

IN THE SUPREME COURT OF THE STATE OF NEVADA

AEROGROW INTERNATIONAL,
INC.,

Petitioner,

vs.

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

Respondents,

and

BRADLEY LOUIS RADOFF, FRED
M. ADAMCYZK, THOMAS C.
ALBANESE, WILLIAM A.
ALMOND, III, MICHAEL S.
BARISH, GEORGE C. BETKE, JR.
2019 TRUST, DIANA BOYD, ANNE
CAROL DECKER, THOMAS H.
DECKER, THE DEUTSCH FAMILY
TRUST, JOHN C. FISCHER,
ALFREDO GOMEZ, ALFREDO
GOMEZ FMT CO CUST IRA
ROLLOVER, LAWRENCE
GREENBERG, PATRICIA
GREENBERG, KAREN HARDING,
H.L. SEVERANCE, INC. PROFIT
SHARING PLAN & TRUST, H.L.
SEVERANCE, INC. PENSION PLAN
& TRUST, DANIEL G. HOFSTEIN,
KEVIN JOHNSON, CANDICE
KAYE, LAURA J. KOBAYASHI, CAROLE

Case Number: Electronically Filed
May 13 2021 11:41 a.m.
Elizabeth A. Brown
District Court Case Number: Clerk of Supreme Court
A-21-827665-B (Lead Case), Dept. XI

NOTICE OF APPEARANCE

L. MCCLAUGHLIN, BRIAN PEIERLS,
JOSEPH E. PETER, ALEXANDER
PERELBERG, AMY PERELBERG,
DANA PERELBERG, GARY
PERELBERG, LINDA PERELBERG,
THE REALLY COOL GROUP,
RICHARD ALAN RUDY
REVOCABLE LIVING TRUST,
JAMES D. RICKMAN, JR., JAMES
D. RICKMAN, JR. IRREVOCABLE
TRUST, PATRICIA D. RICKMAN
IRREVOCABLE TRUST, ANDREW
REESE RICKMAN TRUST, SCOTT
JOSEPH RICKMAN IRREVOCABLE
TRUST, MARLON DEAN
ALESSANDRA TRUST, BRYAN
ROBSON, WAYNE SICZ IRA,
WAYNE SICZ ROTH IRA, THE
CAROL W. SMITH REVOCABLE
TRUST, THOMAS K. SMITH,
SURAJ VASANTH, CATHAY C.
WANG, LISA DAWN WANG,
DARCY J. WEISSENBOEN, THE
MARGARET S. WEISSENBOEN
REVOCABLE TRUST, THE
STANTON F. WEISSENBOEN IRA,
THE STANTON F. WEISSENBOEN
REVOCABLE TRUST, THE
STANTON F. WEISSENBOEN
IRREVOCABLE TRUST, THE
NATALIE WOLMAN LIVING
TRUST, ALAN BUDD
ZUCKERMAN, JACK WALKER,
STEPHEN KAYE, THE MICHAEL S.
BARISH IRA, AND THE
ALEXANDER PERELBERG IRA,

Real Parties in Interest.

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

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NV Bar No. 1437
MAXIMILIEN D. FETAZ, ESQ.
NV Bar No. 12737
TRAVIS F. CHANCE, ESQ.
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JONES DAY

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Telephone: 404.521.3939

Notice is hereby given that Ashley F. Heintz, Esq. is hereby entering her appearance as counsel for Petitioner AEROGROW INTERNATIONAL, INC. in this proceeding. Ms. Heintz was admitted to practice pro hac vice in this matter by Order of the Eighth Judicial District Court on March 27, 2021. Notice of Entry of Order Granting Motion to Associate Counsel is attached hereto as Exhibit 1.

DATED this 13th day of May, 2021.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

BY: /s/ Maximilien D. Fetaz
KIRK B. LENHARD, ESQ.
MAXIMILIEN D. FETAZ, ESQ.
TRAVIS F. CHANCE, ESQ.

MARJORIE P. DUFFY, ESQ.
(*pro hac vice* submitted)
ASHLEY F. HEINTZ, ESQ.
(*pro hac vice*)
JONES DAY

*Attorneys for Petitioner AeroGrow International,
Inc.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing **NOTICE OF APPEARANCE** was filed electronically with the Nevada Supreme Court and through the Eighth Judicial District Court's electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address on May 13, 2021. Electronic or mail service of the foregoing document shall be made in accordance with the Master Service List as follows:

Court:

Judge Elizabeth Gonzalez
Eighth Judicial District of Clark County
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89155

Real Parties in Interest:

Terry A. Coffing, Esq.
Marquis Aurbach Coffing
10001 Park Run Drive
Las Vegas, Nevada 89145

*Attorneys for Real Party in
Interest BRADLEY LOUIS
RADOFF*

J. Robert Smith
SIMONS HALL JOHNSTON PC
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Reno, Nevada 89509

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ALBANESE, WILLIAM A. ALMOND,
III, MICHAEL S. BARISH, GEORGE
C. BETKE, JR. 2019 TRUST, DIANA
BOYD, ANNE CAROL DECKER,
THOMAS H. DECKER, THE
DEUTSCH FAMILY TRUST, JOHN C.
FISCHER, ALFREDO GOMEZ,
ALFREDO GOMEZ FMT CO CUST
IRA ROLLOVER, LAWRENCE*

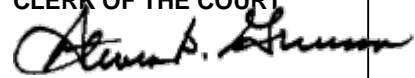
GREENBERG, PATRICIA
GREENBERG, KAREN HARDING,
H.L. SEVERANCE, INC. PROFIT
SHARING PLAN & TRUST, H.L.
SEVERANCE, INC. PENSION PLAN
& TRUST, DANIEL G. HOFSTEIN,
KEVIN JOHNSON, CANDICE KAYE,
LAURA J. KOBY, CAROLE L.
MCLAUGHLIN, BRIAN PEIERLS,
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RICKMAN, JR., JAMES D. RICKMAN,
JR. IRREVOCABLE TRUST,
PATRICIA D. RICKMAN
IRREVOCABLE TRUST, ANDREW
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ALESSANDRA TRUST, BRYAN
ROBSON, WAYNE SICZ IRA, WAYNE
SICZ ROTH IRA, THE CAROL W.
SMITH REVOCABLE TRUST,
THOMAS K. SMITH, SURAJ
VASANTH, CATHAY C. WANG, LISA
DAWN WANG, DARCY J.
WEISSENBORN, THE MARGARET S.
WEISSENBORN REVOCABLE
TRUST, THE STANTON F.
WEISSENBORN IRA, THE STANTON
F. WEISSENBORN REVOCABLE
TRUST, THE STANTON F.
WEISSENBORN IRREVOCABLE
TRUST, THE NATALIE WOLMAN
LIVING TRUST, ALAN BUDD
ZUCKERMAN, JACK WALKER,

*STEPHEN KAYE, THE MICHAEL S.
BARISH IRA, AND THE ALEXANDER
PERELBERG IRA*

/s/ Wendy Cosby

An employee of Brownstein Hyatt Farber Schreck,
LLP

EXHIBIT 1



NEOJ

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*Attorneys for Defendants AGI Acquisition Sub, Inc., SMG
Growing Media, Inc., The Scotts Miracle-Gro Company,
AeroGrow International, Inc., Chris Hagedorn, Cory
Miller, Patricia M. Ziegler, James Hagedorn, and Peter
Supron*

DISTRICT COURT

CLARK COUNTY, NEVADA

OVERBROOK CAPITAL LLC, on Behalf of
Itself and All Others Similarly Situated,

Plaintiffs,

v.

AEROGROW INTERNATIONAL, INC.,
CHRIS HAGEDORN, H. MACGREGOR
CLARKE, DAVID B. KENT, CORY MILLER,
PATRICIA M. ZIEGLER, SMG GROWING
MEDIA, INC., and SCOTTS MIRACLE-GRO
COMPANY,

Defendants.

CASE NO.: A-21-827665-B (**Lead Case**)

DEPT NO.: XI

NOTICE OF ENTRY OF ORDER

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NICOYA CAPITAL, LLC, on behalf of itself
and all other similarly situated,

Plaintiffs,

v.

CHRIS HAGEDORN, H. MACGREGOR
CLARKE, DAVID B. KENT, CORY MILLER,
PATRICIA M. ZIEGLER, JAMES
HAGEDORN, PETER SUPRON,

and

AEROGROW INTERNATIONAL, INC., a
Nevada Corporation, and AGI ACQUISITION
SUB, INC., a Nevada Corporation, SMG
GROWING MEDIA, INC., an Ohio
Corporation, and SCOTTS MIRACLE-GRO
COMPANY, an Ohio Corporation,

Defendants.

BRADLEY LOUIS RADOFF,

Plaintiff,

v.

CHRIS HAGEDORN, an individual; H.
MACGREGOR CLARKE, an individual;
DAVID B. KENT, an individual; CORY
MILLER, an individual; PATRICIA M.
ZIEGLER, individual; JAMES HAGEDORN,
an individual; PETER SUPRON, an individual;
AEROGROW INTERNATIONAL, INC., a
Nevada Corporation; AGI ACQUISITION
SUB, INC., a Nevada Corporation; SMG
GROWING MEDIA, INC., an Ohio
Corporation; THE SCOTTS MIRACLE-GRO
COMPANY, an Ohio Corporation; DOES I
through X, inclusive; and ROE
CORPORATIONS I through X, inclusive.

Defendants.

CASE NO.: A-21-827745-B

CASE NO.: A-21-829854-B

1 PLEASE TAKE NOTICE that an Order Granting Motion to Associate Counsel on Order
2 Shortening Time (Ashley F. Heintz, Esq.) was entered on March 27, 2021. A copy of said order is
3 attached hereto.

4 DATED this 29th day of March, 2021.

5 BROWNSTEIN HYATT FARBER SCHRECK, LLP

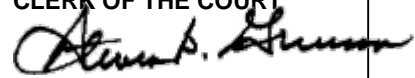
6 BY: /s/ Maximilien D. Fetaz
7 KIRK B. LENHARD, ESQ.
8 MAXIMILIEN D. FETAZ, ESQ.
9 TRAVIS F. CHANCE, ESQ.

10 MARJORIE P. DUFFY, ESQ.
11 (pro hac vice forthcoming)
12 ASHLEY F. HEINTZ, ESQ.
13 (admitted pro hac vice)
14 JONES DAY

15 *Attorneys for Defendants AGI Acquisition Sub, Inc.,*
16 *SMG Growing Media, Inc., The Scotts Miracle-Gro*
17 *Company, AeroGrow International, Inc., Chris*
18 *Hagedorn, Cory Miller, Patricia M. Ziegler, James*
19 *Hagedorn, and Peter Supron*
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/s/ Wendy Cosby
an employee of Brownstein Hyatt Farber Schreck, LLP



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Growing Media, Inc., The Scotts Miracle-Gro Company,
AeroGrow International, Inc., Chris Hagedorn, Cory
Miller, Patricia M. Ziegler, James Hagedorn, and Peter
Supron*

DISTRICT COURT

CLARK COUNTY, NEVADA

OVERBROOK CAPITAL LLC, on Behalf of
Itself and All Others Similarly Situated,

Plaintiffs,

v.

AEROGROW INTERNATIONAL, INC.,
CHRIS HAGEDORN, H. MACGREGOR
CLARKE, DAVID B. KENT, CORY MILLER,
PATRICIA M. ZIEGLER, SMG GROWING
MEDIA, INC., and SCOTTS MIRACLE-GRO
COMPANY,

Defendants.

CASE NO.: A-21-827665-B (Lead Case)

DEPT NO.: XI

**ORDER GRANTING MOTION TO
ASSOCIATE COUNSEL ON ORDER
SHORTENING TIME**

(ASHLEY F. HEINTZ, ESQ.)

NICOYA CAPITAL, LLC, on behalf of itself
and all other similarly situated,

Plaintiffs,

v.

CHRIS HAGEDORN, H. MACGREGOR
CLARKE, DAVID B. KENT, CORY MILLER,
PATRICIA M. ZIEGLER, JAMES
HAGEDORN, PETER SUPRON,

and

AEROGROW INTERNATIONAL, INC., a
Nevada Corporation, and AGI ACQUISITION
SUB, INC., a Nevada Corporation, SMG
GROWING MEDIA, INC., an Ohio
Corporation, and SCOTTS MIRACLE-GRO
COMPANY, an Ohio Corporation,

Defendants.

BRADLEY LOUIS RADOFF,

Plaintiff,

v.

CHRIS HAGEDORN, an individual; H.
MACGREGOR CLARKE, an individual;
DAVID B. KENT, an individual; CORY
MILLER, an individual; PATRICIA M.
ZIEGLER, individual; JAMES HAGEDORN,
an individual; PETER SUPRON, an individual;
AEROGROW INTERNATIONAL, INC., a
Nevada Corporation; AGI ACQUISITION
SUB, INC., a Nevada Corporation; SMG
GROWING MEDIA, INC., an Ohio
Corporation; THE SCOTTS MIRACLE-GRO
COMPANY, an Ohio Corporation; DOES I
through X, inclusive; and ROE
CORPORATIONS I through X, inclusive.

Defendants.

CASE NO.: A-21-827745-B

CASE NO.: A-21-829854-B

This matter, having come before the Court on Defendants AGI ACQUISITION SUB, INC.,
SMG GROWING MEDIA, INC., THE SCOTTS MIRACLE-GRO COMPANY, AEROGROW
INTERNATIONAL, INC., CHRIS HAGEDORN, CORY MILLER, PATRICIA M. ZIEGLER,
JAMES HAGEDORN, And PETER SUPRON's (collectively, "Defendants") Motion to Associate

1 Counsel on Order Shortening Time on March 25, 2021, in chambers, the Court having reviewed
2 the motion, and having noted that no opposition has been filed, and good cause appearing, the Court
3 finds as follows:

4 IT IS HEREBY ORDERED that the Motion, under Nevada Supreme Court Rule 42,
5 together with the Verified Application for Association of Counsel, Certificate of Good Standing
6 for the State of Georgia, Certificate of Good Standing for the State of Pennsylvania, and the State
7 Bar of Nevada Statement, having been noticed, no objections having been made, and the Court
8 being fully apprised of the premises, and good cause appearing, is GRANTED.

9 IT IS THEREFORE ORDERED that Ashley F. Heintz, Esq., is admitted to practice in the
10 above-entitled Court for the purposes of the above-entitled matter.

11 IT IS FURTHER ORDERED that, by accepting this admission, Counsel agrees to submit
12 to the Court's jurisdiction and appear without subpoena for any proceedings required by the Court
13 which relate to Counsel's conduct in this matter, including motions, depositions, and evidentiary
14 hearings, pursuant to SCR 42(13)(a).

15 DATED this 26th day of March, 2021.

16 
DISTRICT COURT JUDGE

17 Respectfully submitted by:

18 BROWNSTEIN HYATT FARBER SCHRECK, LLP

19 BY: /s/ Maximilien D. Fetaz
20 KIRK B. LENHARD, ESQ.
21 MAXIMILIEN D. FETAZ, ESQ.
22 TRAVIS F. CHANCE, ESQ.

23 MARJORIE P. DUFFY, ESQ.
24 (pro hac vice forthcoming)
25 ASHLEY F. HEINTZ, ESQ.
26 (admitted pro hac vice)
27 JONES DAY

28 *Attorneys for Defendants AGI Acquisition Sub, Inc.,
SMG Growing Media, Inc., The Scotts Miracle-Gro
Company, AeroGrow International, Inc., Chris
Hagedorn, Cory Miller, Patricia M. Ziegler, James
Hagedorn, and Peter Supron*

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