

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL LAGUDI, AN INDIVIDUAL;
AND WILLIAM TODD PONDER,
AN INDIVIDUAL, Appellants,

v.

FRESH MIX, LLC, A DELAWARE
LIMITED LIABILITY COMPANY;
AND GET FRESH SALES, INC., A
NEVADA CORPORATION,
Respondents.

Supreme Court No. 80950

District Court Case No. A785391

Electronically Filed
Aug 24 2020 12:48 p.m.

Elizabeth A. Brown
Clerk of Supreme Court

NOTICE OF BANKRUPTCY

PLEASE BE ADVISED that on August 11, 2020, the United States Bankruptcy Court for the District of Nevada entered an order for relief in Fresh Mix, LLC's Chapter 7 involuntary case, Case No. 20-12051, a copy of which is attached hereto as Exhibit A. This matter is subject to the automatic stay of 11 U.S.C. § 362.

DATED this 24th day of August 2020.

PISANELLI BICE PLLC

By: /s/ Debra L. Spinelli

James J. Pisanelli, Esq., Bar No. 4027
Debra L. Spinelli, Esq., Bar No. 9695
Ava M. Schaefer, Esq., Bar No. 12698
400 South 7th Street, Suite 300
Las Vegas, Nevada 89101

*Attorneys for Fresh Mix, LLC and
Get Fresh Sales, Inc.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC and that, on this 24th day of August 2020, I caused to be served via the Court's e-filing/ e-service system a true and correct copy of the above and foregoing **NOTICE OF BANKRUPTCY** to the following:

Mark J. Connot
Lucy C. Crow
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1980 Festival Plaza Drive, #700
Las Vegas, NV 89135

Daniel J. Polsenberg, Esq.
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Attorneys for Plaintiffs

/s/ Cinda Towne
An employee of PISANELLI BICE PLLC

EXHIBIT A

Bruce T. Beesley

Honorable Bruce T. Beesley
United States Bankruptcy Judge



Entered on Docket
August 11, 2020

Samuel A. Schwartz, Esq.
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Get Fresh Sales, Inc.

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re: Fresh Mix LLC,)	Case No.: 20-12051-BTB
)	Chapter 7
)	
Debtor.)	Hearing Date: August 6, 2020
)	Hearing Time: 10:00 a.m.
)	

**ORDER GRANTING INVOLUNTARY CHAPTER 7 PETITION
AND RESOLVING PENDING MOTIONS FOR MOOTNESS**

This matter came before the Court for hearing on August 6, 2020, at 10:00 a.m., on (a) the Renewed Motion of Paul Lagudi (“**Lagudi**”) and William Ponder (“**Ponder**”) (collectively, the “**Minority**”) For Derivative Standing and Dismissal of Involuntary Petition Based on Interim Trustee’s Second Status Report (Docket No. 102) (the “**Renewed Motion**”), (b) status of the Motion to Dismiss Involuntary Petition Under §§ 303 & 305 and for Relief from the Automatic Stay Under § 362 (Docket No. 11) (the “**Motion to Dismiss**”), and (c) the Motion to Strike the Renewed Motion (Docket No. 115) (the “**Motion to Strike**”) of the petitioning creditor and party-in-interest, Get Fresh Sales, Inc. (“**Get Fresh**”); the Minority appeared by and through their

1 counsel, Brett Axelrod, Esq. and Mark Connot, Esq. of Fox Rothschild LLP, and Get Fresh
2 appeared by and through its counsel, Samuel A. Schwartz, Esq. of Schwartz Law, PLLC.

3 The Court having reviewed and considered the Motion to Dismiss, the Renewed Motion,
4 the Motion to Strike, and the Trustee's Second Interim Report (Docket No. 99); and

5 The Court having found that: (i) it has jurisdiction to consider the Motion to Dismiss, the
6 Renewed Motion and the Motion to Strike, and the relief requested therein in accordance with 28
7 U.S.C. §§ 157 and 1334; (ii) consideration of the Motion to Dismiss, the Renewed Motion, and
8 the Motion to Strike and the relief requested therein is a core proceeding pursuant to 28 U.S.C. §
9 157(b)(2); and (iii) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409; and

10 The Court having considered the arguments of counsel during the hearing of the motions
11 and the Trustee's Second Interim Report; and

12 The Court having ordered the entry of the Involuntary Petition for Relief after finding no
13 party with standing has made a timely opposition to it; and after due deliberation and sufficient
14 cause appearing therefore, it is hereby:

15 **ORDERED** that on consideration of the involuntary petition filed on April 23, 2020,
16 Docket No. 1, against the above-named Debtor, an order for relief under Chapter 7 of the
17 Bankruptcy Code is entered; and it is further

18 **OREDRED** that the United States Trustee shall appoint a Chapter 7 Trustee; and it is
19 further

20 **ORDERED** that the Motion to Dismiss and the Renewed Motion are removed from the
21 Court's calendar as moot; it is hereby further

22 **ORDERED** that the Motion to Strike is removed from the Court's calendar as moot; and
23 it is further ordered

24 **IT IS FURTHER ORDERED** that this Court shall retain jurisdiction over any and all
25 matters arising from or related to the implementation or interpretation of this Order.
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1 Respectfully Submitted,

2 SCHWARTZ LAW, PLLC

3 By: /s/ Samuel A. Schwartz

4 Samuel A. Schwartz, Esq.

601 East Bridger Avenue

5 Las Vegas, NV 89101

Attorneys for Petitioning Creditor

6 Get Fresh Sales, Inc.

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SUBMISSION TO COUNSEL FOR APPROVAL PURSUANT TO LR 9021

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ The court has waived the requirement set forth in LR 9021(b)(1).

_____ No party appeared at the hearing or filed an objection to the motion.

X I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of this order.

APPROVED: LENARD E. SCHWARTZER, ESQ.; and MARK J. CONNOT, ESQ.

DISAPPROVED:

FAILED TO RESPOND:

Submitted by:

SCHWARTZ LAW, PLLC

By /s/ Samuel A. Schwartz
Samuel A. Schwartz, Esq.
601 East Bridger Avenue
Las Vegas, NV 89101
Attorneys for Petitioning Creditor
Get Fresh Sales, Inc.

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