

IN THE SUPREME COURT OF THE STATE OF NEVADA

JDD, LLC; TCS PARTNERS, LLC;
JOHN SAUNDERS; and TREVOR
SCHMIDT,

Petitioners,

Vs.

THE EIGHTH JUDICIAL DISTRICT
COURT of the State of Nevada, in and
for the County of Clark, and the
HONORABLE JUDGE TIMOTHY C.
WILLIAMS, District Court Judge,

Respondents,

and

ITEM 9 LABS CORP. f/k/a Airware
Labs Corp., and Crown Dynamics Corp.;
ITEM 9 PROPERTIES, LLC; STRIVE
MANAGEMENT, LLC f/k/a Strive Life;
VIRIDIS GROUP 19 CAPITAL, LLC;
VIRIDIS GROUP HOLDINGS, LLC;
SNOWELL HOLDINGS, LLC;
ANDREW BOWDEN; DOUGLAS
BOWDEN; BRYCE SKALLA; and
CHASE HERSCHMAN,

Real Parties in Interest.

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Clerk of Supreme Court

Supreme Court Case No.: 83344

Dist. Ct. Case No.: A-20-811232-C

APPENDIX TO REAL PARTIES IN INTEREST'S ANSWER TO
PETITION FOR WRIT OF MANDAMUS
VOLUME 5 OF 5; RAPP 0883 - 0950

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*Attorneys for Real Party in Interest,
Snowell Holdings, LLC*

CHRONOLOGICAL APPENDIX

<i>DOCUMENT</i>	<i>VOL. NO.</i>	<i>Bates No.</i>
First Amended Complaint	1A	RAPP_0001-0063
Snowell Holdings, LLC's Motion to Dismiss	1A	RAPP_0064-0077
Item 9 Labs Corp. et al.'s Motion to Dismiss	1A	RAPP_0078-0123
Plaintiff's Opposition to Snowell Holdings, LLC's Motion to Dismiss	1A	RAPP_0124-0127
Snowell Holdings, LLC's Reply in Support of Motion to Dismiss	1B	RAPP_0128-0133
Plaintiff's Opposition to Item 9 Labs Corp. et al.'s Motion to Dismiss	1B	RAPP_0134-0151
Item 9 Labs Corp. et al.'s Reply in Support of Motion to Dismiss	1B	RAPP_0152-0166
Reporter's Transcript of Motion to Dismiss	1B	RAPP_0167-0247
Snowell Holdings, LLC Motion for Attorneys' Fees	2	RAPP_0248-0264
Order Granting Snowell Holdings, LLC's Motion to Dismiss	2	RAPP_0265-0278
Notice of Entry of Order Granting Snowell Holdings, LLC's Motion to Dismiss	2	RAPP_0279-0295
Plaintiff's Opposition to Defendants Snowell Holdings, LLC's Motion for Fees	2	RAPP_0296-0367
Order Granting Item 9 Labs Corp. et al.'s Motion to Dismiss	2	RAPP_0368-0383
Notice of Entry of Order Granting Item 9 Labs Corp. et al.'s Motion to Dismiss	2	RAPP_0384-0404
Snowell Holdings, LLC's Reply in Support of Motion for Attorneys' Fees	2	RAPP_0405-0409
Item 9 Labs Corp. et al.'s Motion for Attorneys' Fees and Costs	3A	RAPP_0410-0494

Minute Order Granting Snowell Holdings, LLC's Motion for Attorneys' Fees	3A	RAPP_0495
Plaintiff's Opposition to Item 9 Labs Corp. et al.'s Motion for Attorneys' Fees and Costs	3A	RAPP_0496-0530
	3B	RAPP_0531-0632
	4	RAPP_0633-0882
Minute Order regarding Snowell Holdings, LLC's Motion for Attorneys' Fees (Issue of Work Performed)	5	RAPP_0883
Item 9 Labs Corp. et al.'s Reply in Support of Motion for Attorneys' Fees and Costs	5	RAPP_0884-0895
Reporter's Transcript of Proceedings – Item 9 Labs Corp. et al.'s Motion for Attorneys' Fees	5	RAPP_0896-0915
Minute Order Granting Item 9 Labs Corp. et al.'s Motion for Attorneys' Fees and Costs	5	RAPP_0916
Order Granting Item 9 Labs Corp. et al.'s Motion for Attorneys' Fees and Costs	5	RAPP_0917-0931
Notice of Entry of Order Granting Item 9 Labs Corp. et al.'s Motion for Attorneys' Fees and Costs	5	RAPP_0932-0950

ALPHABETICAL APPENDIX

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Order Granting Snowell Holdings, LLC Motion to Dismiss	2	RAPP_0265-0278
Plaintiff's Opposition to Item 9 Labs Corp. et al.'s Motion to Dismiss	1B	RAPP_0134-0151

Plaintiff's Opposition to Item 9 Labs Corp. et al.'s Motion for Attorneys' Fees and Costs	3A	RAPP_0496-0530
	3B	RAPP_0531-0632
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Snowell Holdings, LLC Reply in Support of Motion for Attorneys' Fees	2	RAPP_0405-0409
Snowell Holdings, LLC's Motion to Dismiss	1A	RAPP_0064-0077
Snowell Holdings, LLC's Reply In Support of Motion to Dismiss	1B	RAPP_0128-0133

CERTIFICATE OF COMPLIANCE

I hereby certify that on this appendix consists of true and correct copies of papers in the Clark County District Court file as required by NRAP 30(g).

Dated this 1st of November 2021.

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/s/ Candace Herling

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Attorneys for Real Parties in Interest,

Donald Burton, Larry Lemons, and

Snowell Holdings, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of November, 2021, I served the foregoing
**APPENDIX TO REAL PARTIES IN INTEREST'S ANSWER TO PETITION
FOR WRIT OF MANDAMUS (VOL. 5 of 5)** upon the following parties by:

 X VIA ELECTRONIC SERVICE: by electronically filing with the
Clerk of the Nevada Supreme Court;

 VIA U.S. MAIL: By placing a true copy thereof enclosed in a sealed
envelope with postage thereon fully prepaid, addressed as indicated on the
service list below in the United States mail at Las Vegas, Nevada.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Purchase/Sale of Stock, Assets,
or Real Estate

COURT MINUTES

May 26, 2021

A-20-811232-B JDD, LLC, Plaintiff(s)
vs.
Larry Lemons, Defendant(s)

May 26, 2021 8:00 AM Minute Order: Defendant Snowell Holdings, LLC's
Motion for Attorneys' Fees (Issue of Work Performed)

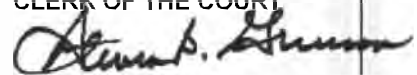
HEARD BY: Williams, Timothy C. COURTROOM: Chambers

COURT CLERK: Christopher Darling

JOURNAL ENTRIES

- After review and consideration and in consideration of Brunzell factors, the Court hereby determines the actual work done and performed to be \$15,620.00 in connection with the Motion to Dismiss. Counsel for the Defendant Snowell Holdings shall prepare the order.

CLERK'S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.



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24 *and Crown Dynamics Corp.; Item 9 Properties, LLC, Strive*
25 *Management, L.L.C, d/b/a Strive Life, Viridis Group 19*
26 *Capital, LLC, Viridis Group Holdings, LLC, Andrew*
27 *Bowden, Douglas Bowden; Bryce Skalla Jeffrey Rassas,*
28 *and Chase Herschman*

20 **DISTRICT COURT**

21 **CLARK COUNTY, NEVADA**

22 JDD, LLC, a Nevada limited liability company;
23 TCS Partners, LLC, a Nevada limited liability
24 company; JOHN SAUNDERS, an individual; and
25 TREVOR SCHMIDT, an individual,

26 Plaintiffs,

27 vs.

28 MARIMED INC. f/k/a Worlds Online, Inc., a
Delaware corporation; ITEM 9 LABS CORP. f/k/a
Airware Labs Corp. and Crown Dynamics Corp., a
Delaware corporation; ITEM 9 PROPERTIES
LLC, a Nevada limited liability company; THE

CASE NO.: A-20-811232-C
DEPT. NO.: 26

**DEFENDANTS ITEM 9 LABS
CORP., VIRIDIS GROUP 19
CAPITAL LLC, VIRIDIS GROUP
HOLDINGS, LLC, ANDREW
BOWDEN, DOUGLAS BOWDEN,
BRYCE SKALLA, JEFFREY
RASSAS, AND CHASE
HERSCHMAN'S REPLY IN**

SMITH LARSEN & WIXOM

ATTORNEYS
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HARVEST FOUNDATION LLC f/k/a, a Nevada limited liability company a/k/a THE HARVEST FOUNDATION, LLC; STRIVE MANAGEMENT L.L.C. d/b/a Strive Life, a Nevada limited liability company; STRIVE WELLNESS OF NEVADA, LLC d/b/a Strive Life, a Nevada limited liability company; STRIVE WELLNESS OF NEVADA 2 L.L.C. d/b/a Strive Life, a Nevada limited liability company; VIRIDIS GROUP I9 CAPITAL, LLC, an Arizona limited liability company; VIRIDIS GROUP HOLDINGS, LLC, an Arizona limited liability company; SNOWELL HOLDINGS, LLC, an Ohio limited liability company; ROBERT FIREMAN, an individual; JON LEVINE, an individual; ANDREW BOWDEN, an individual; DOUGLAS BOWDEN, an individual; BRYCE SKALLA, an individual; JEFFREY RASSAS, an individual; DONALD BURTON, an individual; LARRY LEMONS, an individual; JEFFREY YOKIEL, an individual; JEROME YOKIEL, an individual; SARA GULLICKSON, an individual; CHASE HERSCHMAN, an individual; DOE INDIVIDUALS I through X, and ROE BUSINESS ENTITIES XI through XX, inclusive,

Defendants.

SUPPORT OF MOTION FOR ATTORNEYS' FEES AND COSTS

Pursuant to Nevada Revised Statute ("NRS") 18.010(2)(b), Defendants Item 9 Labs Corp., Viridis Group I9 Capital LLC, Viridis Group Holdings, LLC, Andrew Bowden, Douglas Bowden, Bryce Skalla, Jeffrey Rassas, and Chase Herschman (collectively, the "Item 9 Defendants") file this reply in support of their motion for an award of the attorneys' fees and costs it incurred in its successful defense of the claims filed against them by Plaintiffs

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...

...

JDD, LLC, TCS Partners, LLC, John Saunders, and Trevor Schmidt (collectively, "Plaintiffs"). This Reply is supported by the following Memorandum of Points and Authorities and the entire record in this action.

RESPECTFULLY SUBMITTED this 1st day of June, 2021.

SMITH LARSEN & WIXOM

/s/ Karl L. Nielson

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Management, L.L.C. d/b/a/ Strive Life, Viridis
Group I9 Capital, LLC, Viridis Group
Holdings, LLC, Andrew Bowden, Douglas
Bowden, Bryce Skalla Jeffrey Rassas, and
Chase Herschman*

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION.

Plaintiffs argue that the court should not award fees because -- "at some point" -- they will be permitted to conduct discovery and maybe then they will find a basis to assert a claim against the Item 9 Defendants. This is not how litigation works.

A plaintiff must have a legitimate, good faith basis to file a complaint in the first place. Parties are not permitted to file first, and then conduct discovery in order to gin up a claim where none existed at the time the lawsuit was filed. Yet this is precisely what Plaintiffs are trying to accomplish here.

By their own admission, Plaintiffs' due diligence in advance of filing the First Amended

1 Complaint (the "FAC") consisted solely of the efforts of Mr. Brian Roche, a so-called
2 investigator that was hired by Plaintiffs. Mr. Roche's own Declaration (and email exhibits)
3 demonstrates how he harassed the Item 9 Defendants before the FAC was filed, and that
4 Plaintiffs did not have a good faith basis to assert claims against the Item 9 Defendants at the
5 outset. An award of attorneys' fees is warranted under the circumstances.

6
7 With respect to the amount of attorneys' fees sought, Plaintiffs concede that all of the
8 *Brunzell* factors weigh in favor of the Item 9 Defendants, except the fees the Item 9 Defendants
9 request are too high. Plaintiffs argue that the Item 9 Defendants should only receive "[a]n hour
10 of attorney time plus an hour of paralegal or law clerk time per page" in their Motion to Dismiss
11 briefing. Candidly, that is absurd.

12 This is not a two-party, red car/blue car case. Plaintiffs' FAC clocked in at 33 pages
13 and contained 244 paragraphs (excluding exhibits). The FAC asserted 19 claims for relief
14 against 23 defendants. Eight (8) of the claims were asserted against the ten (10) Item 9
15 Defendants. The eight (8) claims pled against the ten (10) Item 9 Defendants ranged from civil
16 conspiracy to aiding and abetting breaches of fiduciary duty.

17 Plaintiffs had the opportunity to avoid litigation (and this fee motion) at the outset. After
18 they were provided with the November 10, 2020 letter (the "November 10 letter") from the
19 Item 9 Defendants – which demonstrated that Plaintiffs' agent (Mr. Roche) threatened,
20 harassed, and intimidated the Item 9 Defendants (and in at least one instance, their families) in
21 an effort to enlist their assistance in the lawsuit or, barring that, to extract payment from them
22 – Plaintiffs agreed to voluntarily dismiss their claims. *See* Exhibit C to Stine Declaration.¹
23 Plaintiffs then inexplicably reversed course, reneged on their agreement, and forced the Item 9
24 Defendants to incur the expense of preparing the Motion to Dismiss – only to dismiss half of
25 the claims against all of the Item 9 Defendants and dismiss the Individual Defendants entirely
26 in their response brief. Responding to the FAC was not a simple or routine task. The FAC
27 suffered from multiple legal and jurisdictional defects and required significant individualized
28

¹ The Stine Declaration was attached with Defendants' Motion filed on May 4, 2021.

1 work on behalf of each of the Item 9 Defendants. Under the circumstances, the fees sought are
2 reasonable and the Court should grant the Motion.

3
4 **II. THE FAC WAS GROUNDLESS AND FILED TO HARASS THE ITEM 9 DEFENDANTS.**

5 The Item 9 Defendants demonstrated in the Motion that Plaintiffs' claims were
6 groundless from the outset and filed solely in order to harass and bully them. The Item 9
7 Defendants included a copy of their November 10, 2020 letter to counsel for Plaintiffs, which
8 detailed the intimidation and harassment Plaintiffs inflicted on the Item 9 Defendants through
9 the acts of their agent, Mr. Brian Roche. Rather than deny these facts outright, Plaintiffs
10 doubled down on the conduct of Mr. Roche in their Response.

11 Plaintiffs readily admit that the *only* due diligence they did in advance of filing the FAC
12 consisted of the efforts of Mr. Roche, the so-called third-party "investigator" who Plaintiffs
13 hired to "investigate" their investment into Harvest Foundation. Mr. Roche purports to describe
14 his "investigation and due diligence" in a 29-paragraph Declaration attached as Exhibit "1" to
15 the Response. However, even a cursory review of the Declaration demonstrates that it fails to
16 describe facts to support a basis to assert claims against the Item 9 Defendants.

17 Mr. Roche's Declaration does not include any additional facts that were not already pled
18 in the FAC. Rather, Mr. Roche's Declaration confirms the absence of any connection between
19 Plaintiffs and the Item 9 Defendants and confirms that Plaintiffs' claims were thinly predicated
20 on the mere fact that one or more of the Item 9 Defendants happened to enter into entirely
21 separate agreements with some of the other defendants regarding entirely different marijuana
22 licenses in Nevada. That is woefully insufficient to support a good faith claim against the Item
23 9 Defendants.

24 Moreover, Mr. Roche's Declaration proves the Item 9 Defendants' point – that the FAC
25 was designed to harass the Item 9 Defendants solely to extract payment with no legal basis, and
26 that Mr. Roche (whom Plaintiffs admit is their agent) threatened and harassed them prior to
27 filing the FAC.
28

- "I am the fixer. I never stop until the client is paid in full or parties are in jail. ... I am the fixer and here to help you help yourself to get my guys their money back." Ex. C to Stine Declaration at pg. 2.
- "Candidly to all of you here my guys gave your rat partners Burton and Lemons \$741,250 and they haven't seen jack [expletive] back. The NV lawsuit is just the start..." Ex. C to Stine Declaration at pg. 2 and its enclosed June 20, 2020 e-mail.
- "The only path I am aligned on currently is the path to 100% complete success getting my guys their money back. Anyone not helping in that regard will be roadkill in my rear review mirror." Ex. C to Stine Declaration at pg. 3 and its enclosed June 20, 2020 e-mail.
- "I have amended our complaint and will be filing it tomorrow and promise this is the least of your worries. I reached out to Bryce and crew as a one time [sic] courtesy which I always do before launching my nukes. If you want to cooperate and hold off litigation feel free to forward the docs... Bryce don't ever try to [expletive expletive] me again I warned you about dishonestly with me." *Id.* and its enclosed June 23, 2020 e-mail.
- "[W]e have Andrew and Daddy Doug dead to rights and naming them... So are you willing to accept service for all of these named Defendants or do I need to have my guy bang on Doug's door at his Whispering Wind home address on 4th of July weekend..."² Ex. C to Stine Declaration at enclosed June 30, 2020 e-mail.

In all events, Plaintiffs' own statements in the opposition are fatal. Plaintiffs ask the Court not to award fees because, "at some point Plaintiffs will be able to commence discovery and actually piece together what happened..." Opposition at pg. 2. Parties are not allowed to file first, and then conduct discovery in order to prop up a claim where none existed at the time the lawsuit was filed. Plaintiffs' opposition demonstrates that is precisely what they are trying to do.

...

² Mr. Roche also describes how he apparently interfered with Harvest Foundation marijuana licenses, by using his "gov't contacts" and "uncle" to "put a freeze" on "all Harvest matters and licenses". Ex. C to Stine Declaration at enclosed June 20, 2020 e-mail ("[N]ow that my uncle has put a freeze on all [Defendant] Harvest matters and licenses nothing is going to happen anytime soon unless I say so.").

1 **III. THE ATTORNEYS' FEES AND COSTS INCURRED ARE REASONABLE**
2 **AND WERE THE DIRECT RESULT OF PLAINTIFFS' CONDUCT.**

3 Nevada courts consider four factors (the *Brunzell* factors) when determining the
4 reasonableness of the fees requested. Plaintiffs do not dispute, and in fact concede, that three
5 (3) of the four (4) factors weigh in favor of an award – (i) the qualities and experience of the
6 advocates, (ii) their hourly rates, and (iii) the result obtained. Plaintiffs *only* challenge the
7 amount of the fees incurred, claiming that an award of approximately \$80,000 for a motion to
8 dismiss is too much. Opposition at pg. 8. In doing so, Plaintiffs ignore the fact that they are
9 the root cause of the Item 9 Defendants' fees and expenses, and they improperly trivialize the
10 work that was ultimately required to secure the dismissal of the Item 9 Defendants.

11 As noted above, this is not a two-party, red car/blue car case.³ Plaintiffs' FAC is 33
12 pages and contains 244 paragraphs (excluding exhibits). The FAC asserted 19 claims for relief
13 against 23 defendants. Eight (8) of the claims were asserted against the ten (10) Item 9
14 Defendants. The claims pled against the Item 9 Defendants included: civil conspiracy, unjust
15 enrichment, alter ego, aiding and abetting breaches of fiduciary duty, intentional interference
16 with contractual relations, intentional interference with prospective economic advantage,
17 equitable relief (promissory estoppel, injunctive relief, and accounting), declaratory relief, and
18 attorneys' fees as special damages. The FAC also sought punitive and treble damages from the
19 Item 9 Defendants, along with an award of attorneys' fees and costs.

20 Plaintiffs agreed shortly after the FAC was filed – and before the Item 9 Defendants
21 incurred significant fees and expenses – to dismiss the Item 9 Defendants without prejudice.
22 Plaintiffs then fired their lawyers (the second of three sets of lawyers) and inexplicably
23 withdrew their agreement to dismiss the Item 9 Defendants. Plaintiffs then forced the Item 9
24 Defendants to incur significant expense in filing the Motion to Dismiss – only to voluntarily
25 agree to dismiss four (4) of their claims and five (5) of the Item 9 Defendants in their Opposition
26 papers. The Court should not countenance such gamesmanship. Plaintiffs could have saved
27

28 ³ Plaintiffs' 387-page Response to the Motion for Attorneys' Fees and 18-page Response to the
Motion to Dismiss demonstrates this is not a routine case.

the Item 9 Defendants (and the Court) significant time and expense if they had only lived up to their initial agreement to dismiss their claims. Indeed, the majority of fees and costs requested (over 73% of fees and over 91% of costs) were incurred *after* November 30, 2020, approximately the same time Plaintiffs' reneged on their agreement to dismiss. But they did not, and now they have only themselves to blame for their situation.

Moreover, the fees requested by the Item 9 Defendants are reasonable in light of the following substantive work they were forced to perform in order to secure their dismissal:

- Research and analysis of the 244 paragraph FAC, and eight (8) claims asserted against the ten (10) Item 9 Defendants (which are comprised of separate and distinct individuals and entities, with their own facts and associated investigations);
- Research and analysis of general and specific personal jurisdiction (and the lack thereof) pertaining to multiple Item 9 Defendants;
- Preparation of substantive written communications to Plaintiffs' counsel detailing Mr. Roche's harassment of the Item 9 Defendants, along with copies of the offending communications;
- Multiple communications with Plaintiffs' counsel, requesting dismissal of the Item 9 Defendants;
- Review and revision of a proposed stipulation dismissing the Item 9 Defendants;
- Multiple communications concerning Plaintiffs' withdrawal of their agreement to dismiss the Item 9 Defendants;
- Preparation of the substantive Motion to Dismiss, which addressed the merits (and lack thereof) of each of the eight (8) claims against the ten (10) Item 9 Defendants and the lack of subject matter jurisdiction over multiple Item 9 Defendants;
- Preparation of seven (7) separate and distinct Declarations in support of the motion to dismiss for lack of personal jurisdiction, including the:

- Declaration of Andrew Bowden;
- Declaration of Bryce Skalla;
- Declaration of Jeffrey Rassas;
- Declaration of Douglas Bowden;
- Declaration of Andrew Bowden as manager for Viridis Group 19 Capital, LLC; and
- Declaration of Andrew Bowden as manager for Viridis Group Holdings, LLC;
- Review and analysis of Plaintiffs' Response to the Motion to Dismiss, including the multiple cases cited therein;
- Preparation of the Item 9 Defendants' Reply in Support of the Motion to Dismiss;
- Preparation and participation in the lengthy oral argument on the Item 9 Defendants' Motion to Dismiss and other dismissal motions brought by separate defendants.

Again, the sum of \$77,787.50 in fees and \$2,106.33 in costs is reasonable in light of the substantive work Plaintiffs forced the Item 9 Defendants to perform in order to obtain their dismissal. Indeed, by way of comparison, the Court recently awarded Defendant Snowell Holdings, LLC \$15,620.00 in attorneys' fees and costs. Snowell is a single entity, which moved to dismiss the complaint against it for lack of personal jurisdiction, only. Again, it is worth repeating that the Item 9 Defendants consist of ten (10) individuals and entities. Six (6) of the ten (10) Item 9 Defendants moved to dismiss for lack of personal jurisdiction, and the motion included unique declarations for each of those six (6) defendants. All ten (10) Item 9 Defendants also moved to dismiss each of the eight (8) claims pled against them for failure to state a claim for relief. If one were to multiply the fees awarded to Snowell (\$15,620) by the ten (10) distinct Item 9 Defendants, it would equate to \$156,200. The Item 9 Defendants only seek half of such sum.

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IV. CONCLUSION.

For the foregoing reasons, the Item 9 Defendants respectfully request that the Court grant the Motion and award them their attorneys' fees and costs incurred in connection with this action.

RESPECTFULLY SUBMITTED this 1st day of June, 2021.

SMITH LARSEN & WIXOM

/s/ Karl L. Nielson

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Corp.; Item 9 Properties, LLC, Strive
Management, L.L.C. d/b/a/ Strive Life, Viridis
Group I9 Capital, LLC, Viridis Group Holdings,
LLC, Andrew Bowden, Douglas Bowden; Bryce
Skalla Jeffrey Rassas, and Chase Herschman*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 1, 2021 a true copy of the foregoing **Defendants Item 9 Labs Corp., Viridis Group I9 Capital LLC, Viridis Group Holdings, LLC, Andrew Bowden, Douglas Bowden, Bryce Skalla, Jeffrey Rassas, And Chase Herschman's Reply in Support of Motion for Attorneys' Fees and Costs** was sent via electronic means to the following at their last known email addresses, pursuant to NEFCR 9:

Plaintiff, JDD, LLC

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An employee of Smith Larsen & Wixom

1 A-20-811232-B

2 DEPARTMENT XVI

3
4
5 DISTRICT COURT

6 CLARK COUNTY, NEVADA

7 * * * * *

8 JDD, LLC, A NEVADA LIMITED)
9 LIABILITY COMPANY; TCS PARTNERS,)
LLC, A NEVADA LIMITED LIABILITY)
10 COMPANY; JOHN SAUNDERS, AN)
INDIVIDUAL; AND TREVOR SCHMIDT, AN)
11 INDIVIDUAL,)

12 Plaintiffs,)

13 vs.)

14 MARIMED, INC. F/K/A WORLDS ONLINE,)
INC., A DELAWARE CORPORATION;)

15 CONTINUED ON NEXT PAGE.)
16 _____)

17
18 REPORTER'S TRANSCRIPT
19 OF
PROCEEDINGS

20 BEFORE THE HONORABLE JUDGE TIMOTHY C. WILLIAMS

21 DISTRICT COURT JUDGE

22
23 DATED TUESDAY, JUNE 8, 2021

24
25 REPORTED BY: MARLENE DURON, RPR, NV CCR NO. 958

1 ITEM 9 LABS CORP. F/K/A AIRWARE)
2 LABS CORP. AND CROWN DYNAMICS)
3 CORP., A DELAWARE CORPORATION; ITEM)
4 9 PROPERTIES, LLC, A NEVADA LIMITED)
5 LIABILITY COMPANY; THE HARVEST)
6 FOUNDATION, LLC F/K/A, A NEVADA)
7 LIMITED LIABILITY COMPANY A/K/A THE)
8 HARVEST FOUNDATION, LLC; STRIVE)
9 MANAGEMENT, L.L.C. D/B/A STRIVE)
10 LIFE, A NEVADA LIMITED LIABILITY)
11 COMPANY; STRIVE WELLNESS OF NEVADA,)
12 LLC D/B/A STRIVE LIFE, A NEVADA)
13 LIMITED LIABILITY COMPANY; STRIVE)
14 WELLNESS OF NEVADA 2, L.L.C. D/B/A)
15 STRIVE LIFE, A NEVADA LIMITED)
16 LIABILITY COMPANY; VIRIDIS GROUP I9)
17 CAPITAL, LLC, AN ARIZONA LIMITED)
18 LIABILITY COMPANY; VIRIDIS GROUP)
19 HOLDINGS, LLC, AN ARIZONA LIMITED)
20 LIABILITY COMPANY; SNOWELL)
21 HOLDINGS, LLC, AN OHIO LIMITED)
22 LIABILITY COMPANY; ROBERT FIREMAN,)
23 AN INDIVIDUAL; JON LEVINE, AN)
24 INDIVIDUAL; ANDREW BOWDEN, AN)
25 INDIVIDUAL; DOUGLAS BOWDEN, AN)
INDIVIDUAL; BRYCE SKALLA, AN)
INDIVIDUAL; JEFFREY RASSAS, AN)
INDIVIDUAL; DONALD BURTON, AN)
INDIVIDUAL; LARRY LEMONS, AN)
INDIVIDUAL; JEFFREY YOKIEL, AN)
INDIVIDUAL; JEROME YOKIEL AN)
INDIVIDUAL; SARA GULLICKSON, AN)
INDIVIDUAL; CHASE HERSCHMAN, AN)
INDIVIDUAL; DOE INDIVIDUALS I)
THROUGH X, AND ROE BUSINESS)
ENTITIES XI THROUGH XX, INCLUSIVE,)
DEFENDANTS.)
_____)

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12 CORP. AND CROWN DYNAMICS CORP.; ITEM 9 PROPERTIES, LLC;

13 STRIVE MANAGEMENT, L.L.C. D/B/A STRIVE LIFE; VIRIDIS GROUP

14 I9 CAPITAL, LLC; VIRIDIS GROUP HOLDINGS, LLC; ANDREW

15 BOWDEN; DOUGLAS BOWDEN; BRYCE SKALLA; JEFFREY RASSAS; AND

16 CHASE HERSCHMAN:

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1 LAS VEGAS, NEVADA; TUESDAY, JUNE 8, 2021

2 9:25 A.M.

3 P R O C E E D I N G S

4 * * * * *

5

6 THE COURT: All right. So we're going to move on.

7 Next up happens to be page 10 of the calendar, and that's

8 JDD, LLC versus Larry Lemons. And let's go ahead and set

9 forth our appearances for the record.

09:25:19 10 MR. IGLODY: Good morning, your Honor. Lee Iglody
11 for the plaintiffs.

12 MR. STAHL: Morning, your Honor. Christian Stahl
13 for the Item 9 defendants. There's ten of them. I can
14 list them off for the record. They are: Item 9 Labs
09:25:33 15 Corp., Item 9 Properties, Strive Management, Viridis Group
16 9 -- I9 Capital, Viridis Group Holdings, Andrew Bowden,
17 Douglas Bowden, Bryce Skalla, Jeffrey Rassas and Chase
18 Herschman.

19 THE COURT: Thank you, sir.

09:25:53 20 MR. NIELSON: Good morning, your Honor. Karl
21 Nielsen, also on behalf of Item 9.

22 THE COURT: Okay. And does that cover all
23 appearances? I think so, right?

24 MR. BARRETT: This is Kevin Barrett on behalf of
09:26:06 25 Harvest, your Honor.

1 THE COURT: Yes, okay. Thank you, sir.

2 And we want to have this matter reported; is that
3 correct?

4 MR. IGLODY: That is correct, your Honor. This is
09:26:19 5 Lee Iglody speaking.

6 THE COURT: All right. And it's my understanding
7 that this was the defendants' motion for attorneys' fees.
8 We'll go ahead and pass the floor over to the defense.

9 MR. STAHL: Thank you, your Honor.

09:26:30 10 The Item 9 defendants should be awarded their
11 attorneys' fees and costs of \$79,893.83 and the cost of
12 this motion for three reasons.

13 First, the Item 9 defendants' incurred fees and
14 costs are reasonable. This is not a simple two-party, red
09:26:48 15 car, blue car case.

16 Second, Plaintiffs find themselves here because of
17 their own actions. Plaintiffs reneged on their agreement
18 to dismiss in November, leaving the Item 9 defendants to
19 incur a substantial portion of their requested fees, only
09:27:02 20 to have Plaintiffs concede half of their claims and dismiss
21 all of the individual defendants in their opposition
22 papers.

23 Third, Plaintiffs' attempts to relitigate the
24 motion to dismiss by filing voluminous exhibits in their
09:27:16 25 opposition is irrelevant and further demonstrates the

1 harassment the Item 9 defendants have had to navigate.

2 Going to the reasonableness of the fees, the
3 criteria for attorneys' fees motions is governed by the
4 Brunzell factors. Plaintiffs do not dispute any of the
09:27:30 5 factors except the amount of fees for the work performed.
6 This is found in Plaintiff's opposition at page 8. The
7 fees are reasonable. As listed in the Item 9 defendants'
8 reply brief at pages 8 and 9, Defendants performed
9 necessary work to dismiss Plaintiffs' complaint against
09:27:46 10 them.

11 Second, with respect to Plaintiffs reneging the
12 November dismissal agreement, Plaintiffs had agreed to
13 dismiss all claims against the Item 9 defendants without
14 prejudice in late November. Inexplicably Plaintiffs
09:28:00 15 reneged, with no reasoning. Even more inexplicably, when
16 faced with a motion to dismiss, Plaintiffs dismissed all of
17 the individual defendants and half of their claims against
18 all of the Item 9 defendants in their opposition papers and
19 thus, did not have to incur the cost of defense and yet
09:28:16 20 force Defendants to bring the motion.

21 Nothing changed between November and January.
22 Notably, had Plaintiffs honored their agreements to dismiss
23 unsubstantiated complaints against the Item 9 defendants,
24 Defendants would not have had to incur over 70 percent of
09:28:31 25 their requested fees and over 90 percent of the requested

1 costs. The amount of the Item 9 defendants' fees and costs
2 falls squarely on Plaintiffs.

3 Finally, with respect to Plaintiffs' attempts to
4 re-litigate the motion to dismiss and harassment of the
09:28:46 5 Item 9 defendants, Plaintiffs attempt to justify their
6 actions by attempting to re-litigate the motion to dismiss
7 and filing over 300 pages of exhibits to a declaration.

8 The majority of the opposition in the declaration does not
9 even pertain to the Item 9 defendants but, rather,

09:29:01 10 Defendants MariMed, Lemons and Burton. The motion to
11 dismiss has already been decided, and the opposition papers
12 and declaration are irrelevant.

13 Interestingly, Plaintiffs' opposition is the first
14 time they explicitly admit their agency with Mr. Roche.

09:29:17 15 Mr. Roche's actions during the pendency of the case are
16 another reason fees and costs are more than reasonable.
17 Mr. Roche's tactics of obtaining client goals through fear,
18 intimidation and harassment, regardless of merit, facts or
19 actual substantiation, have no place in discourse.

09:29:35 20 For these reasons the Item 9 defendants request
21 they be awarded their attorneys' fees and costs of
22 \$79,893.83 and the costs of bringing this motion. If the
23 court has any questions on the Item 9 defendants' motion, I
24 am happy to answer them. Thank you for your time, your
09:29:50 25 Honor.

1 THE COURT: Not at this time, sir.

2 We'll hear from the plaintiffs.

3 MR. IGLODY: Thank you, your Honor. Lee Iglody
4 again, here for the plaintiffs.

09:30:00 5 Briefly, as outlined in our opposition, we, again,
6 disagree with the court's dismissal of the claims; however,
7 the standard here is whether or not there would have been a
8 reasonable basis for bringing the claims in the first
9 place.

09:30:14 10 Brian Roche was involved. He did investigate the
11 facts and circumstances surrounding the \$741,250 invested
12 in Harvest Foundation with Burton and Lemons. His
13 investigation resulted in the first amended complaint that
14 was the subject of the motion to dismiss, which the court
09:30:33 15 granted.

16 Here, the question is whether or not Roche's
17 declaration attached exhibits -- and, again, going back to
18 the first amended complaint -- by the way, I'll be asking
19 to file a second amended one tomorrow. But in the
09:30:48 20 meantime, the facts that were pled were sufficient, we
21 argued, to maintain the causes of action that were pled in
22 the first amended complaint. And so we ask the court not
23 to grant the motion for fees.

24 However, since the court recently granted the
09:31:09 25 motion for fees from one of the other defendants, we went

1 ahead and said, on the Brunzell factors -- I'm not going to
2 dispute in any way, shape or form the capabilities of
3 opposing counsel. Their work was outstanding on every
4 level. However, the amount of fees being requested on the
09:31:25 5 motion to dismiss, where, again, the court dismissed our
6 claims without us ever having an opportunity to offer one
7 shred discovery, we're saying it would be somewhat
8 excessive and unreasonable in the context of the case.

9 And so we just ask your Honor, first, deny the
09:31:37 10 motion, but if the court's inclined to grant the motion, we
11 would suggest the fees being requested are excessive.
12 Thank you, your Honor.

13 THE COURT: Thank you, sir.

14 We'll hear the reply.

09:31:51 15 MR. STAHL: Yes, your Honor, thank you.

16 As Mr. Iglody has mentioned, the court has already
17 granted Defendant Snowell's motion for attorneys' fees and
18 costs. And in that grant, it granted \$15,620 in attorneys'
19 fees for a motion that was over a lack of personal
09:32:16 20 jurisdiction for a single client. I have ten clients,
21 seven of which required declarations, and we're fighting
22 eight different claims. If you multiply Snowell's award by
23 ten you're at 150,000, and that's not what we're asking
24 for. We're asking for our legitimate fees spent on the
09:32:38 25 case of \$79,983.83.

1 Going through the work that was performed is
2 substantial. In their opposition, Plaintiffs suggest that
3 a reasonable fee is one hour of lawyer time and one hour of
4 paralegal time per page of motion. That's illogical.

09:33:04 5 Walking through what actually occurred, we can see why.

6 The Item 9 defendants and some of my partners at my law
7 firm had to deal with Mr. Roche's harassment, intimidation
8 at the beginning of the case. He wasn't concerned about
9 the actual merits of the case. He was just concerned about
09:33:22 10 getting his clients their money. He sums it up nicely in
11 one of this e-mails from June 20th, 2020:

12 "The only path I'm aligned on
13 currently is the path to 100 percent
14 complete success: Getting my guys
09:33:35 15 their money back. Anyone not helping
16 in that regard will be road kill in my
17 rearview mirror."

18 The Item 9 defendants wrote a letter to Plaintiffs'
19 counsel detailing the harassment and lack of substantiated
09:33:48 20 claims on November 10th, 2020 and showing the case was
21 meritless. In response, Plaintiffs' former counsel agreed
22 to dismiss the Item 9 defendants. The parties drafted
23 dismissal papers and were on the verge of dismissing,
24 finalizing details. Out of the blue, Plaintiffs fired
09:34:07 25 their lawyers at that time and reneged on the agreement to

1 dismiss. Then the Item 9 defendants had to turn to writing
2 a motion to dismiss.

3 Again, I have ten clients, each of which was
4 defending eight claims of a 244-paragraph, meandering
09:34:22 5 complaint. The eight claims were not simple claims. They
6 ranged from unjust enrichment and civil conspiracy to alter
7 ego and intentional interference with contract and
8 prospective economic advantage. We also had to research
9 and investigate the equitable relief that Plaintiff had
09:34:40 10 brought forth in the first amended complaint. Each of
11 these have to be researched, applied to the facts and
12 argued in the motion. Moreover, several of the defendants
13 had jurisdictional challenges which also had to be
14 investigated, researched and argued in the motion. Those
09:34:55 15 defendants also need declarations to support the
16 jurisdictional challenges.

17 In the end, the ten Item 9 defendants had
18 formulated a motion to dismiss seeking various forms of
19 dismissal, from lack of personal jurisdiction, lack of
09:35:08 20 subject matter jurisdiction, and failures to state a claim
21 for each of the claims against them.

22 In Plaintiffs' opposition brief, they began it by
23 dismissing five of the Item 9 defendants outright and then
24 dismissing four other claims against of all the defendants
09:35:24 25 outright. Nothing had changed between the November

1 dismissal agreement and the January opposition brief, yet
2 Plaintiff forced the Item 9 defendants to brief,
3 investigate, research the arguments for five defendants and
4 four claims for no reason. The remainder of the
09:35:38 5 plaintiffs' opposition barely pertained to the Item 9
6 defendants and, rather, focused on MariMed, Lemons, Burton
7 and Harvest.

8 Nevertheless, the Item 9 defendants needed to
9 address their opposition papers and file a reply brief.

09:35:57 10 Given the multiple Item 9 defendants remaining and the
11 remaining claims, counsel prepared at length for the
12 hearing. The hearing itself was lengthy because of all the
13 defendants involved and the various motions to dismiss.
14 After the hearing, after prevailing, the Item 9 defendants
09:36:11 15 also drafted the order hereby granted by the court.

16 Plaintiffs have no one to blame but themselves for
17 the amount of fees incurred by the Item 9 defendants. Over
18 73 percent of the fees and over 91 percent of the costs the
19 Defendant requests now were occurred after November 30th,
09:36:29 20 2020, which was the approximate date that Plaintiffs
21 reneged on their agreement to dismiss. It would be wrong
22 for Plaintiffs to be able run up costs only to punt later
23 and not have to face the consequences of squandering legal
24 and judicial resources.

09:36:44 25 Again, the Item 9 defendants request the court

1 grant them their motion for attorneys' fees for \$79,893.83
2 and the costs of bringing this motion. Thank you again,
3 your Honor.

4 THE COURT: All right. This is what I'm going to
09:36:55 5 do. I just have a general comment. You don't file a
6 complaint to conduct discovery. Rule 11 mandates that
7 prior to filing a lawsuit, you have to have sufficient
8 enough facts to support claims for relief and/or
9 jurisdictional issues. If not, it's problematic. It just
09:37:14 10 is.

11 And when I look at the history of this case, I
12 become somewhat concerned because litigation shouldn't be
13 utilized as a bludgeon, right? It shouldn't. Cases
14 should -- there should be facts that support the complaint,
09:37:29 15 and, hopefully, cases get decided on the merits by the
16 factfinder at the end of the day.

17 I rarely grant motions to dismiss, I don't mind
18 saying that. But to me, in this case, it was fairly
19 obvious what the outcome should be. And so what I'm going
09:37:46 20 to do is this -- and I think it's important to point out,
21 number one, I did consider the Brunzell factors in this
22 case, and it was a little more complex than the normal one-
23 or two- or three-party case. It just was. And it
24 appeared, to me, it did take a lot of work to prepare and
09:38:04 25 investigate on behalf of the number of clients that were

1 part of the dismissal motion in this matter.

2 And so what I'm going to do is this: Regarding the
3 motion for fees and costs, I'm going to grant that, number
4 one.

09:38:19 5 Secondly, as far as the fees being requested, I've
6 considered the Brunzell factors, as I'm required to do.
7 And that focused on, you know, the quality of work
8 performed, the background of the firm involved, the
9 complexity of the issues and the like. And I'm going to go
09:38:42 10 ahead and award the fees as requested in this matter.

11 And so, sir, what I'm going to require you to do is
12 prepare an order with some detail, addressing the Brunzell
13 factors and my ultimate decision in this case. Do you
14 understand?

09:38:59 15 MR. STAHL: Thank you, your Honor.

16 THE COURT: All right.

17 MR. STAHL: Will do, thank you.

18 THE COURT: All right. Everyone, enjoy your day.

19

20 (Proceedings concluded at 9:39 a.m.)

21

22

23

24

25

REPORTER'S CERTIFICATE

STATE OF NEVADA)
:SS
COUNTY OF CLARK)

I, MARLENE DURON, CERTIFIED SHORTHAND REPORTER DO
HEREBY CERTIFY THAT I TOOK DOWN IN STENOGRAPHY ALL OF THE
PROCEEDINGS HAD IN THE BEFORE-ENTITLED MATTER AT THE TIME
AND PLACE INDICATED, AND THAT THEREAFTER SAID STENOGRAPHY
NOTES WERE TRANSCRIBED INTO TYPEWRITING AT AND UNDER MY
DIRECTION AND SUPERVISION AND THE FOREGOING TRANSCRIPT
CONSTITUTES A FULL, TRUE AND ACCURATE RECORD TO THE BEST OF
MY ABILITY OF THE PROCEEDINGS HAD.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY
NAME IN MY OFFICE IN THE COUNTY OF CLARK, STATE OF NEVADA.

MARLENE DURON, RPR, CCR NO. 958

\$	89134 [1] - 4:6	2:9, 2:10, 2:11, 2:12, 2:13, 2:13, 2:14, 2:14, 2:15, 2:15, 2:16, 2:16, 2:17, 2:17 AND [12] - 1:10, 2:2, 2:18, 3:12, 3:15, 3:25, 16:7, 16:8, 16:9, 16:10 Andrew [1] - 5:16 ANDREW [2] - 2:13, 3:14 answer [1] - 8:24 appearances [2] - 5:9, 5:23 APPEARANCES [2] - 3:1, 4:1 appeared [1] - 14:24 applied [1] - 12:11 approximate [1] - 13:20 argued [3] - 9:21, 12:12, 12:14 arguments [1] - 13:3 ARIZONA [3] - 2:9, 2:10, 3:21 AT [2] - 16:6, 16:8 attached [1] - 9:17 attempt [1] - 8:5 attempting [1] - 8:6 attempts [2] - 6:23, 8:3 attorneys' [7] - 6:7, 6:11, 7:3, 8:21, 10:17, 10:18, 14:1 AVENUE [1] - 3:20 award [2] - 10:22, 15:10 awarded [2] - 6:10, 8:21	12:25 blame [1] - 13:16 bludgeon [1] - 14:13 blue [2] - 6:15, 11:24 BOWDEN [4] - 2:13, 2:13, 3:15 Bowden [2] - 5:16, 5:17 BRADY [1] - 3:18 Brian [1] - 9:10 brief [5] - 7:8, 12:22, 13:1, 13:2, 13:9 briefly [1] - 9:5 bring [1] - 7:20 bringing [3] - 8:22, 9:8, 14:2 brought [1] - 12:10 Brunzell [5] - 7:4, 10:1, 14:21, 15:6, 15:12 BRYCE [2] - 2:14, 3:15 Bryce [1] - 5:17 Burton [3] - 8:10, 9:12, 13:6 BURTON [1] - 2:15 BUSINESS [1] - 2:18 BY [5] - 1:25, 3:5, 3:19, 4:4, 4:13	3:23 Christian [1] - 5:12 CIRCLE [1] - 4:5 circumstances [1] - 9:11 civil [1] - 12:6 claim [1] - 12:20 claims [16] - 6:20, 7:13, 7:17, 9:6, 9:8, 10:6, 10:22, 11:20, 12:4, 12:5, 12:21, 12:24, 13:4, 13:11, 14:8 CLARK [3] - 1:6, 16:3, 16:13 client [2] - 8:17, 10:20 clients [4] - 10:20, 11:10, 12:3, 14:25 comment [1] - 14:5 COMPANY [10] - 1:9, 1:10, 2:3, 2:4, 2:6, 2:7, 2:9, 2:10, 2:11, 2:12 complaint [8] - 7:9, 9:13, 9:18, 9:22, 12:5, 12:10, 14:6, 14:14 complaints [1] - 7:23 complete [1] - 11:14 complex [1] - 14:22 complexity [1] - 15:9 concede [1] - 6:20 concerned [3] - 11:8, 11:9, 14:12 concluded [1] - 15:20 conduct [1] - 14:6 consequences [1] - 13:23 consider [1] - 14:21 considered [1] - 15:6 conspiracy [1] - 12:6 CONSTITUTES [1] - 16:10 context [1] - 10:8 CONTINUED [2] - 1:15, 4:1 contract [1] - 12:7 Corp [1] - 5:15 CORP [6] - 2:1, 2:2, 2:2, 3:11, 3:12 CORPORATION [2] - 1:14, 2:2 correct [2] - 6:3, 6:4 cost [2] - 6:11, 7:19 costs [12] - 6:11, 6:14, 8:1, 8:16, 8:21, 8:22, 10:18, 13:18, 13:22, 14:2, 15:3 counsel [4] - 10:3, 11:19, 11:21, 13:11	
\$15,620 [1] - 10:18 \$741,250 [1] - 9:11 \$79,893.83 [3] - 6:11, 8:22, 14:1 \$79,983.83 [1] - 10:25	9 9 [36] - 2:1, 2:3, 3:11, 3:12, 5:13, 5:14, 5:15, 5:16, 5:21, 6:10, 6:13, 6:18, 7:1, 7:7, 7:8, 7:13, 7:18, 7:23, 8:1, 8:5, 8:9, 8:20, 8:23, 11:6, 11:18, 11:22, 12:1, 12:17, 12:23, 13:2, 13:5, 13:8, 13:10, 13:14, 13:17, 13:25 90 [1] - 7:25 91 [1] - 13:18 958 [2] - 1:25, 16:16 9:25 [1] - 5:2 9:39 [1] - 15:20				
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2 [1] - 2:8 2020 [3] - 11:11, 11:20, 13:20 2021 [2] - 1:23, 5:1 20th [1] - 11:11 229-5200 [1] - 3:22 244-paragraph [1] - 12:4 252-5002 [1] - 4:7 2580 [1] - 3:6			calendar [1] - 5:7 capabilities [1] - 10:2 CAPITAL [2] - 2:9, 3:14 Capital [1] - 5:16 car [2] - 6:15 case [12] - 6:15, 8:15, 10:8, 10:25, 11:8, 11:9, 11:20, 14:11, 14:18, 14:22, 14:23, 15:13 cases [2] - 14:13, 14:15 causes [1] - 9:21 CCR [2] - 1:25, 16:16 CENTER [1] - 4:5 CENTRAL [1] - 3:20 CERTIFICATE [1] - 16:1 CERTIFIED [1] - 16:4 CERTIFY [1] - 16:5 challenges [2] - 12:13, 12:16 changed [2] - 7:21, 12:25 CHASE [2] - 2:17, 3:16 Chase [1] - 5:17 CHRISTIAN [2] - 3:19,		
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Purchase/Sale of Stock, Assets, or Real Estate

COURT MINUTES

June 08, 2021

A-20-811232-B JDD, LLC, Plaintiff(s)
vs.
Larry Lemons, Defendant(s)

June 08, 2021	09:05 AM	Defendants Item 9 Labs Corp., Viridis Group I9 Capital LLC, Viridis Group Holdings, LLC, Andrew Bowden, Douglas Bowden, Bryce Skalla, Jeffrey Rassas, and Chase Herschman's Motion for Attorneys' Fees and Costs
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HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Darling, Christopher

RECORDER:

REPORTER:

PARTIES PRESENT:

Christian G Stahl Attorney for Defendant

Kevin C. Barrett Attorney for Defendant

Lee I. Iglody Attorney for Plaintiff

JOURNAL ENTRIES

APPEARANCES CONTINUED: Marlene Duron, Court Reporter, present. Karl L. Nielson, Esq. also present.

Hearing held by BlueJeans remote conferencing. Arguments by counsel. Court stated ITS FINDINGS and ORDERED, Motion for Attorneys' Fees and Costs GRANTED. Court directed Mr. Iglody to prepare the order and include Brunzell case factors as part of ultimate determination.

Proposed order(s) to be submitted electronically to DC16Inbox@clarkcountycourts.us.

Heather S. Smith
CLERK OF THE COURT

SMITH LARSEN & WIXOM

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25 *Capital, LLC, Viridis Group Holdings, LLC, Andrew*
26 *Bowden, Douglas Bowden, Bryce Skalla, Jeffrey Rassas,*
27 *and Chase Herschman*

18 **EIGHTH JUDICIAL DISTRICT COURT**

19 **CLARK COUNTY, NEVADA**

20
21 JDD, LLC, a Nevada limited liability company;
22 TCS Partners, LLC, a Nevada limited liability
23 company; JOHN SAUNDERS, an individual; and
24 TREVOR SCHMIDT, an individual,

25 Plaintiffs,

26 vs.

27 MARIMED INC. f/k/a Worlds Online, Inc., a
28 Delaware corporation; ITEM 9 LABS CORP. f/k/a
Airware Labs Corp. and Crown Dynamics Corp., a
Delaware corporation; ITEM 9 PROPERTIES
LLC, a Nevada limited liability company; THE
HARVEST FOUNDATION LLC f/k/a, a Nevada

CASE NO.: A-20-811232-B

DEPT. NO.: 16

**ORDER GRANTING
DEFENDANTS ITEM 9 LABS
CORP., ITEM 9 PROPERTIES,
LLC, STRIVE MANAGEMENT,
L.L.C., VIRIDIS GROUP I9
CAPITAL, LLC, VIRIDIS GROUP
HOLDINGS, LLC, ANDREW
BOWDEN, DOUGLAS BOWDEN,
BRYCE SKALLA, JEFFREY**

1 L.L.C. d/b/a Strive Life, a Nevada limited liability
2 company; STRIVE WELLNESS OF NEVADA,
3 LLC d/b/a Strive Life, a Nevada limited liability
4 company; STRIVE WELLNESS OF NEVADA 2
5 L.L.C. d/b/a Strive Life, a Nevada limited liability
6 company; VIRIDIS GROUP I9 CAPITAL, LLC,
7 an Arizona limited liability company; VIRIDIS
8 GROUP HOLDINGS, LLC, an Arizona limited
9 liability company; SNOWELL HOLDINGS, LLC,
10 an Ohio limited liability company; ROBERT
11 FIREMAN, an individual; JON LEVINE, an
12 individual; ANDREW BOWDEN, an individual;
13 DOUGLAS BOWDEN, an individual; BRYCE
14 SKALLA, an individual; JEFFREY RASSAS, an
15 individual; DONALD BURTON, an individual;
16 LARRY LEMONS, an individual; JEFFREY
17 YOKIEL, an individual; JEROME YOKIEL, an
18 individual; SARA GULLICKSON, an individual;
19 CHASE HERSCHMAN, an individual; DOE
20 INDIVIDUALS I through X, and ROE
21 BUSINESS ENTITIES XI through XX, inclusive,

Defendants.

HERSCHMAN'S MOTION FOR ATTORNEYS' FEES AND COSTS

22 On December 18, 2020, Defendants Item 9 Labs Corp., Item 9 Properties, LLC, Strive
23 Management, L.L.C., Viridis Group I9 Capital, LLC, Viridis Group Holdings, LLC, Andrew
24 Bowden, Douglas Bowden, Bryce Skalla, Jeffrey Rassas, and Chase Herschman (collectively,
25 the "Item 9 Defendants") filed a Motion to Dismiss First Amended Complaint for Failure to
26 State a Claim Upon Which Relief May be Granted and Lack of Personal Jurisdiction (the
27 "Motion to Dismiss"). On April 12, 2021, this Court entered its Order Granting the Item 9
28 Defendants' Motion to Dismiss (the "Dismissal Order").

On May 4, 2021, the Item 9 Defendants filed a Motion for Attorneys' Fees and Costs
(the "Motion"), which requested an award of the attorneys' fees and costs that the Item 9
Defendants incurred in connection with the Motion to Dismiss, the Dismissal Order, and the
Motion. On May 18, 2021, Plaintiffs filed an Opposition to Defendants' Motion (the
"Opposition"). On June 1, 2021, the Item 9 Defendants filed their Reply in support of the
Motion.

1 A hearing on the Motion was heard on June 8, 2021, by the Honorable Timothy C.
2 Williams. Christian G. Stahl of the law firm of Quarles & Brady LLP and Karl L. Nielson of
3 the law firm of Smith Larsen & Wixom appeared on behalf of the Item 9 Defendants. Lee I.
4 Iglody appeared on behalf of Plaintiffs JDD, LLC, TCS Partners, LLC, John Saunders, and
5 Trevor Schmidt. Kevin Barrett of the law firm Barrett Makura appeared on behalf of non-
6 moving defendant The Harvest Foundation, LLC. After review and consideration of the written
7 pleadings, arguments of counsel and all relevant statutory and case law, and good cause
8 appearing:

9
10 The **COURT ORDERS** the Motion **GRANTED** and **AWARDS** the Item 9 Defendants
11 the sum of **\$77,878.50** in attorneys' fees and **\$2,106.33** in costs (collectively, **\$79,984.83**) in
12 connection with the Motion to Dismiss, and the sum of \$_____ in attorneys' fees in
13 connection with the Motion.

14 The Court **FINDS** that Plaintiffs' First Amended Complaint was "brought or maintained
15 without reasonable ground or to harass the prevailing party." N.R.S. 018.010(2)(b).

16 The Court **FURTHER FINDS** that the Item 9 Defendants have satisfied each of the
17 factors concerning the award of attorneys' fees and costs set forth in *Brunzell v Golden Gate*
18 *National Bank*, 455 P.2d 31 (Nev. 1969), and that each of the *Brunzell* factors weighs in favor
19 of an award of attorneys' fees and costs to the Item 9 Defendants. Specifically, the Court
20 **FINDS** as follows:

21 (1) The Court **FINDS** that the qualities of the advocates factor weighs in favor of
22 an award of attorneys' fees and costs to the Item 9 Defendants. Each of the advocates
23 representing the Item 9 Defendants has the experience, education, professional standing, skill
24 and training to appropriately handle the issues in this case and command rates commensurate
25 with their experience and training. As a result, this factor weighs in favor of the award.

26 (2) The Court **FINDS** that the character and difficulty of the work performed factor
27 weighs in favor of an award of attorneys' fees and costs to the Item 9 Defendants. Plaintiffs
28 filed a 244-paragraph First Amended Complaint (the "FAC") that asserted eight (8) claims

1 against the ten (10) Item 9 Defendants, including claims for unjust enrichment, civil conspiracy,
2 alter ego, intentional interference with contract, and intentional interference with prospective
3 economic advantage. The Item 9 Defendants filed a Motion to Dismiss the FAC based on lack
4 of personal jurisdiction and failure to state a claim. The Item 9 Defendants' Motion to Dismiss
5 required and involved analysis of general and specific personal jurisdiction, the preparation of
6 multiple substantive Declarations from multiple Item 9 Defendants, research and analysis of
7 the claims pled against the Item 9 Defendants, research and assessment of the factual allegations
8 pled in the FAC, and significant drafting. The Item 9 Defendants Motion to Dismiss required
9 significant time, work, and skill. In response, Plaintiffs did not submit any evidence
10 controverting the Declarations submitted by Plaintiffs which demonstrated that the Court lacked
11 personal jurisdiction over some of the Item 9 Defendants. Plaintiffs also agreed in their
12 opposition papers to dismiss all claims against each of the five (5) individual Item 9 Defendants
13 and four (4) of claims against the remaining Item 9 Defendants. As a result, this factor weighs
14 in favor of the award.

15
16 (3) The Court **FINDS** that the actual work performed factor weighs in favor of an
17 award of attorneys' fees and costs to the Item 9 Defendants. The work actually performed by
18 counsel for the Item 9 Defendants required significant skill, time, and attention. Among other
19 things, counsel for the Item 9 Defendants performed: (i) research and analysis of the 244-
20 paragraph FAC, which asserted eight (8) claims against the ten (10) Item 9 Defendants; (ii)
21 research and analysis of general and specific personal jurisdiction (and the lack thereof)
22 pertaining to multiple Item 9 Defendants; (iii) preparation of substantive written
23 communications to Plaintiffs' counsel detailing Mr. Roche's harassment of the Item 9
24 Defendants and the absence of merit to the claims pled against the Item 9 Defendants; (iv)
25 communications, preparation, and drafting for the agreed upon dismissal before Plaintiffs
26 ultimately refused to dismiss their claims; (v) preparation of the Motion to Dismiss; (vi)
27 preparation of multiple Declarations in support of the Motion to Dismiss; (vii) review and
28 analysis of Plaintiffs' Response to the Motion to Dismiss; (viii) preparation of the Item 9

1 Defendants' Reply in Support of the Motion to Dismiss; (ix) preparation and participation in
2 the oral argument on the Item 9 Defendants' Motion to Dismiss and other dismissal motions
3 brought by separate defendants; (x) preparation of the Motion for Attorneys' Fees and Costs;
4 (xi) review and analysis of Plaintiffs' Response to the Motion for Attorneys' Fees and Costs;
5 (xii) preparation of the Item 9 Defendants' Reply in Support of the Motion for Attorneys' Fees
6 and Costs; and (xiii) preparation and participation in the oral argument on the Item 9
7 Defendants' Motion for Attorneys' Fees and Costs. As a result, this factor weighs in favor of
8 the award.
9

10 (4) The Court **FINDS** that the result obtained factor weighs in favor of an award of
11 attorneys' fees and costs to the Item 9 Defendants. The Item 9 Defendants were successful in
12 their Motion to Dismiss. As a result, this factor weighs in favor of the award.

13 The Court **FURTHER FINDS** that the attorneys' fees and costs incurred, requested by,
14 and awarded to the Item 9 Defendants' are reasonable under *Brunzell*.

15 **NOW THEFEFORE, IT IS HEREBY ORDERED**, that the Item 9 Defendants'
16 Motion is **GRANTED**.

17 **NOW THEREFORE, IT IS FURTHER HEREBY ORDERED** that, after review and
18 consideration of the *Brunzell* factors, the Item 9 Defendants are hereby awarded the sum of
19 **\$77,878.50** in attorneys' fees and **\$2,106.33** in costs (collectively, **\$79,984.83**) in connection
20 with the Motion to Dismiss, with interest on such amounts at the highest lawful rate from the
21 date of this Order until paid in full.

22 **NOW THEREFORE, IT IS FURTHER HEREBY ORDERED** that, after review
23 and consideration of the *Brunzell* factors, the Item 9 Defendants are hereby awarded the sum of
24 **\$79,984.83** in connection with the Motion for Attorneys' Fees and Costs, with interest thereon
25 at the highest lawful rate from the date of this Order until paid in full.

26 ///

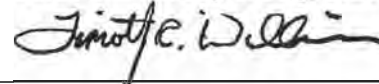
27 ///

1 **NOW THEREFORE, IT IS FURTHER HEREBY ORDERED** that Plaintiffs shall
2 be jointly and severally liable for all attorneys' fees and costs awarded herein.

3 **IT IS SO ORDERED.**

4
5 Dated this ____ day of June, 2021

6 Dated this 7th day of July, 2021

7 

8 DISTRICT JUDGE

9 **B5B EC4 8ACB F8CC**
10 **Timothy C. Williams**
11 **District Court Judge**

NS

12 *Respectfully Submitted By:*

13 /s/ Karl L. Nielson

14 Michael B. Wixom, Esq.

15 Nevada Bar No. 2812

16 Karl L. Nielson, Esq.

17 Nevada bar No. 5082

18 **SMITH LARSEN & WIXOM**

19 Hills Center Business Park

20 1935 Village Center Circle

21 Las Vegas, Nevada 89134

22 Tel: (702) 252-5002

23 Fax: (702) 252-5006

24 Email: mbw@slwlaw.com

25 kln@slwlaw.com

26 and

27 **Quarles & Brady LLP**

28 Renaissance One

Two North Central Avenue

Phoenix, AZ 85004-2391

TELEPHONE 602-229-5200

Lauren Elliott Stine (#025083) (admitted Pro Hac Vice)

Lauren.Stine@quarles.com

Christian G. Stahl (#029984) (admitted Pro Hac Vice)

Christian.Stahl@quarles.com

Attorneys for Defendants Item 9 Labs Corp., Item 9 Properties, LLC,

Strive Management, L.L.C., Viridis Group I9

Capital, LLC, Viridis Group Holdings, LLC, Andrew

Bowden, Douglas Bowden, Bryce Skalla, Jeffrey Rassas,

and Chase Herschman

1 *Approved as to form and content*

2 DATED this 23rd day of June, 2021.

3 **IGLODY LAW**

4
5 */s/ Lee I. Igloody*
6 LEE I. IGLODY
7 Nevada Bar No. 7757
8 *Attorneys for Plaintiffs JDD, LLC,*
9 *TCS Partners, LLC, John Saunders,*
10 *And Trevor Schmidt*

11 DATED this 23rd day of June, 2021.

12 **GABROY LAW OFFICES**

13 */s/ Christian Gabroy*
14 CHRISTIAN GABROY, ESQ.
15 Nevada Bar No. 8805
16 KAINE MESSER, ESQ.
17 Nevada Bar No. 14240
18 *Attorneys for Defendant*
19 *The Harvest Foundation*
20 *Attorneys for Defendant Sara Gullickson*

21 DATED this 23rd day of June, 2021.

22 **THE WRIGHT LAW GROUP, P.C.**

23 */s/ John Henry Wright*
24 JOHN HENRY WRIGHT, ESQ.
25 Nevada Bar No. 6182
26 *Attorneys for Defendants MARIMED, INC.,*
27 *ROBERT FIREMAN and JON LEVINE*

DATED this 23rd day of June, 2021

MESSNER REEVES LLP

/s/ Candace C. Herling
Candace C. Herling
Nevada Bar No. 13503
Attorneys for Defendants Burton,
Lemons, and Snowell

DATED this 23rd day of June, 2021.

BARRETT & MATURA, P.C.

/s/ Kevin C. Barrett
KEVIN C. BARRETT, ESQ.
Nevada Bar No. 8959
Attorneys for Defendant
The Harvest Foundation

From: Lee Iglody, Esq. <lee@iglody.com>
Sent: Wednesday, June 23, 2021 9:20 AM
To: Karl L. Nielson
Cc: Candi Ashdown; christian@gabroy.com; kmesser@gabroy.com; Candace C. Herling; Mike Wixom; kbarrett@barrettmatura.com; John Wright; Andrelle Stanley; Dayana Shakerian; Mindy Warner; Stine, Lauren Elliott; Stahl, Christian G.; Jana Rivard
Subject: Re: JDD v. Item 9 et al., CASE NO. A-20-811232-B

Approved.

Kind regards,

Lee Iglody, Esq.
2580 St Rose Pkwy #330
Henderson, Nevada 89074
O: (702) 425-5366
C: (702) 561-9934
lee@iglody.com
www.iglodylaw.com



The IRS requires us to inform you that any tax information or advice is not intended and cannot be used to avoid tax penalties or promote, recommend or market any tax related matters. Also, this email contains confidential communications. If you received this email in error, notify the sender immediately. Thank you.

On Wed, Jun 23, 2021 at 9:08 AM Karl L. Nielson <kln@slwlaw.com> wrote:

I am following up on the email below. Please advise if we have your approval to use your e-signature. Thanks.

Karl L. Nielson, Esq.

Smith Larsen & Wixom

1935 Village Center Circle

Las Vegas, NV 89134

Tel: (702) 252-5002

Fax: (702) 252-5006

Email: kln@slwlaw.com

From: Christian Gabroy <christian@gabroy.com>
Sent: Wednesday, June 23, 2021 9:12 AM
To: Karl L. Nielson
Cc: Candi Ashdown; lee@iglody.com; kmesser@gabroy.com; Candace C. Herling; Mike Wixom; kbarrett@barrettmatura.com; John Wright; Andrelle Stanley; Dayana Shakerian; Mindy Warner; Stine, Lauren Elliott; Stahl, Christian G.; Jana Rivard
Subject: Re: JDD v. Item 9 et al., CASE NO. A-20-811232-B

approve.

On Wed, Jun 23, 2021 at 9:08 AM Karl L. Nielson <kln@slwlaw.com> wrote:

I am following up on the email below. Please advise if we have your approval to use your e-signature. Thanks.

Karl L. Nielson, Esq.

Smith Larsen & Wixom

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Las Vegas, NV 89134

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Fax: (702) 252-5006

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From: Karl L. Nielson
Sent: Monday, June 21, 2021 3:57 PM
To: Candi Ashdown <Candi@wrightlawgroupnv.com>; lee@iglody.com; christian@gabroy.com; kmesser@gabroy.com; Candace C. Herling <CHerling@messner.com>; Mike Wixom <mbw@slwlaw.com>; kbarrett@barrettmatura.com
Cc: John Wright <john@wrightlawgroupnv.com>; Andrelle Stanley <Andrelle@wrightlawgroupnv.com>; Dayana Shakerian <dayana@wrightlawgroupnv.com>; mwarner@slwlaw.com; Stine, Lauren Elliott <Lauren.Stine@quarles.com>; Stahl, Christian G. <Christian.Stahl@quarles.com>; Jana Rivard <jlr@slwlaw.com>
Subject: RE: JDD v. Item 9 et al., CASE NO. A-20-811232-B

Counsel – Please see attached the Order Granting Item 9 Defendants’ Motion for Attorney’s Fees in the above referenced action. If the Order meets with your approval as to form, please email permission to use your e-signature. Thanks,

- Karl

Karl L. Nielson, Esq.

Smith Larsen & Wixom

1935 Village Center Circle

Las Vegas, NV 89134

Tel: (702) 252-5002

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<https://slwlaw.com>

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From: Karl L. Nielson

Sent: Friday, March 26, 2021 2:12 PM

To: Candi Ashdown <Candi@wrightlawgroupnv.com>; lee@iglody.com; christian@gabroy.com; kmesser@gabroy.com; Candace C. Herling <CHerling@messner.com>; Mike Wixom <mbw@slwlaw.com>; kbarrett@barrettmatura.com

Cc: John Wright <john@wrightlawgroupnv.com>; Andrelle Stanley <Andrelle@wrightlawgroupnv.com>; Dayana Shakerian <dayana@wrightlawgroupnv.com>; mwarner@slwlaw.com; Stine, Lauren Elliott <Lauren.Stine@quarles.com>; Stahl, Christian G. <Christian.Stahl@quarles.com>

Subject: RE: CASE NO. A-20-811232-B

Counsel – Please see attached the Order Granting Item 9 Defendants’ Motion to Dismiss in the above referenced action. If the Order meets with your approval, please email permission to use your e-signature. Thanks,

- Karl

From: Kevin Barrett <kbarrett@barrettmatura.com>
Sent: Tuesday, June 22, 2021 2:00 PM
To: Karl L. Nielson <kln@slwlaw.com>
Subject: RE: JDD v. Item 9 et al., CASE NO. A-20-811232-B

You can sign for me.

Kevin

Kevin C. Barrett, Esq.



Barrett & Matura, P.C.
7575 W. Vegas Drive
Suite 150c
Las Vegas, Nevada 89128
Main: 702.833.1033
Direct: 602.792.5715
Fax: 602.792.5710
Email: kbarrett@barrettmatura.com

- - - - -

From: Karl L. Nielson <kln@slwlaw.com>
Sent: Monday, June 21, 2021 3:57 PM
To: Candi Ashdown <Candi@wrightlawgroupnv.com>; lee@iglody.com; christian@gabroy.com; kmesser@gabroy.com; Candace C. Herling <CHerling@messner.com>; Mike Wixom <mbw@slwlaw.com>; Kevin Barrett <kbarrett@barrettmatura.com>
Cc: John Wright <john@wrightlawgroupnv.com>; Andrelle Stanley <Andrelle@wrightlawgroupnv.com>; Dayana Shakerian <dayana@wrightlawgroupnv.com>; Mindy Warner <mwarner@slwlaw.com>; Stine, Lauren Elliott <Lauren.Stine@quarles.com>; Stahl, Christian G. <Christian.Stahl@quarles.com>; Jana Rivard <jlir@slwlaw.com>
Subject: RE: JDD v. Item 9 et al., CASE NO. A-20-811232-B

Counsel – Please see attached the Order Granting Item 9 Defendants’ Motion for Attorney’s Fees in the above referenced action. If the Order meets with your approval as to form, please email permission to use your e-signature. Thanks,
- Karl

Karl L. Nielson, Esq.
Smith Larsen & Wixom
1935 Village Center Circle
Las Vegas, NV 89134
Tel: (702) 252-5002
Fax: (702) 252-5006
Email: kln@slwlaw.com
<https://slwlaw.com>

From: John Wright <john@wrightlawgroupnv.com>
Sent: Wednesday, June 23, 2021 9:18 AM
To: Karl L. Nielson <kln@slwlaw.com>
Subject: RE: JDD v. Item 9 et al., CASE NO. A-20-811232-B

Approved

John Henry Wright, Esq.

The Wright Law Group, P.C.
2340 Paseo Del Prado, Suite D-305
Las Vegas, Nevada 89102
Telephone: (702) 405-0001
Facsimile: (702) 405-8454
john@wrightlawgroupnv.com



THE WRIGHT LAW GROUP

From: Karl L. Nielson <kln@slwlaw.com>
Sent: Wednesday, June 23, 2021 9:08 AM
To: Candi Ashdown <Candi@wrightlawgroupnv.com>; lee@iglody.com; christian@gabroy.com; kmesser@gabroy.com; Candace C. Herling <CHerling@messner.com>; Mike Wixom <mbw@slwlaw.com>; kbarrett@barrettmatura.com
Cc: John Wright <john@wrightlawgroupnv.com>; Andrelle Stanley <Andrelle@wrightlawgroupnv.com>; Dayana Shakerian <dayana@wrightlawgroupnv.com>; Mindy Warner <mwarner@slwlaw.com>; Stine, Lauren Elliott <Lauren.Stine@quarles.com>; Stahl, Christian G. <Christian.Stahl@quarles.com>; Jana Rivard <jlir@slwlaw.com>
Subject: RE: JDD v. Item 9 et al., CASE NO. A-20-811232-B

I am following up on the email below. Please advise if we have your approval to use your e-signature. Thanks.

Karl L. Nielson, Esq.
Smith Larsen & Wixom
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Tel: (702) 252-5002
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<https://slwlaw.com>

From: Candace C. Herling <CHerling@messner.com>
Sent: Wednesday, June 23, 2021 4:24 PM
To: Karl L. Nielson
Cc: Stine, Lauren Elliott; Stahl, Christian G.; Jana Rivard; justin@bianchibrandt.com; mukunda@bianchibrandt.com
Subject: RE: JDD v. Item 9 et al., CASE NO. A-20-811232-B

Yes.

Thanks,

Candace

Candace C. Herling
Partner

Messner Reeves LLP
8945 W. Russell Road | Suite 300
Las Vegas, NV 89148

One East Liberty Street | Suite 600
Reno, NV 89501

702.363.5100 *main* | 702.363.5101 *fax*
cherling@messner.com
messner.com

From: Karl L. Nielson <kln@slwlaw.com>
Sent: Wednesday, June 23, 2021 4:23 PM
To: Candace C. Herling <CHerling@messner.com>
Cc: Stine, Lauren Elliott <Lauren.Stine@quarles.com>; Stahl, Christian G. <Christian.Stahl@quarles.com>; Jana Rivard <jlr@slwlaw.com>; justin@bianchibrandt.com; mukunda@bianchibrandt.com
Subject: FW: JDD v. Item 9 et al., CASE NO. A-20-811232-B

Candace – I have approvals from all other counsel to use their signatures on our order on the motion for fees. Ok to use yours as well?

Karl L. Nielson, Esq.
Smith Larsen & Wixom
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Las Vegas, NV 89134
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Fax: (702) 252-5006
Email: kln@slwlaw.com
<https://slwlaw.com>

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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 JDD, LLC, Plaintiff(s)

CASE NO: A-20-811232-B

7 vs.

DEPT. NO. Department 16

8 Larry Lemons, 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 Motion was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 7/7/2021

15 Christian Gabroy

christian@gabroy.com

16 Michael Wixom

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17 Karl Nielson

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18 Mindy Warner

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19 Jana Rivard

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20 Traci Bixenmann

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21 Kaine Messer

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22 Lee Iglody

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23 John Wright

efile@wrightlawgroupnv.com

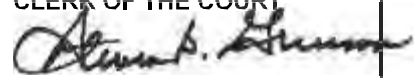
24 Candace Herling

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25 Stephanie Prescott

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8	Trevor Schmidt	trevor@myshapelipo.com
9	Kevin Barrett	kbarrett@barrettmatura.com
10	Emily Iglody	emily@iglodylaw.com
11	Lauren Stine	Lauren.Stine@quarles.com
12	Maria Marotta	Maria.Marotta@quarles.com
13	Justin Brandt	justin@bianchibrandt.com
14	Mukunda Shanbhag	mukunda@bianchibrandt.com
15	Christian Stahl	christian.stahl@quarles.com
16	Chelsea Arancio	chelsea@bianchibrandt.com
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1 **NEOJ**

Michael B. Wixom, Esq.

2 Nevada Bar No. 2812

Karl L. Nielson, Esq.

3 Nevada Bar No. 5082

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4 1935 Village Center Circle

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7 and

8 Quarles & Brady LLP

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11 Lauren.Stine@quarles.com

Christian G. Stahl (#029984) (admitted Pro Hac Vice)

12 Christian.Stahl@quarles.com

Attorneys for Defendants Item 9 Labs Corp.; Item 9 Properties, LLC,

13 *Strive Management, L.L.C., Viridis Group I9*

Capital, LLC, Viridis Group Holdings, LLC, Andrew

14 *Bowden, Douglas Bowden; Bryce Skalla Jeffrey Rassas,*

15 *and Chase Herschman*

16 **DISTRICT COURT**

17 **CLARK COUNTY, NEVADA**

18 JDD, LLC, a Nevada limited liability company;
19 TCS Partners, LLC, a Nevada limited liability
company; JOHN SAUNDERS, an individual; and
20 TREVOR SCHMIDT, an individual,

21 Plaintiffs,

22 vs.

23 MARIMED INC. f/k/a Worlds Online, Inc., a
24 Delaware corporation; ITEM 9 LABS CORP. f/k/a
25 Airware Labs Corp. and Crown Dynamics Corp., a
26 Delaware corporation; ITEM 9 PROPERTIES
27 LLC, a Nevada limited liability company; THE
28 HARVEST FOUNDATION LLC f/k/a, a Nevada
limited liability company a/k/a THE HARVEST
FOUNDATION, LLC; STRIVE MANAGEMENT
L.L.C. d/b/a Strive Life, a Nevada limited liability
company; STRIVE WELLNESS OF NEVADA,
LLC d/b/a Strive Life, a Nevada limited liability
company; STRIVE WELLNESS OF NEVADA 2
L.L.C. d/b/a Strive Life, a Nevada limited liability

CASE NO.: A-20-811232-B

DEPT. NO.: 16

**NOTICE OF ENTRY OF ORDER
GRANTING DEFENDANTS ITEM 9
LABS CORP., ITEM 9
PROPERTIES, LLC, STRIVE
MANAGEMENT, L.L.C., VIRIDIS
GROUP I9 CAPITAL, LLC,
VIRIDIS GROUP HOLDINGS, LLC,
ANDREW BOWDEN, DOUGLAS
BOWDEN, BRYCE SKALLA,
JEFFREY RASSAS, AND CHASE
HERSCHMAN'S MOTION FOR
ATTORNEYS' FEES AND COSTS**

company; VIRIDIS GROUP I9 CAPITAL, LLC, an Arizona limited liability company; VIRIDIS GROUP HOLDINGS, LLC, an Arizona limited liability company; SNOWELL HOLDINGS, LLC, an Ohio limited liability company; ROBERT FIREMAN, an individual; JON LEVINE, an individual; ANDREW BOWDEN, an individual; DOUGLAS BOWDEN, an individual; BRYCE SKALLA, an individual; JEFFREY RASSAS, an individual; DONALD BURTON, an individual; LARRY LEMONS, an individual; JEFFREY YOKIEL, an individual; JEROME YOKIEL, an individual; SARA GULLICKSON, an individual; CHASE HERSCHMAN, an individual; DOE INDIVIDUALS I through X, and ROE BUSINESS ENTITIES XI through XX, inclusive,

Defendants.

NOTICE IS HEREBY GIVEN that the attached Order Granting Defendants Item 9 Labs Corp., Item 9 Properties, LLC, Strive Management, L.L.C. Viridis Group I9 Capital, LLC, Viridis Group Holdings, LLC, Andrew Bowden, Douglas Dowden, Bryce Skalla, Jeffrey Rassas and Chase Herschman's Motion for Attorneys' Fees and Costs was entered by the Court on the 7th day of July, 2021.

DATED this 7th day of July, 2021.

SMITH LARSEN & WIXOM

/s/ Karl L. Nielson

Michael B. Wixom, Esq.

Nevada Bar No. 2812

Karl L. Nielson, Esq.

Nevada Bar No. 5082

1935 Village Center Circle

Las Vegas, Nevada 89134

and

QUARLES & BRADY LLP

Renaissance One

Two North Central Avenue

Phoenix, AZ 85004-2391

Attorneys for Defendants Item 9 Labs Corp.;

Item 9 Properties, LLC, Strive Management,

L.L.C., Viridis Group I9 Capital, LLC, Viridis

Group Holdings, LLC, Andrew Bowden,

Douglas Bowden; Bryce Skalla Jeffrey Rassas,

and Chase Herschman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 7, 2021 a true copy of the foregoing **Notice of Entry of Order Granting Defendants Item 9 Labs Corp., Item 9 properties, LLC, Strive Management, L.L.C. Viridis Group 19 Capital, LLC, Viridis Group Holdings, LLC, Andrew Bowden, Douglas Dowden, Bryce Skalla, Jeffrey Rassas and Chase Herschman's Motion for Attorneys' Fees and Costs** was sent via electronic means to the following at their last known email addresses, pursuant to EDCR 8.05(a):

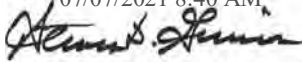
Christian Gabroy	christian@gabroy.com
Traci Bixenmann	traci@johnaldrichlawfirm.com
Kaine Messer	kmesser@gabroy.com
Lee Iglody	lee@iglody.com
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Trevor Schmidt	trevor@myshapelipo.com
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SMITH LARSEN & WIXOM

ATTORNEYS
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4	Justin Brandt	justin@bianchibrandt.com
5	Mukunda Shanbhag	mukunda@bianchibrandt.com
6	Christian Stahl	christian.stahl@quarles.com
7	Chelsea Arancio	chelsea@bianchibrandt.com

/s/ Jana L. Rivard
An employee of Smith Larsen & Wixom


CLERK OF THE COURT

SMITH LARSEN & WIXOM

ATTORNEYS
HILLS CENTER BUSINESS PARK
1935 VILLAGE CENTER CIRCLE
LAS VEGAS, NEVADA 89134
(702) 252-5002 • (702) 252-5006

OGM

Michael B. Wixom, Esq.
Nevada Bar No. 2812
Karl L. Nielson, Esq.
Nevada Bar No. 5082
SMITH LARSEN & WIXOM
Hills Center Business Park
1935 Village Center Circle
Las Vegas, Nevada 89134
Tel: (702) 252-5002
Fax: (702) 252-5006
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kln@slwlaw.com

Quarles & Brady LLP
Renaissance One
Two North Central Avenue
Phoenix, AZ 85004-2391
TELEPHONE 602-229-5200
Lauren Elliott Stine (#025083) (admitted Pro Hac Vice)
Lauren.Stine@quarles.com
Christian G. Stahl (#029984) (admitted Pro Hac Vice)
Christian.Stahl@quarles.com

*Attorneys for Defendants Item 9 Labs Corp., Item 9 Properties, LLC,
Strive Management, L.L.C., Viridis Group I9
Capital, LLC, Viridis Group Holdings, LLC, Andrew
Bowden, Douglas Bowden; Bryce Skalla, Jeffrey Rassas,
and Chase Herschman*

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

JDD, LLC, a Nevada limited liability company;
TCS Partners, LLC, a Nevada limited liability
company; JOHN SAUNDERS, an individual; and
TREVOR SCHMIDT, an individual,

Plaintiffs,

vs.

MARIMED INC. f/k/a Worlds Online, Inc., a
Delaware corporation; ITEM 9 LABS CORP. f/k/a
Airware Labs Corp. and Crown Dynamics Corp., a
Delaware corporation; ITEM 9 PROPERTIES
LLC, a Nevada limited liability company; THE
HARVEST FOUNDATION LLC f/k/a, a Nevada

CASE NO.: A-20-811232-B

DEPT. NO.: 16

**ORDER GRANTING
DEFENDANTS ITEM 9 LABS
CORP., ITEM 9 PROPERTIES,
LLC, STRIVE MANAGEMENT,
L.L.C., VIRIDIS GROUP I9
CAPITAL, LLC, VIRIDIS GROUP
HOLDINGS, LLC, ANDREW
BOWDEN, DOUGLAS BOWDEN,
BRYCE SKALLA, JEFFREY**

1 L.L.C. d/b/a Strive Life, a Nevada limited liability
2 company; STRIVE WELLNESS OF NEVADA,
3 LLC d/b/a Strive Life, a Nevada limited liability
4 company; STRIVE WELLNESS OF NEVADA 2
5 L.L.C. d/b/a Strive Life, a Nevada limited liability
6 company; VIRIDIS GROUP I9 CAPITAL, LLC,
7 an Arizona limited liability company; VIRIDIS
8 GROUP HOLDINGS, LLC, an Arizona limited
9 liability company; SNOWELL HOLDINGS, LLC,
10 an Ohio limited liability company; ROBERT
11 FIREMAN, an individual; JON LEVINE, an
12 individual; ANDREW BOWDEN, an individual;
13 DOUGLAS BOWDEN, an individual; BRYCE
14 SKALLA, an individual; JEFFREY RASSAS, an
15 individual; DONALD BURTON, an individual;
16 LARRY LEMONS, an individual; JEFFREY
17 YOKIEL, an individual; JEROME YOKIEL, an
18 individual; SARA GULLICKSON, an individual;
19 CHASE HERSCHMAN, an individual; DOE
20 INDIVIDUALS I through X, and ROE
21 BUSINESS ENTITIES XI through XX, inclusive,

Defendants.

HERSCHMAN'S MOTION FOR ATTORNEYS' FEES AND COSTS

22 On December 18, 2020, Defendants Item 9 Labs Corp., Item 9 Properties, LLC, Strive
23 Management, L.L.C., Viridis Group I9 Capital, LLC, Viridis Group Holdings, LLC, Andrew
24 Bowden, Douglas Bowden, Bryce Skalla, Jeffrey Rassas, and Chase Herschman (collectively,
25 the "Item 9 Defendants") filed a Motion to Dismiss First Amended Complaint for Failure to
26 State a Claim Upon Which Relief May be Granted and Lack of Personal Jurisdiction (the
27 "Motion to Dismiss"). On April 12, 2021, this Court entered its Order Granting the Item 9
28 Defendants' Motion to Dismiss (the "Dismissal Order").

On May 4, 2021, the Item 9 Defendants filed a Motion for Attorneys' Fees and Costs
(the "Motion"), which requested an award of the attorneys' fees and costs that the Item 9
Defendants incurred in connection with the Motion to Dismiss, the Dismissal Order, and the
Motion. On May 18, 2021, Plaintiffs filed an Opposition to Defendants' Motion (the
"Opposition"). On June 1, 2021, the Item 9 Defendants filed their Reply in support of the
Motion.

1 A hearing on the Motion was heard on June 8, 2021, by the Honorable Timothy C.
2 Williams. Christian G. Stahl of the law firm of Quarles & Brady LLP and Karl L. Nielson of
3 the law firm of Smith Larsen & Wixom appeared on behalf of the Item 9 Defendants. Lee I.
4 Iglody appeared on behalf of Plaintiffs JDD, LLC, TCS Partners, LLC, John Saunders, and
5 Trevor Schmidt. Kevin Barrett of the law firm Barrett Makura appeared on behalf of non-
6 moving defendant The Harvest Foundation, LLC. After review and consideration of the written
7 pleadings, arguments of counsel and all relevant statutory and case law, and good cause
8 appearing:

9
10 The **COURT ORDERS** the Motion **GRANTED** and **AWARDS** the Item 9 Defendants
11 the sum of **\$77,878.50** in attorneys' fees and **\$2,106.33** in costs (collectively, **\$79,984.83**) in
12 connection with the Motion to Dismiss, and the sum of \$_____ in attorneys' fees in
13 connection with the Motion.

14 The Court **FINDS** that Plaintiffs' First Amended Complaint was "brought or maintained
15 without reasonable ground or to harass the prevailing party." N.R.S. 018.010(2)(b).

16 The Court **FURTHER FINDS** that the Item 9 Defendants have satisfied each of the
17 factors concerning the award of attorneys' fees and costs set forth in *Brunzell v Golden Gate*
18 *National Bank*, 455 P.2d 31 (Nev. 1969), and that each of the *Brunzell* factors weighs in favor
19 of an award of attorneys' fees and costs to the Item 9 Defendants. Specifically, the Court
20 **FINDS** as follows:

21 (1) The Court **FINDS** that the qualities of the advocates factor weighs in favor of
22 an award of attorneys' fees and costs to the Item 9 Defendants. Each of the advocates
23 representing the Item 9 Defendants has the experience, education, professional standing, skill
24 and training to appropriately handle the issues in this case and command rates commensurate
25 with their experience and training. As a result, this factor weighs in favor of the award.

26 (2) The Court **FINDS** that the character and difficulty of the work performed factor
27 weighs in favor of an award of attorneys' fees and costs to the Item 9 Defendants. Plaintiffs
28 filed a 244-paragraph First Amended Complaint (the "FAC") that asserted eight (8) claims

1 against the ten (10) Item 9 Defendants, including claims for unjust enrichment, civil conspiracy,
2 alter ego, intentional interference with contract, and intentional interference with prospective
3 economic advantage. The Item 9 Defendants filed a Motion to Dismiss the FAC based on lack
4 of personal jurisdiction and failure to state a claim. The Item 9 Defendants' Motion to Dismiss
5 required and involved analysis of general and specific personal jurisdiction, the preparation of
6 multiple substantive Declarations from multiple Item 9 Defendants, research and analysis of
7 the claims pled against the Item 9 Defendants, research and assessment of the factual allegations
8 pled in the FAC, and significant drafting. The Item 9 Defendants Motion to Dismiss required
9 significant time, work, and skill. In response, Plaintiffs did not submit any evidence
10 controverting the Declarations submitted by Plaintiffs which demonstrated that the Court lacked
11 personal jurisdiction over some of the Item 9 Defendants. Plaintiffs also agreed in their
12 opposition papers to dismiss all claims against each of the five (5) individual Item 9 Defendants
13 and four (4) of claims against the remaining Item 9 Defendants. As a result, this factor weighs
14 in favor of the award.

15
16 (3) The Court **FINDS** that the actual work performed factor weighs in favor of an
17 award of attorneys' fees and costs to the Item 9 Defendants. The work actually performed by
18 counsel for the Item 9 Defendants required significant skill, time, and attention. Among other
19 things, counsel for the Item 9 Defendants performed: (i) research and analysis of the 244-
20 paragraph FAC, which asserted eight (8) claims against the ten (10) Item 9 Defendants; (ii)
21 research and analysis of general and specific personal jurisdiction (and the lack thereof)
22 pertaining to multiple Item 9 Defendants; (iii) preparation of substantive written
23 communications to Plaintiffs' counsel detailing Mr. Roche's harassment of the Item 9
24 Defendants and the absence of merit to the claims pled against the Item 9 Defendants; (iv)
25 communications, preparation, and drafting for the agreed upon dismissal before Plaintiffs
26 ultimately refused to dismiss their claims; (v) preparation of the Motion to Dismiss; (vi)
27 preparation of multiple Declarations in support of the Motion to Dismiss; (vii) review and
28 analysis of Plaintiffs' Response to the Motion to Dismiss; (viii) preparation of the Item 9

1 Defendants' Reply in Support of the Motion to Dismiss; (ix) preparation and participation in
2 the oral argument on the Item 9 Defendants' Motion to Dismiss and other dismissal motions
3 brought by separate defendants; (x) preparation of the Motion for Attorneys' Fees and Costs;
4 (xi) review and analysis of Plaintiffs' Response to the Motion for Attorneys' Fees and Costs;
5 (xii) preparation of the Item 9 Defendants' Reply in Support of the Motion for Attorneys' Fees
6 and Costs; and (xiii) preparation and participation in the oral argument on the Item 9
7 Defendants' Motion for Attorneys' Fees and Costs. As a result, this factor weighs in favor of
8 the award.
9

10 (4) The Court **FINDS** that the result obtained factor weighs in favor of an award of
11 attorneys' fees and costs to the Item 9 Defendants. The Item 9 Defendants were successful in
12 their Motion to Dismiss. As a result, this factor weighs in favor of the award.

13 The Court **FURTHER FINDS** that the attorneys' fees and costs incurred, requested by,
14 and awarded to the Item 9 Defendants' are reasonable under *Brunzell*.

15 **NOW THEFEFORE, IT IS HEREBY ORDERED**, that the Item 9 Defendants'
16 Motion is **GRANTED**.

17 **NOW THEREFORE, IT IS FURTHER HEREBY ORDERED** that, after review and
18 consideration of the *Brunzell* factors, the Item 9 Defendants are hereby awarded the sum of
19 **\$77,878.50** in attorneys' fees and **\$2,106.33** in costs (collectively, **\$79,984.83**) in connection
20 with the Motion to Dismiss, with interest on such amounts at the highest lawful rate from the
21 date of this Order until paid in full.

22 **NOW THEREFORE, IT IS FURTHER HEREBY ORDERED** that, after review
23 and consideration of the *Brunzell* factors, the Item 9 Defendants are hereby awarded the sum of
24 **\$79,984.83** in connection with the Motion for Attorneys' Fees and Costs, with interest thereon
25 at the highest lawful rate from the date of this Order until paid in full.

26 ///

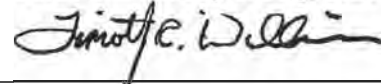
27 ///

1 **NOW THEREFORE, IT IS FURTHER HEREBY ORDERED** that Plaintiffs shall
2 be jointly and severally liable for all attorneys' fees and costs awarded herein.

3 **IT IS SO ORDERED.**

4
5 Dated this ____ day of June, 2021

6 Dated this 7th day of July, 2021

7 

8 DISTRICT JUDGE

9 **B5B EC4 8ACB F8CC**
10 **Timothy C. Williams**
11 **District Court Judge**

NS

12 *Respectfully Submitted By:*

13 /s/ Karl L. Nielson

14 Michael B. Wixom, Esq.

15 Nevada Bar No. 2812

16 Karl L. Nielson, Esq.

17 Nevada bar No. 5082

18 **SMITH LARSEN & WIXOM**

19 Hills Center Business Park

20 1935 Village Center Circle

21 Las Vegas, Nevada 89134

22 Tel: (702) 252-5002

23 Fax: (702) 252-5006

24 Email: mbw@slwlaw.com

25 kln@slwlaw.com

26 and

27 **Quarles & Brady LLP**

28 Renaissance One

Two North Central Avenue

Phoenix, AZ 85004-2391

TELEPHONE 602-229-5200

Lauren Elliott Stine (#025083) (admitted Pro Hac Vice)

Lauren.Stine@quarles.com

Christian G. Stahl (#029984) (admitted Pro Hac Vice)

Christian.Stahl@quarles.com

Attorneys for Defendants Item 9 Labs Corp., Item 9 Properties, LLC,

Strive Management, L.L.C., Viridis Group I9

Capital, LLC, Viridis Group Holdings, LLC, Andrew

Bowden, Douglas Bowden, Bryce Skalla, Jeffrey Rassas,

and Chase Herschman

1 *Approved as to form and content*

2 DATED this 23rd day of June, 2021.

3 **IGLODY LAW**

4 */s/ Lee I. Igloody*

5 LEE I. IGLODY

6 Nevada Bar No. 7757

7 *Attorneys for Plaintiffs JDD, LLC,*
8 *TCS Partners, LLC, John Saunders,*
9 *And Trevor Schmidt*

10 DATED this 23rd day of June, 2021.

11 **GABROY LAW OFFICES**

12 */s/ Christian Gabroy*

13 CHRISTIAN GABROY, ESQ.

14 Nevada Bar No. 8805

15 KAINE MESSER, ESQ.

16 Nevada Bar No. 14240

17 *Attorneys for Defendant*
18 *The Harvest Foundation*

19 *Attorneys for Defendant Sara Gullickson*

20 DATED this 23rd day of June, 2021.

21 **THE WRIGHT LAW GROUP, P.C.**

22 */s/ John Henry Wright*

23 JOHN HENRY WRIGHT, ESQ.

24 Nevada Bar No. 6182

25 *Attorneys for Defendants MARIMED, INC.,*
26 *ROBERT FIREMAN and JON LEVINE*

DATED this 23rd day of June, 2021

MESSNER REEVES LLP

/s/ Candace C. Herling

Candace C. Herling

Nevada Bar No. 13503

Attorneys for Defendants Burton,
Lemons, and Snowell

DATED this 23rd day of June, 2021.

BARRETT & MATURA, P.C.

/s/ Kevin C. Barrett

KEVIN C. BARRETT, ESQ.

Nevada Bar No. 8959

Attorneys for Defendant
The Harvest Foundation

From: Lee Iglody, Esq. <lee@iglody.com>
Sent: Wednesday, June 23, 2021 9:20 AM
To: Karl L. Nielson
Cc: Candi Ashdown; christian@gabroy.com; kmesser@gabroy.com; Candace C. Herling; Mike Wixom; kbarrett@barrettmatura.com; John Wright; Andrelle Stanley; Dayana Shakerian; Mindy Warner; Stine, Lauren Elliott; Stahl, Christian G.; Jana Rivard
Subject: Re: JDD v. Item 9 et al., CASE NO. A-20-811232-B

Approved.

Kind regards,

Lee Iglody, Esq.
2580 St Rose Pkwy #330
Henderson, Nevada 89074
O: (702) 425-5366
C: (702) 561-9934
lee@iglody.com
www.iglodylaw.com



The IRS requires us to inform you that any tax information or advice is not intended and cannot be used to avoid tax penalties or promote, recommend or market any tax related matters. Also, this email contains confidential communications. If you received this email in error, notify the sender immediately. Thank you.

On Wed, Jun 23, 2021 at 9:08 AM Karl L. Nielson <kln@slwlaw.com> wrote:

I am following up on the email below. Please advise if we have your approval to use your e-signature. Thanks.

Karl L. Nielson, Esq.

Smith Larsen & Wixom

1935 Village Center Circle

Las Vegas, NV 89134

Tel: (702) 252-5002

Fax: (702) 252-5006

Email: kln@slwlaw.com

From: Christian Gabroy <christian@gabroy.com>
Sent: Wednesday, June 23, 2021 9:12 AM
To: Karl L. Nielson
Cc: Candi Ashdown; lee@iglody.com; kmesser@gabroy.com; Candace C. Herling; Mike Wixom; kbarrett@barrettmatura.com; John Wright; Andrelle Stanley; Dayana Shakerian; Mindy Warner; Stine, Lauren Elliott; Stahl, Christian G.; Jana Rivard
Subject: Re: JDD v. Item 9 et al., CASE NO. A-20-811232-B

approve.

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From: Karl L. Nielson
Sent: Monday, June 21, 2021 3:57 PM
To: Candi Ashdown <Candi@wrightlawgroupnv.com>; lee@iglody.com; christian@gabroy.com; kmesser@gabroy.com; Candace C. Herling <CHerling@messner.com>; Mike Wixom <mbw@slwlaw.com>; kbarrett@barrettmatura.com
Cc: John Wright <john@wrightlawgroupnv.com>; Andrelle Stanley <Andrelle@wrightlawgroupnv.com>; Dayana Shakerian <dayana@wrightlawgroupnv.com>; mwarner@slwlaw.com; Stine, Lauren Elliott <Lauren.Stine@quarles.com>; Stahl, Christian G. <Christian.Stahl@quarles.com>; Jana Rivard <jlr@slwlaw.com>
Subject: RE: JDD v. Item 9 et al., CASE NO. A-20-811232-B

Counsel – Please see attached the Order Granting Item 9 Defendants’ Motion for Attorney’s Fees in the above referenced action. If the Order meets with your approval as to form, please email permission to use your e-signature. Thanks,

- Karl

Karl L. Nielson, Esq.

Smith Larsen & Wixom

1935 Village Center Circle

Las Vegas, NV 89134

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<https://slwlaw.com>

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From: Karl L. Nielson

Sent: Friday, March 26, 2021 2:12 PM

To: Candi Ashdown <Candi@wrightlawgroupnv.com>; lee@iglody.com; christian@gabroy.com; kmesser@gabroy.com; Candace C. Herling <CHerling@messner.com>; Mike Wixom <mbw@slwlaw.com>; kbarrett@barrettmatura.com

Cc: John Wright <john@wrightlawgroupnv.com>; Andrelle Stanley <Andrelle@wrightlawgroupnv.com>; Dayana Shakerian <dayana@wrightlawgroupnv.com>; mwarner@slwlaw.com; Stine, Lauren Elliott <Lauren.Stine@quarles.com>; Stahl, Christian G. <Christian.Stahl@quarles.com>

Subject: RE: CASE NO. A-20-811232-B

Counsel – Please see attached the Order Granting Item 9 Defendants’ Motion to Dismiss in the above referenced action. If the Order meets with your approval, please email permission to use your e-signature. Thanks,

- Karl

From: Kevin Barrett <kbarrett@barrettmatura.com>
Sent: Tuesday, June 22, 2021 2:00 PM
To: Karl L. Nielson <kln@slwlaw.com>
Subject: RE: JDD v. Item 9 et al., CASE NO. A-20-811232-B

You can sign for me.

Kevin

Kevin C. Barrett, Esq.



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- - - - -

From: Karl L. Nielson <kln@slwlaw.com>
Sent: Monday, June 21, 2021 3:57 PM
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Cc: John Wright <john@wrightlawgroupnv.com>; Andrelle Stanley <Andrelle@wrightlawgroupnv.com>; Dayana Shakerian <dayana@wrightlawgroupnv.com>; Mindy Warner <mwarner@slwlaw.com>; Stine, Lauren Elliott <Lauren.Stine@quarles.com>; Stahl, Christian G. <Christian.Stahl@quarles.com>; Jana Rivard <jlir@slwlaw.com>
Subject: RE: JDD v. Item 9 et al., CASE NO. A-20-811232-B

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- Karl

Karl L. Nielson, Esq.
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From: John Wright <john@wrightlawgroupnv.com>
Sent: Wednesday, June 23, 2021 9:18 AM
To: Karl L. Nielson <kln@slwlaw.com>
Subject: RE: JDD v. Item 9 et al., CASE NO. A-20-811232-B

Approved

John Henry Wright, Esq.

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2340 Paseo Del Prado, Suite D-305
Las Vegas, Nevada 89102
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Facsimile: (702) 405-8454
john@wrightlawgroupnv.com



THE WRIGHT LAW GROUP

From: Karl L. Nielson <kln@slwlaw.com>
Sent: Wednesday, June 23, 2021 9:08 AM
To: Candi Ashdown <Candi@wrightlawgroupnv.com>; lee@iglody.com; christian@gabroy.com; kmesser@gabroy.com; Candace C. Herling <CHerling@messner.com>; Mike Wixom <mbw@slwlaw.com>; kbarrett@barrettmatura.com
Cc: John Wright <john@wrightlawgroupnv.com>; Andrelle Stanley <Andrelle@wrightlawgroupnv.com>; Dayana Shakerian <dayana@wrightlawgroupnv.com>; Mindy Warner <mwarner@slwlaw.com>; Stine, Lauren Elliott <Lauren.Stine@quarles.com>; Stahl, Christian G. <Christian.Stahl@quarles.com>; Jana Rivard <jlir@slwlaw.com>
Subject: RE: JDD v. Item 9 et al., CASE NO. A-20-811232-B

I am following up on the email below. Please advise if we have your approval to use your e-signature. Thanks.

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From: Candace C. Herling <CHerling@messner.com>
Sent: Wednesday, June 23, 2021 4:24 PM
To: Karl L. Nielson
Cc: Stine, Lauren Elliott; Stahl, Christian G.; Jana Rivard; justin@bianchibrandt.com; mukunda@bianchibrandt.com
Subject: RE: JDD v. Item 9 et al., CASE NO. A-20-811232-B

Yes.

Thanks,

Candace

Candace C. Herling
Partner

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From: Karl L. Nielson <kln@slwlaw.com>
Sent: Wednesday, June 23, 2021 4:23 PM
To: Candace C. Herling <CHerling@messner.com>
Cc: Stine, Lauren Elliott <Lauren.Stine@quarles.com>; Stahl, Christian G. <Christian.Stahl@quarles.com>; Jana Rivard <jlr@slwlaw.com>; justin@bianchibrandt.com; mukunda@bianchibrandt.com
Subject: FW: JDD v. Item 9 et al., CASE NO. A-20-811232-B

Candace – I have approvals from all other counsel to use their signatures on our order on the motion for fees. Ok to use yours as well?

Karl L. Nielson, Esq.
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Las Vegas, NV 89134
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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 JDD, LLC, Plaintiff(s)

CASE NO: A-20-811232-B

7 vs.

DEPT. NO. Department 16

8 Larry Lemons, 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 Motion was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 7/7/2021

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19 Jana Rivard

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24 Candace Herling

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25 Stephanie Prescott

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