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**EIGHTH JUDICIAL DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

RUSSELL L. NYPE; REVENUE PLUS, LLC,  
 DOES I through X; DOE CORPORATIONS I  
 through X; and DOE PARTNERSHIPS I  
 through X;

Case No.: A-16-740689-B  
 Dept. No.: XI

**NOTICE OF APPEAL**

Plaintiffs,

vs.

DAVID J. MITCHELL; BARNET  
 LIBERMAN; LAS VEGAS LAND  
 PARTNERS, LLC; MEYER PROPERTY  
 LTD.; ZOE PROPERTY, LLC; LEAH  
 PROPERTY, LLC; WINK ONE, 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, inclusive; and  
 ROE CORPORATIONS I THROUGH III,  
 inclusive,

Defendants

1 Notice is hereby given that Defendants DAVID J. MITCHELL, LAS VEGAS LAND  
2 PARTNERS, LLC, MEYER PROPERTY LTD, ZOE PROPERTY, LLC, LEAH PROPERTY,  
3 LLC, WINK ONE, LLC, AQUARIUS OWNER, LLC, LVLP HOLDINGS, LLC, LIBERMAN  
4 HOLDINGS, LLC, and LIVE WORKS TIC SUCCESSOR, LLC, by and through their counsel,  
5 H. Stan Johnson, Esq., of the law firm of Cohen|Johnson|Parker|Edwards, hereby appeals to the  
6 Supreme Court of Nevada from the following:

- 7 1. “Amended Findings of Fact and Conclusions of Law” filed on January 17<sup>th</sup>, 2020,  
8 with notice of entry of which was served electronically on January 17<sup>th</sup>, 2020, as well as  
9 any and all orders, decisions, judgments, findings, conclusions and, or recommendations  
10 relating thereto. *Attached as Exhibit A.*
- 11 2. All judgments and orders in this case; and
- 12 3. All rulings and interlocutory orders made appealable by any of the foregoing.

13 Dated this 26<sup>th</sup> of February 2020.

14 **COHEN|JOHNSON|PARKER|EDWARDS**

15 /s/ H. Stan Johnson

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**CERTIFICATE OF SERVICE**

Pursuant to Nev. R. Civ. P. 5(b)(2)(D) and E.D.C.R. 8.05, I hereby certify that on the 26<sup>th</sup> day of February 2020, I caused a true and correct copy of **NOTICE OF APPEAL** to be served via the Court's Wiznet E-Filing system on all registered and active parties.

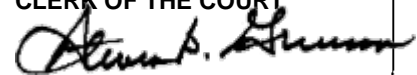
/s/ Sarah Gondek

AN EMPLOYEE OF COHEN||JOHNSON||PARKER||EDWARDS

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# EXHIBIT A





1 **FFCL**

2 **DISTRICT COURT**

3 **CLARK COUNTY, NEVADA**

4  
5 RUSSELL L. NYPE; REVENUE PLUS, LLC,  
6 DOES I through X; DOES I through X; DOE  
7 CORPORATIONS CASE NO: A-16-740689-  
C I through X; and DOES PARTNERSHIPS I  
through X,

8 Plaintiffs,

9 v.

10 DAVID J. MITCHELL; BARNET  
11 LIBERMAN; LAS VEGAS LAND  
12 PARTNERS, LLC; MEYER PROPERTY,  
13 LTD.; ZOE PROPERTY, LLC; LEAH  
14 PROPERTY, LLC; WINK ONE, LLC; LNE  
15 WORK, LLC; LNE WORK MANAGER,  
16 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,

17 Defendants.

Case No.: A-16-740689-C

Dept.: XI

18 **AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

19 This matter having come on for non-jury trial before the Honorable Elizabeth Gonzalez  
20 beginning on December 30, 2019, and continuing day to day, until its completion on January 7,  
21 2020; John W. Muije of John W. Muije & Associates appeared on behalf of Russell L. Nype and  
22 Revenue Plus, LLC ("Plaintiffs") and Shelley D. Krohn, U.S. Bankruptcy Trustee ("Plaintiff  
23 Trustee"); H. Stan Johnson, James L. Edwards and Kevin M. Johnson of the law firm of Cohen,  
24 Johnson, Parker & Edwards appeared on behalf of David J. Mitchell, Las Vegas Land Partners,  
25 LLC, Meyer Property Ltd., Zoe Property LLC, Leah Property LLC, Wink One LLC, LiveWork  
26 LLC, LiveWork Manager LLC, Aquarius Owner LLC, LVLP Holdings LLC, Mitchell Holdings  
27  
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CLERK OF THE COURT

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1 LLC, Live Works TIC Successor LLC, FC/Live Work Vegas LLC, ("Mitchell Defendants");<sup>1</sup>  
2 Brian W. Boschee of the law firm of Holley Driggs Walch Fine Puzey Stein & Thompson  
3 appeared on behalf of Defendant 305 Las Vegas, LLC<sup>2</sup>; and, Elliott S. Blut appeared on behalf of  
4 Defendants Barnett Liberman and Casino Coolidge; the Court having read and considered the  
5 pleadings filed by the parties; having reviewed the evidence admitted during the trial; having  
6 heard and carefully considered the testimony of the witnesses called to testify and weighing their  
7 credibility; having considered the oral and written arguments of counsel, and with the intent of  
8 rendering a decision on all claims before the Court,<sup>3</sup> pursuant to NRCP 52(a) and 58; the Court  
9 makes the following findings of fact and conclusions of law:  
10

### 11 FINDINGS OF FACT

12  
13 1. This action arises from a judgment that Plaintiffs obtained on or about April 10,  
14 2015, against Las Vegas Land Partners, LLC ("LVLP") in Case No. A551073. Plaintiff filed this  
15 suit on July 26, 2016. The complaint was amended by the filing of an amended complaint on  
16 August 21, 2017.

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

21 3. Plaintiff Russell L. Nype ("Nype") is an adult resident of New York.  
22

23  
24 <sup>1</sup> 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.

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

27 <sup>3</sup> Plaintiff asserted five claims for relief against the Defendants: 1) Constructive Trust;  
28 2) Fraudulent Transfer; 3) Civil Conspiracy; 4) Declaratory Relief; and 5) Alter Ego.

- 1           4.     Plaintiff Revenue Plus, LLC (collectively with Nype, "Plaintiffs") is a Florida  
2 limited liability company.
- 3           5.     Defendant, David J. Mitchell ("Mitchell"), is an adult resident of New York.
- 4           6.     Defendant, Barnett Liberman ("Liberman"), is an adult resident of New York.
- 5           7.     Defendant Mitchell Holdings, LLC ("Mitchell Holdings") is a Delaware limited  
6 liability company.
- 7           8.     Defendant LVLP Holdings, LLC ("LVLP Holdings") is a Delaware limited  
8 liability company that was formed on or about November 4, 2004 by Mitchell and Liberman.
- 9           9.     Defendant Las Vegas Land Partners ("LVLP") is a Delaware limited liability  
10 company.
- 11          10.     Mitchell and Liberman are managers of LVLP.
- 12          11.     At all relevant times, Mitchell and Liberman were the sole owners (50/50) and  
13 managers of LVLP Holdings.
- 14          12.     At all relevant times, LVLP was owned (50/50) and managed by Mitchell and  
15 Liberman.
- 16          13.     Defendant Casino Coolidge LLC is a Nevada limited liability company. ("Casino  
17 Coolidge").
- 18          14.     Liberman is the managing member of Casino Coolidge.
- 19          15.     Defendant Aquarius Owner, LLC ("Aquarius") is a Delaware limited liability  
20 company.
- 21          16.     Defendant Leah Property, LLC ("Leah") is a Delaware limited liability company.
- 22          17.     Defendant Livework, LLC ("Livework") is a Delaware limited liability company.
- 23          18.     Defendant Livework Manager, LLC ("Livework Manager"), is a Delaware limited  
24 liability company.
- 25          19.     Defendant Zoe Property, LLC ("Zoe") is a Delaware limited liability company.
- 26          20.     Defendant Wink One, LLC ("Wink") is a Delaware limited liability company.
- 27
- 28

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

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

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

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

9           25. These entities are collectively referred to as the Related Entities.<sup>4</sup>

10          26. 305 Las Vegas, LLC ("305 Las Vegas") was created in April of 2007 for the  
11 purpose through a 1031 exchange of purchasing real property located around 300 East  
12 Charleston.

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

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

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

20          30. Despite understanding Nype's expectations, Mitchell and Liberman only set aside  
21 \$430,000.

22          31. Shortly after setting aside that amount, Mitchell and Liberman took personal  
23 distributions from LVLP in excess of thirteen million dollars.  
24

25  
26 <sup>4</sup> For purposes of the term "Related Entity" the following are included: Las Vegas Land  
27 Partners, LLC, Meyer Property Ltd., Zoe Property LLC, Leah Property LLC, Wink One LLC,  
28 LiveWork LLC, LiveWork Manager LLC, Aquarius Owner LLC, LVLP Holdings LLC,  
LiveWorks TIC Successor LLC, FC/LiveWork Vegas LLC and Casino Coolidge LLC.

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

4           33.     In December 2014, Leah sold certain real property to Casino Coolidge for  
5 \$1,000,000. Mitchell and Liberman caused Leah to distribute sales proceeds in the amount of  
6 \$341,934.47 directly to themselves, rather than Leah's parent company, LVLP. Plaintiff has not  
7 established that given the market conditions at the time that Mitchell and Liberman sold the Leah  
8 Property without obtaining reasonably equivalent value in exchange.

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

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

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

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

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

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

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

24  
25  
26  
27           <sup>5</sup>     The other plaintiffs in that case were LiveWork LLC and Zoe Properties, LLC, neither of  
28 which were named as counterdefendants.

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

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

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

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

13           45.     At all relevant times, each of the Related Entities was beneficially owned,  
14 controlled, and managed by Mitchell and Liberman.  
15

16           46.     One or more of the Related Entities was formed with an initial capitalization of  
17 just \$10.  
18

19  
20           <sup>6</sup>     The report is a part of Exhibit 90079.

21           <sup>7</sup>     That statute provides in pertinent part:

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

24           (a) Under paragraph (a) of subsection 1 of NRS 112.180, within 4 years after the transfer was  
25 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;

26           <sup>8</sup>     The explanation by Mitchell surrounding the creation of retention agreements with the  
27 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).  
28

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 b. When Mitchell and Liberman took personal distributions from the Related  
15 Entities, between 2007 and 2016, totaling \$15,148.339.  
16

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

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

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

23 c. The distributions rendered or contributed to LVLP's and/or the Related  
24 Entities' insolvency, and left LVLP and/or the Related Entities unable to pay their debts as they  
25 became due;  
26  
27  
28



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

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

5 61. If any findings of fact are properly conclusions of law, they shall be treated as if  
6 appropriately identified and designated.  
7

### 8 CONCLUSIONS OF LAW

9 1. In Nevada, there are three general requirements for application of the alter ego  
10 doctrine: (1) the corporation must be influenced and governed by the person asserted to be the  
11 alter ego; (2) there must be such unity of interest and ownership that one is inseparable from the  
12 other; and (3) the facts must be such that adherence to the corporate fiction of a separate entity  
13 would, under the circumstances, sanction fraud or promote injustice." *Polaris Indus. Corp. v.*  
14 *Kaplan*, 103 Nev. 598, 601, 747 P.2d 884, 886 (1987).  
15

16 2. Nevada recognizes application of the alter ego doctrine in reverse, in which a  
17 creditor is permitted to reach "the assets of a corporation to satisfy the debt of a corporate insider  
18 based on a showing that the corporate entity is really the alter ego of the individual." *Loomis*,  
19 116 Nev. at 903, 8 P.3d at 846.  
20

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

24 4. The Court, concludes that: (a) Mitchell, Liberman and the Related Entities  
25 commingled funds, transactions and assets; (b) the Related Entities were and are undercapitalized;  
26 (c) Mitchell, Liberman and the Related Entities committed unauthorized diversion of funds; (d)  
27  
28

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

3 5. The Court further concludes the evidence demonstrates that the Related Entities:  
4 (a) are and were influenced and governed by Mitchell and Liberman; (b) there is such unity of  
5 interest and/or ownership that Mitchell, Liberman and the Related Entities are inseparable from  
6 the other; and (c) the facts are such that adherence to the fiction of separate entities would, under  
7 the circumstances, sanction a fraud or promote injustice.  
8

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

11 7. Nype has proven, by a preponderance of the evidence his claim for alter ego,  
12 establishing that Mitchell, Liberman, and each of the Related Entities, is the alter ego of LVLP  
13 and each other.  
14

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

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

19 10. Prior to September of 2015, Nype had reason to know that the limited transfers  
20 were transfers made by debtors under the UFTA, that the transfers rendered debtors insolvent (or  
21 contributed thereto) or the facts and circumstances upon which this Court utilized in determining  
22 that the transfers were made with the actual intent to hinder, delay or defraud creditors (including  
23 Nype).  
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1           11.     Nype has proven, by a preponderance of the evidence his claims for fraudulent  
2 transfer, including that certain of the distributions constitute fraudulent transfers within the  
3 meaning of NRS 112.180(1)(a).<sup>9</sup>

4           12.     Certain of those distributions were made outside the limitations period under NRS  
5 112.230(1).  
6

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

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

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

17           16.     Nype has proven by a preponderance of the evidence that he suffered special  
18 damages in the form of attorney's fees, costs and expert expenses related to the transfers in the  
19 total amount of \$4,493,176.90.<sup>10</sup>  
20

21           17.     Plaintiff cannot recover on a civil conspiracy claim (or accessory liability) for  
22 allegations arising out of NRS Chapter 112 against a nontransferor. *Cadle Co. v. Woods &*  
23 *Erickson, LLP*, 131 Nev. 114 at 120, 345 P.3d 1049 (2015).  
24

---

25           <sup>9</sup>     The Court is cognizant of the possibility of duplicative awards given the various claims  
for relief.

26           <sup>10</sup>     The Court has previously evaluated the *Brunzell* factors in connection with the sanctions  
27 order which has now been satisfied. See 12/26/19 filing. That evaluation is incorporated by  
28 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 LVLV 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,<sup>11</sup> 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.

<sup>11</sup> 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).

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

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

5           26.    Mitchell, Liberman, and the Related Entities' actions and inactions have caused  
6 Nype damages in the total amount of \$19,641,515.90.<sup>12</sup>

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

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

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

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

14           **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that JUDGMENT is  
15 hereby entered in favor of Plaintiffs and jointly and severally against Mitchell, Liberman, Meyer  
16 Property Ltd., Zoe Property LLC, Leah Property LLC, Wink One LLC, LiveWork LLC,  
17 LiveWork Manager LLC, Aquarius Owner LLC, LVLP Holdings LLC, LiveWorks TIC  
18 Successor LLC, FC/LiveWork Vegas LLC and Casino Coolidge LLC on the fraudulent  
19 conveyance claim in the amount of \$4,835,111.37.<sup>13</sup>

20           **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that JUDGMENT is  
21 hereby entered in favor of Plaintiffs and jointly and severally against Mitchell and Liberman on  
22

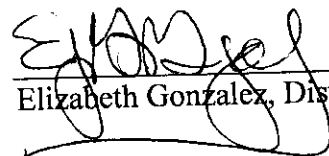
23  
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26 <sup>12</sup>       This is the total amount of damages which is not duplicated among the various claims for  
27 which the Court has made an award.

28 <sup>13</sup>       These damages are duplicated in the civil conspiracy judgment.

1 the civil conspiracy claim in the amount of \$19,641,515.90.

2 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that JUDGMENT is  
3 hereby entered in favor of Plaintiffs and jointly and severally against Mitchell, Liberman, Meyer  
4 Property Ltd., Zoe Property LLC, Leah Property LLC, Wink One LLC, LiveWork LLC,  
5 LiveWork Manager LLC, Aquarius Owner LLC, LVLP Holdings LLC, LiveWorks TIC  
6 Successor LLC, FC/LiveWork Vegas LLC and Casino Coolidge LLC on the alter ego claim in  
7 the amount of the underlying judgment in A551073.  
8

9 DATED this 17<sup>th</sup> day of January, 2020.

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11   
12 Elizabeth Gonzalez, District Court Judge  
13

14 **Certificate of Service**

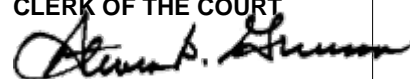
15 I hereby certify that on the date filed, a copy of the foregoing Findings of Fact and Conclusions of  
16 Law was electronically served, pursuant to N.E.F.C.R. Rule 9, to all registered parties in the Eighth  
17 Judicial District Court Electronic Filing Program.

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

18 ☐ Placed in the Attorney(s) Folder on the 1<sup>st</sup> Floor of the RJC for;

19  
20 ☐ Mailed by United States Postal Service, Postage prepaid, to the proper parties listed below at  
21 their last known address(es):  
22

23   
24 Dan Kutinac  
25  
26  
27  
28



**COHEN|JOHNSON|PARKER|EDWARDS**  
H. STAN JOHNSON, ESQ.  
Nevada Bar No. 00265  
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KEVIN M. JOHNSON, ESQ.  
Nevada Bar No. 14551  
kjohnson@cohenjohnson.com  
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Las Vegas, Nevada 89119  
Telephone: (702) 823-3500  
Facsimile: (702) 823-3400  
Attorneys for Mitchell Defendants

**EIGHTH JUDICIAL DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

RUSSELL L. NYPE; REVENUE PLUS, LLC,  
DOES I through X; DOE CORPORATIONS I  
through X; and DOE PARTNERSHIPS I  
through X;

Case No.: A-16-740689-B  
Dept. No.: XI

**CASE APPEAL STATEMENT**

Plaintiffs,

vs.

DAVID J. MITCHELL; BARNET  
LIBERMAN; LAS VEGAS LAND  
PARTNERS, LLC; MEYER PROPERTY  
LTD.; ZOE PROPERTY, LLC; LEAH  
PROPERTY, LLC; WINK ONE, 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, inclusive; and  
ROE CORPORATIONS I THROUGH III,  
inclusive,

Defendants

Defendants DAVID J. MITCHELL, LAS VEGAS LAND PARTNERS, LLC, MEYER  
PROPERTY LTD, ZOE PROPERTY, LLC, LEAH PROPERTY, LLC, WINK ONE, LLC,  
AQUARIUS OWNER, LLC, LVLP HOLDINGS, LLC, LIBERMAN HOLDINGS, LLC, and

1 LIVE WORKS TIC SUCCESSOR, LLC, by and through their counsel, H. Stan Johnson, Esq. of  
2 the law firm of Cohen|Johnson|Parker|Edwards, hereby file the following Case Appeal  
3 Statement:

4 1. Name of appellants filing this case appeal statement:

5 DAVID J. MITCHELL, LAS VEGAS LAND PARTNERS, LLC, MEYER  
6 PROPERTY LTD, ZOE PROPERTY, LLC, LEAH PROPERTY, LLC, WINK  
7 ONE, LLC, AQUARIUS OWNER, LLC, LVLP HOLDINGS, LLC, LIBERMAN  
8 HOLDINGS, LLC, and LIVE WORKS TIC SUCCESSOR, LLC

9 2. Judge issuing the Judgment appealed from:

10 The Honorable Judge Elizabeth Gonzalez

11 3. Identify each appellant and the name and address of their counsel:

12 DAVID J. MITCHELL  
13 c/o H. Stan Johnson, Esq.  
14 Cohen Johnson Parker Edwards  
15 375 E. Warm Springs Rd. #104  
16 Las Vegas, NV 89119

17 LAS VEGAS LAND PARTNERS, LLC  
18 c/o H. Stan Johnson, Esq.  
19 Cohen Johnson Parker Edwards  
20 375 E. Warm Springs Rd. #104  
21 Las Vegas, NV 89119

22 MEYER PROPERTY LTD  
23 c/o H. Stan Johnson, Esq.  
24 Cohen Johnson Parker Edwards  
25 375 E. Warm Springs Rd. #104  
26 Las Vegas, NV 89119

27 ZOE PROPERTY, LLC  
28 c/o H. Stan Johnson, Esq.  
Cohen Johnson Parker Edwards  
375 E. Warm Springs Rd. #104  
Las Vegas, NV 89119

LEAH PROPERTY, LLC  
c/o H. Stan Johnson, Esq.  
Cohen Johnson Parker Edwards  
375 E. Warm Springs Rd. #104  
Las Vegas, NV 89119



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WINK ONE, LLC  
c/o H. Stan Johnson, Esq.  
Cohen Johnson Parker Edwards  
375 E. Warm Springs Rd. #104  
Las Vegas, NV 89119

AQUARIUS OWNER, LLC  
c/o H. Stan Johnson, Esq.  
Cohen Johnson Parker Edwards  
375 E. Warm Springs Rd. #104  
Las Vegas, NV 89119

LVLP HOLDINGS, LLC  
c/o H. Stan Johnson, Esq.  
Cohen Johnson Parker Edwards  
375 E. Warm Springs Rd. #104  
Las Vegas, NV 89119

LIBERMAN HOLDINGS, LLC  
c/o H. Stan Johnson, Esq.  
Cohen Johnson Parker Edwards  
375 E. Warm Springs Rd. #104  
Las Vegas, NV 89119

LIVE WORKS TIC SUCCESSOR, LLC  
c/o H. Stan Johnson, Esq.  
Cohen Johnson Parker Edwards  
375 E. Warm Springs Rd. #104  
Las Vegas, NV 89119

4. Identify each respondent and the name and address of their counsel:

RUSSELL L. NYPE  
c/o John W. Muije, Esq.  
John W. Muije & Associates  
1840 E. Sahara Ave #106  
Las Vegas, NV 89104

REVENUE PLUS, LLC  
c/o John W. Muije, Esq.  
John W. Muije & Associates  
1840 E. Sahara Ave #106  
Las Vegas, NV 89104

5. Indicate whether any attorney 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):

All Counsel in this Matter are licensed to practice law in the State of Nevada.

6. Are the appellants represented by appointed or retained counsel on appeal:

By retained counsel.

7. Are the respondents represented by appointed or retained counsel on appeal:

By retained counsel.

8. Was appellant granted leave to proceed in forma pauperis, and the date of the entry of the district court order granting such leave:

No party has appeared in forma pauperis.

9. The date the proceedings commenced in the district court:

July 26, 2016

10. A brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

Respondent prevailed on a claim for unjust enrichment based upon the allegation that he was owed real estate commissions from Las Vegas Land Partners, LLC in the amount of \$2,608,797.40. After token efforts to collect this amount, respondents brought a new case against the Defendant entities in this matter. Respondents brought causes of action for constructive trust, fraudulent conveyance, civil conspiracy, declaratory relief, and alter ego.

After a trial was held in the district court, the Court made findings of fact, conclusions of law, and entered a judgment. The Court held that the defendant entities, outside of Mitchell Holdings, LLC and 305 Las Vegas, LLC, were alter egos of each other. The Court also awarded \$341,934.47 based upon the finding of a fraudulent conveyance and awarded attorney's fees as special damages in the amount of \$4,493,176.90. The Court also found a civil conspiracy and awarded \$15,148,339.00 based upon this civil conspiracy. The Court also awarded \$4,493,176.90 in attorney's fees as special damages based upon this civil conspiracy. The Court

found that many of these awards were duplicative, and the total award granted was \$19,641,515.90.

11. Has the case been subject to a prior appeal or original writ proceeding in the Supreme Court:

No.

12. Does the appeal involve child custody or visitation:

No.

13. In this is a civil case, indicate whether this appeal involves the possibility of settlement/

This matter is a civil case and Appellants do not believe that there is a possibility of settlement.

Dated this 26<sup>th</sup> day of February 2020,

**COHEN|JOHNSON|PARKER|EDWARDS**

/s/ H. Stan Johnson

H. STAN JOHNSON, ESQ.

Nevada Bar No. 00265

sjohnson@cohenjohnson.com

JAMES L. EDWARDS, ESQ.

Nevada Bar No. 4256

jedwards@parkeredwardslaw.com

KEVIN M. JOHNSON, ESQ.

Nevada Bar No. 14551

kjohnson@cohenjohnson.com

375 E. Warm Springs Road, Suite 104

Las Vegas, Nevada 89119

Telephone: (702) 823-3500

Facsimile: (702) 823-3400

*Attorneys for Mitchell Defendants*

**CERTIFICATE OF SERVICE**

Pursuant to Nev. R. Civ. P. 5(b)(2)(D) and E.D.C.R. 8.05, I hereby certify that on the 26<sup>th</sup> day of February 2020, I caused a true and correct copy of **CASE APPEAL STATEMENT** to be served via the Court's Wiznet E-Filing system on all registered and active parties.

/s/ Sarah Gondek

AN EMPLOYEE OF COHEN||JOHNSON||PARKER||EDWARDS

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

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

**Russell Nype, Plaintiff(s)**  
**vs.**  
**David Mitchell, Defendant(s)**

§  
§  
§  
§  
§  
§

Location: **Department 11**  
 Judicial Officer: **Gonzalez, Elizabeth**  
 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**

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

**CASE SUMMARY**

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

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

**CASE SUMMARY****CASE NO. A-16-740689-B**

702-832-5592(W)

**Live Works TIC Successor LLC****Hayes, Garry L.**  
*Retained*

702-832-5592(W)

**LVLP Holdings LLC****Hayes, Garry L.**  
*Retained*

702-832-5592(W)

**Meyer Property Ltd****Hayes, Garry L.**  
*Retained*

702-832-5592(W)

**Mitchell Holdings LLC****Hayes, Garry L.**  
*Retained*

702-832-5592(W)

**Mitchell, David J****Johnson, Harold Stanley**  
*Retained*

702-823-3500(W)

**Wink One LLC****Hayes, Garry L.**  
*Retained*







702-832-5592(W)

**Zoe Property LLC****Hayes, Garry L.**  
*Retained*

702-832-5592(W)


**Intervenor  
Plaintiff****Krohn, Shelly D****Muije, John W.**  
*Retained*

7023867002(W)

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

# CASE SUMMARY

CASE NO. A-16-740689-B

02/23/2017	 Ex Parte Motion for Enlargement of Time Filed By: Plaintiff Nype, Russell L <i>Ex Parte Motion to Extend Time for Service of Process (Second Request)</i>
02/24/2017	 Proof of Service Filed by: Plaintiff Nype, Russell L <i>Proof of Service of Casino Coolidge, LLC</i>
02/27/2017	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service of Live Works TIC Successor, LLC</i>
02/27/2017	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service of Liberman Holdings, LLC</i>
02/27/2017	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service of Barnet Liberman</i>
02/27/2017	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service of Zoe Property, LL</i>
02/27/2017	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service of Live Work, LLC</i>
02/27/2017	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service of Aquarius Owner, LLC</i>
02/27/2017	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service of LVLP Holdings, LLC</i>
02/27/2017	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service of Mitchell Holdings, LLC</i>
02/27/2017	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service of Wink One, LLC</i>
02/27/2017	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service of Live Work Manager, LLC</i>
02/27/2017	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service of Meyer Property, Ltd</i>
02/27/2017	 Affidavit of Service Filed By: Plaintiff Nype, Russell L



# CASE SUMMARY

CASE NO. A-16-740689-B

*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*

# CASE SUMMARY

CASE NO. A-16-740689-B

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














# CASE SUMMARY

CASE NO. A-16-740689-B

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

# CASE SUMMARY

CASE NO. A-16-740689-B

03/14/2017	 Demand Filed By: Intervenor Defendant Mitchell, David J <i>Demand for Security of Costs</i>
03/14/2017	 Demand Filed By: Intervenor Defendant Mitchell, David J <i>Demand for Security of Costs</i>
03/14/2017	 Demand Filed By: Intervenor Defendant Mitchell, David J <i>Demand for Security of Costs</i>
03/14/2017	 Demand Filed By: Intervenor Defendant Mitchell, David J <i>Demand for Security of Costs</i>
03/21/2017	 Notice of Intent to Take Default Party: Plaintiff Nype, Russell L <i>Ten-Day Notice of Intent to Take Default</i>
03/21/2017	 Notice of Posting Bond Filed By: Plaintiff Nype, Russell L <i>Notice of Posting Cost Bonds</i>
03/23/2017	 Motion to Strike Filed By: Intervenor Defendant Mitchell, David J <i>Defendants' Motion to Strike Plaintiffs' Jury Demand</i>
03/24/2017	 Arbitration File <i>Arbitration File</i>
04/06/2017	 Motion to Dismiss Filed By: Intervenor Defendant Mitchell, David J <i>Defendants' Motion to Dismiss Plaintiffs' Complaint Pursuant to NRS 86.548(2), NRCP 12(b)(2) and 12(b)(5)</i>
04/13/2017	 Stipulation and Order Filed by: Plaintiff Nype, Russell L <i>Stipulation and Order to Continue Hearing On Defendant's Motion to Strike Plaintiff's Jury Demand</i>
04/14/2017	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Nype, Russell L <i>Notice of Entry of Stipulation and Order to Continue Hearing on Defendant's Motion to Strike Plaintiff's Jury Demand</i>
04/17/2017	 Opposition and Countermotion Filed By: Plaintiff Nype, Russell L <i>Opposition to Defendant's Motion to Strike Plaintiffs' Jury Demand and Countermotion for Advisory Jury as to Equitable Issues</i>
04/25/2017	 Reply to Opposition Filed by: Intervenor Defendant Mitchell, David J

# CASE SUMMARY

CASE NO. A-16-740689-B

*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 Defendants' Motion to Dismiss Plaintiffs' 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 Plaintiffs' 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)*













# CASE SUMMARY

CASE NO. A-16-740689-B

06/06/2017	 Stipulation and Order Filed by: Plaintiff Nype, Russell L <i>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</i>
06/07/2017	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Nype, Russell L <i>Notice of Entry of Stipulation &amp; 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</i>
06/14/2017	 Opposition to Motion Filed By: Plaintiff Nype, Russell L <i>Opposition to Defendants' Motion to Dismiss</i>
06/15/2017	 Errata Filed By: Plaintiff Nype, Russell L <i>Errata to Opposition to Defendants' Motion to Dismiss</i>
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 <i>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)</i>
07/07/2017	 Joinder Filed By: Intervenor Defendant Liberman, Barnet; Intervenor Defendant 305 Las Vegas LLC <i>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)</i>
07/18/2017	 Business Court Order <i>Business Court Order</i>
08/07/2017	 Order Denying Motion Filed By: Plaintiff Nype, Russell L <i>Order Denying Defendants' Motion to Dismiss Plaintiffs' Complaint</i>
08/09/2017	 Notice of Entry of Order Filed By: Plaintiff Nype, Russell L <i>Notice of Entry of Order Denying Defendants' Motion to Dismiss Plaintiffs' Complaint</i>
08/21/2017	 Amended Complaint Filed By: Plaintiff Nype, Russell L; Plaintiff Revenue Plus LLC <i>Amended Complaint</i>
08/22/2017	 Notice of Compliance Party: Intervenor Defendant Mitchell, David J <i>Notice of Compliance</i>

# CASE SUMMARY

CASE NO. A-16-740689-B

08/22/2017	 Notice of Compliance Party: Plaintiff Nype, Russell L <i>Notice of Compliance</i>
08/22/2017	 Notice of Compliance <i>Notice of compliance</i>
09/01/2017	 Business Court Order <i>Business Court Scheduling Order rand Order Setting Civil Bench Trial and Calendar Call</i>
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 LVLV Holdings LLC; Intervenor Defendant Mitchell Holdings LLC; Defendant Liberman Holdings LLC; Intervenor Defendant Live Works TIC Successor LLC; Intervenor Defendant Casino Coolidge LLC <i>Answer to Amended Complaint</i>
09/08/2017	 Answer to Amended Complaint <i>Answer to Plaintiff's Amended Complaint</i>
09/14/2017	 Disclosure Statement <i>NRCP Rule 7.1 Disclosure Statement</i>
10/24/2017	 Joint Case Conference Report Filed By: Plaintiff Nype, Russell L <i>Joint Case Conference Report</i>
01/19/2018	 Disclosure of Documents and Witnesses Pursuant to NRCP 16.1 Filed By: Plaintiff Nype, Russell L <i>Plaintiff's First Supplemental Disclosures Pursuant to NRCP 16.1</i>
02/05/2018	 Supplemental Filed by: Plaintiff Nype, Russell L <i>Supplemental Verification to Plaintiff Revenue Plus, LLC's Responses to Defendants' First Set of Interrogatories</i>
02/05/2018	 Supplemental Filed by: Plaintiff Nype, Russell L <i>Supplemental Verification to Plaintiff Russell L. Nype's Responses to Defendants' First Set of Interrogatories</i>
02/15/2018	 Notice of Deposition Filed By: Plaintiff Nype, Russell L <i>Notice of Deposition of Kenneth S. Eisenberg, CPA, As The Custodian of Records At Kenneth S. Eisenberg, CPA</i>
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

# CASE SUMMARY

CASE NO. A-16-740689-B













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 <i>Notice of Entry of Stipulation and Order</i>
02/20/2018	 Business Court Order <i>Amended Business Court Scheduling Order and Order Setting Civil Bench Trial and Calendar Call</i>
02/21/2018	 Stipulated Protective Order Filed By: Intervenor Defendant Mitchell, David J <i>Stipulated Protective Order</i>
02/21/2018	 Notice of Entry of Stipulation and Order Filed By: Intervenor Defendant Mitchell, David J <i>Notice of Entry of Stipulated Protective Order</i>
03/06/2018	 Amended Notice of Taking Deposition Filed By: Plaintiff Nype, Russell L <i>Amended Notice to Take Deposition of the Custodian of Records of Kenneth S. Eisenberg, CPA</i>
03/07/2018	 Amended Notice Filed By: Plaintiff Nype, Russell L <i>Second Amended Noticer to Take Deposition of the Custodian of Records of Kenneth S. Eisenberg, CPa</i>
03/28/2018	 Notice of Deposition Filed By: Plaintiff Nype, Russell L <i>Notice to Take Deposition of the PMK of Forest City Properties, LLC Pursuant to Subpoena Duces Tecum</i>
03/28/2018	 Notice of Deposition Filed By: Plaintiff Nype, Russell L <i>Notice to Take Deposition of the PMK of FC/LW Vegas, LLC Pursuant to Subpoena Duces Tecu</i>
03/28/2018	 Notice of Deposition Filed By: Plaintiff Nype, Russell L <i>Notice to Take Deposition of the PMK of PQ Ground Lesse, LLC Pursuant to Subpoena Duces Tecum</i>
03/28/2018	 Notice of Deposition Filed By: Plaintiff Nype, Russell L <i>Notice to Take Deposition of the PMK of PQ Las Vegas, LLC Pursuant to Subpoena Duces Tecum</i>
03/28/2018	 Notice of Deposition Filed By: Plaintiff Nype, Russell L <i>Notice to Take Deposition of the PMK of Forest City Commercial Management, LLC Pursuant to Subpoena Duces Tecum</i>



# CASE SUMMARY

CASE NO. A-16-740689-B

03/28/2018	 Notice of Deposition Filed By: Plaintiff Nype, Russell L <i>Notice to Take Deposition of the PMK of Forest City Commercial Management, Inc. Pursuant to Subpoena Duces Tecum</i>
03/28/2018	 Notice of Deposition Filed By: Plaintiff Nype, Russell L <i>Notice to Take Deposition of the PMK of Forest City TRS, LLC Pursuant to Subpoena Duces Tecum</i>
03/28/2018	 Notice of Deposition Filed By: Plaintiff Nype, Russell L <i>Notice to Take Deposition of the PMK of FC Vegas 20, LLC Pursuant to Subpoena Duces Tecum</i>
03/28/2018	 Notice of Deposition Filed By: Plaintiff Nype, Russell L <i>Notice to Take Deposition of the PMK of Forest City Real Estate Services, LLC Pursuant to Subpoena Duces Tecum</i>
03/28/2018	 Notice of Deposition Filed By: Plaintiff Nype, Russell L <i>Notice to Take Deposition of the PMK of QH Las Vegas, LLC Pursuant to Subpoena Duces Tecum</i>
03/30/2018	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service of PQ Las Vegas, LLC</i>
03/30/2018	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service of FC Las Vegas 20, LLC</i>
03/30/2018	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service of PQ Ground Lesse, LLC</i>
03/30/2018	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service of QH Las Vegas, LLC</i>
03/30/2018	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service of Forest City Commercial Management, Inc.</i>
03/30/2018	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service of Foret City Commercial Management, LLC</i>
03/30/2018	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service of FC/LW Vegas, LLC</i>
03/30/2018	

**CASE SUMMARY**

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

	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service of Forest City TRS, LLC</i>
03/30/2018	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service of Forest City Real Estate Service, LLC</i>
03/30/2018	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service of Forest City Properties, LLC</i>
04/19/2018	 Motion to Compel Filed By: Intervenor Defendant Mitchell, David J <i>Motion to Compel Complete Responses to Interrogatories and Requests for Production of Documents</i>
04/26/2018	 Joinder <i>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</i>
05/08/2018	 Ex Parte Application Party: Plaintiff Nype, Russell L <i>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 Documents Requested Responsive to Subpoena and For An Award of Attorneys' Fees and costs</i>
05/09/2018	 Stipulation and Order Filed by: Plaintiff Nype, Russell L <i>Stipulation and Order to Continue Hearing Re Motion to Compel Complete Responses to Interrogatories and Requests for Production of Documents</i>
05/09/2018	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Nype, Russell L <i>Notice of Entry of Stipulation and Order to Continue Hearing Re Motion to Compel Complete Responses to Interrogatories and Requests for Production of Documents</i>
05/11/2018	 Opposition to Motion to Compel Filed By: Plaintiff Nype, Russell L <i>Opposition to Motion to Compel and Counter-Motion Requiring Disclosure of Undredacted Emails Between Defendants and Their Accountant</i>
05/14/2018	 Order to Show Cause Filed by: Plaintiff Nype, Russell L <i>Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt</i>
05/16/2018	 Notice of Entry of Order Filed By: Plaintiff Nype, Russell L <i>Notice of Entry of Order to Show Cause Why Multiple Related Entities Should Not Be Held In Contempt</i>
05/25/2018	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>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</i>

**CASE SUMMARY**

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

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*

# CASE SUMMARY

CASE NO. A-16-740689-B

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*

# CASE SUMMARY

CASE NO. A-16-740689-B

*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*

# CASE SUMMARY













CASE NO. A-16-740689-B

*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 <i>Amended Business Court Order</i>
07/30/2018	 Business Court Order <i>2nd Amended Business Court Scheduling Order and Order Setting Civil Bench Trial and Calendar Call</i>
08/16/2018	 Disclosure of Documents and Witnesses Pursuant to NRCP 16.1 Filed By: Plaintiff Nype, Russell L <i>Supplemental Document Disclosures Regarding Plaintiffs' Initial 16.1 Disclosure and Production</i>
08/28/2018	 Notice of Deposition Filed By: Plaintiff Nype, Russell L <i>Notice to Take Deposition of Barnet Liberman</i>
08/28/2018	 Notice of Deposition Filed By: Plaintiff Nype, Russell L <i>Notice to Take Deposition of David Mitchell</i>
09/05/2018	 Amended Notice of Taking Deposition Filed By: Plaintiff Nype, Russell L <i>Amended Notice to Take Deposition of David Mitchell</i>
09/05/2018	 Amended Notice of Taking Deposition Filed By: Plaintiff Nype, Russell L <i>Amended Notice to Take Deposition of Barnet Liberman</i>
09/19/2018	 Notice of Taking Deposition Filed By: Plaintiff Nype, Russell L <i>Notice of Taking Deposition of the Person Most Knowledgeable of PQ Las Vegas, LLC Pursuant to Subpoena Duces Tecum</i>
09/19/2018	 Notice of Taking Deposition Filed By: Plaintiff Nype, Russell L <i>Notice of Taking Deposition of the Person Most Knowledgeable of FC Vegas 20, LLC Pursuant to Subpoena Duces Tecum</i>
09/19/2018	 Notice of Taking Deposition Filed By: Plaintiff Nype, Russell L <i>Notice of Taking Deposition of the Person Most Knowledgeable of PQ Ground Lessee, LLC Pursuant to Subpoena Duces Tecum</i>
09/19/2018	 Notice of Taking Deposition Filed By: Plaintiff Nype, Russell L <i>Notice to Take Deposition of the Person Most knowledgeable of Forest City Commercial Management Pursuant to Subpoena Duces Tecum</i>
09/19/2018	 Notice of Taking Deposition Filed By: Plaintiff Nype, Russell L <i>Notice to Take Deposition of the Person Most Knowledgeable of FC/LW Vegas, LLC Pursuant to Subpoena Duces Tecum</i>

# CASE SUMMARY












CASE NO. A-16-740689-B

09/19/2018	 Notice of Taking Deposition Filed By: Plaintiff Nype, Russell L <i>Notice to Take Deposition of the Person Most Knowledgeable of QH Las Vegas, LLC Pursuant to Subpoena Duces Tecum</i>
09/20/2018	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service - FC/LW Vegas, LLC</i>
09/20/2018	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service - PQ Las Vegas</i>
09/20/2018	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service - PQ Ground Lessee</i>
09/20/2018	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service -Forest City Comm</i>
09/20/2018	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service - QH Las Vegas</i>
09/20/2018	 Affidavit of Service Filed By: Plaintiff Nype, Russell L <i>Affidavit of Service - FC Vegas 20</i>
09/21/2018	 Supplement Filed by: Plaintiff Nype, Russell L <i>Supplemental Verification to Plaintiff Russell L. Nype's Supplemental Responses to Defendants' First Set of Interrogatories and to Request for Production of Documents No. 44</i>
09/21/2018	 Supplement Filed by: Plaintiff Nype, Russell L <i>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</i>
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 <i>Substitution of Attorney</i>
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 <i>Stipulation and Order for Extension of Discovery and to Continue Trial (Second Request)</i>
11/20/2018	 Stipulated Protective Order



# CASE SUMMARY

CASE NO. A-16-740689-B

	<p>Filed By: Plaintiff Nype, Russell L  <i>Stipulated Protective Order Regarding Subpoenaed Forest City Entities</i></p>
11/20/2018	<p> Notice of Entry of Order            Filed By: Plaintiff Nype, Russell L  <i>Notice of Entry of Stipulated Protective Order Regarding Subpoenaed "Forest City Entities"</i></p>
11/20/2018	<p> 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 LVLH Holdings LLC; Intervenor Defendant Mitchell Holdings LLC; Defendant Liberman Holdings LLC; Intervenor Defendant Live Works TIC Successor LLC  <i>Notice of Entry of Stipulation and Order for Extension of Discovery and to Continue Trial (Second Request)</i></p>
11/27/2018	<p> Order Setting Civil Bench Trial  <i>3rd Amended Business Court Scheduling Order and Order Setting Civil Bench Trial and Calendar Call</i></p>
11/29/2018	<p> Stipulation and Order for Dismissal Without Prejudice            Filed By: Plaintiff Nype, Russell L  <i>Stipulation and Order for Partial Dismissal Without Prejudice Against Liberman Holdings, LLC ONLY</i></p>
11/29/2018	<p> Notice of Entry of Stipulation and Order            Filed By: Plaintiff Nype, Russell L  <i>Notice of Entry of Stipulation and Order for Partial Dismissal Without Prejudice Against Liberman Holdings, LLC</i></p>
11/30/2018	<p> Notice of Entry of Stipulation and Order            Filed By: Plaintiff Nype, Russell L  <i>Notice of Entry of Stipulation and Order for Partial Dismissal Without Prejudice Against Liberman Holdings, ONLY</i></p>
01/04/2019	<p> Supplemental Disclosures            Filed By: Plaintiff Nype, Russell L  <i>Plaintiff's Third Supplemental NRCP 16.1 Disclosures</i></p>
01/31/2019	<p> Certificate of Mailing            Filed By: Plaintiff Nype, Russell L  <i>Certificate of Mailing</i></p>
01/31/2019	<p> Supplemental Disclosures            Filed By: Plaintiff Nype, Russell L  <i>Plaintiff's Fourth Supplemental NRCP 16.1 Disclosures</i></p>
03/11/2019	<p> Motion to Withdraw As Counsel            Filed By: Intervenor Defendant Liberman, Barnet; Intervenor Defendant 305 Las Vegas LLC; Intervenor Defendant Casino Coolidge LLC  <i>Motion to Withdraw as Counsel</i></p>
03/12/2019	<p> Clerk's Notice of Hearing  <i>Notice of Hearing</i></p>



# CASE SUMMARY

CASE NO. A-16-740689-B

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)*

# CASE SUMMARY

CASE NO. A-16-740689-B

04/05/2019	 Motion to Extend Discovery Filed By: Plaintiff Nype, Russell L <i>Plaintiffs' Motion to Enlarge Time to Complete Discovery on Order Shortening Time</i>
04/08/2019	 Receipt of Copy Filed by: Plaintiff Nype, Russell L <i>Receipt of Copy of Plaintiffs' Motion to Enlarge Time to Complete Discovery on OST (Garry Hayes)</i>
04/08/2019	 Receipt of Copy Filed by: Plaintiff Nype, Russell L <i>Receipt of Copy of Plaintiffs' Motion to Enlarge Time to Complete Discovery on OST (Harry Marquis)</i>
04/08/2019	 Substitution of Attorney Filed by: Intervenor Defendant Casino Coolidge LLC <i>Substitution of Counsel</i>
04/08/2019	 Substitution of Attorney Filed by: Intervenor Defendant Liberman, Barnet <i>Substitution of Counsel</i>
04/09/2019	 Notice Filed By: Plaintiff Nype, Russell L <i>Notice of Intent to Serve Subpoena</i>
04/09/2019	 Notice of Deposition Filed By: Plaintiff Nype, Russell L <i>Notice of Depositio of the COR of The Bank of New York and/or The Bank of New York Mellon Corporation dba BNY Mellon</i>
04/09/2019	 Notice of Deposition Filed By: Plaintiff Nype, Russell L <i>Notice of Deposition of the Custodian of Records of Greystar RS SW, LLC</i>
04/09/2019	 Notice of Deposition Filed By: Plaintiff Nype, Russell L <i>Notice of Deposition of the Custodian of Records of U.S. Bank National Association</i>
04/10/2019	 Notice of Deposition Filed By: Plaintiff Nype, Russell L <i>Notice to Take Deposition of Michael L. Rosten, CPA/CFF, CFE, MAFF, CVA</i>
04/10/2019	 Notice of Deposition Filed By: Plaintiff Nype, Russell L <i>Notice to Take Deposition of Scott W. Taylor, CPA</i>
04/11/2019	 Amended Notice of Taking Deposition Filed By: Plaintiff Nype, Russell L <i>Amended Notice to Take Deposition of Michael L. Rosten, CPA.Cff, CRE, MAFF, CVA</i>
04/11/2019	 Amended Notice of Taking Deposition Filed By: Plaintiff Nype, Russell L

# CASE SUMMARY

CASE NO. A-16-740689-B

*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

# CASE SUMMARY

CASE NO. A-16-740689-B

*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 Deposition 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

# CASE SUMMARY

CASE NO. A-16-740689-B

	<p>Successor LLC</p> <p><i>Notice of Entry of Order Granting Motion to Withdraw as Counsel of Record for Defendants</i></p>
04/23/2019	<p> Appendix</p> <p>Filed By: Plaintiff Nype, Russell L</p> <p><i>Appendix Vol. I to Plaintiffs' Motion to Compel Defendants' Production of Documents on Order Shortening Time</i></p>
04/23/2019	<p> Appendix</p> <p>Filed By: Plaintiff Nype, Russell L</p> <p><i>Appendix Vol. II to Plaintiffs' Motion to Compel Defendants' Production of Documents On Order Shortening Time</i></p>
04/29/2019	<p> Amended Notice of Taking Deposition</p> <p>Filed By: Plaintiff Nype, Russell L</p> <p><i>Second Amended Notice to Take Deposition of Michael L. Rosten, CPA/CFF, CFE, MAFF, CVA</i></p>
04/29/2019	<p> Amended Notice of Taking Deposition</p> <p>Filed By: Plaintiff Nype, Russell L</p> <p><i>Second Amended Notice to Take Deposition of Scott W. Taylor, CPA</i></p>
05/01/2019	<p> Stipulation and Order</p> <p>Filed by: Plaintiff Nype, Russell L</p> <p><i>Stipulation and Order to Continue the Deposition of Barnet Liberman</i></p>
05/02/2019	<p> Notice of Entry of Order</p> <p>Filed By: Plaintiff Nype, Russell L</p> <p><i>Notice of Entry of Order to Continue the Deposition of Barnet Liberman</i></p>
05/02/2019	<p> Amended Notice of Taking Deposition</p> <p>Filed By: Plaintiff Nype, Russell L</p> <p><i>Amended Notice to Take Deposition of Barnet Liberman</i></p>
05/09/2019	<p> Notice of Appearance</p> <p>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</p> <p><i>Notice of Appearance</i></p>
05/09/2019	<p> Amended Notice</p> <p>Filed By: Plaintiff Nype, Russell L</p> <p><i>Amended Notice to Take Deposition of Michael L. Rosten, CPA/CFF, CFE, MAFF, CVA</i></p>
05/09/2019	<p> Amended Notice</p> <p>Filed By: Plaintiff Nype, Russell L</p> <p><i>Third Amended Notice to Take Deposition of Scott W. Taylor, CPA</i></p>
05/14/2019	<p> Motion to Extend Discovery</p> <p>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</p>

# CASE SUMMARY

CASE NO. A-16-740689-B














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 <i>Notice of Hearing</i>
05/20/2019	 Order Setting Civil Bench Trial <i>4th Amended Business Court Scheduling Order and Order Setting Civil Bench Trial and Calendar Call</i>
05/23/2019	 Transcript of Proceedings <i>Transcript of Proceedings: Hearing on All Pending Motions</i>
05/30/2019	 Order Filed By: Plaintiff Nype, Russell L <i>Order Compelling Discovery, Awarding Sanctions, and Briefly Extending Discovery for Limited Purposes and Continuing the Trial Date</i>
05/30/2019	 Notice of Entry of Order Filed By: Plaintiff Nype, Russell L <i>Notice of Entry of Order Compelling Discovery, Awarding Sanctions, and Briefly Extending Discovery For Limited Purposes and Continuing the Trial Date</i>
06/14/2019	 Motion for Sanctions Filed By: Plaintiff Nype, Russell L <i>Plaintiffs' Motion for Sanctions Pursuant to NRCP 37(b) and Motion to Extend Time for Plaintiffs' Deadline For Supplemental Expert Report on OST</i>
06/25/2019	 Transcript of Proceedings Party: Plaintiff Revenue Plus LLC <i>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</i>
06/27/2019	 Declaration Filed By: Intervenor Defendant Mitchell, David J <i>Declaration of David J. Mitchell in Opposition to Motion to Compel and Sanctions</i>
07/02/2019	 Supplement Filed by: Plaintiff Nype, Russell L <i>Supplement In Support of Monetary Sanctions and Request for Incremental Sanctions</i>
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 <i>Receipt of Copy of Def's Second Supp Resp to P's 1st set of RFP</i>
08/19/2019	













# CASE SUMMARY

CASE NO. A-16-740689-B

	 Transcript of Proceedings <i>Transcript of Proceedings: Evidentiary Hearing - Day 2 Tuesday, July 09, 2019</i>
08/23/2019	 Transcript of Proceedings <i>Transcript of Proceedings: Evidentiary Hearing - Day 1</i>
08/23/2019	 Motion for Summary Judgment Filed By: Intervenor Defendant 305 Las Vegas LLC <i>Defendant's Motion for Summary Judgment</i>
08/24/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
08/28/2019	 Notice of Bankruptcy Filed By: Defendant Las Vegas Land Partners LLC <i>Notice of Bankruptcy Filing</i>
08/30/2019	 Brief Filed By: Plaintiff Nype, Russell L <i>Trial Brief Regarding Evidentiary Hearing - Discovery Sanctions</i>
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 <i>Declaration of Ira Victor</i>
09/10/2019	 Accounting Filed By: Plaintiff Nype, Russell L <i>Itemized Statement Accounting for Fees and Costs (8-22-2019 to 9-3-2019)</i>
09/17/2019	 Transcript of Proceedings <i>Transcript of Proceedings: Evidentiary Hearing - Day 3 9/3/19</i>
09/20/2019	 Order <i>Order RE: Discovery Sanctions</i>
09/23/2019	 Notice of Entry of Order Filed By: Plaintiff Nype, Russell L <i>Notice of Entry of Order Re: Discovery Sanctions</i>
09/24/2019	 Stipulation and Order Filed by: Plaintiff Nype, Russell L <i>Stipulation and Order to Continue the Hearing on Defendant 305 Las Vegas, LLC's Motion for Summary Judgment</i>
09/24/2019	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Nype, Russell L <i>Notice of Entry of Stipulation and Order to Continue the Hearing on Defendant 305 Las Vegas, LLC's Motion for Summary Judgment</i>

# CASE SUMMARY

CASE NO. A-16-740689-B

09/24/2019	 Judgment Filed By: Plaintiff Nype, Russell L <i>Judgment</i>
09/24/2019	 Notice of Entry of Judgment Filed By: Plaintiff Nype, Russell L <i>Notice of Entry of Judgment</i>
10/07/2019	 Motion to Seal/Redact Records Filed By: Plaintiff Nype, Russell L <i>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)</i>
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 <i>Receipt of Copy of Defendant's 3rd Supp Responses to RFP of Documents</i>
10/07/2019	 Opposition to Motion For Summary Judgment Filed By: Plaintiff Nype, Russell L <i>Plaintiffs' Opposition to Motion for Summary Judgment and CounterMotoin for Discovery Pursuant to NRCP 56(d)</i>
10/07/2019	 Appendix Filed By: Plaintiff Nype, Russell L <i>Appendix to Plaintiffs' Opposition to Motion for Summary Judgment and Countermotion for Discovery Pursuant to NRCP 56(d)</i>
10/07/2019	 Appendix Filed By: Plaintiff Nype, Russell L <i>Appendix to Plaintiffs' Opposition to Motion for Summary Judgment and Countermotion for Discovery Pursuant to NRCP 56(d)</i>
10/07/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
10/07/2019	 Statement Filed by: Intervenor Defendant Mitchell, David J <i>The Mitchell Defendants' Statement of Compliance and Motion for Additional Time for Further Production</i>
10/08/2019	 Filed Under Seal Filed By: Plaintiff Nype, Russell L; Plaintiff Revenue Plus LLC <i>Appendix to Plaintiff's Opposition to Motion for Summary Judgment and Countermotion for Discovery Pursuant to NRCP 56(d)</i>
10/14/2019	 Transcript of Proceedings <i>Transcript of Proceedings: Calendar Call</i>
10/15/2019	 Order Shortening Time Filed By: Intervenor Defendant Mitchell, David J



# CASE SUMMARY

CASE NO. A-16-740689-B

*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*

# CASE SUMMARY

CASE NO. A-16-740689-B

11/12/2019	 Status Report Filed By: Intervenor Defendant Mitchell, David J <i>Status Report Regarding Compliance With This Court's Order Re: Discovery Sanctions</i>
11/13/2019	 Ex Parte Application Party: Plaintiff Nype, Russell L <i>Ex Parte Application for Order Shortenng Time</i>
11/16/2019	 Opposition to Motion Filed By: Defendant Las Vegas Land Partners LLC <i>Mitchell Defendants' Opposition to Shelley D. Krohn, Bankruptcy Trustee's Motion to Intervene</i>
11/18/2019	 Order Granting Motion Filed By: Plaintiff Nype, Russell L <i>Order Granting Trustees's Motion to Intervene</i>
11/18/2019	 Notice of Entry of Order Filed By: Plaintiff Nype, Russell L <i>Notice of Entry of Order Granting Trustee's Motion to Intervene</i>
11/18/2019	 Complaint in Intervention Filed By: Plaintiff Nype, Russell L <i>Complaint In Intervention For (1) Constructive Trust; (2) Fraudulent Conveyance, (3) Conspiracy to Defraud, (4) Declaratory Relief and Alter Ego</i>
11/19/2019	 Errata Filed By: Plaintiff Nype, Russell L <i>Notice of Errata to Complaint In Intervention</i>
11/19/2019	 Affidavit in Support Filed By: Plaintiff Nype, Russell L <i>Affidavit in Support of Examination of Judgment Debtor</i>
11/19/2019	 Ex Parte Application for Examination of Judgment Debtor Filed By: Plaintiff Nype, Russell L <i>Ex Parte Application for Examination of Judgment Debtor</i>
11/19/2019	 Amended Notice of Taking Deposition Filed By: Plaintiff Nype, Russell L <i>Amended Notice of Taking Deposition of David Mitchell</i>
11/20/2019	 Motion for Protective Order Filed By: Plaintiff Nype, Russell L <i>Motion for Protective Order</i>
11/20/2019	 Certificate of Service Filed by: Plaintiff Nype, Russell L <i>Certificate of Service - Aff and ex parte</i>
11/20/2019	 Certificate of Service Filed by: Plaintiff Nype, Russell L <i>Certificate of Service - EJD Order</i>

# CASE SUMMARY

CASE NO. A-16-740689-B

11/20/2019	 Order for Examination of Judgment Debtor Filed By: Plaintiff Nype, Russell L <i>Order for Examination of Judgment Debtor</i>
11/21/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
11/21/2019	 Affidavit of Mailing Filed By: Plaintiff Nype, Russell L <i>Affidavit of Mailing</i>
11/21/2019	 Order Filed By: Plaintiff Nype, Russell L <i>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)</i>
11/21/2019	 Notice to Take Deposition Filed by: Plaintiff Nype, Russell L <i>Notice to Take the Deposition of Barnet Liberman</i>
11/21/2019	 Notice of Entry of Order Filed By: Plaintiff Nype, Russell L <i>Notice of Entry of Order for Examination of Judgment Debtor David J. Mitchell</i>
11/21/2019	 Notice of Entry of Order Filed By: Plaintiff Nype, Russell L <i>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(da)</i>
11/21/2019	 Receipt of Copy Filed by: Plaintiff Nype, Russell L <i>Receipt of Copy of file-stamped copy of Order for Examination of Judgment Debtor David J. Mitchell</i>
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 <i>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</i>
11/21/2019	 Motion <i>Motion for Protective Order on Order Shortening Time</i>
11/21/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
11/22/2019	 Notice to Take Deposition Filed by: Plaintiff Nype, Russell L <i>Notice to TAKE the PMK Deposition of Live work, LLC</i>
11/22/2019	 Notice to Take Deposition Filed by: Plaintiff Nype, Russell L

**CASE SUMMARY**

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

*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*

# CASE SUMMARY











CASE NO. A-16-740689-B

12/04/2019	 Proof of Service Filed by: Plaintiff Nype, Russell L <i>Proof of Service - Mitchell Holdings, LLC c/o David J. Mitchell</i>
12/04/2019	 Proof of Service Filed by: Plaintiff Nype, Russell L <i>Proof of Service - Meyer Property, Ltd., c/o David J. Mitchell</i>
12/04/2019	 Proof of Service Filed by: Plaintiff Nype, Russell L <i>Proof of Service - LVLP Holdings, LLC c/o David J. Mitchell</i>
12/04/2019	 Proof of Service Filed by: Plaintiff Nype, Russell L <i>Proof of Service - Live Works TIC Successor, LLC c/o David J. Mitchell</i>
12/04/2019	 Proof of Service Filed by: Plaintiff Nype, Russell L <i>Proof of Service - Live Work Manager, LLC c/o David J. Mitchell</i>
12/04/2019	 Proof of Service Filed by: Plaintiff Nype, Russell L <i>Proof of Service - Live Work, LLC c/o David J. Mitchell</i>
12/09/2019	 Answer to Complaint Filed by: Intervenor Defendant 305 Las Vegas LLC <i>Answer to Plaintiffs' Complaint in Intervention</i>
12/10/2019	 Proof of Service Filed by: Plaintiff Nype, Russell L <i>Proof of Service of Casino Coolidge, LLC by Serving Barnet L. Liberman, Manager</i>
12/10/2019	 Proof of Service Filed by: Plaintiff Nype, Russell L <i>Proof of Service of Barnet Liberman</i>
12/10/2019	 Proof of Service Filed by: Plaintiff Nype, Russell L <i>Proof of Service of Casino Coolidge, LLC</i>
12/10/2019	 Proof of Service Filed by: Plaintiff Nype, Russell L <i>Proof of Service - 305 Las Vegas LLC</i>
12/12/2019	 Appendix Filed By: Plaintiff Nype, Russell L <i>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</i>
12/12/2019	 Opposition to Motion Filed By: Plaintiff Nype, Russell L <i>Plaintiffs' Opposition to Defendant's Motion to Dismiss Plaintiffs' Amended Complaint</i>

# CASE SUMMARY

CASE NO. A-16-740689-B

*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 <i>Plaintiffs' NRCP 16.1(a)(3) Pre-Trial Disclosures</i>
12/19/2019	 Memorandum of Costs and Disbursements Filed By: Plaintiff Nype, Russell L <i>Supplemental Post-Judgment Memorandum of Costs and Disbursements As Of 9.24.2019</i>
12/19/2019	 Answer to Complaint Filed by: Intervenor Defendant Mitchell, David J <i>Answer to Complaint in Intervention</i>
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 <i>Reply In Support Of Mitchell Defendants' Motion To Dismiss Plaintiffs' Amended Complaint Pursuant To NRCP 12(B)(2) AND 12(B)(5), Or In The Alternative Motion For Summary Judgment</i>
12/23/2019	 Answer to Complaint Filed by: Intervenor Defendant Liberman, Barnet; Intervenor Defendant Casino Coolidge LLC <i>Answer to Complaint in Intervention by Defendants Barnet Liberman and Casino Coolidge LLC</i>
12/23/2019	 Pre-Trial Disclosure Party: Intervenor Defendant Liberman, Barnet; Intervenor Defendant Casino Coolidge LLC <i>Defendants Barnet Liberman and Casino Coolidge LLC's NRCP 16.1(a)(e) Pre-Trial Disclosures</i>
12/24/2019	 Motion to Retax Filed By: Intervenor Defendant Mitchell, David J <i>(12/26/19 Withdrawn) Motion to Tax Costs and Disbursements</i>
12/24/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
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 <i>THE MITCHELL DEFENDANTS PRE-TRIAL DISCLOSURES PURSUANT TO NRCP 16.1(a)(3) AND OBJECTIONS TO PLAINTIFFS PRE-TRIAL DISCLOSURES</i>
12/26/2019	 Notice of Withdrawal

# CASE SUMMARY

CASE NO. A-16-740689-B

	<p>Filed by: Intervenor Defendant Mitchell, David J  <i>Notice of withdrawal of Mitchell Defendants' Motion To Tax Costs and Disbursements</i></p>
12/26/2019	<p> Pre-Trial Disclosure            Party: Intervenor Defendant 305 Las Vegas LLC  <i>Defendant 305 Las Vegas, LLC's NRCP 16.1 Pre-Trial Disclosures</i></p>
12/26/2019	<p> Satisfaction of Judgment            Filed by: Plaintiff Nype, Russell L  <i>Satisfaction of Judgment as to Judgment (Againsr Mitchell Defendants, Only) As Entered on September 24, 2019</i></p>
12/27/2019	<p> Pre-trial Memorandum            Filed by: Plaintiff Nype, Russell L  <i>Plaintiffs' Pre-Trial Memorandum</i></p>
12/27/2019	<p> Trial Brief            Filed By: Intervenor Defendant 305 Las Vegas LLC  <i>Defendant 305 Las Vegas, LLC's Trial Brief</i></p>
12/27/2019	<p> Proof of Service            Filed by: Plaintiff Nype, Russell L  <i>Proof of Service of Trial Subpoena - Barnet Liberman</i></p>
12/27/2019	<p> Proof of Service            Filed by: Plaintiff Nype, Russell L  <i>Proof of Service of Trial Subpoena - David J. Mitchell</i></p>
12/29/2019	<p> Trial Brief            Filed By: Intervenor Defendant Liberman, Barnet  <i>Defendant Barnet Liberman and Casino Coolidge, LLC's Trial Brief</i></p>
01/16/2020	<p> Findings of Fact, Conclusions of Law and Judgment  <i>Findings of Fact and Conclusions of Law</i></p>
01/16/2020	<p> Notice of Entry of Findings of Fact, Conclusions of Law            Filed By: Plaintiff Nype, Russell L  <i>Notice of Entry of Findings of Fact, Conclusions of Law and Judgment</i></p>
01/16/2020	<p> Affidavit            Filed By: Plaintiff Nype, Russell L  <i>Affidavit in Support of Recordation of Findings of Fact and Conclusions of Law</i></p>
01/17/2020	<p> Findings of Fact, Conclusions of Law and Judgment  <i>Amended Findings of Fact and Conclusions of Law</i></p>
01/17/2020	<p> Notice of Entry of Order            Filed By: Plaintiff Nype, Russell L  <i>Notice of Entry of Amended Findings of Fact, Conclusions of Law and Judgment</i></p>
01/20/2020	<p> Affidavit            Filed By: Plaintiff Nype, Russell L  <i>Affidavit in Support of Recordation of Findings of Fact and Conclusions of Law</i></p>

# CASE SUMMARY

CASE NO. A-16-740689-B

01/21/2020	 Memorandum of Costs and Disbursements Filed By: Plaintiff Nype, Russell L <i>Memorandum of Costs and Disbursements</i>
01/24/2020	 Motion to Retax <i>Mitchell Defendants' Motion to Tax Costs and Disbursements</i>
01/27/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
01/27/2020	 Motion to Amend Judgment Filed By: Intervenor Defendant Casino Coolidge LLC <i>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</i>
01/28/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
01/29/2020	 Memorandum of Costs and Disbursements Filed By: Plaintiff Nype, Russell L <i>Supplemental Memorandum of Costs and Disbursements</i>
02/05/2020	 Application Filed By: Intervenor Defendant Liberman, Barnet <i>Application for OST to Hear Defendant CASINO Coolidge LLC's Motion to Strike and Set Aside Recorded Judgment</i>
02/05/2020	 Motion to Strike Filed By: Intervenor Defendant Liberman, Barnet <i>Defendant Casino Coolidge, LLC's Motion to Strike and Set Aside Recorded Judgment; Memorandum of Points and Authorities in Support Therof</i>
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 <i>MITCHELL DEFENDANTS JOINDER IN SUPPORT OF DEFENDANT CASINO COOLIDGE LLC S MOTION TO STRIKE AND SET ASIDE RECORDED JUDGMENT</i>
02/06/2020	 Motion for Attorney Fees Filed By: Plaintiff Nype, Russell L <i>Motion for Award of Attorneys Fees</i>
02/07/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
02/07/2020	 Opposition to Motion Filed By: Plaintiff Nype, Russell L <i>Opposition to the Mitchell Defendants' Motion to Re-Tax Costs</i>
02/07/2020	 Opposition to Motion Filed By: Plaintiff Nype, Russell L



# CASE SUMMARY

CASE NO. A-16-740689-B

*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-Judgment 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 Defendant 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

# CASE SUMMARY

CASE NO. A-16-740689-B

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 to Opposition

Filed by: Intervenor Defendant Casino Coolidge LLC

*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

# CASE SUMMARY

CASE NO. A-16-740689-B

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

02/20/2020	 Opposition to Motion Filed By: Plaintiff Nype, Russell L <i>Plaintiffs' Opposition to The Mitchell Defendants', Liberman's and Casino Coolidge's Motion to Alter or Amend Judgment</i>
02/24/2020	 Order Filed By: Intervenor Defendant 305 Las Vegas LLC <i>Order and Judgment on 305 Las Vegas, LLC's Motion for Directed Verdict</i>
02/24/2020	 Notice of Entry of Order Filed By: Intervenor Defendant 305 Las Vegas LLC <i>Notice of Entry of Order and Judgment on 305 Las Vegas LLC's Motion for Directed Verdict</i>
02/24/2020	 Writ Electronically Issued Party: Plaintiff Nype, Russell L <i>Writ of Execution</i>
02/24/2020	 Writ Electronically Issued Party: Plaintiff Nype, Russell L <i>Writ of Execution</i>
02/25/2020	 Affidavit in Support Filed By: Plaintiff Nype, Russell L <i>Affidavit in Support of Examination of Judgment Debtor - Casino</i>
02/25/2020	 Ex Parte Application for Examination of Judgment Debtor Filed By: Plaintiff Nype, Russell L <i>Ex Parte Application for Examination of Judgment Debtor</i>
02/25/2020	 Affidavit in Support Filed By: Plaintiff Nype, Russell L <i>Affidavit in Support of Examination of Judgment Debtor - LIEBERMAN</i>
02/25/2020	 Ex Parte Application for Examination of Judgment Debtor Filed By: Plaintiff Nype, Russell L <i>Ex Parte Application For Examination of Judgment Debtor</i>
02/25/2020	 Affidavit in Support Filed By: Plaintiff Nype, Russell L <i>Affidavit in Support of Examination of Judgment Debtor</i>
02/25/2020	 Notice of Appeal Filed By: Intervenor Defendant Liberman, Barnet; Intervenor Defendant Casino Coolidge LLC <i>Defendants Casino Coolidge LLC and Barnet Liberman's Notice of Appeal</i>
02/26/2020	 Case Appeal Statement Filed By: Intervenor Defendant Liberman, Barnet <i>Defendants and Appellants Casino Coolidge, LLC's and Barnet Liberman's Case Appeal Statement</i>
02/26/2020	 Memorandum of Costs and Disbursements

# CASE SUMMARY

CASE NO. A-16-740689-B

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*

02/27/2020



## 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 Mitchell Holdings LLC; Intervenor Defendant Live Works TIC Successor LLC

*MITCHELL DEFENDANTS OPPOSITION TO PLAINTIFFS MOTION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW AND JUDGMENT TO CORRECT MINOR ERRORS AND INCORPORATE PRE-JUDGMENT INTEREST*

## 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

# CASE SUMMARY

CASE NO. A-16-740689-B

01/17/2020	<p><b>Amended Judgment</b> (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 Nye (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 Nye (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 Nye (Plaintiff), Revenue Plus LLC (Plaintiff)  Judgment: 01/17/2020, Docketed: 01/16/2020  Comment: Certain Claim</p>
02/24/2020	<p><b>Order of Dismissal With Prejudice</b> (Judicial Officer: Gonzalez, Elizabeth)  Debtors: Russell L Nye (Plaintiff), Revenue Plus LLC (Plaintiff)  Creditors: 305 Las Vegas LLC (Defendant)  Judgment: 02/24/2020, Docketed: 02/24/2020</p>
02/24/2020	<p><b>Judgment</b> (Judicial Officer: Gonzalez, Elizabeth)  Debtors: Russell L Nye (Plaintiff), Revenue Plus LLC (Plaintiff)  Creditors: 305 Las Vegas LLC (Defendant)  Judgment: 02/24/2020, Docketed: 02/24/2020</p>
	<p><b>HEARINGS</b></p>
05/02/2017	<p><b>Motion to Strike</b> (9:00 AM) (Judicial Officer: Hardy, Joe)  <i>Defendants' Motion to Strike Plaintiffs' Jury Demand</i>  04/24/2017 Continued to 05/02/2017 - Stipulation and Order - Nye, 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;</p>
05/02/2017	<p><b>Opposition and Countermotion</b> (9:00 AM) (Judicial Officer: Hardy, Joe)  <i>Plaintiffs' Opposition to Defendant's Motion to Strike Plaintiffs' Jury Demand and Countermotion for Advisory Jury as to Equitable Issues</i>  Motion Denied;</p>
05/02/2017	<p> <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Hardy, Joe)  Matter Heard;  Journal Entry Details:  <i>DEFENDANTS' MOTION TO STRIKE PLAINTIFFS' JURY DEMAND</i> 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</p>

**CASE SUMMARY****CASE NO. A-16-740689-B**

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 for 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



**CASE SUMMARY****CASE NO. A-16-740689-B**

*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) months of continuances to allow them to*

# CASE SUMMARY

CASE NO. A-16-740689-B

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)



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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*

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*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	<b>CANCELED Status Check</b> (9:30 AM) (Judicial Officer: Hardy, Joe) <i>Vacated</i>
01/22/2019	<b>CANCELED Pre Trial Conference</b> (8:30 AM) (Judicial Officer: Hardy, Joe) <i>Vacated</i>
02/06/2019	<b>CANCELED Calendar Call</b> (8:30 AM) (Judicial Officer: Hardy, Joe) <i>Vacated</i>
02/11/2019	<b>CANCELED Bench Trial</b> (10:30 AM) (Judicial Officer: Hardy, Joe) <i>Vacated</i>
03/04/2019	<b>CANCELED Status Check: Trial Readiness</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - Superseding Order</i>
04/12/2019	 <b>Motion to Withdraw as Counsel</b> (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Motion to Withdraw as Counsel of Record for Defendants</i> Granted; Journal Entry Details: <i>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 ;</i>
04/15/2019	 <b>Motion</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Plaintiffs' Motion to Enlarge Time to Complete Discovery (3rd Request) on Order Shortening Time</i> Granted; subject to limitation Journal Entry Details: <i>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;</i>
05/06/2019	<b>CANCELED Pre Trial Conference</b> (8:30 AM) (Judicial Officer: Hardy, Joe) <i>Vacated - per Judge</i>
05/06/2019	<b>Status Check</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <b>05/06/2019, 05/15/2019</b> Matter Continued; Matter Heard;

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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*

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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. Muije 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. Muije 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;

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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;*



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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*

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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. Muije 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.

# CASE SUMMARY

CASE NO. A-16-740689-B

*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*



# CASE SUMMARY

CASE NO. A-16-740689-B

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;

# CASE SUMMARY

CASE NO. A-16-740689-B

## 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;*

# CASE SUMMARY

CASE NO. A-16-740689-B

01/10/2020	 <b>Status Check</b> (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Status Check: Court's Decision</i> Matter Continued; Finding of Fact & Conclusions of Law filed 1/16/20. Journal Entry Details: <i>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 ;</i>
01/24/2020	<b>CANCELED Motion</b> (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated</i> <i>Mitchell Defendants' Motion to Tax Costs and Disbursements</i>
02/10/2020	 <b>Motion to Strike</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendant Casino Coolidge, LLC's Motion to Strike and Set Aside Recorded Judgment; Memorandum of Points and Authorities in Support Therof</i> Denied; Journal Entry Details: <i>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 ;</i>
02/24/2020	<b>Motion to Retax</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Mitchell Defendants' Motion to Tax Costs and Disbursements</i> Granted in Part;
02/24/2020	<b>Motion to Amend Judgment</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>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</i> Denied;
02/24/2020	<b>Motion to Stay</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendant's Mitchell Defendants Motion to Stay Enforcement of the Judgment on an Order Shortening Time</i> Matter Heard;
02/24/2020	<b>Joinder</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Barnet Liberman and Casino Coolidge LLC Defendants Joinder in Support of Mitchell Defendants Motion for Stay Enforcement of the Judgment on Order Shortening Time</i> Matter Heard;
02/24/2020	<b>Motion to Amend Judgment</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendant's Motion to Alter or Amend Judgment Pursuant to NRCP 52 and NRCP 59 (e)</i> Denied;
02/24/2020	<b>Joinder</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>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)</i>

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

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

	<p>Matter Heard;</p>	
<p>02/24/2020</p>	<p> <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>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. Barnett, Mr. Liberman, who are behind all of the related entities; 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.;</i></p>	
<p>03/13/2020</p>	<p><b>Motion for Attorney Fees</b> (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Plaintiff's Motion for Award of Attorneys Fees</i></p>	
<p>03/16/2020</p>	<p><b>CANCELED Motion to Amend</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Vacated - On In Error</i></p> <p><i>Status Check: Reset Evidentiary Hearing</i></p>	
<p>03/16/2020</p>	<p><b>CANCELED Motion to Amend Judgment</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Vacated - Set in Error</i></p> <p><i>Defendant Mitchell's Motion to Alter or Amend Judgment Pursuant to NRCP 52 and NRCP 59 (e)</i></p>	
<p>03/20/2020</p>	<p><b>Motion</b> (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Plaintiffs' Motion of Findings of Fact and Conclusions of Law and Judgment to Correct Minor Errors and Incorporate Pre-Judgment Interest</i></p>	

DATE

FINANCIAL INFORMATION

**Defendant** Liberman Holdings LLC  
Total Charges

30.00

**CASE SUMMARY****CASE NO. A-16-740689-B**

Total Payments and Credits	30.00
<b>Balance Due as of 2/28/2020</b>	<b>0.00</b>
<b>Intervenor Defendant</b> Aquarius Owner LLC	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 2/28/2020</b>	<b>0.00</b>
<b>Intervenor Defendant</b> Casino Coolidge LLC	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 2/28/2020</b>	<b>0.00</b>
<b>Defendant</b> Las Vegas Land Partners LLC	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 2/28/2020</b>	<b>0.00</b>
<b>Intervenor Defendant</b> Leah Property LLC	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 2/28/2020</b>	<b>0.00</b>
<b>Intervenor Defendant</b> Liberman, Barnet	
Total Charges	54.00
Total Payments and Credits	54.00
<b>Balance Due as of 2/28/2020</b>	<b>0.00</b>
<b>Intervenor Defendant</b> Live Work LLC	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 2/28/2020</b>	<b>0.00</b>
<b>Intervenor Defendant</b> Live Work Manager LLC	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 2/28/2020</b>	<b>0.00</b>
<b>Intervenor Defendant</b> Live Works TIC Successor LLC	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 2/28/2020</b>	<b>0.00</b>
<b>Intervenor Defendant</b> LVLP Holdings LLC	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 2/28/2020</b>	<b>0.00</b>
<b>Intervenor Defendant</b> Meyer Property Ltd	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 2/28/2020</b>	<b>0.00</b>
<b>Intervenor Defendant</b> Mitchell Holdings LLC	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 2/28/2020</b>	<b>0.00</b>
<b>Intervenor Defendant</b> Mitchell, David J	
Total Charges	2,157.00
Total Payments and Credits	1,957.00
<b>Balance Due as of 2/28/2020</b>	<b>200.00</b>
<b>Intervenor Defendant</b> Wink One LLC	
Total Charges	30.00

# CASE SUMMARY

CASE NO. A-16-740689-B

Total Payments and Credits	30.00
<b>Balance Due as of 2/28/2020</b>	<b>0.00</b>
<b>Intervenor Defendant</b> Zoe Property LLC	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 2/28/2020</b>	<b>0.00</b>
<b>Intervenor Defendant</b> 305 Las Vegas LLC	
Total Charges	230.00
Total Payments and Credits	230.00
<b>Balance Due as of 2/28/2020</b>	<b>0.00</b>
<b>Plaintiff</b> Nype, Russell L	
Total Charges	353.00
Total Payments and Credits	353.00
<b>Balance Due as of 2/28/2020</b>	<b>0.00</b>
<b>Plaintiff</b> Revenue Plus LLC	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 2/28/2020</b>	<b>0.00</b>

## DISTRICT COURT CIVIL COVER SHEET

County, Nevada

XXVI 11

Case No. \_\_\_\_\_

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone):

RUSSELL L. NYPE, REVENUE PLUS, LLC

Defendant(s) (name/address/phone):

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; LVP Holdings, LLC;

MVP Holdings, LLC; LVP Holdings, LLC; 505 Las Vegas, LLC; Live Work TO Successor, LLC; Cedar Creek, LLC

Attorney (name/address/phone):

John W. Muije, Esq., John W. Muije &amp; Associates

1840 East Sahara Avenue, Suite 106

Las Vegas, Nevada 89104

Attorney (name/address/phone):

**II. Nature of Controversy** (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property		Torts	
<b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Other Torts</b> <input type="checkbox"/> Product Liability <input checked="" type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort	
Probate		Judicial Review/Appeal	
<b>Probate (select case type and estate value)</b> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal	
Civil Writ		Other Civil Filing	
<b>Civil Writ</b> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		<b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters	

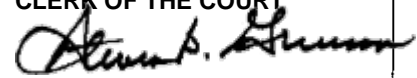
Business Court filings should be filed using the Business Court civil coversheet.

July 21, 2016

Date

Signature of initiating party or representative

See other side for family-related case filings.



1 **FFCL**

2 **DISTRICT COURT**

3 **CLARK COUNTY, NEVADA**

4  
5 RUSSELL L. NYPE; REVENUE PLUS, LLC,  
6 DOES I through X; DOES I through X; DOE  
7 CORPORATIONS CASE NO: A-16-740689-  
C I through X; and DOES PARTNERSHIPS I  
through X,

8 Plaintiffs,

9 v.

10 DAVID J. MITCHELL; BARNET  
11 LIBERMAN; LAS VEGAS LAND  
12 PARTNERS, LLC; MEYER PROPERTY,  
13 LTD.; ZOE PROPERTY, LLC; LEAH  
14 PROPERTY, LLC; WINK ONE, LLC; LNE  
15 WORK, LLC; LNE WORK MANAGER,  
16 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,

17 Defendants.

Case No.: A-16-740689-C

Dept.: XI

18 **AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

19 This matter having come on for non-jury trial before the Honorable Elizabeth Gonzalez  
20 beginning on December 30, 2019, and continuing day to day, until its completion on January 7,  
21 2020; John W. Muije of John W. Muije & Associates appeared on behalf of Russell L. Nype and  
22 Revenue Plus, LLC ("Plaintiffs") and Shelley D. Krohn, U.S. Bankruptcy Trustee ("Plaintiff  
23 Trustee"); H. Stan Johnson, James L. Edwards and Kevin M. Johnson of the law firm of Cohen,  
24 Johnson, Parker & Edwards appeared on behalf of David J. Mitchell, Las Vegas Land Partners,  
25 LLC, Meyer Property Ltd., Zoe Property LLC, Leah Property LLC, Wink One LLC, LiveWork  
26 LLC, LiveWork Manager LLC, Aquarius Owner LLC, LVLP Holdings LLC, Mitchell Holdings  
27  
28

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JAN 17 2020

CLERK OF THE COURT

14



1 LLC, Live Works TIC Successor LLC, FC/Live Work Vegas LLC, ("Mitchell Defendants");<sup>1</sup>  
2 Brian W. Boschee of the law firm of Holley Driggs Walch Fine Puzey Stein & Thompson  
3 appeared on behalf of Defendant 305 Las Vegas, LLC<sup>2</sup>; and, Elliott S. Blut appeared on behalf of  
4 Defendants Barnett Liberman and Casino Coolidge; the Court having read and considered the  
5 pleadings filed by the parties; having reviewed the evidence admitted during the trial; having  
6 heard and carefully considered the testimony of the witnesses called to testify and weighing their  
7 credibility; having considered the oral and written arguments of counsel, and with the intent of  
8 rendering a decision on all claims before the Court,<sup>3</sup> pursuant to NRCP 52(a) and 58; the Court  
9 makes the following findings of fact and conclusions of law:  
10

### 11 FINDINGS OF FACT

12  
13 1. This action arises from a judgment that Plaintiffs obtained on or about April 10,  
14 2015, against Las Vegas Land Partners, LLC ("LVLP") in Case No. A551073. Plaintiff filed this  
15 suit on July 26, 2016. The complaint was amended by the filing of an amended complaint on  
16 August 21, 2017.

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

21 3. Plaintiff Russell L. Nype ("Nype") is an adult resident of New York.  
22

23  
24 <sup>1</sup> 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.

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

27 <sup>3</sup> Plaintiff asserted five claims for relief against the Defendants: 1) Constructive Trust;  
28 2) Fraudulent Transfer; 3) Civil Conspiracy; 4) Declaratory Relief; and 5) Alter Ego.

- 1           4.     Plaintiff Revenue Plus, LLC (collectively with Nype, "Plaintiffs") is a Florida  
2 limited liability company.
- 3           5.     Defendant, David J. Mitchell ("Mitchell"), is an adult resident of New York.
- 4           6.     Defendant, Barnett Liberman ("Liberman"), is an adult resident of New York.
- 5           7.     Defendant Mitchell Holdings, LLC ("Mitchell Holdings") is a Delaware limited  
6 liability company.
- 7           8.     Defendant LVLP Holdings, LLC ("LVLP Holdings") is a Delaware limited  
8 liability company that was formed on or about November 4, 2004 by Mitchell and Liberman.
- 9           9.     Defendant Las Vegas Land Partners ("LVLP") is a Delaware limited liability  
10 company.
- 11          10.     Mitchell and Liberman are managers of LVLP.
- 12          11.     At all relevant times, Mitchell and Liberman were the sole owners (50/50) and  
13 managers of LVLP Holdings.
- 14          12.     At all relevant times, LVLP was owned (50/50) and managed by Mitchell and  
15 Liberman.
- 16          13.     Defendant Casino Coolidge LLC is a Nevada limited liability company. ("Casino  
17 Coolidge").
- 18          14.     Liberman is the managing member of Casino Coolidge.
- 19          15.     Defendant Aquarius Owner, LLC ("Aquarius") is a Delaware limited liability  
20 company.
- 21          16.     Defendant Leah Property, LLC ("Leah") is a Delaware limited liability company.
- 22          17.     Defendant Livework, LLC ("Livework") is a Delaware limited liability company.
- 23          18.     Defendant Livework Manager, LLC ("Livework Manager"), is a Delaware limited  
24 liability company.
- 25          19.     Defendant Zoe Property, LLC ("Zoe") is a Delaware limited liability company.
- 26          20.     Defendant Wink One, LLC ("Wink") is a Delaware limited liability company.
- 27
- 28

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

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

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

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

9           25. These entities are collectively referred to as the Related Entities.<sup>4</sup>

10          26. 305 Las Vegas, LLC ("305 Las Vegas") was created in April of 2007 for the  
11 purpose through a 1031 exchange of purchasing real property located around 300 East  
12 Charleston.

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

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

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

20          30. Despite understanding Nype's expectations, Mitchell and Liberman only set aside  
21 \$430,000.

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

24  
25  
26 <sup>4</sup> For purposes of the term "Related Entity" the following are included: Las Vegas Land  
27 Partners, LLC, Meyer Property Ltd., Zoe Property LLC, Leah Property LLC, Wink One LLC,  
28 LiveWork LLC, LiveWork Manager LLC, Aquarius Owner LLC, LVLP Holdings LLC,  
LiveWorks TIC Successor LLC, FC/LiveWork Vegas LLC and Casino Coolidge LLC.

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

4           33.     In December 2014, Leah sold certain real property to Casino Coolidge for  
5 \$1,000,000. Mitchell and Liberman caused Leah to distribute sales proceeds in the amount of  
6 \$341,934.47 directly to themselves, rather than Leah's parent company, LVLP. Plaintiff has not  
7 established that given the market conditions at the time that Mitchell and Liberman sold the Leah  
8 Property without obtaining reasonably equivalent value in exchange.

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

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

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

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

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

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

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

24  
25  
26  
27           <sup>5</sup>     The other plaintiffs in that case were LiveWork LLC and Zoe Properties, LLC, neither of  
28 which were named as counterdefendants.

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

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

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

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

13           45.     At all relevant times, each of the Related Entities was beneficially owned,  
14 controlled, and managed by Mitchell and Liberman.  
15

16           46.     One or more of the Related Entities was formed with an initial capitalization of  
17 just \$10.  
18  
19

---

20           <sup>6</sup>     The report is a part of Exhibit 90079.

21           <sup>7</sup>     That statute provides in pertinent part:

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

24           (a) Under paragraph (a) of subsection 1 of NRS 112.180, within 4 years after the transfer was  
25 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;

26           <sup>8</sup>     The explanation by Mitchell surrounding the creation of retention agreements with the  
27 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).  
28

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 b. When Mitchell and Liberman took personal distributions from the Related  
15 Entities, between 2007 and 2016, totaling \$15,148.339.  
16

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

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

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

23 c. The distributions rendered or contributed to LVLP's and/or the Related  
24 Entities' insolvency, and left LVLP and/or the Related Entities unable to pay their debts as they  
25 became due;  
26  
27  
28

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

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

5 61. If any findings of fact are properly conclusions of law, they shall be treated as if  
6 appropriately identified and designated.  
7

### 8 CONCLUSIONS OF LAW

9 1. In Nevada, there are three general requirements for application of the alter ego  
10 doctrine: (1) the corporation must be influenced and governed by the person asserted to be the  
11 alter ego; (2) there must be such unity of interest and ownership that one is inseparable from the  
12 other; and (3) the facts must be such that adherence to the corporate fiction of a separate entity  
13 would, under the circumstances, sanction fraud or promote injustice." *Polaris Indus. Corp. v.*  
14 *Kaplan*, 103 Nev. 598, 601, 747 P.2d 884, 886 (1987).  
15

16 2. Nevada recognizes application of the alter ego doctrine in reverse, in which a  
17 creditor is permitted to reach "the assets of a corporation to satisfy the debt of a corporate insider  
18 based on a showing that the corporate entity is really the alter ego of the individual." *Loomis*,  
19 116 Nev. at 903, 8 P.3d at 846.  
20

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

24 4. The Court, concludes that: (a) Mitchell, Liberman and the Related Entities  
25 commingled funds, transactions and assets; (b) the Related Entities were and are undercapitalized;  
26 (c) Mitchell, Liberman and the Related Entities committed unauthorized diversion of funds; (d)  
27  
28



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

3 5. The Court further concludes the evidence demonstrates that the Related Entities:  
4 (a) are and were influenced and governed by Mitchell and Liberman; (b) there is such unity of  
5 interest and/or ownership that Mitchell, Liberman and the Related Entities are inseparable from  
6 the other; and (c) the facts are such that adherence to the fiction of separate entities would, under  
7 the circumstances, sanction a fraud or promote injustice.  
8

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

11 7. Nype has proven, by a preponderance of the evidence his claim for alter ego,  
12 establishing that Mitchell, Liberman, and each of the Related Entities, is the alter ego of LVLP  
13 and each other.  
14

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

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

19 10. Prior to September of 2015, Nype had reason to know that the limited transfers  
20 were transfers made by debtors under the UFTA, that the transfers rendered debtors insolvent (or  
21 contributed thereto) or the facts and circumstances upon which this Court utilized in determining  
22 that the transfers were made with the actual intent to hinder, delay or defraud creditors (including  
23 Nype).  
24  
25  
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1           11.     Nype has proven, by a preponderance of the evidence his claims for fraudulent  
2 transfer, including that certain of the distributions constitute fraudulent transfers within the  
3 meaning of NRS 112.180(1)(a).<sup>9</sup>

4           12.     Certain of those distributions were made outside the limitations period under NRS  
5 112.230(1).  
6

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

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

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

17          16.     Nype has proven by a preponderance of the evidence that he suffered special  
18 damages in the form of attorney's fees, costs and expert expenses related to the transfers in the  
19 total amount of \$4,493,176.90.<sup>10</sup>  
20

21          17.     Plaintiff cannot recover on a civil conspiracy claim (or accessory liability) for  
22 allegations arising out of NRS Chapter 112 against a nontransferor. *Cadle Co. v. Woods &*  
23 *Erickson, LLP*, 131 Nev. 114 at 120, 345 P.3d 1049 (2015).  
24

---

25 <sup>9</sup>     The Court is cognizant of the possibility of duplicative awards given the various claims  
for relief.

26 <sup>10</sup>    The Court has previously evaluated the *Brunzell* factors in connection with the sanctions  
27 order which has now been satisfied. See 12/26/19 filing. That evaluation is incorporated by  
28 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 LVLV 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,<sup>11</sup> 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.

<sup>11</sup> 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).

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

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

5           26.    Mitchell, Liberman, and the Related Entities' actions and inactions have caused  
6 Nype damages in the total amount of \$19,641,515.90.<sup>12</sup>

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

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

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

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

14           **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that JUDGMENT is  
15 hereby entered in favor of Plaintiffs and jointly and severally against Mitchell, Liberman, Meyer  
16 Property Ltd., Zoe Property LLC, Leah Property LLC, Wink One LLC, LiveWork LLC,  
17 LiveWork Manager LLC, Aquarius Owner LLC, LVLP Holdings LLC, LiveWorks TIC  
18 Successor LLC, FC/LiveWork Vegas LLC and Casino Coolidge LLC on the fraudulent  
19 conveyance claim in the amount of \$4,835,111.37.<sup>13</sup>

20           **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that JUDGMENT is  
21 hereby entered in favor of Plaintiffs and jointly and severally against Mitchell and Liberman on  
22

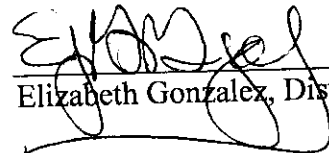
23  
24  
25  
26 <sup>12</sup>       This is the total amount of damages which is not duplicated among the various claims for  
27 which the Court has made an award.

28 <sup>13</sup>       These damages are duplicated in the civil conspiracy judgment.

1 the civil conspiracy claim in the amount of \$19,641,515.90.

2 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that JUDGMENT is  
3 hereby entered in favor of Plaintiffs and jointly and severally against Mitchell, Liberman, Meyer  
4 Property Ltd., Zoe Property LLC, Leah Property LLC, Wink One LLC, LiveWork LLC,  
5 LiveWork Manager LLC, Aquarius Owner LLC, LVLP Holdings LLC, LiveWorks TIC  
6 Successor LLC, FC/LiveWork Vegas LLC and Casino Coolidge LLC on the alter ego claim in  
7 the amount of the underlying judgment in A551073.  
8

9 DATED this 17<sup>th</sup> day of January, 2020.

10  
11   
12 Elizabeth Gonzalez, District Court Judge  
13

14 **Certificate of Service**

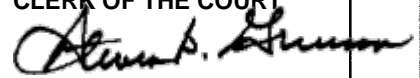
15 I hereby certify that on the date filed, a copy of the foregoing Findings of Fact and Conclusions of  
16 Law was electronically served, pursuant to N.E.F.C.R. Rule 9, to all registered parties in the Eighth  
17 Judicial District Court Electronic Filing Program.

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

19 ☐ Placed in the Attorney(s) Folder on the 1<sup>st</sup> Floor of the RJC for;

20 ☐ Mailed by United States Postal Service, Postage prepaid, to the proper parties listed below at  
21 their last known address(es):  
22

23   
24 Dan Kutinac  
25  
26  
27  
28



1 **FFCL**  
2 **JOHN W. MUIJE & ASSOCIATES**  
3 **JOHN W. MUIJE, ESQ.**  
4 Nevada Bar No: 2419  
5 1840 E. Sahara Ave #106  
6 Las Vegas, NV 89104  
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10 *Attorneys for Plaintiffs*

DISTRICT COURT  
CLARK COUNTY, NEVADA

11 **RUSSELL L. NYPE AND REVENUS PLUS,**  
12 **LLC**

CASE NO: A-16-740689-B

13 Plaintiffs,

DEPT NO: XI

14 vs.

15 **DAVID J. MITCHELL; BARNET LIBERMAN; LAS**  
16 **VEGAS LAND PARTNERS, LLC; MEYER**  
17 **PROPERTY, LTD.; ZOE PROPERTY, LLC; LEAH**  
18 **PROPERTY, LLC; WINK ONE, LLC; LIVE WORK,**  
19 **LLC; LIVE WORK MANAGER, LLC; AQUARIUS**  
20 **OWNER, LLC; LVLP HOLDINGS, LLC;**  
21 **MITCHELL HOLDINGS, LLC; LIBERMAN**  
22 **HOLDINGS, LLC; 305 LAS VEGAS, LLC; LIVE**  
23 **WORKS TIC SUCCESSOR, LLC; CASINO**  
24 **COOLIDGE LLC; DOES I through III, and ROE**  
25 **CORPORATIONS I through III, inclusive,**

26 Mitchell Defendants.

27 **NOTICE OF ENTRY OF AMENDED FINDINGS OF FACT,**  
28 **CONCLUSIONS OF LAW**

-AND-

**JUDGMENT**

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

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

JOHN W. MUIJE & ASSOCIATES  
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1 TO: H. STAN JOHNSON, ESQ., and JAMES L. EDWARDS, ESQ., of the Law Offices of  
2 COHEN, JOHNSON, PARKER & EDWARDS, Attorneys for Mitchell Defendants

3 PLEASE TAKE NOTICE that the AMENDED FINDINGS OF FACT,  
4 CONCLUSIONS OF LAW AND JUDGMENT, was entered with the Court on the 17th day of  
5 January, 2020, a copy of which is attached hereto as Exhibit "1".

6 DATED this 17 day of January, 2020

8 JOHN W. MUIJE & ASSOCIATES

9  
10 By: 

11 JOHN W. MUIJE, ESQ.

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13 1840 E. Sahara Ave #106

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15 Phone No: (702) 386-7002

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18 Attorneys for Plaintiffs  
19  
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21  
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28

**CERTIFICATE OF MAILING**

I certify that I am an employee of JOHN W. MUIJE & ASSOCIATES and that on the 17<sup>th</sup> 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.**  
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*Attorneys for Defendant*  
*305 Las Vegas, LLC*

H. Stan Johnson, Esq.  
James L. Edwards, Esq.  
**COHEN JOHNSON PARKER & EDWARDS**  
375 E. Warm Springs Road, #104  
Las Vegas, Nevada 89119  
*Attorneys for Mitchell Defendants*

  
An Employee of JOHN W. MUIJE & ASSOCIATES



# **EXHIBIT “1”**

*Steven D. Grierson*

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,

Plaintiffs,

v.

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,

Defendants.

Case No.: A-16-740689-C

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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JAN 17 2020

CLERK OF THE COURT

1 LLC, Live Works TIC Successor LLC, FC/Live Work Vegas LLC, ("Mitchell Defendants");<sup>1</sup>  
2 Brian W. Boschee of the law firm of Holley Driggs Walch Fine Puzey Stein & Thompson  
3 appeared on behalf of Defendant 305 Las Vegas, LLC<sup>2</sup>; and, Elliott S. Blut appeared on behalf of  
4 Defendants Barnett Liberman and Casino Coolidge; the Court having read and considered the  
5 pleadings filed by the parties; having reviewed the evidence admitted during the trial; having  
6 heard and carefully considered the testimony of the witnesses called to testify and weighing their  
7 credibility; having considered the oral and written arguments of counsel, and with the intent of  
8 rendering a decision on all claims before the Court,<sup>3</sup> pursuant to NRC 52(a) and 58; the Court  
9 makes the following findings of fact and conclusions of law:  
10

### 11 FINDINGS OF FACT

12  
13 1. This action arises from a judgment that Plaintiffs obtained on or about April 10,  
14 2015, against Las Vegas Land Partners, LLC ("LVLP") in Case No. A551073. Plaintiff filed this  
15 suit on July 26, 2016. The complaint was amended by the filing of an amended complaint on  
16 August 21, 2017.

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

21 3. Plaintiff Russell L. Nype ("Nype") is an adult resident of New York.  
22

23  
24 <sup>1</sup> 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.

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

27 <sup>3</sup> Plaintiff asserted five claims for relief against the Defendants: 1) Constructive Trust;  
28 2) Fraudulent Transfer; 3) Civil Conspiracy; 4) Declaratory Relief; and 5) Alter Ego.

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

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

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

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

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

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

11          10.    Mitchell and Liberman are managers of LVLP.

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

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

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

18          14.    Liberman is the managing member of Casino Coolidge.

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

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

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

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

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

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

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

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

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

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

9           25. These entities are collectively referred to as the Related Entities.<sup>4</sup>

10          26. 305 Las Vegas, LLC ("305 Las Vegas") was created in April of 2007 for the  
11 purpose through a 1031 exchange of purchasing real property located around 300 East  
12 Charleston.

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

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

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

20          30. Despite understanding Nype's expectations, Mitchell and Liberman only set aside  
21 \$430,000.

22          31. Shortly after setting aside that amount, Mitchell and Liberman took personal  
23 distributions from LVLP in excess of thirteen million dollars.  
24

25  
26 <sup>4</sup> For purposes of the term "Related Entity" the following are included: Las Vegas Land  
27 Partners, LLC, Meyer Property Ltd., Zoe Property LLC, Leah Property LLC, Wink One LLC,  
28 LiveWork LLC, LiveWork Manager LLC, Aquarius Owner LLC, LVLP Holdings LLC,  
LiveWorks TIC Successor LLC, FC/LiveWork Vegas LLC and Casino Coolidge LLC.

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

4           33.     In December 2014, Leah sold certain real property to Casino Coolidge for  
5 \$1,000,000. Mitchell and Liberman caused Leah to distribute sales proceeds in the amount of  
6 \$341,934.47 directly to themselves, rather than Leah's parent company, LVLP. Plaintiff has not  
7 established that given the market conditions at the time that Mitchell and Liberman sold the Leah  
8 Property without obtaining reasonably equivalent value in exchange.

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

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

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

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

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

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

21           40.     The evidence also demonstrates that Mitchell, Liberman and the Related Entities  
22 engaged in conscious, concerted and ongoing efforts to ensure that funds and/or assets that would  
23 otherwise be available to Nype to satisfy his claims (and Judgment) were kept away from Nype.  
24

25  
26  
27 <sup>5</sup>     The other plaintiffs in that case were LiveWork LLC and Zoe Properties, LLC, neither of  
28 which were named as counterdefendants.

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

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

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

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

13           45.     At all relevant times, each of the Related Entities was beneficially owned,  
14 controlled, and managed by Mitchell and Liberman.  
15

16           46.     One or more of the Related Entities was formed with an initial capitalization of  
17 just \$10.  
18

19  
20           <sup>6</sup>     The report is a part of Exhibit 90079.

21           <sup>7</sup>     That statute provides in pertinent part:  
22

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

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

28           <sup>8</sup>     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).

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

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

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

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

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

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

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

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

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

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

26          57.     The evidence demonstrates that: (a) Mitchell, Liberman and the Related Entities  
27 commingled funds, transactions and assets; (b) the Related Entities were and are undercapitalized;  
28



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

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

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

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

14 b. When Mitchell and Liberman took personal distributions from the Related  
15 Entities, between 2007 and 2016, totaling \$15,148.339.  
16

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

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

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

23 c. The distributions rendered or contributed to LVLP's and/or the Related  
24 Entities' insolvency, and left LVLP and/or the Related Entities unable to pay their debts as they  
25 became due;  
26  
27  
28

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

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

5 61. If any findings of fact are properly conclusions of law, they shall be treated as if  
6 appropriately identified and designated.  
7

### 8 CONCLUSIONS OF LAW

9 1. In Nevada, there are three general requirements for application of the alter ego  
10 doctrine: (1) the corporation must be influenced and governed by the person asserted to be the  
11 alter ego; (2) there must be such unity of interest and ownership that one is inseparable from the  
12 other; and (3) the facts must be such that adherence to the corporate fiction of a separate entity  
13 would, under the circumstances, sanction fraud or promote injustice." *Polaris Indus. Corp. v.*  
14 *Kaplan*, 103 Nev. 598, 601, 747 P.2d 884, 886 (1987).  
15

16 2. Nevada recognizes application of the alter ego doctrine in reverse, in which a  
17 creditor is permitted to reach "the assets of a corporation to satisfy the debt of a corporate insider  
18 based on a showing that the corporate entity is really the alter ego of the individual." *Loomis*,  
19 116 Nev. at 903, 8 P.3d at 846.  
20

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

24 4. The Court, concludes that: (a) Mitchell, Liberman and the Related Entities  
25 commingled funds, transactions and assets; (b) the Related Entities were and are undercapitalized;  
26 (c) Mitchell, Liberman and the Related Entities committed unauthorized diversion of funds; (d)  
27  
28

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

3 5. The Court further concludes the evidence demonstrates that the Related Entities:  
4 (a) are and were influenced and governed by Mitchell and Liberman; (b) there is such unity of  
5 interest and/or ownership that Mitchell, Liberman and the Related Entities are inseparable from  
6 the other; and (c) the facts are such that adherence to the fiction of separate entities would, under  
7 the circumstances, sanction a fraud or promote injustice.  
8

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

11 7. Nype has proven, by a preponderance of the evidence his claim for alter ego,  
12 establishing that Mitchell, Liberman, and each of the Related Entities, is the alter ego of LVLP  
13 and each other.  
14

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

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

19 10. Prior to September of 2015, Nype had reason to know that the limited transfers  
20 were transfers made by debtors under the UFTA, that the transfers rendered debtors insolvent (or  
21 contributed thereto) or the facts and circumstances upon which this Court utilized in determining  
22 that the transfers were made with the actual intent to hinder, delay or defraud creditors (including  
23 Nype).  
24  
25  
26  
27  
28

1           11. Nype has proven, by a preponderance of the evidence his claims for fraudulent  
2 transfer, including that certain of the distributions constitute fraudulent transfers within the  
3 meaning of NRS 112.180(1)(a).<sup>9</sup>

4           12. Certain of those distributions were made outside the limitations period under NRS  
5 112.230(1).  
6

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

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

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

17           16. Nype has proven by a preponderance of the evidence that he suffered special  
18 damages in the form of attorney's fees, costs and expert expenses related to the transfers in the  
19 total amount of \$4,493,176.90.<sup>10</sup>  
20

21           17. Plaintiff cannot recover on a civil conspiracy claim (or accessory liability) for  
22 allegations arising out of NRS Chapter 112 against a nontransferor. *Cadle Co. v. Woods &*  
23 *Erickson, LLP*, 131 Nev. 114 at 120, 345 P.3d 1049 (2015).  
24

---

25 <sup>9</sup> The Court is cognizant of the possibility of duplicative awards given the various claims  
26 for relief.

27 <sup>10</sup> The Court has previously evaluated the *Brunzell* factors in connection with the sanctions  
28 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,<sup>11</sup> 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.

<sup>11</sup> 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).

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

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

5           26. Mitchell, Liberman, and the Related Entities' actions and inactions have caused  
6 Nype damages in the total amount of \$19,641,515.90.<sup>12</sup>

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

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

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

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

14           **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that JUDGMENT is  
15 hereby entered in favor of Plaintiffs and jointly and severally against Mitchell, Liberman, Meyer  
16 Property Ltd., Zoe Property LLC, Leah Property LLC, Wink One LLC, LiveWork LLC,  
17 LiveWork Manager LLC, Aquarius Owner LLC, LVLV Holdings LLC, LiveWorks TIC  
18 Successor LLC, FC/LiveWork Vegas LLC and Casino Coolidge LLC on the fraudulent  
19 conveyance claim in the amount of \$4,835,111.37.<sup>13</sup>

20           **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that JUDGMENT is  
21 hereby entered in favor of Plaintiffs and jointly and severally against Mitchell and Liberman on  
22

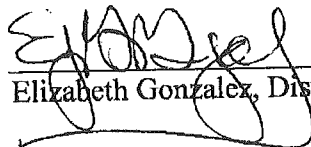
23  
24  
25  
26 <sup>12</sup> This is the total amount of damages which is not duplicated among the various claims for  
27 which the Court has made an award.

28 <sup>13</sup> These damages are duplicated in the civil conspiracy judgment.

1 the civil conspiracy claim in the amount of \$19,641,515.90.

2 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that JUDGMENT is  
3 hereby entered in favor of Plaintiffs and jointly and severally against Mitchell, Liberman, Meyer  
4 Property Ltd., Zoe Property LLC, Leah Property LLC, Wink One LLC, LiveWork LLC,  
5 LiveWork Manager LLC, Aquarius Owner LLC, LVLP Holdings LLC, LiveWorks TIC  
6 Successor LLC, FC/LiveWork Vegas LLC and Casino Coolidge LLC on the alter ego claim in  
7 the amount of the underlying judgment in A551073.  
8

9 DATED this 17<sup>th</sup> day of January, 2020.

10  
11   
12 Elizabeth Gonzalez, District Court Judge  
13

14 **Certificate of Service**

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

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

19 ☐ Placed in the Attorney(s) Folder on the 1<sup>st</sup> Floor of the RJC for;

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

22   
23 Dan Kutinac  
24  
25  
26  
27  
28

**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**

<b>PRESENT:</b>	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**

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A-16-740689-B      Russell Nype, Plaintiff(s)  
vs.  
David Mitchell, Defendant(s)

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**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) months 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**

<b>PRESENT:</b>	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)

<b>November 07, 2018</b>	<b>10:00 AM</b>	<b>Telephonic Conference</b>	<b>Telephonic Conference re: Stipulated Protective Order Re: Subpoenaed "Forest City Entities"</b>
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**HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** April Watkins**RECORDER:** Jill Hawkins**REPORTER:****PARTIES**

<b>PRESENT:</b>	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**

<b>PRESENT:</b>	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)

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**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. Muije 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. Muije 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)

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**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)

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**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**

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A-16-740689-B      Russell Nype, Plaintiff(s)  
vs.  
David Mitchell, Defendant(s)

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**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 Schwartzter, 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. Schwartzter 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**

<b>PRESENT:</b>	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**

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A-16-740689-B      Russell Nype, Plaintiff(s)  
vs.  
David Mitchell, Defendant(s)

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**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)

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**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**

<b>PRESENT:</b>	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
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12-30-19	9:30 AM	BENCH TRIAL
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**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)

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**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)

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**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**

<b>PRESENT:</b>	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**

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A-16-740689-B      Russell Nype, Plaintiff(s)  
vs.  
David Mitchell, Defendant(s)

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**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**

<b>PRESENT:</b>	Blut, Elliot S.	Attorney
	Boschee, Brian W.	Attorney
	Edwards, James L, ESQ	Attorney
	Johnson, Harold Stanley	Attorney
	Johnson, Kevin M.	Attorney
	Lieberman, 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**

<b>PRESENT:</b>	Blut, Elliot S.	Attorney
	Boschee, Brian W.	Attorney
	Edwards, James L, ESQ	Attorney
	Johnson, Harold Stanley	Attorney
	Johnson, Kevin M.	Attorney
	Lieberman, 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**

<b>PRESENT:</b>	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**

Hearing Date:

**JUN 27 2019**

Dept. No.: **XI**

Judge:

**ELIZABETH GOFF GONZALEZ**

PLAINTIFF'S: **Russell Nype**

Court Clerk:

**MICHAELA TAPIA ; DULCE ROMERA**  
*Madalyn Kearney*

Recorder:

*Jill Hawkins*

Counsel for Plaintiff:

*John Muje*

vs.

DEFENDANT'S: **David Mitchell**

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 <i>None on 7-9-19</i>	7-9-19	wa
3	" - Discovery Commissioner's Report		YES	6/27/19	wa
4	" - Plt'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 Disclosures		NO		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	6/21/19	VCS		wa
18	MITCHELL DEFENDANT'S SUPPLEMENTAL RESPONSES TO PLTF'S FIRST SET OF RFP'S	7-9-19	NO	7-9-19	wa
19	SUMMARY REVIEW OF MITCHELL DEFENDANT'S 1ST SUPP RESPONSES TO PLTF'S 1ST RFP'S	7-9-19	NO	7-9-19	wa
20	MITCHELL DEFENDANT'S SECOND SUPPLEMENTAL RESPONSES TO PLTF'S FIRST SET OF RFP'S	7-9-19	NO	7-9-19	wa
21	SUMMARY REVIEW OF MITCHELL DEFENDANT'S 2ND SUPP RESPONSES TO PLTF'S 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, Wrightman + Company invoices	7-9-19	yes	7-9-19	wa
25	Rich, Wrightman + company fees USA	7-9-19	no	7-9-19	wa
26	summary of John Muir fees + costs attributable to Mitchell + UVP defts failure to timely properly...	7-9-19	no	7-9-19	wa
27	June invoices - John Muir	7-9-19	no	7-9-19	wa
28	July invoices - John Muir	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 MUIR 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**

Hearing Date: JUN 27 2019

Dept. No.: **XI**

Judge: ELIZABETH GOFF GONZALEZ

Court Clerk: MICHAELA TAPIA; DULCE ROMERA

**PLAINTIFF'S: Russell Nype**

Recorder: Jill Hawkins

Counsel for Plaintiff: John Muje

vs.

DEFENDANT'S: **David Mitchell**

Counsel for Defendant: James Edwards  
Brian Boschee

## HEARING BEFORE THE COURT

**DEFENDANT'S EXHIBITS**

[illegible]

## EXHIBIT(S) LIST

Case No.: **A740689**

Hearing Date:

JUN 27 2019

Dept. No.: **XI**

**Judge:**

ELIZABETH GOFF GONZALEZ

**Court Clerk:**

MICHAELA TAPIA; *DULCE ROMERA*

**PLAINTIFF'S: Russell Nype**

Recorder:

Jill Hawkins

**Counsel for Plaintiff:**

John Muije

**VS.**

**DEFENDANT'S: David Mitchell**

Counsel for Defendant:

James Edwards

Brian Boschee

## HEARING BEFORE THE COURT

## COURT'S EXHIBITS

[illegible]

## EXHIBIT(S) LIST

**Case No.: A740689**

Hearing Date: JUNE 27, 2019

Dept. No.: **XI**

**Judge: HON. ELIZABETH GONZALEZ**

**Court Clerk: DULCE ROMEA**

**Plaintiff: Russell Nype**

Recorder: **JILL HAWKINS**

Counsel for Plaintiff: *JOHN MUISE*

**VS.**

**Defendant: David Mitchell**

Counsel for Defendant: JAMES EDWARDS,  
BRIAN BOSCHKE, H. STANLEY JOHNSON

## HEARING BEFORE THE COURT

## DEMONSTRATIVE EXHIBITS

[illegible]

**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

Russell L. Nype; Revenue Plus, LLC

PLAINTIFF

David J. Mitchell; Barnet Liberman; Las Vegas Land Partners

DEFENDANT

TRIAL DATE:

December 30, 2019

JUDGE:

Elizabeth Gonzalez

CLERK:

Dulce Marie V. Romea

REPORTER:

JURY FEES:

COUNSEL FOR PLAINTIFF:

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 LVP umbrella	MSJOPP000299 or 305LV20156			12-30-19	NO	12-30-19	LVP - 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	LVP - CORP
3.PDF	Certificate of LVP Org docs and consents	Mitch0162898 - 162942						LVP - CORP
4.PDF	Certificate of LVP Org docs and consents	Mitch0162898 - 162943						LVP - CORP
5.PDF	LVP DISREGARDED ENTITIES	SPZ000869 - SPZ000871						LVP - 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	LVP - 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	LVL P - 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					LVL P - 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, LVL P041 - 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	LVL P005 - 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					CHARLESTO N 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					CHARLESTO N 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
30.PDF	Articles of Organization	CC000112-116			12-30-19	NO	12-30-19	CASINO COOLIDGE
31.PDF	Emails	CC00117-119						CASINO COOLIDGE
32.PDF	Operating Agreement - CONFIDENTIAL	CC000120-149			12-30-19	NO	12-30-19	CASINO COOLIDGE
33.PDF	Chicago Title Ins. Co. Settlement Statement - CONFIDENTIAL	CC000150			1-6-20	NO	1-6-20	CASINO COOLIDGE
34.PDF	Certificate of LiveWork Manager Org Docs and Consents	Mitch0162791 - 162844			12-30-19	NO	12-30-19	LIVWORK MANAGER
35.PDF	Various Consents of Sole Member of Livework Manager	MITDEF002321- MITDEF002322 MIT004308 - MIT004309						LIVWORK MANAGER
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	LIVWORK MANAGER

# 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	LIVWORK 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 LW TIC Successor LLC, 8/18/10, entered into by LiveWork as the Sole Member	Mitch0163865 – 163876	8/18/2010					LW 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
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
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

# 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 LW 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		<del>12-30-19</del>	NO	<del>12-30-19</del>	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 LVL	P010885-P010916	2005					Tax Returns - LVL
10002.PDF	Tax Return - 2007 Tax Return for LVL	P010949-P010966	2007					Tax Returns - LVL
10003.PDF	Tax return - 2008 Tax Return for LVL	P010967-P010981	2008					Tax Returns - LVL
10004.PDF	Tax Return - 2009 Tax Return for LVL	P010982-P010998	2009		<del>12-30-19</del>	NO	<del>12-30-19</del>	Tax Returns - LVL
10005.PDF	Tax Return - 2010 Form 1065 US Return of Partnership Income for LVL Holdings LLC	MITCH001381 - MITCH001392	2010		<del>12-30-19</del>	NO	<del>12-30-19</del>	Tax Returns - LVL



# 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 LVL P Holdings, LLC	MITCH00398 - MITCH00420	2011		12-30-19	NO	12-30-19	Tax Returns - LVL P
10007.PDF	Tax Return - 2012 Form 1065 US Return of Partnership Income for LVL P Holdings LLC	MITCH001395 - MITCH001404	2012					Tax Returns - LVL P
10008.PDF	Tax Return - 2013 Form 1065 US Return of Partnership Income for LVL P Holdings LLC	MITCH00526 - MITCH00549	2013					Tax Returns - LVL P
10009.PDF	Tax Return - LVL P - 2014	SPZ000441 - SPZ000460	2014					Tax Returns - LVL P
10010.PDF	Tax Return - 2015 U.S. and NY Tax Returns for LVL P (35 pages)	MITT002368-MITT002403	2015					Tax Returns - LVL P
10011.PDF	Tax Return - LVL P 2015	SPZ000536 - SPZ000556	2015					Tax Returns - LVL P
10012.PDF	Tax Return - LVL P 2016 TR	SPZ000645 - SPZ000663	2016					Tax Returns - LVL P
10013.PDF	Tax Return and related Schedules LVL P Holdings, LLC for 2016	LVL P000075 - LVL P000108	2016		12-30-19	NO	12-30-19	Tax Returns - LVL P

# 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 LVL P Holdings, LLC	MITCH001273 - MITCH001274	2016		12-30-19	NO	12-30-19	Tax Returns - LVL P
10015.PDF	Tax Return - 2017 Form 1065 US Return of Partnership Income for LVL P Holdings LLC	MITCH00826 - MITCH00837	2017		12-30-19	NO	12-30-19	Tax Returns - LVL P
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

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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 - LVL 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 - LVP Signature Account ending 0490
20003.PDF	Signature Bank Statements for LVP Acct # 1500570489, Jan 2007 - July 2007	MITDEF000808 - MITDEF000821	01/01/2007 07/01/2007					Bank Statements - LVP Signature Account ending 0491
20004.PDF	Signature Bank Statements for LVP Acct # 1500570489, Aug 2007 - Dec 2007	MITDEF000823 - MITDEF000831	08/01/2007 12/31/2007					Bank Statements - LVP Signature Account ending 0492
20005.PDF	Signature Bank Statements for LVP Acct # 1500570489, Jan 2008 - Dec 2008	MITDEF000783 - MITDEF000806	01/01/2008 12/31/2008		12-30-19	NO	12-30-19	Bank Statements - LVP 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 LVL Acct # 1500570489, Jan 2009 – Jun 2009	MITDEF000743 – MITDEF000761	01/01/2009 – 06/30/2009		<del>12-30-19</del>	NO	<del>12-30-19</del>	Bank Statements - LVL Signature Account ending 0494
20007.PDF	Signature Bank Statements for LVL Acct # 1500570489, Jun 2009 – Jul 2009	MITDEF000832 – MITDEF000838	06/01/2009 – 07/31/2009		<del>12-30-19</del>	NO	<del>12-30-19</del>	Bank Statements - LVL Signature Account ending 0495
20008.PDF	Signature Bank Statement for LVL Acct # 1500570489, Oct 2009	MITDEF000762 – MITDEF000764	10/1/2009		<del>12-30-19</del>	NO	<del>12-30-19</del>	Bank Statements - LVL Signature Account ending 0496
20009.PDF	Signature Bank Statements for LVL Acct # 1500570489, Oct 2009 – Nov 2009	MITDEF000767 – MITDEF000771	10/01/2009 11/31/2009		<del>12-30-19</del>	NO	<del>12-30-19</del>	Bank Statements - LVL 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 LVL Acct # 1500570489, 2011 - 2014	MITDEF001101 - MITDEF001212	01/01/2011 - 2014		12-30-19	no	12-30-19	Bank Statements - LVL 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 - LVL Signature Account ending 0503
20016.PDF	Signature Bank Statements for LVL Acct # 1500570489, 2014	MITDEF001215 - MITDEF001220	1/1/2014					Bank Statements - LVL Signature Account ending 0504
20017.PDF	Signature Bank Statements for LVL Acct # 1500570489, 2014	MITDEF001223 - MITDEF001227	1/1/2014		12-30-19	no	12-30-19	Bank Statements - LVL 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 LVL Acct # 1500570489, 2014	MITDEF001229 - MITDEF001237	1/1/2014		12-30-19	NO	12-30-19	Bank Statements - LVL Signature Account ending 0506
20019.PDF	Signature Bank Statements for LVL Acct # 1500570489, 2014	MITDEF001338 - MITDEF001339	1/1/2014					Bank Statements - LVL Signature Account ending 0507
20020.PDF	Signature Bank Statements for LVL Acct # 1500570489, 2014 - 2015	MITDEF001243 - MITDEF001307	01/01/2014 - 2015					Bank Statements - LVL Signature Account ending 0508
20021.PDF	Signature Bank Statements for LVL April 2014-November 2014	MIT0002468-MIT0002491	04/01/2014 - 11/31/2014		12-30-19	NO	12-30-19	Bank Statements - LVL 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 LVL P Acct ending 0489 showing transactions from Oct-Nov 2014	MITDEF001221 – MITDEF001222	10/1/2014		12-30-19	NO	12-30-19	Bank Statements - LVL P Signature Account ending 0510
20023.PDF	Signature Bank Statements for LVL P Acct # 1500570489, 2015	MITDEF001309 – MITDEF001328	1/1/2015					Bank Statements - LVL P Signature Account ending 0511
20024.PDF	2015/2016 Signature Bank Statements for LVL P (33 pages)	MIT002119-MIT002151	01/01/2015 to 2016					Bank Statements - LVL P Signature Account ending 0512
20025.PDF	Signature Bank Statements for LVL P Acct # 1500570489, 2016	MITDEF001332 – MITDEF001334	1/1/2016		12-30-19	NO	12-30-19	Bank Statements - LVL P 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 LVL Acct ending 0489 for April and part of May, 2015	MITDEF001308	4/1/2015		12-30-19	no	12-30-19	Bank Statements - LVL Signature Account ending 0514
20027.PDF	Signature Bank Account Statement January 2016	SPZ000683-686	1/1/2016					Bank Statements - LVL Signature Account ending 0515
20028.PDF	Signature Bank account statements, Jan-Feb, 2016 - Las Vegas Land Partners	LVL P000109 - LVL P000112	01/01/2016 - 02/28/2015					Bank Statements - LVL Signature Account ending 0516
20029.PDF	Signature Bank Statement for LVL Acct # 1500889957	MITDEF000765 - MITDEF000766						LVL Signature Bank ending 9957
20030.PDF	Signature Bank Statement for LVL Acct # 1500889957, Jul 2009	MITDEF000839 - MITDEF000840	7/1/2009		12-30-19	no	12-30-19	LVL 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 LVL Acct # 1500889957, Nov 2009	MITDEF000772 - MITDEF000773	11/1/2009		12-30-19	no	12-30-19	LVL Signature Bank ending 9957
20032.PDF	Signature Bank Statement for LVL Acct # 1500889957, Dec 2009	MITDEF000779 - MITDEF000780	12/1/2009					LVL Signature Bank ending 9957
20033.PDF	Signature Bank Statements for LVL Acct # 1500889957 and 1500570489, 2009 and 2010	MITDEF000864 - MITDEF000882	2009 - 2010					LVL Signature Bank statements for both 0489 and 9957
20034.PDF	Signature Bank Statements for LVL Acct # 1500889957 and 1500570489, 2010	MITDEF000933 - MITDEF000964	2010					LVL Signature Bank statements for both 0489 and 9957
20035.PDF	Signature Bank Statements for LVL Acct # 1500889957 and 1500570489, 2010 - 2011	MITDEF000968 - MITDEF001024	2010-2011		12-30-19	no	12-30-19	LVL 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 LVL Acct # 1500570489 and 1500889957, 2010, 2011	MITDEF001340 - MITDEF001361	2010 - 2011		<i>12-30-11</i>	<i>no</i>	<i>12-30-11</i>	LVL Signature Bank statements for both 0489 and 9957
20037.PDF	Signature Bank Statements for LVL Acct # 1500889957 and 1500570489, Apr 2009 - May 2009	MITDEF000856 - MITDEF000863	4/1/2009					LVL Signature Bank statements for both 0489 and 9957
20038.PDF	Signature Bank Statements for LVL Acct # 1500570489 and 1500889957, Aug 2009 - Sep 2009	MITDEF000841 - MITDEF000855	8/1/2009					LVL Signature Bank statements for both 0489 and 9957
20039.PDF	Signature Bank Statement for Mitchell/Liberman Acct # 1500570071, Jan 2007	MITDEF000807	1/1/2007		<i>12-30-11</i>	<i>no</i>	<i>12-30-11</i>	LVL (Mitchell/Liberman) Signature Bank ending 0071

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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		12-30-13	no	12-30-13	LVP (Mitchell/Liber man) Signature Bank ending 0071
20041.PDF	Signature Bank Statement for Account # 1500570071, Jan 2014	MITDEF000464 - MITDEF000465	1/1/2014					LVP (Mitchell/Liber man) Signature Bank ending 0071
20042.PDF	Signature Bank Statement for Account # 1500570071, Feb 2014	MITDEF000468 - MITDEF000469	2/1/2014					LVP (Mitchell/Liber man) Signature Bank ending 0071
20043.PDF	Signature Bank Statement for Account # 1500570071, Mar 2014	MITDEF000466 - MITDEF000467	3/1/2014		12-30-13	no	12-30-13	LVP (Mitchell/Liber man) 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	LVP 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



# Exhibit List

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 - Except of LVP's General Ledger as of December 31, 2007 - FILED UNDER SEAL	MSJOPP000446	12/31/2007		12-30-19	NO	12-30-19	Financials - LVP
30002.PDF	Excel Ledger (1/13/11 - 4/27/15)	SPZ000974	1/13/2011		12-30-19	NO	12-30-19	Financials - LVP
30003.PDF	Mitchell and Liberman partner activity ledgers 2011-2014	MIT 734-744	2011		12-30-19	NO	12-30-19	Financials - LVP
30004.PDF	General Ledger Report (timeframe?)	MIT 3581-3587						Financials - LVP
30005.PDF	General Ledger as of December 31, 2011 - Las Vegas Land Partners	MIT 3588-3689	12/31/2011					Financials - LVP

# Exhibit List

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
30012.PDF	General Ledger as of December 31, 2009 - Las Vegas Land Partners	MITDEF000121 - MITDEF000135	12/31/2009					Financials - LVLP
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

# 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 Partners	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

# Exhibit List

Exhibit Number	Description of Exhibit	Alphanumeric Designation on Exh.	Date	Stipulated Yes / No	Date Offered	Objection	Date Admitted	Category
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	2012					Financials - LVLP
30026.PDF	General Ledger - Las Vegas Land Partners - 2013 GL	SPZ000894 - SPZ000899	2013					Financials - LVLP
30027.PDF	General Ledger - Las Vegas Land Partners - 2014 GL	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

# Exhibit List

Exhibit Number	Description of Exhibit	Alphanumeric Designation on Exh.	Date	Stipulated Yes / No	Date Offered	Objection	Date Admitted	Category
30033.PDF	General Ledger - LVL P 2010 ledger SPZ001034-SPZ001048	SPZ001034 - SPZ001048	2010		1-6-20	NO	1-6-20	Financials - LVL P
30034.PDF	General Ledger and Activity Statement for LVL P - 2015 (6 pages)	MIT002412-MIT002417	2015		12-30-19	NO	12-30-19	Financials - LVL P
30035.PDF	Loan Balances - Barnet Liberman	MITCH001082 - MITCH001084						Financials - LVL P
30036.PDF	Loan Balances - David Mitchell	MITCH001086 - MITCH001088						Financials - LVL P
30037.PDF	Las Vegas RTC Loan Summary	MIT002628 - MIT002638	5/2/2007		12-30-19	NO	12-30-19	Financials - LVL P
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 - LVL P
30039.PDF	Annual loan account details for 2011-2014 LVL P VNB Loan 2014	MIT 3577-3580 SPZ 462-464			12-30-19	NO	12-30-19	Financials - LVL P
30040.PDF	Balance Sheet - Las Vegas Land Partners, 2011 - 2014	MITCH001143 - MITCH001146	2011 - 2014					Financials - LVL P
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 - LVL P

# 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 - LVP
30053.PDF	Mitchell Contributions to (Distributions from) Capital - LVP Holdings	MITCH001472 - MITCH001477			12-30-19	NO	12-30-19	Financials - LVP
30054.PDF	Barnet Liberman Contributions to (Distributions from) Capital - LVP Holdings	MITCH001478 - MITCH001481						Financials - LVP
30055.PDF	Unallocated contributions from partners - LVP Holdings	MITCH001482 - MITCH001483			12-30-19	NO	12-30-19	Financials - LVP
30056.PDF	Barnet Capital Account Details Annually 1.1.11 -12.31.14	MITCH001627	1/1/2011					Financials - LVP
30057.PDF	Barnet Capital Account Details through 12.31.14 as of 8.18.16	MITCH001628	12/31/2014					Financials - LVP
30058.PDF	Partner Activity 2011-2014	MITCH001631	2011-2014		12-30-19	NO	12-30-19	Financials - LVP
30059.PDF	Reconciliation of Barnet Liberman Contributions to LVP as of August 6, 2007	MITDEF000822	8/6/2007		12-30-19	NO	12-30-19	Financials - LVP



# Exhibit List

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	MITT003581 – MITT003587	2011 - 2014		12-30-19	NO	12-30-19	Financials - LVL
30061.PDF	Capital Account Activity - Barnet Liberman LVL	SPZ000285 - SPZ000288			12-30-19	NO	12-30-19	Financials - LVL
30062.PDF	Capital Account Activity - David Mitchell LVL	SPZ000289 - SPZ000294			12-30-19	NO	12-30-19	Financials - LVL
30063.PDF	Capital Account Summary - LVL Partners	SPZ000437 - SPZ000440			1-6-20	NO	1-6-20	Financials - LVL
30064.PDF	Capital Account Activity - LVL Barnet	SPZ000861 - SPZ000864			12-30-19	NO	12-30-19	Financials - LVL
30065.PDF	Capital Account Activity LVL David	SPZ000865 - SPZ000868			12-30-19	NO	12-30-19	Financials - LVL
30066.PDF	Unallocated contributions from partners - LVL	SPZ000872						Financials - LVL
30067.PDF	David Mitchell – Amounts Paid	SPZ000876 – SPZ000880			12-30-19	NO	12-30-19	Financials - LVL
30068.PDF	Adjusted Trial Balance for period ended 12/31/12 - Las Vegas Land Partners	SPZ001090 – SPZ001093	12/31/2012					Financials - LVL
30069.PDF	LVL 2011TO 2014 Revised Trial Balances SPZ001067-SPZ001087	SPZ001067 - SPZ001087	2011 - 2014		12-30-19	NO	12-30-19	Financials - LVL



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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 - LVL P
30071.PDF	K-1 for 2011 for LVL P Holdings	MITDEF002729 - MITDEF002733	2011		12-30-19	NO	12-30-19	Financials - LVL P
30072.PDF	Reconciliation of Barnet Liberman Contributions to Miami Land Partners as of August 6, 2007	MITCH001085	8/6/2007					Financials - LVL P
30073.PDF	Equity schedule update 9-10-08 for DM	MITCH001618	9/10/2008					Financials - LVL P
30074.PDF	Spreadsheet	MITCH001081	12/31/2013					Financials - LVL P
30075.PDF	untitled spreadsheet showing what appears to be transactions to various parties in 2016	MITDEF003072						Financials - LVL P
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 - LVL P
30077.PDF	Las Vegas Land Partners- Analysis of Rental Operation 2007	MITCH001620	2007		12-30-19	NO	12-30-19	Financials - LVL P

# Exhibit List

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 - LVP
30079.PDF	Las Vegas Land Partners- Analysis of Rental Operation 2009	MITCH001622	2009		12-30-19	NO	12-30-19	Financials - LVP
30080.PDF	LVP fixed assets analysis	MITCH001623						Financials - LVP
30081.PDF	LVP Rent potential	MITCH001624						Financials - LVP
30082.PDF	LVP Rental Income	MITCH001625						Financials - LVP
30083.PDF	Rental Income and Expense 2010	MITCH001626	2010					Financials - LVP
30084.PDF	Copy of LVP 2016 from client	MITCH001629	2016					Financials - LVP
30085.PDF	LVP Summary	MITCH001630						Financials - LVP
30086.PDF	Interest Accrual 02.27.09 - David Mitchell LVP	SPZ000857 - SPZ000859	2/27/2019		12-30-19	NO	12-30-19	Financials - LVP
30087.PDF	LVP Interest Accrual 2.27.09	SPZ 854-856	2/27/2009		12-30-19	NO	12-30-19	Financials - LVP
30088.PDF	Interest Accrual 02.27.09 - Barnett LVP	SPZ000854 - SPZ000856	2/27/2009		12-30-19	NO	12-30-19	Financials - LVP
30089.PDF	MONTHLY OPERATING REPORT - LIVWORKS	305LV23288-305LV23375	JAN. 2011		12-30-19	NO	12-30-19	Livework

# Exhibit List

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 - LIVework	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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Exhibit Number	Description of Exhibit	Alphanumeric Designation on Exh.	Date	Stipulated Yes / No	Date Offered	Objection	Date Admitted	Category
30099.PDF	2017 and 2015 Forms 1040 Schedule E	CC000001-2	2015 2017		<del>12-30-19</del>	NO	<del>12-30-19</del>	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		<del>12-30-19</del>	NO	<del>12-30-19</del>	Mitchell Personal

# Exhibit List

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
30107.PDF	Personal Financial Statement from Mitchell to VNB	MITDEF000008						Mitchell Personal
30108.PDF	David Mitchell Statement of Financial Condition 9-Nov-15 (Draft) (3 pages)		11/9/2015					Mitchell Personal
30109.PDF	Mitchell Personal Financial Statement (See Independent Accountants' Compilation Report) April 30, 2017		4/30/2017					Mitchell Personal
30110.PDF	David Mitchell Statement of Financial Condition 1-Mar-19 (Draft) (2 pages)		3/1/2019					Mitchell Personal
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

# Exhibit List

Exhibit Number	Description of Exhibit	Alphanumeric Designation on Exh.	Date	Stipulated Yes / No	Date Offered	Objection	Date Admitted	Category
30112.PDF	Forest City "TIC" Accountings, including the following (Company Code 5368): A. 2008 – GL Acct Bal by Co and SBU B. 2009 – GL Acct Bal by Co and SBU C. 2010 – GL Acct Bal by Co and SBU D. 2011 – GLGCC8-GL Acct Bal by Co. SBU E. 2012 - GLGCC8-GL Acct Bal by Co and SBU F. 2013 - GL Acct Bal by Co and SBU G. 2014 – GL Acct Bal by Co and SBU H. 2015 – GL Acct Bal by Co and SBU 2016 – GL Acct Bal by Co and SBU	LVL P046 – 060			12-30-19	NO	12-30-19	Forest City "TIC" Accountings

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# Exhibit List

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): A. 2008 – GL Acct Bal by Co and SBU B. 2009 – GL Acct Bal by Co and SBU C. 2010 – GL Acct Bal by Co and SBU D. 2011 – GLGCC8-GL Acct Bal by Co and SBU E. 2012 - GLGCC8-GL acct Bal by Co and SBU F. 2013 – GL Acct Bal by Co and SBU G. 2014 – GL Acct Bal by Co and SBU H. 2015 – GL Acct Bal by Co and SBU 2016 – GL Acct Bal by Co and SBU	LVL P061 – 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 162-03-115-001 and 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



# Exhibit List

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

# Exhibit List

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		<del>12-30-19</del>	NO	<del>12-30-19</del>	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			<del>12-30-19</del>	NO	<del>12-30-19</del>	Settlement Statements

# Exhibit List

Exhibit Number	Description of Exhibit	Alphanumeric Designation on Exh.	Date	Stipulated Yes / No	Date Offered	Objection	Date Admitted	Category
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	MITT003001 – MITT003005	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	MITT003030 – MITT003036	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	MITT003037 – MITT003041	10/23/2006		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
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
40023.PDF	Deed from LiveWork Manager to Leah Property (APN 139-34-410-056) dated November 7, 2006	MIT003006 – MIT003012	11/7/2006		12-30-19	NO	12-30-19	Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts
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

# 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 L.VLP 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 <del>1-2-2007</del>	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 LVP and RTC	Mitch0159057 - 159115	2007		<del>12-30-19</del>	No	<del>12-30-19</del>	Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts
40032.PDF	First Amendment of Lease, 9/17/07 between Livework and Regional Transportation Commission of Southern Nevada	MITDEF001984-MITDEF001987	9/17/2007		<del>12-30-19</del>	No	<del>12-30-19</del>	Purchase and Sale Agreements, Leases, Deeds and Deeds of Trusts
40033.PDF	Grant, Bargain and Sale Deed, 4/9/08, Livework to Livework Manager	MITDEF002331-MITDEF002336	4/9/2008		<del>12-30-19</del>	No	<del>12-30-19</del>	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
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
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
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

# 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 Deed 4/9/08, 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
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
40043.PDF	Release of Lease Guaranty 2814480329	SPZ000465 - SPZ000467			12-30-19	NO	12-30-19	Promissory notes and guaranties

# 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 LVL P, for Heartland re the \$7.1 M loan	Mich0158802 - 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 LVL P, Mitchell and Liberman	MITDEF001410 - MITDEF001412	3/1/2008					Promissory notes and guarantees
40049.PDF	Guaranty for Leah Property signed by LVL P 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		<del>12-30-19</del> NO	<del>12-30-19</del>	<del>12-30-19</del>	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		<del>12-30-19</del> NO	<del>12-30-19</del>	<del>12-30-19</del>	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		<del>12-30-19</del>	NO	<del>12-30-19</del>	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		<del>12-30-19</del>	NO	<del>12-30-19</del>	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 LVP 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		12-30-17	NO	12-30-17	Pleadings and Discovery responses
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
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
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
50024.PDF	Defendant 305 Las Vegas, LLC's Responses to Plaintiffs' First Set of Requests for Production of Documents		7/10/2018		12-30-17	NO	12-30-17	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
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 RICH000001 - RICH000281	1/11/2019					Pleadings and Discovery responses
50029.PDF	Fifth Supplement to Defendants Barnett 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 Barnett 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, L.VLP and Forest City Enterprises Dated January 2010	MIT004333 - MIT004363	1/1/2010		1-2-2020	Still	1-2-2020	Settlement Agreement
50039.PDF	Settlement Agreement between First Wall Street Capital International and L.VLP/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	FC0000059 - FC0000063	1/25/2006		1-3-2020	NO	1-3-2020	MISCELLANE OUS
60002.PDF	E-mails dated September 29, 2006	MSJOPP000416 NYPE001532	9/29/2006		1-3-2020	NO	1-3-2020	MISCELLANE OUS
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	MISCELLANE OUS
60004.PDF	Email, August 2009 re LVP Funding	305LV07263	2009					MISCELLANE OUS

# Exhibit List

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	MISCELLANE OUS
60006.PDF	Leah Property Correspondence Re: Transfer from Leah Property to Casino Coolidge Dated December 2014	MIT004182	12/1/2014					MISCELLANE OUS
60007.PDF	Letter, 12/11/14, Insignia BNT to Mitchell re Transfer of property from Leah to Casino Coolidge	Mitch0171727	12/1/2014		12-30-19	NO	12-30-19	MISCELLANE OUS
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					MISCELLANE OUS
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	MISCELLANE OUS

# Exhibit List

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	MISCELLANE OUS
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	MISCELLANE OUS
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	MISCELLANE OUS
60013.PDF	Email, 1/5/17, Gergen, Spitz, Mitchell re LVP Documents	Mitch0161361	1/5/2017					MISCELLANE OUS
60014.PDF	LVP Eng Letter	Mitch1374812 - 1374814	1/15/2008		1-3-20	NO	1-3-2020	MISCELLANE OUS - 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
60015.PDF	LVL Eng Letter 2017	Mitch1374848 - 1374850	1/15/2008		1-3-2020	no	1-3-2020	MISCELLANE OUS - SKE Group: Letters, Emails, Statements, Invoices, etc.
60016.PDF	LVL Eng Letter Signed	Mitch1379340 - 1379342	1/15/2008		1-3-2020	no	1-3-2020	MISCELLANE OUS - SKE Group: Letters, Emails, Statements, Invoices, etc.
60017.PDF	SKE Group, LLC Engagement Letter with LVL Holdings, LLC dated January 15, 2008	SPZ001115 - SPZ001117	1/15/2008		1-3-2020	no	1-3-2020	MISCELLANE OUS - 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 LVP Holdings, LLC dated January 15, 2013	SPZ001127 – SPZ001129	1/15/2013		1-3-2020	No	1-3-2020	MISCELLANE OUS - SKE Group: Letters, Emails, Statements, Invoices, etc.
60019.PDF	SKE Group, LLC Engagement Letter with LVP Holdings, LLC dated January 5, 2014	SPZ001124 – SPZ001126	1/5/2014					MISCELLANE OUS - SKE Group: Letters, Emails, Statements, Invoices, etc.
60020.PDF	SKE Group, LLC Engagement Letter with LVP Holdings, LLC dated January 8, 2015	SPZ001121 – SPZ001123	1/8/2015					MISCELLANE OUS - 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
60021.PDF	SKE Group, LLC Engagement Letter with LVP Holdings, LLC dated January 3, 2016	SPZ001118 – SPZ001120	1/3/2016					MISCELLANE OUS - 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					MISCELLANE OUS - SKE Group: Letters, Emails, Statements, Invoices, etc.
60023.PDF	SKE Group, LLC Invoice	SPZ000848	2/5/2016					MISCELLANE OUS - 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
60024.PDF	Statement from SKE Group to Mitchell/LVLP, dated 2/5/16	MITDEF000460	2/5/2016					MISCELLANE OUS - 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		<del>12-30-19</del>	<del>NO</del>	<del>12-30-19</del>	MISCELLANE OUS - SKE Group: Letters, Emails, Statements, Invoices, etc.
60026.PDF	Statement from SKE Group to Mitchell/LVLP, dated 8/24/17	MITDEF000461	8/24/2017		<del>12-30-19</del>	<del>NO</del>	<del>12-30-19</del>	MISCELLANE OUS - SKE Group: Letters, Emails, Statements, Invoices, etc.

1. The first part of the document is a list of the names of the persons who were present at the meeting. The names are listed in alphabetical order.

2. The second part of the document is a list of the topics that were discussed at the meeting. The topics are listed in alphabetical order.

3. The third part of the document is a list of the actions that were taken at the meeting. The actions are listed in alphabetical order.

4. The fourth part of the document is a list of the decisions that were made at the meeting. The decisions are listed in alphabetical order.

5. The fifth part of the document is a list of the recommendations that were made at the meeting. The recommendations are listed in alphabetical order.

# 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/LVP, dated 8/24/17	MITDEF000462	8/24/2017		12-30-17	NO	12-30-17	MISCELLANE OUS - SKE Group: Letters, Emails, Statements, Invoices, etc.
60028.PDF	Invoice from SKE Group to LVP Holdings c/o Mitchell, 8/24/17	MITDEF000463	8/24/2017		12-30-17	NO	12-30-17	MISCELLANE OUS - SKE Group: Letters, Emails, Statements, Invoices, etc.
60029.PDF	Letter, 10/11/17 from SKE Group LLC to Barnet Liberman	MITCH001272	10/11/2017					MISCELLANE OUS - 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
60030.PDF	LVP Letter	Mitch1017579	1/15/2018					MISCELLANE OUS - SKE Group: Letters, Emails, Statements, Invoices, etc.
60031.PDF	Unsigned Letter from Spitz to Mitchell re tax return preparation	SPZ000001-03	1/15/2018					MISCELLANE OUS - SKE Group: Letters, Emails, Statements, Invoices, etc.
60032.PDF	Email re engagement letter (and attachments)	Mitch1320444 - 1320447	2/6/2018	— Ship	12-30-18 — 1-3-2020	OBS UST	1-3-2020	MISCELLANE OUS - 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	MISCELLANE OUS - 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	MISCELLANE OUS - 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	MISCELLANE OUS - 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	MISCELLANE OUS - 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	MISCELLANE OUS - 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	MISCELLANE OUS - 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	LVP ENG LETTER 2017 SPZ000001	SPZ000001	2017					MISCELLANE OUS - SKE Group: Letters, Emails, Statements, Invoices, etc.
60040.PDF	WHAT IS THIS??? LVP 2016	SPZ000557 - SPZ000644	2016					MISCELLANE OUS - 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	MISCELLANE OUS - SKE Group: Letters, Emails, Statements, Invoices, etc.

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# 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		<del>12-30-19</del> NO		<del>12-30-19</del>	MISCELLANE OUS - SKE Group: Letters, Emails, Statements, Invoices, etc.
60043.PDF	LVL P Subpoena to SKE Group	SPZ001110 - SPZ001114			<del>12-30-19</del> NO		<del>12-30-19</del>	MISCELLANE OUS - SKE Group: Letters, Emails, Statements, Invoices, etc.
60044.PDF	SKE Group, LLC E-Mail Correspondence (with privilege log)	SPZ001130 - SPZ001475			<del>12-30-19</del> NO		<del>12-30-19</del>	MISCELLANE OUS - 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
60045.PDF	Spitz depo transcript Vol. I and exhibits 1-4	SPITZ0001-SPITZ0173			12-30-19	no	12-30-19	MISCELLANE OUS- EXHIBITS/MA TERIALS FROM SPITZ DEPOSITION - PARTIAL
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	MISCELLANE OUS- EXHIBITS/MA TERIALS FROM SPITZ DEPOSITION - PARTIAL
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	MISCELLANE OUS- EXHIBITS/MA TERIALS 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
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	MISCELLANE OUS - EXHIBITS/MA TERIALS 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	MISCELLANE OUS - EXHIBITS/MA TERIALS FROM SPITZ DEPOSITION - PARTIAL
60050.PDF	Subpoena Duces Tecum to Sam K Spitz and related documents				12-30-19	NO	12-30-19	MISCELLANE OUS - EXHIBITS/MA TERIALS 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	MISCELLANE OUS - EXHIBITS/MA TERIALS FROM SPITZ DEPOSITION - PARTIAL
60052.PDF	Rich Wrightman & Company - Expert Witness Billings	RICH 282-307			12-30-19	NO	12-30-19	MISCELLANE OUS - Mark Rich Materials
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	MISCELLANE OUS - Mark Rich Materials
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	MISCELLANE OUS - Mark Rich Materials

### 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					MISCELLANE OUS - 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					MISCELLANE OUS - 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					MISCELLANE OUS - Mark Rich Materials

*12-30-19 NO*

*12-30-19*

*PK*

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# 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		<del>12-30-19</del>	NO	<del>12-30-19</del>	MISCELLANE OUS - Mark Rich Materials
60059.PDF	Exhibit RWCO 006 to Expert Report of Mark Rich – excerpt of 2007 tax return of LVL P Holdings, LLC (LVL P15-00033), document titled 305 Las Vegas LLC – Aquarius Plaza property	RICH00059 – RICH00061 LVL P15-00033	1/11/2019		<del>12-30-19</del>	NO	<del>12-30-19</del>	MISCELLANE OUS - Mark Rich Materials
60060.PDF	Exhibit RWCO 009 to Expert Report of Mark Rich – spreadsheet entitled Leah Property	RICH00121 – RICH00122	1/11/2019		<del>12-30-19</del>	NO	<del>12-30-19</del>	MISCELLANE OUS - Mark Rich Materials
60061.PDF	Exhibit RWCO 013 to Expert Report of Mark Rich – spreadsheet titled Original TIC Agree Parcels (RICH00179), spreadsheet titled LVL P and FC entities 12-13-17 all parcels tracking (RICH00180 – RICH00182)	RICH00178 – RICH00182	1/11/2019		<del>12-30-19</del>	NO	<del>12-30-19</del>	MISCELLANE OUS - 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 LVP and FC Entities parcels after 6-22-07 (RICH00188 – RICH00189), spreadsheet entitled LVP 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 LVP and FC Entities 12-13-17 City Hall Held in PQ Las Vegas LLC (RICH00191), spreadsheet entitled LVP and FC Entities 12-13-17 2015 Sale held in FC/LW LLC (RICH00192), spreadsheet entitled LVP and FC Entities 12-13-17 parcels still owned (RICH00193)	RICH00187 – RICH00193	1/11/2019		12-30-19	NO	12-30-19	MISCELLANE OUS - 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 SPZ001092 - SPZ001093 SPZ000191 - SPZ000192 SPZ001107 - SPZ001109 SPZ000309 SPZ000505 SPZ000664	1/11/2019		12-30-19	NO	12-30-19	MISCELLANE OUS - 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	MISCELLANE OUS - 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		<del>12-30-19</del>	NO	<del>12-30-19</del>	MISCELLANE OUS - 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		<del>12-30-19</del>	NO	<del>12-30-19</del>	MISCELLANE OUS - Mark Rich Materials
60067.PDF	Amended Exhibit RWCO 003 - List of documents provided and analyzed by Rich Wightman & Company	RICH2234 – RICH2252	2/22/2019		<del>12-30-19</del>	NO	<del>12-30-19</del>	MISCELLANE OUS - 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		<del>12-30-19</del>	NO	<del>12-30-19</del>	MISCELLANE OUS - 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

Russell L. Nype; Revenue Plus, LLC

PLAINTIFF

David J. Mitchell; Barnet Liberman; Las Vegas Land Partners

DEFENDANT

TRIAL DATE: December 30, 2019

JUDGE: Elizabeth Gonzalez

CLERK: Dulce Marie V. Romea

REPORTER:

JURY FEES:

COUNSEL FOR PLAINTIFF:

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 letter dated 01/15/2008 from SKE Group to Mitchell/LVP Holdings (SPZ001115 – SPZ001117)	SPZ001115 – SPZ001117	1/15/2008		12-30-19	NO	12-30-19	Deposition Exhibits
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
70004.PDF	Exhibit 4 to Barnet L. Liberman Deposition Transcript – 2016 Federal Summary Depreciation Schedule LVP Holdings (SPZ000657)	SPZ000657	1/31/2018		12-30-19	NO	12-30-19	Deposition Exhibits
70005.PDF	Exhibit 5 to Barnet L. Liberman Deposition Transcript – Term Sheet for Restructure of Forest City/LiveWork Entities (LVP005259 – LVP005262)	LVP005259 – LVP005262	5/27/2010		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
70006.PDF	Exhibit 6 to Barnet L. Liberman Deposition Transcript – Schedule K-1 for 2016 (SPZ000651), 2015 (SPZ000542), 2014 (SPZ000447), 2013 (SPZ000202), 2011 (LVL P11-00011), 2010 (LVL P12- 00012), Excerpt of LVL P Holdings 2010 Tax Return (LVL P005120 – LVL P005123), 2009 K-1 (P010989 – P010990; LVL P13-00008 – LVL P13- 00009), 2008 K-1 (P010973 – P010974; LVL P14-00007 – LVL P14-00008), 2007 K-1 (P010963 – P010964; LVL P15- 00005 – LVL P15-00006), 2006 K-1 (P010921 – P010922; LVL P16-00005 – LVL P16-00006); 2006 K-1 (LVL P005036 – LVL P005037; LVL P16-00037 – LVL P16-00038)	SPZ000651 SPZ000542 SPZ000447 SPZ000202 LVL P11-00011 LVL P005120 – LVL P005123 LVL P12-00012 – LVL P1200015 P010989 – P010990 LVL P13-00008 – LVL P1300009 P010973 – P010974 LVL P14-00007 – LVL P1400008 P010963 – P010964 LVL P15-00005 – LVL P1500006 P010921 – P010922 LVL P16-00005 – LVL P1600006 LVL P005036 – LVL P005037 LVL P16-00037 – LVL P1600038			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
70007.PDF	Exhibit 7 to Barnet L. Liberman Deposition Transcript – 2015 K-1 (no dates), 2014 K-1 (SPZ000742), 2012 K-1 (SPZ000283) for QH Las Vegas, LLC	SPZ000742 SPZ000283			12-30-19	NO	12-30-19	Deposition Exhibits
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
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



# 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
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 (LVP005238 – LVP005239)	SPZ000705 – SPZ000706 SPZ000148 – SPZ000149 LVP005238 – LVP005239						Deposition Exhibits
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 SPZ000262			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
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
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
70015.PDF	Exhibit 15 to David J. Mitchell Deposition Transcript – LVL Partnership Holdings David Mitchell Contributions to (Distributions from) Capital (SPZ000865 – SPZ000868)	SPZ000865 – SPZ000868						Deposition Exhibits
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

### 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)				12-30-18	NO	12-30-18	Deposition Exhibits
70018.PDF	Exhibit 18 to David J. Mitchell Deposition Transcript – excerpt of LVP Holdings 2016 Form 1065 Tax Return (SPZ000649)	SPZ000649						Deposition Exhibits
70019.PDF	Exhibit 19 to David J. Mitchell Deposition Transcript – LVP Balance Sheet as of December 31, 2013 (SPZ000226)	SPZ000226	1/31/2018					Deposition Exhibits
70020.PDF	Exhibit 20 to David J. Mitchell Deposition Transcript - LVP Balance Sheet as of December 31, 2014 (SPZ000410)	SPZ000410	1/31/2018		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
70021.PDF	Exhibit 21 to David J. Mitchell Deposition Transcript - LVL P Balance Sheet as of December 31, 2012 (MIT000712)	MIT000712	11/16/2015		12-30-19	NO	12-30-19	Deposition Exhibits
70022.PDF	Exhibit 1 to Kenneth Eisenberg Deposition Transcript - Subpoena Duces Tecum and related docs							Deposition Exhibits
70023.PDF	Exhibit 2 to Kenneth Eisenberg Deposition Transcript - LVL P Holdings list of entities and properties- (SPZ000860)							Deposition Exhibits
70024.PDF	Exhibit 3 to Kenneth Eisenberg Deposition Transcript - Record Retention Guide from www.skecpa.com (no bates)							Deposition Exhibits
70025.PDF	Exhibit 4 to Kenneth Eisenberg Deposition Transcript - SKE Group, LLC Invoices (SPZ000843 - SPZ000853)				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
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							

WA

# 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 Response							
70036.PDF	Exhibit 7 - Invoice # 09180052				1-6-20	NO	1-6-20	WAF
70037.PDF	Exhibit 8 - Reisman Sorokac - September 2018 Fees				1-6-20	NO	1-6-20	WAF
70038.PDF	Exhibit 9 - Reismen Sorokac Project Table				1-6-20	NO	1-6-20	WAF
70039.PDF	Exhibit 10 - Correspondence 1-15-18				12-30-19	OBJ		
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	WAF
70043.PDF	Exhibit 14 - Rich 3				12-30-19	NO	12-30-19	WAF
70044.PDF	Exhibit 15 - OMITTED							
70045.PDF	Exhibit 16 - Mark Rich Invoices				1-6-20	NO	1-6-20	WAF
70046.PDF	Exhibit 17 - OMITTED							
70047.PDF	Exhibit 18 - Mitchell Defendants Supplemental Responses to PLTS's First set of 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 PLTF's First set of RFP's							
70050.PDF	Exhibit 21 - Summary 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	
70052.PDF	Exhibit 23 - Spreadsheet				1-6-20	NO	1-6-20	
70053.PDF	Exhibit 24 - Rich, Wightman and Company Invoices				1-6-20	NO	1-6-20	
70054.PDF	Exhibit 25 - Rich, Wightman and Company Fees USA				1-6-20	NO	1-6-20	
70055.PDF	Exhibit 26 - Summary of John Muji Fees and Cost Attributable to Mitchell and LLP Defs failure to timely properly				1-6-20	NO	1-6-20	

# 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 Muji				1-6-20	NO	1-6-20	WA
70057.PDF	Exhibit 28 - July Invoices - John Muji				1-6-20	NO	1-6-20	WA
70058.PDF	Exhibit 29 - Robert Wams 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 Balance				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 Sorakac 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 Muji 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							

# Exhibit List

CASE NO: A-16-740689-B

DEPT NO: XI

Russell L. Nye, Revenue Plus, LLC  
PLAINTIFF

David J. Mitchell; Barnet Liberman; Las Vegas Land Partners  
DEFENDANT

TRIAL DATE: December 30, 2019  
JUDGE: Elizabeth Gonzalez  
CLERK: Dulce Marie V. Romera  
REPORTER:  
JURY FEES:

COUNSEL FOR PLAINTIFF:

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 - LVP
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 - LVP
70075.PDF	9.10.19 Itemized Summary Accounting For Fees Costs				1-6-20	N/D	1-6-20	
70076.PDF	2019-11-30 Reisman - new time not previously disclosed				1-6-20	N/D	1-6-20	

# Exhibit 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	Mujic --- 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

Russell L. Nye, Revenue Plus, LLC

PLAINTIFF

David J. Mitchell, Barnett Liberman, et al.  
DEFENDANT

TRIAL DATE: 30-Dec-19

JUDGE: Elizabeth Gonzalez  
CLERK: Dulce Marie V. Romea  
RECORDED: Jill Hawkins  
JURY FEES: N/A  
COUNSEL FOR PLAINTIFF: John Mojic, Esq.

COUNSEL FOR DEFENDANT: James Edwards,  
Esq.; H. Stanley Johnson, Esq.; Kevin Johnson,  
Esq.; Brian Boschee, Esq.; Elliot Blum, Esq.

Exhibit Number	Ident. of Device or	Description of Exhibit	Alphanumeric Designation on Exh.	Stipulated Yes / No	Date Offered	Objection	Date Admitted
90001.pd	FCSUB000001-1	Agreement of Purchase and Sale with Forest City			12-30-19		12-30-19
90002.pd	Mitch1339306-Mi	305 - Third Deed of Trust - Charleston					
90003.pd	305LV06004-305	305LV06004 - 305LV06008 CONFIDENTIAL INFORMATION - Livework write off analysis					
90004.pd	Mitch1143836-Mi	Amended and Restate Escrow Agreement - 8.20.14					
90005.pd	MIT002856-MIT0	Deed from 777 Properties, LLC to Marc Property, LLC (APN 139-34-311-021) dated Feb					
90006.pd	MIT002883-MIT0	Deed from 777 Properties, LLC to Zoe Property (APN 139-34-311-011) dated January 11					
90007.pd	MIT002832-MIT0	Deed from Aardark to LV Bonneville Partners (APN 139-34-311-032) dated November 8					
90008.pd	MIT002785-MIT0	Deed from Aquarius LLC to Aquarius Owner LLC (APN 162-03-115-001 and 002) dated					
90009.pd	MIT003030-MIT0	Deed from Aquarius Owner LLC to Aquarius Manager LLC (Re-Recorded to correct Gra					
90010.pd	MIT003026-MIT0	Deed from Aquarius, LLC to Aquarius Owner, LLC (APN 162-03-115-001 & 002) dated Ja					
90011.pd	MIT002838-MIT0	Deed from Beesley to LiveWork, LLC (APN 139-34-311-027) dated May 17, 2006					
90012.pd	MIT002843-MIT0	Deed from Bigelow to LiveWork, LLC (APN 139-34-311-025 and 139-34-210-010 & 013)					
90013.pd	MIT002863-MIT0	Deed from Blalock to LiveWork, LLC (APN 139-34-311-017 and 018) dated February 1, 2					
90014.pd	MIT003047-MIT0	Deed from City Parkway IV A, Inc to PQ Las Vegas, LLC (APNs 139-34-110-005 and 139					
90015.pd	MIT002896-MIT0	Deed from Coleman to LiveWork, LLC (APN 139-34-311-003) dated September 14, 2006					
90016.pd	MIT002815-MIT0	Deed from Cromer to LiveWork and FC Vegas (APN 139-34-311-039) dated July 2, 2007					
90017.pd	MIT002807-MIT0	Deed from Devlin to Meyer Property (APN 139-34-311-041 and 042) dated May 15, 2006					
90018.pd	MIT002829-MIT0	Deed from Ebarb to LV Bonneville Partners (APN 139-34-311-033) dated November 8, 2					
90019.pd	MIT002826-MIT0	Deed from Ebarb to LV Bonneville Partners (APN 139-34-311-034) dated November 8, 2					
90020.pd	MIT002956-MIT0	Deed from FC Vegas 20 to Canton Centre Mail LP Block 9 (APN 139-34-301-008), dated					
90021.pd	MIT002971-MIT0	Deed from FC Vegas 20 to FCLW Vegas LLC (APNs 139-34-311-001 - 003, 007 - 031, 0					
90022.pd	MIT002980-MIT0	Deed from FCLW Vegas, LLC to Downtown CAC, LLC (APN 139-34-311-049 and 139-34					
90023.pd	MIT002859-MIT0	Deed from First Street Prop to Marc Property (APNs 139-34-311-019 and 020 and 022 at					
90024.pd	MIT002797-MIT0	Deed from Glennen to LiveWork (APN 139-34-311-049) dated September 14, 2005					
90025.pd	MIT003070-MIT0	Deed from Gordon Family Trust to Adrian Property, LLC (APNs 139-34-311-001, 002, 00					
90026.pd	MIT002841-MIT0	Deed from Gragson to Aaron Property (APN 139-34-311-026) dated January 20, 2005					
90027.pd	MIT002835-MIT0	Deed from Kaufman to Gavlayana (APN 139-34-311-030 and 031) dated August 25, 200					
90028.pd	MIT002800-MIT0	Deed from Keach to LiveWork (APN 139-34-311-043 & 047) dated April 22, 2005			12-30-19	N/A	12-30-19

**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 Gaviyana (APN 139-34-311-036 - 038 and 028-29) dated			12-30-19	NO	12-30-19 WA
90031.pd	MIT002892-MIT0	Deed from LDL Trust to LiveWork, LLC (APN 139-34-311-008 and 009 and 016) dated C			12-30-19	NO	12-30-19 WA
90032.pd	MIT003021-MIT0	Deed from Leah Property to Casino Coolidge (APN 139-34-410-057 ù 059) dated Decem			12-30-19	NO	12-30-19 WA
90033.pd	MIT003017-MIT0	Deed from Leah Property to Solterra Nevada (APN 139-34-410-083 ù 086) dated Decem			12-30-19	NO	12-30-19 WA
90034.pd	MIT003065-MIT0	Deed from Leah Property, LLC to LiveWork Manager, LLC (APNs 139-34-410-056 and 0			12-30-19	NO	12-30-19 WA
90035.pd	MIT002920-MIT0	Deed from LiveWork and FC Vegas to PQ Las Vegas (APNs 139-34-210-007 013 and 1			12-30-19	NO	12-30-19 WA
90036.pd	MIT003037-MIT0	Deed from LiveWork Manager, LLC to LiveWork, LLC (APN 162-03-115-001) dated Oct			12-30-19	NO	12-30-19 WA
90037.pd	MIT003013-MIT0	Deed from LiveWork to LiveWork Manager (APN 139-34-410-056) dated November 7, 20			12-30-19	NO	12-30-19 WA
90038.pd	MIT003042-MIT0	Deed from LiveWork, LLC to 305 Las Vegas, LLC (APN 162-03-115-001 ù 002) dated M			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			12-30-19	NO	12-30-19 WA
90041.pd	MIT002996-MIT0	Deed from Monroe and Sylvain to Leah Property (APN 139-34-410-056 - 059 and 083 ù 0			12-30-19	NO	12-30-19 WA
90042.pd	MIT002909-MIT0	Deed from PJK Corporation to LiveWork, LLC (APN 139-34-210-009) dated May 23, 200			12-30-19	NO	12-30-19 WA
90043.pd	MIT002929-MIT0	Deed from PQ Las Vegas, LLC to City of Las Vegas, Nevada (APN 139-34-201-022) dat			12-30-19	NO	12-30-19 WA
90044.pd	MIT003059-MIT0	Deed from PQ Las Vegas, LLC to PQ Holdings, LLC (APNs 139-34-110-005 and 011) da			12-30-19	NO	12-30-19 WA
90045.pd	MIT002899-MIT0	Deed from Sun State Properties, LLC to LiveWork, LLC (APN 139-34-210-019 ù 021) da			12-30-19	NO	12-30-19 WA
90046.pd	MIT002913-MIT0	Deed from T-QHR to Zoe Property (APN 139-34-210-007 - 008 and 022 - 023) dated Dec			12-30-19	NO	12-30-19 WA
90047.pd	MIT002903-MIT0	Deed from Tower Enterprises to LiveWork, LLC (APN 139-34-210-014 and 015 and 018)			12-30-19	NO	12-30-19 WA
90048.pd	MIT002812-MIT0	Deed from Triopoly to LiveWork (APN 139-34-311-040) dated October 23, 2006			12-30-19	NO	12-30-19 WA
90049.pd	MIT002867-MIT0	Deed from Wait to LiveWork, LLC (APN 139-34-311-012 and 013) dated October 23, 200			12-30-19	NO	12-30-19 WA
90050.pd	MIT002851-MIT0	Deed from Young to LiveWork, LLC (APN 139-34-311-023 and 024) dated April 22, 2005			12-30-19	NO	12-30-19 WA
90051.pd	MIT00340815-MI	Deed of Trust Note			12-30-19	NO	12-30-19 WA
90052.pd	MIT003087-MIT0	Email Correspondence dated November 8, 2018 from Insignia Title with escrow informat			12-30-19	NO	12-30-19 WA
90053.pd	MIT003057-MIT0	Email Correspondence from Norma Spaeth at Stewart Title to Garry Hayes and Larson V			12-30-19	NO	12-30-19 WA
90054.pd	MIT00348811-MI	EXECUTED - Surrender and Termination Agreement - 305 Las Vegas			12-30-19	NO	12-30-19 WA
90055.pd	MIT00362308-MI	First Amendment to Charleston-305 Purchase Agreement			12-30-19	NO	12-30-19 WA
90056.pd	MIT00265511-MI	First Deed of Trust - Charleston			12-30-19	NO	12-30-19 WA
90057.pd	MIT00147592-MI	Guaranty of Lease			12-30-19	NO	12-30-19 WA
90058.pd	MIT00199191-MI	Heartland 305 Guarantee 04.17.09			12-30-19	NO	12-30-19 WA
90059.pd	MIT0036606-MI	Heartland Bank v. David Mitchell Compressed			12-30-19	NO	12-30-19 WA
90060.pd	MIT002812-MIT0	Leah_pro.pdf			12-30-19	NO	12-30-19 WA
90061.pd	MIT003055-MIT0	Letter from David Mitchell to National Title Co. authorizing Hayes and Welsh to obtain sta			12-30-19	NO	12-30-19 WA
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	MIT00348824-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			12-30-19	NO	12-30-19 WA
90066.pd	MIT00339344-MI	Net Lease - Charleston - 305 Las Vegas			12-30-19	NO	12-30-19 WA
90067.pd	MIT00339705-MI	NSB Term Sheet			12-30-19	NO	12-30-19 WA
90068.pd	MIT00339404-MI	Purchase Money (Third) Deed of Trust			12-30-19	NO	12-30-19 WA
90069.pd	MIT00348816-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	Mitch 1265565-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
90076, pd	Mitch 1348407-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						

BWA

1.  $\frac{1}{2}$

Trial Date: DEC. 30, 2019

Judge: HON. ELIZABETH GONZALES

Court Clerk: *DULCE ROMERO*

Recorder: JILL HANKINS

Counsel for Plaintiff: JOHN MUIR, ESQ.

vs.

Counsel for Defendant: JAMES EDWARDS, ESQ.

H. STANLEY JOHNSON, BJO; KEVIN JOHNSON,  
BJO; BRIAN BOSCHKE, FJO; ELLIOT BLUM, BJO.

## TRIAL BEFORE THE COURT

## DEFENDANT'S EXHIBITS (CONTINUED)

\* TRADITIONAL \*

[illegible]



**CASE NO: A-16-740689-B**

54 54 54 54 54



80008.PDF	CONFIDENTIAL INFORMATION - Fully executed new lease	305LV00092 -	2/13/2017				305 Las Vegas, LLC	u4
80009.PDF	JBI CONFIDENTIAL INFORMATION - Fully executed lease	305LV00119 305LV00120 -	4/5/2017				305 Las Vegas, LLC	u4
80010.PDF	CONFIDENTIAL INFORMATION - Fully executed lease	305LV00140 305LV00150 -	7/1/2016				305 Las Vegas, LLC	u4
80011.PDF	Guerilla Marketing CONFIDENTIAL INFORMATION - Fully executed lease	305LV00172 305LV00173 -	11/29/2016				305 Las Vegas, LLC	u4
80012.PDF	Esquire CONFIDENTIAL INFORMATION - Fully executed lease Pink	305LV00201 305LV00202 -	5/19/2017				305 Las Vegas, LLC	u4
80013.PDF	Tutu CONFIDENTIAL INFORMATION - Fully executed lease Viva	305LV00225 305LV00226 -	2/22/2017				305 Las Vegas, LLC	u4
80014.PDF	Vape CONFIDENTIAL INFORMATION - City National Bank Acct. 1045 Statement with Reconciliation Reports dated 04.30.18 - 11.28.14	305LV00250 305LV00251 - 305LV00526	04/30/2018 - 11/28/2014				305 Las Vegas, LLC	u4
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	u4
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	u4
80017.PDF	CONFIDENTIAL INFORMATION - 305 2nd av 2014 return copid	305LV00551 - 305LV01120	12/31/2014				305 Las Vegas, LLC	u4
80018.PDF	CONFIDENTIAL INFORMATION - 305 2nd ave 2015 office copies	305LV01121 - 305LV01611	12/31/2015				305 Las Vegas, LLC	u4
80019.PDF	CONFIDENTIAL INFORMATION - 305 2nd av 2016 Tax return	305LV01612 - 305LV02354	12/31/2016				305 Las Vegas, LLC	u4
80020.PDF	CONFIDENTIAL INFORMATION - 305 2nd av 2017 Tax Return	305LV02355 - 305LV03198	12/31/2017				305 Las Vegas, LLC	u4
80021.PDF	305 Avenue Associates, L.P. - NYS Department of State - Entity Details	305LV03199 - 305LV03200	2/11/1997				305 Las Vegas, LLC	u4
80022.PDF	305 Las Vegas LLC - Delaware Department of State - Division of Corporations - Entity Details	305LV03201	4/19/2007				305 Las Vegas, LLC	u4

12-30-19 NO 12-30-19

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	uA
80024.PDF	CONFIDENTIAL INFORMATION - Certificate of Amendment of the Certificate of Limited Partnership of 305 Second Avenue Associates	305LV03206 - 305LV03208	2/10/1997			12-30-19	NO	12-30-19	305 Las Vegas, LLC	uA
80025.PDF	APN 139-34-410-056 through 139-34-410-059 - Real Property Records	305LV03209 - 305LV03216	12/31/2014			12-30-19	NO	12-30-19	305 Las Vegas, LLC	uA
80026.PDF	Grant, Bargain, Sale Deed APN's 139-34-410-056 through 139-34-410-059	305LV03217 - 305LV03221	12/31/2014			12-30-19	NO	12-30-19	305 Las Vegas, LLC	uA
80027.PDF	Parcel Ownership APN's 139-34-410-056 through 139-34-410-059	305LV03222 - 305LV03225	12/31/2014			12-30-19	NO	12-30-19	305 Las Vegas, LLC	uA
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	uA
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	uA
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	uA
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			12-30-19	NO	12-30-19	305 Las Vegas, LLC	uA
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			12-30-19	NO	12-30-19	305 Las Vegas, LLC	uA
80033.PDF	CONFIDENTIAL INFORMATION - Settlement Agreement Case No. A-13-679028-B	305LV03293 - 305LV03345	8/29/2014			12-30-19	NO	12-30-19	305 Las Vegas, LLC	uA
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	uA

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	WA
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	WA
80050.PDF	Second Amended Petition for Case No. 13SL-C001532	305LV05718 - 305LV05811	4/16/2014		1-6-20	NO	1-6-20	305 Las Vegas, LLC	WA

80051.PDF	305 Second Avenue Associates Financial Statement - 2012	305L.V05812 - 305L.V05825	12/31/2012						305 Las Vegas, LLC	uA
80052.PDF	305 Second Avenue Associates Financial Statement - 2013	305L.V05826 - 305L.V05840	12/31/2013			12-30-19	NO		305 Las Vegas, LLC	uA
80053.PDF	305 Second Avenue Associates Financial Statement - 2014	305L.V05841 - 305L.V05855	12/31/2014						305 Las Vegas, LLC	uA
80054.PDF	CONFIDENTIAL INFORMATION - Promissory Note - Fully Executed	305L.V05856 - 305L.V05858	3/16/2015						305 Las Vegas, LLC	uA
80055.PDF	CONFIDENTIAL INFORMATION - Business Loan Agreement - Fully Executed	305L.V05859 - 305L.V05865	3/16/2015						305 Las Vegas, LLC	uA
80056.PDF	CONFIDENTIAL INFORMATION - Addendum to Business Loan Agreement - Fully Executed	305L.V05866	3/16/2015						305 Las Vegas, LLC	uA
80057.PDF	CONFIDENTIAL INFORMATION - Disbursement Request and Authorization - Fully Executed	305L.V05867 - 305L.V05868	3/16/2015						305 Las Vegas, LLC	uA
80058.PDF	Deed of Trust - Fully Executed and Recorded	305L.V05869 - 305L.V05888	3/20/2015			12-30-19	NO	12-30-19	305 Las Vegas, LLC	uA
80059.PDF	CONFIDENTIAL INFORMATION - Hazardous Substances Certificate and Indemnity Agreement - Fully Executed and Recorded	305L.V05889 - 305L.V05900	3/20/2015						305 Las Vegas, LLC	uA
80060.PDF	CONFIDENTIAL INFORMATION - Limited Liability Company Resolution to Borrow / Grant Collateral / Subordinate Debt	305L.V05901 - 305L.V05902	3/16/2015			12-30-19	NO	12-30-19	305 Las Vegas, LLC	uA
80061.PDF	CONFIDENTIAL INFORMATION - Owners Policy of Title Insurance	305L.V05903 - 305L.V05918	12/31/2014						305 Las Vegas, LLC	uA
80062.PDF	CONFIDENTIAL INFORMATION - Loan Policy Title Insurance	305L.V05919 - 305L.V05937	3/20/2015						305 Las Vegas, LLC	uA
80063.PDF	CONFIDENTIAL INFORMATION - Commitment for Title Insurance	305L.V05938 - 305L.V05961	1/24/2014						305 Las Vegas, LLC	uA
80064.PDF	Complaint - Case No. A-13-682684-C	305L.V05962 - 305L.V05979	5/31/2013			12-30-19	NO	12-30-19	305 Las Vegas, LLC	uA
80065.PDF	SAO for Dismissal with Prejudice - Case No. A-13-682684-C	305L.V05980 - 305L.V05981	9/23/2014			12-30-19	NO	12-30-19	305 Las Vegas, LLC	uA
80066.PDF	CONFIDENTIAL INFORMATION - Offer to Purchase 06.05.14	305L.V05982 - 305L.V05988	6/5/2014						305 Las Vegas, LLC	uA

80067.PDF	Third Deed of Trust with Assignments of Rents recorded 05.02.07	305L.V05989 - 305L.V05992	5/2/2007					305 Las Vegas, LLC
80068.PDF	Full Reconveyance - recorded 02.05.15	305L.V05993 - 305L.V05994	2/5/2015					305 Las Vegas, LLC
80069.PDF	Substitution of Trustee and Deed of Reconveyance recorded 02.05.15	305L.V05995 - 305L.V05996	2/5/2015					305 Las Vegas, LLC
80070.PDF	CONFIDENTIAL INFORMATION - Title / Escrow Company Recording Instructions dated 02.12.15 - Fully executed	305L.V05997 - 305L.V06000	2/12/2015					305 Las Vegas, LLC
80071.PDF	CONFIDENTIAL INFORMATION - HSBC transaction history for Acct. 3391 dated 02.07.08	305L.V06001	2/7/2008		12-30-17	NO	12-30-17	305 Las Vegas, LLC
80072.PDF	CONFIDENTIAL INFORMATION - Valley National Bank Domestic / International Wire Transfer Request from Liberman to Las Vegas Land Partners dated 02.07.08	305L.V06002	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	305L.V06003	2/7/2008					305 Las Vegas, LLC
80074.PDF	CONFIDENTIAL INFORMATION - Livework write off analysis 2014	305L.V06004 - 305L.V06008	12/15/2014		12-30-17	NO	12-30-17	305 Las Vegas, LLC
80075.PDF	20190131 5th Supp Bates Docs	305L.V06009 - 305L.V07143	1/31/2019					305 Las Vegas, LLC
80076.PDF	20190226 6th Supp Bates Docs	305L.V07144 - 305L.V08413	2/26/2019					305 Las Vegas, LLC
80077.PDF	7th Supplemental Disclosure	305L.V08414 - 305L.V10150	4/30/2019					305 Las Vegas, LLC
80078.PDF	Bates-stamped Docs 305L.V10151 - 305L.V19657 Privileged Docs	305L.V10151 - 305L.V19657	5/3/2019					305 Las Vegas, LLC
80079.PDF	8th Supplemental Disclosures	305L.V19658 - 305L.V26354	5/14/2019					305 Las Vegas, LLC
80080.PDF	Privilege Log	305L.V26355 - 305L.V29164	5/14/2019					305 Las Vegas, LLC

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## EXHIBIT(S) LIST

Case No.: *A-16-740689-B*

Trial Date: DECEMBER 30, 2019

Dept. No.: **XI**

Judge: HON. ELIZABETH GONZALEZ

Court Clerk: *DULCE ROMERA*

Plaintiff: RUSSELL NYE

Recorder: *JILL HAWKINS*

Counsel for Plaintiff: *JOHN MUISE, ESQ.*

vs.

Defendant: DAVID MITCHELL

Counsel for Defendant: JAMES EDWARDS, ESQ.,  
KEVIN JOHNSON, ESQ., H. STANLEY  
JOHNSON, ESQ., DRIAN BOSCHKE, ESQ.,  
ELLIOT BLUT, ESQ.

## TRIAL BEFORE THE COURT

## COURT'S EXHIBITS

[illegible]

## EXHIBIT(S) LIST

Case No.: **A-16-740689-B**

**Trial Date:**

**DECEMBER 30, 2019**

Dept. No.: **XI**

Judge: **HON. ELIZABETH GONZALEZ**

Court Clerk: **DULCE ROMEA**

Plaintiff: **RUSSELL NYPE**

Recorder: **JILL HAWKINS**

Counsel for Plaintiff: JOHN MUNE, JR.

Defendant: DAVID MITCHELL

Counsel for Defendant: JAMES EDWARDS, ESQ.;  
KEVIN JOHNSON, ESQ.; H. STANLEY JOHNSON, ESQ.;  
BRIAN BOSCHET, ESQ.; ELLIOT BLUM, ESQ.

## BENCH TRIAL

## DEMONSTRATIVE EXHIBITS

[illegible]

## 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 MCIVER, JR.*

vs.

Defendant: **DAVID MITCHELL**

Counsel for Defendant: H. STANLEY JOHNSON, JR.  
JAMES EDWARDS, ESQ.; ELLIOT BLUT, ESQ.

## HEARING BEFORE THE COURT

## PLAINTIFF'S EXHIBITS

[illegible]





EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT

H. STAN JOHNSON, ESQ.  
375 E. WARM SPRINGS RD., STE 104  
LAS VEGAS, NV 89119

DATE: February 28, 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 26, 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
- ☐ Notice of Entry of Order

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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):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; 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; LVL P 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 28 day of February 2020.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk