

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID J. MITCHELL; ET AL.;

Appellants,

vs.

RUSSELL L. NYPE; REVENUE
PLUS, LLC; AND SHELLEY D.
KROHN,

Respondents.

Supreme Court Case No. 80693
District Court No. A-16-74089-B
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LLC, and Live Works Tic Successor, LLC*

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3/30/20	NEO re: Motion to Alter/Amend Judgment [Liberman and Casino Coolidge]	VIII	AA 1492-1500
11/18/19	NEO re: Motion to Intervene	VI	AA 1046-1051
5/14/20	NEO re: Motion to Retax and Settle Costs	VIII	AA 1518-1524
7/3/18	NEO re: Plaintiffs' Ex Parte Application for OSC	V	AA 869-878
5/13/20	NEO re: Plaintiffs' Motion for Attorney's Fees	VIII	AA 1501-1510
5/30/19	NEO re: Plaintiffs' Motion to Compel Discovery	V	AA 903-914
5/13/20	NEO re: Plaintiffs' Motion to Correct Minor Errors and Incorporate Pre-Judgment Interest	VIII	AA 1511-1517

<u>Date</u>	<u>Description</u>	<u>Vol.</u>	<u>Bates No.</u>
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1/17/19	NOE Findings of Fact, Conclusions of Law and Judgment [Amended]	VII	AA 1221-1238
2/25/20	Notice of Appeal [Lieberman and Casino Coolidge]	VII	AA 1440-1442
2/26/20	Notice of Appeal [Mitchell Defendants]	VIII	AA 1443-1460
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1/19/18	Plaintiffs' First Supplemental NRCP 16.1 Disclosure [Sealed]	XXI	SAA 1-72
2/6/20	Plaintiffs' Motion for Attorney's Fees	VII	AA 1239-1289
2/13/20	Plaintiffs' Motion to Correct Minor Errors and Incorporate Pre-Judgment Interest	VII	AA 1290-1324
10/7/19	Plaintiffs' Opposition to Defendant's, 305 Las Vegas, Motion for Summary Judgment	VI	AA 953-980
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5/11/18	Plaintiffs' Opposition to Mitchell Defendants' Motion to Compel Discovery; Counter-Motion for Disclosure of Un-Redacted Emails [Partial Document Only]	V	AA 729-795
12/12/19	Plaintiffs' Opposition to Mitchell Defendants' Motion to Dismiss or, in the alternative, Motion for Summary Judgment	VI	AA 1134-1155
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6/5/18	Plaintiffs' Supplement to Opposition to Mitchell Defendants' Motion to Compel Discovery and Counter-Motion for Disclosure of Un-Redacted Emails	V	AA 832-861
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Undated	Plaintiffs' Trial Exhibit 3 [LVLP Organization Documents]	XV	AA 2458-2502
Undated	Plaintiffs' Trial Exhibit 9 [Live Work, LLC - Nevada SOS]	XV	AA 2503-2505
Undated	Plaintiffs' Trial Exhibit 10 [Live Work Organization Documents]	XV	AA 2506-2558
Undated	Plaintiffs' Trial Exhibit 12 [Term Restructure - Forest City]	XV	AA 2559-2563
Undated	Plaintiffs' Trial Exhibit 17 [305 Las Vegas Entity Details]	XV	AA 2564-2566
Undated	Plaintiffs' Trial Exhibit 18 [305 Las Vegas Organization Documents]	XV	AA 2567-2570
Undated	Plaintiffs' Trial Exhibit 19 [305 Second Avenue Associates - Entity Details]	XV	AA 2571-2572
Undated	Plaintiffs' Trial Exhibit 20 [305 Las Vegas - Certificate of Formation]	XV	AA 2573-2574
Undated	Plaintiffs' Trial Exhibit 21 [305 Las Vegas - Operating Agreement]	XV	AA 2575-2597
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<u>Date</u>	<u>Description</u>	<u>Vol.</u>	<u>Bates No.</u>
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Undated	Plaintiffs' Trial Exhibit 35 [Live Work Manager Company Documents] [Sealed]	XXIV	SAA 579-582
Undated	Plaintiffs' Trial Exhibit 38 [Wink One - Organization Documents]	XV	AA 2658-2660
Undated	Plaintiffs' Trial Exhibit 40 [Wink One Company Documents] [Sealed]	XXIV	SAA 583-588
Undated	Plaintiffs' Trial Exhibit 43 [L/W TIC Successor - Operating Agreement]	XVI	AA 2661-2672
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<u>Date</u>	<u>Description</u>	<u>Vol.</u>	<u>Bates No.</u>
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Undated	Plaintiffs' Trial Exhibit 10003 [LVLP Holdings 2008 Tax Return] [Sealed]	XXIV	SAA 678-692
Undated	Plaintiffs' Trial Exhibit 10004 [LVLP Holdings 2009 Tax Return] [Sealed]	XXIV	SAA 693-709
Undated	Plaintiffs' Trial Exhibit 20024 [Signature Bank 2015-2016] [Sealed]	XXIV	SAA 710-742
Undated	Plaintiffs' Trial Exhibit 20026 [Signature Bank April 2015] [Sealed]	XXIV	SAA 743
Undated	Plaintiffs' Trial Exhibit 30002 [LVLP G/L 2007] [Sealed]	XXIV	SAA 744
Undated	Plaintiffs' Trial Exhibit 30031 [LVLP G/L 2008] [Sealed]	XXIV	SAA 745-764
Undated	Plaintiffs' Trial Exhibit 30062 [Mitchell Contributions] [Sealed]	XXIV	SAA 765-770
Undated	Plaintiffs' Trial Exhibit 30063 [Capital Contributions] [Sealed]	XXIV	SAA 771-774
Undated	Plaintiffs' Trial Exhibit 30066 [Unallocated Contributions] [Sealed]	XXIV	SAA 775

<u>Date</u>	<u>Description</u>	<u>Vol.</u>	<u>Bates No.</u>
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Undated	Plaintiffs' Trial Exhibit 30086 [Mitchell Loan Balances] [Sealed]	XXIV	SAA 781-783
Undated	Plaintiffs' Trial Exhibit 30087 [Lieberman Loan Balances] [Sealed]	XXIV	SAA 784-786
Undated	Plaintiffs' Trial Exhibit 40001 [Settlement Statement - Casino Coolidge]	XVI	AA 2694
Undated	Plaintiffs' Trial Exhibit 40002 [Aquarius Settlement Statement]	XVI	AA 2695-2702
Undated	Plaintiffs' Trial Exhibit 40006 [Live Work Settlement Statement]	XVI	AA 2703-2704
Undated	Plaintiffs' Trial Exhibit 40007 [Final Settlement Statement - Forest City]	XVI	AA 2705-2707
Undated	Plaintiffs' Trial Exhibit 40040 [Deed - Casino Coolidge]	XVI	AA 2708-2709
Undated	Plaintiffs' Trial Exhibit 40041 [Deeds - Casino Coolidge]	XVI	AA 2710-2714
Undated	Plaintiffs' Trial Exhibit 40042 [Deeds - Casino Coolidge]	XVI	AA 2715-2730
Undated	Plaintiffs' Trial Exhibit 40043 [Release of Lease Guaranty] [Sealed]	XXIV	SAA 787-789
Undated	Plaintiffs' Trial Exhibit 40046 [Personal Guaranty - Lease]	XVI	AA 2731-2739

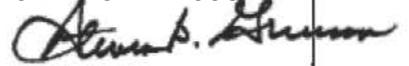
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Undated	Plaintiffs' Trial Exhibit 50006 [Underlying Action: FFCL]	XVI	AA 2767-2791
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Undated	Plaintiffs' Trial Exhibit 50037 [Rich Supplemental Expert Report]	XVI	AA 2798-2825
Undated	Plaintiffs' Trial Exhibit 50038 [Wall Street Settlement Agreement] [Sealed]	XXV	SAA 790-820
Undated	Plaintiffs' Trial Exhibit 50040 [Settlement Agreement - Heartland]	XVI	AA 2826-2878
Undated	Plaintiffs' Trial Exhibit 50042 [Mitchell Response - Bar Fee Dispute]	XVI	AA 2879-2900
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Undated	Plaintiffs' Trial Exhibit 60053 [Rich Working Papers] [Partial Document Only] [Continued][Sealed]	XXVI	SAA 1040-1289
Undated	Plaintiffs' Trial Exhibit 60053 [Rich Working Papers] [Partial Document Only] [Continued][Sealed]	XXVII	SAA 1290-1414
Undated	Plaintiffs' Trial Exhibit 70003 [Disregarded Entities]	XVI	AA 2905-2906
Undated	Plaintiffs' Trial Exhibit 70009 [Lieberman Contributions] [Sealed]	XXVII	SAA 1415-1418
Undated	Plaintiffs' Trial Exhibit 70015 [Mitchell Contributions] [Sealed]	XXVII	SAA 1419-1422
Undated	Plaintiffs' Trial Exhibit 70021 [LVLP Balance Sheet - 2015] [Sealed]	XXVII	SAA 1423
Undated	Plaintiffs' Trial Exhibit 70023 [LVLP Holdings Entities]	XVI	AA 2907
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Undated	Plaintiffs' Trial Exhibit 70036 [Reisman Attorney's Fees]	XVII	AA 2918-2943
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Undated	Plaintiffs' Trial Exhibit 70042 [New Jersey Fees/Costs]	XVII	AA 2955-2968
Undated	Plaintiffs' Trial Exhibit 70043 [Rich Initial Expert Report] [Sealed]	XXVIII	SAA 1424-1673
Undated	Plaintiffs' Trial Exhibit 70043 [Rich Initial Expert Report] [Continued] [Sealed]	XXIX	SAA 1674-1704
Undated	Plaintiffs' Trial Exhibit 70045 [Rich's Fees]	XVII	AA 2969-3033
Undated	Plaintiffs' Trial Exhibit 70052 [Document List - LVLP]	XVII	AA 3034-3037
Undated	Plaintiffs' Trial Exhibit 70053 [Rich's Fees]	XVII	AA 3038-3044
Undated	Plaintiffs' Trial Exhibit 70054 [Rich's Fees]	XVII	AA 3045
Undated	Plaintiffs' Trial Exhibit 70055 [Muije Attorney's Fees]	XVIII	AA 3046-3220
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Undated	Plaintiffs' Trial Exhibit 70060 [Underlying Judgment & Interest]	XVIII	AA 3229-3230
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Undated	Plaintiffs' Trial Exhibit 70065 [Reisman Attorney's Fees]	XVIII	AA 3241-3243
Undated	Plaintiffs' Trial Exhibit 70067 [Muije Attorney's Fees]	XVIII	AA 3244-3263
Undated	Plaintiffs' Trial Exhibit 70072 [LVLP G/L 2011] [Sealed]	XXIX	SAA 1705-1712
Undated	Plaintiffs' Trial Exhibit 70074 [LVLP Adjusted Entries 2012] [Sealed]	XXIX	SAA 1713-1714
Undated	Plaintiffs' Trial Exhibit 70075 [Attorney's Fees/Costs]	XIX	AA 3264-3359
Undated	Plaintiffs' Trial Exhibit 70076 [Reisman Attorney's Fees]	XIX	AA 3360-3375
Undated	Plaintiffs' Trial Exhibit 70077 [Reisman Attorney's Fees]	XIX	AA 3376
Undated	Plaintiffs' Trial Exhibit 70078 [Rich's Fees]	XIX	AA 3377-3463

<u>Date</u>	<u>Description</u>	<u>Vol.</u>	<u>Bates No.</u>
Undated	Plaintiffs' Trial Exhibit 70079 [Muije Attorney's Fees]	XIX	AA 3464-3511
2/27/17	Proofs of Service	I	AA 20-48
11/12/19	Receipt of Copy	VI	AA 992-993
2/20/20	Reply to Motion to Alter/Amend Judgment [Lieberman and Casino Coolidge]	VII	AA 1395-1401
12/26/19	Satisfaction of Judgment	VI	AA 1180-1182
7/30/18	Second Amended Business Court Order	V	AA 883-885
12/30/19	Trial Transcript - Day 1 [December 30, 2019]	IX	AA 1533-1697
12/31/19	Trial Transcript - Day 2 [December 31, 2019]	X	AA 1698-1785
1/2/20	Trial Transcript - Day 3 [January 2, 2020]	XI	AA 1786-1987
1/3/20	Trial Transcript - Day 4 [January 3, 2020]	XII	AA 1988-2163
1/6/20	Trial Transcript - Day 5 [January 6, 2020]	XIII	AA 2164-2303
1/7/20	Trial Transcript - Day 6 [January 7, 2020]	XIV	AA 2304-2421



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13 **DISTRICT COURT**

14 **CLARK COUNTY, NEVADA**

15 RUSSELL L. NYPE; REVENUE PLUS, LLC;
16 DOES I-X; DOE CORPORATIONS I-X; and
17 DOE PARTNERSHIPS I-X,

Case No. A-16-740689-B
Department 15

18 **Plaintiffs,**

19 v.

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

Defendants.

**MOTION TO COMPEL COMPLETE RESPONSES TO INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS**

COME NOW Defendants, DAVID J. MITCHELL; 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,

1 LLC; LIBERMAN HOLDINGS, LLC; LIVE WORKS TIC SUCCESSOR, LLC; and,
2 CASINO COOLIDGE LLC (hereinafter “Mitchell Defendants”), by and through their
3 attorneys of record, the Law Office of Hayes & Welsh, and hereby file their *Motion to*
4 *Compel Responses to Interrogatories and Requests for Production of Documents*, pursuant to
5 NRCP 33, 34 and 37. Specifically, Plaintiffs, RUSSELL L. NYPE and REVENUE PLUS,
6 LLC, should be ordered to provide complete responses to all of Defendants’ Interrogatories
7 and produce all documents in their possession, custody and control in response to
8 Defendants’ Requests for Production of Documents Nos. 32, 33, 37, 38 and 40–45. Despite
9 receiving over six months to provide complete responses, Plaintiffs still have failed to
10 provide any factual basis for the claims set forth in their Complaint.
11

12 This Motion is made and based upon the papers and pleadings on file herein, the
13 Declaration of Megan K. McHenry, Esq., the Memorandum of Points and Authorities, the
14 Exhibits attached hereto, and any oral argument to be heard at the time of hearing on this
15 matter.
16

17 DATED this 19th day of April, 2018.

18 LAW OFFICE OF HAYES & WELSH

19
20 

21 MEGAN K. MCHENRY, ESQ.
22 Nevada State Bar No. 9119
23 199 N. Arroyo Grande Blvd., Ste. 200
24 Henderson, NV 89074
25 *Attorneys for Mitchell Defendants*

26 **NOTICE OF MOTION**

27 PLEASE TAKE NOTICE that the Mitchell Defendants, through their counsel of
28 record, the Law Office of Hayes & Welsh, will bring a *Motion to Compel Complete*

1 *Responses to Interrogatories and Requests for Production of Documents*, on for hearing
2 before this Court on May 21, 2018, at 9:00 AM, in
3 Department 15, or as soon thereafter as the matter may be heard.

4 DATED this 19th day of April, 2018.

5
6 LAW OFFICE OF HAYES & WELSH

7 

8 MEGAN K. MCHENRY, ESQ.
9 Nevada Bar No. 9119
10 199 N. Arroyo Grande Blvd., Suite 200
Henderson, NV 89074
11 *Attorneys for Mitchell Defendants*

12 **DECLARATION OF MEGAN K. MCHENRY, ESQ.**

13 I, MEGAN K. MCHENRY, ESQ., make the following declaration in lieu of an
14 affidavit pursuant to NRS 53.045:

15 1. I am an attorney of record for the Mitchell Defendants in this action, and in
16 that capacity, I have personal knowledge of the facts contained within this Declaration.

17 2. On or about September 14, 2017, the Mitchell Defendants served Plaintiffs
18 with Requests for Production of Documents, Requests for Admissions, and Interrogatories.

19 (*See* Interrogatories to Russell L. Nype attached hereto as **Exhibit 1**; Interrogatories to
20 Revenue Plus, LLC attached hereto as **Exhibit 2**; Requests for Production of Documents to
21 Russell L. Nype attached hereto as **Exhibit 3**; and, Requests for Production of Documents to
22 Revenue Plus, LLC attached hereto as **Exhibit 4**.)

23 3. Over the following months, the Mitchell Defendants granted Plaintiffs
24 multiple extensions to respond to the written discovery requests.

25 4. On or about February 2, 2018, Plaintiffs served Defendants with their
26 Responses to Interrogatories and Requests for Production of Documents. (*See* Plaintiff
27
28

1 Russell L. Nype's Responses to Defendants' First Set of Interrogatories attached hereto as
2 **Exhibit 5**; Plaintiff Revenue Plus, LLC's Responses to Defendants' First Set of
3 Interrogatories attached hereto as **Exhibit 6**; Plaintiff Russell L. Nype's Responses to
4 Defendants' Request for Production of Documents attached hereto as **Exhibit 7**; and,
5 Plaintiff Revenue Plus, LLC's Responses to Defendants' Request for Production of
6 Documents attached hereto as **Exhibit 8**.)

8 5. On or about February 6, 2018, the Mitchell Defendants' counsel, Garry L.
9 Hayes, Esq. (hereinafter "Attorney Hayes") sent correspondence to Plaintiffs' counsel, John
10 W. Muije, Esq. (hereinafter "Attorney Muije") requesting that all of Plaintiffs' Responses to
11 Interrogatories be supplemented and that Plaintiffs' Responses to Requests for Production of
12 Documents Nos. 2 – 33 and 35 – 45 be supplemented. (See Correspondence dated February
13 6, 2018 attached hereto as **Exhibit 9**.)

15 6. On or about February 13, 2018, a meet and confer conference regarding
16 Plaintiffs' discovery responses was held at the office of Plaintiffs' counsel, Attorney Muije.
17 At the meet and confer conference, all counsel agreed that Plaintiffs would supplement their
18 discovery responses within thirty days, by March 15, 2018. (See Correspondence dated
19 February 22, 2018 attached hereto as **Exhibit 10**.)

21 7. On or about March 15, 2018, a telephonic meet and confer conference was
22 held with myself, Attorney Hayes and Attorney Muije. At that time, Attorney Muije was
23 reminded that his deadline to supplement Plaintiffs' discovery responses was that same day.

24 8. On or about March 29, 2018, Attorney Hayes requested that Attorney Muije
25 provide the status of Plaintiffs' supplement to the written discovery responses. (See
26 Correspondence dated March 29, 2018 attached hereto as **Exhibit 11**.) Attorney Muije failed
27 to respond to Attorney Hayes.
28

1 \$2,608,797.50 in *Las Vegas Land Partners, LLC; Live Work, LLC and Zoe Properties, LLC*
2 *v. Russell L. Nype; Revenue Plus, LLC; DOES I Through III, and ROE Corporations I*
3 *through III, inclusive*, Case No.: 07A551073 (hereinafter “2007 case”). Since 2015, Plaintiffs
4 have aggressively pursued collection on the Judgment against LVLP.

5
6 On or about July 26, 2016, Plaintiffs, Russell L. Nype and Revenue Plus, LLC
7 (hereinafter “Plaintiffs”) filed their Complaint in this case for constructive trust, fraudulent
8 conveyance, civil conspiracy, declaratory relief and alter ego against the sixteen defendants
9 in this case, only three of which were involved in the 2007 case. To summarize, Plaintiffs
10 seek recovery on their Judgment against these additional defendants under theories of alter
11 ego and fraudulent transfer. Despite having filed their initial Complaint in July 2016,
12 Plaintiffs failed to serve any of the defendants until approximately February 2017.

13
14 On or about April 6, 2017, Defendants filed a Motion to Dismiss Plaintiffs’
15 Complaint pursuant to NRS 86.548(2), NRCPC 12(b)(2), and 12(b)(5) on the following
16 grounds: (1) Plaintiff, Revenue Plus, LLC is barred from commencing or maintaining any
17 lawsuit in Nevada pursuant to NRS 86.548(2); (2) This Court lacks personal jurisdiction over
18 Defendants; and (3) Defendants failed to allege sufficient facts in support of their claims
19 against each and every defendant.

20
21 On or about July 13, 2017, after extensive briefing and oral argument, the Court held
22 that the Complaint did not give the numerous defendants actual notice as to the specifics of
23 what was being alleged regarding each such defendant. (*See Order Denying Defendants’*
24 *Motion to Dismiss filed August 7, 2017, at page 2, lines 18 – 23.*) However, the Court
25 allowed Plaintiffs leave to file an amended complaint and Defendants’ Motion to Dismiss
26 was denied without prejudice.

1 On or about August 21, 2017, Plaintiffs filed their Amended Complaint; however it
2 still failed to provide specific factual allegations regarding each and every defendant. In their
3 Amended Complaint, Plaintiffs generally allege that various real property and ownership
4 equity transfers took place between LVLP and the other defendants, without providing the
5 specific information regarding the alleged transfers such as dates, property/amount
6 transferred, and the names of the alleged transferors and transferees. Plaintiffs further
7 generally allege that the corporate veil of all Defendants should be pierced, and they should
8 be treated as the alter egos of LVLP, David J. Mitchell and Barnet Liberman.
9

10 On or about September 1, 2017, discovery in this case commenced pursuant to the
11 Business Court Scheduling Order. On or about September 14, 2017, the Mitchell Defendants
12 served Plaintiffs with Requests for Production of Documents, Requests for Admissions, and
13 Interrogatories. (See Exh. 1 – 4.) Over the following months, the Mitchell Defendants
14 granted Plaintiffs multiple extensions to respond to the written discovery requests.
15

16 On or about February 2, 2018, Plaintiffs served Defendants with their Responses to
17 Interrogatories and Requests for Production of Documents. (See Exh. 5 – 8.) Since February
18 6, 2018, Defendants have repeatedly requested that Plaintiffs supplement their Responses to
19 Interrogatories and Responses to Requests for Production of Documents to provide specific
20 factual details and documents regarding Plaintiffs' allegations against all sixteen defendants.
21 Plaintiffs still have not provided the specific information and documents requested despite
22 multiple meet and confer conferences. (See Exh. 9 - 11.)
23

24 The Mitchell Defendants are unable to prepare their defense in this case without the
25 facts and supporting documents underlying Plaintiffs' claims against each of the sixteen
26 defendants. The discovery deadline and the trial setting have already been continued once
27 and they are rapidly approaching again. Since this case has been pending for almost two
28

1 years, Plaintiffs should be able to provide specific facts in support of their claims. Therefore,
2 Defendants' Motion to Compel should be granted at this time and Plaintiffs should be
3 sanctioned.

4
5 **II.**

6 **LAW AND ARGUMENT**

7 **A. Legal Standard**

8 Under NRCP 33 and 34, any party has the right to serve written interrogatories and
9 requests for production of documents upon any other party to the action. NRCP 26(b)(1)
10 states in pertinent part:

11 Parties may obtain discovery regarding any matter, not privileged, which is
12 relevant to the subject matter involved in the pending action, whether it relates
13 to the claim or defense of the parties seeking discovery or to the claim or
14 defense of any other party, including the existence, description, nature,
15 custody, condition and location of any book, document, or other tangible
16 things and the identity and location of persons having knowledge of any
discoverable matter. It is not grounds for objection that the information
sought will be inadmissible at the trial if the information sought appears
reasonably calculated to lead to the discovery of admissible evidence . . .

17 The parties are entitled to obtain discovery regarding any matter not privileged. *State*
18 *ex rel Tidvarr v. Eighth Judicial District Court*, 91 Nev. 520, 528 (1975).

19 Under NRCP 37(a)(2)(B), if a party fails to answer an interrogatory under Rule 33,
20 or produce documents requested under Rule 34, the discovering party may move for an
21 order compelling an answer. NRCP 37(a)(3) states: "For purposes of this subdivision an
22 evasive or incomplete disclosure, answer or response is to be treated as a failure to disclose,
23 answer or respond." Under NRCP 37(a)(4)(A), if the motion is granted, the moving party is
24 entitled to reasonable expenses incurred in making the motion including attorney's fees.
25

26 Therefore, under Nevada law, Defendants are entitled to conduct discovery regarding
27 Plaintiffs' claims of constructive trust, fraudulent conveyance, conspiracy to defraud,
28

1 declaratory relief, and alter ego. Defendants are further entitled to conduct discovery
2 regarding their defenses, specifically that (1) Plaintiff, Revenue Plus, LLC is barred from
3 commencing or maintaining any lawsuit in Nevada pursuant to NRS 86.548(2); and, (2) This
4 Court lacks personal jurisdiction over Defendants.
5

6 From the Amended Complaint, it appears that all of Plaintiffs' claims are based on its
7 fraudulent conveyance and alter ego allegations. Fraudulent transfers are governed by the
8 Uniform Fraudulent Transfers Act, codified in NRS Chapter 112. NRS 112.180(1) states:

9 1. **A transfer made** or obligation incurred by a debtor is fraudulent as to a
10 creditor, whether the creditor's claim arose before or after the transfer was
11 made or the obligation was incurred, if the debtor made the transfer or
incurred the obligation:

12 (a) **With actual intent to hinder, delay or defraud** any creditor of the
13 debtor; or

14 (b) **Without receiving a reasonably equivalent value** in exchange for
15 the transfer or obligation, and the debtor:

16 (1) Was engaged or was about to engage in a business or a
17 transaction for which the remaining assets of the debtor were unreasonably
small in relation to the business or transaction; or

18 (2) Intended to incur, or believed or reasonably should have believed
19 that the debtor would incur, debts beyond his or her ability to pay as they
became due.

20
21 (emphasis added). To date, Plaintiffs still have not provided any specific details regarding the
22 alleged fraudulent transfers, such as a description of the property transferred, the names of the
23 transferor(s) and transferee(s), the date(s) of the transfers, and why each transfer was allegedly
24 fraudulent.

25 To establish alter ego in Nevada, the following three elements must be established by a
26 preponderance of the evidence: (1) The corporation must be influenced and governed by the
27 person asserted to be its alter ego; (2) There must be such unity of interest and ownership that
28

1 one is inseparable from the other; and, (3) The facts must be such that adherence to the fiction
2 of separate entity would sanction a fraud or promote injustice. *McCleary Cattle Co. v. Sewell*,
3 73 Nev. 279, 282, 317 P.2d 957, 959 (1957); *LFC Mktg. Group, Inc. v. Loomis*, 116 Nev. 896,
4 903, 8 P.3d 841, 846 – 47 (2000). “[I]t should be emphasized that ‘[t]he corporate cloak is not
5 lightly thrown aside’ and that the alter ego doctrine is an exception to the general rule
6 recognizing corporate independence.” *LFC Mktg. Group, Inc.*, 116 Nev. at 903, 8 P.3d at 846
7 (quoting *Baer v. Amos J. Walker, Inc.*, 85 Nev. 219, 220, 452 P.2d 916, 916 (1969)).

9 To date, Plaintiffs still have not provided any specific factual details as to how each of
10 the thirteen defendant LLCs, David J. Mitchell or Barnet Liberman, are each the alter egos of
11 LVLP. To obtain the specific factual details regarding the elements which may be used to
12 establish alter ego, the Mitchell Defendants served specific written discovery requests.
13 Despite holding the burden of proof and production, Plaintiffs still have not produced any
14 evidence or even specifically articulated facts for the elements underlying their claims.

15
16 **B. Defendants are Entitled to Complete Responses to the Interrogatories
17 from Plaintiffs so that Defendants Can Prepare their Defense**

18 As discussed in detail below, all of Plaintiffs’ Responses to Interrogatories were non-
19 responsive and failed to provide any specific factual details.¹

20 **INTERROGATORY NO. 1:**

21 Please describe in detail any and all Transactions referred to in paragraph 118
22 of Plaintiffs’ Amended Complaint, including but not limited to, a description
23 of each property transferred, hypothecated and encumbered, the date that each
24 occurred, and the names of all parties involved.

25 **RESPONSE TO INTERROGATORY NO. 1:**

26 **Objection.** The request is vague and overbroad, unduly burdensome and
27 oppressive. Without waiver of said objection, Defendant Las Vegas Land
28 Partners, LLC (hereinafter “LVLP”), by and through its principals Barnett
Liberman (“Liberman”) and David J. Mitchell (“Mitchell”), have hidden,
concealed, obfuscated and flat out refused to comply with their discovery
obligations, and express discovery orders of the court in Case No. A-07-

¹ Requests to and responses from Plaintiffs are identical so only one set of each is shown.

1 551073 (the "Prior Case"). Plaintiffs continue their efforts to obtain copies of
2 critical and important documentation, and discovery continues both in this
3 matter, as well as that case. Plaintiffs will timely and seasonably supplement
4 their responses with relevant discovery information as such information
becomes available. Plaintiff responds: See Plaintiffs' 16.1 Disclosures,
especially items 19 and 20.

5 (See Exh. 1, 2, 5, and 6.)

6 **Defendants' Position on Interrogatory No. 1**

7 In their Amended Complaint, Para. 118, Plaintiffs allege that "Defendants transferred,
8 hypothecated and encumbered the various property for improper purposes and inadequate
9 consideration." In their Response to Interrogatory No. 1, Plaintiffs fail to provide a detailed
10 description of the transactions as requested, including a description of the property
11 transferred, the date of the transfers, and the names of all parties involved. Plaintiffs'
12 responses are non-responsive to the specific information requested. The documents referred
13 to by Plaintiffs in their response also do not provide the specific information requested.
14

15 **INTERROGATORY NO. 2:**

16 For each transaction referred to in your response to Interrogatory No. 1 above,
17 describe in detail the basis for alleging the Transaction was for an "improper
purpose."

18 **RESPONSE TO INTERROGATORY NO. 2:**

19 **Objection.** See Objection and Response to Interrogatory and Request for
20 Production No. 1. Without waiver of said objections, Mitchell indicated in the
21 Prior Case that Plaintiffs would never collect because defendants had set
22 everything up so as to make LVLP Judgment proof. Further, shortly after
23 Plaintiffs obtained judgment in the Prior Case, defendants herein arranged to
24 sell, transfer, convey and hypothecate most of the residual tangible assets in
which LVLP had beneficial interests to independent third parties (as shown in
Plaintiff's disclosures, Items 19 & 20), without disclosing or properly
accounting for the proceeds thereof.

25 (See Exh. 1, 2, 5, and 6.)

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1 **Defendants' Position on Interrogatory No. 2**

2 In their Response to Interrogatory No. 2, Plaintiffs fail to provide any specific
3 information as to how each transfer was for an improper purpose. Plaintiffs' responses are
4 non-responsive to the specific information requested. The documents referred to by
5 Plaintiffs in their response also do not provide the specific information requested.
6

7 **INTERROGATORY NO. 3:**

8 For each transaction referred to in your response to Interrogatory No. 1 above,
9 describe in detail the basis for alleging the Transaction was for an "inadequate
consideration."

10 **RESPONSE TO INTERROGATORY NO. 3:**

11 See Objection response to Interrogatory No. 1. Without waiver of said
12 objections, and further, on information and belief, many of the transfers were
13 not arms-length. On information and belief, the values stated in public
14 records and in the documentation produced by defendants hereto were often
15 capricious and not reflective of true market value, but were instead stated in
16 an effort to maximize the benefit to defendants, and minimize expenses and
17 tax consequences. Plaintiff's are in the process of seeking appraisals for the
18 subject transactions and discovery continues.

19 (See Exh. 1, 2, 5, and 6.)

20 **Defendants' Position on Interrogatory No. 3**

21 In their Response to Interrogatory No. 3, Plaintiffs fail to provide any specific
22 information as to how each transfer was for inadequate consideration. Plaintiffs' responses
23 are non-responsive to the specific information requested. Plaintiffs have further failed to
24 produce the documentation referenced in their response.
25

26 **INTERROGATORY NO. 4:**

27 For each Transaction referred to in paragraph 123 of Plaintiffs' Amended
28 Complaint, describe in detail the basis for alleging, "that Defendants have
taken numerous actions to avoid satisfying Plaintiffs' claims against Las
Vegas Land Partners, LLC."

RESPONSE TO INTERROGATORY NO. 4:

See Objections and Responses to Interrogatories 1-3. Without waiver of said
objection, Defendants, despite at one time owning dozens of Southern Nevada
Real Estate Parcels outright, undertook to convey their interests in such into
associated and affiliated entities, most of which failed to properly observe or

1 maintain appropriate formalities, to the extent that they were mere shells and
2 acting as the alter egos of defendants LVLP, Mitchell and Liberman.

3 (See Exh. 1, 2, 5, and 6.)

4 **Defendants' Position on Interrogatory No. 4**

5 In their Amended Complaint, Para. 123, Plaintiffs allege that "Defendants have taken
6 numerous actions to avoid satisfying Plaintiff's claims against LAS VEGAS LAND
7 PARTNERS, LLC." In their Response to Interrogatory No. 4, Plaintiffs fail to provide
8 specific information for each transaction and how each transaction relates to LVLP.
9 Plaintiffs' response is non-responsive to the specific information requested.
10

11 **INTERROGATORY NO. 5:**

12 For each Transaction referred to in paragraph 124 of Plaintiffs' Amended
13 Complaint, describe in detail the basis for alleging, "that in order to avoid
14 potential execution against real estate interest, inter alia, Defendant, Las
15 Vegas Land Partners, LLC took steps to hypothecate and transfer said
16 property interests and cash to the other Defendants herein."

15 **RESPONSE TO INTERROGATORY NO. 5:**

16 See Objection and Response to Interrogatory No. 4.

17 (See Exh. 1, 2, 5, and 6.)

18 **Defendants' Position on Interrogatory No. 5**

19 In their Response to Interrogatory No. 5, Plaintiffs fail to provide specific information
20 for each transaction and how each transaction relates to LVLP. Plaintiffs' response is non-
21 responsive to the specific information requested.
22

23 **INTERROGATORY NO. 6:**

24 For each Transaction referred to in paragraph 125 of Plaintiffs' Amended
25 Complaint, describe in detail the basis for alleging, "such transfers by
26 Defendants were undertaken in an effort to avoid the adverse financial
27 consequences of Plaintiff's pending claims, as well as those of other
28 creditors."

26 **RESPONSE TO INTERROGATORY NO. 6:**

27 See Objection and Response to Interrogatory No. 2.

28 (See Exh. 1, 2, 5, and 6.)

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2 **Defendants' Position on Interrogatory No. 6**

3 In their Response to Interrogatory No. 6, Plaintiffs fail to provide any specific
4 information as to how each transfer was for an improper purpose. Plaintiffs' responses are
5 non-responsive to the specific information requested. The documents referred to by
6 Plaintiffs in their response also do not provide the specific information requested.

7 **INTERROGATORY NO. 7:**

8 For each Transaction referred to in paragraph 126 of Plaintiffs' Amended
9 Complaint, describe in detail the basis for alleging, "the aforementioned
10 transfers were gratuitous, or for inadequate or disguised consideration, made
11 without obligation, and made with an intent to deprive Plaintiff of its ability to
recover such funds directly from Las Vegas Land Partners, LLC in connection
with the monies owed to Plaintiff."

12 **RESPONSE TO INTERROGATORY NO. 7:**

13 See Objections and Responses to Interrogatory No. 2 and No. 4.

14 (See Exh. 1, 2, 5, and 6.)

15 **Defendants' Position on Interrogatory No. 7**

16 In their Response to Interrogatory No. 7, Plaintiffs fail to provide any specific
17 information as to how each transfer was for inadequate consideration. Plaintiffs' responses
18 are non-responsive to the specific information requested. The documents referred to by
19 Plaintiffs in their response also do not provide the specific information requested.

20 **INTERROGATORY NO. 8:**

21 For each Transaction referred to in paragraph 128 of Plaintiffs' Amended
22 Complaint, describe in detail the transfers of beneficial interest referred to and
23 the basis for alleging the transfers were made "with the actual intent to hinder
24 delay and to defraud their creditors, including Nype, but [sic] fraudulently
transferring assets to insiders and the entity defendants."

25 **RESPONSE TO INTERROGATORY NO. 8:**

26 See Objections and Responses to Interrogatory No. 2 and No. 4.

27 (See Exh. 1, 2, 5, and 6.)

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1 **Defendants' Position on Interrogatory No. 8**

2 In their Response to Interrogatory No. 8, Plaintiffs fail to provide any specific
3 information as to how each transfer was for an improper purpose. Plaintiffs' responses are
4 non-responsive to the specific information requested. The documents referred to by
5 Plaintiffs in their response also do not provide the specific information requested.
6

7 **INTERROGATORY NO. 9:**

8 For each Transaction referred to in paragraph 129 of Plaintiffs' Amended
9 Complaint, describe in detail the "aid" referred to between Las Vegas Land
Partners, LLC and "other defendants."

10 **RESPONSE TO INTERROGATORY NO. 9:**

11 See Objections and Responses to Interrogatories No. 2 and No. 4. Without
12 waiver of said objections, and further, Plaintiffs note that each of the alleged
13 separate entity defendants participated at one time or another in one or more
14 transactions deriving directly from LVLP and its principals, Liberman and
15 Mitchell. As separately alleged, the various associated entities fail to properly
16 maintain and observe business, corporate, legal, and accounting formalities.
In reality, they were merely the alter egos of LVLP, Mitchell, and Liberman.
Nevertheless, to the extent that there is any separate identity or existence of
the associate entities, their participation in multiple transactions helped to
"strip" LVLP of attachable assets, which is the factual basis underlying the
allegations in said paragraph 129.

17 (See Exh. 1, 2, 5, and 6.)

18 **Defendants' Position on Interrogatory No. 9**

19 In their Response to Interrogatory No. 9, Plaintiffs fail to identify each transaction
20 referred to in paragraph 129 of the Amended Complaint and provide detailed information
21 such as which defendants were involved in each transaction, and specifically how each
22 helped to "strip" LVLP of attachable assets.
23

24 **INTERROGATORY NO. 10:**

25 For each Transaction referred to in paragraph 132 of Plaintiffs' Amended
26 Complaint, describe in detail the basis for alleging "Las Vegas Land Partners,
27 LLC did not receive reasonably equivalent value for the transfers herein
alleged."

28 **RESPONSE TO INTERROGATORY NO. 10:**

See Objection and Response to Interrogatory No. 3.

1 (See Exh. 1, 2, 5, and 6.)

2 **Defendants' Position on Interrogatory No. 10**

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4 In their Response to Interrogatory No. 10, Plaintiffs fail to provide any specific
5 information as to how each transfer was for inadequate consideration. Plaintiffs' responses
6 are non-responsive to the specific information requested. Plaintiffs have further failed to
7 produce the documentation referenced in their response.

8 **INTERROGATORY NO. 11:**

9 For each Transaction referred to in paragraph 133 of Plaintiffs' Amended
10 Complaint, describe in detail the basis for alleging that "Defendant Las Vegas
11 Land Partners, LLC intended to incur or reasonably should have believed they
12 would incur debts beyond its ability to pay the same as they become due..."

13 **RESPONSE TO INTERROGATORY NO. 11:**

14 See Objection and Response to Interrogatory No. 1. Without waiver of said
15 objection, and supplementing the same, the series of transactions undertaken
16 by LVLP, over a period of time, literally stripped and denuded LVLP of
17 millions of dollars of monetary and other valuable assets, despite LVLP
18 continuing to maintain its apparent corporate existence, with ongoing
19 obligations and payments not only for itself, but for purposes of litigation in
20 both this and the prior case, and the operating expenses of numerous
21 associated entities as well. LVLP certainly knew or should have known, as it
22 denuded itself of assets, that such transactions would leave in a position where
23 for approximately the last three years, more or less, LVLP has not even been
24 able to pay its own operating and maintenance expenses, instead having to
25 rely on the resources and personal credit cards of its principals, Mitchell and
26 Liberman, who have on a recurring basis been paying such expenses out of
27 their own pockets. In doing so, defendants once again totally failed to observe
28 appropriate and requisite business, corporate, and legal formalities regarding
the same.

(See Exh. 1, 2, 5, and 6.)

Defendants' Position on Interrogatory No. 11

In their Response to Interrogatory No. 11, Plaintiffs fail to provide any specific
details on the alleged transaction which rendered Las Vegas Land Partners, LLC insolvent, as
alleged by Plaintiffs.

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INTERROGATORY NO. 12:

For each Transaction referred to in paragraphs 136-142 of Plaintiffs' Amended Complaint, describe in detail the basis, including all Transactions, for alleging the Civil Conspiracy complained of by Plaintiffs.

RESPONSE TO INTERROGATORY NO. 12:

See Objection and Response to Interrogatory No 1, and see particularly the dozens of transactions enumerated in detail in Plaintiff's 16.1 Disclosures, Document Categories 19 and 20.

(See Exh. 1, 2, 5, and 6.)

Defendants' Position on Interrogatory No. 12

In their Response to Interrogatory No. 12, Plaintiffs fail to provide specific information on the alleged transactions, including the names of the participants for each, which form the basis of Plaintiffs' civil conspiracy claim. The documents referenced in the response fail to provide this information.

INTERROGATORY NO. 13:

Describe in detail any and all facts or Transactions that make David J. Mitchell the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

RESPONSE TO INTERROGATORY NO. 13:

See Objections and Response to Interrogatories Nos. 1 and 12. Further, and without waiver, Mitchell as an acknowledged manager of LVLP, was personally involved in numerous of the subject transactions in question, including paying the expenses of associated entities, and failing to properly observe and maintain business, corporate, and legal formalities regarding such alleged separate entities, as shown in part in Plaintiff's 16.1 Disclosures, Document No. 2.

(See Exh. 1, 2, 5, and 6.)

Defendants' Position on Interrogatory No. 13

In their Response to Interrogatory No. 13, Plaintiffs fail to provide specific information for each transfer which allegedly makes David J. Mitchell the alter ego of LVLP. The documents referenced in the response fail to provide this information.

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INTERROGATORY NO. 14:

Describe in detail any and all facts or Transactions that make Meyer Property, LTD, the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

RESPONSE TO INTERROGATORY NO. 14:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19 and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto. See also related response to Interrogatory No. 13.

(See Exh. 1, 2, 5, and 6.)

Defendants' Position on Interrogatory No. 14

In their Response to Interrogatory No. 14, Plaintiffs fail to provide specific information for each transfer which allegedly makes Meyer Property, LTD the alter ego of LVLP. The documents referenced in the response fail to provide this information.

INTERROGATORY NO. 15:

Describe in detail any and all facts or Transactions that make Zoe Property, LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

RESPONSE TO INTERROGATORY NO. 15:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19 and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto. See also related response to Interrogatory No. 13.

(See Exh. 1, 2, 5, and 6.)

Defendants' Position on Interrogatory No. 15

In their Response to Interrogatory No. 15, Plaintiffs fail to provide specific information for each transfer which allegedly makes Zoe Property, LLC the alter ego of LVLP. The documents referenced in the response fail to provide this information.

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INTERROGATORY NO. 16:

Describe in detail any and all facts or Transactions that make Leah Property, LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

RESPONSE TO INTERROGATORY NO. 16:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto. See also related response to Interrogatory No. 13.

(See Exh. 1, 2, 5, and 6.)

Defendants' Position on Interrogatory No. 16

In their Response to Interrogatory No. 16, Plaintiffs fail to provide specific information for each transfer which allegedly makes Leah Property, LLC the alter ego of LVLP. The documents referenced in the response fail to provide this information.

INTERROGATORY NO. 17:

Describe in detail any and all facts or Transactions that make Wink One, LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

RESPONSE TO INTERROGATORY NO. 17:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19 and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto. See also related response to Interrogatory No. 13.

(See Exh. 1, 2, 5, and 6.)

Defendants' Position on Interrogatory No. 17

In their Response to Interrogatory No. 17, Plaintiffs fail to provide specific information for each transfer which allegedly makes Wink One, LLC the alter ego of LVLP. The documents referenced in the response fail to provide this information.

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INTERROGATORY NO. 18:

Describe in detail any and all facts or Transactions that make Live Work, LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

RESPONSE TO INTERROGATORY NO. 18:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto. See also related response to Interrogatory No. 13.

(See Exh. 1, 2, 5, and 6.)

Defendants' Position on Interrogatory No. 18

In their Response to Interrogatory No. 18, Plaintiffs fail to provide specific information for each transfer which allegedly makes Live Work, LLC the alter ego of LVLP.

The documents referenced in the response fail to provide this information.

INTERROGATORY NO. 19:

Describe in detail any and all facts or Transactions that make Live Work Manager, LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

RESPONSE TO INTERROGATORY NO. 19:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19 and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto. See also related response to Interrogatory No. 13.

(See Exh. 1, 2, 5, and 6.)

Defendants' Position on Interrogatory No. 19

In their Response to Interrogatory No. 19, Plaintiffs fail to provide specific information for each transfer which allegedly makes Live Work Manager, LLC the alter ego of LVLP. The documents referenced in the response fail to provide this information.

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INTERROGATORY NO. 20:

Describe in detail any and all facts or Transactions that make Aquarius Owner, LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

RESPONSE TO INTERROGATORY NO. 20:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19 and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto. See also related response to Interrogatory No. 13.

(See Exh. 1, 2, 5, and 6.)

Defendants' Position on Interrogatory No. 20

In their Response to Interrogatory No. 20, Plaintiffs fail to provide specific information for each transfer which allegedly makes Aquarius Owner, LLC the alter ego of LVLP. The documents referenced in the response fail to provide this information.

INTERROGATORY NO. 21:

Describe in detail any and all facts or Transactions that make LVLP Holding, LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

RESPONSE TO INTERROGATORY NO. 21:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19 and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto. See also related response to Interrogatory No. 13.

(See Exh. 1, 2, 5, and 6.)

Defendants' Position on Interrogatory No. 21

In their Response to Interrogatory No. 21, Plaintiffs fail to provide specific information for each transfer which allegedly makes LVLP Holding, LLC the alter ego of LVLP. The documents referenced in the response fail to provide this information.

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INTERROGATORY NO. 22:

Describe in detail any and all facts or Transactions that make Mitchell Holding, LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

RESPONSE TO INTERROGATORY NO. 22:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19 and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto. See also related response to Interrogatory No. 13.

(See Exh. 1, 2, 5, and 6.)

Defendants' Position on Interrogatory No. 22

In their Response to Interrogatory No. 22, Plaintiffs fail to provide specific information for each transfer which allegedly makes Mitchell Holding, LLC the alter ego of LVLP. The documents referenced in the response fail to provide this information.

INTERROGATORY NO. 23:

Describe in detail any and all facts or Transactions that make Live Works TIC Successor, LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

RESPONSE TO INTERROGATORY NO. 23:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19 and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto. See also related response to Interrogatory No. 13.

(See Exh. 1, 2, 5, and 6.)

Defendants' Position on Interrogatory No. 23

In their Response to Interrogatory No. 23, Plaintiffs fail to provide specific information for each transfer which allegedly makes Live Works TIC Successor, LLC the alter ego of LVLP. The documents referenced in the response fail to provide this information.

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INTERROGATORY NO. 24:

Describe in detail any and all facts or Transactions that make FC/Live Works Vegas, LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

RESPONSE TO INTERROGATORY NO. 24:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19 and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto. See also related response to Interrogatory No. 13.

(See Exh. 1, 2, 5, and 6.)

Defendants' Position on Interrogatory No. 24

In their Response to Interrogatory No. 24, Plaintiffs fail to provide specific information for each transfer which allegedly makes FC/Live Works Vegas, LLC the alter ego of LVLP. The documents referenced in the response fail to provide this information.

INTERROGATORY NO. 25:

Describe in detail any and all facts or Transactions that make Casino Coolidge, LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

RESPONSE TO INTERROGATORY NO. 25:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19 and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto. See also related response to Interrogatory No. 13.

(See Exh. 1, 2, 5, and 6.)

Defendants' Position on Interrogatory No. 25

In their Response to Interrogatory No. 25, Plaintiffs fail to provide specific information for each transfer which allegedly makes Casino Coolidge, LLC the alter ego of LVLP. The documents referenced in the response fail to provide this information.

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INTERROGATORY NO. 26:

Excluding Las Vegas Land Partners, LLC, describe in detail any and all facts and Transactions that make “Defendants...and each of them, were and remain the alter egos of each other...,” as alleged in paragraph 149 of Plaintiffs’ Amended Complaint.

RESPONSE TO INTERROGATORY NO. 26:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19 and 20 in Plaintiff’s 16.1 Disclosures and Supplements thereto. See also related response to Interrogatory No. 13.

(See Exh. 1, 2, 5, and 6.)

Defendants’ Position on Interrogatory No. 26

In their Response to Interrogatory No. 26, Plaintiffs fail to provide specific information on the transactions which make each defendant the alter ego of one another. The documents referenced in the response fail to provide this information.

INTERROGATORY NO. 27:

For any Transactions or facts claimed in response to paragraphs 13-26 of these Interrogatories, describe which Transactions or facts are the basis of the allegation that “which entities as a practical matter exist with functional unity of ownership in said Defendants, Las Vegas Land Partners, Liberman or Mitchell...,” as alleged in paragraph 150 of Plaintiffs’ Amended Complaint.

RESPONSE TO INTERROGATORY NO. 27:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19 and 20 in Plaintiff’s 16.1 Disclosures and Supplements thereto. See also related response to Interrogatory No. 13.

(See Exh. 1, 2, 5, and 6.)

Defendants’ Position on Interrogatory No. 27

In their Response to Interrogatory No. 27, Plaintiffs fail to provide specific information on which transactions form the basis of Plaintiffs’ unity of ownership allegation. The documents referenced in the response fail to provide this information.

INTERROGATORY NO. 28:

For any Transactions or facts claimed in response to paragraphs 13-26 of these Interrogatories, describe which Transactions or facts are the basis of the

1 allegation that “the true and factual individuality and separateness of each
2 such entity was and remains non-existent; each such entity was and remains a
3 mere shell and naked framework...,” as alleged in paragraph 150 of Plaintiffs’
Amended Complaint.

4 **RESPONSE TO INTERROGATORY NO. 28:**

5 See Objection and Response to Interrogatory No. 1. Without waiver, and
6 supplementing the same, see also Exhibits 2, 19 and 20 in Plaintiff’s 16.1
Disclosures and Supplements thereto. See also related response to
Interrogatory No. 13.

7 (See Exh. 1, 2, 5, and 6.)

8
9 **Defendants’ Position on Interrogatory No. 28**

10 In their Response to Interrogatory No. 28, Plaintiffs fail to provide specific
11 information on which transactions form the basis of Plaintiffs’ allegation that each entity is
12 merely a shell. The documents referenced in the response fail to provide this information.

13 **INTERROGATORY NO. 29:**

14 For any Transactions or facts claimed in response to paragraphs 13-26 of these
15 Interrogatories, describe which Transactions or facts are the basis of the
16 allegation that “Each such entity is, upon information and belief, merely
17 another nominal manifestation of the business and financial affairs of
Defendants Las Vegas Land Partners, Liberman or Mitchell...,” as alleged in
paragraph 150 of Plaintiffs’ Amended Complaint.

18 **RESPONSE TO INTERROGATORY NO. 29:**

19 See Objection and Response to Interrogatory No. 1. Without waiver, and
20 supplementing the same, see also Exhibits 2, 19 and 20 in Plaintiff’s 16.1
Disclosures and Supplements thereto. See also related response to
Interrogatory No. 13.

21 (See Exh. 1, 2, 5, and 6.)

22 **Defendants’ Position on Interrogatory No. 29**

23 In their Response to Interrogatory No. 29, Plaintiffs fail to provide specific
24 information as to why Plaintiffs allege that each entity was a nominal manifestation of the
25 business and financial affairs of LVLP, Liberman or Mitchell. The documents referenced in
26 the response fail to provide this information.
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INTERROGATORY NO. 30:

Describe in detail any facts or Transactions that Plaintiffs believe gives this Court personal jurisdiction over Defendant David J. Mitchell.

RESPONSE TO INTERROGATORY NO. 30:

See Objection and Response to Interrogatory No. 1. Further, and without waiver of said objections, Mitchell acting both on his individual account as well as on behalf of his purported separate interest and management role in LVLP, personally traveled to Las Vegas on literally dozens of occasions, participated in negotiating numerous transactions, and acted not only on behalf of Las Vegas Land Partners, as an alleged separate entity, but also on his own behalf. Significantly, after entering into a transactions which were the subject of the prior case, as between LVLP, Live Work, LLC, and Wink One, LLC, with Forest City Enterprises, and various of its affiliated and subsidiary entities. Those transactions which led to the litigation in the Prior Case, literally resulted in monies in excess of \$10 million flowing to LVLP, a very substantial portion of which was immediately distributed to Mitchell and Liberman, in total derogation of the rights of known existing creditors, such as Plaintiffs herein. Even after those underlying transactions, however, Mitchell continued to wheel and deal both on behalf of his own account, as well as on behalf of the various associated entities named as defendants herein, including several self-serving transactions such as the relatively recent one with 305 Las Vegas, LLC, resulting in Mitchell once again benefiting personally to the tune of millions of dollars while creditors such as Nype remained unpaid. Undertaking all of the above actions, to avail themselves of the benefits and privilege of doing business in Clark County, Nevada, while simultaneously failing to observe various requisite business, statutory, regulatory, corporate, and other formalities necessary to preserve and maintain the separate existence of said fictitious entities.

(See Exh. 1, 2, 5, and 6.)

Defendants' Position on Interrogatory No. 30

In their Response to Interrogatory No. 30, Plaintiffs fail to describe how David J. Mitchell was acting on his own behalf in transactions in Nevada and specifically what transactions led to distributions to him, when the transactions took place, and how much each transaction was for.

INTERROGATORY NO. 31:

Describe in detail any facts or Transactions that Plaintiffs believe gives this Court personal jurisdiction over Defendant Mitchell Holdings, LLC.

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RESPONSE TO INTERROGATORY NO. 31:

See Objection and Response to Interrogatories Nos. 1 and 30. Without waiver, and supplementing the same, see also Exhibits 2, 19 and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto. See also related response to Interrogatory No. 13.

(See Exh. 1, 2, 5, and 6.)

Defendants' Position on Interrogatory No. 31

In their Response to Interrogatory No. 31, Plaintiffs fail to describe how Mitchell Holdings, LLC was acting on its own behalf in transactions in Nevada and specifically what transactions led to distributions to it, when the transactions took place, and how much each transaction was for. The documents referenced in the response fail to provide this information.

INTERROGATORY NO. 32:

Provide the name(s) and contact information sufficient for service of a subpoena, of any individuals or companies that Plaintiffs have contracted or consulted with related to the allegations in Plaintiffs' Amended Complaint.

RESPONSE TO INTERROGATORY NO. 32:

See Objection and Response to Interrogatory No. 1. Further, the request as stated violates the attorney-client privilege, and is further objectionable in regard to the request soliciting and seeking trial preparation materials. Without waiver of all of the foregoing objections, Plaintiff's respond that percipient witnesses, and consultants, and experts whom Plaintiff expects to utilize at trial are more specifically identified and designated in Plaintiff's 16.1 Disclosures. Discovery continues and this response will be supplemented as new knowledgeable witnesses are determined and identified.

(See Exh. 1, 2, 5, and 6.)

Defendants' Position on Interrogatory No. 32

In their Response to Interrogatory No. 32, Plaintiffs fail to provide the names and contact information for the individuals that Plaintiffs have contracted or consulted with related to the allegations in Plaintiffs' Amended Complaint. Defendants did not request

1 witnesses that Plaintiffs expect to utilize at trial. Plaintiffs' response is evasive and non-
2 responsive to the information requested.

3 **INTERROGATORY NO. 33:**

4 Provide the name(s) and contact information sufficient for service of a
5 subpoena, of any individuals or companies that Plaintiffs have contracted or
6 consulted with related to judgment collection efforts in Clark County District
Court case number 07A551073.

7 **RESPONSE TO INTERROGATORY NO. 33:**

8 See Objection and Response to Interrogatory No. 32.

9 (See Exh. 1, 2, 5, and 6.)

10 **Defendants' Position on Interrogatory No. 33**

11 In their Response to Interrogatory No. 33, Plaintiffs fail to provide the names and
12 contact information for the individuals that Plaintiffs have contracted or consulted with
13 related to judgment collection efforts. Defendants did not request witnesses that Plaintiffs
14 expect to utilize at trial. Plaintiffs' response is evasive and non-responsive to the information
15 requested.

16 **C. Defendants are Entitled to All Documents Related to Plaintiffs' Claims**

17 As discussed in detail below, Plaintiffs' Responses to Request for Production Nos.
18 32, 33, 37, 38 and 40 – 45 were non-responsive.²

19 **REQUEST NO. 32:**

20 Please produce any and all documents and/or reports prepared by any person
21 or company referred to in response to Interrogatory No. 32.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

23 See Objection and Response to Interrogatory No. 1. Further, the request as
24 stated violates the attorney-client privilege, and is further objectionable in
25 regard to the request soliciting and seeking trial preparation materials.
26 Without waiver of all of the foregoing objections, Plaintiff's respond that
27 percipient witnesses, and consultants, and experts whom Plaintiff expects to
utilize at trial are more specifically identified and designated in Plaintiff's
16.1 Disclosures. Discovery continues and this response will be
supplemented as new knowledgeable witnesses are determined and identified.

28 ² Requests to and responses from Plaintiffs are identical so only one set of each is shown.

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2 (See Exh. 3, 4, 7, and 8.)

3 **Defendants' Position on Request for Production No. 32**

4 Plaintiffs' Response to Request for Production No. 32 is non-responsive. Plaintiffs
5 were requested to provide any and all documents and/or reports prepared by any person or
6 company with whom Plaintiffs have contracted or consulted related to the allegations in the
7 Amended Complaint. Plaintiffs' response does not state whether or not such reports exist,
8 only that witnesses will be identified and designated. If such reports do exist, Plaintiffs
9 should be required to produce them at this time.
10

11 **REQUEST NO. 33:**

12 Please produce any and all documents and/or reports prepared by any person
or company referred to in response to Interrogatory No. 33.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

14 See Objection and Response to Interrogatory No. 32.

15 (See Exh. 3, 4, 7, and 8.)

16 **Defendants' Position on Request for Production No. 33**

17 Plaintiffs' Response to Request for Production No. 33 is non-responsive. Plaintiffs
18 were requested to provide any and all documents and/or reports prepared by any person or
19 company related to Plaintiffs' judgment collection efforts. Plaintiffs' response does not state
20 whether or not such reports exist, only that witnesses will be identified and designated. If
21 such reports do exist, Plaintiffs should be required to produce them at this time.
22

23 **REQUEST NO. 37:**

24 Please produce any and all documents relied on in responding to Request for
Admission No. 4.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

26 See Plaintiff's 16.1 disclosure, as well as the public filings in both the original
27 case (A-07-551073) between Plaintiff and LVLPL, and [t]he Nevada Supreme
Court appeal thereof.

28 (See Exh. 3, 4, 7, and 8.)

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2 **Defendants' Position on Request for Production No. 37**

3 In their response to Defendants' Request for Admission No. 4, Plaintiffs deny that
4 Revenue Plus, LLC was awarded damages based on real estate activities it performed for real
5 property located in Las Vegas, Nevada. (See Defendants' First Set of Requests for
6 Admissions to Defendant, Russell L. Nype attached hereto as **Exhibit 12**; Defendants' First
7 Set of Requests for Admissions to Defendant, Revenue Plus, LLC attached hereto as **Exhibit**
8 **13**; Plaintiff Russell L. Nype's Responses to Defendants' First Set of Requests for
9 Admissions attached hereto as **Exhibit 14**; and, Plaintiff Revenue Plus, LLC's Responses to
10 Defendants' First Set of Requests for Admissions attached hereto as **Exhibit 15**.) Plaintiffs'
11 Response to Request for Production No. 37 fails to identify specific documents which were
12 relied on in responding to this request for admission. In other words, Plaintiffs fail to
13 identify which documents evidence that Plaintiffs were awarded damages other than based on
14 real estate activities it performed for real property located in Las Vegas, Nevada. Simply
15 stating that all documents were relied on is not sufficient in a case involving 15,000+ pages
16 of documents.
17

18
19 **REQUEST NO. 38:**

20 Please produce any and all documents relied on in responding to Request for
Admission No. 5.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

22 Objection. The term personally obligated is vague and ambiguous. Further,
23 the request is vague and overbroad.

24 (See Exh. 3, 4, 7, and 8.)

25 **Defendants' Position on Request for Production No. 38**

26 In their response to Defendants' Request for Admission No. 5, Plaintiffs deny that the
27 Mitchell Defendants (other than LVLP) did not have an agreement under which they agreed
28

1 to be personally obligated for the debts of LVLP. (See Exh. 12 – 15.) Plaintiffs’ Response to
2 Request for Production No. 38 states an objection but fails to state whether or not documents
3 exist supporting their denial. In other words, Plaintiffs fail to state whether they are in
4 possession, custody and control of any documents evidencing that the Mitchell Defendants
5 agreed to be personally liable for the debts of LVLP.
6

7 **REQUEST NO. 40:**

8 Please produce any and all documents relied on in responding to Request for
Admission No. 7.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 40:**

10 See Response to Request for Production No. 37.

11 (See Exh. 3, 4, 7, and 8.)

12 **Defendants’ Position on Request for Production No. 40**

13 In their response to Defendants’ Request for Admission No. 7, Plaintiffs deny that
14 there is no confidential relationship between Plaintiffs and the Mitchell Defendants. (See
15 Exh. 12-15.) Plaintiffs’ Response to Request for Production No. 40 fails to identify specific
16 documents which were relied on in responding to this request for admission. In other words,
17 Plaintiffs fail to identify which documents evidence a confidential relationship between
18 Plaintiffs and the Mitchell Defendants. Simply stating that all documents were relied on is
19 not sufficient in a case involving 15,000+ pages of documents.
20

21 **REQUEST NO. 41:**

22 Please produce any and all documents relied on in responding to Request for
Admission No. 8.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

24 See Response to Request for Production No. 37.

25 (See Exh. 3, 4, 7, and 8.)
26 ...
27 ...
28 ...

1 **Defendants' Position on Request for Production No. 41**

2 In their response to Defendants' Request for Admission No. 8, Plaintiffs deny that the
3 only relationship between Plaintiffs and LVLP was an employment contract. (See Exh. 12 –
4 15.) Plaintiffs' Response to Request for Production No. 41 fails to identify specific
5 documents which were relied on in responding to this request for admission. In other words,
6 Plaintiffs fail to identify which documents evidence a relationship other than an employment
7 contract between Plaintiffs and LVLP. Simply stating that all documents were relied on is
8 not sufficient in a case involving 15,000+ pages of documents.
9

10 **REQUEST NO. 42:**

11 Please produce any and all documents relied on in responding to Request for
12 Admission No. 9.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 42:**

14 See Response to Request for Production No. 37.

15 (See Exh. 3, 4, 7, and 8.)

16 **Defendants' Position on Request for Production No. 42**

17 In their response to Defendants' Request for Admission No. 9, Plaintiffs deny that
18 they have not had any relationship with any of the Mitchell Defendants, other than LVLP.
19 (See Exh. 12 – 15.) Plaintiffs' Response to Request for Production No. 42 fails to identify
20 specific documents which were relied on in responding to this request for admission. In
21 other words, Plaintiffs fail to identify which documents evidence a relationship between
22 Plaintiffs and any of the Mitchell Defendants, other than LVLP. Simply stating that all
23 documents were relied on is not sufficient in a case involving 15,000+ pages of documents.
24

25 **REQUEST NO. 43:**

26 Please produce any and all documents relied on in responding to Request for
27 Admission No. 10.

28 **RESPONSE TO REQUEST FOR PRODUCTION NO. 43:**

See Plaintiff's 16.1 disclosures and supplements thereto.

1 (See Exh. 3, 4, 7, and 8.)

2 **Defendants' Position on Request for Production No. 43**

3 In their response to Defendants' Request for Admission No. 10, Plaintiffs deny that
4 the only "unlawful objective" that Plaintiffs allege against the Mitchell Defendants is the
5 transfer of real property and money. (See Exh. 12 – 15.) Plaintiffs' Response to Request for
6 Production No. 43 fails to identify specific documents which were relied on in responding to
7 this request for admission. In other words, Plaintiffs fail to identify which documents
8 evidence an unlawful objective other than the transfer of real property and money by the
9 Mitchell Defendants. Simply stating that all documents were relied on is not sufficient in a
10 case involving 15,000+ pages of documents.

11
12 **REQUEST NO. 44:**

13 Please produce any and all documents relied on in responding to Request for
14 Admission No. 11.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 44:**

16 Objection. The term "result from" is vague and overbroad. Without waiver,
17 see also Response to Request for Production No. 37.

18 (See Exh. 3, 4, 7, and 8.)

19 **Defendants' Position on Request for Production No. 44**

20 In their response to Defendants' Request for Admission No. 11, Plaintiffs deny that
21 the only damages alleged by Plaintiffs in this case result from their inability to collect on the
22 Judgment. (See Exh. 12 – 15.) Plaintiffs' Response to Request for Production No. 44 fails to
23 identify specific documents which were relied on in responding to this request for admission.
24 In other words, Plaintiffs fail to identify which documents evidence damages alleged by
25 Plaintiffs other than because of their inability to collect on the Judgment. Simply stating that
26 all documents were relied on is not sufficient in a case involving 15,000+ pages of
27 documents.
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REQUEST NO. 45:

Please produce any and all documents relied on in responding to Request for Admission No. 12.

RESPONSE TO REQUEST FOR PRODUCTION NO. 45:

See Objection and Response to Interrogatory No. 44.

(See Exh. 3, 4, 7, and 8.)

Defendants' Position on Request for Production No. 45

In their response to Defendants' Request for Admission No. 12, Plaintiffs deny that the only damages alleged by Plaintiffs in this case are based on the transfer of real property and money. (See Exh. 12-15.) Plaintiffs' Response to Request for Production No. 45 fails to identify specific documents which were relied on in responding to this request for admission. In other words, Plaintiffs fail to identify which documents evidence damages alleged by Plaintiffs other than based on the transfer of real property and money. Simply stating that all documents were relied on is not sufficient in a case involving 15,000+ pages of documents.

III.

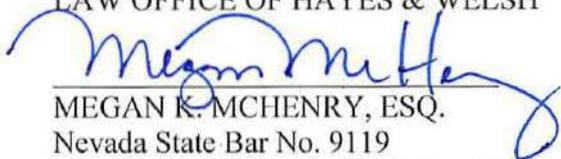
CONCLUSION

Based on the foregoing, the Mitchell Defendants respectfully request that this Court grant their Motion to Compel Complete Responses to Interrogatories and Requests for Production of Documents. Specifically, Plaintiffs should be ordered to provide complete responses to all of Defendants' Interrogatories, and produce all documents in their possession, custody and control in response to Defendants' Requests for Production Nos. 32, 33, 37, 38 and 40-45. Each of these discovery requests is relevant and necessary to Plaintiffs' alleged claims in this case and Defendants' defenses. Without the information and documents requested, Defendants are unable to prepare their defense in this case.

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Therefore, Plaintiffs should be ordered to supplement their written discovery responses to provide all of the information and documents requested. The Mitchell Defendants should further receive an award of attorneys' fees for having to file this Motion.

DATED this 19th day of April, 2018.

LAW OFFICE OF HAYES & WELSH

MEGAN K. MCHENRY, ESQ.
Nevada State Bar No. 9119
199 N. Arroyo Grande Blvd., Ste. 200
Henderson, NV 89074
Attorneys for Mitchell Defendants

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), and EDCR 8.05, I hereby certify that on the 19th day of
3 April, 2018, I served a true and correct copy of the foregoing MOTION TO COMPEL
4 RESPONSES TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
5 through the Court's electronic filing and service system to:
6

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18 *Attorneys for Defendants 305 Las Vegas, LLC*
19 *and Barnet Liberman*

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EXHIBIT 1

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8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

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

CASE NO.: A-16-740689-B
DEPT. NO.: XV

12 Plaintiffs,

13
14 v.

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

21 Defendants.
22

23 **DEFENDANTS' FIRST SET OF INTERROGATORIES TO PLAINTIFF,**
24 **RUSSELL L. NYPE**

25 Defendants DAVID J. MITCHELL; LAS VEGAS LAND PARTNERS, LLC;
26 MEYER PROPERTY, LTD.; ZOE PROPERTY, LLC; LEAH PROPERTY, LLC; WINK
27 ONE, LLC; LIVE WORK, LLC; LIVE WORK MANAGER, LLC; AQUARIUS OWNER,
28 LLC; LVLP HOLDINGS, LLC; MITCHELL HOLDINGS, LLC; LIBERMAN

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(702) 434-3444 FAX (702) 434-3739

1 HOLDINGS, LLC; LIVE WORKS TIC SUCCESSOR, LLC; and, CASINO COOLIDGE
2 LLC (hereinafter "Mitchell Defendants"), through their counsel, the Law Office of Hayes
3 & Welsh, hereby request that Plaintiff, RUSSELL L. NYPE, respond to this First Set of
4 Interrogatories pursuant to NRCP 33 within thirty (30) days of receipt thereof. Your
5 responses to these Interrogatories are to be prepared in accordance with the *Definitions* and
6 *Instructions for Responses Withheld* set forth below.
7

8 **I. DEFINITIONS**

9 A. The term "Plaintiffs" refers to Russell L. Nype and Revenue Plus, LLC.

10 B. The term "Defendant" refers to the Mitchell Defendants named above.

11 C. The terms "you", "your", or "its" refers to Plaintiff Russell L. Nype, his
12 attorneys, agents, representatives or other persons acting or purporting to act on
13 your behalf;

14 D. The term "document" or "documents" refers to any record or
15 communication which is a writing or affixed in any medium whatsoever, including
16 any kind of electronic, hand-writing, typewriting, printing, drawing, photograph,
17 mechanical or electrical recording including email, computer tape or printout,
18 accounting record or other form of communication or representation. The term
19 "document" or "documents" also includes any sound recordings existing in any
20 format whatsoever including but not limited to sounds recorded on: record,
21 magnetic tape, digital tape or computer disc. Moreover, the term "document" or
22 "documents" includes without limitation all tangible reproductions, books, papers,
23 transcripts, correspondence, contracts, memoranda, drafts, invoices, summaries,
24 notes and notations (longhand or typewritten), and references to or reflections of
25 records of any statement, conversation, telephone call, meeting, event or other oral
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communication or activity. Any and all requests for the production of documents hereinafter shall include all documents in your possession, custody or control;

E. The phrase "in the possession of" or "under the custody or control of" means that a document is deemed to be in the possession of or under the custody or control of you or your agents or representatives who (a) own such document in whole or in part, (b) have a right by contract, statute or otherwise to use, inspect, examine or copy such document on any terms, (c) have an understanding, express or implied, that they may use, inspect, examine or copy such document on any terms, or (d) have as a practical matter been able to use, inspect, examine or copy such document when they sought to do so;

F. The terms "relate" or "relating to" mean concerning, pertaining to, referring to, reflecting, evidencing, constituting and supporting;

G. The words "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of discovery requests all responses that might otherwise be construed to be outside of the scope;

H. The term "communication" or "communications" shall mean and refer to any meeting, conversation (face to face, telephonic and otherwise), discussion, telex message, cable, correspondence, email, message, tape recorded message or other occurrences in which thoughts, opinions or information are transmitted between or among one or more persons and any electronic, photographic or mechanical device or devices for receiving, transmitting or storing data or other information.

I. The term "Transaction(s)" shall mean and refer to any sale, merger, acquisition, purchase, lease, mortgage, distribution, transfer or encumbrance.

1 **II. INSTRUCTIONS FOR RESPONSES WITHHELD**

2 If any response is withheld under a claim of privilege or other protection so as to
3 aid the Court and the parties hereto to determine the validity of the claim of privilege or
4 other protection, please provide the following information with respect to any such
5 response:
6

- 7 1. The identity of the person(s) to communicate the information;
- 8 2. The identity of the person(s) to whom the information was communicated;
- 9 3. The nature and substance of the information with sufficient particularity to
10 enable the Court and the parties hereto determine the validity of the claim of privilege;
- 11 4. The date of the transaction or occurrence;
- 12 5. The identity of the persons having custody of or control over the
13 information;
- 14 6. The basis on which the privilege or other protection is claimed; and
- 15 7. Whether any non-privileged or non-protected matter is included in the
16 response.
17

18 **III. INTERROGATORIES**

19 **INTERROGATORY NO. 1:**

20 Please describe in detail any and all Transactions referred to in paragraph 118 of
21 Plaintiffs' Amended Complaint, including but not limited to, a description of each property
22 transferred, hypothecated and encumbered, the date that each occurred, and the names of all
23 parties involved.
24

25 **INTERROGATORY NO. 2:**

26 For each transaction referred to in your response to Interrogatory No. 1 above,
27 describe in detail the basis for alleging the Transaction was for an "improper purpose."
28

1 **INTERROGATORY NO. 3:**

2 For each transaction referred to in your response to Interrogatory No. 1 above,
3 describe in detail the basis for alleging the Transaction was for an “inadequate
4 consideration.”
5

6 **INTERROGATORY NO. 4:**

7 For each Transaction referred to in paragraph 123 of Plaintiffs’ Amended Complaint,
8 describe in detail the basis for alleging, “that Defendants have taken numerous actions to
9 avoid satisfying Plaintiffs’ claims against Las Vegas Land Partners, LLC.”
10

11 **INTERROGATORY NO. 5:**

12 For each Transaction referred to in paragraph 124 of Plaintiffs’ Amended Complaint,
13 describe in detail the basis for alleging, “that in order to avoid potential execution against real
14 estate interest, inter alia, Defendant, Las Vegas Land Partners, LLC took steps to hypothecate
15 and transfer said property interests and cash to the other Defendants herein.”
16

17 **INTERROGATORY NO. 6:**

18 For each Transaction referred to in paragraph 125 of Plaintiffs’ Amended Complaint,
19 describe in detail the basis for alleging, “such transfers by Defendants were undertaken in an
20 effort to avoid the adverse financial consequences of Plaintiff’s pending claims, as well as
21 those of other creditors.”
22

23 **INTERROGATORY NO. 7:**

24 For each Transaction referred to in paragraph 126 of Plaintiffs’ Amended Complaint,
25 describe in detail the basis for alleging, “the aforementioned transfers were gratuitous, or for
26 inadequate or disguised consideration, made without obligation, and made with an intent to
27 deprive Plaintiff of its ability to recover such funds directly from Las Vegas Land Partners,
28 LLC in connection with the monies owed to Plaintiff.”

1 **INTERROGATORY NO. 8:**

2 For each Transaction referred to in paragraph 128 of Plaintiffs' Amended Complaint,
3 describe in detail the transfers of beneficial interest referred to and the basis for alleging the
4 transfers were made "with the actual intent to hinder delay and to defraud their creditors,
5 including Nype, but [sic] fraudulently transferring assets to insiders and the entity
6 defendants."
7

8 **INTERROGATORY NO. 9:**

9 For each Transaction referred to in paragraph 129 of Plaintiffs' Amended Complaint,
10 describe in detail the "aid" referred to between Las Vegas Land Partners, LLC and "other
11 defendants."
12

13 **INTERROGATORY NO. 10:**

14 For each Transaction referred to in paragraph 132 of Plaintiffs' Amended Complaint,
15 describe in detail the basis for alleging "Las Vegas Land Partners, LLC did not receive
16 reasonably equivalent value for the transfers herein alleged."
17

18 **INTERROGATORY NO. 11:**

19 For each Transaction referred to in paragraph 133 of Plaintiffs' Amended Complaint,
20 describe in detail the basis for alleging that "Defendant Las Vegas Land Partners, LLC
21 intended to incur or reasonably should have believed they would incur debts beyond its
22 ability to pay the same as they become due..."
23

24 **INTERROGATORY NO. 12:**

25 For each Transaction referred to in paragraphs 136-142 of Plaintiffs' Amended
26 Complaint, describe in detail the basis, including all Transactions, for alleging the Civil
27 Conspiracy complained of by Plaintiffs.
28 ...

1 **INTERROGATORY NO. 13:**

2 Describe in detail any and all facts or Transactions that make David J. Mitchell the
3 alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all
4 real property and ownership equity transfers and financial distributions and transactions, the
5 dates of each, and the names of all involved parties.
6

7 **INTERROGATORY NO. 14:**

8 Describe in detail any and all facts or Transactions that make Meyer Property, LTD,
9 the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of
10 all real property and ownership equity transfers and financial distributions and transactions,
11 the dates of each, and the names of all involved parties.
12

13 **INTERROGATORY NO. 15:**

14 Describe in detail any and all facts or Transactions that make Zoe Property, LLC the
15 alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all
16 real property and ownership equity transfers and financial distributions and transactions, the
17 dates of each, and the names of all involved parties.
18

19 **INTERROGATORY NO. 16:**

20 Describe in detail any and all facts or Transactions that make Leah Property, LLC the
21 alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all
22 real property and ownership equity transfers and financial distributions and transactions, the
23 dates of each, and the names of all involved parties.
24

25 **INTERROGATORY NO. 17:**

26 Describe in detail any and all facts or Transactions that make Wink One, LLC the
27 alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all
28

1 real property and ownership equity transfers and financial distributions and transactions, the
2 dates of each, and the names of all involved parties.

3 **INTERROGATORY NO. 18:**

4 Describe in detail any and all facts or Transactions that make Live Work, LLC the
5 alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all
6 real property and ownership equity transfers and financial distributions and transactions, the
7 dates of each, and the names of all involved parties.

8 **INTERROGATORY NO. 19:**

9 Describe in detail any and all facts or Transactions that make Live Work Manager,
10 LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a
11 description of all real property and ownership equity transfers and financial distributions and
12 transactions, the dates of each, and the names of all involved parties.

13 **INTERROGATORY NO. 20:**

14 Describe in detail any and all facts or Transactions that make Aquarius Owner, LLC
15 the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of
16 all real property and ownership equity transfers and financial distributions and transactions,
17 the dates of each, and the names of all involved parties.

18 **INTERROGATORY NO. 21:**

19 Describe in detail any and all facts or Transactions that make LVLP Holding, LLC
20 the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of
21 all real property and ownership equity transfers and financial distributions and transactions,
22 the dates of each, and the names of all involved parties.

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1 **INTERROGATORY NO. 22:**

2 Describe in detail any and all facts or Transactions that make Mitchell Holding, LLC
3 the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of
4 all real property and ownership equity transfers and financial distributions and transactions,
5 the dates of each, and the names of all involved parties.

6 **INTERROGATORY NO. 23:**

7 Describe in detail any and all facts or Transactions that make Live Works TIC
8 Successor, LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to,
9 a description of all real property and ownership equity transfers and financial distributions
10 and transactions, the dates of each, and the names of all involved parties.

11 **INTERROGATORY NO. 24:**

12 Describe in detail any and all facts or Transactions that make FC/Live Works Vegas,
13 LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a
14 description of all real property and ownership equity transfers and financial distributions and
15 transactions, the dates of each, and the names of all involved parties.

16 **INTERROGATORY NO. 25:**

17 Describe in detail any and all facts or Transactions that make Casino Coolidge, LLC
18 the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of
19 all real property and ownership equity transfers and financial distributions and transactions,
20 the dates of each, and the names of all involved parties.

21 **INTERROGATORY NO. 26:**

22 Excluding Las Vegas Land Partners, LLC, describe in detail any and all facts and
23 Transactions that make "Defendants...and each of them, were and remain the alter egos of
24 each other..." as alleged in paragraph 149 of Plaintiffs' Amended Complaint.
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1 **INTERROGATORY NO. 27:**

2 For any Transactions or facts claimed in response to paragraphs 13-26 of these
3 Interrogatories, describe which Transactions or facts are the basis of the allegation that
4 “which entities as a practical matter exist with functional unity of ownership in said
5 Defendants, Las Vegas Land Partners, Liberman or Mitchell...,” as alleged in paragraph 150
6 of Plaintiffs’ Amended Complaint.
7

8 **INTERROGATORY NO. 28:**

9 For any Transactions or facts claimed in response to paragraphs 13-26 of these
10 Interrogatories, describe which Transactions or facts are the basis of the allegation that “the
11 true and factual individuality and separateness of each such entity was and remains non-
12 existent; each such entity was and remains a mere shell and naked framework...,” as alleged
13 in paragraph 150 of Plaintiffs’ Amended Complaint.
14

15 **INTERROGATORY NO. 29:**

16 For any Transactions or facts claimed in response to paragraphs 13-26 of these
17 Interrogatories, describe which Transactions or facts are the basis of the allegation that “Each
18 such entity is, upon information and belief, merely another nominal manifestation of the
19 business and financial affairs of Defendants Las Vegas Land Partners, Liberman or
20 Mitchell...,” as alleged in paragraph 150 of Plaintiffs’ Amended Complaint.
21

22 **INTERROGATORY NO. 30:**

23 Describe in detail any facts or Transactions that Plaintiffs believe gives this Court
24 personal jurisdiction over Defendant David J. Mitchell.

25 **INTERROGATORY NO. 31:**

26 Describe in detail any facts or Transactions that Plaintiffs believe gives this Court
27 personal jurisdiction over Defendant Mitchell Holdings, LLC.
28

LAW OFFICE OF
HAYES & WELSH
A PROFESSIONAL CORPORATION
199 NORTH ARROYO GRANDE BLVD., SUITE 200
HENDERSON, NEVADA 89074
(702) 434-3444 FAX (702) 434-3739

1 **INTERROGATORY NO. 32:**

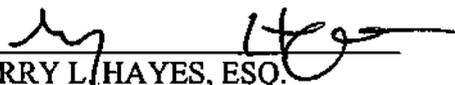
2 Provide the name(s) and contact information sufficient for service of a subpoena, of
3 any individuals or companies that Plaintiffs have contracted or consulted with related to the
4 allegations in Plaintiffs' Amended Complaint.
5

6 **INTERROGATORY NO. 33:**

7 Provide the name(s) and contact information sufficient for service of a subpoena, of
8 any individuals or companies that Plaintiffs have contracted or consulted with related to
9 judgment collection efforts in Clark County District Court case number 07A551073.

10 DATED this 14 day of September, 2017.

11 LAW OFFICE OF HAYES & WELSH

12
13 
14 GARRY L. HAYES, ESQ.
15 Nevada State Bar No. 1540
16 199 N. Arroyo Grande Blvd., Ste. 200
17 Henderson, NV 89074
18 *Attorneys for Mitchell Defendants*
19
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CERTIFICATE OF SERVICE

1
2 Pursuant to NRC P 5(b), and EDCR 8.05, I hereby certify that on the 14th day of
3 September, 2017, I served a true and correct copy of the foregoing DEFENDANTS' FIRST SET
4 OF INTERROGATORIES TO PLAINTIFF, RUSSELL L. NYPE through the Court's electronic
5 filing and service system to:
6

7 JOHN W. MUIJE, ESQ.
8 John W. Muije & Associates
9 1840 E. Sahara Avenue, Ste. 106
10 Las Vegas, NV 89104
11 jmuije@muijelawoffice.com
12 *Attorneys for Plaintiffs*

13 HARRY PAUL MARQUIS, ESQ.
14 Harry Paul Marquis, Chartered
15 400 South 4th Street, Ste. 300
16 Las Vegas, NV 89101
17 harry@marquislaw.net
18 *Attorneys for Defendants 305 Las Vegas, LLC*
19 *and Barnet Liberman*

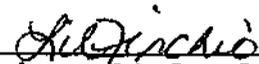
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Employee of the Law Office of Hayes & Welsh

EXHIBIT 2

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2 Nevada State Bar No. 1540
3 MEGAN K. MAYRY MCHENRY, ESQ.
4 Nevada State Bar No. 9119
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6 199 North Arroyo Grande Blvd., Suite 200
7 Henderson, Nevada 89074
8 Phone: 702-832-5592
9 Fax: 702-434-3739
10 m.mayry@lvlaw.com; L.finchio@nevlaw.com
11 *Attorneys for Defendants*

12 DISTRICT COURT

13 CLARK COUNTY, NEVADA

14 RUSSELL L. NYPE; REVENUE PLUS, LLC;
15 DOES I-X; DOE CORPORATIONS I-X; and
16 DOE PARTNERSHIPS I-X,

CASE NO.: A-16-740689-B
DEPT. NO.: XV

17 Plaintiffs,

18 v.

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

Defendants.

**DEFENDANTS' FIRST SET OF INTERROGATORIES TO PLAINTIFF,
REVENUE PLUS, LLC**

Defendants DAVID J. MITCHELL; 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

LAW OFFICE OF
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A PROFESSIONAL CORPORATION
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HENDERSON, NEVADA 89074
(702) 434-3444 FAX (702) 434-3738

1 HOLDINGS, LLC; LIVE WORKS TIC SUCCESSOR, LLC; and, CASINO COOLIDGE
2 LLC (hereinafter "Mitchell Defendants"), through their counsel, the Law Office of Hayes
3 & Welsh, hereby request that Plaintiff, REVENUE PLUS, LLC, respond to this First Set of
4 Interrogatories pursuant to NRCP 33 within thirty (30) days of receipt thereof. Your
5 responses to these Interrogatories are to be prepared in accordance with the *Definitions* and
6 *Instructions for Responses Withheld* set forth below.
7

8 I. DEFINITIONS

9 A. The term "Plaintiffs" refers to Russell L. Nype and Revenue Plus, LLC.

10 B. The term "Defendant" refers to the Mitchell Defendants named above.

11 C. The terms "you", "your", or "its" refers to Plaintiff Revenue Plus, LLC, its
12 attorneys, agents, representatives or other persons acting or purporting to act on
13 your behalf;

14 D. The term "document" or "documents" refers to any record or
15 communication which is a writing or affixed in any medium whatsoever, including
16 any kind of electronic, hand-writing, typewriting, printing, drawing, photograph,
17 mechanical or electrical recording including email, computer tape or printout,
18 accounting record or other form of communication or representation. The term
19 "document" or "documents" also includes any sound recordings existing in any
20 format whatsoever including but not limited to sounds recorded on: record,
21 magnetic tape, digital tape or computer disc. Moreover, the term "document" or
22 "documents" includes without limitation all tangible reproductions, books, papers,
23 transcripts, correspondence, contracts, memoranda, drafts, invoices, summaries,
24 notes and notations (longhand or typewritten), and references to or reflections of
25 records of any statement, conversation, telephone call, meeting, event or other oral
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1 communication or activity. Any and all requests for the production of documents
2 hereinafter shall include all documents in your possession, custody or control;

3 E. The phrase "in the possession of" or "under the custody or control of"
4 means that a document is deemed to be in the possession of or under the custody or
5 control of you or your agents or representatives who (a) own such document in
6 whole or in part, (b) have a right by contract, statute or otherwise to use, inspect,
7 examine or copy such document on any terms, (c) have an understanding, express
8 or implied, that they may use, inspect, examine or copy such document on any
9 terms, or (d) have as a practical matter been able to use, inspect, examine or copy
10 such document when they sought to do so;

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13 F. The terms "relate" or "relating to" mean concerning, pertaining to, referring
14 to, reflecting, evidencing, constituting and supporting;

15 G. The words "and" and "or" shall be construed either disjunctively or
16 conjunctively as necessary to bring within the scope of discovery requests all
17 responses that might otherwise be construed to be outside of the scope;

18 H. The term "communication" or "communications" shall mean and refer to
19 any meeting, conversation (face to face, telephonic and otherwise), discussion, telex
20 message, cable, correspondence, email, message, tape recorded message or other
21 occurrences in which thoughts, opinions or information are transmitted between or
22 among one or more persons and any electronic, photographic or mechanical device
23 or devices for receiving, transmitting or storing data or other information.

24
25 I. The term "Transaction(s)" shall mean and refer to any sale, merger,
26 acquisition, purchase, lease, mortgage, distribution, transfer or encumbrance.
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1 **II. INSTRUCTIONS FOR RESPONSES WITHHELD**

2 If any response is withheld under a claim of privilege or other protection so as to
3 aid the Court and the parties hereto to determine the validity of the claim of privilege or
4 other protection, please provide the following information with respect to any such
5 response:
6

- 7 1. The identity of the person(s) to communicate the information;
- 8 2. The identity of the person(s) to whom the information was communicated;
- 9 3. The nature and substance of the information with sufficient particularity to
10 enable the Court and the parties hereto determine the validity of the claim of privilege;
- 11 4. The date of the transaction or occurrence;
- 12 5. The identity of the persons having custody of or control over the
13 information;
- 14 6. The basis on which the privilege or other protection is claimed; and
- 15 7. Whether any non-privileged or non-protected matter is included in the
16 response.
17

18 **III. INTERROGATORIES**

19 **INTERROGATORY NO. 1:**

20 Please describe in detail any and all Transactions referred to in paragraph 118 of
21 Plaintiffs' Amended Complaint, including but not limited to, a description of each property
22 transferred, hypothecated and encumbered, the date that each occurred, and the names of all
23 parties involved.
24

25 **INTERROGATORY NO. 2:**

26 For each transaction referred to in your response to Interrogatory No. 1 above,
27 describe in detail the basis for alleging the Transaction was for an "improper purpose."
28

1 **INTERROGATORY NO. 3:**

2 For each transaction referred to in your response to Interrogatory No. 1 above,
3 describe in detail the basis for alleging the Transaction was for an “inadequate
4 consideration.”
5

6 **INTERROGATORY NO. 4:**

7 For each Transaction referred to in paragraph 123 of Plaintiffs’ Amended Complaint,
8 describe in detail the basis for alleging, “that Defendants have taken numerous actions to
9 avoid satisfying Plaintiffs’ claims against Las Vegas Land Partners, LLC.”
10

11 **INTERROGATORY NO. 5:**

12 For each Transaction referred to in paragraph 124 of Plaintiffs’ Amended Complaint,
13 describe in detail the basis for alleging, “that in order to avoid potential execution against real
14 estate interest, inter alia, Defendant, Las Vegas Land Partners, LLC took steps to hypothecate
15 and transfer said property interests and cash to the other Defendants herein.”
16

17 **INTERROGATORY NO. 6:**

18 For each Transaction referred to in paragraph 125 of Plaintiffs’ Amended Complaint,
19 describe in detail the basis for alleging, “such transfers by Defendants were undertaken in an
20 effort to avoid the adverse financial consequences of Plaintiff’s pending claims, as well as
21 those of other creditors.”
22

23 **INTERROGATORY NO. 7:**

24 For each Transaction referred to in paragraph 126 of Plaintiffs’ Amended Complaint,
25 describe in detail the basis for alleging, “the aforementioned transfers were gratuitous, or for
26 inadequate or disguised consideration, made without obligation, and made with an intent to
27 deprive Plaintiff of its ability to recover such funds directly from Las Vegas Land Partners,
28 LLC in connection with the monies owed to Plaintiff.”

1 **INTERROGATORY NO. 8:**

2 For each Transaction referred to in paragraph 128 of Plaintiffs' Amended Complaint,
3 describe in detail the transfers of beneficial interest referred to and the basis for alleging the
4 transfers were made "with the actual intent to hinder delay and to defraud their creditors,
5 including Nype, but [sic] fraudulently transferring assets to insiders and the entity
6 defendants."
7

8 **INTERROGATORY NO. 9:**

9 For each Transaction referred to in paragraph 129 of Plaintiffs' Amended Complaint,
10 describe in detail the "aid" referred to between Las Vegas Land Partners, LLC and "other
11 defendants."
12

13 **INTERROGATORY NO. 10:**

14 For each Transaction referred to in paragraph 132 of Plaintiffs' Amended Complaint,
15 describe in detail the basis for alleging "Las Vegas Land Partners, LLC did not receive
16 reasonably equivalent value for the transfers herein alleged."
17

18 **INTERROGATORY NO. 11:**

19 For each Transaction referred to in paragraph 133 of Plaintiffs' Amended Complaint,
20 describe in detail the basis for alleging that "Defendant Las Vegas Land Partners, LLC
21 intended to incur or reasonably should have believed they would incur debts beyond its
22 ability to pay the same as they become due..."
23

24 **INTERROGATORY NO. 12:**

25 For each Transaction referred to in paragraphs 136-142 of Plaintiffs' Amended
26 Complaint, describe in detail the basis, including all Transactions, for alleging the Civil
27 Conspiracy complained of by Plaintiffs.
28

...

1 **INTERROGATORY NO. 13:**

2 Describe in detail any and all facts or Transactions that make David J. Mitchell the
3 alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all
4 real property and ownership equity transfers and financial distributions and transactions, the
5 dates of each, and the names of all involved parties.
6

7 **INTERROGATORY NO. 14:**

8 Describe in detail any and all facts or Transactions that make Meyer Property, LTD,
9 the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of
10 all real property and ownership equity transfers and financial distributions and transactions,
11 the dates of each, and the names of all involved parties.
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13 **INTERROGATORY NO. 15:**

14 Describe in detail any and all facts or Transactions that make Zoe Property, LLC the
15 alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all
16 real property and ownership equity transfers and financial distributions and transactions, the
17 dates of each, and the names of all involved parties.
18

19 **INTERROGATORY NO. 16:**

20 Describe in detail any and all facts or Transactions that make Leah Property, LLC the
21 alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all
22 real property and ownership equity transfers and financial distributions and transactions, the
23 dates of each, and the names of all involved parties.
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25 **INTERROGATORY NO. 17:**

26 Describe in detail any and all facts or Transactions that make Wink One, LLC the
27 alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all
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real property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

INTERROGATORY NO. 18:

Describe in detail any and all facts or Transactions that make Live Work, LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

INTERROGATORY NO. 19:

Describe in detail any and all facts or Transactions that make Live Work Manager, LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

INTERROGATORY NO. 20:

Describe in detail any and all facts or Transactions that make Aquarius Owner, LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

INTERROGATORY NO. 21:

Describe in detail any and all facts or Transactions that make LVLP Holding, LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

...
...

1 **INTERROGATORY NO. 22:**

2 Describe in detail any and all facts or Transactions that make Mitchell Holding, LLC
3 the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of
4 all real property and ownership equity transfers and financial distributions and transactions,
5 the dates of each, and the names of all involved parties.
6

7 **INTERROGATORY NO. 23:**

8 Describe in detail any and all facts or Transactions that make Live Works TIC
9 Successor, LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to,
10 a description of all real property and ownership equity transfers and financial distributions
11 and transactions, the dates of each, and the names of all involved parties.
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13 **INTERROGATORY NO. 24:**

14 Describe in detail any and all facts or Transactions that make FC/Live Works Vegas,
15 LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a
16 description of all real property and ownership equity transfers and financial distributions and
17 transactions, the dates of each, and the names of all involved parties.
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19 **INTERROGATORY NO. 25:**

20 Describe in detail any and all facts or Transactions that make Casino Coolidge, LLC
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22 all real property and ownership equity transfers and financial distributions and transactions,
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26 Excluding Las Vegas Land Partners, LLC, describe in detail any and all facts and
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1 **INTERROGATORY NO. 27:**

2 For any Transactions or facts claimed in response to paragraphs 13-26 of these
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6 of Plaintiffs’ Amended Complaint.
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9 For any Transactions or facts claimed in response to paragraphs 13-26 of these
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17 Interrogatories, describe which Transactions or facts are the basis of the allegation that “Each
18 such entity is, upon information and belief, merely another nominal manifestation of the
19 business and financial affairs of Defendants Las Vegas Land Partners, Liberman or
20 Mitchell...,” as alleged in paragraph 150 of Plaintiffs’ Amended Complaint.
21

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23 Describe in detail any facts or Transactions that Plaintiffs believe gives this Court
24 personal jurisdiction over Defendant David J. Mitchell.

25 **INTERROGATORY NO. 31:**

26 Describe in detail any facts or Transactions that Plaintiffs believe gives this Court
27 personal jurisdiction over Defendant Mitchell Holdings, LLC.
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INTERROGATORY NO. 32:

Provide the name(s) and contact information sufficient for service of a subpoena, of any individuals or companies that Plaintiffs have contracted or consulted with related to the allegations in Plaintiffs' Amended Complaint.

INTERROGATORY NO. 33:

Provide the name(s) and contact information sufficient for service of a subpoena, of any individuals or companies that Plaintiffs have contracted or consulted with related to judgment collection efforts in Clark County District Court case number 07A551073.

DATED this 14 day of September, 2017.

LAW OFFICE OF HAYES & WELSH

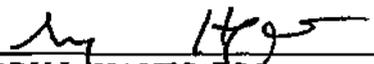

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Attorneys for Mitchell Defendants

EXHIBIT 3

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11 *Attorneys for Defendants*

8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

10 RUSSELL L. NYPE; REVENUE PLUS, LLC;
11 DOES I-X; DOE CORPORATIONS I-X; and
12 DOE PARTNERSHIPS I-X,

CASE NO.: A-16-740689-B
DEPT. NO.: XV

13 Plaintiffs,

14 v.

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

26 Defendants.

23 **DEFENDANTS' FIRST SET OF REQUESTS FOR PRODUCTION OF**
24 **DOCUMENTS TO PLAINTIFF, RUSSELL L. NYPE**

25 Defendants DAVID J. MITCHELL; LAS VEGAS LAND PARTNERS, LLC;
26 MEYER PROPERTY, LTD.; ZOE PROPERTY, LLC; LEAH PROPERTY, LLC; WINK
27 ONE, LLC; LIVE WORK, LLC; LIVE WORK MANAGER, LLC; AQUARIUS OWNER,
28 LLC; LVLP HOLDINGS, LLC; MITCHELL HOLDINGS, LLC; LIBERMAN

LAW OFFICE OF
HAYES & WELSH
A PROFESSIONAL CORPORATION
199 NORTH ARROYO GRANDE BLVD., SUITE 200
HENDERSON, NEVADA 89074
(702) 434-3444 FAX (702) 434-3739

1 HOLDINGS, LLC; LIVE WORKS TIC SUCCESSOR, LLC; and, CASINO COOLIDGE
2 LLC (hereinafter "Mitchell Defendants"), through their counsel, the Law Office of Hayes
3 & Welsh, hereby request that Plaintiff, RUSSELL L. NYPE, respond to this First Set of
4 Requests for Production of Documents pursuant to NRCP 34 within thirty (30) days of
5 receipt thereof. Your responses to these Requests are to be prepared in accordance with the
6 *Definitions and Instructions for Responses Withheld* set forth below.
7

8 **I. DEFINITIONS**

9 A. The term "Plaintiffs" refers to Russell L. Nype and Revenue Plus, LLC.

10 B. The term "Defendant" refers to the Mitchell Defendants named above.

11 C. The terms "you", "your", or "its" refers to Plaintiff Russell L. Nype, his
12 attorneys, agents, representatives or other persons acting or purporting to act on
13 your behalf;

14 D. The term "document" or "documents" refers to any record or
15 communication which is a writing or affixed in any medium whatsoever, including
16 any kind of electronic, hand-writing, typewriting, printing, drawing, photograph,
17 mechanical or electrical recording including email, computer tape or printout,
18 accounting record or other form of communication or representation. The term
19 "document" or "documents" also includes any sound recordings existing in any
20 format whatsoever including but not limited to sounds recorded on: record,
21 magnetic tape, digital tape or computer disc. Moreover, the term "document" or
22 "documents" includes without limitation all tangible reproductions, books, papers,
23 transcripts, correspondence, contracts, memoranda, drafts, invoices, summaries,
24 notes and notations (longhand or typewritten), and references to or reflections of
25 records of any statement, conversation, telephone call, meeting, event or other oral
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1 communication or activity. Any and all requests for the production of documents
2 hereinafter shall include all documents in your possession, custody or control;

3 E. The phrase "in the possession of" or "under the custody or control of"
4 means that a document is deemed to be in the possession of or under the custody or
5 control of you or your agents or representatives who (a) own such document in
6 whole or in part, (b) have a right by contract, statute or otherwise to use, inspect,
7 examine or copy such document on any terms, (c) have an understanding, express
8 or implied, that they may use, inspect, examine or copy such document on any
9 terms, or (d) have as a practical matter been able to use, inspect, examine or copy
10 such document when they sought to do so;

11 F. The terms "relate" or "relating to" mean concerning, pertaining to, referring
12 to, reflecting, evidencing, constituting and supporting;

13 G. The words "and" and "or" shall be construed either disjunctively or
14 conjunctively as necessary to bring within the scope of discovery requests all
15 responses that might otherwise be construed to be outside of the scope;

16 H. The term "communication" or "communications" shall mean and refer to
17 any meeting, conversation (face to face, telephonic and otherwise), discussion, telex
18 message, cable, correspondence, email, message, tape recorded message or other
19 occurrences in which thoughts, opinions or information are transmitted between or
20 among one or more persons and any electronic, photographic or mechanical device
21 or devices for receiving, transmitting or storing data or other information.

22 I. The term "Transaction" shall mean and refer to any sale, merger,
23 acquisition, purchase, lease, mortgage, transfer, distribution or encumbrance.
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1 **II. INSTRUCTIONS FOR RESPONSES WITHHELD**

2 If any response is withheld under a claim of privilege or other protection so as to
3 aid the Court and the parties hereto to determine the validity of the claim of privilege or
4 other protection, please provide the following information with respect to any such
5 response:
6

- 7 1. The identity of the person(s) to communicate the information;
- 8 2. The identity of the person(s) to whom the information was communicated;
- 9 3. The nature and substance of the information with sufficient particularity to
10 enable the Court and the parties hereto determine the validity of the claim of privilege;
- 11 4. The date of the transaction or occurrence;
- 12 5. The identity of the persons having custody of or control over the
13 information;
- 14 6. The basis on which the privilege or other protection is claimed; and
- 15 7. Whether any non-privileged or non-protected matter is included in the
16 response.
17

18 **III. REQUESTS FOR PRODUCTION**

19 **REQUEST NO. 1:**

20 Please produce any and all documents relied on in responding to Interrogatory No. 1.

21 **REQUEST NO. 2:**

22 Please produce any and all documents relied on in responding to Interrogatory No. 2.

23 **REQUEST NO. 3:**

24 Please produce any and all documents relied on in responding to Interrogatory No. 3.

25 **REQUEST NO. 4:**

26 Please produce any and all documents relied on in responding to Interrogatory No. 4.
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1 **REQUEST NO. 5:**

2 Please produce any and all documents relied on in responding to Interrogatory No. 5.

3 **REQUEST NO. 6:**

4 Please produce any and all documents relied on in responding to Interrogatory No. 6.

5 **REQUEST NO. 7:**

6 Please produce any and all documents relied on in responding to Interrogatory No. 7.

7 **REQUEST NO. 8:**

8 Please produce any and all documents relied on in responding to Interrogatory No. 8.

9 **REQUEST NO. 9:**

10 Please produce any and all documents relied on in responding to Interrogatory No. 9.

11 **REQUEST NO. 10:**

12 Please produce any and all documents relied on in responding to Interrogatory No.

13 10.

14 **REQUEST NO. 11:**

15 Please produce any and all documents relied on in responding to Interrogatory No.

16 11.

17 **REQUEST NO. 12:**

18 Please produce any and all documents relied on in responding to Interrogatory No.

19 12.

20 **REQUEST NO. 13:**

21 Please produce any and all documents relied on in responding to Interrogatory No.

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REQUEST NO. 14:

Please produce any and all documents relied on in responding to Interrogatory No. 14.

REQUEST NO. 15:

Please produce any and all documents relied on in responding to Interrogatory No. 15.

REQUEST NO. 16:

Please produce any and all documents relied on in responding to Interrogatory No. 16.

REQUEST NO. 17:

Please produce any and all documents relied on in responding to Interrogatory No. 17.

REQUEST NO. 18:

Please produce any and all documents relied on in responding to Interrogatory No. 18.

REQUEST NO. 19:

Please produce any and all documents relied on in responding to Interrogatory No. 19.

REQUEST NO. 20:

Please produce any and all documents relied on in responding to Interrogatory No. 20.

REQUEST NO. 21:

Please produce any and all documents relied on in responding to Interrogatory No. 21.

1 **REQUEST NO. 22:**

2 Please produce any and all documents relied on in responding to Interrogatory No.
3 22.

4 **REQUEST NO. 23:**

5 Please produce any and all documents relied on in responding to Interrogatory No.
6 23.

7 **REQUEST NO. 24:**

8 Please produce any and all documents relied on in responding to Interrogatory No.
9 24.

10 **REQUEST NO. 25:**

11 Please produce any and all documents relied on in responding to Interrogatory No.
12 25.

13 **REQUEST NO. 26:**

14 Please produce any and all documents relied on in responding to Interrogatory No.
15 26.

16 **REQUEST NO. 27:**

17 Please produce any and all documents relied on in responding to Interrogatory No.
18 27.

19 **REQUEST NO. 28:**

20 Please produce any and all documents relied on in responding to Interrogatory No.
21 28.

22 **REQUEST NO. 29:**

23 Please produce any and all documents relied on in responding to Interrogatory No.
24 29.

1 **REQUEST NO. 30:**

2 Please produce any and all documents relied on in responding to Interrogatory No.
3 30.

4 **REQUEST NO. 31:**

5 Please produce any and all documents relied on in responding to Interrogatory No.
6 31.

7 **REQUEST NO. 32:**

8 Please produce any and all documents and/or reports prepared by any person or
9 company referred to in response to Interrogatory No. 32.

10 **REQUEST NO. 33:**

11 Please produce any and all documents and/or reports prepared by any person or
12 company referred to in response to Interrogatory No. 33.

13 **REQUEST NO. 34:**

14 Please produce any and all documents relied on in responding to Request for
15 Admission No. 1.

16 **REQUEST NO. 35:**

17 Please produce any and all documents relied on in responding to Request for
18 Admission No. 2.

19 **REQUEST NO. 36:**

20 Please produce any and all documents relied on in responding to Request for
21 Admission No. 3.

22 **REQUEST NO. 37:**

23 Please produce any and all documents relied on in responding to Request for
24 Admission No. 4.

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REQUEST NO. 38:

Please produce any and all documents relied on in responding to Request for Admission No. 5.

REQUEST NO. 39:

Please produce any and all documents relied on in responding to Request for Admission No. 6.

REQUEST NO. 40:

Please produce any and all documents relied on in responding to Request for Admission No. 7.

REQUEST NO. 41:

Please produce any and all documents relied on in responding to Request for Admission No. 8.

REQUEST NO. 42:

Please produce any and all documents relied on in responding to Request for Admission No. 9.

REQUEST NO. 43:

Please produce any and all documents relied on in responding to Request for Admission No. 10.

REQUEST NO. 44:

Please produce any and all documents relied on in responding to Request for Admission No. 11.

...
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LAW OFFICE OF
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HENDERSON, NEVADA 89074
(702) 434-3444 FAX (702) 434-3738

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REQUEST NO. 45:

Please produce any and all documents relied on in responding to Request for Admission No. 12.

DATED this 19 day of September, 2017.

LAW OFFICE OF HAYES & WELSH


GARRY L. HAYES, ESQ.
Nevada State Bar No. 1540
199 N. Arroyo Grande Blvd., Ste. 200
Henderson, NV 89074
Attorneys for Mitchell Defendants

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), and EDCR 8.05, I hereby certify that on the 14th day of September, 2017, I served a true and correct copy of the foregoing DEFENDANTS' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF, RUSSELL L. NYPE through the Court's electronic filing and service system to:

JOHN W. MUIJE, ESQ.
John W. Muije & Associates
1840 E. Sahara Avenue, Ste. 106
Las Vegas, NV 89104
jmuije@muijelawoffice.com
Attorneys for Plaintiffs

HARRY PAUL MARQUIS, ESQ.
Harry Paul Marquis, Chartered
400 South 4th Street, Ste. 300
Las Vegas, NV 89101
harry@marquislaw.net
*Attorneys for Defendants 305 Las Vegas, LLC
and Barnet Liberman*

Employee of the Law Office of Hayes & Welsh

EXHIBIT 4

1 GARRY L. HAYES, ESQ.
2 Nevada State Bar No. 1540
3 MEGAN K. MAYRY MCHENRY, ESQ.
4 Nevada State Bar No. 9119
5 LAW OFFICE OF HAYES & WELSH
6 199 North Arroyo Grande Blvd., Suite 200
7 Henderson, Nevada 89074
8 Phone: 702-832-5592
9 Fax: 702-434-3739
10 m.mayry@lvlaw.com ; L.finchio@nevlaw.com
11 *Attorneys for Defendants*

8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

10 RUSSELL L. NYPE; REVENUE PLUS, LLC;
11 DOES I-X; DOE CORPORATIONS I-X; and
12 DOE PARTNERSHIPS I-X,

13 Plaintiffs,

14 v.

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

26 Defendants.

CASE NO.: A-16-740689-B
DEPT. NO.: XV

23 **DEFENDANTS' FIRST SET OF REQUESTS FOR PRODUCTION OF**
24 **DOCUMENTS TO PLAINTIFF, REVENUE PLUS, LLC**

25 Defendants DAVID J. MITCHELL; LAS VEGAS LAND PARTNERS, LLC;
26 MEYER PROPERTY, LTD.; ZOE PROPERTY, LLC; LEAH PROPERTY, LLC; WINK
27 ONE, LLC; LIVE WORK, LLC; LIVE WORK MANAGER, LLC; AQUARIUS OWNER,
28 LLC; LVLP HOLDINGS, LLC; MITCHELL HOLDINGS, LLC; LIBERMAN

LAW OFFICE OF
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HENDERSON, NEVADA 89074
(702) 434-3444 FAX (702) 434-3739

1 HOLDINGS, LLC; LIVE WORKS TIC SUCCESSOR, LLC; and, CASINO COOLIDGE
2 LLC (hereinafter "Mitchell Defendants"), through their counsel, the Law Office of Hayes
3 & Welsh, hereby request that Plaintiff, REVENUE PLUS, LLC, respond to this First Set of
4 Requests for Production of Documents pursuant to NRCP 34 within thirty (30) days of
5 receipt thereof. Your responses to these Requests are to be prepared in accordance with the
6 *Definitions and Instructions for Responses Withheld* set forth below.
7

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9 A. The term "Plaintiffs" refers to Russell L. Nype and Revenue Plus, LLC.

10 B. The term "Defendant" refers to the Mitchell Defendants named above.

11 C. The terms "you", "your", or "its" refers to Plaintiff Revenue Plus, LLC, its
12 attorneys, agents, representatives or other persons acting or purporting to act on
13 your behalf;
14

15 D. The term "document" or "documents" refers to any record or
16 communication which is a writing or affixed in any medium whatsoever, including
17 any kind of electronic, hand-writing, typewriting, printing, drawing, photograph,
18 mechanical or electrical recording including email, computer tape or printout,
19 accounting record or other form of communication or representation. The term
20 "document" or "documents" also includes any sound recordings existing in any
21 format whatsoever including but not limited to sounds recorded on: record,
22 magnetic tape, digital tape or computer disc. Moreover, the term "document" or
23 "documents" includes without limitation all tangible reproductions, books, papers,
24 transcripts, correspondence, contracts, memoranda, drafts, invoices, summaries,
25 notes and notations (longhand or typewritten), and references to or reflections of
26 records of any statement, conversation, telephone call, meeting, event or other oral
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1 communication or activity. Any and all requests for the production of documents
2 hereinafter shall include all documents in your possession, custody or control;

3 E. The phrase "in the possession of" or "under the custody or control of"
4 means that a document is deemed to be in the possession of or under the custody or
5 control of you or your agents or representatives who (a) own such document in
6 whole or in part, (b) have a right by contract, statute or otherwise to use, inspect,
7 examine or copy such document on any terms, (c) have an understanding, express
8 or implied, that they may use, inspect, examine or copy such document on any
9 terms, or (d) have as a practical matter been able to use, inspect, examine or copy
10 such document when they sought to do so;

11
12 F. The terms "relate" or "relating to" mean concerning, pertaining to, referring
13 to, reflecting, evidencing, constituting and supporting;

14
15 G. The words "and" and "or" shall be construed either disjunctively or
16 conjunctively as necessary to bring within the scope of discovery requests all
17 responses that might otherwise be construed to be outside of the scope;

18
19 H. The term "communication" or "communications" shall mean and refer to
20 any meeting, conversation (face to face, telephonic and otherwise), discussion, telex
21 message, cable, correspondence, email, message, tape recorded message or other
22 occurrences in which thoughts, opinions or information are transmitted between or
23 among one or more persons and any electronic, photographic or mechanical device
24 or devices for receiving, transmitting or storing data or other information.

25
26 I. The term "Transaction" shall mean and refer to any sale, merger,
27 acquisition, purchase, lease, mortgage, transfer, distribution or encumbrance.

28 ...

1 **II. INSTRUCTIONS FOR RESPONSES WITHHELD**

2 If any response is withheld under a claim of privilege or other protection so as to
3 aid the Court and the parties hereto to determine the validity of the claim of privilege or
4 other protection, please provide the following information with respect to any such
5 response:

- 6
- 7 1. The identity of the person(s) to communicate the information;
 - 8 2. The identity of the person(s) to whom the information was communicated;
 - 9 3. The nature and substance of the information with sufficient particularity to
10 enable the Court and the parties hereto determine the validity of the claim of privilege;
 - 11 4. The date of the transaction or occurrence;
 - 12 5. The identity of the persons having custody of or control over the
13 information;
 - 14 6. The basis on which the privilege or other protection is claimed; and
 - 15 7. Whether any non-privileged or non-protected matter is included in the
16 response.
- 17

18 **III. REQUESTS FOR PRODUCTION**

19 **REQUEST NO. 1:**

20 Please produce any and all documents relied on in responding to Interrogatory No. 1.

21 **REQUEST NO. 2:**

22 Please produce any and all documents relied on in responding to Interrogatory No. 2.

23 **REQUEST NO. 3:**

24 Please produce any and all documents relied on in responding to Interrogatory No. 3.

25 **REQUEST NO. 4:**

26 Please produce any and all documents relied on in responding to Interrogatory No. 4.

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REQUEST NO. 5:

Please produce any and all documents relied on in responding to Interrogatory No. 5.

REQUEST NO. 6:

Please produce any and all documents relied on in responding to Interrogatory No. 6.

REQUEST NO. 7:

Please produce any and all documents relied on in responding to Interrogatory No. 7.

REQUEST NO. 8:

Please produce any and all documents relied on in responding to Interrogatory No. 8.

REQUEST NO. 9:

Please produce any and all documents relied on in responding to Interrogatory No. 9.

REQUEST NO. 10:

Please produce any and all documents relied on in responding to Interrogatory No.

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REQUEST NO. 11:

Please produce any and all documents relied on in responding to Interrogatory No.

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REQUEST NO. 12:

Please produce any and all documents relied on in responding to Interrogatory No.

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REQUEST NO. 13:

Please produce any and all documents relied on in responding to Interrogatory No.

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REQUEST NO. 14:

Please produce any and all documents relied on in responding to Interrogatory No.

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REQUEST NO. 15:

Please produce any and all documents relied on in responding to Interrogatory No.

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REQUEST NO. 16:

Please produce any and all documents relied on in responding to Interrogatory No.

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REQUEST NO. 17:

Please produce any and all documents relied on in responding to Interrogatory No.

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REQUEST NO. 18:

Please produce any and all documents relied on in responding to Interrogatory No.

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REQUEST NO. 19:

Please produce any and all documents relied on in responding to Interrogatory No.

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REQUEST NO. 20:

Please produce any and all documents relied on in responding to Interrogatory No.

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REQUEST NO. 21:

Please produce any and all documents relied on in responding to Interrogatory No.

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REQUEST NO. 22:

Please produce any and all documents relied on in responding to Interrogatory No. 22.

REQUEST NO. 23:

Please produce any and all documents relied on in responding to Interrogatory No. 23.

REQUEST NO. 24:

Please produce any and all documents relied on in responding to Interrogatory No. 24.

REQUEST NO. 25:

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REQUEST NO. 26:

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REQUEST NO. 27:

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REQUEST NO. 28:

Please produce any and all documents relied on in responding to Interrogatory No. 28.

REQUEST NO. 29:

Please produce any and all documents relied on in responding to Interrogatory No. 29.

1 **REQUEST NO. 30:**

2 Please produce any and all documents relied on in responding to Interrogatory No.
3 30.

4 **REQUEST NO. 31:**

5 Please produce any and all documents relied on in responding to Interrogatory No.
6 31.

7 **REQUEST NO. 32:**

8 Please produce any and all documents and/or reports prepared by any person or
9 company referred to in response to Interrogatory No. 32.

10 **REQUEST NO. 33:**

11 Please produce any and all documents and/or reports prepared by any person or
12 company referred to in response to Interrogatory No. 33.

13 **REQUEST NO. 34:**

14 Please produce any and all documents relied on in responding to Request for
15 Admission No. 1.

16 **REQUEST NO. 35:**

17 Please produce any and all documents relied on in responding to Request for
18 Admission No. 2.

19 **REQUEST NO. 36:**

20 Please produce any and all documents relied on in responding to Request for
21 Admission No. 3.

22 **REQUEST NO. 37:**

23 Please produce any and all documents relied on in responding to Request for
24 Admission No. 4.

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REQUEST NO. 38:

Please produce any and all documents relied on in responding to Request for Admission No. 5.

REQUEST NO. 39:

Please produce any and all documents relied on in responding to Request for Admission No. 6.

REQUEST NO. 40:

Please produce any and all documents relied on in responding to Request for Admission No. 7.

REQUEST NO. 41:

Please produce any and all documents relied on in responding to Request for Admission No. 8.

REQUEST NO. 42:

Please produce any and all documents relied on in responding to Request for Admission No. 9.

REQUEST NO. 43:

Please produce any and all documents relied on in responding to Request for Admission No. 10.

REQUEST NO. 44:

Please produce any and all documents relied on in responding to Request for Admission No. 11.

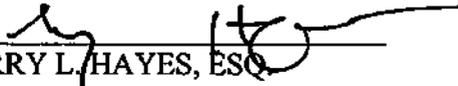
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1 **REQUEST NO. 45:**

2 Please produce any and all documents relied on in responding to Request for
3 Admission No. 12.

4 DATED this 14 day of September, 2017.

6 LAW OFFICE OF HAYES & WELSH

7
8 
9 GARRY L. HAYES, ESQ.
10 Nevada State Bar No. 1540
11 199 N. Arroyo Grande Blvd., Ste. 200
12 Henderson, NV 89074
13 *Attorneys for Mitchell Defendants*

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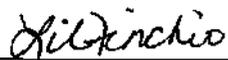
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CERTIFICATE OF SERVICE

Pursuant to NRCPC 5(b), and EDCR 8.05, I hereby certify that on the 14th day of September, 2017, I served a true and correct copy of the foregoing DEFENDANTS' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF, REVENUE PLUS, LLC through the Court's electronic filing and service system to:

JOHN W. MUIJE, ESQ.
John W. Muije & Associates
1840 E. Sahara Avenue, Ste. 106
Las Vegas, NV 89104
jmuije@muijelawoffice.com
Attorneys for Plaintiffs

HARRY PAUL MARQUIS, ESQ.
Harry Paul Marquis, Chartered
400 South 4th Street, Ste. 300
Las Vegas, NV 89101
harry@marquislaw.net
*Attorneys for Defendants 305 Las Vegas, LLC
and Barnet Liberman*



Employee of the Law Office of Hayes & Welsh

EXHIBIT 5

LAW OFFICES
JOHN W. MUIJE & ASSOCIATES
1840 E. SAHARA AVE. #106
LAS VEGAS, NEVADA 89104
Phone: (702) 388-7002 Fax (702) 386-9135

1 **RSPN**
2 **JOHN W. MUIJE & ASSOCIATES**
3 **JOHN W. MUIJE, ESQ.**
4 Nevada Bar No. 2419
5 1840 East Sahara Avenue, #106
6 Las Vegas, Nevada 89104
7 Telephone: 702-386-7002
8 Facsimile: 702- 386-9135
9 E-Mail: jmuije@muijelawoffice.com
10 *Attorneys for Plaintiffs*

DISTRICT COURT

CLARK COUNTY, NEVADA

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

CASE NO: A-16-740689-B

DEPT NO: XV

Plaintiffs,

12 vs.

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

Entity Defendants.

PLAINTIFF RUSSELL L. NYPE'S RESPONSES TO DEFENDANTS'
FIRST SET OF INTERROGATORIES

23 TO: ALL DEFENDANTS

24 TO: GARRY L. HAYES, ,ESQ., of the Law Firm of HAYES & WELSH, their
25 attorneys of record

26 TO: HARRY PAUL MARQUIS, ESQ., Attorneys for Defendants 305 LAS VEGAS,
27 LLC and BARNET LIBERMAN
28

LAW OFFICES
JOHN W. MUJJE & ASSOCIATES

1840 E. SAHARA AVE. #106
LAS VEGAS, NEVADA 89104
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2 preparation for hearing of this matter. Accordingly, the responses herein are submitted without
3 prejudice to utilizing subsequently discovered or recalled information. The responding party herein
4 reserves the right to amend, add to, delete from, or in any other manner modify these responses after
5 it has completed its discovery and investigation efforts and has ascertained all relevant facts.
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7 4. The responding party objects generally to the Requests to the extent that they or
8 any of them call for the provision of information that is protected by applicable statutory or common
9 law privileges and/or protections, including but not limited to: (1) the attorney-client privilege; (2)
10 the attorney work product rule; (3) N. R.S. § 657.130, relating to the privilege afforded documents
11 prepared by or for a financial institution's committee to review compliance; (4) N.R.S. § 49.025, in
12 conjunction with 12 C.F.R. § 363.2, relating to the privilege afforded reports that are required to be
13 prepared by statute; and (5) the right of privacy contained in Article 1, Section 1 of the United States
14 Constitution and in applicable state constitutional, statutory or case law. As such, the Plaintiff will
15 provide only responsive documents that are not subject to any applicable statutory or common law
16 privileges or protections.
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18 5. The responding party objects to each interrogatory (and any portion thereof) of the
19 extent that it seeks the disclosure of the identities of, or any work generated by, non-testifying
20 consulting experts retained by or at the direction of the responding attorneys in anticipation or
21 preparation for this and/or other threatened or pending litigation in connection with the rendering
22 of legal advice to the responding party herein. Responding party's attorneys' join in these objections
23 to the extent that the right to protect information from discovery belongs to those attorneys. In
24 making its responses to the interrogatories, and/or in producing documents for inspection and/or
25 copying responding party herein will not produce any such privileged items.
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6. Responding party herein objects to each interrogatory (and any portion thereof) to the extent that it seeks information consisting of, or containing, confidential, protected, private, sensitive trade secrets, research, development, commercial and/or otherwise proprietary information of responding party herein, which is privileged from discovery. In making its responses to these interrogatories, and/or in producing documents for inspection and/or copying, responding party herein will not produce or disclose any such information.

7. Responding party herein objects to each interrogatory (and any portion thereof) to the extent that it is overly or unduly burdensome, vague, ambiguous, unintelligible, uncertain, incomprehensible, compound, oppressive, intrusive of the privacy or proprietary rights of responding party herein and/or third parties, overbroad, irrelevant, not reasonably calculated to lead to the discovery of admissible evidence, fails to identify the information requested with reasonable or adequate particularity, or seeks to impose upon responding party herein burdens beyond those established under the Nevada Rules of Civil Procedure or Nevada law.

8. Responding party has performed a reasonable inquiry in search of information as required by the Nevada Rules of Civil Procedure and has made very reasonable effort to locate the information described herein, which effort has been made in good faith. Responding party cannot affirm, however, that "all" such information has been supplied. Although responding party herein believes that all such information has been produced that is with Responding Parties' possession and/or control, responding party will supplement these responses in accordance with the applicable discovery rules in the event that responding party discovers that they have inadvertently failed to provide information within their responses.

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2 9. Responding party objects to each interrogatory that uses language such as “each
3 and every” or similar broad language. Such interrogatories are onerous, burdensome, harassing,
4 prejudicial, and overly broad. Each interrogatory asking “any and all” or “each and every” is
5 objectionable and such an inquiry, in essence, is a request for evidence and not discoverable
6 information. *See, e.g., United State vs. Renault, Inc.*, 37 F.R.D. 23, 26-27 (S.D.N.Y. 1960).

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8 Moreover, responding party has no possible means of making the all-encompassing identifications
9 that such a broadly-worded interrogatory requires.

10 10. Responding party objects to each interrogatory (and any portion thereof) to the
11 extent that it seeks to impose a burden upon responding party to search for information or documents
12 in the possession, custody, or control of persons or entities other than responding party for the reason
13 that such a request is overly broad and beyond the scope of discovery allowed by the Nevada Rules
14 of Civil Procedure.

15 11. Responding party also objects to any request that seeks to require it to search for
16 documents or information in the possession, custody, or control of unnamed persons or entities other
17 than responding party, including, but not limited to, information that is in the possession, custody,
18 or control of unnamed persons or entities other than responding party, including but not limited to,
19 information that is in the possession, custody, or control of public entities, for the reason that such
20 a request is unduly burdensome, expensive, harassing, and beyond the obligations imposed upon
21 responding party by the Nevada Rules of Civil Procedure.

22 12. As stated above, responding party objects to all interrogatories to the extent that
23 such interrogatories call for the production of privileged and/or protected information. In the event
24 that responding party unintentionally produces information that is privileged and/or protected, such
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2 production is inadvertent and made without the intent to waive responding parties' privileges and/or
3 protections applicable thereto. In the event that privileged and/or protect information is
4 unintentionally produced, responding party requests that all such information (including copies of
5 any documents) be promptly returned to responding party or their attorneys of record, and responding
6 party expressly reserves all objections to any use of such information in this litigation.
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8 13. The restatement of any specific objection in the context of these responses shall
9 not be construed to imply waiver of any unstated objections addressed by these General Objections
10 and Caveats, or any other applicable privilege or exemption from discovery and the counterparts
11 under the laws of any jurisdiction that may be applicable.
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13 14. Responding party reserves the right to rely upon all documents and information
14 supplied hereby or in connection with any disclosures, admissions or other discovery in support of
15 or in opposition to any contention, claim, or defense raised in this litigation, regardless of whether
16 such information or documents are supplied in response to one Interrogatory, yet not incorporated
17 by cross-reference in response to another Interrogatory that might be related to the contention in
18 question.
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20 15. Responding party responds to the Interrogatories as responding party reasonably
21 interprets and understands such Interrogatories.

22 16. Subject to all of the foregoing objections, each of which is incorporated into each of
23 the following responses by this reference, responding party to as set forth below.

24 17. Wherever Defendant objects to a Interrogatory on the grounds that said Interrogatory
25 is unduly burdensome and oppressive, Plaintiff's attention is directed to the following cases: *Riss &*
26 *Co. vs. Association of American Railroads*, 23 F.R.D. 211 (D.D.C. 1959); *United States v. Lowe's*
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2 Inc., 23 F.R.D. 178 (S.D.N.Y. 1959); Green v. Raymond, 41 F.R.D. 11 (D. Colo. 1966); and Flour
3 Mills of America, Inc. v. Pace, 75 F.R.D. 676 (D. Okla. 1977).

4 18. Further, wherever Defendant objects to an Interrogatory on the grounds of
5 vagueness and overbreadth, attention is directed to the following cases: Jewish Hospital Ass'n of
6 Louisville v. Struck Construction Co., 77 F.R.D. 59 (D.C. KY. 1978) and Stovall vs. Gulf & So.
7 Am. S.S. Co., 30 F.R.D. 152 (D. Tex. 1961).

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9 19. Wherever objects to an Interrogatory on the grounds that the Interrogatory is
10 irrelevant and not calculated to lead to admissible evidence, Plaintiff's attention is directed to the
11 following cases: Green v. Raymond, 41 F.R.D. 11 (D. Colo. 1966); Burroughs v. Warner Bros.
12 Pictures, 15 F.R.D. 165, 166 (D. Mass. 1963).

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14 20. Further, whenever Defendant objects to an Interrogatory regarding trial preparation
15 materials on the ground that the propounding party has failed to show "good cause" under N.R.C.P.
16 26(b) (3) Plaintiff's attention is directed to the following cases: United States v. Cathan City Corp.,
17 72 F.R.D. 640 at 642-643 (S.D. Ga. 1976); First Wisconsin Mtg. v. First Wisconsin Corp., 86 F.R.D.
18 160 at 165, 167 (E.D. Wisc. 1980).

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20 21. Finally, wherever Defendant objects to an Interrogatory on the ground of attorney-
21 client privilege, Plaintiff's attention is directed to the following cases: Sperry Rand Corp. v. IBM,
22 45 F.R.D. 287 (D. Del. 1967); and Jewish Hospital Ass'n of Louisville v. Struck Construction Co.,
23 77 F.R.D. 59 (S.C. Ky. 1978).

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RESPONSE TO INTERROGATORIES

INTERROGATORY NO. 1:

Please describe in detail any and all Transactions referred to in paragraph 118 of Plaintiffs' Amended complaint, including but not limited to, a description of each property transferred, hypothecated and encumbered, the date that each occurred, and the names of all parties involved.

RESPONSE TO INTERROGATORY NO. 1:

Objection. The request is vague and overbroad, unduly burdensome and oppressive. Without waiver of said objection, Defendant Las Vegas Land Partners, LLC (hereinafter "LVLP"), by and through its principals Barnett Liberman ("Liberman") and David J. Mitchell ("Mitchell"), have hidden, concealed, obfuscated and flat out refused to comply with their discovery obligations, and express discovery orders of the court in Case No. A-07-551073 (the "Prior Case"). Plaintiffs continue their efforts to obtain copies of critical and important documentation, and discovery continues both in this matter, as well as that case. Plaintiffs will timely and seasonably supplement their responses with relevant discovery information as such information becomes available. Plaintiff responds: See Plaintiffs' 16.1 Disclosures, especially items 19 and 20.

INTERROGATORY NO. 2:

For each transaction referred to in your response to Interrogatory No. 1 above, describe in detail the basis for alleging the Transaction was for an "improper purpose."

RESPONSE TO INTERROGATORY NO. 2:

Objection. See Objection and Response to Interrogatory and Request for Production No. 1. Without waiver of said objections, Mitchell indicated in the Prior Case that Plaintiffs would never collect because defendants had set everything up so as to make LVLP Judgment proof.

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2 Further, shortly after Plaintiffs obtained judgment in the Prior Case, defendants herein arranged to
3 sell, transfer, convey and hypothecate most of the residual tangible assets in which LVLP had
4 beneficial interests to independent third parties (as shown in Plaintiff's disclosures, Items 19 & 20),
5 without disclosing or properly accounting for the proceeds thereof.

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7 **INTERROGATORY NO. 3 :**

8 For each transaction referred to in your response to Interrogatory No. 1 above, describe in
9 detail the basis for alleging the Transaction was for an "inadequate consideration."

10 **RESPONSE TO INTERROGATORY NO. 3 :**

11 See Objection response to Interrogatory No. 1. Without waiver of said objections, and
12 further, on information and belief, many of the transfers were not arms-length. On information
13 and belief, the values stated in public records and in the documentation produced by defendants
14 hereto were often capricious and not reflective of true fair market value, but were instead stated
15 in an effort to maximize the benefit to defendants, and minimize expenses and tax consequences.
16 Plaintiff's are in the process of seeking appraisals for the subject transactions and discovery
17 continues.
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20 **INTERROGATORY NO. 4:**

21 For each Transaction referred to in paragraph 123 of Plaintiffs' Amended Complaint,
22 describe in detail the basis for alleging "that Defendants have taken numerous actions to avoid
23 satisfying Plaintiffs' claims against Las Vegas Land Partners, LLC."

24 **RESPONSE TO INTERROGATORY NO. 4 :**

25 See Objections and Responses to Interrogatories 1-3. Without waiver of said objection,
26 Defendants, despite at one time owning dozens of Southern Nevada Real Estate Parcels outright,
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undertook to convey their interests in such into associated and affiliated entities, most of which failed to properly observe or maintain appropriate formalities, to the extent that they were mere shells and acting as the alter egos of defendants LVLP, Mitchell and Liberman.

INTERROGATORY NO. 5 :

For each Transaction referred to in paragraph 124 of Plaintiffs' Amended Complaint, describe in detail the basis for alleging "that in order to avoid potential execution against real estate interest, *inter alia*, Defendant, Las Vegas Land Partners, LLC took steps to hypothecate and transfer said property interests and cash to the other Defendants herein.

RESPONSE TO INTERROGATORY NO. 5 :

See Objection and Response to Interrogatory No. 4.

INTERROGATORY NO. 6:

For each Transaction referred to in paragraph 125 of Plaintiffs' Amended Complaint, describe in detail the basis for alleging "such transfers by Defendants were undertaken in an effort to avoid the adverse financial consequences of Plaintiff's pending claims, as well as those of other creditors."

RESPONSE TO INTERROGATORY NO. 6:

See Objection and Response to Interrogatory No. 2.

INTERROGATORY NO. 7 :

For each Transaction referred to in paragraph 126 of Plaintiffs' Amended Complaint, describe in detail the basis for alleging, "the aforementioned transfers were gratuitous, or for inadequate or disguised consideration, made without obligation, and made with an intent to deprive Plaintiff of its ability to recover such funds directly from Las Vegas Land Partners, LLC in connection with the monies owed to Plaintiff."

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RESPONSE TO INTERROGATORY NO. 7 :

See Objections and Responses to Interrogatory No. 2 and No. 4.

INTERROGATORY NO. 8:

For each Transaction referred to in paragraph 128 of Plaintiffs' Amended Complaint, describe in detail the transfers of beneficial interest referred to and the basis for alleging the transfers were made "with the actual intent to hinder delay and to defraud their creditors, including Nype, but [sic] fraudulently transferring assets to insiders and the entity defendants."

RESPONSE TO INTERROGATORY NO. 8:

See Objections and Responses to Interrogatory No. 2 and No. 4.

INTERROGATORY NO. 9 :

For each Transaction referred to in paragraph 129 of Plaintiffs' Amended Complaint, describe in detail the "aid" referred to between Las Vegas Land Partners, LLC and "other defendants."

RESPONSE TO INTERROGATORY NO. 9 :

See Objections and Responses to Interrogatories No. 2 and No. 4. Without waiver of said objections, and further, Plaintiffs note that each of the alleged separate entity defendants participated at one time or another in one or more transactions deriving directly from LVLP and its principals, Liberman and Mitchell. As separately alleged, the various associated entities fail to properly maintain and observe business, corporate, legal, and accounting formalities. In reality, they were merely the alter egos of LVLP, Mitchell, and Liberman. Nevertheless, to the extent that there is any separate identity or existence of the associated entities, their participation in multiple transactions helped to "strip" LVLP of attachable assets, which is the factual basis underlying the allegations in said paragraph 129.

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INTERROGATORY NO. 10:

For each Transaction referred to in paragraph 132 of Plaintiffs' Amended Complaint, describe in detail the basis for alleging "Las Vegas Land Partners, LLC did not receive reasonably equivalent value for the transfers herein alleged."

RESPONSE TO INTERROGATORY NO. 10:

See Objection and Response to Interrogatory No. 3.

INTERROGATORY NO. 11:

For each Transaction referred to in paragraph 133 of Plaintiffs' Amended Complaint, describe in detail the basis for alleging that "Defendant Las Vegas Land Partners, LLC intended to incur or reasonably should have believed they would incur debts beyond its ability to pay the same as they become due..."

RESPONSE TO INTERROGATORY NO. 11:

See Objection and Response to Interrogatory No. 1. Without waiver of said objection, and supplementing the same, the series of transactions undertaken by LVLP, over a period of time, literally stripped and denuded LVLP of millions of dollars of monetary and other valuable assets, despite LVLP continuing to maintain its apparent corporate existence, with ongoing obligations and payments not only for itself, but for purposes of litigation in both this and the prior case, and the operating expenses of numerous associated entities as well. LVLP certainly knew or should have known, as it denuded itself of assets, that such transactions would leave in a position where for approximately the last three years, more or less, LVLP has not even been able to pay its own operating and maintenance expenses, instead having to rely on the resources and personal credit cards of its principals, Mitchell and Liberman, who have on a recurring basis been

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2 paying such expenses out of their own pockets. In doing so, defendants once again totally failed
3 to observe appropriate and requisite business, corporate, and legal formalities regarding the same.

4 **INTERROGATORY NO. 12:**

5 For each Transaction referred to in paragraph 136-142 of Plaintiffs' Amended Complaint,
6 describe in detail the basis, including all Transactions, for alleging the Civil Conspiracy
7 complained of by Plaintiffs.
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9 **RESPONSE TO INTERROGATORY NO. 12:**

10 See Objection and Response to Interrogatory No. 1, and see particularly the dozens of
11 transactions enumerated in detail in Plaintiff's 16.1 Disclosures, Document Categories 19 and 20.

12 **INTERROGATORY NO. 13:**

13 Describe in detail any and all facts or Transactions that make David J. Mitchell the alter ego
14 of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and
15 ownership equity transfers and financial distributions and transactions, the dates of each, and the
16 names of all involved parties.
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18 **RESPONSE TO INTERROGATORY NO. 13:**

19 See Objections and Response to Interrogatories Nos. 1 and 12. Further, and without
20 waiver, Mitchell as an acknowledged manager of LVLP, was personally involved in numerous of
21 the subject transactions in question, including paying the expenses of associated entities, and
22 failing to properly observe and maintain business, corporate, and legal formalities regarding such
23 alleged separate entities, as shown in part in Plaintiff's 16.1 Disclosures, Document No. 2.
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25 **INTERROGATORY NO. 14:**

26 Describe in detail any and all facts or Transactions that make Meyer Property, LTD., the
27 alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real
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property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

RESPONSE TO INTERROGATORY NO. 14:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

See also related response to Interrogatory No. 13.

INTERROGATORY NO. 15:

Describe in detail any and all facts or Transactions that make Zoe Property, LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

RESPONSE TO INTERROGATORY NO. 15:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

See also related response to Interrogatory No. 13.

INTERROGATORY NO. 16:

Describe in detail any and all facts or Transactions that make Leah Property, LCC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

RESPONSE TO INTERROGATORY NO. 16:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

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See also related response to Interrogatory No. 13.

INTERROGATORY NO. 17 :

Describe in detail any and all facts or Transactions that make Wink One, LCC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

RESPONSE TO INTERROGATORY NO. 17 :

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

See also related response to Interrogatory No. 13.

INTERROGATORY NO. 18:

Describe in detail any and all facts or Transactions that make Live Work, LCC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

RESPONSE TO INTERROGATORY NO. 18:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

See also related response to Interrogatory No. 13.

INTERROGATORY NO. 19 :

Describe in detail any and all facts or Transactions that make Live Work Manager, LCC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real

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2 property and ownership equity transfers and financial distributions and transactions, the dates of
3 each, and the names of all involved parties.

4 **RESPONSE TO INTERROGATORY NO. 19 :**

5 See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing
6 the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.
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8 See also related response to Interrogatory No. 13.

9 **INTERROGATORY NO. 20:**

10 Describe in detail any and all facts or Transactions that make Aquarius Owner, LCC the
11 alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real
12 property and ownership equity transfers and financial distributions and transactions, the dates of
13 each, and the names of all involved parties.

14 **RESPONSE TO INTERROGATORY NO. 20:**

15 See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing
16 the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.
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18 See also related response to Interrogatory No. 13.

19 **INTERROGATORY NO. 21:**

20 Describe in detail any and all facts or Transactions that make LVLP Holding, LLC the
21 alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real
22 property and ownership equity transfers and financial distributions and transactions, the dates of
23 each, and the names of all involved parties.
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25 **RESPONSE TO INTERROGATORY NO. 21:**

26 See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing
27 the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.
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See also related response to Interrogatory No. 13.

INTERROGATORY NO. 22:

Describe in detail any and all facts or Transactions that make Mitchell Holding, LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

RESPONSE TO INTERROGATORY NO. 22:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

See also related response to Interrogatory No. 13.

INTERROGATORY NO. 23:

Describe in detail any and all facts or Transactions that make Live Works TIC Successor, LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

RESPONSE TO INTERROGATORY NO. 23:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

See also related response to Interrogatory No. 13.

INTERROGATORY NO. 24:

Describe in detail any and all facts or Transactions that make FC/Live Works Vegas, LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and ownership equity transfers and financial distributions and transactions, the

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2 dates of each, and the names of all involved parties.

3 **RESPONSE TO INTERROGATORY NO. 24:**

4 See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing
5 the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

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7 See also related response to Interrogatory No. 13.

8 **INTERROGATORY NO. 25:**

9 Describe in detail any and all facts or Transactions that make Casino Coolidge, LLC the
10 alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real
11 property and ownership equity transfers and financial distributions and transactions, the dates of
12 each, and the names of all involved parties.

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14 **RESPONSE TO INTERROGATORY NO. 25:**

15 See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing
16 the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

17 See also related response to Interrogatory No. 13.

18 **INTERROGATORY NO. 26:**

19 Excluding Las Vegas Land Partners, LLC, describe in detail any and all facts and
20 Transactions that make "Defendants...and each of them, were and remain the alter egos of each
21 other....," as alleged in paragraph 149 of Plaintiffs' Amended Complaint.

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23 **RESPONSE TO INTERROGATORY NO. 26:**

24 See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing
25 the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

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27 See also related response to Interrogatory No. 13.

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2 **INTERROGATORY NO. 27:**

3 For any transactions or facts claimed in response to paragraphs 13-26 of these
4 Interrogatories, describe which Transactions or facts are the basis of the allegation that “which
5 entities as a practical matter exist with functional unity of ownership in said Defendants, Las
6 Vegas Land Partners, Liberman or Mitchell...,” as alleged in paragraph 150 of Plaintiffs’
7 Amended Complaint.
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9 **RESPONSE TO INTERROGATORY NO. 27:**

10 See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing
11 the same, see also Exhibits 2, 19, and 20 in Plaintiff’s 16.1 Disclosures and Supplements thereto.
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13 See also related response to Interrogatory No. 13.

14 **INTERROGATORY NO. 28:**

15 For any transactions or facts claimed in response to paragraphs 13-26 of these
16 Interrogatories, describe which Transactions or facts are the basis of the allegation that “the true
17 and factual individuality and separateness of each such entity was and remains non-existent; each
18 such entity was and remains a mere shell and naked framework...,” as alleged in paragraph 150 of
19 Plaintiffs’ Amended Complaint.
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21 **RESPONSE TO INTERROGATORY NO. 28:**

22 See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing
23 the same, see also Exhibits 2, 19, and 20 in Plaintiff’s 16.1 Disclosures and Supplements thereto.
24

25 See also related response to Interrogatory No. 13.

26 **INTERROGATORY NO. 29:**

27 For any transactions or facts claimed in response to paragraphs 13-26 of these
28 Interrogatories, describe which Transactions or facts are the basis of the allegation that “Each

1
2 such entity is, upon information and belief, merely another nominal manifestation of the business
3 and financial affairs of Defendants Las Vegas Land Partners, Liberman or Mitchell...," as alleged
4 in paragraph 150 of Plaintiffs' Amended Complaint.

5 **RESPONSE TO INTERROGATORY NO. 29:**

6
7 See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing
8 the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

9 See also related response to Interrogatory No. 13.

10 **INTERROGATORY NO. 30:**

11 Describe in detail any facts or Transactions that Plaintiffs believe gives this Court
12 personal jurisdiction over Defendant David J. Mitchell.

13
14 **RESPONSE TO INTERROGATORY NO. 30:**

15 See Objection and Response to Interrogatory No. 1. Further, and without waiver of said
16 objections, Mitchell acting both on his individual account as well as on behalf of his purported
17 separate interest and management role in LVLP, personally traveled to Las Vegas on literally
18 dozens of occasions, participated in negotiating numerous transactions, and acted not only on
19 behalf of Las Vegas Land Partners, as an alleged separate entity, but also on his own behalf.
20 Significantly, after entering into a transactions which were the subject of the prior case, as
21 between LVLP, Live Work, LLC, and Wink One, LLC, with Forest City Enterprises, and
22 various of its affiliated and subsidiary entities. Those transactions which led to the litigation in
23 the Prior Case, literally resulted in monies in excess of \$10 million flowing to LVLP, a very
24 substantial portion of which was immediately distributed to Mitchell and Liberman, in total
25 derogation of the rights of known existing creditors, such as Plaintiffs herein. Even after those
26 underlying transactions, however, Mitchell continued to wheel and deal both on behalf of his
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2 own account, as well as on behalf of the various associated entities named as defendants herein,
3 including several self-serving transactions such as the relatively recent one with 305 Las Vegas,
4 LLC, resulting in Mitchell once again benefitting personally to the tune of millions of dollars
5 while creditors such as Nype remained unpaid. Undertaking all of the above actions, to avail
6 themselves of the benefits and privilege of doing business in Clark County, Nevada, while
7 simultaneously failing to observe various requisite business, statutory, regulatory, corporate, and
8 other formalities necessary to preserve and maintain the separate existence of said fictitious
9 entities.
10

11 **INTERROGATORY NO. 31:**

12 Describe in detail any facts or Transactions that Plaintiffs believe gives this Court
13 personal jurisdiction over Defendant Mitchell Holdings, LLC.
14

15 **RESPONSE TO INTERROGATORY NO. 31:**

16 See Objection and Response to Interrogatories Nos. 1 and 30. Without waiver, and
17 supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and
18 Supplements thereto. See also related response to Interrogatory No. 13.
19

20 **INTERROGATORY NO. 32:**

21 Provide the name(s) and contact information sufficient for service of a subpoena, of any
22 individuals or companies that Plaintiffs have contracted or consulted with related to the
23 allegations in Plaintiffs' Amended Complaint.
24

25 **RESPONSE TO INTERROGATORY NO. 32:**

26 See Objection and Response to Interrogatory No. 1. Further, the request as stated violates
27 the attorney-client privilege, and is further objectionable in regard to the request soliciting and
28 seeking trial preparation materials. Without waiver of all of the foregoing objections, Plaintiff's

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respond that percipient witnesses, and consultants, and experts whom Plaintiff expects to utilize at trial are more specifically identified and designated in Plaintiff's 16.1 Disclosures. Discovery continues and this response will be supplemented as new knowledgeable witnesses are determined and identified

INTERROGATORY NO. 33:

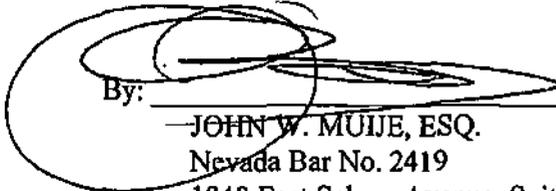
Provide the name(s) and contact information sufficient for service of a subpoena, of any individuals or companies that Plaintiffs have contracted or consulted with related to judgment collection efforts in Clark County District Court case number 07A551073.

RESPONSE TO INTERROGATORY NO. 33:

See Objection and Response to Interrogatory No. 32.

DATED this 2nd day of February, 2018.

JOHN W. MUIJE & ASSOCIATES

By: 
—JOHN W. MUIJE, ESQ.

Nevada Bar No. 2419
1840 East Sahara Avenue, Suite 106
Las Vegas, Nevada 89104
Telephone: 702-386-7002
Facsimile: 702- 386-9135
E-Mail: jmuje@mujelawoffice.com
Attorneys for Plaintiffs

1 VERIFICATION

2 STATE OF _____)
3) ss.
4 COUNTY OF _____)

5 RUSSELL NYPE, being first duly sworn upon his oath, deposes and states as follows:

6 That I am the Manager of REVENUE PLUS, LLC, in the above-entitled action; that I have
7 read the foregoing **PLAINTIFF REVENUE PLUS, LLC'S RESPONSES TO DEFENDANTS'**
8 **FIRST SET OF INTERROGATORIES**, and know the contents thereof; that the same is true of
9 his own knowledge and information, except for those matters therein stated on information and
10 belief, and as to those matters, he believes them to be true.
11

12
13 _____
14 RUSSELL NYPE

15 SUBSCRIBED and SWORN to before
16 me this _____ day of February, 2018.

17
18 _____
19 NOTARY PUBLIC in and for said
20 COUNTY and STATE
21
22
23
24
25
26
27
28

LAW OFFICES
JOHN W. MUJJE & ASSOCIATES
1840 E. SAHARA AVE #106
LAS VEGAS, NEVADA 89104
Phone: (702) 388-7002 Fax: (702) 388-8135

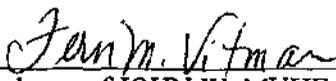
1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am an employee of JOHN W. MUIJE & ASSOCIATES, and that on
3 the 2nd day of February, 2018, I caused the foregoing document entitled: **PLAINTIFF REVENUE**
4 **PLUS, LLC'S RESPONSES TO DEFENDANTS' FIRST SET OF INTERROGATORIES,**
5 to be served as follows:

- 6
- 7 by placing a copy of the same for mailing in the United States mail, with
8 first class postage prepaid addressed as follows; and/or
 - 9 by electronically filing with the Clerk of the Court via the Odyssey E-File and
10 Serve System;
 - 11 by placing a copy of the same for mailing in the United States mail, with first
12 class postage prepaid marked certified return receipt requested addressed as
13 follows; and/or
 - 14 pursuant to EDCR 7.26, by causing a copy to be sent via facsimile at the
15 number(s) listed below; and/or
 - 16 by hand-delivering a copy to the party or parties as listed below:

16 Garry L. Hayes, Esq.
17 **HAYES & WELSH**
18 199 Arroyo Grande, #200
19 Henderson, Nevada 89074
20 Telephone: (702) 434-3444
21 Facsimile: (702) 434-3739
22 E-Mail: ghayes@lvlaw.com
23 *Attorneys for Defendants*

16 Harry Paul Marquis, Esq.
17 **HARRY PAUL MARQUIS, CHTD.**
18 400 South Fourth Street, Suite 300
19 Las Vegas, Nevada 89101
20 Telephone: (702) 382-0711
21 Facsimile: (702) 382-5816
22 E-Mail: harry@marquislaw.net
23 *Attorneys fo Defendants 305 Las Vegas,*
24 *LLC and Barnet Liberman*

23 
24 An employee of JOHN W. MUIJE & ASSOCIATES

26 R:\J Files\Nype_J3792H2016-05 - Alter Ego SUIT\Discovery\Pleadings\2.2.18 Plaintiff Revenue Plus, LLC's Responses to Def.'s 1st Set of Interrogatories.wpd

EXHIBIT 6

1 **RSPN**
2 **JOHN W. MUIJE & ASSOCIATES**
3 **JOHN W. MUIJE, ESQ.**
4 **Nevada Bar No. 2419**
5 **1840 East Sahara Avenue, #106**
6 **Las Vegas, Nevada 89104**
7 **Telephone: 702-386-7002**
8 **Facsimile: 702- 386-9135**
9 **E-Mail: jmuije@mujjelawoffice.com**
10 **Attorneys for Plaintiffs**

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

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

CASE NO: A-16-740689-B

11 **Plaintiffs,**

DEPT NO: XV

12 **vs.**

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

20 **Entity Defendants.**

21 **PLAINTIFF REVENUE PLUS, LLC'S RESPONSES TO DEFENDANTS'**
22 **FIRST SET OF INTERROGATORIES**

23 **TO: ALL DEFENDANTS; AND**

24 **TO: GARRY L. HAYES, ,ESQ., of the law firm of HAYES & WELSH, their**
25 **attorneys of record**

26 **TO: HARRY PAUL MARQUIS, ESQ., Attorneys for Defendants 305 LAS VEGAS,**
27 **LLC and BARNET LIBERMAN**

LAW OFFICES
JOHN W. MUIJE & ASSOCIATES
1840 E. SAHARA AVE. #106
LAS VEGAS, NEVADA 89104
Phone: (702) 386-7002 Fax: (702) 386-9135

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2 REVENUE PLUS, LLC (hereinafter referred to as "Responding Party"), by and through its
3 attorney of record, JOHN W. MUIJE, ESQ., of the Law Firm of JOHN W. MUIJE & ASSOCIATES,
4 responds to Plaintiff's First Set of Interrogatories as follows:
5

6 **GENERAL OBJECTIONS AND CAVEATS**

7 These responses are subject to the following qualifications, explanations and objections,
8 which apply to each Interrogatory, and which are incorporated in fully by this reference into each
9 and every response below as if set forth herein.
10

11 1. These responses are made solely for the purposes of this action.

12 2. The responding party hereinabove reserves the right to make any and all
13 evidentiary objections to the introduction of any of these responses and/or any information contained
14 therein (including, without limitation, documents) into evidence at any hearing in this case or
15 otherwise, and reserves the right to raise these objections as a bar to introduction of any of these
16 responses or information contained therein at any hearing or otherwise. Each response is subject to
17 all objections as to competence, relevance, materiality, propriety, admissibility, and exclusion of any
18 statement herein as if any portion of the interrogatories were asked of, or if any statement contained
19 herein was made by, a witness present and testifying in court, all of which objections and grounds
20 are reserved any may be interposed at the time of any hearing. Defendant should not imply or infer
21 the admission of any matter from these responses or any information produced, except as explicitly
22 stated.
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25 3. These responses are based upon information presently known and ascertained by
26 the above responding party. However, the responding party herein has not yet completed its
27 investigation of all of the circumstances relating to this dispute and has not completed discovery or
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2 preparation for hearing of this matter. Accordingly, the responses herein are submitted without
3 prejudice to utilizing subsequently discovered or recalled information. The responding party herein
4 reserves the right to amend, add to, delete from, or in any other manner modify these responses after
5 it has completed its discovery and investigation efforts and has ascertained all relevant facts.

6
7 4. The responding party objects generally to the Requests to the extent that they or
8 any of them call for the provision of information that is protected by applicable statutory or common
9 law privileges and/or protections, including but not limited to: (1) the attorney-client privilege; (2)
10 the attorney work product rule; (3) N. R.S. § 657.130, relating to the privilege afforded documents
11 prepared by or for a financial institution's committee to review compliance; (4) N.R.S. § 49.025, in
12 conjunction with 12 C.F.R. § 363.2, relating to the privilege afforded reports that are required to be
13 prepared by statute; and (5) the right of privacy contained in Article 1, Section 1 of the United States
14 Constitution and in applicable state constitutional, statutory or case law. As such, the Plaintiff will
15 provide only responsive documents that are not subject to any applicable statutory or common law
16 privileges or protections.
17

18 5. The responding party objects to each interrogatory (and any portion thereof) of the
19 extent that it seeks the disclosure of the identities of, or any work generated by, non-testifying
20 consulting experts retained by or at the direction of the responding attorneys in anticipation or
21 preparation for this and/or other threatened or pending litigation in connection with the rendering
22 of legal advice to the responding party herein. Responding party's attorneys' join in these objections
23 to the extent that the right to protect information from discovery belongs to those attorneys. In
24 making its responses to the interrogatories, and/or in producing documents for inspection and/or
25 copying responding party herein will not produce any such privileged items.
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1 6. Responding party herein objects to each interrogatory (and any portion thereof) to
2 the extent that it seeks information consisting of, or containing, confidential, protected, private,
3 sensitive trade secrets, research, development, commercial and/or otherwise proprietary information
4 of responding party herein, which is privileged from discovery. In making its responses to these
5 interrogatories, and/or in producing documents for inspection and/or copying, responding party
6 herein will not produce or disclose any such information.
7

8 7. Responding party herein objects to each interrogatory (and any portion thereof) to
9 the extent that it is overly or unduly burdensome, vague, ambiguous, unintelligible, uncertain,
10 incomprehensible, compound, oppressive, intrusive of the privacy or proprietary rights of responding
11 party herein and/or third parties, overbroad, irrelevant, not reasonably calculated to lead to the
12 discovery of admissible evidence, fails to identify the information requested with reasonable or
13 adequate particularity, or seeks to impose upon responding party herein burdens beyond those
14 established under the Nevada Rules of Civil Procedure or Nevada law.
15

16 8. Responding party has performed a reasonable inquiry in search of information as
17 required by the Nevada Rules of Civil Procedure and has made very reasonable effort to locate the
18 information described herein, which effort has been made in good faith. Responding party cannot
19 affirm, however, that "all" such information has been supplied. Although responding party herein
20 believes that all such information has been produced that is with Responding Parties' possession
21 and/or control, responding party will supplement these responses in accordance with the applicable
22 discovery rules in the event that responding party discovers that they have inadvertently failed to
23 provide information within their responses.
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25 9. Responding party objects to each interrogatory that uses language such as "each
26 and every" or similar broad language. Such interrogatories are onerous, burdensome, harassing,
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2 prejudicial, and overly broad. Each interrogatory asking "any and all" or "each and every" is
3 objectionable and such an inquiry, in essence, is a request for evidence and not discoverable
4 information. *See, e.g., United State vs. Renault, Inc.*, 37 F.R.D. 23, 26-27 (S.D.N.Y. 1960).

5 Moreover, responding party has no possible means of making the all-encompassing identifications
6 that such a broadly-worded interrogatory requires.
7

8 9. Responding party objects to each interrogatory (and any portion thereof) to the
9 extent that it seeks to impose a burden upon responding party to search for information or documents
10 in the possession, custody, or control of persons or entities other than responding party for the reason
11 that such a request is overly broad and beyond the scope of discovery allowed by the Nevada Rules
12 of Civil Procedure. Responding party also objects to any request that seeks to require it to search
13 for documents or information in the possession, custody, or control of unnamed persons or entities
14 other than responding party, including, but not limited to, information that is in the possession,
15 custody, or control of unnamed persons or entities other than responding party, including but not
16 limited to, information that is in the possession, custody, or control of public entities, for the reason
17 that such a request is unduly burdensome, expensive, harassing, and beyond the obligations imposed
18 upon responding party by the Nevada Rules of Civil Procedure.
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21 10. As stated above, responding party objects to all interrogatories to the extent that
22 such interrogatories call for the production of privileged and/or protected information. In the event
23 that responding party unintentionally produces information that is privileged and/or protected, such
24 production is inadvertent and made without the intent to waive responding parties' privileges and/or
25 protections applicable thereto. In the event that privileged and/or protect information is
26 unintentionally produced, responding party requests that all such information (including copies of
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any documents) be promptly returned to responding party or their attorneys of record, and responding party expressly reserves all objections to any use of such information in this litigation.

11. The restatement of any specific objection in the context of these responses shall not be construed to imply waiver of any unstated objections addressed by these General Objections and Caveats, or any other applicable privilege or exemption from discovery and the counterparts under the laws of any jurisdiction that may be applicable.

12. Responding party reserves the right to rely upon all documents and information supplied hereby or in connection with any disclosures, admissions or other discovery in support of or in opposition to any contention, claim, or defense raised in this litigation, regardless of whether such information or documents are supplied in response to one Interrogatory, yet not incorporated by cross-reference in response to another Interrogatory that might be related to the contention in question.

13. Responding party responds to the Interrogatories as responding party reasonably interprets and understands such Interrogatories.

Subject to all of the foregoing objections, each of which is incorporated into each of the following responses by this reference, responding party to as set forth below.

Wherever Defendant objects to a Interrogatory on the grounds that said Interrogatory is unduly burdensome and oppressive, Plaintiff's attention is directed to the following cases: Riss & Co. vs. Association of American Railroads, 23 F.R.D. 211 (D.D.C. 1959); United States v. Lowe's Inc., 23 F.R.D. 178 (S.D.N.Y. 1959); Green v. Raymond, 41 F.R.D. 11 (D. Colo. 1966); and Flour Mills of America, Inc. v. Pace, 75 F.R.D. 676 (D. Okla. 1977).

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Further, wherever Defendant objects to an Interrogatory on the grounds of vagueness and overbreadth, attention is directed to the following cases: Jewish Hospital Ass'n of Louisville v. Struck Construction Co., 77 F.R.D. 59 (D.C. KY. 1978) and Stovall vs. Gulf & So. Am. S.S. Co., 30 F.R.D. 152 (D. Tex. 1961).

Wherever objects to an Interrogatory on the grounds that the Interrogatory is irrelevant and not calculated to lead to admissible evidence, Plaintiff's attention is directed to the following cases: Green v. Raymond, 41 F.R.D. 11 (D. Colo. 1966); Burroughs v. Warner Bros. Pictures, 15 F.R.D. 165, 166 (D. Mass. 1963).

Further, whenever Defendant objects to an Interrogatory regarding trial preparation materials on the ground that the propounding party has failed to show "good cause" under N.R.C.P. 26(b) (3) Plaintiff's attention is directed to the following cases: United States v. Cathan City Corp., 72 F.R.D. 640 at 642-643 (S.D. Ga. 1976); First Wisconsin Mtg. v. First Wisconsin Corp., 86 F.R.D. 160 at 165, 167 (E.D. Wisc. 1980).

Finally, wherever Defendant objects to an Interrogatory on the ground of attorney-client privilege, Plaintiff's attention is directed to the following cases: Sperry Rand Corp. v. IBM, 45 F.R.D. 287 (D. Del. 1967); and Jewish Hospital Ass'n of Louisville v. Struck Construction Co., 77 F.R.D. 59 (S.C. Ky. 1978).

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RESPONSE TO INTERROGATORIES

INTERROGATORY NO. 1:

Please describe in detail any and all Transactions referred to in paragraph 118 of Plaintiffs' Amended complaint, including but not limited to, a description of each property transferred, hypothecated and encumbered, the date that each occurred, and the names of all parties involved.

RESPONSE TO INTERROGATORY NO. 1:

Objection. The request is vague and overbroad, unduly burdensome and oppressive. Without waiver of said objection, Defendant Las Vegas Land Partners, LLC (hereinafter "LVLP"), by and through its principals Barnett Liberman ("Liberman") and David J. Mitchell ("Mitchell"), have hidden, concealed, obfuscated and flat out refused to comply with their discovery obligations, and express discovery orders of the court in Case No. A-07-551073 (the "Prior Case"). Plaintiffs continue their efforts to obtain copies of critical and important documentation, and discovery continues both in this matter, as well as that case. Plaintiffs will timely and seasonably supplement their responses with relevant discovery information as such information becomes available. Plaintiff responds: See Plaintiffs' 16.1 Disclosures, especially items 19 and 20.

INTERROGATORY NO. 2:

For each transaction referred to in your response to Interrogatory No. 1 above, describe in detail the basis for alleging the Transaction was for an "improper purpose."

RESPONSE TO INTERROGATORY NO. 2:

Objection. See Objection and Response to Interrogatory and Request for Production No. 1. Without waiver of said objections, Mitchell indicated in the Prior Case that Plaintiffs would never collect because defendants had set everything up so as to make LVLP Judgment proof. Further,

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2 shortly after Plaintiffs obtained judgment in the Prior Case, defendants herein arranged to sell,
3 transfer, convey and hypothecate most of the residual tangible assets in which LVLP had beneficial
4 interests to independent third parties (as shown in Plaintiff's disclosures, Items 19 & 20), without
5 disclosing or properly accounting for the proceeds thereof.

6
7 **INTERROGATORY NO. 3 :**

8 For each transaction referred to in your response to Interrogatory No. 1 above, describe in
9 detail the basis for alleging the Transaction was for an "inadequate consideration."

10 **RESPONSE TO INTERROGATORY NO. 3 :**

11 See Objection response to Interrogatory No. 1. Without waiver of said objections, and
12 further, on information and belief, many of the transfers were not arms-length. On information and
13 belief, the values stated in public records and in the documentation produced by defendants hereto
14 were often capricious and not reflective of true fair market value, but were instead stated in an effort
15 to maximize the benefit to defendants, and minimize expenses and tax consequences. Plaintiff's are
16 in the process of seeking appraisals for the subject transactions and discovery continues.

17
18 **INTERROGATORY NO. 4:**

19
20 For each Transaction referred to in paragraph 123 of Plaintiffs' Amended Complaint,
21 describe in detail the basis for alleging "that Defendants have taken numerous actions to avoid
22 satisfying Plaintiffs' claims against Las Vegas Land Partners, LLC."

23 **RESPONSE TO INTERROGATORY NO. 4 :**

24 See Objections and Responses to Interrogatories 1-3. Without waiver of said objection,
25 Defendants, despite at one time owning dozens of Southern Nevada Real Estate Parcels outright,
26 undertook to convey their interests in such into associated and affiliated entities, most of which
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2 failed to properly observe or maintain appropriate formalities, to the extent that they were mere
3 shells and acting as the alter egos of defendants LVLP, Mitchell and Liberman.

4 **INTERROGATORY NO. 5 :**

5 For each Transaction referred to in paragraph 124 of Plaintiffs' Amended Complaint,
6 describe in detail the basis for alleging "that in order to avoid potential execution against real estate
7 interest, inter alia, Defendant, Las Vegas Land Partners, LLC took steps to hypothecate and transfer
8 said property interests and cash to the other Defendants herein.

9
10 **RESPONSE TO INTERROGATORY NO. 5 :**

11 See Objection and Response to Interrogatory No. 4.

12 **INTERROGATORY NO. 6:**

13 For each Transaction referred to in paragraph 125 of Plaintiffs' Amended Complaint,
14 describe in detail the basis for alleging "such transfers by Defendants were undertaken in an effort
15 to avoid the adverse financial consequences of Plaintiff's pending claims, as well as those of other
16 creditors."

17
18 **RESPONSE TO INTERROGATORY NO. 6:**

19 See Objection and Response to Interrogatory No. 2.

20 **INTERROGATORY NO. 7 :**

21 For each Transaction referred to in paragraph 126 of Plaintiffs' Amended Complaint,
22 describe in detail the basis for alleging, "the aforementioned transfers were gratuitous, or for
23 inadequate or disguised consideration, made without obligation, and made with an intent to deprive
24 Plaintiff of its ability to recover such funds directly from Las Vegas Land Partners, LLC in
25 connection with the monies owed to Plaintiff."
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RESPONSE TO INTERROGATORY NO. 7 :

See Objections and Responses to Interrogatory No. 2 and No. 4.

INTERROGATORY NO. 8:

For each Transaction referred to in paragraph 128 of Plaintiffs' Amended Complaint, describe in detail the transfers of beneficial interest referred to and the basis for alleging the transfers were made "with the actual intent to hinder delay and to defraud their creditors, including Nype, but [sic] fraudulently transferring assets to insiders and the entity defendants."

RESPONSE TO INTERROGATORY NO. 8:

See Objections and Responses to Interrogatory No. 2 and No. 4.

INTERROGATORY NO. 9 :

For each Transaction referred to in paragraph 129 of Plaintiffs' Amended Complaint, describe in detail the "aid" referred to between Las Vegas Land Partners, LLC and "other defendants."

RESPONSE TO INTERROGATORY NO. 9 :

See Objections and Responses to Interrogatories No. 2 and No. 4. Without waiver of said objections, and further, Plaintiffs note that each of the alleged separate entity defendants participated at one time or another in one or more transactions deriving directly from LVLP and its principals, Liberman and Mitchell. As separately alleged, the various associated entities fail to properly maintain and observe business, corporate, legal, and accounting formalities. In reality, they were merely the alter egos of LVLP, Mitchell, and Liberman. Nevertheless, to the extent that there is any separate identity or existence of the associated entities, their participation in multiple transactions helped to "strip" LVLP of attachable assets, which is the factual basis underlying the allegations in said paragraph 129.

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INTERROGATORY NO. 10:

For each Transaction referred to in paragraph 132 of Plaintiffs' Amended Complaint, describe in detail the basis for alleging "Las Vegas Land Partners, LLC did not receive reasonably equivalent value for the transfers herein alleged."

RESPONSE TO INTERROGATORY NO. 10:

See Objection and Response to Interrogatory No. 3.

INTERROGATORY NO. 11:

For each Transaction referred to in paragraph 133 of Plaintiffs' Amended Complaint, describe in detail the basis for alleging that "Defendant Las Vegas Land Partners, LLC intended to incur or reasonably should have believed they would incur debts beyond its ability to pay the same as they become due..."

RESPONSE TO INTERROGATORY NO. 11:

See Objection and Response to Interrogatory No. 1. Without waiver of said objection, and supplementing the same, the series of transactions undertaken by LVLP, over a period of time, literally stripped and denuded LVLP of millions of dollars of monetary and other valuable assets, despite LVLP continuing to maintain its apparent corporate existence, with ongoing obligations and payments not only for itself, but for purposes of litigation in both this and the prior case, and the operating expenses of numerous associated entities as well. LVLP certainly knew or should have known, as it denuded itself of assets, that such transactions would leave in a position where for approximately the last three years, more or less, LVLP has not even been able to pay its own operating and maintenance expenses, instead having to rely on the resources and personal credit cards of its principals, Mitchell and Liberman, who have on a recurring basis been paying such

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2 expenses out of their own pockets. In doing so, defendants once again totally failed to observe
3 appropriate and requisite business, corporate, and legal formalities regarding the same.

4 **INTERROGATORY NO. 12:**

5 For each Transaction referred to in paragraph 136-142 of Plaintiffs' Amended Complaint,
6 describe in detail the basis, including all Transactions, for alleging the Civil Conspiracy
7 complained of by Plaintiffs.
8

9 **RESPONSE TO INTERROGATORY NO. 12:**

10 See Objection and Response to Interrogatory No. 1, and see particularly the dozens of
11 transactions enumerated in detail in Plaintiff's 16.1 Disclosures, Document Categories 19 and 20.
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13 **INTERROGATORY NO. 13:**

14 Describe in detail any and all facts or Transactions that make David J. Mitchell the alter ego
15 of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and
16 ownership equity transfers and financial distributions and transactions, the dates of each, and the
17 names of all involved parties.
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19 **RESPONSE TO INTERROGATORY NO. 13:**

20 See Objections and Response to Interrogatories Nos. 1 and 12. Further, and without waiver,
21 Mitchell as an acknowledged manager of LVLP, was personally involved in numerous of the subject
22 transactions in question, including paying the expenses of associated entities, and failing to properly
23 observe and maintain business, corporate, and legal formalities regarding such alleged separate
24 entities, as shown in part in Plaintiff's 16.1 Disclosures, Document No. 2.
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26 **INTERROGATORY NO. 14:**

27 Describe in detail any and all facts or Transactions that make Meyer Property, LTD., the
28 alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real

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2 property and ownership equity transfers and financial distributions and transactions, the dates of
3 each, and the names of all involved parties.

4 **RESPONSE TO INTERROGATORY NO. 14:**

5 See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing
6 the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.
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8 See also related response to Interrogatory No. 13.

9 **INTERROGATORY NO. 15:**

10 Describe in detail any and all facts or Transactions that make Zoe Property, LLC the alter
11 ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real
12 property and ownership equity transfers and financial distributions and transactions, the dates of
13 each, and the names of all involved parties.

14 **RESPONSE TO INTERROGATORY NO. 15:**

15 See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing
16 the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.
17

18 See also related response to Interrogatory No. 13.

19 **INTERROGATORY NO. 16:**

20 Describe in detail any and all facts or Transactions that make Leah Property, LCC the
21 alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real
22 property and ownership equity transfers and financial distributions and transactions, the dates of
23 each, and the names of all involved parties.
24

25 **RESPONSE TO INTERROGATORY NO. 16:**

26 See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing
27 the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.
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2 See also related response to Interrogatory No. 13.

3 **INTERROGATORY NO. 17 :**

4 Describe in detail any and all facts or Transactions that make Wink One, LCC the alter ego
5 of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and
6 ownership equity transfers and financial distributions and transactions, the dates of each, and the
7 names of all involved parties.

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9 **RESPONSE TO INTERROGATORY NO. 17 :**

10 See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing
11 the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

12 See also related response to Interrogatory No. 13.

13
14 **INTERROGATORY NO. 18:**

15 Describe in detail any and all facts or Transactions that make Live Work, LCC the alter ego
16 of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and
17 ownership equity transfers and financial distributions and transactions, the dates of each, and the
18 names of all involved parties.

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20 **RESPONSE TO INTERROGATORY NO. 18:**

21 See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing
22 the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

23 See also related response to Interrogatory No. 13.

24
25 **INTERROGATORY NO. 19 :**

26 Describe in detail any and all facts or Transactions that make Live Work Manager, LCC the
27 alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real
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2 property and ownership equity transfers and financial distributions and transactions, the dates of
3 each, and the names of all involved parties.

4 **RESPONSE TO INTERROGATORY NO. 19 :**

5 See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing
6 the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.
7

8 See also related response to Interrogatory No. 13.

9 **INTERROGATORY NO. 20:**

10 Describe in detail any and all facts or Transactions that make Aquarius Owner, LCC the
11 alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real
12 property and ownership equity transfers and financial distributions and transactions, the dates of
13 each, and the names of all involved parties.

14 **RESPONSE TO INTERROGATORY NO. 20:**

15 See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing
16 the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.
17

18 See also related response to Interrogatory No. 13.

19 **INTERROGATORY NO. 21:**

20 Describe in detail any and all facts or Transactions that make LVLP Holding, LLC the
21 alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real
22 property and ownership equity transfers and financial distributions and transactions, the dates of
23 each, and the names of all involved parties.
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25 **RESPONSE TO INTERROGATORY NO. 21:**

26 See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing
27 the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.
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See also related response to Interrogatory No. 13.

INTERROGATORY NO. 22:

Describe in detail any and all facts or Transactions that make Mitchell Holding, LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

RESPONSE TO INTERROGATORY NO. 22:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

See also related response to Interrogatory No. 13.

INTERROGATORY NO. 23:

Describe in detail any and all facts or Transactions that make Live Works TIC Successor, LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real property and ownership equity transfers and financial distributions and transactions, the dates of each, and the names of all involved parties.

RESPONSE TO INTERROGATORY NO. 23:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

See also related response to Interrogatory No. 13.

INTERROGATORY NO. 24:

Describe in detail any and all facts or Transactions that make FC/Live Works Vegas, LLC the alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all

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2 real property and ownership equity transfers and financial distributions and transactions, the
3 dates of each, and the names of all involved parties.

4 **RESPONSE TO INTERROGATORY NO. 24:**

5 See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing
6 the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.
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8 See also related response to Interrogatory No. 13.

9 **INTERROGATORY NO. 25:**

10 Describe in detail any and all facts or Transactions that make Casino Coolidge, LLC the
11 alter ego of Las Vegas Land Partners, LLC, including but not limited to, a description of all real
12 property and ownership equity transfers and financial distributions and transactions, the dates of
13 each, and the names of all involved parties.

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15 **RESPONSE TO INTERROGATORY NO. 25:**

16 See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing
17 the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

18 See also related response to Interrogatory No. 13.

19
20 **INTERROGATORY NO. 26:**

21 Excluding Las Vegas Land Partners, LLC, describe in detail any and all facts and
22 Transactions that make "Defendants...and each of them, were and remain the alter egos of each
23 other...," as alleged in paragraph 149 of Plaintiffs' Amended Complaint.

24 **RESPONSE TO INTERROGATORY NO. 26:**

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26 See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing
27 the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

28 See also related response to Interrogatory No. 13.

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2 **INTERROGATORY NO. 27:**

3 For any transactions or facts claimed in response to paragraphs 13-26 of these Interrogatories,
4 describe which Transactions or facts are the basis of the allegation that “which entities as a practical
5 matter exist with functional unity of ownership in said Defendants, Las Vegas Land Partners,
6 Liberman or Mitchell...,” as alleged in paragraph 150 of Plaintiffs’ Amended Complaint.

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8 **RESPONSE TO INTERROGATORY NO. 27:**

9 See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing
10 the same, see also Exhibits 2, 19, and 20 in Plaintiff’s 16.1 Disclosures and Supplements thereto.
11 See also related response to Interrogatory No. 13.

12 **INTERROGATORY NO. 28:**

13 For any transactions or facts claimed in response to paragraphs 13-26 of these Interrogatories,
14 describe which Transactions or facts are the basis of the allegation that “the true and factual
15 individuality and separateness of each such entity was and remains non-existent; each such entity
16 was and remains a mere shell and naked framework...,” as alleged in paragraph 150 of Plaintiffs’
17 Amended Complaint.

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20 **RESPONSE TO INTERROGATORY NO. 28:**

21 See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing
22 the same, see also Exhibits 2, 19, and 20 in Plaintiff’s 16.1 Disclosures and Supplements thereto.
23 See also related response to Interrogatory No. 13.

24 **INTERROGATORY NO. 29:**

25 For any transactions or facts claimed in response to paragraphs 13-26 of these
26 Interrogatories, describe which Transactions or facts are the basis of the allegation that “Each
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2 such entity is, upon information and belief, merely another nominal manifestation of the business
3 and financial affairs of Defendants Las Vegas Land Partners, Liberman or Mitchell...,” as alleged
4 in paragraph 150 of Plaintiffs’ Amended Complaint.

5 **RESPONSE TO INTERROGATORY NO. 29:**

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7 See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing
8 the same, see also Exhibits 2, 19, and 20 in Plaintiff’s 16.1 Disclosures and Supplements thereto.

9 See also related response to Interrogatory No. 13.

10 **INTERROGATORY NO. 30:**

11 Describe in detail any facts or Transactions that Plaintiffs believe gives this Court
12 personal jurisdiction over Defendant David J. Mitchell.

13 **RESPONSE TO INTERROGATORY NO. 30:**

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15 See Objection and Response to Interrogatory No. 1. Further, and without waiver of said
16 objections, Mitchell acting both on his individual account as well as on behalf of his purported
17 separate interest and management role in LVLP, personally traveled to Las Vegas on literally dozens
18 of occasions, participated in negotiating numerous transactions, and acted not only on behalf of Las
19 Vegas Land Partners, as an alleged separate entity, but also on his own behalf. Significantly, after
20 entering into a transactions which were the subject of the prior case, as between LVLP, Live Work,
21 LLC, and Wink One, LLC, with Forest City Enterprises, and various of its affiliated and subsidiary
22 entities. Those transactions which led to the litigation in the Prior Case, literally resulted in monies
23 in excess of \$10 million flowing to LVLP, a very substantial portion of which was immediately
24 distributed to Mitchell and Liberman, in total derogation of the rights of known existing creditors,
25 such as Plaintiffs herein. Even after those underlying transactions, however, Mitchell continued to
26 wheel and deal both on behalf of his own account, as well as on behalf of the various associated
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2 entities named as defendants herein, including several self-serving transactions such as the relatively
3 recent one with 305 Las Vegas, LLC, resulting in Mitchell once again benefitting personally to the
4 tune of millions of dollars while creditors such as Nype remained unpaid. Undertaking all of the
5 above actions, to avail themselves of the benefits and privilege of doing business in Clark County,
6 Nevada, while simultaneously failing to observe various requisite business, statutory, regulatory,
7 corporate, and other formalities necessary to preserve and maintain the separate existence of said
8 fictitious entities.

9
10 **INTERROGATORY NO. 31:**

11 Describe in detail any facts or Transactions that Plaintiffs believe gives this Court personal
12 jurisdiction over Defendant Mitchell Holdings, LLC.

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14 **RESPONSE TO INTERROGATORY NO. 31:**

15 See Objection and Response to Interrogatories Nos. 1 and 30. Without waiver, and
16 supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and
17 Supplements thereto. See also related response to Interrogatory No. 13.

18
19 **INTERROGATORY NO. 32:**

20 Provide the name(s) and contact information sufficient for service of a subpoena, of any
21 individuals or companies that Plaintiffs have contracted or consulted with related to the allegations
22 in Plaintiffs' Amended Complaint.

23
24 **RESPONSE TO INTERROGATORY NO. 32:**

25 See Objection and Response to Interrogatory No. 1. Further, the request as stated violates
26 the attorney-client privilege, and is further objectionable in regard to the request soliciting and
27 seeking trial preparation materials. Without waiver of all of the foregoing objections, Plaintiff's
28 respond that percipient witnesses, and consultants, and experts whom Plaintiff expects to utilize

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at trial are more specifically identified and designated in Plaintiff's 16.1 Disclosures. Discovery continues and this response will be supplemented as new knowledgeable witnesses are determined and identified.

INTERROGATORY NO. 33:

Provide the name(s) and contact information sufficient for service of a subpoena, of any individuals or companies that Plaintiffs have contracted or consulted with related to judgment collection efforts in Clark County District Court case number 07A551073.

RESPONSE TO INTERROGATORY NO. 33:

See Objection and Response to Interrogatory No. 32.

DATED this 29 day of February, 2018.

JOHN W. MUJJE & ASSOCIATES

By: 

JOHN W. MUJJE, ESQ.
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Las Vegas, Nevada 89104
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Phone: (702) 386-7002 Fax: (702) 386-9135

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am an employee of JOHN W. MUIJE & ASSOCIATES, and that on
3 the 2nd day of February, 2018, I caused the foregoing document entitled: **PLAINTIFF RUSSELL**
4 **L. NYPE'S RESPONSES TO DEFENDANTS' FIRST SET OF INTERROGATORIES**, to
5 be served as follows:
6

- 7 by placing a copy of the same for mailing in the United States mail, with
- 8 first class postage prepaid addressed as follows; and/or
- 9 by electronically filing with the Clerk of the Court via the Odyssey E-File and
- 10 Serve System;
- 11 by placing a copy of the same for mailing in the United States mail, with first
- 12 class postage prepaid marked certified return receipt requested addressed as
- 13 follows; and/or
- 14 pursuant to EDCR 7.26, by causing a copy to be sent via facsimile at the
- 15 number(s) listed below; and/or
- 16 by hand-delivering a copy to the party or parties as listed below:

16 Garry L. Hayes, Esq.
17 **HAYES & WELSH**
18 199 Arroyo Grande, #200
19 Henderson, Nevada 89074
20 Telephone: (702) 434-3444
21 Facsimile: (702) 434-3739
22 E-Mail: ghayes@lvlaw.com
23 *Attorneys for Defendants*

16 Harry Paul Marquis, Esq.
17 **HARRY PAUL MARQUIS, CHTD.**
18 400 South Fourth Street, Suite 300
19 Las Vegas, Nevada 89101
20 Telephone: (702) 382-0711
21 Facsimile: (702) 382-5816
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23 *Attorneys fo Defendants 305 Las Vegas,*
24 *LLC and Barnet Liberman*

23 *Fern M. Vitman*
24 An employee of JOHN W. MUIJE & ASSOCIATES

26 R:\F\est\Nype_J3792\F\2016--03 - Alter Ego SUT\Discovery\Pleadings\2.1.18 Plif Nype's Responses to Interrogatories.wpd

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EXHIBIT 7

1 **RSPN**
2 JOHN W. MUIJE & ASSOCIATES
3 JOHN W. MUIJE, ESQ.
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5 1840 East Sahara Avenue, #106
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9 E-Mail: jmuije@mujjelawoffice.com
10 *Attorneys for Plaintiffs*

DISTRICT COURT

CLARK COUNTY, NEVADA

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

CASE NO: A-16-740689-B

11 Plaintiffs,

DEPT NO: XV

12 vs.

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

Entity Defendants.

PLAINTIFF RUSSELL L. NYPE'S RESPONSES TO DEFENDANTS'
REQUEST FOR PRODUCTION OF DOCUMENTS

23 TO: ALL DEFENDANTS; and

24 TO: GARRY L. HAYES, ,ESQ., of the law firm of HAYES & WELSH, their
25 attorneys of record

26 TO: HARRY PAUL MARQUIS, ESQ., Attorneys for Defendants 305 LAS VEGAS,
27 LLC and BARNET LIBERMAN
28

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2 RUSSELL L. NYPE (hereinafter referred to as "Responding Party" by and through its
3 attorney of record, JOHN W. MUIJE, ESQ., of the Law Firm of JOHN W. MUIJE & ASSOCIATES,
4 hereby responds to Defendants' First Set of Request Production of Documents as follows:

5
6 **GENERAL OBJECTIONS AND CAVEATS**

7 These responses are subject to the following qualifications, explanations and objections,
8 which apply to each request, and which are incorporated in fully by this reference into each and
9 every response below as if set forth herein.

10 1. These responses are made solely for the purposes of this action.
11 2. The responding party hereinabove reserves the right to make any and all
12 evidentiary objections to the introduction of any of these responses and/or any information contained
13 therein (including, without limitation, documents) into evidence at any hearing in this case or
14 otherwise, and reserves the right to raise these objections as a bar to introduction of any of these
15 responses or information contained therein at any hearing or otherwise. Each response is subject to
16 all objections as to competence, relevance, materiality, propriety, admissibility, and exclusion of any
17 statement herein as if any portion of the interrogatories were asked of, or if any statement contained
18 herein was made by, a witness present and testifying in court, all of which objections and grounds
19 are reserved any may be interposed at the time of any hearing. Defendant should not imply or infer
20 the admission of any matter from these responses or any information produced, except as explicitly
21 stated.
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24 3. These responses are based upon information presently known and ascertained by
25 the above responding party. However, the responding party herein has not yet completed its
26 investigation of all of the circumstances relating to this dispute and has not completed discovery or
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2 preparation for hearing of this matter. Accordingly, the responses herein are submitted without
3 prejudice to utilizing subsequently discovered or recalled information. The responding party herein
4 reserves the right to amend, add to, delete from, or in any other manner modify these responses after
5 it has completed its discovery and investigation efforts and has ascertained all relevant facts.

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7 4. The responding party herein objects to each request (and any portion thereof) to
8 the extent that it purports to call for privileged information, including information protected by the
9 attorney-client privilege, work produce doctrine, and/or investigative privilege. The responding
10 party's attorneys herein joins in these objections to the extent that the right to protect information
11 from discovery belongs to those attorneys. In making its responses to the requests, and/or in
12 producing documents for inspection and/or copying, the responding party herein will not produce
13 any such information. Such documents, to the extent they consist of attorney/client communications,
14 attorney work produce, and communications with consulting expert(s) have not been produced. To
15 the extent such documents are contained in the client's business files, such documents have been
16 identified on the Privilege Log.

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18 5. The responding party objects to each request (and any portion thereof) of the
19 extent that it seeks the disclosure of the identities of, or any work generated by, non-testifying
20 consulting experts retained by or at the direction of the responding attorneys in anticipation or
21 preparation for this and/or other threatened or pending litigation in connection with the rendering
22 of legal advice to the responding party herein. Responding party's attorneys' join in these objections
23 to the extent that the right to protect information from discovery belongs to those attorneys. In
24 making its responses to the interrogatories, and/or in producing documents for inspection and/or
25 copying responding party herein will not produce any such privileged items.
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To the extent such documents are contained in the client's business files, such documents have been identified on a Privilege Log and/or Amended Privilege Log.

6. Responding party herein objects to each request (and any portion thereof) to the extent that it seeks information consisting of, or containing, confidential, protected, private, sensitive trade secrets, research, development, commercial and/or otherwise proprietary information of responding party herein, which is privileged from discovery, including, without limitation, information with respect to other customers or clients of the responding party. In producing documents for inspection and/or copying, the responding party herein will not produce or disclose any such information.

7. Responding party herein objects to each request (and any portion thereof) to the extent that it is overly or unduly burdensome, vague, ambiguous, unintelligible, uncertain, incomprehensible, compound, oppressive, intrusive of the privacy or proprietary rights of responding party herein and/or third parties, overbroad, irrelevant, not reasonably calculated to lead to the discovery of admissible evidence, fails to identify the information requested with reasonable or adequate particularity, or seeks to impose upon responding party herein burdens beyond those established under the Nevada Rules of Civil Procedure or Nevada law.

8. Responding party has performed a reasonable inquiry in search of information as required by the Nevada Rules of Civil Procedure and has made very reasonable effort to locate the information described herein, which effort has been made in good faith. Responding party cannot affirm, however, that "all" such information has been supplied. Although responding party herein believes that all such information has been produced that is with Responding Parties' possession and/or control, responding party will supplement these responses in

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2 accordance with the applicable discovery rules in the event that responding party discovers that
3 they have inadvertently failed to provide information within their responses.

4 9. Responding party objects to each request that uses language such as “each and
5 every” or similar broad language. Such requests are onerous, burdensome, harassing, prejudicial,
6 and overly broad. Each request asking “any and all” or “each and every” is objectionable and such
7 an inquiry, in essence, is a request for evidence and not discoverable information. *See, e.g., United*
8 *State vs. Renault, Inc.*, 37 F.R.D. 23, 26-27 (S.D.N.Y. 1960). Moreover, responding party has no
9 possible means of making the all-encompassing identifications that such a broadly-worded
10 interrogatory requires.
11

12 10. Responding party objects to each interrogatory (and any portion thereof) to the
13 extent that it seeks to impose a burden upon responding party to search for information or documents
14 in the possession, custody, or control of persons or entities other than responding party for the reason
15 that such a request is overly broad and beyond the scope of discovery allowed by the Nevada Rules
16 of Civil Procedure.
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18 11. Responding party also objects to any request that seeks to require it to search for
19 documents or information in the possession, custody, or control of unnamed persons or entities other
20 than responding party, including, but not limited to, information that is in the possession, custody,
21 or control of unnamed persons or entities other than responding party, including but not limited to,
22 information that is in the possession, custody, or control of public entities, for the reason that such
23 a request is unduly burdensome, expensive, harassing, and beyond the obligations imposed upon
24 responding party by the Nevada Rules of Civil Procedure.
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2 12. As stated above, responding party objects to all requests to the extent that such
3 request call for the production of privileged and/or protected information. In the event that
4 responding party unintentionally produces information that is privileged and/or protected, such
5 production is inadvertent and made without the intent to waive responding parties' privileges and/or
6 protections applicable thereto. In the event that privileged and/or protect information is
7 unintentionally produced, responding party requests that all such information (including copies of
8 any documents) be promptly returned to responding party or their attorneys of record, and responding
9 party expressly reserves all objections to any use of such information in this litigation.
10

11 13. Responding party responds to the request as responding party reasonably
12 interprets and understands such Interrogatories.
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14 14. The responding party herein has made a good faith effort to produce documents
15 responsive to the Requests, as they are kept in the usual course of business (as permitted by Nev. R.
16 Civ. P. Rule 24(b)). However, it is possible that additional information will be discovered that might
17 affect the responses. In addition, the responding party herein anticipates that additional information
18 relevant to the responses may be obtained as discovery proceeds. Accordingly, the responding party
19 herein reserves the right to supplement and to introduce, at trial or otherwise, any evidence from any
20 source hereafter obtained.
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22 15. The responding party herein reserves the right to rely upon all documents supplied
23 hereby in support of or in opposition to any contention raised in this litigation, regardless of whether
24 such documents are supplied in response to one Request, yet not incorporated by cross-reference in
25 response to another Request that might be related to the contention in question.
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2 16. The restatement of any specific objection in the context of these responses shall
3 not be construed to imply waiver of any unstated objections addressed by these General Objections
4 and Caveats, or an other applicable privilege or exemption from discovery and the counterparts under
5 the laws of any jurisdiction that may be applicable.

6
7 17. Subject to all of the foregoing objections, each of which is incorporated into each
8 of the following responses by this reference, this responding party responds to the requests as set
9 forth below.

10 18. Wherever Defendants object to a Request on the grounds that said Request is unduly
11 burdensome and oppressive, Plaintiff's attention is directed to the following cases: Riss & Co. vs.
12 Association of American Railroads, 23 F.R.D. 211 (D.D.C. 1959); United States v. Loew's Inc., 23
13 F.R.D. 178 (S.D.N.Y. 1959); Green v. Raymond, 41 F.R.D. 11 (D. Colo. 1966); and Flour Mills of
14 America, Inc. v. Pace, 75 F.R.D. 676 (D. Okla. 1977).

15
16 19. Further, wherever Defendants object to a Request on the grounds of vagueness and
17 overbreadth, attention is directed to the following cases: Jewish Hospital Ass'n of Louisville v.
18 Struck Construction Co., 77 F.R.D. 59 (D.C. KY. 1978) and Stovall vs. Gulf & So. Am. S.S. Co., 30
19 F.R.D. 152 (D. Tex. 1961).

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21 20. Wherever Defendants object to a Request on the ground that the Interrogatory is
22 irrelevant and not calculated to lead to admissible evidence, Plaintiff's attention is directed to the
23 following cases: Green v. Raymond, 41 F.R.D. 11 (D. Colo. 1966); Burroughs v. Warner Bros.
24 Pictures, 15 F.R.D. 165, 166 (D. Mass. 1963).

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26 21. Further, whenever Defendants object to a Request regarding trial preparation
27 materials on the ground that the propounding party has failed to show "good cause" under N.R.C.P.
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2 26(b) (3) Plaintiff's attention is directed to the following cases: United States v. Cathan City Corp.,
3 72 F.R.D. 640 at 642-643 (S.D. Ga. 1976); First Wisconsin Mtg. v. First Wisconsin Corp., 86 F.R.D.
4 160 at 165, 167 (E.D. Wisc. 1980).

5 22. Finally, wherever Defendants object to a Request on the ground of attorney-client
6 privilege, Plaintiff's attention is directed to the following cases: Sperry Rand Corp. v. IBM, 45 F.R.D.
7 287 (D. Del. 1967); and Jewish Hospital Ass'n of Louisville v. Struck Construction Co., 77 F.R.D.
8 59 (S.C. Ky. 1978).

9
10 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS**

11 **REQUEST FOR PRODUCTION NO. 1:**

12 Please produce any and all documents relied on in responding to Interrogatory No. 1.

13
14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

15 Objection. The request is vague and overbroad, unduly burdensome and oppressive.
16 Without waiver of said objection, Defendant Las Vegas Land Partners, LLC (hereinafter "LVLP"),
17 by and through its principals Barnett Liberman ("Liberman") and David J. Mitchell ("Mitchell"),
18 have hidden, concealed, obfuscated and flat out refused to comply with their discovery obligations,
19 and express discovery orders of the court in Case No. A-07-551073 (the "Prior Case"). Plaintiffs
20 continue their efforts to obtain copies of critical and important documentation, and discovery
21 continues both in this matter, as well as that case. Plaintiffs will timely and seasonably supplement
22 their responses with relevant discovery information as such information becomes available. Plaintiff
23 responds: See Plaintiffs' 16.1 Disclosures, especially items 19 and 20.

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26 **REQUEST FOR PRODUCTION NO. 2:**

27 Please produce any and all documents relied on in responding to Interrogatory No. 2.
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2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2 :**

3 Objection. See Objection and Response to Interrogatory and Request for Production No. 1.
4 Without waiver of said objections, Mitchell indicated in the Prior Case that Plaintiffs would never
5 collect because defendants had set everything up so as to make LVLP Judgment proof. Further,
6 shortly after Plaintiffs obtained judgment in the Prior Case, defendants herein arranged to sell,
7 transfer, convey and hypothecate most of the residual tangible assets in which LVLP had beneficial
8 interests to independent third parties (as shown in Plaintiff's disclosures, Items 19 & 20), without
9 disclosing or properly accounting for the proceeds thereof.
10

11 **REQUEST FOR PRODUCTION NO. 3 :**

12 Please produce any and all documents relied on in responding to Interrogatory No. 3.
13

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3 :**

15 See Objection response to Interrogatory No. 1. Without waiver of said objections, and
16 further, on information and belief, many of the transfers were not arms-length. On information and
17 belief, the values stated in public records and in the documentation produced by defendants hereto
18 were often capricious and not reflective of true fair market value, but were instead stated in an effort
19 to maximize the benefit to defendants, and minimize expenses and tax consequences. Plaintiff's are
20 in the process of seeking appraisals for the subject transactions and discovery continues.
21

22 **REQUEST FOR PRODUCTION NO. 4:**

23 Please produce any and all documents relied on in responding to Interrogatory No. 4.
24

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4 :**

26 See Objections and Responses to Interrogatories 1-3. Without waiver of said objection,
27 Defendants, despite at one time owning dozens of Southern Nevada Real Estate Parcels outright,
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undertook to convey their interests in such into associated and affiliated entities, most of which failed to properly observe or maintain appropriate formalities, to the extent that they were mere shells and acting as the alter egos of defendants LVLP, Mitchell and Liberman.

REQUEST FOR PRODUCTION NO. 5 :

Please produce any and all documents relied on in responding to Interrogatory No. 5.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5 :

See Objection and Response to Interrogatory No. 4.

REQUEST FOR PRODUCTION NO. 6:

Please produce any and all documents relied on in responding to Interrogatory No. 6.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6 :

See Objection and Response to Interrogatory No. 2.

REQUEST FOR PRODUCTION NO. 7 :

Please produce any and all documents relied on in responding to Interrogatory No. 7.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7 :

See Objections and Responses to Interrogatory No. 2 and No. 4.

REQUEST FOR PRODUCTION NO. 8:

Please produce any and all documents relied on in responding to Interrogatory No. 8.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8 :

See Objections and Responses to Interrogatory No. 2 and No. 4.

REQUEST FOR PRODUCTION NO. 9 :

Please produce any and all documents relied on in responding to Interrogatory No. 9.

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2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9 :**

3 See Objections and Responses to Interrogatories No. 2 and No. 4. Without waiver of said
4 objections, and further, Plaintiffs note that each of the alleged separate entity defendants participated
5 at one time or another in one or more transactions deriving directly from LVLP and its principals,
6 Liberman and Mitchell. As separately alleged, the various associated entities fail to properly
7 maintain and observe business, corporate, legal, and accounting formalities. In reality, they were
8 merely the alter egos of LVLP, Mitchell, and Liberman. Nevertheless, to the extent that there is any
9 separate identity or existence of the associated entities, their participation in multiple transactions
10 helped to "strip" LVLP of attachable assets, which is the factual basis underlying the allegations in
11 said paragraph 129.

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14 **REQUEST FOR PRODUCTION NO. 10:**

15 Please produce any and all documents relied on in responding to Interrogatory No. 10.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10 :**

17 See Objection and Response to Interrogatory No. 3.

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19 **REQUEST FOR PRODUCTION NO. 11 :**

20 Please produce any and all documents relied on in responding to Interrogatory No. 11.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11 :**

22 See Objection and Response to Interrogatory No. 1. Without waiver of said objection, and
23 supplementing the same, the series of transactions undertaken by LVLP, over a period of time,
24 literally stripped and denuded LVLP of millions of dollars of monetary and other valuable assets,
25 despite LVLP continuing to maintain its apparent corporate existence, with ongoing obligations and
26 payments not only for itself, but for purposes of litigation in both this and the prior case, and the
27 operating expenses of numerous associated entities as well. LVLP certainly knew or should have
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2 known, as it denuded itself of assets, that such transactions would leave in a position where for
3 approximately the last three years, more or less, LVLP has not even been able to pay its own
4 operating and maintenance expenses, instead having to rely on the resources and personal credit
5 cards of its principals, Mitchell and Liberman, who have on a recurring basis been paying such
6 expenses out of their own pockets. In doing so, defendants once again totally failed to observe
7 appropriate and requisite business, corporate, and legal formalities regarding the same
8

9 **REQUEST FOR PRODUCTION NO. 12:**

10 Please produce any and all documents relied on in responding to Interrogatory No. 12.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12 :**

12 See Objection and Response to Interrogatory No. 1, and see particularly the dozens of
13 transactions enumerated in detail in Plaintiff's 16.1 Disclosures, Document Categories 19 and 20.
14

15 **REQUEST FOR PRODUCTION NO. 13 :**

16 Please produce any and all documents relied on in responding to Interrogatory No. 13.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13 :**

18 See Objections and Response to Interrogatories Nos. 1 and 12. Further, and without waiver,
19 Mitchell as an acknowledged manager of LVLP, was personally involved in numerous of the subject
20 transactions in question, including paying the expenses of associated entities, and failing to properly
21 observe and maintain business, corporate, and legal formalities regarding such alleged separate
22 entities, as shown in part in Plaintiff's 16.1 Disclosures, Document No. 2.
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24 **REQUEST FOR PRODUCTION NO. 14:**

25 Please produce any and all documents relied on in responding to Interrogatory No. 14.
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RESPONSE TO REQUEST FOR PRODUCTION NO. 14 :

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto. See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 15 :

Please produce any and all documents relied on in responding to Interrogatory No. 15.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto. See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 16:

Please produce any and all documents relied on in responding to Interrogatory No. 16.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16 :

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto. See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 17 :

Please produce any and all documents relied on in responding to Interrogatory No. 17.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto. See also related response to Interrogatory No. 13.

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REQUEST FOR PRODUCTION NO. 18:

Please produce any and all documents relied on in responding to Interrogatory No. 18.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18 :

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto. See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 19 :

Please produce any and all documents relied on in responding to Interrogatory No. 19.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto. See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 20:

Please produce any and all documents relied on in responding to Interrogatory No. 20.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20 :

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto. See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 21 :

Please produce any and all documents relied on in responding to Interrogatory No. 21.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

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See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 22:

Please produce any and all documents relied on in responding to Interrogatory No. 22.

RESPONSE TO REQUEST FOR PRODUCTION NO. 22 :

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 23:

Please produce any and all documents relied on in responding to Interrogatory No. 23.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 24:

Please produce any and all documents relied on in responding to Interrogatory No. 24.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24 :

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 25:

Please produce any and all documents relied on in responding to Interrogatory No. 25.

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RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 26:

Please produce any and all documents relied on in responding to Interrogatory No. 26.

RESPONSE TO REQUEST FOR PRODUCTION NO. 26 :

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 27:

Please produce any and all documents relied on in responding to Interrogatory No. 27.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 28:

Please produce any and all documents relied on in responding to Interrogatory No. 28.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28 :

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

See also related response to Interrogatory No. 13.

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REQUEST FOR PRODUCTION NO. 29:

Please produce any and all documents relied on in responding to Interrogatory No. 29.

RESPONSE TO REQUEST FOR PRODUCTION NO. 29:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 30:

Please produce any and all documents relied on in responding to Interrogatory No. 30.

RESPONSE TO REQUEST FOR PRODUCTION NO. 30 :

See Objection and Response to Interrogatory No. 1. Further, and without waiver of said objections, Mitchell acting both on his individual account as well as on behalf of his purported separate interest and management role in LVLP, personally traveled to Las Vegas on literally dozens of occasions, participated in negotiating numerous transactions, and acted not only on behalf of Las Vegas Land Partners, as an alleged separate entity, but also on his own behalf. Significantly, after entering into a transactions which were the subject of the prior case, as between LVLP, Live Work, LLC, and Wink One, LLC, with Forest City Enterprises, and various of its affiliated and subsidiary entities. Those transactions which led to the litigation in the Prior Case, literally resulted in monies in excess of \$10 million flowing to LVLP, a very substantial portion of which was immediately distributed to Mitchell and Liberman, in total derogation of the rights of known existing creditors, such as Plaintiffs herein. Even after those underlying transactions, however, Mitchell continued to wheel and deal both on behalf of his own account, as well as on behalf of the various associated

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2 entities named as defendants herein, including several self-serving transactions such as the relatively
3 recent one with 305 Las Vegas, LLC, resulting in Mitchell once again benefitting personally to the
4 tune of millions of dollars while creditors such as Nype remained unpaid. Undertaking all of the
5 above actions, to avail themselves of the benefits and privilege of doing business in Clark County,
6 Nevada, while simultaneously failing to observe various requisite business, statutory, regulatory,
7 corporate, and other formalities necessary to preserve and maintain the separate existence of said
8 fictitious entities.
9

10 **REQUEST FOR PRODUCTION NO. 31:**

11 Please produce any and all documents relied on in responding to Interrogatory No. 31.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

13 See Objection and Response to Interrogatories Nos. 1 and 30. Without waiver, and
14 supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and
15 Supplements thereto. See also related response to Interrogatory No. 13.
16

17 **REQUEST FOR PRODUCTION NO. 32:**

18 Please produce any and all documents and/or reports prepared by any person or company
19 referred to in response to Interrogatory No. 32.
20

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32 :**

22 See Objection and Response to Interrogatory No. 1. Further, the request as stated violates
23 the attorney-client privilege, and is further objectionable in regard to the request soliciting and
24 seeking trial preparation materials. Without waiver of all of the foregoing objections, Plaintiff's
25 respond that percipient witnesses, and consultants, and experts whom Plaintiff expects to utilize
26 at trial are more specifically identified and designated in Plaintiff's 16.1 Disclosures. Discovery
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continues and this response will be supplemented as new knowledgeable witnesses are determined and identified.

REQUEST FOR PRODUCTION NO. 33:

Please produce any and all documents and/or reports prepared by any person or company referred to in response to Interrogatory No. 33.

RESPONSE TO REQUEST FOR PRODUCTION NO. 33:

See Objection and Response to Interrogatory No. 32.

REQUEST FOR PRODUCTION NO. 34:

Please produce any and all documents relied on in responding to Request for Admission No. 1.

RESPONSE TO REQUEST FOR PRODUCTION NO. 34 :

Plaintiff responded based on personal knowledge and did not review or rely on documents in making such response.

REQUEST FOR PRODUCTION NO. 35:

Please produce any and all documents relied on in responding to Request for Admission No. 2.

RESPONSE TO REQUEST FOR PRODUCTION NO. 35:

N/A

REQUEST FOR PRODUCTION NO. 36:

Please produce any and all documents relied on in responding to Request for Admission No. 3.

RESPONSE TO REQUEST FOR PRODUCTION NO. 36 :

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REQUEST FOR PRODUCTION NO. 37:

Please produce any and all documents relied on in responding to Request for Admission No.

4.

RESPONSE TO REQUEST FOR PRODUCTION NO. 37:

See Plaintiff's 16.1 disclosure, as well as the public filings in both the original case (A-07-551073) between Plaintiff and LVLP, and the Nevada Supreme Court appeal thereof.

REQUEST FOR PRODUCTION NO. 38:

Please produce any and all documents relied on in responding to Request for Admission No.

5.

RESPONSE TO REQUEST FOR PRODUCTION NO. 38:

Objection. The term personally obligated is vague and ambiguous. Further, the request is vague and overbroad.

REQUEST FOR PRODUCTION NO. 39:

Please produce any and all documents relied on in responding to Request for Admission No.

6.

RESPONSE TO REQUEST FOR PRODUCTION NO. 39:

N/A

REQUEST FOR PRODUCTION NO. 40:

Please produce any and all documents relied on in responding to Request for Admission No.

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RESPONSE TO REQUEST FOR PRODUCTION NO. 40:

See Response to Request for Production No. 37.

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REQUEST FOR PRODUCTION NO. 41:

Please produce any and all documents relied on in responding to Request for Admission No.

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RESPONSE TO REQUEST FOR PRODUCTION NO. 41:

See Response to Request for Production No. 37.

REQUEST FOR PRODUCTION NO. 42:

Please produce any and all documents relied on in responding to Request for Admission No.

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RESPONSE TO REQUEST FOR PRODUCTION NO. 42:

See Response to Request for Production No. 37.

REQUEST FOR PRODUCTION NO. 43:

Please produce any and all documents relied on in responding to Request for Admission No.

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RESPONSE TO REQUEST FOR PRODUCTION NO. 43:

See Plaintiff's 16.1 disclosures and supplements thereto.

REQUEST FOR PRODUCTION NO. 44:

Please produce any and all documents relied on in responding to Request for Admission No.

11.

RESPONSE TO REQUEST FOR PRODUCTION NO. 44:

Objection. The term "result from" is vague and overbroad. Without waiver, see also Response to Request for Production No. 37.

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REQUEST FOR PRODUCTION NO. 45:

Please produce any and all documents relied on in responding to Request for Admission No.

12.

RESPONSE TO REQUEST FOR PRODUCTION NO. 45:

See Objection and Response to Interrogatory No. 44.

DATED this 2nd day of February, 2018.

JOHN W. MUIJE & ASSOCIATES

By: 

JOHN W. MUIJE, ESQ

Nevada Bar No. 2419

1840 East Sahara Avenue, Suite 106

Las Vegas, Nevada 89104

Telephone: 702-386-7002

Facsimile: 702-386-9135

Email: jmuije@mujelawoffice.com

Attorneys for Plaintiffs

LAW OFFICES
JOHN W. MUIJE & ASSOCIATES
1840 E. SAHARA AVE. #106
LAS VEGAS, NEVADA 89104
Phone: (702) 386-7002 Fax (702) 386-9135

1
2 **CERTIFICATE OF SERVICE**

3 I hereby certify that I am an employee of JOHN W. MUIJE & ASSOCIATES, and that on
4 the 2nd day of February, 2018, I caused the foregoing document entitled: **PLAINTIFF RUSSELL**
5 **L. NYPE'S RESPONSES TO DEFENDANTS' FIRST SET OF REQUEST FOR**
6 **PRODUCTION OF DOCUMENTS**, to be served as follows:
7

- 8 by placing a copy of the same for mailing in the United States mail, with
9 first class postage prepaid addressed as follows; and/or
10 by electronically filing with the Clerk of the Court via the Odyssey E-File and
11 Serve System;
12 by placing a copy of the same for mailing in the United States mail, with first
13 class postage prepaid marked certified return receipt requested addressed as
14 follows; and/or
15 pursuant to EDCR 7.26, by causing a copy to be sent via facsimile at the
16 number(s) listed below; and/or
17 by hand-delivering a copy to the party or parties as listed below:

17 Garry L. Hayes, Esq.
18 **HAYES & WELSH**
19 199 Arroyo Grande, #200
20 Henderson, Nevada 89074
21 Telephone: (702) 434-3444
22 Facsimile: (702) 434-3739
23 E-Mail: ghayes@lvlaw.com
24 *Attorneys for Defendants*

17 Harry Paul Marquis, Esq.
18 **HARRY PAUL MARQUIS, CHTD.**
19 400 South Fourth Street, Suite 300
20 Las Vegas, Nevada 89101
21 Telephone: (702) 382-0711
22 Facsimile: (702) 382-5816
23 E-Mail: harry@marquislaw.net
24 *Attorneys fo Defendants 305 Las Vegas,*
25 *LLC and Barnet Liberman*

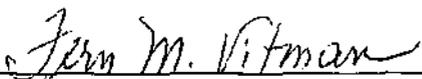
23
24 
25 _____
26 An Employee of JOHN W. MUIJE & ASSOCIATES

EXHIBIT 8

1 RSPN
2 JOHN W. MUJJE & ASSOCIATES
3 JOHN W. MUJJE, ESQ.
4 Nevada Bar No. 2419
5 1840 East Sahara Avenue, #106
6 Las Vegas, Nevada 89104
7 Telephone: 702-386-7002
8 Facsimile: 702- 386-9135
9 E-Mail: jmuije@muijelawoffice.com
10 *Attorneys for Plaintiffs*

DISTRICT COURT

CLARK COUNTY, NEVADA

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

CASE NO: A-16-740689-B

DEPT NO: XV

Plaintiffs,

12 vs.

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

Entity Defendants.

PLAINTIFF REVENUE PLUS, LLC'S RESPONSES TO DEFENDANTS'
REQUEST FOR PRODUCTION OF DOCUMENTS

- 23 TO: ALL DEFENDANTS; and
24 TO: GARRY L. HAYES, ,ESQ., of the law firm of HAYES & WELSH, their
25 attorneys of record
26 TO: HARRY PAUL MARQUIS, ESQ., Attorneys for Defendants 305 LAS VEGAS,
27 LLC and BARNET LIBERMAN
28

LAW OFFICES
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2 REVENUE PLUS, LLC (hereinafter referred to as "Responding Party" by and through its
3 attorney of record, JOHN W. MUJJE, ESQ., of the Law Firm of JOHN W. MUJJE & ASSOCIATES,
4 hereby responds to Defendants' First Set of Request Production of Documents as follows:

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6 **GENERAL OBJECTIONS AND CAVEATS**

7 These responses are subject to the following qualifications, explanations and objections,
8 which apply to each request, and which are incorporated in fully by this reference into each and
9 every response below as if set forth herein.

10 1. These responses are made solely for the purposes of this action.
11 2. The responding party hereinabove reserves the right to make any and all
12 evidentiary objections to the introduction of any of these responses and/or any information contained
13 therein (including, without limitation, documents) into evidence at any hearing in this case or
14 otherwise, and reserves the right to raise these objections as a bar to introduction of any of these
15 responses or information contained therein at any hearing or otherwise. Each response is subject to
16 all objections as to competence, relevance, materiality, propriety, admissibility, and exclusion of any
17 statement herein as if any portion of the interrogatories were asked of, or if any statement contained
18 herein was made by, a witness present and testifying in court, all of which objections and grounds
19 are reserved any may be interposed at the time of any hearing. Defendant should not imply or infer
20 the admission of any matter from these responses or any information produced, except as explicitly
21 stated.
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24 3. These responses are based upon information presently known and ascertained by
25 the above responding party. However, the responding party herein has not yet completed its
26 investigation of all of the circumstances relating to this dispute and has not completed discovery or
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2 preparation for hearing of this matter. Accordingly, the responses herein are submitted without
3 prejudice to utilizing subsequently discovered or recalled information. The responding party herein
4 reserves the right to amend, add to, delete from, or in any other manner modify these responses after
5 it has completed its discovery and investigation efforts and has ascertained all relevant facts.

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7 4. The responding party herein objects to each request (and any portion thereof) to
8 the extent that it purports to call for privileged information, including information protected by the
9 attorney-client privilege, work produce doctrine, and/or investigative privilege. The responding
10 party's attorneys herein joins in these objections to the extent that the right to protect information
11 from discovery belongs to those attorneys. In making its responses to the requests, and/or in
12 producing documents for inspection and/or copying, the responding party herein will not produce
13 any such information. Such documents, to the extent they consist of attorney/client communications,
14 attorney work produce, and communications with consulting expert(s) have not been produced. To
15 the extent such documents are contained in the client's business files, such documents have been
16 identified on the Privilege Log.
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19 5. The responding party objects to each request (and any portion thereof) of the
20 extent that it seeks the disclosure of the identities of, or any work generated by, non-testifying
21 consulting experts retained by or at the direction of the responding attorneys in anticipation or
22 preparation for this and/or other threatened or pending litigation in connection with the rendering
23 of legal advice to the responding party herein. Responding party's attorneys' join in these objections
24 to the extent that the right to protect information from discovery belongs to those attorneys. In
25 making its responses to the interrogatories, and/or in producing documents for inspection and/or
26 copying responding party herein will not produce any such privileged items.
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To the extent such documents are contained in the client's business files, such documents have been identified on a Privilege Log and/or Amended Privilege Log.

6. Responding party herein objects to each request (and any portion thereof) to the extent that it seeks information consisting of, or containing, confidential, protected, private, sensitive trade secrets, research, development, commercial and/or otherwise proprietary information of responding party herein, which is privileged from discovery, including, without limitation, information with respect to other customers or clients of the responding party. In producing documents for inspection and/or copying, the responding party herein will not produce or disclose any such information.

7. Responding party herein objects to each request (and any portion thereof) to the extent that it is overly or unduly burdensome, vague, ambiguous, unintelligible, uncertain, incomprehensible, compound, oppressive, intrusive of the privacy or proprietary rights of responding party herein and/or third parties, overbroad, irrelevant, not reasonably calculated to lead to the discovery of admissible evidence, fails to identify the information requested with reasonable or adequate particularity, or seeks to impose upon responding party herein burdens beyond those established under the Nevada Rules of Civil Procedure or Nevada law.

8. Responding party has performed a reasonable inquiry in search of information as required by the Nevada Rules of Civil Procedure and has made very reasonable effort to locate the information described herein, which effort has been made in good faith. Responding party cannot affirm, however, that "all" such information has been supplied. Although responding party herein believes that all such information has been produced that is with Responding Parties' possession and/or control, responding party will supplement these responses in

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2 accordance with the applicable discovery rules in the event that responding party discovers that
3 they have inadvertently failed to provide information within their responses.

4 9. Responding party objects to each request that uses language such as “each and
5 every” or similar broad language. Such requests are onerous, burdensome, harassing, prejudicial,
6 and overly broad. Each request asking “any and all” or “each and every” is objectionable and such
7 an inquiry, in essence, is a request for evidence and not discoverable information. *See, e.g., United*
8 *State vs. Renault, Inc.*, 37 F.R.D. 23, 26-27 (S.D.N.Y. 1960). Moreover, responding party has no
9 possible means of making the all-encompassing identifications that such a broadly-worded
10 interrogatory requires.
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12 10. Responding party objects to each request (and any portion thereof) to the extent
13 that it seeks to impose a burden upon responding party to search for information or documents in the
14 possession, custody, or control of persons or entities other than responding party for the reason that
15 such a request is overly broad and beyond the scope of discovery allowed by the Nevada Rules of
16 Civil Procedure.
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18 11. Responding party also objects to any request that seeks to require it to search for
19 documents or information in the possession, custody, or control of unnamed persons or entities other
20 than responding party, including, but not limited to, information that is in the possession, custody,
21 or control of unnamed persons or entities other than responding party, including but not limited to,
22 information that is in the possession, custody, or control of public entities, for the reason that such
23 a request is unduly burdensome, expensive, harassing, and beyond the obligations imposed upon
24 responding party by the Nevada Rules of Civil Procedure.
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2 12. As stated above, responding party objects to all requests to the extent that such
3 request call for the production of privileged and/or protected information. In the event that
4 responding party unintentionally produces information that is privileged and/or protected, such
5 production is inadvertent and made without the intent to waive responding parties' privileges and/or
6 protections applicable thereto. In the event that privileged and/or protect information is
7 unintentionally produced, responding party requests that all such information (including copies of
8 any documents) be promptly returned to responding party or their attorneys of record, and responding
9 party expressly reserves all objections to any use of such information in this litigation.
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11 13. Pursuant to NRS Section 657.130, responding party herein objects to the production
12 of any document prepared for or created by a committee to review compliance. NRS 657.130(2)
13 provides that such documents are confidential and privileged and are neither subject to discovery nor
14 admissible in a civil action of this State. A committee to review compliance includes one or more
15 persons assigned or engaged by a financial institution to test, review or evaluate its conduct,
16 transactions or potential transactions... for the purpose of monitoring and improving or enforcing
17 compliance with state and federal statutes and regulations requiring safe, sound and fair lending
18 practices. Pursuant to the decision of the Honorable Mark Denton, "NRS 675.130... protects
19 information relating to [a bank's] approval, maintenance or collection of any loan. This includes
20 analysis, problem solving, strategy, steps and actions to take, and peer review as a means of testing,
21 reviewing and evaluating [a] loan." Federal law also prohibits the disclosure of any information
22 relating to federal bank audits or review.
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25 14. Responding party reserves the right to rely upon all documents and information
26 supplied hereby or in connection with any disclosures, admissions or other discovery in support of
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2 or in opposition to any contention, claim, or defense raised in this litigation, regardless of whether
3 such information or documents are supplied in response to one Interrogatory, yet not incorporated
4 by cross-reference in response to another Interrogatory that might be related to the contention in
5 question.

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7 15. Responding party responds to the request as responding party reasonably
8 interprets and understands such Interrogatories.

9 16. The responding party herein has made a good faith effort to produce documents
10 responsive to the Requests, as they are kept in the usual course of business (as permitted by Nev. R.
11 Civ. P. Rule 24(b)). However, it is possible that additional information will be discovered that might
12 affect the responses. In addition, the responding party herein anticipates that additional information
13 relevant to the responses may be obtained as discovery proceeds. Accordingly, the responding party
14 herein reserves the right to supplement and to introduce, at trial or otherwise, any evidence from any
15 source hereafter obtained.

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17 17. The responding party herein reserves the right to rely upon all documents supplied
18 hereby in support of or in opposition to any contention raised in this litigation, regardless of whether
19 such documents are supplied in response to one Request, yet not incorporated by cross-reference in
20 response to another Request that might be related to the contention in question.

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22 18. The restatement of any specific objection in the context of these responses shall
23 not be construed to imply waiver of any unstated objections addressed by these General Objections
24 and Caveats, or an other applicable privilege or exemption from discovery and the counterparts under
25 the laws of any jurisdiction that may be applicable.

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2 19. Subject to all of the foregoing objections, each of which is incorporated into each
3 of the following responses by this reference, this responding party responds to the requests as set
4 forth below.

5 20. Wherever Defendants object to a Request on the grounds that said Request is unduly
6 burdensome and oppressive, Plaintiff's attention is directed to the following cases: Riss & Co. vs.
7 Association of American Railroads, 23 F.R.D. 211 (D.D.C. 1959); United States v. Loew's Inc., 23
8 F.R.D. 178 (S.D.N.Y. 1959); Green v. Raymond, 41 F.R.D. 11 (D. Colo. 1966); and Flour Mills of
9 America, Inc. v. Pace, 75 F.R.D. 676 (D. Okla. 1977).

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11 21. Further, wherever Defendants object to a Request on the grounds of vagueness and
12 overbreadth, attention is directed to the following cases: Jewish Hospital Ass'n of Louisville v.
13 Struck Construction Co., 77 F.R.D. 59 (D.C. KY. 1978) and Stovall vs. Gulf & So. Am. S.S. Co., 30
14 F.R.D. 152 (D. Tex. 1961).

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16 22. Wherever Defendants object to a Request on the ground that the Interrogatory is
17 irrelevant and not calculated to lead to admissible evidence, Plaintiff's attention is directed to the
18 following cases: Green v. Raymond, 41 F.R.D. 11 (D. Colo. 1966); Burroughs v. Warner Bros.
19 Pictures, 15 F.R.D. 165, 166 (D. Mass. 1963).

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21 23. Further, whenever Defendants object to a Request regarding trial preparation
22 materials on the ground that the propounding party has failed to show "good cause" under N.R.C.P.
23 26(b) (3) Plaintiff's attention is directed to the following cases: United States v. Cathan City Corp.,
24 72 F.R.D. 640 at 642-643 (S.D. Ga. 1976); First Wisconsin Mtg. v. First Wisconsin Corp., 86 F.R.D.
25 160 at 165, 167 (E.D. Wisc. 1980).

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2 24. Finally, wherever Defendants object to a Request on the ground of attorney-client
3 privilege, Plaintiff's attention is directed to the following cases: *Sperry Rand Corp. v. IBM*, 45 F.R.D.
4 287 (D. Del. 1967); and *Jewish Hospital Ass'n of Louisville v. Struck Construction Co.*, 77 F.R.D.
5 59 (S.C. Ky. 1978).

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7 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS**

8 **REQUEST FOR PRODUCTION NO. 1:**

9 Please produce any and all documents relied on in responding to Interrogatory No. 1.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

11 Objection. The request is vague and overbroad, unduly burdensome and oppressive.

12 Without waiver of said objection, Defendant Las Vegas Land Partners, LLC (hereinafter "LVLP"),
13 by and through its principals Barnett Liberman ("Liberman") and David J. Mitchell ("Mitchell"),
14 have hidden, concealed, obfuscated and flat out refused to comply with their discovery obligations,
15 and express discovery orders of the court in Case No. A-07-551073 (the "Prior Case"). Plaintiffs
16 continue their efforts to obtain copies of critical and important documentation, and discovery
17 continues both in this matter, as well as that case. Plaintiffs will timely and seasonably supplement
18 their responses with relevant discovery information as such information becomes available. Plaintiff
19 responds: See Plaintiffs' 16.1 Disclosures, especially items 19 and 20.
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22 **REQUEST FOR PRODUCTION NO. 2:**

23 Please produce any and all documents relied on in responding to Interrogatory No. 2.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

25 Objection. See Objection and Response to Interrogatory and Request for Production No. 1.
26 Without waiver of said objections, Mitchell indicated in the Prior Case that Plaintiffs would never
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collect because defendants had set everything up so as to make LVLP Judgment proof. Further, shortly after Plaintiffs obtained judgment in the Prior Case, defendants herein arranged to sell, transfer, convey and hypothecate most of the residual tangible assets in which LVLP had beneficial interests to independent third parties (as shown in Plaintiff's disclosures, Items 19 & 20), without disclosing or properly accounting for the proceeds thereof.

REQUEST FOR PRODUCTION NO. 3 :

Please produce any and all documents relied on in responding to Interrogatory No. 3.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3 :

Objection. See Objection and Response to Interrogatory and Request for Production No. 1.

Without waiver of said objections, Mitchell indicated in the Prior Case that Plaintiffs would never collect because defendants had set everything up so as to make LVLP Judgment proof. Further, shortly after Plaintiffs obtained judgment in the Prior Case, defendants herein arranged to sell, transfer, convey and hypothecate most of the residual tangible assets in which LVLP had beneficial interests to independent third parties (as shown in Plaintiff's disclosures, Items 19 & 20), without disclosing or properly accounting for the proceeds thereof.

REQUEST FOR PRODUCTION NO. 4:

Please produce any and all documents relied on in responding to Interrogatory No. 4.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4 :

See Objections and Responses to Interrogatories 1-3. Without waiver of said objection, Defendants, despite at one time owning dozens of Southern Nevada Real Estate Parcels outright, undertook to convey their interests in such into associated and affiliated entities, most of which failed to properly observe or maintain appropriate formalities, to the extent that they were mere

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2 shells and acting as the alter egos of defendants LVLP, Mitchell and Liberman

3 **REQUEST FOR PRODUCTION NO. 5:**

4 Please produce any and all documents relied on in responding to Interrogatory No. 5.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

6 See Objection and Response to Interrogatory No. 4.

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8 **REQUEST FOR PRODUCTION NO. 6:**

9 Please produce any and all documents relied on in responding to Interrogatory No. 6.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

11 See Objection and Response to Interrogatory No. 2.

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13 **REQUEST FOR PRODUCTION NO. 7:**

14 Please produce any and all documents relied on in responding to Interrogatory No. 7.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

16 See Objections and Responses to Interrogatory No. 2 and No. 4.

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18 **REQUEST FOR PRODUCTION NO. 8:**

19 Please produce any and all documents relied on in responding to Interrogatory No. 8.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

21 See Objections and Responses to Interrogatory No. 2 and No. 4.

22 **REQUEST FOR PRODUCTION NO. 9:**

23 Please produce any and all documents relied on in responding to Interrogatory No. 9.

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25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

26 See Objections and Responses to Interrogatories No. 2 and No. 4. Without waiver of said
27 objections, and further, Plaintiffs note that each of the alleged separate entity defendants participated
28 at one time or another in one or more transactions deriving directly from LVLP and its principals,

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2 Liberman and Mitchell. As separately alleged, the various associated entities fail to properly
3 maintain and observe business, corporate, legal, and accounting formalities. In reality, they were
4 merely the alter egos of LVLP, Mitchell, and Liberman. Nevertheless, to the extent that there is any
5 separate identity or existence of the associated entities, their participation in multiple transactions
6 helped to "strip" LVLP of attachable assets, which is the factual basis underlying the allegations in
7 said paragraph 129.
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9 **REQUEST FOR PRODUCTION NO. 10:**

10 Please produce any and all documents relied on in responding to Interrogatory No. 10.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10 :**

12 See Objection and Response to Interrogatory No. 3.

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14 **REQUEST FOR PRODUCTION NO. 11 :**

15 Please produce any and all documents relied on in responding to Interrogatory No. 11.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11 :**

17 See Objection and Response to Interrogatory No. 1. Without waiver of said objection, and
18 supplementing the same, the series of transactions undertaken by LVLP, over a period of time,
19 literally stripped and denuded LVLP of millions of dollars of monetary and other valuable assets,
20 despite LVLP continuing to maintain its apparent corporate existence, with ongoing obligations and
21 payments not only for itself, but for purposes of litigation in both this and the prior case, and the
22 operating expenses of numerous associated entities as well. LVLP certainly knew or should have
23 known, as it denuded itself of assets, that such transactions would leave in a position where for
24 approximately the last three years, more or less, LVLP has not even been able to pay its own
25 operating and maintenance expenses, instead having to rely on the resources and personal credit
26 cards of its principals, Mitchell and Liberman, who have on a recurring basis been paying such
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2 expenses out of their own pockets. In doing so, defendants once again totally failed to observe
3 appropriate and requisite business, corporate, and legal formalities regarding the same

4 **REQUEST FOR PRODUCTION NO. 12:**

5 Please produce any and all documents relied on in responding to Interrogatory No. 12.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12 :**

7 See Objection and Response to Interrogatory No. 1, and see particularly the dozens of
8 transactions enumerated in detail in Plaintiff's 16.1 Disclosures, Document Categories 19 and 20.
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10 **REQUEST FOR PRODUCTION NO. 13 :**

11 Please produce any and all documents relied on in responding to Interrogatory No. 13.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13 :**

13 See Objections and Response to Interrogatories Nos. 1 and 12. Further, and without waiver,
14 Mitchell as an acknowledged manager of LVLP, was personally involved in numerous of the subject
15 transactions in question, including paying the expenses of associated entities, and failing to properly
16 observe and maintain business, corporate, and legal formalities regarding such alleged separate
17 entities, as shown in part in Plaintiff's 16.1 Disclosures, Document No. 2.
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19 **REQUEST FOR PRODUCTION NO. 14:**

20 Please produce any and all documents relied on in responding to Interrogatory No. 14.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14 :**

22 See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the
23 same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto. See
24 also related response to Interrogatory No. 13.
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26 **REQUEST FOR PRODUCTION NO. 15 :**

27 Please produce any and all documents relied on in responding to Interrogatory No. 15.
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RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto. See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 16:

Please produce any and all documents relied on in responding to Interrogatory No. 16.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16 :

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 17 :

Please produce any and all documents relied on in responding to Interrogatory No. 17.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto. See

also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 18:

Please produce any and all documents relied on in responding to Interrogatory No. 18.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18 :

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto. See

also related response to Interrogatory No. 13.

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REQUEST FOR PRODUCTION NO. 19 :

Please produce any and all documents relied on in responding to Interrogatory No. 19.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 20:

Please produce any and all documents relied on in responding to Interrogatory No. 20.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20 :

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 21:

Please produce any and all documents relied on in responding to Interrogatory No. 21.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 22:

Please produce any and all documents relied on in responding to Interrogatory No. 22.

RESPONSE TO REQUEST FOR PRODUCTION NO. 22 :

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

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See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 23 :

Please produce any and all documents relied on in responding to Interrogatory No. 23.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 24:

Please produce any and all documents relied on in responding to Interrogatory No. 24.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24 :

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 25:

Please produce any and all documents relied on in responding to Interrogatory No. 25.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.

See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 26:

Please produce any and all documents relied on in responding to Interrogatory No. 26.

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RESPONSE TO REQUEST FOR PRODUCTION NO. 26 :

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.
See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 27:

Please produce any and all documents relied on in responding to Interrogatory No. 27.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.
See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 28:

Please produce any and all documents relied on in responding to Interrogatory No. 28.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28 :

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.
See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 29:

Please produce any and all documents relied on in responding to Interrogatory No. 29.

RESPONSE TO REQUEST FOR PRODUCTION NO. 29:

See Objection and Response to Interrogatory No. 1. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto.
See also related response to Interrogatory No. 13.

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2 **REQUEST FOR PRODUCTION NO. 30:**

3 Please produce any and all documents relied on in responding to Interrogatory No. 30.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30 :**

5 See Objection and Response to Interrogatory No. 1. Further, and without waiver of said objections,
6 Mitchell acting both on his individual account as well as on behalf of his purported separate interest
7 and management role in LVLP, personally traveled to Las Vegas on literally dozens of occasions,
8 participated in negotiating numerous transactions, and acted not only on behalf of Las Vegas Land
9 Partners, as an alleged separate entity, but also on his own behalf. Significantly, after entering into
10 a transactions which were the subject of the prior case, as between LVLP, Live Work, LLC, and
11 Wink One, LLC, with Forest City Enterprises, and various of its affiliated and subsidiary entities.
12 Those transactions which led to the litigation in the Prior Case, literally resulted in monies in excess
13 of \$10 million flowing to LVLP, a very substantial portion of which was immediately distributed to
14 Mitchell and Liberman, in total derogation of the rights of known existing creditors, such as
15 Plaintiffs herein. Even after those underlying transactions, however, Mitchell continued to wheel
16 and deal both on behalf of his own account, as well as on behalf of the various associated
17 entities named as defendants herein, including several self-serving transactions such as the relatively
18 recent one with 305 Las Vegas, LLC, resulting in Mitchell once again benefitting personally to the
19 tune of millions of dollars while creditors such as Nype remained unpaid. Undertaking all of the
20 above actions, to avail themselves of the benefits and privilege of doing business in Clark County,
21 Nevada, while simultaneously failing to observe various requisite business, statutory, regulatory,
22 corporate, and other formalities necessary to preserve and maintain the separate existence of said
23 fictitious entities.
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REQUEST FOR PRODUCTION NO. 31:

Please produce any and all documents relied on in responding to Interrogatory No. 31.

RESPONSE TO REQUEST FOR PRODUCTION NO. 31:

See Objection and Response to Interrogatories Nos. 1 and 30. Without waiver, and supplementing the same, see also Exhibits 2, 19, and 20 in Plaintiff's 16.1 Disclosures and Supplements thereto. See also related response to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 32:

Please produce any and all documents and/or reports prepared by any person or company referred to in response to Interrogatory No. 32.

RESPONSE TO REQUEST FOR PRODUCTION NO. 32 :

See Objection and Response to Interrogatory No. 1. Further, the request as stated violates the attorney-client privilege, and is further objectionable in regard to the request soliciting and seeking trial preparation materials. Without waiver of all of the foregoing objections, Plaintiff's respond that percipient witnesses, and consultants, and experts whom Plaintiff expects to utilize at trial are more specifically identified and designated in Plaintiff's 16.1 Disclosures. Discovery continues and this response will be supplemented as new knowledgeable witnesses are determined and identified.

REQUEST FOR PRODUCTION NO. 33:

Please produce any and all documents and/or reports prepared by any person or company referred to in response to Interrogatory No. 33.

RESPONSE TO REQUEST FOR PRODUCTION NO. 33:

See Objection and Response to Interrogatory No. 32.

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REQUEST FOR PRODUCTION NO. 34:

Please produce any and all documents relied on in responding to Request for Admission No.

1.

RESPONSE TO REQUEST FOR PRODUCTION NO. 34 :

Plaintiff responded based on personal knowledge and did not review or rely on documents in making such response.

REQUEST FOR PRODUCTION NO. 35:

Please produce any and all documents relied on in responding to Request for Admission No.

2.

RESPONSE TO REQUEST FOR PRODUCTION NO. 35:

N/A

REQUEST FOR PRODUCTION NO. 36:

Please produce any and all documents relied on in responding to Request for Admission No.

3.

RESPONSE TO REQUEST FOR PRODUCTION NO. 36 :

N/A

REQUEST FOR PRODUCTION NO. 37:

Please produce any and all documents relied on in responding to Request for Admission No.

4.

RESPONSE TO REQUEST FOR PRODUCTION NO. 37:

See Plaintiff's 16.1 disclosure, as well as the public filings in both the original case (A-07-551073) between Plaintiff and LVLP, and the Nevada Supreme Court appeal thereof.

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REQUEST FOR PRODUCTION NO. 38:

Please produce any and all documents relied on in responding to Request for Admission No.

5.

RESPONSE TO REQUEST FOR PRODUCTION NO. 38:

Objection. The term personally obligated is vague and ambiguous. Further, the request is vague and overbroad.

REQUEST FOR PRODUCTION NO. 39:

Please produce any and all documents relied on in responding to Request for Admission No.

6.

RESPONSE TO REQUEST FOR PRODUCTION NO. 39:

N/A

REQUEST FOR PRODUCTION NO. 40:

Please produce any and all documents relied on in responding to Request for Admission No.

7.

RESPONSE TO REQUEST FOR PRODUCTION NO. 40:

See Response to Request for Production No. 37.

REQUEST FOR PRODUCTION NO. 41:

Please produce any and all documents relied on in responding to Request for Admission No.

8.

RESPONSE TO REQUEST FOR PRODUCTION NO. 41:

See Response to Request for Production No. 37.

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REQUEST FOR PRODUCTION NO. 42:

Please produce any and all documents relied on in responding to Request for Admission No.

9.

RESPONSE TO REQUEST FOR PRODUCTION NO. 42:

See Response to Request for Production No. 37.

REQUEST FOR PRODUCTION NO. 43:

Please produce any and all documents relied on in responding to Request for Admission No.

10.

RESPONSE TO REQUEST FOR PRODUCTION NO. 43:

See Plaintiff's 16.1 disclosures and supplements thereto.

REQUEST FOR PRODUCTION NO. 44:

Please produce any and all documents relied on in responding to Request for Admission No.

11.

RESPONSE TO REQUEST FOR PRODUCTION NO. 44:

Objection. The term "result from" is vague and overbroad. Without waiver, see also Response to Request for Production No. 37.

REQUEST FOR PRODUCTION NO. 45:

Please produce any and all documents relied on in responding to Request for Admission No.

12.

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RESPONSE TO REQUEST FOR PRODUCTION NO. 45:

See Objection and Response to Interrogatory No. 44.

DATED this 2nd day of February, 2018.

JOHN W. MUIJE & ASSOCIATES

By: 

JOHN W. MUIJE, ESQ.
Nevada Bar No. 2419
1840 East Sahara Avenue, Suite 106
Las Vegas, Nevada 89104
Telephone: 702-386-7002
Facsimile: 702-386-9135
Email: jmuije@muijelawoffice.com
Attorneys for Plaintiffs

LAW OFFICES
JOHN W. MUIJE & ASSOCIATES
1840 E. SAHARA AVE #106
LAS VEGAS, NEVADA 89104
Phone: (702) 386-7002 Fax: (702) 386-9135

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1
2 **CERTIFICATE OF SERVICE**

3 I hereby certify that I am an employee of JOHN W. MUIJE & ASSOCIATES, and that on
4 the 2nd day of February, 2018, I caused the foregoing document entitled: **PLAINTIFF REVENUE**
5 **PLUS, LLC'S RESPONSES TO DEFENDANTS' FIRST SET OF REQUEST FOR**
6 **PRODUCTION OF DOCUMENTS**, to be served as follows:
7

- 8 by placing a copy of the same for mailing in the United States mail, with
9 first class postage prepaid addressed as follows; and/or
10 by electronically filing with the Clerk of the Court via the Odyssey E-File and
11 Serve System;
12 by placing a copy of the same for mailing in the United States mail, with first
13 class postage prepaid marked certified return receipt requested addressed as
14 follows; and/or
15 pursuant to EDCR 7.26, by causing a copy to be sent via facsimile at the
16 number(s) listed below; and/or
17 by hand-delivering a copy to the party or parties as listed below:

17 Garry L. Hayes, Esq.
18 **HAYES & WELSH**
19 199 Arroyo Grande, #200
20 Henderson, Nevada 89074
21 Telephone: (702) 434-3444
22 Facsimile: (702) 434-3739
23 E-Mail: ghayes@lvlaw.com
24 *Attorneys for Defendants*

17 Harry Paul Marquis, Esq.
18 **HARRY PAUL MARQUIS, CHTD.**
19 400 South Fourth Street, Suite 300
20 Las Vegas, Nevada 89101
21 Telephone: (702) 382-0711
22 Facsimile: (702) 382-5816
23 E-Mail: harry@marquislaw.net
24 *Attorneys fo Defendants 305 Las Vegas,*
25 *LLC and Barnet Liberman*

23
24 
25 An Employee of JOHN W. MUIJE & ASSOCIATES

26
27 R:\J Files\Nype,J3792IF2016--05 - Alter Ego SUIT\Discovery\Pleadings\Outgoing Discovery\2.2.18 Plaintiff Revenue Plus, LLC's 1st Set of RFP.vpd
28

EXHIBIT 9

LAW OFFICE OF HAYES & WELSH

Attorneys at Law
199 N Arroyo Grande, Suite 200
Henderson, NV 89074
(702) 434-3444
(702) 434-3739 (Fax)
www.jvlaw.com

February 6, 2018

Garry L. Hayes
Martin L. Welsh
Megan K. Mayry McHenry
Larson A. Welsh

U.S. Mail
 Certified Mail
 Facsimile
 Overnight
 Hand Delivery
 Email

John W. Muije, Esq.
John W. Muije & Associates
1840 E. Sahara Ave., Ste. 106
Las Vegas, NV 89104
Jmuije@muijelawoffice.com

Re: *Nype, et al v. Mitchell, et al*
Eighth Judicial District Court Case No. A-16-740689-B

Dear John:

This is a follow up to the recently served Responses to Defendants' First Set of Interrogatories and Requests for Production served by your clients Russell L. Nype and Revenue Plus, LLC. These responses were some three months overdue. Despite the many generous extensions provided to you, the responses do not contain even one factual detail to support the allegations in your complaint. This failure to provide any basis or facts for your complaint makes it impossible to prepare a defense. It is well past the time when your client must provide some facts to justify this meritless lawsuit. Given the voluminous documents that have been previously produced, the claim evidence has been "hidden, concealed, obfuscated" is starting to sound just a little hollow. Surely, your clients can point to at least one factual basis for their allegations.

In an effort to avoid court involvement, I suggest that we personally meet and confer on all of the Responses to Interrogatories, as well as the Responses to Request for Production Nos. 32 - 33 and 35 - 45, as discussed in detail below.

As you are no doubt aware the defendants over the years have been involved in numerous real estate and financial transactions. You have the full documentation for each of these transactions. Your position cannot be that each and every transaction gives rise to alter ego. If it is your belief that each and every transaction forms the basis for your alter ego claims, then you should unequivocally state this position in your responses. If it is something less than every transaction, then you should at least identify something that supports your claims. You have represented to me over the last few months that you have something in the way of a "smoking gun" to support the Complaint. If this is the case, then the time has come to reveal the evidence.

In our conference we will need to specifically address the following:

Responses to Request for Production Nos. 32 – 33 are non-responsive. Defendants were requested to provide any and all documents and reports. The responses do not state whether or not such reports exist, only that witnesses will be identified and designated.

Responses to Request for Production Nos. 35 – 36 and 39 simply state N/A, without stating whether or not documents were relied on in responding to the requests for admissions at issue.

Responses to Request for Production Nos. 37 and 40 – 45, fail to identify specific documents which were relied on in responding to the requests for admissions at issue. Simply stating that all documents were relied on is not sufficient in a case involving 15,000+ pages of documents.

Responses to Request for Production No. 38, state an objection but fail to provide a response.

Responses to Interrogatories No. 1, fail to provide a detailed description of the transactions as requested, including a description of the property transferred, the date of the transfers, and the names of all parties involved. Plaintiffs' responses are non-responsive to the specific information requested in the interrogatories at issue.

Responses to Interrogatories Nos. 2, 6, and 8, fail to provide any specific information as to how each transfer was for an improper purpose, etc. Plaintiffs' responses are non-responsive to the specific information requested in the interrogatories at issue.

Responses to Interrogatories Nos. 3, 7, and 10, fail to provide any specific information as to how each transaction was for inadequate consideration. Plaintiffs' responses are non-responsive to the specific information requested in the interrogatories at issue.

Responses to Interrogatories Nos. 4 – 5, fail to provide specific information for each transaction and how each transaction relates to Las Vegas Land Partners, LLC. Plaintiffs' responses are non-responsive to the specific information requested in the interrogatories at issue.

Responses to Interrogatories No. 9, fail to identify each transaction referred to and provide detailed information such as which defendants were involved in each transaction, and specifically how each helped to "strip" LVLP of attachable assets.

Responses to Interrogatories No. 11, fail to provide specific details on the alleged transaction which rendered LVLP insolvent, as alleged by Plaintiffs.

Responses to Interrogatories No. 12, fail to provide specific information on the alleged transactions, including the names of the participants for each, which form the basis for the civil conspiracy claim. The documents referenced in the responses fail to provide this information.

Responses to Interrogatories Nos. 13 – 25, fail to provide specific information for each transfer which allegedly make each specific defendant the alter ego of Las Vegas Land Partners, LLC. The documents referenced in the responses fail to provide this information.

Page 3
February 6, 2018

Responses to Interrogatory No. 26, fail to provide specific information on the transactions which make each defendant the alter ego of one another. The documents referenced in the responses fail to provide this information.

Responses to Interrogatory No. 27, fail to provide specific information on Plaintiffs' unity of ownership allegation.

Responses to Interrogatory No. 28, fail to provide specific information as to how each entity is merely a shell.

Responses to Interrogatory No. 29, fail to provide specific information as to why Plaintiffs allege that each entity was a nominal manifestation of the business and financial affairs of LVL P, Mitchell or Liberman.

Responses to Interrogatories Nos. 30 – 31, fail to describe how Mitchell and Mitchell Holdings were acting on their own behalf in transactions in Nevada and specifically what transactions led to distributions to them, when the transactions took place, and how much each transaction was for.

Responses to Interrogatories Nos. 32 – 33, are evasive and non-responsive on the information requested in that they fail to provide the names and contact information for individuals or companies that Plaintiffs have contracted or consulted with. Defendants did not request witnesses that Plaintiffs expect to utilize at trial.

Please let me know your availability to discuss these issues in the next few days.

Sincerely,

LAW OFFICE OF HAYES & WELSH

Garry L. Hayes, Esq.
Direct Dial: (702) 509-9555
Ghayes@lvlaw.com

GLH:lmf

cc: Harry Marquis, Esq. (Via email: harry@marquislaw.net)

EXHIBIT 10

LAW OFFICE OF HAYES & WELSH

Attorneys at Law
199 N Arroyo Grande, Suite 200
Henderson, NV 89074
(702) 434-3444
(702) 434-3739 (Fax)
www.lvlaw.com

February 22, 2018

Garry L. Hayes
Martin L. Welsh
Megan K. Mayry McHenry
Larson A. Welsh

U.S. Mail
 Certified Mail
 Facsimile
 Overnight
 Hand Delivery
 Email

John W. Muije, Esq.
John W. Muije & Associates
1840 E. Sahara Ave., Ste. 106
Las Vegas, NV 89104
Jmuije@muijelawoffice.com

Re: *Nype, et al v. Mitchell, et al*
Eighth Judicial District Court Case No. A-16-740689-B

Dear John:

This is a follow up to the meet and confer conference held at your office on February 13, 2018. The primary purpose of the meeting was to address what we consider to be inadequate responses to Defendants' written discovery requests, specifically all the Responses to Interrogatories, as well as the Responses to Requests for Production Nos. 32 – 33 and 35 – 45 (as outlined in detail in our letter dated February 6, 2018). Several extensions were granted to you to allow responses to be prepared. We were disappointed at the lack of any specificity in your initial responses given the amount of extra time allowed for you to prepare your responses.

At our meet and confer conference, you agreed to provide supplemental responses within 30 days. We discussed and acknowledged that you are still conducting discovery and that the responses may be supplemented as discovery proceeds. However, at this time, you are required to provide all of the documents in your or your clients' possession, custody and control, and all of the information responsive to the requests to the best of your and your clients' knowledge at this time. In order for my clients to prepare their

Page 2
February 22, 2018

defenses and proceed with discovery, you need to provide specific factual details to support the allegations in your complaint at this time.

Sincerely,

LAW OFFICE OF HAYES & WELSH


Garry L. Hayes, Esq.
Direct Dial: (702) 509-9555
Ghayes@lvlaw.com

GLH:lmf

cc: Harry Marquis, Esq. (Via email: harry@marquistlaw.net)

EXHIBIT 11

Subject: Email Production and overdue responses to defendants' discovery requests
Date: Thursday, March 29, 2018 at 2:38:07 PM Pacific Daylight Time
From: Garry Hayes
To: John W. Muije
CC: Megan McHenry, Lil Finchio, Fern Vitman, Carrie Kovacs
Attachments: image001.png

John: We will produce by noon on Tuesday. Our office is closed tomorrow.

Also, what is the status of your supplement, due some time ago, to the responses to our interrogatories? Hopefully we will have the responses no later than the middle of next week. Otherwise, we will be forced to bring the deficient initial response to the Judge for a ruling. I believe that we have provided ample time and opportunity for these supplements. We are now going on five months since the requests were served.

We cannot fully defend this case until we know the factual basis for your broadly pleaded and unsubstantiated causes of action.

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Henderson, NV. 89074
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Direct Line 702-509-9555
Office Line 702-434-3444
Fax 702-434-3739



From: "John W. Muije" <lmuije@muijelawoffice.com>
Date: Thursday, March 29, 2018 at 2:18 PM
To: Garry Hayes <ghayes@lvlaw.com>
Cc: Megan McHenry <m.mchenry@lvlaw.com>, Lil Finchio <l.finchio@nevlaw.com>, Fern Vitman <Fern@muijelawoffice.com>, Carrie Kovacs <Carrie@muijelawoffice.com>
Subject: Overdue Email Production

Garry,

I hope you and your family had a wonderful Hawaii Vacation last week.

I also trust that Spitz finally fulfilled his overdue and promised obligation to produce the emails we

EXHIBIT 12

1 GARRY L. HAYES, ESQ.
2 Nevada State Bar No. 1540
3 MEGAN K. MAYRY MCHENRY, ESQ.
4 Nevada State Bar No. 9119
5 LAW OFFICE OF HAYES & WELSH
6 199 North Arroyo Grande Blvd., Suite 200
7 Henderson, Nevada 89074
8 Phone: 702-832-5592
9 Fax: 702-434-3739
10 m.mayry@lvlaw.com ; L.finchio@nevlaw.com
11 *Attorneys for Defendants*

12 DISTRICT COURT

13 CLARK COUNTY, NEVADA

14 RUSSELL L. NYPE; REVENUE PLUS, LLC;
15 DOES I-X; DOE CORPORATIONS I-X; and
16 DOE PARTNERSHIPS I-X,

CASE NO.: A-16-740689-B
DEPT. NO.: XV

17 Plaintiffs,

18 v.

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

Defendants.

**DEFENDANTS' FIRST SET OF REQUESTS FOR ADMISSIONS TO PLAINTIFF,
RUSSELL L. NYPE**

Defendants DAVID J. MITCHELL; 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

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HAYES & WELSH
A PROFESSIONAL CORPORATION
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HENDERSON, NEVADA 89074
(702) 434-3444 FAX (702) 434-3739

1 HOLDINGS, LLC; LIVE WORKS TIC SUCCESSOR, LLC; and, CASINO COOLIDGE
2 LLC (hereinafter "Mitchell Defendants"), through their counsel, the Law Office of Hayes
3 & Welsh, hereby request that Plaintiff, RUSSELL L. NYPE, respond to this First Set of
4 Requests for Admissions pursuant to NRCp 36 within thirty (30) days of receipt thereof.
5 Your responses to these Requests for Admissions are to be prepared in accordance with the
6 *Definitions and Instructions for Responses Withheld* set forth below.
7

8 I. DEFINITIONS

9 A. The term "Plaintiffs" refers to Russell L. Nype and Revenue Plus, LLC.

10 B. The term "Defendant" refers to the Mitchell Defendants named above.

11 C. The terms "you", "your", or "its" refers to Plaintiff, Russell L. Nype, his
12 attorneys, agents, representatives or other persons acting or purporting to act on
13 your behalf;

14 D. The term "document" or "documents" refers to any record or
15 communication which is a writing or affixed in any medium whatsoever, including
16 any kind of electronic, hand-writing, typewriting, printing, drawing, photograph,
17 mechanical or electrical recording including email, computer tape or printout,
18 accounting record or other form of communication or representation. The term
19 "document" or "documents" also includes any sound recordings existing in any
20 format whatsoever including but not limited to sounds recorded on: record,
21 magnetic tape, digital tape or computer disc. Moreover, the term "document" or
22 "documents" includes without limitation all tangible reproductions, books, papers,
23 transcripts, correspondence, contracts, memoranda, drafts, invoices, summaries,
24 notes and notations (longhand or typewritten), and references to or reflections of
25 records of any statement, conversation, telephone call, meeting, event or other oral
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1 communication or activity. Any and all requests for the production of documents
2 hereinafter shall include all documents in your possession, custody or control;

3 E. The phrase "in the possession of" or "under the custody or control of"
4 means that a document is deemed to be in the possession of or under the custody or
5 control of you or your agents or representatives who (a) own such document in
6 whole or in part, (b) have a right by contract, statute or otherwise to use, inspect,
7 examine or copy such document on any terms, (c) have an understanding, express
8 or implied, that they may use, inspect, examine or copy such document on any
9 terms, or (d) have as a practical matter been able to use, inspect, examine or copy
10 such document when they sought to do so;

11 F. The terms "relate" or "relating to" mean concerning, pertaining to, referring
12 to, reflecting, evidencing, constituting and supporting;

13 G. The words "and" and "or" shall be construed either disjunctively or
14 conjunctively as necessary to bring within the scope of discovery requests all
15 responses that might otherwise be construed to be outside of the scope;

16 H. The term "communication" or "communications" shall mean and refer to
17 any meeting, conversation (face to face, telephonic and otherwise), discussion, telex
18 message, cable, correspondence, email, message, tape recorded message or other
19 occurrences in which thoughts, opinions or information are transmitted between or
20 among one or more persons and any electronic, photographic or mechanical device
21 or devices for receiving, transmitting or storing data or other information.

22 I. The term "Transaction" shall mean and refer to any sale, merger,
23 acquisition, purchase, lease, mortgage, transfer, distribution or encumbrance.
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1 **II. INSTRUCTIONS FOR RESPONSES WITHHELD**

2 If any response is withheld under a claim of privilege or other protection so as to
3 aid the Court and the parties hereto to determine the validity of the claim of privilege or
4 other protection, please provide the following information with respect to any such
5 response:
6

- 7 1. The identity of the person(s) to communicate the information;
8 2. The identity of the person(s) to whom the information was communicated;
9 3. The nature and substance of the information with sufficient particularity to
10 enable the Court and the parties hereto determine the validity of the claim of privilege;
11 4. The date of the transaction or occurrence;
12 5. The identity of the persons having custody of or control over the
13 information;
14 6. The basis on which the privilege or other protection is claimed; and
15 7. Whether any non-privileged or non-protected matter is included in the
16 response.
17

18 **III. REQUESTS FOR ADMISSIONS**

19 **REQUEST NO. 1:**

20 Admit that Plaintiff, Revenue Plus, LLC is a New York corporation.

21 **REQUEST NO. 2:**

22 Admit that Plaintiff, Revenue Plus, LLC has never been registered with the Nevada
23 Secretary of State.
24

25 **REQUEST NO. 3:**

26 Admit that the Mitchell Defendants are not residents of Nevada.
27

28 ...

1 **REQUEST NO. 4:**

2 Admit that Plaintiff, Revenue Plus, LLC was awarded \$2,608,797.50 in damages
3 based on real estate activities it alleges it performed, including attending meetings,
4 conducting property tours, and developing marketing materials, all for real property located
5 in Las Vegas, Nevada.
6

7 **REQUEST NO. 5:**

8 Admit that there is no agreement under which the Mitchell Defendants (other than
9 Las Vegas Land Partners, LLC) agreed to be personally obligated for the debts of Las Vegas
10 Land Partners, LLC.
11

12 **REQUEST NO. 6:**

13 Admit that Plaintiffs' only interests in the "various Real Estate parcels," referenced in
14 paragraph 116 of Plaintiffs' Amended Complaint, are as judgment creditors.
15

16 **REQUEST NO. 7:**

17 Admit that there is no confidential relationship between Plaintiffs and the Mitchell
18 Defendants.
19

20 **REQUEST NO. 8:**

21 Admit that the only relationship between Plaintiffs and Las Vegas Land Partners,
22 LLC was an employment contract.
23

24 **REQUEST NO. 9:**

25 Admit that Plaintiffs have not had any relationship with the Mitchell Defendants,
26 other than Las Vegas Land Partners, LLC.
27

28 **REQUEST NO. 10:**

Admit that the only "unlawful objective" that Plaintiffs allege against the Mitchell
Defendants in this case is the transfer of real property and money.

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REQUEST NO. 11:

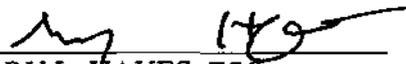
Admit that the only damages alleged by Plaintiffs in this case result from their inability to execute on the Judgment against Las Vegas Land Partners, LLC entered in Clark County District Court case number 07A551073.

REQUEST NO. 12:

Admit that the only damages alleged by Plaintiffs in this case are based on the transfer of real property and money.

DATED this 14 day of September, 2017.

LAW OFFICE OF HAYES & WELSH



GARRY L. HAYES, ESQ.
Nevada State Bar No. 1540
199 N. Arroyo Grande Blvd., Ste. 200
Henderson, NV 89074
Attorneys for Mitchell Defendants

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(702) 434-3444 FAX (702) 434-3739

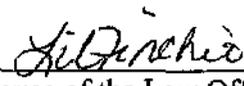
CERTIFICATE OF SERVICE

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Pursuant to NRCp 5(b), and EDCR 8.05, I hereby certify that on the 14th day of September, 2017, I served a true and correct copy of the foregoing DEFENDANTS' FIRST SET OF REQUESTS FOR ADMISSIONS TO PLAINTIFF, RUSSELL L. NYPE through the Court's electronic filing and service system to:

JOHN W. MUIJE, ESQ.
John W. Muije & Associates
1840 E. Sahara Avenue, Ste. 106
Las Vegas, NV 89104
jmuije@muijelawoffice.com
Attorneys for Plaintiffs

HARRY PAUL MARQUIS, ESQ.
Harry Paul Marquis, Chartered
400 South 4th Street, Ste. 300
Las Vegas, NV 89101
harry@marquislaw.net
*Attorneys for Defendants 305 Las Vegas, LLC
and Barnet Liberman*



Employee of the Law Office of Hayes & Welsh

EXHIBIT 13

1 GARRY L. HAYES, ESQ.
2 Nevada State Bar No. 1540
3 MEGAN K. MAYRY MCHENRY, ESQ.
4 Nevada State Bar No. 9119
5 LAW OFFICE OF HAYES & WELSH
6 199 North Arroyo Grande Blvd., Suite 200
7 Henderson, Nevada 89074
8 Phone: 702-832-5592
9 Fax: 702-434-3739
10 m.mayry@lvlaw.com ; L.finchio@nevlaw.com
11 *Attorneys for Defendants*

8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

10 RUSSELL L. NYPE; REVENUE PLUS, LLC;
11 DOES I-X; DOE CORPORATIONS I-X; and
12 DOE PARTNERSHIPS I-X,

CASE NO.: A-16-740689-B
DEPT. NO.: XV

13 Plaintiffs,

14 v.

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

26 Defendants.

23 **DEFENDANTS' FIRST SET OF REQUESTS FOR ADMISSIONS TO PLAINTIFF,**
24 **REVENUE PLUS, LLC**

25 Defendants DAVID J. MITCHELL; LAS VEGAS LAND PARTNERS, LLC;
26 MEYER PROPERTY, LTD.; ZOE PROPERTY, LLC; LEAH PROPERTY, LLC; WINK
27 ONE, LLC; LIVE WORK, LLC; LIVE WORK MANAGER, LLC; AQUARIUS OWNER,
28 LLC; LVLP HOLDINGS, LLC; MITCHELL HOLDINGS, LLC; LIBERMAN

LAW OFFICE OF
HAYES & WELSH
A PROFESSIONAL CORPORATION
199 NORTH ARROYO GRANDE BLVD., SUITE 200
HENDERSON, NEVADA 89074
(702) 434-3444 FAX (702) 434-3739

1 HOLDINGS, LLC; LIVE WORKS TIC SUCCESSOR, LLC; and, CASINO COOLIDGE
2 LLC (hereinafter "Mitchell Defendants"), through their counsel, the Law Office of Hayes
3 & Welsh, hereby request that Plaintiff, REVENUE PLUS, LLC, respond to this First Set of
4 Requests for Admissions pursuant to NRCP 36 within thirty (30) days of receipt thereof.
5 Your responses to these Requests for Admissions are to be prepared in accordance with the
6 *Definitions and Instructions for Responses Withheld* set forth below.
7

8 **I. DEFINITIONS**

- 9 A. The term "Plaintiffs" refers to Russell L. Nype and Revenue Plus, LLC.
10 B. The term "Defendant" refers to the Mitchell Defendants named above.
11 C. The terms "you", "your", or "its" refers to Plaintiff Revenue Plus, LLC, its
12 attorneys, agents, representatives or other persons acting or purporting to act on
13 your behalf;
14 D. The term "document" or "documents" refers to any record or
15 communication which is a writing or affixed in any medium whatsoever, including
16 any kind of electronic, hand-writing, typewriting, printing, drawing, photograph,
17 mechanical or electrical recording including email, computer tape or printout,
18 accounting record or other form of communication or representation. The term
19 "document" or "documents" also includes any sound recordings existing in any
20 format whatsoever including but not limited to sounds recorded on: record,
21 magnetic tape, digital tape or computer disc. Moreover, the term "document" or
22 "documents" includes without limitation all tangible reproductions, books, papers,
23 transcripts, correspondence, contracts, memoranda, drafts, invoices, summaries,
24 notes and notations (longhand or typewritten), and references to or reflections of
25 records of any statement, conversation, telephone call, meeting, event or other oral
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1 communication or activity. Any and all requests for the production of documents
2 hereinafter shall include all documents in your possession, custody or control;

3 E. The phrase "in the possession of" or "under the custody or control of"
4 means that a document is deemed to be in the possession of or under the custody or
5 control of you or your agents or representatives who (a) own such document in
6 whole or in part, (b) have a right by contract, statute or otherwise to use, inspect,
7 examine or copy such document on any terms, (c) have an understanding, express
8 or implied, that they may use, inspect, examine or copy such document on any
9 terms, or (d) have as a practical matter been able to use, inspect, examine or copy
10 such document when they sought to do so;

11 F. The terms "relate" or "relating to" mean concerning, pertaining to, referring
12 to, reflecting, evidencing, constituting and supporting;

13 G. The words "and" and "or" shall be construed either disjunctively or
14 conjunctively as necessary to bring within the scope of discovery requests all
15 responses that might otherwise be construed to be outside of the scope;

16 H. The term "communication" or "communications" shall mean and refer to
17 any meeting, conversation (face to face, telephonic and otherwise), discussion, telex
18 message, cable, correspondence, email, message, tape recorded message or other
19 occurrences in which thoughts, opinions or information are transmitted between or
20 among one or more persons and any electronic, photographic or mechanical device
21 or devices for receiving, transmitting or storing data or other information.

22 I. The term "Transaction" shall mean and refer to any sale, merger,
23 acquisition, purchase, lease, mortgage, transfer, distribution or encumbrance.
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II. INSTRUCTIONS FOR RESPONSES WITHHELD

If any response is withheld under a claim of privilege or other protection so as to aid the Court and the parties hereto to determine the validity of the claim of privilege or other protection, please provide the following information with respect to any such response:

1. The identity of the person(s) to communicate the information;
2. The identity of the person(s) to whom the information was communicated;
3. The nature and substance of the information with sufficient particularity to enable the Court and the parties hereto determine the validity of the claim of privilege;
4. The date of the transaction or occurrence;
5. The identity of the persons having custody of or control over the information;
6. The basis on which the privilege or other protection is claimed; and
7. Whether any non-privileged or non-protected matter is included in the response.

III. REQUESTS FOR ADMISSIONS

REQUEST NO. 1:

Admit that Plaintiff, Revenue Plus, LLC is a New York corporation.

REQUEST NO. 2:

Admit that Plaintiff, Revenue Plus, LLC has never been registered with the Nevada Secretary of State.

REQUEST NO. 3:

Admit that the Mitchell Defendants are not residents of Nevada.

...

1 **REQUEST NO. 4:**

2 Admit that Plaintiff, Revenue Plus, LLC was awarded \$2,608,797.50 in damages
3 based on real estate activities it alleges it performed, including attending meetings,
4 conducting property tours, and developing marketing materials, all for real property located
5 in Las Vegas, Nevada.
6

7 **REQUEST NO. 5:**

8 Admit that there is no agreement under which the Mitchell Defendants (other than
9 Las Vegas Land Partners, LLC) agreed to be personally obligated for the debts of Las Vegas
10 Land Partners, LLC.
11

12 **REQUEST NO. 6:**

13 Admit that Plaintiffs' only interests in the "various Real Estate parcels," referenced in
14 paragraph 116 of Plaintiffs' Amended Complaint, are as judgment creditors.
15

16 **REQUEST NO. 7:**

17 Admit that there is no confidential relationship between Plaintiffs and the Mitchell
18 Defendants.
19

20 **REQUEST NO. 8:**

21 Admit that the only relationship between Plaintiffs and Las Vegas Land Partners,
22 LLC was an employment contract.
23

24 **REQUEST NO. 9:**

25 Admit that Plaintiffs have not had any relationship with the Mitchell Defendants,
26 other than Las Vegas Land Partners, LLC.
27

28 **REQUEST NO. 10:**

Admit that the only "unlawful objective" that Plaintiffs allege against the Mitchell
Defendants in this case is the transfer of real property and money.

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REQUEST NO. 11:

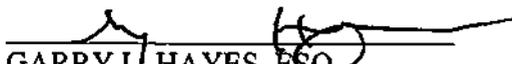
Admit that the only damages alleged by Plaintiffs in this case result from their inability to execute on the Judgment against Las Vegas Land Partners, LLC entered in Clark County District Court case number 07A551073.

REQUEST NO. 12:

Admit that the only damages alleged by Plaintiffs in this case are based on the transfer of real property and money.

DATED this 14 day of September, 2017.

LAW OFFICE OF HAYES & WELSH


GARRY L. HAYES, ESQ.
Nevada State Bar No. 1540
199 N. Arroyo Grande Blvd., Ste. 200
Henderson, NV 89074
Attorneys for Mitchell Defendants

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HAYES & WELSH
A PROFESSIONAL CORPORATION
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CERTIFICATE OF SERVICE

1
2 Pursuant to NRCPC 5(b), and EDCR 8.05, I hereby certify that on the 14th day of
3 September, 2017, I served a true and correct copy of the foregoing DEFENDANTS' FIRST SET
4 OF REQUESTS FOR ADMISSIONS TO PLAINTIFF, REVENUE PLUS, LLC through the Court's
5 electronic filing and service system to:
6

7 JOHN W. MUIJE, ESQ.
8 John W. Muije & Associates
9 1840 E. Sahara Avenue, Ste. 106
10 Las Vegas, NV 89104
11 jmuije@muijelawoffice.com
12 *Attorneys for Plaintiffs*

13 HARRY PAUL MARQUIS, ESQ.
14 Harry Paul Marquis, Chartered
15 400 South 4th Street, Ste. 300
16 Las Vegas, NV 89101
17 harry@marquislaw.net
18 *Attorneys for Defendants 305 Las Vegas, LLC*
19 *and Barnet Liberman*

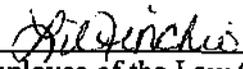
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Employee of the Law Office of Hayes & Welsh

EXHIBIT 14

1 RSPN
2 JOHN W. MUIJE & ASSOCIATES
3 JOHN W. MUIJE, ESQ.
4 Nevada Bar No. 2419
5 1840 East Sahara Avenue, #106
6 Las Vegas, Nevada 89104
7 Telephone: 702-386-7002
8 Facsimile: 702- 386-9135
9 E-Mail: jmuije@muijelawoffice.com
10 *Attorneys for Plaintiffs*

DISTRICT COURT

CLARK COUNTY, NEVADA

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

CASE NO: A-16-740689-B

Plaintiffs,

DEPT NO: XV

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; LVLV HOLDINGS, LLC; MITCHELL
21 HOLDINGS, LLC; LIBERMAN HOLDINGS, LLC;
22 305 LAS VEGAS, LLC; LIVE WORKS TIC
23 SUCCESSOR, LLC; CASINO COOLIDGE LLC;
24 DOES I through III, and ROE CORPORATIONS I
25 through III, inclusive,

Entity Defendants.

22 **PLAINTIFF RUSSELL L. NYPE'S RESPONSES TO DEFENDANTS'**
23 **FIRST SET OF REQUESTS FOR ADMISSIONS**

24 TO: ALL DEFENDANTS; AND

25 TO: GARRY L. HAYES, ,ESQ., of the law firm of HAYES & WELSH, their
26 attorneys of record
27
28

LAW OFFICES
JOHN W. MUIJE & ASSOCIATES
1840 E. SAHARA AVE #106
LAS VEGAS, NEVADA 89104
Phone: (702) 386-7002 Fax: (702) 386-9135

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Under authority of Nevada Rules of Civil Procedure 36, Plaintiff, RUSSELL L. NYPE, by and through his attorney of record, JOHN W. MUIJE, ESQ., of the Law Firm of JOHN W. MUIJE & ASSOCIATES, hereby responds to Defendants' First Set of Requests for Admissions as follows:

GENERAL OBJECTIONS AND CAVEATS

These responses are subject to the following qualifications, explanations and objections, which apply to each request, and which are incorporated in fully by this reference into each and every response below as if set forth herein.

1. These responses are made solely for the purposes of this action.
2. The responding party hereinabove reserves the right to make any and all evidentiary objections to the introduction of any of these responses and/or any information contained therein (including, without limitation, documents) into evidence at any hearing in this case or otherwise, and reserves the right to raise these objections as a bar to introduction of any of these responses or information contained therein at any hearing or otherwise. Each response is subject to all objections as to competence, relevance, materiality, propriety, admissibility, and exclusion of any statement herein as if any portion of the interrogatories were asked of, or if any statement contained herein was made by, a witness present and testifying in court, all of which objections and grounds are reserved any may be interposed at the time of any hearing. Defendant should not imply or infer the admission of any matter from these responses or any information produced, except as explicitly stated.

3. These responses are based upon information presently known and ascertained by the above responding party. However, the responding party herein has not yet completed its investigation of all of the circumstances relating to this dispute and has not completed discovery

1 or preparation for hearing of this matter. Accordingly, the responses herein are submitted without
2 prejudice to utilizing subsequently discovered or recalled information. The responding party
3 herein reserves the right to amend, add to, delete from, or in any other manner modify these
4 responses after it has completed its discovery and investigation efforts and has ascertained all
5 relevant facts.

6
7 4. The responding party herein objects to each request (and any portion thereof) to
8 the extent that it purports to call for privileged information, including information protected by the
9 attorney-client privilege, work produce doctrine, and/or investigative privilege. The responding
10 party's attorneys herein joins in these objections to the extent that the right to protect information
11 from discovery belongs to those attorneys. In making its responses to the requests, and/or in
12 producing documents for inspection and/or copying, the responding party herein will not produce
13 any such information. Such documents, to the extent they consist of attorney/client
14 communications, attorney work produce, and communications with consulting expert(s) have not
15 been produced. To the extent such documents are contained in the client's business files, such
16 documents have been identified on the Privilege Log.

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18 5. The responding party objects to each request (and any portion thereof) of the
19 extent that it seeks the disclosure of the identities of, or any work generated by, non-testifying
20 consulting experts retained by or at the direction of the responding attorneys in anticipation or
21 preparation for this and/or other threatened or pending litigation in connection with the rendering
22 of legal advice to the responding party herein. Responding party's attorneys' join in these
23 objections to the extent that the right to protect information from discovery belongs to those
24 attorneys. In making its responses to the interrogatories, and/or in producing documents for
25 inspection and/or copying responding party herein will not produce any such privileged items. To
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1 the extent such documents are contained in the client's business files, such documents have been
2 identified on a Privilege Log and/or Amended Privilege Log.

3 6. Responding party herein objects to each request (and any portion thereof) to the
4 extent that it seeks information consisting of, or containing, confidential, protected, private,
5 sensitive trade secrets, research, development, commercial and/or otherwise proprietary
6 information of responding party herein, which is privileged from discovery, including, without
7 limitation, information with respect to other customers or clients of the responding party. In
8 producing documents for inspection and/or copying, the responding party herein will not produce
9 or disclose any such information.

11 7. Responding party herein objects to each request (and any portion thereof) to the
12 extent that it is overly or unduly burdensome, vague, ambiguous, unintelligible, uncertain,
13 incomprehensible, compound, oppressive, intrusive of the privacy or proprietary rights of
14 responding party herein and/or third parties, overbroad, irrelevant, not reasonably calculated to
15 lead to the discovery of admissible evidence, fails to identify the information requested with
16 reasonable or adequate particularity, or seeks to impose upon responding party herein burdens
17 beyond those established under the Nevada Rules of Civil Procedure or Nevada law.

19 8. Responding party has performed a reasonable inquiry in search of information as
20 required by the Nevada Rules of Civil Procedure and has made very reasonable effort to locate the
21 information described herein, which effort has been made in good faith. Responding party cannot
22 affirm, however, that "all" such information has been supplied. Although responding party herein
23 believes that all such information has been produced that is with Responding Parties' possession
24 and/or control, responding party will supplement these responses in accordance with the
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applicable discovery rules in the event that responding party discovers that they have inadvertently failed to provide information within their responses.

9. Responding party objects to each request that uses language such as “each and every” or similar broad language. Such requests are onerous, burdensome, harassing, prejudicial, and overly broad. Each request asking “any and all” or “each and every” is objectionable and such an inquiry, in essence, is a request for evidence and not discoverable information. See, e.g., United State vs. Renault, Inc., 37 F.R.D. 23, 26-27 (S.D.N.Y. 1960). Moreover, responding party has no possible means of making the all-encompassing identifications that such a broadly-worded interrogatory requires.

10. Responding party objects to each request (and any portion thereof) to the extent that it seeks to impose a burden upon responding party to search for information or documents in the possession, custody, or control of persons or entities other than responding party for the reason that such a request is overly broad and beyond the scope of discovery allowed by the Nevada Rules of Civil Procedure.

11. Responding party also objects to any request that seeks to require it to search for documents or information in the possession, custody, or control of unnamed persons or entities other than responding party, including, but not limited to, information that is in the possession, custody, or control of unnamed persons or entities other than responding party, including but not limited to, information that is in the possession, custody, or control of public entities, for the reason that such a request is unduly burdensome, expensive, harassing, and beyond the obligations imposed upon responding party by the Nevada Rules of Civil Procedure.

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12. As stated above, responding party objects to all requests to the extent that such request call for the production of privileged and/or protected information. In the event that responding party unintentionally produces information that is privileged and/or protected, such production is inadvertent and made without the intent to waive responding parties' privileges and/or protections applicable thereto. In the event that privileged and/or protect information is unintentionally produced, responding party requests that all such information (including copies of any documents) be promptly returned to responding party or their attorneys of record, and responding party expressly reserves all objections to any use of such information in this litigation.

13. Responding party reserves the right to rely upon all documents and information supplied hereby or in connection with any disclosures, admissions or other discovery in support of or in opposition to any contention, claim, or defense raised in this litigation, regardless of whether such information or documents are supplied in response to one Interrogatory, yet not incorporated by cross-reference in response to another Interrogatory that might be related to the contention in question.

14. Responding party responds to the request as responding party reasonably interprets and understands such Interrogatories.

15. The responding party herein has made a good faith effort to produce documents responsive to the Requests, as they are kept in the usual course of business (as permitted by Fed. R. Civ. P. Rule 24(b)). However, it is possible that additional information will be discovered that might affect the responses. In addition, the responding party herein anticipates that additional information relevant to the responses may be obtained as discovery proceeds. Accordingly, the responding party herein reserves the right to supplement and to introduce, at trial or otherwise,

1 any evidence from any source hereafter obtained.

2 16. The responding party herein reserves the right to rely upon all documents supplied
3 hereby in support of or in opposition to any contention raised in this litigation, regardless of
4 whether such documents are supplied in response to one Request, yet not incorporated by cross-
5 reference in response to another Request that might be related to the contention in question.

6 17. The restatement of any specific objection in the context of these responses shall
7 not be construed to imply waiver of any unstated objections addressed by these General
8 Objections and Caveats, or an other applicable privilege or exemption from discovery and the
9 counterparts under the laws of any jurisdiction that may be applicable.

10 18. Subject to all of the foregoing objections, each of which is incorporated into each
11 of the following responses by this reference, this responding party responds to the requests as set
12 forth below.

13 19. Wherever Defendants object to a Request on the grounds that said Request is
14 unduly burdensome and oppressive, Plaintiff's attention is directed to the following cases: Riss &
15 Co. v. Association of American Railroads, 23 F.R.D. 211 (D.D.C. 1959); United States v. Lowe's
16 Inc., 23 F.R.D. 178 (S.D.N.Y. 1959); Green v. Raymond, 41 F.R.D. 11 (D. Colo. 1966); and Flour
17 Mills of America, Inc. v. Pace, 75 F.R.D. 676 (D. Okla. 1977).

18 20. Further, wherever Defendants object to a Request on the grounds of vagueness and
19 over breadth, attention is directed to the following cases: Jewish Hospital Ass'n of Louisville v.
20 Struck Construction Co., 77 F.R.D. 59 (D.C. KY. 1978) and Stovall vs. Gulf & So. Am. S.S. Co.,
21 30 F.R.D. 152 (D. Tex. 1961).

22 21. Wherever Defendants object to a Request on the ground that the Interrogatory is
23 irrelevant and not calculated to lead to admissible evidence, Plaintiff's attention is directed to the
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following cases: Green v. Raymond, 41 F.R.D. 11 (D. Colo. 1966); Burroughs v. Warner Bros. Pictures, 15 F.R.D. 165, 166 (D. Mass. 1963).

22. Further, whenever Defendants object to a Request regarding trial preparation materials on the ground that the propounding party has failed to show "good cause" under N.R.C.P. 26(b) (3) Plaintiff's attention is directed to the following cases: United States v. Cathan City Corp., 72 F.R.D. 640 at 642-643 (S.D. Ga. 1976); First Wisconsin Mtg. v. First Wisconsin Corp., 86 F.R.D. 160 at 165, 167 (E.D. Wisc. 1980).

23. Finally, wherever Defendants object to a Request on the ground of attorney-client privilege, Plaintiff's attention is directed to the following cases: Sperry Rand Corp. v. IBM, 45 F.R.D. 287 (D. Del. 1967); and Jewish Hospital Ass'n of Louisville v. Struck Construction Co., 77 F.R.D. 59 (S.C. Ky. 1978).

REQUEST FOR ADMISSION NO. 1:

Admit the Plaintiff, Revenue Plus, LLC is a New York corporation.

RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Deny.

REQUEST FOR ADMISSION NO. 2:

Admit that Plaintiff, Revenue Plus, LLC has never been registered with the Nevada Secretary of State.

RESPONSE TO REQUEST FOR ADMISSION NO. 2:

Admit.

REQUEST FOR ADMISSION NO. 3:

Admit that the Mitchell Defendants are not residents of Nevada.

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

2 Admit

3
4 **REQUEST FOR ADMISSION NO. 4:**

5 Admit that Plaintiff, Revenue Plus, LLC was awarded \$2,608,797.50 in damages based on
6 real estate activities it alleges it performed, including attending meetings, conducting property
7 tours, and developing marketing materials, all for real property located in Las Vegas, Nevada.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

9
10 Objection: The term "real estate activities" is vague and overbroad. Without waiving said
11 objection, Plaintiff denies.

12 **REQUEST FOR ADMISSION NO. 5:**

13 Admit that there is no agreement under which the Mitchell Defendants (other than Las
14 Vegas Land Partners, LLC) agreed to be personally obligated for the debts of Las Vegas Land
15 Partners, LLC.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

17 Deny

18
19 **REQUEST FOR ADMISSION NO. 6:**

20 Admit that Plaintiffs' only interests in the "various Real Estate parcels," referenced in
21 paragraph 116 of Plaintiffs' Amended Complaint, are as judgment creditors.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

23 Admit

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25 **REQUEST FOR ADMISSION NO. 7:**

26 Admit there is no confidential relationship between Plaintiffs and the Mitchell Defendants.
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RESPONSE TO REQUEST FOR ADMISSION NO. 7:

Deny

REQUEST FOR ADMISSION NO. 8:

Admit that the only relationship between Plaintiffs and Las Vegas Land Partners, LLC was an employment contract.

RESPONSE TO REQUEST FOR ADMISSION NO. 8:

Deny

REQUEST FOR ADMISSION NO. 9:

Admit that Plaintiffs have not had any relationship with the Mitchell Defendants, other than Las Vegas Land Partners, LLC.

RESPONSE TO REQUEST FOR ADMISSION NO. 9:

Deny

REQUEST FOR ADMISSION NO. 10:

Admit that the only "unlawful objective" that Plaintiffs allege against the Mitchell Defendants in this case is the transfer of real property and money.

RESPONSE TO REQUEST FOR ADMISSION NO. 10:

Objection: The term "Unlawful objective" is not used in Plaintiff's amended complaint. Without waiving said objection, Plaintiff denies.

REQUEST FOR ADMISSION NO. 11:

Admit that the only damages alleged by Plaintiffs in this case result from their inability to execute on the Judgment against Las Vegas Land Partners, LLC entered in Clark County District Court case number 07A551073.

LAW OFFICES
JOHN W. MUIJE & ASSOCIATES
1840 E. SAHARA AVE. #106
LAS VEGAS, NEVADA 89104
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RESPONSE TO REQUEST FOR ADMISSION NO. 11:

Deny

REQUEST FOR ADMISSION NO. 12:

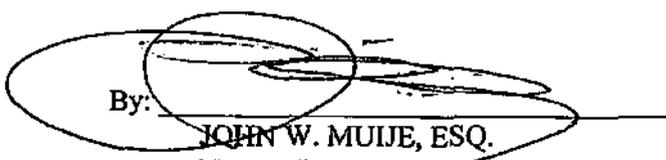
Admit that the only damages alleged by Plaintiffs in this case are based on the transfer of real property and money.

RESPONSE TO REQUEST FOR ADMISSION NO. 12:

Deny

DATED this 19th day of January, 2018.

JOHN W. MUIJE & ASSOCIATES

By: 

JOHN W. MUIJE, ESQ.
Nevada Bar No. 2419
1840 East Sahara Avenue, Suite 106
Las Vegas, Nevada 89104
Telephone: 702-386-7002
Facsimile: 702-386-9135
Email: jmuije@muijelawoffice.com
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of JOHN W. MUJJE & ASSOCIATES, and that on the 19TH day of January, 2018, I caused the foregoing document entitled: **PLAINTIFF RUSSELL L. NYPE'S RESPONSES TO DEFENDANTS' FIRST SET OF REQUEST FOR ADMISSIONS**, 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; and/or
- pursuant to EDCR 7.26, by causing a copy to be sent via facsimile at the number(s) listed below; and/or
- by hand-delivering a copy to the party or parties as listed below:

Garry L. Hayes, Esq.
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Attorneys fo Defendants 305 Las Vegas, LLC and Barnet Liberman

Fern M. Vitman

 An Employee of JOHN W. MUJJE & ASSOCIATES

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EXHIBIT 15

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Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

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

CASE NO: A-16-740689-B

DEPT NO: XV

Plaintiffs,

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
OWNER, LLC; LVLV HOLDINGS, LLC; MITCHELL
HOLDINGS, LLC; LIBERMAN HOLDINGS, LLC;
305 LAS VEGAS, LLC; LIVE WORKS TIC
SUCCESSOR, LLC; CASINO COOLIDGE LLC;
DOES I through III, and ROE CORPORATIONS I
through III, inclusive,

Entity Defendants.

**PLAINTIFF REVENUE PLUS, LLC'S RESPONSES TO DEFENDANTS'
FIRST SET OF REQUESTS FOR ADMISSIONS**

TO: ALL DEFENDANTS; AND

TO: GARRY L. HAYES, ,ESQ., of the law firm of HAYES & WELSH, their
attorneys of record

LAW OFFICES
JOHN W. MUJE & ASSOCIATES
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1
2 Under authority of Nevada Rules of Civil Procedure 36, Plaintiff, REVENUE PLUS, LLC,
3 by and through his attorney of record, JOHN W. MUIJE, ESQ., of the Law Firm of JOHN W.
4 MUIJE & ASSOCIATES, hereby responds to Defendants' First Set of Requests for Admissions
5 as follows:

6
7 **GENERAL OBJECTIONS AND CAVEATS**

8 These responses are subject to the following qualifications, explanations and objections,
9 which apply to each request, and which are incorporated in fully by this reference into each and
10 every response below as if set forth herein.

11 1. These responses are made solely for the purposes of this action.
12 2. The responding party hereinabove reserves the right to make any and all
13 evidentiary objections to the introduction of any of these responses and/or any information
14 contained therein (including, without limitation, documents) into evidence at any hearing in this
15 case or otherwise, and reserves the right to raise these objections as a bar to introduction of any of
16 these responses or information contained therein at any hearing or otherwise. Each response is
17 subject to all objections as to competence, relevance, materiality, propriety, admissibility, and
18 exclusion of any statement herein as if any portion of the interrogatories were asked of, or if any
19 statement contained herein was made by, a witness present and testifying in court, all of which
20 objections and grounds are reserved any may be interposed at the time of any hearing. Defendant
21 should not imply or infer the admission of any matter from these responses or any information
22 produced, except as explicitly stated.

23 3. These responses are based upon information presently known and ascertained by
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26 the above responding party. However, the responding party herein has not yet completed its
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1 investigation of all of the circumstances relating to this dispute and has not completed discovery
2 or preparation for hearing of this matter. Accordingly, the responses herein are submitted without
3 prejudice to utilizing subsequently discovered or recalled information. The responding party
4 herein reserves the right to amend, add to, delete from, or in any other manner modify these
5 responses after it has completed its discovery and investigation efforts and has ascertained all
6 relevant facts.
7

8 4. The responding party herein objects to each request (and any portion thereof) to
9 the extent that it purports to call for privileged information, including information protected by the
10 attorney-client privilege, work produce doctrine, and/or investigative privilege. The responding
11 party's attorneys herein joins in these objections to the extent that the right to protect information
12 from discovery belongs to those attorneys. In making its responses to the requests, and/or in
13 producing documents for inspection and/or copying, the responding party herein will not produce
14 any such information. Such documents, to the extent they consist of attorney/client
15 communications, attorney work produce, and communications with consulting expert(s) have not
16 been produced. To the extent such documents are contained in the client's business files, such
17 documents have been identified on the Privilege Log.
18

19 5. The responding party objects to each request (and any portion thereof) of the
20 extent that it seeks the disclosure of the identities of, or any work generated by, non-testifying
21 consulting experts retained by or at the direction of the responding attorneys in anticipation or
22 preparation for this and/or other threatened or pending litigation in connection with the rendering
23 of legal advice to the responding party herein. Responding party's attorneys' join in these
24 objections to the extent that the right to protect information from discovery belongs to those
25 attorneys. In making its responses to the interrogatories, and/or in producing documents for
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1 inspection and/or copying responding party herein will not produce any such privileged items. To
2 the extent such documents are contained in the client's business files, such documents have been
3 identified on a Privilege Log and/or Amended Privilege Log.

4 6. Responding party herein objects to each request (and any portion thereof) to the
5 extent that it seeks information consisting of, or containing, confidential, protected, private,
6 sensitive trade secrets, research, development, commercial and/or otherwise proprietary
7 information of responding party herein, which is privileged from discovery, including, without
8 limitation, information with respect to other customers or clients of the responding party. In
9 producing documents for inspection and/or copying, the responding party herein will not produce
10 or disclose any such information.

11 7. Responding party herein objects to each request (and any portion thereof) to the
12 extent that it is overly or unduly burdensome, vague, ambiguous, unintelligible, uncertain,
13 incomprehensible, compound, oppressive, intrusive of the privacy or proprietary rights of
14 responding party herein and/or third parties, overbroad, irrelevant, not reasonably calculated to
15 lead to the discovery of admissible evidence, fails to identify the information requested with
16 reasonable or adequate particularity, or seeks to impose upon responding party herein burdens
17 beyond those established under the Nevada Rules of Civil Procedure or Nevada law.

18 8. Responding party has performed a reasonable inquiry in search of information as
19 required by the Nevada Rules of Civil Procedure and has made very reasonable effort to locate the
20 information described herein, which effort has been made in good faith. Responding party cannot
21 affirm, however, that "all" such information has been supplied. Although responding party herein
22 believes that all such information has been produced that is with Responding Parties' possession
23 and/or control, responding party will supplement these responses in accordance with the
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1 applicable discovery rules in the event that responding party discovers that they have inadvertently
2 failed to provide information within their responses.

3 9. Responding party objects to each request that uses language such as “each and
4 every” or similar broad language. Such requests are onerous, burdensome, harassing, prejudicial,
5 and overly broad. Each request asking “any and all” or “each and every” is objectionable and
6 such an inquiry, in essence, is a request for evidence and not discoverable information. See, e.g.,
7 *United State vs. Renault, Inc.*, 37 F.R.D. 23, 26-27 (S.D.N.Y. 1960). Moreover, responding party
8 has no possible means of making the all-encompassing identifications that such a broadly-worded
9 interrogatory requires.
10

11 10. Responding party objects to each request (and any portion thereof) to the extent
12 that it seeks to impose a burden upon responding party to search for information or documents in
13 the possession, custody, or control of persons or entities other than responding party for the reason
14 that such a request is overly broad and beyond the scope of discovery allowed by the Nevada
15 Rules of Civil Procedure.
16

17 11. Responding party also objects to any request that seeks to require it to search for
18 documents or information in the possession, custody, or control of unnamed persons or entities
19 other than responding party, including, but not limited to, information that is in the possession,
20 custody, or control of unnamed persons or entities other than responding party, including but not
21 limited to, information that is in the possession, custody, or control of public entities, for the
22 reason that such a request is unduly burdensome, expensive, harassing, and beyond the obligations
23 imposed upon responding party by the Nevada Rules of Civil Procedure.
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12. As stated above, responding party objects to all requests to the extent that such request call for the production of privileged and/or protected information. In the event that responding party unintentionally produces information that is privileged and/or protected, such production is inadvertent and made without the intent to waive responding parties' privileges and/or protections applicable thereto. In the event that privileged and/or protect information is unintentionally produced, responding party requests that all such information (including copies of any documents) be promptly returned to responding party or their attorneys of record, and responding party expressly reserves all objections to any use of such information in this litigation.

13. Responding party reserves the right to rely upon all documents and information supplied hereby or in connection with any disclosures, admissions or other discovery in support of or in opposition to any contention, claim, or defense raised in this litigation, regardless of whether such information or documents are supplied in response to one Interrogatory, yet not incorporated by cross-reference in response to another Interrogatory that might be related to the contention in question.

14. Responding party responds to the request as responding party reasonably interprets and understands such Interrogatories.

15. The responding party herein has made a good faith effort to produce documents responsive to the Requests, as they are kept in the usual course of business (as permitted by Fed. R. Civ. P. Rule 24(b)). However, it is possible that additional information will be discovered that might affect the responses. In addition, the responding party herein anticipates that additional information relevant to the responses may be obtained as discovery proceeds. Accordingly, the responding party herein reserves the right to supplement and to introduce, at trial or otherwise,

1 any evidence from any source hereafter obtained.

2 16. The responding party herein reserves the right to rely upon all documents supplied
3 hereby in support of or in opposition to any contention raised in this litigation, regardless of
4 whether such documents are supplied in response to one Request, yet not incorporated by cross-
5 reference in response to another Request that might be related to the contention in question.

6 17. The restatement of any specific objection in the context of these responses shall
7 not be construed to imply waiver of any unstated objections addressed by these General
8 Objections and Caveats, or an other applicable privilege or exemption from discovery and the
9 counterparts under the laws of any jurisdiction that may be applicable.

10 18. Subject to all of the foregoing objections, each of which is incorporated into each
11 of the following responses by this reference, this responding party responds to the requests as set
12 forth below.

13 19. Wherever Defendants object to a Request on the grounds that said Request is
14 unduly burdensome and oppressive, Plaintiff's attention is directed to the following cases: Riss &
15 Co. v. Association of American Railroads, 23 F.R.D. 211 (D.D.C. 1959); United States v. Lowe's
16 Inc., 23 F.R.D. 178 (S.D.N.Y. 1959); Green v. Raymond, 41 F.R.D. 11 (D. Colo. 1966); and Flour
17 Mills of America, Inc. v. Pace, 75 F.R.D. 676 (D. Okla. 1977).

18 20. Further, wherever Defendants object to a Request on the grounds of vagueness and
19 over breadth, attention is directed to the following cases: Jewish Hospital Ass'n of Louisville v.
20 Struck Construction Co., 77 F.R.D. 59 (D.C. KY. 1978) and Stovall vs. Gulf & So. Am. S.S. Co.,
21 30 F.R.D. 152 (D. Tex. 1961).

22 21. Wherever Defendants object to a Request on the ground that the Interrogatory is
23 irrelevant and not calculated to lead to admissible evidence, Plaintiff's attention is directed to the
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2 following cases: Green v. Raymond, 41 F.R.D. 11 (D. Colo. 1966); Burroughs v. Warner Bros.
3 Pictures, 15 F.R.D. 165, 166 (D. Mass. 1963).

4 22. Further, whenever Defendants object to a Request regarding trial preparation
5 materials on the ground that the propounding party has failed to show "good cause" under
6 N.R.C.P. 26(b) (3) Plaintiff's attention is directed to the following cases: United States v. Cathan
7 City Corp., 72 F.R.D. 640 at 642-643 (S.D. Ga. 1976); First Wisconsin Mtg. v. First Wisconsin
8 Corp., 86 F.R.D. 160 at 165, 167 (E.D. Wisc. 1980).

9
10 23. Finally, wherever Defendants object to a Request on the ground of attorney-client
11 privilege, Plaintiff's attention is directed to the following cases: Sperry Rand Corp. v. IBM, 45
12 F.R.D. 287 (D. Del. 1967); and Jewish Hospital Ass'n of Louisville v. Struck Construction Co., 77
13 F.R.D. 59 (S.C. Ky. 1978).

14
15 **REQUEST FOR ADMISSION NO. 1:**

16 Admit the Plaintiff, Revenue Plus, LLC is a New York corporation.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

18 Deny.

19
20 **REQUEST FOR ADMISSION NO. 2:**

21 Admit that Plaintiff, Revenue Plus, LLC has never been registered with the Nevada
22 Secretary of State.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

24 Admit.

25
26 **REQUEST FOR ADMISSION NO. 3:**

27 Admit that the Mitchell Defendants are not residents of Nevada.
28

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

2 Admit.

3
4 **REQUEST FOR ADMISSION NO. 4:**

5 Admit that Plaintiff, Revenue Plus, LLC was awarded \$2,608,797.50 in damages based on
6 real estate activities it alleges it performed, including attending meetings, conducting property
7 tours, and developing marketing materials, all for real property located in Las Vegas, Nevada.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

9
10 Objection: The term "real estate activities" is vague and overbroad. Without waiving said
11 objection, Plaintiff denies.

12 **REQUEST FOR ADMISSION NO. 5:**

13 Admit that there is no agreement under which the Mitchell Defendants (other than Las
14 Vegas Land Partners, LLC) agreed to be personally obligated for the debts of Las Vegas Land
15 Partners, LLC.

16
17 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

18 Deny.

19 **REQUEST FOR ADMISSION NO. 6:**

20 Admit that Plaintiffs' only interests in the "various Real Estate parcels," referenced in
21 paragraph 116 of Plaintiffs' Amended Complaint, are as judgment creditors.

22
23 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

24 Admit.

25 **REQUEST FOR ADMISSION NO. 7:**

26 Admit there is no confidential relationship between Plaintiffs and the Mitchell Defendants.
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RESPONSE TO REQUEST FOR ADMISSION NO. 7:

Deny.

REQUEST FOR ADMISSION NO. 8:

Admit that the only relationship between Plaintiffs and Las Vegas Land Partners, LLC was an employment contract.

RESPONSE TO REQUEST FOR ADMISSION NO. 8:

Deny.

REQUEST FOR ADMISSION NO. 9:

Admit that Plaintiffs have not had any relationship with the Mitchell Defendants, other than Las Vegas Land Partners, LLC.

RESPONSE TO REQUEST FOR ADMISSION NO. 9:

Deny.

REQUEST FOR ADMISSION NO. 10:

Admit that the only "unlawful objective" that Plaintiffs allege against the Mitchell Defendants in this case is the transfer of real property and money.

RESPONSE TO REQUEST FOR ADMISSION NO. 10:

Objection: The term "Unlawful objective" is not used in Plaintiff's amended complaint. Without waiving said objection, Plaintiff denies.

REQUEST FOR ADMISSION NO. 11:

Admit that the only damages alleged by Plaintiffs in this case result from their inability to execute on the Judgment against Las Vegas Land Partners, LLC entered in Clark County District Court case number 07A551073.

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RESPONSE TO REQUEST FOR ADMISSION NO. 11:

Deny.

REQUEST FOR ADMISSION NO. 12:

Admit that the only damages alleged by Plaintiffs in this case are based on the transfer of real property and money.

RESPONSE TO REQUEST FOR ADMISSION NO. 12:

Deny.

DATED this 19th day of January, 2018.

JOHN W. MUJJE & ASSOCIATES

By: 

JOHN W. MUJJE, ESO
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Email: jmujje@mujjelawoffice.com
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

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I hereby certify that I am an employee of JOHN W. MUIJE & ASSOCIATES, and that on the 19TH day of January, 2018, I caused the foregoing document entitled: **PLAINTIFF REVENUE PLUS, LLC'S RESPONSES TO DEFENDANTS' FIRST SET OF REQUEST FOR ADMISSIONS**, 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; and/or
- pursuant to EDCR 7.26, by causing a copy to be sent via facsimile at the number(s) listed below; and/or
- by hand-delivering a copy to the party or parties as listed below:

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Attorneys for Defendants

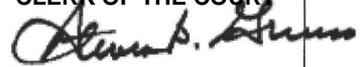
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 LLC and Barnet Liberman*

Fern M. Vitman

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3 Nevada Bar No. 1252
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9 Email: harry@marquislaw.net
10 *Attorney for Defendants*
11 *305 Las Vegas, LLC and*
12 *Barnet Liberman*

8
9 **DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

11 RUSSELL L. NYPE; REVENUE PLUS, LLC,)
12 DOES I through X; DOES I through X; DOE)
13 CORPORATIONS I through X; and DOES) Case No. A-16-740689-B
14 PARTNERSI-IIPS I through X,)

15 Plaintiffs,)

16 Dept. No. 15)

17 vs.)

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

29 Defendants.)

30 **JOINDER OF BARNET LIBERMAN AND 305 LAS VEGAS, LLC IN THE MITCHELL**
31 **DEFENDANTS' MOTION TO COMPEL COMPLETE RESPONSES TO**
32 **INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

33 Defendants, BARNET LIBERMAN, an individual ("LIBERMAN") and 305 LAS
34 VEGAS, LLC a Nevada limited liability company ("305 LAS VEGAS") by and through their

1 attorney, HARRY PAUL MARQUIS, ESQ., of the law firm of HARRY PAUL MARQUIS,
2 CHARTERED., hereby joins in THE Mitchell Defendants' Motion to Compel Complete
3 Responses to Interrogatories and Requests for Production of Documents.

4 DATED this 26th day of April, 2018.

5
6 **HARRY PAUL MARQUIS, CHTD.**

7
8 By: 
9 HARRY PAUL MARQUIS, ESQ.
10 Nevada Bar No. 001252
11 400 South 4th Street, Suite 300
12 Las Vegas, Nevada 89101
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15 Email: harry@marquislaw.net
16 ***305 Las Vegas, LLC and***
17 ***Barnet Liberman***
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CERTIFICATE OF SERVICE

1
2 The undersigned, an employee of HARRY PAUL MARQUIS, CHTD., hereby certifies
3 that on the 21st day of April, 2018, I served a true and correct copy of the *Joinder of Barnet*
4 *Lieberman and 305 Las Vegas, LLC in the Mitchell Defendants' Motion to Compel Complete*
5 *Responses to Interrogatories and Requests for Production of Documents* electronically via the
6 Court's ECF system upon all parties listed on the electronic service list, as follows:
7

8 JOHN W. MUIJE, ESQ.
9 **JOHN W. MUIJE & ASSOCIATES**
10 1840 E. Sahara Avenue, Suite 106
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Attorney for Plaintiffs
Russell L. Nype and
Revenue Plus, LLC

15 GARRY L. HAYES, ESQ.
16 **LAW OFFICES OF HAYES & WELSH**
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Attorney for Defendants
Aquarius Owner LLC, Casino Coolidge LLC,
Las Vegas Land Partners LLC
Leah Property LLC, Liberman Holdings LLC,
Live Work LLC, Live Works Manager LLC,
LVLV Holdings LLC, Meyer Property Ltd,
David J. Mitchell and Mitchell Holdings LLC

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An Employee of:
HARRY PAUL MARQUIS, CHTD.