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**DISTRICT COURT
CLARK COUNTY, NEVADA**

IN RE PARAMETRIC SOUND
CORPORATION SHAREHOLDERS'
LITIGATION

Case No.: A-13-686890-B

Dept. No.: XI

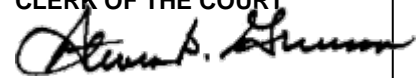
**PLAINTIFF PAMTP LLC'S
NOTICE OF APPEAL**

This Document Relates To:

PAMPT LLC v. KENNETH POTASHNER
et. al.

Notice is hereby given that PLAINTIFF PAMTP, LLC appeals to the Supreme Court of Nevada from the Order Granting Defendant's Motion for Judgment Pursuant to NRCp 52c, Findings of Fact and Conclusions of Law, and Judgment Thereon entered in this action on September 3, 2021. A true and correct copy of this Order is attached hereto as **Exhibit A**.

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9/30/2021 4:21 PM
Steven D. Grierson
CLERK OF THE COURT



Electronically Filed
Oct 08 2021 04:26 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

1 DATED this 30th day of September, 2021.

2
3 MCDONALD CARANO LLP

4 By: /s/ Jeff Silvestri

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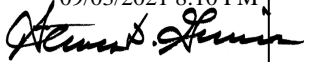
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on or about September 30, 2021, a true and correct copy of the foregoing **PLAINTIFF PAMTP LLC'S NOTICE OF APPEAL** was electronically served with the Clerk of the Court via the Clark County District Court Electronic Filing Program which will provide copies to all counsel of record registered to receive such electronic notification.

/s/ CaraMia Gerard
An employee of McDonald Carano LLP

EXHIBIT A

EXHIBIT A


CLERK OF THE COURT

1 **FFCL**

3 **DISTRICT COURT**

4 **CLARK COUNTY, NEVADA**

5 IN RE PARAMETRIC SOUND
6 CORPORATION SHAREHOLDERS'
LITIGATION.

LEAD CASE NO.: A-13-686890-B
DEPT. NO.: XI

**ORDER GRANTING DEFENDANTS'
MOTION FOR JUDGMENT PURSUANT
TO NRCP 52(c), FINDINGS OF FACT
AND CONCLUSIONS OF LAW, AND
JUDGMENT THEREON**

7 This Document Related To:

8 PAMTP LLC v. KENNETH
9 POTASHNER, *et. al.*

10 This matter came on regularly for a non-jury trial beginning on August 16, 2021, and
11 continuing through August 25, 2021. Plaintiff PAMTP, LLC appeared by and through their
12 counsel of record George F. Ogilvie III of McDonald Carano LLP and Adam M. Apton of Levi
13 & Korsinsky, LLP. Defendant Kenneth F. Potashner appeared by and through his counsel of
14 record J. Stephen Peek and Robert J. Cassity of Holland & Hart LLP and John P. Stigi III and
15 Alejandro E. Moreno of Sheppard, Mullin, Richter & Hampton LLP.¹ Defendant VTB
16 Holdings, Inc. ("VTBH"), and Specially Appearing Defendants Stripes Group, LLC, SG VTB
17 Holdings, LLC, Juergen Stark and Kenneth Fox (collectively, the "Non-Director Defendants")
18 appeared by and through their counsel Richard C. Gordon of Snell & Wilmer, LLP and Joshua
19 D.N. Hess, David A. Kotler, Brian Raphel, and Ryan Moore of Dechert LLP.

20 After the conclusion of Plaintiff's case-in-chief, Defendants made motions pursuant to
21 NRCP Rule 52(c). The Court having considered the evidence presented at trial, along with oral
22 and written arguments of counsel on such motions, and with the intent of rendering a decision
23 on all remaining claims² before the Court at this time, the Court GRANTS Defendants' motion

24
25
26 ¹ Certain Director Defendants (Kaplan, Norris, Putterman and Wolf) ("Settling Directors") announced a settlement on the first day of the trial. The Settling Directors Motion for Good Faith Settlement was granted.

27 ² The Nevada Supreme Court in *Parametric v. Eighth Judicial District Court*, 133 Nev. 417 (2017)
28 determined that a derivative claim of equity dilution survived and the claims could include equity expropriation. In footnote 15, the Nevada Supreme Court determined that **actual fraud** was necessary to prove this type of claim.

1 pursuant to NRCP 52(c) and enters judgment in favor of Defendants, upon the following
2 findings of fact and conclusions of law.

3 **FINDINGS OF FACT**

4 **I. Class and Derivative Litigation**

5 1. The underlying class action and shareholder derivative action was commenced
6 on August 8, 2013.³ The case arose out of the merger between Parametric Sound Corporation
7 (“Parametric”) and VTBH which closed on January 15, 2014.

8 2. The derivative causes of action for breach of fiduciary duty, aiding and abetting
9 and unjust enrichment claims were extinguished by the settlement and judgment entered by this
10 Court on May 18, 2020.

11 3. On May 18, 2021, the Court granted Plaintiff’s motion against Defendants
12 Kenneth Potashner, Juergen Stark, and VTB Holdings, Inc. setting an evidentiary hearing on
13 June 18, 2021 to determine sanctions, if any.

14 4. Following the June 18, 2021 evidentiary hearing, the Court imposed sanctions in
15 the form of adverse inferences. The Court held that: “(1) Potashner having willfully destroyed
16 text messages text messages and emails relevant to this litigation, the Court makes an adverse
17 inference that the lost text messages and emails relevant to this litigation would have shown
18 that Potashner acted in bad faith when supporting and approving the merger. Potashner may
19 testify and contest this at trial, but his testimony will go to his credibility only because an
20 adverse inference of bad faith has already been made by the Court; and; (2) Stark and Fox
21 having negligently failed to preserve text messages, the Court makes an adverse inference that
22
23
24

25
26 ³ The claims against Defendants were largely resolved through a Rule 23.1 settlement. On January 17,
27 2020, the Court granted preliminary approval of the settlement. On May 18, 2020, the Court ordered that the class
28 action and derivative settlement was “finally approved in all respects” and entered a final judgment dismissing all
of the Class’ released claims, with prejudice, pursuant to the terms of the Stipulation of Settlement filed on
November 15, 2019. These Plaintiffs opted out of the class settlement.

1 the lost information would have been adverse to them.” See Findings of Fact, Conclusions of
2 Law, and Order Imposing Spoliation Sanctions dated July 15, 2021.

3 **II. Opt-Out Litigation**

4 **A. Plaintiff and Assignors**

5 5. Plaintiff PAMTP, LLC is a Delaware limited liability company formed for the
6 purpose of asserting the claims presented in this lawsuit. It purports to assert claims assigned to
7 it by individuals and entities who held Parametric common stock on the closing date of the
8 merger, January 15, 2014.

10 6. Plaintiff was not a holder of Parametric common stock on January 15, 2014.

11 7. The members of Plaintiff are IceRose Capital Management LLC, Robert
12 Masterson, Richard Santulli, Marcia Patricof (as trustee of Patricof Family LP, Marcia Patricof
13 Revocable Living Trust, and the Jules Patricof Revocable Living Trust), Alan and Anne
14 Goldberg, Barry Weisbord, and Ronald and Muriel Etkin (each, an “Assignor”; collectively, the
15 “Assignors”).

16 8. On April 22, 2020, Plaintiff, on behalf of the following individuals and/or
17 entities, opted out of the class action settlement: IceRose Capital Management, LLC; Robert
18 Masterson; Marcia Patricof, on behalf of the Patricof Family LP, Marcia Patricof Revocable
19 Living Trust, and the Jules Patricof Revocable Living Trust; Alan and Anne Goldberg; Barry
20 Weisbord; Ronald and Muriel Etkin; and Richard Santulli (the “Assignors”). In conjunction
21 with opting out of the class action settlement, the Assignors assigned their claims in the
22 litigation to Plaintiff.
23

24 9. PAMTP is managed by its Members. Assignors Adam Kahn (of IceRose Capital
25 Management, LLC) and Robert Masterson were the Member Managers responsible for day-to-
26 day decisions concerning the management of the litigation. Assignor Barry Weisbord is the
27 Chief Executive Manager of Plaintiff who was designated to resolve any disagreements
28

1 between the Member Managers on any particular decision.

2 10. Each of the Assignors held Parametric common stock on the date the merger
3 closed. Each of them, however, sold that stock prior to assigning their claims to Plaintiff in
4 April 2020. Except for IceRose, none of the Assignors owned any Parametric common stock
5 when they purported to assign their claims to Plaintiff. IceRose owned 28,700 shares of
6 Parametric common stock at the time of the purported assignment, but Plaintiff presented
7 insufficient evidence to allow the Court to determine whether IceRose's stockholding in
8 Parametric at the time of the assignment was composed of any of the shares in Parametric it
9 held as of January 15, 2014.

10 11. The Assignors executed Assignments of Claim in April 2020 "assign[ing],
11 transfer[ring], and set[ing] over unto PAMTP LLC . . . all of the Assignor's right, title and
12 interest in any claim that the Assignor has or could have arising from his/her/its ownership of
13 Parametric . . . stock, including any and all claims arising from or related to the [merger]
14 against Parametric or any other entity or individual that could be liable for the acts and/or
15 omissions alleged in [this litigation]."

16 12. The Assignors notified the Court that they had opted-out of the Class by letter
17 dated April 22, 2020. The Assignors advised the Court that they had "assigned their interests in
18 claims arising from the ownership of Parametric common stock to an entity created for the
19 purposes of opting out of the . . . litigation and pursuing claims independently" and,
20 "[a]ccordingly, that entity, PAMTP LLC, also exclude[d] itself from the Class in the Parametric
21 Settlement."

22 13. On May 20, 2020, Plaintiff filed its Complaint in this action asserting two causes
23 of action against defendants: a direct breach of fiduciary duty claim against the Director
24 Defendants based upon an alleged equity expropriation caused by the merger and a direct claim
25 for aiding and abetting against the Non-Director Defendants in connection with the same
26 alleged breach of fiduciary duty.

27 14. When the Assignors sold the Parametric common stock they owned as of
28 January 15, 2014, the Assignors did not enter into any agreement with purchasers of such

1 shares to retain their rights, titles and interests in any claims arising from the Assignors' prior
2 ownership of Parametric common stock, including the claims asserted by plaintiff in this action.

3 15. On June 23, 2020, the Court consolidated Plaintiff's action with and into the
4 class action under the caption above. *See* Order Granting Defendants' Motion to Consolidate
5 dated June 23, 2020.

6 **B. Pre-Merger Parametric**

7 16. Parametric was founded in 2010. In 2013, it was a publicly traded corporation
8 listed on the NASDAQ stock exchange. Parametric was organized under the laws of the State
9 of Nevada.

10 17. Parametric was a start-up technology company focused on delivering novel
11 audio solutions through its HyperSound™ or "HSS®" technology platform, which pioneered
12 the practical application of parametric acoustic technology for generating audible sound along a
13 directional ultrasonic column. The creation of sound using Parametric's technology created a
14 unique sound image distinct from traditional audio systems. In addition to its commercial
15 digital signage and kiosk product business, Parametric was targeting its technology for new
16 uses in consumer markets, including computers, video gaming, televisions and home audio
17 along with other commercial markets including casino gaming and cinema. Parametric was
18 also focusing development on health applications for persons with hearing loss.

19 **C. Directors and Senior Officer of Pre-Merger Parametric**

20 18. In August 2013, Parametric's Board of Directors ("Board") consisted of six
21 individuals: Potashner, Norris, Kaplan, Putterman, Wolfe and non-party James Honoré.

22 **(1) Potashner**

23 19. Potashner was appointed a director in December 2011 and Executive Chairman
24 (equivalent to chief executive officer) in March 2012. Potashner received his bachelor's degree
25 in electrical engineering at Lafayette College in 1979 and a masters' degree in electrical
26 engineering from Southern Methodist University in 1981.

27 20. Potashner resigned from the Board effective May 12, 2014.
28

1 **(2) Norris**

2 21. Norris was a member of the Board since the incorporation of the company on
3 June 2, 2010 and co-founded the company with James Barnes (“Barnes”), Parametric’s chief
4 financial officer. Norris was Parametric’s President and Chief Scientist. Norris is an inventor
5 and owner of more than 50 U.S. patents, primarily in the fields of electrical and acoustical
6 engineering, and is a frequent speaker on innovation to corporations and government
7 organizations. Norris is the inventor of pre-merger Parametric’s HSS technology.

8 22. Norris resigned from the Board effective January 15, 2014.

9 **(3) Putterman**

10 23. Putterman was appointed a director in May 2011. He has been a full faculty
11 member at UCLA since 1970, where he is a Professor of Physics. His research areas include
12 nonlinear fluid mechanics and acoustics, sonoluminescence, friction, x-ray emission and crystal
13 generated nuclear fusion. He earned a B.S. from the California Institute of Technology in 1966
14 and his Ph.D. from Rockefeller University in 1970.

15 24. Putterman resigned from the Board effective November 21, 2013.

16 **(4) Kaplan**

17 25. Kaplan was appointed a director in May 2011. He is a retired business executive
18 with extensive experience in the financial and retail sectors. Kaplan earned an MBA from
19 Harvard University in 1961 and a Ph.D. in Business Economics from Michigan State University
20 in 1967.

21 26. Kaplan resigned from the Board effective January 15, 2014.

22 **(5) Wolfe**

23 27. Wolfe was appointed a director in February 2012.

24 **(6) Honoré**

25 29. Honoré was appointed a director in March 2012.

26 30. Honoré resigned from the Board effective January 15, 2014.

27 **D. Non-Director Defendants**

28 31. VTBH was a privately held Delaware corporation. VTBH and its subsidiaries,

1 including Voyetra Turtle Beach, Inc., are collectively referred to as “Turtle Beach.” Turtle
2 Beach designs, develops and markets premium audio peripherals for video game, personal
3 computer, and mobile platforms. Turtle Beach had strong market share in established gaming
4 markets, including a 53% share of the U.S. console gaming headset market as of year-end 2012
5 according to The NPD Group. Turtle Beach had a presence in 40 countries and has partnered
6 with major retailers, including Wal-Mart, Carrefour, Tesco, Best Buy, GameStop, Target and
7 Amazon.
8

9 32. VTBH was majority owned by Stripes Group, LLC (“Stripes”) and SG VTB,
10 LLC (“SG VTB”). VTBH is a wholly owned subsidiary of the post-merger Turtle Beach.

11 33. Stripes is a private equity firm focused on internet, software, healthcare, IT and
12 branded consumer products businesses. In 2010, Stripes invested in VTBH and became its
13 majority owner.

14 34. Fox is Stripes Group’s founder. Fox sat on the VTBH board of directors after the
15 merger, stepping down on November 15, 2018.

16 35. SG VTB, LLC is a Delaware LLC and is a wholly owned subsidiary of Stripes
17 Group. Stripes formed SG VTB in 2010 to acquire a majority position in VTBH. SG VTB is
18 an investment vehicle for Stripes.

19 36. Stark was chief executive officer of VTBH during negotiations leading to the
20 merger and was named to that position by Stripes in September 2012. Stark has served as
21 Turtle Beach’s CEO since the merger and continues to serve as its CEO today. Stark also sits
22 on Turtle Beach’s current board of directors, and as of January 1, 2020, became Chairman of
23 the Board.

24 **III. Merger Negotiations and the Parametric Board’s Process**

25 37. As part of Parametric’s ongoing strategic planning process, the Parametric Board
26 and Parametric’s executive officers regularly reviewed and evaluated Parametric’s strategic
27 direction and alternatives in light of the performance of Parametric’s business and operations
28 and market, economic, competitive and other conditions and developments.

1 38. In March 2013, Parametric engaged Houlihan Lokey as its financial advisor to
2 evaluate possible strategic alternatives.

3 39. Between March 2013 and August 2013, Houlihan Lokey (working on behalf of
4 Parametric) contacted a total of 13 parties other than Turtle Beach to explore possible strategic
5 alternatives. None of those other parties expressed any material interest in a competing or
6 alternative transaction.

7 40. During this five-month period, the Board held several formal meetings with
8 financial and legal advisers regarding possible strategic transactions. During these meetings,
9 the Directors engaged in robust discussions among themselves and with the Board’s advisers
10 regarding the risks and benefits of a strategic transaction with Turtle Beach and available
11 alternative strategies and transactions.

12 41. Potashner played a leading role in the negotiation of the merger,
13

14 42. The Court previously adopted an adverse inference against Potashner that he
15 “acted in bad faith when supporting and approving the merger.” *See* Findings of Fact,
16 Conclusions of Law, and Order Imposing Spoliation Sanctions dated July 15, 2021. The
17 evidence at trial supported this conclusion.⁴

18 43. Among the terms being negotiated was an agreement to grant to Turtle Beach an
19 exclusive license to HyperSound technology in both the console gaming and PC audio fields in
20 the event Parametric were to terminate any merger agreement before closing. Parametric
21 offered this “break-up fee license agreement” in order to make the merger more attractive to
22 Turtle Beach and Stripes, which had not yet agreed to move forward with the deal. The Board
23 informed itself of the fiduciary implications of this potential “break-up fee license agreement”
24 by consulting with counsel.
25

26
27 ⁴ The Court declines Plaintiff’s invitation to find that actual fraud is not fraud but simply an intentional act.
28 While the Court finds that Potashner acted in bad faith, that finding does not equate to a finding of fraud under any
analysis currently adopted in Nevada.

1 44. The break-up fee license agreement was viewed as complementary to other
2 licensing activities sought out by Parametric at the time.

3 45. Parametric established HyperSound Health, Inc. (“HHI”), a wholly owned
4 subsidiary of Parametric, in October 2012 to facilitate Food and Drug Administration approval
5 for certain medical applications of HyperSound technology (*e.g.*, hearing devices). In February
6 2013 and March 2013, options were granted to four individuals (Potashner and three
7 consultants) to purchase shares of the common stock of HHI.

8 46. Turtle Beach learned about the existence of these stock options through due
9 diligence in late June 2013, after the core terms of the merger had been negotiated. Upon
10 discovery, Turtle Beach demanded that Parametric cancel the stock options it had issued to
11 these four individuals. Turtle Beach informed each of Parametric’s directors that it would not
12 move forward with the merger until these stock options were cancelled. Turtle Beach issued
13 this demand on multiple occasions in June and July 2013.

14 47. The evidence showed that Potashner made efforts to entrench himself in HHI,
15 and to enrich himself with his options in HHI. To obtain these personal benefits, Potashner
16 attempted to favor Turtle Beach, including by avoiding completing valuable licensing deals and
17 delaying announcements of completed deals.

18 48. When it became apparent to the Board that cancellation of Potashner’s HHI was
19 required to facilitate a merger with Turtle Beach, a majority of the Board demanded that
20 Potashner agree to cancel his HHI stock options. In July 2013, at the demand of the Board,
21 Potashner agreed that his HHI options would cancel upon the closing of the proposed merger
22 with Turtle Beach.

23 49. Potashner entered into this agreement without being provided any payment or
24 additional compensation from Parametric, Turtle Beach, Stripes, or anyone else. Potashner
25 received nothing of value from Turtle Beach and lost stock options that he believed could have
26 held substantial value following the merger.

27 50. Parametric engaged Craig-Hallum Capital Group, LLC (“Craig-Hallum”) to pro-
28 vide an opinion regarding the fairness of the proposed merger. Craig-Hallum’s compensation

1 for preparing a fairness opinion was not contingent upon the closing of any transaction.

2 51. On August 2, 2013, a joint meeting of the Parametric Board and compensation
3 committee was held, with the financial and legal advisors of the Parametric Board. At the
4 meeting, representatives of Craig-Hallum reviewed and discussed with the Parametric Board
5 Craig-Hallum's financial analysis and views regarding the merger with Turtle Beach and the
6 terms of the merger agreement with Turtle Beach (including the "Per Share Exchange Ratio"),
7 with reference to a proposed fairness opinion at the request of the Parametric Board, Craig-
8 Hallum rendered its oral opinion to the effect that, as of August 2, 2013, subject to certain
9 assumptions, qualifications and limitations, the "Per Share Exchange Ratio" contemplated by
10 the merger agreement was fair, from a financial point of view, to Parametric.

11 52. The Per Share Exchange Ratio was determined through arm's-length
12 negotiations between Parametric and Turtle Beach.

13 53. Craig-Hallum utilized Parametric's internal financial projections for fiscal years
14 ended September 30, 2013 through September 30, 2017, prepared by and furnished to Craig-
15 Hallum by the management of Parametric. Information regarding the net cash, number of fully-
16 diluted shares of common stock outstanding and net operating losses for Parametric was
17 provided by management. Craig-Hallum utilized Turtle Beach's internal financial projections
18 for fiscal years ended December 31, 2013 through December 31, 2016 prepared by and
19 furnished to Craig-Hallum by the management of Turtle Beach. Information regarding the net
20 debt, number of fully-diluted shares of common stock outstanding and net operating losses for
21 Turtle Beach was provided by management.

22 54. At the August 2, 2013 meeting of the Board, the Directors engaged in robust
23 discussion with representatives of Craig-Hallum regarding its fairness opinion and the
24 calculations. The Directors relied in good faith upon the competency of the analyses performed
25 and opinions rendered by Craig-Hallum. None of the Settling Directors was made aware of
26 errors, if any, contained in Craig-Hallum's analyses.

27 55. In evaluating the merger agreement and the transactions contemplated, the Board
28 consulted with Parametric's management and legal and financial advisors, reviewed a

1 significant amount of information and considered numerous factors which the Parametric Board
2 viewed as generally supporting its decision to approve the merger agreement and the
3 transactions contemplated. The Board also considered and discussed numerous risks,
4 uncertainties and other countervailing factors in its deliberations relating to entering into the
5 merger agreement and the merger.

6 56. Although the Court made an adverse inference that Potashner acted in bad faith
7 in pursuit of his own self-interest when supporting and approving the merger, the Court finds
8 that the Board nevertheless approved the merger agreement with Turtle Beach on August 2,
9 2013 by a majority of independent and disinterested directors exercising their business
10 judgment in good faith. Norris, Kaplan, Putterman, Wolfe and Honoré exercised their good
11 faith business judgment independent of Potashner.

12 57. A majority of the Board believed in good faith that the potential benefits to
13 Parametric shareholders of the merger agreement and the transactions contemplated outweighed
14 the risks and uncertainties attendant to the proposed merger, as well as risks and uncertainties
15 attendant to remaining as a stand-alone entity. A majority of the Board recognized that the
16 expected benefits of the proposed merger with Turtle Beach vastly outweighed the risks
17 attendant to continuing to attempt to execute on its stand-alone entity business plan.

18 58. Under the merger, a subsidiary of Parametric merged with Turtle Beach, with
19 Turtle Beach continuing as the surviving corporation. As a result of the merger, each share of
20 Turtle Beach common stock and Series A Preferred Stock would be cancelled and converted
21 into the right to receive a number of shares of Parametric stock. The end result of the merger
22 was that the pre-merger security holders of Parametric would own 20.01% of the post-merger
23 Parametric (on a fully-diluted basis), while the security holders of Turtle Beach would own the
24 remaining 79.99% of the post-merger Parametric (on a fully-diluted basis).

25 59. Each of Parametric's directors determined independently that the merger was in
26 the best interests of Parametric and its shareholders. Kaplan, Norris, Putterman, Wolfe, and
27 Honoré conducted their own analysis of the terms of the merger agreement, with the assistance
28 of their legal counsel and financial advisors. Their decisions to vote in favor of the merger

1 were not guided by, let alone controlled by, Potashner's support for the merger.

2 60. Kaplan, Norris, and Putterman testified that they did not trust or believe
3 Potashner at all times but they agreed with him in supporting the merger based on their
4 independent judgment.

5 61. Potashner, Norris and Barnes (along with affiliated entities) entered into voting
6 agreements which required them to vote in favor of the merger and to not sell or otherwise
7 transfer their shares for at least six months following the merger. These agreements were
8 disclosed in the proxy statement and represented approximately 19.2% of the outstanding
9 shares of Parametric common stock as of the record date.

10 62. Under the voting agreements entered into by Potashner, Barnes and Norris, as
11 well as certain entities over which they exercised voting and/or investment control (such
12 stockholders and entities collectively referred to as the "management stockholders"), the
13 management stockholders were subject to a lock-up restriction whereby they agreed not to sell
14 or otherwise transfer the shares of Parametric common stock beneficially owned by them or
15 subsequently acquired by them until six months following the closing of the merger, subject to
16 certain exceptions.

17 **IV. Post-Announcement of the Merger**

18 63. On August 5, 2013, after the close of trading on NASDAQ, Parametric issued a
19 press release announcing the execution of the merger agreement.

20 64. Pursuant to the merger agreement, Parametric conducted a 30-day "go-shop"
21 process to elicit potential "topping bids." As part of the "go shop" process, Houlihan Lokey
22 contacted 49 different parties. None expressed interest in making a "topping bid."

23 65. In a call with Parametric shareholders on August 8, 2013 announcing the
24 merger, Turtle Beach disclosed that it expected 2013 revenues and EBITDA to fall in a range
25 that was below the projections Craig-Hallum had relied upon. Turtle Beach disclosed to
26 Parametric shareholders that although console transitions have led to subsequent industry
27 growth in the past,

28 "we can't guarantee that will occur."

1 “it’s very important that you understand the gaming industry context for 2013. Both
2 Xbox and PlayStation have announced launches of new consoles during the holiday’s
3 this year. As a result, the entire gaming sector is going through what we believe to be a
normal cycle of contraction, prior to these new console release[s].”

4 “our business results in particular will be very much dependent on one; how consumer
5 purchasing behavior for more expensive accessories like headset plays out, heading into
6 the transition. Two; when the new console launches will happen and three; what
quantity of new consoles will be available [and] sold during the weeks between the
launch and the year end.”

7 “rely among other things on successful widespread launch of the new consoles with
8 sufficient selling weeks to impact this year as well as availability of some specific
9 components from Microsoft required for sale of our licensed Xbox One headsets, this
holiday. These specific items by the way are outside of our control.”

10 “these uncertainties are driving the wide range around the expectations for revenues
11 and EBITDA I just talked through, but it’s important to note that our actual results could
12 fall materially outside of these ranges if the aforementioned assumptions turned out to
be inaccurate.”

13 66. Turtle Beach’s actual revenues in 2013 were 18% lower than had been
14 forecasted in the projections provided to Craig-Hallum. Turtle Beach’s financial
15 underperformance caused it to trip certain debt covenants with its lender, which resulted in
16 Turtle Beach renegotiating its credit facility in the second half of 2013.

17 67. Parametric’s actual revenues for fiscal year 2013 were 44% lower than had been
18 forecasted in the projections provided to Craig-Hallum.

19 68. Parametric and Turtle Beach were aware of each other’s respective
20 underperformance in late 2013. Parametric management determined that it was not in the best
21 interest of the company or the shareholders to attempt to renegotiate the terms of the merger.

22 69. On December 3, 2013, Parametric filed a 348-page Definitive Proxy Statement
23 with regard to the merger agreement with the SEC and transmitted it to Parametric’s
24 shareholders. The proxy statement sought shareholder votes on several proposals, including (a)
25 whether to approve the issuance of new shares of Parametric common stock to Turtle Beach
26 pursuant to the merger agreement (in effect, to approve the merger) and (b) whether to approve
27 the change in control compensation awards to Potashner, Norris and Barnes in connection with
28 the merger.

1 70. Parametric disclosed Turtle Beach’s actual revenues for 2013 (through
2 September 28, 2013) in the proxy statement and also disclosed Turtle Beach’s issues with
3 respect to the debt covenants.

4 71. The proxy statement did not contain updated financial projections for either
5 Turtle Beach or Parametric. The proxy statement cautioned readers that the projections that
6 Craig-Hallum relied upon were only current “as of August 2, 2013,” the date the fairness
7 opinion was issued, “based on market data as it existed on or before August 2, 2013 and is not
8 necessarily indicative of current or future market conditions.” The proxy statement also
9 contained a prominent warning in bold text that shareholders

10 “should not regard the inclusion of these projections in this proxy statement as an
11 indication that Parametric, Turtle Beach or any of their respective affiliates, advisors or
12 other representatives considered or consider the projections to be necessarily predictive
 of actual future events.”

13 72. The proxy statement also disclosed the risk Stark had warned about on the
14 August 8, 2013 investor call had been realized. The proxy statement disclosed that
15 “Microsoft has informed its partners in the Xbox One console launch that the Xbox One
16 Headset Adapter, being built by Microsoft and provided to Turtle Beach for inclusion
 with new gaming headsets, will not be available until early 2014.”

17 “[t]his delay will result in a downward revision to the 2013 outlook for revenue and
18 EBITDA provided by Turtle Beach’s management on August 8, 2013.”

19 73. The proxy statement further disclosed that “[t]his delay will result in a
20 downward revision to the 2013 outlook for revenue and EBITDA provided by Turtle Beach’s
21 management on August 8, 2013.” The level of such impact depends on several factors,
22 including the projected launch date for the requisite hardware and software from Microsoft
23 which is still being assessed. Turtle Beach plans to update its 2013 outlook for revenue and
24 EBITDA following completion of this assessment.” In making this disclosure, the proxy
25 statement revealed that Turtle Beach expected its financial forecast to fall below the range
26 disclosed on August 8, 2013, which was already lower than the forecast included in Craig-
27 Hallum’s fairness opinion.
28

1 74. In late 2013, Turtle Beach provided additional financial disclosures showing that
2 Turtle Beach's actual performance in 2013 was materially underperforming Turtle Beach's
3 performance in the same time period in 2012 and its prior guidance for 2013. On November 7,
4 2013, Parametric filed a Form 8-K, which disclosed an investor presentation prepared by
5 Parametric and Turtle Beach that included updated net revenue, EBIDTA, and net income
6 numbers for Turtle Beach for the twelve-month period preceding June 30, 2013. That investor
7 presentation also stated that

9 "Microsoft's delay of the Xbox One hardware and software until early 2014 is expected
10 to result in a deferral of Turtle Beach's Xbox One headset-related revenues and profits
11 for Q4."

12 Parametric shareholders had access to this information when deciding whether to vote in favor
13 of the merger.

14 75. The proxy statement disclosed that Turtle Beach expected to underperform even
15 the lowered guidance provided to Parametric shareholders on August 8, 2013 and explained
16 that this underperformance was due to the unexpected unavailability of the Microsoft
17 component. The proxy statement further disclosed that Turtle Beach would be revising its
18 projections downward, but that it would not be able to provide those projections until that
19 process was completed.

20 76. The proxy statement contained a fair summary of Craig-Hallum's fairness
21 opinion. The proxy statement also contained a fair and complete summary of interests and
22 potential conflicts in the merger held by members of the Board and management of Parametric.
23 No material interest or potential conflicts in the merger held by members of the Board and
24 management of Parametric were undisclosed in the proxy statement.

25 77. Parametric held a special meeting of its shareholders on December 27, 2013.
26 Approximately 95% of the shares voting in that election to approve the transaction. Neither the
27 Settling Directors nor any combination of Parametric insiders owned sufficient shares in the
28 pre-merger Parametric to control the outcome of the vote in favor of the merger.

1 78. The merger closed on January 15, 2014. As consideration for the merger,
2 Parametric issued new shares of its common stock to Stripes and Turtle Beach, the net effect
3 being that Stripes controlled approximately 80.9% of the combined company. Parametric
4 shareholders, including each of the Settling Directors, who owned a combined 100% of
5 Parametric before the merger, were reduced to a minority 19.1% interest.

6 79. Potashner's employment agreement, which came into effect in April 2012,
7 contained certain change in control provisions. Under that agreement, upon a change in control
8 at Parametric, Potashner would be entitled to a severance payment equivalent to twelve months
9 salary and accelerated vesting of unvested incentive stock options regardless of whether he had
10 met the required milestones.

11 **V. No Control or Actual Fraud**

12 80. Prior to January 15, 2014, Parametric was not a "controlled company" pursuant
13 to NASDAQ rules because more than 50% of its voting power was not concentrated in any
14 single shareholder or control group.

15 81. As disclosed in the proxy statement, persons or entities who held shares of
16 commons stock of Parametric on the "record date" of November 11, 2013, were entitled to vote
17 at the special meeting of shareholders to be held on December 27, 2013. Parametric had
18 6,837,321 shares of common stock outstanding on the record date.

19 82. On November 11, 2013, Potashner owned no shares of common stock of
20 Parametric. Accordingly, Potashner was not entitled to vote at the special meeting of
21 shareholders held on December 27, 2013.

22 83. Norris, Putterman and Kaplan often were hostile to Potashner and acted contrary
23 to what they perceived as Potashner's personal interests by causing the Board to, among other
24 things:

- 25 a. cancel Potashner's options in the HHI subsidiary for no consideration;
- 26 b. rebuff Potashner's efforts to cause Kaplan to retire from his position as a
- 27 director of the pre-merger Parametric;
- 28 c. refuse Potashner's request to remove Wolfe from Parametric's audit

1 committee.

2 d. refuse Potashner's request to be allowed to sell Parametric stock after the
3 announcement of the merger; and

4 e. refuse Potashner's request to allow Parametric consultant John Todd to
5 sell Parametric after the announcement of the merger.

6 84. A majority of the Board of Parametric was independent of Potashner. That
7 majority could and did outvote Potashner on any all matters on which that majority disagreed
8 with Potashner.

9 85. Norris, Putterman, Kaplan and Honoré had no business interactions with
10 Potashner prior to Parametric. Norris, Putterman, Kaplan, Wolfe and Honoré had no pre-
11 existing personal or familial relationship with Potashner.

12 86. None of the Settling Directors was unable to freely exercise his judgment as a
13 member of the Board by reason of:

- 14 a. dominion or control of another;
15 b. fear of retribution by another;
16 c. contractual obligations owed to another; or
17 d. employment by or other business relationship with another.

18 87. No one single individual or group had the authority unilaterally to:

- 19 a. elect new directors to the Board;
20 b. cause a break-up of Parametric;
21 c. cause Parametric to merge with another company;
22 d. amend Parametric's certificate of incorporation;
23 e. cause Parametric to sell all or substantially all of the assets of Parametric;
24 f. alter materially the nature of Parametric and the public shareholders'

25 interest therein; or

- 26 g. offer employment to anyone in the post-merger Parametric.

27 88. Potashner did not receive any compensation as a result of the merger that he was
28 not entitled to receive through his employment contract, which included a severance payment,

1 an annual bonus, and accelerated vesting of certain incentive stock options upon a change in
2 control. Potashner could have received the same compensation had Parametric merged with a
3 different partner. Each of these forms of compensation were disclosed in the proxy statement.

4 89. Potashner did not enter any side deals or other agreements with Turtle Beach or
5 Stripes for additional compensation. Other than through his employment agreement, Potashner
6 received nothing of value from Turtle Beach or Stripes in exchange for his support for the
7 merger.

8 90. All directors holding equity in Parametric were diluted by the merger to the
9 same extent as every other public shareholder.

10 **CONCLUSIONS OF LAW**

11 1. NRCF 52(c) allows the district court in a bench trial to enter judgment on partial
12 findings against a party when the party has been fully heard on an issue and judgment cannot be
13 maintained without a favorable finding on that issue.

14 2. The directors of a Nevada corporation “are presumed to act in good faith, on an
15 informed basis and with a view to the interests of the corporation”. NRS 78.138(3). In
16 exercising his or her business judgment, a director is “entitled to rely on information, opinions
17 [and] reports” from, among others, “[o]ne or more directors, officers or employees of the
18 corporation reasonably believed to be reliable and competent in the matters prepared or
19 presented.” NRS 78.138(2)(a). A director may rely upon “information, opinions [and] reports”
20 from “[c]ounsel, public accountants, financial advisers, valuation advisers, investment bankers
21 or other persons as to matters reasonably believed to be within the preparer’s or presenter’s
22 professional or expert competence.” NRS 78.138(2)(b). Directors “are not required to consider
23 the effect of a proposed corporate action upon any particular group having an interest in the
24 corporation as a dominant factor.” NRS 78.138(5). Directors of a Nevada corporation are not
25 required to elevate the short-term interests of stockholders (such as maximizing immediate,
26 short-term share value) ahead of any of the other interests set forth in NRS 78.138(4).

27 3. Under NRS 78.211(1),

28 “the board of directors may authorize shares to be issued for consideration consisting of
any tangible or intangible property or benefit to the corporation, including, but not

1 limited to, cash, promissory notes, services performed, contracts for services to be
2 performed or other securities of the corporation. The nature and amount of such
3 consideration may be made dependent upon a formula approved by the board of
4 directors or upon any fact or event which may be ascertained outside the articles of
5 incorporation or the resolution providing for the issuance of the shares adopted by the
6 board of directors if the manner in which a fact or event may operate upon the nature
7 and amount of the consideration is stated in the articles of incorporation or the
8 resolution. The judgment of the board of directors as to the consideration received for
9 the shares issued is conclusive in the absence of actual fraud in the transaction.”

10 4. Directors “confronted with a change or potential change in control of the
11 corporation” have (a) the normal duties of care and loyalty imposed by operation of NRS
12 78.138(1); (b) the benefit of the business judgment rule presumption established by NRS
13 78.138(3); and (c) the “prerogative to undertake and act upon consideration pursuant to
14 subsections 2, 4 and 5 of NRS 78.138.” NRS 78.139(1). The provisions of NRS 78.139(2) do
15 not apply in this case.

16 5. In *Chur v. Eighth Judicial Dist. Court*, 136 Nev. Adv. Op. 7, 458 P.3d 336, 340
17 (2020), the Court noted that “NRS 78.138(7) requires a two-step analysis to impose individual
18 liability on a director or officer.” First, the presumptions of the business judgment rule must be
19 rebutted. *Id.* Second, the “director’s or officer’s act or failure to act” must constitute “a breach
20 of his or her fiduciary duties,” and that breach must further involve “intentional misconduct,
21 fraud or a knowing violation of law.” NRS 78.138(7)(b)(1)-(2). The *Chur* Court confirmed
22 that NRS 78.138 “provides for the sole circumstance under which a director or officer may be
23 held individually liable for damages stemming from the director's or officer's conduct in an
24 official capacity.” *Chur*, 458 P.3d at 340.

25 6. The *Chur* Court also explained that intentional misconduct and knowing
26 violation of the law under NRS 78.138 is an expansive test:

27 “To give the statute a realistic function, it must protect more than just directors (if any)
28 who did not know what their actions were [wrongful]; it should protect directors who
knew what they did but not that it was wrong.”

Id. at 341. A plaintiff “must establish that the director or officer had knowledge that the alleged
conduct was wrongful in order to show a “knowing violation of law” or “intentional
misconduct” pursuant to NRS 78.138(7)(b).” *Id.*

1 7. The Settling Directors were entitled to the benefit of the business judgment rule
2 presumption in connection with their consideration and approval of the merger with Turtle
3 Beach.

4 8. Plaintiff failed to meet its burden of rebutting the business judgment rule
5 presumption as to a majority of the Board. A majority of the Board (a) reasonably relied upon
6 the advice, information and opinions of other directors, employees and competent professionals
7 (including counsel) and financial advisors and (b) acted in good faith and independently when
8 considering and approving the merger. Plaintiff failed to meet its burden of proving that a
9 majority of the Board engaged in a knowing violation of law or intentional misconduct, or
10 engaged in actual fraud.

11 9. Plaintiff failed to meet its burden of proving that Potashner engaged in actual
12 fraud.

13 10. Plaintiff failed to meet its burden of proving that Houlihan Lokey and/or Craig-
14 Hallum did not have knowledge and competence concerning the matters in question or that any
15 purported conflict of interest would cause the Director Defendants' reliance thereon to be
16 unwarranted.

17 11. In 2017, the Nevada Supreme Court ruled in this litigation that the only direct
18 claim that Parametric shareholders might have standing to assert arising out of the merger was
19 an "equity expropriation" claim. *See Parametric Sound Corp. v. Eighth Jud. Dist. Ct.*, 133
20 Nev. 417, 429, 401 P.3d 1100, 1109 (2017). Any other claim contesting the merger would be
21 derivative in nature, and was extinguished by the settlement and judgment entered by this Court
22 on May 18, 2020.

23 12. The Court in *Parametric* held that "equity expropriation claims involve a
24 controlling shareholder's or director's expropriation of value from the company causing other
25 shareholders' equity to be diluted." *Id.*

26 13. The severance payment and accelerated vesting of incentive stock options
27 provided for under Potashner's April 2012 employment agreement, which were triggered upon
28 the closing of the merger between Parametric and Turtle Beach on January 15, 2014, for

1 purposes of the motion, will be presumed to have constituted an expropriation by Potashner of
2 value from the company causing Parametric shareholders' equity to be diluted.

3 14. Plaintiff failed to meet its burden of proving that Parametric had a controlling
4 shareholder or controlling director.

5 15. Plaintiff has failed to meet its burden to prove that Potashner's receipt of
6 incentive stock options is an expropriation of value by a controlling shareholder. As such,
7 Plaintiff failed to prove an essential element of an equity expropriation claim under Nevada
8 law.

9 16. Plaintiff further failed to meet its burden to prove that the Parametric Board's
10 decision was impacted by actual fraud, intentional misconduct, or bad faith.

11 17. By reason of Plaintiff's failure to meet its burden to prove a primary equity
12 expropriation claim against the Director Defendants, Plaintiff failed to meet its burden to prove
13 a secondary aiding and abetting claim against the Non-Director Defendants.

14 18. Because the Court is granting the NRCP 52(c) motion on the aforementioned
15 substantive grounds, it does not reach the merits of the additional arguments made by
16 Defendants in regard to Plaintiff's standing, the operation of the statute of limitations or the
17 measure of damages proffered by Plaintiff.

18 THEREFORE, IT IS HEREBY ORDERED that defendants' motion pursuant to NRCP
19 52(c) is GRANTED.

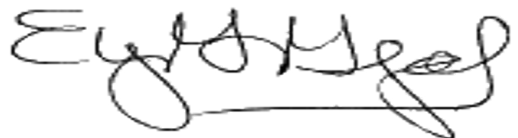
20 **JUDGMENT**

21 The Court having entered the foregoing Findings of Fact and Conclusions of Law, and
22 good cause appearing,

23 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that JUDGMENT is
24 entered in favor of Defendants and against Plaintiff as to all of Plaintiff's remaining claims.

25 DATED this _____ day of September 2021.

Dated this 3rd day of September, 2021

26 
27
28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Kearney IRRV Trust, Plaintiff(s) | CASE NO: A-13-686890-B
7 vs. | DEPT. NO. Department 11
8 Kenneth Potashner, 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 Findings of Fact, Conclusions of Law and Judgment was served via the
13 court's electronic eFile system to all recipients registered for e-Service on the above entitled
case as listed below:

14 Service Date: 9/3/2021

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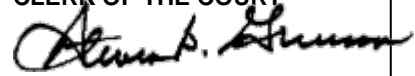
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15 If indicated below, a copy of the above mentioned filings were also served by mail
16 via United States Postal Service, postage prepaid, to the parties listed below at their last
17 known addresses on 9/7/2021

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22		Las Vegas, NV, 89134
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26		Las Vegas, NV, 89169
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Attorneys for Plaintiff PAMTP LLC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

IN RE PARAMETRIC SOUND
CORPORATION SHAREHOLDERS'
LITIGATION

Case No.: A-13-686890-B

Dept. No.: XI

CASE APPEAL STATEMENT

This Document Relates To:

PAMPT LLC v. KENNETH POTASHNER
et. al.

Plaintiff PAMPT, LLC submits the following Case Appeal Statement pursuant to Nevada
Rules of Appellate Procedure 3(f):

1. Name of Appellant filing this Case Appeal Statement:

PAMPT, LLC

2. Identify the judge issuing the decision, judgment, or order appealed from:

The Honorable Elizabeth Gonzalez, Department 11, Eighth Judicial District Court,
Clark County, Nevada

3. Identify each appellant and the name and address of counsel for each appellant:

Appellant: PAMPT, LLC.

Represented by: Jeff Silvestri (NSBN 5779)
George F. Ogilvie III, Esq. (NSBN 3552)
Amanda C. Yen, Esq. (NSBN 9726)
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Daniel M. Sullivan
Scott M. Danner
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425 Lexington Avenue
New York, New York 10017

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

Respondent: Kenneth F. Potashner

Represented by: J. Stephen Peek (NSBN 1758)
Robert J. Cassity (NSBN 9779)
Holland & Hart, LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134

John P. Stigmi III
Alejandro Moreno
Sheppard, Mullin, Richter & Hampton, LLC
1901 Avenue of the Stars, Suite 1600
Los Angeles, California 90067

Respondents: VTB Holdings Inc.; Specially Appearing Stirpes Group, LLC; VTB Holdings LLC; Juergen Stark; Kenneth Fox

Represented by: Richard C. Gordon (NSBN 9036)
Snell & Wilmer, LLP
3883 Howard Hughes Pkwy., Suite 1100
Las Vegas, NV 89169

Joshua D.N. Hess
David A. Kotler
Ryan Moore
Dechert LLP
1095 Avenue of the Americas
New York, NY 10036

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada, and if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):

Daniel M. Sullivan (*pro hac vice forthcoming*)
Scott M. Danner (*pro hac vice forthcoming*)
Holwell Shuster & Goldberg LLP
425 Lexington Avenue
New York, New York 10017

Joshua D.N. Hess (*admitted pro hac vice November 20, 2013*)
David A. Kotler (*admitted pro hac vice July 8, 2019*)
Ryan Moore (*admitted pro hac vice July 8, 2019*)
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1095 Avenue of the Americas
New York, NY 10036

John P. Stigmi III (*admitted pro hac vice November 8, 2013*)
Alejandro Moreno (*admitted pro hac vice September 17, 2018*)
Sheppard, Mullin, Richter & Hampton, LLC
1901 Avenue of the Stars, Suite 1600
Los Angeles, California 90067

6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

Retained counsel.

7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

Retained counsel.

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

No.

1 **9. Indicate the date the proceedings commenced in the district court (e.g., date**
2 **complaint, indictment, information, or petition was filed):**

3 A complaint was filed on May 20, 2020.

4 **10. Provide a brief description of the nature of the action and result in the district**
5 **court, including the type of judgment or order being appealed and the relief granted by the**
6 **district court:**

7 Appellant PAMTP LLC brought claims against Respondents Kenneth F. Potashner,
8 Kenneth Fox, Juergen Stark, VTB Holdings, Inc., Stripes f/k/a Stripes Group, LLC, and SG VTB
9 Holdings, LLC (collectively, “Respondents”), as well as additional parties who were dismissed as
10 defendants prior to the onset of trial, for breaching fiduciary duties and aiding and abetting
11 breaches of fiduciary in connection with the merger between Parametric Sound Corporation and
12 VTB Holdings, Inc.

13 After the conclusion of Appellant’s case-in-chief, Respondents filed in District Court a
14 motion for judgment on partial findings under NRCP 52(c). The District Court granted the motion
15 and entered judgment in favor of Respondents and against Appellant as to all claims (the “Order”).
16 Appellant is appealing from the Order.

17 **11. Indicate whether the case has previously been the subject of an appeal to or**
18 **original writ proceeding in the Supreme Court, and if so, the caption and Supreme Court**
19 **Docket number of the prior proceeding:**

20 This case, which Appellant brought after opting out of a class settlement involving
21 the same conduct, has not previously been subject of an appeal or writ. The class case from which
22 Appellant opted out was the subject of a prior appeal in this Court, which bore the caption and
23 docket number identified below:

24 *Parametric Sound Corp. v. Eighth Judicial District Court in and for the County of*
25 *Clark, No. 66689.*

26 **12. Indicate whether this appeal involves child custody or visitation:**

27 This appeal does not involve child custody or visitation.
28

This is a civil case. Settlement is unknown at this point.

DATED this 30th day of September 2021.

By: /s/ Jeff Silvestri

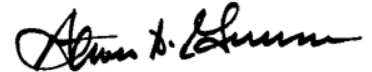
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Attorneys for Plaintiff PAMTP LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on or about September 30, 2021, a true and correct copy of the foregoing **CASE APPEAL STATEMENT** was electronically served with the Clerk of the Court via the Clark County District Court Electronic Filing Program which will provide copies to all counsel of record registered to receive such electronic notification.

/s/ CaraMia Gerard
An employee of McDonald Carano LLP



CLERK OF THE COURT

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Corporation, Kenneth Potashner,
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Robert Kaplan, Andrew Wolfe and
James Honore*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

IN RE PARAMETRIC SOUND
CORPORATION SHAREHOLDERS'
LITIGATION

CONSOLIDATED
CASE NO.: A-13-686890-B

DEPT NO.: XI

Date: November 1, 2013
Time: IN CHAMBERS

**NOTICE OF ENTRY OF ORDER
GRANTING MOTION TO ASSOCIATE
COUNSEL (JOHN PETER STIGI, III,
ESQ.)**

PLEASE TAKE NOTICE that the Order Granting Motion to Associate Counsel (John Peter Stigi, III, Esq.) was entered with this Court on the 8th day of November, 2013. A copy is

Holland & Hart LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134

1 attached hereto.

2 Dated this 2nd day of November, 2013.

3
4
5 

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7 Robert J. Cassity, Esq.
8 Holland & Hart LLP
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15 Los Angeles, California 90067

16 *Attorneys for Defendants Parametric Sound*
17 *Corporation, Paris Acquisition*
18 *Corporation, Kenneth Potashner,*
19 *Elwood Norris, Seth Putterman,*
20 *Robert Kaplan, Andrew Wolfe and*
21 *James Honore*

CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b), I certify that on November 12, 2013, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER GRANTING MOTION TO ASSOCIATE COUNSEL (JOHN PETER STIGI, III, ESQ.)** via regular U.S. Mail to the persons and addresses listed below:

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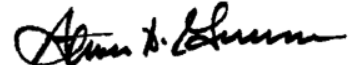
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CLERK OF THE COURT

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DISTRICT COURT

CLARK COUNTY, NEVADA

IN RE PARAMETRIC SOUND
CORPORATION SHAREHOLDERS'
LITIGATION

CONSOLIDATED
CASE NO.: A-13-686890-B

DEPT NO.: XI

Date: November 1, 2013
Time: IN CHAMBERS

**ORDER GRANTING MOTION TO
ASSOCIATE COUNSEL**

John Peter Stigi, III, Esq. of the law firm of Sheppard Mullins Richter & Hampton LLP
having filed his Motion to Associate Counsel pursuant to Supreme Court Rule 42, together with
the Verified Application for Association of Counsel, Certificate of Good Standing, and the State
Bar of Nevada Statement, said application having been noticed, no objections having been made,

Holland & Hart LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134


1 and the Court being fully apprised, and good cause appearing,

2 IT IS HEREBY ORDERED AND DECREED that said Motion to Associate Counsel is
3 granted and that John Peter Stigi, III, Esq. is hereby admitted to practice in the above-entitled
4 court for the purposes of the above-entitled matter only.

5 DATED November 7, 2013.

6
7 
8 DISTRICT COURT JUDGE
9

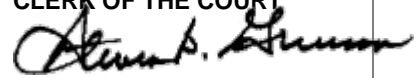
Submitted by:

10 
11 J. Stephen Peek, Esq.
12 Robert J. Cassity, Esq.
13 Holland & Hart LLP
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14 John Peter Stigi, III, Esq.
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17 *Attorneys for Defendants Parametric Sound*
18 *Corporation, Paris Acquisition*
19 *Corporation, Kenneth Potashner,*
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James Honore

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Andrew Wolfe and James Honore*

DISTRICT COURT

CLARK COUNTY, NEVADA

IN RE PARAMETRIC SOUND
CORPORATION SHAREHOLDERS'
LITIGATION

CONSOLIDATED
CASE NO.: A-13-686890-B

DEPT NO.: XI

**NOTICE OF ENTRY OF ORDER
GRANTING MOTION TO ASSOCIATE
COUNSEL (ALEJANDRO E. MORENO)**

PLEASE TAKE NOTICE that an Order Granting Motion to Associate Counsel
(Alejandro E. Moreno) was entered on the 17th day of September 2018. A copy is attached.

Dated this 21st day of September 2018.

/s/ Robert J. Cassity
J. Stephen Peek, Esq.
Robert J. Cassity, Esq.
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John Peter Stigi, III, Esq.
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*Attorneys for Defendants
Kenneth Potashner, Elwood Norris,
Seth Putterman, Robert Kaplan,
Andrew Wolfe and James Honore*

CERTIFICATE OF SERVICE

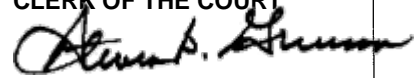
I hereby certify that on the 21st day of September 2018, a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER GRANTING MOTION TO ASSOCIATE COUNSEL (ALEJANDRO E. MORENO)** was served by the following method(s):

☒ Electronic: by submitting electronically for filing and/or service with the Eighth Judicial District Court's e-filing system and served on counsel electronically in accordance with the E-service list to the following email addresses:

Name	Party	E-Mail Address
David C. O'Mara	Plaintiffs	david@omaralaw.net
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David Knotts	Plaintiffs	DKnotts@rgrdlaw.com
Randall Baron	Plaintiffs	RandyB@rgrdlaw.com
Jamie Meske (paralegal)	Plaintiffs	JaimeM@rgrdlaw.com
Adam Warden	Plaintiffs	AWarden@saxenawhite.com
Jonathan Stein	Plaintiffs	jstein@saxenawhite.com
Mark Albright	Plaintiffs	gma@albrightstoddard.com
Loren Ryan (paralegal)	Plaintiffs	e-file@saxenawhite.com
Steve Peek	Defendants	speek@hollandhart.com
Bob Cassity	Defendants	bcassity@hollandhart.com
Alejandro Moreno	Defendants	amorenos@sheppardmullin.com
John P. Stigi III,	Defendants	JStigi@sheppardmullin.com
Tina Jakus	Defendants	tjakus@sheppardmullin.com
Valerie Larsen (assistant)	Defendants	VLarsen@hollandhart.com
Richard Gordon	Defendants	rgordon@swlaw.com
Gaylene Kim (assistant)	Defendants	gkim@swlaw.com
Joshua Hess	Defendants	Joshua.Hess@dechert.com
Brian Raphel	Defendants	Brian.Raphel@dechert.com
Reginald Zeigler	Defendants	Reginald.Zeigler@dechert.com

/s/ Valerie Larsen
An Employee of Holland & Hart LLP

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

IN RE PARAMETRIC SOUND
CORPORATION SHAREHOLDERS'
LITIGATION

CONSOLIDATED

CASE NO.: A-13-686890-B
DEPT NO.: XI

**ORDER GRANTING MOTION TO
ASSOCIATE COUNSEL (ALEJANDRO
E. MORENO)**

This matter came for hearing before the Court on September 17, 2018 at 9:00 a.m. on the Motion to Associate Counsel (Alejandro E. Moreno) of the law firm of Sheppard Mullin Richter & Hampton, LLP, which was filed pursuant to Nevada Supreme Court Rule 42, together with a Verified Application for Association of Counsel, Certificate of Good Standing and the State Bar Statement. The Motion to Associate Counsel having been properly noticed, no Opposition having

1 been filed pursuant to EDCR 2.20(e), the Court being fully apprised in the premises, and good
2 cause appearing,

3 IT IS HEREBY ORDERED that the Motion to Associate Counsel is hereby GRANTED
4 and Alejandro E. Moreno, Esq. is hereby admitted to practice before the above-entitled Court for
5 the purposes of the above-entitled matter only.

6 IT IS FURTHER ORDERED that by accepting this admission, Mr. Moreno agrees to
7 submit to the Court's jurisdiction and appear without subpoena for any proceedings required by
8 the Court which relate to Mr. Moreno's conduct in this matter, including motions, depositions,
9 and evidentiary hearings, whether or not Mr. Moreno has withdrawn from representing any party
10 pursuant to Nevada Supreme Court Rule 42(13)(a).

11 IT IS SO ORDERED.

12 DATED this 17th day of September 2018.

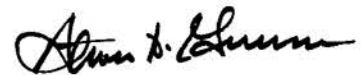
13
14 
15 DISTRICT COURT JUDGE

16 Respectfully submitted by:

17 By Stephen Peek
18 J. Stephen Peek, Esq.
19 Robert J. Cassity, Esq.
20 Holland & Hart LLP
21 9555 Hillwood Drive, 2nd Floor
22 Las Vegas, Nevada 89134

23 John Peter Stigi, III, Esq.
24 Sheppard Mullins Richter &
25 Hampton LLP
26 1901 Avenue of the Stars, Suite 1600
27 Los Angeles, California 90067

28 *Attorneys for Defendants*
Kenneth Potashner, Elwood Norris,
Seth Putterman, Robert Kaplan,
Andrew Wolfe and James Honore



CLERK OF THE COURT

1 **NEOJ**
2 Richard C. Gordon, Esq.
3 Nevada Bar No. 9036
4 Karl Riley, Esq.
5 Nevada Bar No. 12077
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13 *Attorneys for Defendants VTB Holdings, Inc.*
14 *And Voyetra Turtle Beach, Inc.*

15 **EIGHTH JUDICIAL DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 **IN RE PARAMETRIC SOUND**
18 **CORPORATION SHAREHOLDERS'**
19 **LITIGATION**

20 **LEAD CASE NO.: A-13-686890-B**
21 **DEPT. NO.: XI**

22 This Document Related To:
23 ALL ACTIONS

24 **NOTICE OF ENTRY OF ORDER**

25 PLEASE TAKE NOTICE that the Order Admitting to Practice (Joshua David Nelson
26 Hess, Esq.) was filed with this Court on November 20, 2013, a copy of which is attached hereto.

27 Dated: November 21st, 2013

28 **SNELL & WILMER L.L.P.**

By: 

Richard C. Gordon (Bar No. 9036)
Karl Riley (Bar No. 12077)
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Las Vegas, NV 89169

Attorneys for Defendant VTB Holdings, Inc.

CERTIFICATE OF SERVICE

As an employee of Snell & Wilmer L.L.P., I certify that I served a copy of the foregoing
NOTICE OF ENTRY OF ORDER on the 21 day of November 2013, via United States
Postal Service, postage prepaid, to the following at their last known addresses:

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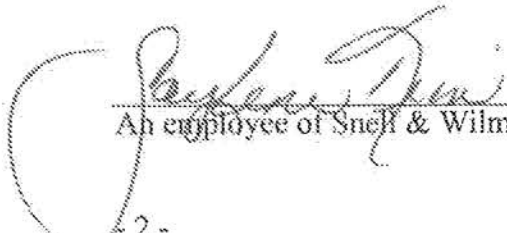
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3 Nevada Bar No. 9036

4 Karl Riley, Esq.

5 Nevada Bar No. 12077

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13 *Attorneys for Defendant VTB Holdings, Inc.*
14 *and Voyetra Turtle Beach, Inc.*

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11/20/2013 11:14:50 AM



CLERK OF THE COURT

15 EIGHTH JUDICIAL DISTRICT COURT

16 CLARK COUNTY, NEVADA

17 IN RE PARAMETRIC SOUND
18 CORPORATION SHAREHOLDERS'
19 LITIGATION

LEAD CASE NO.: A-13-686890-B
DEPT. NO.: XI

20 This Document Related To:
21 ALL ACTIONS

ORDER ADMITTING TO PRACTICE

22 Richard C. Gordon, Esq. of Snell & Wilmer L.L.P., having filed his Motion to Associate
23 Counsel under Nevada Supreme Court Rule 42, together with a Verified Application for
24 Association of Counsel, Certificates of Good Standing for the states of California, Virginia and
25 District of Columbia, and the State Bar of Nevada Statement; said application having been
26 noticed, no objections having been made, and the Court being fully apprised in the premises, and
27 good cause appearing, it is hereby

28 ///

1 ORDERED, that said application is hereby granted, and Joshua David Nelson Hess, Esq.
2 is hereby admitted to practice in the above-entitled Court for the purposes of the above-entitled
3 matter only.

4 Dated this 19 day of November 2013.

5
6 
7 DISTRICT COURT JUDGE
8

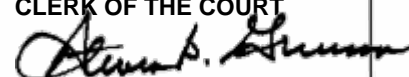
9 Submitted by:

10 SNELL & WILMER L.L.P.

11
12 By: 

13 Richard C. Gordon (Bar No. 9036)
14 Karl Riley (Bar No. 12077)
15 3883 Howard Hughes Pkwy., #1100
16 Las Vegas, NV 89169

17 *Attorneys for Defendants VTB Holdings, Inc.*
18 *and Voyetra Turtle Beach, Inc.*
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Kiah D. Beverly-Graham, Esq.
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*Attorneys for Defendants VTB Holdings, Inc. and
Specially Appearing Defendants Stripes Group,
LLC and SG VTB Holdings, LLC*

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

IN RE PARAMETRIC SOUND
CORPORATION SHAREHOLDERS'
LITIGATION

LEAD CASE NO.: A-13-686890-B
DEPT. NO.: XI

**NOTICE OF ENTRY OF ORDER
ADMITTING TO PRACTICE
(DAVID A. KOTLER, ESQ.)**

This Document Related to:
ALL ACTIONS

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1 PLEASE TAKE NOTICE that the ORDER ADMITTING TO PRACTICE (DAVID A.
2 KOTLER, ESQ.) was entered with this Court on July 8, 2019, a copy of which is attached hereto.

3 Dated: July 9, 2019

SNELL & WILMER L.L.P.

4 By: /s/Richard C. Gordon

5 Richard C. Gordon (Bar No. 9036)

6 Kiah D. Beverly-Graham (Bar No. 11916)

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8 *Attorneys for Defendant VTB Holdings, Inc. and*
9 *Specially Appearing Defendants Stripes Group,*
10 *LLC and SG VTB Holdings, LLC*
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CERTIFICATE OF SERVICE

As an employee of Snell & Wilmer L.L.P., I certify that I served a copy of the foregoing
**NOTICE OF ENTRY OF ORDER ADMITTING TO PRACTICE (DAVID A. KOTLER,
ESQ.)** on the 9th day of July 2019, via e-service through Odyssey File and Serve to the email
addresses listed below:

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Attorneys for Grant Oakes and Derivative Plaintiff Lance Mykita

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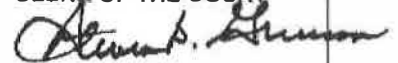
Attorneys for Defendants VTB Holdings, Inc. and

Specially Appearing Defendants Stripes Group,

LLC and SG VTB Holdings, LLC

/s/Gaylene Kim

An employee of Snell & Wilmer L.L.P.



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*Attorneys for Defendants VTB Holdings, Inc. and
Specially Appearing Defendants Stripes Group,
LLC and SG VTB Holdings, LLC*

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

IN RE PARAMETRIC SOUND
CORPORATION SHAREHOLDERS'
LITIGATION

LEAD CASE NO.: A-13-686890-B
DEPT. NO.: XI

**ORDER ADMITTING TO PRACTICE
(DAVID A. KOTLER, ESQ.)**

This Document Related to:
ALL ACTIONS

This matter came for hearing before the Court on the Motion to Associate Counsel (David A. Kotler) of the law firm of Dechert LLP, which was filed pursuant to Nevada Supreme Court Rule 42, together with a Verified Application for Association of Counsel, Certificates of Good Standing from New York and New Jersey, and the State Bar of Nevada Statement. The Motion to Associate Counsel having been properly noticed, no objections having been made, no opposition having been filed pursuant to EDCR 2.20(e), and the Court being fully apprised in the premises, and good cause appearing,

///

1 IT IS HEREBY ORDERED that the Motion to Associate Counsel is hereby GRANTED
2 and David A. Kotler, Esq. is hereby admitted to practice in the above-entitled Court for the
3 purposes of the above-entitled matter only.

4 IT IS FURTHER ORDERED that by accepting this admission, Mr. Kotler agrees to
5 submit to the Court's jurisdiction and appear without subpoena for any proceedings required by
6 the Court which relate to Mr. Kotler's conduct in this matter, including motions, depositions, and
7 evidentiary hearings, whether or not Mr. Kotler has withdrawn from representing any party
8 pursuant to Nevada Supreme Court Rule 42(13)(a).


9 IT IS SO ORDERED.

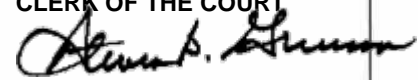
10
11 Dated this 5th day of July, 2019

12 
13 DISTRICT COURT JUDGE

14 Submitted by:

15 SNELL & WILMER L.L.P.

16
17 By: 
18 Richard C. Gordon (Bar No. 9036)
19 Kiah D. Beverly-Graham (Bar No. 11916)
20 3883 Howard Hughes Parkway, Suite 1100
21 Las Vegas, NV 89169
22
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Nevada Bar No. 9036
Kiah D. Beverly-Graham, Esq.
Nevada Bar No. 11916
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*Attorneys for Defendants VTB Holdings, Inc. and
Specially Appearing Defendants Stripes Group,
LLC and SG VTB Holdings, LLC*

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

IN RE PARAMETRIC SOUND
CORPORATION SHAREHOLDERS'
LITIGATION

LEAD CASE NO.: A-13-686890-B
DEPT. NO.: XI

**NOTICE OF ENTRY OF ORDER
ADMITTING TO PRACTICE
(RYAN MARTIN MOORE, ESQ.)**

This Document Related to:
ALL ACTIONS

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1 PLEASE TAKE NOTICE that the ORDER ADMITTING TO PRACTICE (RYAN
2 MARTIN MOORE, ESQ.) was entered with this Court on July 8, 2019, a copy of which is
3 attached hereto.

4 Dated: July 9, 2019

SNELL & WILMER L.L.P.

5 By: /s/Richard C. Gordon

6 Richard C. Gordon (Bar No. 9036)

7 Kiah D. Beverly-Graham (Bar No. 11916)

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Las Vegas, NV 89169

9 *Attorneys for Defendant VTB Holdings, Inc. and*
10 *Specially Appearing Defendants Stripes Group,*
11 *LLC and SG VTB Holdings, LLC*

CERTIFICATE OF SERVICE

As an employee of Snell & Wilmer L.L.P., I certify that I served a copy of the foregoing
**NOTICE OF ENTRY OF ORDER ADMITTING TO PRACTICE (RYAN MARTIN
MOORE, ESQ.)** on the 9th day of July 2019, via e-service through Odyssey File and Serve to the
email addresses listed below:

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LLC and SG VTB Holdings, LLC

/s/Gaylene Kim

An employee of Snell & Wilmer L.L.P.



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*Attorneys for Defendants VTB Holdings, Inc. and
Specially Appearing Defendants Stripes Group,
LLC and SG VTB Holdings, LLC*

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

IN RE PARAMETRIC SOUND
CORPORATION SHAREHOLDERS'
LITIGATION

LEAD CASE NO.: A-13-686890-B
DEPT. NO.: XI

This Document Related to:
ALL ACTIONS

**ORDER ADMITTING TO PRACTICE
(RYAN MARTIN MOORE, ESQ.)**

This matter came for hearing before the Court on the Motion to Associate Counsel (Ryan Martin Moore) of the law firm of Dechert LLP, which was filed pursuant to Nevada Supreme Court Rule 42, together with a Verified Application for Association of Counsel, Certificates of Good Standing from Pennsylvania and New Jersey, and the State Bar of Nevada Statement. The Motion to Associate Counsel having been properly noticed, no objections having been made, no opposition having been filed pursuant to EDCR 2.20(e), and the Court being fully apprised in the premises, and good cause appearing,

///

IT IS HEREBY ORDERED that the Motion to Associate Counsel is hereby GRANTED and Ryan Martin Moore, Esq. is hereby admitted to practice in the above-entitled Court for the purposes of the above-entitled matter only.

IT IS FURTHER ORDERED that by accepting this admission, Mr. Moore agrees to submit to the Court's jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Mr. Moore's conduct in this matter, including motions, depositions, and evidentiary hearings, whether or not Mr. Moore has withdrawn from representing any party pursuant to Nevada Supreme Court Rule 42(13)(a).

IT IS SO ORDERED.

Dated this 5th day of July, 2019


DISTRICT COURT JUDGE

Submitted by:

SNELL & WILMER L.L.P.

By: 

Richard C. Gordon (Bar No. 9036)
Kiah D. Beverly-Graham (Bar No. 11916)
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169

CASE SUMMARY**CASE NO. A-13-686890-B**

Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

§
§
§
§
§

Location: **Department 22**
 Judicial Officer: **Johnson, Susan**
 Filed on: **08/13/2013**
 Case Number History:
 Cross-Reference Case Number: **A686890**

CASE INFORMATION**Related Cases**

A-13-687232-B (Consolidated)
 A-13-687354-B (Consolidated)
 A-13-687665-B (Consolidated)
 A-13-688374-B (Consolidated)
 A-16-741073-B (Consolidated)
 A-20-815308-B (Consolidated)

Case Type: **Business Court**

Case Status: **09/03/2021 Closed**

Statistical Closures

09/03/2021 Disposed After Trial Start (bench trial)
 05/22/2020 Stipulated Dismissal

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

Case Number A-13-686890-B
 Court Department 22
 Date Assigned 09/07/2021
 Judicial Officer Johnson, Susan

PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	Hansen, Josh	Albright, George Mark <i>Retained</i> 7023847111(W)
	Kearney IRRV Trust	Albright, George Mark <i>Retained</i> 7023847111(W)
	PAMPT LLC	
	Prieston, George L	Albright, George Mark <i>Retained</i> 7023847111(W)
	Rakauskas, Vitie	Albright, George Mark <i>Retained</i> 7023847111(W)
Defendant	Honore, James L Removed: 05/17/2019 Dismissed	Peek, Joseph S. <i>Retained</i> 702-669-4600(W)
	Kaplan, Robert M Removed: 05/19/2020 Dismissed	Peek, Joseph S. <i>Retained</i> 702-669-4600(W)
	Norris, Elwood G Removed: 05/19/2020 Dismissed	Peek, Joseph S. <i>Retained</i> 702-669-4600(W)
	Paramedic Sound Corporation	

CASE SUMMARY

CASE NO. A-13-686890-B

Removed: 05/19/2020

Dismissed

Paris Acquisition Corp

Removed: 05/19/2020

Dismissed

Potashner, Kenneth F

Putterman, Seth

Removed: 05/19/2020

Dismissed

VTB Holdings Inc

Removed: 05/19/2020

Dismissed

Wolfe, Andrew L

Removed: 05/19/2020

Dismissed

**Consolidated Case
Party**

Fox, Kenneth

Kaplan, Robert

Norris, Elwood G.

Putterman, Seth

SG VTB Holdings LLC

Stark, Juergen

Stripes Group LLC

Voyetra Turtle Beach, Inc.

VTB Holdings, Inc.

Wolfe, Andrew

**Intervenor
Defendant**

Honore, James L

Removed: 05/19/2020

Dismissed

Kaplan, Robert M

Removed: 05/19/2020

Dismissed

Gordon, Richard C.

Retained

7027845252(W)

Peek, Joseph S.

Retained

702-669-4600(W)

Peek, Joseph S.

Retained

702-669-4600(W)

Gordon, Richard C.

Retained

7027845252(W)

Peek, Joseph S.

Retained

702-669-4600(W)

Gordon, Richard C.

Retained

7027845252(W)

Peek, Joseph S.

Retained

702-669-4600(W)

Peek, Joseph S.

Retained

702-669-4600(W)

Peek, Joseph S.

Retained

702-669-4600(W)

Gordon, Richard C.

Retained

7027845252(W)

Gordon, Richard C.

Retained

7027845252(W)

Gordon, Richard C.

Retained

7027845252(W)

Gordon, Richard C.

Retained

7027845252(W)

Peek, Joseph S.

Retained

702-669-4600(W)

Peek, Joseph S.

Retained






702-669-4600(W)

Peek, Joseph S.

Retained














702-669-4600(W)

CASE SUMMARY**CASE NO. A-13-686890-B****Norris, Elwood G**Removed: 05/19/2020
Dismissed**Paris Acquisition Corp**Removed: 05/19/2020
Dismissed**Potashner, Kenneth F**Removed: 05/19/2020
Dismissed**Puttermann, Seth**Removed: 05/19/2020
Dismissed**Turtle Beach Corporation**Removed: 05/19/2020
Dismissed**VTB Holdings Inc**Removed: 05/19/2020
Dismissed**Wolfe, Andrew L**Removed: 05/19/2020
Dismissed**Peek, Joseph S.***Retained*
702-669-4600(W)**Gordon, Richard C.***Retained*
7027845252(W)**Peek, Joseph S.***Retained*
702-669-4600(W)**Peek, Joseph S.***Retained*
702-669-4600(W)**Gordon, Richard C.***Retained*
7027845252(W)**Gordon, Richard C.***Retained*
7027845252(W)**Peek, Joseph S.***Retained*
702-669-4600(W)**Intervenor
Plaintiff****Boytim, Raymond****Oakes, Grant****Objector****Weisbord, Barry****Ogilvie, George F., III***Retained*
7028734100(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<u>EVENTS</u>	
08/13/2013	 Complaint Filed By: Plaintiff Kearney IRRV Trust <i>[1] Complaint for Breach of Fiduciary Duty</i>	
08/13/2013	Case Opened	
08/15/2013	 Summons Filed by: Defendant Potashner, Kenneth F <i>[2] Summons (PAC)</i>	
08/15/2013	 Summons Filed by: Plaintiff Kearney IRRV Trust <i>[3] Summons (PSC)</i>	
08/15/2013	 Summons Filed by: Plaintiff Kearney IRRV Trust <i>[4] Summons (VTB)</i>	
08/22/2013	 Affidavit of Service Filed By: Plaintiff Kearney IRRV Trust <i>[5] Affidavit of Service on Parametric Sound Corporation</i>	














CASE SUMMARY

CASE NO. A-13-686890-B

08/27/2013	 Affidavit of Service Filed By: Plaintiff Kearney IRRV Trust <i>[6] Affidavit of Service on Paris Acquisition Corporation</i>
08/27/2013	 Affidavit of Service Filed By: Plaintiff Kearney IRRV Trust <i>[7] Affidavit of Service on VTB Holdings, Inc.</i>
08/30/2013	 Request to Transfer to Business Court Filed by: Defendant Potashner, Kenneth F <i>[10] Defendants Parametric Sound Corporation, Paris Acquisition Corporation, Kenneth Potashner, Elwood Norris, Seth Putterman, Robert Kaplan, Andrew Wolfe and James Honore's Request for Assignment to Business Court</i>
08/30/2013	 Initial Appearance Fee Disclosure Filed By: Defendant Potashner, Kenneth F <i>[9] Initial Appearance Fee Disclosure (Business Court Transfer)</i>
09/03/2013	 Notice of Department Reassignment <i>[8]</i>
09/12/2013	 Motion to Consolidate Filed By: Defendant Potashner, Kenneth F <i>[11] Motion For Consolidation of the Actions and Appointment of a Leadership Structure</i>
09/17/2013	 Certificate of Service Filed by: Plaintiff Kearney IRRV Trust <i>[12] Certificate of Service</i>
09/19/2013	 Order Filed By: Defendant Potashner, Kenneth F <i>[13] Order Re: Consolidation, Hearings on Pro Hac Vice Applications and Appointment of Co-Lead and Co-Liaison Counsel</i>
09/20/2013	 Motion Filed By: Plaintiff Kearney IRRV Trust <i>[14] Notice of Motion and Motion for Appointment of Lead Counsel and Opposition to Plaintiff Shana Vasek's Motion for Consolidation of the Actions and Appointment of a Leadership Structure, and Incorporated Memorandum of Points and Authorities in Support</i>
09/20/2013	 Motion to Associate Counsel Filed By: Intervenor Defendant Turtle Beach Corporation <i>[15] Motion to Associate Counsel (John Peter Stigi III, Esq)</i>
09/23/2013	 Stipulation and Order Filed by: Plaintiff Kearney IRRV Trust <i>[18] Stipulation and Order Re: Consolidation and Appointment of Co-Lead and Co-Liaison Counsel</i>
09/23/2013	 Declaration Filed By: Plaintiff Kearney IRRV Trust <i>[16] Declaration of John P. Aldrich in Support of Motion for Appointment of Lead Counsel</i>
09/23/2013	 Certificate of Service Filed by: Intervenor Defendant Turtle Beach Corporation














CASE SUMMARY

CASE NO. A-13-686890-B

	<i>[17] Certificate of Service of Motion to Associate Counsel</i>
09/24/2013	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Kearney IRRV Trust <i>[19] Notice of Entry of Stipulation and Order Re: Consolidation and Appointment of o-Lead and Co-Liaison Counsel</i>
09/24/2013	 Motion to Associate Counsel Filed By: Plaintiff Kearney IRRV Trust <i>[20] Motion to Associate Counsel (Jonathan Matthew Stein)</i>
09/25/2013	 Amended Certificate of Mailing Filed By: Intervenor Defendant Turtle Beach Corporation <i>[21] Amended Certificate of Mailing</i>
09/26/2013	 Reporters Transcript <i>[22] Transcript of Proceedings - Hearing on Motion to Consolidate and Appoint Lead Counsel - 9/23/2013</i>
10/01/2013	 Motion to Associate Counsel Filed By: Plaintiff Kearney IRRV Trust <i>[23] Motion to Associate Counsel (Juan E Monteverde)</i>
10/11/2013	 Status Report Filed By: Intervenor Defendant VTB Holdings Inc <i>[24] Joint Status Report</i>
10/29/2013	 Initial Appearance Fee Disclosure Filed By: Intervenor Defendant VTB Holdings Inc <i>[26] Defendants' Initial Appearance Fee Disclosure</i>
10/29/2013	 Motion to Associate Counsel Filed By: Intervenor Defendant VTB Holdings Inc <i>[25] Motion to Associate Counsel (Neil A Steiner)</i>
10/29/2013	 Motion to Associate Counsel Filed By: Intervenor Defendant VTB Holdings Inc <i>[27] Motion to Associate Counsel (Brian Christopher Raphael)</i>
10/29/2013	 Motion to Associate Counsel Filed By: Intervenor Defendant VTB Holdings Inc <i>[28] Motion to Associate Counsel (Joshua David Nelson Hess)</i>
11/06/2013	 Order Admitting to Practice Filed By: Intervenor Defendant Turtle Beach Corporation <i>[29] Order Admitting to Practice (Jonathan Matthew Stein)</i>
11/07/2013	 Notice of Entry of Order Filed By: Plaintiff Kearney IRRV Trust <i>[30] Notice of Entry of Order Admitting to Practice (Jonathan Matthew Stein)</i>
11/08/2013	 Order Admitting to Practice Filed By: Intervenor Defendant Turtle Beach Corporation <i>[31] Order Granting Motion to Associate Counsel (John Peter Stigi, III)</i>














CASE SUMMARY

CASE NO. A-13-686890-B

11/12/2013	 Notice of Entry of Order Filed By: Intervenor Defendant Turtle Beach Corporation <i>[32] Notice of Entry of Order Granting Motion to Associate Counsel (John Peter Stigi, III, Esq.)</i>
11/14/2013	 Amended Complaint Filed By: Plaintiff Kearney IRRV Trust <i>[33] Amended Class Action Complaint for Breach of Fiduciary Duty</i>
11/15/2013	 Certificate of Service Filed by: Plaintiff Kearney IRRV Trust <i>[34] Certificate of Service of Amended Class Action Complaint for Breach of Fiduciary Duty</i>
11/20/2013	 Order Admitting to Practice Filed By: Intervenor Defendant VTB Holdings Inc <i>[35] Order Admitting to Practice (Brian Christopher Raphael Esq)</i>
11/20/2013	 Order Admitting to Practice Filed By: Intervenor Defendant VTB Holdings Inc <i>[36] Order Admitting to Practice (Neil A Steiner Esq)</i>
11/20/2013	 Order Admitting to Practice Filed By: Intervenor Defendant VTB Holdings Inc <i>[37] Order Admitting to Practice (Joshua David Nelson Hess Esq)</i>
11/21/2013	 Notice of Entry of Order Filed By: Intervenor Defendant VTB Holdings Inc <i>[38] Notice of Entry of Order (Neil A Steiner Esq)</i>
11/21/2013	 Notice of Entry of Order Filed By: Intervenor Defendant VTB Holdings Inc <i>[39] Notice of Entry of Order (Joshua David Nelson Hess Esq)</i>
11/21/2013	 Notice of Entry of Order Filed By: Intervenor Defendant VTB Holdings Inc <i>[40] Notice of Entry of Order (Brian Christopher Raphael Esq)</i>
12/09/2013	 Motion to Dismiss Filed By: Intervenor Defendant Turtle Beach Corporation <i>[41] Parametric Defendants' Motion to Dismiss Plaintiffs' Amended Complaint</i>
12/10/2013	 Notice Filed By: Intervenor Defendant Turtle Beach Corporation <i>[42] Notice of Parametric Defendants' Motion to Dismiss Plaintiffs' Amended Complaint</i>
12/10/2013	 Stipulation and Order Filed by: Intervenor Defendant Turtle Beach Corporation <i>[43] Stipulated Confidentiality Agreement and Protective Order Regarding the Sealing of Court Records</i>
12/11/2013	 Motion for Preliminary Injunction Filed By: Plaintiff Kearney IRRV Trust <i>[44] Plaintiff's Motion for Preliminary Injunction and an Order Shortening Time</i>








CASE SUMMARY

CASE NO. A-13-686890-B

12/11/2013	 Notice of Entry of Stipulation and Order Filed By: Intervenor Defendant Turtle Beach Corporation <i>[45] Notice of Entry of Stipulated Confidentiality Agreement and Protective Order Regarding the</i>
12/13/2013	 Order Shortening Time Filed By: Plaintiff Hansen, Josh <i>[46] Order Shortening Time Re Motion For Preliminary Injunction</i>
12/16/2013	 Notice of Entry of Order Filed By: Intervenor Defendant Turtle Beach Corporation <i>[47] Notice of Entry of Order Shortening Time</i>
12/18/2013	 Filed Under Seal <i>[48] Plaintiff's Supplemental Memorandum of Points and Authorities in Support of Motion for Preliminary Injunction</i>
12/18/2013	 Certificate of Mailing <i>[49] Certificate of Mailing Re plaintiff's Supplemental Memorandum of Points and Authorities in Support of Motion For Preliminary Injunction</i>
12/19/2013	 Notice of Entry of Order Filed By: Intervenor Defendant Turtle Beach Corporation <i>[50] Notice of Entry of Order Shortening Time re Motion for Preliminary Injunction</i>
12/19/2013	 Motion Filed By: Plaintiff Kearney IRRV Trust <i>[51] Plaintiffs' Motion to Seal or Redact Court Records</i>
12/20/2013	 Reporters Transcript <i>[52] Transcript of Proceeding: Telephone conference to Set Preliminary Injunction Hearing December 12, 2013</i>
12/20/2013	 Reporters Transcript <i>[53] Transcript of Proceedings: Telephone Conference December 19, 2013</i>
12/23/2013	 Ex Parte Application Party: Intervenor Defendant Turtle Beach Corporation <i>[54] Parametric Defendants' Ex Parte Application for Leave to Exceed Page Limit for Their Opposition to Plaintiffs' Motion for Preliminary Injunction</i>
12/23/2013	 Motion Filed By: Intervenor Defendant VTB Holdings Inc <i>[55] VTB Defendants' Motion to File Under Seal or Redact Court Records</i>
12/24/2013	 Motion Filed By: Intervenor Defendant Turtle Beach Corporation <i>[59] Parametric Defendants' Motion to Redact Portions of Their Opposition to Plaintiffs' Motion for Preliminary Injunction and to Seal Certain Exhibits to Appendix Thereto</i>
12/24/2013	 Opposition Filed By: Defendant Potashner, Kenneth F <i>[63] Parametric Defendants' Opposition to Plaintiff's Motion for Preliminary Injunction (Redacted)</i>




CASE SUMMARY

CASE NO. A-13-686890-B

12/24/2013	 Appendix Filed By: Intervenor Defendant Turtle Beach Corporation <i>[61] Appendix of Exhibits in Support of Parametric Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunction</i>
12/24/2013	 Filed Under Seal Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Voyetra Turtle Beach, Inc. <i>[56] VTB Defendant's Opposition to Plaintiff's Motion For Preliminary Injunction</i>
12/24/2013	 Filed Under Seal Filed By: Intervenor Defendant Turtle Beach Corporation <i>[57] Parametric Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunction</i>
12/24/2013	 Filed Under Seal Filed By: Intervenor Defendant Turtle Beach Corporation <i>[58] Appendix of Exhibits in Support of Parametric Defendants' Motion for Preliminary Injunction</i>
12/24/2013	 Motion to Associate Counsel <i>[60] Motion to Associate Counsel Randall J Baron</i>
12/24/2013	 Motion to Associate Counsel Filed By: Plaintiff Hansen, Josh <i>[62] Motion to Associate Counsel David A Knotts</i>
01/06/2014	 Order Granting Filed By: Intervenor Defendant Turtle Beach Corporation <i>[64] Order Granting Parametric Defendants' Ex Parte Application for Leave to Exceed Page Limit for Their Opposition to Plaintiffs' Motion for Preliminary Injunction</i>
01/07/2014	 Notice of Entry of Order Filed By: Intervenor Defendant Turtle Beach Corporation <i>[65] Notice of Entry of Order Granting Parametric Defendants' Ex Parte Application for Leave to Exceed Page Limit for Their Opposition to Plaintiffs' Motion for Preliminary Injunction</i>
01/09/2014	 Stipulation and Order Filed by: Plaintiff Kearney IRRV Trust <i>[66] Stipulation and Order to Allow Plaintiffs to File Second Amended Class Action Complaint</i>
01/10/2014	 Notice of Entry Filed By: Defendant Potashner, Kenneth F <i>[67] Notice of Entry of Stipulation and Order to Allow Plaintiffs to File Second Amended Class Action Complaint</i>
01/14/2014	 Reporters Transcript <i>[68] Transcript of Proceedings: Hearing on Motion for Preliminary Injunction 12/26/2013</i>
01/23/2014	 Notice of Firm Name Change Filed By: Plaintiff Hansen, Josh <i>[69] Notice of Change of Firm Name</i>













CASE SUMMARY

CASE NO. A-13-686890-B

01/27/2014	 Motion to Seal/Redact Records Filed By: Plaintiff Kearney IRRV Trust <i>[73] Plaintiffs' Motion to Seal or Redact Court Records</i>
01/27/2014	 Declaration Filed By: Intervenor Defendant Turtle Beach Corporation <i>[71] Declaration of G Mark Albright in Support of Plaintiffs Motion to Seal or Redact Court Records</i>
01/27/2014	 Certificate of Mailing Filed By: Intervenor Defendant Turtle Beach Corporation <i>[72] Certificate of Mailing</i>
01/27/2014	 Filed Under Seal <i>[70] Filed Under Seal - Second Amended Class Action Complaint for Breach of Fiduciary Duty</i>
01/30/2014	 Notice Filed By: Intervenor Defendant Turtle Beach Corporation <i>[74] Notice of Submission of Defendants' Proposed Findings of Fact and Conclusion of Law Regarding Plaintiff's Motion for Preliminary Injunction</i>
02/04/2014	 Order Granting Filed By: Intervenor Defendant Turtle Beach Corporation <i>[75] Order Granting Parametric Defendants' Motion to Redact Portions of Their Opposition to Plaintiffs' Motion for Preliminary Injunction and to Seal Certain Exhibits to Appendix Thereto</i>
02/05/2014	 Notice of Entry Filed By: Intervenor Defendant Turtle Beach Corporation <i>[76] Notice of Entry of Order Granting Parametric Defendants' Motion to Redact Portions of Their Opposition to Plaintiffs' Motion for Preliminary Injunction and to Seal Certain Exhibits to Appendix Thereto</i>
02/07/2014	 Findings of Fact, Conclusions of Law and Judgment <i>[77] Findings of Facts and Conclusions of Law</i>
02/18/2014	 Substitution of Attorney Filed by: Intervenor Defendant Turtle Beach Corporation <i>[78] Substitution of Counsel</i>
02/24/2014	 Motion to Dismiss Filed By: Defendant Potashner, Kenneth F <i>[81] The Director Defendants' Motion to Dismiss Counts I and Counts II of Plaintiffs' Second Amended Class Action Complaint (REDACTED)</i>
02/24/2014	 Motion to Seal/Redact Records Filed By: Defendant Potashner, Kenneth F <i>[80] Director Defendants' Motion to Seal Unredacted Version of their Motion to Dismiss Second Amended Class Action Complaint</i>
02/24/2014	 Appendix Filed By: Defendant Potashner, Kenneth F <i>[83] Appendix to the Director Defendants' Motion to Dismiss Counts I and II of Plaintiffs' Second Amended Class Action Complaint</i>

CASE SUMMARY

CASE NO. A-13-686890-B

02/24/2014	 Motion to Dismiss Filed By: Intervenor Defendant Turtle Beach Corporation <i>[82] Defendants Parametric Sound Corp., VTB Holdings, Inc., and Paris Acquisition Corp.'s Motion to Dismiss Plaintiff's Third Cause of Action in the Second Amended Class Action Complaint</i>
02/24/2014	 Filed Under Seal Filed By: Defendant Potashner, Kenneth F <i>[79] The Director Defendants' Motion to Dismiss Counts I and Counts II of Plaintiffs' Second Amended Class Action Complaint</i>
02/25/2014	 Stipulation and Order Filed by: Defendant Potashner, Kenneth F <i>[86] Stipulation and Order to Extend Time for Defendants to File in Response to Second Amended Complaint</i>
02/25/2014	 Notice Filed By: Defendant Potashner, Kenneth F <i>[84] Notice of Director Defendants' Motion to Dismiss</i>
02/25/2014	 Notice Filed By: Defendant Potashner, Kenneth F <i>[85] Notice of Director Defendants' Motion to Seal</i>
02/26/2014	 Motion to Seal/Redact Records Filed By: Intervenor Plaintiff Boytim, Raymond <i>[89] Intervening Plaintiffs Boytim and Oakes' Motion to Seal</i>
02/26/2014	 Declaration Filed By: Intervenor Defendant Turtle Beach Corporation <i>[88] Declaration of David C. O'Mara in Support of Plaintiffs Boytim and Oakes' Motion to Intervene, Request to Vacate the Prior Plaintiff Leadership Structure and Appoint Post-Close Lead and Liaison Counsel</i>
02/26/2014	 Notice of Entry Filed By: Defendant Potashner, Kenneth F <i>[87] Notice of Entry of Stipulation and Order to Extend Time for Defendants to File in Response to Second Amended Complaint</i>
02/28/2014	 Filed Under Seal Filed By: Intervenor Plaintiff Boytim, Raymond <i>[90] Plaintiffs Boytim and Oakes' Motion to Intervene, Request to Vacate the Prior Plaintiff Leadership Structure and Appoint Post-Close Lead and Liaison Counsel; Memorandum of Points and Authorities in Support Thereof</i>
02/28/2014	 Complaint Filed By: Intervenor Plaintiff Boytim, Raymond; Intervenor Plaintiff Oakes, Grant <i>[91] Class Action Complaint in Intervention</i>
03/10/2014	 Notice of Change of Hearing <i>[92]</i>
03/11/2014	 Stipulation and Order Filed by: Defendant Potashner, Kenneth F

CASE SUMMARY

CASE NO. A-13-686890-B

[93] Stipulation and Order to Vacate Hearing on Motions to Dismiss Pending Disposition of Motion to Intervene

03/17/2014



Notice of Entry of Stipulation and Order

Filed By: Defendant Potashner, Kenneth F

[94] Notice of Entry of Stipulation and Order to Vacate Hearing on Motions to Dismiss Pending Disposition of Motion to Intervene

03/25/2014



Declaration

Filed By: Plaintiff Kearney IRRV Trust

[98] Declaration of Jonathan M Stein in Support of Co- Lead Plaintiffs' Memorandum of Points and Authorities in Opposition to Proposed Intervenors Boytim and Oaks Motion to Intervene Request to Vacate the Prior Plaintiff Leadership Structure and Appoint Post Close Lead and Liaison Counsel

03/25/2014



Motion

Filed By: Defendant Potashner, Kenneth F

[95] The Director Defendants' Motion to Seal Their Unredacted Response to the California Plaintiffs' Motion to Intervene, Request to Vacate the Prior Plaintiff Leadership Structure and Appoint Post-Close Lead Counsel and Liaison Counsel and the Declaration of Andrew Wolfe

03/25/2014



Opposition to Motion

Filed By: Intervenor Defendant Turtle Beach Corporation

[96] Co-Lead Plaintiffs' Memorandum of Points and Authorities in Opposition to Proposed Intervenors Boytim and Oaks' Motion to Intervene, Request to Vacate the Prior Plaintiff Leadership Structure and Appoint Post-Close Lead and Liaison Counsel

03/25/2014



Opposition

Filed By: Defendant Potashner, Kenneth F

[97] The Director Defendants' Response to the California Plaintiffs' Motion to Intervene, Request to Vacate the Prior Plaintiff Leadership Structure and Appoint Post-Close Lead Counsel and Liaison Counsel

03/26/2014



Notice of Entry of Stipulation and Order

Filed By: Intervenor Defendant Turtle Beach Corporation

[101] Notice of Entry of Stipulation and Order Regarding Briefing Schedule and Hearing Date on Motion to Intervene

03/26/2014



Motion to Associate Counsel

Filed By: Intervenor Plaintiff Boytim, Raymond

[102] Renewed Motion to Associate Counsel (David Anthony Knotts, Esq.)

03/26/2014



Motion to Associate Counsel

Filed By: Intervenor Plaintiff Boytim, Raymond

[103] Renewed Motion to Associate Counsel (Randall Jay Baron, Esq.)

03/26/2014



Stipulation and Order

Filed by: Intervenor Plaintiff Boytim, Raymond

[100] Stipulation and Order Regarding Briefing Schedule and Hearing Date on Motion to Intervene

03/26/2014










Filed Under Seal

Filed By: Attorney Peek, Joseph S.

[99] The Director Defendants' Response to the California Plaintiffs' Motion to Intervene, Request to Vacate the Prior Plaintiff Leadership Structure and Appoint Post-Close Lead Counsel and Liaison Counsel Contains Confidential Information - Filed Under Seal Pursuant to Rule 3 of the Nevada Rules for Sealing and Redacting Court Records

CASE SUMMARY

CASE NO. A-13-686890-B

04/04/2014	 Filed Under Seal Filed By: Intervenor Plaintiff Boytim, Raymond <i>[104] Plaintiffs Boytim and Oakes' Reply Brief in Support of Motion to Intervene, Request to Vacate, and Appoint Post-Close Lead and Liason Counsel</i>
04/04/2014	 Filed Under Seal Filed By: Intervenor Plaintiff Boytim, Raymond <i>[105] Supplemental Declaration of David C. O'Mara in Further Support of Plaintiffs Boytim and Oakes' Motion to Intervene Request to Vacate the Prior Plaintiff Leadership Structure and Appoint Post-Close Lead and Liason Counsel</i>
04/10/2014	 Order Granting Filed By: Defendant Potashner, Kenneth F <i>[106] Order Granting the Director Defendants' Motion to Seal Unredacted Version of Their Motion to Dismiss Second Amended Class Action Complaint</i>
04/11/2014	 Notice of Entry of Order Filed By: Defendant Potashner, Kenneth F <i>[107] Notice of Entry of Order Granting the Director Defendants' Motion to Seal Unredacted Version of their Motion to Dismiss Second Amended Class Action Complaint</i>
04/17/2014	 Reporters Transcript <i>[108] Transcript of Proceedings: Hearing on Plaintiffs' Boytim and Oakes Motion to Intervene</i>
04/30/2014	 Order Filed By: Intervenor Plaintiff Boytim, Raymond <i>[109] Order on Plaintiffs' Counsel Leadership Structure</i>
04/30/2014	 Order Granting Filed By: Intervenor Plaintiff Boytim, Raymond <i>[110] Order Granting In Part the Intervening Plaintiffs' Motion to Intervene, Request to Vacate the Prior Plaintiff Leadership Structure, and Appoint Post-Close Lead and Liaison Counsel</i>
05/01/2014	 Notice of Entry of Order Filed By: Intervenor Plaintiff Boytim, Raymond <i>[112] Notice of Entry of Order Granting in Part the Intervening Plaintiffs' Motion to Intervene, Request to Vacate the Prior Plaintiff Leadership Structure, and Appoint Post-Close Lead and Liaison Counsel</i>
05/01/2014	 Notice of Entry of Order Filed By: Intervenor Plaintiff Boytim, Raymond <i>[111] Notice of Entry of Order on Plaintiffs' Counsel Leadership Structure</i>
05/09/2014	 Order Granting Motion Filed By: Intervenor Defendant Turtle Beach Corporation <i>[113] Order Associating Randall Jay Baron to Practice</i>
05/09/2014	 Order Granting Motion Filed By: Intervenor Defendant Turtle Beach Corporation <i>[114] Order Associating David A. Knotts to Practice</i>
05/13/2014	 Notice of Entry of Order Filed By: Intervenor Defendant Turtle Beach Corporation

CASE SUMMARY

CASE NO. A-13-686890-B

[115] Notice Entry of Order Associating Randall Jay Baron to Practice

05/13/2014



Notice of Entry of Order

Filed By: Intervenor Defendant Turtle Beach Corporation

[116] Notice of Entry of Order Associating David A. Knotts to Practice

06/03/2014



Stipulation and Order

Filed by: Intervenor Plaintiff Boytim, Raymond

[117] Stipulation and Order Regarding Briefing Schedule and Hearing Date on Motions to Dismiss

06/04/2014



Notice of Entry of Stipulation and Order

Filed By: Plaintiff Kearney IRRV Trust

[118] Notice of Entry of Stipulation and Order Regarding Briefing Schedule and Hearing Date on Motion to Dismiss

06/05/2014



Order Granting Motion

Filed By: Defendant Potashner, Kenneth F

[119] Order Granting the Director Defendants' Motion to Seal (1) Their Unredacted Response to The California Plaintiffs' Motion to Intervene, Request to Vacate the Prior Plaintiff Leadership Structure and Appoint Post-Close Lead Counsel and Liaison Counsel and (2) The Declaration of Andrew Wolfe

06/20/2014



Motion to Seal/Redact Records

Filed By: Defendant Potashner, Kenneth F

[122] The Director Defendants' Motion to Seal Their Unredacted Motion to Dismiss The First Cause of Action in Plaintiffs' Class Action Complaint in Intervention and Certain Exhibits Thereto

06/20/2014



Motion to Dismiss

Filed By: Defendant Potashner, Kenneth F

[120] The Director Defendants' Motion to Dismiss the First Cause of Action in Plaintiffs' Class Action Complaint in Intervention (Redacted)

06/20/2014



Motion to Dismiss

Filed By: Consolidated Case Party Voyetra Turtle Beach, Inc.

[121] Defendants Turtle Beach Corporation and VTB Holdings, Inc.'s Motion to Dismiss Plaintiffs' Third Amended Class Action Complaint

06/23/2014



Appendix

Filed By: Defendant Potashner, Kenneth F

[123] Appendix of Exhibits Referenced in the Director Defendants' Motion to Dismiss the First Cause of Action in Plaintiffs' Class Action Complaint In Intervention

07/02/2014



Stipulation

Filed by: Defendant Potashner, Kenneth F

[124] Stipulation and Consent to Service by Electronic Means Through E-Filing Program

07/16/2014



Ex Parte

Filed By: Plaintiff Kearney IRRV Trust

[125] Plaintiffs' Ex Parte Application for Leave to File a Single 45 Page "Omnibus" Brief in Response to Two Motions to Dismiss

07/17/2014



Non Opposition

Filed By: Defendant Potashner, Kenneth F

[126] THE Director Defendants' Notice of Non-Opposition to Plaintiffs' Ex Parte Application

CASE SUMMARY

CASE NO. A-13-686890-B

for Leave to File A Single 45 Page "Omnibus" Brief In Response to Two Motions to Dismiss

07/18/2014



Motion to Seal/Redact Records

Filed By: Intervenor Defendant Turtle Beach Corporation

[127] Plaintiffs Boytim and Oakes' Motion to Seal

07/21/2014



Filed Under Seal

Filed By: Defendant Potashner, Kenneth F

[128] Filed Under Seal - Appendix of Exhibits Referenced in the Director Defendants' Motion to Dismiss the First Cause of Action in Plaintiffs' Class Action Complaint in Intervention

07/21/2014



Filed Under Seal

[129] Filed Under Seal - The Director Defendants' Motion to Dismiss the First Cause of Action in Plaintiffs' Class Action Complaint in Intervention

07/22/2014



Filed Under Seal

Filed By: Intervenor Plaintiff Boytim, Raymond; Intervenor Plaintiff Oakes, Grant

[130] Plaintiffs' Omnibus Opposition to Defendants' Motions to Dismiss

08/01/2014



Motion to Seal/Redact Records

Filed By: Defendant Potashner, Kenneth F

[131] The Director Defendants' Motion to Seal Their Unredacted Reply Brief in Support of Their Motion to Dismiss the First Cause of Action in Plaintiffs' Class Action Complaint in Intervention and Exhibit "A" Thereto

08/01/2014



Reply in Support

Filed By: Defendant Potashner, Kenneth F

[132] The Director Defendants' Reply In Support of Their Motion to Dismiss The First Cause of Action in Plaintiffs' Class Action Complaint in Intervention

08/01/2014



Reply in Support

Filed By: Intervenor Defendant VTB Holdings Inc

[133] Defendants Turtle Beach Corporation and VTB Holdings, Inc.'s Reply Supporting Their Motion to Dismiss Plaintiffs' Third Amended Class Action Complaint

08/04/2014



Filed Under Seal

Filed By: Defendant Potashner, Kenneth F

[134] The Director Defendants' Reply in Support of Their Motion to Dismiss the First Cause of Action in Complaint in Intervention

08/05/2014



Order Granting

Filed By: Defendant Potashner, Kenneth F

[135] Order Granting The Director Defendants' Motion to Seal Their Unredacted Motion to Dismiss the First Cause of Action in Plaintiffs' Class Action Complaint in Intervention and Certain Exhibits Thereto

08/22/2014



Notice of Change of Address

Filed By: Plaintiff Kearney IRRV Trust

[136] Notice of Change of Address

09/08/2014



Reporters Transcript

[137] Transcript of Proceedings: Hearing on Motions to Dismiss August 28, 2014

09/11/2014



Order Denying Motion

Filed By: Defendant Potashner, Kenneth F

CASE SUMMARY

CASE NO. A-13-686890-B

[138] Order Denying Motions to Dismiss

09/12/2014



Notice of Entry of Order

Filed By: Defendant Potashner, Kenneth F

[139] Notice of Entry of Order Denying Motions to Dismiss

09/26/2014



Motion to Seal/Redact Records

Filed By: Defendant Potashner, Kenneth F

[142] The Director Defendants' Motion to Seal Their Unredacted Answer to Class Action Complaint in Intervention.

09/26/2014



Answer (Business Court)

Filed By: Defendant Potashner, Kenneth F

[140] The Director Defendants' Answer to Plaintiffs' Class Action Complaint in Intervention

09/26/2014



Answer

Filed By: Intervenor Defendant Turtle Beach Corporation

[141] Defendants Turtle Beach Corporation and VTB Holdings, Inc.'s Answer to Plaintiffs' Class Action Complaint In Intervention

10/01/2014



Order Granting

Filed By: Defendant Potashner, Kenneth F

[143] Order Granting The Director Defendants' Motion to Seal Their Unredacted Reply in Support of Their Motion to Dismiss the First Cause of Action in Plaintiffs' Class Action Complaint in Intervention and Exhibit "A" Thereto

10/24/2014



Reporters Transcript

[144] Transcript of Proceedings: Mandatory Rule 16 Conference

10/28/2014



Filed Under Seal

Filed By: Defendant Potashner, Kenneth F

[145] The Director Defendants' Answer To plaintiffs' Class Action Complaint In Intervention

11/07/2014



Application for Issuance of Commission to Take Deposition

Party: Plaintiff Hansen, Josh

[146] Application for Issuance of Commission to Take Deposition and Receive Documents Outside the State of Nevada

11/14/2014



Notice

Filed By: Intervenor Plaintiff Oakes, Grant

[147] Notice of Subpoena Decus Tecum

11/17/2014



Notice

Filed By: Intervenor Defendant Turtle Beach Corporation

[148] Defendants' Joint Notice of Submission of Proposed ESI Protocol

12/01/2014



Motion to Dismiss

Filed By: Plaintiff Kearney IRRV Trust

[149] Plaintiffs' Motion for Voluntary Dismissal of Raymond Boytim as a Proposed Class Representative, Pursuant to NRCP 41(a)(2)

12/02/2014











Motion to Stay

Filed By: Intervenor Defendant Turtle Beach Corporation

[151] Deendants' Motion to Stay Pending Consideration by the Nevada Supreme Court on an Order Shortening Time















CASE SUMMARY

CASE NO. A-13-686890-B

12/02/2014	 Notice of Entry of Order Filed By: Plaintiff Kearney IRRV Trust <i>[152] Notice of Entry of Business Court Scheduling Order and Trial Setting Order</i>
12/02/2014	 Business Court Order Party: Plaintiff Kearney IRRV Trust <i>[150] Business Court Scheduling Order and Trial Setting Order</i>
12/05/2014	 Opposition to Motion Filed By: Plaintiff Kearney IRRV Trust <i>[153] Plaintiffs' Opposition to Defendants' Motion to Stay Pending Consideration by the Nevada Supreme Court</i>
12/09/2014	 Reporters Transcript <i>[154] Transcript of Proceedings: Hearing Re Defendants' Motion to Stay and Proposed ESI Protocol</i>
12/30/2014	 Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call <i>[155] Business Court Scheduling Order and Order Setting Civil Jury Trial, Pre-Trial and Calendar Call</i>
01/12/2015	 Status Report Filed By: Plaintiff Kearney IRRV Trust <i>[156] Joint Status Report</i>
01/15/2015	 Status Report Filed By: Plaintiff Kearney IRRV Trust <i>[157] Plaintiffs' Status Report on Search Term Discussions</i>
01/16/2015	 Status Report Filed By: Defendant Potashner, Kenneth F <i>[158] Director Defendants' Status Report Regarding the Parties' Search Term Discussions</i>
01/23/2015	 Order Filed By: Plaintiff Hansen, Josh <i>[159] Order Re ESI Protocol</i>
01/23/2015	 Motion to Associate Counsel Filed By: Intervenor Plaintiff Boytim, Raymond <i>[160] Motion to Associate Counsel (Adam David Warden, Esq.)</i>
01/26/2015	 Notice of Entry of Order Filed By: Intervenor Defendant Turtle Beach Corporation <i>[161] Notice of Entry of Order</i>
02/04/2015	 Order Filed By: Intervenor Defendant Turtle Beach Corporation <i>[162] Order on Defendants' Motion to Stay Action Pending Consideration of Writ Petition by the Nevada Supreme Court</i>
02/06/2015	 Notice of Entry of Order Filed By: Intervenor Defendant Turtle Beach Corporation <i>[163] Notice of Entry of Order</i>













CASE SUMMARY

CASE NO. A-13-686890-B

03/09/2015	 Reporters Transcript Filed By: Consolidated Case Party Voyetra Turtle Beach, Inc. <i>[164] Transcript of Proceedings: Status Check February 17, 2015</i>
03/16/2015	 Order Admitting to Practice Filed By: Plaintiff Kearney IRRV Trust <i>[165] Order Associating Adam David Warden to Practice</i>
03/17/2015	 Notice of Entry of Order Filed By: Plaintiff Kearney IRRV Trust <i>[166] Notice of Entry of Order Associating Adam David Warden to Practice</i>
05/11/2015	 Motion to Extend Party: Intervenor Defendant VTB Holdings Inc <i>[167] Defendants' Motion to Extend Stay Pending Consideration By the Nevada Supreme Court and Request For an Order Shortening Time</i>
05/12/2015	 Opposition to Motion Filed By: Plaintiff Kearney IRRV Trust <i>[168] Plaintiffs' Opposition to Defendants' Motion to Extend Stay</i>
05/18/2015	 Notice of Entry of Order Filed By: Intervenor Defendant Turtle Beach Corporation <i>[170] Notice of Entry of Order</i>
05/18/2015	 Order Denying Motion Filed By: Intervenor Defendant Turtle Beach Corporation <i>[169] (Proposed) Order Denying Defendants' Motion to Extend Stay Pending Consideration By the Nevada Supreme Court and Request For an Order Shortening Time</i>
05/19/2015	 Reporters Transcript <i>[171] Transcript of Proceedings: Motion to Extend Stay May 13, 2015</i>
11/09/2015	 Notice of Withdrawal Filed By: Defendant Potashner, Kenneth F <i>[172] Notice of Withdrawal William M. O'Mara as Counsel and for Removal from CM/ECF List</i>
08/22/2016	 Response Filed by: Intervenor Defendant Turtle Beach Corporation <i>[173] Defendants' Response to Notice of Related Cases</i>
10/13/2017	 Transcript of Proceedings <i>[174] Transcript of Proceedings: Status Check</i>
10/20/2017	 Notice Filed By: Intervenor Defendant Turtle Beach Corporation <i>[175] Notice of Submission of Defendants' Proposed Order</i>
10/24/2017	 Response <i>[176] Plaintiff's Response to Notice of Submission of Defendant's Proposed ORder</i>
11/03/2017	 Order

CASE SUMMARY

CASE NO. A-13-686890-B

	<p>Filed By: Plaintiff Kearney IRRV Trust <i>[177] Order Following Writ Relief</i></p>
11/03/2017	<p> Notice of Entry of Order Filed By: Plaintiff Kearney IRRV Trust <i>[178] Notice of Entry of Order Following Writ Relief</i></p>
11/28/2017	<p> Notice of Change of Address <i>[179] Notice of Change of Address</i></p>
12/01/2017	<p> Motion to Seal/Redact Records <i>[180] Motion to File the Amended Class Action and Derivative Complaint Under Seal</i></p>
12/05/2017	<p> Complaint <i>[181] UNSEALED PER MINUTE ORDER 02/02/18 Amended Class Action and Derivative Complaint Demand for Jury Trial</i></p>
12/28/2017	<p> Motion to Seal/Redact Records <i>[182] Motion to File Under Seal the Accompanying Motion to Unseal the Amended Class Action and Derivative Complaint</i></p>
12/29/2017	<p> Filed Under Seal Filed By: Attorney Albright, George Mark; Plaintiff Kearney IRRV Trust; Plaintiff Rakauskas, Vitie; Plaintiff Prieston, George L; Plaintiff Hansen, Josh <i>[183] Motion to Unseal the Amended Class Action and Derivative Complaint</i></p>
01/02/2018	<p> Motion to Dismiss Filed By: Defendant Potashner, Kenneth F <i>[184] The Director Defendants' Motion to Dismiss Plaintiffs' Amended Class Action and Derivative Complaint</i></p>
01/02/2018	<p> Motion to Dismiss Filed By: Intervenor Defendant VTB Holdings Inc <i>[185] Defendant VTB Holdings, Inc. and Specially Appearing Defendants Stripes Group, LLC and SG VTB Holdings LLC's Motion to Dismiss Plaintiffs' Amended Class Action and Derivative Complaint</i></p>
01/02/2018	<p> Declaration Filed By: Intervenor Defendant VTB Holdings Inc <i>[186] Declaration of Brian C. Raphel In Support of Defendant VTB Holdings, Inc. and Specially Appearing Defendants Stripes Group, LLC and SG VTB Holdings LLC's Motion to Dismiss Plaintiffs' Amended Class Action and Derivative Complaint</i></p>
01/26/2018	<p> Stipulation and Order <i>[187] Stipulation and Order Regarding Briefing Schedule and Hearing Date on Motions to Dismiss</i></p>
02/12/2018	<p> Opposition to Motion to Dismiss Filed By: Plaintiff Kearney IRRV Trust <i>[188] Plaintiffs' Omnibus Opposition to Defendants' Motions to Dismiss the Amended Complaint</i></p>
03/01/2018	<p> Order Granting Motion Filed By: Plaintiff Kearney IRRV Trust <i>[189] Order Granting the Motion to Unseal the Amended Class Action and Derivative</i></p>

CASE SUMMARY

CASE NO. A-13-686890-B

Complaint

03/05/2018



Reply in Support

Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC
[190] Reply In Support of Defendant VTB Holdings, Inc. and Specially Appearing Defendants Stripes Group, LLC and SG VTB Holdings LLC's Motion to Dismiss Plaintiffs' Amended Class Action and Derivative Complaint

03/05/2018



Declaration

Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC
[191] Supplemental Declaration of Brian C. Raphael In Support of Defendant VTB Holdings, Inc. and Specially Appearing Defendants Stripes Group, LLC and SG VTB Holdings LLC's Motion to Dismiss Plaintiffs' Amended Class Action and Derivative Complaint

03/05/2018



Reply in Support

[192] The Director Defendants' Reply Brief In Support of Their Motion to Dismiss Plaintiffs' Amended Class Action and Derivative Complaint

03/06/2018



Errata

Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC
[193] Errata to Reply In Support of Defendant VTB Holdings, Inc. and Specially Appearing Defendants Stripes Group, LLC and SG VTB Holdings, LLC's Motion to Dismiss Plaintiffs' Amended Class Action and Derivative Complaint

03/07/2018



Notice of Entry of Order

[194] Notice of Entry of Order Granting the Motion to Unseal the Amended Class Action and Derivative Complaint

03/07/2018



Amended Complaint

[195] Amended Class Action and Derivative Complaint

03/16/2018



Transcript of Proceedings

[196] Transcript of Proceedings: Hearing on Motions to Dismiss

03/26/2018



Notice

Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC
[197] Notice of Submittal of Competing Order on Motions to Dismiss

03/27/2018



Order Denying Motion

[198] Order Denying Defendants' Motions to Dismiss the Amended Class Action and Derivative Complaint

04/26/2018



Answer to Amended Complaint

Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC
[199] Answer to Amended Class Action and Derivative Complaint

04/26/2018



Answer

[200] The Director Defendants' Answer to Plaintiffs' Amended Class Action and Derivative Complaint

04/27/2018



Motion

CASE SUMMARY

CASE NO. A-13-686890-B

[201] Motion to Set a Schedule

05/07/2018



Motion to Associate Counsel

[202] Motion to Associate Counsel (Timothy Zimmer Lacombe, Esq)

05/14/2018



Motion to Stay

Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC

[203] Defendants' Motion to Stay

05/14/2018



Opposition to Motion

Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC

[204] Defendants' Opposition to Plaintiffs' Motion to Set Schedule

05/24/2018



Reply in Support

[205] Reply in Support of Plaintiffs' Motion to Set a Schedule

06/01/2018



Opposition to Motion

[206] Plaintiffs' Opposition to Defendants' Motion to Stay

06/05/2018



Business Court Order

[207] Supplemental Business Court Order

06/06/2018



Reply in Support

Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC

[208] Defendants' Reply In Support of Motion to Stay

06/13/2018



Notice

[209] Notice of Submission of Proposed Order Denying Defendants' Motion to Stay

06/18/2018



Transcript of Proceedings

[210] Transcript of Proceedings: Hearing on Defendants' Motion to Stay and Plaintiff's Motion to Associate Counsel

06/25/2018



Motion for Class Certification

Filed By: Plaintiff Kearney IRRV Trust

[211] Plaintiffs' Motion for Class Certification and Memorandum of Points and Authorities in Support Thereof

07/03/2018



Order Denying

[212] Order Denying Defendants' Motion to Stay

07/05/2018



Notice of Entry of Order

Filed By: Defendant Potashner, Kenneth F; Intervenor Defendant Norris, Elwood G; Intervenor Defendant Putterman, Seth; Intervenor Defendant Wolfe, Andrew L; Intervenor Defendant Honore, James L; Intervenor Defendant Kaplan, Robert M

[213] Notice of Entry of Order Denying Defendants' Motion to Stay

07/09/2018



Notice

[214] Notice of Dispute Regarding Search Terms

07/13/2018



Brief

CASE SUMMARY

CASE NO. A-13-686890-B

[215] Plaintiffs' Brief Regarding Search Terms and Custodian Dispute with Stripes

07/13/2018



Notice

Filed By: Intervenor Defendant VTB Holdings Inc

[216] Specially Appearing Defendants Stripes Group, LLC's and SG VTB Holdings, LLC's Notice Regarding Search Terms and Custodians

07/16/2018



Business Court Order

[217] 1st Amended Business Court Scheduling Order and Order Setting Civil Jury Trial, Pre-Trial and Calendar Call

08/13/2018



Order Granting Motion

[218] Order Granting Motion to Associate Counsel (Tim Lacombe)

09/06/2018



Stipulation

Filed by: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC

[219] Stipulation to Set Hearing On Discovery Search Terms

09/06/2018



Notice of Entry

Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC

[220] Notice of Entry of Stipulation to Set Hearing on Discovery Search Terms

09/12/2018



Motion to Associate Counsel

[221] Motion to Associate Counsel (Alejandro E. Moreno)

09/13/2018



Ex Parte

[222] Ex Parte Application for Order Shortening Time and Order Thereon

09/17/2018



Order Granting

[223] Order Granting Motion to Associate Counsel (Alejandro E. Moreno)

09/19/2018



Motion

Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC

[224] Joint Motion For Hearing Regarding Search Term Dispute On Order Shortening Time

09/19/2018



Order

Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC

[225] Order Shortening Time Re Joint Motion On Pending Search Term dispute

09/19/2018



Supplemental Brief

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC

[226] Specially Appearing Defendants Stripes Group, LLC and SG VTB Holdings, LLC's Supplemental Brief Regarding Search Terms

09/20/2018




Notice of Entry of Order

Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC

[227] Notice of Entry of Order Shortening Time Re Joint Motion On Pending Search Term Dispute














CASE SUMMARY

CASE NO. A-13-686890-B

09/21/2018	 Objection Filed By: Plaintiff Kearney IRRV Trust <i>[228] Objection to the Stripes Defendants' Supplemental Brief Regarding Search Terms</i>
09/21/2018	 Notice of Entry of Order <i>[229] Notice of Entry of Order Granting Motion to Associate Counsel (Alejandro E. Moreno)</i>
09/26/2018	 Transcript of Proceedings <i>[230] Transcript of Proceedings: Status Check and Hearing on Motions Re Search Terms</i>
10/09/2018	 Appendix <i>[231] Appendix to Defendants' Opposition to Plaintiffs' Motion for Class Certification</i>
10/09/2018	 Opposition <i>[232] Defendants' Opposition to Plaintiffs' Motion for Class Certification</i>
10/09/2018	 Motion to Seal/Redact Records <i>[233] Motion to Seal Exhibit "G" to Defendants' Opposition to Plaintiffs' Motion for Class Certification</i>
10/11/2018	 Filed Under Seal Filed By: Defendant Potashner, Kenneth F; Intervenor Defendant Norris, Elwood G; Intervenor Defendant Putterman, Seth; Intervenor Defendant Wolfe, Andrew L; Intervenor Defendant Honore, James L; Intervenor Defendant Kaplan, Robert M <i>[234] Appendix to Defendants' Opposition to Plaintiffs' Motion for Class Certification</i>
10/15/2018	 Order Filed By: Plaintiff Kearney IRRV Trust <i>[235] Order Regarding Search Terms and Custodian Dispute</i>
10/15/2018	 Notice of Entry of Order Filed By: Plaintiff Kearney IRRV Trust <i>[236] Notice of Entry of Order Regarding Search Terms and Custodian Dispute</i>
11/13/2018	 Reply in Support <i>[237] Reply in Support of Motion for Class Certification</i>
12/06/2018	 Order Granting <i>[238] Order Granting Motion to Seal Exhibit "G" to Defendants' Opposition to Plaintiffs' Motion for Class Certification</i>
12/07/2018	 Notice of Entry of Order <i>[239] Notice of Entry of Order Granting Motion to Seal Exhibit "G" to Defendants' Opposition to Plaintiffs' Motion for Class Certification</i>
01/17/2019	 Transcript of Proceedings <i>[240] Transcript of Proceedings: Motion for Class Certifications</i>
01/17/2019	 Notice <i>[241] Notice of Submission of Defendants' Proposed Order on Plaintiffs' Motion for Class Certification</i>
01/18/2019	 Order













CASE SUMMARY

CASE NO. A-13-686890-B

	<i>[242] Order Regarding Class Certification</i>
01/22/2019	 Notice of Entry of Order Filed By: Plaintiff Kearney IRRV Trust <i>[243] Notice of Entry of Order Regarding Class Certification</i>
03/19/2019	 Order <i>[244]</i>
04/12/2019	 Notice of Appearance Party: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC <i>[245] Notice of Appearance of Counsel</i>
04/19/2019	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Kearney IRRV Trust <i>[246] Application for Issuance of Commission to Take Deposition Outside the State of Nevada</i>
05/17/2019	 Stipulation <i>[247] Stipulation and Order for Voluntary Dismissal Without Prejudice of James L. Honore Only</i>
05/31/2019	 Motion to Strike Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC <i>[248] Defendants' Motion to Strike Jury Demand</i>
06/03/2019	 Clerk's Notice of Hearing <i>[249] Notice of Hearing</i>
06/06/2019	 Notice of Withdrawal of Attorney <i>[250] Notice of Withdrawal of Appearance of Attorney Timothy Z. LaComb, Esq.</i>
06/13/2019	 Non Opposition <i>[251] Plaintiffs' Non-Opposition to Defendants' Motion to Strike Jury Demand and Notice of Withdrawal of Prior Jury Demand</i>
06/27/2019	 Motion to Associate Counsel Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC <i>[252] Motion to Associate Counsel (Nicole C. Delgado) On an Order Shortening Time</i>
06/27/2019	 Notice of Non Opposition <i>[253] Plaintiffs' Notice of Non-Opposition to Defendants' Motion to Associate Counsel (Nicole C. Delgado) on an Order Shortening Time</i>
06/28/2019	 Order Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC <i>[254] Order Admitting to Practice (Nicole C. Delgado, Esq.)</i>
06/28/2019	 Notice of Entry of Order Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC <i>[255] Notice of Entry of Order Admitting to Practice (Nicole C. Delgado, Esq.)</i>












CASE SUMMARY

CASE NO. A-13-686890-B

07/03/2019	 Motion to Associate Counsel Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC <i>[256] Motion to Associate Counsel (David A. Kotler) On An Order Shortening Time</i>
07/03/2019	 Motion to Associate Counsel Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC <i>[257] Motion to Associate Counsel (Ryan Martin Moore) On An Order Shortening Time</i>
07/03/2019	 Non Opposition Filed By: Plaintiff Kearney IRRV Trust <i>[258] Plaintiffs' Notice of Non-Opposition to Defendants' Motion to Associate Counsel (Ryan Martin Moore) on an Order Shortening Time</i>
07/03/2019	 Non Opposition Filed By: Plaintiff Kearney IRRV Trust <i>[259] Plaintiffs' Notice of Non-Opposition to Defendants' Motion to Associate Counsel (David A. Kotler) on an Order Shortening Time</i>
07/08/2019	 Order Admitting to Practice Filed By: Intervenor Defendant VTB Holdings Inc <i>[260] Order Admitting to Practice (David A. Kotler, Esq.)</i>
07/08/2019	 Order Admitting to Practice Filed By: Intervenor Defendant VTB Holdings Inc <i>[261] Order Admitting to Practice (Ryan Martin Moore, Esq.)</i>
07/08/2019	 Order Granting Motion Filed By: Intervenor Defendant VTB Holdings Inc <i>[262] Order Granting Defendant VTB Holdings, Inc.'s and Specially Appearing Defendant Stripes Group LLC's and SG VTB Holdings, LLC's Motion to Strike Jury Demand</i>
07/09/2019	 Notice of Entry of Order Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC <i>[263] Notice of Entry of Order Admitting to Practice (Ryan Martin Moore, Esq.)</i>
07/09/2019	 Notice of Entry of Order Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC <i>[264] Notice of Entry of Order Admitting to Practice (David A. Kotler, Esq.)</i>
07/09/2019	 Notice of Entry of Order Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC <i>[265] Notice of Entry of Order Granting VTB Holdings, Inc.'s and Specially Appearing Defendant Stripes Group LLC's and SG VTB Holdings, LLC's Motion to Strike Jury Demand</i>
07/31/2019	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Kearney IRRV Trust <i>[266] Application for Issuance of Commission to Take Deposition Outside the State of Nevada</i>
08/06/2019	 Motion to Appear as Out of State Counsel





CASE SUMMARY

CASE NO. A-13-686890-B

	<p>Filed By: Plaintiff Kearney IRRV Trust <i>[267] Motion to Associate Counsel on Order Shortening Time (Maxwell Ralph Huffman, Esq.)</i></p>
08/06/2019	<p> Non Opposition <i>[268] The Director Defendants' Notice of Non-Opposition to Plaintiffs' Motion to Associate Counsel on Order Shortening Time (Maxwell Ralph Huffman, Esq.)</i></p>
08/06/2019	<p> Notice of Non Opposition Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC <i>[269] Corporate Defendants' Notice of Non-Opposition to Plaintiffs' Motion to Associate Counsel on Order Shortening Time (Maxwell Ralph Huffman, Esq.)</i></p>
08/21/2019	<p> Order Admitting to Practice Filed By: Plaintiff Kearney IRRV Trust <i>[270] Order Admitting to Practice (Maxwell Ralph Huffman, Esq.)</i></p>
08/21/2019	<p> Notice of Entry of Order Filed By: Plaintiff Kearney IRRV Trust <i>[271] Notice of Entry of Order Admitting to Practice (Maxwell Ralph Huffman, Esq.)</i></p>
08/23/2019	<p> Motion to Compel Filed By: Plaintiff Kearney IRRV Trust; Plaintiff Rakauskas, Vitie; Plaintiff Prieston, George L; Plaintiff Hansen, Josh <i>[272] Motion to Compel Defendants Stripes Group, LLC and SG VTB Holdings to Produce Documents (Redacted Version)</i></p>
08/23/2019	<p> Declaration <i>[273] Declaration of David C. O'Mara in Support of Plaintiffs Motion to Compel Defendants Stripes Group, LLC and SG VTB Holdings to Produce Documents (Public Redacted Version)</i></p>
08/23/2019	<p> Appendix <i>[274] Appendix to Motion to Compel Defendants Stripes Group, LLC and SG VTB Holdings to Produce Documents (Public Redacted Version)</i></p>
08/23/2019	<p> Motion to Seal/Redact Records Filed By: Plaintiff Kearney IRRV Trust; Plaintiff Rakauskas, Vitie; Plaintiff Prieston, George L; Plaintiff Hansen, Josh <i>[275] Motion to Seal Plaintiff's Motion to Compel Defendants Stripes Group, LLC and SG VTB Holdings to Produce Documents, Declaration in Support and Appendix Thereto</i></p>
08/24/2019	<p> Clerk's Notice of Hearing <i>[276] Notice of Hearing</i></p>
08/27/2019	<p> Filed Under Seal Filed By: Plaintiff Kearney IRRV Trust; Plaintiff Rakauskas, Vitie; Plaintiff Prieston, George L; Plaintiff Hansen, Josh <i>[277] Motion to Compel Defendant's Stripes Group LLC and SG VTB Holdings LLC to Produce Documents</i></p>
08/27/2019	<p> Filed Under Seal Filed By: Plaintiff Kearney IRRV Trust; Plaintiff Rakauskas, Vitie; Plaintiff Prieston, George L; Plaintiff Hansen, Josh <i>[278] Declaration of David C. O'mara in Support of Plaintiff's Motion to Compel Defendant's Stripes Group LLC and SG VTB Holdings LLC to Produce Documents</i></p>

CASE SUMMARY

CASE NO. A-13-686890-B

08/27/2019	 Filed Under Seal Filed By: Plaintiff Kearney IRRV Trust; Plaintiff Rakauskas, Vitie; Plaintiff Prieston, George L; Plaintiff Hansen, Josh <i>[279] Appendix of Exhibits for Motion to Compel Defendant's Stripes Group LLC and SG VTB Holdings to Produce Documents</i>
09/03/2019	 Opposition to Motion to Compel Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC <i>[280] Specially Appearing Defendants Stripes Group, LLC and SG VTBH Holdings, LLC's Opposition to Plaintiff's Motion to Compel</i>
09/03/2019	 Declaration Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC <i>[281] Declaration of Brian C. Raphel in Support of Specially Appearing Defendants Stripes Group, LLC and SG VTB Holdings LLC's Opposition to Plaintiff's Motion to Compel</i>
09/04/2019	 Appendix <i>[282] Appendix of Exhibits for Plaintiffs' Motion to Compel Defendant Turtle Beach to Produce or Allow the Production of Weisbord Documents</i>
09/04/2019	 Appendix <i>[283] Appendix of Exhibits for Plaintiffs' Motion to Compel Defendant Turtle Beach to Produce or Allow the Production of Weisbord Documents (Redacted Version)</i>
09/04/2019	 Motion to Compel Filed By: Plaintiff Hansen, Josh <i>[284] Plaintiffs' Motion to Compel Defendant Turtle Beach to Produce or Allow the Production of Weisbord Documents (Redacted Version)</i>
09/04/2019	 Motion to Seal/Redact Records Filed By: Plaintiff Hansen, Josh <i>[285] Motion to Seal Plaintiffs' Motion to Compel Defendant Turtle Beach to Produce or Allow the Production of Weisbord Documents</i>
09/05/2019	 Clerk's Notice of Hearing <i>[286] Notice of Hearing</i>
09/09/2019	 Filed Under Seal Filed By: Plaintiff Kearney IRRV Trust; Plaintiff Rakauskas, Vitie; Plaintiff Prieston, George L; Plaintiff Hansen, Josh <i>[287] Plaintiff's Motion to Compel Defendant Turtle Beach to Produce or Allow the Production of Weisbord Documents (Per 9/4/19 Motion to Seal)</i>
09/09/2019	 Filed Under Seal Filed By: Plaintiff Kearney IRRV Trust; Plaintiff Rakauskas, Vitie; Plaintiff Prieston, George L; Plaintiff Hansen, Josh <i>[288] Declaration of David C O'Mara in Support of Plaintiffs Motion to Compel Defendant Turtle Beach to Produce or Allow the Production of Weisbord Documents (Per 9/4/19 Motion to Seal)</i>
09/09/2019	 Filed Under Seal Filed By: Plaintiff Kearney IRRV Trust; Plaintiff Rakauskas, Vitie; Plaintiff Prieston, George L; Plaintiff Hansen, Josh <i>[289] Appendix of Exhibits for Plaintiff's Motion to Compel Defendant Turtle Beach to Produce or Allow the Production of Weisbord Documents (Per 9/4/19 Motion to Seal)</i>

CASE SUMMARY

CASE NO. A-13-686890-B

09/20/2019



Opposition to Motion

Filed By: Intervenor Defendant Turtle Beach Corporation
[290] *Turtle Beach's Opposition to Plaintiffs' Motion to Compel*

09/20/2019



Declaration

Filed By: Intervenor Defendant Turtle Beach Corporation
[291] *Declaration of Joshua D.N. Hess In Support of Turtle Beach Corporation's Opposition to Plaintiffs' Motion to Compel*

09/23/2019



Stipulation and Order

Filed by: Intervenor Defendant Paris Acquisition Corp; Intervenor Defendant VTB Holdings Inc; Defendant Paramedic Sound Corporation
[292] *Stipulation and Order Regarding Briefing Schedule and Hearing Date on the Motion s to Compel*

09/23/2019



Notice of Entry of Order

[293] *Notice of Entry of Stipulation and Order regarding Briefing Schedule and Hearing Date on the Motions to Compel*

09/27/2019



Motion for Summary Judgment

Filed By: Defendant Potashner, Kenneth F
[294] *The Director Defendants' Motion for Summary Judgment Regarding the First Cause of Action in the Amended Class Action and Derivative Complaint*

09/27/2019



Appendix

[295] *Appendix of Exhibits to the Director Defendants' Motion for Summary Judgment Regarding the First Cause of Action in the Amended Class Action and Derivative Complaint*

09/27/2019



Motion for Partial Summary Judgment

Filed By: Defendant Potashner, Kenneth F
[296] *The Director Defendants' Motion for Partial Summary Judgment Regarding the First and Third Causes of Action in The Amended Class Action and Derivative Complaint*

09/27/2019



Motion in Limine

Filed By: Defendant Potashner, Kenneth F
[297] *Director Defendants' Motion in Limine No. 1 to Exclude Evidence Concerning Certain Stock Options Granted in the Hypersound Health, Inc. Subsidiary of Parametric*

09/27/2019



Motion in Limine

Filed By: Defendant Potashner, Kenneth F
[298] *Director Defendants' Motion in Limine No. 2 to Exclude Evidence Concerning Discussions Regarding A Potential Bonus Payment to the Independent Directors of Parametric*

09/27/2019



Motion in Limine

Filed By: Defendant Potashner, Kenneth F
[299] *Director Defendants' Motion in Limine No. 3 to Exclude Evidence Regarding Non-Party John Todd's Prior Litigation And Settlement With the SEC*

09/27/2019













Motion in Limine

Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC
[300] *Defendants' Motion in Limine to Exclude the Opinions, Testimony, and Reports of J.T. Atkins*

09/27/2019

CASE SUMMARY

CASE NO. A-13-686890-B

	 Declaration Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC <i>[301] Declaration of Brian C. Raphel In Support of Defendants' Motion In Limine to Exclude the Opinions, Testimony, and Reports of JT Atkins</i>
09/27/2019	 Appendix Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC <i>[302] Appendix of Exhibits to Declaration of Brian C. Raphel In Support of Defendants' Motion In Limine to Exclude the Opinions, Testimony, and Reports of J.T. Atkins</i>
09/27/2019	 Motion to Seal/Redact Records <i>[303] Motion to Seal Motion for Sanctions Against Defendants Kenneth Potashner and VTB Holdings, Inc. for Willful Spoliation of Evidence</i>
09/27/2019	 Motion in Limine Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC <i>[304] Defendants' Motion In Limine to Exclude Evidence Related to Damages Not Addressed In Plaintiffs' Expert's Report</i>
09/27/2019	 Declaration Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC <i>[305] Declaration of Brian C. Raphel In Support of Defendants' Motion In Limine to Exclude Evidence Related to Damages Not Addressed In Plaintiffs' Expert's Report</i>
09/27/2019	 Appendix Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC <i>[306] Appendix of Exhibits to Declaration of Brian C. Raphel In Support of Defendants' Motion In Limine to Exclude Evidence Related to Damages Not Addressed In Plaintiffs' Expert's Report</i>
09/27/2019	 Motion in Limine Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC <i>[307] Defendant VTB Holdings, Inc. and Specially Appearing Defendants Stripes Group, LLC and SG VTB Holdings, LLC's Motion In Limine to Exclude All Reference, Evidence, and Testimony Regarding Post-Merger Stock Performance of Turtle Beach Corp.</i>
09/27/2019	 Declaration Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC <i>[308] Declaration of Brian C. Raphel In Support of Defendants' Motion In Limine to Exclude All Reference, Evidence, and Testimony Regarding Post-Merger Stock Performance of Turtle Beach Corp.</i>
09/27/2019	 Appendix Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC <i>[309] Appendix of Exhibits to Defendants' Motion In Limine to Exclude All Reference, Evidence, and Testimony Regarding Post-Merger Stock Performance of Turtle Beach Corp.</i>
09/27/2019	 Ex Parte Motion Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC

CASE SUMMARY

CASE NO. A-13-686890-B

[310] Defendants' Ex Parte Motion for Leave to File Joint Summary Judgment Motion In Excess of Page Limitations

09/27/2019



Motion for Summary Judgment

Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC

[311] Defendant VTB Holdings, Inc. and Specially Appearing Defendants Stripes Group, LLC and SG VTB Holdings, LLC's Motion for Summary Judgment

09/27/2019



Declaration

Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC

[312] Declaration of Brian C. Raphel In Support of Defendants' Motion for Summary Judgment

09/27/2019



Declaration

Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC

[313] Declaration of Wayne Marino

09/27/2019



Appendix

Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC

[314] Appendix of Exhibits to Declaration of Brian C. Raphel In Support of Defendants' Motion for Summary Judgment

09/27/2019



Motion in Limine

Filed By: Defendant Potashner, Kenneth F

[315] Director Defendants' Motion in Limine No. 4 to Exclude Reference to Other Litigation Involving Kenneth Potashner

09/27/2019



Appendix

[316] Appendix of Exhibits to Director Defendants' Motion in Limine No. 2 to Exclude Evidence Concerning Discussions Regarding a Potential Bonus Payment to the Independent Directors of Parametric

09/30/2019



Clerk's Notice of Hearing

[317] Notice of Hearing

09/30/2019



Filed Under Seal

[318] Plaintiffs' Motion for Sanctions Against Defendant Kenneth Potashner and VTB Holdings Inc for Willful Spoliation of Evidence; and memorandum of Law in Support 12/10/13 - Stipulated Confidentially Agreemtn and Protective order Regarding the Sealing of Court Records 9/27/19 Motion to Seal Records

09/30/2019



Filed Under Seal

[319] Appendix of Exhibits in Support of Plaintiffs' Motion for Sanctions Against Defendants Kenneth Potashner and VTB Holdings Inc for Willful Spoliation of Evidence 12/10/13 - Stipulated Confidentially Agreemtn and Protective order Regarding the Sealing of Court Records 9/27/19 Motion to Seal Records

09/30/2019



Clerk's Notice of Hearing

[320] Notice of Hearing

09/30/2019














Appendix

[321] Appendix of Exhibits to the Director Defendants' Motion for Partial Summary Judgment

CASE SUMMARY








CASE NO. A-13-686890-B

Regarding the First and Third Causes of Action in the Amended Class Action and Derivative Complaint (Volume 1 of 4)

09/30/2019	 Appendix <i>[322] Appendix of Exhibits to the Director Defendants' Motion for Partial Summary Judgment Regarding the First and Third Causes of Action in the Amended Class Action and Derivative Complaint (Volume 2 of 4)</i>
09/30/2019	 Appendix <i>[323] Appendix of Exhibits to the Director Defendants' Motion for Partial Summary Judgment Regarding the First and Third Causes of Action in the Amended Class Action and Derivative Complaint (Volume 3 of 4)</i>
09/30/2019	 Appendix <i>[324] Appendix of Exhibits to the Director Defendants' Motion for Partial Summary Judgment Regarding the First and Third Causes of Action in the Amended Class Action and Derivative Complaint (Volume 4 of 4)</i>
09/30/2019	 Appendix <i>[325] Appendix of Exhibits to Director Defendants' Motion in Limine No. 1 to Exclude Evidence Concerning Certain Stock Options Granted in the Hypersound Health, Inc. Subsidiary of Parametric</i>
10/02/2019	 Motion to Seal/Redact Records Filed By: Plaintiff Kearney IRRV Trust <i>[326] Motion to Seal Plaintiffs' Reply in Support of Motion to Compel Defendants Stripes Group LLC and SG VTB Holdings LLC to Produce Documents and Declaration of David C. O'Mara in Further Support of Plaintiffs' Reply in Support of Motion to Compel Defendants Stripes Group LLC and SG VTB Holdings LLC to Produce Documents</i>
10/02/2019	 Reply in Support Filed By: Plaintiff Kearney IRRV Trust; Plaintiff Hansen, Josh <i>[327] Plaintiffs' Reply Brief in Support of Motion to Compel Defendant Turtle Beach to Produce or Allow the Production of Weisbord Documents</i>
10/03/2019	 Clerk's Notice of Hearing <i>[328] Notice of Hearing</i>
10/03/2019	 Filed Under Seal Filed By: Plaintiff Prieston, George L <i>[329] Plaintiffs' Reply in Support of Motion to Compel Defendants Stripes Group LLC and SG VTB Holdings LLC to Produce Documents 10/02/19 Motion to Seal/Redact Records</i>
10/03/2019	 Filed Under Seal Filed By: Plaintiff Prieston, George L <i>[330] Declaration of David C O'Mara in Further Support of Plaintiffs' Motion to Compel Defendants Stripes Group LLC and SG VTB Holdings LLC to Produce Documents 10/02/19 Motion to Seal/Redact Records</i>
10/09/2019	 Transcript of Proceedings <i>[331] Transcript of Proceedings: Hearing on Plaintiffs' Motions to Compel and Motion to Seal Motion to Compel</i>
10/10/2019	 Clerk's Notice of Hearing <i>[332] Notice of Hearing</i>

CASE SUMMARY

CASE NO. A-13-686890-B

10/10/2019	 Notice of Change of Hearing <i>[333] Notice of Change of Hearing</i>
11/15/2019	 Motion <i>[334] Plaintiffs' Unopposed Motion and Memorandum of Points and Authorities for Preliminary Approval of Settlement</i>
11/15/2019	 Stipulation <i>[335] Stipulation of Settlement</i>
11/19/2019	 Clerk's Notice of Hearing <i>[336] Notice of Hearing</i>
12/09/2019	 Response Filed by: Defendant Potashner, Kenneth F; Intervenor Defendant Norris, Elwood G; Intervenor Defendant Putterman, Seth; Intervenor Defendant Wolfe, Andrew L; Intervenor Defendant Honore, James L; Intervenor Defendant Kaplan, Robert M <i>[337] Defendants' Joint Response to Purported Shareholders' Correspondence of December 6, 2019</i>
12/23/2019	 Initial Appearance Fee Disclosure Filed By: Objector Weisbord, Barry <i>[338] Initial Appearance Fee Disclosure</i>
12/23/2019	 Notice of Appearance Party: Objector Weisbord, Barry <i>[339] Notice of Appearance</i>
12/23/2019	 Opposition to Motion Filed By: Objector Weisbord, Barry <i>[340] Objector Barry Weisbord's Opposition to Plaintiffs' Motion for Preliminary Approval of Settlement</i>
12/26/2019	 Errata Filed By: Objector Weisbord, Barry <i>[341] Errata to Objector Barry Weisbord's Opposition to Plaintiffs' Motion for Preliminary Approval of Settlement</i>
01/06/2020	 Reply in Support Filed By: Plaintiff Kearney IRRV Trust; Plaintiff Rakauskas, Vitie; Plaintiff Prieston, George L; Plaintiff Hansen, Josh <i>[342] Reply in Support of Motion for Preliminary Approval of Settlement</i>
01/06/2020	 Appendix <i>[343] Appendix of Exhibits in Support of Plaintiffs' Reply in Support of Preliminary Approval of Settlement</i>
01/07/2020	 Response Filed by: Defendant Potashner, Kenneth F; Intervenor Defendant Norris, Elwood G; Intervenor Defendant Putterman, Seth; Intervenor Defendant Wolfe, Andrew L; Intervenor Defendant VTB Holdings Inc; Intervenor Defendant Kaplan, Robert M; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC <i>[344] Defendants' Response to Objector Barry Weisbord;s Opposition to Plaintiffs' Motion for Preliminary Approval of Settlement</i>

CASE SUMMARY

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01/08/2020	 Motion to Associate Counsel Filed By: Objector Weisbord, Barry <i>[345] Motion to Associate Attorney Adam M. Apton on Order Shortening Time</i>
01/13/2020	 Order Granting Motion Filed By: Objector Weisbord, Barry <i>[346] Order Granting Motion to Associate Attorney Adam M. Apton</i>
01/13/2020	 Notice of Entry of Order Filed By: Objector Weisbord, Barry <i>[347] Notice of Entry of Order Granting Motion to Associate Attorney Adam M. Apton</i>
01/14/2020	 Transcript of Proceedings <i>[348] Transcript of Proceedings: Hearing on Plaintiffs' Unopposed Motion for Preliminary Approval of Settlement</i>
01/18/2020	 Order Filed By: Plaintiff Kearney IRRV Trust <i>[349] Order Preliminarily Approving Settlement and Providing for Notice</i>
01/21/2020	 Notice of Entry of Order Filed By: Plaintiff Kearney IRRV Trust <i>[350] Notice of Entry of Order Preliminarily Approving Settlement and Providing for Notice</i>
04/17/2020	 Motion Filed By: Plaintiff Kearney IRRV Trust <i>[351] Plaintiffs' Motion for Final Approval of Settlement and Approval of Plan of Allocation and an Award of Attorneys' Fees and Expenses</i>
04/17/2020	 Declaration Filed By: Plaintiff Hansen, Josh <i>[352] Joint Declaration of David A. Knotts and Adam D. Warden in Support of Plaintiffs' Motion for Final Approval of Settlement and Approval of Plan of Allocation and an Award of Attorneys' Fees and Expenses</i>
04/17/2020	 Declaration <i>[353] Declaration of Lance M. Mykita</i>
04/17/2020	 Declaration <i>[354] Declaration of Adam D. Warden filed on behalf of Saxena White P.A. in Support of Application for Award of Attorneys' Fees and Expenses</i>
04/17/2020	 Declaration <i>[355] Declaration of David C. O'Mara filed on behalf of The O'Mara Law Firm, P.C., in Support of Application for Award of Attorneys' Fees and Expenses</i>
04/17/2020	 Declaration <i>[356] Declaration of Richard A. Maniskas filed on behalf of RM Law, P.C. in Support of Application for Award of Attorneys' Fees and Expenses</i>
04/17/2020	 Declaration <i>[357] Declaration of David A. Knotts on behalf of Robbins Geller Rudman & Dowd in Support of Application for Award of Attorneys' Fees and Expenses</i>














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CASE NO. A-13-686890-B

04/17/2020	 Declaration <i>[358] Declaration of Joshua E. Fruchter filed on behalf of Wohl & Fruchter LLP in Support of Application for Award of Attorneys' Fees</i>
04/17/2020	 Certificate of Service <i>[359] Certificate of Service- Plaintiffs' Motion for Final Approval and Supporting Declarations</i>
04/20/2020	 Declaration Filed By: Plaintiff Hansen, Josh <i>[360] Declaration of Stephen L. Kearny</i>
04/24/2020	 Declaration Filed By: Plaintiff Kearney IRRV Trust; Plaintiff Rakauskas, Vitie; Plaintiff Prieston, George L; Plaintiff Hansen, Josh <i>[361] Declaration of Ross D. Murray regarding Notice Dissemination, Publication and Requests for Exclusion Received to Date</i>
04/28/2020	 Clerk's Notice of Hearing <i>[362] Notice of Hearing</i>
05/04/2020	 Joinder To Motion Filed By: Defendant Potashner, Kenneth F; Intervenor Defendant Norris, Elwood G; Intervenor Defendant Putterman, Seth; Intervenor Defendant Wolfe, Andrew L; Intervenor Defendant Kaplan, Robert M <i>[363] Director Defendants' Limited Joinder to Plaintiffs' Motion for Final Approval of Settlement and Approval of Plan of Allocation, and an award of Attorneys' Fees and Expenses</i>
05/05/2020	 Joinder To Motion Filed By: Intervenor Defendant VTB Holdings Inc; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC <i>[364] Corporate Defendants' Limited Joinder to Plaintiffs' Motion for Final Approval of Settlement and Approval of Settlement and Approval of Plan of Allocation and an Award of Attorneys' Fees and Expenses</i>
05/08/2020	 Notice of Non Opposition <i>[365] Notice of Non-Opposition and Reply in Further Support of Plaintiffs' Motion for Final Approval of Settlement and Approval of Plan of Allocation, and an Award of Attorneys' Fees and Expenses</i>
05/19/2020	 Order <i>[366] Order Approving Plan of Allocation</i>
05/19/2020	 Order <i>[367] Order Approving Attorneys' Fees and Expenses</i>
05/19/2020	 Judgment <i>[368] Final Judgment and Order of Dismissal With Prejudice</i>
05/19/2020	 Notice of Entry of Order Filed By: Plaintiff Rakauskas, Vitie; Plaintiff Prieston, George L; Plaintiff Hansen, Josh <i>[369] Notice of Entry of Order Approving Plan of Allocation</i>
05/19/2020	 Notice of Entry of Order Filed By: Plaintiff Rakauskas, Vitie; Plaintiff Prieston, George L; Plaintiff Hansen, Josh














CASE SUMMARY

CASE NO. A-13-686890-B

	<i>[370] Notice of Entry of Order Awarding Attorneys' Fees and Expenses</i>
05/19/2020	 Notice of Entry of Judgment Filed By: Plaintiff Rakauskas, Vitie; Plaintiff Prieston, George L; Plaintiff Hansen, Josh <i>[371] Notice of Entry of Final Judgment and Order of Dismissal With Prejudice</i>
05/22/2020	 Order to Statistically Close Case <i>[372] Civil Order to Statistically Close Case</i>
06/04/2020	 Notice Filed By: Defendant Potashner, Kenneth F; Intervenor Defendant Norris, Elwood G; Intervenor Defendant Putterman, Seth; Intervenor Defendant Wolfe, Andrew L <i>[373] Notice of Related Case (A815308)</i>
06/05/2020	 Motion to Consolidate <i>[374] Defendants' Motion to Consolidate and Ex Parte Application for Order Shortening Time</i>
06/11/2020	 Opposition to Motion Filed By: Plaintiff PAMPT LLC <i>[375] Plaintiff PAMPT LLC s Response to Defendants Motion to Consolidate</i>
06/18/2020	 Business Court Order <i>[376] Business Court Order</i>
06/23/2020	 Order Granting Motion Filed By: Defendant Potashner, Kenneth F <i>[377] Order Granting Defendants' Motion to Consolidate</i>
06/23/2020	 Notice of Entry of Order <i>[378] Notice of Entry of Order Granting Defendants' Motion to Consolidate</i>
06/23/2020	 Demand for Prior Discovery Filed By: Plaintiff PAMPT LLC <i>[379] Plaintiff PAMTP LLC S Demand For Prior Discovery</i>
06/24/2020	 Amended Certificate of Service Party: Plaintiff PAMPT LLC <i>[380] Amended Certificate of Service</i>
07/01/2020	 Motion to Dismiss Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[381] Motion to Dismiss ON BEHALF OF SPECIALLY APPEARING DEFENDANTS STRIPES GROUP LLC, SG VTB HOLDINGS LLC, KENNETH FOX, AND JUERGEN STARK</i>
07/01/2020	 Motion to Dismiss Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[382] Defendants' Motion to Dismiss for Failure to State a Claim</i>
07/07/2020	 Clerk's Notice of Nonconforming Document <i>[383] Clerk's Notice of Nonconforming Document</i>












CASE SUMMARY

CASE NO. A-13-686890-B

07/07/2020	 Clerk's Notice of Nonconforming Document <i>[384] Clerk's Notice of Nonconforming Document</i>
07/10/2020	 Motion to Dismiss Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[385] Motion to Dismiss On Behalf of Specially Appearing Defendants Stripes Group, LLC, SG VTB Holdings, LLC, Kenneth Fox, and Juergen Stark</i>
07/10/2020	 Motion to Dismiss Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[386] Defendants' Motion to Dismiss for Failure to State a Claim</i>
07/13/2020	 Clerk's Notice of Nonconforming Document and Curative Action <i>[387] Clerk's Notice of Curative Action</i>
07/13/2020	 Clerk's Notice of Nonconforming Document and Curative Action <i>[388] Clerk's Notice of Curative Action</i>
07/13/2020	 Clerk's Notice of Hearing <i>[389] Notice of Hearing</i>
07/14/2020	 Notice of Change of Hearing <i>[390] Notice of Change of Hearing</i>
07/17/2020	 Motion to Compel Filed By: Plaintiff PAMPT LLC <i>[391] Plaintiff PAMPT LLC's Motion to Compel Discovery Pursuant to Rule 26(H)</i>
07/20/2020	 Clerk's Notice of Hearing <i>[392] Notice of Hearing</i>
07/22/2020	 Opposition to Motion Filed By: Plaintiff PAMPT LLC <i>[393] Plaintiff PAMPT LLC s Opposition to Motion to Dismiss Filed by Specially Appearing Defendants Stripes Group, LLC, SG VTB Holdings, LLC, Kenneth Fox, and Juergen Stark</i>
07/22/2020	 Opposition to Motion Filed By: Plaintiff PAMPT LLC <i>[394] Plaintiff PAMPT LLC s Opposition to Defendants Motion to Dismiss for Failure to State a Claim</i>
07/31/2020	 Opposition to Motion to Compel <i>[395] Opposition to Plaintiff PAMTP LLC'S Motion to Compel Discovery Pursuant to Rule 26 (h)</i>
07/31/2020	 Opposition to Motion to Compel <i>[396] The Dismissed Plaintiffs' Opposition to Plaintiff PAMTP LLC's Motion to Compel Discovery Pursuant to Rule 26(h)</i>













CASE SUMMARY

CASE NO. A-13-686890-B

08/06/2020	 Reply in Support Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen <i>[397] Reply In Support of Specially Appearing Defendants Stripes Group, LLC, SG VTB Holdings, LLC, Kenneth Fox, and Juergen Stark's Motion to Dismiss</i>
08/06/2020	 Reply in Support Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen <i>[398] Defendants' Reply In Support of Motion to Dismiss For Failure to State a Claim</i>
08/17/2020	 Reply in Support Filed By: Plaintiff PAMPT LLC <i>[399] Plaintiff PAMTP LLC s Reply in Support of Motion to Compel Discovery Pursuant to Rule 26(h)</i>
08/19/2020	 Notice of Submission of Record Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party VTB Holdings, Inc. <i>[400] Notice of Submission Competing Order on Motions to Dismiss</i>
08/20/2020	 Order Filed By: Plaintiff PAMPT LLC <i>[401] Order Denying Defendants' Motions to Dismiss Plaintiff's Complaint</i>
08/20/2020	 Notice of Entry of Order Filed By: Plaintiff PAMPT LLC <i>[402] Notice of Entry of Order Denying Defendants Motions to Dismiss Plaintiff s Complaint</i>
08/21/2020	 Notice Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party VTB Holdings, Inc. <i>[403] Notice Regarding Plaintiff's Motion to Compel</i>
08/26/2020	 Order Shortening Time <i>[405] Defendants Motion to Modify Protective Order and Ex Parte Application for Order Shortening Time</i>
08/27/2020	 Motion Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[404] Defendants' Motion to Modify Protective Order and Ex Parte Application for Order Shortening Time</i>
08/31/2020	 Order Filed By: Plaintiff PAMPT LLC <i>[406] Order Granting Plaintiff PAMTP LLC s Motion to Compel Discovery Pursuant to Rule 26(H)</i>
08/31/2020	 Notice of Entry of Order Filed By: Plaintiff PAMPT LLC <i>[407] Notice of Entry of Order Granting Plaintiff PAMTP LLC s Motion to Compel Discovery Pursuant to Rule 26(h)</i>













CASE SUMMARY

CASE NO. A-13-686890-B

09/02/2020	 Opposition to Motion Filed By: Plaintiff PAMPT LLC <i>[408] Plaintiff PAMTP LLC's Opposition to Defendants' Motion to Modify Protective Order</i>
09/03/2020	 Answer to Complaint Filed by: Defendant Potashner, Kenneth F; Consolidated Case Party Norris, Elwood G.; Consolidated Case Party Putterman, Seth; Consolidated Case Party Kaplan, Robert; Consolidated Case Party Wolfe, Andrew <i>[409] Director Defendants Answer to Complaint</i>
09/03/2020	 Answer to Complaint Filed by: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[410] (A815308) Answer to Plaintiff Pamtp's LLC Complaint</i>
09/03/2020	 Reply in Support Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[411] Reply In Support of Defendants' Motion to Modify Protective Order</i>
09/22/2020	 Order Denying Motion <i>[412] ORDER DENYING DEFENDANTS' MOTION TO MODIFY PROTECTIVE ORDER AND EX PARTE APPLICATION FOR ORDER SHORTENING TIME</i>
09/22/2020	 Notice of Entry of Order Filed By: Plaintiff PAMPT LLC <i>[413] Notice of Entry of Order Denying Defendants' Motion to Modify Protective Order and Ex Parte Application for Order Shortening Time</i>
09/23/2020	 Motion to Strike Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[414] Defendants' Motion to Strike Jury Demand</i>
09/23/2020	 Clerk's Notice of Hearing <i>[415] Notice of Hearing</i>
10/07/2020	 Motion to Seal/Redact Records Filed By: Plaintiff PAMPT LLC <i>[416] Plaintiff PAMTP LLC's Motion to File Redacted Brief and Attached Exhibits Under Seal</i>
10/07/2020	 Opposition to Motion Filed By: Plaintiff PAMPT LLC <i>[417] Plaintiff PAMTP LLC s Opposition to Defendants' Motion to Strike Jury Demand (Redacted)</i>
10/07/2020	 Filed Under Seal Filed By: Plaintiff PAMPT LLC <i>[418] SEALED PER ORDER 11/12/20 Plaintiff PAMTP LLC s Opposition to Defendants' Motion to Strike Jury Demand (Filed Under Seal)</i>
10/07/2020	 Filed Under Seal

CASE SUMMARY












CASE NO. A-13-686890-B

	<p>Filed By: Plaintiff PAMPT LLC <i>[419] SEALED PER ORDER 11/12/20 Exhibits "1" Through "6" to Plaintiff PAMTP LLC s Opposition to Defendants' Motion to Strike Jury Demand (Filed Under Seal)</i></p>
10/09/2020	<p> Clerk's Notice of Nonconforming Document <i>[420] Clerk's Notice of Nonconforming Document</i></p>
10/09/2020	<p> Clerk's Notice of Nonconforming Document and Curative Action <i>[421] Clerk's Notice of Curative Action</i></p>
10/09/2020	<p> Clerk's Notice of Hearing <i>[422] Notice of Hearing</i></p>
10/13/2020	<p> Scheduling and Trial Order <i>[423] Business Court Scheduling Order and Order Setting Civil Jury Trial, Calendar Call and Pre-Trial Conference 08-02-21</i></p>
10/19/2020	<p> Reply in Support Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[424] Defendants' Reply In Support of Motion to Strike Jury Demand</i></p>
10/20/2020	<p> Transcript of Proceedings <i>[425] Transcript of proceedings: Mandatory Rule 16 Conference</i></p>
11/02/2020	<p> Application for Issuance of Commission to Take Deposition Party: Plaintiff PAMPT LLC <i>[426] Application for Issuance of Commission to Take Deposition and Receive Documents Outside the State of Nevada of Joshua N. Weisbord</i></p>
11/02/2020	<p> Commission Issued Filed by: Plaintiff PAMPT LLC <i>[427] Commission to Take Deposition and Receive Documents Outside the State of Nevada</i></p>
11/12/2020	<p> Order Granting Motion Filed By: Intervenor Defendant VTB Holdings Inc <i>[428] Order Granting Defendants Motion to Strike Jury Demand and Plaintiff's Motion to File Redacted Brief and Attached Exhibits Under Seal</i></p>
11/12/2020	<p> Notice of Entry of Order Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[429] Notice of Entry of Order Granting Defendants' Motion to Strike Jury Demand and Plaintiff's Motion to File Redacted Brief and Exhibits Under Seal</i></p>
12/02/2020	<p> Order Shortening Time <i>[430] Plaintiff PAMTP LLC s Motion to Enforce Court Order and Compel Discovery and Order Shortening Time</i></p>
12/15/2020	<p> Opposition to Motion Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[431] Non-Party Turtle Beach Corporation's Opposition to Plaintiff Pamtp's Motion to Enforce</i></p>

CASE SUMMARY













CASE NO. A-13-686890-B

Court Order and Compel Discovery

12/15/2020	 Declaration <i>[432] Declaration of Brian Raphel In Opposition to Plaintiff Pamtp LLC's Motion to Enforce Court Order and Compel Discovery</i>
12/15/2020	 Declaration Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[433] Declaration of George S. Howard Jr. In Opposition to Plaintiff Pamtp LLC's Motion to Enforce Court Order and Compel Discovery</i>
12/17/2020	 Reply in Support Filed By: Plaintiff PAMPT LLC <i>[434] Plaintiff PAMTP LLC S Reply in Support of Motion to Enforce Court Order and Compel Discovery</i>
01/07/2021	 Order Granting Filed By: Plaintiff PAMPT LLC <i>[435] Order Granting in Part Plaintiff PAMTP LLC s Motion to Enforce Court Order and Compel Discovery</i>
01/08/2021	 Notice of Entry of Order Filed By: Plaintiff PAMPT LLC <i>[436] Notice of Entry of Order Granting in Part Plaintiff PAMTP LLC s Motion To Enforce Court Order and Compel Discovery</i>
01/12/2021	 Notice Filed By: Plaintiff PAMPT LLC <i>[437] Notice of Filing Declarations Pursuant to January 7, 2021 Order</i>
01/14/2021	 Errata Filed By: Plaintiff PAMPT LLC <i>[438] Errata to Notice of Filing Declarations Pursuant to January 7, 2021 Order</i>
02/03/2021	 Motion to Compel Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[439] Defendants' Motion to Compel Production of Documents</i>
02/03/2021	 Declaration Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[440] Declaration of Brian C. Raphel In Support of Defendants' Motion to Compel Production of Documents</i>
02/04/2021	 Clerk's Notice of Hearing <i>[441] Notice of Hearing</i>
02/17/2021	 Opposition to Motion Filed By: Plaintiff PAMPT LLC <i>[442] Plaintiff PAMTP LLC's Opposition to Defendants' Motion to Compel Production of Documents</i>











CASE SUMMARY

CASE NO. A-13-686890-B

02/18/2021	 Order Granting Filed By: Plaintiff PAMPT LLC <i>[443] (A815308) Order Granting Plaintiff's Application for Attorney's Fees</i>
02/22/2021	 Notice of Entry of Order Filed By: Plaintiff PAMPT LLC <i>[444] Notice of Entry of Order Granting Plaintiff's Application for Attorneys' Fees</i>
03/03/2021	 Motion for Sanctions <i>[445] Plaintiff PAMTP LLC's Motion for Rule 37 Sanctions</i>
03/04/2021	 Clerk's Notice of Hearing <i>[446] Notice of Hearing</i>
03/04/2021	 Motion to Seal/Redact Records Filed By: Plaintiff PAMPT LLC <i>[447] Plaintiff PAMTP LLC s Motion to file Plaintiff s Motion for Sanctions against Defendants Kenneth Potashner, Juergen Stark, and VTB Holdings, Inc. for Willful Spoliation of Evidence; and Memorandum of Law in Support and Attached Exhibit Under Seal</i>
03/04/2021	 Filed Under Seal Filed By: Plaintiff PAMPT LLC <i>[448] SEALED PER MINUTE ORDER 4/9/21 Plaintiff's Motion for Sanctions Against Defendants Kenneth Potashner, Juergen Stark, and VTB Holdings, Inc. for Willful Spoliation of Evidence; and Memorandum of Law in Support</i>
03/04/2021	 Clerk's Notice of Hearing <i>[449] Notice of Hearing</i>
03/04/2021	 Clerk's Notice of Hearing <i>[450] Notice of Hearing</i>
03/05/2021	 Reply in Support Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[451] Reply in Support of Defendants' Motion to Compel Production of Documents</i>
03/05/2021	 Declaration Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[452] DECLARATION OF RYAN M. MOORE IN SUPPORT OF REPLY IN SUPPORT OF DEFENDANTS MOTION TO COMPEL PRODUCTION OF DOCUMENTS</i>
03/05/2021	 Motion to Seal/Redact Records Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[453] Motion to Seal Confidential Exhibits to Declaration of Ryan M. Moore in Support of Reply in Support of Defendants' Motion to Compel Production of Documents</i>
03/05/2021	 Filed Under Seal Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark,

CASE SUMMARY

CASE NO. A-13-686890-B

	<p>Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[454] SEALED PER MINUTE ORDER 4/9/21 EXHIBITS B THROUGH H TO DECLARATION OF RYAN M. MOORE IN SUPPORT OF REPLY IN SUPPORT OF DEFENDANTS MOTION TO COMPEL PRODUCTION OF DOCUMENTS (FILED UNDER SEAL)</i></p>
03/08/2021	<p> Clerk's Notice of Hearing <i>[455] Notice of Hearing</i></p>
03/09/2021	<p> Motion to Compel Filed By: Plaintiff PAMPT LLC <i>[456] Plaintiff PAMTP LLC's Motion to Compel Discovery</i></p>
03/09/2021	<p> Appendix Filed By: Plaintiff PAMPT LLC <i>[457] Appendix of Exhibits in Support of Plaintiff PAMTP LLC S Motion to Compel Discovery, Volume 1</i></p>
03/09/2021	<p> Appendix Filed By: Plaintiff PAMPT LLC <i>[458] Appendix of Exhibits in Support of Plaintiff PAMTP LLC S Motion to Compel Discovery, Volume 2</i></p>
03/09/2021	<p> Appendix Filed By: Plaintiff PAMPT LLC <i>[459] Appendix of Exhibits in Support of Plaintiff PAMTP LLC S Motion to Compel Discovery, Volume 3</i></p>
03/09/2021	<p> Appendix Filed By: Plaintiff PAMPT LLC <i>[460] Appendix of Exhibits in Support of Plaintiff PAMTP LLC S Motion to Compel Discovery, Volume 4</i></p>
03/10/2021	<p> Clerk's Notice of Hearing <i>[461] Notice of Hearing</i></p>
03/15/2021	<p> Motion for Sanctions Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[462] Defendants' Motion for Sanctions and Renewed Motion to Modify Protective Order</i></p>
03/15/2021	<p> Declaration Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[463] DECLARATION OF RYAN M. MOORE IN SUPPORT OF DEFENDANTS MOTION FOR SANCTIONS AND RENEWED MOTION TO MODIFY PROTECTIVE ORDER</i></p>
03/15/2021	<p> Opposition to Motion Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[464] Opposition of Non-Party Turtle Beach Corp., Defendant VTB Holdings, Inc., and Specially Appearing Defendants Juergen Stark, Stripes Group, SG VTB Holdings, LLC, and Kenneth Fox to Motion for Rule 37 Sanctions</i></p>

CASE SUMMARY

CASE NO. A-13-686890-B

03/15/2021



Declaration

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[465] DECLARATION OF JOSHUA D. N. HESS IN SUPPORT OF OPPOSITION OF NONPARTY TURTLE BEACH CORP., DEFENDANT VTB HOLDINGS, INC., AND SPECIALLY APPEARING DEFENDANTS JUERGEN STARK, STRIPES GROUP, SG VTB HOLDINGS, LLC, AND KENNETH FOX TO MOTION FOR RULE 37 SANCTIONS

03/16/2021



Clerk's Notice of Hearing

[466] Notice of Hearing

03/18/2021



Opposition to Motion

Filed By: Defendant Potashner, Kenneth F; Consolidated Case Party Norris, Elwood G.; Consolidated Case Party Putterman, Seth; Consolidated Case Party Kaplan, Robert; Consolidated Case Party Wolfe, Andrew

[467] Defendant Kenneth Potashner's Opposition to Plaintiff's Motion for Sanctions Against Defendants' Kennerth Potashner, Juergen Stark, and VTB Holdings, Inc. for Willful Spoliation of Evidence

03/18/2021



Appendix

Filed By: Consolidated Case Party Fox, Kenneth

[468] Appendix of Exhibits to Defendant Kenneth Potashner's Opposition to Plaintiff's Motion for Sanctions Against Defendants' Kennerth Potashner, Juergen Stark, and VTB Holdings, Inc. for Willful Spoliation of Evidence

03/18/2021



Filed Under Seal

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[469] SEALED PER ORDER 5/5/21 DEFENDANT VTB HOLDINGS, INC. S AND SPECIALLY APPEARING DEFENDANT JUERGEN STARK S OPPOSITION TO PLAINTIFF S MOTION FOR SANCTIONS FOR WILLFUL SPOILIATION OF EVIDENCE

03/18/2021



Declaration

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[470] DECLARATION OF RYAN M. MOORE IN SUPPORT OF DEFENDANT VTB HOLDINGS, INC. S AND SPECIALLY APPEARING DEFENDANT JUERGEN STARK S OPPOSITION TO PLAINTIFF S MOTION FOR SANCTIONS FOR WILLFUL SPOILIATION OF EVIDENCE

03/18/2021



Declaration

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[471] Declaration of Juergen Stark

03/18/2021



Motion

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[472] Motion to Seal Confidential Exhibits and Redact Portions of Defendants Opposition to Plaintiff S Motion for Sanctions for Willful Spoliation of Evidence

03/18/2021



Filed Under Seal

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB

CASE SUMMARY

CASE NO. A-13-686890-B

Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.
[473] SEALED PER ORDER 4/18/21 Exhibits A through K to Declaration of Ryan M. Moore in Support of Reply in Support of Defendant's Opposition to Plaintiff's Motion for Sanctions for Willful Spoliation of Evidence, and Exhibit A to Declaration of Juergen Stark (Filed Under Seal)

03/18/2021



Filed Under Seal

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.
[474] SEALED PER ORDER 4/18/21 DEFENDANT VTB HOLDINGS, INC. S AND SPECIALLY APPEARING DEFENDANT JUERGEN STARK S OPPOSITION TO PLAINTIFF S MOTION FOR SANCTIONS FOR WILLFUL SPOILIATION OF EVIDENCE (FILED UNDER SEAL)

03/18/2021



Opposition to Motion

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.
[475] Defendant VTB Holdings, Inc.'s and Specially Appearing Defedant Juergen Stark's Opposition to Plaintiff's Motion for Sanctions for Willful Spoliation of Evidence

03/19/2021



Clerk's Notice of Hearing

[476] Notice of Hearing

03/23/2021



Opposition

[477] Director Defendants' Opposition to Plaintiff's Motion to Compel Discovery

03/23/2021



Opposition to Motion to Compel

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.
[478] Opposition of Defendant VTB Holdings, Inc. and Specially Appearing Defendants Stripes Group, LLC, SG VTB Holdings, LLC, Kenneth Fox, and Juergen Stark to Plaintiff PAMTP LLC's Motion to Compel Discovery

03/23/2021



Declaration

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.
[479] Declaration of Ryan M. Moore in Support of Opposition of Defendant VTB Holdings, Inc. and Specially Appearing Defendants Stripes Group, LLC, Kenneth Fox, and Juergen Stark to Plaintiff Pampt LLC's Motion to Compel Discovery

03/23/2021



Exhibits

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.
[480] Exhibits A - G for the Declaration of Ryan M. Moore

03/27/2021



Order

[481] A-13-686890-B ORDR Order Granting Defts Motion to Compel Productions of Documents - Brokerage Smts

03/31/2021



Notice of Entry of Order

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark,

CASE SUMMARY

CASE NO. A-13-686890-B

Juergen; Consolidated Case Party VTB Holdings, Inc.

[482] NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS MOTION TO COMPEL PRODUCTION OF DOCUMENTS

04/02/2021



Reply in Support

Filed By: Plaintiff PAMPT LLC

[483] Plaintiff's Reply in Further Support of Motion for Sanctions Against Defendants Kenneth Potashner, Juergen Stark, and VTB Holdings, Inc. for Willful Spoliation of Evidence

04/05/2021



Stipulation and Order

[484] Stip and Order for Withdraw of Motions and Request for Removal of Hearings

04/05/2021



Notice of Entry of Stipulation and Order

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[485] NOTICE OF ENTRY OF STIPULATION AND ORDER FOR WITHDRAWAL OF MOTIONS AND REQUEST FOR REMOVAL OF HEARINGS RE: (1) PLAINTIFF PAMTP LLC S MOTION FOR RULE 37 SANCTIONS AND (2) DEFENDANTS MOTION FOR SANCTIONS AND RENEWED MOTION TO MODIFY PROTECTIVE ORDER

04/05/2021



Reply in Support

Filed By: Plaintiff PAMPT LLC

[486] Plaintiff's Reply in Further Support of Motion to Compel Discovery

04/15/2021



Status Report

Filed By: Plaintiff PAMPT LLC

[487] Plaintiff PAMTP LLC's Status Report

04/16/2021



Status Report

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[488] Defendants' Status Report

04/18/2021



Order Granting Motion

Filed By: Intervenor Defendant Paris Acquisition Corp; Intervenor Defendant VTB Holdings Inc

[489] Order Granting Motion to Seal Confidential Exhibits and Redact Portions of Defendants' Opposition to Plaintiff's Motion for Sanctions for Willful Spoliation of Evidence

04/19/2021



Notice of Entry of Order

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[490] NOTICE OF ENTRY OF ORDER GRANTING MOTION TO SEAL CONFIDENTIAL EXHIBITS AND REDACT PORTIONS OF DEFENDANTS OPPOSITION TO PLAINTIFF S MOTION FOR SANCTIONS FOR WILLFUL SPOILIATION OF EVIDENCE

04/23/2021



Order

Filed By: Consolidated Case Party Voyetra Turtle Beach, Inc.; Consolidated Case Party Stripes Group LLC; Consolidated Case Party VTB Holdings, Inc.

[491] Order Granting Plaintiff's Motion to Compel

04/23/2021



Notice of Entry of Order

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark,

CASE SUMMARY

CASE NO. A-13-686890-B

Juergen; Consolidated Case Party VTB Holdings, Inc.

[492] NOTICE OF ENTRY OF ORDER GRANTING PLAINTIFF S MOTION TO COMPEL

04/28/2021



Order Shortening Time

[493] Order Shortening Time on Hearing Regarding Plaintiff's Motion for Sanctions Against Defendants Kenneth Potashner, Juergen Stark, and VTB Holdin~ 4843-8092-0551 v.2

04/28/2021



Notice of Entry of Order

Filed By: Plaintiff PAMPT LLC

[494] Notice of Entry of Order Granting Order Shortening Time on Hearing Regarding Plaintiff's Motion for Sanctions Against Defendants Kenneth Potashner, Juergen Stark, and VTB Holdings, Inc. for Willful Spoliation of Evidence; and Memorandum of Law in Support

04/30/2021



Motion to Compel

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[495] Defendants' Motion to Compel Compliance with this Court's March 27, 2021 Order Compelling Production of Documents and for Sanctions

04/30/2021



Declaration

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[496] Declaration of Ryan M. Moore in Support of Defendants' Motion to Compel Compliance with This Court's March 27, 2021 Order Compelling Production of Documents and for Sanctions

04/30/2021



Motion to Seal/Redact Records

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[497] Motion to Seal Confidential Exhibits and Redact Portions of Defendants Motion to Compel Compliance with This Court S March 27, 2021 Order Compelling Production of Documents and For Sanctions Pursuant

04/30/2021



Filed Under Seal

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[498] SEALED PER ORDER 6/16/21) Defendants Motion to Compel Compliance With This Court S March 27, 2021 Order Compelling Production of Documents and for Sanctions (Filed Under Seal) Sealed Per Order 6/16/21 Exhibits B-E, G, I-J, L-N to Declaration of Ryan M. Moore In Support of Defendants Motion to Compel Compliance With This Court S March 27, 2021 Order Compelling Production of Documents and for Sanctions (Filed Under Seal)

04/30/2021



Filed Under Seal

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[499] SEALED PER ORDER 6/16/21 Defendants Motion to Compel Compliance with This Court S March 27, 2021 Order Compelling Production of Documents and For Sanctions (Filed Under Seal)

04/30/2021



Clerk's Notice of Hearing

[500] Notice of Hearing

04/30/2021



Clerk's Notice of Hearing

CASE SUMMARY

CASE NO. A-13-686890-B

[501] Notice of Hearing

04/30/2021



Order Shortening Time

Filed By: Consolidated Case Party Voyetra Turtle Beach, Inc.; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party VTB Holdings, Inc.

[502] Ex Parte Application for Order Shortening Time

05/05/2021



Order

Filed By: Consolidated Case Party VTB Holdings, Inc.

[503] Order Granting Motion to Seal Confidential Exhibits and Redact Portions of Defendants' Opposition to Plaintiff's Motion for Sanctions for Willful Spoliation of Evidence

05/05/2021



Notice of Entry of Order

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[504] Notice of Entry of Order Granting Motion to Seal Confidential Exhibits and Redact Portions of Defendants Opposition to Plaintiff's Motion for Sanctions for Willful Spoliation of Evidence

05/05/2021



Notice of Entry of Order

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[505] Notice of Entry of Ex Parte Application for Order Shortening Time

05/05/2021



Motion for Summary Judgment

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[506] Defendants First Motion For Summary Judgment

05/05/2021



Motion for Summary Judgment

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[507] Defendants' Second Motion for Summary Judgment (Standing)

05/05/2021



Motion to Seal/Redact Records

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[508] Motion to Redact and Seal Confidential Exhibits Regarding Defendants Motions for Summary Judgment

05/05/2021



Filed Under Seal

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[509] SEALED PER MINUTE ORDER 6/11/21 Defendants First Motion for Summary Judgment

05/05/2021



Filed Under Seal













Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[510] SEALED PER MINUTE ORDER 6/11/21 Appendix of Exhibits to Defendants First

CASE SUMMARY











CASE NO. A-13-686890-B

Motion for Summary Judgment

05/05/2021	 Filed Under Seal Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[511] SEALED PER MINUTE ORDER 6/11/21 Defendants Second Motion For Summary Judgment (Standing)</i>
05/05/2021	 Filed Under Seal Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[512] SEALED PER MINUTE ORDER 6/11/21 Appendix of Exhibits to Defendants' Second Motion for Summary Judgment (Standing)</i>
05/06/2021	 Clerk's Notice of Hearing <i>[513] Notice of Hearing</i>
05/06/2021	 Clerk's Notice of Hearing <i>[514] Notice of Hearing</i>
05/06/2021	 Clerk's Notice of Nonconforming Document <i>[515] Clerk's Notice of Nonconforming Document</i>
05/06/2021	 Filed Under Seal Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[516] SEALED PER MINUTE ORDER 6/11/21 Defendants First Motion for Summary Judgment</i>
05/06/2021	 Clerk's Notice of Nonconforming Document and Curative Action <i>[517] Clerk's Notice of Curative Action</i>
05/06/2021	 Clerk's Notice of Hearing <i>[518] Notice of Hearing</i>
05/06/2021	 Clerk's Notice of Nonconforming Document and Curative Action <i>[519] Clerk's Notice of Amended Curative Action</i>
05/12/2021	 Stipulation and Order Filed by: Plaintiff PAMPT LLC <i>[520] Stipulation and Order to Extend Opposition and Reply Deadlines Re Defendants' Pending Motions for Summary Judgment</i>
05/12/2021	 Notice of Entry of Stipulation and Order Filed By: Plaintiff PAMPT LLC <i>[521] Notice of Entry of Stipulation and Order to Extend Opposition and Reply Deadlines re Defendants' Pending Motions for Summary Judgment</i>
05/12/2021	 Opposition to Motion to Compel Filed By: Plaintiff PAMPT LLC <i>[522] Plaintiff PAMTP LLC's Opposition to Defendants' Motion to Compel</i>












CASE SUMMARY

CASE NO. A-13-686890-B

05/13/2021	 Reply in Support Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[523] Reply In Support of Defendants Motion to Compel Compliance with this Court's March 26, 2021 Order Compelling Production of Documents and for Sanctions</i>
05/13/2021	 Motion to Seal/Redact Records Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[524] Motion to Seal Confidential Exhibits to Defendants' Reply in Support of Motion to Compel</i>
05/13/2021	 Temporary Seal Pending Court Approval Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party VTB Holdings, Inc. <i>[525] Exhibits A and B to Declaration of Ryan M. Moore In Support Of Reply In Support Of Defendants Motion to Compel</i>
05/14/2021	 Clerk's Notice of Hearing <i>[526] Notice of Hearing</i>
05/18/2021	 Order Filed By: Consolidated Case Party VTB Holdings, Inc. <i>[527] Order Granting Plaintiff's Motion Against Defendants Kenneth Potsashner, Juergen Stark, and VTB Holdings, inc. Setting Evidentiary Hearing Re Spoilation Sanctions</i>
05/19/2021	 Notice of Entry of Order Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[528] Notice of Entry of Order Granting Plaintiff's Motion against Defendants Kenneth Potashner, Juergen Stark, and VTB Holdings, Inc. Setting Evidentiary Hearing Re Spoilation Sanctions</i>
05/21/2021	 Temporary Seal Pending Court Approval Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[529] Errata to Appendix of Exhibits to Defendants Second Motion for Summary Judgment (Standing) Filed Under Seal</i>
05/26/2021	 Opposition to Motion Filed By: Plaintiff PAMPT LLC <i>[530] Plaintiff PAMTP LLC s Opposition to Defendants First Motion for Summary Judgment</i>
05/26/2021	 Declaration Filed By: Plaintiff PAMPT LLC <i>[531] Declaration of Adam M. Apton, Esq., in Support of Plaintiff PAMTP LLC's Opposition to Defendants' First Motion for Summary Judgment</i>
05/26/2021	 Appendix Filed By: Plaintiff PAMPT LLC <i>[532] Appendix of Exhibits in Support of Plaintiff PAMTP LLC s Opposition to Defendants First Motion for Summary Judgment, Volume 1</i>

CASE SUMMARY

CASE NO. A-13-686890-B

05/26/2021	 Appendix Filed By: Plaintiff PAMPT LLC <i>[533] Appendix of Exhibits in Support of Plaintiff PAMTP LLC s Opposition to Defendants First Motion for Summary Judgment, Volume 2</i>
05/26/2021	 Appendix Filed By: Plaintiff PAMPT LLC <i>[534] Appendix of Exhibits in Support of Plaintiff PAMTP LLC s Opposition to Defendants First Motion for Summary Judgment, Volume 3</i>
05/26/2021	 Appendix Filed By: Plaintiff PAMPT LLC <i>[535] Appendix of Exhibits in Support of Plaintiff PAMTP LLC s Opposition to Defendants First Motion for Summary Judgment, Volume 4</i>
05/26/2021	 Opposition to Motion Filed By: Plaintiff PAMPT LLC <i>[536] Plaintiff PAMTP LLC s Opposition to Defendants Second Motion for Summary Judgment (Standing)</i>
05/26/2021	 Appendix Filed By: Plaintiff PAMPT LLC <i>[537] Appendix of Exhibits in Support of Plaintiff PAMTP LLC s Opposition to Defendants Second Motion for Summary Judgment (Standing), Volume 1</i>
05/28/2021	 Order <i>[538] Order re Motion to Compel Compliance 05.25.21</i>
05/28/2021	 Notice of Entry of Order Filed By: Plaintiff PAMPT LLC <i>[539] Notice of Entry of Order Granting Defendants' Motion to Compel Compliance with this Court's March 27, 2021 Order Compelling Production of Documents and for Sanctions</i>
06/04/2021	 Reply in Support Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[540] Reply In Support of Defendants' First Motion for Summary Judgment</i>
06/04/2021	 Declaration Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[541] Second Declaration of Ryan M. Moore In Support of Defendants' First Motion For Summary Judgment</i>
06/04/2021	 Certification Filed by: Plaintiff PAMPT LLC <i>[542] Plaintiff PAMTP LLC's Certification of Additional Efforts at Compliance per Order dated May 28, 2021</i>
06/04/2021	 Reply in Support Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[543] Reply In Support of Defendants Second Motion for Summary Judgment (Standing)</i>

CASE SUMMARY

CASE NO. A-13-686890-B

06/04/2021



Motion

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[544] Motion to Seal Confidential Exhibits and Redact Portions of Defendants Reply In Support of Defendants Second Motion for Summary Judgment (Standing)

06/04/2021



Temporary Seal Pending Court Approval

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[545] Reply in Support of Defendants' Second Motion for Summary Judgment (Standing) Filed Under Seal

06/04/2021



Temporary Seal Pending Court Approval

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[546] Appendix of Exhibits to Defendants Reply In Support of Second Motion for Summary Judgment (Standing) Filed Under Seal

06/07/2021



Clerk's Notice of Hearing

[547] Notice of Hearing

06/07/2021



Order Shortening Time

Filed By: Consolidated Case Party VTB Holdings, Inc.

[548] Specially Appearing Defendant Kenneth Fox's Motion to Quash Subpoena or, in the Alternative, for Protective Order Ex Parte Application for Order Shortening Time

06/08/2021



Notice of Entry of Order

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[549] Notice of Entry of Order Shortening Time on Specially Appearing Defendant Kenneth Fox's Motion to Quash Subpoena Or, In The Alternative, for Protective Order

06/11/2021



Motion for Summary Judgment

Filed By: Consolidated Case Party VTB Holdings, Inc.

[550] Motion for Summary Judgment of Specially Appearing Defendants Stripes Group, LLC, SG VTB Holdings, LLC, Juergen Stark, and Kenneth Fox

06/11/2021



Appendix

Filed By: Consolidated Case Party VTB Holdings, Inc.

[551] Appendix of Exhibits to Motion for Summary Judgment of Specially Appearing Defendants Stripes Group, LLC, SG VTB Holdings, LLC, Juergen Stark, and Kenneth Fox

06/11/2021



Motion in Limine

Filed By: Consolidated Case Party VTB Holdings, Inc.

[552] Defendants' Motion in Limine to Exclude the Opinions, Testimony, and Reports of J.T. Atkins

06/11/2021



Appendix

Filed By: Consolidated Case Party VTB Holdings, Inc.

[553] Appendix of Exhibits to Defendants' Motion in Limine to Exclude the Opinions, Testimony, and Reports of J.T. Atkins

CASE SUMMARY

CASE NO. A-13-686890-B

06/11/2021



Motion in Limine

Filed By: Defendant Potashner, Kenneth F; Consolidated Case Party Norris, Elwood G.; Consolidated Case Party Putterman, Seth; Consolidated Case Party Kaplan, Robert; Consolidated Case Party Wolfe, Andrew

[554] Defendants' Motion in Limine to Exclude Plaintiff's Damages

06/11/2021



Motion for Summary Judgment

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[555] Motion for Summary Judgment of Defendant VTB Holdings, Inc. and Specially Appearing Defendants Stripes Group, LLC, SG VTB Holdings, LLC, Juergen Stark, and Kenneth Fox

06/11/2021



Appendix

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[556] Appendix of Exhibits to Motion for Summary Judgment of Defendant VTB Holdings, Inc. and Specially Appearing Defendants Stripes Group, LLC, SG VTB Holdings, LLC, Juergen Stark, and Kenneth Fox Volume I

06/11/2021



Appendix

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[557] Appendix of Exhibits to Motion for Summary Judgment of Defendant VTB Holdings, Inc. and Specially Appearing Defendants Stripes Group, LLC, SG VTB Holdings, LLC Juergen Stark, and Kenneth Fox Volume II

06/11/2021



Notice

Filed By: Plaintiff PAMPT LLC

[558] Notice of Testifying Expert for Purposes of Evidentiary Hearing on June 18, 2021

06/11/2021



Opposition to Motion

Filed By: Plaintiff PAMPT LLC

[559] Plaintiff PAMTP LLC s Opposition to Defendant Kenneth Fox's Motion to Quash Subpoena

06/11/2021



Motion in Limine

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[560] Defendants Motion in Limine to Exclude Evidence and Testimony Related to Irrelevant or Undisclosed Measures of Damages

06/11/2021



Declaration

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[561] Declaration of Ryan M. Moore in Support of Defendants' Motion in Limine to Exclude Evidence and Testimony Related to Irrelevant or Undisclosed Measures of Damages

06/11/2021



Motion in Limine

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[562] Defendants' Motion in Limine to Exclude Evidence Related to Alleged Fraud by the

CASE SUMMARY

CASE NO. A-13-686890-B

Non- Director Defendants

06/11/2021



Declaration

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.
[563] Declaration of Ryan M. Moore in Support of Defendants' Motion in Limine to Exclude Evidence Related to Alleged Fraud by the Non-Director Defendants

06/11/2021



Motion in Limine

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.
[564] Defendants' Motion in Limine to Exclude All Reference, Evidence, and Testimony Regarding Post- Merger Conduct

06/11/2021



Declaration

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.
[565] Declaration of Brian C. Raphel In Support of Defendants Motion in Limine to Exclude All Reference, Evidence, and Testimony Regarding Post-Merger Conduct

06/11/2021



Motion for Summary Judgment

Filed By: Defendant Potashner, Kenneth F; Consolidated Case Party Norris, Elwood G.; Consolidated Case Party Putterman, Seth; Consolidated Case Party Kaplan, Robert; Consolidated Case Party Wolfe, Andrew
[566] The Director Defendants' Motion for Summary Judgment

06/11/2021



Appendix

Filed By: Defendant Potashner, Kenneth F; Consolidated Case Party Norris, Elwood G.; Consolidated Case Party Putterman, Seth; Consolidated Case Party Kaplan, Robert; Consolidated Case Party Wolfe, Andrew
[567] Appendix to the Director Defendants Motion for Summary Judgment Vol. I of III

06/11/2021



Appendix

Filed By: Defendant Potashner, Kenneth F; Consolidated Case Party Norris, Elwood G.; Consolidated Case Party Putterman, Seth; Consolidated Case Party Kaplan, Robert; Consolidated Case Party Wolfe, Andrew
[568] Appendix to the Director Defendants Motion for Summary Judgment Vol. II of III

06/11/2021



Appendix

Filed By: Defendant Potashner, Kenneth F; Consolidated Case Party Norris, Elwood G.; Consolidated Case Party Putterman, Seth; Consolidated Case Party Kaplan, Robert; Consolidated Case Party Wolfe, Andrew
[569] Appendix to the Director Defendants Motion for Summary Judgment Vol. III of III

06/13/2021



Order Shortening Time

Filed By: Defendant Potashner, Kenneth F
[570] Defendant's Motion in Limine to Exclude the Declaration of David C. O' Mara On Order Shortening Time

06/13/2021















Reply in Support

Filed By: Consolidated Case Party Fox, Kenneth
[571] Specially Appearing Defendant Kenneth Fox's Reply in Support of Motion to Quash Subpoena or, in the Alternative, for Protective Order

06/13/2021













CASE SUMMARY

CASE NO. A-13-686890-B

	 Declaration Filed By: Consolidated Case Party Fox, Kenneth <i>[572] Supplemental Declaration of Joshua D. N. Hess, Esq. in Support of Specially Appearing Defendant Kenneth Fox's Motion to Quash Subpoena or, in the Alternative, for Protective Order</i>
06/14/2021	 Clerk's Notice of Hearing <i>[573] Notice of Hearing</i>
06/14/2021	 Audiovisual Transmission Equipment Appearance Request <i>[574] Audiovisual Transmission Equipment Appearance Request - Woody Norris</i>
06/14/2021	 Audiovisual Transmission Equipment Appearance Request <i>[575] Audiovisual Transmission Equipment Appearance Request - Erik Houser</i>
06/14/2021	 Order Shortening Time Filed By: Defendant Potashner, Kenneth F <i>[576] Defendants' Motion to Strike and Motion In Limine to Exclude Plaintiff's Purported Testifying Experts at June 18, 2021 Evidentiary Hearing and at Trial</i>
06/14/2021	 Errata Filed By: Consolidated Case Party VTB Holdings, Inc. <i>[577] Errata to Motion for Summary Judgment of Specially Appearing Defendants Stripes Group, LLC, SG VTB Holdings, LLC, Juergen Stark, and Kenneth Fox</i>
06/14/2021	 Audiovisual Transmission Equipment Appearance Request Party: Plaintiff PAMPT LLC <i>[578] Audiovisual Transmission Equipment Appearance Request, Kieran Grennan</i>
06/14/2021	 Audiovisual Transmission Equipment Appearance Request Party: Plaintiff PAMPT LLC <i>[579] Audiovisual Transmission Equipment Appearance Request, David Madigan, Ph.D.</i>
06/15/2021	 Audiovisual Transmission Equipment Appearance Request <i>[580] Audiovisual Transmission Equipment Appearance Request for Kenneth Fox</i>
06/15/2021	 Audiovisual Transmission Equipment Appearance Consent <i>[581] Audiovisual Transmission Equipment Appearance Consent</i>
06/16/2021	 Order Granting Motion Filed By: Consolidated Case Party Voyetra Turtle Beach, Inc.; Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party VTB Holdings, Inc. <i>[582] Order Granting Motion to Seal Confidential Exhibits and Redact Portions of Defendants' Motion to Compel Compliance With Court's March 27, 2021 Order Compelling Production of Documents and for Sanctions</i>
06/16/2021	 Notice of Entry of Order Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[583] Notice of Entry of Order Granting Motion to Seal Confidential Exhibits and Redact Portions of Defendants Motion to Compel Compliance with This Court S March 27, 2021 Order Compelling Production of Documents and for Sanctions</i>












CASE SUMMARY

CASE NO. A-13-686890-B

06/16/2021	 Miscellaneous Filing Filed by: Plaintiff PAMPT LLC <i>[584] PAMTP LLC's Deposition Designations for Use at Evidentiary Hearing</i>
06/16/2021	 Errata <i>[585] Errata and Supplement to Defendants' Motion to Strike and Motion in Limine to Exclude Plaintiff's Purported Testifying Experts at June 18, 2021 Evidentiary Hearing and at Trial</i>
06/16/2021	 Pre-Trial Disclosure <i>[586] Defendants' Joint Pre-Evidentiary Hearing Disclosure of Witnesses and Documents Pursuant to NRCP 16.1(a)(3)</i>
06/16/2021	 Pre-Trial Disclosure Party: Plaintiff PAMPT LLC <i>[587] PAMTP LLC's Pre-Evidentiary Hearing Disclosure of Witnesses and Documents Pursuant to NRCP 16.1(a)(3)</i>
06/16/2021	 Opposition to Motion Filed By: Plaintiff PAMPT LLC <i>[588] Plaintiff PAMTP LLC's Opposition to Defendants' Motion to Strike and Motion in Limine to Exclude Plaintiff's Testifying Experts at June 18, 2021 Evidentiary Hearing and at Trial</i>
06/17/2021	 Notice Filed By: Defendant Potashner, Kenneth F <i>[589] Defendants' Joint Counter Designations to PAMTP LLC's Deposition Designations for Use at Evidentiary Hearing</i>
06/17/2021	 Brief Filed By: Plaintiff PAMPT LLC <i>[590] Plaintiff PAMTP LLC's Pre-Evidentiary Hearing Brief</i>
06/17/2021	 Supplemental Disclosures <i>[591] Defendants' First Supplemental Joint Pre-Evidentiary Hearing Disclosure of Witnesses and Documents Pursuant to NRCP 16.1 (a)(3)</i>
06/22/2021	 Stipulation and Order Filed by: Consolidated Case Party VTB Holdings, Inc. <i>[592] Stipulation and Order to Extend Pretrial Memorandum Deadline (First Request)</i>
06/22/2021	 Notice of Entry of Stipulation and Order Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc. <i>[593] Notice of Entry of Stipulation and Order to Extend Pretrial Memorandum Deadline (First Request)</i>
06/23/2021	 Transcript of Proceedings <i>[594] Transcript of Proceedings: Evidentiary Hearing - Day 1</i>
06/24/2021	 Stipulation and Order Filed by: Plaintiff Prieston, George L; Plaintiff Hansen, Josh; Plaintiff PAMPT LLC <i>[595] Stipulation and Order to Extend Opposition and Reply Deadlines and Continue Hearing Date RE Defendants' Pending Motions for Summary Judgment and Motions in Limine (First Request)</i>

CASE SUMMARY

CASE NO. A-13-686890-B

06/24/2021	 Notice of Entry of Stipulation and Order Filed By: Plaintiff PAMPT LLC <i>[596] Notice of Entry of Stipulation and Order to Extend Opposition and Reply Deadlines and to Continue Hearings re Defendants' Pending Motions for Summary Judgment and Motions in Limine</i>
06/25/2021	 Transcript of Proceedings <i>[597] Transcript of Proceedings Monday June 14, 2021</i>
06/28/2021	 Transcript of Proceedings <i>[598] Transcript of Proceedings: Evidentiary Hearing - Day 2</i>
07/01/2021	 Opposition to Motion For Summary Judgment Filed By: Plaintiff PAMPT LLC <i>[599] Plaintiff's Opposition to Motion for Summary Judgment of Specially Appearing Defendants Stripes Group, LLC, SGVTB Holdings, LLC Juergen Stark, and Kenneth Fox</i>
07/01/2021	 Declaration Filed By: Plaintiff PAMPT LLC <i>[600] Declaration of Adam M. Apton, Esq., in Support of Plaintiff's Opposition to Motion for Summary Judgment of Specially Appearing Defendants Stripes Group, LLC, SGVTB Holdings, LLC, Juergen Stark, and Kenneth Fox</i>
07/01/2021	 Opposition to Motion For Summary Judgment Filed By: Plaintiff PAMPT LLC <i>[601] Plaintiff PAMTP LLC's Opposition to Motion for Summary Judgment of Defendant VTB Holdings, Inc. and Specially Appearing Defendants Stripes Group, LLC, SG VTB Holdings, LLC, Juergen Stark, and Kenneth Fox</i>
07/01/2021	 Declaration <i>[602] Declaration of Adam M. Apton, Esq., in Support of Plaintiff's Opposition to Motion for Summary Judgment of Defendant VTB Holdings, Inc. and Specially Appearing Defendants Stripes Group, LLC, SG VTB Holdings, LLC, Juergen Stark, and Kenneth Fox</i>
07/01/2021	 Appendix Filed By: Plaintiff PAMPT LLC <i>[603] Appendix of Exhibits in Support of Declaration of Adam M. Apton, Esq., in Support of Plaintiff's Opposition to Motion for Summary Judgment of Defendant VTB Holdings, Inc. and Specially Appearing Defendants Stripes Group, LLC, SG VTB Holdings, LLC, Juergen Stark, and Kenneth Fox, Volume 1</i>
07/01/2021	 Opposition to Motion For Summary Judgment Filed By: Plaintiff PAMPT LLC <i>[604] Plaintiff PAMTP LLC's Opposition to the Director Defendants' Motion for Summary Judgment</i>
07/01/2021	 Declaration Filed By: Plaintiff PAMPT LLC <i>[605] Declaration of Adam M. Apton, Esq., in Support of Plaintiff PAMTP LLC's Opposition to the Director Defendants' Motion for Summary Judgment</i>
07/01/2021	 Appendix Filed By: Plaintiff PAMPT LLC <i>[606] Appendix of Exhibits in Support of Declaration of Adam M. Apton, Esq., in Support of Plaintiff PAMTP LLC's Opposition to the Director Defendants' Motion for Summary Judgment, Volume 1</i>

CASE SUMMARY

CASE NO. A-13-686890-B

07/01/2021



Appendix

Filed By: Plaintiff PAMPT LLC

[607] Appendix of Exhibits in Support of Declaration of Adam M. Apton, Esq., in Support of Plaintiff PAMTP LLC's Opposition to the Director Defendants' Motion for Summary Judgment, Volume 2

07/01/2021



Appendix

Filed By: Plaintiff PAMPT LLC

[608] Appendix of Exhibits in Support of Declaration of Adam M. Apton, Esq., in Support of Plaintiff PAMTP LLC's Opposition to the Director Defendants' Motion for Summary Judgment, Volume 3

07/01/2021



Appendix

Filed By: Plaintiff PAMPT LLC

[609] Appendix of Exhibits in Support of Declaration of Adam M. Apton, Esq., in Support of Plaintiff PAMTP LLC's Opposition to the Director Defendants' Motion for Summary Judgment, Volume 4

07/01/2021



Opposition to Motion in Limine

Filed By: Plaintiff PAMPT LLC

[610] Plaintiff PAMTP LLC's Opposition to Defendants' Motion in Limine to Exclude Opinions, Testimony, and Reports of J.T. Atkins

07/01/2021



Appendix

Filed By: Plaintiff PAMPT LLC

[611] Appendix of Exhibits in Support of Plaintiff PAMTP LLC's Opposition to Defendants' Motion in Limine to Exclude Opinions, Testimony, and Reports of J.T. Atkins, Volume 1

07/01/2021



Appendix

Filed By: Plaintiff PAMPT LLC

[612] Appendix of Exhibits in Support of Plaintiff PAMTP LLC's Opposition to Defendants' Motion in Limine to Exclude Opinions, Testimony, and Reports of J.T. Atkins, Volume 2

07/01/2021



Opposition to Motion in Limine

Filed By: Plaintiff PAMPT LLC

[613] Plaintiff PAMTP LLC's Opposition to Defendants' Motion in Limine to Exclude Plaintiff's Damages

07/01/2021



Opposition to Motion in Limine

Filed By: Plaintiff PAMPT LLC

[614] Plaintiff PAMTP LLC's Opposition to Defendants' Motion in Limine to Exclude Evidence and Testimony Related to Irrelevant or Undisclosed Measures of Damages

07/01/2021



Opposition to Motion in Limine

Filed By: Plaintiff PAMPT LLC

[615] Plaintiff PAMTP LLC's Opposition to Defendants' Motion in Limine to Exclude Evidence Related to Alleged Fraud by the Non-Director Defendants

07/01/2021



Opposition to Motion in Limine

Filed By: Plaintiff PAMPT LLC

[616] Plaintiff PAMTP LLC's Opposition to Defendants' Motion in Limine to Exclude All Reference, Evidence, and Testimony Regarding Post-Merger Conduct

07/07/2021



Miscellaneous Filing

Filed by: Plaintiff PAMPT LLC

CASE SUMMARY

CASE NO. A-13-686890-B

[617] Plaintiff's Proposed Trial Protocol

07/13/2021



Order Shortening Time

Filed By: Defendant Potashner, Kenneth F

[618] Motion to Approve Defendants' Proposed Trial Protocol on an Order Shortening Time

07/13/2021



Pre-Trial Disclosure

[619] Director Defendants Pre-Trial Disclosures Pursuant to NRCP 16.1(a)(3)

07/14/2021



Reply in Support

Filed By: Consolidated Case Party VTB Holdings, Inc.

[620] Reply in Support of Motion for Summary Judgment of Defendant VTB Holdings, Inc. and Specially Appearing Defendants Stripes Group, LLC, SG VTB Holdings, LLC, Juergen Stark, and Kenneth Fox

07/14/2021



Appendix

Filed By: Consolidated Case Party VTB Holdings, Inc.

[621] Appendix of Exhibits to Reply in Support of Motion for Summary Judgment of Defendant VTB Holdings, Inc. and Specially Appearing Defendants Stripes Group, LLC, SG VTB Holdings, LLC, Juergen Stark, and Kenneth Fox

07/14/2021



Reply in Support

Filed By: Consolidated Case Party VTB Holdings, Inc.

[622] Specially Appearing Defendants Stripes Group, LLC, SG VTB Holdings, LLC, Juergen Stark, and Kenneth Fox's Reply in Support of Motion for Summary Judgment

07/14/2021



Declaration

Filed By: Consolidated Case Party VTB Holdings, Inc.

[623] Second Declaration of Ryan M. Moore, Esq. in Support of Specially Appearing Defendants Stripes Group, LLC, SG VTB Holdings, LLC, Juergen Stark, and Kenneth Fox's Reply in Support of Motion for Summary Judgment

07/14/2021



Reply in Support

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[624] DEFENDANTS REPLY IN SUPPORT OF MOTION IN LIMINE TO EXCLUDE THE OPINIONS, TESTIMONY, AND REPORTS OF J.T. ATKINS

07/14/2021



Supplemental

Filed by: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[625] SUPPLEMENTAL DECLARATION OF BRIAN C. RAPHEL IN SUPPORT OF DEFENDANTS REPLY IN SUPPORT OF MOTION IN LIMINE TO EXCLUDE THE OPINIONS, TESTIMONY, AND REPORTS OF J.T. ATKINS

07/14/2021



Reply in Support

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[626] REPLY IN SUPPORT OF DEFENDANTS MOTION IN LIMINE TO EXCLUDE ALL REFERENCE, EVIDENCE, AND TESTIMONY REGARDING POST-MERGER CONDUCT

07/14/2021



Reply in Support

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark,

CASE SUMMARY

CASE NO. A-13-686890-B

Juergen; Consolidated Case Party VTB Holdings, Inc.
[627] DEFENDANTS REPLY IN SUPPORT OF MOTION IN LIMINE TO EXCLUDE EVIDENCE AND TESTIMONY RELATED TO IRRELEVANT OR UNDISCLOSED MEASURES OF DAMAGES

07/14/2021



Reply in Support

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.
[628] Defendants' Reply in Support of Motion in Limine to Exclude Evidence and Testimony Related to Irrelevant or Undisclosed Measures of Damages

07/14/2021



Reply in Support

[629] Reply in Support of Defendants' Motion in Limine to Exclude Plaintiff's Damages

07/14/2021



Reply in Support

Filed By: Defendant Potashner, Kenneth F; Consolidated Case Party Norris, Elwood G.; Consolidated Case Party Putterman, Seth; Consolidated Case Party Kaplan, Robert; Consolidated Case Party Wolfe, Andrew
[630] Reply Brief in Support of the Director Defendants' Motion for Summary Judgment

07/14/2021



Appendix

[631] Appendix to Reply Brief in Support of the Director Defendants' Motion for Summary Judgment

07/15/2021



Findings of Fact, Conclusions of Law and Judgment

[632] Findings of Fact, Conclusions of Law and Order Imposing Spoliation Sanctions

07/16/2021



Pre-trial Memorandum

[633] Pretrial Memorandum

07/16/2021



Pre-trial Memorandum

Filed by: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.
[634] PRE-TRIAL MEMORANDUM FOR DEFENDANT VTB HOLDINGS, INC. AND SPECIALLY APPEARING DEFENDANTS KENNETH FOX, JUERGEN STARK, STRIPES GROUP LLC, AND SG VTB HOLDINGS LLC

07/16/2021



Pre-trial Memorandum

Filed by: Plaintiff PAMPT LLC
[635] Plaintiff PAMTP LLC's Pre-Trial Memorandum

07/20/2021



Pre-trial Memorandum

Filed by: Consolidated Case Party VTB Holdings, Inc.
[636] Supplemental Pre-Trial Memorandum for Defendant VTB Holdings, Inc. and Specially Appearing Defendants Kenneth Fox, Juergen Stark, Stripes Group LLC, and SG VTB Holdings LLC

07/21/2021





Pre-Trial Disclosure

Party: Defendant Potashner, Kenneth F; Consolidated Case Party Norris, Elwood G.; Consolidated Case Party Putterman, Seth; Consolidated Case Party Kaplan, Robert; Consolidated Case Party Wolfe, Andrew
[637] Director Defendants First Supplemental Pre-Trial Disclosures Pursuant to NRCP 16.1 (a)(3)

07/21/2021

CASE SUMMARY

CASE NO. A-13-686890-B

	 Pre-trial Memorandum <i>[638] Supplemental Pre-Trial Memorandum</i>
07/23/2021	 Opposition to Motion Filed By: Plaintiff PAMPT LLC <i>[639] Plaintiff PAMTP LLC's Opposition to Defendants' Motion to Approve Proposed Trial Protocol</i>
07/25/2021	 Reply in Support Filed By: Consolidated Case Party VTB Holdings, Inc. <i>[640] Defendants' Reply in Support of Motion to Approve Defendants' Proposed Trial Protocol</i>
07/27/2021	 Transcript of Proceedings <i>[641] Transcript of Proceedings: Motion to Approve Defendants' Proposed Trial Protocol on an Order Shortening Time July 26, 2021</i>
08/02/2021	 Designation of Witness Filed By: Consolidated Case Party VTB Holdings, Inc. <i>[642] Non-Director Defendants' Deposition Designations of Witnesses</i>
08/02/2021	 Designation of Witness Filed By: Defendant Potashner, Kenneth F; Consolidated Case Party Norris, Elwood G.; Consolidated Case Party Putterman, Seth; Consolidated Case Party Kaplan, Robert; Consolidated Case Party Wolfe, Andrew <i>[643] Director Defendants Deposition Transcript Designations</i>
08/03/2021	 Order Filed By: Plaintiff PAMPT LLC <i>[644] Order Denying Motion for Summary Judgment of Specially Appearing Defendants Stripes Group, LLC, SG VTB Holdings. LLC Juergen Stark, Kenneth Fox</i>
08/03/2021	 Order Filed By: Plaintiff PAMPT LLC <i>[645] Order Denying the Director Defendants' Motion for Summary Judgment</i>
08/03/2021	 Order Filed By: Plaintiff PAMPT LLC <i>[646] Order Denying the Director Defendants' Motion for Summary Judgment</i>
08/03/2021	 Order Filed By: Plaintiff PAMPT LLC <i>[647] Order Denying Defendants' Motion in Limine to Exclude All Reference, Evidence, and Testimony Regarding Post Merger Conduct</i>
08/03/2021	 Order Filed By: Plaintiff PAMPT LLC <i>[648] Order Denying Defendants' Motion in Limine to Exclude the Opinions, Testimony, and Reports of J.T. Atkins</i>
08/03/2021	 Order Filed By: Plaintiff PAMPT LLC <i>[649] Order Denying Defendants' Motion in Limine to Exclude Evidence Related to Alleged Fraud by the Non- Director Defendants</i>














CASE SUMMARY

CASE NO. A-13-686890-B

08/03/2021	 Order Filed By: Plaintiff PAMPT LLC <i>[650] Order Denying Motion for Summary Judgment of Defendant VTB Holdings, Inc. and Specially Appearing Defendants Stripes Group, LLC SG VTB Holdings, LLC Juergen Stark, and Kenneth Fox</i>
08/04/2021	 Order Filed By: Objector Weisbord, Barry <i>[651] Order Granting in Part Defendants' Motion in Limine to Exclude Exvidence and Testimony Related to Irrelevant or Undisclosed Measures of Damages</i>
08/04/2021	 Notice of Entry of Order Filed By: Plaintiff PAMPT LLC <i>[652] Notice of Entry of Order Denying Motion for Summary Judgment of Specially Appearing Defendants Stripes Group, LLC, SG VTB Holdings, LLC, Juergen Stark, and Kenneth Fox</i>
08/04/2021	 Notice of Entry of Order Filed By: Plaintiff PAMPT LLC <i>[653] Notice of Entry of Order Denying Motion for Summary Judgment of Defendant VTB Holdings, Inc. and Specially Appearing Defendants Stripes Group, LLC, SG VTB Holdings, LLC, Juergen Stark, and Kenneth Fox</i>
08/04/2021	 Notice of Entry of Order Filed By: Plaintiff PAMPT LLC <i>[654] Notice of Entry of Order Denying Defendants' Motion in Limine to Exclude Evidence Related to the Alleged Fraud by the Non-Director Defendants</i>
08/04/2021	 Notice of Entry of Order Filed By: Plaintiff PAMPT LLC <i>[655] Notice of Entry of Order Denying Defendants' Motion in Limine to Exclude the Opinions, Testimony and Reports of J.T. Atkins</i>
08/04/2021	 Notice of Entry of Order Filed By: Plaintiff PAMPT LLC <i>[656] Notice of Entry of Order Denying Defendants' Motion in Limine to Exclude all Reference, Evidence, and Testimony Regarding Post-Merger Conduct</i>
08/04/2021	 Notice of Entry of Order Filed By: Plaintiff PAMPT LLC <i>[657] Notice of Entry of Order Denying the Director Defendants' Motion for Summary Judgment</i>
08/04/2021	 Notice of Entry of Order Filed By: Plaintiff PAMPT LLC <i>[658] Notice of Entry of Order Denying Defendants' Motion in Limine to Exclude Plaintiff's Damages</i>
08/04/2021	 Notice of Entry of Order Filed By: Plaintiff PAMPT LLC <i>[659] Notice of Entry of Order Granting in Part Defendants' Motion in Limine to Exclude Evidence and Testimony Related to Irrelevant or Undisclosed Measures of Damages</i>
08/05/2021	 Supplement Filed by: Plaintiff PAMPT LLC <i>[660] Plaintiff PAMTP LLC's Supplemental Pretrial Memorandum</i>














CASE SUMMARY

CASE NO. A-13-686890-B

08/09/2021	 Miscellaneous Filing Filed by: Plaintiff PAMPT LLC <i>[661] PAMTP LLC's Deposition Transcript Counter-Designations</i>
08/09/2021	 Pre-trial Memorandum Filed by: Consolidated Case Party VTB Holdings, Inc. <i>[662] Second Supplemental Pre-Trial Memorandum for Defendant VTB Holdings, Inc. and Specially Appearing Defendants Kenneth Fox, Juergen Stark, Stripes Group LLC, and SG VTB Holdings LLC's</i>
08/09/2021	 Pre-trial Memorandum Filed by: Defendant Potashner, Kenneth F; Consolidated Case Party Norris, Elwood G.; Consolidated Case Party Putterman, Seth; Consolidated Case Party Kaplan, Robert; Consolidated Case Party Wolfe, Andrew <i>[663] Second Supplemental Pre-Trial Memorandum</i>
08/09/2021	 Pre-Trial Disclosure Party: Defendant Potashner, Kenneth F; Consolidated Case Party Norris, Elwood G.; Consolidated Case Party Putterman, Seth; Consolidated Case Party Kaplan, Robert; Consolidated Case Party Wolfe, Andrew <i>[664] Director Defendants' Second Supplemental Pre-Trial Disclosures Pursuant to NRC P 16.1(a)(3)</i>
08/10/2021	 Audiovisual Transmission Equipment Appearance Request <i>[665] Audiovisual Transmission Equipment Appearance Request (Robert Kaplan)</i>
08/11/2021	 Audiovisual Transmission Equipment Appearance Request Party: Consolidated Case Party VTB Holdings, Inc. <i>[666] Audiovisual Transmission Equipment Appearance Request (Dan Marriott)</i>
08/11/2021	 Audiovisual Transmission Equipment Appearance Request Party: Consolidated Case Party VTB Holdings, Inc. <i>[667] Audiovisual Transmission Equipment Appearance Request (Karen Kenworthy)</i>
08/11/2021	 Audiovisual Transmission Equipment Appearance Request Party: Consolidated Case Party VTB Holdings, Inc. <i>[668] Audiovisual Transmission Equipment Appearance Request (Kenneth Fox)</i>
08/11/2021	 Audiovisual Transmission Equipment Appearance Request Party: Consolidated Case Party VTB Holdings, Inc. <i>[669] Audiovisual Transmission Equipment Appearance Request (Wayne Marino)</i>
08/12/2021	 Audiovisual Transmission Equipment Appearance Request <i>[670] Audiovisual Transmission Equipment Appearance Request - Seth Putterman</i>
08/12/2021	 Audiovisual Transmission Equipment Appearance Request <i>[671] Audiovisual Transmission Equipment Appearance Request - Elwood Norris</i>
08/12/2021	 Objection Filed By: Plaintiff PAMPT LLC <i>[672] Plaintiff PAMTP LLC's Objection to the Audiovisual Transmission Equipment Appearance Request of Kenneth Fox</i>
08/13/2021	 Response Filed by: Consolidated Case Party VTB Holdings, Inc.

CASE SUMMARY

CASE NO. A-13-686890-B

	<i>[673] Specially Appearing Defendant Kenneth Fox's Response to Plaintiff's Objection</i>
08/13/2021	 Objection Filed By: Consolidated Case Party VTB Holdings, Inc. <i>[674] Defendants' Objections and Counter-Designations to Plaintiff's Counter-Designations</i>
08/13/2021	 Audiovisual Transmission Equipment Appearance Request Party: Plaintiff PAMPT LLC <i>[675] Audiovisual Transmission Equipment Appearance Request - Robert Masterson</i>
08/13/2021	 Audiovisual Transmission Equipment Appearance Request Party: Plaintiff PAMPT LLC <i>[676] Audiovisual Transmission Equipment Appearance Request - Marcia Patricof</i>
08/13/2021	 Audiovisual Transmission Equipment Appearance Request Party: Plaintiff PAMPT LLC <i>[677] Audiovisual Transmission Equipment Appearance Request - Richard Santulli</i>
08/13/2021	 Audiovisual Transmission Equipment Appearance Request Party: Plaintiff PAMPT LLC <i>[678] Audiovisual Transmission Equipment Appearance Request - Ronald Etkin</i>
08/13/2021	 Audiovisual Transmission Equipment Appearance Request Party: Plaintiff PAMPT LLC <i>[679] Audiovisual Transmission Equipment Appearance Request - Muriel Etkin</i>
08/13/2021	 Audiovisual Transmission Equipment Appearance Request Party: Plaintiff PAMPT LLC <i>[680] Audiovisual Transmission Equipment Appearance Request - Alan Goldberg</i>
08/13/2021	 Audiovisual Transmission Equipment Appearance Request Party: Plaintiff PAMPT LLC <i>[681] Audiovisual Transmission Equipment Appearance Request - Anne Goldberg</i>
08/18/2021	 Order Shortening Time Filed By: Defendant Potashner, Kenneth F <i>[682] Certain Director Defendants' Motion for Determination of Good Faith Settlement Ex Parte Application for Order Shortening Time and Order Thereon</i>
08/18/2021	 Miscellaneous Filing Filed by: Plaintiff PAMPT LLC <i>[683] Plaintiff PAMPT LLC's Trial Brief Re: Effective Control</i>
08/18/2021	 Opposition Filed By: Consolidated Case Party VTB Holdings, Inc. <i>[684] Defendants' Opposition to Plaintiff's Trial Brief</i>
08/23/2021	 Order Granting Filed By: Defendant Potashner, Kenneth F <i>[685] Order Granting Certain Director Defendants' Motion for Determination of Good Faith Settlement</i>
08/24/2021	 Memorandum Filed By: Plaintiff PAMPT LLC

CASE SUMMARY

CASE NO. A-13-686890-B

[686] Plaintiff PAMTP LLC's Memorandum of Law Regarding NRS 78.200 and NRS 78.211

08/24/2021



Motion for Judgment

Filed By: Defendant Potashner, Kenneth F; Consolidated Case Party Norris, Elwood G.; Consolidated Case Party Putterman, Seth; Consolidated Case Party Kaplan, Robert; Consolidated Case Party Wolfe, Andrew

[687] Defendants' Motion for Judgment on Partial Findings Pursuant to NRCP 52(c) Regarding Lack of Control or Expropriation

08/24/2021



Motion for Judgment

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[688] Defendants' Motion for Judgment on Standing Pursuant to NRCP 52(c)

08/24/2021



Motion for Judgment

Filed By: Consolidated Case Party VTB Holdings, Inc.

[689] Defendants' Motion for Judgment for Lack of Evidence on Gentile Damages Pursuant to NRCP 52(c)

08/24/2021



Motion for Judgment

Filed By: Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[690] Specially Appearing Defendants Juergen Stark's and Kenneth Fox's Motion for Judgment Under the Statute of Limitations Pursuant to NRCP 52(c)

08/25/2021



Clerk's Notice of Hearing

[691] Notice of Hearing

08/25/2021



Trial Brief

Filed By: Consolidated Case Party VTB Holdings, Inc.

[692] Non-Director Defendants' Trial Brief re: Section 14(A)

08/25/2021



Opposition

Filed By: Consolidated Case Party VTB Holdings, Inc.

[693] Opposition to Plaintiff PAMTP LLC's Memorandum of Law Regarding NRS 78.200 and NRS 78.211

08/26/2021



Transcript of Proceedings

[694] Transcript of Proceedings: Bench Trial - Day 1

08/26/2021



Transcript of Proceedings

[695] Transcript of Proceedings: Bench Trial - Day 2 - Volume I

08/26/2021



Transcript of Proceedings

[696] Transcript of Proceedings: Bench Trial - Day 2 - Volume II

08/26/2021



Transcript of Proceedings

[697] Transcript of Proceedings: Bench Trial - Day 3 - Volume I

08/26/2021



Transcript of Proceedings

[698] Transcript of Proceedings: Bench Trial - Day 3 - Volume II

08/26/2021

















Transcript of Proceedings

[699] Transcript of Proceedings: Bench Trial - Day 4 - Volume I

CASE SUMMARY

CASE NO. A-13-686890-B

08/26/2021	 Transcript of Proceedings <i>[700] Transcript of Proceedings: Bench Trial - Day 4 - Volume II</i>
08/26/2021	 Transcript of Proceedings <i>[701] Transcript of Proceedings: Motion for Good Faith Settlement</i>
08/26/2021	 Transcript of Proceedings <i>[702] Transcript of Proceedings: Bench Trial - Day 5</i>
08/26/2021	 Transcript of Proceedings <i>[703] Transcript of Proceedings: Bench Trial - Day 6 - Volume I</i>
08/26/2021	 Transcript of Proceedings <i>[704] Transcript of Proceedings: Bench Trial - Day 6 - Volume II</i>
08/26/2021	 Transcript of Proceedings <i>[705] Transcript of Proceedings: Bench Trial - Day 7 - Volume I</i>
08/26/2021	 Transcript of Proceedings <i>[706] Transcript of Proceedings: Bench Trial - Day 7 - Volume II</i>
08/26/2021	 Transcript of Proceedings <i>[707] Transcript of Proceedings: Bench Trial - Day 8</i>
09/02/2021	 Notice Filed By: Defendant Potashner, Kenneth F <i>[708] Notice of Submission of Proposed Order Granting Defendants' Motion for Judgment Pursuant to NRCP 52(c), Findings of Fact and Conclusions of Law, and Judgment Thereon</i>
09/03/2021	 Notice Filed By: Plaintiff PAMPT LLC <i>[709] Notice of Submission of Plaintiff's Objections to Defendants' Proposed Order Granting Defendants' Motion for Judgment Pursuant to NRCP 52(C), Findings of Fact and Conclusions of Law, and Judgment Thereon</i>
09/03/2021	 Findings of Fact, Conclusions of Law and Judgment <i>[710] Order Granting Motion for Judgment Pursuant to NRCP 52c</i>
09/07/2021	Case Reassigned to Department 22 <i>From Judge Elizabeth Gonzalez to Judge Susan Johnson</i>
09/08/2021	 Stipulation and Order <i>[711] Stipulation and Order</i>
09/08/2021	 Notice of Entry of Order Filed By: Consolidated Case Party VTB Holdings, Inc. <i>[712] Notice of Entry of Order Granting Defendants Motion for Judgment Pursuant to NRCP 52(c), Findings of Fact and Conclusions of Law, and Judgment Thereon</i>
09/08/2021	 Notice of Entry of Stipulation and Order Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

CASE SUMMARY

CASE NO. A-13-686890-B

[713] Notice of Entry of Stipulation and Order

09/09/2021



Notice of Withdrawal of Attorney

Filed by: Plaintiff PAMPT LLC

[714] Notice of Withdrawal of Counsel

09/22/2021



Memorandum of Costs and Disbursements

Filed By: Consolidated Case Party VTB Holdings, Inc.

[715] Non-Director Defendants' Memorandum of Costs

09/22/2021



Appendix

Filed By: Consolidated Case Party VTB Holdings, Inc.

[716] Appendix of Exhibits to Non-Director Defendants' Memorandum of Costs (Volume 1 of 4)

09/22/2021



Appendix

[717] Appendix of Exhibits to Non-Director Defendants' Memorandum of Costs (Volume 2 of 4)

09/22/2021



Appendix

Filed By: Consolidated Case Party VTB Holdings, Inc.

[718] Appendix of Exhibits to Non-Director Defendants' Memorandum of Costs (Volume 3 of 4)

09/22/2021



Appendix

Filed By: Consolidated Case Party Stripes Group LLC; Consolidated Case Party SG VTB Holdings LLC; Consolidated Case Party Fox, Kenneth; Consolidated Case Party Stark, Juergen; Consolidated Case Party VTB Holdings, Inc.

[719] Appendix of Exhibits to Non-Director Defendants' Memorandum of Costs (Volume 4 of 4)

09/22/2021



Memorandum of Costs and Disbursements

[720] Defendant Kenneth Potashner's Verified Memorandum of Costs

09/22/2021



Appendix

[721] Appendix of Exhibits to Defendant Kenneth Potashner's Verified Memorandum of Costs Volume I of V

09/22/2021



Appendix

[722] Appendix of Exhibits to Defendant Kenneth Potashner's Verified Memorandum of Costs Volume II of V

09/22/2021



Appendix

[723] Appendix of Exhibits to Defendant Kenneth Potashner's Verified Memorandum of Costs Volume III of V

09/22/2021



Appendix

[724] Appendix of Exhibits to Defendant Kenneth Potashner's Verified Memorandum of Costs Volume IV of V

09/22/2021



Appendix

[725] Appendix of Exhibits to Defendant Kenneth Potashner's Verified Memorandum of Costs Volume V of V

09/29/2021



Motion for Attorney Fees

CASE SUMMARY

CASE NO. A-13-686890-B

Filed By: Consolidated Case Party VTB Holdings, Inc.
[726] Defendants' Motion for Attorneys' Fees

09/29/2021



Declaration

Filed By: Consolidated Case Party VTB Holdings, Inc.
[727] Declaration of Robert J. Cassity, Esq. in Support of Defendants' Motion for Attorneys' Fees

09/29/2021



Declaration

Filed By: Consolidated Case Party VTB Holdings, Inc.
[728] Declaration of Joshua D. N. Hess in Support of Motion for Attorneys' Fees

09/29/2021



Appendix

Filed By: Consolidated Case Party VTB Holdings, Inc.
[729] Appendix of Exhibits to Declaration of Joshua D. N. Hess in Support of Motion for Attorneys' Fees

09/29/2021



Declaration

Filed By: Consolidated Case Party VTB Holdings, Inc.
[730] Declaration of Richard C. Gordon in Support of Motion for Attorneys' Fees

09/29/2021



Declaration

Filed By: Consolidated Case Party VTB Holdings, Inc.
[731] Declaration of John P. Stigi III in Support of Defendants' Motion for Attorneys' Fees

09/30/2021



Clerk's Notice of Hearing

[732] Notice of Hearing

09/30/2021



Notice of Appeal

Filed By: Plaintiff PAMPT LLC
[733] Plaintiff PAMTP LLC's Notice of Appeal

09/30/2021



Case Appeal Statement

Filed By: Plaintiff PAMPT LLC
[734] Case Appeal Statement

DISPOSITIONS

05/17/2019

Order of Dismissal Without Prejudice (Judicial Officer: Gonzalez, Elizabeth)

Debtors: Kearney IRRV Trust (Plaintiff), Vitie Rakauskas (Plaintiff), George L Prieston (Plaintiff), Josh Hansen (Plaintiff)
Creditors: James L Honore (Defendant)

Judgment: 05/17/2019, Docketed: 05/17/2019

05/19/2020

Order (Judicial Officer: Gonzalez, Elizabeth)

Debtors: Kenneth F Potashner (Defendant), Elwood G Norris (Defendant), Seth Putterman (Defendant), Andrew L Wolfe (Defendant), Paris Acquisition Corp (Defendant), VTB Holdings Inc (Defendant), Robert M Kaplan (Defendant), Paramedic Sound Corporation (Defendant)
Creditors: Kearney IRRV Trust (Plaintiff), Vitie Rakauskas (Plaintiff), George L Prieston (Plaintiff), Josh Hansen (Plaintiff)

Judgment: 05/19/2020, Docketed: 05/22/2020

Total Judgment: 8,036,895.25

05/19/2020

Order of Dismissal With Prejudice (Judicial Officer: Gonzalez, Elizabeth)

Debtors: Kenneth F Potashner (Defendant), Elwood G Norris (Defendant), Seth Putterman (Defendant), Andrew L Wolfe (Defendant), Paris Acquisition Corp (Defendant), VTB Holdings Inc (Defendant), Robert M Kaplan (Defendant), Paramedic Sound Corporation (Defendant)

CASE SUMMARY

CASE NO. A-13-686890-B

Creditors: Kearney IRRV Trust (Plaintiff), Vitie Rakauskas (Plaintiff), George L Prieston (Plaintiff), Josh Hansen (Plaintiff)
Judgment: 05/19/2020, Docketed: 05/22/2020

09/03/2021

Judgment (Judicial Officer: Johnson, Susan)


Debtors: Kearney IRRV Trust (Plaintiff), Vitie Rakauskas (Plaintiff), George L Prieston (Plaintiff), Josh Hansen (Plaintiff), PAMPT LLC (Plaintiff)

Creditors: Kenneth F Potashner (Defendant)

Judgment: 09/03/2021, Docketed: 09/07/2021

HEARINGS

09/13/2013


 **Telephonic Conference** (1:15 PM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

Also appearing telephonically: Juan Monteverde, Esq. of Faruqi & Faruqi LLP, representing Plaintiff Shana Vasek; Jonathan Stein, Esq. of Saxena White P.A., representing Kearney IRRV Trust; Shannon Hopkins, Esq. of Levi & Korsinsky representing Vitie Rakauskas; Anthony Watts, Esq. representing Josh Hansen; Neil Steiner of Decher LLP representing VTB Holdings; Richard Gordon, Esq. of Snell and Wilmer, local counsel for VTB; Richard Maniskas, Esq. of Ryan and Maniskas representing George Prieston. Appearing in the courtroom: Dustin Johnson, Esq. of Muckleroy Johnson, representing Shana Vasek, & John Aldrich, Esq. of the Aldrich Law Firm, representing Vitie Rakauskas. Court acknowledged receipt of the stipulation and orders to consolidate and appoint lead counsel; however, Court advised it subsequently received a motion which leads it to believe one case is not covered by the stipulation. Mr. Peek advised 3 more in San Diego have been filed; he has not seen more than 5 filed as far as any Nevada cases but continues to check the reports he receives daily. Mr. Gordon concurred as to 5 in Nevada and 3 in California. Mr. Peek further advised they have reached out to the California firm and it is his understanding there are similar stipulations to stay those pending action by the corporate entities. Mr. Steiner advised the cases are essentially in the same posture and all California cases have been consolidated; there is an agreement among the California Plaintiffs as to representation; under California rule, Robbins Geller was served the document request but there is still a long period of time before a response is due. COURT ORDERED, motion to consolidate is GRANTED; matter SET for hearing on the leadership structure. Nevada Plaintiffs to reach out to California counsel. Colloquy regarding hearing date. Mr. Stein advised he needs to file an opposition. Mr. Monteverde stated he is only concerned as to when the shareholder meeting is scheduled. Mr. Steiner advised they currently anticipate proxies produced in October. COURT ORDERED, motion on leadership structure SET for hearing on September 23, 2013 at 1:00 PM. Local Defendants must appear, and local counsel must be advised if any other cases are found. Amended notice on the motion to be SUBMITTED and stamped by the Department. Counsel who will be unable to appear in court can call in; however, if more than one is appearing by phone a conference call must be arranged and the number provided. At Mr. Johnson's request, Court stated a pro hac vice application if submitted can also be scheduled on the same hearing date as the motion. 9-23-13 1:00 PM MOTION FOR CONSOLIDATION OF THE ACTIONS AND APPOINTMENT OF A LEADERSHIP STRUCTURE CLERK'S NOTE: The instant case is CONSOLIDATED with A687232, A687354, A687665, and A688374. A686890 as the lowest number will be the Lead Case. / dr 9-16-13;

09/23/2013

 **Motion to Consolidate** (1:00 PM) (Judicial Officer: Gonzalez, Elizabeth)

Motion for Consolidation of the Actions and Appointment of a Leadership Structure (Hearing for Appointment of Leadership Structure)

Granted;

Journal Entry Details:

Also present in the courtroom: Dustin Johnson, Esq.; Richard Gordon, Esq.; Stephen Peek, Esq.; John Aldrich, Esq.; and Sebastian Tornatore, Esq. Appearing telephonically: Juan Monteverde, Esq.; Jonathan Stein, Esq.; Shannon Hopkins, Esq.; Anthony Wong, Esq.; Richard Maniskas, Esq.; and Ryan Raphel, Esq. Mr. Peek advised there are 3 actions pending in California with the hope that they can be consolidated and have a similar type of stipulation as there is here; he confirmed he represents the Parametric group, a Nevada corporation. Court inquired whether the California cases are consolidated or filed in 1 court. Mr. Gordon stated he does not believe they are at this time. Mr. Peek advised in talking with Attorney Stigi it is his understanding the cases are in front of 1 Judge or they will be; these cases are in San Diego County and are styled similarly as class actions. RE: LEADERSHIP STRUCTURE: Mr. Peek

CASE SUMMARY

CASE NO. A-13-686890-B

stated his concern regarding things being complicated for the Defs. Argument in support of the motion by Mr. Monteverde. Mr. Johnson advised they are familiar with all these law firms. Mr. Steiner argued having more firms involved is unnecessary, duplicative, and inappropriate. Discussion regarding an executive committee. COURT stated findings, and ORDERED, original structure included in the Stipulation and Order is APPROVED, with the caveat that all firms who filed complaints will serve on the executive committee if they wish to do so, as this allows communication among counsel. Colloquy regarding stipulations and pro hac vice applications. COURT FURTHER ORDERED, counsel to PROVIDE AN UPDATE on the California actions, either by pleading or conference call. Matter SET for Status Check. Mr. Peek advised he can prepare a status report and will serve everyone. 10-4-13 - CHAMBERS STATUS CHECK ;

10/04/2013



Status Check (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

10/04/2013, 10/11/2013

Matter Continued;

Hearing Set;

Journal Entry Details:

Court notes status report from counsel and ORDERED, Matter to be set for a status hearing on Fri October 18 at 8:30 am. CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Joseph Peek Esq. (Holland & Hart) George Albright Esq. (Albright Stoddard, W, & A) ;

Matter Continued;

Hearing Set;

Journal Entry Details:

COURT ORDERED, matter CONTINUED for one week. 10-11-13 - CHAMBERS STATUS CHECK CLERK'S NOTE: A copy of the above minute order was distributed via electronic mail to: Joseph Peek, Esq. (speek@hollandhart.com); Richard Gordon, Esq. (rgordon@swlaw.com); George Albright, Esq. (gma@albrightstoddard.com); Dustin Johnson, Esq. (dustin@muckleroyjohnson.com), Griffith Hayes, Esq. (ghayes@cookseylaw.com); John Aldrich, Esq. (jaldrich@johnaldrichlawfirm.com). / dr 10-7-13 ;

10/18/2013



Status Check (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

Also present via telephonic conference: John Aldrich, Jonathan Stein, and Shannon Hopkins . Court noted it has received the status report from San Diego. Upon Court's inquiry, Mr. Peek and Mr. Stein advised they are not aware of any additional law suits; noted VTB is a Delaware corporation; and as to the injunction hearing, parties further agreed they have no issue with this Court contacting the Judge in San Diego to see if he will defer to Nevada. Court to advise parties of the outcome. *CLERK'S NOTE: See Minute Order released on the same date./kh 10-21-13 ;

10/18/2013



Minute Order (12:00 PM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

Court spoke to Hon. William Dato, San Diego Superior Court. Judge Dato expressed no objection to coordination between the jurisdictions on injunctive relief issues and would discuss at the case management conference in his consolidated cases. *CLERK'S NOTE: A copy of the above minute order was distributed to: Mark Albright and Stephen Peek, Esq./kh 10-18-13 ;

11/01/2013

Motion to Associate Counsel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Events: 09/20/2013 Motion to Associate Counsel

Motion to Associate Counsel

Granted;

11/01/2013

Motion to Associate Counsel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Events: 09/24/2013 Motion to Associate Counsel

Motion to Associate Counsel (Jonathan Matthew Stein)

Granted;

11/01/2013

Motion to Associate Counsel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

CASE SUMMARY

CASE NO. A-13-686890-B

Events: 10/01/2013 Motion to Associate Counsel
Motion to Associate Counsel
Granted;

11/01/2013



All Pending Motions (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order - No Hearing Held;

Journal Entry Details:

MOTION TO ASSOCIATE COUNSEL...MOTION TO ASSOCIATE COUNSEL (JONATHAN MATTHEW STEIN)...MOTION TO ASSOCIATE COUNSEL Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motions to Associate (Monteverde, Stein, and Stigi) are deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Respective Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. Atty. Dustin Johnson, Atty. G. Mark Albright, and Atty. J. Stephen Peek to be notified by minute order to prepare the respective orders and notify the appropriate parties. CLERK'S NOTE: A copy of the above minute order was distributed via electronic mail to: Joseph Peek, Esq. (speek@hollandhart.com); Richard Gordon, Esq. (rgordon@swlaw.com); George Albright, Esq. (gma@albrightstoddard.com); Dustin Johnson, Esq. (dustin@muckleroyjohnson.com), Griffith Hayes, Esq. (ghayes@cookseylaw.com); John Aldrich, Esq. (jaldrich@johnaldrichlawfirm.com). / dr 11-4-13 ;

12/06/2013

Motion to Associate Counsel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Events: 10/29/2013 Motion to Associate Counsel

Granted;

12/06/2013

Motion to Associate Counsel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Events: 10/29/2013 Motion to Associate Counsel

Granted;

12/06/2013

Motion to Associate Counsel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Events: 10/29/2013 Motion to Associate Counsel

Motion to Associate Counsel

Granted;

12/06/2013



All Pending Motions (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

MOTION TO ASSOCIATE COUNSEL (NEIL A. STEINER)...MOTION TO ASSOCIATE COUNSEL (BRIAN CHRISTOPHER RAPHEL)...MOTION TO ASSOCIATE COUNSEL (JOSHUA DAVID NELSON HESS) Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Defendant VTB's Motion to Associate (Steiner) is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Defendant VTB's Motion to Associate (Raphel) is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Defendant VTB's Motion to Associate (Hess) is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. Mr. Richard Gordon is to be notified by way of minute order to prepare the Order and notify the appropriate parties. CLERK'S NOTE: A copy of the above minute order was distributed via electronic mail to: Richard Gordon, Esq. (rgordon@swlaw.com); Karl Riley, Esq. (kriley@swlaw.com); J. Stephen Peek, Esq. (speek@hollandhart.com); G. Mark Albright, Esq. (gma@albrightstoddard.com); John P. Aldrich, Esq. (jaldrich@johnaldrichlawfirm.com); Griffith H. Hayes, Esq. (ghayes@cookseylaw.com); Dustin A. Johnson, Esq. (dustin@muckleroyjohnson.com). / dr 12-11-13;

CASE SUMMARY

CASE NO. A-13-686890-B

12/12/2013

Telephonic Conference (4:40 PM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

Also participating telephonically: Attorney Shannon Hopkins of Levi & Korsinsky, co-lead counsel for Nevada Plaintiffs; Attorney Gustavo Bruckner for the Plaintiffs; Attorney Alex Moreno of Sheppard, Mullin, Richter & Hampton LLP in San Diego for the Director Defendants and Parametric; Attorney Randall Baron of Robbins Geller representing San Diego Plaintiffs. Court advised parties of a telephone conference it had with Judge Dato in San Diego, regarding competing motions for preliminary injunction which have slightly different factual issues; the Court informed Judge Dato it would be happy to have the San Diego Plaintiffs here in Nevada and raise issues even if different from those raised here; an OST was submitted to schedule the motion for preliminary injunction that the Nevada Plaintiffs have submitted. Mr. Peek advised Defendants have until the 19th to respond to Plaintiffs' opening motion and the reply would be due the following Monday or Tuesday; after checking with Chambers parties agree matter can be heard on the 26th. COURT ORDERED, Preliminary Injunction Hearing SET on December 26, 2013. Mr. Peek noted the issue that Judge Dato said was not raised in this proceeding has already been raised by the brief filed yesterday. Court noted it has no opposition to receiving supplemental briefs to any issues as the Court believes the critical ones need to be decided in one forum. Counsel agreed with the Court's comments not to have competing preliminary injunction hearings and competing rulings. Discussion regarding briefing. COURT ORDERED, supplemental brief from the Robbins Geller firm in whatever nature it will be characterized DUE 12/18/13 at noon; single opposition DUE 12/23/13 by close of business. Proposed findings of fact and conclusions of law are to be emailed in MS Word format. At Ms. Hopkins' request, Court suggested Levi & Kostrinsky submit a supplemental brief with Robbins Geller on the 18th by noon. Colloquy regarding expert reports and scheduling. 12/26/13 10:00 AM MOTION FOR PRELIMINARY INJUNCTION;

12/19/2013

Telephonic Conference (2:30 PM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

Also participating telephonically: Attorney Alejandro "Alex" Moreno with Sheppard, Mullin, Richter & Hampton LLP in San Diego; Attorneys Randall Baron and David Knotts with Robbins Geller Rudman & Dowd LLP in San Diego; Shannon Hopkins of Levi & Korsinsky in New York. Court advised conference call was set as the Judicial Executive Assistant inquired of how the Robbins Geller brief would be submitted since they are technically not a party in this case. COURT ORDERED, supplemental brief submitted by California Plaintiffs MARKED as Court's Exhibit 1; compendium of exhibits MARKED as Court's Exhibit 2; LODGED with the Vault UNDER SEAL. (See worksheet.) Court further noted there are certain issues with regards to confidentiality, and the Robbins Geller firm was not a party to a stipulated confidentiality agreement (protective order entered 12-11-13). Upon Court's inquiry, Mr. Baron stated there is a confidentiality agreement in California similar to the one in Nevada. Mr. Peek noted they are similar but do not have entirely the same language; however, Mr. Baron indicated the San Diego order is sufficient. Further statement by Mr. Baron regarding filings in conjunction with the order. Court noted this will solve its concerns, and advised parties if they believe any portions of the documents marked today as Court's Exhibits can be unsealed this can be discussed at the December 26th hearing. Discussion regarding sealing exhibits under Nevada rule. Court noted redactions for purposes of the initial filing will be acceptable. Mr. Peek advised they can deliver unredacted briefs on Monday, the 23rd, as well as exhibits, then try to work through all the redactions and file the pleading. Court stated, as long as parties exchange documents and have them submitted to the Court by close of business on Monday this is fine, and then deal with filing on either Tuesday or when parties appear at the December 26th hearing. Court advised counsel of its general practice to conduct preliminary injunction hearings only on the briefs and set live witnesses at a separate time. At Mr. Baron's request, Court stated it is not inclined to hear live testimony; if something unusual occurs this will be set at a different time; parties are welcome to have someone as an observer and assist counsel. Upon inquiry of Mr. Peek, Court further noted, Mr. Baron will not be required to make a pro hac vice application given the Court's conversation with Judge Dato. Mr. Baron advised his pro hac vice papers are in the process of being filed. Court stated it informed Judge Dato counsel will be allowed to participate.;

12/26/2013

Motion for Preliminary Injunction (10:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Events: 12/11/2013 Motion for Preliminary Injunction

Denied Without Prejudice;

CASE SUMMARY

CASE NO. A-13-686890-B

Journal Entry Details:

Also present in Court: Christopher Lezak, representing Vitie Rakauskas; David Knotts and Randal Baron, representing the California Plaintiffs for the California case; David O'Mara representing the Plaintiffs for the Nevada case. Also appearing telephonically: Shannon Hopkins representing the Nevada Plaintiffs; Gustavo Brukner representing the Plaintiffs. COURT ADVISED, a determination had been made that it was in the interest of the Nevada company to face only one injunctive relief proceeding; therefore, the Plaintiff's from the other cases have been invited to participate in today's proceedings. FURTHER, because those plaintiffs were not a party to this case, the brief filed was marked as a court's exhibit and, the briefs, exhibits, and expert reports have all been reviewed by this court. Mr. Baron stated he filed the pro hac vice documents with the court. Upon Court's inquiry, Defense counsel stated there were no concerns related to Mr. Baron's documents being filed. COURT STATED, it was not sure if the fees had to be paid to the Nevada Bar and, after discussions with Judge Dato, this court did not think it was necessary to file pro hac vice documents to allow counsel to participate in today's hearing. Motion to Associate Counsel set on the 1/24/14 chambers calendar, VACATED. Argument by Mr. Stein regarding preliminarily enjoining the transaction between Turtle Beach and Parametric until disclosures have been provided and the parties have a full shopping process. Further Mr. Stein argued regarding whether there were full disclosures of potential conflicts of the advisors and directors; regarding net loss carryover; regarding disclosures of the tax rate and how the rate was determined; whether there would be irreparable harm if the Preliminary Injunction was not granted. Mr. Strein requested, if the court were inclined to grant an injunction, that only a minimal bond be required. Argument by Mr. Baron regarding asset lockups; regarding whether there were infringements on the shareholders right to vote; whether there was exclusivity as to the purchase of the property license. Mr. Baron further argued, regarding what the buyer would receive if the merger didn't go through. Further Argument by Mr. Baron regarding fair market value and if the record could demonstrate fair value; whether there was evidence of other options provided for the licensing agreement; whether the licensing agreement met the requirements for an asset lockup. Argument by Mr. Peek regarding issues of fairness opinions considered by the board and other suitors as to the purchase of the company; whether the board director had full control over the affairs of the corporation; whether there was a breach of duty as to intentional misconduct or fraud. Mr. Peek further argued regarding whether rule 78.139 applied to this case and whether there was compliance with rule 78.138; whether the transaction was fair to the shareholders; whether the statutes require additional disclosures; whether the board was fully informed of the negotiations and whether there were omissions. Argument by Mr. Steiner regarding whether there was a value of the license in the gaming field; whether there should be exclusivity on gaming; whether there were any violations of Nevada laws; whether there was any basis to enjoin this action. Rebuttal arguments by Mr. Baron and Mr. Stein regarding whether this deal should go forward as is or whether there should be disclosures. COURT NOTED as to whether the board of directors, when acting in consultation with advisors, should question the advice of the experts as related to the deal protection and exclusivity of licensing of IP asset for an application as a breakup fee it, FINDS, IT IS WITHIN the Board's business judgment to make that determination. FURTHER based on the preliminary evidence presented, it doesn't appear there was a basis to make a determination that the director's reliance was misplaced despite the concerns related to potential conflicts. COURT REQUESTED additional arguments related to the disclosures and accuracy issues; NOTING accurate information should be provided. Further arguments regarding whether there would have been any material differences with the disclosures if the 2013 book was used; whether the Plaintiff's had proven there was a likelihood of success; whether there should be additional disclosures as to Houlihan Lokey. MATTER TRAILED, for counsel to reach Mr. Wambeke to determine if there would be a material difference MATTER RECALLED. Mr. Peek read Mr. Wambeke's transcript; noting there were no material issues noted. Colloquy regarding whether Mr. Wambeke's transcripts accurately reflected the testimony of the witness as read by Mr. Peek. Mr. Stigi stated that he spoke with Mr. Wambeke confirmed that Craig Hallum would have used the identical WACC range. Further arguments regarding Houlihan disclosures, tax rates, debt raised, and Houlihan's fees. COURT NOTED, it recognized a mistake was made; however, the deposition testimony doesn't demonstrate there would be material change and, ORDERED, the Motion for Preliminary Injunction DENIED WITHOUT PREJUDICE; counsel to pursue any other remedies that are appropriate. Colloquy regarding drafting the Findings of Fact. Mr. Peet stated the confidential note on the Findings of Fact was a mistake. COURT NOTED, if there were any disputes that could not be worked out between counsel as to the findings, it could be decided upon in chambers. ;

01/09/2014

CANCELED Motion to Dismiss (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)
Vacated

CASE SUMMARY**CASE NO. A-13-686890-B***Parametric Defendants' Motion to Dismiss Plaintiffs' Amended Complaint*

01/24/2014

**Motion to Seal/Redact Records** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)*Parametric Defendants' Motion to Redact Portions of Their Opposition to Plaintiffs' Motion for Preliminary Injunction and to Seal Certain Exhibits to Appendix Thereto*
Granted;

Journal Entry Details:

Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20 (e) the Parametric Defendants Motion to Redact Portions of The Opposition to the Motion for Preliminary Injunction is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. After consideration of the commercial sensitivity and confidential nature of the information contained in the motion, the motion is granted as requested. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. Mr. Peek is to be notified by way of minute order to prepare the order and notify the appropriate parties. CLERK'S NOTE: A copy of the above minute order was distributed via electronic mail to: J. Stephen Peek, Esq. (speek@hollandhart.com); G. Mark Albright, Esq. (gma@albrightstoddard.com); Joseph E. White, Esq. (jwhite@saxenawhite.com); Richard Maniskas, Esq. (rmaniskas@rmclasslaw.com); Richard C. Gordon, Esq. (rgordon@swlaw.com); John P. Aldrich, Esq. (jaldrich@johnaldrichlawfirm.com); Griffith Hayes, Esq. (ghayes@cookseylaw.com); John P. Stigi, Esq. (jstigi@sheppardmullin.com); Dustin Johnson, Esq. (dustin@muckleroyjohnson.com); Shannon Hopkins, Esq. (shopkins@zlk.com); David Knotts, Esq. (Dknotts@rgrdlaw.com).;

01/24/2014

CANCELED Motion to Associate Counsel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)*Vacated - per Judge**Motion to Associate Counsel (Randall Jay Baron, Esq.)*

01/24/2014

CANCELED Motion to Associate Counsel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)*Vacated - per Judge**Motion to Associate Counsel (David Anthony Knotts, Esq.)*

03/27/2014

CANCELED Motion to Dismiss (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)*Vacated**The Director Defendants' Motion to Dismiss Counts I and Counts II of Plaintiffs' Second Amended Class Action Complaint (REDACTED)*

03/27/2014

CANCELED Motion to Dismiss (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)*Vacated**Defendants Parametric Sound Corp., VTB Holdings, Inc., and Paris Acquisition Corp.'s Motion to Dismiss Plaintiff's Third Cause of Action in the Second Amended Class Action Complaint*

03/28/2014

**Motion to Seal/Redact Records** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)*Director Defendants' Motion to Seal Unredacted Version of their Motion to Dismiss Second Amended Class Action Complaint*

Granted;

Journal Entry Details:

Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20 (e) the Director Defendants' Motion to Seal Unredacted Version of Motion to Dismiss 2nd Amended Complaint is deemed unopposed. Therefore, as the motion to dismiss includes commercially sensitive information and good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. Mr. Cassity is to be notified by way of minute order to prepare the Order and notify the appropriate parties. CLERK'S NOTE: A copy of the above minute order was distributed via electronic mail to: Robert Cassity, Esq. (bcassity@hollandhart.com); J. Stephen Peek, Esq. (speek@hollandhart.com); John P. Stigi, Esq. (jstigi@sheppardmullin.com); G. Mark Albright, Esq. (gma@albrightstoddard.com); Joseph E. White, Esq. (jwhite@saxenawhite.com); Richard Maniskas, Esq. (rmaniskas@rmclasslaw.com); Richard C. Gordon, Esq. (rgordon@swlaw.com); John P. Aldrich, Esq. (jaldrich@johnaldrichlawfirm.com); Griffith Hayes, Esq.

CASE SUMMARY

CASE NO. A-13-686890-B

(ghayes@cookseylaw.com); Dustin Johnson, Esq. (dustin@muckleroyjohnson.com); Shannon Hopkins, Esq. (shopkins@zlk.com).;

04/10/2014



Motion to Intervene (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Events: 02/28/2014 Filed Under Seal

Plaintiffs Boytim and Oakes' Motion to Intervene, Request to Vacate the Prior Plaintiff Leadership Structure and Appoint Post-Close Lead and Liaison Counsel; Memorandum of Points and Authorities in Support Thereof

Granted in Part;

Journal Entry Details:

Also present in the courtroom: - Attorneys for Intervening Plaintiffs Boytim and Oakes: David C. O'Mara (The O'Mara Law Firm; Reno, NV); Randall Baron (Robbins Geller Rudman & Dowd LLP; San Diego, CA); David Knotts (Robbins Geller Rudman & Dowd LLP; San Diego, CA). - Attorney Shannon Hopkins for Plaintiffs (Levi Korsinsky; New York NY). - Attorney Stephanie Herdman-Cooper for Plaintiffs (John Aldrich Law Firm; Las Vegas, NV). Participating telephonically: - Attorney Stephanie Bartone for Plaintiffs (Levi Korsinsky; New York NY). - Attorney Katharine Ryan for Plaintiffs (Ryan Maniskas; Wayne, PA). - Attorney Samuel Adams for Plaintiffs (Pomerantz LLP; New York, NY). Arguments by counsel. COURT ORDERED, motion GRANTED IN PART; request to intervene is timely and well-made. Plaintiffs given two (2) weeks to have a collaborative leadership structure; if unable to come up with something agreeable, either a structure will be dictated or parties will be sent to a settlement conference judge. Parties to notify the Law Clerk if they agree; if unable to agree parties are to (1) submit competing proposals, or (2) request the assistance of an independent Business Court judge. Matter SET for Status Check in Chambers in two weeks. Counsel represented to the Court they will have a discussion with respect to filing a consolidated complaint. 4-25-14 - CHAMBERS STATUS CHECK: LEADERSHIP STRUCTURE;

04/25/2014



Status Check (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Status Check: Leadership Structure

Minute Order - No Hearing Held;

Journal Entry Details:

Court executed the Order. CLERK'S NOTE: A copy of the above minute order was distributed via electronic mail to: William O'Mara, Esq. & David O'Mara, Esq.; Randall Baron, Esq.; George Mark Albright, Esq.; J. Stephen Peek, Esq.; Richard Gordon, Esq.; John Aldrich, Esq.; Griffith Hayes, Esq.; Dustin Johnson, Esq. ;

05/02/2014

Motion to Seal/Redact Records (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

The Director Defendants' Motion to Seal Their Unredacted Response to the California Plaintiffs' Motion to Intervene, Request to Vacate the Prior Plaintiff Leadership Structure and Appoint Post-Close Lead Counsel and Liaison Counsel and the Declaration of Andrew Wolfe
Granted;

05/02/2014

Motion to Associate Counsel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Plaintiffs, Raymond Boytim and Grant Oaks' Renewed Motion to Associate Counsel (David Anthony Knotts, Esq.)

Granted;

05/02/2014

Motion to Associate Counsel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Plaintiffs, Raymond Boytim and Grant Oaks' Renewed Motion to Associate Counsel (Randall Jay Baron, Esq.)

Granted;

05/02/2014



All Pending Motions (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

*THE DIRECTOR DEFENDANTS' MOTION TO SEAL THEIR UNREDACTED RESPONSE TO THE CALIFORNIA PLAINTIFFS' MOTION TO INTERVENE, REQUEST TO VACATE THE PRIOR PLAINTIFF LEADERSHIP STRUCTURE AND APPOINT POST-CLOSE LEAD COUNSEL AND LIAISON COUNSEL AND THE DECLARATION OF ANDREW WOLFE...
...PLAINTIFFS, RAYMOND BOYKIM AND GRANT OAKS' RENEWED MOTION TO ASSOCIATE COUNSEL (DAVID ANTHONY KNOTTS, ESQ.)...
...PLAINTIFFS, RAYMOND BOYKIM AND GRANT OAKS' RENEWED MOTION TO ASSOCIATE COUNSEL (RANDALL*

CASE SUMMARY

CASE NO. A-13-686890-B

JAY BARON, ESQ.) THE DIRECTOR DEFENDANTS' MOTION TO SEAL THEIR UNREDACTED RESPONSE TO THE CALIFORNIA PLAINTIFFS' MOTION TO INTERVENE, REQUEST TO VACATE THE PRIOR PLAINTIFF LEADERSHIP STRUCTURE AND APPOINT POST-CLOSE LEAD COUNSEL AND LIAISON COUNSEL AND THE DECLARATION OF ANDREW WOLFE: Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to Seal is deemed unopposed. Therefore, as the Response included commercially sensitive information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. Mr. Peek is to be notified by way of minute order to prepare the order and notify the appropriate parties. PLAINTIFFS, RAYMOND BOYKIM AND GRANT OAKS' RENEWED MOTION TO ASSOCIATE COUNSEL (DAVID ANTHONY KNOTTS, ESQ.)...PLAINTIFFS, RAYMOND BOYKIM AND GRANT OAKS' RENEWED MOTION TO ASSOCIATE COUNSEL (RANDALL JAY BARON, ESQ.): Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Plaintiff Boytim and Oaks Motion to Associate Counsel (Baron and Knotts) is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. Mr. David O'Mara is to be notified by way of minute order to prepare the Order and notify the appropriate parties. CLERK'S NOTE: A copy of the above minute order was distributed via electronic mail to: J. Stephen Peek; Robert Cassity, Esq.; John Stigi III, Esq.; G. Mark Albright, Esq.; Jonathan Stein, Esq.; Adam Warden, Esq.; Katherine Ryan, Esq.; Richard Maniskas, Esq.; Richard Gordon, Esq.; Neil Steiner, Esq.; John Aldrich, Esq.; Griffith Hayes; Gustavo Bruckner, Esq.; Shannon Hopkins, Esq.; Dustin Johnson, Esq.; David O'Mara, Esq. ;

07/25/2014



Motion to Seal/Redact Records (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

The Director Defendants' Motion to Seal Their Unredacted Motion to Dismiss The First Cause of Action in Plaintiffs' Class Action Complaint in Intervention and Certain Exhibits Thereto Granted;

Journal Entry Details:

Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20 (e) the Director Defendants' Motion to Seal/Redact is deemed unopposed. Therefore, as the information sought to be protected includes commercially sensitive information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. Mr. Cassity is to be notified by way of minute order to prepare the minute order and notify the appropriate parties. CLERK'S NOTE: A copy of the above minute order was distributed via electronic mail to: J. Stephen Peek; Robert Cassity, Esq.; John Stigi III, Esq.; G. Mark Albright, Esq.; Jonathan Stein, Esq.; Katherine Ryan, Esq.; Richard Maniskas, Esq.; Richard Gordon, Esq.; Neil Steiner, Esq.; John Aldrich, Esq.; Griffith Hayes, Esq.; Gustavo Bruckner, Esq.; Shannon Hopkins, Esq.; Dustin Johnson, Esq.; David O'Mara, Esq.; Randall Baron, Esq.;

08/28/2014

Motion to Dismiss (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

The Director Defendants' Motion to Dismiss The First Cause of Action in Plaintiffs' Class Action Complaint in Intervention (Redacted) Denied;

08/28/2014

Motion to Dismiss (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Defendants Turtle Beach Corporation and VTB Holdings, Inc.'s Motion to Dismiss Plaintiffs' Third Amended Class Action Complaint Denied;

08/28/2014



All Pending Motions (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

THE DIRECTOR DEFENDANTS' MOTION TO DISMISS THE FIRST CAUSE OF ACTION IN PLAINTIFFS' CLASS ACTION COMPLAINT IN INTERVENTION (REDACTED)...DEFENDANTS TURTLE BEACH CORPORATION AND VTB HOLDINGS, INC.'S MOTION TO DISMISS PLAINTIFFS' THIRD AMENDED CLASS ACTION COMPLAINT Argument by Mr. Peek with regards to a direct vs. derivative claim, and


CASE SUMMARY


CASE NO. A-13-686890-B

alternative failure to plead exceptions to the business judgment rule; equity diversion; the threat. Argument by Mr. Hess as to the complaint not being very clear, that the mere receipt of emails is not enough for knowing participation or aiding and abetting. Upon Court's inquiry, Mr. Baron replied there is no reason to keep the complaint filed on February 28, 2014 sealed. COURT stated that under the circumstances it appears that there is nothing there that needs to be sealed; matter SET for status check on the September 5 Chambers calendar as to any objections to unsealing the complaint. Mr. Hess stated this is a fair question and he will provide the information. Argument by Mr. Baron in opposition to the motions; Cohen makes it clear a merger is a direct claim, and they have detailed allegations on the company; Pltfs request the motions be denied as the complaint has satisfied the pleadings standard in Nevada. Mr. Stein stated he had nothing to add. COURT ORDERED, motions DENIED; case is at the pleading stage and the Court has to assume the allegations made by Pltfs in the complaint and intervention are true; the Court makes that assumption, while it understands there are issues that counsel may raise in motions for summary judgment, which is at a different standard. ANSWERS DUE on September 26. Rule 16 Conference SET on October 17. Court advised telephonic appearances at the Conference are acceptable; counsel will be expected to listen, as the Court will set the discovery schedule and trial date, and find out if there are any other injunctive relief issues or other issues that have not yet been covered; for instance, if there are any ESI protocol issues the Court would like to hear about those sooner rather than later. 9-5-14 - CHAMBERS STATUS CHECK RE: UNSEALING THE COMPLAINT FILED 2/28/14...THE DIRECTOR DEFENDANTS' MOTION TO SEAL THEIR UNREDACTED REPLY BRIEF IN SUPPORT OF THEIR MOTION TO DISMISS THE FIRST CAUSE OF ACTION IN PLAINTIFFS' CLASS ACTION COMPLAINT IN INTERVENTION AND EXHIBIT "A" THERETO 10-17-14 8:30 AM MANDATORY RULE 16 CONFERENCE;

09/05/2014 **Motion to Seal/Redact Records (3:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)
The Director Defendants' Motion to Seal Their Unredacted Reply Brief in Support of Their Motion to Dismiss the First Cause of Action in Plaintiffs' Class Action Complaint in Intervention and Exhibit "A" Thereto
 Granted;

09/05/2014 **Status Check (3:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)
Status Check Re: Unsealing the Complaint filed 2/28/14
 Matter Heard;

09/05/2014  **All Pending Motions (3:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)
 Minute Order - No Hearing Held;
 Journal Entry Details:
THE DIRECTOR DEFENDANTS' MOTION TO SEAL THEIR UNREDACTED REPLY BRIEF IN SUPPORT OF THEIR MOTION TO DISMISS THE FIRST CAUSE OF ACTION IN PLAINTIFFS' CLASS ACTION COMPLAINT IN INTERVENTION AND EXHIBIT "A" THERETO...STATUS CHECK RE: UNSEALING THE COMPLAINT FILED 2/28/14 Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to Seal Unredacted Reply Brief is deemed unopposed. Therefore as there is commercially sensitive information contained in the pleading, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. Mr. Cassity is to be notified by minute order to prepare the order and notify the appropriate parties. Futher, Complaint filed 2/28/14 is ORDERED UNSEALED. CLERK'S NOTE: A copy of the above minute order was distributed via electronic mail to: J. Stephen Peek; Robert Cassity, Esq.; John Stigi III, Esq.; G. Mark Albright, Esq.; Jonathan Stein, Esq.; Adam Warden, Esq.; Katherine Ryan, Esq.; Richard Maniskas, Esq.; Richard Gordon, Esq.; Neil Steiner, Esq.; John Aldrich, Esq.; Griffith Hayes; Gustavo Bruckner, Esq.; Shannon Hopkins, Esq.; Dustin Johnson, Esq.; Randall Baron, Esq.; David O'Mara, Esq.; David Knotts, Esq.; Joshua Hess, Esq.; Brian Raphel, Esq.;

10/17/2014  **Mandatory Rule 16 Conference (8:30 AM)** (Judicial Officer: Gonzalez, Elizabeth)
 Matter Heard;
 Journal Entry Details:

Appearances continued: Attorney Adam Warden of Saxena White for the Plaintiffs. Mr. Warden, Mr. Hess, Mr. Raphel, and Mr. O'Mara participated telephonically. Upon inquiry of the Court, Mr. Hess advised Defendants will seek a stay in proceedings if the Supreme Court sought briefing from the other side on their petition. Mr. Gordon noted the petition was filed

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on Monday. Pursuant to parties' agreement, COURT ORDERED, today is the day of the Joint Case Conference and the Report is WAIVED. Parties to file their lists of witnesses, documents, and damages, documents pursuant to Rule 16.1, within 30 days. Mr. Baron advised there is substantial additional discovery; they have received Potashner emails from the buyer they had not previously received and that acknowledge motive and stock manipulation issues; they anticipate doing 7 to 10 depositions and document discovery. Mr. Stigi confirmed Defendants would like to take some depositions and that process has started. Regarding parties' request to have until 2/13/15 to complete document discovery, Mr. Stigi acknowledged expedited discovery was quite limited. Mr. Baron added that time period is simply for Defendants to get documents done and take Plaintiffs' depositions. COURT ORDERED, matter SET for status check on the 11/14/14 Chambers calendar for the draft of an agreed ESI protocol, or competing versions. Based upon counsel's representation, Court noted there are no concerns at this time with regards to confidentiality. Mr. Baron advised they do not intend to add additional parties. Mr. Peek advised they will meet the 11/21/14 deadline for privilege log production, but that they simply did not want the Court to think it will be a final one. Mr. Baron advised Plaintiffs intend to have a damages valuation expert, with the possibility of an industry expert to assist in valuation, and requested expert dates not be staggered. COURT ORDERED, expert disclosures where party bears the burden of proof DUE 6/19/15; Defendants' experts DUE 7/19/15; rebuttal experts DUE 8/19/15; percipient witness discovery cut-off 6/5/15; fact expert discovery cut-off 9/4/15; dispositive motions DUE 9/25/15. Parties need to STIPULATE on clean-up discovery. Matter SET for trial on the stack beginning 11/16/15, with Calendar Call on 11/12/15 and Pre-Trial Conference on 10/23/15. Trial anticipated to last 3 to 4 weeks, including jury selection. Court noted a Jury has been DEMANDED. Motions for Summary Judgment MUST BE HEARD prior to Calendar Call; parties are permitted to work out a briefing schedule amongst themselves. Any motion to amend needs to be filed sooner rather than later. All discovery disputes will be HANDLED by this Court. The Nevada Supreme Court Rule of limiting a deposition to 7 hours is SUSPENDED. If there is a problem at a deposition, the Court prefers to resolve it during the deposition, while everyone is present and before the witness leaves, unless the witness is returning another day. Parties agreed a settlement conference would not be productive at this time. ;

11/07/2014

**Motion to Seal/Redact Records (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)**

The Director Defendants' Motion to Seal Their Unredacted Answer to Class Action Complaint in Intervention.

Motion Granted; The Director Defendants' Motion to Seal Their Unredacted Answer to Class Action Complaint in Intervention.

Journal Entry Details:

Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20 (e) the Motion to Redact is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, as commercially sensitive information governed by the protective order is included in the pleading, motion is GRANTED. Movant may redact the six identified paragraphs. The original answer to remain sealed. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. CLERK S NOTE: A copy of the above minute order was distributed to the parties via electronic mail. (11/7/14 amn) ;

11/14/2014

**Status Check (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)**

11/14/2014, 11/21/2014, 12/05/2014

Status Check: ESI Protocol - Draft of Agreed Protocol or Competing Versions

Continued; Status Check: ESI Protocol - Draft of Agreed Protocol or Competing Versions

Continued; Status Check: ESI Protocol - Draft of Agreed Protocol or Competing Versions

Off Calendar; Status Check: ESI Protocol - Draft of Agreed Protocol or Competing Versions

Journal Entry Details:

Matter handled in open court on 12/8/14.;

Continued; Status Check: ESI Protocol - Draft of Agreed Protocol or Competing Versions

Continued; Status Check: ESI Protocol - Draft of Agreed Protocol or Competing Versions

Off Calendar; Status Check: ESI Protocol - Draft of Agreed Protocol or Competing Versions

Journal Entry Details:

COURT ORDERED, matter CONTINUED two weeks. STATUS CHECK: ESI Protocol - Draft of Agreed Protocol or Competing Versions - 12/5/14 (CHAMBERS) CLERK'S NOTE: a copy of the above minutes was distributed to the parties via electronic mail (11/24/14 amn). ;

Continued; Status Check: ESI Protocol - Draft of Agreed Protocol or Competing Versions

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Continued; Status Check: ESI Protocol - Draft of Agreed Protocol or Competing Versions
Off Calendar; Status Check: ESI Protocol - Draft of Agreed Protocol or Competing Versions
Journal Entry Details:
*COURT ORDERED, matter CONTINUED one week. CONTINUED TO: 11/21/14
(CHAMBERS). CLERK'S NOTE: A copy of the above minute order was provided to counsel
via electronic mail (11/14/14 amn). ;*

12/08/2014 **Hearing (8:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)

*Hearing re: Proposed ESI Protocol
Matter Heard;*

12/08/2014 **Motion to Stay (8:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)

*Deendants' Motion to Stay Pending Consideration by the Nevada Supreme Court on an Order
Shortening Time
Granted in Part;*

12/08/2014  **All Pending Motions (8:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)

*Matter Heard;
Journal Entry Details:
APPEARANCES CONTINUED: Attorney David O'Mara, Adam Warden, and Jonathan Stein
present on behalf of Plaintiffs; Attorney Josh Hess present on behalf of Defendants Turtle
Beach Corp and VTB Holdings, Inc. As to HEARING RE: PROPOSED ESI PROTOCOL:
COURT NOTED, she received the partys' briefs. Statement by Mr. Baron noting he would
advise what the search terms were; advised he had no opposition to the Defense looking at all
the documents; however, noted it didn't appear to be the best practice to follow. Upon Court's
Inquiry, Mr. Knotts stated D.A. stood for a Definitive Agreement. COURT NOTED, normally it
is negotiated that the person doing the search would perform the search as much as needed
until they see the associated costs. Mr. Hess stated there weren't disagreements on the search
terms; however, noted he understood what the discovery terms were going to be. Upon Court's
further inquiry, Mr. Hess stated the it wasn't referenced in the protocol due to time constraints.
Further, Mr. Hess stated he had produced items without the need for discovery; however,
noted the request for search terms requested were an on-going broad scope. Upon Court's
further inquiry regarding how many times counsel anticipated running the search, Mr. Hess
stated he wanted to search the least amount of times possible. Further, statement by Mr. Baron
requesting an order and noting he was happy to work out the search terms. COURT
ORDERED, counsel to meet and confer regarding the Search Terms and Custodian; which are
considered separate; NOTED, if a problem arises counsel can return for a protective order.
COURT FURTHER NOTED, the order seemed overbroad; therefore, inquired when counsel
could come up with a list. Mr. Baron stated if he has a response in one week, he would be done
the following week. COURT FURTHER ORDERED, counsel has thirty (30) days from the
entry of order to negotiate the Search Terms and Custodian. As to DEFENDANTS' MOTION
TO STAY PENDING CONSIDERATION BY THE NEVADA SUPREME COURT ON AN
ORDER SHORTENING TIME: Argument by Mr. Hess regarding whether the claims can be
brought directly or derivatively. COURT NOTED, that was a different issue. Further, Mr.
Hess argued the case before the Supreme Court was dispositive; noting the Plaintiff would
have to ask for leave to amend; there wasn't irreparable harm to the Plaintiff if the case were
stayed. Opposition by Mr. Baron noting whether the writ was regarding the Motion to
Dismiss; whether the case should be stayed or whether he was capable of proceeding. Further,
argument by Mr. Hess regarding whether there would be harm to the Defendants and whether
there was a probability of success on the merits. COURT ORDERED, motion GRANTED IN
PART; matter STAYED for everything EXCEPT entry of the ESI negotiations of the Search
Terms and of the Custodian. COURT FURTHER ORDERED, matters SET for Status check.
1/9/15 (CHAMBERS) - STATUS CHECK: ESI 3/13/15 (CHAMBERS) - STATUS CHECK:
SUPREME COURT DECISION / STAY ;*

01/09/2015  **Status Check (3:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)

01/09/2015, 01/23/2015


*Status Check: ESI
Matter Continued;
Off Calendar;
Journal Entry Details:
ESI Protocol submitted and signed. Matter OFF CALENDAR. CLERK'S NOTE: A copy of the
above minute order was distributed to parties via electronic mail.;*

CASE SUMMARY

CASE NO. A-13-686890-B

Matter Continued;
Off Calendar;
Journal Entry Details:
COURT ORDERED, matter CONTINUED for two weeks. ...1-23-15 - CHAMBERS STATUS CHECK: ESI CLERK'S NOTE: A copy of the above minute order was distributed via electronic mail to parties. / dr;

02/17/2015

 **Status Check (8:30 AM)** (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;
Journal Entry Details:
Mr. Raphel and Mr. Stein participated by telephone. Mr. Knotts stated, he thought the search terms were resolved back in December; parties have talked about (1) the attorneys being able to review everything, or (2) the attorneys running search terms on everything, reviewing that material, and sending it over; the issue now is 3 of the named Defendants which are Mr. Potashner, Mr. Wolfe, and Mr. Putterman, still have problems with the concept of search terms and will not let their attorneys run search terms on their email accounts where they conducted a majority of their Potashner business. Mr. Stigi advised parties did meet and confer on search terms and custodians; the issue is whether they should run search terms on every document, or identify Parametric documents first and run search terms on those; the fact that Plaintiff wants to micromanage his clients' documents is new to him. Upon inquiry of the Court, Mr. Stigi explained, a lawyer and e-discovery consultant will sit with the client, going through the inbox or index, and look at documents that involve members of the board, the former Turtle Beach people, etc.; Mr. Potashner said absolutely; the process will be email by email, with one proviso regarding confidentiality, and that they would probably skip irrelevant email; it will be the same process with Mr. Wolfe and Mr. Putterman. Mr. Stigi advised someone from his office will certify this to the Court. Mr. Knotts stated the brief indicates the process will take hundreds of hours to review search term hits. Court noted, based on what is contained in the "To", "From", and "Re" lines, they will not delve into something not recognized and will be the lawyer's judgment call; it will be a different issue when there is mislabeling of documents, but for now, the Court is satisfied with the diligence of an attorney making that judgment call. Mr. Gordon advised briefing on the writ petition before the Nevada Supreme Court will be completed next week, and he has spoken with Plaintiffs' counsel about the March 13th in-chambers status check before this Court. COURT ORDERED, pursuant to STIPULATION of the parties to extend the stay for six weeks, status check CONTINUED to May 15, 2015 in Chambers. Counsel to submit a status report prior to that date. 2-27-15 CHAMBERS MOTION TO ASSOCIATE COUNSEL (ADAM DAVID WARDEN, ESQ.) 5-15-15 CHAMBERS STATUS CHECK: SUPREME COURT DECISION / STAY 6-11-15 8:30 AM STATUS CHECK 10-23-15 8:30 AM PRE TRIAL CONFERENCE 11-12-15 8:45 AM CALENDAR CALL 11-16-15 1:30 PM JURY TRIAL;

02/27/2015

 **Motion to Associate Counsel (3:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)


Plaintiffs, Raymond Boytim and Grant Oaks' Motion to Associate Counsel (Adam David Warden, Esq.)
Granted;
Journal Entry Details:
Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20 (e) the Motion to Associate counsel (Adam David Warden, Esq.) is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. Attorney David O'Mara is to be notified by way of minute order to prepare the order and notify the appropriate parties. CLERK'S NOTE: A copy of the above minute order was distributed to parties via electronic mail. ;

03/13/2015

CANCELED Status Check (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Vacated - per Judge
Status Check: Supreme Court Decision / Stay

05/13/2015

 **Motion For Stay (1:00 PM)** (Judicial Officer: Gonzalez, Elizabeth)

Defendants' Motion to Extend Stay Pending Consideration By the Nevada Supreme Court and Request For an Order Shortening Time

Denied;
Journal Entry Details:

CASE SUMMARY

CASE NO. A-13-686890-B

All parties appeared by telephone. Mr. Hess requested the Court extend the stay, as they would lose the relief they are seeking from the Nevada Supreme Court. Mr. Peek joined in the request. Mr. Baron opposed Defendants' motion, stating there is no reason to delay their progress. Court asked for an update on the search and production of information before ruling on the motion, referring specifically to the collection of electronic documents as discussed on February 17, 2015, in person. Mr. Stigi stated the Court had indicated they would be discussing ESI protocols and the parameters, but that the actual work would be subject to the stay; obviously, they have collected and produced hundreds of pages of documents, although the additional work would be subject to the stay. Court upon review of its order noted counsel is right and that it did not require compliance with ESI, only finalization of the ESI protocol and execution of search terms. COURT ORDERED, Defendants' motion to extend stay DENIED; while the Court understands the issues related to the Nevada Supreme Court's progress and the appearance that they may actually be considering this, the continued pace needs to occur in some way, shape, or form, especially since this has not been a total stay of proceedings. Court further inquired as to the status of ESI production. Mr. Peek requested some time to take this matter to the Supreme Court. Court requested counsel first provide an answer to its question so the issue can be better framed for the Supreme Court. Mr. Peek deferred to Mr. Stigi as to when they can commence rolling productions. Mr. Stigi advised, after he gets off this phone call he will get with his team to meet with the individuals as soon as possible, either tomorrow, or Friday (May 15, 2015), and start the process of the attorney sitting next to Mr. Potashner, Mr. Wolfe, etc. while they go through the documents; he would imagine a timeframe of 30 to 45 days, with the proviso that they would be able to do a comparison between this additional collection that's already been produced; therefore, there will be a large number of duplicates, with the proviso that Plaintiff's counsel understands it is a result of everything. COURT ORDERED, an aspirational goal of 30 days for the start of the rolling production is given; any impediments to that are to be raised with the Court sooner rather than later. Court further DIRECTED Mr. Gordon to prepare an order indicating denial of an extension of the stay previously ordered on February 4, 2015 and that counsel will be seeking a stay from the Nevada Supreme Court. Once the proposed order is submitted, the Court will give a 5-day stay for counsel to seek relief from the Supreme Court; however, this will not be added to the 30-day aspirational goal.;

05/15/2015



Status Check (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Status Check: Supreme Court Decision / Stay

Off Calendar;

Journal Entry Details:

Matter handled on May 13, 2015 in open court.;

06/11/2015

CANCELED Status Check (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Vacated - per Order

10/23/2015

CANCELED Pre Trial Conference (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Vacated - per Order

11/12/2015

CANCELED Calendar Call (8:45 AM) (Judicial Officer: Gonzalez, Elizabeth)

Vacated - per Order

11/16/2015

CANCELED Jury Trial (1:30 PM) (Judicial Officer: Gonzalez, Elizabeth)

Vacated - per Order

09/15/2017



Minute Order (9:44 AM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order Setting Status Check

Set Status Check;

Journal Entry Details:

COURT ORDERS a Status Check SET re: further proceedings in this matter on Monday, October 2, 2017 8:30 AM (Courtroom 10-C). Parties to appear. CLERK'S NOTE: Parties notified by distributing a copy of this minute order via the E-Service Master List. / dr 9-15-17;

10/02/2017



Status Check (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Status Check: Further Proceedings



Matter Heard;

Journal Entry Details:

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APPEARANCES CONTINUED: Attorney Joshua Hess for Defendants. Mr. Warden and Mr. O'Mara participated by telephone. Court noted the Nevada Supreme Court has determined that this Court is to grant the motion to dismiss and give Plaintiffs leave to amend. Court directed counsel to submit an order that will also indicate how long it will take to amend to state the claim that the Nevada Supreme Court has identified. Mr. Knotts advised they can file an Amended Complaint within 30 days. Mr. Peek stated this is fine, but they would just like to see the order, that it tracks the Nevada Supreme Court's very limited amendment. Following further discussion, Mr. Peek stated they will prepare that order and run it by counsel. At the request of Mr. Knotts, COURT ORDERED, A-16-741073 be CONSOLIDATED with this case. Clerk advised it already is. COURT SO NOTED.;

02/02/2018	<p>Motion to Seal/Redact Records (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Plaintiffs' Motion to File Under Seal the Accompanying Motion to Unseal the Amended Class Action and Derivative Complaint</i></p> <p>Granted;</p>
02/02/2018	<p>Motion (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Plaintiffs' Motion to Unseal the Amended Class Action and Derivative Complaint</i></p> <p>Granted;</p>
02/02/2018	<p> All Pending Motions (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>Minute Order - No Hearing Held;</p> <p>Journal Entry Details:</p> <p><i>PLAINTIFFS' MOTION TO FILE UNDER SEAL THE ACCOMPANYING MOTION TO UNSEAL THE AMENDED CLASS ACTION AND DERIVATIVE COMPLAINT...PLAINTIFFS' MOTION TO UNSEAL THE AMENDED CLASS ACTION AND DERIVATIVE COMPLAINT</i></p> <p><i>Re: Motion to Seal Motion to Unseal filed 12/28/17 Motion to Unseal filed 12/29/17 Motion to file Class Action Complaint under Seal filed 12/1/17 The Court has reviewed the three motions. Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the 12/28/17 Motion to Seal Motion to Unseal and 12/29 Motion to Unseal are deemed unopposed. Therefore, good cause appearing, COURT ORDERED, those motions are both granted. The 12/1/17 Motion to file Class Action Complaint under Seal is MOOT given the court's ruling on the other motions. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / dr 2-5-18;</i></p>
03/12/2018	<p>Motion to Dismiss (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>The Director Defendants' Motion to Dismiss Plaintiffs' Amended Class Action and Derivative Complaint</i></p> <p>Denied;</p>
03/12/2018	<p>Motion to Dismiss (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Defendant VTB Holdings, Inc. and Specially Appearing Defendants Stripes Group, LLC and SG VTB Holdings LLC's Motion to Dismiss Plaintiffs' Amended Class Action and Derivative Complaint</i></p> <p>Denied;</p>
03/12/2018	<p> All Pending Motions (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>THE DIRECTOR DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' AMENDED CLASS ACTION AND DERIVATIVE COMPLAINT...DEFENDANT VTB HOLDINGS, INC. AND SPECIALLY APPEARING DEFENDANTS STRIPES GROUP, LLC AND SG VTB HOLDINGS LLC'S MOTION TO DISMISS PLAINTIFFS' AMENDED CLASS ACTION AND DERIVATIVE COMPLAINT</i> Mr. O'Mara participated by telephone. Arguments by Mr. Stigi, Mr. Hess, and Mr. Baron. Plaintiffs' Motion to Dismiss Hearing Materials submitted by Mr. Baron MARKED as Court's Exhibit 1. (See worksheet.) COURT ORDERED, under the Consipio Private Media analysis, the allegations that have been made about Stripes' directing of conduct towards the injury of the Nevada entity are sufficient at the pleading standard for the Court to exercise jurisdiction over Stripes; demand would be futile given Stripes' interestedness on the board, so prior evaluation of interestedness that the Court has made is not disturbed by the change; new demand needs to be made; given the Nevada Supreme Court's analysis of the equity</p>

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expropriation issue, it appears that the Plaintiffs in re-pleading their Complaint have addressed that issue; while there may be information presented at the summary judgment stage or after some discovery that causes the Court to dismiss those claims, at the pleading stage, they appear appropriate. ;

06/01/2018



Motion (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Plaintiff's Motion to Set a Schedule

Hearing Set; Supplemental Rule 16 Conference set.

Journal Entry Details:

The Court has reviewed the Motion to Set a Schedule. The matter is SET for a supplemental Rule 16 conference and the motions scheduled for June 6 and June 15 will be heard together on June 11, 2018 at 8:30 AM. Judicial Executive Assistant to set a supplemental Rule 16 conference. 6-11-18 8:30 AM DEFENDANTS' MOTION TO STAY...MOTION TO ASSOCIATE COUNSEL (TIMOTHY ZIMMER LACOMB, ESQ.)...SUPPLEMENTAL RULE 16 CONFERENCE CLERK'S NOTE: A copy of this minute order was distributed to the parties via the E-Service list. / dr;

06/11/2018

Motion to Associate Counsel (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Plaintiff's Motion to Associate Counsel (Timothy Zimmer Lacombe, Esq)

Granted;

06/11/2018

Motion to Stay (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Defendants' Motion to Stay

Denied;

06/11/2018

Mandatory Rule 16 Conference (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Supplemental Rule 16 Conference

Trial Date Set; Trial setting order will issue.

06/11/2018



All Pending Motions (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

PLAINTIFF'S MOTION TO ASSOCIATE COUNSEL (TIMOTHY ZIMMER LACOMB, ESQ.): Counsel for Plaintiffs advised Mr. Lacombe is not present today because he had his first child over the weekend. COURT ORDERED, motion to associate counsel GRANTED. By accepting this admission, Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a). DEFENDANTS' MOTION TO STAY: Following arguments by Mr. Peek and Mr. Baron, COURT ORDERED, motion DENIED given the fact that the petition with extraordinary relief has been with the Nevada Supreme Court for 8 weeks. This does not preclude counsel from asking the Supreme Court for a stay. SUPPLEMENTAL RULE 16 CONFERENCE: Colloquy regarding proposed schedule attached to motion attached to motion to set schedule. Mr. Peek noted part of the schedule should be dictated by what happens with class certification with a hearing on that sometime after October 19; completion of discovery should be extended after class certification; he has no problem doing experts after and wants an opportunity to take oral discovery in addition to written discovery. Mr. Stigi stated they had their pre-preliminary injunction hearing discovery back in 2013, ran search terms, and made productions; they also had an ESI protocol in place, and then the case was stayed; they are in the process of gearing the engine back up again and have done the prep work but not productions as they do not have a schedule; right now there is an odd hybrid of a class case and derivative case which creates potential representation conflicts; if in fact this goes forward as both a class and derivative case it could affect class certification. Mr. Peek concurred with Mr. Stigi on the issue raised as to representation and requested Mr. Baron address it today. Mr. Baron responded the real issue is to get document production going and Plaintiffs will brief their class certification motion. Mr. Hess explained it is not purely a resumption of discovery with respect to STRIPES and SGVTB. COURT ORDERED the following schedule: New Defendants to make their initial disclosures pursuant to Rule 16. 1 within 2 weeks. Any additional custodians or additional search terms need to be done within 4 weeks as a group. Parties will inform the Court if they are unable to reach a decision or agreement. Other Defendants to resume rolling ESI production within 2 weeks after a production of a group of documents. Any accompanying privilege log must be submitted for documents that have been withheld. Plaintiffs to file class certification motion within 2 weeks; there will 90 days of discovery prior to an opposition to the class certification motion being

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filed. At this time, the Court is not specifying the discovery that can be done; counsel can do whatever they want; if it becomes burdensome the Court assumes it will be notified. At Mr. Peek's request, Defendants to file their opposition in 104 days or two weeks after the close of discovery; Plaintiffs will then have 30 days to file a reply brief, and a hearing will be set 30 days thereafter, either in early December or January. Expert disclosures where a party bears the burden of proof DUE March 22, 2019; Rebuttal expert disclosures where a party does not bear the burden of proof DUE May 24, 2019; Discovery cut-off SET for August 23, 2019; Dispositive motions and motions in limine to be FILED BY September 27, 2019. Matter SET for Jury Trial on the stack that begins on November 18, 2019. Trial setting order will ISSUE. Court can discuss with counsel a request for more time or modification to the schedule at the time the class certification motion is ruled on; however, a placeholder schedule is being set at this time. Mr. Peek inquired as to when they can have an evidentiary hearing, which the Supreme Court said they were entitled to have, if there is an issue on the part of the Defendants as to whether or not demand is excused. Court noted it assumes counsel will formally ask for that hearing at some point in time and will determine discovery if parties ask for it; some of it may be related to class certification issues.;

07/27/2018



Motion for Class Certification (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

07/27/2018, 01/07/2019

Plaintiffs' Motion for Class Certification and Memorandum of Points and Authorities in Support Thereof

MINUTES

Hearing Set;

Granted;

Journal Entry Details:

Mr. Baron distributed a copy of Plaintiffs' Motion for Class Certification Hearing Materials, MARKED as Court's Exhibit 1 for today. Following arguments by Mr. Baron and Mr. Peek, COURT ORDERED, since this is an equity expropriation case the Court will GRANT the motion for class certification and limit the class to those individuals holding common stock on the day the merger closed, which is January 15, 2014. With regards to class notice, Mr. Baron advised they will go through their claims representative and provide the Court and Defendants within 10 days a form of class notice; once that is approved they will mail it out and do publication as well; they will need the list of shareholders from the Defendants. COURT ORDERED, draft order SET for status check. 1-18-19 CHAMBERS STATUS CHECK: DRAFT ORDER GRANTING CLASS CERTIFICATION, INCLUDING NOTICE PROVISIONS 8-26-19 9:00 AM STATUS CHECK 10-24-19 9:30 AM PRE TRIAL CONFERENCE 11-12-19 9:30 AM CALENDAR CALL 11-18-19 1:30 PM JURY TRIAL;

Hearing Set;

Granted;

Journal Entry Details:

COURT ORDERED, Motion for Class Certification per June 11, 2018 minute order CONTINUED to January 7, 2019 at 9 am. CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / dr 7-30-18;

SCHEDULED HEARINGS



Status Check (01/18/2019 at 3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Status Check: Draft Order Granting Class Certification, including Notice Provisions

09/17/2018

Status Check (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

09/17/2018, 09/24/2018

Status Check: Discovery Search Terms

Matter Continued;

Matter Heard;

Matter Continued;

Matter Heard;

09/17/2018

Motion to Associate Counsel (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Defendants' Motion to Associate Counsel (Alejandro E Moreno)

Granted;

09/17/2018



All Pending Motions (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

CASE SUMMARY

CASE NO. A-13-686890-B

Journal Entry Details:

DEFENDANTS' MOTION TO ASSOCIATE COUNSEL (ALEJANDRO MORENO)...STATUS CHECK: DISCOVERY SEARCH TERMS DEFENDANTS' MOTION TO ASSOCIATE COUNSEL (ALEJANDRO MORENO): COURT ORDERED, motion GRANTED. By accepting this admission, Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a). Proposed order signed in open court and returned to Mr. Peek for filing. STATUS CHECK: DISCOVERY SEARCH TERMS: Court noted the joint motion submitted to chambers needs to be noticed and scheduled on the Court's calendar. COURT ORDERED, joint motion regarding search terms SET for argument on Monday, September 24, 2018. 9-24-18 9:00 AM HEARING ON THE JOINT MOTION FOR HEARING REGARDING SEARCH TERMS DISPUTE ON ORDER SHORTENING TIME...STATUS CHECK: DISCOVERY SEARCH TERMS 1-7-19 9:00 AM PLAINTIFFS' MOTION FOR CLASS CERTIFICATION AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF 8-26-19 9:00 AM STATUS CHECK 10-24-19 9:30 AM PRE TRIAL CONFERENCE 11-12-19 9:30 AM CALENDAR CALL 11-18-19 1:30 PM JURY TRIAL;

09/24/2018

Hearing (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Hearing on the Joint Motion for Hearing regarding Search Terms Dispute on Order Shortening Time
Matter Heard;

09/24/2018

Motion (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Plaintiffs and Specially Appearing Defendants Stripes Group, LLC and SG VTB Holdings, LLC's Joint Motion for Hearing Regarding Search Term Dispute on Order Shortening Time Granted in Part;

09/24/2018



All Pending Motions (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;
Journal Entry Details:
PLAINTIFFS AND SPECIALLY APPEARING DEFENDANTS STRIPES GROUP, LLC AND SG VTB HOLDINGS, LLC'S JOINT MOTION FOR HEARING REGARDING SEARCH TERM DISPUTE ON ORDER SHORTENING TIME HEARING ON THE JOINT MOTION FOR HEARING REGARDING SEARCH TERMS DISPUTE ON ORDER SHORTENING TIME STATUS CHECK: DISCOVERY SEARCH TERMS Adam D. Warden, Esq., present telephonically. Mr. Knotts stated case history. Colloquy regarding production of discovery. Court advised Marriott is a custodian who was involved in the transaction so his data is relevant. The post-merger financial's are appropriate for ESI for one year after the merger. Colloquy regarding remaining discovery. Mr. Knotts stated Defendants are in the process of taking depositions and think they will be filing their opposition in 2-3 weeks. Mr. Hess stated October 9th. Mr. Knotts stated they would reply on the assigned date. Mr. Peek stated they were on schedule. Upon Court's inquiry, counsel do not believe the ESI will slow the process down. COURT ORDERED Motion GRANTED IN PART, one year post-merger. Mr. Knotts to prepare Order. ;

11/09/2018



Motion to Seal/Redact Records (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Motion to Seal Exhibit "G" to Defendant's Opposition to Plaintiffs Motion for Class Certification
Granted;
Journal Entry Details:
Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20 (e) the motion to seal Exhibit G is deemed unopposed. As the proposed sealing and redaction is narrowly tailored to protect account statements/financial information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. 1-7-19 9:00 AM PLAINTIFFS' MOTION FOR CLASS CERTIFICATION AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF 8-26-19 9:00 AM STATUS CHECK 10-24-19 9:30 AM PRE TRIAL CONFERENCE 11-12-19 9:30 AM CALENDAR CALL 11-18-19 1:30 PM JURY TRIAL CLERK'S NOTE: A copy of this minute order was distributed via the E-Service List. / dr 11-13-18;

CASE SUMMARY

CASE NO. A-13-686890-B

01/18/2019



Status Check (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Status Check: Draft Order Granting Class Certification, including Notice Provisions

Minute Order - No Hearing Held;

Journal Entry Details:

Court executed Order; Joint Notice approved. CLERK'S NOTE: A copy of the above Minute Order was placed in the attorney folder of the following: George Albright, Esq., Joseph Peek, Esq. and Richard Gordon, Esq. //1/18/19 lk;

06/26/2019



Motion to Strike (9:49 AM) (Judicial Officer: Gonzalez, Elizabeth)

Defendants' Motion to Strike Jury Demand

Minute Order - No Hearing Held;

Journal Entry Details:

Pursuant to EDCR 2.23, the court decides this matter without the necessity of oral argument. Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes a non-opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to Strike Jury Demand is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. The pretrial conference is vacated. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt;

06/26/2019

CANCELED Minute Order (9:49 AM) (Judicial Officer: Gonzalez, Elizabeth)

Vacated - On in Error

06/28/2019



Motion to Associate Counsel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Motion to Associate Counsel (Nicole C. Delgado) On An Order Shortening Time

Minute Order - No Hearing Held;

Journal Entry Details:

Pursuant to EDCR 2.23, the Court decides this matter without the necessity of oral argument. Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes a non-opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to Associate (Delgado) is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. By accepting this admission, Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a). Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt;

07/05/2019



Motion to Associate Counsel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Motion to Associate Counsel (Ryan Martin Moore) On An Order Shortening Time

07/05/2019



Motion to Associate Counsel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Events: 07/03/2019 Motion to Associate Counsel

Motion to Associate Counsel (David A. Kotler) On An Order Shortening Time

Minute Order - No Hearing Held;




Journal Entry Details:

Pursuant to EDCR 2.23, the Court decides this matter without the necessity of oral argument. Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes a non-opposition has been filed. Accordingly, pursuant to EDCR 2.20(e), the Motion to Associate (Kotler and Moore) is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. By accepting this admission, Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel s conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a). Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt;

08/08/2019

CASE SUMMARY

CASE NO. A-13-686890-B

	 Motion to Associate Counsel (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Motion to Associate Counsel on Order Shortening Time (Maxwell Ralph Huffman, Esq.)</i> Granted; Journal Entry Details: <i>No appearances. Minute order only no hearing held. Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes non-oppositions have been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to Associate (Huffman) is deemed unopposed. By accepting this admission, Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13) (a). Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. 8-26-19 9:00 AM STATUS CHECK 11-12-19 9:30 AM CALENDAR CALL 11-18-19 1:30 PM BENCH TRIAL CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 8-8-19;</i>
08/26/2019	 Status Check (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) Matter Heard; Journal Entry Details: <i>Mr. Warden appeared by telephone. Mr. Peek advised they are not done with discovery as there were two depositions noticed before the close of discovery; Mr. Baron also has two motions, one that is pending and one that is going to be filed. Mr. Baron advised they filed it on Friday (August 23, 2019). Upon Court's inquiry, Mr. Baron estimated 2 to 3 weeks for the trial, and Mr. Peek estimated 3 to 4 due to the holiday. Court stated the parties may agree on a day to have the motions heard and if they think it requires more than the 10 minutes per side the Court will work with them. Mr. Baron advised the motion to compel is pretty straightforward. Mr. Peek added that they also have motions for summary judgment. 9-30-19 9:00 AM PLAINTIFF'S MOTION TO COMPEL DEFENDANTS STRIPES GROUP, LLC AND SG VTB HOLDINGS TO PRODUCE DOCUMENTS (REDACTED VERSION)...PLAINTIFF'S MOTION TO SEAL PLAINTIFF'S MOTION TO COMPEL DEFENDANTS STRIPES GROUP, LLC AND SG VTB HOLDINGS TO PRODUCE DOCUMENTS, DECLARATION IN SUPPORT AND APPENDIX THERETO 11-12-19 9:30 AM CALENDAR CALL 11-18-19 1:30 PM BENCH TRIAL;</i>
08/27/2019	CANCELED Status Check (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - On in Error</i>
10/07/2019	Motion to Compel (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Plaintiff's Motion to Compel Defendants Stripes Group, LLC and SG VTB Holdings to Produce Documents (Redacted Version)</i> Granted;
10/07/2019	Motion to Seal/Redact Records (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Plaintiff's Motion to Seal Plaintiff's Motion to Compel Defendants Stripes Group, LLC and SG VTB Holdings to Produce Documents, Declaration in Support and Appendix Thereto</i> Denied;
10/07/2019	Motion to Compel (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Plaintiffs' Motion to Compel Defendant Turtle Beach to Produce or Allow the Production of Weisbord Documents</i> Granted;
10/07/2019	 All Pending Motions (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) Matter Heard; Journal Entry Details: <i>PLAINTIFFS' MOTION TO COMPEL DEFENDANT TURTLE BEACH TO PRODUCE OR ALLOW THE PRODUCTION OF WEISBORD DOCUMENTS... ..PLAINTIFF'S MOTION TO COMPEL DEFENDANTS STRIPES GROUP, LLC AND SG VTB HOLDINGS TO PRODUCE DOCUMENTS (REDACTED VERSION)... ..PLAINTIFF'S MOTION TO SEAL PLAINTIFF'S MOTION TO COMPEL DEFENDANTS STRIPES GROUP, LLC AND SG VTB HOLDINGS TO PRODUCE DOCUMENTS, DECLARATION IN SUPPORT AND APPENDIX THERETO</i> <i>Mr. Warden appeared by telephone. PLAINTIFFS' MOTION TO COMPEL DEFENDANT</i>

CASE SUMMARY

CASE No. A-13-686890-B

TURTLE BEACH TO PRODUCE OR ALLOW THE PRODUCTION OF WEISBORD DOCUMENTS...PLAINTIFF'S MOTION TO COMPEL DEFENDANTS STRIPES GROUP, LLC AND SG VTB HOLDINGS TO PRODUCE DOCUMENTS (REDACTED VERSION): Argument by Mr. Baron in support of the motions, and by Mr. Kotler in opposition to the Stripes issue and by Mr. Hess in opposition to the Weisbord issue. COURT ORDERED, Mr. Hess has 3 options: (1) he can have someone send an email to Mr. Weisbord saying the confidentiality order or protective order does not preclude Mr. Weisbord from producing this information and that he may produce the information to the extent he thinks it is appropriate; (2) the Court can order Mr. Hess to produce everything his client received as part of litigation; (3) Mr. Hess can cull through documents, and provide a log and provide what he believes to be relevant information with a log of anything they want to withhold. COURT NOTED it is NOT MOVING the November trial date in this case. Mr. Hess responded that with respect to the document Mr. Weisbord produced in the employment litigation, he would want to speak with his client first. Court DIRECTED counsel to pick one of the three options before leaving court today. Mr. Hess stated they will go through Mr. Weisbord's documents. COURT SO ORDERED; counsel has two (2) weeks to accomplish the task. COURT FURTHER ORDERED, the other motion to compel is DENIED. PLAINTIFF'S MOTION TO SEAL PLAINTIFF'S MOTION TO COMPEL DEFENDANTS STRIPES GROUP, LLC AND SG VTB HOLDINGS TO PRODUCE DOCUMENTS, DECLARATION IN SUPPORT AND APPENDIX THERETO: COURT ORDERED, motion GRANTED. 10-11-19 CHAMBERS MOTION TO SEAL PLAINTIFFS' MOTION TO COMPEL DEFENDANT TURTLE BEACH TO PRODUCE OR ALLOW THE PRODUCTION OF WEISBORD DOCUMENTS 11-4-19 10:30 AM THE DIRECTOR DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT REGARDING THE FIRST AND THIRD CAUSES OF ACTION IN THE AMENDED CLASS ACTION AND DERIVATIVE COMPLAINT... ...DEFENDANT VTB HOLDINGS, INC. AND SPECIALLY APPEARING DEFENDANTS STRIPES GROUP, LLC AND SG VTB HOLDINGS, LLC'S MOTION FOR SUMMARY JUDGMENT... ...THE DIRECTOR DEFENDANTS' MOTION FOR SUMMARY JUDGMENT REGARDING THE FIRST CAUSE OF ACTION IN THE AMENDED CLASS ACTION AND DERIVATIVE COMPLAINT... ...DIRECTOR DEFENDANTS' MOTION IN LIMINE NO. 4 TO EXCLUDE REFERENCE TO OTHER LITIGATION INVOLVING KENNETH POTASHNER... ...DIRECTOR DEFENDANTS' MOTION IN LIMINE NO. 1 TO EXCLUDE EVIDENCE CONCERNING CERTAIN STOCK OPTIONS GRANTED IN THE HYPERSOUND HEALTH, INC. SUBSIDIARY OF PARAMETRIC... ...DIRECTOR DEFENDANTS' MOTION IN LIMINE NO. 2 TO EXCLUDE EVIDENCE CONCERNING DISCUSSIONS REGARDING A POTENTIAL BONUS PAYMENT TO THE INDEPENDENT DIRECTORS OF PARAMETRIC... ...DIRECTOR DEFENDANTS' MOTION IN LIMINE NO. 3 TO EXCLUDE EVIDENCE REGARDING NON-PARTY JOHN TODD'S PRIOR LITIGATION AND SETTLEMENT WITH THE SEC... ...DEFENDANTS' MOTION IN LIMINE TO EXCLUDE THE OPINIONS, TESTIMONY, AND REPORTS OF J.T. ATKINS... ...DEFENDANTS' MOTION IN LIMINE TO EXCLUDE EVIDENCE RELATED TO DAMAGES NOT ADDRESSED IN PLAINTIFFS' EXPERT'S REPORT... ...DEFENDANT VTB HOLDINGS, INC. AND SPECIALLY APPEARING DEFENDANTS STRIPES GROUP, LLC AND SG VTB HOLDINGS, LLC'S MOTION IN LIMINE TO EXCLUDE ALL REFERENCE, EVIDENCE, AND TESTIMONY REGARDING POST-MERGER STOCK PERFORMANCE OF TURTLE BEACH CORP.... ...MOTION TO SEAL MOTION FOR SANCTIONS AGAINST DEFENDANTS KENNETH POTASHNER AND VTB HOLDINGS, INC. FOR WILLFUL SPOILIATION OF EVIDENCE 11-8-19 CHAMBERS PLAINTIFF'S MOTION TO SEAL PLAINTIFFS' REPLY IN SUPPORT OF MOTION TO COMPEL DEFENDANTS STRIPES GROUP LLC AND SG VTB HOLDINGS LLC TO PRODUCE DOCUMENTS AND DECLARATION OF DAVID C. O'MARA IN FURTHER SUPPORT OF PLAINTIFFS' REPLY IN SUPPORT OF MOTION TO COMPEL DEFENDANTS STRIPES GROUP LLC AND SG VTB HOLDINGS LLC TO PRODUCE DOCUMENTS 11-12-19 9:30 AM CALENDAR CALL 11-18-19 1:30 PM BENCH TRIAL ;

10/11/2019



Motion to Seal/Redact Records (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Motion to Seal Plaintiffs' Motion to Compel Defendant Turtle Beach to Produce or Allow the Production of Weisbord Documents

Granted;

Journal Entry Details:

Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20 (e) the Motion to Seal Plaintiffs' Motion to Compel Defendant Turtle Beach to Produce or Allow the Production of Weisbord Documents deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this

CASE SUMMARY




CASE NO. A-13-686890-B

matter. 11-4-19 10:30 AM MOTION TO SEAL MOTION FOR SANCTIONS AGAINST DEFENDANTS KENNETH POTASHNER AND VTB HOLDINGS, INC. FOR WILLFUL SPOILIATION OF EVIDENCE 11-8-19 CHAMBERS PLAINTIFFS' MOTION TO SEAL PLAINTIFFS' REPLY IN SUPPORT OF MOTION TO COMPEL DEFENDANTS STRIPES GROUP LLC AND SG VTB HOLDINGS LLC TO PRODUCE DOCUMENTS AND DECLARATION OF DAVID C. O'MARA IN FURTHER SUPPORT OF PLAINTIFFS' REPLY IN SUPPORT OF MOTION TO COMPEL DEFENDANTS STRIPES GROUP LLC AND SG VTB HOLDINGS LLC TO PRODUCE DOCUMENTS 11-12-19 9:30 AM CALENDAR CALL 11-18-19 1:30 PM BENCH TRIAL CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 10-14-19;

10/24/2019	CANCELED Pre Trial Conference (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - per Judge</i>
11/04/2019	CANCELED Motion for Summary Judgment (10:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated</i> <i>The Director Defendants' Motion for Summary Judgment Regarding the First Cause of Action in the Amended Class Action and Derivative Complaint</i>
11/04/2019	CANCELED Motion for Partial Summary Judgment (10:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated</i> <i>The Director Defendants' Motion for Partial Summary Judgment Regarding the First and Third Causes of Action in The Amended Class Action and Derivative Complaint</i>
11/04/2019	CANCELED Motion in Limine (10:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated</i> <i>Director Defendants' Motion in Limine No. 1 to Exclude Evidence Concerning Certain Stock Options Granted in the Hypersound Health, Inc. Subsidiary of Parametric</i>
11/04/2019	CANCELED Motion in Limine (10:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated</i> <i>Director Defendants' Motion in Limine No. 2 to Exclude Evidence Concerning Discussions Regarding A Potential Bonus Payment to the Independent Directors of Parametric</i>
11/04/2019	CANCELED Motion in Limine (10:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated</i> <i>Director Defendants' Motion in Limine No. 3 to Exclude Evidence Regarding Non-Party John Todd's Prior Litigation And Settlement With the SEC</i>
11/04/2019	CANCELED Motion in Limine (10:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated</i> <i>Defendants' Motion in Limine to Exclude the Opinions, Testimony, and Reports of J.T. Atkins</i>
11/04/2019	CANCELED Motion in Limine (10:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated</i> <i>Defendants' Motion In Limine to Exclude Evidence Related to Damages Not Addressed In Plaintiffs' Expert's Report</i>
11/04/2019	CANCELED Motion in Limine (10:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated</i> <i>Defendant VTB Holdings, Inc. and Specially Appearing Defendants Stripes Group, LLC and SG VTB Holdings, LLC's Motion In Limine to Exclude All Reference, Evidence, and Testimony Regarding Post-Merger Stock Performance of Turtle Beach Corp.</i>
11/04/2019	CANCELED Motion for Summary Judgment (10:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated</i> <i>Defendant VTB Holdings, Inc. and Specially Appearing Defendants Stripes Group, LLC and SG VTB Holdings, LLC's Motion for Summary Judgment</i>
11/04/2019	CANCELED Motion in Limine (10:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

CASE SUMMARY

CASE NO. A-13-686890-B

	<p><i>Vacated</i> <i>Director Defendants' Motion in Limine No. 4 to Exclude Reference to Other Litigation Involving Kenneth Potashner</i></p>
11/04/2019	<p>CANCELED Motion for Sanctions (10:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated</i> <i>Plaintiff's Motion For Sanctions Against Defendants Kenneth Potashner And VTB Holdings, Inc. For Willful Spoliation Of Evidence; And Memorandum Of Law IN Support</i></p>
11/08/2019	<p>Motion to Seal/Redact Records (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Motion to Seal Motion for Sanctions Against Defendants Kenneth Potashner and VTB Holdings, Inc. for Willful Spoliation of Evidence</i> Granted;</p>
11/08/2019	<p>Motion to Seal/Redact Records (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Plaintiff's Motion to Seal Plaintiffs' Reply in Support of Motion to Compel Defendants Stripes Group LLC and SG VTB Holdings LLC to Produce Documents and Declaration of David C. O'Mara in Further Support of Plaintiffs' Reply in Support of Motion to Compel Defendants Stripes Group LLC and SG VTB Holdings LLC to Produce Documents</i> Granted;</p>
11/08/2019	<p> All Pending Motions (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) Minute Order - No Hearing Held; Journal Entry Details: <i>MOTION TO SEAL MOTION FOR SANCTIONS AGAINST DEFENDANTS KENNETH POTASHNER AND VTB HOLDINGS, INC. FOR WILLFUL SPOILIATION OF EVIDENCE...PLAINTIFF'S MOTION TO SEAL PLAINTIFFS' REPLY IN SUPPORT OF MOTION TO COMPEL DEFENDANTS STRIPES GROUP LLC AND SG VTB HOLDINGS LLC TO PRODUCE DOCUMENTS AND DECLARATION OF DAVID C. O'MARA IN FURTHER SUPPORT OF PLAINTIFFS' REPLY IN SUPPORT OF MOTION TO COMPEL DEFENDANTS STRIPES GROUP LLC AND SG VTB HOLDINGS LLC TO PRODUCE DOCUMENTS</i> Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the motions to seal and redact are deemed unopposed. As the proposed sealing and redaction is narrowly tailored to protect sensitive commercial information, good cause appearing, COURT ORDERED, motions are GRANTED. Moving Counsel are to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 11-12-19 ;</p>
11/12/2019	<p> Calendar Call (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth) Set Status Check; Journal Entry Details: <i>Mr. O'Mara appeared by telephone. Court noted lack of signatures on the provided term sheet. The Court is also aware that there was an attempt to explain why not everyone had to sign the sheet but needs counsel's representation in open court that all material terms have been agreed to. Mr. Cassity stated he believes they are there and that the Defendants have submitted final edits. Mr. Gordon added that they are at the goal line. Mr. O'Mara confirmed all material terms have been agreed to by all relevant parties and it is simply a matter of nitpicking language; the Plaintiffs were told by both defense counsel that there were very minor changes and they anticipate filing before Friday their motion for preliminary approval. COURT ORDERED, matter SET for status check on this Friday's chambers calendar. Trial VACATED. Settlement term sheet MARKED as Court's Exhibit 1 and SEALED. (See worksheet.) COURT ORDERED, November 18, 2019 bench trial VACATED. 11-15-19 CHAMBERS STATUS CHECK: MOTION FOR PRELIMINARY APPROVAL;</i></p>
11/15/2019	<p> Status Check (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Status Check: Motion for Preliminary Approval</i> Off Calendar; Journal Entry Details: <i>COURT NOTED motion filed. Matter OFF CALENDAR. 12-20-19 CHAMBERS PLAINTIFF'S UNOPPOSED MOTION AND MEMORANDUM OF POINTS AND AUTHORITIES FOR</i></p>

CASE SUMMARY


CASE NO. A-13-686890-B

PRELIMINARY APPROVAL OF SETTLEMENT CLERK'S NOTE: A courtesy copy of this minute order was distributed via Odyssey File and Serve. / dr 11-19-19;

11/18/2019

CANCELED Bench Trial (1:30 PM) (Judicial Officer: Gonzalez, Elizabeth)
Vacated - per Judge

12/11/2019

 **Telephonic Conference** (1:00 PM) (Judicial Officer: Gonzalez, Elizabeth)

Telephonic Conference at Request of Counsel to Reschedule Hearing
Matter Heard; Motion for Preliminary Approval reset on 1/13/20.

Journal Entry Details:

Attorney George Ogilvie and Attorney Adam Apton, Pro Hac Vice pending, for the 4 objecting shareholders. Mr. Ogilvie clarified that he cannot say the 4 shareholders are necessarily objecting, but they want to be given the opportunity to object; those 4 shareholders own, and, he is not certain of this but he believes they own approximately 20% of the outstanding shares in the corporation, so they are not nominal Plaintiffs; they are not available for the December 23rd hearing and have concerns about the notice attached to the motion; they would like time to brief these shareholders' opposition to that motion, and he would like the hearing on the motion moved to January 27 with a January 6 date to file the opposition; if the Court does not feel that is acceptable, his fallback position is December 23rd for the opposition and January 13 for the hearing. Mr. Peek noting Mr. Apton's letter advised that they had anticipated Mr. Apton would be a man of his word; Mr. Apton does not even know yet whether he is a shareholder as of January 15, 2014, which is the date set for the class, and the intervenors should know that already; it is not necessary to kick out the motion this much. Mr. Knotts added that they filed the motion in mid-November, and Mr. Apton requested 10 days to respond; they reached out with a generous briefing schedule, which Mr. Apton rejected; they would rather give notice to the class sooner rather than later. COURT ORDERED, Mr. Ogilvie's fallback position is GRANTED. Plaintiff's Unopposed Motion and Memorandum of Points and Authorities for Preliminary Approval of Settlement RESET from December 23, 2019 to January 13, 2020. Mr. Ogilvie, if he files anything, must do so on or before December 23, 2019. Court further noted that per the Rule the Reply is due 5 judicial days before the hearing. 1-13-20 9:00 AM PLAINTIFFS' UNOPPOSED MOTION AND MEMORANDUM OF POINTS AND AUTHORITIES FOR PRELIMINARY APPROVAL OF SETTLEMENT;

01/10/2020

 **Motion to Associate Counsel** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Motion to Associate Attorney Adam M. Apton on Order Shortening Time
Granted;

Journal Entry Details:

Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20 (e) the Motion to Associate (Apton) is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. By accepting this admission, Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a). Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. 1-13-20 9:00 AM PLAINTIFF'S UNOPPOSED MOTION AND MEMORANDUM OF POINTS AND AUTHORITIES FOR PRELIMINARY APPROVAL OF SETTLEMENT CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 1-10-20;

01/13/2020

 **Motion** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Plaintiff's Unopposed Motion and Memorandum of Points and Authorities for Preliminary Approval of Settlement

Granted in Part;

Journal Entry Details:


APPEARANCES CONTINUED: Attorney Adam Apton, counsel for Objector Barry Weisbord, Pro Hac Vice admitted. Order granting the admission of Mr. Apton signed in open court and returned to Mr. Ogilvie for filing. Following arguments by Mr. Baron and Mr. Apton, COURT ORDERED, the objection, to the extent that it requests a period between the determination of the objection and a period to opt out, is well-founded. The Court will hear any objections that are filed within 3 days of filing; there will be a 3-day notice on those objections, so that means the Court needs to have immediate notice when the objections are filed by the Administrator; within 5 judicial days of the written decision on the objection, the opt-out period will expire. COURT noting no disagreement by the parties, FURTHER ORDERED, the objections will be

CASE SUMMARY

CASE NO. A-13-686890-B

BARRED 90 days after the notice. Mr. Baron to re-do the order and circulate it among all counsel; in that order, Mr. Baron will calculate what the final approval date might be if there are no objections and include a caveat that if there are any objections that date may need to be moved; the motion for final approval will be served prior to the objection deadline.;

05/01/2020

 **Status Check** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)


Status Check: Objections

Minute Order - No Hearing Held;

Journal Entry Details:

Court reviewed declaration filed April 24, 2020. Requests for exclusion will be addressed at the hearing on May 18, 2020. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 5-1-20;

05/18/2020

 **Hearing** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Granted;

Journal Entry Details:

All parties appeared telephonically. Mr. Baron advised no objections were received and argued in support of attorney's fees. Mr. Gordon stated he had nothing to add. COURT ORDERED, Plaintiffs' Motion for Final Approval of Settlement and Approval of Plan of Allocation and an Award of Attorneys' Fees and Expenses GRANTED; the attorney's fees are APPROVED; the intended awards to the class are APPROVED. Court further acknowledged receipt of proposed orders.;


06/01/2020

CANCELED Motion (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Vacated

Plaintiffs' Motion for Final Approval of Settlement and Approval of Plan of Allocation and an Award of Attorneys' Fees and Expenses

06/15/2020

 **Motion to Consolidate** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Events: 06/05/2020 Motion to Consolidate

Defendants' Motion to Consolidate and Ex Parte Application for Order Shortening Time

MINUTES

Granted;

Journal Entry Details:

APPEARANCES CONTINUED: Attorney Elizabeth Tripodi; Attorney Joshua Hess. All parties appeared by telephone. Mr. Peek argued in support of the motion, noting that there are two remaining issues. Court inquired as to how the parties will deal with Rule 41, noting that Mr. Peek's position is that the case gets a new 5-year rule under 41(e). Mr. Kay advised that he does not know if they would be willing to stipulate to that and that he would want to look at the issue. COURT NOTED that if they say no the 5 years would have already expired, including the two years of time the case returned from the appeal. Mr. Apton advised that as lead counsel they would stipulate to the 5 years, although the case would actually move more quickly than that. Court noted it is not an issue with moving quickly but an issue that within 5 years from the date of filing the matter needs to be brought to trial. Upon Court's inquiry, Mr. Apton stated that are willing to accept Mr. Peek's position, that they will get 5 more years under the Rule. Mr. Peek further requested that under EDCR 1.30 the Chief Judge transfer the case to this Court as an EDCR 1.49 related case. COURT ORDERED, as the Nevada Supreme Court has required courts to use the form of USJR for statistical closures, and those are not really closures for purposes of case management, and, this current case has remaining issues for the monitoring and continued reporting to the Court during the settlement distributions of the class members, this case REMAINS OPEN under the definitions that the Nevada Supreme Court outlined under Nalder. For that reason, Court is GRANTING the consolidation given the stipulation of the parties. A815308 will have a new 5-year rule period under 41(e). Court inquired as to when this matter can be set for a Rule 16 conference. Mr. Peek advised that they already have a briefing schedule and that he will defer to Mr. Stigi. Mr. Stigi advised that July 1st is the date for responsive motions to the complaint and they would request a conference. Mr. Hess noted that the motion is not yet on file but the parties have agreed to a briefing schedule that will end on August 6. COURT ORDERED, Rule 16 conference and the hearing on a motion to dismiss SET for August 10, 2020 at 9 am. Order setting the conference will ISSUE. COURT FURTHER ORDERED, the lower case number (A686890) will be the LEAD CASE.;

CASE SUMMARY

CASE NO. A-13-686890-B

SCHEDULED HEARINGS



Mandatory Rule 16 Conference (10/12/2020 at 9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Hearing (08/10/2020 at 9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Hearing on Motion to Dismiss

08/03/2020



Minute Order (10:43 AM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order Continuing Mandatory Rule 16 Conference

Minute Order - No Hearing Held;

Journal Entry Details:

As the Court began conducting a trial offsite on July 13, 2020, daily from 8:00 a.m. to 5:00 p.m., and the length of the trial is at least 2+ months, the Mandatory Rule 16 Conference in this matter is being RESCHEDULED from August 10, 2020 to October 12, 2020 at 9:00 a.m. The Motions will REMAIN where they are scheduled. Parties are welcome to share this information with all concerned. 8-10-20 9:00 AM HEARING ON MOTION TO DISMISS... ...MOTION TO DISMISS ON BEHALF OF SPECIALLY APPEARING DEFENDANTS STRIPES GROUP, LLC, SG VTB HOLDINGS, LLC, KENNETH FOX, AND JUERGEN STARK... ...DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM... 8-24-20 9:00 AM PLAINTIFF PAMPT LLC'S MOTION TO COMPEL DISCOVERY PURSUANT TO RULE 26(H) 10-12-20 9:00 AM MANDATORY RULE 16 CONFERENCE CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 8-4-20;

08/10/2020

Hearing (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Hearing on Motion to Dismiss

Minute Order - No Hearing Held;

08/10/2020

Motion to Dismiss (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Motion to Dismiss On Behalf of Specially Appearing Defendants Stripes Group, LLC, SG VTB Holdings, LLC, Kenneth Fox, and Juergen Stark

Denied;

08/10/2020

Motion to Dismiss (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Defendants' Motion to Dismiss for Failure to State a Claim

Denied;

08/10/2020



All Pending Motions (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order - No Hearing Held;

Journal Entry Details:

MOTION TO DISMISS ON BEHALF OF SPECIALLY APPEARING DEFENDANTS STRIPES GROUP, LLC, SG VTB HOLDINGS, LLC, KENNETH FOX, AND JUERGEN STARK... ...DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM... ...HEARING ON MOTION TO DISMISS Pursuant to Administrative Order 20-01, the Court decides this matter without the necessity of oral argument. The Court, having reviewed the motions to dismiss and the related briefing and being fully informed, DENIES the motions to dismiss. The determinations of notice and equitable tolling are factual issues not suitable for a determination at this stage. With respect to the argument on expropriation, the factual issues related to Potashner's control prelude a ruling at this stage. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 8-10-20;

08/24/2020



Motion to Compel (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Plaintiff PAMPT LLC's Motion to Compel Discovery Pursuant to Rule 26(H)

Granted;

Journal Entry Details:

APPEARANCES CONTINUED: Attorney Elizabeth Tripodi of the Law Firm of Levi & Korsinsky for the Plaintiffs. Parties appeared by telephone. Court inquired of Mr. Ogilvie

CASE SUMMARY**CASE NO. A-13-686890-B**

whether he worked out a production methodology with Mr. Gordon. Mr. Ogilvie stated he did not, but it does not seem there is anything in dispute; they are also willing to enter into the original protective order entered into by the Plaintiffs and Defendants in the original matter; he does not believe that is acceptable to the Defendants. Mr. Gordon confirmed that it does not sound like it has been worked out and deferred to Mr. Hess to address the matter. Mr. Hess advised they are prepared to make the requested production in the motion to compel and sent a proposed protective order that is slightly different from the class. COURT NOTED that when the parties asked that the cases be consolidated, the existing protective became the operative protective order in this case; if someone seeks to modify that, a motion needs to be filed on OST. The motion to compel discovery is GRANTED. Mr. Knotts advised that they filed a response but they are not a party; they were hoping for clarification regarding whether or not they would participate in party discovery. There being no response by Mr. Ogilvie, Court noted that perhaps they would not.;

09/04/2020

**Motion (3:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)

Defendants' Motion to Modify Protective Order and Ex Parte Application for Order Shortening Time

Denied;

Journal Entry Details:

The Court, having reviewed the motion to modify the protective order and the related briefing and being fully informed, is DENIED. While the Court recognizes the concerns expressed by Defendants in seeking modification, Defendant previously sought information from the same litigation to be used in the earlier proceedings in this matter. The current limitation in the protective order permits current Plaintiffs' counsel to communicate with his clients and their representatives for the limited purpose in compliance with the current paragraph 8 of the order filed December 10, 2013. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. 10-12-20 9:00 AM MANDATORY RULE 16 CONFERENCE CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 9-10-20;

10/12/2020

**Minute Order (8:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)

Minute Order Advancing Plaintiff PAMTP LLC's Motion to File Redacted Brief and Attached Exhibits Under Seal

Minute Order - No Hearing Held;

Journal Entry Details:

At request of the Court, the Plaintiff PAMTP LLC's Motion to File Redacted Brief and Attached Exhibits Under Seal (motion filed October 7, 2020) is ADVANCED from the November 13, 2020 chambers calendar to the October 26, 2020 calendar at 9 am. 10-12-12 9:00 AM MANDATORY RULE 16 CONFERENCE 10-26-20 9:00 AM PLAINTIFF PAMTP LLC'S MOTION TO FILE REDACTED BRIEF AND ATTACHED EXHIBITS UNDER SEAL...DEFENDANTS' MOTION TO STRIKE JURY DEMAND CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 10-12-20;

10/12/2020

**Mandatory Rule 16 Conference (9:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)

Trial Date Set;

Journal Entry Details:

Parties appeared by telephone. Court inquired as to what discovery the parties need to do. Mr. Ogilvie stated that he does not know if there will be anything out of the ordinary and confirmed that they received the prior discovery that the Court ordered, which was approximately 365 GB of documents that they are still reviewing; they will probably ask for 6 months of discovery. Upon Court's inquiry, Mr. Ogilvie advised he has not made it through the documents to see if depositions were included. Mr. Peek confirmed that they were. Mr. Ogilvie continued that other than experts and new Defendant depositions the Plaintiffs probably do not need to do anything else; they will at least have valuation experts similar to what was conducted in the class case. Court asked whether all of the documents that they believe they need to produce have all been produced under 16.1. Mr. Ogilvie advised they have not been produced today and he would ask for 30 days. Mr. Peek advised the Defendants have produced over 109,000 documents that came from the underlying case, which has settled; the Plaintiffs have had these materials for over a month because they were produced on September 11; the Plaintiffs have also asked for

CASE SUMMARY

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clarification on some of the documents, and the Defendants have done that, but no documents have been withheld. Mr. Peek further detailed the depositions that they plan on taking and noted that the Plaintiffs' complaint is duplicative; they will look into entity depositions but do not know yet. Mr. Peek detailed his proposed schedule and requested 5 months of discovery. COURT ORDERED, today is the parties joint case conference and the filing of the joint case conference report (JCCR) is WAIVED. Dates scheduled as follows: Additional initial disclosures pursuant to rule 16.1 to be exchanged in 21 days; Additional motions to amend pleadings or add parties TO BE FILED by December 18, 2020; Initial expert disclosures where a party bears the burden of proof DUE by January 29, 2021; Rebuttal expert disclosures where a party does not bear the burden of proof DUE by February 26, 2021; Discovery cut-off SET for April 16, 2021. Matter SET for trial on the stack beginning on August 2, 2021. Trial Setting Order will ISSUE. Court noted it will not know whether the trial will be a bench or jury trial until the motion scheduled for October 26, 2020. COURT FURTHER ORDERED, Plaintiffs are allowed to take 30(b)(6) depositions of Defendants; if they wish to obtain depositions of Defendants that were already previously taken, they must obtain a stipulation or order from the Court. The Defendants may take the depositions of the named Plaintiffs and any other not previously deposed. With regards to the Rule on the 7-hour limit per deposition, Mr. Peek advised the PAMPT entity may be more than 7 hours. Mr. Ogilvie asked that they meet and confer first on the length of the 30(b)(6) deposition and if they cannot agree come to the Court. 10-26-20 9:00 AM DEFENDANTS' MOTION TO STRIKE JURY DEMAND...PLAINTIFF PAMPT LLC'S MOTION TO FILE REDACTED BRIEF AND ATTACHED EXHIBITS UNDER SEAL;

10/26/2020

Motion to Strike (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Defendants' Motion to Strike Jury Demand
Granted;

10/26/2020

Motion to Seal/Redact Records (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Plaintiff PAMTP LLC's Motion to File Redacted Brief and Attached Exhibits Under Seal
Granted;

10/26/2020



All Pending Motions (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

DEFENDANTS' MOTION TO STRIKE JURY DEMAND...PLAINTIFF PAMTP LLC'S MOTION TO FILE REDACTED BRIEF AND ATTACHED EXHIBITS UNDER SEAL Parties appeared by telephone. Following arguments by Mr. Hess and Mr. Ogilvie, COURT ORDERED, motion to strike GRANTED consistent with the Court's July 8, 2019 order, the claims in this matter are to be tried to the Court; while the Court understands it is permissible for a jury to make the determinations on punitive damages, it would seem to not be appropriate to have the Court try all the equitable claims that relate in this case to then have a separate jury seated to hear and make the findings to determine whether punitive damages are appropriate, as well as the amount. The motion to file redacted brief and attached exhibits under seal is also GRANTED as the motion is narrowly tailored and appears to protect the issues raised in the protective order. 4-19-21 9:00 AM STATUS CHECK 7-8-21 9:15 AM PRE TRIAL CONFERENCE 7-27-21 9:30 AM CALENDAR CALL 8-2-21 1:30 PM BENCH TRIAL;

12/18/2020



Motion to Enforce (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Motion to Enforce Court Order and Compel Discovery on Order Shortening Time

MINUTES

Granted in Part;

Journal Entry Details:

The Court, having reviewed the motion to compel and the related briefing and being fully informed, GRANTS the motion IN PART. Although a document is dated after, if the substance of the document refers to Turtle Beach's financial and operational status prior to, during, and just after the merger those documents regardless of the date of creation should be produced. Plaintiff to SUBMIT an affidavit in support of its request for fees related to this issue within 10 judicial days. Defendant may object to any particular entry on the affidavit 5 days thereafter. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition

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effective as an order. COURT FURTHER ORDERED matter SET for a status check on an attorney's fees application in chambers in 4 weeks. 1-15-21 CHAMBERS STATUS CHECK: APPLICATION FOR ATTORNEY'S FEES 4-19-21 9:00 AM STATUS CHECK 7-8-21 9:15 AM PRE TRIAL CONFERENCE 7-27-21 9:30 AM CALENDAR CALL 8-2-21 1:30 PM BENCH TRIAL CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-24-20;

SCHEDULED HEARINGS



Status Check (01/15/2021 at 3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
01/15/2021, 01/29/2021

Status Check: Application for Attorney's Fees

01/15/2021



Status Check (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
01/15/2021, 01/29/2021

Status Check: Application for Attorney's Fees

Matter Continued;

Minute Order - No Hearing Held;

Journal Entry Details:

Upon review of the papers and pleadings on file in this Matter, as proper service of the declarations has been provided, this Court notes no objection has been filed. The Court has reviewed the declaration in support of the request for fees and after evaluation of the Brunzell factors awards \$5617.50 related to the Motion to Compel. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 2-11-21;

Matter Continued;

Minute Order - No Hearing Held;

Journal Entry Details:

COURT ORDERED, as affidavit filed January 12, 2021, matter CONTINUED for 2 weeks. ...1-29-21 - CHAMBERS CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 1-21-21;

03/12/2021



Motion to Compel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Defendants' Motion to Compel Production of Documents

Granted;

Journal Entry Details:

The Court, having reviewed the Motion to Compel and the related briefing and being fully informed, GRANTS the motion. Plaintiffs to provide requested brokerage statements within 15 judicial days. Statements may be redacted to disclose only the transactions in Defendants' securities. Counsel for Defendant is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 3-15-21 ;

04/09/2021

CANCELED Motion for Sanctions (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Vacated - per Stipulation and Order

Plaintiff PAMTP LLC's Motion for Rule 37 Sanctions

04/09/2021

Motion for Sanctions (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Plaintiff PAMTP LLC's Motion to file Plaintiff's Motion for Sanctions against Defendants Kenneth Potashner, Juergen Stark, and VTB Holdings, Inc. for Willful Spoliation of Evidence; and Memorandum of Law in Support and Attached Exhibit Under Seal
Matter Heard;

04/09/2021





Motion for Sanctions (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Plaintiff's Motion for Sanctions Against Defendants Kenneth Potashner, Juergen Stark, and VTB Holdings, Inc. for Willful Spoliation of Evidence; and Memorandum of Law in Support
Matter Heard;

EIGHTH JUDICIAL DISTRICT COURT

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04/09/2021	<p>Motion to Seal/Redact Records (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Motion to Seal Confidential Exhibits to Declaration of Ryan M. Moore in Support of Reply in Support of Defendants' Motion to Compel Production of Documents</i></p> <p>Matter Heard;</p>
04/09/2021	<p> All Pending Motions (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>Granted;</p> <p>Journal Entry Details:</p> <p><i>Motion for Sanctions vacated by 4/5/21 Stipulation and Order Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the motion to seal is deemed unopposed. As the proposed sealing and redaction is narrowly tailored to protect sensitive commercial information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. CLERK'S NOTE: The above minute order has been distributed to counsel by the Court Clerk via electronic service. sm/04-09-21 ;</i></p>
04/12/2021	<p> Motion to Compel (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Plaintiff PAMTP LLC's Motion to Compel Discovery</i></p> <p>Granted; Plaintiff PAMTP LLC's Motion to Compel Discovery</p> <p>Journal Entry Details:</p> <p><i>Pursuant to Adm. Order 21-03 the Court decides this matter without the necessity of oral argument. The Court having reviewed the Motion to Compel and the related briefing and being fully informed, ORDERED motion GRANTED. The deposition of Potashes is limited to 2 hours of inquiry by Plaintiffs on issues related to the newly disclosed information and may explore inconsistencies with prior testimony or statements made under oath. Counsel for Plaintiff is DIRECTED to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. // cbm 04/12/2021;</i></p>
04/13/2021	<p> Minute Order (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Minute Order requesting Status Report</i></p> <p>Minute Order - No Hearing Held;</p> <p>Journal Entry Details:</p> <p><i>At request of the Court, parties to FILE a status report in anticipation of the Status Check scheduled for Monday, April 19, 2021. 04-19-21 9:00 AM STATUS CHECK...MOTION TO SEAL/REDACT RECORDS 07-08-21 9:15 AM PRE TRIAL CONFERENCE 07-27-21 9:30 AM CALENDAR CALL 08-02-21 1:30 PM JURY TRIAL CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / cbm 04-13-21 ;</i></p>
04/16/2021	<p>CANCELED Motion for Sanctions (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Vacated - per Stipulation and Order</i></p> <p><i>Defendants' Motion for Sanctions and Renewed Motion to Modify Protective Order</i></p>
04/19/2021	<p>Status Check (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>Matter Heard;</p>
04/19/2021	<p>Motion to Seal/Redact Records (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Motion to Seal Confidential Exhibits and Redact Portions of Defendants Opposition to Plaintiff's Motion for Sanctions for Willful Spoliation of Evidence</i></p> <p>Motion Granted;</p>
04/19/2021	<p> All Pending Motions (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20</i></p>

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(e) the Motion to Seal is deemed UNOPPOSED. As the proposed sealing of exhibits and redaction of the opposition is narrowly tailored to protect confidential information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this Matter. Court reviewed Defendants Status Report. COURT ORDERED, current dates STANDS; Court will work with counsel s vacation schedule. CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve/ js (4-22-21);

05/07/2021



Motion for Sanctions (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Order Shortening Time on Hearing Regarding Plaintiff's Motion for Sanctions Against Defendants Kenneth Potashner, Juergen Stark, and VTB Holdings, Inc. 4843-8092-0551 v.2 Motion Granted;

Journal Entry Details:

ORDER SHORTENING TIME ON HEARING REGARDING PLAINTIFF'S MOTION FOR SANCTIONS AGAINST DEFENDANTS KENNETH POTASHNER, JUERGEN STARK, AND VTB HOLDINGS, INC. 4843-8092-0551 V. 2 The Court having reviewed PLAINTIFF S MOTION FOR SANCTIONS AGAINST DEFENDANTS KENNETH POTASHNER, JUERGEN STARK, AND VTB HOLDINGS, INC. FOR WILLFUL SPOILIATION OF EVIDENCE and the related briefing and being fully informed, COURT ORDERED, the motion is GRANTED without determining the specific evidentiary sanction to be imposed. The loss of the text messages, emails and other ESI after the litigation hold letters were provided to the individual defendants is of serious concern. COURT FURTHER ORDERED, an evidentiary hearing will be SET prior to trial to evaluate the Ribiero factors and determine which evidentiary sanction is appropriate. Counsel for Plaintiffs is DIRECTED to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court s intended disposition on the subject, but anticipates further order of the Court to make such disposition effective as an order. Status Check Re: Scheduling Evidentiary Hearing SET for 05-11-21 at 9:30 AM. 05-11-21 9:30 AM STATUS CHECK RE: SCHEDULING EVIDENTIARY HEARING 05-14-21 CHAMBERS EX PARTE APPLICATION FOR ORDER SHORTENING TIME 06-04-21 CHAMBERS MOTION TO SEAL CONFIDENTIAL EXHIBITS AND REDACT PORTIONS OF DEFENDANTS MOTION TO COMPEL COMPLIANCE WITH THIS COURT'S MARCH 27, 2021 ORDER COMPELLING PRODUCTION OF DOCUMENTS AND FOR SANCTIONS PURSUANT 06-07-21 9:00 AM DEFENDANTS FIRST MOTION FOR SUMMARY JUDGMENT...DEFENDANT'S SECOND MOTION FOR SUMMARY JUDGMENT (STANDING)...DEFENDANT'S MOTION TO COMPEL COMPLIANCE WITH THIS COURT'S MARCH 27, 2021 ORDER COMPELLING PRODUCTION OF DOCUMENTS AND FOR SANCTIONS 06-11-21 CHAMBERS DEFENDANT'S MOTION TO REDACT AND SEAL CONFIDENTIAL EXHIBITS REGARDING DEFENDANTS MOTIONS FOR SUMMARY JUDGMENT 07-08-21 9:15 AM PRE TRIAL CONFERENCE 07-27-21 9:30 AM CALENDAR CALL 08-02-21 1:30 AM BENCH TRIAL CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / js (5-7-21);

05/11/2021



Status Check (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Status Check Re: Scheduling Evidentiary Hearing

Matter Heard;

Journal Entry Details:

Mr. Peek noted the pending Motion for Summary Judgment and inquired if it would be better to schedule the hearing after the Court hears the motion. Upon the Court s inquiry as to how long the sanctions hearing would take, counsel estimated they would have 3-4 witnesses. COURT ORDERED, Evidentiary Hearing set for June 18, 2021 and each party will have 3 hours to call witnesses. Court Advised, parties will use Electronic Exhibits, and witnesses may appear telephonically. 6/18/21 9:00 AM EVIDENTIARY HEARING;

05/14/2021



Motion (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Ex Parte Application for Order Shortening Time

Granted;

Journal Entry Details:

The Court having reviewed the Motion to Compel and the related briefing and being fully informed, GRANTS the motion. The trading information is within the parties control as it is within their own brokerage accounts. As it appears that good faith efforts to obtain the materials have been undertaken, no fees will be awarded, however, counsel is to continue efforts at full compliance. COURT ORDERED, counsel for Movant is directed to submit a

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proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. - vg//5/14/2021;

05/26/2021



At Request of Court (11:45 AM) (Judicial Officer: Gonzalez, Elizabeth)

Conference Call Re.: Evidentiary Hearing

Matter Heard;

Journal Entry Details:

Court discussed trial schedule with parties. Court stated 06/14 was available; Counsel represented their witnesses and travel were set for 06/18. Court noted no changes were made to schedule. TRIAL DATES STAND.;

06/04/2021



Motion to Seal/Redact Records (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Motion to Seal Confidential Exhibits and Redact Portions of Defendants Motion to Compel Compliance with This Court's March 27, 2021 Order Compelling Production of Documents and For Sanctions Pursuant

Motion Granted;

Journal Entry Details:

Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20 (e) the Motion to Seal and Redact the Motion to Compel is deemed unopposed. As the proposed sealing and redaction is narrowly tailored to protect confidential information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. - vg//6/7/21;

06/11/2021



Motion to Seal/Redact Records (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Defendant's Motion to Redact and Seal Confidential Exhibits Regarding Defendants Motions for Summary Judgment

Motion Granted;

Journal Entry Details:

Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20 (e) the motion to seal is deemed unopposed. As the proposed sealing and redaction is narrowly tailored to protect confidential information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. - vg//6/14/21;

06/14/2021

Motion to Compel (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Defendants' Motion to Compel Compliance with this Court's March 27, 2021 Order Compelling Production of Documents and for Sanctions

Rescheduled from 06/07/21 to 06/14/21.

Matter Heard;

06/14/2021

Motion for Summary Judgment (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Defendants First Motion For Summary Judgment

Rescheduled from 06/07/21 to 06/14/21.

Matter Heard;

06/14/2021

Motion for Summary Judgment (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Defendants' Second Motion for Summary Judgment (Standing)

Rescheduled from 06/07/21 to 06/14/21.

Matter Heard;

06/14/2021








Motion to Quash (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Specially Appearing Defendant Kenneth Fox's Motion to Quash Subpoena or, in the




CASE SUMMARY

CASE NO. A-13-686890-B

	<p><i>Alternative, for Protective Order</i></p> <p>Denied;</p> <p>Journal Entry Details:</p> <p><i>Following counsel's argument Court DENIED Defendant Kenneth Fox's Motion to Quash.;</i></p>
06/14/2021	<p> All Pending Motions (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>DEFENDANTS' MOTION TO COMPEL COMPLIANCE WITH THIS COURT'S MARCH 27, 2021 ORDER COMPELLING PRODUCTION OF DOCUMENTS AND FOR SANCTIONS . . . DEFENDANTS FIRST MOTION FOR SUMMARY JUDGMENT . . . DEFENDANTS' SECOND MOTION FOR SUMMARY JUDGMENT (STANDING) Mr. Gordon stated Summary Judgment was appropriate and argued Mr. Fox was never proactive in the case. Mr. Apton argue the Standing Summary Judgement is a dramatic change in position; he added he believed Thursday's hearing would resolve the matter. Court DENIED the motion to quash and stated a decision would not be made on the remaining matters until Thursday's hearing. ;</i></p>
06/17/2021	<p> Motion in Limine (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Defendant's Motion in Limine to Exclude the Declaration of David C. O' Mara On Order Shortening Time</i></p> <p>Granted in Part;</p> <p>Journal Entry Details:</p> <p><i>Court GRANTED the motion IN PART.;</i></p>
06/17/2021	<p> Motion to Strike (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Defendants' Motion to Strike and Motion In Limine to Exclude Plaintiff's Purported Testifying Experts at June 18, 2021 Evidentiary Hearing and at Trial On Order Shortening Time</i></p> <p>Motion Denied;</p> <p>Journal Entry Details:</p> <p><i>Mr. Peek questioned how counsel was able to determine what has and hasn't been disclosed 145 items and mention 50 of them were not. Additionally, Mr. Peek argued opposing party was aware of the issue and did not disclose it until the last minute. Mr. Ogilvie argued the motion should be denied because the 145 documents in question were random samples. Mr. Gordon stated he had offered the disclosures earlier on in the case. COURT DENIED the motion.;</i></p>
06/18/2021	<p> Motion to Seal/Redact Records (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Defendants' Motion to Seal Confidential Exhibits to Defendants' Reply in Support of Motion to Compel</i></p> <p>Motion Granted;</p> <p>Journal Entry Details:</p> <p><i>Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20 (e) the motion to seal is deemed unopposed. As the proposed sealing and redaction is narrowly tailored to protect confidential information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. - vg//6/18/21;</i></p>
06/18/2021	<p> Evidentiary Hearing (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>06/18/2021, 06/25/2021</p> <p>Matter Continued;</p> <p>Decision Made;</p> <p>Journal Entry Details:</p> <p><i>DAY 2 Closing arguments presented by Mr. Ogilvie and Mr. Peek. Court FOUND notice of litigation hold was given. There was a willful failure to preserve data and communications. Additionally, the number of lost communications is an issue as well as the significant number, of information lost due to Mr. Potashner's willful misconduct. Court FOUND Mr. Potashner's conduct to be much more willful than that of Mr. Fox or Mr. Stark's, where there conduct is negligent. Mr. Ogilvie to revise and resubmit ORDER.;</i></p> <p>Matter Continued;</p> <p>Decision Made;</p>

CASE SUMMARY

CASE NO. A-13-686890-B

	<p>Journal Entry Details: <i>DAY 1 District Court's I.T. verified the electronic exhibit drives and endorsed them to the Clerk. Opening statements presented by Mr. Peek and Mr. Ogilvie. Testimony and exhibits presented. (See worksheet.) Court ORDERED Proposals to be submitted by 5:00 PM on Wednesday 06/23/2021. COURT ORDERED, hearing CONTINUED. 06-25-2021 9:00 AM - 9:30 AM;</i></p>
06/30/2021	<p> At Request of Court (10:30 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>Matter Heard; Journal Entry Details: <i>Court advised she met with Mr. Ogilvie and Mr. Peek the day prior and addressed some of the scheduling and timing challenges hat have come up for the trial. The Court has proposed of r counsel to come up with a protocol for time limitations during the trial. The Court also took a moment to remaining counsel that post-trial briefings would not be allowed. The Court will leave further discussion regarding time limitations and trial protocols to counsel. ;</i></p>
07/08/2021	<p> Pre Trial Conference (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>Matter Heard; Journal Entry Details: <i>Court ORDERED firm start date of 08/16/2021, trial will be held from 9:00 AM to 4:45PM with an hour lunch. Mr. Ogilvi has submitted a proposed trial protocol but it will not be adopted at this time.;</i></p>
07/09/2021	<p> Motion to Seal/Redact Records (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Motion to Seal Confidential Exhibits and Redact Portions of Defendants Reply In Support of Defendants Second Motion for Summary Judgment (Standing)</i></p> <p>Motion Granted; Journal Entry Details: <i>Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20 (e) the motion to seal is deemed unopposed. As the proposed sealing and redaction is narrowly tailored to protect confidential information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. - vg/7/13/21;</i></p>
07/19/2021	<p>Motion for Summary Judgment (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Motion for Summary Judgment of Specially Appearing Defendants Stripes Group, LLC, SG VTB Holdings, LLC, Juergen Stark, and Kenneth Fox</i></p> <p>Motion Denied;</p>
07/19/2021	<p>Motion for Summary Judgment (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Motion for Summary Judgment of Defendant VTB Holdings, Inc. and Specially Appearing Defendants Stripes Group, LLC, SG VTB Holdings, LLC, Juergen Stark, and Kenneth Fox</i></p> <p>Motion Denied;</p>
07/19/2021	<p>Motion in Limine (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Defendants' Motion in Limine to Exclude Plaintiff's Damages</i></p> <p>Motion Denied;</p>
07/19/2021	<p>Motion in Limine (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Defendants' Motion in Limine to Exclude Evidence Related to Alleged Fraud by the Non-Director Defendants</i></p> <p>Motion Denied;</p>
07/19/2021	<p>Motion in Limine (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Defendants' Motion in Limine to Exclude Evidence Related to Alleged Fraud by the Non-Director Defendants</i></p> <p>Motion Denied;</p>

CASE SUMMARY

CASE NO. A-13-686890-B

07/19/2021



Motion for Summary Judgment (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

The Director Defendants' Motion for Summary Judgment

Motion Denied;

Journal Entry Details:

The Court having reviewed MOTION FOR SUMMARY JUDGMENT OF SPECIALLY APPEARING DEFENDANTS STRIPES GROUP, LLC, SG VTB HOLDINGS, LLC, JUERGEN STARK, AND KENNETH FOX and the related briefing and being fully informed, DENIES the motion. There a genuine issues of material fact related to the date of discovery. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and This Decision sets forth the Court s intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. - vg/7/20/21;

07/19/2021

Motion in Limine (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Defendants Motion in Limine to Exclude All Reference, Evidence, and Testimony Regarding Post-Merger Conduct

Motion Denied;

07/19/2021

Motion in Limine (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Defendants Motion in Limine to Exclude Evidence and Testimony Related to Irrelevant or Undisclosed Measures of Damages

Motion Granted;

07/19/2021



All Pending Motions (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order - No Hearing Held;

Journal Entry Details:

Pursuant to Adm. Order 21-04 the Court decides this matter without the necessity of oral argument. The Court notes the sanction order was filed 7/15/21. For purposes of these motions the court makes the presumptions and inferences outlined. The Court having reviewed MOTION FOR SUMMARY JUDGMENT OF SPECIALLY APPEARING DEFENDANTS STRIPES GROUP, LLC, SG VTB HOLDINGS, LLC, JUERGEN STARK, AND KENNETH FOX and the related briefing and being fully informed, denies the motion. There a genuine issues of material fact related to the date of discovery. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and This Decision sets forth the Court s intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. The Court having reviewed MOTION FOR SUMMARY JUDGMENT OF DEFENDANT VTB HOLDINGS, INC. AND SPECIALLY APPEARING DEFENDANTS STRIPES GROUP, LLC, SG VTB HOLDINGS, LLC, JUERGEN STARK, AND KENNETH FOX and the related briefing and being fully informed, denies the motion. There are genuine issues of material fact related to the aiding and abetting claim. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and This Decision sets forth the Court s intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. The Court having reviewed THE DIRECTOR DEFENDANTS MOTION FOR SUMMARY JUDGMENT and the related briefing and being fully informed, denies the motion. Genuine issues of material fact exist related to these director defendant s conduct. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and. This Decision sets forth the Court s intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. The Court having reviewed DEFENDANTS MOTION IN LIMINE TO EXCLUDE THE OPINIONS, TESTIMONY, AND REPORTS OF J.T. ATKINS and the related briefing and being fully informed, denies the motion. The interpretation of the data evaluated by Mr. Atkins goes to its weight not its admissibility.. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and This Decision sets

CASE SUMMARY

CASE NO. A-13-686890-B

forth the Court s intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. The Court having reviewed DEFENDANTS MOTION IN LIMINE TO EXCLUDE PLAINTIFF S DAMAGES and the related briefing and being fully informed, _denies the motion. The damages are related to the shares held a calculable number. While a statement of damages would have been helpful from a procedural standpoint, the information remains the same as before the court approved the class settlement. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and. This Decision sets forth the Court s intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. The Court having reviewed DEFENDANTS MOTION IN LIMINE TO EXCLUDE EVIDENCE AND TESTIMONY RELATED TO IRRELEVANT OR UNDISCLOSED MEASURES OF DAMAGES and the related briefing and being fully informed, grants the motion. While conduct of some director defendants and financial transaction may be related to that individuals course of dealing and motivation it is not relevant to any damages argument and may only be used for the limited purpose of demonstrating motivation. Counsel for VTB is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and This Decision sets forth the Court s intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. The Court having reviewed DEFENDANTS MOTION IN LIMINE TO EXCLUDE EVIDENCE RELATED TO ALLEGED FRAUD BY THE NON-DIRECTOR DEFENDANTS and the related briefing and being fully informed, denies the motion. The conduct of others even of not defendants is relevant to the aiding and abetting claim.. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and. This Decision sets forth the Court s intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. The Court having reviewed DEFENDANTS MOTION IN LIMINE TO EXCLUDE ALL REFERENCE, EVIDENCE, AND TESTIMONY REGARDING POST-MERGER CONDUCT and the related briefing and being fully informed, denies the motion. The post-merger conduct is related to the defendants motivation and conduct. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and This Decision sets forth the Court s intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.;

07/20/2021



Calendar Call (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Trial Date Set;

Journal Entry Details:

Court ORDERED TRIAL SET 08/16/21; trial must end 09/03/21. Proposed Findings of Facts and Conclusion of law due 08/13/21 by noon. Mr. Peek represented to the Court that he and counsel were working on stipulating to exhibits. Mr. Peek inquired of the Court when Rule 2.69 memo would be due. Court advised pre-trial memo was used to reference what/who has been disclosed and Rule 2.69 memo could be submitted anytime since the matter was set for a bench trial. Parties agreed to keep Motion to Approve Defendants' Proposed Trial Protocol on an Order Shortening Time on 07/26. BENCH TRIAL 08/16/21 9:30AM Court noted trial would begin everyday at 9:00 AM and would adjourn at 4:45 PM. ;

07/26/2021



Motion (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)


Motion to Approve Defendants' Proposed Trial Protocol on an Order Shortening Time Granted in Part;

Journal Entry Details:

Mr. Peek stated the trial protocols he proposed as well as requiring a 24 hour notice of witnesses and exhibits would make the trial much more efficient. Mr. Ogilvie stated that the trial protocol should be made with an abundance of caution and taking into consideration that people may get sick it would be difficult to provide a list of witnesses a week ahead btu could do so the day before. Court GRANTED the motion IN PART; counsel is to provide a 24 hour notice before calling a witness. Court ORDERED notice of witnesses to be called on must be given the day prior before the start of the court session. Witnesses to be called on Tuesday, regardless of the time, must be noticed Monday before the start of the court session.;

CASE SUMMARY

CASE NO. A-13-686890-B

08/02/2021	CANCELED Bench Trial (1:30 PM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated</i>
08/16/2021	 Bench Trial (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth) 08/16/2021-08/20/2021, 08/23/2021-08/25/2021 Trial Continues; Trial Continues; Trial Continues; Trial Continues; Trial Continues; Trial Continues; Trial Continues; Motion Granted; Journal Entry Details: <i>DAY 8 Defense presented Rule 52 Motions. Mr. Peek argued Plaintiffs had failed to prove Mr. Potashner was a controlling partner. Mr. Stigi supported Mr. Peek's argument. Mr. Cotter argue there was a lack of evidence from Plaintiffs. Mr. Hess argued shareholder loose right to claim when shares are sold. Mr. Apton argued Potashner bullied, threatened and exploited the boards inability to stop him. Following counsels' argument COURT GRANTED Rule 52 Motion. Unpublished depositions returned to counsel. Mr. Peek to prepare order and provide to all parties. Future trial dates VACATED.;</i> Trial Continues; Trial Continues; Trial Continues; Trial Continues; Trial Continues; Trial Continues; Trial Continues; Motion Granted; Journal Entry Details: <i>Testimony and exhibits presented (see worksheets). Plaintiff RESTED. COURT ORDERED, trial CONTINUED. Court advised tomorrow will begin with argument regarding the Rule 50 motions. CONTINUED TO: 8/25/21 9:00 AM;</i> Trial Continues; Trial Continues; Trial Continues; Trial Continues; Trial Continues; Trial Continues; Trial Continues; Motion Granted; Journal Entry Details: <i>DAY 6 Parties stipulated to several exhibits. Court advised lunch would break at 1:45 PM on Friday. Testimony and exhibits presented. (See worksheet). LUNCH RECESS. Colloquy regarding witness order. Testimony and exhibits continued. (See worksheet). Court advised Plaintiffs used 258 minutes, Defendants used 79 minutes. COURT ORDERED, trial CONTINUED. EVENING RECESS. 08/24/2021 9:00 AM Bench Trial 08/25/2021 9:00 AM Bench Trial 08/26/2021 9:00 AM Bench Trial 08/27/2021 9:00 AM Bench Trial;</i> Trial Continues; Trial Continues; Trial Continues; Trial Continues; Trial Continues; Trial Continues; Trial Continues; Motion Granted; Journal Entry Details: <i>DAY 5 APPEARANCES CONTINUED. Parties stipulated to numerous exhibits. Testimony and exhibits presented. (See worksheet). LUNCH RECESS. Court noted Defendants used 86 minutes, Plaintiff used 151 minutes. COURT ORDER, trial continued, EVENING RECESS. 08/23/2021 9:00 AM Bench Trial 08/24/2021 9:00 AM Bench Trial 08/25/2021 9:00 AM Bench</i>

CASE SUMMARY

CASE NO. A-13-686890-B

Trial 08/26/2021 9:00 AM Bench Trial 08/27/2021 9:00 AM Bench Trial;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Motion Granted;

Journal Entry Details:

DAY 4 APPEARANCES CONTINUED. Testimony and exhibits presented. (See worksheet).

Parties stipulated to numerous exhibits. LUNCH RECESS 11:45 AM. 1:00 PM Courtroom called to order. Colloquy between Court and Counsel regarding scheduling of witnesses. Mr. Peek and Mr. Ogilvie reached further stipulation regarding exhibits. Court noted Defendants used 314 minutes, Plaintiff used 55 minutes; Defendants total 826, Plaintiffs total 539.

COURT ORDER, trial continued, EVENING RECESS. 08/20/2021 9:00 AM Bench Trial 08/23/2021 9:00 AM Bench Trial 08/24/2021 9:00 AM Bench Trial 08/25/2021 9:00 AM Bench Trial 08/26/2021 9:00 AM Bench Trial 08/27/2021 9:00 AM Bench Trial;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Motion Granted;

Journal Entry Details:

DAY 3 APPEARANCES CONTINUED. Plaintiff's counsel served a pocket brief to Court and opposing parties. Colloquy between Court and counsel regarding stipulation to exhibits. Testimony and exhibits presented. (See worksheet). LUNCH RECESS. Testimony and exhibits continued. (See worksheet). Counsel for Plaintiff and Defendants represented to the Court there would be three witnesses the following day. Defendants file deposition to pocket brief.

Colloquy between Court and counsels regarding true rebuttal and scheduling. COURT ORDERED, trial CONTINUED. EVENING RECESS. 08/19/2021 9:00 AM Bench Trial 08/20/2021 9:00 AM Bench Trial;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Motion Granted;

Journal Entry Details:

DAY 2 APPEARANCES CONTINUED. Testimony and exhibits presented. (See worksheet).

LUNCH RECESS at 11:47 AM. Colloquy between Court and Counsel regarding depositions and testimony. Court will ALLOW for elderly witnesses who can not be present to can not appear via video to appear via telephone. Testimony and exhibits continued. (See worksheet). Court noted on 08/27/21 lunch would be taken later in the day due to scheduling conflicts.

COURT ADVISED Plaintiffs used 96 minutes, Defendants used 232 minutes. COURT ORDERED, trial CONTINUED. EVENING RECESS. 08/18/2021 9:00 AM Bench Trial 08/19/2021 9:00 AM Bench Trial 08/20/2021 9:00 AM Bench Trial;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Motion Granted;

Journal Entry Details:


DAY 1 District Court's I.T. verified the electronic exhibit drives and provide them to the Clerk.

Mr. Peak represented to the Court the following parties settled: Andrew Wolfe, Seth Puterman,

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-13-686890-B

	<p><i>Robert M. Kaplan, and El Wood G. Norris. Parties did not stipulate to any exhibits. Court advise she would allow for witnesses to appear via video due to covid restrictions. Opening statements by Mr. Apton, Mr. Peek, and Mr. Hess. Testimony and exhibits presented. (See worksheet). LUNCH RECESS at 11:45 AM. Testimony and exhibits continued. (See worksheet). Court advised Exhibit No. 1037 could not be used because it includes Exhibit No. 410. Court instructed Counsel to breakdown exhibit. COURT ADVISED Plaintiffs used 66 minutes, Defendants used 280 minutes. COURT ORDERED, trial CONTINUED. EVENING RECESS. 08/17/2021 9:00 AM Bench Trial 08/18/2021 9:00 AM Bench Trial 08/19/2021 9:00 AM Bench Trial 08/20/2021 9:00 AM Bench Trial ;</i></p>
08/20/2021	<p> Motion for Good Faith Settlement (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>CERTAIN DIRECTOR DEFENDANTS MOTION FOR DETERMINATION OF GOOD FAITH SETTLEMENT EX PARTE APPLICATION FOR ORDER SHORTENING TIME AND ORDER THEREON</i> Motion Granted; Journal Entry Details: <i>Mr. Peek represented to the Court he had received email confirmation from Turtle Beach regarding payment. COURT GRANTED Motion for Determination of Good Faith Settlement.;</i></p>
10/07/2021	<p>CANCELED Motion for Judgment (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - Previously Decided</i> <i>Defendants' Motion for Judgment on Partial Findings Pursuant to NRCP 52(c) Regarding Lack of Control or Expropriation</i></p>
10/07/2021	<p>CANCELED Motion for Judgment (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - Previously Decided</i> <i>Defendants' Motion for Judgment on Standing Pursuant to NRCP 52(c)</i></p>
10/07/2021	<p>CANCELED Motion for Judgment (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - Previously Decided</i> <i>Defendants' Motion for Judgment for Lack of Evidence on Gentile Damages Pursuant to NRCP 52(c)</i></p>
10/07/2021	<p>CANCELED Motion for Judgment (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - Previously Decided</i> <i>Specially Appearing Defendants Juergen Stark's and Kenneth Fox's Motion for Judgment Under the Statute of Limitations Pursuant to NRCP 52(c)</i></p>
11/04/2021	<p>Motion for Attorney Fees (9:00 AM) (Judicial Officer: Johnson, Susan) <i>Defendants' Motion for Attorneys' Fees</i></p>
DATE	FINANCIAL INFORMATION

Intervenor Defendant Honore, James L	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 10/5/2021	0.00
Intervenor Defendant Kaplan, Robert M	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 10/5/2021	0.00
Intervenor Defendant Norris, Elwood G	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 10/5/2021	0.00
Intervenor Defendant Paris Acquisition Corp	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 10/5/2021	0.00
Intervenor Defendant Putterman, Seth	

CASE SUMMARY**CASE NO. A-13-686890-B**

Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 10/5/2021	0.00
Intervenor Defendant Turtle Beach Corporation	
Total Charges	89.50
Total Payments and Credits	89.50
Balance Due as of 10/5/2021	0.00
Intervenor Defendant VTB Holdings Inc	
Total Charges	1,906.00
Total Payments and Credits	1,906.00
Balance Due as of 10/5/2021	0.00
Intervenor Defendant Wolfe, Andrew L	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 10/5/2021	0.00
Consolidated Case Party Voyetra Turtle Beach, Inc.	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 10/5/2021	0.00
Consolidated Case Party VTB Holdings, Inc.	
Total Charges	800.00
Total Payments and Credits	800.00
Balance Due as of 10/5/2021	0.00
Defendant Potashner, Kenneth F	
Total Charges	2,380.50
Total Payments and Credits	2,380.50
Balance Due as of 10/5/2021	0.00
Intervenor Plaintiff Boytim, Raymond	
Total Charges	1,500.00
Total Payments and Credits	1,500.00
Balance Due as of 10/5/2021	0.00
Intervenor Plaintiff Oakes, Grant	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 10/5/2021	0.00
Objector Weisbord, Barry	
Total Charges	1,483.00
Total Payments and Credits	1,483.00
Balance Due as of 10/5/2021	0.00
Plaintiff Kearney IRRV Trust	
Total Charges	701.00
Total Payments and Credits	701.00
Balance Due as of 10/5/2021	0.00
Plaintiff PAMPT LLC	
Total Charges	24.00
Total Payments and Credits	24.00
Balance Due as of 10/5/2021	0.00
Plaintiff PAMPT LLC	
Appeal Bond Balance as of 10/5/2021	500.00

CASE SUMMARY

CASE NO. A-13-686890-B

CIVIL COVER SHEET
Clark County, Nevada

A- 13- 686890- C

Case No. _____
(Assigned by Clerk's Office)

XXI I I

I. Party Information

Plaintiff(s) (name/address/phone) Kearney IRRV Trust, individually and on behalf of all others similarly situated,

Attorney (name/address/phone): (7020 384-7111
G. MARK ALBRIGHT, ESQ., #1394
ALBRIGHT, STODDARD, WARNICK & ALBRIGHT
801 S. RANCHO DR., STE. D-4
LAS VEGAS, NV 89106

Defendant(s) (name/address/phone): Kenneth F. Potashner, Elwood G. Norris, Seth Putterman, Robert M. Kaplan, Andrew L. Wolfe, James L. Honore, Parametric Sound Corporation, Paris Acquisition Corp., and VTB Holdings, Inc.

Attorney (name/address/phone):

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

☐ Arbitration Requested

Civil Cases

Real Property	Torts	
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> Negligence <input type="checkbox"/> Negligence - Auto <input type="checkbox"/> Negligence - Medical Dental <input type="checkbox"/> Negligence - Premises Liability <input type="checkbox"/> Negligence - Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
Probate	Other Civil Filing Types	
<input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Probate Trust/Conservatorships <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Employer's Insurance of Nevada	<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment - Civil <input type="checkbox"/> Other Personal Property <input checked="" type="checkbox"/> Recovery of Property <input checked="" type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters

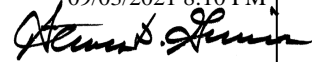
III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

<input type="checkbox"/> NRS Chapters 78-88	<input type="checkbox"/> Investments (NRS 104B)	<input type="checkbox"/> Enhanced Case Mgmt/Business
<input type="checkbox"/> Commodities (NRS 90)	<input type="checkbox"/> Deceptive Trade Practices (NRS 598)	<input type="checkbox"/> Other Business Court Matters
<input type="checkbox"/> Securities (NRS 90)	<input type="checkbox"/> Trademarks (NRS 600A)	

Date 13 Aug 2013

Signature of initiating party or representative

[Handwritten Signature]


CLERK OF THE COURT

1 **FFCL**

3 **DISTRICT COURT**

4 **CLARK COUNTY, NEVADA**

5 IN RE PARAMETRIC SOUND
6 CORPORATION SHAREHOLDERS'
LITIGATION.

LEAD CASE NO.: A-13-686890-B
DEPT. NO.: XI

**ORDER GRANTING DEFENDANTS'
MOTION FOR JUDGMENT PURSUANT
TO NRCP 52(c), FINDINGS OF FACT
AND CONCLUSIONS OF LAW, AND
JUDGMENT THEREON**

7 This Document Related To:

8 PAMTP LLC v. KENNETH
9 POTASHNER, *et. al.*

10 This matter came on regularly for a non-jury trial beginning on August 16, 2021, and
11 continuing through August 25, 2021. Plaintiff PAMTP, LLC appeared by and through their
12 counsel of record George F. Ogilvie III of McDonald Carano LLP and Adam M. Apton of Levi
13 & Korsinsky, LLP. Defendant Kenneth F. Potashner appeared by and through his counsel of
14 record J. Stephen Peek and Robert J. Cassity of Holland & Hart LLP and John P. Stigi III and
15 Alejandro E. Moreno of Sheppard, Mullin, Richter & Hampton LLP.¹ Defendant VTB
16 Holdings, Inc. ("VTBH"), and Specially Appearing Defendants Stripes Group, LLC, SG VTB
17 Holdings, LLC, Juergen Stark and Kenneth Fox (collectively, the "Non-Director Defendants")
18 appeared by and through their counsel Richard C. Gordon of Snell & Wilmer, LLP and Joshua
19 D.N. Hess, David A. Kotler, Brian Raphel, and Ryan Moore of Dechert LLP.

20 After the conclusion of Plaintiff's case-in-chief, Defendants made motions pursuant to
21 NRCP Rule 52(c). The Court having considered the evidence presented at trial, along with oral
22 and written arguments of counsel on such motions, and with the intent of rendering a decision
23 on all remaining claims² before the Court at this time, the Court GRANTS Defendants' motion
24

25 ¹ Certain Director Defendants (Kaplan, Norris, Putterman and Wolf) ("Settling Directors") announced a
26 settlement on the first day of the trial. The Settling Directors Motion for Good Faith Settlement was granted.

27 ² The Nevada Supreme Court in *Parametric v. Eighth Judicial District Court*, 133 Nev. 417 (2017)
28 determined that a derivative claim of equity dilution survived and the claims could include equity expropriation.
In footnote 15, the Nevada Supreme Court determined that **actual fraud** was necessary to prove this type of
claim.

1 pursuant to NRCP 52(c) and enters judgment in favor of Defendants, upon the following
2 findings of fact and conclusions of law.

3 **FINDINGS OF FACT**

4 **I. Class and Derivative Litigation**

5 1. The underlying class action and shareholder derivative action was commenced
6 on August 8, 2013.³ The case arose out of the merger between Parametric Sound Corporation
7 (“Parametric”) and VTBH which closed on January 15, 2014.

8 2. The derivative causes of action for breach of fiduciary duty, aiding and abetting
9 and unjust enrichment claims were extinguished by the settlement and judgment entered by this
10 Court on May 18, 2020.

11 3. On May 18, 2021, the Court granted Plaintiff’s motion against Defendants
12 Kenneth Potashner, Juergen Stark, and VTB Holdings, Inc. setting an evidentiary hearing on
13 June 18, 2021 to determine sanctions, if any.

14 4. Following the June 18, 2021 evidentiary hearing, the Court imposed sanctions in
15 the form of adverse inferences. The Court held that: “(1) Potashner having willfully destroyed
16 text messages text messages and emails relevant to this litigation, the Court makes an adverse
17 inference that the lost text messages and emails relevant to this litigation would have shown
18 that Potashner acted in bad faith when supporting and approving the merger. Potashner may
19 testify and contest this at trial, but his testimony will go to his credibility only because an
20 adverse inference of bad faith has already been made by the Court; and; (2) Stark and Fox
21 having negligently failed to preserve text messages, the Court makes an adverse inference that
22
23
24

25
26 ³ The claims against Defendants were largely resolved through a Rule 23.1 settlement. On January 17,
27 2020, the Court granted preliminary approval of the settlement. On May 18, 2020, the Court ordered that the class
28 action and derivative settlement was “finally approved in all respects” and entered a final judgment dismissing all
of the Class’ released claims, with prejudice, pursuant to the terms of the Stipulation of Settlement filed on
November 15, 2019. These Plaintiffs opted out of the class settlement.

1 the lost information would have been adverse to them.” See Findings of Fact, Conclusions of
2 Law, and Order Imposing Spoliation Sanctions dated July 15, 2021.

3 **II. Opt-Out Litigation**

4 **A. Plaintiff and Assignors**

5 5. Plaintiff PAMTP, LLC is a Delaware limited liability company formed for the
6 purpose of asserting the claims presented in this lawsuit. It purports to assert claims assigned to
7 it by individuals and entities who held Parametric common stock on the closing date of the
8 merger, January 15, 2014.

10 6. Plaintiff was not a holder of Parametric common stock on January 15, 2014.

11 7. The members of Plaintiff are IceRose Capital Management LLC, Robert
12 Masterson, Richard Santulli, Marcia Patricof (as trustee of Patricof Family LP, Marcia Patricof
13 Revocable Living Trust, and the Jules Patricof Revocable Living Trust), Alan and Anne
14 Goldberg, Barry Weisbord, and Ronald and Muriel Etkin (each, an “Assignor”; collectively, the
15 “Assignors”).

16 8. On April 22, 2020, Plaintiff, on behalf of the following individuals and/or
17 entities, opted out of the class action settlement: IceRose Capital Management, LLC; Robert
18 Masterson; Marcia Patricof, on behalf of the Patricof Family LP, Marcia Patricof Revocable
19 Living Trust, and the Jules Patricof Revocable Living Trust; Alan and Anne Goldberg; Barry
20 Weisbord; Ronald and Muriel Etkin; and Richard Santulli (the “Assignors”). In conjunction
21 with opting out of the class action settlement, the Assignors assigned their claims in the
22 litigation to Plaintiff.
23

24 9. PAMTP is managed by its Members. Assignors Adam Kahn (of IceRose Capital
25 Management, LLC) and Robert Masterson were the Member Managers responsible for day-to-
26 day decisions concerning the management of the litigation. Assignor Barry Weisbord is the
27 Chief Executive Manager of Plaintiff who was designated to resolve any disagreements
28

1 between the Member Managers on any particular decision.

2 10. Each of the Assignors held Parametric common stock on the date the merger
3 closed. Each of them, however, sold that stock prior to assigning their claims to Plaintiff in
4 April 2020. Except for IceRose, none of the Assignors owned any Parametric common stock
5 when they purported to assign their claims to Plaintiff. IceRose owned 28,700 shares of
6 Parametric common stock at the time of the purported assignment, but Plaintiff presented
7 insufficient evidence to allow the Court to determine whether IceRose's stockholding in
8 Parametric at the time of the assignment was composed of any of the shares in Parametric it
9 held as of January 15, 2014.

10 11. The Assignors executed Assignments of Claim in April 2020 "assign[ing],
11 transfer[ring], and set[ing] over unto PAMTP LLC . . . all of the Assignor's right, title and
12 interest in any claim that the Assignor has or could have arising from his/her/its ownership of
13 Parametric . . . stock, including any and all claims arising from or related to the [merger]
14 against Parametric or any other entity or individual that could be liable for the acts and/or
15 omissions alleged in [this litigation]."

16 12. The Assignors notified the Court that they had opted-out of the Class by letter
17 dated April 22, 2020. The Assignors advised the Court that they had "assigned their interests in
18 claims arising from the ownership of Parametric common stock to an entity created for the
19 purposes of opting out of the . . . litigation and pursuing claims independently" and,
20 "[a]ccordingly, that entity, PAMTP LLC, also exclude[d] itself from the Class in the Parametric
21 Settlement."

22 13. On May 20, 2020, Plaintiff filed its Complaint in this action asserting two causes
23 of action against defendants: a direct breach of fiduciary duty claim against the Director
24 Defendants based upon an alleged equity expropriation caused by the merger and a direct claim
25 for aiding and abetting against the Non-Director Defendants in connection with the same
26 alleged breach of fiduciary duty.

27 14. When the Assignors sold the Parametric common stock they owned as of
28 January 15, 2014, the Assignors did not enter into any agreement with purchasers of such

1 shares to retain their rights, titles and interests in any claims arising from the Assignors' prior
2 ownership of Parametric common stock, including the claims asserted by plaintiff in this action.

3 15. On June 23, 2020, the Court consolidated Plaintiff's action with and into the
4 class action under the caption above. *See* Order Granting Defendants' Motion to Consolidate
5 dated June 23, 2020.

6 **B. Pre-Merger Parametric**

7 16. Parametric was founded in 2010. In 2013, it was a publicly traded corporation
8 listed on the NASDAQ stock exchange. Parametric was organized under the laws of the State
9 of Nevada.

10 17. Parametric was a start-up technology company focused on delivering novel
11 audio solutions through its HyperSound™ or "HSS®" technology platform, which pioneered
12 the practical application of parametric acoustic technology for generating audible sound along a
13 directional ultrasonic column. The creation of sound using Parametric's technology created a
14 unique sound image distinct from traditional audio systems. In addition to its commercial
15 digital signage and kiosk product business, Parametric was targeting its technology for new
16 uses in consumer markets, including computers, video gaming, televisions and home audio
17 along with other commercial markets including casino gaming and cinema. Parametric was
18 also focusing development on health applications for persons with hearing loss.

19 **C. Directors and Senior Officer of Pre-Merger Parametric**

20 18. In August 2013, Parametric's Board of Directors ("Board") consisted of six
21 individuals: Potashner, Norris, Kaplan, Putterman, Wolfe and non-party James Honoré.

22 **(1) Potashner**

23 19. Potashner was appointed a director in December 2011 and Executive Chairman
24 (equivalent to chief executive officer) in March 2012. Potashner received his bachelor's degree
25 in electrical engineering at Lafayette College in 1979 and a masters' degree in electrical
26 engineering from Southern Methodist University in 1981.

27 20. Potashner resigned from the Board effective May 12, 2014.
28

1 **(2) Norris**

2 21. Norris was a member of the Board since the incorporation of the company on
3 June 2, 2010 and co-founded the company with James Barnes (“Barnes”), Parametric’s chief
4 financial officer. Norris was Parametric’s President and Chief Scientist. Norris is an inventor
5 and owner of more than 50 U.S. patents, primarily in the fields of electrical and acoustical
6 engineering, and is a frequent speaker on innovation to corporations and government
7 organizations. Norris is the inventor of pre-merger Parametric’s HSS technology.

8 22. Norris resigned from the Board effective January 15, 2014.

9 **(3) Putterman**

10 23. Putterman was appointed a director in May 2011. He has been a full faculty
11 member at UCLA since 1970, where he is a Professor of Physics. His research areas include
12 nonlinear fluid mechanics and acoustics, sonoluminescence, friction, x-ray emission and crystal
13 generated nuclear fusion. He earned a B.S. from the California Institute of Technology in 1966
14 and his Ph.D. from Rockefeller University in 1970.

15 24. Putterman resigned from the Board effective November 21, 2013.

16 **(4) Kaplan**

17 25. Kaplan was appointed a director in May 2011. He is a retired business executive
18 with extensive experience in the financial and retail sectors. Kaplan earned an MBA from
19 Harvard University in 1961 and a Ph.D. in Business Economics from Michigan State University
20 in 1967.

21 26. Kaplan resigned from the Board effective January 15, 2014.

22 **(5) Wolfe**

23 27. Wolfe was appointed a director in February 2012.

24 **(6) Honoré**

25 29. Honoré was appointed a director in March 2012.

26 30. Honoré resigned from the Board effective January 15, 2014.

27 **D. Non-Director Defendants**

28 31. VTBH was a privately held Delaware corporation. VTBH and its subsidiaries,

1 including Voyetra Turtle Beach, Inc., are collectively referred to as “Turtle Beach.” Turtle
2 Beach designs, develops and markets premium audio peripherals for video game, personal
3 computer, and mobile platforms. Turtle Beach had strong market share in established gaming
4 markets, including a 53% share of the U.S. console gaming headset market as of year-end 2012
5 according to The NPD Group. Turtle Beach had a presence in 40 countries and has partnered
6 with major retailers, including Wal-Mart, Carrefour, Tesco, Best Buy, GameStop, Target and
7 Amazon.
8

9 32. VTBH was majority owned by Stripes Group, LLC (“Stripes”) and SG VTB,
10 LLC (“SG VTB”). VTBH is a wholly owned subsidiary of the post-merger Turtle Beach.

11 33. Stripes is a private equity firm focused on internet, software, healthcare, IT and
12 branded consumer products businesses. In 2010, Stripes invested in VTBH and became its
13 majority owner.

14 34. Fox is Stripes Group’s founder. Fox sat on the VTBH board of directors after the
15 merger, stepping down on November 15, 2018.

16 35. SG VTB, LLC is a Delaware LLC and is a wholly owned subsidiary of Stripes
17 Group. Stripes formed SG VTB in 2010 to acquire a majority position in VTBH. SG VTB is
18 an investment vehicle for Stripes.

19 36. Stark was chief executive officer of VTBH during negotiations leading to the
20 merger and was named to that position by Stripes in September 2012. Stark has served as
21 Turtle Beach’s CEO since the merger and continues to serve as its CEO today. Stark also sits
22 on Turtle Beach’s current board of directors, and as of January 1, 2020, became Chairman of
23 the Board.

24 **III. Merger Negotiations and the Parametric Board’s Process**

25 37. As part of Parametric’s ongoing strategic planning process, the Parametric Board
26 and Parametric’s executive officers regularly reviewed and evaluated Parametric’s strategic
27 direction and alternatives in light of the performance of Parametric’s business and operations
28 and market, economic, competitive and other conditions and developments.

1 38. In March 2013, Parametric engaged Houlihan Lokey as its financial advisor to
2 evaluate possible strategic alternatives.

3 39. Between March 2013 and August 2013, Houlihan Lokey (working on behalf of
4 Parametric) contacted a total of 13 parties other than Turtle Beach to explore possible strategic
5 alternatives. None of those other parties expressed any material interest in a competing or
6 alternative transaction.

7 40. During this five-month period, the Board held several formal meetings with
8 financial and legal advisers regarding possible strategic transactions. During these meetings,
9 the Directors engaged in robust discussions among themselves and with the Board’s advisers
10 regarding the risks and benefits of a strategic transaction with Turtle Beach and available
11 alternative strategies and transactions.

12 41. Potashner played a leading role in the negotiation of the merger,
13

14 42. The Court previously adopted an adverse inference against Potashner that he
15 “acted in bad faith when supporting and approving the merger.” *See* Findings of Fact,
16 Conclusions of Law, and Order Imposing Spoliation Sanctions dated July 15, 2021. The
17 evidence at trial supported this conclusion.⁴

18 43. Among the terms being negotiated was an agreement to grant to Turtle Beach an
19 exclusive license to HyperSound technology in both the console gaming and PC audio fields in
20 the event Parametric were to terminate any merger agreement before closing. Parametric
21 offered this “break-up fee license agreement” in order to make the merger more attractive to
22 Turtle Beach and Stripes, which had not yet agreed to move forward with the deal. The Board
23 informed itself of the fiduciary implications of this potential “break-up fee license agreement”
24 by consulting with counsel.
25

26
27 ⁴ The Court declines Plaintiff’s invitation to find that actual fraud is not fraud but simply an intentional act.
28 While the Court finds that Potashner acted in bad faith, that finding does not equate to a finding of fraud under any
analysis currently adopted in Nevada.

1 44. The break-up fee license agreement was viewed as complementary to other
2 licensing activities sought out by Parametric at the time.

3 45. Parametric established HyperSound Health, Inc. (“HHI”), a wholly owned
4 subsidiary of Parametric, in October 2012 to facilitate Food and Drug Administration approval
5 for certain medical applications of HyperSound technology (*e.g.*, hearing devices). In February
6 2013 and March 2013, options were granted to four individuals (Potashner and three
7 consultants) to purchase shares of the common stock of HHI.

8 46. Turtle Beach learned about the existence of these stock options through due
9 diligence in late June 2013, after the core terms of the merger had been negotiated. Upon
10 discovery, Turtle Beach demanded that Parametric cancel the stock options it had issued to
11 these four individuals. Turtle Beach informed each of Parametric’s directors that it would not
12 move forward with the merger until these stock options were cancelled. Turtle Beach issued
13 this demand on multiple occasions in June and July 2013.

14 47. The evidence showed that Potashner made efforts to entrench himself in HHI,
15 and to enrich himself with his options in HHI. To obtain these personal benefits, Potashner
16 attempted to favor Turtle Beach, including by avoiding completing valuable licensing deals and
17 delaying announcements of completed deals.

18 48. When it became apparent to the Board that cancellation of Potashner’s HHI was
19 required to facilitate a merger with Turtle Beach, a majority of the Board demanded that
20 Potashner agree to cancel his HHI stock options. In July 2013, at the demand of the Board,
21 Potashner agreed that his HHI options would cancel upon the closing of the proposed merger
22 with Turtle Beach.

23 49. Potashner entered into this agreement without being provided any payment or
24 additional compensation from Parametric, Turtle Beach, Stripes, or anyone else. Potashner
25 received nothing of value from Turtle Beach and lost stock options that he believed could have
26 held substantial value following the merger.

27 50. Parametric engaged Craig-Hallum Capital Group, LLC (“Craig-Hallum”) to pro-
28 vide an opinion regarding the fairness of the proposed merger. Craig-Hallum’s compensation

1 for preparing a fairness opinion was not contingent upon the closing of any transaction.

2 51. On August 2, 2013, a joint meeting of the Parametric Board and compensation
3 committee was held, with the financial and legal advisors of the Parametric Board. At the
4 meeting, representatives of Craig-Hallum reviewed and discussed with the Parametric Board
5 Craig-Hallum's financial analysis and views regarding the merger with Turtle Beach and the
6 terms of the merger agreement with Turtle Beach (including the "Per Share Exchange Ratio"),
7 with reference to a proposed fairness opinion at the request of the Parametric Board, Craig-
8 Hallum rendered its oral opinion to the effect that, as of August 2, 2013, subject to certain
9 assumptions, qualifications and limitations, the "Per Share Exchange Ratio" contemplated by
10 the merger agreement was fair, from a financial point of view, to Parametric.

11 52. The Per Share Exchange Ratio was determined through arm's-length
12 negotiations between Parametric and Turtle Beach.

13 53. Craig-Hallum utilized Parametric's internal financial projections for fiscal years
14 ended September 30, 2013 through September 30, 2017, prepared by and furnished to Craig-
15 Hallum by the management of Parametric. Information regarding the net cash, number of fully-
16 diluted shares of common stock outstanding and net operating losses for Parametric was
17 provided by management. Craig-Hallum utilized Turtle Beach's internal financial projections
18 for fiscal years ended December 31, 2013 through December 31, 2016 prepared by and
19 furnished to Craig-Hallum by the management of Turtle Beach. Information regarding the net
20 debt, number of fully-diluted shares of common stock outstanding and net operating losses for
21 Turtle Beach was provided by management.

22 54. At the August 2, 2013 meeting of the Board, the Directors engaged in robust
23 discussion with representatives of Craig-Hallum regarding its fairness opinion and the
24 calculations. The Directors relied in good faith upon the competency of the analyses performed
25 and opinions rendered by Craig-Hallum. None of the Settling Directors was made aware of
26 errors, if any, contained in Craig-Hallum's analyses.

27 55. In evaluating the merger agreement and the transactions contemplated, the Board
28 consulted with Parametric's management and legal and financial advisors, reviewed a

1 significant amount of information and considered numerous factors which the Parametric Board
2 viewed as generally supporting its decision to approve the merger agreement and the
3 transactions contemplated. The Board also considered and discussed numerous risks,
4 uncertainties and other countervailing factors in its deliberations relating to entering into the
5 merger agreement and the merger.

6 56. Although the Court made an adverse inference that Potashner acted in bad faith
7 in pursuit of his own self-interest when supporting and approving the merger, the Court finds
8 that the Board nevertheless approved the merger agreement with Turtle Beach on August 2,
9 2013 by a majority of independent and disinterested directors exercising their business
10 judgment in good faith. Norris, Kaplan, Putterman, Wolfe and Honoré exercised their good
11 faith business judgment independent of Potashner.

12 57. A majority of the Board believed in good faith that the potential benefits to
13 Parametric shareholders of the merger agreement and the transactions contemplated outweighed
14 the risks and uncertainties attendant to the proposed merger, as well as risks and uncertainties
15 attendant to remaining as a stand-alone entity. A majority of the Board recognized that the
16 expected benefits of the proposed merger with Turtle Beach vastly outweighed the risks
17 attendant to continuing to attempt to execute on its stand-alone entity business plan.

18 58. Under the merger, a subsidiary of Parametric merged with Turtle Beach, with
19 Turtle Beach continuing as the surviving corporation. As a result of the merger, each share of
20 Turtle Beach common stock and Series A Preferred Stock would be cancelled and converted
21 into the right to receive a number of shares of Parametric stock. The end result of the merger
22 was that the pre-merger security holders of Parametric would own 20.01% of the post-merger
23 Parametric (on a fully-diluted basis), while the security holders of Turtle Beach would own the
24 remaining 79.99% of the post-merger Parametric (on a fully-diluted basis).

25 59. Each of Parametric's directors determined independently that the merger was in
26 the best interests of Parametric and its shareholders. Kaplan, Norris, Putterman, Wolfe, and
27 Honoré conducted their own analysis of the terms of the merger agreement, with the assistance
28 of their legal counsel and financial advisors. Their decisions to vote in favor of the merger

1 were not guided by, let alone controlled by, Potashner's support for the merger.

2 60. Kaplan, Norris, and Putterman testified that they did not trust or believe
3 Potashner at all times but they agreed with him in supporting the merger based on their
4 independent judgment.

5 61. Potashner, Norris and Barnes (along with affiliated entities) entered into voting
6 agreements which required them to vote in favor of the merger and to not sell or otherwise
7 transfer their shares for at least six months following the merger. These agreements were
8 disclosed in the proxy statement and represented approximately 19.2% of the outstanding
9 shares of Parametric common stock as of the record date.

10 62. Under the voting agreements entered into by Potashner, Barnes and Norris, as
11 well as certain entities over which they exercised voting and/or investment control (such
12 stockholders and entities collectively referred to as the "management stockholders"), the
13 management stockholders were subject to a lock-up restriction whereby they agreed not to sell
14 or otherwise transfer the shares of Parametric common stock beneficially owned by them or
15 subsequently acquired by them until six months following the closing of the merger, subject to
16 certain exceptions.

17 **IV. Post-Announcement of the Merger**

18 63. On August 5, 2013, after the close of trading on NASDAQ, Parametric issued a
19 press release announcing the execution of the merger agreement.

20 64. Pursuant to the merger agreement, Parametric conducted a 30-day "go-shop"
21 process to elicit potential "topping bids." As part of the "go shop" process, Houlihan Lokey
22 contacted 49 different parties. None expressed interest in making a "topping bid."

23 65. In a call with Parametric shareholders on August 8, 2013 announcing the
24 merger, Turtle Beach disclosed that it expected 2013 revenues and EBITDA to fall in a range
25 that was below the projections Craig-Hallum had relied upon. Turtle Beach disclosed to
26 Parametric shareholders that although console transitions have led to subsequent industry
27 growth in the past,

28 "we can't guarantee that will occur."

1 “it’s very important that you understand the gaming industry context for 2013. Both
2 Xbox and PlayStation have announced launches of new consoles during the holiday’s
3 this year. As a result, the entire gaming sector is going through what we believe to be a
normal cycle of contraction, prior to these new console release[s].”

4 “our business results in particular will be very much dependent on one; how consumer
5 purchasing behavior for more expensive accessories like headset plays out, heading into
6 the transition. Two; when the new console launches will happen and three; what
quantity of new consoles will be available [and] sold during the weeks between the
launch and the year end.”

7 “rely among other things on successful widespread launch of the new consoles with
8 sufficient selling weeks to impact this year as well as availability of some specific
9 components from Microsoft required for sale of our licensed Xbox One headsets, this
holiday. These specific items by the way are outside of our control.”

10 “these uncertainties are driving the wide range around the expectations for revenues
11 and EBITDA I just talked through, but it’s important to note that our actual results could
12 fall materially outside of these ranges if the aforementioned assumptions turned out to
be inaccurate.”

13 66. Turtle Beach’s actual revenues in 2013 were 18% lower than had been
14 forecasted in the projections provided to Craig-Hallum. Turtle Beach’s financial
15 underperformance caused it to trip certain debt covenants with its lender, which resulted in
16 Turtle Beach renegotiating its credit facility in the second half of 2013.

17 67. Parametric’s actual revenues for fiscal year 2013 were 44% lower than had been
18 forecasted in the projections provided to Craig-Hallum.

19 68. Parametric and Turtle Beach were aware of each other’s respective
20 underperformance in late 2013. Parametric management determined that it was not in the best
21 interest of the company or the shareholders to attempt to renegotiate the terms of the merger.

22 69. On December 3, 2013, Parametric filed a 348-page Definitive Proxy Statement
23 with regard to the merger agreement with the SEC and transmitted it to Parametric’s
24 shareholders. The proxy statement sought shareholder votes on several proposals, including (a)
25 whether to approve the issuance of new shares of Parametric common stock to Turtle Beach
26 pursuant to the merger agreement (in effect, to approve the merger) and (b) whether to approve
27 the change in control compensation awards to Potashner, Norris and Barnes in connection with
28 the merger.

1 70. Parametric disclosed Turtle Beach’s actual revenues for 2013 (through
2 September 28, 2013) in the proxy statement and also disclosed Turtle Beach’s issues with
3 respect to the debt covenants.

4 71. The proxy statement did not contain updated financial projections for either
5 Turtle Beach or Parametric. The proxy statement cautioned readers that the projections that
6 Craig-Hallum relied upon were only current “as of August 2, 2013,” the date the fairness
7 opinion was issued, “based on market data as it existed on or before August 2, 2013 and is not
8 necessarily indicative of current or future market conditions.” The proxy statement also
9 contained a prominent warning in bold text that shareholders

10 “should not regard the inclusion of these projections in this proxy statement as an
11 indication that Parametric, Turtle Beach or any of their respective affiliates, advisors or
12 other representatives considered or consider the projections to be necessarily predictive
 of actual future events.”

13 72. The proxy statement also disclosed the risk Stark had warned about on the
14 August 8, 2013 investor call had been realized. The proxy statement disclosed that

15 “Microsoft has informed its partners in the Xbox One console launch that the Xbox One
16 Headset Adapter, being built by Microsoft and provided to Turtle Beach for inclusion
 with new gaming headsets, will not be available until early 2014.”

17 “[t]his delay will result in a downward revision to the 2013 outlook for revenue and
18 EBITDA provided by Turtle Beach’s management on August 8, 2013.”

19 73. The proxy statement further disclosed that “[t]his delay will result in a
20 downward revision to the 2013 outlook for revenue and EBITDA provided by Turtle Beach’s
21 management on August 8, 2013.” The level of such impact depends on several factors,
22 including the projected launch date for the requisite hardware and software from Microsoft
23 which is still being assessed. Turtle Beach plans to update its 2013 outlook for revenue and
24 EBITDA following completion of this assessment.” In making this disclosure, the proxy
25 statement revealed that Turtle Beach expected its financial forecast to fall below the range
26 disclosed on August 8, 2013, which was already lower than the forecast included in Craig-
27 Hallum’s fairness opinion.
28

1 74. In late 2013, Turtle Beach provided additional financial disclosures showing that
2 Turtle Beach's actual performance in 2013 was materially underperforming Turtle Beach's
3 performance in the same time period in 2012 and its prior guidance for 2013. On November 7,
4 2013, Parametric filed a Form 8-K, which disclosed an investor presentation prepared by
5 Parametric and Turtle Beach that included updated net revenue, EBIDTA, and net income
6 numbers for Turtle Beach for the twelve-month period preceding June 30, 2013. That investor
7 presentation also stated that

8
9 "Microsoft's delay of the Xbox One hardware and software until early 2014 is expected
10 to result in a deferral of Turtle Beach's Xbox One headset-related revenues and profits
11 for Q4."

12 Parametric shareholders had access to this information when deciding whether to vote in favor
13 of the merger.

14 75. The proxy statement disclosed that Turtle Beach expected to underperform even
15 the lowered guidance provided to Parametric shareholders on August 8, 2013 and explained
16 that this underperformance was due to the unexpected unavailability of the Microsoft
17 component. The proxy statement further disclosed that Turtle Beach would be revising its
18 projections downward, but that it would not be able to provide those projections until that
19 process was completed.

20 76. The proxy statement contained a fair summary of Craig-Hallum's fairness
21 opinion. The proxy statement also contained a fair and complete summary of interests and
22 potential conflicts in the merger held by members of the Board and management of Parametric.
23 No material interest or potential conflicts in the merger held by members of the Board and
24 management of Parametric were undisclosed in the proxy statement.

25 77. Parametric held a special meeting of its shareholders on December 27, 2013.
26 Approximately 95% of the shares voting in that election to approve the transaction. Neither the
27 Settling Directors nor any combination of Parametric insiders owned sufficient shares in the
28 pre-merger Parametric to control the outcome of the vote in favor of the merger.

1 78. The merger closed on January 15, 2014. As consideration for the merger,
2 Parametric issued new shares of its common stock to Stripes and Turtle Beach, the net effect
3 being that Stripes controlled approximately 80.9% of the combined company. Parametric
4 shareholders, including each of the Settling Directors, who owned a combined 100% of
5 Parametric before the merger, were reduced to a minority 19.1% interest.

6 79. Potashner's employment agreement, which came into effect in April 2012,
7 contained certain change in control provisions. Under that agreement, upon a change in control
8 at Parametric, Potashner would be entitled to a severance payment equivalent to twelve months
9 salary and accelerated vesting of unvested incentive stock options regardless of whether he had
10 met the required milestones.

11 **V. No Control or Actual Fraud**

12 80. Prior to January 15, 2014, Parametric was not a "controlled company" pursuant
13 to NASDAQ rules because more than 50% of its voting power was not concentrated in any
14 single shareholder or control group.

15 81. As disclosed in the proxy statement, persons or entities who held shares of
16 commons stock of Parametric on the "record date" of November 11, 2013, were entitled to vote
17 at the special meeting of shareholders to be held on December 27, 2013. Parametric had
18 6,837,321 shares of common stock outstanding on the record date.

19 82. On November 11, 2013, Potashner owned no shares of common stock of
20 Parametric. Accordingly, Potashner was not entitled to vote at the special meeting of
21 shareholders held on December 27, 2013.

22 83. Norris, Putterman and Kaplan often were hostile to Potashner and acted contrary
23 to what they perceived as Potashner's personal interests by causing the Board to, among other
24 things:

- 25 a. cancel Potashner's options in the HHI subsidiary for no consideration;
- 26 b. rebuff Potashner's efforts to cause Kaplan to retire from his position as a
- 27 director of the pre-merger Parametric;
- 28 c. refuse Potashner's request to remove Wolfe from Parametric's audit

1 committee.

2 d. refuse Potashner's request to be allowed to sell Parametric stock after the
3 announcement of the merger; and

4 e. refuse Potashner's request to allow Parametric consultant John Todd to
5 sell Parametric after the announcement of the merger.

6 84. A majority of the Board of Parametric was independent of Potashner. That
7 majority could and did outvote Potashner on any all matters on which that majority disagreed
8 with Potashner.

9 85. Norris, Putterman, Kaplan and Honoré had no business interactions with
10 Potashner prior to Parametric. Norris, Putterman, Kaplan, Wolfe and Honoré had no pre-
11 existing personal or familial relationship with Potashner.

12 86. None of the Settling Directors was unable to freely exercise his judgment as a
13 member of the Board by reason of:

- 14 a. dominion or control of another;
15 b. fear of retribution by another;
16 c. contractual obligations owed to another; or
17 d. employment by or other business relationship with another.

18 87. No one single individual or group had the authority unilaterally to:

- 19 a. elect new directors to the Board;
20 b. cause a break-up of Parametric;
21 c. cause Parametric to merge with another company;
22 d. amend Parametric's certificate of incorporation;
23 e. cause Parametric to sell all or substantially all of the assets of Parametric;
24 f. alter materially the nature of Parametric and the public shareholders'

25 interest therein; or

- 26 g. offer employment to anyone in the post-merger Parametric.

27 88. Potashner did not receive any compensation as a result of the merger that he was
28 not entitled to receive through his employment contract, which included a severance payment,

1 an annual bonus, and accelerated vesting of certain incentive stock options upon a change in
2 control. Potashner could have received the same compensation had Parametric merged with a
3 different partner. Each of these forms of compensation were disclosed in the proxy statement.

4 89. Potashner did not enter any side deals or other agreements with Turtle Beach or
5 Stripes for additional compensation. Other than through his employment agreement, Potashner
6 received nothing of value from Turtle Beach or Stripes in exchange for his support for the
7 merger.

8 90. All directors holding equity in Parametric were diluted by the merger to the
9 same extent as every other public shareholder.

10 **CONCLUSIONS OF LAW**

11 1. NRCF 52(c) allows the district court in a bench trial to enter judgment on partial
12 findings against a party when the party has been fully heard on an issue and judgment cannot be
13 maintained without a favorable finding on that issue.

14 2. The directors of a Nevada corporation “are presumed to act in good faith, on an
15 informed basis and with a view to the interests of the corporation”. NRS 78.138(3). In
16 exercising his or her business judgment, a director is “entitled to rely on information, opinions
17 [and] reports” from, among others, “[o]ne or more directors, officers or employees of the
18 corporation reasonably believed to be reliable and competent in the matters prepared or
19 presented.” NRS 78.138(2)(a). A director may rely upon “information, opinions [and] reports”
20 from “[c]ounsel, public accountants, financial advisers, valuation advisers, investment bankers
21 or other persons as to matters reasonably believed to be within the preparer’s or presenter’s
22 professional or expert competence.” NRS 78.138(2)(b). Directors “are not required to consider
23 the effect of a proposed corporate action upon any particular group having an interest in the
24 corporation as a dominant factor.” NRS 78.138(5). Directors of a Nevada corporation are not
25 required to elevate the short-term interests of stockholders (such as maximizing immediate,
26 short-term share value) ahead of any of the other interests set forth in NRS 78.138(4).

27 3. Under NRS 78.211(1),

28 “the board of directors may authorize shares to be issued for consideration consisting of
any tangible or intangible property or benefit to the corporation, including, but not

1 limited to, cash, promissory notes, services performed, contracts for services to be
2 performed or other securities of the corporation. The nature and amount of such
3 consideration may be made dependent upon a formula approved by the board of
4 directors or upon any fact or event which may be ascertained outside the articles of
5 incorporation or the resolution providing for the issuance of the shares adopted by the
6 board of directors if the manner in which a fact or event may operate upon the nature
7 and amount of the consideration is stated in the articles of incorporation or the
8 resolution. The judgment of the board of directors as to the consideration received for
9 the shares issued is conclusive in the absence of actual fraud in the transaction.”

10 4. Directors “confronted with a change or potential change in control of the
11 corporation” have (a) the normal duties of care and loyalty imposed by operation of NRS
12 78.138(1); (b) the benefit of the business judgment rule presumption established by NRS
13 78.138(3); and (c) the “prerogative to undertake and act upon consideration pursuant to
14 subsections 2, 4 and 5 of NRS 78.138.” NRS 78.139(1). The provisions of NRS 78.139(2) do
15 not apply in this case.

16 5. In *Chur v. Eighth Judicial Dist. Court*, 136 Nev. Adv. Op. 7, 458 P.3d 336, 340
17 (2020), the Court noted that “NRS 78.138(7) requires a two-step analysis to impose individual
18 liability on a director or officer.” First, the presumptions of the business judgment rule must be
19 rebutted. *Id.* Second, the “director’s or officer’s act or failure to act” must constitute “a breach
20 of his or her fiduciary duties,” and that breach must further involve “intentional misconduct,
21 fraud or a knowing violation of law.” NRS 78.138(7)(b)(1)-(2). The *Chur* Court confirmed
22 that NRS 78.138 “provides for the sole circumstance under which a director or officer may be
23 held individually liable for damages stemming from the director's or officer's conduct in an
24 official capacity.” *Chur*, 458 P.3d at 340.

25 6. The *Chur* Court also explained that intentional misconduct and knowing
26 violation of the law under NRS 78.138 is an expansive test:

27 “To give the statute a realistic function, it must protect more than just directors (if any)
28 who did not know what their actions were [wrongful]; it should protect directors who
knew what they did but not that it was wrong.”

Id. at 341. A plaintiff “must establish that the director or officer had knowledge that the alleged
conduct was wrongful in order to show a “knowing violation of law” or “intentional
misconduct” pursuant to NRS 78.138(7)(b).” *Id.*

1 7. The Settling Directors were entitled to the benefit of the business judgment rule
2 presumption in connection with their consideration and approval of the merger with Turtle
3 Beach.

4 8. Plaintiff failed to meet its burden of rebutting the business judgment rule
5 presumption as to a majority of the Board. A majority of the Board (a) reasonably relied upon
6 the advice, information and opinions of other directors, employees and competent professionals
7 (including counsel) and financial advisors and (b) acted in good faith and independently when
8 considering and approving the merger. Plaintiff failed to meet its burden of proving that a
9 majority of the Board engaged in a knowing violation of law or intentional misconduct, or
10 engaged in actual fraud.

11 9. Plaintiff failed to meet its burden of proving that Potashner engaged in actual
12 fraud.

13 10. Plaintiff failed to meet its burden of proving that Houlihan Lokey and/or Craig-
14 Hallum did not have knowledge and competence concerning the matters in question or that any
15 purported conflict of interest would cause the Director Defendants' reliance thereon to be
16 unwarranted.

17 11. In 2017, the Nevada Supreme Court ruled in this litigation that the only direct
18 claim that Parametric shareholders might have standing to assert arising out of the merger was
19 an "equity expropriation" claim. *See Parametric Sound Corp. v. Eighth Jud. Dist. Ct.*, 133
20 Nev. 417, 429, 401 P.3d 1100, 1109 (2017). Any other claim contesting the merger would be
21 derivative in nature, and was extinguished by the settlement and judgment entered by this Court
22 on May 18, 2020.

23 12. The Court in *Parametric* held that "equity expropriation claims involve a
24 controlling shareholder's or director's expropriation of value from the company causing other
25 shareholders' equity to be diluted." *Id.*

26 13. The severance payment and accelerated vesting of incentive stock options
27 provided for under Potashner's April 2012 employment agreement, which were triggered upon
28 the closing of the merger between Parametric and Turtle Beach on January 15, 2014, for

1 purposes of the motion, will be presumed to have constituted an expropriation by Potashner of
2 value from the company causing Parametric shareholders' equity to be diluted.

3 14. Plaintiff failed to meet its burden of proving that Parametric had a controlling
4 shareholder or controlling director.

5 15. Plaintiff has failed to meet its burden to prove that Potashner's receipt of
6 incentive stock options is an expropriation of value by a controlling shareholder. As such,
7 Plaintiff failed to prove an essential element of an equity expropriation claim under Nevada
8 law.

9 16. Plaintiff further failed to meet its burden to prove that the Parametric Board's
10 decision was impacted by actual fraud, intentional misconduct, or bad faith.

11 17. By reason of Plaintiff's failure to meet its burden to prove a primary equity
12 expropriation claim against the Director Defendants, Plaintiff failed to meet its burden to prove
13 a secondary aiding and abetting claim against the Non-Director Defendants.

14 18. Because the Court is granting the NRCP 52(c) motion on the aforementioned
15 substantive grounds, it does not reach the merits of the additional arguments made by
16 Defendants in regard to Plaintiff's standing, the operation of the statute of limitations or the
17 measure of damages proffered by Plaintiff.

18 THEREFORE, IT IS HEREBY ORDERED that defendants' motion pursuant to NRCP
19 52(c) is GRANTED.

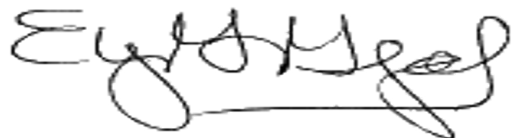
20 **JUDGMENT**

21 The Court having entered the foregoing Findings of Fact and Conclusions of Law, and
22 good cause appearing,

23 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that JUDGMENT is
24 entered in favor of Defendants and against Plaintiff as to all of Plaintiff's remaining claims.

25 DATED this _____ day of September 2021.

Dated this 3rd day of September, 2021

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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Kearney IRRV Trust, Plaintiff(s) | CASE NO: A-13-686890-B
7 vs. | DEPT. NO. Department 11
8 Kenneth Potashner, 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 Findings of Fact, Conclusions of Law and Judgment was served via the
13 court's electronic eFile system to all recipients registered for e-Service on the above entitled
case as listed below:

14 Service Date: 9/3/2021

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15 If indicated below, a copy of the above mentioned filings were also served by mail
16 via United States Postal Service, postage prepaid, to the parties listed below at their last
17 known addresses on 9/7/2021

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///

PLEASE TAKE NOTICE that the *Order Granting Defendants' Motion for Judgment Pursuant to NRCP 52(c), Findings of Fact and Conclusions of Law, and Judgment Thereon* was entered with this Court on September 3, 2021, a copy of which is attached hereto.

Dated: September 8, 2021

SNELL & WILMER L.L.P.

By: /s/ Richard C. Gordon

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CERTIFICATE OF SERVICE

As an employee of Snell & Wilmer L.L.P., I certify that I served a copy of the foregoing
**NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS' MOTION FOR
JUDGMENT PURSUANT TO NRCP 52(C), FINDINGS OF FACT AND CONCLUSIONS
OF LAW, AND JUDGMENT THEREON** on the 8th day of September 2021, via e-service
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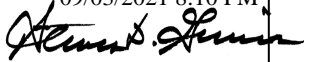
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An employee of Snell & Wilmer L.L.P.

4827-3995-4426.1


CLERK OF THE COURT

1 **FFCL**

3 **DISTRICT COURT**

4 **CLARK COUNTY, NEVADA**

5 IN RE PARAMETRIC SOUND
6 CORPORATION SHAREHOLDERS'
LITIGATION.

LEAD CASE NO.: A-13-686890-B
DEPT. NO.: XI

**ORDER GRANTING DEFENDANTS'
MOTION FOR JUDGMENT PURSUANT
TO NRCP 52(c), FINDINGS OF FACT
AND CONCLUSIONS OF LAW, AND
JUDGMENT THEREON**

7 This Document Related To:

8 PAMTP LLC v. KENNETH
9 POTASHNER, *et. al.*

10 This matter came on regularly for a non-jury trial beginning on August 16, 2021, and
11 continuing through August 25, 2021. Plaintiff PAMTP, LLC appeared by and through their
12 counsel of record George F. Ogilvie III of McDonald Carano LLP and Adam M. Apton of Levi
13 & Korsinsky, LLP. Defendant Kenneth F. Potashner appeared by and through his counsel of
14 record J. Stephen Peek and Robert J. Cassity of Holland & Hart LLP and John P. Stigi III and
15 Alejandro E. Moreno of Sheppard, Mullin, Richter & Hampton LLP.¹ Defendant VTB
16 Holdings, Inc. ("VTBH"), and Specially Appearing Defendants Stripes Group, LLC, SG VTB
17 Holdings, LLC, Juergen Stark and Kenneth Fox (collectively, the "Non-Director Defendants")
18 appeared by and through their counsel Richard C. Gordon of Snell & Wilmer, LLP and Joshua
19 D.N. Hess, David A. Kotler, Brian Raphel, and Ryan Moore of Dechert LLP.

20 After the conclusion of Plaintiff's case-in-chief, Defendants made motions pursuant to
21 NRCP Rule 52(c). The Court having considered the evidence presented at trial, along with oral
22 and written arguments of counsel on such motions, and with the intent of rendering a decision
23 on all remaining claims² before the Court at this time, the Court GRANTS Defendants' motion
24

25 ¹ Certain Director Defendants (Kaplan, Norris, Putterman and Wolf) ("Settling Directors") announced a
26 settlement on the first day of the trial. The Settling Directors Motion for Good Faith Settlement was granted.

27 ² The Nevada Supreme Court in *Parametric v. Eighth Judicial District Court*, 133 Nev. 417 (2017)
28 determined that a derivative claim of equity dilution survived and the claims could include equity expropriation. In footnote 15, the Nevada Supreme Court determined that **actual fraud** was necessary to prove this type of claim.

1 pursuant to NRCP 52(c) and enters judgment in favor of Defendants, upon the following
2 findings of fact and conclusions of law.

3 **FINDINGS OF FACT**

4 **I. Class and Derivative Litigation**

5 1. The underlying class action and shareholder derivative action was commenced
6 on August 8, 2013.³ The case arose out of the merger between Parametric Sound Corporation
7 (“Parametric”) and VTBH which closed on January 15, 2014.

8 2. The derivative causes of action for breach of fiduciary duty, aiding and abetting
9 and unjust enrichment claims were extinguished by the settlement and judgment entered by this
10 Court on May 18, 2020.

11 3. On May 18, 2021, the Court granted Plaintiff’s motion against Defendants
12 Kenneth Potashner, Juergen Stark, and VTB Holdings, Inc. setting an evidentiary hearing on
13 June 18, 2021 to determine sanctions, if any.

14 4. Following the June 18, 2021 evidentiary hearing, the Court imposed sanctions in
15 the form of adverse inferences. The Court held that: “(1) Potashner having willfully destroyed
16 text messages text messages and emails relevant to this litigation, the Court makes an adverse
17 inference that the lost text messages and emails relevant to this litigation would have shown
18 that Potashner acted in bad faith when supporting and approving the merger. Potashner may
19 testify and contest this at trial, but his testimony will go to his credibility only because an
20 adverse inference of bad faith has already been made by the Court; and; (2) Stark and Fox
21 having negligently failed to preserve text messages, the Court makes an adverse inference that
22
23
24

25
26 ³ The claims against Defendants were largely resolved through a Rule 23.1 settlement. On January 17,
27 2020, the Court granted preliminary approval of the settlement. On May 18, 2020, the Court ordered that the class
28 action and derivative settlement was “finally approved in all respects” and entered a final judgment dismissing all
of the Class’ released claims, with prejudice, pursuant to the terms of the Stipulation of Settlement filed on
November 15, 2019. These Plaintiffs opted out of the class settlement.

1 the lost information would have been adverse to them.” See Findings of Fact, Conclusions of
2 Law, and Order Imposing Spoliation Sanctions dated July 15, 2021.

3 **II. Opt-Out Litigation**

4 **A. Plaintiff and Assignors**

5 5. Plaintiff PAMTP, LLC is a Delaware limited liability company formed for the
6 purpose of asserting the claims presented in this lawsuit. It purports to assert claims assigned to
7 it by individuals and entities who held Parametric common stock on the closing date of the
8 merger, January 15, 2014.

10 6. Plaintiff was not a holder of Parametric common stock on January 15, 2014.

11 7. The members of Plaintiff are IceRose Capital Management LLC, Robert
12 Masterson, Richard Santulli, Marcia Patricof (as trustee of Patricof Family LP, Marcia Patricof
13 Revocable Living Trust, and the Jules Patricof Revocable Living Trust), Alan and Anne
14 Goldberg, Barry Weisbord, and Ronald and Muriel Etkin (each, an “Assignor”; collectively, the
15 “Assignors”).

16 8. On April 22, 2020, Plaintiff, on behalf of the following individuals and/or
17 entities, opted out of the class action settlement: IceRose Capital Management, LLC; Robert
18 Masterson; Marcia Patricof, on behalf of the Patricof Family LP, Marcia Patricof Revocable
19 Living Trust, and the Jules Patricof Revocable Living Trust; Alan and Anne Goldberg; Barry
20 Weisbord; Ronald and Muriel Etkin; and Richard Santulli (the “Assignors”). In conjunction
21 with opting out of the class action settlement, the Assignors assigned their claims in the
22 litigation to Plaintiff.
23

24 9. PAMTP is managed by its Members. Assignors Adam Kahn (of IceRose Capital
25 Management, LLC) and Robert Masterson were the Member Managers responsible for day-to-
26 day decisions concerning the management of the litigation. Assignor Barry Weisbord is the
27 Chief Executive Manager of Plaintiff who was designated to resolve any disagreements
28

1 between the Member Managers on any particular decision.

2 10. Each of the Assignors held Parametric common stock on the date the merger
3 closed. Each of them, however, sold that stock prior to assigning their claims to Plaintiff in
4 April 2020. Except for IceRose, none of the Assignors owned any Parametric common stock
5 when they purported to assign their claims to Plaintiff. IceRose owned 28,700 shares of
6 Parametric common stock at the time of the purported assignment, but Plaintiff presented
7 insufficient evidence to allow the Court to determine whether IceRose's stockholding in
8 Parametric at the time of the assignment was composed of any of the shares in Parametric it
9 held as of January 15, 2014.

10 11. The Assignors executed Assignments of Claim in April 2020 "assign[ing],
11 transfer[ring], and set[ing] over unto PAMTP LLC . . . all of the Assignor's right, title and
12 interest in any claim that the Assignor has or could have arising from his/her/its ownership of
13 Parametric . . . stock, including any and all claims arising from or related to the [merger]
14 against Parametric or any other entity or individual that could be liable for the acts and/or
15 omissions alleged in [this litigation]."

16 12. The Assignors notified the Court that they had opted-out of the Class by letter
17 dated April 22, 2020. The Assignors advised the Court that they had "assigned their interests in
18 claims arising from the ownership of Parametric common stock to an entity created for the
19 purposes of opting out of the . . . litigation and pursuing claims independently" and,
20 "[a]ccordingly, that entity, PAMTP LLC, also exclude[d] itself from the Class in the Parametric
21 Settlement."

22 13. On May 20, 2020, Plaintiff filed its Complaint in this action asserting two causes
23 of action against defendants: a direct breach of fiduciary duty claim against the Director
24 Defendants based upon an alleged equity expropriation caused by the merger and a direct claim
25 for aiding and abetting against the Non-Director Defendants in connection with the same
26 alleged breach of fiduciary duty.

27 14. When the Assignors sold the Parametric common stock they owned as of
28 January 15, 2014, the Assignors did not enter into any agreement with purchasers of such

1 shares to retain their rights, titles and interests in any claims arising from the Assignors' prior
2 ownership of Parametric common stock, including the claims asserted by plaintiff in this action.

3 15. On June 23, 2020, the Court consolidated Plaintiff's action with and into the
4 class action under the caption above. *See* Order Granting Defendants' Motion to Consolidate
5 dated June 23, 2020.

6 **B. Pre-Merger Parametric**

7 16. Parametric was founded in 2010. In 2013, it was a publicly traded corporation
8 listed on the NASDAQ stock exchange. Parametric was organized under the laws of the State
9 of Nevada.

10 17. Parametric was a start-up technology company focused on delivering novel
11 audio solutions through its HyperSound™ or "HSS®" technology platform, which pioneered
12 the practical application of parametric acoustic technology for generating audible sound along a
13 directional ultrasonic column. The creation of sound using Parametric's technology created a
14 unique sound image distinct from traditional audio systems. In addition to its commercial
15 digital signage and kiosk product business, Parametric was targeting its technology for new
16 uses in consumer markets, including computers, video gaming, televisions and home audio
17 along with other commercial markets including casino gaming and cinema. Parametric was
18 also focusing development on health applications for persons with hearing loss.

19 **C. Directors and Senior Officer of Pre-Merger Parametric**

20 18. In August 2013, Parametric's Board of Directors ("Board") consisted of six
21 individuals: Potashner, Norris, Kaplan, Putterman, Wolfe and non-party James Honoré.

22 **(1) Potashner**

23 19. Potashner was appointed a director in December 2011 and Executive Chairman
24 (equivalent to chief executive officer) in March 2012. Potashner received his bachelor's degree
25 in electrical engineering at Lafayette College in 1979 and a masters' degree in electrical
26 engineering from Southern Methodist University in 1981.

27 20. Potashner resigned from the Board effective May 12, 2014.
28

1 **(2) Norris**

2 21. Norris was a member of the Board since the incorporation of the company on
3 June 2, 2010 and co-founded the company with James Barnes (“Barnes”), Parametric’s chief
4 financial officer. Norris was Parametric’s President and Chief Scientist. Norris is an inventor
5 and owner of more than 50 U.S. patents, primarily in the fields of electrical and acoustical
6 engineering, and is a frequent speaker on innovation to corporations and government
7 organizations. Norris is the inventor of pre-merger Parametric’s HSS technology.

8 22. Norris resigned from the Board effective January 15, 2014.

9 **(3) Putterman**

10 23. Putterman was appointed a director in May 2011. He has been a full faculty
11 member at UCLA since 1970, where he is a Professor of Physics. His research areas include
12 nonlinear fluid mechanics and acoustics, sonoluminescence, friction, x-ray emission and crystal
13 generated nuclear fusion. He earned a B.S. from the California Institute of Technology in 1966
14 and his Ph.D. from Rockefeller University in 1970.

15 24. Putterman resigned from the Board effective November 21, 2013.

16 **(4) Kaplan**

17 25. Kaplan was appointed a director in May 2011. He is a retired business executive
18 with extensive experience in the financial and retail sectors. Kaplan earned an MBA from
19 Harvard University in 1961 and a Ph.D. in Business Economics from Michigan State University
20 in 1967.

21 26. Kaplan resigned from the Board effective January 15, 2014.

22 **(5) Wolfe**

23 27. Wolfe was appointed a director in February 2012.

24 **(6) Honoré**

25 29. Honoré was appointed a director in March 2012.

26 30. Honoré resigned from the Board effective January 15, 2014.

27 **D. Non-Director Defendants**

28 31. VTBH was a privately held Delaware corporation. VTBH and its subsidiaries,

1 including Voyetra Turtle Beach, Inc., are collectively referred to as “Turtle Beach.” Turtle
2 Beach designs, develops and markets premium audio peripherals for video game, personal
3 computer, and mobile platforms. Turtle Beach had strong market share in established gaming
4 markets, including a 53% share of the U.S. console gaming headset market as of year-end 2012
5 according to The NPD Group. Turtle Beach had a presence in 40 countries and has partnered
6 with major retailers, including Wal-Mart, Carrefour, Tesco, Best Buy, GameStop, Target and
7 Amazon.
8

9 32. VTBH was majority owned by Stripes Group, LLC (“Stripes”) and SG VTB,
10 LLC (“SG VTB”). VTBH is a wholly owned subsidiary of the post-merger Turtle Beach.

11 33. Stripes is a private equity firm focused on internet, software, healthcare, IT and
12 branded consumer products businesses. In 2010, Stripes invested in VTBH and became its
13 majority owner.

14 34. Fox is Stripes Group’s founder. Fox sat on the VTBH board of directors after the
15 merger, stepping down on November 15, 2018.

16 35. SG VTB, LLC is a Delaware LLC and is a wholly owned subsidiary of Stripes
17 Group. Stripes formed SG VTB in 2010 to acquire a majority position in VTBH. SG VTB is
18 an investment vehicle for Stripes.

19 36. Stark was chief executive officer of VTBH during negotiations leading to the
20 merger and was named to that position by Stripes in September 2012. Stark has served as
21 Turtle Beach’s CEO since the merger and continues to serve as its CEO today. Stark also sits
22 on Turtle Beach’s current board of directors, and as of January 1, 2020, became Chairman of
23 the Board.

24 **III. Merger Negotiations and the Parametric Board’s Process**

25 37. As part of Parametric’s ongoing strategic planning process, the Parametric Board
26 and Parametric’s executive officers regularly reviewed and evaluated Parametric’s strategic
27 direction and alternatives in light of the performance of Parametric’s business and operations
28 and market, economic, competitive and other conditions and developments.

1 38. In March 2013, Parametric engaged Houlihan Lokey as its financial advisor to
2 evaluate possible strategic alternatives.

3 39. Between March 2013 and August 2013, Houlihan Lokey (working on behalf of
4 Parametric) contacted a total of 13 parties other than Turtle Beach to explore possible strategic
5 alternatives. None of those other parties expressed any material interest in a competing or
6 alternative transaction.

7 40. During this five-month period, the Board held several formal meetings with
8 financial and legal advisers regarding possible strategic transactions. During these meetings,
9 the Directors engaged in robust discussions among themselves and with the Board’s advisers
10 regarding the risks and benefits of a strategic transaction with Turtle Beach and available
11 alternative strategies and transactions.

12 41. Potashner played a leading role in the negotiation of the merger,
13

14 42. The Court previously adopted an adverse inference against Potashner that he
15 “acted in bad faith when supporting and approving the merger.” *See* Findings of Fact,
16 Conclusions of Law, and Order Imposing Spoliation Sanctions dated July 15, 2021. The
17 evidence at trial supported this conclusion.⁴

18 43. Among the terms being negotiated was an agreement to grant to Turtle Beach an
19 exclusive license to HyperSound technology in both the console gaming and PC audio fields in
20 the event Parametric were to terminate any merger agreement before closing. Parametric
21 offered this “break-up fee license agreement” in order to make the merger more attractive to
22 Turtle Beach and Stripes, which had not yet agreed to move forward with the deal. The Board
23 informed itself of the fiduciary implications of this potential “break-up fee license agreement”
24 by consulting with counsel.
25

26
27 ⁴ The Court declines Plaintiff’s invitation to find that actual fraud is not fraud but simply an intentional act.
28 While the Court finds that Potashner acted in bad faith, that finding does not equate to a finding of fraud under any
analysis currently adopted in Nevada.

1 44. The break-up fee license agreement was viewed as complementary to other
2 licensing activities sought out by Parametric at the time.

3 45. Parametric established HyperSound Health, Inc. (“HHI”), a wholly owned
4 subsidiary of Parametric, in October 2012 to facilitate Food and Drug Administration approval
5 for certain medical applications of HyperSound technology (*e.g.*, hearing devices). In February
6 2013 and March 2013, options were granted to four individuals (Potashner and three
7 consultants) to purchase shares of the common stock of HHI.

8 46. Turtle Beach learned about the existence of these stock options through due
9 diligence in late June 2013, after the core terms of the merger had been negotiated. Upon
10 discovery, Turtle Beach demanded that Parametric cancel the stock options it had issued to
11 these four individuals. Turtle Beach informed each of Parametric’s directors that it would not
12 move forward with the merger until these stock options were cancelled. Turtle Beach issued
13 this demand on multiple occasions in June and July 2013.

14 47. The evidence showed that Potashner made efforts to entrench himself in HHI,
15 and to enrich himself with his options in HHI. To obtain these personal benefits, Potashner
16 attempted to favor Turtle Beach, including by avoiding completing valuable licensing deals and
17 delaying announcements of completed deals.

18 48. When it became apparent to the Board that cancellation of Potashner’s HHI was
19 required to facilitate a merger with Turtle Beach, a majority of the Board demanded that
20 Potashner agree to cancel his HHI stock options. In July 2013, at the demand of the Board,
21 Potashner agreed that his HHI options would cancel upon the closing of the proposed merger
22 with Turtle Beach.

23 49. Potashner entered into this agreement without being provided any payment or
24 additional compensation from Parametric, Turtle Beach, Stripes, or anyone else. Potashner
25 received nothing of value from Turtle Beach and lost stock options that he believed could have
26 held substantial value following the merger.

27 50. Parametric engaged Craig-Hallum Capital Group, LLC (“Craig-Hallum”) to pro-
28 vide an opinion regarding the fairness of the proposed merger. Craig-Hallum’s compensation

1 for preparing a fairness opinion was not contingent upon the closing of any transaction.

2 51. On August 2, 2013, a joint meeting of the Parametric Board and compensation
3 committee was held, with the financial and legal advisors of the Parametric Board. At the
4 meeting, representatives of Craig-Hallum reviewed and discussed with the Parametric Board
5 Craig-Hallum's financial analysis and views regarding the merger with Turtle Beach and the
6 terms of the merger agreement with Turtle Beach (including the "Per Share Exchange Ratio"),
7 with reference to a proposed fairness opinion at the request of the Parametric Board, Craig-
8 Hallum rendered its oral opinion to the effect that, as of August 2, 2013, subject to certain
9 assumptions, qualifications and limitations, the "Per Share Exchange Ratio" contemplated by
10 the merger agreement was fair, from a financial point of view, to Parametric.

11 52. The Per Share Exchange Ratio was determined through arm's-length
12 negotiations between Parametric and Turtle Beach.

13 53. Craig-Hallum utilized Parametric's internal financial projections for fiscal years
14 ended September 30, 2013 through September 30, 2017, prepared by and furnished to Craig-
15 Hallum by the management of Parametric. Information regarding the net cash, number of fully-
16 diluted shares of common stock outstanding and net operating losses for Parametric was
17 provided by management. Craig-Hallum utilized Turtle Beach's internal financial projections
18 for fiscal years ended December 31, 2013 through December 31, 2016 prepared by and
19 furnished to Craig-Hallum by the management of Turtle Beach. Information regarding the net
20 debt, number of fully-diluted shares of common stock outstanding and net operating losses for
21 Turtle Beach was provided by management.

22 54. At the August 2, 2013 meeting of the Board, the Directors engaged in robust
23 discussion with representatives of Craig-Hallum regarding its fairness opinion and the
24 calculations. The Directors relied in good faith upon the competency of the analyses performed
25 and opinions rendered by Craig-Hallum. None of the Settling Directors was made aware of
26 errors, if any, contained in Craig-Hallum's analyses.

27 55. In evaluating the merger agreement and the transactions contemplated, the Board
28 consulted with Parametric's management and legal and financial advisors, reviewed a

1 significant amount of information and considered numerous factors which the Parametric Board
2 viewed as generally supporting its decision to approve the merger agreement and the
3 transactions contemplated. The Board also considered and discussed numerous risks,
4 uncertainties and other countervailing factors in its deliberations relating to entering into the
5 merger agreement and the merger.

6 56. Although the Court made an adverse inference that Potashner acted in bad faith
7 in pursuit of his own self-interest when supporting and approving the merger, the Court finds
8 that the Board nevertheless approved the merger agreement with Turtle Beach on August 2,
9 2013 by a majority of independent and disinterested directors exercising their business
10 judgment in good faith. Norris, Kaplan, Putterman, Wolfe and Honoré exercised their good
11 faith business judgment independent of Potashner.

12 57. A majority of the Board believed in good faith that the potential benefits to
13 Parametric shareholders of the merger agreement and the transactions contemplated outweighed
14 the risks and uncertainties attendant to the proposed merger, as well as risks and uncertainties
15 attendant to remaining as a stand-alone entity. A majority of the Board recognized that the
16 expected benefits of the proposed merger with Turtle Beach vastly outweighed the risks
17 attendant to continuing to attempt to execute on its stand-alone entity business plan.

18 58. Under the merger, a subsidiary of Parametric merged with Turtle Beach, with
19 Turtle Beach continuing as the surviving corporation. As a result of the merger, each share of
20 Turtle Beach common stock and Series A Preferred Stock would be cancelled and converted
21 into the right to receive a number of shares of Parametric stock. The end result of the merger
22 was that the pre-merger security holders of Parametric would own 20.01% of the post-merger
23 Parametric (on a fully-diluted basis), while the security holders of Turtle Beach would own the
24 remaining 79.99% of the post-merger Parametric (on a fully-diluted basis).

25 59. Each of Parametric's directors determined independently that the merger was in
26 the best interests of Parametric and its shareholders. Kaplan, Norris, Putterman, Wolfe, and
27 Honoré conducted their own analysis of the terms of the merger agreement, with the assistance
28 of their legal counsel and financial advisors. Their decisions to vote in favor of the merger

1 were not guided by, let alone controlled by, Potashner's support for the merger.

2 60. Kaplan, Norris, and Putterman testified that they did not trust or believe
3 Potashner at all times but they agreed with him in supporting the merger based on their
4 independent judgment.

5 61. Potashner, Norris and Barnes (along with affiliated entities) entered into voting
6 agreements which required them to vote in favor of the merger and to not sell or otherwise
7 transfer their shares for at least six months following the merger. These agreements were
8 disclosed in the proxy statement and represented approximately 19.2% of the outstanding
9 shares of Parametric common stock as of the record date.

10 62. Under the voting agreements entered into by Potashner, Barnes and Norris, as
11 well as certain entities over which they exercised voting and/or investment control (such
12 stockholders and entities collectively referred to as the "management stockholders"), the
13 management stockholders were subject to a lock-up restriction whereby they agreed not to sell
14 or otherwise transfer the shares of Parametric common stock beneficially owned by them or
15 subsequently acquired by them until six months following the closing of the merger, subject to
16 certain exceptions.

17 **IV. Post-Announcement of the Merger**

18 63. On August 5, 2013, after the close of trading on NASDAQ, Parametric issued a
19 press release announcing the execution of the merger agreement.

20 64. Pursuant to the merger agreement, Parametric conducted a 30-day "go-shop"
21 process to elicit potential "topping bids." As part of the "go shop" process, Houlihan Lokey
22 contacted 49 different parties. None expressed interest in making a "topping bid."

23 65. In a call with Parametric shareholders on August 8, 2013 announcing the
24 merger, Turtle Beach disclosed that it expected 2013 revenues and EBITDA to fall in a range
25 that was below the projections Craig-Hallum had relied upon. Turtle Beach disclosed to
26 Parametric shareholders that although console transitions have led to subsequent industry
27 growth in the past,

28 "we can't guarantee that will occur."

1 “it’s very important that you understand the gaming industry context for 2013. Both
2 Xbox and PlayStation have announced launches of new consoles during the holiday’s
3 this year. As a result, the entire gaming sector is going through what we believe to be a
normal cycle of contraction, prior to these new console release[s].”

4 “our business results in particular will be very much dependent on one; how consumer
5 purchasing behavior for more expensive accessories like headset plays out, heading into
6 the transition. Two; when the new console launches will happen and three; what
quantity of new consoles will be available [and] sold during the weeks between the
launch and the year end.”

7 “rely among other things on successful widespread launch of the new consoles with
8 sufficient selling weeks to impact this year as well as availability of some specific
9 components from Microsoft required for sale of our licensed Xbox One headsets, this
holiday. These specific items by the way are outside of our control.”

10 “these uncertainties are driving the wide range around the expectations for revenues
11 and EBITDA I just talked through, but it’s important to note that our actual results could
12 fall materially outside of these ranges if the aforementioned assumptions turned out to
be inaccurate.”

13 66. Turtle Beach’s actual revenues in 2013 were 18% lower than had been
14 forecasted in the projections provided to Craig-Hallum. Turtle Beach’s financial
15 underperformance caused it to trip certain debt covenants with its lender, which resulted in
16 Turtle Beach renegotiating its credit facility in the second half of 2013.

17 67. Parametric’s actual revenues for fiscal year 2013 were 44% lower than had been
18 forecasted in the projections provided to Craig-Hallum.

19 68. Parametric and Turtle Beach were aware of each other’s respective
20 underperformance in late 2013. Parametric management determined that it was not in the best
21 interest of the company or the shareholders to attempt to renegotiate the terms of the merger.

22 69. On December 3, 2013, Parametric filed a 348-page Definitive Proxy Statement
23 with regard to the merger agreement with the SEC and transmitted it to Parametric’s
24 shareholders. The proxy statement sought shareholder votes on several proposals, including (a)
25 whether to approve the issuance of new shares of Parametric common stock to Turtle Beach
26 pursuant to the merger agreement (in effect, to approve the merger) and (b) whether to approve
27 the change in control compensation awards to Potashner, Norris and Barnes in connection with
28 the merger.

1 70. Parametric disclosed Turtle Beach’s actual revenues for 2013 (through
2 September 28, 2013) in the proxy statement and also disclosed Turtle Beach’s issues with
3 respect to the debt covenants.

4 71. The proxy statement did not contain updated financial projections for either
5 Turtle Beach or Parametric. The proxy statement cautioned readers that the projections that
6 Craig-Hallum relied upon were only current “as of August 2, 2013,” the date the fairness
7 opinion was issued, “based on market data as it existed on or before August 2, 2013 and is not
8 necessarily indicative of current or future market conditions.” The proxy statement also
9 contained a prominent warning in bold text that shareholders

10 “should not regard the inclusion of these projections in this proxy statement as an
11 indication that Parametric, Turtle Beach or any of their respective affiliates, advisors or
12 other representatives considered or consider the projections to be necessarily predictive
 of actual future events.”

13 72. The proxy statement also disclosed the risk Stark had warned about on the
14 August 8, 2013 investor call had been realized. The proxy statement disclosed that

15 “Microsoft has informed its partners in the Xbox One console launch that the Xbox One
16 Headset Adapter, being built by Microsoft and provided to Turtle Beach for inclusion
 with new gaming headsets, will not be available until early 2014.”

17 “[t]his delay will result in a downward revision to the 2013 outlook for revenue and
18 EBITDA provided by Turtle Beach’s management on August 8, 2013.”

19 73. The proxy statement further disclosed that “[t]his delay will result in a
20 downward revision to the 2013 outlook for revenue and EBITDA provided by Turtle Beach’s
21 management on August 8, 2013.” The level of such impact depends on several factors,
22 including the projected launch date for the requisite hardware and software from Microsoft
23 which is still being assessed. Turtle Beach plans to update its 2013 outlook for revenue and
24 EBITDA following completion of this assessment.” In making this disclosure, the proxy
25 statement revealed that Turtle Beach expected its financial forecast to fall below the range
26 disclosed on August 8, 2013, which was already lower than the forecast included in Craig-
27 Hallum’s fairness opinion.
28

1 74. In late 2013, Turtle Beach provided additional financial disclosures showing that
2 Turtle Beach's actual performance in 2013 was materially underperforming Turtle Beach's
3 performance in the same time period in 2012 and its prior guidance for 2013. On November 7,
4 2013, Parametric filed a Form 8-K, which disclosed an investor presentation prepared by
5 Parametric and Turtle Beach that included updated net revenue, EBIDTA, and net income
6 numbers for Turtle Beach for the twelve-month period preceding June 30, 2013. That investor
7 presentation also stated that

9 “Microsoft's delay of the Xbox One hardware and software until early 2014 is expected
10 to result in a deferral of Turtle Beach's Xbox One headset-related revenues and profits
11 for Q4.”

12 Parametric shareholders had access to this information when deciding whether to vote in favor
13 of the merger.

14 75. The proxy statement disclosed that Turtle Beach expected to underperform even
15 the lowered guidance provided to Parametric shareholders on August 8, 2013 and explained
16 that this underperformance was due to the unexpected unavailability of the Microsoft
17 component. The proxy statement further disclosed that Turtle Beach would be revising its
18 projections downward, but that it would not be able to provide those projections until that
19 process was completed.

20 76. The proxy statement contained a fair summary of Craig-Hallum's fairness
21 opinion. The proxy statement also contained a fair and complete summary of interests and
22 potential conflicts in the merger held by members of the Board and management of Parametric.
23 No material interest or potential conflicts in the merger held by members of the Board and
24 management of Parametric were undisclosed in the proxy statement.

25 77. Parametric held a special meeting of its shareholders on December 27, 2013.
26 Approximately 95% of the shares voting in that election to approve the transaction. Neither the
27 Settling Directors nor any combination of Parametric insiders owned sufficient shares in the
28 pre-merger Parametric to control the outcome of the vote in favor of the merger.

1 78. The merger closed on January 15, 2014. As consideration for the merger,
2 Parametric issued new shares of its common stock to Stripes and Turtle Beach, the net effect
3 being that Stripes controlled approximately 80.9% of the combined company. Parametric
4 shareholders, including each of the Settling Directors, who owned a combined 100% of
5 Parametric before the merger, were reduced to a minority 19.1% interest.

6 79. Potashner's employment agreement, which came into effect in April 2012,
7 contained certain change in control provisions. Under that agreement, upon a change in control
8 at Parametric, Potashner would be entitled to a severance payment equivalent to twelve months
9 salary and accelerated vesting of unvested incentive stock options regardless of whether he had
10 met the required milestones.

11 **V. No Control or Actual Fraud**

12 80. Prior to January 15, 2014, Parametric was not a "controlled company" pursuant
13 to NASDAQ rules because more than 50% of its voting power was not concentrated in any
14 single shareholder or control group.

15 81. As disclosed in the proxy statement, persons or entities who held shares of
16 commons stock of Parametric on the "record date" of November 11, 2013, were entitled to vote
17 at the special meeting of shareholders to be held on December 27, 2013. Parametric had
18 6,837,321 shares of common stock outstanding on the record date.

19 82. On November 11, 2013, Potashner owned no shares of common stock of
20 Parametric. Accordingly, Potashner was not entitled to vote at the special meeting of
21 shareholders held on December 27, 2013.

22 83. Norris, Putterman and Kaplan often were hostile to Potashner and acted contrary
23 to what they perceived as Potashner's personal interests by causing the Board to, among other
24 things:

- 25 a. cancel Potashner's options in the HHI subsidiary for no consideration;
- 26 b. rebuff Potashner's efforts to cause Kaplan to retire from his position as a
- 27 director of the pre-merger Parametric;
- 28 c. refuse Potashner's request to remove Wolfe from Parametric's audit

1 committee.

2 d. refuse Potashner's request to be allowed to sell Parametric stock after the
3 announcement of the merger; and

4 e. refuse Potashner's request to allow Parametric consultant John Todd to
5 sell Parametric after the announcement of the merger.

6 84. A majority of the Board of Parametric was independent of Potashner. That
7 majority could and did outvote Potashner on any all matters on which that majority disagreed
8 with Potashner.

9 85. Norris, Putterman, Kaplan and Honoré had no business interactions with
10 Potashner prior to Parametric. Norris, Putterman, Kaplan, Wolfe and Honoré had no pre-
11 existing personal or familial relationship with Potashner.

12 86. None of the Settling Directors was unable to freely exercise his judgment as a
13 member of the Board by reason of:

- 14 a. dominion or control of another;
15 b. fear of retribution by another;
16 c. contractual obligations owed to another; or
17 d. employment by or other business relationship with another.

18 87. No one single individual or group had the authority unilaterally to:

- 19 a. elect new directors to the Board;
20 b. cause a break-up of Parametric;
21 c. cause Parametric to merge with another company;
22 d. amend Parametric's certificate of incorporation;
23 e. cause Parametric to sell all or substantially all of the assets of Parametric;
24 f. alter materially the nature of Parametric and the public shareholders'

25 interest therein; or

- 26 g. offer employment to anyone in the post-merger Parametric.

27 88. Potashner did not receive any compensation as a result of the merger that he was
28 not entitled to receive through his employment contract, which included a severance payment,

1 an annual bonus, and accelerated vesting of certain incentive stock options upon a change in
2 control. Potashner could have received the same compensation had Parametric merged with a
3 different partner. Each of these forms of compensation were disclosed in the proxy statement.

4 89. Potashner did not enter any side deals or other agreements with Turtle Beach or
5 Stripes for additional compensation. Other than through his employment agreement, Potashner
6 received nothing of value from Turtle Beach or Stripes in exchange for his support for the
7 merger.

8 90. All directors holding equity in Parametric were diluted by the merger to the
9 same extent as every other public shareholder.

10 **CONCLUSIONS OF LAW**

11 1. NRC 52(c) allows the district court in a bench trial to enter judgment on partial
12 findings against a party when the party has been fully heard on an issue and judgment cannot be
13 maintained without a favorable finding on that issue.

14 2. The directors of a Nevada corporation “are presumed to act in good faith, on an
15 informed basis and with a view to the interests of the corporation”. NRS 78.138(3). In
16 exercising his or her business judgment, a director is “entitled to rely on information, opinions
17 [and] reports” from, among others, “[o]ne or more directors, officers or employees of the
18 corporation reasonably believed to be reliable and competent in the matters prepared or
19 presented.” NRS 78.138(2)(a). A director may rely upon “information, opinions [and] reports”
20 from “[c]ounsel, public accountants, financial advisers, valuation advisers, investment bankers
21 or other persons as to matters reasonably believed to be within the preparer’s or presenter’s
22 professional or expert competence.” NRS 78.138(2)(b). Directors “are not required to consider
23 the effect of a proposed corporate action upon any particular group having an interest in the
24 corporation as a dominant factor.” NRS 78.138(5). Directors of a Nevada corporation are not
25 required to elevate the short-term interests of stockholders (such as maximizing immediate,
26 short-term share value) ahead of any of the other interests set forth in NRS 78.138(4).

27 3. Under NRS 78.211(1),

28 “the board of directors may authorize shares to be issued for consideration consisting of
any tangible or intangible property or benefit to the corporation, including, but not

1 limited to, cash, promissory notes, services performed, contracts for services to be
2 performed or other securities of the corporation. The nature and amount of such
3 consideration may be made dependent upon a formula approved by the board of
4 directors or upon any fact or event which may be ascertained outside the articles of
5 incorporation or the resolution providing for the issuance of the shares adopted by the
6 board of directors if the manner in which a fact or event may operate upon the nature
7 and amount of the consideration is stated in the articles of incorporation or the
8 resolution. The judgment of the board of directors as to the consideration received for
9 the shares issued is conclusive in the absence of actual fraud in the transaction.”

10 4. Directors “confronted with a change or potential change in control of the
11 corporation” have (a) the normal duties of care and loyalty imposed by operation of NRS
12 78.138(1); (b) the benefit of the business judgment rule presumption established by NRS
13 78.138(3); and (c) the “prerogative to undertake and act upon consideration pursuant to
14 subsections 2, 4 and 5 of NRS 78.138.” NRS 78.139(1). The provisions of NRS 78.139(2) do
15 not apply in this case.

16 5. In *Chur v. Eighth Judicial Dist. Court*, 136 Nev. Adv. Op. 7, 458 P.3d 336, 340
17 (2020), the Court noted that “NRS 78.138(7) requires a two-step analysis to impose individual
18 liability on a director or officer.” First, the presumptions of the business judgment rule must be
19 rebutted. *Id.* Second, the “director’s or officer’s act or failure to act” must constitute “a breach
20 of his or her fiduciary duties,” and that breach must further involve “intentional misconduct,
21 fraud or a knowing violation of law.” NRS 78.138(7)(b)(1)-(2). The *Chur* Court confirmed
22 that NRS 78.138 “provides for the sole circumstance under which a director or officer may be
23 held individually liable for damages stemming from the director's or officer's conduct in an
24 official capacity.” *Chur*, 458 P.3d at 340.

25 6. The *Chur* Court also explained that intentional misconduct and knowing
26 violation of the law under NRS 78.138 is an expansive test:

27 “To give the statute a realistic function, it must protect more than just directors (if any)
28 who did not know what their actions were [wrongful]; it should protect directors who
knew what they did but not that it was wrong.”

Id. at 341. A plaintiff “must establish that the director or officer had knowledge that the alleged
conduct was wrongful in order to show a “knowing violation of law” or “intentional
misconduct” pursuant to NRS 78.138(7)(b).” *Id.*

1 7. The Settling Directors were entitled to the benefit of the business judgment rule
2 presumption in connection with their consideration and approval of the merger with Turtle
3 Beach.

4 8. Plaintiff failed to meet its burden of rebutting the business judgment rule
5 presumption as to a majority of the Board. A majority of the Board (a) reasonably relied upon
6 the advice, information and opinions of other directors, employees and competent professionals
7 (including counsel) and financial advisors and (b) acted in good faith and independently when
8 considering and approving the merger. Plaintiff failed to meet its burden of proving that a
9 majority of the Board engaged in a knowing violation of law or intentional misconduct, or
10 engaged in actual fraud.

11 9. Plaintiff failed to meet its burden of proving that Potashner engaged in actual
12 fraud.

13 10. Plaintiff failed to meet its burden of proving that Houlihan Lokey and/or Craig-
14 Hallum did not have knowledge and competence concerning the matters in question or that any
15 purported conflict of interest would cause the Director Defendants' reliance thereon to be
16 unwarranted.

17 11. In 2017, the Nevada Supreme Court ruled in this litigation that the only direct
18 claim that Parametric shareholders might have standing to assert arising out of the merger was
19 an "equity expropriation" claim. *See Parametric Sound Corp. v. Eighth Jud. Dist. Ct.*, 133
20 Nev. 417, 429, 401 P.3d 1100, 1109 (2017). Any other claim contesting the merger would be
21 derivative in nature, and was extinguished by the settlement and judgment entered by this Court
22 on May 18, 2020.

23 12. The Court in *Parametric* held that "equity expropriation claims involve a
24 controlling shareholder's or director's expropriation of value from the company causing other
25 shareholders' equity to be diluted." *Id.*

26 13. The severance payment and accelerated vesting of incentive stock options
27 provided for under Potashner's April 2012 employment agreement, which were triggered upon
28 the closing of the merger between Parametric and Turtle Beach on January 15, 2014, for

1 purposes of the motion, will be presumed to have constituted an expropriation by Potashner of
2 value from the company causing Parametric shareholders' equity to be diluted.

3 14. Plaintiff failed to meet its burden of proving that Parametric had a controlling
4 shareholder or controlling director.

5 15. Plaintiff has failed to meet its burden to prove that Potashner's receipt of
6 incentive stock options is an expropriation of value by a controlling shareholder. As such,
7 Plaintiff failed to prove an essential element of an equity expropriation claim under Nevada
8 law.

9 16. Plaintiff further failed to meet its burden to prove that the Parametric Board's
10 decision was impacted by actual fraud, intentional misconduct, or bad faith.

11 17. By reason of Plaintiff's failure to meet its burden to prove a primary equity
12 expropriation claim against the Director Defendants, Plaintiff failed to meet its burden to prove
13 a secondary aiding and abetting claim against the Non-Director Defendants.

14 18. Because the Court is granting the NRCP 52(c) motion on the aforementioned
15 substantive grounds, it does not reach the merits of the additional arguments made by
16 Defendants in regard to Plaintiff's standing, the operation of the statute of limitations or the
17 measure of damages proffered by Plaintiff.

18 THEREFORE, IT IS HEREBY ORDERED that defendants' motion pursuant to NRCP
19 52(c) is GRANTED.

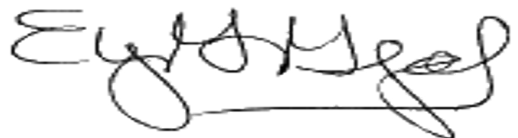
20 **JUDGMENT**

21 The Court having entered the foregoing Findings of Fact and Conclusions of Law, and
22 good cause appearing,

23 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that JUDGMENT is
24 entered in favor of Defendants and against Plaintiff as to all of Plaintiff's remaining claims.

25 DATED this _____ day of September 2021.

Dated this 3rd day of September, 2021

26 
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

September 13, 2013

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

September 13, 2013 1:15 PM Telephonic Conference

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Albright, George Mark Attorney
 Peek, Joseph S. Attorney

JOURNAL ENTRIES

- Also appearing telephonically: Juan Monteverde, Esq. of Faruqi & Faruqi LLP, representing Plaintiff Shana Vasek; Jonathan Stein, Esq. of Saxena White P.A., representing Kearney IRRV Trust; Shannon Hopkins, Esq. of Levi & Korsinsky representing Vitie Rakauskas; Anthony Watts, Esq. representing Josh Hansen; Neil Steiner of Decher LLP representing VTB Holdings; Richard Gordon, Esq. of Snell and Wilmer, local counsel for VTB; Richard Maniskas, Esq. of Ryan and Maniskas representing George Prieston.

Appearing in the courtroom: Dustin Johnson, Esq. of Muckleroy Johnson, representing Shana Vasek, & John Aldrich, Esq. of the Aldrich Law Firm, representing Vitie Rakauskas.

Court acknowledged receipt of the stipulation and orders to consolidate and appoint lead counsel; however, Court advised it subsequently received a motion which leads it to believe one case is not covered by the stipulation. Mr. Peek advised 3 more in San Diego have been filed; he has not seen more than 5 filed as far as any Nevada cases but continues to check the reports he receives daily. Mr. Gordon concurred as to 5 in Nevada and 3 in California. Mr. Peek further advised they have reached out to the California firm and it is his understanding there are similar stipulations to stay those pending action by the corporate entities. Mr. Steiner advised the cases are essentially in the same

posture and all California cases have been consolidated; there is an agreement among the California Plaintiffs as to representation; under California rule, Robbins Geller was served the document request but there is still a long period of time before a response is due. COURT ORDERED, motion to consolidate is GRANTED; matter SET for hearing on the leadership structure. Nevada Plaintiffs to reach out to California counsel. Colloquy regarding hearing date. Mr. Stein advised he needs to file an opposition. Mr. Monteverde stated he is only concerned as to when the shareholder meeting is scheduled. Mr. Steiner advised they currently anticipate proxies produced in October. COURT ORDERED, motion on leadership structure SET for hearing on September 23, 2013 at 1:00 PM. Local Defendants must appear, and local counsel must be advised if any other cases are found. Amended notice on the motion to be SUBMITTED and stamped by the Department. Counsel who will be unable to appear in court can call in; however, if more than one is appearing by phone a conference call must be arranged and the number provided. At Mr. Johnson's request, Court stated a pro hac vice application if submitted can also be scheduled on the same hearing date as the motion.

9-23-13 1:00 PM MOTION FOR CONSOLIDATION OF THE ACTIONS AND
APPOINTMENT OF A LEADERSHIP STRUCTURE

CLERK'S NOTE: The instant case is CONSOLIDATED with A687232, A687354, A687665, and A688374. A686890 as the lowest number will be the Lead Case. / dr 9-16-13

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

September 23, 2013

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

September 23, 2013 1:00 PM Motion to Consolidate

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Albright, George Mark Attorney
Peek, Joseph S. Attorney

JOURNAL ENTRIES

- Also present in the courtroom: Dustin Johnson, Esq.; Richard Gordon, Esq.; Stephen Peek, Esq.; John Aldrich, Esq.; and Sebastian Tornatore, Esq.

Appearing telephonically: Juan Monteverde, Esq.; Jonathan Stein, Esq.; Shannon Hopkins, Esq.; Anthony Wong, Esq.; Richard Maniskas, Esq.; and Ryan Raphel, Esq.

Mr. Peek advised there are 3 actions pending in California with the hope that they can be consolidated and have a similar type of stipulation as there is here; he confirmed he represents the Parametric group, a Nevada corporation. Court inquired whether the California cases are consolidated or filed in 1 court. Mr. Gordon stated he does not believe they are at this time. Mr. Peek advised in talking with Attorney Stigi it is his understanding the cases are in front of 1 Judge or they will be; these cases are in San Diego County and are styled similarly as class actions.

RE: LEADERSHIP STRUCTURE: Mr. Peek stated his concern regarding things being complicated for the Defts. Argument in support of the motion by Mr. Monteverde. Mr. Johnson advised they are familiar with all these law firms. Mr. Steiner argued having more firms involved is unnecessary, duplicative, and inappropriate. Discussion regarding an executive committee. COURT stated

findings, and ORDERED, original structure included in the Stipulation and Order is APPROVED, with the caveat that all firms who filed complaints will serve on the executive committee if they wish to do so, as this allows communication among counsel. Colloquy regarding stipulations and pro hac vice applications. COURT FURTHER ORDERED, counsel to PROVIDE AN UPDATE on the California actions, either by pleading or conference call. Matter SET for Status Check. Mr. Peek advised he can prepare a status report and will serve everyone.

10-4-13 - CHAMBERS STATUS CHECK

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

October 04, 2013

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

October 04, 2013 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED for one week.

10-11-13 - CHAMBERS STATUS CHECK

CLERK'S NOTE: A copy of the above minute order was distributed via electronic mail to: Joseph Peek, Esq. (speek@hollandhart.com); Richard Gordon, Esq. (rgordon@swlaw.com); George Albright, Esq. (gma@albrightstoddard.com); Dustin Johnson, Esq. (dustin@muckleroyjohnson.com), Griffith Hayes, Esq. (ghayes@cookseylaw.com); John Aldrich, Esq. (jaldrich@johnaldrichlawfirm.com). / dr
10-7-13

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

October 11, 2013

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

October 11, 2013 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Tia Everett

RECORDER: Jill Hawkins

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Court notes status report from counsel and ORDERED, Matter to be set for a status hearing on Fri October 18 at 8:30 am.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of:

Joseph Peek Esq. (Holland & Hart)

George Albright Esq. (Albright Stoddard, W, & A)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

October 18, 2013

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

October 18, 2013 8:30 AM Status Check

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Katrina Hernandez

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Albright, George Mark Attorney
Peek, Joseph S. Attorney

JOURNAL ENTRIES

- Also present via telephonic conference: John Aldrich, Jonathan Stein, and Shannon Hopkins .

Court noted it has received the status report from San Diego. Upon Court's inquiry, Mr. Peek and Mr. Stein advised they are not aware of any additional law suits; noted VTB is a Delaware corporation; and as to the injunction hearing, parties further agreed they have no issue with this Court contacting the Judge in San Diego to see if he will defer to Nevada. Court to advise parties of the outcome.

*CLERK'S NOTE: See Minute Order released on the same date./kh 10-21-13

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

October 18, 2013

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

October 18, 2013 12:00 AM Minute Order

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Katrina Hernandez

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Court spoke to Hon. William Dato, San Diego Superior Court. Judge Dato expressed no objection to coordination between the jurisdictions on injunctive relief issues and would discuss at the case management conference in his consolidated cases.

*CLERK'S NOTE: A copy of the above minute order was distributed to: Mark Albright and Stephen Peek, Esq./kh 10-18-13

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

November 01, 2013

A-13-686890-B	Kearney IRRV Trust, Plaintiff(s)
	vs.
	Kenneth Potashner, Defendant(s)

November 01, 2013 3:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- MOTION TO ASSOCIATE COUNSEL...MOTION TO ASSOCIATE COUNSEL (JONATHAN MATTHEW STEIN)...MOTION TO ASSOCIATE COUNSEL

Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motions to Associate (Monteverde, Stein, and Stigi) are deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Respective Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

Atty. Dustin Johnson, Atty. G. Mark Albright, and Atty. J. Stephen Peek to be notified by minute order to prepare the respective orders and notify the appropriate parties.

CLERK'S NOTE: A copy of the above minute order was distributed via electronic mail to: Joseph Peek, Esq. (speek@hollandhart.com); Richard Gordon, Esq. (rgordon@swlaw.com); George Albright, Esq. (gma@albrightstoddard.com); Dustin Johnson, Esq. (dustin@muckleroyjohnson.com), Griffith Hayes, Esq. (ghayes@cookseylaw.com); John Aldrich, Esq. (jaldrich@johnaldrichlawfirm.com). / dr 11-4-13

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

December 06, 2013

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

December 06, 2013 3:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- MOTION TO ASSOCIATE COUNSEL (NEIL A. STEINER)...MOTION TO ASSOCIATE COUNSEL (BRIAN CHRISTOPHER RAPHEL)...MOTION TO ASSOCIATE COUNSEL (JOSHUA DAVID NELSON HESS)

Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Defendant VTB's Motion to Associate (Steiner) is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Defendant VTB's Motion to Associate (Raphel) is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Defendant

VTB's Motion to Associate (Hess) is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

Mr. Richard Gordon is to be notified by way of minute order to prepare the Order and notify the appropriate parties.

CLERK'S NOTE: A copy of the above minute order was distributed via electronic mail to: Richard Gordon, Esq. (rgordon@swlaw.com); Karl Riley, Esq. (kriley@swlaw.com); J. Stephen Peek, Esq. (speek@hollandhart.com); G. Mark Albright, Esq. (gma@albrightstoddard.com); John P. Aldrich, Esq. (jaldrich@johnaldrichlawfirm.com); Griffith H. Hayes, Esq. (ghayes@cookseylaw.com); Dustin A. Johnson, Esq. (dustin@muckleroyjohnson.com). / dr 12-11-13

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

December 12, 2013

A-13-686890-B	Kearney IRRV Trust, Plaintiff(s)
	vs.
	Kenneth Potashner, Defendant(s)

December 12, 2013 4:40 PM Telephonic Conference

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Aldrich, John P.	Attorney
	Gordon, Richard C.	Attorney
	Peek, Joseph S.	Attorney
	Steiner, Neil A.	Attorney
	Stoddard, William H.	Attorney

JOURNAL ENTRIES

- Also participating telephonically: Attorney Shannon Hopkins of Levi & Korsinsky, co-lead counsel for Nevada Plaintiffs; Attorney Gustavo Bruckner for the Plaintiffs; Attorney Alex Moreno of Sheppard, Mullin, Richter & Hampton LLP in San Diego for the Director Defendants and Parametric; Attorney Randall Baron of Robbins Geller representing San Diego Plaintiffs.

Court advised parties of a telephone conference it had with Judge Dato in San Diego, regarding competing motions for preliminary injunction which have slightly different factual issues; the Court informed Judge Dato it would be happy to have the San Diego Plaintiffs here in Nevada and raise issues even if different from those raised here; an OST was submitted to schedule the motion for preliminary injunction that the Nevada Plaintiffs have submitted. Mr. Peek advised Defendants have until the 19th to respond to Plaintiffs' opening motion and the reply would be due the following Monday or Tuesday; after checking with Chambers parties agree matter can be heard on the 26th. COURT ORDERED, Preliminary Injunction Hearing SET on December 26, 2013. Mr. Peek noted the issue that Judge Dato said was not raised in this proceeding has already been raised by the brief filed

yesterday. Court noted it has no opposition to receiving supplemental briefs to any issues as the Court believes the critical ones need to be decided in one forum. Counsel agreed with the Court's comments not to have competing preliminary injunction hearings and competing rulings. Discussion regarding briefing. COURT ORDERED, supplemental brief from the Robbins Geller firm in whatever nature it will be characterized DUE 12/18/13 at noon; single opposition DUE 12/23/13 by close of business. Proposed findings of fact and conclusions of law are to be emailed in MS Word format. At Ms. Hopkins' request, Court suggested Levi & Kostrinsky submit a supplemental brief with Robbins Geller on the 18th by noon. Colloquy regarding expert reports and scheduling.

12/26/13 10:00 AM MOTION FOR PRELIMINARY INJUNCTION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****December 19, 2013**

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
 vs.
 Kenneth Potashner, Defendant(s)

December 19, 2013 2:30 PM Telephonic Conference

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Albright, George Mark	Attorney
	Aldrich, John P.	Attorney
	Gordon, Richard C.	Attorney
	Nelson, Joshua D.	Attorney
	Peek, Joseph S.	Attorney
	Stein, Jonathan M.	Attorney
	Steiner, Neil A.	Attorney

JOURNAL ENTRIES

- Also participating telephonically: Attorney Alejandro "Alex" Moreno with Sheppard, Mullin, Richter & Hampton LLP in San Diego; Attorneys Randall Baron and David Knotts with Robbins Geller Rudman & Dowd LLP in San Diego; Shannon Hopkins of Levi & Korsinsky in New York.

Court advised conference call was set as the Judicial Executive Assistant inquired of how the Robbins Geller brief would be submitted since they are technically not a party in this case. COURT ORDERED, supplemental brief submitted by California Plaintiffs MARKED as Court's Exhibit 1; compendium of exhibits MARKED as Court's Exhibit 2; LODGED with the Vault UNDER SEAL. (See worksheet.) Court further noted there are certain issues with regards to confidentiality, and the Robbins Geller firm was not a party to a stipulated confidentiality agreement (protective order entered 12-11-13). Upon Court's inquiry, Mr. Baron stated there is a confidentiality agreement in California similar to the one in Nevada. Mr. Peek noted they are similar but do not have entirely the

same language; however, Mr. Baron indicated the San Diego order is sufficient. Further statement by Mr. Baron regarding filings in conjunction with the order. Court noted this will solve its concerns, and advised parties if they believe any portions of the documents marked today as Court's Exhibits can be unsealed this can be discussed at the December 26th hearing. Discussion regarding sealing exhibits under Nevada rule. Court noted redactions for purposes of the initial filing will be acceptable. Mr. Peek advised they can deliver unredacted briefs on Monday, the 23rd, as well as exhibits, then try to work through all the redactions and file the pleading. Court stated, as long as parties exchange documents and have them submitted to the Court by close of business on Monday this is fine, and then deal with filing on either Tuesday or when parties appear at the December 26th hearing. Court advised counsel of its general practice to conduct preliminary injunction hearings only on the briefs and set live witnesses at a separate time. At Mr. Baron's request, Court stated it is not inclined to hear live testimony; if something unusual occurs this will be set at a different time; parties are welcome to have someone as an observer and assist counsel. Upon inquiry of Mr. Peek, Court further noted, Mr. Baron will not be required to make a pro hac vice application given the Court's conversation with Judge Dato. Mr. Baron advised his pro hac vice papers are in the process of being filed. Court stated it informed Judge Dato counsel will be allowed to participate.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

December 26, 2013

A-13-686890-B	Kearney IRRV Trust, Plaintiff(s) vs. Kenneth Potashner, Defendant(s)
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December 26, 2013	10:00 AM	Motion for Preliminary Injunction
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HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Andrea Natali

RECORDER: Sandra Pruchnic

REPORTER:

PARTIES

PRESENT:	Albright, George Mark	Attorney
	Gordon, Richard C.	Attorney
	Peek, Joseph S.	Attorney
	Stein, Jonathan M.	Attorney
	Steiner, Neil A.	Attorney
	Stigi, John P., III	Attorney

JOURNAL ENTRIES

- Also present in Court: Christopher Lezak, representing Vitie Rakauskas; David Knotts and Randal Baron, representing the California Plaintiffs for the California case; David O'Mara representing the Plaintiffs for the Nevada case.

Also appearing telephonically: Shannon Hopkins representing the Nevada Plaintiffs; Gustavo Brukner representing the Plaintiffs.

COURT ADVISED, a determination had been made that it was in the interest of the Nevada company to face only one injunctive relief proceeding; therefore, the Plaintiff's from the other cases have been invited to participate in today s proceedings. FURTHER, because those plaintiffs were not a party to this case, the brief filed was marked as a court's exhibit and, the briefs, exhibits, and expert reports have all been reviewed by this court. Mr. Baron stated he filed the pro hac vice documents with the

court. Upon Court's inquiry, Defense counsel stated there were no concerns related to Mr. Baron's documents being filed. COURT STATED, it was not sure if the fees had to be paid to the Nevada Bar and, after discussions with Judge Dato, this court did not think it was necessary to file pro hac vice documents to allow counsel to participate in today's hearing. Motion to Associate Counsel set on the 1/24/14 chambers calendar, VACATED.

Argument by Mr. Stein regarding preliminarily enjoining the transaction between Turtle Beach and Parametric until disclosures have been provided and the parties have a full shopping process. Further Mr. Stein argued regarding whether there were full disclosures of potential conflicts of the advisors and directors; regarding net loss carryover; regarding disclosures of the tax rate and how the rate was determined; whether there would be irreparable harm if the Preliminary Injunction was not granted. Mr. Stein requested, if the court were inclined to grant an injunction, that only a minimal bond be required.

Argument by Mr. Baron regarding asset lockups; regarding whether there were infringements on the shareholders right to vote; whether there was exclusivity as to the purchase of the property license. Mr. Baron further argued, regarding what the buyer would receive if the merger didn't go through. Further Argument by Mr. Baron regarding fair market value and if the record could demonstrate fair value; whether there was evidence of other options provided for the licensing agreement; whether the licensing agreement met the requirements for an asset lockup.

Argument by Mr. Peek regarding issues of fairness opinions considered by the board and other suitors as to the purchase of the company; whether the board director had full control over the affairs of the corporation; whether there was a breach of duty as to intentional misconduct or fraud. Mr. Peek further argued regarding whether rule 78.139 applied to this case and whether there was compliance with rule 78.138; whether the transaction was fair to the shareholders; whether the statutes require additional disclosures; whether the board was fully informed of the negotiations and whether there were omissions.

Argument by Mr. Steiner regarding whether there was a value of the license in the gaming field; whether there should be exclusivity on gaming; whether there were any violations of Nevada laws; whether there was any basis to enjoin this action.

Rebuttal arguments by Mr. Baron and Mr. Stein regarding whether this deal should go forward as is or whether there should be disclosures.

COURT NOTED as to whether the board of directors, when acting in consultation with advisors, should question the advice of the experts as related to the deal protection and exclusivity of licensing of IP asset for an application as a breakup fee it, FINDS, IT IS WITHIN the Board's business judgment to make that determination. FURTHER based on the preliminary evidence presented, it doesn't appear there was a basis to make a determination that the director's reliance was misplaced despite the concerns related to potential conflicts. COURT REQUESTED additional arguments related to the disclosures and accuracy issues; NOTING accurate information should be provided.

Further arguments regarding whether there would have been any material differences with the disclosures if the 2013 book was used; whether the Plaintiff s had proven there was a likelihood of success; whether there should be additional disclosures as to Houlihan Lokey. MATTER TRAILED, for counsel to reach Mr. Wambeke to determine if there would be a material difference

MATTER RECALLED. Mr. Peek read Mr. Wambeke s transcript; noting there were no material issues noted. Colloquy regarding whether Mr. Wambeke s transcripts accurately reflected the testimony of the witness as read by Mr. Peek. Mr. Stigi stated that he spoke with Mr. Wambeke confirmed that Craig Hallum would have used the identical WACC range. Further arguments regarding Houlihan disclosures, tax rates, debt raised, and Houlihan s fees.

COURT NOTED, it recognized a mistake was made; however, the deposition testimony doesn t demonstrate there would be material change and, ORDERED, the Motion for Preliminary Injunction DENIED WITHOUT PREJUDICE; counsel to pursue any other remedies that are appropriate.

Colloquy regarding drafting the Findings of Fact. Mr. Peet stated the confidential note on the Findings of Fact was a mistake. COURT NOTED, if there were any disputes that could not be worked out between counsel as to the findings, it could be decided upon in chambers.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

January 24, 2014

A-13-686890-B	Kearney IRRV Trust, Plaintiff(s) vs. Kenneth Potashner, Defendant(s)
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January 24, 2014	3:00 AM	Motion to Seal/Redact Records
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HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Parametric Defendants Motion to Redact Portions of The Opposition to the Motion for Preliminary Injunction is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. After consideration of the commercial sensitivity and confidential nature of the information contained in the motion, the motion is granted as requested. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

Mr. Peek is to be notified by way of minute order to prepare the order and notify the appropriate parties.

CLERK'S NOTE: A copy of the above minute order was distributed via electronic mail to: J. Stephen Peek, Esq. (speek@hollandhart.com); G. Mark Albright, Esq. (gma@albrightstoddard.com); Joseph E. White, Esq. (jwhite@saxenawhite.com); Richard Maniskas, Esq. (rmaniskas@rmclasslaw.com); Richard C. Gordon, Esq. (rgordon@swlaw.com); John P. Aldrich, Esq. (jaldrich@johnaldrichlawfirm.com); Griffith Hayes, Esq. (ghayes@cookseylaw.com); John P. Stigi, Esq. (jstigi@sheppardmullin.com); Dustin Johnson, Esq. (dustin@muckleroyjohnson.com); Shannon

Hopkins, Esq. (shopkins@zlk.com); David Knotts, Esq. (Dknotts@rgrdlaw.com).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

March 28, 2014

A-13-686890-B	Kearney IRRV Trust, Plaintiff(s) vs. Kenneth Potashner, Defendant(s)
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March 28, 2014	3:00 AM	Motion to Seal/Redact Records
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HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Director Defendants' Motion to Seal Unredacted Version of Motion to Dismiss 2nd Amended Complaint is deemed unopposed. Therefore, as the motion to dismiss includes commercially sensitive information and good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

Mr. Cassity is to be notified by way of minute order to prepare the Order and notify the appropriate parties.

CLERK'S NOTE: A copy of the above minute order was distributed via electronic mail to: Robert Cassity, Esq. (bcassity@hollandhart.com); J. Stephen Peek, Esq. (speek@hollandhart.com); John P. Stigi, Esq. (jstigi@sheppardmullin.com); G. Mark Albright, Esq. (gma@albrightstoddard.com); Joseph E. White, Esq. (jwhite@saxenawhite.com); Richard Maniskas, Esq. (rmaniskas@rmclasslaw.com); Richard C. Gordon, Esq. (rgordon@swlaw.com); John P. Aldrich, Esq. (jaldrich@johnaldrichlawfirm.com); Griffith Hayes, Esq. (ghayes@cookseylaw.com); Dustin Johnson,

Esq. (dustin@muckleroyjohnson.com); Shannon Hopkins, Esq. (shopkins@zlk.com).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

April 10, 2014

A-13-686890-B	Kearney IRRV Trust, Plaintiff(s) vs. Kenneth Potashner, Defendant(s)
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April 10, 2014 8:30 AM Motion to Intervene

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Albright, George Mark	Attorney
	Byrne, Patrick G.	Attorney
	O'Mara, David C.	Attorney
	Peek, Joseph S.	Attorney
	Stein, Jonathan M.	Attorney
	Stigi, John P., III	Attorney

JOURNAL ENTRIES

- Also present in the courtroom:
- Attorneys for Intervening Plaintiffs Boytim and Oakes: David C. O'Mara (The O'Mara Law Firm; Reno, NV); Randall Baron (Robbins Geller Rudman & Dowd LLP; San Diego, CA); David Knotts (Robbins Geller Rudman & Dowd LLP; San Diego, CA).
- Attorney Shannon Hopkins for Plaintiffs (Levi Korsinsky; New York NY).
- Attorney Stephanie Herdman-Cooper for Plaintiffs (John Aldrich Law Firm; Las Vegas, NV).

Participating telephonically:

- Attorney Stephanie Bartone for Plaintiffs (Levi Korsinsky; New York NY).
- Attorney Katharine Ryan for Plaintiffs (Ryan Maniskas; Wayne, PA).
- Attorney Samuel Adams for Plaintiffs (Pomerantz LLP; New York, NY).

Arguments by counsel. COURT ORDERED, motion GRANTED IN PART; request to intervene is

timely and well-made. Plaintiffs given two (2) weeks to have a collaborative leadership structure; if unable to come up with something agreeable, either a structure will be dictated or parties will be sent to a settlement conference judge. Parties to notify the Law Clerk if they agree; if unable to agree parties are to (1) submit competing proposals, or (2) request the assistance of an independent Business Court judge. Matter SET for Status Check in Chambers in two weeks.

Counsel represented to the Court they will have a discussion with respect to filing a consolidated complaint.

4-25-14 - CHAMBERS STATUS CHECK: LEADERSHIP STRUCTURE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

April 25, 2014

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

April 25, 2014 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Court executed the Order.

CLERK'S NOTE: A copy of the above minute order was distributed via electronic mail to: William O'Mara, Esq. & David O'Mara, Esq.; Randall Baron, Esq.; George Mark Albright, Esq.; J. Stephen Peek, Esq.; Richard Gordon, Esq.; John Aldrich, Esq.; Griffith Hayes, Esq.; Dustin Johnson, Esq.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

May 02, 2014

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

May 02, 2014 3:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- THE DIRECTOR DEFENDANTS' MOTION TO SEAL THEIR UNREDACTED RESPONSE TO THE CALIFORNIA PLAINTIFFS' MOTION TO INTERVENE, REQUEST TO VACATE THE PRIOR PLAINTIFF LEADERSHIP STRUCTURE AND APPOINT POST-CLOSE LEAD COUNSEL AND LIAISON COUNSEL AND THE DECLARATION OF ANDREW WOLFE...

...PLAINTIFFS, RAYMOND BOYKIM AND GRANT OAKS' RENEWED MOTION TO ASSOCIATE COUNSEL (DAVID ANTHONY KNOTTS, ESQ.)...

...PLAINTIFFS, RAYMOND BOYKIM AND GRANT OAKS' RENEWED MOTION TO ASSOCIATE COUNSEL (RANDALL JAY BARON, ESQ.)

THE DIRECTOR DEFENDANTS' MOTION TO SEAL THEIR UNREDACTED RESPONSE TO THE CALIFORNIA PLAINTIFFS' MOTION TO INTERVENE, REQUEST TO VACATE THE PRIOR PLAINTIFF LEADERSHIP STRUCTURE AND APPOINT POST-CLOSE LEAD COUNSEL AND LIAISON COUNSEL AND THE DECLARATION OF ANDREW WOLFE: Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to Seal is deemed unopposed. Therefore, as the Response included commercially sensitive information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

Mr. Peek is to be notified by way of minute order to prepare the order and notify the appropriate parties.

PLAINTIFFS, RAYMOND BOYKIM AND GRANT OAKS' RENEWED MOTION TO ASSOCIATE COUNSEL (DAVID ANTHONY KNOTTS, ESQ.)...PLAINTIFFS, RAYMOND BOYKIM AND GRANT OAKS' RENEWED MOTION TO ASSOCIATE COUNSEL (RANDALL JAY BARON, ESQ.): Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Plaintiff Boytim and Oaks Motion to Associate Counsel (Baron and Knotts) is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

Mr. David O'Mara is to be notified by way of minute order to prepare the Order and notify the appropriate parties.

CLERK'S NOTE: A copy of the above minute order was distributed via electronic mail to: J. Stephen Peek; Robert Cassity, Esq.; John Stigi III, Esq.; G. Mark Albright, Esq.; Jonathan Stein, Esq.; Adam Warden, Esq.; Katherine Ryan, Esq.; Richard Maniskas, Esq.; Richard Gordon, Esq.; Neil Steiner, Esq.; John Aldrich, Esq.; Griffith Hayes; Gustavo Bruckner, Esq.; Shannon Hopkins, Esq.; Dustin Johnson, Esq.; David O'Mara, Esq.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

July 25, 2014

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

**July 25, 2014 3:00 AM Motion to Seal/Redact
Records**

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Director Defendants' Motion to Seal/Redact is deemed unopposed. Therefore, as the information sought to be protected includes commercially sensitive information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

Mr. Cassity is to be notified by way of minute order to prepare the minute order and notify the appropriate parties.

CLERK'S NOTE: A copy of the above minute order was distributed via electronic mail to: J. Stephen Peek; Robert Cassity, Esq.; John Stigi III, Esq.; G. Mark Albright, Esq.; Jonathan Stein, Esq.; Katherine Ryan, Esq.; Richard Maniskas, Esq.; Richard Gordon, Esq.; Neil Steiner, Esq.; John Aldrich, Esq.; Griffith Hayes, Esq.; Gustavo Bruckner, Esq.; Shannon Hopkins, Esq.; Dustin Johnson, Esq.; David O'Mara, Esq.; Randall Baron, Esq.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****August 28, 2014**

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
 vs.
 Kenneth Potashner, Defendant(s)

August 28, 2014 8:30 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Baron, Randall J.	Attorney
	Gordon, Richard C.	Attorney
	Hess, Joshua D. N.	Attorney
	Knotts, David A.	Attorney
	O'Mara, David C.	Attorney
	Peek, Joseph S.	Attorney
	Raphel, Brian	Attorney
	Stein, Jonathan M.	Attorney
	Stigi, John P., III	Attorney

JOURNAL ENTRIES

- THE DIRECTOR DEFENDANTS' MOTION TO DISMISS THE FIRST CAUSE OF ACTION IN PLAINTIFFS' CLASS ACTION COMPLAINT IN INTERVENTION (REDACTED)...DEFENDANTS TURTLE BEACH CORPORATION AND VTB HOLDINGS, INC.'S MOTION TO DISMISS PLAINTIFFS' THIRD AMENDED CLASS ACTION COMPLAINT

Argument by Mr. Peek with regards to a direct vs. derivative claim, and alternative failure to plead exceptions to the business judgment rule; equity diversion; the threat. Argument by Mr. Hess as to the complaint not being very clear, that the mere receipt of emails is not enough for knowing participation or aiding and abetting. Upon Court's inquiry, Mr. Baron replied there is no reason to keep the complaint filed on February 28, 2014 sealed. COURT stated that under the circumstances it

appears that there is nothing there that needs to be sealed; matter SET for status check on the September 5 Chambers calendar as to any objections to unsealing the complaint. Mr. Hess stated this is a fair question and he will provide the information. Argument by Mr. Baron in opposition to the motions; Cohen makes it clear a merger is a direct claim, and they have detailed allegations on the company; Pltfs request the motions be denied as the complaint has satisfied the pleadings standard in Nevada. Mr. Stein stated he had nothing to add. COURT ORDERED, motions DENIED; case is at the pleading stage and the Court has to assume the allegations made by Pltfs in the complaint and intervention are true; the Court makes that assumption, while it understands there are issues that counsel may raise in motions for summary judgment, which is at a different standard. ANSWERS DUE on September 26. Rule 16 Conference SET on October 17. Court advised telephonic appearances at the Conference are acceptable; counsel will be expected to listen, as the Court will set the discovery schedule and trial date, and find out if there are any other injunctive relief issues or other issues that have not yet been covered; for instance, if there are any ESI protocol issues the Court would like to hear about those sooner rather than later.

9-5-14 - CHAMBERS STATUS CHECK RE: UNSEALING THE COMPLAINT FILED 2/28/14...THE DIRECTOR DEFENDANTS' MOTION TO SEAL THEIR UNREDACTED REPLY BRIEF IN SUPPORT OF THEIR MOTION TO DISMISS THE FIRST CAUSE OF ACTION IN PLAINTIFFS' CLASS ACTION COMPLAINT IN INTERVENTION AND EXHIBIT "A" THERETO

10-17-14 8:30 AM MANDATORY RULE 16 CONFERENCE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

September 05, 2014

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

September 05, 2014 3:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- THE DIRECTOR DEFENDANTS' MOTION TO SEAL THEIR UNREDACTED REPLY BRIEF IN SUPPORT OF THEIR MOTION TO DISMISS THE FIRST CAUSE OF ACTION IN PLAINTIFFS' CLASS ACTION COMPLAINT IN INTERVENTION AND EXHIBIT "A" THERETO...STATUS CHECK RE: UNSEALING THE COMPLAINT FILED 2/28/14

Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to Seal Unredacted Reply Brief is deemed unopposed. Therefore as there is commercially sensitive information contained in the pleading, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

Mr. Cassity is to be notified by minute order to prepare the order and notify the appropriate parties.

Futher, Complaint filed 2/28/14 is ORDERED UNSEALED.

CLERK'S NOTE: A copy of the above minute order was distributed via electronic mail to: J. Stephen Peek; Robert Cassity, Esq.; John Stigi III, Esq.; G. Mark Albright, Esq.; Jonathan Stein, Esq.; Adam

Warden, Esq.; Katherine Ryan, Esq.; Richard Maniskas, Esq.; Richard Gordon, Esq.; Neil Steiner, Esq.; John Aldrich, Esq.; Griffith Hayes; Gustavo Bruckner, Esq.; Shannon Hopkins, Esq.; Dustin Johnson, Esq.; Randall Baron, Esq.; David O'Mara, Esq.; David Knotts, Esq.; Joshua Hess, Esq.; Brian Raphael, Esq.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

October 17, 2014

A-13-686890-B	Kearney IRRV Trust, Plaintiff(s) vs. Kenneth Potashner, Defendant(s)
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October 17, 2014	8:30 AM	Mandatory Rule 16 Conference
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HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 03H

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Baron, Randall J.	Attorney
	Gordon, Richard C.	Attorney
	Hess, Joshua D. N.	Attorney
	Knotts, David A.	Attorney
	O'Mara, David C.	Attorney
	Peek, Joseph S.	Attorney
	Raphel, Brian	Attorney
	Stigi, John P., III	Attorney

JOURNAL ENTRIES

- Appearances continued: Attorney Adam Warden of Saxena White for the Plaintiffs.

Mr. Warden, Mr. Hess, Mr. Raphel, and Mr. O'Mara participated telephonically.

Upon inquiry of the Court, Mr. Hess advised Defendants will seek a stay in proceedings if the Supreme Court sought briefing from the other side on their petition. Mr. Gordon noted the petition was filed on Monday.

Pursuant to parties' agreement, COURT ORDERED, today is the day of the Joint Case Conference and the Report is WAIVED. Parties to file their lists of witnesses, documents, and damages, documents

pursuant to Rule 16.1, within 30 days. Mr. Baron advised there is substantial additional discovery; they have received Potashner emails from the buyer they had not previously received and that acknowledge motive and stock manipulation issues; they anticipate doing 7 to 10 depositions and document discovery. Mr. Stigi confirmed Defendants would like to take some depositions and that process has started. Regarding parties' request to have until 2/13/15 to complete document discovery, Mr. Stigi acknowledged expedited discovery was quite limited. Mr. Baron added that time period is simply for Defendants to get documents done and take Plaintiffs' depositions.

COURT ORDERED, matter SET for status check on the 11/14/14 Chambers calendar for the draft of an agreed ESI protocol, or competing versions. Based upon counsel's representation, Court noted there are no concerns at this time with regards to confidentiality. Mr. Baron advised they do not intend to add additional parties. Mr. Peek advised they will meet the 11/21/14 deadline for privilege log production, but that they simply did not want the Court to think it will be a final one. Mr. Baron advised Plaintiffs intend to have a damages valuation expert, with the possibility of an industry expert to assist in valuation, and requested expert dates not be staggered.

COURT ORDERED, expert disclosures where party bears the burden of proof DUE 6/19/15; Defendants' experts DUE 7/19/15; rebuttal experts DUE 8/19/15; percipient witness discovery cut-off 6/5/15; fact expert discovery cut-off 9/4/15; dispositive motions DUE 9/25/15. Parties need to STIPULATE on clean-up discovery. Matter SET for trial on the stack beginning 11/16/15, with Calendar Call on 11/12/15 and Pre-Trial Conference on 10/23/15. Trial anticipated to last 3 to 4 weeks, including jury selection. Court noted a Jury has been DEMANDED. Motions for Summary Judgment MUST BE HEARD prior to Calendar Call; parties are permitted to work out a briefing schedule amongst themselves. Any motion to amend needs to be filed sooner rather than later. All discovery disputes will be HANDLED by this Court. The Nevada Supreme Court Rule of limiting a deposition to 7 hours is SUSPENDED. If there is a problem at a deposition, the Court prefers to resolve it during the deposition, while everyone is present and before the witness leaves, unless the witness is returning another day. Parties agreed a settlement conference would not be productive at this time.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

November 07, 2014

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

November 07, 2014	3:00 AM	Motion to Seal/Redact Records	The Director Defendants' Motion to Seal Their Unredacted Answer to Class Action Complaint in Intervention.
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HEARD BY: Gonzalez, Elizabeth

COURTROOM: No Location

COURT CLERK: Andrea Natali

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed.

Accordingly, pursuant to EDCR 2.20(e) the Motion to Redact is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, as commercially sensitive information governed by the protective order is included in the pleading, motion is GRANTED. Movant may redact the six identified paragraphs. The original answer to remain sealed. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

CLERK S NOTE: A copy of the above minute order was distributed to the parties via electronic mail. (11/7/14 amn)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

November 14, 2014

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

**November 14, 2014 3:00 AM Status Check Status Check: ESI
Protocol - Draft of
Agreed Protocol or
Competing Versions**

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Andrea Natali

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED one week.

CONTINUED TO: 11/21/14 (CHAMBERS).

CLERK'S NOTE: A copy of the above minute order was provided to counsel via electronic mail (11/14/14 amn).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

November 21, 2014

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

**November 21, 2014 3:00 AM Status Check Status Check: ESI
Protocol - Draft of
Agreed Protocol or
Competing Versions**

HEARD BY: Gonzalez, Elizabeth

COURTROOM: No Location

COURT CLERK: Andrea Natali

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED two weeks.

STATUS CHECK: ESI Protocol - Draft of Agreed Protocol or Competing Versions - 12/5/14
(CHAMBERS)

CLERK'S NOTE: a copy of the above minutes was distributed to the parties via electronic mail
(11/24/14 amn).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

December 05, 2014

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

December 05, 2014	3:00 AM	Status Check	Status Check: ESI Protocol - Draft of Agreed Protocol or Competing Versions
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HEARD BY: Gonzalez, Elizabeth

COURTROOM: No Location

COURT CLERK: Andrea Natali

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Matter handled in open court on 12/8/14.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

December 08, 2014

A-13-686890-B	Kearney IRRV Trust, Plaintiff(s)
	vs.
	Kenneth Potashner, Defendant(s)

December 08, 2014 8:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Andrea Natali

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Baron, Randall J.	Attorney
	Cassity, Robert J.	Attorney
	Gordon, Richard C.	Attorney
	Knotts, David A.	Attorney
	Stigi, John P., III	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Attorney David O'Mara, Adam Warden, and Jonathan Stein present on behalf of Plaintiffs; Attorney Josh Hess present on behalf of Defendants Turtle Beach Corp and VTB Holdings, Inc.

As to HEARING RE: PROPOSED ESI PROTOCOL:

COURT NOTED, she received the partys' briefs. Statement by Mr. Baron noting he would advise what the search terms were; advised he had no opposition to the Defense looking at all the documents; however, noted it didn't appear to be the best practice to follow. Upon Court's Inquiry, Mr. Knotts stated D.A. stood for a Definitive Agreement. COURT NOTED, normally it is negotiated that the person doing the search would perform the search as much as needed until they see the associated costs. Mr. Hess stated there weren't disagreements on the search terms; however, noted he understood what the discovery terms were going to be. Upon Court's further inquiry, Mr. Hess stated the it wasn't referenced in the protocol due to time constraints. Further, Mr. Hess stated he had produced items without the need for discovery; however, noted the request for search terms

requested were an on-going broad scope. Upon Court's further inquiry regarding how many times counsel anticipated running the search, Mr. Hess stated he wanted to search the least amount of times possible. Further, statement by Mr. Baron requesting an order and noting he was happy to work out the search terms. COURT ORDERED, counsel to meet and confer regarding the Search Terms and Custodian; which are considered separate; NOTED, if a problem arises counsel can return for a protective order. COURT FURTHER NOTED, the order seemed overbroad; therefore, inquired when counsel could come up with a list. Mr. Baron stated if he has a response in one week, he would be done the following week. COURT FURTHER ORDERED, counsel has thirty (30) days from the entry of order to negotiate the Search Terms and Custodian.

As to DEFENDANTS' MOTION TO STAY PENDING CONSIDERATION BY THE NEVADA SUPREME COURT ON AN ORDER SHORTENING TIME:

Argument by Mr. Hess regarding whether the claims can be brought directly or derivatively. COURT NOTED, that was a different issue. Further, Mr. Hess argued the case before the Supreme Court was dispositive; noting the Plaintiff would have to ask for leave to amend; there wasn't irreparable harm to the Plaintiff if the case were stayed. Opposition by Mr. Baron noting whether the writ was regarding the Motion to Dismiss; whether the case should be stayed or whether he was capable of proceeding. Further, argument by Mr. Hess regarding whether there would be harm to the Defendants and whether there was a probability of success on the merits. COURT ORDERED, motion GRANTED IN PART; matter STAYED for everything EXCEPT entry of the ESI negotiations of the Search Terms and of the Custodian. COURT FURTHER ORDERED, matters SET for Status check.

1/9/15 (CHAMBERS) - STATUS CHECK: ESI

3/13/15 (CHAMBERS) - STATUS CHECK: SUPREME COURT DECISION / STAY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

January 09, 2015

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

January 09, 2015 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED for two weeks.

...1-23-15 - CHAMBERS STATUS CHECK: ESI

CLERK'S NOTE: A copy of the above minute order was distributed via electronic mail to parties. / dr

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

January 23, 2015

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

January 23, 2015 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- ESI Protocol submitted and signed. Matter OFF CALENDAR.

CLERK'S NOTE: A copy of the above minute order was distributed to parties via electronic mail.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

February 17, 2015

A-13-686890-B	Kearney IRRV Trust, Plaintiff(s)
	vs.
	Kenneth Potashner, Defendant(s)

February 17, 2015 8:30 AM Status Check

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Cassity, Robert J.	Attorney
	Gordon, Richard C.	Attorney
	Knotts, David A.	Attorney
	O'Mara, David C.	Attorney
	Raphel, Brian	Attorney
	Stein, Jonathan M.	Attorney
	Stigi, John P., III	Attorney

JOURNAL ENTRIES

- Mr. Raphel and Mr. Stein participated by telephone.

Mr. Knotts stated, he thought the search terms were resolved back in December; parties have talked about (1) the attorneys being able to review everything, or (2) the attorneys running search terms on everything, reviewing that material, and sending it over; the issue now is 3 of the named Defendants which are Mr. Potashner, Mr. Wolfe, and Mr. Putterman, still have problems with the concept of search terms and will not let their attorneys run search terms on their email accounts where they conducted a majority of their Potashner business.

Mr. Stigi advised parties did meet and confer on search terms and custodians; the issue is whether they should run search terms on every document, or identify Parametric documents first and run search terms on those; the fact that Plaintiff wants to micromanage his clients' documents is new to

him. Upon inquiry of the Court, Mr. Stigi explained, a lawyer and e-discovery consultant will sit with the client, going through the inbox or index, and look at documents that involve members of the board, the former Turtle Beach people, etc.; Mr. Potashner said absolutely; the process will be email by email, with one proviso regarding confidentiality, and that they would probably skip irrelevant email; it will be the same process with Mr. Wolfe and Mr. Putterman. Mr. Stigi advised someone from his office will certify this to the Court.

Mr. Knotts stated the brief indicates the process will take hundreds of hours to review search term hits. Court noted, based on what is contained in the "To", "From", and "Re" lines, they will not delve into something not recognized and will be the lawyer's judgment call; it will be a different issue when there is mislabeling of documents, but for now, the Court is satisfied with the diligence of an attorney making that judgment call.

Mr. Gordon advised briefing on the writ petition before the Nevada Supreme Court will be completed next week, and he has spoken with Plaintiffs' counsel about the March 13th in-chambers status check before this Court. COURT ORDERED, pursuant to STIPULATION of the parties to extend the stay for six weeks, status check CONTINUED to May 15, 2015 in Chambers. Counsel to submit a status report prior to that date.

2-27-15	CHAMBERS	MOTION TO ASSOCIATE COUNSEL (ADAM DAVID WARDEN, ESQ.)
5-15-15	CHAMBERS	STATUS CHECK: SUPREME COURT DECISION / STAY
6-11-15	8:30 AM	STATUS CHECK
10-23-15	8:30 AM	PRE TRIAL CONFERENCE
11-12-15	8:45 AM	CALENDAR CALL
11-16-15	1:30 PM	JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

February 27, 2015

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

**February 27, 2015 3:00 AM Motion to Associate
Counsel**

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to Associate counsel (Adam David Warden, Esq.) is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

Attorney David O'Mara is to be notified by way of minute order to prepare the order and notify the appropriate parties.

CLERK'S NOTE: A copy of the above minute order was distributed to parties via electronic mail.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****May 13, 2015**

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
 vs.
 Kenneth Potashner, Defendant(s)

May 13, 2015 1:00 PM Motion For Stay

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Baron, Randall J.	Attorney
	Gordon, Richard C.	Attorney
	Hess, Joshua D. N.	Attorney
	Knotts, David A.	Attorney
	O'Mara, David C.	Attorney
	Peek, Joseph S.	Attorney
	Raphel, Brian	Attorney
	Steiner, Neil A.	Attorney
	Stigi, John P., III	Attorney
	Warden, Adam D.	Attorney

JOURNAL ENTRIES

- All parties appeared by telephone.

Mr. Hess requested the Court extend the stay, as they would lose the relief they are seeking from the Nevada Supreme Court. Mr. Peek joined in the request. Mr. Baron opposed Defendants' motion, stating there is no reason to delay their progress. Court asked for an update on the search and production of information before ruling on the motion, referring specifically to the collection of electronic documents as discussed on February 17, 2015, in person. Mr. Stigi stated the Court had indicated they would be discussing ESI protocols and the parameters, but that the actual work would be subject to the stay; obviously, they have collected and produced hundreds of pages of documents,

although the additional work would be subject to the stay. Court upon review of its order noted counsel is right and that it did not require compliance with ESI, only finalization of the ESI protocol and execution of search terms. COURT ORDERED, Defendants' motion to extend stay DENIED; while the Court understands the issues related to the Nevada Supreme Court's progress and the appearance that they may actually be considering this, the continued pace needs to occur in some way, shape, or form, especially since this has not been a total stay of proceedings.

Court further inquired as to the status of ESI production. Mr. Peek requested some time to take this matter to the Supreme Court. Court requested counsel first provide an answer to its question so the issue can be better framed for the Supreme Court. Mr. Peek deferred to Mr. Stigi as to when they can commence rolling productions. Mr. Stigi advised, after he gets off this phone call he will get with his team to meet with the individuals as soon as possible, either tomorrow, or Friday (May 15, 2015), and start the process of the attorney sitting next to Mr. Potashner, Mr. Wolfe, etc. while they go through the documents; he would imagine a timeframe of 30 to 45 days, with the proviso that they would be able to do a comparison between this additional collection that's already been produced; therefore, there will be a large number of duplicates, with the proviso that Plaintiff's counsel understands it is a result of everything. COURT ORDERED, an aspirational goal of 30 days for the start of the rolling production is given; any impediments to that are to be raised with the Court sooner rather than later. Court further DIRECTED Mr. Gordon to prepare an order indicating denial of an extension of the stay previously ordered on February 4, 2015 and that counsel will be seeking a stay from the Nevada Supreme Court. Once the proposed order is submitted, the Court will give a 5-day stay for counsel to seek relief from the Supreme Court; however, this will not be added to the 30-day aspirational goal.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

May 15, 2015

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

May 15, 2015 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Matter handled on May 13, 2015 in open court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

September 15, 2017

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

September 15, 2017 9:44 AM Minute Order

HEARD BY: Gonzalez, Elizabeth

COURTROOM: No Location

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- COURT ORDERS a Status Check SET re: further proceedings in this matter on Monday, October 2, 2017 8:30 AM (Courtroom 10-C). Parties to appear.

CLERK'S NOTE: Parties notified by distributing a copy of this minute order via the E-Service Master List. / dr 9-15-17

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****October 02, 2017**

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
 vs.
 Kenneth Potashner, Defendant(s)

October 02, 2017 8:30 AM Status Check

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Cassity, Robert J.	Attorney
	Gordon, Richard C.	Attorney
	Knotts, David A.	Attorney
	O'Mara, David C.	Attorney
	Peek, Joseph S.	Attorney
	Stigi, John P., III	Attorney
	Warden, Adam D.	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Attorney Joshua Hess for Defendants.

Mr. Warden and Mr. O'Mara participated by telephone.

Court noted the Nevada Supreme Court has determined that this Court is to grant the motion to dismiss and give Plaintiffs leave to amend. Court directed counsel to submit an order that will also indicate how long it will take to amend to state the claim that the Nevada Supreme Court has identified. Mr. Knotts advised they can file an Amended Complaint within 30 days. Mr. Peek stated this is fine, but they would just like to see the order, that it tracks the Nevada Supreme Court's very limited amendment. Following further discussion, Mr. Peek stated they will prepare that order and run it by counsel. At the request of Mr. Knotts, COURT ORDERED, A-16-741073 be CONSOLIDATED with this case. Clerk advised it already is. COURT SO NOTED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

February 02, 2018

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

February 02, 2018 3:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- PLAINTIFFS' MOTION TO FILE UNDER SEAL THE ACCOMPANYING MOTION TO UNSEAL THE AMENDED CLASS ACTION AND DERIVATIVE COMPLAINT...PLAINTIFFS' MOTION TO UNSEAL THE AMENDED CLASS ACTION AND DERIVATIVE COMPLAINT

Re:

Motion to Seal Motion to Unseal filed 12/28/17

Motion to Unseal filed 12/29/17

Motion to file Class Action Complaint under Seal filed 12/1/17

The Court has reviewed the three motions. Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the 12/28/17 Motion to Seal Motion to Unseal and 12/29 Motion to Unseal are deemed unopposed. Therefore, good cause appearing, COURT ORDERED, those motions are both granted. The 12/1/17 Motion to file Class Action Complaint under Seal is MOOT given the court's ruling on the other motions. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / dr 2-5-18

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

March 12, 2018

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

March 12, 2018 8:30 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Baron, Randall J. Attorney
Gordon, Richard C. Attorney
Hess, Joshua D. N. Attorney
Knotts, David A. Attorney
O'Mara, David C. Attorney
Peek, Joseph S. Attorney
Stigi, John P., III Attorney
Warden, Adam D. Attorney

JOURNAL ENTRIES

- THE DIRECTOR DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' AMENDED CLASS ACTION AND DERIVATIVE COMPLAINT...DEFENDANT VTB HOLDINGS, INC. AND SPECIALLY APPEARING DEFENDANTS STRIPES GROUP, LLC AND SG VTB HOLDINGS LLC'S MOTION TO DISMISS PLAINTIFFS' AMENDED CLASS ACTION AND DERIVATIVE COMPLAINT

Mr. O'Mara participated by telephone.

Arguments by Mr. Stigi, Mr. Hess, and Mr. Baron. Plaintiffs' Motion to Dismiss Hearing Materials submitted by Mr. Baron MARKED as Court's Exhibit 1. (See worksheet.) COURT ORDERED, under the Consipio Private Media analysis, the allegations that have been made about Stripes' directing of

conduct towards the injury of the Nevada entity are sufficient at the pleading standard for the Court to exercise jurisdiction over Stripes; demand would be futile given Stripes' interestedness on the board, so prior evaluation of interestedness that the Court has made is not disturbed by the change; new demand needs to be made; given the Nevada Supreme Court's analysis of the equity expropriation issue, it appears that the Plaintiffs in re-pleading their Complaint have addressed that issue; while there may be information presented at the summary judgment stage or after some discovery that causes the Court to dismiss those claims, at the pleading stage, they appear appropriate.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****June 01, 2018**

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

June 01, 2018**3:00 AM****Motion****Supplemental Rule
16 Conference set.****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** Chambers**COURT CLERK:** Dulce Romea**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- The Court has reviewed the Motion to Set a Schedule. The matter is SET for a supplemental Rule 16 conference and the motions scheduled for June 6 and June 15 will be heard together on June 11, 2018 at 8:30 AM. Judicial Executive Assistant to set a supplemental Rule 16 conference.

6-11-18 8:30 AM DEFENDANTS' MOTION TO STAY...MOTION TO ASSOCIATE
COUNSEL (TIMOTHY ZIMMER LACOMB, ESQ.)...SUPPLEMENTAL RULE 16 CONFERENCE

CLERK'S NOTE: A copy of this minute order was distributed to the parties via the E-Service list. / dr

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****June 11, 2018**

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
 vs.
 Kenneth Potashner, Defendant(s)

June 11, 2018**8:30 AM****All Pending Motions****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Dulce Romea**RECORDER:** Jill Hawkins**REPORTER:****PARTIES**

PRESENT:	Baron, Randall J.	Attorney
	Cassity, Robert J.	Attorney
	Gordon, Richard C.	Attorney
	Hess, Joshua D. N.	Attorney
	Knotts, David A.	Attorney
	O'Mara, David C.	Attorney
	Peek, Joseph S.	Attorney
	Stigi, John P., III	Attorney

JOURNAL ENTRIES

- PLAINTIFF'S MOTION TO ASSOCIATE COUNSEL (TIMOTHY ZIMMER LACOMB, ESQ.):
 Counsel for Plaintiffs advised Mr. Lacombe is not present today because he had his first child over the weekend. COURT ORDERED, motion to associate counsel GRANTED. By accepting this admission, Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a).

DEFENDANTS' MOTION TO STAY: Following arguments by Mr. Peek and Mr. Baron, COURT ORDERED, motion DENIED given the fact that the petition with extraordinary relief has been with the Nevada Supreme Court for 8 weeks. This does not preclude counsel from asking the Supreme Court for a stay.

SUPPLEMENTAL RULE 16 CONFERENCE: Colloquy regarding proposed schedule attached to motion attached to motion to set schedule. Mr. Peek noted part of the schedule should be dictated by what happens with class certification with a hearing on that sometime after October 19; completion of discovery should be extended after class certification; he has no problem doing experts after and wants an opportunity to take oral discovery in addition to written discovery. Mr. Stigi stated they had their pre-preliminary injunction hearing discovery back in 2013, ran search terms, and made productions; they also had an ESI protocol in place, and then the case was stayed; they are in the process of gearing the engine back up again and have done the prep work but not productions as they do not have a schedule; right now there is an odd hybrid of a class case and derivative case which creates potential representation conflicts; if in fact this goes forward as both a class and derivative case it could affect class certification. Mr. Peek concurred with Mr. Stigi on the issue raised as to representation and requested Mr. Baron address it today. Mr. Baron responded the real issue is to get document production going and Plaintiffs will brief their class certification motion. Mr. Hess explained it is not purely a resumption of discovery with respect to STRIPES and SGVTB.

COURT ORDERED the following schedule:

New Defendants to make their initial disclosures pursuant to Rule 16. 1 within 2 weeks. Any additional custodians or additional search terms need to be done within 4 weeks as a group. Parties will inform the Court if they are unable to reach a decision or agreement.

Other Defendants to resume rolling ESI production within 2 weeks after a production of a group of documents. Any accompanying privilege log must be submitted for documents that have been withheld.

Plaintiffs to file class certification motion within 2 weeks; there will 90 days of discovery prior to an opposition to the class certification motion being filed. At this time, the Court is not specifying the discovery that can be done; counsel can do whatever they want; if it becomes burdensome the Court assumes it will be notified. At Mr. Peek's request, Defendants to file their opposition in 104 days or two weeks after the close of discovery; Plaintiffs will then have 30 days to file a reply brief, and a hearing will be set 30 days thereafter, either in early December or January.

Expert disclosures where a party bears the burden of proof DUE March 22, 2019;

Rebuttal expert disclosures where a party does not bear the burden of proof DUE May 24, 2019;

Discovery cut-off SET for August 23, 2019;

Dispositive motions and motions in limine to be FILED BY September 27, 2019.

Matter SET for Jury Trial on the stack that begins on November 18, 2019. Trial setting order will ISSUE.

Court can discuss with counsel a request for more time or modification to the schedule at the time the class certification motion is ruled on; however, a placeholder schedule is being set at this time.

Mr. Peek inquired as to when they can have an evidentiary hearing, which the Supreme Court said they were entitled to have, if there is an issue on the part of the Defendants as to whether or not demand is excused. Court noted it assumes counsel will formally ask for that hearing at some point in time and will determine discovery if parties ask for it; some of it may be related to class certification issues.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

July 27, 2018

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

**July 27, 2018 3:00 AM Motion for Class
Certification**

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, Motion for Class Certification per June 11, 2018 minute order CONTINUED to January 7, 2019 at 9 am.

CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / dr 7-30-18

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

September 17, 2018

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

September 17, 2018 9:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Gordon, Richard C. Attorney
 Knotts, David A. Attorney
 O'Mara, David C. Attorney
 Peek, Joseph S. Attorney

JOURNAL ENTRIES

- DEFENDANTS' MOTION TO ASSOCIATE COUNSEL (ALEJANDRO MORENO)...STATUS CHECK: DISCOVERY SEARCH TERMS

DEFENDANTS' MOTION TO ASSOCIATE COUNSEL (ALEJANDRO MORENO): COURT ORDERED, motion GRANTED. By accepting this admission, Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a). Proposed order signed in open court and returned to Mr. Peek for filing.

STATUS CHECK: DISCOVERY SEARCH TERMS: Court noted the joint motion submitted to chambers needs to be noticed and scheduled on the Court's calendar. COURT ORDERED, joint motion regarding search terms SET for argument on Monday, September 24, 2018.

9-24-18 9:00 AM HEARING ON THE JOINT MOTION FOR HEARING REGARDING SEARCH TERMS DISPUTE ON ORDER SHORTENING TIME...STATUS CHECK: DISCOVERY

SEARCH TERMS

1-7-19 9:00 AM PLAINTIFFS' MOTION FOR CLASS CERTIFICATION AND
MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF

8-26-19 9:00 AM STATUS CHECK

10-24-19 9:30 AM PRE TRIAL CONFERENCE

11-12-19 9:30 AM CALENDAR CALL

11-18-19 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

September 24, 2018

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

September 24, 2018 9:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Louisa Garcia

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Gordon, Richard C.	Attorney
	Hess, Joshua D. N.	Attorney
	Knotts, David A.	Attorney
	O'Mara, David C.	Attorney
	Peek, Joseph S.	Attorney
	Warden, Adam D.	Attorney

JOURNAL ENTRIES

- PLAINTIFFS AND SPECIALLY APPEARING DEFENDANTS STRIPES GROUP, LLC AND SG VTB HOLDINGS, LLC'S JOINT MOTION FOR HEARING REGARDING SEARCH TERM DISPUTE ON ORDER SHORTENING TIME HEARING ON THE JOINT MOTION FOR HEARING REGARDING SEARCH TERMS DISPUTE ON ORDER SHORTENING TIME STATUS CHECK: DISCOVERY SEARCH TERMS

Adam D. Warden, Esq., present telephonically. Mr. Knotts stated case history. Colloquy regarding production of discovery. Court advised Marriott is a custodian who was involved in the transaction so his data is relevant. The post-merger financial's are appropriate for ESI for one year after the merger. Colloquy regarding remaining discovery. Mr. Knotts stated Defendants are in the process of taking depositions and think they will be filing their opposition in 2-3 weeks. Mr. Hess stated October 9th. Mr. Knotts stated they would reply on the assigned date. Mr. Peek stated they were on schedule. Upon Court s inquiry, counsel do not believe the ESI will slow the process down. COURT

ORDERED Motion GRANTED IN PART, one year post-merger. Mr. Knotts to prepare Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****November 09, 2018**

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

**November 09, 2018 3:00 AM Motion to Seal/Redact
Records**

HEARD BY: Gonzalez, Elizabeth**COURTROOM:** Chambers**COURT CLERK:** Dulce Romea**RECORDER:****REPORTER:**

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the motion to seal Exhibit G is deemed unopposed. As the proposed sealing and redaction is narrowly tailored to protect account statements/financial information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

1-7-19 9:00 AM PLAINTIFFS' MOTION FOR CLASS CERTIFICATION AND
MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF

8-26-19 9:00 AM STATUS CHECK

10-24-19 9:30 AM PRE TRIAL CONFERENCE

11-12-19 9:30 AM CALENDAR CALL

11-18-19 1:30 PM JURY TRIAL

CLERK'S NOTE: A copy of this minute order was distributed via the E-Service List. / dr 11-13-18

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

January 07, 2019

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

**January 07, 2019 10:00 AM Motion for Class
Certification**

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Baron, Randall J.	Attorney
	Gordon, Richard C.	Attorney
	Hess, Joshua D. N.	Attorney
	LaComb, Timothy Z.	Attorney
	O'Mara, David C.	Attorney
	Peek, Joseph S.	Attorney
	Stigi, John P., III	Attorney
	Warden, Adam D.	Attorney

JOURNAL ENTRIES

- Mr. Baron distributed a copy of Plaintiffs' Motion for Class Certification Hearing Materials, MARKED as Court's Exhibit 1 for today. Following arguments by Mr. Baron and Mr. Peek, COURT ORDERED, since this is an equity expropriation case the Court will GRANT the motion for class certification and limit the class to those individuals holding common stock on the day the merger closed, which is January 15, 2014.

With regards to class notice, Mr. Baron advised they will go through their claims representative and provide the Court and Defendants within 10 days a form of class notice; once that is approved they will mail it out and do publication as well; they will need the list of shareholders from the Defendants. COURT ORDERED, draft order SET for status check.

1-18-19 CHAMBERS STATUS CHECK: DRAFT ORDER GRANTING CLASS
CERTIFICATION, INCLUDING NOTICE PROVISIONS

8-26-19 9:00 AM STATUS CHECK

10-24-19 9:30 AM PRE TRIAL CONFERENCE

11-12-19 9:30 AM CALENDAR CALL

11-18-19 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

January 18, 2019

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

January 18, 2019 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Lauren Kidd

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Court executed Order; Joint Notice approved.

CLERK'S NOTE: A copy of the above Minute Order was placed in the attorney folder of the following: George Albright, Esq., Joseph Peek, Esq. and Richard Gordon, Esq. //1/18/19 lk

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

June 26, 2019

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

June 26, 2019 9:49 AM Motion to Strike

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Michaela Tapia

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Pursuant to EDCR 2.23, the court decides this matter without the necessity of oral argument. Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes a non-opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to Strike Jury Demand is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. The pretrial conference is vacated. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****June 28, 2019**

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
 vs.
 Kenneth Potashner, Defendant(s)

**June 28, 2019 3:00 AM Motion to Associate
 Counsel**

HEARD BY: Gonzalez, Elizabeth**COURTROOM:** Chambers**COURT CLERK:** Michaela Tapia**RECORDER:****REPORTER:**

**PARTIES
 PRESENT:**

JOURNAL ENTRIES

- Pursuant to EDCR 2.23, the Court decides this matter without the necessity of oral argument. Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes a non-opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to Associate (Delgado) is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. By accepting this admission, Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a). Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

July 05, 2019

A-13-686890-B	Kearney IRRV Trust, Plaintiff(s) vs. Kenneth Potashner, Defendant(s)
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July 05, 2019	3:00 AM	Motion to Associate Counsel
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HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Michaela Tapia

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Pursuant to EDCR 2.23, the Court decides this matter without the necessity of oral argument. Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes a non-opposition has been filed. Accordingly, pursuant to EDCR 2.20(e), the Motion to Associate (Kotler and Moore) is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. By accepting this admission, Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel s conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a). Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****August 08, 2019**

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
 vs.
 Kenneth Potashner, Defendant(s)

**August 08, 2019 9:00 AM Motion to Associate
 Counsel**

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
 PRESENT:**

JOURNAL ENTRIES

- No appearances. Minute order only no hearing held.

Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes non-oppositions have been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to Associate (Huffman) is deemed unopposed. By accepting this admission, Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a). Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

8-26-19	9:00 AM	STATUS CHECK
11-12-19	9:30 AM	CALENDAR CALL
11-18-19	1:30 PM	BENCH TRIAL

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 8-8-19

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****August 26, 2019**

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
 vs.
 Kenneth Potashner, Defendant(s)

August 26, 2019 9:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Baron, Randall J.	Attorney
	Gordon, Richard C.	Attorney
	Hess, Joshua D. N.	Attorney
	Knotts, David A.	Attorney
	Kotler, David A	Attorney
	O'Mara, David C.	Attorney
	Peek, Joseph S.	Attorney
	Stigi, John P., III	Attorney
	Warden, Adam D.	Attorney

JOURNAL ENTRIES

- Mr. Warden appeared by telephone.

Mr. Peek advised they are not done with discovery as there were two depositions noticed before the close of discovery; Mr. Baron also has two motions, one that is pending and one that is going to be filed. Mr. Baron advised they filed it on Friday (August 23, 2019).

Upon Court's inquiry, Mr. Baron estimated 2 to 3 weeks for the trial, and Mr. Peek estimated 3 to 4 due to the holiday. Court stated the parties may agree on a day to have the motions heard and if they think it requires more than the 10 minutes per side the Court will work with them. Mr. Baron advised the motion to compel is pretty straightforward. Mr. Peek added that they also have motions for

summary judgment.

9-30-19 9:00 AM PLAINTIFF'S MOTION TO COMPEL DEFENDANTS STRIPES GROUP, LLC AND SG VTB HOLDINGS TO PRODUCE DOCUMENTS (REDACTED VERSION)...PLAINTIFF'S MOTION TO SEAL PLAINTIFF'S MOTION TO COMPEL DEFENDANTS STRIPES GROUP, LLC AND SG VTB HOLDINGS TO PRODUCE DOCUMENTS, DECLARATION IN SUPPORT AND APPENDIX THERETO

11-12-19 9:30 AM CALENDAR CALL

11-18-19 1:30 PM BENCH TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

October 07, 2019

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

October 07, 2019 9:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Baron, Randall J. Attorney
Cassity, Robert J. Attorney
Gordon, Richard C. Attorney
Hess, Joshua D. N. Attorney
Kotler, David A Attorney
O'Mara, David C. Attorney
Warden, Adam D. Attorney

JOURNAL ENTRIES

- PLAINTIFFS' MOTION TO COMPEL DEFENDANT TURTLE BEACH TO PRODUCE OR ALLOW THE PRODUCTION OF WEISBORD DOCUMENTS...

...PLAINTIFF'S MOTION TO COMPEL DEFENDANTS STRIPES GROUP, LLC AND SG VTB HOLDINGS TO PRODUCE DOCUMENTS (REDACTED VERSION)...

...PLAINTIFF'S MOTION TO SEAL PLAINTIFF'S MOTION TO COMPEL DEFENDANTS STRIPES GROUP, LLC AND SG VTB HOLDINGS TO PRODUCE DOCUMENTS, DECLARATION IN SUPPORT AND APPENDIX THERETO

Mr. Warden appeared by telephone.

PLAINTIFFS' MOTION TO COMPEL DEFENDANT TURTLE BEACH TO PRODUCE OR ALLOW THE PRODUCTION OF WEISBORD DOCUMENTS...PLAINTIFF'S MOTION TO COMPEL

DEFENDANTS STRIPES GROUP, LLC AND SG VTB HOLDINGS TO PRODUCE DOCUMENTS (REDACTED VERSION): Argument by Mr. Baron in support of the motions, and by Mr. Kotler in opposition to the Stripes issue and by Mr. Hess in opposition to the Weisbord issue. COURT ORDERED, Mr. Hess has 3 options: (1) he can have someone send an email to Mr. Weisbord saying the confidentiality order or protective order does not preclude Mr. Weisbord from producing this information and that he may produce the information to the extent he thinks it is appropriate; (2) the Court can order Mr. Hess to produce everything his client received as part of litigation; (3) Mr. Hess can cull through documents, and provide a log and provide what he believes to be relevant information with a log of anything they want to withhold. COURT NOTED it is NOT MOVING the November trial date in this case. Mr. Hess responded that with respect to the document Mr. Weisbord produced in the employment litigation, he would want to speak with his client first. Court DIRECTED counsel to pick one of the three options before leaving court today. Mr. Hess stated they will go through Mr. Weisbord's documents. COURT SO ORDERED; counsel has two (2) weeks to accomplish the task. COURT FURTHER ORDERED, the other motion to compel is DENIED.

PLAINTIFF'S MOTION TO SEAL PLAINTIFF'S MOTION TO COMPEL DEFENDANTS STRIPES GROUP, LLC AND SG VTB HOLDINGS TO PRODUCE DOCUMENTS, DECLARATION IN SUPPORT AND APPENDIX THERETO: COURT ORDERED, motion GRANTED.

10-11-19 CHAMBERS MOTION TO SEAL PLAINTIFFS' MOTION TO COMPEL DEFENDANT TURTLE BEACH TO PRODUCE OR ALLOW THE PRODUCTION OF WEISBORD DOCUMENTS

11-4-19 10:30 AM THE DIRECTOR DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT REGARDING THE FIRST AND THIRD CAUSES OF ACTION IN THE AMENDED CLASS ACTION AND DERIVATIVE COMPLAINT...

...DEFENDANT VTB HOLDINGS, INC. AND SPECIALLY APPEARING DEFENDANTS STRIPES GROUP, LLC AND SG VTB HOLDINGS, LLC'S MOTION FOR SUMMARY JUDGMENT...

...THE DIRECTOR DEFENDANTS' MOTION FOR SUMMARY JUDGMENT REGARDING THE FIRST CAUSE OF ACTION IN THE AMENDED CLASS ACTION AND DERIVATIVE COMPLAINT...

...DIRECTOR DEFENDANTS' MOTION IN LIMINE NO. 4 TO EXCLUDE REFERENCE TO OTHER LITIGATION INVOLVING KENNETH POTASHNER...

...DIRECTOR DEFENDANTS' MOTION IN LIMINE NO. 1 TO EXCLUDE EVIDENCE CONCERNING CERTAIN STOCK OPTIONS GRANTED IN THE HYPERSOUND HEALTH, INC. SUBSIDIARY OF PARAMETRIC...

...DIRECTOR DEFENDANTS' MOTION IN LIMINE NO. 2 TO EXCLUDE EVIDENCE CONCERNING DISCUSSIONS REGARDING A POTENTIAL BONUS PAYMENT TO THE INDEPENDENT DIRECTORS OF PARAMETRIC...

...DIRECTOR DEFENDANTS' MOTION IN LIMINE NO. 3 TO EXCLUDE EVIDENCE REGARDING NON-PARTY JOHN TODD'S PRIOR LITIGATION AND SETTLEMENT WITH THE SEC...

...DEFENDANTS' MOTION IN LIMINE TO EXCLUDE THE OPINIONS, TESTIMONY, AND REPORTS OF J.T. ATKINS...

...DEFENDANTS' MOTION IN LIMINE TO EXCLUDE EVIDENCE RELATED TO DAMAGES NOT ADDRESSED IN PLAINTIFFS' EXPERT'S REPORT...

...DEFENDANT VTB HOLDINGS, INC. AND SPECIALLY APPEARING DEFENDANTS STRIPES GROUP, LLC AND SG VTB HOLDINGS, LLC'S MOTION IN LIMINE TO EXCLUDE ALL REFERENCE, EVIDENCE, AND TESTIMONY REGARDING POST-MERGER STOCK PERFORMANCE OF TURTLE BEACH CORP....

...MOTION TO SEAL MOTION FOR SANCTIONS AGAINST DEFENDANTS KENNETH POTASHNER AND VTB HOLDINGS, INC. FOR WILLFUL SPOILIATION OF EVIDENCE

11-8-19 CHAMBERS PLAINTIFF'S MOTION TO SEAL PLAINTIFFS' REPLY IN SUPPORT OF MOTION TO COMPEL DEFENDANTS STRIPES GROUP LLC AND SG VTB HOLDINGS LLC TO PRODUCE DOCUMENTS AND DECLARATION OF DAVID C. O'MARA IN FURTHER SUPPORT OF PLAINTIFFS' REPLY IN SUPPORT OF MOTION TO COMPEL DEFENDANTS STRIPES GROUP LLC AND SG VTB HOLDINGS LLC TO PRODUCE DOCUMENTS

11-12-19 9:30 AM CALENDAR CALL

11-18-19 1:30 PM BENCH TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****October 11, 2019**

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

**October 11, 2019 3:00 AM Motion to Seal/Redact
Records**

HEARD BY: Gonzalez, Elizabeth**COURTROOM:** Chambers**COURT CLERK:** Dulce Romea**RECORDER:****REPORTER:**

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to Seal Plaintiffs' Motion to Compel Defendant Turtle Beach to Produce or Allow the Production of Weisbord Documents deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

11-4-19 10:30 AM MOTION TO SEAL MOTION FOR SANCTIONS AGAINST
DEFENDANTS KENNETH POTASHNER AND VTB HOLDINGS, INC. FOR WILLFUL
SPOILIATION OF EVIDENCE

11-8-19 CHAMBERS PLAINTIFFS' MOTION TO SEAL PLAINTIFFS' REPLY IN
SUPPORT OF MOTION TO COMPEL DEFENDANTS STRIPES GROUP LLC AND SG VTB
HOLDINGS LLC TO PRODUCE DOCUMENTS AND DECLARATION OF DAVID C. O'MARA IN
FURTHER SUPPORT OF PLAINTIFFS' REPLY IN SUPPORT OF MOTION TO COMPEL
DEFENDANTS STRIPES GROUP LLC AND SG VTB HOLDINGS LLC TO PRODUCE DOCUMENTS

11-12-19 9:30 AM CALENDAR CALL

11-18-19 1:30 PM BENCH TRIAL

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 10-14-19

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

November 08, 2019

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

November 08, 2019 3:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- MOTION TO SEAL MOTION FOR SANCTIONS AGAINST DEFENDANTS KENNETH POTASHNER AND VTB HOLDINGS, INC. FOR WILLFUL SPOILIATION OF EVIDENCE...PLAINTIFF'S MOTION TO SEAL PLAINTIFFS' REPLY IN SUPPORT OF MOTION TO COMPEL DEFENDANTS STRIPES GROUP LLC AND SG VTB HOLDINGS LLC TO PRODUCE DOCUMENTS AND DECLARATION OF DAVID C. O'MARA IN FURTHER SUPPORT OF PLAINTIFFS' REPLY IN SUPPORT OF MOTION TO COMPEL DEFENDANTS STRIPES GROUP LLC AND SG VTB HOLDINGS LLC TO PRODUCE DOCUMENTS

Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the motions to seal and redact are deemed unopposed. As the proposed sealing and redaction is narrowly tailored to protect sensitive commercial information, good cause appearing, COURT ORDERED, motions are GRANTED. Moving Counsel are to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 11-12-19

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

November 12, 2019

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

November 12, 2019 9:30 AM Calendar Call

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Cassity, Robert J. Attorney
 Gordon, Richard C. Attorney
 O'Mara, David C. Attorney

JOURNAL ENTRIES

- Mr. O'Mara appeared by telephone.

Court noted lack of signatures on the provided term sheet. The Court is also aware that there was an attempt to explain why not everyone had to sign the sheet but needs counsel's representation in open court that all material terms have been agreed to. Mr. Cassity stated he believes they are there and that the Defendants have submitted final edits. Mr. Gordon added that they are at the goal line. Mr. O'Mara confirmed all material terms have been agreed to by all relevant parties and it is simply a matter of nitpicking language; the Plaintiffs were told by both defense counsel that there were very minor changes and they anticipate filing before Friday their motion for preliminary approval. COURT ORDERED, matter SET for status check on this Friday's chambers calendar. Trial VACATED. Settlement term sheet MARKED as Court's Exhibit 1 and SEALED. (See worksheet.)

COURT ORDERED, November 18, 2019 bench trial VACATED.

11-15-19 CHAMBERS STATUS CHECK: MOTION FOR PRELIMINARY APPROVAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

November 15, 2019

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

November 15, 2019 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT NOTED motion filed. Matter OFF CALENDAR.

12-20-19 CHAMBERS PLAINTIFF'S UNOPPOSED MOTION AND MEMORANDUM
OF POINTS AND AUTHORITIES FOR PRELIMINARY APPROVAL OF SETTLEMENT

CLERK'S NOTE: A courtesy copy of this minute order was distributed via Odyssey File and Serve. /
dr 11-19-19

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

December 11, 2019

A-13-686890-B	Kearney IRRV Trust, Plaintiff(s) vs. Kenneth Potashner, Defendant(s)
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December 11, 2019	1:00 PM	Telephonic Conference	Motion for Preliminary Approval reset on 1/13/20.
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HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Baron, Randall J.	Attorney
	Cassity, Robert J.	Attorney
	Gordon, Richard C.	Attorney
	Knotts, David A.	Attorney
	Kotler, David A	Attorney
	O'Mara, David C.	Attorney
	Peek, Joseph S.	Attorney
	Stigi, John P., III	Attorney
	Warden, Adam D.	Attorney

JOURNAL ENTRIES

- Attorney George Ogilvie and Attorney Adam Apton, Pro Hac Vice pending, for the 4 objecting shareholders.

Mr. Ogilvie clarified that he cannot say the 4 shareholders are necessarily objecting, but they want to be given the opportunity to object; those 4 shareholders own, and, he is not certain of this but he believes they own approximately 20% of the outstanding shares in the corporation, so they are not nominal Plaintiffs; they are not available for the December 23rd hearing and have concerns about the

notice attached to the motion; they would like time to brief these shareholders' opposition to that motion, and he would like the hearing on the motion moved to January 27 with a January 6 date to file the opposition; if the Court does not feel that is acceptable, his fallback position is December 23rd for the opposition and January 13 for the hearing.

Mr. Peek noting Mr. Apton's letter advised that they had anticipated Mr. Apton would be a man of his word; Mr. Apton does not even know yet whether he is a shareholder as of January 15, 2014, which is the date set for the class, and the intervenors should know that already; it is not necessary to kick out the motion this much.

Mr. Knotts added that they filed the motion in mid-November, and Mr. Apton requested 10 days to respond; they reached out with a generous briefing schedule, which Mr. Apton rejected; they would rather give notice to the class sooner rather than later.

COURT ORDERED, Mr. Ogilvie's fallback position is GRANTED. Plaintiff's Unopposed Motion and Memorandum of Points and Authorities for Preliminary Approval of Settlement RESET from December 23, 2019 to January 13, 2020. Mr. Ogilvie, if he files anything, must do so on or before December 23, 2019. Court further noted that per the Rule the Reply is due 5 judicial days before the hearing.

1-13-20 9:00 AM PLAINTIFFS' UNOPPOSED MOTION AND MEMORANDUM
OF POINTS AND AUTHORITIES FOR PRELIMINARY APPROVAL OF SETTLEMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

January 10, 2020

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

**January 10, 2020 3:00 AM Motion to Associate
Counsel**

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to Associate (Apton) is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. By accepting this admission, Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a). Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

1-13-20 9:00 AM PLAINTIFF'S UNOPPOSED MOTION AND MEMORANDUM OF POINTS
AND AUTHORITIES FOR PRELIMINARY APPROVAL OF SETTLEMENT

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 1-10-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

January 13, 2020

A-13-686890-B	Kearney IRRV Trust, Plaintiff(s) vs. Kenneth Potashner, Defendant(s)
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January 13, 2020 9:00 AM Motion

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Baron, Randall J.	Attorney
	Gordon, Richard C.	Attorney
	Hess, Joshua D. N.	Attorney
	O'Mara, David C.	Attorney
	Ogilvie, George F., III	Attorney
	Peek, Joseph S.	Attorney
	Stigi, John P., III	Attorney
	Warden, Adam D.	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Attorney Adam Apton, counsel for Objector Barry Weisbord, Pro Hac Vice admitted.

Order granting the admission of Mr. Apton signed in open court and returned to Mr. Ogilvie for filing.

Following arguments by Mr. Baron and Mr. Apton, COURT ORDERED, the objection, to the extent that it requests a period between the determination of the objection and a period to opt out, is well-founded. The Court will hear any objections that are filed within 3 days of filing; there will be a 3-day notice on those objections, so that means the Court needs to have immediate notice when the objections are filed by the Administrator; within 5 judicial days of the written decision on the

objection, the opt-out period will expire. COURT noting no disagreement by the parties, FURTHER ORDERED, the objections will be BARRED 90 days after the notice. Mr. Baron to re-do the order and circulate it among all counsel; in that order, Mr. Baron will calculate what the final approval date might be if there are no objections and include a caveat that if there are any objections that date may need to be moved; the motion for final approval will be served prior to the objection deadline.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

May 01, 2020

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

May 01, 2020 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Court reviewed declaration filed April 24, 2020. Requests for exclusion will be addressed at the hearing on May 18, 2020.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 5-1-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****May 18, 2020**

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
 vs.
 Kenneth Potashner, Defendant(s)

May 18, 2020**9:00 AM****Hearing****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Dulce Romea**RECORDER:** Jill Hawkins**REPORTER:****PARTIES****PRESENT:**

Apton, Adam Marc	Attorney
Baron, Randall J.	Attorney
Gordon, Richard C.	Attorney
Hess, Joshua D. N.	Attorney
Kay, Rory T.	Attorney
Knotts, David A.	Attorney
Kotler, David A	Attorney
O'Mara, David C.	Attorney
Stigi, John P., III	Attorney
Warden, Adam D.	Attorney

JOURNAL ENTRIES

- All parties appeared telephonically. Mr. Baron advised no objections were received and argued in support of attorney's fees. Mr. Gordon stated he had nothing to add. COURT ORDERED, Plaintiffs' Motion for Final Approval of Settlement and Approval of Plan of Allocation and an Award of Attorneys' Fees and Expenses GRANTED; the attorney's fees are APPROVED; the intended awards to the class are APPROVED. Court further acknowledged receipt of proposed orders.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****June 15, 2020**

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
 vs.
 Kenneth Potashner, Defendant(s)

June 15, 2020**9:00 AM****Motion to Consolidate****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Dulce Romea**RECORDER:** Jill Hawkins**REPORTER:****PARTIES****PRESENT:**

Apton, Adam Marc	Attorney
Cassity, Robert J.	Attorney
Gordon, Richard C.	Attorney
Kay, Rory T.	Attorney
Peek, Joseph S.	Attorney
Stigi, John P., III	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Attorney Elizabeth Tripodi; Attorney Joshua Hess.

All parties appeared by telephone.

Mr. Peek argued in support of the motion, noting that there are two remaining issues. Court inquired as to how the parties will deal with Rule 41, noting that Mr. Peek's position is that the case gets a new 5-year rule under 41(e). Mr. Kay advised that he does not know if they would be willing to stipulate to that and that he would want to look at the issue. COURT NOTED that if they say no the 5 years would have already expired, including the two years of time the case returned from the appeal. Mr. Apton advised that as lead counsel they would stipulate to the 5 years, although the case would actually move more quickly than that. Court noted it is not an issue with moving quickly but an issue that within 5 years from the date of filing the matter needs to be brought to trial. Upon Court's inquiry, Mr. Apton stated that are willing to accept Mr. Peek's position, that they will get 5 more

years under the Rule. Mr. Peek further requested that under EDCR 1.30 the Chief Judge transfer the case to this Court as an EDCR 1.49 related case. COURT ORDERED, as the Nevada Supreme Court has required courts to use the form of USJR for statistical closures, and those are not really closures for purposes of case management, and, this current case has remaining issues for the monitoring and continued reporting to the Court during the settlement distributions of the class members, this case REMAINS OPEN under the definitions that the Nevada Supreme Court outlined under Nalder. For that reason, Court is GRANTING the consolidation given the stipulation of the parties. A815308 will have a new 5-year rule period under 41(e).

Court inquired as to when this matter can be set for a Rule 16 conference. Mr. Peek advised that they already have a briefing schedule and that he will defer to Mr. Stigi. Mr. Stigi advised that July 1st is the date for responsive motions to the complaint and they would request a conference. Mr. Hess noted that the motion is not yet on file but the parties have agreed to a briefing schedule that will end on August 6. COURT ORDERED, Rule 16 conference and the hearing on a motion to dismiss SET for August 10, 2020 at 9 am. Order setting the conference will ISSUE.

COURT FURTHER ORDERED, the lower case number (A686890) will be the LEAD CASE.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

August 03, 2020

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

August 03, 2020 10:43 AM Minute Order

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- As the Court began conducting a trial offsite on July 13, 2020, daily from 8:00 a.m. to 5:00 p.m., and the length of the trial is at least 2+ months, the Mandatory Rule 16 Conference in this matter is being RESCHEDULED from August 10, 2020 to October 12, 2020 at 9:00 a.m. The Motions will REMAIN where they are scheduled.

Parties are welcome to share this information with all concerned.

8-10-20 9:00 AM HEARING ON MOTION TO DISMISS...
...MOTION TO DISMISS ON BEHALF OF SPECIALLY APPEARING DEFENDANTS STRIPES
GROUP, LLC, SG VTB HOLDINGS, LLC, KENNETH FOX, AND JUERGEN STARK...
...DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM...

8-24-20 9:00 AM PLAINTIFF PAMPT LLC'S MOTION TO COMPEL DISCOVERY
PURSUANT TO RULE 26(H)

10-12-20 9:00 AM MANDATORY RULE 16 CONFERENCE

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 8-4-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

August 10, 2020

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

August 10, 2020 9:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- MOTION TO DISMISS ON BEHALF OF SPECIALLY APPEARING DEFENDANTS STRIPES GROUP, LLC, SG VTB HOLDINGS, LLC, KENNETH FOX, AND JUERGEN STARK...
...DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM...
...HEARING ON MOTION TO DISMISS

Pursuant to Administrative Order 20-01, the Court decides this matter without the necessity of oral argument. The Court, having reviewed the motions to dismiss and the related briefing and being fully informed, DENIES the motions to dismiss. The determinations of notice and equitable tolling are factual issues not suitable for a determination at this stage. With respect to the argument on expropriation, the factual issues related to Potashner's control prelude a ruling at this stage. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 8-10-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

August 24, 2020

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

August 24, 2020 9:00 AM Motion to Compel

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Apton, Adam Marc	Attorney
	Cassity, Robert J.	Attorney
	Gordon, Richard C.	Attorney
	Hess, Joshua D. N.	Attorney
	Knotts, David A.	Attorney
	O'Mara, David C.	Attorney
	Ogilvie, George F., III	Attorney
	Stigi, John P., III	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Attorney Elizabeth Tripodi of the Law Firm of Levi & Korsinsky for the Plaintiffs.

Parties appeared by telephone.

Court inquired of Mr. Ogilvie whether he worked out a production methodology with Mr. Gordon. Mr. Ogilvie stated he did not, but it does not seem there is anything in dispute; they are also willing to enter into the original protective order entered into by the Plaintiffs and Defendants in the original matter; he does not believe that is acceptable to the Defendants. Mr. Gordon confirmed that it does not sound like it has been worked out and deferred to Mr. Hess to address the matter. Mr. Hess advised they are prepared to make the requested production in the motion to compel and sent a

proposed protective order that is slightly different from the class. COURT NOTED that when the parties asked that the cases be consolidated, the existing protective became the operative protective order in this case; if someone seeks to modify that, a motion needs to be filed on OST. The motion to compel discovery is GRANTED.

Mr. Knotts advised that they filed a response but they are not a party; they were hoping for clarification regarding whether or not they would participate in party discovery. There being no response by Mr. Ogilvie, Court noted that perhaps they would not.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****September 04, 2020**

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
 vs.
 Kenneth Potashner, Defendant(s)

September 04, 2020 3:00 AM Motion

HEARD BY: Gonzalez, Elizabeth**COURTROOM:** Chambers**COURT CLERK:** Dulce Romea**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- The Court, having reviewed the motion to modify the protective order and the related briefing and being fully informed, is DENIED. While the Court recognizes the concerns expressed by Defendants in seeking modification, Defendant previously sought information from the same litigation to be used in the earlier proceedings in this matter. The current limitation in the protective order permits current Plaintiffs' counsel to communicate with his clients and their representatives for the limited purpose in compliance with the current paragraph 8 of the order filed December 10, 2013. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

10-12-20 9:00 AM MANDATORY RULE 16 CONFERENCE

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 9-10-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

October 12, 2020

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

October 12, 2020 8:00 AM Minute Order

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- At request of the Court, the Plaintiff PAMTP LLC's Motion to File Redacted Brief and Attached Exhibits Under Seal (motion filed October 7, 2020) is ADVANCED from the November 13, 2020 chambers calendar to the October 26, 2020 calendar at 9 am.

10-12-12 9:00 AM MANDATORY RULE 16 CONFERENCE

10-26-20 9:00 AM PLAINTIFF PAMTP LLC'S MOTION TO FILE REDACTED BRIEF
AND ATTACHED EXHIBITS UNDER SEAL...DEFENDANTS' MOTION TO STRIKE JURY
DEMAND

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 10-12-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****October 12, 2020**

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
 vs.
 Kenneth Potashner, Defendant(s)

**October 12, 2020 9:00 AM Mandatory Rule 16
 Conference**

HEARD BY: Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Dulce Romea**RECORDER:** Jill Hawkins**REPORTER:****PARTIES**

PRESENT:	Apton, Adam Marc	Attorney
	Gordon, Richard C.	Attorney
	Hess, Joshua D. N.	Attorney
	Ogilvie, George F., III	Attorney
	Peek, Joseph S.	Attorney
	Stigi, John P., III	Attorney

JOURNAL ENTRIES

- Parties appeared by telephone.

Court inquired as to what discovery the parties need to do. Mr. Ogilvie stated that he does not know if there will be anything out of the ordinary and confirmed that they received the prior discovery that the Court ordered, which was approximately 365 GB of documents that they are still reviewing; they will probably ask for 6 months of discovery. Upon Court's inquiry, Mr. Ogilvie advised he has not made it through the documents to see if depositions were included. Mr. Peek confirmed that they were. Mr. Ogilvie continued that other than experts and new Defendant depositions the Plaintiffs probably do not need to do anything else; they will at least have valuation experts similar to what was conducted in the class case. Court asked whether all of the documents that they believe they need to produce have all been produced under 16.1. Mr. Ogilvie advised they have not been produced today and he would ask for 30 days. Mr. Peek advised the Defendants have produced over

109,000 documents that came from the underlying case, which has settled; the Plaintiffs have had these materials for over a month because they were produced on September 11; the Plaintiffs have also asked for clarification on some of the documents, and the Defendants have done that, but no documents have been withheld. Mr. Peek further detailed the depositions that they plan on taking and noted that the Plaintiffs' complaint is duplicative; they will look into entity depositions but do not know yet. Mr. Peek detailed his proposed schedule and requested 5 months of discovery.

COURT ORDERED, today is the parties joint case conference and the filing of the joint case conference report (JCCR) is WAIVED. Dates scheduled as follows:

Additional initial disclosures pursuant to rule 16.1 to be exchanged in 21 days;

Additional motions to amend pleadings or add parties TO BE FILED by December 18, 2020;

Initial expert disclosures where a party bears the burden of proof DUE by January 29, 2021;

Rebuttal expert disclosures where a party does not bear the burden of proof DUE by February 26, 2021;

Discovery cut-off SET for April 16, 202. Matter SET for trial on the stack beginning on August 2, 2021.

Trial Setting Order will ISSUE. Court noted it will not know whether the trial will be a bench or jury trial until the motion scheduled for October 26, 2020.

COURT FURTHER ORDERED, Plaintiffs are allowed to take 30(b)(6) depositions of Defendants; if they wish to obtain depositions of Defendants that were already previously taken, they must obtain a stipulation or order from the Court. The Defendants may take the depositions of the named Plaintiffs and any other not previously deposed.

With regards to the Rule on the 7-hour limit per deposition, Mr. Peek advised the PAMPT entity may be more than 7 hours. Mr. Ogilvie asked that they meet and confer first on the length of the 30(b)(6) deposition and if they cannot agree come to the Court.

10-26-20 9:00 AM DEFENDANTS' MOTION TO STRIKE JURY DEMAND...PLAINTIFF
PAMPT LLC'S MOTION TO FILE REDACTED BRIEF AND ATTACHED EXHIBITS UNDER SEAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

October 26, 2020

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

October 26, 2020 9:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Apton, Adam Marc Attorney
Gordon, Richard C. Attorney
Hess, Joshua D. N. Attorney
Ogilvie, George F., III Attorney

JOURNAL ENTRIES

- DEFENDANTS' MOTION TO STRIKE JURY DEMAND...PLAINTIFF PAMTP LLC'S MOTION TO FILE REDACTED BRIEF AND ATTACHED EXHIBITS UNDER SEAL

Parties appeared by telephone.

Following arguments by Mr. Hess and Mr. Ogilvie, COURT ORDERED, motion to strike GRANTED consistent with the Court's July 8, 2019 order, the claims in this matter are to be tried to the Court; while the Court understands it is permissible for a jury to make the determinations on punitive damages, it would seem to not be appropriate to have the Court try all the equitable claims that relate in this case to then have a separate jury seated to hear and make the findings to determine whether punitive damages are appropriate, as well as the amount. The motion to file redacted brief and attached exhibits under seal is also GRANTED as the motion is narrowly tailored and appears to protect the issues raised in the protective order.

A-13-686890-B

4-19-21	9:00 AM	STATUS CHECK
7-8-21	9:15 AM	PRE TRIAL CONFERENCE
7-27-21	9:30 AM	CALENDAR CALL
8-2-21	1:30 PM	BENCH TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****December 18, 2020**

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
 vs.
 Kenneth Potashner, Defendant(s)

December 18, 2020 3:00 AM Motion to Enforce

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court, having reviewed the motion to compel and the related briefing and being fully informed, GRANTS the motion IN PART. Although a document is dated after, if the substance of the document refers to Turtle Beach's financial and operational status prior to, during, and just after the merger those documents regardless of the date of creation should be produced. Plaintiff to SUBMIT an affidavit in support of its request for fees related to this issue within 10 judicial days. Defendant may object to any particular entry on the affidavit 5 days thereafter. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

COURT FURTHER ORDERED matter SET for a status check on an attorney's fees application in chambers in 4 weeks.

1-15-21 CHAMBERS STATUS CHECK: APPLICATION FOR ATTORNEY'S FEES

4-19-21 9:00 AM STATUS CHECK

7-8-21 9:15 AM PRE TRIAL CONFERENCE

7-27-21 9:30 AM CALENDAR CALL

8-2-21 1:30 PM BENCH TRIAL

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-24-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

January 15, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

January 15, 2021 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, as affidavit filed January 12, 2021, matter CONTINUED for 2 weeks.

...1-29-21 - CHAMBERS

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 1-21-21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

January 29, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

January 29, 2021 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, as proper service of the declarations has been provided, this Court notes no objection has been filed. The Court has reviewed the declaration in support of the request for fees and after evaluation of the Brunzell factors awards \$5617.50 related to the Motion to Compel. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 2-11-21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

March 12, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

March 12, 2021 3:00 AM Motion to Compel

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court, having reviewed the Motion to Compel and the related briefing and being fully informed, GRANTS the motion. Plaintiffs to provide requested brokerage statements within 15 judicial days. Statements may be redacted to disclose only the transactions in Defendants' securities. Counsel for Defendant is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 3-15-21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

April 09, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

April 09, 2021

3:00 AM

All Pending Motions

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Sandra Matute

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Motion for Sanctions vacated by 4/5/21 Stipulation and Order

Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the motion to seal is deemed unopposed. As the proposed sealing and redaction is narrowly tailored to protect sensitive commercial information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

CLERK'S NOTE: The above minute order has been distributed to counsel by the Court Clerk via electronic service. sm/ /04-09-21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****April 12, 2021**

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

April 12, 2021	9:00 AM	Motion to Compel	Plaintiff PAMTP LLC's Motion to Compel Discovery
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HEARD BY: Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Carina Bracamontez-Munguia**RECORDER:****REPORTER:**

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Pursuant to Adm. Order 21-03 the Court decides this matter without the necessity of oral argument. The Court having reviewed the Motion to Compel and the related briefing and being fully informed, ORDERED motion GRANTED. The deposition of Potashes is limited to 2 hours of inquiry by Plaintiffs on issues related to the newly disclosed information and may explore inconsistencies with prior testimony or statements made under oath. Counsel for Plaintiff is DIRECTED to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. // cbm
04/12/2021

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

April 13, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

April 13, 2021 3:00 AM Minute Order

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK:
Carina Bracamontez-Munguia

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- At request of the Court, parties to FILE a status report in anticipation of the Status Check scheduled for Monday, April 19, 2021.

04-19-21 9:00 AM STATUS CHECK...MOTION TO SEAL/REDACT RECORDS

07-08-21 9:15 AM PRE TRIAL CONFERENCE

07-27-21 9:30 AM CALENDAR CALL

08-02-21 1:30 PM JURY TRIAL

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / cbm 04-13-21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

April 19, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

April 19, 2021 9:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Jacqueline Smith

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to Seal is deemed UNOPPOSED. As the proposed sealing of exhibits and redaction of the opposition is narrowly tailored to protect confidential information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this Matter.

Court reviewed Defendants Status Report. COURT ORDERED, current dates STANDS; Court will work with counsel s vacation schedule.

CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve/ js (4-22-21)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

May 07, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

May 07, 2021 3:00 AM Motion for Sanctions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Jacqueline Smith

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- ORDER SHORTENING TIME ON HEARING REGARDING PLAINTIFF'S MOTION FOR SANCTIONS AGAINST DEFENDANTS KENNETH POTASHNER, JUERGEN STARK, AND VTB HOLDINGS, INC. 4843-8092-0551 V. 2

The Court having reviewed PLAINTIFF S MOTION FOR SANCTIONS AGAINST DEFENDANTS KENNETH POTASHNER, JUERGEN STARK, AND VTB HOLDINGS, INC. FOR WILLFUL SPOILIATION OF EVIDENCE and the related briefing and being fully informed, COURT ORDERED, the motion is GRANTED without determining the specific evidentiary sanction to be imposed. The loss of the text messages, emails and other ESI after the litigation hold letters were provided to the individual defendants is of serious concern.

COURT FURTHER ORDERED, an evidentiary hearing will be SET prior to trial to evaluate the Ribiero factors and determine which evidentiary sanction is appropriate. Counsel for Plaintiffs is DIRECTED to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court s intended disposition on the subject, but anticipates further order of the Court to make such disposition effective as an order.

Status Check Re: Scheduling Evidentiary Hearing SET for 05-11-21 at 9:30 AM.

05-11-21 9:30 AM STATUS CHECK RE: SCHEDULING EVIDENTIARY HEARING

05-14-21 CHAMBERS EX PARTE APPLICATION FOR ORDER SHORTENING TIME

06-04-21 CHAMBERS MOTION TO SEAL CONFIDENTIAL EXHIBITS AND REDACT PORTIONS OF DEFENDANTS MOTION TO COMPEL COMPLIANCE WITH THIS COURT'S MARCH 27, 2021 ORDER COMPELLING PRODUCTION OF DOCUMENTS AND FOR SANCTIONS PURSUANT

06-07-21 9:00 AM DEFENDANTS FIRST MOTION FOR SUMMARY JUDGMENT...DEFENDANT'S SECOND MOTION FOR SUMMARY JUDGMENT (STANDING)...DEFENDANT'S MOTION TO COMPEL COMPLIANCE WITH THIS COURT'S MARCH 27, 2021 ORDER COMPELLING PRODUCTION OF DOCUMENTS AND FOR SANCTIONS

06-11-21 CHAMBERS DEFENDANT'S MOTION TO REDACT AND SEAL CONFIDENTIAL EXHIBITS REGARDING DEFENDANTS MOTIONS FOR SUMMARY JUDGMENT

07-08-21 9:15 AM PRE TRIAL CONFERENCE

07-27-21 9:30 AM CALENDAR CALL

08-02-21 1:30 AM BENCH TRIAL

CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / js (5-7-21)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

May 11, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

May 11, 2021 9:30 AM Status Check

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Michelle Jones

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Apton, Adam Marc Attorney
Kay, Rory T. Attorney
Peek, Joseph S. Attorney

JOURNAL ENTRIES

- Mr. Peek noted the pending Motion for Summary Judgment and inquired if it would be better to schedule the hearing after the Court hears the motion. Upon the Court s inquiry as to how long the sanctions hearing would take, counsel estimated they would have 3-4 witnesses. COURT ORDERED, Evidentiary Hearing set for June 18, 2021 and each party will have 3 hours to call witnesses. Court Advised, parties will use Electronic Exhibits, and witnesses may appear telephonically.

6/18/21 9:00 AM EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

May 14, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

May 14, 2021

3:00 AM

Motion

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Valeria Guerra

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- The Court having reviewed the Motion to Compel and the related briefing and being fully informed, GRANTS the motion. The trading information is within the parties control as it is within their own brokerage accounts. As it appears that good faith efforts to obtain the materials have been undertaken, no fees will be awarded, however, counsel is to continue efforts at full compliance. COURT ORDERED, counsel for Movant is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. -
vg//5/14/2021

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

May 26, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

May 26, 2021 11:45 AM At Request of Court

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03C

COURT CLERK: Valeria Guerra

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Apton, Adam Marc	Attorney
	Gordon, Richard C.	Attorney
	Ogilvie, George F., III	Attorney
	Peek, Joseph S.	Attorney
	Stigi, John P., III	Attorney

JOURNAL ENTRIES

- Court discussed trial schedule with parties. Court stated 06/14 was available; Counsel represented their witnesses and travel were set for 06/18. Court noted no changes were made to schedule. TRIAL DATES STAND.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

June 04, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

**June 04, 2021 3:00 AM Motion to Seal/Redact
Records**

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Valeria Guerra

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to Seal and Redact the Motion to Compel is deemed unopposed. As the proposed sealing and redaction is narrowly tailored to protect confidential information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. -
vg//6/7/21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

June 11, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

**June 11, 2021 3:00 AM Motion to Seal/Redact
Records**

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Valeria Guerra

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the motion to seal is deemed unopposed. As the proposed sealing and redaction is narrowly tailored to protect confidential information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. -
vg//6/14/21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

June 14, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

June 14, 2021 9:00 AM Motion to Quash

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Valeria Guerra

RECORDER: Deloris Scott

REPORTER:

PARTIES

PRESENT:	Apton, Adam Marc	Attorney
	Gordon, Richard C.	Attorney
	Ogilvie, George F., III	Attorney
	Peek, Joseph S.	Attorney
	Stigi, John P., III	Attorney

JOURNAL ENTRIES

- Following counsel's argument Court DENIED Defendant Kenneth Fox's Motion to Quash.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

June 14, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

June 14, 2021

9:00 AM

All Pending Motions

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 03E

COURT CLERK: Valeria Guerra

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:

Apton, Adam Marc	Attorney
Gordon, Richard C.	Attorney
Ogilvie, George F., III	Attorney
Peek, Joseph S.	Attorney
Stigi, John P., III	Attorney

JOURNAL ENTRIES

- DEFENDANTS' MOTION TO COMPEL COMPLIANCE WITH THIS COURT'S MARCH 27, 2021 ORDER COMPELLING PRODUCTION OF DOCUMENTS AND FOR SANCTIONS . . . DEFENDANTS FIRST MOTION FOR SUMMARY JUDGMENT . . . DEFENDANTS' SECOND MOTION FOR SUMMARY JUDGMENT (STANDING)

Mr. Gordon stated Summary Judgment was appropriate and argued Mr. Fox was never proactive in the case. Mr. Apton argue the Standing Summary Judgement is a dramatic change in position; he added he believed Thursday's hearing would resolve the matter. Court DENIED the motion to quash and stated a decision would not be made on the remaining matters until Thursday's hearing.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

June 17, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

June 17, 2021 9:30 AM Motion in Limine

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Valeria Guerra

RECORDER: Jill Hawkins

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Court GRANTED the motion IN PART.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

June 17, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

June 17, 2021 9:30 AM Motion to Strike

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Valeria Guerra

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Apton, Adam Marc	Attorney
	Cassity, Robert J.	Attorney
	Gordon, Richard C.	Attorney
	Moreno, Alejandro E.	Attorney
	Ogilvie, George F., III	Attorney
	Peek, Joseph S.	Attorney

JOURNAL ENTRIES

- Mr. Peek questioned how counsel was able to determine what has and hasn't been disclosed 145 items and mention 50 of them were not. Additionally, Mr. Peek argued opposing party was aware of the issue and did not disclose it until the last minute. Mr. Ogilvie argued the motion should be denied because the 145 documents in question were random samples. Mr. Gordon stated he had offered the disclosures earlier on in the case. COURT DENIED the motion.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

June 18, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

**June 18, 2021 3:00 AM Motion to Seal/Redact
Records**

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Valeria Guerra

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the motion to seal is deemed unopposed. As the proposed sealing and redaction is narrowly tailored to protect confidential information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. -
vg//6/18/21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

June 18, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

June 18, 2021 9:00 AM Evidentiary Hearing

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Valeria Guerra

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Apton, Adam Marc Attorney
Ogilvie, George F., III Attorney
Peek, Joseph S. Attorney

JOURNAL ENTRIES

- DAY 1

District Court's I.T. verified the electronic exhibit drives and endorsed them to the Clerk.

Opening statements presented by Mr. Peek and Mr. Ogilvie.

Testimony and exhibits presented. (See worksheet.)

Court ORDERED Proposals to be submitted by 5:00 PM on Wednesday 06/23/2021.

COURT ORDERED, hearing CONTINUED.

06-25-2021 9:00 AM - 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

June 25, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

June 25, 2021 9:00 AM Evidentiary Hearing

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Valeria Guerra

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Hess, Joshua D. N. Attorney
Ogilvie, George F., III Attorney
Peek, Joseph S. Attorney

JOURNAL ENTRIES

- DAY 2

Closing arguments presented by Mr. Ogilvie and Mr. Peek.

Court FOUND notice of litigation hold was given. There was a willful failure to preserve data and communications. Additionally, the number of lost communications is an issue as well as the significant number, of information lost due to Mr. Potashners's willful misconduct. Court FOUND Mr. Potashner's conduct to be much more willful than that of Mr. Fox or Mr. Stark's, where there conduct is negligent. Mr. Ogilvie to revise and resubmit ORDER.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

June 30, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

June 30, 2021 10:30 AM At Request of Court

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Valeria Guerra

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Apton, Adam Marc Attorney
Gordon, Richard C. Attorney
Ogilvie, George F., III Attorney
Stigi, John P., III Attorney

JOURNAL ENTRIES

- Court advised she met with Mr. Ogilvie and Mr. Peek the day prior and addressed some of the scheduling and timing challenges hat have come up for the trial. The Court has proposed of r counsel to come up with a protocol for time limitations during the trial. The Court also took a moment to remaining counsel that post-trial briefings would not be allowed. The Court will leave further discussion regarding time limitations and trial protocols to counsel.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

July 08, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

July 08, 2021

8:30 AM

Pre Trial Conference

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 03E

COURT CLERK: Valeria Guerra

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Gordon, Richard C. Attorney
 Ogilvie, George F., III Attorney
 Stigi, John P., III Attorney

JOURNAL ENTRIES

- Court ORDERED firm start date of 08/16/2021, trial will be held from 9:00 AM to 4:45PM with an hour lunch.

Mr. Ogilvi has submitted a proposed trial protocol but it will not be adopted at this time.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

July 09, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

**July 09, 2021 3:00 AM Motion to Seal/Redact
Records**

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Valeria Guerra

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the motion to seal is deemed unopposed. As the proposed sealing and redaction is narrowly tailored to protect confidential information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. -
vg//7/13/21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

July 19, 2021

A-13-686890-B	Kearney IRRV Trust, Plaintiff(s) vs. Kenneth Potashner, Defendant(s)
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July 19, 2021	9:00 AM	Motion for Summary Judgment
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HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Valeria Guerra

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court having reviewed MOTION FOR SUMMARY JUDGMENT OF SPECIALLY APPEARING DEFENDANTS STRIPES GROUP, LLC, SG VTB HOLDINGS, LLC, JUERGEN STARK, AND KENNETH FOX and the related briefing and being fully informed, DENIES the motion. There a genuine issues of material fact related to the date of discovery. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and This Decision sets forth the Court s intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. -
vg//7/20/21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

July 19, 2021

A-13-686890-B	Kearney IRRV Trust, Plaintiff(s) vs. Kenneth Potashner, Defendant(s)
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July 19, 2021	9:00 AM	All Pending Motions
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HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Valeria Guerra

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Pursuant to Adm. Order 21-04 the Court decides this matter without the necessity of oral argument.

The Court notes the sanction order was filed 7/15/21. For purposes of these motions the court makes the presumptions and inferences outlined.

The Court having reviewed MOTION FOR SUMMARY JUDGMENT OF SPECIALLY APPEARING DEFENDANTS STRIPES GROUP, LLC, SG VTB HOLDINGS, LLC, JUERGEN STARK, AND KENNETH FOX and the related briefing and being fully informed, denies the motion. There a genuine issues of material fact related to the date of discovery. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and This Decision sets forth the Court s intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

The Court having reviewed MOTION FOR SUMMARY JUDGMENT OF DEFENDANT VTB HOLDINGS, INC. AND SPECIALLY APPEARING DEFENDANTS STRIPES GROUP, LLC, SG VTB HOLDINGS, LLC, JUERGEN STARK, AND KENNETH FOX and the related briefing and being fully

informed, denies the motion. There are genuine issues of material fact related to the aiding and abetting claim. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

The Court having reviewed THE DIRECTOR DEFENDANTS MOTION FOR SUMMARY JUDGMENT and the related briefing and being fully informed, denies the motion. Genuine issues of material fact exist related to these director defendant's conduct. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

The Court having reviewed DEFENDANTS MOTION IN LIMINE TO EXCLUDE THE OPINIONS, TESTIMONY, AND REPORTS OF J.T. ATKINS and the related briefing and being fully informed, denies the motion. The interpretation of the data evaluated by Mr. Atkins goes to its weight not its admissibility.. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

The Court having reviewed DEFENDANTS MOTION IN LIMINE TO EXCLUDE PLAINTIFF'S DAMAGES and the related briefing and being fully informed, _denies the motion. The damages are related to the shares held a calculable number. While a statement of damages would have been helpful from a procedural standpoint, the information remains the same as before the court approved the class settlement. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

The Court having reviewed DEFENDANTS MOTION IN LIMINE TO EXCLUDE EVIDENCE AND TESTIMONY RELATED TO IRRELEVANT OR UNDISCLOSED MEASURES OF DAMAGES and the related briefing and being fully informed, grants the motion. While conduct of some director defendants and financial transaction may be related to that individuals course of dealing and motivation it is not relevant to any damages argument and may only be used for the limited purpose of demonstrating motivation. Counsel for VTB is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all

parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and This Decision sets forth the Court s intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

The Court having reviewed DEFENDANTS MOTION IN LIMINE TO EXCLUDE EVIDENCE RELATED TO ALLEGED FRAUD BY THE NON-DIRECTOR DEFENDANTS and the related briefing and being fully informed, denies the motion. The conduct of others even of not defendants is relevant to the aiding and abetting claim.. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and. This Decision sets forth the Court s intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

The Court having reviewed DEFENDANTS MOTION IN LIMINE TO EXCLUDE ALL REFERENCE, EVIDENCE, AND TESTIMONY REGARDING POST-MERGER CONDUCT and the related briefing and being fully informed, denies the motion. The post-merger conduct is related to the defendants motivation and conduct. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and This Decision sets forth the Court s intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

July 20, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

July 20, 2021 9:30 AM Calendar Call

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Valeria Guerra

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Apton, Adam Marc Attorney
Gordon, Richard C. Attorney
Peek, Joseph S. Attorney
Stigi, John P., III Attorney

JOURNAL ENTRIES

- Court ORDERED TRIAL SET 08/16/21; trial must end 09/03/21. Proposed Findings of Facts and Conclusion of law due 08/13/21 by noon. Mr. Peek represented to the Court that he and counsel were working on stipulating to exhibits. Mr. Peek inquired of the Court when Rule 2.69 memo would be due. Court advised pre-trial memo was used to reference what/who has been disclosed and Rule 2.69 memo could be submitted anytime since the matter was set for a bench trial. Parties agreed to keep Motion to Approve Defendants' Proposed Trial Protocol on an Order Shortening Time on 07/26.

BENCH TRIAL 08/16/21 9:30AM

Court noted trial would begin everyday at 9:00 AM and would adjourn at 4:45 PM.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

July 26, 2021

A-13-686890-B	Kearney IRRV Trust, Plaintiff(s) vs. Kenneth Potashner, Defendant(s)
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July 26, 2021

9:00 AM

Motion

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 03E

COURT CLERK: Valeria Guerra

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:

Apton, Adam Marc	Attorney
Gordon, Richard C.	Attorney
Hess, Joshua D. N.	Attorney
Ogilvie, George F., III	Attorney
Peek, Joseph S.	Attorney
Stigi, John P., III	Attorney

JOURNAL ENTRIES

- Mr. Peek stated the trial protocols he proposed as well as requiring a 24 hour notice of witnesses and exhibits would make the trial much more efficient. Mr. Ogilvie stated that the trial protocol should be made with an abundance of caution and taking into consideration that people may get sick it would be difficult to provide a list of witnesses a week ahead but could do so the day before. Court GRANTED the motion IN PART; counsel is to provide a 24 hour notice before calling a witness. Court ORDERED notice of witnesses to be called on must be given the day prior before the start of the court session. Witnesses to be called on Tuesday, regardless of the time, must be noticed Monday before the start of the court session.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

August 16, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

August 16, 2021 9:30 AM Bench Trial

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Valeria Guerra

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Apton, Adam Marc	Attorney
	Cassity, Robert J.	Attorney
	Gordon, Richard C.	Attorney
	Hess, Joshua D. N.	Attorney
	Kotler, David A	Attorney
	Moreno, Alejandro E.	Attorney
	Ogilvie, George F., III	Attorney
	Peek, Joseph S.	Attorney
	Stigi, John P., III	Attorney

JOURNAL ENTRIES

- DAY 1

District Court's I.T. verified the electronic exhibit drives and provide them to the Clerk.

Mr. Peak represented to the Court the following parties settled: Andrew Wolfe, Seth Puterman, Robert M. Kaplan, and El Wood G. Norris. Parties did not stipulate to any exhibits. Court advise she would allow for witnesses to appear via video due to covid restrictions.

Opening statements by Mr. Apton, Mr. Peek, and Mr. Hess. Testimony and exhibits presented. (See worksheet).

LUNCH RECESS at 11:45 AM.

Testimony and exhibits continued. (See worksheet).

Court advised Exhibit No. 1037 could not be used because it includes Exhibit No. 410. Court instructed Counsel to breakdown exhibit.

COURT ADVISED Plaintiffs used 66 minutes, Defendants used 280 minutes.

COURT ORDERED, trial CONTINUED. EVENING RECESS.

08/17/2021 9:00 AM Bench Trial

08/18/2021 9:00 AM Bench Trial

08/19/2021 9:00 AM Bench Trial

08/20/2021 9:00 AM Bench Trial

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

August 17, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

August 17, 2021 9:00 AM Bench Trial

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Valeria Guerra

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Apton, Adam Marc	Attorney
	Cassity, Robert J.	Attorney
	Gordon, Richard C.	Attorney
	Hess, Joshua D. N.	Attorney
	Kotler, David A	Attorney
	Moreno, Alejandro E.	Attorney
	Ogilvie, George F., III	Attorney
	Peek, Joseph S.	Attorney
	Stigi, John P., III	Attorney

JOURNAL ENTRIES

- DAY 2

APPEARANCES CONTINUED.

Testimony and exhibits presented. (See worksheet).

LUNCH RECESS at 11:47 AM.

Colloquy between Court and Counsel regarding depositions and testimony. Court will ALLOW for elderly witnesses who can not be present to can not appear via video to appear via telephone.

Testimony and exhibits continued. (See worksheet).

Court noted on 08/27/21 lunch would be taken later in the day due to scheduling conflicts. COURT ADVISED Plaintiffs used 96 minutes, Defendants used 232 minutes.

COURT ORDERED, trial CONTINUED. EVENING RECESS.

08/18/2021 9:00 AM Bench Trial

08/19/2021 9:00 AM Bench Trial

08/20/2021 9:00 AM Bench Trial

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

August 18, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

August 18, 2021 9:00 AM Bench Trial

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Valeria Guerra

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Apton, Adam Marc	Attorney
	Cassity, Robert J.	Attorney
	Gordon, Richard C.	Attorney
	Hess, Joshua D. N.	Attorney
	Kotler, David A	Attorney
	Moreno, Alejandro E.	Attorney
	Ogilvie, George F., III	Attorney
	Peek, Joseph S.	Attorney
	Stigi, John P., III	Attorney

JOURNAL ENTRIES

- DAY 3

APPEARANCES CONTINUED. Plaintiff's counsel served a pocket brief to Court and opposing parties. Colloquy between Court and counsel regarding stipulation to exhibits.

Testimony and exhibits presented. (See worksheet). LUNCH RECESS.

Testimony and exhibits continued. (See worksheet).

Counsel for Plaintiff and Defendants represented to the Court there would be three witnesses the

following day. Defendants file deposition to pocket brief. Colloquy between Court and counsels regarding true rebuttal and scheduling.

COURT ORDERED, trial CONTINUED. EVENING RECESS.

08/19/2021 9:00 AM Bench Trial

08/20/2021 9:00 AM Bench Trial

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

August 19, 2021

A-13-686890-B	Kearney IRRV Trust, Plaintiff(s) vs. Kenneth Potashner, Defendant(s)
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August 19, 2021 9:00 AM Bench Trial

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Valeria Guerra

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Apton, Adam Marc	Attorney
	Gordon, Richard C.	Attorney
	Hess, Joshua D. N.	Attorney
	Kotler, David A	Attorney
	Moreno, Alejandro E.	Attorney
	Ogilvie, George F., III	Attorney
	Peek, Joseph S.	Attorney
	Stigi, John P., III	Attorney

JOURNAL ENTRIES

- DAY 4

APPEARANCES CONTINUED. Testimony and exhibits presented. (See worksheet).

Parties stipulated to numerous exhibits. LUNCH RECESS 11:45 AM.

1:00 PM Courtroom called to order.

Colloquy between Court and Counsel regarding scheduling of witnesses. Mr. Peek and Mr. Ogilvie reached further stipulation regarding exhibits.

Court noted Defendants used 314 minutes, Plaintiff used 55 minutes; Defendants total 826, Plaintiffs total 539.

COURT ORDER, trial continued, EVENING RECESS.

08/20/2021 9:00 AM Bench Trial

08/23/2021 9:00 AM Bench Trial

08/24/2021 9:00 AM Bench Trial

08/25/2021 9:00 AM Bench Trial

08/26/2021 9:00 AM Bench Trial

08/27/2021 9:00 AM Bench Trial

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

August 20, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

August 20, 2021 9:00 AM Bench Trial

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Valeria Guerra

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Apton, Adam Marc	Attorney
	Cassity, Robert J.	Attorney
	Gordon, Richard C.	Attorney
	Hess, Joshua D. N.	Attorney
	Kotler, David A	Attorney
	Moore, Ryan Martin	Attorney
	Moreno, Alejandro E.	Attorney
	Ogilvie, George F., III	Attorney
	Peek, Joseph S.	Attorney
	Raphel, Brian	Attorney
	Stigi, John P., III	Attorney

JOURNAL ENTRIES

- DAY 5

APPEARANCES CONTINUED. Parties stipulated to numerous exhibits. Testimony and exhibits presented. (See worksheet).

LUNCH RECESS.

Court noted Defendants used 86 minutes, Plaintiff used 151 minutes.

COURT ORDER, trial continued, EVENING RECESS.

08/23/2021 9:00 AM Bench Trial

08/24/2021 9:00 AM Bench Trial

08/25/2021 9:00 AM Bench Trial

08/26/2021 9:00 AM Bench Trial

08/27/2021 9:00 AM Bench Trial

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

August 20, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

**August 20, 2021 9:00 AM Motion for Good Faith
Settlement**

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Valeria Guerra

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Apton, Adam Marc	Attorney
	Cassity, Robert J.	Attorney
	Gordon, Richard C.	Attorney
	Hess, Joshua D. N.	Attorney
	Kotler, David A	Attorney
	Moore, Ryan Martin	Attorney
	Moreno, Alejandro E.	Attorney
	Ogilvie, George F., III	Attorney
	Peek, Joseph S.	Attorney
	Raphel, Brian	Attorney
	Stigi, John P., III	Attorney

JOURNAL ENTRIES

- Mr. Peek represented to the Court he had received email confirmation from Turtle Beach regarding payment. COURT GRANTED Motion for Determination of Good Faith Settlement.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

August 23, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

August 23, 2021 9:00 AM Bench Trial

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Valeria Guerra

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Apton, Adam Marc	Attorney
	Gordon, Richard C.	Attorney
	Hess, Joshua D. N.	Attorney
	Kotler, David A	Attorney
	Moore, Ryan Martin	Attorney
	Moreno, Alejandro E.	Attorney
	Ogilvie, George F., III	Attorney
	Peek, Joseph S.	Attorney
	Stigi, John P., III	Attorney

JOURNAL ENTRIES

- DAY 6

Parties stipulated to several exhibits. Court advised lunch would break at 1:45 PM on Friday.

Testimony and exhibits presented. (See worksheet). LUNCH RECESS.

Colloquy regarding witness order.

Testimony and exhibits continued. (See worksheet).

Court advised Plaintiffs used 258 minutes, Defendants used 79 minutes.

COURT ORDERED, trial CONTINUED. EVENING RECESS.

08/24/2021 9:00 AM Bench Trial

08/25/2021 9:00 AM Bench Trial

08/26/2021 9:00 AM Bench Trial

08/27/2021 9:00 AM Bench Trial

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

August 24, 2021

A-13-686890-B	Kearney IRRV Trust, Plaintiff(s) vs. Kenneth Potashner, Defendant(s)
---------------	--

August 24, 2021 9:00 AM Bench Trial

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Madalyn Kearney

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Apton, Adam Marc	Attorney
	Cassity, Robert J.	Attorney
	Hess, Joshua D. N.	Attorney
	Kotler, David A	Attorney
	Moore, Ryan Martin	Attorney
	Ogilvie, George F., III	Attorney
	Peek, Joseph S.	Attorney
	Stigi, John P., III	Attorney

JOURNAL ENTRIES

- Testimony and exhibits presented (see worksheets). Plaintiff RESTED. COURT ORDERED, trial CONTINUED. Court advised tomorrow will begin with argument regarding the Rule 50 motions.

CONTINUED TO: 8/25/21 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

August 25, 2021

A-13-686890-B Kearney IRRV Trust, Plaintiff(s)
vs.
Kenneth Potashner, Defendant(s)

August 25, 2021 9:00 AM Bench Trial

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Valeria Guerra

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Apton, Adam Marc	Attorney
	Cassity, Robert J.	Attorney
	Hess, Joshua D. N.	Attorney
	Kotler, David A	Attorney
	Moore, Ryan Martin	Attorney
	Moreno, Alejandro E.	Attorney
	Ogilvie, George F., III	Attorney
	Peek, Joseph S.	Attorney
	Stigi, John P., III	Attorney

JOURNAL ENTRIES

- DAY 8

Defense presented Rule 52 Motions. Mr .Peek argued Plaintiffs had failed to prove Mr. Potashner was a controlling partner. Mr. Stigi supported Mr. Peek's argument. Mr. Cotter argue there was a lack of evidence from Plaintiffs. Mr. Hess argued shareholder loose right to claim when shares are sold. Mr. Apton argued Potashner bullied, threatened and exploited the boards inability to stop him. Following counsels' argument COURT GRANTED Rule 52 Motion.

Unpublished depositions returned to counsel. Mr. Peek to prepare order and provide to all parties. Future trial dates VACATED.

VAULT EXHIBIT FORM

CASE NO: A686890 (CONSOLIDATED- LEAD CASE)	HEARING DATE: 12-19-13
DEPT. NO: XI	JUDGE: HON. ELIZABETH GONZALEZ
	CLERK: DULCE ROMEA
	RECORDER: JILL HAWKINS
PLAINTIFF: KEARNEY IRRY TRUST	JURY FEES: N/A
	LOCAL COUNSEL
	COUNSEL FOR PLAINTIFF: JOHN ALDRICH;
DEFENDANT: KENNETH POTASHNER	MARK ALBRIGHT
	COUNSEL FOR DEFENDANT: STEPHEN PEEK;
	RICHARD GORDON

COURT'S EXHIBITS (LODGED UNDER SEAL)				Date Offered	Objection	Date Admitted
1. SUPPLEMENTAL BRIEF				—	—	12-19-13
2. COMPENDIUM OF EXHIBITS				—	—	12-19-13

COURT'S EXHIBITS

CASE NO. A686890

[illegible]

EXHIBIT(S) LIST

Case No.: **A-13-686890-B**

Hearing Date: MARCH 12, 2018

Dept. No.: **XI**

Judge: HON. ELIZABETH GONZALEZ

Court Clerk: *DULCE ROMERA*

Plaintiff: **KEARNEY IRRV TRUST**

Recorder: JILL HANKINS

Counsel for Plaintiff: RANDALL BARON;

VS.

DAVID KNOTTS; DAVID O'MARA

Defendant: **KENNETH POTASHNER**

Counsel for Defendant: JOSHUA HESS,

RICHARD GORDON; JOHN STIGI; STEPHEN
PEEK

HEARING BEFORE THE COURT

COURT'S EXHIBITS

[illegible]

EXHIBIT(S) LIST

Case No.: *A-13-686890-B*

Dept. No.: 47

Plaintiff: KEARNEY IRREV TRUST

VS.

Defendant: **KENNETH POTASHNER**

Hearing Date: *JANUARY 7, 2019* *MOTION FOR CLASS CERTIFICATION*

Judge: *HON. ELIZABETH GONZALEZ*

Court Clerk: **DULCE ROMERA**

Recorder: JILL HAWKINS

Counsel for Plaintiff: RANDALL BARON; TIMOTHY LACOMB

ADAM KARDEN; DAVID O'MARA

Counsel for Defendant: *STEPHEN PERK; JOHN STIGI;*

JOSHUA HESS; RICHARD GORDON

HEARING BEFORE THE COURT

COURT'S EXHIBITS

[illegible]

EXHIBIT(S) LIST

Case No.: **A-13-686890-B**

Hearing Date: **NOVEMBER 12, 2019**

Dept. No.: **XI**

Judge: **HON. ELIZABETH GONZALEZ**

Court Clerk: **DULCE ROMEA**

Plaintiff: **KEARNEY IRRV TRUST**

Recorder: **JILL HAWKINS**

Counsel for Plaintiff: DAVID O'MARA, ESQ.

VS.

Defendant: **KENNETH POTASHNER**

Counsel for Defendant: RICHARD GORON, ESQ.
ROBERT CASSITY, ESQ.

HEARING BEFORE THE COURT

COURT'S EXHIBITS

[illegible]

7

CASE NO: A-13-686890-B

DEPT NO: XI

IN RE PARAMETRIC SOUND CORPORATION SHAREHOLDERS' LITIGATION

PAMTP LLC
PLAINTIFF

Kenneth Potashner, et. al.
DEFENDANT

TRIAL DATE: 6/18/2021
JUDGE: Judge Gonzalez
CLERK: Jill Hawkins
REPORTER:
JURY FEES:

COUNSEL FOR PLAINTIFF: George F. Ogilvie III, Esq.
Adam M. Apton, Esq.

COUNSEL FOR DEFENDANT: J. Stephen Peek, Esq.
John P. Stigi III, Esq.

Exhibit Number	Identif. of Device or Traditional (purv)	Description of Exhibit	Alphanumeric Designation on Exh.	Stipulated Yes / No	Date Offered	Objection	Date Admitted
1.pdf	Thumbdrive	Defendant Kenneth Potashner's Answers to Plaintiff's First Set of Interrogatories dated Feb. 1, 2019	1-001-1-041	NO	6/18	NO	6/18/21 WA
2.pdf	Thumbdrive	Defendant Andrew Wolfe's Answers to Plaintiff's First Set of Interrogatories dated Feb. 1, 2019	2-001-2-039				
3.pdf	Thumbdrive	Defendant Andrew Wolfe Text Messages	PAMTNNV0163289-93 3-001-3-005	NO.	6/18	NO	6/18/21 WA
4.pdf	Thumbdrive	Defendant Elwood Norris's Answers to Plaintiff's First Set of Interrogatories dated Feb. 1, 2019	4-001-4-037				
5.pdf	Thumbdrive	Defendant Elwood Norris Handwritten Notes dated July 19, 2013	PAMTNNV0147545 5-001				
6.pdf	Thumbdrive	Defendant VTB Holdings, Inc.'s Response to Plaintiff's First Set of Interrogatories dated Feb. 6, 2019	6-001-6-022	NO	6/18	NO	6/18/21 WA
7.pdf	Thumbdrive	Litigation Hold dated Aug. 15, 2013	VTBH 008367 7-001-7-002	NO	6/18	NO	6/18/21 WA
8.pdf	Thumbdrive	Defendant Stripes Group, LLC's Response to Plaintiff's First Set of Interrogatories Feb. 6, 2019	8-001-8-020	NO	6/18	NO	6/18/21 WA
9.pdf	Thumbdrive	VTB Holdings, Inc. Meeting of the Board of Directors dated Feb. 6, 2013	VTBH 000074 9-001	NO.	6/18	NO	6/18/21 WA
10.pdf	Thumbdrive	Turtle Beach Corp. Minutes of Board of Directors Meeting dated Nov. 6, 2014	TB-00200315-17 10-001-10-003	NO	6/18	NO	6/18/21 WA

SHIP? Oath offered. Oath administered

11.pdf	Thumbdrive	Turtle Beach Corp. Employee Handbook dated Dec. 2014	WEISBORD-CAL-00148214-313 11-001-11-100	NO	6/18	NO	6/18	WA
12.pdf	Thumbdrive	Ronald Doornink Text Messages to Defendant Ken Fox	STRIPES_0081500-04 12-001-12-005	NO	6/18	NO	6/18	WA
13.pdf	Thumbdrive	Ronald Doornink Text Messages to Defendant Juergen Stark	STRIPES_0081505-10 13-001-13-006	NO	6/18	NO	6/18	WA
14.pdf	Thumbdrive	Email from K. Potashner to K. Fox and K. Kenworthy dated Apr. 20, 2013	STRIPES0001912 14-001	NO	6/18	NO	6/18	WA
15.pdf	Thumbdrive	Defendant K. Fox to Mark Dufilho (Houlihan Lokey) dated Apr. 20, 2013	STRIPES 0001909-10 15-001-15-002	NO	6/18	NO	6/18	WA
16.pdf	Thumbdrive	Email from K. Potashner to K. Fox, J. Stark, and K. Kenworthy dated Nov. 12, 2013	STRIPES0031682 16-001	NO	6/18	NO	6/18	WA
17.pdf	Thumbdrive	Subpoena to Attend and Provide Testimony Under Oath, Juergen Stark, June 4, 2021	17-001-17-011					
18.pdf	Thumbdrive	Subpoena to Attend and Provide Testimony Under Oath, Elwood Norris, June 4, 2021	18-001-18-011					
19.pdf	Thumbdrive	Subpoena to Attend and Provide Testimony Under Oath, Turtle Beach Corporation, June 4, 2021	19-001-19-012					
20.pdf	Thumbdrive	Subpoena to Attend and Provide Testimony Under Oath, Kenneth Fox, June 4, 2021	20-001-20-011					
21.pdf	Thumbdrive	Subpoena to Attend and Provide Testimony Under Oath, Andrew Wolfe, June 4, 2021	21-001-21-011					
22.pdf	Thumbdrive	Subpoena to Attend and Provide Testimony Under Oath, Kenneth Potashner, June 4, 2021	22-001-22-011					
23.pdf	Thumbdrive	Subpoena to Attend and Provide Testimony Under Oath, SETEC Investigations, June 4, 2021	23-001-23-012					
24.pdf	Thumbdrive	Complaint dated May 20, 2020	24-001-24-067					
25.pdf	Thumbdrive	Answer to Plaintiff PAMTP LLC's Complaint dated Sept. 3, 2020	25-001-25-043					

Stipulated
 Order
 entered
 01/08/20
 Date: 10/18/18

26.pdf	Thumbdrive	Director Defendants' Answer to Complaint dated Sept. 3, 2020	26-001- 26-037					
27.pdf	Thumbdrive	Notice of Testifying Expert for Purposes of Evidentiary Hearing on June 18, 2021, dated June 11, 2021	27-001- 27-052					
28.pdf	Thumbdrive	Parametric Sound Corporation White Paper dated Sept. 30, 2013	TB-00002997-3000 28-001- 28-004	NO.	10/18	NO	6/18	WA
29.pdf	Thumbdrive	Email from John Hanson to Ken Potashner dated Dec. 30, 2013 with attachment	TB-00078079-81 29-001- 29-003					
30.pdf	Thumbdrive	Email from Ken Potashner to Joshua Weisbord dated Nov. 11, 2014	30-001	NO	10/18	Obj.	6/18	WA
31.pdf	Thumbdrive	Email from Ken Potashner to Joshua Weisbord dated Oct. 18, 2015	31-001	NO	10/18	Obj.	10/18	WA

4

CASE NO: A-13-686890-B

DEPT NO: XI

TRIAL DATE:
JUDGE:
CLERK:
REPORTER:
JURY FEES:

PAMTP LLC
PLAINTIFF

COUNSEL FOR PLAINTIFF: McDonald Carano LLP

KENNETH POTASHNER, et al.
DEFENDANT

COUNSEL FOR DEFENDANT: Snell & Wilmer L.L.P.

Exhibit Number	Identif. of Device or Traditional (put ✓)	Description of Exhibit	Alphanumeric	Stipulated	Date	Objection	Date
			Designation on Exh.	Yes / No	Offered		Admitted
301.pdf	Defendants Master External	Parametric Sound Corporation Board Meeting Minutes, March 5, 2012	PAMTNV0073269-0073274				
302.pdf	Defendants Master External	Parametric Sound Corporation Board Meeting Minutes, August 17, 2012	PAMTNV0086374-0086378				
303.pdf	Defendants Master External	Excerpts from Parametric Sound Corporation 2012 Form 10-K filed with the Securities and Exchange Commission, September 30, 2012	TB-0011750-117866				
304.pdf	Defendants Master External	Certificate of Incorporation of HyperSound Health, Inc., a Delaware Corporation, as file-stamped by the State of Delaware Secretary of State, October 9, 2012	VTBH018792				
305.pdf	Defendants Master External	Parametric Sound Corporation Board Meeting Minutes, October 10, 2012	PAMTNV0073592-0073593				
306.pdf	Defendants Master External	Parametric Sound Corporation Board Meeting Minutes, December 13, 2012	PAMTNV0000006-0000007				
307.pdf	Defendants Master External	Parametric Sound Corporation Summary Strategic Plan – HyperSound Health, Inc., dated December 2012	PAMTNV0059320-0059355				
308.pdf	Defendants Master External	Handwritten Notes from E. Norris, June thru August 2013	PAMTNV0147522-61				
309.pdf	Defendants Master External	Parametric Sound Corporation Board Meeting Minutes, February 21, 2013	PAMTNV0000062-0000076				
310.pdf	Defendants Master External	Parametric Sound Corporation Board Meeting Minutes, March 1, 2013	PAMTNV0000077-0000080				
311.pdf	Defendants Master External	Parametric Sound Corporation Form 10-Q for the period ended March 31, 2013, filed with the Securities and Exchange Commission, March 31, 2013	N/A				
312.pdf	Defendants Master External	Email from Potashner re: "fairness opinion", June 25, 2013	VTBH 010763-64				
313.pdf	Defendants Master External	Parametric Sound Corporation Board Meeting Minutes, July 1 and July 2, 2013	PAMTNV0000160-0000163				
314.pdf	Defendants Master External	Email from Potashner re: "update", July 1, 2013	PAMTNV0158938				
315.pdf	Defendants Master External	Email from Potashner fw: "deal", July 1, 2013	PAMTNV0033879-0033880				
316.pdf	Defendants Master External	Email from Stark re: "pamt", July 1, 2013	TB-00074962-63				
317.pdf	Defendants Master External	Email from Stark re: "HHI", July 3, 2013	PAMTNV0105854-55				
318.pdf	Defendants Master External	Email from Potashner re: "Weekend meeting", July 4, 2013	PAMTNV0163004-06				
319.pdf	Defendants Master External	Email from Potashner fwd: "Letter from Joshua Weisbord to PAMT board of directors 7_5_2013", July 5, 2013	PAMTNV0086428-0086429	NO.	6/18	N	6/18
320.pdf	Defendants Master External	Parametric Sound Corporation Board Meeting Minutes, July 5, 2013	PAMTNV0000164-0000170				
321.pdf	Defendants Master External	Email from Potashner re: "Update on executive session", July 5, 2013	PAMTNV0061347-0061348				
322.pdf	Defendants Master External	Email from Potashner re: "FYI", July 6, 2013	VTBH011203				
323.pdf	Defendants Master External	Email from Kaplan re: "options", July 6, 2013	PAMTNV0115318				
324.pdf	Defendants Master External	Email from Barnes re: "update", July 10, 2013	PAMTNV0033902-03				
325.pdf	Defendants Master External	Email from Potashner re: "legal effort PAMT", July 11, 2013	VTBH 016333-34				
326.pdf	Defendants Master External	Email from Potashner re: " ", July 12, 2013	VTBH 009741-42				
327.pdf	Defendants Master External	Email from Stark fwd: "HHI", July 13, 2013	PAMTNV0112705-07				

WA

Exhibit Number	Identif. of Device or Traditional (pub.)	Description of Exhibit	Alphanumeric	Stipulated	Date	Objection	Date
			Designation on Exh.	Yes / No	Offered		Admitted
328.pdf	Defendants Master External	Email from Norris fw: "TB", July 19, 2013	PAMTNV0112541				
329.pdf	Defendants Master External	Parametric Sound Corporation Board Meeting Minutes, July 20, 2013	PAMTNV0000171-0000174				
330.pdf	Defendants Master External	Email from Juergen Stark re: "bullet points", July 20, 2013	PAMTNV0121699				
331.pdf	Defendants Master External	Email from Wolfe fw: "VTB PAMT acquisition", July 21, 2013	PAMTNV0122212				
332.pdf	Defendants Master External	Email from Wolfe re: "VTB PAMT acquisition", July 21, 2013	PAMTNV0122205-06				
333.pdf	Defendants Master External	Email from Potashner re: "HHI and my Resignation", July 21, 2013	PAMTNV0041262				
334.pdf	Defendants Master External	Email from Potashner re: "Update", July 22, 2013	PAMTNV0121675				
335.pdf	Defendants Master External	Email from RDoomink@aol.com fwd: "update", July 22, 2013	VTBH 013436-37				
336.pdf	Defendants Master External	Parametric Sound Corporation Board Meeting Minutes, July 23, 2013	PAMTNV0000175-0000177				
337.pdf	Defendants Master External	Email from Kaplan re: "VTB PAMT acquisition", July 23, 2013	PAMTNV0112504-07				
338.pdf	Defendants Master External	Parametric Sound Corporation Board Meeting Minutes, August 2, 2013	PAMTNV0000189-0000198				
339.pdf	Defendants Master External	Release of Claims and Other Agreements by Kenneth F. Potashner Related to Amendment and Restatement of Incentive Stock Option Agreement between Kenneth F. Potashner and HyperSound Health, Inc., August 5, 2013	PAMTNV0070636-0070644				
340.pdf	Defendants Master External	Email from Potashner re: "Comps", August 8, 2013	PAMTNV0171692-0171695				
341.pdf	Defendants Master External	Release of Claims and Other Agreement by John J. Todd Related to Amendment and Restatement of Non-Statutory Stock Option Agreement between John J. Todd and HyperSound Health, Inc. - Executed by John Todd, August 21, 2013	PAMTNV0070685-0070699				
342.pdf	Defendants Master External	Excerpts from Parametric Sound Corporation Definitive Proxy, filed with the SEC December 3, 2013	Craig-Hallum_Parametric 004491-4578	NO.	6/18	Obj.	6/18
343.pdf	Defendants Master External	Excerpts from the December 11, 2013 Deposition of Kenneth Potashner, Vol. 1	N/A				
344.pdf	Defendants Master External	Parametric Sound Corporation Form 8-K filed with the Securities & Exchange Commission, December 30, 2013	N/A				
345.pdf	Defendants Master External	Email from Wolfe re: "Call with Juergen", July 11, 2014	TB-00069919				
346.pdf	Defendants Master External	Director Defendants' Initial List of Witnesses and Documents Pursuant to NRCP 16.1, November 7, 2014	N/A				
347.pdf	Defendants Master External	Index of Documents Produced with Defendants' Initial Disclosures, November 7, 2014	N/A				
348.pdf	Defendants Master External	Email from Moreno re: "Parametric", November 15, 2018	N/A				
349.pdf	Defendants Master External	Defendant Kenneth Potashner's Answers to Plaintiff's First Set of Interrogatories, February 1, 2019	N/A				
350.pdf	Defendants Master External	Defendant Andrew Wolfe's Answers to Plaintiff's First Set of Interrogatories, February 1, 2019	N/A				
351.pdf	Defendants Master External	VTB Holdings, Inc.'s Response to Plaintiffs' First Set of Interrogatories, February 6, 2019	N/A				
352.pdf	Defendants Master External	Nominal Defendant Turtle Beach Corporation's Response to Plaintiffs' First Set of Interrogatories, February 6, 2019	N/A				
353.pdf	Defendants Master External	Excerpts from the May 17, 2019 Deposition of Robert Kaplan	N/A				
354.pdf	Defendants Master External	Excerpts from the August 8, 2019 Deposition of Kenneth Potashner, Vol. 2	N/A				
355.pdf	Defendants Master External	PAMTP Complaint, May 20, 2020	N/A				
356.pdf	Defendants Master External	Declaration of Juergen Stark, dated March 17, 2021 (filed with Court on March 18, 2021), and Exhibit A, March 18, 2021	N/A	N.	6/18	Obj.	
357.pdf	Defendants Master External	Emails produced in this action prior to the close of the merger on January 15, 2014 referencing potential text message communications, various dates	PAMTNV033232-033233, PAMTNV0040471, PAMTNV0040944, PAMTNV0041259-0041260				
358.pdf	Defendants Master External	Wolfe Text Messages, March 2013 to May 2014	PAMTNV0163290-PAMTNV0163293				
359.pdf	Defendants Master External	Wolfe Text Messages, July 2013	PAMTNV0163289				
360.pdf	Defendants Master External	Select Text Messages from Ronald Doornink's Phone, July 2014 to February 2015	STRIPES 0081505-10				
361.pdf	Defendants Master External	Plaintiffs' First Request for Production of Documents to Defendants Parametric Sound Corporation, Kenneth F. Potashner, Elwood G. Norris, Seth Putterman, Robert M. Kaplan, Andrej Wolfe and James L. Honore, October 21, 2014	N/A				

GA

Exhibit Number	Identif. of Device or Traditional (put ✓)	Description of Exhibit	Alphanumeric	Stipulated	Date	Objection	Date Admitted
			Designation on Exh.	Yes / No	Offered		
362.pdf	Defendants Master External	Email from Potashner re: "update", June 29, 2013	PAMTNV0105759-60				
363.pdf	Defendants Master External	Email from Potashner fwd: "Closing costs", July 1, 2013	TODD0005977				
364.pdf	Defendants Master External	Email from Potashner fwd: "FDA approval", July 1, 2013	TODD0005978				
365.pdf	Defendants Master External	Email from Barnes re: "FDA approval", July 1, 2013	TODD0005979				
366.pdf	Defendants Master External	Email from Potashner re: "deal", July 1, 2013	TODD0005989				
367.pdf	Defendants Master External	Email from Potashner re: "deal", July 1, 2013	TODD0005991				
368.pdf	Defendants Master External	Email from Potashner re: TV ears", July 1, 2013	TODD0005992				
369.pdf	Defendants Master External	Email from Potashner fwd: "deal", July 1, 2013	TODD0005993				
370.pdf	Defendants Master External	Email from Potashner re: "update", July 1, 2013	TODD0005994				
371.pdf	Defendants Master External	Email from Potashner fwd: "pls be careful", July 1, 2013	TODD0005995				
372.pdf	Defendants Master External	Email from Potashner re: "Craig Hallum", July 1, 2013	TODD0005996				
373.pdf	Defendants Master External	Email from Potashner re: "clarification", July 1, 2013	TODD0005997				
374.pdf	Defendants Master External	Email from Potashner re: "clarification", July 1, 2013	TODD0005998				
375.pdf	Defendants Master External	Email from Barnes fw: "Craig-Hallum Engagement Letter Attached, July 1, 2013	TODD0005999				
376.pdf	Defendants Master External	Email from Potashner fwd: "update", July 1, 2013	TODD000600910				
377.pdf	Defendants Master External	Email from Potashner fwd: "pam", July 1, 2013	TODD0006011				
378.pdf	Defendants Master External	Email from Potashner fwd: "pamt", July 1, 2013	PAMTNV0105757-58				
379.pdf	Defendants Master External	Email from Potashner re: "deal", July 1, 2013	PAMTNV0159739				
380.pdf	Defendants Master External	Email from Potashner fwd: "update", July 2, 2013	TODD0006012-13				
381.pdf	Defendants Master External	Email from Potashner re: "hhi", July 2, 2013	TODD0006014				
382.pdf	Defendants Master External	Email from Potashner re: "hhi", July 2, 2013	TODD0006015				
383.pdf	Defendants Master External	Email from Potashner re: "Sunday", July 2, 2013	TODD0006016				
384.pdf	Defendants Master External	Email from Potashner re: "are you up?", July 2, 2013	TODD0006026				
385.pdf	Defendants Master External	Email from Potashner re: "fyi", July 2, 2013	TODD0006027				
386.pdf	Defendants Master External	Email from Potashner re: "Dr. Metha, Dr. Mattson", July 2, 2013	TODD0006028				
387.pdf	Defendants Master External	Email from Potashner fwd: "Board get together", July 2, 2013	TODD0006029-30				
388.pdf	Defendants Master External	Email from Potashner re: "12m", July 2, 2013	TODD0006031				
389.pdf	Defendants Master External	Email from Potashner fwd: "FW: Juergen computation of Ken position", July 3, 2013	TODD0006033				
390.pdf	Defendants Master External	Email from Potashner fwd: "FW: Juergen computation of Ken position", July 3, 2013	TODD0006035				
391.pdf	Defendants Master External	Email from Potashner re: "Embarrassing", July 3, 2013	TODD0006037				
392.pdf	Defendants Master External	Email from Potashner fwd: "Public company CFO sole", July 3, 2013	TODD0006038-39				
393.pdf	Defendants Master External	Email from Potashner re: "HHI", July 3, 2013	TODD0006040				
394.pdf	Defendants Master External	Email from Potashner re: "10 yards to go", July 3, 2013	TODD0006041				
395.pdf	Defendants Master External	Email from Potashner re: "HHI", July 3, 2013	TODD0006044				
396.pdf	Defendants Master External	Email from Potashner fwd: "Board get together", July 3, 2013	TODD0006045-47				
397.pdf	Defendants Master External	Email from Potashner fwd: "Board get together", July 3, 2013	TODD0006048-50				
398.pdf	Defendants Master External	Email from Potashner fwd: "PNC", July 3, 2013	TODD0006051				
399.pdf	Defendants Master External	Email from Potashner re: "Weekend meeting", July 4, 2013	TODD0006052				
400.pdf	Defendants Master External	Email from Potashner re: "Update on executive session", July 5, 2013	PAMTNV0162867				
401.pdf	Defendants Master External	Email from Potashner fwd: "Aspire", July 10, 2013	TODD0006058				
402.pdf	Defendants Master External	Email from Stark re: "get together", July 10, 2013	TODD0006064				

Exhibit Number	Ident. of Device or Traditional (pub/v)	Description of Exhibit	Alphanumeric	Stipulated	Date	Objection	Date
			Designation on Exh.	Yes / No	Offered		Admitted
403.pdf	Defendants Master External	Email from Potashner re: " ", July 10, 2013	TODD0006065				
404.pdf	Defendants Master External	Email from Potashner fwd: "Re: ", July 10, 2013	TODD0006066				
405.pdf	Defendants Master External	Email from Potashner re: "get together", July 10, 2013	TODD0006067				
406.pdf	Defendants Master External	Email from Potashner fwd: "John Todd", July 10, 2013	TODD0006068				
407.pdf	Defendants Master External	Email from Potashner fwd: "more hhi scenarios", July 10, 2013	TODD0006069				
408.pdf	Defendants Master External	Email from Potashner re: "Meeting with Juergen", July 11, 2013	TODD0006053				
409.pdf	Defendants Master External	Email from Potashner re: "Re: interesting sound technology", July 11, 2013	TODD0006054				
410.pdf	Defendants Master External	Email from Potashner re: "Proposal", July 20, 2013	PAMTNV0121697-98				
411.pdf	Defendants Master External	Email from Potashner re: "Proposal", July 20, 2013	PAMTNV0121704-05				
412.pdf	Defendants Master External	Email from Potashner re: "FW: VTB PAMT acquisition", July 22, 2013	PAMTNV0121564-66				
413.pdf	Defendants Master External	Email from Potashner re: "new thought", July 22, 2013	PAMTNV0121576				
414.pdf	Defendants Master External	Google Calendar Invite re: "Sound Bar @ Voyetra Turtle Beach (San Diego)", August 15, 2013	TODD0002306				
415.pdf	Defendants Master External	Calendar Appointment re: Sound Bar @ Voyetra Turtle Beach (San Diego), August 15, 2013	TODD0002307				
416.pdf	Defendants Master External	Email from Potashner fwd: "also", August 23, 2013	TODD0002298-99				
417.pdf	Defendants Master External	Email from Potashner re: "International Communications Corp", October 22, 2013	TODD0002300				
418.pdf	Defendants Master External	Email from Potashner re: "Radio Shack", October 22, 2013	TODD0002301				
419.pdf	Defendants Master External	Email from Potashner fwd: "PAMT-Patent-1022013-final.docx", October 22, 2013	TODD0002302-03				
420.pdf	Defendants Master External	Search Term List	N/A		6/18	N	6/18
421.pdf	Defendants Master External	Email from Potashner Re: clarification	TODD0005998		6/18	N.	6/18
422.pdf	Defendants Master External	Email from Potashner Fwd: resend of email to andy...	TODD0006103				
423.pdf	Defendants Master External	Email from Potashner Juergen call	TODD0006105				
424.pdf	Defendants Master External	Email from Potashner Juergen	TODD0006096				
425.pdf	Defendants Master External	Email from Potashner Re: Accepted: VTB- Dinner with PAMT Board	TODD0006083				
426.pdf	Defendants Master External	Email from Potashner Fwd: Bdca	TODD0006085				
427.pdf	Defendants Master External	Email from Potashner Fwd: John Todd	TODD0006068				
428.pdf	Defendants Master External	Email from Potashner Re: Update	TODD0006073				
429.pdf	Defendants Master External	Email from Potashner Juergen	TODD0006187				
430.pdf	Defendants Master External	Email from Potashner Re: legal effort PAMT	TODD0006189				
431.pdf	Defendants Master External	Email from Potashner	TODD0006192				
432.pdf	Defendants Master External	Email from Potashner Re: Schedule time next Wednesday	TODD0006205				
433.pdf	Defendants Master External	Email from Potashner Fwd: Mid Year forecast	TODD0006207				
434.pdf	Defendants Master External	Email from Potashner Re: Drs Metha/Mattson	TODD0006219				
435.pdf	Defendants Master External	Email from Potashner Re: Good luck on your surgery	TODD0006221				
436.pdf	Defendants Master External	Email from Potashner Fwd: Yogo	TODD0006227				
437.pdf	Defendants Master External	Email from Potashner Fwd: June and Q2 Results	TODD0006232				
438.pdf	Defendants Master External	Email from Potashner Fwd: Thoughts	TODD0006249				
439.pdf	Defendants Master External	Email from Hoverman FW: Draft Term sheet	TODD0006250				
440.pdf	Defendants Master External	Email from Todd re: " "	TODD0009825				
441.pdf	Defendants Master External	Email from Potashner Fwd: update	TODD0006254				
442.pdf	Defendants Master External	Email from Potashner Re: jul 31	TODD0006424				
443.pdf	Defendants Master External	Email from Potashner Re: Patents	TODD0006435		6/18	N	6/18

Exhibit Number	Ident. of Device or Traditional (pub/v)	Description of Exhibit	Alphanumeric	Stipulated	Date	Objection	Date	
			Designation on Exh.	Yes / No	Offered			Admitted
444.pdf	Defendants Master External	Email from Potashner Fwd: Soundbar contract	TODD0006332		6/18	N	6/18	WA
445.pdf	Defendants Master External	Email from Potashner ATM	TODD0006327					WA
446.pdf	Defendants Master External	Email from Keary re: John Todd - Letter on Consulting Agreement	TODD0006265					WA
447.pdf	Defendants Master External	Email from Potashner Re: Deal framing	TODD0006444					WA
448.pdf	Defendants Master External	Email from Todd re: " "	TODD0009831					WA
449.pdf	Defendants Master External	Email from Potashner Fwd: Project Surround Investor Presentation	TODD0006453					WA
450.pdf	Defendants Master External	Email from Potashner Death threat	TODD0006477					WA
451.pdf	Defendants Master External	Email from Potashner Fwd: Last input before call later	TODD0006505					WA
452.pdf	Defendants Master External	Email from Potashner Huge win	TODD0006506					WA
453.pdf	Defendants Master External	Email from Potashner stock price	TODD0006526					WA
454.pdf	Defendants Master External	Email from Todd re: " "	TODD0010704		6/18	N	6/18	
455.pdf	Defendants Master External	Email from Potashner Re: Re: Fwd: Re: RE: RE: RE:	TODD0006535					
456.pdf	Defendants Master External	Email from Potashner priorities	TODD0006547					
457.pdf	Defendants Master External	Email from Potashner Re:	TODD0006550					
458.pdf	Defendants Master External	Email from Neumann RE: Meeting with Juergen	TODD0006572					
459.pdf	Defendants Master External	Email from Potashner Beta	TODD0006624					
460.pdf	Defendants Master External	Email from Potashner Re: Financing	TODD0006659					
461.pdf	Defendants Master External	Email from Savitt Qualcomm update	TODD0006664					
462.pdf	Defendants Master External	Email from Potashner Re: catching up	TODD0010460					
463.pdf	Defendants Master External	Email from Potashner FDA	TODD0006710					
464.pdf	Defendants Master External	Email from Savitt update	TODD0006713					
465.pdf	Defendants Master External	Email from Hoverman RE: Cash forecast	TODD0006723					
466.pdf	Defendants Master External	Email from Potashner Re: Cash forecast	TODD0006739					
467.pdf	Defendants Master External	Email from Potashner Fwd: Qualcomm	TODD0006768					
468.pdf	Defendants Master External	Email from Potashner Socius call	TODD0006781					
469.pdf	Defendants Master External	Email from Potashner interesting	TODD0006822					
470.pdf	Defendants Master External	Email from Potashner Fwd: financing	TODD0006830					
471.pdf	Defendants Master External	Email from Savitt website changes made	TODD0006834					
472.pdf	Defendants Master External	Email from Potashner Re: Craig Hallum Fee Agreement	TODD0006875					
473.pdf	Defendants Master External	Email from Todd RE: Craig Hallum Fee Agreement	TODD0009908					
474.pdf	Defendants Master External	Email from Potashner Fwd: Craig-Hallum	TODD0006893					
475.pdf	Defendants Master External	Email from Potashner Re: josh/grimley	TODD0006894					
476.pdf	Defendants Master External	Email from Potashner glass patent	TODD0006899					
477.pdf	Defendants Master External	Email from Hoverman RE: Availability Next Week	TODD0006902					
478.pdf	Defendants Master External	Email from Potashner Fwd: Availability Next Week	TODD0006904					
479.pdf	Defendants Master External	Email from Potashner Fwd: Availability Next Week	TODD0006920					
480.pdf	Defendants Master External	Email from Todd re: " "	TODD0009915					
481.pdf	Defendants Master External	Email from Potashner Staff meeting	TODD0006934					
482.pdf	Defendants Master External	Email from Potashner Fwd: meeting this week	TODD0006941					
483.pdf	Defendants Master External	Email from Potashner Fwd: Fwd: FW: Resume	TODD0006961		6/18	N	6/18	WA
484.pdf	Defendants Master External	Email from Potashner Cost Cutting	TODD0006948					

Exhibit Number	Identif. of Device or Traditional (pctv)	Description of Exhibit	Alphanumeric	Stipulated	Date	Objection	Date
			Designation on Exh.	Yes / No	Offered		
485.pdf	Defendants Master External	Email from Potashner Re: Things we need to assess	TODD0006994				
486.pdf	Defendants Master External	Email from Todd RE: Things we need to assess	TODD0009925				
487.pdf	Defendants Master External	Email from Potashner Proxy	TODD0006997				
488.pdf	Defendants Master External	Email from Potashner Fwd: NY	TODD0007001				
489.pdf	Defendants Master External	Email from Potashner Fwd: China visit	TODD0007014				
490.pdf	Defendants Master External	Email from Potashner Me investing	TODD0007082				
491.pdf	Defendants Master External	Email from Stark Re: Soundbar	TODD0007096				
492.pdf	Defendants Master External	Email from Todd RE: update	TODD0009934				
493.pdf	Defendants Master External	Email from Stark Re: Hybrid soundbar	TODD0007144				
494.pdf	Defendants Master External	Email from Savitt Qualcomm update	TODD0007172				
495.pdf	Defendants Master External	Email from Neumann FW: Signage Customers in NY	TODD0007235				
496.pdf	Defendants Master External	Email from Potashner Re: financing call	TODD0007236				
497.pdf	Defendants Master External	Email from Potashner Re: Soundbar meeting	TODD0007242				
498.pdf	Defendants Master External	Email from Potashner Fwd: Soundbar key actions	TODD0007258				
499.pdf	Defendants Master External	Email from Potashner Re: Soundbar key actions	TODD0007311				
500.pdf	Defendants Master External	Email from Todd FW: Follow up from joint TB PAMT technical discus	TODD0009970				
501.pdf	Defendants Master External	Email from Hoverman PAMT Financing	TODD0007366				
502.pdf	Defendants Master External	Email from Potashner Fwd: PAMT Financing	TODD0007372				
503.pdf	Defendants Master External	Email from Todd qtr sales numbers	TODD0010719				
504.pdf	Defendants Master External	Email from Potashner Percolating	TODD0007397				
505.pdf	Defendants Master External	Email from Hoverman RE: Wolverine - PAMT Convertible Note and	TODD0007432				
506.pdf	Defendants Master External	Email from Potashner Re: Revised BOD Minutes	TODD0007438				
507.pdf	Defendants Master External	Email from Potashner microsoft	TODD0007444				
508.pdf	Defendants Master External	Email from Potashner Re: Message to Prospective Investors	TODD0007508				
509.pdf	Defendants Master External	Email from Norris Re: Jim Hardiman - Updated info; Better phone n	TODD0007683				
510.pdf	Defendants Master External	Email from Potashner Fwd: Jim Hardiman - Updated info; Better ph	TODD0007686				
511.pdf	Defendants Master External	Email from Savitt Kiosk request	TODD0007673				
512.pdf	Defendants Master External	Email from Potashner Re: thesing	TODD0007669				
513.pdf	Defendants Master External	Email from Stark Re: Kiosk Response	TODD0007657				
514.pdf	Defendants Master External	Email from Potashner Fwd: Meeting	TODD0007643				
515.pdf	Defendants Master External	Email from Todd RE: International Communications Corp	TODD0010009	NO.	6/18	N.	6/18
516.pdf	Defendants Master External	Email from Potashner disappointing	TODD0007723				
517.pdf	Defendants Master External	Email from Potashner Thurs Concall	TODD0007730				
518.pdf	Defendants Master External	Email from Potashner Contract	TODD0010522				
519.pdf	Defendants Master External	Email from Neumann Second Slide - Consumers	TODD0007799				
520.pdf	Defendants Master External	Email from Potashner Re: \$5M proposal	TODD0007815				
521.pdf	Defendants Master External	Email from Kenworthy Re: \$5M proposal	TODD0007818				
522.pdf	Defendants Master External	Email from Potashner Stripes	TODD0007832				
523.pdf	Defendants Master External	Email from Barnes Re: shelf offering	TODD0007864				
524.pdf	Defendants Master External	Email from Potashner Re: sales plan	TODD0007873				
525.pdf	Defendants Master External	Email from Potashner Re: delos	TODD0007972	NO	6/18	N.	6/18

Exhibit Number	Ident. of Device or Traditional (put ✓)	Description of Exhibit	Alphanumeric	Stipulated	Date	Objection	Date	
			Designation on Exh.	Yes / No	Offered		Admitted	
526.pdf	Defendants Master External	Email from Mossberg RE: Goal	TODD0008015	NO	6/18	N	6/18	WA
527.pdf	Defendants Master External	Email from Potashner Fwd: Edits to Auditor Consents	TODD0008023					WA
528.pdf	Defendants Master External	Email from Potashner Re: update	TODD0008029					WA
529.pdf	Defendants Master External	Email from Potashner Re:	TODD0008123					WA
530.pdf	Defendants Master External	Email from Todd FW: Western Regional Sales Manager	TODD0010062					WA
531.pdf	Defendants Master External	Email from Savitt RE: FW: RE: meeting	TODD0008166					WA
532.pdf	Defendants Master External	Email from Potashner 44536	TODD0008169	NO.	6/18	N	6/18	WA
533.pdf	Defendants Master External	Email from Mehta Re: K133352 was Accepted	TODD0008171					WA
534.pdf	Defendants Master External	Email from Todd RE: Friday	TODD0010068					WA
535.pdf	Defendants Master External	Email from Potashner staff cancelled	TODD0008285					WA
536.pdf	Defendants Master External	Email from Todd intro	TODD0010111					WA
537.pdf	Defendants Master External	Email from Potashner Re: update	TODD0008305					WA
538.pdf	Defendants Master External	Email from Potashner for future reference	TODD0008720					WA
539.pdf	Defendants Master External	Email from Neumann FW: Regional Sales Manager job description	TODD0008824					WA
540.pdf	Defendants Master External	Email from Potashner Re: Hhi	TODD0008818					WA
541.pdf	Defendants Master External	Email from Potashner Fwd: year-end bonus consideration	TODD0008832					WA
542.pdf	Defendants Master External	Email from Potashner Re: year-end bonus consideration	TODD0008833					WA
543.pdf	Defendants Master External	Email from Neumann Re: New guy	TODD0008846					WA
544.pdf	Defendants Master External	Email from Savitt RE: Revenue Report for Q4	TODD0008849					WA
545.pdf	Defendants Master External	Email from Neumann TB integration request	TODD0008858					WA
546.pdf	Defendants Master External	Email from Neumann Fwd: demo price	TODD0008871					WA
547.pdf	Defendants Master External	Email from Gruen Re: dec 30 meeting	TODD0008886					WA
548.pdf	Defendants Master External	Email from Potashner	TODD0008902					WA
549.pdf	Defendants Master External	Email from Todd RE: Morgan Stanley Expansion Capital	TODD0010133					WA
550.pdf	Defendants Master External	Email from Potashner Fwd: metha call	TODD0008907					WA
551.pdf	Defendants Master External	Email from Neumann Fw: 2014 International CES Confirmation	TODD0008918					WA
552.pdf	Defendants Master External	Email from Todd RE: EA	TODD0010142					WA
553.pdf	Defendants Master External	Email from Neumann Fwd: Post-close email	TODD0008936					WA
554.pdf	Defendants Master External	Email from Potashner Bonus	TODD0008969					WA
555.pdf	Defendants Master External	Email from Potashner Re: Please forward to the Morgan Stanley Ex	TODD0008978					WA
556.pdf	Defendants Master External	Email from Potashner MXWL update	TODD0008979					WA
557.pdf	Defendants Master External	Email from Potashner Re: 2 things	TODD0010564					WA
558.pdf	Defendants Master External	Email from Potashner Re: Todd S	TODD0009023					WA
559.pdf	Defendants Master External	Email from Potashner Fwd: thin film physics	TODD0009030	NO.	6/18	N.	6/18	WA
560.pdf	Defendants Master External	Email from Potashner Re: FW: Morgan Stanley Expansion Capital	TODD0009082	S	6/18	N	6/18	WA
561.pdf	Defendants Master External	Email from Potashner Morgan Stanley meeting	TODD0009085	S	6/18	N	6/18	WA
562.pdf	Defendants Master External	Email from Potashner simplified contract	TODD0009098	NO.	6/18	N.	6/18	WA
563.pdf	Defendants Master External	Email from Potashner Fwd: FW: Tuesday meeting with Ken	TODD0010569	NO	6/18	N	6/18	WA
564.pdf	Defendants Master External	Email from Weisbord re: Weisbord-Homebay_Invoice #10	TODD0009305	NO.	6/18	N	6/18	WA
565.pdf	Defendants Master External	Email from Stark re: Sound Bar @ Voyetra Turtle Beach (San Diego)	TODD0010236	NO	6/18	N	6/18	WA
566.pdf	Defendants Master External	Email from Norris re: TB	PAMTNV0121711	NO.	6/18	N.	6/18	WA

Exhibit Number	Ident. of Device or Traditional (put y)	Description of Exhibit	Alphanumeric	Stipulated	Date	Objection	Date
			Designation on Exh.	Yes / No	Offered		Admitted
567.pdf	Defendants Master External	Email from Potashner re: TB	PAMTNV0121712				
568.pdf	Defendants Master External	Email from Potashner re: TB	PAMTNV0158042				
569.pdf	Defendants Master External	Email from Potashner fwd: TB	PAMTNV160757				

VA 570 paper email

6/18 No. 6/18

WA 571 paper email

6/18 NO 6/18

Houser

CASE NO: A-13-686890-B

DEPT NO: 0048

TRIAL DATE: 8/16/2021
 JUDGE: Judge Gonzalez
 CLERK: Valeria Guevara
 REPORTER: Jill Hawkins
 JURY FEES:

IN RE PARAMETRIC SOUND CORPORATION SHAREHOLDERS' LITIGATION

PAMT LLC
PLAINTIFFKenneth Potashner, et al.
DEFENDANTCOUNSEL FOR PLAINTIFF: George F. Ogilvie III, Esq.
Adam M. Apton, Esq.COUNSEL FOR DEFENDANT: J. Stephen Pocke, Esq.
John P. Stigi III, Esq.

Exhibit Number	Identif. of Device or Traditional (putv)	Description of Exhibit	Alphanumeric	Stipulated	Date	Objection	Date	
			Designation on Exh.	Yes / No	Offered		Admitted	
1.pdf	Thumbdrive	Parametric Sound Corporation - Minutes of the Regular Meeting of The Board of Directors of Parametric Sound Corporation December 13, 2012	PAMTNV0000006-PAMTNV0000007 1-001-1-002	NO.	8/18	NO	8/18	WA
2.pdf	Thumbdrive	Unanimous Written Consent of the Board of Directors of Parametric Sound Corporation to Action Taken Without a Meeting	PAMTNV0000024-PAMTNV0000061 2-001-2-0038	NO	8/18	NO	8/18	WA
3.pdf	Thumbdrive	Parametric Sound Corporation - Minutes of the Annual Meeting of The Board of Directors of Parametric Sound Corporation February 21, 2013	PAMTNV0000062-PAMTNV0000076 3-001-3015	Stip.	8/18	NO	8/18	WA
4.pdf	Thumbdrive	Parametric Sound Corporation - Minutes of the Special Meeting of The Board of Directors of Parametric Sound Corporation April 25, 2013	PAMTNV0000122-PAMTNV0000125 4-001-4-004	S	S	S	S	WA
5.pdf	Thumbdrive	Parametric Sound Corporation - Minutes of the Special Meeting of The Board of Directors of Parametric Sound Corporation July 1, 2013 and July 2, 2013	PAMTNV0000160-PAMTNV0000163 5-001-5-004	S	S	S	S	WA
6.pdf	Thumbdrive	Minutes of the Special Meeting of the Board of Directors of Parametric Sound Corporation July 5, 2013	PAMTNV0000164-PAMTNV0000170 6-001-6-007	S	S	S	S	WA
7.pdf	Thumbdrive	Minutes of the Special Meeting of the Board of Directors of Parametric Sound Corporation July 20, 2013	PAMTNV0000171-PAMTNV0000174 7-001-7-004	S	S	S	S	WA
8.pdf	Thumbdrive	Minutes of the Special Joint Meeting of the Board of Directors and Audit Committee of Parametric Sound Corporation July 23, 2013	PAMTNV0000175-PAMTNV0000177 8-001-8-003	S	S	S	S	WA
9.pdf	Thumbdrive	Minutes of the Special Joint Meeting of the Board of Directors and Compensation Committee of Parametric Sound Corporation August 2, 2013	PAMTNV0000189-PAMTNV0000198 9-001-9-010	Stip	8/18	NO	8/18	WA
10.pdf	Thumbdrive	Parametric Sound Corporation Investor Presentation March 2013	PAMTNV0000313-PAMTNV0000335 10-001-10-023	NO.	8/19	NO	8/19	WA
11.pdf	Thumbdrive	Mergers & Acquisitions Capital Markets Financial Restructuring Financial Advisory Services - Draft	PAMTNV0006093-PAMTNV0006103 11-001-11-011					
12.pdf	Thumbdrive	License Agreement	PAMTNV0007031-PAMTNV0007048 12-001-12-018					
13.pdf	Thumbdrive	Email from Ken Potashner from Andrew Wolfe dated October 23, 2012 email re Couple of initial thoughts on sound bar	PAMTNV0032661-PAMTNV0032664 13-001-13-004					
14.pdf	Thumbdrive	Email from Kaplan Robert to James Barnes dated July 7, 2013 email re Juergen call	PAMTNV0033288-PAMTNV0033289 14-001-14-002					
15.pdf	Thumbdrive	Email from Andrew Wolfe to Elwood Norris and James Barnes dated July 10, 2013 email re Update	PAMTNV0033294 15-001					
16.pdf	Thumbdrive	Email from Elwood Norris to Jim Barnes dated March 30, 2013 re Monday's meeting	PAMTNV0033560-PAMTNV0033562 16-001-16-003	NO	8/18	Obj.		
17.pdf	Thumbdrive	Email from Elwood Norris to Jim Barnes dated July 4, 2013 re HHI	PAMTNV0033890-PAMTNV0033892 17-001-17-003	Stip.	8/20	NO	8/20	WA
18.pdf	Thumbdrive	Email from Elwood Norris to Jim Barnes, Robert Kaplan and UCLA dated July 11, 2013 re Ken & TB	PAMTNV0033904 18-001					
19.pdf	Thumbdrive	Email from James Barnes to Woody Shop dated July 22, 2013 re HHI and my Resignation	PAMTNV0033914 19-001					

				Stip.	Date Offered	Objectiv.	Date Admitted	
20.pdf	Thumbdrive	Email from James Barnes to Woody Shop dated July 22, 2013 re revised position	PAMTNV0033915-20-001					
22.pdf	Thumbdrive	Email from Adam Greenway to James Barnes, Ken Potashner dated August 9, 2013 re Go-Shop Process	PAMTNV0038785-PAMTNV0038786-22-001-22-002					
23.pdf	Thumbdrive	Parametric Sound Corporation Go Shop Buyers List (PAMTNV0038812)	PAMTNV0038811-PAMTNV0038812-23-001-23-002					
24.pdf	Thumbdrive	Email from Ken to Jim Barnes, Sussan Chakamian dated January 23, 2013 re Parametric Sound/FBN NDA	PAMTNV0039019-PAMTNV0039023-24-001-24-005					
25.pdf	Thumbdrive	Email from Ken to James Barnes dated March 12, 2013 re Before I send this give me your input	PAMTNV0039368-24-001					
26.pdf	Thumbdrive	Email from Ken to Jim Barnes dated March 28, 2013 re Update	PAMTNV0039561-26-001	No.	8/18	No.	8/18	WA
27.pdf	Thumbdrive	Email from Ken Potashner to Jim Barnes and John Todd dated April 6, 2013 re Gaming/computing license (PAMTNV0039748)	PAMTNV0039748-PAMTNV0039751-27-001-27-004					
28.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated April 6, 2013 re Update	PAMTNV0039756-PAMTNV0039757-28-001-28-002	No.	8/18	No.	8/18	WA
29.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated April 8, 2013 re Non excl license	PAMTNV0039816-PAMTNV0039821-29-001-29-006	Stip.	8/23	No.	8/23	WA
30.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated April 9, 2013 re PAMT	PAMTNV0039840-30-001	No.	8/19	No.	8/19	WA
31.pdf	Thumbdrive	Email from Ken Potashner to Mark Dufilho dated April 12, 2013 re Brief call	PAMTNV0039865-PAMTNV0039866-31-001-31-002	Stip	8/19	No.	8/19	WA
32.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated April 24, 2013 re Break up fee	PAMTNV0040125-32-001	No.	8/18	No.	8/18	WA
33.pdf	Thumbdrive	Email from Ken Potashner to Jim Barnes dated May 17, 2013 re Confidential - Amazon IP review	PAMTNV0040339-PAMTNV0040344-33-001-33-006					
34.pdf	Thumbdrive	Email from Ken to James Barnes dated May 17, 2013 re Please bring PAMT management to see us at the earliest opportunity	PAMTNV0040368-PAMTNV0040372-34-001-34-005					
35.pdf	Thumbdrive	Email from Ken to John Todd dated May 31, 2013 re Waiting on update	PAMTNV0040576-PAMTNV0040577-35-001-35-002					
36.pdf	Thumbdrive	Email from James Barnes to Ken Potashner dated June 2, 2013 re Update and Press Release (PAMTNV0040591, PAMTNV0040592-53)	PAMTNV0040591-PAMTNV0040593-36-001-36-003					
38.pdf	Thumbdrive	Email from James Barnes to Ken Potashner dated June 2, 2013 re Update	PAMTNV0040595-38-001	No.	8/18	No.	8/18	Obj. WA withdr.
39.pdf	Thumbdrive	Email from Ken to John Todd dated June 9, 2013 re License	PAMTNV0040658-39-001	Stip.	8/19	No.	8/19	WA
40.pdf	Thumbdrive	Email from Ken Potashner to James Barnes dated June 19, 2013 re DA-license	PAMTNV0040772-40-001	No.	8/18	No.	8/18	WA
41.pdf	Thumbdrive	Email from Ken to Andrew Wolfe dated July 5, 2013 re Update on executive session	PAMTNV0041051-41-001					
42.pdf	Thumbdrive	Email from Ken Potashner to John Todd dated August 13, 2013 re Lets talk?	PAMTNV0041742-PAMTNV0041743-42-001-42-002	No.	8/18	No.	8/18	WA
43.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated September 5, 2013 re Craig Hallum Fee Agreement	PAMTNV0041988-PAMTNV0041990-43-001-43-003	Stip.	8/23	No.	8/23	WA
44.pdf	Thumbdrive	Email from John Lipman to Ken Potashner dated August 14, 2013	PAMTNV0046980-44-001					
45.pdf	Thumbdrive	Email from Rick Hartfiel to James Barnes dated August 14, 2013 re Revised Craig Hallum Proposal (PAMTNV0047470)	PAMTNV0047470-PAMTNV0047484-45-001-45-018					
46.pdf	Thumbdrive	Email from Juergen Stark to Ken Potashner dated April 19, 2013 re Document (PAMTNV0049600)	PAMTNV0049600-PAMTNV0049607-46-001-46-008	Stip.	8/23	No.	8/23	WA
47.pdf	Thumbdrive	Recap of Licensing/Co-Development Engagements with Motorola Mobility	PAMTNV0052416-47-001	No.	8/19	No.	8/19	WA
48.pdf	Thumbdrive	Email from James Barnes to Daniel Hoverman dated March 24, 2013 re Investor CA (PAMTNV0053793)	PAMTNV0053793-PAMTNV0053798-48-001-48-009					
49.pdf	Thumbdrive	Email from James Barnes to John Todd re Early 2012 road show deck (PAMTNV0053887)	PAMTNV0053887-PAMTNV0053908-49-001-49-022					
50.pdf	Thumbdrive	Email from Juergen Stark to Ken Potashner dated August 3, 2013 re Project Surround Investor Presentation (PAMTNV0056829)	PAMTNV0056829-PAMTNV0056844-50-001-50-016	No.	8/18	No.	8/18	WA

52.pdf	Thumbdrive	Email from Juergen Stark to Ken Potashner dated July 31, 2013 re 1 license issue	PAMTNV0057413- PAMTNV0057415 52-001-52-003	Stop.	8/23	NO	8/23	WA
53.pdf	Thumbdrive	Email from Juergen Stark to Andy Wolfe dated July 23, 2013 re Break Up License	PAMTNV0057667- PAMTNV0057674 53-001-53-008	↓	↓	↓	↓	WA
54.pdf	Thumbdrive	Email from Juergen Stark to Ken Potashner dated June 14, 2013 re New emitter and getting together	PAMTNV0058676 54-001	↓	↓	↓	↓	WA
55.pdf	Thumbdrive	Email from Juergen Stark to Ken Potashner dated August 12, 2013 re Motorola contact	PAMTNV0060361- PAMTNV0060362 55-001-55-002	No	8/18	Obj.	8/18	WA
56.pdf	Thumbdrive	Email from Juergen Stark to Ken Potashner dated July 20, 2013 re Licenses	PAMTNV0060525 56-001	No	8/18	NO	8/18	WA
57.pdf	Thumbdrive	Email from Juergen Sark to Ken Potashner dated August 13, 2013 re Motorola contact	PAMTNV0060541- PAMTNV0060542 57-001-57-002	No	8/18	NO	8/18	WA
58.pdf	Thumbdrive	Email from Robert Kaplan to Woody Norris dated July 6, 2013 re options	PAMTNV0061365- PAMTNV0061366 58-001-58-002	Stop.	8/20	No	8/20	WA
59.pdf	Thumbdrive	Email from Robert Kaplan to Susan Passovoy dated July 1, 2013 re Pampt	PAMTNV0061388- PAMTNV0061389 59-001-59-002					
60.pdf	Thumbdrive	Email from Robert Kaplan to James Barnes dated July 1, 2013 re Requested merger documents	PAMTNV0061426- PAMTNV0061427 60-001-60-002	Stop.	8/20	No	8/20	WA
61.pdf	Thumbdrive	License Agreement (PAMTNV0065220)	PAMTNV0065218- PAMTNV0065260 61-001-61-043					
62.pdf	Thumbdrive	Email from John Hentrich to Jim Barnes, Ken Potashner dated August 1, 2013 re Pamt_VTB License Agreement SMRH 8-1-13 (PAMTNV0066252)	PAMTNV0066252- PAMTNV0066295 62-001-62-044					
63.pdf	Thumbdrive	Email from John Hentrich to Michael Orlando dated August 1, 2013 re Andy/Ken PAMPT - VTB License: RSVP	PAMTNV0066296- PAMTNV0066297 63-001-63-002					
64.pdf	Thumbdrive	Email from John Hentrich to Ken Potashner dated August 1, 2013 re Andy/Ken: PAMT-VTB License RSVP	PAMTNV0066298- PAMTNV0066300 64-001-64-003					
65.pdf	Thumbdrive	License Agreement - Execution Draft (PAMTNV0069830)	PAMTNV0069830- PAMTNV0069875 65-001-65-046					
66.pdf	Thumbdrive	Email from James Barnes to Ken Potashner dated June 9, 2013 re Break up fee	PAMTNV0070745- PAMTNV0070748 66-001-66-004					
67.pdf	Thumbdrive	Email from Robert Kaplan to Seth Putterman dated August 2, 2013 re Proposed Resolutions for 4.p.m. Board meeting	PAMTNV0072292- PAMTNV0072295 67-001-67-004	Stop.	8/20	No	8/20	WA
68.pdf	Thumbdrive	Email from Robert Kaplan to Seth Putterman dated August 2, 2013 re Proposed Resolutions for 4.p.m. Board meeting	PAMTNV0072324- PAMTNV0072326 68-001-68-003	Stop.	8/20	No	8/20	WA
69.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark re sleep	PAMTNV0086617 69-001	No	8/18	No	8/18	WA
70.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark re SM Payments	PAMTNV0086620- PAMTNV0086621 70-001-70-002	Stop.	8/23	No	8/23	WA
71.pdf	Thumbdrive	Email from Ken Potashner to Joshua Weisbord dated January 13, 2014 re buy me 150,000 DROP to get to 1mm in big act please	PAMTNV0086846- PAMTNV0086848 71-001-71-003					
72.pdf	Thumbdrive	Email from Juergen Stark to Ken Potashner dated December 12, 2013 re Further thoughts	PAMTNV0088100- PAMTNV0088101 72-001-72-002	No	8/18	No	8/18	WA
74.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated November 19, 2013 re SA Article	PAMTNV0090998- PAMTNV0090999 74-001-74-002	No.	8/18	No	8/18	WA
75.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated October 25, 2013 re PAMT numbers	PAMTNV0094986 75-001	Stop.	8/23	No	8/23	WA
78.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated October 19, 2013 re numbers	PAMTNV0095569- PAMTNV0095570 78-001-78-002	No.	8/18	No	8/18	WA
79.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated October 14, 2013 re warrants	PAMTNV0096468- PAMTNV0096469 79-001-79-002	No.	8/18	No	8/18	WA
80.pdf	Thumbdrive	Email from John Todd to Ken Potashner dated August 14, 2013 re \$1m funding	PAMTNV0099274- PAMTNV0099275 80-001-80-002					
81.pdf	Thumbdrive	Email from John Todd to Ken Potashner dated August 22, 2013 re Convert approval	PAMTNV0099861- PAMTNV0099863 81-001-81-003					

				stop	date offered	objection	date admitted	
82.pdf	Thumbdrive	Email from John Todd to Ken Potashner dated August 8, 2013 re Last input before call later	PAMTINV0100953-PAMTINV0100955 82-001-82-003	No	8/18	No	8/18	WA
83.pdf	Thumbdrive	Email from Juergen Stark to Ken Potashner dated August 3, 2013 re fairness opinion	PAMTINV0101203 83-001	No	8/18	No	8/18	WA
84.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark re Updated Fairness Opinion Presentation (PAMTINV0101319)	PAMTINV0101319-PAMTINV0101379 84-001-84-061	stop	8/23	No	8/23	WA
85.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark re Q3 earnings call	PAMTINV0101694 85-001	↓	↓	↓	↓	WA
86.pdf	Thumbdrive	Email from Juergen Stark to David Lowey, Bob Picunko dated July 23, 2013 re preparing for agreement announcement	PAMTINV0103786-PAMTINV0103791 86-001-86-006	No	8/18	No	8/18	WA
87.pdf	Thumbdrive	Email from Ken Potashner to John Todd dated July 13, 2013 re update	PAMTINV0104228-PAMTINV0104229 87-001-87-002	No	8/18	No	8/18	WA
88.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated July 14, 2013 re Drs Metha/Mattson	PAMTINV0104263-PAMTINV0104264 88-001-88-002	No	8/18	No	8/18	WA
89.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated July 15, 2013 re HHI	PAMTINV0104268 89-001	No	8/18	No	8/18	WA
90.pdf	Thumbdrive	Email from Juergen Stark to Ken Potashner dated July 11, 2013 re update	PAMTINV0104270-PAMTINV0104271 90-001-90-002	No	8/18	No	8/18	WA
91.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated July 12, 2013 re Update	PAMTINV0104290-PAMTINV0104294 91-001-91-005	stop	8/23	No	8/23	WA
92.pdf	Thumbdrive	Email from Ken Potashner to Charges Cargile, Bob Phillippy dated August 11, 2013 re Update	PAMTINV0104315-PAMTINV0104318 92-001-92-004					
94.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated July 19, 2013 re precedence	PAMTINV0104836 94-001	No	8/18	No	8/18	WA
95.pdf	Thumbdrive	Email from Ken Potashner to Ron Doornink dated July 20, 2013 re info	PAMTINV0104837 95-001	No	8/18	No	8/18	WA
96.pdf	Thumbdrive	Email from Juergen Stark to Ken Potashner dated July 19, 2013 re jul 31	PAMTINV0104902 96-001	yes	8/23/11	No	8/23/11	WA
97.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated July 21, 2013 re Clarity	PAMTINV0104912 97-001	stop	8/23	No	8/23	WA
98.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated July 11, 2013 re legal effort PAMT	PAMTINV0105035-PAMTINV0105036 98-001-98-002	No	8/18	No	8/18	WA
99.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated July 6, 2013 re FYI	PAMTINV0105120-PAMTINV0105121 99-001-99-002	No	8/18	No	8/18	WA
100.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated July 3, 2013 re post closing BOD	PAMTINV0105448 100-001	No	8/18	No	8/18	WA
101.pdf	Thumbdrive	Email from Ken Potashner to James Honore, Robert Kaplan, Elwood Norris, James Barnes, Seth Putterman, and Andrew Wolfe dated June 29, 2013 re Update	PAMTINV0105759-PAMTINV0105760 101-001-101-002	No	8/18	No	8/18	WA
102.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated July 2, 2013 re FYI	PAMTINV0105781-PAMTINV0105782 102-001-102-002	No	8/18	No	8/18	WA
103.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated July 3, 2013 re HHI	PAMTINV0105849 103-001	stop	8/23	No	8/23	WA
104.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated July 3, 2013 re HHI	PAMTINV0105854-PAMTINV0105855 104-001-104-002	No	8/18	No	8/18	WA
105.pdf	Thumbdrive	Email from Ken Potashner to Mark Dufibo dated June 5, 2013 re investor update release	PAMTINV0106696 105-001	stop	8/19	No	8/19	WA
106.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated June 2, 2013 re Pamt	PAMTINV0106815 106-001	No	8/18	No	8/18	WA
107.pdf	Thumbdrive	Email from Ken Potashner to John Todd dated April 24, 2013 re Fwd: Break up fee	PAMTINV0108234-PAMTINV0108238 107-001-107-005	stop	8/23	No	8/23	WA
108.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated April 15, 2013 re conference call	PAMTINV0108344-PAMTINV0108347 108-001-108-004	No	8/18	No	8/18	WA
109.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated April 4, 2013 re update	PAMTINV0108760-PAMTINV0108763 109-001-109-004	No	8/18	No	8/18	WA
110.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated April 8, 2013 re company update press release	PAMTINV0108985 110-001	No	8/18	No	8/18	WA
111.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated April 13, 2013 re Qualcomm	PAMTINV0109178-PAMTINV0109179 111-001-111-002	No	8/18	No	8/18	WA
112.pdf	Thumbdrive	Email from Ken Potashner to Seth Putterman dated October 24, 2013 re Unfortunate Indeed	PAMTINV0112296-PAMTINV0112297 112-001-112-002	No	8/18	No	8/18	WA

113.pdf	Thumbdrive	Email from Robert Kaplan to Ken Potashner dated July 23, 2013 re VTB PAMT acquisition	PAMTINV0112504-PAMTINV0112507 113-001-113-004	NO	8/18	NO	8/18	WA
114.pdf	Thumbdrive	Email from Robert Kaplan to Andrew Wolfe, Elwood Norris, James Barnes, James Honore, Seth Putterman, Ken Potashner, John Henrich re VTP PAMT acquisition	PAMTINV0112517-PAMTINV0112519 114-001-114-003					
115.pdf	Thumbdrive	Email from Ken Potashner to Elwood Norris, Seth Putterman, Andrew Wolfe, James Honore, John Henrich and Robert Kaplan re Update	PAMTINV0112539 115-001					
116.pdf	Thumbdrive	Email from Elwood Norris to Robert Kaplan, John Henrich, Seth Putterman re FW TB	PAMTINV0112541 116-001	STIP.	8/20	NO	8/20	WA
117.pdf	Thumbdrive	Email from Seth Putterman to Andrew Wolfe re more hhi scenarios	PAMTINV0112558-PAMTINV0112559 117-001-117-002					
118.pdf	Thumbdrive	Email from Andrew Wolfe to James Barnes, Seth Putterman re Spoke to Juergen again	PAMTINV0112625-PAMTINV0112628 118-001-118-004					
119.pdf	Thumbdrive	Email from Ken Potashner to Seth Putterman re final chapter	PAMTINV0112643-PAMTINV0112644 119-001-119-002	NO.	8/18	NO.	8/18	WA
120.pdf	Thumbdrive	Email from Seth Putterman to Elwood Norris re Brian-Anaheim Meeting	PAMTINV0113764-PAMTINV0113771 120-001-120-008	NO.	8/18	Obj.	8/20/21	WA
121.pdf	Thumbdrive	Email from Elwood Norris to Seth Putterman, dated March 28, 2013, re Hss at darpa	PAMTINV0113889-PAMTINV0113891 121-001-121-003	STIP.	8/20	NO	8/20	WA
122.pdf	Thumbdrive	Email from Seth Putterman to Robert Kaplan dated October 27, 2013 re BoD issues proposed 8/18, objection	PAMTINV0115179-PAMTINV0115180 122-001-122-002	STIP.	8/20	NO	8/20	WA
123.pdf	Thumbdrive	Email from Robert Kaplan to Seth Putterman dated August 2, 2103 re BoD compensation	PAMTINV0115196-PAMTINV0115197 123-001-123-002	STIP.	8/20	NO	8/20	WA
124.pdf	Thumbdrive	Email from Seth Putterman to Robert Kaplan dated July 28, 2013 re BoD compensation	PAMTINV0115287 124-001	STIP	8/20	NO	8/20	WA
125.pdf	Thumbdrive	Email from Robert Kaplan to Seth Putterman dated July 24, 2013 re Fwd: John Todds	PAMTINV0115292 125-001	STIP.	8/20	NO	8/20	WA
126.pdf	Thumbdrive	Email from Ken Potashner to Andrew Wolfe dated July 5, 2013 re Update on executive session	PAMTINV0115321-PAMTINV0115322 126-001-126-002					
127.pdf	Thumbdrive	Email from Juergen Stark to Ken Potashner dated August 2, 2013 re Lock up	VTBH 000111-VTBH 000112 127-001-127-002	STIP.	8/23	NO	8/23	WA
128.pdf	Thumbdrive	Email from Juergen Stark to Ron Doornink dated July 20, 2013 re FWD: info	VTBH 000124 128-001	↓	↓	↓	↓	WA
129.pdf	Thumbdrive	Email from Juergen Stark to Ken Potashner dated August 1, 2013 re :breakup license	VTBH 000527 129-001	↓	↓	↓	↓	WA
130.pdf	Thumbdrive	Email from Juergen Stark to Ken Fox dated August 5, 2013 re: PAMT-press release?	VTBH 000822-VTBH 000825 130-001-130-004	↓	↓	↓	↓	WA
131.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated July 9, 2013 re: Dr. negotiations	VTBH 001503 131-001	NO.	8/18	NO	8/18	WA
132.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated July 17, 2013 re HHI license narrowing	VTBH 001516 132-001	NO.	8/18	NO	8/18	WA
133.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated August 5, 2013 re Paris-Revisions to Merger Agreement	VTBH 001570-VTBH 001572 133-001-133-003	STIP.	8/23	NO.	8/23	WA
134.pdf	Thumbdrive	Email from Ron Doornink to Juergen Stark dated August 3, 2013 re Ken on BOD	VTBH 001587 134-001	↓	↓	↓	↓	WA
136.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated July 19, 2013 re Aspire	VTBH 002140-VTBH 002142 136-001-136-003	↓	↓	↓	↓	WA
137.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated May 20, 2013 re CONFIDENTIAL- Amazon IP review	VTBH 002189-VTBH 002192 137-001-137-004	NO.	8/18	NO.	8/18	WA
138.pdf	Thumbdrive	Email from Juergen Stark to Ron Doornink dated April 6, 2013 re Gaming/computing license	VTBH 002990-VTBH 002992 138-001-138-003	STIP.	8/23	NO	8/23	WA
139.pdf	Thumbdrive	Email from Juergen Stark to Ken Potashner re Range	VTBH 004040-VTBH 004041 139-001-139-002	NO	8/18	NO	8/18	WA
142.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated April 27, 2013 re FDA approval	VTBH 005061 142-001	NO.	8/18	NO.	8/18	WA
143.pdf	Thumbdrive	Email from Juergen Stark to Karen Kenworthy dated March 27, 2013 re Update from Ken P (Parametric)	VTBH 005649-VTBH 005650 143-001-143-002	STIP	8/23	NO	8/23	WA
144.pdf	Thumbdrive	Email from Juergen Stark to Ken Potashner dated August 2, 2013 re Illustration	VTBH 006118 144-001	STIP	8/23	NO	8/23	WA

Stipulated
date entered
objection
date admitted

				Stipulated	Date Offered	Objection	Date Admitted	
145.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark, Karen Kenworthy dated April 4, 2013 re McD (VTBH 006261)	VTBH 006261- VTBH 006263 145-001-145-003	No.	8/18	No.	8/18	WA
146.pdf	Thumbdrive	Email from Juergen Stark to Karen Kenworthy, Ron Doomink, Bruce Murphy, and Ken Fox dated March 31, 2013 re Meeting with Ken this afternoon	VTBH 006603- VTBH 006604 146-001-146-002	Stip.	8/23	No	8/23	WA
147.pdf	Thumbdrive	Email from Juergen Stark to Ken Fox dated May 9, 2013 re Ton Trichon- call notes	VTBH 007665- VTBH 007666 147-001-147-002	↓	↓	↓	↓	WA
148.pdf	Thumbdrive	Email from Ken Fox to Juergen Stark dated April 12, 2013 re Call with Ken and initial gameplan	VTBH 007727- VTBH 007728 148-001-148-002	↓	↓	↓	↓	WA
149.pdf	Thumbdrive	Email from Juergen Stark to Ron Doomink dated August 13, 2013 re Paris Press Release Draft 8.2.2013 with comments (VTBH 008036)	VTBH 008036- VTBH 008041 149-001-149-006	↓	↓	↓	↓	WA
150.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated July 17, 2013 re Fwd: draft press releases	VTBH 008077- VTBH 008083 150-001-150-007	↓	↓	↓	↓	WA
151.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated May 25, 2013 re Clarity	VTBH 008868- VTBH 008869 151-001-151-002	Stip.	8/19	No.	8/19	WA
152.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated July 12, 2013	VTBH 009741- VTBH 009742 152-001-152-002	No	8/18	No	8/18	WA
153.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated July 3, 2013 re Board get together	VTBH 010857- VTBH 010860 153-001-153-004	No.	8/18	No.	8/18	WA
154.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated March 29, 2013 re Monday's meeting	VTBH 011084- VTBH 011086 154-001-154-003	No.	8/18	No.	8/18	WA
155.pdf	Thumbdrive	Email from Juergen Stark to Ron Doomink dated April 20, 2013 re NewCo Board Corporation	VTBH 011638- VTBH 011640 155-001-155-003	Stip.	8/19	No	8/19	WA
156.pdf	Thumbdrive	Email from Ron Doomink to Juergen Stark dated July 21, 2013 re Fwd: Update	VTBH 012528 156-001	Stip	8/23	No	8/23	WA
157.pdf	Thumbdrive	Email from Karen Kenworthy to Juergen Stark dated August 2, 2013 re Phantom Factor	VTBH 013231- VTBH 013234 157-001-157-004	↓	↓	↓	↓	WA
158.pdf	Thumbdrive	Email from Ron Doomink to Ken, Juergen Stark dated April 23, 2013 re Board Composition (VTBH 013411)	VTBH 013411- VTBH 013412 158-001-158-005	↓	↓	↓	↓	WA
159.pdf	Thumbdrive	Email from Ron Doomink to Juergen Stark re Fwd: Update	VTBH 013436- VTBH 013437 159-001-159-002	Stip	8/20	No	8/20	WA
160.pdf	Thumbdrive	Email from Ron Doomink to Juergen Stark re Bone	VTBH 013712 160-001	Stip	8/23	No	8/23	WA
161.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark re fyi-tell Ken Fox I want 75-25 deal based on this	VTBH 013765 161-001	Stip.	8/23	No	8/23	WA
162.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark re how many non-insider shareholders need to vote for PAMT?	VTBH 015502- VTBH 015503 162-001-162-002	No.	8/18	No.	8/18	WA
163.pdf	Thumbdrive	Email from Juergen Stark to Karen Kenworthy and Ron Doomink re Very good Point from Ron	VTBH 015820- VTBH 015821 163-001-163-002	Stip.	8/23	No	8/23	WA
164.pdf	Thumbdrive	Email from Ken Fox to Juergen Stark dated August 5, 2013 re Ken P	VTBH 016192 164-001	↓	↓	↓	↓	WA
165.pdf	Thumbdrive	Email from Juergen Stark to Ron Doomink dated July 21, 2013 re Fwd: Legal effort PAMT	VTBH 017661- VTBH 017662 165-001-165-002	↓	↓	↓	↓	WA
166.pdf	Thumbdrive	Email from John Hanson to Tony Chan dated December 19, 2013 re Fwd: Covenant Discussion Update and Voyetra Turtle Beach, Inc. Loan Covenant Analysis spreadsheet (VTBH020031, VTBH020033)	VTBH020031- VTBH020038 166-001-166-009	↓	↓	↓	↓	WA
167.pdf	Thumbdrive	Email from John Hanson to Juergen Stark dated November 13, 2013 re (Seeking Alpha) Parametric Sound: A Turkey's Desperate Attempt to Avoid the Chopping Block	VTBH048603- VTBH048608 167-001-167-006	↓	↓	↓	↓	WA
168.pdf	Thumbdrive	Email from Ken to Juergen Stark dated January 10, 2014 re think it thru	VTBH066656- VTBH066657 168-001-168-002	No	8/18	No	8/18	WA
169.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated December 11, 2013	VTBH068943 169-001	Stip.	8/23	No	8/23	WA
170.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated November 30, 2013 re update	VTBH073092- VTBH073093 170-001-170-002	No.	8/19	Obj.	8/19	WA
171.pdf	Thumbdrive	Email from Juergen Stark to Ken Potashner dated December 31, 2013 re: Important	VTBH089382 171-001	No.	8/18	No	8/18	WA

				Stipulated	Date Offered	Direction	Date Admitted	
172.pdf	Thumbdrive	Email from Juergen Stark to John Hanson dated October 25, 2013 re Fw: Parametric-Disclosure of Financial Projections in Merger Proxy	VTBH093183-VTBH093186 172-001-172-004	Stip.	8/23	No	8/23	WA
173.pdf	Thumbdrive	Email from Juergen Stark to Ken Potashner dated October 7, 2013 re mutual nervous	VTBH095533-VTBH095534 173-001-173-002	Stip.	8/23	No	8/23	WA
174.pdf	Thumbdrive	Email from Daniel Hoverman to Mark Dufilho, Adam Greenway re Update	HL-PAR00037153-HL-PAR00037154 174-001-174-002					
175.pdf	Thumbdrive	Email from Robert Wernli dated November 2, 2013 re Proxy Gameplan Update (JPMorgan00031040)	JPMorgan00031040-JPMorgan00031044 175-001-175-005					
176.pdf	Thumbdrive	Email from James Barnes to Woody Shop dated July 21, 2013 re recap of Juergen/Ron Call	PAMTNV0033913 176-001					
177.pdf	Thumbdrive	Email from Elwood Norris to Jim Barnes dated 7/16/2013 re Indemnification Agreement	PAMTNV0124175 177-001	Stip.	8/20	No	8/20	WA
178.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated November 11, 2013 re PAMT- Paris-Closing checklist - 11.17.2013 SMRH Draft (PAMTNV0148960)	PAMTNV0148960-PAMTNV0148973 178-001-178-014	Stip.	8/23	No	8/23	WA
179.pdf	Thumbdrive	Email from Ken Potashner to John Todd dated July 6, 2013 re FWD: Ken re: update on executive session	PAMTNV0149890-PAMTNV0149892 179-001-179-003					
180.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated August 5, 2013 re Confidential: Memo re Communications	PAMTNV0154429-PAMTNV0154431 180-001-180-003	Stip.	8/23	No	8/23	WA
181.pdf	Thumbdrive	Kaplan Work Product	PAMTNV0173545-PAMTNV0173585 181-001-181-041					
182.pdf	Thumbdrive	Handwritten notes re Kaplan Reply	PAMTNV0173586-PAMTNV0173587 182-001-182-002					
183.pdf	Thumbdrive	Indemnification Agreement dated March 5, 2014	PAMTNV0173588-PAMTNV0173592 183-001-183-005	No.	8/18	No	8/18	WA
184.pdf	Thumbdrive	Indemnification Agreement dated March 10, 2014	PAMTNV0173593-PAMTNV0173596 184-001-184-004	Stip.	8/23	No	8/23	WA
185.pdf	Thumbdrive	Parametric Sound Corporation Minutes of Board of Directors Meeting January 30, 2014	Stripes0081566-Stripes0081572 185-001-185-007					
186.pdf	Thumbdrive	Parametric Sound Corporation Minutes of Board of Directors Meeting April 23, 2014	Stripes0081627-Stripes 0081637 186-001-186-011					
187.pdf	Thumbdrive	Parametric Sound Corporation Minutes of Board of Directors Meeting May 1, 2014	Stripes0081638-Stripes0081644 187-001-187-007					
188.pdf	Thumbdrive	Parametric Sound Corporation Minutes of Audit Committee Meeting February 7, 2014	Stripes0081673-Stripes0081729 188-001-188-057					
189.pdf	Thumbdrive	Email from Karen Kenworthy to Aditi Dubey re FW: Confidential Update	Stripes_0042369-Stripes_0042370 189-001-189-002	yes	8/24/14	no	8/24/14	WA
190.pdf	Thumbdrive	Email from Karen Kenworthy dated December 30, 2013 to Dan Marriott re PAMT memo	Stripes_0047334-Stripes_0047335 190-001-190-002					WA
191.pdf	Thumbdrive	Email from Karen Kenworthy from Dan Marriott to Karen Kenworthy dated December 30, 2013 re PAMT memo	Stripes_0048622 191-001	yes	8/24/14	no	8/24/14	WA
192.pdf	Thumbdrive	October 17, 2013 Memorandum re "Now You're Public" - Overview Public Company Considerations in connection with the Proposed Merger with Parametric Sound Corporation	Stripes_0078146-Stripes_0078213 192-001-192-068	no	8/24/14	yes	8/24/14	WA
193.pdf	Thumbdrive	Compensation of Parametric Executive Officers and Directors	TB-00000552-TB-00000557 193-001-193-006					
194.pdf	Thumbdrive	Parametric Sound Corporation Minutes of Informal Meeting of the Independent Directors of Parametric Sound Corporation March 26, 2013	TB-00008881-TB-00008922 194-001-194-042	Stip	8/18	No.	8/18	WA
195.pdf	Thumbdrive	Email from James Barnes to Ken Potashner dated June 20, 2013 re Juergen/Ken agenda points (TB-00075623)	TB-00075623-TB-00075625 195-001-195-003					
196.pdf	Thumbdrive	Email from Robert Wernli dated November 4, 2013 re Proxy Gameplan update	TB-00086687-TB-00086692 196-001-196-006					
197.pdf	Thumbdrive	VTB Holdings, Inc. - Index to Consolidated Financial Statements (TB-00104486)	TB-00104485-TB-00104545 197-001-197-061					
198.pdf	Thumbdrive	VTB Holdings, Inc. - For FASB Accounting Standard Codification Topic 718 (TB-00104794, TB-00104899)	TB-00104793-TB-00104951 198-001-198-159					

200.pdf	Thumbdrive	Draft- VTB, Inc. Common Stock Valuation dated September 30, 2012 (TB-00105461)	TB-00105431- TB-00105513 200-001-200-083				
201.pdf	Thumbdrive	Draft- VTB, Inc. Common Stock Valuation dated March 31, 2013 (TB-00105519)	TB-00105517- TB-00105602 201-001-201-086				
202.pdf	Thumbdrive	Parametric Sound Corporation - Unanimous Written Consent of the Pricing Committee of the Board Directors- April 24, 2014	TB-00143033- TB-00143038 202-001-202-006				
203.pdf	Thumbdrive	Parametric Sound Corporation - Unanimous Written Consent of the Pricing Committee of the Board Directors- April 24, 2014	TB-00143039- TB-00143044 201-001-203-006				
204.pdf	Thumbdrive	Turtle Beach Corporation - Investor Presentation April 2014	TB-00143045- TB-00143070 204-001-204-026				
205.pdf	Thumbdrive	Parametric Sound Corporation - Unanimous Written Consent of Board of Directors - April 15, 2014	TB-00143071- TB-00143083 205-001-205-013				
206.pdf	Thumbdrive	Cowen and Company - Equity Research Digital Media Parametric Sound	TB-00143084- TB-00143202 206-001-206-119				
207.pdf	Thumbdrive	Meeting calendar entries - Juergen Stark/Michael Patcher	TB-00143203- TB-00143205 207-001-207-003				
208.pdf	Thumbdrive	Parametric Sound Corporation - Minutes of Audit Committee Meeting April 22, 2014	TB-00143206 208-001				
209.pdf	Thumbdrive	Parametric Sound Corporation - Minutes of Board of Directors Meeting April 23, 2014	TB-00143207 209-001				
210.pdf	Thumbdrive	Turtle Beach Corporation - Code of Business Conduct and Ethics	TB-00143208- TB-00143216 210-001-210-009				
211.pdf	Thumbdrive	Turtle Beach Corporation - Securities Trading Policy	TB-00143217- TB-00143227 211-001-211-011				
212.pdf	Thumbdrive	Lock-Up Agreement	TB-00143228- TB-00143229 212-001-212-002				
213.pdf	Thumbdrive	FINRA Matter No. 20140415627- Exhibit A to Letter dated August 13, 2014	TB-00143230- TB-00143231 213-001-213-002				
214.pdf	Thumbdrive	Letter dated August 12, 2014 to David Bennett from Megan Wynne re Review of Trading in Turtle Beach Corp.	TB-00143232- TB-00143238 214-001-214-007				
215.pdf	Thumbdrive	Letter dated December 22, 2014 to David Bennett from Megan Wynne re Review of Trading in Turtle Beach Corp.	TB-00143239- TB-00143242 215-001-215-004				
216.pdf	Thumbdrive	Letter dated April 2, 2015 to Megan Wynne from Samuel J. Draddy re Turtle Beach Corporation ("Hear") FINRA Matter No. 20140415627	TB-00143243 216-001				
217.pdf	Thumbdrive	Letter dated November 24, 2014 to Megan Wynne from David Bennett re Turtle Beach Corporation ("Hear") FINRA Matter No. 20140415627	TB-00143244- TB-00143246 217-001-217-003				
218.pdf	Thumbdrive	Email from Robert Wernli dated October 29, 2013 re Revised Proxy Statement v. 2.0	TB-00197594- TB-00198055 218-001-218-462				
219.pdf	Thumbdrive	Parametric Sound Corporation Minutes of Board of Directors Meeting January 30, 2014	TB-00200299- TB-00200304 219-001-219-006				
220.pdf	Thumbdrive	Indemnification Agreement dated March 10, 2014	TB-00200306- TB-00200309 220-001-220-004				
221.pdf	Thumbdrive	Indemnification Agreement dated March 5, 2014	TB-00200310- TB-00200314 221-001-221-005				
222.pdf	Thumbdrive	Email from Ron Doornink to Ken, Juergen Stark dated June 10, 2013 re Board Composition	VTBH002194- VTBH002195 222-001-222-002	Shp.	8/23	NO	8/23
223.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated July 3, 2013 re post closing BOD	VTBH004242 223-001	Shp.	8/23	NO	8/23
224.pdf	Thumbdrive	Email from Jacob Sperry to Mark Koch, John Hansen, Michael Broderick, and Bruce Murphy dated November 30, 2013 re FM MD&A comments still applicable to 11PM draft	VTBH021382- VTBH021383 224-001-224-002				
225.pdf	Thumbdrive	Email from Bruce Murphy to John Hanson re 280G (VTBH022240)	VTBH022240- VTBH022299 225-001-225-060				
226.pdf	Thumbdrive	Email from Jeremy Levy dated November 4, 2013 re Proxy Gameplan Update	VTBH050551- VTBH050565 226-001-226-015				

Stipulated
Date Offered
Objection
Date Admitted

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				Stip.	Date Offered	Objection	Date Admitted	
228.pdf	Thumbdrive	Email from Jeremy Levy dated November 4, 2013 re Proxy Gameplan Update (VTBH051342)	VTBH051342- VTBH051353 228-001-228-012					
229.pdf	Thumbdrive	Email from Tony Chan to Robert Wernli and Michael Broderick dated November 2, 2013 re Proxy Gameplan Update (VTBH054884)	VTBH054884- VTBH054893 229-001-229-010					
230.pdf	Thumbdrive	Email from Juergen Stark to John Hanson and Robert Wernli dated November 3, 2013 re Proxy Gameplan Update	VTBH054976- VTBH054981 230-001-230-006	Stip.	8/23	NO	8/23	WA
231.pdf	Thumbdrive	Email from Katie Price dated November 4, 2013 re Proxy Gameplan Update and Investor Presentation November 2015 (VTBH055227, VTBH055234)	VTBH055227- VTBH055278 231-001-231-052					
234.pdf	Thumbdrive	Condensed Financial Projections (excel spreadsheet)	PAMTNV0044588 - PAMTNV0044589 231-001-234-023					
235.pdf	Thumbdrive	Email from Mark Dufilho to Daniel Hoverman dated December 17, 2013 re: Also...	HL-PARA00089659- HL-PARA00089660 235-001-235-002					
236.pdf	Thumbdrive	2012 Stock Option Plan of Parametric Sound Corporation	236-001-236-007					
237.pdf	Thumbdrive	Email from Ken Potashner to Joshua Weisbord dated November 11, 2014 re: HEAR: Q3 Lite as Transition Takes Longer; Reduces FY-14 Guidance as Visibility Remains Limited; Maintain Buy Rating, Lower Price Target to \$13	237-001	No.	8/19	Obj.	8/19	WA
238.pdf	Thumbdrive	Email from Ken Potashner to Joshua Weisbord dated October 18, 2015 re: Fwd: Your call	238-001	No.	8/18	NO	8/19	WA
239.pdf	Thumbdrive	Parametric Sound Corporation Schedule 13D dated January 23, 2014	239-001-239-004					
240.pdf	Thumbdrive	Parametric Sound Corporation Schedule 13D dated August 14, 2013	240-001-240-012	NO.	8/18	NO.	8/18	WA
241.pdf	Thumbdrive	File Produced Natively	Craig- Hallum_Parametric_01 3054 241-001					
242.pdf	Thumbdrive	File Produced Natively	Craig- Hallum_Parametric_01 3064 242-001					
243.pdf	Thumbdrive	Letter from Craig-Hallum to Board of Directors, dated Aug. 2, 2013 (Craig-Hallum_Parametric_019386)	Craig- Hallum_Parametric_01 9385- Craig- Hallum_Parametric_01 9391 243-001-243-007					
244.pdf	Thumbdrive	Definitive Proxy Statement submitted by Parametric Sound Corporation to SEC, filed Dec. 3, 2013 (Craig-Hallum_Parametric_043535)	Craig- Hallum_Parametric_04 3533- Ends with Craig- Hallum_Parametric_04 3874 244-001-244-342	NO.	8/16/21	NO.	8/16/21	WA
245.pdf	Thumbdrive	Etkin Stocks and Options January 2014	ETKIN_1-ETKIN_2 245-001-245-002	NO.	8/16/21	YES.	8/23	WA
246.pdf	Thumbdrive	Goldberg Oppenheimer Statement of Account Summary Period Ending 1/31/14	GOLDBERGER_1- GOLDBERGER_7 246-001-246-007	No.	8/23	Obj.	8/23	WA
247.pdf	Thumbdrive	Email from Mark Dufilho to Daniel Hoverman Re: Forecasts, dated Oct. 31, 2013	HL-PARA00029030- HL-PARA00029033 247-001-247-004					
248.pdf	Thumbdrive	Email from Mark Dufilho to Ken Potashner dated May 14, 2013 re:Fwd:Re:	HL-PARA00043968- HL-PARA00043971 248-001-248-004					
249.pdf	Thumbdrive	Email from Ken Potashner to multiple recipients dated June 16, 2013 Re: DA	HL-PARA00058540- HL-PARA00058542 249-001-249-003					
250.pdf	Thumbdrive	U.S. District Court Southern District of California, Final Judgement as to Defendant John J. Todd (SEC v. John J. Todd, etc.) filed 04/09/12	250-001-250-004	No.	8/20	Obj.		
251.pdf	Thumbdrive	Masterson Client Statement Morgan Stanley January 2014	MASTERSON_1- MASTERSON_8 251-001-251-008	NO	8/23	Obj.	8/23	WA
257.pdf	Thumbdrive	Email from Bruce Murphy to Ken Potashner, James Barnes, and Juergen Stark dated April 15, 2013 re Item 4 - Summary Financials through 2016	PAMT0042353- PAMT0042354 257-001-257-002	Stip.	8/23	NO	8/23	WA
258.pdf	Thumbdrive	Email from James Barnes to Ken Potashner dated July 31, 2013 re: FW: DA Financial Statements	PAMTNV0057372- PAMTNV0057379 258-001-258-008					

259.pdf	Thumbdrive	Email from Robert Kaplan to Elwood Norris dated June 29, 2013 re: BOD mtg...	PAMT0061383-PAMT0061384 259-001-259-002	Stip.	8/20	NO	8/20	WA
260.pdf	Thumbdrive	Email from Elwood Norris to Jim Barnes, Re: FW: BOD & potential changes to board if merger with turtlebeach happens, dated 3/15/2013	PAMTINV0077743-PAMTINV0077744 260-001-260-002	No.	8/19	Obj.	8/19	WA
261.pdf	Thumbdrive	Email from Ken Potashner to Elwood Norris cc: Andrew Wolfe, Re: Had a call from Josh..., dated 7/8/2013	PAMTINV0078709-PAMTINV0078711 261-001-261-003					
262.pdf	Thumbdrive	Email from Jim Barnes to PAMT Directors dated April 19, 2013 re: BOD Materials	PAMTINV0085838-PAMTINV0085856 262-001-262-019					
263.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated December 3, 2013 re: hype	PAMTINV0088514-PAMTINV0088517 263-001-263-004	No.	8/23	NO	8/23	WA
264.pdf	Thumbdrive	Email from Ken Potashner to Joshua Weisbord dated November 19, 2013 re: Fwd: Cowen	PAMTINV0090880-PAMTINV0090881 264-001-264-002					
265.pdf	Thumbdrive	Email from Ken Potashner to Joshua Weisbord dated November 8, 2013 re: Fwd: With all due respect	PAMTINV0091492-PAMTINV0091493 265-001-265-002	No	8/19	NO	8/19	WA
266.pdf	Thumbdrive	Email from Ken Potashner to Multiple Recipients, Re: Google Alert - Turtle Beach, dated Nov. 9, 2013	PAMTINV0091660-PAMTINV0091661 266-001-266-002					
267.pdf	Thumbdrive	Email from Juergen Stark to multiple recipients dated October 31, 2013 re: Forecasts	PAMTINV0094775-PAMTINV0094779 267-001-267-005	Stip.	8/23	NO	8/23	WA
268.pdf	Thumbdrive	Email from Daniel Hoverman to Multiple Recipients, Re: Forecasts, dated Oct. 31, 2013	PAMTINV0094800-PAMTINV0094806 268-001-268-007	Stip.	8/23	NO	8/23	WA
269.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated October 27, 2013 re: JGB	PAMTINV0095064-PAMTINV0095069 269-001-269-006	Stip.	8/23	NO	8/23	WA
270.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark, Re: option overhand, dated Oct. 29, 2013	PAMTINV0095394-PAMTINV0095404 270-001-270-011	↓	↓	↓	↓	WA
271.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated October 9, 2013 re: uSoft	PAMTINV0096130 271-001	↓	↓	↓	↓	WA
272.pdf	Thumbdrive	Email from Ken Potashner to John Todd on 9/1/2013 Re: link attached this time - sorry	PAMTINV0098947 272-001	No.	8/18	NO	8/18	WA
273.pdf	Thumbdrive	Email from Juergen Stark to Ken Potashner, Re: Tony re lock ups, dated July 28, 2013	PAMTINV0103444-PAMTINV0103449 273-001-273-006	Stip.	8/23	NO	8/23	WA
274.pdf	Thumbdrive	From Juergen Stark to Ken Potashner dated July 29, 2013 re: Series B/phantom	PAMTINV0103520-PAMTINV0103521 274-001-274-002	↓	↓	↓	↓	WA
275.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark, Re: interesting question, dated July 25, 2013	PAMTINV0104079-PAMTINV0104080 275-001-275-002	↓	↓	↓	↓	WA
276.pdf	Thumbdrive	Email from John Todd to Ken Potashner on 7/1/2013 Re: update	PAMTINV0105772-PAMTINV0105774 276-001-276-003	No.	8/18	NO	8/18	WA
277.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark, Re: history timeline, dated May 25, 2013	PAMTINV0106727-PAMTINV0106729 277-001-277-003	No.	8/18	NO	8/18	WA
278.pdf	Thumbdrive	Email from Seth Putterman to Ken Potashner and Elwood Norris dated November 21, 2013 Re: Resignation	PAMTINV0110295 278-001	No.	8/20	NO	8/20	WA
279.pdf	Thumbdrive	From Ken Potashner to multiple recipients dated October 3, 2013 re: Andy Wolfe	PAMTINV0112370 279-001	Stip.	8/19	NO	8/19	WA
280.pdf	Thumbdrive	Email from Elwood Norris to Multiple Recipients, Re: Fwd: Had a call from Josh..., dated July 8, 2013	PAMTINV0112579-PAMTINV0112581 280-001-280-003					
281.pdf	Thumbdrive	Email from Ken Potashner to Seth Putterman on 2/17/2013 Re: HHI	PAMTINV0113946 281-001	No.	8/18	NO	8/18	WA
282.pdf	Thumbdrive	Email from Seth Putterman to Robert Kaplan, Re: Options vesting, dated Oct. 29, 2013	PAMTINV0115175 282-001	Stip	8/20	NO	8/20	WA
283.pdf	Thumbdrive	Email from Ken Potashner to Andrew Wolfe, Re: G. Loy, dated April 23, 2013	PAMTINV0120575 283-001	No.	8/18	NO	8/18	WA
284.pdf	Thumbdrive	Email from Ken Potashner to Elwood Norris, Re: clarification, dated 7/1/2013	PAMTINV0121816 284-001	Stip.	8/20	NO	8/20	WA
285.pdf	Thumbdrive	Email from Andrew Wolfe to Ken Potashner, Re: VTB PAMT acquisition, dated July 21, 2013	PAMTINV0122205-PAMTINV0122206 285-001-285-002					
286.pdf	Thumbdrive	Email from Elwood Norris to Kaplan Robert on July 24, 2013 Re: John Todds	PAMTINV0144510-PAMTINV0144511 286-001-286-002	Stip.	8/20	NO	8/20	WA
288.pdf	Thumbdrive	Email from Seth Putterman to Elwood Norris on 4/14/2013 Re: M and B and banking	PAMTINV0147177 288-001	Stip	8/20	NO	8/20	WA

stipulated
 date
 objection
 date
 admitted

Stip. Date Obj. Date

289.pdf	Thumbdrive	Staff Meeting Notes, 1-2-2013, Witness: Elwood Norris	PAMTNV0147470- PAMTNV0147608 289-001-289-040	Stip.	8/20	NO	8/20	WA
290.pdf	Thumbdrive	Email from Ken Potashner to Jesse Bromberg dated July 6, 2013 re Fwd: Ken RE: Update on executive session	PAMTNV0149887- PAMTNV0149889 290-001-290-003					
291.pdf	Thumbdrive	Email from Ken Potashner to Joshua Weisbord dated October 11, 2013 re: Fwd: Message to Prospective Investors	PAMTNV0150031- PAMTNV0150035 291-001-291-005					
292.pdf	Thumbdrive	From Ken Potashner to Mark Dufilho and Daniel Hoverman dated September 12, 2013 re: PAMT	PAMTNV0153579 292-001					
293.pdf	Thumbdrive	Email from Ken Potashner to Elwood Norris, Re: TB, "I am glad we're not married...Qcomm dial in", dated 7/19/2013	PAMTNV0158040- PAMTNV0158041 293-001-293-002	No.	8/18	NO	8/18	WA
294.pdf	Thumbdrive	Email from Ken Potashner to James Barnes dated October 11, 2013 re: Your availability	PAMTNV0158643- PAMTNV0158644 294-001-294-002					
295.pdf	Thumbdrive	Email from Ken Potashner to Joshua Weisbord dated September 5, 2013 re: U	PAMTNV0158884 295-001					
296.pdf	Thumbdrive	Email from Andrew Wolfe to Ken Potashner, Re: FW: Turtle beach Related aptry transaction- Monday's meeting, dated March 30, 2013	PAMTNV0159192- PAMTNV0159193 296-001-296-002	No.	8/18	NO	8/18	Obj. Withdra
297.pdf	Thumbdrive	Email from Ken Potashner to John Todd dated May 23, 2013 re: Fwd: Re:	PAMTNV0160633 297-001					
298.pdf	Thumbdrive	Email from Ken Potashner to Seth Putterman on 4/11/2013 Re: Brian - Anaheim Meeting	PAMTNV0161432- PAMTNV0161438 298-001-298-007					
299.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated June 7, 2013 re: Interview	PAMTNV0162233- PAMTNV0162234 299-001-299-002	Stip.	8/23	NO	8/23	WA
300.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated July 4, 2013 re: Weekend meeting	PAMTNV0163004- PAMTNV0163006 300-001-300-003	↓	↓	↓	↓	WA
301.pdf	Thumbdrive	Email from Ken Potashner to Joe Ramos, Re: update, dated April 19, 2013	PAMTNV0163128 301-001	No.	8/18	NO	8/18	WA
302.pdf	Thumbdrive	Putterman Resignation Letter and coresponding handwritten notes	PAMTNV0163257- PAMTNV0163265 302-001-302-009	Stip.	8/20	NO	8/20	WA
303.pdf	Thumbdrive	Text message log from/to Ken Potashner and Andrew Wolfe	PAMTNV0163289 303-001					
304.pdf	Thumbdrive	Log of outgoing/incoming emails/phone messages to&from Ken Potashner, dated 7/21/13 - 1/12/2014	PAMTNV0163290- PAMTNV0163293 304-001-304-004					
305.pdf	Thumbdrive	Email from Kaplan Robert to Woody Norris on August 1, 2013 Re: JT et al	PAMTNV0165154 305-001	Stip.	8/20	NO	8/20	WA
306.pdf	Thumbdrive	Email from Robert Kaplan to Elwood Norris, Re: issues with BoD gathering, dated July 19, 2013	PAMTNV0165333 306-001	Stip.	8/20	NO	8/20	WA
307.pdf	Thumbdrive	Email from Robert Kaplan to Elwood Norris, Re: TB, dated July 19, 2013	PAMTNV0165335 307-001					
308.pdf	Thumbdrive	Email from Elwood Norris to Robert Kaplan dated July 1, 2013 re: FW: update	PAMTNV0165442- PAMTNV0165443 308-001-308-002					
309.pdf	Thumbdrive	Patricof Revoc Trust Oppenheimer Account Statement for January 2014	PATRICOF_1- PATRICOF_24 309-001-309-024	Stip.	8/17	NO	8/17	WA
310.pdf	Thumbdrive	Letter from Plaintiffs Counsel to Defendants Re: exclusions dated 4/22/2020	PLAINTIFF_1- PLAINTIFF_28 310-001-310-028	NO.	8/16/21	Obj.		
311.pdf	Thumbdrive	Santulli Oppenheimer Account Statement for January 2014	SANTULLI_1- SANTULLI_4 311-001-311-004	NO	8/23	Obj.	8/23	WA
312.pdf	Thumbdrive	Email from Juergen Stark to Karen Kenworthy, dated April 25, 2013, Re: TB/Dechert	STRIPES 0000909- STRIPES 0000912 312-001-312-004	Stip.	8/23	NO	8/23	WA
313.pdf	Thumbdrive	Email from Dan Marriott to Karen Kenworthy, dated July 11, 2013, RE: URGENT: PNC TB- Amendment	STRIPES 0006042- STRIPES 0006045 313-001-313-004	YES	8/24/21	NO	8/24/21	WA
314.pdf	Thumbdrive	Email from Bruce Murphy to multiple recipients, dated June 27, 2013, Re Turtle Beach Company Overview - Confidential bpm updated 6-27.pptx; VTB 2013 - 2015 Base (STRIPES 0008371)	STRIPES 0008371- STRIPES 0008463 314-001-314-093	Stip.	8/23	NO	8/23	WA
315.pdf	Thumbdrive	Email from Juergen Stark to Karen Kenworthy (cc Ken Fox), dated June 14, 2013, Re: PNC update	STRIPES 0009292- STRIPES 0009293 315-001-315-002	↓	↓	↓	↓	WA
316.pdf	Thumbdrive	Email from Juergen Stark (Turtle Beach.CEO) to Multiple Recipients, Re: Documents for later, Attachments: VTB and PAMT Discussion Document.pptx; VTB Long Range Forecast - Draft.pptx (STRIPES 0011447)	STRIPES 0011447- STRIPES 0011469 316-001-316-023	↓	↓	↓	↓	WA

317.pdf	Thumbdrive	Email from Ken Fox to multiple recipients, dated July 10, 2013, Re: Board meeting agenda	STRIPES 0017472- STRIPES 0017474 317-001-317-003	shp.	8/23	NO	8/23	WA
318.pdf	Thumbdrive	Email from Karen Kenworthy to Juergen Stark and Bruce Murphy, dated June 19, 2013, RE: PNC	STRIPES 0021273- STRIPES 0021274 318-001-318-002	shp.	8/23	NO	8/23	WA
319.pdf	Thumbdrive	Email from Ken Fox to Karen Kenworthy, dated August 22, 2013, Re Convert approval	STRIPES 0031354- STRIPES 0031356 319-001-319-003					
321.pdf	Thumbdrive	Email from Jeffrey Doherty to Juergen Stark on February 27, 2014 Re: VTB/PNC - Fourth Amendment	STRIPES 0036772- STRIPES 0036774 321-001-321-003	shp.	8/23	NO	8/23	WA
324.pdf	Thumbdrive	Email from John Hanson to multiple recipients, dated December 16, 2013, re TB Forecast Slide for Call, attaching 2013FestUpdatev121513(Call).pptx	STRIPES 0041202- STRIPES 0041203 324-001-324-002	shp.	8/23	NO	8/23	WA
326.pdf	Thumbdrive	Email from John Hanson to Juergen Stark (cc Karen Kenworthy), dated January 2, 2014, Re: Bank call	STRIPES 0048637- STRIPES 0048639 326-001-326-003	↓	↓	↓	↓	WA
328.pdf	Thumbdrive	Email from Karen Kenworthy to Juergen Stark on 12/6/2013 re: PNC/Financing...	STRIPES 0056436- STRIPES 0056437 328-001-328-002	↓	↓	↓	↓	WA
330.pdf	Thumbdrive	Email from Juergen Stark to Ron Doomink, dated November 1, 2013, Fwd: URGENT- Reconciliation, attaching PAMT Model - downside 8_15_2013 updated for July August - RECONCILIATION.xlsx	STRIPES 0082003- STRIPES 0082005 330-001-330-003	shp.	8/23	NO	8/23	WA
331.pdf	Thumbdrive	Email from Juergen Stark to multiple recipients, dated July 10, 2013, Re: Board meeting agenda, attaching July 10 2013 BOD- 2013 Mid Year Review Consolidated- Final.pptx (STRIPES 0083164)	STRIPES 0083164- STRIPES 0083195 331-001-331-032	shp.	8/23	NO	8/23	WA
337.pdf	Thumbdrive	Email from Karen Kenworthy to Ken Fox, dated March 4, 2014, Re: Fourth Amendment	STRIPES_0046915- STRIPES_0046918 337-001-337-004	yes	8/24/14	no	8/24/14	WA
338.pdf	Thumbdrive	Email John hanson to Juergen Stark (cc Karen Kenworthy), dated January 2, 2014, Re: Bank call	STRIPES_0048637- STRIPES_0048639 338-001-338-003	shp.	8/23	NO	8/23	WA
339.pdf	Thumbdrive	Email from Juergen Stark to multiple recipients, dated March 25, 2014, re Document for this morning's call, attaching Post BOD Revised Financial Plan DRAFT.pptx	STRIPES_0073406- STRIPES_0073413 339-001-339-008	shp.	8/23	NO	8/23	WA
340.pdf	Thumbdrive	Parametric Sound Corporation - White Paper - Merger Related Items - Accruals - September 30, 2013	TB-00002997- TB-00003000 340-001-340-004	NO.	8/20	Obj.		
341.pdf	Thumbdrive	Minutes of the Special Joint Meeting of	TB-00009017- TB-00009023 341-001-341-007					
342.pdf	Thumbdrive	Email from James Barnes to "PAMT Directors", dated July 23, 2013, FW: Draft Materials, attaching PAMT_BOD Presentation_7.23.13.pdf	TB-00063566- TB-00063590 342-001-342-025					
343.pdf	Thumbdrive	Email from James Barnes to multiple recipients, dated June 16, 2013, Re: Merger VTBH or VTB	TB-00065029- TB-00065031 343-001-343-003					
344.pdf	Thumbdrive	Email from Cyril Berdugo to multiple recipients, dated March 25, 2013, RE: Investor CA	TB-00069167- TB-00069171 344-001-344-005					
345.pdf	Thumbdrive	Email from John Hanson to Ken Potashner and Juergen Stark dated December 30, 2013 re: 280G Update from McGladrey	TB-00078079- TB-00078081 345-001-345-003	NO	8/19	NO	8/18	WA
346.pdf	Thumbdrive	Email from Ken Potashner to multiple recipients, dated October 29, 2013, Re: Front section of MDA	TB-00088349- TB-00088351 346-001-346-003	NO.	8/18	NO	8/18	WA
347.pdf	Thumbdrive	Email from Ken Potashner to James Barnes, dated October 24, 2013, Re: Bonus	TB-00095606 347-001					
348.pdf	Thumbdrive	Email from James Barnes to Ken Potashner, dated October 24, 2013, Re: updated FS and pro forma	TB-00095611 348-001					
349.pdf	Thumbdrive	Email from Ken Potashner to James Barnes, dated October 22, 2013, Re: glass	TB-00095640 349-001					
350.pdf	Thumbdrive	Email from Max Fonarev to multiple recipients, dated October 11, 2013, re Final common stock valuation reports, attaching: Valuation VD 03-31-13_Common Stock (Sorbus for VTB) FINAL.pdf; Valuation VD (TB-00105050)	TB-00105050- TB-00105208 350-001-350-159					
351.pdf	Thumbdrive	Email from John Todd to Grant Kerry on 8/21/2018 Re: FW:inputs	TODD0000289 351-001	NO.	8/18	NO	8/18	WA
352.pdf	Thumbdrive	Email from John Todd to Grant Keary, dated November 14, 2018, FW: disappointing	TODD0001213 352-001	NO.	8/18	NO.	8/18	WA
353.pdf	Thumbdrive	Email from John Todd to Grant Kerry on 11/15/2018 Re: FW: Fairness opinion	TODD0002084- TODD0002085 353-001-353-002					
354.pdf	Thumbdrive	Email from John Todd to Grant Kerry on 11/16/2018 Re: FW: Craig Hallum Fee Agreement	TODD0002222- TODD0002224 354-001-354-003	NO	8/18	NO	8/18	WA

				stip.	date offered	objection	date admitted	
355.pdf	Thumbdrive	Email from Ken Potashner to John Todd, dated March 27, 2013, Fwd: License	TODD0003479-TODD0003480 355-001-355-002	NO	8/18	NO	8/18	WA
356.pdf	Thumbdrive	Email from Ken Potashner to John Todd, dated March 31, 2013	TODD0003597 356-001	NO.	8/18	NO	8/18	WA
357.pdf	Thumbdrive	Email from Ken Potashner to John Todd on 4/19/2013 Re: HHI	TODD0004326 357-001	NO.	8/18	NO.	8/18	WA
358.pdf	Thumbdrive	Email from Ken Potashner to John Todd, dated June 18, 2013, re FWD: reverse example	TODD0005763-TODD0005765 358-001-358-003					
359.pdf	Thumbdrive	Email from Ken Potashner to John Todd on 7/20/2013 Re: board and juergen discussions	TODD0006417 359-001					
360.pdf	Thumbdrive	Email from Ken Potashner to John Todd, dated August 8, 2013, re Fwd: Huge win	TODD0006507 360-001	No	8/18	NO.	8/18	WA
361.pdf	Thumbdrive	Email from Ken Potashner to John Todd, dated December 12, 2013, Re: Hhi	TODD0008818 361-001	NO	8/18	NO.	8/18	WA
362.pdf	Thumbdrive	Email from John Todd to John Todd dated July 21, 2013 Re: Woody	TODD0010275 362-001					
363.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark, dated June 27, 2013, Re: JPM	VTBH 002092-VTBH 002093 363-001-363-002	Stip.	8/23	NO	8/23	WA
364.pdf	Thumbdrive	Email from Juergen Stark to Ron Doornink, dated August 7, 2013, Re: SOLUTION	VTBH 002153-VTBH 002155 364-001-364-003	Stip	8/23	NO	8/23	WA
369.pdf	Thumbdrive	Email from Juergen Stark to Tony Chan on 4/29/2013 Re: Document for the BOD meeting	VTBH017509-VTBH017530 369-001-369-022	NO.	8/17	obj.	8/23	WA stip.
370.pdf	Thumbdrive	Email from John Hanson to multiple recipients on 12/16/2013 Re: budget comparison analysis	VTBH019909-VTBH019912 370-001-370-004	Stip.	8/23	NO	8/23	WA
371.pdf	Thumbdrive	Email from John Hanson to multiple recipients, dated December 12, 2013, Fwd: Further thoughts	VTBH020040-VTBH020041 371-001-371-002					
372.pdf	Thumbdrive	Email from Juergen Stark to John Hanson on 11/8/2013 Re: \$5m. PNC etc	VTBH048021 372-001	Stip.	8/23	NO	8/23	WA
373.pdf	Thumbdrive	Email from Kristin Carney to John Hanson on 11/3/2013 Re: Will you be on call with Juergen today?	VTBH055184-VTBH055186 373-001-373-089					
374.pdf	Thumbdrive	Email from Juergen Stark to John Hanson on 10/31/2013 Re: Forecasts	VTBH057642-VTBH057645 374-001-374-004	stip.	8/23	NO	8/23	WA
375.pdf	Thumbdrive	Email from Kristin Carney to John Hanson, dated October 31, 2013, Re: CPGS Refurb, attaching KG Fest 10.28-13.xlsx	VTBH059014-VTBH059016 375-001-375-232					
376.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark and Adam Kahn, dated January 3, 2014, Re: Update	VTBH068005-VTBH068006 376-001-376-002	NO.	8/16/21	NO.	8/16/21	WA
377.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark, dated December 11, 2013, re Duhhh...	VTBH069002 377-001	Stip.	8/23	NO	8/23	WA
378.pdf	Thumbdrive	Email from Juergen Stark to multiple recipients on 11/8/2013 Re: Re: \$2.5m	VTBH081233-VTBH081234 378-001-378-002					WA
379.pdf	Thumbdrive	Email from John Hanson to Juergen Stark on 10/31/2013 Re: forecast model/script	VTBH089491-VTBH089495 379-001-379-005					WA
380.pdf	Thumbdrive	Email from Juergen Stark to multiple recipients, dated October 31, 2013, Re: Forecast Model/Script	VTBH090322-VTBH090326 380-001-380-005					WA
381.pdf	Thumbdrive	Email from Juergen Stark to John Hanson on 10/30/2013 Re: on with tony	VTBH090704-VTBH090720 381-001-381-017	stip.	8/23	NO	8/23	WA
382.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark on 10/28/2013 Re: Financing	VTBH091543 382-001					WA
383.pdf	Thumbdrive	Email from Juergen Stark to multiple recipients, dated October 10, 2013, Re: usoft	VTBH095139-VTBH095140 383-001-383-002	stip.	8/23	NO.	8/23	WA
384.pdf	Thumbdrive	Weisbord Oppenheimer Statement Account Summary for January 2014	WEISBORD_1-WEISBORD_2 384-001-384-002	NO.	8/17	NO.	8/17	WA
385.pdf	Thumbdrive	Email from John Hanson to Joshua Weisbord dated October 9, 2015 re: file we are discussing	WEISBORD-CAL-00070507-WEISBORD-CAL-00070509 385-001-385-003					

Ship. Date offered objection date admitted

386.pdf	Thumbdrive	Email from Joe Azevedo to Joshua Weisbord dated July 20, 2015 re: FW: Weekly Sales Report 2015-07-28.xlsx	WEISBORD-CAL-00074555-WEISBORD-CAL-00074706386-001-386-152				
387.pdf	Thumbdrive	Email from Joe Azevedo to Joshua Weisbord dated March 15, 2016 re: FY'16 Operating Plan	WEISBORD-CAL-00075265-WEISBORD-CAL-00075268387-001-387-004				
388.pdf	Thumbdrive	Email from Joe Azevedo to Joshua Weisbord date February 25, 2016 re: FY'16 Plan \$172M Net	WEISBORD-CAL-00075271-WEISBORD-CAL-00075272388-001-388-002				
389.pdf	Thumbdrive	Email from John Hanson to multiple recipient dated May 1, 2015 re: March 2015 Guidance	WEISBORD-CAL-00075430389-001				
390.pdf	Thumbdrive	Email from John Hanson to multiple recipient dated January 20, 2016 re: Net Revenue Additional Comments	WEISBORD-CAL-00075597390-001				
391.pdf	Thumbdrive	Email from John Hanson to multiple recipient dated September 9, 2015 re: Q3 15 and FY 15 Forecast vs. Guidance	WEISBORD-CAL-00075816-WEISBORD-CAL-00075818391-001-391-003				
392.pdf	Thumbdrive	Email from John Janson to Joshua Weisbord dated June 10, 2015 re: 2 quick things	WEISBORD-CAL-00075897-WEISBORD-CAL-00075899392-001-392-003				
393.pdf	Thumbdrive	Email from William Elder to multiple recipients dated March 16, 2015 re: comments on earnings release	WEISBORD-CAL-00076869-WEISBORD-CAL-00076874393-001-393-003				
394.pdf	Thumbdrive	Email from John Hanson to Joshua Weisbord dated August 14, 2015 re: IR coverage	WEISBORD-CAL-00077778-WEISBORD-CAL-00077780394-001-394-003				
395.pdf	Thumbdrive	Email from Joe Azevedo to multiple recipients dated May 9, 2015 re: joe...pls help	WEISBORD-CAL-00077861-WEISBORD-CAL-00077862395-001-396-002				
396.pdf	Thumbdrive	Email from Jow Azevedo to Joshua Weisbord on 10/23/2015 Re: send me all data/excel etc. that i can get crunching...thx	WEISBORD-CAL-00080085-WEISBORD-CAL-00080140396-001-396-056				
397.pdf	Thumbdrive	Email from Jow Azevedo to Joshua Weisbord on 10/23/2015 Re: send me all data/excel etc. that i can get crunching...thx	WEISBORD-CAL-00080141-WEISBORD-CAL-00080165397-001-397-025				
398.pdf	Thumbdrive	Email from Joe Azevedo to Multiple Recipients, Re: Turtle Beach Conf call support, dated 11/7/2014	WEISBORD-CAL-00080649-WEISBORD-CAL-00080652398-001-398-004				
399.pdf	Thumbdrive	Email from John Hanson to Joshua Weisbord, Re: will open to 2014 consolidated results, Attachment: Copy of July FS with CFO Bridge (8-24-15), dated Sept. 4, 2015.	WEISBORD-CAL-00083105-WEISBORD-CAL-00083154399-001-399-050				
400.pdf	Thumbdrive	Email from Brian Buturla to Joshua Weisbord dated August 14, 2014 re: Book1.xlsx	WEISBORD-CAL-00084736-WEISBORD-CAL-00084739400-001-400-004				
401.pdf	Thumbdrive	Email from Mark Koch to multiple recipients dated December 15, 2014 re: Option exercise murphy.pdf	WEISBORD-CAL-00085141-WEISBORD-CAL-00085142401-001-401-002				

				Stop	date offered	Objection	date Admitted	
402.pdf	Thumbdrive	Email from Mark Koch to Joshua Weisbord dated July 25, 2014 re: Options exercise update	WEISBORD-CAL-00088101-WEISBORD-CAL-00088102402-001-402-002					
403.pdf	Thumbdrive	Email from Joe Azevedo to multiple recipients dated January 18, 2016 re: Conservative and Base Cases	WEISBORD-CAL-00097827-WEISBORD-CAL-00097832403-001-403-006	Stop.	8/23	NO	8/23	WA
404.pdf	Thumbdrive	Email from Joe Azevedo to multiple recipients dated January 18, 2016 re: Conservative and Base Cases	WEISBORD-CAL-00097833-WEISBORD-CAL-00097838404-001-404-006	Stop.	8/23	NO	8/23	WA
405.pdf	Thumbdrive	Email from Juergen Stark to multiple recipients dated January 12, 2016 re: Important - Needham presentation	WEISBORD-CAL-00099685-WEISBORD-CAL-00099687405-001-405-003	↓	↓	↓	↓	WA
406.pdf	Thumbdrive	Email from Cris Keim to multiple recipients dated January 19, 2016 re: Some board requests	WEISBORD-CAL-00103375-WEISBORD-CAL-00103376406-001-4-6-002					
407.pdf	Thumbdrive	Email from Juergen Stark to "ALL VTB US" dated January 14, 2015 re: 2014 estimate update and investor presentation	WEISBORD-CAL-00106400-WEISBORD-CAL-00106430407-001-407-031	Stop.	8/23	NO	8/23	WA
408.pdf	Thumbdrive	Email from Juergen Stark to multiple recipients dated January 20, 2016 re: 2015 and 2016 commentary	WEISBORD-CAL-00106431-WEISBORD-CAL-00106439408-001-408-009	↓	↓	↓	↓	WA
409.pdf	Thumbdrive	Email from Juergen Stark to Joshua Weisbord dated January 16, 2015 re: Fwd: Investor meeting and company valuation	WEISBORD-CAL-00108562-WEISBORD-CAL-00108563409-001-409-002	↓	↓	↓	↓	WA
✓ 410.pdf	Thumbdrive	Icerose Master Fund (Morgan Stanley) Statement for January 2014	ICEROSE 1-ICEROSE 97410-001-410-097	NO	8/16/21	NO	8/16/21	WA
412.pdf	Thumbdrive	Email from John Hanson to Karen on 2/13/2014 Re: FWD: 2014 & 2015 Financial forecasts	STRIPES_0032694-STRIPES_0032705412-001-412-012	NO	8/23	Obj.		
413.pdf	Thumbdrive	Email from Karen Kanworthy to Aditi Dubey on 2/13/2014 Re: FWD 2014 & 2015 Financial Forecasts	STRIPES 0049205-STRIPES 0049219413-001-413-021	NO	8/24/21	NO	8/24/21	WA
414.pdf	Thumbdrive	Email from Juergen Stark to Ron Doornink on 10/4/2013 Re: Confidential: MSFT Headsets	STRIPES 0081782-STRIPES 0081788414-001-414-007	Stop.	8/23	NO	8/23	WA
419.pdf	Thumbdrive	Email from Karen Kenworthy to Juergen Stark dated June 17, 2013 re: PNC updates	STRIPES 0009794-STRIPES 0009796419-001-419-003	Stop.	8/23	NO	8/23	WA
420.pdf	Thumbdrive	Email from Wayne Marino to multiple recipients dated May 18, 2013 re: Fund I Valuations	STRIPES 0023727-STRIPES 0023728420-001-420-002					
421.pdf	Thumbdrive	Email from Wayne Marino to multiple recipients dated April 3, 2013 re: SAVE THE DATE - STRIPES GROUP 2013 ANNUAL LP MEETING	STRIPES 0026548-STRIPES 0026626421-001-421-079	yes	8/24/21	NO	8/24/21	WA
422.pdf	Thumbdrive	Email from Wayne Marino to multiple recipients dated December 6, 2013 re: September 30, 2013 Quarterly Reports	STRIPES 0030062-STRIPES 0030129422-001-422-068	yes	8/24/21	NO	8/24/21	WA
424.pdf	Thumbdrive	Email from John Hanson to multiple recipients dated January 10, 2014 re: PNC Negotiation Tonight	STRIPES 0032069-STRIPES 0032071424-001-424-003	Stop.	8/23	NO	8/23	WA
425.pdf	Thumbdrive	Email from Karen Kenworthy to multiple recipients dated December 10, 2013 re: Status update for Q1 2014?	STRIPES 0032410-STRIPES 0032412425-001-425-019	Stop	8/23	NO	8/23	WA
426.pdf	Thumbdrive	Email from Karen Kenworthy to Wayne Marino dated August 21, 2013 re: when are you hoping to send out investment summaries? valuation done for seamless now	STRIPES 0036681-STRIPES 0036683426-001-426-010	yes	8/24/21	NO	8/24/21	WA
427.pdf	Thumbdrive	Email from Karen Kenworthy to Ken Fox dated December 23, 2013 re: TB/PNC update	STRIPES 0037477-STRIPES 0037478427-001-427-002	yes	8/24/21	NO	8/24/21	WA

				stip.	date offered	objection	date admitted	
428.pdf	Thumbdrive	Email from Dan Marriott to Karen Kenworthy date January 1, 2014 re: Important: TB Cap Call Doc - KEN PLEASE ALSO READ IF YOU HAVE INTERNET	STRIPES 0037505-STRIPES 0037509 428-001-428-005	yes	8/24/14	no	8/24/21	WA
430.pdf	Thumbdrive	Email from Wayne Marino to multiple recipients dated August 30, 2013 re: Quarterly reports	STRIPES 0039651-STRIPES 0039716 430-001-430-066	yes	8/14/14	no	8/24/21	WA
431.pdf	Thumbdrive	Email from Karen Kenworthy to multiple recipients dated August 7, 2013 re: SOLUTION	STRIPES 0054722-STRIPES 0054725 431-001-431-004	stip.	8/23	no	8/23	WA
433.pdf	Thumbdrive	Email from Karen Kenworthy to Juergen Stark dated September 15, 2013 re: Further thought on \$5m	VTBH097468 433-001	stip.	8/23	no	8/23	WA
434.pdf	Thumbdrive	Email from Grant Keary to Ken Potashner dated July 29, 2013 re: John Todd - Letter on Consulting Agreement	TODD0006265-TODD0006266 434-001-434-002					
436.pdf	Thumbdrive	Email from Ken Potashner to John Todd dated August 15, 2013 re: Beta	TODD0006264 436-001					
437.pdf	Thumbdrive	Email from Tracy Neumann to Ken Potashner dated October 6, 2013 re Pamt	TODD0007363 437-001					
438.pdf	Thumbdrive	Email from Ken Potashner to John Todd dated December 4, 2013 re for future reference	TODD0008720 438-001					
439.pdf	Thumbdrive	Email from Ken Potashner to John Todd dated July 1, 2013 re clarification	TODD0005998 439-001	No	8/18	NO	8/18	WA
440.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated November 12, 2013 re input	TODD0008053 440-001					
441.pdf	Thumbdrive	Email from Juergen Stark to multiple recipients dated January 15, 2014 re Deal closed	STRIPES_0064206 441-001	stip.	8/23	NO	8/23	WA
442.pdf	Thumbdrive	Email from Jeffrey Doherty to Karen Kenworthy dated December 13, 2013 re Quick connect this afternoon?	STRIPES_0062555-STRIPES_0062556 442-001-442-002	yes	8/24/14	no	8/24/21	WA
443.pdf	Thumbdrive	Email from Juergen Stark to multiple recipients dated December 4, 2013 re Investor Presentation for next week	STRIPES_0029955-STRIPES_0029962 443-001-443-008	stip	8/23	NO	8/23	WA
444.pdf	Thumbdrive	Email from Ken Potashner to John Todd dated September, 24, 2013 re update	TODD0007110 444-001					
445.pdf	Thumbdrive	Email from Bruce Murphy to Juergen Stark dated May 7, 2013 re Updated covenant worksheet	VTBH 009761-VTBH 009762 445-001-445-002	stip.	8/23	NO	8/23	WA
446.pdf	Thumbdrive	Fax from Jones Day to Dechert dated June 18, 2013 re Reservation of Rights and Notice of Default	STRIPES 0019323-STRIPES 0019328 446-001-446-006					
447.pdf	Thumbdrive	Email from Jeffrey Doherty to multiple recipients dated June 28, 2013 re Revised proposed amendment	STRIPES 0005883-STRIPES 0005885 447-001-447-003					
448.pdf	Thumbdrive	Email from Karen Kenworthy to Juergen Stark dated July 12, 2013 discussing Jeffrey Doherty and PNC revolver	STRIPES 0010675-STRIPES 0010679 448-001-448-005	stip.	8/23	NO	8/23	WA
449.pdf	Thumbdrive	Email from James Barnes to multiple recipients dated December 17, 2013 re PAMT Vote Report	TB-00078183-TB-00078184 449-001-449-002					
450.pdf	Thumbdrive	Email from Michael Coronato to multiple recipients dated December 18, 2013 re PAMT Vote Report	TB-0078169-TB-0078171 450-001-450-003					
451.pdf	Thumbdrive	Email from Michael Coronato to multiple recipients dated December 20, 2013 re PAMT Vote Report	JPMorgan 00020504-JPMorgan 00020506 451-001-451-003					
452.pdf	Thumbdrive	Email from Ken Potashner to John Todd dated March 25, 2013 re Fwd: fairness opinion	TODD0010334 452-001					
453.pdf	Thumbdrive	Email from Ken Potashner to John Todd dated March 29, 2013 re options	TODD0010337 453-001					
454.pdf	Thumbdrive	Email from Ken Potashner to John Todd dated May 18, 2013 re Inputs	TODD0005115 454-001					
455.pdf	Thumbdrive	Email from Ken Potashner to Grant Keary dated July 29, 2013 re FW: 7 Parametric Todd00001	TODD0006262 455-001					
456.pdf	Thumbdrive	Email from Ken Potashner to John Todd dated May 14, 2013 re Jim Hardiman - Updated info	TODD0007679-TODD0007680 456-001-456-002					
457.pdf	Thumbdrive	Email from Ken Potashner to John Todd dated November 17, 2013 re PAMT Xmas party	TODD0008163 457-001					
458.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated November 26, 2013 re fire drills	TODD0008292 458-001	stip.	8/23	NO	8/23	WA
459.pdf	Thumbdrive	Email from Ken Potashner to Ritvik Mehta dated March 12, 2013 re Demo-Parametric Sound	PAMTNAV0175386-PAMTNAV0175388 459-001-459-003					
460.pdf	Thumbdrive	Email from Juergen Stark to Ron Doornink dated January 29, 2014 re Board documents	TB-00190991-TB-00191024 460-001-460-034	stip.	8/23	NO	8/23	WA

				Ship.	date offered	obj.	date admitted	
461.pdf	Thumbdrive	Email from James Barnes to Ken Potashner and John Todd dated August 14, 2013 re FW: Presentation	TODD0006577-TODD0006590 461-001-461-014					
462.pdf	Thumbdrive	Email from Karen Kenworthy to Ken Fox dated July 12, 2013 re TB facility: Update	STRIPES 0027053-STRIPES 0027054 462-001-462-002	Ship.	8/24	NO	8/24	WA
463.pdf	Thumbdrive	Email from Dan Marriott to Karen Kenworthy dated August 2, 2013 re Google Alert - Turtle Beach Headsets	STRIPES_0043950-STRIPES_0043951 463-001-463-002	↓	↓	↓	↓	WA
464.pdf	Thumbdrive	Email from Karen Kenworthy to Dan Marriott and Ken Fox dated December 13, 2013 re My annual review	STRIPES 0000632-STRIPES 0000638 464-001-464-007	↓	↓	↓	↓	WA
465.pdf	Thumbdrive	Email from Wayne Marino to Karen Kenworthy dated January 2, 2014 re RE: IMPORTANT: TB Cap Call Doc - KEN PLEASE ALSO READ IF YOU HAVE INTERNET	STRIPES_0031521-STRIPES_0031530 465-001-465-010	Ship.	8/24	NO	8/24	WA
466.pdf	Thumbdrive	Email from Ken Potashner to PAMT Board dated June 30, 2013 re update	TODD0005976 466-001					
467.pdf	Thumbdrive	Email from Ken Potashner to John Todd dated July 1, 2013 re Fwd: deal	TODD0005993 467-001					
468.pdf	Thumbdrive	Email from Elwood Norris to Ken Potashner dated June 29, 2013 re BOD meeting	TODD0005975 468-001					
469.pdf	Thumbdrive	Email from Ken Potashner to John Todd dated January 27, 2014 re fraud	TODD0009094 469-001					
470.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated June 19, 2013	PAMTNV0162854-PAMTNV0162855 470-001-470-002	Ship.	8/23	NO	8/23	WA
471.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark dated June 23, 2013 re Re: Dilligence	PAMTNV0105447 471-001	Ship.	8/23	NO	8/23	WA
472.pdf	Thumbdrive	Email from Ken Potashner to John Todd and James Barnes dated October 10, 2013 re Fwd: Percolating	TODD0007443 472-001					
473.pdf	Thumbdrive	Email from Ken Potashner to Juergen Stark and others dated October 29, 2013 re proxy	PAMTNV0095423-PAMTNV0095423 473-001-473-003	Ship.	8/23	NO	8/23	WA
0474.pdf	Thumbdrive	April 22, 2020 letter from Levi & Korsinsky LLO	Plaintiff_1-Plaintiff_2 474-001-474-002	NO	8/17	NO	8/17	WA
0475.pdf	Thumbdrive	PAMTP LLC Corporate Forms	Plaintiff_3-Plaintiff_28 475-001-475-026	NO	8/17	NO	8/17	WA
476.pdf	Thumbdrive	Email from Elwood Norris to Jim Barnes dated March 30, 2013 re Monday's meeting	PAMTNV0033560-	NO	8/18	NO	8/18	WA
477.pdf	Thumbdrive	Email from Seth Putterman to Elwood Norris re Brian-Anaheim Meeting	PAMTNV0033562	NO	↓	↓	↓	WA
478.pdf	Thumbdrive	Email from Elwood Norris to Seth Putterman, dated March 28, 2013, re Hss at darpa	476-001-476-003	NO	↓	↓	↓	WA
479.pdf	Thumbdrive	Email from Juergen Stark to Ron Doomink dated April 6, 2013 re Gaming/computing license	PAMTNV0113764-	NO	↓	↓	↓	WA

480.pdf	Thumbdrive	Email from Ken to Andrew Wolfe dated July 10, 2013 email re Update	PAMTNV0033294 480-001	Ship.	8/19	NO	8/19	WA
481.pdf	Thumbdrive	Email from Juergen Stark to Ken Potashner dated July 3, 2013 re HHI	PAMTNV0033890-PAMTNV0033892 481-001-481-003	↓	↓	↓	↓	WA
482.pdf	Thumbdrive	Email from Ken to James Barnes dated May 17, 2013 re Please bring PAMT management to see us at the earliest opportunity	PAMTNV0040368-PAMTNV0040369 482-001-482-002	↓	↓	↓	↓	WA
483.pdf	Thumbdrive	Email from Elwood Norris to Robert Kaplan, John Hentrich, Seth Putterman re FW TB	PAMTNV0112541 483-001	↓	↓	↓	↓	WA
484.pdf	Thumbdrive	Email from Juergen Stark to Ron Doomink dated August 3, 2013 re Project Surround Investor Presentation (VTBH 008036)	VTBH 008036 484-001	↓	↓	↓	↓	WA
485.pdf	Thumbdrive	Email from Ron Doomink to Juergen Stark re Fwd: Update	VTBH 013436-VTBH 013437 485-001-485-002	↓	↓	↓	↓	WA

[illegible]

CASE NO: A-13-686890-B

DEPT NO: XI

TRIAL DATE: Monday, August 16, 2021
 JUDGE: Elizabeth Gonzalez
 CLERK: Valeria Guerra
 REPORTER: Jill Hawkins
 JURY FEES:

IN RE PARAMETRIC SOUND CORPORATION SHAREHOLDERS' LITIGATION

PAMT, LLC
PLAINTIFFKENNETH POTASHNER, ET AL.
DEFENDANTCOUNSEL FOR PLAINTIFF: George F. O'Connell, Esq.
Adam M. Apton, Esq.COUNSEL FOR DEFENDANT: J. Stephen Peck, Esq.
John P. Stigi III, Esq.

de	Identif. of Device or	Description of Exhibit	Alphanumeric Designation on Exh.	Stipulated Yes / No	Date Offered	Objection	Date Admitted	
501.pdf	Thumbdrive	Limited Partnership Agreement for Patricof Family Limited Partnership, dated 12/17/1998	Patricof_104-39					
502.pdf	Thumbdrive	Insights Article, "Factors to Consider in Performing a Valuation Analysis For A Fairness Opinion" by Craig A. Jacobson, dated 2009						
503.pdf	Thumbdrive	Voyetra Turtle Beach, Inc. EBITDA/EBIT Financials, dated 2010 - 2016	Craig-Hallum_Parametric_013064					
504.pdf	Thumbdrive	Parametric Sound Corp. Form 8-K, dated April 6, 2012, Exhibit 10.1, Kenneth Potashner's Parametric Sound Corp. Employment Agreement, dated 4/3/2012		Stip.	8/19	NO.	8/19	WA
505.pdf	Thumbdrive	Email to Ken Potashner, James Barnes, Tracey Neumann from David Mossberg cc S. Hooser regarding Parametric Sound Reports Fiscal 2012 Results; Attachment Webcast Registration, PAMT Live 201211281800178-70964793, dated 11/28/2012	PAMTINV0059710-17					
506.pdf	Thumbdrive	Minutes of the Regular Meeting of the Board of Directors of Parametric Sound Corp., dated 12/13/2012	PAMT0000006-7	Stip.	8/19	NO.	8/19	WA
507.pdf	Thumbdrive	Email to Seth Putterman from Elwood Norris regarding Confidential Preliminary Spin Off Talking Points; Attachment Ken document, dated 12/16/2012	PAMTINV0115550-53	Stip.	8/20	NO	8/20	WA
508.pdf	Thumbdrive	Notes from Meeting of Representative of Independent Directors with Executive Officers on December 27, 2012, dated 12/27/2012	PAMTINV0000008-10					
509.pdf	Thumbdrive	Voyetra Turtle Beach, Inc. and Subsidiary Consolidated Financial Report, dated 12/31/2012	HL-PARA00032718-42					
510.pdf	Thumbdrive	Combined Base Model VTB and PAMT, dated 2013 - 2014	Craig-Hallum_Parametric_013066					
511.pdf	Thumbdrive	Combined Base Model VTB and PAMT, dated 2013 - 2014	HL-PARA00026032					
512.pdf	Thumbdrive	Stripes Group Corporate Memo to Limited Partners from Ken Fox, Dan Marriott regarding Merger of Voyetra Turtle Beach and Parametric Sound Corporation, dated 1/1/2013	STRIPES 0080787-90					
513.pdf	Thumbdrive	Elwood Norris Handwritten notes, dated 1/2/2013 - 10/17/2013	PAMTINV0147470-608	Stip.	8/20	NO	8/20	WA
514.pdf	Thumbdrive	Email to Seth Putterman, Andrew Wolfe, James Honore, Robert Kaplan from James Barnes cc K. Potashner regarding Independent Directors - HHI, dated 1/3/2013	TB-00065692					
515.pdf	Thumbdrive	Email to Karen Kenworthy from Juergen Stark cc R. Kulavik, S. Weiss regarding Parametric Sound Corp. Corporate Presentation, dated 2/19/2013	VTBH017722-26	yes	8/24/21	NO	8/24/21	WA
516.pdf	Thumbdrive	Minutes of the Annual Meeting of the Board of Directors of Parametric Sound Corp., dated 2/21/2013	PAMTINV0078200-13	Stip.	8/20	NO	8/20	WA
517.pdf	Thumbdrive	Email to Ken Potashner from Stephen Thesing regarding Turtle Beach Market Datapoints, dated 2/22/2013	TB-00069305	Stip.	8/19	NO.	8/19	WA
518.pdf	Thumbdrive	Email to Steve Miller from Ken Potashner bcc S. Thesing regarding Confirmation of Parametric Sound/Turtle Beach Meeting on March 6th at 10am, dated 2/22/2013	TB-00069306-08	Stip.	8/19	NO.	8/19	WA
519.pdf	Thumbdrive	Email to Andrew Wolfe from Ken Potashner regarding Search Status Update and Benchmarking, dated 2/22/2013	PAMTINV0120408					
520.pdf	Thumbdrive	Email to Woody Norris from Robert Kaplan regarding BOD Meeting, dated 2/28/2013	TB-00070029-30	Stip.	8/20	NO	8/20	WA
521.pdf	Thumbdrive	Email to Seth Putterman, Andrew Wolfe, James Honore, Robert Kaplan from James Barnes regarding Friday 8:30 Conference Call with Comp Consultant; Attachment Executive Chairman Total Comp Feb2513, dated 2/28/2013	PAMTINV0120470-71	Stip.	8/20	NO	8/20	WA
522.pdf	Thumbdrive	Minutes of the Independent Directors and Audit Committee of Parametric Sound Corp., dated 3/1/2013	PAMTINV0000077-80	Stip.	8/20	NO	8/20	WA
523.pdf	Thumbdrive	Email to Seth Putterman, Andrew Wolfe, James Honore, Robert Kaplan from James Barnes regarding Friday 8:30 Conference Call with Comp Consultant; Attachment Executive Chairman Total Comp Feb2513, dated 3/1/2013	PAMTINV0123851-52					
524.pdf	Thumbdrive	Parametric Sound Corp. Form 8-K, dated 3/5/2013		Stip.	8/20	NO	8/20	WA
525.pdf	Thumbdrive	HyperSound Health, Inc. 2013 Equity Incentive Plan, Incentive Stock Option Agreement, Parametric Sound Corp. Form 8-K Exhibit 99.1, dated 3/5/2013						
526.pdf	Thumbdrive	HyperSound Health, Inc. 2013 Equity Incentive Plan, Effective as of February 17, 2013, Parametric Sound Corp. Form 8-K Exhibit 99.2, dated 3/5/2013						
527.pdf	Thumbdrive	Email to Ken Potashner from Juergen Stark cc K. Kenworthy regarding Meeting Today, dated 3/6/2013	TB-00065568	yes	8/24/21	NO	8/24/21	WA
528.pdf	Thumbdrive	Email to Karen Kenworthy from Juergen Stark cc J. Stark regarding Parametric Sound, dated 3/7/2013	STRIPES 0004719-20					
529.pdf	Thumbdrive	Email to James Barnes from Seth Putterman cc K. Potashner regarding PAMT and HHI, dated 3/11/2013	PAMTINV0123875	Stip.	8/20	NO	8/20	WA

				Ship.	Date offered	Objection	Date admitted	
530.pdf	Thumbdrive	Email to James Barnes, John Todd from Ken Potashner regarding Update, dated 3/12/2013	TB-00069202	Stop.	8/19	No.	8/19	WA
531.pdf	Thumbdrive	Email to Hal Byer from Ken Potashner cc K. Potashner, J. Bromberg, D. Hoverman, M. Dufilho, J. Todd, J. Barnes regarding Thank You, dated 3/13/2013	HL-PARA00039606-07	Stop.	8/19	No.	8/19	WA
532.pdf	Thumbdrive	Email to Mark Dufilho from Daniel Hoverman regarding "Re", dated 3/13/2013	HL-PARA00039584					
533.pdf	Thumbdrive	Email to James Barnes from Elwood Norris forwarding BOD, dated 3/15/2013	PAMTINV0077743-44	Stop.	8/19	No.	8/19	WA
534.pdf	Thumbdrive	Email to Adam Greenway from Mark Dufilho cc A. Kupka regarding Parametric Sound, dated 3/18/2013	HL-PARA00040121-22					
535.pdf	Thumbdrive	Email to David Rust from Robert Kaplan regarding Travel Schedule, dated 3/19/2013	PAMTINV0165722	Stop.	8/20	NO	8/20	WA
536.pdf	Thumbdrive	Email to Seth Putterman, Andrew Wolfe, J. Honore, R. Kaplan from James Barnes regarding Confidential HHI License; Attachment GGDocs1 #1909464 v3 License to HyperSound Health, dated 3/21/2013	PAMTINV0159096-97	Stop.	8/20	NO	8/20	WA
537.pdf	Thumbdrive	Houlihan Lokey and Ken Potashner Engagement Agreement, dated 3/21/2013	PAMTINV0061969-80					
538.pdf	Thumbdrive	Email to Ron Doornink, Karen Kenworthy from Juergen Stark regarding Parametric Sound, dated 3/22/2013	STRIPES 0015455-56	yes	8/24/14	no	8/24/14	WA
539.pdf	Thumbdrive	Email to Robert Kaplan, Seth Putterman, Jim Barnes from Elwood Norris regarding BOD, dated 3/22/2013	PAMTINV0144533-35	Stop.	8/19	NO.	8/19	WA
540.pdf	Thumbdrive	Email to Daniel Hoverman from James Barnes cc J. Todd, K. Potashner regarding Investor CA; Attachment PAMT Projections 2013 v4, dated 3/24/2013	TB-00076708-12					
541.pdf	Thumbdrive	Email to James Barnes from Ken Potashner regarding Model, dated 3/24/2013	TB-00069188	Stop.	8/19	NO.	8/19	WA
542.pdf	Thumbdrive	Email to Robert Kaplan from Elwood Norris regarding Hi Woody, dated 3/24/2013	PAMTINV0165606-07	Stop.	8/20	NO.	8/20	WA
543.pdf	Thumbdrive	Minutes of an Informal Meeting of the Independent Directors of Parametric Sound Corp., dated 3/26/2013	PAMTINV0000099-101					
544.pdf	Thumbdrive	Letter Agreement between Houlihan Lokey and Ken Potashner, dated 3/27/2013	PAMTINV0059428-37	Stop	8/19	NO.	8/19	WA
545.pdf	Thumbdrive	Email to John Todd from "Ken" forwarding License, dated 3/27/2013	TODD0003479-80	Stop	8/20	NO.	8/20	WA
546.pdf	Thumbdrive	Email to Andrew Wolfe from James Barnes cc R. Kaplan, S. Putterman, J. Honore regarding HHI Licenses, dated 3/27/2013	PAMTINV0077522-24					WA
547.pdf	Thumbdrive	Email to Elwood Norris from Seth Putterman cc J Barnes regarding PAMT HHI License Confidential, dated 3/27/2013	PAMTINV0123887					WA
548.pdf	Thumbdrive	Email to Juergen Stark from Karen Kenworthy cc K. Fox, B. Murphy regarding PAMT Press Release; Attachment PAMT Scenario Analysis v2, dated 3/28/2013	STRIPES 0004536-39	no yes	8/17 8/24/14	yes no	8/24/14	WA
549.pdf	Thumbdrive	Email to Karen Kenworthy from Ken Potashner regarding Update, dated 3/28/2013	STRIPES 0003380					
550.pdf	Thumbdrive	Email to Ken Potashner from Tracy Neumann cc T. Neumann regarding "forwarding", dated 3/28/2013	TB-00067120-22	Stop.	8/19	NO.	8/19	WA
551.pdf	Thumbdrive	Email to Ron Doornink from Juergen Stark cc K. Fox, B. Murphy, K. Kenworthy regarding PAMT Press Release, dated 3/28/2013	VTBH008044-48	yes	8/24/14	no	8/24/14	WA
552.pdf	Thumbdrive	Email to Daniel Hoverman, Mark Dufilho, Cyril Berdugo from James Barnes regarding Pipeline and Updated Projections; Attachment PAMT Confidential Pipeline March 2013, PAMT Projections 2013 v6, dated 3/28/2013	TODD0003552-54					
553.pdf	Thumbdrive	Email to Jim Barnes from "Ken" forwarding Update, dated 3/28/2013	PAMT0039561					
554.pdf	Thumbdrive	Email to Ken Potashner from Juergen Stark regarding Monday Meeting, dated 3/29/2013	VTBH 0011272-73	Stop.	8/19	NO.	8/19	WA
555.pdf	Thumbdrive	Email to John Todd, Ken Potashner from James Barnes regarding Monday's Meeting; Attachment Turtle Beach, dated 3/29/2013	TB-00069147-51					
556.pdf	Thumbdrive	Email to John Todd, James Barnes from Ken Potashner forwarding Monday's Meeting, dated 3/29/2013	PAMTINV0039620-23					
557.pdf	Thumbdrive	Email to James Barnes from "Ken" regarding Monday's Meeting, dated 3/29/2013	PAMTINV0039630-32	Stop.	8/19	NO	8/19	WA
558.pdf	Thumbdrive	Email to Ken Potashner from Andrew Wolfe forwarding Turtle Beach Related Aptry Transaction - Monday's Meeting, dated 3/30/2013	PAMTINV0159192-93					
559.pdf	Thumbdrive	Email to James Barnes from Ken Potashner bec A. Wolfe regarding Call, dated 3/30/2013	PAMTINV0154146-47					
560.pdf	Thumbdrive	Email to Cyril Berdugo from James Barnes cc K. Potashner, J. Todd regarding Pipeline and Updated Projections; Attachment PAMT Projections, HSS FY2013 Pipeline, dated 3/31/2013	PAMT0034377-80					
561.pdf	Thumbdrive	Email to Seth Putterman from James Barnes regarding Legal, dated 3/31/2013	PAMTINV0116844	Stop.	8/20	NO	8/20	WA
562.pdf	Thumbdrive	Email to John Todd from Ken Potashner regarding, dated 3/31/2013	TODD0003597					
563.pdf	Thumbdrive	Email to James Barnes from Ken Potashner regarding Game Day, dated 3/31/2013	PAMTINV0125964					
564.pdf	Thumbdrive	Parametric Sound Corp. Form 10-Q, dated 3/31/2013		Stop	8/19	NO.	8/19	WA
565.pdf	Thumbdrive	Parametric Sound Corp. Draft For Discussion Purposes Only, dated 4/00/2013	PAMTINV0006093-103					
566.pdf	Thumbdrive	Email to Ken Fox, Karen Kenworthy, Ron Doornink, Bruce Murphy from Juergen Stark regarding Parametric Info, dated 4/1/2013	STRIPES 0002543-45					
567.pdf	Thumbdrive	Email to Andrew Wolfe from James Barnes regarding License; Attachment Draft License to HyperSound 4-1-13, dated 4/2/2013	PAMTINV0121915-28					
568.pdf	Thumbdrive	Email to Robert Kaplan from James Barnes regarding BOD Meet, dated 4/4/2013	PAMTINV0165538					

				Stip.	Date Offered	Objector	Date Admitted	
569.pdf	Thumbdrive	Minutes of a Joint Meeting of the Board of Directors and Audit Committee of Parametric Sound Corp., dated 4/4/2013	PAMTINV0000102-04					
570.pdf	Thumbdrive	Email to Cyril Berdugo from Ken Potashner cc J. Barnes, D. Hoveman, A. Greenway, A. Kupka, J. Todd regarding Demo Follow-Up, dated 4/5/2013	HL-PARA00053912-13	Stip.	8/19	NO	8/19	WA
571.pdf	Thumbdrive	Email to James Barnes from Ken Potashner forwarding Demo, dated 4/5/2013	PAMTINV0128536-37					
572.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner forwarding Update, dated 4/6/2013	TB-00069092-93	Stip.	8/19	NO	8/19	WA
573.pdf	Thumbdrive	Email to Ken Fox, Ron Doornink, Karen Kenworthy from Juergen Stark forwarding Update, dated 4/6/2013	STRIPES 0010972-73					
574.pdf	Thumbdrive	Email to Juergen Stark from Ken Fox cc R. Doornink, K. Kenworthy regarding Update, dated 4/6/2013	STRIPES 0012849-51					
575.pdf	Thumbdrive	Email to Ken Fox, Ron Doornink, Karen Kenworthy, Bruce Murphy from Juergen Stark regarding Parametric Call #2 Update, dated 4/6/2013	STRIPES 0012833-34	yes	8/24/14	NO	8/24/14	WA
576.pdf	Thumbdrive	Email to Cyril Berdugo from Daniel Hoveman cc J. Barnes, M. Dufilho, A. Greenway, A. Kupka, john1228@earthlink regarding Demo Follow-Up, dated 4/6/2013	PAMTINV0034488-90					
577.pdf	Thumbdrive	Email to Ken Fox, Ron Doornink, Karen Kenworthy, Bruce Murphy from Juergen Stark forwarding Gaming/Computing License; Attachment PAMT VTB License Agreement Term Sheet - Draft v1, dated 4/6/2013	STRIPES 0010959-61	Stip	8/19	NO	8/19	WA
578.pdf	Thumbdrive	Email to Ken Fox from Juergen Stark cc R. Doornink, K. Kenworthy regarding Update, dated 4/7/2013	STRIPES 0010979-82	yes	8/24/14	NO	8/24/14	WA
579.pdf	Thumbdrive	Email to Ken Potashner from James Barnes regarding Non Excl License, dated 4/7/2013	TB-00069078-80					
580.pdf	Thumbdrive	Email to James Barnes from Ken Potashner regarding Prep, dated 4/7/2013	PAMTINV0162567-68					
581.pdf	Thumbdrive	Email to Ken Potashner from Mark Dufilho cc J. Todd, J. Barnes, A. Greenway regarding Non Excl License, dated 4/7/2013	PAMTINV0034493-95					
582.pdf	Thumbdrive	Email to Seth Putterman from Elwood Norris regarding Update, dated 4/7/2013	PAMTINV0113854-56	Stip.	8/20	NO	8/20	WA
583.pdf	Thumbdrive	Email to Mitch Thrower from Ken Potashner regarding BUMP Contract, dated 4/8/2013	PAMTINV0161505-06	Stip	8/19	NO	8/19	WA
584.pdf	Thumbdrive	Email to Daniel Hoveman, Mark Dufilho, Adam Greenway, Andrew Kupka from Cyril Berdugo regarding PAMT Investor Feedback, dated 4/9/2013	HL-PARA00054107	NO.	8/19	Obj.	Sustained	WA
585.pdf	Thumbdrive	Email to Ron Doornink, Ken Fox, Karen Kenworthy from Juergen Stark regarding Parametric, dated 4/9/2013	STRIPES 0011584-85	yes	8/24/14	NO	8/24/14	WA
586.pdf	Thumbdrive	Email to Kenneth Fox from Ron Doornink forwarding Parametric, dated 4/9/2013	STRIPES 0027277-78					
587.pdf	Thumbdrive	Email to Ken Potashner, John Todd, Jim Barnes from Mark Dufilho cc A. Greenway regarding Non Excl License, dated 4/9/2013	PAMTINV0034497-502					
588.pdf	Thumbdrive	Email to Elwood Norris from Seth Putterman regarding Brian and A and Banking, dated 4/14/2013	PAMTINV0147177	Stip.	8/20	NO	8/20	WA
589.pdf	Thumbdrive	Email to Ken Potashner from Bruce Murphy cc J. Barnes, J. Stark regarding Due Diligence Request Item 2, 2013 YTD Financials; Attachment VTB Inc. 2013 Monthly Confidential, dated 4/15/2013	VTBH003658-61					
590.pdf	Thumbdrive	Email to Ken Potashner from Bruce Murphy cc J. Stark regarding Due Diligence Request Item 2, 2013 YTD Financials; Attachment VTB Inc. 2013 Monthly Confidential, dated 4/15/2013	VTBH008571-72					
591.pdf	Thumbdrive	Email to Ken Potashner from Bruce Murphy cc J. Barnes, J. Stark regarding Item 4 - Summary Financials through 2016; Attachment Summary Financials 2013-16, dated 4/15/2013	PAMT0042353-54					
592.pdf	Thumbdrive	Email to Juergen Stark, Ken Potashner from James Barnes regarding Warrants, dated 4/17/2013	VTBH007889					
593.pdf	Thumbdrive	Email to James Barnes from Juergen Stark cc K. Potashner regarding Warrants, dated 4/17/2013	VTBH015940-41					
594.pdf	Thumbdrive	Email to Mark Dufilho from Daniel Hoveman regarding Financing, dated 4/18/2013	HL-PARA00054810					
595.pdf	Thumbdrive	Email to PAMT Directors from James Barnes cc M. Dufilho, A. Greenway, J. Hentrich regarding Confidential BOD Materials; Attachment VTB and PAMT Rationale, VTB PAMT Term Sheet 4-19-13, VTB Overview, dated 4/19/2013	PAMTINV0085838-56	Stip.	8/19	NO	8/19	WA
596.pdf	Thumbdrive	Email to Andrew Wolfe from Ken Potashner regarding Confidential BOD Materials, dated 4/19/2013	PAMTINV0121888-89	Stip.	8/19	NO	8/19	WA
597.pdf	Thumbdrive	Email to Ken Potashner from James Barnes cc J. Todd regarding VTB Debt, dated 4/19/2013	TB-00076634					
598.pdf	Thumbdrive	Email to James Barnes from Andrew Wolfe cc M. Dufilho, A. Greenway, J. Hentrich, K. Potashner regarding Confidential BOD Materials, dated 4/20/2013	PAMTINV0166123-24					
599.pdf	Thumbdrive	Minutes of the Special Meeting of the Board of Directors of Parametric Sound Corp., dated 4/20/2013	PAMTINV0000117-19	Stip.	8/20	NO	8/20	WA
600.pdf	Thumbdrive	Email to Ken Potashner from Rick Hartfield cc D. Wambecke regarding Fairness Opinion, dated 4/22/2013	Craig-Hallum_Parametric_013715					
601.pdf	Thumbdrive	Email to Ken Fox from Juergen Stark cc R. Doornink, K. Kenworthy, B. Murphy, R. Kulavik regarding Notes from Audiologist Meeting, dated 4/22/2013	STRIPES 00002418-20					
602.pdf	Thumbdrive	Email to Ronald Doornink from Frederick Romano cc "Ken," C. Bonanno, J. Stark, "Molly," S. Weiss, B. Murphy regarding Monday VTB BOD Call, dated 4/22/2013	VTBH 002007					
603.pdf	Thumbdrive	Minutes of the Special Meeting of the Board of Directors of Parametric Sound Corp., dated 4/22/2013	PAMTINV0000120-21	Stip.	8/20	NO	8/20	WA

Stip. Date Offered Objection Admitted

604.pdf	Thumbdrive	Email to Ken Potashner from Juergen Stark regarding Ken re: License Agreement; Attachment PAMT VTB License Agreement Term Sheet - Draft v3, dated 4/23/2013	PAMTINV0108147-51					
605.pdf	Thumbdrive	Email to "DM" from Ronald Doornink regarding For Our Call Tomorrow; Attachment VTB-Parametric Deal, dated 4/24/2013	STRIPES 0028879-80					
606.pdf	Thumbdrive	Letter Agreement between Craig-Hallum Capital Group LLC and Ken Potashner, dated 4/24/2013	PAMTINV0042670-75					
607.pdf	Thumbdrive	Minutes of the Special Meeting of the Board of Directors of Parametric Sound Corp., dated 4/25/2013	PAMTINV0000122-25	Stip.	8/20	NO	8/20	WA
608.pdf	Thumbdrive	Email to Bruce Murphy from Juergen Stark cc R. Doornink, K. Kenworthy regarding Audited Financials, dated 4/25/2013	STRIPES 0001073-74					
609.pdf	Thumbdrive	Email to Ken Fox from Karen Kenworthy cc D. Marriott, R. Shah regarding PAMT, dated 4/26/2013	STRIPES 0006216-17					
610.pdf	Thumbdrive	Email to Rivik Mehta, Sara Mattson, Seth Putterman from Ken Potashner forwarding Parametric Demo, dated 4/26/2013	PAMTINV0107486-89	Stip.	8/20	NO	8/20	WA
611.pdf	Thumbdrive	Email to Ken Potashner from Seth Putterman cc S. Mattson, E. Norris, J. Barnes regarding Audiologist, dated 4/26/2013	PAMTINV0033216-22	Stip.	8/20	NO	8/20	WA
612.pdf	Thumbdrive	Email to "Ken" from Ron Doornink cc J. Stark, "Karen," "DM" regarding Monday's Meeting - Can You Come to VTB, dated 4/27/2013	STRIPES 0006231	yes	8/24/14	no	8/24/14	WA
613.pdf	Thumbdrive	Email to Ron Doornink, Ken Fox, Karen Kenworthy from Juergen Stark forwarding PAMT - My Thoughts and Concerns, dated 4/28/2013	STRIPES 0006263-65	yes	8/24/14	no	8/24/14	WA
614.pdf	Thumbdrive	Email to Ronald Doornink, Ken Fox from Dan Marriott cc J. Stark, K. Kenworthy regarding Monday's Meeting - Can You Come to VTB77, dated 4/28/2013	VTBH 016386-87					
615.pdf	Thumbdrive	Minutes of the Regular Meeting of the Board of Directors of Parametric Sound Corp., dated 5/1/2013	PAMTINV0000126-33	Stip.	8/20	NO	8/20	WA
616.pdf	Thumbdrive	Email to Ken Potashner from Joshua Weisbord cc R. Santulli, R. Masterson regarding NDAs/Docs, dated 5/3/2013	PAMTINV0107366-67	Stip.	8/19	NO	8/19	WA
617.pdf	Thumbdrive	Email to John Todd from Ken Potashner forwarding Update, dated 5/3/2013	TODD0000476					
618.pdf	Thumbdrive	Email to John Todd, Jim Barnes from Ken Potashner forwarding Call, dated 5/3/2013	TODD0000477					
619.pdf	Thumbdrive	Email to Ken Potashner from John Todd regarding Thought, dated 5/3/2013	TODD0002187					
620.pdf	Thumbdrive	Email to James Barnes from Ken Potashner regarding Thoughts, dated 5/5/2013	PAMTINV0162824					
621.pdf	Thumbdrive	Richard Santulli Confidentiality Agreement, dated 5/6/2013	PAMTINV0078540-44					
622.pdf	Thumbdrive	Email to Joshua Weisbord, Jim Barnes from Ken Potashner forwarding NDAs/Docs; Attachment PAMT - Investor CA - May 2013 - Santulli; PAMT - Investor CA - May 2013 - Masterson, dated 5/7/2013	PAMTINV0150119-27	Stip.	8/19	NO	8/19	WA
623.pdf	Thumbdrive	Email to Ken Potashner from Seth Putterman cc J. Barnes regarding Short Interest, dated 5/11/2013	TB-00068802-03					
624.pdf	Thumbdrive	Email to James Barnes from Ken Potashner regarding Confidential Amazon IP Review, dated 5/11/2013	PAMTINV0154419-21	Stip.	8/19	NO	8/19	WA
625.pdf	Thumbdrive	Email to James Barnes from Ken Potashner regarding Please Bring PAMT Management to See Us At the Earliest Opportunity, dated 5/17/2013	PAMTINV0162532-37	Stip.	8/19	NO	8/19	WA
626.pdf	Thumbdrive	Email to Juergen Stark from James Barnes cc K. Potashner regarding Commercial Business, dated 5/22/2013	PAMT0049643-45					
627.pdf	Thumbdrive	Turtle Beach VTB Long Range Forecast First Draft, dated 5/22/2013	STRIPES 0011448-58					
628.pdf	Thumbdrive	Email to Ken Fox from Juergen Stark regarding PAMT Discussion Tomorrow, dated 5/22/2013	STRIPES 0062747	yes	8/24/14	no	8/24/14	WA
629.pdf	Thumbdrive	Email to John Todd from Ken Potashner regarding "forwarding", dated 5/23/2013	TODD0000515					
630.pdf	Thumbdrive	Email to James Barnes from Ken Potashner regarding Random Thoughts, dated 5/24/2013	PAMTINV0162654	Stip.	8/19	NO	8/19	WA
631.pdf	Thumbdrive	Email to John Todd from Ken Potashner regarding Misc Random Ramblings, dated 5/27/2013	TODD0000517-18	Stip.	8/19	NO	8/19	WA
632.pdf	Thumbdrive	Email to Ken Potashner from James Barnes cc J. Todd regarding Confidential - Audited Financials, dated 5/28/2013	TB-00076489-90					
633.pdf	Thumbdrive	Email to Mark Dufilho from Mark Dufilho regarding For Ken, dated 5/29/2013	HL-PARA00037441					
634.pdf	Thumbdrive	Email to James Barnes from Seth Putterman cc E. Norris regarding The Obvious re TB + PAMT, dated 6/1/2013	PAMTINV0077604	Stip.				
635.pdf	Thumbdrive	Email to Seth Putterman from Ken Potashner regarding Update, dated 6/3/2013	PAMTINV0162900	Stip.	8/19	NO	8/19	WA
636.pdf	Thumbdrive	Email to Seth Putterman from Ken Potashner regarding Update, dated 6/3/2013	PAMTINV0113473-75	Stip.	8/20	NO	8/20	WA
637.pdf	Thumbdrive	Email to Ken Fox from Karen Kenworthy regarding TB, dated 6/4/2013	STRIPES 0007502-03					
638.pdf	Thumbdrive	Email to Andrew Wolfe from Ken Potashner regarding Update, dated 6/6/2013	PAMTINV0121821-22					
639.pdf	Thumbdrive	Email to James Barnes from Ken Potashner regarding Summary of Choices, dated 6/9/2013	PAMTINV0162758					
640.pdf	Thumbdrive	Email to Ken Fox, Ron Doornink, Karen Kenworthy, Bruce Murphy from Juergen Stark regarding PAMT, dated 6/10/2013	VTBH 009959					
641.pdf	Thumbdrive	Minutes of the Special Meeting of the Board of Directors of Parametric Sound Corp., dated 6/10/2013	PAMTINV0000140-41	Stip.	8/20	NO	8/20	WA
642.pdf	Thumbdrive	Email to Bruce Murphy from Karen Kenworthy cc J. Stark regarding PNC, dated 6/11/2013	VTBH 002836-39					
643.pdf	Thumbdrive	Fax to Karen Kenworthy from Ken Potashner regarding Financial Due Diligence, dated 6/20/2013	STRIPES 0013856-57					

				Stip.	Date Offered	Objective	Date Admitted	
644.pdf	Thumbdrive	Email to Mark DuSilho, Adam Greenway, Daniel Hoverman, Andrew Kupka from Ken Potashner cc J. Hentrich, J. Barnes regarding Diligence, dated 6/20/2013	PAMTINV0147846					
645.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner regarding Fairness Opinion, dated 6/25/2013	VTBH 010763-64	yes	8/24/11	no	8/24/11	WA
646.pdf	Thumbdrive	Email to "Ken" from John Todd regarding Fairness Opinion, dated 6/25/2013	TODD0002084-85					
647.pdf	Thumbdrive	Minutes of the Special Meeting of the Board of Directors of Parametric Sound Corp., dated 6/25/2013	PAMTINV0000142-43	Stip.	8/20	NO	8/20	WA
648.pdf	Thumbdrive	Email to David Wambecke from James Barnes regarding Forecast; Attachment PAMT - Financial Projections - TB v6, dated 6/27/2013	TB-00075204-06					
649.pdf	Thumbdrive	Handwritten Notes regarding "Phone Call from Ken Potashner re HHI PAMT & Turtle Bay", dated 6/29/2013	PAMTINV0163257-65	Stip.	8/20	NO	8/20	WA
650.pdf	Thumbdrive	Email to Adam Greenway from James Barnes regarding Forecast; Attachment PAMT - Financial Projections TB, dated 6/30/2013	PAMT0038380-83					
651.pdf	Thumbdrive	Parametric Sound Corp. Draft For Discussion Purposes Only, dated 7/00/2013	PAMTINV0005066-89					
652.pdf	Thumbdrive	Craig-Hallum Draft Presentation to the Board of Directors, dated 7/00/2013	PAMTINV0005006-65					
653.pdf	Thumbdrive	Email to Robert Kaplan from Elwood Norris forwarding Update, dated 7/1/2013	PAMTINV0165442-43	Stip.	8/19	NO	8/19	WA
654.pdf	Thumbdrive	Email to James Barnes from Robert Kaplan regarding Requested Merger Documents, dated 7/1/2013	TB-00074934					
655.pdf	Thumbdrive	Email to Seth Putterman from Juergen Stark cc K. Potashner, J. Barnes re PAMT, dated 7/1/2013	TB-00074962-63	Stip	8/20	NO	8/20	WA
656.pdf	Thumbdrive	Email to Seth Putterman from Robert Kaplan cc E. Norris, J. Barnes, J. Hentrich, R. Kaplan, A. Wolfe, J. Honore regarding PAMT 3:30 Tuesday Bd Mtg, dated 7/1/2013	PAMTINV0077610-11	Stip	8/19	NO	8/19	WA
657.pdf	Thumbdrive	Email to Ken Potashner from Juergen Stark cc S. Putterman, J. Barnes regarding Update, dated 7/1/2013	PAMTINV0112942-44	Stip.	8/20	NO	8/20	WA
658.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner cc S. Putterman, J. Barnes bcc J. Todd, J. Hentrich re Update, dated 7/1/2013	PAMTINV0158938					
659.pdf	Thumbdrive	Email to David Wambecke from James Barnes cc K. Potashner, R. Wemli regarding Latest VTB Draft 2012 Audit; Attachment Voyetra 2012 FT Draft 6-18-13, dated 7/1/2013	PAMTINV0085701-25					
660.pdf	Thumbdrive	Email to Juergen Stark from James Barnes cc S. Putterman regarding HHI; Attachment HHS Stock Option 2013 Q2-March 2013, dated 7/1/2013	PAMTINV0116232-33					
661.pdf	Thumbdrive	Email to Elwood Norris, Seth Putterman, Andrew Wolfe, James Honore, Robert Kaplan from James Barnes regarding Requested Merger Documents; Attachment Paris Merger Agreement Redline, Project Paris Issues List re 6.14.13 Merger Agreement Draft, PAMT-VTB Issues v2, VTBH-PAMT Merger 20, VTBH + PAMT Merger 19, dated 7/1/2013	PAMTINV0163213-15					
662.pdf	Thumbdrive	Email to Elwood Norris, James Barnes, John Hentrich from Seth Putterman cc R. Kaplan, A. Wolfe, J. Honore forwarding PAMT 3:30 Tuesday Bd Mtg, dated 7/1/2013	PAMTINV0112896-98	Stip.	8/20	NO	8/20	WA
663.pdf	Thumbdrive	Email to James Barnes from Elwood Norris regarding Plus/Minus Review, dated 7/1/2013	PAMTINV0033878					
664.pdf	Thumbdrive	Email to Andrew Wolfe from Elwood Norris forwarding Clarification, dated 7/1/2013	PAMTINV0121816					
665.pdf	Thumbdrive	Minutes of the Special Meeting of the Board of Directors of Parametric Sound Corp., dated 7/1 - 2/2013	PAMTINV0000160-63	Stip.	8/20	NO	8/20	WA
666.pdf	Thumbdrive	Email to Ken Potashner from Andrew Wolfe forwarding Juergen Computation of Ken Position; Attachment Ownership Value Comparison, dated 7/2/2013	PAMTINV0122315-16					
667.pdf	Thumbdrive	Email to Ken Potashner from Juergen Stark regarding HHI, dated 7/3/2013	PAMTINV0105854-55					
668.pdf	Thumbdrive	Email to Jeffrey Doherty from Bruce Murphy cc K. Kenworthy, A. Alexander, K. Larkin, L. Daly, M. Levering, J. Stark regarding TB-Amendment; Attachment VTB 2013-2015 VTB and PAMT Model - Downside, dated 7/3/2013	STRIPES 0008979-82					
669.pdf	Thumbdrive	Email to Ken Potashner, John Todd from James Barnes regarding October through December Monthly Revenues; Attachment PAMT - Financial Projections TB v6, dated 7/3/2013	TB-00123375-76					
670.pdf	Thumbdrive	Email to Bruce Murphy from James Barnes regarding Confidential - PAMT Numbers; Attachment PAMT - Financial Projections TB v6, dated 7/3/2013	TB-00123439-40					
671.pdf	Thumbdrive	Email to Elwood Norris from Robert Kaplan regarding Ken, dated 7/3/2013	TB-00123404					
672.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner regarding PNC, dated 7/3/2013	PAMTINV0105023-24	yes	8/24/11	no	8/24/11	WA
673.pdf	Thumbdrive	Email to James Barnes, Seth Putterman from Juergen Stark forwarding HHI, dated 7/3/2013	PAMTINV0112705	Stip.	8/20	NO	8/20	WA
674.pdf	Thumbdrive	Email to James Barnes from Andrew Wolfe regarding Confidential - Model for Our Discussion - Not for VTB or Elsewhere, dated 7/3/2013	TB-00074874-75					
675.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner regarding Weekend Meeting, dated 7/4/2013	PAMTINV0163004-06					
676.pdf	Thumbdrive	Minutes of the Special Meeting of the Board of Directors of Parametric Sound Corp., dated 7/5/2013	PAMTINV0000164-70	Stip.	8/20	NO	8/20	WA
677.pdf	Thumbdrive	Email to Joshua Weisbord from Ken Potashner regarding Letter from Joshua Weisbord to PAMT Board of Directors 7_5_2013, dated 7/5/2013	PAMTINV0105340-41					

678.pdf	Thumbdrive	Email to James Honore, Seth Putterman, Andrew Wolfe, Elwood Norris, Robert Kaplan from Ken Potashner cc J. Hentrich forwarding Letter from Joshua Weisbord to PAMT Board of Directors 7-5-2013, dated 7/5/2013	PAMTINV0086428-29	Stip.	8/19	No.	8/19	WA
679.pdf	Thumbdrive	Email to Andrew Wolfe from Ken Potashner cc E. Norris, J. Honore, S. Putterman, R. Kaplan, J. Barnes regarding Update on Executive Session, dated 7/5/2013	PAMTINV0162867					
680.pdf	Thumbdrive	Email to Andrew Wolfe from Ken Potashner cc E. Norris, J. Honore, S. Putterman, R. Kaplan re Update on Executive Session, dated 7/5/2013	PAMTINV0061347-48					
681.pdf	Thumbdrive	Email to E. Norris from Puheman forwarding Letter from Joshua Weisbord to PAMT Board of Directors 7 5 2013, dated 7/5/2013	PAMTINV0112687-89	Stip.	8/20	NO	8/20	WA
682.pdf	Thumbdrive	Email to Andrew Wolfe from Ken Potashner cc E. Norris, J. Honore, S. Putterman, R. Kaplan regarding Update on Executive Session, dated 7/5/2013	PAMTINV0115321					
683.pdf	Thumbdrive	Email to Seth Putterman from Ken Potashner regarding Conference Call, dated 7/5/2013	PAMTINV0112699-700					
684.pdf	Thumbdrive	Email to Andrew Wolfe, Ken Potashner, Jim Barnes, Seth Putterman, Robert Kaplan from Elwood Norris regarding Resend of Email to Andy, dated 7/6/2013	PAMT0033896-97	Stip.	8/20	NO	8/20	WA
685.pdf	Thumbdrive	Email to Woody Norris, Jim Barnes, Andrew Wolfe, James Honore, Seth Putterman from Robert Kaplan regarding Options, dated 7/6/2013	PAMTINV0115318					
686.pdf	Thumbdrive	Email to Ken Potashner from Seth Putterman cc A. Wolfe, J. Barnes, E. Norris, M. Dufilho, J. Honore, R. Kaplan, J. Hentrich regarding HHI Dilution, dated 7/6/2013	PAMTINV0112683-86	Stip.	8/20	NO	8/20	WA
687.pdf	Thumbdrive	Email to Seth Putterman from Ken Potashner regarding Final Chapter, dated 7/7/2013	PAMTINV0154974-75	Stip.	8/20	NO	8/20	WA
688.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner forwarding Draft Press releases; Attachment PAMT-DA-Turtle Beach-2013-v3; PAMT-StrategicUpdate-06-6-2013-v3, dated 7/7/2013	VTBH 008077-83	Stip.	8/19	No.	8/19	WA
689.pdf	Thumbdrive	Email to Seth Putterman from Ken Potashner bcc J. Todd regarding Final Chapter, dated 7/7/2013	PAMTINV0154977					
690.pdf	Thumbdrive	Email to Elwood Norris, Jim Barnes, Seth Putterman, James Honore, Andrew Wolfe, Robert Kaplan from Ken Potashner cc J. Hentrich forwarding Please Send to Board, dated 7/8/2013	PAMTINV0112577-78	Stip	8/19	No.	8/19	WA
691.pdf	Thumbdrive	Email to Andrew Wolfe from Ken Potashner regarding HHI Option Replacement, dated 7/8/2013	PAMTINV0121780					
692.pdf	Thumbdrive	Email to James Barnes from Daniel Hoverman cc K. Potashner, M. Dufilho regarding BDCA, dated 7/9/2013	PAMTINV0100292-93					
693.pdf	Thumbdrive	Email to Elwood Norris from Seth Putterman forwarding Update, dated 7/9/2013	PAMTINV0115310-11					
694.pdf	Thumbdrive	Email to Woody Norris from Robert Kaplan regarding HHI, dated 7/9/2013	PAMTINV0144449-51					
695.pdf	Thumbdrive	Email to Mark Dufilho, Adam Greenway, Andrew Kupka, Daniel Hoverman from David Wambeke cc M. Celin regarding Transaction Timing; Attachment VTB Request List, dated 7/10/2013	HL-PARA00053093-94					
696.pdf	Thumbdrive	Email to Andrew Wolfe from Seth Putterman regarding More HHI Scenarios, dated 7/10/2013	PAMTINV0112558-59	Stip.	8/20	NO	8/20	WA
697.pdf	Thumbdrive	Email to Andrew Wolfe from Elwood Norris regarding Update, dated 7/10/2013	PAMTINV0121770					
698.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner regarding Legal Effort PAMT, dated 7/11/2013	PAMTINV0105035-36	Stip.	8/19	No.	8/19	WA
699.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner forwarding Letter from Joshua Weisbord to PAMT Board of Directors 7_5_2013, dated 7/12/2013	VTBH 003922-23	Stip.	8/19	No.	8/19	WA
700.pdf	Thumbdrive	Email to Mark Dufilho from Ken Potashner cc J. Barnes, D. Hoverman bcc J. Todd regarding Stripes Debt Terms, dated 7/12/2013	PAMTINV0158018-19					
701.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner regarding "Re", dated 7/12/2013	VTBH009741-42					
702.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner regarding Update, dated 7/12/2013	PAMTINV0104290-94	Stip.	8/19	No.	8/19	WA
703.pdf	Thumbdrive	Email to Rhonda Robinson from Bruce Murphy regarding Data Room; Attachment All Sales Plan 6.26.2013, Turtle Beach Lender Presentation - July Final, VTB 2013-2014 Model-Base, dated 7/15/2013	TB-00113037-122					
704.pdf	Thumbdrive	Email to James Barnes from David Wambeke cc K. Potashner, M. Celin regarding VTB Timing; Attachment PAMT - Financial Projections TBv6, PAMT Stockownership 6302013, Stock Option 2013Q3-6302013, VTBH-PAMT Merger - 19, dated 7/18/2013	TB-00063871-77					
705.pdf	Thumbdrive	Email to Bruce Murphy from Adam Greenway cc M. Dufilho, K. Kenworthy, D. Hoverman, A. Kupka regarding Quick To-Dos, dated 7/18/2013	HL-PARA00029522-27					
706.pdf	Thumbdrive	Email to Adam Greenway from Andrew Kupka regarding VTB; Attachment Turtle Beach 2013 & 2014 Financials Analysis, dated 7/18/2013	HL-PARA00029528-29					
707.pdf	Thumbdrive	Email to Mark Dufilho, Daniel Hoverman from Adam Greenway regarding VTB; Attachment Turtle Beach 2013 & 2014 Financial Analysis, dated 7/19/2013	HL-PARA00029733-34					
708.pdf	Thumbdrive	Email to Robert Kaplan from Elwood Norris regarding A Few Thoughts, dated 7/19/2013	PAMTINV0165333					
709.pdf	Thumbdrive	Email to Elwood Norris from Robert Kaplan regarding A Few Thoughts, dated 7/19/2013	PAMTINV0061508					
710.pdf	Thumbdrive	Email to Robert Kaplan from Juergen Stark regarding Thank You, dated 7/19/2013	PAMTINV0061416-17					

				stop.	Date of final.	obj.	Date of final.	
711.pdf	Thumbdrive	Email to Elwood Norris from Ken Potashner regarding TB, dated 7/19/2013	PAMTNV0158040-41					
712.pdf	Thumbdrive	Email to Ron Doornink from Juergen Stark forwarding Info, dated 7/20/2013	VTBH 000124					
713.pdf	Thumbdrive	Minutes of the Special Meeting of the Board of Directors of Parametric Sound Corp., dated 7/20/2013	PAMT0000171-74	stop.	8/20	NO	8/20	WA
714.pdf	Thumbdrive	Email to Andrew Wolfe from Juergen Stark cc J. Barnes, K. Potashner re Bullet Points, dated 7/20/2013	PAMTNV0121699-700					
715.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner regarding Bullet Points, dated 7/20/2013	PAMTNV0104896-97					
716.pdf	Thumbdrive	Email to David Wambecke from James Barnes cc A. Kupka regarding PAMT Projections; Attachment PAMT - Financial ProjectionsTB-v7, dated 7/20/2013	Craig-Hallum_Parametric_016496-97					
717.pdf	Thumbdrive	Email to Ken Potashner from James Barnes forwarding DA Financial Statements; Attachment VTB Inc. Financials 6 2013, dated 7/21/2013	PAMT0041429-35	stop.	8/19	NO	8/19	WA
718.pdf	Thumbdrive	Email to Bruce Murphy, Tony Chan, Karen Kenworthy, Ken Fox from Juergen Stark cc R. Doornink forwarding VTB PAMT Acquisition, dated 7/21/2013	VTBH 011635-36					
719.pdf	Thumbdrive	Email to Ken Potashner from Andrew Wolfe regarding VTB PAMT Acquisition, dated 7/21/2013	PAMTNV0122205-06					
720.pdf	Thumbdrive	Email to Elwood Norris, James Barnes, James Honore, Seth Putterman from Andrew Wolfe cc K. Potashner, R. Kaplan, J. Hentrich forwarding VTB PAMT Acquisitions, dated 7/21/2013	PAMTNV0122212	stop	8/20	NO	8/20	WA
721.pdf	Thumbdrive	Email to Ken Potashner, Jim Barnes, Andy Wolfe from Juergen Stark cc R. Doornink regarding VTB PAMT Acquisition, dated 7/21/2013	TB-00063624-25	stop	8/19	NO	8/19	WA
722.pdf	Thumbdrive	Email to Jim Barnes from "Ken" cc A. Wolfe regarding HHI and My Resignation, dated 7/21/2013	PAMTNV0041262	stop	8/19	NO	8/19	WA
723.pdf	Thumbdrive	Email to Juergen Stark from Ron Doornink forwarding Update, dated 7/22/2013	VTBH 013436-37					
724.pdf	Thumbdrive	Email to Andrew Wolfe, Elwood Norris, James Barnes, James Honore, Seth Putterman, Ken Potashner, John Hentrich from Robert Kaplan regarding VTB PAMT Acquisition, dated 7/22/2013	PAMTNV0112517-19	stop	8/20	NO	8/20	WA
725.pdf	Thumbdrive	Email to Bruce Murphy from David Wambecke cc M. Dufilho, A. Greenway, M. Celin regarding Follow-Up Question; Attachment 2015 - 2016, dated 7/22/2013	HL-PARA00030163					
726.pdf	Thumbdrive	Email to Andrew Wolfe from Ken Potashner regarding Update, dated 7/22/2013	PAMTNV0121675					
727.pdf	Thumbdrive	Email to Andrew Wolfe from Ken Potashner regarding VTB PAMT Acquisition, dated 7/22/2013	PAMTNV0158539-40	stop	8/19	NO	8/19	WA
728.pdf	Thumbdrive	Email to PAMT Directors from James Barnes forwarding Draft Materials; Attachment PAMT_BOD Presentation_7.23.13, dated 7/23/2013	PAMTNV0165277-301					
729.pdf	Thumbdrive	Email to John Todd from Ken Potashner regarding VTB PAMT Acquisition, dated 7/23/2013	TODD0006360-62					
730.pdf	Thumbdrive	Email to Daniel Hoveman, Mark Dufilho, David Wambecke from James Barnes cc A. Greenway, A. Kupka, K. Potashner regarding Revised 81/19 Exchange Ratio; Attachment VTB Request List VTBH-PAMTmerger-19-v2-7232013 NEED ATTACHMENT, dated 7/23/2013	PAMTNV0044919-20					
731.pdf	Thumbdrive	Minutes of the Special Joint Meeting of the Board of Directors and Audit Committee of Parametric Sound Corp., dated 7/23/2013	PAMTNV0000175-77	stop.	8/19	NO	8/19	WA
732.pdf	Thumbdrive	Email to Ken Potashner from Robert Kaplan cc A. Wolfe, E. Norris, J. Barnes, J. Honore, S. Putterman, J. Hentrich regarding VTB PAMT Acquisition, dated 7/23/2013	PAMTNV0112504-07	stop.	8/20	NO	8/20	WA
733.pdf	Thumbdrive	Email to PAMT Directors from James Barnes forwarding BOD Meeting; Attachment Project Beam Fairness Opinion Presentation (Draft) 7.23.13, dated 7/23/2013	TB-00063504-65					
734.pdf	Thumbdrive	Email to Andrew Wolfe from Ken Potashner forwarding Update, dated 7/23/2013	PAMTNV0121546					
735.pdf	Thumbdrive	Email to David Lowey, Bob Picunko from Juergen Stark cc S. Hariharan, K. Potashner, J. Barnes, T. Neumann, D. Mossberg regarding Preparing for Agreement Announcement; Attachment PAMT-DA-Turtle Beach-2013-v3, dated 7/23/2013	PAMTNV0103786-91					
736.pdf	Thumbdrive	Email to Andrew Wolfe from Ken Potashner forwarding Break Up License, dated 7/23/2013	PAMTNV0121554-56					
737.pdf	Thumbdrive	Email to Adam Greenway from Bruce Murphy cc D. Wambecke, M. Dufilho, M. Celin regarding Follow-Up Question, dated 7/24/2013	HL-PARA00048176-79					
738.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner regarding Break Up License, dated 7/24/2013	VTBH 011230-35					
739.pdf	Thumbdrive	Minutes of the Meeting of the Board of Directors of VTB Holdings, Inc. & Voyetra Turtle Beach, Inc., dated 7/25/2013	STRIPES 0079451-56					
740.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner regarding Interesting Question, dated 7/25/2013	PAMTNV0104079-80	stop.	8/19	NO	8/19	WA
741.pdf	Thumbdrive	Email to Ken Potashner from Juergen Stark regarding Tony re Lock Ups, dated 7/28/2013	PAMTNV0103444-49					
742.pdf	Thumbdrive	Email to Ken Potashner from Juergen Stark regarding Series B/Phantom, dated 7/29/2013	PAMTNV0103520-21					
743.pdf	Thumbdrive	Email to James Honore, Robert Kaplan, Elwood Norris, James Barnes, Seth Putterman, Andrew Wolfe from Ken Potashner cc J. Hentrich regarding Update, dated 7/29/2013	PAMTNV0112975-76	stop.	8/20	NO	8/20	WA

Stip. Date Offered. Obj. Date Admt.

744.pdf	Thumbdrive	Email to Robert Wernli, Ken Potashner, James Barnes, Daniel Hoverman, Mark Duflho, Adam Greenway from Andrew Kupka cc J. Hentrich, J. Schendel regarding FY2012 Draft VTBH Financials; Attachment VTB Holdings 2012 FS Draft, dated 7/30/2013	PAMTINV0166542-67					
745.pdf	Thumbdrive	Email to Adam Greenway from Bruce Murphy cc M. Duflho regarding YTD Financials; Attachment VTB Inc. 2013 Monthly Financial Statement, dated 7/31/2013	HL-PARA00048745-47					
746.pdf	Thumbdrive	Email to James Barnes, Mark Duflho from Adam Greenway cc K. Potashner, A. Kupka, D. Hoverman regarding DA Financial Statements; Attachment VTB 2013 & 2014 Financials Analysis June YTD, dated 7/31/2013	TB-00062807-09					
747.pdf	Thumbdrive	Minutes of the Special Joint Meeting of the Board of Directors of Parametric Sound Corp., dated 7/31/2013	PAMTINV0000185-86	Stip.	8/20	NO	8/20	WA
748.pdf	Thumbdrive	Email to Woody Norris from Robert Kaplan regarding JET et al, dated 7/31/2013	PAMTINV0144512					
749.pdf	Thumbdrive	Email to Ken Potashner from Juergen Stark cc A. Wolfe, K. Potashner regarding 1 License Issue, dated 7/31/2013	TB-00062940-41					
750.pdf	Thumbdrive	Letter to Kenneth Potashner from Daniel Hoverman regarding March 21, 2013 Engagement Letter, dated 8/1/2013	PAMTINV0000311-12					
751.pdf	Thumbdrive	Email to Bruce Murphy from David Wambeke regarding VTB Forecast, dated 8/1/2013	TB-00115410					
752.pdf	Thumbdrive	Minutes of the Special Meeting of the Board of Directors of Parametric Sound Corp., dated 8/1/2013	PAMT0000187-88	Stip.	8/20	NO	8/20	WA
753.pdf	Thumbdrive	Email to Ken Potashner from Juergen Stark regarding Open Issues on PAMT License, dated 8/1/2013	PAMTINV0102938-40					
754.pdf	Thumbdrive	Craig Hallum Presentation to the Board of Directors, dated 8/2/2013	PAMTINV0006298-357	NO.	8/17	NO	8/17/21	WA
755.pdf	Thumbdrive	Email to John Todd from Ken Potashner regarding Reg Rights Excerpts, dated 8/2/2013	PAMTINV0157620-24					
756.pdf	Thumbdrive	Minutes of the Special Joint Meeting of the Board of Directors & Compensation Committee of Parametric Sound Corp., dated 8/2/2013	PAMT0000189-98	Stip.	8/19	NO	8/19	WA
757.pdf	Thumbdrive	Letter to Parametric Sound Corp. Board of Directors from Craig Hallum Capital Group LLC regarding Fairness Opinion, dated 8/2/2013	PAMT0001959-61	Stip.	8/19	NO	8/19	WA
758.pdf	Thumbdrive	Email to Jeremy Levy, Tony Chan, Sarah Rivard, Ken Potashner, John Hentrich from Juergen Stark regarding Lock Up, dated 8/2/2013	TB-00062335-36					
759.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner regarding Revised Plan, dated 8/2/2013	PAMTINV0101185-87					
760.pdf	Thumbdrive	Email to James Barnes from David Wambeke regarding Opinion; Attachment Craig-Hallum Fairness Opinion, dated 8/2/2013	Craig-Hallum_Parametric_018936-96					
761.pdf	Thumbdrive	Minutes of the Special Meeting of the Board of Directors of Parametric Sound Corp., dated 8/4/2013	PAMTINV0000199-200					
762.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner regarding Paris - Revisions to Merger Agreement, dated 8/5/2013	VTBH 001570-72					
763.pdf	Thumbdrive	Email to Juergen Stark from Ken Fox cc R. Doornink, K. Kenworthy forwarding PAMT - Press Release?; Attachment Paris PR 8-4-2013 v17 SG KK, dated 8/5/2013	STRIPES 0035226-34					
764.pdf	Thumbdrive	Email to Ken Fox from Karen Kenworthy regarding PAMT - Press Release?, dated 8/5/2013	STRIPES 0035235					
765.pdf	Thumbdrive	Email to Tony Chan, William Elder, Jeremy Levy from John Hentrich cc R. Wernli, M. Holder, J. Barnes re Ken Potashner HHI Releases/Option Amendment; Attachment HyperSound Health Inc. 2013 Equity Incentive Plan, dated 8/5/2013	PAMTINV0070604-44					
766.pdf	Thumbdrive	Email to Cody Cowper, John Hentrich, Tony Chan, William Elder, Jeremy Levy from Robert Wernli cc M. Holder, J. Barnes, J. Schendel re Ken Potashner HHI Releases/Option Amendment; Attachment 8 Todd Parametric Docs Final Signed by Todd, dated 8/5/2013	PAMTINV0070649-99					
767.pdf	Thumbdrive	Email to James Barnes from Seth Putterman cc E. Norris, K. Potashner regarding Confidential - Final Planned Press Release, dated 8/5/2013	PAMTINV0124027					
768.pdf	Thumbdrive	Email to Ken Potashner, James Barnes from Adam Greenway cc M. Duflho, A. Kupka, D. Hoverman regarding Go-Shop Process; Attachment PAMT Go-Shop Buyers List 8-6-2013, Parametric Sound Corporation to Merge with Turtle Bay, PAMT-Corp Presentation May 2013, dated 8/6/2013	PAMTINV0038748-75	Stip.	8/19	NO	8/19	WA
769.pdf	Thumbdrive	Email to David Mossberg from Tracy Neumann cc K. Potashner, S. Hooser regarding Adam Kahn@IceRose, dated 8/6/2013	TB-00129262					
770.pdf	Thumbdrive	Email to Mark Duflho from Daniel Hoverman regarding Draft Email To Ken, dated 8/7/2013	HL-PARA00050456-57					
771.pdf	Thumbdrive	Email to Mark Duflho from Daniel Hoverman regarding Solution, dated 8/7/2013	HL-PARA00094211-12					
772.pdf	Thumbdrive	Email to Karen Kenworthy from Tony Chan regarding Solution, dated 8/7/2013	STRIPES 0015532-33					
773.pdf	Thumbdrive	Email to Ken Potashner from Juergen Stark cc D. Hoverman, M. Duflho, R. Wernli, J. Hentrich, J. Barnes, T. Chan, K. Kenworthy, R. Doornink regarding Solutions; Attachment Additional Disclosure, dated 8/7/2013	STRIPES 0054682-85	Stip.	8/19	NO	8/19	WA
774.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner cc K. Kenworthy regarding Thoughts, dated 8/7/2013	STRIPES 0055044	Stip.	8/19	NO	8/19	WA
775.pdf	Thumbdrive	Email to Juergen Stark, Karen Kenworthy, Ron Doornink from Ken Potashner regarding New Thought Based On Our Discussion, dated 8/7/2013	PAMTINV0153463	Stip.	8/19	NO	8/19	WA

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776.pdf	Thumbdrive	Email to Juergen Stark from "Ken" regarding Final Script for Earnings Call, dated 8/8/2013	TODD0006515-16	Stip.	8/19	NO	8/19	WA
777.pdf	Thumbdrive	Parametric Sound Management F3Q13 Results - Earnings Call Transcript, dated 8/8/2013		Stip.	8/19	NO	8/19	WA
778.pdf	Thumbdrive	Email to John Todd from "Ken" forwarding Huge Win, dated 8/8/2013	TODD0006507	Stip.	8/19	NO	8/19	WA
779.pdf	Thumbdrive	Email to Ken Potashner from Joshua Weisbord forwarding Mike Malouf, dated 8/8/2013	PAMTINV0148949-50					
780.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner regarding Final Script for Earnings Call, dated 8/8/2013	VTBH005430-31					
781.pdf	Thumbdrive	Email to Mark Dufilho from Ken Potashner re Comps, dated 8/8/2013	PAMTINV0171692-95	Stip.	8/19	NO	8/19	WA
782.pdf	Thumbdrive	Email to John Todd from "Ken" forwarding Final Script for Earnings Call, dated 8/8/2013	TODD0006513-14					
783.pdf	Thumbdrive	Email to Juergen Stark from John Todd cc K. Potashner forwarding Preview; Attachment Juergen Earnings Call Script v4 With Forward Docs, Untitled, dated 8/8/2013	TODD0009840-43					
784.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner regarding Last Input Before Call Later, dated 8/8/2013	PAMTINV0100947	Stip.	8/19	NO	8/19	WA
785.pdf	Thumbdrive	Parametric Sound Corp. Conference Call, Transcript of Webcast Presentation, filed Aug. 9, 2013 Schedule 14A, https://www.sec.gov/Archives/edgar/data/1493761/000101968713002955/pam1_defa14a-080913.htm , dated 8/8/2013		Stip.	8/19	NO	8/19	WA
786.pdf	Thumbdrive	Email to Juergen Stark from Bruce Murphy cc T. Chan, K. Kenworthy, J. Levy regarding Earnings Call; Attachment Juergen Earnings Call Script Final, dated 8/8/2013	VTBH015088-94					
787.pdf	Thumbdrive	Email to Daniel Hoverman from Mark Dufilho regarding Comps, dated 8/8/2013	HL-PARA00094190-94					
788.pdf	Thumbdrive	Email to Mark Dufilho from Ken Potashner regarding "Re", dated 8/9/2013	PAMTINV0158686					
789.pdf	Thumbdrive	Email to Ken Potashner from Juergen Stark cc J. Todd, S. Weiss regarding Range, dated 8/9/2013	VTBH 004040-41	Stip.	8/19	NO	8/19	WA
790.pdf	Thumbdrive	Email to Ken Potashner, Jim Barnes, Dave Mossberg, David Lowey from Juergen Stark regarding Final Script for Earnings Call; Attachment Juergen - Earnings Call Script Final, dated 8/9/2013	TB-00060639-42					
791.pdf	Thumbdrive	Email to James Barnes from David Pratt cc T. Savitt, J. Todd regarding Pipeline Urgent; Attachment HSS FY2013 Pipeline - 32292013v3; PAMT Forecast v6.2, dated 8/12/2013	PAMTINV0081406-07					
792.pdf	Thumbdrive	Email to Ken Potashner, James Barnes from Adam Greenway cc D. Hoverman, M. Dufilho, A. Kupka regarding Parametric Go-Shop Process; Attachment PAMT Go-Shop Buyers List 8-20-2013, dated 8/20/2013	PAMTINV0038811-12	Stip.	8/19	NO	8/19	WA
793.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner regarding Juergen, dated 8/21/2013	PAMTINV0099910-11	Stip.	8/19	NO	8/19	WA
794.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner cc K. Kenworthy, J. Barnes, J. Todd regarding Convert Approval, dated 8/21/2013	VTBH 013281-82	Stip.	8/19	NO	8/19	WA
795.pdf	Thumbdrive	Email to Daniel Hoverman from James Barnes regarding Cash Forecast; Attachment PAMT - Financial Projections - Sorbus v2, dated 8/23/2013	TB-00070195-97					
796.pdf	Thumbdrive	Email to James Barnes from Andrew Kupka cc A. Greenway regarding Cash Forecast; Attachment PAMT - Financial Projections - Sorbus v1, dated 8/26/2013	TB-00070144-48					
797.pdf	Thumbdrive	Email to John Todd from Ken Potashner forwarding Qualcomm, dated 8/28/2013	TODD0006768	Stip.	8/19	NO	8/19	WA
798.pdf	Thumbdrive	Email to Tiffany Duong from Sassan Chakamian forwarding Demo System, dated 9/3/2013	TB-00129266					
799.pdf	Thumbdrive	Email to Ken Potashner from John Todd regarding Craig Hallum Fee Agreement, dated 9/5/2013	TODD0002222-24					
800.pdf	Thumbdrive	Email to Juergen Stark from Karen Kenworthy regarding Craig Hallum Fee Agreement, dated 9/5/2013	STRIPES 0039291-94	Yes	8/24/14	no	8/24/14	WA
801.pdf	Thumbdrive	Email to Juergen Stark, Ken Potashner from Joshua Weisbord cc J. Stark regarding SEC Comments..., dated 9/6/2013	VTBH098070					
802.pdf	Thumbdrive	Email to Juergen Stark, Daniel Hoverman from Bruce Murphy cc J. Stark, T. Chan, J. Levy, W. Elders, A. Kneapler, M. Dufilho, A. Greenway, A. Kupka, J. Hentrich, R. Wernli regarding VTBH Information; Attachment VTB Subordinated Note - SG VTB Holdings LLC, VTB Draft Historical Financials Q112-Q213 Corrected, dated 9/9/2013	VTBH097643-59					
803.pdf	Thumbdrive	Email to Ken Potashner, Juergen Stark from Joshua Weisbord regarding Maybe This Is Whats Happening..., dated 9/12/2013	PAMTINV0098365-66	Stip.	8/19	NO	8/19	WA
804.pdf	Thumbdrive	Email to Ken Potashner from Joshua Weisbord cc J. Stark regarding Thanks Again, dated 9/12/2013	PAMTINV0098581-83					
805.pdf	Thumbdrive	Email to Joshua Weisbord from Juergen Stark cc K. Potashner regarding Maybe This Is What's Happening..., dated 9/12/2013	PAMTINV0098567-68					
806.pdf	Thumbdrive	Email to Ken Potashner from Juergen Stark regarding Josh, dated 9/13/2013	PAMTINV0098641					
807.pdf	Thumbdrive	Email to Ken Potashner from Joshua Weisbord regarding PAMT, dated 9/13/2013	PAMTINV0098631-35	Stip.	8/19	NO	8/19	WA
808.pdf	Thumbdrive	Email to Juergen Stark from Joshua Weisbord cc K. Potashner regarding Dinner Between Juergen Stark and Robert Masterson, dated 9/13/2013	PAMTINV0098650-51					
809.pdf	Thumbdrive	Email to Ron Doornink, Ken Fox, Karen Kenworthy from Juergen Stark cc B. Murphy, T. Chan regarding Proxy Timing, dated 9/13/2013	VTBH097501					
810.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner bcc J. Todd regarding Things We Need to Assess, dated 9/14/2013	PAMTINV0158117-18	Stip.	8/19	NO	8/19	WA

811.pdf	Thumbdrive	Email to Ken Potashner from Juergen Stark regarding Further Thought on \$5M, dated 9/16/2013	PAMTINV0097616-19						
812.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner regarding Further Thought on \$5M, dated 9/16/2013	PMTNV0097604-07						
813.pdf	Thumbdrive	Email to Karen Kenworthy from Juergen Stark cc B. Murphy regarding HL and the Debt Raise, dated 9/17/2013	VTBH097329-31						
814.pdf	Thumbdrive	Email to Juergen Stark from Joshua Weisbord cc K. Potashner, J. Grimley regarding Interesting Data Point, dated 9/18/2013	PAMTINV0097661-62						
815.pdf	Thumbdrive	Email to Joshua Weisbord from Ken Potashner cc J. Stark regarding Interesting Data Point, dated 9/18/2013	PAMTINV0155750-51						
816.pdf	Thumbdrive	Email to Sassan Chakamian from Ken Potashner regarding Comments, dated 9/19/2013	PAMTINV0154354-56						
817.pdf	Thumbdrive	Email to Ken Potashner from Joshua Weisbord regarding Dinner Between Juergen Stark and Robert Masterson, dated 9/19/2013	PAMTINV0098654-55						
818.pdf	Thumbdrive	Email to Juergen Stark from Robert Masterson regarding Dinner, dated 9/20/2013	TB-00129238						
819.pdf	Thumbdrive	Email to James Barnes from Ken Potashner regarding Schedule Slips, dated 9/23/2013	TB-00095991-92						
820.pdf	Thumbdrive	Email to Ken Potashner from Adam Kahn regarding Meeting Thursday, dated 9/23/2013	TB-00129261						
821.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner regarding Schedule Slips, dated 9/23/2013	VTBH096707	SUP.	8/19	NO	8/19	WA	
822.pdf	Thumbdrive	Email to Ken Potashner from Juergen Stark regarding Schedule Slips, dated 9/23/2013	VTBH096692-93						
823.pdf	Thumbdrive	Email to Elwood Norris from Ken Potashner regarding Pls Be Smart, dated 9/24/2013	PAMTINV0153650	STIP.	8/20	NO	8/20	WA	
824.pdf	Thumbdrive	Email to Stephen Thesing from Todd Savitt regarding McDonalds Feedback, dated 9/26/2013	TB-00096548						
825.pdf	Thumbdrive	Minutes of the Special Meeting of the Board of Directors of Parametric Sound Corporation, dated 9/30/2013	PAMTINV0000201-02						
826.pdf	Thumbdrive	Email to Sassan Chakamian from Ken Potashner forwarding Soundbar, dated 10/2/2013	TB-00095858-59	STIP.	8/19	NO	8/19	WA	
827.pdf	Thumbdrive	Email to Ken Potashner from Robert Kaplan cc J. Honore, S. Putterman, Elwood Norris, J. Barnes, J. Hentrich regarding Andy Wolfe, dated 10/3/2013	TB-00095846						
828.pdf	Thumbdrive	Email to Elwood Norris from Juergen Stark regarding Aiming Ideas, dated 10/3/2013	VTBH096008-10						
829.pdf	Thumbdrive	Email to Ken Potashner from Robert Kaplan cc J. Honore, S. Putterman, E. Norris, J. Barnes, J. Hentrich regarding Andy Wolfe, dated 10/3/2013	PAMTINV0112365	STIP.	8/20	NO.	8/20	WA	
830.pdf	Thumbdrive	Email to Ron Doornink, Ken Fox from Juergen Stark regarding Confidential: MSFT Headsets; Attachment XBOX One Headset Recovery Plan, dated 10/4/2013	STRIPES 0081782-88						
831.pdf	Thumbdrive	Email to Juergen Stark from Joshua Weisbord regarding PAMT-TB Valuation Post Merger; Attachment PAMT-TB Valuation Post Merger, dated 10/4/2013	PAMTINV0096360-61						
832.pdf	Thumbdrive	Email to John Todd from Ken Potashner forwarding Mutual Nervous, dated 10/7/2013	TB-00103647-48	STIP.	8/19	NO	8/19	WA	
833.pdf	Thumbdrive	Email to John Todd from "Ken" forwarding Mutual Nervous, dated 10/8/2013	TODD0007379						
834.pdf	Thumbdrive	Email to Juergen Stark from Joshua Weisbord forwarding PAMT Update 10-9-2013, dated 10/10/2013	VTBH095062-63	no yes	8/17 8/24/14	yes no	8/24/14	WA	
835.pdf	Thumbdrive	Email to David Lowey from Juergen Stark cc Bob Picunko regarding uSoft, dated 10/10/2013	VTBH095139-40						
836.pdf	Thumbdrive	Email to John Hanson from Bruce Murphy regarding Matrix of Plans/Forecasts, dated 10/11/2013	VTBH063126-29						
837.pdf	Thumbdrive	Email to James Barnes from Ken Potashner regarding Your Availability, dated 10/11/2013	PAMTINV0158643-44	STIP.	8/19	NO	8/19	WA	
838.pdf	Thumbdrive	Email to Joshua Weisbord from Ken Potashner forwarding Message to Prospective Investors; Attachment Untitled attachment 06174, dated 10/11/2013	PAMTINV0150031-35						
839.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner regarding PAMT-TB Valuation Post Merger, dated 10/11/2013	VTBH095016-17						
840.pdf	Thumbdrive	Email to Mark Dufilho, Adam Greenway, Andrew Kupka from Sweet Chris cc D. Hoverman, A. Kneapler regarding VTB/Parametric, dated 10/11/2013	HL-PARA00026638						
841.pdf	Thumbdrive	Email to Bruce Murphy from Tom Haller regarding Docs; Attachment Debt Memorandum August 2013 Debt Amendment September 2013 Rev Final, Debt Memorandum August 2012 Debt Amendment September 2013 Rev 10-9 Final, VTB Debt Analysis August 2012 Amendment Ver 10-8-13 Distribution, dated 10/11/2013	TB-00105020-29						
842.pdf	Thumbdrive	Email to Bruce Murphy from Max Fonarev cc K. Shah, J. Hanson, Y. Zhang, M. Broderick regarding Final Common Stock Valuation Reports; Attachment Valuation VD 3-31-13 Common Stock Final, Valuation VD 9-30-12 Common Stock Final, Valuation VD 12-31-11 Common Stock Final, dated 10/11/2013	TB-00105050-208						
843.pdf	Thumbdrive	Email to John Todd from Ken Potashner regarding Juergen Request, dated 10/13/2013	TODD0001172						
844.pdf	Thumbdrive	Email to Juergen Stark, Daniel Hoverman from Ken Potashner cc K. Potashner, J. Barnes, M. Dufilho, C. Sweet bcc J. Stark forwarding Exchange Rate Analysis, dated 10/15/2013	VTBH094646-47						
845.pdf	Thumbdrive	Email to Andrew Kupka from James Barnes regarding Questions on Financial Projections; Attachment PAMT - Financial Projections 10.16.2013 v1, dated 10/16/2013	TB-00102854-58	NO.	8/17	NO.	8/17/21	WA	
846.pdf	Thumbdrive	Email to Ken Potashner from James Barnes regarding Numbers, dated 10/19/2013	PAMTINV0095569-70						

8/19. Data 8/20/13. 8/19. Data 8/20/13.

847.pdf	Thumbdrive	Email to James Barnes from Ken Potashner regarding Glass, dated 10/22/2013	TB-00095640					
848.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner cc Joshua Weisbord regarding FYI, Albert Einstein Couldn't Figure Out Whats Going On Here..., dated 10/22/2013	PAMTINV0095799-800					
849.pdf	Thumbdrive	Email to Ken Potashner from Tracey Neumann regarding Proxy Planning Doc, dated 10/22/2013	TB-00094376					
850.pdf	Thumbdrive	Email to Ken Potashner, Robert Kaplan, Seth Putterman, Elwood Norris, Andy Wolfe from James Barnes regarding Budget-Actual Q4 and YTD; Attachment Q4 Budget-Actual; FY2013 Budget-Actual, dated 10/23/2013	PAMTINV0163697-703					
851.pdf	Thumbdrive	Email to James Barnes from Ken Potashner regarding Updated FS and Pro Forma, dated 10/24/2013	TB-00095611					
852.pdf	Thumbdrive	Email to Seth Putterman from Ken Potashner regarding Unfortunate Indeed, dated 10/24/2013	PAMTINV0112296-97					
853.pdf	Thumbdrive	Email to Robert Kaplan from Seth Putterman regarding Post Merger Stock Price, dated 10/24/2013	PAMTINV0115187	Stip.	8/20	NO	8/20	WA
854.pdf	Thumbdrive	Email to James Barnes from Ken Potashner regarding Bonus, dated 10/24/2013	TB-00095606					
855.pdf	Thumbdrive	Minutes of the Special Joint Meeting of the Board of Directors and Compensation Committee of Parametric Sound Corp., dated 10/24/2013	TB-00008932-35					
856.pdf	Thumbdrive	Email to John Hanson from Juergen Stark forwarding Parametric - Disclosure of Financial Projections in Merger Proxy, dated 10/25/2013	VTBH060381-84					
857.pdf	Thumbdrive	Email to Ken Potashner from James Barnes regarding Juergen, dated 10/25/2013	TB-00095596	Stip.	8/19	NO	8/19	WA
858.pdf	Thumbdrive	Email to Ken Potashner, Jim Barnes from Daniel Hoveman cc M. Dufilho, C. Sweet, A. Greenway forwarding Financials - EBITDA & Covenant Levels, dated 10/25/2013	TB-00088677-78					
859.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner regarding PAMT Numbers, dated 10/25/2013	PAMTINV0094986	Stip.	8/19	NO	8/19	WA
860.pdf	Thumbdrive	Email to Juergen Stark from John Hanson forwarding Parametric Disclosure of Financial Projections in Merger Proxy; Attachment PAMT Paris Projections Section (Certain Financial Information) for PREM14A, dated 10/25/2013	VTBH093412-16					
861.pdf	Thumbdrive	Email to John Hanson from Juergen Stark forwarding Parametric - Disclosure of Financial Projections in Merger Proxy, dated 10/25/2013	VTBH093183-86	yes	8/24/12	no	8/24/12	WA
862.pdf	Thumbdrive	Email to Mark Dufilho from Daniel Hoveman regarding Financials - EBITDA & Covenant Levels, dated 10/25/2013	HL-PARA00028285-87					
863.pdf	Thumbdrive	Email to Juergen Stark, Jim and Tako Barnes, Woody Norris, Andrew Wolfe, Ken Potashner regarding Merged Co. BOD, dated 10/26/2013	VTBH093378	Stip.	8/20	NO.	8/20	WA
864.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner regarding JGB, dated 10/27/2013	PAMTINV0095064-69	Stip.	8/19	NO.	8/19	WA
865.pdf	Thumbdrive	Email to James Barnes from Ken Potashner regarding Financing, dated 10/27/2013	TB-00095578					
866.pdf	Thumbdrive	Email to James Barnes from Ken Potashner regarding Stop Spending, dated 10/27/2013	PAMTINV0158003					
867.pdf	Thumbdrive	Email to James Barnes from Ken Potashner regarding Financing, dated 10/27/2013	PAMTINV0147941					
868.pdf	Thumbdrive	Email to Juergen Stark from Joshua Weisbord cc K. Potashner regarding Westin Contact Info, dated 10/28/2013	PAMTINV0095107-10					
869.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner cc D. Hoveman, K. Potashner, J. Barnes, J. Hanson, K. Kenworthy regarding Front Section of MDA, dated 10/29/2013	TB-00088349-51	Stip.	8/19	NO.	8/19	WA
870.pdf	Thumbdrive	Email to Ken Potashner, Juergen Stark from Daniel Hoveman cc K. Potashner, J. Barnes, J. Hanson, K. Kenworthy, M. Dufilho regarding Front Section of MDA; Attachment Draft of Front Section of MDA v DSH, dated 10/29/2013	TB-00088362-68					
871.pdf	Thumbdrive	Email to Daniel Hoveman from Mark Dufilho cc K. Potashner regarding Investor Presentation Review, dated 10/30/2013	PAMTINV0169611-12					
872.pdf	Thumbdrive	Email to David Mossberg from James Barnes cc T. Neumann regarding Proxy Press Release Draft, dated 10/30/2013	TB-00091234-36					
873.pdf	Thumbdrive	Email to Daniel Hoveman from Juergen Stark cc K. Potashner, M. Dufilho, J. Hanson, K. Kenworthy regarding Forecasts, dated 10/31/2013	PAMTINV0094775-79	NO.	8/19	NO	8/19	WA
874.pdf	Thumbdrive	Email to Daniel Hoveman from Juergen Stark cc J. Hanson, "Karen," M. Dufilho, J. Barnes regarding Forecast Model/Script, dated 10/31/2013	VTBH090322-26					
875.pdf	Thumbdrive	Email to Ken Potashner from Juergen Stark regarding Important, dated 10/31/2013	VTBH089382	yes	8/24/12	no	8/24/12	WA
876.pdf	Thumbdrive	Email to Daniel Hoveman from Mark Dufilho regarding Forecasts, dated 10/31/2013	HL-PARA00029030-33					
877.pdf	Thumbdrive	Email to Juergen Stark from John Hanson regarding Forecast Model/Script, dated 10/31/2013	VTBH089491-95					
878.pdf	Thumbdrive	Email to David Wambecke from Matt Celin regarding Proxy, dated 10/31/2013	Craig-Hallum_Parametric_021497-99					
879.pdf	Thumbdrive	Email to Juergen Stark from Daniel Hoveman cc K. Potashner, M. Dufilho, J. Hanson, K. Kenworthy regarding Forecasts, dated 10/31/2013	PAMTINV0094800-06					
880.pdf	Thumbdrive	Email to David Wambecke from Daniel Hoveman cc J. Stark, M. Dufilho, A. Greenway, A. Kupka regarding VTB Forecasts, dated 10/31/2013	HL-PARA00029023					

				Stip.	Date Filed	Obj.	Date Printed	
881.pdf	Thumbdrive	Email to Daniel Hoverman from Juergen Stark cc K. Potashner, M. Dufilho, J. Hanson, K. Kenworthy regarding Forecasts, dated 10/31/2013	VTBH089383-84	Stip.	8/19	NO	8/19	WA
882.pdf	Thumbdrive	Email to Ken Potashner from Juergen Stark regarding Important, dated 10/31/2013	PAMTNV0094759					
883.pdf	Thumbdrive	Email to Daniel Hoverman, Juergen Stark from David Wambeke regarding Parametric - PREM14A - Edits and Riders, dated 11/1/2013	Craig-Hallum_Parametric_023026-29					
884.pdf	Thumbdrive	Appointment Email to Daniel Hoverman, David Wambeke, Juergen Stark, Adam Greenway, Matt Celin, Andrew Kupka from Mark Dufilho regarding VTB/CH Call to Discuss 2013/2014, dated 11/1/2013	Craig-Hallum_Parametric_023141					
885.pdf	Thumbdrive	Email to Robert Wernli from Juergen Stark cc J. Levy, J. Barnes, T. Chan, W. Elder, M. Lorber, M. Broderick, I. Chan, J. Hentrich, M. Dufilho, D. Hoverman, J. Hanson, L. Lewis, D. Wambeke, M. Celin, K. Potashner regarding Parametric - PREM14A - Edits and Riders, dated 11/1/2013	VTBH089360-68					
886.pdf	Thumbdrive	Email to David Wambeke from Daniel Hoverman cc Mark Dufilho forwarding Turtle Beach, dated 11/1/2013	HL-PARA00029063-64					
887.pdf	Thumbdrive	Email to Ken Potashner from Daniel Hoverman cc M. Dufilho regarding Checking In, dated 11/1/2013	HL-PARA00029053-58					
888.pdf	Thumbdrive	Email to Juergen Stark from Robert Wernli cc J. Levy, J. Barnes, T. Chan, W. Elder, M. Lorber, I. Chan, J. Hentrich, M. Dufilho, D. Hoverman, J. Hanson, L. Lewis, D. Wambeke, M. Celin, M. Coddington, K. Potashner regarding Parametric PREM14A Edits and Riders, dated 11/1/2013	Craig-Hallum_Parametric_023161-70					
889.pdf	Thumbdrive	Email to Kristin Carney from Juergen Stark forwarding Urgent - Reconciliation; Attachment VTB and PAMT Model - Downside 8_15_2013 Update for July August - Reconciliation, dated 11/2/2013	VTBH087911-13					
890.pdf	Thumbdrive	Parametric Sound Corp. Schedule 14A, Preliminary Proxy, dated 11/4/2013		yes	8/24/14	NO	8/24/14	WA
891.pdf	Thumbdrive	Email to Juergen Stark from Ron Doornink forwarding Update - Next Steps, dated 11/4/2013	STRIPES 0082752-53					
892.pdf	Thumbdrive	Email to John Todd from Ken Potashner regarding Shelf Offering, dated 11/7/2013	PAMTNV0157857-58					
893.pdf	Thumbdrive	Email to Juergen Stark, Ken Potashner from Joshua Weisbord cc J. Stark forwarding MicroCap Tech Trader Update - November 8, 2013 - PAMT, dated 11/8/2013	VTBH081269-79					
894.pdf	Thumbdrive	Email to Joshua Weisbord from Ken Potashner forwarding With All Due Respect, dated 11/8/2013	PAMTNV0091492-93					
895.pdf	Thumbdrive	Email to Karen Kenworthy from Juergen Stark cc J. Hanson regarding \$5m PNC etc, dated 11/11/2013	STRIPES 0055104-13					
896.pdf	Thumbdrive	Email to Ken Potashner from John Grimley regarding This Can't Be Bad News..., dated 11/12/2013	PAMTNV0091853-55					
897.pdf	Thumbdrive	Minutes of the Meeting of the Offering Committee of the Board of Directors of Parametric Sound Corp., dated 11/12/2013	TB-00008968-69					
898.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner forwarding FYI, Don't Write Me Back, I Will Call You, But I Have No Cell, So Will Try Later, All Good, Read Below, dated 11/13/2013	PAMTNV0091066-67					
899.pdf	Thumbdrive	Email to Juergen Stark from Joshua Weisbord cc K. Potashner regarding Comment So Far..., dated 11/13/2013	VTBH080665-68					
900.pdf	Thumbdrive	Email to Juergen Stark, Ken Potashner from Joshua Weisbord forwarding Wont to Sell 4000 More PAMT, to Buy 4000 VHC, This Thing Could Tripple, Please OK This, dated 11/13/2013	TB-00129217					
901.pdf	Thumbdrive	Email to Dan Marriott from Karen Kenworthy regarding Google Alert - Turtle Beach Headsets, dated 11/14/2013	STRIPES 0037537-38					
902.pdf	Thumbdrive	Email to Grant Keary from John Todd forwarding Meeting with CEO of Turtle Beach, dated 11/15/2013	TODD0002168-69					
903.pdf	Thumbdrive	Email to John Todd, Tracey Neumann, Sassan Chakamian from Ken Potashner regarding PAMT Xmas Party, dated 11/16/2013	TODD0008145					
904.pdf	Thumbdrive	Email to Ken Potashner from Seth Putterman cc J. Barnes regarding Causing Damage to the Stock, dated 11/16/2013	TB-00095231-32					
905.pdf	Thumbdrive	Email to John Todd, Tracy Neumann, Sassan Chakamian from Ken Potashner regarding PAMT Xmas Party, dated 11/16/2013	PAMTNV0153578					
906.pdf	Thumbdrive	Email to Seth Putterman from Ken Potashner regarding Causing Damage to the Stock, dated 11/16/2013	PAMTNV0154185-86					
907.pdf	Thumbdrive	Email to Juergen Stark, Ryan Stroud from Katie Price cc D. Lowey, T. Neumann, J. Hanson, K. Potashner, J. Barnes, K. Kenworthy, S. Hariharan, S. Kolte, T. Chan regarding Investor Conference Presentation; Attachment Parametric Turtle Beach IR Presentation Nov 13 Final, dated 11/19/2013	PAMTN0089653-82					
908.pdf	Thumbdrive	Email to John Hanson from Juergen Stark regarding Notes, dated 11/21/2013	VTBH080146-47	yes	8/24/14	NO	8/24/14	WA
909.pdf	Thumbdrive	Parametric Sound Corp. Investor Call, Transcript of Webcast Presentation, filed Nov. 22, 2013 Schedule 14A, https://www.sec.gov/Archives/edgar/data/1493761/000101968713004593/parametric_defal14a.htm , dated 11/21/2013		yes	8/24/14	NO	8/24/14	WA
910.pdf	Thumbdrive	Minutes of the Regular Quarterly Meeting of the Audit Committee of Parametric Sound Corp., dated 11/21/2013	TB-00008972-97					
911.pdf	Thumbdrive	Parametric Sound Corp. Form 10-K, dated 11/26/2013		Stip.	8/20	NO	8/20	WA
912.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner regarding Update, dated 11/30/2013	PAMTNV0088385-86	Stip.	8/19	NO	8/19	WA
913.pdf	Thumbdrive	Email to Joshua Weisbord from Ken Potashner regarding Taking Down '13 Numbers, dated 12/3/2013	PAMTNV0158033-35					

				Stip.	Date offered	objection	Date Admitted	
914.pdf	Thumbdrive	Email to Juergen Stark, Ken Potashner from Joshua Weisbord forwarding Parametric Sound Announces Special Meeting of Stockholders to Consider Proposed Merger with Turtle Beach, dated 12/3/2013	VTBH069913-16	NO.	8/17			
915.pdf	Thumbdrive	Email to David Wambecke from Sanfiego@rrdfig regarding New Proofs for Special Proxy Are Available; Attachment Parametric Sound FED14A SEC Acceptance; 621612 Def14A As Filed, dated 12/3/2013	Craig-Hallum_Parametric_043533-874					
916.pdf	Thumbdrive	Parametric Sound Corp. Schedule 14A, Definitive Proxy, dated 12/3/2013		Stip.	8/19	NO	8/19	WA
917.pdf	Thumbdrive	Parametric Sound Corp. Investor Call, Transcript of Webcast Presentation, filed Dec. 4, 2013, Schedule 14A, https://www.sec.gov/Archives/edgar/data/1493761/000101968713004700/parametric_defa-120413.htm, dated 12/3/2013						
918.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner forwarding PAMT, dated 12/3/2013	VTBH070635-36					
919.pdf	Thumbdrive	Email to Joshua Weisbord from Juergen Stark cc K. Potashner regarding Nintendo Seen Missing Target As Sony-Microsoft Sales Dwarf Wii U - Bloomberg, dated 12/4/2013	VTBH069798-801	yes	8/24/17	no	8/24/17	WA
920.pdf	Thumbdrive	Email to Joshua Weisbord from Karen Kenworthy regarding Thanks, dated 12/4/2013	STRIPES 0029953					
921.pdf	Thumbdrive	Email to Ken Potashner from Juergen Stark regarding Hype, dated 12/4/2013	VTBH069912	Stip.	8/19	NO	8/19	WA
922.pdf	Thumbdrive	Email to Juergen Stark, Siddharth Hariharan from Katie Price cc T. Neumann, "Karen," D. Lowey, J. Hanson, T. Chan, S. Kotte, R. Stroud regarding Revised Project Surround Investor Presentation; Attachment Parametric Turtle Beach IR Presentation Dec 8 13, dated 12/8/2013	STRIPES 0033004-34					
923.pdf	Thumbdrive	Parametric Sound Corp. Investor Call, Transcript of Webcast Presentation, filed Dec. 11, 2013 Schedule 14A, https://www.sec.gov/Archives/edgar/data/1493761/000101968713004784/pamt_def14a.htm, dated 12/10/2013						
924.pdf	Thumbdrive	Email to Juergen Stark from Ken Potashner regarding "Re", dated 12/11/2013	PAMTINV0088086					
925.pdf	Thumbdrive	Email to Ken Potashner from James Barnes regarding PAMT Preliminary Vote Report, dated 12/12/2013	TB-00078294-95	Stip.	8/19	NO	8/19	WA
926.pdf	Thumbdrive	Email to John Hanson, Juergen Stark, James Barnes from Ken Potashner regarding Further Thought, dated 12/12/2013	VTBH020043	Stip.	8/19	NO	8/19	WA
927.pdf	Thumbdrive	Email to Daniel Hoverman from Adam Greenway cc M. Dufilho regarding PAMT; Attachment VTB HL NDA; HL - Parametric - Engagement Letter Amendment 7-01-13 Fully Executed, dated 12/16/2013	HL-PARA00038799-807					
928.pdf	Thumbdrive	Email to Daniel Hoverman from Mark Dufilho regarding Also..., dated 12/17/2013	HL-PARA00089659-60					
929.pdf	Thumbdrive	Email to Ken Potashner from James Barnes forwarding 2014 Fiscal Year Plan for PAMT; Attachment PAMT - FinProj 12.17.2013 Merger Closes, dated 12/18/2013	TB-00078172-73					
930.pdf	Thumbdrive	Email to John Hanson from James Barnes regarding Confidential RE 2014 Fiscal Year Plan for PAMT; Attachment PAMT-FinProj-12.17.2013-Merger Closes, dated 12/19/2013	VTBH020085-87					
931.pdf	Thumbdrive	Email to Elwood Norris, James Honore, Andrew Wolfe, Robert Kaplan, James Barnes bcc J. Todd forwarding Target Closing Date, dated 12/20/2013	PAMTINV0152680	Stip.	8/19	NO	8/19	WA
932.pdf	Thumbdrive	Minutes of the Special Meeting of the Board of Directors of Parametric Sound Corp., dated 12/20/2013	TB-00009016					
933.pdf	Thumbdrive	Email to Jeffrey Doherty, Kevin Larkin, Matthew Levering, William Bobrow from John Hanson cc J. Stark, "Karen," B. Murphy regarding Covenant Model Updated; Attachment Liquidity Forecast 12-20 v PNC Proposed Amendment 123013, dated 12/30/2013	STRIPES 0049160-62					
934.pdf	Thumbdrive	Email to Juergen Stark from John Hanson regarding Bank Call, dated 1/2/2014	STRIPES 0048637-39	yes	8/24/17	no	8/24/17	WA
935.pdf	Thumbdrive	Email to John Hanson from James Barnes regarding Shipments Q1 14 (Your Fiscal 1st Quarter); Attachment PAMT-FinProj-12.17.2013 Merger Closes, dated 1/7/2014	VTBH019220-23					
936.pdf	Thumbdrive	Email to Ron Doornink from Ken Potashner regarding HHI Dissolution, dated 1/10/2014	PAMTINV0153227					
937.pdf	Thumbdrive	Email to Juergen Stark from Karen Kenworthy cc J. Hanson forwarding Closing Dinner, dated 1/13/2014	STRIPES 0036749-51					
938.pdf	Thumbdrive	Email to Joshua Weisbord from Ken Potashner bcc J. Stark regarding Buy Me 150,000 Drop to Get to IMM in Big Act Please, dated 1/13/2014	PAMTINV0086846-48					
939.pdf	Thumbdrive	Parametric Sound Corp. Schedule 13D, dated 1/15/2014						
940.pdf	Thumbdrive	Parametric Sound Corp. Form 8-K/A, dated 1/15/2014						
941.pdf	Thumbdrive	Email to Ken Potashner from John Todd regarding "Re", dated 1/15/2014	TODD0002165					
942.pdf	Thumbdrive	Email to John Todd from Ken Potashner regarding, dated 1/16/2014	TODD0008971	Stip.	8/19	NO	8/19	WA
943.pdf	Thumbdrive	Email to "Karen," Aditi Dubey from John Hanson forwarding 2014 & 2015 Financial Forecasts to Laura Chitick; Attachment 2014 BS.CS.IS Plan File v5vABL; 2014 2015 Financial Forecasts vABL; 2014 2015 Forecasts vABL, dated 2/13/2014	STRIPES 0049191-202					
944.pdf	Thumbdrive	Email to "Karen," Aditi Dubey from John Hanson forwarding 2014 & 2015 Financial Forecasts to Richard Schultz; Attachment 2014 BS.CS.IS Plan File v5vABL; 2014 2015 Financial Forecasts vABL; 2014 2015 Forecasts vABL, dated 2/13/2014	STRIPES 0032694-705	NO.	8/17	NO	8/17/21	WA

9416 offered 8/18, objection sustained

Slip. Date Offered. Obj. Date Admt.

945.pdf	Thumbdrive	Kenneth Potashner Parametric Sound Corp. Indemnification Agreement, dated 3/5/2014	TB-00200310-14					
946.pdf	Thumbdrive	Andrew Wolfe Parametric Sound Corp. Indemnification Agreement, dated 3/10/2014	TB-00200306-09					
947.pdf	Thumbdrive	Email to Joshua Weisbord from Juergen Stark cc J. Grimley regarding Allocations, dated 4/23/2014	TB-00129570-71					
948.pdf	Thumbdrive	Email to Joshua Weisbord from Juergen Stark regarding Catching Up, dated 4/24/2014	TB-00129461-62					
✓ 949.pdf	Thumbdrive	Email to Ren Doornink, Henry Nassau, Toby Chan from Juergen Stark forwarding Update, dated 4/28/2014	STRIPES 0073373-75	NO.	8/16	NO.	8/16/21	WA
✓ 950.pdf	Thumbdrive	Email to "Ken" from Adam Kahn forwarding Follow-Up, dated 5/7/2014	STRIPES 0065996-97	NO.	8/16	NO.	8/16/21	WA
✓ 951.pdf	Thumbdrive	Kirkland & Ellis Letter to Dechert LLP regarding Documents Must Be Preserved, dated 5/14/2014		NO.	8/16	NO.	8/16/21	WA
✓ 952.pdf	Thumbdrive	Letter from Kirkland & Ellis to Dechert LLP re Turtle Beach Corp. attaching Complaint, dated 8/11/2014	STRIPES 0061743-805	NO.	8/16	NO.	8/16/21	WA
953.pdf	Thumbdrive	Plaintiffs' Initial Rule 16.1 Disclosure Statement, dated 11/17/2014						
954.pdf	Thumbdrive	Third Restatement of the Jules Patricof Revocable Living Trust, dated 2/20/2015	Patricof_48-76					
955.pdf	Thumbdrive	Joshua Weisbord v. Turtle Beach Corp. et al., Complaint Sup. Ct. Cal. (San Diego), dated 4/19/2017						
956.pdf	Thumbdrive	Fourth Restatement of the Marcia Patricof Revocable Living Trust, dated 1/19/2018	Patricof_77-103					
957.pdf	Thumbdrive	Expert Report of John Montgomery, dated 10/8/2018						
958.pdf	Thumbdrive	J.T. Atkins Expert Report, <i>Litigation Trust of MDIP Inc. v. De La Rue Cash Systems, Inc.</i> , dated 4/19/2005						
959.pdf	Thumbdrive	J.T. Atkins Rebuttal Report, <i>Kipperman v. Onex Corp. et al.</i> , dated 4/15/2008						
960.pdf	Thumbdrive	Declaration of J.T. Atkins, <i>Kipperman v. Onex Corp. et al.</i> , dated 11/2/2019						
961.pdf	Thumbdrive	J.T. Atkins Expert Report, dated 3/22/2019						
962.pdf	Thumbdrive	Damage Calculations, Exhibit A to J.T. Atkins Expert Report, dated 3/22/2019						
963.pdf	Thumbdrive	Documents Considered, Exhibit B to J.T. Atkins Expert Report, dated 3/22/2019						
964.pdf	Thumbdrive	Curriculum Vitae, Exhibit C to J.T. Atkins Expert Report, dated 3/22/2019						
965.pdf	Thumbdrive	Parametric DCF Valuation, Prepared by J.T. Atkins, dated 3/22/2019						
966.pdf	Thumbdrive	Price Annotated Graph, Prepared by J.T. Atkins, dated 3/22/2019						
967.pdf	Thumbdrive	Regression Analysis, Prepared by J.T. Atkins, dated 3/22/2019						
968.pdf	Thumbdrive	Turtle Beach DCF Valuation, Prepared by J.T. Atkins, dated 3/22/2019						
969.pdf	Thumbdrive	WACC Comparables, Prepared by J.T. Atkins, dated 3/22/2019						
970.pdf	Thumbdrive	J.T. Atkins Expert Rebuttal Report, dated 5/24/2019						
971.pdf	Thumbdrive	Comparison of Projections, Exhibit A to John Atkins Expert Rebuttal Report, dated 5/24/2019						
972.pdf	Thumbdrive	Documents Considered, Exhibit B to J.T. Atkins Expert Rebuttal Report, dated 5/24/2019						
973.pdf	Thumbdrive	J.T. Atkins Supplemental Report, dated 7/15/2019						
974.pdf	Thumbdrive	John Montgomery Expert Report, dated 3/22/2019	PAMT-EXP000011-19					
975.pdf	Thumbdrive	Curriculum Vitae, Exhibit 1 to John Montgomery Expert Report, dated 3/22/2019	PAMT-EXP000020-23					
976.pdf	Thumbdrive	Documents Considered, Exhibit 2 to John Montgomery Expert Report, dated 3/22/2019	PAMT-EXP000024					
977.pdf	Thumbdrive	VTBH Projections Used by Craig-Hallum, and Alleged Revisions, Exhibit 3 to John Montgomery Expert Report, dated 3/22/2019	PAMT-EXP000025					
978.pdf	Thumbdrive	Implied Changes in Craig-Hallum Valuations - Comparable Public Company Methods, Exhibit 4 to John Montgomery Expert Report, dated 3/22/2019	PAMT-EXP000026-27					
979.pdf	Thumbdrive	Implied Changes in Craig-Hallum Valuations - Comparable M&A Methods, Exhibit 5 to John Montgomery Expert Report, dated 3/22/2019	PAMT-EXP000028					
980.pdf	Thumbdrive	Implied Changes in Craig-Hallum Valuations - Discounted Cash Flow Methods, Exhibit 6 to John Montgomery Expert Report, dated 3/22/2019	PAMT-EXP000029					
981.pdf	Thumbdrive	Summary of Impact of Alleged Financial Shortfall on Craig-Hallum Valuation Metrics, Exhibit 7 to John Montgomery Expert Report, dated 3/22/2019	PAMT-EXP000030					
982.pdf	Thumbdrive	Estimate of Alleged Damages, Exhibit 8 to John Montgomery Expert Report, dated 3/22/2019	PAMT-EXP000031-32					
983.pdf	Thumbdrive	John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000001-26					
984.pdf	Thumbdrive	Additional Materials Considered, Exhibit 1 to John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000027					
985.pdf	Thumbdrive	Atkins "Parametric Projections as of January 15, 2014" Using Feb. 14, 2014 "Wells Fargo" Projections Plus Barnes Aug. 20, 2013 Projected Licensing Revenue, Exhibit 2(a) to John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000028					
986.pdf	Thumbdrive	Atkins "Parametric Valuation as of January 15, 2014" Using Feb. 14, 2014 "Wells Fargo" Projections Plus Barnes Aug. 20, 2013 Projected Licensing Revenue, Exhibit 2(b) to John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000029					

Stip. Date
Offered. Obj. Date
Admit.

987.pdf	Thumbdrive	Atkins "Damages Calculations as of 1/15/14 - Company Aggregate" Using Feb. 14, 2014 "Wells Fargo" Projections Plus Barnes Aug. 20, 2013 Projected Licensing Revenue, Exhibit 2(c) to John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000030				
988.pdf	Thumbdrive	Atkins "Damages Calculations as of 1/15/14 - Per Share" Using Feb. 14, 2014 "Wells Fargo" Projections Plus Barnes Aug. 20, 2013 Projected Licensing Revenue, Exhibit 2(d) to John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000031				
989.pdf	Thumbdrive	Atkins "Parametric Projections as of January 15, 2014" Without Additional Projected Licensing Revenue, Exhibit 3(a) to John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000032				
990.pdf	Thumbdrive	Atkins "Parametric Valuation as of January 15, 2014" Without Additional Projected Licensing Revenue, Exhibit 3(b) to John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000033				
991.pdf	Thumbdrive	Atkins "Damages Calculations as of 1/15/14 - Company Aggregate" Without Additional Projected Licensing Revenue, Exhibit 3(c) to John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000034				
992.pdf	Thumbdrive	Atkins "Damages Calculations as of 1/15/14 - Per Share" Without Additional Projected Licensing Revenue, Exhibit 3(d) to John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000035				
993.pdf	Thumbdrive	Atkins "Parametric Projections as of January 15, 2014" with Barnes Aug. 20, 2013 Projected Licensing Revenue and WACC from Craig-Hallum 8/2/13 Fairness Opinion, Exhibit 4(a) to John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000036				
994.pdf	Thumbdrive	Atkins "Parametric Valuation as of January 15, 2014" with Barnes Aug. 20, 2013 Projected Licensing Revenue and WACC from Craig-Hallum 8/2/13 Fairness Opinion, Exhibit 4(b) to John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000037				
995.pdf	Thumbdrive	Atkins "Damages Calculations as of 1/15/14 - Company Aggregate" With Barnes Aug. 20, 2013 Projected Licensing Revenue, Exhibit 4(c) to John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000038				
996.pdf	Thumbdrive	Atkins "Damages Calculations as of 1/15/14 - Per Share" with Barnes Aug. 20, 2013 Projected Licensing Revenue and WACC from Craig-Hallum 8/2/13 Fairness Opinion, Exhibit 4(d) to John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000039				
997.pdf	Thumbdrive	Atkins "Parametric Projections as of January 15, 2014" Using Feb. 14, 2014 "Wells Fargo" Projections Plus Barnes Aug. 20, 2013 Projected Licensing Revenue, Exhibit 5(a) to John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000040-41				
998.pdf	Thumbdrive	Atkins "Parametric Valuation as of January 15, 2014" Using Feb. 14, 2014 "Wells Fargo" Projections Plus Barnes Aug. 20, 2013 Projected Licensing Revenue, Exhibit 5(b) to John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000042				
999.pdf	Thumbdrive	Atkins "Damages Calculations as of 1/15/14 - Company Aggregate" Using Feb. 14, 2014 "Wells Fargo" Projections Plus Barnes Aug. 20, 2013 Projected Licensing, Exhibit 5(c) to John Montgomery Expert Rebuttal Report Revenue, dated 5/24/2019	PAMT-R-EXP000043				
1000.pdf	Thumbdrive	Atkins "Damages Calculations as of 1/15/14 - Per Share" Using Feb. 14, 2014 "Wells Fargo" Projections Plus Barnes Aug. 20, 2013 Projected Licensing Revenue, Exhibit 5(d) to John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000044				
1001.pdf	Thumbdrive	Atkins "Parametric Projections as of January 15, 2014" Using WACC from Craig-Hallum 8/2/13 Fairness Opinion, Exhibit 6(a) to John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000045				
1002.pdf	Thumbdrive	Atkins Turtle Beach Valuation as of January 15, 2014" Using WACC from Craig-Hallum 8/2/13 Fairness Opinion, Exhibit 6(b) to John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000046				
1003.pdf	Thumbdrive	Atkins "Damages Calculations as of 1/15/14 - Company Aggregate" Using WACC from Craig-Hallum 8/2/13 Fairness Opinion, Exhibit 6(c) to John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000047				
1004.pdf	Thumbdrive	Atkins "Damages Calculations as of 1/15/14 - Per Share" Using WACC from Craig-Hallum 8/2/13 Fairness Opinion, Exhibit 6(d) to John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000048				
1005.pdf	Thumbdrive	Atkins "Parametric Projections as of January 15, 2014" with Barnes Aug. 20, 2013 Projected Licensing Revenue and WACC from Craig-Hallum 8/2/13 Fairness, Exhibit 7(a) to John Montgomery Expert Rebuttal Report Opinion, dated 5/24/2019	PAMT-R-EXP000049				
1006.pdf	Thumbdrive	Atkins "Parametric Valuation as of January 15, 2014" with Barnes Aug. 20, 2013 Projected Licensing Revenue and WACC from Craig-Hallum 8/2/13 Fairness Opinion, Exhibit 7(b) to John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000050				
1007.pdf	Thumbdrive	Atkins "Damages Calculations as of 1/15/14 - Per Share" with Barnes Aug. 20, 2013 Projected Licensing Revenue and WACC from Craig-Hallum 8/2/13 Fairness Opinion, Exhibit 7(c) to John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000051				
1008.pdf	Thumbdrive	Regression of Randomly Ordered Parametric Sound Returns Minus Atkins's "Treasury Performance" Variable, Exhibit 8 to John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000052				
1009.pdf	Thumbdrive	Regression of Randomly Ordered Parametric Sound Returns Minus Atkins's "Treasury Performance" Variable, Exhibit 9 to John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000053				

Step. Date Offerd. Obj. Date Admt.

1010.pdf	Thumbdrive	Summary Statistics - Randomly Ordered Return Variables vs. Randomly Ordered Return Variables Minus "Treasury Performance," Exhibit 10 to John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000054					
1011.pdf	Thumbdrive	Market Model Regression of Parametric Sound Returns, Exhibit 11 to John Montgomery Expert Rebuttal Report, dated 5/24/2019	PAMT-R-EXP000055					
1012.pdf	Thumbdrive	Limited Liability Company Operating Agreement for PAMTP LLC A Multiple Member Managed Limited Liability Company, dated 4/15/2020	Plaintiff_6-19					
1013.pdf	Thumbdrive	Robert Masterson Assignment of Claim, dated 4/15/2020	Plaintiff_25					
1014.pdf	Thumbdrive	Marcia Patricof Assignment of Claim, dated 4/15/2020	Plaintiff_26					
1015.pdf	Thumbdrive	Richard Santulli Assignment of Claim, dated 4/15/2020	Plaintiff_27					
1016.pdf	Thumbdrive	Barry Weisbord Assignment of Claim, dated 4/15/2020	Plaintiff_28					
1017.pdf	Thumbdrive	Muriel Etkin Assignment of Claim, dated 4/17/2020	Plaintiff_20					
1018.pdf	Thumbdrive	Ronald Etkin Assignment of Claim, dated 4/17/2020	Plaintiff_21					
1019.pdf	Thumbdrive	Alan Goldberg Assignment of Claim, dated 4/17/2020	Plaintiff_22					
1020.pdf	Thumbdrive	Ann Goldberg Assignment of Claim, dated 4/17/2020	Plaintiff_23					
1021.pdf	Thumbdrive	Adam Kahn for Ice Rose Capital LLC Assignment of Claim, dated 4/22/2020	Plaintiff_24					
1022.pdf	Thumbdrive	Levi & Korsinsky Letter to Gilardi & Co. Parametric Settlement, dated 4/22/2020	Plaintiff_1-2					
1023.pdf	Thumbdrive	IceRose Capital LLC Assignment of Claim, dated 4/22/2020	ICEROSE_105					
1024.pdf	Thumbdrive	Complaint, PAMT LLC v. Potashner et al., District Court Clark County, dated 5/20/2020						
1025.pdf	Thumbdrive	Plaintiff PAMTP LLC's Initial Rule 16.1 Disclosure Statement, dated 11/2/2020		NO.	8/16	NO.	8/16/21	WA
1026.pdf	Thumbdrive	IceRose Capital Management, LLC Response to Subpoena, dated 12/14/2020						
1027.pdf	Thumbdrive	Alan Goldberg Response to Subpoena, dated 12/14/2020						
1028.pdf	Thumbdrive	Ann Goldberg Response to Subpoena, dated 12/14/2020						
1029.pdf	Thumbdrive	Robert Masterson Response to Subpoena, dated 12/14/2020		STIP.	8/19	NO.	8/19	WA
1030.pdf	Thumbdrive	Richard T. Santulli Response to Subpoena, dated 12/14/2020						
1031.pdf	Thumbdrive	Barry L. Weisbord Response to Subpoena, dated 12/14/2020						
1032.pdf	Thumbdrive	Plaintiff PAMTP LLC's Response to Defendants' First Set of Requests for Admission, dated 5/17/2021						
1033.pdf	Thumbdrive	Plaintiff PAMTP LLC's Response to Defendants' First Set of Interrogatories, dated 5/17/2021						
1034.pdf	Thumbdrive	Declaration of Muriel Etkin, In re Parametric Sound Corp. Shareholders' Litigation, dated 5/18/2021						
1035.pdf	Thumbdrive	Defendants' Supplemental NRCP 16.1(a)(2) Rebuttal Expert Witness Disclosure, dated 2/26/2021						
1036.pdf	Thumbdrive	Robert Masterson Morgan Stanley and Oppenheimer Brokerage Statements, dated 2012-2017	MASTERSON_1-23	NO	8/23	NO	8/23	WA
1037.pdf	Thumbdrive	IceRose Master Fund Ltd. Brokerage Statements, dated 2013-2021	ICEROSE_1-97; ICEROSE_106-384	NO.	8/16			
1038.pdf	Thumbdrive	IceRose Trade History Report	MS_IceRose_HEAR_00001					
1039.pdf	Thumbdrive	Oppenheimer & Co. Custodian FBO Barry Weisbord IRA, dated 2013-2014	Weisbord_1-10					
1040.pdf	Thumbdrive	Jules and Marcia Patricof Oppenheimer & Co. Brokerage Statements, dated 2013-2017	Patricof_1-47; Patricof_140-58					
1041.pdf	Thumbdrive	Alan Goldberg IRA Oppenheimer and Fidelity Investments Brokerage Statements, dated 2013-2018	GOLDBERG_1-35	NO.	8/23	NO	8/23	WA
1042.pdf	Thumbdrive	Richard Santulli Oppenheimer and UBS Brokerage Statements, dated 2014-2015	Santulli_1-11	NO	8/23	NO	8/23	WA
1043.pdf	Thumbdrive	Ronald and Muriel Etkin Brokerage Statement, dated 2014-2018	Etkin_1-9	NO.	8/23	NO	8/23	WA
1044.pdf	Thumbdrive	Email to Max Fonarev from James Barnes regarding Confidential: V1 of Forecast; Attachment PAMT - Financial Projections - Sorbus - v1, dated 8/13/2013	TB-00070608-09					
1045.pdf	Thumbdrive	Email to Max Fonarev from James Barnes regarding Confidential: V2 With Some Lincense Revenue; Attachment PAMT - Financial Projections - Sorbus - v2, dated 8/13/2013	TB-00070239-40	NO.	8/17	NO	8/17	WA
1046.pdf	Thumbdrive	Email to Juergen Stark from Karen Kenworthy cc K. Fox, B. Murphy regarding PAMT Gaming License; Attachment PAMT Scenario Analysis v3, dated 4/5/2013	STRIPES 0022755-56	yes	8/24/21	NO	8/24/21	WA
1047.pdf	Thumbdrive	Parametric Sound Corp. Form 10-Q, Notes to Interim Condensed Consolidated Financial Statement (unaudited) dated March 31, 2013, Note 1, dated 5/2/2013						
1048.pdf	Thumbdrive	Email to Mark Dufilho, Adam Greenway, Andrew Kupka, Ken Potashner from Daniel Hoverman cc J. Hentrich, J. Barnes regarding Diligence, dated 6/20/2013	HL-PARA00059581					
1049.pdf	Thumbdrive	Email to James Honore, Robert Kaplan, Elwood Norris, James Barnes, Seth Putterman from Ken Potashner cc J. Hentrich regarding Update, dated 6/30/2013	TODD0005976					
1050.pdf	Thumbdrive	Email to Ken Potashner from Joshua Weisbord regarding Juergen, dated 8/21/2013	PAMTINV0099906					
1051.pdf	Thumbdrive	Email to Seth Putterman from Robert Kaplan cc J. & T. Barnes, W. Norris, J. Hentrich, J. Honore regarding Post Merger Stock Price, dated 10/24/2013	PAMTINV0115188					
1052.pdf	Thumbdrive	Parametric Sound Corp. Form 8-K, Ex. 99.1 November 2013 Investor Presentation, dated 11/7/2013		STIP.	8/20	NO	8/20	WA
1053.pdf	Thumbdrive	Parametric Sound Corp. Schedule 14A, December 2013 Investor Presentation, dated 12/10/2013						
1054.pdf	Thumbdrive	Parametric Sound Corp. Form 8-K, dated 12/30/2013						
1055.pdf	Thumbdrive	Minutes of the Regular Meeting of the Board of Directors of Parametric Sound Corp., dated 12/13/2012	HL-PARA00056277-78					

[illegible]

Certification of Copy

State of Nevada }
County of Clark } SS:

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

PLAINTIFF PAMTP LLC'S NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING DEFENDANTS' MOTION FOR JUDGMENT PURSUANT TO NRCP 52(C), FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND JUDGMENT THEREON; NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS' MOTION FOR JUDGMENT PURSUANT TO NRCP 52(C), FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND JUDGMENT THEREON; DISTRICT COURT MINUTES; EXHIBITS LIST

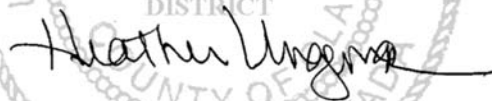
IN RE PARAMETRIC SOUND
CORPORATION SHAREHOLDERS'
LITIGATION,

Case No: A-13-686890-B
*Consolidated with A-13-687232-B,
A-13-678354-B, A-13-687665-B,
A-13-688374-B, A-16-741073-B,
A-20-815308-B*
Dept No: XXII

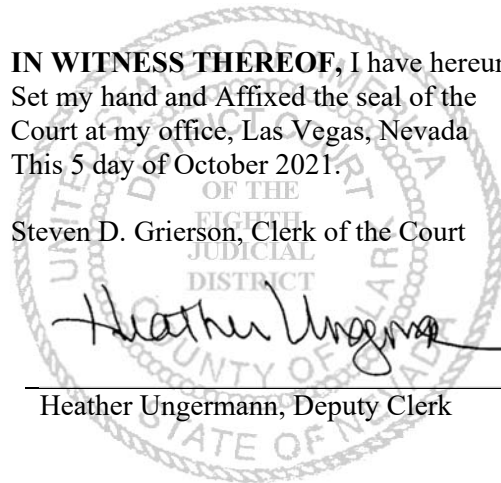
now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 5 day of October 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk



DATE	INVOICE NUMBER	MEMO	BALANCE
09/30/2021	JAS/093021		
		250.00	
		JAS / 30830.2 - Filing fee for Notice of Appeal (NSC); A-13-686890-B	
CHECK DATE	CHECK NUMBER		
09/30/2021	000029325		
		TOTAL	250.00

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

McDONALD CARANO2300 W. SAHARA AVENUE, #1000
LAS VEGAS, NEVADA 89102
(702) 873-4100**NEVADA STATE BANK**
1 West Liberty Street
Reno, Nevada 89501

94-77/1224

29325

PAY: *Two Hundred Fifty and 00/100 Dollars*

NUMBER	DATE	AMOUNT
000029325	09/30/2021	*****250.00

TO THE
ORDER
OF
Nevada Supreme CourtPUB RED IMAGE
FADERS WITH HEAT


2 SIGNATURES REQUIRED IF OVER \$2500.00

Security Features Included Details on back

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