

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

Electronically Filed  
Mar 23 2021 01:49 p.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: 82649

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

---

**EMERGENCY MOTION TO STAY CONTEMPT PROCEEDINGS IN THE  
DISTRICT COURT UNDER NRAP 8(a) and 27(E)  
[Action Requested by Nevada Supreme Court  
on or before 9am on April 5, 2021]**

---

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*

## MEMORANDUM OF POINTS AND AUTHORITIES

Petitioner, NuVeda, LLC, a Nevada limited liability company, has timely petitioned the Nevada Supreme Court for a writ after exhausting its remedies with the district court. See Dkt # 2021-08251. Petitions for extraordinary writs are addressed to the sound discretion of the Nevada Supreme Court and may only issue where there is no “plain, speedy, and adequate remedy” at law. See NRS 34.330; State ex rel. Dep’t Transp. v. Thompson, 99 Nev. 358, 662 P.2d 1138 (1983). However, “each case must be individually examined, and where circumstances reveal urgency or strong necessity, extraordinary relief may be granted.” See Jeep Corp. v. Dist. Ct., 98 Nev. 440, 443, 652 P.2d 1183, 1185 (1982) (citing Shelton v. Dist. Ct., 64 Nev. 487, 185 P.2d 320 (1947)). If the Nevada Supreme Court does not intervene here, Judge Elizabeth Gonzalez in Department 11 of the Eighth Judicial District Court will deprive Petitioner of its statutory due process rights under NRS 22.020(3).

The petition for a writ concerns the objection by Petitioner and refusal of the court in Department 11 to recuse itself from presiding over an evidentiary hearing

on contempt, as required pursuant to NRS 22.020(3). NRS 22.020(3) provides as follows:

3. Except as otherwise provided in this subsection, if a contempt is not 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.

(emphasis added). There is no dispute that (a) and (b) of Sub-section 3 above do not apply in this case. Further, there is no dispute NuVeda has objected to Judge Gonzalez presiding over the evidentiary hearing on multiple occasions. See Appendix 0080-0093 (Volume No. 1); Appendix 0097-0110 (Volume No. 2); Appendix 0114-0125 (Volume No. 2). However, Judge Gonzalez refuses to step aside as required under NRS 22.020(3). See Appendix 0111-0113 (Volume No. 2) and Appendix 0125-0127 (Volume No. 2).

NuVeda has asked for the assistance of Chief Judge of the Eighth Judicial District Court to intervene and appoint an alternative district court judge. See Exhibits A-1 and A-2 attached hereto. Despite these requests, the Chief Judge has refused to intervene despite having the power and authority to do so. See Exhibit B.

The evidentiary hearing on contempt is scheduled for 9am on April 5, 2021. The court erroneously believes NuVeda asked the court to continue the hearing; therefore, according to the court, NuVeda waived its rights under NRS 22.020(3). First, NRS 22.020(3) does not provide any timeframe or procedure for objecting to a judge presiding at the evidentiary hearing. NuVeda believes it can only waive its rights by failing to object and appearing at the evidentiary hearing on April 5, 2021. Further, a request to continue the evidentiary hearing based on the unavailability of a witness surely cannot serve as a waiver. In any event, NuVeda did not ask the court to continue the hearing from March 1, 2021 to April 5, 2021. The court made this decision *sua sponte* based on a telephone conference with the parties arising from an email (request for protective order) sent on February 8, 2021 by Attorney Joe Coppedge, Esq., who represents the real parties-in-interest. See Appendix 0114-0125 (Volume 2) (specifically, Exhibit A attached).

NRAP 8(a) governs motions for stays. NRAP 8(a) provides as follows:

**(a) Motion for Stay.**

**(1) Initial Motion in the District Court.** A party must ordinarily move first in the district court for the following relief:

(A) a stay of the judgment or order of, or proceedings in, a district court pending appeal or resolution of a petition to the Supreme Court or Court of Appeals for an extraordinary writ;

(B) approval of a supersedeas bond; or

(C) an order suspending, modifying, restoring or granting an injunction while an appeal or original writ petition is pending.

**(2) Motion in the Court; Conditions on Relief.** A motion for the relief mentioned in Rule 8(a)(1) may be made to the Supreme Court or the Court of Appeals or to one of its justices or judges.

(A) The motion shall:

(i) show that moving first in the district court would be impracticable; or

(ii) state that, a motion having been made, the district court denied the motion or failed to afford the relief requested and state any reasons given by the district court for its action.

(B) The motion shall also include:

(i) the reasons for granting the relief requested and the facts relied on;

(ii) originals or copies of affidavits or other sworn statements supporting facts subject to dispute; and

(iii) relevant parts of the record.

(C) The moving party must give reasonable notice of the motion to all parties.

(D) In an exceptional case in which time constraints make consideration by a panel impracticable, the motion may be considered by a single justice or judge.

(E) The court may condition relief on a party's filing a bond or other appropriate security in the district court.

It was impractical to move the court in Department 11 to stay the proceedings given the court's repeated failure to recuse under NRS 22.030(3). Further, the Chief Judge of the Eighth Judicial District Court has refused to intervene. A stay of the contempt proceedings will not harm the Real Parties-in-Interest. However,

given the court’s decision-making which lacks factual and legal support, Petitioner is concerned that Judge Gonzalez cannot preside over the contempt proceedings fairly and neutrally. The Petitioner’s concern about fairness and neutrality is exactly the reason NRS 22.020(3) exists—it provides Petitioner due process.

### **Petitioner’s Requested Relief**

For the reasons set forth in this Petition, the Petitioner seeks a stay of the contempt proceedings pending the decision by the Nevada Supreme Court on the following relief:

1. An order disqualifying Judge Gonzalez from presiding over the evidentiary hearing on contempt currently scheduled for April 5, 2021.
2. An order to the Chief Judge of Eighth Judicial District Court to randomly assign the responsibility of presiding over the evidentiary hearing to another district court judge.

///

///

///

///

///

DATED this 23rd day of March, 2021.

LAW OFFICE OF MITCHELL STIPP

A handwritten signature in black ink, appearing to read "Mitchell Stipp", is written over 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@stippplaw.com

*Counsel for Petitioner*

## **NRAP 8(A) and 27(E) COMPLIANCE**

1. The telephone number and office address of the attorneys for the Real

Parties-in-Interest are:

Michael R. Mushkin, Esq.  
Nevada Bar No. 2421  
L. Joe Coppedge, Esq.  
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

2. A copy of this petition and appendix was filed in District Court Case A-17-755479-B on March 23, 2021. At that time, the undersigned notified the clerk of action requested by Petitioner on or before April 5, 2021.
3. A copy of this Motion was filed in District Court Case A-17-755479-B on March 23, 2021.
4. Judge Elizabeth Gonzales, Joe Coppedge, and the Chief Judge of the Eighth Judicial District Court were notified via email of Petitioner's emergency request for a stay on March 23, 2021.
6. If the Nevada Supreme Court does not intervene, NuVeda will be deprived of its statutory due process rights under NRS 22.030(2).



7. The facts contained in this Motion are true and accurate to the best of the undersigned's knowledge and belief.

LAW OFFICE OF MITCHELL STIPP

A handwritten signature in black ink, appearing to read "Mitchell Stipp", is written over a solid black 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*

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23rd day of March, 2021, I filed the foregoing **MOTION FOR EMERGENCY RELIEF UNDER NRAP 8(A) and 27(E)**, using the court's electronic filing system.

Notice of the filing of the Motion was made upon acceptance by the Nevada Supreme Court using the District Court's electronic filing system to the following e-service participants in District Court Case No. A-17-755479-B and by mail to the addresses as indicated:

**Judge Elizabeth Gonzalez:**

Dept11lc@clarkcountycourts.us

Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89155

///

///

///

///

///

///

///

**Shane Terry, Phil Ivey, and Dotan Y Melech (Receiver) as Real Parties-in-Interest:**

Michael R. Mushkin, Esq.  
Nevada Bar No. 2421  
L. Joe Coppedge, Esq.  
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

By:   
\_\_\_\_\_  
An employee of Law Office of Mitchell Stipp

EXHIBIT A-1-MOTION FOR STAY



**Mitchell Stipp**  
**Law Office of Mitchell Stipp**  
T: 702.602.1242 | M: 702.378.1907  
E: [mstipp@stippilaw.com](mailto:mstipp@stippilaw.com) | [www.stippilaw.com](http://www.stippilaw.com)

1180 N. Town Center Drive, Suite 100, Las Vegas, Nevada 89144

---

March 17, 2021

**VIA EMAIL** dept07lc@clarkcountycourts.us

Chief Judge Linda Marie Bell  
Eighth Judicial District Court, State of Nevada  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89155

**RE: REQUEST FOR APPOINTMENT OF ALTERNATIVE DISTRICT COURT  
JUDGE UNDER NRS 22.030(3)**

Dear Honorable Bell:

My firm represents NuVeda, LLC (“NuVeda”), a party in Case: A-17-755479-B (Consolidated Cases: A-19-791405-C, A-19-796300-B, and A-20-817363-B) before Department 11. In this case, Judge Gonzales has issued an order to show cause. See Minutes attached hereto as Exhibit A (order has not been entered). An evidentiary hearing on contempt is currently scheduled on April 5, 2021 at 1pm. NuVeda has exercised its right to have another district court judge preside over the contempt proceedings pursuant to NRS 22.030(3). As you are aware, under NRS 22.030(3), Judge Gonzalez cannot preside over the matter given the objection of NuVeda. Despite NuVeda’s valid objection, Judge Gonzalez refuses to recuse herself from presiding over the evidentiary hearing. Attached as Exhibit B is NuVeda’s renewed objection.

EDCR 1.30 provides the Chief Judge the power and authority to appoint another district court judge to preside over the hearing on contempt. See, generally, EDCR 1.30(5), (14), (15) and (18)(iv). Please make this appointment and advise the parties of the judge who will preside and the date/time of the hearing. NuVeda’s has statutory rights, which it believes are being violated.

If you have any questions, please do not hesitate to contact the undersigned.

///

Best Regards,

A handwritten signature in black ink, appearing to read "Mitchell Stipp". The signature is written in a cursive, flowing style.

Mitchell D. Stipp

Cc: Judge Elizabeth Gonzales (dept11lc@clarkcountycourts.us);  
Joe Coppedge (jcoppedge@mccnvlaw.com) [Attorney for Receiver over CWNevada, LLC]

# EXHIBIT A

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

February 01, 2021      09:00 AM      Plaintiff's Renewed Motion for Order to Show Cause on Order Shortening Time

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

COURT CLERK: Romea, Dulce

RECORDER:      Hawkins, Jill

REPORTER:

**PARTIES PRESENT:**

John J. Savage	Attorney for Receiver
Louis E. Humphrey III	Attorney for Intervenor, Other
Mitchell D. Stipp	Attorney for Plaintiff, Third Party Plaintiff
William R. Urga	Attorney for Intervenor

**JOURNAL ENTRIES**

APPEARANCES CONTINUED: Attorney Linvel J. Coppedge for Phillip Ivey, Shane Terry, and Dotan Melech.

Parties appeared by telephone.

Following arguments by Mr. Coppedge and Mr. Stipp, COURT ORDERED, CAUSE HAS BEEN SHOWN that Nuveda has violated the Court's orders to the extent that Nuveda went beyond reviving the entities. The Court will SET a hearing for contempt related to actions that occurred after the revival specifically the merger into the new entities.

Court inquired about discovery that the parties will need. Mr. Stipp advised that they will need to take the Receiver's deposition and that there will likely be some minimal written discovery, including communications by Mr. Savage to the Nevada Secretary of State and Ms. Michelle Briggs. Mr. Coppedge advised his side will also need some written discovery and will need to depose Mr. Bady. COURT ORDERED, written discovery requests will have a 15-day response period. Court will ALLOW the depositions of the Receiver and Mr. Bady, LIMITED to 2 hours total time for each. All of the discovery needs to be completed within 21 days. Contempt Hearing SET on Monday, March 1, 2021 at 1 pm.

2-12-21      CHAMBERS      STATUS CHECK: JOINT STATUS REPORT ON EVIDENTIARY HEARING

2-22-21      9:00 AM      NEVADA WELLNESS CENTER, LLC'S MOTION TO SPECIALLY APPEAR AND TO LIFT STAY TO ALLOW DEPOSITION OF DOTAN Y. MELECH REGARDING VALUE OF RECREATIONAL MARIJUANA DISPENSARY LICENSE...EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER, MOTION FOR PRELIMINARY INJUNCTION, AND REQUEST FOR ORDER SHORTENING TIME ON HEARING FOR PRELIMINARY INJUNCTION [RESCHEDULED FROM SUB CASE]

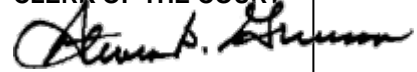


3-1-21

1:00 PM

SHOW CAUSE HEARING

# EXHIBIT B



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:

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

Letter to Chief Judge Bell Page 13

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

Letter to Chief Judge Bell Page 14



**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)

---

<b>March 17, 2021</b>	<b>9:00 AM</b>	<b>Motion for Status Check and Related Relief on Order Shortening Time</b>
-----------------------	----------------	--

<b>HEARD BY:</b> Gonzalez, Elizabeth	<b>COURTROOM:</b> RJC Courtroom 03E
--------------------------------------	-------------------------------------

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**PARTIES**

<b>PRESENT:</b> 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 A-2-MOTION FOR STAY

---

**Re: Request for New Appointment under NRS 22.030(3)/Case No. A-17-755479-B**

1 message

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

Mon, Mar 22, 2021 at 8:56 AM

To: dept07lc@clarkcountycourts.us

Cc: "Ramey, Cassandra" <Dept11LC@clarkcountycourts.us>, Joe Coppedge <jcoppedge@mccnvlaw.com>

Good Morning--

I wanted to follow up on the letter to Judge Bell sent on March 17, 2021 (see below). The hearing on alleged contempt before Judge Gonzalez is April 5, 2021. We have asked that the matter be presided over by an alternative district court judge (which right is statutory under NRS 22.030(3)). Judge Gonzalez has overruled our objection again based on "waiver." See attached minutes. The court has changed positions again and the rationale is not clear. Apparently, the court is now pointing to a call on February 18, 2021 and relying on the statements of opposing counsel (Joe Coppedge). NuVeda has not asked the court for any extension but did make the court aware that a witness was having surgery (Dr. Bady). Even so, such requests cannot be a waiver. Judge Gonzalez can grant or deny a request to move the hearing without presiding over the same.

Please let me know as soon as possible whether Judge Bell will consider this matter (which is within her authority as Chief Judge). If not, I have to seek a writ to the Nevada Supreme Court.



**Mitchell Stipp**

Law Office of Mitchell Stipp

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

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

Las Vegas, Nevada 89144

**Website:** www.stiplaw.com

On Wed, Mar 17, 2021 at 3:23 PM Mitchell Stipp <mstipp@stiplaw.com> wrote:

Please see attached letter.



**Mitchell Stipp**

Law Office of Mitchell Stipp

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

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

Las Vegas, Nevada 89144

**Website:** www.stiplaw.com



**Minute Order-Nuveda vs. 4Front Advisors (17).pdf**

69K

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 B-MOTION FOR STAY

---

**Re: Request for New Appointment under NRS 22.030(3)/Case No. A-17-755479-B**

1 message

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

Tue, Mar 23, 2021 at 1:12 PM

To: "Cope, Jacqueline" <Dept07LC@clarkcountycourts.us>

Cc: "Harris, Chricy LC" <dept11lc@clarkcountycourts.us>, Joe Coppedge <jcoppedge@mccnvlaw.com>

Thank you for the response. NuVeda has filed a petition for a writ and will be seeking emergency relief to stay the contempt proceedings this afternoon.



**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 Tue, Mar 23, 2021 at 11:55 AM Cope, Jacqueline <Dept07LC@clarkcountycourts.us> wrote:

Good morning Mr. Stipp,

Thank you for your email. Judge Bell does not consider any case-related matters based upon letter or email. Additionally, she typically will not make case assignment decisions based on a party's disagreement with a particular judge's decision. Please let me know if I can be of any further assistance.

Best,

**Jacqueline Cope** (she/hers)

Law Clerk to the Honorable Linda Marie Bell

Department VII, Eighth Judicial District Court

Ph: (702) 671-4341

Fx: (702) 671-4343

Email: [Dept07lc@clarkcountycourts.us](mailto:Dept07lc@clarkcountycourts.us)

**From:** Mitchell Stipp [mailto:[mstipp@stipplaw.com](mailto:mstipp@stipplaw.com)]

**Sent:** Monday, March 22, 2021 8:57 AM

**To:** Cope, Jacqueline

**Cc:** Harris, Chricy LC; Joe Coppedge

**Subject:** Re: Request for New Appointment under NRS 22.030(3)/Case No. A-17-755479-B

[NOTICE: This message originated outside of Eighth Judicial District Court -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Good Morning--

I wanted to follow up on the letter to Judge Bell sent on March 17, 2021 (see below). The hearing on alleged contempt before Judge Gonzalez is April 5, 2021. We have asked that the matter be presided over by an alternative district court judge (which right is statutory under NRS 22.030(3)). Judge Gonzalez has overruled our objection again based on "waiver." See attached minutes. The court has changed positions again and the rationale is not clear. Apparently, the court is now pointing to a call on February 18, 2021 and relying on the statements of opposing counsel (Joe Coppedge). NuVeda has not asked the court for any extension but did make the court aware that a witness was having surgery (Dr. Bady). Even so, such requests cannot be a waiver. Judge Gonzalez can grant or deny a request to move the hearing without presiding over the same.

Please let me know as soon as possible whether Judge Bell will consider this matter (which is within her authority as Chief Judge). If not, I have to seek a writ to the Nevada Supreme Court.

**Mitchell Stipp**

Law Office of Mitchell Stipp

(O) 702.602.1242 | (M) 702.378.1907 | [mstipp@stipplaw.com](mailto:mstipp@stipplaw.com)

**Address:** 1180 N. Town Center Drive, Suite 100  
Las Vegas, Nevada 89144

**Website:** [www.stipplaw.com](http://www.stipplaw.com)

On Wed, Mar 17, 2021 at 3:23 PM Mitchell Stipp <[mstipp@stipplaw.com](mailto:mstipp@stipplaw.com)> wrote:

Please see attached letter.

**Mitchell Stipp**

Law Office of Mitchell Stipp

(O) 702.602.1242 | (M) 702.378.1907 | [mstipp@stipplaw.com](mailto:mstipp@stipplaw.com)

**Address:** 1180 N. Town Center Drive, Suite 100  
Las Vegas, Nevada 89144

**Website:** [www.stipplaw.com](http://www.stipplaw.com)