

I. NRAP 26.1 DISCLOSURE

The undersigned certifies that the following are persons or entities as described in NRAP 26.1(a), and must be disclosed. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal.

1. Parent corporations and/or any publicly-held company that owns 10% or more of the party's stock:

NONE.

2. Law Firms that have represented Appellant Brian C. Padgett:

NONE.

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IV. JURISDICTIONAL STATEMENT

A. Basis of Jurisdiction

This is an appeal from the Notice of Entry of Decision, filed July 30, 2020, (hereinafter “Decision”) by Respondent State Bar of Nevada against Appellant Brian C. Padgett. This Court has jurisdiction over this appeal pursuant to Article 6, section 21 (1) of the Nevada Constitution and the Nevada Rules of Appellate Procedure (hereinafter “NRAP”), Rule 3D(b & c).

B. Timeliness of Appeal

Appellant Brian C. Padgett filed a Motion to Extend Time to File Opening Brief (First Request) on November 9, 2020 seeking a thirty (30) day extension of time – until December 9, 2020 - within which to file Appellant’s Opening Brief. That request was granted by the Court.

Appellant then filed a Motion to Extend Time to File Opening Brief (Second Request) seeking a fourteen (14) day extension of time to file the Opening Brief until December 23, 2020 due to ongoing medical issues. This request was granted by the Court.

Appellant filed a Motion to Extend Time to File Opening Brief (Third Request) seeking a sixteen (16) day extension of time to complete the Opening Brief and deliver it to the Court on or before January 8, 2021. This request was approved by the Court.

Thereafter, Appellant filed a Motion to Extend Time to File Opening Brief (Fourth Request) seeking a three (3) day extension of time to complete the Opening Brief and deliver it to the Court on or before January 11, 2021. As of January 11, 2021 this Request was pending approval from the Court.

Finally, Appellant sought a final Motion to Extend Time to File Opening Brief (Fifth Request) seeking a one (1) day extension of time to complete the Opening Brief and deliver it to the Court on or before January 12, 2021. As of January 12, 2021 this Request was pending approval from the Court.

Pending Court approval of the two outstanding Motions to Extend Time, filing of the Opening Brief has been made within 64 days after service of the order. *See* NRAP 3D(d).

C. Appeal from Final Order of Judgment

This is an appeal from a Notice of Entry of Decision. *See* NRAP 3D(c)(1)(2).

V. ROUTING STATEMENT

Both the Constitution and NRAP 17(a)(3) require this appeal be heard by the Supreme Court. Nev. Const. Art. 6, Sec. 21(1).

VI. STATEMENT OF ISSUES PRESENTED FOR REVIEW

1. Whether the Respondent erred and substantially prejudiced Appellant by continuing forward with disciplinary proceedings against Appellant without providing appropriate notice or due process to Appellant.
2. Whether the Respondent erred and substantially prejudiced Appellant by failing to disclose a clear and present conflict of interest between a Hearing Panel member and Appellant.
3. Whether the Respondent violated Appellant's Equal Protection Rights and substantially prejudiced Appellant by holding only one disciplinary hearing for two distinct and separate State Bar complaints.

VII. STATEMENT OF THE CASE

This is an appeal from a disciplinary hearing held by the State Bar of Nevada without the presence of Appellant who had no notice of the hearing nor opportunity to defend himself on or after February 28, 2020.

VIII. STATEMENT OF FACTS

In the summer of 2019, Appellant was advised that two Bar Complaints had been filed against him. Prior to the filing of these Complaints, Appellant had only had one Bar Complaint filed against him during the entire course of his 20 year legal career in Nevada – and he successfully defended against it.

One case no. OBC19-0604, was filed by a client whose case was handled by attorney Amy Sugden who worked as an independent contractor for Appellant and attorney Kirby C. Gruchow, Jr. from the law firm of Leach, Johnson, Song and Gruchow. The other case no. OBC19-0798 was filed against Appellant by a former employee of Appellant's Nevada licensed marijuana company, Ian Ritchie. This complaint was filed with the assistance of attorney Amy Sugden who previously represented Appellant and his law firm and worked with the Firm for nine (9) years. Both Ms. Sugden and Mr. Ritchie were terminated for cause by Appellant in March 2019 when it was found they were assisting outside investors in the fraudulent corporate takeover of Appellant's Nevada licensed marijuana company.

While responding to the State Bar investigation, Appellant learned that his law firm's server had been breached and approximately half of the Firm's archived emails were deleted from the server without Appellant's knowledge. Appellant then notified the State Bar on October 11, 2019 as several of those emails needed to respond to the State Bar's investigations were deleted without authorization.

*Exhibit A.*¹

Thereafter, Appellant hired Elliott Investigative Services, Inc. and its President John M. Elliott to investigate the actions of Ms. Sugden and Mr. Ritchie,

¹ Attached to the Appellant's Opening Brief are supporting exhibits rather than citations to an Appendix as Appellant was not given notice of the disciplinary hearing and, therefore, the exhibits in the Appendix were created without his input.

among others related to racketeering activity and the fraudulent takeover of Appellant's Nevada licensed marijuana company. Mr. Elliott is a retired Special Agent with 25 years in service to the FBI. He is also a Certified Fraud Investigator. His firm focuses on the investigation of large scale racketeering activities and RICO violations. After reviewing the server breach, Mr. Elliott recommended that the Law Firm should work out of Appellant's home office at 1672 Liege Drive in Henderson, Nevada until the server could be secured and cases involving Appellant's marijuana licenses were concluded. *Exhibit B*.

On February 24, 2020, Appellant mailed a response to the State Bar Complaint for case nos. OBC19-0604 and OBC19-0798. *Exhibit C*. The response detailed the basis for Mr. Elliott's investigations and asked for a stay of proceedings until the investigation could be completed because it was believed there was a nexus between the State Bar complaints filed and the activities Mr. Elliott was investigating.²

Appellant's law firm computer server was breached again at the end of February 2020, and it was found that many PDF and Word documents were also stripped from the server. At that time, the decision was made to move full time to Appellant's home office and work from flash drives and computer hard drives.

² After Appellant's law office email was restored in September, 2020, Appellant found no correspondence indicating Associate Bar Counsel ever responded to Appellant's request to stay proceedings.

As the Law Office made the move to Henderson from downtown Las Vegas, Respondent's secretary, Connie P. Little mailed the State Bar a notice of change of address, temporarily changing the Law Firm address to Respondent's home office at 1672 Liege Drive, Henderson, Nevada 89012. *Exhibit D.* For the rest of 2020, the Law Firm's mail was received at Appellant's home office and this address was also available on the Clark County District Court Portal. *Exhibit E.*

Shortly thereafter, in early March 2020, Appellant's office email server stopped delivering email to Law Firm staff. Appellant tried to restore the law office email quickly but found, with COVID-19, it became extremely difficult to schedule tech support because tech firms were flooded with demands from many companies to help their employees work from home. *Exhibit F.*

Subsequently, and before the Firm could receive repair service, the computer technician who was scheduled to provide service was quarantined for COVID-19, Appellant lost an uncle and then got sick himself. However, during this time and while waiting for service, Appellant got a second email account as an interim stopgap and used that for filings on the District Court Portal.

It wasn't until September 2020, before the Firm received tech repair service and the Law Firm email account became operable and began to repopulate itself. It is still not known what, if any, emails are missing and failed to repopulate.

Despite the notice of change of Law Firm address to 1672 Liege Drive, Henderson, Nevada 89012 which was mailed to the State Bar at the end of February 2020 and despite this address and new email being available on the District Court Portal, the State Bar continued to send mail to Appellant's 611 S. 6th Street downtown law office address and to a home he had not owned in more than a year at 11274 Gammila Drive, Las Vegas, Nevada 89141. Even though these mailings were returned to sender, the State Bar continued to send mailings to the same addresses. These mailings included the selection of Hearing Panel members, Notice of Intent to Take Default, Entry of Default, the Notice of Disciplinary Hearing and Disciplinary Findings, among others.

Appellant spent the year battling racketeering activities meant to strip him of his marijuana licenses and the loss of a family member during the COVID-19 pandemic as well as his own personal health challenges. Appellant had no reason to believe his request had not been granted by the State Bar and believed that was why he received no further correspondence on these cases. However, the disciplinary process continued without his knowledge, without observing his due process rights and he was given no opportunity to participate in the selection of the Hearing Panel nor to defend himself against the charges levied at him.

After the Disciplinary Hearing was held without Appellant, Associate Bar Counsel admitted he went onto the Clark County District Court Portal and found Appellant's contact information.

IX. SUMMARY OF THE ARGUMENT:

1. Nevada Courts have a long history of protecting the Due Process rights of participants in civil actions.
2. The Respondent erred when it continued forward with proceedings against Appellant without providing appropriate due process to Appellant despite the fact that Appellant tendered his new mailing address to Respondent.
3. The Respondent erred and substantially prejudiced Appellant by failing to disclose a clear and present conflict of interest between a hearing panel member and Appellant.
4. The Respondent violated Appellant's Equal Protection Rights and substantially prejudiced Appellant by holding only one disciplinary hearing for two distinctly separate State Bar complaints.

X. LEGAL ARGUMENT

On an appeal from an adverse Hearing Panel determination that was taken absent the Appellant, this Court "may reserve such action or take any alternative action provided in this subsection." Nev. Const. art. 6, sec. 21(1). This Court "is

not bound by the Panel's conclusions of law. *In re Varain*, 114 Nev. 1271, 1276, 969 P.2d 305, 309 (1998). Factual determinations are reviewed to determine "whether the evidence in the record as a whole provides clear and convincing support" for the Panel's findings." *Id.*

This Court must exercise its independent judgment to ensure the sanction provided by the Panel is appropriate based on the Panel's findings of facts and this Court's independent review of the law based on those facts. *Goldman v. Nevada Com'n on Judicial Discipline*, 108 Nev. 251, 267-68, 830 P.2d 107, 118.

A. NEVADA COURTS HAVE A LONG HISTORY OF PROTECTING THE DUE PROCESS RIGHTS OF PARTICIPANTS IN CIVIL ACTIONS

Nevada courts have a history of protecting the due process rights of participants in civil actions. Decisions made in absence of one party are not favored by the law. As stated by the Nevada Supreme Court in *Franklin v. Bartsas Realty, Inc.*, 95 Nev. 561, 598 P.2d 1147 (1979):

[It is] the basic policy of each case decided upon its merits. In the normal course of events, justice is best served by such a policy. Because of this policy, the general observation may be made that an appellate court is more likely to affirm a lower court's ruling setting aside a default judgment than it is to affirm a refusal to do so.

95 Nev. at 563 (Emphasis in original). *See also McNair v. Rivera*, 110 Nev. 463, 471, 874 P.2d 1240 (1994).

Furthermore, Section 1019 of the *Nevada Civil Practice Manual* (Third Edition 1993) entitled "The Notice of Hearing" states: "The failure to give notice and provide a hearing is a fatal procedural error because without proper notice the judgment is void and will be set aside. *Id.* at 158.

There is long standing precedent in our country that requires a judgment taken without any notice be set aside. The Supreme Court of the United States has held that a meritorious defense need not be shown where a default or default judgment is entered without any notice to the defendant. *See Peralta v. Heights Center, Inc.*, 485 U.S. 80, 108 S. Ct. 896, 99 L.Ed. 2d. 75 (1988). Nevada has long held to this precept as an essential due process right for all parties and it is applicable here to protect the due process rights of the Appellant.

**1. Lack of Due of Process from Respondent Substantially
Prejudiced Appellant and Renders the Judgment Void And It
Must Be Set Aside**

On February 24, 2020, Appellant mailed a response to the State Bar Complaint for case nos. OBC19-0604 and OBC19-0798. This response detailed the basis for Mr. Elliott's investigation and asked for a stay of proceedings until the investigation could be completed because it was believed there was a nexus between the State Bar complaints filed and the racketeering activities being investigated as described above.

When the Law Firm made the move to Appellant's Henderson home office from downtown Las Vegas, Respondent's secretary, Connie P. Little mailed the State Bar a notice of change of address, temporarily changing the Law Firm address to Respondent's home office at 1672 Liege Drive, Henderson, Nevada 89012. For the rest of 2020, the Law Firm's mail was received at Appellant's home office as this address was also available on the Clark County District Court Portal.

Shortly thereafter, in early March 2020, Appellant's office email stopped delivering mail to Law Firm staff and Appellant had to create a backup email address for filing pleadings on the District Court Portal.

Despite the notice of change of Law Firm address to 1672 Liege Drive, Henderson, Nevada 89012 mailed to the State Bar at the end of February 2020 and despite this address and new email being available on the Clark County District Court Portal, the State Bar continued to send mail to Appellant's 611 S. 6th Street address and to a home he had not owned in more than a year at 11274 Gammila Drive, Las Vegas, Nevada 89141. Even though these mailings were returned to sender, the State Bar continued to send them to the same addresses. These mailings included the selection of Hearing Panel members, Notice of Intent to Take Default, Entry of Default, the Notice of Disciplinary Hearing and Disciplinary Findings, among others.

Despite Appellant mailing the Notice of Address Change to the State Bar and the availability of that contact information along with new email address available on the District Court Portal, Appellant was given no notice that proceedings moved forward without him.

Section 1019 of the *Nevada Civil Practice Manual* (Third Edition 1993) entitled “The Notice of Hearing” states: “The failure to give notice and provide a hearing is a fatal procedural error because without proper notice the judgment is void and will be set aside. *Id.* at 158.

Due process requires a judgment taken without any notice be set aside. The Supreme Court of the United States has held that a meritorious defense need not be shown where a default or default judgment is entered without any notice to the defendant. *See Peralta v. Heights Center, Inc.*, 485 U.S. 80, 108 S. Ct. 896, 99 L.Ed. 2d. 75 (1988).

After Appellant mailed in his response to the State Bar Complaints on February 24, 2020, he was given no further notice of the proceedings moving forward against him and the disciplinary hearing was held without him. Due Process requires that the judgment taken against Appellant in his absence be set aside. *Id.*

**2. The Disciplinary Hearing Decision Should Also Be Set Aside
Because Respondent Failed to Disclose a Substantial Conflict
of Interest Between Appellant and a Hearing Panel Member**

There is an important public interest that State Bar of Nevada disciplinary hearing panel members be unbiased and disinterested when selected to sit in judgment of one of their peers. If there is a conflict, those members have a duty of candor to disclose that conflict because it could adversely impact the lawyer being judged. NRPC Rule 3.3.

Appellant was not noticed of the proceedings moving forward after February 2020 and so was not able to participate in the Disciplinary Hearing. However, when Appellant did get the filed pleadings – after a decision had been made against him in both cases – these pleadings showed an obvious and profound conflict between the lay Hearing Panel member and the Appellant.

Peter Ossowski, the layperson in the three member Hearing Panel in this matter works for the Nevada Department of Transportation (“NDOT”) and has worked on their “Project Neon” – a widening of the I-15.

Appellant has made his career defending landowners in trial against NDOT when they take private property for public works projects like Project Neon. Appellant’s law firm is currently representing landowners in the path of Project Neon and NDOT may have liability for Just Compensation due and owing to

several landowner clients of Appellant in excess of \$50 Million dollars. As a result, NDOT and their employees have every reason to make sure Appellant's ability to practice law and defend landowners is hindered.

This was not the first time NDOT has tried to disrupt Appellant's ability to practice law: Between 2002-2005 NDOT was taking property in Reno, Nevada for a public works project. As is Appellant's custom, he sent out notices to these landowners impacted by the project of their constitutional rights for the taking and damaging of their properties. NDOT filed a bar complaint against Appellant for sending out the mailings and sought to have Appellant suspended from practicing law at a time when NDOT was in the process of taking private landowners' property for this Reno, Nevada public works project.³

Approximately fifteen years later, it is impossible not to see the conflict of interest in this matter and understand that NDOT, through Mr. Ossowski, would have similar motivation to see Appellant suspended because of their prospective liability to Appellant and his clients in the Project Neon corridor. It is not reasonable that Mr. Ossowski was asked to be on the Hearing Panel and the State Bar did not know of his profession or his employer, NDOT. It is also unlikely that Appellant's area of practice was not known to the Hearing Panel. Appellant's law

³ Appellant successfully defended himself against the NDOT Bar Complaint filed regarding a Reno, Nevada public works project.

firm is one of only two law firms in the State of Nevada that exclusively represents landowners in the area of eminent domain against condemning authorities such as NDOT. And yet, no one on the Hearing Panel disclosed this conflict of interest between Mr. Ossowski and Appellant in violation of their Duty of Candor - NRPC Rule 3.3.

Because this conflict of interest was not disclosed during the entirety of the disciplinary proceedings - in violation of NRPC Rule 3.3 - the only adequate remedy to cure the substantial prejudice to Appellant is to void the Hearing Panel Decision and the Notice of Entry of Decision and both must be set aside.

3. Respondent Violated Appellant's Equal Protection Rights By Holding One Disciplinary Hearing For Two Separate State Bar Complaints Involving Different Complainants and Facts

Respondents scheduled Appellant's Disciplinary Hearing to cover both case nos. OBC19-0604 and OBC19-0798 on the same day. In fact, these cases were also heard simultaneously by the same Hearing Panel.

Appellant is not aware of any State Bar disciplinary process that allows for two separate complaints to be heard simultaneously by the same Hearing Panel. This is a violation of Appellant's Equal Protection rights. It would be impossible for bias not to accrue against Appellant from one case into the next with the same

Hearing Panel and result in a greater penalty than might otherwise accrue, if any.

That is the case here.

As Respondents have failed to provide Appellant with equal treatment to his peers under the laws, the only adequate remedy to cure the substantial prejudice to Appellant is to void the Hearing Panel Decision and the Notice of Entry of Decision and both must be set aside.

XI. CONCLUSION

The Respondent's Notice of Entry of Decision is void and must be set aside.

Appellant was given no notice of the Respondent's disciplinary proceedings moving forward and was given no opportunity to defend himself in violation of his Due Process rights. The Respondent also failed to disclose a substantial conflict of interest between a Hearing Panel member and Appellant. Finally, Respondent also held its disciplinary hearing against Appellant centered around two separate Complaints with different facts and different Complainants in violation of Appellant's Equal Protection rights.

DATED this 12th Day of January 2021.

LAW OFFICES OF BRIAN C. PADGETT



BRIAN C. PADGETT
Nevada State Bar No. 7474
1672 Liege Drive
Henderson, Nevada 89012
Appellant in Proper Person

CERTIFICATE OF COMPLIANCE

1. I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word in 14 point font and Time New Roman.
2. I further certify that this brief complies with the page – or type - volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(c), it is proportionally spaced, has a typeface of 14 points or more and contains 4169 words.
3. Finally, I hereby certify that I have read this appellate brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found.

4. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED this 12th day of January, 2021.

LAW OFFICES OF BRIAN C. PADGETT

A handwritten signature in black ink, appearing to read 'B. Padgett', is written over a horizontal line.

BRIAN C. PADGETT
Nevada State Bar No. 7474
1672 Liege Drive
Henderson, Nevada 89012
Appellant in Proper Person

CERTIFICATE OF SERVICE BY ELECTRONIC FILING

I hereby certify that I am an employee of the LAW OFFICES OF BRIAN C. PADGETT, and that on the 12th day of January, 2021, I did serve by way of electronic filing, a true and correct copy of the foregoing **APPELLANT'S** **OPENING BRIEF** on the following:

Gerard Gosioco, Esq.
State Bar of Nevada
3100 W. Charleston Blvd., Ste. 100
Las Vegas, Nevada 89102


An employee of
The Law Offices of Brian C. Padgett

EXHIBIT A

Subject: Extension Request to Monday 10/14 at 12:00pm: DiFrancesco Case
Date: Friday, October 11, 2019 at 11:30:59 PM Pacific Daylight Time
From: Brian Padgett
To: louisew@nvbar.org
CC: Cathy Ramsey
Attachments: A9E75E53-2BEE-408C-80D5-65A27871BFA3.png, 02FB6BDA-A5D4-4C9A-B4A1-9592526E8853.png, 0BA33676-1819-4E23-BEA0-F652CA6B8A41.png, 09B7C04A-978C-4C8F-9458-1BFC61B27F33.png, AE5C1DE7-3604-4651-8834-33CC0A92B4E6.png

Dear Ms. Watson,

When attorney Amy Sugden and her ACE Legal, LLC was terminated as an independent contractor affiliated with my firm in March 2019 she deleted more than 9 years of her emails from our server and we could not access nor recover these emails. This made answering the State Bar's request for information extremely difficult as her emails contained a significant amount of important correspondence related to the DiFrancesco case.

In order to address the lost emails, we hired a technology services firm – ANAX Technology – to see if we could recover the data.

Today at 7:06am, after much care on their part, ANAX sent me a message that they spoke again with Microsoft Office 365 Support and despite all of the avenues they traveled to try and recover the data Microsoft advised that they could not recover deleted email over 14 days old.

I believe we have some specific email correspondence right on point from the clients – Mr. DiFrancesco and Mr. Feron – that will shed more light on the true and correct reason why they filed suit against my office and Ms. Sugden.

ANAX is coming back to my office tomorrow at 2:30pm to try another avenue outside of Microsoft Office 365 Support.

Therefore, I am requesting an extension of time to file our responsive brief until 10/14 at 12:00pm.

Thank you for your consideration of this request. I understand you are out of the office until Monday so, unless I hear otherwise from you, we will continue forward with ANAX and be prepared to tender our Response to the State Bar on 10/14 at 12:00pm.

Best regards,

Brian C. Padgett
Law Offices of Brian C. Padgett
611 South 6th Street
Las Vegas, Nevada 89101
(702) 304-0123
www.briancpadgett.com





Notice: This electronic mail transmission, and any attachments hereto, may contain an attorney-client privilege that is privileged at law. It is not intended for transmission to, or receipt by, any unauthorized persons. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at (702) 304-0123 and email the sender that you have received this communication in error. We will remit any telephone expenses incurred by you. Thank you.

EXHIBIT B

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DECLARATION OF JOHN M. ELLIOTT

STATE OF CALIFORNIA)
) ss:
COUNTY OF VENTURA

I, JOHN M. ELLIOTT, being first duly sworn, do hereby swear under penalty of perjury
to the following:

1. I am a resident of the State of California.
2. I am the President and CEO of Elliott Investigative Services, Inc.
3. I am a retired FBI Special Agent with more than 25 years of service.
4. I am also a Certified Fraud Examiner.
5. My firm was hired by Mr. Padgett in February 2020 to investigate an alleged fraudulent corporate takeover of Mr. Padgett's marijuana company, CWNevada, LLC.
6. Thereafter, I flew to Las Vegas, Nevada and I met with Mr. Padgett at his home office to begin my investigation.
7. I found that Mr. Padgett was working primarily out of his home office and from flash drives rather than access his server as it had been breached and many of his corporate documents and emails had been erased from the server.
8. During my stay in Las Vegas, Nevada, I worked out of Mr. Padgett's home office due to my concerns that the integrity of his downtown law office security was compromised.
9. Based on interviews and evidence I uncovered, I became concerned about the safety of Mr. Padgett and his staff and I suggested that they continue to work out of his home office - and avoid his downtown law office - until the case was concluded.

1
2 10. Based upon evidence I uncovered, I have reason to believe that some of the same
3 individuals involved in the fraudulent takeover of Mr. Padgett's marijuana company
4 are also involved in promulgating Bar Complaints against him – including attorney
5 Amy Sugden and Complainant Ian Ritchie.

6 11. As the investigation remained ongoing I advised Mr. Padgett to ask for a stay of
7 answering the Bar Complaints against him rather than divulge any material information
8 found during my investigation.

9 12. I have reason to believe that charges against Mr. Padgett, who had no past Complaints
10 filed against him by the State Bar - nor civil charges – were manufactured against him
11 in an effort to take his marijuana licenses from him as majority owner of CWNevada,
12 LLC.
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14 I declare under penalty of perjury under the laws of the State of California that the
15 foregoing statements are true and correct to the best of my knowledge.
16

17 Executed this 18th day of November, 2020.

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21 JOHN M. ELLIOTT
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EXHIBIT C



February 24, 2020

Gerard Gosioco
Office of Bar Counsel
State Bar of Nevada
3100 W. Charleston Blvd., Ste. 100
Las Vegas, NV 89102

Re: Grievance File No. OBC19-0604/Bruce Familian
Grievance File No. OBC19-0798/Ian Ritchie

Dear Mr. Gosioco:

I am the majority owner of a privileged license cannabis firm CWNevada, LLC. I am also the owner of the Law Offices of Brian C. Padgett and have been defending Nevada Landowners in eminent domain proceedings for eighteen years.

During that time I have had only one Bar complaint filed against me – early in my career - and after I responded to questions from Bar Counsel the case was closed in my favor. Therefore, I was surprised this summer when I learned there had been three (3) Bar complaints filed against me at roughly the same time period. I don't believe in coincidences.

At that same time these complaints were filed, my cannabis company was in the midst of a hostile, fraudulent corporate take-over as orchestrated by investors, disgruntled partners, and possible overt and covert assistance from members of certain State agencies. That battle remains ongoing.

The conspiratorial behavior of the parties to this scheme was designed to take over the company, seriously diminish the value of CWNevada, LLC and then offer the weakened and degraded company for sale with the initial offer being substantially below market value so they can acquire the company for themselves.

This has necessitated hiring a retired FBI Special Agent with more than 20 years of federal law enforcement service to launch an investigation and then coordinate with local and state law enforcement agencies. This individual is also a Certified Fraud Examiner, certified by the Association of Certified Fraud Examiners.

As this investigation has been ongoing, there is now concern that the complainants and/or other actors may be involved in these Grievances. For example, all cases in issue herein were handled by attorney Amy Sugden who had been an employee of my law office for nine (9) years before termination and is believed to have engaged in corporate espionage to assist in the takeover of CWNevada which includes damaging my standing in the practice of law.

As a further example, one of the complainants, Ian Ritchie, was the Director of Security for CWNevada who was also terminated for conduct detrimental to the company. Amy Sugden represented Mr. Ritchie on a pro-bono basis until such time as it became clear that Mr. Ritchie was in the employ of the certain company investors that were trying to take over the company. Thereafter, I demanded she withdraw herself and my office as counsel in the case. I believe she silently prepared and filed the Bar complaint on behalf of Mr. Ritchie.

Both of these individuals were named as co-conspirators to illegal conduct in the CWNevada case for the first time this morning. I have attached the filed pleading for your review.

I have been directed by the retired FBI Special Agent to refrain from filing an Answer in this matter until such time as the investigation is concluded as he has significant concern regarding these Grievances and the underlying motivations for prosecution.

Mr. Gosioco, if you have any further questions let's schedule time for a call so we can discuss next steps.

Very truly yours,

A handwritten signature in black ink, appearing to read "Brian C. Padgett", with a long horizontal line extending to the right.

Brian C. Padgett

SUBSCRIBED AND SWORN BEFORE ME
this ____ day of February, 2020.

NOTARY PUBLIC

EXHIBIT D

1 STATE OF NEVADA)
2) ss:
3 COUNTY OF CLARK)

4 I, CONNIE PATRICE LITTLE, being first duly sworn, do hereby swear under penalty of
5 perjury to the following:
6

- 7
- 8 1. I am a resident of the State of Nevada.
 - 9 2. I was employed by the Law Offices of Brian C. Padgett from July 2019 - June 2020.
 - 10 3. In the Fall of 2019 it was discovered that the Law Firm's server had been breached
11 and approximately half of the Firm's archived emails were deleted from the corporate
12 server without our knowledge.
 - 13 4. Because of the breach and the irregular email service we encountered in Fall of 2019
14 it was recommended by a security expert that the Firm should work out of Mr.
15 Padgett's home office at 1672 Liege Drive, Henderson, Nevada 89012 until the the
16 server could be better protected and Mr. Padgett's personal case, A-17-755479-B,
17 was concluded.
 - 18 5. The Firm server was breached again in February 2020 and the decision was then
19 made to move the office to Mr. Padgett's 1672 Liege Drive home office.
 - 20 6. On February 28, 2020, I mailed a notice of change of the Law Firm's address to the
21 Nevada State Bar at Mr. Padgett's request.

22
23 / / /

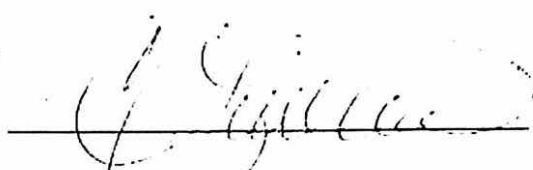
24
25 / / /

26
27 / / /
28

7. That new address I gave to the State Bar was 1672 Liege Drive, Henderson, NV
89012.

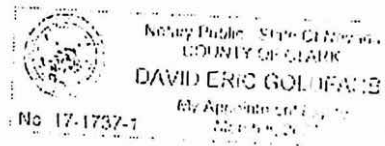
I declare under penalty of perjury under the laws of the State of Nevada that the
foregoing statements are true and correct to the best of my knowledge.

Executed this 14 day of October, 2020.


CONNIE P. LITTLE

SUBSCRIBED AND SWORN BEFORE ME
this 14 day of October, 2020.


NOTARY PUBLIC



This is a look
certificate for
my Affidavit Date
10/14/20

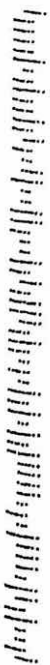
EXHIBIT E

**Brownstein Hyatt
Farber Schreck**

100 North City Parkway, Suite 1000
Las Vegas, Nevada 89106

Brian C. Padgett
1672 Liege Drive
Henderson, NV 89012

8901287246 ROOMS



PRINT & SIGN
\$ 000.50
JUN 08 2020



LEE, HERNANDEZ, LANDRUM
& CARLSON APC
7575 Vegas Dr. Ste. 150
Las Vegas, NV 89128

905-256-005
905-256-005
25, 35, 40, 20
FBI 2012

Brian C. Padgett
1672 Liege Dr.
Henderson, NV 89012

89012-724572



EXHIBIT F

1
2 STATE OF NEVADA)
3) ss:
4 COUNTY OF CLARK)

5 I, LAUREL DE LA CRUZ, being first duly sworn, do hereby swear under penalty of
6 perjury to the following:

- 7
- 8 1. I am a resident of the State of Nevada.
 - 9 2. I am an independent contractor and have worked on projects for the Law Offices of
10 Brian C. Padgett beginning in 2018.
 - 11 3. In the Fall of 2019 it was discovered that the Law Firm's server had been breached
12 and approximately half of the Firm's archived emails were deleted from the server
13 without the Firm's knowledge.
 - 14 4. By the time the breach was discovered, the emails were unable to be recovered.
 - 15 5. Because of the breach and irregular email service subsequent to the breach it was
16 recommended by a security expert that the Law Firm work out of Mr. Padgett's home
17 office at 1672 Liege Drive in Henderson, Nevada until the server could be secured
18 and certain cases involving Mr. Padgett were concluded.
 - 19 6. The Firm's server was breached again in February 2020 and the decision was then
20 made for Mr. Padgett to work primarily at of his home office.
 - 21 7. Shortly thereafter, in March 2020, the Firm's office email stopped delivering mail to
22 the Law Firm address.
 - 23 8. After Mr. Padgett began working primarily from his home office, I was in touch with
24 an IT firm to review and resolve the Firm's server and email issues.
 - 25 9. As a result of COVID-19, it became extremely difficult to book tech support service
26 which had to be done at both Mr. Padgett's home and the law office.
 - 27
 - 28

10. I was told by the IT companies I spoke with that it could take an "undetermined" amount of time to receive service as many companies were attempting to establish "work from home" capabilities for their employees.
11. When demand for IT service began to settle down, the technician that was scheduled to perform service came into contact with someone that was diagnosed with COVID-19.
12. A decision was then made by Mr. Padgett to wait for the technician to recover before scheduling him to come to the office for assistance.
13. Mr. Padgett got sick after that.
14. It wasn't until September 2020 before the Firm could safely get IT service and email restored.
15. I am aware that the Firm sent a notice of change of address to the State Bar of Nevada on or about February 28, 2020.
16. Between March – September 2020, I am aware that Mr. Padgett has received mail from clients and accepted service of process at his home office address.
17. Between March – September, 2020, no postal mail was received by the Firm from the State Bar of Nevada.
18. Between March – September 2020, no electronic mail was received by the Firm from the State Bar of Nevada until the Firm's email was restored.
19. Between March – September 2020 no personal service was had upon any member of the Firm by the State Bar of Nevada.

///

///

20. As such, I was not aware the State Bar had proceeded forward with disciplinary proceedings against Mr. Padgett until I was notified by a third party very recently

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing statements are true and correct to the best of my knowledge.

Executed this 17th day of October, 2020.

Laurel Amy Delacruz

Signed on 2020/10/11 22:23:30 -8:00

LAUREL DE LA CRUZ

SUBSCRIBED AND SWORN BEFORE ME
this 14th day of October, 2020.

14th

MC

NOTARY PUBLIC

M CARMEN TREVINO
NOTARY PUBLIC
STATE OF NEVADA
Commission # 15-3033-1
My Appt. Expires September 11, 2023

Notary Stamp 2020/10/11 22:23:30 PST

COE M2263718



Affidavit - Laurel Amy De La Cruz

DocVerify ID: E2A4CC0C-2874-441A-9852-459C245488DF

Created: October 14, 2020 22:06:13 -8:00

Pages: 3

Electronic Notary: Yes / State: NV - Notarial act performed by means of audio-communication

E-Signature Summary

E-Signature 1: Laurel Amy Delacruz (LDC)

October 14, 2020 22:23:30 -8:00 [26D6352FDDF2] [70.189.215.170]
laurel.delacruz3@gmail.com (Principal)

E-Signature Notary: M Carmen Trevino (MCT)

October 14, 2020 22:23:30 -8:00 [D0E6B0263716] [70.189.215.170]
info@ReliableMobileNotaryLV.com

I, M Carmen Trevino, did witness the participants named above
electronically sign this document.

