

**IN THE SUPREME COURT 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. KOBAY, CAROLE L.  
MCLAUGHLIN, BRIAN PEIERLS,  
JOSEPH E. PETER, ALEXANDER  
PERELBERG, AMY PERELBERG,

Case Number: 82895

District Court Case Number

A-21-827665-B (Lead Case)

Dept. XIII

Electronically Filed

Dec 13 2021 10:35 a.m.

Elizabeth A. Brown

Clerk of Supreme Court

**PROOF OF SERVICE OF WRIT  
OF MANDAMUS AND OPINION**

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.  
WEISSENBOERN, THE MARGARET S.  
WEISSENBOERN REVOCABLE  
TRUST, THE STANTON F.  
WEISSENBOERN IRA, THE STANTON  
F. WEISSENBOERN REVOCABLE  
TRUST, THE STANTON F.  
WEISSENBOERN 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.

Pursuant to NRAP 25, I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On December 13, 2021, I caused to be served a true and correct copy of the **WRIT OF MANDAMUS** and **OPINION** filed in this appeal by placing the document(s) in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below:

Honorable Linda Marie Bell, Chief Judge  
Eighth Judicial District Court  
Dept. VII  
Regional Justice Center  
200 Lewis Avenue, Courtroom 10E  
Las Vegas, NV 89155

Presiding Judge  
Eighth Judicial District Court  
Dept. XI (Originally Assigned Department)  
Regional Justice Center  
200 Lewis Avenue, Courtroom 3B  
Las Vegas, NV 89155

Honorable Mark Denton  
Eighth Judicial District Court  
Dept. XIII (Currently Assigned Department)  
Regional Justice Center  
200 Lewis Avenue, Courtroom 3D  
Las Vegas, NV 89155

/s/ Wendy Cosby

An employee of Brownstein Hyatt Farber Schreck,  
LLP

IN THE SUPREME COURT OF THE STATE OF NEVADA

AEROGROW INTERNATIONAL, INC.,  
Petitioner,

No. 82895

vs.

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

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; CANDACE KAYE; LAURA  
J. KOBY; CAROLE L. MCLAUGHLIN;  
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. 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,  
Real Parties in Interest.

### WRIT OF MANDAMUS

TO: The Honorable Chief Judge and Department 11 of the 8th  
Judicial District Court:

WHEREAS, this Court having made and filed its written decision  
that a writ of mandamus issue,

NOW, THEREFORE, you are directed, in lead case number A-21-  
827665-B entitled Overbrook Capital, LLC, on behalf of itself and all others  
similarly situated vs. Aerogrow International, Inc., et al.; sub case number  
A-21-829854-B entitled Bradley Louis Radoff vs. Chris Hagedorn, an  
individual, et al.; and sub case number A-21-827745-B entitled Nicoya

Capital LLC, on behalf of itself and all others similarly situated vs. Chris Hagedorn, et al., to vacate the May 5, 2021, Order Granting Plaintiff's and Plaintiff-Intervenors' Joint Motion to Compel/Determine Compliance with NRS 92A, and to proceed with the underlying litigation consistent with the opinion issued in this matter.

WITNESS The Honorables Ron Parraguirre, Lidia Stiglich, and Abbi Silver, Associate Justices of the Supreme Court of the State of Nevada, and attested by my hand and seal this 9th day of December, 2021.



A handwritten signature in blue ink, appearing to read "Susan H...", is written over a horizontal line.

Chief Assistant Clerk