

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

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,

Real Party in Interest.

Electronically Filed
Jun 09 2021 01:54 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
Supreme Court Case No. 82767

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

**SUPPLEMENT TO PETITION FOR WRIT AND APPENDIX
(VOLUMES VII-XV)**

LAW OFFICE OF MITCHELL STIPP
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DATED this 9th day of June, 2021.

LAW OFFICE OF MITCHELL STIPP

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

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I. Additional Filings before the District Court.

NuVeda filed its Petition on or about April 14, 2021. See Dkt. 21-10775. The Petition was supported by an Appendix (Volumes I-VI). See Dkt. 21-10778 through Dkt. 21-10783. This Supplement is made as a result of the order filed on May 12, 2021 in this case. See Dkt. 21-13663. NuVeda provides the summary below and separately files Volumes VII-XV to its Appendix.

On July 29, 2020, NuVeda filed a motion to dismiss Shane Terry's claims and/or for summary judgment. See Appendix 0436-0447. This motion was supported by exhibits. See id. 0449-0764. Mr. Terry opposed the motion. See id. 0766-1033. NuVeda replied to Mr. Terry's opposition. See id. 1035-1046. The district court stayed the matter for ninety (90) days to provide Mr. Terry an opportunity to seek relief from the American Arbitration Association ("AAA"). See id. 1048-1056.²

On or about December 9, 2020, NuVeda filed a motion to enter an order on Mr. Terry's claims. See Appendix 0095-0160 (Dkt. 21-10779). Mr. Terry

² The motion, opposition and reply referenced in this paragraph were not included in the Appendix (Volumes I-VI) (Dkt. 21-10778 through Dkt. 21-10783) filed in support of the Petition because the same arguments are briefed in subsequent filings included as part of the Appendix. See Appendix 0085-0299 (Dkt. 21-10779 through Dkt. 21-10781). Matters related to the impossibility of performance by CWNevada, LLC of its obligations to NuVeda and the priority of claims of other creditors are not relevant to the matters before this court. The order, however, was included in Appendix 0092-0095 (Exhibit 1 to Motion, Appendix 0085-0160).

opposed the motion. See id. 0162-0237 (Dkt. 21-10780). NuVeda replied to the opposition. See id. 0239-0299 (Dkt. 21-10781). At the hearing, the district court ordered Mr. Terry's attorney, Joe Coppedge, Esq., to supplement his opposition with a copy of the request for relief submitted to AAA, and the district court continued the matter to its chambers calendar. See Appendix 1058-1059. Mr. Coppedge filed his supplement on behalf of Mr. Terry. See Appendix 0301-0381 (Dkt. 21-10782). After reviewing the supplement, the district court denied NuVeda's motion without prejudice and indicated to the parties that it desired to schedule an evidentiary hearing on the issue of rescission (since AAA no longer had jurisdiction). See id. 0383.³ The district court failed to explain how or why it had jurisdiction to decide the matter (when AAA determined that AAA did not).

On or about February 12, 2021, NuVeda filed a motion to stay the proceedings so that it could pursue a writ petition. See id. 0385-0407 (Dkt. 21-10783). NuVeda filed a supplement to its motion. See Appendix 1061-1064. NuVeda also filed a jury demand. See id. 1066-1067. Mr. Terry opposed the motion. See id. 1069-1140.⁴ NuVeda replied to the opposition. See Appendix

³ An order was prepared and submitted by NuVeda's attorney to Mr. Coppedge and the district court, but no order has been entered.

⁴ The opposition was not separately included in the Appendix (Volumes I-VI) (Dkt. 21-10778 through Dkt. 21-10783) filed in support of the Petition because the same arguments are briefed in Appendix 0162-0237 (Dkt. 21-10780).

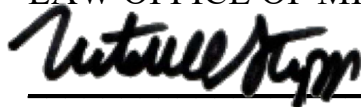
0409-0425 (Dkt. 21-10783). The district court denied the stay, decided not to conduct an evidentiary hearing on rescission (because there were factual issues to be resolved by a jury), refused to apply the 5-year rule, and set the matter for trial. See id. 0427-0428; 0430-0434.⁵

II. Conclusion

For the reasons set forth in the Petition, Appendix (Volumes I-VI), and this Supplement (including Volumes VII-XV to the Appendix), NuVeda seeks an order requiring the claims of Mr. Terry be dismissed and/or summary judgment granted.

DATED this 9th day of June, 2021.

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⁵ An order was prepared and submitted by NuVeda's attorney to Mr. Coppedge and the district court, but no order has been entered.

CERTIFICATE OF COMPLIANCE AND VERIFICATION

1. The supplement has been prepared in a proportionally spaced typeface using Microsoft Word, Version 16.11.1, in 14 point, Times New Roman.
2. The supplement does not exceed 15 pages.
3. I hereby certify that I have read the supplement, 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 supplement complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 21. I understand that I may be subject to sanctions in the event that the supplement is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9th day of June, 2021, I filed the foregoing
SUPPLEMENT TO PETITION AND APPENDIX (VOLUMES VII-XV),
using the court's electronic filing system.

Notice of the filing of the Supplement to Petition and Appendix 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

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