

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

E&T VENTURES, LLC,  
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 04 2022 08:58 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Supreme Court Case No. 84133

District Court Case: A-19-796919-B

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**EXHIBITS 1-5  
IN SUPPORT OF REPLY TO 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]**

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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](mailto:mstipp@stipplaw.com)  
*Counsel for Petitioner*

EXHIBIT 1	Notice of Non-Conforming Document			<i>0001-0004</i>
EXHIBIT 2	District Court Minutes			<i>0005-0007</i>
EXHIBIT 3	Ex Parte Request for OST			<i>0008-0038</i>
EXHIBIT 4	Decision Denying OST			<i>0039-0042</i>
EXHIBIT 5	Declaration of Joe Kennedy			<i>0043-0044</i>
EXHIBIT 6	Application/Affidavit for Disqualification			<i>0045-0281</i>

DATED this 4th day of February, 2022

LAW OFFICE OF MITCHELL STIPP

/s/ Mitchell Stipp

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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  
*Counsel for Petitioner*

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 4th day of February, 2022, I filed the foregoing **EXHIBITS**, using the court's electronic filing system.

Notice of the filing of the Exhibits was made upon acceptance by the Nevada Supreme Court using the District Court's electronic filing system to the following e-service participants in District Court Case and by mail to the addresses as indicated:

**Judge Joanna Kishner:**

Dept31lc@clarkcountycourts.us

Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89155

**Euphoria Wellness, LLC as Real Parties-in- Interest:**

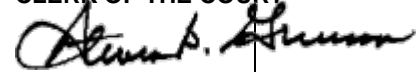
Nicole E. Lovelock, Esq.  
Nevada State Bar No. 11187  
JONES LOVELOCK  
6600 Amelia Earhart Ct., Suite C  
Las Vegas, Nevada 89119  
Telephone: (702) 805-8450  
Fax: (702) 805-8451  
Email: nlovelock@joneslovelock.com

By: /s/ Amy Hernandez

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An employee of Law Office of Mitchell Stipp

EXHIBIT 1-REPLY TO OPPOSITION  
TO MOTION TO STAY



CNND

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

E&T Ventures LLC, Plaintiff(s)

A-19-796919-B

vs.

Department 31

Euphoria Wellness LLC, Defendant(s)

**CLERK'S NOTICE OF NONCONFORMING DOCUMENT**

Pursuant to Rule 8(b)(2) of the Nevada Electronic Filing and Conversion Rules, notice is hereby provided that the following electronically filed document does not conform to the applicable filing requirements:

Title of Nonconforming Document:	Plaintiff's Emergency Motion for Stay of Evidentiary Hearing on Discovery Sanctions and Application for Order Shortening Time
Party Submitting Document for Filing:	Plaintiff
Date and Time Submitted for Electronic Filing:	01/26/2022 at 6:36 PM

**Reason for Nonconformity Determination:**

- ☐ The document filed to commence an action is not a complaint, petition, application, or other document that initiates a civil action. *See* Rule 3 of the Nevada Rules of Civil Procedure. In accordance with Administrative Order 19-5, the submitted document is stricken from the record, this case has been closed and designated as filed in error, and any submitted filing fee has been returned to the filing party.
- ☐ The document initiated a new civil action and the case type designation does not match the cause of action identified in the document.
- ☐ The document initiated a new civil action and a cover sheet was not submitted as required by NRS 3.275.
- ☐ The submitted document initiated a new civil action and was made up of multiple documents submitted together.

1 ☐ The case caption and/or case number on the document does not match the case  
2 caption and/or case number of the case that it was filed into.

3 ☐ The document was not signed by the submitting party or counsel for said party.

4 ☒ The document filed included a court order that did not contain the signature of a  
5 judicial officer. In accordance with Administrative Order 19-5, the submitted  
6 order has been furnished to the department to which this case is assigned.

7 ☐ Motion does not have a hearing designation per Rule 2.20(b). Motions must  
8 include designation "Hearing Requested" or "Hearing Not Requested" in the  
9 caption of the first page directly below the Case and Department Number.

10 Pursuant to Rule 8(b)(2) of the Nevada Electronic Filing and Conversion Rules, a  
11 nonconforming document may be cured by submitting a conforming document. All documents  
12 submitted for this purpose must use filing code "**Conforming Filing – CONFILE.**" Court filing  
13 fees will not be assessed for submitting the conforming document. Processing and convenience  
14 fees may still apply.

15  
16 Dated this: 27th day of January, 2022

17 By: /s/ Chaunte Pleasant  
18 Deputy District Court Clerk  
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on January 27, 2022, I concurrently filed and served a copy of the  
3 foregoing Clerk's Notice of Nonconforming Document, on the party that submitted the  
4 nonconforming document, via the Eighth Judicial District Court's Electronic Filing and Service  
5 System.  
6

7  
8 By: /s/ Chaunte Pleasant  
9 Deputy District Court Clerk  
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EXHIBIT 2-REPLY TO  
OPPOSITION  
TO MOTION TO STAY

EXHIBITS TO REPLY 0005

A-19-796919-B

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**February 01, 2022**

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

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**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 3-REPLY TO  
OPPOSITION  
TO MOTION TO STAY

EXHIBITS TO REPLY 0008

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**

**EX PARTE APPLICATION FOR ORDER  
SHORTENING TIME ON  
MOTION FOR PROTECTIVE ORDER**

**DATE OF HEARING:** \_\_\_\_\_  
**TIME OF HEARING:** \_\_\_\_\_

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 to hear E&T's motion for a protective order on order shortening time.

This application 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.

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///

1 DATED this 4th day of January, 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*

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**NOTICE OF HEARING**

TO: ALL INTERESTED PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that the **MOTION FOR PROTECTIVE ORDER** shall be heard via BLUEJEANS on \_\_\_\_\_, 2022 at \_\_\_\_\_. Until the matter is heard by the court, any requirements to appear for the deposition on January 7, 2022 are stayed.

DATED \_\_\_\_\_.

\_\_\_\_\_  
District Court Judge

DATED this 4th day of January, 2022.

**LAW OFFICE OF MITCHELL STIPP**

/s/ Mitchell Stipp, Esq.  
MITCHELL 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*

**DECLARATION OF MITCHELL STIPP IN SUPPORT OF  
REQUEST FOR SHORTENED TIME**

The undersigned, Mitchell Stipp, certifies to the court as follows:

1. I am counsel for E&T Ventures, LLC, a Nevada limited liability company (“E&T”), in the above referenced case.

2. Euphoria Wellness, LLC (“Euphoria”) noticed a deposition for E&T’s designee under NRCP 30(b)(6) to be held in person on January 7, 2022 at 8:00 a.m.

3. E&T filed a motion for a protective order, which is attached (“Motion”) hereto.

4. The clerk’s office set the date and time for hearing on the Motion for February 8, 2022 at 8:30 a.m.

5. The scope of the deposition is too broad making it impossible to prepare as set forth in the Motion.

6. Euphoria’s counsel was unwilling to meet and confer on December 27, 2021.

7. There is insufficient time to have the Motion heard in the ordinary course before the deposition on January 7, 2022.

8. Despite receiving a copy of the Motion, Euphoria refuses to vacate the same.

9. On Monday, January 3, 2022, the undersigned (along with his wife, daughter, and son) tested positive for COVID-19 making an in-person appearance for a deposition impossible.

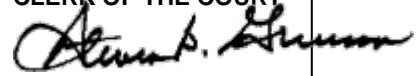
10. I submit the above-titled declaration in support of the request for an order shortening time. I have personal knowledge of the facts contained therein unless otherwise qualified by information and belief or such knowledge is based on the record in this case, and I am competent to testify thereto, and such facts are true and accurate to the best of my knowledge and belief.



1 Dated this 4th day of January, 2022

2 /s/ *Mitchell Stipp*

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4 Mitchell Stipp, Esq.  
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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@stippplaw.com  
*Attorneys for Plaintiff, 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**

**MOTION FOR PROTECTIVE ORDER ON  
EUPHORIA'S NRCP 30(B)(6)  
DEPOSITION OF E&T VENTURES, LLC**

**HEARING REQUESTED**

Plaintiff, E&T Ventures, LLC ("E&T"), by and through Mitchell Stipp, Esq., of the Law Office of Mitchell Stipp, files the above-referenced motion.

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.

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///

1 DATED this 4th day of January, 2022.

2 **LAW OFFICE OF MITCHELL STIPP**

3 /s/ Mitchell Stipp

4  
5 Mitchell Stipp  
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 Plaintiff, E&T Ventures, LLC*

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. Facts**

This case is about the wrongful termination of the agreement between E&T and Euphoria. *It is important to note that the arrangement DID NOT entitle Euphoria to ANY PROFITS from the activities of E&T at the production facility.* This fact is not in dispute. E&T agreed to package cannabis product for Euphoria at cost. E&T was entitled to all profits from the production facility, which the parties memorialized as monthly consulting fees booked by Euphoria that matched the sales generated by E&T. Euphoria purportedly conducted an inventory audit of the production facility between March 11, 2019 and March 14, 2019. The *only evidence* of any variances (difference between physical inventory and inventory reported in METRC)<sup>1</sup> is the spreadsheet attached to the License Incident Report made by Nicole Lovelock to the Nevada Department of Taxation (“DOT”) on March 15, 2019. In response to the investigation by DOT arising from the report, Euphoria blamed E&T for the variances.

Euphoria *locked-down the production facility* at 8am on March 15, 2019 and prohibited E&T from accessing the same (including even to remove its property and business records). This fact is also not in dispute. On April 4, 2019, Euphoria communicated to the state its “Complete Investigation Results.” *E&T was not*

<sup>1</sup> METRC is the “seed to sale” system used by the state to track cannabis product.

1 provided a meaningful opportunity to explain the variances or confirm the results of Euphoria's  
2 investigation. On May 22, 2019, Euphoria (though its managing director, Darlene Purdy), terminated the  
3 agreement between E&T and Euphoria. Since then, E&T has ceased operating as a going concern. However,  
4 Euphoria has been operating the production facility using E&T's equipment and retaining all profits.

## 5 6 **II. Argument**

7  
8 Euphoria provided notice of its deposition of E&T's NRCP 30(b)(6) designee on December 14, 2021.  
9 See Exhibit 1. The deposition is scheduled for January 7, 2022. Euphoria's deposition notice lists **fifty (50)**  
10 separate topics to be covered by the deposition. Protective orders are governed by NRCP 26(c)(2), which permits  
11 a district court, "for good cause shown," to "protect a party ... from annoyance, embarrassment, oppression, or  
12 undue burden or expense." Rule 30(b)(6) imposes burdens on both the discovering party and the designating  
13 party. The party seeking discovery through a Rule 30(b)(6) deposition is required to describe "with reasonable  
14 particularity the matters on which examination is requested." NRCP 30(b)(6); see also Great Am. Ins. Co. of  
15 N.Y. v. Vegas Constr. Co., 251 F.R.D. 534, 538 (D. Nev. 2008). What does "reasonable particularity" mean?  
16 Nevada federal courts have provided the following guidance in the context of FRCP 30(b)(6):

17  
18 This court has not found a case that defines "reasonable particularity" under  
19 Rule 30(b)(6). Courts, however, have defined the term as used in Rule  
20 34(b)(1) which states that a request for production "must describe with  
21 reasonable particularity each item or category of items to be inspected."  
22 Whether a request for production is stated with reasonable particularity  
23 depends on the facts and circumstances of each case. Lopez v. Chertoff,  
24 2009 WL 1575214, at \*2 (E.D.Cal. June 2, 2009) (citing Mallinckrodt  
25 Chem. Works v. Goldman Sachs & Co., 58 F.R.D. 348, 353 (S.D.N.Y.  
26 1973)). "The test for reasonable particularity is whether the request places  
27 the party upon reasonable notice of what is called for or what is not." Id.  
28 (quoting Kidwiler v. Progressive Paloverde Ins. Co., 192 F.R.D. 193, 202  
(N.D.W.Va. 2000)). "The goal of Rule 34 is to ensure that the description  
of the requested documents be sufficient enough to allow a man of 'ordinary  
intelligence' to understand what is being requested." Goodman-Gable-  
Gould Co., Inc. v. Tiara Condominium Assoc., Inc., 2007 WL 9701950, at  
\*5 (S.D.Fla. April 6, 2007) (citing United States v. National Steel  
Corporation, 26 F.R.D. 607, 610 (S.D.Tex. 1960)). These definitions of  
"reasonable particularity" under Rule 34(b)(1) are applicable to the use of  
that term in Rule 30(b)(6).

1 See e.g. Carlson v. Sam's W., Inc., Case No.: 2:17-cv-02882-MMD-GWF (D. Nev. Aug. 28, 2018).

2 Consistent with this guidance, Nevada federal courts have held that topics included “but were not  
3 limited to the areas specifically enumerated” were improper:

4 The court in Reed v. Bennett, 193 F.R.D. 689, 692 (D. Kan. 2000) stated  
5 that an overbroad Rule 30(b)(6) notice subjects the responding party to an  
6 impossible task. If the responding party cannot identify the outer limits of  
7 the topics listed in the notice, it will likely be unable to produce a witness  
8 fully prepared to testify on the topics. The deposition notice in Reed listed  
9 specific topics, but also stated that the topics included, but were not limited  
10 to the areas specifically enumerated. The court held that this open-ended  
11 expansion of the topics was improper. Murphy v. Kmart Corp., 255 F.R.D.  
12 497, 506 (D.S.D. 2009) states that listed topics must focus on relevant  
13 subjects and that the responding party cannot be required to interpret  
14 overbroad topics.

15 HSBC Bank USA, N.A. v. Green Valley Pecos Homeowners Ass'n, Inc., No. 2:16-cv-00242-JCM-  
16 GWF, at \*5 (D. Nev. Nov. 21, 2016).

17 The topics which are identified by Euphoria which fail to comply with the “reasonable  
18 particularity” requirement are as follows (emphasis added):

- 19 1. **The facts supporting** Your allegations in the Complaint.
- 20 2. **The facts supporting** Your damages alleged in the Complaint.
- 21 3. **The facts supporting** Your affirmative defenses as alleged in the Answer by Plaintiff/Counter-  
22 Defendant to Counterclaims by Defendant/Counter-Claimant, filed on June 11, 2020.
- 23 4. **Each and every one** of the responses set forth in your Responses and Objections to Requests for the  
24 Production of Documents and Interrogatories, served on February 26, 2021, the preparation of any declarations  
25 and/or affidavits in support of those responses, and Your confirmation of accuracy of those responses.
- 26 5. **Each and every one** of the responses set forth in your First Supplemental Responses and Objections  
27 to Requests for the Production of Documents and Interrogatories, served on October 25, 2021, the preparation  
28 of any declarations and/or affidavits in support of those responses, and Your confirmation of accuracy of those  
responses.
6. **Each and every one of Your disclosures** made pursuant to NRCP 16.1 in this litigation.
7. Your efforts to comply with NRCP 16.1, **including, but not limited to**, document retention,  
document preservation, and search for documents and information.
8. **Each and every document and communication You produced** in this litigation.
9. Your ownership structure, **including, but not limited to** the names and addresses of Your former and  
current officers, members and/or principals, ownership interest, and decision-making authority.
10. Your relationship and business dealings with Kristin Ehasz since Your inception and the present  
date, **including, but not limited to** ownership interest, decision-making authority, and overall role in E&T.
11. Your relationship and business dealings with Alexander Taracki since Your inception and the  
present date, **including, but not limited to** ownership interest, decision-making authority, and overall role in  
E&T.
12. Your relationship and business dealings with Miroslav Taracki since Your inception and the present

date, **including, but not limited to** ownership interest, decision-making authority, and overall role in E&T.

13. Your relationship and business dealings with Joseph Kennedy since Your inception and the present date, **including, but not limited to** ownership interest, decision-making authority, and overall role in E&T.

14. Your relationship and business dealings with Euphoria since Your inception and the present date, **including, but not limited to** any contracts, the Production Facility, and investigations by the State of Nevada.

15. Any documentation and communications between you and Euphoria regarding the Agreement dated July 7, 2017, **including but not limited to** any negotiations.

16. Any documentation and communications between you and Euphoria regarding the First Amended and Restated Agreement dated October 5, 2017, **including but not limited to** any negotiations.

17. Your duties and responsibilities under the First Amended and Restated Agreement.

18. Your understanding of Euphoria's duties and responsibilities under the First Amended and Restated Agreement.

19. Your duties and responsibilities **under Nevada laws and regulations** during your management and operation of the Production Facility.

20. Your activities at the Production Facility, **including, but not limited to** activities relating to management, operation, production, manufacture of marijuana, and marketing.

21. Your relationship with third parties during your management and operation of the Production Facility, including any documentation and communications exchanged between You and those third parties, and between you and Euphoria relating to those third parties. Third parties **include but are not limited to** Happy Campers, LLC, Miral Consultng, LLC, CBD Supply Co., LLC, ACC Enterprises LLC, Joseph Kennedy, Valjo, Inc., Nye Natural Medicinal Solutions, LLC, and GB Sciences.

22. Your relationship, documentation, and communications with the State of Nevada relating to the Production Facility from July 7, 2017 until the present day.

23. Any and all inspections, audits, and spot checks conducted by the State of Nevada at the Production Facility, including any documents and communications regarding the same.

24. Any Variances discovered at the Production Facility for the period of time during which You managed and operated the Production Facility.

25. Your involvement in the investigation of the Variances subject to this litigation, **including but not limited to** Your understanding of how the Variances came to be, Your investigation of the Variances, and the steps You took to provide explanations for the Variances.

26. Your communications with Euphoria regarding the Variances subject to this litigation, **and any documents related thereto.**

27. Your communications with the State of Nevada regarding the Variances subject to this litigation, **and any documents related thereto.**

28. The shutdown of the Production Facility, which Euphoria self-imposed on or about March 15, 2019.

29. The Notice of Default and Notice to Cure dated March 15, 2019 issued to You by Euphoria, **including but not limited to** the reason for the default and Your actions and efforts to investigate and/or cure the default identified in the Notice of Default and Notice to Cure.

30. The License Incident Report dated March 15, 2019, which Euphoria submitted to the State of Nevada.

31. The administrative hold, which the State of Nevada imposed on the cannabis at the Production Facility.

32. The Notice of Termination dated May 22, 2019 issued to You by Euphoria.

33. **Any and all instances** of inspections, audits, notices of potential violations, notices of violations, and/or administrative holds to E&T from the State of Nevada for the **past five years.**

34. **Any and all instances** of Your employees, agents, or principals applying and/or using the results from products, which passed testing, to products, which failed testing, **including, but not limited to**, the dates that happened, the person/s who authorized it, and a description of the products.

35. Any and all instances of Your employees, agents, or principals sending gummy production batches to labs for testing prior to the entire batch being finished for the period of time during which You managed and operated the Production Facility.

36. Chris Abanobi's complaint of criminal activity against You. See bates numbered document DOT 012.

37. Your representation that, during your management and operation of the Production Facility, You

1 did not seek Department approval when re-working a product which had previously failed testing.

2 38. Your usage of Euphoria's raw material to make products under Your own brand and for Your own  
3 profit.

4 39. Your failure to pay vendors and suppliers for the Production Facility following the termination of  
5 the First Amended and Restated Agreement.

6 40. Any equipment over which You claim ownership, including but not limited to identifying the  
7 equipment with specificity, its chain of custody and ownership, its current location, any attempts to obtain the  
8 equipment from the Production Facility, and any lawsuits relating to or involving the equipment. 41. The Joint  
9 Defense, Confidentiality, and Forbearance Agreement, bates numbered Plaintiff's Documents 00611.

10 42. Your relationship with Valjo, Inc., including, but not limited to, any contracts, promissory notes,  
11 loans, loan negotiations, collateral, loan documents, and communications.

12 43. The matter of Valjo, Inc. v. E&T Ventures, LLC, Case No. A-19-7986474, including but not limited  
13 to, any contracts, promissory notes, loans, loan negotiations, collateral, loan documents, and communications.

14 44. Your document retention policies in effect between January 1, 2017 and the present day.

15 45. Your relationship with Mitchell D. Stipp, Esq. ("Mr. Stipp"), including but not limited to business  
16 dealings with Mr. Stipp, communications with Mr. Stipp during Mr. Stipp's representation of Valjo, Inc. against  
17 You in the matter of Valjo, Inc. v. E&T Ventures, LLC, Case No. A-19-7986474, and Your retainer agreement  
18 with Mr. Stipp in this litigation.

19 46. The circumstances of substitution of counsel from Garman Turner Gordon to Mr. Stipp in this  
20 litigation.

21 47. Your inventory control system while operating at the Production Facility.

22 48. The negotiation of the agreement between you and Euphoria regarding the First Amended and  
23 Restated Agreement, and any other agreements related thereto.

24 49. Any and all contracts with third-parties that You entered into while operating at the Production  
25 Facility, including, but not limited to Wana and Keef Cola.

26 50. Any and all loans that You entered into with third-parties from 2016 through present, including,  
27 but not limited to all security agreements and UCC filings.

28 The language emphasized above makes these topics impermissibly broad. In analyzing the  
excessiveness of Rule 30(b)(6) topics courts do not generally engage in an item-by-item analysis to allow  
particular topics and rule out others. Matthys v. Barrick Gold of N. Am. Inc., 3:20-CV-00034-LRH-CLB, at \*1  
(D. Nev. Aug. 13, 2021) (citations omitted). Instead, courts generally issue a protective order precluding  
enforcement of the notice as currently drafted without prejudice to the issuance of a new notice with  
appropriately narrowed topics. Id.

EDCR 2.34(d) provides as follows:

(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. A conference requires either a personal or telephone conference  
between or among counsel. Moving counsel must set forth in the affidavit what  
attempts to resolve the discovery dispute were made, what was resolved and what  
was not resolved, and the reasons therefor. If a personal or telephone conference  
was not possible, the affidavit shall set forth the reasons. If the responding counsel  
fails to answer the discovery, the affidavit shall set forth what good faith attempts



1 were made to obtain compliance. If, after request, responding counsel fails to  
2 participate in good faith in the conference or to answer the discovery, the court  
3 may require such counsel to pay to any other party the reasonable expenses,  
4 including attorney fees, caused by the failure. When a party is not represented by  
5 counsel, the party shall comply with this rule.

6 (emphasis added).

7 On December 14, 2021, E&T's counsel asked to meet and confer with Euphoria's counsel, Mr. Justin  
8 Jones, on Monday, December 27, 2021, with respect to the scope of the deposition topics. See Exhibit 2. Mr.  
9 Jones waited an entire week before responding on December 21, 2021. See Exhibit 3. When he responded,  
10 Mr. Jones refused to schedule a discovery conference for December 27, 2021 (despite being available). Instead,  
11 Mr. Jones insisted that E&T's discovery conference occur on December 21, 22 or 23 (when only he was  
12 available). Id. For some reason, Mr. Jones believed he requested the discovery conference and claimed he  
13 was disappointed in E&T for not being available sooner. See Exhibit 4.

### 14 15 **III. Conclusion**

16 For the reasons set forth above, E&T's motion for a protective order should be granted.

### 17 18 **CERTIFICATION OF MITCHELL STIPP**

19 The undersigned, Mitchell Stipp, declares under penalty of perjury as follows:

20 1. I am counsel of record in the above referenced case for Plaintiff, E&T Ventures, LLC  
21 ("Plaintiff").

22 2. On behalf of Plaintiff, I have in good faith attempted to confer with Justin Jones, Esq., counsel  
23 for Defendant, Euphoria Wellness, LLC, in an effort to narrow the scope of Defendant's NRCP 30(b)(6)  
24 deposition of Plaintiff.

25 3. I submit the above-titled declaration in support of the motion. I have personal knowledge of the  
26 facts contained therein pertaining to the discovery dispute unless otherwise qualified by information and belief or  
27 such knowledge is based on the record in this case, and I am competent to testify thereto, and such facts are true and  
28



1 accurate to the best of my knowledge and belief.

2  
3 Dated this 4th day of January, 2022.

4 */s/ Mitchell Stipp*

5 \_\_\_\_\_  
6 Mitchell Stipp, Esq., Counsel for Plaintiff  
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# EXHIBIT 1

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

**NDEP**

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  
Email: jspangler@joneslovelock.com  
Email: 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.

EUPHORIA WELLNESS, LLC, a Nevada limited liability company,

Third- Party Plaintiff,

v.

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

**NOTICE OF TAKING THE  
DEPOSITION OF THE  
NRCP 30(b)(6) DESIGNEE FOR  
E&T VENTURES, LLC**

**DATE: January 7, 2022**  
**TIME: 8:00 a.m.**

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.

**TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD**

**PLEASE TAKE NOTICE** that pursuant to Rule 30(b)(6) of the Nevada Rules of Civil Procedure (“NRCP”), Defendant/Counterclaimant/Third-Party Defendant Euphoria Wellness, LLC, by and through its counsel of the law firm of Jones Lovelock, will take the deposition of the Rule 30(b)(6) Witness for E&T Ventures, LLC, upon oral examination on the **7<sup>th</sup> day of January 2022 at 8:00 a.m.** before a Notary Public, or before some other officer authorized by the law of the State of Nevada to administer oaths. The deposition will take place at the law office of **Jones Lovelock, 6600 Amelia Earhart Ct., Suite C, Las Vegas, Nevada 89119.**

Pursuant to NRCP 30(b)(6), E&T Ventures, LLC is required to designate one or more officers, directors, managing agents or other consenting persons most knowledgeable to testify on its behalf with respect to the topics set forth in the attached **Exhibit A**. Euphoria Wellness, LLC requests that E&T Ventures, LLC provide written notice at least five (5) business days before the deposition of the name(s) and employment position(s) of the individual(s) designated to testify on E&T Ventures, LLC’s behalf.

The deposition will be recorded by stenographic means, and oral examination will continue until completed or as allowed by law. You are invited to attend and cross-examine.

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

**JONES LOVELOCK**

By: /s/ Justin C. Jones, Esq.

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

*Attorney for Euphoria Wellness, LLC*

**EXHIBIT A**

**DEFINITIONS AND INSTRUCTIONS**

1. The term “any” and “all” also include “each and every.”
2. The terms “and” and “or” shall be construed conjunctively or disjunctively *as* necessary to include the broader range and larger number of documents.
3. “Complaint” means the complaint You filed on June 18, 2019 in this litigation.
4. “Communication” or “Communications” shall mean and refer to any exchange of information by a method of transmission, including, without limitation, any meetings, conferences, face-to-face conversations, mails, electronic transmissions, electronic mail, telephone, facsimile, text messages, social media messages, letters, telegram, telex or by any other medium, including written, taped or recorded (audio or video) communications of any kind.
5. “Department” shall mean the State of Nevada, Department of Taxation, Marijuana Division.
6. As used herein, the term “Document” means a “writing” or “recording” as those terms are defined in NRS 52.225, and refers to those materials in your actual or constructive possession, custody or control, including, but not limited to, originals, copies, non-identical copies, and preliminary, intermediate, and final drafts or writings, recordings of oral communications, correspondence, e-mails, texts, books, pamphlets, periodicals, bills, accounts, checks, check registers, letters, photographs, objects, telegrams, notes, minutes, memoranda, inter-office and intra-office communications, reports, studies, surveys, forecasts, analyses, indices, calendars, diaries and recordings of every kind and description, whether inscribed by hand or by mechanical, electronic (such as on a computer hard drive), microfilm, phonic (such as tape recordings), photographic, or other means. Handwritten or other notations of any kind on any copy of a Document render it non-identical.
7. “Euphoria” means Defendant/Counterclaimant/Third-Party Defendant Euphoria Wellness, LLC.
8. “First Amended and Restated Agreement” means the First Amended and Restated Agreement dated October 5, 2017 between You and Euphoria.

9. “Metrc” means the Department’s regulatory tracking system identified as Marijuana Enforcement Tracking Reporting & Compliance

10. “Production Facility” shall mean Euphoria’s production facility located at 5900 Emerald Ave, Las Vegas, NV 89122.

11. As used herein, the phrase “Related To” means in whole or in part constituting, containing, concerning, embodying, identifying, stating, consisting of, pertaining to, referring to, dealing with, discussing, describing or having any logical or factual connection with the matter at issue.

12. “Variances” means discrepancies between the physical inventory at the Production Facility and the amount entered into the Department’s regulatory tracking system, Metrc.

13. “You,” “Your,” and “E&T” shall refer to Plaintiff/Counter-Defendant E&T Ventures, LLC, and all of E&T’s officials, employees and/or agents.

**TOPICS FOR 30(b)(6) DESIGNEE**

1. The facts supporting Your allegations in the Complaint.

2. The facts supporting Your damages alleged in the Complaint.

3. The facts supporting Your affirmative defenses as alleged in the Answer by Plaintiff/Counter-Defendant to Counterclaims by Defendant/Counter-Claimant, filed on June 11, 2020.

4. Each and every one of the responses set forth in your Responses and Objections to Requests for the Production of Documents and Interrogatories, served on February 26, 2021, the preparation of any declarations and/or affidavits in support of those responses, and Your confirmation of accuracy of those responses.

5. Each and every one of the responses set forth in your First Supplemental Responses and Objections to Requests for the Production of Documents and Interrogatories, served on October 25, 2021, the preparation of any declarations and/or affidavits in support of those responses, and Your confirmation of accuracy of those responses.

6. Each and every one of Your disclosures made pursuant to NRCP 16.1 in this litigation.

1           7.       Your efforts to comply with NRCP 16.1, including, but not limited to, document  
2 retention, document preservation, and search for documents and information.

3           8.       Each and every document and communication You produced in this litigation.

4           9.       Your ownership structure, including, but not limited to the names and addresses of  
5 Your former and current officers, members and/or principals, ownership interest, and decision-  
6 making authority.

7           10.      Your relationship and business dealings with Kristin Ehasz since Your inception and  
8 the present date, including, but not limited to ownership interest, decision-making authority, and  
9 overall role in E&T.

10          11.      Your relationship and business dealings with Alexander Taracki since Your inception  
11 and the present date, including, but not limited to ownership interest, decision-making authority, and  
12 overall role in E&T.

13          12.      Your relationship and business dealings with Miroslav Taracki since Your inception  
14 and the present date, including, but not limited to ownership interest, decision-making authority, and  
15 overall role in E&T.

16          13.      Your relationship and business dealings with Joseph Kennedy since Your inception  
17 and the present date, including, but not limited to ownership interest, decision-making authority, and  
18 overall role in E&T.

19          14.      Your relationship and business dealings with Euphoria since Your inception and the  
20 present date, including, but not limited to any contracts, the Production Facility, and investigations  
21 by the State of Nevada.

22          15.      Any documentation and communications between you and Euphoria regarding the  
23 Agreement dated July 7, 2017, including but not limited to any negotiations.

24          16.      Any documentation and communications between you and Euphoria regarding the  
25 First Amended and Restated Agreement dated October 5, 2017, including but not limited to any  
26 negotiations.

27          17.      Your duties and responsibilities under the First Amended and Restated Agreement.  
28

1           18.     Your understanding of Euphoria’s duties and responsibilities under the First Amended  
2 and Restated Agreement.

3           19.     Your duties and responsibilities under Nevada laws and regulations during your  
4 management and operation of the Production Facility.

5           20.     Your activities at the Production Facility, including, but not limited to activities  
6 relating to management, operation, production, manufacture of marijuana, and marketing.

7           21.     Your relationship with third parties during your management and operation of the  
8 Production Facility, including any documentation and communications exchanged between You and  
9 those third parties, and between you and Euphoria relating to those third parties. Third parties include  
10 but are not limited to Happy Campers, LLC, Miral Consultng, LLC, CBD Supply Co., LLC, ACC  
11 Enterprises LLC, Joseph Kennedy, Valjo, Inc., Nye Natural Medicinal Solutions, LLC, and GB  
12 Sciences.

13           22.     Your relationship, documentation, and communications with the State of Nevada  
14 relating to the Production Facility from July 7, 2017 until the present day.

15           23.     Any and all inspections, audits, and spot checks conducted by the State of Nevada at  
16 the Production Facility, including any documents and communications regarding the same.

17           24.     Any Variances discovered at the Production Facility for the period of time during  
18 which You managed and operated the Production Facility.

19           25.     Your involvement in the investigation of the Variances subject to this litigation,  
20 including but not limited to Your understanding of how the Variances came to be, Your investigation  
21 of the Variances, and the steps You took to provide explanations for the Variances.

22           26.     Your communications with Euphoria regarding the Variances subject to this litigation,  
23 and any documents related thereto.

24           27.     Your communications with the State of Nevada regarding the Variances subject to this  
25 litigation, and any documents related thereto.

26           28.     The shutdown of the Production Facility, which Euphoria self-imposed on or about  
27 March 15, 2019.

28



1           29.     The Notice of Default and Notice to Cure dated March 15, 2019 issued to You by  
2 Euphoria, including but not limited to the reason for the default and Your actions and efforts to  
3 investigate and/or cure the default identified in the Notice of Default and Notice to Cure.

4           30.     The License Incident Report dated March 15, 2019, which Euphoria submitted to the  
5 State of Nevada.

6           31.     The administrative hold, which the State of Nevada imposed on the cannabis at the  
7 Production Facility.

8           32.     The Notice of Termination dated May 22, 2019 issued to You by Euphoria.

9           33.     Any and all instances of inspections, audits, notices of potential violations, notices of  
10 violations, and/or administrative holds to E&T from the State of Nevada for the past five years.

11          34.     Any and all instances of Your employees, agents, or principals applying and/or using  
12 the results from products, which passed testing, to products, which failed testing, including, but not  
13 limited to, the dates that happened, the person/s who authorized it, and a description of the products.

14          35.     Any and all instances of Your employees, agents, or principals sending gummy  
15 production batches to labs for testing prior to the entire batch being finished for the period of time  
16 during which You managed and operated the Production Facility.

17          36.     Chris Abanobi's complaint of criminal activity against You. *See* bates numbered  
18 document DOT 012.

19          37.     Your representation that, during your management and operation of the Production  
20 Facility, You did not seek Department approval when re-working a product which had previously  
21 failed testing.

22          38.     Your usage of Euphoria's raw material to make products under Your own brand and  
23 for Your own profit.

24          39.     Your failure to pay vendors and suppliers for the Production Facility following the  
25 termination of the First Amended and Restated Agreement.

26          40.     Any equipment over which You claim ownership, including but not limited to  
27 identifying the equipment with specificity, its chain of custody and ownership, its current location,  
28

1 any attempts to obtain the equipment from the Production Facility, and any lawsuits relating to or  
2 involving the equipment.

3 41. The Joint Defense, Confidentiality, and Forbearance Agreement, bates numbered  
4 Plaintiff's Documents 00611.

5 42. Your relationship with Valjo, Inc., including, but not limited to, any contracts,  
6 promissory notes, loans, loan negotiations, collateral, loan documents, and communications.

7 43. The matter of *Valjo, Inc. v. E&T Ventures, LLC*, Case No. A-19-7986474, including  
8 but not limited to, any contracts, promissory notes, loans, loan negotiations, collateral, loan  
9 documents, and communications.

10 44. Your document retention policies in effect between January 1, 2017 and the present  
11 day.

12 45. Your relationship with Mitchell D. Stipp, Esq. ("Mr. Stipp"), including but not limited  
13 to business dealings with Mr. Stipp, communications with Mr. Stipp during Mr. Stipp's representation  
14 of Valjo, Inc. against You in the matter of *Valjo, Inc. v. E&T Ventures, LLC*, Case No. A-19-7986474,  
15 and Your retainer agreement with Mr. Stipp in this litigation.

16 46. The circumstances of substitution of counsel from Garman Turner Gordon to Mr.  
17 Stipp in this litigation.

18 47. Your inventory control system while operating at the Production Facility.

19 48. The negotiation of the agreement between you and Euphoria regarding the First  
20 Amended and Restated Agreement, and any other agreements related thereto.

21 49. Any and all contracts with third-parties that You entered into while operating at the  
22 Production Facility, including, but not limited to Wana and Keef Cola.

23 50. Any and all loans that You entered into with third-parties from 2016 through present,  
24 including, but not limited to all security agreements and UCC filings.

25  
26  
27  
28

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

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 14<sup>th</sup> day of December 2021, a true and correct copy of the above **NOTICE OF TAKING THE DEPOSITION OF THE NRCP 30(b)(6) DESIGNEE FOR E&T VENTURES, 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 to the following:

**MITCHELL D. STIPP, ESQ.**  
**LAW OFFICE OF MITCHELL STIPP**  
 1180 N. Town Center Drive, Suite 100  
 Las Vegas, Nevada 89144  
 Email: [mstipp@stippilaw.com](mailto:mstipp@stippilaw.com)

*Attorney for E&T Ventures, LLC, Miral Consulting, LLC,  
Happy Campers, LLC and CBD Supply Co, LLC*

*And*

*Attorney for Joseph Kennedy, Valjo, Inc. and Nye Natural Medicinal Solutions, LLC*

By: /s/ *Julie Linton*

---

An Employee of JONES LOVELOCK



**Fwd: Notification of Service for Case: A-19-796919-B, E&T Ventures LLC, Plaintiff(s)vs.Euphoria Wellness LLC, Defendant(s) for filing Service Only, Envelope Number: 9030894**

1 message

Mitchell Stipp <mstipp@stipplaw.com>  
 To: Justin Jones <jjones@joneslovelock.com>

Tue, Dec 14, 2021 at 6:13 PM

I received a copy of your client's Rule 30(b)(6) deposition notice.

The scope of the subpoena is impermissibly broad. The topics for a Rule 30(b)(6) deposition must be narrowly tailored. 50 topics in the Rule 30(b)(6) deposition notice is excessive and unreasonable given the relatively straightforward nature of the claims and defenses. Rather than targeting those issues in which Rule 30(b)(6) testimony is truly needed, the deposition notice appears to have been drafted to cover nearly every conceivable facet of this litigation. Under Nevada law, this is improper, overly burdensome, and clearly disproportional to the needs of the case. Finally, burdening E&T with the task of trying to prepare a deponent on 50 topics is not appropriate in this case and likely any similarly situated case.

If we are not able to agree on the topics for the deposition, I will need to file a motion for a protective order. Given my schedule and the holidays, I can make time on Monday, December 27, 2021 for a discovery conference. Hopefully, we can reach an agreement which can be memorialized in a stipulation. Unfortunately, I do not believe there is sufficient time to work through these issues in time to prepare for and complete a deposition on January 7.

I look forward to hearing from you.


[www.stipplaw.com](http://www.stipplaw.com)

**Mitchell D. Stipp**  
**Law Office of Mitchell Stipp, P.C.**  
**1180 N. Town Center Drive, Suite 100**  
**Las Vegas, Nevada 89144**  
**T: 702.602.1242 | M: 702.378.1907**  
**E: mstipp@stipplaw.com**

----- Forwarded message -----

From: <no-reply@efilingmail.tylertech.cloud>

Date: Tue, Dec 14, 2021 at 9:24 AM

Subject: Notification of Service for Case: A-19-796919-B, E&T Ventures LLC, Plaintiff(s)vs.Euphoria Wellness LLC, Defendant(s) for filing Service Only, Envelope Number: 9030894

To: <mstipp@stipplaw.com>

**Notification of Service**

Case Number: A-19-796919-B  
 Case Style: E&T Ventures LLC, Plaintiff(s)vs.Euphoria Wellness LLC,  
 Defendant(s)  
 Envelope Number: 9030894

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Filing Details	
Case Number	A-19-796919-B
Case Style	E&T Ventures LLC, Plaintiff(s)vs.Euphoria Wellness LLC, Defendant(s)
Date/Time Submitted	12/14/2021 9:23 AM PST
Filing Type	Service Only
Filing Description	NOTICE OF TAKING THE DEPOSITION OF THE NRCP 30(b)(6) DESIGNEE FOR E&T VENTURES, LLC
Filed By	Justin Jones
Service Contacts	E&T Ventures LLC:  Mitchell Stipp ( <a href="mailto:mstipp@stipplaw.com">mstipp@stipplaw.com</a> )  E&T Ventures LLC:

EXHIBITS TO REPLY 0033

EXHIBITS PAGE 12

Mitchell Stipp ([mstipp@stippplaw.com](mailto:mstipp@stippplaw.com))

Euphoria Wellness LLC:

Alison Anderson ([aanderson@joneslovelock.com](mailto:aanderson@joneslovelock.com))

Nicole Lovelock ([nlovelock@joneslovelock.com](mailto:nlovelock@joneslovelock.com))

Lorie Januskevicius ([ljanuskevicius@joneslovelock.com](mailto:ljanuskevicius@joneslovelock.com))

Justin Jones ([jjones@joneslovelock.com](mailto:jjones@joneslovelock.com))

Euphoria Wellness LLC:

Nicole Lovelock ([nlovelock@joneslovelock.com](mailto:nlovelock@joneslovelock.com))

Lorie Januskevicius ([ljanuskevicius@joneslovelock.com](mailto:ljanuskevicius@joneslovelock.com))

Julie Linton ([jlinton@joneslovelock.com](mailto:jlinton@joneslovelock.com))

Justin Jones ([jjones@joneslovelock.com](mailto:jjones@joneslovelock.com))

Nicole Lovelock ([nlovelock@joneslovelock.com](mailto:nlovelock@joneslovelock.com))

Marta Kurshumova ([mkurshumova@joneslovelock.com](mailto:mkurshumova@joneslovelock.com))

Kimberley Hyson ([khyson@joneslovelock.com](mailto:khyson@joneslovelock.com))

Georlen Spangler ([jspangler@joneslovelock.com](mailto:jspangler@joneslovelock.com))

Euphoria Wellness LLC:

Julie Linton ([jlinton@joneslovelock.com](mailto:jlinton@joneslovelock.com))

Lorie Januskevicius ([ljanuskevicius@joneslovelock.com](mailto:ljanuskevicius@joneslovelock.com))

Nicole Lovelock ([nlovelock@joneslovelock.com](mailto:nlovelock@joneslovelock.com))

Justin Jones ([jjones@joneslovelock.com](mailto:jjones@joneslovelock.com))

Other Service Contacts not associated with a party on the case:

Michael Detmer ([mdetmer@ag.nv.gov](mailto:mdetmer@ag.nv.gov))

Ashley Balducci ([abalducci@ag.nv.gov](mailto:abalducci@ag.nv.gov))

Yolonda Laster ([ylaster@ag.nv.gov](mailto:ylaster@ag.nv.gov))

Luke Rath ([lrath@ag.nv.gov](mailto:lrath@ag.nv.gov))

Emily Bordelove ([ebordelove@ag.nv.gov](mailto:ebordelove@ag.nv.gov))

#### Document Details

Served Document

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# EXHIBIT 3

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**Re: Notification of Service for Case: A-19-796919-B, E&T Ventures LLC, Plaintiff(s)vs.Euphoria Wellness LLC, Defendant(s) for filing Service Only, Envelope Number: 9030894**

1 message

**Justin Jones** <jjones@joneslovelock.com>

Tue, Dec 21, 2021 at 7:22 AM

To: Mitchell Stipp <mstipp@stiplaw.com>

Cc: Marta Kurshumova <mkurshumova@joneslovelock.com>, Nicole Lovelock <nlovelock@joneslovelock.com>

Mitchell,

It is disappointing that when you ask for a meet and confer, you insist it be done ASAP, but when I ask for one, you are not available for two weeks. I'm happy to discuss limiting the PMK topics, but we don't have a lot of leeway for scheduling the depo given the impending discovery cutoff. Please let me know if you can talk this afternoon, tomorrow or Thursday. I don't think it is appropriate to delay until next week.

Justin

**PLEASE NOTE OUR NEW ADDRESS**

Justin C. Jones, Esq.



6600 Amelia Earhart Ct., Suite C

Las Vegas, NV 89119

P (702) 805-8450

F (702) 805-8451

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

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# EXHIBIT 4

**Re: Notification of Service for Case: A-19-796919-B, E&T Ventures LLC, Plaintiff(s)vs.Euphoria Wellness LLC, Defendant(s) for filing Service Only, Envelope Number: 9030894**

1 message

**Mitchell Stipp** <mstipp@stipplaw.com>

Tue, Dec 21, 2021 at 7:36 AM

To: Justin Jones <jjones@joneslovelock.com>

Cc: Marta Kurshumova <mkurshumova@joneslovelock.com>, Nicole Lovelock <nlovelock@joneslovelock.com>

You should not be disappointed. You did not ask to meet and confer on your client's 30(b)(6) deposition. On 12/14, I asked for the discovery conference. A week has passed before you responded below. If anything, I should be disappointed. I provided you more than adequate time (given the scheduling issues before) yet you still complain.



**Mitchell D. Stipp**

**Law Office of Mitchell Stipp, P.C.  
1180 N. Town Center Drive, Suite 100  
Las Vegas, Nevada 89144**

**T: 702.602.1242 | M: 702.378.1907**

**E: mstipp@stipplaw.com**

[www.stipplaw.com](http://www.stipplaw.com)

On Dec 21, 2021, 7:23 AM -0800, Justin Jones <jjones@joneslovelock.com>, wrote:

Mitchell,

It is disappointing that when you ask for a meet and confer, you insist it be done ASAP, but when I ask for one, you are not available for two weeks. I'm happy to discuss limiting the PMK topics, but we don't have a lot of leeway for scheduling the depo given the impending discovery cutoff. Please let me know if you can talk this afternoon, tomorrow or Thursday. I don't think it is appropriate to delay until next week.

Justin

**PLEASE NOTE OUR NEW ADDRESS**

**Justin C. Jones, Esq.**

<image001.png>

6600 Amelia Earhart Ct., Suite C

Las Vegas, NV 89119

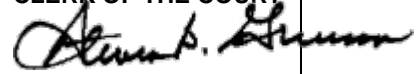
P (702) 805-8450

F (702) 805-8451

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

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EXHIBIT 4-REPLY TO  
OPPOSITION  
TO MOTION TO STAY



1 ORDD

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA

5 E&T VENTURES LLC

Case No.: A-19-796919-B

Dept. No.: XXXI

7 Plaintiff,

8 vs.

**ORDER DENYING WITHOUT  
PREJUDICE THE EX PARTE  
APPLICATION FOR ORDER  
SHORTENING TIME ON MOTION FOR  
PROTECTIVE ORDER**

9 EUPHORIA WELLNESS LLC

10 Defendant.

12  
13 **I. FACTUAL BACKGROUND**

14 On January 4, 2022, E&T Ventures LLC filed a Motion for Protective  
15 Order, which is set to be heard on February 8, 2022. Subsequently on January  
16 4, 2022, an Ex Parte Application for Order Shortening Time on Motion for  
17 Protective Order was submitted to Department XXXI.

18 Pursuant to EDCR 2.26, "Ex parte motions to shorten time may not be  
19 granted except upon an unsworn declaration under penalty of perjury or affidavit  
20 of counsel or a self-represented litigant describing the circumstances claimed to  
21 constitute good cause and justify shortening of time." Additionally, pursuant to  
22 EDCR 2.34, "discovery motions may not be filed unless an affidavit of moving  
23 counsel is attached thereto setting forth that after a discovery dispute conference  
24 or a good faith effort to confer, counsel have been unable to resolve the matter  
25 satisfactorily. A conference requires either a personal or telephone conference  
26 between or among counsel. Moving counsel must set forth in the affidavit what  
27

1 attempts to resolve the discovery dispute were made, what was resolved and  
2 what was not resolved, and the reasons therefor. If a personal or telephone  
3 conference was not possible, the affidavit shall set forth the reasons.”  
4

5 Here, the Motion and proposed Order Shortening Time sets forth that a  
6 proposed date for a meet and confer was requested in December 2021, but it  
7 does not set forth why the meet and confer did not take place on any alternate  
8 date. Additionally, to the extent that the Motion is asserting that there is a new  
9 reason for the request, it does not set forth there was any good faith attempt to  
10 meet and confer regarding the new circumstances that arose, nor is there  
11 anything that shows a meet and confer was not possible in January 2022  
12 regarding the new issues or the prior issues. The proposed Ex Parte Application  
13 for Order Shortening Time on Motion for Protective Order, therefore, does not  
14 comply with the rules.

15 **ORDER**

16 Having reviewed the papers and pleadings on file herein, including, but  
17 not limited to, the pleadings, exhibits and affidavits; this Court makes the  
18 following ruling:

19 **IT IS THEREFORE ORDERED, ADJUDGED, and DECREED** that the Ex  
20 Parte Application for Order Shortening Time is DENIED without prejudice.

21 **IT IS SO ORDERED.**

22 DATED this 6<sup>th</sup> day of January, 2022.

23  
24   
25 HON. JOANNA S. KISHNER  
26 DISTRICT COURT JUDGE  
27  
28

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**ALL REGISTERED COUNSEL and/or PARTIES IN PROPER PERSON  
SERVED VIA ELECTRONIC SERVICE**

*/s/ Tracy L. Cordoba*  
TRACY L. CORDOBA-WHEELER  
Judicial Executive Assistant

EXHIBIT 5-REPLY TO  
OPPOSITION  
TO MOTION TO STAY

## DECLARATION OF JOSEPH KENNEDY

I, Joseph Kennedy, declare under penalty of perjury as follows:

1. I am the sole manager and member of E&T Ventures, LLC ("Petitioner").
2. Despite claims to the contrary, there was nothing nefarious about my acquisition of the membership interests of Alex and Kristin Taracki in Petitioner. Through my entity, Valjo, Inc., I loaned money to Petitioner, which loan is secured by Petitioner's equipment that is the subject of litigation in the district court with Euphoria Wellness, LLC. Petitioner has not repaid the loan, and Euphoria has blocked repossession. I am also paying all of the attorney's fees and costs of litigation against Euphoria.
3. The acquisition of Petitioner was necessary to protect my financial interests in the case.
4. I submit the above-titled declaration in support of the motion for a stay. I have personal knowledge of the facts contained the motion and reply unless otherwise qualified by information and belief or such knowledge is based on the record in this case, and I am competent to testify thereto, and such facts are true and accurate to the best of my knowledge and belief.

Dated: February 3, 2022

*/s/ Joseph Kennedy*

---

Joseph Kennedy