

IN THE SUPREME COURT OF THE STATE OF NEVADA

SPANISH HEIGHTS ACQUISITION
COMPANY, LLC; SJC VENTURES
HOLDING COMPANY, LLC, d/b/a SJC
VENTURES, LLC,

Petitioners,

v.

CBC PARTNERS I, LLC; CBC
PARTNERS, LLC; 5148 SPANISH
HEIGHTS, LLC; KENNETH ANTOS
AND SHEILA NEUMANN-ANTOS;
DACIA, LLC,

Respondents.

Supreme Court No. 82868
District Court Case No. A-20-813439-B
Electronically Filed
Apr 18 2022 02:36 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPELLANTS' OPPOSITION TO MOTION TO DISMISS APPEAL

Joseph A. Gutierrez, Esq.

Nevada Bar No. 9046

jag@mgalaw.com

Danielle J. Barraza, Esq.

Nevada Bar No. 13822

djb@mgalaw.com

MAIER GUTIERREZ & ASSOCIATES

8816 Spanish Ridge Avenue

Las Vegas, Nevada 89148

Telephone: (702) 629-7900

Facsimile: (702) 629-7925

Attorneys for Appellants

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This appeal is not moot. There has been no global settlement of all claims, and no dismissal of the underlying action. While there was an initial settlement, dismissal of all claims was contingent upon payment being effectuated for that settlement, which did not happen (as Respondents concede). *See* Mot. at p. 7, ¶ 34.

As such, the parties are on track to commence trial on the remaining claims on May 9, 2022. It is concerning that Respondents failed to mention that a trial is coming up in their brief, which contends that “there is no longer a justiciable controversy regarding the April 6, 2021 FFCL.” Of course there is, which is why Appellants refused to agree to any settlement terms involving the immediate dismissal of their appeal, as they knew that there would be a trial in the event the settlement payment was not made – which has happened here.

The motion to dismiss should be dismissed in its entirety.

II. LEGAL ARGUMENT

Respondents’ entire motion is premised on the notion that “the settlement has rendered this appeal moot.” Mot. at p. 10. The problem with that logic is the settlement did not involve a complete dismissal of all of the underlying claims. The parties specifically negotiated that if the payment was not effectuated for the settlement, then the parties would “litigate the balance of their claims” either through the district court or in binding arbitration. Respondents’ counsel put those terms on the record to the district court:

MR. MUSHKIN: The failure of SJC Ventures to pay that payment on or before January 5th, 2022, will trigger the resumption of foreclosure on the subject property. The failure of SJC Ventures to pay the January 5th, 2022, payment will allow 5148 and related parties to litigate the balance of their claims in either District Court or in binding arbitration.

See Mot. at p. 6. Respondents concede that the settlement payment was not made and that the Property at issue was foreclosed on in February 2022 [Mot. at p. 8], but they leave out that the remaining claims are going to be tried before the district court, with a jury trial set to commence on May 9, 2022. *See* **Exhibit 1**, Plaintiffs' Pretrial Disclosure filed on March 18, 2022. The remaining claims at issue include Appellants' claims against CBC Partners I, LLC for breach of contract. This is crucial because Respondents are seeking to have all of the April 6, 2021 FFCL (the subject of this appeal) submitted to the jury, with the jury instructed to follow those FFCL – even though those FFCL were the result of a breach of the automatic stay of litigation following SHAC's bankruptcy filing. *See* Appellants' Opening Brief Appendix, Vol. XIX, AA4433-4442.

Respondents have failed to provide any legal authority substantiating their argument that there is no live controversy when there is literally a trial on the underlying issues that still needs to take place, and in that trial, Respondents are seeking to rely on and have the jury follow all of the FFCL that are the subject of this appeal.

The settlement did not involve a dismissal of all underlying claims, and the parties were aware that trial was a possibility when the settlement was reached, as all parties agreed that in the event of a non-payment, the parties would move forward with a trial on the underlying claims, which is exactly what is happening

here. There is a live justiciable controversy, and Appellants still have an interest in having this appeal heard on its merits, as it affects the remaining issues, which have yet to be fully litigated.

III. CONCLUSION

Based on the foregoing, no settlement has “mooted” this appeal, and therefore Respondents’ motion to dismiss should be denied in its entirety.

Respectfully submitted this 18th day of April 2022.

MAIER GUTIERREZ & ASSOCIATES

/s/ Danielle J. Barraza

JOSEPH A. GUTIERREZ, ESQ.

Nevada Bar No. 9046

DANIELLE J. BARRAZA, ESQ.

Nevada Bar No. 13822

8816 Spanish Ridge Avenue

Las Vegas, Nevada 89148

Attorneys for Appellants

CERTIFICATE OF SERVICE

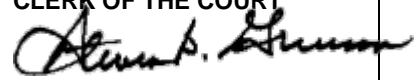
Pursuant to NRAP 25(d), I certify that on this 18th day of April 2022, I served a true and correct copy of the foregoing **APPELLANTS' OPPOSITION TO MOTION TO DISMISS APPEAL** as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☒ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;
- ☐ via hand-delivery to the addressee listed below;
- ☐ via facsimile;
- ☐ by transmitting via email to the email address set forth below.

/s/ Brandon Lopipero
An Employee of
Maier Gutierrez & Associates

EXHIBIT 1

EXHIBIT 1



PTD

JOSEPH A. GUTIERREZ, ESQ.

Nevada Bar No. 9046

DANIELLE J. BARRAZA, ESQ.

Nevada Bar No. 13822

MAIER GUTIERREZ & ASSOCIATES

8816 Spanish Ridge Avenue

Las Vegas, Nevada 89148

Telephone: 702.629.7900

Facsimile: 702.629.7925

E-mail: jag@mgalaw.com
djb@mgalaw.com

Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

SPANISH HEIGHTS ACQUISITION
COMPANY, LLC, a Nevada Limited Liability
Company; SJC VENTURES HOLDING
COMPANY, LLC, d/b/a SJC VENTURES, LLC,
a Delaware Limited Liability Company,

Plaintiffs,

vs.

CBC PARTNERS I, LLC, a foreign Limited
Liability Company; CBC PARTNERS, LLC, a
foreign Limited Liability Company; 5148
SPANISH HEIGHTS, LLC, a Nevada Limited
Liability Company; KENNETH ANTOS AND
SHEILA NEUMANN-ANTOS, as Trustees of
the Kenneth & Sheila Antos Living Trust and the
Kenneth M. Antos & Sheila M. Neumann-Antos
Trust; DACIA, LLC, a foreign Limited Liability
Company; DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

Defendants.

AND RELATED CLAIMS.

Case No.: A-20-813439-B

Dept. No.: XXXI

**PLAINTIFFS NRCP 16.1(a)(3)
PRETRIAL DISCLOSURE**

Plaintiffs Spanish Heights Acquisition Company, LLC (“SHAC”) and SJC Ventures Holding
Company, LLC, d/b/a SJC VENTURES, LLC (“SJC Ventures”) (“Plaintiffs”), by and through their

attorneys of record, the law firm MAIER GUTIERREZ & ASSOCIATES, hereby submits the following pre-trial disclosures required by NRCP 16.1(a)(3).

I. WITNESSES

A. PLAINTIFFS EXPECT TO PRESENT THE FOLLOWING WITNESSES at TRIAL

1. NRCP 30(b)(6) of Spanish Heights Acquisition Company, LLC
c/o Joseph A. Gutierrez, Esq.
Danielle J. Barraza, Esq.
MAIER GUTIERREZ & ASSOCIATES
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
(702) 629-7900
2. NRCP 30(b)(6) of SJC Ventures Holding Company, LLC d/b/a SJC Ventures, LLC
c/o Joseph A. Gutierrez, Esq.
Danielle J. Barraza, Esq.
MAIER GUTIERREZ & ASSOCIATES
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
(702) 629-7900
3. NRCP 30(b)(6) of CBC Partners I, LLC (Alan Hallberg)
c/o Michael R. Mushkin, Esq.
L. Joe Coppedge, Esq.
MUSHKIN & COPPEDGE
6070 South Eastern Avenue, Suite 270
Las Vegas, Nevada 89119
(702) 454-3333
4. NRCP 30(b)(6) of CBC Partners, LLC (Alan Hallberg)
c/o Michael R. Mushkin, Esq.
L. Joe Coppedge, Esq.
MUSHKIN & COPPEDGE
6070 South Eastern Avenue, Suite 270
Las Vegas, Nevada 89119
(702) 454-3333
5. NRCP 30(b)(6) of 5148 Spanish Heights, LLC (Michael Mushkin)
c/o Michael R. Mushkin, Esq.
L. Joe Coppedge, Esq.
MUSHKIN & COPPEDGE
6070 South Eastern Avenue, Suite 270
Las Vegas, Nevada 89119
(702) 454-3333
6. NRCP 30(b)(6) of Dacia, LLC (Michael Mushkin)
c/o Michael R. Mushkin, Esq.
L. Joe Coppedge, Esq.
MUSHKIN & COPPEDGE
6070 South Eastern Avenue, Suite 270
Las Vegas, Nevada 89119
(702) 454-3333

- 1 7. Kenneth Antos, as Trustee of the Kenneth & Sheila Antos Living Trust and the
2 Kenneth M. Antos & Sheila M. Neumann-Antos Trust
3 4968 Mountain Foliage Drive
4 Las Vegas, Nevada 89148
- 5 8. Sheila Neumann-Antos, as Trustee of the Kenneth & Sheila Antos Living Trust and
6 the Kenneth M. Antos & Sheila M. Neumann-Antos Trust
7 4968 Mountain Foliage Drive
8 Las Vegas, Nevada 89148
- 9 9. Laurentiu Russo
10 5198 Scenic Ridge Dr.
11 Las Vegas, NV 89148
- 12 10. Custodian of Records
13 SPANISH HILLS COMMUNITY ASSOCIATION
14 c/o Real Properties Management Group Inc.
15 3077 E. Warm Springs Road
16 Las Vegas, Nevada 89120
- 17 11. Custodian of Records
18 CITY NATIONAL BANK
19 555 S. Flower Street, 18th Floor
20 Los Angeles, California 90071
- 21 12. Custodian of Records
22 THE NORTHERN TRUST COMPANY
23 1995 Village Center Circle
24 Las Vegas, Nevada 89134
- 25 13. Custodian of Records
26 FIRST SAVINGS BANK
27 1700 W. Horizon Ridge Parkway, Suite 101
28 Henderson, Nevada 89012
14. Custodian of Records
 FIRST NATIONAL BANK
 2225 Village Walk Drive, Suite 200
 Henderson, Nevada 89052
15. Custodian of Records
 FIRST NATIONAL BANK
 975 American Pacific Drive
 Henderson, Nevada 89014
16. David Hodgman
 5164 Spanish Heights Drive
 Las Vegas, Nevada 89148
17. Nan Schwartz
 8696 Mesa Canogo Drive
 Las Vegas, Nevada 89148

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1 18. Lisa Gollard
2 5147 Mountain Foilage Drive
3 Las Vegas, Nevada 89148

4 19. Ian Hughes
5 4928 Mesa Capaella Drive
6 Las Vegas, Nevada 89148

7 Plaintiffs reserves the right to call any witnesses named by any other party to this action and
8 reserves the right to call any witnesses as may be necessary for the purpose of impeachment. By
9 listing witnesses, Plaintiffs reserves the right to object to any witnesses at the time of trial.

10 **B. PLAINTIFFS WITNESSES WHO HAVE BEEN SUBPOENAED FOR TRIAL**

- 11 1. Michael Mushkin;
12 2. Kenneth Antos;
13 3. CBC Partners I, LLC;
14 4. Alan Hallberg; and
15 5. Laurentiu Russo.

16 **II. PLAINTIFFS WILL PRESENT THE FOLLOWING DEPOSITIONS AT TRIAL**
17 **PURSUANT TO NRCP 16.1(a)(3)(B)**

18 **A. PLAINTIFFS WILL USE THE DEPOSITIONS AS ALLOWED BY NEVADA LAW**

- 19 1. Deposition of Jay Bloom, Volume I;
20 2. Deposition of Jay Bloom, Volume II;
21 3. Deposition of Kenneth Antos;
22 4. Deposition of Michael Mushkin, Esq. as NRCP 30(b)(6) for 5148 Spanish Heights,
23 LLC;
24 5. Deposition of Kenneth Antos as NRCP 30(b)(6) Person Most Knowledgeable
25 Designee of the Trustees of Kenneth and Sheila Antos Living Trust and the Kenneth
26 M. Antos and Sheila M. Neumann-Antos Trust;
27 6. Deposition of Alan Hallberg as NRCP 30(b)(6) for CBC Partners I, LLC; and
28 7. Deposition of Sheila Neumann-Antos.

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B. PLAINTIFFS WILL PRESENT THE FOLLOWING DEPOSITION TESTIMONY IF THE WITNESS IS UNAVAILABLE AT THE TIME OF TRIAL

1. Deposition of Jay Bloom, Volume I;
2. Deposition of Jay Bloom, Volume II;
3. Deposition of Kenneth Antos;
4. Deposition of Michael Mushkin, Esq. as NRCP 30(b)(6) for 5148 Spanish Heights, LLC;
5. Deposition of Kenneth Antos as NRCP 30(b)(6) Person Most Knowledgeable Designee of the Trustees of Kenneth and Sheila Antos Living Trust and the Kenneth M. Antos and Sheila M. Neumann-Antos Trust;
6. Deposition of Alan Hallberg as NRCP 30(b)(6) for CBC Partners I, LLC; and
7. Deposition of Sheila Neumann-Antos.

1. THE FOLLOWING DEPOSITION TESTIMONY WILL BE PRESENTED FOR IMPEACHMENT, IF THE NEED ARISES

Plaintiffs reserves the right to use any deposition designated by any other party related to this matter. Plaintiffs further reserves the right to use any testimony given in the above-named depositions during the trial of this matter regardless of the subject matter, including for impeachment purposes.

By disclosing deposition testimony, including any additional volumes of the transcript and exhibits attached thereto, Plaintiffs does not waive the right to challenge and exclude such deposition testimony and/or exhibits, or portions thereof, on any basis.

III. EXHIBITS

A. PLAINTIFFS EXHIBITS WHICH PLAINTIFFS EXPECTS TO OFFER AT TRIAL:

Exhibit Number	Bates No.	Exhibit Description	Date Offered	Objection	Date Admitted
	PLTFS00001-PLTFS00113	Executed Forbearance Agreement			
	PLTFS00114-PLTFS00145	Executed Spanish Heights Acquisition Company, LLC's Lease			
	PLTFS00146-PLTFS00155	CBC Partners Forbearance Agreement Amended until 3/31/20			

1	PLTFS00156- PLTFS00159	Letter from John Leach, Esq. dated 3/12/20			
2	PLTFS00160- PLTFS00161	Letter from Michael Mushkin, Esq. dated 3/16/20			
3	PLTFS00162- PLTFS00175	Letter to Michael Mushkin, Esq. dated 3/23/20			
4	PLTFS00176- PLTFS00178	Letter from Michael Mushkin, Esq. dated 4/1/20 regarding notice of default			
5	PLTFS00179- PLTFS00181	Letter from Michael Mushkin, Esq. dated 4/1/20 regarding assignment of membership interest			
6	PLTFS00182- PLTFS00183	Executed Assignment of Company of Membership Interests of Spanish Heights Acquisition Company, LLC			
7	PLTFS00184	Letter from Michael Mushkin, Esq. dated 4/3/2020			
8	PLTFS00185- PLTFS00187	Letter to Michael Mushkin, Esq. dated 4/4/20			
9	PLTFS00188- PLTFS00189	Letter from Michael Mushkin, Esq. dated 4/6/20			
10	PLTFS00190- PLTFS00191	Letter to Michael Mushkin, Esq. dated 4/6/20			
11	PLTFS00192	Letter from Michael Mushkin, Esq. dated 4/7/20			
12	PLTFS00193- PLTFS00203	Letter from Michael Mushkin, Esq. to Governor Sisolak and Nevada Attorney General Aaron Ford dated 4/7/20			
13	PLTFS00204- PLTFS00205	Letter from Michael Mushkin, Esq. dated 4/8/20			
14	PLTFS00206	Letter from Michael Mushkin, Esq. dated 4/9/20			
15	PLTFS00207	Letter from Michael Mushkin, Esq. dated 4/10/20			

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	PLTFS00208- PLTFS00217	Letter to Michael Mushkin, Esq. dated 4/10/20			
	PLTFS00218	Letter to Michael Mushkin, Esq. dated 4/13/20			
	PLTFS00219	Email from Michael Mushkin, Esq. dated 4/13/20			
	PLTFS00220- PLTFS00223	Letter to Michael Mushkin, Esq. dated 6/2/20			
	PLTFS00224- PLTFS00225	Letter from Michael Mushkin, Esq. dated 6/3/20			
	PLTFS00226- PLTFS00228	Letter to Michael Mushkin, Esq. dated 6/4/20			
	PLTFS00229- PLTFS00238	Executed State of Nevada Complaint Form dated 4/6/20			
	PLTFS00239- PLTFS00251	Letter from Michael Mushkin, Esq. dated 6/5/20			
	PLTFS00252- PLTFS00259	Letter from Michael Mushkin, Esq. dated 6/11/20			
	PLTFS00260- PLTFS00263	Email from The Northern Trust Company dated 4/20/20			
	PLTFS00264- PLTFS00267	Spanish Heights Acquisition Company's checks dated 4/30/20 to The Northern Trust Company			
	PLTFS00268- PLTFS00275	Spanish Heights Acquisition Company's checks dated 5/11/20 and 6/10/20 to The Northern Trust Company			
	PLTFS00276- PLTFS00280	Letters from City National Bank dated 4/6/20			
	PLTFS00281- PLTFS00284	Spanish Heights Acquisition Company's checks dated 4/30/20 to The Northern Trust Company and City National Bank			
	PLTFS00285- PLTFS00290	Spanish Heights Acquisition Company's checks dated 5/11/20 and 6/10/20 to City National Bank			

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	PLTFS00291- PLTFS00294	Spanish Heights Acquisition Company's checks dated 4/30/20 and 6/10/20 to City National Bank			
	PLTFS00295- PLTFS00296	Email from The Northern Trust Company dated 6/18/20			
	PLTFS00297	Spanish Heights Acquisition Company's recent transactions for 6/18/20 and 6/19/20			
	PLTFS00298- PLTFS00300	Letter to City National Bank dated 4/10/20 with enclosure email dated 5/7/20			
	PLTFS00301- PLTFS00324	SJC Ventures Holding Company, LLC's check rent payments from 4/1/20 – 12/31/20 and 1/1/21 – 9/30/21 and Spanish Heights Acquisition Company's check payments from 4/30/20 - 6/19/20			
	PLTFS00325- PLTFS00326	HOA payment resident information account detail from 2/28/20 – 6/4/20			
	PLTFS00327- PLTFS00333	Declaration of Nan Schwartz dated 4/20/20			
	PLTFS00334	Spanish Heights Acquisition Company's recent transactions for 5/5/20 and 5/6/20			
	PLTFS00335	Past Due Notice of Real Property Taxes dated 10/24/19			
	PLTFS00336- PLTFS00337	SJC Ventures Holding Company, LLC's check to Spanish Heights Acquisition Company, LLC dated 4/30/20			
	PLTFS00338	SJC Ventures Holding Company, LLC's check to Spanish Heights Acquisition Company, LLC dated 6/11/20			
	PLTFS00339	Check to Spanish Heights Acquisition Company, LLC dated 7/1/20			
	PLTFS00340- PLTFS00344	Five (5) invoices from Infinity Air, LLC from 6/5/18 – 8/13/19			

1	PLTFS00345	Letter from State of Nevada Department of Business & Industry Real Estate Division dated 3/18/20			
2	PLTFS00346-PLTFS00379	State of Nevada Department of Business & Industry Real Estate Division ADR Claim Form dated 12/23/19			
3	PLTFS00380	Letter from State of Nevada Department of Business & Industry Real Estate Division dated 1/28/20			
4	PLTFS00381	Exhibit B Membership Table Exhibit to the Limited Company Agreement of Spanish Heights Acquisition Company			
5	PLTFS00382-PLTFS00426	Email from Nevada Attorney General's Office dated 4/20/20			
6	PLTFS00427-PLTFS00582	HOA policy documents			
7	PLTFS00583-PLTFS00584	Email from Michael Mushkin, Esq. to Jay Bloom dated 3/31/20			
8	PLTFS00585-PLTFS00586	Checks to Northern Trust and City National Bank dated 7/6/20			
9	PLTFS00587-PLTFS00588	Corrected checks to Northern Trust and City National Bank dated 7/6/20			
10	PLTFS00589-PLTFS00590	Email HOA payment receipt dated 7/6/20			
11	PLTFS00591-PLTFS00778	Recorded documents for APN No. 163-615-007 from 4/16/07 – 5/28/20			
12	PLTFS00779-PLTFS00780	Check to City National Bank dated 8/6/20			
13	PLTFS00781-PLTFS00782	Check to Northern Trust dated 8/6/20			
14	PLTFS00783-PLTFS00784	Check to Clark County Assessor dated 8/17/20			
15	PLTFS00785	Check to Spanish Heights Acquisition Company, LLC dated 9/1/20			
16	PLTFS00786	Check to Northern Trust dated 9/6/20			

1	PLTFS00787	Check to City National Bank dated 9/6/20			
2	PLTFS00788- PLTFS00789	Check to City National Bank dated 9/6/20 (Front and back of check)			
4	PLTFS00790- PLTFS00791	Check to Northern Trust dated 9/6/20 (Front and back of check)			
6	PLTFS00792- PLTFS00793	Email HOA payment receipt dated 9/6/20			
7	PLTFS00794- PLTFS00952	Documents pertaining to CBC Partners, I, LLC's loan transactions with the Antos' that Plaintiffs received from Kenneth and/or Sheila Antos			
10	PLTFS00953	Check to Spanish Heights Acquisition Company, LLC dated 10/1/20			
12	PLTFS00954	Check to City National Bank dated 10/6/20			
13	PLTFS00955	Check to Northern Trust dated 10/6/20			
14	PLTFS00956- PLTFS00957	Two (2) email HOA payment receipts dated 10/8/20			
16	PLTFS00958- PLTFS00959	Check to City National Bank dated 12/3/20 (front and back of check)			
18	PLTFS00960- PLTFS00961	Check to Northern Trust dated 12/3/20 (front and back of check)			
20	PLTFS00962- PLTFS00963	Check to Spanish Heights Acquisition Company dated 12/3/20 (front and back of check)			
22	PLTFS00964- PLTFS00965	Check to Northern Trust dated 12/3/20 with FedEx standard overnight label			
24	PLTFS00966- PLTFS00967	Check to City National Bank dated 12/3/20 with FedEx two day label			
26	PLTFS00968	Check to Spanish Heights Acquisition Company dated 12/3/20			
27	PLTFS00969	Check to Spanish Heights Acquisition Company dated 11/3/20			

1		PLTFS00970- PLTFS00971	Check to City National Bank dated 11/3/20 with FedEx two day label			
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3		PLTFS00972- PLTFS00974	Check to Northern Trust dated 11/3/20 with FedEx overnight label and certified return envelope from Northern Trust for October 2020 payment			
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6		PLTFS00975- PLTFS00981	Transcript of Special Meeting of the Members of the Spanish Heights Acquisition Company, LLC			
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9		PLTFS00982	Front and back of check to City National Bank dated 11/3/20			
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11		PLTFS00983	Front and back of check to Northern Trust dated 11/3/20			
12						
13		PLTFS00984- PLTFS00985	Front and back of check to Northern Trust dated 1/6/21			
14						
15		PLTFS00986- PLTFS00987	Front and back of check to City National Bank dated 1/3/21			
16						
17		PLTFS00988- PLTFS00991	Letter from SJC Ventures LLC and Spanish Heights Acquisition Company, LLC to defendants dated 3/1/21			
18						
19		PLTFS00992	Letter from Michael Mushkin, Esq. to Spanish Heights Acquisition Company, LLC dated 3/10/21			
20						
21		PLTFS00993- PLTFS00994	Letter from SJC Ventures LLC and Spanish Heights Acquisition Company, LLC to defendants dated 3/11/21			
22						
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24		PLTFS00995- PLTFS00999	Invoices #1766 and #1767 from Home Innovations dated 10/5/19			
25						
26		PLTFS01000- PLTFS01003	Four (4) checks to City National Bank and Northern Trust dated 8/1/21 and 9/2/21			
27						
28		JAG00001- JAG00020	Email from Jay Bloom with attachments dated 8/9/17			

	JAG00021-JAG00120	Email from Jay Bloom with attachments dated 8/11/17			
	JAG00121-JAG00123	Email from Alan Hallberg dated 8/12/17			
	JAG00124-JAG00295	Email from Vernon Nelson dated 9/4/17 with attachments			
	JAG00296-JAG00301	Email from Vernon Nelson dated 9/19/17			
	JAG00302-JAG00305	Email from Jeff Waldo dated 3/24/20			

Plaintiffs reserve the right to use any documents listed by any other party to this litigation. Plaintiffs' further reserve the right to use any documents deemed necessary for rebuttal and/or impeachment purposes. By disclosing documents, Plaintiffs do not waive the right to challenge and exclude documents, or portions thereof, on any basis.

IV. DEMONSTRATIVE EXHIBITS

A. PLAINTIFFS MAY OFFER, AT TRIAL, CERTAIN EXHIBITS FOR DEMONSTRATIVE PURPOSES INCLUDING, BUT NOT LIMITED, TO THE FOLLOWING:

- a. Demonstrative and actual photographs;
- b. Timeline of events;
- c. Enlarged exhibits; and
- d. Story boards and computer digitized power point images.

Plaintiffs reserve the right to use any demonstrative exhibits as disclosed by defendants in this matter. Plaintiffs reserves the right to introduce such other demonstrative exhibits into evidence as may be necessary for purposes of rebuttal, impeachment or both. By disclosing demonstrative exhibits, Plaintiffs do not waive the right to object to demonstrative exhibits disclosed by any party at the time of trial.

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Plaintiffs reserve the right to object to the introduction of exhibits and witnesses not previously disclosed, and further reserves its objections to any exhibit offered based on foundation and relevancy. Plaintiffs further reserve the right to supplement their pre-trial disclosure statement as necessary.

DATED this 18th day of March 2022.

MAIER GUTIERREZ & ASSOCIATES

/s/ Joseph A. Gutierrez

JOSEPH A. GUTIERREZ, ESQ.
Nevada Bar No. 9046
DANIELLE J. BARRAZA, ESQ.
Nevada Bar No. 13822
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
Attorneys for Plaintiffs

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Pursuant to Administrative Order 14-2, **PLAINTIFFS NRCP 16.1(a)(3) PRETRIAL DISCLOSURE** was electronically filed on the 18th day of March 2022, and served through the Notice of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List, addressed as follows:

Michael R. Mushkin, Esq.
MUSHKIN & COPPEDGE
6070 South Eastern Avenue, Suite 270
Las Vegas, Nevada 89119
*Attorneys for Defendants CBC Partners I, LLC, CBC Partners, LLC,
5148 Spanish Heights, LLC, and Dacia LLC*

Candace C. Carlyon, Esq.
Tracy M. O'Steen, Esq.
CAROLYN CICA CHTD.
265 E. Warm Springs Road, Suite 107
Las Vegas, Nevada 89119
Attorneys for Larry L. Bertsch, Receiver

/s/ *Brandon Lopipero*
An Employee of MAIER GUTIERREZ & ASSOCIATES