings LLC; Mitchell Holdings LLC; Liberman Holdings LLC; 305 Las Vegas LLC; Live Works TIC Successor LLC; Casino Coolidge LLC*
Motion Granted;

05/02/2017 **Opposition and Countermotion** (9:00 AM) (Judicial Officer: Hardy, Joe)
*Plaintiffs' Opposition to Defendant's Motion to Strike Plaintiffs' Jury Demand and Countermotion for Advisory Jury as to Equitable Issues*
Motion Denied;

05/02/2017 **All Pending Motions** (9:00 AM) (Judicial Officer: Hardy, Joe)
Matter Heard;
Journal Entry Details:
*DEFENDANTS' MOTION TO STRIKE PLAINTIFFS' JURY DEMAND Mr. Hayes argued in support of the Motion, stating that a jury trial was only a right in a case that involved legal actions, and the instant case dealt only with equitable causes of action. Mr. Muije argued in opposition, stating that there were legal remedies to the claims being alleged, and at the very least, the Plaintiffs had a constitutional right to a trial by jury on the conspiracy claim and the fraudulent conveyance claim. COURT ORDERED the instant Motion was hereby GRANTED in its entirety, for all of the reasons set forth in the Motion and Reply, FINDING the following: (1) the post-judgment case cited in the pleadings was distinguishable from the instant case, as there were legal claims underlying the conspiracy claims in the cited case; (2) there were no legal claims underlying the conspiracy claims in the instant case; and (3) the Plaintiffs did not have a right to a jury trial on the equitable claims. Mr. Hayes to prepare the Order and forward it to Mr. Muije for approval as to form and content. PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION TO STRIKE PLAINTIFFS' JURY DEMAND AND COUNTERMOTION FOR ADVISORY JURY AS TO EQUITABLE ISSUES COURT ORDER the Countermotion was hereby DENIED WITHOUT PREJUDICE for all of the reasons set forth in Defendants' briefs. Mr. Hayes to prepare the Order and forward it to Mr. Muije for approval as to form and content. ;*

07/13/2017 **Motion to Dismiss** (9:00 AM) (Judicial Officer: Hardy, Joe)

*Defendants' Motion to Dismiss Plaintiffs' Complaint Pursuant to NRS 86.548(2), NRCP 12(b)*

*(2) and 12(b)(5)*

| | |
|---|---|
| *05/09/2017* | *Continued to 06/01/2017 - Stipulation and Order - Nype, Russell L; Mitchell, David J; Revenue Plus LLC; Liberman, Barnet; Las Vegas Land Partners LLC; Meyer Property Ltd; Zoe Property LLC; Leah Property LLC; Wink One LLC; Live Work LLC; Live Work Manager LLC; Aquarius Owner LLC; LVLP Holdings LLC; Mitchell Holdings LLC; Liberman Holdings LLC; 305 Las Vegas LLC; Live Works TIC Successor LLC; Casino Coolidge LLC* |
| *06/01/2017* | *Continued to 06/22/2017 - Stipulation and Order - Nype, Russell L; Mitchell, David J; Revenue Plus LLC; Liberman, Barnet; Las Vegas Land Partners LLC; Meyer Property Ltd; Zoe Property LLC; Leah Property LLC; Wink One LLC; Live Work LLC; Live Work Manager LLC; Aquarius Owner LLC; LVLP Holdings LLC; Mitchell Holdings LLC; Liberman Holdings LLC; 305 Las Vegas LLC; Live Works TIC Successor LLC; Casino Coolidge LLC* |
| *06/22/2017* | *Continued to 07/13/2017 - Stipulation and Order - Nype, Russell L; Mitchell, David J* |

Denied Without Prejudice;
Journal Entry Details:
*Ms. McHenry argued in support of the Motion, stating that dismissal was appropriate due to Plaintiffs' failure to make a prima facie showing of personal jurisdiction; however, if the Court did not feel that dismissal was appropriate, the Defendants would request a Pre-Trial Evidentiary Hearing as soon as possible. Upon Court's inquiry regarding whether the Evidentiary Hearing should be consolidated with the Trial, Ms. McHenry stated that it was Defendants position that the Evidentiary Hearing should be held Pre-Trial, as there were sixteen Defendants who should not be forced to proceed through the discovery process, when there was no personal jurisdiction over them. Additionally, Mr. McHenry informed the Court that Plaintiffs had conducted extensive discovery in a related case for approximately three years; therefore, there was no basis for consolidating the Evidentiary Hearing with the Trial. Mr. Marquis joined Ms. McHenry's arguments, stating that the alter ego allegations against his client should be determined by the Delaware courts, as the Plaintiffs were attempting to pierce the corporate veil, and the fraudulent conveyance claims were barred by the statute of limitations. Mr. Muije argued in opposition, stating that the Delaware entities were registered to do business in Las Vegas, and were availing themselves of Nevada law. Additionally, Mr. Muije sought leave to amend the Complaint to correct the date of August of 2015, which was a typographical error. COURT ORDERED the instant Motion was hereby DENIED WITHOUT PREJUDICE; however, leave to amend the Complaint was hereby GRANTED and REQUIRED. The COURT FOUND the following: (1) leave to amend was to be freely given under Nevada law, where justice so required; (2) under the circumstances of the case, granting leave to amend was appropriate, rather than dismissal, even if dismissal was without prejudice; (3) the Complaint as currently pled did not give Defendants sufficient notice - even under Nevada's liberal notice pleading standards - of what was being alleged; (4) the Plaintiffs have made a prima facie showing of personal jurisdiction; (5) pursuant to the NRCP 12(b)(5) dismissal standard, the Court must accept all factual allegations in the Complaint as true, which it did, and it would not be appropriate to convert the Motion to Dismiss and Joinder to a Motion for Summary Judgment at this time; (6) regarding the issue of jurisdiction, the Court was aware that Nevada law called for an Evidentiary Hearing prior to trial, if the Defendant(s) so requested, and the Court planned to comply with that request; and (7) the statute of limitations issue was DENIED WITHOUT PREJUDICE, due to the Court's requirement to accept all allegations as true; however, as acknowledged by the Plaintiff, amendment of the Complaint would be necessary, in order to put the Defendants on notice of the claims alleged against them. The COURT FURTHER ORDERED the Amended Complaint must be FILED no later than August 21, 2017; failure to file the Amended Complaint by that date would result in the AUTOMATIC DISMISSAL WITHOUT PREJUDICE of the Civil Conspiracy Claim, the Constructive Trust Claim, the Declaratory Relief Claim, the Fraudulent Transfer Claim, and the Alter Ego Claim. COURT ORDERED a Mandatory Rule 16 Conference was hereby SET; Court to prepare the Order regarding the Early Case Conference. Mr. Muije to prepare the Order and forward it to opposing counsel for approval as to form and content. 8/28/17 10:30 AM MANDATORY RULE 16 CONFERENCE;*

08/28/2017 **Mandatory Rule 16 Conference** (10:30 AM) (Judicial Officer: Hardy, Joe)
Matter Heard;
Journal Entry Details:

*Upon Court's inquiry, Mr. Muije advised that the parties had exchanged documents and witness lists, and that Plaintiffs were currently working to index the post-judgment documents*

*that were produced; the indexing of the post-judgment documents should be completed within two weeks of the instant hearing date. Mr. Hayes affirmed Mr. Muije's representations. COURT ORDERED the filing of a Joint Case Conference Report (JCCR), with Mr. Muije taking the lead on its preparation. Colloquy regarding setting the discovery schedule. Mr. Muije stated that the majority of the discovery had already been completed, and that it was Plaintiffs' position that discovery could be completed within ninety days. Mr. Hayes represented that it was Defendants' position that extensive discovery remained, and that twelve months would be necessary to complete the discovery process. COURT ORDERED a DISCOVERY CUT-OFF date of May 23, 2018, with all other discovery deadlines being set in the ordinary course as they related to the discovery cut-off date. COURT FURTHER ORDERED the DEADLINE for the filing of DISPOSITIVE MOTIONS would be July 7, 2018. Mr. Hayes raised the issue of jurisdictional issues that were outstanding, and which may affect the scope of discovery. The Court noted that, under Nevada law, it would hold an Evidentiary Hearing regarding the jurisdictional issues, if necessary; if the parties wished to have an Evidentiary Hearing regarding the jurisdictional issues, the appropriate written Motion must be filed. COURT ORDERED a trial date was hereby SET. A Trial Order shall issue. Upon Court's inquiry regarding a settlement conference, counsel indicated they did not feel a settlement conference would be beneficial at this time. 8/13/18 8:30 AM PRE TRIAL CONFERENCE 8/29/18 8:30 AM CALENDAR CALL 9/4/18 10:30 AM BENCH TRIAL;*

06/06/2018 **Motion to Compel** (9:00 AM) (Judicial Officer: Hardy, Joe)
*Defendants' Motion to Compel Complete Responses to Interrogatories and Requests for Production of Documents*
Motion Granted;

06/06/2018 **Joinder** (9:00 AM) (Judicial Officer: Hardy, Joe)
*Joinder of Barnet Liberman and 305 Las Vegas, LLC in the Mitchell Defendants' Motion to Compel Complete Responses to Interrogatories and Request for Production of Documents*
Granted;

06/06/2018 **Opposition and Countermotion** (9:00 AM) (Judicial Officer: Hardy, Joe)
*Plaintiffs' Opposition to Motion to Compel and Counter-Motion Requiring Disclosure of Undredacted Emails Between Defendants and Their Accountant*
Denied Without Prejudice;

06/06/2018 **All Pending Motions** (9:00 AM) (Judicial Officer: Hardy, Joe)
Matter Heard;
Journal Entry Details:
*DEFENDANTS' MOTION TO COMPEL COMPLETE RESPONSES TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS...JOINDER OF BARNET LIBERMAN AND 305 LAS VEGAS, LLC IN THE MITCHELL DEFENDANTS' MOTION TO COMPEL COMPLETE RESPONSES TO INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS...PLAINTIFFS' OPPOSITION TO MOTION TO COMPEL AND COUNTER-MOTION REQUIRING DISCLOSURE OF UNREDACTED EMAILS BETWEEN DEFENDANTS AND THEIR ACCOUNTANT The Court noted that it did not believe the filings done under seal had been properly done. Mr. Hayes indicated that Defendants had provided unredacted copies of the e-mails from Defendants' accountant approximately ten (10) days prior to the instant hearing. The COURT INFORMED counsel that, when they wished to have a document filed under seal, they needed to file the appropriate Motion to request the sealing. Mr. Hayes argued in support of Defendants' Motion to Compel, stating that Defendants had granted Plaintiffs four (4) moths of continuances to allow them to respond to the discovery requests; however, upon finally receiving responses in February of 2018, those responses were not adequate, as they only directed the Defendants to look at the 16.1 logs. Mr. Muije argued in opposition, proposing that Plaintiff provide the Court with a supplement containing more comprehensive answers, incident to the expert witness report. Mr. Marquis joined Mr. Hayes' arguments. COURT ORDERED Defendants' Motion to Compel Complete Responses to Interrogatories and Requests for Production of Documents, and the Joinder of Barnet Liberman and 305 Las Vegas, LLC in the Defendant's Motion to Compel, were hereby GRANTED for all of the reasons set forth in the Motion and Reply, FINDING and ORDERING the following: (1) Plaintiffs' client must comply with the discovery rules; (2) Defendants' requests for production (RFP) were made in September of 2017, and Plaintiffs were permitted multiple extensions to allow them to provide responses; however, when responses were finally provided to Defendants, those responses were inadequate and uninformative; (3) as of the instant hearing, it had been nine (9) months since the Defendants issued their RFPs, and the Plaintiffs' responses remained inadequate; (4) when Plaintiffs rely*

*upon the argument that they planned to seek relief in front of another department in another case, and then they failed to take that action, it seemed to constitute a pattern; (5) July 16, 2018, would be the DEADLINE for Plaintiffs' SUPPLEMENTAL RESPONSES to Defendants' RFPs number 32, 33, 37, 38, 40, 41, 42, 43, and 45; (6) Defendants having been left with no choice but to file the instant Motion, reasonable ATTORNEY'S FEES and COSTS were hereby AWARDED in favor of the Defendants, and against the Plaintiffs; and (7) Mr. Hayes shall be REQUIRED to meet and confer with Mr. Muije as to the attorney's fees and costs that were being requested, and then file a separate Motion requesting said fees and costs, if the parties were unable to resolve the issue through the meet and confer. COURT FURTHER ORDERED the Countermotion Requiring Disclosure of Unredacted E-mails Between Defendants and Their Accountant, was hereby DENIED WITHOUT PREJUDICE, FINDING that the Countermotion had been filed without the parties undertaking the meet and confer process, and that the Countermotion had been mooted to some extent. The COURT FURTHER FOUND that, if the parties continued to have an issue as to the subject of the Motion, they could meet and confer; if they were unable to reach a resolution, they could bring the issue back before the Court. Mr. Hayes to prepare the Order, and forward it to opposing counsel for approval as to form and content. Colloquy regarding discovery dates and trial dates. COURT ORDERED the trial dates were hereby VACATED and RESET. An Amended Trial Order shall issue. COURT FURTHER ORDERED, a supplemental Early Case Conference (ECC) was hereby SET, and the parties shall be REQUIRED to meet and confer regarding the discovery deadlines, prior to the ECC hearing date. 7/16/18 9:00 AM SUPPLEMENTAL EARLY CASE CONFERENCE 5/6/19 8:30 AM PRE TRIAL CONFERENCE 5/22/19 8:30 AM CALENDAR CALL 5/28/19 10:30 AM BENCH TRIAL ;*

06/14/2018 **Show Cause Hearing** (9:00 AM) (Judicial Officer: Hardy, Joe)

*Show Cause Hearing: Why Multiple Related Entities Should Not be Held in Contempt*

Matter Heard;

Journal Entry Details:

*Also present: Adam Bult, Esq. on behalf of the subpoenaed third-parties / non-parties. Mr. Muije argued in support of the Order to Show Cause, stating that Forest City was the managing company for a number of entities, and Plaintiffs were entitled to the information regarding the financial agreements and transactions between Forest City and LVLP, as the information went to the crux of the case. Mr. Bult argued in opposition, stating that the subpoenaed parties had responded multiple times to Plaintiffs' requests, explaining the lack of connection between the subpoenaed entities and the instant action. COURT ORDERED that CAUSE HAD BEEN SHOWN by the subpoenaed parties as to why they should NOT be held in contempt of court, for all of the reasons set forth in the Objection, FINDING the following: (1) Plaintiffs had failed to comply with NRCP 45 on multiple occasions; (2) the instant matter should have been filed as a Motion to Compel, rather than an Order to Show Cause; (3) the subpoenas that were issued, were overly broad on their face; (4) the arguments raised by the subpoenaed parties were not form over substance, as Plaintiffs' counsel had argued during oral arguments; (5) Plaintiffs failed to comply with NRCP 45 and NRS 22.030; (6) the instant Order was WITHOUT PREJUDICE as to any requests for subsequent relief; and (7) if further relief was sought, then good faith meet and confer efforts needed to be made by the parties seeking the subpoenas, in terms of scope and any protections on confidentiality. Mr. Bult to prepare the Order, and forward it to opposing counsel for approval as to form and content.;*

07/16/2018 *CANCELED* **Status Check** (9:30 AM) (Judicial Officer: Hardy, Joe)

*Vacated - per Stipulation and Order*

07/23/2018 **Mandatory Rule 16 Conference** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Trial Date Set;

Journal Entry Details:

*Court inquired about new parties. Mr. Hayes explained he is not a new appearance; parties have had discovery issues before Judge Hardy but he believes those are all resolved; parties also have some new deadlines on outstanding discovery, which have all been fleshed out by Judge Hardy, and a new trial date; he has been involved since day one. Mr. Muije clarified that they are actually not new parties, yet; they were the joint venture partners with Mr. Hayes' and Mr. Marquis' clients in hundreds of millions of dollars of development of downtown Las Vegas properties; there has been difficulty obtaining all the records needed regarding those developments and dozens of real estate Escrows and transactions that occurred; Judge Hardy strongly suggested that he do a comprehensive meet-and-confer with counsel for the Forest City entities, which is on his agenda, and anticipates meeting with them hopefully this week or if not, in the next 2 weeks; he has discovery responses due to Mr. Hayes this week and next*

*week; however, he agrees with Mr. Hayes that new deadlines and a new trial date are most likely appropriate; parties have done a lot of document sharing and some interrogatories back and forth, and he foresees them doing depositions in September and October. Upon Court's inquiry, Mr. Muije stated their current expert disclosure date is December 3rd; Plaintiff will probably have both forensic accounting and development experts, but for sure an accounting one, which they have already retained. Mr. Hayes stated that for the Defendants it would primarily be a forensic accounting expert, and, upon Court's inquiry, confirmed this is a bench trial. COURT ORDERED, May 6, 2019 Pre Trial Conference VACATED. Calendar Call RESET on May 21, 2019 at 9:30 AM and Bench Trial RESET to commence at 1:30 PM on May 28, 2019 instead of 10:30 AM. The Court will resolve jurisdictional issues any time counsel think it is appropriate, but it does need to be filed by the last date dispositive motions need to be filed, which is April 5, 2019. New Trial Setting Order will ISSUE, which will include a discovery cut-off date. Parties declined to attend a settlement conference at this time.;*

07/23/2018 *CANCELED* **Mandatory Rule 16 Conference** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Vacated - Duplicate Entry*

08/13/2018 *CANCELED* **Pre Trial Conference** (8:30 AM) (Judicial Officer: Hardy, Joe)
*Vacated - per Stipulation and Order*

08/29/2018 *CANCELED* **Calendar Call** (8:30 AM) (Judicial Officer: Hardy, Joe)
*Vacated - per Stipulation and Order*

09/04/2018 *CANCELED* **Bench Trial** (10:30 AM) (Judicial Officer: Hardy, Joe)
*Vacated - per Stipulation and Order*

11/07/2018 **Telephonic Conference** (10:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Telephonic Conference re: Stipulated Protective Order Re: Subpoenaed "Forest City Entities"*
Matter Heard; Telephonic Conference re: Stipulated Protective Order Re: Subpoenaed "Forest City Entities"
Journal Entry Details:
*Adam Bult, Esq. and Travis Chance, Esq. present on behalf of Forest City. Court stated there is a concern as to paragraph 7 in stipulated protective order as to using confidential information at time of trial, depositions or in motions. Further, the Court inquired why parties want to use this procedure and not follow the Nevada Supreme Court Rule. Mr. Muije stated this proposed stipulation is the same as used in front of Judge Hardy and Mr. Hayes drafted first order. Further, paragraph 7 will assist in facilitating or getting through the documents since parties anticipate a large number of documents being designated confidential. Mr. Hayes stated he does not recall who did original draft and as to paragraph 7, counsel is open to any changes that would make it more consistent with State law. Court stated to the extent that parties plan to use them as exhibits to motions, parties need to comply with the Nevada Supreme Court Rule on sealing and redacting court records. Which means each time counsel files documents and wants to redact something from a pleading counsel quotes from, counsel has to file separate motion to file under seal. Further, Court stated it is unlikely that anything will be sealed or protective from public view. Mr. Muije requested Mr. Hayes re-work paragraph 7 to comply with Supreme Court Rule to comply with sealing records. Further, counsel is not sure how much if any of the materials will actual need or use at trial. Mr. Hayes stated he is concerned primarily using documents prior to trial that might leak out that may relate to confidential business transactions. Mr. Bult stated this is a collection effort and does not see these documents being used at a trial and if Supreme Court Rule is complied with the Supreme Court Rule, counsel is satisfied. Upon Court's inquiry, counsel requested the proposed protective order be left side filed in the Court record. Further statement by Mr. Muije. Court stated document will be left side filed.;*

12/17/2018 *CANCELED* **Status Check** (9:30 AM) (Judicial Officer: Hardy, Joe)
*Vacated*

01/22/2019 *CANCELED* **Pre Trial Conference** (8:30 AM) (Judicial Officer: Hardy, Joe)
*Vacated*

02/06/2019 *CANCELED* **Calendar Call** (8:30 AM) (Judicial Officer: Hardy, Joe)
*Vacated*

02/11/2019 *CANCELED* **Bench Trial** (10:30 AM) (Judicial Officer: Hardy, Joe)
*Vacated*

03/04/2019 *CANCELED* **Status Check: Trial Readiness** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Vacated - Superseding Order*

04/12/2019 **Motion to Withdraw as Counsel** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Motion to Withdraw as Counsel of Record for Defendants*
Granted;
Journal Entry Details:
*Given the substitution on behalf of 305 Las Vegas the Court does not consider the motion as to that defendant. As to the remaining defendants, the Court having reviewed the motion to withdraw and the related briefing and being fully informed, GRANTS the motion without any supplementation requirements. Moving Counsel is to prepare and submit an order including the last known address and all upcoming dates including all dates for pretrial compliance with NRCP 16.1 and the trial setting order 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. 4-15-19 9:00 AM PLAINTIFFS' MOTION TO ENLARGE TIME TO COMPLETE DISCOVERY (3RD REQUEST) ON ORDER SHORTENING TIME 5-6-19 9:00 AM STATUS CHECK 7-30-19 9:30 AM CALENDAR CALL 8-5-19 1:30 PM BENCH TRIAL CLERK'S NOTE: A copy of this minute order was distributed to the parties via the E-Service List. / dr 4-15-19 ;*

04/15/2019 **Motion** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Plaintiffs' Motion to Enlarge Time to Complete Discovery (3rd Request) on Order Shortening Time*
Granted; subject to limitation
Journal Entry Details:
*Mr. Muije argued in support of the motion. Court noted motion to withdraw as counsel of record for defendants has been granted. Mr. Boschee stated his concern that he has a flash drive from Mr. Marquis and the client and there are still about 5,000 documents that they are going to produce to Mr. Muije Mr. Muije requested between 3 to 5 hours for the deposition based on additional disclosures. COURT ORDERED, motion GRANTED subject to the limitation that the deposition be for a period NOT TO EXCEED 4 hours. Trial date STANDS at this time. Counsel to update the Court at the May 6th status check. Upon Court's inquiry, Mr. Boschee stated 2 weeks is his goal on the supplemental production and his paralegal is working on it right now. 5-6-19 9:00 AM STATUS CHECK 7-30-19 9:30 AM CALENDAR CALL 8-5-19 1:30 PM BENCH TRIAL;*

05/06/2019 *CANCELED* **Pre Trial Conference** (8:30 AM) (Judicial Officer: Hardy, Joe)
*Vacated - per Judge*

05/06/2019 **Status Check** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
**05/06/2019, 05/15/2019**
Matter Continued;
Matter Heard;
Matter Continued;
Matter Heard;

05/06/2019 **Motion to Compel** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
**05/06/2019, 05/15/2019**
*Plaintiffs' Motion to Compel Defendants' Production of Documents on Order Shortening Time*
Matter Continued;
Granted; $1500 atty's fees awarded.
Matter Continued;
Granted; $1500 atty's fees awarded.

05/06/2019 **All Pending Motions** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;
Journal Entry Details:
*STATUS CHECK...PLAINTIFFS' MOTION TO COMPEL DEFENDANTS' PRODUCTION OF DOCUMENTS ON ORDER SHORTENING TIME APPEARANCES CONTINUED: Attorney James Edwards for Mitchell. Mr. Blut appeared by telephone. Mr. Edwards not present at call of case. Mr. Boschee advised that in lieu of drafting an opposition he produced a trove of documents last week; opposing counsel went through them and gave him a list of documents he does not believe are privileged but are redacted; from his client's perspective most of the documents have been produced and they may just need to change redactions and the privilege log. Mr. Muije advised no one is here on behalf of Mitchell; a deposition was scheduled for May 1st at 8 am but it was a no show, no call and no attempt to reschedule; hundreds of the documents produced contain Mitchell's name but Mitchell has never produced those; nothing meaningful has been produced such as back-up, accounting, and ledgers; they do have bank statements; they do not have records from 2009 - 2012 but do have 2013 onwards. Court noted Mr. Edwards is running late. Matter TRAILED. Matter RECALLED upon Mr. Edwards' arrival. Court shared its copy of the motion with Mr. Edwards. Matter TRAILED. Matter RECALLED. Mr. Muije requested clarification on the Defendants' representation. Mr. Boschee advised he represents Mr. Garry Hayes' former clients. Mr. Muije continued to argue as to missing documents. Mr. Edwards requested a one-week continuance. Mr. Boschee confirmed the trove he produced was from 305. Mr. Muije further advised Mr. Blut had promised him that when Mr. Liberman came back to the country he would discuss documents primarily relating to Casino Coolidge, his other client. COURT ORDERED, matter CONTINUED per counsel's request for one week. 5-15-19 10:30 AM STATUS CHECK...PLAINTIFFS' MOTION TO COMPEL DEFENDANTS' PRODUCTION OF DOCUMENTS ON ORDER SHORTENING TIME 7-30-19 9:30 AM CALENDAR CALL 8-5-19 1:30 PM BENCH TRIAL;*

05/15/2019 **All Pending Motions** (10:30 AM) (Judicial Officer: Gonzalez, Elizabeth)
Matter Heard;
Journal Entry Details:
*STATUS CHECK...PLAINTIFFS' MOTION TO COMPEL DEFENDANTS' PRODUCTION OF DOCUMENTS ON ORDER SHORTENING TIME...DEFENDANTS' MOTION TO EXTEND DISCOVERY AND CONTINUE TRIAL (FOURTH REQUEST) APPEARANCES CONTINUED: Michael Rosten with Piercy Bowler Taylor & Kern. Mr. Rosten advised he was retained by the Law Office of Hayes and Welsh back in September 2018 to provide forensic accounting, expert witness services, and potential rebuttal of Plaintiffs' expert; Hayes and Welsh's application to withdraw was granted; he is currently not retained in this case; he is, however, scheduled for a deposition this afternoon at 3 pm; he is owed $11,000, and he has copies of the engagement letters if the Court or attorneys would like to see them; one provision is that unless he is paid in full he does not provide deposition testimony or trial testimony, so he is seeking a protective order of that deposition for himself and Mr. Scott Taylor who is with his office. COURT RECESSED for Mr. Edwards and Mr. Boschee to speak with Mr. Rosten given the oral request for protective order. Proceeding resumed. Mr. Rosten stated they have talked and he has a proposal: he is owed $11,120; the $5,000 retainer needs to be replenished; that needs to be made by May 30th or he will withdraw per the engagement letter; at that point there will be no need to depose him or Mr. Taylor; if they do not pay him by May 30th he is going to withdraw, but if they pay him on May 30th he will go to his depo; he would like a protective order from today's depo. Mr. Muije stated that with respect to the pending motion to extend discovery he wrote Mr. Stanley Johnson that the delays and pattern engaged in by the Mitchell was 60 days between the motion to withdraw and appearance of new counsel; that should not be his client's problem. Counsel further detailed their deposition schedule and advised the motion to resolve the New Jersey discovery dispute is set for May 24. Upon Court's inquiry regarding the documents, Mr. Boschee stated they have worked those out and unredacted a lot of them; about 9,000 in a supplemental disclosure was done today; some documents are still privileged, mostly between Atty. Nick Santoro and these guys but a detailed privilege log was provided yesterday; he thinks they are good but obviously Mr. Muije needs to go through the production; if there are any issues they will meet and confer. Mr. Muije concurred. Mr. Edwards argued the motion to compel was not properly served; however, irrespective of the Court's decision to continue trial it will take them 30 days to comply with the discovery requests. Court inquired whether counsel will voluntarily comply with the motion to compel. Mr. Edwards stated he is not in a position to say whether or not Mitchell is telling the truth. Court noted if Mitchell says he does not have the documents he needs to file a certification under oath saying so and the best efforts he has made. Further argument by Mr. Edwards, Mr. Muije, and Mr. Boschee. Colloquy regarding the timing of supplemental document production and supplemental expert reports. Court inquired of Mr. Edwards if he knew what searches had been done on Mr. Mitchell's old electronic devices. Mr. Edwards stated he did not know. COURT NOTED that needs to be part*

*of the production in 3 weeks; assuming Mr. Edwards is able to comply with the 3-week deadline of a comprehensive production or certification of efforts, Mr. Mujie has 3 weeks to have his expert review that and provide a supplemental report. Further colloquy regarding outstanding depositions. COURT ORDERED, additional time to complete discovery is GRANTED given the hiccups with the replacement of counsel and delay of document production. Mr. Rosten's and Mr. Taylor's request that their depositions not be taken until later in the process, which is sometime after the end of June, is GRANTED; if the parties can work out a date before that, that is fine. The Court understands arrangements have been made between Defense counsel and Mr. Rosten to arrange for his payments, so the Court will not get involved in that any further. With respect to those documents subject to Mr. Muije's motion to compel, Mr. Mitchell and his related entities have 3 weeks from today's date to COMPLY, whether it is written discovery or certifications of efforts made to obtain documents that were unsuccessful. Mr. Mujie will have 3 weeks after receipt of that information for any supplemental expert reports; if there is a discovery dispute after production of the information from Mr. Mitchell Mr. Muije's time will likely be tolled while the Court and parties work out the issue. 4 additional weeks of clean-up discovery is GRANTED after that time. COURT NOTED the depositions that still need to be taken are those of Mr. Nype, Mr. Mitchell, Mr. Liberman, two 30 (b)(6) witnesses of the Defendants, all experts, and Mr. Spitz. COURT FURTHER ORDERED, Mr. Muije's request for attorney's fees in the amount of $1500 related to the motion to compel is GRANTED; Defendants to work out amongst themselves who will make the payment. Mr. Edwards' Motion to Extend Discovery and Continue Trial is ADVANCED from June 17, 2019 and GRANTED. Bench Trial VACATED and RESET on the October 2019 stack. Dispositive motions DUE August 23, 2019. New Trial Setting Order will ISSUE. 10-8-19 9:30 AM CALENDAR CALL 10-14-19 1:30 PM BENCH TRIAL;*

05/15/2019 **Motion to Extend Discovery** (10:30 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Defendants Motion to Extend Discovery and Continue Trial (Fourth Request)*
Granted;

05/21/2019 *CANCELED* **Calendar Call** (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Vacated - Superseding Order*

05/28/2019 *CANCELED* **Bench Trial** (1:30 PM) (Judicial Officer: Hardy, Joe)
*Vacated - Superseding Order*

06/24/2019 **Motion for Sanctions** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
**06/24/2019, 06/27/2019, 07/09/2019, 09/03/2019**
*Plaintiffs' Motion for Sanctions Pursuant to NRCP 37(b) and Motion to Extend Time for Plaintiffs' Deadline for Supplemental Expert Report on Order Shortening Time*
Hearing Set;
Matter Continued;
Matter Continued;
Hearing concluded 9/3/19.
Granted in Part;
Hearing Set;
Matter Continued;
Matter Continued;
Hearing concluded 9/3/19.
Granted in Part;
Hearing Set;
Matter Continued;
Matter Continued;
Hearing concluded 9/3/19.
Granted in Part;

**MINUTES**
Hearing Set;
Matter Continued;
Matter Continued;
Hearing concluded 9/3/19.
Granted in Part;
Journal Entry Details:
*Mr. Muije argued for significant financial sanctions as he has not seen one scrap of paper*

*since 6/5/19 when Mr. Mitchell's compliance was due and requested a prove up hearing. Argument by Mr. Edwards that dismissing or striking the pleadings is too severe and requested to bring Mr. Mitchell out for some type of hearing. Mr. Boschee opposed the motion for the potentially adverse impact on his client. COURT ORDERED, evidentiary hearing SET; matter CONTINUED. 6/27/19 9:00 AM Plaintiff's Motion for Sanctions ... Evidentiary Hearing;*

**SCHEDULED HEARINGS**

**Evidentiary Hearing** (06/27/2019 at 9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
**06/27/2019, 07/09/2019, 09/03/2019**

06/27/2019 **Evidentiary Hearing** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
**06/27/2019, 07/09/2019, 09/03/2019**
Matter Continued;
Matter Continued;
Matter Heard;
Hearing concluded 9/3/19.
Matter Continued;
Matter Continued;
Matter Heard;
Hearing concluded 9/3/19.
Matter Continued;
Matter Continued;
Matter Heard;
Hearing concluded 9/3/19.

06/27/2019 **All Pending Motions** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
Matter Heard;
Journal Entry Details:
*PLAINTIFFS' MOTION FOR SANCTIONS PURSUANT TO NRCP 37(B) AND MOTION TO EXTEND TIME FOR PLAINTIFFS' DEADLINE FOR SUPPLEMENTAL EXPERT REPORT ON ORDER SHORTENING TIME ... EVIDENTIARY HEARING Arguments by counsel. Testimony and exhibits presented. (See worksheets) Colloquy regarding trial schedules. COURT ORDERED, matter CONTINUED. 7/9/19 9:30 AM ALL PENDING MOTIONS;*

07/08/2019 **Status Check: Trial Readiness** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
Matter Heard;
Journal Entry Details:
*Mr. Muije appeared by telephone. Mr. Edwards advised 400 pages of new financial documents have been produced; Mr. Mitchell cannot appear tomorrow; they have prevailed upon him to hire an I.T. person, and they would request 30 days. Court inquired as to whether it should hear from Plaintiff's expert who is available tomorrow. Mr. Muije advised Mr. Rich changed his family vacation plans so he is available tomorrow and all set to go. COURT ORDERED, evidentiary hearing to proceed tomorrow since Mr. Rich changed his plans, and, at the conclusion of his testimony, Court and counsel will discuss further scheduling; Mr. Mitchell simply needs to get his act together and appear for court. 7-9-19 9:30 AM EVIDENTIARY HEARING...PLAINTIFFS' MOTION FOR SANCTIONS PURSUANT TO NRCP 37(B) AND MOTION TO EXTEND TIME FOR PLAINTIFFS' DEADLINE FOR SUPPLEMENTAL EXPERT REPORT ON ORDER SHORTENING TIME 10-8-19 9:30 AM CALENDAR CALL 10-14-19 1:30 PM BENCH TRIAL;*

07/09/2019 **All Pending Motions** (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)
Matter Heard;
Journal Entry Details:
*EVIDENTIARY HEARING...PLAINTIFFS' MOTION FOR SANCTIONS PURSUANT TO NRCP 37(B) AND MOTION TO EXTEND TIME FOR PLAINTIFFS' DEADLINE FOR SUPPLEMENTAL EXPERT REPORT ON ORDER SHORTENING TIME Testimony and exhibits presented. (See worksheet.) At the hour of 10:52 am, Courtroom Clerk Madalyn Kearney, present. Testimony and exhibits presented (see worksheets). COURT ORDERED, matter SET for telephone conference at 1:30 pm this afternoon regarding the availability of Mr. Mitchell and resumption of the Evidentiary Hearing. 10-8-19 9:30 AM CALENDAR CALL 10-14-19 1:30 PM BENCH TRIAL ;*

07/09/2019 **Telephonic Conference** (1:30 PM) (Judicial Officer: Gonzalez, Elizabeth)
Matter Heard;
Journal Entry Details:
*John Muije, Esq. and Brian Boschee, Esq. present telephonically. Upon Court's inquiry, Mr. Edwards requested to continue the Evidentiary Hearing to the first full week of August. Court advised the only available dates it has as of right now are July 25th and 26th. Mr. Muije advised he will be out of town that week in July and noted his opposition to a continuance. Court stated it will not know available dates in August until July 30th after Calendar Call. Mr. Edwards added Mr. Mitchell is not available August 17th-24th. Upon Court's further inquiry, Mr. Edwards did not know why his client was unavailable today. Court advised its Law Clerk will contact counsel by email on July 30th after Calendar Call with potential availability. ;*

07/30/2019 *CANCELED* **Calendar Call** (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Vacated - per Judge*

08/05/2019 *CANCELED* **Bench Trial** (1:30 PM) (Judicial Officer: Gonzalez, Elizabeth)
*Vacated - per Judge*

09/03/2019 **All Pending Motions** (10:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
Matter Heard;
Journal Entry Details:
*DAY 3 EVIDENTIARY HEARING...PLAINTIFFS' MOTION FOR SANCTIONS PURSUANT TO NRCP 37(B) AND MOTION TO EXTEND TIME FOR PLAINTIFFS' DEADLINE FOR SUPPLEMENTAL EXPERT REPORT ON ORDER SHORTENING TIME APPEARANCES CONTINUED: Lenard Schwartzer, Special Bankruptcy Counsel. Court advised all present that Mr. Boschee notified chambers by email that he would not be attending today as this proceeding is not directly related to his client. Court directed the Clerk to left-side file Mr. Boschee's email. Arguments by counsel and statement by Mr. Schwartzer regarding Defendants' emergency motion to stay. COURT MARKED the unfiled motion to stay as a Court's Exhibit next in order. (See worksheet.) COURT ORDERED, the motion to stay is GRANTED IN PART. As to Las Vegas Land Partners LLC the action is STAYED given the Bankruptcy Court and given the Plaintiff's position that they are not proceeding on the discovery motion against Las Vegas Land Partners LLC; at this time, that issue is moot. With respect to the remaining request in the motion, it is DENIED; the proceedings here relate to the non-compliance and disobedience by the non-debtor parties; if the Bankruptcy Trustee elects to proceed on a return of any fraudulently conveyed property, the Court will defer on that cause of action only to the Bankruptcy Trustee in regaining property that would otherwise be a part of the bankruptcy estate. Court RECESSED at defense counsel's request and excused Mr. Schwartzer from the remainder of today's proceeding. Proceeding resumed. Testimony and exhibits presented. (See worksheet.) LUNCH RECESS. Testimony and exhibits continued. At the hour of 2:47 pm, BOTH SIDES RESTED. Closing arguments. COURT FINDS there has been a clear violation of the order granting the motion to compel in May, but the sanctions requested by the Plaintiff, in balance, are not appropriate. The failure to provide documents impacts the Plaintiff's ability to prove their case. For that reason, the Court gives an additional amount of time for Defendant Mitchell to comply with the Court's prior order. In addition, the Court is ORDERING expenses from April 22nd except for those related to Mr. Spitz's compliance in New Jersey; the Court after looking at the exhibits is unable to calculate that amount. Defendant to PROVIDE supplemental information related to requests for production 16, 17, 19, and 23 within two (2) weeks and / or certification that all documents including those contained in the storage units and electronically stored information have been reviewed. The Court further REMINDS all parties that they have a duty under Rule 26 and Rule 16.1 to supplement with all information that is required relative to this case. Mr. Muije to PREPARE a calculation of the expenses from April 22nd, not counting those in Mr. Spitz's fight, and run the order by opposing counsel prior to submission; Mr. Muije to also include the Court's findings. COURT FURTHER NOTED that after reviewing all 7 factors under Ribeiro the Court has determined that striking the answer and entering default is too harsh at this time. 9-24-19 9:00 AM DEFENDANTS' MOTION FOR SUMMARY JUDGMENT 10-8-19 9:30 AM CALENDAR CALL 10-14-19 1:30 PM BENCH TRIAL;*

10/08/2019 **Calendar Call** (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)
Matter Heard;
Journal Entry Details:

*Mr. Muije anticipated trial here taking 5 days; however, the parties have had some discovery*

*issues and still have some unresolved matters in that regard. Mr. Boschee advised they would like the motion for summary judgment heard prior to trial, explaining that they had filed it on time. Court stated that is not the Court's problem. Mr. Edwards advised 5 days for trial is probably correct. Mr. Blut advised his client is an Orthodox Jew and there are holidays coming up on the 14th, etc.; he will also be visiting his son the week of November 4. Colloquy regarding scheduling. Mr. Edwards asked whether the Court would entertain placing them on the next stack. Court stated it would not. Mr. Edwards advised he has a trial on November 4. Court stated she will be out of the jurisdiction for 3 days during the week of October 28. Mr. Edwards advised he is also gone on the 29th. Mr. Muije requested they get a chance to do their depositions and that they be crammed between November and the end of the year. Upon Court's inquiry, all parties agreed they can go to trial the week of December 30. Court noted trial will only be a half day on New Year's Eve because of the Downtown celebration and then resume on the 2nd and 3rd of January. COURT ORDERED, bench trial SET to commence on Monday, December 30 at 9:30 am. Proposed findings of fact and conclusions of law TO BE SUBMITTED by the Friday before Christmas, December 20, 2019. Court encouraged the parties to complete their depositions before the end of November. Upon Court's inquiry, Mr. Mujie advised the accounting in New Jersey is not done but the trustee has indicated they are pursuing the records. Court stated that if it has something from the bankruptcy trustee it will have a hearing with the parties. Mr. Muije added that he has met with the bankruptcy trustee and he has agreed to be hired as counsel; they will seek a motion to intervene. 10-21-19 9:00 AM DEFENDANT'S MOTION FOR SUMMARY JUDGMENT 11-8-19 CHAMBERS PLAINTIFF'S MOTION TO MAINTAIN REDACTIONS AND SEAL CERTAIN EXHIBITS TO PLAINTIFF'S OPPOSITION TO MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION FOR DISCOVERY PURSUANT TO NRCP 56(D) 12-30-19 9:30 AM BENCH TRIAL;*

10/21/2019 **Motion for Summary Judgment** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Defendant's Motion for Summary Judgment*
Denied;

10/21/2019 **Motion for Order Extending Time** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Motion for Additional Time for Futher Production*
Granted in Part;

10/21/2019 **All Pending Motions** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
Matter Heard;
Journal Entry Details:
*DEFENDANT'S MOTION FOR SUMMARY JUDGMENT...MOTION FOR ADDITIONAL TIME FOR FURTHER PRODUCTION DEFENDANT'S MOTION FOR SUMMARY JUDGMENT: Arguments by Mr. Boschee and Mr. Muije. Upon Court's inquiry, Mr. Muije advised that with regards to the bankruptcy the bankruptcy trustee has sent him revised papers and he anticipates filing a motion on order shortening time probably tomorrow. COURT ORDERED, motion for summary judgment DENIED; given the expert's testimony the Court understands there are probably issues that will be discussed at trial but they are not there yet. MOTION FOR ADDITIONAL TIME FOR FURTHER PRODUCTION: Mr. Edwards handed Mr. Muije in open court a thumb drive containing 200 gigabytes of emails, which are part of what was taken from the servers; another 400 gigabytes were taken and they are working on getting those downloaded; because there has been a lot of effort in reviewing the information, the Defendants would request an additional time of 30 days, as they have continued to work on the production since they filed the instant motion. Mr. Muije noted that Mr. Mitchell knew what the Plaintiffs wanted when they filed the motion, and the Court had entered a specific order. COURT ORDERED, an additional two (2) weeks is GRANTED to complete the privilege review on additional documents that were discovered on the ESI review. Plaintiffs' counter motion for terminating sanctions is DENIED; if there is no compliance in two weeks counsel for Plaintiffs may raise the issue again. 11-8-19 CHAMBERS PLAINTIFF'S MOTION TO MAINTAIN REDACTIONS AND SEAL CERTAIN EXHIBITS TO PLAINTIFF'S OPPOSITION TO MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION FOR DISCOVERY PURSUANT TO NRCP 56(D) 12-30-19 9:30 AM BENCH TRIAL;*

11/08/2019 **Motion to Seal/Redact Records** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Plaintiff's Motion to Maintain Redactions and Seal Certain Exhibits to Plaintiff's Opposition to Motion for Summary Judgment and Countermotion for Discovery Pursuant to NRCP 56(d)*
Granted;
Journal Entry Details:

*Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20 (e) the motion to seal is deemed unopposed. As the proposed sealing and redaction is narrowly tailored to protect sensitive commercial information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. 11-13-19 9:00 AM STATUS CHECK: COMPLIANCE 12-30-19 9:30 AM BENCH TRIAL CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 11-12-19;*

11/08/2019 **Minute Order** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
Minute Order - No Hearing Held;
Journal Entry Details:
*Court reviewed status report filed on 11/7/19. Matter set for Status Check re: Compliance on 11/13/19 at 9:00 a.m. CLERK'S NOTE: This minute order was electronically served by Courtroom Clerk, Natalie Ortega, to all registered parties for Odyssey File & Serve and/or served via facsimile. ndo/11/08/19;*

11/13/2019 **Status Check** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
*STATUS CHECK: COMPLIANCE*
Matter Heard;
Journal Entry Details:
*Court acknowledged receipt of Mr. Johnson's status report and NOTED today's hearing was set after the Court read Mr. Muije's status report. Mr. Muije advised that Mr. Mitchell is making a show of compliance, many dollars and many days short; the certificate of compliance does not say what documents he did not find and what efforts were made to locate those; for example, they still cannot find the engagement letters, which Mr. Spitz but they still do not have the metadata; to that extent the certificate of compliance is inadequate; additionally, the $1,000 sanction ordered paid by June 5th has not been paid, although Mr. Johnson says he has it; additionally, Mr. Mitchell indicated in testimony that the sanction would be devastating on him financially, but they have established that he paid off $18 million in loans to First Republic Bank, and he was bogusly posting his penthouse condo overlooking Central Park for rent at $65,000 a month. Mr. Johnson responded that he thinks they have complied completely; they have gone through hundreds of gigabytes of data and did specific searches on every single request, 16, 17, 19, and 23, and cross-checked each request that under each Defendant; he does not think Mr. Spitz was mentioned at all in this; this was a matter addressed back in New Jersey, and they do not have any involvement in that; as Mr. Mitchell said he went through his entire office and those documents were actually sent to his (Mr. Johnson's) office and they went through those manually; they did the ESI discovery on the PST files and all the other documents they had in their Dropbox; that is where they stored everything; there is nothing else; there is no other location. COURT ORDERED, if missing documents should have been produced by Mr. Mitchell the Court will infer the contents of those missing documents would have been unfavorable to Mr. Mitchell; this not a presumption; Mr. Mitchell may contest all issues as they proceed for the trial. Order shortening time submitted by Mr. Muije signed and returned to Mr. Muije for filing. 11-18-19 9:00 AM MOTION TO INTERVENE 12-30-19 9:30 AM BENCH TRIAL;*

11/18/2019 **Motion to Intervene** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
Granted;
Journal Entry Details:
*APPEARANCES CONTINUED: Attorney Jessica Lujan, Bar no. 14913, counsel for Defendant 305 Las Vegas LLC. Following arguments by Mr. Muije and Mr. Johnson, COURT ORDERED, motion to intervene GRANTED. This does not preclude Mr. Mitchell and/or other Defendants from moving to dismiss the complaint in intervention filed by the trustee. Proposed order signed in open court and returned to Mr. Muije for filing. 12-30-19 9:30 AM BENCH TRIAL;*

11/25/2019 **Motion for Protective Order** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Plaintiff's Motion for Protective Order*
Granted;
Journal Entry Details:

*Mr. Muije appeared by telephone. Following arguments by counsel, COURT ORDERED, motion GRANTED. Mr. Mitchell will be slotted for judgment debtor examination on December*

*4th; if someone wants to take Mr. Nype's deposition it will not proceed that day. 12-23-19 9:00 AM DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT PURSUANT TO NRCP 12(B)(2) AND 12(B)(5), OR IN THE ALTERNATIVE MOTION FOR SUMMARY JUDGMENT 12-30-19 9:30 AM BENCH TRIAL;*

12/20/2019 **Telephonic Conference** (8:45 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Telephonic Conference re: Trial Exhibits*
Matter Heard;
Journal Entry Details:
*Colloquy regarding status of the trial exhibits and preparing the index. Upon Court's inquiry, counsel indicated they did not object to a few more days to allow the index to be prepared correctly. Further colloquy regarding supplementing the electronic exhibits. Court noted it would anticipate receiving the Pre-Trial Memorandum next week.;*

12/23/2019 **Motion to Dismiss** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Defendant's Motion To Dismiss Plaintiffs Amended Complaint Pursuant To NRCP 12(B)(2) and 12(B)(5), Or In The Alternative Motion For Summary Judgment*
Denied;
Journal Entry Details:
*Following arguments by Mr. Johnson and Mr. Muije, COURT ORDERED, motion DENIED. Although the motion is late the Court has read it, considered it, and heard counsel's argument; the statute of limitations issues need to be addressed on a transaction by transaction basis as part of the proceedings; while some may be alleged as fraudulent conveyances that the statute has run, they have to be dealt with in the evidentiary portion of the proceedings. Mr. Muije advised they have pared down their exhibit list. Clerk advised she has contacted I.T. requesting an electronic exhibit validation meeting and that she will contact counsel as soon as she hears from them. 12-30-19 9:30 AM BENCH TRIAL;*

12/30/2019 **Bench Trial** (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)
**12/30/2019-12/31/2019, 01/02/2020-01/03/2020, 01/06/2020-01/07/2020**
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Decision Made;
Journal Entry Details:
*DAY 6 Closing argument by Mr. Muije. RECESS per counsel's request. Proceeding resumed. Closing arguments by Mr. Muije and Mr. Harold Stanley Johnson. LUNCH RECESS. Closing arguments continued with Mr. Johnson, Mr. Blut, and rebuttal by Mr. Muije. COURT ORDERED, matter will STAND SUBMITTED. Status Check on the Court's Decision SET for Friday, January 10, in chambers. 1-10-20 CHAMBERS STATUS CHECK: COURT'S DECISION;*
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Decision Made;
Journal Entry Details:

*DAY 5 Testimony and exhibits presented. (See worksheet.) LUNCH RECESS. Proceeding resumed. Colloquy regarding any new findings of fact and conclusions of law and briefing on closing arguments. Testimony and exhibits continued. (See worksheet.) At the hour of 2:56 pm, Plaintiff RESTED. Following arguments by Mr. Boschee and Mr. Muije on Mr. Boschee's motion for a directed verdict, COURT ORDERED, motion GRANTED because 305 LLC's failure to collect rent due from Las Vegas Land Partners does not cause any damage to the Plaintiff. Following arguments by Mr. Edwards and Mr. Muije on Mr. Edwards' motion for a directed verdict, COURT ORDERED, because of the commonality of the motions, the motion is DENIED. Following arguments by Mr. Edwards, joinder by Mr. Blut, and Mr. Muije regarding Mr. Edwards' motion regarding attorney's fees, COURT ORDERED, the allegations in the amended complaint do contain sufficient allegations to commit attorney's fees; in addition, they specifically talk about the intent to delay and the continuation of this action from the prior*

*action which is A551073 as part of the claims; for that reason, the attorney's fees are adequately pled for purposes of claims for relief, including civil conspiracy. Defendants advised they do not have any additional evidence and RESTED at the hour of 3:14 PM. Court directed the parties to email any new / supplemental findings of fact and conclusions of law by 9 am tomorrow in MS Word format to the Judicial Executive Assistant. COURT ORDERED, trial CONTINUED. EVENING RECESS. 1-7-20 9:30 AM BENCH TRIAL;*

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Decision Made;
Journal Entry Details:
*Testimony and exhibits presented (see worksheets). COURT ORDERED, trial CONTINUED. CONTINUED TO: 1/6/2020 10:30 AM;*

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Decision Made;
Journal Entry Details:
*Natalie Ortega, Court Clerk Present Testimony presented (see worksheet). Nicole McDevitt, Court Clerk present at 1:15 p.m. Testimony and exhibits presented (see worksheets). COURT ORDERED, trial CONTINUED. CONTINUED TO: 1/3/2020 9:00 AM;*

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Decision Made;
Journal Entry Details:
*DAY 2 APPEARANCES CONTINUED: Winthrop Chamberlin, Client Representative for 305 Las Vegas, LLC. Testimony and exhibits presented. (See worksheet.) COURT ORDERED, trial CONTINUED. EVENING RECESS. 1-2-20 9:30 AM BENCH TRIAL;*

**MINUTES**

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Decision Made;
Journal Entry Details:
*DAY 1 APPEARANCES CONTINUED: Winthrop Chamberlin, Client Representative for 305 Las Vegas. COURT ORDERED, exhibits stipulated to by the parties ADMITTED into evidence. (See worksheet.) Colloquy regarding witnesses. Opening statements. LUNCH RECESS. Testimony and exhibits presented. (See worksheet.) COURT ORDERED, trial CONTINUED. EVENING RECESS. 12-31-19 9:15 AM BENCH TRIAL;*

01/10/2020 **Status Check** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Status Check: Court's Decision*
Matter Continued;
Finding of Fact & Conclusions of Law filed 1/16/20.
Journal Entry Details:
*COURT ORDERED, matter CONTINUED for one week. 1-17-20 CHAMBERS STATUS CHECK: COURT'S DECISION CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 1-10-20 ;*

01/24/2020 *CANCELED* **Motion** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Vacated*
*Mitchell Defendants' Motion to Tax Costs and Disbursements*

02/10/2020 **Motion to Strike** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Defendant Casino Coolidge, LLC's Motion to Strike and Set Aside Recorded Judgment; Memorandum of Points and Authorities in Support Therof*
Denied;
Journal Entry Details:
*Following arguments by Mr. Blut and Mr. Muije, COURT ORDERED, the cases do not have an agreement on merely recording a judgment on the property being the beginning of enforcement proceedings. The Court believes recording a judgment is not enforcement proceedings as they require additional affirmative acts. For that reason, the motion is DENIED. COURT FURTHER ORDERED, Defendant Casino Coolidge LLC's Motion to Alter or Amend Judgment and Findings of Fact and Conclusions of Law Pursuant to NRCP 52 and NRCP 59 as well as the Mitchell Defendants' Motion to Tax Costs and Disbursements both set for February 28 in chambers ADVANCED to Monday, February 24 for oral argument. Any reply briefs are DUE by the afternoon of February 20th. The Plaintiff's motion for attorney's fees will REMAIN on the March 13 chambers calendar given what has been done historically on this case on attorney's fees. COURT FURTHER DIRECTED the parties to submit an OST for any other motion related to amendment of the findings of fact and conclusions of law so it can also be set on February 24. 2-24-20 9:00 AM DEFENDANT CASINO COOLIDGE LLC'S MOTION TO ALTER OR AMEND JUDGMENT AND FINDINGS OF FACT AND CONCLUSIONS OF LAW PURSUANT TO NRCP 52 AND NRCP 59...MITCHELL DEFENDANTS' MOTION TO TAX COSTS AND DISBURSEMENTS 3-13-20 CHAMBERS PLAINTIFF'S MOTION FOR AWARD OF ATTORNEY'S FEES ;*

02/24/2020 **Motion to Retax** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Mitchell Defendants' Motion to Tax Costs and Disbursements*
Granted in Part;

02/24/2020 **Motion to Amend Judgment** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Defendant Casino Coolidge LLC's Motion to Alter or Amend Judgment and Findings of Fact and Conclusions of Law Pursuant to NRCP 52 and NRCP 59*
Denied;

02/24/2020 **Motion to Stay** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Defendant's Mitchell Defendants Motion to Stay Enforcement of the Judgment on an Order Shortening Time*
Matter Heard;

02/24/2020 **Joinder** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Barnet Liberman and Casino Coolidge LLC Defendants Joinder in Support of Mitchell Defendants Motion for Stay Enforcement of the Judgment on Order Shortening Time*
Matter Heard;

02/24/2020 **Motion to Amend Judgment** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Defendant's Motion to Alter or Amend Judgment Pursuant to NRCP 52 and NRCP 59 (e)*
Denied;

02/24/2020 **Joinder** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Barnet Liberman and Casino Coolidge LLC Defendants Joinder in Support of Mitchell Defendants' Motion to Alter or Amend Judgment Pursuant to NRCP 52 and NRCP 59 (e)*
Matter Heard;

02/24/2020 **All Pending Motions** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
Matter Heard;
Journal Entry Details:

*DEFENDANT CASINO COOLIDGE LLC'S MOTION TO ALTER OR AMEND JUDGMENT AND FINDINGS OF FACT AND CONCLUSIONS OF LAW PURSUANT TO NRCP 52 AND NRCP 59: Arguments by Mr. Blut and Mr. Muije. Print-outs of online searches of Casino Coolidge LLC MARKED and PRESENTED as Plaintiff's Proposed Exhibits 1 and 2. (See worksheet.) Following further argument, COURT ORDERED, there is substantial evidence this is a related entity and there is a unity of interests with Mr. Barnet, Mr. Liberman, who are behind all of the related entitles; for that reason, the motion is DENIED. DEFENDANT'S MOTION TO ALTER OR AMEND JUDGMENT PURSUANT TO NRCP 52 AND NRCP 59*

*(E)... ...BARNET LIBERMAN AND CASINO COOLIDGE LLC DEFENDANTS JOINDER IN SUPPORT OF MITCHELL DEFENDANTS' MOTION TO ALTER OR AMEND JUDGMENT PURSUANT TO NRCP 52 AND NRCP 59 (E): Following arguments by Mr. Johnson and Mr. Muije, and Mr. Blut's joinder to Mr. Johnson's argument, COURT ORDERED, there is substantial evidence of unlawful activity by the parties which supports the civil conspiracy claim; the fraudulent activities related to the accounting and financial records which where the heart of the issues on the alter ego and related entity is sufficient to support any award; in this particular case the Court has ensured there is no duplication of damages, and the Court has tried to identify that both the fraudulent conveyance claim and the transfers are included in the $19 million in the judgment; that does not include attorney's fees and litigation expenses, which the Court anticipates it will hear more of given what it has done here, the prior evidentiary hearing on the discovery torts, and that is why the Court added the Brunzell factors. DEFENDANT'S MITCHELL DEFENDANTS MOTION TO STAY ENFORCEMENT OF THE JUDGMENT ON AN ORDER SHORTENING TIME... ...BARNET LIBERMAN AND CASINO COOLIDGE LLC DEFENDANTS JOINDER IN SUPPORT OF MITCHELL DEFENDANTS MOTION FOR STAY ENFORCEMENT OF THE JUDGMENT ON ORDER SHORTENING TIME: Court noted all parties are out of time and stated it will not impose a stay without a bond. Arguments by Mr. Johnson and Mr. Muije regarding bond amount. Plaintiff's Proposed Exhibit 3 MARKED. COURT ORDERED, Plaintiff's Proposed Exhibits 1, 2, and 3 are ADMITTED since this issue now deals with the bond. COURT ORDERED, because of the additional encumbrances that have occurred on the properties the Court DENIES the request for any additional stay. Bond for stay of execution on appeal SET at $25 million. MITCHELL DEFENDANTS' MOTION TO TAX COSTS AND DISBURSEMENTS: COURT NOTED it has read the briefing, and ORDERED, Litigation Services request REDUCED to $32,700. The remainder is not related to recoverable costs. Further, and monthly service fee to Legal Wings is RETAXED. 3-13-20 CHAMBERS PLAINTIFF'S MOTION FOR AWARD OF ATTORNEY S FEES 3-20-20 CHAMBERS PLAINTIFFS' MOTION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW AND JUDGMENT TO CORRECT MINOR ERRORS AND INCORPORATE PRE-JUDGMENT INTEREST CLERK'S NOTE: The status check to reset evidentiary hearing SET on March 16, 2020 at 9 am is VACATED as it was set in error.;*

03/13/2020 **Motion for Attorney Fees** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Plaintiff's Motion for Award of Attorneys Fees*

03/16/2020 *CANCELED* **Motion to Amend** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Vacated - On In Error*
*Status Check: Reset Evidentiary Hearing*

03/16/2020 *CANCELED* **Motion to Amend Judgment** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Vacated - Set in Error*
*Defendant Mitchell's Motion to Alter or Amend Judgment Pursuant to NRCP 52 and NRCP 59 (e)*

03/20/2020 **Motion** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
*Plaintiffs' Motion of Findings of Fact and Conclusions of Law and Judgment to Correct Minor Errors and Incorporate Pre-Judgment Interest*

| DATE | FINANCIAL INFORMATION | |
|---|---|---|
| | **Defendant** Liberman Holdings LLC | |
| | Total Charges | 30.00 |
| | Total Payments and Credits | 30.00 |
| | **Balance Due as of 2/27/2020** | **0.00** |
| | **Intervenor Defendant** Aquarius Owner LLC | |
| | Total Charges | 30.00 |
| | Total Payments and Credits | 30.00 |
| | **Balance Due as of 2/27/2020** | **0.00** |
| | **Intervenor Defendant** Casino Coolidge LLC | |
| | Total Charges | 30.00 |
| | Total Payments and Credits | 30.00 |
| | **Balance Due as of 2/27/2020** | **0.00** |

**Defendant** Las Vegas Land Partners LLC

| | |
|---|---|
| Total Charges | 30.00 |
| Total Payments and Credits | 30.00 |
| **Balance Due as of 2/27/2020** | **0.00** |

**Intervenor Defendant** Leah Property LLC

| | |
|---|---|
| Total Charges | 30.00 |
| Total Payments and Credits | 30.00 |
| **Balance Due as of 2/27/2020** | **0.00** |

**Intervenor Defendant** Liberman, Barnet

| | |
|---|---|
| Total Charges | 54.00 |
| Total Payments and Credits | 54.00 |
| **Balance Due as of 2/27/2020** | **0.00** |

**Intervenor Defendant** Live Work LLC

| | |
|---|---|
| Total Charges | 30.00 |
| Total Payments and Credits | 30.00 |
| **Balance Due as of 2/27/2020** | **0.00** |

**Intervenor Defendant** Live Work Manager LLC

| | |
|---|---|
| Total Charges | 30.00 |
| Total Payments and Credits | 30.00 |
| **Balance Due as of 2/27/2020** | **0.00** |

**Intervenor Defendant** Live Works TIC Successor LLC

| | |
|---|---|
| Total Charges | 30.00 |
| Total Payments and Credits | 30.00 |
| **Balance Due as of 2/27/2020** | **0.00** |

**Intervenor Defendant** LVLP Holdings LLC

| | |
|---|---|
| Total Charges | 30.00 |
| Total Payments and Credits | 30.00 |
| **Balance Due as of 2/27/2020** | **0.00** |

**Intervenor Defendant** Meyer Property Ltd

| | |
|---|---|
| Total Charges | 30.00 |
| Total Payments and Credits | 30.00 |
| **Balance Due as of 2/27/2020** | **0.00** |

**Intervenor Defendant** Mitchell Holdings LLC

| | |
|---|---|
| Total Charges | 30.00 |
| Total Payments and Credits | 30.00 |
| **Balance Due as of 2/27/2020** | **0.00** |

**Intervenor Defendant** Mitchell, David J

| | |
|---|---|
| Total Charges | 2,157.00 |
| Total Payments and Credits | 1,957.00 |
| **Balance Due as of 2/27/2020** | **200.00** |

**Intervenor Defendant** Wink One LLC

| | |
|---|---|
| Total Charges | 30.00 |
| Total Payments and Credits | 30.00 |
| **Balance Due as of 2/27/2020** | **0.00** |

**Intervenor Defendant** Zoe Property LLC

| | |
|---|---|
| Total Charges | 30.00 |
| Total Payments and Credits | 30.00 |
| **Balance Due as of 2/27/2020** | **0.00** |

**Intervenor Defendant** 305 Las Vegas LLC

| | |
|---|---|
| Total Charges | 230.00 |
| Total Payments and Credits | 230.00 |
| **Balance Due as of 2/27/2020** | **0.00** |

| | |
|---|---|
| **Plaintiff** Nype, Russell L | |
| Total Charges | 353.00 |
| Total Payments and Credits | 353.00 |
| **Balance Due as of 2/27/2020** | **0.00** |
| | |
| **Plaintiff** Revenue Plus LLC | |
| Total Charges | 30.00 |
| Total Payments and Credits | 30.00 |
| **Balance Due as of 2/27/2020** | **0.00** |

A- 16- 740689- C

# DISTRICT COURT CIVIL COVER SHEET

XXVI I I

_____ 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): | Defendant(s) (name/address/phone): |
|---|---|
| RUSSELL L. NYPE, REVENUE PLUS, LLC | David J. Michael; Bamet Liberman; Las Vegas Land Partners,LLC; Meyer Property, Ltd., |
| | Zoe Property, LLC; Leah Property, LLC; Wink One, LLC; Live Work, LLC; |
| | Live Work Manager, LLC; Aquarius Owner, LLC; LVLP Holdings, LLC; |
| | [illegible] |
| Attorney (name/address/phone): | Attorney (name/address/phone): |
| John W. Muije, Esq., John W. Muije & Associates | |
| 1840 East Sahara Avenue, Suite 106 | |
| Las Vegas, Nevada 89104 | |

## II. Nature of Controversy *(please select the one most applicable filing type below)*

### Civil Case Filing Types

| Real Property | Torts | |
|---|---|---|
| **Landlord/Tenant** | **Negligence** | **Other Torts** |
| ☐ Unlawful Detainer | ☐ Auto | ☐ Product Liability |
| ☐ Other Landlord/Tenant | ☐ Premises Liability | ☒ Intentional Misconduct |
| **Title to Property** | ☐ Other Negligence | ☐ Employment Tort |
| ☐ Judicial Foreclosure | **Malpractice** | ☐ Insurance Tort |
| ☐ Other Title to Property | ☐ Medical/Dental | ☐ Other Tort |
| **Other Real Property** | ☐ Legal | |
| ☐ Condemnation/Eminent Domain | ☐ Accounting | |
| ☐ Other Real Property | ☐ Other Malpractice | |

| Probate | Construction Defect & Contract | Judicial Review/Appeal |
|---|---|---|
| **Probate** *(select case type and estate value)* | **Construction Defect** | **Judicial Review** |
| ☐ Summary Administration | ☐ Chapter 40 | ☐ Foreclosure Mediation Case |
| ☐ General Administration | ☐ Other Construction Defect | ☐ Petition to Seal Records |
| ☐ Special Administration | **Contract Case** | ☐ Mental Competency |
| ☐ Set Aside | ☐ Uniform Commercial Code | **Nevada State Agency Appeal** |
| ☐ Trust/Conservatorship | ☐ Building and Construction | ☐ Department of Motor Vehicle |
| ☐ Other Probate | ☐ Insurance Carrier | ☐ Worker's Compensation |
| **Estate Value** | ☐ Commercial Instrument | ☐ Other Nevada State Agency |
| ☐ Over $200,000 | ☐ Collection of Accounts | **Appeal Other** |
| ☐ Between $100,000 and $200,000 | ☐ Employment Contract | ☐ Appeal from Lower Court |
| ☐ Under $100,000 or Unknown | ☐ Other Contract | ☐ Other Judicial Review/Appeal |
| ☐ Under $2,500 | | |

| Civil Writ | | Other Civil Filing |
|---|---|---|
| **Civil Writ** | | **Other Civil Filing** |
| ☐ Writ of Habeas Corpus | ☐ Writ of Prohibition | ☐ Compromise of Minor's Claim |
| ☐ Writ of Mandamus | ☐ Other Civil Writ | ☐ Foreign Judgment |
| ☐ Writ of Quo Warrant | | ☐ Other Civil Matters |

***Business Court filings should be filed using the Business Court civil coversheet.***

July 21, 2016

Date

Signature of initiating party or representative

*See other side for family-related case filings.*

Electronically Filed
1/16/2020 8:14 AM
Steven D. Grierson
CLERK OF THE COURT

FFCL

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| RUSSELL L. NYPE; REVENUE PLUS, LLC, DOES I through X; DOES I through X; DOE CORPORATIONS CASE NO: A-16-740689-C I through X; and DOES PARTNERSHIPS I through X,<br><br>Plaintiffs,<br><br>v.<br><br>DAVID J. MITCHELL; BARNET LIBERMAN; LAS VEGAS LAND PARTNERS, LLC; MEYER PROPERTY, LTD.; ZOE PROPERTY, LLC; LEAH PROPERTY, LLC; WINK ONE, LLC; LNE WORK, LLC; LNE WORK MANAGER, LLC; AQUARIUS OWNER, LLC; L VLP HOLDINGS, LLC; MITCHELL HOLDINGS, LLC; LIBERMAN HOLDINGS, LLC; 305 LAS VEGAS, LLC; LIVE WORKS TIC SUCCESSOR, LLC; CASINO COOLIDGE LLC; DOES I through ill, and ROE CORPORATIONS I through ill, inclusive,<br><br>Defendants. | **Case No.:** A-16-740689-C<br><br>**Dept.:** XI |

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***FINDINGS OF FACT AND CONCLUSIONS OF LAW***

This matter having come on for non-jury trial before the Honorable Elizabeth Gonzalez beginning on December 30, 2019, and continuing day to day, until its completion on January 7, 2020; John W. Muije of John W. Muije & Associates appeared on behalf of Russell L. Nype and Revenue Plus, LLC ("Plaintiffs") and Shelley D. Krohn, U.S. Bankruptcy Trustee ("Plaintiff Trustee"); H. Stan Johnson, James L. Edwards and Kevin M. Johnson of the law firm of Cohen, Johnson, Parker & Edwards appeared on behalf of David J. Mitchell, Las Vegas Land Partners, LLC, Meyer Property Ltd., Zoe Property LLC, Leah Property LLC, Wink One LLC, LiveWork LLC, LiveWork Manager LLC, Aquarius Owner LLC, LVLP Holdings LLC, Mitchell Holdings

RECEIVED
JAN 16 2020
CLERK OF THE COURT

14

LLC, Live Works TIC Successor LLC, FC/Live Work Vegas LLC, ("Mitchell Defendants");[1] Brian W. Boschee of the law firm of Holley Driggs Walch Fine Puzey Stein & Thompson appeared on behalf of Defendant 305 Las Vegas, LLC[2]; and, Eliott S. Blut appeared on behalf of Defendants Barnett Liberman and Casino Coolidge; the Court having read and considered the pleadings filed by the parties; having reviewed the evidence admitted during the trial; having heard and carefully considered the testimony of the witnesses called to testify and weighing their credibility; having considered the oral and written arguments of counsel, and with the intent of rendering a decision on all claims before the Court,[3] pursuant to NRCP 52(a) and 58; the Court makes the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. This action arises from a judgment that Plaintiffs obtained on or about April 10, 2015, against Las Vegas Land Partners, LLC ("LVLP") in Case No. A551073. Plaintiff filed this suit on July 26, 2016. The complaint was amended by the filing of an amended complaint on August 21, 2017.

2. Plaintiff Trustee was duly appointed to act as the Trustee in the Bankruptcy Case *of Las Vegas Land Partners, LLC*, Case No. BK-19-15333-mkn and moved to intervene in the instant action, which motion was granted on November 18, 2019. Plaintiff Trustee filed the complaint in intervention on November 18, 2019.

3. Plaintiff Russell L. Nype ("Nype") is an adult resident of New York.

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[1] Given the filing of *Las Vegas Land Partners, LLC*, Case No. BK-19-15333-mkn in August 2019, the Court takes no action against Las Vegas Land Partners, LLC.

[2] The Court granted the Rule 50(a) motion by 305 Las Vegas, LLC at the close of the Plaintiffs' case as no damages against that entity were established given the nature of its conduct.

[3] Plaintiff asserted five claims for relief against the Defendants: 1) Constructive Trust; 2) Fraudulent Transfer; 3) Civil Conspiracy; 4) Declaratory Relief; and 5) Alter Ego.

4. Plaintiff Revenue Plus, LLC (collectively with Nype, "Plaintiffs") is a Florida limited liability company.

5. Defendant, David J. Mitchell ("Mitchell"), is an adult resident of New York.

6. Defendant, Barnett Liberman ("Liberman), is an adult resident of New York.

7. Defendant Mitchell Holdings, LLC ("Mitchell Holdings") is a Delaware limited liability company.

8. Defendant LVLP Holdings, LLC ("LVLP Holdings") is a Delaware limited liability company that was formed on or about November 4, 2004 by Mitchell and Liberman.

9. Defendant Las Vegas Land Partners ("LVLP") is a Delaware limited liability company.

10. Mitchell and Liberman are managers of LVLP.

11. At all relevant times, Mitchell and Liberman were the sole owners (50/50) and managers of LVLP Holdings.

12. At all relevant times, LVLP was owned (50/50) and managed by Mitchell and Liberman.

13. Defendant Casino Coolidge LLC is a Nevada limited liability company. ("Casino Coolidge").

14. Liberman is the managing member of Casino Coolidge.

15. Defendant Aquarius Owner, LLC ("Aquarius") is a Delaware limited liability company.

16. Defendant Leah Property, LLC ("Leah") is a Delaware limited liability company.

17. Defendant Livework, LLC ("Livework") is a Delaware limited liability company.

18. Defendant Livework Manager, LLC ("Livework Manager"), is a Delaware limited liability company.

19. Defendant Zoe Property, LLC ("Zoe") is a Delaware limited liability company.

20. Defendant Wink One, LLC ("Wink") is a Delaware limited liability company.

21. Defendant Meyer Property, LLC ("Meyer") is a Delaware limited liability company.

22. Non-party Charleston Casino Partners, LLC ("Casino Partners") is a Delaware limited liability company.

23. Defendant FC/LW Vegas, LLC ("FC/LW") is a Delaware limited liability company.

24. Defendant LiveWorks TIC Successor, LLC ("TIC Successor") is a Delaware limited liability company.

25. These entities are collectively referred to as the Related Entities.[4]

26. 305 Las Vegas, LLC ("305 Las Vegas") was created in April of 2007 for the purpose through a 1031 exchange of purchasing real property located around 300 East Charleston.

27. In 2005, Mitchell and Liberman requested Nype's assistance with finding a development partner to assist them in developing certain real property in Downtown Las Vegas.

28. Prior to closing the transaction with Forest City, a dispute arose between LVLP and Nype in late 2006/early 2007 over the amount Nype was entitled to be paid related to the transaction with Forest City.

29. Mitchell and Liberman were fully aware that Nype was expecting to receive at least two million dollars for his efforts.

30. Despite understanding Nype's expectations, Mitchell and Liberman only set aside $430,000.

31. Shortly after setting aside that amount, Mitchell and Liberman took personal distributions from LVLP in excess of thirteen million dollars.

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[4] For purposes of the term "Related Entity" the following are included: Las Vegas Land Partners, LLC, Meyer Property Ltd., Zoe Property LLC, Leah Property LLC, Wink One LLC, LiveWork LLC, LiveWork Manager LLC, Aquarius Owner LLC, LVLP Holdings LLC, LiveWorks TIC Successor LLC, FC/LiveWork Vegas LLC and Casino Coolidge LLC.

32. On November 2, 2007, LVLP and two other entities[5] sued Nype seeking primarily a declaratory judgment that they did not owe Nype any fee, Nype counterclaimed seeking compensation for services rendered.

33. In December 2014, Leah sold certain real property to Casino Coolidge for $1,000,000. Mitchell and Liberman caused Leah to distribute sales proceeds in the amount of $341,934.47 directly to themselves, rather than Leah's parent company, LVLP. Plaintiff has not established that given the market conditions at the time that Mitchell and Liberman sold the Leah Property without obtaining reasonably equivalent value in exchange.

34. After obtaining judgment on the counterclaim in 2015, Nype engaged in significant attempts to collect on the Judgment from LVLP.

35. Those efforts resulted in recovery of approximately $10,000.

36. Between 2007 and 2016, Mitchell and Liberman distributed to themselves a total of $15,148,339 from the Related Entities.

37. These distributions were at times that Mitchell and Liberman were fully aware of Nype's claims.

38. The distributions caused and/or contributed to the Related Entities' insolvency and/or inability to pay their debts as they became due.

39. The evidence also demonstrates that Mitchell, Liberman and the Related Entities engaged in conscious, concerted and ongoing efforts to conceal, hide, convey, keep secret and/or divert millions of dollars in assets away from Nype and/or other creditors.

40. The evidence also demonstrates that Mitchell, Liberman and the Related Entities engaged in conscious, concerted and ongoing efforts to ensure that funds and/or assets that would otherwise be available to Nype to satisfy his claims (and Judgment) were kept away from Nype.

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[5] The other plaintiffs in that case were LiveWork LLC and Zoe Properties, LLC, neither of which were named as counterdefendants.

41. The evidence demonstrates that Mitchell, Liberman and the Related Entities distributed in excess of $15,000,000 in funds that should have been available to satisfy Nype's claims/Judgment.

42. Nype's disclosure of the tax returns and its own consultant's report[6] on or about April 25, 2014, in A551073, are the latest date of discovery for purposes of NRS 112.230(1)(a).[7]

43. David Mitchell was not credible.[8] The failure of Mitchell to meaningfully participate in discovery until the eve of trial and the failure to produce documents which should have been in his possession leads the Court to conclude that if those documents had been produced they would have been adverse to Mitchell.

44. At all relevant times, each of the Related Entities was wholly owned and managed by LVLP or LVLP Holdings.

45. At all relevant times, each of the Related Entities was beneficially owned, controlled, and managed by Mitchell and Liberman.

46. One or more of the Related Entities was formed with an initial capitalization of just $10.

---

[6] The report is a part of Exhibit 90079.

[7] That statute provides in pertinent part:

1. A claim for relief with respect to a fraudulent transfer or obligation under this chapter is extinguished unless action is brought:

(a) Under paragraph (a) of subsection 1 of NRS 112.180, within 4 years after the transfer was made or the obligation was incurred or, if later, within 1 year after the transfer or obligation was or could reasonably have been discovered by the claimant;

[8] The explanation by Mitchell surrounding the creation of retention agreements with the CPA Sam Spitz signed in different styles and ink is additional information which leads the Court to believe Mitchell is not credible. (Exhibits 60032-60036).

47. At all relevant times, each of the Related Entities was treated by Mitchell and Liberman as a disregarded entity of LVLP Holdings for tax purposes and all of the Related Entities filed one combined tax return.

48. Except with respect to Livework Manager and Casino Coolidge, none of these entities had its own bank account. Mitchell caused each of the Related Entities to use the same bank accounts to deposit and disburse funds, including distributions to Mitchell and Liberman.

49. At all relevant times, Mitchell and Liberman caused each of the Related Entities to use the same financial and accounting records, which are not distinguishable by entity. Each of the Related Entities' financial and accounting records are not distinguishable by entity.

50. The LVLP accounting records include a few Mitchell and Liberman personal transactions and postings commingled from multiple entities.

51. Mitchell and Liberman caused each of the Related Entities to use the same general ledger to post all entries under the name of "Las Vegas Land Partners".

52. Mitchell, Liberman and the Related Entities commingled funds, including personal loans from various banks which are included in the LVLP accounting records and general ledger.

53. Mitchell and Liberman also used journal entries to post commingled transactions for themselves and the Related Entities.

54. In 2016, the Related Entities stopped using bank accounts and instead began using journal entries to post entries apparently transacted personally by Mitchell.

55. As a result of Mitchell and Liberman's domination, influence and control over the Related Entities, the individuality and separateness of the Related Entities—vis-à-vis themselves and Mitchell and Liberman—was and remains nonexistent as evidenced by the commingling of funds, transactions, revenues, expenses, assets, liabilities and contributed capital.

56. The manner in which Mitchell and Liberman operated the Related Entities makes it virtually impossible to identify transactions by purpose and/or entity.

57. The evidence demonstrates that: (a) Mitchell, Liberman and the Related Entities commingled funds, transactions and assets; (b) the Related Entities were and are undercapitalized;

(c) Mitchell, Liberman and the Related Entities distributed funds to Mitchell and Liberman as individuals without regard to parent entities; (d) Mitchell, Liberman and the Related Entities treated assets of the other entities as their own; and (e) the Related Entities failed to observe corporate or LLC formalities.

58. The evidence demonstrates that the Related Entities: (a) are and were influenced and governed by Mitchell and Liberman; (b) there is such unity of interest and/or ownership that Mitchell, Liberman and the Related Entities are inseparable from the other; and (c) the facts are such that adherence to the fiction of separate entities would, under the circumstances, sanction a fraud or promote injustice.

59. Mitchell, Liberman and the Related Entities have made distributions to avoid satisfying Nype's claims and Judgment.

a. When Leah Property sold certain real property to Casino Coolidge on or about December 17, 2014, and did not transfer the funds to LVLP;

b. When Mitchell and Liberman took personal distributions from the Related Entities, between 2007 and 2016, totaling $15,148.339.

60. In determining that these distributions were made with the actual intent to hinder, delay or defraud creditors and Nype, the Court notes, among other things, the following:

a. They were made to "insiders" or other entities of which Mitchell and Liberman own or control (in whole or in part);

b. They were made at times when Mitchell and Liberman were fully aware of Nype's claims, Judgment and/or Nype's intent to sue for the amounts owed to him.

c. The distributions rendered or contributed to LVLP's and/or the Related Entities' insolvency, and left LVLP and/or the Related Entities unable to pay their debts as they became due;

d. Mitchell, Liberman and the Related Entities attempted to conceal the distributions and their assets, through their discovery misconduct in this matter, which required enormous and expensive effort on Nype's part to attempt to obtain full and proper disclosure; and

e. Mitchell, Liberman and the Related Entities removed or concealed assets.

61. If any findings of fact are properly conclusions of law, they shall be treated as if appropriately identified and designated.

**CONCLUSIONS OF LAW**

1. In Nevada, there are three general requirements for application of the alter ego doctrine: (1) the corporation must be influenced and governed by the person asserted to be the alter ego; (2) there must be such unity of interest and ownership that one is inseparable from the other; and (3) the facts must be such that adherence to the corporate fiction of a separate entity would, under the circumstances, sanction fraud or promote injustice." *Polaris Indus. Corp. v. Kaplan*, 103 Nev. 598, 601, 747 P.2d 884, 886 (1987).

2. Nevada recognizes application of the alter ego doctrine in reverse, in which a creditor is permitted to reach "the assets of a corporation to satisfy the debt of a corporate insider based on a showing that the corporate entity is really the alter ego of the individual." Loomis, 116 Nev. at 903, 8 P.3d at 846.

3. Application of the alter ego doctrine in reverse "is appropriate where the particular facts and equities show the existence of an alter ego relationship and require that the corporate fiction be ignored so that justice may be promoted." Id., at 904, 8 P.3d at 846.

4. The Court, concludes that: (a) Mitchell, Liberman and the Related Entities commingled funds, transactions and assets; (b) the Related Entities were and are undercapitalized; (c) Mitchell, Liberman and the Related Entities committed unauthorized diversion of funds; (d)

Mitchell, Liberman and the Related Entities treated assets of the other entities as their own; and (e) the Related Entities failed to observe corporate and LLC formalities.

5. The Court further concludes the evidence demonstrates that the Related Entities: (a) are and were influenced and governed by Mitchell and Liberman; (b) there is such unity of interest and/or ownership that Mitchell, Liberman and the Related Entities are inseparable from the other; and (c) the facts are such that adherence to the fiction of separate entities would, under the circumstances, sanction a fraud or promote injustice.

6. Justice and equity require that the Court impose alter ego liability on Mitchell, Liberman and the Related Entities.

7. Nype has proven, by a preponderance of the evidence his claim for alter ego, establishing that Mitchell, Liberman, and each of the Related Entities, is the alter ego of LVLP and each other.

8. Nype has not proven, by a preponderance of the evidence, his claim for alter ego that Mitchell Holdings is the alter ego of Mitchell.

9. Mitchell, Liberman and each of the Related Entities are jointly and severally liable on Nype's Judgment and the damages, attorney's fees and costs awarded in this action.

10. Prior to September of 2015, Nype had reason to know that the limited transfers were transfers made by debtors under the UFTA, that the transfers rendered debtors insolvent (or contributed thereto) or the facts and circumstances upon which this Court utilized in determining that the transfers were made with the actual intent to hinder, delay or defraud creditors (including Nype).

11. Nype has proven, by a preponderance of the evidence his claims for fraudulent transfer, including that certain of the distributions constitute fraudulent transfers within the meaning of NRS 112.180(1)(a). [9]

12. Certain of those distributions were made outside the limitations period under NRS 112.230(1).

13. Nevada's Uniform Fraudulent Transfer Act provides an equitable remedy for creditors affected by a fraudulent transfer, but nothing more. *Cadle Co. v. Woods & Erickson, LLP*, 131 Nev. Adv. Op. 15, 345 P.3d 1049 (2015).

14. Nype has proven by a preponderance of the evidence that he suffered damages in the amount of $341,934.47 as a result of the fraudulent transfer of the proceeds of the Leah transaction with Casino Coolidge directly to Liberman and Mitchell, rather than to Leah's parent LVLP.

15. The earlier transfers are barred by the limitations period for purposes of the fraudulent transfer claim, only.

16. Nype has proven by a preponderance of the evidence that he suffered special damages in the form of attorney's fees, costs and expert expenses related to the transfers in the total amount of $4,493,176.90.

17. Plaintiff cannot recover on a civil conspiracy claim (or accessory liability) for allegations arising out of NRS Chapter 112 against a nontransferor. *Cadle Co. v. Woods & Erickson, LLP*, 131 Nev. 114 at 120, 345 P.3d 1049 (2015).

18. Independent of NRS Chapter 112, to prove a civil conspiracy, Plaintiff must prove "a combination of two or more persons who, by some concerted action, intend to accomplish a

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[9] The Court is cognizant of the possibility of duplicative awards given the various claims for relief.

lawful objective for the purpose of harming another, and damage results from the act or acts." *Hilton Hotels vs. Butch Lewis Productions*, 109 Nev. 1043, 148, 862 P.2d 1207, 1210 (1993).

19. The Court concludes that the evidence demonstrates that:

a. Mitchell and Liberman, engaged in conscious, concerted and ongoing efforts to conceal, hide, convey, keep secret and/or distribute millions of dollars in assets away from Nype;

b. Mitchell and Liberman received distributions from LVLP and the Related entities;

c. Mitchell, fabricated and backdated evidence to facilitate the destruction and/or concealment of material financial evidence by his agent that would have greatly assisted Nype's case.

d. But for Nype's pretrial discovery,[10] the fabrication of evidence would not have been uncovered.

20. Nype has proven his claim of civil conspiracy, by a preponderance of the evidence against Mitchell and Liberman.

21. Plaintiff has not established by a preponderance of the evidence the elements of civil conspiracy separate and apart from the distributions and fabrication of evidence.

22. Plaintiff has established damages on the civil conspiracy claim in the amount of $15,148.339.

23. Nype has not demonstrated that punitive damages are appropriate in this matter.

24. Nype is entitled to recover his attorney's fees as special damages as he was successful on his claim for civil conspiracy in the total amount of $4,493,176.90.

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[10] The limitations for a civil conspiracy claim is not limited by NRS 112.230(1)(a) but is instead governed by NRS 11.220 and the discovery rule. *Siragusa v. Brown*, 114 Nev. 1384 at 1391-3 (1998).

25. Nype has not established a claim for constructive trust given the current state of title of the remaining parcels in which the Related Entities hold their interest.

26. Mitchell, Liberman, and the Related Entities' actions and inactions have caused Nype damages in the total amount of $19,641,515.90.[11]

27. Nype may also file a post-trial motion if appropriate, for fees and costs not proven during the trial as special damages.

28. Given the findings and conclusion no further relief on the Declaratory Relief claim is appropriate.

29. If any conclusions of law are properly findings of fact, they shall be treated as if appropriately identified and designated.

Based upon the foregoing Findings of Fact and Conclusions of Law:

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that JUDGMENT is hereby entered in favor of Plaintiffs and jointly and severally against Mitchell, Liberman, Meyer Property Ltd., Zoe Property LLC, Leah Property LLC, Wink One LLC, LiveWork LLC, LiveWork Manager LLC, Aquarius Owner LLC, LVLP Holdings LLC, LiveWorks TIC Successor LLC, FC/LiveWork Vegas LLC and Casino Coolidge LLC on the fraudulent conveyance claim in the amount of $4,835,111.37.[12]

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that JUDGMENT is hereby entered in favor of Plaintiffs and jointly and severally against Mitchell and Liberman on the civil conspiracy claim in the amount of $19,641,515.90.

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that JUDGMENT is

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[11] This is the total amount of damages which is not duplicated among the various claims for which the Court has made an award.

[12] These damages are duplicated in the civil conspiracy judgment.

hereby entered in favor of Plaintiffs and jointly and severally against Mitchell, Liberman, Meyer Property Ltd., Zoe Property LLC, Leah Property LLC, Wink One LLC, LiveWork LLC, LiveWork Manager LLC, Aquarius Owner LLC, LVLP Holdings LLC, LiveWorks TIC Successor LLC, FC/LiveWork Vegas LLC and Casino Coolidge LLC on the alter ego claim in the amount of the underlying judgment in A551073.

DATED this 16th day of January, 2020.

Elizabeth Gonzalez, District Court Judge

**Certificate of Service**

I hereby certify that on the date filed, a copy of the foregoing Findings of Fact and Conclusions of Law was electronically served, pursuant to N.E.F.C.R. Rule 9, to all registered parties in the Eighth Judicial District Court Electronic Filing Program.

*If indicated below*, a copy of the foregoing Scheduling Order was also:

☐ Placed in the Attorney(s) Folder on the 1st Floor of the RJC for;

☐ Mailed by United States Postal Service, Postage prepaid, to the proper parties listed below at their last known address(es):

Dan Kutinac

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Steven D. Grierson
CLERK OF THE COURT

NEFF
JOHN W. MUIJE & ASSOCIATES
JOHN W. MUIJE, ESQ.
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Las Vegas, NV 89104
Phone No: (702) 386-7002
Fax No: (702) 386-9135
Email: Jmuije@muijelawoffice.com
*Attorneys for Plaintiffs*

DISTRICT COURT
CLARK COUNTY, NEVADA

| | |
|---|---|
| RUSSELL L. NYPE AND REVENUS PLUS, LLC<br><br>Plaintiffs,<br><br>vs.<br>DAVID J. MITCHELL; BARNET LIBERMAN; LAS VEGAS LAND PARTNERS, LLC; MEYER PROPERTY, LTD.; ZOE PROPERTY, LLC; LEAH PROPERTY, LLC; WINK ONE, LLC; LIVE WORK, LLC; LIVE WORK MANAGER, LLC; AQUARIUS OWNER, LLC; LVLP HOLDINGS, LLC; MITCHELL HOLDINGS, LLC; LIBERMAN HOLDINGS, LLC; 305 LAS VEGAS, LLC; LIVE WORKS TIC SUCCESSOR, LLC; CASINO COOLIDGE LLC; DOES I through III, and ROE CORPORATIONS I through III, inclusive,<br><br>Mitchell Defendants. | CASE NO: A-16-740689-B<br><br>DEPT NO: XI |

**NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW**

**-AND-**

**JUDGMENT**

TO: ELLIOT S. BLUT, ESQ., of **BLUT LAW GROUP, P.C.**, Attorneys for Defendants Barnet Liberman and Casino Coolidge, LLC

TO: BRIAN B. BOSCHEE, ESQ., of the Law Offices of **HOLLEY DRIGGS WALCH FINE PUZEY STEIN & THOMPSON**, Attorneys for Defendant 305 Las Vegas, LLC

JOHN W. MUIJE & ASSOCIATES
1840 E. Sahara Ave., #106
Las Vegas, Nevada 89104
Telephone: 702-386-7002
Email: Jmuije@muijelawoffice.com

TO: H. STAN JOHNSON, ESQ., and JAMES L. EDWARDS, ESQ., of the Law Offices of **COHEN, JOHNSON, PARKER & EDWARDS**, Attorneys for Mitchell Defendants

**PLEASE TAKE NOTICE** that the **FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT**, was entered with the Court on the 16th day of January, 2020, a copy of which is attached hereto as Exhibit "1".

DATED this 16th day of January, 2020

JOHN W. MUIJE & ASSOCIATES

By: _____

JOHN W. MUIJE, ESQ.
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## CERTIFICATE OF MAILING

I certify that I am an employee of JOHN W. MUIJE & ASSOCIATES and that on the 16th day of January, 2020, I caused the foregoing document, **NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT,** to be served as follows:

- ☐ By placing a copy of the same for mailing in the United States mail, with first-class postage prepaid addressed as follows; and/or
- ☒ By electronically filing with the Clerk of the Court via the Odyssey E-File and Serve System;
- ☐ By placing a copy of the same for mailing in the United States mail, with first-class postage prepaid marked certified return receipt requested addressed as follows:

Elliot S. Blut, Esq.
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Facsimile: (702) 384-8565
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James L. Edwards, Esq.
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Fern M. Vitman
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# EXHIBIT "1"

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Steven D. Grierson
CLERK OF THE COURT

FFCL

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| RUSSELL L. NYPE; REVENUE PLUS, LLC, DOES I through X; DOES I through X; DOE CORPORATIONS CASE NO: A-16-740689-C I through X; and DOES PARTNERSHIPS I through X,<br><br>Plaintiffs,<br><br>v.<br><br>DAVID J. MITCHELL; BARNET LIBERMAN; LAS VEGAS LAND PARTNERS, LLC; MEYER PROPERTY, LTD.; ZOE PROPERTY, LLC; LEAH PROPERTY, LLC; WINK ONE, LLC; LNE WORK, LLC; LNE WORK MANAGER, LLC; AQUARIUS OWNER, LLC; L VLP HOLDINGS, LLC; MITCHELL HOLDINGS, LLC; LIBERMAN HOLDINGS, LLC; 305 LAS VEGAS, LLC; LIVE WORKS TIC SUCCESSOR, LLC; CASINO COOLIDGE LLC; DOES I through ill, and ROE CORPORATIONS I through ill, inclusive,<br><br>Defendants. | **Case No.:** A-16-740689-C<br><br>**Dept.:** XI |

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***FINDINGS OF FACT AND CONCLUSIONS OF LAW***

This matter having come on for non-jury trial before the Honorable Elizabeth Gonzalez beginning on December 30, 2019, and continuing day to day, until its completion on January 7, 2020; John W. Muije of John W. Muije & Associates appeared on behalf of Russell L. Nype and Revenue Plus, LLC ("Plaintiffs") and Shelley D. Krohn, U.S. Bankruptcy Trustee ("Plaintiff Trustee"); H. Stan Johnson, James L. Edwards and Kevin M. Johnson of the law firm of Cohen, Johnson, Parker & Edwards appeared on behalf of David J. Mitchell, Las Vegas Land Partners, LLC, Meyer Property Ltd., Zoe Property LLC, Leah Property LLC, Wink One LLC, LiveWork LLC, LiveWork Manager LLC, Aquarius Owner LLC, LVLP Holdings LLC, Mitchell Holdings

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CLERK OF THE COURT

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LLC, Live Works TIC Successor LLC, FC/Live Work Vegas LLC, ("Mitchell Defendants");[1] Brian W. Boschee of the law firm of Holley Driggs Walch Fine Puzey Stein & Thompson appeared on behalf of Defendant 305 Las Vegas, LLC[2]; and, Eliott S. Blut appeared on behalf of Defendants Barnett Liberman and Casino Coolidge; the Court having read and considered the pleadings filed by the parties; having reviewed the evidence admitted during the trial; having heard and carefully considered the testimony of the witnesses called to testify and weighing their credibility; having considered the oral and written arguments of counsel, and with the intent of rendering a decision on all claims before the Court,[3] pursuant to NRCP 52(a) and 58; the Court makes the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. This action arises from a judgment that Plaintiffs obtained on or about April 10, 2015, against Las Vegas Land Partners, LLC ("LVLP") in Case No. A551073. Plaintiff filed this suit on July 26, 2016. The complaint was amended by the filing of an amended complaint on August 21, 2017.

2. Plaintiff Trustee was duly appointed to act as the Trustee in the Bankruptcy Case *of Las Vegas Land Partners, LLC*, Case No. BK-19-15333-mkn and moved to intervene in the instant action, which motion was granted on November 18, 2019. Plaintiff Trustee filed the complaint in intervention on November 18, 2019.

3. Plaintiff Russell L. Nype ("Nype") is an adult resident of New York.

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[1] Given the filing of *Las Vegas Land Partners, LLC*, Case No. BK-19-15333-mkn in August 2019, the Court takes no action against Las Vegas Land Partners, LLC.

[2] The Court granted the Rule 50(a) motion by 305 Las Vegas, LLC at the close of the Plaintiffs' case as no damages against that entity were established given the nature of its conduct.

[3] Plaintiff asserted five claims for relief against the Defendants: 1) Constructive Trust; 2) Fraudulent Transfer; 3) Civil Conspiracy; 4) Declaratory Relief; and 5) Alter Ego.

4. Plaintiff Revenue Plus, LLC (collectively with Nype, "Plaintiffs") is a Florida limited liability company.

5. Defendant, David J. Mitchell ("Mitchell"), is an adult resident of New York.

6. Defendant, Barnett Liberman ("Liberman), is an adult resident of New York.

7. Defendant Mitchell Holdings, LLC ("Mitchell Holdings") is a Delaware limited liability company.

8. Defendant LVLP Holdings, LLC ("LVLP Holdings") is a Delaware limited liability company that was formed on or about November 4, 2004 by Mitchell and Liberman.

9. Defendant Las Vegas Land Partners ("LVLP") is a Delaware limited liability company.

10. Mitchell and Liberman are managers of LVLP.

11. At all relevant times, Mitchell and Liberman were the sole owners (50/50) and managers of LVLP Holdings.

12. At all relevant times, LVLP was owned (50/50) and managed by Mitchell and Liberman.

13. Defendant Casino Coolidge LLC is a Nevada limited liability company. ("Casino Coolidge").

14. Liberman is the managing member of Casino Coolidge.

15. Defendant Aquarius Owner, LLC ("Aquarius") is a Delaware limited liability company.

16. Defendant Leah Property, LLC ("Leah") is a Delaware limited liability company.

17. Defendant Livework, LLC ("Livework") is a Delaware limited liability company.

18. Defendant Livework Manager, LLC ("Livework Manager"), is a Delaware limited liability company.

19. Defendant Zoe Property, LLC ("Zoe") is a Delaware limited liability company.

20. Defendant Wink One, LLC ("Wink") is a Delaware limited liability company.

21. Defendant Meyer Property, LLC ("Meyer") is a Delaware limited liability company.

22. Non-party Charleston Casino Partners, LLC ("Casino Partners") is a Delaware limited liability company.

23. Defendant FC/LW Vegas, LLC ("FC/LW") is a Delaware limited liability company.

24. Defendant LiveWorks TIC Successor, LLC ("TIC Successor") is a Delaware limited liability company.

25. These entities are collectively referred to as the Related Entities.[4]

26. 305 Las Vegas, LLC ("305 Las Vegas") was created in April of 2007 for the purpose through a 1031 exchange of purchasing real property located around 300 East Charleston.

27. In 2005, Mitchell and Liberman requested Nype's assistance with finding a development partner to assist them in developing certain real property in Downtown Las Vegas.

28. Prior to closing the transaction with Forest City, a dispute arose between LVLP and Nype in late 2006/early 2007 over the amount Nype was entitled to be paid related to the transaction with Forest City.

29. Mitchell and Liberman were fully aware that Nype was expecting to receive at least two million dollars for his efforts.

30. Despite understanding Nype's expectations, Mitchell and Liberman only set aside $430,000.

31. Shortly after setting aside that amount, Mitchell and Liberman took personal distributions from LVLP in excess of thirteen million dollars.

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[4] For purposes of the term "Related Entity" the following are included: Las Vegas Land Partners, LLC, Meyer Property Ltd., Zoe Property LLC, Leah Property LLC, Wink One LLC, LiveWork LLC, LiveWork Manager LLC, Aquarius Owner LLC, LVLP Holdings LLC, LiveWorks TIC Successor LLC, FC/LiveWork Vegas LLC and Casino Coolidge LLC.

32. On November 2, 2007, LVLP and two other entities[5] sued Nype seeking primarily a declaratory judgment that they did not owe Nype any fee, Nype counterclaimed seeking compensation for services rendered.

33. In December 2014, Leah sold certain real property to Casino Coolidge for $1,000,000. Mitchell and Liberman caused Leah to distribute sales proceeds in the amount of $341,934.47 directly to themselves, rather than Leah's parent company, LVLP. Plaintiff has not established that given the market conditions at the time that Mitchell and Liberman sold the Leah Property without obtaining reasonably equivalent value in exchange.

34. After obtaining judgment on the counterclaim in 2015, Nype engaged in significant attempts to collect on the Judgment from LVLP.

35. Those efforts resulted in recovery of approximately $10,000.

36. Between 2007 and 2016, Mitchell and Liberman distributed to themselves a total of $15,148,339 from the Related Entities.

37. These distributions were at times that Mitchell and Liberman were fully aware of Nype's claims.

38. The distributions caused and/or contributed to the Related Entities' insolvency and/or inability to pay their debts as they became due.

39. The evidence also demonstrates that Mitchell, Liberman and the Related Entities engaged in conscious, concerted and ongoing efforts to conceal, hide, convey, keep secret and/or divert millions of dollars in assets away from Nype and/or other creditors.

40. The evidence also demonstrates that Mitchell, Liberman and the Related Entities engaged in conscious, concerted and ongoing efforts to ensure that funds and/or assets that would otherwise be available to Nype to satisfy his claims (and Judgment) were kept away from Nype.

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[5] The other plaintiffs in that case were LiveWork LLC and Zoe Properties, LLC, neither of which were named as counterdefendants.

41. The evidence demonstrates that Mitchell, Liberman and the Related Entities distributed in excess of $15,000,000 in funds that should have been available to satisfy Nype's claims/Judgment.

42. Nype's disclosure of the tax returns and its own consultant's report[6] on or about April 25, 2014, in A551073, are the latest date of discovery for purposes of NRS 112.230(1)(a).[7]

43. David Mitchell was not credible.[8] The failure of Mitchell to meaningfully participate in discovery until the eve of trial and the failure to produce documents which should have been in his possession leads the Court to conclude that if those documents had been produced they would have been adverse to Mitchell.

44. At all relevant times, each of the Related Entities was wholly owned and managed by LVLP or LVLP Holdings.

45. At all relevant times, each of the Related Entities was beneficially owned, controlled, and managed by Mitchell and Liberman.

46. One or more of the Related Entities was formed with an initial capitalization of just $10.

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[6] The report is a part of Exhibit 90079.

[7] That statute provides in pertinent part:

1. A claim for relief with respect to a fraudulent transfer or obligation under this chapter is extinguished unless action is brought:

(a) Under paragraph (a) of subsection 1 of NRS 112.180, within 4 years after the transfer was made or the obligation was incurred or, if later, within 1 year after the transfer or obligation was or could reasonably have been discovered by the claimant;

[8] The explanation by Mitchell surrounding the creation of retention agreements with the CPA Sam Spitz signed in different styles and ink is additional information which leads the Court to believe Mitchell is not credible. (Exhibits 60032-60036).

47. At all relevant times, each of the Related Entities was treated by Mitchell and Liberman as a disregarded entity of LVLP Holdings for tax purposes and all of the Related Entities filed one combined tax return.

48. Except with respect to Livework Manager and Casino Coolidge, none of these entities had its own bank account. Mitchell caused each of the Related Entities to use the same bank accounts to deposit and disburse funds, including distributions to Mitchell and Liberman.

49. At all relevant times, Mitchell and Liberman caused each of the Related Entities to use the same financial and accounting records, which are not distinguishable by entity. Each of the Related Entities' financial and accounting records are not distinguishable by entity.

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52. Mitchell, Liberman and the Related Entities commingled funds, including personal loans from various banks which are included in the LVLP accounting records and general ledger.

53. Mitchell and Liberman also used journal entries to post commingled transactions for themselves and the Related Entities.

54. In 2016, the Related Entities stopped using bank accounts and instead began using journal entries to post entries apparently transacted personally by Mitchell.

55. As a result of Mitchell and Liberman's domination, influence and control over the Related Entities, the individuality and separateness of the Related Entities—vis-à-vis themselves and Mitchell and Liberman—was and remains nonexistent as evidenced by the commingling of funds, transactions, revenues, expenses, assets, liabilities and contributed capital.

56. The manner in which Mitchell and Liberman operated the Related Entities makes it virtually impossible to identify transactions by purpose and/or entity.

57. The evidence demonstrates that: (a) Mitchell, Liberman and the Related Entities commingled funds, transactions and assets; (b) the Related Entities were and are undercapitalized;

(c) Mitchell, Liberman and the Related Entities distributed funds to Mitchell and Liberman as individuals without regard to parent entities; (d) Mitchell, Liberman and the Related Entities treated assets of the other entities as their own; and (e) the Related Entities failed to observe corporate or LLC formalities.

58. The evidence demonstrates that the Related Entities: (a) are and were influenced and governed by Mitchell and Liberman; (b) there is such unity of interest and/or ownership that Mitchell, Liberman and the Related Entities are inseparable from the other; and (c) the facts are such that adherence to the fiction of separate entities would, under the circumstances, sanction a fraud or promote injustice.

59. Mitchell, Liberman and the Related Entities have made distributions to avoid satisfying Nype's claims and Judgment.

a. When Leah Property sold certain real property to Casino Coolidge on or about December 17, 2014, and did not transfer the funds to LVLP;

b. When Mitchell and Liberman took personal distributions from the Related Entities, between 2007 and 2016, totaling $15,148.339.

60. In determining that these distributions were made with the actual intent to hinder, delay or defraud creditors and Nype, the Court notes, among other things, the following:

a. They were made to "insiders" or other entities of which Mitchell and Liberman own or control (in whole or in part);

b. They were made at times when Mitchell and Liberman were fully aware of Nype's claims, Judgment and/or Nype's intent to sue for the amounts owed to him.

c. The distributions rendered or contributed to LVLP's and/or the Related Entities' insolvency, and left LVLP and/or the Related Entities unable to pay their debts as they became due;

d. Mitchell, Liberman and the Related Entities attempted to conceal the distributions and their assets, through their discovery misconduct in this matter, which required enormous and expensive effort on Nype's part to attempt to obtain full and proper disclosure; and

e. Mitchell, Liberman and the Related Entities removed or concealed assets.

61. If any findings of fact are properly conclusions of law, they shall be treated as if appropriately identified and designated.

## CONCLUSIONS OF LAW

1. In Nevada, there are three general requirements for application of the alter ego doctrine: (1) the corporation must be influenced and governed by the person asserted to be the alter ego; (2) there must be such unity of interest and ownership that one is inseparable from the other; and (3) the facts must be such that adherence to the corporate fiction of a separate entity would, under the circumstances, sanction fraud or promote injustice." *Polaris Indus. Corp. v. Kaplan*, 103 Nev. 598, 601, 747 P.2d 884, 886 (1987).

2. Nevada recognizes application of the alter ego doctrine in reverse, in which a creditor is permitted to reach "the assets of a corporation to satisfy the debt of a corporate insider based on a showing that the corporate entity is really the alter ego of the individual." Loomis, 116 Nev. at 903, 8 P.3d at 846.

3. Application of the alter ego doctrine in reverse "is appropriate where the particular facts and equities show the existence of an alter ego relationship and require that the corporate fiction be ignored so that justice may be promoted." Id., at 904, 8 P.3d at 846.

4. The Court, concludes that: (a) Mitchell, Liberman and the Related Entities commingled funds, transactions and assets; (b) the Related Entities were and are undercapitalized; (c) Mitchell, Liberman and the Related Entities committed unauthorized diversion of funds; (d)

Mitchell, Liberman and the Related Entities treated assets of the other entities as their own; and (e) the Related Entities failed to observe corporate and LLC formalities.

5. The Court further concludes the evidence demonstrates that the Related Entities: (a) are and were influenced and governed by Mitchell and Liberman; (b) there is such unity of interest and/or ownership that Mitchell, Liberman and the Related Entities are inseparable from the other; and (c) the facts are such that adherence to the fiction of separate entities would, under the circumstances, sanction a fraud or promote injustice.

6. Justice and equity require that the Court impose alter ego liability on Mitchell, Liberman and the Related Entities.

7. Nype has proven, by a preponderance of the evidence his claim for alter ego, establishing that Mitchell, Liberman, and each of the Related Entities, is the alter ego of LVLP and each other.

8. Nype has not proven, by a preponderance of the evidence, his claim for alter ego that Mitchell Holdings is the alter ego of Mitchell.

9. Mitchell, Liberman and each of the Related Entities are jointly and severally liable on Nype's Judgment and the damages, attorney's fees and costs awarded in this action.

10. Prior to September of 2015, Nype had reason to know that the limited transfers were transfers made by debtors under the UFTA, that the transfers rendered debtors insolvent (or contributed thereto) or the facts and circumstances upon which this Court utilized in determining that the transfers were made with the actual intent to hinder, delay or defraud creditors (including Nype).

11. Nype has proven, by a preponderance of the evidence his claims for fraudulent transfer, including that certain of the distributions constitute fraudulent transfers within the meaning of NRS 112.180(1)(a). [9]

12. Certain of those distributions were made outside the limitations period under NRS 112.230(1).

13. Nevada's Uniform Fraudulent Transfer Act provides an equitable remedy for creditors affected by a fraudulent transfer, but nothing more. *Cadle Co. v. Woods & Erickson, LLP*, 131 Nev. Adv. Op. 15, 345 P.3d 1049 (2015).

14. Nype has proven by a preponderance of the evidence that he suffered damages in the amount of $341,934.47 as a result of the fraudulent transfer of the proceeds of the Leah transaction with Casino Coolidge directly to Liberman and Mitchell, rather than to Leah's parent LVLP.

15. The earlier transfers are barred by the limitations period for purposes of the fraudulent transfer claim, only.

16. Nype has proven by a preponderance of the evidence that he suffered special damages in the form of attorney's fees, costs and expert expenses related to the transfers in the total amount of $4,493,176.90.

17. Plaintiff cannot recover on a civil conspiracy claim (or accessory liability) for allegations arising out of NRS Chapter 112 against a nontransferor. *Cadle Co. v. Woods & Erickson, LLP*, 131 Nev. 114 at 120, 345 P.3d 1049 (2015).

18. Independent of NRS Chapter 112, to prove a civil conspiracy, Plaintiff must prove "a combination of two or more persons who, by some concerted action, intend to accomplish a

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[9] The Court is cognizant of the possibility of duplicative awards given the various claims for relief.

lawful objective for the purpose of harming another, and damage results from the act or acts." *Hilton Hotels vs. Butch Lewis Productions*, 109 Nev. 1043, 148, 862 P.2d 1207, 1210 (1993).

19. The Court concludes that the evidence demonstrates that:

a. Mitchell and Liberman, engaged in conscious, concerted and ongoing efforts to conceal, hide, convey, keep secret and/or distribute millions of dollars in assets away from Nype;

b. Mitchell and Liberman received distributions from LVLP and the Related entities;

c. Mitchell, fabricated and backdated evidence to facilitate the destruction and/or concealment of material financial evidence by his agent that would have greatly assisted Nype's case.

d. But for Nype's pretrial discovery,[10] the fabrication of evidence would not have been uncovered.

20. Nype has proven his claim of civil conspiracy, by a preponderance of the evidence against Mitchell and Liberman.

21. Plaintiff has not established by a preponderance of the evidence the elements of civil conspiracy separate and apart from the distributions and fabrication of evidence.

22. Plaintiff has established damages on the civil conspiracy claim in the amount of $15,148.339.

23. Nype has not demonstrated that punitive damages are appropriate in this matter.

24. Nype is entitled to recover his attorney's fees as special damages as he was successful on his claim for civil conspiracy in the total amount of $4,493,176.90.

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[10] The limitations for a civil conspiracy claim is not limited by NRS 112.230(1)(a) but is instead governed by NRS 11.220 and the discovery rule. *Siragusa v. Brown*, 114 Nev. 1384 at 1391-3 (1998).

25. Nype has not established a claim for constructive trust given the current state of title of the remaining parcels in which the Related Entities hold their interest.

26. Mitchell, Liberman, and the Related Entities' actions and inactions have caused Nype damages in the total amount of $19,641,515.90.[11]

27. Nype may also file a post-trial motion if appropriate, for fees and costs not proven during the trial as special damages.

28. Given the findings and conclusion no further relief on the Declaratory Relief claim is appropriate.

29. If any conclusions of law are properly findings of fact, they shall be treated as if appropriately identified and designated.

Based upon the foregoing Findings of Fact and Conclusions of Law:

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that JUDGMENT is hereby entered in favor of Plaintiffs and jointly and severally against Mitchell, Liberman, Meyer Property Ltd., Zoe Property LLC, Leah Property LLC, Wink One LLC, LiveWork LLC, LiveWork Manager LLC, Aquarius Owner LLC, LVLP Holdings LLC, LiveWorks TIC Successor LLC, FC/LiveWork Vegas LLC and Casino Coolidge LLC on the fraudulent conveyance claim in the amount of $4,835,111.37.[12]

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that JUDGMENT is hereby entered in favor of Plaintiffs and jointly and severally against Mitchell and Liberman on the civil conspiracy claim in the amount of $19,641,515.90.

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that JUDGMENT is

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[11] This is the total amount of damages which is not duplicated among the various claims for which the Court has made an award.

[12] These damages are duplicated in the civil conspiracy judgment.

hereby entered in favor of Plaintiffs and jointly and severally against Mitchell, Liberman, Meyer Property Ltd., Zoe Property LLC, Leah Property LLC, Wink One LLC, LiveWork LLC, LiveWork Manager LLC, Aquarius Owner LLC, LVLP Holdings LLC, LiveWorks TIC Successor LLC, FC/LiveWork Vegas LLC and Casino Coolidge LLC on the alter ego claim in the amount of the underlying judgment in A551073.

DATED this 16th day of January, 2020.

Elizabeth Gonzalez, District Court Judge

**Certificate of Service**

I hereby certify that on the date filed, a copy of the foregoing Findings of Fact and Conclusions of Law was electronically served, pursuant to N.E.F.C.R. Rule 9, to all registered parties in the Eighth Judicial District Court Electronic Filing Program.

*If indicated below*, a copy of the foregoing Scheduling Order was also:

☐ Placed in the Attorney(s) Folder on the 1st Floor of the RJC for;

☐ Mailed by United States Postal Service, Postage prepaid, to the proper parties listed below at their last known address(es):

Dan Kutinac

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Steven D. Grierson
CLERK OF THE COURT

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**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

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| RUSSELL L. NYPE; REVENUE PLUS, LLC, DOES I through X; DOES I through X; DOE CORPORATIONS CASE NO: A-16-740689-C I through X; and DOES PARTNERSHIPS I through X,<br><br>Plaintiffs,<br><br>v.<br><br>DAVID J. MITCHELL; BARNET LIBERMAN; LAS VEGAS LAND PARTNERS, LLC; MEYER PROPERTY, LTD.; ZOE PROPERTY, LLC; LEAH PROPERTY, LLC; WINK ONE, LLC; LNE WORK, LLC; LNE WORK MANAGER, LLC; AQUARIUS OWNER, LLC; L VLP HOLDINGS, LLC; MITCHELL HOLDINGS, LLC; LIBERMAN HOLDINGS, LLC; 305 LAS VEGAS, LLC; LIVE WORKS TIC SUCCESSOR, LLC; CASINO COOLIDGE LLC; DOES I through ill, and ROE CORPORATIONS I through ill, inclusive,<br><br>Defendants. | **Case No.:** A-16-740689-C<br><br>**Dept.:** XI |

***AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW***

This matter having come on for non-jury trial before the Honorable Elizabeth Gonzalez beginning on December 30, 2019, and continuing day to day, until its completion on January 7, 2020; John W. Muije of John W. Muije & Associates appeared on behalf of Russell L. Nype and Revenue Plus, LLC ("Plaintiffs") and Shelley D. Krohn, U.S. Bankruptcy Trustee ("Plaintiff Trustee"); H. Stan Johnson, James L. Edwards and Kevin M. Johnson of the law firm of Cohen, Johnson, Parker & Edwards appeared on behalf of David J. Mitchell, Las Vegas Land Partners, LLC, Meyer Property Ltd., Zoe Property LLC, Leah Property LLC, Wink One LLC, LiveWork LLC, LiveWork Manager LLC, Aquarius Owner LLC, LVLP Holdings LLC, Mitchell Holdings

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LLC, Live Works TIC Successor LLC, FC/Live Work Vegas LLC, ("Mitchell Defendants");[1] Brian W. Boschee of the law firm of Holley Driggs Walch Fine Puzey Stein & Thompson appeared on behalf of Defendant 305 Las Vegas, LLC[2]; and, Eliott S. Blut appeared on behalf of Defendants Barnett Liberman and Casino Coolidge; the Court having read and considered the pleadings filed by the parties; having reviewed the evidence admitted during the trial; having heard and carefully considered the testimony of the witnesses called to testify and weighing their credibility; having considered the oral and written arguments of counsel, and with the intent of rendering a decision on all claims before the Court,[3] pursuant to NRCP 52(a) and 58; the Court makes the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. This action arises from a judgment that Plaintiffs obtained on or about April 10, 2015, against Las Vegas Land Partners, LLC ("LVLP") in Case No. A551073. Plaintiff filed this suit on July 26, 2016. The complaint was amended by the filing of an amended complaint on August 21, 2017.

2. Plaintiff Trustee was duly appointed to act as the Trustee in the Bankruptcy Case *of Las Vegas Land Partners, LLC*, Case No. BK-19-15333-mkn and moved to intervene in the instant action, which motion was granted on November 18, 2019. Plaintiff Trustee filed the complaint in intervention on November 18, 2019.

3. Plaintiff Russell L. Nype ("Nype") is an adult resident of New York.

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[1] Given the filing of *Las Vegas Land Partners, LLC*, Case No. BK-19-15333-mkn in August 2019, the Court takes no action against Las Vegas Land Partners, LLC.

[2] The Court granted the Rule 50(a) motion by 305 Las Vegas, LLC at the close of the Plaintiffs' case as no damages against that entity were established given the nature of its conduct.

[3] Plaintiff asserted five claims for relief against the Defendants: 1) Constructive Trust; 2) Fraudulent Transfer; 3) Civil Conspiracy; 4) Declaratory Relief; and 5) Alter Ego.

4. Plaintiff Revenue Plus, LLC (collectively with Nype, "Plaintiffs") is a Florida limited liability company.

5. Defendant, David J. Mitchell ("Mitchell"), is an adult resident of New York.

6. Defendant, Barnett Liberman ("Liberman), is an adult resident of New York.

7. Defendant Mitchell Holdings, LLC ("Mitchell Holdings") is a Delaware limited liability company.

8. Defendant LVLP Holdings, LLC ("LVLP Holdings") is a Delaware limited liability company that was formed on or about November 4, 2004 by Mitchell and Liberman.

9. Defendant Las Vegas Land Partners ("LVLP") is a Delaware limited liability company.

10. Mitchell and Liberman are managers of LVLP.

11. At all relevant times, Mitchell and Liberman were the sole owners (50/50) and managers of LVLP Holdings.

12. At all relevant times, LVLP was owned (50/50) and managed by Mitchell and Liberman.

13. Defendant Casino Coolidge LLC is a Nevada limited liability company. ("Casino Coolidge").

14. Liberman is the managing member of Casino Coolidge.

15. Defendant Aquarius Owner, LLC ("Aquarius") is a Delaware limited liability company.

16. Defendant Leah Property, LLC ("Leah") is a Delaware limited liability company.

17. Defendant Livework, LLC ("Livework") is a Delaware limited liability company.

18. Defendant Livework Manager, LLC ("Livework Manager"), is a Delaware limited liability company.

19. Defendant Zoe Property, LLC ("Zoe") is a Delaware limited liability company.

20. Defendant Wink One, LLC ("Wink") is a Delaware limited liability company.

21. Defendant Meyer Property, LLC ("Meyer") is a Delaware limited liability company.

22. Non-party Charleston Casino Partners, LLC ("Casino Partners") is a Delaware limited liability company.

23. Defendant FC/LW Vegas, LLC ("FC/LW") is a Delaware limited liability company.

24. Defendant LiveWorks TIC Successor, LLC ("TIC Successor") is a Delaware limited liability company.

25. These entities are collectively referred to as the Related Entities.[4]

26. 305 Las Vegas, LLC ("305 Las Vegas") was created in April of 2007 for the purpose through a 1031 exchange of purchasing real property located around 300 East Charleston.

27. In 2005, Mitchell and Liberman requested Nype's assistance with finding a development partner to assist them in developing certain real property in Downtown Las Vegas.

28. Prior to closing the transaction with Forest City, a dispute arose between LVLP and Nype in late 2006/early 2007 over the amount Nype was entitled to be paid related to the transaction with Forest City.

29. Mitchell and Liberman were fully aware that Nype was expecting to receive at least two million dollars for his efforts.

30. Despite understanding Nype's expectations, Mitchell and Liberman only set aside $430,000.

31. Shortly after setting aside that amount, Mitchell and Liberman took personal distributions from LVLP in excess of thirteen million dollars.

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[4] For purposes of the term "Related Entity" the following are included: Las Vegas Land Partners, LLC, Meyer Property Ltd., Zoe Property LLC, Leah Property LLC, Wink One LLC, LiveWork LLC, LiveWork Manager LLC, Aquarius Owner LLC, LVLP Holdings LLC, LiveWorks TIC Successor LLC, FC/LiveWork Vegas LLC and Casino Coolidge LLC.

32. On November 2, 2007, LVLP and two other entities[5] sued Nype seeking primarily a declaratory judgment that they did not owe Nype any fee, Nype counterclaimed seeking compensation for services rendered.

33. In December 2014, Leah sold certain real property to Casino Coolidge for $1,000,000. Mitchell and Liberman caused Leah to distribute sales proceeds in the amount of $341,934.47 directly to themselves, rather than Leah's parent company, LVLP. Plaintiff has not established that given the market conditions at the time that Mitchell and Liberman sold the Leah Property without obtaining reasonably equivalent value in exchange.

34. After obtaining judgment on the counterclaim in 2015, Nype engaged in significant attempts to collect on the Judgment from LVLP.

35. Those efforts resulted in recovery of approximately $10,000.

36. Between 2007 and 2016, Mitchell and Liberman distributed to themselves a total of $15,148,339 from the Related Entities.

37. These distributions were at times that Mitchell and Liberman were fully aware of Nype's claims.

38. The distributions caused and/or contributed to the Related Entities' insolvency and/or inability to pay their debts as they became due.

39. The evidence also demonstrates that Mitchell, Liberman and the Related Entities engaged in conscious, concerted and ongoing efforts to conceal, hide, convey, keep secret and/or divert millions of dollars in assets away from Nype and/or other creditors.

40. The evidence also demonstrates that Mitchell, Liberman and the Related Entities engaged in conscious, concerted and ongoing efforts to ensure that funds and/or assets that would otherwise be available to Nype to satisfy his claims (and Judgment) were kept away from Nype.

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[5] The other plaintiffs in that case were LiveWork LLC and Zoe Properties, LLC, neither of which were named as counterdefendants.

41. The evidence demonstrates that Mitchell, Liberman and the Related Entities distributed in excess of $15,000,000 in funds that should have been available to satisfy Nype's claims/Judgment.

42. Nype's disclosure of the tax returns and its own consultant's report[6] on or about April 25, 2014, in A551073, are the latest date of discovery for purposes of NRS 112.230(1)(a).[7]

43. David Mitchell was not credible.[8] The failure of Mitchell to meaningfully participate in discovery until the eve of trial and the failure to produce documents which should have been in his possession leads the Court to conclude that if those documents had been produced they would have been adverse to Mitchell.

44. At all relevant times, each of the Related Entities was wholly owned and managed by LVLP or LVLP Holdings.

45. At all relevant times, each of the Related Entities was beneficially owned, controlled, and managed by Mitchell and Liberman.

46. One or more of the Related Entities was formed with an initial capitalization of just $10.

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[6] The report is a part of Exhibit 90079.

[7] That statute provides in pertinent part:

1. A claim for relief with respect to a fraudulent transfer or obligation under this chapter is extinguished unless action is brought:

(a) Under paragraph (a) of subsection 1 of NRS 112.180, within 4 years after the transfer was made or the obligation was incurred or, if later, within 1 year after the transfer or obligation was or could reasonably have been discovered by the claimant;

[8] The explanation by Mitchell surrounding the creation of retention agreements with the CPA Sam Spitz signed in different styles and ink is additional information which leads the Court to believe Mitchell is not credible. (Exhibits 60032-60036).

47. At all relevant times, each of the Related Entities was treated by Mitchell and Liberman as a disregarded entity of LVLP Holdings for tax purposes and all of the Related Entities filed one combined tax return.

48. Except with respect to Livework Manager and Casino Coolidge, none of these entities had its own bank account. Mitchell caused each of the Related Entities to use the same bank accounts to deposit and disburse funds, including distributions to Mitchell and Liberman.

49. At all relevant times, Mitchell and Liberman caused each of the Related Entities to use the same financial and accounting records, which are not distinguishable by entity. Each of the Related Entities' financial and accounting records are not distinguishable by entity.

50. The LVLP accounting records include a few Mitchell and Liberman personal transactions and postings commingled from multiple entities.

51. Mitchell and Liberman caused each of the Related Entities to use the same general ledger to post all entries under the name of "Las Vegas Land Partners".

52. Mitchell, Liberman and the Related Entities commingled funds, including personal loans from various banks which are included in the LVLP accounting records and general ledger.

53. Mitchell and Liberman also used journal entries to post commingled transactions for themselves and the Related Entities.

54. In 2016, the Related Entities stopped using bank accounts and instead began using journal entries to post entries apparently transacted personally by Mitchell.

55. As a result of Mitchell and Liberman's domination, influence and control over the Related Entities, the individuality and separateness of the Related Entities—vis-à-vis themselves and Mitchell and Liberman—was and remains nonexistent as evidenced by the commingling of funds, transactions, revenues, expenses, assets, liabilities and contributed capital.

56. The manner in which Mitchell and Liberman operated the Related Entities makes it virtually impossible to identify transactions by purpose and/or entity.

57. The evidence demonstrates that: (a) Mitchell, Liberman and the Related Entities commingled funds, transactions and assets; (b) the Related Entities were and are undercapitalized;

(c) Mitchell, Liberman and the Related Entities distributed funds to Mitchell and Liberman as individuals without regard to parent entities; (d) Mitchell, Liberman and the Related Entities treated assets of the other entities as their own; and (e) the Related Entities failed to observe corporate or LLC formalities.

58. The evidence demonstrates that the Related Entities: (a) are and were influenced and governed by Mitchell and Liberman; (b) there is such unity of interest and/or ownership that Mitchell, Liberman and the Related Entities are inseparable from the other; and (c) the facts are such that adherence to the fiction of separate entities would, under the circumstances, sanction a fraud or promote injustice.

59. Mitchell, Liberman and the Related Entities have made distributions to avoid satisfying Nype's claims and Judgment.

a. When Leah Property sold certain real property to Casino Coolidge on or about December 17, 2014, and did not transfer the funds to LVLP;

b. When Mitchell and Liberman took personal distributions from the Related Entities, between 2007 and 2016, totaling $15,148.339.

60. In determining that these distributions were made with the actual intent to hinder, delay or defraud creditors and Nype, the Court notes, among other things, the following:

a. They were made to "insiders" or other entities of which Mitchell and Liberman own or control (in whole or in part);

b. They were made at times when Mitchell and Liberman were fully aware of Nype's claims, Judgment and/or Nype's intent to sue for the amounts owed to him.

c. The distributions rendered or contributed to LVLP's and/or the Related Entities' insolvency, and left LVLP and/or the Related Entities unable to pay their debts as they became due;

d. Mitchell, Liberman and the Related Entities attempted to conceal the distributions and their assets, through their discovery misconduct in this matter, which required enormous and expensive effort on Nype's part to attempt to obtain full and proper disclosure; and

e. Mitchell, Liberman and the Related Entities removed or concealed assets.

61. If any findings of fact are properly conclusions of law, they shall be treated as if appropriately identified and designated.

## CONCLUSIONS OF LAW

1. In Nevada, there are three general requirements for application of the alter ego doctrine: (1) the corporation must be influenced and governed by the person asserted to be the alter ego; (2) there must be such unity of interest and ownership that one is inseparable from the other; and (3) the facts must be such that adherence to the corporate fiction of a separate entity would, under the circumstances, sanction fraud or promote injustice." *Polaris Indus. Corp. v. Kaplan*, 103 Nev. 598, 601, 747 P.2d 884, 886 (1987).

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3. Application of the alter ego doctrine in reverse "is appropriate where the particular facts and equities show the existence of an alter ego relationship and require that the corporate fiction be ignored so that justice may be promoted." Id., at 904, 8 P.3d at 846.

4. The Court, concludes that: (a) Mitchell, Liberman and the Related Entities commingled funds, transactions and assets; (b) the Related Entities were and are undercapitalized; (c) Mitchell, Liberman and the Related Entities committed unauthorized diversion of funds; (d)

Mitchell, Liberman and the Related Entities treated assets of the other entities as their own; and (e) the Related Entities failed to observe corporate and LLC formalities.

5. The Court further concludes the evidence demonstrates that the Related Entities: (a) are and were influenced and governed by Mitchell and Liberman; (b) there is such unity of interest and/or ownership that Mitchell, Liberman and the Related Entities are inseparable from the other; and (c) the facts are such that adherence to the fiction of separate entities would, under the circumstances, sanction a fraud or promote injustice.

6. Justice and equity require that the Court impose alter ego liability on Mitchell, Liberman and the Related Entities.

7. Nype has proven, by a preponderance of the evidence his claim for alter ego, establishing that Mitchell, Liberman, and each of the Related Entities, is the alter ego of LVLP and each other.

8. Nype has not proven, by a preponderance of the evidence, his claim for alter ego that Mitchell Holdings is the alter ego of Mitchell.

9. Mitchell, Liberman and each of the Related Entities are jointly and severally liable on Nype's Judgment and the damages, attorney's fees and costs awarded in this action.

10. Prior to September of 2015, Nype had reason to know that the limited transfers were transfers made by debtors under the UFTA, that the transfers rendered debtors insolvent (or contributed thereto) or the facts and circumstances upon which this Court utilized in determining that the transfers were made with the actual intent to hinder, delay or defraud creditors (including Nype).

11. Nype has proven, by a preponderance of the evidence his claims for fraudulent transfer, including that certain of the distributions constitute fraudulent transfers within the meaning of NRS 112.180(1)(a). [9]

12. Certain of those distributions were made outside the limitations period under NRS 112.230(1).

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14. Nype has proven by a preponderance of the evidence that he suffered damages in the amount of $341,934.47 as a result of the fraudulent transfer of the proceeds of the Leah transaction with Casino Coolidge directly to Liberman and Mitchell, rather than to Leah's parent LVLP.

15. The earlier transfers are barred by the limitations period for purposes of the fraudulent transfer claim, only.

16. Nype has proven by a preponderance of the evidence that he suffered special damages in the form of attorney's fees, costs and expert expenses related to the transfers in the total amount of $4,493,176.90.[10]

17. Plaintiff cannot recover on a civil conspiracy claim (or accessory liability) for allegations arising out of NRS Chapter 112 against a nontransferor. *Cadle Co. v. Woods & Erickson, LLP*, 131 Nev. 114 at 120, 345 P.3d 1049 (2015).

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[9] The Court is cognizant of the possibility of duplicative awards given the various claims for relief.

[10] The Court has previously evaluated the *Brunzell* factors in connection with the sanctions order which has now been satisfied. See 12/26/19 filing. That evaluation is incorporated by reference.

18. Independent of NRS Chapter 112, to prove a civil conspiracy, Plaintiff must prove "a combination of two or more persons who, by some concerted action, intend to accomplish a lawful objective for the purpose of harming another, and damage results from the act or acts." *Hilton Hotels vs. Butch Lewis Productions*, 109 Nev. 1043, 148, 862 P.2d 1207, 1210 (1993).

19. The Court concludes that the evidence demonstrates that:

a. Mitchell and Liberman, engaged in conscious, concerted and ongoing efforts to conceal, hide, convey, keep secret and/or distribute millions of dollars in assets away from Nype;

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c. Mitchell, fabricated and backdated evidence to facilitate the destruction and/or concealment of material financial evidence by his agent that would have greatly assisted Nype's case.

d. But for Nype's pretrial discovery,[11] the fabrication of evidence would not have been uncovered.

20. Nype has proven his claim of civil conspiracy, by a preponderance of the evidence against Mitchell and Liberman.

21. Plaintiff has not established by a preponderance of the evidence the elements of civil conspiracy separate and apart from the distributions and fabrication of evidence.

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23. Nype has not demonstrated that punitive damages are appropriate in this matter.

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[11] The limitations for a civil conspiracy claim is not limited by NRS 112.230(1)(a) but is instead governed by NRS 11.220 and the discovery rule. *Siragusa v. Brown*, 114 Nev. 1384 at 1391-3 (1998).

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25. Nype has not established a claim for constructive trust given the current state of title of the remaining parcels in which the Related Entities hold their interest.

26. Mitchell, Liberman, and the Related Entities' actions and inactions have caused Nype damages in the total amount of $19,641,515.90.[12]

27. Nype may also file a post-trial motion if appropriate, for fees and costs not proven during the trial as special damages.

28. Given the findings and conclusion no further relief on the Declaratory Relief claim is appropriate.

29. If any conclusions of law are properly findings of fact, they shall be treated as if appropriately identified and designated.

Based upon the foregoing Findings of Fact and Conclusions of Law:

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that JUDGMENT is hereby entered in favor of Plaintiffs and jointly and severally against Mitchell, Liberman, Meyer Property Ltd., Zoe Property LLC, Leah Property LLC, Wink One LLC, LiveWork LLC, LiveWork Manager LLC, Aquarius Owner LLC, LVLP Holdings LLC, LiveWorks TIC Successor LLC, FC/LiveWork Vegas LLC and Casino Coolidge LLC on the fraudulent conveyance claim in the amount of $4,835,111.37.[13]

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that JUDGMENT is hereby entered in favor of Plaintiffs and jointly and severally against Mitchell and Liberman on

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[12] This is the total amount of damages which is not duplicated among the various claims for which the Court has made an award.

[13] These damages are duplicated in the civil conspiracy judgment.

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DATED this 17th day of January, 2020.

Elizabeth Gonzalez, District Court Judge

**Certificate of Service**

I hereby certify that on the date filed, a copy of the foregoing Findings of Fact and Conclusions of Law was electronically served, pursuant to N.E.F.C.R. Rule 9, to all registered parties in the Eighth Judicial District Court Electronic Filing Program.

*If indicated below*, a copy of the foregoing Scheduling Order was also:

☐ Placed in the Attorney(s) Folder on the 1st Floor of the RJC for;

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Dan Kutinac

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JOHN W. MUIJE & ASSOCIATES
JOHN W. MUIJE, ESQ.
Nevada Bar No: 2419
1840 E. Sahara Ave #106
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*Attorneys for Plaintiffs*

DISTRICT COURT
CLARK COUNTY, NEVADA

| | |
|---|---|
| RUSSELL L. NYPE AND REVENUS PLUS, LLC<br><br>Plaintiffs,<br><br>vs.<br>DAVID J. MITCHELL; BARNET LIBERMAN; LAS VEGAS LAND PARTNERS, LLC; MEYER PROPERTY, LTD.; ZOE PROPERTY, LLC; LEAH PROPERTY, LLC; WINK ONE, LLC; LIVE WORK, LLC; LIVE WORK MANAGER, LLC; AQUARIUS OWNER, LLC; LVLP HOLDINGS, LLC; MITCHELL HOLDINGS, LLC; LIBERMAN HOLDINGS, LLC; 305 LAS VEGAS, LLC; LIVE WORKS TIC SUCCESSOR, LLC; CASINO COOLIDGE LLC; DOES I through III, and ROE CORPORATIONS I through III, inclusive,<br><br>Mitchell Defendants. | CASE NO: A-16-740689-B<br><br>DEPT NO: XI |

**NOTICE OF ENTRY OF AMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW**

**-AND-**

**JUDGMENT**

TO: ELLIOT S. BLUT, ESQ., of **BLUT LAW GROUP, P.C.**, Attorneys for Defendants Barnet Liberman and Casino Coolidge, LLC

TO: BRIAN B. BOSCHEE, ESQ., of the Law Offices of **HOLLEY DRIGGS WALCH FINE PUZEY STEIN & THOMPSON**, Attorneys for Defendant 305 Las Vegas, LLC

JOHN W. MUIJE & ASSOCIATES
1840 E. Sahara Ave., #106
Las Vegas, Nevada 89104
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TO: H. STAN JOHNSON, ESQ., and JAMES L. EDWARDS, ESQ., of the Law Offices of **COHEN, JOHNSON, PARKER & EDWARDS**, Attorneys for Mitchell Defendants

**PLEASE TAKE NOTICE** that the **AMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT**, was entered with the Court on the 17th day of January, 2020, a copy of which is attached hereto as Exhibit "1".

DATED this 17th day of January, 2020

JOHN W. MUIJE & ASSOCIATES

By: _____

JOHN W. MUIJE, ESQ.
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## CERTIFICATE OF MAILING

I certify that I am an employee of JOHN W. MUIJE & ASSOCIATES and that on the 17th day of January, 2020, I caused the foregoing document, **NOTICE OF ENTRY OF AMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT,** to be served as follows:

- ☐ By placing a copy of the same for mailing in the United States mail, with first-class postage prepaid addressed as follows; and/or
- ☒ By electronically filing with the Clerk of the Court via the Odyssey E-File and Serve System;
- ☐ By placing a copy of the same for mailing in the United States mail, with first-class postage prepaid marked certified return receipt requested addressed as follows:

Elliot S. Blut, Esq.
**BLUT LAW GROUP, P.C.**
300 South Fourth Street, Suite 701
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E-Mail: eblut@blutlaw.com
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*Barnet Liberman and Casino Coolidge, LLC*

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James L. Edwards, Esq.
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Fern M. Vitman
An Employee of JOHN W. MUIJE & ASSOCIATES

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# EXHIBIT "1"

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DISTRICT COURT

CLARK COUNTY, NEVADA

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|---|---|
| RUSSELL L. NYPE; REVENUE PLUS, LLC, DOES I through X; DOES I through X; DOE CORPORATIONS CASE NO: A-16-740689-C I through X; and DOES PARTNERSHIPS I through X,<br><br>Plaintiffs,<br><br>v.<br><br>DAVID J. MITCHELL; BARNET LIBERMAN; LAS VEGAS LAND PARTNERS, LLC; MEYER PROPERTY, LTD.; ZOE PROPERTY, LLC; LEAH PROPERTY, LLC; WINK ONE, LLC; LNE WORK, LLC; LNE WORK MANAGER, LLC; AQUARIUS OWNER, LLC; L VLP HOLDINGS, LLC; MITCHELL HOLDINGS, LLC; LIBERMAN HOLDINGS, LLC; 305 LAS VEGAS, LLC; LIVE WORKS TIC SUCCESSOR, LLC; CASINO COOLIDGE LLC; DOES I through ill, and ROE CORPORATIONS I through ill, inclusive,<br><br>Defendants. | **Case No.:** A-16-740689-C<br><br>**Dept.:** XI |

***AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW***

This matter having come on for non-jury trial before the Honorable Elizabeth Gonzalez beginning on December 30, 2019, and continuing day to day, until its completion on January 7, 2020; John W. Muije of John W. Muije & Associates appeared on behalf of Russell L. Nype and Revenue Plus, LLC ("Plaintiffs") and Shelley D. Krohn, U.S. Bankruptcy Trustee ("Plaintiff Trustee"); H. Stan Johnson, James L. Edwards and Kevin M. Johnson of the law firm of Cohen, Johnson, Parker & Edwards appeared on behalf of David J. Mitchell, Las Vegas Land Partners, LLC, Meyer Property Ltd., Zoe Property LLC, Leah Property LLC, Wink One LLC, LiveWork LLC, LiveWork Manager LLC, Aquarius Owner LLC, LVLP Holdings LLC, Mitchell Holdings

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LLC, Live Works TIC Successor LLC, FC/Live Work Vegas LLC, ("Mitchell Defendants");[1] Brian W. Boschee of the law firm of Holley Driggs Walch Fine Puzey Stein & Thompson appeared on behalf of Defendant 305 Las Vegas, LLC[2]; and, Eliott S. Blut appeared on behalf of Defendants Barnett Liberman and Casino Coolidge; the Court having read and considered the pleadings filed by the parties; having reviewed the evidence admitted during the trial; having heard and carefully considered the testimony of the witnesses called to testify and weighing their credibility; having considered the oral and written arguments of counsel, and with the intent of rendering a decision on all claims before the Court,[3] pursuant to NRCP 52(a) and 58; the Court makes the following findings of fact and conclusions of law:

## FINDINGS OF FACT

1. This action arises from a judgment that Plaintiffs obtained on or about April 10, 2015, against Las Vegas Land Partners, LLC ("LVLP") in Case No. A551073. Plaintiff filed this suit on July 26, 2016. The complaint was amended by the filing of an amended complaint on August 21, 2017.

2. Plaintiff Trustee was duly appointed to act as the Trustee in the Bankruptcy Case *of Las Vegas Land Partners, LLC*, Case No. BK-19-15333-mkn and moved to intervene in the instant action, which motion was granted on November 18, 2019. Plaintiff Trustee filed the complaint in intervention on November 18, 2019.

3. Plaintiff Russell L. Nype ("Nype") is an adult resident of New York.

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[1] Given the filing of *Las Vegas Land Partners, LLC*, Case No. BK-19-15333-mkn in August 2019, the Court takes no action against Las Vegas Land Partners, LLC.

[2] The Court granted the Rule 50(a) motion by 305 Las Vegas, LLC at the close of the Plaintiffs' case as no damages against that entity were established given the nature of its conduct.

[3] Plaintiff asserted five claims for relief against the Defendants: 1) Constructive Trust; 2) Fraudulent Transfer; 3) Civil Conspiracy; 4) Declaratory Relief; and 5) Alter Ego.

4. Plaintiff Revenue Plus, LLC (collectively with Nype, "Plaintiffs") is a Florida limited liability company.

5. Defendant, David J. Mitchell ("Mitchell"), is an adult resident of New York.

6. Defendant, Barnett Liberman ("Liberman), is an adult resident of New York.

7. Defendant Mitchell Holdings, LLC ("Mitchell Holdings") is a Delaware limited liability company.

8. Defendant LVLP Holdings, LLC ("LVLP Holdings") is a Delaware limited liability company that was formed on or about November 4, 2004 by Mitchell and Liberman.

9. Defendant Las Vegas Land Partners ("LVLP") is a Delaware limited liability company.

10. Mitchell and Liberman are managers of LVLP.

11. At all relevant times, Mitchell and Liberman were the sole owners (50/50) and managers of LVLP Holdings.

12. At all relevant times, LVLP was owned (50/50) and managed by Mitchell and Liberman.

13. Defendant Casino Coolidge LLC is a Nevada limited liability company. ("Casino Coolidge").

14. Liberman is the managing member of Casino Coolidge.

15. Defendant Aquarius Owner, LLC ("Aquarius") is a Delaware limited liability company.

16. Defendant Leah Property, LLC ("Leah") is a Delaware limited liability company.

17. Defendant Livework, LLC ("Livework") is a Delaware limited liability company.

18. Defendant Livework Manager, LLC ("Livework Manager"), is a Delaware limited liability company.

19. Defendant Zoe Property, LLC ("Zoe") is a Delaware limited liability company.

20. Defendant Wink One, LLC ("Wink") is a Delaware limited liability company.

21. Defendant Meyer Property, LLC ("Meyer") is a Delaware limited liability company.

22. Non-party Charleston Casino Partners, LLC ("Casino Partners") is a Delaware limited liability company.

23. Defendant FC/LW Vegas, LLC ("FC/LW") is a Delaware limited liability company.

24. Defendant LiveWorks TIC Successor, LLC ("TIC Successor") is a Delaware limited liability company.

25. These entities are collectively referred to as the Related Entities.[4]

26. 305 Las Vegas, LLC ("305 Las Vegas") was created in April of 2007 for the purpose through a 1031 exchange of purchasing real property located around 300 East Charleston.

27. In 2005, Mitchell and Liberman requested Nype's assistance with finding a development partner to assist them in developing certain real property in Downtown Las Vegas.

28. Prior to closing the transaction with Forest City, a dispute arose between LVLP and Nype in late 2006/early 2007 over the amount Nype was entitled to be paid related to the transaction with Forest City.

29. Mitchell and Liberman were fully aware that Nype was expecting to receive at least two million dollars for his efforts.

30. Despite understanding Nype's expectations, Mitchell and Liberman only set aside $430,000.

31. Shortly after setting aside that amount, Mitchell and Liberman took personal distributions from LVLP in excess of thirteen million dollars.

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[4] For purposes of the term "Related Entity" the following are included: Las Vegas Land Partners, LLC, Meyer Property Ltd., Zoe Property LLC, Leah Property LLC, Wink One LLC, LiveWork LLC, LiveWork Manager LLC, Aquarius Owner LLC, LVLP Holdings LLC, LiveWorks TIC Successor LLC, FC/LiveWork Vegas LLC and Casino Coolidge LLC.

32. On November 2, 2007, LVLP and two other entities[5] sued Nype seeking primarily a declaratory judgment that they did not owe Nype any fee, Nype counterclaimed seeking compensation for services rendered.

33. In December 2014, Leah sold certain real property to Casino Coolidge for $1,000,000. Mitchell and Liberman caused Leah to distribute sales proceeds in the amount of $341,934.47 directly to themselves, rather than Leah's parent company, LVLP. Plaintiff has not established that given the market conditions at the time that Mitchell and Liberman sold the Leah Property without obtaining reasonably equivalent value in exchange.

34. After obtaining judgment on the counterclaim in 2015, Nype engaged in significant attempts to collect on the Judgment from LVLP.

35. Those efforts resulted in recovery of approximately $10,000.

36. Between 2007 and 2016, Mitchell and Liberman distributed to themselves a total of $15,148,339 from the Related Entities.

37. These distributions were at times that Mitchell and Liberman were fully aware of Nype's claims.

38. The distributions caused and/or contributed to the Related Entities' insolvency and/or inability to pay their debts as they became due.

39. The evidence also demonstrates that Mitchell, Liberman and the Related Entities engaged in conscious, concerted and ongoing efforts to conceal, hide, convey, keep secret and/or divert millions of dollars in assets away from Nype and/or other creditors.

40. The evidence also demonstrates that Mitchell, Liberman and the Related Entities engaged in conscious, concerted and ongoing efforts to ensure that funds and/or assets that would otherwise be available to Nype to satisfy his claims (and Judgment) were kept away from Nype.

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[5] The other plaintiffs in that case were LiveWork LLC and Zoe Properties, LLC, neither of which were named as counterdefendants.

41. The evidence demonstrates that Mitchell, Liberman and the Related Entities distributed in excess of $15,000,000 in funds that should have been available to satisfy Nype's claims/Judgment.

42. Nype's disclosure of the tax returns and its own consultant's report[6] on or about April 25, 2014, in A551073, are the latest date of discovery for purposes of NRS 112.230(1)(a).[7]

43. David Mitchell was not credible.[8] The failure of Mitchell to meaningfully participate in discovery until the eve of trial and the failure to produce documents which should have been in his possession leads the Court to conclude that if those documents had been produced they would have been adverse to Mitchell.

44. At all relevant times, each of the Related Entities was wholly owned and managed by LVLP or LVLP Holdings.

45. At all relevant times, each of the Related Entities was beneficially owned, controlled, and managed by Mitchell and Liberman.

46. One or more of the Related Entities was formed with an initial capitalization of just $10.

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[6] The report is a part of Exhibit 90079.

[7] That statute provides in pertinent part:

1. A claim for relief with respect to a fraudulent transfer or obligation under this chapter is extinguished unless action is brought:

(a) Under paragraph (a) of subsection 1 of NRS 112.180, within 4 years after the transfer was made or the obligation was incurred or, if later, within 1 year after the transfer or obligation was or could reasonably have been discovered by the claimant;

[8] The explanation by Mitchell surrounding the creation of retention agreements with the CPA Sam Spitz signed in different styles and ink is additional information which leads the Court to believe Mitchell is not credible. (Exhibits 60032-60036).

47. At all relevant times, each of the Related Entities was treated by Mitchell and Liberman as a disregarded entity of LVLP Holdings for tax purposes and all of the Related Entities filed one combined tax return.

48. Except with respect to Livework Manager and Casino Coolidge, none of these entities had its own bank account. Mitchell caused each of the Related Entities to use the same bank accounts to deposit and disburse funds, including distributions to Mitchell and Liberman.

49. At all relevant times, Mitchell and Liberman caused each of the Related Entities to use the same financial and accounting records, which are not distinguishable by entity. Each of the Related Entities' financial and accounting records are not distinguishable by entity.

50. The LVLP accounting records include a few Mitchell and Liberman personal transactions and postings commingled from multiple entities.

51. Mitchell and Liberman caused each of the Related Entities to use the same general ledger to post all entries under the name of "Las Vegas Land Partners".

52. Mitchell, Liberman and the Related Entities commingled funds, including personal loans from various banks which are included in the LVLP accounting records and general ledger.

53. Mitchell and Liberman also used journal entries to post commingled transactions for themselves and the Related Entities.

54. In 2016, the Related Entities stopped using bank accounts and instead began using journal entries to post entries apparently transacted personally by Mitchell.

55. As a result of Mitchell and Liberman's domination, influence and control over the Related Entities, the individuality and separateness of the Related Entities—vis-à-vis themselves and Mitchell and Liberman—was and remains nonexistent as evidenced by the commingling of funds, transactions, revenues, expenses, assets, liabilities and contributed capital.

56. The manner in which Mitchell and Liberman operated the Related Entities makes it virtually impossible to identify transactions by purpose and/or entity.

57. The evidence demonstrates that: (a) Mitchell, Liberman and the Related Entities commingled funds, transactions and assets; (b) the Related Entities were and are undercapitalized;

(c) Mitchell, Liberman and the Related Entities distributed funds to Mitchell and Liberman as individuals without regard to parent entities; (d) Mitchell, Liberman and the Related Entities treated assets of the other entities as their own; and (e) the Related Entities failed to observe corporate or LLC formalities.

58. The evidence demonstrates that the Related Entities: (a) are and were influenced and governed by Mitchell and Liberman; (b) there is such unity of interest and/or ownership that Mitchell, Liberman and the Related Entities are inseparable from the other; and (c) the facts are such that adherence to the fiction of separate entities would, under the circumstances, sanction a fraud or promote injustice.

59. Mitchell, Liberman and the Related Entities have made distributions to avoid satisfying Nype's claims and Judgment.

a. When Leah Property sold certain real property to Casino Coolidge on or about December 17, 2014, and did not transfer the funds to LVLP;

b. When Mitchell and Liberman took personal distributions from the Related Entities, between 2007 and 2016, totaling $15,148.339.

60. In determining that these distributions were made with the actual intent to hinder, delay or defraud creditors and Nype, the Court notes, among other things, the following:

a. They were made to "insiders" or other entities of which Mitchell and Liberman own or control (in whole or in part);

b. They were made at times when Mitchell and Liberman were fully aware of Nype's claims, Judgment and/or Nype's intent to sue for the amounts owed to him.

c. The distributions rendered or contributed to LVLP's and/or the Related Entities' insolvency, and left LVLP and/or the Related Entities unable to pay their debts as they became due;

d. Mitchell, Liberman and the Related Entities attempted to conceal the distributions and their assets, through their discovery misconduct in this matter, which required enormous and expensive effort on Nype's part to attempt to obtain full and proper disclosure; and

e. Mitchell, Liberman and the Related Entities removed or concealed assets.

61. If any findings of fact are properly conclusions of law, they shall be treated as if appropriately identified and designated.

## CONCLUSIONS OF LAW

1. In Nevada, there are three general requirements for application of the alter ego doctrine: (1) the corporation must be influenced and governed by the person asserted to be the alter ego; (2) there must be such unity of interest and ownership that one is inseparable from the other; and (3) the facts must be such that adherence to the corporate fiction of a separate entity would, under the circumstances, sanction fraud or promote injustice." *Polaris Indus. Corp. v. Kaplan*, 103 Nev. 598, 601, 747 P.2d 884, 886 (1987).

2. Nevada recognizes application of the alter ego doctrine in reverse, in which a creditor is permitted to reach "the assets of a corporation to satisfy the debt of a corporate insider based on a showing that the corporate entity is really the alter ego of the individual." Loomis, 116 Nev. at 903, 8 P.3d at 846.

3. Application of the alter ego doctrine in reverse "is appropriate where the particular facts and equities show the existence of an alter ego relationship and require that the corporate fiction be ignored so that justice may be promoted." Id., at 904, 8 P.3d at 846.

4. The Court, concludes that: (a) Mitchell, Liberman and the Related Entities commingled funds, transactions and assets; (b) the Related Entities were and are undercapitalized; (c) Mitchell, Liberman and the Related Entities committed unauthorized diversion of funds; (d)

Mitchell, Liberman and the Related Entities treated assets of the other entities as their own; and (e) the Related Entities failed to observe corporate and LLC formalities.

5. The Court further concludes the evidence demonstrates that the Related Entities: (a) are and were influenced and governed by Mitchell and Liberman; (b) there is such unity of interest and/or ownership that Mitchell, Liberman and the Related Entities are inseparable from the other; and (c) the facts are such that adherence to the fiction of separate entities would, under the circumstances, sanction a fraud or promote injustice.

6. Justice and equity require that the Court impose alter ego liability on Mitchell, Liberman and the Related Entities.

7. Nype has proven, by a preponderance of the evidence his claim for alter ego, establishing that Mitchell, Liberman, and each of the Related Entities, is the alter ego of LVLP and each other.

8. Nype has not proven, by a preponderance of the evidence, his claim for alter ego that Mitchell Holdings is the alter ego of Mitchell.

9. Mitchell, Liberman and each of the Related Entities are jointly and severally liable on Nype's Judgment and the damages, attorney's fees and costs awarded in this action.

10. Prior to September of 2015, Nype had reason to know that the limited transfers were transfers made by debtors under the UFTA, that the transfers rendered debtors insolvent (or contributed thereto) or the facts and circumstances upon which this Court utilized in determining that the transfers were made with the actual intent to hinder, delay or defraud creditors (including Nype).

11. Nype has proven, by a preponderance of the evidence his claims for fraudulent transfer, including that certain of the distributions constitute fraudulent transfers within the meaning of NRS 112.180(1)(a). [9]

12. Certain of those distributions were made outside the limitations period under NRS 112.230(1).

13. Nevada's Uniform Fraudulent Transfer Act provides an equitable remedy for creditors affected by a fraudulent transfer, but nothing more. *Cadle Co. v. Woods & Erickson, LLP*, 131 Nev. Adv. Op. 15, 345 P.3d 1049 (2015).

14. Nype has proven by a preponderance of the evidence that he suffered damages in the amount of $341,934.47 as a result of the fraudulent transfer of the proceeds of the Leah transaction with Casino Coolidge directly to Liberman and Mitchell, rather than to Leah's parent LVLP.

15. The earlier transfers are barred by the limitations period for purposes of the fraudulent transfer claim, only.

16. Nype has proven by a preponderance of the evidence that he suffered special damages in the form of attorney's fees, costs and expert expenses related to the transfers in the total amount of $4,493,176.90.[10]

17. Plaintiff cannot recover on a civil conspiracy claim (or accessory liability) for allegations arising out of NRS Chapter 112 against a nontransferor. *Cadle Co. v. Woods & Erickson, LLP*, 131 Nev. 114 at 120, 345 P.3d 1049 (2015).

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[9] The Court is cognizant of the possibility of duplicative awards given the various claims for relief.

[10] The Court has previously evaluated the *Brunzell* factors in connection with the sanctions order which has now been satisfied. See 12/26/19 filing. That evaluation is incorporated by reference.

18. Independent of NRS Chapter 112, to prove a civil conspiracy, Plaintiff must prove "a combination of two or more persons who, by some concerted action, intend to accomplish a lawful objective for the purpose of harming another, and damage results from the act or acts." *Hilton Hotels vs. Butch Lewis Productions*, 109 Nev. 1043, 148, 862 P.2d 1207, 1210 (1993).

19. The Court concludes that the evidence demonstrates that:

a. Mitchell and Liberman, engaged in conscious, concerted and ongoing efforts to conceal, hide, convey, keep secret and/or distribute millions of dollars in assets away from Nype;

b. Mitchell and Liberman received distributions from LVLP and the Related entities;

c. Mitchell, fabricated and backdated evidence to facilitate the destruction and/or concealment of material financial evidence by his agent that would have greatly assisted Nype's case.

d. But for Nype's pretrial discovery,[11] the fabrication of evidence would not have been uncovered.

20. Nype has proven his claim of civil conspiracy, by a preponderance of the evidence against Mitchell and Liberman.

21. Plaintiff has not established by a preponderance of the evidence the elements of civil conspiracy separate and apart from the distributions and fabrication of evidence.

22. Plaintiff has established damages on the civil conspiracy claim in the amount of $15,148.339.

23. Nype has not demonstrated that punitive damages are appropriate in this matter.

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[11] The limitations for a civil conspiracy claim is not limited by NRS 112.230(1)(a) but is instead governed by NRS 11.220 and the discovery rule. *Siragusa v. Brown*, 114 Nev. 1384 at 1391-3 (1998).

24. Nype is entitled to recover his attorney's fees as special damages as he was successful on his claim for civil conspiracy in the total amount of $4,493,176.90.

25. Nype has not established a claim for constructive trust given the current state of title of the remaining parcels in which the Related Entities hold their interest.

26. Mitchell, Liberman, and the Related Entities' actions and inactions have caused Nype damages in the total amount of $19,641,515.90.[12]

27. Nype may also file a post-trial motion if appropriate, for fees and costs not proven during the trial as special damages.

28. Given the findings and conclusion no further relief on the Declaratory Relief claim is appropriate.

29. If any conclusions of law are properly findings of fact, they shall be treated as if appropriately identified and designated.

Based upon the foregoing Findings of Fact and Conclusions of Law:

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that JUDGMENT is hereby entered in favor of Plaintiffs and jointly and severally against Mitchell, Liberman, Meyer Property Ltd., Zoe Property LLC, Leah Property LLC, Wink One LLC, LiveWork LLC, LiveWork Manager LLC, Aquarius Owner LLC, LVLP Holdings LLC, LiveWorks TIC Successor LLC, FC/LiveWork Vegas LLC and Casino Coolidge LLC on the fraudulent conveyance claim in the amount of $4,835,111.37.[13]

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that JUDGMENT is hereby entered in favor of Plaintiffs and jointly and severally against Mitchell and Liberman on

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[12] This is the total amount of damages which is not duplicated among the various claims for which the Court has made an award.

[13] These damages are duplicated in the civil conspiracy judgment.

the civil conspiracy claim in the amount of $19,641,515.90.

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that JUDGMENT is hereby entered in favor of Plaintiffs and jointly and severally against Mitchell, Liberman, Meyer Property Ltd., Zoe Property LLC, Leah Property LLC, Wink One LLC, LiveWork LLC, LiveWork Manager LLC, Aquarius Owner LLC, LVLP Holdings LLC, LiveWorks TIC Successor LLC, FC/LiveWork Vegas LLC and Casino Coolidge LLC on the alter ego claim in the amount of the underlying judgment in A551073.

DATED this 17th day of January, 2020.

Elizabeth Gonzalez, District Court Judge

**Certificate of Service**

I hereby certify that on the date filed, a copy of the foregoing Findings of Fact and Conclusions of Law was electronically served, pursuant to N.E.F.C.R. Rule 9, to all registered parties in the Eighth Judicial District Court Electronic Filing Program.

*If indicated below*, a copy of the foregoing Scheduling Order was also:

☐ Placed in the Attorney(s) Folder on the 1st Floor of the RJC for;

☐ Mailed by United States Postal Service, Postage prepaid, to the proper parties listed below at their last known address(es):

Dan Kutinac

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **May 02, 2017**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**May 02, 2017** **9:00 AM** **All Pending Motions**

**HEARD BY:** Hardy, Joe **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Kristin Duncan

**RECORDER:** Matt Yarbrough

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Hayes, Garry L. | Attorney |
| Muije, John W. | Attorney |

## JOURNAL ENTRIES

- DEFENDANTS' MOTION TO STRIKE PLAINTIFFS' JURY DEMAND

Mr. Hayes argued in support of the Motion, stating that a jury trial was only a right in a case that involved legal actions, and the instant case dealt only with equitable causes of action. Mr. Muije argued in opposition, stating that there were legal remedies to the claims being alleged, and at the very least, the Plaintiffs had a constitutional right to a trial by jury on the conspiracy claim and the fraudulent conveyance claim. COURT ORDERED the instant Motion was hereby GRANTED in its entirety, for all of the reasons set forth in the Motion and Reply, FINDING the following: (1) the post-judgment case cited in the pleadings was distinguishable from the instant case, as there were legal claims underlying the conspiracy claims in the cited case; (2) there were no legal claims underlying the conspiracy claims in the instant case; and (3) the Plaintiffs did not have a right to a jury trial on the equitable claims. Mr. Hayes to prepare the Order and forward it to Mr. Muije for approval as to form and content.

PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION TO STRIKE PLAINTIFFS' JURY DEMAND AND COUNTERMOTION FOR ADVISORY JURY AS TO EQUITABLE ISSUES

COURT ORDER the Countermotion was hereby DENIED WITHOUT PREJUDICE for all of the reasons set forth in Defendants' briefs. Mr. Hayes to prepare the Order and forward it to Mr. Muije for approval as to form and content.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **July 13, 2017**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**July 13, 2017** **9:00 AM** **Motion to Dismiss**

**HEARD BY:** Hardy, Joe **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Kristin Duncan

**RECORDER:** Matt Yarbrough

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Marquis, Harry P. | Attorney |
| McHenry, Megan K. Mayry | Attorney |
| Muije, John W. | Attorney |

## JOURNAL ENTRIES

- Ms. McHenry argued in support of the Motion, stating that dismissal was appropriate due to Plaintiffs' failure to make a prima facie showing of personal jurisdiction; however, if the Court did not feel that dismissal was appropriate, the Defendants would request a Pre-Trial Evidentiary Hearing as soon as possible. Upon Court's inquiry regarding whether the Evidentiary Hearing should be consolidated with the Trial, Ms. McHenry stated that it was Defendants position that the Evidentiary Hearing should be held Pre-Trial, as there were sixteen Defendants who should not be forced to proceed through the discovery process, when there was no personal jurisdiction over them. Additionally, Mr. McHenry informed the Court that Plaintiffs had conducted extensive discovery in a related case for approximately three years; therefore, there was no basis for consolidating the Evidentiary Hearing with the Trial. Mr. Marquis joined Ms. McHenry's arguments, stating that the alter ego allegations against his client should be determined by the Delaware courts, as the Plaintiffs were attempting to pierce the corporate veil, and the fraudulent conveyance claims were barred by the statute of limitations. Mr. Muije argued in opposition, stating that the Delaware entities were registered to do business in Las Vegas, and were availing themselves of Nevada law. Additionally, Mr. Muije sought leave to amend the Complaint to correct the date of August of 2015, which was a typographical error. COURT ORDERED the instant Motion was hereby DENIED WITHOUT

PREJUDICE; however, leave to amend the Complaint was hereby GRANTED and REQUIRED. The COURT FOUND the following: (1) leave to amend was to be freely given under Nevada law, where justice so required; (2) under the circumstances of the case, granting leave to amend was appropriate, rather than dismissal, even if dismissal was without prejudice; (3) the Complaint as currently pled did not give Defendants sufficient notice - even under Nevada's liberal notice pleading standards - of what was being alleged; (4) the Plaintiffs have made a prima facie showing of personal jurisdiction; (5) pursuant to the NRCP 12(b)(5) dismissal standard, the Court must accept all factual allegations in the Complaint as true, which it did, and it would not be appropriate to convert the Motion to Dismiss and Joinder to a Motion for Summary Judgment at this time; (6) regarding the issue of jurisdiction, the Court was aware that Nevada law called for an Evidentiary Hearing prior to trial, if the Defendant(s) so requested, and the Court planned to comply with that request; and (7) the statute of limitations issue was DENIED WITHOUT PREJUDICE, due to the Court's requirement to accept all allegations as true; however, as acknowledged by the Plaintiff, amendment of the Complaint would be necessary, in order to put the Defendants on notice of the claims alleged against them. The COURT FURTHER ORDERED the Amended Complaint must be FILED no later than August 21, 2017; failure to file the Amended Complaint by that date would result in the AUTOMATIC DISMISSAL WITHOUT PREJUDICE of the Civil Conspiracy Claim, the Constructive Trust Claim, the Declaratory Relief Claim, the Fraudulent Transfer Claim, and the Alter Ego Claim.

COURT ORDERED a Mandatory Rule 16 Conference was hereby SET; Court to prepare the Order regarding the Early Case Conference.

Mr. Muije to prepare the Order and forward it to opposing counsel for approval as to form and content.

8/28/17 10:30 AM MANDATORY RULE 16 CONFERENCE

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **August 28, 2017**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**August 28, 2017** **10:30 AM** **Mandatory Rule 16 Conference**

**HEARD BY:** Hardy, Joe **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Kristin Duncan

**RECORDER:** Matt Yarbrough

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Hayes, Garry L. | Attorney |
| Marquis, Harry P. | Attorney |
| Muije, John W. | Attorney |

## JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Muije advised that the parties had exchanged documents and witness lists, and that Plaintiffs were currently working to index the post-judgment documents that were produced; the indexing of the post-judgment documents should be completed within two weeks of the instant hearing date. Mr. Hayes affirmed Mr. Muije's representations. COURT ORDERED the filing of a Joint Case Conference Report (JCCR), with Mr. Muije taking the lead on its preparation. Colloquy regarding setting the discovery schedule. Mr. Muije stated that the majority of the discovery had already been completed, and that it was Plaintiffs' position that discovery could be completed within ninety days. Mr. Hayes represented that it was Defendants' position that extensive discovery remained, and that twelve months would be necessary to complete the discovery process. COURT ORDERED a DISCOVERY CUT-OFF date of May 23, 2018, with all other discovery deadlines being set in the ordinary course as they related to the discovery cut-off date. COURT FURTHER ORDERED the DEADLINE for the filing of DISPOSITIVE MOTIONS would be July 7, 2018. Mr. Hayes raised the issue of jurisdictional issues that were outstanding, and which may affect the scope of discovery. The Court noted that, under Nevada law, it would hold an Evidentiary Hearing regarding the jurisdictional issues, if necessary; if the parties wished to have an Evidentiary Hearing

regarding the jurisdictional issues, the appropriate written Motion must be filed.

COURT ORDERED a trial date was hereby SET. A Trial Order shall issue. Upon Court's inquiry regarding a settlement conference, counsel indicated they did not feel a settlement conference would be beneficial at this time.

8/13/18 8:30 AM PRE TRIAL CONFERENCE

8/29/18 8:30 AM CALENDAR CALL

9/4/18 10:30 AM BENCH TRIAL

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **June 06, 2018**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**June 06, 2018** **9:00 AM** **All Pending Motions**

**HEARD BY:** Hardy, Joe **COURTROOM:** RJC Courtroom 11D

**COURT CLERK:** Kristin Duncan

**RECORDER:** Matt Yarbrough

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Hayes, Garry L. | Attorney |
| Muije, John W. | Attorney |

## JOURNAL ENTRIES

- DEFENDANTS' MOTION TO COMPEL COMPLETE RESPONSES TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS...JOINDER OF BARNET LIBERMAN AND 305 LAS VEGAS, LLC IN THE MITCHELL DEFENDANTS' MOTION TO COMPEL COMPLETE RESPONSES TO INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS...PLAINTIFFS' OPPOSITION TO MOTION TO COMPEL AND COUNTER-MOTION REQUIRING DISCLOSURE OF UNREDACTED EMAILS BETWEEN DEFENDANTS AND THEIR ACCOUNTANT

The Court noted that it did not believe the filings done under seal had been properly done. Mr. Hayes indicated that Defendants had provided unredacted copies of the e-mails from Defendants' accountant approximately ten (10) days prior to the instant hearing. The COURT INFORMED counsel that, when they wished to have a document filed under seal, they needed to file the appropriate Motion to request the sealing.

Mr. Hayes argued in support of Defendants' Motion to Compel, stating that Defendants had granted Plaintiffs four (4) moths of continuances to allow them to respond to the discovery requests; however,

upon finally receiving responses in February of 2018, those responses were not adequate, as they only directed the Defendants to look at the 16.1 logs. Mr. Muije argued in opposition, proposing that Plaintiff provide the Court with a supplement containing more comprehensive answers, incident to the expert witness report. Mr. Marquis joined Mr. Hayes' arguments. COURT ORDERED Defendants' Motion to Compel Complete Responses to Interrogatories and Requests for Production of Documents, and the Joinder of Barnet Liberman and 305 Las Vegas, LLC in the Defendant's Motion to Compel, were hereby GRANTED for all of the reasons set forth in the Motion and Reply, FINDING and ORDERING the following: (1) Plaintiffs' client must comply with the discovery rules; (2) Defendants' requests for production (RFP) were made in September of 2017, and Plaintiffs were permitted multiple extensions to allow them to provide responses; however, when responses were finally provided to Defendants, those responses were inadequate and uninformative; (3) as of the instant hearing, it had been nine (9) months since the Defendants issued their RFPs, and the Plaintiffs' responses remained inadequate; (4) when Plaintiffs rely upon the argument that they planned to seek relief in front of another department in another case, and then they failed to take that action, it seemed to constitute a pattern; (5) July 16, 2018, would be the DEADLINE for Plaintiffs' SUPPLEMENTAL RESPONSES to Defendants' RFPs number 32, 33, 37, 38, 40, 41, 42, 43, and 45; (6) Defendants having been left with no choice but to file the instant Motion, reasonable ATTORNEY'S FEES and COSTS were hereby AWARDED in favor of the Defendants, and against the Plaintiffs; and (7) Mr. Hayes shall be REQUIRED to meet and confer with Mr. Muije as to the attorney's fees and costs that were being requested, and then file a separate Motion requesting said fees and costs, if the parties were unable to resolve the issue through the meet and confer.

COURT FURTHER ORDERED the Countermotion Requiring Disclosure of Unredacted E-mails Between Defendants and Their Accountant, was hereby DENIED WITHOUT PREJUDICE, FINDING that the Countermotion had been filed without the parties undertaking the meet and confer process, and that the Countermotion had been mooted to some extent. The COURT FURTHER FOUND that, if the parties continued to have an issue as to the subject of the Motion, they could meet and confer; if they were unable to reach a resolution, they could bring the issue back before the Court.

Mr. Hayes to prepare the Order, and forward it to opposing counsel for approval as to form and content. Colloquy regarding discovery dates and trial dates. COURT ORDERED the trial dates were hereby VACATED and RESET. An Amended Trial Order shall issue. COURT FURTHER ORDERED, a supplemental Early Case Conference (ECC) was hereby SET, and the parties shall be REQUIRED to meet and confer regarding the discovery deadlines, prior to the ECC hearing date.

7/16/18 9:00 AM SUPPLEMENTAL EARLY CASE CONFERENCE

5/6/19 8:30 AM PRE TRIAL CONFERENCE

5/22/19 8:30 AM CALENDAR CALL

5/28/19 10:30 AM BENCH TRIAL

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **June 14, 2018**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**June 14, 2018** **9:00 AM** **Show Cause Hearing**

**HEARD BY:** Hardy, Joe **COURTROOM:** RJC Courtroom 11D

**COURT CLERK:** Kristin Duncan

**RECORDER:** Matt Yarbrough

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Hayes, Garry L. | Attorney |
| Muije, John W. | Attorney |

## JOURNAL ENTRIES

- Also present: Adam Bult, Esq. on behalf of the subpoenaed third-parties / non-parties.

Mr. Muije argued in support of the Order to Show Cause, stating that Forest City was the managing company for a number of entities, and Plaintiffs were entitled to the information regarding the financial agreements and transactions between Forest City and LVLP, as the information went to the crux of the case. Mr. Bult argued in opposition, stating that the subpoenaed parties had responded multiple times to Plaintiffs' requests, explaining the lack of connection between the subpoenaed entities and the instant action. COURT ORDERED that CAUSE HAD BEEN SHOWN by the subpoenaed parties as to why they should NOT be held in contempt of court, for all of the reasons set forth in the Objection, FINDING the following: (1) Plaintiffs had failed to comply with NRCP 45 on multiple occasions; (2) the instant matter should have been filed as a Motion to Compel, rather than an Order to Show Cause; (3) the subpoenas that were issued, were overly broad on their face; (4) the arguments raised by the subpoenaed parties were not form over substance, as Plaintiffs' counsel had argued during oral arguments; (5) Plaintiffs failed to comply with NRCP 45 and NRS 22.030; (6) the instant Order was WITHOUT PREJUDICE as to any requests for subsequent relief; and (7) if further relief was sought, then good faith meet and confer efforts needed to be made by the parties seeking the subpoenas, in terms of scope and any protections on confidentiality.

Mr. Bult to prepare the Order, and forward it to opposing counsel for approval as to form and content.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **July 23, 2018**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**July 23, 2018** **9:00 AM** **Mandatory Rule 16 Conference**

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

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Hayes, Garry L. | Attorney |
| Marquis, Harry P. | Attorney |
| Muije, John W. | Attorney |

## JOURNAL ENTRIES

- Court inquired about new parties. Mr. Hayes explained he is not a new appearance; parties have had discovery issues before Judge Hardy but he believes those are all resolved; parties also have some new deadlines on outstanding discovery, which have all been fleshed out by Judge Hardy, and a new trial date; he has been involved since day one. Mr. Muije clarified that they are actually not new parties, yet; they were the joint venture partners with Mr. Hayes' and Mr. Marquis' clients in hundreds of millions of dollars of development of downtown Las Vegas properties; there has been difficulty obtaining all the records needed regarding those developments and dozens of real estate Escrows and transactions that occurred; Judge Hardy strongly suggested that he do a comprehensive meet-and-confer with counsel for the Forest City entities, which is on his agenda, and anticipates meeting with them hopefully this week or if not, in the next 2 weeks; he has discovery responses due to Mr. Hayes this week and next week; however, he agrees with Mr. Hayes that new deadlines and a new trial date are most likely appropriate; parties have done a lot of document sharing and some interrogatories back and forth, and he foresees them doing depositions in September and October. Upon Court's inquiry, Mr. Muije stated their current expert disclosure date is December 3rd; Plaintiff will probably have both forensic accounting and development experts, but for sure an accounting

one, which they have already retained. Mr. Hayes stated that for the Defendants it would primarily be a forensic accounting expert, and, upon Court's inquiry, confirmed this is a bench trial.

COURT ORDERED, May 6, 2019 Pre Trial Conference VACATED. Calendar Call RESET on May 21, 2019 at 9:30 AM and Bench Trial RESET to commence at 1:30 PM on May 28, 2019 instead of 10:30 AM. The Court will resolve jurisdictional issues any time counsel think it is appropriate, but it does need to be filed by the last date dispositive motions need to be filed, which is April 5, 2019. New Trial Setting Order will ISSUE, which will include a discovery cut-off date.

Parties declined to attend a settlement conference at this time.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **November 07, 2018**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**November 07, 2018** **10:00 AM** **Telephonic Conference** **Telephonic Conference re: Stipulated Protective Order Re: Subpoenaed "Forest City Entities"**

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

**COURT CLERK:** April Watkins

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Hayes, Garry L. | Attorney |
| Marquis, Harry P. | Attorney |
| Muije, John W. | Attorney |

## JOURNAL ENTRIES

- Adam Bult, Esq. and Travis Chance, Esq. present on behalf of Forest City.

Court stated there is a concern as to paragraph 7 in stipulated protective order as to using confidential information at time of trial, depositions or in motions. Further, the Court inquired why parties want to use this procedure and not follow the Nevada Supreme Court Rule. Mr. Muije stated this proposed stipulation is the same as used in front of Judge Hardy and Mr. Hayes drafted first order. Further, paragraph 7 will assist in facilitating or getting through the documents since parties anticipate a large number of documents being designated confidential. Mr. Hayes stated he does not recall who did original draft and as to paragraph 7, counsel is open to any changes that would make it more consistent with State law. Court stated to the extent that parties plan to use them as exhibits to motions, parties need to comply with the Nevada Supreme Court Rule on sealing and redacting

court records. Which means each time counsel files documents and wants to redact something from a pleading counsel quotes from, counsel has to file separate motion to file under seal. Further, Court stated it is unlikely that anything will be sealed or protective from public view. Mr. Muije requested Mr. Hayes re-work paragraph 7 to comply with Supreme Court Rule to comply with sealing records. Further, counsel is not sure how much if any of the materials will actual need or use at trial. Mr. Hayes stated he is concerned primarily using documents prior to trial that might leak out that may relate to confidential business transactions. Mr. Bult stated this is a collection effort and does not see these documents being used at a trial and if Supreme Court Rule is complied with the Supreme Court Rule, counsel is satisfied. Upon Court's inquiry, counsel requested the proposed protective order be left side filed in the Court record. Further statement by Mr. Muije. Court stated document will be left side filed.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **April 12, 2019**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**April 12, 2019** **3:00 AM** **Motion to Withdraw as Counsel**

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

**COURT CLERK:** Dulce Romea

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Given the substitution on behalf of 305 Las Vegas the Court does not consider the motion as to that defendant. As to the remaining defendants, the Court having reviewed the motion to withdraw and the related briefing and being fully informed, GRANTS the motion without any supplementation requirements. Moving Counsel is to prepare and submit an order including the last known address and all upcoming dates including all dates for pretrial compliance with NRCP 16.1 and the trial setting order 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.

4-15-19 9:00 AM PLAINTIFFS' MOTION TO ENLARGE TIME TO COMPLETE DISCOVERY (3RD REQUEST) ON ORDER SHORTENING TIME

5-6-19 9:00 AM STATUS CHECK

7-30-19 9:30 AM CALENDAR CALL

8-5-19 1:30 PM BENCH TRIAL

CLERK'S NOTE: A copy of this minute order was distributed to the parties via the E-Service List. / dr 4-15-19

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **April 15, 2019**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**April 15, 2019** **9:00 AM** **Motion** **subject to limitation**

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

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Blut, Elliot S. | Attorney |
| Boschee, Brian W. | Attorney |
| Muije, John W. | Attorney |
| Welsh, Larson A. | Attorney |

## JOURNAL ENTRIES

- Mr. Muije argued in support of the motion. Court noted motion to withdraw as counsel of record for defendants has been granted. Mr. Boschee stated his concern that he has a flash drive from Mr. Marquis and the client and there are still about 5,000 documents that they are going to produce to Mr. Muije

Mr. Muije requested between 3 to 5 hours for the deposition based on additional disclosures. COURT ORDERED, motion GRANTED subject to the limitation that the deposition be for a period NOT TO EXCEED 4 hours. Trial date STANDS at this time. Counsel to update the Court at the May 6th status check. Upon Court's inquiry, Mr. Boschee stated 2 weeks is his goal on the supplemental production and his paralegal is working on it right now.

5-6-19 9:00 AM STATUS CHECK

7-30-19 9:30 AM CALENDAR CALL

8-5-19 1:30 PM BENCH TRIAL

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **May 06, 2019**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**May 06, 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:**

| | |
|---|---|
| Blut, Elliot S. | Attorney |
| Boschee, Brian W. | Attorney |
| Muije, John W. | Attorney |

## JOURNAL ENTRIES

- STATUS CHECK...PLAINTIFFS' MOTION TO COMPEL DEFENDANTS' PRODUCTION OF DOCUMENTS ON ORDER SHORTENING TIME

APPEARANCES CONTINUED: Attorney James Edwards for Mitchell.

Mr. Blut appeared by telephone. Mr. Edwards not present at call of case.

Mr. Boschee advised that in lieu of drafting an opposition he produced a trove of documents last week; opposing counsel went through them and gave him a list of documents he does not believe are privileged but are redacted; from his client's perspective most of the documents have been produced and they may just need to change redactions and the privilege log. Mr. Muije advised no one is here on behalf of Mitchell; a deposition was scheduled for May 1st at 8 am but it was a no show, no call and no attempt to reschedule; hundreds of the documents produced contain Mitchell's name but Mitchell has never produced those; nothing meaningful has been produced such as back-up, accounting, and ledgers; they do have bank statements; they do not have records from 2009 - 2012 but

do have 2013 onwards. Court noted Mr. Edwards is running late. Matter TRAILED.

Matter RECALLED upon Mr. Edwards' arrival. Court shared its copy of the motion with Mr. Edwards. Matter TRAILED.

Matter RECALLED. Mr. Muije requested clarification on the Defendants' representation. Mr. Boschee advised he represents Mr. Garry Hayes' former clients. Mr. Muije continued to argue as to missing documents. Mr. Edwards requested a one-week continuance. Mr. Boschee confirmed the trove he produced was from 305. Mr. Muije further advised Mr. Blut had promised him that when Mr. Liberman came back to the country he would discuss documents primarily relating to Casino Coolidge, his other client. COURT ORDERED, matter CONTINUED per counsel's request for one week.

5-15-19 10:30 AM STATUS CHECK...PLAINTIFFS' MOTION TO COMPEL DEFENDANTS' PRODUCTION OF DOCUMENTS ON ORDER SHORTENING TIME

7-30-19 9:30 AM CALENDAR CALL

8-5-19 1:30 PM BENCH TRIAL

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **May 15, 2019**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**May 15, 2019** **10:30 AM** **All Pending Motions**

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

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Blut, Elliot S. | Attorney |
| Boschee, Brian W. | Attorney |
| Edwards, James L, ESQ | Attorney |
| Muije, John W. | Attorney |

## JOURNAL ENTRIES

- STATUS CHECK...PLAINTIFFS' MOTION TO COMPEL DEFENDANTS' PRODUCTION OF DOCUMENTS ON ORDER SHORTENING TIME...DEFENDANTS' MOTION TO EXTEND DISCOVERY AND CONTINUE TRIAL (FOURTH REQUEST)

APPEARANCES CONTINUED: Michael Rosten with Piercy Bowler Taylor & Kern.

Mr. Rosten advised he was retained by the Law Office of Hayes and Welsh back in September 2018 to provide forensic accounting, expert witness services, and potential rebuttal of Plaintiffs' expert; Hayes and Welsh's application to withdraw was granted; he is currently not retained in this case; he is, however, scheduled for a deposition this afternoon at 3 pm; he is owed $11,000, and he has copies of the engagement letters if the Court or attorneys would like to see them; one provision is that unless he is paid in full he does not provide deposition testimony or trial testimony, so he is seeking a protective order of that deposition for himself and Mr. Scott Taylor who is with his office. COURT RECESSED for Mr. Edwards and Mr. Boschee to speak with Mr. Rosten given the oral request for protective order.

Proceeding resumed. Mr. Rosten stated they have talked and he has a proposal: he is owed $11,120; the $5,000 retainer needs to be replenished; that needs to be made by May 30th or he will withdraw per the engagement letter; at that point there will be no need to depose him or Mr. Taylor; if they do not pay him by May 30th he is going to withdraw, but if they pay him on May 30th he will go to his depo; he would like a protective order from today's depo.

Mr. Muije stated that with respect to the pending motion to extend discovery he wrote Mr. Stanley Johnson that the delays and pattern engaged in by the Mitchell was 60 days between the motion to withdraw and appearance of new counsel; that should not be his client's problem. Counsel further detailed their deposition schedule and advised the motion to resolve the New Jersey discovery dispute is set for May 24.

Upon Court's inquiry regarding the documents, Mr. Boschee stated they have worked those out and unredacted a lot of them; about 9,000 in a supplemental disclosure was done today; some documents are still privileged, mostly between Atty. Nick Santoro and these guys but a detailed privilege log was provided yesterday; he thinks they are good but obviously Mr. Muije needs to go through the production; if there are any issues they will meet and confer. Mr. Muije concurred.

Mr. Edwards argued the motion to compel was not properly served; however, irrespective of the Court's decision to continue trial it will take them 30 days to comply with the discovery requests. Court inquired whether counsel will voluntarily comply with the motion to compel. Mr. Edwards stated he is not in a position to say whether or not Mitchell is telling the truth. Court noted if Mitchell says he does not have the documents he needs to file a certification under oath saying so and the best efforts he has made. Further argument by Mr. Edwards, Mr. Muije, and Mr. Boschee. Colloquy regarding the timing of supplemental document production and supplemental expert reports. Court inquired of Mr. Edwards if he knew what searches had been done on Mr. Mitchell's old electronic devices. Mr. Edwards stated he did not know. COURT NOTED that needs to be part of the production in 3 weeks; assuming Mr. Edwards is able to comply with the 3-week deadline of a comprehensive production or certification of efforts, Mr. Mujie has 3 weeks to have his expert review that and provide a supplemental report. Further colloquy regarding outstanding depositions.

COURT ORDERED, additional time to complete discovery is GRANTED given the hiccups with the replacement of counsel and delay of document production. Mr. Rosten's and Mr. Taylor's request that their depositions not be taken until later in the process, which is sometime after the end of June, is GRANTED; if the parties can work out a date before that, that is fine. The Court understands arrangements have been made between Defense counsel and Mr. Rosten to arrange for his payments, so the Court will not get involved in that any further.

With respect to those documents subject to Mr. Muije's motion to compel, Mr. Mitchell and his related entities have 3 weeks from today's date to COMPLY, whether it is written discovery or certifications of efforts made to obtain documents that were unsuccessful.

Mr. Mujie will have 3 weeks after receipt of that information for any supplemental expert reports; if there is a discovery dispute after production of the information from Mr. Mitchell Mr. Muije's time will likely be tolled while the Court and parties work out the issue. 4 additional weeks of clean-up discovery is GRANTED after that time.

COURT NOTED the depositions that still need to be taken are those of Mr. Nype, Mr. Mitchell, Mr. Liberman, two 30 (b)(6) witnesses of the Defendants, all experts, and Mr. Spitz.

COURT FURTHER ORDERED, Mr. Muije's request for attorney's fees in the amount of $1500 related to the motion to compel is GRANTED; Defendants to work out amongst themselves who will make the payment.

Mr. Edwards' Motion to Extend Discovery and Continue Trial is ADVANCED from June 17, 2019 and GRANTED.

Bench Trial VACATED and RESET on the October 2019 stack. Dispositive motions DUE August 23, 2019.

New Trial Setting Order will ISSUE.

| | | |
|---|---|---|
| 10-8-19 | 9:30 AM | CALENDAR CALL |
| 10-14-19 | 1:30 PM | BENCH TRIAL |

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **June 24, 2019**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**June 24, 2019** **9:00 AM** **Motion for Sanctions**

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

**COURT CLERK:** Michaela Tapia

**RECORDER:** Patti Slattery

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Boschee, Brian W. | Attorney |
| Edwards, James L, ESQ | Attorney |
| Muije, John W. | Attorney |

## JOURNAL ENTRIES

- Mr. Muije argued for significant financial sanctions as he has not seen one scrap of paper since 6/5/19 when Mr. Mitchell's compliance was due and requested a prove up hearing. Argument by Mr. Edwards that dismissing or striking the pleadings is too severe and requested to bring Mr. Mitchell out for some type of hearing. Mr. Boschee opposed the motion for the potentially adverse impact on his client. COURT ORDERED, evidentiary hearing SET; matter CONTINUED.

6/27/19 9:00 AM Plaintiff's Motion for Sanctions ... Evidentiary Hearing

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **June 27, 2019**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**June 27, 2019** **9:00 AM** **All Pending Motions**

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

**COURT CLERK:** Michaela Tapia

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Boschee, Brian W. | Attorney |
| Muije, John W. | Attorney |

## JOURNAL ENTRIES

- PLAINTIFFS' MOTION FOR SANCTIONS PURSUANT TO NRCP 37(B) AND MOTION TO EXTEND TIME FOR PLAINTIFFS' DEADLINE FOR SUPPLEMENTAL EXPERT REPORT ON ORDER SHORTENING TIME ... EVIDENTIARY HEARING

Arguments by counsel. Testimony and exhibits presented. (See worksheets) Colloquy regarding trial schedules. COURT ORDERED, matter CONTINUED.

7/9/19 9:30 AM ALL PENDING MOTIONS

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **July 08, 2019**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**July 08, 2019** **9:00 AM** **Status Check: Trial Readiness**

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

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Blut, Elliot S. | Attorney |
| Boschee, Brian W. | Attorney |
| Edwards, James L, ESQ | Attorney |
| Muije, John W. | Attorney |

## JOURNAL ENTRIES

- Mr. Muije appeared by telephone.

Mr. Edwards advised 400 pages of new financial documents have been produced; Mr. Mitchell cannot appear tomorrow; they have prevailed upon him to hire an I.T. person, and they would request 30 days. Court inquired as to whether it should hear from Plaintiff's expert who is available tomorrow. Mr. Muije advised Mr. Rich changed his family vacation plans so he is available tomorrow and all set to go. COURT ORDERED, evidentiary hearing to proceed tomorrow since Mr. Rich changed his plans, and, at the conclusion of his testimony, Court and counsel will discuss further scheduling; Mr. Mitchell simply needs to get his act together and appear for court.

7-9-19 9:30 AM EVIDENTIARY HEARING...PLAINTIFFS' MOTION FOR SANCTIONS PURSUANT TO NRCP 37(B) AND MOTION TO EXTEND TIME FOR PLAINTIFFS' DEADLINE FOR SUPPLEMENTAL EXPERT REPORT ON ORDER SHORTENING TIME

| | | |
|---|---|---|
| 10-8-19 | 9:30 AM | CALENDAR CALL |
| 10-14-19 | 1:30 PM | BENCH TRIAL |

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **July 09, 2019**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**July 09, 2019** **9:30 AM** **All Pending Motions**

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

**COURT CLERK:** Dulce Romea
Madalyn Kearney

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Boschee, Brian W. | Attorney |
| Edwards, James L, ESQ | Attorney |
| Muije, John W. | Attorney |

## JOURNAL ENTRIES

- EVIDENTIARY HEARING...PLAINTIFFS' MOTION FOR SANCTIONS PURSUANT TO NRCP 37(B) AND MOTION TO EXTEND TIME FOR PLAINTIFFS' DEADLINE FOR SUPPLEMENTAL EXPERT REPORT ON ORDER SHORTENING TIME

Testimony and exhibits presented. (See worksheet.)

At the hour of 10:52 am, Courtroom Clerk Madalyn Kearney, present. Testimony and exhibits presented (see worksheets). COURT ORDERED, matter SET for telephone conference at 1:30 pm this afternoon regarding the availability of Mr. Mitchell and resumption of the Evidentiary Hearing.

10-8-19 9:30 AM CALENDAR CALL

10-14-19 1:30 PM BENCH TRIAL

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **July 09, 2019**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**July 09, 2019** **1:30 PM** **Telephonic Conference**

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

**COURT CLERK:** Madalyn Kearney

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Boschee, Brian W. | Attorney |
| Edwards, James L, ESQ | Attorney |
| Muije, John W. | Attorney |

## JOURNAL ENTRIES

- John Muije, Esq. and Brian Boschee, Esq. present telephonically.

Upon Court's inquiry, Mr. Edwards requested to continue the Evidentiary Hearing to the first full week of August. Court advised the only available dates it has as of right now are July 25th and 26th. Mr. Muije advised he will be out of town that week in July and noted his opposition to a continuance. Court stated it will not know available dates in August until July 30th after Calendar Call. Mr. Edwards added Mr. Mitchell is not available August 17th-24th. Upon Court's further inquiry, Mr. Edwards did not know why his client was unavailable today. Court advised its Law Clerk will contact counsel by email on July 30th after Calendar Call with potential availability.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **September 03, 2019**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**September 03, 2019 10:00 AM All Pending Motions**

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

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Edwards, James L, ESQ | Attorney |
| Johnson, Harold Stanley | Attorney |
| Muije, John W. | Attorney |

## JOURNAL ENTRIES

- DAY 3

EVIDENTIARY HEARING...PLAINTIFFS' MOTION FOR SANCTIONS PURSUANT TO NRCP 37(B) AND MOTION TO EXTEND TIME FOR PLAINTIFFS' DEADLINE FOR SUPPLEMENTAL EXPERT REPORT ON ORDER SHORTENING TIME

APPEARANCES CONTINUED: Lenard Schwartzer, Special Bankruptcy Counsel.

Court advised all present that Mr. Boschee notified chambers by email that he would not be attending today as this proceeding is not directly related to his client. Court directed the Clerk to left-side file Mr. Boschee's email.

Arguments by counsel and statement by Mr. Schwartzer regarding Defendants' emergency motion to stay. COURT MARKED the unfiled motion to stay as a Court's Exhibit next in order. (See worksheet.) COURT ORDERED, the motion to stay is GRANTED IN PART. As to Las Vegas Land Partners LLC the action is STAYED given the Bankruptcy Court and given the Plaintiff's position that they are not

proceeding on the discovery motion against Las Vegas Land Partners LLC; at this time, that issue is moot. With respect to the remaining request in the motion, it is DENIED; the proceedings here relate to the non-compliance and disobedience by the non-debtor parties; if the Bankruptcy Trustee elects to proceed on a return of any fraudulently conveyed property, the Court will defer on that cause of action only to the Bankruptcy Trustee in regaining property that would otherwise be a part of the bankruptcy estate.

Court RECESSED at defense counsel's request and excused Mr. Schwartzer from the remainder of today's proceeding.

Proceeding resumed.

Testimony and exhibits presented. (See worksheet.) LUNCH RECESS.

Testimony and exhibits continued. At the hour of 2:47 pm, BOTH SIDES RESTED.

Closing arguments. COURT FINDS there has been a clear violation of the order granting the motion to compel in May, but the sanctions requested by the Plaintiff, in balance, are not appropriate. The failure to provide documents impacts the Plaintiff's ability to prove their case. For that reason, the Court gives an additional amount of time for Defendant Mitchell to comply with the Court's prior order. In addition, the Court is ORDERING expenses from April 22nd except for those related to Mr. Spitz's compliance in New Jersey; the Court after looking at the exhibits is unable to calculate that amount. Defendant to PROVIDE supplemental information related to requests for production 16, 17, 19, and 23 within two (2) weeks and / or certification that all documents including those contained in the storage units and electronically stored information have been reviewed. The Court further REMINDS all parties that they have a duty under Rule 26 and Rule 16.1 to supplement with all information that is required relative to this case. Mr. Muije to PREPARE a calculation of the expenses from April 22nd, not counting those in Mr. Spitz's fight, and run the order by opposing counsel prior to submission; Mr. Muije to also include the Court's findings. COURT FURTHER NOTED that after reviewing all 7 factors under Ribeiro the Court has determined that striking the answer and entering default is too harsh at this time.

| | | |
|---|---|---|
| 9-24-19 | 9:00 AM | DEFENDANTS' MOTION FOR SUMMARY JUDGMENT |
| 10-8-19 | 9:30 AM | CALENDAR CALL |
| 10-14-19 | 1:30 PM | BENCH TRIAL |

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **October 08, 2019**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**October 08, 2019** **9:30 AM** **Calendar Call**

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

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Blut, Elliot S. | Attorney |
| Boschee, Brian W. | Attorney |
| Edwards, James L, ESQ | Attorney |
| Muije, John W. | Attorney |

## JOURNAL ENTRIES

- Mr. Muije anticipated trial here taking 5 days; however, the parties have had some discovery issues and still have some unresolved matters in that regard. Mr. Boschee advised they would like the motion for summary judgment heard prior to trial, explaining that they had filed it on time. Court stated that is not the Court's problem. Mr. Edwards advised 5 days for trial is probably correct. Mr. Blut advised his client is an Orthodox Jew and there are holidays coming up on the 14th, etc.; he will also be visiting his son the week of November 4. Colloquy regarding scheduling. Mr. Edwards asked whether the Court would entertain placing them on the next stack. Court stated it would not. Mr. Edwards advised he has a trial on November 4. Court stated she will be out of the jurisdiction for 3 days during the week of October 28. Mr. Edwards advised he is also gone on the 29th. Mr. Muije requested they get a chance to do their depositions and that they be crammed between November and the end of the year. Upon Court's inquiry, all parties agreed they can go to trial the week of December 30. Court noted trial will only be a half day on New Year's Eve because of the Downtown celebration and then resume on the 2nd and 3rd of January. COURT ORDERED, bench trial SET to commence on Monday, December 30 at 9:30 am. Proposed findings of fact and conclusions of law TO BE SUBMITTED by the Friday before Christmas, December 20, 2019. Court encouraged the parties to

complete their depositions before the end of November.

Upon Court's inquiry, Mr. Mujie advised the accounting in New Jersey is not done but the trustee has indicated they are pursuing the records. Court stated that if it has something from the bankruptcy trustee it will have a hearing with the parties. Mr. Muije added that he has met with the bankruptcy trustee and he has agreed to be hired as counsel; they will seek a motion to intervene.

10-21-19 9:00 AM DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

11-8-19 CHAMBERS PLAINTIFF'S MOTION TO MAINTAIN REDACTIONS AND SEAL CERTAIN EXHIBITS TO PLAINTIFF'S OPPOSITION TO MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION FOR DISCOVERY PURSUANT TO NRCP 56(D)

12-30-19 9:30 AM BENCH TRIAL

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **October 21, 2019**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**October 21, 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:**

| | |
|---|---|
| Boschee, Brian W. | Attorney |
| Edwards, James L, ESQ | Attorney |
| Muije, John W. | Attorney |

## JOURNAL ENTRIES

- DEFENDANT'S MOTION FOR SUMMARY JUDGMENT...MOTION FOR ADDITIONAL TIME FOR FURTHER PRODUCTION

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT: Arguments by Mr. Boschee and Mr. Muije. Upon Court's inquiry, Mr. Muije advised that with regards to the bankruptcy the bankruptcy trustee has sent him revised papers and he anticipates filing a motion on order shortening time probably tomorrow. COURT ORDERED, motion for summary judgment DENIED; given the expert's testimony the Court understands there are probably issues that will be discussed at trial but they are not there yet.

MOTION FOR ADDITIONAL TIME FOR FURTHER PRODUCTION: Mr. Edwards handed Mr. Muije in open court a thumb drive containing 200 gigabytes of emails, which are part of what was taken from the servers; another 400 gigabytes were taken and they are working on getting those downloaded; because there has been a lot of effort in reviewing the information, the Defendants would request an additional time of 30 days, as they have continued to work on the production since they filed the instant motion. Mr. Muije noted that Mr. Mitchell knew what the Plaintiffs wanted

when they filed the motion, and the Court had entered a specific order. COURT ORDERED, an additional two (2) weeks is GRANTED to complete the privilege review on additional documents that were discovered on the ESI review. Plaintiffs' counter motion for terminating sanctions is DENIED; if there is no compliance in two weeks counsel for Plaintiffs may raise the issue again.

11-8-19 CHAMBERS PLAINTIFF'S MOTION TO MAINTAIN REDACTIONS AND SEAL CERTAIN EXHIBITS TO PLAINTIFF'S OPPOSITION TO MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION FOR DISCOVERY PURSUANT TO NRCP 56(D)

12-30-19 9:30 AM BENCH TRIAL

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **November 08, 2019**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**November 08, 2019** **3:00 AM** **Motion to Seal/Redact Records**

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

**COURT CLERK:** Dulce Romea

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the motion to seal is deemed unopposed. As the proposed sealing and redaction is narrowly tailored to protect sensitive commercial information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

11-13-19 9:00 AM STATUS CHECK: COMPLIANCE

12-30-19 9:30 AM BENCH TRIAL

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 11-12-19

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **November 08, 2019**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**November 08, 2019** **3:00 AM** **Minute Order**

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

**COURT CLERK:** Natalie Ortega

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Court reviewed status report filed on 11/7/19. Matter set for Status Check re: Compliance on 11/13/19 at 9:00 a.m.

CLERK'S NOTE: This minute order was electronically served by Courtroom Clerk, Natalie Ortega, to all registered parties for Odyssey File & Serve and/or served via facsimile. ndo/11/08/19

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **November 13, 2019**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**November 13, 2019 9:00 AM Status Check**

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

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Edwards, James L, ESQ | Attorney |
| Johnson, Harold Stanley | Attorney |
| Muije, John W. | Attorney |

## JOURNAL ENTRIES

- Court acknowledged receipt of Mr. Johnson's status report and NOTED today's hearing was set after the Court read Mr. Muije's status report. Mr. Muije advised that Mr. Mitchell is making a show of compliance, many dollars and many days short; the certificate of compliance does not say what documents he did not find and what efforts were made to locate those; for example, they still cannot find the engagement letters, which Mr. Spitz but they still do not have the metadata; to that extent the certificate of compliance is inadequate; additionally, the $1,000 sanction ordered paid by June 5th has not been paid, although Mr. Johnson says he has it; additionally, Mr. Mitchell indicated in testimony that the sanction would be devastating on him financially, but they have established that he paid off $18 million in loans to First Republic Bank, and he was bogusly posting his penthouse condo overlooking Central Park for rent at $65,000 a month. Mr. Johnson responded that he thinks they have complied completely; they have gone through hundreds of gigabytes of data and did specific searches on every single request, 16, 17, 19, and 23, and cross-checked each request that under each Defendant; he does not think Mr. Spitz was mentioned at all in this; this was a matter addressed back in New Jersey, and they do not have any involvement in that; as Mr. Mitchell said he went through his entire office and those documents were actually sent to his (Mr. Johnson's) office and they went through those manually; they did the ESI discovery on the PST files and all the other documents they

had in their Dropbox; that is where they stored everything; there is nothing else; there is no other location.

COURT ORDERED, if missing documents should have been produced by Mr. Mitchell the Court will infer the contents of those missing documents would have been unfavorable to Mr. Mitchell; this not a presumption; Mr. Mitchell may contest all issues as they proceed for the trial.

Order shortening time submitted by Mr. Muije signed and returned to Mr. Muije for filing.

| | | |
|---|---|---|
| 11-18-19 | 9:00 AM | MOTION TO INTERVENE |
| 12-30-19 | 9:30 AM | BENCH TRIAL |

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **November 18, 2019**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**November 18, 2019 9:00 AM Motion to Intervene**

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

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Johnson, Harold Stanley | Attorney |
| Muije, John W. | Attorney |
| Smith, Edgar C., ESQ | Attorney |

## JOURNAL ENTRIES

- APPEARANCES CONTINUED: Attorney Jessica Lujan, Bar no. 14913, counsel for Defendant 305 Las Vegas LLC.

Following arguments by Mr. Muije and Mr. Johnson, COURT ORDERED, motion to intervene GRANTED. This does not preclude Mr. Mitchell and/or other Defendants from moving to dismiss the complaint in intervention filed by the trustee.

Proposed order signed in open court and returned to Mr. Muije for filing.

12-30-19 9:30 AM BENCH TRIAL

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **November 25, 2019**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**November 25, 2019** **9:00 AM** **Motion for Protective Order**

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

**COURT CLERK:** Dulce Romea

**RECORDER:** Patti Slattery

**REPORTER:**

**PARTIES PRESENT:**
Johnson, Kevin M. Attorney
Muije, John W. Attorney

## JOURNAL ENTRIES

- Mr. Muije appeared by telephone.

Following arguments by counsel, COURT ORDERED, motion GRANTED. Mr. Mitchell will be slotted for judgment debtor examination on December 4th; if someone wants to take Mr. Nype's deposition it will not proceed that day.

12-23-19 9:00 AM DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT PURSUANT TO NRCP 12(B)(2) AND 12(B)(5), OR IN THE ALTERNATIVE MOTION FOR SUMMARY JUDGMENT

12-30-19 9:30 AM BENCH TRIAL

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **December 20, 2019**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**December 20, 2019** **8:45 AM** **Telephonic Conference**

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

**COURT CLERK:** Natalie Ortega

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Blut, Elliot S. | Attorney |
| Boschee, Brian W. | Attorney |
| Muije, John W. | Attorney |

## JOURNAL ENTRIES

- Colloquy regarding status of the trial exhibits and preparing the index. Upon Court's inquiry, counsel indicated they did not object to a few more days to allow the index to be prepared correctly. Further colloquy regarding supplementing the electronic exhibits. Court noted it would anticipate receiving the Pre-Trial Memorandum next week.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **December 23, 2019**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**December 23, 2019 9:00 AM Motion to Dismiss**

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

**COURT CLERK:** Dulce Romea

**RECORDER:** Gail Reiger

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Edwards, James L, ESQ | Attorney |
| Johnson, Harold Stanley | Attorney |
| Muije, John W. | Attorney |

## JOURNAL ENTRIES

- Following arguments by Mr. Johnson and Mr. Muije, COURT ORDERED, motion DENIED. Although the motion is late the Court has read it, considered it, and heard counsel's argument; the statute of limitations issues need to be addressed on a transaction by transaction basis as part of the proceedings; while some may be alleged as fraudulent conveyances that the statute has run, they have to be dealt with in the evidentiary portion of the proceedings.

Mr. Muije advised they have pared down their exhibit list. Clerk advised she has contacted I.T. requesting an electronic exhibit validation meeting and that she will contact counsel as soon as she hears from them.

12-30-19 9:30 AM BENCH TRIAL

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **December 30, 2019**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**December 30, 2019 9:30 AM Bench Trial**

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

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Blut, Elliot S. | Attorney |
| Boschee, Brian W. | Attorney |
| Edwards, James L, ESQ | Attorney |
| Johnson, Harold Stanley | Attorney |
| Johnson, Kevin M. | Attorney |
| Liberman, Barnet | Defendant |
| | Intervenor Defendant |
| Mitchell, David J | Defendant |
| | Intervenor Defendant |
| Muije, John W. | Attorney |
| Nype, Russell L | Plaintiff |

## JOURNAL ENTRIES

- DAY 1

APPEARANCES CONTINUED: Winthrop Chamberlin, Client Representative for 305 Las Vegas.

COURT ORDERED, exhibits stipulated to by the parties ADMITTED into evidence. (See worksheet.) Colloquy regarding witnesses. Opening statements. LUNCH RECESS.

Testimony and exhibits presented. (See worksheet.)

COURT ORDERED, trial CONTINUED. EVENING RECESS.

12-31-19 9:15 AM BENCH TRIAL

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **December 31, 2019**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**December 31, 2019 9:15 AM Bench Trial**

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

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Blut, Elliot S. | Attorney |
| Boschee, Brian W. | Attorney |
| Edwards, James L, ESQ | Attorney |
| Johnson, Harold Stanley | Attorney |
| Johnson, Kevin M. | Attorney |
| Liberman, Barnet | Defendant |
| | Intervenor Defendant |
| Mitchell, David J | Defendant |
| | Intervenor Defendant |
| Muije, John W. | Attorney |
| Nype, Russell L | Plaintiff |

## JOURNAL ENTRIES

- DAY 2

APPEARANCES CONTINUED: Winthrop Chamberlin, Client Representative for 305 Las Vegas, LLC.

Testimony and exhibits presented. (See worksheet.)

COURT ORDERED, trial CONTINUED. EVENING RECESS.

1-2-20 9:30 AM BENCH TRIAL

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **January 02, 2020**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**January 02, 2020** **9:30 AM** **Bench Trial**

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

**COURT CLERK:** Natalie Ortega
Nicole McDevitt

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Blut, Elliot S. | Attorney |
| Boschee, Brian W. | Attorney |
| Edwards, James L, ESQ | Attorney |
| Johnson, Harold Stanley | Attorney |
| Muije, John W. | Attorney |

## JOURNAL ENTRIES

- Natalie Ortega, Court Clerk Present

Testimony presented (see worksheet).

Nicole McDevitt, Court Clerk present at 1:15 p.m.

Testimony and exhibits presented (see worksheets). COURT ORDERED, trial CONTINUED.

CONTINUED TO: 1/3/2020 9:00 AM

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **January 03, 2020**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**January 03, 2020** **9:00 AM** **Bench Trial**

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

**COURT CLERK:** Natalie Ortega

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Blut, Elliot S. | Attorney |
| Boschee, Brian W. | Attorney |
| Edwards, James L, ESQ | Attorney |
| Johnson, Harold Stanley | Attorney |
| Muije, John W. | Attorney |

## JOURNAL ENTRIES

- Testimony and exhibits presented (see worksheets). COURT ORDERED, trial CONTINUED.

CONTINUED TO: 1/6/2020 10:30 AM

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **January 06, 2020**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**January 06, 2020** **10:30 AM** **Bench Trial**

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

**COURT CLERK:** Dulce Romea

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Blut, Elliot S. | Attorney |
| Boschee, Brian W. | Attorney |
| Edwards, James L, ESQ | Attorney |
| Johnson, Kevin M. | Attorney |
| Muije, John W. | Attorney |
| Nype, Russell L | Plaintiff |

## JOURNAL ENTRIES

- DAY 5

Testimony and exhibits presented. (See worksheet.) LUNCH RECESS.

Proceeding resumed. Colloquy regarding any new findings of fact and conclusions of law and briefing on closing arguments.

Testimony and exhibits continued. (See worksheet.) At the hour of 2:56 pm, Plaintiff RESTED.

Following arguments by Mr. Boschee and Mr. Muije on Mr. Boschee's motion for a directed verdict, COURT ORDERED, motion GRANTED because 305 LLC's failure to collect rent due from Las Vegas Land Partners does not cause any damage to the Plaintiff.

Following arguments by Mr. Edwards and Mr. Muije on Mr. Edwards' motion for a directed verdict, COURT ORDERED, because of the commonality of the motions, the motion is DENIED.

Following arguments by Mr. Edwards, joinder by Mr. Blut, and Mr. Muije regarding Mr. Edwards' motion regarding attorney's fees, COURT ORDERED, the allegations in the amended complaint do contain sufficient allegations to commit attorney's fees; in addition, they specifically talk about the intent to delay and the continuation of this action from the prior action which is A551073 as part of the claims; for that reason, the attorney's fees are adequately pled for purposes of claims for relief, including civil conspiracy.

Defendants advised they do not have any additional evidence and RESTED at the hour of 3:14 PM.

Court directed the parties to email any new / supplemental findings of fact and conclusions of law by 9 am tomorrow in MS Word format to the Judicial Executive Assistant.

COURT ORDERED, trial CONTINUED. EVENING RECESS.

1-7-20 9:30 AM BENCH TRIAL

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **January 07, 2020**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**January 07, 2020** **9:30 AM** **Bench Trial**

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

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Blut, Elliot S. | Attorney |
| Edwards, James L, ESQ | Attorney |
| Johnson, Harold Stanley | Attorney |
| Johnson, Kevin M. | Attorney |
| Muije, John W. | Attorney |

## JOURNAL ENTRIES

- DAY 6

Closing argument by Mr. Muije. RECESS per counsel's request.

Proceeding resumed. Closing arguments by Mr. Muije and Mr. Harold Stanley Johnson. LUNCH RECESS.

Closing arguments continued with Mr. Johnson, Mr. Blut, and rebuttal by Mr. Muije.

COURT ORDERED, matter will STAND SUBMITTED. Status Check on the Court's Decision SET for Friday, January 10, in chambers.

1-10-20 CHAMBERS STATUS CHECK: COURT'S DECISION

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **January 10, 2020**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**January 10, 2020** **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 one week.

1-17-20 CHAMBERS STATUS CHECK: COURT'S DECISION

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 1-10-20

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **February 10, 2020**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**February 10, 2020** **9:00 AM** **Motion to Strike**

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

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Blut, Elliot S. | Attorney |
| Edwards, James L, ESQ | Attorney |
| Muije, John W. | Attorney |

## JOURNAL ENTRIES

- Following arguments by Mr. Blut and Mr. Muije, COURT ORDERED, the cases do not have an agreement on merely recording a judgment on the property being the beginning of enforcement proceedings. The Court believes recording a judgment is not enforcement proceedings as they require additional affirmative acts. For that reason, the motion is DENIED.

COURT FURTHER ORDERED, Defendant Casino Coolidge LLC's Motion to Alter or Amend Judgment and Findings of Fact and Conclusions of Law Pursuant to NRCP 52 and NRCP 59 as well as the Mitchell Defendants' Motion to Tax Costs and Disbursements both set for February 28 in chambers ADVANCED to Monday, February 24 for oral argument. Any reply briefs are DUE by the afternoon of February 20th.

The Plaintiff's motion for attorney's fees will REMAIN on the March 13 chambers calendar given what has been done historically on this case on attorney's fees.

COURT FURTHER DIRECTED the parties to submit an OST for any other motion related to amendment of the findings of fact and conclusions of law so it can also be set on February 24.

2-24-20 9:00 AM DEFENDANT CASINO COOLIDGE LLC'S MOTION TO ALTER OR AMEND JUDGMENT AND FINDINGS OF FACT AND CONCLUSIONS OF LAW PURSUANT TO NRCP 52 AND NRCP 59...MITCHELL DEFENDANTS' MOTION TO TAX COSTS AND DISBURSEMENTS

3-13-20 CHAMBERS PLAINTIFF'S MOTION FOR AWARD OF ATTORNEY'S FEES

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**NRS Chapters 78-89** **COURT MINUTES** **February 24, 2020**

A-16-740689-B Russell Nype, Plaintiff(s)
vs.
David Mitchell, Defendant(s)

**February 24, 2020** **9:00 AM** **All Pending Motions**

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

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Blut, Elliot S. | Attorney |
| Edwards, James L, ESQ | Attorney |
| Johnson, Harold Stanley | Attorney |
| Muije, John W. | Attorney |

## JOURNAL ENTRIES

- DEFENDANT CASINO COOLIDGE LLC'S MOTION TO ALTER OR AMEND JUDGMENT AND FINDINGS OF FACT AND CONCLUSIONS OF LAW PURSUANT TO NRCP 52 AND NRCP 59: Arguments by Mr. Blut and Mr. Muije. Print-outs of online searches of Casino Coolidge LLC MARKED and PRESENTED as Plaintiff's Proposed Exhibits 1 and 2. (See worksheet.) Following further argument, COURT ORDERED, there is substantial evidence this is a related entity and there is a unity of interests with Mr. Barnet, Mr. Liberman, who are behind all of the related entitles; for that reason, the motion is DENIED.

DEFENDANT'S MOTION TO ALTER OR AMEND JUDGMENT PURSUANT TO NRCP 52 AND NRCP 59 (E)...
...BARNET LIBERMAN AND CASINO COOLIDGE LLC DEFENDANTS JOINDER IN SUPPORT OF MITCHELL DEFENDANTS' MOTION TO ALTER OR AMEND JUDGMENT PURSUANT TO NRCP 52 AND NRCP 59 (E): Following arguments by Mr. Johnson and Mr. Muije, and Mr. Blut's joinder to Mr. Johnson's argument, COURT ORDERED, there is substantial evidence of unlawful activity by the parties which supports the civil conspiracy claim; the fraudulent activities related to the accounting

and financial records which where the heart of the issues on the alter ego and related entity is sufficient to support any award; in this particular case the Court has ensured there is no duplication of damages, and the Court has tried to identify that both the fraudulent conveyance claim and the transfers are included in the $19 million in the judgment; that does not include attorney's fees and litigation expenses, which the Court anticipates it will hear more of given what it has done here, the prior evidentiary hearing on the discovery torts, and that is why the Court added the Brunzell factors.

DEFENDANT'S MITCHELL DEFENDANTS MOTION TO STAY ENFORCEMENT OF THE JUDGMENT ON AN ORDER SHORTENING TIME...
...BARNET LIBERMAN AND CASINO COOLIDGE LLC DEFENDANTS JOINDER IN SUPPORT OF MITCHELL DEFENDANTS MOTION FOR STAY ENFORCEMENT OF THE JUDGMENT ON ORDER SHORTENING TIME: Court noted all parties are out of time and stated it will not impose a stay without a bond. Arguments by Mr. Johnson and Mr. Muije regarding bond amount. Plaintiff's Proposed Exhibit 3 MARKED. COURT ORDERED, Plaintiff's Proposed Exhibits 1, 2, and 3 are ADMITTED since this issue now deals with the bond. COURT ORDERED, because of the additional encumbrances that have occurred on the properties the Court DENIES the request for any additional stay. Bond for stay of execution on appeal SET at $25 million.

MITCHELL DEFENDANTS' MOTION TO TAX COSTS AND DISBURSEMENTS: COURT NOTED it has read the briefing, and ORDERED, Litigation Services request REDUCED to $32,700. The remainder is not related to recoverable costs. Further, and monthly service fee to Legal Wings is RETAXED.

3-13-20 CHAMBERS PLAINTIFF'S MOTION FOR AWARD OF ATTORNEY S FEES

3-20-20 CHAMBERS PLAINTIFFS' MOTION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW AND JUDGMENT TO CORRECT MINOR ERRORS AND INCORPORATE PRE-JUDGMENT INTEREST

CLERK'S NOTE: The status check to reset evidentiary hearing SET on March 16, 2020 at 9 am is VACATED as it was set in error.

# EXHIBIT(S) LIST

Case No.: **A740689**

Dept. No.: **XI**

PLAINTIFF'S: **Russell Nype**

vs.

DEFENDANT'S: **David Mitchell**

Hearing Date: JUN 2 7 2019

Judge: ELIZABETH GOFF GONZALEZ

Court Clerk: MICHAELA TAPIA ; DULCE ROMEA Madalyn Kearney

Recorder: Jill Hawkins

Counsel for Plaintiff: John Muije

Counsel for Defendant: James Edwards
Brian Boschee

## HEARING BEFORE THE COURT

### PLAINTIFF'S EXHIBITS

| Exhibit Number | Exhibit Description | Date Offered | Objection | Date Admitted | |
|---|---|---|---|---|---|
| 1 | Pleading - Judgment Creditor Request | 6/27/19 | NO | 6/27/19 | WA |
| 2 | " " - Sworn Declaration of Mark Rich | ↓ | yes NOW on 7-9-19 | 7-9-19 | WA |
| 3 | " " - Discovery Commissioner's Report | | YES | 6/27/19 | WA |
| 4 | " " - Pltf's Request | | NO | ↓ | WA |
| 5 | " " - Defendant Wink One's Responses | | Stip | | WA |
| 6 | " " - Defendant David Mitchell's Responses | | Stip | | WA |
| 7 | Invoice #09180052 | | NO | | WA |
| 8 | Reisman Sorokac - September 2018 Fees | | NO | | WA |
| 9 | Reisman Sorokac Project Table | | NO | | WA |
| 10 | Correspondence - 1/15/18 | | NO | | WA |
| 11 | Pleading - Defendant's 2nd Supplemental | | NO | ↓ | WA |
| | Disclosures | | | | WA |
| 12 | Record Retention Guide | ↓ | | | WA |
| 13 | New Jersey Recovery Expenses | 6/27/19 | yes | 6/27/19 | WA |
| 14 | "Exhibit 'Rich 3'" | 6/27/19 | yes | 7-9-19 | WA |
| 15 | "Exhibit 'Rich 4'" | ↓ | yes | | WA |
| 16 | MARK RICH INVOICES | ↓ | ↓ | 6/27/19 | WA |

# EXHIBIT(S) LIST

**A740689**

**Russell Nype** **VS.** **David Mitchell**

**PLAINTIFF'S EXHIBITS**

| Exhibit Number | Exhibit Description | Date Offered | Objection | Date Admitted | |
|---|---|---|---|---|---|
| 17 | Summary of Fees + Costs | 6/27/19 | YES | | WA |
| 18 | MITCHELL DEFENDANTS' SUPPLEMENTAL RESPONSES TO PLTF'S FIRST SET OF RFP'S | 7-9-19 | NO | 7-9-19 | WA |
| 19 | SUMMARY REVIEW OF MITCHELL DEFENDANTS' 1st SUPP RESPONSES TO PLTFS' 1st RFP'S | 7-9-19 | NO | 7-9-19 | WA |
| 20 | MITCHELL DEFENDANTS' SECOND SUPPLEMENTAL RESPONSES TO PLTFS' FIRST SET OF RFP'S | 7-9-19 | NO | 7-9-19 | WA |
| 21 | SUMMARY REVIEW OF MITCHELL DEFENDANTS' 2nd SUPP RESPONSES TO PLTFS 1st RFP'S | 7-9-19 | NO | 7-9-19 | WA |
| 22 | MARK RICH email 5/6/19 | 7-9-19 | NO | 7-9-19 | WA |
| 23 | SPREADSHEET | 7-9-19 | OBJ | 7-9-19 | WA |
| 24 | Rich, Wightman + Company invoices | 7-9-19 | yes | 7-9-19 | WA |
| 25 | Rich, Wightman + company fees USA | 7-9-19 | no | 7-9-19 | WA |
| 26 | summary of John Muije fees + costs attributable to mitchell + LVP defts failure to timely/properly... | 7-9-19 | no | 7-9-19 | WA |
| 27 | June invoices - John Muije | 7-9-19 | no | 7-9-19 | WA |
| 28 | July invoices - John Muije | 7-9-19 | no | 7-9-19 | WA |
| 29 | Robert Warns invoices | 7-9-19 | no | 7-9-19 | WA |
| 30 | NOTICE OF BANKRUPTCY FILING | 9-3-19 | NO | 9-3-19 | WA |
| 31 | CALCULATION OF JUDGMENT BALANCE | 9-3-19 | NO | 9-3-19 | WA |
| 32 | TASK ANALYSIS | 9-3-19 | OBJ | | WA |
| 33 | SUMMARY OF DISCOVERY FEES + COSTS | 9-3-19 | OBJ | Used for demonstrative purposes only | WA |
| 34 | MARK RICH FEE SUMMARY UPDATE AND INVOICES | 9-3-19 | NO | 9-3-19 | WA |
| 35-1 | REISMAN SOROKAC JULY 2019 INVOICE | 9-3-19 | OBJ | 9-3-19 | WA |
| 35-2 | REISMAN SOROKAC AUGUST 2019 INVOICE | 9-3-19 | OBJ | 9-3-19 | WA |
| 36 | NEW JERSEY LITIGATION FEE UPDATE | 9-3-19 | OBJ | | WA |
| 37 | SUPPLEMENTAL SUMMARY OF MUIJE FEES AND COSTS AND INVOICES | 9-3-19 | NO | 9-3-19 | WA |
| 38 | MARK RICH DECLARATION AUG. 30, 2019 | 9-3-19 | OBJ | | WA |
| 39 | AUGUST 29, 2019 DEGROOT LETTER TO NEW JERSEY JUDGE | 9-3-19 | NO | 9-3-19 | WA |
| | | | | | |

# EXHIBIT(S) LIST

Case No.: **A740689**

Dept. No.: **XI**

PLAINTIFF'S: **Russell Nype**

vs.

DEFENDANT'S: **David Mitchell**

Hearing Date: JUN 2 7 2019

Judge: ELIZABETH GOFF GONZALEZ

Court Clerk: MICHAELA TAPIA; DULCE ROMEA

Recorder: Jill Hawkins

Counsel for Plaintiff: John Muije

Counsel for Defendant: James Edwards
Brian Boschee

## HEARING BEFORE THE COURT

**DEFENDANT'S EXHIBITS**

| Exhibit Number | Exhibit Description | Date Offered | Objection | Date Admitted |
|---|---|---|---|---|
| A | Pleading - Supplemental Responses | 6/27/19 | NO | 6/27/19 WA |
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# EXHIBIT(S) LIST

Case No.: **A740689**

Dept. No.: **XI**

PLAINTIFF'S: **Russell Nype**

vs.

DEFENDANT'S: **David Mitchell**

Hearing Date: JUN 2 7 2019

Judge: ELIZABETH GOFF GONZALEZ

Court Clerk: MICHAELA TAPIA; DULCE ROMEA

Recorder: Jill Hawkins

Counsel for Plaintiff: John Muije

Counsel for Defendant: James Edwards
Brian Boschee

## HEARING BEFORE THE COURT

**COURT'S EXHIBITS**

| Exhibit Number | Exhibit Description | Date Offered | Objection | Date ~~Admitted~~ marked |
|---|---|---|---|---|
| 1 | UPS Tracking | 6/27/19 | NO | 6/27/19 WA |
| 2 | Pleading - Declaration of David Mitchell | 6/27/19 | NO | 6/27/19 WA |
| 3 | MITCHELL DEFENDANTS' UNFILED EMERGENCY MOTION TO STAY STATE COURT PROCEEDINGS | — | | 9-3-19 WA |
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# EXHIBIT(S) LIST

Case No.: **A740689**

Dept. No.: **XI**

Plaintiff: **Russell Nype**

vs.

Defendant: **David Mitchell**

Hearing Date: JUNE 27, 2019

Judge: **HON. ELIZABETH GONZALEZ**

Court Clerk: **DULCE ROMEA**

Recorder: **JILL HAWKINS**

Counsel for Plaintiff: JOHN MUNE

Counsel for Defendant: JAMES EDWARDS, BRIAN BOSCHEE, H. STANLEY JOHNSON

## HEARING BEFORE THE COURT

### DEMONSTRATIVE EXHIBITS

| Exhibit Number | Exhibit Description | Date Offered | Objection | Date ~~Admitted~~ |
|---|---|---|---|---|
| D-1 | DEFENDANTS' TIMELINE | — | — | marked 7-9-19 US |
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Printed September 3, 2019

**Russell L. Nype; Revenue Plus, LLC**

**v.**

**David J. Mitchell; Barnet Liberman;**

**Las Vegas Land Partners**

**CASE NO: A-16-740689-B**

# EXHIBIT LIST

# EXHIBITS

# 1-60069

# Exhibit List

**CASE NO: A-16-740689-B**

**DEPT NO:** XI

**TRIAL DATE:** December 30. 2019
**JUDGE:** Elizabeth Gonzalez
**CLERK:** Dulce Marie V. Romea
**REPORTER:**
**JURY FEES:**

**Russell L. Nype; Revenue Plus, LLC**
PLAINTIFF

**COUNSEL FOR PLAINTIFF:**

**David J. Mitchell; Barnet Liberman; Las Vegas Land Partners**
DEFENDANT

**COUNSEL FOR DEFENDANT:**

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category |
|---|---|---|---|---|---|---|---|---|
| 1.PDF | Table of Ownership for Messrs. Mitchell's and Liberman's numerous entities underneath the LVLP umbrella | MSJOPP000299 or 305LV20156 | | | 12-30-19 | NO | 12-30-19 | LVLP - CORP |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category |
|---|---|---|---|---|---|---|---|---|
| 2.PDF | Various Consents of Members of Las Vegas Land Partners LLC | MITDEF002323– MITDEF002325, MITDEF003943 – MITDEF003945, MIT004310 - MIT004312, P01558 – P01563, MITDEF000567, MITDEF000630 – MITDEF000636, MITDEF000644 – MITDEF000650, MIT004301 - MIT004304 | | | 12-30-19 | NO | 12-30-19 | LVLP - CORP |
| 3.PDF | Certificate of LVLP Org docs and consents | Mitch0162898 - 162942 | | | | | | LVLP - CORP |
| 4.PDF | Certificate of LVLP Org docs and consents | Mitch0162898 - 162943 | | | | | | LVLP - CORP |
| 5.PDF | LVLP DISREGARDED ENTITIES | SPZ000869 - SPZ000871 | | | | | | LVLP - CORP |
| 6.PDF | Amended and Restated Operating Agreement of Las Vegas Land Partners LLC dated as of 12/15/04 | Mitch0161469 - 161497 | 12/15/2004 | | 12-30-19 | NO | 12-30-19 | LVLP - CORP |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 7.PDF | Email dated December 16, 2016 containing a list of disregarded entities for tax purposes – FILED UNDER SEAL | MSJOPP000306-MSJOPP000307 | 12/16/2016 | | 12-30-19 | NO | 12-30-19 | LVLP - CORP | |
| 8.PDF | Printout from the Nevada Secretary of State website containing entity information for Las Vegas Land Partners, LLC | MSJOPP000295-MSJOPP000297 | 10/7/2019 | | | | | LVLP - CORP | |
| 9.PDF | Printout from the Nevada Secretary of State website containing entity information for Livework, LLC | MSJOPP000301-MSJOPP000303 | 10/7/2019 | | | | | LIVEWORK - CORP | |
| 10.PDF | Certificate of LiveWork Org docs and consents | Mitch0162845 – 162897 | | | | | | LIVEWORK - CORP | |
| 11.PDF | Various Consents of Sole Member of Livework LLC | MITDEF002318–MITDEF002320, LVLP041 – 045 | | | | | | LIVEWORK - CORP | |
| 12.PDF | Term Sheet for Restructure of Forest City/Livework Entities, 5/27/10 | MITDEF003400 – MITDEF003404 | 5/27/2010 | | | | | LIVEWORK - CORP | |
| 13.PDF | Operating Agreement of Livework, LLC dated 4/14/2005 | LVLP005 – 038 | 4/14/2005 | | 12-30-19 | NO | 12-30-19 | LIVEWORK - CORP | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 14.PDF | First Amendment to LLC Agreement of Livework dated 9/2006 | P01604 – P01608 | 9/1/2006 | | 12-30-19 | NO | 12-30-19 | LIVEWORK - CORP | |
| 15.PDF | Corporate Documents - Casino Partners – **FILED UNDER SEAL** | MSJOPP000345-MSJOPP000354 FATCOSUB_00004875 – FATCOSUB_00004884 | 4/30/2007 | | | | | CHARLESTON CASINO PARTNERS | |
| 16.PDF | Printout from the Nevada Secretary of State website containing entity information for Charleston Casino Partners, LLC | MSJOPP000340-MSJOPP000342 | 10/7/2019 | | | | | CHARLESTON CASINO PARTNERS | |
| 17.PDF | 305 Las Vegas, LLC – Entity Details | 305LV00012 - 00014 | | | | | | 305 LAS VEGAS LLC | |
| 18.PDF | Certificate of Adoption of Revised Limited Partnership Act of 305 Second Avenue Associates | 305LV03202 – 305LV03205 | | | | | | 306 LAS VEGAS LLC | |
| 19.PDF | 305 Avenue Associates L.P. – NYS Department of State – Entity Details | 305LV03199 – 03200 | | | | | | 307 LAS VEGAS LLC | |
| 20.PDF | Certificate of Formation – 305 Las Vegas, LLC | 305LV03357 – 305LV03358 | | | 12-30-19 | NO | 12-30-19 | 308 LAS VEGAS LLC | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 21.PDF | Operating Agreement for 305 Las Vegas, LLC | 305LV03362 – 305LV03384 | | | 12-30-19 | NO | 12-30-19 | 309 LAS VEGAS LLC | |
| 22.PDF | 305 Las Vegas LLC – Delaware Department of State – Division of Corporations – Entity Details | 305LV03201 | | | | | | 310 LAS VEGAS LLC | |
| 23.PDF | List managers or managing members of 305 Las Vegas LLC | MSJOPP000375 305LV03361 | 3/3/2016 | | | | | 311 LAS VEGAS LLC | |
| 24.PDF | List of Managers filed 03/07/16 – 305 Las Vegas, LLC | 305LV03361 | 3/7/2016 | | | | | 312 LAS VEGAS LLC | |
| 25.PDF | Printout from the Nevada Secretary of State website containing entity information for 305 Las Vegas, LLC | MSJOPP000371-MSJOPP000373 | 10/7/2019 | | 12-30-19 | NO | 12-30-19 | 313 LAS VEGAS LLC | |
| 26.PDF | 2017 and 2015 Forms 1040 Schedule E - CONFIDENTIAL | CC000001-2 | | | | | | CASINO COOLIDGE | |
| 27.PDF | Meadows Bank Statements, 2015-2019 - CONFIDENTIAL | CC000003-109 | | | 12-30-19 | NO | 12-30-19 | CASINO COOLIDGE | |
| 28.PDF | INTENTIONALLY OMITTED | CC000110 | | | 12-30-19 | NO | 12-30-19 | CASINO COOLIDGE | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 29.PDF | Casino Coolidge Profit & Loss 2017 - CONFIDENTIAL | CC000111 | | | 12-30-19 | NO | 12-30-19 | CASINO COOLIDGE | PB |
| 30.PDF | Articles of Organization | CC000112-116 | | | 12-30-19 | NO | 12-30-19 | CASINO COOLIDGE | PB |
| 31.PDF | Emails | CC00117-119 | | | | | | CASINO COOLIDGE | PB |
| 32.PDF | Operating Agreement - CONFIDENTIAL | CC000120-149 | | | 12-30-19 | NO | 12-30-19 | CASINO COOLIDGE | PB |
| 33.PDF | Chicago Title Ins. Co. Settlement Statement - CONFIDENTIAL | CC000150 | | | 1-6-20 | NO | 1-6-20 | CASINO COOLIDGE | PB |
| 34.PDF | Certificate of LiveWork Manager Org Docs and Consents | Mitch0162791 – 162844 | | | 12-30-19 | NO | 12-30-19 | LIVEWORK MANAGER | PB |
| 35.PDF | Various Consents of Sole Member of Livework Manager | MITDEF002321– MITDEF002322 MIT004308 - MIT004309 | | | | | | LIVEWORK MANAGER | PB |
| 36.PDF | Amended and Restated LLC Agreement of Livework Manager dated 9/27/2006 | P01624 – P01659 | 9/27/2006 | | 12-30-19 | NO | 12-30-19 | LIVEWORK MANAGER | PB |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 37.PDF | First Amendment to Amended and Restated LLC Agreement of Livework Manager dated 6/25/2007 | P01618 – P01623 | 6/25/2007 | | 12-30-19 | NO | 12-30-19 | LIVEWORK MANAGER | |
| 38.PDF | DE Corporate docs for Wink One | MITDEF003331 – MITDEF003333 | | | | | | WINK ONE | |
| 39.PDF | First Amendment to Tenancy in Common Agreement, ____, 2010, among FC RTC 39, FC RTC 20, and Wink One | MITDEF003495 – MITDEF003498 | 2010 | | | | | WINK ONE | |
| 40.PDF | Written Consent of the Directors of Wink One | P01709 – P01714 | | | | | | WINK ONE | |
| 41.PDF | Consent and Direction of Holders related to the CTL Trust/RTC Lease | MITDEF003327 – MITDEF003330 | | | | | | WINK ONE | |
| 42.PDF | Operating Agreement of Wink One, 4/3/08 | Mitch0163162 - 163200 | 4/3/2008 | | | | | WINK ONE | |
| 43.PDF | Operating Agreement of L/W TIC Successor LLC, 8/18/10, entered into by LiveWork as the Sole Member | Mitch0163865 – 163876 | 8/18/2010 | | | | | L/W TIC SUCCESSOR LLC | |
| 44.PDF | Operating Agreement of Meyer Property LLC, 4/15/05 | Mitch0163981 – 163985 | 4/15/2005 | | 12-30-19 | NO | 12-30-19 | MEYER PROPERTY | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 45.PDF | Various Consents of the Members and Managers of Leah Property | MITDEF001404; MITDEF001408 – MITDEF001409; MITDEF003559-60; MITDEF003562 – MITDEF003564; MITDEF003569; MITDEF003600; MITDEF003697; MITDEF003940 – MITDEF003942; MIT000745; MIT002184 | 12/22/2014 | | 12-30-19 | NO | 12-30-19 | LEAH PROPERTY | PBS |
| 46.PDF | Amended and Restated Operating Agreement of PQ Las Vegas, LLC dated February 28, 2011 (signed) P011269 - P011322 | P011269 - P011322 | 2/28/2011 | | | | | PQ LAS VEGAS | PBS |
| 47.PDF | First Amendment to Operating Agreement of PQ Las Vegas, LLC, 4/28/10, between FC Vegas 39, FC Vegas 20, and Livework | MITDEF003414 – MITDEF003415 | 4/28/2010 | | 12-30-19 | NO | 12-30-19 | PQ LAS VEGAS | PBS |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 48.PDF | Amended and Restated Operating Agreement of FC/LW Vegas, LLC | MITDEF001829 – MITDEF001892 | | | 12-30-19 | NO | 12-30-19 | FC/LW VEGAS, LLC | |
| 49.PDF | Written Consent of Members - FC/LW LLC | MIT004319 - MIT004320 | | | | | | FC/LW VEGAS, LLC | |
| 50.PDF | Agreement and Plan of Merger between FC/LW Vegas, LLC and L/W TIC Successor LLC dated February 25, 2011 (signed) P011195 - P011268 | P011195 - P011268 | 2/25/2011 | | | | | FC/LW VEGAS, LLC | |
| 51.PDF | Assignment and Assumption of Tenancy-In-Common Interests between FC Vegas 20, LLC and FC/LW Vegas, LLC dated February 25, 2011 (signed) P011328 - P011336 | P011328 - P011336 | 2/25/2011 | | | | | FC/LW VEGAS, LLC | |
| 52.PDF | Amended and Restated Operating Agreement of FC/LW Vegas, LLC dated February 28, 2011 (signed) P011124 - P011194 | P011124 - P011194 | 2/28/2011 | | 12-30-19 | NO | 12-30-19 | FC/LW VEGAS, LLC | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 53.PDF | Assignment and Assumption of Membership Interest and Termination of Operating Agreement between FC Vegas 20, LLC/Livework, LLC and FC/LW Vegas, LLC dated February 28, 2011 (signed) P011323 - P011327 | P011323 - P011327 | 2/28/2011 | | 12-30-19 | NO | 12-30-19 | FC/LW VEGAS, LLC | |
| 54.PDF | Written Consent of Members - QH Las Vegas, LLC | MIT004321 - MIT004322 | | | | | | QH LAS VEGAS | |
| 55.PDF | Amended and Restated Operating OF WHAT ENTITY | FCSUB0001385 | | | | | | ?????? | |
| 10001.PDF | Tax Return - 2005 Tax Return for LVLP | P010885-P010916 | 2005 | | | | | **Tax Returns - LVLP** | |
| 10002.PDF | Tax Return - 2007 Tax Return for LVLP | P010949-P010966 | 2007 | | | | | Tax Returns - LVLP | |
| 10003.PDF | Tax return - 2008 Tax Return for LVLP | P010967-P010981 | 2008 | | | | | Tax Returns - LVLP | |
| 10004.PDF | Tax Return - 2009 Tax Return for LVLP | P010982-P010998 | 2009 | | 12-30-19 | NO | 12-30-19 | Tax Returns - LVLP | |
| 10005.PDF | Tax Return - 2010 Form 1065 US Return of Partnership Income for LVLP Holdings LLC | MITCH001381 – MITCH001392 | 2010 | | 12-30-19 | NO | 12-30-19 | Tax Returns - LVLP | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 10006.PDF | Tax Return - 2011 Form 1065 US Return of Partnership Income for LVLP Holdings, LLC | MITCH00398 – MITCH00420 | 2011 | | 12-30-19 | NO | 12-30-19 | Tax Returns - LVLP | |
| 10007.PDF | Tax Return - 2012 Form 1065 US Return of Partnership Income for LVLP Holdings LLC | MITCH001395 – MITCH001404 | 2012 | | | | | Tax Returns - LVLP | |
| 10008.PDF | Tax Return - 2013 Form 1065 US Return of Partnership Income for LVLP Holdings LLC | MITCH00526 – MITCH00549 | 2013 | | | | | Tax Returns - LVLP | |
| 10009.PDF | Tax Return - LVLP - 2014 | SPZ000441 - SPZ000460 | 2014 | | | | | Tax Returns - LVLP | |
| 10010.PDF | Tax Return - 2015 U.S. and NY Tax Returns for LVLP (35 pages) | MIT002368-MIT002403 | 2015 | | | | | Tax Returns - LVLP | |
| 10011.PDF | Tax Return - LVLP 2015 | SPZ000536 - SPZ000556 | 2015 | | | | | Tax Returns - LVLP | |
| 10012.PDF | Tax Return - LVLP 2016 TR | SPZ000645 - SPZ000663 | 2016 | | | | | Tax Returns - LVLP | |
| 10013.PDF | Tax Return and related Schedules LVLP Holdings, LLC for 2016 | LVLP000075 – LVLP000108 | 2016 | | 12-30-19 | NO | 12-30-19 | Tax Returns - LVLP | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 10014.PDF | 2016 Schedule K-1 (Form 1065) for LVLP Holdings, LLC | MITCH001273 – MITCH001274 | 2016 | | 12-30-19 | NO | 12-30-19 | Tax Returns - LVLP | |
| 10015.PDF | Tax Return - 2017 Form 1065 US Return of Partnership Income for LVLP Holdings LLC | MITCH00826 – MITCH00837 | 2017 | | 12-30-19 | NO | 12-30-19 | Tax Returns - LVLP | |
| 10016.PDF | Tax Returns - PQ Las Vegas, LLC 2009 – 2017 | FCSUB0001705 | 2009 - 2017 | | 12-30-19 | NO | 12-30-19 | PQ | |
| 10017.PDF | Tax Return - 2011 Form 1065 US Return of Partnership Income for PQ Las Vegas, LLC | FCSUB0001882 | 2011 | | | | | PQ | |
| 10018.PDF | Tax Return - PQ Las Vegas LLC 2012 1065 fye 01.31.13 SPZ000246-SPZ000263 | MITCH001497 – MITCH001511 | 2012 | | | | | PQ | |
| 10019.PDF | K-1s -2014 **FC_LW PQ Las Vegas and QH Las Vegas LLC** | SPZ000246 - SPZ000263 | 2014 | | | | | PQ | |
| 10020.PDF | Tax Return - PQ Las Vegas LLC 2014 1065 | SPZ000468 - SPZ000473 | 2014 | | | | | PQ | |
| 10021.PDF | Tax Return - 2015 Schedule K-1 for PQ Las Vegas, LLC | SPZ000707 - SPZ000724 | 2015 | | | | | PQ | |
| 10022.PDF | Tax Return - 2015 Tax Return for PQ Las Vegas, LLC (24 pages) | MITCH00744 – MITCH00748 | 2015 | | 12-30-19 | NO | 12-30-19 | PQ | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 10023.PDF | Tax Return Excerpt- PQ Las Vegas 2015 1065 | MIT002322-MIT002345 | 2015 | | 12-30-19 | no | 12-30-19 | PQ | |
| 10024.PDF | Tax Return - PQ Las Vegas LLC 2016_US_1065 | SPZ000820 | 2016 | | | | | PQ | |
| 10025.PDF | Tax Return - 2017 Form 1065 US Return of Partnership for PQ Las Vegas, LLC | SPZ000821 - SPZ000842 | 2017 | | | | | PQ | |
| 10026.PDF | Tax Returns - PQ Ground Lessee, LLC Sept. 22, 2009 2011/short year | FCSUB0001659 FCSUB0001704 | 2009 - 2011 | | | | | PQ Ground Lessee | |
| 10027.PDF | Tax Returns - QH Las Vegas, LLC 2009 - 2013 | FCSUB0001883 FCSUB0001979 | 2009 - 2013 | | | | | QH | |
| 10028.PDF | Tax Returns - QH Las Vegas, LLC 2014 - 2017 | FCSUB0001980 FCSUB0002058 | 2014 - 2017 | | | | | QH | |
| 10029.PDF | Tax Return - QH Las Vegas LLC 2014 1065 | SPZ000725 - SPZ000742 | 2014 | | | | | QH | |
| 10030.PDF | Tax Return - QH Las Vegas LLC 2015 1065 | SPZ000775 - SPZ000796 | 2015 | | | | | QH | |
| 10031.PDF | Tax Returns - FC/LW Vegas, LLC Feb. 28, 2011 - Feb. 2017 | FCSUB0001487 FCSUB0001658 | 2011 - 2017 | | | | | FC/LW | |
| 10032.PDF | Tax Return - FC_LW Vegas LLC 2012 1065 fye 01.31.13 | SPZ0000107 - SPZ000130 | 2012 | | 12-30-19 | no | 12-30-19 | FC/LW | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 10033.PDF | Tax Return - FC_LW Vegas LLC 2013 1065 | SPZ000131 - SPZ000153 | 2013 | | 12-30-19 | NO | 12-30-19 | FC/LW | |
| 10034.PDF | Tax Return - FC_LW Vegas LLC 2014 1065 | SPZ000687 - SPZ000706 | 2014 | | | | | FC/LW | |
| 10035.PDF | Tax Return - FC-LW Vegas LLC 2015 1065 | SPZ000743 - SPZ000774 | 2015 | | | | | FC/LW | |
| 10036.PDF | Tax Return - 305 Second Avenue Associates LP 2007 Federal | 305LV03385 – 305LV03388 | 2007 | | | | | 305 | |
| 10037.PDF | Tax Return - 305 Second Avenue Associates LP 2008 Federal | 305LV03389 – 305LV03392 | 2008 | | | | | 305 | |
| 10038.PDF | Tax Return - 305 Second Avenue Associates LP 2009 | 305LV03393 – 305LV03492 | 2009 | | | | | 305 | |
| 10039.PDF | Tax Return - 305 Second Avenue Associates LP 2010 | 305LV03493 – 305LV03542 | 2010 | | | | | 305 | |
| 10040.PDF | Tax Return - 305 Second Avenue Associates LP 2011 | 305LV03543 – 305LV03999 | 2011 | | | | | 305 | |
| 10041.PDF | Tax Return - 305 Second Avenue Associates LP 2012 | 305LV04000 – 305LV04509 | 2012 | | | | | 305 | |
| 10042.PDF | Tax Return - 305 Second Avenue Associates LP 2013 | 305LV04510 – 305LV04533 | 2013 | | | | | 305 | |
| 10043.PDF | Tax Return - 305 Second Avenue Associates LP 2014 | 305LV00551 – 01120 | 2014 | | | | | 305 | |
| 10044.PDF | Tax Return - 305 Second Avenue Associates LP 2015 | 305LV01121 – 01611 | 2015 | | 12-30-19 | NO | 12-30-19 | 305 | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 10045.PDF | Tax Return - 305 Second Avenue Associates LP 2016 | 305LV01612 – 02354 | 2016 | | 12-30-19 | no | 12-30-19 | 305 | |
| 10046.PDF | Tax Return - 305 Second Avenue Associates LP 2017 | 305LV02355 – 03198 | 2017 | | | | | 305 | |
| 10047.PDF | Tax Return - David J. Mitchell Tax Return 2012 | LVLPRPD00174-LVLPRPD00217 | 2012 | | | | | Mitchell | |
| 10048.PDF | Tax Return - David J. Mitchell Tax Return 2013 | LVLPRPD00218-LVLPRPD00265 | 2013 | | | | | Mitchell | |
| 10049.PDF | Tax Return - David J. Mitchell Tax Return 2014 | LVLPRPD00266-LVLPRPD00316 | 2014 | | | | | Mitchell | |
| 10050.PDF | Tax Return - David J. Mitchell 2015 Tax Return | LVLPRPD00322-LVLPRPD00381 | 2015 | | | | | Mitchell | |
| 10051.PDF | Depreciation Schedules - 2016 Federal | LVLPRPD00382-LVLPRPD00388 | 2016 | | | | | Mitchell | |
| 10052.PDF | Tax Return - David J. Mitchell tax Return 2016 | LVLPRPD00389-LVLPRPD00445 | 2016 | | | | | Mitchell | |
| 20001.PDF | Signature Bank Statement for Las Vegas Land Partners account ending in 0489 | MITDEF003068 – MITDEF003071 | | | 12-30-19 | no | 12-30-19 | **Bank Statements - LVLP Signature Account ending 0489** | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category |
|---|---|---|---|---|---|---|---|---|
| 20002.PDF | Signature Bank Statements July 2006 through March 2014 | MIT000001-391 | 07/01/2006 – 03/30/2014 | | 12-30-19 | NO | 12-30-19 | Bank Statements - LVLP Signature Account ending 0490 |
| 20003.PDF | Signature Bank Statements for LVLP Acct # 1500570489, Jan 2007 – July 2007 | MITDEF000808 – MITDEF000821 | 01/01/2007 07/01/2007 | | | | | Bank Statements - LVLP Signature Account ending 0491 |
| 20004.PDF | Signature Bank Statements for LVLP Acct # 1500570489, Aug 2007 – Dec 2007 | MITDEF000823 – MITDEF000831 | 08/01/2007 12/31/2007 | | | | | Bank Statements - LVLP Signature Account ending 0492 |
| 20005.PDF | Signature Bank Statements for LVLP Acct # 1500570489, Jan 2008 – Dec 2008 | MITDEF000783 – MITDEF000806 | 01/01/2008 12/31/2008 | | 12-30-19 | NO | 12-30-19 | Bank Statements - LVLP Signature Account ending 0493 |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 20006.PDF | Signature Bank Statements for LVLP Acct # 1500570489, Jan 2009 – Jun 2009 | MITDEF000743 – MITDEF000761 | 01/01/2009 – 06/30/2009 | | 12-30-19 | no | 12-30-19 | Bank Statements - LVLP Signature Account ending 0494 | |
| 20007.PDF | Signature Bank Statements for LVLP Acct # 1500570489, Jun 2009 – Jul 2009 | MITDEF000832 – MITDEF000838 | 06/01/2009 – 07/31/2009 | | 12-30-19 | no | 12-30-19 | Bank Statements - LVLP Signature Account ending 0495 | |
| 20008.PDF | Signature Bank Statement for LVLP Acct # 1500570489, Oct 2009 | MITDEF000762 – MITDEF000764 | 10/1/2009 | | 12-30-19 | no | 12-30-19 | Bank Statements - LVLP Signature Account ending 0496 | |
| 20009.PDF | Signature Bank Statements for LVLP Acct # 1500570489, Oct 2009 – Nov 2009 | MITDEF000767 – MITDEF000771 | 10/01/2009 11/31/2009 | | 12-30-19 | no | 12-30-19 | Bank Statements - LVLP Signature Account ending 0497 | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 20010.PDF | Signature Bank Statements for LVLP Acct # 1500570489, Nov 2009 – Dec 2009 | MITDEF000774 – MITDEF000778 | 11/01/2009 12/31/2009 | | 12-30-19 | NO | 12-30-19 | Bank Statements - LVLP Signature Account ending 0498 | |
| 20011.PDF | Signature Bank Statement for LVLP Acct # 1500570489, Dec 2009 | MITDEF000781 – MITDEF000782 | 12/1/2009 | | | | | Bank Statements - LVLP Signature Account ending 0499 | |
| 20012.PDF | Signature Bank Statements for LVLP Acct # 1500570489, 2011 – 2013 | MITDEF001057 – MITDEF001097 | 01/01/2011 - 2013 | | | | | Bank Statements - LVLP Signature Account ending 0500 | |
| 20013.PDF | Signature Bank Statements for LVLP Acct # 1500570489, Aug 2012 | MITDEF001043 | 8/1/2012 | | 12-30-19 | NO | 12-30-19 | Bank Statements - LVLP Signature Account ending 0501 | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 20014.PDF | Signature Bank Statements for LVLP Acct # 1500570489, 2011 – 2014 | MITDEF001101 – MITDEF001212 | 01/01/2011 - 2014 | | 12-30-19 | NO | 12-30-19 | Bank Statements - LVLP Signature Account ending 0502 | |
| 20015.PDF | Signature Bank Statements for Las Vegas Land Partners, LLC for January 2013 through January 2014 | MITCH001280 – MITCH001319 | 1/1/2013 | | | | | Bank Statements - LVLP Signature Account ending 0503 | |
| 20016.PDF | Signature Bank Statements for LVLP Acct # 1500570489, 2014 | MITDEF001215 – MITDEF001220 | 1/1/2014 | | | | | Bank Statements - LVLP Signature Account ending 0504 | |
| 20017.PDF | Signature Bank Statements for LVLP Acct # 1500570489, 2014 | MITDEF001223 – MITDEF001227 | 1/1/2014 | | 12-30-19 | NO | 12-30-19 | Bank Statements - LVLP Signature Account ending 0505 | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 20018.PDF | Signature Bank Statements for LVLP Acct # 1500570489, 2014 | MITDEF001229 – MITDEF001237 | 1/1/2014 | | 12-30-19 | NO | 12-30-19 | Bank Statements - LVLP Signature Account ending 0506 | |
| 20019.PDF | Signature Bank Statements for LVLP Acct # 1500570489, 2014 | MITDEF001338 – MITDEF001339 | 1/1/2014 | | | | | Bank Statements - LVLP Signature Account ending 0507 | |
| 20020.PDF | Signature Bank Statements for LVLP Acct # 1500570489, 2014 - 2015 | MITDEF001243 – MITDEF001307 | 01/01/2014 - 2015 | | | | | Bank Statements - LVLP Signature Account ending 0508 | |
| 20021.PDF | Signature Bank Statements for LVLP April 2014-November 2014 | MIT0002468-MIT0002491 | 04/01/2014 – 11/31/2014 | | 12-30-19 | NO | 12-30-19 | Bank Statements - LVLP Signature Account ending 0509 | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 20022.PDF | Signature Bank Activity – Deposit Accounts for LVLP Acct ending 0489 showing transactions from Oct-Nov 2014 | MITDEF001221 – MITDEF001222 | 10/1/2014 | | 12-30-19 | NO | 12-30-19 | Bank Statements - LVLP Signature Account ending 0510 | |
| 20023.PDF | Signature Bank Statements for LVLP Acct # 1500570489, 2015 | MITDEF001309 – MITDEF001328 | 1/1/2015 | | | | | Bank Statements - LVLP Signature Account ending 0511 | |
| 20024.PDF | 2015/2016 Signature Bank Statements for LVLP (33 pages ) | MIT002119-MIT002151 | 01/01/2015 to 2016 | | | | | Bank Statements - LVLP Signature Account ending 0512 | |
| 20025.PDF | Signature Bank Statements for LVLP Acct # 1500570489, 2016 | MITDEF001332 – MITDEF001334 | 1/1/2016 | | 12-30-19 | NO | 12-30-19 | Bank Statements - LVLP Signature Account ending 0513 | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 20026.PDF | Signature Activity Deposit Accounts for LVLP Acct ending 0489 for April and part of May, 2015 | MITDEF001308 | 4/1/2015 | | 12-30-19 | no | 12-30-19 | Bank Statements - LVLP Signature Account ending 0514 | |
| 20027.PDF | Signature Bank Account Statement January 2016 | SPZ000683-686 | 1/1/2016 | | | | | Bank Statements - LVLP Signature Account ending 0515 | |
| 20028.PDF | Signature Bank account statements, Jan-Feb, 2016 - Las Vegas Land Partners | LVLP000109 – LVLP000112 | 01/01/2016 – 02/28/2015 | | | | | Bank Statements - LVLP Signature Account ending 0516 | |
| 20029.PDF | Signature Bank Statement for LVLP Acct # 1500889957 | MITDEF000765 – MITDEF000766 | | | | | | LVLP Signature Bank ending 9957 | |
| 20030.PDF | Signature Bank Statement for LVLP Acct # 1500889957, Jul 2009 | MITDEF000839 – MITDEF000840 | 7/1/2009 | | 12-30-19 | no | 12-30-19 | LVLP Signature Bank ending 9957 | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 20031.PDF | Signature Bank Statement for LVLP Acct # 1500889957, Nov 2009 | MITDEF000772 – MITDEF000773 | 11/1/2009 | | 12-30-19 | no | 12-30-19 | LVLP Signature Bank ending 9957 | |
| 20032.PDF | Signature Bank Statement for LVLP Acct # 1500889957, Dec 2009 | MITDEF000779 – MITDEF000780 | 12/1/2009 | | | | | LVLP Signature Bank ending 9957 | |
| 20033.PDF | Signature Bank Statements for LVLP Acct # 1500889957 and 1500570489, 2009 and 2010 | MITDEF000864 – MITDEF000882 | 2009 – 2010 | | | | | LVLP Signature Bank statements for both 0489 and 9957 | |
| 20034.PDF | Signature Bank Statements for LVLP Acct # 1500889957 and 1500570489, 2010 | MITDEF000933 – MITDEF000964 | 2010 | | | | | LVLP Signature Bank statements for both 0489 and 9957 | |
| 20035.PDF | Signature Bank Statements for LVLP Acct # 1500889957 and 1500570489, 2010 – 2011 | MITDEF000968 – MITDEF001024 | 2010-2011 | | 12-30-19 | no | 12-30-19 | LVLP Signature Bank statements for both 0489 and 9957 | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 20036.PDF | Signature Bank Statement for LVLP Acct # 1500570489 and 1500889957, 2010, 2011 | MITDEF001340 – MITDEF001361 | 2010 - 2011 | | 12-30-19 | no | 12-30-19 | LVLP Signature Bank statements for both 0489 and 9957 | |
| 20037.PDF | Signature Bank Statements for LVLP Acct # 1500889957 and 1500570489, Apr 2009 – May 2009 | MITDEF000856 – MITDEF000863 | 4/1/2009 | | | | | LVLP Signature Bank statements for both 0489 and 9957 | |
| 20038.PDF | Signature Bank Statements for LVLP Acct # 1500570489 and 1500889957, Aug 2009 – Sep 2009 | MITDEF000841 – MITDEF000855 | 8/1/2009 | | | | | LVLP Signature Bank statements for both 0489 and 9957 | |
| 20039.PDF | Signature Bank Statement for Mitchell/Liberman Acct # 1500570071, Jan 2007 | MITDEF000807 | 1/1/2007 | | 12-30-19 | no | 12-30-19 | LVLP (Mitchell/Liberman) Signature Bank ending 0071 | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 20040.PDF | Signature Bank Statement for Account 1500570071, Aug 2013 – Dec 2013 | MITDEF000437 – MITDEF000445 | 08/01/2013 12/01/2013 | | 12-30-19 | no | 12-30-19 | LVLP (Mitchell/Liberman) Signature Bank ending 0071 | |
| 20041.PDF | Signature Bank Statement for Account # 1500570071, Jan 2014 | MITDEF000464 – MITDEF000465 | 1/1/2014 | | | | | LVLP (Mitchell/Liberman) Signature Bank ending 0071 | |
| 20042.PDF | Signature Bank Statement for Account # 1500570071, Feb 2014 | MITDEF000468 – MITDEF000469 | 2/1/2014 | | | | | LVLP (Mitchell/Liberman) Signature Bank ending 0071 | |
| 20043.PDF | Signature Bank Statement for Account # 1500570071, Mar 2014 | MITDEF000466 – MITDEF000467 | 3/1/2014 | | 12-30-19 | no | 12-30-19 | LVLP (Mitchell/Liberman) Signature Bank ending 0071 | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 20044.PDF | First Republic Bank Account Statement for Las Vegas Land Partners LLC, January 2017 – March 2017 | MITCH00942 – MITCH00947 | 01/01/2017 – 03/30/2017 | | 12-30-19 | no | 12-30-19 | LVLP First Republic Account | |
| 20045.PDF | Signature Bank – 2013 Loan statements | SPZ000177-190 | 1/1/2007 | | | | | Signature Bank Loan Statements | |
| 20046.PDF | VNB New York Loan Statements: 2013 | SPZ 154-176 | | | | | | VNB Loan Statements | |
| 20047.PDF | HSBC acct 3391 – 305 LV | 305LV 5997-6000 | | | 12-30-19 | no | 12-30-19 | 305 LV HSBC ending 3391 | |
| 20048.PDF | Signature Statement to Liberman & Mitchell for Account No. 92041130006001 | MITDEF000457 | | | | | | Liberman and Mitchell Joint Account ending 6001 | |
| 20049.PDF | Signature Statement to Liberman & Mitchell for Account No. 92041130006001 | MITDEF000459 | | | | | | Liberman and Mitchell Joint Account ending 6001 | |
| 20050.PDF | Signature Bank Statement for Acct 1500176098, Jan 1-31, 2010 | MITDEF000420 - MITDEF000422 | 1/1/2010 | | | | | Signature Account ending 6098 | |
| 20051.PDF | Signature Bank Statement for Acct 1500176098, Apr 1-30, 2010 | MITDEF000424 - MITDEF000426 | 4/1/2010 | | | | | Signature Account ending 6098 | |

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| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 20052.PDF | Acct Statements from First Republic Bank for Mitchell, ATM Rebate Checking, August 2014 – December 2014 and June 2015 – November 2015 | MITDEF000011 – MITDEF000021 | 2014 - 2015 | | 12-30-19 | NO | 12-30-19 | Miscellaneous | |
| 20053.PDF | Heartland Bank Remittance Copy (invoice) for payment on Mitchell Loan 250003719 | SPZ000296 | 10/3/2014 | | 12-30-19 | NO | 12-30-19 | Miscellaneous | |
| 20054.PDF | Heartland Bank Annual Loan Statement for 2014 - Payoff | SPZ000301 | 2014 | | | | | Miscellaneous | |
| 30001.PDF | General Ledger - Excerpt of LVLP's General Ledger as of December 31, 2007 – **FILED UNDER SEAL** | MSJOPP000446 | 12/31/2007 | | 12-30-19 | NO | 12-30-19 | **Financials - LVLP** | |
| 30002.PDF | Excel Ledger (1/13/11 – 4/27/15) | SPZ000974 | 1/13/2011 | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |
| 30003.PDF | Mitchell and Liberman partner activity ledgers 2011-2014 | MIT 734-744 | 2011 | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |
| 30004.PDF | General Ledger Report (timeframe?) | MIT 3581-3587 | | | | | | Financials - LVLP | |
| 30005.PDF | General Ledger as of December 31, 2011 - Las Vegas Land Partners | MIT 3588-3689 | 12/31/2011 | | | | | Financials - LVLP | |

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| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 30006.PDF | General Ledger as of December 31, 2012 - Las Vegas Land Partners | MITCH001351 – MITCH001358 | 12/31/2012 | | | | | Financials - LVLP | |
| 30007.PDF | General Ledger as of December 31, 2013 - Las Vegas Land Partners | MITCH001359 – MITCH001363 | 12/31/2013 | | | | | Financials - LVLP | |
| 30008.PDF | General Ledger as of December 31, 2014 - Las Vegas Land Partners | MITCH001364 – MITCH001369 | 12/31/2014 | | | | | Financials - LVLP | |
| 30009.PDF | General Ledger as of December 31, 2016 - Las Vegas Land Partners | MITCH001370 – MITCH001378 | 12/31/2016 | | | | | Financials - LVLP | |
| 30010.PDF | General Ledger as of December 31, 2015 - Las Vegas Land Partners | MITCH001379 – MITCH001380 | 12/31/2015 | | | | | Financials - LVLP | |
| 30011.PDF | General Ledger as of December 31, 2010 - Las Vegas Land Partners | MITDEF000048 – MITDEF000051 | 12/31/2010 | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | BK |
| 30012.PDF | General Ledger as of December 31, 2009 - Las Vegas Land Partners | MITDEF000121 – MITDEF000135 | 12/31/2009 | | | | | Financials - LVLP | BK |
| 30013.PDF | General Ledger as of December 31, 2008 - Las Vegas Land Partners | MITDEF000136 – MITDEF000151 | 12/31/2008 | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | BK |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 30014.PDF | General Ledger as of December 31, 2007 - Las Vegas Land Partners | MITDEF000152 – MITDEF000171 | 12/31/2007 | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |
| 30015.PDF | General Ledger for LVLP, Balance Sheet and P&L 2011 - 2014 (12/31/14) (redacted) | MITDEF000172 – MITDEF000196 | 2011 - 2014 | | | | | Financials - LVLP | |
| 30016.PDF | Excel Ledger for LVLP (1/13/11 – 4/27/15) | MIT000697-MIT000733 | 01/13/2011 – 04/27/2015 | | | | | Financials - LVLP | |
| 30017.PDF | General Ledger for LVLP - 2016 (3 pages) | MIT000734-MIT000744 | 2016 | | | | | Financials - LVLP | |
| 30018.PDF | General Ledger Report - Las Vegas Land Partne | MIT002116-MIT002118 | | | | | | Financials - LVLP | |
| 30019.PDF | General Ledger entries Las Vegas Land Partners, 2016 | MIT003588 – MIT003689 | 2006 | | | | | Financials - LVLP | |
| 30020.PDF | General Ledger – LVLP - 2013 SPZ000227-SPZ000244 | SPZ000227 - SPZ000244 | 2013 | | | | | Financials - LVLP | |
| 30021.PDF | General Ledger – LVLP - 2014 | SPZ000411 - SPZ000431 | 2014 | | | | | Financials - LVLP | |
| 30022.PDF | General Ledger - 2015- LVLP | SPZ000506 - SPZ000522 | 2015 | | | | | Financials - LVLP | |
| 30023.PDF | GENERAL LEDGER - LVLP 12.31.16 | SPZ000666 - SPZ000681 | 2016 | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |

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|---|---|---|---|---|---|---|---|---|---|
| 30024.PDF | General Ledger - Las Vegas Land Partners - 2011 GL | SPZ000881 - SPZ000888 | 2011 | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |
| 30025.PDF | General Ledger - Las Vegas Land Partners - 2012 GL SPZ000889-SPZ000893 | SPZ000889 - SPZ000893 | 2012 | | | | | Financials - LVLP | |
| 30026.PDF | General Ledger - Las Vegas Land Partners - 2013 GL SPZ000894-SPZ000899 | SPZ000894 - SPZ000899 | 2013 | | | | | Financials - LVLP | |
| 30027.PDF | General Ledger - Las Vegas Land Partners - 2014 GL SPZ000900-SPZ000909 | SPZ000900 - SPZ000909 | 2014 | | | | | Financials - LVLP | |
| 30028.PDF | General Ledger - LVLP 2004-2005 ledger SPZ000910-SPZ000944 | SPZ000910 - SPZ000944 | 2004 – 2005 | | | | | Financials - LVLP | |
| 30029.PDF | General Ledger - LVLP 2006 ledger SPZ000945-SPZ000972 | SPZ000945 - SPZ000972 | 2006 | | | | | Financials - LVLP | |
| 30030.PDF | General Ledger - LVLP 2007 ledger SPZ000973-SPZ000997 | SPZ000973 - SPZ000997 | 2007 | | | | | Financials - LVLP | |
| 30031.PDF | General Ledger - LVLP 2008 ledger SPZ000998-SPZ001017 | SPZ000998 - SPZ001017 | 2008 | | | | | Financials - LVLP | |
| 30032.PDF | General Ledger - LVLP 2009 ledger SPZ001018-SPZ001033 | SPZ001018 - SPZ001033 | 2009 | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |

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| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 30033.PDF | General Ledger - LVLP 2010 ledger SPZ001034-SPZ001048 | SPZ001034 - SPZ001048 | 2010 | | 1-6-20 | NO | 1-6-20 | Financials - LVLP | |
| 30034.PDF | General Ledger and Activity Statement for LVLP - 2015 (6 pages) | MIT002412-MIT002417 | 2015 | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |
| 30035.PDF | Loan Balances - Barnet Liberman | MITCH001082 – MITCH001084 | | | | | | Financials - LVLP | |
| 30036.PDF | Loan Balances - David Mitchell | MITCH001086 – MITCH001088 | | | | | | Financials - LVLP | |
| 30037.PDF | Las Vegas RTC Loan Summary | MIT002628 – MIT002638 | 5/2/2007 | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |
| 30038.PDF | Loan Account Details Annually for years 2011-2014, Las Vegas Land Partners | MIT003577 – MIT003580 | 2011 – 2014 | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |
| 30039.PDF | Annual loan account details for 2011-2014<br>LVLP VNB Loan 2014 | MIT 3577-3580<br>SPZ 462-464 | | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |
| 30040.PDF | Balance Sheet - Las Vegas Land Partners, 2011 - 2014 | MITCH001143 – MITCH001146 | 2011 - 2014 | | | | | Financials - LVLP | |
| 30041.PDF | Balance Sheet as of December 31, 2014 - Las Vegas Land Partners | MITDEF000063 | 12/31/2013 | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 30042.PDF | Balance Sheet as of December 31, 2013 - Las Vegas Land Partners | MITDEF000083 | 12/31/2013 | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |
| 30043.PDF | Balance Sheet as of December 31, 2012 - Las Vegas Land Partners | MITDEF000096 | 12/31/2012 | | | | | Financials - LVLP | |
| 30044.PDF | Balance Sheet as of December 31, 2011 - Las Vegas Land Partners | MITDEF000119 | 12/31/2011 | | | | | Financials - LVLP | |
| 30045.PDF | Balance Sheet - LVLP 2013 SPZ000226 | SPZ000226 | 2013 | | | | | Financials - LVLP | |
| 30046.PDF | Balance Sheet - LVLP 2014 | SPZ000410 | 2014 | | | | | Financials - LVLP | |
| 30047.PDF | Balance Sheet - LVLP 12.31.15 | SPZ000532 | 2015 | | | | | Financials - LVLP | |
| 30048.PDF | Balance Sheet - LVLP 12.31.16 | SPZ000665 | 2016 | | | | | Financials - LVLP | |
| 30049.PDF | Profit & Loss, Las Vegas Land Partners, 2011 – 2014 | MITCH001147 – MITCH001150 | 2011 | | | | | Financials - LVLP | |
| 30050.PDF | Profit & Loss January through December 2014 - Las Vegas Land Partners | MITDEF000076 | 12/31/2014 | | | | | Financials - LVLP | |
| 30051.PDF | Profit & Loss January through December 2013 - Las Vegas Land Partners | MITDEF000084 | 12/31/2013 | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 30052.PDF | Profit & Loss January through December 31, 2012 - Las Vegas Land Partners | MITDEF000097 | 12/31/2012 | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | BS |
| 30053.PDF | Mitchell Contributions to (Distributions from) Capital - LVLP Holdings | MITCH001472 – MITCH001477 | | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | BS |
| 30054.PDF | Barnet Liberman Contributions to (Distributions from) Capital - LVLP Holdings | MITCH001478 – MITCH001481 | | | | | | Financials - LVLP | |
| 30055.PDF | Unallocated contributions from partners - LVLP Holdings | MITCH001482 – MITCH001483 | | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | BS |
| 30056.PDF | Barnet Capital Account Details Annually 1.1.11 -12.31.14 | MITCH001627 | 1/1/2011 | | | | | Financials - LVLP | |
| 30057.PDF | Barnet Capital Account Details through 12.31.14 as of 8.18.16 | MITCH001628 | 12/31/2014 | | | | | Financials - LVLP | |
| 30058.PDF | Partner Activity 2011-2014 | MITCH001631 | 2011-2014 | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | BS |
| 30059.PDF | Reconciliation of Barnet Liberman Contributions to LVLP as of August 6, 2007 | MITDEF000822 | 8/6/2007 | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | BS |

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| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 30060.PDF | Combined Partner Activity Ledgers with Summary for years 2011-2014, David Mitchell and Barnet Liberman | MIT003581 – MIT003587 | 2011 - 2014 | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |
| 30061.PDF | Capital Account Activity - Barnet Liberman LVLP | SPZ000285 - SPZ000288 | | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |
| 30062.PDF | Capital Account Activity - David Mitchell LVLP | SPZ000289 - SPZ000294 | | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |
| 30063.PDF | Capital Account Summary - LVLP Partners | SPZ000437 - SPZ000440 | | | 1-6-20 | NO | 1-6-20 | Financials - LVLP | |
| 30064.PDF | Capital Account Activity - LVLP Barnet | SPZ000861 - SPZ000864 | | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |
| 30065.PDF | Capital Account Activity LVLP David | SPZ000865 - SPZ000868 | | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |
| 30066.PDF | Unallocated contributions from partners - LVLP | SPZ000872 | | | | | | Financials - LVLP | |
| 30067.PDF | David Mitchell – Amounts Paid | SPZ000876 – SPZ000880 | | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |
| 30068.PDF | Adjusted Trial Balance for period ended 12/31/12 - Las Vegas Land Partners | SPZ001090 – SPZ001093 | 12/31/2012 | | | | | Financials - LVLP | |
| 30069.PDF | LVLP 2011TO 2014 Revised Trial Balances SPZ001067-SPZ001087 | SPZ001067 - SPZ001087 | 2011 - 2014 | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |

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| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 30070.PDF | Adjusted Journal Entries for 1st period ended 12/31/12 - Las Vegas Land Partners | MITCH001322 – MITCH001323 | 12/31/2012 | | | | | Financials - LVLP | |
| 30071.PDF | K-1 for 2011 for LVLP Holdings | MITDEF002729– MITDEF002733 | 2011 | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |
| 30072.PDF | Reconciliation of Barnet Liberman Contributions to Miami Land Partners as of August 6, 2007 | MITCH001085 | 8/6/2007 | | | | | Financials - LVLP | |
| 30073.PDF | Equity schedule update 9-10-08 for DM | MITCH001618 | 9/10/2008 | | | | | Financials - LVLP | |
| 30074.PDF | Spreadsheet | MITCH001081 | 12/31/2013 | | | | | Financials - LVLP | |
| 30075.PDF | untitled spreadsheet showing what appears to be transactions to various parties in 2016 | MITDEF003072 | | | | | | Financials - LVLP | |
| 30076.PDF | untitled chart/spreadsheet showing what appears to be various transactions in 2014 and 2015 | SPZ000367 | | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |
| 30077.PDF | Las Vegas Land Partners-Analysis of Rental Operation 2007 | MITCH001620 | 2007 | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |

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| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 30078.PDF | Las Vegas Land Partners-Analysis of Rental Operation 2008 | MITCH001621 | 2008 | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |
| 30079.PDF | Las Vegas Land Partners-Analysis of Rental Operation 2009 | MITCH001622 | 2009 | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |
| 30080.PDF | LVLP fixed assets analysis | MITCH001623 | | | | | | Financials - LVLP | |
| 30081.PDF | LVLP Rent potential | MITCH001624 | | | | | | Financials - LVLP | |
| 30082.PDF | LVLP Rental Income | MITCH001625 | | | | | | Financials - LVLP | |
| 30083.PDF | Rental Income and Expense 2010 | MITCH001626 | 2010 | | | | | Financials - LVLP | |
| 30084.PDF | Copy of LVLP 2016 from client | MITCH001629 | 2016 | | | | | Financials - LVLP | |
| 30085.PDF | LVLP Summary | MITCH001630 | | | | | | Financials - LVLP | |
| 30086.PDF | Interest Accrual 02.27.09 - David Mitchell LVLP | SPZ000857 - SPZ000859 | 2/27/2019 | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |
| 30087.PDF | LVLP Interest Accrual 2.27.09 | SPZ 854-856 | 2/27/2009 | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |
| 30088.PDF | Interest Accrual 02.27.09 - Barnet LVLP | SPZ000854 - SPZ000856 | 2/27/2009 | | 12-30-19 | NO | 12-30-19 | Financials - LVLP | |
| 30089.PDF | MONTHLY OPERATING REPORT – LIVEWORKS | 305LV23288-305LV23375 | JAN. 2011 | | 12-30-19 | NO | 12-30-19 | Livework | |

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| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 30090.PDF | MONTHLY OPERATING REPORT – LIVEWORK | 305LV24584-305LV24644 | DEC. 2011 | | 12-30-19 | NO | 12-30-19 | Livework | |
| 30091.PDF | MONTHLY OPERATING REPORT – LIVEWORK | 305LV25149-305LV25213 | DEC. 2012 | | 12-30-19 | NO | 12-30-19 | Livework | |
| 30092.PDF | MONTHLY OPERATING REPORT – LIVEWORKS | 305LV24654-305LV24713 | JAN. 2012 | | 12-30-19 | NO | 12-30-19 | Livework | |
| 30093.PDF | Livework write off analysis 2014 | 305LV6004 – 6008 | 2014 | | | | | Livework | |
| 30094.PDF | Audited financial statements for 305 Second Avenue Associates for the year ended December 31, 2012 | MSJOPP000356-MSJOPP000369 305LV05812 – 305LV05825 | 12/31/2012 | | 12-30-19 | NO | 12-30-19 | 305 | |
| 30095.PDF | Audited financial statements for 305 Second Avenue Associates for the years 2013 and 2014 | 305LV05826 – 305LV05855 | 2013 2014 | | | | | 305 | |
| 30096.PDF | Livework write off analysis 2014 | 305LV6004 – 6008 | 2014 | | | | | 305 | |
| 30097.PDF | General Ledger for 12/5/14 to 7/29/17 | 305LV 4534-4564 305LV 4565-5717 | 12/5/2014 | | | | | 305 | |
| 30098.PDF | General Ledger for dates 12/05/14 to 07/29/17 - 305 Las Vegas, LLC | 305LV04565 – 305LV05717 | 12/05/14 07/29/17 | | 12-30-19 | NO | 12-30-19 | 305 | |

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|---|---|---|---|---|---|---|---|---|---|
| 30099.PDF | 2017 and 2015 Forms 1040 Schedule E | CC000001-2 | 2015<br>2017 | | 12-30-19 | NO | 12-30-19 | Casino Coolidge | |
| 30100.PDF | Casino Coolidge Profit & Loss 2017 - | CC000111 | 2017 | | | | | Casino Coolidge | |
| 30101.PDF | Mitchell Financial Statement (See Accountant's Compilation Report) March 15, 2009 | Mitch0160586 - 160593 | 3/15/2009 | | | | | Mitchell Personal | |
| 30102.PDF | Mitchell Personal Financial Statement (See Independent Accountants' Compilation Report) December 31, 2017 | Mitch0161658 – 161664 | 12/31/2017 | | | | | Mitchell Personal | |
| 30103.PDF | David Mitchell Real Estate Holdings | Mitch0162119 | | | | | | Mitchell Personal | |
| 30104.PDF | David Jan Mitchell Financial Statement (See Accountants' Compilation Report) 4/26/11 | Mitch0184759 - 184765 | 4/26/2011 | | | | | Mitchell Personal | |
| 30105.PDF | David Jan Mitchell Financial Statement (See Accountants' Compilation Report) 11/30/10 | Mitch0185258 - 185265 | 11/30/2010 | | 12-30-19 | NO | 12-30-19 | Mitchell Personal | |

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| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 30106.PDF | David Jan Mitchell Financial Statement (See Accountants' Compilation Report) 1/31/10 | Mitch0185267 – 185274 | 1/31/2010 | | 12-30-19 | NO | 12-30-19 | Mitchell Personal | DB |
| 30107.PDF | Personal Financial Statement from Mitchell to VNB | MITDEF000008 | | | | | | Mitchell Personal | DB |
| 30108.PDF | David Mitchell Statement of Financial Condition 9-Nov-15 (Draft) (3 pages) | | 11/9/2015 | | | | | Mitchell Personal | DB |
| 30109.PDF | Mitchell Personal Financial Statement (See Independent Accountants' Compilation Report) April 30, 2017 | | 4/30/2017 | | | | | Mitchell Personal | DB |
| 30110.PDF | David Mitchell Statement of Financial Condition 1-Mar-19 (Draft) (2 pages) | | 3/1/2019 | | | | | Mitchell Personal | DB |
| 30111.PDF | David Mitchell Statement of Financial Condition 7-Feb-17 (Draft) (3 pages) | | 2/7/2017 | | 12-30-19 | NO | 12-30-19 | Mitchell Personal | DB |

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|---|---|---|---|---|---|---|---|---|---|
| 30112.PDF | Forest City "TIC" Accountings, including the following (Company Code 5368):<br>A. 2008 – GL Acct Bal by Co and SBU<br>B. 2009 – GL Acct Bal by Co and SBU<br>C. 2010 – GL Acct Bal by Co and SBU<br>D. 2011 – GLGCC8-GL Acct Bal by Co. SBU<br>E. 2012 - GLGCC8-GL Acct Bal by Co and SBU<br>F. 2013 - GL Acct Bal by Co and SBU<br>G. 2014 – GL Acct Bal by Co and SBU<br>H. 2015 – GL Acct Bal by Co and SBU<br>2016 – GL Acct Bal by Co and SBU | LVLP046 – 060 | | | 12-30-19 | NO | 12-30-19 | Forest City "TIC" Accountings | BB |

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| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 30113.PDF | Forest City "TIC" Accountings, including the following (Company Code 5369):<br>A. 2008 – GL Acct Bal by Co and SBU<br>B. 2009 – GL Acct Bal by Co and SBU<br>C. 2010 – GL Acct Bal by Co and SBU<br>D. 2011 – GLGCC8-GL Acct Bal by Co and SBU<br>E. 2012 - GLGCC8-GL acct Bal by Co and SBU<br>F. 2013 – GL Acct Bal by Co and SBU<br>G. 2014 – GL Acct Bal by Co and SBU<br>H. 2015 – GL Acct Bal by Co and SBU<br>2016 – GL Acct Bal by Co and SBU | LVLP061 – 074 | | | 12-30-19 | no | 12-30-19 | Forest City "TIC" Accountings | |
| 40001.PDF | Chicago Title Ins. Co. Settlement Statement – Casino Coolidge | CC000150 | | | 12-30-19 | no | 12-30-19 | **Settlement Statements** | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 40002.PDF | Seller's Final Settlement Statement for Escrow # 128443 dated January 11, 2006 with Purchase Agreement and Contract (APNs 162-03-115-001and 003), | MIT003401 – MIT003408 | 1/11/2006 | | 12-30-19 | NO | 12-30-19 | Settlement Statements | |
| 40003.PDF | Borrower's Settlement Statement for Escrow # 255870V dated October 23, 2006 (APNs 139-34-410-056, 057, 058, 059, 139-34-410-083, 084, 085, 086), | MIT003342 | 10/23/2006 | | 12-30-19 | NO | 12-30-19 | Settlement Statements | |
| 40004.PDF | Seller's Estimated Settlement Statement to Livework for E. Charleston properties | MITDEF002259–MITDEF002260 | 5/1/2007 | | 12-30-19 | NO | 12-30-19 | Settlement Statements | |
| 40005.PDF | Escrow Checklist, Seller's Estimated Settlement Statement dated May 1, 2007 for Escrow #281272, and Escrow Instructions (APNs 162-03-115-001, 002), | MIT003325 – MIT003341 | 5/1/2007 | | | | | Settlement Statements | |

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| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 40006.PDF | Final Settlement Statement – FILED UNDER SEAL | MSJOPP000453-MSJOPP000454 FATCOSUB_00004577 – FATCOSUB_00004578 | 5/2/2007 | | 12-30-19 | NO | 12-30-19 | Settlement Statements | |
| 40007.PDF | Final Settlement Statement, 6/22/07, for NCS-283562 | MITDEF000243 - MITDEF000245 | 6/22/2007 | | | | | Settlement Statements | |
| 40008.PDF | Borrower's Final Settlement Statement for Escrow # 345348 dated April 25, 2008 (APN 139-34-301-008), | MIT003396 | 4/25/2008 | | | | | Settlement Statements | |
| 40009.PDF | Sellers Final Settlement Statement for Escrow # 386052E dated February 17, 2012 with Exchange and Parcel P-Q Development Agreement (APN 139-34-201-022), | MIT003203-MIT003324 | 2/17/2012 | | | | | Settlement Statements | |
| 40010.PDF | Seller's Final Settlement Statement for Escrow # 757660 dated November 24, 2015 with Agreement of Purchase and Sale (APNs 139-34-311-049 and 139-34-302-009), | MIT003110-MIT003202 | 11/24/2015 | | 12-30-19 | NO | 12-30-19 | Settlement Statements | |

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| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 40011.PDF | First American Title Company - Seller's Estimated Settlement Statement Nov. 24, 2015 | FCSUB0001479 FCSUB0001486 | 11/24/2015 | | 12-30-19 | NO | 12-30-19 | Settlement Statements | |
| 40012.PDF | Buyer's Final Settlement Statement | FATCOSUB_36642 – 36643 | 11/25/2015 | | | | | Settlement Statements | |
| 40013.PDF | Seller's Estimated Settlement Statement | FATCOSUB_25956 - 25957 | 12/28/2015 | | | | | Settlement Statements | |
| 40014.PDF | Seller's Final Estimate Statement for Escrow # 742514 dated December 30, 2015 with Agreement of Purchase and Sale (APNs 139-34-311-001 thru 003, 007 thru 031; 139-34-210-014, 015, 017, and 018), | MIT003347 – MIT003395 | 12/30/2015 | | | | | Settlement Statements | |
| 40015.PDF | Final Settlement Statement, FC Vegas 39 and FC Vegas 20 to Livework (P00214 – P00216) | RICH00183 – RICH00186 P00214 – P00216 | | | 12-30-19 | NO | 12-30-19 | Settlement Statements | |

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|---|---|---|---|---|---|---|---|---|---|
| 40016.PDF | Agreement of Purchase and Sale of Real Property between Livework and Leah Property "Seller" and 305 Second Avenue Associates L.P. "Buyer" | LVLPRPD00447-LVLPRPD00488 | | | 12-30-19 | NO | 12-30-19 | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | |
| 40017.PDF | Buyer's Estimated Closing Statement for Escrow No. 16050404-AP, 622 & 620 S. Casino Center Blvd | MITDEF003298 | 10/21/2005 | | | | | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | |
| 40018.PDF | Deed from Aquarius LLC to Aquarius Owner LLC (APN 162-03-115-001 and 002) dated January 11, 2006 | MIT002785-MIT002788 | 1/11/2006 | | 12-30-19 | NO | 12-30-19 | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | |

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| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 40019.PDF | Deed from LiveWork Manager to LiveWork (APNs 139-34-410-057 and 139-34-410-056) dated October 23, 2006 | MIT003001 – MIT003005 | 10/23/2006 | | 12-30-19 | NO | 12-30-19 | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | |
| 40020.PDF | Deed from Aquarius Owner LLC to LiveWork Manager LLC (Re-Recorded to correct Grantor) (APN 162-03-115-001) dated October 23, 2006 | MIT003030 – MIT003036 | 10/23/2006 | | | | | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | |
| 40021.PDF | Deed from LiveWork Manager, LLC to LiveWork, LLC (APN 162-03-115-001) dated October 23, 2006 | MIT003037 – MIT003041 | 10/23/2006 | | 12-30-19 | NO | 12-30-19 | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | |

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| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 40022.PDF | Deed from Leah Property, LLC to LiveWork Manager, LLC (APNs 139-34-410-056 and 057) dated October 23, 2006 | MIT003065 – MIT003069 | 10/23/2006 | | 12-30-19 | NO | 12-30-19 | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | RG |
| 40023.PDF | Deed from LiveWork Manager to Leah Property (APN 139-34-410-056) dated November 7, 2006 | MIT003006 – MIT003012 | 11/7/2006 | | | | | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | RG |
| 40024.PDF | Deed from LiveWork to LiveWork Manager (APN 139-34-410-056) dated November 7, 2006 | MIT003013 – MIT003016 | 11/7/2006 | | 12-30-19 | NO | 12-30-19 | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | RG |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 40025.PDF | Pledge Agreement, 12/20/06 between LVLP and Heartland re the $7.1 M loan to Zoe | Mitch0158822 – 158833 | 12/20/2006 | | 12-30-19 | NO | 12-30-19 | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | |
| 40026.PDF | Grant Bargain and Sale Deed, 3/14/07, LiveWork to 305 Las Vegas | MITDEF001752 – MITDEF001755 | 3/14/2007 | | 12-30-19 | NO | 12-30-19 | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | |
| 40027.PDF | Lease Agreement dated May 2, 2007, between 305 Las Vegas, LLC and Charleston Casino Partners, LLC | MSJOPP000483-MSJOPP000520 | 5/2/2007 | | 1-2-2020 ~~1-2-2020~~ | Stip | 1-2-2020 | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 40028.PDF | Third Deed of Trust with Assignment of Rents recorded 05/02/07 for APNs 162-03-115-001 and 002 | 305LV05989 – 305LV05992 | 5/2/2007 | | 12-30-19 | NO | 12-30-19 | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | |
| 40029.PDF | Deed of Trust Note, $5,000,000.00, May 2, 2007, made by 305 Las Vegas, LLC to pay to Livework | MITDEF003949 – MITDEF003953 | 5/2/2007 | | 12-30-19 | NO | 12-30-19 | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | |
| 40030.PDF | Deed from LiveWork, LLC to 305 Las Vegas, LLC (APN 162-03-115-001 – 002) dated May 2, 2007 | MIT003042 – MIT003046 | 5/2/2007 | | 12-30-19 | NO | 12-30-19 | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 40031.PDF | Agreement of Lease between LVLP and RTC | Mitch0159057 - 159115 | 2007 | | 12-30-19 | NO | 12-30-19 | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | BK |
| 40032.PDF | First Amendment of Lease, 9/17/07 between Livework and Regional Transportation Commission of Southern Nevada | MITDEF001984–MITDEF001987 | 9/17/2007 | | 12-30-19 | NO | 12-30-19 | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | BK |
| 40033.PDF | Grant, Bargain and Sale Deed, 4/9/08, Livework to Livework Manager | MITDEF002331–MITDEF002336 | 4/9/2008 | | 12-30-19 | NO | 12-30-19 | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | BK |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 40034.PDF | Grant, Bargain and Sale Deed, 4/9/08, Livework Manager to Las Vegas Land Partners | MITDEF002337–MITDEF002342 | 4/9/2008 | | 12-30-19 | NO | 12-30-19 | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | PK |
| 40035.PDF | Deed - LiveWork, LLC to LiveWork Manager, LLC Block 9 (APN 139-34-301-008) dated April 25, 2008 | MIT002934 – MIT002939 | 4/25/2008 | | 12-30-19 | NO | 12-30-19 | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | PK |
| 40036.PDF | Deed - LiveWork Manager to Las Vegas Land Partners LLC Block 9 (APN 139-34-301-008) dated April 25, 2008 | MIT002940 – MIT002945 | 4/25/2008 | | 12-30-19 | NO | 12-30-19 | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | PK |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 40037.PDF | Deed - Las Vegas Land Partners LLC to Wink One Block 9 (APN: 139-34-301-008), dated April 25, 2008 | MIT002946 – MIT002951 | 4/25/2008 | | 12-30-19 | NO | 12-30-19 | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | |
| 40038.PDF | Second Amendment of Lease, 4/9/09, between Wink One , FC RTC 39, FC RTC 20, and the RTC | MITDEF003337 – MITDEF003343 | 4/9/2009 | | 12-30-19 | NO | 12-30-19 | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | |
| 40039.PDF | Grant, Bargain and Sale Deed4/9/08, Las Vegas Land Partners to Wink One | MITDEF003390 – MITDEF003395 | 4/9/2009 | | 12-30-19 | NO | 12-30-19 | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 40040.PDF | Grant, Bargain and Sale Deed, 12/17/14, Leah Property to Casino Coolidge, | MITDEF003566 – MITDEF003567 | 12/17/2014 | | | | | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | |
| 40041.PDF | Deed from Leah Property to Casino Coolidge (APN 139-34-410-057 – 059) dated December 17, 2014 | MIT003021 – MIT003025 | 12/17/2014 | | 12-30-19 | NO | 12-30-19 | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | RG |
| 40042.PDF | Grant, Bargain, Sale Deed from Leah Property to Casino Coolidge recorded 12/31/2014 and Note and Deed of Trust Modification and Assumption Agreement dated 12/31/2014 (16 pages) | MIT002159-MIT002174 | 12/31/2014 | | | | | Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts | RG |
| 40043.PDF | Release of Lease Guaranty 2814480329 | SPZ000465 - SPZ000467 | | | 12-30-19 | NO | 12-30-19 | Promissory notes and guarantees | RG |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 40044.PDF | NOTE_VEGAS 21104000 | SPZ000873 | | | 12-30-19 | NO | 12-30-19 | Promissory notes and guarantees | |
| 40045.PDF | Continued Unlimited Guaranty, 12/20/06 by Mitchell and Liberman, and LVLP, for Heartland re the $7.1 M loan | Mitch0158802 – 158818 | 12/20/2006 | | | | | Promissory notes and guarantees | |
| 40046.PDF | Personal Guaranty | MSJOPP000522-MSJOPP000530 | 5/2/2007 | | | | | Promissory notes and guarantees | |
| 40047.PDF | Personal Guaranty of Lease, May 2, 2007 | MITDEF000548 – MITDEF000555 | 5/2/2007 | | | | | Promissory notes and guarantees | |
| 40048.PDF | Certificate in connection with loan from VNB for $3,750,000 to Leah Property, guaranteed by LVLP, Mitchell and Liberman | MITDEF001410 – MITDEF001412 | 3/1/2008 | | | | | Promissory notes and guarantees | |
| 40049.PDF | Guaranty for Leah Property signed by LVLP dated 3/12/2008 (6 pages) [Tab05] | MIT000810-MIT000815 | 3/12/2008 | | 12-30-19 | NO | 12-30-19 | Promissory notes and guarantees | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 40050.PDF | Demand Promissory Note – Livework and Livework Manager to FC Vegas 20 and FC Vegas 39 for $21,104,000.00 | MITCH001325 | 2/28/2011 | | 12-30-19 | NO | 12-30-19 | Promissory notes and guarantees | |
| 40051.PDF | Promissory Note dated 03/6/15 | 305LV05856 – 305LV05858 | 3/6/2015 | | | | | Promissory notes and guarantees | |
| 40052.PDF | UCC-1 Las Vegas Land Partners and Heartland | Mitch0158858 - 158860 | | | | | | Miscellaneous | |
| 40053.PDF | Schedule 9 Rent Schedule | MIT002748 | | | | | | Miscellaneous | |
| 50001.PDF | Complaint filed in Case No. A-07-551073 | MSJOPP000418-MSJOPP000422 | 11/2/2007 | | | | | **Pleadings and Discovery responses** | |
| 50002.PDF | First Amended Answer and Counterclaim in Case No. A-07-551073 | MSJOPP000424-MSJOPP000437 | 5/20/2011 | | | | | Pleadings and Discovery responses | |
| 50003.PDF | Complaint dated March 27, 2013, filed by 305 Las Vegas, LLC against David J. Mitchell | MSJOPP000557-MSJOPP000616 | 3/27/2013 | | 12-30-19 | NO | 12-30-19 | Pleadings and Discovery responses | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 50004.PDF | Complaint filed by Livework against 305 Las Vegas, LLC, dated May 31, 2013 | MSJOPP000465-MSJOPP000481 305LV05963 – 305LV05979 | 5/31/2013 | | 12-30-19 | NO | 12-30-19 | Pleadings and Discovery responses | |
| 50005.PDF | Stipulation and Order to Dismiss | 305LV05980-305V5981 | 9/23/2014 | | | | | Pleadings and Discovery responses | |
| 50006.PDF | Findings of Fact, Conclusions of Law and Decision | MSJOPP000390-MSJOPP000414 | 3/26/2015 | | | | | Pleadings and Discovery responses | |
| 50007.PDF | Judgment in Case No. A-07-551073 | MSJOPP000439-MSJOPP000441 | 4/10/2015 | | | | | Pleadings and Discovery responses | |
| 50008.PDF | Amended and Final Judgment on Costs from Case No. 07A551073 | | 11/1/2018 | | | | | Pleadings and Discovery responses | |
| 50009.PDF | Complaint – A-16-740689 | | 7/26/2016 | | 12-30-19 | NO | 12-30-19 | Pleadings and Discovery responses | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 50010.PDF | Amended Complaint - A-16-740689 | | 8/21/2017 | | 12-30-19 | NO | 12-30-19 | Pleadings and Discovery responses | |
| 50011.PDF | Answer to Amended Complaint - A-16-740689 | | 9/5/2017 | | | | | Pleadings and Discovery responses | |
| 50012.PDF | Answer to Plaintiff's Amended Complaint - A-16-740689 | | 9/8/2017 | | | | | Pleadings and Discovery responses | |
| 50013.PDF | Defendant David J. Mitchell's Responses to Plaintiffs' First Set of Requests for Production of Documents | | 7/10/2018 | | | | | Pleadings and Discovery responses | |
| 50014.PDF | Defendant Leah Property, LLC's Responses to Plaintiffs' First Set of Requests for Production of Documents | | 7/10/2018 | | 12-30-19 | NO | 12-30-19 | Pleadings and Discovery responses | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 50015.PDF | Defendant Las Vegas Land Partners, LLC's Responses to Plaintiffs' First Set of Requests for Production of Documents | | 7/10/2018 | | 12-30-19 | NO | 12-30-19 | Pleadings and Discovery responses | |
| 50016.PDF | Defendant Aquarius Owner, LLC's Responses to Plaintiffs' First Set of Requests for Production of Documents | | 7/10/2018 | | | | | Pleadings and Discovery responses | |
| 50017.PDF | Defendant Casino Coolidge, LLC's Responses to Plaintiffs' First Set of Requests for Production of Documents | | 7/10/2018 | | | | | Pleadings and Discovery responses | |
| 50018.PDF | Defendant LVLP Holdings, LLC's Responses to Plaintiffs' First Set of Requests for Production of Documents | | 7/10/2018 | | | | | Pleadings and Discovery responses | |
| 50019.PDF | Defendant Live Work, LLC's Responses to Plaintiffs' First Set of Requests for Production of Documents | | 7/10/2018 | | 12-30-19 | NO | 12-30-19 | Pleadings and Discovery responses | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 50020.PDF | Defendant Live Work Manager, LLC's Responses to Plaintiffs' First Set of Requests for Production of Documents | | 7/10/2018 | | 12-30-19 | NO | 12-30-19 | Pleadings and Discovery responses | BM |
| 50021.PDF | Defendant Live Works TIC Successor, LLC's Responses to Plaintiffs' First Set of Requests for Production of Documents | | 7/10/2018 | | | | | Pleadings and Discovery responses | BM |
| 50022.PDF | Defendant Meyer Property, Ltd.'s Responses to Plaintiffs' First Set of Requests for Production of Documents | | 7/10/2018 | | | | | Pleadings and Discovery responses | BM |
| 50023.PDF | Defendant Wink One, LLC's Responses to Plaintiffs' First Set of Requests for Production of Documents | | 7/10/2018 | | | | | Pleadings and Discovery responses | BM |
| 50024.PDF | Defendant 305 Las Vegas, LLC's Responses to Plaintiffs' First Set of Requests for Production of Documents | | 7/10/2018 | | 12-30-19 | NO | 12-30-19 | Pleadings and Discovery responses | BM |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 50025.PDF | Defendants' Sixth Supplemental Disclosures Pursuant to NRCP 16.1 | | 10/23/2018 | | 12-30-19 | NO | 12-30-19 | Pleadings and Discovery responses | |
| 50026.PDF | Defendants' Errata to the Sixth Supplemental Disclosures Pursuant to NRCP 16.1 | | 11/6/2018 | | | | | Pleadings and Discovery responses | |
| 50027.PDF | Defendants' Seventh Supplemental Disclosures Pursuant to NRCP 16.1 | | 11/15/2018 | | | | | Pleadings and Discovery responses | |
| 50028.PDF | Expert Report of Mark Rich – FILED UNDER SEAL | MSJOPP000013-MSJOPP000293 RICH00001 – RICH00281 | 1/11/2019 | | | | | Pleadings and Discovery responses | |
| 50029.PDF | Fifth Supplement to Defendants Barnet Liberman, 305 Las Vegas, LLC and Casino Coolidge LLC's List of Witnesses and Documents Pursuant to NRCP 16.1 | | 1/31/2019 | | 12-30-19 | NO | 12-30-19 | Pleadings and Discovery responses | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 50030.PDF | Sixth Supplement to Defendants Barnet Liberman, 305 Las Vegas, LLC and Casino Coolidge LLC's List of Witnesses and Documents Pursuant to NRCP 16.1 | | 2/27/2019 | | 12-30-19 | NO | 12-30-19 | Pleadings and Discovery responses | |
| 50031.PDF | Defendants' Twelfth Supplemental Disclosures Pursuant to NRCP 16.1 | | 2/28/2019 | | | | | Pleadings and Discovery responses | |
| 50032.PDF | Eighth Supplement to Defendant 305 Las Vegas, LLC's List of Witnesses and Documents Pursuant to NRCP 16.1 | | 5/14/2019 | | | | | Pleadings and Discovery responses | |
| 50033.PDF | Mitchell Defendants' Supplemental Responses to Plaintiffs' First Set of Requests for Production of Documents | | 6/26/2019 | | | | | Pleadings and Discovery responses | |
| 50034.PDF | Mitchell Defendants' Second Supplemental Responses to Plaintiffs' First Set of Requests for Production of Documents | | 7/3/2019 | | 12-30-19 | NO | 12-30-19 | Pleadings and Discovery responses | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 50035.PDF | Mitchell Defendants' Third Supplemental Responses to Plaintiffs' First Set of Requests for Production of Documents | | 10/7/2019 | | 12-30-19 | NO | 12-30-19 | Pleadings and Discovery responses | |
| 50036.PDF | Excerpts of the Register of Actions for Case No. A-07-551073 | MSJOPP000553-MSJOPP000555 | 10/7/2019 | | | | | Pleadings and Discovery responses | |
| 50037.PDF | Plaintiffs' Supplemental Expert Witness Report | | 11/25/2019 | | 12-30-19 | NO | 12-30-19 | Pleadings and Discovery responses | |
| 50038.PDF | Settlement Agreement between First Wall Street Capital, LVLP and Forest City Enterprises Dated January 2010 | MIT004333 - MIT004363 | 1/1/2010 | | 1-2-2020 | stip | 1-2-2020 | Settlement Agreement | |
| 50039.PDF | Settlement Agreement between First Wall Street Capital International and LVLP/Forest City Enterprises, Inc. dated January 8, 2010 P08883-P08912 | P08883 - P08912 | 1/8/2010 | | 1-6-20 | NO | 1-6-20 | Settlement Agreement | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 50040.PDF | Settlement Agreement Case No. A-13-679028-B | 305LV03293 - 305LV03345 | 2013 | | 12-30-19 | NO | 12-30-19 | Settlement Agreement | |
| 50041.PDF | 2019 3.25 Plaintiff's Rebuttal Expert Witness Report | 305LV03293 - 305LV03345 | RICH02253-RICH02328 | | | | | Settlement Agreement | |
| 50042.PDF | David J. Mitchell Response of Nov, 2014 regarding Bar Fee Dispute with Gibbs, Giden, et al. | | | | 12-30-19 | NO | 12-30-19 | Settlement Agreement | |
| 60001.PDF | First Wall Street Capital International Non-Exclusive Agent/Financing Engagement Letter dated January 25, 2006 | FC000059 – FC000063 | 1/25/2006 | | 1-3-2020 | no | 1-3-2020 | MISCELLANEOUS | |
| 60002.PDF | E-mails dated September 29, 2006 | MSJOPP000416 NYPE001532 | 9/29/2006 | | 1-3-2020 | no | 1-3-2020 | MISCELLANEOUS | |
| 60003.PDF | Receipt/Deposit Summary Report – FILED UNDER SEAL | MSJOPP000449-MSJOPP000450 FATCOSUB_00004324 – FATCOSUB_00004325 | 5/2/2007 | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS | |
| 60004.PDF | Email, August 2009 re LVLP Funding | 305LV07263 | 2009 | | | | | MISCELLANEOUS | |

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| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 60005.PDF | E-mails exchanged between July 17, 2012 and August 1, 2012 | MSJOPP000386-MSJOPP000388 305LV25065 – 305LV25067 | 8/1/2012 | | 1-3-2020 | NO | 1-3-2020 | MISCELLANEOUS | |
| 60006.PDF | Leah Property Correspondence Re: Transfer from Leah Property to Casino Coolidge Dated December 2014 | MIT004182 | 12/1/2014 | | | | | MISCELLANEOUS | |
| 60007.PDF | Letter, 12/11/14, Insignia BNT to Mitchell re Transfer of property from Leah to Casino Coolidge | Mitch0171727 | 12/11/2014 | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS | |
| 60008.PDF | Letter, 12/22/14, Insignia-BNT to Mitchell re transfer of property in Las Vegas from Leah Property to Casino Coolidge | MITDEF003565 | 12/22/2014 | | | | | MISCELLANEOUS | |
| 60009.PDF | Letter, 12/22/14, Insignia-BNT to Mitchell re transfer of property in Las Vegas from Leah Property to Casino Coolidge | MITDEF003565 | 12/22/2014 | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS | |

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| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 60010.PDF | Email chain ending 12/24/14, re "transfer of Leah Property, LLC to Casino coolidge, LLC" (and attachments) | Mitch0160816 – 160827 | 12/24/2014 | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS | |
| 60011.PDF | Emails, 12/24/14, Fanny Trataros (Insignia BNT), Arnaudin, Mitchell, re Transfer of Leah Property, LLC to Casino Coolidge, LLC | Mitch0171707 - 171711 | 12/24/2014 | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS | |
| 60012.PDF | Emails, 11/16/16, Arnaudin, Mitchell, regarding sale of Parcel PQ and judgment lien on the property (and attachments) | Mitch0162709 – 162788 | 11/16/2016 | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS | |
| 60013.PDF | Email, 1/5/17, Gergen, Spitz, Mitchell re LVLP Documents | Mitch0161361 | 1/5/2017 | | | | | MISCELLANEOUS | |
| 60014.PDF | LVLP Eng Letter | Mitch1374812 – 1374814 | 1/15/2008 | | 1-3-2020 | No | 1-3-2020 | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. | |

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| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 60015.PDF | LVLP Eng Letter 2017 | Mitch1374848 – 1374850 | 1/15/2008 | | 1-3-2020 | no | 1-3-2020 | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. | |
| 60016.PDF | LVLP Eng Letter Signed | Mitch1379340 – 1379342 | 1/15/2008 | | 1-3-2020 | no | 1-3-2020 | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. | |
| 60017.PDF | SKE Group, LLC Engagement Letter with LVLP Holdings, LLC dated January 15, 2008 | SPZ001115 – SPZ001117 | 1/15/2008 | | 1-3-2020 | no | 1-3-2020 | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category |
|---|---|---|---|---|---|---|---|---|
| 60018.PDF | SKE Group, LLC Engagement Letter with LVLP Holdings, LLC dated January 15, 2013 | SPZ001127 – SPZ001129 | 1/15/2013 | | 1-3-2020 | no | 1-3-2020 | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. |
| 60019.PDF | SKE Group, LLC Engagement Letter with LVLP Holdings, LLC dated January 5, 2014 | SPZ001124 – SPZ001126 | 1/5/2014 | | | | | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. |
| 60020.PDF | SKE Group, LLC Engagement Letter with LVLP Holdings, LLC dated January 8, 2015 | SPZ001121 – SPZ001123 | 1/8/2015 | | | | | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. |

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| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category |
|---|---|---|---|---|---|---|---|---|
| 60021.PDF | SKE Group, LLC Engagement Letter with LVLP Holdings, LLC dated January 3, 2016 | SPZ001118 – SPZ001120 | 1/3/2016 | | | | | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. |
| 60022.PDF | Statement/Invoice from SKE to Las Vegas Land Partners from Feb 2016 stamped Past Due | MITDEF000699 – MITDEF000700 | 2/1/2016 | | | | | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. |
| 60023.PDF | SKE Group, LLC Invoice | SPZ000848 | 2/5/2016 | | | | | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. |

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| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 60024.PDF | Statement from SKE Group to Mitchell/LVLP, dated 2/5/16 | MITDEF000460 | 2/5/2016 | | | | | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. | |
| 60025.PDF | Email, 10/24/16, Spitz to Mitchell re last financial statement (and attachments) | Mitch0185094 | 10/24/2016 | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. | PK |
| 60026.PDF | Statement from SKE Group to Mitchell/LVLP, dated 8/24/17 | MITDEF000461 | 8/24/2017 | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. | PK |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 60027.PDF | Invoice from SKE Group to Mitchell/LVLP, dated 8/24/17 | MITDEF000462 | 8/24/2017 | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. | |
| 60028.PDF | Invoice from SKE Group to LVLP Holdings c/o Mitchell, 8/24/17 | MITDEF000463 | 8/24/2017 | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. | |
| 60029.PDF | Letter, 10/11/17 from SKE Group LLC to Barnet Liberman | MITCH001272 | 10/11/2017 | | | | | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. | |

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| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category |
|---|---|---|---|---|---|---|---|---|
| 60030.PDF | LVLP Letter | Mitch1017579 | 1/15/2018 | | | | | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. |
| 60031.PDF | Unsigned Letter from Spitz to Mitchell re tax return preparation | SPZ000001-03 | 1/15/2018 | | | | | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. |
| 60032.PDF | Email re engagement letter (and attachments) | Mitch1320444 - 1320447 | 2/6/2018 | — Stip | 12-30-19 — 1-3-2020 | OBJ OUST | 1-3-2020 | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category |
|---|---|---|---|---|---|---|---|---|
| 60033.PDF | Email re Fwd: engagement letter (and attachments) | Mitch1189399 – 1189405 | 2/6/2018 | yes | 1-3-2020 | | 1-3-2020 | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. |
| 60034.PDF | Email re Fwd: engagement letter (and attachments) | Mitch1189392 - 1189398 | 2/6/2018 | yes | 1-3-2020 | | 1-3-2020 | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. |
| 60035.PDF | Email re engagement letter (and attachments) | Mitch1173925 - 1173928 | 2/7/2018 | yes | 1-3-2020 | | 1-3-2020 | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 60036.PDF | Email re letter (and attachments) | Mitch1172910 - 1172914 | 2/22/2018 | yes | 1-3-2020 | | 1-3-2020 | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. | |
| 60037.PDF | Email re Fwd: Letter (and attachments) | Mitch1177461 - 1177467 | 2/22/2018 | yes | 1-3-2020 | | 1-3-2020 | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. | |
| 60038.PDF | Email re Letter (and attachments) | Mitch1194566 - 1194570 | 2/22/2018 | yes | 1-3-2020 | | 1-3-2020 | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category |
|---|---|---|---|---|---|---|---|---|
| 60039.PDF | LVLP ENG LETTER 2017 SPZ000001 | SPZ000001 | 2017 | | | | | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. |
| 60040.PDF | WHAT IS THIS??? LVLP 2016 | SPZ000557 - SPZ000644 | 2016 | | | | | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. |
| 60041.PDF | Billing Statements from Sam Spitz | SPZ000843 – SPZ000853 | 2006 - 2016 | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 60042.PDF | 2011-2014 GL BILLING SPZ000848 | SPZ000848 | 2011-2014 | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. | PM |
| 60043.PDF | LVLP Subpoena to SKE Group | SPZ001110 - SPZ001114 | | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. | PM |
| 60044.PDF | SKE Group, LLC E-Mail Correspondence (with privilege log) | SPZ001130 – SPZ001475 | | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. | PM |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 60045.PDF | Spitz depo transcript Vol. I and exhibits 1-4 | SPITZ0001-SPITZ0173 | | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - EXHIBITS/MATERIALS FROM SPITZ DEPOSITION - PARTIAL | BM |
| 60046.PDF | Exhibit 1 to Sam Spitz Deposition Transcript – Notices of Deposition and Subpoena Duces Tecum to Sam Spitz | | | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - EXHIBITS/MATERIALS FROM SPITZ DEPOSITION - PARTIAL | BM |
| 60047.PDF | Exhibit 3 to Sam Spitz Deposition Transcript – Record Retention Guide from www.skecpa.com (no bates) | | | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - EXHIBITS/MATERIALS FROM SPITZ DEPOSITION - PARTIAL | BM |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category |
|---|---|---|---|---|---|---|---|---|
| 60048.PDF | Letter dated 10/24/2018 from Robert DeGroot to Clerk of Superior Court of New Jersey re motion to enforce subpoena against a New Jersey Witness | | | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - EXHIBITS/MATERIALS FROM SPITZ DEPOSITION - PARTIAL |
| 60049.PDF | Certification in Support of Motion to Enforce a Subpoena Directed to Sam K. Spitz, CPA filed in Superior Court of New Jersey Law Division Civil Part – Monmouth County dated 10/23/2018, signed by Mark Rich | | | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - EXHIBITS/MATERIALS FROM SPITZ DEPOSITION - PARTIAL |
| 60050.PDF | Subpoena Duces Tecum to Sam K Spitz and related documents | | | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - EXHIBITS/MATERIALS FROM SPITZ DEPOSITION - PARTIAL |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 60051.PDF | Third Amended Notice of Custodian of Records Deposition of Sam K. Spitz, CPA | | | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - EXHIBITS/MATERIALS FROM SPITZ DEPOSITION - PARTIAL | BM |
| 60052.PDF | Rich Wrightman & Company - Expert Witness Billings | RICH 282-307 | | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - Mark Rich Materials | BM |
| 60053.PDF | Rich Wrightman & Company Working Papers utilized in relation with preparation of Mark Rich's Initial Expert Witness Report of January 31, 2019 | RICH 308 - 2221 | | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - Mark Rich Materials | BM |
| 60054.PDF | Exhibit RWCO 001 to Expert Report of Mark Rich – Mark Rich CV, billing rates, case history and list of publications | RICH 13-16 | 1/11/2019 | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - Mark Rich Materials | BM |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category |
|---|---|---|---|---|---|---|---|---|
| 60055.PDF | Exhibit RWCO 002 to Expert Report of Mark Rich Engagement Letter dated 10/14/2010 from Rich Wightman & Company to Revenue Plus and Russell L. Nype re the A551073 matter | Rich 17-20 | 1/11/2019 | | | | | MISCELLANEOUS - Mark Rich Materials |
| 60056.PDF | Exhibit RWCO 003 to Expert Report of Mark Rich List of documents provided and analyzed by Rich Wightman & Company | RICH00021 – RICH00040 | 1/11/2019 | | | | | MISCELLANEOUS - Mark Rich Materials |
| 60057.PDF | Exhibit RWCO 004 to Expert Report of Mark Rich – Calculation of pre-judgment and post-judgment interest, Judgment dated 04/10/2015 in Case No. 07A551073, Amended and Final Judgment on Costs dated 11/01/2018 in Case No. 07A551073, Prime Interest Rate for period from July 1, 1987 to January 1, 2019 | RICH00041 – RICH00050 | 1/11/2019 | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - Mark Rich Materials |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 60058.PDF | Exhibit RWCO 005 to Expert Report of Mark Rich – documents entitled "Due to Live Work, LLC" showing various calculations | RICH00051 – RICH00058 305LV05970 – 305LV05974 | 1/11/2019 | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - Mark Rich Materials | |
| 60059.PDF | Exhibit RWCO 006 to Expert Report of Mark Rich – excerpt of 2007 tax return of LVLP Holdings, LLC (LVLP15-00033), document titled 305 Las Vegas LLC – Aquarius Plaza property | RICH00059 – RICH00061 LVLP15-00033 | 1/11/2019 | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - Mark Rich Materials | |
| 60060.PDF | Exhibit RWCO 009 to Expert Report of Mark Rich – spreadsheet entitled Leah Property | RICH00121 – RICH00122 | 1/11/2019 | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - Mark Rich Materials | |
| 60061.PDF | Exhibit RWCO 013 to Expert Report of Mark Rich – spreadsheet titled Original TIC Agree Parcels (RICH00179), spreadsheet titled LVLP and FC entities 12-13-17 all parcels tracking (RICH00180 – RICH00182) | RICH00178 – RICH00182 | 1/11/2019 | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - Mark Rich Materials | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category |
|---|---|---|---|---|---|---|---|---|
| 60062.PDF | Exhibit RWCO 015 to Expert Report of Mark Rich – spreadsheet titled LVLP and FC Entities parcels after 6-22-07 (RICH00188 – RICH00189), spreadsheet entitled LVLP and FC Entities 12-13-17 RTC Land Titled Wink One, LLC 40%, FCRTC 39 LLC 39.775% and RCRTC 20 LLC 20.225% (RICH00190), spreadsheet titled LVLP and FC Entities 12-13-17 City Hall Held in PQ Las Vegas LLC (RICH00191), spreadsheet entitled LVLP and FC Entities 12-13-17 2015 Sale held in FC/LW LLC (RICH00192), spreadsheet entitled LVLP and FC Entities 12-13-17 parcels still owned (RICH00193) | RICH00187 – RICH00193 | 1/11/2019 | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - Mark Rich Materials |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 60063.PDF | Exhibit RWCO 020 to Expert Report of Mark Rich – LVLP Adjusting Journal Entries for the 1st period ended December 31, 2012 (SPZ001092 – SPZ001093), LVLP Adjusting Journal Entries for the 1st period ended December 31, 2013 (SPZ000191 – SPZ000192), LVLP Adjusting Journal Entries for the 1st period ended December 31, 2014 (SPZ001107 – SPZ001109), LVLP Adjusting Journal Entries January through December 2014 (SPZ000309), LVLP Adjusting Journal Entries January through December 2015 (SPZ000505), LVLP Adjusting Journal Entries January through December 2016 (SPZ000664) | RICH00228 – RICH00239<br>SPZ001092 – SPZ001093<br>SPZ000191 – SPZ000192<br>SPZ001107 – SPZ001109<br>SPZ000309<br>SPZ000505<br>SPZ000664 | 1/11/2019 | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - Mark Rich Materials | |
| 60064.PDF | Amended Exhibit RWCO 001 - Curriculum Vitae of Mark Rich, including case history, publications, and billing rates | RICH2222 – RICH2225 | 2/22/2019 | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - Mark Rich Materials | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 60065.PDF | Amended Exhibit RWCO 002(a) – Rich, Wightman & Company Accounts Receivable Ledger January 1, 2016 – December 31, 2018 for Revenue Plus | RICH2226 – RICH2228 | 2/22/2019 | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - Mark Rich Materials | |
| 60066.PDF | Amended Exhibit RWCO 002(b) – Rich, Wightman & Company Invoice dated 01/31/2019 for Russell Nype/Revenue Plus | RICH2229 – RICH2233 | 2/22/2019 | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - Mark Rich Materials | |
| 60067.PDF | Amended Exhibit RWCO 003 - List of documents provided and analyzed by Rich Wightman & Company | RICH2234 – RICH2252 | 2/22/2019 | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - Mark Rich Materials | |
| 60068.PDF | Exhibit RWCO 025 to Expert Report of Mark Rich, Supplemented November 22, 2019 – list of additional documents provided and analyzed by Rich Wightman & Company, supplementing RWCO 3 | RICH2267 – RICH2268 | 11/22/2019 | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - Mark Rich Materials | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category |
|---|---|---|---|---|---|---|---|---|
| 60069.PDF | Exhibit RWCO 026 to Expert Report of Mark Rich, Supplemented November 22, 2019 – New Jersey Court Order dated 08/02/2019 for Spitz to make SKE's server available for duplication | RICH2269 – RICH2275 | 11/22/2019 | | 12-30-19 | NO | 12-30-19 | MISCELLANEOUS - Mark Rich Materials |
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**Russell L. Nype; Revenue Plus, LLC**

**v.**

**David J. Mitchell; Barnet Liberman;**

**Las Vegas Land Partners**

**CASE NO: A-16-740689-B**

# EXHIBIT LIST

# EXHIBITS

# 70001-70071

# Exhibit List

**CASE NO: A-16-740689-B**

**DEPT NO:** XI

**TRIAL DATE:** December 30. 2019
**JUDGE:** Elizabeth Gonzalez
**CLERK:** Dulce Marie V. Romea
**REPORTER:**
**JURY FEES:**

**Russell L. Nype; Revenue Plus, LLC**
PLAINTIFF

**COUNSEL FOR PLAINTIFF:**

**David J. Mitchell; Barnet Liberman; Las Vegas Land Partners**
DEFENDANT

**COUNSEL FOR DEFENDANT:**

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category |
|---|---|---|---|---|---|---|---|---|
| 70001.PDF | Exhibit 1 to Barnet L. Liberman Deposition Transcript – Printout of NRS 199.120 and NRS 193.130 | | | | 12-30-19 | NO | 12-30-19 | Deposition Exhibits |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 70002.PDF | Exhibit 2 to Barnet L. Liberman Deposition Transcript – engagement etter dated 01/15/2008 from SKE Group to Mitchell/LVLP Holdings (SPZ001115 – SPZ001117) | SPZ001115 – SPZ001117 | 1/15/2008 | | 12-30-19 | NO | 12-30-19 | Deposition Exhibits | WA |
| 70003.PDF | Exhibit 3 to Barnet L. Liberman Deposition Transcript - – email dated 12/16/2016 re Disregarded entities and attachment showing disregarded entities | | 1/20/2017 | | 12-30-19 | NO | 12-30-19 | Deposition Exhibits | WA |
| 70004.PDF | Exhibit 4 to Barnet L. Liberman Deposition Transcript – 2016 Federal Summary Depreciation Schedule LVLP Holdings (SPZ000657) | SPZ000657 | 1/31/2018 | | 12-30-19 | NO | 12-30-19 | Deposition Exhibits | WA |
| 70005.PDF | Exhibit 5 to Barnet L. Liberman Deposition Transcript – Term Sheet for Restructure of Forest City/LiveWork Entities (LVLP005259 – LVLP005262) | LVLP005259 – LVLP005262 | 5/27/2010 | | 12-30-19 | NO | 12-30-19 | Deposition Exhibits | WA |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 70006.PDF | Exhibit 6 to Barnet L. Liberman Deposition Transcript – Schedule K-1 for 2016 (SPZ000651), 2015 (SPZ000542), 2014 (SPZ000447), 2013 (SPZ000202), 2011 (LVLP11-00011), 2010 (LVLP12-00012), Excerpt of LVLP Holdings 2010 Tax Return (LVLP005120 – LVLP005123), 2009 K-1 (P010989 – P010990; LVLP13-00008 – LVLP13-00009), 2008 K-1 (P010973 – P010974; LVLP14-00007 – LVLP14-00008), 2007 K-1 (P010963 – P010964; LVLP15-00005 – LVLP15-00006), 2006 K-1 (P010921 – P010922; LVLP16-00005 – LVLP16-00006); 2006 K-1 (LVLP005036 – LVLP005037; LVLP16-00037 – LVLP16-00038) | SPZ000651<br>SPZ000542<br>SPZ000447<br>SPZ000202<br>LVLP11-00011<br>LVLP005120 – LVLP005123<br>LVLP12-00012 – LVLP1200015<br>P010989 – P010990<br>LVLP13-00008 – LVLP1300009<br>P010973 – P010974<br>LVLP14-00007 – LVLP1400008<br>P010963 – P010964<br>LVLP15-00005 – LVLP1500006<br>P010921 – P010922<br>LVLP16-00005 – LVLP1600006<br>LVLP005036 – LVLP005037<br>LVLP16-00037 – LVLP1600038 | | | 12-30-19 | NO | 12-30-19 | Deposition Exhibits | WT |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 70007.PDF | Exhibit 7 to Barnet L. Liberman Deposition Transcript – 2015 K-1 (no bates), 2014 K-1 (SPZ000742), 2012 K-1 (SPZ000283) for QH Las Vegas, LLC | SPZ000742<br>SPZ000283 | | | 12-30-19 | NO | 12-30-19 | Deposition Exhibits | UA |
| 70008.PDF | Exhibit 8 to Barnet L. Liberman Deposition Transcript – Revenue Plus Parcel Listing and FC entities 12-13-17 2015 Sale Held in FC/LW LLC | | 12/13/2017 | | 12-30-19 | NO | 12-30-19 | Deposition Exhibits | UA |
| 70009.PDF | Exhibit 9 to Barnet L. Liberman Deposition Transcript – LVLP Holdings Barnet Liberman Contributions to (Distributions from) Capital (SPZ000861 – SPZ000864) | SPZ000861 – SPZ000864 | | | 12-30-19 | NO | 12-30-19 | Deposition Exhibits | UA |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 70010.PDF | Exhibit 10 to David J. Mitchell Deposition Transcript – Forest City/LiveWork Joint Venture Re-Structure Las Vegas Block Project and Parcel P/Q (Draft) (FCV002140 – FCV002141) | FCV002140 – FCV002141 | | | 12-30-19 | NO | 12-30-19 | Deposition Exhibits | WA |
| 70011.PDF | Exhibit 11 to David J. Mitchell Deposition Transcript – FC/LW Vegas, LLC 2015 K-1 (no bates), 2014 K-1 (SPZ000705 – SPZ000706), 2013 K-1 (SPZ000148 – SPZ000149), 2012 K-1 (LVLP005238 – LVLP005239) | SPZ000705 – SPZ000706<br>SPZ000148 – SPZ000149<br>LVLP005238 – LVLP005239 | | | | | | Deposition Exhibits | WA |
| 70012.PDF | Exhibit 12 to David J. Mitchell Deposition Transcript – PQ Las Vegas, LLC 2015 K-1 (no bates), 2014 K-1 (SPZ000724), 2012 K-1 (SPZ000262) | SPZ000724<br>SPZ000262 | | | 12-30-19 | NO | 12-30-19 | Deposition Exhibits | WA |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 70013.PDF | Exhibit 13 to David J. Mitchell Deposition Transcript – 2015 Form 1065 Tax Return for FC/LW Vegas, LLC and related schedules (no bates) | | | | 12-30-19 | No | 12-30-19 | Deposition Exhibits | WA |
| 70014.PDF | Exhibit 14 to David J. Mitchell Deposition Transcript – 2015 Form 1065 Tax Return for PQ Las Vegas, LLC and related schedules (no bates) | | | | | | | Deposition Exhibits | WA |
| 70015.PDF | Exhibit 15 to David J. Mitchell Deposition Transcript – LVLP Holdings David Mitchell Contributions to (Distributions from) Capital (SPZ000865 – SPZ000868) | SPZ000865 – SPZ000868 | | | | | | Deposition Exhibits | WA |
| 70016.PDF | Exhibit 16 to David J. Mitchell Deposition Transcript – Independent Auditor's Report to the Partners of 305 Second Avenue Associates, LP (no bates) | | | | 12-30-19 | NO | 12-30-19 | Deposition Exhibits | WA |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 70017.PDF | Exhibit 17 to David J. Mitchell Deposition Transcript – 305 Second Avenue Associates Financial Statements for the Years Ended December 31 2014 and 2013 Independent Auditor's Report (no bates) | | | | 12-30-19 | NO | 12-30-19 | Deposition Exhibits | WA |
| 70018.PDF | Exhibit 18 to David J. Mitchell Deposition Transcript – excerpt of LVLP Holdings 2016 Form 1065 Tax Return (SPZ000649) | SPZ000649 | | | | | | Deposition Exhibits | WA |
| 70019.PDF | Exhibit 19 to David J. Mitchell Deposition Transcript – LVLP Balance Sheet as of December 31, 2013 (SPZ000226) | SPZ000226 | 1/31/2018 | | | | | Deposition Exhibits | WA |
| 70020.PDF | Exhibit 20 to David J. Mitchell Deposition Transcript - LVLP Balance Sheet as of December 31, 2014 (SPZ000410) | SPZ000410 | 1/31/2018 | | 12-30-19 | NO | 12-30-19 | Deposition Exhibits | WA |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 70021.PDF | Exhibit 21 to David J. Mitchell Deposition Transcript - LVLP Balance Sheet as of December 31, 2012 (MIT000712) | MIT000712 | 11/16/2015 | | 12-30-19 | NO | 12-30-19 | Deposition Exhibits | UA |
| 70022.PDF | Exhibit 1 to Kenneth Eisenberg Deposition Transcript – Deposition Notice with Subpoena Duces Tecum and related docs | | | | | | | Deposition Exhibits | UA |
| 70023.PDF | Exhibit 2 to Kenneth Eisenberg Deposition Transcript - LVLP Holdings list of entities and properties– (SPZ000860) | | | | | | | Deposition Exhibits | UA |
| 70024.PDF | Exhibit 3 to Kenneth Eisenberg Deposition Transcript - Record Retention Guide from www.skecpa.com (no bates) | | | | | | | Deposition Exhibits | UA |
| 70025.PDF | Exhibit 4 to Kenneth Eisenberg Deposition Transcript - SKE Group, LLC Invoices (SPZ000843 – SPZ000853) | | | | 12-30-19 | NO | 12-30-19 | Deposition Exhibits | UA |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category |
|---|---|---|---|---|---|---|---|---|
| 70026.PDF | Exhibit 5 to Kenneth Eisenberg Deposition Transcript – (listed in transcript as "Defendant's Second Supplemental Disclosures with attachments, but not provided) | | | | 12-30-19 | No | 12-30-19 | Deposition Exhibits |
| 70027.PDF | INTENTIONALLY LEFT BLANK | | | | | | | |
| 70028.PDF | 2019---09-03 OFFICIAL EVID HEARING MINUTES | | | | | | | |
| 70029.PDF | 2019---09-03 OFFICIAL EVID HEARING EXH LIST | | | | | | | |
| 70030.PDF | Exhibit 1 - Pleading - Judgment Creditor Request | | | | 1-3-2020 | yes | — | |
| 70031.PDF | Exhibit 2 - Pleading - Sworn Declaration of Mark Rich | | | | | | | |
| 70032.PDF | Exhibit 3 - Pleading - Discovery Commissioner's Report | | | | | | | |
| 70033.PDF | Exhibit 4 - Pleading - Plats's Request | | | | | | | |
| 70034.PDF | Exhibit 5 - Pleasings - Defendant Wink One's Response | | | | | | | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 70035.PDF | Exhibit 6 - Pleadings - Defendant david Mitchell's Respoonse | | | | | | | | |
| 70036.PDF | Exhibit 7 - Invoice # 09180052 | | | | 1-6-20 | NO | 1-6-20 | | WA |
| 70037.PDF | Exhibit 8 - Reisman Sorokac - September 2018 Fees | | | | 1-6-20 | NO | 1-6-20 | | WA |
| 70038.PDF | Exhibit 9 - Reismen Sorokac Project Table | | | | 1-6-20 | NO | 1-6-20 | | WA |
| 70039.PDF | Exhibit 10 - Correspondence 1-15-18 | | | | 12-30-19 | OBJ SUST | | | |
| 70040.PDF | Exhibit 11 - Pleading Defendant's 2nd Supplemental | | | | | | | | |
| 70041.PDF | Exhibit 12 - OMITTED | | | | | | | | |
| 70042.PDF | Exhibit 13 - New Jersey Recovery Expenses | | | | 1-6-20 | NO | 1-6-20 | | WA |
| 70043.PDF | Exhibit 14 - Rich 3 | | | | 12-30-19 | NO | 12-30-19 | | WA |
| 70044.PDF | Exhibit 15 - OMITTED | | | | | | | | |
| 70045.PDF | Exhibit 16 - Mark Rich Invoices | | | | 1-6-20 | NO | 1-6-20 | | WA |
| 70046.PDF | Exhibit 17 - OMITTED | | | | | | | | |
| 70047.PDF | Echibit 18 - Mitchell Defendants Supplemental Responses to PLTS's First set ot RFP's | | | | | | | | |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 70048.PDF | Exhibit 19 - Summary Review of Mitchell Defendants 1st Supp Responses to PLTF's 1st RFP's | | | | | | | | |
| 70049.PDF | Exhibit 20 - Mitchell Defendants Second Supplemental Responses to PLTFS' First set of RFP's | | | | | | | | |
| 70050.PDF | Exhibit 21 - Sumnmary Review of Mitchell Defendants 2nd Supp Responses to PLTF's 1st RFP's | | | | | | | | |
| 70051.PDF | Exhibit 22 - Mark Rich email 5/6/19 | | | | 1-6-20 | NO | 1-6-20 | | WA |
| 70052.PDF | Exhibit 23 - Speadsheet | | | | 1-6-20 | NO | 1-6-20 | | WA |
| 70053.PDF | Exhibit 24 - Rich, Wightman and Company Invoices | | | | 1-6-20 | NO | 1-6-20 | | WA |
| 70054.PDF | Exhibit 25 - Rich, Wightman and Company Fees USA | | | | 1-6-20 | NO | 1-6-20 | | WA |
| 70055.PDF | Exhibit 26 - Summary of John Muiji Fees and Cost Attributable to Mitchell and LLVP Defts failure to timely properly | | | | 1-6-20 | NO | 1-6-20 | | WA |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 70056.PDF | Exhibit 27 - June Invoices - John Muiji | | | | 1-6-20 | NO | 1-6-20 | | WA |
| 70057.PDF | Exhibit 28 - July Invoices - John Muiji | | | | 1-6-20 | NO | 1-6-20 | | WA |
| 70058.PDF | Exhibit 29 - Robert Warns Invoices | | | | 1-6-20 | NO | 1-6-20 | | WA |
| 70059.PDF | Exhibit 30 - Notice of Bankruptcy Filing | | | | 1-6-20 | NO | 1-6-20 | | WA |
| 70060.PDF | Exhibit 31 - Calculation of Judgment Balnace | | | | 1-6-20 | NO | 1-6-20 | | WA |
| 70061.PDF | Exhibit 32 - OMITTED | | | | | | | | |
| 70062.PDF | Exhibit 33 - Summary of Discovery Fees and Costs | | | | 1-6-20 | NO | 1-6-20 | | WA |
| 70063.PDF | Exhibit 34 - Mark Rich Fee Summary Update and Invoices | | | | 1-6-20 | NO | 1-6-20 | | WA |
| 70064.PDF | Exhibit 35-1 Reisman Sorokac August 2019 Invoice | | | | 1-6-20 | NO | 1-6-20 | | WA |
| 70065.PDF | Exhibit 35-2 Reisman Sorakac August 2019 Invoices | | | | 1-6-20 | NO | 1-6-20 | | WA |
| 70066.PDF | Exhibit 36 - OMITTED | | | | | | | | |
| 70067.PDF | Exhibit 37 - Supplemental Summary of Muije Fees and Costs and Invoices | | | | 1-6-20 | NO | 1-6-20 | | WA |

## Exhibit List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category |
|---|---|---|---|---|---|---|---|---|
| 70068.PDF | Exhibit 38 - OMITTED | | | | | | | |
| 70069.PDF | Exhibit 39 - August 29 2019 Degrooy Letter to New Jersey Judge | | | | | | | |
| 70070.PDF | 2019---11-22 Krohn - Ltr to Spitz' counsel | | | | | | | |
| 70071.PDF | 2019---12-04 transcript of Mitchell EJD | | | | | | | |
| | | | | | | | | |

# Exhi List

CASE NO: A-16-740689-B

DEPT NO: XI

| | |
|---|---|
| TRIAL DATE: | December 30, 2019 |
| JUDGE: | Elizabeth Gonzalez |
| CLERK: | Dulce Marie V. Romea |
| REPORTER: | |
| JURY FEES: | |

**Russell L. Nype; Revenue Plus, LLC**
PLAINTIFF

COUNSEL FOR PLAINTIFF:

**David J. Mitchell; Barnet Liberman; Las Vegas Land Partners**
DEFENDANT

COUNSEL FOR DEFENDANT:

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 70072.PDF | General Ledger as of December 31, 2012 - Las Vegas Land Partners | MITCH001351 – MITCH001358 | 12/31/2012 | | | | | Financials - LVLP | |
| 70073.PDF | Letter, 10/11/17 from SKE Group LLC to Barnet Liberman | MITCH001272 | 10/11/2017 | | | | | MISCELLANEOUS - SKE Group: Letters, Emails, Statements, Invoices, etc. | |
| 70074.PDF | Adjusted Journal Entries for 1st period ended 12/31/12 - Las Vegas Land Partners | MITCH001322 – MITCH001323 | 12/31/2012 | | | | | Financials - LVLP | |
| 70075.PDF | 9.10.19 Itemized Summary Accounting For Fees Costs | | | | 1-6-20 | NO | 1-6-20 | | UA |
| 70076.PDF | 2019---11-30 Reisman - new time not previously disclosed | | | | 1-6-20 | NO | 1-6-20 | | UA |

# Exh List

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 70077.PDF | Reisman - Summary Account Statement 010320 | | | | 1-6-20 | NO | 1-6-20 | | WA |
| 70078.PDF | RICH, WIGHTMAN & COMPANY - RWC - Nype New Case Billings and Summary | | | | 1-6-20 | NO | 1-6-20 | | WA |
| 70079.PDF | Muije --- 2019---08-29 --- 12-31 new fees and costs | | | | 1-6-20 | NO | 1-6-20 | | WA |

DEFENDANT
MR. JOHNSON'S EXHIBIT LIST (ELECTRONIC)

**Exhibit List**

CASE NO: a-16-740689-B

DEPT NO: 11

TRIAL DATE: 30-Dec-19

JUDGE: Elizabeth Gonzalez
CLERK: Dulce Marie V. Romea
RECORDER: Jill Hawkins
JURY FEES: N/A
COUNSEL FOR PLAINTIFF: John Muije, Esq.

Russell L. Nype; Revenue Plus, LLC
PLAINTIFF

David J. Mitchell; Barnet Liberman; et al.
DEFENDANT

COUNSEL FOR DEFENDANT: James Edwards, Esq.; H. Stanley Johnson, Esq.; Kevin Johnson, Esq.; Brian Boschee, Esq.; Elliot Blut, Esq.

| Exhibit Number | Identif. of Device or | Description of Exhibit | Alphanumeric Designation on Exh. | Stipulated Yes / No | Date Offered | Objection | Date Admitted | |
|---|---|---|---|---|---|---|---|---|
| 90001.pd | FCSUB0000011- | Agreement of Purchase and Sale with Forest City | | | 12-30-19 | No | 12-30-19 | WA |
| 90002.pd | Mitch1339306-Mi | 305 - Third Deed of Trust - Charleston | | | | | | WA |
| 90003.pd | 305LV06004-305 | 305LV06004 - 305LV06008 CONFIDENTIAL INFORMATION - Livework write off analys | | | | | | WA |
| 90004.pd | Mitch1143836-Mi | Amended and Restate Escrow Agreement - 8.20.14 | | | | | | WA |
| 90005.pd | MIT002856-MIT0 | Deed from 777 Properties, LLC to Marc Property, LLC (APN 139-34-311-021) dated Feb | | | | | | WA |
| 90006.pd | MIT002883-MIT0 | Deed from 777 Properties, LLC to Zoe Property (APN 139-34-311-011) dated January 11 | | | | | | WA |
| 90007.pd | MIT002832-MIT0 | Deed from Aardvark to LV Bonneville Partners (APN 139-34-311-032) dated November 8 | | | | | | WA |
| 90008.pd | MIT002785-MIT0 | Deed from Aquarius LLC to Aquarius Owner LLC (APN 162-03-115-001 and 002) dated J | | | | | | WA |
| 90009.pd | MIT003030-MIT0 | Deed from Aquarius Owner LLC to LiveWork Manager LLC (Re-Recorded to correct Gra | | | | | | WA |
| 90010.pd | MIT003026-MIT0 | Deed from Aquarius, LLC to Aquarius Owner, LLC (APN 162-03-115-001 ù 002) dated Ja | | | | | | WA |
| 90011.pd | MIT002838-MIT0 | Deed from Beesley to LiveWork, LLC (APN 139-34-311-027) dated May 17, 2006 | | | | | | WA |
| 90012.pd | MIT002843-MIT0 | Deed from Bigelow to LiveWork, LLC (APN 139-34-311-025 and 139-34-210-010 ù 013) | | | | | | WA |
| 90013.pd | MIT002863-MIT0 | Deed from Blalock to LiveWork, LLC (APN 139-34-311-017 and 018) dated February 1, 2 | | | | | | WA |
| 90014.pd | MIT003047-MIT0 | Deed from City Parkway IV A, Inc to PQ Las Vegas, LLC (APNs 139-34-110-005 and 139 | | | | | | WA |
| 90015.pd | MIT002896-MIT0 | Deed from Coleman to LiveWork, LLC (APN 139-34-311-003) dated September 14, 2009 | | | | | | WA |
| 90016.pd | MIT002815-MIT0 | Deed from Cromer to LiveWork and FC Vegas (APN 139-34-311-039) dated July 2, 2007 | | | | | | WA |
| 90017.pd | MIT002807-MIT0 | Deed from Devlin to Meyer Property (APN 139-34-311-041 and 042) dated May 15, 2006 | | | | | | WA |
| 90018.pd | MIT002829-MIT0 | Deed from Ebarb to LV Bonneville Partners (APN 139-34-311-033) dated November 8, 2 | | | | | | WA |
| 90019.pd | MIT002826-MIT0 | Deed from Ebarb to LV Bonneville Partners (APN 139-34-311-034) dated November 8, 2 | | | | | | WA |
| 90020.pd | MIT002956-MIT0 | Deed from FC Vegas 20 to Canton Centre Mall LP Block 9 (APN 139-34-301-008), dated | | | | | | WA |
| 90021.pd | MIT002971-MIT0 | Deed from FC Vegas 20 to FCLW Vegas LLC (APNs 139-34-311-001 - 003, 007 - 031, 0 | | | | | | WA |
| 90022.pd | MIT002980-MIT0 | Deed from FCLW Vegas, LLC to Downtown CAC, LLC (APN 139-34-311-049 and 139-34 | | | | | | WA |
| 90023.pd | MIT002859-MIT0 | Deed from First Street Prop to Marc Property (APNs 139-34-311-019 and 020 and 022 a | | | | | | WA |
| 90024.pd | MIT002797-MIT0 | Deed from Glennen to LiveWork (APN 139-34-311-049) dated September 14, 2005 | | | | | | WA |
| 90025.pd | MIT003070-MIT0 | Deed from Gordon Family Trust to Adrian Property, LLC (APNs 139-34-311-001, 002, 00 | | | | | | WA |
| 90026.pd | MIT002841-MIT0 | Deed from Gragson to Aaron Property (APN 139-34-311-026) dated January 20, 2005 | | | | | | WA |
| 90027.pd | MIT002835-MIT0 | Deed from Kaufman to Gaviayana (APN 139-34-311-030 and 031) dated August 25, 200 | | | | | | WA |
| 90028.pd | MIT002800-MIT0 | Deed from Keach to LiveWork (APN 139-34-311-043 ù 047) dated April 22, 2005 | | | 12-30-19 | NO | 12-30-19 | WA |

**Exhibit List**

| Exhibit Number | Identif. of Device or | Description of Exhibit | Alphanumeric Designation on Exh. | Stipulated Yes / No | Date Offered | Objection | Date Admitted | |
|---|---|---|---|---|---|---|---|---|
| 90029.pd | MIT002823-MIT0 | Deed from Krieger to Stella Property (APN 139-34-311-035) dated January 5, 2005 | | | 12-30-19 | NO | 12-30-19 | WA |
| 90030.pd | MIT002819-MIT0 | Deed from Lakes Residency to Gaviayana (APN 139-34-311-036 - 038 and 028-29) date | | | | | | WA |
| 90031.pd | MIT002892-MIT0 | Deed from LDL Trust to LiveWork, LLC (APN 139-34-311-008 and 009 and 016) dated C | | | | | | WA |
| 90032.pd | MIT003021-MIT0 | Deed from Leah Property to Casino Coolidge (APN 139-34-410-057 ù 059) dated Decem | | | | | | WA |
| 90033.pd | MIT003017-MIT0 | Deed from Leah Property to Solterra Nevada (APN 139-34-410-083 ù 086) dated Decem | | | | | | WA |
| 90034.pd | MIT003065-MIT0 | Deed from Leah Property, LLC to LiveWork Manager, LLC (APNs 139-34-410-056 and 0 | | | | | | WA |
| 90035.pd | MIT002920-MIT0 | Deed from LiveWork and FC Vegas to PQ Las Vegas (APNs 139-34-210-007 013 and 1 | | | | | | WA |
| 90036.pd | MIT003037-MIT0 | Deed from LiveWork Manager, LLC to LiveWork, LLC (APN 162-03-115-001) dated Octo | | | | | | WA |
| 90037.pd | MIT003013-MIT0 | Deed from LiveWork to LiveWork Manager (APN 139-34-410-056) dated November 7, 2 | | | | | | WA |
| 90038.pd | MIT003042-MIT0 | Deed from LiveWork, LLC to 305 Las Vegas, LLC (APN 162-03-115-001 ù 002) dated Ma | | | 12-30-19 | NO | 12-30-19 | WA |
| 90039.pd | MIT002886-MIT0 | Deed from Marchesini and Pennington to LiveWork (APN 139-34-311-010 and 014 and 0 | | | 12-30-19 | NO | 12-30-19 | WA |
| 90040.pd | MIT002789-MIT0 | Deed from Monroe and Sylvain to Ava Property (APN 139-34-302-009) dated November | | | | | | WA |
| 90041.pd | MIT002996-MIT0 | Deed from Monroe and Sylvain to Leah Property (APN 139-34-410-056 - 059 and 083 ù 0 | | | | | | WA |
| 90042.pd | MIT002909-MIT0 | Deed from PJK Corporation to LiveWork, LLC (APN 139-34-210-009) dated May 23, 200 | | | | | | WA |
| 90043.pd | MIT002929-MIT0 | Deed from PQ Las Vegas, LLC to City of Las Vegas, Nevada (APN 139-34-201-022) date | | | | | | WA |
| 90044.pd | MIT003059-MIT0 | Deed from PQ Las Vegas, LLC to PQ Holdings, LLC (APNs 139-34-110-005 and 011) da | | | | | | WA |
| 90045.pd | MIT002899-MIT0 | Deed from Sun State Properties, LLC to LiveWork, LLC (APN 139-34-210-019 ù 021) da | | | | | | WA |
| 90046.pd | MIT002913-MIT0 | Deed from T-QHR to Zoe Property (APN 139-34-210-007 - 008 and 022 - 023) dated Dec | | | | | | WA |
| 90047.pd | MIT002903-MIT0 | Deed from Tower Enterprises to LiveWork, LLC (APN 139-34-210-014 and 015 and 018) | | | | | | WA |
| 90048.pd | MIT002812-MIT0 | Deed from Triopoly to LiveWork (APN 139-34-311-040) dated October 23, 2006 | | | | | | WA |
| 90049.pd | MIT002867-MIT0 | Deed from Wait to LiveWork, LLC (APN 139-34-311-012 and 013) dated October 23, 200 | | | | | | WA |
| 90050.pd | MIT002851-MIT0 | Deed from Young to LiveWork, LLC (APN 139-34-311-023 and 024) dated April 22, 2005 | | | | | | WA |
| 90051.pd | Mitch1340815-Mi | Deed of Trust Note | | | | | | WA |
| 90052.pd | MIT003087-MIT0 | Email Correspondence dated November 8, 2018 from Insignia Title with escrow informati | | | | | | WA |
| 90053.pd | MIT003057-MIT0 | Email Correspondence from Norma Spaeth at Stewart Title to Garry Hayes and Larson W | | | | | | WA |
| 90054.pd | Mitch1348811-Mi | EXECUTED - Surrender and Termination Agreement - 305 Las Vegas | | | | | | WA |
| 90055.pd | Mitch1362308-Mi | First Amendment to Charleston-305 Purchase Agreement | | | | | | WA |
| 90056.pd | Mitch1265511-Mi | First Deed of Trust - Charleston | | | | | | WA |
| 90057.pd | Mitch1147592-Mi | Guaranty of Lease | | | | | | WA |
| 90058.pd | Mitch1199191-Mi | Heartland 305 Guarantee 04.17.09 | | | | | | WA |
| 90059.pd | Mitch1336606-Mi | Heatland Bank v. David Mitchell.Compressed | | | 12-30-19 | NO | 12-30-19 | WA |
| 90060.pd | MIT002812-MIT0 | Leah_pro.pdf | | | | | | |
| 90061.pd | MIT003055-MIT0 | Letter from David Mitchell to National Title Co. authorizing Hayes and Welsh to obtain sta | | | | | | |
| 90062.pd | MIT003083-MIT0 | Letter from Equity Title of NV dated October 25, 2018 with Final Settlement Statement (A | | | 12-30-19 | NO | 12-30-19 | WA |
| 90063.pd | Mitch1348824-Mi | Lost Promissory Note - David Mitchell - 9.16.14 | | | 12-30-19 | NO | 12-30-19 | WA |
| 90064.pd | MIT003054 | Map of Parcels 139-34-1 | | | | | | |
| 90066.pd | Mitch1339344-Mi | Net Lease - Charleston - 305 Las Vegas | | | 12-30-19 | NO | 12-30-19 | WA |
| 90067.pd | Mitch0339705-Mi | NSB Term Sheet | | | | | | |
| 90068.pd | Mitch1339404-Mi | Purchase Money (Third) Deed of Trust | | | | | | |
| 90069.pd | Mitch1348816-Mi | Release of Lease Guaranty (fully executed) (1453993x9DB39) | | | 12-30-19 | NO | 12-30-19 | WA |

**Exhibit List**

| Exhibit Number | Identif. of Device or | Description of Exhibit | Alphanumeric Designation on Exh. | Stipulated Yes / No | Date Offered | Objection | Date Admitted |
|---|---|---|---|---|---|---|---|
| 90074.pd | Mitch1265565-Mi | Second Deed of Trust - Charleston | | | | | |
| 90075.pd | MIT002968-MIT0 | State of Delaware Certificate of Merger FCLW Vegas, LLC, LW TIC Successor, LLC date | | | 12-30-19 | NO | 12-30-19 WA |
| 90076.pd | Mitch1348407-Mi | Vegas - David Mitchell - 9.15.14 | | | | | |
| 90077.pd | Demonstrative | Timeline of the Creation of Corporate Entities | | | | | |
| 90078.pd | Demonstrative | Defendant Transfer 305 Note Payable to Live Work | | | | | |

# EXHIBIT(S) LIST

Case No.: A-16-740689-B

Trial Date: DEC. 30, 2019

Dept. No.: XI

Judge: HON. ELIZABETH GONZALEZ

Court Clerk: DULCE ROMEA

Plaintiff: RUSSELL NYPE

Recorder: JILL HANKINS

Counsel for Plaintiff: JOHN MUIJE, ESQ.

vs.

Defendant: DAVID MITCHELL

Counsel for Defendant: JAMES EDWARDS, ESQ.; H. STANLEY JOHNSON, ESQ.; KEVIN JOHNSON, ESQ.; BRIAN BOSCHEE, ESQ.; ELLIOT BLUT, ESQ.

## TRIAL BEFORE THE COURT

**DEFENDANT'S EXHIBITS** (CONTINUED)

* TRADITIONAL *

| Exhibit Number | Exhibit Description | Date Offered | Objection | Date Admitted |
|---|---|---|---|---|
| 90079 | DEFENDANTS / COUNTERCLAIMANTS REVENUE PLUS AND RUSSELL NYPE'S TENTH SUPPLEMENT TO INITIAL | | | |
| | DISCLOSURES PURSUANT TO NRCP 26 (C)(1) — | 1-6-20 | OBJ | 1-6-20 WA |
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MR. BOSCHEE'S EXHIBIT LIST

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| CASE NO: A-16-740689-B | | | TRIAL DATE | | December 30, 2019 | | | |
| | | | JUDGE: | | Elizabeth Gonzalez | | | |
| DEPT NO: | XI | | CLERK: | | Dulce Marie V. Romea | | | |
| | | | REPORTER | | | | | |
| | | | JURY FEES | | | | | |
| | Russell L. Nype; Revenue Plus, LLC | | | | | | | |
| | PLAINTIFF | | COUNSEL FOR PLAINTIFF: | | | | | |
| | David J. Mitchell; Barnet Liberman; Las Vegas Land Partners | | | | | | | |
| | DEFENDANT | | COUNSEL FOR DEFENDANT: | | | | | |

| Exhibit Number | Description of Exhibit | Alphanumeric Designation on Exh. | Date | Stipulated Yes / No | Date Offered | Objection | Date Admitted | Category | |
|---|---|---|---|---|---|---|---|---|---|
| 80000.PDF | Real Property Records for Parcels 162-03-115-001 and 162-03-115-002 | 305LV00001 - 305LV00004 | 5/2/2007 | | 12-30-19 | NO | 12-30-19 | 305 Las Vegas, LLC | WA |
| 80001.PDF | Grant, Bargain and Sale Deed for Parcels 162-03-115-001 and 162-03-115-002 dated 03.15.07 | 305LV00005 - 305LV00009 | 3/15/2007 | | | | | 305 Las Vegas, LLC | WA |
| 80002.PDF | Parcel Ownership History - Parcels 162-03-115-001 and 162-03-115-002 | 305LV00010 - 305LV00011 | | | | | | 305 Las Vegas, LLC | WA |
| 80003.PDF | 305 Las Vegas, LLC - Entity Details | 305LV00012 - 305LV00014 | 4/30/2007 | | | | | 305 Las Vegas, LLC | WA |
| 80004.PDF | Attorney statements, record of payments and copies of checks to attorney | 305LV00015 - 305LV00065 | 05/31/2013 – 05/25/2018 | | 12-30-19 | NO | 12-30-19 | 305 Las Vegas, LLC | WA |
| 80005.PDF | CONFIDENTIAL INFORMATION - Advanced Litigation Lease Amending Agreement with Lease attached | 305LV00066 - 305LV00084 | 10/15/2013; 3/1/2009 | | | | | 305 Las Vegas, LLC | |
| 80006.PDF | CONFIDENTIAL INFORMATION - Advanced Litigation Termination Agreement 105 - 305 Las Vegas LLC - Executed by Leasee | 305LV00085 - 305LV00088 | 2/10/2017 | | | | | 305 Las Vegas, LLC | |
| 80007.PDF | CONFIDENTIAL INFORMATION - Tenant Ledger Advanced Litigation | 305LV00089 - 305LV00091 | 10/15/2013 – 01/02/2017 | | | | | 305 Las Vegas, LLC | |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 80008.PDF | CONFIDENTIAL INFORMATION - Fully executed new lease JBI | 305LV00092 - 305LV00119 | 2/13/2017 | | | | | 305 Las Vegas, LLC | |
| 80009.PDF | CONFIDENTIAL INFORMATION - Fully executed lease Collister | 305LV00120 - 305LV00149 | 4/5/2017 | | 12-30-19 | NO | 12-30-19 | 305 Las Vegas, LLC | UA |
| 80010.PDF | CONFIDENTIAL INFORMATION - Fully executed lease Guerilla Marketing | 305LV00150 - 305LV00172 | 7/1/2016 | | | | | 305 Las Vegas, LLC | UA |
| 80011.PDF | CONFIDENTIAL INFORMATION - Fully executed lease Parke Esquire | 305LV00173 - 305LV00201 | 11/29/2016 | | | | | 305 Las Vegas, LLC | UA |
| 80012.PDF | CONFIDENTIAL INFORMATION - Fully executed lease Pink Tutu | 305LV00202 - 305LV00225 | 5/19/2017 | | | | | 305 Las Vegas, LLC | UA |
| 80013.PDF | CONFIDENTIAL INFORMATION - Fully executed lease Viva Vape | 305LV00226 - 305LV00250 | 2/22/2017 | | 12-30-19 | NO | 12-30-19 | 305 Las Vegas, LLC | UA |
| 80014.PDF | CONFIDENTIAL INFORMATION - City National Bank Acct. 1045 Statement with Reconciliation Reports dated 04.30.18 - 11.28.14 | 305LV00251 - 305LV00526 | 04/30/2018 – 11/28/2014 | | | | | 305 Las Vegas, LLC | |
| 80015.PDF | CONFIDENTIAL INFORMATION - Meadows Bank Acct. 1065 Statements 05.2018 - 01.2018 | 305LV00527 - 305LV00547 | 05/31/2018 – 01/31/2018 | | | | | 305 Las Vegas, LLC | |
| 80016.PDF | CONFIDENTIAL INFORMATION - Meadows Bank Acct. 8033 Statements dated 11.28.17, 12.13.17 & 3.29.18 | 305LV00548 - 305LV00550 | 11/28/2016; 12/13/2017 | | | | | 305 Las Vegas, LLC | |
| 80017.PDF | CONFIDENTIAL INFORMATION - 305 2nd av 2014 return copie | 305LV00551 - 305LV01120 | 12/31/2014 | | 12-30-19 | NO | 12-30-19 | 305 Las Vegas, LLC | UA |
| 80018.PDF | CONFIDENTIAL INFORMATION - 305 2nd ave 2015 office copies | 305LV01121 - 305LV01611 | 12/31/2015 | | | | | 305 Las Vegas, LLC | UA |
| 80019.PDF | CONFIDENTIAL INFORMATION - 305 2nd av 2016 Tax return | 305LV01612 - 305LV02354 | 12/31/2016 | | | | | 305 Las Vegas, LLC | UA |
| 80020.PDF | CONFIDENTIAL INFORMATION - 305 2nd av 2017 Tax Return | 305LV02355 - 305LV03198 | 12/31/2017 | | | | | 305 Las Vegas, LLC | UA |
| 80021.PDF | 305 Avenue Associates, L.P. - NYS Department of State - Entity Details | 305LV03199 - 305LV03200 | 2/11/1997 | | | | | 305 Las Vegas, LLC | UA |
| 80022.PDF | 305 Las Vegas LLC - Delaware Department of State - Division of Corporations - Entity Details | 305LV03201 | 4/19/2007 | | 12-30-19 | NO | 12-30-19 | 305 Las Vegas, LLC | UA |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 80023.PDF | CONFIDENTIAL INFORMATION - Certificate of Adoption of Revised Limited Partnership Act of 305 Second Avenue Associates | 305LV03202 - 305LV03205 | 2/10/1997 | | 12-30-19 | NO | 12-30-19 | 305 Las Vegas, LLC | WA |
| 80024.PDF | CONFIDENTIAL INFORMATION - Certificate of Amendment of the Certificate of Limited Partnership of 305 Second Avenue Associates | 305LV03206 - 305LV03208 | 2/10/1997 | | | | | 305 Las Vegas, LLC | WA |
| 80025.PDF | APN 139-34-410-056 through 139-34-410-059 - Real Property Records | 305LV03209 - 305LV03216 | 12/31/2014 | | | | | 305 Las Vegas, LLC | WA |
| 80026.PDF | Grant, Bargain, Sale Deed APN's 139-34-410-056 through 139-34-410-059 | 305LV03217 - 305LV03221 | 12/31/2014 | | | | | 305 Las Vegas, LLC | WA |
| 80027.PDF | Parcel Ownership APN's 139-34-410-056 through 139-34-410-059 | 305LV03222 - 305LV03225 | 12/31/2014 | | | | | 305 Las Vegas, LLC | WA |
| 80028.PDF | Grant, Bargain and Sale Deed APN 139-34-311-043 | 305LV03226 - 305LV03239 | 6/22/2007 | | 12-30-19 | NO | 12-30-19 | 305 Las Vegas, LLC | WA |
| 80029.PDF | Grant, Bargain and Sale Deed APN's 139-34-210-014; 139-24-210-015 & 139-34-210-018 | 305LV03240 - 305LV03245 | 9/26/2005 | | 1-6-20 | NO | 1-6-20 | 305 Las Vegas, LLC | WA |
| 80030.PDF | Register of Actions and final Judgment for Case No. 07A551073 | 305LV03246 - 305LV03272 | 11/02/2007; 4/10/2015 | | 12-30-19 | NO | 12-30-19 | 305 Las Vegas, LLC | WA |
| 80031.PDF | Register of Actions and final Stipulation and Order for Case No. A-12-656650-C | 305LV03273 - 305LV03276 | 02/16/2012; 9/19/2013 | | | | | 305 Las Vegas, LLC | WA |
| 80032.PDF | Register of Actions and final Order for Case No. A-13-679028-B | 305LV03277 - 305LV03292 | 03/27/2013; 11/21/2013; 12/23/2013 | | | | | 305 Las Vegas, LLC | WA |
| 80033.PDF | CONFIDENTIAL INFORMATION - Settlement Agreement Case No. A-13-679028-B | 305LV03293 - 305LV03345 | 8/29/2014 | | | | | 305 Las Vegas, LLC | WA |
| 80034.PDF | Register of Actions and final Stipulation and Order for Case No. A-13-682684-C | 305LV03346 - 305LV03350 | 05/31/2013; 09/23/2014 | | 12-30-19 | NO | 12-30-19 | 305 Las Vegas, LLC | WA |

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|---|---|---|---|---|---|---|---|---|---|
| 80035.PDF | Register of Actions and final Order for Case No. A-14-697861-B | 305LV03351 - 305LV03356 | 03/18/2014; 12/01/2014 | | 12-30-19 | NO | 12-30-19 | 305 Las Vegas, LLC | WA |
| 80036.PDF | Certificate of Formation of 305 Las Vegas LLC | 305LV03357 - 305LV03358 | 4/19/2007 | | | | | 305 Las Vegas, LLC | WA |
| 80037.PDF | Application for Registration - NV Articles for Foreign LLC - 305 Las Vegas LLC | 305LV03359 | 4/30/2007 | | | | | 305 Las Vegas, LLC | WA |
| 80038.PDF | Foreign LLC Charter - 305 Las Vegas LLC | 305LV03360 | 4/30/2007 | | 12-30-19 | NO | 12-30-19 | 305 Las Vegas, LLC | WA |
| 80039.PDF | List of Managers filed 03-07-16 - 305 Las Vegas LLC | 305LV03361 | 3/7/2016 | | 1-3-2020 | NO | 1-3-2020 | 305 Las Vegas, LLC | WA |
| 80040.PDF | Operating Agreement - 305 Las Vegas LLC | 305LV03362 - 305LV03384 | 4/30/2007 | | 12-30-19 | NO | 12-30-19 | 305 Las Vegas, LLC | WA |
| 80041.PDF | CONFIDENTIAL INFORMATION - 305 SECOND AVE 2007 Federal Tax return | 305LV03385 - 305LV03388 | 3/27/2008 | | | | | 305 Las Vegas, LLC | WA |
| 80042.PDF | CONFIDENTIAL INFORMATION - 305 SECOND AVE FORM 1065 2008 - Federal | 305LV03389 - 305LV03393 | 3/9/2009 | | | | | 305 Las Vegas, LLC | WA |
| 80043.PDF | CONFIDENTIAL INFORMATION - 305 2nd Ave. 2009 Tax return | 305LV03394 - 305LV03492 | 12/31/2009 | | | | | 305 Las Vegas, LLC | WA |
| 80044.PDF | CONFIDENTIAL INFORMATION - 305 SECOND AVE FORM 1065 2010 – Federal | 305LV03493 - 305LV03542 | 12/31/2010 | | 12-30-19 | NO | 12-30-19 | 305 Las Vegas, LLC | WA |
| 80045.PDF | CONFIDENTIAL INFORMATION - 305 2nd Ave 2011 Tax return | 305LV03543 - 305LV03999 | 12/31/2011 | | 12-30-19 | NO | 12-30-19 | 305 Las Vegas, LLC | WA |
| 80046.PDF | CONFIDENTIAL INFORMATION - 305 2nd Ave 2012 Tax return | 305LV04000 - 305LV04509 | 12/31/2012 | | 12-30-19 | NO | 12-30-19 | 305 Las Vegas, LLC | WA |
| 80047.PDF | CONFIDENTIAL INFORMATION - 305 2nd Ave 2013 Tax return | 305LV04510 - 305LV04533 | 4/4/2014 | | 12-30-19 | NO | 12-30-19 | 305 Las Vegas, LLC | WA |
| 80048.PDF | CONFIDENTIAL INFORMATION - 305 Las Vegas trial_balances-2017 | 305LV04534 - 305LV04564 | 01/01/2017 – 12/31/2017 | | | | | 305 Las Vegas, LLC | |
| 80049.PDF | CONFIDENTIAL INFORMATION - 305 Las Vegas, LLC General Ledger for dates 12.05.14 - 07.29.17 | 305LV04565 - 305LV05717 | 12/05/2014 – 07/29/2017 | | | | | 305 Las Vegas, LLC | |
| 80050.PDF | Second Amended Petition for Case No. 13SL-CC01532 | 305LV05718 - 305LV05811 | 4/16/2014 | | 1-6-20 | NO | 1-6-20 | 305 Las Vegas, LLC | WA |

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| 80051.PDF | 305 Second Avenue Associates Financial Statement - 2012 | 305LV05812 - 305LV05825 | 12/31/2012 | | 12-30-19 | NO | 12-30-19 | 305 Las Vegas, LLC | WA |
| 80052.PDF | 305 Second Avenue Associates Financial Statement - 2013 | 305LV05826 - 305LV05840 | 12/31/2013 | | | | | 305 Las Vegas, LLC | WA |
| 80053.PDF | 305 Second Avenue Associates Financial Statement - 2014 | 305LV05841 - 305LV05855 | 12/31/2014 | | | | | 305 Las Vegas, LLC | WA |
| 80054.PDF | CONFIDENTIAL INFORMATION - Promissory Note - Fully Executed | 305LV05856 - 305LV05858 | 3/16/2015 | | | | | 305 Las Vegas, LLC | WA |
| 80055.PDF | CONFIDENTIAL INFORMATION - Business Loan Agreement - Fully Executed | 305LV05859 - 305LV05865 | 3/16/2015 | | | | | 305 Las Vegas, LLC | WA |
| 80056.PDF | CONFIDENTIAL INFORMATION - Addendum to Business Loan Agreement - Fully Executed | 305LV05866 | 3/16/2015 | | | | | 305 Las Vegas, LLC | WA |
| 80057.PDF | CONFIDENTIAL INFORMATION - Disbursement Request and Authorization - Fully Executed | 305LV05867 - 305LV05868 | 3/16/2015 | | | | | 305 Las Vegas, LLC | WA |
| 80058.PDF | Deed of Trust - Fully Executed and Recorded | 305LV05869 - 305LV05888 | 3/20/2015 | | 12-30-19 | NO | 12-30-19 | 305 Las Vegas, LLC | WA |
| 80059.PDF | CONFIDENTIAL INFORMATION - Hazardous Substances Certificate and Indemnity Agreement - Fully Executed and Recorded | 305LV05889 - 305LV05900 | 3/20/2015 | | | | | 305 Las Vegas, LLC | |
| 80060.PDF | CONFIDENTIAL INFORMATION - Limited Liability Company Resolution to Borrow / Grant Collateral / Subordinate Debt | 305LV05901 - 305LV05902 | 3/16/2015 | | 12-30-19 | NO | 12-30-19 | 305 Las Vegas, LLC | WA |
| 80061.PDF | CONFIDENTIAL INFORMATION - Owners Policy of Title Insurance | 305LV05903 - 305LV05918 | 12/31/2014 | | | | | 305 Las Vegas, LLC | |
| 80062.PDF | CONFIDENTIAL INFORMATION - Loan Policy Title Insurance | 305LV05919 - 305LV05937 | 3/20/2015 | | | | | 305 Las Vegas, LLC | |
| 80063.PDF | CONFIDENTIAL INFORMATION - Commitment for Title Insurance | 305LV05938 - 305LV05961 | 1/24/2014 | | | | | 305 Las Vegas, LLC | |
| 80064.PDF | Complaint - Case No. A-13-682684-C | 305LV05962 - 305LV05979 | 5/31/2013 | | 12-30-19 | NO | 12-30-19 | 305 Las Vegas, LLC | WA |
| 80065.PDF | SAO for Dismissal with Prejudice - Case No. A-13-682684-C | 305LV05980 - 305LV05981 | 9/23/2014 | | 12-30-19 | NO | 12-30-19 | 305 Las Vegas, LLC | WA |
| 80066.PDF | CONFIDENTIAL INFORMATION - Offer to Purchase 06.05.14 | 305LV05982 - 305LV05988 | 6/5/2014 | | | | | 305 Las Vegas, LLC | |

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| 80067.PDF | Third Deed of Trust with Assignments of Rents recorded 05.02.07 | 305LV05989 - 305LV05992 | 5/2/2007 | | | | | 305 Las Vegas, LLC | |
| 80068.PDF | Full Reconveyance - recorded 02.05.15 | 305LV05993 - 305LV05994 | 2/5/2015 | | | | | 305 Las Vegas, LLC | |
| 80069.PDF | Substitution of Trustee and Deed of Reconveyance recorded 02.05.15 | 305LV05995 - 305LV05996 | 2/5/2015 | | | | | 305 Las Vegas, LLC | |
| 80070.PDF | CONFIDENTIAL INFORMATION - Title / Escrow Company Recording Instructions dated 02.12.15 - Fully executed | 305LV05997 - 305LV06000 | 2/12/2015 | | | | | 305 Las Vegas, LLC | |
| 80071.PDF | CONFIDENTIAL INFORMATION - HSBC transaction history for Acct. 3391 dated 02.07.08 | 305LV06001 | 2/7/2008 | | 12-30-19 | NO | 12-30-19 | 305 Las Vegas, LLC | WA |
| 80072.PDF | CONFIDENTIAL INFORMATION - Valley National Bank Domestic / International Wire Transfer Request from Liberman to Las Vegas Land Partners dated 02.07.08 | 305LV06002 | 2/7/2008 | | | | | 305 Las Vegas, LLC | |
| 80073.PDF | CONFIDENTIAL INFORMATION - HSBC Customer Remittance Request from Liberman to Las Vegas Land Partners dated 02.07.08 | 305LV06003 | 2/7/2008 | | | | | 305 Las Vegas, LLC | |
| 80074.PDF | CONFIDENTIAL INFORMATION - Livework write off analysis 2014 | 305LV06004 - 305LV06008 | 12/15/2014 | | 12-30-19 | NO | 12-30-19 | 305 Las Vegas, LLC | WA |
| 80075.PDF | 20190131 5th Supp Bates Docs | 305LV06009 - 305LV07143 | 1/31/2019 | | | | | 305 Las Vegas, LLC | |
| 80076.PDF | 20190226 6th Supp Bates Docs | 305LV07144 - 305LV08413 | 2/26/2019 | | | | | 305 Las Vegas, LLC | |
| 80077.PDF | 7th Supplemental Disclosure | 305LV08414 - 305LV10150 | 4/30/2019 | | | | | 305 Las Vegas, LLC | |
| 80078.PDF | Bates-stamped Docs 305LV10151 - 305LV19657 Privileged Docs | 305LV10151 - 305LV19657 | 5/3/2019 | | | | | 305 Las Vegas, LLC | |
| 80079.PDF | 8th Supplemental Disclosures | 305LV19658 - 305LV26354 | 5/14/2019 | | | | | 305 Las Vegas, LLC | |
| 80080.PDF | Privilege Log | 305LV26355 - 305LV29164 | 5/14/2019 | | | | | 305 Las Vegas, LLC | |
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# EXHIBIT(S) LIST

Case No.: A-16-740689-B

Dept. No.: XI

Plaintiff: RUSSELL NYPE

vs.

Defendant: DAVID MITCHELL

Trial Date: DECEMBER 30, 2019

Judge: HON. ELIZABETH GONZALEZ

Court Clerk: DULCE ROMEA

Recorder: JILL HAWKINS

Counsel for Plaintiff: JOHN MUIJE, ESQ.

Counsel for Defendant: JAMES EDWARDS, ESQ.; KEVIN JOHNSON, ESQ.; H-STANLEY JOHNSON, ESQ.; BRIAN BOSCHEE, ESQ.; ELLIOT BLUT, ESQ.

## TRIAL BEFORE THE COURT

### COURT'S EXHIBITS

| Exhibit Number | Exhibit Description | Date Offered | Objection | Date ~~Admitted~~ |
|---|---|---|---|---|
| 1 | JOHN MUIJE'S POWERPOINT FOR CLOSING ARGUMENTS (THUMB DRIVE) | — | — | Marked 1-7-20 WA |
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# EXHIBIT(S) LIST

Case No.: **A-16-740689-B**

Dept. No.: **XI**

Plaintiff: **RUSSELL NYPE**

Defendant: **DAVID MITCHELL**

Trial Date: **DECEMBER 30, 2019**

Judge: **HON. ELIZABETH GONZALEZ**

Court Clerk: **DULCE ROMEA**

Recorder: **JILL HAWKINS**

Counsel for Plaintiff: JOHN MUIJE, ESQ.

Counsel for Defendant: JAMES EDWARDS, ESQ.; KEVIN JOHNSON, ESQ.; H. STANLEY JOHNSON, ESQ.; BRIAN BOSCHEE, ESQ.; ELIOT BELL, ESQ.;

## BENCH TRIAL

### DEMONSTRATIVE EXHIBITS

| Exhibit Number | Exhibit Description | Date Offered | Objection | Date ~~Admitted~~ Marked |
|---|---|---|---|---|
| D-1 | TOTAL FEES INCURRED BY NYPE; CALCULATION OF CURRENT JUDGMENT BALANCE | | | 1-7-20 |
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AB

# EXHIBIT(S) LIST

Case No.: **A-16-740689-B**

Hearing Date: **FEBRUARY 24, 2020**

Dept. No.: **XI**

Judge: **HON. ELIZABETH GONZALEZ**

Court Clerk: **DULCE ROMEA**

Plaintiff: **RUSSELL NYPE**

Recorder: **JILL HAWKINS**

Counsel for Plaintiff: JOHN MUIJE, ESQ.

vs.

Defendant: **DAVID MITCHELL**

Counsel for Defendant: H. STANLEY JOHNSON, ESQ. JAMES EDWARDS, ESQ.; ELLIOT BLUT, ESQ.

## HEARING BEFORE THE COURT

**PLAINTIFF'S EXHIBITS**

| Exhibit Number | Bates No.(s) | Exhibit Description | Date Offered | Objection | Date Admitted |
|---|---|---|---|---|---|
| 1 | N/A | PRINTOUT OF A SEARCH OF CASINO COOLIDGE, LLC | 2-24-20 | OBJ | 2-24-20 |
| 2 | N/A | PRINTOUT OF A SEARCH OF CASINO COOLIDGE, LLC | 2-24-20 | OBJ | 2-24-20 |
| 3 | N/A | RECORDING WITH THE CITY REGISTER OF THE CITY OF NEW YORK | 2-24-20 | OBJ | 2-24-20 |
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**EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE**

# NOTICE OF DEFICIENCY

**ON APPEAL TO NEVADA SUPREME COURT**

**ELLIOT S. BLUT, ESQ.**
**300 S. FOURTH ST., STE 701**
**LAS VEGAS, NV 89101**

**DATE: February 27, 2020**
**CASE: A-16-740689-B**

**RE CASE:** RUSSELL L. NYPE; REVENUE PLUS, LLC vs. DAVID J. MITCHELL; BARNET LIBERMAN; LAS VEGAS LAND PARTNERS, LLC; MEYER PROPERTY, LTD; ZOE PROPERTY, LLC; LEAH PROPERTY, LLC; WINK ONE, LLC; LIVE WORK, LLC; LIVE WORK MANAGER, LLC; AQUARIUS OWNERS, LLC; LVLP HOLDINGS, LLC; MITCHELL HOLDINGS, LLC; 305 LAS VEGAS LLC; LIVE WORKS TIC SUCCESSOR, LLC; CASINO COOLIDGE, LLC

NOTICE OF APPEAL FILED: February 25, 2020

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

☒ $250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
- If the $250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.

☐ $24 – District Court Filing Fee (Make Check Payable to the District Court)**

☒ $500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
- NRAP 7: Bond For Costs On Appeal in Civil Cases

☐ Case Appeal Statement
- NRAP 3 (a)(1), Form 2

☒ Order *(for #3 and #6)*

☒ Notice of Entry of Order *(for #3 and #6)*

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NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

> "The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

*Please refer to Rule 3 for an explanation of any possible deficiencies.*

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***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

# 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):

DEFENDANTS CASINO COOLIDGE LLC AND BARNET LIBERMAN'S NOTICE OF APPEAL; DEFENDANTS AND APPELLANTS CASINO COOLIDGE, LLC'S AND BARNET LIBERMAN'S CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT AND CONCLUSIONS OF LAW; NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT; AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW; NOTICE OF ENTRY OF AMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

RUSSELL L. NYPE; REVENUE PLUS, LLC,

Plaintiff(s),

vs.

DAVID J. MITCHELL; BARNET LIBERMAN; LAS VEGAS LAND PARTNERS, LLC; MEYER PROPERTY, LTD; ZOE PROPERTY, LLC; LEAH PROPERTY, LLC; WINK ONE, LLC; LIVE WORK, LLC; LIVE WORK MANAGER, LLC; AQUARIUS OWNERS, LLC; LVLP HOLDINGS, LLC; MITCHELL HOLDINGS, LLC; 305 LAS VEGAS LLC; LIVE WORKS TIC SUCCESSOR, LLC; CASINO COOLIDGE, LLC,

Defendant(s),

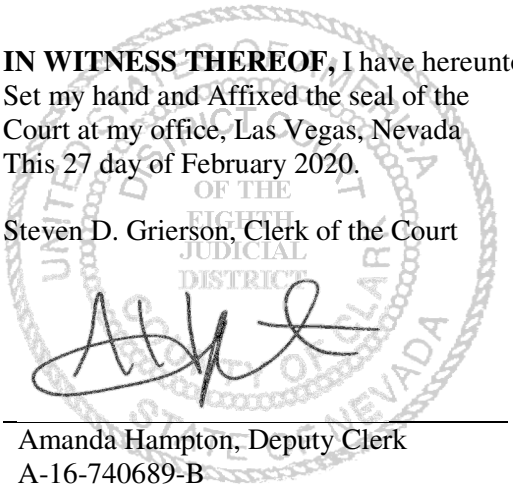
Case No: A-16-740689-B

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 27 day of February 2020.

Steven D. Grierson, Clerk of the Court




Amanda Hampton, Deputy Clerk
A-16-740689-B