

Electronically Filed
Apr 22 2022 03:29 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

NOAS

JOSEPH A. GUTIERREZ, ESQ.

Nevada Bar No. 9046

DANIELLE J. BARRAZA, ESQ.

Nevada Bar No. 13822

MAIER GUTIERREZ & ASSOCIATES

8816 Spanish Ridge Avenue

Las Vegas, Nevada 89148

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Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

SPANISH HEIGHTS ACQUISITION
COMPANY, LLC, a Nevada Limited Liability
Company; SJC VENTURES HOLDING
COMPANY, LLC, d/b/a SJC VENTURES, LLC,
a Delaware Limited Liability Company,

Plaintiffs,

vs.

CBC PARTNERS I, LLC, a foreign Limited
Liability Company; CBC PARTNERS, LLC, a
foreign Limited Liability Company; 5148
SPANISH HEIGHTS, LLC, a Nevada Limited
Liability Company; KENNETH ANTOS AND
SHEILA NEUMANN-ANTOS, as Trustees of
the Kenneth & Sheila Antos Living Trust and the
Kenneth M. Antos & Sheila M. Neumann-Antos
Trust; DACIA, LLC, a foreign Limited Liability
Company; DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

Defendants.

AND RELATED CLAIMS.

Case No.: A-20-813439-B

Dept. No.: XXXI

NOTICE OF APPEAL

NOTICE IS HEREBY given that plaintiff Spanish Heights Acquisition Company, LLC and
SJC Ventures Holding Company, LLC d/b/a SJC Ventures, LLC (collectively "Plaintiffs"), by and

1 through their attorneys of record, the law firm MAIER GUTIERREZ & ASSOCIATES, appeal to the
2 Supreme Court of Nevada from the Amended Order Appointing Receiver, notice of entry of which
3 was filed on March 21, 2022, a copy of which is attached hereto as **Exhibit 1**.

4 DATED this 18th day of April 2022.

5 Respectfully submitted,

6 **MAIER GUTIERREZ & ASSOCIATES**

7 /s/ Joseph A. Gutierrez

8 JOSEPH A. GUTIERREZ, ESQ.

9 Nevada Bar No. 9046

DANIELLE J. BARRAZA, ESQ.

10 Nevada Bar No. 13822

8816 Spanish Ridge Avenue

11 Las Vegas, Nevada 89148

12 *Attorneys for Plaintiffs*

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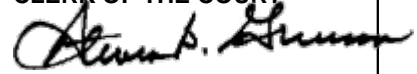
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EXHIBIT 1

EXHIBIT 1

CARLYON CICA CHTD.
265 E. Warm Springs Road, Suite 107
Las Vegas, NV 89119



NEO
CARLYON CICA CHTD.
CANDACE C. CARLYON, ESQ.
Nevada Bar No. 2666
TRACY M. O'STEEN, ESQ.
Nevada Bar No. 10949
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TOSTeen@CarlyonCica.com

Counsel for Larry L. Bertsch, Receiver

EIGHT JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

SPANISH HEIGHTS ACQUISITION
COMPANY, LLC, a Nevada limited liability
company; SJC Ventures Holding Company,
LLC d/b/a SJC Ventures LLC, a Delaware
limited liability company,

Plaintiffs,

v.

CBC PARTNERS I, LLC, a Nevada limited
liability company; CBC PARTNERS, LLC, a
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SPANISH HEIGHTS LLC, a Nevada limited
liability company; KENNETH ANTOS AND
SHEILA NEUMANN-ANTOS, as Trustees of
the Kenneth & Sheila Antos Living Trust and
the Kenneth M. Antos & Sheila M. Neumann-
Antos Trust; DACIA LLC, a foreign limited
liability company; DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

Defendants.

AND RELATED MATTERS.

Case No.: A-20-813439-B

Dept. No.: 31

**NOTICE OF ENTRY OF AMENDED
ORDER APPOINTING RECEIVER**

PLEASE TAKE NOTICE that an *Amended Order Appointing Receiver* was entered in the
above-referenced matter on March 20, 2022, a true and correct copy of which is attached hereto as

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Exhibit 1.

DATED this 21st day of March 2022.

CARLYON CICA CHTD.

/s/ Tracy M. O'Steen, Esq.

TRACY M. O'STEEN, ESQ.

Nevada Bar No. 10949

265 E. Warm Springs Road, Suite 107

Las Vegas, Nevada 89119

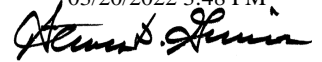
Counsel for the Receiver

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/s/ Cristina Robertson
An Employee for Carlyon Cica

EXHIBIT “1”

EXHIBIT “1”


CLERK OF THE COURT

ORDR

CARLYON CICA CHTD.
CANDACEC.CARLYON, ESQ.
Nevada Bar No. 2666
TRACY M. O'STEEN, ESQ.
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Email: CCarlyon@CarlyonCica.com
TOSTeen@CarlyonCica.com

Counsel for Larry L. Bertsch, Receiver

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

SPANISH HEIGHTS ACQUISITION
COMPANY, LLC, a Nevada limited liability
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CORPORATIONS I through X, inclusive,

Defendants.

AND RELATED MATTERS.

Case No.: A-20-813439-B
Dept. No.: 31

**AMENDED ORDER APPOINTING
RECEIVER**

**Hearing Dates: February 11, 2022
March 11, 2022**

The Court having conducted an evidentiary hearing with respect to the Receiver's Request
for Instructions on February 11, 2022 which concluded on March 10, 2022 (the "Evidentiary

CARLYON CICA CHTD.
265 E. Warm Springs Road, Suite 107
Las Vegas, NV 89119

1 Hearing”), and the Court having entered separately its Findings of Fact and Conclusions of Law with
2 respect to the Receiver’s Request for Instructions and the Evidentiary Hearing; and good cause
3 appearing:

4 **IT IS HEREBY ORDERED** that the Court hereby amends its initial *Order Appointing*
5 *Receiver* entered on August 11, 2021, and hereby confirms its appointment of Larry L. Bertsch,
6 CPA, CFF as the Receiver (the “Receiver”) for SJC Ventures Holding Company, LLC, d/b/a SJC
7 Ventures LLC (“SJCV”) and expands his appointment to include Spanish Heights Acquisition
8 Company LLC (“SHAC”), First 100, LLC (“First 100”) and 1st One Hundred Holdings, LLC (“1st
9 One Hundred” and together with SJCV, SHAC and First 100, the “Companies”), and directs the
10 Receiver to take possession, custody, and control of the Companies and their assets (the
11 “Receivership Estate” or the “Estate”), to manage, maintain, preserve, protect and secure said
12 Receivership Estate subject to terms and conditions set forth herein.

13 **IT IS HEREBY FURTHER ORDERED** that the Receiver shall have the following
14 **DUTIES, RIGHTS AND POWERS:**

15 (a) To take possession of the entire Receivership Estate, including without limitation, all
16 books and records, all operating bank accounts, ledgers, accounts, security deposits, payrolls,
17 accounting statements, materials, monies, checks, securities, books of account, insurance policies,
18 service contracts, permits, licenses, and any other asset relating to the Receivership Estate.

19 (b) To demand, sue for, collect, receive and take into possession all the goods and
20 chattels, rights and credits, moneys and effects, lands and tenements, books, papers, choses in action,
21 bills, notes and property, of every description of the Companies.

22 (c) To institute suits at law or in equity for the recovery of any estate, property, damages
23 or demands existing in favor of the Companies.

24 (d) Defend, compromise or settle any administrative action involving the Companies.

25 (e) In the Receiver’s discretion, to compromise and/or settle with any debtor or creditor
26 of the company, or with persons having possession of its property or in any way responsible at law
27 or in equity to the company at the time of its insolvency or suspension of business, or afterwards,
28 upon such terms and in such manner as they shall deem just and beneficial to the Companies.

1 (f) In case of mutual dealings between the company and any person to allow just setoff
2 in favor of such person in all cases in which the same ought to be allowed according to law and equity.

3 (g) To demand and receive from the Companies, their partners, agents, employees and
4 representatives all of the foregoing documents and information listed infra, including but not limited
5 to all books, records, documents reflecting accounts receivable and accounts payable, agreements,
6 licenses, permits, certificates, designs, reports, and all other matters in connection with and in any
7 manner related to the Receivership Estate.

8 (h) To retrieve computers, data, discs, drives, cell phones and any and all electronic
9 devices, and their respective agents and affiliates, or copy the data and discs from the same, which
10 hold or may hold information related to the Receivership Estate, wherever located.

11 (i) To collect all monies, issues and profits from the Receivership Estate now owing or
12 hereafter coming due, including all monies in the possession of partners, agents, employees and
13 representatives of the Companies, and their respective agents and affiliates, which may be set off by
14 any amounts constituting an obligation of the Companies to said individuals if assumed in writing by
15 the Receiver.

16 (j) To undertake whatever actions are reasonable or necessary to collect the accounts
17 receivable of the Companies.

18 (k) To hire such professionals as necessary to assist the Receiver in carrying out this
19 Order, and, to compensate such professionals from the assets and income of the Receivership Estate.

20 (l) To notify third parties, including but not limited to contractors, service-providers,
21 vendors, and merchants, and others doing business with the Companies of this Order upon such
22 appointment, and instruct anyone owing moneys to the Companies to make any and all payments
23 (otherwise due to the Companies) to the Receiver.

24 (m) To execute and file change of address and/or mail forwarding forms with the United
25 States Postal Service in order to direct the United States Postal Service to forward and deliver to a
26 post office box designated by Receiver any mail addressed to the Company.

1 (n) To collect all monies, issues, and profits of the Receivership Estate now owing or
2 hereafter coming due. To deposit in a bank account established by the Receiver or at his direction,
3 the income derived from the Receivership Estate.

4 (o) To send notice to accounts receivable debtors of the Companies directing the same to
5 make payments due.

6 (p) To change signature cards for existing accounts and transfer existing accounts or
7 funds in existing accounts into accounts established by the Receiver.

8 (q) To present and endorse for payment and collection any checks, money orders, notes
9 or other forms of payment made payable to the Companies that constitute income or proceeds of the
10 Receivership Estate, endorse same collect the proceeds of such checks, money orders, notes or other
11 forms of payment.

12 (r) To terminate, with the Court's express approval only, any existing contract,
13 agreement, or instrument which Receiver deems not commercially reasonable or beneficial to the
14 Receivership Estate.

15 (s) To determine upon taking possession of the Receivership Estate whether there is
16 sufficient insurance for the Receivership Estate, and to maintain and/or obtain liability, property,
17 damage, and such other insurance for the Receivership Estate as necessary, and to pay the premiums
18 therefore from receivership proceeds.

19 (t) To disburse the funds received from the operation of the Receivership Estate.

20 (u) To generally operate, manage, control and conduct the Receivership Estate and its
21 business and incur the expenses necessary in such operation, management, control, and conduct in
22 the ordinary and usual course of business, and do all things and incur the risks and obligations
23 ordinarily incurred by owners, managers, and operators of similar businesses, and no such risks or
24 obligations so incurred shall be the personal risk or obligation of the Receiver, but shall be a risk or
25 obligation of the Receivership Estate.

26 (v) To generally do such other things as may be necessary or incidental to the foregoing
27 specific powers, directions and general authorities and take actions relating to the Receivership Estate
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beyond the scope contemplated by the provisions set forth above, provided the Receiver obtains prior court approval for any actions beyond the scope contemplated in this Order.

IT IS HEREBY FURTHER ORDERED that the Companies, including without limitation, the Companies' agents, affiliates, representatives, officers, managers, directors, shareholders, members, partners trustees, and other persons exercising or having control over the affairs of the Companies, including Jay Bloom, shall:

(a) Assist and cooperate with the Receiver in the administration of the receivership and the discharge of the Receiver's duties.

(b) Preserve and turn over to the Receiver all receivership property in their possession, custody or control as discussed herein.

(c) Identify all records and other information relating to the receivership property, including a password, authorization or other information needed to obtain or maintain access to or control of the receivership property, and make available to the receiver the records and information in their possession, custody or control.

(d) On subpoena, submit to examination under oath by the Receiver concerning the acts, conduct, property, liabilities and financial condition of the owner or any matter relating to the Receivership Estate or the receivership.

(e) Perform any other duty imposed by this Order.

IT IS HEREBY FUTHER ORDERED that the Companies and any of their partners, members, agents, officers, accountants, directors employees or representatives (upon receipt of a copy of this Order) **SHALL IMMEDIATELY DELIVER** to the Receiver or his agents all items and property provided by this Order, including without limitation, all books and records, ledgers, accounts, operating accounts, escrow accounts, accounts receivable, accounting statements, financial statements, service contracts, insurance policies, marketing materials, licenses, permits, a list of all telephone numbers associated with the Receivership Estate, a list of vendors and an open invoice list, accounting or other software used in the management and/or operation of the Receivership Estate (including but not limited to passwords and codes for any such software, including Quickbooks if utilized by the Companies) and final 2021 operating statements and year to

1 date 2022 operating statements for the Receivership Estate, and further advise the Receiver of federal
2 taxpayer identification numbers relating to the Receivership Estate, and all other records or
3 documentation pertaining to the operation, management, marketing, or ownership of the
4 Receivership Estate currently in their possession or which hereafter come in their possession.

5 **IT IS HEREBY FURTHER ORDERED** that the Companies and their officers, directors,
6 partners, agents, employees, accountants and representatives, and their respective agents and
7 affiliates, shall cooperate with the Receiver and shall not interfere with or obstruct the Receiver in
8 the performance of his duties.

9 **IT IS HEREBY FURTHER ORDERED** that the Receiver shall be compensated as
10 follows: (a) The Receiver shall be paid \$300/hr; (b) The Receiver's staff shall be paid ordinary and
11 normal rates for staff of such kind, which shall not exceed \$125/hr; and (c) The Receiver shall be
12 reimbursed all reasonable administrative costs.

13 **IT IS HEREBY FURTHER ORDERED** that the Receiver's Counsel, Carlyon Cica Chtd.
14 ("Receiver's Counsel"), is deemed employed by the Receiver for this matter with respect to the
15 Receivership Estate without further order of the Court. Receiver's Counsel is entitled to reasonable
16 compensation, including reimbursement of all reasonable administrative costs and expenses, and
17 shall be compensated at its ordinary and normal rates for attorneys and its staff for matters of this
18 kind.

19 **IT IS HEREBY FURTHER ORDERED** that the Receiver shall file a joint application for
20 compensation for the Receiver and Receiver's Counsel at 30-day intervals for the duration of the
21 Receivership ("Application for Compensation"). The Application for Compensation can be
22 contained in the Reports discussed the paragraph below and shall contain a request for payment
23 consistent with the compensation structure provided in this Order, a summary of the request, and a
24 prayer for relief, with invoices attached to the Application for Compensation. Should no party to this
25 action object to the Application for Compensation, and should no party set a hearing on such
26 objection within seven (7) judicial days of the date of service of said application, the Receiver shall
27 submit an order to the Court approving the application, which approved compensation shall be paid
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1 by Defendants pursuant to the initial Order Appointing Receiver entered on August 11, 2021, until
2 such time as the Court orders otherwise.

3 **IT IS HEREBY FURTHER ORDERED** that the Receiver shall, on the 20th judicial day
4 of the second month following entry of this Order, and for each month thereafter for the duration of
5 the Receivership, file with the Court and serve on the parties to this action, a report on the activities
6 of the Receiver and the financial condition of the Receivership Estate, in a format to be selected by
7 Receiver. Other than the Receiver's initial report, each subsequent report shall be filed on the 20th
8 judicial day for the prior month's activities. The Reports may contain the Application for
9 Compensation set forth above.

10 **IT IS HEREBY FURTHER ORDERED** that no person or entity shall file suit against the
11 Receiver or take other action against the Receiver without an order of this Court permitting the suit
12 or action; provided, however, that no prior Court order is required to file a motion in this action to
13 enforce the provisions of this Order or any other Order of this Court in this action. The Receivership
14 Estate and its employees, agents, attorneys and all professionals and management companies
15 retained by the Receiver shall have no liability for any obligations, or debts incurred by the
16 Company. Nothing contained in this Order shall be construed as obligating or permitting the
17 Receiver to advance its own funds to pay any costs of the Receivership Estate. Nothing in this
18 paragraph amounts to, operates as, or shall be construed as a waiver of any immunity or similar
19 defense of Receiver and its professionals provided by applicable law.

20 **IT IS HEREBY FURTHER ORDERED** that the discharge of the Receiver shall require a
21 Court order upon noticed motion for approval of the Receiver's final report and account and
22 exoneration of the Receiver's bond, if any. Upon filing the Motion for Approval of Receiver's Final
23 Report and Accounting (the "Receiver's Motion"), the Court will set for hearing on shortened for
24 the Court's first date of availability no less than five (5) and no more than ten (10) judicial days after
25 the filing of the Receiver's Motion.

26 **IT IS HEREBY FURTHER ORDERED** that the Receiver may provide a copy of this
27 Order by hand delivery or by U.S. mail, postage prepaid, to any person in possession of the
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1 Receivership Estate or otherwise affected by such Order, as and when the Receiver becomes aware
2 of the existence and identity of such persons.

3 **IT IS FURTHER ORDERED** that for the duration of the receivership, the Companies and
4 their officers, directors, employees, contractors, agents, and all other persons acting in concert with
5 them, and their respective agents and affiliates, including Jay Bloom, are restrained and enjoined
6 from engaging in, or performing, directly or indirectly, any of the following:

7 (a) Interfering with, or hindering in any manner whatsoever, the Receiver in the
8 performance of the Receiver's duties as set forth in this Order.

9 (b) Concealing, destroying, defacing or altering any instruments, statements, ledger
10 cards, books, records, agreements, and or such other documents of the Companies.

11 (c) Transferring, conveying, assigning, pledging, deeding, selling, renting, leasing,
12 encumbering, changing ownership, vesting of title to, or otherwise disposing of any assets of the
13 Companies.

14 (d) Collecting or demanding any revenues or other income from the Receivership Estate
15 or withdrawing funds from any bank or other depository account relating to the Receivership Estate
16 or in any other way diverting or using any of the income from the Receivership Estate.

17 (e) Terminating or causing to be terminated any license, permit, lease, contractor
18 agreement relating to the Receivership Estate or the operation of any of the business on the
19 Receivership Estate.

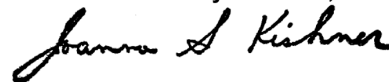
20 (f) Withdrawing, expending or encumbering the management account or operating
21 account for the Receivership Estate, unless otherwise ordered.

22 (g) Doing any act that will impair the preservation of the Receivership Estate.

23 (h) Committing or permitting any waste on the Receivership Estate or any act on the
24 Receivership Estate in violation of law.

25 **IT IS SO ORDERED.**

Dated this 20th day of March, 2022



26 DISTRICT COURT JUDGE
27 Joanna S. Kishner
28 District Court Judge

1 Respectfully Submitted by:

2 CARLYON CICA, CHTD.

3 /s/ Tracy M. O'Steen, Esq.

4
5 Candace Carlyon, Esq.
6 Nevada Bar No. 2666
7 Tracy M. O'Steen, Esq.
8 Nevada Bar No. 10949
9 265 E. Warm Springs Road, Suite 107
10 Las Vegas, NV 89119
11 *Counsel for Larry L. Bertsch, Receiver*
12 Approved by:

13 Approved by:
14 MUSHKIN & COPPEDGE

15 /s/ Michael R. Mushkin, Esq.

16
17 MICHAEL R. MUSHKIN, ESQ.
18 Nevada Bar No. 2421
19 L. JOE COPPEDGE, ESQ.
20 Nevada Bar No. 4954
21 6070 South Eastern Avenue, Suite 270
22 Las Vegas, Nevada 89119
23 *Attorneys for Defendants CBC Partners I,*
24 *LLC, CBC Partners, LLC, 5148 Spanish*
25 *Heights, LLC, and Dacia LLC*
26
27
28

Approved by:

MAIER GUTIERREZ & ASSOCIATES

/s/

JOSEPH A. GUTIERREZ, ESQ.
Nevada Bar No. 9046
DANIELLE J. BARRAZA, ESQ.
Nevada Bar No. 13822
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
Attorneys for Plaintiffs

From: [Michael Mushkin](#)
To: [Tracy O'Steen](#)
Cc: [djb@mgalaw.com](#); [Joseph Gutierrez](#); [Karen Foley](#); [Candace Carlyon](#); [Larry Bertsch](#); [Richard Kleikamp](#)
Subject: Re: SJCV Receivership - Amended Order Appointing Receiver
Date: Tuesday, March 15, 2022 9:51:44 AM
Attachments: [Amended Order Appointing Receiver 03142022.docx](#)

I approve of the order. Please affix my electronic signature.

MRM

Sent from my iPhone

On Mar 15, 2022, at 9:32 AM, Tracy O'Steen <tosteen@carlyoncica.com> wrote:

Good morning, I attach a draft of the amended order appointing receiver for your review and comment. Please note that this remains subject to the Receiver's final approval as he has not yet had the opportunity to review. The form mirrors typical receivership orders. Please provide your comments as soon as possible, or if you have no changes, please confirm your approval to submit to the Court on your electronic signature.

Best,

Tracy M. O'Steen, Esq.
CARLYON CICA CHTD.
265 E. Warm Springs Rd. Ste. 107
Las Vegas, Nevada 89119
T 702.685.4444 | D 702.936.3647
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Licensed in Nevada, Arizona and Mississippi

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Spanish Heights Acquisition
7 Company LLC, Plaintiff(s)

CASE NO: A-20-813439-B

8 vs.

DEPT. NO. Department 31

9 CBC Partners I LLC,
10 Defendant(s)

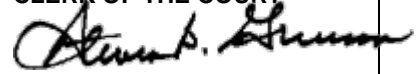
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 3/20/2022

16 MGA Docketing	docket@mgalaw.com
17 Karen Foley	kfoley@mccnvlaw.com
18 Michael Mushkin	michael@mccnvlaw.com
19 Candace Carlyon	ccarlyon@carlyoncica.com
20 Tracy O'Steen	tosteen@carlyoncica.com
21 Nancy Rodriguez	nrodriguez@carlyoncica.com
22 Cristina Robertson	crobertson@carlyoncica.com
23 Cristiana Lopez	clopez@mccnvlaw.com

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Nevada Bar No. 9046

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Attorneys for Plaintiffs

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CORPORATIONS I through X, inclusive,

Defendants.

AND RELATED CLAIMS.

Case No.: A-20-813439-B

Dept. No.: XXXI

CASE APPEAL STATEMENT

Plaintiff Spanish Heights Acquisition Company, LLC ("SHAC") and SJC Ventures Holding
Company, LLC d/b/a SJC Ventures, LLC ("SJC Ventures") (collectively "Plaintiffs"), by and through

1 their attorneys of record, the law firm MAIER GUTIERREZ & ASSOCIATES, submits this case appeal
2 statement:

3 1. Name of appellant filing this case appeal statement:

4 Spanish Heights Acquisition Company, LLC and SJC Ventures Holding Company, LLC d/b/a
5 SJC Ventures, LLC.

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

7 Honorable District Court Judge Joanna S. Kishner; Findings of Fact and Conclusions of Law
8 Regarding Order on Receiver's Request for Instructions, entered on March 20, 2022, notice of entry
9 entered on March 21, 2022.

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

11 Spanish Heights Acquisition Company, LLC and SJC Ventures Holding Company, LLC d/b/a
12 SJC Ventures, LLC, c/o Joseph A. Gutierrez, Esq. and Danielle J. Barraza, Esq. of the law firm MAIER
13 GUTIERREZ & ASSOCIATES located at 8816 Spanish Ridge Avenue, Las Vegas, Nevada 89148.

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

17 5148 Spanish Heights, LLC and CBC Partners I, LLC, c/o Michael R. Mushkin, Esq. and L.
18 Joe Coppedge, Esq. of the law firm MUSHKIN & COPPEDGE located at 6070 S. Eastern Ave, Ste. 270,
19 Las Vegas, Nevada 89119.

20 Larry L. Bertsch, receiver, c/o Candace C. Carlyon, Esq. and Tracy M. O'Steen, Esq. o the
21 law firm CARLYON CICA CHTD. Located at 265 E. Warm Springs Rd, Ste. 107, Las Vegas, Nevada
22 89119.

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

27 N/A.

28 6. Indicate whether appellant was represented by appointed or retained counsel in the

1 district court:

2 Yes, Appellants were represented by retained counsel in the district court.

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

4 Appellants are represented by retained counsel on appeal.

5 Yes, Appellants are represented by retained counsel on appeal.

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

8 Not applicable. Appellant did not apply for and was not granted leave to proceed in forma
9 pauperis in the district court.

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

12 Complaint was filed on April 9, 2020.

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

15 This action involves the residential property located at 5148 Spanish Heights Drive, Las
16 Vegas, Nevada 89148, with Assessor's Parcel Number 163-29-615-007 ("Property"). The Property
17 is owned by plaintiff Spanish Heights Acquisition Company, LLC ("SHAC") pursuant to a recorded
18 deed, and leased by plaintiff SJC Ventures pursuant to a valid lease agreement. Defendants CBC
19 Partners I, LLC and 5148 Spanish Heights, LLC ("Defendants") claim to hold an interest in the
20 Property purportedly secured by a third-position Deed of Trust.

21 On April 6, 2021, following a non-jury trial on legal issues surrounding certain claims and
22 counterclaims, this Court issued its FFCL, which made certain findings involving the interpretation
23 of various contractual agreements executed by the parties. Before the trial was complete, SHAC filed
24 for bankruptcy through the Bankruptcy Court, which triggered the automatic stay of litigation as to
25 the causes of action being adjudicated against SHAC. Nevertheless, the trial was allowed to continue
26 despite Plaintiffs' objections.

27 It is undisputed that the Bankruptcy Court has determined that the Defendants violated the
28 bankruptcy stay by moving forward with the trial on February 3, 2021 and March 15, 2021 despite

1 the fact that SHAC had filed bankruptcy by that time.

2 Defendants filed a motion seeking the appointment of a non-neutral receiver of only SJC
3 Ventures. That motion was based on the void portions of the Court’s 4/6/2021 FFCL. That motion
4 was also based on misrepresentations that Defendants made claiming that Judge Denton had found
5 Jay Bloom to be the alter ego of SJC Ventures in the case styled as *TGC/Farkas Funding, LLC v. First*
6 *100, LLC et al*, Case No. A-20-822273-C (the “TGC/Farkas Matter”).

7 The district court relied on Defendants’ misrepresentations, and in granting the motion for
8 receiver without a hearing, explicitly held in its order that it was doing so given “Judge Denton’s
9 findings in the *TGC/Farkas Funding, LLC v. First 100, LLC* matter before the Eighth Judicial District
10 Court (Case No. A-20-822273-C).”

11 The order appointing receiver is currently on a separately-pending appeal (Supreme Court
12 Case No. 83407).

13 This appeal focuses on the subsequent March 20, 2022 Amended Order Appointing Receiver,
14 with Notice of Entry entered on March 21, 2022. That order set forth the ways in which the Receiver’s
15 powers would be expanded, to include not just SJC Ventures Holding Company, LLC, but also
16 Spanish Heights Acquisition Company and First 100, LLC, with the ability to “take possession,
17 custody, and control of those companies “and their assets.”

18 This appeal follows.

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

22 *Spanish Heights Acquisition Company, LLC, et al. v. CBC Partners I, LLC, et al.*, Supreme
23 Court Case No. 82868;

24 *Spanish Heights Acquisition Company, LLC, et al. v. Eighth Judicial District Court of the*
25 *State of Nevada et al. and CBC Partners I, LLC, et al.*, Supreme Court Case No. 83373;

26 *Spanish Heights Acquisition Company, LLC, et al. v. Eighth Judicial District Court of the*
27 *State of Nevada et al. and CBC Partners I, LLC, et al.*, Supreme Court Case No. 84149;

28 *Spanish Heights Acquisition Company, LLC, et al. v. Eighth Judicial District Court of the*

1 *State of Nevada et al. and CBC Partners I, LLC, et al.*, Supreme Court Case No. 83526;

2 *Spanish Heights Acquisition Company, LLC, et al. v. CBC Partners I, LLC, et al.*, Supreme
3 Court Case No. 83407;

4 *Spanish Heights Acquisition Company, LLC, et al. v. CBC Partners I, LLC, et al.*, Supreme
5 Court Case No. 84504; and

6 *Spanish Heights Acquisition Company, LLC, et al. v. CBC Partners I, LLC, et al.*, Supreme
7 Court Case No. 84505.

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

9 This appeal does not involve child custody or visitation.

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

11 Appellants are not opposed to settlement discussions.

12 DATED this 18th day of April 2022.

13 Respectfully submitted,

14 **MAIER GUTIERREZ & ASSOCIATES**

15 /s/ Joseph A. Gutierrez

16 JOSEPH A. GUTIERREZ, ESQ.

17 Nevada Bar No. 9046

DANIELLE J. BARRAZA, ESQ.

Nevada Bar No. 13822

8816 Spanish Ridge Avenue

Las Vegas, Nevada 89148

19 *Attorneys for Plaintiffs*

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EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-20-813439-B

Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

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§

Location: **Department 31**
Judicial Officer: **Kishner, Joanna S.**
Filed on: **04/09/2020**
Case Number History:
Cross-Reference Case Number: **A813439**
Supreme Court No.: **82868**
83407
84505
84504

CASE INFORMATION

Case Type: **NRS Chapters 78-89**
Case Status: **01/11/2022 Reactivated**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-20-813439-B
Court Department 31
Date Assigned 09/07/2021
Judicial Officer Kishner, Joanna S.

PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	SJC Ventures Holdings Company LLC	Gutierrez, Joseph A. <i>Retained</i> 702-629-7900(W)
	Spanish Heights Acquisition Company LLC	Gutierrez, Joseph A. <i>Retained</i> 702-629-7900(W)
Defendant	5148 Spanish Heights LLC	Mushkin, Michael R. <i>Retained</i> 702-454-3333(W)
	CBC Partners I LLC	Mushkin, Michael R. <i>Retained</i> 702-454-3333(W)
	CBC Partners LLC	Mushkin, Michael R. <i>Retained</i> 702-454-3333(W)
	Dacia LLC	Mushkin, Michael R. <i>Retained</i> 702-454-3333(W)
	Kenneth & Sheila Antos Living Trust	Mushkin, Michael R. <i>Retained</i> 702-454-3333(W)
	Kenneth M. Antos & Sheila M. Neumann-Antos Trust	Mushkin, Michael R. <i>Retained</i> 702-454-3333(W)
Counter Claimant	5148 Spanish Heights LLC	Mushkin, Michael R. <i>Retained</i>

CASE SUMMARY**CASE NO. A-20-813439-B**

702-454-3333(W)

Antos, Kenneth**Mushkin, Michael R.**
Retained

702-454-3333(W)

CBC Partners I LLC**Mushkin, Michael R.**
Retained

702-454-3333(W)

Neumann-Antos, Sheila**Mushkin, Michael R.**
Retained

702-454-3333(W)

**Counter
Defendant****Bloom, Jay****Gutierrez, Joseph A.**
Retained

702-629-7900(W)

SJC Ventures Holdings Company LLC**Gutierrez, Joseph A.**
Retained

702-629-7900(W)

SJC Ventures Holdings Company LLC**Gutierrez, Joseph A.**
Retained

702-629-7900(W)

Spanish Heights Acquisition Company LLC**Gutierrez, Joseph A.**
Retained

702-629-7900(W)

**Third Party
Plaintiff****5148 Spanish Heights LLC****Mushkin, Michael R.**
Retained






702-454-3333(W)

Trustee**Antos, Kenneth****Mushkin, Michael R.**
Retained

702-454-3333(W)


Neumann-Antos, Sheila**Mushkin, Michael R.**
Retained

702-454-3333(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<u>EVENTS</u>	
04/09/2020	 Complaint <i>[1] Complaint</i>	
04/09/2020	 Initial Appearance Fee Disclosure <i>[2] Initial Appearance Fee Disclosure</i>	
04/09/2020	 Summons Electronically Issued - Service Pending <i>[3] Summons</i>	
04/09/2020	 Exhibits <i>[4] Exhibit 14</i>	
04/10/2020	 Motion Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[5] Plaintiff's Application for Temporary Restraining Order and Motion for Preliminary Injunction on Order Shortening Time</i>	














CASE SUMMARY

CASE NO. A-20-813439-B

04/10/2020	 Notice of Entry of Order <i>[6] Notice of Entry of Order</i>
04/10/2020	 Clerk's Notice of Hearing <i>[7] Notice of Hearing</i>
04/13/2020	 Request to Transfer to Business Court <i>[8] Request for Business Court</i>
04/13/2020	 Initial Appearance Fee Disclosure Filed By: Counter Claimant CBC Partners I LLC <i>[9] Initial Appearance Fee Disclosure</i>
04/14/2020	 Notice of Department Reassignment <i>[10] Notice of Department Reassignment</i>
04/14/2020	 Opposition to Motion <i>[11] Opposition to Plaintiffs' Application for Temporary Restraining Order and Motion for Preliminary Injunction</i>
04/21/2020	 Reply in Support Filed By: Counter Defendant Spanish Heights Acquisition Company LLC <i>[12] Plaintiff's Reply in Support of Application for Temporary Restraining Order and Motion for Preliminary Injunction</i>
04/23/2020	 Errata Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[13] Errata to Plaintiffs' Reply in Support of Application for Temporary Restraining Order and Motion for Preliminary Injunction</i>
04/24/2020	 Notice of Posting Bond Filed By: Counter Defendant Spanish Heights Acquisition Company LLC <i>[14] Notice of Posting Bond</i>
04/27/2020	 Errata Filed By: Counter Claimant CBC Partners I LLC <i>[15] Errata to Opposition to Plaintiffs' Application for Temporary Restraining Order and Preliminary Injunction</i>
04/27/2020	 Answer and Counterclaim Filed By: Counter Claimant CBC Partners I LLC <i>[16] Defendant CBC Partners I, LLC S Answer to Complaint and Counterclaimants 5148 Spanish Heights, LLC and CBC partners I, LLC Counterclaim Against Spanish Heights Acquisition Company, LLC, SJC Ventures, LLC, SJC Ventures Holding Company, LLC, and Jay Bloom</i>
04/27/2020	 Initial Appearance Fee Disclosure Filed By: Third Party Plaintiff 5148 Spanish Heights LLC <i>[17] Initial Appearance Fee Disclosure</i>
04/27/2020	 Summons Electronically Issued - Service Pending <i>[18] Summons SJC Ventures</i>

















CASE SUMMARY

CASE NO. A-20-813439-B

04/27/2020	 Summons Electronically Issued - Service Pending <i>[19] Summons - SJC Ventures Holding</i>
04/27/2020	 Summons Electronically Issued - Service Pending <i>[20] Summons - Jay Bloom</i>
05/06/2020	 Demand for Jury Trial <i>[21] Demand For Jury Trial</i>
05/06/2020	 Trial Subpoena Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[22] Subpoena - Civil</i>
05/11/2020	 Trial Subpoena Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[23] Subpoena - Civil</i>
05/13/2020	 Motion for Protective Order <i>[24] Motion for Protective Order</i>
05/13/2020	 Request for Judicial Notice <i>[25] Request for Judicial Notice in Support of Motions for Protective Order and Opposition for Preliminary Injunction</i>
05/13/2020	 Motion to Quash Filed By: Third Party Plaintiff 5148 Spanish Heights LLC <i>[26] Motion to Quash Subpoena and for Protective Order</i>
05/13/2020	 Declaration Filed By: Counter Claimant CBC Partners I LLC; Third Party Plaintiff 5148 Spanish Heights LLC <i>[27] Declaration of Taiwan Davis</i>
05/13/2020	 Declaration Filed By: Counter Claimant CBC Partners I LLC; Third Party Plaintiff 5148 Spanish Heights LLC <i>[28] Declaration of David Hodgman</i>
05/13/2020	 Declaration Filed By: Counter Claimant CBC Partners I LLC; Third Party Plaintiff 5148 Spanish Heights LLC <i>[29] Declaration of Jeffrey K. Waldo</i>
05/13/2020	 Affidavit Filed By: Counter Claimant CBC Partners I LLC; Third Party Plaintiff 5148 Spanish Heights LLC <i>[30] Affidavit of Nicole Guralny, Esq.</i>
05/14/2020	 Affidavit of Service Filed By: Counter Claimant CBC Partners I LLC; Third Party Plaintiff 5148 Spanish Heights LLC <i>[31] Affidavit of Service Re: - SJC Ventures LLC, A Delaware Limited Liability Holding Company</i>

CASE SUMMARY














CASE NO. A-20-813439-B

05/14/2020	 Affidavit of Service <i>[32] Affidavit of Service - SJC Ventures</i>
05/14/2020	 Proof of Service <i>[33] Proof of Service - Jay Bloom</i>
05/14/2020	 Clerk's Notice of Hearing <i>[34] Notice of Hearing</i>
05/14/2020	 Clerk's Notice of Hearing <i>[35] Notice of Hearing</i>
05/15/2020	 Amended Complaint Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[36] Amended Complaint</i>
05/15/2020	 Summons Electronically Issued - Service Pending Party: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[37] Summons</i>
05/15/2020	 Summons Electronically Issued - Service Pending <i>[38] Summons</i>
05/15/2020	 Summons Electronically Issued - Service Pending <i>[39] Summons</i>
05/15/2020	 Summons Electronically Issued - Service Pending <i>[40] Summons</i>
05/15/2020	 Summons Electronically Issued - Service Pending <i>[41] Summons</i>
05/15/2020	 Summons Electronically Issued - Service Pending <i>[42] Summons</i>
05/26/2020	 Summons <i>[43] Summons</i>
05/26/2020	 Summons <i>[44] Summons</i>
05/26/2020	 Summons <i>[45] Summons</i>
05/26/2020	 Summons <i>[46] Summons</i>
05/28/2020	 Transcript of Proceedings <i>[47] Transcript of Proceedings: Hearing on Plaintiffs' Application for Temporary Restraining</i>

CASE SUMMARY

CASE NO. A-20-813439-B

Order and Motion for Preliminary Injunction

05/29/2020	 Order Granting Motion Filed By: Counter Defendant Spanish Heights Acquisition Company LLC <i>[48] Order Granting Plaintiffs' Motion for Preliminary Injunction on a Limited Basis</i>
05/29/2020	 Motion to Dismiss Filed By: Counter Claimant CBC Partners I LLC; Defendant 5148 Spanish Heights LLC <i>[49] Motion to Dismiss First Amended Complaint as to Dacia, LLC</i>
05/29/2020	 Clerk's Notice of Hearing <i>[50] Notice of Hearing</i>
05/29/2020	 Notice of Entry of Order Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[51] Notice of Entry of Order</i>
06/04/2020	 Summons <i>[52] Summons</i>
06/04/2020	 Summons Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[53] Summons</i>
06/08/2020	 Business Court Order <i>[54] Business Court Order</i>
06/10/2020	 Answer to Amended Complaint Filed By: Counter Claimant CBC Partners I LLC <i>[55] Defendants CBC Partners I, LLC, CBC Partners, LLC, and 5148 Spanish Heights, LLC Answer to First Amended Complaint</i>
06/12/2020	 Opposition to Motion to Dismiss Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[56] Plaintiffs' Opposition to Dacia, LLC's Motion to Dismiss First Amended Complaint</i>
06/16/2020	 Motion for Order to Show Cause <i>[57] Defendants/Counterclaimants CBC Partners 1, LLC and 5148 Spanish Heights, LLC's Motion for Order to Show Cause on Order Shortening Time</i>
06/16/2020	 Notice of Intent Filed By: Counter Claimant CBC Partners I LLC <i>[58] Counterclaimants Notice of Intent to Default</i>
06/16/2020	 Notice of Intent Filed By: Counter Claimant CBC Partners I LLC <i>[59] Counterclaimants Notice of Intent to Default</i>
06/19/2020	 Opposition Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC

CASE SUMMARY

CASE NO. A-20-813439-B

[60] Plaintiffs Opposition to Defendants CBC Partners I, LLC and 5148 Spanish Heights, LLC's Motion for Order to Show Cause on Order Shortening Time and Countermotion for Sanctions

06/19/2020



Objection

Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC

[61] Plaintiffs Objection to the Notices of Intent to Default Filed on June 16, 2020

06/22/2020



Reply in Support

[62] Reply in Support of Defendants/Counterclaimants CBC Partners I, LLC and 5148 Spanish Heights, LLC Motion for Order to Show Cause On Order Shortening Time

06/22/2020



Supplement

Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC

[63] Plaintiffs' Supplemental Exhibit to Opposition to Defendants CBC Partners I, LLC and 5148 Spanish Heights, LLC's Motion for Order to Show Cause on Order Shortening Time and Countermotion for Sanctions

06/23/2020



Reply in Support

[64] Reply in Support of Motion to Dismiss First Amended Complaint as to Dacia, LLC

06/24/2020



Motion

[65] CBC Partners I, LLC, and 5148 Spanish Heights, LLC's, Emergency Motion for Approval to Issue Subpoenas Duces Tecum on Order Shortening Time

06/26/2020



Reply

Filed by: Counter Claimant CBC Partners I LLC; Defendant 5148 Spanish Heights LLC

[66] Reply to Plaintiffs' Objection to the Notices of Intent to Default and Request to Strike Objection

06/29/2020



Opposition

Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC

[67] Plaintiffs Opposition To Defendants CBC Partners I, LLC And 5148 Spanish Heights, LLC's Emergency Motion For Approval To Issue Subpoenas Duces Tecum On Order Shortening Time And Countermotion For Protective Order

06/30/2020



Scheduling and Trial Order

[68] Business Court Scheduling Order and Order Setting Civil Jury Trial, Pretrial Conference, and Calendar Call

07/02/2020



Transcript of Proceedings

[69] Transcript of Proceedings: Hearing on Defendant's Motion to Dismiss First Amended Complaint as to Dacia, LLC, and Evidentiary Hearing

07/10/2020



Transcript of Proceedings

[70] Transcript of Proceedings: Hearing on CBC Partners I's Motion for Order to Show Cause 6/22/2020

07/10/2020















Answer to Counterclaim

Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC; Counter Defendant Bloom, Jay

[71] Spanish Heights Acquisition Company, LLC, SJC Ventures LLC, SJC Ventures Holding Company, LLC, and Jay Bloom's Answer To Counterclaim












CASE SUMMARY

CASE NO. A-20-813439-B

07/11/2020	 Order Filed By: Counter Claimant CBC Partners I LLC; Third Party Plaintiff 5148 Spanish Heights LLC; Defendant CBC Partners LLC; Defendant 5148 Spanish Heights LLC <i>[72] Order of Contempt</i>
07/14/2020	 Notice of Entry of Order Filed By: Counter Claimant CBC Partners I LLC <i>[73] Notice of Entry of Order</i>
07/20/2020	 Filing Fee Remittance Filed By: Counter Defendant Bloom, Jay <i>[74] Initial Appearance Fee Disclosure</i>
07/27/2020	 Motion for Appointment of Receiver Filed By: Defendant 5148 Spanish Heights LLC <i>[75] Motion for Appointment of Receiver</i>
07/27/2020	 Motion for Partial Summary Judgment Filed By: Counter Claimant CBC Partners I LLC; Third Party Plaintiff 5148 Spanish Heights LLC <i>[76] 5148 Spanish Heights, LLC and CBC Partners I LLC, Motion for Partial Summary Judgment</i>
07/27/2020	 Motion for Order Filed By: Counter Claimant CBC Partners I LLC; Third Party Plaintiff 5148 Spanish Heights LLC; Defendant CBC Partners LLC; Defendant 5148 Spanish Heights LLC <i>[77] Defendants/ Counterclaimant's Motion for Order Determining Jay Bloom to be a Vexatious Litigant</i>
07/27/2020	 Motion Filed By: Counter Claimant CBC Partners I LLC; Third Party Plaintiff 5148 Spanish Heights LLC; Defendant CBC Partners LLC; Defendant 5148 Spanish Heights LLC <i>[78] 5148 Spanish Heights, LLC and CBC Partners I, LLC Motion for Determination of Unlawful Detainer</i>
07/27/2020	 Motion for Sanctions Filed By: Counter Claimant CBC Partners I LLC; Third Party Plaintiff 5148 Spanish Heights LLC; Defendant CBC Partners LLC; Defendant 5148 Spanish Heights LLC <i>[79] Motion for Sanctions Pursuant to NRCP Rule 11</i>
07/29/2020	 Clerk's Notice of Hearing <i>[80] Notice of Hearing</i>
07/29/2020	 Clerk's Notice of Hearing <i>[81] Notice of Hearing</i>
07/29/2020	 Clerk's Notice of Hearing <i>[82] Notice of Hearing</i>
08/10/2020	 Opposition to Motion For Summary Judgment Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[83] Plaintiffs' Opposition to Defendants CBC Partners I, LLC and 5148 Spanish Heights, LLC's Defective Motion for Partial Summary Judgment</i>












CASE SUMMARY

CASE NO. A-20-813439-B

08/10/2020	 Opposition to Motion Filed By: Counter Defendant Bloom, Jay <i>[84] Jay Bloom's Opposition to Defendant CBC Partners I, LLC and 5148 Spanish Heights, LLC's Motion for Order Determining Jay Bloom to be Vexatious Litigant</i>
08/10/2020	 Opposition and Countermotion Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[85] Plaintiffs' Opposition to Defendants CBC Partners I, LLC and 5148 Spanish Heights, LLC's Rogue Motion for Sanctions and Countermotion for Sanctions</i>
08/10/2020	 Opposition to Motion Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[86] Plaintiffs Opposition To Defendants CBC Partners I, LLC And 5148 Spanish Heights, LLC's Motion For Appointment Of Adverse Receiver</i>
08/10/2020	 Opposition to Motion Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC; Counter Defendant Bloom, Jay <i>[87] Plaintiffs And Jay Blooms Opposition To Defendants CBC Partners I, LLC And 5148 Spanish Heights, LLCs Motion For Unlawful Detainer</i>
08/19/2020	 Motion for Protective Order Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[88] Plaintiffs Objection And Motion For Protective Order Regarding Defendant/Counterclaimants 5148 Spanish Heights, LLC And CBC Partners I, LLC S Notice Of Intent To Serve Subpoenas</i>
08/20/2020	 Clerk's Notice of Hearing <i>[89] Notice of Hearing</i>
08/24/2020	 Reply in Support <i>[90] Reply in Support of Motion for Appointment of Receiver</i>
08/24/2020	 Reply in Support Filed By: Counter Claimant CBC Partners I LLC; Third Party Plaintiff 5148 Spanish Heights LLC; Defendant 5148 Spanish Heights LLC <i>[91] Reply in Support of Motion for Determination of Unlawful Detainer</i>
08/24/2020	 Reply in Support <i>[92] 5148 Spanish Heights, LLC and CBC Partners I, LLC Reply in Support of Motion For Partial Summary Judgment</i>
08/25/2020	 Reply in Support Filed By: Counter Claimant CBC Partners I LLC; Third Party Plaintiff 5148 Spanish Heights LLC; Defendant CBC Partners LLC; Defendant 5148 Spanish Heights LLC <i>[93] Reply in Support of Motion for Order Determining Jay Bloom to Be a Vexatious Litigant</i>
08/25/2020	 Reply in Support Filed By: Counter Claimant CBC Partners I LLC; Third Party Plaintiff 5148 Spanish Heights LLC; Defendant CBC Partners LLC; Defendant 5148 Spanish Heights LLC <i>[94] Reply in Support of Motion for Sanctions Pursuant to NRCP 11</i>














CASE SUMMARY

CASE NO. A-20-813439-B

08/27/2020	 Notice of Intent to Take Default Party: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[95] Seven-Day Notice of Intent to Take Default</i>
08/27/2020	 Notice of Intent to Take Default Party: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[96] Seven-Day Notice of Intent to Take Default</i>
09/03/2020	 Initial Appearance Fee Disclosure Filed By: Counter Claimant Antos, Kenneth; Counter Claimant Neumann-Antos, Sheila <i>[97] Initial Appearance Fee Disclosure</i>
09/03/2020	 Answer and Counterclaim Filed By: Counter Claimant Antos, Kenneth; Counter Claimant Neumann-Antos, Sheila <i>[98] Defendants Sheila Antos and Kenneth Antos, as Trustees of the Kenneth & Sheila Antos Living Trust and the Kenneth M. Antos & Sheila M. Neumann-Antos Trust Answer to First Amended Complaint and Counterclaim</i>
09/08/2020	 Opposition and Countermotion Filed By: Counter Claimant CBC Partners I LLC; Third Party Plaintiff 5148 Spanish Heights LLC <i>[99] Opposition and Countermotion For Protective Order</i>
09/08/2020	 Clerk's Notice of Hearing <i>[100] Notice of Hearing</i>
09/14/2020	 Reply in Support Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[101] Plaintiff's Reply in Support of Motion for Protective Order Regarding Defendant/Counterclaimants 5148 Spanish Heights, LLC and CBC Partners I, LLC's Notice of Intent to Serve Subpoenas and Opposition to Defendant/Counterclaimants 5148 Spanish Heights, LLC and CBC Partners I, LLC's Countermotion for Protective Order</i>
09/17/2020	 Reply in Support Filed By: Defendant CBC Partners LLC; Defendant 5148 Spanish Heights LLC <i>[102] Reply in Support of Countermotion for Protective Order</i>
09/22/2020	 Order Denying Motion Filed By: Counter Defendant SJC Ventures Holdings Company LLC <i>[103] Order Denying CBC Partners I, LLC and 5148 Spanish Heights, LLC s Motion for Order Determining Jay Bloom to be a Vexatious Litigant</i>
09/22/2020	 Order Denying Motion Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[104] Order Denying CBC Partners I, LLC and 5148 Spanish Heights, LLC s Motion for Sanctions Pursuant to NRCP Rule 11 and Denying Plaintiffs Countermotion for Sanctions</i>
09/24/2020	 Notice of Entry of Order Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[105] Notice of Entry of Order</i>

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09/24/2020	 Notice of Entry of Order Filed By: Counter Defendant Spanish Heights Acquisition Company LLC <i>[106] Notice of Entry of Order</i>
09/28/2020	 Order Filed By: Counter Defendant Spanish Heights Acquisition Company LLC <i>[107] Interim Discovery Plan</i>
09/28/2020	 Answer to Counterclaim Filed By: Counter Defendant SJC Ventures Holdings Company LLC <i>[108] SJC Ventures Holding Company, LLC, d/b/a SJC Ventures, LLC'S Answer to Counterclaim Filed by Kenneth Antos and Sheila Neumann-Antos, as Trustees of The Kenneth & Sheila Antos Living Trust and The Kenneth M. Antos & Sheila M Neumann - Antos Trust</i>
09/29/2020	 Order Denying Motion Filed By: Defendant 5148 Spanish Heights LLC <i>[109] Order Denying Motion for Unlawful Detainer Without Prejudice</i>
09/29/2020	 Order <i>[110] Order Granting in Part and Denying in Part Motion to Dismiss as to Dacia, LLC</i>
10/02/2020	 Notice of Entry of Order Filed By: Third Party Plaintiff 5148 Spanish Heights LLC <i>[111] Notice of Entry of Order</i>
10/02/2020	 Notice of Entry of Order Filed By: Third Party Plaintiff 5148 Spanish Heights LLC <i>[112] Notice of Entry of Order</i>
10/02/2020	 Supplement to Opposition Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[113] Plaintiffs' Supplemental Opposition to Defendants CBC Partners I, LLC and 5148 Spanish Heights, LLC's Defective Motion for Partial Summary Judgment</i>
10/07/2020	 Motion for Preliminary Injunction Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[114] Plaintiffs' Renewed Application for Temporary Restraining Order and Motion for Preliminary Injunction</i>
10/08/2020	 Clerk's Notice of Hearing <i>[115] Notice of Hearing</i>
10/09/2020	 Reply in Support Filed By: Counter Claimant CBC Partners I LLC; Third Party Plaintiff 5148 Spanish Heights LLC; Defendant 5148 Spanish Heights LLC <i>[116] Supplemental Reply in Support of 5148 Spanish Heights, LLC and CBC Partners I, LLC s Motion For Partial Summary Judgment</i>
10/10/2020	 Order Denying Motion Filed By: Defendant 5148 Spanish Heights LLC <i>[117] Order Denying Motion for Protective Orders</i>
10/12/2020	 Notice of Entry of Order














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	<p>Filed By: Third Party Plaintiff 5148 Spanish Heights LLC; Defendant 5148 Spanish Heights LLC</p> <p><i>[118] Notice of Entry of Order</i></p>
10/13/2020	<p> Notice</p> <p>Filed By: Counter Claimant CBC Partners I LLC; Defendant 5148 Spanish Heights LLC</p> <p><i>[119] Notice of Issuance of Subpoenas Duces Tecum to Bank of America</i></p>
10/19/2020	<p> Opposition</p> <p><i>[120] Defendants Counterclaimants Opposition To Plaintiffs Renewed Application for Temporary Restraining Order and Motion for Preliminary Injunction</i></p>
10/19/2020	<p> Appendix</p> <p><i>[121] Appendix to Defendants/Counterclaimants Opposition To Plaintiffs Renewed Application for Temporary Restraining Order and Motion for Preliminary Injunction</i></p>
10/27/2020	<p> Objection</p> <p>Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC</p> <p><i>[122] Plaintiffs Objection to Defendants Unilateral Notice of Taking Deposition of Plaintiff/Counter defendant Jay Bloom</i></p>
10/27/2020	<p> Objection</p> <p><i>[123] Plaintiffs Objection to Defendants Unilateral Notice of Taking Deposition of Plaintiff/Counter Defendant Spanish Heights Acquisition Company, LLC's Person Most Knowledgeable</i></p>
10/27/2020	<p> Objection</p> <p><i>[124] Plaintiffs Objection to Defendants Unilateral Notice of Taking Deposition of Plaintiff/Counter defendant SJC Ventures Holding Company, LLC D/B/A SJC Ventures, LLC's Person Most Knowledgeable</i></p>
11/02/2020	<p> Reply</p> <p>Filed by: Counter Defendant Spanish Heights Acquisition Company LLC</p> <p><i>[125] Plaintiffs Reply In Support of Renewed Application for Temporary Restraining Order and Motion for Preliminary Injunction</i></p>
11/03/2020	<p> Order</p> <p><i>[126] Order Denying CBC and 5148 Spanish Height's Motion for Partial Summary Judgment and Motion for Appointment of Receiver</i></p>
11/03/2020	<p> Notice of Entry of Order</p> <p>Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC</p> <p><i>[127] Notice of Entry of Order</i></p>
11/09/2020	<p> Declaration</p> <p><i>[128] Declaration of Kenneth M. Antos in Support of Defendants/Counterclaimants Opposition to Plaintiffs Renewed Application for Temporary Restraining Order and Motion For Preliminary Injunction</i></p>
11/09/2020	<p> Notice of Intent</p> <p>Filed By: Counter Claimant CBC Partners I LLC; Defendant CBC Partners LLC; Defendant 5148 Spanish Heights LLC</p> <p><i>[129] Notice of Intent to Serve Subpoena</i></p>

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11/13/2020	 Objection Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[130] Plaintiffs Objection to Defendants/Counterclaimants Fourth Supplemental List of Witnesses and Production of Documents</i>
11/13/2020	 Objection <i>[131] Plaintiffs Objection to Defendants Notice of Intent to Serve Deposition Subpoena Duces Tecum</i>
11/13/2020	 Motion <i>[132] Plaintiffs Motion for an Order to Show Cause as to Why Defendant Dacia, LLC Should Not Be Held In Contempt for Failing to Abide By This Court S 10/10/2020 Order Denying Motion For Protective Orders</i>
11/16/2020	 Clerk's Notice of Hearing <i>[133] Notice of Hearing</i>
11/16/2020	 Motion for Protective Order Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[134] Plaintiffs' Motion for Protective Order Regarding Defendants/Counterclaimants' Notice of Intent to Serve Subpoena Upon Plaintiffs' Counsel</i>
11/17/2020	 Clerk's Notice of Hearing <i>[135] Notice of Hearing</i>
11/24/2020	 Opposition to Motion <i>[136] Opposition to Motion for Order to Show Cause and Countermotion for Protective Order</i>
11/30/2020	 Motion to Quash Filed By: Counter Claimant CBC Partners I LLC; Third Party Plaintiff 5148 Spanish Heights LLC; Defendant CBC Partners LLC; Defendant 5148 Spanish Heights LLC; Counter Claimant Antos, Kenneth <i>[137] Motion to Quash Subpoena to First Savings Bank and for Protective Order</i>
12/01/2020	 Clerk's Notice of Hearing <i>[138] Notice of Hearing</i>
12/07/2020	 Opposition to Motion <i>[139] Opposition to Plaintiffs' Motion for Protective Order Regarding Notice of Intent to Serve Subpoena Upon Plaintiffs' Counsel</i>
12/10/2020	 Motion to Dismiss <i>[140] Renewed Motion to Dismiss First Amended Complaint as to Dacia, LLC or in the Alternative Motion for Summary Judgment</i>
12/10/2020	 Exhibits <i>[141] Exhibits to Renewed Motion to Dismiss First Amended Complaint as to Dacia, LLC or in the Alternative Motion for Summary Judgment</i>
12/10/2020	 Clerk's Notice of Hearing <i>[142] Clerk's Notice of Hearing</i>
12/11/2020	

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	 Notice of Change of Hearing <i>[143] Notice of Change of Hearing</i>
12/11/2020	 Reply Filed by: Counter Defendant Spanish Heights Acquisition Company LLC <i>[144] Plaintiffs Reply In Support of Motion for Protective Order Regarding Defendants/Counterclaimants Notice of Intent to Serve Subpoena upon Plaintiffs' Counsel</i>
12/14/2020	 Order Shortening Time Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[145] Plaintiffs Renewed Application for Temporary Restraining Order and Motion for Preliminary Injunction on an Order Shortening Time</i>
12/15/2020	 Exhibits Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[146] Exhibits In Support of Plaintiffs Renewed Application for Temporary Restraining Order and Motion for Preliminary Injunction on an Order Shortening Time</i>
12/18/2020	 Status Report Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[147] Joint Status Report</i>
12/21/2020	 Opposition to Motion Filed By: Counter Defendant Spanish Heights Acquisition Company LLC <i>[148] Plaintiffs Opposition to the Untimely Motion to Quash Subpoena to First Savins Bank and for Protective Order</i>
12/22/2020	 Order Shortening Time Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[149] Plaintiffs Motion to Advance the January 11, 2021 Hearing on Plaintiffs Renewed Application for Temporary Restraining Order and Motion for Preliminary Injunction on an Order Shortening Time</i>
12/22/2020	 Reply in Support Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[150] Plaintiffs' Reply in Support of Motion for an Order to Show Cause as to Why Defendant Dacia, LLC Should Not be Held in Contempt for Failing to Abide By This Court's 10/10/20 Order Denying Motion for Protective Orders</i>
12/23/2020	 Notice of Intent to Take Default Party: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[151] Seven-Day Notice of Intent to Take Default</i>
12/24/2020	 Opposition to Motion <i>[152] Defendants/Counterclaimants Opposition To Plaintiffs Renewed Application for Temporary Restraining Order and Motion for Preliminary Injunction on an Order Shortening Time</i>
12/24/2020	 Declaration <i>[153] Declaration of Alan Hallberg in Support of Defendants/Counterclaimants Opposition to Plaintiffs Renewed Application for Temporary Restraining Order and Motion For Preliminary</i>

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Injunction On An Order Shortening Time

12/24/2020	 Declaration <i>[154] Declaration of Kenneth M. Antos in Support of Defendants/Counterclaimants Opposition to Plaintiffs Renewed Application for Temporary Restraining Order and Motion For Preliminary Injunction On An Order Shortening Time</i>
12/24/2020	 Appendix <i>[155] Appendix of Exhibits Defendants/Counterclaim-ants Opposition To Plaintiffs Renewed Application for Temporary Restraining Order and Motion for Preliminary Injunction on an Order Shortening Time</i>
12/24/2020	 Opposition Filed By: Counter Defendant Spanish Heights Acquisition Company LLC <i>[156] Plaintiffs' Opposition to Renewed Motion to Dismiss First Amended Complaint as to Dacia LLC or in the Alternative Motion for Summary Judgment</i>
12/29/2020	 Objection <i>[157] Dacia, LLC's Objection to Plaintiffs' Seven-Day Notice of Intent to Default</i>
12/30/2020	 Order <i>[158] Order Granting in Part Plaintiffs Motion for Protective Order Regarding Defendants-Counterclaimants Notice of Intent to Serve Subpoena upon Plaintiffs Counsel</i>
12/30/2020	 Notice of Entry of Order Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[159] Notice of Entry of Order</i>
12/31/2020	 Motion for Summary Judgment <i>[160] Kenneth Antos and Sheila Neumann-Antos Motion For Summary Judgment</i>
12/31/2020	 Appendix <i>[161] Appendix to Kenneth Antos and Sheila Neumann-Antos Motion For Summary Judgment</i>
01/01/2021	 Reply in Support Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[162] Plaintiff's Reply in Support of Renewed Application for Temporary Restraining Order and Motion for Preliminary INjunction on an Order Shortening Time</i>
01/04/2021	 Declaration <i>[163] Declaration of Kenneth M. Antos in Support of Motion For Summary Judgment</i>
01/05/2021	 Temporary Restraining Order <i>[164] Temporary Restraining Order</i>
01/05/2021	 Clerk's Notice of Hearing <i>[165] Clerk's Notice of Hearing</i>
01/05/2021	 Notice of Entry of Order Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[166] Notice of Entry of Order</i>














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01/05/2021	 Reply in Support <i>[167] Reply in Support of Renewed Motion to Dismiss First Amended Complaint as to Dacia, LLC or in the Alternative Motion for Summary Judgment</i>
01/08/2021	 Reply in Support <i>[168] Reply in Support of Motion to Quash Subpoena to First Savings Bank and for Protection Order</i>
01/12/2021	 Stipulation Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[169] Stipulation Regarding Legal Issues to Be Decided By the Court at Bifurcated Trial Commencing February 1, 2021</i>
01/14/2021	 Trial Subpoena Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[170] Trial Subpoena of NRCP 30(b)(6) of CBC Partners I, LLC</i>
01/14/2021	 Trial Subpoena Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[171] Trial Subpoena to Kenneth Antos</i>
01/14/2021	 Opposition to Motion For Summary Judgment Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[172] Plaintiffs' Opposition to Defendants Kenneth Antos and Sheila Neumann-Antos' Motion For Summary Judgment</i>
01/21/2021	 Order Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[173] Order Granting Plaintiffs Motion for an Order to Show Cause as to Why Defendant Dacia should Not be Held in Contempt for Failing to Abide by this Court's 10-10-2020 Order and Denying in Part Dacia s Motion for Protective Order Following Subsequent hearing of january 4, 2021</i>
01/25/2021	 Trial Subpoena Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[174] Amended Trial Subpoena</i>
01/25/2021	 Trial Subpoena <i>[175] Amended Trial Subpoena</i>
01/25/2021	 Notice of Entry of Order Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[176] Notice of Entry of Order</i>
01/27/2021	 Application Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[177] Plaintiff's Application for Attorneys' Fees Associated with Plaintiff's Successful Motion for an Order to Show Cause</i>











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01/28/2021	 Audiovisual Transmission Equipment Appearance Request <i>[178] Audiovisual Transmission Equipment Appearance Request</i>
02/19/2021	 Transcript of Proceedings <i>[179] Transcript of Proceedings: Preliminary Injunction Hearing and Trial - Day 1</i>
02/19/2021	 Transcript of Proceedings <i>[180] Transcript of Proceedings: Preliminary Injunction Hearing and Trial - Day 2</i>
02/19/2021	 Transcript of Proceedings <i>[181] Transcript of Proceedings: Preliminary Injunction Hearing and Trial - Day 3</i>
03/10/2021	 Reply in Support Filed By: Counter Claimant Antos, Kenneth; Counter Claimant Neumann-Antos, Sheila <i>[182] Kenneth Antos and Sheila Neumann-Antos Reply in Support of Motion For Summary Judgment</i>
03/12/2021	 Audiovisual Transmission Equipment Appearance Request <i>[183] Audiovisual Transmission Equipment Appearance Request</i>
03/16/2021	 Opposition and Countermotion Filed By: Defendant CBC Partners LLC; Defendant 5148 Spanish Heights LLC <i>[184] Opposition to Plaintiffs Application for Attorneys Fees Associated With Plaintiffs Successful Motion for an Order to Show Cause and Countermotion for Offset and Application for Fees Associated With Defendants Successful Motion for Order to Show Cause Regarding Contempt</i>
03/17/2021	 Transcript of Proceedings <i>[185] Transcript of Proceedings: Preliminary Injunction Hearing and Trial - Day 4, Volume I</i>
03/17/2021	 Transcript of Proceedings <i>[186] Transcript of Proceedings: Preliminary Injunction Hearing and Trial - Day 4, Volume II March 15, 2121</i>
04/06/2021	 Findings of Fact, Conclusions of Law and Judgment <i>[187] Findings of Fact and Conclusions of Law</i>
04/12/2021	 Scheduling and Trial Order <i>[188] 2nd Amended Business Court Scheduling Order and Order Setting Civil Jury Trial, Calendar Call and Pre-Trial Conference 06-28-21</i>
04/20/2021	 Notice of Entry of Order Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[189] Notice of Entry of Order</i>
04/29/2021	 Notice of Appeal Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[190] Notice of Appeal</i>
04/29/2021	 Case Appeal Statement Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter













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	<p>Defendant SJC Ventures Holdings Company LLC <i>[191] Case Appeal Statement</i></p>
05/04/2021	<p> Cost on Appeal Bond Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[192] Cost Bond on Appeal</i></p>
05/04/2021	<p> Motion to Reconsider Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[193] Plaintiffs' Motion to Amend the Court's Findings of Fact, Conclusions of Law, and Order, or Alternatively for Reconsideration</i></p>
05/04/2021	<p> Clerk's Notice of Hearing <i>[194] Notice of Hearing</i></p>
05/18/2021	<p> Opposition to Motion Filed By: Counter Claimant CBC Partners I LLC; Defendant CBC Partners LLC; Defendant 5148 Spanish Heights LLC; Defendant Kenneth & Sheila Antos Living Trust; Defendant Dacia LLC; Defendant Kenneth M. Antos & Sheila M. Neumann-Antos Trust <i>[195] Opposition to Plaintiffs' Motion to Amend the Court's Findings of Fact, Conclusions of Law, and Order, or Alternatively for Reconsideration</i></p>
05/28/2021	<p> Pre-Trial Disclosure Party: Counter Defendant SJC Ventures Holdings Company LLC; Counter Defendant Bloom, Jay <i>[196] Plaintiff SJC Ventures Holding Company, LLC and Counterdefendant Jay Bloom's Pretrial Disclosure</i></p>
05/28/2021	<p> Reply in Support Filed By: Counter Defendant SJC Ventures Holdings Company LLC <i>[197] Plaintiffs' Reply in Support of Motion to Amend the Court's Findings of Fact, Conclusions of Law, and Order, or Alternatively for Reconsideration</i></p>
06/01/2021	<p> Pre-Trial Disclosure <i>[198] Defendants/Counterclaimants' Pretrial Disclosures</i></p>
06/16/2021	<p> Scheduling and Trial Order <i>[199] 3rd Amended Order Setting Civil Jury Trial and Calendar Call 08-02-21</i></p>
06/24/2021	<p> Motion for Appointment of Receiver <i>[200] Motion for Appointment of Receiver of SJC Ventures Holding Company, LLC d/b/a SJC Ventures, LLC, a Delaware Limited Liability Company</i></p>
06/25/2021	<p> Clerk's Notice of Hearing <i>[201] Notice of Hearing</i></p>
07/08/2021	<p> Opposition Filed By: Counter Defendant SJC Ventures Holdings Company LLC <i>[202] OPPOSITION TO DEFENDANTS RENEWED MOTION FOR APPOINTMENT OF NON-NEUTRAL RECEIVER</i></p>
07/09/2021	<p> Pre-trial Memorandum Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter</p>

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	<p>Defendant SJC Ventures Holdings Company LLC <i>[203] Plaintiffs' Pretrial Memorandum</i></p>
07/23/2021	<p> Scheduling and Trial Order <i>[204] 4th Amended Order Setting Civil Jury Trial, Calendar Call and Pre-Trial Conference 10-11-21</i></p>
07/28/2021	<p> Status Report <i>[205] Status Report Regarding Lifting of Bankruptcy Stay</i></p>
08/06/2021	<p> Notice <p>Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[206] Notice of the Bankruptcy Court Finding that Defendants Violated the Stay of Litigation Resulting in Void FFCL</i></p> </p>
08/10/2021	<p> Order Granting Motion <p>Filed By: Counter Claimant CBC Partners I LLC; Third Party Plaintiff 5148 Spanish Heights LLC; Defendant CBC Partners LLC; Defendant 5148 Spanish Heights LLC; Defendant Kenneth & Sheila Antos Living Trust; Defendant Kenneth M. Antos & Sheila M. Neumann-Antos Trust; Counter Claimant Antos, Kenneth; Counter Claimant Neumann-Antos, Sheila <i>[207] Order Appointing Receiver</i></p> </p>
08/10/2021	<p> Order Granting Summary Judgment <p>Filed By: Defendant CBC Partners LLC; Defendant 5148 Spanish Heights LLC; Defendant Dacia LLC <i>[208] Order Granting in Part Antos' and Sheila Neumann-Antos Motion for Summary Judgment</i></p> </p>
08/11/2021	<p> Notice of Entry of Order <i>[209] Notice of Entry of Order</i></p>
08/11/2021	<p> Notice of Entry of Order <i>[210] Notice of Entry of Order</i></p>
08/12/2021	<p> Order Shortening Time <p>Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[211] Motion to Stay Proceedings and Enforcement of Order Granting Defendants Motion for Appointment of Receiver on an Order Shortening Time</i></p> </p>
08/12/2021	<p> Notice of Posting Bond <i>[212] Notice of Posting Bond</i></p>
08/13/2021	<p> Ex Parte <p>Filed By: Receiver Bertsch, Larry L. <i>[213] Ex Parte Motion to Employ Carlyon Cica Chtd., as Counsel to the Receiver</i></p> </p>
08/13/2021	<p> Opposition to Motion <i>[214] Opposition to Plaintiffs' Motion to Stay Proceedings and Enforcement of Order Granting Defendants' Motion for Appointment of Receiver on an Order Shortening Time</i></p>
08/13/2021	<p> Order <p>Filed By: Receiver Bertsch, Larry L. <i>[215] Order Granting Ex Parte Motion to Employ Carlyon Cica Chtd. as Counsel to the</i></p> </p>

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Receiver

08/16/2021



Notice of Entry

Filed By: Receiver Bertsch, Larry L.

[216] Notice of Entry of Order Granting Ex Parte Motion to Employ Carlyon Cica Chtd. as Counsel to the Receiver

08/18/2021



Notice of Appeal

Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC

[217] Notice of Appeal

08/18/2021



Case Appeal Statement

Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC

[218] Case Appeal Statement

08/23/2021



Cost on Appeal Bond

Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC

[219] Cost Bond on Appeal

09/07/2021

Case Reassigned to Department 31

From Judge Elizabeth Gonzalez to Judge Joanna Kishner

09/07/2021



Notice of Hearing

[220] Notice of Hearing Resetting Pre-Trial Conference for September 9, 2021

09/10/2021



Receiver Report

Filed by: Receiver Bertsch, Larry L.

[221] Receiver's (1) First Interim Report; (2) Request for Approval of Compensation from the Date of His Appointment Through September 8, 2021; and (3) Request for Instructions from the Court

09/17/2021



Clerk's Notice of Hearing

[222] Notice of Hearing

09/17/2021



Notice

Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC

[223] Notice of Filing Petition for Writ of Mandamus in the Nevada Supreme Court

10/07/2021



Reply

[224] Plaintiffs Response to Receiver's (1) First Interim Report; (2) Request for Approval of Compensation From the Date of His Appointment Through September 8, 2021; and (3) Request for Instructions From the Court and Countermotion for Protective Order

10/08/2021



Amended Order Setting Jury Trial

[225] Amended Order Setting Civil Jury Trial, Pre-Trial/Trial Setting Conference, and Calendar Call/Final Pre-Trial Conference

10/08/2021














Stipulation and Order

Filed by: Receiver Bertsch, Larry L.

[226] Stipulation and Order to Continue Hearing on Receiver's First Interim Status Report; Request for Approval of Compensation from the Date of Appointment Through September 9, 2021; and and Request for Instructions From the Court

CASE SUMMARY

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10/08/2021	 Notice of Entry Filed By: Receiver Bertsch, Larry L. <i>[227] Notice of Entry of Stipulation and Order to Continue Hearing on Receiver s (1) First Interim Report; (2) Request for Approval of Compensation from the date of His Appointment through September 9, 2021; and (3) Request For Instructions from the Court</i>
10/08/2021	 Memorandum <i>[228] Court's Memo RE: Remote Appearance Information for OCTOBER 12, 2021, Hearing</i> **PLEASE REVIEW IN ITS ENTIRETY**
10/11/2021	 Memorandum <i>[229] Court's Memo RE: Remote Appearance Information for OCTOBER 14, 2021, Hearing</i> **PLEASE REVIEW IN ITS ENTIRETY**
10/14/2021	 Pre-Trial Disclosure Party: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC; Counter Defendant Bloom, Jay <i>[230] Plaintiff SJC Ventures Holding Company, LLC and Counterdefendant Jay Bloom's Pretrial Disclosures</i>
10/18/2021	 Trial Subpoena Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[231] Trial Subpoena - Michael Mushkin Esq</i>
10/18/2021	 Trial Subpoena Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[232] Trial Subpoena - Kenneth Antos c/o Michael R Mushkin Esq and L Joe Coppedge Esq (Mushkin and Coppedge)</i>
10/18/2021	 Trial Subpoena Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[233] Trial Subpoena - Alan Hallberg c/o Michael R Mushkin Esq and L Joe Coppedge Esq (Mushkin and Coppedge)</i>
10/18/2021	 Trial Subpoena Filed by: Attorney Gutierrez, Joseph A.; Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[234] Trial Subpoena - Laurentiu Russo</i>
10/18/2021	 Trial Subpoena Filed by: Attorney Gutierrez, Joseph A.; Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[235] Trial Subpoena - David Hodgman</i>
10/18/2021	 Trial Subpoena Filed by: Attorney Gutierrez, Joseph A.; Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[236] Trial Subpoena - Lisa Gollard</i>
10/18/2021	 Trial Subpoena Filed by: Attorney Gutierrez, Joseph A.; Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC

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[237] Trial Subpoena - Nan Schwartz

10/18/2021



Trial Subpoena

Filed by: Attorney Gutierrez, Joseph A.; Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC

[238] Trial Subpoena - Ian Hughes

10/19/2021



Reply

Filed by: Receiver Bertsch, Larry L.

[239] Receiver's Reply to Plaintiffs' Response to Receiver s (1) First Interim Report; (2) Request for Approval of Compensation From the Date of his Appointment through September 8, 2021; and (3) Request for Instructions from the Court and Countermotion for Protective Order

10/20/2021



Notice

Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC

[240] Notice of Pretrial Conference Pursuant to EDCR 2.67(a)

10/21/2021



Memorandum

[241] Court's Memo RE: Remote Appearance Information for October 26, 2021, Hearing
PLEASE REVIEW IN ITS ENTIRETY

10/21/2021



Reply in Support

Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC

[242] Plaintiff's Reply in Support of Countermotion for Protective Order

10/22/2021



Order Shortening Time

Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC

[243] Plaintiff's Motion to Stay Trial Pending Interlocutory Appeal on Order Shortening Time

10/26/2021



Order

Filed By: Receiver Bertsch, Larry L.

[244] Order Approving Receiver's First Interim Report and Request for Approval of Compensation from the Date of his Appointment through September 8, 2021 and Setting Further Proceedings Regarding Receiver s Request for Instructions and Countermotion for Protective Order

10/27/2021



Notice of Entry of Order

Filed By: Receiver Bertsch, Larry L.

[245] Notice of Entry of Order Approving Receiver's First Interim Report and Request for Approval of Compensation from the Date of his Appointment through September 8, 2021 and Setting Further Proceedings Regarding Receiver s Request for Instructions and Countermotion for Protective Order

10/27/2021



Opposition to Motion

[246] Opposition to Plaintiffs Motion to Stay Trial Pending Interlocutory Appeal on an Order Shortening Time

10/27/2021















Appendix

Filed By: Counter Claimant CBC Partners I LLC; Third Party Plaintiff 5148 Spanish Heights LLC; Defendant CBC Partners LLC; Counter Claimant Antos, Kenneth; Counter Claimant Neumann-Antos, Sheila

[247] Appendix to Opposition to Plaintiffs Motion to Stay Trial Pending Interlocutory Appeal on an Order Shortening Time

CASE SUMMARY













CASE NO. A-20-813439-B

11/01/2021	 Stipulated Protective Order Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[248] Stipulated Confidentiality and Protective Order</i>
11/01/2021	 Reply in Support Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[249] Plaintiffs' Reply in Support of Motion to Stay Trial Pending Interlocutory Appeal on Order Shortening Time</i>
11/02/2021	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[250] Notice of Entry of Stipulated Protective Order</i>
11/02/2021	 Memorandum <i>[251] Court's Memo RE: Remote Appearance Information for NOVEMBER 4, 2021, Hearing</i> **PLEASE REVIEW IN ITS ENTIRETY**
11/04/2021	 Proposed Voir Dire Questions Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[252] Plaintiffs' Proposed Questions for Voir Dire</i>
11/05/2021	 Motion to Quash Filed By: Witness Hughes, Ian <i>[253] Motion to Quash Subpoena</i>
11/05/2021	 Proposed Voir Dire Questions <i>[254] Defendants/Counterclaimant s Proposed Voir Dire Questions</i>
11/05/2021	 Receiver Report Filed by: Receiver Bertsch, Larry L. <i>[255] Receiver's (1) Second Interim Status Report; (2) Request for Approval of Compensation for the Period Ending September 30, 2021; and (3) Request for Instructions</i>
11/05/2021	 Brief Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[256] Plaintiffs' Brief on the Breadth and Scope of the Order Appointing Receiver</i>
11/08/2021	 Clerk's Notice of Hearing <i>[257] Notice of Hearing</i>
11/08/2021	 Order Denying Motion Filed By: Defendant 5148 Spanish Heights LLC <i>[258] Order Denying Plaintiffs' Motion to Stay Trial Pending Interlocutory Appeal on Order Shortening Time</i>
11/08/2021	 Order Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[259] Order Denying Renewed Motion to Dismiss First Amended Complaint as to Dacia, LLC</i>

CASE SUMMARY












CASE NO. A-20-813439-B

or in the Alternative for Summary Judgment

11/08/2021	 Notice of Entry of Order Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[260] Notice of Entry of Order</i>
11/08/2021	 Memorandum <i>[261] Court's Memo RE: Appearances for Calendar Call on November 9, 2021</i>
11/08/2021	 Stipulation Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[262] Stipulated Jury Instructions Without Cites</i>
11/08/2021	 Jury Instructions Party: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[263] Plaintiffs' Proposed Jury Instructions with Cites</i>
11/08/2021	 Jury Instructions <i>[264] Defendants' Proposed Jury Instructions</i>
11/08/2021	 Verdict Party: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[265] Plaintiff's Proposed Verdict Form</i>
11/08/2021	 Verdict Party: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[268] Plaintiffs Proposed Verdict Form</i>
11/09/2021	 Order Shortening Time Filed By: Third Party Plaintiff 5148 Spanish Heights LLC; Defendant 5148 Spanish Heights LLC <i>[266] Motion to Quash Trial Subpoena and for Protective Order on Order Shortening Time</i>
11/09/2021	 Order Shortening Time <i>[267] Defendants/Counterclaimants CBC Partners I LLC and 5148 Spanish Heights, LLC Second Motion for Order to Show Cause on Order Shortening Time</i>
11/10/2021	 Notice of Entry of Order <i>[269] Notice of Entry of Order Denying Plaintiff's Motion to Stay Trial Pending Interlocutory Appeal on Order Shortening Time</i>
11/10/2021	 Brief Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[270] Plaintiffs Brief on The Bankruptcy Court s Determination That Defendants Violated The Stay of Litigation Resulting In Void And Inadmissible Portions of The April 2021 FFCL</i>
11/12/2021	 Opposition Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC

CASE SUMMARY

CASE NO. A-20-813439-B

	<i>[271] Plaintiffs' Limited Opposition to Motion to Quash Trial Subpoenas on Order Shortening Time</i>
11/12/2021	 Opposition Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[272] Plaintiffs Opposition to Defendants Second Motion for Order to Show Cause on Order Shortening Time</i>
11/12/2021	 Brief Filed By: Counter Claimant CBC Partners I LLC; Defendant CBC Partners LLC; Defendant 5148 Spanish Heights LLC; Defendant Kenneth & Sheila Antos Living Trust; Defendant Dacia LLC; Defendant Kenneth M. Antos & Sheila M. Neumann-Antos Trust <i>[273] Defendants /Counterclaimants Brief on the Application of the April 6, 2021 Findings of Fact and Conclusions of Law</i>
11/12/2021	 Memorandum <i>[274] Court's Memo RE: Remote Appearance Information for NOVEMBER 15, 2021, Hearing **PLEASE REVIEW IN ITS ENTIRETY**</i>
11/12/2021	 Memorandum <i>[275] Court's Memo RE: Remote Appearance Information for NOVEMBER 16, 2021, Hearing **PLEASE REVIEW IN ITS ENTIRETY**</i>
11/19/2021	 Clerk's Notice of Hearing <i>[276] Notice of Hearing</i>
11/22/2021	 Receiver Report Filed by: Receiver Bertsch, Larry L. <i>[277] Receiver s (1) Third Interim Status Report; (2) Request for Approval of Compensation for the Period Ending November 22, 2021</i>
11/24/2021	 Order Approving Filed By: Receiver Bertsch, Larry L. <i>[278] Order Approving Receiver's Request for Approval of Compensation for the Period Ending September 30 2021</i>
11/29/2021	 Notice of Entry of Order Filed By: Receiver Bertsch, Larry L. <i>[279] Notice of Entry of Order Approving Receiver's Request for Approval of Compensation for the Period Ending September 30, 2021</i>
11/30/2021	 Order Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[280] Order Granting The Parties Joint Oral Motion to Vacate Trial and Stay the District Court Case Pending A Settlement Between the Parties</i>
12/02/2021	 Notice of Entry of Order Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[281] Notice of Entry of Order</i>
12/07/2021	 Order Filed By: Receiver Bertsch, Larry L.

CASE SUMMARY

CASE NO. A-20-813439-B

[282] Order Regarding Receiver's Third Request for Compensation through 11-22-2021

12/07/2021



Notice of Entry of Order

Filed By: Receiver Bertsch, Larry L.

[283] Notice of Entry of Order Regarding Receiver's Request for Approval of Compensation through November 22, 2021

12/16/2021



Recorders Transcript of Hearing

[284] Transcript of Proceedings: Ian Hughes' Motion to Quash Subpoena; Motion to Quash Trial Subpoena and for Protective Order on Order Shortening Time -- 11-15-21

01/07/2022



Memorandum

[285] Court's Memo RE: Remote Appearance Information for JANUARY 11, 2022, Hearing

01/10/2022



Status Report

[286] Status Report Regarding Settlement Agreement

01/11/2022



Motion

Filed By: Counter Claimant CBC Partners I LLC; Defendant 5148 Spanish Heights LLC

[287] Motion for Writ of Possession and Order to Vacate Pursuant to NRS 40.255

01/11/2022



Appendix

[288] Appendix of Exhibits to Motion for Writ of Possession and Order to Vacate

01/11/2022



Clerk's Notice of Hearing

[289] Notice of Hearing

01/15/2022



Order Setting Hearing

Filed by: Receiver Bertsch, Larry L.

[290] Order Setting Hearing and Briefing Schedule with Respect to Receiver's Request for Instructions

01/18/2022



Brief

Filed By: Receiver Bertsch, Larry L.

[291] Receiver's Brief in Support of Receiver's Request for Instructions from the Court

01/18/2022



Appendix

Filed By: Receiver Bertsch, Larry L.

[292] Appendix of Exhibits to Receiver's Brief in Support of Receiver's Request for Instructions from the Court

01/18/2022



Notice of Entry of Order

Filed By: Receiver Bertsch, Larry L.

[293] Notice of Entry of Order Setting Hearing and Briefing Schedule with Respect to Receiver's Request for Instructions

01/19/2022



Order Shortening Time

[294] Application for Temporary Restraining Order and Motion for Preliminary Injunction on an Order Shortening Time

01/25/2022















Response

Filed by: Receiver Bertsch, Larry L.

[295] Receiver's Response to Plaintiff's Application for Temporary Restraining Order and Motion for Preliminary Injunction on an Order Shortening Time

CASE SUMMARY

CASE NO. A-20-813439-B

01/25/2022	 Opposition to Motion <i>[296] Defendants/Counterclaimants Opposition to Plaintiffs Application for Temporary Restraining Order and Motion for Preliminary Injunction on an Order Shortening Time</i>
01/25/2022	 Appendix Filed By: Defendant CBC Partners LLC; Defendant 5148 Spanish Heights LLC <i>[297] Appendix of Exhibits to Defendants/Counterclaimants Opposition to Plaintiffs Application for Temporary Restraining Order and Motion for Preliminary Injunction on an Order Shortening Time</i>
01/25/2022	 Opposition to Motion Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[298] Plaintiffs' Opposition to Defendants' Motion for Writ of Possession and Order to Vacate</i>
01/25/2022	 Brief Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[299] Plaintiffs' Response to Receiver's Brief In Support of Receiver's Request for Instructions from the Court</i>
01/26/2022	 Reply in Support Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[300] Plaintiffs Reply in Support of Application for Temporary Restraining Order and Motion for Preliminary Injunction on an Order Shortening Time</i>
01/27/2022	 Memorandum <i>[301] Court's Memo RE: Remote Appearance Information for January 27, 2022, Hearing</i> **PLEASE REVIEW IN ITS ENTIRETY**
01/28/2022	 Reply in Support Filed By: Receiver Bertsch, Larry L. <i>[302] Receiver's Reply in Support of Brief in Support of Receiver's Request for Instructions from the Court</i>
01/28/2022	 Notice Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[303] Notice of Filing Petition for Writ of Mandamus in the Nevada Supreme Court</i>
01/31/2022	 Recorders Transcript of Hearing <i>[304] Transcript of Proceedings: Plaintiffs' Application for Temporary Restraining Order and Motion for Preliminary Injunction on Order Shortening Time -- 1-28-22</i>
02/01/2022	 Memorandum <i>[305] Court's Memo RE: Remote Appearance Information for FEBRUARY 3, 2022, Hearing</i> **PLEASE REVIEW IN ITS ENTIRETY**
02/01/2022	 Response <i>[306] Defendants/Counterclaimants/Third-Party Plaintiffs Response to Receiver s Brief in Support of Receiver s Request for Instructions From the Court</i>
02/02/2022	 Errata Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter

CASE SUMMARY

CASE NO. A-20-813439-B

	<p>Defendant SJC Ventures Holdings Company LLC</p> <p><i>[307] Errata to Plaintiffs' Response to Receiver's Brief in Support of Receiver's Request for Instructions from the Court</i></p>
02/02/2022	<p> Supplement</p> <p>Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC</p> <p><i>[308] Supplement to Plaintiffs' Response to Receiver's Brief in Support of Receiver's Request for Instructions from the Court</i></p>
02/04/2022	<p> Order</p> <p><i>[309] Order Regarding Receiver's Request for Instructions</i></p>
02/04/2022	<p> Notice of Entry of Order</p> <p>Filed By: Receiver Bertsch, Larry L.</p> <p><i>[310] Notice of Entry of Order re Receiver's Request for Instructions</i></p>
02/07/2022	<p> Notice of Compliance</p> <p>Party: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC</p> <p><i>[311] Notice of Compliance with the Court's 2/4/2022 Order Regarding Receiver's Request for Instructions</i></p>
02/08/2022	<p> Reply in Support</p> <p>Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Claimant CBC Partners I LLC; Defendant CBC Partners LLC</p> <p><i>[312] Defendants/Counterclaimants' Reply in Support of Defendants/Counterclaimants Motion for Writ of Possession and Order to Vacate Pursuant to NRS 40.255</i></p>
02/09/2022	<p> Status Report</p> <p><i>[313] Receiver's Status Report in In Compliance with the Court's February 4, 2022 Order Setting Evidentiary Hearing</i></p>
02/09/2022	<p> Declaration</p> <p>Filed By: Receiver Bertsch, Larry L.</p> <p><i>[314] Declaration of Larry Bertsch Regarding Evidentiary Hearing on Receiver's Request for Instructions from the Court</i></p>
02/09/2022	<p> Designation of Witness</p> <p>Filed By: Receiver Bertsch, Larry L.</p> <p><i>[315] Receiver's Deposition Designations in Connection with Evidentiary Hearing on Receiver's Request for Instructions</i></p>
02/09/2022	<p> Request for Judicial Notice</p> <p>Filed By: Receiver Bertsch, Larry L.</p> <p><i>[316] The Receiver's Request for Judicial Notice Re Evidentiary Hearing</i></p>
02/09/2022	<p> Appendix</p> <p><i>[317] Appendix of Exhibits regarding the Receiver's Request for Judicial Notice Re Evidentiary Hearing</i></p>
02/09/2022	<p> Affidavit</p> <p><i>[318] Affidavit of Kristy Somers</i></p>
02/10/2022	<p> Response</p>

CASE SUMMARY

CASE NO. A-20-813439-B

Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC
[319] Plaintiffs' Response to Receiver's 2/9/2022 Status Report

02/11/2022



Memorandum

[321] Court's Memo RE: Remote Appearance Information for February 11, 2022, at 1:00 p.m.

02/11/2022



Transcript of Proceedings

[322] Transcript of Proceedings: Motion to Stay Proceedings and Enforcement of Order Granting Defendant's Motion for Appointment of Receiver on an Order Shortening Time

02/11/2022



Supplemental

Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC
[323] Plaintiffs' Supplemental Exhibit to Plaintiffs' Response to Receiver's 2/9/2022 Status Report

02/14/2022



Memorandum

[324] Court's Memo RE: Remote Appearance Information for FEBRUARY 15, 2022, Hearing
PLEASE REVIEW IN ITS ENTIRETY

02/16/2022



Motion

Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC
[325] Plaintiffs' Motion to Terminate the Order Appointing Receiver Over SJC Ventures Holding Company, LLC or in the Alternative to Appoint a Neutral Receiver

02/16/2022



Appendix

Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC
[326] APPENDIX TO PLAINTIFFS MOTION TO TERMINATE THE ORDER APPOINTING RECEIVER OVER SJC VENTURES HOLDING COMPANY, LLC OR IN THE ALTERNATIVE TO APPOINT A NEUTRAL RECEIVER PURSUANT TO EDCR 2.27(b)

02/17/2022



Clerk's Notice of Hearing

[327] Notice of Hearing

02/17/2022



Order Denying Motion

[328] Order Denying Application for Temporary Restraining Order and Motion for Preliminary Injunction on Order Shortening Time

02/23/2022



Order Granting Writ of Possession

[329] Order Granting Motion for Writ of Possession and Order to Vacate Pursuant to NRS 40.255

02/23/2022



Notice of Entry of Order

[330] Notice of Entry of Order

02/23/2022



Notice of Entry of Order

[331] Notice of Entry of Order Granting Motion for Writ of Possession and Order to Vacate Pursuant to NRS 40.255

02/23/2022



Memorandum

[332] Court's Memo RE: Dates for Continued Evidentiary Hearing

CASE SUMMARY

CASE NO. A-20-813439-B

02/25/2022	 Motion to Set Aside Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[333] Plaintiffs' Motion to Set Aside the February 1, 2022 Trustee's Sale Based on Defendant 5148 Spanish Heights, LLC's Breach of Spanish Heights Acquisition Company, LLC's Bankruptcy Confirmation Plan and to Sanction 5148 Spanish Heights, LLC for Seeking to Evict SJC Ventures, LLC in Seven Days</i>
02/25/2022	 Clerk's Notice of Hearing <i>[334] Notice of Hearing</i>
03/01/2022	 Recorders Transcript of Hearing <i>[335] Transcript of Proceedings: Request for Instructions from the Court -- 2-3-22</i>
03/01/2022	 Recorders Transcript of Hearing <i>[336] Transcript of Proceedings: 5148 Spanish Heights, LLC and CBC Partners I, LLC's Motion for Writ of Possession and Order to Vacate Pursuant to NRS 40.255</i>
03/01/2022	 Recorders Transcript of Hearing <i>[337] Transcript of Proceedings: Status Check: Compliance to Settlement Terms - January 11, 2022</i>
03/02/2022	 Response Filed by: Receiver Bertsch, Larry L. <i>[338] Receiver's Response to Plaintiffs' Motion to Terminate the Order Appointing Receiver over SJC Ventures Holding Company LLC or in the Alternative to Appoint a Neutral Receiver</i>
03/02/2022	 Opposition to Motion <i>[339] Opposition to Plaintiffs Motion to Terminate the Order Appointing Receiver Over SJC Ventures Holding, LLC or in the Alternative to Appoint a Neutral Receiver</i>
03/03/2022	 Media Request and Order <i>[340] Media Request and Order Allowing Camera Access to Court Proceedings</i>
03/04/2022	 Stipulation Filed by: Receiver Bertsch, Larry L. <i>[341] Joint Submission Regarding Facts Related to Receiver s Request for Instructions-Evidentiary Hearing</i>
03/08/2022	 Memorandum <i>[342] Court's Memo RE: Remote Appearance Information for MARCH 10, 2022, Hearing</i> **PLEASE REVIEW IN ITS ENTIRETY**
03/11/2022	 Opposition and Countermotion Filed By: Counter Claimant CBC Partners I LLC; Third Party Plaintiff 5148 Spanish Heights LLC; Defendant CBC Partners LLC; Defendant 5148 Spanish Heights LLC <i>[343] Opposition to Plaintiffs' Motion to Set Aside the February 1, 2022 Trustee's Sale Based on Defendant 5148 Spanish Heights, LLC's Breach of Spanish Heights Acquisition Company, LLC's Bankruptcy Confirmation Plan and to Sanction 5148 Spanish Heights, LLC for Seeking to Evict SJC Ventures, LLC in Seven Days and Defendant/Counterclaimant 5148 Spanish Heights, LLC's Countermotion for Summary Eviction</i>
03/11/2022	 Appendix <i>[344] Appendix of Exhibits to Opposition to Plaintiffs Motion to Set Aside the February 1, 2022 Trustee s Sale Based on Defendant 5148 Spanish Heights, LLC s Breach of Spanish Heights Acquisition Company, LLC s Bankruptcy Confirmation Plan and to Sanction 5148</i>

CASE SUMMARY

CASE NO. A-20-813439-B

Spanish Heights, LLC for Seeking to Evict SJC Ventures, LLC in Seven Days and Defendant/Counterclaimant 5148 Spanish Heights, LLC s Countermotion for Summary Eviction

03/15/2022



Memorandum

[345] Court's Memo RE: Remote Appearance Information for MARCH 17, 2022, Hearing
PLEASE REVIEW IN ITS ENTIRETY

03/15/2022



Reply

Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC
[346] Plaintiffs Reply in Support of Motion to Terminate The Order Appointing Receiver Over SJC Ventures Holding Company, LLC or in The Alternative to Appoint a Neutral Receiver

03/16/2022



Trial Subpoena

Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC
[347] Trial Subpoena

03/16/2022



Trial Subpoena

Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC
[348] Trial Subpoena

03/16/2022



Trial Subpoena

Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC
[349] Trial Subpoena

03/16/2022



Trial Subpoena

Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC
[350] Trial Subpoena

03/16/2022



Trial Subpoena

Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC
[351] Trial Subpoena

03/18/2022



Pre-Trial Disclosure

Party: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC
[352] Plaintiffs NRCP 16.1(a)(3) Pretrial Disclosure

03/18/2022



Memorandum

[353] Court's Memo RE: Remote Appearance Information for MARCH 22, 2022, Hearing
PLEASE REVIEW IN ITS ENTIRETY

03/18/2022



Notice

Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC
[354] Notice Of Pretrial Conference Pursuant To EDCR 2.67(a)

03/20/2022



Order

Filed By: Receiver Bertsch, Larry L.
[355] Order on Receiver's Request for Instructions











CASE SUMMARY

CASE NO. A-20-813439-B

03/20/2022	 Findings of Fact, Conclusions of Law and Order Filed By: Receiver Bertsch, Larry L. <i>[356] Findings of Fact and Conclusions of Law Regarding Order on Receiver's Request for Instructions</i>
03/20/2022	 Order Filed By: Receiver Bertsch, Larry L. <i>[357] Amended Order Appointing Receiver</i>
03/21/2022	 Notice of Entry <i>[358] Notice of Entry of Amended Order Appointing Receiver</i>
03/21/2022	 Notice of Entry Filed By: Receiver Bertsch, Larry L. <i>[359] Notice of Entry of Order on Receiver s Request for Instructions</i>
03/21/2022	 Notice of Entry <i>[360] Notice of Entry of Findings of Fact and Conclusions of Law Regarding Order on Receiver s Request for Instructions</i>
03/22/2022	 Receiver Report Filed by: Receiver Bertsch, Larry L. <i>[361] Receiver's (1) Fourth Interim Status Report; and (2) Request for Approval of Compensation for the Period of November 23, 2021, through February 28, 2022</i>
03/22/2022	 Filed Under Seal Filed By: Receiver Bertsch, Larry L. <i>[362] SEALED PER ORDER 3/31/22 [362] Appendix of Exhibits to Receiver's (1) Fourth Interim Status Report; and (2) Request for Approval of Compensation for the Period of November 23, 2021 through February 28, 2022</i>
03/22/2022	 Motion Filed By: Receiver Bertsch, Larry L. <i>[363] Motion to File a Portion of Receiver s Appendix of Exhibits in Support of Receiver s (1) Fourth Interim Status Report, and (2) Request for Approval of Compensation for the Period of November 23, 2022 through February 28, 2022 Under Seal Due to Documents Designated as Confidential By Plaintiffs</i>
03/22/2022	 Clerk's Notice of Hearing <i>[364] Notice of Hearing</i>
03/22/2022	 Reply Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[365] Plaintiffs' Reply in Support of Motion to Set Aside the February 1, 2022 Trustee's Sale Based on Defendant 5148 Spanish Heights, LLC's Breach of Spanish Heights Acquisition Company, LLC's Bankruptcy Confirmation Plan and to Sanction 5148 Spanish Heights, LLC For Seeking to Evict SJC Ventures, LLC in Seven Days</i>
03/24/2022	 Order Shortening Time Filed By: Counter Claimant CBC Partners I LLC; Defendant CBC Partners LLC; Defendant 5148 Spanish Heights LLC; Counter Claimant Antos, Kenneth <i>[366] Motion to Quash Trial Subpoena on Order Shortening Time</i>
03/25/2022	 Certificate of Service













CASE SUMMARY

CASE NO. A-20-813439-B

	Filed by: Counter Claimant CBC Partners I LLC; Defendant 5148 Spanish Heights LLC [367] Certificate of Service
03/29/2022	 Receiver Report [368] Receiver s Fifth Interim Status Report
03/30/2022	 Opposition and Countermotion Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC [369] Plaintiffs' Opposition to Motion to Quash Trial Subpoena on Order Shortening Time and Countermotion for Sanctions Per Nrs 18.010 and to Disqualify Necessary Witness Michael Mushkin from Acting as Advocate at Jury Trial
03/31/2022	 Recorders Transcript of Hearing [370] Transcript of Proceedings: Re: Plaintiffs' Motion to Terminate the Order Appointing Receiver Over SJC Ventures Holding Company, LLC or in the Alternative to Appoint a Neutral Receiver -- 3-22-22
03/31/2022	 Memorandum [371] Court's Memo RE: Remote Appearance Information for APRIL 04, 2022, Hearing **PLEASE REVIEW IN ITS ENTIRETY**
03/31/2022	 Stipulation and Order Filed by: Receiver Bertsch, Larry L. [372] Stipulation and Order Regarding Motion to File Portions of (A) Receiver's (1) Fourth Interim Status Report and (2) Request for Approval of Compensation for the Period of November 23, 2021, through February 28, 2022, and (B) Receiver's appendix of Exhibits Under Seal Due to Documents and Information Designated as "Confidential" by Plaintiffs
03/31/2022	 Notice of Entry Filed By: Receiver Bertsch, Larry L. [373] Notice of Entry of Stipulation and Order Regarding Motion to File Portions of (A) Receiver s (1) Fourth Interim Status Report, and (2) Request for Approval of Compensation for the Period of November 23, 2021, through February 28, 2022 and (B) Receiver s Appendix of Exhibits Under Seal Due to Documents and Information Designated as "Confidential" by Plaintiffs
03/31/2022	 Amended Notice Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC [374] Amended Notice of Pretrial Conference Pursuant to EDCR 2.67(a)
04/01/2022	 Notice of Appeal Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC [375] Notice of Appeal
04/01/2022	 Notice of Appeal Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC [376] Notice of Appeal
04/01/2022	 Case Appeal Statement Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC [377] Case Appeal Statement












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04/01/2022	 Case Appeal Statement Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[378] Case Appeal Statement</i>
04/04/2022	 Trial Subpoena Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[379] Trial Subpoena</i>
04/04/2022	 Trial Subpoena Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[380] Trial Subpoena</i>
04/05/2022	 Ex Parte Order Filed By: Receiver Bertsch, Larry L. <i>[381] Ex Parte Motion for an Order to Show Cause</i>
04/06/2022	 Recorders Transcript of Hearing <i>[382] Transcript of Proceedings: Motion to Quash Trial Subpoena on Order Shortening Time; All Pending Motions -- 4-4-22</i>
04/06/2022	 Motion Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[383] Plaintiffs' Motion to Disqualify Necessary Witness Michael Mushkin from Acting as Advocate at Jury Trial</i>
04/06/2022	 Appendix Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[384] Appendix To Plaintiffs' Motion To Disqualify Necessary Witness Michael Mushkin From Acting As Advocate At Jury Trial</i>
04/07/2022	 Clerk's Notice of Hearing <i>[385] Notice of Hearing</i>
04/08/2022	 Order to Show Cause <i>[386] Order to Show Cause</i>
04/08/2022	 Motion to Stay Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[387] Plaintiffs' Motion To Stay Enforcement Of March 20, 2022 Order On Receiver'S Request For Instructions Pending Appeal And Motion For Determination Of Bond Amount</i>
04/08/2022	 Clerk's Notice of Hearing <i>[388] Notice of Hearing</i>
04/11/2022	 Proof of Service Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[389] Proof of Service</i>

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04/11/2022	 Proof of Service Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[390] Proof of Service</i>
04/11/2022	 Proof of Service Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[391] Proof of Service</i>
04/11/2022	 Proof of Service Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[392] Proof of Service</i>
04/11/2022	 Proof of Service Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[393] Proof of Service</i>
04/11/2022	 Proof of Service Filed by: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[394] Proof of Service</i>
04/11/2022	 Order Filed By: Receiver Bertsch, Larry L. <i>[395] Order Regarding Receiver's Request for Approval of Compensation from November 23, 2021 through February 28, 2022</i>
04/12/2022	 Order Denying Motion Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[396] Order Denying Plaintiffs' Motion to Set Aside the February 1, 2022, Trustee Sale; Denying Plaintiffs' Request for Sanctions; and Denying Defendant/Counterclaimant 5148 Spanish Heights, LLC's Countermotion for Summary Eviction</i>
04/12/2022	 Order Shortening Time Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[397] Motion to Advance the Hearing on Plaintiffs' Motion to Disqualify Necessary Witness Michael Mushkin from Acting as Advocate at Jury Trial on an Order Shortening Time (Hearng Requested)</i>
04/12/2022	 Notice of Entry <i>[398] Notice of Entry of Order Regarding Receiver's Request for Approval of Compensation from November 23 2021 through February 28, 2022</i>
04/12/2022	 Notice of Entry of Order Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC <i>[399] Notice of Entry of Order</i>
04/12/2022	 Order Shortening Time Filed By: Counter Claimant CBC Partners I LLC; Defendant CBC Partners LLC; Defendant 5148 Spanish Heights LLC; Counter Claimant Antos, Kenneth; Counter Claimant Neumann-Antos, Sheila

CASE SUMMARY

CASE NO. A-20-813439-B

[400] Motion to Quash Trial Subpoena on Order Shortening Time

04/13/2022



Certificate of Service

Filed by: Counter Claimant CBC Partners I LLC; Third Party Plaintiff 5148 Spanish Heights LLC; Defendant CBC Partners LLC; Defendant 5148 Spanish Heights LLC; Defendant Kenneth & Sheila Antos Living Trust; Defendant Kenneth M. Antos & Sheila M. Neumann-Antos Trust

[401] Certificate of Service

04/14/2022



Notice of Entry

Filed By: Receiver Bertsch, Larry L.

[402] Notice of Entry of Order to Show Cause

04/14/2022



Proposed Voir Dire Questions

Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC

[403] Plaintiffs' Proposed Questions for Voir Dire

04/14/2022



Notice of Posting Bond

[404] Notice of Posting Bond

04/14/2022



Order Shortening Time

Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC

[405] Plaintiffs' Renewed Motion to Terminate the Receivership in Light of Receiver Taking Control of Jay Bloom's Personal Assets and Motion to Reset the Date for Plaintiffs to Vacate the Property as a Result of Receiver's Interference, to Void the Illegal Holds Placed by the Receiver and for Sanctions on Order Shortening Time

04/15/2022



Order Granting Motion

Filed By: Counter Claimant CBC Partners I LLC; Defendant 5148 Spanish Heights LLC; Defendant Dacia LLC

[406] Order Granting Motion to Quash Trial Subpoena on Order Shortening Time

04/15/2022



Order Denying Motion

Filed By: Counter Claimant CBC Partners I LLC; Defendant 5148 Spanish Heights LLC

[407] Order Denying Plaintiffs' Motion to Terminate the Order Appointing Receiver Over SJC Ventures Holding Company, LLC or in the Alternative to Appoint a Neutral Receiver

04/18/2022



Cost on Appeal Bond

Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC

[408] Cost Bond on Appeal

04/18/2022



Cost on Appeal Bond

Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC

[409] Cost Bond on Appeal

04/18/2022



Opposition to Motion

Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC

[410] PLAINTIFFS OPPOSITION TO MOTION TO QUASH TRIAL SUBPOENA ON ORDER SHORTENING TIME AND COUNTERMOTION FOR SANCTIONS PER NRS 18.010

04/18/2022



Appendix

CASE SUMMARY

CASE NO. A-20-813439-B

Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC
[411] APPENDIX TO PLAINTIFFS PLAINTIFFS OPPOSITION TO MOTION TO QUASH TRIAL SUBPOENA ON ORDER SHORTENING TIME AND COUNTERMOTION FOR SANCTIONS PER NRS 18.010

- 04/18/2022  Opposition to Motion
[412] Opposition to Plaintiffs' Motion to Disqualify Michael Mushkin as Advocate at Jury Trial
- 04/18/2022  Notice of Appeal
 Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC
[413] Notice of Appeal
- 04/18/2022  Case Appeal Statement
 Filed By: Counter Defendant Spanish Heights Acquisition Company LLC; Counter Defendant SJC Ventures Holdings Company LLC
[414] Case Appeal Statement
- 04/19/2022  Notice of Entry of Order
[415] Notice of Entry of Order Granting Motion to Quash Trial Subpoena on Order Shortening Time
- 04/19/2022  Notice of Entry of Order
[416] Notice of Entry of Order Denying Plaintiffs' Motion to Terminate the Order Appointing Receiver Over SJC Ventures Holding Company, LLC or In the Alternative to Appoint A Neutral Receiver
- 04/20/2022  Opposition
 Filed By: Receiver Bertsch, Larry L.
[417] Receiver's Opposition to Plaintiffs Renewed Motion to Terminate the Receivership in Light of Receiver taking Control of Jay Blooms Personal Assets and Motion to Re-Set the Date for Plaintiffs to Vacate the Property as a Result of Receivers Interference, to Void the Illegal Holds Placed by the Receiver and for Sanctions on an Order Shortening Time
- 04/20/2022  Joinder to Opposition to Motion
[418] Joinder to Receivers Opposition to Plaintiffs Renewed Motion to Terminate the Receivership in Light of Receiver Taking Control of Jay Blooms Personal Assets and Motion to Re-Set the Date for Plaintiffs to Vacate the Property as a Result of Receivers Interference, to Void the Illegal Holds Placed by the Receiver and for Sanctions On An Order Shortening Time

DISPOSITIONS

- 09/29/2020 **Order of Dismissal** (Judicial Officer: Gonzalez, Elizabeth)
 Debtors: Spanish Heights Acquisition Company LLC (Plaintiff), SJC Ventures Holdings Company LLC (Plaintiff)
 Creditors: CBC Partners I LLC (Defendant), 5148 Spanish Heights LLC (Defendant), Dacia LLC (Defendant)
 Judgment: 09/29/2020, Docketed: 09/29/2020
 Comment: Certain Causes
- 08/10/2021 **Summary Judgment** (Judicial Officer: Gonzalez, Elizabeth)
 Debtors: 5148 Spanish Heights LLC (Defendant)
 Creditors: Kenneth Antos (Counter Claimant), Sheila Neumann-Antos (Counter Claimant)
 Judgment: 08/10/2021, Docketed: 08/11/2021
 Comment: In Part/ Certain Claims
- 03/20/2022 **Sanctions** (Judicial Officer: Kishner, Joanna S.)

CASE SUMMARY

CASE NO. A-20-813439-B

Debtors: Spanish Heights Acquisition Company LLC (Plaintiff), SJC Ventures Holdings Company LLC (Plaintiff), Jay Bloom (Counter Defendant)
Creditors: Larry L. Bertsch (Receiver)
Judgment: 03/20/2022, Docketed: 03/21/2022
Total Judgment: 35,989.20

HEARINGS

04/28/2020



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

Motion for Preliminary Injunction

Granted; TRO extended without modification

Journal Entry Details:

All parties appeared telephonically. Following arguments by counsel, COURT ORDERED, because of the Governor's Directive 008, the Court is EXTENDING the Temporary Restraining Order previously issued by Judge Crockett WITHOUT MODIFICATION. Per counsel's request, hearing set for June 8, 2020 is ADVANCED to May 14, 2020. Mr. Mushkin confirmed he intends to call witnesses for the preliminary injunction hearing and will be calling them by video under today's circumstances. COURT NOTED a few days' notice is required to set up videoconferencing. Counsel will be REQUIRED to be present in the courtroom but they must observe social distancing, and the witnesses should have the exhibits prior to their appearance. Upon counsel's inquiry, Court stated Mr. Bloom can testify in the courtroom if he observes social distancing and wears a face covering. COURT FURTHER DIRECTED counsel to email the information regarding their witnesses to the Judicial Executive Assistant, Mr. Dan Kutinac, by May 11, 2020 at noon. Following further argument by Mr. Mushkin regarding the Governor's Directive and adjusting the bond, COURT ORDERED, given the Governor's Directive 008 the Court will NOT ADJUST the bond. 5-14-20 9:30 AM PLAINTIFFS' APPLICATION FOR TEMPORARY RESTRAINING ORDER AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME;

05/13/2020



Minute Order (12:53 PM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order re: Trial Subpoenas

Minute Order - No Hearing Held;

Journal Entry Details:

The Court notes trial subpoenas have been filed. The Court did not authorize the issuance of trial subpoenas nor order any witness to appear. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 5-13-20;

05/14/2020



Motion (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Plaintiffs' Application for Temporary Restraining Order and Motion for Preliminary Injunction on Order Shortening Time

Granted;

Journal Entry Details:

COURT NOTED a motion for protective order and a motion regarding a subpoena were filed yesterday. Opening statements by Mr. Gutierrez and Mr. Mushkin. Exclusionary rule INVOKED by Mr. Gutierrez. Mr. Mushkin noted that they previously said they would do both declarations and witnesses; he has provided the declarations to counsel; the only one that is substantive is perhaps Mr. Hodgman's, the next door neighbor, because it addresses the fireworks issue. COURT ORDERED, exclusionary rule IMPOSED; however, that does not mean a witness cannot participate as an observer. Pursuant to the parties' stipulation, COURT ORDERED, Proposed Joint Exhibits A through W ADMITTED. (See worksheet.) Parties agreed that the remainder of the exhibits is stipulated as to authenticity and counsel will only argue relevance. Testimony and exhibits presented. (See worksheets.) LUNCH RECESS. Testimony and exhibits continued. (See worksheets.) Following arguments by counsel regarding Mr. Mushkin's motion for directed verdict on the basis that the Plaintiffs have not established irreparable harm, COURT stated findings, and ORDERED, motion DENIED. Testimony and exhibits continued. At the hour of 4:02 pm, both sides RESTED. Closing arguments. COURT ORDERED, the April 3, 2020 notice to vacate is violative of Governor's Directive 008, because there is not an establishment of a serious endangerment of the public or other residents, or serious criminal activity, or significant damage to the property, which is required under section 1 for the Court to ignore the Governor's Directive 008, section 1. For that reason, the injunction is GRANTED in a LIMITED way to prevent any further action related to the notice to vacate until after the expiration of the Governor's Directive 008. With regards to a bond, COURT noted, per Mr. Gutierrez, that the Plaintiff is going to continue to

CASE SUMMARY

CASE NO. A-20-813439-B

pay the first and second taxes, insurance, and HOA dues during the interim. Mr. Gutierrez concurred. Argument by Mr. Mushkin in support of payments for the third. COURT ORDERED, as part of the order granting the preliminary injunction through the expiration of Governor's Directive 008, the Plaintiff is REQUIRED to continue to pay the first, second insurance, taxes, and HOA fees; the Court will NOT REQUIRE payment of the third; that is something that will be an issue that may be discussed in the near future, given the new party that has appeared, whether through intervention or the filing of a counterclaim. Following further argument by Mr. Mushkin, noting no defense to the bond, and Court's clarification of its ruling, COURT NOTED its order is strictly based on Directive 008, that the Court did not say it found there was a foreclosure proceeding but found there was a notice to vacate; the Court cannot increase the bond from \$1,000 as requested by the Defendant, not with Directive 008 in place. Counsel for Plaintiffs to prepare today's order and run it by the Defense prior to submission. COURT ORDERED, given the appearance of the new party as a counterclaimant, the Court will NOT SET a Rule 16 Conference today; however, matter will be SET for status check in 3 weeks on the chambers calendar on scheduling the Rule 16 conference; the requirements under NRCP 16(b)(2) are SUSPENDED pursuant to Administrative Order 20-01. Mr. Gutierrez noted the Plaintiff will likely be filing an amended complaint. COURT ORDERED, the motions scheduled for June 19, 2020 ("Motion for Protective Order", "Motion to Quash Subpoena and for Protective Order") are VACATED as MOOT, NOTING that a minute order was issued yesterday that Mr. Mushkin believes addresses both issues, although he may renew the motion for protective order at a later date if it becomes a discovery issue. 6-5-20 CHAMBERS STATUS CHECK: SCHEDULING RULE 16 CONFERENCE;

06/05/2020



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

Status Check: Scheduling Rule 16 Conference

Hearing Set;

Journal Entry Details:

COURT ORDERED, matter SET for Rule 16 conference. 6-29-20 9:00 AM DEFENDANT'S MOTION TO DISMISS FIRST AMENDED COMPLAINT AS TO DACIA, LLC...MANDATORY RULE 16 CONFERENCE CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 6-8-20;

06/19/2020

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

Vacated - Moot

Motion for Protective Order

06/19/2020

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

Vacated - Moot

Motion to Quash Subpoena and for Protective Order

06/22/2020



Motion for Order to Show Cause (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Events: 06/16/2020 Motion for Order to Show Cause

Defendants/Counterclaimants CBC Partners I, LLC Motion for Order to Show Cause on Order Shortening Time

Hearing Set;

Journal Entry Details:

Ms. Barraza and Mr. Bloom present in the courtroom. Mr. Mushkin appeared by telephone. Following arguments by counsel, COURT ORDERED, because cause has been shown at the time the order to show cause was issued that payments had not been timely made in accordance with the security requirements of the TRO, the Court will SET an evidentiary hearing; as part of that, a process may be reached where payments are going to be timely made in accordance with the order as they come due; the Court is NOT MAKING A FINDING related to the taxes, because the taxes were not ordered under the contract; they were ordered paid as due which is with the County Assessor's Office. COURT ORDERED, matter SET for evidentiary hearing on June 29, 2020 at 9:30 am. 6-29-20 9:00 AM MANDATORY RULE 16 CONFERENCE...DEFENDANT'S MOTION TO DISMISS FIRST AMENDED COMPLAINT AS TO DACIA, LLC 6-29-20 9:30 AM EVIDENTIARY HEARING;

06/29/2020

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

Defendant's Motion to Dismiss First Amended Complaint as to Dacia, LLC

Granted in Part;

06/29/2020

Mandatory Rule 16 Conference (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

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Trial Date Set;

06/29/2020

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

Matter Heard;

Journal Entry Details:

DEFENDANT'S MOTION TO DISMISS FIRST AMENDED COMPLAINT AS TO DACIA, LLC...MANDATORY RULE 16 CONFERENCE (9:00 AM SESSION)...EVIDENTIARY HEARING (9:30 AM SESSION) APPEARANCES CONTINUED: Alan Hallberg, Defendant's Client Representative, listened to the evidentiary hearing by telephone. Everyone else appeared in person. DEFENDANT'S MOTION TO DISMISS FIRST AMENDED COMPLAINT AS TO DACIA, LLC: Following arguments by counsel, COURT ORDERED, with respect to the first claim of relief in the motion to dismiss is DENIED. The declaratory relief claim as to the pursuit of the eviction and/or change in occupancy is a claim that can be claimed against Dacia. With respect to claims for relief 10, 11, and 12 are GRANTED to the extent that claims against the current owner for events that occurred prior to purchase cannot be pursued under NRS 116; however, to the extent that there are events that occurred during the ownership of Dacia, it is DENIED. EVIDENTIARY HEARING: Opening statements. Jay Bloom, SWORN and TESTIFIED. Exhibits presented. (See worksheet.) Closing arguments. COURT ORDERED, CAUSE HAS BEEN SHOWN; here, whether the FedEx dropbox used by the Plaintiffs for sending the two May 11 checks in fact occurred or occurred in a different manner is one where the Court still has significant questions, but it is undisputed that the checks that were written on May 11 were not timely sent and were late; it was surprising to the Court that they were not negotiated until after the order to show cause was filed. For that reason, the COURT ORDERS that a NEW PROCEDURE be followed related to the checks: the checks will be sent by next-day delivery by the United States Postal Service with electronic tracking information included along with the contents of the envelope provided to the Defendants at the time future payments to the 1st and 2nd are made. The HOA payments were \$830 per month were timely made for May and June on June 4th, so the Court is not making any additional ruling, but the Court would encourage counsel to send an email reminding Mr. Mushkin when those payments were made. The Court is not requiring the Plaintiffs to bring amounts current but only to pay amounts when they become due. With respect to the taxes, the Court understands what the contract says, but that is not what the Court ordered; As the Clark County Treasurer assesses taxes to be paid on a quarterly basis, they are TO BE PAID; they may either be paid by credit card or by check; if paid by credit card, an email must be sent to Mr. Mushkin saying they were paid by credit card; if they were paid by check, it needs to be sent via next-day delivery of USPS with the contents of the envelope copied and the contents of the envelope provided to Mr. Mushkin. COURT FURTHER ORDERED, fees NOT AWARDED at this time; counsel to file an application as to how much in fees were incurred, so if there is an objection the Court can make a determination as to the amount. Upon Mr. Gutierrez's inquiry, COURT CLARIFIED that the Defendant is entitled to fees related to the late payment of the 1st and 2nd which will only be a portion of what he sought to do. MANDATORY RULE 16 CONFERENCE: Court, addressing Mr. Mushkin, noted that objections to notices of default do not get calendared and counsel has not filed a motion. COURT ORDERED, initial disclosures pursuant to Rule 16.1 TO BE EXCHANGED in the next 10 days, and the answer to the counterclaim TO BE FILED in 1 week. Upon Court's inquiry, Mr. Mushkin confirmed they have answered the amended complaint. With regards to experts, Mr. Gutierrez advised they will have one on property valuation or real estate. Mr. Mushkin advised he will have a legal expert who will testify on merger and the one-action rule. Colloquy regarding discovery for a period of 90 days. COURT ORDERED as follows: Any further motions to amend pleadings or add parties TO BE FILED within 45 days; Initial expert disclosures where a party bears the burden of proof DUE by October 9, 2020; Rebuttal expert disclosures where a party does not bear the burden of proof DUE by November 13, 2020; Discovery cut-off SET for December 18, 2020; Dispositive motions and motions in limine TO BE FILED by January 22, 2021; Matter SET for trial on the stack beginning on March 15, 2021. Jury DEMANDED. Trial Setting Order will ISSUE. COURT FURTHER ORDERED, today is the parties joint case conference and the filing of the joint case conference report (JCCR) is WAIVED. Parties to file any discovery motions sooner rather than later. Both sides declined the Court's offer of a settlement conference. Court directed the parties to notify the Department if they change their mind. Both sides further advised that they do not need an ESI Protocol or Stipulated Protective Order and that they do not have any issues with the Rule on 10 depositions per side, not including custodians of records, the 7-hour limit per deposition, and no issues with the locations. Mr. Mushkin noted, however, that he may have an issue with the length of Mr. Bloom's deposition. Mr. Gutierrez objected to increasing the number of hours as the parties have already covered every contract in the preliminary injunction hearing. COURT ORDERED, the time for depositions will NOT BE INCREASED from 7 hours to 10 hours at this time; however, when it is time to take the deposition and counsel files a motion, counsel to PROVIDE more details than simply "the

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contracts were long" and "Mr. Bloom does not give short answers".;

06/29/2020	Evidentiary Hearing (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth) Matter Heard; cause has been shown
06/30/2020	CANCELED Motion (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - Moot</i> <i>Spanish Heights, LLC's, Emergency Motion for Approval to Issue Subpoenas Duces Tecum on Order Shortening Time</i>
08/28/2020	Motion for Order (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendants/ Counterclaimant's Motion for Order Determining Jay Bloom to be a Vexatious Litigant</i> Denied;
08/28/2020	Motion (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>5148 Spanish Heights, LLC and CBC Partners I, LLC Motion for Determination of Unlawful Detainer</i> Denied Without Prejudice;
08/28/2020	Motion for Sanctions (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendants/ Counterclaimant's Motion for Sanctions Pursuant to NRCP Rule 11</i> Denied;
08/28/2020	Opposition and Countermotion (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Plaintiffs' Opposition to Defendants CBC Partners I, LLC and 5148 Spanish Heights, LLC's Rogue Motion for Sanctions and Countermotion for Sanctions</i> Denied;
08/28/2020	 All Pending Motions (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) Minute Order - No Hearing Held; Journal Entry Details: <i>DEFENDANTS/ COUNTERCLAIMANTS' MOTION FOR ORDER DETERMINING JAY BLOOM TO BE A VEXATIOUS LITIGANT... ..5148 SPANISH HEIGHTS, LLC AND CBC PARTNERS I, LLC'S MOTION FOR DETERMINATION OF UNLAWFUL DETAINER... ..DEFENDANTS/ COUNTERCLAIMANTS' MOTION FOR SANCTIONS PURSUANT TO NRCP RULE 11... ..PLAINTIFFS' OPPOSITION TO DEFENDANTS CBC PARTNERS I, LLC AND 5148 SPANISH HEIGHTS, LLC'S ROGUE MOTION FOR SANCTIONS AND COUNTERMOTION FOR SANCTIONS DEFENDANTS/ COUNTERCLAIMANTS' MOTION FOR ORDER DETERMINING JAY BLOOM TO BE A VEXATIOUS LITIGANT... ..DEFENDANTS/ COUNTERCLAIMANTS' MOTION FOR SANCTIONS PURSUANT TO NRCP RULE 11... ..PLAINTIFFS' OPPOSITION TO DEFENDANTS CBC PARTNERS I, LLC AND 5148 SPANISH HEIGHTS, LLC'S ROGUE MOTION FOR SANCTIONS AND COUNTERMOTION FOR SANCTIONS: The Court, having reviewed the MOTION FOR ORDER DETERMINING JAY BLOOM TO BE A VEXATIOUS LITIGANT, MOTION FOR SANCTIONS PURSUANT TO NRCP RULE 11, COUNTERMOTION, and the related briefing and being fully informed, DENIES the motion and request for an evidentiary hearing. Mr. Bloom (regardless of what legal entity is actually involved) does not meet the requirements for being determined to be a vexatious litigant. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. 5148 SPANISH HEIGHTS, LLC AND CBC PARTNERS I, LLC'S MOTION FOR DETERMINATION OF UNLAWFUL DETAINER: The Court, having reviewed 5148 SPANISH HEIGHTS, LLC AND CBC PARTNERS I, LLC'S MOTION FOR DETERMINATION OF UNLAWFUL DETAINER and the related briefing and being fully informed, DENIES the motion WITHOUT PREJUDICE. The Court notes that issues needing further briefing and/or discovery include the transfer of the Antos interest, the transfer of the note, the doctrine of merger and the one action rule. Counsel to agree upon a discovery schedule related to these issues and submit a stipulation to the Court. If no agreement is reached, the Court will set a schedule. Matter SET for status check on a discovery plan regarding the unlawful detainer in three weeks. The request for a bond pending this discovery</i>

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may be renewed after the discovery plan on these limited factual issues is adopted. Counsel for Movant is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order or judgment. 8-31-20 9:00 AM DEFENDANT MOTION FOR APPOINTMENT OF RECEIVER...5148 SPANISH HEIGHTS, LLC AND CBC PARTNERS I LLC'S MOTION FOR PARTIAL SUMMARY JUDGMENT 9-18-20 CHAMBERS STATUS CHECK: DISCOVERY PLAN ON UNLAWFUL DETAINER 9-21-20 9:00 AM PLAINTIFFS' OBJECTION AND MOTION FOR PROTECTIVE ORDER REGARDING DEFENDANT/COUNTERCLAIMANTS 5148 SPANISH HEIGHTS, LLC AND CBC PARTNERS I, LLC'S NOTICE OF INTENT TO SERVE SUBPOENAS 12-21-20 9:00 AM STATUS CHECK 2-18-21 9:15 AM PRE TRIAL CONFERENCE 3-9-21 9:30 AM CALENDAR CALL 3-15-21 1:30 PM JURY TRIAL CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 9-8-20;

08/31/2020 **Motion for Appointment (9:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)
08/31/2020, 09/14/2020, 10/19/2020


Defendant Motion for Appointment of Receiver

Matter Continued;
Matter Continued;
Denied;
Matter Continued;
Matter Continued;
Denied;
Matter Continued;
Matter Continued;
Denied;

08/31/2020 **Motion for Partial Summary Judgment (9:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)
08/31/2020, 09/14/2020, 10/19/2020

5148 Spanish Heights, LLC and CBC Partners I LLC, Motion for Partial Summary Judgment

Matter Continued;
Matter Continued;
Denied;
Matter Continued;
Matter Continued;
Denied;
Matter Continued;
Matter Continued;
Denied;


08/31/2020  **All Pending Motions (9:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)

Defendant Motion For Appointment of Receiver . . . 5148 Spanish Heights, LLC and CBC Partners I LLC, Motion for Partial Summary Judgment

Matter Continued;

Journal Entry Details:

DEFENDANT MOTION FOR APPOINTMENT OF RECEIVER . . . 5148 SPANISH HEIGHTS, LLC AND CBC PARTNERS I LLC, MOTION FOR PARTIAL SUMMARY JUDGMENT Court noted at the request of the parties this matter would be rescheduled and ORDERED, matter CONTINUED. CONTINUED TO: 09/14/20 9:00 AM;

09/14/2020  **All Pending Motions (9:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

DEFENDANTS' MOTION FOR APPOINTMENT OF RECEIVER...5148 SPANISH HEIGHTS, LLC AND CBC PARTNERS I LLC, MOTION FOR PARTIAL SUMMARY JUDGMENT All parties appeared by telephone. Upon Court's inquiry, Mr. Mushkin confirmed he represents the Antoses and that he can do depositions on two days' notice. Court noted it is concerned it cannot address some of the issues in the motion until the Antoses' depositions are taken; the Court would like the depositions taken expeditiously, but if Mr. Gutierrez and Ms. Barraza are

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not prepared to do so the Court will hear the motion. Mr. Gutierrez advised there is pending written discovery; perhaps they can set the depositions next Monday, but he can certainly do them expeditiously; he simply needs the written discovery done first. COURT ORDERED, hearing on the motions CONTINUED; an affidavit on what was said at the deposition or a rough transcript may be submitted. Mr. Gutierrez requested the hearing be continued in 3 weeks and advised he will submit an expedited draft of the transcript. With Mr. Mushkin's agreement, COURT ORDERED, hearing on the motions CONTINUED to October 5, 2020. At counsel's request, COURT FURTHER ORDERED, the motion for protective order and the opposition and countermotion thereto ADVANCED to September 18, 2020 in chambers. 9-18-20 CHAMBERS STATUS CHECK: DISCOVERY PLAN ON UNLAWFUL DETAINER...
...PLAINTIFFS' OBJECTION AND MOTION FOR PROTECTIVE ORDER REGARDING DEFENDANT/COUNTERCLAIMANTS 5148 SPANISH HEIGHTS, LLC AND CBC PARTNERS I, LLC'S NOTICE OF INTENT TO SERVE SUBPOENAS... ...OPPOSITION AND COUNTERMOTION FOR PROTECTIVE ORDER 10-5-20 9:00 AM DEFENDANTS' MOTION FOR APPOINTMENT OF RECEIVER...5148 SPANISH HEIGHTS, LLC AND CBC PARTNERS I LLC, MOTION FOR PARTIAL SUMMARY JUDGMENT 12-21-20 9:00 AM STATUS CHECK 2-18-21 9:15 AM PRE TRIAL CONFERENCE 3-9-21 9:30 AM CALENDAR CALL 3-15-21 1:30 PM JURY TRIAL;

09/18/2020 **Motion for Protective Order** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
Plaintiffs Objection And Motion For Protective Order Regarding Defendant/Counterclaimants 5148 Spanish Heights, LLC And CBC Partners I, LLC S Notice Of Intent To Serve Subpoenas
Denied;

09/18/2020 **Opposition and Countermotion** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
Opposition and Countermotion For Protective Order
Denied;

09/18/2020 **Status Check** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
Status Check: Discovery Plan on Unlawful Detainer
Off Calendar;

09/18/2020  **All Pending Motions** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
Minute Order - No Hearing Held;
Journal Entry Details:
PLAINTIFFS' OBJECTION AND MOTION FOR PROTECTIVE ORDER REGARDING DEFENDANT/COUNTERCLAIMANTS 5148 SPANISH HEIGHTS, LLC AND CBC PARTNERS I, LLC'S NOTICE OF INTENT TO SERVE SUBPOENAS... ...OPPOSITION AND COUNTERMOTION FOR PROTECTIVE ORDER... ...STATUS CHECK: DISCOVERY PLAN ON UNLAWFUL DETAINER PLAINTIFFS' OBJECTION AND MOTION FOR PROTECTIVE ORDER REGARDING DEFENDANT/COUNTERCLAIMANTS 5148 SPANISH HEIGHTS, LLC AND CBC PARTNERS I, LLC'S NOTICE OF INTENT TO SERVE SUBPOENAS...OPPOSITION AND COUNTERMOTION FOR PROTECTIVE ORDER: The Court, having reviewed the motions for protective order, countermotion, and the related briefing and being fully informed, DENIES both motions. With respect to the motion, the subpoena to Bank of America seeks relevant information related to the cash flow at issue in the payments made on the obligations. With respect to the countermotion, the discovery request related to ownership and membership interest are also relevant to the transfer of those obligations and ownership interest in the note; the request for in camera review is DENIED. Respective moving counsel is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. STATUS CHECK: DISCOVERY PLAN ON UNLAWFUL DETAINER: COURT NOTES plan submitted. Status check OFF CALENDAR. 10-5-20 9:00 AM DEFENDANT'S MOTION FOR APPOINTMENT OF RECEIVER...5148 SPANISH HEIGHTS, LLC AND CBC PARTNERS I LLC, MOTION FOR PARTIAL SUMMARY JUDGMENT 12-21-20 9:00 AM STATUS CHECK 2-18-21 9:15 AM PRE TRIAL CONFERENCE 3-9-21 9:30 AM CALENDAR CALL 3-15-21 1:30 PM JURY TRIAL CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 9-23-20;

10/19/2020  **All Pending Motions** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
Matter Heard;

CASE SUMMARY

CASE NO. A-20-813439-B

Journal Entry Details:

DEFENDANT MOTION FOR APPOINTMENT OF RECEIVER...5148 SPANISH HEIGHTS, LLC AND CBC PARTNERS I LLC, MOTION FOR PARTIAL SUMMARY JUDGMENT Parties appeared by telephone. Following arguments by counsel, COURT ORDERED, given the testimony of the Antoses, there appear to be genuine issues of material fact related to the parties and the execution of documents relied on by the Motion for Partial Summary Judgment; for that reason, the Court DENIES the motion for partial summary judgment and the motion for appointment of Receiver, because if there are issues with documents, there are issues with the appointment of a Receiver. 11-9-20 9:00 AM PLAINTIFFS' RENEWED APPLICATION FOR TEMPORARY RESTRAINING ORDER AND MOTION FOR PRELIMINARY INJUNCTION 12-21-20 9:00 AM STATUS CHECK 2-18-21 9:15 AM PRE TRIAL CONFERENCE 3-9-21 9:30 AM CALENDAR CALL 3-15-21 1:30 PM JURY TRIAL;

11/09/2020



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

Plaintiffs' Renewed Application for Temporary Restraining Order and Motion for Preliminary Injunction

Denied;

Journal Entry Details:

Parties appeared by telephone. Following arguments by counsel, COURT ORDERED, motion DENIED as there is not an emergent issue that requires the Court's injunctive relief; there is not a notice of sale, and without a notice of sale there is no emergency that requires the Court's intervention. Court stated it will sign an OST if there is a notice of sale. 12-21-20 9:00 AM STATUS CHECK 2-18-21 9:15 AM PRE TRIAL CONFERENCE 3-9-21 9:30 AM CALENDAR CALL 3-15-21 1:30 PM JURY TRIAL;

12/08/2020



Minute Order (12:29 PM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order Continuing Motion to Quash Subpoena to First Savings Bank and for Protective Order

Minute Order - No Hearing Held;

Journal Entry Details:

At request of the Court, Defendants/Counterclaimants' Motion to Quash Subpoena to First Savings Bank and for Protective Order is CONTINUED from January 4 to January 11, 2021 at 9:00 am. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-9-20;

12/14/2020



Minute Order (4:03 PM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order Requesting Status Report

Minute Order - No Hearing Held;

Journal Entry Details:

At request of the Court, parties to FILE a status report prior to the status check on Monday, December 21, 2020. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-14-20;

12/18/2020



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

Plaintiffs' Motion for Protective Order Regarding Defendants/Counterclaimants' Notice of Intent to Serve Subpoena Upon Plaintiffs' Counsel

Granted in Part;

Journal Entry Details:

The Court, having reviewed the motion for protective order and the related briefing and being fully informed, GRANTS the motion IN LIMITED PART. As not all file materials would be protected from production under the subpoena and attorney work product protection appears limited for activities conducted pre-litigation, non-protected material is to be provided in response to the subpoena after service. Any documents for which claim of protection or privilege is made will be alphanumerically identified and placed on a privilege log. For each document or written communication, the party withholding a document on the basis of attorney client privilege or the work product doctrine, shall specifically identify the author (and their capacity) of the document; the date on which the document was created; a brief summary of the subject matter of the document; if the document is a communication -- the recipient, sender and all others (and their respective capacities) provided with a copy of the document; other individuals with access to the document (and their respective capacities); the type of document; the purpose for creation of the document; and a detailed, specific explanation as to why the document is privileged or otherwise immune from discovery.

CASE SUMMARY

CASE No. A-20-813439-B

Request for sanctions DENIED. Counsel for movant is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and argument. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. 12-21-20 9:00 AM STATUS CHECK 12-24-20 9:00 AM PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE AS TO WHY DEFENDANT DACIA, LLC SHOULD NOT BE HELD IN CONTEMPT FOR FAILING TO ABIDE BY THIS COURT'S 10/10/2020 ORDER DENYING MOTION FOR PROTECTIVE ORDERS...OPPOSITION TO MOTION FOR ORDER TO SHOW CAUSE AND COUNTERMOTION FOR PROTECTIVE ORDER 1-11-21 9:00 AM PLAINTIFFS' RENEWED APPLICATION FOR TEMPORARY RESTRAINING ORDER AND MOTION FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME...RENEWED MOTION TO DISMISS FIRST AMENDED COMPLAINT AS TO DACIA, LLC OR IN THE ALTERNATIVE MOTION FOR SUMMARY JUDGMENT...DEFENDANTS/COUNTERCLAIMANTS MOTION TO QUASH SUBPOENA TO FIRST SAVINGS BANK AND FOR PROTECTIVE ORDER 2-18-21 9:15 AM PRE TRIAL CONFERENCE 3-9-21 9:30 AM CALENDAR CALL 3-15-21 1:30 PM JURY TRIAL CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-21-20;

12/21/2020



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

Minute Order - No Hearing Held;

Journal Entry Details:

Court reviewed status report filed December 18, 2020. As the December 24, 2020 hearing will be on the pleadings only, any additional requests for relief by Plaintiff must be made by Order Shortening Time. 12-24-20 9:00 AM PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE AS TO WHY DEFENDANT DACIA, LLC SHOULD NOT BE HELD IN CONTEMPT FOR FAILING TO ABIDE BY THIS COURT S 10/10/2020 ORDER DENYING MOTION FOR PROTECTIVE ORDERS...OPPOSITION TO MOTION FOR ORDER TO SHOW CAUSE AND COUNTERMOTION FOR PROTECTIVE ORDER 1-11-21 9:00 AM PLAINTIFFS' RENEWED APPLICATION FOR TEMPORARY RESTRAINING ORDER AND MOTION FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME... ..RENEWED MOTION TO DISMISS FIRST AMENDED COMPLAINT AS TO DACIA, LLC OR IN THE ALTERNATIVE MOTION FOR SUMMARY JUDGMENT... ...DEFENDANTS/COUNTERCLAIMANTS MOTION TO QUASH SUBPOENA TO FIRST SAVINGS BANK AND FOR PROTECTIVE ORDER 2-18-21 9:15 AM PRE TRIAL CONFERENCE 3-9-21 9:30 AM CALENDAR CALL 3-15-21 1:30 PM JURY TRIAL CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-21-20;

12/24/2020

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

12/24/2020, 01/04/2021

Plaintiffs Motion for an Order to Show Cause as to Why Defendant Dacia, LLC Should Not Be Held In Contempt for Failing to Abide By This Court S 10/10/2020 Order Denying Motion For Protective Orders

Matter Continued;

Granted in Part;

Matter Continued;

Granted in Part;

12/24/2020

Opposition and Countermotion (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Opposition to Motion for Order to Show Cause and Countermotion for Protective Order Denied;

12/24/2020



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

MINUTES

Minute Order - No Hearing Held;

Journal Entry Details:

PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE AS TO WHY DEFENDANT DACIA, LLC SHOULD NOT BE HELD IN CONTEMPT FOR FAILING TO ABIDE BY THIS COURT S 10/10/2020 ORDER DENYING MOTION FOR PROTECTIVE ORDERS...OPPOSITION TO MOTION FOR ORDER TO SHOW CAUSE AND COUNTERMOTION FOR PROTECTIVE ORDER The Court having reviewed the request for Order to Show Cause and the related briefing and being fully informed determines CAUSE has

CASE SUMMARY

CASE NO. A-20-813439-B

been *SHOWN* and *DENIES* the counter motion. The issue related to the beneficial owners of Dacia has already been addressed by the Court. Regardless of counsel's belief as to the relevance, the failure to respond appears to be a violation of the Court's prior order. Matter *CONTINUED* to January 4, 2021 for scheduling of contempt trial. Defendant may resolve the issue by properly responding to the discovery. Attorney's fees are warranted; movant to submit an affidavit in support of fees; an objection any be filed within 5 judicial days after service. Counsel for movant is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. **COURT ORDERED**, matter *SET* for status check on January 15, 2021 in chambers on attorney's fees. **CLERK'S NOTE:** A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-24-20 ;

SCHEDULED HEARINGS



Status Check (01/15/2021 at 3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

01/15/2021, 01/29/2021, 02/17/2021, 03/15/2021, 03/18/2021, 03/25/2021, 04/02/2021, 04/09/2021

Status Check: Attorney's Fees

Status Check (01/04/2021 at 10:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Status Check: Scheduling of Contempt Trial

01/04/2021

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

Plaintiffs Renewed Application for Temporary Restraining Order and Motion for Preliminary Injunction on an Order Shortening Time

Granted; limited basis

01/04/2021

Status Check (10:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Status Check: Scheduling of Contempt Trial

Hearing Set;

01/04/2021



All Pending Motions (10:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

Parties appeared by telephone. Following arguments by counsel, COURT ORDERED as follows: PLAINTIFFS' RENEWED APPLICATION FOR TEMPORARY RESTRAINING ORDER AND MOTION FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME: Motion GRANTED on a limited basis that the July notice did not properly identify the current holder of the interest. Trial on the merits ADVANCED to the date of the date of Preliminary Injunction Hearing so all the factual issues raised can be put to bed. BOND LEFT at amounts currently paid by Mr. Bloom's company. Proposed findings of fact and conclusions of law due January 29, 2021 at noon. Parties estimated 3 to 4 days. Mr. Mushkin advised discovery is closed and they have responded to everything except as to the issue of Dacia. Ms. Barraza advised they are expecting responses from subpoenas and will supplement disclosures. PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE AS TO WHY DEFENDANT DACIA, LLC SHOULD NOT BE HELD IN CONTEMPT FOR FAILING TO ABIDE BY THIS COURT'S 10/10/2020 ORDER DENYING MOTION FOR PROTECTIVE ORDERS: Motion GRANTED IN PART; information will be provided on an attorney's eyes only basis and can only be reviewed by Ms. Barraza and Mr. Mushkin -- no consultants, no staff members, no Mr. Bloom -- within 5 days of execution of a limited attorney's eyes only provision. Mr. Mushkin advised that regarding the sale he will issue a new notice today. Court suggested parties enter into a stipulation on those issue covered in the pleadings that will be tried on February 1st; if unable to, the Court will need competing versions within one week, or January 8th. STATUS CHECK: SCHEDULING OF CONTEMPT TRIAL: COURT ORDERED, preliminary injunction hearing and trial SET for Monday, February 1st at 1 pm. 1-11-21 9:00 AM RENEWED MOTION TO DISMISS FIRST AMENDED COMPLAINT AS TO DACIA, LLC OR IN THE ALTERNATIVE MOTION FOR SUMMARY JUDGMENT...DEFENDANTS/COUNTERCLAIMANTS MOTION TO QUASH SUBPOENA TO FIRST SAVINGS BANK AND FOR PROTECTIVE ORDER 1-15-21 CHAMBERS STATUS CHECK: ATTORNEY'S FEES 2-1-21 1:00 PM PRELIMINARY INJUNCTION HEARING AND TRIAL 2-18-21 9:15 AM PRE TRIAL CONFERENCE 3-9-21 9:30 AM CALENDAR CALL 3-15-21 1:30 PM JURY TRIAL ;

01/11/2021

CASE SUMMARY

CASE NO. A-20-813439-B

01/11/2021



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

Defendants/Counterclaimants Motion to Quash Subpoena to First Savings Bank and for Protective Order

Granted;

Journal Entry Details:

Pursuant to Administrative Order 20-01, the Court decides this matter without the necessity of oral argument. The Court, having reviewed the motion to quash/protective order and the related briefing and being fully informed, GRANTS the motion. The nature pf the account records sought is one which contains information relating to multiple clients and by the nature of such transactions is confidential. Plaintiff has not made a showing that other sources of information do not exist from which they could obtain this information. Counsel for Defendant is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 1-21-21;

01/11/2021



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

Minute Order - No Hearing Held;

Journal Entry Details:

See separate minute orders entered for the motion to dismiss and motion to quash both on January 11, 2021.;

01/15/2021



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

01/15/2021, 01/29/2021, 02/17/2021, 03/15/2021, 03/18/2021, 03/25/2021, 04/02/2021, 04/09/2021

Status Check: Attorney's Fees

Matter Continued;

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Under Advisement;

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Under Advisement;

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CASE SUMMARY

CASE NO. A-20-813439-B

Matter Continued;
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Under Advisement;
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Under Advisement;

Journal Entry Details:

COURT notes that per Mr. Mushkin, the matter is stayed, and once the stay is lifted he will file his reply and counter motion for fees awarded at the contempt hearing. COURT ORDERED, the status check on attorney's fees that was continued to February 19 is now CONTINUED to March 15, 2021. 2-18-21 9:15 AM PRE TRIAL CONFERENCE 3-9-21 9:30 AM CALENDAR CALL 3-15-21 9:00 AM KENNETH ANTO'S AND SHEILA NEUMANN-ANTOS MOTION FOR SUMMARY JUDGMENT 3-15-21 10:00 AM PRELIMINARY INJUNCTION HEARING AND TRIAL...STATUS CHECK: ATTORNEY'S FEES 3-15-21 1:30 PM JURY TRIAL CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 2-17-21 ;

Matter Continued;
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Under Advisement;

Journal Entry Details:

COURT ORDERED, status check CONTINUED to Friday, February 19, 2021 in chambers. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 2-16-21;

Matter Continued;
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Matter Continued;
Under Advisement;

CASE SUMMARY

CASE NO. A-20-813439-B

Journal Entry Details:

*COURT ORDERED, matter CONTINUED for 2 weeks. ...1-29-21 - CHAMBERS CLERK'S
NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 1-21-21;*

02/01/2021



Hearing (1:00 PM) (Judicial Officer: Gonzalez, Elizabeth)

02/01/2021-02/03/2021, 03/15/2021

Preliminary Injunction Hearing and Trial

Hearing Continued;

Hearing Continued;

Stayed;

Decision Pending;

Hearing Continued;

Hearing Continued;

Stayed;

Decision Pending;

Journal Entry Details:

DAY 3 Mr. Gutierrez advised SHAC LLC filed for bankruptcy today under case no. 21-10501, and the attorney is James Greene from Greene Infuso. Upon review, COURT NOTED that with respect to Spanish Heights Acquisition Company the bankruptcy stay will apply. Mr. Gutierrez requested to stay today's proceeding because SJC is intertwined with SHAC. Mr. Mushkin noted that the Court is correct and the matter is stayed only as to SHAC; the stay of foreclosure he agrees relates to SHAC; there are legal issues related to SJC and the Court can make findings without affecting the bankruptcy. COURT ORDERED, because SHAC is a party to the forbearance agreement but apparently not a signatory as previously discussed it would appear it is appropriate to STAY the action at this time; the Court is STAYING the action because the limited stipulated issues that the Court is being asked to decide ask the Court to decide documents to which the entity who had filed bankruptcy is a party as well as the other parties; while the Court does not believe the entire case is stayed, and there may be other issues everyone can proceed on, the limited issues on the one action rule, the merger, the validity of the promissory notes which preexists SHAC's involvement in the deed of trust which preexists SHAC's involvement and the 2017 forbearance agreement and amendments the Court believes, reluctantly, it is appropriate to stay the matter at this time; however, the Court does believe the bankruptcy sometimes trumps it. The matter is STAYED for 30 days while the parties try to figure out what claims are appropriate to remain and proceed. Mr. Mushkin advised he will immediately seek relief from bankruptcy court and get back with the Court; with Mr. Bloom he estimates 2 hours or a day's worth left of questioning. COURT NOTED the matter is STAYED ONLY for 30 days; new hearing date SET for March 15, 2021 at 9:00 am.;

Hearing Continued;

Hearing Continued;

Stayed;

Decision Pending;

Journal Entry Details:

DAY 2 Testimony and exhibits presented. (See worksheet.) Following arguments by Mr. Mushkin and Mr. Gutierrez regarding Mr. Mushkin's motion under 50(a), COURT ORDERED, while there is significant evidence to support the argument of Mr. Mushkin, it would force the Court to weigh the credibility and evidence at this time; the Court cannot do it under 50(a); the Court is DENYING the motion for counsel to finish the case first. LUNCH RECESS. Testimony and exhibits continued. COURT ORDERED, hearing / trial CONTINUED. 2-3-21 9:30 AM PRELIMINARY INJUNCTION HEARING AND TRIAL 2-8-2 9:00 AM KENNETH ANTOS' AND SHEILA NEUMANN-ANTOS' MOTION FOR SUMMARY JUDGMENT 2-18-21 9:15 AM PRE TRIAL CONFERENCE 3-9-21 9:30 AM CALENDAR CALL 3-15-21 1:30 PM JURY TRIAL;

Hearing Continued;

Hearing Continued;

Stayed;

Decision Pending;

Journal Entry Details:

DAY 1 COURT NOTED that the parties have STIPULATED to a trial on the following legal issues surrounding the claims and counterclaims: 1) Contractual interpretation and/or validity of the underlying Secured Promissory Note between CBC Partners I, LLC and KCI Investments, LLC and all modifications thereto; 2) Interpretation and/or validity of the claimed third-position Deed of Trust and all modifications thereto, and determination as to whether any consideration was provided in exchange for the Deed of Trust; 3) Contractual interpretation and/or validity of the Forbearance Agreement, Amended Forbearance Agreement and all

CASE SUMMARY

CASE NO. A-20-813439-B

associated documents/contracts; 4) Whether the Doctrine of Merger applies to the claims at issue; and 5) Whether the One Action Rule applies to the claims at issue. There being no objection, COURT ORDERED, Proposed Joint Exhibits 1 through 129, except 114, are ADMITTED; 132 through 145 are also ADMITTED. Opening statements by Mr. Gutierrez and Mr. Mushkin. Testimony and exhibits presented. (See worksheet.) COURT ORDERED, hearing / trial CONTINUED. 2-2-21 10:00 AM PRELIMINARY INJUNCTION HEARING AND TRIAL 2-8-21 9:00 AM KENNETH ANTOS' AND SHEILA NEUMANN-ANTOS' MOTION FOR SUMMARY JUDGMENT 2-18-21 9:15 AM PRE TRIAL CONFERENCE 3-9-21 9:30 AM CALENDAR CALL 3-15-21 1:30 PM JURY TRIAL;

02/18/2021



Pre Trial Conference (9:15 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

Parties appeared by telephone. Court inquired as to what Bankruptcy Court has told the parties. Mr. Mushkin advised that the matter is in front of the Bankruptcy Court judge on March 8 and requested that they be bumped here. Court stated it will not bump the trial date but will talk to the parties about scheduling. 3-9-21 9:30 AM CALENDAR CALL 3-15-21 9:00 AM KENNETH ANTOS' AND SHEILA NEUMANN-ANTOS' MOTION FOR SUMMARY JUDGMENT 3-15-21 10:00 AM PRELIMINARY INJUNCTION HEARING AND TRIAL..STATUS CHECK: ATTORNEY'S FEES 3-15-21 1:30 PM JURY TRIAL;

03/09/2021



Minute Order (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order Vacating March 15, 2021 Jury Trial and Setting Status Check

Minute Order - No Hearing Held;

Journal Entry Details:

COURT ORDERED, March 15, 2021 Jury Trial setting VACATED and status check SET on March 26, 2021 in chambers regarding resetting that trial. 3-15-21 9:00 AM KENNETH ANTO'S AND SHEILA NEUMANN-ANTOS MOTION FOR SUMMARY JUDGMENT 3-15-21 10:30 AM PRELIMINARY INJUNCTION HEARING AND TRIAL...STATUS CHECK: ATTORNEY'S FEES 3-26-21 CHAMBERS STATUS CHECK: RESET JURY TRIAL CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 3-9-21 ;

03/09/2021



Calendar Call (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

Parties appeared by telephone. Mr. Mushkin advised the matter is being heard at 9:30 am in bankruptcy court and they should have a ruling this morning; his expectation is that they can go forward on the 15th at the very least on the issues not related to bankruptcy. COURT ORDERED, the STAY on SJC Ventures Holdings Company LLC and Mr. Bloom is LIFTED. The Court will wait on Spanish Heights Acquisition Company LLC and complete the bench trial that it is in progress, beginning on March 15, 2021 at 10:30 am.;

03/15/2021



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

Matter Heard;

Journal Entry Details:

DAY 4 OF PRELIMINARY INJUNCTION HEARING AND TRIAL: Testimony and exhibits presented. (See worksheet.) At the hour of 2:07 pm, BOTH SIDES RESTED. RECESS. Closing arguments. COURT ORDERED, matter will STAND SUBMITTED. Status Check on Decision SET for March 19, 2021 in chambers. Parties to notify the Judicial Executive Assistant if they get something from Bankruptcy Court. STATUS CHECK: ATTORNEY'S FEES: COURT ORDERED, matter CONTINUED also to March 19 in chambers. 3-19-21 CHAMBERS STATUS CHECK: COURT'S DECISION ON PRELIMINARY INJUNCTION HEARING & BENCH TRIAL...STATUS CHECK: ATTORNEY'S FEES 3-26-21 CHAMBERS STATUS CHECK: RESET JURY TRIAL;

03/15/2021



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

03/15/2021, 03/18/2021, 03/25/2021, 04/02/2021, 04/09/2021

Kenneth Anto's and Sheila Neumann-Antos Motion for Summary Judgment

Matter Continued;

Matter Continued;

Matter Continued;

CASE SUMMARY

CASE NO. A-20-813439-B

Matter Continued;

Granted in Part;

Journal Entry Details:

The Court having reviewed KENNETH ANTOS AND SHEILA NEUMANN-ANTOS MOTION FOR SUMMARY JUDGMENT and the related briefing and being fully informed, GRANTS the Motion IN PART. The Antos Trust as the contracting party has standing to pursue these claims despite the assignment. There has been a lack of performance by Plaintiffs under the agreement entered into with Antos. Plaintiffs/Counterdefendants and in favor of Kenneth Antos and Sheila Neumann-Antos, as Trustees of the Kenneth & Sheila Antos Living Trust and the Kenneth M. Antos & Sheila M. Neumann-Antos Trust on liability under the Breach of Contract claim (First Claim) in the counterclaim filed 9/3/20. The Court does not make any determination related to what damages are appropriate related to the granting of this relief. As no order lifting the stay has been entered by the Bankruptcy Court, nothing in this order creates any obligations or liabilities directly related to Spanish Heights; however, factual findings related to Spanish Heights are included in this decision. The term Plaintiffs as used in these Findings of fact and Conclusions of Law is not intended to imply any action by this Court against the debtor, Spanish Heights. Counsel for Movant is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. - vg/5/28/2021;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Granted in Part;

Matter Continued;

Matter Continued;

Matter Continued;

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Granted in Part;

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Matter Continued;

Matter Continued;

Granted in Part;

Matter Continued;

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Matter Continued;

Granted in Part;

Journal Entry Details:

COURT ORDERED, matter CONTINUED to the chambers calendar for Friday, March 19, 2021. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 3-15-21;

03/15/2021

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

03/18/2021

Status Check (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
03/18/2021, 03/25/2021, 04/02/2021, 04/09/2021

Status Check: Court's Decision on Preliminary Injunction Hearing & Bench Trial

Matter Continued;

Matter Continued;

Matter Continued;

Matter Heard;

Matter Continued;





Matter Continued;

Matter Continued;

Matter Heard;

CASE SUMMARY

CASE NO. A-20-813439-B

	<p>Matter Continued; Matter Continued; Matter Continued; Matter Heard; Matter Continued; Matter Continued; Matter Continued; Matter Heard;</p>
03/18/2021	<p> All Pending Motions (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>Minute Order - No Hearing Held; Journal Entry Details: <i>STATUS CHECK: ATTORNEY'S FEES...KENNETH ANTO'S AND SHEILA NEUMANN-ANTOS MOTION FOR SUMMARY JUDGMENT...STATUS CHECK: COURT'S DECISION ON PRELIMINARY INJUNCTION HEARING & BENCH TRIAL COURT ORDERED, matters CONTINUED for one week, 3-26-21 CHAMBERS STATUS CHECK: ATTORNEY'S FEES...KENNETH ANTO'S AND SHEILA NEUMANN-ANTOS MOTION FOR SUMMARY JUDGMENT...STATUS CHECK: COURT'S DECISION ON PRELIMINARY INJUNCTION HEARING & BENCH TRIAL...STATUS CHECK: RESET JURY TRIAL CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 3-18-21 ;</i></p>
03/25/2021	<p>Status Check (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) 03/25/2021, 04/02/2021, 04/09/2021 <i>Status Check: Reset Jury Trial</i></p> <p>Matter Continued; Matter Continued; Matter Heard; Matter Continued; Matter Continued; Matter Heard; Matter Continued; Matter Continued; Matter Heard;</p>
03/25/2021	<p> All Pending Motions (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>Minute Order - No Hearing Held; Journal Entry Details: <i>STATUS CHECK: RESET JURY TRIAL... ..STATUS CHECK: COURT'S DECISION ON PRELIMINARY INJUNCTION HEARING & BENCH TRIAL... ..STATUS CHECK: ATTORNEY'S FEES... ..KENNETH ANTO'S AND SHEILA NEUMANN-ANTOS MOTION FOR SUMMARY JUDGMENT: COURT ORDERED, matters CONTINUED for one week. ...4-2-21 - CHAMBERS CLERK'S NOTE: These matters were previously on the March 26, 2021 chambers calendar. A copy of this minute order was distributed via Odyssey File and Serve. / dr 3-25-21 ;</i></p>
04/02/2021	<p> All Pending Motions (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>Minute Order - No Hearing Held; Journal Entry Details: <i>STATUS CHECK: ATTORNEY'S FEES KENNETH ANTO'S AND SHEILA NEUMANN-ANTO'S MOTION FOR SUMMARY JUDGMENT STATUS CHECK: COURT'S DECISION ON PRELIMINARY INJUNCTION HEARING & BENCH TRIAL STATUS CHECK: RESET JURY TRIAL COURT ORDERED, matters CONTINUED for one week. 04/09/2021 CHAMBERS CLERK S NOTE: A copy of this minute order was distributed via e-mail to all parties. // cbm 04/02/2021;</i></p>
04/09/2021	<p>All Pending Motions (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>Decision Made;</p>
06/03/2021	<p> Pre Trial Conference (9:15 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>Matter Heard;</p>

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06/04/2021

Journal Entry Details:

Mr. Mushkin advised the case would take 3 days to try. Mr. Gutierrez request a week to try the case to which the Court agreed. Colloquy regarding trial stack and scheduling/ Court was not opposed to moving trial due to pending bankruptcy matters.;



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

Plaintiffs' Motion to Amend the Court's Findings of Fact, Conclusions of Law, and Order, or Alternatively for Reconsideration

Minute Order - No Hearing Held;

Journal Entry Details:

The Court having reviewed Motion to Amend FFCL or Alternatively Reconsider and the related briefing and being fully informed, states that the dilution event was not part of the scope described in footnote 1 and the issue will be decided following trial on the remaining claims or appropriate motion practice. Counsel for Movant is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. - vg/6/7/21;

07/20/2021



Calendar Call (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

Trial Date Set;

Journal Entry Details:

COURT ORDERED, trial SET 10/11/2021. JURY TRIAL 10/11/2021 1:30 PM CALENDAR CALL 10/05/2021 9:30 AM PRE-TRIAL CONF. 09/16/2021 9:15 AM;

07/30/2021



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

Motion for Appointment of Receiver of SJC Ventures Holding Company, LLC d/b/a SJC Ventures, LLC, a Delaware Limited Liability Company

Motion Granted;

Journal Entry Details:

Court reviewed 7/28/21 status report. The Court having reviewed the Motion for Appointment of Receiver and the related briefing and being fully informed, GRANTS the motion. It is appropriate at this time given the evidence presented during the trial of this matter, as well as Judge Denton's findings for the appointment of a receiver to collect the business records of SJCVC; determine the efforts made to collect upon the Judgment and report the financial condition of SJCVC to the Court. While Plaintiff takes issue with the neutrality of the receiver proposed by moving counsel the Court's experience with Mr. Bertsch has not been similar to that outlined by Mr. Bloom. Mr. Mushkin is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. Par 9 of the order should be modified to reflect the filing of monthly reports with the Court. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. - vg/8/4/21;

08/16/2021



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

Motion to Stay Proceedings and Enforcement of Order Granting Defendants Motion for Appointment of Receiver on an Order Shortening Time

Motion Denied;

Journal Entry Details:

Parties appeared via telephonic conference. Mr. Gutierrez argued Defendants could cause irreparable harm should the stay not be granted adding that a \$500.00 was inadequate in the present matter. Mr. Mushkin made note the Court had previously found alter ego and argued Mr. Bloom had to disclose his finances. Mr. Gutierrez added previous sanctions had been fulfilled and there was no evidence the company would not pay. Court DENIED the motion to stay.;

09/09/2021



Pre Trial Conference (10:15 AM) (Judicial Officer: Kishner, Joanna S.)

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Trial Date Set;


Journal Entry Details:

Colloquy regarding resetting the trial. COURT ORDERED, trial VACATED and RESET. 10/14/21 10:15 AM PRE TRIAL CONFERENCE 11/09/21 9:00 AM CALENDAR CALL 11/15/21 9:00 AM JURY TRIAL;


10/05/2021 **CANCELED Calendar Call** (9:30 AM) (Judicial Officer: Cherry, Michael A.)
Vacated - per Judge

10/11/2021 **CANCELED Jury Trial** (1:30 PM) (Judicial Officer: Gonzalez, Elizabeth)
Vacated - per Judge

10/14/2021  **Pre Trial Conference** (10:15 AM) (Judicial Officer: Kishner, Joanna S.)
Matter Heard;
Journal Entry Details:
Colloquy regarding Remittitur. Counsel advised the appeal was still pending, however, there was no Stay. Upon Court's inquiry, counsel anticipate 5-7 days for trial. COURT ORDERED, trial date SET; Jury Selection would commence on November 17, 2021 11/9/21 8:30 AM CALENDAR CALL 11/17/21 9:00 AM JURY TRIAL (FIRM) ;

10/26/2021  **Motion** (8:30 AM) (Judicial Officer: Kishner, Joanna S.)
Receiver's (1) First Interim Report; (2) Request for Approval of Compensation from the Date of His Appointment Through September 8, 2021; and (3) Request for Instructions from the Court
Order filed 10/8/21
Matter Heard;
Journal Entry Details:
Court advised it read everything and stated its inclination. Ms. Carlyon stated the receiver has hit a stonewall in attempting to obtain the documents from Mr. Bloom. In mid-August, Mr. Bloom stated the financial documents for SJV and the two named affiliates had been requested from the parties that had them. From his testimony in October he indicated he made no such request of the accountants and the banks. He had access to bank records, none of which had been produced. Following the deposition they filed a reply asking the Court to issue a supplemental order for the records to be produced. In order for Mr. Birch to comply with the directives of the Court, they need to know whether the Court wants Mr. Birch to conduct that investigation as to all entities and ask the Court to issue a supplemental order that directs the accountants, bookkeepers and financial institutions to provide those records and access to Quickbooks, along with passwords, to Mr. Birch to facilitate the duties he has been charged with. Court noted as to Motion for Protective Order, it does not meet the standards of EDCR. Court advised it went back and looked at the actual rulings and finds there has not been anything established from an interference in this case. Court does find that there is an order out there. Ms. Carlyon requested a confidentiality stipulation. Mr. Mushkin concurred with Mr. Carlyon that the Court should issue an order that gives the receiver authority to go directly to third parties to obtain the records. Court advised it was inclined to not grant the additional relief at this time. Court stated it was inclined to continue the portion of the Receiver's request for the additional scope of the Receiver's appointment to consider that on November 16, after this Court has updated information. On November 16, the Court is also intending on evaluating whether there has been compliance with the Court order and, if not, the Court will evaluate what further action needs to be taken. Court approves the compensation and the First Interim Report. COURT ADVISED, counsel may submit additional briefing as to what is the breadth and scope of the appointed receiver/order, DUE November 5. COURT FURTHER ORDERED, documents to be provided by Wednesday at noon. CONTINUED TO 11/16/21 8:30 AM ;

11/02/2021 **CANCELED Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated

11/04/2021  **Motion to Stay** (8:30 AM) (Judicial Officer: Kishner, Joanna S.)
Plaintiff's Motion to Stay Trial Pending Interlocutory Appeal on Order Shortening Time
Motion Denied;
Journal Entry Details:


Court stated its inclination and gave a tentative ruling. Arguments by counsel regarding

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whether or not certain Findings of Fact, Conclusions of Law, filed April 21, 2021, can be used at trial. Upon Court's inquiry, Ms. Barraza stated the Notice of Appeal was filed April 21, 2021. Court advised it did not see any Notice of Entry of Order for the minute order dated August 16, 2021 denying the request for stay. Ms. Carlyon stated she was not in favor of any delay in resolution of these issues. Court advised the only matter before the Court today was Motion to Stay. COURT stated its findings and ORDERED, Motion DENIED; trial date STANDS. Court directed counsel to check to see if there were any outstanding orders that needed to get to the Court; to be submitted by Tuesday of next week, noting counsel were in violation of EDCR 7.21. COURT DIRECTED counsel to prepare the Order circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders. ;


11/09/2021 **CANCELED Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated - Superseding Order

11/09/2021  **Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Matter Heard;
Journal Entry Details:
Court noted jury selection would commence Wednesday, November 16, with a panel of 40. Colloquy regarding trial protocol. Counsel agreed the alternates would be in the last two seats. Colloquy regarding procedural issues and out of state witnesses. Upon Court's inquiry, Counsel stated they were up to date on their orders and electronic exhibits were in the process of being provided; the depositions would be delivered later today. At the request of counsel, COURT ORDERED, Motion to Quash Subpoena scheduled for December 9, 2021 RESET to November 15, 2021 at 3:00 p.m. Mr. Mushkin stated there was an issue with regards to applicability and prior Findings of Fact, Conclusions of Law made by Judge Gonzalez. Court advised it needs something in writing to make a ruling. Mr. Mushkin advised the order was in Bankruptcy Court that addressed this issue. Colloquy regarding scheduling. Court stipulated pursuant to EDCR 7.50 as to shortening the schedule. COURT ORDERED, Briefing DUE by noon on Friday. 11/15/21 3:00 PM IAN HUGHES' MOTION TO QUASH SUBPOENA;

11/15/2021 **CANCELED Jury Trial** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated

11/15/2021 **Motion to Quash** (3:00 PM) (Judicial Officer: Kishner, Joanna S.)
11/15/2021, 01/11/2022
Events: 11/05/2021 Motion to Quash
Ian Hughes' Motion to Quash Subpoena
Continued; Ian Hughes' Motion to Quash Subpoena
Matter Heard; Ian Hughes' Motion to Quash Subpoena
Continued; Ian Hughes' Motion to Quash Subpoena
Matter Heard; Ian Hughes' Motion to Quash Subpoena



11/15/2021 **Motion to Quash** (3:00 PM) (Judicial Officer: Kishner, Joanna S.)
11/15/2021, 01/11/2022
Status of Case
Continued; Motion to Quash Trial Subpoena and for Protective Order on Order Shortening Time
Matter Heard;
Continued; Motion to Quash Trial Subpoena and for Protective Order on Order Shortening Time
Matter Heard;

11/15/2021  **All Pending Motions** (3:00 PM) (Judicial Officer: Kishner, Joanna S.)
Matter Settled;
Journal Entry Details:
Mr. Gutierrez stated he emailed Mr. Hughes and advised him his appearance was no longer necessary as the case settled. Mr. Mushkin advised the case settled and provided details of the settlement on the record. Mr. Mushkin requested the case be stayed, as of today, and placed on the April stack, as well as no further action taken by the receiver, noting the first payment was due January 5th. Mr. Gutierrez agreed with the terms stated by Mr. Mushkin. Upon Court's inquiry, Jay Bloom knowingly and voluntarily agreed with the terms of the settlement. COURT ORDERED, joint oral request GRANTED, as to the portion that impacts this Court's

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

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	<p><i>jurisdiction. COURT FURTHER ORDERED, trial date VACATED and placed on the April stack, in an abundance of caution if non-compliant, as well as pending motions set as place holders on January 11, 2022. COURT ORDERED, Stay was effective until January 11, 2022. 1/11/22 8:30 AM STATUS CHECK: COMPLIANCE 3/17/22 10:15 AM PRETRIAL CONFERENCE 4/5/22 9:00 AM CALENDAR CALL 4/18/22 9:00 AM JURY TRIAL ;</i></p>
11/16/2021	<p>CANCELED Status Check (8:30 AM) (Judicial Officer: Kishner, Joanna S.) <i>Vacated</i> <i>Status Check: Compliance</i></p>
11/17/2021	<p>CANCELED Jury Trial - FIRM (9:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Vacated</i></p>
12/21/2021	<p>CANCELED Motion (8:30 AM) (Judicial Officer: Kishner, Joanna S.) <i>Vacated - per Law Clerk</i> <i>Receiver's (1) Second Interim Status Report; (2) Request for Approval of Compensation for the Period Ending September 30, 2021; and (3) Request for Instructions</i></p>
01/11/2022	<p>Status Check (8:30 AM) (Judicial Officer: Kishner, Joanna S.) <i>Status Check: Compliance to Settlement Terms</i> <i>Matter Heard;</i></p>
01/11/2022	<p> All Pending Motions (8:30 AM) (Judicial Officer: Kishner, Joanna S.) <i>Matter Heard;</i> <i>Journal Entry Details:</i> <i>Upon Court's inquiry, Ms. Barraza stated the initial January payment was not made and there was a default in the settlement agreement. Mr. Mushkin requested a new trial date and informed the Court Mr. Antos was over seventy (70) years old and qualified for priority setting. Additionally, the real property at issue was scheduled for sale on February 1, 2022. Ms. Carlyon requested the hearing regarding receivers access to records and possession of assets be reset whereby she would file a brief in support of receivers request for instructions within a week along with a briefing schedule. Court stated its Findings and ORDERED, Motion regarding Receiver's Status Report and Request RESET; noting previous obligations to provide documentation remained in effect. COURT DIRECTED Ms. Carlyon to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders. 2/3/22 8:30 AM OUTSTANDING RECEIVER MOTIONS;</i></p>
01/28/2022	<p> Motion for Temporary Restraining Order (8:30 AM) (Judicial Officer: Kishner, Joanna S.) <i>Plaintiffs' Application for Temporary Restraining Order and Motion for Preliminary Injunction on an Order Shortening Time</i> <i>Denied Without Prejudice;</i> <i>Journal Entry Details:</i> <i>Upon Court's Order, Ms. Barraza stated the payoff demand was improper because it inaccurately lumped together fees and costs from the underlying matter. Additionally, Plaintiff does not have issue with the foreclosure sale moving forward but foreclosure statutes need to be followed. Ms. Barraza requested an evidentiary hearing to determine the accurate payoff amount. Colloquy regarding attorney fees, costs, accrued interest and monetary damages. Mr. Mushkin stated no evidence was provided to refute the amount due, the matter was not a simple foreclosure proceeding but involved a commercial loan and ownership by an LLC and there was no tender of funds since March 31, 2020. Colloquy regarding United States Bankruptcy Court ruling on violation of automatic stay, payoffs and property use. Court reviewed standards, stated its Findings and ORDERED, Application for Temporary Restraining Order and Motion for Preliminary Injunction DENIED WITHOUT PREJUDICE. COURT DIRECTED Mr. Mushkin to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders.;</i></p>
02/03/2022	<p>Request (8:30 AM) (Judicial Officer: Kishner, Joanna S.) <i>Request for Instructions from the Court</i> <i>Case Settled</i> <i>Matter Heard;</i></p>

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02/03/2022

Status Check (8:30 AM) (Judicial Officer: Kishner, Joanna S.)
Matter Heard;

02/03/2022



All Pending Motions (8:30 AM) (Judicial Officer: Kishner, Joanna S.)

Matter Heard;

Journal Entry Details:

REQUEST FOR INSTRUCTIONS FROM THE COURT.....STATUS CHECK Upon Court's inquiry, Ms. Carlyon stated yesterday she received a general ledger from a subsidiary that was in bankruptcy, however, the general ledger and tax returns from the parent company and a number of its subsidiaries were not provided. Additionally, assets are available and are not being preserved for the benefit of the creditors. Colloquy regarding sale of real property, proceeds, tax payments, missing information and dissipation of assets. Ms. Barraza stated the HUD report broke down disbursement from the sale of the Oakland property and was provided to the Receiver. Ms. Barraza expressed concern with data alteration in regards to Receivers request for full access to Quickbooks and its password. Colloquy regarding disbursement of funds to secured creditors, IRS payment and financial representatives involvement. Ms. Carylton requested immediate and full or read only access to Quickbooks files, rights to retrieve bank information directly and asserted data would not be altered. Ms. Barraza stated all requested bank statements have been produced. Court referenced August 10, 2021 Order Appointing Receiver. Court stated its Findings and ORDERED, Mr. Henrickson, Mr. Dicus, Ms. Summers and any other individual that might have the information to produce all requested records for the entities at issue and for the time period requested; noting parties are to appear at the Evidentiary Hearing to testify as to compliance. Court DEFERRED request for sanctions, damages and non-compliance for an Evidentiary Hearing whereby the Court would determine if the Receiver's role should be expanded. Ms. Carlyon to provide a status report on documents received and Receiver to be provided access to Quickbooks by 2:00 p.m. on Monday, February 7, 2022. 2/11/22 1:00 PM EVIDENTIARY HEARING;

02/11/2022



Minute Order (3:00 AM) (Judicial Officer: Kishner, Joanna S.)

Minute Order - No Hearing Held;

Journal Entry Details:

On February 10, 2022, a document entitled Media Request and Order Allowing Camera Access to Court Proceedings was filed by the Court at 5:48 p.m. (Docket #320) in error. The Order did not contain the signature of the submitting party and was inadvertently filed. Therefore, as the document was filed in error and did not contain the signature of the submitting party, it is ORDERED that the Media Request filed on February 10, 2022, docket #320, is hereby STRICKEN. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk Stephanie Rapel to all registered parties for Odyssey File & Serve. /smr;

02/11/2022



Evidentiary Hearing (1:00 PM) (Judicial Officer: Kishner, Joanna S.)

Matter Continued;

Journal Entry Details:

All appearances made by Blue Jeans Videoconferencing Application. Court noted the history of the matter and advised Evidentiary Hearing was regarding whether or not there was compliance and receivers question if receivership should be modified. Mr. Thomas stated his client did not have adequate time to prepare for this hearing. Colloquy regarding splitting hearing into two parts to allow Mr. Thomas and client time to prepare. There being no objection, Court excused Mr. Thomas and his client and notified Mr. Thomas he would receive communication regarding if his client was still needed for a second hearing after the testimony and evidence was presented at this hearing. Court noted two witnesses who did not appear. Colloquy regarding media request and there being potentially confidential evidence. Court stated Counsel could state when it was about to use confidential evidence and Court would use a breakout room on bluejeans to maintain confidentiality. Testimony and Exhibits presented (see worksheets). Colloquy regarding anticipation of a continued hearing and duration of time needed, tax returns provided and Court's concern with Exhibit 5. Court continued the matter noting potential dates for the continued hearing would be provide to Counsel and tax returns/Exhibit 5 would be discussed at hearing. Subject to continuance, Court's Orders remain in effect. ;

02/15/2022



Motion (8:30 AM) (Judicial Officer: Kishner, Joanna S.)

5148 Spanish Heights, LLC and CBC Partners I, LLC's Motion for Writ of Possession and

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CASE NO. A-20-813439-B

Order to Vacate Pursuant to NRS 40.255

Granted;

Journal Entry Details:

Upon Court's inquiry, Mr. Mushkin stated Plaintiff did not pay rent for February and his client was not allowed access to inspect the property. Additionally, notice was given years ago at the beginning of the case, Plaintiff was told to make arrangements to vacate and the housing provisions Plaintiff referenced are not applicable because the property was not owner occupied. Mr. Mushkin requested Plaintiff to vacate, access to inspect the property and Plaintiff to pay rent. Additionally, the Motion did not assert unpaid rent because the action had yet to occur. Ms. Barraza asserted Defendant cannot rely on a notice from years ago but needed to reflect the change of ownership, therefore, the statute was not followed. Colloquy regarding NRS 40.255 and access to the property. Court stated its Findings noting there was a contractual agreement and the notice was timely. COURT ORDERED, Motion, GRANTED as to reasonable access and finds 60 days from execution of Notice of Entry of Order was an appropriate time period for Plaintiff to vacate. COURT DIRECTED Mr. Mushkin to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders.;

03/09/2022



Minute Order (3:00 AM) (Judicial Officer: Kishner, Joanna S.)

Minute Order - No Hearing Held;

Journal Entry Details:

At 2:05 p.m. on March 9, 2022, the Court received a Stipulation and Order Regarding Hearing on Receiver's Request for Instructions. The Stipulation and Order references written submissions, but the Court does not see written submissions in the Court's filing system nor does the Proposed Stipulation articulate what the Court is to consider. The only document the Court is only aware of a document entitled Joint Submission Regarding Facts Related to Receiver's Request for Instructions Evidentiary Hearing that was filed on March 4, 2022, and was signed by only one of the parties and counsel for the Receiver and it appears that the document was not circulated to all counsel and/or parties, in accordance with the rules, prior to the filing of that document and the Court was not provided a courtesy copy of said document. It is also unclear what oral argument the Court is being asked to entertain as the matter is set for an evidentiary hearing regarding the prior Request for Instructions and the document also sets forth that documents have still not been provided. Additionally, pursuant to the rules, the Stipulation and Order is untimely as the Court is unable to continue a hearing if a Stipulation is submitted to the Court less than 24 hours prior to the hearing. Therefore, the Stipulation and Order submitted at 2:05 p.m. on March 9, 2022, is being returned to counsel unsigned for the reasons stated above. The Evidentiary Hearing will remain as currently scheduled for March 10, 2022, at 1:00 p.m. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk Stephanie Rapel to all registered parties for Odyssey File & Serve. /smr;

03/10/2022



Evidentiary Hearing (1:00 PM) (Judicial Officer: Kishner, Joanna S.)

Matter Heard;

Journal Entry Details:

Richard Kleikamp for the receiver also present. Court addressed the evidentiary hearing was continued for Mr. Jay Bloom to finish testifying and Mr. Mushkin to cross examine. Court also addressed Plaintiff's untimely exhibits and witnesses' failure to appear. Counsel stipulated to admit Receiver's Exhibits 1-10 but objected to Plaintiff's Exhibits that were not provided to all parties or submitted timely. Receiver's Exhibits ADMITTED (See Worksheets). Colloquy regarding continuing the hearing to Monday to exchange and review untimely exhibits. Ms. Carlyon stated she was flying to London on Monday. Testimony and Exhibits presented (see worksheets). Colloquy regarding tax returns, rare metals, and confidentiality agreement. Mr. Gutierrez requested to continue the hearing for Mr. Larry Bertsch's testimony. Court Finds Joint Submission regarding Facts Related to Receiver's Request for Instructions was not signed by Mr. Mushkin, a timely request for Mr. Bertsch's appearance was not submitted and Plaintiff's Exhibits were properly excluded. Court reviewed February 4, 2022 Order regarding Receiver's Request for Instructions. Court stated its Findings and ORDERED the expansion of Receiver's duties GRANTED. Receiver to have direct contact with accountant for information as to the following entities: SJC Ventures Holdings, LLC; Spanish Heights Acquisition; 1st One Hundred Holdings, LLC and First 100 LLC. (1st One Hundred Holdings, LLC and First 100 LLC for establishing whether they exist or not). Other affiliated subsidiaries still need to provide required information. Court Finds non-compliance from August's letter to the date the parties notified the Court about settlement in November and DEFERRED monetary sanctions. Court FURTHER ORDERED bond amount increased to five thousand dollars (\$5,000.00).

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COURT DIRECTED Ms. Carlyon to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders.;

03/17/2022



Pre Trial Conference (10:15 AM) (Judicial Officer: Kishner, Joanna S.)

Trial Date Set;

Journal Entry Details:

Colloquy regarding bench or jury trial and days needed. Mr. Mushkin stated he would not waive a jury trial. Counsel estimated 5 days for jury trial. Colloquy regarding scheduling. COURT ORDERED trial VACATED and RESET. 4/28/22 8:30 A.M. CALENDAR CALL 5/9/22 9:00 A.M. JURY TRIAL (#2);

03/22/2022



Motion (8:30 AM) (Judicial Officer: Kishner, Joanna S.)

Plaintiffs' Motion to Terminate the Order Appointing Receiver Over SJC Ventures Holding Company, LLC or in the Alternative to Appoint a Neutral Receiver

Denied Without Prejudice;

Journal Entry Details:

Upon the Court's inquiry, Mr. Gutierrez stated the purpose of the receivership is now moot considering Defendant foreclosed on the property on February 1, 2022 and there were no claims before the Court regarding a deficiency action. Mr. Gutierrez further stated if the Court was inclined to keep a receiver, Plaintiff requested Mr. Larry Bertch be removed and another receiver appointed considering Mr. Bertch was biased. Furthermore, Judge Gonzalez did not adopt Mr. Bertch's final Report because of a non-disclosed attorney client relationship. Colloquy regarding remaining causes of action, Judge Sturman and Judge Gonzalez' prior rulings and the Bankruptcy Order. Mr. Mushkin stated all claims remain including the claims arising out of the forbearance agreement, the contract claim gives rise to the receiver and the Court does not have jurisdiction to remove the receiver based on movant's appeal. Colloquy regarding Motion to Set Aside Trustee's Sale scheduled for hearing on March 29, 2022, argument receivership was moot due to foreclosure, evidentiary hearing and history of case. Court stated its Findings and ORDERED, Motion to Terminate the Order Appointing Receiver DENIED WITHOUT PREJUDICE and FURTHER ORDERED the Alternative Motion to Appoint a Neutral Receiver DENIED WITHOUT PREJUDICE. COURT DIRECTED Mr. Mushkin to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders.;

03/29/2022

Motion to Set Aside (8:30 AM) (Judicial Officer: Kishner, Joanna S.)

Plaintiffs' Motion to Set Aside the February 1, 2022 Trustee's Sale Based on Defendant 5148 Spanish Heights, LLC's Breach of Spanish Heights Acquisition Company, LLC's Bankruptcy Confirmation Plan and to Sanction 5148 Spanish Heights, LLC for Seeking to Evict SJC Ventures, LLC in Seven Days

Denied Without Prejudice;

03/29/2022

Opposition and Countermotion (8:30 AM) (Judicial Officer: Kishner, Joanna S.)

Events: 03/11/2022 Opposition and Countermotion

Opposition to Plaintiffs' Motion to Set Aside the February 1, 2022 Trustee's Sale Based on Defendant 5148 Spanish Heights, LLC's Breach of Spanish Heights Acquisition Company, LLC's Bankruptcy Confirmation Plan and to Sanction 5148 Spanish Heights, LLC for Seeking to Evict SJC Ventures, LLC in Seven Days and Defendant/Counterclaimant 5148 Spanish Heights, LLC's Countermotion for Summary Eviction

Denied Without Prejudice;

03/29/2022



All Pending Motions (8:30 AM) (Judicial Officer: Kishner, Joanna S.)

Matter Heard;

Journal Entry Details:

PLAINTIFFS MOTION TO SET ASIDE THE February 1, 2022, TRUSTEE S SALE BASED ON DEFENDANT 5148 SPANISH HEIGHTS, LLC S BREACH OF SPANISH HEIGHTS ACQUISITION COMPANY, LLC S BANKRUPTCY CONFIRMATION PLAN AND TO SANCTION 5148 SPANISH HEIGHTS, LLC FOR SEEKING TO EVICT SJC VENTURES, LLC IN SEVEN DAYS (DOC333)... OPPOSITION TO PLAINTIFFS MOTION TO SET ASIDE THE February 1, 2022, TRUSTEE S SALE BASED ON DEFENDANT 5148 SPANISH HEIGHTS, LLC S BREACH OF SPANISH HEIGHTS ACQUISITION COMPANY, LLC S BANKRUPTCY CONFIRMATION PLAN AND TO SANCTION 5148 SPANISH HEIGHTS,

CASE SUMMARY

CASE NO. A-20-813439-B

LLC FOR SEEKING TO EVICT SJC VENTURES, LLC IN SEVEN DAYS AND DEFENDANT/COUNTERCLAIMANT 5148 SPANISH HEIGHTS, LLC S COUNTERMOTION FOR SUMMARY EVICTION (DOC343) Court stated its inclination and gave a tentative ruling. Upon Court's inquiry, Mr. Gutierrez stated he understood the Court's inclination and had nothing more to add. Mr. Gutierrez further stated there was no breach in the lease or rent and the bankruptcy matter provided for payments and those payments were made. Mr. Mushkin stated the eviction matter was not before the Justice Court. Ms. Carlyon stated she had no position as to the Motion. Court turned its inclination into an Order. Court ORDERED, Motion and Countermotion DENIED WITHOUT PREJUDICE. COURT DIRECTED Plaintiff to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders. Colloquy regarding sealing documents and April 26, 2022 hearing. Mr. Mushkin stated he did not oppose the Motion to File Under Seal. Counsel concurred they would meet and further discuss confidentiality.;

04/04/2022

Motion to Quash (8:30 AM) (Judicial Officer: Kishner, Joanna S.)
Motion to Quash Trial Subpoena on Order Shortening Time
Granted;

04/04/2022

Countermotion (8:30 AM) (Judicial Officer: Kishner, Joanna S.)
Countermotion for Sanctions per NRS 18.010 and to Disqualify Witness Michael Mushkin
Withdrawn;

04/04/2022



All Pending Motions (8:30 AM) (Judicial Officer: Kishner, Joanna S.)

Matter Heard;

Journal Entry Details:

DEFENDANTS/COUNTERCLAIMANTS AND THIRD-PARTY PLAINTIFFS MOTION TO QUASH TRIAL SUBPOENA ON ORDER SHORTENING TIME (DOC366)... PLAINTIFFS OPPOSITION TO MOTION TO QUASH TRIAL SUBPOENA ON ORDER SHORTENING TIME AND COUNTERMOTION FOR SANCTIONS PER NRS 18.010 AND TO DISQUALIFY NECESSARY WITNESS MICHAEL MUSHKIN FROM ACTING AS ADVOCATE AT JURY TRIAL (DOC369) Upon Court's inquiry, Mr. Mushkin objected to Plaintiff's Countermotion as improper under EDCR 2.20. Mr. Gutierrez requested to withdraw the Countermotion and refile it on OST thus giving Defendant an opportunity to fully respond. Pursuant to Plaintiff's request, Court ORDERED Countermotion WITHDRAWN. Upon Court's inquiry, Mr. Mushkin stated Mr. Larusso would appear for trial, the subpoena was served on him individually, the case was in mid trial and he was trial counsel at the onset and therefore, believed Plaintiff waived the right. Mr. Gutierrez stated Mr. Mushkin produced himself as the owner and manager of 5148 and signed the verification of interrogatories. Colloquy regarding Trial Subpoena DOC 350. Court stated its Findings and ORDERED, Motion GRANTED noting the subpoena was improper; it does not designate it as a corporate entity. COURT DIRECTED Mr. Mushkin to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders.;

04/05/2022

CANCELED Motion to Quash (8:30 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated - Set in Error
Motion to Quash Trial Subpoena

04/18/2022

CANCELED Jury Trial (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated

04/26/2022

CANCELED Motion (8:30 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated - per Stipulation and Order
Motion to File a Portion of Receiver's Appendix of Exhibits in Support of Receiver's (1) Fourth Interim Status Report, and (2) Request for Approval of Compensation for the Period of November 23, 2022 through February 28, 2022 Under Seal Due to Documents Designated as Confidential By Plaintiffs

04/26/2022

Motion (8:30 AM) (Judicial Officer: Kishner, Joanna S.)
Plaintiffs' Motion to Disqualify Necessary Witness Michael Mushkin from Acting as Advocate at Jury Trial

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-20-813439-B

04/26/2022	Show Cause Hearing (8:30 AM) (Judicial Officer: Kishner, Joanna S.)
04/26/2022	Motion to Quash (8:30 AM) (Judicial Officer: Kishner, Joanna S.) <i>Motion to Quash Trial Subpoena on Order Shortening Time</i>
04/26/2022	Motion (8:30 AM) (Judicial Officer: Kishner, Joanna S.) <i>Plaintiffs' Renewed Motion to Terminate the Receivership in Light of Receiver Taking Control of Jay Bloom's Personal Assets and Motion to Reset the Date for Plaintiffs to Vacate the Property as a Result of Receiver's Interference, to Void the Illegal Holds Placed by the Receiver and for Sanctions on Order Shortening Time</i>
04/28/2022	Calendar Call (8:30 AM) (Judicial Officer: Kishner, Joanna S.)
05/09/2022	Jury Trial (9:00 AM) (Judicial Officer: Kishner, Joanna S.) 05/09/2022-05/13/2022
05/10/2022	Motion to Stay (8:30 AM) (Judicial Officer: Kishner, Joanna S.) <i>Plaintiffs Motion To Stay Enforcement Of March 20, 2022 Order On Receiver S Request For Instructions Pending Appeal And Motion For Determination Of Bond Amount</i>

DATE

FINANCIAL INFORMATION

Third Party Plaintiff 5148 Spanish Heights LLC	
Total Charges	1,618.00
Total Payments and Credits	1,618.00
Balance Due as of 4/20/2022	0.00
Counter Defendant Bloom, Jay	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 4/20/2022	0.00
Counter Defendant SJC Ventures Holdings Company LLC	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 4/20/2022	0.00
Counter Claimant CBC Partners I LLC	
Total Charges	1,683.00
Total Payments and Credits	1,683.00
Balance Due as of 4/20/2022	0.00
Defendant Kenneth & Sheila Antos Living Trust	
Total Charges	453.00
Total Payments and Credits	453.00
Balance Due as of 4/20/2022	0.00
Counter Defendant Spanish Heights Acquisition Company LLC	
Total Charges	390.00
Total Payments and Credits	390.00
Balance Due as of 4/20/2022	0.00
Counter Claimant CBC Partners I LLC	
Interplead Funds Balance as of 4/20/2022	5,000.00
Counter Defendant Spanish Heights Acquisition Company LLC	
Temporary Restraining Order Balance as of 4/20/2022	1,000.00
Counter Defendant Spanish Heights Acquisition Company LLC	
Appeal Bond Balance as of 4/20/2022	1,000.00
Counter Defendant Spanish Heights Acquisition Company LLC	
Appeal Bond Balance as of 4/20/2022	500.00

CASE SUMMARY

CASE NO. A-20-813439-B

Counter Defendant Spanish Heights Acquisition Company LLC
Appeal Bond Balance as of 4/20/2022

500.00

DISTRICT COURT CIVIL COVER SHEET

Clark County, Nevada
Case No. _____
(Assigned by Clerk's Office)

CASE NO: A-20-813439-C
Department 24

I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone): SPANISH HEIGHTS ACQUISITION COMPANY, LLC, a Nevada Limited Liability Company; SJC VENTURES LLC, a Domestic Limited Liability Company Attorney (name/address/phone): Joseph A. Gutierrez, Esq., Danielle J. Barraza, Esq., Maier Gutierrez & Associates, 8816 Spanish Ridge Avenue, Las Vegas, Nevada 89148 (702) 629-7900	Defendant(s) (name/address/phone): CBC PARTNERS I, LLC, a foreign Limited Liability Company; DOES I through X; and ROE CORPORATIONS I through X, inclusive, Attorney (name/address/phone):
--	--

II. Nature of Controversy *(please select the one most applicable filing type below)*

Civil Case Filing Types

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input checked="" type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate <i>(select case type and estate value)</i> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

April 9, 2020

Date

/s/ Danielle J. Barraza

Signature of initiating party or representative

See other side for family-related case filings.

BUSINESS COURT CIVIL COVER SHEET

Clark

County, Nevada

Case No. A-20-813439-C

(Assigned by Clerk's Office)

CASE NO: A-20-813439-C
Department 24

I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone): <div style="text-align: center;">Spanish Heights Acquisition Company, LLC</div> <div style="text-align: center;">SJC Ventures, LLC</div>	Defendant(s) (name/address/phone): <div style="text-align: center;">CBC Partners I, LLC</div>
Attorney (name/address/phone): <div style="text-align: center;">Joesph A. Gutierrez</div> <div style="text-align: center;">8816 Spanish Ridge Avenue</div> <div style="text-align: center;">Las Vegas, NV 89148</div> <div style="text-align: center;">702-629-7900</div>	Attorney (name/address/phone): <div style="text-align: center;">Michael R. Mushkin</div> <div style="text-align: center;">6070 S. Eastern Avenue, Suite 270</div> <div style="text-align: center;">Las Vegas, NV 89119</div> <div style="text-align: center;">702-454-3333</div>

II. Nature of Controversy *(Please check the applicable boxes for both the civil case type and business court case type)*

☐ Arbitration Requested

Civil Case Filing Types		Business Court Filing Types
<div style="text-align: center;">Real Property</div> <div>Landlord/Tenant</div> <div><input type="checkbox"/> Unlawful Detainer</div> <div><input type="checkbox"/> Other Landlord/Tenant</div> <div>Title to Property</div> <div><input type="checkbox"/> Judicial Foreclosure</div> <div><input checked="" type="checkbox"/> Other Title to Property</div> <div>Other Real Property</div> <div><input type="checkbox"/> Condemnation/Eminent Domain</div> <div><input type="checkbox"/> Other Real Property</div>	<div style="text-align: center;">Torts</div> <div>Negligence</div> <div><input type="checkbox"/> Auto</div> <div><input type="checkbox"/> Premises Liability</div> <div><input type="checkbox"/> Other Negligence</div> <div>Malpractice</div> <div><input type="checkbox"/> Medical/Dental</div> <div><input type="checkbox"/> Legal</div> <div><input type="checkbox"/> Accounting</div> <div><input type="checkbox"/> Other Malpractice</div> <div>Other Torts</div> <div><input type="checkbox"/> Product Liability</div> <div><input type="checkbox"/> Intentional Misconduct</div> <div><input type="checkbox"/> Employment Tort</div> <div><input type="checkbox"/> Insurance Tort</div> <div><input type="checkbox"/> Other Tort</div>	<div style="text-align: center;">CLARK COUNTY BUSINESS COURT</div> <div><input checked="" type="checkbox"/> NRS Chapters 78-89</div> <div><input type="checkbox"/> Commodities (NRS 91)</div> <div><input type="checkbox"/> Securities (NRS 90)</div> <div><input type="checkbox"/> Mergers (NRS 92A)</div> <div><input type="checkbox"/> Uniform Commercial Code (NRS 104)</div> <div><input type="checkbox"/> Purchase/Sale of Stock, Assets, or Real Estate</div> <div><input type="checkbox"/> Trademark or Trade Name (NRS 600)</div> <div><input type="checkbox"/> Enhanced Case Management</div> <div><input type="checkbox"/> Other Business Court Matters</div>
<div style="text-align: center;">Construction Defect & Contract</div> <div>Construction Defect</div> <div><input type="checkbox"/> Chapter 40</div> <div><input type="checkbox"/> Other Construction Defect</div> <div>Contract Case</div> <div><input type="checkbox"/> Uniform Commercial Code</div> <div><input type="checkbox"/> Building and Construction</div> <div><input type="checkbox"/> Insurance Carrier</div> <div><input type="checkbox"/> Commercial Instrument</div> <div><input type="checkbox"/> Collection of Accounts</div> <div><input type="checkbox"/> Employment Contract</div> <div><input type="checkbox"/> Other Contract</div>	<div style="text-align: center;">Civil Writs</div> <div><input type="checkbox"/> Writ of Habeas Corpus</div> <div><input type="checkbox"/> Writ of Mandamus</div> <div><input type="checkbox"/> Writ of Quo Warrant</div> <div><input type="checkbox"/> Writ of Prohibition</div> <div><input type="checkbox"/> Other Civil Writ</div>	<div style="text-align: center;">WASHOE COUNTY BUSINESS COURT</div> <div><input type="checkbox"/> NRS Chapters 78-88</div> <div><input type="checkbox"/> Commodities (NRS 91)</div> <div><input type="checkbox"/> Securities (NRS 90)</div> <div><input type="checkbox"/> Investments (NRS 104 Art.8)</div> <div><input type="checkbox"/> Deceptive Trade Practices (NRS 598)</div> <div><input type="checkbox"/> Trademark/Trade Name (NRS 600)</div> <div><input type="checkbox"/> Trade Secrets (NRS 600A)</div> <div><input type="checkbox"/> Enhanced Case Management</div> <div><input type="checkbox"/> Other Business Court Matters</div>
<div style="text-align: center;">Judicial Review/Appeal/Other Civil Filing</div> <div>Judicial Review</div> <div><input type="checkbox"/> Foreclosure Mediation Case</div> <div>Appeal Other</div> <div><input type="checkbox"/> Appeal from Lower Court</div>		
<div>Other Civil Filing</div> <div><input type="checkbox"/> Foreign Judgment</div> <div><input type="checkbox"/> Other Civil Matters</div>		

April 14, 2020

Date

/s/Michael R. Mushkin

Signature of initiating party or representative

ORDR

CARLYON CICA CHTD.
CANDACEC.CARLYON, ESQ.
Nevada Bar No. 2666
TRACY M. O'STEEN, ESQ.
Nevada Bar No. 10949
265 E. Warm Springs Road, Suite 107
Las Vegas, NV 89119
PHONE: (702) 685-4444
FAX: (725) 220-4360
Email: CCarlyon@CarlyonCica.com
TOSTeen@CarlyonCica.com

Counsel for Larry L. Bertsch, Receiver

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

SPANISH HEIGHTS ACQUISITION
COMPANY, LLC, a Nevada limited liability
company; SJC Ventures Holding Company,
LLC d/b/a SJC Ventures LLC, a Delaware
limited liability company,

Plaintiffs,

v.

CBC PARTNERS I, LLC, a Nevada limited
liability company; CBC PARTNERS, LLC, a
foreign limited liability company; 5148
SPANISH HEIGHTS LLC, a Nevada limited
liability company; KENNETH ANTOS AND
SHEILA NEUMANN-ANTOS, as Trustees of
the Kenneth & Sheila Antos Living Trust and
the Kenneth M. Antos & Sheila M. Neumann-
Antos Trust; DACIA LLC, a foreign limited
liability company; DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

Defendants.

AND RELATED MATTERS.

Case No.: A-20-813439-B
Dept. No.: 31

**AMENDED ORDER APPOINTING
RECEIVER**

**Hearing Dates: February 11, 2022
March 11, 2022**

The Court having conducted an evidentiary hearing with respect to the Receiver's Request
for Instructions on February 11, 2022 which concluded on March 10, 2022 (the "Evidentiary

CARLYON CICA CHTD.
265 E. Warm Springs Road, Suite 107
Las Vegas, NV 89119

1 Hearing”), and the Court having entered separately its Findings of Fact and Conclusions of Law with
2 respect to the Receiver’s Request for Instructions and the Evidentiary Hearing; and good cause
3 appearing:

4 **IT IS HEREBY ORDERED** that the Court hereby amends its initial *Order Appointing*
5 *Receiver* entered on August 11, 2021, and hereby confirms its appointment of Larry L. Bertsch,
6 CPA, CFF as the Receiver (the “Receiver”) for SJC Ventures Holding Company, LLC, d/b/a SJC
7 Ventures LLC (“SJCV”) and expands his appointment to include Spanish Heights Acquisition
8 Company LLC (“SHAC”), First 100, LLC (“First 100”) and 1st One Hundred Holdings, LLC (“1st
9 One Hundred” and together with SJCV, SHAC and First 100, the “Companies”), and directs the
10 Receiver to take possession, custody, and control of the Companies and their assets (the
11 “Receivership Estate” or the “Estate”), to manage, maintain, preserve, protect and secure said
12 Receivership Estate subject to terms and conditions set forth herein.

13 **IT IS HEREBY FURTHER ORDERED** that the Receiver shall have the following
14 **DUTIES, RIGHTS AND POWERS:**

15 (a) To take possession of the entire Receivership Estate, including without limitation, all
16 books and records, all operating bank accounts, ledgers, accounts, security deposits, payrolls,
17 accounting statements, materials, monies, checks, securities, books of account, insurance policies,
18 service contracts, permits, licenses, and any other asset relating to the Receivership Estate.

19 (b) To demand, sue for, collect, receive and take into possession all the goods and
20 chattels, rights and credits, moneys and effects, lands and tenements, books, papers, choses in action,
21 bills, notes and property, of every description of the Companies.

22 (c) To institute suits at law or in equity for the recovery of any estate, property, damages
23 or demands existing in favor of the Companies.

24 (d) Defend, compromise or settle any administrative action involving the Companies.

25 (e) In the Receiver’s discretion, to compromise and/or settle with any debtor or creditor
26 of the company, or with persons having possession of its property or in any way responsible at law
27 or in equity to the company at the time of its insolvency or suspension of business, or afterwards,
28 upon such terms and in such manner as they shall deem just and beneficial to the Companies.

1 (f) In case of mutual dealings between the company and any person to allow just setoff
2 in favor of such person in all cases in which the same ought to be allowed according to law and equity.

3 (g) To demand and receive from the Companies, their partners, agents, employees and
4 representatives all of the foregoing documents and information listed infra, including but not limited
5 to all books, records, documents reflecting accounts receivable and accounts payable, agreements,
6 licenses, permits, certificates, designs, reports, and all other matters in connection with and in any
7 manner related to the Receivership Estate.

8 (h) To retrieve computers, data, discs, drives, cell phones and any and all electronic
9 devices, and their respective agents and affiliates, or copy the data and discs from the same, which
10 hold or may hold information related to the Receivership Estate, wherever located.

11 (i) To collect all monies, issues and profits from the Receivership Estate now owing or
12 hereafter coming due, including all monies in the possession of partners, agents, employees and
13 representatives of the Companies, and their respective agents and affiliates, which may be set off by
14 any amounts constituting an obligation of the Companies to said individuals if assumed in writing by
15 the Receiver.

16 (j) To undertake whatever actions are reasonable or necessary to collect the accounts
17 receivable of the Companies.

18 (k) To hire such professionals as necessary to assist the Receiver in carrying out this
19 Order, and, to compensate such professionals from the assets and income of the Receivership Estate.

20 (l) To notify third parties, including but not limited to contractors, service-providers,
21 vendors, and merchants, and others doing business with the Companies of this Order upon such
22 appointment, and instruct anyone owing moneys to the Companies to make any and all payments
23 (otherwise due to the Companies) to the Receiver.

24 (m) To execute and file change of address and/or mail forwarding forms with the United
25 States Postal Service in order to direct the United States Postal Service to forward and deliver to a
26 post office box designated by Receiver any mail addressed to the Company.

1 (n) To collect all monies, issues, and profits of the Receivership Estate now owing or
2 hereafter coming due. To deposit in a bank account established by the Receiver or at his direction,
3 the income derived from the Receivership Estate.

4 (o) To send notice to accounts receivable debtors of the Companies directing the same to
5 make payments due.

6 (p) To change signature cards for existing accounts and transfer existing accounts or
7 funds in existing accounts into accounts established by the Receiver.

8 (q) To present and endorse for payment and collection any checks, money orders, notes
9 or other forms of payment made payable to the Companies that constitute income or proceeds of the
10 Receivership Estate, endorse same collect the proceeds of such checks, money orders, notes or other
11 forms of payment.

12 (r) To terminate, with the Court's express approval only, any existing contract,
13 agreement, or instrument which Receiver deems not commercially reasonable or beneficial to the
14 Receivership Estate.

15 (s) To determine upon taking possession of the Receivership Estate whether there is
16 sufficient insurance for the Receivership Estate, and to maintain and/or obtain liability, property,
17 damage, and such other insurance for the Receivership Estate as necessary, and to pay the premiums
18 therefore from receivership proceeds.

19 (t) To disburse the funds received from the operation of the Receivership Estate.

20 (u) To generally operate, manage, control and conduct the Receivership Estate and its
21 business and incur the expenses necessary in such operation, management, control, and conduct in
22 the ordinary and usual course of business, and do all things and incur the risks and obligations
23 ordinarily incurred by owners, managers, and operators of similar businesses, and no such risks or
24 obligations so incurred shall be the personal risk or obligation of the Receiver, but shall be a risk or
25 obligation of the Receivership Estate.

26 (v) To generally do such other things as may be necessary or incidental to the foregoing
27 specific powers, directions and general authorities and take actions relating to the Receivership Estate
28

beyond the scope contemplated by the provisions set forth above, provided the Receiver obtains prior court approval for any actions beyond the scope contemplated in this Order.

IT IS HEREBY FURTHER ORDERED that the Companies, including without limitation, the Companies' agents, affiliates, representatives, officers, managers, directors, shareholders, members, partners trustees, and other persons exercising or having control over the affairs of the Companies, including Jay Bloom, shall:

(a) Assist and cooperate with the Receiver in the administration of the receivership and the discharge of the Receiver's duties.

(b) Preserve and turn over to the Receiver all receivership property in their possession, custody or control as discussed herein.

(c) Identify all records and other information relating to the receivership property, including a password, authorization or other information needed to obtain or maintain access to or control of the receivership property, and make available to the receiver the records and information in their possession, custody or control.

(d) On subpoena, submit to examination under oath by the Receiver concerning the acts, conduct, property, liabilities and financial condition of the owner or any matter relating to the Receivership Estate or the receivership.

(e) Perform any other duty imposed by this Order.

IT IS HEREBY FUTHER ORDERED that the Companies and any of their partners, members, agents, officers, accountants, directors employees or representatives (upon receipt of a copy of this Order) **SHALL IMMEDIATELY DELIVER** to the Receiver or his agents all items and property provided by this Order, including without limitation, all books and records, ledgers, accounts, operating accounts, escrow accounts, accounts receivable, accounting statements, financial statements, service contracts, insurance policies, marketing materials, licenses, permits, a list of all telephone numbers associated with the Receivership Estate, a list of vendors and an open invoice list, accounting or other software used in the management and/or operation of the Receivership Estate (including but not limited to passwords and codes for any such software, including Quickbooks if utilized by the Companies) and final 2021 operating statements and year to

1 date 2022 operating statements for the Receivership Estate, and further advise the Receiver of federal
2 taxpayer identification numbers relating to the Receivership Estate, and all other records or
3 documentation pertaining to the operation, management, marketing, or ownership of the
4 Receivership Estate currently in their possession or which hereafter come in their possession.

5 **IT IS HEREBY FURTHER ORDERED** that the Companies and their officers, directors,
6 partners, agents, employees, accountants and representatives, and their respective agents and
7 affiliates, shall cooperate with the Receiver and shall not interfere with or obstruct the Receiver in
8 the performance of his duties.

9 **IT IS HEREBY FURTHER ORDERED** that the Receiver shall be compensated as
10 follows: (a) The Receiver shall be paid \$300/hr; (b) The Receiver's staff shall be paid ordinary and
11 normal rates for staff of such kind, which shall not exceed \$125/hr; and (c) The Receiver shall be
12 reimbursed all reasonable administrative costs.

13 **IT IS HEREBY FURTHER ORDERED** that the Receiver's Counsel, Carlyon Cica Chtd.
14 ("Receiver's Counsel"), is deemed employed by the Receiver for this matter with respect to the
15 Receivership Estate without further order of the Court. Receiver's Counsel is entitled to reasonable
16 compensation, including reimbursement of all reasonable administrative costs and expenses, and
17 shall be compensated at its ordinary and normal rates for attorneys and its staff for matters of this
18 kind.

19 **IT IS HEREBY FURTHER ORDERED** that the Receiver shall file a joint application for
20 compensation for the Receiver and Receiver's Counsel at 30-day intervals for the duration of the
21 Receivership ("Application for Compensation"). The Application for Compensation can be
22 contained in the Reports discussed the paragraph below and shall contain a request for payment
23 consistent with the compensation structure provided in this Order, a summary of the request, and a
24 prayer for relief, with invoices attached to the Application for Compensation. Should no party to this
25 action object to the Application for Compensation, and should no party set a hearing on such
26 objection within seven (7) judicial days of the date of service of said application, the Receiver shall
27 submit an order to the Court approving the application, which approved compensation shall be paid
28

1 by Defendants pursuant to the initial Order Appointing Receiver entered on August 11, 2021, until
2 such time as the Court orders otherwise.

3 **IT IS HEREBY FURTHER ORDERED** that the Receiver shall, on the 20th judicial day
4 of the second month following entry of this Order, and for each month thereafter for the duration of
5 the Receivership, file with the Court and serve on the parties to this action, a report on the activities
6 of the Receiver and the financial condition of the Receivership Estate, in a format to be selected by
7 Receiver. Other than the Receiver's initial report, each subsequent report shall be filed on the 20th
8 judicial day for the prior month's activities. The Reports may contain the Application for
9 Compensation set forth above.

10 **IT IS HEREBY FURTHER ORDERED** that no person or entity shall file suit against the
11 Receiver or take other action against the Receiver without an order of this Court permitting the suit
12 or action; provided, however, that no prior Court order is required to file a motion in this action to
13 enforce the provisions of this Order or any other Order of this Court in this action. The Receivership
14 Estate and its employees, agents, attorneys and all professionals and management companies
15 retained by the Receiver shall have no liability for any obligations, or debts incurred by the
16 Company. Nothing contained in this Order shall be construed as obligating or permitting the
17 Receiver to advance its own funds to pay any costs of the Receivership Estate. Nothing in this
18 paragraph amounts to, operates as, or shall be construed as a waiver of any immunity or similar
19 defense of Receiver and its professionals provided by applicable law.

20 **IT IS HEREBY FURTHER ORDERED** that the discharge of the Receiver shall require a
21 Court order upon noticed motion for approval of the Receiver's final report and account and
22 exoneration of the Receiver's bond, if any. Upon filing the Motion for Approval of Receiver's Final
23 Report and Accounting (the "Receiver's Motion"), the Court will set for hearing on shortened for
24 the Court's first date of availability no less than five (5) and no more than ten (10) judicial days after
25 the filing of the Receiver's Motion.

26 **IT IS HEREBY FURTHER ORDERED** that the Receiver may provide a copy of this
27 Order by hand delivery or by U.S. mail, postage prepaid, to any person in possession of the
28

1 Receivership Estate or otherwise affected by such Order, as and when the Receiver becomes aware
2 of the existence and identity of such persons.

3 **IT IS FURTHER ORDERED** that for the duration of the receivership, the Companies and
4 their officers, directors, employees, contractors, agents, and all other persons acting in concert with
5 them, and their respective agents and affiliates, including Jay Bloom, are restrained and enjoined
6 from engaging in, or performing, directly or indirectly, any of the following:

7 (a) Interfering with, or hindering in any manner whatsoever, the Receiver in the
8 performance of the Receiver's duties as set forth in this Order.

9 (b) Concealing, destroying, defacing or altering any instruments, statements, ledger
10 cards, books, records, agreements, and or such other documents of the Companies.

11 (c) Transferring, conveying, assigning, pledging, deeding, selling, renting, leasing,
12 encumbering, changing ownership, vesting of title to, or otherwise disposing of any assets of the
13 Companies.

14 (d) Collecting or demanding any revenues or other income from the Receivership Estate
15 or withdrawing funds from any bank or other depository account relating to the Receivership Estate
16 or in any other way diverting or using any of the income from the Receivership Estate.

17 (e) Terminating or causing to be terminated any license, permit, lease, contractor
18 agreement relating to the Receivership Estate or the operation of any of the business on the
19 Receivership Estate.

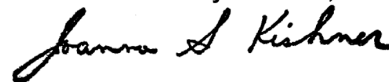
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21 account for the Receivership Estate, unless otherwise ordered.

22 (g) Doing any act that will impair the preservation of the Receivership Estate.

23 (h) Committing or permitting any waste on the Receivership Estate or any act on the
24 Receivership Estate in violation of law.

25 **IT IS SO ORDERED.**

Dated this 20th day of March, 2022



26 DISTRICT COURT JUDGE
27 Joanna S. Kishner
28 District Court Judge

1 Respectfully Submitted by:

2 CARLYON CICA, CHTD.

3 /s/ Tracy M. O'Steen, Esq.

4
5 Candace Carlyon, Esq.
6 Nevada Bar No. 2666
7 Tracy M. O'Steen, Esq.
8 Nevada Bar No. 10949
9 265 E. Warm Springs Road, Suite 107
10 Las Vegas, NV 89119
11 *Counsel for Larry L. Bertsch, Receiver*
12 Approved by:

13 Approved by:
14 MUSHKIN & COPPEDGE

15 /s/ Michael R. Mushkin, Esq.

16
17 MICHAEL R. MUSHKIN, ESQ.
18 Nevada Bar No. 2421
19 L. JOE COPPEDGE, ESQ.
20 Nevada Bar No. 4954
21 6070 South Eastern Avenue, Suite 270
22 Las Vegas, Nevada 89119
23 *Attorneys for Defendants CBC Partners I,*
24 *LLC, CBC Partners, LLC, 5148 Spanish*
25 *Heights, LLC, and Dacia LLC*
26
27
28

Approved by:

MAIER GUTIERREZ & ASSOCIATES

/s/

JOSEPH A. GUTIERREZ, ESQ.
Nevada Bar No. 9046
DANIELLE J. BARRAZA, ESQ.
Nevada Bar No. 13822
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
Attorneys for Plaintiffs

From: [Michael Mushkin](#)
To: [Tracy O'Steen](#)
Cc: [djb@mgalaw.com](#); [Joseph Gutierrez](#); [Karen Foley](#); [Candace Carlyon](#); [Larry Bertsch](#); [Richard Kleikamp](#)
Subject: Re: SJCV Receivership - Amended Order Appointing Receiver
Date: Tuesday, March 15, 2022 9:51:44 AM
Attachments: [Amended Order Appointing Receiver 03142022.docx](#)

I approve of the order. Please affix my electronic signature.

MRM

Sent from my iPhone

On Mar 15, 2022, at 9:32 AM, Tracy O'Steen <tosteen@carlyoncica.com> wrote:

Good morning, I attach a draft of the amended order appointing receiver for your review and comment. Please note that this remains subject to the Receiver's final approval as he has not yet had the opportunity to review. The form mirrors typical receivership orders. Please provide your comments as soon as possible, or if you have no changes, please confirm your approval to submit to the Court on your electronic signature.

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Tracy M. O'Steen, Esq.
CARLYON CICA CHTD.
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Licensed in Nevada, Arizona and Mississippi

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Spanish Heights Acquisition
7 Company LLC, Plaintiff(s)

CASE NO: A-20-813439-B

8 vs.

DEPT. NO. Department 31

9 CBC Partners I LLC,
10 Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

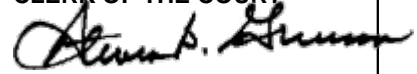
12
13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing Order was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

15 Service Date: 3/20/2022

16 MGA Docketing	docket@mgalaw.com
17 Karen Foley	kfoley@mccnvlaw.com
18 Michael Mushkin	michael@mccnvlaw.com
19 Candace Carlyon	ccarlyon@carlyoncica.com
20 Tracy O'Steen	tosteen@carlyoncica.com
21 Nancy Rodriguez	nrodriguez@carlyoncica.com
22 Cristina Robertson	crobertson@carlyoncica.com
23 Cristiana Lopez	clopez@mccnvlaw.com

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28

CARLYON CICA CHTD.
265 E. Warm Springs Road, Suite 107
Las Vegas, NV 89119



NEO
CARLYON CICA CHTD.
CANDACE C. CARLYON, ESQ.
Nevada Bar No. 2666
TRACY M. O'STEEN, ESQ.
Nevada Bar No. 10949
265 E. Warm Springs Road, Suite 107
Las Vegas, NV 89119
PHONE: (702) 685-4444
FAX: (725) 220-4360
Email: CCarlyon@CarlyonCica.com
TOSTeen@CarlyonCica.com

Counsel for Larry L. Bertsch, Receiver

EIGHT JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

SPANISH HEIGHTS ACQUISITION
COMPANY, LLC, a Nevada limited liability
company; SJC Ventures Holding Company,
LLC d/b/a SJC Ventures LLC, a Delaware
limited liability company,

Plaintiffs,

v.

CBC PARTNERS I, LLC, a Nevada limited
liability company; CBC PARTNERS, LLC, a
foreign limited liability company; 5148
SPANISH HEIGHTS LLC, a Nevada limited
liability company; KENNETH ANTOS AND
SHEILA NEUMANN-ANTOS, as Trustees of
the Kenneth & Sheila Antos Living Trust and
the Kenneth M. Antos & Sheila M. Neumann-
Antos Trust; DACIA LLC, a foreign limited
liability company; DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

Defendants.

AND RELATED MATTERS.

Case No.: A-20-813439-B

Dept. No.: 31

**NOTICE OF ENTRY OF AMENDED
ORDER APPOINTING RECEIVER**

PLEASE TAKE NOTICE that an *Amended Order Appointing Receiver* was entered in the
above-referenced matter on March 20, 2022, a true and correct copy of which is attached hereto as

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Exhibit 1.

DATED this 21st day of March 2022.

CARLYON CICA CHTD.

/s/ Tracy M. O'Steen, Esq.

TRACY M. O'STEEN, ESQ.

Nevada Bar No. 10949

265 E. Warm Springs Road, Suite 107

Las Vegas, Nevada 89119

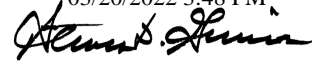
Counsel for the Receiver

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/s/ Cristina Robertson
An Employee for Carlyon Cica

EXHIBIT “1”

EXHIBIT “1”


CLERK OF THE COURT

ORDR

CARLYON CICA CHTD.
CANDACEC.CARLYON, ESQ.
Nevada Bar No. 2666
TRACY M. O'STEEN, ESQ.
Nevada Bar No. 10949
265 E. Warm Springs Road, Suite 107
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PHONE: (702) 685-4444
FAX: (725) 220-4360
Email: CCarlyon@CarlyonCica.com
TOSTeen@CarlyonCica.com

Counsel for Larry L. Bertsch, Receiver

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

SPANISH HEIGHTS ACQUISITION
COMPANY, LLC, a Nevada limited liability
company; SJC Ventures Holding Company,
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liability company; DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

Defendants.

AND RELATED MATTERS.

Case No.: A-20-813439-B
Dept. No.: 31

**AMENDED ORDER APPOINTING
RECEIVER**

**Hearing Dates: February 11, 2022
March 11, 2022**

The Court having conducted an evidentiary hearing with respect to the Receiver's Request
for Instructions on February 11, 2022 which concluded on March 10, 2022 (the "Evidentiary

CARLYON CICA CHTD.
265 E. Warm Springs Road, Suite 107
Las Vegas, NV 89119

1 Hearing”), and the Court having entered separately its Findings of Fact and Conclusions of Law with
2 respect to the Receiver’s Request for Instructions and the Evidentiary Hearing; and good cause
3 appearing:

4 **IT IS HEREBY ORDERED** that the Court hereby amends its initial *Order Appointing*
5 *Receiver* entered on August 11, 2021, and hereby confirms its appointment of Larry L. Bertsch,
6 CPA, CFF as the Receiver (the “Receiver”) for SJC Ventures Holding Company, LLC, d/b/a SJC
7 Ventures LLC (“SJCV”) and expands his appointment to include Spanish Heights Acquisition
8 Company LLC (“SHAC”), First 100, LLC (“First 100”) and 1st One Hundred Holdings, LLC (“1st
9 One Hundred” and together with SJCV, SHAC and First 100, the “Companies”), and directs the
10 Receiver to take possession, custody, and control of the Companies and their assets (the
11 “Receivership Estate” or the “Estate”), to manage, maintain, preserve, protect and secure said
12 Receivership Estate subject to terms and conditions set forth herein.

13 **IT IS HEREBY FURTHER ORDERED** that the Receiver shall have the following
14 **DUTIES, RIGHTS AND POWERS:**

15 (a) To take possession of the entire Receivership Estate, including without limitation, all
16 books and records, all operating bank accounts, ledgers, accounts, security deposits, payrolls,
17 accounting statements, materials, monies, checks, securities, books of account, insurance policies,
18 service contracts, permits, licenses, and any other asset relating to the Receivership Estate.

19 (b) To demand, sue for, collect, receive and take into possession all the goods and
20 chattels, rights and credits, moneys and effects, lands and tenements, books, papers, choses in action,
21 bills, notes and property, of every description of the Companies.

22 (c) To institute suits at law or in equity for the recovery of any estate, property, damages
23 or demands existing in favor of the Companies.

24 (d) Defend, compromise or settle any administrative action involving the Companies.

25 (e) In the Receiver’s discretion, to compromise and/or settle with any debtor or creditor
26 of the company, or with persons having possession of its property or in any way responsible at law
27 or in equity to the company at the time of its insolvency or suspension of business, or afterwards,
28 upon such terms and in such manner as they shall deem just and beneficial to the Companies.

1 (f) In case of mutual dealings between the company and any person to allow just setoff
2 in favor of such person in all cases in which the same ought to be allowed according to law and equity.

3 (g) To demand and receive from the Companies, their partners, agents, employees and
4 representatives all of the foregoing documents and information listed infra, including but not limited
5 to all books, records, documents reflecting accounts receivable and accounts payable, agreements,
6 licenses, permits, certificates, designs, reports, and all other matters in connection with and in any
7 manner related to the Receivership Estate.

8 (h) To retrieve computers, data, discs, drives, cell phones and any and all electronic
9 devices, and their respective agents and affiliates, or copy the data and discs from the same, which
10 hold or may hold information related to the Receivership Estate, wherever located.

11 (i) To collect all monies, issues and profits from the Receivership Estate now owing or
12 hereafter coming due, including all monies in the possession of partners, agents, employees and
13 representatives of the Companies, and their respective agents and affiliates, which may be set off by
14 any amounts constituting an obligation of the Companies to said individuals if assumed in writing by
15 the Receiver.

16 (j) To undertake whatever actions are reasonable or necessary to collect the accounts
17 receivable of the Companies.

18 (k) To hire such professionals as necessary to assist the Receiver in carrying out this
19 Order, and, to compensate such professionals from the assets and income of the Receivership Estate.

20 (l) To notify third parties, including but not limited to contractors, service-providers,
21 vendors, and merchants, and others doing business with the Companies of this Order upon such
22 appointment, and instruct anyone owing moneys to the Companies to make any and all payments
23 (otherwise due to the Companies) to the Receiver.

24 (m) To execute and file change of address and/or mail forwarding forms with the United
25 States Postal Service in order to direct the United States Postal Service to forward and deliver to a
26 post office box designated by Receiver any mail addressed to the Company.

1 (n) To collect all monies, issues, and profits of the Receivership Estate now owing or
2 hereafter coming due. To deposit in a bank account established by the Receiver or at his direction,
3 the income derived from the Receivership Estate.

4 (o) To send notice to accounts receivable debtors of the Companies directing the same to
5 make payments due.

6 (p) To change signature cards for existing accounts and transfer existing accounts or
7 funds in existing accounts into accounts established by the Receiver.

8 (q) To present and endorse for payment and collection any checks, money orders, notes
9 or other forms of payment made payable to the Companies that constitute income or proceeds of the
10 Receivership Estate, endorse same collect the proceeds of such checks, money orders, notes or other
11 forms of payment.

12 (r) To terminate, with the Court's express approval only, any existing contract,
13 agreement, or instrument which Receiver deems not commercially reasonable or beneficial to the
14 Receivership Estate.

15 (s) To determine upon taking possession of the Receivership Estate whether there is
16 sufficient insurance for the Receivership Estate, and to maintain and/or obtain liability, property,
17 damage, and such other insurance for the Receivership Estate as necessary, and to pay the premiums
18 therefore from receivership proceeds.

19 (t) To disburse the funds received from the operation of the Receivership Estate.

20 (u) To generally operate, manage, control and conduct the Receivership Estate and its
21 business and incur the expenses necessary in such operation, management, control, and conduct in
22 the ordinary and usual course of business, and do all things and incur the risks and obligations
23 ordinarily incurred by owners, managers, and operators of similar businesses, and no such risks or
24 obligations so incurred shall be the personal risk or obligation of the Receiver, but shall be a risk or
25 obligation of the Receivership Estate.

26 (v) To generally do such other things as may be necessary or incidental to the foregoing
27 specific powers, directions and general authorities and take actions relating to the Receivership Estate
28

beyond the scope contemplated by the provisions set forth above, provided the Receiver obtains prior court approval for any actions beyond the scope contemplated in this Order.

IT IS HEREBY FURTHER ORDERED that the Companies, including without limitation, the Companies' agents, affiliates, representatives, officers, managers, directors, shareholders, members, partners trustees, and other persons exercising or having control over the affairs of the Companies, including Jay Bloom, shall:

(a) Assist and cooperate with the Receiver in the administration of the receivership and the discharge of the Receiver's duties.

(b) Preserve and turn over to the Receiver all receivership property in their possession, custody or control as discussed herein.

(c) Identify all records and other information relating to the receivership property, including a password, authorization or other information needed to obtain or maintain access to or control of the receivership property, and make available to the receiver the records and information in their possession, custody or control.

(d) On subpoena, submit to examination under oath by the Receiver concerning the acts, conduct, property, liabilities and financial condition of the owner or any matter relating to the Receivership Estate or the receivership.

(e) Perform any other duty imposed by this Order.

IT IS HEREBY FUTHER ORDERED that the Companies and any of their partners, members, agents, officers, accountants, directors employees or representatives (upon receipt of a copy of this Order) **SHALL IMMEDIATELY DELIVER** to the Receiver or his agents all items and property provided by this Order, including without limitation, all books and records, ledgers, accounts, operating accounts, escrow accounts, accounts receivable, accounting statements, financial statements, service contracts, insurance policies, marketing materials, licenses, permits, a list of all telephone numbers associated with the Receivership Estate, a list of vendors and an open invoice list, accounting or other software used in the management and/or operation of the Receivership Estate (including but not limited to passwords and codes for any such software, including Quickbooks if utilized by the Companies) and final 2021 operating statements and year to

1 date 2022 operating statements for the Receivership Estate, and further advise the Receiver of federal
2 taxpayer identification numbers relating to the Receivership Estate, and all other records or
3 documentation pertaining to the operation, management, marketing, or ownership of the
4 Receivership Estate currently in their possession or which hereafter come in their possession.

5 **IT IS HEREBY FURTHER ORDERED** that the Companies and their officers, directors,
6 partners, agents, employees, accountants and representatives, and their respective agents and
7 affiliates, shall cooperate with the Receiver and shall not interfere with or obstruct the Receiver in
8 the performance of his duties.

9 **IT IS HEREBY FURTHER ORDERED** that the Receiver shall be compensated as
10 follows: (a) The Receiver shall be paid \$300/hr; (b) The Receiver's staff shall be paid ordinary and
11 normal rates for staff of such kind, which shall not exceed \$125/hr; and (c) The Receiver shall be
12 reimbursed all reasonable administrative costs.

13 **IT IS HEREBY FURTHER ORDERED** that the Receiver's Counsel, Carlyon Cica Chtd.
14 ("Receiver's Counsel"), is deemed employed by the Receiver for this matter with respect to the
15 Receivership Estate without further order of the Court. Receiver's Counsel is entitled to reasonable
16 compensation, including reimbursement of all reasonable administrative costs and expenses, and
17 shall be compensated at its ordinary and normal rates for attorneys and its staff for matters of this
18 kind.

19 **IT IS HEREBY FURTHER ORDERED** that the Receiver shall file a joint application for
20 compensation for the Receiver and Receiver's Counsel at 30-day intervals for the duration of the
21 Receivership ("Application for Compensation"). The Application for Compensation can be
22 contained in the Reports discussed the paragraph below and shall contain a request for payment
23 consistent with the compensation structure provided in this Order, a summary of the request, and a
24 prayer for relief, with invoices attached to the Application for Compensation. Should no party to this
25 action object to the Application for Compensation, and should no party set a hearing on such
26 objection within seven (7) judicial days of the date of service of said application, the Receiver shall
27 submit an order to the Court approving the application, which approved compensation shall be paid
28

1 by Defendants pursuant to the initial Order Appointing Receiver entered on August 11, 2021, until
2 such time as the Court orders otherwise.

3 **IT IS HEREBY FURTHER ORDERED** that the Receiver shall, on the 20th judicial day
4 of the second month following entry of this Order, and for each month thereafter for the duration of
5 the Receivership, file with the Court and serve on the parties to this action, a report on the activities
6 of the Receiver and the financial condition of the Receivership Estate, in a format to be selected by
7 Receiver. Other than the Receiver's initial report, each subsequent report shall be filed on the 20th
8 judicial day for the prior month's activities. The Reports may contain the Application for
9 Compensation set forth above.

10 **IT IS HEREBY FURTHER ORDERED** that no person or entity shall file suit against the
11 Receiver or take other action against the Receiver without an order of this Court permitting the suit
12 or action; provided, however, that no prior Court order is required to file a motion in this action to
13 enforce the provisions of this Order or any other Order of this Court in this action. The Receivership
14 Estate and its employees, agents, attorneys and all professionals and management companies
15 retained by the Receiver shall have no liability for any obligations, or debts incurred by the
16 Company. Nothing contained in this Order shall be construed as obligating or permitting the
17 Receiver to advance its own funds to pay any costs of the Receivership Estate. Nothing in this
18 paragraph amounts to, operates as, or shall be construed as a waiver of any immunity or similar
19 defense of Receiver and its professionals provided by applicable law.

20 **IT IS HEREBY FURTHER ORDERED** that the discharge of the Receiver shall require a
21 Court order upon noticed motion for approval of the Receiver's final report and account and
22 exoneration of the Receiver's bond, if any. Upon filing the Motion for Approval of Receiver's Final
23 Report and Accounting (the "Receiver's Motion"), the Court will set for hearing on shortened for
24 the Court's first date of availability no less than five (5) and no more than ten (10) judicial days after
25 the filing of the Receiver's Motion.

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27 Order by hand delivery or by U.S. mail, postage prepaid, to any person in possession of the
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1 Receivership Estate or otherwise affected by such Order, as and when the Receiver becomes aware
2 of the existence and identity of such persons.

3 **IT IS FURTHER ORDERED** that for the duration of the receivership, the Companies and
4 their officers, directors, employees, contractors, agents, and all other persons acting in concert with
5 them, and their respective agents and affiliates, including Jay Bloom, are restrained and enjoined
6 from engaging in, or performing, directly or indirectly, any of the following:

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8 performance of the Receiver's duties as set forth in this Order.

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13 Companies.

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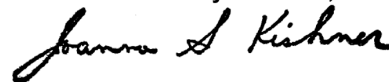
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21 account for the Receivership Estate, unless otherwise ordered.

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23 (h) Committing or permitting any waste on the Receivership Estate or any act on the
24 Receivership Estate in violation of law.

25 **IT IS SO ORDERED.**

Dated this 20th day of March, 2022



26 DISTRICT COURT JUDGE
27 Joanna S. Kishner
28 District Court Judge

1 Respectfully Submitted by:

2 CARLYON CICA, CHTD.

3 /s/ Tracy M. O'Steen, Esq.

4
5 Candace Carlyon, Esq.
6 Nevada Bar No. 2666
7 Tracy M. O'Steen, Esq.
8 Nevada Bar No. 10949
9 265 E. Warm Springs Road, Suite 107
10 Las Vegas, NV 89119
11 *Counsel for Larry L. Bertsch, Receiver*
12 Approved by:

13 Approved by:
14 MUSHKIN & COPPEDGE

15 /s/ Michael R. Mushkin, Esq.

16
17 MICHAEL R. MUSHKIN, ESQ.
18 Nevada Bar No. 2421
19 L. JOE COPPEDGE, ESQ.
20 Nevada Bar No. 4954
21 6070 South Eastern Avenue, Suite 270
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23 *Attorneys for Defendants CBC Partners I,*
24 *LLC, CBC Partners, LLC, 5148 Spanish*
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Approved by:

MAIER GUTIERREZ & ASSOCIATES

/s/

JOSEPH A. GUTIERREZ, ESQ.
Nevada Bar No. 9046
DANIELLE J. BARRAZA, ESQ.
Nevada Bar No. 13822
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
Attorneys for Plaintiffs

From: [Michael Mushkin](#)
To: [Tracy O'Steen](#)
Cc: [djb@mgalaw.com](#); [Joseph Gutierrez](#); [Karen Foley](#); [Candace Carlyon](#); [Larry Bertsch](#); [Richard Kleikamp](#)
Subject: Re: SJCV Receivership - Amended Order Appointing Receiver
Date: Tuesday, March 15, 2022 9:51:44 AM
Attachments: [Amended Order Appointing Receiver 03142022.docx](#)

I approve of the order. Please affix my electronic signature.

MRM

Sent from my iPhone

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Best,

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1 **CSERV**

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3 DISTRICT COURT
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6 Spanish Heights Acquisition
7 Company LLC, Plaintiff(s)

CASE NO: A-20-813439-B

8 vs.

DEPT. NO. Department 31

9 CBC Partners I LLC,
10 Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 3/20/2022

16 MGA Docketing	docket@mgalaw.com
17 Karen Foley	kfoley@mccnvlaw.com
18 Michael Mushkin	michael@mccnvlaw.com
19 Candace Carlyon	ccarlyon@carlyoncica.com
20 Tracy O'Steen	tosteen@carlyoncica.com
21 Nancy Rodriguez	nrodriguez@carlyoncica.com
22 Cristina Robertson	crobertson@carlyoncica.com
23 Cristiana Lopez	clopez@mccnvlaw.com

24
25
26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

April 28, 2020

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

**April 28, 2020 9:00 AM Hearing TRO extended
without modification**

HEARD BY: Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Dulce Romea**RECORDER:** Jill Hawkins**REPORTER:****PARTIES**

PRESENT: Gutierrez, Joseph A. Attorney
Mushkin, Michael R. Attorney

JOURNAL ENTRIES

- All parties appeared telephonically. Following arguments by counsel, COURT ORDERED, because of the Governor's Directive 008, the Court is EXTENDING the Temporary Restraining Order previously issued by Judge Crockett WITHOUT MODIFICATION.

Per counsel's request, hearing set for June 8, 2020 is ADVANCED to May 14, 2020. Mr. Mushkin confirmed he intends to call witnesses for the preliminary injunction hearing and will be calling them by video under today's circumstances. COURT NOTED a few days' notice is required to set up videoconferencing. Counsel will be REQUIRED to be present in the courtroom but they must observe social distancing, and the witnesses should have the exhibits prior to their appearance. Upon counsel's inquiry, Court stated Mr. Bloom can testify in the courtroom if he observes social distancing and wears a face covering. COURT FURTHER DIRECTED counsel to email the information regarding their witnesses to the Judicial Executive Assistant, Mr. Dan Kutinac, by May 11, 2020 at noon.

Following further argument by Mr. Mushkin regarding the Governor's Directive and adjusting the bond, COURT ORDERED, given the Governor's Directive 008 the Court will NOT ADJUST the bond.

5-14-20 9:30 AM PLAINTIFFS' APPLICATION FOR TEMPORARY RESTRAINING
ORDER AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

May 13, 2020

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

May 13, 2020

12:53 AM

Minute Order

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- The Court notes trial subpoenas have been filed. The Court did not authorize the issuance of trial subpoenas nor order any witness to appear.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 5-13-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

May 14, 2020

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

May 14, 2020

9:30 AM

Motion

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Barraza, Danielle J.	Attorney
	Bloom, Jay	Counter Defendant
	Gutierrez, Joseph A.	Attorney
	Mushkin, Michael R.	Attorney

JOURNAL ENTRIES

- COURT NOTED a motion for protective order and a motion regarding a subpoena were filed yesterday. Opening statements by Mr. Gutierrez and Mr. Mushkin. Exclusionary rule INVOKED by Mr. Gutierrez. Mr. Mushkin noted that they previously said they would do both declarations and witnesses; he has provided the declarations to counsel; the only one that is substantive is perhaps Mr. Hodgman's, the next door neighbor, because it addresses the fireworks issue. COURT ORDERED, exclusionary rule IMPOSED; however, that does not mean a witness cannot participate as an observer.

Pursuant to the parties' stipulation, COURT ORDERED, Proposed Joint Exhibits A through W ADMITTED. (See worksheet.) Parties agreed that the remainder of the exhibits is stipulated as to authenticity and counsel will only argue relevance.

Testimony and exhibits presented. (See worksheets.) LUNCH RECESS.

Testimony and exhibits continued. (See worksheets.) Following arguments by counsel regarding Mr.

Mushkin's motion for directed verdict on the basis that the Plaintiffs have not established irreparable harm, COURT stated findings, and ORDERED, motion DENIED.

Testimony and exhibits continued. At the hour of 4:02 pm, both sides RESTED.

Closing arguments. COURT ORDERED, the April 3, 2020 notice to vacate is violative of Governor's Directive 008, because there is not an establishment of a serious endangerment of the public or other residents, or serious criminal activity, or significant damage to the property, which is required under section 1 for the Court to ignore the Governor's Directive 008, section 1. For that reason, the injunction is GRANTED in a LIMITED way to prevent any further action related to the notice to vacate until after the expiration of the Governor's Directive 008.

With regards to a bond, COURT noted, per Mr. Gutierrez, that the Plaintiff is going to continue to pay the first and second taxes, insurance, and HOA dues during the interim. Mr. Gutierrez concurred. Argument by Mr. Mushkin in support of payments for the third. COURT ORDERED, as part of the order granting the preliminary injunction through the expiration of Governor's Directive 008, the Plaintiff is REQUIRED to continue to pay the first, second insurance, taxes, and HOA fees; the Court will NOT REQUIRE payment of the third; that is something that will be an issue that may be discussed in the near future, given the new party that has appeared, whether through intervention or the filing of a counterclaim. Following further argument by Mr. Mushkin, noting no defense to the bond, and Court's clarification of its ruling, COURT NOTED its order is strictly based on Directive 008, that the Court did not say it found there was a foreclosure proceeding but found there was a notice to vacate; the Court cannot increase the bond from \$1,000 as requested by the Defendant, not with Directive 008 in place.

Counsel for Plaintiffs to prepare today's order and run it by the Defense prior to submission.

COURT ORDERED, given the appearance of the new party as a counterclaimant, the Court will NOT SET a Rule 16 Conference today; however, matter will be SET for status check in 3 weeks on the chambers calendar on scheduling the Rule 16 conference; the requirements under NRCP 16(b)(2) are SUSPENDED pursuant to Administrative Order 20-01. Mr. Gutierrez noted the Plaintiff will likely be filing an amended complaint.

COURT ORDERED, the motions scheduled for June 19, 2020 ("Motion for Protective Order", " Motion to Quash Subpoena and for Protective Order") are VACATED as MOOT, NOTING that a minute order was issued yesterday that Mr. Mushkin believes addresses both issues, although he may renew the motion for protective order at a later date if it becomes a discovery issue.

6-5-20 CHAMBERS STATUS CHECK: SCHEDULING RULE 16 CONFERENCE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

June 05, 2020

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

June 05, 2020 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, matter SET for Rule 16 conference.

6-29-20 9:00 AM DEFENDANT'S MOTION TO DISMISS FIRST AMENDED
COMPLAINT AS TO DACIA, LLC...MANDATORY RULE 16 CONFERENCE

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 6-8-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

June 22, 2020

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

**June 22, 2020 9:00 AM Motion for Order to Show
Cause**

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Barraza, Danielle J. Attorney
 Bloom, Jay Counter Defendant
 Mushkin, Michael R. Attorney

JOURNAL ENTRIES

- Ms. Barraza and Mr. Bloom present in the courtroom. Mr. Mushkin appeared by telephone.

Following arguments by counsel, COURT ORDERED, because cause has been shown at the time the order to show cause was issued that payments had not been timely made in accordance with the security requirements of the TRO, the Court will SET an evidentiary hearing; as part of that, a process may be reached where payments are going to be timely made in accordance with the order as they come due; the Court is NOT MAKING A FINDING related to the taxes, because the taxes were not ordered under the contract; they were ordered paid as due which is with the County Assessor's Office. COURT ORDERED, matter SET for evidentiary hearing on June 29, 2020 at 9:30 am.

6-29-20 9:00 AM MANDATORY RULE 16 CONFERENCE...DEFENDANT'S MOTION TO
DISMISS FIRST AMENDED COMPLAINT AS TO DACIA, LLC

6-29-20 9:30 AM EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

June 29, 2020

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

June 29, 2020 9:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Barraza, Danielle J. Attorney
Gutierrez, Joseph A. Attorney
Mushkin, Michael R. Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO DISMISS FIRST AMENDED COMPLAINT AS TO DACIA, LLC...MANDATORY RULE 16 CONFERENCE (9:00 AM SESSION)...EVIDENTIARY HEARING (9:30 AM SESSION)

APPEARANCES CONTINUED: Alan Hallberg, Defendant's Client Representative, listened to the evidentiary hearing by telephone.

Everyone else appeared in person.

DEFENDANT'S MOTION TO DISMISS FIRST AMENDED COMPLAINT AS TO DACIA, LLC: Following arguments by counsel, COURT ORDERED, with respect to the first claim of relief in the motion to dismiss is DENIED. The declaratory relief claim as to the pursuit of the eviction and/or change in occupancy is a claim that can be claimed against Dacia. With respect to claims for relief 10, 11, and 12 are GRANTED to the extent that claims against the current owner for events that occurred prior to purchase cannot be pursued under NRS 116; however, to the extent that there are events that occurred during the ownership of Dacia, it is DENIED.

EVIDENTIARY HEARING: Opening statements. Jay Bloom, SWORN and TESTIFIED. Exhibits presented. (See worksheet.) Closing arguments. COURT ORDERED, CAUSE HAS BEEN SHOWN; here, whether the FedEx dropbox used by the Plaintiffs for sending the two May 11 checks in fact occurred or occurred in a different manner is one where the Court still has significant questions, but it is undisputed that the checks that were written on May 11 were not timely sent and were late; it was surprising to the Court that they were not negotiated until after the order to show cause was filed. For that reason, the COURT ORDERS that a NEW PROCEDURE be followed related to the checks: the checks will be sent by next-day delivery by the United States Postal Service with electronic tracking information included along with the contents of the envelope provided to the Defendants at the time future payments to the 1st and 2nd are made. The HOA payments were \$830 per month were timely made for May and June on June 4th, so the Court is not making any additional ruling, but the Court would encourage counsel to send an email reminding Mr. Mushkin when those payments were made. The Court is not requiring the Plaintiffs to bring amounts current but only to pay amounts when they become due. With respect to the taxes, the Court understands what the contract says, but that is not what the Court ordered; As the Clark County Treasurer assesses taxes to be paid on a quarterly basis, they are TO BE PAID; they may either be paid by credit card or by check; if paid by credit card, an email must be sent to Mr. Mushkin saying they were paid by credit card; if they were paid by check, it needs to be sent via next-day delivery of USPS with the contents of the envelope copied and the contents of the envelope provided to Mr. Mushkin. COURT FURTHER ORDERED, fees NOT AWARDED at this time; counsel to file an application as to how much in fees were incurred, so if there is an objection the Court can make a determination as to the amount. Upon Mr. Gutierrez's inquiry, COURT CLARIFIED that the Defendant is entitled to fees related to the late payment of the 1st and 2nd which will only be a portion of what he sought to do.

MANDATORY RULE 16 CONFERENCE: Court, addressing Mr. Mushkin, noted that objections to notices of default do not get calendared and counsel has not filed a motion. COURT ORDERED, initial disclosures pursuant to Rule 16.1 TO BE EXCHANGED in the next 10 days, and the answer to the counterclaim TO BE FILED in 1 week. Upon Court's inquiry, Mr. Mushkin confirmed they have answered the amended complaint. With regards to experts, Mr. Gutierrez advised they will have one on property valuation or real estate. Mr. Mushkin advised he will have a legal expert who will testify on merger and the one-action rule. Colloquy regarding discovery for a period of 90 days.

COURT ORDERED as follows:

Any further motions to amend pleadings or add parties TO BE FILED within 45 days;

Initial expert disclosures where a party bears the burden of proof DUE by October 9, 2020;

Rebuttal expert disclosures where a party does not bear the burden of proof DUE by November 13, 2020;

Discovery cut-off SET for December 18, 2020;

Dispositive motions and motions in limine TO BE FILED by January 22, 2021;

Matter SET for trial on the stack beginning on March 15, 2021. Jury DEMANDED. Trial Setting Order will ISSUE.

COURT FURTHER ORDERED, today is the parties joint case conference and the filing of the joint case conference report (JCCR) is WAIVED.

Parties to file any discovery motions sooner rather than later. Both sides declined the Court's offer of a settlement conference. Court directed the parties to notify the Department if they change their mind.

Both sides further advised that they do not need an ESI Protocol or Stipulated Protective Order and that they do not have any issues with the Rule on 10 depositions per side, not including custodians of records, the 7-hour limit per deposition, and no issues with the locations. Mr. Mushkin noted, however, that he may have an issue with the length of Mr. Bloom's deposition. Mr. Gutierrez objected to increasing the number of hours as the parties have already covered every contract in the preliminary injunction hearing. COURT ORDERED, the time for depositions will NOT BE INCREASED from 7 hours to 10 hours at this time; however, when it is time to take the deposition and counsel files a motion, counsel to PROVIDE more details than simply "the contracts were long" and "Mr. Bloom does not give short answers".

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

August 28, 2020

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

August 28, 2020 3:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- DEFENDANTS/ COUNTERCLAIMANTS' MOTION FOR ORDER DETERMINING JAY BLOOM TO BE A VEXATIOUS LITIGANT...
...5148 SPANISH HEIGHTS, LLC AND CBC PARTNERS I, LLC'S MOTION FOR DETERMINATION OF UNLAWFUL DETAINER...
...DEFENDANTS/ COUNTERCLAIMANTS' MOTION FOR SANCTIONS PURSUANT TO NRCP RULE 11...
...PLAINTIFFS' OPPOSITION TO DEFENDANTS CBC PARTNERS I, LLC AND 5148 SPANISH HEIGHTS, LLC'S ROGUE MOTION FOR SANCTIONS AND COUNTERMOTION FOR SANCTIONS

DEFENDANTS/ COUNTERCLAIMANTS' MOTION FOR ORDER DETERMINING JAY BLOOM TO BE A VEXATIOUS LITIGANT...
...DEFENDANTS/ COUNTERCLAIMANTS' MOTION FOR SANCTIONS PURSUANT TO NRCP RULE 11...
...PLAINTIFFS' OPPOSITION TO DEFENDANTS CBC PARTNERS I, LLC AND 5148 SPANISH HEIGHTS, LLC'S ROGUE MOTION FOR SANCTIONS AND COUNTERMOTION FOR SANCTIONS: The Court, having reviewed the MOTION FOR ORDER DETERMINING JAY BLOOM

TO BE A VEXATIOUS LITIGANT, MOTION FOR SANCTIONS PURSUANT TO NRCP RULE 11, COUNTERMOTION, and the related briefing and being fully informed, DENIES the motion and request for an evidentiary hearing. Mr. Bloom (regardless of what legal entity is actually involved) does not meet the requirements for being determined to be a vexatious litigant. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

5148 SPANISH HEIGHTS, LLC AND CBC PARTNERS I, LLC'S MOTION FOR DETERMINATION OF UNLAWFUL DETAINER: The Court, having reviewed 5148 SPANISH HEIGHTS, LLC AND CBC PARTNERS I, LLC'S MOTION FOR DETERMINATION OF UNLAWFUL DETAINER and the related briefing and being fully informed, DENIES the motion WITHOUT PREJUDICE. The Court notes that issues needing further briefing and/or discovery include the transfer of the Antos interest, the transfer of the note, the doctrine of merger and the one action rule. Counsel to agree upon a discovery schedule related to these issues and submit a stipulation to the Court. If no agreement is reached, the Court will set a schedule. Matter SET for status check on a discovery plan regarding the unlawful detainer in three weeks. The request for a bond pending this discovery may be renewed after the discovery plan on these limited factual issues is adopted. Counsel for Movant is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order or judgment.

8-31-20 9:00 AM DEFENDANT MOTION FOR APPOINTMENT OF RECEIVER...5148 SPANISH HEIGHTS, LLC AND CBC PARTNERS I LLC'S MOTION FOR PARTIAL SUMMARY JUDGMENT

9-18-20 CHAMBERS STATUS CHECK: DISCOVERY PLAN ON UNLAWFUL DETAINER

9-21-20 9:00 AM PLAINTIFFS' OBJECTION AND MOTION FOR PROTECTIVE ORDER REGARDING DEFENDANT/COUNTERCLAIMANTS 5148 SPANISH HEIGHTS, LLC AND CBC PARTNERS I, LLC'S NOTICE OF INTENT TO SERVE SUBPOENAS

12-21-20 9:00 AM STATUS CHECK

2-18-21 9:15 AM PRE TRIAL CONFERENCE

3-9-21 9:30 AM CALENDAR CALL

A-20-813439-B

3-15-21 1:30 PM JURY TRIAL

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 9-8-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

August 31, 2020

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

August 31, 2020 9:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Carolyn Jackson

RECORDER: Jill Hawkins

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- DEFENDANT MOTION FOR APPOINTMENT OF RECEIVER . . . 5148 SPANISH HEIGHTS, LLC
AND CBC PARTNERS I LLC, MOTION FOR PARTIAL SUMMARY JUDGMENT

Court noted at the request of the parties this matter would be rescheduled and ORDERED, matter
CONTINUED.

CONTINUED TO: 09/14/20 9:00 AM

opposition and countermotion thereto ADVANCED to September 18, 2020 in chambers.

9-18-20 CHAMBERS STATUS CHECK: DISCOVERY PLAN ON UNLAWFUL
DETAINER...
...PLAINTIFFS' OBJECTION AND MOTION FOR PROTECTIVE ORDER REGARDING
DEFENDANT/COUNTERCLAIMANTS 5148 SPANISH HEIGHTS, LLC AND CBC PARTNERS I,
LLC'S NOTICE OF INTENT TO SERVE SUBPOENAS...
...OPPOSITION AND COUNTERMOTION FOR PROTECTIVE ORDER

10-5-20 9:00 AM DEFENDANTS' MOTION FOR APPOINTMENT OF
RECEIVER...5148 SPANISH HEIGHTS, LLC AND CBC PARTNERS I LLC, MOTION FOR PARTIAL
SUMMARY JUDGMENT

12-21-20 9:00 AM STATUS CHECK

2-18-21 9:15 AM PRE TRIAL CONFERENCE

3-9-21 9:30 AM CALENDAR CALL

3-15-21 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

September 18, 2020

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

September 18, 2020 3:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- PLAINTIFFS' OBJECTION AND MOTION FOR PROTECTIVE ORDER REGARDING
DEFENDANT/COUNTERCLAIMANTS 5148 SPANISH HEIGHTS, LLC AND CBC PARTNERS I,
LLC'S NOTICE OF INTENT TO SERVE SUBPOENAS...
...OPPOSITION AND COUNTERMOTION FOR PROTECTIVE ORDER...
...STATUS CHECK: DISCOVERY PLAN ON UNLAWFUL DETAINER

PLAINTIFFS' OBJECTION AND MOTION FOR PROTECTIVE ORDER REGARDING
DEFENDANT/COUNTERCLAIMANTS 5148 SPANISH HEIGHTS, LLC AND CBC PARTNERS I,
LLC'S NOTICE OF INTENT TO SERVE SUBPOENAS...OPPOSITION AND COUNTERMOTION
FOR PROTECTIVE ORDER: The Court, having reviewed the motions for protective order,
countermotion, and the related briefing and being fully informed, DENIES both motions. With
respect to the motion, the subpoena to Bank of America seeks relevant information related to the cash
flow at issue in the payments made on the obligations. With respect to the countermotion, the
discovery request related to ownership and membership interest are also relevant to the transfer of
those obligations and ownership interest in the note; the request for in camera review is DENIED.
Respective moving counsel is directed to submit a proposed order approved by opposing counsel
consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in
this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in

briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

STATUS CHECK: DISCOVERY PLAN ON UNLAWFUL DETAINER: COURT NOTES plan submitted. Status check OFF CALENDAR.

10-5-20 9:00 AM DEFENDANT'S MOTION FOR APPOINTMENT OF
RECEIVER...5148 SPANISH HEIGHTS, LLC AND CBC PARTNERS I LLC, MOTION FOR PARTIAL
SUMMARY JUDGMENT

12-21-20 9:00 AM STATUS CHECK

2-18-21 9:15 AM PRE TRIAL CONFERENCE

3-9-21 9:30 AM CALENDAR CALL

3-15-21 1:30 PM JURY TRIAL

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 9-23-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

October 19, 2020

A-20-813439-B	Spanish Heights Acquisition Company LLC, Plaintiff(s) vs. CBC Partners I LLC, Defendant(s)
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October 19, 2020 9:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Gutierrez, Joseph A.	Attorney
	Mushkin, Michael R.	Attorney

JOURNAL ENTRIES

- DEFENDANT MOTION FOR APPOINTMENT OF RECEIVER...5148 SPANISH HEIGHTS, LLC
AND CBC PARTNERS I LLC, MOTION FOR PARTIAL SUMMARY JUDGMENT

Parties appeared by telephone.

Following arguments by counsel, COURT ORDERED, given the testimony of the Antoses, there appear to be genuine issues of material fact related to the parties and the execution of documents relied on by the Motion for Partial Summary Judgment; for that reason, the Court DENIES the motion for partial summary judgment and the motion for appointment of Receiver, because if there are issues with documents, there are issues with the appointment of a Receiver.

11-9-20 9:00 AM PLAINTIFFS' RENEWED APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND MOTION FOR PRELIMINARY INJUNCTION

12-21-20 9:00 AM STATUS CHECK

2-18-21 9:15 AM PRE TRIAL CONFERENCE

3-9-21	9:30 AM	CALENDAR CALL
3-15-21	1:30 PM	JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

November 09, 2020

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

**November 09, 2020 9:00 AM Motion for Preliminary
Injunction**

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Barraza, Danielle J. Attorney
 Mushkin, Michael R. Attorney

JOURNAL ENTRIES

- Parties appeared by telephone.

Following arguments by counsel, COURT ORDERED, motion DENIED as there is not an emergent issue that requires the Court's injunctive relief; there is not a notice of sale, and without a notice of sale there is no emergency that requires the Court's intervention. Court stated it will sign an OST if there is a notice of sale.

12-21-20 9:00 AM STATUS CHECK
2-18-21 9:15 AM PRE TRIAL CONFERENCE
3-9-21 9:30 AM CALENDAR CALL
3-15-21 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

December 08, 2020

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

December 08, 2020 12:29 AM Minute Order

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- At request of the Court, Defendants/Counterclaimants' Motion to Quash Subpoena to First Savings Bank and for Protective Order is CONTINUED from January 4 to January 11, 2021 at 9:00 am.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-9-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

December 14, 2020

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

December 14, 2020 4:03 PM Minute Order

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- At request of the Court, parties to FILE a status report prior to the status check on Monday, December 21, 2020.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-14-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

December 18, 2020

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

December 18, 2020 3:00 AM **Motion for Protective
Order**

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- The Court, having reviewed the motion for protective order and the related briefing and being fully informed, GRANTS the motion IN LIMITED PART. As not all file materials would be protected from production under the subpoena and attorney work product protection appears limited for activities conducted pre-litigation, non-protected material is to be provided in response to the subpoena after service. Any documents for which claim of protection or privilege is made will be alphanumerically identified and placed on a privilege log. For each document or written communication, the party withholding a document on the basis of attorney client privilege or the work product doctrine, shall specifically identify the author (and their capacity) of the document; the date on which the document was created; a brief summary of the subject matter of the document; if the document is a communication -- the recipient, sender and all others (and their respective capacities) provided with a copy of the document; other individuals with access to the document (and their respective capacities); the type of document; the purpose for creation of the document; and a detailed, specific explanation as to why the document is privileged or otherwise immune from discovery. Request for sanctions DENIED. Counsel for movant is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and argument. This Decision sets forth the Court's intended disposition on the subject but

anticipates further order of the Court to make such disposition effective as an order.

12-21-20 9:00 AM STATUS CHECK

12-24-20 9:00 AM PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE AS TO WHY DEFENDANT DACIA, LLC SHOULD NOT BE HELD IN CONTEMPT FOR FAILING TO ABIDE BY THIS COURT'S 10/10/2020 ORDER DENYING MOTION FOR PROTECTIVE ORDERS...OPPOSITION TO MOTION FOR ORDER TO SHOW CAUSE AND COUNTERMOTION FOR PROTECTIVE ORDER

1-11-21 9:00 AM PLAINTIFFS' RENEWED APPLICATION FOR TEMPORARY RESTRAINING ORDER AND MOTION FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME...RENEWED MOTION TO DISMISS FIRST AMENDED COMPLAINT AS TO DACIA, LLC OR IN THE ALTERNATIVE MOTION FOR SUMMARY JUDGMENT...DEFENDANTS/COUNTERCLAIMANTS MOTION TO QUASH SUBPOENA TO FIRST SAVINGS BANK AND FOR PROTECTIVE ORDER

2-18-21 9:15 AM PRE TRIAL CONFERENCE

3-9-21 9:30 AM CALENDAR CALL

3-15-21 1:30 PM JURY TRIAL

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-21-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

December 21, 2020

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

December 21, 2020 9:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Court reviewed status report filed December 18, 2020. As the December 24, 2020 hearing will be on the pleadings only, any additional requests for relief by Plaintiff must be made by Order Shortening Time.

12-24-20 9:00 AM PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE AS TO WHY DEFENDANT DACIA, LLC SHOULD NOT BE HELD IN CONTEMPT FOR FAILING TO ABIDE BY THIS COURT S 10/10/2020 ORDER DENYING MOTION FOR PROTECTIVE ORDERS...OPPOSITION TO MOTION FOR ORDER TO SHOW CAUSE AND COUNTERMOTION FOR PROTECTIVE ORDER

1-11-21 9:00 AM PLAINTIFFS' RENEWED APPLICATION FOR TEMPORARY RESTRAINING ORDER AND MOTION FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME...
...RENEWED MOTION TO DISMISS FIRST AMENDED COMPLAINT AS TO DACIA, LLC OR IN THE ALTERNATIVE MOTION FOR SUMMARY JUDGMENT...
...DEFENDANTS/COUNTERCLAIMANTS MOTION TO QUASH SUBPOENA TO FIRST SAVINGS BANK AND FOR PROTECTIVE ORDER

2-18-21	9:15 AM	PRE TRIAL CONFERENCE
3-9-21	9:30 AM	CALENDAR CALL
3-15-21	1:30 PM	JURY TRIAL

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-21-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

December 24, 2020

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

December 24, 2020 9:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE AS TO WHY DEFENDANT DACIA, LLC SHOULD NOT BE HELD IN CONTEMPT FOR FAILING TO ABIDE BY THIS COURT S 10/10/2020 ORDER DENYING MOTION FOR PROTECTIVE ORDERS...OPPOSITION TO MOTION FOR ORDER TO SHOW CAUSE AND COUNTERMOTION FOR PROTECTIVE ORDER

The Court having reviewed the request for Order to Show Cause and the related briefing and being fully informed determines CAUSE has been SHOWN and DENIES the countermotion. The issue related to the beneficial owners of Dacia has already been addressed by the Court. Regardless of counsel's belief as to the relevance, the failure to respond appears to be a violation of the Court's prior order. Matter CONTINUED to January 4, 2021 for scheduling of contempt trial. Defendant may resolve the issue by properly responding to the discovery. Attorney's fees are warranted; movant to submit an affidavit in support of fees; an objection any be filed within 5 judicial days after service. Counsel for movant is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court s intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

COURT ORDERED, matter SET for status check on January 15, 2021 in chambers on attorney's fees.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-24-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

January 04, 2021

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

January 04, 2021 10:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Barraza, Danielle J. Attorney
 Mushkin, Michael R. Attorney

JOURNAL ENTRIES

- Parties appeared by telephone.

Following arguments by counsel, COURT ORDERED as follows:

PLAINTIFFS' RENEWED APPLICATION FOR TEMPORARY RESTRAINING ORDER AND MOTION FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME: Motion GRANTED on a limited basis that the July notice did not properly identify the current holder of the interest. Trial on the merits ADVANCED to the date of the date of Preliminary Injunction Hearing so all the factual issues raised can be put to bed. BOND LEFT at amounts currently paid by Mr. Bloom's company. Proposed findings of fact and conclusions of law due January 29, 2021 at noon. Parties estimated 3 to 4 days.

Mr. Mushkin advised discovery is closed and they have responded to everything except as to the issue of Dacia. Ms. Barraza advised they are expecting responses from subpoenas and will supplement disclosures.

PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE AS TO WHY DEFENDANT DACIA,

LLC SHOULD NOT BE HELD IN CONTEMPT FOR FAILING TO ABIDE BY THIS COURT S 10/10/2020 ORDER DENYING MOTION FOR PROTECTIVE ORDERS: Motion GRANTED IN PART; information will be provided on an attorney's eyes only basis and can only be reviewed by Ms. Barraza and Mr. Mushkin -- no consultants, no staff members, no Mr. Bloom -- within 5 days of execution of a limited attorney's eyes only provision.

Mr. Mushkin advised that regarding the sale he will issue a new notice today.

Court suggested parties enter into a stipulation on those issue covered in the pleadings that will be tried on February 1st; if unable to, the Court will need competing versions within one week, or January 8th.

STATUS CHECK: SCHEDULING OF CONTEMPT TRIAL: COURT ORDERED, preliminary injunction hearing and trial SET for Monday, February 1st at 1 pm.

1-11-21 9:00 AM RENEWED MOTION TO DISMISS FIRST AMENDED COMPLAINT AS TO DACIA, LLC OR IN THE ALTERNATIVE MOTION FOR SUMMARY JUDGMENT...DEFENDANTS/COUNTERCLAIMANTS MOTION TO QUASH SUBPOENA TO FIRST SAVINGS BANK AND FOR PROTECTIVE ORDER

1-15-21 CHAMBERS STATUS CHECK: ATTORNEY'S FEES

2-1-21 1:00 PM PRELIMINARY INJUNCTION HEARING AND TRIAL

2-18-21 9:15 AM PRE TRIAL CONFERENCE

3-9-21 9:30 AM CALENDAR CALL

3-15-21 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

January 11, 2021

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

January 11, 2021 9:00 AM Motion to Quash

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Pursuant to Administrative Order 20-01, the Court decides this matter without the necessity of oral argument.

The Court, having reviewed the motion to quash/protective order and the related briefing and being fully informed, GRANTS the motion. The nature of the account records sought is one which contains information relating to multiple clients and by the nature of such transactions is confidential. Plaintiff has not made a showing that other sources of information do not exist from which they could obtain this information. Counsel for Defendant is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 1-21-21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

January 11, 2021

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

January 11, 2021 9:00 AM Motion to Dismiss

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Pursuant to Administrative Order 21-01 the Court decides this matter without the necessity of oral argument.

The Court, having reviewed the motion to dismiss and the related briefing and being fully informed, DENIES the motion. The Court declines to address the motion as a Motion for Summary Judgment. The Motion to Dismiss is DENIED as the claims are adequately plead. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 2-1-21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

January 11, 2021

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

January 11, 2021 9:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- See separate minute orders entered for the motion to dismiss and motion to quash both on January 11, 2021.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

January 15, 2021

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

January 15, 2021 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED for 2 weeks.

...1-29-21 - CHAMBERS

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 1-21-21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

January 29, 2021

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

January 29, 2021 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, status check CONTINUED to Friday, February 19, 2021 in chambers.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 2-16-21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

February 01, 2021

A-20-813439-B	Spanish Heights Acquisition Company LLC, Plaintiff(s) vs. CBC Partners I LLC, Defendant(s)
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February 01, 2021 1:00 PM Hearing

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Barraza, Danielle J.	Attorney
	Bloom, Jay	Counter Defendant
	Coppedge, Linvel J	Attorney
	Gutierrez, Joseph A.	Attorney
	Mushkin, Michael R.	Attorney

JOURNAL ENTRIES

- DAY 1

COURT NOTED that the parties have STIPULATED to a trial on the following legal issues surrounding the claims and counterclaims:

- 1) Contractual interpretation and/or validity of the underlying Secured Promissory Note between CBC Partners I, LLC and KCI Investments, LLC and all modifications thereto;
- 2) Interpretation and/or validity of the claimed third-position Deed of Trust and all modifications thereto, and determination as to whether any consideration was provided in exchange for the Deed of Trust;
- 3) Contractual interpretation and/or validity of the Forbearance Agreement, Amended Forbearance Agreement and all associated documents/contracts;
- 4) Whether the Doctrine of Merger applies to the claims at issue; and
- 5) Whether the One Action Rule applies to the claims at issue.

There being no objection, COURT ORDERED, Proposed Joint Exhibits 1 through 129, except 114, are ADMITTED; 132 through 145 are also ADMITTED.

Opening statements by Mr. Gutierrez and Mr. Mushkin.

Testimony and exhibits presented. (See worksheet.)

COURT ORDERED, hearing / trial CONTINUED.

2-2-21 10:00 AM PRELIMINARY INJUNCTION HEARING AND TRIAL

2-8-2 9:00 AM KENNETH ANTOS' AND SHEILA NEUMANN-ANTOS' MOTION FOR SUMMARY JUDGMENT

2-18-21 9:15 AM PRE TRIAL CONFERENCE

3-9-21 9:30 AM CALENDAR CALL

3-15-21 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

February 02, 2021

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

February 02, 2021 10:00 AM Hearing

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Bloom, Jay Counter Defendant
Gutierrez, Joseph A. Attorney
Mushkin, Michael R. Attorney

JOURNAL ENTRIES

- DAY 2

Testimony and exhibits presented. (See worksheet.) Following arguments by Mr. Mushkin and Mr. Gutierrez regarding Mr. Mushkin's motion under 50(a), COURT ORDERED, while there is significant evidence to support the argument of Mr. Mushkin, it would force the Court to weigh the credibility and evidence at this time; the Court cannot do it under 50(a); the Court is DENYING the motion for counsel to finish the case first. LUNCH RECESS.

Testimony and exhibits continued.

COURT ORDERED, hearing / trial CONTINUED.

2-3-21 9:30 AM PRELIMINARY INJUNCTION HEARING AND TRIAL

2-8-2 9:00 AM KENNETH ANTOS' AND SHEILA NEUMANN-ANTOS' MOTION FOR

SUMMARY JUDGMENT

2-18-21 9:15 AM PRE TRIAL CONFERENCE

3-9-21 9:30 AM CALENDAR CALL

3-15-21 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

February 03, 2021

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
 vs.
 CBC Partners I LLC, Defendant(s)

February 03, 2021 9:30 AM Hearing

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Bloom, Jay	Counter Defendant
	Gutierrez, Joseph A.	Attorney
	Mushkin, Michael R.	Attorney

JOURNAL ENTRIES

- DAY 3

Mr. Gutierrez advised SHAC LLC filed for bankruptcy today under case no. 21-10501, and the attorney is James Greene from Greene Infuso. Upon review, COURT NOTED that with respect to Spanish Heights Acquisition Company the bankruptcy stay will apply. Mr. Gutierrez requested to stay today's proceeding because SJC is intertwined with SHAC. Mr. Mushkin noted that the Court is correct and the matter is stayed only as to SHAC; the stay of foreclosure he agrees relates to SHAC; there are legal issues related to SJC and the Court can make findings without affecting the bankruptcy. COURT ORDERED, because SHAC is a party to the forbearance agreement but apparently not a signatory as previously discussed it would appear it is appropriate to STAY the action at this time; the Court is STAYING the action because the limited stipulated issues that the Court is being asked to decide ask the Court to decide documents to which the entity who had filed bankruptcy is a party as well as the other parties; while the Court does not believe the entire case is stayed, and there may be other issues everyone can proceed on, the limited issues on the one action rule, the merger, the validity of the promissory notes which preexists SHAC's involvement in the

deed of trust which preexists SHAC's involvement and the 2017 forbearance agreement and amendments the Court believes, reluctantly, it is appropriate to stay the matter at this time; however, the Court does believe the bankruptcy sometimes trumps it. The matter is STAYED for 30 days while the parties try to figure out what claims are appropriate to remain and proceed. Mr. Mushkin advised he will immediately seek relief from bankruptcy court and get back with the Court; with Mr. Bloom he estimates 2 hours or a day's worth left of questioning. COURT NOTED the matter is STAYED ONLY for 30 days; new hearing date SET for March 15, 2021 at 9:00 am.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89**COURT MINUTES****February 17, 2021**

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

February 17, 2021 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT notes that per Mr. Mushkin, the matter is stayed, and once the stay is lifted he will file his reply and counter motion for fees awarded at the contempt hearing. COURT ORDERED, the status check on attorney's fees that was continued to February 19 is now CONTINUED to March 15, 2021.

2-18-21 9:15 AM PRE TRIAL CONFERENCE

3-9-21 9:30 AM CALENDAR CALL

3-15-21 9:00 AM KENNETH ANTO'S AND SHEILA NEUMANN-ANTOS MOTION FOR SUMMARY JUDGMENT

3-15-21 10:00 AM PRELIMINARY INJUNCTION HEARING AND TRIAL...STATUS CHECK: ATTORNEY'S FEES

3-15-21 1:30 PM JURY TRIAL

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 2-17-21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

February 18, 2021

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

February 18, 2021 9:15 AM Pre Trial Conference

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Gutierrez, Joseph A. Attorney
Mushkin, Michael R. Attorney

JOURNAL ENTRIES

- Parties appeared by telephone.

Court inquired as to what Bankruptcy Court has told the parties. Mr. Mushkin advised that the matter is in front of the Bankruptcy Court judge on March 8 and requested that they be bumped here. Court stated it will not bump the trial date but will talk to the parties about scheduling.

3-9-21 9:30 AM CALENDAR CALL

3-15-21 9:00 AM KENNETH ANTOS' AND SHEILA NEUMANN-ANTOS' MOTION FOR SUMMARY JUDGMENT

3-15-21 10:00 AM PRELIMINARY INJUNCTION HEARING AND TRIAL..STATUS
CHECK: ATTORNEY'S FEES

3-15-21 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

March 09, 2021

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

March 09, 2021 3:00 AM Minute Order

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, March 15, 2021 Jury Trial setting VACATED and status check SET on March 26, 2021 in chambers regarding resetting that trial.

3-15-21 9:00 AM KENNETH ANTO'S AND SHEILA NEUMANN-ANTOS MOTION FOR SUMMARY JUDGMENT

3-15-21 10:30 AM PRELIMINARY INJUNCTION HEARING AND TRIAL...STATUS CHECK: ATTORNEY'S FEES

3-26-21 CHAMBERS STATUS CHECK: RESET JURY TRIAL

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 3-9-21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

March 09, 2021

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

March 09, 2021 9:30 AM Calendar Call

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Barraza, Danielle J. Attorney
 Mushkin, Michael R. Attorney

JOURNAL ENTRIES

- Parties appeared by telephone.

Mr. Mushkin advised the matter is being heard at 9:30 am in bankruptcy court and they should have a ruling this morning; his expectation is that they can go forward on the 15th at the very least on the issues not related to bankruptcy. COURT ORDERED, the STAY on SJC Ventures Holdings Company LLC and Mr. Bloom is LIFTED. The Court will wait on Spanish Heights Acquisition Company LLC and complete the bench trial that it is in progress, beginning on March 15, 2021 at 10:30 am.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

March 15, 2021

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

March 15, 2021 3:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

PARTIES

PRESENT: Bloom, Jay Counter Defendant
Gutierrez, Joseph A. Attorney
Mushkin, Michael R. Attorney

JOURNAL ENTRIES

- DAY 4 OF PRELIMINARY INJUNCTION HEARING AND TRIAL:

Testimony and exhibits presented. (See worksheet.) At the hour of 2:07 pm, BOTH SIDES RESTED.
RECESS.

Closing arguments. COURT ORDERED, matter will STAND SUBMITTED. Status Check on Decision SET for March 19, 2021 in chambers. Parties to notify the Judicial Executive Assistant if they get something from Bankruptcy Court.

STATUS CHECK: ATTORNEY'S FEES: COURT ORDERED, matter CONTINUED also to March 19 in chambers.

3-19-21 CHAMBERS STATUS CHECK: COURT'S DECISION ON PRELIMINARY
INJUNCTION HEARING & BENCH TRIAL...STATUS CHECK: ATTORNEY'S FEES

3-26-21 CHAMBERS STATUS CHECK: RESET JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

March 15, 2021

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

**March 15, 2021 9:00 AM Motion for Summary
Judgment**

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED to the chambers calendar for Friday, March 19, 2021.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 3-15-21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

March 18, 2021

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

March 18, 2021 3:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- STATUS CHECK: ATTORNEY'S FEES...KENNETH ANTO'S AND SHEILA NEUMANN-ANTOS
MOTION FOR SUMMARY JUDGMENT...STATUS CHECK: COURT'S DECISION ON
PRELIMINARY INJUNCTION HEARING & BENCH TRIAL

COURT ORDERED, matters CONTINUED for one week,

3-26-21 CHAMBERS STATUS CHECK: ATTORNEY'S FEES...KENNETH ANTO'S
AND SHEILA NEUMANN-ANTOS MOTION FOR SUMMARY JUDGMENT...STATUS CHECK:
COURT'S DECISION ON PRELIMINARY INJUNCTION HEARING & BENCH TRIAL...STATUS
CHECK: RESET JURY TRIAL

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 3-18-
21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

March 25, 2021

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

March 25, 2021 3:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- STATUS CHECK: RESET JURY TRIAL...
...STATUS CHECK: COURT'S DECISION ON PRELIMINARY INJUNCTION HEARING & BENCH TRIAL...
...STATUS CHECK: ATTORNEY'S FEES...
...KENNETH ANTO'S AND SHEILA NEUMANN-ANTOS MOTION FOR SUMMARY JUDGMENT:

COURT ORDERED, matters CONTINUED for one week.

...4-2-21 - CHAMBERS

CLERK'S NOTE: These matters were previously on the March 26, 2021 chambers calendar. A copy of this minute order was distributed via Odyssey File and Serve. / dr 3-25-21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

April 02, 2021

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

April 02, 2021

3:00 AM

All Pending Motions

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Carina Bracamontez-Munguia

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- STATUS CHECK: ATTORNEY'S FEES KENNETH ANTO'S AND SHEILA NEUMANN-ANTO'S
MOTION FOR SUMMARY JUDGMENT STATUS CHECK: COURT'S DECISION ON
PRELIMINARY INJUNCTION HEARING & BENCH TRIAL STATUS CHECK: RESET JURY TRIAL

COURT ORDERED, matters CONTINUED for one week.

04/09/2021 CHAMBERS

CLERK S NOTE: A copy of this minute order was distributed via e-mail to all parties. // cbm
04/02/2021

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

April 09, 2021

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

**April 09, 2021 3:00 AM Motion for Summary
Judgment**

HEARD BY: Gonzalez, Elizabeth**COURTROOM:** Chambers**COURT CLERK:** Dulce Romea**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- The Court having reviewed KENNETH ANTOS AND SHEILA NEUMANN-ANTOS MOTION FOR SUMMARY JUDGMENT and the related briefing and being fully informed, GRANTS the Motion IN PART. The Antos Trust as the contracting party has standing to pursue these claims despite the assignment. There has been a lack of performance by Plaintiffs under the agreement entered into with Antos. Plaintiffs/Counterdefendants and in favor of Kenneth Antos and Sheila Neumann-Antos, as Trustees of the Kenneth & Sheila Antos Living Trust and the Kenneth M. Antos & Sheila M. Neumann-Antos Trust on liability under the Breach of Contract claim (First Claim) in the counterclaim filed 9/3/20. The Court does not make any determination related to what damages are appropriate related to the granting of this relief. As no order lifting the stay has been entered by the Bankruptcy Court, nothing in this order creates any obligations or liabilities directly related to Spanish Heights; however, factual findings related to Spanish Heights are included in this decision. The term Plaintiffs as used in these Findings of fact and Conclusions of Law is not intended to imply any action by this Court against the debtor, Spanish Heights. Counsel for Movant is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such

disposition effective as an order.

CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. -
vg//5/28/2021

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

June 03, 2021

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

June 03, 2021

9:15 AM

Pre Trial Conference

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 03E

COURT CLERK: Valeria Guerra

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:

Gutierrez, Joseph A.

Attorney

Mushkin, Michael R.

Attorney

JOURNAL ENTRIES

- Mr. Mushkin advised the case would take 3 days to try. Mr. Gutierrez request a week to try the case to which the Court agreed. Colloquy regarding trial stack and scheduling/ Court was not opposed to moving trial due to pending bankruptcy matters.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

June 04, 2021

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

June 04, 2021

3:00 AM

Motion to Reconsider

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Valeria Guerra

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- The Court having reviewed Motion to Amend FFCL or Alternatively Reconsider and the related briefing and being fully informed, states that the dilution event was not part of the scope described in footnote 1 and the issue will be decided following trial on the remaining claims or appropriate motion practice. Counsel for Movant is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. -
vg//6/7/21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

July 20, 2021

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

July 20, 2021 9:30 AM Calendar Call

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Valeria Guerra

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Gutierrez, Joseph A. Attorney
Mushkin, Michael R. Attorney

JOURNAL ENTRIES

- COURT ORDERED, trial SET 10/11/2021.

JURY TRIAL 10/11/2021 1:30 PM

CALENDAR CALL 10/05/2021 9:30 AM

PRE-TRIAL CONF. 09/16/2021 9:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

July 30, 2021

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

July 30, 2021 3:00 AM Motion

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Valeria Guerra

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Court reviewed 7/28/21 status report. The Court having reviewed the Motion for Appointment of Receiver and the related briefing and being fully informed, GRANTS the motion. It is appropriate at this time given the evidence presented during the trial of this matter, as well as Judge Denton's findings for the appointment of a receiver to collect the business records of SJCVC ; determine the efforts made to collect upon the Judgment and report the financial condition of SJCVC to the Court. While Plaintiff takes issue with the neutrality of the receiver proposed by moving counsel the Court's experience with Mr. Bertsch has not been similar to that outlined by Mr. Bloom. Mr. Mushkin is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. Par 9 of the order should be modified to reflect the filing of monthly reports with the Court.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. -
vg//8/4/21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

August 16, 2021

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

August 16, 2021 8:30 AM Motion to Stay

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Valeria Guerra

RECORDER:

REPORTER:

PARTIES

PRESENT: Gutierrez, Joseph A. Attorney
Mushkin, Michael R. Attorney

JOURNAL ENTRIES

- Parties appeared via telephonic conference.

Mr. Gutierrez argued Defendants could cause irreparable harm should the stay not be granted adding that a \$500.00 was inadequate in the present matter. Mr. Mushkin made note the Court had previously found alter ego and argued Mr. Bloom had to disclose his finances. Mr. Gutierrez added previous sanctions had been fulfilled and there was no evidence the company would not pay. Court DENIED the motion to stay.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

September 09, 2021

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

September 09, 2021 10:15 AM Pre Trial Conference

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 12B

COURT CLERK: Natalie Ortega

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT:	Gutierrez, Joseph A.	Attorney
	Mushkin, Michael R.	Attorney
	O'Steen, Tracy M.	Attorney

JOURNAL ENTRIES

- Colloquy regarding resetting the trial. COURT ORDERED, trial VACATED and RESET.

10/14/21 10:15 AM PRE TRIAL CONFERENCE

11/09/21 9:00 AM CALENDAR CALL

11/15/21 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

October 14, 2021

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

October 14, 2021 10:15 AM Pre Trial Conference

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 12B

COURT CLERK: Louisa Garcia

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT: Gutierrez, Joseph A. Attorney
Mushkin, Michael R. Attorney

JOURNAL ENTRIES

- Colloquy regarding Remittitur. Counsel advised the appeal was still pending, however, there was no Stay. Upon Court's inquiry, counsel anticipate 5-7 days for trial. COURT ORDERED, trial date SET; Jury Selection would commence on November 17, 2021

11/9/21 8:30 AM CALENDAR CALL

11/17/21 9:00 AM JURY TRIAL (FIRM)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

October 26, 2021

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

October 26, 2021 8:30 AM Motion

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Louisa Garcia

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Carlyon, Candace C.	Attorney
	Lather, Jason, ESQ	Attorney
	Mushkin, Michael R.	Attorney

JOURNAL ENTRIES

- Court advised it read everything and stated its inclination. Ms. Carlyon stated the receiver has hit a stonewall in attempting to obtain the documents from Mr. Bloom. In mid-August, Mr. Bloom stated the financial documents for SJV and the two named affiliates had been requested from the parties that had them. From his testimony in October he indicated he made no such request of the accountants and the banks. He had access to bank records, none of which had been produced. Following the deposition they filed a reply asking the Court to issue a supplemental order for the records to be produced. In order for Mr. Birch to comply with the directives of the Court, they need to know whether the Court wants Mr. Birch to conduct that investigation as to all entities and ask the Court to issue a supplemental order that directs the accountants, bookkeepers and financial institutions to provide those records and access to Quickbooks, along with passwords, to Mr. Birch to facilitate the duties he has been charged with. Court noted as to Motion for Protective Order, it does not meet the standards of EDCR.

Court advised it went back and looked at the actual rulings and finds there has not been anything established from an interference in this case. Court does find that there is an order out there. Ms. Carlyon requested a confidentiality stipulation. Mr. Mushkin concurred with Mr. Carlyon that the

Court should issue an order that gives the receiver authority to go directly to third parties to obtain the records. Court advised it was inclined to not grant the additional relief at this time. Court stated it was inclined to continue the portion of the Receiver's request for the additional scope of the Receiver's appointment to consider that on November 16, after this Court has updated information. On November 16, the Court is also intending on evaluating whether there has been compliance with the Court order and, if not, the Court will evaluate what further action needs to be taken. Court approves the compensation and the First Interim Report. COURT ADVISED, counsel may submit additional briefing as to what is the breadth and scope of the appointed receiver/order, DUE November 5. COURT FURTHER ORDERED, documents to be provided by Wednesday at noon.

CONTINUED TO 11/16/21 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

November 04, 2021

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

November 04, 2021 8:30 AM Motion to Stay

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Louisa Garcia

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:	Barraza, Danielle J.	Attorney
	Carlyon, Candace C.	Attorney
	Mushkin, Michael R.	Attorney

JOURNAL ENTRIES

- Court stated its inclination and gave a tentative ruling. Arguments by counsel regarding whether or not certain Findings of Fact, Conclusions of Law, filed April 21, 2021, can be used at trial. Upon Court's inquiry, Ms. Barraza stated the Notice of Appeal was filed April 21, 2021. Court advised it did not see any Notice of Entry of Order for the minute order dated August 16, 2021 denying the request for stay. Ms. Carlyon stated she was not in favor of any delay in resolution of these issues. Court advised the only matter before the Court today was Motion to Stay. COURT stated its findings and ORDERED, Motion DENIED; trial date STANDS. Court directed counsel to check to see if there were any outstanding orders that needed to get to the Court; to be submitted by Tuesday of next week, noting counsel were in violation of EDCR 7.21. COURT DIRECTED counsel to prepare the Order circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

November 09, 2021

A-20-813439-B	Spanish Heights Acquisition Company LLC, Plaintiff(s) vs. CBC Partners I LLC, Defendant(s)
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November 09, 2021 9:00 AM Calendar Call

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 12B

COURT CLERK: Louisa Garcia

RECORDER: Angelica Michaux

REPORTER:

PARTIES

PRESENT:	Carlyon, Candace C.	Attorney
	Gutierrez, Joseph A.	Attorney
	Mushkin, Michael R.	Attorney

JOURNAL ENTRIES

- Court noted jury selection would commence Wednesday, November 16, with a panel of 40. Colloquy regarding trial protocol. Counsel agreed the alternates would be in the last two seats. Colloquy regarding procedural issues and out of state witnesses. Upon Court's inquiry, Counsel stated they were up to date on their orders and electronic exhibits were in the process of being provided; the depositions would be delivered later today. At the request of counsel, COURT ORDERED, Motion to Quash Subpoena scheduled for December 9, 2021 RESET to November 15, 2021 at 3:00 p.m.

Mr. Mushkin stated there was an issue with regards to applicability and prior Findings of Fact, Conclusions of Law made by Judge Gonzalez. Court advised it needs something in writing to make a ruling. Mr. Mushkin advised the order was in Bankruptcy Court that addressed this issue. Colloquy regarding scheduling. Court stipulated pursuant to EDCR 7.50 as to shortening the schedule. COURT ORDERED, Briefing DUE by noon on Friday.

11/15/21 3:00 PM IAN HUGHES' MOTION TO QUASH SUBPOENA

4/18/221 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

January 11, 2022

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

January 11, 2022 8:30 AM All Pending Motions

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Louisa Garcia

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT: Barraza, Danielle J. Attorney
Carlyon, Candace C. Attorney
Mushkin, Michael R. Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Ms. Barraza stated the initial January payment was not made and there was a default in the settlement agreement. Mr. Mushkin requested a new trial date and informed the Court Mr. Antos was over seventy (70) years old and qualified for priority setting. Additionally, the real property at issue was scheduled for sale on February 1, 2022. Ms. Carlyon requested the hearing regarding receivers access to records and possession of assets be reset whereby she would file a brief in support of receivers request for instructions within a week along with a briefing schedule. Court stated its Findings and ORDERED, Motion regarding Receiver's Status Report and Request RESET; noting previous obligations to provide documentation remained in effect. COURT DIRECTED Ms. Carlyon to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders.

2/3/22 8:30 AM OUTSTANDING RECEIVER MOTIONS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

January 28, 2022

A-20-813439-B	Spanish Heights Acquisition Company LLC, Plaintiff(s) vs. CBC Partners I LLC, Defendant(s)
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January 28, 2022	8:30 AM	Motion for Temporary Restraining Order
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HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Louisa Garcia
Stephanie Rapel

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Barraza, Danielle J.	Attorney
	Mushkin, Michael R.	Attorney
	O'Steen, Tracy M.	Attorney

JOURNAL ENTRIES

- Upon Court's Order, Ms. Barraza stated the payoff demand was improper because it inaccurately lumped together fees and costs from the underlying matter. Additionally, Plaintiff does not have issue with the foreclosure sale moving forward but foreclosure statutes need to be followed. Ms. Barraza requested an evidentiary hearing to determine the accurate payoff amount. Colloquy regarding attorney fees, costs, accrued interest and monetary damages. Mr. Mushkin stated no evidence was provided to refute the amount due, the matter was not a simple foreclosure proceeding but involved a commercial loan and ownership by an LLC and there was no tender of funds since March 31, 2020. Colloquy regarding United States Bankruptcy Court ruling on violation of automatic stay, payoffs and property use. Court reviewed standards, stated its Findings and ORDERED, Application for Temporary Restraining Order and Motion for Preliminary Injunction DENIED WITHOUT PREJUDICE. COURT DIRECTED Mr. Mushkin to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

February 03, 2022

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

February 03, 2022 8:30 AM All Pending Motions

HEARD BY: Kishner, Joanna S.**COURTROOM:** RJC Courtroom 16B

COURT CLERK: Louisa Garcia
Stephanie Rapel

RECORDER: Lara Corcoran**REPORTER:****PARTIES**

PRESENT:	Barraza, Danielle J.	Attorney
	Carlyon, Candace C.	Attorney
	Mushkin, Michael R.	Attorney

JOURNAL ENTRIES

- REQUEST FOR INSTRUCTIONS FROM THE COURT.....STATUS CHECK

Upon Court's inquiry, Ms. Carlyon stated yesterday she received a general ledger from a subsidiary that was in bankruptcy, however, the general ledger and tax returns from the parent company and a number of its subsidiaries were not provided. Additionally, assets are available and are not being preserved for the benefit of the creditors. Colloquy regarding sale of real property, proceeds, tax payments, missing information and dissipation of assets. Ms. Barraza stated the HUD report broke down disbursement from the sale of the Oakland property and was provided to the Receiver. Ms. Barraza expressed concern with data alteration in regards to Receivers request for full access to Quickbooks and its password. Colloquy regarding disbursement of funds to secured creditors, IRS payment and financial representatives involvement. Ms. Carylton requested immediate and full or read only access to Quickbooks files, rights to retrieve bank information directly and asserted data would not be altered. Ms. Barraza stated all requested bank statements have been produced. Court referenced August 10, 2021 Order Appointing Receiver. Court stated its Findings and ORDERED, Mr. Henrickson, Mr. Dicus, Ms. Summers and any other individual that might have the information to

produce all requested records for the entities at issue and for the time period requested; noting parties are to appear at the Evidentiary Hearing to testify as to compliance. Court DEFERRED request for sanctions, damages and non-compliance for an Evidentiary Hearing whereby the Court would determine if the Receiver's role should be expanded. Ms. Carlyon to provide a status report on documents received and Receiver to be provided access to Quickbooks by 2:00 p.m. on Monday, February 7, 2022.

2/11/22 1:00 PM EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

February 11, 2022

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

February 11, 2022 3:00 AM Minute Order

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

COURT CLERK: Stephanie Rapel

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- On February 10, 2022, a document entitled Media Request and Order Allowing Camera Access to Court Proceedings was filed by the Court at 5:48 p.m. (Docket #320) in error. The Order did not contain the signature of the submitting party and was inadvertently filed.

Therefore, as the document was filed in error and did not contain the signature of the submitting party, it is ORDERED that the Media Request filed on February 10, 2022, docket #320, is hereby STRICKEN.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk Stephanie Rapel to all registered parties for Odyssey File & Serve. /smr

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

February 11, 2022

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

February 11, 2022 1:00 PM Evidentiary Hearing

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Stephanie Rapel

RECORDER: Velvet Wood

REPORTER:

PARTIES

PRESENT:	Barraza, Danielle J.	Attorney
	Bertsch, Larry L.	Receiver
	Carlyon, Candace C.	Attorney
	Mushkin, Michael R.	Attorney
	O'Steen, Tracy M.	Attorney

JOURNAL ENTRIES

- All appearances made by Blue Jeans Videoconferencing Application. Court noted the history of the matter and advised Evidentiary Hearing was regarding whether or not there was compliance and receivers question if receivership should be modified. Mr. Thomas stated his client did not have adequate time to prepare for this hearing. Colloquy regarding splitting hearing into two parts to allow Mr. Thomas and client time to prepare. There being no objection, Court excused Mr. Thomas and his client and notified Mr. Thomas he would receive communication regarding if his client was still needed for a second hearing after the testimony and evidence was presented at this hearing. Court noted two witnesses who did not appear. Colloquy regarding media request and there being potentially confidential evidence. Court stated Counsel could state when it was about to use confidential evidence and Court would use a breakout room on bluejeans to maintain confidentiality. Testimony and Exhibits presented (see worksheets). Colloquy regarding anticipation of a continued hearing and duration of time needed, tax returns provided and Court's concern with Exhibit 5. Court continued the matter noting potential dates for the continued hearing would be provide to Counsel

and tax returns/Exhibit 5 would be discussed at hearing. Subject to continuance, Court's Orders remain in effect.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

February 15, 2022

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

February 15, 2022 8:30 AM Motion

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Stephanie Rapel

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Barraza, Danielle J.	Attorney
	Carlyon, Candace C.	Attorney
	Mushkin, Michael R.	Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Mushkin stated Plaintiff did not pay rent for February and his client was not allowed access to inspect the property. Additionally, notice was given years ago at the beginning of the case, Plaintiff was told to make arrangements to vacate and the housing provisions Plaintiff referenced are not applicable because the property was not owner occupied. Mr. Mushkin requested Plaintiff to vacate, access to inspect the property and Plaintiff to pay rent. Additionally, the Motion did not assert unpaid rent because the action had yet to occur. Ms. Barraza asserted Defendant cannot rely on a notice from years ago but needed to reflect the change of ownership, therefore, the statute was not followed. Colloquy regarding NRS 40.255 and access to the property. Court stated is Findings noting there was a contractual agreement and the notice was timely. COURT ORDERED, Motion, GRANTED as to reasonable access and finds 60 days from execution of Notice of Entry of Order was an appropriate time period for Plaintiff to vacate. COURT DIRECTED Mr. Mushkin to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

March 09, 2022

A-20-813439-B	Spanish Heights Acquisition Company LLC, Plaintiff(s)
	vs.
	CBC Partners I LLC, Defendant(s)

March 09, 2022	3:00 AM	Minute Order
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HEARD BY: Kishner, Joanna S.	COURTROOM: Chambers
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COURT CLERK: Stephanie Rapel

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- At 2:05 p.m. on March 9, 2022, the Court received a Stipulation and Order Regarding Hearing on Receiver s Request for Instructions. The Stipulation and Order references written submissions, but the Court does not see written submissions in the Court s filing system nor does the Proposed Stipulation articulate what the Court is to consider. The only document the Court is only aware of a document entitled Joint Submission Regarding Facts Related to Receiver s Request for Instructions Evidentiary Hearing that was filed on March 4, 2022, and was signed by only one of the parties and counsel for the Receiver and it appears that the document was not circulated to all counsel and/or parties, in accordance with the rules, prior to the filing of that document and the Court was not provided a courtesy copy of said document. It is also unclear what oral argument the Court is being asked to entertain as the matter is set for an evidentiary hearing regarding the prior Request for Instructions and the document also sets forth that documents have still not been provided.

Additionally, pursuant to the rules, the Stipulation and Order is untimely as the Court is unable to continue a hearing if a Stipulation is submitted to the Court less than 24 hours prior to the hearing.

Therefore, the Stipulation and Order submitted at 2:05 p.m. on March 9, 2022, is being returned to counsel unsigned for the reasons stated above. The Evidentiary Hearing will remain as currently scheduled for March 10, 2022, at 1:00 p.m.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk Stephanie Rapel to all registered parties for Odyssey File & Serve. /smr

Mr. Gutierrez requested to continue the hearing for Mr. Larry Bertsch's testimony. Court Finds Joint Submission regarding Facts Related to Receiver's Request for Instructions was not signed by Mr. Mushkin, a timely request for Mr. Bertsch's appearance was not submitted and Plaintiff's Exhibits were properly excluded.

Court reviewed February 4, 2022 Order regarding Receiver's Request for Instructions. Court stated its Findings and ORDERED the expansion of Receiver's duties GRANTED. Receiver to have direct contact with accountant for information as to the following entities: SJC Ventures Holdings, LLC; Spanish Heights Acquisition; 1st One Hundred Holdings, LLC and First 100 LLC. (1st One Hundred Holdings, LLC and First 100 LLC for establishing whether they exist or not). Other affiliated subsidiaries still need to provide required information. Court Finds non-compliance from August's letter to the date the parties notified the Court about settlement in November and DEFERRED monetary sanctions. Court FURTHER ORDERED bond amount increased to five thousand dollars (\$5,000.00). COURT DIRECTED Ms. Carlyon to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

March 17, 2022

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

March 17, 2022 10:15 AM Pre Trial Conference

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Stephanie Rapel

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT: Gutierrez, Joseph A. Attorney
Mushkin, Michael R. Attorney
O'Steen, Tracy M. Attorney

JOURNAL ENTRIES

- Colloquy regarding bench or jury trial and days needed. Mr. Mushkin stated he would not waive a jury trial. Counsel estimated 5 days for jury trial. Colloquy regarding scheduling. COURT ORDERED trial VACATED and RESET.

4/28/22 8:30 A.M. CALENDAR CALL

5/9/22 9:00 A.M. JURY TRIAL (#2)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

March 22, 2022

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

March 22, 2022 8:30 AM Motion

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Stephanie Rapel

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Gutierrez, Joseph A.	Attorney
	Mushkin, Michael R.	Attorney
	O'Steen, Tracy M.	Attorney

JOURNAL ENTRIES

- Upon the Court's inquiry, Mr. Gutierrez stated the purpose of the receivership is now moot considering Defendant foreclosed on the property on February 1, 2022 and there were no claims before the Court regarding a deficiency action. Mr. Gutierrez further stated if the Court was inclined to keep a receiver, Plaintiff requested Mr. Larry Bertch be removed and another receiver appointed considering Mr. Bertch was biased. Furthermore, Judge Gonzalez did not adopt Mr. Bertch's final Report because of a non-disclosed attorney client relationship. Colloquy regarding remaining causes of action, Judge Sturman and Judge Gonzalez' prior rulings and the Bankruptcy Order. Mr. Mushkin stated all claims remain including the claims arising out of the forbearance agreement, the contract claim gives rise to the receiver and the Court does not have jurisdiction to remove the receiver based on movant's appeal. Colloquy regarding Motion to Set Aside Trustee's Sale scheduled for hearing on March 29, 2022, argument receivership was moot due to foreclosure, evidentiary hearing and history of case. Court stated its Findings and ORDERED, Motion to Terminate the Order Appointing Receiver DENIED WITHOUT PREJUDICE and FURTHER ORDERED the Alternative Motion to Appoint a Neutral Receiver DENIED WITHOUT PREJUDICE. COURT DIRECTED Mr. Mushkin to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NRS Chapters 78-89

COURT MINUTES

March 29, 2022

A-20-813439-B Spanish Heights Acquisition Company LLC, Plaintiff(s)
vs.
CBC Partners I LLC, Defendant(s)

March 29, 2022 8:30 AM All Pending Motions

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Stephanie Rapel

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT: Carlyon, Candace C. Attorney
Gutierrez, Joseph A. Attorney
Mushkin, Michael R. Attorney

JOURNAL ENTRIES

- PLAINTIFFS MOTION TO SET ASIDE THE February 1, 2022, TRUSTEE S SALE BASED ON DEFENDANT 5148 SPANISH HEIGHTS, LLC S BREACH OF SPANISH HEIGHTS ACQUISITION COMPANY, LLC S BANKRUPTCY CONFIRMATION PLAN AND TO SANCTION 5148 SPANISH HEIGHTS, LLC FOR SEEKING TO EVICT SJC VENTURES, LLC IN SEVEN DAYS (DOC333)...
OPPOSITION TO PLAINTIFFS MOTION TO SET ASIDE THE February 1, 2022, TRUSTEE S SALE BASED ON DEFENDANT 5148 SPANISH HEIGHTS, LLC S BREACH OF SPANISH HEIGHTS ACQUISITION COMPANY, LLC S BANKRUPTCY CONFIRMATION PLAN AND TO SANCTION 5148 SPANISH HEIGHTS, LLC FOR SEEKING TO EVICT SJC VENTURES, LLC IN SEVEN DAYS AND DEFENDANT/COUNTERCLAIMANT 5148 SPANISH HEIGHTS, LLC S COUNTERMOTION FOR SUMMARY EVICTION (DOC343)

Court stated its inclination and gave a tentative ruling. Upon Court's inquiry, Mr. Gutierrez stated he understood the Court's inclination and had nothing more to add. Mr. Gutierrez further stated there was no breach in the lease or rent and the bankruptcy matter provided for payments and those payments were made. Mr. Mushkin stated the eviction matter was not before the Justice Court. Ms. Carlyon stated she had no position as to the Motion. Court turned its inclination into an Order.

Court ORDERED, Motion and Countermotion DENIED WITHOUT PREJUDICE. COURT DIRECTED Plaintiff to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders. Colloquy regarding sealing documents and April 26, 2022 hearing. Mr. Mushkin stated he did not oppose the Motion to File Under Seal. Counsel concurred they would meet and further discuss confidentiality.

Trial Subpoena DOC 350. Court stated its Findings and ORDERED, Motion GRANTED noting the subpoena was improper; it does not designate it as a corporate entity. COURT DIRECTED Mr. Mushkin to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders.

EXHIBIT(S) LIST

Case No.: **A-20-813439-B**

Hearing Date: **MAY 14, 2020**

Dept. No.: **XI**

Judge: **HON. ELIZABETH GONZALEZ**

Court Clerk: DULCE ROMEA

Plaintiff: **SPANISH HEIGHTS ACQUISITION
COMPANY LLC**

Recorder: JILL HAWKINS

Counsel for Plaintiff: DANIELLE BARRAZA, ESQ.
JOSEPH GUTIERREZ, ESQ.

Defendant: **CBC PARTNERS I LLC**

Counsel for Defendant: MICHAEL MUSHKIN, ESQ.

EVIDENTIARY HEARING

DEMONSTRATIVE EXHIBITS

[illegible]

EXHIBIT(S) LIST

Case No.: **A-20-813439-B**

Hearing Date: **June 29, 2020**

Dept. No.: **11**

Judge: **Honorable Elizabeth Gonzalez**

Court Clerk: **DULCE ROMERA**

Plaintiff: **Spanish Heights Acquisition Company, LLC, et al.**

Recorder: **JILL HAWKINS**

Counsel for Plaintiff: **Joseph A. Gutierrez, Esq.,
Danielle J. Barraza, Esq.**

vs.

Defendant: **CBC Partners I, LLC, et al.**

Counsel for Defendant: **Michael Mushkin, Esq.**

PLAINTIFFS' PROPOSED EXHIBITS FOR EVIDENTIARY HEARING

EXHIBITS

Exhibit Number	Bates No.(s)	Exhibit Description	Date Offered	Objection	Date Admitted
1	1-001 – 1-006	Checks to City National Bank and Fed-Ex Info	6-29-20	NO	6-29-20 AB
2	2-001 – 2-008	Checks to Northern Trust and Fed-Ex Info			AB
3	3-001 – 3-002	Correspondence from Northern Trust Bank on June 18, 2020 Acknowledging Receipt of Checks			AB
4	4-001	SHAC Bank account records showing the deposit of May and June 2020 Checks to City National and Northern Trust			AB
5	5-001 – 5-002	Proof of Payment to HOA, ledger and payment screenshot			AB
6	6-001	Real Property Taxes Document from Office of the Clark County Treasurer			AB
7	7-001	SHAC Banking Info Regarding the "Returned Check"			AB
8	8-001 – 8-008	Letter from Defendants' Counsel Dated June 11, 2020	6-29-20	NO	6-29-20 AB
9	9-001 – 9-003	Correspondence from Spanish Heights Acquisition Company to City National Bank	6-29-20	OBJ	6-29-20 AB
10	10-001 – 10-024	Additional Banking Transaction Details Regarding Payments on the First and Second Mortgage	6-29-20	OBJ	6-29-20 AB

EXHIBIT(S) LIST

Case No.: **A-20-813439-B**

Hearing Date: **June 29, 2020**

Dept. No.: **11**

Judge: **Honorable Elizabeth Gonzalez**

Plaintiff: **Spanish Heights Acquisition Company, LLC, et al.**

Court Clerk: **DULCE ROMERA**

Recorder: **JILL HAWKINS**

Counsel for Plaintiff: **Joseph A. Gutierrez, Esq.,
Danielle J. Barraza, Esq.**

vs.

Defendant: **CBC Partners I, LLC, et al.**

Counsel for Defendant: **Michael Mushkin, Esq.**

DEFENDANT/COUNTERCLAIMANTS' PROPOSED EXHIBITS FOR EVIDENTIARY HEARING

Exhibit	Exhibit Description	Date Offered	Obj.	Date Admitted	
A	City Nation Bank Loan Statement of June 15, 2020	6-29-20	NO	6-29-20	KB
B	Northern Trust Loan Statement as of May 15, 2020				KB
C	Fed Ex Tracking No 770437640975 Information of June 22, 2020				KB
D	Fed Ex Tracking No 770684974402 Information of June 22, 2020				KB
E	Fed Ex Tracking Nos 77043103690, 770684974402, and 770437640975 - Information of June 26, 2020				KB
F	Printout from Clark County Treasures office as of June 26, 2020				KB
G	Fed Ex Shipping Label 770719428761, Check to City National and Tracking showing delivery June 17, 2020				KB
H	Fed Ex Shipping Label 7707195185351, Check to City National and Tracking showing delivery June 17, 2020	6-29-20	NO	6-29-20	KB

EXHIBIT(S) LIST

Case No.: **A-20-813439-B**

Hearing Date: February 1, 2021

Dept. No.: **11**

Judge: Honorable Elizabeth Gonzalez

Court Clerk: *DULCE ROMERA*

Plaintiff: **Spanish Heights Acquisition Company, LLC, et al.**

Recorder: *JILL HAWKINS*

Counsel for Plaintiff: Joseph A. Gutierrez, Esq.,
Danielle J. Barraza, Esq.

vs.

Defendant: **CBC Partners I, LLC**

Counsel for Defendant: Michael Mushkin, Esq.

JOE COPPEDGE, ESQ.

TRIAL/HEARING BEFORE THE COURT

EXHIBITS

*NOTE: EXHIBITS NOT OFFERED OR ADMITTED
WERE NOT PRINTED FROM COUNSEL'S
ELECTRONIC SUBMISSION. JMK*

Exhibit Number	Bates No.(s)	Exhibit Description	Stipulated	Date Offered	Objection	Date Admitted
1.	5148SH 000001-25	Forbearance Agreement	Yes	<i>2-1-21</i>	<i>NO</i>	<i>2-1-21</i>
2.	5148SH 000026	Statement and Resignation of a Listed Member – CBC Partners	Yes			
3.	5148SH 000027	Statement and Resignation of a Listed Member – SJC Ventures Holdings	Yes			
4.	5148SH 000028-33	Articles of Organization for SHAC	Yes			
5.	5148SH 000526-561	Limited Liability Company Agreement of SHAC, LLC (executed)	Yes			
6.	5148SH 000077-78	Deed of Sale	Yes			
7.	5148SH 000079-88	Ex. B to Forbearance Agreement	Yes			
8.	5148SH 000089-97	Ex. B4 to Forbearance Agreement – Membership Pledge Agreement	Yes			
9.	5148SH 000098-100	Ex. B6 to Forbearance Agreement – Assignment of Rents	Yes			
10.	5148SH 000101-107	Ex. B8 to Forbearance Agreement – Security Agreement	Yes			
11.	5148SH 000108-112	Ex. B8a to Forbearance Agreement – Payment Direction Letter	Yes			
12.	5148SH 000113-115	Ex. B9 to Forbearance Agreement – Guaranty Agreement – Kenneth Antos	Yes			
13.	5148SH 000116-118	Ex. B10 to Forbearance Agreement – Guaranty Agreement Sheila Antos	Yes	<i>2-1-21</i>	<i>NO</i>	<i>2-1-21</i>

EXHIBIT(S) LIST

14.	5148SH 000119-121	Ex. B11 to Forbearance Agreement – Guaranty Agreement Antos Trusts	Yes	2-1-21	NO	2-1-21	kg
15.	5148SH 000122-153	Lease Agreement with Exhibits	Yes				kg
16.	5148SH 000154-163	Amendment to Forbearance Agreement and Related Agreements	Yes				kg
17.	5148SH 000164-167	Recorded Grant, Bargain, Sale Deed 4/16/2007	Yes				kg
18.	5148SH 000223-240	Secured Promissory Note Dated 6/22/2012	Yes				kg
19.	5148SH 000241-251	Guaranty 6/22/2012	Yes				kg
20.	5148SH 000252-258	Security Agreement 6/22/2012	Yes				kg
21.	5148SH 000259-262	First Modification to Secured Promissory Note	Yes				kg
22.	5148SH 000263-277	Joint Resolutions of Manager and all Members of KCI Investments	Yes				kg
23.	5148SH 000278-281	Second Modification to Secured Promissory Note	Yes				kg
24.	5148SH 000282-284	Third Modification to Secured Promissory Note	Yes				kg
25.	5148SH 000285-290	Security Agreement with Respect to Economic Interest in Settlement Agreement 11/19/2013	Yes				kg
26.	5148SH 000291-298	Fourth Modification to Secured Promissory Note 11/19/2013	Yes				kg
27.	5148SH 000299-303	Fifth Modification To Secured Promissory Note 1/19/2014	Yes				kg
28.	5148SH 000304-308	KCI Investments Member Resolution 3/12/2014	Yes				kg
29.	5148SH 000309-314	Sixth Modification to Secured Promissory Note	Yes				kg
30.	5148SH 000315-316	KCI Manager Resolution 5/27/2014	Yes				kg
31.	5148SH 000317-319	Consent of Resolutions of Co- Managers of KCI Investments 5/29/2017	Yes				kg
32.	5148SH 000320	Certificate of Incumbency 10/31/2014	Yes				kg
33.	5148SH 000321-332	Seventh Modification to Secured Promissory Note	Yes				kg
34.	5148SH 000334-336	Antos Certificate of Trust Existence and Authority	Yes				kg
35.	5148SH 000337	Name Affidavit 12/17/2014	Yes				kg
36.	5148SH 000338-351	Security Agreement 12/17/2014	Yes				kg
37.	5148SH 000352	Board of Directors Meeting Minutes Dixie Foods International 12/18/2014	Yes	2-1-21	NO	2-1-21	kg

EXHIBIT(S) LIST

38.	5148SH 000353-358	Resolution of the Board of Directors PRB fka DFI 12/18/2014	Yes	2-1-21	NO	2-1-21	AS
39.	5148SH 000359-381	Recorded Deed of Trust 12/29/2014	Yes				AS
40.	5148SH 000382-392	Title Insurance Policy	Yes				AS
41.	5148SH 000393-398	Eighth Modification to Secured Promissory Note	Yes				AS
42.	5148SH 000399-412	Security Agreement 1/23/2015	Yes				AS
43.	5148SH 000413-423	Pledge Agreement 1/23/2015	Yes				AS
44.	5148SH 000425-433	Ninth Modification to Secured Promissory Note	Yes				AS
45.	5148SH 000434-440	Recorded Correction to Deed of Trust 7/22/2015	Yes				AS
46.	5148SH 000441-449	Recorded Judgments (x3)	Yes				AS
47.	5148SH 000460-485	Debt Purchase Agreement (CBC & Southridge Partners) 12/2/2016	Yes				AS
48.	5148SH 000450-458	Assigned Debt Replacement Note 12/2/2016	Yes				AS
49.	5148SH 000459	Assignment of Debt Replacement Note 12/2/2016	Yes				AS
50.	5148SH 000486-509	Forbearance Agreement 12/2/2016	Yes				AS
51.	5148SH 000510-517	Tenth Modification to Secured Promissory Note	Yes				AS
52.	5148SH 000518-523	Recorded First Modification to Deed of Trust	Yes				AS
53.	5148SH 000565-566	Notice of Delinquent Assessment Lien 11/7/2018	Yes				AS
54.	5148SH 000567	Recorded Notice of Claim of Lien for Solid Waste Service 11/29/2018	Yes				AS
55.	5148SH 000568-571	Recorded Notice of Default and Election to Sell	Yes				AS
56.	5148SH 000572-576	Recorded Affidavit of Mailing Notice of Default	Yes				AS
57.	5148SH 000577-578	Treasurer's Deed of Reconveyance 2/14/2019	Yes				AS
58.	5148SH 000579	Recorded Notice of Claim of Lien for Solid Waste Service 5/28/2019	Yes				AS
59.	5148SH 000580-581	Recorded Notice of Rescission of Notice of Default 6/5/2019	Yes				AS
60.	5148SH 000582	Recorded Relinquishment and Satisfaction of Notice of Delinquent Assessments	Yes				AS
61.	5148SH 000583	Recorded Notice of Lien for Solid Waste Service 11/26/2019	Yes				AS
62.	5148SH 000584-617	Alternative Dispute Resolution Claim Form SHAC	Yes				AS
63.	5148SH 000628	Letter to Spanish Hills Regarding ADR	Yes	2-1-21	NO	2-1-21	AS

EXHIBIT(S) LIST

64.	5148SH 000631-710	Homeowners Insurance Policy Documents	Yes	2-1-21	NO	2-1-21	15
65.	5148SH 000711-712	Recorded Notice of Delinquent Fines and Special Assessment Lien	Yes				15
66.	5148SH 000713-714	Notice of Default Dated 3/16/2020	Yes				15
67.	5148SH 000715	State of Nevada Real Estate Division Moratorium Request Dated 3/18/2020	Yes				15
68.	5148SH 000716-720	Email Correspondence regarding response to Notice of Default	Yes				15
69.	5148SH 000721-733	Letter Regarding No Default dated 3/23/2020	Yes				15
70.	5148SH 000734-872	Property Inspection Report Obtained by CBC Partners I, LLC	Yes				15
71.	5148SH 000875-877	Notice of Default and Demand for Payment Dated 4/1/2020	Yes				15
72.	5148SH 000878-000880	Amended Notice of Default and Demand for Payment	Yes				15
73.	5148SH 000881-886	Email Correspondence Regarding Notice of Default	Yes				15
74.	5148SH 000887-889	Notice to Exercise Rights Under Pledge Agreement	Yes				15
75.	5148SH 000890	Payment to Northern Trust from MRM IOLTA 4/1/2020	Yes				15
76.	5148SH 000891-892	SJC Ventures Rent to SHAC for 4/1/2020-12/31/2020	Yes				15
77.	5148SH 000893-901	Note Purchase and Sale Agreement	Yes				15
78.	5148SH 000902	Notice to Vacate dated 4/3/2020	Yes				15
79.	5148SH 000903-905	Letter from Plaintiffs' Counsel Dated 4/6/2020	Yes				15
80.	5148SH 000906-907	Letter from CBC Partners I, LLC's Counsel Dated 4/6/2020	Yes				15
81.	5148SH 000908	Assignment of Company and Membership Interest of SHAC by Antos Trust	Yes				15
82.	5148SH 000909-913	Correspondence from City National Bank regarding Notice of Default 4/6/2020	Yes				15
83.	5148SH 000914-915	Letter from Plaintiffs' Counsel regarding Notice of Default and Pledge Agreement Dated 4/6/2020	Yes				15
84.	5148SH 000916	Wire Transfer from MRM IOLTA to CBC Partners I	Yes				15
85.	5148SH 000917	Letter to SHAC Requesting Corporate Documents 4/7/2020	Yes				15
86.	5148SH 000918	Letter from CBC Partners I, LLC's Counsel Dated Regarding Notice of Default 4/7/2020	Yes	2-1-21	NO	2-1-21	15

EXHIBIT(S) LIST

87.	5148SH 000919-929	Letter from CBC Partners I, LLC's Counsel to Governor Sisolak Dated 4/7/2020	Yes	2-1-21	NO	2-1-21	12
88.	5148SH 000930-938	Letter from Office of Attorney General Dated 4/8/2020	Yes				13
89.	5148SH 000939-941	Letter to Deputy Attorney General Dated 4/8/2020	Yes				14
90.	5148SH 000942	Letter to SJC Ventures Holdings regarding Request for Special Meeting of SHAC 4/9/2020	Yes				15
91.	5148SH 000943	Payment to City National Bank from MRM IOLTA	Yes				16
92.	5148SH 000944-955	Letters Regarding Scheduling Special Meeting and Recission of Notice of Default	Yes				17
93.	5148SH 000956-983	Transcript of the Special Meeting of the Members of SHAC	Yes				18
94.	5148SH 000991-1035	Correspondence from NV Attorney General's Office Closing Matter Dated 4/20/2020	Yes				19
95.	5148SH 001036-1039	Northern Trust Email Re: Jan, Feb, March, and April 2020 Past Due Bills	Yes				20
96.	5148SH 001040-1043	SHAC Payments to Northern Trust	Yes				21
97.	5148SH 001044-1047	SHAC Payments to City National Bank	Yes				22
98.	5148SH 1048-1052	Infinity Air Invoices	Yes				23
99.	5148SH 001053	HOA Payment 3/17/2020	Yes				24
100.	5148SH 001054-1055	Assignment of Interest in Deed of Trust	Yes				25
101.	5148SH 001056-1057	Recorded Notice of Breach and Election to Sell Under Deed of Trust	Yes				26
102.	5148SH 001058-1120	Bank Records for SHAC	Yes				27
103.	5148SH 001121-1218	Bank Records for SJC Ventures Holding Company	Yes				28
104.	5148SH 001220-3724	Hallberg emails with Bloom and attachments	Yes				29
105.	5148SH 003725-3767	Hallberg emails with City National Bank and attachments	Yes				30
106.	5148SH 003768-3982	Hallberg emails with Northern Trust and attachments	Yes				31
107.	5148SH 003983	Recorded Notice of Claim of Lien for Solid Waste Service 9/10/2020	Yes				32
108.	5148SH 003984-3987	Affidavit of Mailing Letters of Notice of Foreclosure Notice of Breach and Election to Sell	Yes				33
109.	5148SH 003988-3989	Affidavit of Posting Notice of Default	Yes	2-1-21	NO	2-1-21	34

EXHIBIT(S) LIST

110.	5148SH 0003990	Northern Trust Maturity Reminder	Yes	2-1-21	NO	2-1-21	11
111.	5148SH 003991-3994	Affidavit of Mailing Letters of Notice of Trustee's Sale	Yes				11
112.	5148SH 003995-3997	Affidavit of Posting Notice of Trustee's Sale	Yes				11
113.	5148SH 003998-3999	Recorded Notice of Trustee's Sale	Yes	2-1-21	NO	2-1-21	11
114.	5148SH 004000-4002	CBCI's Pre-forbearance and Post-Forbearance Payments Made	No		Unauthenticated		
115.	PLTFS00779-780	Check to City National Bank dated 8/6/20	Yes	2-1-21	NO	2-1-21	11
116.	PLTFS00781-782	Check to Northern Trust dated 8/6/20	Yes				11
117.	PLTFS00783-784	Check to Clark County Assessor dated 8/17/20	Yes				11
118.	PLTFS00785	Check to SHAC dated 9/1/2020	Yes				11
119.	PLTFS00786	Check to Northern Trust dated 9/6/2020	Yes				11
120.	PLTFS00787	Check to City National Bank dated 9/6/2020	Yes				11
121.	PLTFS00788-789	Check to City National Bank dated 9/6/20 (Front and back of check)	Yes				11
122.	PLTFS00790-791	Check to Northern Trust dated 9/6/20 (Front and back of check)	Yes				11
123.	PLTFS00792-793	Email HOA payment receipt dated 9/6/20	Yes				11
124.	PLTFS00953	Check to SHAC dated 10/1/2020	Yes				11
125.	PLTFS00954	Check to City National Bank dated 10/6/2020	Yes				11
126.	PLTFS00955	Check to Northern Trust dated 10/6/2020	Yes				11
127.	PLTFS00956-957	HOA payment receipts dated 10/8/2020	Yes				11
128.	PTFS00958-974	Checks to City National, Northern Trust, and SHAC from Nov-Dec. 2020	Yes				11
129.	PLTFS00982-983	Front and back of checks to City National and Northern Trust from Nov. 2020	Yes	2-1-21	NO	2-1-21	11
130.		Deposition Transcript of Jay Bloom Vol. I					
131.		Deposition Transcript of Jay Bloom Vol. II					
132.		Jay Bloom's Responses to Counterclaimants' First Set of Interrogatories		2-1-21	NO	2-1-21	11
133.		Jay Bloom's Responses to Counterclaimants' First Set of Request for Production		2-1-21	NO	2-1-21	11
134.		SHAC's Responses to Counterclaimants' First Set of		2-1-21	NO	2-1-21	11

EXHIBIT(S) LIST

		Interrogatories					
135.		SHAC's Responses to Counterclaimants' First Set of Request for Production		2-1-21	NO	2-1-21	AB
136.		SJCV's Responses to Counterclaimants' First Set of Interrogatories					AS
137.		SJCV's Responses to Counterclaimants' First Set of Request for Production					AS
138.	PLTFS00984-985	Front and back of check to Northern Trust dated 1/6/21					ik
139.	PLTFS00986-987	Front and back of check to City National Bank dated 1/3/21					AS
140.		Transcript of Proceedings for May 14, 2020					AC
141.	PLTFS00593-778	Recorded Documents for APN No. 163-615-007 from 4/16/07 – 5/28/20					AS
142.	PLTFS00930-944	Security Agreement dated 6/22/2012 by KCI in favor of CBCI					AS
143.	5148SH 001036-1039	Email from Northern Trust dated 4/20/2020					AS
144.		Notice of Default and Demand for Payment dated July 2, 2020					AS
145.		Notice of Default and Demand for Payment dated 1/4/2021		2-1-21	NO	2-1-21	AS

EXHIBIT(S) LIST

		Interrogatories			
135.		SHAC's Responses to Counterclaimants' First Set of Request for Production			
136.		SJCV's Responses to Counterclaimants' First Set of Interrogatories			
137.		SJCV's Responses to Counterclaimants' First Set of Request for Production			
138.	PLTFS00984-985	Front and back of check to Northern Trust dated 1/6/21			
139.	PLTFS00986-987	Front and back of check to City National Bank dated 1/3/21			
140.		Transcript of Proceedings for May 14, 2020			
141.	PLTFS00951-778	Recorded Documents for APN No. 163-615-007 from 4/16/07 - 5/28/20			
142.	PLTFS00930-944	Security Agreement dated 6/22/2012 by KCI in favor of CBCI			
143.	5148SH 001036-1039	Email from Northern Trust dated 4/20/2020			
144.		Notice of Default and Demand for Payment dated July 2, 2020			
145.		Notice of Default and Demand for Payment dated 1/4/2021			
146.	PLTFS00988-PLTFS00991	Letter from SJC Ventures LLC and Spanish Heights Acquisition Company, LLC to defendants dated 3/1/21	OFFERED 3-15-21	OBJ OBJ	ADMITTED 3-15-21
147.	PLTFS00992	Letter from Michael Mushkin, Esq. to Spanish Heights Acquisition Company, LLC dated 3/10/21	(()
148.	PLTFS00993-PLTFS00994	Letter from SJC Ventures LLC and Spanish Heights Acquisition Company, LLC to defendants dated 3/11/21	3-15-21	OBJ	3-15-21
149.	PLTFS00995-PLTFS00999	Invoices #1766 and #1767 from Home Innovations dated 10/5/19	3-15-21	OBJ	

EXHIBIT(S) LIST

Case No.: **A813439**

Hearing Date: 2/11/22

Date:

Judge: Kishner

Court Clerk: Stephanie Rapel

Recorder: Velvet Wood

Counsel for Plaintiff: Steven Clough

Danielle Barraza, Joseph Gutierrez

Counsel for Defendant: Michael Mushkin

Receiver: Candace C. Carlyon; Tracy O'Steen

HEARING BEFORE THE COURT

Receiver Is
~~COURTS~~ EXHIBITS

[illegible]



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

JOSEPH A. GUTIERREZ, ESQ.
8816 SPANISH RIDGE AVE.
LAS VEGAS, NV 89148

DATE: April 20, 2022
CASE: A-20-813439-B

RE CASE: SPANISH HEIGHTS ACQUISITION COMPANY, LLC; SJC VENTURES HOLDINGS COMPANY, LLC dba SJC VENTURES, LLC vs. CBC PARTNERS I, LLC; CBC PARTNERS, LLC; 5148 SPANISH HEIGHTS, LLC; KENNETH ANTOS AND SHEILA NEUMANN-ANTOS as Trustees of the KENNETH & SHEILA ANTOS LIVING TRUST and the KENNETH M. ANTOS & SHEILA M. NEUMANN-ANTOS TRUST; DACIA, LLC

NOTICE OF APPEAL FILED: April 18, 2022

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; BUSINESS COURT CIVIL COVER SHEET; AMENDED ORDER APPOINTING RECEIVER; NOTICE OF ENTRY OF AMENDED ORDER APPOINTING RECEIVER; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

SPANISH HEIGHTS ACQUISITION
COMPANY, LLC; SJC VENTURES
HOLDINGS COMPANY, LLC dba SJC
VENTURES, LLC,

Plaintiff(s),

vs.

CBC PARTNERS I, LLC; CBC PARTNERS,
LLC; 5148 SPANISH HEIGHTS, LLC;
KENNETH ANTOS AND SHEILA
NEUMANN-ANTOS as Trustees of the
KENNETH & SHEILA ANTOS LIVING
TRUST and the KENNETH M. ANTOS &
SHEILA M. NEUMANN-ANTOS TRUST;
DACIA, LLC,

Defendant(s),

Case No: A-20-813439-B

Dept No: XXXI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 20 day of April 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

