

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

E&T VENTURES, LLC, a Nevada  
Limited Liability Company,

*Petitioner,*

vs.

EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF  
NEVADA, IN AND FOR THE  
COUNTY OF CLARK, THE  
HONORABLE JOANNA KISHNER,  
DISTRICT JUDGE,

*Respondent,*

EUPHORIA WELLNESS, LLC, a  
Nevada Limited Liability Company,

*Real Party in Interest.*

Electronically Filed  
Feb 03 2022 03:53 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**Supreme Court No.: 84133**

**District Court No.: A-19-796919-B**

**REAL PARTY IN INTEREST'S OPPOSITION TO EMERGENCY  
MOTION UNDER NRAP 27(E) TO STAY EVIDENTIARY  
HEARING ON DISCOVERY SANCTIONS  
[ACTION REQUIRED ON OR BEFORE FEBRUARY 7, 2022 AT 5PM]**

---

NICOLE E. LOVELOCK, ESQ. (Nevada State Bar No. 11187)  
JUSTIN C. JONES, ESQ. (Nevada State Bar No. 8519)  
MARTA D. KURSHUMOVA, ESQ. (Nevada State Bar No. 14728)

**JONES LOVELOCK**

6600 Amelia Earhart Ct., Suite C

Las Vegas, Nevada 89119

Telephone: (702) 805-8450

Fax: (702) 805-8451

nlovelock@joneslovelock.com

jjones@joneslovelock.com

mkurshumova@joneslovelock.com

*Attorneys for Euphoria Wellness, LLC*

## **I. INTRODUCTION.**

The Emergency Motion under NRAP 27(e) to Stay Evidentiary Hearing on Discovery Sanctions (“Supreme Court Motion to Stay”) should be denied. Petitioner’s urgent request for a stay is designed to avoid an evidentiary hearing (“Evidentiary Hearing”) on Petitioner’s failure to abide by a District Court order. On January 20, 2022, the District Court issued an Order (“Evidentiary Hearing Order”)<sup>1</sup> setting the Evidentiary Hearing whereby the Petitioner, along with Third-Party Defendants,<sup>2</sup> will be required to explain what steps were taken to comply with the Court’s previous order (“Discovery Order”)<sup>3</sup> compelling Petitioner, along with Third-Party Defendants, to supplement discovery responses, wherein the District Court has indicated that it will consider sanctions, including the possibility of terminating sanctions.<sup>4</sup>

As detailed below, there is no basis to stay the Evidentiary Hearing pending Petitioner’s Writ for Prohibition, Or In The Alternative, Petition for Writ of Mandamus (“Writ”). The Writ challenges just one part of the Evidentiary Hearing

---

<sup>1</sup> **Exhibit B** is a copy of the Evidentiary Hearing Order issued on January 20, 2022.

<sup>2</sup> Miral Consulting, LLC, Happy Campers, LLC, and CBD Supply Co, LLC (“Third-Party Defendants”) (collectively with Petitioner, “E&T Parties”).

<sup>3</sup> **Exhibit C** is a copy of the Order: (1) Compelling Joseph Kennedy to Appear for a Deposition; (2) Compelling Nye Natural Medicinal Solutions, LLC and Valjo, Inc. to Answer Deposition Questions; and (3) Compelling E&T Ventures LLC, Miral Consulting, LLC, Happy Campers, LLC, and CBD Supply Co, LLC to Supplement Discovery Responses (“Discovery Order”) entered on October 18, 2021.

<sup>4</sup> Transcript of Proceedings on January 4, 2022 at 65:11-15, attached as **Exhibit D**.

Order—namely, the court’s authority to order Kristin Taracki f/n/a Kristin Ehasz (“Ms. Taracki”) (the individual that verified Petitioner’s deficient and untruthful interrogatory responses) to appear at the Evidentiary Hearing and order Petitioner’s counsel to serve Ms. Taracki a copy of the Evidentiary Hearing Order. Given that Petitioner is allowed to present any other witnesses to address the violation of the Discovery Order, the District Court’s order that Ms. Taracki appear at the hearing is only one facet of the Evidentiary Hearing. Accordingly, the Writ is meritless and the Motion should be denied.<sup>5</sup> The Court should note that on February 2, 2022, in another attempt to avoid the Evidentiary Hearing, Petitioner filed a motion to disqualify the Honorable Judge Kishner.<sup>6</sup>

**II. THE “EMERGENCY” MOTION SHOULD SUMMARILY BE DENIED.**

NRAP 26(e)(1) states that “[i]f an emergency motion is not filed at the earliest possible time, the court may summarily deny the motion.” Additionally, NRAP 26(e)(4) provides that if the relief sought was available in the district court, the motion “shall state whether all grounds advanced in support of the motion in the court were submitted to the district court, and, if not, why the motion should not be denied.” Moreover, NRAP 8(a)(1) requires that a motion for stay must ordinarily be brought in the district court.

---

<sup>5</sup> Ex. D, Transcript at 67:18-22.

<sup>6</sup> Application of E&T Ventures, LLC to Disqualify Judge Joanna Kishner and Affidavit Pursuant to NRS 1.235, attached as **Exhibit E**; Ex. A, Kurshumova Decl.

Here, on January 4, 2022, the District Court, from the bench, ordered Ms. Taracki to appear at the Evidentiary Hearing. Petitioner filed nothing to address this aspect of the order.<sup>7</sup> Once the Court issued the Evidentiary Hearing Order on January 20, 2022, the Petitioner did not pursue a motion for reconsideration, but, rather, filed the Writ on January 26, 2022.

The same day, Petitioner filed Plaintiff's Emergency Motion for Stay of Evidentiary Hearing on Discovery Sanctions and Application for Order Shortening Time ("District Court Motion to Stay") in the District Court. That Motion was filed and not submitted to chambers for an order shortening time. Indeed, because Petitioner (purposefully) failed to seek that the District Court Motion to Stay be heard on shortened time, the hearing was, and is, scheduled for March 1, 2022, *after* the Evidentiary Hearing.

On February 1, 2022, the District Court issued a Minute Order<sup>8</sup> detailing the procedural issues with the application for shortened time and provided the method for seeking an order shortening time. Following the Minute Order, Petitioner *still* failed to seek shortened time for hearing its District Court Motion to Stay. Petitioner simply again e-filed said motion.<sup>9</sup> This is not the first time Petitioner has sought a motion be heard on order shortening time demonstrating that this issue was

---

<sup>7</sup> Marta Kurshumova's Decl. in support of this opposition is attached as **Exhibit A**.

<sup>8</sup> **Exhibit F** is a copy of the Minute Order issued on February 1, 2020.

<sup>9</sup> Ex. A, Kurshumova Decl.

calculated.<sup>10</sup> Because Petitioner did not follow the proper procedure for requesting that the District Court hear the District Court Motion to Stay on order shortening time, instead racing to this Court to file the Supreme Court Motion to Stay, the Motion should be denied outright pursuant to NRAP 27(e) and NRAP 8(a)(1).<sup>11</sup>

## II. **FACTUAL AND PROCEDURAL BACKGROUND.**

On October 18, 2021, this Court entered the Discovery Order compelling the Petitioner and Third-Party Defendants to supplement their responses to Euphoria's written discovery requests, including requests for production of documents.<sup>12</sup> Thereafter, Petitioner and Third-Party Defendants' supplemental discovery responses (collectively "Court Ordered Discovery Responses") were wholly insufficient.<sup>13</sup> Moreover, some of the information contained therein appeared patently false. *For instance, Ms. Taracki verified interrogatory responses wherein she provided an invalid address for herself and her husband.*

On November 24, 2021, Euphoria filed a Motion for Discovery Sanctions Against E&T Ventures, LLC, Miral Consulting, LLC, Happy Campers, LLC, and CBD Supply Co, LLC ("Motion for Sanctions") for failing to abide by the Discovery Order.<sup>14</sup> Euphoria sought several sanctions against Petitioner and Third-Party

---

<sup>10</sup> Ex. A, Kurshumova Decl.

<sup>11</sup> *Nelson v. Heer*, 121 Nev. 832, 836, 122 P.3d 1252, 1254 (2005).

<sup>12</sup> Ex. C, Discovery Order.

<sup>13</sup> Ex. D, Transcript at p.65-71.

<sup>14</sup> A copy of the Motion for Sanctions is attached hereto as **Exhibit G**.

Defendants, including dispositive sanctions and an order finding that Ms. Taracki is an alter-ego of Petitioner. *After the Motion for Sanctions was filed, and Ms. Taracki's deceit was identified, Ms. Taracki purportedly transferred her interest in Petitioner to her business associate, Joseph Kennedy ("Mr. Kennedy").*

At the hearing on the Motion for Sanctions on January 4, 2022, the District Court ruled that the E&T Parties' Court Ordered Discovery Responses were impermissibly nonresponsive and inconsistent with the record and set the Evidentiary Hearing.<sup>15</sup> The Court then issued the Evidentiary Hearing Order, which is the subject of the Writ, setting the Evidentiary Hearing, requiring the attendance of Ms. Taracki, and requiring counsel to serve the Order on Ms. Taracki. The Evidentiary Hearing Order applies to both E&T *and* the Third-Party Defendants. On January 25, 2022, the Court entered the Order Granting In Part Motion for Discovery Sanctions Against E&T Ventures, LLC, Miral Consulting, LLC, Happy Campers, LLC, and CBD Supply Co, LLC that fully detailed the Court's order from the bench on January 4, 2022.<sup>16</sup>

### **III. LEGAL ARGUMENT.**

NRAP 8(c) sets forth four factors that this Court will consider when determining whether to stay judgment pending appeal. Those factors are: (1) whether the object of the writ petition will be defeated if a stay is denied; (2) whether

---

<sup>15</sup> Ex. D, Transcript at p.65-71.

<sup>16</sup> **Exhibit H** is a copy of the order.

Petitioner will suffer irreparable or serious injury if the stay is denied; (3) whether Real Party in Interest Euphoria will suffer irreparable or serious injury if the stay is granted; and (4) whether Petitioner is likely to prevail on the merits of the writ petition. NRAP 8(c). Here, Petitioner cannot satisfy any of the factors.

**A. The Writ is Meritless.**

**1. The Court Has Jurisdiction Over Ms. Taracki.**

After Euphoria filed the Motion for Sanctions, Ms. Taracki (the signatory of Petitioner’s verified interrogatories) purportedly transferred her interest in Petitioner to her business associate, Mr. Kennedy. Petitioner now claims that the Court cannot order Ms. Taracki to appear at the Evidentiary Hearing whereby Petitioner will need to explain why the Discovery Order was violated. The Petitioner’s argument fails.

First, the District Court has jurisdiction to order Ms. Taracki’s appearance at the Evidentiary Hearing in her capacity as the person who verified Petitioner’s Court Ordered Discovery Responses.<sup>17</sup> This Court has previously held that a district court “can exercise personal jurisdiction over nonresident officers and directors who directly harm a Nevada corporation.”<sup>18</sup> The United States Supreme Court has echoed this Court in holding that “those who are officially responsible for the conduct of [a corporation’s] affairs” can be held personally liable and therefore subject to personal jurisdiction “[i]f they ... prevent compliance or fail to take appropriate action within

---

<sup>17</sup> Ex. B, Order at 1:17-22. *See*, Ex. D, Transcript at 68:11-17, 70:4-21.

<sup>18</sup> *Consipio Holding, BV v. Carlberg*, 128 Nev. Adv. Op. 43, 282 P.3d 751, 756 (2012).

their power for the performance of the corporate duty.”<sup>19</sup> Personal jurisdiction also extends beyond official officers and directors to non-parties that aid and abet a corporation’s contemptuous acts.<sup>20</sup> This mandate covers “de facto as well as de jure officers” of the corporation.<sup>21</sup> Indeed, this general principle—asserting jurisdiction over nonparties who aid or abet in violating a court’s order—applies well past the corporate context.<sup>22</sup>

Moreover, because Ms. Taracki verified the Court Ordered Discovery Responses in her capacity as an “Authorized Agent,” she attested to the truth of those responses *under oath*.<sup>23</sup> Specifically, NRCP 33(b)(1)(B) requires an officer or agent of the responding party to “furnish the information available to the party.”<sup>24</sup> Additionally, those responses can be used at trial pursuant to Nevada rules of evidence,<sup>25</sup> making them “nothing short of testimony.”<sup>26</sup> Regardless of Ms.

---

<sup>19</sup> *Wilson v. United States*, 221 U.S. 361, 376 (1911).

<sup>20</sup> See *United States v. Laurins*, 857 F.2d 529, 535 (9th Cir. 1988).

<sup>21</sup> *Id.*

<sup>22</sup> See, e.g., *Peterson v. Highland Music, Inc.*, 140 F.3d 1313, 1323 (9th Cir. 1998) (“To be held liable in contempt, it is necessary that a nonparty respondent must either abet the defendant in violating the court’s order or be legally identified with him.”); see also *FilmKraft Productions India Pvt Ltd. v. Spektrum Entertainment, Inc.*, 2011 WL 2791477 at \*2 (D. Nev. 2011) (noting specific personal jurisdiction may be found where a non-party assists in violating a court order); NRCP 65 (explaining injunctions bind the named parties and “those persons in active concert or participation with them who receive actual notice of the order by personal service”).

<sup>23</sup> See NRCP 33(b)(3) and (5).

<sup>24</sup> NRCP 33(b)(1)(B).

<sup>25</sup> NRCP 33(c).

<sup>26</sup> *Virtue Glob. Holdings Ltd. v. Rearden LLC*, No. 15-cv-00797-JST (SK), 2016



Taracki's current corporate status, she was the officer or agent chosen by E&T to be responsible for Petitioner's Court Ordered Discovery Responses. Therefore, as the person responsible for Petitioner's conduct, Ms. Taracki is subject to the District Court's jurisdiction.<sup>27</sup>

**2. Mr. Stipp Can Easily Provide the Order to Ms. Taracki.**

Mitchell Stipp, Esq. ("Mr. Stipp"), counsel for Petitioner, claims that he cannot be ordered to serve the Order on Ms. Taracki. Mr. Stipp, who executed the Writ, and has NRC 11 obligations, provided that he has no knowledge of Ms. Taracki's current address and "it is impossible for Petitioner's counsel to comply..." with service. However, Mr. Stipp is currently counsel of record for Ms. Taracki (and presumably, has communications with her) in *Bionomic Solutions, Inc., et al. v. Alex Taracki dba CBD Supply Co., et al.*, Eighth Judicial District Court case number A-20-818856-C. Until that court enters an order granting a substitution of counsel or a motion to withdraw, Mr. Stipp's duties and responsibilities toward his clients remain the same. Petitioner cannot prevail on its argument that Mr. Stipp could not serve Ms. Taracki with a copy of the Order.

**B. Petitioner Has Failed to Establish that the Object of the Writ Will be Defeated in the Absence of a Stay.**

The Writ only challenges one part of the Order: the District Court's

---

U.S. Dist. LEXIS 63114, at \*4 (N.D. Cal. May 11, 2016).

<sup>27</sup> The District Court also has jurisdiction over Ms. Taracki because Ms. Taracki is an alter-ego of Petitioner. While the District Court has yet to make this ruling, it is sought by Euphoria and may be made by the court at the Evidentiary Hearing.

jurisdiction to order Ms. Taracki's appearance at the Evidentiary Hearing and Mr. Stipp to serve her a copy of the Evidentiary Hearing Order. Given that (1) Petitioner has not articulated any reason why the entire Evidentiary Hearing should be stayed, (2) Petitioner is allowed to present any other witnesses to address the violation of the Discovery Order,<sup>28</sup> and (3) Ms. Taracki's appearance at the hearing is but one of the matters before the District Court, the object of the Writ would not be defeated if a stay is not granted. Euphoria is ready and able to proceed with the Evidentiary Hearing regardless of whether Ms. Taracki is required to appear.

In addition, only E&T has filed the instant Writ, and not the Third-Party Defendants. The Evidentiary Hearing Order compels the Third-Party Defendants to appear and answer why sanctions should not be issued as to *their* independent failure to supplement discovery responses as required under the Discovery Order.

**C. Petitioner Has Failed to Establish Irreparable Harm.**

Petitioner has failed to provide any evidence or argumentation that it would be irreparably injured if the Court does not stay the Evidentiary Hearing. The Motion only offers the vague and conclusory statement that the District Court might grant Euphoria's requested relief, but this relief, if granted, would be based upon Petitioner's failure to justify its violation of the Discovery Order, not solely upon the non-appearance of Ms. Taracki. Moreover, Euphoria must be permitted to go

---

<sup>28</sup> Ex. D, Transcript at 67:18-22.

forward with the Evidentiary Hearing as to the Third-Party Defendants, who have not sought a stay in the instant Writ. Given that Ms. Taracki's appearance is but a discrete part of the Evidentiary Hearing, E&T would not be prejudiced if it continues.

**D. The Balance of the Harms is in Euphoria's Favor.**

Euphoria will suffer irreparable harm if the Court grants the stay. The record demonstrates there is a high likelihood that, given more time, the E&T Parties would further obfuscate discovery, prevent access to witnesses, and manipulate evidence. As detailed in the declaration of Ms. Kurshumova, there is a long history of such occurrences that have forced Euphoria to incur unnecessary fees.<sup>29</sup> To prevent the E&T Parties from engaging in further discovery abuses, delays, and bad faith litigation, thus causing Euphoria irreparable harm through loss of evidence and hiding of witnesses and significantly increased fees, this Court should deny Petitioner's request for a stay of the Evidentiary Hearing.

**IV. CONCLUSION.**

For the above reasons, Euphoria respectfully requests that the Court deny Petitioner's Motion in its entirety.

DATED this 3<sup>rd</sup> day of February 2022.

BY: /s/ Marta D. Kurshumova, Esq.  
Marta D. Kurshumova, Esq. (14728)  
JONES LOVELOCK  
*Counsel for Euphoria Wellness, LLC*

---

<sup>29</sup> Ex. A, Kurshumova Decl.

**CERTIFICATE OF SERVICE**

This is to certify that on February 3, 2022, a true and correct copy of the foregoing **REAL PARTY IN INTEREST'S OPPOSITION TO EMERGENCY MOTION UNDER NRAP 27(E) TO STAY EVIDENTIARY HEARING ON DISCOVERY SANCTIONS [ACTION REQUIRED ON OR BEFORE FEBRUARY 7, 2022 AT 5PM]** was served on the following by the Supreme Court Electronic Filing System:

LAW OFFICE OF MITCHELL STIPP  
MITCHELL STIPP, ESQ. (Nevada Bar No. 7531)  
1180 N. Town Center Drive, Suite 100  
Las Vegas, Nevada 89144  
Telephone: 702.602.1242  
mstipp@stipplaw.com

By /s/ Julie Linton  
An Employee of JONES LOVELOCK

EXHIBIT “A”

EXHIBIT “A”

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

E&T VENTURES, LLC, a Nevada  
Limited Liability Company,

*Petitioner,*

vs.

EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF  
NEVADA, IN AND FOR THE  
COUNTY OF CLARK, THE  
HONORABLE JOANNA KISHNER,  
DISTRICT JUDGE,

*Respondent,*

EUPHORIA WELLNESS, LLC, a  
Nevada Limited Liability Company,

*Real Party in Interest.*

**Supreme Court No.: 84133**

**District Court No.: A-19-796919-B**

**DECLARATION OF MARTA D. KURSHUMOVA IN SUPPORT OF REAL  
PARTY IN INTEREST'S OPPOSITION TO EMERGENCY MOTION  
UNDER NRAP 27(E) TO STAY EVIDENTIARY  
HEARING ON DISCOVERY SANCTIONS  
[ACTION REQUIRED ON OR BEFORE FEBRUARY 7, 2022 AT 5PM]**

---

I, Marta D. Kurshumova, declare and state as follows:

1. I am over the age of 18 and am competent to testify to the matters asserted herein, of which I have personal knowledge, except as to those matters stated upon information and belief. As to those matters stated upon information and belief, I believe them to be true.

2. I am an attorney duly licensed to practice law in the State of Nevada and am counsel for Real Party in Interest Euphoria Wellness, LLC (“Euphoria”).

3. On October 18, 2021, this Court entered an Order: (1) Compelling Joseph Kennedy to Appear for a Deposition; (2) Compelling Nye Natural Medicinal Solutions, LLC and Valjo, Inc. to Answer Deposition Questions; and (3) Compelling E&T Ventures LLC (“E&T”), Miral Consulting, LLC (“Miral”), Happy Campers, LLC (“Happy Campers”), and CBD Supply Co, LLC (“CBD Supply” and collectively with Miral and Happy Campers, the “Third-Party Defendants”) to Supplement Discovery Responses (“Discovery Order”). **Exhibit C** is a true and correct copy of the Discovery Order entered on October 18, 2021.

4. E&T’s and Third-Party Defendants’ (collectively the “E&T Parties”) supplemental discovery responses (collectively “Court Ordered Discovery Responses”) were insufficient. Some of the information contained therein appeared false. For instance, Kristin Taracki (“Ms. Taracki”) verified interrogatory responses wherein she provided a Henderson, Nevada address for herself and her husband,

Alexander Taracki (collectively, “Tarackis”). Our office was unable to serve a subpoena upon the Tarackis at that address because, as we later discovered, the Tarackis had sold the property and there were new residents at the time of attempted service.

5. On November 24, 2021, Euphoria filed a Motion for Discovery Sanctions Against E&T Ventures, LLC, Miral Consulting, LLC, Happy Campers, LLC, and CBD Supply Co, LLC (“Motion for Sanctions”) for failing to abide by the Discovery Order. **Exhibit G** is a true and correct copy of the Motion for Sanctions. For the sake of brevity, all exhibits to the Motion to for Sanctions are omitted.

6. On January 4, 2022, the District Court heard oral argument on the Motion for Sanctions. The District Court ruled that the E&T Parties’ Court Ordered Discovery Responses were impermissibly nonresponsive and inconsistent with the record and set an evidentiary hearing (“Evidentiary Hearing”) to consider sanctions, including terminating sanctions, as a result of E&T Parties’ insufficient discovery responses in violation of the Discovery Order. The District Court, from the bench, also ordered Ms. Taracki to appear at the Evidentiary Hearing. **Exhibit D** is a true and correct copy of the pertinent excerpts of the Transcript of Proceedings on Euphoria’s Motion for Sanctions on January 4, 2022.

7. Petitioner filed nothing to address this aspect of the order.

8. On January 20, 2022, the District Court issued an Order (“Evidentiary



Hearing Order”) setting the Evidentiary Hearing whereby the Petitioner, along with Third-Party Defendants, will be required to explain why they failed to comply with the Discovery Order. **Exhibit B** is a true and correct copy of the Order Setting Evidentiary issued on January 20, 2022.

9. Once the Court issued the Evidentiary Hearing Order on January 20, 2022, the Petitioner did not pursue a motion for reconsideration.

10. On January 25, 2022, the Court entered the Order (1) Granting In Part Motion for Discovery Sanctions Against E&T Ventures, LLC, Miral Consulting, LLC, Happy Campers, LLC, and CBD Supply Co, LLC; (2) Denying Countermotion for Related Relief; (3) Granting Motion to Seal Exhibits to the Reply in Support of Euphoria Wellness, LLC’s Motion for Discovery Sanctions Against E&T Ventures, LLC, Miral Consulting, LLC, Happy Campers, LLC, and CBD Supply Co, LLC and Opposition to Countermotion for Related Relief; (4) Denying Without Prejudice Motion for Sanctions for Failure To Produce a Privilege Log; (5) Denying Without Prejudice Countermotion for Sanctions that fully detailed the Court’s order from the bench on January 4, 2022. **Exhibit H** is a true and correct copy of the order.

11. On January 26, 2022, Petitioner filed the Writ for Prohibition, Or In The Alternative, Petition for Writ of Mandamus (“Writ”) with the Nevada Supreme Court. Third-Party Defendants did not join as parties in seeking the Writ.

12. The same day, Petitioner filed Plaintiff’s Emergency Motion for Stay

of Evidentiary Hearing on Discovery Sanctions and Application for Order Shortening Time in the District Court (“District Court Motion to Stay”). That Motion to Stay was filed and not properly submitted to chambers seeking an order shortening time. Third-Party Defendants also did not join in the District Court Motion to Stay.

13. On February 1, 2022, the District Court issued a Minute Order detailing the procedural issues with the application for shortened time and provided the proper method for seeking an order shortening time. **Exhibit F** is a true and correct copy of the Minute Order issued on February 1, 2020.

14. Following the Minute Order, Petitioner re-filed the District Court Motion to Stay. No one at our firm received an e-mail from Petitioner to chambers submitting a request for an order shortening time.

15. To my knowledge, this is not the first time Petitioner has sought a motion be heard on order shortening time. On April 21, 2021, Petitioner filed an Ex Parte Application for Order Shortening Time on Motion for Preliminary Injunction Prohibiting Euphoria Wellness, LLC's Transfer of Interest (Licenses P089 and RP089), which was signed by the Honorable Judge Gonzalez. That filing suggests that Petitioner is familiar with the rules for seeking an order shortening time.

16. On February 2, 2022, Petitioner filed an Application of E&T Ventures, LLC to Disqualify Judge Joanna Kishner and Affidavit Pursuant to NRS 1.235 (“Motion to Disqualify”). **Exhibit E** is a true and correct copy of the Motion to

Disqualify. For the sake of brevity, all exhibits to the Motion to Disqualify are omitted.

17. I have personal knowledge of the following facts, which indicate the E&T Parties have attempted to obfuscate discovery:

a. I attended the hearing on Euphoria's Motion for Sanctions, where the Honorable Judge Kishner indicated that the E&T Parties' Court Ordered Discovery Responses were insufficient, which demonstrates lack of compliance with the Discovery Order;

b. I attended Joseph Kennedy's deposition on November 19, 2021 and I understood Mr. Kennedy's testimony to mean that that documents responsive to the E&T Parties' Court Ordered Discovery Responses exist. That indicates that the E&T Parties willfully chose to not comply with the Discovery Order by refusing to locate and/or disclose responsive documents;

c. the E&T Parties prevented Euphoria from inspecting responsive documents;

d. Petitioner prevented Euphoria from serving subpoenas upon Ms. Taracki and Alexander Taracki by providing what appears to be a wrong address under oath, by Mitchell D. Stipp, Esq. ("Mr. Stipp") (counsel for the E&T Parties) failing to provide their current address and refusing to produce them for a deposition as Petitioner's principals;

e. Ms. Taracki purportedly transferred her ownership interest in Petitioner immediately after Euphoria informed the court of the factual inconsistencies in the Court Ordered Discovery Responses;

f. After the District Court issued the Order and after Euphoria discovered that Mr. Stipp continues to represent Ms. Taracki in another Eighth Judicial District Court case (*Bionomic Solutions, Inc., et al. v. Alex Taracki dba CBD Supply Co., et al.*, Eighth Judicial District Court case number A-20-818856-C), Mr. Stipp represented in a court filing in *ACC Enterprises LLC v. Euphoria Wellness, LLC*, Eighth Judicial District Court case number A-21-831153-C that he intended to withdraw as counsel of record for Ms. Taracki;

g. After the court's oral ruling setting the Evidentiary Hearing, on or about January 5, 2022, Mr. Stipp informed me, Justin C. Jones, Esq., and Nicole E. Lovelock, Esq. that he planned to withdraw as attorney of record for the Third-Party Defendants.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 3<sup>rd</sup> day of February 2022.

  
MARTAD D. KURSHUMOVA, ESQ.

EXHIBIT “B”

EXHIBIT “B”

1 **NOH**

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

6 E&T VENTURES, LLC, a Nevada  
7 limited liability company;

Case No.: A-19-796919-B

Dept. No.: XXXI

8 PLAINTIFF(S),

9 VS.

10  
11 EUPHORIA WELLNESS, LLC, a  
12 Nevada limited liability company;  
13 DOE Individuals I-X, inclusive; and  
14 ROE ENTITIES 1-10, inclusive;

15 DEFENDANT(S).

16 **ORDER SETTING EVIDENTIARY HEARING**

17  
18 PLEASE TAKE NOTICE that the Court has ORDERED that the above-  
19 entitled matter be placed on calendar for an Evidentiary Hearing, as set forth at the  
20 hearing on January 4, 2022, for the appearance of **Kristin Taracki**, who is  
21 **ORDERED** to appear at the hearing as the person who verified the interrogatory  
22 responses in her role on behalf of E & T Ventures. The Evidentiary Hearing will  
23 take place on **FEBRUARY 8, 2022, at 8:30 a.m.**, in Department XXXI, located at  
24 the Regional Justice Center, 200 Lewis Avenue, Las Vegas, NV, 16<sup>th</sup> Floor,  
25 **Courtroom 16B**. Counsel for Plaintiff, E & T Ventures, LLC. shall serve a copy of  
26 this Order on Ms. Kristin Taracki.  
27  
28

1 The hearing may be attended remotely via Bluejeans if any party has a  
2 health or safety concern, or parties may appear in-person (**masks - covering nose**  
3 **and mouth - required**). However, if any party intends to appear remotely via  
4 Bluejeans, appearances must be attended **audiovisually**. Telephonic appearances  
5 are not permitted.  
6

7 **The Bluejeans connection information is:**

8 **Phone Dial-in**

9 [+1.408.419.1715](tel:+14084191715) (United States(San Jose))

10 [+1.408.915.6290](tel:+14089156290) (United States(San Jose))

11 ([Global Numbers](#))

12 From internet browser, copy and paste:

13 <https://bluejeans.com/360511198/2386>

14 **Room System**

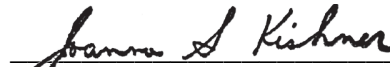
15 199.48.152.152 or bjn.vc

16 Meeting ID: **360 511 198**

17 Participant Passcode: **2386**

18 Failure to appear at the hearing may result in an Order to Show Cause being  
19 issued with sanctions, up to and including, contempt of court and/or dismissal of  
20 case.

21 Dated this 20<sup>th</sup> day of January, 2022

22  
23 

24 HON. JOANNA S. KISHNER  
25 DISTRICT COURT JUDGE  
26  
27  
28

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

**CERTIFICATE OF SERVICE**

I hereby certify that on or about the date filed, a copy of this Order was served via Electronic Service to all counsel/registered parties, pursuant to the Nevada Electronic Filing Rules, and/or served via in one or more of the following manners: fax, U.S. mail, or a copy of this Order was placed in the attorney's file located at the Regional Justice Center:

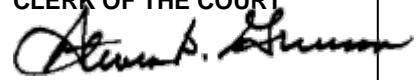
**ALL REGISTERED COUNSEL AND/OR PARTIES APPEARING IN PROPER PERSON SERVED VIA ELECTRONIC SERVICE**

*/s/ Tracy L. Cordoba*  
\_\_\_\_\_  
TRACY L. CORDOBA-WHEELER  
JUDICIAL EXECUTIVE ASSISTANT



EXHIBIT “C”

EXHIBIT “C”



1 **NEOJ**

2 Nicole E. Lovelock, Esq.  
3 Nevada State Bar No. 11187  
4 Justin C. Jones, Esq.  
5 Nevada State Bar No. 8519  
6 Marta D. Kurshumova, Esq.  
7 Nevada State Bar No. 14728

8 **JONES LOVELOCK**

9 6600 Amelia Earhart Ct., Suite C  
10 Las Vegas, Nevada 89119  
11 Telephone: (702) 805-8450  
12 Fax: (702) 805-8451  
13 Email: nlovelock@joneslovelock.com  
14 Email: jjones@joneslovelock.com  
15 Email: mkurshumova@joneslovelock.com

16 *Attorneys for Euphoria Wellness, LLC*

17 **DISTRICT COURT**

18 **CLARK COUNTY, NEVADA**

19 E&T VENTURES, LLC, a Nevada limited  
20 liability company,

21 Plaintiff,

22 v.

23 EUPHORIA WELLNESS, LLC, a Nevada  
24 limited liability company; DOE Individuals I-  
25 X, inclusive; and ROE ENTITIES 1-10,  
26 inclusive;

27 Defendants.

28 EUPHORIA WELLNESS, LLC, a Nevada  
limited liability company,

Counterclaimant,

v.

E&T VENTURES, LLC, a Nevada limited  
liability company;

Counter-Defendant.

CASE NO.: A-19-796919-B  
DEPT. NO.: XXXI

**NOTICE OF ENTRY OF ORDER: (1)  
COMPELLING JOSEPH KENNEDY TO  
APPEAR FOR A DEPOSITION; (2)  
COMPELLING NYE NATURAL  
MEDICINAL SOLUTIONS, LLC AND  
VALJO, INC. TO ANSWER DEPOSITION  
QUESTIONS; AND (3) COMPELLING  
E&T VENTURES LLC, MIRAL  
CONSULTING, LLC, HAPPY CAMPERS,  
LLC, AND CBD SUPPLY CO, LLC TO  
SUPPLEMENT DISCOVERY  
RESPONSES**

1 EUPHORIA WELLNESS, LLC, a Nevada  
limited liability company,

2 Third- Party Plaintiff,

3 v.

4 MIRAL CONSULTING, LLC, a Nevada  
5 limited liability company; HAPPY CAMPERS,  
6 LLC, a Nevada limited liability company; CBD  
7 SUPPLY CO, LLC, a Nevada limited liability  
company; DOE Individuals I-X, inclusive; and  
ROE ENTITIES 1-10, inclusive;

8 Third-Party Defendants.

9 PLEASE TAKE NOTICE that an *Order: (1) Compelling Joseph Kennedy to Appear for a*  
10 *Deposition; (2) Compelling Nye Natural Medicinal Solutions, LLC and Valjo, Inc. to Answer*  
11 *Deposition Questions; and (3) Compelling E&T Ventures LLC, Miral Consulting, LLC,*  
12 *Happy Campers, LLC, and CBD Supply Co, LLC to Supplement Discovery Responses* was filed on  
13 October 15, 2021, a true and correct copy of which is attached hereto.

14 DATED this 18<sup>th</sup> day of October 2021.

15 **JONES LOVELOCK**

16 /s/ Marta D. Kurshumova, Esq.  
17 Nicole E. Lovelock, Esq.  
Nevada Bar No. 11187  
18 Justin C. Jones, Esq.  
Nevada Bar No. 8519  
19 Marta D. Kurshumova, Esq.  
Nevada Bar No. 14728  
20 6675 S. Tenaya Way, Suite 200  
Las Vegas, Nevada 89113

21 *Attorneys for Euphoria Wellness, LLC*

22 ///

23 ///

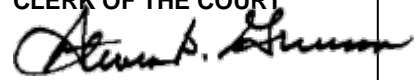
24 ///

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies that on the 18th day of October 2021, a true and correct  
3 copy of the foregoing **NOTICE OF ENTRY OF ORDER: (1) COMPELLING JOSEPH**  
4 **KENNEDY TO APPEAR FOR A DEPOSITION; (2) COMPELLING NYE NATURAL**  
5 **MEDICINAL SOLUTIONS, LLC AND VALJO, INC. TO ANSWER DEPOSITION**  
6 **QUESTIONS; AND (3) COMPELLING E&T VENTURES LLC, MIRAL CONSULTING,**  
7 **LLC, HAPPY CAMPERS, LLC, AND CBD SUPPLY CO, LLC TO SUPPLEMENT**  
8 **DISCOVERY RESPONSES** was served by electronically submitting with the Clerk of the Court  
9 using the electronic system and serving all parties with an email-address on record.

10  
11 By /s/ Julie Linton  
12 An Employee of JONES LOVELOCK  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**JONES LOVELOCK**  
6600 Amelia Earhart Ct., Suite C  
Las Vegas, Nevada 89119



**ORDR**

Nicole E. Lovelock, Esq.  
Nevada State Bar No. 11187  
Justin C. Jones, Esq.  
Nevada State Bar No. 8519  
Marta D. Kurshumova, Esq.  
Nevada State Bar No. 14728

**JONES LOVELOCK**

6600 Amelia Earhart Ct., Suite C  
Las Vegas, Nevada 89119  
Telephone: (702) 805-8450  
Fax: (702) 805-8451  
Email: nlovelock@joneslovelock.com  
Email: jjones@joneslovelock.com  
Email: mkurshumova@joneslovelock.com

*Attorneys for Euphoria Wellness, LLC*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

E&T VENTURES, LLC, a Nevada limited liability company,

Plaintiff,

v.

EUPHORIA WELLNESS, LLC, a Nevada limited liability company; DOE Individuals I-X, inclusive; and ROE ENTITIES 1-10, inclusive;

Defendants.

EUPHORIA WELLNESS, LLC, a Nevada limited liability company,

Counterclaimant,

v.

E&T VENTURES, LLC, a Nevada limited liability company;

Counter-Defendant.

CASE NO.: A-19-796919-B  
DEPT. NO.: XXXI

**ORDER: (1) COMPELLING JOSEPH KENNEDY TO APPEAR FOR A DEPOSITION; (2) COMPELLING NYE NATURAL MEDICINAL SOLUTIONS, LLC AND VALJO, INC. TO ANSWER DEPOSITION QUESTIONS; AND (3) COMPELLING E&T VENTURES LLC, MIRAL CONSULTING, LLC, HAPPY CAMPERS, LLC, AND CBD SUPPLY CO, LLC TO SUPPLEMENT DISCOVERY RESPONSES**

1 EUPHORIA WELLNESS, LLC, a Nevada  
limited liability company,

2 Third- Party Plaintiff,

3 v.

4  
5 MIRAL CONSULTING, LLC, a Nevada  
limited liability company; HAPPY  
6 CAMPERS, LLC, a Nevada limited liability  
company; CBD SUPPLY CO, LLC, a Nevada  
7 limited liability company; DOE Individuals I-  
X, inclusive; and ROE ENTITIES 1-10,  
8 inclusive;

9 Third-Party Defendants.

10  
11 The following motions came before the Court on September 23, 2021 at 1:00 p.m. with  
12 Nicole Lovelock, Esq. of Jones Lovelock appearing on behalf of Euphoria Wellness, LLC  
13 (“Euphoria”) and Mitchell Stipp, Esq. of Law Offices of Mitchell Stipp appearing on behalf of  
14 E&T Ventures LLC (“E&T”), Miral Consulting, LLC (“Miral Consulting”), Happy Campers, LLC  
15 (“Happy Campers”), and CBD Supply Co, LLC (“CBD Supply”) (collectively “E&T Parties”), and  
16 on behalf of Joseph Kennedy (“Mr. Kennedy”), Nye Natural Medicinal Solutions LLC (“Nye  
Natural”), and Valjo Inc. (“Valjo”) (collectively “Non-Parties”):

17 a) Order to Show Cause Why Joseph Kennedy Should Not Be Held in Contempt of  
18 Court and for Sanctions; and for Order Compelling Joseph Kennedy to Appear for a Deposition;  
19 and for an Award of Attorneys’ Fees and Costs, filed by Euphoria;

20 b) Order to Show Cause Why Nye Natural Medicinal Solutions, LLC and Valjo, Inc.  
21 Should Not Be Held in Contempt; and for Order Compelling Said Entities to Answer Deposition  
22 Questions; and for an Award of Attorneys’ Fees and Costs, filed by Euphoria;

23 c) Motion to Compel the E&T Parties’ Discovery Responses and for Sanctions, filed  
24 by Euphoria;

25 d) Omnibus Opposition to Applications for Order to Show Cause, to Compel  
26 Appearance for a Deposition, and for an Award of Attorney’s Fees and Costs and Countermotion  
27 for a Protective Order and Related Relief, filed by the Non-Parties;  
28

1 e) Opposition to Motion to Compel Discovery Responses and for Sanctions and  
2 Countermotion for Related Relief, filed by the E&T Parties; and

3 f) Motion to Seal Exhibits to the Declaration of Marta D. Kurshumova in Support of  
4 Reply in Support of Euphoria Wellness, LLC's Motion to Compel the E&T Parties' Discovery  
5 Responses and for Sanctions; and Opposition to Countermotion, filed by Euphoria.

6 The Court having considered the filings, the evidence presented therein, oral argument of  
7 counsel, and good cause appearing, hereby orders as follows:

8 **JOSEPH KENNEDY**

9 **Findings of Fact**

10 1. On January 2, 2021, Mr. Kennedy, in his individual capacity, was personally served  
11 with a Subpoena. Mr. Kennedy's deposition was scheduled for January 28, 2021 at 9:00 a.m. A  
12 witness fee was included in the service.

13 2. On January 2, 2021, Mr. Kennedy, in his capacity as manager of Nye Natural, was  
14 personally served with the Subpoena to Nye Natural. The deposition was scheduled for January 28,  
15 2021 at 1:00 p.m. A witness fee was included in the service.

16 3. On January 2, 2021, Mr. Kennedy, in his capacity as registered agent of Valjo, was  
17 personally served with the Subpoena to Valjo. The deposition was scheduled for January 29, 2021  
18 at 1:00 p.m. A witness fee was included in the service.

19 4. On January 4, 2021, Mr. Stipp sent Euphoria's counsel a letter advising he  
20 represented the Non-Parties with respect to the subpoenas.

21 5. Mr. Stipp and Counsel for Euphoria rescheduled the Non-Parties' depositions on  
22 several occasions due in part on the agreement that Darlene Purdy's deposition would occur first.

23 6. On March 22, 2021, Mr. Stipp informed Euphoria that he had not and would not  
24 accept service of any documents rescheduling the depositions of the Non-Parties. Mr. Stipp  
25 requested Euphoria serve the Non-Parties personally again.

26 7. On April 6, 2021, Mr. Stipp requested Euphoria move Nye Natural and Valjo's  
27 depositions to April 16, 2021.  
28





1 confer with other affected parties.” NRCP 26(c)(1). Should the court find good cause exists, the  
2 court may “issue an order to protect a party or person from annoyance, embarrassment, oppression,  
3 or undue burden or expense.” *Id.*

4 17. This Court orders Mr. Kennedy must appear for a deposition pursuant to the terms  
5 of NRCP 45.

6 18. The deposition is to be set for a date no later than thirty (30) days from the notice of  
7 entry of this order.

8 19. Euphoria shall tender a new witness fee to Mr. Kennedy and Mr. Stipp must accept  
9 said witness fee on behalf of Mr. Kennedy.

10 20. Mr. Kennedy did not present an applicable legal basis for seeking a protective order  
11 and, on that basis, Mr. Kennedy’s Countermotion for a Protective Order is denied.

12 21. Euphoria’s request for contempt is denied.

13 22. Euphoria’s request for attorney’s fees and costs is denied.

14 23. Any of the foregoing conclusions of law which shall constitute a finding of fact shall  
15 be deemed as a finding of fact.

16 **NYE NATURAL MEDICINAL SOLUTIONS, LLC AND VALJO, INC.**

17 **Findings of Fact**

18 24. On April 16, 2021, Euphoria took the depositions of the person designated as the  
19 30(b)(6) witness for Nye Natural and Valjo.

20 25. Mr. Kennedy appeared as the designated 30(b)(6) witness for Nye Natural and  
21 Valjo, respectively.

22 26. Mr. Stipp appeared as Nye Natural and Valjo’s counsel of record for the purposes of  
23 the depositions.

24 27. The deposition of Nye Natural commenced at 8:39 a.m. PST and concluded at 10:28  
25 a.m. PST.

26 28. The deposition of Valjo commenced at 1:30 p.m. PST and concluded at 4:21 p.m.  
27 PST.

1           29. During the depositions, Mr. Stipp instructed Mr. Kennedy, in his capacity as the  
2 30(b)(6) witness for Nye Natural and Valjo, not to answer multiple deposition questions, as  
3 summarized in Exhibit R to the Appendix of Exhibits in Support of *Ex Parte* Application for an  
4 Order to Show Cause Why Nye Natural Medicinal Solutions, LLC and Valjo, Inc. Should Not Be  
5 Held in Contempt; and for Order Compelling Said Entities to Answer Deposition Questions; and  
6 for an Award of Attorneys' Fees and Costs. Exhibit R is attached to this Order as **Exhibit A**.

7           30. Ms. Lovelock and Mr. Stipp discussed Mr. Stipp's objections and instructions not to  
8 answer on the record during the depositions of both Nye Natural and Valjo.

9           31. Mr. Stipp's instructions to Nye Natural's 30(b)(6) witness not to answer the  
10 deposition questions were improper.

11           32. Mr. Stipp's instructions to Valjo's 30(b)(6) witness not to answer the deposition  
12 questions were improper.

13           33. None of the questions identified in Exhibit A to this Order are subject to a privilege  
14 or a limitation ordered by this Court. Neither Nye Natural nor Valjo sought relief under Rule  
15 30(d)(3).

16           34. Nye Natural and Valjo did not present an applicable legal basis for seeking a  
17 protective order and, on that basis, Nye Natural and Valjo's Countermotion for a Protective Order  
18 is denied.

19           35. Any of the foregoing findings of fact which shall constitute conclusion of law shall  
20 be deemed as a conclusion of law.

21                           **Conclusions of Law and Order Thereon**

22           36. A subpoena served pursuant to NRCP 45 commands "each person to whom it is  
23 directed to do the following at a specified time and place: attend and testify; produce designated  
24 documents, electronically stored information, or tangible things in that person's possession,  
25 custody, or control; or permit the inspection of premises." NRCP 45(a)(1)(A)(iii). The rule permits  
26 service of the subpoena by "[a]ny person who is at least 18 years old and not a party" to the case  
27  
28

1 and, should the subpoena order a person's attendance, requires the tendering of a fee for one day's  
2 attendant and the mileage allowed by law. NRCP 45(b)(1).

3 37. NRCP 26(c) provides the standard for protective orders, which states as follows: "A  
4 party or any person from whom discovery is sought may move for a protective order . . . The  
5 motion must include a certification that the movant has in good faith conferred or attempted to  
6 confer with other affected parties." NRCP 26(c)(1). Should the court find good cause exists, the  
7 court may "issue an order to protect a party or person from annoyance, embarrassment, oppression,  
8 or undue burden or expense." *Id.*

9 38. Pursuant to NRCP 30(c)(2), an attorney may only instruct their client not to answer  
10 a question "when necessary to preserve a privilege, to enforce a limitation ordered by the court, or  
11 to present a motion under Rule 30(d)(3)."

12 39. For those reasons, Nye Natural is ordered to appear for a continued deposition and  
13 provide responses to the questions identified in Exhibit A to this Order directed to Nye Natural.  
14 The rescheduled deposition is to be set for a date no later than thirty (30) days from the notice of  
15 entry of this order. The rescheduled deposition is to last for one (1) hour, not including breaks.

16 40. For those reasons, Valjo is ordered to appear for a continued deposition and provide  
17 responses to the questions identified in Exhibit A to this Order directed to Valjo. The rescheduled  
18 deposition is to be set for a date no later than thirty (30) days from the notice of entry of this order.  
19 The rescheduled deposition is to last for one (1) hour, not including breaks.

20 41. Euphoria's request for contempt is denied.

21 42. Euphoria's request for attorney's fees and costs is denied.

22 43. Any of the foregoing conclusions of law which shall constitute a finding of fact shall  
23 be deemed as a finding of fact.

24 ///

25 ///

26 ///

27 **E&T VENTURES LLC, MIRAL CONSULTING, LLC, HAPPY CAMPERS, LLC, AND**  
28

**CBD SUPPLY CO, LLC**

**Findings of Fact**

44. On July 21, 2020, E&T served its Initial Disclosures which contained no documents.

45. On December 7, 2020, the Third-Party Defendants served their Initial Disclosures which contained no documents.

46. On February 1, 2021, Euphoria propounded Requests for Interrogatories (“Interrogatories”) and Requests for Production of Documents (“RFPs”) on the E&T Parties (“Euphoria’s Discovery Requests”).

47. Euphoria had inadvertently omitted to attach an exhibit to its Discovery Requests (“Exhibit 1”).

48. Euphoria had also provided the wrong date of filing of the Supplemental Declaration of Kristin Ehasz in Support of Motion for Preliminary Injunction on Application for Order Shortening Time (“Kristin Ehasz’ Declaration”) in its Discovery Requests.

49. The E&T Parties did not reach out to Euphoria to request the missing exhibit or a copy of Kristin Ehasz’ Declaration prior to submitting their Responses to Euphoria’s Discovery Requests.

50. On February 26, 2021, E&T responded to Euphoria’s Interrogatories and RFPs (“E&T’s Discovery Responses”) without identifying or producing any documents.

51. On March 2, 2021, Third-Party Defendants responded to Euphoria’s Interrogatories and RFPs (“Third-Party Defendants’ Discovery Responses”) (together with E&T’s Discovery Responses, “E&T Parties’ Discovery Responses”) without identifying or producing any documents.

52. In response to several requests for production, the E&T Parties responded they would make documents available for copying or inspection.

53. Instead of granting Euphoria’s requests to copy and inspect the documents, E&T served its First Supplemental Disclosures on March 24, 2021, attaching documents bates numbered Plaintiff’s Documents 00000-00111. The E&T Parties failed to respond to multiple discovery

1 requests based on Euphoria's omission to attach Exhibit 1 and mistaken date of filing of the Kristin  
2 Ehasz' Declaration.

3 54. On March 5, 2021, counsel for Euphoria, Marta Kurshumova ("Ms. Kurshumova")  
4 provided Exhibit 1 to Mr. Stipp.

5 55. On March 16, 2021, Euphoria's counsel sent the E&T Parties a Meet and Confer  
6 Letter articulating the deficiencies within the E&T Parties' discovery responses. The Meet and  
7 Confer Letter also provided the correct date of filing of Kristin Ehasz' Declaration.

8 56. On March 26, 2021, Euphoria and the E&T Parties held a telephonic meet and  
9 confer conference.

10 57. On April 20, 2021, Euphoria and the E&T Parties held another telephonic meet and  
11 confer conference.

12 58. The E&T Parties declined to supplement any of their discovery responses.

13 59. The E&T Parties agreed to provide signed verification pages to their Responses to  
14 Interrogatories.

15 60. To date, the E&T parties have not provided signed verification pages to their  
16 Responses to Interrogatories. Euphoria and the E&T Parties were unable to resolve the discovery  
17 disputes regarding the E&T Parties' discovery responses.

18 61. In its Motion, Euphoria sought supplementation to the following categories of  
19 requests:

20 **Category 1: The E&T Parties' ownership, operations, and financial documents**

21 *E&T:* Interrogatory No. 1; RFP Nos. 6-14  
22 *CBD Supply:* Interrogatory Nos. 1-8; RFP Nos. 1-2, 5-13, 26  
23 *Happy Campers:* Interrogatory Nos. 1-8, 15; RFP Nos. 1, 5-13, 26  
*Miral Consulting:* Interrogatory Nos. 1-8, 28; RFP Nos. 1, 5-13, 26

24 **Category 2: The Department of Taxation's investigations, audits, and complaints**

25 *E&T:* Interrogatory Nos. 8-10; RFP Nos. 2, 5

26 **Category 3: The E&T Parties' documents and information relating to Euphoria**

27 *E&T:* Interrogatory No. 11; RFP Nos. 15-18  
28 *CBD Supply:* Interrogatory No. 12; RFP Nos. 14, 18, 22

*Happy Campers:* Interrogatory No. 12; RFP Nos. 14, 18, 22  
*Miral Consulting:* Interrogatory No. 12; RFP Nos. 14, 18, 22

**Category 4: The E&T Parties' documents and information relating to the equipment**

*E&T:* Interrogatory Nos. 14-15; RFP Nos. 19-20  
*CBD Supply:* Interrogatory Nos. 13-15; RFP Nos. 23-25  
*Happy Campers:* Interrogatory Nos. 13-14; RFP Nos. 23-25  
*Miral Consulting:* Interrogatory Nos. 13-27; RFP Nos. 23-25

**Category 5: E&T's documents and information relating to product test results and the variances**

*E&T:* Interrogatory Nos. 2, 3, 5-7, 12-13; RFP Nos. 21

**Category 6: E&T's documents and information relating to third parties**

*E&T:* Interrogatory Nos. 4, 16, 17; RFP Nos. 22, 29-33

**Category 7: The Third-Party Defendants' documents and information relating to the parties in this litigation**

*CBD Supply:* Interrogatory Nos. 9-11; RFP Nos. 15-17, 19-21  
*Happy Campers:* Interrogatory Nos. 9-11; RFP Nos. 15-17, 19-21  
*Miral Consulting:* Interrogatory Nos. 9-11; RFP Nos. 15-17, 19-21

62. In its Motion, Euphoria further sought supplementation of the requests based on Exhibit 1 and Kristin Ehasz's Declaration:

*E&T:* Interrogatory Nos. 2-7  
*CBD Supply:* RFP Nos. 23-25  
*Happy Campers:* Interrogatory No. 14; RFP Nos. 22, 23  
*Miral Consulting:* Interrogatory Nos. 14-27; RFP Nos. 23-26

63. Any of the foregoing findings of fact which shall constitute conclusion of law shall be deemed as a conclusion of law.

**Conclusions of Law**

64. Pursuant to EDCR 2.34(d), "discovery motions may not be filed unless an affidavit of moving counsel is attached thereto setting forth that after a discovery dispute conference or a good faith effort to confer, counsel have been unable to resolve the matter satisfactorily."

1           65. Counsel for Euphoria and counsel for the E&T Parties met and conferred as required  
2 by EDCR 2.34(d) through the Meet and Confer Letter and two telephonic meet and confer  
3 conferences.

4           66. NRCP 26 states that “[p]arties may obtain discovery regarding any nonprivileged  
5 matter that is relevant to any party’s claims or defenses and proportional to the needs of the case.”

6           67. The discovery requests identified in Categories 1 to 7 and the requests based on  
7 Exhibit 1 and Kristin Ehasz’s Declaration are relevant to the parties’ claims and defenses, and are  
8 proportional to the needs of the case. NRCP 33 requires a full answer to each interrogatory and,  
9 should the responding party object, a statement of the reasons for the objection with specificity.  
10 NRCP 33(b)(3)-(4).

11           68. NRCP 34 requires that objections be stated with specificity and whether any  
12 documents were withheld based on those objections. NRCP 34(b)(2)(B)-(C).

13           69. NRCP 26(e) imposes a duty on each party to “timely supplement or correct the  
14 disclosure or response to include information thereafter acquired.”

15           70. The E&T Parties failed to respond to the discovery requests identified in Categories  
16 1 to 7. The E&T Parties did not assert any objections entitling them not to respond to those  
17 discovery requests.

18           71. The E&T Parties failed to respond to the discovery requests based on Exhibit 1 and  
19 Kristin Ehasz’s Declaration. The E&T Parties did not assert any objections entitling them not to  
20 respond to those discovery requests.

21           72. The E&T Parties had an obligation under NRCP 26(e) to supplement their responses  
22 to the requests based on Exhibit 1 and Kristin Ehasz’s Declaration after receiving Exhibit 1 and the  
23 correct date of filing of Kristin Ehasz’s Declaration.

24           73. The E&T Parties did not present an applicable legal basis for seeking a protective  
25 order and, on that basis, the E&T Parties’ Countermotion for a Protective Order is denied.

74. The E&T Parties must supplement their responses to the discovery requests described in paragraphs 61 and 62 above no later than twenty-one (21) days from the date of notice of entry of this Order.

75. Euphoria's request for contempt is denied.

76. Euphoria's request for attorney's fees and costs is denied.

77. Any of the foregoing conclusions of law which shall constitute a finding of fact shall be deemed as a finding of fact.

**ORDER**

**IT IS HEREBY ORDERED** that the *Order to Show Cause Why Joseph Kennedy Should Not Be Held in Contempt of Court and for Sanctions; and for Order Compelling Joseph Kennedy to Appear for a Deposition; and for an Award of Attorneys' Fees and Costs* is **GRANTED IN PART AND DENIED IN PART**. Mr. Kennedy is ordered to appear for a deposition that is to be set for a date no later than thirty (30) days from the notice of entry of this order. Euphoria is to tender a new witness fee and Mr. Stipp is to accept said witness fee prior to the deposition of Mr. Kennedy. Euphoria's request for contempt and for an award of attorney's fees and costs is **DENIED**.

**IT IS HERBY FURTHER ORDERED** that Mr. Kennedy's *Countermotion for a Protective Order and Related Relief* is **DENIED**.

**IT IS HEREBY FURTHER ORDERED** that the *Order to Show Cause Why Nye Natural Medicinal Solutions, LLC and Valjo, Inc. Should Not Be Held in Contempt; and for Order Compelling Said Entities to Answer Deposition Questions; and for an Award of Attorneys' Fees and Costs* is **GRANTED IN PART AND DENIED IN PART**. Nye Natural is ordered to appear for a continued deposition pursuant to the terms of the subpoena personally served upon it on March 26, 2021. Nye Natural is ordered to answer all questions identified in Exhibit A to this Order that were directed to Nye Natural. The rescheduled deposition is to be set for a date no later than thirty (30) days from the notice of entry of this order. The rescheduled deposition is to last for one (1) hour, not including breaks.

Valjo is ordered to appear for a continued deposition pursuant to the terms of the subpoena



1 personally served upon it on March 26, 2021. Valjo is ordered to answer all questions identified in  
2 Exhibit A to this Order that were directed to Valjo. The rescheduled deposition is to be set for a  
3 date no later than thirty (30) days from the notice of entry of this order. The rescheduled deposition  
4 is to last for one (1) hour, not including breaks.

5 Euphoria's request for contempt and for an award of attorney's fees and costs is **DENIED**.

6 **IT IS HERBY FURTHER ORDERED** that Nye Natural and Valjo's *Counter-motion for a*  
7 *Protective Order and Related Relief* is **DENIED**.

8 **IT IS HEREBY ORDERED** that the *Motion to Compel the E&T Parties' Discovery*  
9 *Responses and for Sanctions* is **GRANTED IN PART AND DENIED IN PART**. E&T Ventures,  
10 Miral Consulting, Happy Campers, and CBD Supply are ordered to supplement their responses to  
11 the discovery requests as set forth above. E&T Ventures, Miral Consulting, Happy Campers, and  
12 CBD Supply shall supplement their responses no later than twenty-one (21) days from the date of  
13 notice of entry of this Order. Euphoria's request for an award of attorney's fees and costs is  
14 **DENIED**.

15 **IT IS HERBY FURTHER ORDERED** that the E&T Parties' *Counter-motion for Related*  
16 *Relief* requesting a protective order is **DENIED**.

17 ///

18 ///

19 ///

20

21

22

23

24

25

26

27

28

1           **IT IS HERBY FURTHER ORDERED** that Euphoria's *Motion to Seal Exhibits to the*  
2 *Declaration of Marta D. Kurshumova in Support of Reply in Support of Euphoria Wellness, LLC's*  
3 *Motion to Compel the E&T Parties' Discovery Responses and for Sanctions; and Opposition to*  
4 *Countermotion* is **GRANTED** by stipulation of the parties.

5           **IT IS SO ORDERED** this 15th day of October 2021.

6  
7  
8 

9           **Respectfully submitted by:**

10          JONES LOVELOCK

11  
12 /s/ Nicole E. Lovelock, Esq.  
13 NICOLE E. LOVELOCK, ESQ.  
14 Nevada Bar No. 11187  
15 JUSTIN C. JONES, ESQ.  
16 Nevada Bar No. 8519  
17 MARTA D. KURSHUMOVA, ESQ.  
18 Nevada Bar No. 14728  
19 6600 Amelia Earhart Ct., Suite C  
20 Las Vegas, Nevada 89119

21 *Attorneys for Euphoria Wellness, LLC*

22           **Approved as to form and substance:**

23          LAW OFFICE OF MITCHELL STIPP

24 Competing Order  
25 MITCHELL D. STIPP, ESQ.  
26 Nevada Bar No. 7531  
27 1180 N. Town Center Drive, Suite 100  
28 Las Vegas, Nevada 89144

*Attorneys for E&T Ventures LLC,  
Miral Consulting, LLC, Happy  
Campers, LLC, and CBD Supply  
Co, LLC, Joseph Kennedy, Nye  
Natural Medicinal Solutions LLC,  
and Valjo Inc.*

EXHIBIT “D”

EXHIBIT “D”

TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA  
\* \* \* \* \*

|                            |   |                        |
|----------------------------|---|------------------------|
| E&T VENTURES LLC,          | ) |                        |
|                            | ) |                        |
| Plaintiff,                 | ) | CASE NO. A-19-796919-B |
|                            | ) | DEPT NO. XXXI          |
| vs.                        | ) |                        |
|                            | ) |                        |
| EUPHORIA WELLNESS LLC,     | ) |                        |
|                            | ) |                        |
|                            | ) | <b>TRANSCRIPT OF</b>   |
| Defendant.                 | ) | <b>PROCEEDINGS</b>     |
|                            | ) |                        |
| <u>AND RELATED PARTIES</u> | ) |                        |

BEFORE THE HONORABLE JOANNA S. KISHNER, DISTRICT COURT JUDGE

TUESDAY, JANUARY 4, 2022

**SEE NEXT PAGE FOR MATTERS**

APPEARANCES:

FOR E&T VENTURES, LLC,  
CBD SUPPLY CO, LLC,  
HAPPY CAMPERS, LLC,  
MIRAL CONSULTING, LLC:

MITCHELL D. STIPP, ESQ.  
via BlueJeans

FOR EUPHORIA WELLNESS, LLC:

NICOLE E. LOVELOCK, ESQ.  
JUSTIN C. JONES, ESQ.  
via BlueJeans  
MARTA D. KURSHUMOVA, ESQ.  
via BlueJeans

RECORDED BY: ANGELICA MICHAUX, COURT RECORDER  
TRANSCRIBED BY: JD REPORTING, INC.

**M A T T E R S**

Plaintiff's Opposition to Motion for Discovery Sanctions and  
Countermotion for Related Relief

Defendant Euphoria Wellness, LLC's Motion for Discovery  
Sanctions Against E&T Ventures, LLC, Miral Consulting, LLC,  
Happy Campers, LLC, and CBD Supply Co, LLC

Defendant's Motion for Sanctions for Failure to Produce a  
Privilege Log

Plaintiff's Opposition to Motion for Sanctions for Failure to  
Produce a Privilege Log and Countermotion for Related Relief

1       **LAS VEGAS, CLARK COUNTY, NEVADA, JANUARY 4, 2022, 10:01 A.M.**

2                               \* \* \* \* \*

3               THE COURT: Pages 15 and 16, 796919.

4               So counsel for -- we've got binders and  
5 (indiscernible). So feel free to get yourself set up. We're  
6 going to do E&T Ventures counsel and then Euphoria Wellness's  
7 counsel.

8               Go ahead, E&T Ventures.

9               MR. STIPP: Good morning, Your Honor. This is  
10 Mitchell Stipp appearing on behalf of E&T Ventures, Happy  
11 Campers, CBD Supply and Miral Consulting.

12              THE COURT: Okay. Thank you so much for the  
13 clarification in the multiparties. Do appreciate it.

14              And for Euphoria Wellness, I'll -- go ahead, Counsel.

15              MS. LOVELOCK: Good morning, Your Honor. Nicole  
16 Lovelock on behalf of Euphoria Wellness.

17              THE COURT: Okay. Give us a quick second to get in  
18 to this case.

19              So what we have is we've got a couple of different  
20 things, and the Court is cognizant that there is -- there was  
21 one -- did I take care of that?

22              I'm just making sure there was one order, and I  
23 thought I took care of it. But I was just double checking that  
24 there wasn't anything outstanding orders. I do not see any  
25 outstanding orders in the app.

1 MR. STIPP: This is Mitchell Stipp.

2 We're happy to proceed however the Court would like.  
3 We agree with the Court that it probably makes sense to decide  
4 these issues as a whole, but we don't have any problem  
5 deferring to Euphoria Wellness's counsel's preference this  
6 morning.

7 THE COURT: Okay. So since you have a preference,  
8 okay. So that means we're going to hear them one by one. So  
9 although --

10 Okay. So defendant Euphoria Wellness's motion for  
11 discovery sanctions against E&T Ventures, Miral Consulting,  
12 Happy Campers and CBD Supply, Document 198, counsel for movant,  
13 go ahead, please.

14 MS. LOVELOCK: Thank you, Your Honor. And I  
15 appreciate that you're allowing us to hear it one by one. I  
16 won't repeat myself as to every motion, but there are  
17 accusations being made against us, and I want to make sure I  
18 have the ability to respond to those in one-by-one order, and  
19 that's why I'm asking them to be heard separately.

20 THE COURT: Sure. No worries.

21 MS. LOVELOCK: Your Honor, we are here on this one on  
22 a motion for sanctions against all of the parties: Plaintiff  
23 E&T, and then a third-party defendants, which we collectively  
24 call E&T parties.

25 As this Court recalls, we originally were in front of

1 Honor. We are no longer dealing with just our discovery  
2 requests.

3 When you made an order very clearly that they had to  
4 do all of these tasks and produce these documents, what  
5 happened? Because what we know is they produced information.  
6 The public records show that they sold that house. There's  
7 been communication among clients -- among counsel that we know  
8 that those principals live in Tennessee, but they produced  
9 information that is clearly wrong and no documents.

10 At the very least, they should be in here explaining  
11 to you what they did to comply with your order.

12 THE COURT: Okay. And that's what we're going to do.

13 MS. LOVELOCK: Okay.

14 THE COURT: The Court's ruling is going to be as  
15 follows. The Court is going to defer the ruling with regards  
16 to the other relief requested.

17 The Court is going to grant the portion of defendant  
18 Euphoria Wellness's motion for discovery sanctions against E&T  
19 Ventures, Miral Consulting, Happy Campers and CBD Supply Co.  
20 and order for the --

21 It's going to be a two-step process:

22 The first step in this process is going to be that  
23 the portion of the relief requested to hold an evidentiary  
24 hearing where there is going to need to be the specific people  
25 who would be responsible for providing the information on



1 behalf of all of the entities listed -- so on behalf of E&T  
2 Ventures, Miral Consulting, Happy Campers and CBD Supply --  
3 providing responses to this Court how what they have provided  
4 to their counsel to provide to the Court as demonstrating  
5 compliance with the order.

6 Said hearing is going to be -- I'm going to give you  
7 a date next week, and people can appear remotely, but they must  
8 be audiovisual, or they can appear in person. It's going to be  
9 you all's choice, okay. And so we're going to do said  
10 evidentiary hearing.

11 I will tell you at this juncture, based on the review  
12 of the supplemental responses, the Court does see the need for  
13 an evidentiary hearing to determine whether or not there's  
14 going to be case terminating sanctions or a default because,  
15 and I gave a couple of examples.

16 I have looked at the -- well, I've looked at it all,  
17 but let's go first with Miral Consulting, Happy Campers and  
18 CBD Supply Company. The Court does not see that a single  
19 document was actually produced. At best, there is a reference  
20 in Happy Campers to a publicly available filing with regards to  
21 the entity I guess being reopened, resurrected, however what  
22 happened. That's the only thing I saw. I did not see a single  
23 document, and I even asked. And thank you I appreciate counsel  
24 we had to go through a little bit of details.

25 To the extent they were stating that there was a

1 cross-reference, there's not even a cross-reference to other  
2 documents that have been previously produced or a specific  
3 Bates reference to documents that may have been produced in  
4 regards to 16.1. There is nothing, but, realistically,  
5 boilerplate, impermissible responses and objections. And  
6 that's going with the document requests with regards to  
7 Miral Consulting, Happy Campers and CBD Supply.

8           With regards to E&T Ventures and their document  
9 requests, supplemental responses, taking into account  
10 everything -- I'm not just looking at the supplemental, I'm  
11 giving everyone the benefit of the doubt, the totality of  
12 everything that they provided -- the Court also finds that the  
13 E&T is impermissibly nonresponsive. The Court gave an example.  
14 The reason why the Court really looked at 11 is because 11 said  
15 it was something to a third party, okay.

16           First off, third party is it within the custody and  
17 control, under the rules, with regards to, and still needs to  
18 be provided. It should have been provided because E&T in this  
19 case is also a plaintiff. So E&T would have the obligation for  
20 initially providing documents relevant under Rule 16  
21 disclosures. But even if they felt this wasn't something that  
22 they needed for their affirmative case, even if -- and they  
23 feel it wasn't for something for one of their defenses in their  
24 regards to the various parts of the caption in which they are  
25 in a defendant, third-party defendant, et cetera, role, they

1 still needed to provide it expressly as requested in discovery  
2 responses.

3           The Court even given the benefit of the supplementals  
4 we were way back in October is absolutely incomprehensible to  
5 this Court on how somebody with supposedly a very small company  
6 can't provide basic records in a more than two month time  
7 period, nor was there anything provided to this Court that was  
8 any good-faith efforts to try and get that, obtain that  
9 information. I'm not saying --

10           So to the extent the clients aren't providing it to  
11 counsel, they're going to provide it and explain why they are  
12 not complying with a Court order and risking...

13           For E&T as well, I'm going to evaluate what is going  
14 to be the appropriate sanctions under -- after the evidentiary  
15 hearing, which could include potentially striking their  
16 complaint, striking some of their defenses in their defendant's  
17 role, monetary sanctions, a whole bunch of other relief.

18           I'm going to have to evaluate it, and I'm not going  
19 to evaluate it until I hear what everybody is going to provide  
20 this Court at the evidentiary hearing, but I'm trying to make  
21 it clear to everyone about the breadth and depth that is  
22 appropriate.

23           Okay. So then we look at the interrogatory  
24 responses. The interrogatory responses do not provide any  
25 (indiscernible) any of the -- let's start first with the

1 third-party defendant onlys, and then I'm going to E&T  
2 Ventures, so from Miral Consulting, Happy Campers and  
3 CBD Supply. I'm not seeing anything in their interrogatory  
4 responses that complies with the rules.

5 And let's be clear. And we also have to look at,  
6 remember, what NRCP 33, the responding party. If that party is  
7 a public or private corporation, a partnership, an association,  
8 a governmental agency or other entity by any officer or agent  
9 who must -- it's mandatory -- must furnish the information  
10 available to that party.

11 So that means to the extent we have Ms. Taracki --  
12 I'm probably mispronouncing her name -- did verifications of  
13 interrogatories, she is stating that she is an officer or agent  
14 who has the information available to her and can provide said  
15 information, and she is responsible for doing so. So she put  
16 her name on the document. She's responsible for doing that.  
17 These are noncompliant.

18 I look at the interrogatory responses and the  
19 interrogatory responses, realistically, having -- I'm going to  
20 has to ask at the evidentiary hearing if at the time the  
21 verification was done she was physically living and owned said  
22 residence in Henderson or not. That's the way to find out the  
23 answer, folks. But I'll tell you it's very concerning if she  
24 did not, how she could possibly verify interrogatories.

25 When I look at the rest of the interrogatories in the

1 totality, like I said, first looking at the parties and the  
2 third-party defendant role with regards to everyone other than  
3 E&T, I do not find that those supplemental responses are really  
4 supplemental responses. They're not providing any new  
5 information, not providing any information. They're really  
6 just boilerplate objections, and we can't find anything.

7           So the Court is going to, at the evidentiary hearing,  
8 if there's nothing that they could find to be provided, I will  
9 tell you one of the potential options is they have absolutely  
10 no documents in which to support -- I don't see how they can go  
11 to trial with no defenses and no documents and no witnesses  
12 because if they have nothing, then that would be an interesting  
13 concept.

14           MR. STIPP: Your Honor --

15           THE COURT: That's not an advance ruling by the  
16 Court. The Court has to hear from an evidentiary hearing, but  
17 there's no document, no information, and there's nothing that's  
18 available. Just saying discovery is ongoing is not an  
19 acceptable response, particularly when there's a specific court  
20 order to provide supplemental information.

21           Going to E&T Ventures and their interrogatory  
22 responses. They are deficient in many of the similar ways.  
23 And since E&T is really the one that I was focusing on with  
24 regards to the address, we'll have to find that out at the  
25 evidentiary hearing, and I'm going to ask for the

1 establishment -- I mean, really it's going to be a matter of  
2 public record of who owned the house at that particular time,  
3 where people are living, but we'll ask.

4 And she's going to need to, since she verified the  
5 interrogatories, need to actually be at this evidentiary  
6 hearing. It's going to -- that one, whoever else you care to  
7 bring, the evidentiary hearing is going to be fine on behalf of  
8 plaintiff's third-party defendants, but I definitely want the  
9 person who verified the interrogatories there because that is  
10 going to have to have the specific information this Court is  
11 going to ask about the efforts that were done before verifying  
12 each of those interrogatories.

13 There's specific obligations under the Nevada Rules  
14 of Civil Procedure. And at least by reviewing them it does not  
15 appear that they were complied with, but I want to hear what  
16 information, et cetera, is going to be provided at the  
17 evidentiary hearing and have some understanding, better  
18 understanding, excuse me, if there's maybe something the Court  
19 is missing after reviewing the totality of everybody's  
20 pleadings, everybody's appendices, all the responses, all the  
21 supplemental responses.

22 So for purposes of the ruling, the ruling is such  
23 that, as I stated, it is granted in part today for the relief  
24 requested of an evidentiary hearing. After the evidentiary  
25 hearing, the Court is going to determine what, if any, no

1 predetermination that there will be sanctions, but so the Court  
2 is going to determine what appropriate -- what sanctions, if  
3 any, up to and including striking complaints, striking answers,  
4 striking some affirmative defenses, monetary sanctions, the  
5 whole plethora of things will be evaluated if appropriate based  
6 on the evidence presented at the evidentiary hearing.

7           The date of said evidentiary hearing is going to be  
8 told to you in a few moments because let's get through a couple  
9 of the other things before we go there. So let's go through  
10 some more of your motions.

11           Now, let's go to the next motion because we'll have  
12 to see how long we're going to need for that.

13           And I'm going to have Tracy evaluate some potential  
14 dates while I'm continuing on with the motions, okay.

15           So the next motion is plaintiff E&T Ventures  
16 countermotion for related relief, Document 212.

17           Counsel, in your role as counterclaimant, your  
18 motion, go ahead, please, sir.

19           MS. LOVELOCK: Your Honor, if I may? I apologize.

20           THE COURT: We're going to wait until the end if  
21 there's any clarifications on anything. Okay. So.

22           MS. LOVELOCK: This actually has to do with the  
23 countermotion. In our reply, Your Honor, we make an argument  
24 advancing that it should be stricken because there was no legal  
25 authority --

1 THE COURT: The Court did not -- that was not brought  
2 up in anybody's oral argument --

3 MS. LOVELOCK: Okay.

4 THE COURT: -- so that that was being requested. The  
5 Court did not make that determination.

6 MS. LOVELOCK: Understood, Your Honor.

7 THE COURT: Okay. The Court said the one person that  
8 is ordered.

9 Thank you so very much.

10 MR. STIPP: Thank you, Your Honor.

11 THE COURT: Appreciate it. Wish you all a great rest  
12 of your day. We look forward to seeing your letter on Friday  
13 and if not, like I said, we will pick dates that we need to  
14 pick. Appreciate it. Thanks everyone for their time, and I'm  
15 sure you all appreciate my wonderful team. It's 12:40. It's  
16 not fair to them.

17 MS. LOVELOCK: Absolutely. Thank you --

18 MR. STIPP: Thank you.

19 THE COURT: You all have had more than --

20 MR. STIPP: Thank you, staff. We appreciate  
21 everything you did.

22 / / /

23 / / /

24 / / /

25 / / /



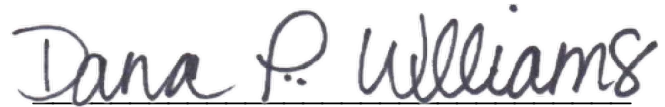
1 THE COURT: More than 2 hours and 40 minutes. You  
2 had more than enough time to flush out everything on all these  
3 issues. Thank you so much.

4 At this juncture we go off the record. Take care.

5 (Proceedings concluded at 12:44 p.m.)

6 -oOo-

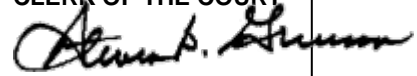
7 ATTEST: I do hereby certify that I have truly and correctly  
8 transcribed the audio/video proceedings in the above-entitled  
9 case to the best of my ability.

10   
11

12 Dana L. Williams  
13 Transcriber  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

EXHIBIT “E”

EXHIBIT “E”



MITCHELL D. STIPP, ESQ.  
Nevada Bar No. 7531  
**LAW OFFICE OF MITCHELL STIPP**  
1180 N. Town Center Drive, Suite 100  
Las Vegas, Nevada 89144  
Telephone: 702.602.1242  
mstipp@stipplaw.com  
*Attorneys for E&T Ventures, LLC*

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
**IN AND FOR THE COUNTY OF CLARK**

E&T VENTURES, LLC, a Nevada limited liability  
company,

Plaintiff,

v.

EUPHORIA WELLNESS, LLC, a Nevada limited  
liability company; DOE Individuals I-X, inclusive;  
and ROE ENTITIES 1-10, inclusive;

Defendants.

ET AL.

**CASE NO.: A-19-796919-B**  
**DEPT. NO.: XXXI**

**APPLICATION OF E&T VENTURES LLC TO  
DISQUALIFY JUDGE JOANNA KISHNER  
AND AFFIDAVIT PURSUANT  
TO NRS 1.235**

E&T Ventures, LLC, a Nevada limited liability company ("E&T"), by and through Mitchell Stipp, Esq., of the Law Office of Mitchell Stipp, files the above-referenced application and affidavit, in connection with E&T's request to disqualify Judge Joanna Kishner from presiding over the above-referenced case.

This filing is based on the papers and pleadings on file in this case, the memorandum of points and authorities that follow, the exhibits attached hereto or filed separately but concurrently herewith, and the argument of counsel at the hearing.

///

///

///

///

1 DATED this 2nd day of February, 2022.

2 **LAW OFFICE OF MITCHELL STIPP**

3 /s/ Mitchell Stipp

4 \_\_\_\_\_  
5 MITCHELL STIPP, ESQ.

6 Nevada Bar No. 7531

7 1180 N. Town Center Drive, Suite 100

8 Las Vegas, Nevada 89144

9 Telephone: 702.602.1242

10 mstipp@stipplaw.com

11 *Attorneys for E&T Ventures, LLC*

1  
2 **AFFIDAVIT IN ACCORDANCE WITH NRS 1.235**  
3

4 The undersigned, MITCHELL STIPP, ESQ., declares under penalty of perjury, as follows:

5 1. I am counsel of record for E&T Ventures, LLC, a Nevada limited liability company  
6 (“E&T”)—the Plaintiff in the above-referenced case.

7 2. Joseph Kennedy is the sole manager and member of E&T Ventures, LLC.

8 3. There is an evidentiary hearing scheduled on February 8, 2022 at 8:30 a.m. to consider  
9 case ending discovery sanctions against E&T at the request of Euphoria Wellness, LLC (“Euphoria”).  
10

11 4. NRS 1.235(1)(b) requires an affidavit to be filed not less than three (3) days before the  
12 evidentiary hearing.

13 5. Judge Joana Kishner of Department 31 entertains actual bias or prejudice against E&T  
14 because she has closed her mind to the facts and law. Even if there is no actual bias or prejudice, the  
15 risk of bias is too high to be permissible under the due process clause of the U.S. Constitution.

16 6. At a hearing on January 4, 2022, Judge Kishner ordered non-party, Kristin Taracki, to  
17 personally appear at the evidentiary hearing because she executed a declaration on behalf of E&T in  
18 connection with supplemental interrogatories served in response to written discovery by Euphoria. See  
19 Transcript of Hearing on January 4, 2022, attached hereto as **Exhibit A** (“January 4, 2022 Hearing  
20 Transcript”); see also Order Setting Evidentiary Hearing (electronically filed in district court on January  
21 20, 2022 at 5:53 p.m.) attached hereto as **Exhibit B**.  
22

23 7. Judge Kishner was informed by Euphoria and E&T that Ms. Taracki is not a party to  
24 the case and was no longer affiliated with E&T. See January 4, 2022 Hearing Transcript, page 25  
25 (Exchange between Nicole Lovelock as attorney for Euphoria) and page 32-44 (Exchange between  
26 Mitchell Stipp as attorney for E&T); see also Opposition to Motion for Discovery Sanctions and  
27 Countermotion for Related Relief (electronically filed in district court on December 10, 2021) (page  
28

11) and Reply in Support of Euphoria Wellness, LLC’s Motion for Discovery Sanctions and Opposition to Countermotion (electronically filed on December 15, 2021 at 4:42 pm) (page 3, lines 16-22). Further, counsel for E&T advised Judge Kishner at the hearing on January 4, 2022 that he could not agree to produce Ms. Taracki at the evidentiary hearing. In response, Judge Kishner responded angrily as follows:

THE COURT: *Oh. Counsel. Counsel. You’re being ordered to. Let me be clear. Kristin Taracki is being ordered. She needs to appear at the evidentiary hearing. That is a Court order, okay.*

Because she signed -- she signed interrogatory responses. I need to hear from her. Anybody else you wish to provide is going to be your option, *but she is ordered by the Court to be present at the evidentiary hearing. Okay.*

See January 4, 2022 Hearing Transcript, page 124-125 (emphasis added).

8. E&T explained again to Judge Kishner in its opposition to the motion for instructions and countermotion (electronically filed in the district court on January 14, 2022 at 2:48 pm) the circumstances under which Ms. Taracki signed her declaration and Mr. Kennedy’s acquisition of her interests in E&T. Id. at 3 (FN 3). A copy of the filing is attached hereto as E.

9. The term “impartial” is defined in Part VI of the Nevada Code of Judicial Conduct and “means the absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintenance of an open mind in considering issues that may come before a judge. See Canons 1, 2, and 4, and Rules 1.2, 2.2, 2.10, 2.11, 2.13, 3.1, 3.12, 3.13, 4.1, and 4.2.”

10. Rule 2.11 of Nevada Code of Judicial Conduct requires disqualification “whenever the judge’s impartiality *might be reasonably questioned*, regardless of whether any of the specific provisions of paragraphs (A)(1) through (6) [of Rule 2.11] apply.” See Comment 1, to Rule 2.11 of Nevada Code of Judicial Conduct.

1           11.       The U.S. Supreme Court in Rippo v. Baker (Rippo IV), 580 U.S. —, 137 S.Ct. 905,  
2 197 L.Ed.2d 167 (2017), determined that the legal standard for disqualification is not whether  
3 allegations demonstrate actual bias but rather "whether, considering all the circumstances alleged, the  
4 risk of bias was too high to be constitutionally tolerable." Id. at —, 137 S.Ct. at 906-07.

5           12.       Here, if E&T does not produce Ms. Taracki for the evidentiary hearing, the court is  
6 likely to impose case ending sanctions (which violates E&T right to due process).

7           13.       "[A] district judge lacks jurisdiction to order anyone to appear without cause and  
8 without reasonable notice, **or outside the ordinary process of the court.**" See Cunningham v. District  
9 Court, 102 Nev. 551, 729 P.2d 1328 (1986) (emphasis added). According to the Nevada Supreme  
10 Court in Cunningham, "[s]uch orders, entered without jurisdiction, constitute **an abuse of judicial**  
11 **power.**" Id. at 560 (emphasis added). The district court does not have personal jurisdiction over Ms.  
12 Taracki as a non-party to the case before it. Ms. Taracki also has not been served with a subpoena to  
13 appear. Personal jurisdiction is based on conduct that subjects an out-of-state party "to the power of  
14 the [Nevada] court to adjudicate its rights and obligations in a legal dispute, sometimes arising out of  
15 that very conduct." See Quinn v. Eighth Judicial Dist. Court of Nev., 410 P.3d 984 (Nev. 2018) (citing  
16 to Phillips Petroleum Co. v. OKC Ltd. P'ship, 634 S.2d 1186, 1187-88 (La 1984) and NRS 14.065(1)  
17 and (2)). Subpoena power "is based on the power and authority of the court to compel the attendance  
18 of at a [deposition, hearing or trial] of [a non-party] in a legal dispute between other parties." Id.  
19 (quoting Phillips, 634 So.2d at 1188). Here, Ms. Taracki is not subject to personal jurisdiction of the  
20 district court. Further, the district court's subpoena power over non-parties does not extend beyond  
21 the state lines of Nevada. Id. (citing to NRCp 45(b)(2)). Upon information and belief, Ms. Taracki  
22 lives out-of-state. According to Nicole Lovelock who represents Euphoria, she lives in Tennessee.

23           14.       E&T has filed a petition for a writ before the Nevada Supreme Court and provided  
24 notice to Judge Kishner of the same. See Notice of Petition for Writ to Nevada Supreme Court  
25 (electronically filed in district court on January 25, 2022); see also Notice of Petition for Writ to Nevada  
26  
27  
28

1 Supreme Court as Filed and Accepted (electronically filed in district court on January 26, 2022 at 10:40  
2 a.m.).

3 15. E&T asked Judge Kushner on an emergency basis to stay the evidentiary hearing. See  
4 Plaintiff's Emergency Motion for Stay of Evidentiary Hearing on Discovery Sanctions and Application  
5 for Order Shortening Time (electronically filed in the district court on January 26, 2022 at 6:36 pm).

6 16. Judge Kushner has refused to consider the request for a stay based on procedural  
7 grounds. See Minutes attached hereto as **Exhibit D**; but see Plaintiff's Emergency Motion for Stay of  
8 Evidentiary Hearing on Discovery Sanctions and Application for Order Shortening Time  
9 [Conforming Filing] pending in Odyssey attached hereto as **Exhibit E**.

10 17. Judge Kushner has the inherent power to vacate or modify its order at any time. See  
11 Warden v. Peters, 83 Nev. 298, 429 P.2d 549 (1967); see also Pengilly v. Rancho Santa Fe  
12 Homeowners, 116 Nev. 646, 650, 5 P.3d 569, 571 (2000) (the district court retains jurisdiction over an  
13 order that is being challenged in appellate courts by way of a writ petition).

14 18. Judge Kushner has closed her mind to the facts and law before her. The subject order is  
15 an abuse of judicial power. The subject order is void for a lack of jurisdiction. Judge Kisher has notice  
16 of the facts and law. The decision to close her mind to the evidence and violate the due process rights  
17 of E&T (and Ms. Taracki who is not a party to the case) suggests actual bias or confirms the risk of  
18 bias is too high to be permissible under basic principles of due process (including the right to a fair  
19 trial).

20 19. I submit the above-titled declaration in support of the request for disqualification. I have  
21 personal knowledge of the facts contained in this filing unless otherwise qualified by information and  
22 belief or such knowledge is based on the record in this case, and I am competent to testify thereto, and  
23 such facts are true and accurate to the best of my knowledge and belief.  
24  
25  
26  
27  
28

Dated this 2nd day of February, 2022

Signed: /s/ Mitchell Stipp, Esq.



EXHIBIT “F”

EXHIBIT “F”

A-19-796919-B

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**February 01, 2022**

---

A-19-796919-B      E&T Ventures LLC, Plaintiff(s)  
vs.  
Euphoria Wellness LLC, Defendant(s)

---

**February 01, 2022      3:00 AM      Minute Order**

**HEARD BY:** Kishner, Joanna S.

**COURTROOM:** Chambers

**COURT CLERK:** Louisa Garcia

**JOURNAL ENTRIES**

- A document entitled Plaintiff's Emergency Motion for Stay of Evidentiary hearing on Discovery Sanctions and Application for Order Shortening Time was improperly filed on January 26, 2022, at 6:36 p.m. Given the proposed Order was not filed in accordance with the rules, on January 27, 2022, at 11:47 a.m., a document entitled "Clerk's Notice of Nonconforming Document filed" was filed by the Clerk's Office and served informing counsel for E & T Ventures that the Document filed included a Court Order that did not contain the signature of a judicial officer. Counsel did not submit a proposed Order that conformed with the rules to the Department. Instead, the previously file-stamped unsigned Order that was non-conforming was transferred to the Department and appeared in the "Order in the Court" App. As the Clerk's Office had already noted when it sent the Clerk's Notice of Nonconforming Document the prior day, the Proposed Order did not comply with the rules.

Counsel did not file any alternative proposed Order for the Court to review. As a result, the Court independently reviewed the Order the following day, the morning of January 28, 2022, to provide counsel the opportunity to submit a conforming Order in the interim. As counsel did not submit a new compliant proposed Order, the Court reviewed the proposed Order that was submitted to the App to determine if it could be signed in accordance with the rules. As the Order already had the date and time file stamp on the caption page, and did not comply with the rules, the Court could not sign or file the proposed Order. Therefore, consistent with the provisions of the rules and in accordance with the parameters of the Order in the Court App, the Court returned the Order via the App's "Return button" the morning of January 28, 2022, and provided an explanation that: This is an incorrect submission of a proposed order as it has a file stamp already on it and cannot be processed in this form.

PRINT DATE: 02/01/2022

Page 1 of 2

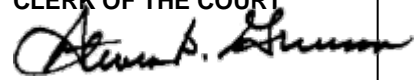
Minutes Date: February 01, 2022

There was no subsequent proposed Order Shortening Time submitted for review and consideration; and thus, the Court could not make any ruling. As the rules provide, if any counsel or party wishes the Court to rule on any Order Shortening Time Request, then counsel or the party must submit a proposed Order that is compliant with the rules for the Court's consideration.

CLERK S NOTE: This Minute Order has been electronically served to all registered parties for Odyssey File & Serve.

EXHIBIT “G”

EXHIBIT “G”



**MOT**

Nicole E. Lovelock, Esq.  
Nevada State Bar No. 11187

Justin C. Jones, Esq.  
Nevada State Bar No. 8519

Georlen K Spangler, Esq.  
Nevada State Bar No. 3818

**JONES LOVELOCK**

6600 Amelia Earhart Ct., Suite C  
Las Vegas, Nevada 89119

Telephone: (702) 805-8450

Fax: (702) 805-8451

Email: [nlovelock@joneslovelock.com](mailto:nlovelock@joneslovelock.com)

Email: [jjones@joneslovelock.com](mailto:jjones@joneslovelock.com)

Email: [jspangler@joneslovelock.com](mailto:jspangler@joneslovelock.com)

*Attorneys for Euphoria Wellness, LLC*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

E&T VENTURES, LLC, a Nevada limited  
liability company,

Plaintiff,

v.

EUPHORIA WELLNESS, LLC, a Nevada  
limited liability company; DOE Individuals I-  
X, inclusive; and ROE ENTITIES 1-10,  
inclusive;

Defendants.

EUPHORIA WELLNESS, LLC, a Nevada  
limited liability company,

Counterclaimant,

v.

E&T VENTURES, LLC, a Nevada limited  
liability company;

Counter-Defendant.

EUPHORIA WELLNESS, LLC, a Nevada  
limited liability company,

Third- Party Plaintiff,

v.

MIRAL CONSULTING, LLC, a Nevada

CASE NO.: A-19-796919-B  
DEPT. NO.: XXXI

**(HEARING REQUESTED)**

**MOTION FOR DISCOVERY SANCTIONS  
AGAINST E&T VENTURES, LLC,  
MIRAL CONSULTING, LLC, HAPPY  
CAMPERS, LLC, AND CBD SUPPLY CO,  
LLC**

**JONES LOVELOCK**  
6600 Amelia Earhart Ct., Suite C  
Las Vegas, Nevada 89119

limited liability company; HAPPY CAMPERS, LLC, a Nevada limited liability company; CBD SUPPLY CO, LLC, a Nevada limited liability company; DOE Individuals I-X, inclusive; and ROE ENTITIES 1-10, inclusive;

Third-Party Defendants.

Defendant/Counterclaimant/Third-Party Plaintiff Euphoria Wellness, LLC (“Euphoria” or “Defendant”), by and through its attorneys of record, the law firm of Jones Lovelock, hereby submits this Motion for Discovery Sanctions (the “Motion”) against E&T Ventures, LLC (“E&T”), Miral Consulting, LLC (“Miral”), Happy Campers, LLC (“Happy Campers”)(collectively “E&T Parties”).<sup>1</sup>

This Motion is made and based on the below Memorandum of Points and Authorities, the Declaration of Marta D. Kurshumova, Esq. (“Kurshumova Declaration”) attached to the Appendix as **Exhibit A**, the exhibits attached hereto, the papers and pleading on file herein, and any oral argument this Court may allow.

DATED this 24<sup>th</sup> day of November 2021.

**JONES LOVELOCK**

By: /s/ Justin C. Jones

Nicole E. Lovelock, Esq. (11187)  
Justin C. Jones, Esq. (8519)  
Georlen K Spangler, Esq. (3818)  
6600 Amelia Earhart Ct., Suite C  
Las Vegas, Nevada 89119

*Attorneys for Euphoria Wellness, LLC*

<sup>1</sup> On November 23, 2021, Euphoria submitted to Chambers an Omnibus Motion for Discovery Sanctions seeking an order shortening time for hearing the Omnibus Motion. The Omnibus Motion addressed two separate discovery issues, including the E&T Parties’ failure to comply with this Court’s August 6, 2021 Order and E&T Parties’ failure to produce a privilege log in this matter. Based upon the Court’s response that there is “no support for an omnibus motion,” Euphoria has separated out the two concerns into two separate motions for the Court’s consideration. Due to the impending Thanksgiving holiday, Euphoria will separately submit a request for hearing this Motion on shortened time.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION.**

“Orders are not suggestions or recommendations, they are directives with which compliance is mandatory.”<sup>2</sup> Here, the E&T Parties<sup>3</sup> have disregarded that mandate by knowingly and willfully violating this Court’s Order<sup>4</sup> compelling them to supplement their responses to Euphoria’s First Set of Interrogatories (“Interrogatories”) and First Set of Requests for Production of Documents (“Requests for Production”) (collectively, “Discovery Requests”). Despite this Court’s admonishment and despite Euphoria’s attempts to communicate and confer, the E&T Parties have failed to provide truthful or substantive supplemental responses to discovery requests, failed to turn over documents, and failed to cooperate in the discovery process. Not only does the E&T Parties’ violation of the Court’s Order warrant immediate sanctions, but so does the E&T Parties’ overall continuous disregard for their discovery obligations.

Accordingly, and as further detailed below, dispositive sanctions against the E&T Parties are proper pursuant to NRCP 37, EDCR 7.60, and/or the Court’s inherent authority. More specifically, Euphoria respectfully requests that the E&T Parties’ pleadings be stricken in their entirety pursuant to NRCP 37(b)(1)(C). Alternatively, should the Court not be inclined to award dispositive sanctions at this time, Euphoria seeks an evidentiary hearing be set and the E&T Parties be ordered to appear in person at the evidentiary hearing to, *inter alia*, show cause why dispositive sanctions should not issue and/or the E&T Parties should not be held in contempt of court for violations of the Court’s orders and be subject to sanction under NRCP 37. An evidentiary hearing would provide the E&T Parties one final opportunity to explain their willful violations, the failure of which would confirm that dispositive sanctions are appropriate and warranted.

---

<sup>2</sup> *Lewis v. Caesars Entm’t Corp.*, No. 216CV02787JADNJK, 2019 WL 1571281, at \*4 (D. Nev. Apr. 11, 2019) (citing *Chapman v. Pacific Tel. & Tel. Co.*, 613 F.2d 193, 197 (9th Cir. 1979); *Weddell v. Stewart*, 261 P.3d 1080, 1085 & n.9 (Nev. 2011)).

<sup>3</sup> E&T Ventures, LLC (“E&T”), Miral Consulting, LLC (“Miral Consulting”), Happy Campers, LLC (“Happy Campers”), and CBD Supply Co, LLC (“CBD Supply”) (collectively “E&T Parties”).

<sup>4</sup> **Exhibit B** to the Appendix is a copy of the Notice of Entry of Order: (1) Compelling Joseph Kennedy to Appear for a Deposition; (2) Compelling Nye Natural Medicinal Solutions, LLC and Valjo, Inc. to Answer Deposition Questions; and (3) Compelling E&T Ventures LLC, Miral Consulting, LLC, Happy Campers, LLC, and CBD Supply Co, LLC to Supplement Discovery Responses Entered on October 18, 2021.

1 Euphoria further requests that the Court find that each of the E&T Parties' principals, namely  
2 Alexander Taracki ("Alex"), Kristin Taracki ("Kristin"), Miroslav Taracki ("Miro"), and Joseph  
3 Kennedy ("Kennedy"), are deemed alter-egos of the respective named party. The E&T Parties'  
4 current actions have confirmed that their principals are alter-egos of those entities. Indeed, either:  
5 (i) the responses are accurate and none of the E&T Parties adhered to corporate formalities; or, (ii)  
6 the E&T Parties failed to adhere to a Court order to provide such information to Euphoria. Under  
7 either scenario, the Court should find that the E&T Parties and their respective principals are alter-  
8 egos and that these parties flagrantly disobeyed a direct order of the Court, which warrants severe  
9 sanctions, and also give Euphoria an opportunity to amend its Answer, Crossclaims and  
10 Counterclaims to name the additional individuals as parties.

11 Because of the difficulty in locating Kristin and Alex for the purpose of service of process  
12 and subpoena to attend and testify at depositions, Euphoria respectfully requests this Court allow  
13 Euphoria to serve Alex and Kristin with subpoenas to appear at a deposition by service upon the Law  
14 Office of Mitchell Stipp. Finally, Euphoria requests that the E&T Parties be ordered to pay  
15 Euphoria's reasonable expenses, including attorney's fees, incurred in connection with bringing the  
16 instant Motion and efforts to obtain the outstanding discovery at issue.

17 **II. THE E&T PARTIES DISOBEYED A DIRECT ORDER FROM THIS COURT.**

18 The E&T Parties' court-ordered First Supplemental Responses and Objections to Requests  
19 for the Production of Documents and Interrogatories<sup>5</sup> ("E&T Parties' Court Ordered Discovery  
20 Responses") were wholly insufficient and have prejudiced Euphoria in its ability to obtain discovery  
21 and litigate this case on the merits. Prior to Euphoria's Motion to Compel Responses to Discovery  
22 Requests and for Sanctions ("Motion to Compel"), E&T's counsel, Mitchell Stipp, Esq. ("Mr.

---

23  
24  
25 <sup>5</sup> **Exhibit C** to the Appendix is a copy of E&T's First Supplemental Responses and Objections to Requests for the  
26 Production of Documents and Interrogatories, electronically served on October 25, 2021; **Exhibit D** to the Appendix is  
27 a copy of Miral Consulting's First Supplemental Responses and Objections to Requests for the Production of Documents  
28 and Interrogatories, electronically served on October 25, 2021; **Exhibit E** to the Appendix is a copy of Happy Campers'  
First Supplemental Responses and Objections to Requests for the Production of Documents and Interrogatories,  
electronically served on October 25, 2021; **Exhibit F** to the Appendix is a copy of CBD Supply's First Supplemental  
Responses and Objections to Requests for the Production of Documents and Interrogatories, electronically served on  
October 25, 2021.



Stipp”), represented that he had boxes of documents belonging to E&T.<sup>6</sup> Yet, E&T produced only 111 pages, all of which had been previously disclosed, and the Third-Party Defendants produced *no* documents. This willfully inadequate document production and the E&T Parties’ insufficient responses to Euphoria’s Discovery Requests forced Euphoria to file the Motion to Compel. Even after this Court’s direct order, the E&T Parties refuse to disclose relevant information by providing evasive responses and disclosing only ninety-six (96) new pages of self-serving documents.

**A. This Court Ordered The E&T Parties to Produce Documents in Response to Euphoria’s Requests for Production.**

The Court’s Order required that the E&T Parties fully respond to each discovery request set forth in the Motion to Compel within twenty (21) days of the notice of entry of the Order.<sup>7</sup> At a subsequent hearing on Euphoria’s Motion to Extend Discovery Deadlines, Mr. Stipp represented to the Court that the production would be made on or about October 25, 2021. What Mr. Stipp did not disclose to the Court was that the production would consist of only a few newly-disclosed documents. Based on Mr. Stipp’s representation that a substantial production would be forthcoming, the Court made a ruling as to the expert deadline.

There can be no dispute that the E&T Parties wholly failed to produce responsive documents and have disobeyed a direct order from the Court. Below is a chart that summarizes the deficient responses to each category:

| CATEGORY OF DOCUMENTS  | E&T  | Miral Consulting, CBD Supply, and Happy Campers |
|--|--|---|
| <b>Category 1:</b> The E&T Parties’ ownership, operations, and financial documents     | Produced some new documents within the newly disclosed 96 pages. | Produced nothing.                               |
| <b>Category 2:</b> The Department of Taxation’s investigations, audits, and complaints | Produced nothing.  | Produced nothing.                               |
| <b>Category 3:</b> The E&T Parties’ documents and                                      | Produced some new documents within the newly disclosed 96 pages. | Produced nothing.                               |

<sup>6</sup> Exhibit G to the Appendix is a true and correct copy of the e-mail communication from Mr. Stipp to Ms. Kurshumova on March 24, 2021.

<sup>7</sup> Ex. B, Order.

|   |  |                   |
|---|--|-------------------|
| information relating to Euphoria  |  |                   |
| <b>Category 4:</b> The E&T Parties' documents and information relating to the equipment                             | Produced some new documents within the newly disclosed 96 pages. | Produced nothing. |
| <b>Category 5:</b> E&T's documents and information relating to product test results and the variances               | Produced nothing.  | Produced nothing. |
| <b>Category 6:</b> E&T's documents and information relating to third parties  | Produced some new documents within the newly disclosed 96 pages. | Produced nothing. |
| <b>Category 7:</b> The Third-Party Defendants' documents and information relating to the parties in this litigation | Produced a single email.   | Produced nothing. |
| Requests related to Exhibit 1 and Kristin Ehasz's Declaration   | Produced some new documents within the newly disclosed 96 pages. | Produced nothing. |

The lack of any documentation about the most basic aspects of a business, such as organizational and financial documents, let alone documents relating to a major investigation by the State of Nevada, defies belief. Specifically, E&T expects Euphoria and the Court to believe the following:

- A company that obtained licenses to work in the highly regulated marijuana field and had numerous paid employees has no paper or electronic trail. According to E&T, it has no corporate documents, no tax documents, no tax returns, no QuickBooks records, no financial books or records (but by some means possesses a self-serving profit and loss statement), **nothing except the limited material that E&T deemed helpful to itself in the litigation.**
- A company that was issued a notice of default under a contract and was asked to explain the subject of the default had no documents related to the asserted default or its response to the notice of default. According to E&T, it has no internal emails, no correspondence with its employees or principals, **nothing except the limited material that E&T deemed may be helpful to itself in the litigation.**
- A company that was accused by its employee of tampering with test results, subjecting the company to investigation by the Department of Taxation had no documents related to the complaint or the investigation. According to E&T, it has no internal emails, no correspondence with its employees or principals, **E&T deemed may be helpful to itself in the litigation.**

This is just a sample of the absurdity of E&T's position that no responsive documents exist to the thirty-three (33) document requests propounded by Euphoria and to which E&T Parties were ordered

1 to respond. The E&T Parties' Court Ordered Discovery Responses are untruthful on their face.<sup>8</sup>  
2 E&T chose to disobey a Court order and only produce 96 pages of documents that it believed would  
3 help its case.

4 Miral Consulting, CBD Supply, and Happy Campers took a similar approach and have chosen  
5 to produce no documents in this litigation even after this Court ordered them to do so. There is  
6 evidence to prove that each of these companies operated—meaning there should be some emails,  
7 correspondence, and financials. For instance, in a declaration to support a preliminary injunction,  
8 E&T produced invoices for equipment related to Miral Consulting, CBD Supply, and Happy  
9 Campers.<sup>9</sup> Kennedy further testified as Valjo Inc.'s designated witness, under oath, that Valjo, Inc.  
10 gave \$300,000 to Happy Campers on behalf of Kristin Ehasz and Alexander Taracki.<sup>10</sup> Moreover,  
11 Miral Consulting had an email address with the domain miralconsulting.com, which its principals  
12 used in their communication with Euphoria, thus demonstrating that emails relevant to this litigation  
13 do exist.<sup>11</sup> Yet, now, these parties claim that there are no communications, financial information, or  
14 records for any of those entities. Very simply, these representations are untruthful and the E&T  
15 Parties' decision to misrepresent facts and not produce documents is sanctionable.

16 **B. The E&T Parties Knowingly and Intentionally Verified Incorrect Information.**

17 The majority of the E&T Parties' Court Ordered Discovery Responses to Interrogatories are  
18 evasive, but more importantly, they are also inconsistent with the record and the E&T Parties should  
19 not be allowed to benefit from such deliberately disingenuous responses. Here are just a few  
20 \_\_\_\_\_

21 <sup>8</sup> The list of untruthful statements is so numerous that it is overwhelming to go over each and every misstatement. For  
22 instance, E&T provides there are no documents related to ACC Enterprises LLC ("ACC"). *See* Ex. C, E&T's Court  
23 Ordered Response to RFP No. 24. E&T also claims to have no relationship with ACC Enterprises. *See Id.*, Response to  
24 Interrogatory No. 16. Yet, ACC has filed suit against Euphoria based upon the actions of E&T and in doing so has  
25 produced emails and invoices between E&T and ACC Enterprises, LLC. *See generally ACC Enterprises LLC v.*  
*Euphoria Wellness, LLC*, Case No. CV 20-0402. In essence, E&T claims to have no records of an entity with which  
26 E&T used to do business and which provided E&T a highly regulated raw material.

27 <sup>9</sup> The Ehasz Declaration was included in the Appendix in Support of Supplemental Motion for Preliminary Injunction  
28 on Order Shortening time that was filed on July 9, 2019.

<sup>10</sup> Valjo Transcript at 41:12-25, 42:1-11. **Exhibit H** to the Appendix is a copy of the Transcript of Deposition of Valjo,  
Inc., which took place on April 16, 2021. Mr. Kennedy also testified to the same at his November 19, 2021 deposition,  
though the transcript is not yet available.

<sup>11</sup> Ex. A, Kurshumova Decl. Specifically, while E&T was managing and operating the production facility and when  
communicating with Euphoria regarding the variances and subsequent investigation and termination, Kristin on multiple  
occasions used [kristin@miralconsulting.com](mailto:kristin@miralconsulting.com) and listed Miral Consulting in the signature block.

examples of the misrepresentations:

**1. Kristin Taracki Verified the Incorrect Address for Alex Taracki and Herself, Further Preventing Service of Process.**

Euphoria has been attempting to serve Kristin and Alex with service of process<sup>12</sup> for approximately one month. Euphoria has also been attempting to notice their deposition in the instant litigation because Mr. Stipp has refused to accept service on their behalf. Therefore, it was of utmost importance that E&T provide Kristin's and Alex's current address in response to Interrogatory No. 1. Euphoria was dismayed (but not surprised) that not only did E&T provide the wrong address but that Kristin signed a declaration under penalty of perjury verifying the accuracy of that address.<sup>13</sup> Specifically, Kristin verified that her and Alex's current address is 2244 Summerwind Circle, Henderson 89053 ("Property"). ***However, this is not Alex and Kristin's current address and has not been their address for at least 10 months.*** Per the Clark County Assessor Office's Records, they sold the Property on or about December 23, 2020.<sup>14</sup> Nonetheless, immediately after receiving E&T's Court Ordered Discovery Responses, on October 28, 2021, Euphoria's process server went to that address and confirmed that Kristin and Alex do not live at that address.<sup>15</sup>

The inquiry does not end with the issue of Alex and Kristin's address. More troublingly, either (1) Kristin intentionally provided the wrong address to evade service and counsel for E&T sanctioned that material misrepresentation; or, alternatively, (2) counsel for E&T listed the wrong address and e-signed the declaration on his client's behalf without Kristin having reviewed the information.

On November 2, 2021, counsel for Euphoria specifically asked Mr. Stipp if the signature on

---

<sup>12</sup> *ACC Enterprises LLC v. Euphoria Wellness, LLC*, Case No. CV 20-0402. To add insult to injury, Euphoria previously attempted to serve the Tarackis at the address they had listed on the Sale Deed for the Property (19 Brentmead Cove, Jackson, TN 38305). However, the residents of the property located at 19 Brentmead Cove, Jackson, TN 38305 confirmed the Tarackis did not live there. And neither could the Tarackis be served at their purported work address in Tennessee. Thus, to date, not only does their current address remain unknown but also E&T's Supplemental Responses contain incorrect information.

<sup>13</sup> Kristin e-signed the declaration on October 25, 2021.

<sup>14</sup> **Exhibit I** to the Appendix is a copy of the Grant, Bargain, Sale Deed and PDF showing parcel No. and Parcel Ownership History.

<sup>15</sup> **Exhibit J** to the Appendix is a copy of the Affidavits of Attempted Service, executed on October 27, 2021.

1 the declaration was in fact Kristin’s and if she had reviewed the responses.<sup>16</sup> Mr. Stipp responded  
2 he had no obligation to disclose whether Kristin verified the Court Ordered Discovery Responses  
3 and that Euphoria simply had to rely on the existence of the signature.<sup>17</sup> Per Nevada’s Rules of  
4 Professional Conduct, an attorney must be fair to opposing counsel and opposing parties and not “fail  
5 to make reasonably diligent effort to comply with a legally proper discovery request by an opposing  
6 party,”<sup>18</sup> “obstruct another party’s access to evidence,”<sup>19</sup> or “assist a witness to testify falsely.”<sup>20</sup>  
7 Yet, here, Mr. Stipp told Euphoria to subpoena Kristin to answer those questions and still produced  
8 the incorrect address in the Court Ordered Discovery Responses. Since then, E&T’s counsel has  
9 largely ignored Euphoria’s e-mail communications requesting Alex and Kristin’s current address.<sup>21</sup>  
10 The blatant misrepresentation of something as simple as a current address for E&T’s principals shows  
11 the willfulness of the E&T Parties’ litigation tactics.<sup>22</sup>

12 Because of the difficulty in locating Kristin and Alex for the purpose of service of process  
13 and subpoena to attend and testify at depositions, Euphoria respectfully requests this Court allow  
14 Euphoria to serve Alex and Kristin with subpoenas to appear at a deposition by service upon Law  
15 Office of Mitchell Stipp.

16 **2. The E&T Parties Misrepresented They Do Not Have Any Relationships**  
17 **with the Other Parties and Certain Non-Parties.**

18 According to the E&T Parties’ discovery responses, none of them have any relationships with  
19 the other parties in this litigation and with certain non-parties.<sup>23</sup> Their responses also state that they  
20  
21

---

22 <sup>16</sup> Ex. A, Kurshumova Decl.

23 <sup>17</sup> Ex. A, Kurshumova Decl.

<sup>18</sup> NRPC 3.4(d).

<sup>19</sup> NRPC 3.4(a).

<sup>20</sup> NRPC 3.4(b).

<sup>21</sup> **Exhibit K** to the Appendix is a true and correct copy of the e-mail communications between Ms. Kurshumova, Ms. Lovelock, and Mr. Stipp regarding the current address of the E&T principals between November 3, 2021 and November 15, 2021.

<sup>22</sup> Mr. Stipp played a similar game with Joe Kennedy, refusing to accept service on his behalf because he said he did not represent Mr. Kennedy individually.

<sup>23</sup> See Ex. C, E&T’s Court Ordered Response to Interrogatory No. 16; Ex. D, Miral Consulting’s Court Ordered Responses to Interrogatory Nos. 9-12; Ex. E, Happy Campers’ Court Ordered Responses to Interrogatories Nos. 9-12; Ex. F, CBD Supply’s Court Ordered Responses to Interrogatories Nos. 9-12.

1 have not identified any documents relating to those parties or non-parties.<sup>24</sup> However, those  
2 responses are inconsistent with the record.

3 For example, E&T claims that it has not identified any documents regarding communications  
4 with Kennedy, a principal of Happy Campers, Nye Natural Medicinal Solutions, LLC (“Nye  
5 Natural”), and Valjo, Inc. (“Valjo”), relating to this litigation.<sup>25</sup> Yet, on or about June 27, 2019,  
6 Kennedy attended a hearing on E&T’s Motion for Preliminary Injunction where E&T conveyed to  
7 this Court that the situation required immediate and emergency relief because E&T had a contract  
8 with Nye Natural and needed the equipment to perform the contract. And on July 28, 2019, Kennedy  
9 and the principals of E&T appeared at Euphoria’s Production Facility with police officers, waving  
10 an order executed by the Honorable Judge Delaney in a different case, and demanded access to the  
11 Production Facility to obtain all equipment and supplies located inside.<sup>26</sup> Therefore, the claim that  
12 E&T has no record of any communications or documents regarding third parties, including Kennedy,  
13 is not consistent with the record.

14 Further, in its Court Ordered Discovery Responses to Interrogatories, Happy Campers stated  
15 it was previously dissolved.<sup>27</sup> Kennedy signed a declaration to verify that response.<sup>28</sup> Yet, per the  
16 Nevada Secretary of State, Happy Campers was revived on July 29, 2021, approximately three  
17 months before the supplemental interrogatory response.<sup>29</sup> During Kennedy’s deposition on  
18 November 19, 2021, Kennedy confirmed his knowledge that Happy Campers was indeed revived  
19 and currently active,<sup>30</sup> in direct contradiction of his supplemental response to Euphoria’s  
20 interrogatory.

---

21  
22 <sup>24</sup> See Ex. C, E&T’s Court Ordered Response to RFP No. 23, 24, 27-33; Ex. D, Miral Consulting’s Court Ordered  
23 Responses to RFP Nos. 15-22; Ex. E, Happy Campers’ Court Ordered Responses to RFP Nos. 14-22; Ex. F, CBD  
Supply’s Court Ordered Responses to RFP Nos. 14-22.

24 <sup>25</sup> Ex. C, E&T’s Court Ordered Response to RFP No. 28.

25 <sup>26</sup> **Exhibit L** to the Appendix, which is a true and correct copy of the e-mail communications between Nicole E. Lovelock  
and Erika Pike-Turner (July 29-July 30, 2019). Ex. H, Valjo Deposition Transcript at p. 87-88.

26 <sup>27</sup> Ex. E, Happy Campers’ Court Ordered Response to Interrogatory No. 8.

27 <sup>28</sup> Ex. E, Happy Campers’ Court Ordered Responses at p. 28.

28 <sup>29</sup> **Exhibit M** to the Appendix is a copy of Happy Campers’ Certificate of Revival filed on July 29, 2021.

<sup>30</sup> On November 19, 2021, Jones Lovelock took the deposition of Joseph Kennedy in his individual capacity, in his  
capacity as a designated witness for Nye Natural Medicinal Solutions, LLC, and in his capacity as a designated witness  
for Valjo, Inc. Jones Lovelock has requested a copy of the deposition transcripts on an expedited basis and will attach  
them as an exhibit to Euphoria’s reply.

1 Finally, Happy Campers stated through its Court Ordered Discovery Responses that it had no  
2 relationship with E&T.<sup>31</sup> Yet, Kennedy testified as the witness for Valjo on April 16, 2021 that Valjo  
3 loaned \$500,000 to E&T but gave \$300,000 from that loan to Happy Campers instead.<sup>32</sup>

4 As such, not only are the majority of E&T Parties' Court Ordered Discovery Responses  
5 evasive but they also continue to provide information inconsistent with the record. The E&T Parties  
6 have been given multiple opportunities to supplement, clarify, and verify the accuracies of their  
7 responses. That has not happened. Either the E&T Parties are not taking their discovery obligations  
8 seriously or, more likely, they are deliberately obstructing Euphoria's efforts to obtain discovery.  
9 Both necessitate sanctions. Here, the record clearly demonstrates the E&T Parties' noncompliance  
10 is willful, thus sanctions are warranted.

11 **III. LEGAL STANDARD FOR SANCTIONS FOR IMPEDING DISCOVERY.**<sup>33</sup>

12 Previously, this Court entered a clear and unambiguous order compelling disclosure and  
13 discovery within 21 days of notice of entry of the Order.<sup>34</sup> This did not occur.

14 District courts in Nevada may sanction abusive litigation practices through their inherent  
15 powers.<sup>35</sup> The inherent power to sanction is designed "to protect the dignity and decency of its  
16 proceedings and to enforce its decrees, and thus it may issue contempt orders and sanction or dismiss  
17 an action for litigation abuses."<sup>36</sup> Further, district courts have discretion to sanction a party for its  
18 failure to comply with a discovery order under NRCP 37(b),<sup>37</sup> and those sanctions may include any

19  
20 <sup>31</sup> Ex. E, Happy Campers' Court Ordered Response to Interrogatory No. 9.

<sup>32</sup> Ex. H, Valjo Deposition Transcript at 41:2-15.

21 <sup>33</sup> NRCP 37 was amended effective March 1, 2019. See In re Creating a Comm. to Update & Revise the Nev. Rules of  
22 Civil Procedure, ADKT 0522 (Order Amending the Rules of Civil Procedure, the Rules of Appellate Procedure, and the  
Nevada Electronic Filing and Conversion Rules, December 31, 2018). Accordingly, Euphoria cites the latest version of  
the rules herein.

<sup>34</sup> Ex. B, Order.

23 <sup>35</sup> *Ir. Bank v. V.*, 2020 Nev. Dist. LEXIS 132, \*12; *Young v. Johnny Ribeiro Bldg., Inc.*, 106 Nev. 88, 92, 787 P.2d 777,  
779 (1990).

24 <sup>36</sup> *Ir. Bank v. V.*, 2020 Nev. Dist. LEXIS 132, \*12 citing *Halverson v. Hardcastle*, 123 Nev. 245, 261, 163 P.3d 428, 440  
(2007).

25 <sup>37</sup> See also EDCR 7.60:

26 **The court may**, after notice and an opportunity to be heard, **impose** upon an attorney or a party **any**  
**and all sanctions** which may, under the facts of the case, be reasonable, including the imposition  
27 of fines, costs or attorney's fees **when an attorney or a party without just cause:**

28 . . .

(4) Fails or refuses to comply with these rules.

(footnote continued)

the following:

- (A) directing that the matters embraced in the order or other designated facts be taken as established for purposes of the action, as the prevailing party claims;
- (B) prohibiting the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence;
- (C) striking pleadings in whole or in part;
- (D) staying further proceedings until the order is obeyed;
- (E) dismissing the action or proceeding in whole or in part;
- (F) rendering a default judgment against the disobedient party; or
- (G) treating as contempt of court the failure to obey any order except an order to submit to a physical or mental examination.<sup>38</sup>

Generally, sanctions are imposed where there has been willful noncompliance with the court's order,<sup>39</sup> or where the adversary process has been halted by the actions of the unresponsive party.<sup>40</sup> Here, both of these elements have occurred.

In addition, EDCR 7.60(b) authorizes the Court to impose, upon notice and an opportunity to be heard, "any and all sanctions which may, under the facts of the case, be reasonable," including fines, costs or attorney's fees, when a party, without just cause, unreasonably and vexatiously multiplies the proceedings in a case as to increase costs, fails or refuses to comply with these rules, or fails or refuses to comply with any order of a judge of the court.<sup>41</sup>

Further, Nevada courts have "inherent equitable powers to dismiss actions or enter default judgments for . . . abusive litigation practices."<sup>42</sup> This inherent power to sanction is designed "to protect the dignity and decency of its proceedings" and therefore courts "may issue contempt orders and sanction or dismiss an action for litigation abuses."<sup>43</sup>

---

(5) Fails or refuses to comply with any order of a judge of the court.  
(emphasis added).

<sup>38</sup> NRCP 37(b)(1); *Ir. Bank v. V.*, 2020 Nev. Dist. LEXIS 132, \*11-12; *See also, Young v. Johnny Ribeiro Bldg.*, 106 Nev. 88, 787 P.2d 777 (1990); *Bahena v. Goodyear Tire & Rubber Co.*, 126 Nev. 606, 245 P.3d 1182 (2010).

<sup>39</sup> *Fire Ins. Exch. v. Zenith Radio Corp.*, 103 Nev. 648, 651, 747 P.2d 911, 913-14 (1987); *Finkelman v. Clover Jewelers Blvd., Inc.*, 91 Nev. 146, 147, 532 P.2d 608, 609 (1975).

<sup>40</sup> *Skeen v. Valley Bank of Nevada*, 89 Nev. 301, 303, 511 P.2d 1053, 1054 (1973). *See also, Temora Trading Co. v. Perry*, 98 Nev. 229, 645 P.2d 436 (1982); *Kelly Broadcasting v. Sovereign Broadcast*, 96 Nev. 188, 606 P.2d 1089 (1980).

<sup>41</sup> EDCR 7.60(b)(3)–(5).

<sup>42</sup> *Young*, 106 Nev. at 92, 787 P.2d at 779 (citation omitted); *see also Dietz v. Bouldin*, 136 S. Ct. 1885, 1892–93 (2016) (holding that "district courts have the inherent authority to manage their dockets and courtrooms with a view toward the efficient and expedient resolution of cases").

<sup>43</sup> *Halverson v. Hardcastle*, 123 Nev. 245, 261, 163 P.3d 428, 440 (2007).



**IV. THE COURT SHOULD STRIKE THE E&T PARTIES' PLEADINGS.**

Under NRCP 37(b)(1)(C) and (D), this Court can strike the pleadings and render a default judgment against each of the E&T Parties. Specifically, the district court may sanction a party by striking its pleadings under NRCP 37.<sup>44</sup> The Nevada Supreme Court has provided guidance for the Court on the factors to consider before striking a pleading as a sanction:

The factors a court may properly consider include, but are not limited to, the degree of willfulness of the offending party, the extent to which the non-offending party would be prejudiced by a lesser sanction, the severity of the sanction of dismissal relative to the severity of the discovery abuse, whether any evidence has been irreparably lost, the feasibility and fairness of alternative, less severe sanctions, such as an order deeming facts relating to improperly withheld or destroyed evidence to be admitted by the offending party, the policy favoring adjudication on the merits, whether sanctions unfairly operate to penalize a party for the misconduct of his or her attorney, and the need to deter both the parties and future litigants from similar abuses.<sup>45</sup>

Discovery violations such as the failure to appear at a deposition, obey an order compelling discovery, or answer interrogatories leaves the Court with clear discretion to dismiss an action and enter a default judgment.<sup>46</sup> Here, the analysis of the factors, which is discussed *infra*, warrants striking E&T's affirmative claims and the E&T Parties' Answer.

**1. The Court Should Strike E&T's Affirmative Claims and the E&T Parties' Answer.**

**a. The E&T Parties Willfully Disobeyed this Court's Order.**

The E&T Parties were well aware of their discovery obligations and the obligation to comply with the Court's Order. This Court should find that the E&T Parties willfully and intentionally disobeyed that order by concealing documents and information sought by Euphoria with an intent to preclude Euphoria from obtaining discovery relevant to its claims and defenses. As such, the E&T Parties have harmed and unfairly prejudiced Euphoria. Where, as here, discovery abuses are willful, as opposed to accidental or involuntary, courts have found dismissal an appropriate sanction.<sup>47</sup>

---

<sup>44</sup> *Valley Health Sys., LLC v. Estate of Doe*, 427 P.3d 1021, 134 Nev. Adv. Rep. 76 (Nev. 2018). (The Court found that [Plaintiff] willfully violated its disclosure obligation.)

<sup>45</sup> *Young v. Johnny Ribeiro Bldg.*, 106 Nev. 88, 93 (Nev. 1990).

<sup>46</sup> *Riverside Casino Corp. v. J.W. Brewer Co.*, 80 Nev. 153, 390 P.2d 232 (Nev. 1964).

<sup>47</sup> See, e.g., *Picon v. Ryon*, 99 Nev. 801, 802, 671 P.2d 1133, 1134 (1983) (discovery abuses were willful where conduct was "unexplained and unwarranted").

1 Further, the Nevada Supreme Court “has upheld entries of default where litigants are unresponsive  
2 and engage in abusive litigation practices that cause interminable delays.”<sup>48</sup>

3 After being parties to this litigation for *two years*, Miral Consulting, CBD Supply, and Happy  
4 Campers have produced **ZERO** documents. Even after the Court **compelled** Miral Consulting, CBD  
5 Supply, and Happy Campers to produce documents, they still produced **ZERO** documents. This is  
6 willful disobedience warranting terminating sanctions. An unexplained or unjustified failure to  
7 provide discovery that halts the adversarial process will, in all likelihood, constitute willful  
8 noncompliance.<sup>49</sup>

9 Similarly, E&T was compelled to produce documents and subsequently produced only **96**  
10 new pages—feigning that no other financial documents, email communications, or any other related  
11 documents existed. This defies belief as E&T managed and operated Euphoria’s marijuana  
12 Production Facility for almost two years. Yet, during this litigation, E&T’s document production  
13 relating to the contract with Euphoria, the operation of the facility, and the investigations by the State  
14 of Nevada amounts to a total of 622 pages. E&T has produced a total of *three emails*, and even then,  
15 only those that it believes are helpful to its claims (the existence of said e-mails shows  
16 communications do exist). E&T’s production of three self-serving emails, a few self-serving  
17 invoices, and overall failure to produce responsive documents to the majority of Euphoria’s discovery  
18 requests, is a brazen disregard for the Court’s Order. E&T’s willful disobedience warrants  
19 terminating sanctions.

20 Dismissal is encouraged where the district court determines “a party has acted willfully or in  
21 bad faith in failing to comply with rules of discovery or with court orders enforcing the rules.”<sup>50</sup> “[I]t  
22 is clear that a ‘willful’ violation of a court order does not require proof of mental intent such as bad  
23 faith or an improper motive, but rather, it is enough that a party acted deliberately.”<sup>51</sup> In other words,  
24 “‘disobedient conduct not shown to be outside the control of the litigant’ is all that is required to  
25

---

26 <sup>48</sup> *Foster v. Dingwall*, 126 Nev. 56, 65, 227 P.3d 1042, 1048 (2010).

27 <sup>49</sup> *Fire Ins. Exch. V. Zenith Radio Corp.*, 103 Nev. 648, 747 P.2d 911 (Nev. 1987).

<sup>50</sup> *Sigliano v. Mendoza*, 642 F.2d 309, 310 (9th Cir. 1981).

28 <sup>51</sup> *Evon v. L. Offs. of Sidney Mickell*, 688 F.3d 1015, 1035 (9th Cir. 2012).

1 demonstrate willfulness, bad faith, or fault.”<sup>52</sup> Indeed, the United States Supreme Court has upheld  
2 the trial court’s inherent power to dismiss an action for failure to comply with the court’s orders, as  
3 well as for failure to prosecute.<sup>53</sup>

4 “Parties have an obligation to make a reasonable effort to locate all documents and  
5 information necessary to fully respond to discovery. . . . Simply not responding to discovery requests  
6 is not an option.”<sup>54</sup> Here, the E&T Parties simply chose not to meaningfully supplement their  
7 Responses to Euphoria’s Discovery Requests, in direct contravention of the Court’s Order.

8 **b. A Less Severe Sanction Would be Unfair or Prejudicial to**  
9 **Euphoria.**

10 The E&T Parties’ wholesale failure to respond to Euphoria’s Discovery Requests has  
11 obstructed the fact-finding process, interfering with Euphoria’s ability to conduct meaningful  
12 discovery, prepare for and go to trial, and ascertain facts as to the key issue of alter ego. The financial  
13 documents of the E&T Parties were requested almost a year ago. To date, the E&T Parties have yet  
14 to turn over even a single tax return or account to Euphoria. The E&T Parties’ continuing delays and  
15 inexcusable refusal to cooperate in the discovery process have prejudiced, and continue to prejudice,  
16 Euphoria in its efforts to litigate this case on the merits.<sup>55</sup> Accordingly, this factor weighs in favor of  
17 dispositive sanctions.

18 **c. A Less Severe Sanction Would Not Deter E&T and the Third-**  
19 **Party Defendants’ Behavior.**

20 With this Motion, Euphoria seeks several less severe sanctions against E&T and the Third-  
21 Party Defendants. However, the facts demonstrate that a less severe sanction will not be enough to

---

22 <sup>52</sup> *Henry v. Gill Indus., Inc.*, 983 F.2d 943, 948 (9th Cir. 1993) (quoting *Fjelstad v. Am. Honda Motor Co.*, 762 F.2d  
23 1334, 1341 (9th Cir. 1985)).

24 <sup>53</sup> *See, e.g., Link v. Wabash R. Co.*, 370 U.S. 626, 633 (1962) (“[W]hen circumstances make such action appropriate, a  
District Court may dismiss a complaint for failure to prosecute even without affording notice of its intention to do so or  
providing an adversary hearing before acting.”).

25 <sup>54</sup> *United States v. Reeves*, No. 2:12-cv-01916-JAD-GWF, 2013 U.S. Dist. LEXIS 146671, at \*2-3, 112 A.F.T.R.2d  
(RIA) 2013-6359 (D. Nev. Oct. 3, 2013).

26 <sup>55</sup> *See, e.g., Foster*, 126 Nev. at 66, 227 P.3d at 1049 (“Additionally, we conclude that appellants’ continued discovery  
27 abuses and failure to comply with the district court’s first sanction order evidences their willful and recalcitrant disregard  
of the judicial process, which presumably prejudiced Dingwall, Yang, and Chai.”); *see also In re Phenylpropanolamine*  
(*PPA*) *Products*, 460 F.3d 1217, 1236 (9th Cir. 2006) (holding that, with respect to discovery abuses, “[p]rejudice from  
28 unreasonable delay is presumed” and failure to comply with court orders mandating discovery “is sufficient prejudice”).

1 deter E&T and the Third-Party Defendants from abusing the discovery process. The record  
2 demonstrates E&T and the Third-Party Defendants have purposefully avoided their required NRC  
3 16.1 disclosures and discovery obligations. E&T and the Third-Party Defendants' responses to  
4 Euphoria's Interrogatories are at best evasive and at worst, provide no actual responses, not to  
5 mention the fact that E&T directly provided Euphoria with the wrong address for its principals, Alex  
6 and Kristin.

7 In terms of document production, the Third-Party Defendants have literally produced nothing.  
8 As for E&T, it strategically waited until the initial expert disclosure deadline to produce the majority  
9 of its documents, which relate to only a handful of Euphoria's discovery requests. E&T's fervent  
10 position that it has no other responsive documents stands for the irrational representation that E&T  
11 has next to no documents to show for operating and managing a marijuana production facility for  
12 two years except for mostly self-serving invoices and three e-mails.

13 Moreover, E&T's counsel refuses to produce E&T's principals for their noticed depositions  
14 while E&T itself intentionally lists its principals' wrong address and refuses to provide the correct  
15 one. As such, E&T has debilitated Euphoria's efforts to depose the principals. E&T has prevented  
16 Euphoria from obtaining relevant information and documents necessary for its preparation for trial.  
17 This purposeful and willful behavior demonstrates that E&T and the Third-Party Defendants have  
18 no intention of participating in this litigation in good faith. As such, Euphoria doubts that a less  
19 severe sanction would deter E&T and Third-Party Defendants from intentionally impeding  
20 Euphoria's litigation efforts.

21 **d. The Policy Favoring Adjudication on the Merits Does Not Give**  
22 **Refuge to a Willfully Disobedient Party.**

23 Although public policy favors adjudication on the merits, it should not do so to the detriment  
24 of those who play by the rules. E&T and the Third-Party Defendants have shown they are not  
25 interested in playing by the rules unless it is solely to their benefit, and should therefore not be  
26 provided refuge by public policy. Given the need to deter both the parties and future litigants from  
27 similar abuses, namely the intentional disruption of an opposing party's efforts to litigate on the  
28

merits, this Court should strike E&T's affirmative claims and the Third-Party Defendants' defenses.

**e. Those Sanctions Do Not Unfairly Operate to Penalize E&T and Third-Party Defendants for the Misconduct of Their Attorney.**

E&T and Third-Party Defendants are responsible for their decision regarding their counsel and, therefore, bound by their counsel's acts. E&T and Third-Party Defendants were on notice of the possible consequences of their failure to participate in discovery following this Court's order compelling their responses. E&T's principal, Kristin, verified E&T's responses intentionally providing the wrong physical address for her and Alex. As such, it would not be unfair if this Court were to issue the requested sanctions.

**f. The E&T Parties' Overall Actions in this Litigation Warrant Dispositive Sanctions.**

According to the Ninth Circuit, the E&T Parties' overall discovery and litigation conduct should be properly considered.<sup>56</sup> Here, the litigation conduct demonstrates that sanctions are warranted. The E&T Parties' litigation tactics have effectively frustrated every simple matter so as to cause Euphoria to accrue unnecessary fees and potentially force Euphoria into an unfair settlement. Examples of the conduct in question include:

- Forcing Euphoria to file a motion, then after the motion is prepared and filed, changing its position so the motion was unnecessary. This has occurred on no less than two (2) occasions, including Euphoria's Motion to Enter Protective and Confidentiality Order, which E&T's counsel was refusing to sign despite representations to the contrary for a period of four months, and Euphoria's Motion for Protective Order to protect Darlene Purdy's appearance at a deposition until her toddler son was discharged from the hospital.

---

<sup>56</sup> See, e.g., *Adriana Int'l Corp. v. Thoeren*, 913 F.2d 1406, 1411 (9th Cir. 1990) (district court properly considered all of defendant's discovery conduct in ordering default judgment: "In evaluating the propriety of sanctions, we look at all incidents of a party's misconduct."); *Halaco Eng'g Co. v. Costle*, 843 F.2d 376, 381 n.2 (9th Cir. 1988) ("court may indeed consider prior conduct that has already been subject to sanction, when it is weighing a subsequent sanction motion").

- Unilaterally setting depositions and refusing to accommodate schedules, then vacating those depositions late the night before.
- Preventing access to E&T's principals by not providing their current address and by refusing to produce them for their depositions.

**2. Alternatively, Euphoria Respectfully Requests this Court Set an Evidentiary Hearing and Order the E&T Parties to Appear in Person to Show Cause as to Why Dispositive Sanctions Should Not Issue and the E&T Parties Should Not Be Held in Contempt.**

If the Court is not inclined to order the striking of the E&T Parties' pleadings as a discovery sanction, Euphoria respectfully requests an evidentiary hearing. Such a hearing will afford the E&T Parties an opportunity to explain their willful violations of this Court's Order and the rules governing discovery, and establish whether dispositive sanctions are appropriate and warranted.

District courts have both inherent and statutory authority to enforce orders by subsequent contempt proceedings.<sup>57</sup> Pursuant to NRCP 22.010, "[d]isobedience or resistance to any lawful writ, order, rule or process issued by the court or judge at chambers" shall be deemed contempt. NRCP 22.010(3). In addition, for contempt pursuant to subsection (3) of NRCP 22.010, as here, "the court may require the person to pay to the party seeking to enforce the writ, order, rule or process the reasonable expenses, including, without limitation, attorney's fees, incurred by the party as a result of the contempt."<sup>58</sup> The Nevada Supreme Court generally "affords the district court sufficient leeway to exercise its [contempt] power."<sup>59</sup> "The ability to punish disobedience to judicial orders is regarded as essential to ensuring that the Judiciary has a means to vindicate its own authority without complete dependence on other Branches."<sup>60</sup>

---

<sup>57</sup> See *City Council of Reno v. Reno Newspapers, Inc.*, 105 Nev. 886, 784 P.2d 974 (1989); see also *All Minerals Corp. v. Kunkle*, 105 Nev. 835, 784 P.2d 2 (1989). Specifically, NRCP 1.210(3) states that "[e]very Court shall have power . . . [t]o compel obedience to its lawful judgments, orders and process . . ." NRCP 1.210(3).

<sup>58</sup> NRCP 22.100(3); see also NRCP 22.130 ("Proceedings when defendant does not appear; measure of damages in action on undertaking.").

<sup>59</sup> See *In re Claimants*, 118 Nev. 901, 907, 59 P.3d 1226, 1229–30 (2002).

<sup>60</sup> *Young v. U.S. ex rel. Vuitton et Fils S.A.*, 481 U.S. 787, 796, 107 S. Ct. 2124, 2131–32 (1987); see also *Bessette v. W.B. Conkey Co.*, 194 U.S. 324, 333, 24 S. Ct. 665, 668 (1904) (contempt power "has been uniformly held to be necessary

(footnote continued)

1 As set forth above, despite having knowledge of the Court’s Order, the E&T Parties willfully  
2 elected not to comply. The E&T Parties are not entitled to disregard this Court’s orders without  
3 consequence. Accordingly, their conduct is sanctionable under NRS § 22.010(3) and the E&T Parties  
4 should be ordered to pay Euphoria’s attorney’s fees and costs incurred as a result of their contempt,  
5 including the cost of pursuing the instant Motion. NRS § 22.100(3). Finally, if this Court is not  
6 inclined to order the striking of the pleadings as a discovery sanction, the Court should order an  
7 evidentiary hearing.

8 **V. THE COURT SHOULD FIND THAT THE PRINCIPALS ARE ALTER-EGOS OF**  
9 **THE CORPORATE ENTITIES.**

10 This Court has considerable discretion to tailor the sanctions imposed to the misconduct at  
11 issue.<sup>61</sup> The Court should find that based upon the E&T Parties’ Court Ordered Discovery Responses  
12 to Euphoria’s Discovery Requests, the principals of the E&T Parties are alter-egos of those parties.

13 Specifically, the E&T Parties have implied they are judgment-proof by communicating they  
14 are not operational and do not generate income.<sup>62</sup> Indeed, the E&T Parties’ counsel has repeatedly  
15 provided that the E&T Parties are not operational<sup>63</sup> and, therefore, suggesting Euphoria cannot collect  
16 on any judgment entered against them. Yet, the E&T Parties have produced no documents to  
17 evidence their statements. No corporate documents, no bank accounts, next to no financial records,  
18 or anything to show the relationship of the company to the principals—nothing. The E&T Parties  
19 maintain the organizational and financial documents requested by Euphoria are not relevant even  
20 after this Court ruled they were relevant and ordered them to be produced. The E&T Parties have  
21 knowingly provided incorrect information to Euphoria’s counsel which is contradicted by the record

22  
23 to the protection of the court from insults and oppressions while in the ordinary course of its duties, and to enable it to  
enforce its judgments and orders necessary to the due administration of law and the protection of the rights of suitors”).

24 <sup>61</sup> *Young*, 106 Nev. at 93, 787 P.2d at 780; *see also Emerson v. Eighth Judicial Dist. Court*, 127 Nev. 672, 680, 262 P.3d  
224, 229 (2011) (noting broad discretion to sanction “any litigation abuses not specifically proscribed by statute”).

25 <sup>62</sup> Ex. A, Kurshumova Decl.

26 <sup>63</sup> Ex. A, Kurshumova Decl. *See Exhibit N* to the Appendix is a true and correct copy of the e-mail communication  
27 from Mr. Stipp to Ms. Lovelock on November 2, 2021 (“E&T has not operated since Euphoria closed the production  
28 facility. Happy Campers and CBD Supply are also out-of-business.” Ex. N at p. 2); Omnibus Opposition to Applications  
for Order to Show Cause, to Compel Appearance for a Deposition, and for an Award of Attorney’s Fees and Costs and  
Counter-motion for a Protective Order and Related relief filed on August 30, 2021 at 3:2 (“E&T is no longer operating.”);  
Opposition to Motion to Compel Discovery Responses and for Sanctions and Counter-motion for Related Relief filed on  
August 20, 2021 at 2:27 (“E&T is no longer operating.”).

1 and have intentionally prevented Euphoria from obtaining the information necessary to establish  
2 whether the principals of those parties are alter-egos and should be held accountable. To add insult  
3 to injury, Euphoria needs this Court's assistance to depose two of those principals. In other words,  
4 Euphoria is forced to incur significant, unnecessary fees while the E&T Parties do little but drive up  
5 the cost of litigation. The E&T Parties' violation of the Court's Order further evidences their openly  
6 lackadaisical approach to the consequences of this litigation.

7 The E&T Parties' suggestion they are judgment proof and, therefore absolved of  
8 consequences for their gamesmanship in the current litigation, coupled with their refusal to provide  
9 information about their principals' involvement and relation to this litigation, demonstrate a more  
10 sinister motive—shielding the bad actors from potential liability and judgment. This course of action  
11 has successfully prejudiced Euphoria in establishing alter-ego liability and Euphoria will be left  
12 without the ability to recover on any judgment. The evidence cannot be retrieved without the E&T  
13 Parties' cooperation. A remedy must be fashioned to overcome the prejudice that Euphoria has  
14 suffered at Euphoria's hands. The missing evidence goes directly to the issue of whether Kristin,  
15 Alex, Miro, and Kennedy can be liable for the E&T Parties' conduct.

16 Here, either: 1) the responses are accurate and none of the E&T Parties adhered to corporate  
17 formalities; or, alternative, 2) the E&T Parties failed to adhere to a Court order to provide such  
18 information to Euphoria. Under either scenario, the Court should find that the E&T Parties and their  
19 respective principals are alter-egos and that these parties flagrantly disobeyed a direct order of the  
20 Court, which warrants severe sanctions. Based upon the willful disobedience of a discovery order,  
21 the Court should find that: (i) Kristin, Alex, and Miro are alter-egos of E&T; (ii) Kristin and Alex  
22 are alter-egos of Miral Consulting and CBD Supply; (iii) Kristin, Alex, and Joe Kennedy are alter-  
23 egos of Happy Campers; and (iv) E&T, Miral Consulting, CBD Supply, and Happy Campers are all  
24 alter-egos of each other.

25 **A. The Principals of the E&T Parties Had Notice and Knew, or Reasonably Should**  
26 **Have Known, That They Would Be Named as Parties to the Litigation.**

27 On June 18, 2019, E&T filed its Complaint against Euphoria alleging that Euphoria breached  
28



1 the First Amended and Restated Agreement, wrongfully retained equipment and property belonging  
2 to E&T, and intentionally interfered with E&T's prospective economic advantage by converting  
3 E&T's equipment and property.<sup>64</sup> On September 24, 2019, Euphoria filed a crossclaim against E&T  
4 and counterclaims against Miral Consulting, Happy Campers, and CBD Supply, and against Kristin  
5 Alex and Miro, as alter egos, for breaching the Agreement by failing to follow Nevada laws and  
6 regulations, jeopardizing Euphoria's marijuana licenses with the State of Nevada, causing the State  
7 of Nevada to shut down the Production Facility for investigation, and acting together to retain  
8 Euphoria's property.

9 Euphoria has a good faith basis to believe that Kristin, Alex and Miro were alter egos of each  
10 of the E&T Parties. Specifically, on or about June 27, 2019, E&T rushed into Court seeking an order  
11 that Euphoria turn over equipment, supplies, and marijuana to E&T because E&T claimed that it  
12 owned the equipment, supplies, and marijuana. On July 9, 2019, in support of E&T's claim of  
13 ownership, E&T submitted a declaration executed by Kristin Ehasz ("Kristin Ehasz' Declaration").<sup>65</sup>  
14 The Ehasz Declaration provided that E&T owns the equipment at the production facility based upon  
15 certain invoices and receipts that were attached to the declaration.<sup>66</sup> These invoices, which were  
16 offered to prove ownership by E&T, did not make any distinction between Cross-Defendants and  
17 E&T.<sup>67</sup> ***E&T treated the Third-Party Defendants as being E&T and E&T as being the Third-Party***  
18 ***Defendants***. Judge Allf Instructed Euphoria to conduct discovery into the alter-ego elements before  
19 amending its Answer, Counterclaims, and Cross-Claims.

20 While the Honorable Judge Allf dismissed the alter-ego remedy without prejudice, Judge Allf  
21 specifically advised that there needed to be discovery into the alter-ego elements and then Euphoria  
22 could bring back the alter-ego remedy against all E&T Parties, as well as against Kristin, Alex, and  
23 Miro. As to the alter-ego remedy, the Honorable Judge Allf stated:

---

24  
25 <sup>64</sup> See generally E&T's Complaint.

26 <sup>65</sup> The Ehasz Declaration was included in the Appendix in Support of Supplemental Motion for Preliminary Injunction  
on Order Shortening time that was filed on July 9, 2019.

27 <sup>66</sup> *Id.*

28 <sup>67</sup> The Ehasz Declaration was included in the Appendix in Support of Supplemental Motion for Preliminary Injunction  
on Order Shortening time that was filed on July 9, 2019.

1 And the way I normally look at these is that, you know, the piercing the corporate veil  
2 is a statutory remedy and there's case law interpreting it. I usually, because it's a  
3 business court case, **give you the option of either amending the complaint later to**  
**add the piercing the corporate veil causes of action after discovery**, or if you can  
argue that you have the facts now, then -- then we deal with it.<sup>68</sup>

4 Importantly, the Honorable Judge Allf *already* addressed that Euphoria could take discovery into all  
5 the parties to determine whether alter-egos claims and remedies might exist. When the issue of the  
6 E&T Parties potentially playing games in discovery as to alter-ego claims came up, the following  
7 exchanged occurred:

8 **THE COURT:** And I manage -- I manage discovery in the case. It's a business court  
9 case.

10 **MS. LOVELOCK:** Understood, Your Honor.

11 **THE COURT:** And I will make sure that you get the discovery. And I can assure  
12 you Mr. Ciciliano has been on both sides of this one, so -- **so he knows that I'll**  
**enforce your right to obtain discovery.**<sup>69</sup>

13 The Court again acknowledged that Euphoria had the right to complete discovery into its alter-ego  
14 claims when the Honorable Judge Allf stated:

15 **THE COURT:** The individuals. All of the alter ego-defendants are dismissed without  
16 prejudice, **but subject to being brought back in if the discovery** -- if they can make  
a prima facie case.<sup>70</sup>

17 Based upon the foregoing, the E&T Parties knew well that Euphoria was allowed to complete  
18 discovery into the elements of alter ego for the E&T Parties.

19 **B. It Is Judge Allf's Practice to Not Allow Alter-Ego Claims Go Forward Until After**  
20 **the Evidence is Collected and Then Allows Amendments.**

21 During the same hearing, Judge Allf indicated that allowing alter-ego claims from the  
22 inception of the case could create grounds for attorney's fees and costs should those claims be  
23 dismissed later. As such, the better approach would be to assert alter-ego claims after the parties  
24

25 \_\_\_\_\_  
26 <sup>68</sup> See Transcript of hearing on Defendant's Motion to Dismiss Cross-Claim and Counterclaim for Fraud December 5,  
27 2019, at 2:11-19 (emphasis added). **Exhibit O** to the Appendix is a copy of Transcript of hearing on Defendant's Motion  
to Dismiss Cross-Claim and Counterclaim for Fraud December 5, 2019.

28 <sup>69</sup> *Id.* at 8:2-9 (emphasis added).

<sup>70</sup> Ex. O, Transcript of hearing at 12:21-24 (emphasis added).

1 have been able to conduct discovery.

2 **THE COURT:** So let me make the risk clear, then. If I keep them in but later dismiss  
3 them, there may be an issue with attorney's fees.

4 **MS. LOVELOCK:** Based upon notice pleading? I mean, the

5 **THE COURT:** Based upon -- yeah, based upon not having grounds to proceed.

6 **MS. LOVELOCK:** Based upon alter ego.

7 **THE COURT:** If down the road it turns out that -- that the alter ego claims fail, it  
8 could detriment your client.

9 **MS. LOVELOCK:** So the alternative is for them to be dismissed without prejudice  
10 today?

11 **THE COURT:** Exactly.<sup>71</sup>

12 Following Judge Allf's directions and ruling, Euphoria proceeded with discovery before asserting  
13 alter-ego claims.

14 **C. This Court Should Order that the Facts of an Alter-Ego Remedy are Taken as**  
15 **Established and Allow Euphoria to Move to Amend its Crossclaims and**  
16 **Counterclaims.**

17 NRCP 37(b)(1) allows this Court to sanction a party for violating a court order by "directing  
18 that the matters embraced in the order or other designated facts be taken as established for purposes  
19 of the action, as the prevailing party claims."<sup>72</sup> The E&T Parties violated this Court's Order by  
20 failing to produce documents and information, much of which pertains specifically to the  
21 establishment of alter ego liability. As such, this Court has discretion to issue an order that the facts  
22 of an alter-ego remedy are taken as established. Should the Court rule that the facts of an alter-ego  
23 remedy are taken as established, Euphoria respectfully requests an opportunity to move to amend its  
24 Crossclaims and Counterclaims.

25 The elements for finding alter ego, which must be established by a preponderance of the

26  
27 <sup>71</sup> *Id.* at 7:13-25.

28 <sup>72</sup> NRCP 37(b)(1)(A).

evidence, are: (1) the corporation must be influenced and governed by the person asserted to be the alter ego; (2) there must be such unity of interest and ownership that one is inseparable from the other; and (3) the facts must be such that adherence to the corporate fiction of a separate entity would, under the circumstances, sanction a fraud or promote injustice.<sup>73</sup> The following factors, though not conclusive, may indicate the existence of an alter-ego relationship: (1) commingling of funds; (2) undercapitalization; (3) unauthorized diversion of funds; (4) treatment of corporate assets as the individual's own; and (5) failure to observe corporate formalities. Notwithstanding these enumerated factors, the Nevada Supreme Court has emphasized that "there is no litmus test for determining when the corporate fiction should be disregarded; the result depends on the circumstances of each case."<sup>74</sup>

Here, the facts demonstrate the following:

- ***E&T treated the Third-Party Defendants as being E&T and E&T as being the Third-Party Defendants***, as demonstrated by the invoices attached to Kristin Ehasz' Declaration and used by E&T to allege ownership over Euphoria's equipment;<sup>75</sup>
- ***Kristin is a principal of all E&T Parties and Alex is a principal of all E&T Parties except for Miral Consulting***, as demonstrated by the E&T Parties' Court Ordered Discovery Responses;<sup>76</sup>
- ***Upon information and belief, during the time period relevant to this litigation, Miro was a principal of Miral Consulting and CBD Supply;***
- ***The E&T Parties' principals, Kristin, Alex, and Kennedy, and upon information and belief, Miro, claimed the E&T Parties' profits and losses on their individual tax returns***, as represented by the E&T Parties' counsel;<sup>77</sup>
- ***E&T, Miral Consulting, and CBD Supply are defunct companies***, as represented by the E&T Parties' counsel.<sup>78</sup> ***Happy Campers is operational only for the purpose of maintaining a property lease, and only after years of being defunct according to the Secretary of State;***<sup>79</sup>
- ***All E&T Parties shut down at the same time—when Euphoria locked E&T out of the***

<sup>73</sup> See, e.g., *LFC Mktg. Grp., Inc. v. Loomis*, 116 Nev. 896, 904, 8 P.3d 841, 847 (2000).

<sup>74</sup> *LFC Mktg. Grp., Inc. v. Loomis*, 116 Nev. 896, 904, 8 P.3d 841, 847 (2000) citing *Polaris Industrial Corp. v. Kaplan*, 103 Nev. 598, 601, 747 P.2d 884, 886 (1987).

<sup>75</sup> The Ehasz Declaration was included in the Appendix in Support of Supplemental Motion for Preliminary Injunction on Order Shortening time that was filed on July 9, 2019.

<sup>76</sup> Ex. C, E&T's Court Ordered Response to Interrogatory No. 1; Ex. D, Miral Consulting's Court Ordered Response to Interrogatory No. 1; Ex. E, Happy Campers' Court Ordered Response to Interrogatory No. 1; Ex. F, CBD Supply's Court Ordered Response to Interrogatory No. 1.

<sup>77</sup> Ex. A, Kurshumova Decl.; See also Ex. C, E&T's Court Ordered Response to RFP No. 10; Ex. D, Miral Consulting's Court Ordered Response to RFP No. 9; Ex. E, Happy Campers' Court Ordered Response to RFP No. 9; Ex. F, CBD Supply's Court Ordered Response to RFP No. 9.

<sup>78</sup> Ex. A, Kurshumova Decl.

<sup>79</sup> *Supra*, n. 29.

*Production Facility*, as represented by the E&T Parties' counsel;<sup>80</sup>

- *Miral Consulting, CBD Supply, and Happy Campers were created as ancillary entities to E&T*, as represented by the E&T Parties' counsel;<sup>81</sup>
- *Kristin utilized both E&T's and Miral Consulting's e-mail addresses and signature lines when managing and operating the Production Facility and communicating with Euphoria about the events leading to the termination of the First Amended and Restated Agreement and the State of Nevada's investigation;*
- Pursuant to Valjo, Inc.'s deposition testimony, *E&T directed a non-party, Valjo, to pay \$300,000.00 of E&T's loan to Happy Campers.*<sup>82</sup> Pursuant to Kennedy's recent deposition testimony, Valjo gave the entire \$500,000 loan amount to E&T, Alex, and Kristin.<sup>83</sup> Both demonstrate that neither the principals nor the entities have proper understanding of the financial dealings between said principals and entities.
- *Kristin, Alex, Miro, Kennedy, the E&T Parties, Valjo, and Nye Natural, allegedly executed a Joint Defense, Confidentiality, and Forbearance Agreement on or about June 18, 2019 claiming to have a common interest in this litigation;*
- Kennedy encouraged Alex and Kristin to file the instant litigation as a strategy to obtain Euphoria's equipment and enable E&T to pay off the promissory note to Valjo, Inc. Kennedy also reviewed E&T's complaint prior to filing and provided feedback. Even though Valjo had an interest in the equipment subject to this litigation, Kennedy made the strategic decision not to join as a party but to file a separate action through a confession of judgment.<sup>84</sup>

The above undisputed facts demonstrate that the E&T Parties were governed by the same individuals, that their ownership and interest was inseparable, and that neither the principals nor the E&T Parties followed corporate formalities. The fact that the E&T Parties' principals jointly claimed the E&T Parties' profits and losses on their individual tax returns demonstrates, coupled with the lack of any financial documents, suggests that Alex, Kristin, Kennedy and the E&T Parties comingled funds and treated the corporate assets as their own. For those reasons, and because the E&T Parties have failed to produce any documents to show the opposite, this Court should issue an order that the facts of an alter ego remedy are taken as established and those principals, in their individual capacities, are necessary parties to the action, and allow Euphoria to move to amend its Crossclaims and Counterclaims accordingly.

---

<sup>80</sup> Ex. A, Kurshumova Decl.

<sup>81</sup> Ex. A, Kurshumova Decl.

<sup>82</sup> Ex. H, Valjo's Deposition Transcript, at 41:2-15.

<sup>83</sup> *Supra*, n. 29.

<sup>84</sup> *Supra*, n. 29

1 **VI. THE COURT SHOULD AWARD EUPHORIA ATTORNEYS' FEES AND COSTS.**

2 When a party, or a party's officer, director, or managing agent fails to obey a court order to  
3 provide discovery, the court **must** order the disobedient party, or their attorney, or both to pay the  
4 reasonable expenses and attorney's fees caused by the failure, "**unless** the failure was substantially  
5 justified," or such an award would be unjust.<sup>85</sup> The Court may also hold them in contempt for failing  
6 to obey the order.<sup>86</sup>

7 Here, this Court's Order specifically required the E&T Parties to supplement their discovery  
8 responses to the requests identified in Categories 1-7 and the requests based on Exhibit 1 and Kristin  
9 Ehasz's Declaration.<sup>87</sup> Completely disregarding this Court's Order, the Third-Party Defendants  
10 produced no documents. E&T similarly failed to produce documents responsive to the majority of  
11 Euphoria's Requests for Production. Not only are the E&T Parties' Court Ordered Discovery  
12 Responses to Euphoria's Interrogatories evasive but they also contain information manifestly  
13 inconsistent with the record. Finally, Kristin and Kennedy intentionally verified information they  
14 know to be inaccurate, which is a gross misrepresentation and violation of the rules. On November  
15 2, 2021, the E&T Parties further demonstrated their lack of regard for this Court's Order by requiring  
16 Euphoria's counsel to explain yet again why Euphoria needs the requested records,<sup>88</sup> even though  
17 the Order specifically states the following:

18 The discovery requests identified in Categories 1 to 7 and the requests based on  
19 Exhibit 1 and Kristin Ehasz's Declaration **are relevant** to the parties' claims and  
20 defenses, **and** are **proportional** to the needs of the case.<sup>89</sup>

21 The E&T Parties provided deficient supplementation and continue to disregard the Court's  
22 findings, thus frustrating this process and delaying Euphoria's discovery efforts. Specifically, the  
23 E&T Parties were required to provide full responses to Euphoria's Discovery Requests but, without  
24 justification, failed to do so. Euphoria has been prejudiced by the E&T Parties' repeated failures to

25 \_\_\_\_\_  
26 <sup>85</sup> NRCP 37(b)(1)-(3).

27 <sup>86</sup> NRCP 37(b)(1)(G).

28 <sup>87</sup> Ex. B, Order at p. 12 at Para. 74.

<sup>88</sup> Ex. A, Kurshumova Decl.

<sup>89</sup> Ex. B, Order at p. 11, para. 67 (emphasis added).

1 cooperate in discovery; moreover, Euphoria expended time, money and effort in pursuit of discovery  
2 that the E&T Parties were legally obligated to provide. As such, an award of attorneys' fees and  
3 costs would not be unjust considering the willful violation of the Order and the continued insistence  
4 to withhold information. For those reasons, this Court should hold the E&T Parties in contempt and  
5 order the E&T Parties to pay the reasonable expenses and attorney's fees Euphoria incurred in  
6 pursuing this discovery.

7 Accordingly, Euphoria requests that the E&T Parties be ordered to pay the reasonable  
8 expenses, including attorney's fees, incurred by Euphoria in connection with bringing the instant  
9 Motion and efforts to obtain the outstanding discovery at issue with the exact amount to be briefed  
10 before the Court within fourteen days of entry of such order or other later date deemed reasonable by  
11 the Court. Further, the E&T Parties should be ordered to pay the fee award within fourteen days of  
12 entry of such order setting forth the exact amount deemed reasonable by the Court.

13 **VII. CONCLUSION.**

14 Based upon the foregoing, Euphoria respectfully requests that this honorable Court:

15 1. Strike the E&T Parties' pleadings and enter default judgment with an amount of  
16 judgment to be determined. That this relief be made upon the instant motion and oral argument, or  
17 in the alternative, for the Court to set an evidentiary hearing as to this relief.

18 2. Find that the principals be found to be alter-egos of the parties, specifically:

- 19 a. Kristin, Alex, and Miro are deemed to be alter-egos of E&T and now parties to this  
20 action in their individual capacities;  
21 b. Kristin, Alex, and Miro are deemed to be alter-egos of Miral Consulting and now  
22 parties to this action in their individual capacities;  
23 c. Kristin, Alex and Miro are deemed to be alter-egos of CBD Supply and now parties  
24 to this action in their individual capacities; and,  
25 d. Kennedy, Kristin and Alex are deemed to be alter-egos of Happy Campers and now  
26 parties to this action in their individual capacities.  
27  
28

3. Allow Euphoria to move to amend its Crossclaims and Counterclaims to add Kristin, Alex, Miro, and Kennedy as parties and add the alter-ego related facts this Court deems established.

4. Allow Euphoria to serve Alex and Kristin with subpoenas to appear at a deposition by service upon the Law Office of Mitchell Stipp.

5. Award Euphoria its attorneys' fees and costs.

DATED this 24th day of November 2021.

**JONES LOVELOCK**

By: /s/ Justin C. Jones

Nicole E. Lovelock, Esq. (11187)  
Justin C. Jones, Esq. (8519)  
Georlen K Spangler, Esq. (3818)  
6600 Amelia Earhart Ct., Suite C  
Las Vegas, Nevada 89119

*Attorneys for Euphoria Wellness, LLC*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 24th day of November 2021, a true and correct copy of the foregoing **MOTION FOR DISCOVERY SANCTIONS AGAINST E&T VENTURES, LLC, MIRAL CONSULTING, LLC, HAPPY CAMPERS, LLC, AND CBD SUPPLY CO, LLC** was served by electronically submitting with the Clerk of the Court using the electronic system and serving all parties with an email-address on record.

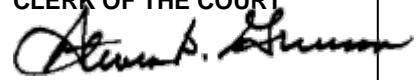
By /s/ Julie Linton

An Employee of JONES LOVELOCK



EXHIBIT “H”

EXHIBIT “H”



1 **NEO**

2 Nicole E. Lovelock, Esq.

3 Nevada State Bar No. 11187

4 Justin C. Jones, Esq.

5 Nevada State Bar No. 8519

6 Georlen K Spangler, Esq.

7 Nevada State Bar No. 3818

8 **JONES LOVELOCK**

9 6600 Amelia Earhart Ct., Suite C

10 Las Vegas, Nevada 89119

11 Telephone: (702) 805-8450

12 Fax: (702) 805-8451

13 Email: nlovelock@joneslovelock.com

14 Email: jjones@joneslovelock.com

15 Email: jspangler@joneslovelock.com

16 *Attorneys for Euphoria Wellness, LLC*

17 **DISTRICT COURT**

18 **CLARK COUNTY, NEVADA**

19 E&T VENTURES, LLC, a Nevada limited  
20 liability company,

21 Plaintiff,

22 v.

23 EUPHORIA WELLNESS, LLC, a Nevada  
24 limited liability company; DOE Individuals I-  
25 X, inclusive; and ROE ENTITIES 1-10,  
26 inclusive;

27 Defendants.

28 EUPHORIA WELLNESS, LLC, a Nevada  
limited liability company,

Counterclaimant,

v.

E&T VENTURES, LLC, a Nevada limited  
liability company;

Counter-Defendant.

CASE NO.: A-19-796919-B

DEPT. NO.: XXXI

**NOTICE OF ENTRY OF ORDER (1)  
GRANTING IN PART MOTION FOR  
DISCOVERY SANCTIONS AGAINST  
E&T VENTURES, LLC, MIRAL  
CONSULTING, LLC, HAPPY CAMPERS,  
LLC, AND CBD SUPPLY CO, LLC;**

**(2) DENYING COUNTERMOTION FOR  
RELATED RELIEF;**

**(3) GRANTING MOTION TO SEAL  
EXHIBITS TO THE REPLY IN SUPPORT  
OF EUPHORIA WELLNESS, LLC'S  
MOTION FOR DISCOVERY SANCTIONS  
AGAINST E&T VENTURES, LLC,  
MIRAL CONSULTING, LLC, HAPPY  
CAMPERS, LLC, AND CBD SUPPLY CO,  
LLC AND OPPOSITION TO  
COUNTERMOTION FOR RELATED  
RELIEF;**

EUPHORIA WELLNESS, LLC, a Nevada  
limited liability company,

Third- Party Plaintiff,

v.

MIRAL CONSULTING, LLC, a Nevada  
limited liability company; HAPPY CAMPERS,  
LLC, a Nevada limited liability company; CBD  
SUPPLY CO, LLC, a Nevada limited liability  
company; DOE Individuals I-X, inclusive; and  
ROE ENTITIES 1-10, inclusive;

Third-Party Defendants.

**(4) DENYING WITHOUT PREJUDICE  
MOTION FOR SANCTIONS FOR  
FAILURE TO PRODUCE A PRIVILEGE  
LOG;**

**(5) DENYING WITHOUT PREJUDICE  
COUNTERMOTION FOR SANCTIONS**

PLEASE TAKE NOTICE that an *Order (1) Granting In Part Motion for Discovery  
Sanctions Against E&T Ventures, LLC, Miral Consulting, LLC, Happy Campers, LLC, and CBD  
Supply Co, LLC; (2) Denying Countermotion for Related Relief; (3) Granting Motion to Seal  
Exhibits to the Reply in Support of Euphoria Wellness, LLC's Motion for Discovery Sanctions  
Against E&T Ventures, LLC, Miral Consulting, LLC, Happy Campers, LLC, and CBD Supply Co,  
LLC and Opposition to Countermotion for Related Relief; (4) Denying Without Prejudice Motion  
for Sanctions for Failure To Produce a Privilege Log; (5) Denying Without Prejudice  
Countermotion for Sanctions* was filed on January 25, 2022, a true and correct copy of which is  
attached hereto.

DATED this 25<sup>th</sup> day of January 2022.

**JONES LOVELOCK**

/s/ Nicole E. Lovelock, Esq.

Nicole E. Lovelock, Esq.

Nevada Bar No. 11187 Justin C. Jones, Esq.

Nevada State Bar No. 8519

Georlen K Spangler, Esq.

Nevada State Bar No. 3818

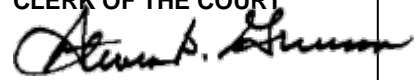
6600 Amelia Earhart Ct., Suite C

Las Vegas, Nevada 89119

*Attorneys for Euphoria Wellness*

**JONES LOVELOCK**  
6600 Amelia Earhart Ct., Suite C  
Las Vegas, Nevada 89119

By /s/ Julie Linton  
An Employee of JONES LOVELOCK



**ORDR**

Justin C. Jones, Esq.  
Nevada State Bar No. 8519  
Georlen K. Spangler, Esq.  
Nevada State Bar No. 3818  
Nicole E. Lovelock, Esq.  
Nevada State Bar No. 11187

**JONES LOVELOCK**

6600 Amelia Earhart Ct., Suite C  
Las Vegas, Nevada 89119  
Telephone: (702) 805-8450  
Fax: (702) 805-8451  
Email: [jjones@joneslovelock.com](mailto:jjones@joneslovelock.com)  
Email: [jspangler@joneslovelock.com](mailto:jspangler@joneslovelock.com)  
Email: [nlovelock@joneslovelock.com](mailto:nlovelock@joneslovelock.com)

*Attorneys for Euphoria Wellness, LLC*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

E&T VENTURES, LLC, a Nevada limited liability company,

Plaintiff,

v.

EUPHORIA WELLNESS, LLC, a Nevada limited liability company; DOE Individuals I-X, inclusive; and ROE ENTITIES 1-10, inclusive;

Defendants.

EUPHORIA WELLNESS, LLC, a Nevada limited liability company,

Counterclaimant,

v.

E&T VENTURES, LLC, a Nevada limited liability company;

Counter-Defendant.

CASE NO.: A-19-796919-B  
DEPT. NO.: XXXI

**ORDER (1) GRANTING IN PART  
MOTION FOR DISCOVERY SANCTIONS  
AGAINST E&T VENTURES, LLC,  
MIRAL CONSULTING, LLC, HAPPY  
CAMPERS, LLC, AND CBD SUPPLY CO,  
LLC;**

**(2) DENYING COUNTERMOTION FOR  
RELATED RELIEF;**

**(3) GRANTING MOTION TO SEAL  
EXHIBITS TO THE REPLY IN SUPPORT  
OF EUPHORIA WELLNESS, LLC'S  
MOTION FOR DISCOVERY SANCTIONS  
AGAINST E&T VENTURES, LLC,  
MIRAL CONSULTING, LLC, HAPPY  
CAMPERS, LLC, AND CBD SUPPLY CO,  
LLC AND OPPOSITION TO  
COUNTERMOTION FOR RELATED  
RELIEF;**

1 EUPHORIA WELLNESS, LLC, a Nevada  
2 limited liability company,

3 Third- Party Plaintiff,

4 v.

5 MIRAL CONSULTING, LLC, a Nevada  
6 limited liability company; HAPPY CAMPERS,  
7 LLC, a Nevada limited liability company; CBD  
8 SUPPLY CO, LLC, a Nevada limited liability  
9 company; DOE Individuals I-X, inclusive; and  
10 ROE ENTITIES 1-10, inclusive;

11 Third-Party Defendants.

**(4) DENYING WITHOUT PREJUDICE  
MOTION FOR SANCTIONS FOR  
FAILURE TO PRODUCE A PRIVILEGE  
LOG;**

**(5) DENYING WITHOUT PREJUDICE  
COUNTERMOTION FOR SANCTIONS**

12 On January 4, 2022 the following motions came before the Court for oral hearing with Nicole  
13 Lovelock, Esq. of Jones Lovelock appearing on behalf of Euphoria Wellness, LLC (“Euphoria”) and  
14 Mitchell Stipp, Esq. of Law Offices of Mitchell Stipp appearing on behalf of E&T Ventures LLC,  
15 Miral Consulting, LLC, Happy Campers, LLC, and CBD Supply Co, LLC (collectively, “E&T  
16 Parties”):

- 17 1. *Motion for Discovery Sanctions Against E&T Ventures, LLC, Miral Consulting, LLC,*  
18 *Happy Campers, LLC, and CBD Supply Co, LLC* filed by Euphoria;
- 19 2. *Opposition to Motion for Discovery Sanctions and Countermotion for Related Relief*  
20 *filed by the E&T Parties;*
- 21 3. *Motion to Seal Exhibits to the Reply in Support of Euphoria Wellness, LLC’s Motion*  
22 *for Discovery Sanctions Against E&T Ventures, LLC, Miral Consulting, LLC, Happy Campers, LLC,*  
23 *and CBD Supply Co, LLC and Opposition to Countermotion for Related Relief* filed by Euphoria;
- 24 4. *Motion for Sanctions for Failure to Produce a Privilege Log* filed by Euphoria;
- 25 5. *Opposition to Motion for Sanctions for Failure to Produce a Privilege Log and*  
26 *Countermotion for Sanctions* filed by the E&T Parties.

27 / / /

1 The Court having considered oral arguments, the filings, the evidence presented therein, and  
2 good cause appearing, hereby finds and orders as follows:

3 **IT IS HEREBY ORDERED** that the *Motion for Discovery Sanctions Against E&T*  
4 *Ventures, LLC, Miral Consulting, LLC, Happy Campers, LLC, and CBD Supply Co, LLC* is  
5 **GRANTED IN PART**.

6 **IT IS HEREBY ORDERED** that the parties shall appear at an evidentiary hearing on  
7 Euphoria's *Motion for Discovery Sanctions Against E&T Ventures, LLC, Miral Consulting, LLC,*  
8 *Happy Campers, LLC, and CBD Supply Co, LLC* on a date to be determined by the Court. The Court  
9 defers all other rulings on the Motion until the evidentiary hearing takes place.

10 **IT IS FURTHER ORDERED** that the evidentiary hearing shall take place on February 8,  
11 2022 at 8:30 a.m.

12 **IT IS FURTHER ORDERED** that Kristin Taracki (formerly Kristin Ehasz) appear and  
13 testify at the evidentiary hearing as the authorized agent who verified E&T Ventures, LLC, Happy  
14 Campers, LLC, and CBD Supply Co, LLC' First Supplemental Responses and Objections to  
15 Requests for the Production of Documents and Interrogatories served on October 25, 2021.

16 **IT IS FURTHER ORDERED** that the *Countermotion for Related Relief* to Euphoria's  
17 *Motion for Discovery Sanctions Against E&T Ventures, LLC, Miral Consulting, LLC, Happy*  
18 *Campers, LLC, and CBD Supply Co, LLC* is **DENIED** on a procedural basis because the  
19 Countermotion is not proper under EDCR 2.20 and on a substantive basis because the Court granted  
20 Euphoria's *Motion for Discovery Sanctions Against E&T Ventures, LLC, Miral Consulting, LLC,*  
21 *Happy Campers, LLC, and CBD Supply Co, LLC* in part.

22 **IT IS FURTHER ORDERED** that the *Motion to Seal Exhibits to the Reply in Support of*  
23 *Euphoria Wellness, LLC's Motion for Discovery Sanctions Against E&T Ventures, LLC, Miral*  
24 *Consulting, LLC, Happy Campers, LLC, and CBD Supply Co, LLC and Opposition to Countermotion*  
25 *for Related Relief* is **GRANTED** and Exhibit O and Exhibit P to the *Reply in Support of Euphoria*  
26 *Wellness, LLC's Motion for Discovery Sanctions Against E&T Ventures, LLC, Miral Consulting,*  
27 *LLC, Happy Campers, LLC, and CBD Supply Co, LLC and Opposition to Countermotion for Related*  
28

1 *Relief* be sealed.

2       **IT IS FURTHER ORDERED** that the *Motion for Sanctions for Failure to Produce a*  
3 *Privilege Log* is **DENIED WITHOUT PREJUDICE** on the basis of Mitchell Stipp, Esq.'s express  
4 representation to the Court that: (1) the E&T Parties did not intend to assert any attorney-client or  
5 attorney work-product doctrine to any responses in their First Supplemental Responses and  
6 Objections to Requests for the Production of Documents and Interrogatories, served on October 25,  
7 2021; (2) the E&T Parties did not withhold any documents or information in their First Supplemental  
8 Responses and Objections to Requests for the Production of Documents and Interrogatories, served  
9 on October 25, 2021; and (3) the E&T Parties' supplemental responses in their respective First  
10 Supplemental Responses and Objections to Requests for the Production of Documents and  
11 Interrogatories, served on October 25, 2021, are intended to replace any previous responses.

12       **IT IS FURTHER ORDERED** that the E&T Parties shall confirm in writing Mitchell Stipp,  
13 Esq.'s express representations to the Court that: (1) the E&T Parties did not intend to assert any  
14 attorney-client or attorney work-product doctrine to any responses in their First Supplemental  
15 Responses and Objections to Requests for the Production of Documents and Interrogatories, served  
16 on October 25, 2021; (2) the E&T Parties did not withhold any documents or information in their  
17 First Supplemental Responses and Objections to Requests for the Production of Documents and  
18 Interrogatories, served on October 25, 2021; and (3) the E&T Parties' supplemental responses in  
19 their respective First Supplemental Responses and Objections to Requests for the Production of  
20 Documents and Interrogatories, served on October 25, 2021, are intended to replace any previous  
21 responses.

22       **IT IS FURTHER ORDERED** that the confirmation shall be made on or before January  
23 31, 2022 at 5:00 p.m.

24       **IT IS FURTHER ORDERED** that the *Countermotion for Sanctions* to Euphoria's *Motion*  
25 *for Sanctions for Failure to Produce a Privilege Log* is **DENIED WITHOUT PREJUDICE**.

26       **IT IS FURTHER ORDERED** that Euphoria shall supplement its Third Amended Privilege  
27 Log. The Court defers its decision on the request for sanctions in the *Countermotion for Sanctions*  
28



1 to Euphoria's *Motion for Sanctions for Failure to Produce a Privilege Log* until Euphoria's  
2 supplements its Third Amended Privilege Log.

3 **IT IS FURTHER ORDERED** that the supplementation shall be made on or before ~~January~~ February  
4 2, 2022 at 5:00 p.m.

5 **IT IS SO ORDERED** this 25 day of January 2022.

6  
7  
8 

9 **Respectfully submitted by:**

10 JONES LOVELOCK

11  
12 /s/ Nicole E. Lovelock, Esq.  
13 NICOLE E. LOVELOCK, ESQ.  
14 Nevada Bar No. 11187  
15 JUSTIN C. JONES, ESQ.  
16 Nevada Bar No. 8519  
17 GEORLEN K. SPANGLER, ESQ.  
18 Nevada Bar No. 3818  
19 6600 Amelia Earhart Ct., Suite C  
20 Las Vegas, Nevada 89119

21 *Attorneys for Euphoria Wellness, LLC*

22 **Approved as to form and substance:**

23 LAW OFFICE OF MITCHELL STIPP

24 Objection  
25 MITCHELL D. STIPP, ESQ.  
26 Nevada Bar No. 7531  
27 1180 N. Town Center Drive, Suite 100  
28 Las Vegas, Nevada 89144

*Attorneys for E&T Ventures LLC,  
Miral Consulting, LLC, Happy  
Campers, LLC, and CBD Supply Co,  
LLC, Joseph Kennedy, Nye Natural  
Medicinal Solutions LLC, and Valjo  
Inc.*