

**IN THE SUPREME COURT OF THE  
STATE OF NEVADA**

Electronically Filed  
Mar 23 2021 09:38 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

NUVEDA, LLC,

Petitioner,

VS

EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF  
NEVADA, IN AND FOR THE  
COUNTY OF CLARK, THE  
HONORABLE ELIZABETH  
GONZALEZ, DISTRICT JUDGE,

Respondent,

SHANE TERRY, PHIL IVEY, AND  
DOTAN Y. MELECH, receiver for  
CWNEVADA, LLC, a Nevada limited  
liability company,

Real Parties in Interest.

Supreme Court Case No. TBD

Case: A-20-817363-B

Lead Case: A-17-755479-B

Other Consolidated Cases with Lead  
Case:  
A-19-791405-C and A-19-796300-B

---

**APPENDIX FOR  
PETITION FOR WRIT OF PROHIBITION OR, IN THE ALTERNATIVE,  
PETITION FOR WRIT OF MANDAMUS (Volume 2 of 2)**

---

LAW OFFICE OF MITCHELL STIPP  
MITCHELL STIPP, ESQ.  
Nevada Bar No. 7531  
1180 N. Town Center Drive, Suite 100  
Las Vegas, Nevada 89144  
Telephone: 702.602.1242/ Email: [mstipp@stipplaw.com](mailto:mstipp@stipplaw.com)  
*Counsel for Petitioner*

## INDEX

<b>7. Motion for Status Check and Related</b>		<b>Appendix 0097-0110</b>
<b>Relief on OST (without Exhibits)</b>		
<b>8. Minutes from Status Check</b>		<b>Appendix 0111-0113</b>
		<b>Volume No. 2</b>
<b>9. NuVeda's Renewed Objection under</b>		
<b>NRS 22.030(3)</b>		<b>Appendix 0114-0125</b>
		<b>Volume No. 2</b>
<b>10. Minutes from Court</b>		<b>Appendix 0126-0127</b>
		<b>Volume No. 2</b>
<b>11. Order Dismissing CWNV, LLC</b>		<b>Appendix 0128-0130</b>
<b>and CWNV1, LLC from Case</b>		<b>Volume No. 2</b>

DATED this 22nd day of March, 2021.

LAW OFFICE OF MITCHELL STIPP

A handwritten signature in black ink, appearing to read "Mitchell Stipp", is positioned above a horizontal line.

MITCHELL STIPP, ESQ.

Nevada Bar No. 7531

1180 N. Town Center Drive

Suite 100

Las Vegas, Nevada 89144

Telephone: (702) 602-1242

mstipp@stipplaw.com

*Counsel for Petitioner*

# EXHIBIT 7

MITCHELL D. STIPP, ESQ.  
Nevada Bar No. 7531  
**LAW OFFICE OF MITCHELL STIPP**  
1180 N. Town Center Drive, Suite 100  
Las Vegas, Nevada 89144  
Telephone: 702.602.1242  
mstipp@stippplaw.com  
*Attorneys for NuVeda, LLC*

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
**IN AND FOR THE COUNTY OF CLARK**

NUVEDA, LLC, a Nevada Limited Liability  
Company; and CWNEVADA LLC, a Nevada  
Limited Liability Company,

Plaintiffs,

v.

4FRONT ADVISORS LLC, foreign limited  
liability company, DOES I through X and ROE  
ENTITIES, II through XX, inclusive,

Defendants.

AND RELATED MATTERS.

Case: A-17-755479-B

Consolidated Cases:  
A-19-791405-C, A-19-796300-B, and A-20-  
817363-B

Dept. No.: 11

**MOTION FOR STATUS CHECK AND  
RELATED RELIEF ON ORDER  
SHORTENING TIME**

**Date of Hearing:** \_\_\_\_\_  
**Time of Hearing:** \_\_\_\_\_

NuVeda, LLC, a Nevada limited liability company ("NuVeda"), by and through counsel of record, Mitchell Stipp, Esq., of the Law Office of Mitchell Stipp, hereby files the above-referenced motion on order shortening time.

This filing is based on the papers and pleadings before the court, the memorandum of points and authorities that follows, and the exhibits attached hereto or filed separately and incorporated herein by this reference.

///

///

///

1 DATED this 5th day of March, 2021.

2  
3 **LAW OFFICE OF MITCHELL STIPP**

4 /s/ Mitchell Stipp, Esq.

5 MITCHELL STIPP, ESQ.

6 Nevada Bar No. 7531

7 LAW OFFICE OF MITCHELL STIPP

8 1180 N. Town Center Drive, Suite 100

9 Las Vegas, Nevada 89144

10 Telephone: 702.602.1242

11 mstipp@stipplaw.com

12 *Attorneys for NuVeda, LLC*

13  
14 [NOTICE OF HEARING FOLLOWS]  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**NOTICE OF TELEPHONIC HEARING**

TO: ALL INTERESTED PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that the **MOTION FOR STATUS CHECK AND RELATED RELIEF ON ORDER SHORTENING TIME** shall be heard via telephonic conference on March \_\_\_\_\_, 2021 at \_\_\_\_\_.

DATED this \_\_\_\_\_ day of March 2021.

\_\_\_\_\_  
District Court Judge

DATED this 5th day of March, 2021.

**LAW OFFICE OF MITCHELL STIPP**

/s/ Mitchell Stipp, Esq.  
MITCHELL STIPP, ESQ.  
Nevada Bar No. 7531  
LAW OFFICE OF MITCHELL STIPP  
1180 N. Town Center Drive, Suite 100  
Las Vegas, Nevada 89144  
Telephone: 702.602.1242  
mstipp@stipplaw.com  
*Attorneys for NuVeda, LLC*

**DECLARATION OF MITCHELL STIPP IN SUPPORT OF  
REQUEST FOR SHORTENED TIME**

The undersigned, Mitchell Stipp, certifies to the court as follows:

1. I am counsel for NuVeda, LLC, a Nevada limited liability company (“NuVeda”), in the above referenced case.

2. The court granted an order to show cause on February 1, 2021 and scheduled an evidentiary hearing for April 5, 2021 at 1pm.

3. There is not sufficient time to have this motion heard in the ordinary course before the evidentiary hearing on April 5, 2021

4. I submit the above-titled declaration in support of NuVeda’s motion. I have personal knowledge of the facts contained therein unless otherwise qualified by information and belief or such knowledge is based on the record in this case, and I am competent to testify thereto, and such facts are true and accurate to the best of my knowledge and belief.

Dated this 5th day of March, 2021.

*/s/ Mitchell Stipp*

---

Mitchell Stipp, Esq.



1  
2 **MEMORANDUM OF POINTS AND AUTHORITIES**  
3

4 **1. Order to Show Cause fails to Comply with NRS 22.030(2).**  
5

6 CWNevada, LLC, a Nevada limited liability company (“CWNevada”), by and through Dotan  
7 Melech, the court-appointed receiver (the “Receiver”), Shane Terry, and Phil Ivey have filed two (2)  
8 motions for orders to show cause regarding the revival of predecessors-in-interest to CWNV LLC  
9 (“Predecessor CWNV”) and CWNV1 LLC (“Predecessor CWNV1,” and together with Predecessor  
10 CWNV, “Predecessor Entities”). One of the motions was denied via minute order on December 18,  
11 2020, and the other motion filed on January 21, 2021 was granted. Orders have not been entered by  
12 the court on these motions.

13  
14 NRS 22.030(2) states that “[i]f a contempt is not committed in the immediate view and presence  
15 of the court or judge at chambers, an affidavit must be presented to the court or judge of the facts  
16 constituting the contempt.” See Awad v. Wright, 106 Nev. 407, 409-10, 794 P.2d 713, 715 (1990)  
17 (concluding that to be sufficient, the affidavit is required to demonstrate a prima facie case of contempt  
18 against the opposing party), abrogated on other grounds by Pengilly v. Rancho Santa Fe Homeowners  
19 Ass'n, 116 Nev. 646, 650, 5 P.3d 569, 571 (2000). The motion for an order to show cause which the  
20 court granted on February 1, 2021 is not supported by an affidavit or declaration, which demonstrates  
21 a prima facie case of contempt by Dr. Pejman Bady or NuVeda of any order of the court.<sup>1</sup> The motion  
22 filed on January 21, 2021 contains a declaration of Joe Coppedge, Esq., counsel for the Receiver and  
23 Messrs. Terry and Ivey, requesting an *order shortening time*. That declaration does not allege Dr.  
24 Bady or NuVeda violated any court orders. In fact, paragraph 20 of Mr. Coppedge’s declaration clearly  
25 admits the following:  
26  
27  
28

---

<sup>1</sup> As previously noted, Dr. Bady was not served with the motion.

20. Due to the continuing urgency of this matter, and the demonstrated potential for NuVeda and/or Dr. Bady to disobey court orders and transfer assets, Plaintiffs respectfully request that this matter be heard on an order shortening time at the court's earliest availability.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 20<sup>th</sup> day of January, 2021.

/s/L. Joe Coppedge  
L. JOE COPPEDGE, ESQ.

According to Mr. Coppedge's view, Dr. Bady and NuVeda actions amounted to a "potential . . . to disobey court orders". The motion does include a declaration of Kandy Halsey (paralegal at Holly Driggs) as part of Exhibit 3, but it only details the failure by the Receiver to revive the Predecessor Entities as of December 29, 2020. The court at the hearing on February 1, 2021 determined that revival by Dr. Bady as manager of NuVeda on January 15, 2021 was not a violation of the court's order. However, the court issued an order to show cause why NuVeda should not be held in contempt related to actions after the revival of the Predecessor Entities (specifically the mergers). Neither the court nor the Receiver and Messrs. Terry and Ivey explain how or why the mergers constitute a violation of any orders of the court. Accordingly, the order to show cause is not supported under NRS 22.030(2).

## **2. Status of Evidentiary Hearing/Proceedings.**

The parties filed status reports as required by the court, and the court issued a minute order confirming that the evidentiary hearing remains scheduled for April 5, 2021 at 1pm. NuVeda has served initial disclosures and produced almost **1,300 pages** of documents in connection with written discovery. The deposition of the receiver has been completed (See **Exhibit A**).<sup>2</sup> The parties are working to schedule Dr. Bady's deposition for March 19, 2021. See **Exhibit B**. In the meantime, the Receiver and Messrs. Terry and Ivey are supplementing their deficient discovery responses, which the Receiver and Messrs. Terry and Ivey have promised by March 8, 2021. See **Exhibit C**.<sup>3</sup> **NuVeda encourages the court to review the deposition transcript of the Receiver.** It appears the Receiver has done very little to represent the stakeholders of CWNevada and investigate the claims of creditors of

<sup>2</sup> A deposition transcript may be used for any purpose as described in NRCP 32(a).

<sup>3</sup> The receiver has committed perjury by denying that the receivership is insolvent in answers to requests for admissions. See **Exhibit C**, page 373. During the weekly creditor meeting held on March 3, 2021 via Zoom, the receiver informed the group that the receivership estate **has always been, is and will continue to be insolvent**. John Savage, Esq. can confirm the Receiver's statements. Id. at page 363-367.

CWNebraska (including NuVeda). Apparently, the Receiver does not have a grasp of CWNebraska's actual obligations under the joint venture (and whether CWNebraska performed) and the events that occurred prior to his appointment, relied on documents which he cannot identify or remember reviewing, admitted to denying NuVeda's proof of claim based on events (i.e., confession of judgment) which did not occur until many months after the claim was summarily rejected,<sup>4</sup> and ignores actual evidence and documents publicly available (including in CWNebraska's bankruptcy), which undermine the Receiver's position as it relates to NuVeda.

### **3. Merger Cannot be Terminated.**

NRS 92A.175 provides as follows:

**NRS 92A.175 Termination of planned merger, conversion or exchange after filing of articles.** After a merger, conversion or exchange is approved, at any time after the articles of merger, conversion or exchange are filed but before an effective date specified in the articles which is later than the date of filing the articles, the planned merger, conversion or exchange may be terminated in accordance with a procedure set forth in the plan of merger, conversion or exchange by filing articles of termination pursuant to the provisions of [NRS 92A.240](#).

The effective date of the mergers was January 15, 2021. The mergers were not conditional. Accordingly, the mergers **cannot** be terminated under NRS 92A. The Nevada Supreme Court has determined that civil contempt is remedial in nature, as the sanctions are intended to benefit a party by coercing or compelling the contemnor's future compliance, not punishing them for past bad acts. Rodriguez v. Dist. Ct., 120 Nev. 798, 805 (Nev. 2004) (citations omitted). Moreover, a civil contempt order is indeterminate or conditional; the contemnor's compliance is all that is sought and with that compliance comes the termination of any sanctions imposed. Id. If the merger cannot be terminated, civil contempt is not appropriate.

As part of the motion filed on January 21, 2021 (pages 10-11), the Receiver and Messrs. Terry and Ivey ask the following from the court as sanctions for civil contempt:

---

<sup>4</sup> NuVeda believes other creditor claims have been denied without any basis. The Receiver yields the power to approve, deny or settle a claim outside of the view of this court. If a creditor objects or disagrees, the Receiver will not grant the creditor a favorable result (forcing the creditor to litigate).

15 NuVeda's and Dr. Bady's continuing willingness to violate this Court's orders is  
16 conclusively documented. Based on the foregoing, Plaintiffs respectfully request that this Court  
17 issue an order to show cause why NuVeda and Dr. Bady should not be held in contempt for  
18 violating this Court's orders, and following such hearing, that an appropriate sanction, including  
19 an award of attorney's fees, be issued until NuVeda and Dr. Bady comply with this Court's orders.  
20 As a part of such order, Plaintiffs respectfully request: (i) that NuVeda and Dr. Bady be required  
21 to cease all actions that interfere with the Receiver's ability to revive CWNV and CWNV1; (ii)  
22 that Mr. Melech, in his capacity as Receiver be approved to act as the manager of CWNV and  
23 CWNV1; (iii) that this Court remove any authority that NuVeda and/or Dr. Bady has to act on  
24 behalf of CWNV and CWNV1; (iv) that NuVeda and/or Dr. Bady be required to dissolve the new  
25 entities bearing the same name as CWNV and CWNV1 so that such entities may be revived  
26 without further delay; (v) that the any and all agreements purporting to transfer and/or merge the  
27 assets from CWNV and CWNV1 to the new entities bearing the same name be voided; and (vi)  
28 that this Court affirm that the assets of CWNV and CWNV1 are under the exclusive authority of

1 the Receiver.

14 Addressing the items above in order, the Predecessor Entities cannot be revived because the  
15 mergers cannot be terminated. The Receiver cannot serve as manager of the Predecessor Entities  
16 because they are permanently dissolved via the mergers. Dr. Bady and NuVeda do not have any  
17 current role with respect to the Predecessor Entities (i.e., they are dissolved). Dissolving the surviving  
18 entities of the merger does not allow the Predecessor Entities to be revived. Voiding any  
19 transfer/assignment agreements accomplishes nothing because the surviving entities are entitled to the  
20 assets and assume the liabilities as a matter of law. There is no mechanism to grant the Receiver  
21 authority over any assets of the Predecessor Entities because the surviving entities are not parties to  
22 this case.

23  
24 **4. If the evidentiary hearing proceeds, NuVeda elects to have the matter heard by an**  
25 **alternative district court judge.**

26 NRS 22.030(3) provides as follows:

27 3. Except as otherwise provided in this subsection, if a contempt is not  
28 committed in the immediate view and presence of the court, the judge of the court  
in whose contempt the person is alleged to be shall not preside at the trial of the

contempt over the objection of the person. The provisions of this subsection do not apply in:

(a) Any case where a final judgment or decree of the court is drawn in question and such judgment or decree was entered in such court by a predecessor judge thereof 10 years or more preceding the bringing of contempt proceedings for the violation of the judgment or decree.

(b) Any proceeding described in subsection 1 of [NRS 3.223](#), whether or not a family court has been established in the judicial district.

The court determined at the hearing on February 1, 2021 that the actions of NuVeda after the revival of the Predecessor Entities on January 15, 2021 are the basis for the order to show cause and hearing on contempt. The mergers occurred outside of the view and presence of the court. Neither of the exceptions in sub-paragraphs (a) or (b) apply. Accordingly, NuVeda objects to this court presiding over the evidentiary hearing.

##### **5. Actual Evidence Confirms No Violation of Court Orders.**

NuVeda believes the evidence will show that CWNevada's interest in the Predecessor Entities was terminated at the time it filed for chapter 11 bankruptcy protection (April 16, 2019—Case No. 19-12300-MKN/Chapter 11, United States Bankruptcy Court, District of Nevada). Under the operating agreements for these Predecessor Entities, bankruptcy is a withdrawal event, which triggers the dissolution of the companies unless the members agree to continue their business. The termination of CWNevada's membership interests in and dissolution of the Predecessor Entities occurred prior to the appointment of the Receiver in Case No. A-18-773230-B (June 13, 2019) ("CIMA Case"), as amended by the order in Case No. A-17-755479-C (June 26, 2019) ("Receivership Action") and again in the Receivership Action on July 10, 2019.

The order in the CIMA Case is a temporary order, which was replaced by the orders in the Receivership Action. The order in the CIMA Case included CWNV, LLC (one of the Predecessor Entities) as part of the receivership estate. The first order in the Receivership Action permanently appointed the Receiver but clarified that the estate consisted only of CWNevada and its assets. The second order in the Receivership Action re-appointed the Receiver and clarified that the estate consisted of CWNevada and all of its assets including ownership interests of CWNevada in any subsidiaries and affiliated entities (expressly including interests in CWNV, LLC (one of the

Predecessor Entities)).

CWNV, LLC (one of the Predecessor Entities) was subject to receivership between June 13, 2019 and June 26, 2019—thirteen (13) days. CWNevada’s membership interests in the Predecessory Entities were subject to receivership as of June 13, 2019. However, the Predecessor Entities were dissolved, and membership interests were terminated effective, as of April 16, 2019—two (2) months **before** CWNevada became subject to receivership. This court has issued other orders in this case related to the Predecessor Entities. At a hearing on August 18, 2020, the court announced that the Predecessor Entities were already under the “jurisdiction of the Receiver.” See Order filed on September 25, 2020 (paragraphs 5 and 6). Upon NuVeda’s motion for clarification, the court determined that the Receiver “has authority over the entities in which CWNevada was the majority interest holder.” Id. (paragraph 7). However, the court expressly determined that actions taken by NuVeda as purported trustee “may ultimately be determined to be valid.” Id.

The court granted the Receiver permission to apply to the Nevada Secretary of State to revive the Predecessor Entities in accordance with NRS 86.580. See Order filed on November 24, 2020 (paragraph 1).<sup>5</sup> Until the Predecessor Entities were revived, the court determined that Dr. Bady as manager of NuVeda “shall continue to act as trustee for [the Predecessor Entities].” Id. (paragraph 2). Predictably, the Receiver contended he had “exclusive authority” over the Predecessor Entities, and Dr. Bady as manager of NuVeda continued to assert his statutory authority as trustee under NRS 86.541(2).

The Receiver was unable to complete the revival of the Predecessor Entities. The Receiver blames Dr. Bady and NuVeda. However, the evidence is clear that he failed to complete the NVSOS

---

<sup>5</sup> Apparently, the Receiver believes that the word “may” is vague and ambiguous. See Exhibit C, pages 373-374. Compare with the Receiver’s deposition testimony (Exhibit A, page 013). At his deposition, the Receiver seemed to understand the term “may.” However, in written discovery, the Receiver is confused. This answer is almost as bad as President Bill Clinton claiming not to understand the definition of “is” in his deposition for which he was ultimately disbarred. How can NuVeda be guilty of contempt of the court’s order on revival if the Receiver thinks the word “may” is simply too confusing to understand its plain meaning?

1 applications properly but had ample time and resources to do so. Dr. Bady as manager of NuVeda--  
2 trustee of the Predecessor Entities-- revived the entities in accordance with NRS 86.580 on or about  
3 January 15, 2021. Although the motion failed to comply with NRS 22.030(2), the court issued an order  
4 to show cause why NuVeda should not be held in contempt related to actions after the revival of the  
5 Predecessor Entities (specifically the mergers).

6  
7 What about the mergers constitutes a violation of the orders of the court? CWNevada did not  
8 own any membership interests in the Predecessor Entities. If CWNevada disputes that, then  
9 CWNevada can pursue its rights and remedies. There is no law to support the Receiver reviving  
10 dissolved limited liability companies in which CWNevada does not have any interest. The order  
11 permitting the Receiver to revive the Predecessor Entities is not an exclusive mandate to do so. If  
12 NuVeda's revival of the Predecessor Entities on January 15, 2021 does not violate any orders of the  
13 court, then there cannot be a violation of any court order as a result of the mergers. The Predecessor  
14 Entities were revived, Dr. Bady was the manager appointed by NuVeda, and NuVeda was the sole  
15 member of those entities. The court must remember that CWNevada's membership interests in the  
16 Predecessor Entities was terminated before the receivership.

17  
18 **6. NuVeda is entitled to due process.**  
19

20 The Receiver and Messrs. Terry and Ivey filed a complaint on June 30, 2020, which was  
21 assigned to Department 13. NuVeda's complaint was pending in Department 1. The claims order  
22 approved by this court in the Receivership Action required the disputes between the parties to be  
23 adjudicated in the pending litigation (paragraph 24 of Order filed on January 2, 2020). The Receiver  
24 answered NuVeda's complaint in Department 1 but asked this court to consolidate the matters in the  
25 Receivership Action, which the court granted notwithstanding the process approved by the court. The  
26 Receiver and Messrs. Terry and Ivey asked the court to amend their complaint after the court denied  
27 the request for a receiver and preliminary injunction, and the court granted leave to the Receiver and  
28



1 Mr. Ivey on October 19, 2020 to file an amended complaint. To date (four (4) months later),<sup>6</sup> no  
2 amended complaint has been filed. The Receiver and Messrs. Terry and Ivey have not provided initial  
3 disclosures or conducted an early case conference. There is no discovery schedule or trial set. NuVeda  
4 and its affiliates have an open extension of time but plan to answer, assert counter and third-party  
5 claims when the amended complaint is filed. In the meantime, the Receiver and Messrs. Terry and  
6 Ivey are obsessed with taking over the dispensaries licensed to Clark NMSD LLC.

7  
8 The stated purpose by the Receiver for seeking the court's approval to revive the Predecessor  
9 Entities is as follows:

10  
11 2 11. The Receiver, on behalf of CWNV and CWNV1 intends to file a motion with the  
12 3 Court to assume operational control of the North Las Vegas Dispensary and Downtown  
13 4 Dispensary, the licenses for which were to have been transferred to CWNV (substituted with  
14 5 CWNV1) pursuant to the MIPA and subsequent related agreements in order to preserve such  
15 6 assets for the Receivership Estate.

16 See Motion, filed on October 5, 2020 (page 5). If the court granted permission to revive the  
17 Predecessor Entities without an evidentiary hearing or trial, NuVeda assumes the court intends to grant  
18 the Receiver "operational control" over the dispensaries though the Predecessor Entities without an  
19 evidentiary hearing or trial. However, the dispensaries are owned by 2113 Investors, LLC (which is  
20 not a party to this action), and leased to Clark NMSD, LLC. The Cannabis Compliance Board  
21 recognizes the owners of the marijuana licenses through Clark NMSD LLC as Dr. Bady, Pouya  
22 Mohajer, and Joseph Kennedy. There are no facts or law that would permit the Receiver simply to  
23 "take over" these operating businesses simply by allowing the Receiver to "revive" the Predecessor  
24 Entities. The fact that the court allowed the Receiver to apply to revive these entities based on this  
25 stated purpose is concerning. CWNebraska breached the joint venture agreement with NuVeda, and the  
26 joint venture was terminated. See Exhibit D. The receivership estate is undeniably insolvent. The  
27 Cannabis Compliance Board will not approve of the Receiver through CWNebraska operating  
28

---

<sup>6</sup> It has been almost nine (9) months since the Receiver and Messrs. Terry and Ivey have filed their initial complaint.  
Appendix 0109



1 dispensaries licensed to Clark NMSD LLC. The breaches, failure to cure and termination are subject  
2 to discovery and a trial. It appears in this case that the Receiver and Messrs. Terry and Ivey are putting  
3 the cart before the horse (especially in light of the Receiver's actual work to investigate these matters  
4 before filing a complaint).<sup>7</sup>

5  
6 NuVeda would like the court to set a status check to consider the matters above. During this  
7 status check, NuVeda would request the court vacate its order to show cause, vacate the evidentiary  
8 hearing on contempt, and set a deadline for the Receiver and Mr. Ivey (not Mr. Terry) to amend and  
9 file their complaint.<sup>8</sup> If the court still believes an evidentiary hearing on contempt is still necessary,  
10 then the matter should be assigned to another district court judge per NRS 22.030(3).

11  
12 DATED this 5th day of March, 2021.

13 **LAW OFFICE OF MITCHELL STIPP**

14  
15 /s/ Mitchell Stipp, Esq.  
16 MITCHELL STIPP, ESQ.  
17 Nevada Bar No. 7531  
18 LAW OFFICE OF MITCHELL STIPP  
19 1180 N. Town Center Drive, Suite 100  
20 Las Vegas, Nevada 89144  
21 Telephone: 702.602.1242  
22 mstipp@stipplaw.com  
23 *Attorneys for NuVeda, LLC*

24  
25  
26  
27 <sup>7</sup> Messrs. Terry and Ivey do not have any interest or claims to Clark NMSD LLC.

28 <sup>8</sup> As the court has been informed, NuVeda intends to file a writ petition to the Nevada Supreme Court regarding the denial of its motion for dismissal/summary judgment with respect to Mr. Terry's claims. The claims by the Receiver and Mr. Ivey rely on the factual allegations of Mr. Terry.

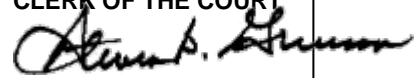
## EXHIBIT 8



was indeed successful, and that he has returned to Las Vegas and is recovering. Mr. Stipp stated he is happy to work with Mr. Coppedge on scheduling.

COURT ORDERED, Judicial Executive Assistant to SET a supplemental Rule 16 conference even if Mr. Stipp has not yet answered, because both sides have requested discovery.

## EXHIBIT 9



MITCHELL D. STIPP, ESQ.  
Nevada Bar No. 7531  
**LAW OFFICE OF MITCHELL STIPP**  
1180 N. Town Center Drive, Suite 100  
Las Vegas, Nevada 89144  
Telephone: 702.602.1242  
mstipp@stipplaw.com  
*Attorneys for NuVeda, LLC*

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
**IN AND FOR THE COUNTY OF CLARK**

NUVEDA, LLC, a Nevada Limited Liability  
Company; and CWNEVADA LLC, a Nevada  
Limited Liability Company,

Plaintiffs,

v.

4FRONT ADVISORS LLC, foreign limited  
liability company, DOES I through X and ROE  
ENTITIES, II through XX, inclusive,

Defendants.

AND RELATED MATTERS.

Case: A-17-755479-B

Consolidated Cases:  
A-19-791405-C, A-19-796300-B, and A-20-  
817363-B

Dept. No.: 11

**NUVEDA LLC's OBJECTION  
UNDER NRS 22.030(3)**

**Date of Hearing: April 5, 2021**  
**Time of Hearing: 1:00 p.m.**

NuVeda, LLC, a Nevada limited liability company ("NuVeda"), by and through counsel of record, Mitchell Stipp, Esq., of the Law Office of Mitchell Stipp, hereby files the above-referenced objection.

This filing is based on the papers and pleadings before the court, the memorandum of points and authorities that follows, and the exhibits attached hereto or filed separately and incorporated herein by this reference.

///

///

///

1 DATED this 17th day of March, 2021.

2  
3 **LAW OFFICE OF MITCHELL STIPP**

4 /s/ Mitchell Stipp, Esq.

5 MITCHELL STIPP, ESQ.

6 Nevada Bar No. 7531

7 LAW OFFICE OF MITCHELL STIPP

8 1180 N. Town Center Drive, Suite 100

9 Las Vegas, Nevada 89144

10 Telephone: 702.602.1242

11 mstipp@stipplaw.com

12 *Attorneys for NuVeda, LLC*

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
**DECLARATION OF MITCHELL STIPP  
IN SUPPORT OF OBJECTION**

13 The undersigned, Mitchell Stipp, certifies to the court as follows:

14 1. I am counsel for NuVeda, LLC, a Nevada limited liability company (“NuVeda”), in the  
15 above referenced case.

16 2. The court granted an order to show cause on February 1, 2021 and scheduled an  
17 evidentiary hearing for March 1, 2021.

18 3. On February 4, 2021, NuVeda noticed the deposition of the receiver (“Receiver”) for  
19 CWNevada, LLC, a Nevada limited liability company (“CWNevada”), to be conducted in person on  
20 February 9, 2021.

21 4. On February 8, 2021, Joe Coppedge, counsel for the Receiver, sent an email to the court  
22 requesting a protective order with respect to the deposition scheduled of the Receiver. No motion was  
23 filed by the Receiver.

24 5. On February 8, 2021, NuVeda responded to the request for relief by the Receiver (also  
25 via email). As part of that response, counsel for NuVeda specifically stated as follows:  
26  
27  
28

The notice of deposition was properly made by NuVeda (not Dr. Bady). Mr. Coppedge confirmed that he and the receiver are available. While I understand that Mr. Coppedge and the receiver have preferences, the current administrative orders in place (21-01 and 20-17/20-24) permit in-person depositions and non-jury evidentiary hearings/trials. NuVeda is prepared to move forward with the receiver's deposition on February 9, 2021 as noticed and the hearing on March 1, 2021. Dr. Bady will not be present for the hearing. However, NuVeda will designate a substitute PMK.

6. True and accurate copies of the emails sent to the court are attached as **Exhibit A**.

7. At the request of the Receiver, the court scheduled a telephonic hearing for 11:45 am on February 8, 2021 (same day), which was noticed by the court via email only to Mr. Coppedge and the undersigned. During the telephonic hearing, the court ruled that depositions would be conducted via Zoom at the Receiver's request and the evidentiary hearing would be re-scheduled to April 5, 2021.

8. NuVeda did **NOT** request a continuance. The court unilaterally re-scheduled the hearing.

9. On March 5, 2021, NuVeda submitted to chambers (with a copy to e-service participants) its proposed motion for a status check and related relief (with a request to hear the matter on shortened time).

10. The court granted the request to hear the motion on shortened time on or about March 11, 2021—almost one (1) week later. The hearing was set by the court for March 17, 2021 at 9:00 am.

11. As part of the motion, NuVeda requested that the evidentiary hearing on contempt be re-assigned to an alternative district court judge in accordance with NRS 22.030(3). The court does not have discretion to deny the request by NuVeda. The request was timely (i.e., made before the scheduled date of April 5, 2021). There is adequate time to re-assign the matter.

12. At the hearing on March 17, 2021 at 9:00 a.m., the court erroneously determined that NuVeda waived its rights under NRS 22.030(3). According to the court's rationale, NuVeda requested that the court continue the hearing from March 1, 2021 to April 5, 2021, and such request constituted a waiver. The court asserted that it considered NuVeda's request at the hearing on February 22, 2021. On February 22, 2021, NuVeda's motion before the court was a request to stay the proceedings related to Shane Terry while NuVeda pursues a petition for a writ. After the court made its decision, NuVeda noted to the court that it did not ask the court to re-schedule the evidentiary hearing, and the court did



1 so *sua sponte*. The court disagreed and confirmed that it would preside over the evidentiary hearing  
2 on April 5, 2021. The minutes for the proceeding on March 17, 2021 are attached as **Exhibit B**.

3 13. NuVeda has not waived its rights under NRS 22.030(3) and renews its objection to this  
4 court presiding over the evidentiary hearing.

5 14. I submit the above-titled declaration in support of NuVeda's objection. I have personal  
6 knowledge of the facts contained therein unless otherwise qualified by information and belief or such  
7 knowledge is based on the record in this case, and I am competent to testify thereto, and such facts are true  
8 and accurate to the best of my knowledge and belief.  
9

10  
11 Dated this 17th day of March, 2021.

12 /s/ *Mitchell Stipp*

13 \_\_\_\_\_  
14 Mitchell Stipp, Esq.

15 **[MEMORANDUM OF POINTS AND AUTHORITIES]**  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2 **MEMORANDUM OF POINTS AND AUTHORITIES**  
3

4 NRS 22.030(3) provides as follows:  
5

6 3. Except as otherwise provided in this subsection, if a contempt is not  
7 committed in the immediate view and presence of the court, the judge of the court  
8 in whose contempt the person is alleged to be shall not preside at the trial of the  
9 contempt over the objection of the person. The provisions of this subsection do  
10 not apply in:

11 (a) Any case where a final judgment or decree of the court is drawn in  
12 question and such judgment or decree was entered in such court by a predecessor  
13 judge thereof 10 years or more preceding the bringing of contempt proceedings  
14 for the violation of the judgment or decree.

15 (b) Any proceeding described in subsection 1 of [NRS 3.223](#), whether or not  
16 a family court has been established in the judicial district.

17 The court determined at the hearing on February 1, 2021 that the actions of NuVeda after the  
18 revival of the predecessor entities to CWNV LLC and CWNV1 LLC on January 15, 2021 are the basis  
19 for the order to show cause and hearing on contempt. The mergers occurred outside of the view and  
20 presence of the court. Neither of the exceptions in sub-paragraphs (a) or (b) apply. Accordingly,  
21 NuVeda objects to this court presiding over the evidentiary hearing.

22 At the hearing on March 17, 2021, the court erroneously determined that NuVeda waived its  
23 rights under NRS 22.030(3). According to the court, NuVeda requested the evidentiary hearing be  
24 continued from March 1, 2021 to April 5, 2021. This is false. Attached as **Exhibit A** are true and  
25 accurate copies of the emails submitted to the court on the Receiver's request for a protective order.  
26 NuVeda was very clear in its opposition to the Receiver's request for relief:

27 The notice of deposition was properly made by NuVeda (not Dr. Bady). Mr. Coppedge confirmed that he and the receiver are available. While I  
28 understand that Mr. Coppedge and the receiver have preferences, the current administrative orders in place (21-01 and 20-17/20-24) permit in-person  
depositions and non-jury evidentiary hearings/trials. NuVeda is prepared to move forward with the receiver's deposition on February 9, 2021 as noticed  
and the hearing on March 1, 2021. Dr. Bady will not be present for the hearing. However, NuVeda will designate a substitute PMK.

29 The court does not have discretion to reject NuVeda's objection. Further, the explanation  
30 provided by the court at the hearing on March 17, 2021 for its decision is contracted by the actual facts.

31 ///

1  
2 DATED this 17th day of March, 2021.

3 **LAW OFFICE OF MITCHELL STIPP**

4  
5 /s/ Mitchell Stipp, Esq.

6 MITCHELL STIPP, ESQ.

7 Nevada Bar No. 7531

8 LAW OFFICE OF MITCHELL STIPP

9 1180 N. Town Center Drive, Suite 100

10 Las Vegas, Nevada 89144

11 Telephone: 702.602.1242

12 mstipp@stipplaw.com

13 *Attorneys for NuVeda, LLC*

# EXHIBIT A

Mitchell Stipp &lt;mstipp@stipplaw.com&gt;

**Re: Case No. A-17-755479-B - Renewed Motion for Order to Show Cause**

1 message

**Mitchell Stipp** <mstipp@stipplaw.com>

Mon, Feb 8, 2021 at 10:37 AM

To: Joe Coppedge &lt;jcoppedge@mccnvlaw.com&gt;

Cc: "Harris, Chricy LC" &lt;dept11lc@clarkcountycourts.us&gt;, "Kutinac, Daniel" &lt;KutinacD@clarkcountycourts.us&gt;

At the hearing on February 1, 2021, the receiver for CWNevada requested an expedited evidentiary hearing on contempt. The court set a discovery schedule and a hearing (March 1, 2021). I contacted Mr. Coppedge regarding Dr. Bady's surgery (given depositions and the hearing date) on February 2, 2021. **He did not respond** but instead served written discovery on February 4, 2021. We connected via telephone on February 5, 2021, but the receiver refused to accommodate Dr. Bady's medical needs unless we stipulated to conducting depositions and the evidentiary hearing via alternative means. We do not agree to the receiver's demands.

The notice of deposition was properly made by NuVeda (not Dr. Bady). Mr. Coppedge confirmed that he and the receiver are available. While I understand that Mr. Coppedge and the receiver have preferences, the current administrative orders in place (21-01 and 20-17/20-24) permit in-person depositions and non-jury evidentiary hearings/trials. **NuVeda is prepared to move forward with the receiver's deposition on February 9, 2021 as noticed and the hearing on March 1, 2021.** Dr. Bady will not be present for the hearing. However, NuVeda will designate a substitute PMK.

The email below does not provide good cause for intervention of the court.

**Mitchell Stipp**

Law Office of Mitchell Stipp

(O) 702.602.1242 | (M) 702.378.1907 | mstipp@stipplaw.com

**Address:** 1180 N. Town Center Drive, Suite 100

Las Vegas, Nevada 89144

**Website:** www.stipplaw.com

On Mon, Feb 8, 2021 at 10:15 AM Joe Coppedge <jcoppedge@mccnvlaw.com> wrote:

On February 4, counsel for Dr. Bady unilaterally noticed the deposition of the Receiver to take place on Tuesday, February 9 at 10:00 a.m. in person. Multiple parties, including the Receiver and the undersigned counsel have significant health concerns about appearing for a deposition in person and have requested that the 2 hour deposition take place via video. Dr. Bady has declined. Given the urgency of this matter, the undersigned respectfully requests a brief conference call with the court to resolve the manner and timing of the Receiver's deposition, as well as the date of the evidentiary hearing. Thank you in advance.

Joe

L. Joe Coppedge

Mushkin &amp; Coppedge

6070 S. Eastern Ave., Suite 270

Las Vegas, Nevada 89119

Tel. No. (702) 454-3333

Dir. No. (702) 386-3942

Fax No. (702) 454-3333

**CONFIDENTIALITY NOTICE:** The information contained in this message may be protected by the attorney-client privilege. If you believe that it has been sent to you in error, do not read it. Please immediately reply to the sender that you have received the message in error. Then delete it. Thank you.

**3 attachments**

**Notice of Deposition-Dotan Melech-2.4.21-eServed.pdf**  
126K

**Email dated February 2 2021.pdf**  
1016K

**Emails with Joe Coppedge-2.2-2.8.pdf**  
376K



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters****COURT MINUTES****March 17, 2021**

A-17-755479-B      Nuveda LLC, Plaintiff(s)  
                                  vs.  
                                  4Front Advisors LLC, Defendant(s)

**March 17, 2021      9:00 AM      Motion for Status Check and Related Relief on Order  
    Shortening Time**

**HEARD BY:** Gonzalez, Elizabeth      **COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**PARTIES**

**PRESENT:**      Stipp, Mitchell D.      Attorney for NuVeda, LLC

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Attorney Joe Coppedge, counsel for Phillip Ivey and Shane Terry.

Parties appeared by telephone.

Court asked Mr. Stipp why he did not ask for contempt proceedings to be assigned to another judge on February 22 when the Court granted counsel's request to continue the hearing. Mr. Stipp advised it was not clear to him whether or not he could make that objection.

Following arguments by counsel regarding the motion for status check and related relief, COURT ORDERED, motion DENIED; while the Court may have granted the request for another judge, by requesting that the Court continue the hearing, which was discussed on February 22, 2021 and which the Court granted, that has been waived; the primary order is the November 24, 2020 order; parties may start discovery; however, the Court will caution the parties that corporate governance issues may be unwound as part of this proceeding.

Court asked whether Dr. Bady's deposition has been taken and whether he has recovered. Mr. Stipp, noting as a response to the Court's ruling that Mr. Coppedge had filed an email motion and that they did not ask for the hearing and did not waive their right to object, advised that Dr. Bady's surgery

PRINT DATE: 03/17/2021

Page 1 of 2

Minutes Date: March 17, 2021

was indeed successful, and that he has returned to Las Vegas and is recovering. Mr. Stipp stated he is happy to work with Mr. Coppedge on scheduling.

COURT ORDERED, Judicial Executive Assistant to SET a supplemental Rule 16 conference even if Mr. Stipp has not yet answered, because both sides have requested discovery.



# EXHIBIT 10

A-17-755479-B

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**March 19, 2021**

---

A-17-755479-B      Nuveda LLC, Plaintiff(s)  
vs.  
4Front Advisors LLC, Defendant(s)

---

**March 19, 2021      3:00 AM      Status Check: Scheduled Contempt Proceeding April 5, 2021**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** Chambers

**COURT CLERK:** Dulce Romea

**PARTIES**      None. Minute order only – no hearing held.  
**PRESENT:**

**JOURNAL ENTRIES**

- Court notes objection filed. As the issue in the objection are the same as raised in the motion heard on March 17, 2021 the objection is OVERRULED. Show cause hearing ADVANCED to 9 a.m. on April 5 in conjunction with supplemental Rule 16 conference. During the February 18, 2021 conference call Mr. Coppedge revealed Mr. Stipp requested a longer delay than the delay of the hearing offered by Mr. Coppedge. The Court granted the additional delay requested by Mr. Stipp due to the medical procedure by Dr. Bady. No objection to proceeding before this Court was made at that time.

4-5-21      9:00 AM      SHOW CAUSE HEARING...MANDATORY RULE 16 CONFERENCE

4-9-21      CHAMBERS      RECEIVER'S OMNIBUS MOTION TO APPROVE RECEIVER AND PROFESSIONAL FEES AND COSTS INCURRED THROUGH AND INCLUDING DECEMBER 31, 2020; AND SECOND MOTION TO APPROVE DISTRIBUTION OF LIQUIDATION PROCEEDS

4-16-21      CHAMBERS      CREDITOR FORTRESS OAKRIDGE, LLC'S MOTION TO ALLOW ADMINISTRATIVE EXPENSE CLAIM

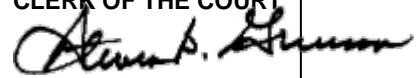
CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 3-22-21

PRINT DATE: 03/22/2021

Page 1 of 1

Minutes Date: March 19, 2021

# EXHIBIT 11



Michael R. Mushkin, Esq.  
Nevada Bar No. 2421  
L. Joe Coppedge  
Nevada Bar No. 4954  
MUSHKIN & COPPEDGE  
6070 S. Eastern Avenue, Suite 270  
Las Vegas, Nevada 89128  
Telephone: (702) 454-3333  
Fax: (702) 386-4979  
michael@mushlaw.com  
jcoppedge@mccnvlaw.com  
*Attorneys for Plaintiffs*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

NUVEDA, LLC, a Nevada Limited Liability  
Company; and CWNEVADA LLC, a Nevada  
Limited Liability Company,

Plaintiffs,

v.

4FRONT ADVISORS LLC, foreign limited  
liability company, DOES I through X and  
ROE ENTITIES, II through XX, inclusive,

Defendants.

Case No.: A-17-755479-B

Consolidated With: A-19-791405-C,  
A-19-796300-B, and A-20-817363-B

Dept. No.: 11

AND RELATED MATTERS

**ORDER GRANTING MOTION TO DISMISS COMPLAINT AS TO CWNV, LLC AND  
CWNV1, LLC [RESET FROM SUB CASE A-19-791405-C]**

This matter came before the Honorable Elizabeth Gonzalez on August 31, 2020 on the Motion to Dismiss Complaint as to CWNV, LLC and CWNV1, LLC [reset from sub case A-19-791405-C] with Mitchell D. Stipp of the Law Office of Mitchell Stipp appearing for NuVeda, LLC and L Joe Coppedge of Mushkin & Coppedge appearing for the Court Appointed Receiver, Dotan Melech, Shane Terry and Phillip Ivey, and the Court, having reviewed and considered the record, the points and authorities on file, and the argument of counsel, finds that the Motion

1 should be granted.

2 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Motion to Dismiss  
3 Complaint as to CWNV, LLC and CWNV1, LLC [filed in sub case A-19-791405-C] is  
4 GRANTED without prejudice.

5 DATED this 22nd day of September, 2020.

6  
7   
8 DISTRICT COURT JUDGE

9 Respectfully Submitted:  
10 MUSHKIN & COPPEDGE

Approved as to Form and Content:  
LAW OFFICE OF MITCHELL STIPP

11 /s/L. Joe Coppedge  
12 L. JOE COPPEDGE, ESQ.  
13 Nevada Bar No. 4954  
14 6070 South Eastern Ave Ste 270  
Las Vegas, NV 89119

/s/Mitchell D. Stipp  
MITCHELL D. STIPP, ESQ.  
Nevada Bar No. 7531  
1180 N. Town Center Drive, Suite 100  
Las Vegas, Nevada 89144

15 *Attorneys for Dotan Y. Melech, Receiver,*  
16 *Shane Terry, and Phillip D. Ivey*

*Attorneys for NuVeda, LLC*