

IN THE SUPREME COURT OF THE STATE OF NEVADA

Nos. 83598, 84971, and 85358

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IN RE PARAMETRIC SOUND CORPORATION  
SHAREHOLDERS' LITIGATION.

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Electronically Filed  
Jan 13 2023 02:50 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.*

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

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**APPELLANT PAMTP, LLC'S MOTION TO ASSOCIATE  
COUNSEL JORDAN PIETZSCH**

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Jeff Silvestri (NSBN 5779)  
George F. Ogilvie III (NSBN 3552)  
Chelsea Latino (NSBN 14227)  
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Daniel M. Sullivan (Admitted *PHV*)  
Scott M. Danner (Admitted *PHV*)  
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*Attorneys for PAMTP, LLC*

Appellant PAMTP, LLC, hereby moves the Court for an order permitting Jordan L. Pietzsch to practice in Nevada, pursuant to Nevada Supreme Court Rule 42. This motion is supported by the attached Verified Application for Association of Counsel Under Nevada Supreme Court Rule 42, attached as **Exhibit 1**; Certificate of Good Standing from the State Bar of New York, attached as **Exhibit 2**; and the State Bar of Nevada Statement Pursuant to Supreme Court Rule 42(3)(b), attached as **Exhibit 3**.

DATED: January 13, 2023.

MCDONALD CARANO LLP

/s/ Jeff Silvestri  
Jeff Silvestri (NSBN 5779)  
George F. Ogilvie III (NSBN 3552)  
Chelsea Latino (NSBN 14227)  
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425 Lexington Ave., 14th Fl.  
New York, NY 10017

*Attorneys for PAMTP, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of McDonald Carano LLP, and on January 13, 2023, a true and correct copy of the foregoing **APPELLANT PAMTP, LLC'S MOTION TO ASSOCIATE COUNSEL JORDAN PIETZSCH** 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

**EXHIBIT 1**

**EXHIBIT 1**



IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE PARAMETRIC SOUND  
CORPORATION SHAREHOLDERS'  
LITIGATION.

PAMTP, LLC,

*Appellant,*

v.

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

*Respondents.*

Docket No. 83598

(Consolidated with 84971 & 85358)

VERIFIED APPLICATION FOR ASSOCIATION  
OF COUNSEL UNDER NEVADA SUPREME COURT RULE 42

Jordan Louis Pietzsch, Petitioner, respectfully represents:  
First Middle Name Last

1. Petitioner resides at 166 Hemlock Road  
Street Address

Manhasset, Nassau, NY, 11030  
City County State Zip Code

(202) 257-9548  
Telephone

2. Petitioner is an attorney at law and a member of the law firm of: Holwell Shuster & Goldberg

LLP with offices at 425 Lexington Avenue, 14<sup>th</sup> Floor  
Street Address

New York, New York, NY, 10017  
City County State Zip Code

(646) 837-5151, jpietzsch@hsgllp.com  
Telephone Email

3. Petitioner has been retained personally or as a member of the above named law firm by \_\_\_\_\_  
\_\_\_\_\_ PAMTP, LLC \_\_\_\_\_ to provide legal representation in  
connection with the above-entitled matter now pending before the above referenced court.

4. Since July 14 of 2014, petitioner has been, and presently is, a member of  
good standing of the bar of the highest court of the State of New York where  
petitioner regularly practices law.

5. Petitioner was admitted to practice before the following United States District Courts, United  
States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other states  
on the dates indicated for each, and is presently a member in good standing of the bars of said Courts:

	<u>DATE ADMITTED</u>
<u>U.S. District Court Southern District of New York</u>	<u>10/15/2014</u>
_____	_____
_____	_____
_____	_____

6. Is Petitioner currently suspended or disbarred in any court? You must answer yes or no. If yes,  
give particulars; e.g., court, jurisdiction, date: No

7. Is Petitioner currently subject to any disciplinary proceedings by any organization with authority  
at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date,  
status: No

8. Has Petitioner ever received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: No.

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9. Has Petitioner ever had any certificate or privilege to appear and practice before any regulatory administrative body suspended or revoked? You must answer yes or no. If yes, give particulars, e.g. date, administrative body, date of suspension or reinstatement: No.

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10. Has Petitioner, either by resignation, withdrawal, or otherwise, ever terminated or attempted to terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings? You must answer yes or no. If yes, give particulars: No.

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11. Petitioner, or any member of petitioner's firm, has/have filed the following application(s) to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matter(s), if none, indicate so: *(do not include Federal Pro Hacs)*

<u>Date of</u> <u>Application</u>	<u>Cause</u>	<u>Title of Court</u> <u>Administrative Body</u> <u>or Arbitrator</u>	<u>Was Application</u> <u>Granted or</u> <u>Denied?</u>
10/28/2021 (Scott Danner)	In Re Parametric Sound Corp.; A-13-686890-C	Eighth Judicial District Court	Granted
11/10/2021 (Daniel Sullivan)	In Re Parametric Sound Corp.; A-13-686890-C	Eighth Judicial District Court	Granted

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(If more space is needed, you may list previous applications on a separate attachment.)

12. Nevada Counsel of Record for Petition in this matter is:

(must be the same as the signature on the Nevada Counsel consent page)

Jeff		Silvestri	5779
First Name	Middle Name	Last Name	NV Bar #

who has offices at McDonald Carano LLP

Firm Name/Company

2300 W. Sahara Ave., Ste. 1200	Las Vegas	Clark
Street Address	City	County

89102	( 702 )	873-4100
Zip Code		Phone Number

13. The following accurately represents the names and addresses of each party in this matter, WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each counsel of record who appeared for said parties: (You may attach as an Exhibit if necessary.)

NAME

MAILING ADDRESS

See attached.

14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and (13) and Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada in accordance with provisions as set forth in SCR 42(3) and (13). Petitioner respectfully requests that Petitioner be admitted to practice in the above-entitled court FOR THE PURPOSES OF THIS MATTER ONLY.

15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

I, Jordan Pietzsch, do hereby swear/affirm under penalty of perjury that the assertions  
Print Petitioner Name  
of this application and the following statements are true:

1) That I am the Petitioner in the above entitled matter.

2) That I have read Supreme Court Rule (SCR) 42 and meet all requirements contained therein, including, without limitation, the requirements set forth in SCR 42(2), as follows:

- (A) I am not a member of the State Bar of Nevada;
- (B) I am not a resident of the State of Nevada;
- (C) I am not regularly employed as a lawyer in the State of Nevada;
- (D) I am not engaged in substantial business, professional, or other activities in the State of Nevada;
- (E) I am a member in good standing and eligible to practice before the bar of any jurisdiction of the United States; and
- (F) I have associated a lawyer who is an active member in good standing of the State Bar of Nevada as counsel of record in this action or proceeding.

2) That I have read the foregoing application and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; that I understand and shall comply with the standards of professional conduct required by members of the State Bar of Nevada; and that I am subject to the disciplinary jurisdiction to the State Bar of Nevada with respect to any of my actions occurring in the course of such appearance.

DATED this 11<sup>TH</sup> day of JANUARY, 2023

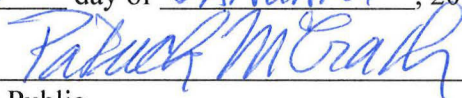


Petitioner/Affiant (blue ink)

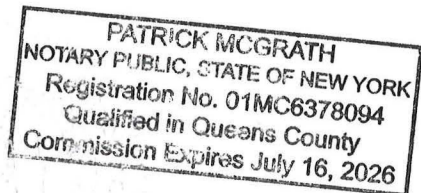
STATE OF NEW YORK )  
 ) ss  
COUNTY OF NEW YORK )

Subscribed and sworn to before me

this 11<sup>th</sup> day of JANUARY, 2023



Notary Public





**DESIGNATION, CERTIFICATION AND CONSENT OF NEVADA COUNSEL**

SCR 42(14) Responsibilities of Nevada attorney of record.

(a) The Nevada attorney of record shall be responsible for and actively participate in the representation of a client in any proceeding that is subject to this rule.

(b) The Nevada attorney of record shall be present at all motions, pre-trials, or any matters in open court unless otherwise ordered by the court.

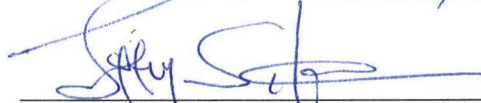
(c) The Nevada attorney of record shall be responsible to the court, arbitrator, mediator, or administrative agency or governmental body for the administration of any proceeding that is subject to this rule and for compliance with all state and local rules of practice. It is the responsibility of Nevada counsel to ensure that the proceeding is tried and managed in accordance with all applicable Nevada procedural and ethical rules.

I Jeff Silvestri hereby agree to associate with Petitioner referenced hereinabove

Print Nevada Counsel Name

and further agree to perform all of the duties and responsibilities as required by Nevada Supreme Court Rule 42.

DATED this 12<sup>th</sup> day of January, 2023

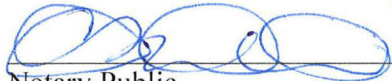


Nevada Counsel of Record (blue ink)

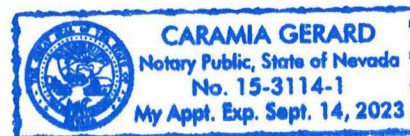
STATE OF Nevada )  
 ) ss  
COUNTY OF Clark )

Subscribed and sworn to before me

this 12<sup>th</sup> day of January, 2023



Notary Public



## EXHIBIT A

### LIST OF PARTIES AND COUNSEL OF RECORD

#### SHEPPARD MULLIN RICHTER & HAMPTON LLP

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*Attorneys for Kearney IRR V Trust*

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*Attorneys for Grant Oakes and Derivative Plaintiff Lance Mykita*



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LLC and SG VTB Holdings, LLC*

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*Attorneys for PAMTP LLC*  
McDONALD CARANO LLP  
George F. Ogilvie III, Esq. (NSBN 3552)  
Jeff Silvestri, Esq. (NSBN 5779)  
Amanda C. Yen, Esq. (NSBN 9726)

Rory T. Kay, Esq. (NSBN 12416)  
Chelsea Latino, Esq. (NSBN 14227)  
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rkay@mcdonaldcarano.com  
*Attorneys for PAMTP LLC*

SNELL & WILMER L.L.P.  
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rgordon@swlaw.com  
*Attorneys for Defendants VTB Holdings, Inc. and  
Specially Appearing Defendants Stripes Group,  
LLC and SG VTB Holdings, LLC*

**EXHIBIT 2**

**EXHIBIT 2**



*Appellate Division of the Supreme Court  
of the State of New York  
First Judicial Department*

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*I, Susanna M. Rojas, Clerk of the Appellate Division of the  
Supreme Court of the State of New York, First Judicial  
Department, do hereby certify that*

*Jordan Louis Pietzsch*

*was duly licensed and admitted to practice as an Attorney and  
Counselor at Law in all the courts of this State on **July 14, 2014**,  
has duly taken and subscribed the oath of office prescribed by law,  
has been enrolled in the Roll of Attorneys and Counselors at Law  
on file in this office, is duly registered with the Administration  
Office of the Courts, and according to the records of this Court is  
currently in good standing as an Attorney and Counselor-at-Law.*

*In Witness Whereof, I have hereunto set  
my hand in the City of New York on  
January 10, 2023.*



*Susanna M. Rojas*

*Clerk of the Court*

**EXHIBIT 3**

**EXHIBIT 3**

1 STAT

2  
3 IN THE SUPREME COURT OF THE STATE OF NEVADA

4 Case No. 83598

5  
6 In Re: Parametric Sound  
7 Corporation Shareholders'  
8 Litigation  
9 \_\_\_\_\_/

10 STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE  
11 42 (3) (b)

12 THE STATE BAR OF NEVADA, in response to the application of  
13 Petitioner, submits the following statement pursuant to SCR42(3):

14 SCR42(6)**Discretion.** The granting or denial of a motion to associate  
15 counsel pursuant to this rule by the court is discretionary. The  
16 court, arbitrator, mediator, or administrative or governmental  
17 hearing officer may revoke the authority of the person permitted to  
18 appear under this rule. Absent special circumstances, repeated  
19 appearances by any person or firm of attorneys pursuant to this rule  
20 shall be cause for denial of the motion to associate such person.

21 (a) **Limitation.** It shall be presumed, absent special  
22 circumstances, and only upon showing of good cause, that  
23 more than 5 appearances by any attorney granted under  
24 this rule in a 3-year period is excessive use of this  
25 rule.

26 (b) **Burden on applicant.** The applicant shall have the  
27 burden to establish special circumstances and good cause  
28 for an appearance in excess of the limitation set forth  
in subsection 6(a) of this rule. The applicant shall set  
forth the special circumstances and good cause in an  
affidavit attached to the original verified application.

1. DATE OF APPLICATION: 1/12/2023


2. APPLYING ATTORNEY: Jordan Louis Pietzsch, Esq.

3. FIRM NAME AND ADDRESS: Holwell Shuster & Goldberg, LLP, 425  
Lexington Avenue, 14th Floor, New York, NY 10017

1 4. NEVADA COUNSEL OF RECORD: Jeffrey A. Silvestri, Esq., McDonald  
2 Carano LLP, 2300 West Sahara Ave., Suite 1200, Las Vegas, NV  
3 89102

4 5. There is no record of previous applications for appearance by  
5 petitioner within the past three (3) years.

6 DATED this January 13, 2023  
7

8   
9 Suzy Moore  
10 Member Services Admin.  
11 Pro Hac Vice Processor  
12 STATE BAR OF NEVADA  
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