

IN THE SUPREME COURT OF THE STATE OF NEVADA

Nos. 83598, 84971, and 85358

IN RE PARAMETRIC SOUND CORPORATION
SHAREHOLDERS' LITIGATION.

Electronically Filed
Jan 12 2023 09:10 PM
Elizabeth A. Brown
Clerk of Supreme Court

PAMTP, LLC,

Appellant,

v.

KENNETH F. POTASHNER; VTB HOLDINGS, INC.;
STRIPE GROUP, LLC; SG VTB HOLDINGS, LLC;
JUERGEN STARK; and KENNETH FOX,

Respondents.

Consolidated Appeals from Final Judgment and Fees and Costs Awards
Eighth Judicial District Court Case No. A-13-686890-B

APPELLANT'S APPENDIX – VOLUME 24 OF 24

Jeff Silvestri (NSBN 5779)
George F. Ogilvie III (NSBN 3552)
Chelsea Latino (NSBN 14227)
MCDONALD CARANO LLP
2300 W. Sahara Ave., Ste. 1200
Las Vegas, NV 89102
(702) 873-4100
jsilvestri@mcdonaldcarano.com
gogilvie@mcdonaldcarano.com
clatino@mcdonaldcarano.com

Daniel M. Sullivan (Admitted *PHV*)
Scott M. Danner (Admitted *PHV*)
Jordan Pietzsch (*PHV* Forthcoming)
HOLWELL SHUSTER & GOLDBERG LLP
425 Lexington Ave., 14th Fl.
New York, NY 10017
(646) 837-5151
dsullivan@hsgllp.com
sdanner@hsgllp.com
jpietzsch@hsgllp.com

Attorneys for PAMTP, LLC

INDEX TO JOINT APPENDIX

(Chronological)

<u>Date</u>	<u>Document Description</u>	<u>Vol.</u>	<u>Pages</u>
3/7/18	Amended Class Action and Derivative Complaint	1	AA 0001- AA 0078
3/27/18	Order Denying Defendants' Motions to Dismiss the Amended Class Action and Derivative Complaint	1	AA 0079- AA 0090
11/15/19	Stipulation of Settlement	1	AA 0091- AA 0174
5/19/20	Final Judgment and Order of Dismissal With Prejudice	1	AA 0175- AA 0203
5/20/20	PAMTP LLC's Complaint	2	AA 0204- AA 0270
8/20/20	Order Denying Defendants' Motions to Dismiss Plaintiff's Complaint	2	AA 0271- AA 0280
9/3/20	Director Defendants' Answer to Complaint	2	AA 0281- AA 0317
9/3/20	Answer to Plaintiff PAMTP LLC's Complaint	2	AA 0318- AA 0360
5/18/21	Order Granting Plaintiff's Motion Against Defendants Kenneth Potashner, Juergen Stark, and VTB Holdings, inc. Setting Evidentiary Hearing Re Spoliation Sanctions	2	AA 0361- AA 0368
6/23/21	Transcript of Evidentiary Hearing re: Spoliation Sanctions (6/18/21)	3-4	AA 0369- AA 0696
7/15/21	Findings of Fact, Conclusions of Law and Order Imposing Spoliation Sanctions	5	AA 0697- AA 0707
8/3/21	Order Denying Motion for Summary Judgment of Specially Appearing Defendants Stripes Group, LLC, SG VTB Holdings. LLC Juergen Stark, Kenneth Fox	5	AA 0708- AA 0725

<u>Date</u>	<u>Document Description</u>	<u>Vol.</u>	<u>Pages</u>
8/3/21	Order Denying Defendants' Motion in Limine to Exclude Plaintiff's Damages	5	AA 0726- AA 0742
8/3/21	Order Denying the Director Defendants' Motion for Summary Judgment	5	AA 0743- AA 0760
8/3/21	Order Denying Defendants' Motion in Limine to Exclude All Reference, Evidence, and Testimony Regarding Post Merger Conduct	5	AA 0761- AA 0778
8/3/21	Order Denying Defendants' Motion in Limine to Exclude the Opinions, Testimony, and Reports of J.T. Atkins	5	AA 0779- AA 0795
8/3/21	Order Denying Defendants' Motion in Limine to Exclude Evidence Related to Alleged Fraud by the Non- Director Defendants	5	AA 0796- AA 0813
8/3/21	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	5	AA 0814- AA 0831
8/3/21	Order Granting in Part Defendants' Motion in Limine to Exclude Evidence and Testimony Related to Irrelevant or Undisclosed Measures of Damages	5	AA 0832- AA 0838
8/23/21	Order Granting Certain Director Defendants' Motion for Determination of Good Faith Settlement	5	AA 0839- AA 0844
8/24/21	Plaintiff PAMTP LLC's Memorandum of Law Regarding NRS 78.200 and NRS 78.211	5	AA 0845- AA 0850
8/24/21	Defendants' Motion for Judgment on Partial Findings Pursuant to NRCP 52(c) Regarding Lack of Control or Expropriation	5	AA 0851- AA 0865
8/24/21	Defendants' Motion for Judgment on Standing Pursuant to NRCP 52(c)	5	AA 0866- AA 0876

<u>Date</u>	<u>Document Description</u>	<u>Vol.</u>	<u>Pages</u>
8/24/21	Defendants' Motion for Judgment for Lack of Evidence on <i>Gentile</i> Damages Pursuant to NRCP 52(c)	5	AA 0877- AA 0886
8/24/21	Specially Appearing Defendants Juergen Stark's and Kenneth Fox's Motion for Judgment Under the Statute of Limitations Pursuant to NRCP 52(c)	5	AA 0887- AA 0896
8/25/21	Non-Director Defendants' Trial Brief Re: Section 14(A)	5	AA 0897- AA 0904
8/25/21	Opposition to Plaintiff PAMTP LLC's Memorandum of Law Regarding NRS 78.200 and NRS 78.211	5	AA 0905- AA 0914
8/26/21	Transcript of Proceedings Bench Trial – Day 1 (8/16/21)	6-7	AA 0915- AA 1231
	Trial Exhibit 244	7-8	AA 1232- AA 1573
	Trial Exhibit 376	9	AA 1574- AA 1575
8/26/21	Transcript of Proceedings (8/17/21) Bench Trial – Day 2, Vol. 1	9	AA 1576- AA 1719
8/26/21	Transcript of Proceedings (8/17/21) Bench Trial – Day 2, Vol. 2	10	AA 1720- AA 1888
8/26/21	Transcript of Proceedings (8/18/21) Bench Trial – Day 3, Vol. 1	11	AA 1889- AA 2018
	Trial Exhibit 5	11	AA 2019- AA 2022
	Trial Exhibit 6	11	AA 2023- AA 2029
	Trial Exhibit 26	11	AA 2030
	Trial Exhibit 38	11	AA 2031
	Trial Exhibit 95	11	AA 2032

<u>Date</u>	<u>Document Description</u>	<u>Vol.</u>	<u>Pages</u>
	Trial Exhibit 106	11	AA 2033
	Trial Exhibit 108	11	AA 2034- AA 2037
	Trial Exhibit 109	11	AA 2038- AA 2041
	Trial Exhibit 111	11	AA 2042- AA 2043
	Trial Exhibit 137	11	AA 2044- AA 2047
	Trial Exhibit 142	11	AA 2048
	Trial Exhibit 152	11	AA 2049- AA 2050
	Trial Exhibit 194	11	AA 2051- AA 2092
	Trial Exhibit 277	11	AA 2093- AA 2095
	Trial Exhibit 296	11	AA 2096- AA 2097
8/26/21	Transcript of Proceedings (8/18/21) Bench Trial – Day 3, Vol. 2	12	AA 2098- AA 2238
	Trial Exhibit 78	12	AA 2239- AA 2240
	Trial Exhibit 82	12	AA 2241- AA 2243
	Trial Exhibit 83	12	AA 2244
	Trial Exhibit 87	12	AA 2245- AA 2246
	Trial Exhibit 88	12	AA 2247- AA 2248
	Trial Exhibit 89	12	AA 2249
	Trial Exhibit 90	12	AA 2250-

<u>Date</u>	<u>Document Description</u>	<u>Vol.</u>	<u>Pages</u>
			AA 2251
	Trial Exhibit 94	12	AA 2252
	Trial Exhibit 98	12	AA 2253- AA 2254
	Trial Exhibit 99	12	AA 2255- AA 2256
	Trial Exhibit 113	12	AA 2257- AA 2260
	Trial Exhibit 132	12	AA 2261
	Trial Exhibit 171	12	AA 2262
	Trial Exhibit 293	12	AA 2263- AA 2264
	Trial Exhibit 346	12	AA 2265- AA 2267
8/26/21	Transcript of Proceedings (8/19/21) Bench Trial – Day 4, Vol. 1	13	AA 2268- AA 2387
	Trial Exhibit 775	13	AA 2388
	Trial Exhibit 776	13	AA 2389- AA 2390
	Trial Exhibit 781	13	AA 2391- AA 2394
	Trial Exhibit 785	13	AA 2395- AA 2411
	Trial Exhibit 789	13	AA 2412- AA 2413
	Trial Exhibit 821	13	AA 2414
	Trial Exhibit 837	13	AA 2415- AA 2416

<u>Date</u>	<u>Document Description</u>	<u>Vol.</u>	<u>Pages</u>
8/26/21	Transcript of Proceedings (8/19/21) Bench Trial – Day 4, Vol. 2	14	AA 2417- AA 2597
	Trial Exhibit 265	14	AA 2598- AA 2599
	Trial Exhibit 345	14	AA 2600- AA 2602
8/26/21	Transcript of Proceedings (8/20/21) Bench Trial – Day 5	15	AA 2603- AA 2800
	Trial Exhibit 17	15	AA 2801- AA 2803
	Trial Exhibit 58	15	AA 2804- AA 2805
	Trial Exhibit 60	15	AA 2806- AA 2807
	Trial Exhibit 116	15	AA 2808
	Trial Exhibit 120	15	AA 2809- AA 2816
	Trial Exhibit 305	15	AA 2817
	Trial Exhibit 1052	16	AA 2818- AA 2862
8/26/21	Transcript of Proceedings (8/23/21) Bench Trial – Day 6, Vol. 1	16	AA 2863- AA 2984
	Trial Exhibit 84	16	AA 2985- AA 3045
	Trial Exhibit 110	17	AA 3046
	Trial Exhibit 143	17	AA 3047- AA 3048
	Trial Exhibit 160	17	AA 3049
	Trial Exhibit 166	17	AA 3050- AA 3058

<u>Date</u>	<u>Document Description</u>	<u>Vol.</u>	<u>Pages</u>
	Trial Exhibit 170	17	AA 3059- AA 3060
	Trial Exhibit 172	17	AA 3061- AA 3064
	Trial Exhibit 267	17	AA 3065- AA 3069
	Trial Exhibit 271	17	AA 3070
	Trial Exhibit 330	17	AA 3071- AA 3073
	Trial Exhibit 338	17	AA 3074- AA 3076
	Trial Exhibit 339	17	AA 3077- AA 3084
	Trial Exhibit 364	17	AA 3085- AA 3087
	Trial Exhibit 425	17	AA 3088- AA 3106
8/26/21	Transcript of Proceedings (8/23/21) Bench Trial – Day 6, Vol. 2	17	AA 3107- AA 3282
8/26/21	Transcript of Proceedings (8/24/21) Bench Trial – Day 7, Vol. 1	18	AA 3283- AA 3410
	Trial Exhibit 428	18	AA 3411- AA 3415
	Trial Exhibit 464	18	AA 3416- AA 3422
	Trial Exhibit 909	18	AA 3423- AA 3433
8/26/21	Transcript of Proceedings (8/24/21) Bench Trial – Day 7, Vol. 2	19	AA 3434- AA 3579
	Trial Exhibit 413	19	AA 3580- AA 3600

<u>Date</u>	<u>Document Description</u>	<u>Vol.</u>	<u>Pages</u>
8/26/21	Transcript of Proceedings (8/25/21) Bench Trial – Day 8	20	AA 3601- AA 3703
9/2/21	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	20	AA 3704- AA 3735
9/3/21	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	20	AA 3736- AA 3771
9/3/21	Order Granting Motion for Judgment Pursuant to NRCP 52(c)	20	AA 3772- AA 3795
9/8/21	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	20	AA 3796- AA 3822
9/22/21	Non-Director Defendants' Memorandum of Costs	20	AA 3823- AA 3831
9/22/21	Defendant Kenneth Potashner's Verified Memorandum of Costs	21	AA 3832- AA 3872
9/29/21	Defendants' Motion for Attorneys' Fees	21	AA 3873- AA 3901
9/30/21	Plaintiff PAMTP LLC's Notice of Appeal	21	AA 3902- AA 3929
10/7/21	Motion to Retax Defendant Kenneth Potashner's Verified Memorandum of Costs	21	AA 3930- AA 3945
10/7/21	Motion to Retax Non-Director Defendants' Memorandum of Costs	21	AA 3946- AA 3964
10/13/21	Plaintiff PAMTP LLC's Opposition to Motion for Attorneys' Fees	21	AA 3965- AA 4046

<u>Date</u>	<u>Document Description</u>	<u>Vol.</u>	<u>Pages</u>
10/21/21	Non-Director Defendants' Opposition to Plaintiff's Motion to Retax Costs	21	AA 4047-AA 4069
10/21/21	Opposition to Plaintiff's Motion to Retax Defendant Kenneth Potashner's Verified Memorandum of Costs	22	AA 4070-AA 4131
10/28/21	Reply in Support of Defendants' Motion for Attorneys' Fees	22	AA 4132-AA 4159
11/9/21	PAMTP, LLC's Reply in Support of Motion to Retax Non-Director Defendants' Memorandum of Costs	22	AA 4160-AA 4170
11/9/21	PAMTP, LLC's Reply in Support of Motion to Retax Defendant Kenneth Potashner's Verified Memorandum of Costs	22	AA 4171-AA 4178
12/16/21	Plaintiff PAMTP LLC's Supplemental Brief in Opposition to Motion for Attorneys' Fees	22	AA 4179-AA 4189
12/16/21	Supplemental Brief in Support of Defendants' Motion for Attorneys' Fees	22	AA 4190-AA 4204
12/22/21	Transcript of Hearing re: Defendants' Motion for Attorneys' Fees (12/2/21)	23	AA 4205-AA 4311
1/13/22	Transcript of Hearing re: Plaintiff's Motions to Retax (11/16/21)	23	AA 4312-AA 4369
6/7/22	Order Denying Defendants' Motion for Attorneys' Fees	23	AA 4370-AA 4386
6/15/22	Notice of Entry of Order Denying Defendants' Motion for Attorneys' Fees	23	AA 4387-AA 4407
6/30/22	Notice of Appeal	23	AA 4408-AA 4414
8/29/22	Order re: PAMTP LLC'S Motions to Re-Tax Costs	23	AA 4415-AA 4439
9/2/22	Notice of Entry of Order re: PAMTP, LLC's Motions to Re-Tax Costs	24	AA 4440-AA 4466
9/14/22	Plaintiff PAMTP LLC's Case Appeal Statement	24	AA 4467-AA 4526

<u>Date</u>	<u>Document Description</u>	<u>Vol.</u>	<u>Pages</u>
9/16/22	Amended Judgment	24	AA 4527- AA 4536
10/19/22	Order Granting Plaintiff's Motion to Stay Execution of Amended Judgment on Order Shortening Time	24	AA 4537- AA 4547
12/12/22	Order Granting Defendants' Motion to Amend Judgment	24	AA 4548- AA 4562
12/18/22	Second Amended Judgment	24	AA 4563- AA 4571

INDEX TO JOINT APPENDIX

(Alphabetical)

<u>Date</u>	<u>Document Description</u>	<u>Vol.</u>	<u>Pages</u>
3/7/18	Amended Class Action and Derivative Complaint	1	AA 0001- AA 0078
9/16/22	Amended Judgment	24	AA 4527- AA 4536
9/3/20	Answer to Plaintiff PAMTP LLC's Complaint	2	AA 0318- AA 0360
9/22/21	Defendant Kenneth Potashner's Verified Memorandum of Costs	21	AA 3832- AA 3872
9/29/21	Defendants' Motion for Attorneys' Fees	21	AA 3873- AA 3901
8/24/21	Defendants' Motion for Judgment for Lack of Evidence on <i>Gentile</i> Damages Pursuant to NRCP 52(c)	5	AA 0877- AA 0886
8/24/21	Defendants' Motion for Judgment on Partial Findings Pursuant to NRCP 52(c) Regarding Lack of Control or Expropriation	5	AA 0851- AA 0865
8/24/21	Defendants' Motion for Judgment on Standing Pursuant to NRCP 52(c)	5	AA 0866- AA 0876
9/3/20	Director Defendants' Answer to Complaint	2	AA 0281- AA 0317
5/19/20	Final Judgment and Order of Dismissal With Prejudice	1	AA 0175- AA 0203
7/15/21	Findings of Fact, Conclusions of Law and Order Imposing Spoliation Sanctions	5	AA 0697- AA 0707
10/7/21	Motion to Retax Defendant Kenneth Potashner's Verified Memorandum of Costs	21	AA 3930- AA 3945
10/7/21	Motion to Retax Non-Director Defendants' Memorandum of Costs	21	AA 3946- AA 3964

<u>Date</u>	<u>Document Description</u>	<u>Vol.</u>	<u>Pages</u>
9/22/21	Non-Director Defendants' Memorandum of Costs	20	AA 3823-AA 3831
10/21/21	Non-Director Defendants' Opposition to Plaintiff's Motion to Retax Costs	21	AA 4047-AA 4069
8/25/21	Non-Director Defendants' Trial Brief Re: Section 14(A)	5	AA 0897-AA 0904
6/30/22	Notice of Appeal	23	AA 4408-AA 4414
6/15/22	Notice of Entry of Order Denying Defendants' Motion for Attorneys' Fees	23	AA 4387-AA 4407
9/8/21	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	20	AA 3796-AA 3822
9/2/22	Notice of Entry of Order re: PAMTP, LLC's Motions to Re-Tax Costs	24	AA 4440-AA 4466
9/3/21	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	20	AA 3736-AA 3771
9/2/21	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	20	AA 3704-AA 3735
8/25/21	Opposition to Plaintiff PAMTP LLC's Memorandum of Law Regarding NRS 78.200 and NRS 78.211	5	AA 0905-AA 0914
10/21/21	Opposition to Plaintiff's Motion to Retax Defendant Kenneth Potashner's Verified Memorandum of Costs	22	AA 4070-AA 4131
6/7/22	Order Denying Defendants' Motion for Attorneys' Fees	23	AA 4370-AA 4386

<u>Date</u>	<u>Document Description</u>	<u>Vol.</u>	<u>Pages</u>
8/20/20	Order Denying Defendants' Motions to Dismiss Plaintiff's Complaint	2	AA 0271-AA 0280
3/27/18	Order Denying Defendants' Motions to Dismiss the Amended Class Action and Derivative Complaint	1	AA 0079-AA 0090
8/3/21	Order Denying Defendants' Motion in Limine to Exclude All Reference, Evidence, and Testimony Regarding Post Merger Conduct	5	AA 0761-AA 0778
8/3/21	Order Denying Defendants' Motion in Limine to Exclude Evidence Related to Alleged Fraud by the Non- Director Defendants	5	AA 0796-AA 0813
8/3/21	Order Denying Defendants' Motion in Limine to Exclude Plaintiff's Damages	5	AA 0726-AA 0742
8/3/21	Order Denying Defendants' Motion in Limine to Exclude the Opinions, Testimony, and Reports of J.T. Atkins	5	AA 0779-AA 0795
8/3/21	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	5	AA 0814-AA 0831
8/3/21	Order Denying Motion for Summary Judgment of Specially Appearing Defendants Stripes Group, LLC, SG VTB Holdings. LLC Juergen Stark, Kenneth Fox	5	AA 0708-AA 0725
8/3/21	Order Denying the Director Defendants' Motion for Summary Judgment	5	AA 0743-AA 0760
8/23/21	Order Granting Certain Director Defendants' Motion for Determination of Good Faith Settlement	5	AA 0839-AA 0844

<u>Date</u>	<u>Document Description</u>	<u>Vol.</u>	<u>Pages</u>
12/12/22	Order Granting Defendants' Motion to Amend Judgment	24	AA 4548- AA 4562
8/3/21	Order Granting in Part Defendants' Motion in Limine to Exclude Evidence and Testimony Related to Irrelevant or Undisclosed Measures of Damages	5	AA 0832- AA 0838
9/3/21	Order Granting Motion for Judgment Pursuant to NRCP 52(c)	20	AA 3772- AA 3795
5/18/21	Order Granting Plaintiff's Motion Against Defendants Kenneth Potashner, Juergen Stark, and VTB Holdings, inc. Setting Evidentiary Hearing Re Spoilation Sanctions	2	AA 0361- AA 0368
10/19/22	Order Granting Plaintiff's Motion to Stay Execution of Amended Judgment on Order Shortening Time	24	AA 4537- AA 4547
8/29/22	Order re: PAMTP LLC'S Motions to Re-Tax Costs	23	AA 4415- AA 4439
5/20/20	PAMTP LLC's Complaint	2	AA 0204- AA 0270
11/9/21	PAMTP, LLC's Reply in Support of Motion to Retax Defendant Kenneth Potashner's Verified Memorandum of Costs	22	AA 4171- AA 4178
11/9/21	PAMTP, LLC's Reply in Support of Motion to Retax Non-Director Defendants' Memorandum of Costs	22	AA 4160- AA 4170
9/14/22	Plaintiff PAMTP LLC's Case Appeal Statement	24	AA 4467- AA 4526
8/24/21	Plaintiff PAMTP LLC's Memorandum of Law Regarding NRS 78.200 and NRS 78.211	5	AA 0845- AA 0850
9/30/21	Plaintiff PAMTP LLC's Notice of Appeal	21	AA 3902- AA 3929
10/13/21	Plaintiff PAMTP LLC's Opposition to Motion for Attorneys' Fees	21	AA 3965- AA 4046

<u>Date</u>	<u>Document Description</u>	<u>Vol.</u>	<u>Pages</u>
12/16/21	Plaintiff PAMTP LLC's Supplemental Brief in Opposition to Motion for Attorneys' Fees	22	AA 4179- AA 4189
10/28/21	Reply in Support of Defendants' Motion for Attorneys' Fees	22	AA 4132- AA 4159
12/18/22	Second Amended Judgment	24	AA 4563- AA 4571
8/24/21	Specially Appearing Defendants Juergen Stark's and Kenneth Fox's Motion for Judgment Under the Statute of Limitations Pursuant to NRCF 52(c)	5	AA 0887- AA 0896
11/15/19	Stipulation of Settlement	1	AA 0091- AA 0174
12/16/21	Supplemental Brief in Support of Defendants' Motion for Attorneys' Fees	22	AA 4190- AA 4204
6/23/21	Transcript of Evidentiary Hearing re: Spoliation Sanctions (6/18/21)	3-4	AA 0369- AA 0696
12/22/21	Transcript of Hearing re: Defendants' Motion for Attorneys' Fees (12/2/21)	23	AA 4205- AA 4311
1/13/22	Transcript of Hearing re: Plaintiff's Motions to Retax (11/16/21)	23	AA 4312- AA 4369
8/26/21	Transcript of Proceedings Bench Trial – Day 1 (8/16/21)	6-7	AA 0915- AA 1231
8/26/21	Transcript of Proceedings (8/17/21) Bench Trial – Day 2, Vol. 1	9	AA 1576- AA 1719
8/26/21	Transcript of Proceedings (8/17/21) Bench Trial – Day 2, Vol. 2	10	AA 1720- AA 1888
8/26/21	Transcript of Proceedings (8/18/21) Bench Trial – Day 3, Vol. 1	11	AA 1889- AA 2018
8/26/21	Transcript of Proceedings (8/18/21) Bench Trial – Day 3, Vol. 2	12	AA 2098- AA 2238

<u>Date</u>	<u>Document Description</u>	<u>Vol.</u>	<u>Pages</u>
8/26/21	Transcript of Proceedings (8/19/21) Bench Trial – Day 4, Vol. 1	13	AA 2268- AA 2387
8/26/21	Transcript of Proceedings (8/19/21) Bench Trial – Day 4, Vol. 2	14	AA 2417- AA 2597
8/26/21	Transcript of Proceedings (8/20/21) Bench Trial – Day 5	15	AA 2603- AA 2800
8/26/21	Transcript of Proceedings (8/23/21) Bench Trial – Day 6, Vol. 1	16	AA 2863- AA 2984
8/26/21	Transcript of Proceedings (8/23/21) Bench Trial – Day 6, Vol. 2	17	AA 3107- AA 3282
8/26/21	Transcript of Proceedings (8/24/21) Bench Trial – Day 7, Vol. 1	18	AA 3283- AA 3410
8/26/21	Transcript of Proceedings (8/24/21) Bench Trial – Day 7, Vol. 2	19	AA 3434- AA 3579
8/26/21	Transcript of Proceedings (8/25/21) Bench Trial – Day 8	20	AA 3601- AA 3703
	Trial Exhibit 5	11	AA 2019- AA 2022
	Trial Exhibit 6	11	AA 2023- AA 2029
	Trial Exhibit 17	15	AA 2801- AA 2803
	Trial Exhibit 26	11	AA 2030
	Trial Exhibit 38	11	AA 2031
	Trial Exhibit 58	15	AA 2804- AA 2805
	Trial Exhibit 60	15	AA 2806- AA 2807
	Trial Exhibit 78	12	AA 2239- AA 2240

<u>Date</u>	<u>Document Description</u>	<u>Vol.</u>	<u>Pages</u>
	Trial Exhibit 82	12	AA 2241- AA 2243
	Trial Exhibit 83	12	AA 2244
	Trial Exhibit 84	16	AA 2985- AA 3045
	Trial Exhibit 87	12	AA 2245- AA 2246
	Trial Exhibit 88	12	AA 2247- AA 2248
	Trial Exhibit 89	12	AA 2249
	Trial Exhibit 90	12	AA 2250- AA 2251
	Trial Exhibit 94	12	AA 2252
	Trial Exhibit 95	11	AA 2032
	Trial Exhibit 98	12	AA 2253- AA 2254
	Trial Exhibit 99	12	AA 2255- AA 2256
	Trial Exhibit 106	11	AA 2033
	Trial Exhibit 108	11	AA 2034- AA 2037
	Trial Exhibit 109	11	AA 2038- AA 2041
	Trial Exhibit 110	17	AA 3046
	Trial Exhibit 111	11	AA 2042- AA 2043
	Trial Exhibit 113	12	AA 2257- AA 2260
	Trial Exhibit 116	15	AA 2808

<u>Date</u>	<u>Document Description</u>	<u>Vol.</u>	<u>Pages</u>
	Trial Exhibit 120	15	AA 2809- AA 2816
	Trial Exhibit 132	12	AA 2261
	Trial Exhibit 137	11	AA 2044- AA 2047
	Trial Exhibit 142	11	AA 2048
	Trial Exhibit 143	17	AA 3047- AA 3048
	Trial Exhibit 152	11	AA 2049- AA 2050
	Trial Exhibit 160	17	AA 3049
	Trial Exhibit 166	17	AA 3050- AA 3058
	Trial Exhibit 170	17	AA 3059- AA 3060
	Trial Exhibit 171	12	AA 2262
	Trial Exhibit 172	17	AA 3061- AA 3064
	Trial Exhibit 194	11	AA 2051- AA 2092
	Trial Exhibit 244	7-8	AA 1232- AA 1573
	Trial Exhibit 265	14	AA 2598- AA 2599
	Trial Exhibit 267	17	AA 3065- AA 3069
	Trial Exhibit 271	17	AA 3070
	Trial Exhibit 277	11	AA 2093- AA 2095
	Trial Exhibit 293	12	AA 2263- AA 2264

<u>Date</u>	<u>Document Description</u>	<u>Vol.</u>	<u>Pages</u>
	Trial Exhibit 296	11	AA 2096- AA 2097
	Trial Exhibit 305	15	AA 2817
	Trial Exhibit 330	17	AA 3071- AA 3073
	Trial Exhibit 338	17	AA 3074- AA 3076
	Trial Exhibit 339	17	AA 3077- AA 3084
	Trial Exhibit 345	14	AA 2600- AA 2602
	Trial Exhibit 346	12	AA 2265- AA 2267
	Trial Exhibit 364	17	AA 3085- AA 3087
	Trial Exhibit 376	9	AA 1574- AA 1575
	Trial Exhibit 413	19	AA 3580- AA 3600
	Trial Exhibit 425	17	AA 3088- AA 3106
	Trial Exhibit 428	18	AA 3411- AA 3415
	Trial Exhibit 464	18	AA 3416- AA 3422
	Trial Exhibit 775	13	AA 2388
	Trial Exhibit 776	13	AA 2389- AA 2390
	Trial Exhibit 781	13	AA 2391- AA 2394
	Trial Exhibit 785	13	AA 2395- AA 2411

<u>Date</u>	<u>Document Description</u>	<u>Vol.</u>	<u>Pages</u>
	Trial Exhibit 789	13	AA 2412- AA 2413
	Trial Exhibit 821	13	AA 2414
	Trial Exhibit 837	13	AA 2415- AA 2416
	Trial Exhibit 909	18	AA 3423- AA 3433
	Trial Exhibit 1052	16	AA 2818- AA 2862

AFFIRMATION

Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Respectfully submitted this 12th day of January, 2023.

MCDONALD CARANO LLP

/s/ Jeff Silvestri

Jeff Silvestri (NSBN 5779)
George F. Ogilvie III (NSBN 3552)
Chelsea Latino (NSBN 14227)
2300 W. Sahara Ave., Ste. 1200
Las Vegas, NV 89102
(702) 873-4100
jsilvestri@mcdonaldcarano.com
gogilvie@mcdonaldcarano.com
clatino@mcdonaldcarano.com

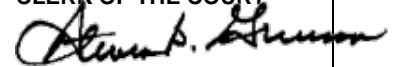
Daniel M. Sullivan (Admitted *PHV*)
Scott M. Danner (Admitted *PHV*)
Jordan Pietzsch (*PHV* Forthcoming)
HOLWELL SHUSTER & GOLDBERG LLP
425 Lexington Ave., 14th Fl.
New York, NY 10017
(646) 837-5151
dsullivan@hsgllp.com
sdanner@hsgllp.com
jpietzsch@hsgllp.com

Attorneys for PAMTP, LLC

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of McDonald Carano LLP, and on January 12, 2023, a true and correct copy of the foregoing was e-filed and e-served on all registered parties to the Supreme Court's electronic filing system.

/s/ CaraMia Gerard
An Employee of McDonald Carano LLP



Richard C. Gordon, Esq.
Nevada Bar No. 9036
SNELL & WILMER L.L.P.
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169
Tel. (702) 784-5200
Fax. (702) 784-5252
rgordon@swlaw.com

[Additional counsel on signature page]

*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

Case No. A-13-686890-B
Dept. No. XXII

KEARNEY IRRV TRUST, individually and
on behalf of all others similarly situated,

Plaintiff,

vs.

KENNETH F. POSTASHNER; ELWOOD
G. NORRIS; SETH PUTTERMAN;
ROBERT M. KAPLAN; ANDREW L.
WOLFE; JAMES L. HONORE;
PARAMETRIC SOUND CORPORATION;
PARIS ACQUISITION CORP.; and VTB
HOLDINGS, INC.

Defendants.

**NOTICE OF ENTRY OF ORDER RE:
PAMTP, LLC'S MOTIONS TO RE-TAX
COSTS**

GRANT OAKES; RAYMOND BOYTIM,

Intervenor Plaintiffs.

Consolidated with:

VITIE RAKAUSKAS, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

Case No. A-13-687232-B
Dept. No. XXII

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

PARAMETRIC SOUND CORPORATION; VTB HOLDINGS, INC.; PARIS ACQUISITION CORP., KENNETH F. POTASHNER; ELWOOD G. NORRIS; ROBERT J. KAPLAN; SETH PUTTERMAN; ANDREW WOLF; and JAMES L. HONORE,	
Defendants.	
GEORGE PRIESTON, individually and on behalf of all others similarly situated,	
Plaintiff,	
vs.	
KENNETH F. POTASHNER; PARAMETRIC SOUND CORPORATION; JAMES L. HONORE; ROBERT M. KAPLAN; ELWOOD G. NORRIS; SETH PUTTERMAN; ANDREW WOLFE; VTB HOLDINGS, INC.; VOYETRA TURTLE BEACH, INC.; and PARIS ACQUISITION CORP.,	
Defendants.	
JOSH HANSEN, individually and on behalf of all others similarly situated,	
Plaintiff,	
vs.	
PARAMETRIC SOUND CORPORATION; JAMES L. HONORE; ROBERT M. KAPLAN; ELWOOD G. NORRIS; KENNETH F. POTASHNER; SETH PUTTERMAN; ANDREW WOLFE; VTB HOLDINGS, INC.; VOYETRA TURTLE BEACH, INC. and PARIS ACQUISITION CORP.,	
Defendants.	
SHAHA VASEK, individually and on behalf of all others similarly situated,	
Plaintiff,	
vs.	

Consolidated with:
Case No. A-13-687354-B
Dept. XXII

Consolidated with:
Case No. A-13-687665-B
Dept. XXII

Consolidated with:
Case No. A-13-688374-B
Dept. XXII

PARAMETRIC SOUND CORPORATION;
KENNETH POTASHNER; ELWOOD G.
NORRIS; ROBERT M. KAPLAN; SETH
PUTTERMAN; ANDREW WOLFE; and
JAMES L. HONORE; VTB HOLDINGS,
INC.; and PARIS ACQUISITION CORP.,

Defendants.

LANCE MYKITA, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

5G VTB HOLDINGS, LLC; STRIPES
GROUP, LLC; VTB HOLDINGS, INC.;
TURTLE BEACH CORPORATION, INC.,

Defendants.

PAMTP, LLC,

Plaintiff,

vs.

SG VTB HOLDINGS, LLC; STRIPES
GROUP, LLC; VTB HOLDINGS, INC.;
JUERGEN STARK; KENNETH FOX;
ANDREW WOLFE; SETH PUTTERMAN;
ELWOOD G. NORRIS; KENNETH
POTASHNER,

Defendants.

Consolidated with:
Case No. A-16-741073-B
Dept. XXII

Consolidated with:
Case No. A-20-815308-B
Dept. XXII

///

///

///

1 PLEASE TAKE NOTICE that the *Order re: PAMTP, LLC's Motions to Re-Tax Costs* was
2 entered with this Court on August 29, 2022, a copy of which is attached hereto.

3 Dated: September 2, 2022

SNELL & WILMER L.L.P.

4
5 By: /s/ Richard C. Gordon

6 Richard C. Gordon (Bar No. 9036)
7 3883 Howard Hughes Parkway, Suite 1100
8 Las Vegas, NV 89169

DECHERT L.L.P.

9 Joshua D. N. Hess, Esq. (*Admitted Pro Hac Vice*)
10 1900 K Street, NW
11 Washington, DC 20006

12 David A. Kotler, Esq. (*Admitted Pro Hac Vice*)
13 Brian C. Raphael, Esq. (*Admitted Pro Hac Vice*)
14 1095 Avenue of the Americas
15 New York, NY 10036

16 *Attorneys for Defendant VTB Holdings, Inc. and*
17 *Specially Appearing Defendants Stripes Group,*
18 *LLC and SG VTB Holdings, LLC*
19
20
21
22
23
24
25
26
27
28

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 RE: PAMTP, LLC'S MOTIONS TO RE-TAX COSTS
on the 2nd day of September, 2022, via e-service through Odyssey File and serve to the email
addresses listed below:

SHEPPARD MULLIN RICHTER & HAMPTON LLP
John P. Stigi III, Esq. (*Admitted Pro Hac Vice*)
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067
JStigi@sheppardmullin.com
*Attorneys for Kenneth Potashner, Elwood Norris,
Seth Putterman, Robert Kaplan, Andrew Wolfe and James Honore*

HOLLAND & HART LLP
J. Stephen Peek, Esq.
Robert J. Cassity, Esq.
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134
speek@hollandhart.com
bcassity@hollandhart.com
*Attorneys for Kenneth Potashner, Elwood Norris
Seth Putterman, Robert Kaplan, Andrew Wolfe and James Honore*

DECHERT L.L.P.
David A. Kotler, Esq. (*Admitted Pro Hac Vice*)
Brian Raphel, Esq. (*Admitted Pro Hac Vice*)
1095 Avenue of the Americas
New York, NY 10036
Tel. (212) 698-3822
Fax (212) 698-3599
Neil.steiner@dechert.com
Brian.Raphel@dechert.com

Joshua D. N. Hess, Esq. (*Admitted Pro Hac Vice*)
1900 K Street, N.W.
Washington, D.C. 20006
Tel. (202) 261-3438
Fax (202) 261-3333
Joshua.Hess@dechert.com

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

McDONALD CARANO LLP
George F. Ogilvie III, Esq. (NSBN 3552)
Amanda C. Yen, Esq. (NSBN 9726)
Rory T. Kay, Esq. (NSBN 12416)
2300 West Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102
gogilvie@mcdonaldcarano.com
ayen@mcdonaldcarano.com
rkay@mcdonaldcarano.com
Attorneys for PAMTP LLC

HOLWELL SHUSTER & GOLDBERG LLP
Daniel Martin Sullivan, Esq. (Admitted Pro Hac Vice)
Scott Manning Danner, Esq. (Admitted Pro Hac Vice)
425 Lexington Avenue, 14th Floor
New York, NY 10017
dsullivan@hsgllp.com
sdanner@hsgllp.com
Attorneys for PAMPT LLC

4891-5833-3488

/s/ Lyndsey Luxford
An employee of Snell & Wilmer L.L.P.

1 **ORDR**

2 **DISTRICT COURT**

3 **CLARK COUNTY, NEVADA**

4 **IN RE PARAMETRIC SOUND**
5 **CORPORATION SHAREHOLDERS'**
6 **LITIGATION**

7 **KEARNEY IRRV TRUST, individually and on**
8 **behalf of all others similarly situated,**

9 **Plaintiff,**

10 **Vs.**

11 **KENNETH F. POSTASHNER; ELWOOD G.**
12 **NORRIS; SETH PUTTERMAN; ROBERT M.**
13 **KAPLAN; ANDREW L. WOLFE; JAMES L.**
14 **HONORE; PARAMETRIC SOUND**
15 **CORPORATION; PARIS ACQUISITION**
16 **CORP.; and VTB HOLDINGS, INC.**

17 **Defendants.**

18 **GRANT OAKES; RAYMOND BOYTIM,**

19 **Intervenor Plaintiffs.**

20 **VITIE RAKAUSKAS, individually and on**
21 **behalf of all others similarly situated,**

22 **Plaintiff,**

23 **Vs.**

24 **PARAMETRIC SOUND CORPORATION;**
25 **VTB HOLDINGS, INC.; PARIS**
26 **ACQUISITION CORP., KENNETH F.**
27 **POTASHNER; ELWOOD G. NORRIS;**
28 **ROBERT J. KAPLAN; SETH PUTTERMAN;**
ANDREW WOLF; and JAMES L. HONORE,

Defendants.

GEORGE PRIESTON, individually and on
behalf of all others similarly situated,

Plaintiff,

Vs.

Case No. A-13-686890-B
Dept. No. XXII

ORDER RE: PAMTP, LLC'S
MOTIONS TO RE-TAX COSTS

Consolidated with:

Case No. A-13-687232-B
Dept. No. XXII

Consolidated with:

Case No. A-13-687354-B
Dept. XXII

SUSAN H. JOHNSON
DISTRICT JUDGE
DEPARTMENT XXII

**KENNETH F. POTASHNER; PARAMETRIC
SOUND CORPORATION; JAMES L.
HONORE; ROBERT M. KAPLAN;
ELWOOD G. NORRIS; SETH
PUTTERMAN; ANDREW WOLFE; VTB
HOLDINGS, INC.; VOYETRA TURTLE
BEACH, INC.; and PARIS ACQUISITION
CORP.,**

Defendants.

**JOSH HANSEN, individually and on behalf of
all others similarly situated,**

Plaintiff,

Vs.

**PARAMETRIC SOUND CORPORATION;
JAMES L. HONORE; ROBERT M.
KAPLAN; ELWOOD G. NORRIS;
KENNETH F. POTASHNER; SETH
PUTTERMAN; ANDREW WOLFE; VTB
HOLDINGS, INC.; VOYETRA TURTLE
BEACH, INC. and PARIS ACQUISITION
CORP.,**

Defendants.

**SHAHA VASEK, individually and on behalf of
all others similarly situated,**

Plaintiff,

Vs.

**PARAMETRIC SOUND CORPORATION;
KENNETH POTASHNER; ELWOOD G.
NORRIS; ROBERT M. KAPLAN; SETH
PUTTERMAN; ANDREW WOLFE; and
JAMES L. HONORE; VTB HOLDINGS,
INC.; and PARIS ACQUISITION CORP.,**

Defendants.

**LANCE MYKITA, individually and on behalf
of all others similarly situated,**

Plaintiff,

Vs.

**5G VTB HOLDINGS, LLC; STRIPES
GROUP, LLC; VTB HOLDINGS, INC.;**

Consolidated with:

**Case No. A-13-687665-B
Dept. XXII**

Consolidated with:

**Case No. A-13-688374-B
Dept. XXII**

Consolidated with:

**Case No. A-16-741073-B
Dept. XXII**

1 **TURTLE BEACH CORPORATION, INC.,**

2 **Defendants.**

3 **PAMTP, LLC,**

4 **Plaintiff,**

5 **Vs.**

6 **SG VTB HOLDINGS, LLC; STRIPES; VTB**
7 **HOLDINGS, INC.; JUERGEN STARK;**
8 **KENNETH FOX; ANDREW WOLFE; SETH**
9 **PUTTERMAN; ELWOOD G. NORRIS;**
10 **KENNETH POTASHNER,**

11 **Defendants.**

Consolidated with:

Case No. A-20-815308-B
Dept. XXII

12 **ORDER RE: PAMTP, LLC'S MOTIONS TO RE-TAX COSTS**

13 These matters concerning:

14 1. Plaintiff PAMTP, LLC'S Motion to Re-Tax Defendant KENNETH POTASHNER'S
15 Verified Memorandum of Costs filed October 7, 2021; and

16 2. Plaintiff PAMTP, LLC'S Motion to Re-Tax Non-Director Defendants' Memorandum
17 of Costs filed October 7, 2021,

18 both came on for hearing on the 16th day of November 2021 at the hour of 8:30 a.m. before

19 Department XXII of the Eighth Judicial District Court, in and for Clark County, Nevada with

20 JUDGE SUSAN JOHNSON presiding; Plaintiff PAMTP, LLC appeared by and through its

21 attorneys, GEORGE F. OGILVIE, III, ESQ. of the law firm, MCDONALD CARANO, DANIEL

22 SULLIVAN, ESQ. of the law office, HOLWELL SHUSTER& GOLDBERG, and DAVID C.

23 O'MARA, ESQ. of the O'MARA LAW FIRM; Defendant KENNETH POTASHNER appeared by

24 and through his attorney, J. STEPHEN PEEK, ESQ. of the law firm, HOLLAND & HART, and

25 ALEJANDRO E. MORENO, ESQ. of the law firm, SHEPPARD MULLIN RICHTER &

26 HAMPTON; and Defendant VTB HOLDINGS, INC. and Specially Appearing Defendants

27 STRIPES GROUP, LLC, SG VTB HOLDINGS, LLC, JUERGEN STARK and KENNETH FOX
28

SUSAN H. JOHNSON
DISTRICT JUDGE
DEPARTMENT XXII

1 appeared by and through their attorneys, RICHARD C. GORDON, ESQ. of the law firm, SNELL &
2 WILMER, and DAVID A. KOTLER, ESQ. of the law office, DECHERT, LLP. Having reviewed
3 the papers and pleadings filed in this matter, including but not limited to the thousands of pages
4 related to the motions, heard extensive oral arguments of the lawyers and taken this matter under
5 advisement, this Court makes the following Findings of Fact and Conclusions of Law:

6
7 **FINDINGS OF FACT AND PROCEDURAL HISTORY**

8 1. On August 13, 2013, the primary action was filed by a non-controlling shareholder of
9 PARAMETRIC SOUND CORPORATION, a small publicly traded company, on behalf of itself and
10 those similarly situated, to challenge the corporation's merger with VTB HOLDINGS, INC. (also
11 referred to as "TURTLE BEACH") which closed on or about January 14, 2014. After the original
12 complaint's filing, several other non-controlling shareholder actions challenging the merger were
13 filed and eventually consolidated with the first action. The combined various complaints asserted
14 three causes of action: (1) breach of fiduciary duties by PARAMOUNT SOUND
15 CORPORATION'S Board of Directors, (2) aiding and abetting the directors' breach of fiduciary
16 duties by PARAMETRIC SOUND CORPORATION and VTB HOLDINGS, INC. and (3) unjust
17 enrichment.
18

19 2. PAMTP, LLC filed its Complaint in Case No. A-20-815308-B against SG VTB
20 HOLDINGS, LLC, STRIPES, VTB HOLDINGS, INC., JUERGEN STARK, KENNETH FOX,¹
21 ANDREW WOLFE, ROBERT KAPLAN, SETH PUTTERMAN, ELWOOD G. NORRIS² and
22 KENNETH POTASHNER on May 20, 2020, asserting claims of (1) breach of fiduciary duty and (2)
23 aiding and abetting breach of fiduciary duty. PAMTP, LLC is a Delaware limited liability company
24
25

26
27 ¹SG VTB HOLDINGS, LLC, STRIPES, VTB HOLDINGS, INC., JUERGEN STARK and KENNETH FOX
are the non-settling "Non-Director Defendants," and will be referred to as the "Non-Director Defendants" herein.

28 ²ANDREW WOLFE, ROBERT KAPLAN, SETH PUTTERMAN and ELWOOD G. NORRIS are the "Non-
Director Defendants" who ultimately resolved claims filed by PAMTP, LLC.

1 formed for the purpose of asserting claims assigned to it by individuals and entities who held
2 PARAMETRIC SOUND CORPORATION common stock on the closing date of the merger,
3 January 15, 2014; these individuals and entities are ICEROSE CAPITAL MANAGEMENT, LLC,
4 ROBERT MASTERSON, MARCIA PATRICOF on behalf of the PATRICOF FAMILY, LP,
5 MARCIA PATRICOF REVOCABLE LIVING TRUST and the JULES PATRICOF REVOCABLE
6 LIVING TRUST, ALAN and ANNE GOLDBERG, BARRY WEISBORD, RONALD and MURIEL
7 ETKIN and RICHARD SANTULLI.
8

9 **3.** Of significance here, the non-controlling shareholder plaintiffs were certified as a
10 class by the Court on January 18, 2019 and defined as “those individuals holding [PARAMETRIC
11 SOUND CORPORATION] common stock on...January 15, 2014.” *See* Order filed January 18,
12 2019. Although all non-controlling shareholders had the opportunity to opt out or be excluded from
13 the class, those who ultimately assigned their claims to PAMTP, LLC did not opt out of the class.
14

15 **4.** The derivative causes of action for breach of fiduciary duty, aiding and abetting and
16 unjust enrichment claims were extinguished by the settlement and judgment entered into by the
17 Court on May 18, 2020, two days before PAMTP, LLC filed its Complaint, which as set forth above,
18 alleged the claims assigned to it by ICEROSE CAPITAL MANAGEMENT, LLC, ROBERT
19 MASTERSON, MARCIA PATRICOF on behalf of the PATRICOF FAMILY, LP, MARCIA
20 PATRICOF REVOCABLE LIVING TRUST and the JULES PATRICOF REVOCABLE LIVING
21 TRUST, ALAN and ANNE GOLDBERG, BARRY WEISBORD, RONALD and MURIEL ETKIN
22 and RICHARD SANTULLI.
23

24 **5.** The case filed by PAMTP, LLC came regularly for trial before the Court on August
25 16, 2021 and continued through August 25, 2021. After conclusion of the PAMTP, LLC’S case-in-
26 chief, Defendants moved the Court for judgment in their favor as a matter of law pursuant to NRCP
27 52(c); these motions were granted by the Court as set forth within its Order Granting Defendants’
28

Motion for Judgment Pursuant to NRCP 52(c), Findings of Fact, Conclusions of Law and Judgment filed September 3, 2021. The Notice of Entry of Judgment was filed September 8, 2021.³

6. The Non-Director Defendants and MR. POTASHNER, as prevailing parties, filed their respective memorandums of costs on September 22, 2021. The Non-Director Defendants seek a total reimbursement of \$1,046,849.92 in costs; MR. POTASHNER has itemized \$407,071.11 as expenses to be recovered from PAMTP, LLC. These costs are set forth as follows:

Non-Directors' Costs

Costs Incurred by DECHERT, LLP Law Firm

Reporters' Fees for Depositions	\$74,652.57
Expert Witness Fees	223,031.19
Printing/Photocopying/Scanning	82,992.66
Postage/Federal Express	2,443.46
Travel and Lodging for Hearings/Depositions	102,189.45
Computerized Legal Research	85,922.55
Electronic Discovery	309,399.52
Access to Court Records	99.30
<i>Pro Hac Vice</i> Admission Fees	9,350.00
Equipment Rental for Trial	<u>123,508.80</u>
Total:	\$1,012,571.70

Costs Incurred by SNELL & WILMER

Clerks' Fees	\$ 4,480.05
Reporters' Fees for Depositions/Hearings/Trial	16,172.38
Telecopies	1.50
Costs for Printing/Photocopying/Scanning	2,675.49
Postage/Federal Express	167.53
Travel and Lodging for Hearings/Depositions	1,752.93
Computerized Legal Research	2,920.00
Conference Calls	77.39
<i>Pro Hac Vice</i> Admission Fees	4,900.00
Messenger Services	<u>1,130.95</u>
Total:	\$34,278.22

...

³The parties stipulated to an extension of the deadlines imposed by NRS 18.110 to September 22, 2021.

MR. POTASHNER'S Costs

Clerks' Fees	\$ 2,636.00
Reporters' Fees for Depositions	49,098.70
Witnesses' Fees & Expenses	11,525.00
Expert Witness Fees	91,846.50
Court Reporter Fees	1,864.29
Photocopies	22,496.91
Travel and Lodging Costs	46,801.99
Computerized Legal Research	8,557.79
Electronic Discovery	159,160.51
Delivery and Filing Services-Messengers	1,919.50
<i>Pro Hac Vice</i> Admission Fees	5,200.00
Parking for Mandatory Hearings	725.00
Mediation Fees	2,844.57
Travel for Mandatory Supreme Court Hearings	<u>762.59</u>

Total: \$407,071.11

6. PAMTP, LLC has moved to re-tax the costs, arguing, *first*, the movants are not entitled to costs they incurred in defending the earlier class actions years before it filed its lawsuit in 2020. In its view, costs incurred before a party files a lawsuit are not recoverable under NRS Chapter 18 and the class action was independent under NRS 18.020. *Second*, the Non-Director Defendants and MR. POTASHNER seek recovery of costs they incurred with respect to the evidentiary hearing in June 2021 was brought about by their own willful and/or negligent destruction of evidence. In other words, these Defendants seek a monetary reward for their bad faith acts that harmed PAMTP, LLC'S case. *Third*, these Defendants seek recovery for electronic discovery (also referred to herein as "e-discovery") expenses incurred for storing and producing electronically stored information (also referred to as "ESI" herein) which are not identified as a recoverable costs under NRS 18.005. *Fourth*, the Non-Director Defendants seek recovery of \$55,838.95 in expert witness fees incurred after May 20, 2020, an amount that exceeds NRS 18.005's allowance of no more than \$1,500.00 per expert witness; in PAMTP, LLC'S view, the Non-Director Defendants did not show extenuating circumstances supporting recovery of larger fees. *Fifth*, the Non-Director Defendants

1 seek expenses for “trial support,” and amounts for “equipment rental” and “graphics and onsite
2 support,” which are “bloated” and not reasonable under NRS Chapter 18. *Sixth and finally*, these
3 Defendants seek *pro hac vice* fees which are not recoverable under NRS Chapter 18.

4 7. Defendants oppose, arguing the litigation commenced in 2013 and the consolidated
5 matter has always been treated as a singular lawsuit. In Defendants’ view, PAMTP, LLC conceded
6 that point within its Pre-Trial Memorandum when it claimed entitlement to pre-judgment interest
7 accruing from the date of dilutive issuance, January 15, 2014, or, alternatively, from the time the
8 Complaint was filed, August 13, 2013, “because this Action arose as a direct result of Plaintiff’s opt-
9 out from the settlement of the Class Action, and continues under the initial case, number A-13-
10 686890-B.”⁴ Further, PAMTP, LLC’S assignors were actual or putative class members in this
11 action since its inception in 2013 and they received the benefits of class counsel’s advocacy and
12 discovery produced by Defendants. *Secondly*, in Defendants’ view, they are entitled to costs
13 associated with the evidentiary hearing; even though they did not prevail at that hearing, the
14 sanctions PAMTP, LLC received played no material role in the case’s outcome; that is, “[e]ven with
15 the evidentiary scales tipped in Plaintiff’s favor, this Court still found Plaintiff’s claims to be so
16 lacking in substance that judgment under NRCP 52(c) was appropriate.”⁵ *Third*, PAMTP, LLC
17 misreads precedent from the Nevada Supreme Court as precluding recovery of costs associated with
18 hosting and storing of e-discovery. If anything, that same authority cited by Plaintiff expressly
19 authorizes and affirms recovery of such costs. *See In re: DISH Network Derivative Litigation*, 133
20 Nev. 438, 401 P.3d 1081 (2017). *Fourth*, PAMTP, LLC misconstrues NRS 18.005 by arguing the
21 Non-Director Defendants are not entitled to recover more than \$1,500 per expert witness when none
22 of the experts testified at trial. Such limitation does not apply when the non-prevailing party’s
23
24
25
26

27
28 ⁴See Plaintiff’s Pre-Trial Memorandum, pp. 10-11, filed July 16, 2021.

⁵See Non-Director Defendants’ Opposition to Plaintiff’s Motion to Re-Tax Costs, p. 2, filed October 21, 2021.

1 conduct results in the experts not testifying; here, the Court granted Defendants judgment as a matter
2 of law rendering it unnecessary for the defense experts to testify. *Fifth*, the trial support expenses
3 are reasonable and recoverable. *Sixth*, the fees incurred for attorneys appearing *pro hac vice* are
4 reasonable and recoverable as it was necessary to retain non-Nevada lawyers to address issues never
5 before litigated in Nevada.

6 CONCLUSIONS OF LAW

7
8 1. NRS 18.020 sets forth costs must be allowed of course to the prevailing party against
9 his adversary against whom judgment is rendered in an action where the plaintiff seeks, *inter alia*,
10 the recovery of real property or a possessory right thereto and/or more than \$2,500.00. The
11 determination of which expenses are allowed as costs is within the sound discretion of the trial court.
12 Although this Court has wide discretion in awarding costs to prevailing parties, such is not without
13 limits. See Cadle Company v. Woods & Erickson, 131 Nev. 114, 345 P.3d 1049 (2015). The
14 Court's discretion should be exercised sparingly when considering whether to allow expenses not
15 specified by statute and precedent. See Bergmann v. Boyce, 109 Nev. 670, 679, 856 P.2d 560, 566
16 (1993). In this case, there is no question the Non-Director Defendants and MR. POTASHNER are
17 the parties that prevailed in this action as they were accorded judgment as a matter of law under
18 NRCP 52(c) after PAMTP, LLC rested its case.
19

20
21 2. NRS 18.005 defines the "costs" recoverable by the prevailing party. They include:

- 22 1. Clerk's fees.
- 23 2. Reporters' fees for depositions, including a reporter's fee for one copy of each
24 deposition.
- 25 3. Jurors' fees and expenses, together with reasonable compensation of an
26 officer appointed to act in accordance with NRS 16.120.
- 27 4. Fees for witnesses at trial, pretrial hearings and deposing witnesses, unless the
28 court finds that the witness was called at the instance of the prevailing party without reason
or necessity.
5. Reasonable fees of not more than five expert witnesses in an amount of not
more than \$1,500 for each witness, unless the court allows a larger fee after determining that

1 the circumstances surrounding the expert's testimony were of such necessity as to require the
2 larger fee.

3 6. Reasonable fees of necessary interpreters.

4 7. The fee of any sheriff or licensed process server for the delivery or service of
5 any summons or subpoena used in the action, unless the court determines that the service was
6 not necessary.

7 8. Compensation for the official reporter or reporter pro tempore.

8 9. Reasonable costs for any bond or undertaking required as part of the action.

9 10. Fees of a court bailiff or deputy marshal who was required to work overtime.

10 11. Reasonable costs for telecopies.

11 12. Reasonable costs for photocopies.

12 13. Reasonable costs for long distance telephone calls.

13 14. Reasonable costs for postage.

14 15. Reasonable costs for travel and lodging incurred in taking depositions and
15 conducting discovery.

16 16. Fees charged pursuant to NRS 19.0335.

17 17. Any other reasonable and necessary expense incurred in connection with the
18 action, including reasonable and necessary expenses for computerized services for legal
19 research.

20 **Costs and Disbursements Incurred Prior to May 20, 2020**

21 3. PAMTP, LLC alleges within its May 20, 2020 Complaint it was "lawfully and validly
22 assigned" the "rights, titles and interests" of certain shareholders, to wit: ICEROSE CAPITAL
23 MANAGEMENT, LLC, ROBERT MASTERSON, MARCIA PATRICOF on behalf of the
24 PATRICOF FAMILY, LP, MARCIA PATRICOF REVOCABLE LIVING TRUST and the JULES
25 PATRICOF REVOCABLE LIVING TRUST, ALAN and ANNE GOLDBERG, BARRY
26 WEISBORD, RONALD and MURIEL ETKIN and RICHARD SANTULLI, "in any claims arising
27 from or related to the Merger against Parametric or any other entity or individual that could be liable
28 for the acts or omissions alleged in the litigation entitled *In re Parametric Sound Corporation*
Shareholders' Litigation, No. A-13-686890-B."⁶ "Assign" is defined as "[t]o transfer, make over, or
set over to another. To appoint, allot, select, or designate for a particular purpose, or duty. To point
at, or point out; to set forth, or specify; to mark out or designate; to particularize, as to assign errors
on a writ of error; to assign breaches of a covenant." See Black's Law Dictionary, p. 108 (5th ed.

⁶See Complaint filed May 20, 2020, p. 7, paragraph 25.

1979); Reynolds v. Tufenkjian, 136 Nev. Adv. Op. 19, 461 P.3d 147, 153-154 (2020) (while claims for personal injury torts are not assignable, when a tort claim alleges purely pecuniary loss, as in the case [of a] negligent misrepresentation claim, the claim may be assigned.”). Here, the basis of PAMTP, LLC’S lawsuit against the Non-Director Defendants and MR. POTASHNER stems from a tort alleging a purely pecuniary loss in that it arises from their alleged breach of fiduciary duty and aiding and abetting breach of fiduciary duty which originally were owed to the assignor-shareholders.

4. PAMTP, LLC argues the Non-Director Defendants and MR. POTASHNER are precluded from seeking reimbursement of any and all costs that were incurred between the institution of the first class action lawsuit on August 13, 2013 and the filing of its Complaint on May 20, 2020, i.e. \$585,083.29⁷ and “nearly \$300,000.00.”⁸ That is, in PAMTP, LLC’S view, the parties who prevailed in this lawsuit are not entitled to costs that accrued prior to the filing of its Complaint. This Court disagrees with PAMTP, LLC’S position for at least a couple of reasons. *First*, PAMTP, LLC’S standing to sue stems solely from it being “lawfully and validly assigned” the “rights, titles and interests” of certain shareholders which arose from or related to the January 2014 merger.⁹ Upon assignment, PAMTP, LLC received and accepted all risks and benefits of the class litigation starting from when the individual assignors became involved in the lawsuit. *Second*, this Court is also mindful PAMTP, LLC has claimed within its Pre-Trial Memorandum an entitlement to pre-judgment interest accruing from the date of dilutive issuance, January 15, 2014, or, alternatively, from the time the Complaint was filed, August 13, 2013, “because this Action arose as a direct result of Plaintiff’s opt-out from the settlement of the Class Action, and continues under the initial case,

⁷See PAMTP, LLC’S Motion to Re-Tax Non-Directors’ Memorandum of Costs filed October 7, 2021, p. 2

⁸See PAMTP, LLC’S Motion to Re-Tax defendant Kenneth Potashner’s Verified Memorandum of Costs filed October 7, 2021, p. 2.

⁹See Complaint, p. 7, paragraph 25.

1 number A-13-686890-B.”¹⁰ Presumably, if PAMTP, LLC had been the prevailing party, it would
2 have sought pre-judgment interest accruing since 2013 or 2014. As PAMTP, LLC sued based upon
3 the assignment of claims that arose in 2013, this Court concludes the Non-Director Defendants and
4 MR. POTASHNER, as prevailing parties, are entitled to reimbursement of reasonable costs
5 necessarily and actually incurred from the time the original class action was instituted. PAMTP,
6 LLC has lodged no other challenge as to the reasonableness and necessity of the costs incurred by
7 Defendants prior to May 20, 2020. PAMTP, LLC’S Motions to Re-Tax Costs as they seek a
8 subtraction or re-taxing of *all* costs incurred between the institution of the first class action lawsuit
9 and the filing of its Complaint on May 20, 2020 are denied.
10

11 **Costs Associated with the Spoliation Evidentiary Hearing**

12 **5.** PAMTP, LLC argues the Non-Director Defendants and MR. POTASHNER should
13 not be awarded their costs incurred in unsuccessfully defending claims they willfully and/or
14 negligently failed to preserve data and communications at a two-day evidentiary hearing that took
15 place June 18 and 25, 2021. While it does not identify the particular costs allegedly incurred by
16 MR. POTASHNER, it indicates “over \$23,000.00” was charged to the Non-Director Defendants.
17 This Court agrees with PAMTP, LLC’S assessment. After hearing two-days of testimony, JUDGE
18 GONZALEZ concluded MR. POTASHNER “willfully destroyed text messages and emails relevant
19 to this litigation.” The judge made an adverse inference “the lost text messages and emails relevant
20 to this litigation would have shown that Potashner acted in bad faith when supporting and approving
21 the merger. Potashner may testify and contest this at trial, but his testimony will go to his credibility
22 only because an adverse inference of bad faith has already been made by the Court;...” JUDGE
23 GONZALEZ also found “Stark and Fox...negligently failed to preserve text messages,” and she
24
25
26
27
28

¹⁰See Plaintiff’s Pre-Trial Memorandum, pp. 10-11.

made a determination the lost information would have been adverse to them.¹¹ Given the rulings adverse to the Non-Director Defendants and MR. POTASHNER, this Court, in its discretion, declines to award Defendants their costs incurred as a result of defending against the spoliation allegations which included the evidentiary hearing.

5. This Court has gleaned the following expenses were incurred by the Non-Director Defendants as a result of defending the spoliation allegations:¹²

<u>Printing Expenses (Evidentiary Hearing)</u>	
Litigation Discovery Group	\$6,854.78
<u>Travel Expenses, June 15-26, 2021</u>	
David A. Kottler, Esq.	5,620.61
Joshua D. Hess, Esq.	4,170.19
Richard C. Gordon, Esq. (parking expenses)	39.00
<u>Reporters' Fees, June 25, 2021:</u>	
Transcript of Proceedings	132.52
Total:	\$16,817.10

MR. POTASHNER incurred the following costs as a result of the spoliation evidentiary hearing:¹³

<u>Court Fees</u>	
June 16 – 17, 2021	\$ 14.00
<u>Witnesses' Fees and Expenses</u>	
Jury to Verdict Trial Services	1,775.00
<u>Travel and Lodging Costs, June 15-18, 2021</u>	
Alejandro E. Moreno, Esq.	861.59
John P. Stigi, III, Esq.	1,448.95
Kenneth Potashner	639.76
<u>Delivery and Filing Services</u>	
June 14, 2022	244.90

¹¹See Findings of Fact, Conclusions of Law and Order Imposing Spoliation Sanctions filed July 15, 2021, p. 10.

¹²The expenses are itemized and shown by receipts in Appendix of Exhibits to Non-Director Defendants' Memorandum of Costs (Volumes 1, 2, 3 and 4) filed September 22, 2021.

¹³MR. POTASHNER'S expenses are itemized and shown by receipts in Appendix of Exhibits to his Verified Memorandum of Costs (Volumes I, II, III, IV and V) filed September 22, 2021.

Parking for Mandatory Hearings

June 18, 25, 2022

108.00

Total

\$5,092.20

This Court disallows a total of \$21,909.30 in costs associated with MR. POTASHNER'S and the Non-Director Defendants' defense of the spoliation issues.

Costs Associated With Electronic Discovery and Storage

6. As set forth *supra*, the Non-Director Defendants and MR. POTASHER seek the recovery of \$309,399.52 and \$159,160.51, respectively, incurred as "reasonable and necessary electronic discovery costs,"¹⁴ claiming such fall within NRS 18.005(17)'s "catch-all" provision. Such costs included those to collect, host, search for and produce the documents requested by PAMTP, LLC. PAMTP, LLC moved to re-tax such costs on two bases: *First*, Defendants are not entitled to recover costs incurred prior to the May 20, 2020 Complaint's filing which has been addressed by the Court previously. *Second*, "[p]arties may not recover e-discovery for hosting and storage costs as a taxable cost."¹⁵

7. The issue raised by PAMTP, LLC has been addressed by the Nevada Supreme Court in In re DISH Network Derivative Litigation, 133 Nev. at 450-451, 401 P.3d 1081. There, the high court specifically held electronic discovery expenses are "costs" under NRS 18.005(17) as "[a]ny other reasonable and necessary expense incurred in connection with the action." *Id.*; also see NRCP 34(d) ("The party requesting that documents be copied must pay the reasonable cost therefor..."). In reviewing the records provided, this Court notes the costs incurred by Defendants were for electronic discovery conducted by vendors, not defense counsel, as a method to acquire and process the information required to be produced in response to PAMTP, LLC'S discovery requests. Such

¹⁴See MR. POTASHNER'S Opposition to Plaintiff's Motion to Retax Defendant Kenneth Potashner's Verified Memorandum of Costs, p. 16, filed October 21, 2021; also see Non-Director Defendants' Opposition to Plaintiff's Motion to Re-Tax Costs, p. 13.

¹⁵See PAMTP, LLC'S Motion to Retax Non-Director Defendants' Memorandum of Costs, p. 10.

1 costs included that for the vendors' hosting and storage. Other than its challenges to those expenses
2 incurred prior to May 20, 2020 and those attributable to hosting and storage, PAMTP, LLC does not
3 dispute the reasonableness or necessity of the electronic discovery costs. In this Court's view, the
4 electronic discovery costs are "reasonable and necessary expense[s] incurred in connection with the
5 action." See NRS 18.005(17). This Court therefore denies PAMTP, LLC'S motion as it seeks a re-
6 tax of Defendants' electronic discovery expenses.
7

8 **Expert Witnesses' Fees**

9 **8.** NRS 18.005(5) identifies within its term "costs" as including "[r]easonable fees of
10 not more than five expert witnesses in an amount of not more than \$1,500 for each witness, unless
11 the court allows a larger fee after determining that the circumstances surrounding the expert's
12 testimony were of such necessity as to require the larger fee." See Logan v. Abe, 131 Nev. 260, 267,
13 350 P.3d 1139 (2015) (Emphasis added); also see Frazier v. Drake, 131 Nev. 632, 646, 357 P.3d
14 365, 374 (2015). Here, MR. POTASHNER and the Non-Director Defendants seek reimbursement
15 of \$91,846.50 and \$223,031.19, respectively, for expert witness fees. MR. POTASHER and the
16 Non-Director Defendants retained the same experts, i.e. DR. JOHN MONTGOMERY and
17 ANKURA CONSULTING GROUP.
18

19 **9.** As already set forth *supra*, PAMTP, LLC first moved to re-tax of Defendants' expert
20 witness fees that were incurred prior to the filing of its Complaint on May 20, 2020; this Court has
21 concluded Defendants are entitled to reimbursement of their costs necessarily and reasonably
22 incurred prior to May 20, 2020.
23

24 **10.** PAMTP, LLC next challenges the Non-Director Defendants' expert witness fees
25 incurred after May 20, 2020,¹⁶ i.e. \$59,573.45. It proposes the expert witness fees charged after
26 May 20, 2020 should be limited to \$1,500.00 per expert witness as no expert testified at the trial. In
27

28 ¹⁶MR. POTASHNER'S expert witness fees were all incurred before May 20, 2020.

1 Frazier, 131 Nev. at 650, 651, 357 P.3d at 377-378, the Nevada Court of Appeals concluded any
2 award of expert witness fees in excess of \$1,500.00 per expert under NRS 18.005(5) must be
3 supported by an express, carefully and preferably written explanation of the district court's analysis
4 of factors pertinent to determining the reasonableness of the requested fees and whether "the
5 circumstances surrounding the expert's testimony were of such necessity as to require a larger fee."
6 *Cf. Young v. Johnny Ribeiro Building, Inc.*, 106 Nev. 88, 93, 787 P.2d 777, 780 (1990) (requiring an
7 "express, carefully and preferably written explanation" of the district court's analysis of factors
8 pertinent to determining whether a dismissal with prejudice is an appropriate discover sanction).
9 Here, in evaluating the request for such an award, this Court should consider the importance of the
10 expert's testimony to the defense, the degree to which his opinions aided the trier of fact in deciding
11 the case, whether the expert's report or testimony was repetitive of other expert witnesses, the extent
12 and nature of the work performed by him, whether he had to conduct independent investigations or
13 testing, the amount of time he spent in court, preparing a report and for trial, his areas of expertise,
14 his education and training, the fee actually charged to the Non-Director Defendants, the comparable
15 experts' fees charged in similar cases if the expert was retained from outside Clark County and the
16 fees and costs that would have been incurred to hire a comparable expert where the trial was held.
17 The aforementioned factors are non-exhaustive and others may be appropriate for consideration
18 depending on the circumstances of a case. Frazier, 131 Nev. at 650-651, 357 P.3d at 377-378.

19
20
21
22 **11.** This Court finds the trial testimony of DR. MONTGOMERY, a Class Certification
23 expert, would have been important to the Defendants' case and aided JUDGE GONZALEZ, the trier
24 of fact, in deciding the case if the matter proceeded beyond the granting of the NRCP 52(c) motion.
25 As DR. MONTGOMERY was the only expert witness retained by the Defendants, this Court
26 discerns his testimony would not have been repetitive of another's. This Court also is unaware of
27 any, and appreciates there may not be Class Certification experts residing in Nevada for Defendants
28

1 to make a comparison of the reasonableness of their expert's fees to those charged in Clark County.
2 While ANKURA CONSULTING GROUP'S invoices provided by MR. POTASHNER outlined the
3 hours and fees incurred as well as all tasks performed by DR. MONTGOMERY and other
4 consultants, the information identifying the actual tasks accomplished was completely redacted by
5 the Non-Director Defendants from the invoices they produced. With respect to what services were
6 provided to the Non-Director Defendants, this Court is unable to determine the extent and nature of
7 the work performed by DR. MONTGOMERY and the other ANKURA CONSULTING GROUP
8 consultants, whether the expert had to conduct independent investigations or testing, the amount of
9 time he spent preparing a report and for trial, as well as his time spent preparing for and having his
10 deposition taken. No information, other than the invoices, was provided this Court regarding DR.
11 MONTGOMERY'S areas of expertise, education and training. In other words, the Non-Director
12 Defendants provided this Court very little information for it to perform an analysis of factors
13 pertinent in determining the reasonableness of the requested fees and whether "the circumstances
14 surrounding the expert's testimony were of such necessity as to require a larger fee." MR.
15 POTASHNER'S unredacted invoices, on the other hand, showed DR. MONTGOMERY performed
16 extensive analyses and testing, reviewed extensive documentation, prepared for and had his
17 deposition taken.

18
19
20
21 **12.** Although DR. MONTGOMERY did not testify at trial, this Court concludes his fees
22 and costs charged to the Non-Director Defendants in excess of \$1,500.00 that were incurred during
23 the eight (8) days he was in Las Vegas for trial were reasonable and necessary. DR.
24 MONTGOMERY was not summoned by Defendants to testify at the trial as JUDGE GONZALEZ
25 rendered her judgment as a matter of law after PAMTP, LLC rested its case. Thus, similar to the
26 procedural history of Logan, 131 Nev. at 267, 350 P.3d 1139, "the 'circumstances surrounding the
27 expert's testimony,' or in this case, the lack thereof, were of [PAMTP, LLC'S] creation and 'were of
28

1 such necessity as to require the larger fee.” This Court, therefore, awards the Non-Director
2 Defendants the fees/costs expended by DR. MONTGOMERY from August 17, 2021 to August 26,
3 2021, i.e. \$40,763.95. This Court awards MR. POTASHNER the full extent of his expert witness
4 fees, \$91,846.50.

5 **Costs Associated with Trial Support and Equipment Rental**

6 **13.** The Non-Director Defendants seek recovery of \$123,508.80¹⁷ from PAMTP, LLC for
7 costs associated with equipment rental and trial support under the “catch-all” of NRS 18.005(17)
8 (“Any other reasonable and necessary expense incurred in connection with the action.”). Such
9 included \$60,000.00 to set up the war room at the offices of SNELL & WILMER with five printers
10 (both black and white and color capabilities), twelve (12) computer monitors, two WIFI router/range
11 extenders one UniFi switch 48/500 and fifteen (15) 10’ Category-5 (CAT-5) cables with 24/7
12 information technology (“IT”) for twenty (20) days from August 6, 2021 to August 26, 2021,
13 \$22,450.00 to set up three hotel rooms with six (6) computer monitors and one color printer with
14 24/7 IT for sixteen (16) and seventeen (17) days, and \$2,295.00 to rent a conference room for nine
15 (9) days at the Bank of America building and \$1,800.00 rental of a color printer for six (6) days, all
16 with 24/7 IT support. The other \$33,963.80 was for trial graphics and onsite support. In this Court’s
17 view, the \$89,545.00 for the rental of equipment for up to twenty (20) was extreme in terms of the
18 extent of apparatus rented and the cost thereof. Indeed, this Court cannot fathom the need for five
19 (5) printers in a war room especially when, presumably, SNELL & WILMER, a national law firm,
20 had printers with both black and white and color capabilities for use within its Las Vegas office.
21 Further, \$1,800.00 to rent a printer for six (6) days at a location near the courthouse is outrageous,
22 especially considering one could have purchased an adequate printer for far less. Further, a need to
23
24
25
26

27 ¹⁷Such encompassed \$89,545.00 for equipment rental for trial and \$33,963.80 for trial graphics and onsite
28 support. See Volume 3, Exhibit 10, Bates Nos. 1251-1261 of Appendix of Exhibits to Non-Director Defendants’
Memorandum of Costs.

1 rent eighteen (18) computers in a war room and three hotel rooms likewise appears extreme. In this
2 Court's view, computer and printer equipment along with the accessories and 24/7 IT could have
3 been acquired for far less than \$89,545.00. This Court awards the Non-Director Defendants
4 \$29,848.33 for equipment rental and rental of the conference room located close to the courthouse as
5 "[a]ny other reasonable and necessary expense incurred in connection with the action" under NRS
6 18.005(17).
7

8 **14.** Although it found it necessary to reduce the extent of the Non-Directors' equipment
9 rental costs, this Court concludes the \$33,963.80 expended for trial graphics and onsite support to be
10 reasonable and necessary even though, ultimately, the graphics were never shown to the finder of
11 fact. The graphics work necessarily had to be completed prior to the defense presenting its case, and
12 the onsite support was needed throughout the trial which included the time PAMTP, LLC was
13 presenting its case in chief. This Court, therefore, awards the Non-Directors \$33,963.80 for trial
14 graphics and onsite support.
15

16 **Costs for Pro Hac Vice Admissions**

17 **15.** PAMTP, LLC argues it should not be assessed \$10,100.00¹⁸ for MR.
18 POTASHNER'S and the Non-Director Defendants' costs associated with the *Pro Hac Vice*
19 admissions as such are not itemized expenses set forth within NRS 18.005. This Court agrees.
20 While there is no question the MR. POTASHNER and the Non-Director Defendants are entitled to
21 legal counsel of their choosing, there is no authority in Nevada for the proposition they, as prevailing
22 parties, are entitled to reimbursement of expenses related to their out-of-state lawyers' admission to
23 practice law within this state. This Court, therefore, disallows the \$10,100.00 *Pro Hac Vice*
24 Admissions expenses.
25
26

27 _____
28 ¹⁸MR. POTASHNER claims \$5,200.00 in *Pro Hac Vice* Admissions expenses, and the Non-Director Defendants assert an entitlement to \$4,900.00.

1 **16.** The aforementioned addresses all of PAMTP, LLC'S arguments concerning the
2 reasonableness and necessity of Defendants' costs sought for reimbursement. All in all, of the
3 \$1,046,849.92 and \$407,071.11, respectively, sought as reimbursable costs by the Non-Director
4 Defendants and MR. POTASHNER, this Court awards the following:

5 **Non-Directors' Costs**

6 *Costs Incurred by DECHERT, LLP Law Firm*

7		
8	Reporters' Fees for Depositions	\$74,652.57
9	Expert Witness Fees	40,763.95
10	Printing/Photocopying/Scanning	82,992.66
11	Postage/Federal Express	2,443.46
12	Travel and Lodging for Hearings/Depositions	85,372.35
13	Computerized Legal Research	85,922.55
14	Electronic Discovery	309,399.52
15	Access to Court Records	99.30
16	<i>Pro Hac Vice</i> Admission Fees	0.00
17	Equipment Rental for Trial	<u>63,812.13</u>
18	Total:	\$ 745,458.49

19 *Costs Incurred by SNELL & WILMER*

20	Clerks' Fees	\$ 4,480.05
21	Reporters' Fees for Depositions/Hearings/Trial	16,172.38
22	Telecopies	1.50
23	Costs for Printing/Photocopying/Scanning	2,675.49
24	Postage/Federal Express	167.53
25	Travel and Lodging for Hearings/Depositions	1,752.93
26	Computerized Legal Research	2,920.00
27	Conference Calls	77.39
28	<i>Pro Hac Vice</i> Admission Fees	0.00
29	Messenger Services	<u>1,130.95</u>
30	Total:	\$29,378.22

31 **MR. POTASHNER'S Costs**

32	Clerks' Fees	\$ 2,636.00
33	Reporters' Fees for Depositions	49,098.70
34	Witnesses' Fees & Expenses	11,525.00
35	Expert Witness Fees	91,846.50
36	Court Reporter Fees	1,864.29

Photocopies	22,496.91
Travel and Lodging Costs	41,709.79
Computerized Legal Research	8,557.79
Electronic Discovery	159,160.51
Delivery and Filing Services-Messengers	1,919.50
<i>Pro Hac Vice</i> Admission Fees	0.00
Parking for Mandatory Hearings	725.00
Mediation Fees	2,844.57
Travel for Mandatory Supreme Court Hearings	<u>762.59</u>

Total: \$395,147.15

Accordingly, based upon the aforementioned Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED Plaintiff PAMTP, LLC'S

Motion to Re-Tax Defendant KENNETH POTASHNER'S Verified Memorandum of Costs filed October 7, 2021 is granted in part, denied in part. Of the \$407,071.11 sought by MR. POTASHNER, this Defendant is awarded \$395,147.15 in costs pursuant to NRS 18.020.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED Plaintiff PAMTP, LLC'S

Motion to Re-Tax Non-Director Defendants' Memorandum of Costs filed October 7, 2021 is granted in part, denied in part. Of the \$1,046,849.92 sought by the Non-Director Defendants, these Defendants are awarded \$774,836.71 pursuant to NRS 18.020.

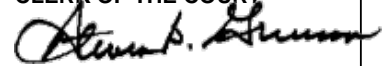
Dated this 29th day of August, 2022



SUSAN JOHNSON, DISTRICT COURT JUDGE

**41A 9AE 3484 D4F4
Susan Johnson
District Court Judge**

SUSAN H. JOHNSON
DISTRICT JUDGE
DEPARTMENT XXII



ASTA
Jeff Silvestri, Esq. (NSBN 5779)
George F. Ogilvie III, Esq. (NSBN 3552)
Amanda C. Yen, Esq. (NSBN 9726)
Rory T. Kay, Esq. (NSBN 12416)
Chelsea Latino, Esq. (NSBN 14227)
McDONALD CARANO LLP
2300 West Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102
T: (702) 873-4100
jsilvestri@mcdonaldcarano.com
gogilvie@mcdonaldcarano.com
ayen@mcdonaldcarano.com
rkay@mcdonaldcarano.com
clatino@mcdonaldcarano.com

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.: XXII

**PLAINTIFF PAMTP LLC'S
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 Susan H. Johnson, Department 22, Eighth Judicial District Court,
Clark County, Nevada

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

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

Appellant: PAMPT, LLC.

Represented by: Jeff Silvestri (NSBN 5779)
George F. Ogilvie III, Esq. (NSBN 3552)
Amanda C. Yen, Esq. (NSBN 9726)
Rory T. Kay, Esq. (NSBN 12416)
Chelsea Latino, Esq. (NSBN 14227)
McDONALD CARANO LLP
2300 West Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102

Daniel M. Sullivan
Scott M. Danner
Holwell Shuster & Goldberg LLP
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. Stigi 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

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

5 Daniel M. Sullivan (*admitted pro hac vice January 4, 2022*)
6 Scott M. Danner (*admitted pro hac vice January 4, 2022*)
7 Holwell Shuster & Goldberg LLP
8 425 Lexington Avenue, 14th Floor
9 New York, New York 10017

10 Joshua D.N. Hess (*admitted pro hac vice November 20, 2013*)
11 David A. Kotler (*admitted pro hac vice July 8, 2019*)
12 Ryan Moore (*admitted pro hac vice July 8, 2019*)
13 Dechhert LLP
14 1095 Avenue of the Americas
15 New York, NY 10036

16 John P. Stigi III (*admitted pro hac vice November 8, 2013*)
17 Alejandro Moreno (*admitted pro hac vice September 17, 2018*)
18 Sheppard, Mullin, Richter & Hampton, LLC
19 1901 Avenue of the Stars, Suite 1600
20 Los Angeles, California 90067

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

23 Retained counsel.

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

26 Retained counsel.

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

 No.

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

 A complaint was filed on May 20, 2020.

 ///

 ///

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

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

10 After the conclusion of Appellant’s case-in-chief, Respondents filed in District
11 Court a motion for judgment on partial findings under NRCP 52(c). The District Court
12 granted the motion and entered judgment in favor of Respondents and against Appellant
13 as to all claims (the “Order”). Appellant appealed from this Order on September 30, 2021
14 (Case No. 84971). That Appeal is currently pending.

15 On June 7, 2022, the District Court issued an order denying Respondents’ motion
16 for Attorneys’ Fees, and entered that Order on June 15, 2022. Respondents have appealed
17 that Order in Case No. 84971. That appeal is also pending.

18 On August 29, 2022, the District Court issued an order regarding Appellant’s
19 Motion to Retax Costs, and entered that Order on September 2, 2022. Appellant is
20 appealing from this Order.

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

24 This case is the subject of a pending appeal, which is Case No. 83598. The original
25 appeal was from the District Court’s Order granting Respondent’s motion for judgment on
26 partial findings under NRCP 52(C). A second appeal is also pending, which is Case No.
27 84971, from the District Court’s post-trial Order denying Respondents’ motion for
28

attorneys' fees. This appeal is from the District Court's post-trial Order regarding Appellant's Motion to Retax Costs.

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

This appeal does not involve child custody or visitation.

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

This is a civil case. There currently is a settlement conference mediation scheduled for Case No. 84971 and Case No. 83598 on September 20, 2022.

DATED this 14th day of September, 2022.

MCDONALD CARANO LLP

By: /s/ Jeff Silvestri

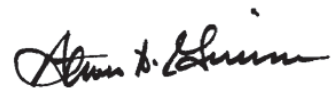
Jeff Silvestri, Esq. (NSBN 5779)
George F. Ogilvie III, Esq. (NSBN 3552)
Amanda C. Yen, Esq. (NSBN 9726)
Rory T. Kay, Esq. (NSBN 12416)
Chelsea Latino, Esq. (NSBN 14227)
2300 West Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102

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 14th, 2022, a true and correct copy of the foregoing **PLAINTIFF PAMTP LLC'S 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

NOTC

J. Stephen Peek, Esq.
Nevada Bar No. 1758
Robert J. Cassity, Esq.
Nevada Bar No. 9779
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134
(702) 669-4600
(702) 669-4650 – fax
speek@hollandhart.com
bcassity@hollandhart.com

John Peter Stigi, III, Esq.
Sheppard Mullins Richter & Hampton LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, California 90067
(310) 228-3717
(310) 228-3917 (fax)
JStigi@sheppardmullin.com

*Attorneys for Defendants Parametric Sound
Corporation, Paris Acquisition
Corporation, Kenneth Potashner,
Elwood Norris, Seth Putterman,
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

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

1 attached hereto.

2 Dated this 2th day of November, 2013.

3
4 

5 J. Stephen Peek, Esq.
6 Robert J. Cassity, Esq.
7 Holland & Hart LLP
8 9555 Hillwood Drive, 2nd Floor
9 Las Vegas, Nevada 89134

10 John Peter Stigi, III, Esq.
11 Sheppard Mullins Richter & Hampton
12 LLP
13 1901 Avenue of the Stars, Suite 1600
14 Los Angeles, California 90067

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

G. Mark Albright, Esq.
Albright, Stoddard, et., al.
801 S. Rancho Drive, Suite D-4
Las Vegas, Nevada 89106

Attorneys for Kearney IRRV Trust

Joseph E. White, III, Esq.
Jonathan M. Stein, Esq.
Adam Warden, Esq.
Saxena White, P.A.
2424 N. Federal Highway, Suite 257
Boca Raton, Florida 33431

Attorneys for Kearney IRRV Trust

Katharine M. Ryan, Esq.
Richard A. Maniskas, Esq.
Ryan & Maniskas, LLP
995 Old Eagle School Road, Suite 311
Wayne, Pennsylvania 19087

Attorneys for George Prieston

Richard C. Gordon, Esq.
Snell & Wilmer
3883 Howard Hughes Pkwy., #1100
Las Vegas, Nevada 89169

*Attorneys for VTB Holdings, Inc. and
Vovetra Turtle Beach, Inc.*

Shannon L. Hopkins, Esq.
Levi & Korsinsky LLP
30 Broad Street, 24th Floor
New York, New York 10004
(Pro Hac Pending)
Attorneys for Plaintiff Vitie Rikauskas

John P. Aldrich, Esq.
Aldrich Law Firm, Ltd.
1601 S. Rainbow Blvd., Suite 160
Las Vegas, Nevada 89146

Attorneys for Plaintiff Vitie Rikauskas

Griffith H. Hayes, Esq.
Andrew Muchlbauer, Esq.
Cooksey, Toolen, Gage, Daffy & Woog APC
3930 Howard Hughes Pkwy., #200
Las Vegas, Nevada 89169

Attorneys for Josh Hanson

John P. Stigi, III, Esq.
Sheppard Mullin Richter & Hampton, LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, California 90067-6017

*Attorneys for Parametric Sound Corporation,
Paris Acquisition Corporation, Kenneth
Potashner, Elwood Norris, Seth Putterman,
Robert Kaplan, Andrew Wolfe and James
Honore*

Martin A. Muckleroy, Esq.
Muckleroy Johnson
6767 W. Tropicana Ave., #106
Las Vegas, Nevada 89103

Attorney for Shana Vasek


An Employee of Holland & Hart LLP


CLERK OF THE COURT

ORDR

J. Stephen Peek, Esq.
Nevada Bar No. 1758
Robert J. Cassity, Esq.
Nevada Bar No. 9779
HOLLAND & HART ^{LLP}
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134
(702) 669-4600
(702) 669-4650 -- fax
speek@hollandhart.com
bcassity@hollandhart.com

John Peter Stigi, III, Esq.
Sheppard Mullins Richter & Hampton LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, California 90067
(310) 228-3717
(310) 228-3917 (fax)
JStigi@sheppardmullin.com

*Attorneys for Defendants Parametric Sound
Corporation, Paris Acquisition
Corporation, Kenneth Potashner,
Elwood Norris, Seth Putternman,
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

**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
hx

9 Submitted by:

10 
11 J. Stephen Peek, Esq.
12 Robert J. Cassity, Esq.
13 Holland & Hart LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134

14 John Peter Stigi, III, Esq.
15 Sheppard Mullins Richter & Hampton LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, California 90067

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

20
21
22
23
24
25
26
27
28



1 **NEOJ**

2 J. Stephen Peek, Esq.
3 Nevada Bar No. 1758
4 Robert J. Cassity, Esq.
5 Nevada Bar No. 9779
6 HOLLAND & HART LLP
7 9555 Hillwood Drive, 2nd Floor
8 Las Vegas, Nevada 89134
9 (702) 669-4600
10 (702) 669-4650 – fax
11 speek@hollandhart.com
12 bcassity@hollandhart.com

13 John Peter Stigi, III, Esq. (*pro hac vice*)
14 Sheppard Mullins Richter & Hampton LLP
15 1901 Avenue of the Stars, Suite 1600
16 Los Angeles, California 90067
17 (310) 228-3717
18 (310) 228-3917 (fax)
19 JStigi@sheppardmullin.com

20 *Attorneys for Defendants*
21 *Kenneth Potashner, Elwood Norris,*
22 *Seth Putterman, Robert Kaplan,*
23 *Andrew Wolfe and James Honore*

24 **DISTRICT COURT**

25 **CLARK COUNTY, NEVADA**

26 IN RE PARAMETRIC SOUND
27 CORPORATION SHAREHOLDERS'
28 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.
Holland & Hart LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134

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

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

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

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

*Attorneys for Defendants
Kenneth Potashner, Elwood Norris,
Seth Putternman, 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
Valerie Wies (assistant)	Plaintiffs	val@omaralaw.net
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	amoreno@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 Raphael	Defendants	Brian.Raphael@dechert.com
Reginald Zeigler	Defendants	Reginald.Zeigler@dechert.com

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

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

Electronically Filed
9/17/2018 10:09 AM
Steven D. Grierson
CLERK OF THE COURT



1 **MASS**

2 J. Stephen Peek, Esq.

3 Nevada Bar No. 1758

4 Robert J. Cassity, Esq.

5 Nevada Bar No. 9779

6 **HOLLAND & HART LLP**

7 9555 Hillwood Drive, 2nd Floor

8 Las Vegas, Nevada 89134

9 (702) 669-4600

10 (702) 669-4650 – fax

11 speek@hollandhart.com

12 bcassity@hollandhart.com

13 John Peter Stigi, III, Esq. (*pro hac vice*)

14 Sheppard Mullins Richter & Hampton LLP

15 1901 Avenue of the Stars, Suite 1600

16 Los Angeles, California 90067

17 (310) 228-3717

18 (310) 228-3917 (fax)

19 JStigi@sheppardmullin.com

20 *Attorneys for Defendants*

21 *Kenneth Potashner, Elwood Norris,*

22 *Seth Putterman, Robert Kaplan,*

23 *Andrew Wolfe and James Honore*

24 **DISTRICT COURT**

25 **CLARK COUNTY, NEVADA**

26 IN RE PARAMETRIC SOUND
27 CORPORATION SHAREHOLDERS'
28 LITIGATION

CONSOLIDATED

CASE NO.: A-13-686890-B

DEPT NO.: XI

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

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

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

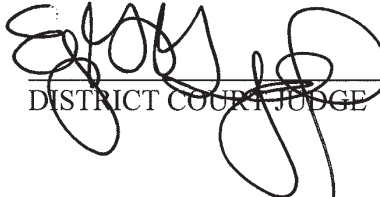
1 been filed pursuant to EDCR 2.20(e), the Court being fully apprised in the premises, and good
2 cause appearing,

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.


DISTRICT COURT JUDGE

13
14
15 Respectfully submitted by:

16
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
6 **SNELL & WILMER L.L.P.**
7 3883 Howard Hughes Parkway, Suite 1100
8 Las Vegas, NV 89169
9 Tel. (702) 784-5200
10 Fax. (702) 784-5252
11 rgordon@swlaw.com
12 kriley@swlaw.com

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)
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169

Attorneys for Defendant VTB Holdings, Inc.

Snell & Wilmer

L.L.P.
LAW OFFICES
3883 HOWARD HUGHES PARKWAY, SUITE 1100
LAS VEGAS, NEVADA 89169
(702) 784-5100

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:

HOLLAND & HART LLP
J. Stephen Peek, Esq.
Robert J. Cassity, Esq.
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134
Email: speek@hollandhart.com

*Attorneys for Parametric Sound
Corporation, Paris Acquisition
Corporation, Kenneth Potasher, Elwood
Norris, Seth Putterman, Robert Kaplan,
Andrew Wolfe and James Honore*

ALBRIGHT STODDARD WARNICK &
ALBRIGHT
G. Mark Albright, Esq.
801 South Rancho Drive, Suite D-4
Las Vegas, NV 89106
Email: gma@albrightstoddard.com

Attorneys for Kearney IRRV Trust

ALDRICH LAW FIRM, LTD.
John P. Aldrich, Esq.
1601 S. Rainbow Blvd., Suite 160
Las Vegas, NV 89146
Email: jaldrich@johnaldrichlawfirm.com

Attorneys for Plaintiff Vitie Rakauskas

COOKSEY, TOOLEN, GAGE, DUFFY &
WOOG, APC
Griffith H. Hayes, Esq.
3930 Howard Hughes Pkwy., Suite 200
Las Vegas, NV 89169
Email: ghayes@cookseylaw.com

Attorneys for Josh Hansen

SHEPPARD MULLIN RICHTER &
HAMPTON LLP
John P. Stigi III, Esq.
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067
(Pro Hac Vice pending)

*Attorneys for Parametric Sound
Corporation, Paris Acquisition Corporation,
Kenneth Potasher, Elwood Norris, Seth
Putterman, Robert Kaplan, Andrew Wolfe
and James Honore*

SAXENA WHITE P.A.
Joseph E. White, III, Esq.
Jonathan M. Stein, Esq.
Adam Warden, Esq.
2424 North Federal Highway, Suite 257
Boca Raton, FL 33431
(Pro Hac Vice pending)

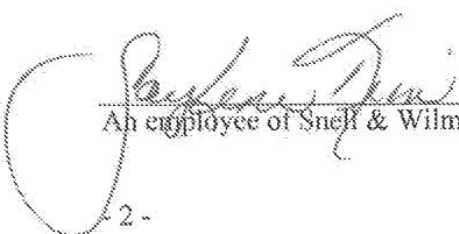
Attorneys for Kearney IRRV Trust

LEVI & KORSINSKY LLP
Shannon L. Hopkins, Esq.
30 Broad Street, 24th Floor
New York, NY 10004
(Pro Hac Vice pending)

Attorneys for Plaintiff Vitie Rakauskas

MUCKLEROY JOHNSON
Dustin A. Johnson, Esq.
6767 W. Tropicana Ave., Suite 106
Las Vegas, NV 89103
Email: dustin@muckleroyjohnson.com

Attorneys for Shana Vasek


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

1 ORAP
2 Richard C. Gordon, Esq.
3 Nevada Bar No. 9036
4 Karl Riley, Esq.
5 Nevada Bar No. 12077
6 SNELL & WILMER L.L.P.
7 3883 Howard Hughes Parkway, Suite 1100
8 Las Vegas, NV 89169
9 Tel. (702) 784-5200
10 Fax. (702) 784-5252
11 rgordon@swlaw.com
12 kriley@swlaw.com

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

Electronically Filed
11/20/2013 11:14:50 AM


CLERK OF THE COURT

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

This Document Related To:
ALL ACTIONS

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

///

Snell & Wilmer

LAW OFFICES
3883 HOWARD HUGHES PARKWAY, SUITE 1100
LAS VEGAS, NEVADA 89169
(702) 734-1100

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 14 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.*
19
20
21
22
23
24
25
26
27
28



1 Richard C. Gordon, Esq.
Nevada Bar No. 9036
2 Kiah D. Beverly-Graham, Esq.
Nevada Bar No. 11916
3 SNELL & WILMER L.L.P.
3883 Howard Hughes Parkway, Suite 1100
4 Las Vegas, NV 89169
Tel. (702) 784-5200
5 Fax. (702) 784-5252
rgordon@swlaw.com
6 kbeverly@swlaw.com

7

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

10

EIGHTH JUDICIAL DISTRICT COURT

11

CLARK COUNTY, NEVADA

12

13 IN RE PARAMETRIC SOUND
14 CORPORATION SHAREHOLDERS'
LITIGATION

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

15

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

16

This Document Related to:
ALL ACTIONS

17

18

19

20

21

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

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)

7 3883 Howard Hughes Parkway, Suite 1100

8 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*

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

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:

SHEPPARD MULLIN RICHTER & HAMPTON LLP
John P. Stigi III, Esq. (*Admitted Pro Hac Vice*)
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067
JStigi@sheppardmullin.com
*Attorneys for Kenneth Potashner, Elwood Norris,
Seth Putterman, Robert Kaplan, Andrew Wolfe and James Honore*

HOLLAND & HART LLP
J. Stephen Peek, Esq.
Robert J. Cassity, Esq.
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134
speek@hollandhart.com
bcassity@hollandhart.com
*Attorneys for Kenneth Potashner, Elwood Norris
Seth Putterman, Robert Kaplan, Andrew Wolfe and James Honore*

ALBRIGHT STODDARD WARNICK & ALBRIGHT
G. Mark Albright, Esq.
801 South Rancho Drive, Suite D-4
Las Vegas, NV 89106
Email: gma@albrightstoddard.com
Attorneys for Kearney IRRV Trust

SAXENA WHITE P.A.
Jonathan M. Stein, Esq.
Adam Warden, Esq.
Boca Center
5200 Town Center Circle, Suite 601
Boca Raton, FL 33486
jstein@saxenawhite.com
awarden@saxenawhite.com
Attorneys for Grant Oakes and Derivative Plaintiff Lance Mykita

THE O'MARA LAW FIRM, P.C.
David C. O'Mara, Esq.
311 East Liberty St.
Reno, Nevada 89501
david@omaralaw.net
Attorneys for Grant Oakes and Derivative Plaintiff Lance Mykita

///

///

1 ROBBINS GELLER RUDMAN & DOWD LLP

2 David A. Knotts, Esq.
3 Randall Baron, Esq.
4 655 West Broadway, Suite 1900
5 San Diego, CA 92101-8498
6 DKnotts@rgrdlaw.com
7 RandyB@rgrdlaw.com

8 *Attorneys for Grant Oakes and Derivative Plaintiff Lance Mykita*

9 DECHERT L.L.P.

10 Neil A. Steiner, Esq. (*Admitted Pro Hac Vice*)
11 Brian Raphel, Esq. (*Admitted Pro Hac Vice*)
12 1095 Avenue of the Americas
13 New York, NY 10036
14 Tel. (212) 698-3822
15 Fax (212) 698-3599
16 Neil.steiner@dechert.com
17 Brian.Raphel@dechert.com

18 Joshua D. N. Hess, Esq. (*Admitted Pro Hac Vice*)
19 1900 K Street, N.W.
20 Washington, D.C. 20006
21 Tel. (202) 261-3438
22 Fax (202) 261-3333
23 Joshua.Hess@dechert.com
24 *Attorneys for Defendants VTB Holdings, Inc. and*
25 *Specially Appearing Defendants Stripes Group,*
26 *LLC and SG VTB Holdings, LLC*

27 /s/Gaylene Kim

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



Richard C. Gordon, Esq.
Nevada Bar No. 9036
Kiah D. Beverly-Graham, Esq.
Nevada Bar No. 11916
SNELL & WILMER L.L.P.
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169
Tel. (702) 784-5200
Fax. (702) 784-5252
rgordon@swlaw.com

*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
23
24
25
26
27
28



1 Richard C. Gordon, Esq.
Nevada Bar No. 9036
2 Kiah D. Beverly-Graham, Esq.
Nevada Bar No. 11916
3 SNELL & WILMER L.L.P.
3883 Howard Hughes Parkway, Suite 1100
4 Las Vegas, NV 89169
Tel. (702) 784-5200
5 Fax. (702) 784-5252
rgordon@swlaw.com
6 kbeverly@swlaw.com

7
8 *Attorneys for Defendants VTB Holdings, Inc. and*
9 *Specially Appearing Defendants Stripes Group,*
LLC and SG VTB Holdings, LLC

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

12
13 IN RE PARAMETRIC SOUND
14 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.)**

15
16 This Document Related to:
17 ALL ACTIONS
18
19
20
21

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

4815-6662-0828

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)
8 3883 Howard Hughes Parkway, Suite 1100
9 Las Vegas, NV 89169

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

28

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:

SHEPPARD MULLIN RICHTER & HAMPTON LLP
John P. Stigi III, Esq. (*Admitted Pro Hac Vice*)
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067
JStigi@sheppardmullin.com
*Attorneys for Kenneth Potashner, Elwood Norris,
Seth Putterman, Robert Kaplan, Andrew Wolfe and James Honore*

HOLLAND & HART LLP
J. Stephen Peek, Esq.
Robert J. Cassity, Esq.
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134
speek@hollandhart.com
bcassity@hollandhart.com
*Attorneys for Kenneth Potashner, Elwood Norris
Seth Putterman, Robert Kaplan, Andrew Wolfe and James Honore*

ALBRIGHT STODDARD WARNICK & ALBRIGHT
G. Mark Albright, Esq.
801 South Rancho Drive, Suite D-4
Las Vegas, NV 89106
Email: gma@albrightstoddard.com
Attorneys for Kearney IRRV Trust

SAXENA WHITE P.A.
Jonathan M. Stein, Esq.
Adam Warden, Esq.
Boca Center
5200 Town Center Circle, Suite 601
Boca Raton, FL 33486
jstein@saxenawhite.com
awarden@saxenawhite.com
Attorneys for Grant Oakes and Derivative Plaintiff Lance Mykita

THE O'MARA LAW FIRM, P.C.
David C. O'Mara, Esq.
311 East Liberty St.
Reno, Nevada 89501
david@omaralaw.net
Attorneys for Grant Oakes and Derivative Plaintiff Lance Mykita

///

///

1 ROBBINS GELLER RUDMAN & DOWD LLP
2 David A. Knotts, Esq.
3 Randall Baron, Esq.
4 655 West Broadway, Suite 1900
5 San Diego, CA 92101-8498
6 DKnotts@rgrdlaw.com
7 RandyB@rgrdlaw.com
8 *Attorneys for Grant Oakes and Derivative Plaintiff Lance Mykita*
9
10 DECHERT L.L.P.
11 Neil A. Steiner, Esq. (*Admitted Pro Hac Vice*)
12 Brian Raphel, Esq. (*Admitted Pro Hac Vice*)
13 1095 Avenue of the Americas
14 New York, NY 10036
15 Tel. (212) 698-3822
16 Fax (212) 698-3599
17 Neil.steiner@dechert.com
18 Brian.Raphel@dechert.com
19
20 Joshua D. N. Hess, Esq. (*Admitted Pro Hac Vice*)
21 1900 K Street, N.W.
22 Washington, D.C. 20006
23 Tel. (202) 261-3438
24 Fax (202) 261-3333
25 Joshua.Hess@dechert.com
26 *Attorneys for Defendants VTB Holdings, Inc. and*
27 *Specially Appearing Defendants Stripes Group,*
28 *LLC and SG VTB Holdings, LLC*

/s/Gaylene Kim
An employee of Snell & Wilmer L.L.P.



Richard C. Gordon, Esq.
Nevada Bar No. 9036
Kiah D. Beverly-Graham, Esq.
Nevada Bar No. 11916
SNELL & WILMER L.L.P.
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169
Tel. (702) 784-5200
Fax. (702) 784-5252
rgordon@swlaw.com

*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
(RYAN MARTIN MOORE, ESQ.)**

This Document Related to:
ALL ACTIONS

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,

///

1 IT IS HEREBY ORDERED that the Motion to Associate Counsel is hereby GRANTED
2 and Ryan Martin Moore, 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. Moore 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. Moore's conduct in this matter, including motions, depositions, and
7 evidentiary hearings, whether or not Mr. Moore 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 SO
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)
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169



NEOJ

George F. Ogilvie III, Esq. (NV Bar #3552)

Rory T. Kay, Esq. (NV Bar #12416)

McDONALD CARANO LLP

2300 W. Sahara Ave, Suite 1200

Las Vegas, NV 89102

Telephone: 702.873.4100

Facsimile: 702.873.9966

gogilvie@mcdonaldcarano.com

rkay@mcdonaldcarano.com

Daniel Martin Sullivan, Esq. (Admitted *Pro Hac Vice*)

Scott Manning Danner, Esq. (Admitted *Pro Hac Vice*)

HOLWELL SHUSTER & GOLDBERG LLP

425 Lexington Avenue, 14th Floor

New York, NY 10017

T: (646) 837-5152

dsullivan@hsgllp.com

sdanner@hsgllp.com

Attorneys for Plaintiff

PAMPT LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

IN RE PARAMETRIC SOUND
CORPORATION SHAREHOLDERS'
LITIGATION

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

DEPT NO.: XXII

**NOTICE OF ENTRY OF ORDER
ADMITTING DANIEL MARTIN
SULLIVAN TO PRACTICE**

PAMTP LLC,

RELATED CASE NO.: A-20-815308-B

Plaintiff,

DEPT NO.: XXII

v.

KENNETH POTASHNER, ELWOOD G.
NORRIS, SETH PUTTERMAN, ROBERT
KAPLAN, ANDREW WOLFE, KENNETH
FOX, JUERGEN STARK, VTB
HOLDINGS, INC., STRIPES f/k/a STRIPES
GROUP, LLC and SG VTB HOLDINGS,
LLC,

Defendants.

McDONALD CARANO
2300 WEST SAHARA AVENUE, SUITE 1200 • LAS VEGAS, NEVADA 89102
PHONE 702.873.4100 • FAX 702.873.9966

1 VITIE RAKAUSKAS, Individually and on
2 Behalf of All Others Similarly Situated,

3 Plaintiff,

4 v.

5 PARAMETRIC SOUND CORPORATION,
6 VTB HOLDINGS, INC., PARIS
7 ACQUISITION CORP., KENNETH F.
8 POTASHNER, ELWOOD G. NORRIS,
9 ROBERT M. KAPLAN, SETH
10 PUTTERMAN, ANDREW WOLFE, and
11 JAMES L. HONORE,

12 Defendants.

13 GEORGE PRIESTON, Individually and on
14 Behalf of All Others Similarly Situated,

15 Plaintiff,

16 v.

17 KENNETH F. POTASHNER,
18 PARAMETRIC SOUND CORPORATION,
19 JAMES L. HONORE, ROBERT M.
20 KAPLAN, ELWOOD G. NORRIS, SETH
21 PUTTERMAN, ANDREW WOLFE, VTB
22 HOLDINGS, INC., VOYETRA TURTLE
23 BEACH INC.; and PARIS ACQUISITION
24 CORP.,

25 Defendants.

26 JOSH HANSEN, Individually and on Behalf
27 of All Others Similarly Situated,

28 Plaintiff,

v.

PARAMETRIC SOUND CORPORATION,
JAMES L. HONORE, ROBERT M.
KAPLAN, ELWOOD G. NORRIS,
KENNETH F. POTASHNER, SETH
PUTTERMAN, ANDREW WOLFE, VTB
HOLDINGS, INC., VOYETRA TURTLE
BEACH INC.; and PARIS ACQUISITION
CORP.,

Defendants.

CASE NO.: A-13-687232-C (Consolidated)

DEPT NO.: XXII

CASE NO.: A-13-687354-C (Consolidated)

DEPT NO.: XXII

CASE NO.: A-13-687665-C (Consolidated)

DEPT NO.: XXII

SHANA VASEK, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

PARAMETRIC SOUND CORPORATION,
KENNETH F. POTASHNER, ELWOOD G.
NORRIS, ROBERT M. KAPLAN, SETH
PUTTERMAN, ANDREW WOLFE, JAMES
L. HONORE, VTB HOLDINGS, INC., and
PARIS ACQUISITION CORP.,

Defendants.

LANCE MYKITA, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

STRIPES GROUP, LLC and SG VTB
HOLDINGS, LLC,

Defendants.

CASE NO.: A-13-688374-C (Consolidated)

DEPT NO.: XXII

CASE NO.: A-16-741073-B (Consolidated)

DEPT NO.: XXII

PLEASE TAKE NOTICE that an Order Admitting Daniel Martin Sullivan to Practice
was filed with the Court on January 4, 2022. A copy of the Order is attached hereto.

DATED this 4th day of January, 2022.

McDONALD CARANO LLP

By: /s/ George F. Ogilvie III

George F. Ogilvie III, Esq. (NSBN 3552)

Rory T. Kay, Esq. (NSBN 12416)

2300 West Sahara Avenue, Suite 1200

Las Vegas, Nevada 89102

gogilvie@mcdonaldcarano.com

rkay@mcdonaldcarano.com

Daniel Martin Sullivan, Esq. (Admitted *Pro Hac Vice*)

Scott Manning Danner, Esq. (Admitted *Pro Hac Vice*)

HOLWELL SHUSTER & GOLDBERG LLP

425 Lexington Avenue, 14th Floor

New York, NY 10017

dsullivan@hsgllp.com

sdanner@hsgllp.com

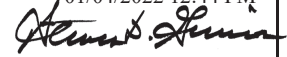
Attorneys for Plaintiff PAMPT LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on the 4th day of January, 2022, a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER ADMITTING DANIEL MARTIN SULLIVAN TO PRACTICE** 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/ Jelena Jovanovic

An employee of McDonald Carano LLP


CLERK OF THE COURT

ORAP

~~ORDER~~

George F. Ogilvie III, Esq. (NV Bar #3552)
Rory T. Kay, Esq. (NV Bar #12416)
McDONALD CARANO LLP
2300 W. Sahara Ave, Suite 1200
Las Vegas, NV 89102
Telephone: 702.873.4100
Facsimile: 702.873.9966
gogilvie@mcdonaldcarano.com
rkay@mcdonaldcarano.com

Daniel Martin Sullivan, Esq. (Admitted *Pro Hac Vice*)
Scott Manning Danner, Esq. (Admitted *Pro Hac Vice*)
HOLWELL SHUSTER & GOLDBERG LLP
425 Lexington Avenue, 14th Floor
New York, NY 10017
T: (646) 837-5152
dsullivan@hsgllp.com
sdanner@hsgllp.com

Attorneys for Plaintiff
PAMPT LLC

DISTRICT COURT
CLARK COUNTY, NEVADA

IN RE PARAMETRIC SOUND
CORPORATION SHAREHOLDERS'
LITIGATION

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

DEPT NO.: XXII

ADMITTING
ORDER GRANTING MOTION TO
ASSOCIATE DANIEL MARTIN
SULLIVAN TO PRACTICE

PAMTP LLC,

RELATED CASE NO.: A-20-815308-B

Plaintiff,

DEPT NO.: XXII

v.

KENNETH POTASHNER, ELWOOD G.
NORRIS, SETH PUTTERMAN, ROBERT
KAPLAN, ANDREW WOLFE, KENNETH
FOX, JUERGEN STARK, VTB
HOLDINGS, INC., STRIPES f/k/a STRIPES
GROUP, LLC and SG VTB HOLDINGS,
LLC,

Defendants.

McDONALD CARANO
2300 WEST SAHARA AVENUE, SUITE 1200 • LAS VEGAS, NEVADA 89102
PHONE 702.873.4100 • FAX 702.873.9966

1 VITIE RAKAUSKAS, Individually and on
2 Behalf of All Others Similarly Situated,

3 Plaintiff,

4 v.

5 PARAMETRIC SOUND CORPORATION,
6 VTB HOLDINGS, INC., PARIS
7 ACQUISITION CORP., KENNETH F.
8 POTASHNER, ELWOOD G. NORRIS,
9 ROBERT M. KAPLAN, SETH
10 PUTTERMAN, ANDREW WOLFE, and
11 JAMES L. HONORE,

12 Defendants.

13 GEORGE PRIESTON, Individually and on
14 Behalf of All Others Similarly Situated,

15 Plaintiff,

16 v.

17 KENNETH F. POTASHNER,
18 PARAMETRIC SOUND CORPORATION,
19 JAMES L. HONORE, ROBERT M.
20 KAPLAN, ELWOOD G. NORRIS, SETH
21 PUTTERMAN, ANDREW WOLFE, VTB
22 HOLDINGS, INC., VOYETRA TURTLE
23 BEACH INC.; and PARIS ACQUISITION
24 CORP.,

25 Defendants.

26 JOSH HANSEN, Individually and on Behalf
27 of All Others Similarly Situated,

28 Plaintiff,

v.

PARAMETRIC SOUND CORPORATION,
JAMES L. HONORE, ROBERT M.
KAPLAN, ELWOOD G. NORRIS,
KENNETH F. POTASHNER, SETH
PUTTERMAN, ANDREW WOLFE, VTB
HOLDINGS, INC., VOYETRA TURTLE
BEACH INC.; and PARIS ACQUISITION
CORP.,

Defendants.

CASE NO.: A-13-687232-C (Consolidated)

DEPT NO.: XXII

CASE NO.: A-13-687354-C (Consolidated)

DEPT NO.: XXII

CASE NO.: A-13-687665-C (Consolidated)

DEPT NO.: XXII

SHANA VASEK, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

PARAMETRIC SOUND CORPORATION,
KENNETH F. POTASHNER, ELWOOD G.
NORRIS, ROBERT M. KAPLAN, SETH
PUTTERMAN, ANDREW WOLFE, JAMES
L. HONORE, VTB HOLDINGS, INC., and
PARIS ACQUISITION CORP.,

Defendants.

CASE NO.: A-13-688374-C (Consolidated)

DEPT NO.: XXII

LANCE MYKITA, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

STRIPES GROUP, LLC and SG VTB
HOLDINGS, LLC,

Defendants.

CASE NO.: A-16-741073-B (Consolidated)

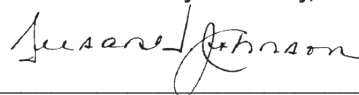
DEPT NO.: XXII

Daniel Martin Sullivan filed his Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Application for Association of Counsel, Certificate of Good Standing from New York, and the State Bar of Nevada's Statement Pursuant to Supreme Court Rule 42(3)(b). The Motion was served on all appearing parties, and no objections were filed. Good cause appearing,

IT IS HEREBY ORDERED that the Motion is GRANTED and Daniel Martin Sullivan is hereby admitted to practice in this Court for the purpose of this matter only.

~~DATED this ____ day of January, 2022.~~

Dated this 4th day of January, 2022



DISTRICT COURT JUDGE

F9A 646 A9CC 06D4
Susan Johnson
District Court Judge

Respectfully Submitted By:

McDONALD CARANO LLP

By: /s/ George F. Ogilvie III
George F. Ogilvie III, Esq. (NSBN 3552)
Rory T. Kay, Esq. (NSBN 12416)
T: (702) 873-4100
F: (702) 873-9966
gogilvie@mcdonaldcarano.com
rkay@mcdonaldcarano.com

Daniel Martin Sullivan, Esq.
(Admitted *Pro Hac Vice*)
Scott Manning Danner, Esq.
(Admitted *Pro Hac Vice*)
HOLWELL SHUSTER & GOLDBERG LLP
425 Lexington Avenue, 14th Floor
New York, NY 10017
dsullivan@hsgllp.com
sdanner@hsgllp.com

Attorneys for Plaintiff PAMTP LLC

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 22
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 Order Admitting to Practice was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 1/4/2022

15 "Barbara Clark, Legal Assistant" .	bclark@albrightstoddard.com
16 "Bryan Snyder, Paralegal" .	bsnyder@omaralaw.net
17 "David C. O'Mara, Esq." .	david@omaralaw.net
18 "G. Mark Albright, Esq." .	gma@albrightstoddard.com
19 "Valerie Weis, Paralegal" .	val@omaralaw.net
20 Brian Raphel .	brian.raphel@dechert.com
21 Docket .	Docket_LAS@swlaw.com
22 Gaylene Kim .	gkim@swlaw.com
23 Joshua Hess .	joshua.hess@dechert.com
24 Karl Riley .	kriley@swlaw.com
25 Neil Steiner .	neil.steiner@dechert.com

1	Richard C. Gordon .	rgordon@swlaw.com
2	Robert Cassity .	bcassity@hollandhart.com
3	Steve Peek .	speek@hollandhart.com
4	Traci Bixenmann .	traci@johnaldrichlawfirm.com
5	Valerie Larsen .	vllarsen@hollandhart.com
6	Sonja Dugan	sdugan@swlaw.com
7	Stephanie Morrill	scmorrill@hollandhart.com
8	CaraMia Gerard	cgerard@mcdonaldcarano.com
9	George Ogilvie	gogilvie@mcdonaldcarano.com
10	Amanda Yen	ayen@mcdonaldcarano.com
11	Josh Fruchter	jfruchter@wohlfruchter.com
12	John Stigi III	JStigi@sheppardmullin.com
13	Jonathan Stein	jstein@saxenawhite.com
14	Esther Lee	elee@rgrdlaw.com
15	Elizabeth Tripodi	etripodi@zlk.com
16	Nicole Delgado	nicole.delgado@dechert.com
17	Ryan Moore	ryan.moore@dechert.com
18	Adam Warden	awarden@saxenawhite.com
19	Randall Baron	RandyB@rgrdlaw.com
20	Maxwell Huffman	mhuffman@rgrdlaw.com
21	Jane Susskind	jsusskind@mcdonaldcarano.com
22	Alejandro Moreno	AMoreno@sheppardmullin.com
23	Phyllis Chavez	pchavez@sheppardmullin.com
24		
25		
26		
27		
28		

1	Rory Kay	rkay@mcdonaldcarano.com
2		
3	Adam Apton	aapton@zlk.com
4	Jelena Jovanovic	jjovanovic@mcdonaldcarano.com
5	Jeff Silvestri	jsilvestri@mcdonaldcarano.com
6	Lara Taylor	ljtaylor@swlaw.com
7	David Knotts	dknotts@rgrdlaw.com
8	Randall Baron	randyb@rgrdlaw.com
9	Jaime McDade	jaimem@rgrdlaw.com
10		
11	Lyndsey Luxford	lluxford@swlaw.com
12	Brad Austin	baustin@swlaw.com
13	Karen Surowiec	ksurowiec@mcdonaldcarano.com
14	Amanda Baker	akbaker@hollandhart.com
15	Kristina Cole	krcole@hollandhart.com
16	Isis Crosby	icrosby@albrightstoddard.com
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		



NEOJ

George F. Ogilvie III, Esq. (NV Bar #3552)

Rory T. Kay, Esq. (NV Bar #12416)

McDONALD CARANO LLP

2300 W. Sahara Ave, Suite 1200

Las Vegas, NV 89102

Telephone: 702.873.4100

Facsimile: 702.873.9966

gogilvie@mcdonaldcarano.com

rkay@mcdonaldcarano.com

Daniel Martin Sullivan, Esq. (Admitted *Pro Hac Vice*)

Scott Manning Danner, Esq. (Admitted *Pro Hac Vice*)

HOLWELL SHUSTER & GOLDBERG LLP

425 Lexington Avenue, 14th Floor

New York, NY 10017

T: (646) 837-5152

dsullivan@hsgllp.com

sdanner@hsgllp.com

Attorneys for Plaintiff

PAMPT LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

IN RE PARAMETRIC SOUND
CORPORATION SHAREHOLDERS'
LITIGATION

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

DEPT NO.: XXII

**NOTICE OF ENTRY OF ORDER
ADMITTING SCOTT MANNING
DANNER TO PRACTICE**

PAMTP LLC,

RELATED CASE NO.: A-20-815308-B

Plaintiff,

DEPT NO.: XXII

v.

KENNETH POTASHNER, ELWOOD G.
NORRIS, SETH PUTTERMAN, ROBERT
KAPLAN, ANDREW WOLFE, KENNETH
FOX, JUERGEN STARK, VTB
HOLDINGS, INC., STRIPES f/k/a STRIPES
GROUP, LLC and SG VTB HOLDINGS,
LLC,

Defendants.

McDONALD CARANO
2300 WEST SAHARA AVENUE, SUITE 1200 • LAS VEGAS, NEVADA 89102
PHONE 702.873.4100 • FAX 702.873.9966

1 VITIE RAKAUSKAS, Individually and on
2 Behalf of All Others Similarly Situated,

3 Plaintiff,

4 v.

5 PARAMETRIC SOUND CORPORATION,
6 VTB HOLDINGS, INC., PARIS
7 ACQUISITION CORP., KENNETH F.
8 POTASHNER, ELWOOD G. NORRIS,
9 ROBERT M. KAPLAN, SETH
10 PUTTERMAN, ANDREW WOLFE, and
11 JAMES L. HONORE,

12 Defendants.

13 GEORGE PRIESTON, Individually and on
14 Behalf of All Others Similarly Situated,

15 Plaintiff,

16 v.

17 KENNETH F. POTASHNER,
18 PARAMETRIC SOUND CORPORATION,
19 JAMES L. HONORE, ROBERT M.
20 KAPLAN, ELWOOD G. NORRIS, SETH
21 PUTTERMAN, ANDREW WOLFE, VTB
22 HOLDINGS, INC., VOYETRA TURTLE
23 BEACH INC.; and PARIS ACQUISITION
24 CORP.,

25 Defendants.

26 JOSH HANSEN, Individually and on Behalf
27 of All Others Similarly Situated,

28 Plaintiff,

v.

PARAMETRIC SOUND CORPORATION,
JAMES L. HONORE, ROBERT M.
KAPLAN, ELWOOD G. NORRIS,
KENNETH F. POTASHNER, SETH
PUTTERMAN, ANDREW WOLFE, VTB
HOLDINGS, INC., VOYETRA TURTLE
BEACH INC.; and PARIS ACQUISITION
CORP.,

Defendants.

CASE NO.: A-13-687232-C (Consolidated)

DEPT NO.: XXII

CASE NO.: A-13-687354-C (Consolidated)

DEPT NO.: XXII

CASE NO.: A-13-687665-C (Consolidated)

DEPT NO.: XXII

SHANA VASEK, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

PARAMETRIC SOUND CORPORATION,
KENNETH F. POTASHNER, ELWOOD G.
NORRIS, ROBERT M. KAPLAN, SETH
PUTTERMAN, ANDREW WOLFE, JAMES
L. HONORE, VTB HOLDINGS, INC., and
PARIS ACQUISITION CORP.,

Defendants.

LANCE MYKITA, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

STRIPES GROUP, LLC and SG VTB
HOLDINGS, LLC,

Defendants.

CASE NO.: A-13-688374-C (Consolidated)

DEPT NO.: XXII

CASE NO.: A-16-741073-B (Consolidated)

DEPT NO.: XXII

PLEASE TAKE NOTICE that an Order Admitting Scott Manning Danner to Practice
was filed with the Court on January 4, 2022. A copy of the Order is attached hereto.

DATED this 4th day of January, 2022.

McDONALD CARANO LLP

By: /s/ George F. Ogilvie III

George F. Ogilvie III, Esq. (NSBN 3552)

Rory T. Kay, Esq. (NSBN 12416)

2300 West Sahara Avenue, Suite 1200

Las Vegas, Nevada 89102

gogilvie@mcdonaldcarano.com

rkay@mcdonaldcarano.com

Daniel Martin Sullivan, Esq. (Admitted *Pro Hac Vice*)

Scott Manning Danner, Esq. (Admitted *Pro Hac Vice*)

HOLWELL SHUSTER & GOLDBERG LLP

425 Lexington Avenue, 14th Floor

New York, NY 10017

dsullivan@hsgllp.com

sdanner@hsgllp.com

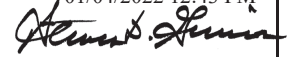
Attorneys for Plaintiff PAMPT LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on the 4th day of January, 2022, a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER ADMITTING SCOTT MANNING DANNER TO PRACTICE** 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/ Jelena Jovanovic

An employee of McDonald Carano LLP


CLERK OF THE COURT

ORAP

~~ORDER~~

George F. Ogilvie III, Esq. (NV Bar #3552)
Rory T. Kay, Esq. (NV Bar #12416)
McDONALD CARANO LLP
2300 W. Sahara Ave, Suite 1200
Las Vegas, NV 89102
Telephone: 702.873.4100
Facsimile: 702.873.9966
gogilvie@mcdonaldcarano.com
rkay@mcdonaldcarano.com

Daniel Martin Sullivan, Esq. (Admitted *Pro Hac Vice*)
Scott Manning Danner, Esq. (Admitted *Pro Hac Vice*)
HOLWELL SHUSTER & GOLDBERG LLP
425 Lexington Avenue, 14th Floor
New York, NY 10017
T: (646) 837-5152
dsullivan@hsgllp.com
sdanner@hsgllp.com

Attorneys for Plaintiff
PAMPT LLC

DISTRICT COURT
CLARK COUNTY, NEVADA

IN RE PARAMETRIC SOUND
CORPORATION SHAREHOLDERS'
LITIGATION

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

DEPT NO.: XXII

ADMITTING
ORDER GRANTING MOTION TO
ASSOCIATE SCOTT MANNING
DANNER TO PRACTICE

PAMTP LLC,

RELATED CASE NO.: A-20-815308-B

Plaintiff,

DEPT NO.: XXII

v.

KENNETH POTASHNER, ELWOOD G.
NORRIS, SETH PUTTERMAN, ROBERT
KAPLAN, ANDREW WOLFE, KENNETH
FOX, JUERGEN STARK, VTB
HOLDINGS, INC., STRIPES f/k/a STRIPES
GROUP, LLC and SG VTB HOLDINGS,
LLC,

Defendants.

McDONALD CARANO
2300 WEST SAHARA AVENUE, SUITE 1200 • LAS VEGAS, NEVADA 89102
PHONE 702.873.4100 • FAX 702.873.9966

1 VITIE RAKAUSKAS, Individually and on
2 Behalf of All Others Similarly Situated,

3 Plaintiff,

4 v.

5 PARAMETRIC SOUND CORPORATION,
6 VTB HOLDINGS, INC., PARIS
7 ACQUISITION CORP., KENNETH F.
8 POTASHNER, ELWOOD G. NORRIS,
9 ROBERT M. KAPLAN, SETH
10 PUTTERMAN, ANDREW WOLFE, and
11 JAMES L. HONORE,

12 Defendants.

13 GEORGE PRIESTON, Individually and on
14 Behalf of All Others Similarly Situated,

15 Plaintiff,

16 v.

17 KENNETH F. POTASHNER,
18 PARAMETRIC SOUND CORPORATION,
19 JAMES L. HONORE, ROBERT M.
20 KAPLAN, ELWOOD G. NORRIS, SETH
21 PUTTERMAN, ANDREW WOLFE, VTB
22 HOLDINGS, INC., VOYETRA TURTLE
23 BEACH INC.; and PARIS ACQUISITION
24 CORP.,

25 Defendants.

26 JOSH HANSEN, Individually and on Behalf
27 of All Others Similarly Situated,

28 Plaintiff,

v.

PARAMETRIC SOUND CORPORATION,
JAMES L. HONORE, ROBERT M.
KAPLAN, ELWOOD G. NORRIS,
KENNETH F. POTASHNER, SETH
PUTTERMAN, ANDREW WOLFE, VTB
HOLDINGS, INC., VOYETRA TURTLE
BEACH INC.; and PARIS ACQUISITION
CORP.,

Defendants.

CASE NO.: A-13-687232-C (Consolidated)

DEPT NO.: XXII

CASE NO.: A-13-687354-C (Consolidated)

DEPT NO.: XXII

CASE NO.: A-13-687665-C (Consolidated)

DEPT NO.: XXII

SHANA VASEK, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

PARAMETRIC SOUND CORPORATION,
KENNETH F. POTASHNER, ELWOOD G.
NORRIS, ROBERT M. KAPLAN, SETH
PUTTERMAN, ANDREW WOLFE, JAMES
L. HONORE, VTB HOLDINGS, INC., and
PARIS ACQUISITION CORP.,

Defendants.

CASE NO.: A-13-688374-C (Consolidated)

DEPT NO.: XXII

LANCE MYKITA, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

STRIPES GROUP, LLC and SG VTB
HOLDINGS, LLC,

Defendants.

CASE NO.: A-16-741073-B (Consolidated)

DEPT NO.: XXII

Scott Manning Danner filed his Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Application for Association of Counsel, Certificate of Good Standing from New York, and the State Bar of Nevada's Statement Pursuant to Supreme Court Rule 42(3)(b). The Motion was served on all appearing parties, and no objections were filed. Good cause appearing,

IT IS HEREBY ORDERED that the Motion is GRANTED and Scott Manning Danner is hereby admitted to practice in this Court for the purpose of this matter only.

~~DATED this _____ day of January, 2022.~~ Dated this 4th day of January, 2022



DISTRICT COURT JUDGE
EB8 FF3 0A3D DC85
Susan Johnson
District Court Judge

1 Respectfully Submitted By:

2 McDONALD CARANO LLP

3
4 By: /s/ George F. Ogilvie III

George F. Ogilvie III, Esq. (NSBN 3552)

Rory T. Kay, Esq. (NSBN 12416)

T: (702) 873-4100

F: (702) 873-9966

gogilvie@mcdonaldcarano.com

rkay@mcdonaldcarano.com

5
6
7 Daniel Martin Sullivan, Esq.

(Admitted *Pro Hac Vice*)

8 Scott Manning Danner, Esq.

(Admitted *Pro Hac Vice*)

9 HOLWELL SHUSTER & GOLDBERG LLP

10 425 Lexington Avenue, 14th Floor

New York, NY 10017

11 dsullivan@hsgllp.com

12 sdanner@hsgllp.com

13 *Attorneys for Plaintiff PAMTP LLC*

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 22
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 Order Admitting to Practice was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 1/4/2022

15 "Barbara Clark, Legal Assistant" .	bclark@albrightstoddard.com
16 "Bryan Snyder, Paralegal" .	bsnyder@omaralaw.net
17 "David C. O'Mara, Esq." .	david@omaralaw.net
18 "G. Mark Albright, Esq." .	gma@albrightstoddard.com
19 "Valerie Weis, Paralegal" .	val@omaralaw.net
20 Brian Raphel .	brian.raphel@dechert.com
21 Docket .	Docket_LAS@swlaw.com
22 Gaylene Kim .	gkim@swlaw.com
23 Joshua Hess .	joshua.hess@dechert.com
24 Karl Riley .	kriley@swlaw.com
25 Neil Steiner .	neil.steiner@dechert.com

1	Richard C. Gordon .	rgordon@swlaw.com
2	Robert Cassity .	bcassity@hollandhart.com
3	Steve Peek .	speek@hollandhart.com
4	Traci Bixenmann .	traci@johnaldrichlawfirm.com
5	Valerie Larsen .	vllarsen@hollandhart.com
6	Sonja Dugan	sdugan@swlaw.com
7	Stephanie Morrill	scmorrill@hollandhart.com
8	CaraMia Gerard	cgerard@mcdonaldcarano.com
9	George Ogilvie	gogilvie@mcdonaldcarano.com
10	Amanda Yen	ayen@mcdonaldcarano.com
11	Josh Fruchter	jfruchter@wohlfruchter.com
12	John Stigi III	JStigi@sheppardmullin.com
13	Jonathan Stein	jstein@saxenawhite.com
14	Esther Lee	elee@rgrdlaw.com
15	Elizabeth Tripodi	etripodi@zlk.com
16	Nicole Delgado	nicole.delgado@dechert.com
17	Ryan Moore	ryan.moore@dechert.com
18	Adam Warden	awarden@saxenawhite.com
19	Randall Baron	RandyB@rgrdlaw.com
20	Maxwell Huffman	mhuffman@rgrdlaw.com
21	Jane Susskind	jsusskind@mcdonaldcarano.com
22	Alejandro Moreno	AMoreno@sheppardmullin.com
23	Phyllis Chavez	pchavez@sheppardmullin.com
24		
25		
26		
27		
28		

1	Rory Kay	rkay@mcdonaldcarano.com
2	Adam Apton	aapton@zlk.com
3	Jelena Jovanovic	jjovanovic@mcdonaldcarano.com
4	Jeff Silvestri	jsilvestri@mcdonaldcarano.com
5	Lara Taylor	ljtaylor@swlaw.com
6	David Knotts	dknotts@rgrdlaw.com
7	Randall Baron	randyb@rgrdlaw.com
8	Jaime McDade	jaimem@rgrdlaw.com
9	Lyndsey Luxford	lluxford@swlaw.com
10	Brad Austin	baustin@swlaw.com
11	Karen Surowiec	ksurowiec@mcdonaldcarano.com
12	Amanda Baker	akbaker@hollandhart.com
13	Kristina Cole	krcole@hollandhart.com
14	Isis Crosby	icrosby@albrightstoddard.com
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

HOLLAND & HART LLP
9555 HILLWOOD DRIVE, 2ND FLOOR
LAS VEGAS, NV 89134

JUDG

J. Stephen Peek, Esq.
Nevada Bar No. 1758
Robert J. Cassity, Esq.
Nevada Bar No. 9779
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134
(702) 669-4600
(702) 669-4650 – fax
speek@hollandhart.com
bcassity@hollandhart.com

John P. Stigi III, Esq.
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
(310) 228-3700
(310) 228-3917 – fax
jstigi@sheppardmullin.com

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

DISTRICT COURT

CLARK COUNTY, NEVADA

IN RE PARAMETRIC SOUND
CORPORATION SHAREHOLDERS'
LITIGATION.

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

AMENDED JUDGMENT

KEARNEY IRRV TRUST, individually and
on behalf of all others similarly situated,

Plaintiff,

vs.

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.

Defendants

GRANT OAKES; RAYMOND BOYTIM,

Intervenor Plaintiffs,

VITIE RAKAUSKAS, individually and on
behalf of all others similarly situated,

Plaintiff,

vs

PARAMETRIC SOUND CCORPORATION;
VTB HOLDINGS, INC., PARIS
ACQUISITION CORP., KENNETH F.
POTASHNER; ELWOOD G. NORRIS;
ROBERT J. KAPLAN; SETH PUTTERMAN;
ANDREW WOLF; and JAMES L. HONORE,

Defendants

GEORGE PRIESTON, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

KENNETH F. POTASHNER; PARAMETRIC
SOUND CORPORATION; JAMES L.
HONORE; ROBERT M. KAPLAN;
ELWOOD G. NORRIS; SETH
PUTTERMAN; ANDREW WOLFE; VTB
HOLDINGS, INC.; VOYETRA TURTLE
BEACH, INC.; and PARIS ACQUISITION
CORP.,

Defendants

JOSH HANSEN, individually and on behalf of
all others similarly situated,

Plaintiff

vs

PARAMETRIC SOUND CORPORATION;
JAMES L. HONORE; ROBERT M.
KAPLAN; ELWOOD G. NORRIS;
KENNETH F. POTASHNER; SETH
PUTTERMAN; ANDREW WOLFE; VTB
HOLDINGS, INC.; VOYETRA TURTLE
BEACH, INC. and PARIS ACQUISITION
CORP.,

Defendants

Consolidated with:
Case No. A-13-687232-B Dept. No. XXII

Consolidated with:
Case No. A-13-687354-B Dept. XXII

Consolidated with:
Case No. A-13-687665-B Dept. XXII

1 SHAHA VASEK, individually and on behalf
2 of all others similarly situated,

3 Plaintiff,

4 vs.

5 PARAMETRIC SOUND CORPORATION;
6 KENNETH POTASHNER; ELWOOD G.
7 NORRIS; ROBERT M. KAPLAN; SETH
8 PUTTERMAN; ANDREW WOLFE; and
9 JAMES L. HONORE; VTB HOLDINGS,
10 INC.; and PARIS ACQUISITION CORP.,

11 Defendants

12 LANCE MYKITA, individually and on behalf
13 of all others similarly situated,

14 Plaintiff,

15 vs.

16 5G VTB HOLDINGS, LLC; STRIPES
17 GROUP, LLC; VTB HOLDINGS, INC.;
18 TURTLE BEACH CORPORATION, INC.,

19 Defendants

20 PAMTP, LLC

21 Plaintiff

22 vs

23 SG VTB HOLDINGS, LLC; STRIPES; VTB
24 HOLDINGS, INC.; JUERGEN STARK;
25 KENNETH FOX; ANDREW WOLFE; SETH
26 PUTTERMAN; ELWOOD G. NORRIS;
27 KENNETH POTASHNER,

28 Defendants

Consolidated with:
Case No. A-13-688374-B Dept. XXII

Consolidated with:
Case No. A-16-741073-B Dept. XXII

Consolidated with:
Case No. A-20-815308-B Dept. XXII

22 The Court having entered its (1) Order Granting Defendants' Motion for Judgment
23 Pursuant to NRCP 52(c), Findings of Fact and Conclusions of Law, and Judgment Thereon, filed
24 September 3, 2021; and (2) Order Re: PAMTP, LLC's Motion to Re-Tax Costs, filed August 29,
25 2022, and good cause appearing,

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

28 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that JUDGMENT is

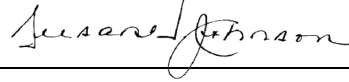
1 entered in favor of Defendant Kenneth Potashner and against Plaintiff PAMTP, LLC in the
2 amount of \$395,147.15.

3 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that JUDGMENT is
4 entered in favor of Defendants VTB Holdings, Inc. and Specially Appearing Defendants Stripes
5 Group, LLC, SG VTB Holdings, LLC, Juergen Stark, and Kenneth Fox and against Plaintiff
6 PAMTP, LLC in the amount of \$774,836.71.

7 Post-judgment interest on the foregoing amounts shall accrue as provided under Nevada
8 law.

9 ~~DATED this ____ day of September 2022.~~

Dated this 16th day of September, 2022



21B 6AA E46B A4E7
Susan Johnson
District Court Judge

15 Submitted by:

Approved as to form:

16 By: /s/ J. Stephen Peek
17 J. Stephen Peek, Esq.
18 Robert J. Cassity, Esq.
19 HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134

20 John P. Stigi III, Esq.
21 SHEPPARD, MULLIN, RICHTER &
22 HAMPTON LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, California 90067

23 *Attorneys for Defendants*
24 *Kenneth Potashner, Elwood Norris,*
25 *Seth Putterman, Robert Kaplan, and*
Andrew Wolfe

/s/ did not respond
George F. Ogilvie III, Esq.
Amanda C. Yen, Esq.
Rory T. Kay, Esq.
MCDONALD CARANO LLP
2300 West Sahara Avenue, Suite 1200
Las Vegas, NV 89102

Daniel M. Sullivan (*Admitted Pro Hac*)
Scott M. Danner (*Admitted Pro Hac*)
HOLWELL SHUSTER & GOLDBERG LLP
425 Lexington Avenue
New York, New York 10017

Attorneys for Plaintiff PAMTP, LLC

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

Approved as to form:

/s/ Richard C. Gordon
Richard C. Gordon, Esq.
SNELL & WILMER LLP
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169

DECHERT LLP

Joshua D.N. Hess
(Admitted Pro Hac)
One Bush Street, Ste. 1600
San Francisco, CA 94104

David A. Kotler, Esq.
(Admitted Pro Hac)
Brian C. Raphel, Esq.
(Admitted Pro Hac)
1095 Avenue of the Americas
New York, NY 10036

Ryan M. Moore, Esq.
2929 Arch Street
Philadelphia, PA 19104

*Attorneys for Defendant VTB Holdings, Inc.
and Specially Appearing Defendants Stripes
Group, LLC, SG VTB Holdings, LLC,
Kenneth Fox, and Juergen Stark*

19758275_v1

Valerie Larsen

From: Bob Cassity
Sent: Wednesday, September 14, 2022 4:23 PM
To: Valerie Larsen
Subject: FW: PAMTP, LLC v. SG VTB Holdings, et al.

From: Gordon, Richard <rgordon@swlaw.com>
Sent: Wednesday, September 14, 2022 4:22 PM
To: Bob Cassity <BCassity@hollandhart.com>
Subject: RE: PAMTP, LLC v. SG VTB Holdings, et al.

External Email

Bob,
You have my e-signature authorization.

Richard Gordon

office: 702.784.5210 | mobile: 702.443.7402
rgordon@swlaw.com

Snell & Wilmer
swlaw.com | [disclaimer](#)

From: Bob Cassity <BCassity@hollandhart.com>
Sent: Thursday, September 8, 2022 4:27 PM
To: George F. Ogilvie III <gogilvie@mcdonaldcarano.com>; dsullivan@hsgllp.com; sdanner@hsgllp.com
Cc: Steve Peek <S.Peek@hollandhart.com>; John Stigi <JStigi@sheppardmullin.com>; Alejandro Moreno <AMoreno@sheppardmullin.com>; Kotler, David <david.kotler@dechert.com>; Raphel, Brian <Brian.Raphel@dechert.com>; Gordon, Richard <rgordon@swlaw.com>; Hess, Joshua <Joshua.Hess@dechert.com>; Valerie Larsen <VLLarsen@hollandhart.com>
Subject: PAMTP, LLC v. SG VTB Holdings, et al.

[EXTERNAL] bcassity@hollandhart.com

Counsel: In light of the Court's Order Re: PAMTP, LLC's Motion to Re-Tax Costs, we have prepared the attached amended judgment to reflect the costs award. Please let us know **by noon on Monday, September 12** if you have any proposed edits or if we have your approval to submit to chambers. We intend to submit to chambers Monday afternoon.

Thank you.

Robert J. Cassity

Partner, Holland & Hart LLP

9555 Hillwood Dr., 2nd Floor, Las Vegas, NV 89134

T 702.669.4600 F 702.669.4650



CONFIDENTIALITY NOTICE: This message is confidential and may be privileged. If you believe that this email has been sent to you in error, please reply to the sender that you received the message in error; then please delete this e-mail.

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 22
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 Judgment was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 9/16/2022

15 "Barbara Clark, Legal Assistant" .	bclark@albrightstoddard.com
16 "Bryan Snyder, Paralegal" .	bsnyder@omaralaw.net
17 "David C. O'Mara, Esq." .	david@omaralaw.net
18 "G. Mark Albright, Esq." .	gma@albrightstoddard.com
19 "Valerie Weis, Paralegal" .	val@omaralaw.net
20 Brian Raphel .	brian.raphel@dechert.com
21 Docket .	Docket_LAS@swlaw.com
22 Gaylene Kim .	gkim@swlaw.com
23 Joshua Hess .	joshua.hess@dechert.com
24 Karl Riley .	kriley@swlaw.com
25 Neil Steiner .	neil.steiner@dechert.com

1	Richard C. Gordon .	rgordon@swlaw.com
2	Robert Cassity .	bcassity@hollandhart.com
3	Steve Peek .	speek@hollandhart.com
4	Traci Bixenmann .	traci@johnaldrichlawfirm.com
5	Valerie Larsen .	vllarsen@hollandhart.com
6	Sonja Dugan	sdugan@swlaw.com
7	Stephanie Morrill	scmorrill@hollandhart.com
8	Josh Fruchter	jfruchter@wohlfruchter.com
9	John Stigi III	JStigi@sheppardmullin.com
10	Jonathan Stein	jstein@saxenawhite.com
11	Alejandro Moreno	AMoreno@sheppardmullin.com
12	Phyllis Chavez	pchavez@sheppardmullin.com
13	Rory Kay	rkay@mcdonaldcarano.com
14	Adam Apton	aapton@zlk.com
15	Esther Lee	elee@rgrdlaw.com
16	Elizabeth Tripodi	etripodi@zlk.com
17	CaraMia Gerard	cgerard@mcdonaldcarano.com
18	George Ogilvie	gogilvie@mcdonaldcarano.com
19	Amanda Yen	ayen@mcdonaldcarano.com
20	Jelena Jovanovic	jjovanovic@mcdonaldcarano.com
21	Jeff Silvestri	jsilvestri@mcdonaldcarano.com
22	Lara Taylor	ljtaylor@swlaw.com
23	Maricris Williams	mawilliams@swlaw.com
24		
25		
26		
27		
28		

1	David Knotts	dknotts@rgrdlaw.com
2		
3	Randall Baron	randyb@rgrdlaw.com
4	Jaime McDade	jaimem@rgrdlaw.com
5	Lyndsey Luxford	lluxford@swlaw.com
6	Brad Austin	baustin@swlaw.com
7	Karen Surowiec	ksurowiec@mcdonaldcarano.com
8	Amanda Baker	akbaker@hollandhart.com
9	Kristina Cole	krcole@hollandhart.com
10	Nicole Delgado	nicole.delgado@dechert.com
11		
12	Ryan Moore	ryan.moore@dechert.com
13	Adam Warden	awarden@saxenawhite.com
14	Randall Baron	RandyB@rgrdlaw.com
15	Maxwell Huffman	mhuffman@rgrdlaw.com
16	Jane Susskind	jsusskind@mcdonaldcarano.com
17	Daniel Sullivan	dsullivan@hsgllp.com
18		
19	Scott Danner	sdanner@hsgllp.com
20	Isis Crosby	icrosby@albrightstoddard.com
21		
22		
23		
24		
25		
26		
27		
28		

McDONALD CARANO
2300 WEST SAHARA AVENUE, SUITE 1200 • LAS VEGAS, NEVADA 89102
PHONE 702.873.4100 • FAX 702.873.9966

OGM

George F. Ogilvie III, Esq. (NV Bar #3552)
Rory T. Kay, Esq. (NV Bar #12416)
McDONALD CARANO LLP
2300 W. Sahara Ave, Suite 1200
Las Vegas, NV 89102
Telephone: 702.873.4100
Facsimile: 702.873.9966
gogilvie@mcdonaldcarano.com
rkay@mcdonaldcarano.com

Daniel Martin Sullivan, Esq. (Admitted *Pro Hac Vice*)
Scott Manning Danner, Esq. (Admitted *Pro Hac Vice*)
HOLWELL SHUSTER & GOLDBERG LLP
425 Lexington Avenue, 14th Floor
New York, NY 10017
T: (646) 837-5152
dsullivan@hsgllp.com
sdanner@hsgllp.com

Attorneys for Plaintiff PAMTP LLC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

IN RE PARAMETRIC SOUND
CORPORATION SHAREHOLDERS'
LITIGATION.

KEARNEY IRRV TRUST, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

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.

Defendants

GRANT OAKES; RAYMOND BOYTIM,
Intervenor Plaintiffs,

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

DEPT. NO.: XXII

**ORDER GRANTING PLAINTIFF'S
MOTION TO STAY EXECUTION OF
AMENDED JUDGMENT ON ORDER
SHORTENING TIME**

VITIE RAKAUSKAS, individually and on
behalf of all others similarly situated,

Plaintiff,

vs

PARAMETRIC SOUND CCORPORATION;
VTB HOLDINGS, INC., PARIS ACQUISITION
CORP., KENNETH F. POTASHNER;
ELWOOD G. NORRIS; ROBERT J. KAPLAN;
SETH PUTTERMAN; ANDREW WOLF; and
JAMES L. HONORE,

Defendants

Consolidated with:

Case No. A-13-687232-B Dept. No. XXII

GEORGE PRIESTON, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

KENNETH F. POTASHNER; PARAMETRIC
SOUND CORPORATION; JAMES L.
HONORE; ROBERT M. KAPLAN; ELWOOD
G. NORRIS; SETH PUTTERMAN; ANDREW
WOLFE; VTB HOLDINGS, INC.; VOYETRA
TURTLE BEACH, INC.; and PARIS
ACQUISITION CORP.,

Defendants

Consolidated with:

Case No. A-13-687354-B Dept. XXII

JOSH HANSEN, individually and on behalf of
all others similarly situated,

Plaintiff

vs

PARAMETRIC SOUND CORPORATION;
JAMES L. HONORE; ROBERT M. KAPLAN;
ELWOOD G. NORRIS; KENNETH F.
POTASHNER; SETH PUTTERMAN;
ANDREW WOLFE; VTB HOLDINGS, INC.;
VOYETRA TURTLE BEACH, INC. and PARIS
ACQUISITION CORP.,

Defendants

Consolidated with:

Case No. A-13-687665-B Dept. XXII

1 SHAHA VASEK, individually and on behalf of
2 all others similarly situated,

3 Plaintiff,

4 vs.

5 PARAMETRIC SOUND CORPORATION;
6 KENNETH POTASHNER; ELWOOD G.
7 NORRIS; ROBERT M. KAPLAN; SETH
8 PUTTERMAN; ANDREW WOLFE; and
9 JAMES L. HONORE; VTB HOLDINGS, INC.;
and PARIS ACQUISITION CORP.,

10 Defendants

Consolidated with:
Case No. A-13-688374-B Dept. XXII

11 LANCE MYKITA, individually and on behalf of
12 all others similarly situated,

13 Plaintiff,

14 vs.

15 5G VTB HOLDINGS, LLC; STRIPES GROUP,
16 LLC; VTB HOLDINGS, INC.; TURTLE
17 BEACH CORPORATION, INC.,

18 Defendants

Consolidated with:
Case No. A-16-741073-B Dept. XXII

19 PAMTP, LLC

20 Plaintiff

21 vs

22 SG VTB HOLDINGS, LLC; STRIPES; VTB
23 HOLDINGS, INC.; JUERGEN STARK;
KENNETH FOX; ANDREW WOLFE; SETH
PUTTERMAN; ELWOOD G. NORRIS;
KENNETH POTASHNER,

24 Defendants

Consolidated with:
Case No. A-20-815308-B Dept. XXII

This matter came before the Court on October 13, 2022 on Plaintiff's Motion to Stay Execution of Amended Judgment on Order Shortening Time ("Motion"). George F. Ogilvie III, Esq. of McDonald Carano LLP and Daniel M. Sullivan, Esq. of Holwell Shuster & Goldberg LLP appeared on behalf of Plaintiff. Richard C. Gordon, Esq. of Snell & Wilmer L.L.P. and Joshua D. N. Hess, Esq. of Dechert L.L.P. appeared on behalf of Defendant VTB Holdings, Inc. and Specially Appearing Defendants Stripes Group, LLC, SG VTB Holdings, LLC, Kenneth Fox, and Juergen Stark. J. Stephen Peek of Holland & Hart LLP appeared on behalf of Defendant Kenneth Potashner.

Having reviewed the papers submitted in support of and in opposition to the Motion, having entertained the oral arguments of counsel, and good cause appearing therefor,

IT IS HEREBY ORDERED that Plaintiff's Motion is **GRANTED**. Pursuant to NRCPC 62(d), a stay of execution on the Amended Judgment entered by this Court on September 16, 2022 shall be effective upon Plaintiff's posting of a supersedeas bond in the amount of \$1,308,359.35.

~~DATED this ____ day of October, 2022.~~

Dated this 19th day of October, 2022



D29 665 9A15 A6AA
Susan Johnson
District Court Judge

Submitted by:

Approved as to form:

MCDONALD CARANO LLP

SNELL & WILMER L.L.P.

By: /s/ George F. Ogilvie III
George F. Ogilvie III (NSBN #3552)
Amanda C. Yen (NSBN #9726)
Rory T. Kay (NSBN #12416)
2300 West Sahara Avenue, Suite 1200
Las Vegas, NV 89102

By: /s/ Richard C. Gordon
Richard C. Gordon (NSBN #9036)
3883 Howard Hughes Pkwy #1100,
Las Vegas, NV 89169

HOLWELL SHUSTER &
GOLDBERG LLP
Daniel M. Sullivan (Admitted *Pro Hac*)
Scott M. Danner (Admitted *Pro Hac*)
425 Lexington Avenue
New York, New York 10017

DECHERT L.L.P.
Joshua D.N. Hess (Admitted *Pro Hac*)
One Bush Street, Suite 1600
San Francisco, CA 94104

Brian C. Raphael (Admitted *Pro Hac*)
David A. Kotler (Admitted *Pro Hac*)
1095 Avenue of the Americas
New York, NY 10036

Attorneys for PAMPT LLC

*Attorneys for Defendant VTB Holdings,
Inc. and Specially Appearing
Defendants Stripes Group, LLC,
SG VTB Holdings, Kenneth Fox and
Juergen Stark*

HOLLAND & HART LLP

By: /s/ J. Stephen Peek
J. Stephen Peek (NSBN #1758)
Robert J. Cassity (NSBN #9779)
9555 Hillwood Drive, 2nd Floor,
Las Vegas, NV 89134

SHEPPARD MULLIN RICHTER &
HAMPTON LLP

By: /s/ John P. Stigi
John P. Stigi III (Admitted *Pro Hac*)
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067

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

From: Alejandro Moreno <AMoreno@sheppardmullin.com>
Sent: Tuesday, October 18, 2022 6:46 PM
To: George F. Ogilvie III; rgordon@swlaw.com; Steve Peek; Bob Cassity; Hess, Joshua; Kotler, David; Austin, Bradley; John Stigi
Cc: Daniel M. Sullivan; Valerie Larsen
Subject: RE: In re Parametric

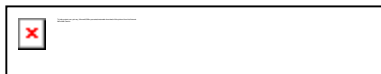
You can e-sign for Potashner. Thanks!

----- Original Message -----

From: "George F. Ogilvie III" <gogilvie@Mcdonaldcarano.com>
Date: Tue, Oct 18, 2022, 6:36 PM
To: "Gordon, Richard" <rgordon@swlaw.com>, Steve Peek <SPeek@hollandhart.com>, Bob Cassity <BCassity@hollandhart.com>, "Hess, Joshua" <Joshua.Hess@dechert.com>, "Kotler, David" <david.kotler@dechert.com>, "Austin, Bradley" <baustin@swlaw.com>, John Stigi <JStigi@sheppardmullin.com>, Alejandro Moreno <AMoreno@sheppardmullin.com>
CC: "Daniel M. Sullivan" <dsullivan@hsgllp.com>, Valerie Larsen <VLLarsen@hollandhart.com>
Subject: RE: In re Parametric

The way the signature blocks are set up (I believe my secretary just adopted them from a prior order), Rick's signature is all that is needed for the non-director defendants, but, for Potashner, John Stigi has a signature block. John, do I have your authorization also or should I just reconfigure the signature blocks for Potashner similar to the non-director defendants?

George F. Ogilvie III | Partner



P: 702.873.4100 | E: gogilvie@mcdonaldcarano.com

From: Gordon, Richard <rgordon@swlaw.com>
Sent: Tuesday, October 18, 2022 6:26 PM
To: Steve Peek <SPeek@hollandhart.com>; George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>; Bob Cassity <BCassity@hollandhart.com>; Hess, Joshua <Joshua.Hess@dechert.com>; Kotler, David <david.kotler@dechert.com>; Austin, Bradley <baustin@swlaw.com>; John Stigi <JStigi@sheppardmullin.com>; Alejandro Moreno <AMoreno@sheppardmullin.com>
Cc: Daniel M. Sullivan <dsullivan@hsgllp.com>; Valerie Larsen <VLLarsen@hollandhart.com>
Subject: RE: In re Parametric

George,
You are authorized to e-sign for me as well.

Richard Gordon

office: 702.784.5210 | mobile: 702.443.7402
rgordon@swlaw.com

Snell & Wilmer
swlaw.com | [disclaimer](#)

From: Steve Peek <S.Peek@hollandhart.com>
Sent: Tuesday, October 18, 2022 5:40 PM
To: George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>; Bob Cassity <BCassity@hollandhart.com>; Hess, Joshua <Joshua.Hess@dechert.com>; Kotler, David <david.kotler@dechert.com>; Gordon, Richard <rgordon@swlaw.com>; Austin, Bradley <baustin@swlaw.com>; John Stigi <JStigi@sheppardmullin.com>; Alejandro Moreno <AMoreno@sheppardmullin.com>
Cc: Daniel M. Sullivan <dsullivan@hsgllp.com>; Valerie Larsen <VLLarsen@hollandhart.com>
Subject: RE: In re Parametric

[EXTERNAL] speek@hollandhart.com

Thanks George. You are authorized to e-sign for me.

From: George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>
Sent: Tuesday, October 18, 2022 5:14 PM
To: Steve Peek <S.Peek@hollandhart.com>; Bob Cassity <BCassity@hollandhart.com>; Hess, Joshua <Joshua.Hess@dechert.com>; Kotler, David <david.kotler@dechert.com>; Gordon, Richard <rgordon@swlaw.com>; Austin, Bradley <baustin@swlaw.com>; John Stigi <JStigi@sheppardmullin.com>; Alejandro Moreno <AMoreno@sheppardmullin.com>
Cc: Daniel M. Sullivan <dsullivan@hsgllp.com>
Subject: RE: In re Parametric

External Email

Thanks, Steve. We can accept your edits. Attached is a revised version that incorporates your edits. All, please advise whether we have your authority to affix your electronic signatures.

George F. Ogilvie III | Partner



P: 702.873.4100 | E: gogilvie@mcdonaldcarano.com

From: Steve Peek <S.Peek@hollandhart.com>
Sent: Tuesday, October 18, 2022 3:18 PM
To: George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>; Bob Cassity <BCassity@hollandhart.com>; Hess, Joshua <Joshua.Hess@dechert.com>; Kotler, David <david.kotler@dechert.com>; Gordon, Richard <rgordon@swlaw.com>; Austin, Bradley <baustin@swlaw.com>; John Stigi <JStigi@sheppardmullin.com>; Alejandro Moreno <AMoreno@sheppardmullin.com>
Cc: Daniel M. Sullivan <dsullivan@hsgllp.com>
Subject: RE: In re Parametric

George:

I have reviewed your draft Order and made redline edits and comments to your draft. Let me know if my edits are acceptable or whether I will need to submit a competing Order.

From: George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>

Sent: Monday, October 17, 2022 7:49 AM

To: Steve Peek <S.Peek@hollandhart.com>; Bob Cassity <BCassity@hollandhart.com>; Hess, Joshua <Joshua.Hess@dechert.com>; Kotler, David <david.kotler@dechert.com>; Gordon, Richard <rgordon@swlaw.com>; Austin, Bradley <baustin@swlaw.com>; John Stigi <JStigi@sheppardmullin.com>; Alejandro Moreno <AMoreno@sheppardmullin.com>

Cc: Daniel M. Sullivan <dsullivan@hsgllp.com>

Subject: In re Parametric

External Email

Gentleman,

Attached for your review and comment is the proposed Order granting PAMTP's motion to stay execution of judgment. Please advise me if we have your authorization to affix your electronic signatures.

George

George F. Ogilvie III | Partner



2300 West Sahara Avenue | Suite 1200
Las Vegas, NV 89102

P: 702.873.4100 | **F:** 702.873.9966

vCard | Bio | 



| State Law Resources

PERSONAL AND CONFIDENTIAL: This message originates from the law firm of McDonald Carano LLP. This message and any file(s) or attachment(s) transmitted with it are confidential, intended only for the named recipient, and may contain information that is a trade secret, proprietary, protected by the attorney work product doctrine, subject to the attorney-client privilege, or is otherwise protected against unauthorized use or disclosure. This message and any file(s) or attachment(s) transmitted with it are transmitted based on a reasonable expectation of privacy consistent with ABA Formal Opinion No. 99-413. Any disclosure, distribution, copying, or use of this information by anyone other than the intended recipient, regardless of address or routing, is strictly prohibited. If you receive this message in error, please advise the sender by immediate reply and delete the original message. Personal messages express only the view of the sender and are not attributable to McDonald Carano LLP.

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

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 22
8 Kenneth Potashner, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

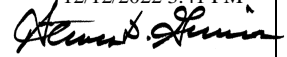
11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order Granting Motion was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 10/19/2022

15 "Barbara Clark, Legal Assistant" .	bclark@albrightstoddard.com
16 "Bryan Snyder, Paralegal" .	bsnyder@omaralaw.net
17 "David C. O'Mara, Esq." .	david@omaralaw.net
18 "G. Mark Albright, Esq." .	gma@albrightstoddard.com
19 "Valerie Weis, Paralegal" .	val@omaralaw.net
20 Brian Raphel .	brian.raphel@dechert.com
21 Docket .	Docket_LAS@swlaw.com
22 Gaylene Kim .	gkim@swlaw.com
23 Joshua Hess .	joshua.hess@dechert.com
24 Neil Steiner .	neil.steiner@dechert.com
25 Richard C. Gordon .	rgordon@swlaw.com

1	Robert Cassity .	bcassity@hollandhart.com
2	Steve Peek .	speek@hollandhart.com
3	Traci Bixenmann .	traci@johnaldrichlawfirm.com
4	Valerie Larsen .	vlarsen@hollandhart.com
5	Josh Fruchter	jfruchter@wohlfruchter.com
6	John Stigi III	JStigi@sheppardmullin.com
7	Jonathan Stein	jstein@saxenawhite.com
8	Sonja Dugan	sdugan@swlaw.com
9	Stephanie Morrill	scmorrill@hollandhart.com
10	CaraMia Gerard	cgerard@mcdonaldcarano.com
11	George Ogilvie	gogilvie@mcdonaldcarano.com
12	Amanda Yen	ayen@mcdonaldcarano.com
13	Jelena Jovanovic	jjovanovic@mcdonaldcarano.com
14	Jeff Silvestri	jsilvestri@mcdonaldcarano.com
15	David Knotts	dknotts@rgrdlaw.com
16	Randall Baron	randyb@rgrdlaw.com
17	Jaime McDade	jaimem@rgrdlaw.com
18	Lyndsey Luxford	lluxford@swlaw.com
19	Brad Austin	baustin@swlaw.com
20	Esther Lee	elee@rgrdlaw.com
21	Elizabeth Tripodi	etripodi@zlk.com
22	Nicole Delgado	nicole.delgado@dechert.com
23	Ryan Moore	ryan.moore@dechert.com
24		
25		
26		
27		
28		

1	Adam Warden	awarden@saxenawhite.com
2		
3	Randall Baron	RandyB@rgrdlaw.com
4	Maxwell Huffman	mhuffman@rgrdlaw.com
5	Jane Susskind	jsusskind@mcdonaldcarano.com
6	Alejandro Moreno	AMoreno@sheppardmullin.com
7	Phyllis Chavez	pchavez@sheppardmullin.com
8	Rory Kay	rkay@mcdonaldcarano.com
9	Adam Apton	aapton@zlk.com
10		
11	Daniel Sullivan	dsullivan@hsgllp.com
12	Scott Danner	sdanner@hsgllp.com
13	Karen Surowiec	ksurowiec@mcdonaldcarano.com
14	Amanda Baker	akbaker@hollandhart.com
15	Kristina Cole	krcole@hollandhart.com
16	Isis Crosby	icrosby@albrightstoddard.com
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		


CLERK OF THE COURT

Richard C. Gordon, Esq.
Nevada Bar No. 9036
SNELL & WILMER L.L.P.
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169
Tel. (702) 784-5200
Fax. (702) 784-5252
rgordon@swlaw.com

[Additional counsel on signature page]

*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

Case No. A-13-686890-B
Dept. No. XXII

KEARNEY IRRV TRUST, individually and
on behalf of all others similarly situated,

Plaintiff,

vs.

KENNETH F. POSTASHNER; ELWOOD
G. NORRIS; SETH PUTTERMAN;
ROBERT M. KAPLAN; ANDREW L.
WOLFE; JAMES L. HONORE;
PARAMETRIC SOUND CORPORATION;
PARIS ACQUISITION CORP.; and VTB
HOLDINGS, INC.

Defendants.

**ORDER GRANTING DEFENDANTS'
MOTION TO AMEND JUDGMENT**

GRANT OAKES; RAYMOND BOYTIM,

Intervenor Plaintiffs.

Consolidated with:

VITIE RAKAUSKAS, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

Case No. A-13-687232-B
Dept. No. XXII

Snell & Wilmer

LLP
LAW OFFICES
3883 HOWARD HUGHES PARKWAY, SUITE 1100
LAS VEGAS, NEVADA 89169
(702) 784-5200

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

PARAMETRIC SOUND CORPORATION; VTB HOLDINGS, INC.; PARIS ACQUISITION CORP., KENNETH F. POTASHNER; ELWOOD G. NORRIS; ROBERT J. KAPLAN; SETH PUTTERMAN; ANDREW WOLF; and JAMES L. HONORE,	
Defendants.	
GEORGE PRIESTON, individually and on behalf of all others similarly situated,	
Plaintiff,	
vs.	
KENNETH F. POTASHNER; PARAMETRIC SOUND CORPORATION; JAMES L. HONORE; ROBERT M. KAPLAN; ELWOOD G. NORRIS; SETH PUTTERMAN; ANDREW WOLFE; VTB HOLDINGS, INC.; VOYETRA TURTLE BEACH, INC.; and PARIS ACQUISITION CORP.,	
Defendants.	
JOSH HANSEN, individually and on behalf of all others similarly situated,	
Plaintiff,	
vs.	
PARAMETRIC SOUND CORPORATION; JAMES L. HONORE; ROBERT M. KAPLAN; ELWOOD G. NORRIS; KENNETH F. POTASHNER; SETH PUTTERMAN; ANDREW WOLFE; VTB HOLDINGS, INC.; VOYETRA TURTLE BEACH, INC. and PARIS ACQUISITION CORP.,	
Defendants.	
SHAHA VASEK, individually and on behalf of all others similarly situated,	
Plaintiff,	
vs.	

Consolidated with:
Case No. A-13-687354-B
Dept. XXII

Consolidated with:
Case No. A-13-687665-B
Dept. XXII

Consolidated with:
Case No. A-13-688374-B
Dept. XXII

PARAMETRIC SOUND CORPORATION;
KENNETH POTASHNER; ELWOOD G.
NORRIS; ROBERT M. KAPLAN; SETH
PUTTERMAN; ANDREW WOLFE; and
JAMES L. HONORE; VTB HOLDINGS,
INC.; and PARIS ACQUISITION CORP.,

Defendants.

LANCE MYKITA, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

5G VTB HOLDINGS, LLC; STRIPES
GROUP, LLC; VTB HOLDINGS, INC.;
TURTLE BEACH CORPORATION, INC.,

Defendants.

PAMTP, LLC,

Plaintiff,

vs.

SG VTB HOLDINGS, LLC; STRIPES
GROUP, LLC; VTB HOLDINGS, INC.;
JUERGEN STARK; KENNETH FOX;
ANDREW WOLFE; SETH PUTTERMAN;
ELWOOD G. NORRIS; KENNETH
POTASHNER,

Defendants.

Consolidated with:
Case No. A-16-741073-B
Dept. XXII

Consolidated with:
Case No. A-20-815308-B
Dept. XXII

On November 22, 2022, the Court conducted a hearing on Defendants' Motion to Amend Judgment. The Court, having reviewed the record, the briefs submitted in support of and in opposition to the motion, and oral argument from counsel, hereby **GRANTS** the Motion, and makes the following findings and conclusions of law:

BACKGROUND

1. On September 3, 2021, the Court entered its Order Granting Defendants' Motion for Judgment Pursuant to NRCP 52(c), Findings of Fact and Conclusions of Law, and Judgment Thereon ("Judgment").

2. On August 29, 2022, the Court entered its Order Granting in Part and Denying in Part Plaintiff's Motions to Retax Costs, which Order awarded Defendant Kenneth Potashner \$395,147.15 in costs and Non-Director Defendants \$774,836.71 in costs pursuant to NRS 18.020 ("Cost Award").

3. On September 14, 2022, Plaintiff appealed the Cost Award.

4. On September 16, 2022, the Court entered an Amended Judgment ("Amended Judgment"), incorporating the Cost Award into the Amended Judgment,

5. The Amended Judgment expressly awarded Defendants post-judgment interest and was silent as to pre-judgment interest.

6. On October 14, 2022, Defendants filed their Motion to Amend Judgment ("Motion to Amend"), requesting that the Court amend the Amended Judgment to include prejudgment interest pursuant to NRS 17.130 and NRCP 59(e), 60(a), and/or 60(b).

7. Plaintiff opposed the Motion to Amend on October 31, 2022, arguing, in part, that: (1) the Motion was purportedly untimely under NRCP 59(e), and (2) the Court lacked jurisdiction under NRCP 60, as the Motion purportedly raised issues presently on (and non-collateral to the) appeal.¹

8. Defendants filed their Reply in Support of the Motion to Amend on November 15, 2022.

9. The Court entertained oral argument on behalf of all Parties on November 22, 2022.

CONCLUSIONS OF LAW

10. NRS 17.130 governs the computation of interest on monetary judgments.

11. When no rate of interest is provided by contract or by other applicable law, NRS 17.130 provides that:

the judgment draws interest from the time of service of the summons and complaint until satisfied... at a rate equal to the prime rate at the largest bank in Nevada as ascertained by the Commissioner of Financial Institutions on January 1 or July 1, as the case may be, immediately preceding the date of judgment, plus 2

///

¹ Plaintiff also argues that Defendants waived their rights to prejudgment interest by: (1) omission of the same in the Amended Judgment, as well as (2) purportedly failing to timely move under NRCP 59. For the reasons set forth in Defendants' Reply, the Court does not find these arguments persuasive. As such, the Court does not find waiver by Defendants.

1 percent. The rate must be adjusted accordingly on each January 1 and July 1
2 thereafter until the judgment is satisfied. (emphasis added).

3 12. The Nevada Supreme Court has clarified that “prejudgment interest is recoverable on a
4 judgment awarding costs.” *Albios v. Horizon Communities, Inc.*, 122 Nev. 409, 429–30, 132 P.3d
5 1022, 1035–36 (2006) (citing *Gibillini v. Klindt*, 110 Nev. 1201, 1209, 885 P.2d 540, 544
6 (1994)).

7 13. As prejudgment interest is recoverable on a judgment awarding costs, the only remaining
8 determination is whether Defendants properly moved under NRCP 59 and/or NRCP 60.

9 14. NRCP 60(a) provides that “[t]he court may correct a clerical mistake or a mistake arising
10 from oversight or omission whenever one is found in a judgment, order, or other part of the
11 record.”

12 15. NRCP 60(b)(1) provides that the Court may relieve a party from a final judgment where a
13 “mistake, inadvertence, surprise, or excusable neglect” justifies relief.

14 16. Under Rule 60, a district court can grant relief and retain jurisdiction “where the issue is
15 ‘entirely collateral and independent from that part of the case taken up by appeal, and *in no way*
16 *affects the merits of the appeal.*’” *Kantor v. Kantor*, 116 Nev. 886, 895, 8 P.3d 825, 830 (2000)
17 (emphasis added) (quoting *Bongiovi v. Bongiovi*, 94 Nev. 321, 322, 579 P.2d 1246, 1247 (1978))
18 (concluding the issue of attorney’s fees was collateral to the appeal concerning the denial of a
19 motion for leave to amend an amended answer and the divorce decree); *accord Osborn v. Riley*,
20 331 So. 2d 268, 271 (Ala. 1976) (cited with approval in *Bongiovi*, 94 Nev. at 322, 579 P.2d at
21 1247, and holding that the District Court may rule on issues that will not be adjudicated in the
22 appellate court); *cf. Emerson v. Eighth Judicial Dist. Court*, 127 Nev. 672, 678, 263 P.3d 224,
23 228 (2011) (“[C]ollateral matters have no preclusive or res judicata effect on the underlying
24 claims because they do not affect the parties’ ability to adjudicate the merits of the case.”).

25 17. Here, Plaintiff appealed the Cost Award on September 14, 2022, which Award was silent
26 as to prejudgment interest.

27 18. Because the appeal does not address prejudgment interest, the Court finds the issue of
28 prejudgment interest to be collateral to the appeal.

19. Further, the Court concludes that Defendants have not waived their right to prejudgment interest for the reasons set forth in the Defendants' Reply.

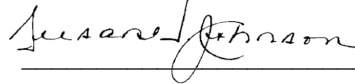
20. As such, the Court properly retains jurisdiction to address Defendants' Motion to Amend under NRCP 60 and grants the same.²

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Plaintiff's Motion to Amend is **GRANTED** in its entirety, and prejudgment interest shall be added to the Amended Judgment in the collective amount of \$220,889.98, broken down as follows: (1) \$134,195.05 in favor of Defendants VTB Holdings, Inc. and Specially Appearing Defendants Stripes Group, LLC and SG VTB Holdings, LLC; and (2) \$86,694.93 in favor of Defendant Kenneth Potashner; and

IT IS FURTHER ORDERED that Defendants shall submit a proposed Second Amended Judgment within seven days of entry of this Order to include the foregoing prejudgment interest.

Dated this 12th day of December, 2022



**B4A 47D D716 8076
Susan Johnson
District Court Judge**

Submitted by:
SNELL & WILMER L.L.P.

By: /s/ Richard C. Gordon
Richard C. Gordon, Esq. (Bar No. 9036)
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169

DECHERT LLP

Joshua D. N. Hess, Esq. (*admitted pro hac vice*)
One Bush Street, Suite 1600
San Francisco, CA 94104

² Because the Court is granting the Motion under NRCP 60, it does not address whether Defendants would be entitled to similar relief under NRCP 59.

David A. Kotler, Esq. (*admitted pro hac vice*)
1095 Avenue of the Americas
New York, NY 10036

*Attorneys for Defendant VTB Holdings, Inc. and
Specially Appearing Defendants Stripes Group,
LLC, SG VTB Holdings, LLC, Kenneth Fox, and
Juergen Stark*

HOLLAND & HART LLP

J. Stephen Peek (Bar No. 1758)
955 Hillwood Drive, 2d Floor
Las Vegas, NV 89134

SHEPPARD, MULLIN, RICHTER
& HAMPTON LLP

John P. Stigi III (*admitted pro hac vice*)
Alejandro Moreno
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067

Attorneys for Defendant Kenneth Potashner

Approved as to Form and Content:

McDONALD CARANO LLP

By: *Circulated, did not sign*
George F. Ogilvie III, Esq. (Bar No. 3552)
2300 West Sahara Avenue, Suite 1200
Las Vegas, NV 89102

Attorneys for Plaintiff

4884-4405-1264

Luxford, Lyndsey

To: Austin, Bradley
Subject: RE: PAMTP (A-13-686890-B): Draft Order Granting Motion to Amend and Second Amended Judgment

From: Austin, Bradley <baustin@swlaw.com>
Sent: Wednesday, December 7, 2022 9:07 AM
To: George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>; dsullivan@hsgllp.com
Cc: Gordon, Richard <rgordon@swlaw.com>; Hess, Joshua <Joshua.Hess@dechert.com>; Kotler, David <david.kotler@dechert.com>; Steve Peek <SPeek@hollandhart.com>; Bob Cassity <BCassity@hollandhart.com>; John Stigi <JStigi@sheppardmullin.com>; Alejandro Moreno <AMoreno@sheppardmullin.com>; No Scrub <NoScrub@mcdonaldcarano.com>
Subject: RE: PAMTP (A-13-686890-B): Draft Order Granting Motion to Amend and Second Amended Judgment

Thanks, George. It sounds like we're at an impasse on the joint submission (as timeliness of appeal wasn't part of the Court's finding or hearing transcript). We'll let the Court know that a competing order is likely forthcoming.

Thanks,

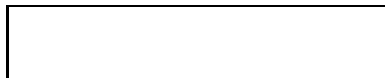
Brad

From: George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>
Sent: Tuesday, December 6, 2022 6:57 PM
To: Austin, Bradley <baustin@swlaw.com>; dsullivan@hsgllp.com
Cc: Gordon, Richard <rgordon@swlaw.com>; Hess, Joshua <Joshua.Hess@dechert.com>; Kotler, David <david.kotler@dechert.com>; Steve Peek <SPeek@hollandhart.com>; Bob Cassity <BCassity@hollandhart.com>; John Stigi <JStigi@sheppardmullin.com>; Alejandro Moreno <AMoreno@sheppardmullin.com>; No Scrub <NoScrub@mcdonaldcarano.com>
Subject: RE: PAMTP (A-13-686890-B): Draft Order Granting Motion to Amend and Second Amended Judgment

[EXTERNAL] gogilvie@mcdonaldcarano.com

It was certainly relevant to the motion. If Plaintiff had not timely appealed the Cost Award, Plaintiff would not have had the jurisdictional argument it asserted in opposition. Plaintiff will not agree to this order if "timely" is removed.

George F. Ogilvie III | Partner



P: 702.873.4100 | E: gogilvie@mcdonaldcarano.com

From: Austin, Bradley <baustin@swlaw.com>
Sent: Tuesday, December 6, 2022 6:36 PM

To: George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>; dsullivan@hsgllp.com
Cc: Gordon, Richard <rgordon@swlaw.com>; Hess, Joshua <Joshua.Hess@dechert.com>; Kotler, David <david.kotler@dechert.com>; Steve Peek <S.Peek@hollandhart.com>; Bob Cassity <BCassity@hollandhart.com>; John Stigi <JStigi@sheppardmullin.com>; Alejandro Moreno <AMoreno@sheppardmullin.com>; No Scrub <NoScrub@mcdonaldcarano.com>
Subject: RE: PAMTP (A-13-686890-B): Draft Order Granting Motion to Amend and Second Amended Judgment

Hi George,

Timeliness of the appeal wasn't at issue in the briefing, nor was it part of the Court's finding, thus the removal.

Please let us know if you approve (as circulated), or if you'll be submitting a competing order.

Thanks,

Brad

From: George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>
Sent: Tuesday, December 6, 2022 4:21 PM
To: Austin, Bradley <baustin@swlaw.com>; dsullivan@hsgllp.com
Cc: Gordon, Richard <rgordon@swlaw.com>; Hess, Joshua <Joshua.Hess@dechert.com>; Kotler, David <david.kotler@dechert.com>; Steve Peek <S.Peek@hollandhart.com>; Bob Cassity <BCassity@hollandhart.com>; John Stigi <JStigi@sheppardmullin.com>; Alejandro Moreno <AMoreno@sheppardmullin.com>; No Scrub <NoScrub@mcdonaldcarano.com>
Subject: RE: PAMTP (A-13-686890-B): Draft Order Granting Motion to Amend and Second Amended Judgment

[EXTERNAL] gogilvie@mcdonaldcarano.com

I don't understand striking "timely" in at 4:2 and 4:7. Do Defendants contend Plaintiff did not timely file the notices of appeal? There is a set of slashes at 5:4 that are a remnant of the original version.

George F. Ogilvie III | Partner



P: 702.873.4100 | E: gogilvie@mcdonaldcarano.com

From: Austin, Bradley <baustin@swlaw.com>
Sent: Tuesday, December 6, 2022 3:52 PM
To: George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>; dsullivan@hsgllp.com
Cc: Gordon, Richard <rgordon@swlaw.com>; Hess, Joshua <Joshua.Hess@dechert.com>; Kotler, David <david.kotler@dechert.com>; Steve Peek <S.Peek@hollandhart.com>; Bob Cassity <BCassity@hollandhart.com>; John Stigi <JStigi@sheppardmullin.com>; Alejandro Moreno <AMoreno@sheppardmullin.com>; No Scrub <NoScrub@mcdonaldcarano.com>
Subject: RE: PAMTP (A-13-686890-B): Draft Order Granting Motion to Amend and Second Amended Judgment

George,

Please let us know by 5:00pm today whether we have approval to affix your e-signature to the attached.

Thank you,

Brad

From: Austin, Bradley
Sent: Tuesday, December 6, 2022 10:25 AM
To: 'George F. Ogilvie III' <gogilvie@Mcdonaldcarano.com>; dsullivan@hsgllp.com
Cc: Gordon, Richard <rgordon@swlaw.com>; Hess, Joshua <Joshua.Hess@dechert.com>; Kotler, David <david.kotler@dechert.com>; Steve Peek <S.Peek@hollandhart.com>; Bob Cassity <BCassity@hollandhart.com>; John Stigi <JStigi@sheppardmullin.com>; Alejandro Moreno <AMoreno@sheppardmullin.com>; No Scrub <NoScrub@mcdonaldcarano.com>
Subject: RE: PAMTP (A-13-686890-B): Draft Order Granting Motion to Amend and Second Amended Judgment

Thanks, George. We're ok accepting the majority of your revisions. Please see our attached counter edits to the proposed order. With those revisions, please let us know if you approve as to form and content and if we have authorization to e-sign on your behalf.

Brad

From: George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>
Sent: Monday, December 5, 2022 5:06 PM
To: Austin, Bradley <baustin@swlaw.com>; dsullivan@hsgllp.com
Cc: Gordon, Richard <rgordon@swlaw.com>; Hess, Joshua <Joshua.Hess@dechert.com>; Kotler, David <david.kotler@dechert.com>; Steve Peek <S.Peek@hollandhart.com>; Bob Cassity <BCassity@hollandhart.com>; John Stigi <JStigi@sheppardmullin.com>; Alejandro Moreno <AMoreno@sheppardmullin.com>; No Scrub <NoScrub@mcdonaldcarano.com>
Subject: RE: PAMTP (A-13-686890-B): Draft Order Granting Motion to Amend and Second Amended Judgment

[EXTERNAL] gogilvie@mcdonaldcarano.com

Thank you, Brad. We have no edits to the proposed Second Amended Judgment. Attached are PAMTP's edits to the proposed Order.

George F. Ogilvie III | Partner



P: 702.873.4100 | E: gogilvie@mcdonaldcarano.com

From: Austin, Bradley <baustin@swlaw.com>
Sent: Monday, December 5, 2022 3:47 PM
To: George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>; dsullivan@hsgllp.com
Cc: Gordon, Richard <rgordon@swlaw.com>; Hess, Joshua <Joshua.Hess@dechert.com>; Kotler, David <david.kotler@dechert.com>; Steve Peek <S.Peek@hollandhart.com>; Bob Cassity <BCassity@hollandhart.com>; John

Stigi <JStigi@sheppardmullin.com>; Alejandro Moreno <AMoreno@sheppardmullin.com>

Subject: RE: PAMTP (A-13-686890-B): Draft Order Granting Motion to Amend and Second Amended Judgment

Thanks, George. In light of tomorrow's deadline to submit the proposed order on the motion to amend, please send us your proposed edits no later than 11:00am tomorrow morning.

Thanks,

Brad

From: George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>

Sent: Sunday, December 4, 2022 8:47 PM

To: Austin, Bradley <baustin@swlaw.com>; dsullivan@hsgllp.com

Cc: Gordon, Richard <rgordon@swlaw.com>; Hess, Joshua <Joshua.Hess@dechert.com>; Kotler, David <david.kotler@dechert.com>; Steve Peek <S.Peek@hollandhart.com>; Bob Cassity <BCassity@hollandhart.com>; John Stigi <JStigi@sheppardmullin.com>; Alejandro Moreno <AMoreno@sheppardmullin.com>

Subject: RE: PAMTP (A-13-686890-B): Draft Order Granting Motion to Amend and Second Amended Judgment

[EXTERNAL] gogilvie@mcdonaldcarano.com

Plaintiff will have some proposed edits. Please do not submit these before checking back with me.

George F. Ogilvie III | Partner



P: 702.873.4100 | E: gogilvie@mcdonaldcarano.com

From: Austin, Bradley <baustin@swlaw.com>

Sent: Thursday, December 1, 2022 3:20 PM

To: George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>; dsullivan@hsgllp.com

Cc: Gordon, Richard <rgordon@swlaw.com>; Hess, Joshua <Joshua.Hess@dechert.com>; Kotler, David <david.kotler@dechert.com>; Steve Peek <S.Peek@hollandhart.com>; Bob Cassity <BCassity@hollandhart.com>; John Stigi <JStigi@sheppardmullin.com>; Alejandro Moreno <AMoreno@sheppardmullin.com>

Subject: PAMTP (A-13-686890-B): Draft Order Granting Motion to Amend and Second Amended Judgment

Hi George and Dan,

I attach for your review our draft order granting motion to amend judgment, as well as the draft second amended judgment. Please let me know if you have any comments/proposed revisions, or if I have authorization to affix your e-signature. We plan on submitting by COB Monday, so please let me know by 4:00pm on Monday, December 5th.

Thank you,

Bradley Austin

office: 702.784.5247

email: baustin@swlaw.com

Snell & Wilmer

Hughes Center | 3883 Howard Hughes Parkway | Suite 1100 | Las Vegas, NV 89169-5958



Snell & Wilmer

swlaw.com | [disclaimer](#)

Albuquerque | Boise | Dallas | Denver | Las Vegas | Los Angeles | Los Cabos | Orange County | Phoenix | Portland | Reno | Salt Lake City | San Diego | Seattle | Tucson | Washington, D.C.

[LinkedIn](#) | [Twitter](#) | [Facebook](#) | [Instagram](#)

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 22
8 Kenneth Potashner, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

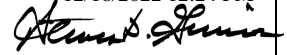
11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order Granting Motion was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 12/12/2022

15 "Barbara Clark, Legal Assistant" .	bclark@albrightstoddard.com
16 "Bryan Snyder, Paralegal" .	bsnyder@omaralaw.net
17 "David C. O'Mara, Esq." .	david@omaralaw.net
18 "G. Mark Albright, Esq." .	gma@albrightstoddard.com
19 "Valerie Weis, Paralegal" .	val@omaralaw.net
20 Brian Raphel .	brian.raphel@dechert.com
21 Docket .	Docket_LAS@swlaw.com
22 Gaylene Kim .	gkim@swlaw.com
23 Joshua Hess .	joshua.hess@dechert.com
24 Neil Steiner .	neil.steiner@dechert.com
25 Richard C. Gordon .	rgordon@swlaw.com

1	Robert Cassity .	bcassity@hollandhart.com
2	Steve Peek .	speek@hollandhart.com
3	Traci Bixenmann .	traci@johnaldrichlawfirm.com
4	Valerie Larsen .	vlarsen@hollandhart.com
5	Josh Fruchter	jfruchter@wohlfruchter.com
6	John Stigi III	JStigi@sheppardmullin.com
7	Jonathan Stein	jstein@saxenawhite.com
8	Sonja Dugan	sdugan@swlaw.com
9	CaraMia Gerard	cgerard@mcdonaldcarano.com
10	George Ogilvie	gogilvie@mcdonaldcarano.com
11	Amanda Yen	ayen@mcdonaldcarano.com
12	Jelena Jovanovic	jjovanovic@mcdonaldcarano.com
13	Jeff Silvestri	jsilvestri@mcdonaldcarano.com
14	David Knotts	dknotts@rgrdlaw.com
15	Randall Baron	randyb@rgrdlaw.com
16	Jaime McDade	jaimem@rgrdlaw.com
17	Lyndsey Luxford	lluxford@swlaw.com
18	Joyce Heilich	jeheilich@hollandhart.com
19	Brad Austin	baustin@swlaw.com
20	Esther Lee	elee@rgrdlaw.com
21	Elizabeth Tripodi	etripodi@zlk.com
22	Nicole Delgado	nicole.delgado@dechert.com
23	Ryan Moore	ryan.moore@dechert.com
24		
25		
26		
27		
28		

1	Adam Warden	awarden@saxenawhite.com
2		
3	Randall Baron	RandyB@rgrdlaw.com
4	Maxwell Huffman	mhuffman@rgrdlaw.com
5	Jane Susskind	jsusskind@mcdonaldcarano.com
6	Alejandro Moreno	AMoreno@sheppardmullin.com
7	Phyllis Chavez	pchavez@sheppardmullin.com
8	Rory Kay	rkay@mcdonaldcarano.com
9	Adam Apton	aapton@zlk.com
10		
11	Daniel Sullivan	dsullivan@hsgllp.com
12	Scott Danner	sdanner@hsgllp.com
13	Karen Surowiec	ksurowiec@mcdonaldcarano.com
14	Amanda Baker	akbaker@hollandhart.com
15	Kristina Cole	krcole@hollandhart.com
16	Isis Crosby	icrosby@albrightstoddard.com
17	Morgan Johnson	mjohnson@swlaw.com
18		
19	Michelle Shypkoski	mshypkoski@swlaw.com
20		
21		
22		
23		
24		
25		
26		
27		
28		


CLERK OF THE COURT

AJ

Richard C. Gordon, Esq.
Nevada Bar No. 9036
SNELL & WILMER L.L.P.
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169
Tel. (702) 784-5200
Fax. (702) 784-5252
rgordon@swlaw.com

[Additional counsel on signature page]

*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

Case No. A-13-686890-B
Dept. No. XXII

KEARNEY IRRV TRUST, individually and
on behalf of all others similarly situated,

Plaintiff,

vs.

KENNETH F. POSTASHNER; ELWOOD
G. NORRIS; SETH PUTTERMAN;
ROBERT M. KAPLAN; ANDREW L.
WOLFE; JAMES L. HONORE;
PARAMETRIC SOUND CORPORATION;
PARIS ACQUISITION CORP.; and VTB
HOLDINGS, INC.

Defendants.

SECOND AMENDED JUDGMENT

GRANT OAKES; RAYMOND BOYTIM,

Intervenor Plaintiffs.

Consolidated with:

VITIE RAKAUSKAS, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

Case No. A-13-687232-B
Dept. No. XXII

Snell & Wilmer

LLP
LAW OFFICES
3883 HOWARD HUGHES PARKWAY, SUITE 1100
LAS VEGAS, NEVADA 89169
(702)784-5200

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

PARAMETRIC SOUND CORPORATION; VTB HOLDINGS, INC.; PARIS ACQUISITION CORP., KENNETH F. POTASHNER; ELWOOD G. NORRIS; ROBERT J. KAPLAN; SETH PUTTERMAN; ANDREW WOLF; and JAMES L. HONORE,	
Defendants.	
GEORGE PRIESTON, individually and on behalf of all others similarly situated,	
Plaintiff,	
vs.	
KENNETH F. POTASHNER; PARAMETRIC SOUND CORPORATION; JAMES L. HONORE; ROBERT M. KAPLAN; ELWOOD G. NORRIS; SETH PUTTERMAN; ANDREW WOLFE; VTB HOLDINGS, INC.; VOYETRA TURTLE BEACH, INC.; and PARIS ACQUISITION CORP.,	
Defendants.	
JOSH HANSEN, individually and on behalf of all others similarly situated,	
Plaintiff,	
vs.	
PARAMETRIC SOUND CORPORATION; JAMES L. HONORE; ROBERT M. KAPLAN; ELWOOD G. NORRIS; KENNETH F. POTASHNER; SETH PUTTERMAN; ANDREW WOLFE; VTB HOLDINGS, INC.; VOYETRA TURTLE BEACH, INC. and PARIS ACQUISITION CORP.,	
Defendants.	
SHAHA VASEK, individually and on behalf of all others similarly situated,	
Plaintiff,	
vs.	

Consolidated with:
Case No. A-13-687354-B
Dept. XXII

Consolidated with:
Case No. A-13-687665-B
Dept. XXII

Consolidated with:
Case No. A-13-688374-B
Dept. XXII

PARAMETRIC SOUND CORPORATION;
KENNETH POTASHNER; ELWOOD G.
NORRIS; ROBERT M. KAPLAN; SETH
PUTTERMAN; ANDREW WOLFE; and
JAMES L. HONORE; VTB HOLDINGS,
INC.; and PARIS ACQUISITION CORP.,

Defendants.

LANCE MYKITA, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

5G VTB HOLDINGS, LLC; STRIPES
GROUP, LLC; VTB HOLDINGS, INC.;
TURTLE BEACH CORPORATION, INC.,

Defendants.

PAMTP, LLC,

Plaintiff,

vs.

SG VTB HOLDINGS, LLC; STRIPES
GROUP, LLC; VTB HOLDINGS, INC.;
JUERGEN STARK; KENNETH FOX;
ANDREW WOLFE; SETH PUTTERMAN;
ELWOOD G. NORRIS; KENNETH
POTASHNER,

Defendants.

Consolidated with:
Case No. A-16-741073-B
Dept. XXII

Consolidated with:
Case No. A-20-815308-B
Dept. XXII

The Court having entered its (1) Order Granting Defendants' Motion for Judgment Pursuant to NRCP 52(c), Findings of Fact and Conclusions of Law, and Judgment Thereon, filed September 3, 2021; (2) Order Re: PAMTP, LLC's Motion to Re-Tax Costs, filed August 29, 2022, (3) Amended Judgment, filed on September 16, 2022, and (4) Order Granting Defendants' Motion to Amend Judgment, filed December 12, 2022, and good cause appearing,

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

///

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that JUDGMENT is
2 entered in favor of Defendant Kenneth Potashner and against Plaintiff PAMTP, LLC in the
3 amount of \$395,147.15.

4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that JUDGMENT is
5 entered in favor of Defendants VTB Holdings, Inc. and Specially Appearing Defendants Stripes
6 Group, LLC, SG VTB Holdings, LLC, Juergen Stark, and Kenneth Fox and against Plaintiff
7 PAMTP, LLC in the amount of \$774,836.71.

8 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pre-judgment interest
9 on the foregoing collective amounts is awarded in favor of Defendants and against Plaintiff
10 PAMTP, LLC in the amount of \$220,889.98, broken down as follows: (1) \$134,195.05 in favor
11 of Defendants VTB Holdings, Inc. and Specially Appearing Defendants Stripes Group, LLC and
12 SG VTB Holdings, LLC; and (2) \$86,694.93 in favor of Defendant Kenneth Potashner; and

13 Post-judgment interest on the foregoing amounts shall accrue as provided under Nevada
14 law.

15 Dated this 18th day of December, 2022

16 

17 7CB AE6 A45D B9E9
18 Susan Johnson
District Court Judge

19 Submitted by:

20 SNELL & WILMER L.L.P.

21 By: /s/ Richard C. Gordon
22 Richard C. Gordon, Esq. (Bar No. 9036)
23 3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169

24 DECHERT LLP

25 Joshua D. N. Hess, Esq. (*admitted pro hac vice*)
26 One Bush Street, Suite 1600
27 San Francisco, CA 94104
28

1 David A. Kotler, Esq. (*admitted pro hac vice*)
2 1095 Avenue of the Americas
3 New York, NY 10036

4 *Attorneys for Defendant VTB Holdings, Inc. and*
5 *Specially Appearing Defendants Stripes Group,*
6 *LLC, SG VTB Holdings, LLC, Kenneth Fox, and*
7 *Juergen Stark*

8 HOLLAND & HART LLP

9 J. Stephen Peek (Bar No. 1758)
10 955 Hillwood Drive, 2d Floor
11 Las Vegas, NV 89134

12 SHEPPARD, MULLIN, RICHTER
13 & HAMPTON LLP

14 John P. Stigi III (*admitted pro hac vice*)
15 Alejandro Moreno
16 1901 Avenue of the Stars, Suite 1600
17 Los Angeles, CA 90067

18 *Attorneys for Defendant Kenneth Potashner*

19 **Approved as to Form and Content:**

20 McDONALD CARANO LLP

21 By: /s/ George Ogilvie
22 George F. Ogilvie III, Esq. (Bar No. 3552)
23 2300 West Sahara Avenue, Suite 1200
24 Las Vegas, NV 89102

25 *Attorneys for Plaintiff*

26
27 4862-3209-3760
28

Luxford, Lyndsey

To: George F. Ogilvie III
Subject: RE: PAMTP (A-13-686890-B): Draft Order Granting Motion to Amend and Second Amended Judgment

From: George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>
Sent: Thursday, December 15, 2022 3:32 PM
To: Austin, Bradley <baustin@swlaw.com>; dsullivan@hsgllp.com
Cc: Gordon, Richard <rgordon@swlaw.com>; Hess, Joshua <Joshua.Hess@dechert.com>; Kotler, David <david.kotler@dechert.com>; Steve Peek <SPeek@hollandhart.com>; Bob Cassity <BCassity@hollandhart.com>; John Stigi <JStigi@sheppardmullin.com>; Alejandro Moreno <AMoreno@sheppardmullin.com>; No Scrub <NoScrub@mcdonaldcarano.com>
Subject: RE: PAMTP (A-13-686890-B): Draft Order Granting Motion to Amend and Second Amended Judgment

[EXTERNAL] gogilvie@mcdonaldcarano.com

approved

George F. Ogilvie III | Partner



P: 702.873.4100 | E: gogilvie@mcdonaldcarano.com

From: Austin, Bradley <baustin@swlaw.com>
Sent: Thursday, December 15, 2022 3:24 PM
To: George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>; dsullivan@hsgllp.com
Cc: Gordon, Richard <rgordon@swlaw.com>; Hess, Joshua <Joshua.Hess@dechert.com>; Kotler, David <david.kotler@dechert.com>; Steve Peek <SPeek@hollandhart.com>; Bob Cassity <BCassity@hollandhart.com>; John Stigi <JStigi@sheppardmullin.com>; Alejandro Moreno <AMoreno@sheppardmullin.com>; No Scrub <NoScrub@mcdonaldcarano.com>
Subject: RE: PAMTP (A-13-686890-B): Draft Order Granting Motion to Amend and Second Amended Judgment

Hi George,

As indicated below on December 13th (highlighted below), I added the date of the executed motion to amend order at page 3, line 25 of the proposed Second Amended Judgment. There was previously a blank for the date (as the motion to amend order had not yet been executed by the Court). Otherwise, this is the same version as previously circulated and approved.

Please let us know if we have approval to e-sign on your behalf.

Thanks,

Brad

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Kearney IRRV Trust, Plaintiff(s) | CASE NO: A-13-686890-B
7 vs. | DEPT. NO. Department 22
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 Amended Judgment was served via the court's electronic eFile system
13 to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 12/18/2022

15 "Barbara Clark, Legal Assistant" .	bclark@albrightstoddard.com
16 "Bryan Snyder, Paralegal" .	bsnyder@omaralaw.net
17 "David C. O'Mara, Esq." .	david@omaralaw.net
18 "G. Mark Albright, Esq." .	gma@albrightstoddard.com
19 "Valerie Weis, Paralegal" .	val@omaralaw.net
20 Brian Raphel .	brian.raphel@dechert.com
21 Docket .	Docket_LAS@swlaw.com
22 Gaylene Kim .	gkim@swlaw.com
23 Joshua Hess .	joshua.hess@dechert.com
24 Neil Steiner .	neil.steiner@dechert.com
25 Richard C. Gordon .	rgordon@swlaw.com

26
27
28

1	Robert Cassity .	bcassity@hollandhart.com
2	Steve Peek .	speek@hollandhart.com
3	Traci Bixenmann .	traci@johnaldrichlawfirm.com
4	Valerie Larsen .	vlarsen@hollandhart.com
5	Josh Fruchter	jfruchter@wohlfruchter.com
6	John Stigi III	JStigi@sheppardmullin.com
7	Jonathan Stein	jstein@saxenawhite.com
8	Alejandro Moreno	AMoreno@sheppardmullin.com
9	Phyllis Chavez	pchavez@sheppardmullin.com
10	Rory Kay	rkay@mcdonaldcarano.com
11	Adam Apton	aapton@zlk.com
12	Sonja Dugan	sdugan@swlaw.com
13	CaraMia Gerard	cgerard@mcdonaldcarano.com
14	George Ogilvie	gogilvie@mcdonaldcarano.com
15	Amanda Yen	ayen@mcdonaldcarano.com
16	Jelena Jovanovic	jjovanovic@mcdonaldcarano.com
17	Jeff Silvestri	jsilvestri@mcdonaldcarano.com
18	David Knotts	dknotts@rgrdlaw.com
19	Randall Baron	randyb@rgrdlaw.com
20	Jaime McDade	jaimem@rgrdlaw.com
21	Lyndsey Luxford	lluxford@swlaw.com
22	Joyce Heilich	jeheilich@hollandhart.com
23	Brad Austin	baustin@swlaw.com
24		
25		
26		
27		
28		

1	Karen Surowiec	ksurowiec@mcdonaldcarano.com
2	Esther Lee	elee@rgrdlaw.com
3	Elizabeth Tripodi	etripodi@zlk.com
4	Nicole Delgado	nicole.delgado@dechert.com
5	Ryan Moore	ryan.moore@dechert.com
6	Adam Warden	awarden@saxenawhite.com
7	Randall Baron	RandyB@rgrdlaw.com
8	Maxwell Huffman	mhuffman@rgrdlaw.com
9	Jane Susskind	jsusskind@mcdonaldcarano.com
10	Daniel Sullivan	dsullivan@hsgllp.com
11	Scott Danner	sdanner@hsgllp.com
12	Amanda Baker	akbaker@hollandhart.com
13	Kristina Cole	krcole@hollandhart.com
14	Isis Crosby	icrosby@albrightstoddard.com
15	Morgan Johnson	mjohnson@swlaw.com
16	Michelle Shypkoski	mshypkoski@swlaw.com
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		