

NOAS

ANDREW WASIELEWSKI, ESQ.
Nevada Bar No. 6161
THE WASIELEWSKI LAW FIRM, LTD.
8275 South Eastern Avenue, Suite 200-818
Las Vegas, NV 89123
Phone: (702) 490-8511
Fax: (702) 548-9684
Email: andrew@wazlaw.com
Attorney for *Defendants*
Margaret Reddy, Mohan Thalamarla, Max Global, Inc.

Electronically Filed
Jul 21 2021 04:21 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, STATE OF NEVADA

MEDAPPEAL, LLC, An Illinois
Limited Liability Company,

Case No. A-19-792836-C
Dept No. XIV

Plaintiff,

vs.

DAVID WEINSTEIN, VIJAY REDDY,
MARGARET REDDY, MOHAN THALAMARLA,
KEVIN BROWN, MAX GLOBAL, INC.,
VISIONARY BUSINESS BROKERS, LLC,
MEDASSET CORPORATION, AND DOES 1-
50.

Defendants.

NOTICE OF APPEAL

Notice is hereby given that MARGARET REDDY, MOHAN THALAMARLA and
MAX GLOBAL, INC., hereby appeals to the Supreme Court of Nevada the
following (including the dates entered or otherwise filed):

a) Order granting Plaintiff's Motion for Summary Judgment,
entered in this action on the 18th day of June, 2021

b) Order denying Motions to Dismiss, entered in this action on
the 4th day of October, 2019

1 c) Order setting objection to July 14, 2020 DCRR (regarding
2 Defendant Margaret Reddy and Vijay Reddy only) for hearing on August
3 27, 2020, filed in this action on August 5, 2020; never entered.

4 DATED this 16th day of July, 2021.

5 THE WASIELEWSKI LAW FIRM, LTD.

6 /s/ Andrew Wasielewski

7 By: _____

8 ANDREW WASIELEWSKI, ESQ.
9 Nevada Bar #6161
10 8275 S. Eastern Avenue.
11 Suite #200-818
12 Las Vegas, NV 89123
13 Attorney for Margaret Reddy,
14 Mohan Thalamarla, Max
15 Global, Inc.

16 **CERTIFICATE OF SERVICE**

17 I hereby certify that service of Appellants' Notice of Appeal
18 was served on all parties by utilizing the services of the Eighth
19 Judicial District Court's E-service to provide electronic service to
20 the following on July 16, 2021:

21 Leah A. Martin, Esq., P.C.
22 LEAH A. MARTIN, ESQ.
23 Nevada Bar No. 7982
24 3100 W. Sahara Ave., #202
25 Las Vegas, NV 89102
26 Attorneys for VIJAY REDDY

The Ball Law Group
ZACHARY T BALL, Esq.
Nevada Bar No. 8364
1707 Village Center Cir #140
Las Vegas, NV 89134
Attorney for Plaintiff

25 David Weinstein (& Medasset Corp)
26 c/o Michael Orenstein
27 4018 Sheridan Street
28 Hollywood, FL 33021
Defendant

David Weinstein
125 Harmon Ave. #122
Las Vegas, NV 89109
Defendant and Registered
Agent for Defendant Medasset

Kevin Brown
2006 Sylvan Park Road

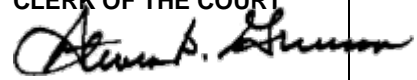
Visionary Business Brokers
2006 Sylvan Park Road

Burlington, NJ 08016
Defendant

Burlington, NJ 08016
Defendant

/s/ Andrew Wasielewski

By: _____
An Employee of
THE WASIELEWSKI LAW FIRM



ASTA

ANDREW WASIELEWSKI, ESQ.
Nevada Bar No. 6161
THE WASIELEWSKI LAW FIRM, LTD.
8275 South Eastern Avenue, Suite 200-818
Las Vegas, NV 89123
Phone: (702) 490-8511
Fax: (702) 548-9684
Email: andrew@wazlaw.com
Attorney for *Defendants*
Margaret Reddy, Mohan Thalamarla, Max Global, Inc.

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, STATE OF NEVADA

MEDAPPEAL, LLC, An Illinois
Limited Liability Company,

Plaintiff,

vs.

DAVID WEINSTEIN, VIJAY REDDY,
MARGARET REDDY, MOHAN THALAMARLA,
KEVIN BROWN, MAX GLOBAL, INC.,
VISIONARY BUSINESS BROKERS, LLC,
MEDASSET CORPORATION, AND DOES 1-
50.

Defendants.

Case No. A-19-792836-C
Dept No. XIV

CASE APPEAL STATEMENT

Notice is hereby given that MARGARET REDDY, MOHAN THALAMARLA and
MAX GLOBAL, INC, hereby file the following Case Appeal Statement to
the Supreme Court of Nevada, in accordance with NRAP 3(f)(3) and Form
2 of the NRAP Appendix of Forms.

A) The names of Appellants filing this case appeal statement are
MARGARET REDDY, MOHAN THALAMARLA and MAX GLOBAL, INC.

1 B) The Judge issuing the Judgment and Orders appealed from is
2 the Honorable Judge Adriana Escobar, Eighth Judicial District Court
3 Judge, Department XIV.

4 C) The name and address of the appellants are MARGARET REDDY,
5 MOHAN THALAMARLA and MAX GLOBAL, INC, who can be contacted through
6 their attorney Andrew Wasielewski, Esq. of The Wasielewski Law Firm,
7 LTD at 8275 S. Eastern Ave., #200-818, Las Vegas, NV 89123.

8 D) The respondent to this appeal is MEDAPPEAL, LLC, which can be
9 contacted through its attorney of record, Zachary T. Ball, Esq. of
10 THE BALL LAW GROUP, 1935 Village Center Circle, Suite 120, Las Vegas,
11 NV 89134.

12 E) All counsel named herein are licensed to practice law in the
13 State of Nevada.

14 F) Plaintiff and some Defendants were represented by retained
15 counsel in the proceedings in District Court. Zachary T. Ball, Esq.
16 represented Medappeal LLC and Leah Martin, Esq. was retained and
17 represented Defendants Vijay Reddy, Margaret Reddy, Mohan Thalamarla
18 and Max Global, Inc. The rest of the parties were not represented at
19 the time the Motion for Summary Judgment was entered. Appellants
20 retained the undersigned to represent them on appeal.

21 G) Not applicable

22 H) The proceedings commenced in District Court on April 12, 2019

23 I) The following is a brief description of the nature of the
24 action and the result in District Court.

1 Respondent filed its Complaint and then amended its Complaint
2 against various Defendants including Appellants for various
3 intentional causes of action.

4 These appellants moved to dismiss the complaint against them,
5 alleging in declarations that Respondent had no jurisdiction over
6 them personally and individually. Appellants allege that motion was
7 improperly denied.

8 Later, a Motion to Compel was filed against Defendant Margaret
9 Reddy. The issue was briefed and the Discovery Commissioner entered
10 a DCRR that essentially granted the motion. Defendant Margaret
11 timely objected and the objection was set for hearing. It does not
12 appear the objection was ever heard, nor was it properly ruled upon,
13 through information and belief after reviewing the Registry of
14 Actions in this matter.

15
16 Respondent filed for Summary Judgment. The Court granted
17 Summary Judgment and entered Judgment in favor of Respondent in the
18 amount of \$225,000.00.

19
20 Petitioner appeals the District Court granting summary judgment
21 against these appellants. Petitioner appeals the District Court
22 denying these Defendants' Motion to Dismiss. Petitioner appeals the
23 DCRR of July 14, 2020 relating to Margaret Reddy and the Order of
24 August 5, 2020 setting an objection to this DCRR for hearing on
25 August 27, 2020 which was never held, never heard, and never entered,
26 through information and belief of the undersigned.

27
28 Type of judgment and orders being appealed:

1 a) Order granting Plaintiff's Motion for Summary Judgment,
2 entered in this action on the 18th day of June, 2021

3 b) Order denying Motions to Dismiss, entered in this action on
4 the 4th day of October, 2019

5 c) Order setting objection to July 14, 2020 DCRR (regarding
6 Defendant Margaret Reddy and Vijay Reddy only) for hearing on August
7 27, 2020, filed in this action on August 5, 2020; never entered.

8 J) Case is NOT currently the subject of another appeal.

9 K) This appeal does NOT involve child custody or visitation.

10 L) Appellants believe this appeal may involve a realistic
11 chance or possibility of settlement.

12 DATED this 17th day of July, 2021.

13 THE WASIELEWSKI LAW FIRM, LTD.

14 /s/ Andrew Wasielewski

15 By: _____

16 ANDREW WASIELEWSKI, ESQ.
17 Nevada Bar #6161
18 8275 S. Eastern Avenue.
19 Suite #200-818
20 Las Vegas, NV 89123
21 Attorney for ELISA CANO

22 **CERTIFICATE OF SERVICE**

23 I hereby certify that service of Appellants' Case Appeal
24 Statement was served on all parties by utilizing the services of the
25 Eighth Judicial District Court's E-service to provide electronic
26 service to the following on July 17, 2021:

27 Leah A. Martin, Esq., P.C.
28 LEAH A. MARTIN, ESQ.

The Ball Law Group
ZACHARY T BALL, Esq.

1 Nevada Bar No. 7982
2 3100 W. Sahara Ave., #202
3 Las Vegas, NV 89102
4 Attorneys for VIJAY REDDY

5 David Weinstein (& Medasset Corp)
6 c/o Michael Orenstein
7 4018 Sheridan Street
8 Hollywood, FL 33021
9 Defendant

10 Kevin Brown
11 2006 Sylvan Park Road
12 Burlington, NJ 08016
13 Defendant

Nevada Bar No. 8364
1935 Village Center Cir #120
Las Vegas, NV 89134
Attorney for *Plaintiff*

David Weinstein
125 Harmon Ave. #122
Las Vegas, NV 89109
Defendant and Registered
Agent for Defendant Medasset

Visionary Business Brokers
2006 Sylvan Park Road
Burlington, NJ 08016
Defendant

/s/ Andrew Wasielewski

By: _____

An Employee of
THE WASIELEWSKI LAW FIRM

CASE SUMMARY**CASE NO. A-19-792836-C**

Medappeal LLC, Plaintiff(s)
vs.
David Weinstein, Defendant(s)

§
 §
 §
 §
 §

Location: **Department 14**
 Judicial Officer: **Escobar, Adriana**
 Filed on: **04/12/2019**
 Cross-Reference Case Number: **A792836**

CASE INFORMATION**Statistical Closures**

06/17/2021 Summary Judgment

Case Type: **Intentional Misconduct**

Case Status: **06/17/2021 Closed**

DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number A-19-792836-C
 Court Department 14
 Date Assigned 04/12/2019
 Judicial Officer Escobar, Adriana

PARTY INFORMATION














Plaintiff	Medappeal LLC	<i>Lead Attorneys</i>
		Ball, Zachary T <i>Retained</i> 702-303-8600(W)
Defendant	Brown, Kevin	
	Max Global, Inc.	Wasielewski, Andrew <i>Retained</i> 702-521-1443(W)
	Medasset Corporation	
	Reddy, Margaret	Wasielewski, Andrew <i>Retained</i> 702-521-1443(W)
	Reddy, Vijay	Martin, Leah A. <i>Retained</i> 702-420-2733(W)
	Thalmarla, Mohan	Wasielewski, Andrew <i>Retained</i> 702-521-1443(W)
	Visionary Business Brokers, LLC	
Counter Claimant	Medasset Corporation	
Counter Defendant	Medappeal LLC	
Third Party Defendant	Liberty Consulting & Management Services LLC	
Third Party Plaintiff	Medasset Corporation	

DATE**EVENTS & ORDERS OF THE COURT****INDEX**

CASE SUMMARY















CASE NO. A-19-792836-C

EVENTS

04/12/2019	 Complaint Filed By: Plaintiff Medappeal LLC <i>[1] Complaint</i>
04/12/2019	 Initial Appearance Fee Disclosure Filed By: Plaintiff Medappeal LLC <i>[2] Initial Appearance Fee Disclosure</i>
04/12/2019	 Summons Electronically Issued - Service Pending Party: Plaintiff Medappeal LLC <i>[3] Summons - Civil</i>
04/25/2019	 Affidavit of Service Filed By: Plaintiff Medappeal LLC <i>[4] Affidavit of Service for Vijay Reddy</i>
04/25/2019	 Affidavit of Service Filed By: Plaintiff Medappeal LLC <i>[5] Affidavit of Service for Margaret Reddy</i>
05/10/2019	 Motion to Dismiss Filed By: Defendant Reddy, Vijay; Defendant Reddy, Margaret; Defendant Thalmarla, Mohan; Defendant Max Global, Inc. <i>[6] Defendants' Motion to Dismiss for Lack of Personal Jurisdiction</i>
05/10/2019	 Initial Appearance Fee Disclosure Filed By: Defendant Reddy, Vijay; Defendant Reddy, Margaret; Defendant Thalmarla, Mohan; Defendant Max Global, Inc. <i>[7] Initial Appearance Fee Disclosure</i>
05/10/2019	 Supplement Filed by: Defendant Reddy, Vijay; Defendant Reddy, Margaret; Defendant Thalmarla, Mohan <i>[8] Supplement to Defendants' Motion to Dismiss for Lack of Personal Jurisdiction</i>
05/14/2019	 Affidavit of Service Filed By: Plaintiff Medappeal LLC <i>[9] Affidavit of Service for Max Global, Inc.</i>
05/14/2019	 Affidavit of Service Filed By: Plaintiff Medappeal LLC <i>[10] Affidavit of Service for K. Brown</i>
05/14/2019	 Affidavit of Service Filed By: Plaintiff Medappeal LLC <i>[11] Affidavit of Service for M. Thatmarla</i>
05/21/2019	 Opposition to Motion Filed By: Plaintiff Medappeal LLC <i>[12] Opposition to Motion to Dismiss</i>
05/25/2019	 Default














CASE SUMMARY

CASE NO. A-19-792836-C

	<p>Filed By: Plaintiff Medappeal LLC <i>[13] (7/29/19 Set Aside) Request for Entry of Default as to Kevin Brown</i></p>
05/28/2019	<p> Motion to Dismiss Filed By: Defendant Brown, Kevin; Defendant Visionary Business Brokers, LLC <i>[14] Kevin Brown's and Visionary Business Brokers, LLC's Motion to Dismiss For Lack of Personal Jurisdiction</i></p>
05/28/2019	<p> Initial Appearance Fee Disclosure Filed By: Defendant Brown, Kevin; Defendant Visionary Business Brokers, LLC <i>[15] Initial Appearance Fee Disclosure</i></p>
05/28/2019	<p> Motion to Set Aside Filed By: Defendant Brown, Kevin <i>[16] Kevin Brown's Motion to Set Aside Default</i></p>
05/28/2019	<p> Clerk's Notice of Hearing <i>[17] Notice of Hearing</i></p>
05/29/2019	<p> Clerk's Notice of Hearing <i>[18] Notice of Hearing</i></p>
06/05/2019	<p> Opposition to Motion Filed By: Plaintiff Medappeal LLC <i>[19] Opposition to Motion to Set Aside Default</i></p>
06/05/2019	<p> Opposition to Motion Filed By: Plaintiff Medappeal LLC <i>[20] Opposition to Motion to Dismiss</i></p>
06/19/2019	<p> Request Filed by: Plaintiff Medappeal LLC <i>[21] Request for Hearing</i></p>
06/20/2019	<p> Clerk's Notice of Hearing <i>[22] Notice of Hearing</i></p>
06/24/2019	<p> Motion to Dismiss Filed By: Defendant Weinstein, David; Third Party Plaintiff Medasset Corporation <i>[23] Defendants David Weinstein's and Medasset Corporation's Motion to Dismiss</i></p>
06/25/2019	<p> Clerk's Notice of Hearing <i>[24] Notice of Hearing</i></p>
07/02/2019	<p> Reply in Support Filed By: Defendant Brown, Kevin; Defendant Visionary Business Brokers, LLC <i>[25] Kevin Brown's and Visionary Business Brokers, LLC's Reply In Support of Their Motion to Dismiss for Lack of Personal Jurisdiction</i></p>
07/02/2019	<p> Reply in Support Filed By: Defendant Brown, Kevin <i>[26] Kevin Brown's Reply In Support of His Motion to Set Aside Default</i></p>
07/08/2019	<p> Opposition to Motion</p>














CASE SUMMARY

CASE NO. A-19-792836-C

	<p>Filed By: Plaintiff Medappeal LLC <i>[27] Opposition to Motion to Dismiss</i></p>
07/08/2019	<p> Request for Judicial Notice Filed By: Plaintiff Medappeal LLC <i>[28] Request for Judicial Notice in Support of Opposition to Motion to Dismiss</i></p>
07/29/2019	<p> Order Granting Motion Filed By: Defendant Brown, Kevin <i>[29] Order Granting Motion To Set Aside Default</i></p>
07/29/2019	<p> Notice of Entry of Order Filed By: Defendant Brown, Kevin <i>[30] Notice of Entry of Order Granting Motion to Set Aside Default</i></p>
07/31/2019	<p> Declaration Filed By: Plaintiff Medappeal LLC <i>[31] Supplemental Declaration of Seth Johnson In Support of Opposition to Motion to Dismiss</i></p>
07/31/2019	<p> Reply in Support Filed By: Defendant Reddy, Vijay; Defendant Reddy, Margaret; Defendant Thalmarla, Mohan; Defendant Max Global, Inc. <i>[32] Reply in Support of Defendants' Motion to Dismiss for Lack of Personal Jurisdiction</i></p>
08/06/2019	<p> Supplemental Filed by: Plaintiff Medappeal LLC <i>[33] Plaintiff's Supplemental Brief Concerning Specific Jurisdiction and Judicial Estoppel</i></p>
08/06/2019	<p> Supplemental Brief Filed By: Defendant Brown, Kevin; Defendant Visionary Business Brokers, LLC <i>[34] Kevin Brown's and Visionary Business Brokers, LLC's Supplemental Brief</i></p>
08/31/2019	<p> First Amended Complaint Filed By: Plaintiff Medappeal LLC <i>[35] First Amended Complaint</i></p>
09/16/2019	<p> Motion to Strike Filed By: Defendant Weinstein, David; Third Party Plaintiff Medasset Corporation <i>[36] Defendants David Weinstein s and Medasset Corporation s Motion to Strike First Amended Complaint</i></p>
09/17/2019	<p> Clerk's Notice of Hearing <i>[37] Notice of Hearing</i></p>
09/24/2019	<p> Disclosure Statement <i>[38] NRCP 7.1 Disclosure</i></p>
09/30/2019	<p> Notice of Entry of Order Filed By: Plaintiff Medappeal LLC <i>[39] Notice of Entry of Order</i></p>
09/30/2019	<p> Notice of Entry of Order Filed By: Plaintiff Medappeal LLC <i>[40] Notice of Entry of Order</i></p>


CASE SUMMARY

CASE NO. A-19-792836-C

09/30/2019	 Order Filed By: Plaintiff Medappeal LLC <i>[41] Order Granting in Part Motion to Dismiss</i>
10/04/2019	 Notice of Entry of Order Filed By: Plaintiff Medappeal LLC <i>[42] Notice of Entry of Order Denying Motions to Dismiss</i>
10/04/2019	 Order Filed By: Plaintiff Medappeal LLC <i>[43] Order Denying Motions to Dismiss</i>
10/25/2019	 Answer to Amended Complaint Filed By: Defendant Brown, Kevin; Defendant Visionary Business Brokers, LLC <i>[44] Kevin Brown and Visionary Business Brokers, LLC's Answer to First Amended Complaint</i>
10/28/2019	 Motion to Dismiss Filed By: Defendant Weinstein, David; Third Party Plaintiff Medasset Corporation <i>[45] DEFENDANTS DAVID WEINSTEIN S AND MEDASSET CORPORATION S MOTION FOR PARTIAL DISMISSAL OF PLAINTIFF S FIRST AMENDED COMPLAINT</i>
10/28/2019	 Answer to Amended Complaint Filed By: Defendant Reddy, Vijay; Defendant Reddy, Margaret; Defendant Thalmarla, Mohan; Defendant Max Global, Inc. <i>[46] Defendants Answer to Amended Complaint</i>
10/29/2019	 Request for Exemption From Arbitration Filed by: Plaintiff Medappeal LLC <i>[47] Request for Exemption from Arbitration</i>
10/29/2019	 Request Filed by: Plaintiff Medappeal LLC <i>[48] Request for Hearing on Motion for Partial Dismissal Filed by Defendants David Weinstein and Medasset Corporation</i>
10/31/2019	 Clerk's Notice of Hearing <i>[49] Notice of Hearing</i>
11/11/2019	 Opposition to Motion Filed By: Plaintiff Medappeal LLC <i>[50] Opposition to Motion for Partial Dismissal</i>
11/14/2019	 Commissioners Decision on Request for Exemption - Granted <i>[51] Commissioner's Decision on Request for Exemption - GRANTED</i>
12/09/2019	 Reply in Support Filed By: Defendant Weinstein, David; Third Party Plaintiff Medasset Corporation <i>[52] Defendants David Weinstein's and Medasset Corporation's Reply in Support of Motion for Partial Dismissal of Plaintiff's First Amended Complaint</i>
12/20/2019	 Notice of Change of Address Filed By: Defendant Weinstein, David; Third Party Plaintiff Medasset Corporation <i>[53] NOTICE OF CHANGE OF CONTACT INFORMATION AND FIRM AFFILIATION</i>

CASE SUMMARY

CASE NO. A-19-792836-C

12/27/2019	 Answer to Amended Complaint Filed By: Defendant Weinstein, David; Third Party Plaintiff Medasset Corporation <i>[54] Defendants David Weinstein's and Medasset Corporation's Answer to First Amended Complaint</i>
12/27/2019	 Initial Appearance Fee Disclosure Filed By: Defendant Weinstein, David; Third Party Plaintiff Medasset Corporation <i>[55] Defendants David Weinstein's and Medasset Corporation's Initial Appearance Fee Disclosure</i>
01/02/2020	 Joint Case Conference Report Filed By: Plaintiff Medappeal LLC <i>[56] Joint Case Conference Report</i>
01/30/2020	 Notice of Entry of Order Filed By: Plaintiff Medappeal LLC <i>[57] Notice of Entry of Order Denying Motion for Partial Dismissal</i>
01/30/2020	 Order Denying Motion Filed By: Plaintiff Medappeal LLC <i>[58] Order Denying Motion for Partial Dismissal Filed By David Weinstein and Medasset Corporation</i>
03/10/2020	 Motion to Compel Filed By: Plaintiff Medappeal LLC <i>[59] Motion to Compel Inspection or Production of Documents</i>
03/10/2020	 Clerk's Notice of Hearing <i>[60] Notice of Hearing</i>
03/10/2020	 Motion to Compel Filed By: Plaintiff Medappeal LLC <i>[61] Plaintiff Medappeal LLC's Motion to Compel Further Responses from Defendant Kevin Brown</i>
03/10/2020	 Clerk's Notice of Hearing <i>[62] Notice of Hearing</i>
03/24/2020	 Reply in Support Filed By: Plaintiff Medappeal LLC <i>[63] Plaintiff's Notice of No Opposition to Motion to Compel Production of Documents</i>
03/24/2020	 Opposition to Motion Filed By: Defendant Weinstein, David; Third Party Plaintiff Medasset Corporation <i>[64] Defendants David Weinstein's and Medasset Corporation's Opposition to Motion to Compel Inspection or Production of Documents</i>
04/06/2020	 Re-Notice Filed by: Plaintiff Medappeal LLC <i>[65] Re-Notice of Motion to Compel Further Responses</i>
04/06/2020	 Re-Notice Filed by: Plaintiff Medappeal LLC

CASE SUMMARY

CASE NO. A-19-792836-C

[66] Re-Notice of Motion to Compel Inspection or Production of Documents

04/06/2020



Notice of Change of Hearing

[67] Notice of Change of Hearing

04/06/2020



Motion to Compel

Filed By: Plaintiff Medappeal LLC

[68] Plaintiff Medappeal, LLC's Motion to Compel Further Responses from Vijay Reddy

04/06/2020



Motion to Compel

Filed By: Plaintiff Medappeal LLC

[69] Plaintiff Medappeal, LLC's Motion to Compel Further Responses from Margaret Reddy

04/06/2020



Clerk's Notice of Hearing

[70] Notice of Hearing

04/06/2020



Clerk's Notice of Hearing

[71] Notice of Hearing

04/09/2020



Reply in Support

Filed By: Plaintiff Medappeal LLC

[72] Plaintiff's Reply to Opposition to Motion to Compel Inspection or Production of Documents

04/14/2020



Stipulation

Filed by: Plaintiff Medappeal LLC

[73] Stipulation to Withdraw Motion to Compel Further Responses

04/17/2020



Substitution of Attorney

Filed by: Defendant Weinstein, David; Third Party Plaintiff Medasset Corporation

[74] Substitution of Attorneys

04/20/2020



Opposition

Filed By: Defendant Reddy, Margaret

[75] Margaret Reddy's Opposition to Plaintiff Medappeal, LLC's Motion to Compel Further Responses from Defendant Margaret Reddy

04/20/2020



Opposition

Filed By: Defendant Reddy, Vijay

[76] Vijay Reddy's Opposition to Plaintiff Medappeal, LLC's Motion to Compel Further Responses from Defendant Vijay Reddy

04/24/2020



Notice

Filed By: Defendant Weinstein, David

[77] Notice of Order Denying Petition for Reciprocal Discipline and Suspending Attorney

04/27/2020



Reply to Opposition

Filed by: Plaintiff Medappeal LLC

[78] Plaintiff Medappeal, LLC's Reply to Vijay Reddy's Opposition to Motion to Compel Further Responses

04/27/2020



Reply to Opposition


Filed by: Plaintiff Medappeal LLC

[79] Plaintiff Medappeal, LLC's Reply to Margaret Reddy's Opposition to Motion to Compel

CASE SUMMARY

CASE NO. A-19-792836-C

Further Responses

04/27/2020	 Discovery Commissioners Report and Recommendations Filed By: Plaintiff Medappeal LLC <i>[80] Discovery Commissioner s Report and Recommendations -Originals</i>
05/06/2020	 Notice of Association of Counsel Filed By: Plaintiff Medappeal LLC <i>[81] Notice of Association of Counsel</i>
05/08/2020	 Notice of Withdrawal of Attorney Filed by: Plaintiff Medappeal LLC <i>[82] Notice of Withdrawal of Attorney</i>
05/13/2020	 Motion to Stay Filed By: Defendant Weinstein, David; Third Party Plaintiff Medasset Corporation <i>[83] David Weinstein and Medasset Corporation's Motion to Stay Case on Order Shortening Time</i>
05/14/2020	 Notice Filed By: Defendant Weinstein, David <i>[84] Notice to Vacate Hearing and Withdraw David Weinstein and Medasset Corporation s Motion to Stay Case on an Order Shortening Time</i>
05/18/2020	 Motion to Compel Filed By: Plaintiff Medappeal LLC <i>[85] Plaintiff's Motion to Compel Further Responses from Defendant Margaret Reddy</i>
05/18/2020	 Motion to Compel Filed By: Plaintiff Medappeal LLC <i>[86] Plaintiff's Motion to Compel Further Responses from Defendant Vijay Reddy</i>
05/19/2020	 Clerk's Notice of Hearing <i>[87] Notice of Hearing</i>
05/19/2020	 Order <i>[88] Order RE: Discovery Commissioner's Report and Recommendations [April 16, 2020]</i>
05/21/2020	 Notice of Entry Filed By: Plaintiff Medappeal LLC <i>[89] Notice of Entry of Order</i>
05/28/2020	 Opposition to Motion to Compel Filed By: Defendant Reddy, Margaret <i>[90] Margaret Reddy's Opposition to Plaintiff Medappeal, LLC's Motion to Compel Further Responses from Defendant Margaret Reddy</i>
05/28/2020	 Opposition to Motion to Compel Filed By: Defendant Reddy, Vijay <i>[91] Vijay Reddy's Opposition to Paintiff Medappeal, LLC's Motion to Compel Further Responses from Defendant Vijay Reddy</i>
06/09/2020	 Mandatory Rule 16 Conference Order <i>[92] Mandatory Rule 16 Conference Order</i>














CASE SUMMARY

CASE NO. A-19-792836-C

06/16/2020	 Mandatory Rule 16 Conference Order <i>[93] AMENDED MANDATORY RULE 16 PRE-TRIAL SCHEDULING CONFERENCE ORDER</i>
06/18/2020	 Reply to Opposition Filed by: Plaintiff Medappeal LLC <i>[94] Plaintiff Medappeal LLC's Reply to Margaret Reddy's Opposition to Motion to Compel Further Responses</i>
06/18/2020	 Reply to Opposition Filed by: Plaintiff Medappeal LLC <i>[95] Plaintiff Medappeal LLC's Reply to Vijay Reddy's Opposition to Motion to Compel Further Responses</i>
06/25/2020	 Motion for Protective Order <i>[96] EMERGENCY MOTION FOR A PROTECTIVE ORDER ON ORDER SHORTENING TIME AND TO STAY THE DEPOSITION OF DAVID WEINSTEIN CURRENTLY SCHEDULED FOR JULY 1, 2020</i>
06/29/2020	 Opposition to Motion <i>[97] Plaintiff's Opposition to Motion for Protective Order</i>
06/29/2020	 Reply in Support Filed By: Defendant Weinstein, David <i>[98] Reply in Support of Emergency Motion for a Protective Order and to Stay the Deposition of David Weinstein Currently Scheduled for July 1, 2020</i>
07/13/2020	 Motion for Leave to File <i>[99] David Weinstein and Medasset Corporation's Motion for Leave to Amend their Answer and Affirmative Defenses, and Add Counterclaims, and a Third-Party Complaint</i>
07/14/2020	 Discovery Commissioners Report and Recommendations Filed By: Plaintiff Medappeal LLC <i>[100] Discovery Commissioner s Report and Recommendations -Originals</i>
07/14/2020	 Clerk's Notice of Nonconforming Document <i>[101] Clerk's Notice of Nonconforming Document</i>
07/15/2020	 Clerk's Notice of Nonconforming Document and Curative Action <i>[102] Clerk's Notice of Curative Action</i>
07/15/2020	 Certificate of Service Filed by: Defendant Weinstein, David <i>[103] Certificate of Service</i>
07/16/2020	 Clerk's Notice of Hearing <i>[104] Notice of Hearing</i>
07/20/2020	 Discovery Commissioners Report and Recommendations Filed By: Defendant Weinstein, David; Third Party Plaintiff Medasset Corporation <i>[105] Discovery Commissioner s Report and Recommendations -Originals</i>
07/23/2020	 Demand for Jury Trial

CASE SUMMARY

CASE NO. A-19-792836-C

	<p>Filed By: Plaintiff Medappeal LLC <i>[106] Plaintiff Medappeal LLC's Demand for Jury Trial and Notice of Deposti of Jury Fees</i></p>
07/27/2020	<p> Opposition Filed By: Plaintiff Medappeal LLC <i>[107] Plaintiff's Opposition to Motion for Leave To Amend</i></p>
07/28/2020	<p> Objection to Discovery Commissioners Report and Recommend Filed By: Defendant Weinstein, David <i>[108] Defendants David Weinstein and Medasset Corporation's Objection to Discovery Commissioner's Report and Recommendations</i></p>
07/30/2020	<p> Filing Fee Remittance Filed By: Defendant Brown, Kevin; Defendant Visionary Business Brokers, LLC <i>[109] Filing Fee Remittance</i></p>
08/03/2020	<p> Objection to Discovery Commissioners Report and Recommend Filed By: Defendant Weinstein, David <i>[110] Defendants David Weinstein and Medasset Corporation's Objection to Discovery Commissioner's Report and Recommendations</i></p>
08/04/2020	<p> Opposition to Motion Filed By: Plaintiff Medappeal LLC <i>[111] Plaintiff Medappeal LLC's Opposition to Defendants David Weinstein's and Medasset Corporation's Objection to Discovery Commissioner's Report and Recommendations</i></p>
08/05/2020	<p> Order <i>[112] Order- RE. Discovery Commisisoner's Report and Recommendations</i></p>
08/05/2020	<p> Order <i>[113] Order- RE. Discovery Commisisoner's Report and Recommendations</i></p>
08/10/2020	<p> Opposition to Motion Filed By: Plaintiff Medappeal LLC <i>[114] Plaintiff Medappeal LLC's Opposition to Defendants David Weinstein's and Medasset Corporation's Objection to Discovery Commissioner's July 20 Report and Recommendations</i></p>
08/21/2020	<p> Order Setting Civil Jury Trial and Calendar Call <i>[115] Scheduling Order and Order Setting Civil Jury Trial</i></p>
09/03/2020	<p> Filing Fee Remittance Filed By: Defendant Reddy, Vijay; Defendant Reddy, Margaret; Defendant Thalmarla, Mohan; Defendant Max Global, Inc. <i>[116] Filing Fee Remittance</i></p>
09/10/2020	<p> Reply in Support Filed By: Defendant Weinstein, David <i>[117] Reply in Support of David Weinstein and Medasset Corporation s Motion for Leave to Amend Their Answer and Affirmative Defenses, and Add Counterclaims, and a Third-Party Complaint</i></p>
09/21/2020	<p> Discovery Commissioners Report and Recommendations <i>[118] Discovery Commissioner s Report and Recommendations -Originals</i></p>
10/04/2020	<p> Order</p>

CASE SUMMARY

CASE NO. A-19-792836-C

	Filed By: Plaintiff Medappeal LLC <i>[119] Order on All Pending Motions</i>
10/05/2020	 Objection to Discovery Commissioners Report and Recommend Filed By: Defendant Weinstein, David <i>[120] Defendants David Weinstein and Medasset Corporation s Objection to the September 21, 2020 Discovery Commissioner s Report and Recommendations</i>
10/08/2020	 Notice of Entry of Order Filed By: Plaintiff Medappeal LLC <i>[121] Notice of Entry of Order on All Pending Motions</i>
10/08/2020	 Amended Answer Filed By: Defendant Weinstein, David; Third Party Plaintiff Medasset Corporation <i>[122] First Amended Answer, Affirmative Defenses, Counterclaim, and Third-Party Complaint</i>
10/08/2020	 Clerk's Notice of Nonconforming Document <i>[123] Clerk's Notice of Nonconforming Document</i>
10/08/2020	 Summons Electronically Issued - Service Pending Party: Defendant Weinstein, David <i>[124] Summons</i>
10/09/2020	 Filing Fee Remittance Filed By: Third Party Plaintiff Medasset Corporation <i>[125] Filing Fee Remittance</i>
10/12/2020	 Opposition Filed By: Plaintiff Medappeal LLC <i>[126] Opposition to Defendants' Objection to the September 21, 2020 Discovery Commissioner's Report and Recommendations</i>
10/15/2020	 Affidavit of Service Filed By: Defendant Weinstein, David <i>[127] Affidavit of Service</i>
10/15/2020	 Clerk's Notice of Nonconforming Document and Curative Action <i>[128] Clerk's Notice of Curative Action</i>
10/23/2020	 Stipulated Protective Order Filed By: Defendant Weinstein, David; Third Party Plaintiff Medasset Corporation <i>[129] Stipulated Confidentiality Agreement and Protective Order</i>
10/23/2020	 Order Filed By: Defendant Weinstein, David; Third Party Plaintiff Medasset Corporation <i>[130] Order Re:Discovery Commissioner's Report and Recommendations</i>
10/25/2020	 Notice of Entry of Order Filed By: Defendant Weinstein, David; Third Party Plaintiff Medasset Corporation <i>[131] Notice of Entry of Order</i>
10/26/2020	 Initial Appearance Fee Disclosure Filed By: Third Party Defendant Liberty Consulting & Management Services LLC <i>[132] Initial Appearance Fee Disclosure (NRS Chapter 19)</i>













CASE SUMMARY

CASE NO. A-19-792836-C

10/26/2020	 Motion To Dismiss - Alternative Motion For Summary Judgment Filed By: Plaintiff Medappeal LLC <i>[133] Motion to Dismiss or, in the alternative, Motion for Summary Judgment</i>
10/26/2020	 Motion for Sanctions Filed By: Plaintiff Medappeal LLC <i>[134] Plaintiff's Motion for Sanctions Pursuant to Rule 11 of the Nevada Rules of Civil Procedure</i>
10/27/2020	 Clerk's Notice of Hearing <i>[135] Notice of Hearing</i>
10/27/2020	 Clerk's Notice of Hearing <i>[136] Notice of Hearing</i>
10/28/2020	 Errata Filed By: Plaintiff Medappeal LLC <i>[137] Errata to Motion for Sanctions</i>
11/10/2020	 Motion to Extend Party: Defendant Weinstein, David <i>[138] Motion to Extend the Time to Oppose Plaintiffs Motion to Dismiss or, in the Alternative, Motion for Summary Judgment</i>
11/10/2020	 Clerk's Notice of Hearing <i>[139] Notice of Hearing</i>
11/10/2020	 Opposition to Motion Filed By: Defendant Weinstein, David <i>[140] Opposition to Plaintiff's Motion for Sanctions Pursuant to Rule 11 of the Nevada Rules of Civil Procedure and Counter-motion for an Award of Attorney's Fees and Costs</i>
11/17/2020	 Opposition Filed By: Defendant Weinstein, David <i>[141] Opposition to Motion to Dismiss or, in the Alternative, Motion for Summary Judgment</i>
11/25/2020	 Errata Filed By: Third Party Plaintiff Medasset Corporation <i>[142] Errata to Opposition to Motion to Dismiss or, in the Alternative, Motion for Summary Judgment</i>
11/30/2020	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff Medappeal LLC <i>[143] FINDINGS OF FACT AND CONCLUSIONS OF LAW REJECTING DEFENDANTS, DAVID WEINSTEIN AND MEDASSET CORPORATION'S OBJECTION TO THE SEPTEMBER 21, 2020 DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS</i>
11/30/2020	 Order Granting Filed By: Defendant Weinstein, David <i>[144] ORDER GRANTING DAVID WEINSTEIN AND MEDASSET CORPORATION'S MOTION TO EXTEND THE TIME TO OPPOSE PLAINTIFFS' MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT</i>













CASE SUMMARY

CASE NO. A-19-792836-C

12/01/2020	 Notice of Entry of Order Filed By: Defendant Weinstein, David <i>[145] Notice of Entry of Order</i>
12/01/2020	 Reply to Opposition Filed by: Plaintiff Medappeal LLC <i>[146] Reply to Opposition to Plaintiff's Opposition to Plaintiff's Motion for Sanctions Pursuant to Rule 11 of the Nevada Rules of Civil Procedure and Countermotion for An Award of Fees and Costs Attorney's Fees and Costs</i>
12/02/2020	 Notice of Entry of Order Filed By: Plaintiff Medappeal LLC <i>[147] Notice Of Entry Of Order Denying Defendant s Objection To The September 21, 2020 Discovery Commissioner s Report And Recommendations</i>
12/10/2020	 Reply to Opposition Filed by: Plaintiff Medappeal LLC <i>[148] Plaintiff's Reply to Opposition to Motion to Dismiss or, In The Alternative, Motion for Summary Judgment</i>
12/10/2020	 Errata Filed By: Plaintiff Medappeal LLC <i>[149] Errata to Reply to Opposition to Motion to Dismiss or in the Alternative Motion for Summary Judgment</i>
01/04/2021	 Order Shortening Time <i>[150] MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANTS DAVID WEINSTEIN AND MEDASSET CORPORATION ON AN ORDER SHORTENING TIME</i>
01/05/2021	 Notice of Entry of Order Filed By: Defendant Weinstein, David; Third Party Plaintiff Medasset Corporation <i>[151] Notice of Entry of Order Shortening Time</i>
01/11/2021	 Opposition to Motion Filed By: Plaintiff Medappeal LLC <i>[152] Limited Opposition to Motion to Withdraw as Counsel for Defendants David Weinstein and Medasset Corporation on Order Shortening Time</i>
01/12/2021	 Notice of Change of Address Filed By: Plaintiff Medappeal LLC; Third Party Defendant Liberty Consulting & Management Services LLC <i>[153] Notice of Change of Address</i>
01/12/2021	 Notice of Non Opposition Filed By: Defendant Weinstein, David <i>[154] Notice of No Opposition by David Weinstein and Medasset Corporation to Carbajal Law s Motion to Withdraw as Counsel</i>
01/12/2021	 Reply in Support Filed By: Defendant Weinstein, David <i>[155] Reply in Support of Motion to Withdraw as Counsel for Defendants David Weinstein and Medasset Corporation</i>
01/12/2021	 Errata Filed By: Defendant Weinstein, David; Third Party Plaintiff Medasset Corporation

CASE SUMMARY












CASE NO. A-19-792836-C

	<i>[156] Errata to Reply in Support of Motion to Withdraw as Counsel for Defendants David Weinstein and Medasset Corporation</i>
01/15/2021	 Order Granting <i>[157] Order Granting Motion to Withdraw as Counsel for Defendants David Weinstein and Medasset Corporation on an OST</i>
01/15/2021	 Notice Filed By: Defendant Weinstein, David <i>[158] Notice of Address and Contact Information of Defendants Pursuant to Court s Order Granting Motion to Withdraw as Counsel for Defendants David Weinstein and Medasset Corporation on An Ost</i>
01/15/2021	 Notice of Entry of Order Filed By: Defendant Weinstein, David <i>[159] Notice of Entry of Order</i>
02/16/2021	 Order Shortening Time Filed By: Defendant Visionary Business Brokers, LLC <i>[160] Motion to Withdraw as Counsel for Kevin Brown and Visionary Business Brokers, LLC on Order Shortening Time</i>
02/18/2021	 Notice of Entry of Order Filed By: Defendant Brown, Kevin <i>[162] Notice of Entry of Order Shortening Time</i>
03/15/2021	 Motion for Summary Judgment Filed By: Plaintiff Medappeal LLC <i>[163] Plaintiff Motion for Summary Judgement</i>
03/16/2021	 Clerk's Notice of Hearing <i>[164] Notice of Hearing</i>
03/16/2021	 Order Granting Motion Filed By: Defendant Brown, Kevin <i>[165] Order Granting Zachary Takos' Motion to Withdraw as Counsel of Record for Defendants Kevin Brown and Visionary Business Brokers, LLC</i>
03/16/2021	 Notice of Entry of Order Filed By: Defendant Brown, Kevin; Defendant Visionary Business Brokers, LLC <i>[166] Notice of Entry of Order Granting Motion to Withdraw As Counsel for Defendants Kevin Brown and Visionary Business Brokers, LLC</i>
03/23/2021	 Errata Filed By: Plaintiff Medappeal LLC <i>[167] Errate to Motion for Summary Judgment</i>
03/29/2021	 Opposition to Motion For Summary Judgment Filed By: Defendant Reddy, Vijay; Defendant Reddy, Margaret; Defendant Thalmarla, Mohan <i>[168] Vijay Reddy, Margaret Reddy, Mohan Thalamarla, and Max Global, Inc.'s Opposition to Plaintiff's Motion for Summary Judgment</i>
03/30/2021	 Order <i>[169] Order Regarding (1) Plaintiffs' Motion to Dismiss, or in the Alternative, Motion for</i>

CASE SUMMARY

CASE NO. A-19-792836-C

Summary Judgment, and (2) Plaintiffs' Motion for Rule 11 Sanctions

04/06/2021	 Notice of Non Opposition Filed By: Plaintiff Medappeal LLC <i>[170] Medappeal, LLC's Notice of Non-Opposition to Its' Motion for Summary Judgement</i>
04/06/2021	 Notice of Entry of Order Filed By: Plaintiff Medappeal LLC <i>[171] Notice of Entry of Order Regarding Plaintiff's Motion to Dismiss</i>
04/13/2021	 Reply to Opposition Filed by: Plaintiff Medappeal LLC <i>[172] Reply to Opposition to Plaintiff's Motion for Summary Judgment</i>
05/28/2021	 Notice of Change of Address Filed By: Defendant Reddy, Vijay; Defendant Reddy, Margaret; Defendant Thalmarla, Mohan <i>[173] Notice of Change of Address</i>
06/17/2021	 Findings of Fact, Conclusions of Law and Judgment Filed by: Plaintiff Medappeal LLC <i>[174] Findings of Fact Conclusions of Law Granting Plaintiff MedAppeal's Motion for Summary Judgment</i>
06/18/2021	 Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Plaintiff Medappeal LLC; Third Party Defendant Liberty Consulting & Management Services LLC <i>[175] Notice of Entry of Order Regarding Findings of Fact, Conclusions of Law Granting Plaintiff Medappeal LLC's Motion for Summary Judgment</i>
06/23/2021	 Memorandum of Costs and Disbursements Filed By: Plaintiff Medappeal LLC <i>[176] Verified Memorandum of Costs and Disbursements</i>
07/08/2021	 Motion for Attorney Fees and Costs Filed By: Plaintiff Medappeal LLC <i>[177] Medappeal's Motion for Attorney Fees and Costs</i>
07/09/2021	 Clerk's Notice of Hearing <i>[178] Notice of Hearing</i>
07/09/2021	 Substitution of Attorney Filed by: Defendant Reddy, Margaret; Defendant Thalmarla, Mohan; Defendant Max Global, Inc. <i>[179] Substitution Of Attorneys For Defendants Margaret Reddy, Mohan Thalamarla and Max Global, Inc.</i>
07/15/2021	 Recorders Transcript of Hearing Party: Plaintiff Medappeal LLC <i>[180] Recorder's Transcript of Hearing Re: Plaintiff's Motion for Summary Judgement heard 4-29-21</i>
07/16/2021	 Notice of Appeal Filed By: Defendant Reddy, Margaret; Defendant Thalmarla, Mohan; Defendant Max Global, Inc.

CASE SUMMARY

CASE NO. A-19-792836-C

[181] Notice Of Appeal

07/17/2021



Case Appeal Statement

Filed By: Defendant Reddy, Margaret; Defendant Thalmarla, Mohan; Defendant Max Global, Inc.

[182] Case Appeal Statement

DISPOSITIONS

09/30/2019

Order of Dismissal (Judicial Officer: Escobar, Adriana)

Debtors: David Weinstein (Defendant), Medasset Corporation (Defendant)

Creditors: Medappeal LLC (Plaintiff)

Judgment: 09/30/2019, Docketed: 10/01/2019

Comment: Certain Causes

03/30/2021

Sanctions (Judicial Officer: Escobar, Adriana)

Debtors: Medasset Corporation (Defendant)

Creditors: Medappeal LLC (Plaintiff)

Judgment: 03/30/2021, Docketed: 03/31/2021

Comment: certain claims

06/17/2021

Summary Judgment (Judicial Officer: Escobar, Adriana)

Debtors: David Weinstein (Defendant), Vijay Reddy (Defendant), Margaret Reddy (Defendant), Mohan Thalmarla (Defendant), Kevin Brown (Defendant), Max Global, Inc. (Defendant), Visionary Business Brokers, LLC (Defendant), Medasset Corporation (Defendant)

Creditors: Medappeal LLC (Plaintiff)

Judgment: 06/17/2021, Docketed: 06/18/2021

Total Judgment: 225,000.00

HEARINGS

06/13/2019

CANCELED Motion to Dismiss (9:30 AM) (Judicial Officer: Escobar, Adriana)

Vacated - Set in Error

Defendants' Motion to Dismiss for Lack of Personal Jurisdiction

07/09/2019



Motion to Dismiss (9:30 AM) (Judicial Officer: Escobar, Adriana)

07/09/2019, 08/20/2019

Kevin Brown's and Visionary Business Brokers, LLC's Motion to Dismiss for Lack of Personal Jurisdiction

Matter Continued;

Denied;

Matter Continued;

Denied;

Journal Entry Details:

Mr. Freeman stated no cause was alleged as to why Mr. Brown didn't hire counsel after being granted an extension. The Court noted that Mr. Freeman's argument does have merit, however the Plaintiff lives in New Jersey. COURT FINDS, there being no prejudice to the Plaintiff, Kevin Brown's Motion to Set Aside Default is GRANTED. FURTHER, counsel to submit further briefing regarding the elements and specific jurisdiction; Motion to Dismiss for Lack of Personal Jurisdiction is CONTINUED. CONTINUED TO: 8/20/19 9:30 AM;

07/09/2019

Motion to Set Aside Default Judgment (9:30 AM) (Judicial Officer: Escobar, Adriana)

Kevin Brown's Motion to Set Aside Default

Granted;

07/09/2019



All Pending Motions (9:30 AM) (Judicial Officer: Escobar, Adriana)

Granted in Part;

Journal Entry Details:

KEVIN BROWN'S AND VISIONARY BUSINESS BROKERS, LLC'S MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION...KEVIN BROWN'S MOTION TO SET ASIDE DEFAULT Arguments by Mr. Takos regarding his Motion to Set Aside Default. Mr. Freedman stated there was no cause alleged regarding why Mr. Brown didn't hire counsel after being

CASE SUMMARY

CASE NO. A-19-792836-C

granted two extensions. *COURT FINDS, Mr. Freedman's argument has merit, however the party kept in contact with counsel and he resides in New Jersey. COURT ORDERED, Kevin Brown's Motion to Set Aside Default is GRANTED, however a motion such as this will not be entertained again. FURTHER, counsel to submit further briefing regarding the elements and specific jurisdiction; Motion to Dismiss for Lack of Personal Jurisdiction is CONTINUED. CONTINUED TO: 8/20/19 9:30 AM ;*

08/01/2019



Motion to Dismiss (9:30 AM) (Judicial Officer: Escobar, Adriana)

08/01/2019, 08/20/2019

Defendants' Motion to Dismiss for Lack of Personal Jurisdiction

Matter Continued;

Denied;

Matter Continued;

Denied;

Journal Entry Details:

The COURT noted the Defendant's file brief was filed late and ORDERED, matter CONTINUED to allow the Court and parties to review the documents. CONTINUED TO: 8/20/19 9:30 AM;

08/06/2019



Motion to Dismiss (9:30 AM) (Judicial Officer: Escobar, Adriana)

Defendants David Weinstein's and Medasset Corporation's Motion to Dismiss

Granted in Part;

Journal Entry Details:

Mr. Clark stated there are five claims for relief in the Plaintiff's complaint and the elements of the claims have not been proved, therefore he requested that this be dismissed in its entirety. Opposition by Mr. Freedman. He argued that the Defendants have been sued several times for the same scheme; all five elements should stand. COURT ORDERED, motion is DISMISSED IN PART as to claims two through five. FURTHER, Plaintiff is allowed to amend the complaint with more specificity regarding fraud. Mr. Freedman to prepare the order.;

08/20/2019



All Pending Motions (9:30 AM) (Judicial Officer: Escobar, Adriana)

Denied;

Journal Entry Details:

DEFENDANTS' MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION...KEVIN BROWN'S AND VISIONARY BUSINESS BROKERS, LLC'S MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION Mr. Takos stated that the Plaintiff bears the burden in this case and they haven't directed any of the conduct to the State of Nevada. He addressed the judicial estoppel issue and submitted that the transcript of the hearing in Illinois was unclear. Opposition by Mr. Freedman. He advised that the Defendants live in Michigan, New Jersey and Nevada which makes this an extraordinary case. Additionally, he stated that Mr. Brown has the burden of persuasion and it is clear that the positions are inconsistent. He further advised that the Illinois transcript was complete and consistent and the Court applied rulings to all of the Defendants. COURT ORDERED, Defendant's motion are DENIED. FURTHER, this Court adopts the findings of the Illinois Court. Mr. Freedman to prepare the order.;

10/17/2019

CANCELED Motion to Strike (9:30 AM) (Judicial Officer: Escobar, Adriana)

Vacated - per Attorney or Pro Per

Defendants David Weinstein s and Medasset Corporation s Motion to Strike First Amended Complaint

12/12/2019



Motion to Dismiss (9:30 AM) (Judicial Officer: Escobar, Adriana)

Defendants' D. Weinsteins & Medasset Corporations Motion for Partial Dismissal of Plaintiff's First Amended Complaint

Denied;




Journal Entry Details:

Mr. Freedman objected that the Defendants brief was filed late and contains arguments not in the moving papers. COURT ORDERED, the hearing is to move forward on the merits. Mr. Clark argued that four of the five claims for relief deal with allegations of fraud and should be dismissed as the Plaintiff failed to plead all of the elements of the causes of action. Mr. Freedman stated that the complaint has to be reviewed as a whole and they are discussing one paragraph of the complaint. COURT FINDS, the fraud has been sufficiently pled, and

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-19-792836-C

	<i>ORDERED, motion DENIED. Mr. Freedman to prepare the order. FURTHER, pursuant to request by Mr. Freedman, the Plaintiff is to submit disclosures.;</i>
04/16/2020	Motion to Compel (9:30 AM) (Judicial Officer: Truman, Erin) <i>Plaintiff's Motion to Compel Inspection or Production of Documents Pursuant to Rules 34 and 37 of the Nevada Rules of Civil Procedure</i> Off Calendar;
04/16/2020	Motion to Compel (9:30 AM) (Judicial Officer: Truman, Erin) <i>Plaintiff Medappeal LLC's Motion to Compel Further Responses from Defendant Kevin Brown</i> Off Calendar;
04/16/2020	 All Pending Motions (9:30 AM) (Judicial Officer: Truman, Erin) Matter Heard; Journal Entry Details: <i>Plaintiff's Motion to Compel Inspection or Production of Documents Pursuant to Rules 34 and 37 of the Nevada Rules of Civil Procedure Plaintiff Medappeal LLC's Motion to Compel Further Responses from Defendant Kevin Brown Discovery staff stated counsel Stipulated, and Plaintiff Medappeal LLC's Motion to Compel Further Responses from Defendant Kevin Brown is OFF CALENDAR and VACATED. Plaintiff's Motion to Compel Inspection or Production of Documents Pursuant to Rules 34 and 37 of the Nevada Rules of Civil Procedure was resolved by counsel, and the documents were received. Mr. Freeman thought there was an agreement for \$300 attorney fees. Argument by Mr. Clark. Commissioner stated it seems like a reasonable amount of fees. Commissioner Finds there was a sufficient attempt to meet and confer. Mr. Freeman will stick with his agreement of \$300, and Mr. Freeman requested an additional \$90 for today. Mr. Clark and Mr. Freeman agreed. Mr. Freedman to prepare the Report and Recommendations, and counsel to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution. ;</i>
05/07/2020	CANCELED Motion to Compel (9:00 AM) (Judicial Officer: Truman, Erin) <i>Vacated</i> <i>Plaintiff Medappeal, LLC's Motion to Compel Further Responses from Vijay Reddy</i>
05/07/2020	CANCELED Motion to Compel (9:00 AM) (Judicial Officer: Truman, Erin) <i>Vacated</i> <i>Plaintiff Medappeal, LLC's Motion to Compel Further Responses from Margaret Reddy</i>
05/14/2020	CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Truman, Erin) <i>Vacated</i> <i>Status Check: Compliance / 4-16-2020 DCRR</i>
05/20/2020	 Motion to Stay (3:00 AM) (Judicial Officer: Escobar, Adriana) <i>David Weinstein and Medasset Corporation's Motion to Stay Case on OST</i> Granted; Journal Entry Details: <i>COURT ORDERED, a minute order will be issued.;</i>
05/20/2020	CANCELED Motion to Stay (3:00 AM) (Judicial Officer: Escobar, Adriana) <i>Vacated - Duplicate Entry</i> <i>David Weinstein and Medasset Corporation's Motion to Stay Case on Order Shortening Time</i>
06/19/2020	 Minute Order (8:00 AM) (Judicial Officer: Escobar, Adriana) Granted; Journal Entry Details: <i>Defendants Motion to Stay Case (Motion), which Plaintiff did not oppose, was set for hearing before Department XIV of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on May 20, 2020. After considering the moving papers of counsel, the Court enters the following order: The Court has the power to stay this action in the interest of both the Court and the parties: [T]he power to stay proceedings is incidental to the power inherent in</i>

CASE SUMMARY**CASE NO. A-19-792836-C**

every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants. How this can best be done calls for the exercise of judgment which must weigh competing interests and maintain an even balance. *Maheu v. Eighth Judicial Dist. Court In & For Clark Cty., Dep't No. 6, 89 Nev. 214, 217 (1973)*. Here, the COVID-19 pandemic has had and continues to have a direct impact on this matter. Namely, as Defendants explain, the Parties have not been able to execute the discovery necessary to prepare for trial. Thus, the interests here weigh in favor of staying this matter. Based on the foregoing, the Court GRANTS Defendants Motion, STAYS this matter, and sets a status check for August 26, 2020. Counsel for Defendants is directed to prepare a proposed order. All parties must submit orders electronically, in both PDF version and Word version, until further notice. You may do so by emailing DC14Inbox@clarkcountycourts.us. All orders must have either original signatures from all parties or an email appended as the last page of the proposed order confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption. **CLEKRR'S NOTE:** This minute order distributed to all registered parties of Odyssey File and Serve. dh // 6/19/20;

06/25/2020

Motion to Compel (9:00 AM) (Judicial Officer: Truman, Erin)

Plaintiff's Motion to Compel Further Responses from Defendant Margaret Reddy
Granted;

06/25/2020

Motion to Compel (9:00 AM) (Judicial Officer: Truman, Erin)

Plaintiff's Motion to Compel Further Responses from Defendant Vijay Reddy
Granted;

06/25/2020

**All Pending Motions** (9:00 AM) (Judicial Officer: Truman, Erin)

Matter Heard;

Journal Entry Details:

Plaintiff's Motion to Compel Further Responses from Defendant Margaret Reddy Plaintiff's Motion to Compel Further Responses from Defendant Vijay Reddy **MATTER TRAILED AND RECALLED:** Commissioner stated there was a one day delay in serving responses after Defts' frustrated attempts to obtain an extension. Commissioner Found excusable neglect, and the **OBJECTIONS STAND**. Mr. Ball has not received supplemental documents. **COMMISSIONER RECOMMENDED,** Plaintiff's Motion to Compel Further Responses from Defendant Margaret Reddy is **GRANTED;** Interrogatory 2 by agreement, Plaintiff is seeking information for Mr. Weinstein at this point, and provide a name, address, and phone number of Mr. Weinstein for the dates she was employed by him; Interrogatory 3 supplement with information as required in Interrogatory 2; Interrogatory 10 the nature and purpose of the \$325,000 transfer as Directed on the record; Interrogatories 5, 12, 13, 14, 15, 16, and 17 any factual information Defts have in their possession must be specifically stated, and provide the factual basis (that Deft is relying upon); Interrogatory 18 any job duties, functions, or services performed; Interrogatory 19 as Directed on the record; Interrogatory 20 must be more specific; respond to the nature of the business relationship, and define the time period (2008 to 2018); Interrogatory 21 modified, and respond through 5-1-2018; Request for Production of Documents 9 modified, and any job duties, functions, or services provided for, or performed for Mr. Weinstein; RFP 10, 14, and 15 are fine as written; RFP 16 tailored as Directed on the record; RFP 5 should be compelled. **COMMISSIONER RECOMMENDED,** Plaintiff's Motion to Compel Further Responses from Defendant Vijay Reddy is **GRANTED;** same Rulings as Margaret Reddy; counsel agreed to work through any written discovery issues based on Commissioner's Recommendations. Mr. Hejmanowski requested to continue Vijay Reddy's 6-26-2020 deposition based on the additional documents needed. Mr. Hejmanowski and Mr. Carbajal addressed the deficient deposition Notice. If the deposition goes forward, Plaintiff's counsel will not have the opportunity to re-depose Vijay Reddy on new information based on today's Motion. Mr. Ball requested to go forward with the deposition set 6-26-2020 at 10:00 a.m. The deposition will be taken by alternative means, and Mr. Ball will provide the information today to all counsel. Mr. Ball had requested fees. Commissioner Will Not Grant the Request for Fees. Mr. Ball to prepare the Report and Recommendations, and counsel to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution. **CLERK'S NOTE:** Minute Order amended 7-10-2020. jl;

06/30/2020

**Motion for Protective Order** (9:30 AM) (Judicial Officer: Truman, Erin)

Events: 06/25/2020 Motion for Protective Order

CASE SUMMARY

CASE NO. A-19-792836-C

Emergency Motion for a Protective Order on OST and to Stay the Deposition of David Weinstein Currently Scheduled for July 1, 2020

Granted in Part; Emergency Motion for a Protective Order on OST and to Stay the Deposition of David Weinstein Currently Scheduled for July 1, 2020

Journal Entry Details:

Mr. Carbajal is willing to turn the information over to counsel, but also making certain the information is protected. Argument by Mr. Carbajal; he requested 1) limiting inquiries to two years, 2) staying the deposition, and 3) protecting information for attorneys' eyes only.

Colloquy regarding taking a deposition in David Weinstein's individual capacity, and as a 30(b)(6) witness. Argument by Mr. Ball. COMMISSIONER RECOMMENDED, motion is GRANTED IN PART and DENIED IN PART; depose David Weinstein in his personal and individual capacity for a time spanning ten years; deposing David Weinstein as a 30(b)(6) witness for two years unless there are specific transactions, or other things are identified beyond two years that the deposing party would like Mr. Weinstein to be prepared to testified to as the 30(b)(6) Deponent. COMMISSIONER RECOMMENDED, Plaintiff is a party, and Plaintiff has the right to attend Mr. Weinstein's deposition. If the parties cannot agree on the terms of a Protective Order, COMMISSIONER RECOMMENDED, pursuant to NRCP 26(c), the information is PROTECTED for use in this litigation only, and only Attorneys' eyes (and staff), the parties, essential witnesses, and experts' eyes only. COMMISSIONER RECOMMENDED, the 30(b)(6) witness deposition is STAYED until counsel have another 2.34 conference to narrow down the testimony; Status Check SET; counsel must submit a joint status letter to Commissioner by noon on 7-20-2020 (DiscoveryInbox@clarkcountycourts.us). Colloquy regarding the deposition Notice, and moving forward with David Weinstein's deposition in his individual capacity. COMMISSIONER RECOMMENDED, the deposition for Mr. Weinstein individually for a period of ten years is STAYED to give Mr. Carbajal a chance to file an Objection. Mr. Carbajal to prepare the Report and Recommendations, and counsel to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution. 7-21-2020 9:30 a.m. Status Check: Joint status letter / David Weinstein's deposition;

07/21/2020



Status Check (9:30 AM) (Judicial Officer: Truman, Erin)

07/21/2020, 08/14/2020

Status Check: Joint status letter / David Weinstein's deposition / Final execution of the Agreement

Matter Continued; Status Check: Joint status letter / David Weinstein's deposition

Matter Continued; Status Check: Joint status letter / David Weinstein's deposition

Counsel resolved the issues

Journal Entry Details:

Commissioner addressed the Minute Order from 7-21-2020. Commissioner received the proposed Confidential Stipulated Protective Order. Mr. Ball stated changes were made that Deft did not agree to. Commissioner will not order that someone sign an Agreement. Colloquy regarding fixing language as discussed on the record, and Section 16 was discussed.

Commissioner stated counsel should consider adding language that the receiving party may seek indemnification. Commissioner stated counsel need to work further to reach an agreement. COMMISSIONER RECOMMENDED, matter CONTINUED; if counsel reach an agreement, contact the Discovery office, and the Status Check can be taken off calendar. If counsel have not reached an agreement on the Stipulated Protective Order, then the DCRR needs to be submitted prior to September 3rd. Commissioner stated the Stipulated Protective Order needs to be addressed prior to David Weinstein's deposition. 9-3-2020 10:00 a.m. Status Check: Joint status letter / David Weinstein's deposition / Final execution of the Agreement CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Jennifer Lott, to all registered parties for Odyssey File & Serve. jl;

Matter Continued; Status Check: Joint status letter / David Weinstein's deposition

Matter Continued; Status Check: Joint status letter / David Weinstein's deposition




Counsel resolved the issues

Journal Entry Details:

Commissioner received the Joint Status letter from counsel. Argument by Mr. Carbajal. COMMISSIONER RECOMMENDED, counsel must work to try and prepare a Stipulated Protective Order as it must be figured out before David Weinstein's deposition. Mr. Carbajal will be filing an objection on the prior Ruling by the Commissioner. Commissioner addressed the 6-30-2020 Minute Order. Colloquy. COMMISSIONER RECOMMENDED, Status Check CONTINUED. 8-14-2020 9:30 A.M. Status Check: Joint Status letter / David Weinstein's deposition;

CASE SUMMARY

CASE NO. A-19-792836-C

07/22/2020	 Mandatory Rule 16 Conference (10:30 AM) (Judicial Officer: Escobar, Adriana) Trial Date Set; Journal Entry Details: <i>Discussion regarding Discussion deadlines. Counsel requested that deadlines be extended an additional six months. Colloquy regarding settlement. COURT ORDERED, deadlines as follows: Discovery Cut-Off, 5/10/21; Amend Pleadings & Add Parties, 2/8/21; Initial Disclosure, 2/8/21; Rebuttal Disclosure, 3/10/21; Dispositive Motions, 6/9/21; Trial Ready Date, 7/26/21. COURT FURTHER ORDERED, trial and status check dates SET. 5/5/21 IN CHAMBERS STATUS CHECK: SETTLEMENT PROGRESS 8/19/21 9:30 AM CALENDAR CALL 9/7/21 9:30 AM JURY TRIAL;</i>
07/30/2020	CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Truman, Erin) <i>Vacated</i> <i>Status Check: Compliance / 6-25-2020 DCRR</i>
08/06/2020	CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Truman, Erin) <i>Vacated</i> <i>Status Check: Compliance / 6-30-2020 DCRR</i>
08/26/2020	CANCELED Status Check (3:00 AM) (Judicial Officer: Escobar, Adriana) <i>Vacated - per Law Clerk</i> <i>Stay</i>
09/03/2020	 Motion for Leave (9:30 AM) (Judicial Officer: Escobar, Adriana) 09/03/2020, 09/17/2020 <i>David Weinstein and Medasset Corporation's Motion for Leave to Amend their Answer and Affirmative Defenses, and Add Counterclaims, and a Third-Party Complaint</i> Per Dept. 14 LC Per Dept. 14 LC Matter Continued; David Weinstein and Medasset Corporation's Motion for Leave to Amend their Answer and Affirmative Defenses, and Add Counterclaims, and a Third-Party Complaint Granted; Per Dept. 14 LC Per Dept. 14 LC Matter Continued; David Weinstein and Medasset Corporation's Motion for Leave to Amend their Answer and Affirmative Defenses, and Add Counterclaims, and a Third-Party Complaint Granted; Journal Entry Details: <i>COURT ORDERED, matter CONTINUED. CONTINUED TO: 09/17/2020 09:30 AM;</i>
09/17/2020	Objection to Discovery Commissioner's Report (9:30 AM) (Judicial Officer: Escobar, Adriana) Master's Recommendation Affirmed;
09/17/2020	Objection to Discovery Commissioner's Report (9:30 AM) (Judicial Officer: Escobar, Adriana) Master's Recommendation Affirmed;
09/17/2020	CANCELED Motion for Leave (9:30 AM) (Judicial Officer: Escobar, Adriana) <i>Vacated - Duplicate Entry</i> <i>Motion to Leave to Amend Answer and Counterclaim</i>
09/17/2020	 All Pending Motions (9:30 AM) (Judicial Officer: Escobar, Adriana) Matter Heard; Journal Entry Details: <i>DAVID WEINSTEIN AND MEDASSET CORPORATION'S MOTION FOR LEAVE TO AMEND THEIR ANSWER AND AFFIRMATIVE DEFENSES, AND ADD COUNTERCLAIMS, AND A THIRD-PARTY COMPLAINT...OBJECTION TO DISCOVERY COMMISSIONER'S REPORT As to David Weinstein And Medasset Corporation's Motion for Leave to Amend Answer and Affirmative Defenses, and Add Counterclaims, and a Third-Party Complaint: Mr. Carbajal noted he is well within the time frame to seek amendment, therefore, and requested</i>

CASE SUMMARY

CASE NO. A-19-792836-C

the Court grant the motion for Leave to Amend. Mr. Ball argued three of the four elements are met specifically undue delay, bad faith, and dilatory motives, therefore, motion should not be granted. Upon further arguments by counsel, COURT ORDERED, motion GRANTED. As to the Objections to the Discovery Commissioner's Reports: Mr. Carbajal noted he objected to the July 14, 2020, report out of an abundance of caution that the report be considered law of the case concerning the time frame for all discovery in this case. Further Mr. Carbajal argued that the Discovery Commissioner's Report of July 20, 2020, permitted inquiry into the preceding 10 years from the contract date for Mr. Weinstein in his individual capacity and under the new rules concerning discovery and limitations being placed on discovery the information sought has to be both relevant and proportional; we do not believe 10 years-worth of information is not the appropriate time frame for setting discovery in this case. Mr. Ball stated it is clear within the first amended complaint and numerous exhibits attached that there is proof of conspiracy and there is proof of fraud. Mr. Ball argued they believe they can meet all of the elements to show a course of conduct of bad acts on a continual basis and they believe they have the right to pursue discovery, based on that both objections should be denied. There being no opposition, COURT FINDS there are claims and many exhibits with respect to fraud, conspiracy to commit fraud, and civil RICO actions, therefore, ORDERED, Discovery Commissioner's Report & Recommendations for July 14, 2020, and July 20, 2020, are hereby AFFIRMED. Mr. Ball DIRECTED to prepare the proposed order including the ruling on the motion for leave to amend, allow Mr. Carbajal to review as to form and content and must submit electronically, in both PDF version and Word version, by e-mailing DC14Inbox@clarkcountycourts.us. Mr. Ball requested that the amended answer and adding related claims be given a deadline of 10 days after notice of entry of order is filed, therefore, COURT ORDERED, request GRANTED.;

10/01/2020



Minute Order (3:00 AM) (Judicial Officer: Escobar, Adriana)

10/01/2020, 10/01/2020

Minute Order - No Hearing Held; Objection to DCRR July 20, 2020

Minute Order - No Hearing Held; Objection to DCRR July 14, 2020

Journal Entry Details:

Defendants David Weinstein and Medasset Corporations Objection to Discovery Commissioner's Report and Recommendations (Objection) came on for hearing before Department 14 of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on September 17, 2020. Attorney Hector J. Carbajal II appeared on behalf of Defendants. Attorney Zachary T. Ball appeared on behalf of Plaintiff. After considering the pleadings and arguments, the Court enters the following order: Discovery matters are within the district court's sound discretion, and we will not disturb a district court's ruling regarding discovery unless the court has clearly abused its discretion. Club Vista Fin. Servs. v. Dist. Ct., 128 Nev. 224, 228 (2012). Pursuant to NRCP 26(b)(1): Parties may obtain discovery regarding any non-privileged matter that is relevant to any party's claims or defenses and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties relative access to relevant information, the parties resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. NRS 48.015 defines relevant evidence as evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the evidence. Here, the underlying matter concerns a contract entered into on or about May 3, 2018. In its July 14, 2020 Report and Recommendation (DCRR), the Discovery Commission recommended that Defendants Margaret Reddy and Vijay Reddy (collectively, the Reddy Defendants) supplement their responses to certain discovery to include a timeframe from January 1, 2008 through May 1, 2018. Defendants Weinstein and Medasset object to the time frame of this discovery. Specifically, they argue that Defendants business operations, dealings, and activities ten years removed from the date the underlying contract was entered into is unreasonable, overbroad, and largely irrelevant. The Court disagrees. At the outset, the Court notes that the Reddy Defendants did not object to the DCRR. Regardless, considering the nature of Plaintiff's claims for Fraud, Conspiracy to Commit Fraud, and Civil RICO, and the extensive allegations set forth in the complaint, the Court finds that the disputed ten-year time frame is relevant. Additionally, Defendants Weinstein and Medasset contend that the scope of discovery should be limited because is a three-year statute of limitations for these causes of action. Defendants suggest that any evidence of conduct that occurred outside of the statute of limitations is not actionable in the present case and thus irrelevant. The Court finds this argument meritless. As set forth above, discovery of conduct occurring more than three years prior to contract at issue is relevant to Plaintiff's claims. Based on the foregoing, pursuant to NRCP 16.3(c)(3)(C), NRCP 26(b)(1), and NRS 48.015, the Court hereby ORDERS as follows: 1. The Court DENYS Defendants Objection. 2. The Court AFFIRMS and ADOPTS the Discovery Commissioner's July 14, 2020 Report and Recommendation. Counsel for

CASE SUMMARY**CASE NO. A-19-792836-C**

Defendants is directed to prepare a proposed order including detailed findings of fact and conclusions of law from this Minute Order. The order should be approved by counsel for all parties as to form and content prior to submitting the order. All parties must submit orders electronically, in both PDF version and Word version, until further notice. You may do so by emailing DC14Inbox@clarkcountycourts.us. All orders must have either original signatures from all parties or an email appended as the last page of the proposed order confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption. CLERK'S NOTE: The above minute order has been distributed to: Zachary T. Ball, Esq. (zball@balllawgroup.com), Zachary P. Takos, Esq. (zach@takoslaw.com), Leah A. Martin, Esq. (lmartin@leahmartinlv.com), and Hector J. Carbajal, II, Esq. (hector@claw.vegas).//cbm 10/01/2020;
 Minute Order - No Hearing Held; Objection to DCRR July 20, 2020
 Minute Order - No Hearing Held; Objection to DCRR July 14, 2020
 Journal Entry Details:

Defendants David Weinstein and Medassets Corporations Objection to Discovery Commissioner's Report and Recommendations (Objection) came on for hearing before Department 14 of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on September 17, 2020. Attorney Hector J. Carbajal II appeared on behalf of Defendants. Attorney Zachary T. Ball appeared on behalf of Plaintiff. After considering the pleadings and arguments, the Court enters the following order: Discovery matters are within the district court's sound discretion, and we will not disturb a district court's ruling regarding discovery unless the court has clearly abused its discretion. *Club Vista Fin. Servs. v. Dist. Ct.*, 128 Nev. 224, 228 (2012). Pursuant to NRCP 26(b)(1): Parties may obtain discovery regarding any non-privileged matter that is relevant to any party's claims or defenses and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. NRS 48.015 defines relevant evidence as evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the evidence. Here, the underlying matter concerns a contract entered into on or about May 3, 2018. In its July 20, 2020 Report and Recommendation (DCRR), the Discovery Commission recommended: 1. Plaintiff's inquiry of David Weinstein, in his personal and individual capacity, for the time frame spanning ten years prior to the parties' contract date. 2. Limiting Plaintiff's inquiry of Medasset Corporation's NRCP 30(b)(6) representative, David Weinstein, for the time frame spanning two years prior to the parties' contract date. Defendants object to the time frame of discovery as to Weinstein in his personal and individual capacity, contending that a time frame of two years prior to the parties' contract is more appropriate. Specifically, Defendants claim that Defendants' business operations, dealings, and activities ten years removed from the date the underlying contract was entered into is unreasonable, overbroad, and largely irrelevant. Defendants also argue that a ten-year time frame is grossly disproportionate, grossly overbroad, and unduly burdensome. The Court disagrees. Given the nature of Plaintiff's claims for Fraud, Conspiracy to Commit Fraud, and Civil RICO, and the extensive allegations set forth in the complaint, the Court finds that the disputed ten-year time frame is relevant. Discovery leading to information regarding Plaintiff's claims that Defendants may have been in business or selling similar contracts, and breaching similar contracts, for the preceding ten years is relevant. Further, the Court finds that Defendants fail to demonstrate that the discovery at issue is not proportional to the needs of the case or unduly burdensome. Defendants additionally contend that the scope of discovery should be limited because it is a three-year statute of limitations for these causes of action. Defendants suggest that any evidence of conduct that occurred outside of the statute of limitations is not actionable in the present case and thus irrelevant. The Court finds this argument meritless. As set forth above, discovery of conduct occurring more than three years prior to contract at issue is relevant to Plaintiff's claims. Based on the foregoing, pursuant to NRCP 16.3(c)(3)(C), NRCP 26(b)(1), and NRS 48.015, the Court hereby ORDERS as follows: 1. The Court DENY'S Defendants' Objection. 2. The Court AFFIRMS and ADOPTS the Discovery Commissioner's July 20, 2020 Report and Recommendation. Counsel for Defendants is directed to prepare a proposed order including detailed findings of fact and conclusions of law from this Minute Order. The order should be approved by counsel for all parties as to form and content prior to submitting the order. All parties must submit orders electronically, in both PDF version and Word version, until further notice. You may do so by emailing DC14Inbox@clarkcountycourts.us. All orders must have either original signatures from all parties or an email appended as the last page of the proposed order confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption. CLERK'S NOTE: The above minute order has been distributed to: Zachary T. Ball, Esq. (zball@balllawgroup.com), Zachary P. Takos, Esq. (zach@takoslaw.com), Leah A. Martin, Esq. (lmartin@leahmartinlv.com), and Hector J.

CASE SUMMARY

CASE NO. A-19-792836-C

Carbajal, II, Esq. (hector@claw.vegas).//cbm 10/01/2020;

11/10/2020



Objection to Discovery Commissioner's Report (9:30 AM) (Judicial Officer: Escobar, Adriana)

Master's Recommendation Affirmed;

Journal Entry Details:

Argument by Mr. Carbajal noting Plaintiff should not be permitted to gain access to Deft's highly confidential information where Plaintiff was in a directly competitive business to Deft's; requested following information be protected by highly confidential attorney eyes only protections. Mr. Ball argued Deft's had not established that they possessed confidential information and that the Plaintiff's were not in the same line of business as Deft's.

Furthermore, Mr. Ball advised granting Deft's objection would make Plaintiff's prosecution more difficult. Further arguments by Mr. Carbajal. COURT FINDS, there was not good cause or justification to reverse the DCCR, therefore, ORDERED, Discovery Commissioner's Report & Recommendations, was hereby AFFIRMED. Mr. Ball to prepare a detailed order and provide it to opposing counsel for approval as to form and content in both PDF version and Word version to DC14Inbox@clarkcountycourts.us. ;

11/24/2020



Minute Order (3:00 AM) (Judicial Officer: Escobar, Adriana)

Minute Order - No Hearing Held;

Journal Entry Details:

Defendants Motion to Extend the time to Oppose Plaintiff's Motion to Dismiss or, in the alternative, Motion for Summary Judgment [First Request] (Motion) was set for hearing before Department 14 of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on December 17, 2020. After considering the pleadings of counsel, the Court issues the following order and vacates the hearing: Pursuant to NRCP 6(b) and EDCR 2.25, and for good cause showing, the Court hereby GRANTS Defendants Motion and allows Defendants a 7-day extension to November 17, 2020 to oppose Plaintiff's Motion to Dismiss or, in the Alternative, Motion for Summary Judgment. Counsel for Defendants is directed to prepare a proposed order. All parties must submit their orders electronically, in both PDF version and Word version, until further notice. You may do so by emailing DC14Inbox@clarkcountycourts.us. All orders must have either original signatures from all parties or an email appended as the last page of the proposed order confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption. CLERK'S NOTE: The above minute order has been distributed to: Zachary T. Ball, Esq. (zball@balllawgroup.com), Zachary P. Takos, Esq. (zach@takoslaw.com), Leah A. Martin, Esq. (lmartin@leahmartinlv.com), and Hector J. Carbajal, II, Esq. (hector@claw.vegas). /// 11/24/2020 gs;

12/08/2020



Motion for Sanctions (9:30 AM) (Judicial Officer: Escobar, Adriana)

Plaintiff's Motion for Sanctions Pursuant to Rule 11 of the Nevada Rules of Civil Procedure Denied;

Journal Entry Details:

Plaintiff's Motion for Sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure, was set for hearing before Department 14 of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on December 8, 2020. Upon reviewing the pleadings, the Court issues the following order: NRCP 11(b) provides as follows: By presenting to the court a pleading, written motion, or other paper--whether by signing, filing, submitting, or later advocating it--an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances: (1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) the claims, defenses, and other legal contentions are warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law or for establishing new law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information. Moreover, NRCP 11(c), which governs sanctions under Rule 11, further provides: (3) On the Court's Initiative. On its own, the court may order an attorney, law firm, or party to show cause why conduct specifically described in the order has not violated Rule 11(b). (4) Nature of a Sanction. A sanction imposed under this rule must be limited to what suffices to deter repetition of the conduct or comparable conduct by others similarly situated. The sanction may include nonmonetary directives; an order to pay a penalty into court; or, if imposed on motion and warranted for effective deterrence, an order

CASE SUMMARY

CASE NO. A-19-792836-C

directing payment to the movant of part or all of the reasonable attorney fees and other expenses directly resulting from the violation. Here, Plaintiff seeks Rule 11 sanctions on two grounds: (1) Defendants filed a counterclaim against Plaintiff based on purported facts they know are false, and (2) that Defendants counterclaim was filed to delay these proceedings, increase costs for Plaintiff, and is based on facts that are indisputably false. Plaintiff argues that Defendants assertions in the counterclaim that Defendants were only obligation to provide 60 medical practices, and that they provided 26 of 60 medical practices is false. Plaintiff claims that Defendants were required to provide a total of 90 combined medical practices and medical offices, and at most, Defendants provided 4 medical practices for medical appeals work. This Court does not find that Rule 11 sanctions are warranted for the reasons Plaintiff argues. This Court finds that Plaintiff s arguments for Rule 11 sanctions are premised on factual disputes between the parties regarding the parties contractual obligations and the performance of those obligations. As this contractual dispute forms a primary basis of this lawsuit, the Court cannot grant sanctions simply because Plaintiff asserts that Defendants allegations are false. Further, this Court does not conclude that Defendants filed their counterclaim for the purpose of delaying the proceedings and increasing Plaintiff s costs. Based on the foregoing, COURT ORDERED, Motion DENIED. Counsel for Defendants is directed to prepare a proposed order based on this Minute Order and the pleadings. The Court further directs Defendants to provide the proposed order to Plaintiff for approval as to form and content. All parties must submit their orders electronically, in both PDF version and Word version, until further notice. You may do so by emailing DC14Inbox@clarkcountycourts.us. All orders must have either original signatures from all parties or an email appended as the last page of the proposed order confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption. CLERK'S NOTE: A copy of this minute order was distributed to: Zachary T. Ball, Esq., (zball@balllawgroup.com), Hector J. Carbajal, Esq., (hector@claw.vegas), Zachary Takos, Esq., (zach@takoslaw.com) and Leah A. Martin, Esq., (lmartin@leahmartinlv.com).;

12/17/2020



Motion to Dismiss (9:30 AM) (Judicial Officer: Escobar, Adriana)

Motion to Dismiss or, in the Alternative, Motion for Summary Judgment

Matter Heard;

Journal Entry Details:

Following arguments by counsel, COURT ORDERED, a minute order will issue.;

12/17/2020

CANCELED Motion (9:30 AM) (Judicial Officer: Escobar, Adriana)

Vacated

Motion to Extend the Time to Oppose Plaintiffs Motion to Dismiss or, in the Alternative, Motion for Summary Judgment

01/13/2021

Motion to Withdraw as Counsel (3:00 AM) (Judicial Officer: Escobar, Adriana)

On OST

02/19/2021



Minute Order (11:15 AM) (Judicial Officer: Escobar, Adriana)

Minute Order: Order to STRIKE incorrect Stipuation and Order

Minute Order - No Hearing Held; Minute Order: Order to STRIKE incorrect Stipuation and Order

Journal Entry Details:

COURT ADVISED, Defendant Precision Assets Stipulation and Order to Extend, filed on February 16, 2021 at 6:03 p.m. was erroneously e-filed in Case No. A-19-792836-C; thus, it is ORDERED STRICKEN from the record. It appears that this document actually belongs in Case No. A-19-794335-C, and it will be efiled correctly into that case shortly. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 2/19/2021;

02/24/2021



Motion to Withdraw as Counsel (3:00 AM) (Judicial Officer: Escobar, Adriana)

The Law firm of Takos Law Group, Ltd. Motion to Withdraw as Counsel for Defendants Kevin Brown and Visionary Business Brokers, LLC on OST

MINUTES

Granted;

Journal Entry Details:

Defendants Kevin Brown and Visionary Business Brokers, LLC s Counsel s Motion to

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-19-792836-C

Withdraw on OST (Motion) came on for Chambers Calendar before Department 14 of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on February 24, 2021. Upon thorough review of the pleadings, this Court enters the following order: Attorney Zachary P. Takos of the law firm Takos Law Group, Ltd. seeks to withdraw as counsel of record for Defendants Kevin Brown and Visionary Business Brokers, LLC. There being no opposition, and for good cause showing pursuant to SCR 46, EDCR 7.40(b)(2) and RPC 1.16 (b), this Court hereby GRANTS the Motion. Mr. Takos is directed to prepare a proposed order that lists all future deadlines and hearings, and includes Defendants last known physical and/or mailing address, email, and phone number. All parties must submit orders electronically, in both PDF version and Word version, until further notice. You may do so by emailing DC14Inbox@clarkcountycourts.us. All orders must have either original signatures from all parties or an email appended as the last page of the proposed order confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Dauriana Simpson, to all registered parties for Odyssey File and Serve. 2/24/2021/ds;

SCHEDULED HEARINGS



Status Check (04/06/2021 at 10:00 AM) (Judicial Officer: Escobar, Adriana)

04/06/2021



Status Check (10:00 AM) (Judicial Officer: Escobar, Adriana)

Matter Heard;

Journal Entry Details:

Status provided. Counsel stated there was a pending hearing set 4/20/21 that will determine the outcome of the case.;

04/29/2021



Motion for Summary Judgment (9:30 AM) (Judicial Officer: Escobar, Adriana)

Plaintiff Motion for Summary Judgement

Granted;

Journal Entry Details:

Following arguments by counsel regarding the fraud scheme. Court finds that selective disclosure appeared like intention to mislead; lack of presentation and conspiracy; foreseeableness by a reasonable person and information intentionally withheld; additionally, lack of promissory note or an investment contract. Court does not find any genuine issue of facts remaining. Therefore, COURT ORDERED, motion GRANTED against all parties. Mr. Ball to prepare the order. CLERK'S NOTE ADDED: (5/25/21) Court additionally awards: 1. Compensatory actual damages in the \$75,000, plus treble damages pursuant to NRS 207.470, for a total damages amount of \$225,000. 2. Attorney fees under NRS 207.470(1), 3. Costs under NRS 207.470(1) and NRS 18.0220(3), and 4. Pre-judgment interest under NRS 17.130. Plaintiff is directed to file briefing with the Court informing of the requested attorney fees and costs amount and substantiating documentation. This Court does not award punitive damages. ;

05/05/2021

CANCELED Status Check (3:00 AM) (Judicial Officer: Escobar, Adriana)

Vacated - Set in Error

Settlement Progress

08/19/2021

Calendar Call (2:00 PM) (Judicial Officer: Escobar, Adriana)

08/31/2021

Motion for Attorney Fees and Costs (10:00 AM) (Judicial Officer: Escobar, Adriana)

Medappeal's Motion for Attorney Fees and Costs

09/07/2021

Jury Trial (9:30 AM) (Judicial Officer: Escobar, Adriana)

DATE

FINANCIAL INFORMATION

Defendant Brown, Kevin

Total Charges

253.00

Total Payments and Credits

253.00

Balance Due as of 7/20/2021

0.00

Third Party Plaintiff Medasset Corporation

Total Charges

135.00

CASE SUMMARY**CASE NO. A-19-792836-C**

Total Payments and Credits	135.00
Balance Due as of 7/20/2021	0.00
Defendant Reddy, Margaret	
Total Charges	24.00
Total Payments and Credits	24.00
Balance Due as of 7/20/2021	0.00
Defendant Reddy, Vijay	
Total Charges	313.00
Total Payments and Credits	313.00
Balance Due as of 7/20/2021	0.00
Defendant Weinstein, David	
Total Charges	253.00
Total Payments and Credits	253.00
Balance Due as of 7/20/2021	0.00
Plaintiff Medappeal LLC	
Total Charges	670.00
Total Payments and Credits	670.00
Balance Due as of 7/20/2021	0.00

DISTRICT COURT CIVIL COVER SHEET

Clark County, Nevada

Case No. _____

(Assigned by Clerk's Office)

I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone): <div style="text-align: center;"> Medappeal, LLC 1000 Skokie Blvd. Ste. 225 Wilmette, IL 60091 847-847-2812 </div>	Defendant(s) (name/address/phone): <div style="text-align: center;"> David Weinstein, et al. 125 E. Harmon Ave. Unit 322 Las Vegas, NV 89109 Unknown </div>
Attorney (name/address/phone): <div style="text-align: center;"> Jav Freedman 11700 W. Charleston Blvd. Ste. 170-357 Las Vegas, NV 89135 702-342-5425 </div>	Attorney (name/address/phone): <div style="text-align: center;"> Unknown </div>

II. Nature of Controversy *(please select the one most applicable filing type below)*

Civil Case Filing Types

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input checked="" type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate <i>(select case type and estate value)</i> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

April 12, 2019

Date

Signature of initiating party or representative

See other side for family-related case filings.

Heather S. Smith

CLERK OF THE COURT

FFCL

Zachary T. Ball, Esq., NVB 8364

THE BALL LAW GROUP

1935 Village Center Circle, Suite 120

Las Vegas, Nevada 89134

Telephone: (702) 303-8600

Email: zball@balllawgroup.com

Attorney for *Medappeal LLC and*

Liberty Consulting & Management

Services, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

MEDAPPEAL, LLC, An Illinois Limited
Liability Company,

Plaintiff,

vs.

DAVID WEINSTEIN, VIJAY REDDY,
MARGARET REDDY, MOHAN
THALMARLA, KEVIN BROWN, MAX
GLOBAL, INC., VISIONARY BUSINESS
BROKERS LLC, MEDASSET
CORPORATION, and DOES 1-50,

Defendants.

MEDASSET CORPORATION, a Nevada
Corporation,

Counterclaimant,

v.

MEDAPPEAL, LLC, an Illinois Limited
Liability Company,

Counter-Defendant.

MEDASSET CORPORATION, a Nevada
Corporation,

Third-Party Plaintiff,

v.

LIBERTY CONSULTING &
MANAGEMENT SERVICES, LLC, an Illinois
Limited Liability Company,

Third-Party Defendant.

Case No.: A-19-792836-C

Dept. No.: 14

**FINDING OF FACT AND
CONCLUSIONS OF LAW GRANTING
PLAINTIFF MEDAPPEAL, LLC'S,
MOTION FOR SUMMARY
JUDGEMENT**

THE BALL LAW GROUP

1935 Village Center Circle, Suite 120

Las Vegas, Nevada 89134

(702) 303-8600

**FINDING OF FACT AND CONCLUSIONS OF LAW GRANTING PLAINTIFF
MEDAPPEAL, LLC'S, MOTION FOR SUMMARY JUDGEMENT**

This matter came before the Court on April 29, 2021 on Plaintiff/Counterdefendant Medappeal, LLC ("Medappeal") Motion for Summary Judgment as to all claims against and by Defendant/Counterclaimant/Third-Party Plaintiff Medasset Corporation ("Medasset") and individual defendants David Weinstein ("Weinstein"), Vijay Reddy ("V. Reddy"), Margaret Reddy ("Margaret"), Mohan Thalarla ("Thalarla"), Kevin Brown ("Brown"), and corporate entities Max Global, Inc. ("Global"), and Visionary Business Brokers LLC ("Visionary") (collectively "Defendants") (the "Motions for Summary Judgment"). The Motion for Summary Judgment having been reviewed, the Court hereby enters the following Findings of Fact and Conclusions of Law.¹

I. FINDINGS OF FACT

1. Defendants defrauded \$75,000.00 from Medappeal in an online scheme posing as business brokers, sellers and trainers, wherein Defendants sold worthless business opportunities to at least a dozen other victims before they identified Medappeal as their next victim.
2. The scheme commenced in 2018, when Defendant Brown, through Visionary, posted a listing on the website BizQuest.com offering for sale an opportunity to purchase a Medical Billing Appeal and Credentialing business (the "Accounts").
3. Medappeal responded to the advertisement, and Brown, acting as a "business broker" arranged phone conferences between Medappeal and Defendants Weinstein and Medasset.
4. After a series of calls with Brown, Weinstein, and V. Reddy, Medappeal purchased

¹ To the extent any Finding of Fact should be properly designated a Conclusion of Law, it shall be deemed a Conclusion of Law. To the extent any Conclusion of Law should properly be designated a Finding of Fact, it shall be deemed a Finding of Fact.

Defendants' "business opportunity."

5. Defendants instructed Medappeal to form a new corporation, with a name similar to Medasset, as Defendants were to provide Medappeal with transferable client agreements, and transferring these contracts to a company with a similar name would avoid confusion.
6. However, before Medappeal could form a new corporation, Weinstein insisted Medappeal sign the Purchase Agreement immediately, as Weinstein claimed he had client accounts ready to transfer.
7. As Medappeal made clear in an email to Defendants, Medappeal was hesitant to sign Defendants' Purchase Agreement prior to forming a new corporation. Medappeal's principal sent an email to Defendants asking if it was better to wait and sign the Agreement after the new corporate entity was formed, or if Medappeal's principal should sign the contract as "Liberty Consulting & Management Services, LLC (on behalf of a company to be formed later)." Medappeal's principal clearly expressed reservations about signing the contract this way, telling Defendants, "I'd prefer to wait and register the new company as the real name David (Weinstein) will use, rather than register a company and then do a DBA."
8. In response to Medappeal's concern, Brown emailed Medappeal stating, "I just checked with David (Weinstein) and he said yes, that is exactly how to sign it." In deposition testimony, Brown reiterated that Weinstein told him to have Medappeal sign the Purchase Agreement knowing full well that the contract would immediately be assigned to a newly formed entity. Brown unambiguously stated that Weinstein knew and approved of the Purchase Agreement being signed "on behalf of a company to be formed later."
9. According to the terms of Defendants' Executive Summary with Medappeal, Defendants agreed to provide Medappeal with "all the tools, training, support and clients necessary for

- positive cash flow” to run a Medical Billing/Appeals business.
10. The Purchase Agreement contained Defendants’ promise to provide Medappeal with client accounts via transferable contracts. Under the terms of the Agreement, Defendants promised to provide Medappeal with sixty (60) client contracts for billing/appeals work and thirty (30) client contracts for medical insurance credentialing work.
11. As payment for this “business opportunity”, Medappeal wired Defendants \$75,000.00 and signed a promissory note for \$50,000.00. According to the Purchase Agreement, the promissory note would be due *only after “60 medical appeals clinics have been assigned and 30 medical credentialing applications have been requested.”* Emphasis added.
12. The crux of the “business opportunity” sold to Medappeal was Defendants’ promise to provide a specific number of transferable client contracts. The business listing which, according to Brown was written by Weinstein, states that Defendants were selling “over 30 separate offices for Medical Credentialing” and “[o]ver 60 separate offices for Medical Appeals.” The Executive Summary (also authored by Weinstein, according to Brown’s testimony), states that “this business opportunity for sale is a book of business contracts with Health Care Providers.”
13. When Brown was asked if “what was being sold and described by yourself (Brown) and Weinstein was assignable contracts with clients and medical offices,” Brown unequivocally testified, “Yes.” Brown also testified that the sale of specific numbers of client contracts is consistent with the numerous prior deals he brokered on behalf of Weinstein and V. Reddy.
14. Medappeal signed the Purchase Agreement with Defendants on May 3, 2018.
15. From the period of May 2018 to mid-September 2018, Defendants provided Medappeal with a total of three (3) contracts for billing/appeals, zero (0) contracts for medical

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

insurance credentialing, and one (1) contract for billing, which did not conform to Defendants’ “business model.”

16. Regarding the non-conforming contract, V. Reddy explicitly told Medappeal, “[i]f this client doesn't work, it will simply be replaced at no penalty to you guys.”

17. Besides the above-mentioned four contracts, no other client accounts were provided nor even offered to Medappeal. The four contracts were inclusive of both medical appeals and medical billing accounts, as Medappeal explicitly told Weinstein, “We are ok with doing straight billing or a combination if that is an option.”

18. This situation was not unique to Medappeal; V. Reddy and Weinstein also failed to fulfill medical billing agreements with *at least seven* other victims (Dr. Craig Ramsdell, Dr. Kalpana Dugar, Mr. Jason Pullar, Mr. Anthony Campagna, Blue Sky Med-Office, Mr. Anthony Holmes, and Ms. Tammy Decker).

19. Of the three accounts received by Medappeal, only one generated any revenue totaling approximately \$300.00.

20. Medappeal’s principals tried multiple times to reach Defendants Weinstein, Reddy, and Brown to discuss their lack of performance, lack of communication, and what was turning out to be a totally misrepresented and nonviable “business opportunity.”

21. Brown never returned a single phone call nor responded to Medappeal’s emails after he received his money. *Id.* Similarly, Weinstein never returned Medappeal’s many phone calls and was largely unresponsive to Medappeal’s emails.

22. When Medappeal asked V. Reddy about the status of the Purchase Agreement and Weinstein’s lack of communication, V. Reddy provided excuses ranging from a slow-down in the billing industry, summer holidays, and Weinstein being unavailable due to travel.

23. On September 18, 2018, Medappeal sent an email to Brown and Weinstein highlighting

1 their failure to perform, and providing them with an opportunity to either: (1) refund
2 Medappeal's money, or (2) provide assurances as to their willingness and ability to perform
3 as promised.

4 24. Brown testified as to: (1) receiving Medappeal's email, (2) not responding to Medappeal,
5 and (3) discussing Medappeal's email and concerns with Weinstein. In his own words,
6 Brown stated, "Well, I did not respond to the Johnsons (Medappeal's principals). I
7 contacted Weinstein and advised him to, you know, resolve it, take care of it. Whatever
8 was going on I didn't know, but reach out to them and make them whole."

9
10 25. Brown testified that his conversation with Weinstein took place over the phone, and that
11 during their discussion, Weinstein told him, "I will take care of it." Brown does not dispute
12 Medappeal's allegations that Weinstein never responded to the email nor contacted
13 Medappeal in any manner.

14 26. The Defendants do not present any information regarding their business dealings as the
15 Defendants claim to have destroyed their business records or claim they cannot recall any
16 relevant factual details pertaining to their business activities.

17
18 27. V. Reddy testified that he purged all his business records, including all emails.

19 28. Brown similarly testified to having destroyed all of his business records. Brown testified
20 that his policy was "after 90 days, I get rid of all my records. I destroy them." When asked
21 again about document retention, Brown elaborated that every month he goes through
22 business records in his possession and destroys any record more than three months old.

23
24 29. Weinstein also testified to having destroyed any relevant business records and cannot recall
25 the facts surrounding any of his business transactions. In response to Medappeal's
26 Interrogatories requesting Defendants Weinstein and Medasset identify the persons or
27 entities they sold medical billing, appeals, credentialing, and answering services to,
28

Defendants Weinstein and Medasset responded, “Defendant no longer has the related files in his custody, control, or possession and cannot recall the information requested by this interrogatory.”

30. Weinstein is a convicted felon for fraud.

31. Weinstein previously received Emergency Cease and Desist Orders regarding his “business activities” from at least seven states.

32. Weinstein and the companies he founded, owned and operated were named as defendants in a Complaint filed by the Department of Labor.

33. A Complaint filed by the Office of the United States Trustee, US DOJ, described Weinstein, Brown, and V. Reddy as engaging in a multi-year, multi-state scam, and listed seven victims, including Medappeal, who were defrauded by Defendants.

34. Weinstein and V. Reddy have been sued multiple times in other jurisdictions for the same or substantially similar scam they perpetrated against Medappeal.

35. V. Reddy was a ready and willing conspirator with Weinstein. To induce the sale, Defendants Weinstein and Brown provided Defendant Vijay Reddy as a reference.

36. V. Reddy was not a disinterested third-party reference, as represented by Weinstein, Brown, and V. Reddy to Medappeal. Weinstein and Brown in fact had a business relationship with V. Reddy that went back to at least 2009.

37. V. Reddy was introducing Weinstein as a business associate as early as February of 2009.

38. V. Reddy held himself out as merely Weinstein’s customer (a successful one) and not a business partner.

39. V. Reddy also did not mention the past and pending lawsuits against himself relating to the same or similar business operations, nor did he mention all of the complaints he personally received from his involvement in these transactions.

40. Additionally, V. Reddy did not disclose the numerous failed similar business attempts (by

1 himself, Brown, and Weinstein), lawsuits, and the criminal background of Weinstein, which
2 he knew of at the time of his conversation with Medappeal.

3 41. Defendants had concurrent and conflicting obligations to provide client accounts to other
4 individuals at the time Defendants were to provide Medappeal with the various accounts
5 pursuant to the Purchase Agreement.

6 42. Defendants did not disclose this conflict of interest, nor did they disclose their inability to
7 fulfill these prior agreements.

8 43. Additionally, Defendant V. Reddy's bankruptcy proceeding revealed that proceeds from
9 Defendants' scam operation were laundered through Defendants Margaret Reddy, Max
10 Global, and Mohan Thalmarla.

11 44. The Bankruptcy Trustee for V. Reddy's bankruptcy specifically described the transactions
12 wherein money was laundered through Defendants Margaret Reddy, Max Global, and
13 Mohan Thalmarla as "fraudulent transfers."

14 45. Additionally, there are Federal Criminal Complaints detailing additional fraudulent activity
15 akin to that described in this matter, per sworn and attested statements by FBI Special
16 Agent James Webb and approved by Assistant U.S. Attorneys Daniel A. Friedman and
17 Diana V. Carrig.
18
19

20 **III. CONCLUSIONS OF LAW**

21 **A. MOTION FOR SUMMARY JUDGMENT STANDARD**

22 1. Summary judgment is proper when there is no genuine issue of material fact and the
23 movant is entitled to judgment as a matter of law. NRCP 56(c); *see also Wood v.*
24 *Safeway, Inc.*, 121 Nev. 724, 730, 121 P.3d 1026, 1030 (2005). After the movant has
25 carried its burden to identify issues where there is no genuine issue of material fact, the
26 non-moving party must "set forth specific facts demonstrating the existence of a genuine
27
28

- 1 issue for trial or have summary judgment entered against him." *Wood*, 121 Nev. at 732.
- 2 Summary judgment is particularly appropriate where issues of law are controlling and
- 3 dispositive of the case. *American Fence, Inc. v. Wham*, 95 Nev. 788, 792, 603 P.2d
- 4 274,277 (1979).
- 5 2. The parties must prove their claims and affirmative defenses by a preponderance of the
- 6 evidence. *See* Nev. J.I. 2EV.1. Under Nevada law, "[t]he term 'preponderance of the
- 7 evidence' means such evidence as, when weighed with that opposed to it, has more
- 8 convincing force, and from which it appears that the greater probability of truth lies
- 9 therein." Nev. J.I. 2EV.1; *Corbin v. State*, 111 Nev. 378, 892 P.2d 580 (1995) (regarding
- 10 entrapment, "[p]reponderance of the evidence means such evidence as, when weighed
- 11 with that opposed to it, has more convincing force and the greater probability of truth.").
- 12
- 13 3. When ruling on a motion for summary judgment, the court may take judicial notice of the
- 14 public records attached to the motion. *See, e.g., Anderson v. County of Nassau*, 297 F.
- 15 Supp. 2d 540, 544-45 (E.D.N.Y. 2004); *In re Bayside Prison Litig.*, 190 F. Supp. 2d 755,
- 16 760 (D. N.J. 2002). The recorded documents attached to Chase's Motion are referenced in
- 17 the Complaint and/or are public records of which the Court may, and did, take judicial
- 18 notice. *See* NRS 47.150; *Lemel v. Smith*, 64 Nev. 545, 566 (1947) ("Judicial notice takes
- 19 the place of proof and is of equal force.") (citation omitted). "Documents accompanied by
- 20 a certificate of acknowledgment of a notary public or officer authorized by law to take
- 21 acknowledgments are presumed to be authentic." NRS 52.165.
- 22
- 23
- 24 4. Nevada law draws no distinction between circumstantial and direct evidence. *Deveroux v.*
- 25 *State*, 96 Nev. 388, 391 (1980); Nev. J.I. 2EV.3 ("The law makes no distinction between
- 26 the weight to be given either direct or circumstantial evidence. Therefore, all of the
- 27 evidence in the case, including circumstantial evidence, should be considered...").
- 28

B. DEFENDANTS BREACHED THE CONTRACT WITH MEDAPPEAL

5. In the absence of ambiguity or other factual complexities contract interpretation presents a question of law that the district court may decide on summary judgment. *Galardi v. Naples Polaris, LLC*, 129 Nev. 306, 309, 301 P.3d 364, 366 (2013) citing *Ellison v. Cal. State Auto. Ass'n*, 106 Nev. 601, 603, 797 P.2d 975, 977 (1990).
6. In order to prevail on a breach of contract claim, a party must prove: (1) the existence of a valid contract; (2) a breach of the contract (a failure to render performance of obligations when due); (3) that the breach, if any did not excuse performance by the other party; (4) that the alleged breach was not a result of the other party's failure to perform a condition precedent; (5) that damages were sustained; (6) the amount of damages are proved to a reasonable degree of certainty; (7) the damages were a foreseeable consequence of a particular breach. *See Dachner v. Union Lead Mining and Smelter Co.*, 65 Nev. 313, 195 P.2d 208 (1948).
7. When a contract is unambiguous and neither party is entitled to relief from the contract, summary judgment based on the contractual language is proper. *Allstate Ins. Co. v. Fackett*, 125 Nev. 132, 137, 206 P.3d 572, 575 (2009).
8. Medappeal has established each element for a breach of contract claim by way of Defendants' own admissions and discovery production. Defendants do not dispute that they had a valid contract with Plaintiff.
9. Additionally, Defendants do not dispute that Medappeal wired the \$75,000 initial payment to Defendant Visionary as required under the Agreement.
10. Defendants admit that they did not fulfill the terms of their Agreement with Medappeal; i.e., that they did not provide Medappeal with 60 assignable medical appeals/billing contracts and 30 assignable medical credentialing contracts.

11. Defendants acknowledge that Medappeal contacted V. Reddy, Weinstein, and Brown multiple times to try and discuss their significant lack of performance, and were ignored or avoided each time.

12. As a result of Defendants' failure to perform, Medappeal suffered financial harm to include loss of the initial payment, and the costs associated with starting and running a business. Medappeal also lost considerable sums of money in pursuing legal action against Defendants for their failure to perform. These damages were a natural and foreseeable consequence of Defendants' breach.

C. DEFENDANTS COMMITTED FRAUD UPON MEDAPPEAL

13. Intentional misrepresentation is established by three factors: (1) a false representation that is made with either knowledge or belief that it is false or without a sufficient foundation, (2) an intent to induce another's reliance, and (3) damages that result from this reliance. *Nelson v. Heer*, 123 Nev. 217, 225, 163 P.3d 420, 426 (2007).

14. A plaintiff must establish fraud by clear and convincing evidence. *Unruh v. Udall*, 269 F. Supp. 97, 99 (D. Nev. 1967). An essential factual issue in intentional misrepresentation is whether the action of the Defendant was with the intent to induce another's reliance. *JS Prod., Inc. v. Practical Goods Grp., Inc.*, 2010 WL 3885320, at *2 (D. Nev. 2010).

15. A measure of fraud damages allows the defrauded party to recover what he has lost out of pocket that is the difference between what he gave and what he actually received. *Collins v. Burns*, 103 Nev. 394, 398–99, 741 P.2d 819, 822 (1987).

16. Medappeal has proven Defendants fraudulent actions in abundance.

17. As a result of their Defendants' false representations, Medappeal purchased Defendants' fraudulent "business opportunity" for \$125,000.00.

1 18. Consequently, Medappeal lost significant sums of money, including the initial payment
2 of \$75,000. Medappeal's allegations of fraud are supported by clear and convincing
3 evidence, as the evidence consists of Defendants' own testimony taken from their sworn
4 depositions.

5 **1. V.REDDY MISREPRESENTED WEINSTEIN TO CREATE TRUST IN**
6 **FURTHERANCE OF THE SCHEME**
7

8 19. It is not disputed that Defendants Weinstein and Brown presented V. Reddy as a business
9 reference for Medasset to Medappeal.

10 20. At no time did Defendants Weinstein, V. Reddy, and Brown disclose their longstanding
11 personal and professional relationship with one another to Medappeal.

12 21. Defendants also admit that they never told Medappeal about the near-universal failure of
13 their business model and the resulting complaints and multiple lawsuits.

14 22. Defendants only spoke of years of success with the "business opportunity."

15 23. V. Reddy admitted to his fraudulent conduct during his June 26, 2020 deposition.
16

17 24. V. Reddy admits that he acted as a business reference and "vouched for David
18 Weinstein" to Medappeal.

19 25. V. Reddy admits he did not disclose to Medappeal his longstanding business relationship
20 with Defendant Brown and Defendant Weinstein, in which all parties had profited off of
21 the sale of the same or similar "business opportunity" now being offered to Medappeal.
22

23 26. V. Reddy also admits he did not inform Plaintiff of Weinstein's status as a convicted
24 felon for fraud, despite knowing this at that time to be true.

25 27. V. Reddy did not disclose to Medappeal the numerous failed business deals he and
26 Weinstein sold (and profited off) together.

27 28. V. Reddy could not identify a single satisfied customer of his or Mr. Weinstein.
28

29. Despite being unable to identify a single happy customer, V. Reddy painted a completely positive picture of Mr. Weinstein, his track record, and his “business opportunity.”

30. V. Reddy “vouched for David Weinstein.”

2. BROWN FUNCTIONED AS A STRAWMAN FOR WEINSTEIN

31. Brown had no independence, qualification, education, or training to act as a business broker.

32. Brown had been Weinstein’s personal trainer prior to becoming Weinstein’s “business broker.”

33. Brown has only sold businesses owned by V. Reddy or Weinstein during his entire career as a business broker.

34. Brown could not identify a single successful purchaser of the “business opportunities” he brokered on behalf of Weinstein and Reddy.

35. Brown admits that nearly all the broker-related tasks attributed to himself and Visionary *were actually* performed by Weinstein. Both Brown and Weinstein admit that Weinstein had access to Visionary’s online business brokerage account and that Weinstein had actually created the business listing that Medapeal responded to.

36. Brown’s only involvement in creating the listing was selecting the photo used in the advertisement.

37. Brown acknowledges that he took no steps to independently verify the information provided under his company name by Weinstein despite receiving numerous complaints as to the truth and veracity of the listings.

38. Brown also admits he and Visionary had no formal listing agreements or agency contracts of any type while acting as Weinstein’s business broker.

- 1 39. Brown testified that the “Executive Summaries” presented to Plaintiff (and other victims)
2 under his or Visionary name were actually drafted by Weinstein.
- 3 40. Brown had no idea as to the accuracy of the statements and financial representations made
4 in the Executive Summaries.
- 5 41. Brown did not even know if “Medasset Management Corporation,” the corporate name on
6 the “Executive Summary” he provided to Medappeal, was the same company as “Medasset
7 Corporation.”
- 8 42. Brown was Weinstein’s strawman; Brown had no idea what he was selling and zero regard
9 as to the accuracy of the representations he made to Medappeal.
- 10 43. Brown was well aware of the numerous complaints regarding the deals he made on behalf
11 of Weinstein and V. Reddy prior to “brokering” the current scheme to Medappeal.
- 12 44. Brown acknowledges he received numerous email complaints from multiple buyers.
- 13 45. Brown continued to sell the same or similar fraudulent “business opportunities” over and
14 over again, a willing participant of the role he played in Weinstein’s scheme.
- 15 46. Brown admits to relisting nearly the exact same business as was sold to Medappeal less
16 than a month after receiving Medappeal’s complaints.
- 17 47. Brown functioned as a co-conspirator, and completely abandoned any oversight or
18 diligence as a “broker” in favor of advancing Weinstein’s schemes.

21 **3. WEINSTEIN ENGAGED IN MULTIPLE CONFLICTING SALE, MADE**
22 **FRAUDULENT STATEMENTS, AND OPERATED A CORPORATE**
23 **“SHELL-GAME”**
24

- 25 48. Weinstein was previously convicted of fraud, and has spent nearly two decades defrauding
26 unsuspecting victims in various schemes.
- 27
28

- 1 49. Since at least 2008, Weinstein was involved in selling “business opportunities” nearly
2 identical to that sold to Medappeal, despite having neither the intention nor the ability to
3 perform.
- 4 50. Weinstein profited off of this scam in many ways; either by acting as the seller, broker (as
5 owner of Tannenbaum & Milask), or as a “marketer” and subcontractor for V. Reddy.
- 6 51. When Medappeal contracted with Weinstein to provide 90 client contracts, Weinstein had
7 at least one other concurrent and conflicting obligation.
- 8 52. Weinstein acknowledges he did not disclose this conflict of interest nor his inability to
9 perform on this prior obligation.
- 10 53. Weinstein never disclosed to Medappeal that he was a convicted felon for fraud.
11 Additionally, Weinstein never disclosed to Medappeal the numerous complaints and
12 lawsuits filed against himself and V. Reddy for the sale of the same or substantially similar
13 “business opportunities” sold to Medappeal
- 14 54. Weinstein was asked about his prior success during due diligence calls with Medappeal,
15 and Weinstein never disclosed the dozens of complaints and lawsuits related to the sale of
16 the same or substantially similar “business opportunity.”
- 17 55. Since 2015 alone, the FBI has identified 43 of the same, or similar, failed deals involving
18 Weinstein, Reddy, and Brown.
- 19 56. Weinstein drafted and provided Medappeal with an “Executive Summary.” This Executive
20 Summary is nearly identical in form and substance to Executive Summaries he and V.
21 Reddy provided to other victims.
- 22 57. Based on the numerous complaints, lawsuits, failed deals, and an overall inability to
23 preform, Weinstein knew that these projections were false and unrealistic, yet continued to
24 present them to prospective buyers, including Medappeal.
- 25
26
27
28

- 1 58. Weinstein and V. Reddy have played a “shell game” involving the creation of numerous
2 companies registered in different states including: Nevada, Wyoming, Delaware,
3 Michigan, and New Jersey.
- 4 59. Weinstein and V. Reddy acknowledge that they registered and sold substantially similar
5 “business opportunities” under multiple different corporate entities which they opened,
6 closed, and sold at different times.
- 7 60. All of these entities and their assumed names were used to create confusion, an inability to
8 track performance and complaints, and ultimately to further the fraudulent scheme.
- 9 61. Weinstein acknowledges that buyers such as Medappeal did not get what they were
10 promised and for which they paid.
- 11 62. Moreover, an integral part of Weinstein’s scam is to sell one of his many shell companies,
12 listing the contracts he has with buyers (such as Medappeal) as assets of the company, and
13 then fails to provide them with even a fraction of the promised client accounts.
- 14 63. Weinstein’s theft is thus two-fold: he sells fraudulent “business opportunities” and then
15 turns around and sells the buyers’ contracts as assets as part of the sale of one of his
16 worthless shell companies. Not only does Weinstein make additional profits off of his
17 fraud, he also gains a convenient way (at least in his mind) to evade liability for all the
18 unfulfilled agreements.
- 19 64. As another element of Weinstein’s fraudulent scheme, Weinstein admits that he falsely
20 registered two entities as non-profits despite their for-profit purpose.
- 21 65. Weinstein also admits that he advertised having business operations in various states which
22 was untrue and done for “marketing purposes.”
23
24
25
26
27
28

1 66. Weinstein and V. Reddy created so many shell entities, that Weinstein acknowledged in
2 his deposition his inability to decipher which corporate entities and which deals belonged
3 to himself as opposed to V. Reddy.

4 67. The multitude of misrepresentations, clearly intentional, substantiate the “false
5 representation that is made with either knowledge or belief that it is false or without a
6 sufficient foundation” required under *Nelson v. Heer*, 123 Nev. 217, 225, 163 P.3d 420,
7 426 (2007).
8

9 68. The use of strawmen and constant references to other customers clearly shows the
10 “intent to induce another's reliance” *Id.*

11 69. The payment by Medappeal for the essentially hollow business, and the ongoing efforts to
12 recover their losses, substantiate Medappeal’s “damages that result from this reliance,”
13 fulfilling the final element of *Nelson*.
14

15 **D. DEFENDANTS CONSPIRED TO COMMIT FRAUD**

16 70. An actionable civil conspiracy arises where two or more persons undertake some concerted
17 action with the intent “to accomplish an unlawful objective for the purpose of harming
18 another,” and damage results. *Guilfoyle v. Olde Monmouth Stock Transfer Co.*, 130 Nev.
19 801, 813, 335 P.3d 190, 198 (2014).

20 71. To prevail in a civil conspiracy action, a plaintiff must prove an agreement between the
21 tortfeasors, whether explicit or tacit. *See Eikelberger v. Tolotti*, 96 Nev. 525, 528 n. 1, 611
22 P.2d 1086, 1088 n. 1 (1980).
23

24 72. Defendants V. Reddy, Margaret, Weinstein, and Brown all acknowledge having worked
25 together to sell, market, promote, or participate in the sale of the fraudulent business
26 opportunities.
27
28

1 73. Despite their participation and acceptance of substantial sums of money, all of these
2 defendants admit to knowing of lawsuits, complaints, and allegations regarding Weinstein
3 and V. Reddy's continual lack of performance.

4 74. The various defendants served as a broker (Brown/Weinstein), trainer (V. Reddy), seller
5 (V. Reddy/Weinstein), marketer (Margaret/Weinstein/ V. Reddy) or assisted in hiding
6 proceeds from the sale and money laundering (Margaret /M. Thalmarla/Max Global Inc);
7 these parties continuously relied on one another in furtherance of the civil conspiracy.
8

9 75. Defendants conspired to create the illusion of a viable business, induce interested parties,
10 such as Medappeal, to purchase the business, and then abscond with the proceeds, after a
11 series of excuses and hollow promises.

12 **E. DEFENDANTS VIOLATED THE NEVADA DECEPTIVE TRADE**
13 **PRACTICES ACT**

14 76. The Nevada Deceptive Trade Practices Act (NDTPA) is a remedial statutory scheme; the
15 court affords it liberal construction to accomplish its beneficial intent. Nev. Rev. St. §§
16 598.0923 et seq; *Poole v. Nevada Auto Dealership Investments, LLC*, 135 Nev. 280, 449
17 P.3d 479 (Nev. App. 2019).
18

19 77. A person engages in a "deceptive trade practice" when in the course of his or her business
20 or occupation he or she knowingly: (1) Conducts the business or occupation without all
21 required state, county or city licenses... (2) Fails to disclose a material fact in connection
22 with the sale or lease of goods or services. See NRS 598.0915.1-2.
23

24 78. Deceptive trade practice claims must be demonstrated by a preponderance of the
25 evidence. See *Wild Game Ng, LLC v. IGT*, 131 Nev. 1364 (2015) citing *Betsinger v. D.R.*
26 *Horton, Inc.*, 126 Nev. 162, 166, 232 P.3d 433, 436 (2010).
27
28

79. Defendants misrepresented their history of success and omitted telling Medappeal about the numerous complaints, lawsuits, and allegations made against them for the sale of the same or substantially similar “business opportunity.”

80. At the time of sale Weinstein did not disclose his conflicting obligations to provide client accounts to other purchasers.

81. Defendants’ inability to perform their promised obligation, to either Medappeal or other purchasers, clearly indicates their false representations regarding the underlying transaction, i.e., the failure to disclose that Medappeal would not receive the promised contracts.

F. DEFENDANTS CONDUCT VIOLATED NEVADA’S RICO STATUTES

82. Nevada's RICO statute provides that racketeering activity *means* two predicate acts of the type described in NRS 207.390 and NRS 207.360. *Siragusa v. Brown*, 114 Nev. 1384, 1398, 971 P.2d 801, 810 (1998).

83. A plaintiff pursuing a civil RICO action under Nevada statute need not demonstrate an injury separate and distinct from the harm caused by the predicate acts themselves. *Hale v. Burkhardt*, 104 Nev. 632, 764 P.2d 866 (1988).

84. Pursuant to NRS 207.400.1(a)(2), it is unlawful for a person who, with criminal intent, received any proceeds derived from racketeering activity to use or invest in the acquisition of any interest in or the establishment or operation of any enterprise. *0*

85. Pursuant to NRS 207.470.1 “Any person who is injured in his or her business or property by reason of any violation of NRS 207.400 has a cause of action against a person causing such injury for three times the actual damages sustained.”

86. Defendants acknowledge to working together time and again in furtherance of the sale of “business opportunities” which they knew or should have known could not be fulfilled.

87. Defendants acknowledge working together to sell the same or similar “business opportunities” in their depositions and responses to interrogatories.

88. Records from lawsuits filed dating back to 2008 through present a detailed pattern and practice of criminal activity in which the same or a substantially similar scam is perpetrated on unsuspecting victims time and again.

89. The sworn statement of Special Agent James Webb, states that since 2015 to present, Defendants have taken in over \$3 million dollars through their criminal operation which has been laundered through relatives and various corporate entities.

G. DEFENDANTS ARE ALTER EGO’S AND SHOULD BE HELD PERSONALLY LIABLE.

90. Nevada law generally treats corporations as separate legal entities. *DFR Apparel Co. v. Triple Seven Promotional Prods., Inc.* (D. Nev. 2014).

91. Nevada law allows alter-ego liability where the corporate form is abused and one corporation is merely an alter-ego of a controlling entity. *DFR Apparel Co.* (D. Nev. 2014).

92. It is worth emphasizing that under Nevada law, “[t]he corporate cloak is not lightly thrown aside, . . . the alter ego doctrine is ***an exception*** to the general rule recognizing corporate independence.” *DFR Apparel Co. v. Triple Seven Promotional Prods., Inc.* (D. Nev. 2014).

93. Defendants must prove: (1) Medasset was influenced and governed by Weinstein; (2) there is such unity of interest and ownership between the companies that one is inseparable from the other; and (3) adherence to the fiction of a separate entity would, under the circumstances, sanction a fraud or promote injustice. *Id.*

94. The failure of Defendants to prove ***any one of these*** elements is sufficient to warrant summary judgment. *Id.* (All three elements ***must*** be present to validly state a claim for

alter-ego liability.) *Wilson Logistics Nevada, Inc. v. Lincoln Gen. Ins. Co.* (D. Nev. 2011)
Wilson Logistics Nevada, Inc. v. Lincoln Gen. Ins. Co. (D. Nev. 2011).

95. The purpose of the alter ego doctrine is to do justice whenever it appears that the protections provided by the corporate form are being abused. *See Polaris Industrial Corp. v. Kaplan*, 103 Nev. 598, 603, 747 P.2d 884, 888 (1987).

96. The following factors, though not conclusive, may indicate the existence of an alter ego relationship: (1) commingling of funds; (2) undercapitalization; (3) unauthorized diversion of funds; (4) treatment of corporate assets as the individual's own; and (5) failure to observe corporate formalities. *LFC Mktg. Grp., Inc. v. Loomis*, 116 Nev. 896, 904, 8 P.3d 841, 847 (2000).

97. There is no litmus test for determining when the corporate fiction should be disregarded; the result depends on the circumstances of each case. *Polaris Indus. Corp. v. Kaplan*, 103 Nev. 598, 602, 747 P.2d 884, 887 (1987).

98. Weinstein acknowledges that he is the sole owner, director, and officer of Medasset.

99. Medasset's registered address is the same address as Weinstein's place of residence.

100. According to the Secretary of State Medasset was capitalized with \$20.

101. Weinstein acknowledges that Medasset does not have liability insurance.

102. Medasset could not provide any business records, minutes, or financial statements for the company.

103. Medasset used the same contracts, business prospectuses, and offering documents as used by Weinstein in his numerous other shell companies.

104. Medasset failed to maintain a document retention policy, and when asked about documents later produced in litigation, Weinstein said he found them mixed in a box with his personal clothing.

1 105. The documents Weinstein provided in discovery were comingled among the various shell
2 entities he used to commit the fraudulent scheme; no distinct files, records, or production
3 relative to Medasset have been produced.

4 106. Weinstein admits to owning and operating other companies using the name Medasset in
5 Delaware, New Jersey, and Nevada.

6 107. Medasset is David Weinstein.

7
8 108. Allowing Weinstein protection from the shell entity “Medasset” would promote injustice
9 and allow him to further his criminal activities.

10 **H. DEFENDANTS PRODUCED NO EVIDENCE**

11 109. Defendants have failed to produce any evidence calling into question the evidence
12 produced by Medappeal.

13 110. V. Reddy claims to have destroyed all responsive documents following settlement of his
14 fraudulent bankruptcy claim.

15 111. Weinstein claimed to not even know what a document retention policy is, and stated that
16 he engages in document purges whenever he has the time and inclination.

17 112. M. Thalmarla and M. Reddy have also failed to produce any relevant evidence contrasting
18 Medappeal’s evidence.

19 113. M. Thalmarla and M. Reddy claim to have not been a party to the contract fails to address
20 the role they played in the overarching scheme.

21
22 ///

23 ///

24 ///

ORDER AND JUDGMENT

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Medappeal's Motion for Summary Judgment is **GRANTED** as to all claims against all Defendants.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Medappeal is awarded damages of compensatory actual damages in the \$75,000.00, plus treble damages pursuant to NRS 207.470, for a total damages amount of \$225,000.00, jointly and severally against all Defendants.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Medappeal is awarded attorney fees under NRS 207.470(1), costs under NRS 207.470(1) and NRS 18.0220(3), and pre-judgment interest under NRS 17.130, jointly and severally against all Defendants.

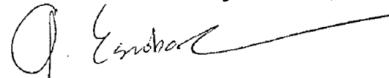
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff shall file briefing with the Court informing of the requested attorney fees and costs amount and substantiating documentation.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that punitive damages are not awarded.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Order constitutes a final Order and Judgment, and may be utilized as necessary, including recordation as necessary with the Clark County Recorder as necessary to effectuate this judgment.

IT IS SO ORDERED.

Dated this 9th day of June, 2021
Dated this 17th day of June, 2021



THE HON. ADRIANA ESCOBAR
DISTRICT COURT JUDGE

BF8 068 4BC7 BA62
Adriana Escobar
District Court Judge

THE BALL LAW GROUP

1935 Village Center Circle, Suite 120

Las Vegas, Nevada 89134

(702) 303-8600

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Respectively Submitted by:
THE BALL LAW GROUP

/s/ Zachary T. Ball, Esq.
Zachary T. Ball, Esq.
Nevada Bar No. 8364
1935 Village Center Circle, Suite 120
Las Vegas, Nevada 89134
*Attorney for Medappeal LLC and
Liberty Consulting & Management
Services, LLC*

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Medappeal LLC, Plaintiff(s)

CASE NO: A-19-792836-C

7 vs.

DEPT. NO. Department 14

8 David Weinstein, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order Granting was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 6/17/2021

15 Leah Martin

lmartin@leahmartinlv.com

16 Leah Martin Law

information@leahmartinlv.com

17 Kevin Hejmanowski

khejmanowski@leahmartinlv.com

18 Zachary Ball

zball@balllawgroup.com

19 Kelley McGhie

kmcghie@balllawgroup.com

20

21

22

23

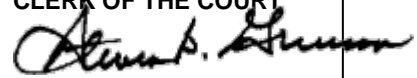
24

25

26

27

28



NEOJ
Zachary T. Ball, Esq.
Nevada Bar No. 8364
THE BALL LAW GROUP
1935 Village Center Circle, Suite 120
Las Vegas, Nevada 89134
Telephone: (702) 303-8600
Email: zball@balllawgroup.com
Attorney for *Medappeal LLC and*
Liberty Consulting & Management
Services, LLC

DISTRICT COURT
CLARK COUNTY, NEVADA

MEDAPPEAL, LLC, An Illinois Limited
Liability Company,

Plaintiffs,

vs.

DAVID WEINSTEIN, VIJAY REDDY,
MARGARET REDDY, MOHAN
THALMARLA, KEVIN BROWN, MAX
GLOBAL, INC., VISIONARY BUSINESS
BROKERS LLC, MEDASSET
CORPORATION, and DOES 1-50,

Defendants.

Case No.: A-19-792836-C

Dept. No.: 14

**NOTICE OF ENTRY OF ORDER
REGARDING FINDING OF FACT
AND CONCLUSIONS OF LAW
GRANTING PLAINTIFF
MEDAPPEAL, LLC'S, MOTION FOR
SUMMARY JUDGEMENT**

MEDASSET CORPORATION, a Nevada
Corporation,

Counterclaimant,

v.

MEDAPPEAL, LLC, an Illinois Limited
Liability Company,

Counter-Defendant.

MEDASSET CORPORATION, a Nevada Corporation,

Third-Party Plaintiff,

v.

LIBERTY CONSULTING & MANAGEMENT SERVICES, LLC, an Illinois Limited Liability Company,

Third-Party Defendant.

TO: ALL PARTIES and their ATTORNEYS.

PLEASE TAKE NOTICE of the following Findings of Fact and Conclusions of Law Granting Plaintiff Medappeal, LLC's Motion for Summary Judgment. A copy of said Order is attached hereto.

DATED this 18th day of June, 2021.

THE BALL LAW GROUP

/s/ Zachary T. Ball
Zachary T. Ball, Esq.
Nevada Bar No. 8364
1935 Village Center Circle, Suite 120
Las Vegas, NV 89134
Attorney for *Medappeal LLC and Liberty Consulting & Management Services, LLC*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NOTICE OF ENTRY OF ORDER REGARDING FINDING OF FACT AND CONCLUSIONS OF LAW GRANTING PLAINTIFF MEDAPPEAL, LLC'S, MOTION FOR SUMMARY JUDGEMENT** was electronically filed with the Eighth Judicial District Court on the 18th day of June, 2021. Electronic service of the foregoing document shall be sent by the Court via email to the addresses furnished by the registered user(s) pursuant to N.E.F.C.R. 9(b) and 13(c) and as shown below:

David Weinstein
c/o Michael Orenstein
4018 Sheridan Street
Hollywood, Florida 33021
davidsunbelt@gmail.com
Pro-Se

Kevin Brown
2006 Sylvan Park Road
Burlington, New Jersey 08016
(856) 533-8173
Pro Se

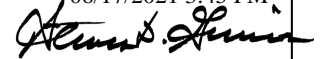
Leah Martin
lmartin@leahmartinlv.com

Visionary Business Brokers
2006 Sylvan Park Road
Burlington, NJ 08016
(856) 533-8173
Pro Se

Counsel for Defendant *Vijay Reddy, Margaret Reddy and Mohan Thalmarla and Max Global, Inc.*
Medasset Corporation
c/o Registered Agent: David Weinstein
125 East Harmon Avenue, #322
Las Vegas, Nevada 89109
(702) 592-2018
davidsunbelt@gmail.com
Pro-Se

/s/ Zachary T. Ball, Esq.

An Employee of the Ball Law Group



CLERK OF THE COURT

FFCL

Zachary T. Ball, Esq., NVB 8364

THE BALL LAW GROUP

1935 Village Center Circle, Suite 120

Las Vegas, Nevada 89134

Telephone: (702) 303-8600

Email: zball@balllawgroup.com

Attorney for *Medappeal LLC and*

Liberty Consulting & Management

Services, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

MEDAPPEAL, LLC, An Illinois Limited
Liability Company,

Plaintiff,

vs.

DAVID WEINSTEIN, VIJAY REDDY,
MARGARET REDDY, MOHAN
THALMARLA, KEVIN BROWN, MAX
GLOBAL, INC., VISIONARY BUSINESS
BROKERS LLC, MEDASSET
CORPORATION, and DOES 1-50,

Defendants.

MEDASSET CORPORATION, a Nevada
Corporation,

Counterclaimant,

v.

MEDAPPEAL, LLC, an Illinois Limited
Liability Company,

Counter-Defendant.

MEDASSET CORPORATION, a Nevada
Corporation,

Third-Party Plaintiff,

v.

LIBERTY CONSULTING &
MANAGEMENT SERVICES, LLC, an Illinois
Limited Liability Company,

Third-Party Defendant.

Case No.: A-19-792836-C

Dept. No.: 14

**FINDING OF FACT AND
CONCLUSIONS OF LAW GRANTING
PLAINTIFF MEDAPPEAL, LLC'S,
MOTION FOR SUMMARY
JUDGEMENT**

THE BALL LAW GROUP

1935 Village Center Circle, Suite 120

Las Vegas, Nevada 89134

(702) 303-8600

**FINDING OF FACT AND CONCLUSIONS OF LAW GRANTING PLAINTIFF
MEDAPPEAL, LLC'S, MOTION FOR SUMMARY JUDGEMENT**

This matter came before the Court on April 29, 2021 on Plaintiff/Counterdefendant Medappeal, LLC ("Medappeal") Motion for Summary Judgment as to all claims against and by Defendant/Counterclaimant/Third-Party Plaintiff Medasset Corporation ("Medasset") and individual defendants David Weinstein ("Weinstein"), Vijay Reddy ("V. Reddy"), Margaret Reddy ("Margaret"), Mohan Thalarla ("Thalarla"), Kevin Brown ("Brown"), and corporate entities Max Global, Inc. ("Global"), and Visionary Business Brokers LLC ("Visionary") (collectively "Defendants") (the "Motions for Summary Judgment"). The Motion for Summary Judgment having been reviewed, the Court hereby enters the following Findings of Fact and Conclusions of Law.¹

I. FINDINGS OF FACT

1. Defendants defrauded \$75,000.00 from Medappeal in an online scheme posing as business brokers, sellers and trainers, wherein Defendants sold worthless business opportunities to at least a dozen other victims before they identified Medappeal as their next victim.
2. The scheme commenced in 2018, when Defendant Brown, through Visionary, posted a listing on the website BizQuest.com offering for sale an opportunity to purchase a Medical Billing Appeal and Credentialing business (the "Accounts").
3. Medappeal responded to the advertisement, and Brown, acting as a "business broker" arranged phone conferences between Medappeal and Defendants Weinstein and Medasset.
4. After a series of calls with Brown, Weinstein, and V. Reddy, Medappeal purchased

¹ To the extent any Finding of Fact should be properly designated a Conclusion of Law, it shall be deemed a Conclusion of Law. To the extent any Conclusion of Law should properly be designated a Finding of Fact, it shall be deemed a Finding of Fact.

Defendants' "business opportunity."

5. Defendants instructed Medappeal to form a new corporation, with a name similar to Medasset, as Defendants were to provide Medappeal with transferable client agreements, and transferring these contracts to a company with a similar name would avoid confusion.
6. However, before Medappeal could form a new corporation, Weinstein insisted Medappeal sign the Purchase Agreement immediately, as Weinstein claimed he had client accounts ready to transfer.
7. As Medappeal made clear in an email to Defendants, Medappeal was hesitant to sign Defendants' Purchase Agreement prior to forming a new corporation. Medappeal's principal sent an email to Defendants asking if it was better to wait and sign the Agreement after the new corporate entity was formed, or if Medappeal's principal should sign the contract as "Liberty Consulting & Management Services, LLC (on behalf of a company to be formed later)." Medappeal's principal clearly expressed reservations about signing the contract this way, telling Defendants, "I'd prefer to wait and register the new company as the real name David (Weinstein) will use, rather than register a company and then do a DBA."
8. In response to Medappeal's concern, Brown emailed Medappeal stating, "I just checked with David (Weinstein) and he said yes, that is exactly how to sign it." In deposition testimony, Brown reiterated that Weinstein told him to have Medappeal sign the Purchase Agreement knowing full well that the contract would immediately be assigned to a newly formed entity. Brown unambiguously stated that Weinstein knew and approved of the Purchase Agreement being signed "on behalf of a company to be formed later."
9. According to the terms of Defendants' Executive Summary with Medappeal, Defendants agreed to provide Medappeal with "all the tools, training, support and clients necessary for

- positive cash flow” to run a Medical Billing/Appeals business.
10. The Purchase Agreement contained Defendants’ promise to provide Medappeal with client accounts via transferable contracts. Under the terms of the Agreement, Defendants promised to provide Medappeal with sixty (60) client contracts for billing/appeals work and thirty (30) client contracts for medical insurance credentialing work.
11. As payment for this “business opportunity”, Medappeal wired Defendants \$75,000.00 and signed a promissory note for \$50,000.00. According to the Purchase Agreement, the promissory note would be due *only after* “60 medical appeals clinics have been assigned and 30 medical credentialing applications have been requested.” Emphasis added.
12. The crux of the “business opportunity” sold to Medappeal was Defendants’ promise to provide a specific number of transferable client contracts. The business listing which, according to Brown was written by Weinstein, states that Defendants were selling “over 30 separate offices for Medical Credentialing” and “[o]ver 60 separate offices for Medical Appeals.” The Executive Summary (also authored by Weinstein, according to Brown’s testimony), states that “this business opportunity for sale is a book of business contracts with Health Care Providers.”
13. When Brown was asked if “what was being sold and described by yourself (Brown) and Weinstein was assignable contracts with clients and medical offices,” Brown unequivocally testified, “Yes.” Brown also testified that the sale of specific numbers of client contracts is consistent with the numerous prior deals he brokered on behalf of Weinstein and V. Reddy.
14. Medappeal signed the Purchase Agreement with Defendants on May 3, 2018.
15. From the period of May 2018 to mid-September 2018, Defendants provided Medappeal with a total of three (3) contracts for billing/appeals, zero (0) contracts for medical

- 1 insurance credentialing, and one (1) contract for billing, which did not conform to
2 Defendants' "business model."
- 3 16. Regarding the non-conforming contract, V. Reddy explicitly told Medappeal, "[i]f this
4 client doesn't work, it will simply be replaced at no penalty to you guys."
- 5 17. Besides the above-mentioned four contracts, no other client accounts were provided nor
6 even offered to Medappeal. The four contracts were inclusive of both medical appeals and
7 medical billing accounts, as Medappeal explicitly told Weinstein, "We are ok with doing
8 straight billing or a combination if that is an option."
- 9 18. This situation was not unique to Medappeal; V. Reddy and Weinstein also failed to fulfill
10 medical billing agreements with *at least seven* other victims (Dr. Craig Ramsdell, Dr.
11 Kalpana Dugar, Mr. Jason Pullar, Mr. Anthony Campagna, Blue Sky Med-Office, Mr.
12 Anthony Holmes, and Ms. Tammy Decker).
- 13 19. Of the three accounts received by Medappeal, only one generated any revenue totaling
14 approximately \$300.00.
- 15 20. Medappeal's principals tried multiple times to reach Defendants Weinstein, Reddy, and
16 Brown to discuss their lack of performance, lack of communication, and what was turning
17 out to be a totally misrepresented and nonviable "business opportunity."
- 18 21. Brown never returned a single phone call nor responded to Medappeal's emails after he
19 received his money. *Id.* Similarly, Weinstein never returned Medappeal's many phone calls
20 and was largely unresponsive to Medappeal's emails.
- 21 22. When Medappeal asked V. Reddy about the status of the Purchase Agreement and
22 Weinstein's lack of communication, V. Reddy provided excuses ranging from a slow-down
23 in the billing industry, summer holidays, and Weinstein being unavailable due to travel.
- 24 23. On September 18, 2018, Medappeal sent an email to Brown and Weinstein highlighting
25
26
27
28

1 their failure to perform, and providing them with an opportunity to either: (1) refund
2 Medappeal's money, or (2) provide assurances as to their willingness and ability to perform
3 as promised.

4 24. Brown testified as to: (1) receiving Medappeal's email, (2) not responding to Medappeal,
5 and (3) discussing Medappeal's email and concerns with Weinstein. In his own words,
6 Brown stated, "Well, I did not respond to the Johnsons (Medappeal's principals). I
7 contacted Weinstein and advised him to, you know, resolve it, take care of it. Whatever
8 was going on I didn't know, but reach out to them and make them whole."

9
10 25. Brown testified that his conversation with Weinstein took place over the phone, and that
11 during their discussion, Weinstein told him, "I will take care of it." Brown does not dispute
12 Medappeal's allegations that Weinstein never responded to the email nor contacted
13 Medappeal in any manner.

14 26. The Defendants do not present any information regarding their business dealings as the
15 Defendants claim to have destroyed their business records or claim they cannot recall any
16 relevant factual details pertaining to their business activities.

17
18 27. V. Reddy testified that he purged all his business records, including all emails.

19 28. Brown similarly testified to having destroyed all of his business records. Brown testified
20 that his policy was "after 90 days, I get rid of all my records. I destroy them." When asked
21 again about document retention, Brown elaborated that every month he goes through
22 business records in his possession and destroys any record more than three months old.

23
24 29. Weinstein also testified to having destroyed any relevant business records and cannot recall
25 the facts surrounding any of his business transactions. In response to Medappeal's
26 Interrogatories requesting Defendants Weinstein and Medasset identify the persons or
27 entities they sold medical billing, appeals, credentialing, and answering services to,
28

1 Defendants Weinstein and Medasset responded, “Defendant no longer has the related files
2 in his custody, control, or possession and cannot recall the information requested by this
3 interrogatory.”

4 30. Weinstein is a convicted felon for fraud.

5 31. Weinstein previously received Emergency Cease and Desist Orders regarding his “business
6 activities” from at least seven states.

7 32. Weinstein and the companies he founded, owned and operated were named as defendants
8 in a Complaint filed by the Department of Labor.

9 33. A Complaint filed by the Office of the United States Trustee, US DOJ, described Weinstein,
10 Brown, and V. Reddy as engaging in a multi-year, multi-state scam, and listed seven
11 victims, including Medappeal, who were defrauded by Defendants.

12 34. Weinstein and V. Reddy have been sued multiple times in other jurisdictions for the same
13 or substantially similar scam they perpetrated against Medappeal.

14 35. V. Reddy was a ready and willing conspirator with Weinstein. To induce the sale,
15 Defendants Weinstein and Brown provided Defendant Vijay Reddy as a reference.

16 36. V. Reddy was not a disinterested third-party reference, as represented by Weinstein, Brown,
17 and V. Reddy to Medappeal. Weinstein and Brown in fact had a business relationship with V.
18 Reddy that went back to at least 2009.

19 37. V. Reddy was introducing Weinstein as a business associate as early as February of 2009.

20 38. V. Reddy held himself out as merely Weinstein’s customer (a successful one) and not a
21 business partner.

22 39. V. Reddy also did not mention the past and pending lawsuits against himself relating to the
23 same or similar business operations, nor did he mention all of the complaints he personally
24 received from his involvement in these transactions.

25 40. Additionally, V. Reddy did not disclose the numerous failed similar business attempts (by
26
27
28

1 himself, Brown, and Weinstein), lawsuits, and the criminal background of Weinstein, which
2 he knew of at the time of his conversation with Medappeal.

3 41. Defendants had concurrent and conflicting obligations to provide client accounts to other
4 individuals at the time Defendants were to provide Medappeal with the various accounts
5 pursuant to the Purchase Agreement.

6 42. Defendants did not disclose this conflict of interest, nor did they disclose their inability to
7 fulfill these prior agreements.

8 43. Additionally, Defendant V. Reddy's bankruptcy proceeding revealed that proceeds from
9 Defendants' scam operation were laundered through Defendants Margaret Reddy, Max
10 Global, and Mohan Thalmarla.

11 44. The Bankruptcy Trustee for V. Reddy's bankruptcy specifically described the transactions
12 wherein money was laundered through Defendants Margaret Reddy, Max Global, and
13 Mohan Thalmarla as "fraudulent transfers."

14 45. Additionally, there are Federal Criminal Complaints detailing additional fraudulent activity
15 akin to that described in this matter, per sworn and attested statements by FBI Special
16 Agent James Webb and approved by Assistant U.S. Attorneys Daniel A. Friedman and
17 Diana V. Carrig.
18
19

20 **III. CONCLUSIONS OF LAW**

21 **A. MOTION FOR SUMMARY JUDGMENT STANDARD**

22 1. Summary judgment is proper when there is no genuine issue of material fact and the
23 movant is entitled to judgment as a matter of law. NRCP 56(c); *see also Wood v.*
24 *Safeway, Inc.*, 121 Nev. 724, 730, 121 P.3d 1026, 1030 (2005). After the movant has
25 carried its burden to identify issues where there is no genuine issue of material fact, the
26 non-moving party must "set forth specific facts demonstrating the existence of a genuine
27
28

- 1 issue for trial or have summary judgment entered against him." *Wood*, 121 Nev. at 732.
- 2 Summary judgment is particularly appropriate where issues of law are controlling and
- 3 dispositive of the case. *American Fence, Inc. v. Wham*, 95 Nev. 788, 792, 603 P.2d
- 4 274,277 (1979).
- 5 2. The parties must prove their claims and affirmative defenses by a preponderance of the
- 6 evidence. *See* Nev. J.I. 2EV.1. Under Nevada law, "[t]he term 'preponderance of the
- 7 evidence' means such evidence as, when weighed with that opposed to it, has more
- 8 convincing force, and from which it appears that the greater probability of truth lies
- 9 therein." Nev. J.I. 2EV.1; *Corbin v. State*, 111 Nev. 378, 892 P.2d 580 (1995) (regarding
- 10 entrapment, "[p]reponderance of the evidence means such evidence as, when weighed
- 11 with that opposed to it, has more convincing force and the greater probability of truth.").
- 12
- 13 3. When ruling on a motion for summary judgment, the court may take judicial notice of the
- 14 public records attached to the motion. *See, e.g., Anderson v. County of Nassau*, 297 F.
- 15 Supp. 2d 540, 544-45 (E.D.N.Y. 2004); *In re Bayside Prison Litig.*, 190 F. Supp. 2d 755,
- 16 760 (D. N.J. 2002). The recorded documents attached to Chase's Motion are referenced in
- 17 the Complaint and/or are public records of which the Court may, and did, take judicial
- 18 notice. *See* NRS 47.150; *Lemel v. Smith*, 64 Nev. 545, 566 (1947) ("Judicial notice takes
- 19 the place of proof and is of equal force.") (citation omitted). "Documents accompanied by
- 20 a certificate of acknowledgment of a notary public or officer authorized by law to take
- 21 acknowledgments are presumed to be authentic." NRS 52.165.
- 22
- 23
- 24 4. Nevada law draws no distinction between circumstantial and direct evidence. *Deveroux v.*
- 25 *State*, 96 Nev. 388, 391 (1980); Nev. J.I. 2EV.3 ("The law makes no distinction between
- 26 the weight to be given either direct or circumstantial evidence. Therefore, all of the
- 27 evidence in the case, including circumstantial evidence, should be considered...").
- 28

B. DEFENDANTS BREACHED THE CONTRACT WITH MEDAPPEAL

5. In the absence of ambiguity or other factual complexities contract interpretation presents a question of law that the district court may decide on summary judgment. *Galardi v. Naples Polaris, LLC*, 129 Nev. 306, 309, 301 P.3d 364, 366 (2013) citing *Ellison v. Cal. State Auto. Ass'n*, 106 Nev. 601, 603, 797 P.2d 975, 977 (1990).
6. In order to prevail on a breach of contract claim, a party must prove: (1) the existence of a valid contract; (2) a breach of the contract (a failure to render performance of obligations when due); (3) that the breach, if any did not excuse performance by the other party; (4) that the alleged breach was not a result of the other party's failure to perform a condition precedent; (5) that damages were sustained; (6) the amount of damages are proved to a reasonable degree of certainty; (7) the damages were a foreseeable consequence of a particular breach. *See Dachner v. Union Lead Mining and Smelter Co.*, 65 Nev. 313, 195 P.2d 208 (1948).
7. When a contract is unambiguous and neither party is entitled to relief from the contract, summary judgment based on the contractual language is proper. *Allstate Ins. Co. v. Fackett*, 125 Nev. 132, 137, 206 P.3d 572, 575 (2009).
8. Medappeal has established each element for a breach of contract claim by way of Defendants' own admissions and discovery production. Defendants do not dispute that they had a valid contract with Plaintiff.
9. Additionally, Defendants do not dispute that Medappeal wired the \$75,000 initial payment to Defendant Visionary as required under the Agreement.
10. Defendants admit that they did not fulfill the terms of their Agreement with Medappeal; i.e., that they did not provide Medappeal with 60 assignable medical appeals/billing contracts and 30 assignable medical credentialing contracts.

11. Defendants acknowledge that Medappeal contacted V. Reddy, Weinstein, and Brown multiple times to try and discuss their significant lack of performance, and were ignored or avoided each time.

12. As a result of Defendants' failure to perform, Medappeal suffered financial harm to include loss of the initial payment, and the costs associated with starting and running a business. Medappeal also lost considerable sums of money in pursuing legal action against Defendants for their failure to perform. These damages were a natural and foreseeable consequence of Defendants' breach.

C. DEFENDANTS COMMITTED FRAUD UPON MEDAPPEAL

13. Intentional misrepresentation is established by three factors: (1) a false representation that is made with either knowledge or belief that it is false or without a sufficient foundation, (2) an intent to induce another's reliance, and (3) damages that result from this reliance. *Nelson v. Heer*, 123 Nev. 217, 225, 163 P.3d 420, 426 (2007).

14. A plaintiff must establish fraud by clear and convincing evidence. *Unruh v. Udall*, 269 F. Supp. 97, 99 (D. Nev. 1967). An essential factual issue in intentional misrepresentation is whether the action of the Defendant was with the intent to induce another's reliance. *JS Prod., Inc. v. Practical Goods Grp., Inc.*, 2010 WL 3885320, at *2 (D. Nev. 2010).

15. A measure of fraud damages allows the defrauded party to recover what he has lost out of pocket that is the difference between what he gave and what he actually received. *Collins v. Burns*, 103 Nev. 394, 398–99, 741 P.2d 819, 822 (1987).

16. Medappeal has proven Defendants fraudulent actions in abundance.

17. As a result of their Defendants' false representations, Medappeal purchased Defendants' fraudulent "business opportunity" for \$125,000.00.

1 18. Consequently, Medappeal lost significant sums of money, including the initial payment
2 of \$75,000. Medappeal's allegations of fraud are supported by clear and convincing
3 evidence, as the evidence consists of Defendants' own testimony taken from their sworn
4 depositions.

5 **1. V.REDDY MISREPRESENTED WEINSTEIN TO CREATE TRUST IN**
6 **FURTHERANCE OF THE SCHEME**
7

8 19. It is not disputed that Defendants Weinstein and Brown presented V. Reddy as a business
9 reference for Medasset to Medappeal.

10 20. At no time did Defendants Weinstein, V. Reddy, and Brown disclose their longstanding
11 personal and professional relationship with one another to Medappeal.

12 21. Defendants also admit that they never told Medappeal about the near-universal failure of
13 their business model and the resulting complaints and multiple lawsuits.

14 22. Defendants only spoke of years of success with the "business opportunity."

15 23. V. Reddy admitted to his fraudulent conduct during his June 26, 2020 deposition.
16

17 24. V. Reddy admits that he acted as a business reference and "vouched for David
18 Weinstein" to Medappeal.

19 25. V. Reddy admits he did not disclose to Medappeal his longstanding business relationship
20 with Defendant Brown and Defendant Weinstein, in which all parties had profited off of
21 the sale of the same or similar "business opportunity" now being offered to Medappeal.

22 26. V. Reddy also admits he did not inform Plaintiff of Weinstein's status as a convicted
23 felon for fraud, despite knowing this at that time to be true.

24 27. V. Reddy did not disclose to Medappeal the numerous failed business deals he and
25 Weinstein sold (and profited off) together.

26 28. V. Reddy could not identify a single satisfied customer of his or Mr. Weinstein.
27
28

29. Despite being unable to identify a single happy customer, V. Reddy painted a completely positive picture of Mr. Weinstein, his track record, and his “business opportunity.”

30. V. Reddy “vouched for David Weinstein.”

2. BROWN FUNCTIONED AS A STRAWMAN FOR WEINSTEIN

31. Brown had no independence, qualification, education, or training to act as a business broker.

32. Brown had been Weinstein’s personal trainer prior to becoming Weinstein’s “business broker.”

33. Brown has only sold businesses owned by V. Reddy or Weinstein during his entire career as a business broker.

34. Brown could not identify a single successful purchaser of the “business opportunities” he brokered on behalf of Weinstein and Reddy.

35. Brown admits that nearly all the broker-related tasks attributed to himself and Visionary *were actually* performed by Weinstein. Both Brown and Weinstein admit that Weinstein had access to Visionary’s online business brokerage account and that Weinstein had actually created the business listing that Medapeal responded to.

36. Brown’s only involvement in creating the listing was selecting the photo used in the advertisement.

37. Brown acknowledges that he took no steps to independently verify the information provided under his company name by Weinstein despite receiving numerous complaints as to the truth and veracity of the listings.

38. Brown also admits he and Visionary had no formal listing agreements or agency contracts of any type while acting as Weinstein’s business broker.

- 1 39. Brown testified that the “Executive Summaries” presented to Plaintiff (and other victims)
2 under his or Visionary name were actually drafted by Weinstein.
- 3 40. Brown had no idea as to the accuracy of the statements and financial representations made
4 in the Executive Summaries.
- 5 41. Brown did not even know if “Medasset Management Corporation,” the corporate name on
6 the “Executive Summary” he provided to Medappeal, was the same company as “Medasset
7 Corporation.”
- 8 42. Brown was Weinstein’s strawman; Brown had no idea what he was selling and zero regard
9 as to the accuracy of the representations he made to Medappeal.
- 10 43. Brown was well aware of the numerous complaints regarding the deals he made on behalf
11 of Weinstein and V. Reddy prior to “brokering” the current scheme to Medappeal.
- 12 44. Brown acknowledges he received numerous email complaints from multiple buyers.
- 13 45. Brown continued to sell the same or similar fraudulent “business opportunities” over and
14 over again, a willing participant of the role he played in Weinstein’s scheme.
- 15 46. Brown admits to relisting nearly the exact same business as was sold to Medappeal less
16 than a month after receiving Medappeal’s complaints.
- 17 47. Brown functioned as a co-conspirator, and completely abandoned any oversight or
18 diligence as a “broker” in favor of advancing Weinstein’s schemes.

21 **3. WEINSTEIN ENGAGED IN MULTIPLE CONFLICTING SALE, MADE**
22 **FRAUDULENT STATEMENTS, AND OPERATED A CORPORATE**
23 **“SHELL-GAME”**
24

- 25 48. Weinstein was previously convicted of fraud, and has spent nearly two decades defrauding
26 unsuspecting victims in various schemes.
- 27
28

- 1 49. Since at least 2008, Weinstein was involved in selling “business opportunities” nearly
2 identical to that sold to Medappeal, despite having neither the intention nor the ability to
3 perform.
- 4 50. Weinstein profited off of this scam in many ways; either by acting as the seller, broker (as
5 owner of Tannenbaum & Milask), or as a “marketer” and subcontractor for V. Reddy.
- 6 51. When Medappeal contracted with Weinstein to provide 90 client contracts, Weinstein had
7 at least one other concurrent and conflicting obligation.
- 8 52. Weinstein acknowledges he did not disclose this conflict of interest nor his inability to
9 perform on this prior obligation.
- 10 53. Weinstein never disclosed to Medappeal that he was a convicted felon for fraud.
11 Additionally, Weinstein never disclosed to Medappeal the numerous complaints and
12 lawsuits filed against himself and V. Reddy for the sale of the same or substantially similar
13 “business opportunities” sold to Medappeal
- 14 54. Weinstein was asked about his prior success during due diligence calls with Medappeal,
15 and Weinstein never disclosed the dozens of complaints and lawsuits related to the sale of
16 the same or substantially similar “business opportunity.”
- 17 55. Since 2015 alone, the FBI has identified 43 of the same, or similar, failed deals involving
18 Weinstein, Reddy, and Brown.
- 19 56. Weinstein drafted and provided Medappeal with an “Executive Summary.” This Executive
20 Summary is nearly identical in form and substance to Executive Summaries he and V.
21 Reddy provided to other victims.
- 22 57. Based on the numerous complaints, lawsuits, failed deals, and an overall inability to
23 preform, Weinstein knew that these projections were false and unrealistic, yet continued to
24 present them to prospective buyers, including Medappeal.
- 25
26
27
28

- 1 58. Weinstein and V. Reddy have played a “shell game” involving the creation of numerous
2 companies registered in different states including: Nevada, Wyoming, Delaware,
3 Michigan, and New Jersey.
- 4 59. Weinstein and V. Reddy acknowledge that they registered and sold substantially similar
5 “business opportunities” under multiple different corporate entities which they opened,
6 closed, and sold at different times.
- 7 60. All of these entities and their assumed names were used to create confusion, an inability to
8 track performance and complaints, and ultimately to further the fraudulent scheme.
- 9 61. Weinstein acknowledges that buyers such as Medappeal did not get what they were
10 promised and for which they paid.
- 11 62. Moreover, an integral part of Weinstein’s scam is to sell one of his many shell companies,
12 listing the contracts he has with buyers (such as Medappeal) as assets of the company, and
13 then fails to provide them with even a fraction of the promised client accounts.
- 14 63. Weinstein’s theft is thus two-fold: he sells fraudulent “business opportunities” and then
15 turns around and sells the buyers’ contracts as assets as part of the sale of one of his
16 worthless shell companies. Not only does Weinstein make additional profits off of his
17 fraud, he also gains a convenient way (at least in his mind) to evade liability for all the
18 unfulfilled agreements.
- 19 64. As another element of Weinstein’s fraudulent scheme, Weinstein admits that he falsely
20 registered two entities as non-profits despite their for-profit purpose.
- 21 65. Weinstein also admits that he advertised having business operations in various states which
22 was untrue and done for “marketing purposes.”
23
24
25
26
27
28

1 66. Weinstein and V. Reddy created so many shell entities, that Weinstein acknowledged in
2 his deposition his inability to decipher which corporate entities and which deals belonged
3 to himself as opposed to V. Reddy.

4 67. The multitude of misrepresentations, clearly intentional, substantiate the “false
5 representation that is made with either knowledge or belief that it is false or without a
6 sufficient foundation” required under *Nelson v. Heer*, 123 Nev. 217, 225, 163 P.3d 420,
7 426 (2007).
8

9 68. The use of strawmen and constant references to other customers clearly shows the
10 “intent to induce another's reliance” *Id.*

11 69. The payment by Medappeal for the essentially hollow business, and the ongoing efforts to
12 recover their losses, substantiate Medappeal’s “damages that result from this reliance,”
13 fulfilling the final element of *Nelson*.
14

15 **D. DEFENDANTS CONSPIRED TO COMMIT FRAUD**

16 70. An actionable civil conspiracy arises where two or more persons undertake some concerted
17 action with the intent “to accomplish an unlawful objective for the purpose of harming
18 another,” and damage results. *Guilfoyle v. Olde Monmouth Stock Transfer Co.*, 130 Nev.
19 801, 813, 335 P.3d 190, 198 (2014).

20 71. To prevail in a civil conspiracy action, a plaintiff must prove an agreement between the
21 tortfeasors, whether explicit or tacit. *See Eikelberger v. Tolotti*, 96 Nev. 525, 528 n. 1, 611
22 P.2d 1086, 1088 n. 1 (1980).
23

24 72. Defendants V. Reddy, Margaret, Weinstein, and Brown all acknowledge having worked
25 together to sell, market, promote, or participate in the sale of the fraudulent business
26 opportunities.
27
28

1 73. Despite their participation and acceptance of substantial sums of money, all of these
2 defendants admit to knowing of lawsuits, complaints, and allegations regarding Weinstein
3 and V. Reddy's continual lack of performance.

4 74. The various defendants served as a broker (Brown/Weinstein), trainer (V. Reddy), seller
5 (V. Reddy/Weinstein), marketer (Margaret/Weinstein/ V. Reddy) or assisted in hiding
6 proceeds from the sale and money laundering (Margaret /M. Thalmarla/Max Global Inc);
7 these parties continuously relied on one another in furtherance of the civil conspiracy.
8

9 75. Defendants conspired to create the illusion of a viable business, induce interested parties,
10 such as Medappeal, to purchase the business, and then abscond with the proceeds, after a
11 series of excuses and hollow promises.

12 **E. DEFENDANTS VIOLATED THE NEVADA DECEPTIVE TRADE**
13 **PRACTICES ACT**

14 76. The Nevada Deceptive Trade Practices Act (NDTPA) is a remedial statutory scheme; the
15 court affords it liberal construction to accomplish its beneficial intent. Nev. Rev. St. §§
16 598.0923 et seq; *Poole v. Nevada Auto Dealership Investments, LLC*, 135 Nev. 280, 449
17 P.3d 479 (Nev. App. 2019).
18

19 77. A person engages in a "deceptive trade practice" when in the course of his or her business
20 or occupation he or she knowingly: (1) Conducts the business or occupation without all
21 required state, county or city licenses... (2) Fails to disclose a material fact in connection
22 with the sale or lease of goods or services. See NRS 598.0915.1-2.
23

24 78. Deceptive trade practice claims must be demonstrated by a preponderance of the
25 evidence. See *Wild Game Ng, LLC v. IGT*, 131 Nev. 1364 (2015) citing *Betsinger v. D.R.*
26 *Horton, Inc.*, 126 Nev. 162, 166, 232 P.3d 433, 436 (2010).
27
28

79. Defendants misrepresented their history of success and omitted telling Medappeal about the numerous complaints, lawsuits, and allegations made against them for the sale of the same or substantially similar “business opportunity.”

80. At the time of sale Weinstein did not disclose his conflicting obligations to provide client accounts to other purchasers.

81. Defendants’ inability to perform their promised obligation, to either Medappeal or other purchasers, clearly indicates their false representations regarding the underlying transaction, i.e., the failure to disclose that Medappeal would not receive the promised contracts.

F. DEFENDANTS CONDUCT VIOLATED NEVADA’S RICO STATUTES

82. Nevada's RICO statute provides that racketeering activity *means* two predicate acts of the type described in NRS 207.390 and NRS 207.360. *Siragusa v. Brown*, 114 Nev. 1384, 1398, 971 P.2d 801, 810 (1998).

83. A plaintiff pursuing a civil RICO action under Nevada statute need not demonstrate an injury separate and distinct from the harm caused by the predicate acts themselves. *Hale v. Burkhardt*, 104 Nev. 632, 764 P.2d 866 (1988).

84. Pursuant to NRS 207.400.1(a)(2), it is unlawful for a person who, with criminal intent, received any proceeds derived from racketeering activity to use or invest in the acquisition of any interest in or the establishment or operation of any enterprise. *0*

85. Pursuant to NRS 207.470.1 “Any person who is injured in his or her business or property by reason of any violation of NRS 207.400 has a cause of action against a person causing such injury for three times the actual damages sustained.”

86. Defendants acknowledge to working together time and again in furtherance of the sale of “business opportunities” which they knew or should have known could not be fulfilled.

87. Defendants acknowledge working together to sell the same or similar “business opportunities” in their depositions and responses to interrogatories.

88. Records from lawsuits filed dating back to 2008 through present a detailed pattern and practice of criminal activity in which the same or a substantially similar scam is perpetrated on unsuspecting victims time and again.

89. The sworn statement of Special Agent James Webb, states that since 2015 to present, Defendants have taken in over \$3 million dollars through their criminal operation which has been laundered through relatives and various corporate entities.

G. DEFENDANTS ARE ALTER EGO’S AND SHOULD BE HELD PERSONALLY LIABLE.

90. Nevada law generally treats corporations as separate legal entities. *DFR Apparel Co. v. Triple Seven Promotional Prods., Inc.* (D. Nev. 2014).

91. Nevada law allows alter-ego liability where the corporate form is abused and one corporation is merely an alter-ego of a controlling entity. *DFR Apparel Co.* (D. Nev. 2014).

92. It is worth emphasizing that under Nevada law, “[t]he corporate cloak is not lightly thrown aside, . . . the alter ego doctrine is ***an exception*** to the general rule recognizing corporate independence.” *DFR Apparel Co. v. Triple Seven Promotional Prods., Inc.* (D. Nev. 2014).

93. Defendants must prove: (1) Medasset was influenced and governed by Weinstein; (2) there is such unity of interest and ownership between the companies that one is inseparable from the other; and (3) adherence to the fiction of a separate entity would, under the circumstances, sanction a fraud or promote injustice. *Id.*

94. The failure of Defendants to prove ***any one of these*** elements is sufficient to warrant summary judgment. *Id.* (All three elements ***must*** be present to validly state a claim for

alter-ego liability.) *Wilson Logistics Nevada, Inc. v. Lincoln Gen. Ins. Co.* (D. Nev. 2011)
Wilson Logistics Nevada, Inc. v. Lincoln Gen. Ins. Co. (D. Nev. 2011).

95. The purpose of the alter ego doctrine is to do justice whenever it appears that the protections provided by the corporate form are being abused. *See Polaris Industrial Corp. v. Kaplan*, 103 Nev. 598, 603, 747 P.2d 884, 888 (1987).

96. The following factors, though not conclusive, may indicate the existence of an alter ego relationship: (1) commingling of funds; (2) undercapitalization; (3) unauthorized diversion of funds; (4) treatment of corporate assets as the individual's own; and (5) failure to observe corporate formalities. *LFC Mktg. Grp., Inc. v. Loomis*, 116 Nev. 896, 904, 8 P.3d 841, 847 (2000).

97. There is no litmus test for determining when the corporate fiction should be disregarded; the result depends on the circumstances of each case. *Polaris Indus. Corp. v. Kaplan*, 103 Nev. 598, 602, 747 P.2d 884, 887 (1987).

98. Weinstein acknowledges that he is the sole owner, director, and officer of Medasset.

99. Medasset's registered address is the same address as Weinstein's place of residence.

100. According to the Secretary of State Medasset was capitalized with \$20.

101. Weinstein acknowledges that Medasset does not have liability insurance.

102. Medasset could not provide any business records, minutes, or financial statements for the company.

103. Medasset used the same contracts, business prospectuses, and offering documents as used by Weinstein in his numerous other shell companies.

104. Medasset failed to maintain a document retention policy, and when asked about documents later produced in litigation, Weinstein said he found them mixed in a box with his personal clothing.

1 105. The documents Weinstein provided in discovery were comingled among the various shell
2 entities he used to commit the fraudulent scheme; no distinct files, records, or production
3 relative to Medasset have been produced.

4 106. Weinstein admits to owning and operating other companies using the name Medasset in
5 Delaware, New Jersey, and Nevada.

6 107. Medasset is David Weinstein.

7
8 108. Allowing Weinstein protection from the shell entity “Medasset” would promote injustice
9 and allow him to further his criminal activities.

10 **H. DEFENDANTS PRODUCED NO EVIDENCE**

11 109. Defendants have failed to produce any evidence calling into question the evidence
12 produced by Medappeal.

13 110. V. Reddy claims to have destroyed all responsive documents following settlement of his
14 fraudulent bankruptcy claim.

15 111. Weinstein claimed to not even know what a document retention policy is, and stated that
16 he engages in document purges whenever he has the time and inclination.

17 112. M. Thalmarla and M. Reddy have also failed to produce any relevant evidence contrasting
18 Medappeal’s evidence.

19 113. M. Thalmarla and M. Reddy claim to have not been a party to the contract fails to address
20 the role they played in the overarching scheme.

21
22 ///

23 ///

24 ///

ORDER AND JUDGMENT

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Medappeal's Motion for Summary Judgment is **GRANTED** as to all claims against all Defendants.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Medappeal is awarded damages of compensatory actual damages in the \$75,000.00, plus treble damages pursuant to NRS 207.470, for a total damages amount of \$225,000.00, jointly and severally against all Defendants.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Medappeal is awarded attorney fees under NRS 207.470(1), costs under NRS 207.470(1) and NRS 18.0220(3), and pre-judgment interest under NRS 17.130, jointly and severally against all Defendants.

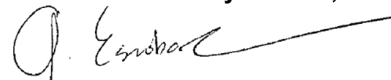
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff shall file briefing with the Court informing of the requested attorney fees and costs amount and substantiating documentation.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that punitive damages are not awarded.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Order constitutes a final Order and Judgment, and may be utilized as necessary, including recordation as necessary with the Clark County Recorder as necessary to effectuate this judgment.

IT IS SO ORDERED.

Dated this 9th day of June, 2021
Dated this 17th day of June, 2021



THE HON. ADRIANA ESCOBAR
DISTRICT COURT JUDGE

BF8 068 4BC7 BA62
Adriana Escobar
District Court Judge

THE BALL LAW GROUP

1935 Village Center Circle, Suite 120

Las Vegas, Nevada 89134

(702) 303-8600

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Respectively Submitted by:
THE BALL LAW GROUP

/s/ Zachary T. Ball, Esq.

Zachary T. Ball, Esq.

Nevada Bar No. 8364

1935 Village Center Circle, Suite 120

Las Vegas, Nevada 89134

*Attorney for Medappeal LLC and
Liberty Consulting & Management
Services, LLC*

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Medappeal LLC, Plaintiff(s)

CASE NO: A-19-792836-C

7 vs.

DEPT. NO. Department 14

8 David Weinstein, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order Granting was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 6/17/2021

15 Leah Martin

lmartin@leahmartinlv.com

16 Leah Martin Law

information@leahmartinlv.com

17 Kevin Hejmanowski

khejmanowski@leahmartinlv.com

18 Zachary Ball

zball@balllawgroup.com

19 Kelley McGhie

kmcghie@balllawgroup.com

20
21
22
23
24
25
26
27
28

Steven D. Grierson

1 ORDER



2 Jay Freedman
3 11700 W. Charleston Blvd. Ste. 170-357
4 Las Vegas, NV 89135

5 702-342-5425

6 702-475-6455 (fax)

7 jay@jayfreedmanlaw.com

8 Attorney for Plaintiff

9 EIGHTH JUDICIAL DISTRICT COURT

10 CLARK COUNTY, NEVADA

11 MEDAPPEAL, LLC, An Illinois Limited
12 Liability Company,

13 Plaintiff,

14 vs.

15 DAVID WEINSTEIN, VIJAY REDDY,
16 MARGARET REDDY, MOHAN
17 THALMARLA, KEVIN BROWN, MAX
18 GLOBAL, INC., VISIONARY BUSINESS
19 BROKERS LLC, MEDASSET
20 CORPORATION, and DOES 1-50

21 Defendants

Case No.: A-19-792836-C

Dept: 14

ORDER DENYING MOTIONS TO DISMISS

22 Two Motions to Dismiss were filed by (1) defendants Kevin Brown and Visionary
23 Business Brokers, LLC ("VBB") [represented by represented by Zachary Takos of the Takos
24 Law Group, Ltd.] and (2) defendants Vijay Reddy, Margaret Reddy, Mohan Thalmarla and Max
25 Global, Inc. [represented by Leah Martin and Amber Scott of Leah Martin Law]. Plaintiff was
26 represented by Jay Freedman of the Law Office of Jay Freedman.

27 The Brown Defendants' Motion to Dismiss was initially heard on July 9, 2019, while the
28 Reddy Defendants' Motion to Dismiss was initially heard on August 1, 2019. The Court
requested supplemental briefing from the parties and re-scheduled both hearings to take place on
August 20. The Court reviewed the moving, opposing, reply and supplemental papers
ORDER DENYING MOTIONS TO DISMISS - 1

1 submitted by the parties, entertained oral argument, and for the reasons stated below, denied both
2 Motions to Dismiss.

3 BACKGROUND

4 Plaintiffs allege that Defendants are liable for breach of contract, fraud and other fraud-
5 related causes of action that arise from Plaintiff's purchase of a business opportunity from
6 Defendants. Plaintiffs filed suit against defendants David Weinstein, Medasset Corporation,
7 Kevin Brown, VBB and V. Reddy in Cook County, Illinois, in 2018. These defendants filed a
8 motion to dismiss the Illinois action on the grounds that they were not subject to personal
9 jurisdiction in Illinois and/or that a forum-selection clause contained in the parties' contract
10 required that the action be filed in Clark County, Nevada. The Illinois Court granted the motion
11 to dismiss and Plaintiff refiled its action in Clark County.
12

13 The Brown Defendants and the Reddy Defendants each filed Motions to Dismiss this
14 action on the grounds that they were not subject to personal jurisdiction in Nevada. Plaintiff
15 filed written opposition to both motions in which it argued, among other things, that Defendants
16 were judicially estopped from contesting the existence of personal jurisdiction in Nevada. After
17 reviewing the papers submitted by the parties and conducting three hearings, the Court found
18 that Defendants are judicially estopped from contesting the existence of personal jurisdiction in
19 Nevada and denied both Motions to Dismiss.

20 FINDINGS OF FACT

- 21 • Plaintiffs filed a complaint in Cook County, Illinois, arising out of an agreement to
22 purchase a medical appeals and medical credentialing business (the "Purchase
23 Agreement").
- 24 • Defendants filed a motion to dismiss the Illinois lawsuit, arguing that they were not
25 subject to personal jurisdiction in Illinois and that even if they were subject to personal
26 jurisdiction, a forum-selection clause included in the Purchase Agreement required that
27 the lawsuit be filed in Clark County, Nevada.
28

- 1 • Defendants filed a motion to dismiss and a reply brief in Illinois. In both of these
- 2 documents, Defendants argued that the Illinois action should be dismissed because of the
- 3 forum-selection clause included in the Purchase Agreement.
- 4 • Defendants' Illinois motion to dismiss argued that "the forum selection clauses are
- 5 enforceable and result in the dismissal of this case."
- 6 • Defendants' Illinois motion to dismiss argued that "the forum selection clauses are
- 7 controlling and dispositive. For this reason alone, the action must be dismissed."
- 8 • Plaintiff filed a written opposition in Illinois, and Defendants filed a reply brief. In their
- 9 reply, Defendants argued that "Plaintiff's venue argument has no merit because Plaintiff
- 10 and its principals are a commercially experienced and sophisticated parties who
- 11 negotiated, revised and ultimately agreed to a contract that contained two Nevada choice-
- 12 of-venue and choice-of-law provisions." (Emphasis in original.)
- 13 • Defendants' Illinois reply brief argued that "these principles apply with particular force in
- 14 this case where it is undisputed that: (i) the Purchase-Sale Agreement was formed in
- 15 Nevada and contains two Nevada choice of law and venue provisions" (Emphasis in
- 16 original.)
- 17 • The Illinois Court conducted oral argument concerning Defendants' motion to dismiss.
- 18 During the course of the oral argument, Defendants' Illinois counsel argued that the
- 19 forum-selection clause was enforceable and required the dismissal of the Illinois lawsuit.
- 20 • The Illinois Court issued a ruling from the bench at the conclusion of the hearing.
- 21 • The Illinois Court found that the forum-selection clause included in the Purchase
- 22 Agreement was enforceable.
- 23 • The Illinois Court found that the forum-selection clause included in the Purchase
- 24 Agreement was mandatory.
- 25
- 26
- 27
- 28

- 1 • The Illinois Court found that the forum-selection clause included in the Purchase
- 2 Agreement determined “where any causes of action relating to this agreement must be
- 3 brought.”
- 4 • The Illinois Court dismissed the Illinois lawsuit based on two separate and independent
- 5 grounds, one of which was the application of the forum-selection clause included in the
- 6 Purchase Agreement.
- 7 • The Illinois Court dismissed the Illinois lawsuit in favor of jurisdiction in Clark County,
- 8 Nevada.
- 9 • Defendants filed two separate Motions to Dismiss in this action in which they argued that
- 10 they were not subject to personal jurisdiction in Nevada.
- 11 • Defendants supported their Motions to Dismiss with declarations. None of the
- 12 declarations addressed the invocation of judicial estoppel.
- 13


14 CONCLUSIONS OF LAW

- 15 • Plaintiff met its burden to invoke the doctrine of judicial estoppel.
- 16 • Judicial estoppel is properly invoked after consideration of the following factors (1) a
- 17 party has taken inconsistent positions; (2) the party asserted those positions in judicial or
- 18 quasi-judicial proceedings; (3) the party successfully asserted the first position; and (4)
- 19 the first position was not taken as a result of ignorance, fraud or mistake.
- 20 • While the Court is not required to find that all four factors are present to invoke the
- 21 doctrine, it finds all four factors are present in this action.
- 22 • Defendants have taken inconsistent positions. The arguments they asserted in their
- 23 Illinois motion to dismiss (that they should be sued in Clark County, Nevada) are
- 24 inconsistent with the arguments they asserted in the Motions to Dismiss they filed in this
- 25 action (that they cannot be sued in Clark County, Nevada).
- 26 • Defendants asserted inconsistent positions in judicial proceedings.
- 27
- 28


- Defendants successfully asserted the position they advanced in their Illinois motion to dismiss and obtained a dismissal of the Illinois lawsuit on the grounds that the forum-selection clause required Plaintiff to file suit in Clark County, Nevada.
- The position asserted by Defendants in Illinois was not taken as a result of ignorance, fraud or mistake.
- Defendants are judicially estopped from contesting the existence of personal jurisdiction in Nevada.

Defendants' Motions to Dismiss are denied and Defendants are ordered to answer Plaintiff's First Amended Complaint (which has not yet been filed) as required by the Nevada Rules of Civil Procedure.

Date: ~~September~~ ^{October} 2, 2019

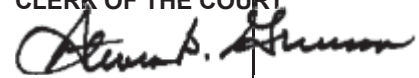

District Court Judge

Respectfully submitted by:


Jay Freedman
Nevada Bar No. 12214
11700 W. Charleston Blvd. Ste. 170-357
Las Vegas, NV 89135
702-342-5425
Attorney for Plaintiff

/s/ Zachary Takos
Zachary Takos
Nevada Bar No. 11293
1980 Festival Plaza Drive, Suite 300
Las Vegas, NV 89135
702-856-4629
Attorney for Kevin Brown and Visionary
Business Brokers, LLC

/s/ Amber D. Scott
Amber D. Scott
Nevada Bar No. 14612
3100 W. Sahara Ave., Suite 202
Las Vegas, NV 89102
702-420-2733
Attorney for Vijay Reddy, Margaret
Reddy, Max Global, Inc. and Mohan
Thalmarla



NEOJ



Jay Freedman
11700 W. Charleston Blvd. Ste. 170-357
Las Vegas, NV 89135

702-342-5425
702-475-6455 (fax)
jay@jayfreedmanlaw.com

Attorney for Plaintiff

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MEDAPPEAL, LLC, An Illinois Limited
Liability Company,

Plaintiff,

vs.

DAVID WEINSTEIN, VIJAY REDDY,
MARGARET REDDY, MOHAN
THALMARLA, KEVIN BROWN, MAX
GLOBAL, INC., VISIONARY BUSINESS
BROKERS LLC, MEDASSET
CORPORATION, and DOES 1-50

Defendants

Case No.: A-19-792836-C

Dept: 14

NOTICE OF ENTRY OF ORDER DENYING
MOTIONS TO DISMISS

PLEASE TAKE NOTICE that on October 4, 2019, an Order Denying Motions to
Dismiss was filed with the Court. A copy of the Order is attached hereto.

Dated this 4th day of October, 2019.

/s/ Jay Freedman

Jay Freedman
Nevada Bar No. 12214
11700 W. Charleston Blvd. Ste. 170-357
Las Vegas, NV 89135
702-342-5425
Attorney for Plaintiff

NOTICE OF ENTRY OF ORDER - 1

1 ORDER



Jay Freedman
11700 W. Charleston Blvd. Ste. 170-357
Las Vegas, NV 89135

702-342-5425
702-475-6455 (fax)
jay@jayfreedmanlaw.com

6 Attorney for Plaintiff

8 EIGHTH JUDICIAL DISTRICT COURT

9 CLARK COUNTY, NEVADA

10 MEDAPPEAL, LLC, An Illinois Limited
11 Liability Company,

12 Plaintiff,

13 vs.

14 DAVID WEINSTEIN, VIJAY REDDY,
15 MARGARET REDDY, MOHAN
16 THALMARLA, KEVIN BROWN, MAX
17 GLOBAL, INC., VISIONARY BUSINESS
18 BROKERS LLC, MEDASSET
19 CORPORATION, and DOES 1-50

20 Defendants

Case No.: A-19-792836-C

Dept: 14

ORDER DENYING MOTIONS TO DISMISS

21 Two Motions to Dismiss were filed by (1) defendants Kevin Brown and Visionary
22 Business Brokers, LLC ("VBB") [represented by represented by Zachary Takos of the Takos
23 Law Group, Ltd.] and (2) defendants Vijay Reddy, Margaret Reddy, Mohan Thalmarla and Max
24 Global, Inc. [represented by Leah Martin and Amber Scott of Leah Martin Law]. Plaintiff was
25 represented by Jay Freedman of the Law Office of Jay Freedman.

26 The Brown Defendants' Motion to Dismiss was initially heard on July 9, 2019, while the
27 Reddy Defendants' Motion to Dismiss was initially heard on August 1, 2019. The Court
28 requested supplemental briefing from the parties and re-scheduled both hearings to take place on

August 20. The Court reviewed the moving, opposing, reply and supplemental papers
ORDER DENYING MOTIONS TO DISMISS - 1

1 submitted by the parties, entertained oral argument, and for the reasons stated below, denied both
2 Motions to Dismiss.

3 BACKGROUND

4 Plaintiffs allege that Defendants are liable for breach of contract, fraud and other fraud-
5 related causes of action that arise from Plaintiff's purchase of a business opportunity from
6 Defendants. Plaintiffs filed suit against defendants David Weinstein, Medasset Corporation,
7 Kevin Brown, VBB and V. Reddy in Cook County, Illinois, in 2018. These defendants filed a
8 motion to dismiss the Illinois action on the grounds that they were not subject to personal
9 jurisdiction in Illinois and/or that a forum-selection clause contained in the parties' contract
10 required that the action be filed in Clark County, Nevada. The Illinois Court granted the motion
11 to dismiss and Plaintiff refiled its action in Clark County.
12

13 The Brown Defendants and the Reddy Defendants each filed Motions to Dismiss this
14 action on the grounds that they were not subject to personal jurisdiction in Nevada. Plaintiff
15 filed written opposition to both motions in which it argued, among other things, that Defendants
16 were judicially estopped from contesting the existence of personal jurisdiction in Nevada. After
17 reviewing the papers submitted by the parties and conducting three hearings, the Court found
18 that Defendants are judicially estopped from contesting the existence of personal jurisdiction in
19 Nevada and denied both Motions to Dismiss.

20 FINDINGS OF FACT

- 21 • Plaintiffs filed a complaint in Cook County, Illinois, arising out of an agreement to
22 purchase a medical appeals and medical credentialing business (the "Purchase
23 Agreement").
- 24 • Defendants filed a motion to dismiss the Illinois lawsuit, arguing that they were not
25 subject to personal jurisdiction in Illinois and that even if they were subject to personal
26 jurisdiction, a forum-selection clause included in the Purchase Agreement required that
27 the lawsuit be filed in Clark County, Nevada.
28

- 1 • Defendants filed a motion to dismiss and a reply brief in Illinois. In both of these
- 2 documents, Defendants argued that the Illinois action should be dismissed because of the
- 3 forum-selection clause included in the Purchase Agreement.
- 4 • Defendants' Illinois motion to dismiss argued that "the forum selection clauses are
- 5 enforceable and result in the dismissal of this case."
- 6 • Defendants' Illinois motion to dismiss argued that "the forum selection clauses are
- 7 controlling and dispositive. For this reason alone, the action must be dismissed."
- 8 • Plaintiff filed a written opposition in Illinois, and Defendants filed a reply brief. In their
- 9 reply, Defendants argued that "Plaintiff's venue argument has no merit because Plaintiff
- 10 and its principals are a commercially experienced and sophisticated parties who
- 11 negotiated, revised and ultimately agreed to a contract that contained two Nevada choice-
- 12 of-venue and choice-of-law provisions." (Emphasis in original.)
- 13 • Defendants' Illinois reply brief argued that "these principles apply with particular force in
- 14 this case where it is undisputed that: (i) the Purchase-Sale Agreement was formed in
- 15 Nevada and contains two Nevada choice of law and venue provisions" (Emphasis in
- 16 original.)
- 17 • The Illinois Court conducted oral argument concerning Defendants' motion to dismiss.
- 18 During the course of the oral argument, Defendants' Illinois counsel argued that the
- 19 forum-selection clause was enforceable and required the dismissal of the Illinois lawsuit.
- 20 • The Illinois Court issued a ruling from the bench at the conclusion of the hearing.
- 21 • The Illinois Court found that the forum-selection clause included in the Purchase
- 22 Agreement was enforceable.
- 23 • The Illinois Court found that the forum-selection clause included in the Purchase
- 24 Agreement was mandatory.
- 25
- 26
- 27
- 28

- The Illinois Court found that the forum-selection clause included in the Purchase Agreement determined “where any causes of action relating to this agreement must be brought.”
- The Illinois Court dismissed the Illinois lawsuit based on two separate and independent grounds, one of which was the application of the forum-selection clause included in the Purchase Agreement.
- The Illinois Court dismissed the Illinois lawsuit in favor of jurisdiction in Clark County, Nevada.
- Defendants filed two separate Motions to Dismiss in this action in which they argued that they were not subject to personal jurisdiction in Nevada.
- Defendants supported their Motions to Dismiss with declarations. None of the declarations addressed the invocation of judicial estoppel.


CONCLUSIONS OF LAW

- Plaintiff met its burden to invoke the doctrine of judicial estoppel.
- Judicial estoppel is properly invoked after consideration of the following factors (1) a party has taken inconsistent positions; (2) the party asserted those positions in judicial or quasi-judicial proceedings; (3) the party successfully asserted the first position; and (4) the first position was not taken as a result of ignorance, fraud or mistake.
- While the Court is not required to find that all four factors are present to invoke the doctrine, it finds all four factors are present in this action.
- Defendants have taken inconsistent positions. The arguments they asserted in their Illinois motion to dismiss (that they should be sued in Clark County, Nevada) are inconsistent with the arguments they asserted in the Motions to Dismiss they filed in this action (that they cannot be sued in Clark County, Nevada).
- Defendants asserted inconsistent positions in judicial proceedings.


- Defendants successfully asserted the position they advanced in their Illinois motion to dismiss and obtained a dismissal of the Illinois lawsuit on the grounds that the forum-selection clause required Plaintiff to file suit in Clark County, Nevada.
- The position asserted by Defendants in Illinois was not taken as a result of ignorance, fraud or mistake.
- Defendants are judicially estopped from contesting the existence of personal jurisdiction in Nevada.

Defendants' Motions to Dismiss are denied and Defendants are ordered to answer Plaintiff's First Amended Complaint (which has not yet been filed) as required by the Nevada Rules of Civil Procedure.

Date: ~~September~~ ^{October} 2, 2019


District Court Judge

Respectfully submitted by:


Jay Freedman
Nevada Bar No. 12214
11700 W. Charleston Blvd. Ste. 170-357
Las Vegas, NV 89135
702-342-5425
Attorney for Plaintiff

/s/ Zachary Takos
Zachary Takos
Nevada Bar No. 11293
1980 Festival Plaza Drive, Suite 300
Las Vegas, NV 89135
702-856-4629
Attorney for Kevin Brown and Visionary
Business Brokers, LLC

/s/ Amber D. Scott
Amber D. Scott
Nevada Bar No. 14612
3100 W. Sahara Ave., Suite 202
Las Vegas, NV 89102
702-420-2733
Attorney for Vijay Reddy, Margaret
Reddy, Max Global, Inc. and Mohan
Thalmarla

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

/s/ Jay Freedman
Jay Freedman

Heather S. Linn
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

MEDAPPEAL LLC,

Plaintiff(s),

v.

DAVID WEINSTEIN, et al.,

Defendant(s).

CASE NO. A-19-792836-C
DEPT NO. XIV

HEARING DATE: June 25, 2020
HEARING TIME: 9:30 a.m.

ORDER

RE: DISCOVERY COMMISSIONER'S
REPORT AND RECOMMENDATIONS

The Court, having reviewed the above report and recommendations prepared by the
Discovery Commissioner and,

_____ No timely objection having been filed,

q _____ After reviewing the objections to the Report and Recommendations and good cause
appearing,

* * *


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

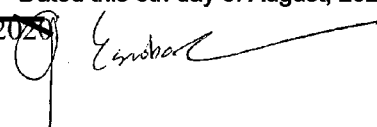
AND

IT IS HEREBY ORDERED the Discovery Commissioner's Report and
Recommendations are affirmed and adopted.

IT IS HEREBY ORDERED the Discovery Commissioner's Report and
Recommendations are affirmed and adopted as modified in the following manner.
(attached hereto)

IT IS HEREBY ORDERED this matter is remanded to the Discovery Commissioner for
reconsideration or further action.

 IT IS HEREBY ORDERED that a hearing on the Discovery Commissioner's Report is
set for August 27, 2020, at 9: 30 a.m.

Dated this 5th day of August, 2020
~~DATED this _____ day of _____, 2020~~ 

DISTRICT COURT JUDGE
~~BA 942 6328 DE 11~~
Adriana Escobar
District Court Judge



DCCR

Zachary T. Ball, Esq.
Nevada Bar No. 8364

THE BALL LAW GROUP

1707 Village Center Circle, Suite 140
Las Vegas, Nevada 89134
Telephone: (702) 303-8600
Email: zball@balllawgroup.com
Attorney for *Plaintiff*

DISTRICT COURT

CLARK COUNTY, NEVADA

MEDAPPEAL, LLC, An Illinois Limited
Liability Company,

Plaintiff,

vs.

DAVID WEINSTEIN, VIJAY REDDY,
MARGARET REDDY, MOHAN
THALMARLA, KEVIN BROWN, MAX
GLOBAL, INC., VISIONARY BUSINESS
BROKERS LLC, MEDASSET
CORPORATION, and DOES 1-50

Defendants.

Case No.: 19-A-792836-C

Dept. No.: 14

**DISCOVERY COMMISSIONER'S
REPORT AND RECOMMENDATIONS**

DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS

Date of Hearing: June 25, 2020

Time of Hearing: 9:30 a.m.

Attorney for Plaintiff: Zachary Ball

Attorney for Defendants: Kevin Hejmanowski

I.

FINDINGS

1. Plaintiff served Interrogatories and Requests for Production on defendants Vijay Reddy and Margaret Reddy.
2. Defendants served Responses to Plaintiff's Interrogatories and Requests for Production in which they provided substantive responses to some discovery requests and refused to provide substantive responses to some discovery requests based on their assertion of objections.
3. Plaintiff believed that Defendants' objections were improper and that some of their substantive responses were incomplete. Plaintiff attempted to informally resolve its concerns about Defendants' objections and discovery responses but was not able to do so.
4. Plaintiff filed Motions to Compel Further Responses from Defendants.
5. Plaintiff properly attempted to resolve its dispute with Defendants prior to filing its Motions to Compel Further Responses.

II.

RECOMMENDATIONS

1. Plaintiff's Motion to Compel Further Responses from defendant Vijay Reddy should be granted.
2. Plaintiff's Motion to Compel Further Responses from defendant Margaret Reddy should be granted.
3. Plaintiff's request for attorneys' fees pursuant to Rule 37 of the Nevada Rules of Civil Procedure should be denied.
4. Defendant Margaret Reddy should be required to provide further responses to Interrogatory Numbers 2 and 3 concerning her employment by defendant David Weinstein or any entity owned by defendant Weinstein, and provide a name, address, phone number and dates of employment for each of Weinstein's entities that employed her.

- 1 5. Defendant Margaret Reddy should be required to provide a further response to
- 2 Interrogatory Number 10 by providing the nature and purpose of the \$325,000 transfer
- 3 from her to defendants Mohan Thalmarla and Max Global.
- 4 6. Defendant Margaret Reddy should be required to provide further responses to Interrogatory
- 5 Numbers 5, 12, 13, 14, 15, 16 and 17. Reddy is required to provide any factual information
- 6 that she has in her possession and provide the facts upon which she is relying to support
- 7 her denial of the allegations discussed in these Interrogatories.
- 8 7. Defendant Margaret Reddy should be required to provide further responses to
- 9 Interrogatory Numbers 18 and 19, and should identify any job duties, job functions or
- 10 services she performed for defendant Weinstein prior to May 1, 2018.
- 11 8. Defendant Margaret Reddy should be required to provide a further response to
- 12 Interrogatory Number 20 as revised during the hearing. Reddy should identify the nature
- 13 of her business relationship with defendant David Weinstein and define the time period of
- 14 the relationship.
- 15 9. Defendant Margaret Reddy should be required to provide a further response to
- 16 Interrogatory Number 21 as revised during the hearing. Reddy should respond to the
- 17 Interrogatory from January 1, 2008 through May 1, 2018.
- 18 10. Defendant Margaret Reddy should be required to provide a further response to Request for
- 19 Production Number 9. She should be required to produce documents the concern her job
- 20 duties, job functions, services she performed for defendant David Weinstein or services
- 21 she provided for Weinstein from January 1, 2008 to May 1, 2018.
- 22 11. Defendant Margaret Reddy should be required to provide further responses to Requests for
- 23 Production Numbers 10, 14 and 15 as written, and produce responsive documents.
- 24 12. Defendant Margaret Reddy should be required to provide a further response to Request for
- 25 Production Number 16, and to produce responsive documents from January 1, 2008
- 26 through May 1, 2018.
- 27 13. Defendant Margaret Reddy should be required to provide a further response to Request for
- 28 Production Number 5, and to produce responsive documents.

14. Defendant Vijay Reddy should be required to provide a further response to Interrogatory Number 4, and should be required to provide a substantive response concerning money or other compensation he received from David Weinstein or any entity owned or controlled by David Weinstein from January 1, 2008 to May 1, 2018.
15. Defendant Vijay Reddy should be required to provide a further response to Interrogatory Number 5, and identify by name, address and phone number, to the extent possible, all persons or entities for whom he provided training services between January 1, 2008 and May 1, 2018.
16. Defendant Vijay Reddy should be required to provide further responses to Interrogatory Numbers 7 and 8, as revised during the hearing. Reddy should identify the nature of his business relationships with defendants David Weinstein and Kevin Brown and define the time period of the relationships.
17. Defendant Vijay Reddy should be required to provide a further response to Interrogatory Numbers 9 and 10, and identify the blocks of accounts and business packages that he purchased from defendant David Weinstein from January 1, 2008 to May 1, 2018.
18. Defendant Vijay Reddy should be required to provide a further response to Interrogatory Number 11, and identify by full name, address and phone number, to the extent possible, all individuals who complained to him about business that they purchased from David Weinstein and/or Kevin Brown from January 1, 2008 to May 1, 2018.
19. Defendant Vijay Reddy should be required to provide a further response to Interrogatory Number 13, and provide a substantive response.
20. Defendant Vijay Reddy should be required to provide further responses to Interrogatory Numbers 15 and 16, as revised during the hearing. Reddy should identify the nature of his business relationships with defendant Visionary Business Brokers and Tannenbaum & Milask and define the time period of the relationships.
21. Defendant Vijay Reddy should be required to provide further responses to Interrogatory Numbers 19-25. Reddy is required to provide any factual information that he has in his

1 possession and provide the facts upon which he is relying to support his denial of the
2 allegations discussed in these Interrogatories.

3 22. Defendant Vijay Reddy should be required to provide a further response to Request for
4 Production Number 3, and to produce responsive documents.

5 23. Defendant Vijay Reddy should be required to provide a further responses to Request for
6 Production Numbers 5 and 6, and to produce responsive documents from January 1, 2008
7 to May 1, 2018.

8 24. Defendant Vijay Reddy should be required to provide a further response to Request for
9 Production Number 7, and to produce responsive documents.

10 25. Defendant Vijay Reddy should be required to provide further responses to Request for
11 Production Numbers 12-15, and to produce responsive documents that identify any job
12 duties, job functions, services he performed for or services he provided to defendants David
13 Weinstein, Kevin Brown or any entities Weinstein or Brown owned or controlled from
14 January 1, 2008 to May 1, 2018.

15 26. Defendant Vijay Reddy should be required to provide a further response to Request for
16 Production Number 25 as written, and to produce responsive documents.

17 27. Defendant Vijay Reddy should be required to provide further responses to Requests for
18 Production Numbers 26, 27, 29 and 30 as revised during the hearing, and to produce
19 responsive documents from January 1, 2008 to May 1, 2018.

20 28. Defendant Vijay Reddy should be required to provide a further response to Request for
21 Production Number 28, as revised during the hearing, and to produce responsive
22 documents.

23 29. Defendants Margaret Reddy and Vijay Reddy should be required to provide further
24 responses to Plaintiff's Interrogatories and Requests for Production, and to produce
25 responsive documents, within 14 days of the date the Court approves of this Report and
26 Recommendation.

27 ///

The Discovery Commissioner met with counsel for the parties telephonically, having discussed the issues noted above and having reviewed any materials proposed in support thereof, hereby submits the above recommendations.

DATED this 9th day of July, 2020.


DISCOVERY COMMISSIONER

Submitted by:

THE BALL LAW GROUP

/s/ Zachary T. Ball, Esq.

Zachary T. Ball, Esq.
Nevada Bar No. 8364
1707 Village Center Circle, Suite 140
Las Vegas, Nevada 89134
Attorney for Plaintiff

Approved as to form and content by :

/s/ Kevin Hejmanowski

Kevin Hejmanowski
Nevada Bar No. 10612
3100 W. Sahara Ave., Suite 202
Las Vegas, NV 89102
702-420-2733
Attorney for Vijay Reddy, Margaret
Reddy, Max Global, Inc. and
Mohan Thalmarla

THE BALL LAW GROUP
1707 Village Center Circle, Suite 140
Las Vegas, Nevada 89134
(702) 303-8600

1
2
3
4 **NOTICE**

5 Pursuant to NRCP 16.3(c)(2), you are hereby notified that within fourteen (14) days after being
6 served with a report any party may file and serve written objections to the recommendations.
7 Written authorities may be filed with objections, but are not mandatory. If written authorities
8 are filed, any other party may file and serve responding authorities within seven (7) days after
being served with objections.

9
10 **Objection time will expire on July 28 2020.**

11 A copy of the foregoing Discovery Commissioner's Report was:

12 _____ Mailed to Plaintiff/Defendant at the following address on the _____ day of
13 _____ 2020:

14
15 ✓
16 ☒ Electronically filed and served counsel on July 14, 2020, Pursuant to
17 N.E.F.C.R. Rule 9.

18
19
20 By Tia Hunsley
21 COMMISSIONER DESIGNEE
22
23
24
25
26
27
28

1 **CSERV**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5	
6 Medappeal LLC, Plaintiff(s)	CASE NO: A-19-792836-C
7 vs.	DEPT. NO. Department 14
8 David Weinstein, Defendant(s)	
9	

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 8/5/2020

15 Zachary Takos	zach@takoslaw.com
16 Hector Carbajal	hector@claw.vegas
17 Leah Martin	lmartin@leahmartinlv.com
18 Leah Martin Law	information@leahmartinlv.com
19 Katie Erickson	katie@takoslaw.com
20 Brittany Friedman	brittany@claw.vegas
21 Steven Hart	steven@takoslaw.com
22 Zachary Ball	zball@balllawgroup.com

24
25 If indicated below, a copy of the above mentioned filings were also served by mail
26 via United States Postal Service, postage prepaid, to the parties listed below at their last
27 known addresses on 8/6/2020
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Hector Carbajal

Carbajal Law
Hector Carbajal, Esq
10001 Park Run Dr
Las Vegas, NV, 89145

Leah Martin

Leah Martin Law
c/o: Leah A. Martin
3100 W. Sahara Ave., Suite 202
Las Vegas, NV, 89102

Leah Martin

Leah Martin Law
c/o: Leah A. Martin
3100 W. Sahara Ave., Suite 202
Las Vegas, NV, 89102

Leah Martin

Leah Martin Law
c/o: Leah A. Martin
3100 W. Sahara Ave., Suite 202
Las Vegas, NV, 89102

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

July 09, 2019

A-19-792836-C	Medappeal LLC, Plaintiff(s) vs. David Weinstein, Defendant(s)
---------------	---------------------------------------------------------------------

July 09, 2019	9:30 AM	Motion to Dismiss
----------------------	----------------	--------------------------

HEARD BY: Escobar, Adriana	COURTROOM: RJC Courtroom 14C
-----------------------------------	-------------------------------------

COURT CLERK: Denise Husted

RECORDER: Sandra Anderson

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Mr. Freeman stated no cause was alleged as to why Mr. Brown didn't hire counsel after being granted an extension. The Court noted that Mr. Freeman's argument does have merit, however the Plaintiff lives in New Jersey. COURT FINDS, there being no prejudice to the Plaintiff, Kevin Brown's Motion to Set Aside Default is GRANTED. FURTHER, counsel to submit further briefing regarding the elements and specific jurisdiction; Motion to Dismiss for Lack of Personal Jurisdiction is CONTINUED.

CONTINUED TO: 8/20/19 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

July 09, 2019

A-19-792836-C	Medappeal LLC, Plaintiff(s) vs. David Weinstein, Defendant(s)
---------------	---------------------------------------------------------------------

July 09, 2019 9:30 AM All Pending Motions

HEARD BY: Escobar, Adriana **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Denise Husted

RECORDER: Sandra Anderson

REPORTER:

PARTIES

PRESENT:	Freedman, Jay Attorney Scott, Amber D. Attorney Takos Esq, Zachary P. Attorney
-----------------	-----------------------------------------------------------------------------------------------------------------------------------------------------

JOURNAL ENTRIES

- KEVIN BROWN'S AND VISIONARY BUSINESS BROKERS, LLC'S MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION...KEVIN BROWN'S MOTION TO SET ASIDE DEFAULT

Arguments by Mr. Takos regarding his Motion to Set Aside Default. Mr. Freedman stated there was no cause alleged regarding why Mr. Brown didn't hire counsel after being granted two extensions. COURT FINDS, Mr. Freedman's argument has merit, however the party kept in contact with counsel and he resides in New Jersey. COURT ORDERED, Kevin Brown's Motion to Set Aside Default is GRANTED, however a motion such as this will not be entertained again. FURTHER, counsel to submit further briefing regarding the elements and specific jurisdiction; Motion to Dismiss for Lack of Personal Jurisdiction is CONTINUED.

CONTINUED TO: 8/20/19 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

August 01, 2019

A-19-792836-C Medappeal LLC, Plaintiff(s)
vs.
David Weinstein, Defendant(s)

August 01, 2019 9:30 AM Motion to Dismiss

HEARD BY: Escobar, Adriana **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Denise Husted

RECORDER: Sandra Anderson

REPORTER:

PARTIES

PRESENT: Freedman, Jay Attorney
 Scott, Amber D. Attorney

JOURNAL ENTRIES

- The COURT noted the Defendant's file brief was filed late and ORDERED, matter CONTINUED to allow the Court and parties to review the documents.

CONTINUED TO: 8/20/19 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

August 06, 2019

A-19-792836-C Medappeal LLC, Plaintiff(s)
vs.
David Weinstein, Defendant(s)

August 06, 2019 9:30 AM Motion to Dismiss

HEARD BY: Escobar, Adriana **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Denise Husted

RECORDER: Sandra Anderson

REPORTER:

PARTIES

PRESENT: Clark, Dustin L Attorney
Freedman, Jay Attorney

JOURNAL ENTRIES

- Mr. Clark stated there are five claims for relief in the Plaintiff's complaint and the elements of the claims have not been proved, therefore he requested that this be dismissed in its entirety. Opposition by Mr. Freedman. He argued that the Defendants have been sued several times for the same scheme; all five elements should stand. COURT ORDERED, motion is DISMISSED IN PART as to claims two through five. FURTHER, Plaintiff is allowed to amend the complaint with more specificity regarding fraud. Mr. Freedman to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

August 20, 2019

A-19-792836-C Medappeal LLC, Plaintiff(s)
vs.
David Weinstein, Defendant(s)

August 20, 2019 9:30 AM All Pending Motions

HEARD BY: Escobar, Adriana **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Denise Husted

RECORDER: Sandra Anderson

REPORTER:

PARTIES

PRESENT: Freedman, Jay Attorney
Takos Esq, Zachary P. Attorney

JOURNAL ENTRIES

- DEFENDANTS' MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION...KEVIN BROWN'S AND VISIONARY BUSINESS BROKERS, LLC'S MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION

Mr. Takos stated that the Plaintiff bears the burden in this case and they haven't directed any of the conduct to the State of Nevada. He addressed the judicial estoppel issue and submitted that the transcript of the hearing in Illinois was unclear. Opposition by Mr. Freedman. He advised that the Defendants live in Michigan, New Jersey and Nevada which makes this an extraordinary case. Additionally, he stated that Mr. Brown has the burden of persuasion and it is clear that the positions are inconsistent. He further advised that the Illinois transcript was complete and consistent and the Court applied rulings to all of the Defendants. COURT ORDERED, Defendant's motion are DENIED. FURTHER, this Court adopts the findings of the Illinois Court. Mr. Freedman to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

December 12, 2019

A-19-792836-C Medappeal LLC, Plaintiff(s)
vs.
David Weinstein, Defendant(s)

December 12, 2019 9:30 AM Motion to Dismiss

HEARD BY: Escobar, Adriana

COURTROOM: RJC Courtroom 14C

COURT CLERK: Denise Husted

RECORDER: Sandra Anderson

REPORTER:

PARTIES

PRESENT:	Clark, Dustin L	Attorney
	Freedman, Jay	Attorney
	Scott, Amber D.	Attorney

JOURNAL ENTRIES

- Mr. Freedman objected that the Defendants brief was filed late and contains arguments not in the moving papers. COURT ORDERED, the hearing is to move forward on the merits. Mr. Clark argued that four of the five claims for relief deal with allegations of fraud and should be dismissed as the Plaintiff failed to plead all of the elements of the causes of action. Mr. Freedman stated that the complaint has to be reviewed as a whole and they are discussing one paragraph of the complaint. COURT FINDS, the fraud has been sufficiently pled, and ORDERED, motion DENIED. Mr. Freedman to prepare the order. FURTHER, pursuant to request by Mr. Freedman, the Plaintiff is to submit disclosures.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

April 16, 2020

A-19-792836-C Medappeal LLC, Plaintiff(s)
vs.
David Weinstein, Defendant(s)

April 16, 2020

9:30 AM

All Pending Motions

HEARD BY: Truman, Erin

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Clark, Dustin L Attorney
Freedman, Jay Attorney
Hejmanowski Esq, Kevin Attorney
Tako Esq, Zachary P. Attorney

JOURNAL ENTRIES

- Plaintiff's Motion to Compel Inspection or Production of Documents Pursuant to Rules 34 and 37 of the Nevada Rules of Civil Procedure

Plaintiff Medappeal LLC's Motion to Compel Further Responses from Defendant Kevin Brown

Discovery staff stated counsel Stipulated, and Plaintiff Medappeal LLC's Motion to Compel Further Responses from Defendant Kevin Brown is OFF CALENDAR and VACATED.

Plaintiff's Motion to Compel Inspection or Production of Documents Pursuant to Rules 34 and 37 of the Nevada Rules of Civil Procedure was resolved by counsel, and the documents were received. Mr. Freeman thought there was an agreement for \$300 attorney fees. Argument by Mr. Clark. Commissioner stated it seems like a reasonable amount of fees.

Commissioner Finds there was a sufficient attempt to meet and confer. Mr. Freeman will stick with his agreement of \$300, and Mr. Freeman requested an additional \$90 for today. Mr. Clark and Mr. Freeman agreed. Mr. Freedman to prepare the Report and Recommendations, and counsel to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

May 20, 2020

A-19-792836-C Medappeal LLC, Plaintiff(s)
vs.
David Weinstein, Defendant(s)

May 20, 2020 3:00 AM Motion to Stay

HEARD BY: Escobar, Adriana **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Denise Husted

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, a minute order will be issued.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

June 19, 2020

A-19-792836-C	Medappeal LLC, Plaintiff(s)
	vs.
	David Weinstein, Defendant(s)

June 19, 2020	8:00 AM	Minute Order
----------------------	----------------	---------------------

HEARD BY: Escobar, Adriana

COURTROOM: RJC Courtroom 14C

COURT CLERK: Denise Husted

RECORDER: Sandra Anderson

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

-

Defendants Motion to Stay Case (Motion), which Plaintiff did not oppose, was set for hearing before Department XIV of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on May 20, 2020. After considering the moving papers of counsel, the Court enters the following order:

The Court has the power to stay this action in the interest of both the Court and the parties:

[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants. How this can best be done calls for the exercise of judgment which must weigh competing interests and maintain an even balance.

Maheu v. Eighth Judicial Dist. Court In & For Clark Cty., Dep't No. 6, 89 Nev. 214, 217 (1973).

Here, the COVID-19 pandemic has had and continues to have a direct impact on this matter. Namely, as Defendants explain, the Parties have not been able to execute the discovery necessary to prepare for trial. Thus, the interests here weigh in favor of staying this matter.

Based on the foregoing, the Court GRANTS Defendants Motion, STAYS this matter, and sets a status check for August 26, 2020.

Counsel for Defendants is directed to prepare a proposed order. All parties must submit orders electronically, in both PDF version and Word version, until further notice. You may do so by emailing DC14Inbox@clarkcountycourts.us.

All orders must have either original signatures from all parties or an email appended as the last page of the proposed order confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption.

CLEKRRK'S NOTE: This minute order distributed to all registered parties of Odyssey File and Serve.
dh // 6/19/20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

June 25, 2020

A-19-792836-C	Medappeal LLC, Plaintiff(s) vs. David Weinstein, Defendant(s)
---------------	---------------------------------------------------------------------

June 25, 2020

9:00 AM

All Pending Motions

HEARD BY: Truman, Erin

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT:

Ball, Zachary T	Attorney
Carbajal, Hector J., II	Attorney
Hejmanowski Esq, Kevin	Attorney
Takos Esq, Zachary P.	Attorney

JOURNAL ENTRIES

- Plaintiff's Motion to Compel Further Responses from Defendant Margaret Reddy

Plaintiff's Motion to Compel Further Responses from Defendant Vijay Reddy

MATTER TRAILED AND RECALLED: Commissioner stated there was a one day delay in serving responses after Defts' frustrated attempts to obtain an extension. Commissioner Found excusable neglect, and the OBJECTIONS STAND. Mr. Ball has not received supplemental documents.

COMMISSIONER RECOMMENDED, Plaintiff's Motion to Compel Further Responses from Defendant Margaret Reddy is GRANTED;

Interrogatory 2 by agreement, Plaintiff is seeking information for Mr. Weinstein at this point, and

provide a name, address, and phone number of Mr. Weinstein for the dates she was employed by him;

Interrogatory 3 supplement with information as required in Interrogatory 2;

Interrogatory 10 the nature and purpose of the \$325,000 transfer as Directed on the record;

Interrogatories 5, 12, 13, 14, 15, 16, and 17 any factual information Defts have in their possession must be specifically stated, and provide the factual basis (that Deft is relying upon);

Interrogatory 18 any job duties, functions, or services performed;

Interrogatory 19 as Directed on the record;

Interrogatory 20 must be more specific; respond to the nature of the business relationship, and define the time period (2008 to 2018);

Interrogatory 21 modified, and respond through 5-1-2018;

Request for Production of Documents 9 modified, and any job duties, functions, or services provided for, or performed for Mr. Weinstein;

RFP 10, 14, and 15 are fine as written;

RFP 16 tailored as Directed on the record;

RFP 5 should be compelled.

COMMISSIONER RECOMMENDED, Plaintiff's Motion to Compel Further Responses from Defendant Vijay Reddy is GRANTED; same Rulings as Margaret Reddy; counsel agreed to work through any written discovery issues based on Commissioner's Recommendations.

Mr. Hejmanowski requested to continue Vijay Reddy's 6-26-2020 deposition based on the additional documents needed. Mr. Hejmanowski and Mr. Carbajal addressed the deficient deposition Notice. If the deposition goes forward, Plaintiff's counsel will not have the opportunity to re-depose Vijay Reddy on new information based on today's Motion. Mr. Ball requested to go forward with the deposition set 6-26-2020 at 10:00 a.m. The deposition will be taken by alternative means, and Mr. Ball will provide the information today to all counsel. Mr. Ball had requested fees. Commissioner Will Not Grant the Request for Fees.

Mr. Ball to prepare the Report and Recommendations, and counsel to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution.

CLERK'S NOTE: Minute Order amended 7-10-2020. jl

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct**COURT MINUTES****June 30, 2020**

A-19-792836-C Medapdeal LLC, Plaintiff(s)
vs.
David Weinstein, Defendant(s)

June 30, 2020	9:30 AM	Motion for Protective Order	Emergency Motion for a Protective Order on OST and to Stay the Deposition of David Weinstein Currently Scheduled for July 1, 2020
----------------------	----------------	----------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------

HEARD BY: Truman, Erin**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

PRESENT:	Ball, Zachary T	Attorney
	Carbajal, Hector J., II	Attorney
	Hejmanowski Esq, Kevin	Attorney

JOURNAL ENTRIES

- Mr. Carbajal is willing to turn the information over to counsel, but also making certain the information is protected. Argument by Mr. Carbajal; he requested 1) limiting inquiries to two years, 2) staying the deposition, and 3) protecting information for attorneys' eyes only. Colloquy regarding taking a deposition in David Weinstein's individual capacity, and as a 30(b)(6) witness. Argument by Mr. Ball.

COMMISSIONER RECOMMENDED, motion is GRANTED IN PART and DENIED IN PART; depose David Weinstein in his personal and individual capacity for a time spanning ten years; deposing David Weinstein as a 30(b)(6) witness for two years unless there are specific transactions, or other

things are identified beyond two years that the deposing party would like Mr. Weinstein to be prepared to testified to as the 30(b)(6) Deponent.

COMMISSIONER RECOMMENDED, Plaintiff is a party, and Plaintiff has the right to attend Mr. Weinstein's deposition. If the parties cannot agree on the terms of a Protective Order, COMMISSIONER RECOMMENDED, pursuant to NRCP 26(c), the information is PROTECTED for use in this litigation only, and only Attorneys' eyes (and staff), the parties, essential witnesses, and experts' eyes only.

COMMISSIONER RECOMMENDED, the 30(b)(6) witness deposition is STAYED until counsel have another 2.34 conference to narrow down the testimony; Status Check SET; counsel must submit a joint status letter to Commissioner by noon on 7-20-2020 (DiscoveryInbox@clarkcountycourts.us). Colloquy regarding the deposition Notice, and moving forward with David Weinstein's deposition in his individual capacity. COMMISSIONER RECOMMENDED, the deposition for Mr. Weinstein individually for a period of ten years is STAYED to give Mr. Carbajal a chance to file an Objection.

Mr. Carbajal to prepare the Report and Recommendations, and counsel to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution.

7-21-2020 9:30 a.m. Status Check: Joint status letter / David Weinstein's deposition

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct**COURT MINUTES****July 21, 2020**

A-19-792836-C Medappeal LLC, Plaintiff(s)
 vs.
 David Weinstein, Defendant(s)

July 21, 2020	9:30 AM	Status Check	Status Check: Joint status letter / David Weinstein's deposition
----------------------	----------------	---------------------	-------------------------------------------------------------------------------------

HEARD BY: Truman, Erin**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

PRESENT:	Ball, Zachary T	Attorney
	Carbajal, Hector J., II	Attorney

JOURNAL ENTRIES

- Commissioner received the Joint Status letter from counsel. Argument by Mr. Carbajal. COMMISSIONER RECOMMENDED, counsel must work to try and prepare a Stipulated Protective Order as it must be figured out before David Weinstein's deposition. Mr. Carbajal will be filing an objection on the prior Ruling by the Commissioner.

Commissioner addressed the 6-30-2020 Minute Order. Colloquy. COMMISSIONER RECOMMENDED, Status Check CONTINUED.

8-14-2020 9:30 A.M. Status Check: Joint Status letter / David Weinstein's deposition

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

July 22, 2020

A-19-792836-C Medappeal LLC, Plaintiff(s)
vs.
David Weinstein, Defendant(s)

**July 22, 2020 10:30 AM Mandatory Rule 16
Conference**

HEARD BY: Escobar, Adriana

COURTROOM: RJC Courtroom 14C

COURT CLERK: Denise Husted

RECORDER: Sandra Anderson

REPORTER:

PARTIES

PRESENT: Ball, Zachary T Attorney
Hejmanowski Esq, Kevin Attorney
Takos Esq, Zachary P. Attorney

JOURNAL ENTRIES

- Discussion regarding Discussion deadlines. Counsel requested that deadlines be extended an additional six months. Colloquy regarding settlement. COURT ORDERED, deadlines as follows: Discovery Cut-Off, 5/10/21; Amend Pleadings & Add Parties, 2/8/21; Initial Disclosure, 2/8/21; Rebuttal Disclosure, 3/10/21; Dispositive Motions, 6/9/21; Trial Ready Date, 7/26/21. COURT FURTHER ORDERED, trial and status check dates SET.

5/5/21 IN CHAMBERS STATUS CHECK: SETTLEMENT PROGRESS

8/19/21 9:30 AM CALENDAR CALL

9/7/21 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct**COURT MINUTES****August 14, 2020**

A-19-792836-C Medappeal LLC, Plaintiff(s)
 vs.
 David Weinstein, Defendant(s)

August 14, 2020	9:30 AM	Status Check	Status Check: Joint status letter / David Weinstein's deposition
------------------------	----------------	---------------------	-------------------------------------------------------------------------------------

HEARD BY: Truman, Erin**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

PRESENT:	Ball, Zachary T	Attorney
	Carbajal, Hector J., II	Attorney

JOURNAL ENTRIES

- Commissioner addressed the Minute Order from 7-21-2020. Commissioner received the proposed Confidential Stipulated Protective Order. Mr. Ball stated changes were made that Deft did not agree to. Commissioner will not order that someone sign an Agreement. Colloquy regarding fixing language as discussed on the record, and Section 16 was discussed. Commissioner stated counsel should consider adding language that the receiving party may seek indemnification. Commissioner stated counsel need to work further to reach an agreement.

COMMISSIONER RECOMMENDED, matter CONTINUED; if counsel reach an agreement, contact the Discovery office, and the Status Check can be taken off calendar. If counsel have not reached an agreement on the Stipulated Protective Order, then the DCRR needs to be submitted prior to September 3rd. Commissioner stated the Stipulated Protective Order needs to be addressed prior to David Weinstein's deposition.

9-3-2020 10:00 a.m.

Status Check: Joint status letter / David Weinstein's deposition / Final execution of the Agreement

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Jennifer Lott, to all registered parties for Odyssey File & Serve. jl

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

September 03, 2020

A-19-792836-C Medappeal LLC, Plaintiff(s)
vs.
David Weinstein, Defendant(s)

September 03, 2020	9:30 AM	Motion for Leave	David Weinstein and Medasset Corporation's Motion for Leave to Amend their Answer and Affirmative Defenses, and Add Counterclaims, and a Third-Party Complaint
---------------------------	----------------	-------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

HEARD BY: Escobar, Adriana

COURTROOM: RJC Courtroom 14C

COURT CLERK: Michelle Jones
Carina Bracamontez-Munguia

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED.

CONTINUED TO: 09/17/2020 09:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

September 17, 2020

A-19-792836-C Medappeal LLC, Plaintiff(s)
vs.
David Weinstein, Defendant(s)

September 17, 2020 9:30 AM All Pending Motions

HEARD BY: Escobar, Adriana

COURTROOM: RJC Courtroom 14C

COURT CLERK: Michelle Jones
Carina Bracamontez-Munguia

RECORDER:

REPORTER:

PARTIES

PRESENT: Ball, Zachary T Attorney
Carbajal, Hector J., II Attorney
Hejmanowski Esq, Kevin Attorney
Takos Esq, Zachary P. Attorney

JOURNAL ENTRIES

- DAVID WEINSTEIN AND MEDASSET CORPORATION'S MOTION FOR LEAVE TO AMEND
THEIR ANSWER AND AFFIRMATIVE DEFENSES, AND ADD COUNTERCLAIMS, AND A
THIRD-PARTY COMPLAINT...OBJECTION TO DISCOVERY COMMISSIONER'S REPORT

As to David Weinstein And Medasset Corporation's Motion for Leave to Amend Answer and Affirmative Defenses, and Add Counterclaims, and a Third-Party Complaint:

Mr. Carbajal noted he is well within the time frame to seek amendment, therefore, and requested the Court grant the motion for Leave to Amend. Mr. Ball argued three of the four elements are met specifically undue delay, bad faith, and dilatory motives, therefore, motion should not be granted. Upon further arguments by counsel, COURT ORDERED, motion GRANTED.

As to the Objections to the Discovery Commissioner s Reports:

Mr. Carbajal noted he objected to the July 14, 2020, report out of an abundance of caution that the report be considered law of the case concerning the time frame for all discovery in this case. Further Mr. Carbajal argued that the Discovery Commissioner's Report of July 20, 2020, permitted inquiry into the preceding 10 years from the contract date for Mr. Weinstein in his individual capacity and under the new rules concerning discovery and limitations being placed on discovery the information sought has to be both relevant and proportional; we do not believe 10 years-worth of information is not the appropriate time frame for setting discovery in this case.

Mr. Ball stated it is clear within the first amended complaint and numerous exhibits attached that there is proof of conspiracy and there is proof of fraud. Mr. Ball argued they believe they can meet all of the elements to show a course of conduct of bad acts on a continual basis and they believe they have the right to pursue discovery, based on that both objections should be denied.

There being no opposition, COURT FINDS there are claims and many exhibits with respect to fraud, conspiracy to commit fraud, and civil RICO actions, therefore, ORDERED, Discovery Commissioner's Report & Recommendations for July 14, 2020, and July 20, 2020, are hereby AFFIRMED.

Mr. Ball DIRECTED to prepare the proposed order including the ruling on the motion for leave to amend, allow Mr. Carbajal to review as to form and content and must submit electronically, in both PDF version and Word version, by e-mailing DC14Inbox@clarkcountycourts.us.

Mr. Ball requested that the amended answer and adding related claims be given a deadline of 10 days after notice of entry of order is filed, therefore, COURT ORDERED, request GRANTED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct**COURT MINUTES****October 01, 2020**

A-19-792836-C Medappeal LLC, Plaintiff(s)
 vs.
 David Weinstein, Defendant(s)

October 01, 2020**3:00 AM****Minute Order**

**Objection to DCRR
July 20, 2020**

HEARD BY: Escobar, Adriana**COURTROOM:** Chambers

COURT CLERK: Michelle Jones
 Carina Bracamontez-Munguia

RECORDER:**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Defendants David Weinstein and Medassets Corporations Objection to Discovery Commissioner s Report and Recommendations (Objection) came on for hearing before Department 14 of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on September 17, 2020. Attorney Hector J. Carbjal II appeared on behalf of Defendants. Attorney Zachary T. Ball appeared on behalf of Plaintiff. After considering the pleadings and arguments, the Court enters the following order:

Discovery matters are within the district court's sound discretion, and we will not disturb a district court's ruling regarding discovery unless the court has clearly abused its discretion. Club Vista Fin. Servs. v. Dist. Ct., 128 Nev. 224, 228 (2012).

Pursuant to NRCP 26(b)(1):

Parties may obtain discovery regarding any non-privileged matter that is relevant to any party s claims or defenses and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties relative access to relevant information, the parties resources, the importance of the discovery in resolving the issues, and whether the

burden or expense of the proposed discovery outweighs its likely benefit.

NRS 48.015 defines relevant evidence as evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the evidence.

Here, the underlying matter concerns a contract entered into on or about May 3, 2018. In its July 20, 2020 Report and Recommendation (DCRR), the Discovery Commission recommended:

1. Plaintiff's inquiry of David Weinstein, in his personal and individual capacity, for the time frame spanning ten years prior to the parties' contract date.
2. Limiting Plaintiff's inquiry of Medasset Corporation's NRCP 30(b)(6) representative, David Weinstein, for the time frame spanning two years prior to the parties' contract date.

Defendants object to the time frame of discovery as to Weinstein in his personal and individual capacity, contending that a time frame of two years prior to the parties' contract is more appropriate. Specifically, Defendants claim that Defendants' business operations, dealings, and activities ten years removed from the date the underlying contract was entered into is unreasonable, overbroad, and largely irrelevant. Defendants also argue that a ten-year time frame is grossly disproportionate, grossly overbroad, and unduly burdensome. The Court disagrees.

Given the nature of Plaintiff's claims for Fraud, Conspiracy to Commit Fraud, and Civil RICO, and the extensive allegations set forth in the complaint, the Court finds that the disputed ten-year time frame is relevant. Discovery leading to information regarding Plaintiff's claims that Defendants may have been in business or selling similar contracts, and breaching similar contracts, for the preceding ten years is relevant.

Further, the Court finds that Defendants fail to demonstrate that the discovery at issue is not proportional to the needs of the case or unduly burdensome.

Defendants additionally contend that the scope of discovery should be limited because there is a three-year statute of limitations for these causes of action. Defendants suggest that any evidence of conduct that occurred outside of the statute of limitations is not actionable in the present case and thus irrelevant. The Court finds this argument meritless. As set forth above, discovery of conduct occurring more than three years prior to contract at issue is relevant to Plaintiff's claims.

Based on the foregoing, pursuant to NRCP 16.3(c)(3)(C), NRCP 26(b)(1), and NRS 48.015, the Court hereby ORDERS as follows:

1. The Court DENY'S Defendants' Objection.
2. The Court AFFIRMS and ADOPTS the Discovery Commissioner's July 20, 2020 Report and Recommendation.

Counsel for Defendants is directed to prepare a proposed order including detailed findings of fact and conclusions of law from this Minute Order. The order should be approved by counsel for all parties as to form and content prior to submitting the order. All parties must submit orders electronically, in both PDF version and Word version, until further notice. You may do so by emailing DC14Inbox@clarkcountycourts.us.

All orders must have either original signatures from all parties or an email appended as the last page of the proposed order confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption.

CLERK'S NOTE: The above minute order has been distributed to: Zachary T. Ball, Esq. (zball@balllawgroup.com), Zachary P. Takos, Esq. (zach@takoslaw.com), Leah A. Martin, Esq. (lmartin@leahmartinlv.com), and Hector J. Carbajal, II, Esq. (hector@claw.vegas).//cbm 10/01/2020

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct**COURT MINUTES****October 01, 2020**

A-19-792836-C Medappeal LLC, Plaintiff(s)
 vs.
 David Weinstein, Defendant(s)

October 01, 2020**3:00 AM****Minute Order**

**Objection to DCRR
July 14, 2020**

HEARD BY: Escobar, Adriana**COURTROOM:** Chambers

COURT CLERK: Michelle Jones
 Carina Bracamontez-Munguia

RECORDER:**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Defendants David Weinstein and Medasset Corporations Objection to Discovery Commissioner s Report and Recommendations (Objection) came on for hearing before Department 14 of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on September 17, 2020. Attorney Hector J. Carbjal II appeared on behalf of Defendants. Attorney Zachary T. Ball appeared on behalf of Plaintiff. After considering the pleadings and arguments, the Court enters the following order:

Discovery matters are within the district court's sound discretion, and we will not disturb a district court's ruling regarding discovery unless the court has clearly abused its discretion. Club Vista Fin. Servs. v. Dist. Ct., 128 Nev. 224, 228 (2012).

Pursuant to NRCP 26(b)(1):

Parties may obtain discovery regarding any non-privileged matter that is relevant to any party s claims or defenses and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties relative access to relevant information, the parties resources, the importance of the discovery in resolving the issues, and whether the

burden or expense of the proposed discovery outweighs its likely benefit.

NRS 48.015 defines relevant evidence as evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the evidence.

Here, the underlying matter concerns a contract entered into on or about May 3, 2018. In its July 14, 2020 Report and Recommendation (DCRR), the Discovery Commission recommended that Defendants Margaret Reddy and Vijay Reddy (collectively, the Reddy Defendants) supplement their responses to certain discovery to include a timeframe from January 1, 2008 through May 1, 2018.

Defendants Weinstein and Medasset object to the time frame of this discovery. Specifically, they argue that Defendants' business operations, dealings, and activities ten years removed from the date the underlying contract was entered into is unreasonable, overbroad, and largely irrelevant. The Court disagrees.

At the outset, the Court notes that the Reddy Defendants did not object to the DCRR. Regardless, considering the nature of Plaintiff's claims for Fraud, Conspiracy to Commit Fraud, and Civil RICO, and the extensive allegations set forth in the complaint, the Court finds that the disputed ten-year time frame is relevant.

Additionally, Defendants Weinstein and Medasset contend that the scope of discovery should be limited because there is a three-year statute of limitations for these causes of action. Defendants suggest that any evidence of conduct that occurred outside of the statute of limitations is not actionable in the present case and thus irrelevant. The Court finds this argument meritless. As set forth above, discovery of conduct occurring more than three years prior to contract at issue is relevant to Plaintiff's claims.

Based on the foregoing, pursuant to NRCP 16.3(c)(3)(C), NRCP 26(b)(1), and NRS 48.015, the Court hereby ORDERS as follows:

1. The Court DENYS Defendants' Objection.
2. The Court AFFIRMS and ADOPTS the Discovery Commissioner's July 14, 2020 Report and Recommendation.

Counsel for Defendants is directed to prepare a proposed order including detailed findings of fact and conclusions of law from this Minute Order. The order should be approved by counsel for all parties as to form and content prior to submitting the order. All parties must submit orders electronically, in both PDF version and Word version, until further notice. You may do so by emailing DC14Inbox@clarkcountycourts.us.

All orders must have either original signatures from all parties or an email appended as the last page of the proposed order confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption.

CLERK'S NOTE: The above minute order has been distributed to: Zachary T. Ball, Esq. (zball@balllawgroup.com), Zachary P. Takos, Esq. (zach@takoslaw.com), Leah A. Martin, Esq. (lmartin@leahmartinlv.com), and Hector J. Carbajal, II, Esq. (hector@claw.vegas). // cbm 10/01/2020

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

November 10, 2020

A-19-792836-C Medappeal LLC, Plaintiff(s)
vs.
David Weinstein, Defendant(s)

November 10, 2020 9:30 AM

**Objection to Discovery
Commissioner's Report**

HEARD BY: Escobar, Adriana

COURTROOM: RJC Courtroom 14C

COURT CLERK: Grecia Snow

RECORDER:

REPORTER:

PARTIES

PRESENT: Ball, Zachary T Attorney
Carbajal, Hector J., II Attorney
Martin, Leah A. Attorney
Tacos Esq, Zachary P. Attorney

JOURNAL ENTRIES

- Argument by Mr. Carbajal noting Plaintiff should not be permitted to gain access to Deft's highly confidential information where Plaintiff was in a directly competitive business to Deft's; requested following information be protected by highly confidential attorney eyes only protections. Mr. Ball argued Deft's had not established that they possessed confidential information and that the Plaintiff's were not in the same line of business as Deft's. Furthermore, Mr. Ball advised granting Deft's objection would make Plaintiff's prosecution more difficult. Further arguments by Mr. Carbajal.

COURT FINDS, there was not good cause or justification to reverse the DCCR, therefore, ORDERED, Discovery Commissioner's Report & Recommendations, was hereby AFFIRMED. Mr. Ball to prepare a detailed order and provide it to opposing counsel for approval as to form and content in both PDF version and Word version to DC14Inbox@clarkcountycourts.us.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

November 24, 2020

A-19-792836-C	Medappeal LLC, Plaintiff(s)
	vs.
	David Weinstein, Defendant(s)

November 24, 2020 3:00 AM Minute Order

HEARD BY: Escobar, Adriana

COURTROOM: Chambers

COURT CLERK: Grecia Snow

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Defendants Motion to Extend the time to Oppose Plaintiff s Motion to Dismiss or, in the alternative, Motion for Summary Judgment [First Request] (Motion) was set for hearing before Department 14 of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on December 17, 2020. After considering the pleadings of counsel, the Court issues the following order and vacates the hearing:

Pursuant to NRCP 6(b) and EDCR 2.25, and for good cause showing, the Court hereby GRANTS Defendants Motion and allows Defendants a 7-day extension to November 17, 2020 to oppose Plaintiff s Motion to Dismiss or, in the Alternative, Motion for Summary Judgment.

Counsel for Defendants is directed to prepare a proposed order.

All parties must submit their orders electronically, in both PDF version and Word version, until further notice. You may do so by emailing DC14Inbox@clarkcountycourts.us. All orders must have either original signatures from all parties or an email appended as the last page of the proposed order confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption.

CLERK'S NOTE: The above minute order has been distributed to: Zachary T. Ball, Esq. (zball@balllawgroup.com), Zachary P. Takos, Esq. (zach@takoslaw.com), Leah A. Martin, Esq. (lmartin@leahmartinlv.com), and Hector J. Carbajal, II, Esq. (hector@claw.vegas). /// 11/24/2020 gs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

December 08, 2020

A-19-792836-C Medappeal LLC, Plaintiff(s)
vs.
David Weinstein, Defendant(s)

December 08, 2020 9:30 AM Motion for Sanctions

HEARD BY: Escobar, Adriana **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Kristen Brown

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Plaintiff s Motion for Sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure, was set for hearing before Department 14 of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on December 8, 2020. Upon reviewing the pleadings, the Court issues the following order:

NRCP 11(b) provides as follows:

By presenting to the court a pleading, written motion, or other paper--whether by signing, filing, submitting, or later advocating it--an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

(2) the claims, defenses, and other legal contentions are warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law or for establishing new law;

(3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

Moreover, NRCP 11(c), which governs sanctions under Rule 11, further provides:

(3) On the Court's Initiative. On its own, the court may order an attorney, law firm, or party to show cause why conduct specifically described in the order has not violated Rule 11(b).

(4) Nature of a Sanction. A sanction imposed under this rule must be limited to what suffices to deter repetition of the conduct or comparable conduct by others similarly situated. The sanction may include nonmonetary directives; an order to pay a penalty into court; or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of part or all of the reasonable attorney fees and other expenses directly resulting from the violation.

Here, Plaintiff seeks Rule 11 sanctions on two grounds: (1) Defendants filed a counterclaim against Plaintiff based on purported facts they know are false, and (2) that Defendants' counterclaim was filed to delay these proceedings, increase costs for Plaintiff, and is based on facts that are indisputably false.

Plaintiff argues that Defendants' assertions in the counterclaim that Defendants were only obligated to provide 60 medical practices, and that they provided 26 of 60 medical practices is false. Plaintiff claims that Defendants were required to provide a total of 90 combined medical practices and medical offices, and at most, Defendants provided 4 medical practices for medical appeals work.

This Court does not find that Rule 11 sanctions are warranted for the reasons Plaintiff argues. This Court finds that Plaintiff's arguments for Rule 11 sanctions are premised on factual disputes between the parties regarding the parties' contractual obligations and the performance of those obligations. As this contractual dispute forms a primary basis of this lawsuit, the Court cannot grant sanctions simply because Plaintiff asserts that Defendants' allegations are false.

Further, this Court does not conclude that Defendants filed their counterclaim for the purpose of delaying the proceedings and increasing Plaintiff's costs.

Based on the foregoing, COURT ORDERED, Motion DENIED.

Counsel for Defendants is directed to prepare a proposed order based on this Minute Order and the pleadings. The Court further directs Defendants to provide the proposed order to Plaintiff for approval as to form and content.

All parties must submit their orders electronically, in both PDF version and Word version, until

further notice. You may do so by emailing DC14Inbox@clarkcountycourts.us. All orders must have either original signatures from all parties or an email appended as the last page of the proposed order confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption.

CLERK'S NOTE: A copy of this minute order was distributed to: Zachary T. Ball, Esq., (zball@balllawgroup.com), Hector J. Carbajal, Esq., (hector@claw.vegas), Zachary Takos, Esq., (zach@takoslaw.com) and Leah A. Martin, Esq., (lmartin@leahmartinlv.com).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

December 17, 2020

A-19-792836-C Medappeal LLC, Plaintiff(s)
vs.
David Weinstein, Defendant(s)

December 17, 2020 9:30 AM Motion to Dismiss

HEARD BY: Escobar, Adriana **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Kristen Brown

RECORDER:

REPORTER:

PARTIES

PRESENT:	Ball, Zachary T	Attorney
	Carbajal, Hector J., II	Attorney
	Hejmanowski Esq, Kevin	Attorney
	Takos Esq, Zachary P.	Attorney

JOURNAL ENTRIES

- Following arguments by counsel, COURT ORDERED, a minute order will issue.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

February 19, 2021

A-19-792836-C	Medappeal LLC, Plaintiff(s) vs. David Weinstein, Defendant(s)
---------------	---------------------------------------------------------------------

February 19, 2021

11:15 AM

Minute Order

**Minute Order: Order
to STRIKE incorrect
Stipuation and Order**

HEARD BY: Escobar, Adriana

COURTROOM: RJC Courtroom 14A

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- COURT ADVISED, Defendant Precision Assets Stipulation and Order to Extend, filed on February 16, 2021 at 6:03 p.m. was erroneously e-filed in Case No. A-19-792836-C; thus, it is ORDERED STRICKEN from the record. It appears that this document actually belongs in Case No. A-19-794335-C, and it will be efiled correctly into that case shortly.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 2/19/2021

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

February 24, 2021

A-19-792836-C	Medappeal LLC, Plaintiff(s) vs. David Weinstein, Defendant(s)
---------------	---------------------------------------------------------------------

February 24, 2021	3:00 AM	Motion to Withdraw as Counsel
--------------------------	----------------	------------------------------------------

HEARD BY: Escobar, Adriana

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dauriana Simpson

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Defendants Kevin Brown and Visionary Business Brokers, LLC s Counsel s Motion to Withdraw on OST (Motion) came on for Chambers Calendar before Department 14 of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on February 24, 2021. Upon thorough review of the pleadings, this Court enters the following order:

Attorney Zachary P. Takos of the law firm Takos Law Group, Ltd. seeks to withdraw as counsel of record for Defendants Kevin Brown and Visionary Business Brokers, LLC.

There being no opposition, and for good cause showing pursuant to SCR 46, EDCR 7.40(b)(2) and RPC 1.16(b), this Court hereby GRANTS the Motion.

Mr. Takos is directed to prepare a proposed order that lists all future deadlines and hearings, and includes Defendants last known physical and/or mailing address, email, and phone number.

All parties must submit orders electronically, in both PDF version and Word version, until further notice. You may do so by emailing DC14Inbox@clarkcountycourts.us. All orders must have either original signatures from all parties or an email appended as the last page of the proposed order

confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Dauriana Simpson, to all registered parties for Odyssey File and Serve. 2/24/2021/ds

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

April 06, 2021

A-19-792836-C Medappeal LLC, Plaintiff(s)
vs.
David Weinstein, Defendant(s)

April 06, 2021 10:00 AM Status Check

HEARD BY: Escobar, Adriana **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Alice Jacobson

RECORDER:

REPORTER:

PARTIES

PRESENT: Ball, Zachary T Attorney
Hejmanowski Esq, Kevin Attorney

JOURNAL ENTRIES

- Status provided.

Counsel stated there was a pending hearing set 4/20/21 that will determine the outcome of the case.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

April 29, 2021

A-19-792836-C	Medappeal LLC, Plaintiff(s) vs. David Weinstein, Defendant(s)
---------------	---------------------------------------------------------------------

April 29, 2021	9:30 AM	Motion for Summary Judgment
-----------------------	----------------	----------------------------------------

HEARD BY: Escobar, Adriana

COURTROOM: RJC Courtroom 14C

COURT CLERK: Alice Jacobson

RECORDER: Stacey Ray

REPORTER:

PARTIES

PRESENT:	Ball, Zachary T	Attorney
	Brown, Kevin	Defendant
	Hejmanowski Esq, Kevin	Attorney
	Reddy, Vijay	Defendant

JOURNAL ENTRIES

- Following arguments by counsel regarding the fraud scheme. Court finds that selective disclosure appeared like intention to mislead; lack of presentation and conspiracy; foreseeableness by a reasonable person and information intentionally withheld; additionally, lack of promissory note or an investment contract. Court does not find any genuine issue of facts remaining. Therefore, COURT ORDERED, motion GRANTED against all parties. Mr. Ball to prepare the order.

CLERK'S NOTE ADDED: (5/25/21)

Court additionally awards:

1. Compensatory actual damages in the \$75,000, plus treble damages pursuant to NRS 207.470, for a total damages amount of \$225,000.
2. Attorney fees under NRS 207.470(1),
3. Costs under NRS 207.470(1) and NRS 18.0220(3), and
4. Pre-judgment interest under NRS 17.130.

Plaintiff is directed to file briefing with the Court informing of the requested attorney fees and costs amount and substantiating documentation.

This Court does not award punitive damages.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

ANDREW WASIELEWXXKI, ESQ.
8275 S. EASTERN AVE., SUITE 200-818
LAS VEGAS, NV 89123

DATE: July 20, 2021
CASE: A-19-792836-C

RE CASE: MEDAPPEAL, LLC vs. DAVID WEINSTEIN; VIJAY REDDY; MARGARET REDDY; MOHAN THALAMARLA; KEVIN BROWN; MAX GLOBAL, INC.; VISIONARY BUSINESS BROKERS, LLC; MEDASSET CORPORATION

NOTICE OF APPEAL FILED: July 16, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☒ Notice of Entry of Order *re: Order Filed August 5, 2020*

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

*****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDING OF FACT AND CONCLUSIONS OF LAW GRANTING PLAINTIFF MEDAPPEAL, LLC'S, MOTION FOR SUMMARY JUDGEMENT; NOTICE OF ENTRY OF ORDER REGARDING FINDING OF FACT AND CONCLUSIONS OF LAW GRANTING PLAINTIFF MEDAPPEAL, LLC'S, MOTION FOR SUMMARY JUDGEMENT; ORDER DENYING MOTIONS TO DISMISS; NOTICE OF ENTRY OF ORDER DENYING MOTIONS TO DISMISS; ORDER RE: DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

MEDAPPEAL, LLC,

Plaintiff(s),

vs.

DAVID WEINSTEIN; VIJAY REDDY;
MARGARET REDDY; MOHAN
THALAMARLA; KEVIN BROWN; MAX
GLOBAL, INC.; VISIONARY BUSINESS
BROKERS, LLC; MEDASSET
CORPORATION,

Defendant(s),

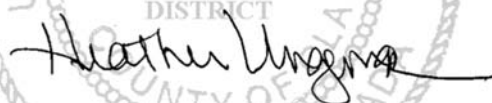
Case No: A-19-792836-C

Dept No: XIV

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 20 day of July 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

